



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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**SENTENCING GUIDELINES COMMISSION
MINUTES**

February 9, 2018 9:00am – 12:00pm

Washington Association of Sheriffs and Police Chiefs

3060 Willamette Dr NE

Lacey, WA 98516

Members Present:

Greg Link
Hon. Catherine Shaffer
Kecia Rongen
Marybeth Queral
Phillip Lemley
Kimberly Gordon
Jennifer Albright
Sheriff Paul Pastor
Michael Fenton
Jon Tunheim
Hon. Roger Rogoff (phone)

Members Absent:

Senator Kevin Van De Wege
Sonja Hallum
Rep. Brad Klippert
Senator Mike Padden
Rep. Eric Pettigrew
Stephen Sinclair
Russ Hauge
Hon. Stanley Rumbaugh
Tim Wettack
Tony Golik

Staff:

Keri-Anne Jetzer

Guests:

Ed Vukich, CFC; Chris Poulos, Reentry Council; Jeff Patnode, ISRB; Derek Young, WSAC (phone); Clela Steelhammer, DOC (phone); Alex MacBain, DOC (phone)

I. CALL TO ORDER

Kimberly Gordon was Acting Chair while Chair Hauge was away. She asked members to introduce themselves.

II. APPROVAL OF MINUTES

MOTION #18-2: MOTION TO APPROVE MEETING MINUTES FROM DECEMBER 2017 AND JANUARY 2018

MOVED: Marybeth Queral
SECONDED: Judge Rogoff
PASSED: Unanimous

III. REPORT FROM POST-CONVICTION SUBCOMMITTEE

Greg Link informed members that the subcommittee met and decided to put out a survey to other organizations that have interest in a second look process. The purpose of the survey is to identify what they feel is critical, what they find objectionable and to see if there is some common ground. The main differences between the several post-conviction review bills sponsored by various groups is what population would be eligible and who would be making the decision.

Kecia Rongen added that many organizations testified at the last public hearing of 3EHB 1789, which included a community review board. The subcommittee wanted to acknowledge the other groups and get their input on what they think is important.

IV. 2018 LEGISLATIVE SESSION

Acting Chair Gordon discussed 3SHB 1789. Keri-Anne briefed members on the status of the bill. Judge Shaffer commented that this draft is more in line with the review the Commission has been talking about.

MOTION #18-3: MOTION TO SUPPORT 3SHB 1789

MOVED: Judge Shaffer
SECONDED: Kecia Rongen
PASSED: Unanimous

Keri-Anne talked a bit about the list of bills that were of interest that the Legislative Subcommittee had suggested bringing to the members.

SHB 2890 – Keri-Anne mentioned that, in the past, the SGC has supported bills related to Certificates of Restoration of Opportunity. SHB 2890 pertains to Certificates of Discharge and vacating records. Keri-Anne asked Chris Poulos if this was a Reentry Council sponsored bill. Chris replied that while Tarra Simmons, the Co-Chair of the Reentry Council, has taken the lead on it, it is not a Reentry Council request bill although the Reentry Council is actively supporting the bill. Acting Chair Gordon asked if it would be more useful for the Commission to write a letter of support or to testify in support. Chris replied that any kind of support would be helpful.

MOTION #18-4: MOTION TO SUPPORT SHB 2890

MOVED: Judge Shaffer

SECONDED: Greg Link

PASSED: Unanimous

HB 2461 – Clela mentioned that SB 6509 combines two bills, HB 2461 (Changes to the drug grid) and SB 6518 (Concurrent community supervision).

There was discussion about how the last change to the drug grid continues to shift costs to the city and county jails. Judge Shaffer commented that she would like to see alternatives to incarceration incorporated into the grid, which could save money. Acting Chair Gordon noted that WDA/WACDL are also supportive of building alternatives to confinement into the grid, especially since those who get the lower sentences are not DOSA eligible. She said the bill sponsor was aware of such interest but wanted to focus on that issue next year.

Jon Tunheim stated that WAPA is on record as opposing this bill because the sunset clause was agreed upon when the original bill passed as well as their concerns about shifting the cost to the locals. He noted that the drug grid would likely be something the Commission would be considering in its review of the SRA anyway. There was more discussion about the concern of the lack of funding to the counties and cities for this bill.

MOTION #18-5: MOTION TO OPPOSE HB 2461 UNTIL FISCAL APPROPRIATION FOR THE COUNTIES AND CITIES COMES WITH IT

MOVED: Sheriff Pastor

SECONDED: Phillip Lemley

FAILED: Yes - 5; Nay - 5; Abstain – 1

MOTION #18-6: MOTION TO SUPPORT HB 2461 WITH SIGNIFICANT CONCERNS ABOUT THE FUNDING DEMAND ON CITIES AND COUNTIES

MOVED: Judge Shaffer

SECONDED: Phillip Lemley

PASSED: Yes – 9; Nay – 2

Keri-Anne explained that none of the Juvenile-Related Bills have been voted on by the Commission. She wanted to make members aware of the variety of bills related to the same topic. Marybeth Queral briefed members on the similarities and differences among the bills.

