



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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**SENTENCING GUIDELINES COMMISSION
MINUTES**

November 8, 2019 9:00am – 12:00pm

Tukwila Community Center
12424 42nd Avenue S, Meeting Room A
Tukwila, WA 98168

Members Present:

Stephen Sinclair
Hon. Stanley Rumbaugh
Tim Wettack
Russ Hauge
Jennifer Albright
Kimberly Gordon
Kathleen Harvey
Hon. Catherine Shaffer
Sheriff Paul Pastor
Phillip Lemley
Kecia Rongen
Jon Tunheim
Hon. William Houser
Derek Young
Rep. Lauren Davis

Members Absent:

Senator Mike Padden
Rep. Brad Klippert
Sonja Hallum
Tony Golik
Maia McCoy
Senator Jeannie Darnielle
Greg Link
Michael Fenton
Hon. Roger Rogoff

Guests:

Mac Pevey, DOC
Dianne Ashlock, DOC
Clela Steelhammer, CFC
Kelsey-anne Fung, SCS
Russ Brown, WAPA
Carolina Landa, Statewide Reentry Council

Staff:

Keri-Anne Jetzer

I. CALL TO ORDER

Chair Hauge called the meeting to order. He welcomed Representative Davis to the Commission and asked members to introduce themselves.

II. APPROVAL OF MINUTES

The Commission was asked to revisit the tabled motion related to approval of the September 2019 minutes and also asked to approve the minutes from the October 2019 meeting.

MOTION #19-40: APPROVE MEETING MINUTES FROM SEPTEMBER 2019

MOVED: Judge Rumbaugh
SECONDED: Judge Shaffer
PASSED: Unanimous

Discussion: Keri-Anne remarked that she compared the list of topics that Senator Darneille mentioned at the last meeting, compared it to the recording of the meeting and added information on those that were mentioned in the discussion.

MOTION #19-43: APPROVE MEETING MINUTES FROM OCTOBER 2019

MOVED: Sheriff Pastor
SECONDED: Tim Wettack
PASSED: Unanimous

III. CRIMINAL SENTENCING TASK FORCE – Update

Chair Hauge briefed members on the last task force meeting where he presented on the SGC's report. He encouraged other members who attended to add their thoughts of the meeting.

Secretary Sinclair noted that the task force is focusing on 'low hanging fruit' which seem to be in line with recommendations made in the SGC's report.

Jon Tunheim, one of the task force co-chairs, thought that Representative Goodman was planning to provide some legislative proposals for the upcoming meeting on November 18, largely based on the legislation that has already been introduced. Then the task force would issue an interim report at the end of December that will include who the task force is, what its goals are, etc. In 2020, the task force will look at bigger picture stuff.

Chair Hauge added that he observed a desire from task force members to know more about the research that has taken place before, such as during the Justice Reinvestment Initiative and output from WSIPP on the efficacy of different intervention programs. Secretary Sinclair added that DOC already has much of that research cataloged and offered to send some links to it.

Chair Hauge feels it is important for the SGC to dedicate itself toward helping the progress of the task force. The SGC has a lot of information that has been

developed over the years that could be useful to the task force that could help them avoid reinventing the wheel.

IV. ALTERNATIVES TO CONFINEMENT INVENTORY – Update

Chair Hauge informed members that he, Russ Brown, Keri-Anne and Jennifer Albright worked on the survey questions. Russ Brown indicated the survey had been sent out this very morning with a due date of the end of the year. Chair Hauge said that they hope to provide a work product based on the responses by the end of the first quarter.

Jon Tunheim mentioned that prosecutors are interested in seeing the diversion programs used by each other across the state.

V. DEPARTMENT OF CORRECTIONS - RECOMMENDATIONS IN SRA REPORT

DOC provided one-page documents on the four issues. Dianne Ashlock, DOC's Statewide Records Director, presented information on tolling. She explained how tolling works, the activities that generate tolling and how complex the process is. There was discussion about tolling, supervision and how it has changed over the years.

