



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

Helen Sommers Building, PO Box 43124 • Olympia, Washington 98504-3124 • (360) 902-0425

MEETING MINUTES May 8, 2020 9:00am – 10:00am Skype/Conference Call

Members Present:

Stephen Sinclair (proxy: Mac Pevey)
Hon. Stanley Rumbaugh
Russell Hauge
Jennifer Albright
Kimberly Gordon
Hon. William Houser
Maia McCoy
Greg Link
Derek Young
Rep. Lauren Davis
Tim Wettack
Senator Jeannie Darnielle
Kathleen Harvey
Hon. Catherine Shaffer
Jon Tunheim
Sheriff Paul Pastor

Members Absent:

Senator Mike Padden
Rep. Skyler Rude
Sonja Hallum
Hon. Roger Rogoff
Norrie Gregoire
Kecia Rongen
Tony Golik
Phillip Lemley

Staff:

Keri-Anne Jetzer

I. CALL TO ORDER

Chair Hauge called the meeting to order.

II. APPROVAL OF MINUTES

Members were asked to approve the April 2020 minutes.

MOTION #20-07: APPROVE MEETING MINUTES FROM APRIL 2020

MOVED: Judge Rumbaugh

SECONDED: Judge Shaffer

PASSED: Unanimous

III. CRIMINAL SENTENCING TASK FORCE

Chair Hauge reported that there have been a lot of meetings and would like to hear from other members who are on the Task Force about their thoughts on the meetings. He said yesterday's meeting was about the reentry process and Mac Pevey gave a good presentation. Mac reported that he thought the information was well-received. He noted there is great interest in community supervision but added that it is generally focused on those who are under DOC's jurisdiction. He added that there is an opportunity to look at those who release from jail and may or may not receive a supervision term and, thus, haven't benefitted from services that are available in the prison. The interest at the meeting was gravitating toward a mentoring/coaching model which is remembered the SGC had been supportive of.

Greg Link thought the conversations at the reentry meeting tracked with conversations that the SGC had been having the last 18 months, especially the shift in trying to engage the person toward success rather than just monitor them. He sees it building on the work the SGC did for the SRA Report.

Jon Tunheim echoed what Greg said and thought the progress of the Reentry work group was moving much quicker than the discussion in the Sentencing Effectiveness work group, which, he added, is to be expected as grid revision is more complex. He believes that his colleagues would be more open to a new grid if there is a good supervision model to go along with it. Chair Hauge agreed that this is just as important as revising the sentencing grid.

Chair Hauge remarked that the state's budget position is going to be very precarious for the foreseeable future. He had spoken to Representative Goodman earlier in the week about it, where things are going in the future, deadlines of the Task Force and what will happen after that. He doesn't think that anyone believes there will be a fully-formed proposal for the sentencing grids by the end of this Task Force. Keri-Anne added that the Task Force Facilitators have recognized the December deadline does not allow enough time to put the thought and research that is needed to produce a good product. She went on to say that when the Sentencing Grid subgroup finishes answering a few more questions, Lauren Knoth from WSIPP will piece together a research proposal and that might be the recommendation, to provide additional research in necessary areas and allow time for the offender score research to conclude since that is a big part of the grid and that report's information will be helpful to the workgroup. Lauren Knoth agreed it is not realistic to complete this task in eight months. She and Clela Steelhammer from the CFC are working on a list of different research questions that could be asked and things that could be looked at with the data to inform the decisions moving forward.

Noting that there have not been any discussions about how to pay for anything going forward, Chair Hauge asked Lauren if there was any discussion about formally engaging the services of WSIPP in future efforts. Lauren said that

WSIPP has been in touch with Ruckelshaus regarding the ad-hoc consulting and extra work she has been providing. As part of that, they are also talking about what research could be done by the CFC and by WSIPP. The Task Force is funded through the fiscal year so a suggestion they made to the Facilitators was to take the funding provided for meetings in January through June 2021 and put it towards the research. When the Legislative session ends and Task Force members can reconvene a report would be available. It would come down to the Task Force members agreeing to use the funding in that way, if there wasn't another option they were considering.

