



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113 • (360) 902-0555

**SENTENCING GUIDELINES COMMISSION
MINUTES**

May 12, 2017 9:00am – 12:00pm

Criminal Justice Training Commission

19010 1st Avenue South Room C-211

Burien, WA 98148

Members Present:

Russ Hauge
Stephen Sinclair
Jon Tunheim
Hon. Stanley Rumbaugh
Kecia Rongen
Kathleen Kyle
Hon. Maryann Moreno
Jennifer Albright
Hon. Catherine Shaffer
Rep. Brad Klippert
Tony Golik
Phillip Lemley
Kimberly Gordon

Members Absent:

Bill Dehler
Sonja Hallum
Senator Kevin Van De Wege
Hon. Roger Rogoff
Rep. Sherry Appleton
Marybeth Queral
Rev. Terri Steward
Tim Wettack
Sheriff Paul Pastor

Staff:

Keri-Anne Jetzer

Guest:

Dr. Jaqueline van Wormer, Spokane County Regional Administrator; Marshall Clement, Council of State Government; Julie Martin, DOC; Alex MacBain, DOC; Representative Roger Goodman.

I. CALL TO ORDER

Chair Hauge deferred introductions until after the presentation by Spokane County. He asked Judge Moreno to introduce the presenter from Spokane County.

II. APPROVAL OF MINUTES

MOTION #17-15: MOTION TO APPROVE MEETING MINUTES FROM APRIL 2017

MOVED: Judge Rumbaugh
SECONDED: Judge Shaffer
PASSED: Unanimous

III. JAIL OVERCROWDING AND RACIAL DISPARITY IN SPOKANE COUNTY

Judge Moreno introduced Dr. van Wormer who then presented the work being done in Spokane County. She discussed how local reform efforts will pave the way for a healthier state criminal justice system.

Representative Klippert commented that people he has met who have been through the system have said that the system did not ask them what they think they need to recover from this lifestyle. Dr. van Wormer replied that that is what they are trying to get to by creating an offender-based system instead of an offense-based system.

Dr. van Wormer talked about the new risk assessment tool implemented in Spokane County, the Spokane Assessment For Evaluation of Risk or SAFER tool which was built by Dr. Zack Hamilton at Washington State University.

Spokane County received \$1.75 million from the MacArthur Foundation to expand pre-trial office, to build and implement the SAFER tool, and to expand mental health diversion.

Chair Hauge commented that jails play a vital role in the adult felony supervision process. The Department of Corrections (DOC) needs a local resources to give shape to their rules. He asked Dr. van Wormer to what extent they have taken into account the relationship between DOC and the offenders in the community? Dr. van Wormer replied that relationship has been taken into account in many different levels. She noted that DOC is represented at several different committees as well as the Law and Justice Council. They are helping to drive some of the conversation, especially around the usage of their jail. Offenders move between the local and state system, i.e. they may be on supervision with DOC and on district court probation. The SAFER Pro (probation version of the risk tool) is almost identical to the WA-ONE (DOC's risk/needs assessment tool). She said their long term goal is to have the SAFER Pro information auto populate into the WA-ONE tool.

IV. REVIEW OF THE JUSTICE REINVESTMENT INITIATIVE

Chair Hauge commented that the legislature may provide direction to review the Sentencing Reform Act (SRA) and may also provide funding. He noted that the Commission may need the assistance of people who have made such projects their profession and have consulted with state governments. He invited the Council of State Government (CSG) to talk about what they have done in Washington, what they have witnessed in other states, and what some of the emerging trends are. In the interest of full disclosure, Chair Hauge noted that he was the Prosecutors' Association representative on the Justice Reinvestment Initiative task force where he first worked with Marshall Clement of the CSG. In 2015, when Chair Hauge made a career change, he worked as a consultant with CSG's Justice Center and later as a full-time Senior Policy Advisor.

He went on to say that this organization has a lot of depth in this field and will provide a more solid foundation going forward.