Chair Hauge asked Jon Tunheim and Sheriff Pastor to gauge where their association's positions might be in regard to changing community supervision as an extension of punishment to something that facilitates reentry. Sheriff Pastor suggested that a clear statement of what supervision is about versus serving all interested may be a wise first step. Jon replied that based on general conversations with WAPA members, there may be support for taking a different approach to supervision. Russ Brown agreed that there is an interest in something that is more meaningful, that is pro-reentry and has more services connected to it. He added that the purpose of supervision is more important than the length of time on supervision. Sheriff Pastor thought that part of the problem is deciding in what to invest. He went on to say the issue is that there is no concern about how the goals are achieved but rather how cheaply they can be achieved. Secretary Sinclair agreed that the investment is critical and that investing in evidence-based components of supervision can help.

Carolina Landa of the Statewide Reentry Council mentioned that she has gathered some information from participants on the Graduated Reentry (GRE) program and they have reported excellent relationships with their community corrections officer.

MOTION #19-44: SUPPORT CHANGE IN TOLLING AS SUGGESTED BY DEPARTMENT OF CORRECTIONS

MOVED: Judge Shaffer
SECONDED: Secretary Sinclair
PASSED: Passed
ABSTAINED: Jon Tunheim

MOTION #19-45: SUPPORT ALL FOUR PROPOSALS SUGGESTED BY DEPARTMENT OF CORRECTIONS

MOVED: Tim Wettack
SECONDED: Judge Shaffer
PASSED: Passed
ABSTAINED: Jon Tunheim

Dianne Ashlock presented on the Judgment and Sentence for error information DOC has collected. She explained that the goal in sharing the information is to bring awareness to what the common sentencing concerns as seen by DOC.

The main errors were grouped into buckets: community custody, the Drug Offender Sentencing Alternative, clarifications, other and jail credits. Dianne noted that the community custody statute has been revised significantly over time and she wondered how new judges, prosecutors, and other individuals are being trained on it. Jon Tunheim added that he thinks many errors may occur because individuals may not look back to the community supervision terms effective at the time of an offense and instead use the current terms.

There was discussion about the creation, use and maintenance of cheat sheets/job aids. Members talked about what would help reduce the error percentage, such as a worksheet, training, job aids, and reducing complexity.

Discussion moved to community supervision. Many members felt it was time for community supervision to be reviewed and updated, however, there was concern about duplicating the work of the Criminal Sentencing Task force. Chair Hauge suggested the SGC could take advantage of the depth of understanding of Commission members and supplement the efforts of the Task Force. He suggested resurrecting the information that was developed during the JRI work plus any updated data by the CSG to see how it describes what the state of the art is. Secretary Sinclair said that DOC can provide a template on what enhanced supervision would look like. They have already piloted it under graduated reentry. Jon Tunheim said he is supportive of the SGC being the group to vet a new model of supervision that would ultimately land in the lap of the Task Force.

Judge Rumbaugh wondered whether the combination of reducing sentencing ranges while expanding supervision terms adds value.

Kim Gordon asked if DOC could provide information on the graduated reentry model. Secretary Sinclair offered to bring a snapshot of what supervision currently looks like and what it looks like under the graduated reentry model and any other thoughts DOC has on enhanced supervision.

Items for January meeting

- JRI information and data
- DOC's snapshot information
- DOC presentation on graduated reentry program

Representative Davis mentioned that, as a legislator, she has access to caucus staff, the Office of Program Research and the national Council of State Legislatures to assist with research needs such as “what are other states doing around X”, if that would be helpful.

VI. OTHER BUSINESS

Chair Hauge tabled the presentation by the ISRB on information on juvenile board case reviews until Senator Darneille was available.

Chair Hauge suggested cancelling the December meeting. Members were supportive of this.

Judge Shaffer requested that sometime in 2020 the SGC discuss the impact of the recent LFO legislation on local jurisdictions. Chair Hauge agreed and suggested enlisting SGC's local representatives, Councilmembers Lemley and Young, to provide a more accurate picture of the concern.

VII. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Russ Hauge, Chair

Date