



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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**SENTENCING GUIDELINES COMMISSION  
MINUTES**

**April 13, 2018 9:00am – 12:00pm**

Criminal Justice Training Commission

19010 1<sup>st</sup> Avenue South Room C-202

Burien, WA 98148

Members Present:

Greg Link  
Kecia Rongen  
Kimberly Gordon  
Jennifer Albright  
Sheriff Paul Pastor (proxy Patti Jackson)  
Michael Fenton  
Tony Golik  
Hon. Roger Rogoff  
Sonja Hallum  
Rep. Eric Pettigrew  
Hon. Stanley Rumbaugh  
Tim Wettack  
Maia McCoy  
Stephen Sinclair (proxy Alex MacBain)

Members Absent:

Senator Jeannie Darnielle  
Senator Mike Padden  
Marybeth Queral  
Jon Tunheim  
Russ Hauge  
Rep. Brad Klippert  
Phillip Lemley  
Hon. Catherine Shaffer

Staff:

Keri-Anne Jetzer

Guests:

Ed Vukich, CFC; Kevin Black, Senate Committee Services, Keri Waterland, Senate Committee Services; Megan Baskett, Office of Crime Victim Advocacy

**I. CALL TO ORDER**

Acting Chair Judge Rumbaugh welcomed everyone and introduced the two new members, Maia McCoy and Senator Darneille. He asked Maia to introduce herself to the group.

**II. APPROVAL OF MINUTES**

The Commission is asked to approve the minutes from March 2018

**MOTION #18-11: MOTION TO APPROVE MEETING MINUTES  
FROM MARCH 2018**

**MOVED:** Kimberly Gordon

**SECONDED:** Greg Link

**PASSED:** Unanimous

**III. REPORT FROM POST-CONVICTION SUBCOMMITTEE**

Acting Chair Rumbaugh told members about how Philadelphia's city prosecutor has created a branch of his office to address wrongful convictions. He wondered if there was any agency or organization that did similar work. No one was aware of any that did.

There was discussion about differences between the clemency board and the ISRB.

**IV. REPORT FROM LFO WORK GROUP**

Due to most of the work group members not being able to attend today's meeting, Keri-Anne reported for the group. She briefed members on the results of the telephone meeting of the work group. These results included suggestions posed to the Commission regarding the Crime Victim Compensation fund and the DNA fund. She asked members for feedback that she could take back to the work group.

Judge Rogoff thought it would be helpful to have someone speak to the Commission about the Crime Victim Compensation (CVC) fund including where the money comes from, what kind of cases it comes from, who is getting the funds by type of crime, etc. Judge Rumbaugh questioned if LNI, who administers the CVC fund, uses some of it for administrative costs.

Megan Baskett, of the Office of Crime Victim Advocates, recommended looking at the impacts of some of the suggestions as the crime victim assessment fee goes to more than just the CVC fund and may be distributed differently by county. Maia McCoy noted that multiple causes often have multiple victims so reducing the fee to a sentencing occurrence might miss additional victims.

Alex MacBain noted that it may be hard to determine how much will be collected based on the changes under HB 1783, its implementation and possible change on behaviors that may result.

**V. LITERATURE ON ENHANCEMENTS AND LONGER SENTENCES**

Keri-Anne explained the document and the literature to members and how it tied to the conversation last month about sentence enhancements and aggravating factors. She looked for the subject of ‘impacts of longer sentences on recidivism’, which both sentence enhancements and aggravated sentences are (longer sentences. She added that of the articles she found, they appeared to have no impact on recidivism.

There was a suggestion to have Dr. Zack Hamilton, who is working with DOC on a new risk assessment tool, present to the Commission on risk assessments. There was another suggestion to have a researcher present on how research is carried out, how they arrive at their numbers, etc., to help members understand the research.

Keri-Anne directed members to the data provided by Ed Vukich of the Caseload Forecast Council on the numbers and percent of enhancements and exceptional sentences over the years.

There was discussion about sentence enhancements. Judge Rogoff noted that sentence enhancements are also used by prosecuting attorneys to negotiate plea deals.

There seemed to be agreement that sentence enhancements are viewed as a blunt instrument used in sentencing.

Alex MacBain commented that the rules around sentence enhancements are very different, i.e. some are concurrent while others are consecutive, and some allow earned release time, so, from DOC’s perspective, simplifying the rules around enhancements would be helpful.

**VI. OTHER BUSINESS**

Tim Wettack announced that he and Phillip Lemley will be attending a meeting with incarcerated individuals at Monroe Correctional Complex on May 28. He extended the invitation to any other member who would like to join them. There would need to be at least a two week notice needed to bring others into the facility. Someone pointed out that May 28 was Memorial Day. Tim said he would confirm if that is the correct date. Judge Rogoff has attended one of these meetings and recommends members going.

Judge Rumbaugh and Judge Rogoff serve on the Criminal Law Committee of the SCJA. They informed members that they will relay the discussions of the Commission meetings to the Criminal Law Committee, since the committee reviews legislative proposals related to criminal law. Their goal is to increase communication between the committee and the Commission. Judge Rogoff

commented that if there is anything that the SCJA could support either he or Judge Rumbaugh could bring it to the committee for discussion.

Keri-Anne informed members that the May meeting will take place at the CJTC and that Chair Hauge has approved time on the agenda for a presentation of another item on the SRA review list. DOC and ISRB will be presenting community supervision for discussion.

## **VII. ADJOURNMENT**

### **APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION**

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Russ Hauge, Chair

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Date