



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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SENTENCING GUIDELINES COMMISSION

MINUTES

January 13, 2017 9:00am – 12:00pm

Thurston County Courthouse, Building #1

2000 Lakeridge Drive SW, Room 152

Olympia, WA 98502

Members Present:

Russ Hauge

Kimberly Gordon

Jennifer Albright

Jon Tunheim

Tim Wettack

Hon. Stanley Rumbaugh

Bill Dehler

Kecia Rongen

Kathleen Kyle

Sheriff Paul Pastor

Members Absent:

Rep. Brad Klippert

Senator Cyrus Habib

Dan Satterberg

Richard Morgan

Sonja Hallum

Hon. Roger Rogoff

Rev. Terri Steward

Hon. Maryann Moreno

Senator Pam Roach

John Clayton

Hon. Catherine Shaffer

Rep. Sherry Appleton

Staff:

Keri-Anne Jetzer

Guests:

Ed Vukich, CFC; Julie Martin, DOC; Dianne Ashlock, DOC; Clela Steelhammer, DOC;

Misty Butler, AOC; Merrie Gough, AOC; Alex MacBain, DOC

I. CALL TO ORDER

Chair Hauge asked everyone to introduce themselves.

II. APPROVAL OF MINUTES

MOTION #17-1: MOTION TO APPROVE MEETING MINUTES FROM OCTOBER AND DECEMBER 2016

MOVED: Judge Rumbaugh

SECONDED: Sheriff Pastor

PASSED: Unanimously

III. SECOND LOOK 3-STRIKES PROPOSAL

Keri-Anne said DOC was asked to provide updated data on the population eligible under the Second Look – 3 strikes proposal at the last Commission meeting. Also provided was an estimated fiscal impact of the bill. Clela Steelhammer noted that the data is based on fiscal note assumptions and on data from fiscal year 2015.

Chair Hauge updated the members on the meeting that Dave Boerner and Jon Zulauf had with Representative Goodman about his interest in sponsoring the bill. It was reported that Representative Goodman was noncommittal and Chair Hauge was not aware of any other legislator that was interested in sponsoring the bill. Chair Hauge requested that if any member knows of a legislator that is interested to let him know.

Kimberly Gordon spoke to members about WACDL/WDA's position on the Second Look proposal. Not knowing what the final language will be, she said they are supportive of the idea of a review.

Judge Rumbaugh spoke to members about SCJA's position. While there were questions about specific language, he said they generally favored the idea.

Jon Tunheim spoke to members about WAPA's position. He explained that during WAPA's legislative meeting, it was felt that the driver of the bill should not be a cost-savings but rather public policy. Many prosecutors reported satisfaction with the Clemency Board process and its expediency, which raised the question of whether there is a need to create another process that may be considered redundant to the clemency process or if it would be better to support the current process with more resources. Judge Rumbaugh noted that clemency is still a political process.

Sheriff Pastor said he is not aware of WASPC's position.

Chair Hauge asked Kecia Rongen to provide ISRB's perspective of the issue. She talked about the history that the ISRB has with hearings and noted that they hold about 300 hearings per year. She said they have also implemented a structured decision-making tool to guide their conversations.

Chair Hauge said that while there is no additional work on the proposal to be completed by the Commission, he would like to keep this on the agenda.

IV. SENTENCING COMPLEXITY

Chair Hauge informed members that the Governor's budget includes \$400,000 for the biennium for the Commission to conduct a review of the SRA with the intention of reducing complexity. Chair Hauge said he would like to start considering how the Commission would approach this task and asked members for their input.

When Judge Rumbaugh asked for more information as to what the Commission would be asked to do, Chair Hauge responded that the only task he's been able to glean from conversations so far is that work needs to be done right now on the Judgement and Sentence form. He added that Washington's sentencing system has a really solid foundation, however, over the years there have been many additions, subtractions and amendments to the SRA, possibly without thought as to how those changes will interact with what already exists. He suggested that would be where to start: isolating what the key features of the SRA are, how to make sure we're not standing in the way of executing those and what has been learned since the inception of the SRA.

Kimberly Gordon mentioned that during the Justice Reinvestment Task Force discussions there was an intense educational process where the task force members were provided with policy, data and research. With all task force members having the same information, they were able to break up into groups and then come back to discuss proposals. She asked if there were any thoughts about how to go about an education process here. Chair Hauge agreed that educating is paramount.

Chair Hauge suggested creating a work group to define the scope of work and then break into separate work groups to look at different parts of the system. He asked for volunteers for a small group to meet with him before the next meeting to talk more about the work such as what are the limits and what might we need going forward. He added that the timeframe to complete the review is 18 months.

Planning Work Group Volunteers: Jennifer Albright, Kecia Rongen, Judge Rumbaugh, Kim Gordon, Jon Tunheim (or representative), WASPC representative, DOC

Chair Hauge started discussion about the J&S form. He asked DOC to discuss with members what they would like to see changed. Alex MacBain handed out draft legislation from DOC. He said they are working with their partners on two issues: what the draft legislation should look like and DOC's current

process to notify jurisdictions of problematic J&S forms. He discussed the DOC's needs with regard to information on the J&S form. He offered to provide a draft of the elements that DOC needs. Chair Hauge suggested getting feedback from the Appellate Courts and Kimberly Gordon offered to seek it out.

Merrie Gough and Misty Butler, from the Administrative Office of the Courts, described AOC's process related to J&S forms.

Chair Hauge summarized the discussion by saying he sees two separate issues with the J&S form. First, there is an argument to say the forms are too long and too cluttered. Second, DOC has problems finding the critical pieces of information that they need to do their job. He asked members if they were interested in revising the form as a whole or if they should focus attention on what DOC needs and how can that be blended with AOC's responsibilities. The response was to focus on getting DOC what they need.

Alex MacBain offered to make available by the next Commission meeting DOC's first attempt at a change. Chair Hauge said that would be very helpful. He noted there seemed to be an emerging consensus for no double entry of data, placing the information within the same document as the judge's signature (preferably close to the judge's signature) and reducing it down to one to two pages. Chair Hauge added that he would pull together a work group to flush out the idea once DOC sent the document.

Misty Butler inquired as to what authorizing mechanism would be used to get counties to use it. She said that if it is to be through court rule, it may take 18 months but that could be expedited. If it's a legislative fix, then we need to know if that is the preference sooner rather than later. It was mentioned that since DOC needs the fix to occur quickly, the best course of action would probably be for DOC to work with its partners and to impress upon them the need for the change.

V. UPDATE BY-LAWS

MOTION #17-2: MOTION TO APPROVE CHANGES TO THE BY-LAWS

MOVED: Jon Tunheim
SECONDED: Jennifer Albright
PASSED: Unanimously

VI. OTHER BUSINESS

Keri-Anne reviewed bill proposals with upcoming public hearings with members.

MOTION #17-3: MOTION TO SUPPORT HB 1093 – Clarifying legal financial obligation provisions

MOVED: Tim Wettack

SECONDED: Kimberly Gordon

PASSED: Unanimously (Abstained: Jon Tunheim)

Chair Hauge briefed members on the presentation he and Dave Boerner gave to the House Public Safety Committee. Tim Wettack inquired as to the reception of the presentation. Chair Hauge said he thought it was positive and even had a few legislators talk to him after the hearing.

VII. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Russ Hauge, Chair

Date