



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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**SENTENCING GUIDELINES COMMISSION
MINUTES**

January 10, 2020 9:00am – 12:00pm

University of Washington Tacoma, Russel T. Joy Building
1718 Pacific Avenue, Room 210
Tacoma, WA 98402

Members Present:

Stephen Sinclair (proxy: Mac Pevey)
Hon. Stanley Rumbaugh
Tim Wettack
Russ Hauge
Jennifer Albright
Kimberly Gordon
Kathleen Harvey
Norrie Gregoire
Hon. Catherine Shaffer
Sheriff Paul Pastor
Phillip Lemley (online)
Kecia Rongen
Hon. William Houser
Sonja Hallum
Tony Golik
Maia McCoy
Senator Jeannie Darnielle
Greg Link
Derek Young (online)

Members Absent:

Senator Mike Padden
Rep. Brad Klippert
Rep. Lauren Davis
Jon Tunheim
Hon. Roger Rogoff

Staff:

Keri-Anne Jetzer

Guests:

Lisa McAllister, DCYF
Russ Brown, WAPA (online)
Lauren Knoth, WSIPP

I. CALL TO ORDER

Chair Hauge called the meeting to order. He welcomed new member Norrie Gregoire and asked Patricia Sully, Director of Legal Pathways at the University of Washington, to say a few words. Patricia welcomed members to the UW Tacoma campus and expressed thanks for being allowed to host a Commission meeting. Chair Hauge asked members to introduce themselves.

II. APPROVAL OF MINUTES

The Commission was asked to approve the November 2019 minutes.

MOTION #20-01: APPROVE MEETING MINUTES FROM NOVEMBER 2019

MOVED: Tim Wettack
SECONDED: Judge Houser
PASSED: Passed
ABSTAINED: Greg Link

III. CRIMINAL SENTENCING TASK FORCE – Update

Chair Hauge mentioned that the CSTF met yesterday. He asked other member participants to give their impressions. Greg Link said individual presentations on the different stakeholder perspectives were given at the meeting. He noted that there are only 11 more meetings left and was concerned that substantial meetings haven't happened yet. He did concede that the individual work group meetings will be starting soon and those may help with that. Chair Hauge added that one task force member thought that a group similar to the task force should continue to talk about these policies. Representative Goodman replied to the task force member that the SGC has the responsibility to do such work. Chair Hauge then reminded the Representative that the SGC would need a budget to do that work. Sonja Hallum reported that she was impressed with how engaged the members of the task force are and thinks it is promising.

Chair Hauge added that Senator Dhingra had inquired as to why the counties are on the cutting edge in providing alternative services but not the state. He thought that meshed nicely with some of the issues the SGC is looking at now and that it illustrated that the Superior Court judges are among the players who have had their authority most limited by the SRA.

Senator Darneille asked if any potential legislation was discussed at the task force meeting. Mac Pevey informed members about the proposals the task force had discussed.

Senator Darneille informed members that SB 5819 post-conviction review bill will be attempting to move forward. She also had heard that Senator Dhingra has a bill that deals with a senior focused geriatric compassionate release bill.

IV. ALTERNATIVES TO CONFINEMENT INVENTORY

Keri-Anne reported that Russ Brown had sent an additional email reminder to prosecutors to respond to the survey. So far only nine counties had responded but Russ Brown was expecting more responses to arrive. Keri-Anne added that after today's meeting she would be collating the responses and forwarding them to both Chair Hauge and Russ Brown. Chair Hauge added that he attended the WAPA winter meeting to make a pitch for completing the

survey. He went on to say that when the information is in a digestible form, it will be important for the SGC to figure out things such as what is going on at the local level, determine what are consistent themes, and what is jurisdiction specific.

V. JR TO 25

Kathleen Harvey, Director of Community, Reentry and Parole Programs at the Department of Children, Youth, and Families, and Lisa McAllister, DCYF, Office Chief for Reentry and Transition, presented on the process and status of the review of what is called JR to 25.

She reported DCYF and DOC have been working on creating the list of the youth who will be returning from DOC to DCYF. One concern noted was that if individuals who are released from DCYF onto community supervision with DOC violate, they could be sent to DOC, a place they have not been to before. Additionally, some of the violations for DOC are different from those at DCYF.

Lisa McAllister talked about how DCYF is updating its policies and practices to reflect the new population. The update also looks at protocols and staff training.

