



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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**SENTENCING GUIDELINES COMMISSION  
MINUTES**

**February 8, 2019 9:00am – 12:00pm**

Washington Association of Sheriffs and Police Chiefs  
3060 Willamette Dr NE  
Lacey, WA 98516

Members Present:

Greg Link  
Russ Hauge  
Sheriff Paul Pastor  
Stephen Sinclair  
Maia McCoy (phone)  
Kimberly Gordon  
Hon. Stanley Rumbaugh  
Hon. Catherine Shaffer (phone)  
Phillip Lemley (phone)  
Kecia Rongen  
Tim Wettack (phone)  
Jon Tunheim  
Hon. William Houser  
Hon. Roger Rogoff

Staff:

Keri-Anne Jetzer

Members Absent:

Rep. Eric Pettigrew  
Senator Mike Padden  
Rep. Brad Klippert  
Michael Fenton  
Kathleen Harvey  
Jennifer Albright  
Senator Jeannie Darnielle  
Sonja Hallum  
Tony Golik

Guests:

Derek Young, WSAC  
Clela Steelhammer, DOC  
Alex MacBain, DOC  
Mac Pevey, DOC  
Ed Vukich, CFC

**I. CALL TO ORDER**

Chair Hauge called the meeting to order. He noted that the agenda would be shortened to allow members to start heading home before the snow starts to stick.

Chair Hauge told members of testimony he presented at the Public Safety Committee and of an offline discussion he had with Representative Goodman

related to the Criminal Justice Task Force bill. He said Rep Goodman's intention is to take the work product submitted by the SGC and use the task force to turn that into legislative change. Keri-Anne added that the bill did pass out of the Public Safety Committee.

## II. APPROVAL OF MINUTES

The Commission was asked to approve the minutes from January 2019

### **MOTION #19-10: APPROVE MEETING MINUTES FROM JANUARY 2019**

**MOVED:** Judge Shaffer

**SECONDED:** Kecia Rongen

**PASSED:** Unanimous

## III. COUNCIL OF STATE GOVERNMENT DATA ANALYSIS PRESENTATION

Bree Derrick and Monica Peters presented their data analysis of Washington's sentencing trends, supervision outcomes, and recidivism outcomes.

### Summary Points of Sentencing Trend Data:

- Felony sentences have steadily increased since 2010.
- The increase appears to have been driven by people with more extensive criminal histories for offenses with lower seriousness levels, mostly property and drug.
- Nearly all felony sentences receive a confinement term with over half being for a jail confinement term.
- Alternative sentences were applied to less than 10% of felony sentences.
- Low-level property offenses and possession of controlled substance make up nearly half of all felony sentences that receive jail confinement.

There was discussion about the need for state probation program.

### Summary Points of Supervision Data:

- More than half of jail sentences do not receive supervision due to statutory restrictions.
- Supervision is more likely applied in cases with higher seriousness levels and less closely tied to criminal history.
- There are limited opportunities for supervision of people convicted of property offenses.
- The number of supervision violation admissions and the average daily population of violators have increased in the past three years.

There was discussion about bench probation.

Secretary Sinclair noted that DOC has about 6 reentry specialists and releases about 8,000 individuals per year. He said there is so much more that DOC

would like to do regarding providing reentry resources that could also benefit the counties as well.

Summary Points for Recidivism Data:

- People sentenced to jail have higher recidivism rates than people released from prison, particularly in the first year following release.
- Recidivism rates vary by offense type, however people sentenced for certain property and drug offenses have higher rates.
- People sentenced for property and drug offenses are most likely to be rearrested for property and drug offenses.

**IV. WORK PLAN FOR THE NEXT SEVERAL MONTHS**

Keri-Anne Jetzer reviewed the tasks related to the SRA review and the tentative agendas for the next several months to give members an idea of the work that still needs to occur and the time frames available in order to finalize the report to the legislature by the May meeting. Chair Hauge reminded members that they are at the beginning of a long process and don't need to have everything perfect. Keri-Anne also reminded members that these upcoming meeting will be expanded to last until 3pm.

**V. SENTENCING GRIDS**

This topic has been tabled until the March meeting.

**VI. OTHER BUSINESS**

Secretary Sinclair commented that if the SGC had an interest in changing concurrent/consecutive community supervision terms, an opportunity was available now. He informed members that SB 5848 would make all community supervision/placement terms concurrent as the default, including any unserved terms. The judge would need to specifically note if the terms should be consecutive. Secretary Sinclair said this change would alleviate some complexity in the system. Additionally, the data provided by CSG indicated that long terms of supervision do not provide a benefit for their cost.

**MOTION #19-11: CURRENT SUPERVISION TERM WOULD RUN CONCURRENT TO PRIOR SUPERVISION TERM UNLESS COURT SPECIFICALLY ORDERS IT TO BE CONSECUTIVE, AS FOUND IN SENATE BILL 5848, SECTION 1**

**MOVED:** Judge Shaffer  
**SECONDED:** Kimberly Gordon  
**PASSED:** Unanimous

Judge Rumbaugh informed members that the final report from the SCJA Presentence Work Group was not yet finished, but he hopes to have something to report at the next meeting. There was discussion about including a risk assessment with a presentence investigation report. Chair

Hauge reminded members that the topic is about presentence investigations and whether to keep the duty under DOC or to move it to another location, like the Superior Court, similar to the way the juvenile court completes them. He and other members felt that the risk assessment part is too controversial to be included in the PSI. Greg Link added that he thinks there would be severe limitations on pre-trial information gathering that involves the defendant which would make a risk assessment impractical. Kim Gordon said that in the federal system, the defendant needs to participate in a limited interview if he/she wants a chance of a pre-trial release. This interview is focused more on whether the person is stable to release into the community than on details of the crime.

Chair Hauge said that since it has been agreed that getting judges more information is one of the key pieces of the review that members will need to work out a plan. Keri-Anne asked if it would be helpful if she were to draft a document listing the details to the best of her ability on the PSIs idea for the next meeting. Members agreed it would help. Judge Rogoff said he reached out to friends in the federal system asking if they could send some redacted copies of their PSIs.

Keri-Anne described the standard recidivism report proposal she provided. She noted that although recidivism is used as an outcome result in the criminal justice system, Washington does not have anyone who completes standard recidivism reports for the state. She thought the SGC might want to consider such a position as one of its recommendations. Her proposal provides justification for choosing the Statistical Analysis Center as the entity to complete the standard recidivism work.

**MOTION #19-12: INCLUDE RECOMMENDATION IN SRA REPORT FOR AN FTE AT THE STATISTICAL ANALYSIS CENTER WITHIN OFM TO COMPLETE STANDARD RECIDIVISM STUDIES FOR THE STATE**

**MOVED:** Judge Rumbaugh  
**SECONDED:** Kimberly Gordon  
**PASSED:** Unanimous

Keri-Anne Jetzer reviewed legislative bills of which the members may be interested. There were a few bills they wanted to have monitored.

**VII. ADJOURNMENT**

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

/s/

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Russ Hauge, Chair

SGC Meeting Minutes 2/8/19

Keri-Anne Jetzer

2/20/19

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Date