



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113 • (360) 902-0555

**SENTENCING GUIDELINES COMMISSION
MINUTES**

September 13, 2019 9:00am – 12:00pm
Burien Community Center, Shorewood Room
14700 6th Avenue SW
Burien, WA 98166

Members Present:

Greg Link
Stephen Sinclair (Alex MacBain)
Maia McCoy
Hon. Stanley Rumbaugh
Phillip Lemley
Kecia Rongen
Tim Wettack
Jon Tunheim
Russ Hauge
Jennifer Albright
Senator Jeannie Darnielle
Hon. William Houser
Kimberly Gordon

Staff:

Keri-Anne Jetzer

Members Absent:

Senator Mike Padden
Rep. Brad Klippert
Sheriff Paul Pastor
Kathleen Harvey
Hon. Roger Rogoff
Hon. Catherine Shaffer
Michael Fenton
Rep. Lauren Davis
Sonja Hallum
Tony Golik

Guests:

Lauren Knoth, WSIPP
Derek Young, WSAC
Adam Hall, SDC

I. CALL TO ORDER

Chair Hauge called the meeting to order.

II. APPROVAL OF MINUTES

The Commission was asked to approve the minutes from June 2019

MOTION #19-38: APPROVE MEETING MINUTES FROM JUNE 2019

MOVED: Judge Rumbaugh

SECONDED: Phillip Lemley

PASSED: Unanimous

III. WORK TOPICS

Chair Hauge asked members to consider topics they would like to work on now that their legislative task is complete. Keri-Anne explained the list in the agenda was created from comments made during the review of the SRA.

Senator Darneille mentioned that she thought there is a role for this group play in looking at systems analysis. Members discussed what impacts the SGC can provide in its work and what its role can be in providing information, such as analysis of research and discussions to drive policy changes, similar to a think-tank model. Alex MacBain reminded members that the SGC was originally created to help inform the legislature and policy makers on what is happening in sentencing and that there is no other body looking at the state's sentencing structure. Chair Hauge agreed.

Judge Rumbaugh suggested making a list of diversion programs available to a judge would be a worthwhile study. Kim Gordon agreed that this would be a great topic to take on.

During discussion of how the SGC can provide impacts with its work, Jon Tunheim said he was intrigued by the idea of the SGC shifting its paradigm to be a little more policy focused, more 'big picture' and less political and less worrisome of whether a proposed legislation would pass. He believes the SRA review report is a first step in that direction. Chair Hauge agreed with this idea.

Maya McCoy agreed with Judge Rumbaugh's suggestion. She felt a role the SGC could undertake would be information sharing. There are some good programs are happening in certain parts of the state and she thought it would be great to get some uniformity across the state.

Senator Darneille remarked that there are people in academia that would love to have this type of group come together as sort of a think-tank for important issues. She also talked about the institutional memory that disappears when a legislator leaves his/her position. There is a need for a body to keep an institutional memory and educate the legislature on previous work.

There was mention of a mission statement. Keri-Anne informed members that the SGC already has a mission statement and read it to members. Members

felt that the statement encased the work of the SGC. There was a thought of changing the SGC's name to encase a broader scope than just sentencing. Keri-Anne responded that there had been resistance to a previous bill that looked to increase the SGC's scope.

Phillip Lemley inquired if there would be a return on investment if the state had a full service reentry program. Lauren Knoth informed members that in 2017 WSIPP published an inventory of about 50 reentry programs for incarcerated persons in partnership with the Statewide Reentry Council. This is a good starting point for research on these programs available. Keri-Anne will send a link to that study to members.

After the break, Chair Hauge stated that he would like to continue discussion on the topics listed and the emerging topics, determine the scope of the involvement and what the outcome might look like and what amount of time and resources it would take.

Members talked about the topic of reentry. Jennifer Albright was cautious about duplicating work the Reentry Council was focused on. Chair Hauge agreed and suggested the Reentry Council be contacted before any work on reentry went forward. He asked members what areas they thought should be worked on regarding reentry. Jon Tuheim responded that, after a conversation with Representative Goodman, he had the impression that one of the early topics to be addressed by the task force would be related to community supervision. He remarked that the SGC had some good conversations about what meaningful supervision is, if supervision should be used, and what the elements of supervision are. He wondered if there was room to further those discussions which could produce something useful for the task force. Alex MacBain explained that DOC is looking at internal policy and cultural changes in this area but there are certainly additional areas that could be discussed, such as who DOC should be supervising, how long supervision should last, and if there should be incentives incorporated into supervision. Chair Hauge added that the SGC debated whether the purpose of supervision should be for reentry or for punishment. Judge Rumbaugh thought that another subset would be to determine what type of pre-release programming is effective in helping the released individual make the most of reentry services.