VI. JUVENILE BOARD CASE REVIEWS

Kecia Rongen, Chair, Indeterminate Sentence Review Board, presented information on the status of the hearings of juvenile board cases.

VII. DEPARTMENT OF CORRECTIONS

Mac Pevey, Assistance Secretary, talked about topics related DOC's path forward and what is reflected in the Governor's budget this legislative session.

He mentioned that last year DOC launched a new mission and vision for the agency and agency values for staff, DOC's partners, and incarcerated and supervised individuals that focused on improving public safety towards positively changing lives. He remarked that many of the legislative bills work to toward that end, such as concurrent supervision and compliance credit for community supervision.

Other topics Mac mentioned include:

- Swift and Certain missing responsibility component to account for life circumstances for supervised individuals.
- Additional support for the graduated reentry program.
- Aging facilities and needed program space within facilities.
- Investment in record keeping and records unit resources.
- Staffing levels of custody and health services.
- Additional work on food services.

- Staff training to assist in the culture change needed to implement the agency's new mission and vision.

Chair Hauge offered to DOC that if there is a bill they would like the SGC to weigh in on, they should contact him or Keri-Anne.

Senator Darneille acknowledged the work that Secretary Sinclair and DOC have done on implementing changes that were present in prior pieces of legislation that did not pass, specifically in gender-responsive work. She added that Secretary Sinclair has been very responsive to concerns of legislators like the ban on books entering into facilities and visitation policies.

VIII. OTHER BUSINESS

Senator Darneille talked about other legislation that will be brought up during this session. These include but are not limited to expanding a community parenting program eligibility, looking at capital expenditure for Maple Lane with an expansion of therapeutic programs for women, creating a new intent section for DOC RCWs based on their strategic plan, bills related to private prisons and incarceration conditions, and the retroactive removal of Robbery 2 from the 3-strikes list.

Chair Hauge announced that if anyone comes across a bill on which they would like the opinion of the SGC or if anyone would like the SGC to review or comment on a piece of legislation to please let him know.

Keri-Anne briefed members on a list of legislative bills that she is tracking that she thinks the SGC may be interested in.

Derek Young commented that he completely agrees with the idea of reducing the LFO interest rate. He added that local governments funded their courts with those funds, however. There has not been a replacement and they don't have those dollars locally. Senator Darneille commented that the 12% interest on those fines is crippling for someone in the justice system but she also agreed that funding needs to be found for the courts. Judge Shaffer mentioned that Washington is ranked 50th out of 50 in the amount of state contribution to courts. Senator Darneille said she would be willing to talk with a small group of the members to determine if there is interest in an interim work process on this to mirror the Justice in Jeopardy conversation. She will ask the Chair of the Ways and Means Committee for a work session on the topic. She added that "what's green is green" meaning that whether the courts are owned by the state or by the county, the money comes from the same place. Chair Hauge asked for volunteers to help create a presentation to the legislature illustrating the on-going funding crisis at the local level. Volunteers include Derek Young, Judge Shaffer, Judge Rumbaugh, and Kim Gordon (or she'll find someone). Greg Link felt that it would be good timing to have this conversation with legislators prior to discussing systemic reforms.

Keri-Anne explained the information sheet she provided related to the states that replied to her survey sent to National Association of Sentencing Commissions members about the judgment and sentence form.

Tim Wettack informed members about a Washington Bar Association webinar on life sentences being presented by two professors from UW that members might be interested in viewing. Chair Hauge asked Tim to provide Keri-Anne with information on how non-attorney persons may be able to access the webinar.

Chair Hauge suggested a work product by the SGC on which offenses should be receive supervision based on the research. He feels that if the SGC doesn't start engaging with this question no one else will. The CSTF is almost one-third over and it's still working at a fundamental level. He thinks the SGC could offer support to the CSTF but he's not quite sure how to do that. Senator Darneille suggested also including those releasing from the JR system as many cuts have been made there over the years, too.

Senator Darneille talked about the composition of the SGC membership and questioned if there was a need to change its composition. She pointed out that more attention is being paid to mass incarceration and, since the SGC is an all-white organization, she felt that it didn't offer a full voice to the topics discussed. Chair Hauge replied that he would be happy to engage if the Legislature was interested in reviewing the membership. Sonja Hallum thought the significant difference between the conversations held at the Criminal Sentencing Task Force and those at the SGC was the absence of the voice of the incarcerated and their families. Members discussed this idea.

IX. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Russ Hauge, Chair

Date