Keri-Anne briefed members on the status of bills that the SGC has already voted to support. Acting Chair Gordon commented that HB 1298, which was not on the list, seems to be the favored proposal over SB 6110. She added that

SB 6110 included preempting local ordinances that allow greater protection and excluded securities brokers. Chris Poulos added that HB 1298 has passed out of the House and that a proposed amendment adding the same preemption language was defeated on the floor. There was question if the senate bill still included the preemption language

MOTION #18-7: MOTION TO SUPPORT HB 1298 AND CONTINUE SUPPORT FOR SB 6110 WITH CONCERN IF PRE-EMPTION LANGUAGE INCLUDED

MOVED: Kimberly Gordon

SECONDED: Phillip Lemley

PASSED: Unanimous

Keri-Anne informed members that E2SHB 1783 (LFOs) was inadvertently left off the list. She informed members of its status.

When asked if there were any other bills that should be discussed, Clela asked about SB 5588. She reported that there were a few floor amendments added and that it is still alive in Rules Committee. Keri-Anne reported that because the Commission had previously voted to support the bill, she will sign the Commission in support in any public hearing that occurs.

Chris asked if SB 6582 was of interest to the Commission. He explained that it is a 'ban the box' type of bill for higher education.

MOTION #18-8: MOTION TO SUPPORT SB 6582

MOVED: Kimberly Gordon

SECONDED: Judge Shaffer

PASSED: Unanimous

Clela Steelhammer and Alex MacBain briefed members on bills requested by or of interest to DOC: HB 1679/SB 6280 (Identicards), SB 6509 (Correctional Savings), HB 2638/SB 6277 (Graduated Reentry), SB 6511 (Community Custody Returns), SB 6281 (Positive Achievement Time), SB 5307 (Expand FOSA).

When asked who would pay for the additional violators in jail beds under SB 6511, Alex said it would be DOC, as they would have contracts with the local jails for those beds. A comment was made that the rate paid by DOC was not a full cost recovery for some of the jails. Alex noted that DOC has been working with the legislature on that issue.

MOTION #18-9: MOTION TO SUPPORT HB 2638, SB 6277 and SB 6281

MOVED: Kimberly Gordon
SECONDED: Judge Shaffer
PASSED: Unanimous

Acting Chair Gordon brought up the components of the review being proposed for the Commission in 3SHB 1789, in particular, those listed on page 2 of the bill. The topics of LFOs and Community Custody/Supervision, between the Justice Reinvestment Task Force and the Commission, have been talked about quite a bit. In terms of a path forward, she proposed members create proposals on these topics for the Commission to discuss as a way to address the low-hanging fruit which would then allow the Commission to spend more time on the other topics.

She added that topics that have come up generally, but that the Commission has not addressed specifically, are aggravating/mitigating factors and sentence enhancements. She went on to suggest that if the Commission's stakeholder groups would present their perspective then the group could begin to identify what the goals and concerns are.

For the March meeting, each stakeholder group will present on mitigating/aggravating factors and sentence enhancements, including the concurrent/consecutive nature of enhancements and plan to discuss as a group. From that a smaller group can take that discussion into account and begin to work on a proposal. Judge Shaffer agreed with this approach.

Acting Chair Gordon also proposed that perhaps the April meeting would be a good time to discuss a concrete LFO proposal(s) and the Community Custody/Supervision piece. She asked if there were any volunteers for the LFO and Community Custody/Supervision topics. Keri-Anne said she would contact DOC about participating on the Community Custody/Supervision piece. Judge Shaffer said that LFOs is a Minority & Justice Commission (M&JC) issue and that Judge Doyle has led that charge. She will volunteer for the LFO topic and work with Judge Doyle. Marybeth Queral said she is also on the M&JC and would like to work on the issue as well. Acting Chair Gordon encouraged Chris Poulos to stay in touch as well as he does represent an important group of stakeholders. Chris thanked Acting Chair Gordon and said that his is an important issue to the Reentry Council. Jon Tunheim said that WAPA has been talking about LFOs for quite a while. He thinks WAPA would like to have a voice in that discussion so he will discuss it with Tony Golik.

LFO

- Judge Shaffer
- Marybeth Queral
- Chris Poulos
- Jon Tunheim/Tony Golik
- Phillip Lemley
- Derek Young

Acting Chair Gordon revised her earlier comment as she thinks there will be enough to talk about LFOs at the April meeting. She will suggest to Chair Hauge to move the Community Custody/Supervision piece to another month.

Kecian Rongen asked for the ISRB to be added to the Community Custody/Supervision group.

V. OTHER BUSINESS

VI. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Russ Hauge, Chair

Date