Derek Young was surprised by earlier discussions about how much of an outlier Washington is with its scarcity of felony sentencing alternatives. Judge Houser stated that work of the SGC he personally found beneficial was the gathering of information and research and offering it to decision makers so their decisions can be made with the best information available. Alex MacBain agreed and thought the SGC could become a clearinghouse of such information.

Chair Hauge suggested bringing in local stakeholders to present on local confinement alternatives practices. There was discussion about a few of the local programs being used but that there is no central location to know all of the local programs being used across the state. Lauren Knoth remarked that such a report would fill a knowledge gap in the state. She said WSIPP has been asked in the past what programs the courts use and their response is that the information is not collected. Maya commented that it would be helpful to learn what alternatives are being used as well as the barriers are to other counties being able to provide certain programs.

Chair Hauge said that what he heard from the discussion is that the SGC would be doing itself and the state a service if they tried to identify alternatives like diversion and specialty courts that are available around the state, point out what the issues are, what it takes to sustain a successful specialty court and the scope of the work that can be expected.

Maya McCoy suggested it would be helpful to learn more about probation as the Council of State Governments presented that it has been successful in other states and was something the SGC has consensus on. Derek Young said that Pierce County's district court probation works like a social service/social worker. Jon Tunheim observed there is some commonality in this discussion of probation, supervision, specialty court. They are alternatives to allow people to change their behavior via coordinated program delivery.

Tim Wettack commented that he is supportive of the 'big picture' idea but he is discouraged that there is too much tribalism. Chair Hauge replied that it is very difficult for members to step outside the role they are there to represent but agreed that it is something that needs to be kept in mind as the work moves forward. Derek Young replied that Washington won't have a uniform, equitable justice system until the legislature stops putting the financial burden on local governments. He added that Washington is an extreme outlier in that 96% of criminal defense is paid by local governments. Chair Hauge hoped that if the SGC separates itself from the idea that legislation equals success so that members are just thinking about the ideas, then members can focus on about what's right and what works.

MOTION #19-39: CATALOG/ CRITIQUE SUPERIOR COURT AND DISTRICT COURT CONFINEMENT ALTERNATIVES, CONFINEMENT DIVERSION PROGRAMS AND SPECIALTY COURTS ACROSS THE STATE

MOVED: Kimberly Gordon
SECONDED: Judge Houser
PASSED: Unanimous

Chair Hauge asked if anyone would be able to work with Keri-Anne to get this started. Jon Tunheim, Derek Young and Jennifer Albright agreed to assist. Keri-Anne said she would schedule a conference call. The next meeting members will restate the project and create a work plan.

IV. OTHER BUSINESS

Chair Hauge talked about the Criminal Sentencing Task Force. He announced that he was not able to attend the first meeting and invited other members to attend in his place.

Keri-Anne informed members that Patricia Sully, the Legal Pathways Directors at UW-Tacoma, had inquired about the opportunity to hold a SGC meeting on their campus so students could witness a live meeting. She added that would be great if a few members could stay after the meeting to speak to students. Jennifer Albright suggested Seattle University might also be interested in hosting a meeting as it would be valuable to students. Keri-Anne will work with Patricia to set a meeting sometime in 2020.

Keri-Anne informed members that getting rooms in the CJTC is getting more difficult. She let members know that alternate locations will be used more often and if anyone knows of any good spots, to let her know.

Keri-Anne informed members whose terms had expired that the Boards and Commissions office is still working on them.

Keri-Anne announced that she will be attending a Judgement & Sentence Pattern Form Committee meeting. She said they will be discussing DOC's work on the repositioning of elements on the J&S form as one of the agenda items.

Keri-Anne informed members that she will be updating the sentencing trends report through her 'other' work.

V. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Russ Hauge, Chair

Date