



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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**SENTENCING GUIDELINES COMMISSION
MINUTES**

July 14, 2017 9:00am – 12:00pm

Renton Community Center

1715 Maple Valley Hwy Room B

Renton, WA 98057

Members Present:

Russ Hauge

Jon Tunheim

Hon. Stanley Rumbaugh

Kathleen Kyle

Hon. Maryann Moreno

Hon. Catherine Shaffer

Tim Wettack

Hon. Roger Rogoff

Sonja Hallum

Kecia Rongen

Stephen Sinclair (Clela Steelhammer proxy)

Phillip Lemley

Kimberly Gordon

Senator Mike Padden

Rep. Eric Pettigrew

Members Absent:

Senator Kevin Van De Wege

Rep. Brad Klippert

Jennifer Albright

Tony Golik

Marybeth Queral

Rev. Terri Steward

Sheriff Paul Pastor

Staff:

Keri-Anne Jetzer

Guests:

Leah Fischer, Sex Offender Policy Board; Cary Retlin, Statewide Reentry Council; Shani Bauer Senate Committee Services

I. CALL TO ORDER

Chair Hauge asked members to introduce themselves.

II. APPROVAL OF MINUTES

MOTION #17-17: MOTION TO APPROVE MEETING MINUTES FROM JUNE 2017

MOVED: Judge Shaffer
SECONDED: Judge Rumbaugh
PASSED: Unanimous

III. SRA REVIEW

Chair Hauge briefed members on the status of the Sentencing Reform Act (SRA) review. Now that the operating budget has passed and the bills related to the review were not in it, he estimates the likelihood of getting funding is zero. Chair Hauge asked members if they wanted to continue with the review. Judge Shaffer said there is a lot of collective wisdom on the Commission about where the deficits are in the SRA and believes the Commission should continue its review. Kim Gordon added that there is a lot of work being done in the public, too, that could help with the review. Members agreed to continue with their work on the review.

Updates from Work Groups

- a. Corrections – Clela Steelhammer informed members about the attendees, the process, and the outcomes from their first meeting. She believes the next meeting is expected be scheduled for the week prior to the next Commission meeting. Participants prioritized topics and the top four were Post-Conviction Review, Reentry, Enhancements, and Diversion (pre and post sentence), however they will continue discussions on all the topics.
- b. Judges – Judge Rumbaugh talked about the discussion the Judges had regarding the need for pre-sentence information, additional funding for DOC, and expanding judicial discretion beyond simply increasing the sentencing grid ranges. Judge Shaffer talked about wanting ‘guided discretion’ for judges and the inability for judges to be able to compare sentences to those of other judges and other jurisdictions. Kim Gordon suggested inviting a federal judge who has state judicial experience and/or someone from the Bureau of Prisons to get a federal perspective.

Chair Hauge asked if adolescent brain development came into any of the discussions. Judge Shaffer noted when judges think of evidence-based practices that is one of the things they think about.

- c. Prosecuting Attorneys – Jon Tunheim told members that the Prosecutor’s Association decided that their legislative committee could work as their work group for this review. There is a legislative committee meeting scheduled for the beginning of August. He said there was strong consensus to look at grid reform as a priority as well as simplifying the grid,

expanding ranges to increase discretion, expanding the use of community supervision with more reentry support and planning, ‘good time’ incentives for community supervision, and broadening the offenses that receive supervision.

- d. Defense Attorneys – Kim Gordon said she is working hard on recruiting defenders from around the state and is waiting for Columbia Legal Services and the ACLU to provide her with names of persons to be on the work group.

Chair Hauge suggested that the Commission may want to narrow its focus in order to enhance the chances of having directed discussion, creating discrete work product and obtaining interest by the legislature and public. Three topics that the Commission has supported are:

- 1) Judicial discretion
- 2) Offenders getting a chance to show improvement or ‘earn their way out of prison’.
- 3) Brain development

He suggested taking these three items, in broad principle, and combine them together. He proposed creating a separate youthful offender sentencing structure for individuals within an age range as determined by the brain development research. Judges could determine if an individual should be in the current sentencing system or if they would fit better in the youthful offender sentencing system which would include confinement time but also custody in the community and an opportunity for the individual to earn his/her way out of that sentence.

Judge Shaffer said that while she likes the additional discretion, she also likes “guidedness” so judges don’t become discrepant from each other. Chair Hauge replied that there would be an expanded grid which would provide expanded discretion and also guidance. She still felt that some feedback would need to be available for judges to know that they are being consistent with judges elsewhere.

Kimberly Gordon express angst at drawing the lines of reform based on someone being a specific age. Chair Hauge agreed and knows that a great deal of discussion needs to happen, but felt this might be a way to get the ball rolling.

Representative Pettigrew commented that he liked the idea of focusing on a smaller scale group with a specific objective. He said it would help legislators to understand and support the idea. He compared it to ‘eating the elephant’ where it is done one bite at a time.

Chair Hauge said he would attempt to frame the idea more concretely and distribute it for discussion at the next meeting. He also encouraged the constituent meetings to continue and invite whomever they feel should be included.

Judge Rogoff offered to contact a federal judge/prosecutor/defense attorney to come to a meeting to talk about how the federal sentencing guidelines work. Chair Hauge said he would be interested in having them come to a meeting sometime before the end of Fall.

IV. OTHER BUSINESS

The November 10th SGC meeting date precedes Veteran's Day and may be a holiday for some. Keri-Anne asked members if they wanted to reschedule the meeting or cancel it. Members decided to cancel it.

Keri-Anne informed members that their packet included a document that responded to several questions that were unanswered at the last meeting. She was able to get data from OFM's Education Research and Data Center on which state agencies have hired previously convicted individuals. She also noted that she was able to find one study related to earned time on community supervision. While the study doesn't look at the effectiveness of this tactic, it does list which states provide this type of program.

Keri-Anne briefed members that, while at the Reentry Council meeting in June, she learned that Jon Zulauf is currently working on a Clemency Project and has 50 attorneys on board to assist. She also wanted members to know that the Reentry Council is working on putting together a fall reentry symposium in partnership with Seattle University.

Cary Retline, Director of the Reentry Council, added that October 10th is the second annual Discover Washington's Hidden Workforce forum. The Reentry Council is working in partnership with Correctional Industries to provide an opportunity for employers to learn and discuss what incarcerated individuals are doing to prepare themselves to reentry the community as regards training, preparation and services.

The August meeting will be at CJTC in Burien. There will be no conference call availability.

Chair Hauge asked if it was possible to find out how many people between the ages of 16 and 26 were sentenced each year. Keri-Anne said the Caseload Forecast Council has data that could answer that question. She has a copy of that data and can provide that information to members. Chair Hauge also requested the same information for individuals between 16 and 30 years of age. It was decided to include 15 year olds in each review as well.

Judge Shaffer reported that they did a presentation to all the judges in King County on this effort (SRA review). She said there was great interest and a lot of support.

V. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Russ Hauge, Chair

Date