



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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SENTENCING GUIDELINES COMMISSION

MINUTES

February 10, 2017 9:00am – 12:00pm

Washington Association of Sheriffs and Police Chiefs

3060 Willamette Dr NE

Lacey, WA 98516

Members Present:

Russ Hauge
Kimberly Gordon
Jody Becker-Green (John Aldana proxy)
Jennifer Albright
Jon Tunheim
Rev. Terri Steward
Tim Wettack
Hon. Stanley Rumbaugh
Kecia Rongen
Kathleen Kyle
Hon. Maryann Moreno
Marybeth Queral
Hon. Catherine Shaffer

Members Absent:

Rep. Brad Klippert
Bill Dehler
Sonja Hallum
Senator Kevin Van De Wege
Hon. Roger Rogoff
Sheriff Paul Pastor
Rep. Sherry Appleton

Staff:

Keri-Anne Jetzer

Guests:

Ed Vukich, CFC; Julie Martin, DOC; Dianne Ashlock, DOC; Wendy Stigall, DOC;
Misty Butler, AOC; J Benway, AOC; Ned Newlin, WASPC; Jaime Hawk, ACLU-WA

I. CALL TO ORDER

Chair Hauge asked everyone to introduce themselves.

II. APPROVAL OF MINUTES

MOTION #17-4: MOTION TO APPROVE MEETING MINUTES FROM JANUARY 2017

MOVED: Judge Rumbaugh

SECONDED: Judge Shaffer

PASSED: Unanimous

III. SENTENCING COMPLEXITY

Chair Hauge noted that there has been quite a bit of activity around sentencing complexity, especially with the Judgment and Sentence (J&S) form. He attended a meeting called by DOC regarding the J&S and asked Diane Ashlock to brief members on the meeting and its outcomes. Diane said when creating their draft document, DOC kept in mind the requests relating to the proposed changes to the J&S that arose at the last Commission meeting (not be duplicative, place information close to the judge's signature). The result was a table that would be placed within the J&S. Work on the draft included the assistance of many stakeholders (AOC, WAPA, WDA/WACDL, SCJA, WACO, AGO, court clerk). Stakeholder feedback was incorporated into the draft which she presented to Commission members for discussion.

Chair Hauge said HB 1680 talks about a separate J&S worksheet. He inquired as to the status of that bill. Julie Martin, Assistant Secretary at DOC, replied that Representative Goodman was supportive of the idea of incorporating a table into the J&S instead of creating a separate worksheet and has requested amendment language from DOC.

Chair Hauge noted that one issue with the J&S situation is the separation of powers - if the legislature should be telling the courts how to fill out their forms. Misty Butler replied that she had spoken with the Chief Justice about her opinion on whether this should be a court rule fix or a legislative fix. Misty reported that the Supreme Court is comfortable with this piece of legislation with amendments.

There was discussion about the draft form. Judge Shaffer noted that it would be difficult to incorporate multiple counts in the table. She suggested DOC and the workgroup take a look at some of the more complex property cases and see how they would fit into the draft form. She also suggested contacting SCJA, WAPA and WDA to ask them to offer some people to test usability of the form.

Chair Hauge indicated he would like to stay involved in the process. DOC thanked everyone for their feedback.

Chair Hauge discussed SB 5294. He informed members that he testified at the public hearing of this bill, not to the bill itself but to let the Law & Justice Committee know that the Commission is interested in taking on the task of reviewing the SRA. Most of the members of the proposed task force are already represented on the Commission. He added that the Governor's budget includes funding for the Commission to do this review. Because the Commission has essentially volunteered as a group to undertake the review, Chair Hauge thought they should create a work plan for the review which would be submitted to the legislature. Members agreed. Judge Shaffer volunteered for the planning workgroup. Judge Rumbaugh has offered to find a meeting location. Ned Newlin said he could participate on behalf of WASPC.

Ned added that disproportionality has been a sentencing issue for a long time. Some of the other stakeholders included in the task force (but not represented on the Commission) would probably like to have input on that, he said. He encouraged the Commission to include them in the review discussions.

Chair Hauge noted that while he did not address the bill's limitation on reducing sentencing during his testimony, he believes that the review should be thorough and comprehensive and incorporate what has been learned since 1981 which may include options that could impact sentencing. He also suggested that a review would need to keep in mind that local budgets are under as much pressure as the state budget.

Judge Shaffer suggested asking the Minority & Justice Commission if they would like to have someone participate, too. Misty Butler offered to contact them. The workgroup will report back to the Commission at the March meeting.

IV. LEGISLATIVE SESSION - Update

Keri-Anne Jetzer reviewed the list of legislative proposals that she thought would be of interest to the Commission.

MOTION #17-5: SUPPORT HB 1129 AND SB 5069

MOVED: Judge Shaffer
SECONDED: Kim Gordon
PASSED: Unanimous

MOTION #17-6: SUPPORT HB 1783

MOVED: Judge Shaffer
SECONDED: Judge Rumbaugh
PASSED: Unanimous

MOTION #17-7: NO POSITION ON HB 1789

MOVED: Judge Shaffer
SECONDED: Judge Rumbaugh
PASSED: Passed
Yes 10: No 1

MOTION #17-8: SUPPORT HB 1866

MOVED: Judge Rumbaugh
SECONDED: Tim Wettack
PASSED: Failed
Yes 5; No 5; Abstain: Kimberly Gordon

MOTION #17-9: SUPPORT SB 5287

MOVED: Judge Rumbaugh
SECONDED: Kimberly Gordon
PASSED: Passed
Yes 8; No 2; Abstain Judge Shaffer

MOTION #17-10: SUPPORT SB 5539

MOVED: Judge Shaffer
SECONDED: Tim Wettack
PASSED: Passed
Yes 8; No 2

Discussion: Judge Moreno provided background on the proposal. Kimberly Gordon noted concerns she has about the lack of reducing of sentence lengths and the quality of the community supervision, things that were part of the Justice Reinvestment Task Force results. There was also concern voiced about how results from a poor pilot could hamper future progress.

MOTION #17-10: SUPPORT SB 5588

MOVED: Judge Shaffer
SECONDED: Kimberly Gordon
PASSED: Passed

V. SECOND LOOK 3-STRIKES PROPOSAL – Update

Chair Hauge informed members of a meeting that he and Keri-Anne attended with Senator Darneille and Representative Jinkins to discuss the Commission’s Second Look 3-strikes proposal. Three other second look-type proposals were also discussed at the meeting. He said that so far no one has shown interest in sponsoring the Commission’s Second Look proposal.

VI. OTHER BUSINESS

The By-laws indicate that the chair may appoint a Vice-Chair. Chair Hauge announced that Judge Rumbaugh and Judge Moreno have agreed to be co-Vice Chairs of the Commission.

Judge Shaffer mentioned that she is the upcoming president of the American Judges Association and offered collaboration if needed.

VII. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Russ Hauge, Chair

Date