Chair Hauge asked Senator Darnielle what her sense is if the issues that have been discussed will be near the top when the Legislature reconvenes. She replied that the information they are receiving about the fiscal health of the state is getting more dismal. A \$900 million budget gap is expected this biennium and the Legislature will address how to manage that gap in a special session sometime before January. With a quarter of the working population without jobs, she expects that will be the focus of the investments in the future. She said if there is any interest in reforms, it will be toward saving money. She thinks the WSIPP studies on return on investments would be what might be considered. Chair Hauge remarked that whatever the outcome of the Task Force is, there is going to be significant work left to be done. The only institution in the state that will be around that can devote time to it is the SGC. Considering the current budget situation and what is seen for the future, what can be done to keep the balls in the air, he inquired. Lauren said there are important cost-benefit questions that could be asked with the grid. One of WSIPP's cost-benefit meta-analyses was on decreasing the statewide number of prison beds by reducing length of stay for low-risk offenders. WSIPP found pretty significant returns on that decision. This is something that WSIPP is thinking about, she said, for the next legislative session.

Practically speaking, Chair Hauge asked members what would be a good use of the SGC's time going forward. He would like to see a more definite strategy going forward but also recognizes that there isn't a whole lot of horsepower. Keri-Anne commented that in one of the work group meetings wash-out period impacts was mentioned. She is working on a literature review on that topic and that could be something that is discussed amongst the SGC members. Chair Hauge also noted sentence length and the use of alternatives such as using supervision as an alternative to confinement. Maia McCoy suggested treating drug crimes under a public health model instead of the criminal justice system. Representative Davis agreed with Maia and she thought that could create cost savings. She noted that individuals who are not in total confinement are eligible for Medicaid so if it was possible to pair outpatient services with a coaching model supervision model, it could be effective and cost less than putting them in confinement.

Kimberly Gordon inquired if it would be beneficial to create a report that could provide guidance to Legislators as they look to cut costs, specifically, retooling some of the recommendations in the SRA report, any research already done on drug crimes, and the research done during JRI to understand how a reduction in sentences translate into a cost savings.

Judge Rumbaugh talked about the early release strategies taking place in Pierce County. He thought there is a role for the SGC to play, to gather and analyze the data on these strategies. Judge Shaffer agreed. She said that King County has also reduced their jail population by a significant amount and that data would be useful to analyze.

Senator Darneille commented that these proposals are focused on low level offenders and wondered if this would be a good time to consider the post-conviction review for not just low level offenders but also those benefitting from programing in the prisons. She expects she will be revisiting those bills from prior legislative sessions. Chair Hauge explained that he hasn't spent more time on that topic is because it impacts a small number of individuals. But with the overall pressure the state budget is going to take, he added, it is integral of any suggestion that the SGC will make. Kimberly Gordon added that the people who would be impacted by this also have the greatest medical needs.

Lauren Knoth cautioned everyone that, while this is a unique natural experiment, any reductions witnessed during this time may not be seen during standard times. For example, people are home more so it would be expected to see a decrease in crimes like residential burglary. Lower recidivism might reflect less reoffending opportunities. Rigorous methods should be used to be able to tease out what descriptive statistics can't.

Chair Hauge would like to schedule another hour meeting in June at the regular time and asked members to think about what they can do, remembering that there won't be any money to do it. By then there should be a clearer picture of the Task Force's work product, and more information about the state's position. If anyone has any ideas of things the SGC can do, pressure points that could be addressed, either to assist the Task Force or help the state get through this crisis, he asked them to forward them on.

Senator Darneille requested that Keri-Anne check in with CSG and others to see what other states are doing to get through this situation that maybe we could tap into.

IV. OTHER BUSINESS

Keri-Anne announced that Representative Klippert has been replaced on the SGC by Representative Skyler Rude.

V. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

/ s /

Russell Hauge, Chair

Date