



STATE OF WASHINGTON

**OFFICE OF FINANCIAL MANAGEMENT**

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**SENTENCING GUIDELINES COMMISSION  
MINUTES**

**January 19, 2018 9:00am – 12:00pm**

Criminal Justice Training Commission

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

Burien, WA 98148

Members Present:

Russ Hauge  
Greg Link  
Hon. Catherine Shaffer  
Kecia Rongen (Elyse Balmer)  
Marybeth Queral  
Phillip Lemley  
Kimberly Gordon  
Jennifer Albright  
Tony Golik  
Sheriff Paul Pastor  
Michael Fenton  
Jon Tunheim  
Hon. Roger Rogoff  
Hon. Stanley Rumbaugh  
Tim Wettack

Members Absent:

Senator Kevin Van De Wege  
Sonja Hallum  
Rep. Brad Klippert  
Senator Mike Padden  
Rep. Eric Pettigrew  
Stephen Sinclair

Staff:

Keri-Anne Jetzer

Guests:

Ed Vukich, CFC; Martina Kortman, Public Defenders Association

**I. CALL TO ORDER**

Chair Hauge asked members to introduce themselves.

**II. APPROVAL OF MINUTES**

December minutes were not available for approval.

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

Judge Rumbaugh briefed members on the discussion of the subcommittee. They discussed a three year pre-release notice instead of a five year notice, placing the responsibility with the ISRB instead of creating a new entity, to what degree the originating judge (or a judge from the same county) should have input and whether there might be an 'ownership' mentality.

Keri-Anne noted that a request has been made to the DOC for data on the number of incarcerated individuals the proposal would encompass.

Chair Hauge said that this issue has taken on a higher priority given what he heard at the House Public Safety legislative hearing yesterday. He felt there was substantial support in the committee for some type of post-conviction review process.

Keri-Anne noted that the proposed amendment to 2SHB 1789 still includes the SGC study. She wondered if it would be possible to suggest that a review of post-conviction review be added to the study of the SRA. Chair Hauge asked members how they felt if he would suggest to Representative Goodman to add this review to the work being proposed for the SGC. Kimberly Gordon suggested that perhaps WDA/WACDL and WAPA might reach out to their respective lobbyists to bring this to Representative Goodman's attention, in addition to any other SGC member that may be testifying. Chair Hauge supported that suggestion. Jon Tunheim said that he would check in with his group but that he's hesitant to say anything about a post-conviction review as WAPA has been supportive of upgrading the Clemency Board to address this issue. He added that WAPA most likely would not have any issue about asking the legislature to direct work to the SGC. Judge Rogoff said he would reach out to the SCJA legislative committee. Sheriff Pastor said he may be able to speak with Representative Jenkins as she is from his district. Derek Young offered to speak to legislators if he be provided with some talking points.

Chair Hauge asked that members send to him and Keri-Anne any discussions with legislator they have before the next SGC meeting.

Judge Rumbaugh indicated that the subcommittee is working on setting up their next meeting.

### **IV. 2018 LEGISLATIVE SESSION**

- a. [SB 6160](#) - Revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age 25

Jon Tunheim provided members with some background on this bill. He said it rolls the statute back to its original status in 1997. It also expands juvenile jurisdiction to age 25. Marybeth Queral commented from the perspective of JR about SB 6160 and other juvenile bills that have been proposed this legislative session.

Members discussed the bill. There appeared to be quite a bit of support for two parts of the bill: the expansion of the Option B plan and the reduction of exclusive adult jurisdiction. Chair Hauge doesn't think there is consensus that it should change radically, but many have concerns.

**MOTION #18-1: MOTION TO SEND LETTER INDICATING SUPPORT FOR AN EXAMINATION OF EXCLUSIVE ADULT JURISDICTION, SUPPORT OF AN EXAMINATION AND INCLUSION OF BEST-PRACTICES CONCERNING THE SCIENCE OF ADOLESCENT BRAIN DEVELOPMENT, NOTING CONCERNS ABOUT THE NET EFFECT ON SENTENCES, LENGTHENING THEM AND WHETHER THIS PROPOSAL CARRIES WITH IT THE RESOURCES TO EFFECTIVELY BE EXECUTED**

**MOVED:** Judge Rogoff  
**SECONDED:** Judge Shaffer  
**PASSED:** Unanimous

Keri-Anne informed members that she is watching for bills that the SGC had voted to support in the past and will register SGC support at their public hearings.

## **V. SRA REVIEW TOPICS**

Chair Hauge told members that during his confirmation hearing the week prior, he did tell the Law & Justice Committee members that the hope of the SGC is to be allowed to conduct a comprehensive review of adult felony sentencing in Washington.

Chair Hauge provided a summary on the process a prosecutor goes through when deciding whether to file a charge and what a diversion environment might look like. This included the process he used when he was a prosecuting attorney. After a few modifications were made to the process, he believed it worked well.

Chair Hauge went on to say that the SRA standards talk about such a process, that it recognizes that a criminal case starts long before the offender walks into a court room. And in order to address the fairness, the aspects of justice, and the cost, the conversation needs to occur at this early stage.

Kimberly Gordon mentioned that some WSIPP studies found that, generally, there is a net savings to diversion-type programs. Derek Young brought up a concern about the cost to local governments and how there are counties that are facing insolvency. He noted that while there may be net savings to the system, those savings don't always find their way back to the one who is paying the cost.

Kimberly Gordon talked about pre-arrest programs like the Law Enforcement Assisted Diversion (LEAD) program in Seattle. One thing she wanted to highlight was the partnership and consensus that occurred in LEAD. Everyone, i.e. law enforcement, defense, courts, came to the table understanding that the stakeholders each had different motivations.

Judge Rogoff inquired about the level of disproportionality within the program. Martina Kortman said that through her work she has learned that there are more people of color in the LEAD program than in most programs and that the numbers have stayed consistent.

Chair Hauge said that his intent with the discussion of diversion is for members to consider how diversion works within the system and to what extent it is available across the state. He thanked Kimberly for her assistance with the topic.

**VI. OTHER BUSINESS**

Chair Hauge thanked Tony Golik for providing feedback from the prosecutors on areas of interest in the SRA review. Discussion of that feedback was tabled until the next meeting. Chair Hauge asked Sheriff Pastor if he might be able to get some feedback from WASPC on their areas of interest.

Chair Hauge also mentioned that he would like to talk at the next meeting about the SRA review process document that Jon Tunheim created.

Keri-Anne asked members if they would like the April meeting to be in Burien or in Lacey. Members decided on Burien for the April meeting location.

**VII. ADJOURNMENT**

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

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Russ Hauge, Chair

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Date