Marshall Clement said he hoped his presentation would provide a base for discussion in what he sees as an incredible opportunity for the Commission, to take a step back and look at the state's sentencing system and see if there are opportunities to incorporate some of the research known about what works.

The CSG was created as a home for criminal justice and crime policy conversations. Staff backgrounds and expertise range from mental health providers, reentry administrators, corrections directors, probation and parole chiefs, judges, and law enforcement. It has engaged with over half the states in intensive, data-driven process to understand what the challenges are in their systems, where they can make improvements to increase public safety, reduce costs and reduce recidivism by bringing together data that often isn't brought together.

Marshall discussed what was learned about Washington's system through the Justice Reinvestment Initiative task force, such as that Washington has an incredible amount of data and that most of the criminal justice datasets can be merged using a unique identifier.

He talked about how different Washington is from other states in sentencing schemes and provided data on sentencing history in the state.

V. SRA REVIEW

Chair Hauge briefed members on the status of 2SHB 1789 and ESSB 5294. He believes 2SHB 1789 is likely dead since ESSB 5294 passed out of the Senate with modifications and returned to the House Appropriations Committee. He asked Representative Goodman if he had any comments to add. Representative Goodman replied that because the bill deals with so many

important provisions, including the Ombuds office, the sentencing worksheet, etc., that he is hopeful they will get it through.

Chair Hauge noted that while the Commission is still working without a clear legislative mandate, things are getting clearer: Spokane County's presentation provided information on what is happening at the local level, e.g. jail overcrowding, who gets in and under what circumstances, and what we can do to make sure we're keeping the right person there; the CSG presentation provided a historical perspective of what has been happening in the state. Chair Hauge suggested discussing how to structure the next few meetings in terms of focusing on what it is we can do and how we should do it.

Judge Rumbaugh commented that he felt the list Chair Hauge sent out after last month's meeting was comprehensive. He sees the next steps would be to prioritize the list and make some internal assignments, perhaps breaking into smaller committees that would report back to the full Commission.

Chair Hauge added that going forward he would like members to be confident that the decisions being made rest on principles that will stand the test of time, such as risk/needs/responsivity in supervision and brain development. He has asked Keri-Anne to contact the Institute for Public Policy to see if they have anything that they might add to the list of principles that should take into account. He has also asked DOC if there is anything we may be leaving out.

Kathleen Kyle suggested integrating the connections of the different care systems in order to deal with the impact to the family of the defendant, perhaps as sentencing information for the judge. Judge Shaffer suggested looking at both pre-sentence and post-adjudication and how evidence-based connection-to-services work. She also suggested taking a look at the swift and certain sanction model to see if it could be incorporated. Alex MacBain talked briefly about DOC experience with swift and certain principles. Chair Hauge requested that DOC provide the Commission at the next meeting with the kind of system they would like to have, in a perfect world, to supervise offenders within the first four seriousness levels.

Jon Tunheim reiterated his suggestion to bring on a project manager to help the Commission work its way through this review. He also talked about the remarkable changes made by the counties in Oregon in dealing with reentry planning. Jon offered to provide a contact for someone who may be able to present to the Commission. Judge Shaffer added information about Project Return, another reentry project. Keri-Anne offered to send members information on Project Return.

Kimberly Gordon noted that looking at the federal model of pre- and post-adjudication access to services. Keri-Anne reminded members of the Reentry Council that was created in statute last year and said they may already be

working on some of these ideas. Members thought it would be a good idea to invite the Council Director to participate in the review.

VI. OTHER BUSINESS

Keri-Anne informed members about Box.com, the state's approved version of a system of engagement. She will send an email to members on how to access the system and how it works.

Keri-Anne mentioned that she had no location for the July meeting as the Burien and Tukwila locations are booked. Stephen Sinclair offered to check with DOC's conference rooms. Judge Shaffer again offered the use of the conference room in her court.

Keri-Anne informed members that the June meeting will be located at the Tukwila Community Center.

VII. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

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Russ Hauge, Chair

Date