



STATE OF WASHINGTON

**SENTENCING GUIDELINES COMMISSION**

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

**MEETING MINUTES**

**October 9, 2020 9:00am – 12:00pm**

**MS Teams**

Members Present:

Hon. Stanley Rumbaugh  
Tim Wettack  
Hon. Catherine Shaffer  
Sonja Hallum  
Jennifer Albright  
Senator Jeannie Darneille  
Kathleen Harvey  
Kecia Rongen  
Phillip Lemley  
Kimberly Gordon  
Tony Golik  
Greg Link

Members Absent:

Senator Mike Padden  
Rep. Skyler Rude  
Stephen Sinclair  
Derek Young  
Rep. Lauren Davis  
Norrie Gregoire  
Hon. William Houser  
Jon Tunheim

Staff:

Keri-Anne Jetzer

**I. CALL TO ORDER**

Vice-Chair Rumbaugh called the meeting to order.

**II. APPROVAL OF MINUTES**

Members are asked to approve the August 2020 minutes.

**MOTION #20-16: APPROVE MEETING MINUTES FROM  
SEPTEMBER 2020**

**MOVED:** Judge Shaffer  
**SECONDED:** Jennifer Albright  
**ABSTAINED:** Greg Link  
**PASSED:** Unanimous

**III. PRE-TRIAL REFORM**

Vice-Chair Rumbaugh provided background information on the five-year project by the Arnold Ventures Group, which Pierce County is part of, to evaluate pretrial risk assessment, cash bail and other potential pretrial diversions. He then introduced

Matthew DeMichelle, the Project Director from Research Triangle Institute, the research arm of the Arnold Ventures Group, who presented on Advancing Pretrial Policy and Research.

Matthew introduced his team members, Steven Tueller and Pam Lattimore, and then proceeded with the presentation on validation of public safety assessments.

After the presentation, Senator Darneille asked if there was any reason not to include the mental health status of the person who is being charged. Matthew replied that the factors included in the current assessment were developed through a meta-analysis and mental health status was not a factor that was proven to be predictive of pretrial failures.

Kimberly Gordon asked if over-policing and systemic bias are accounted for when looking at recent arrests. Matthew said arrests are intentionally not used because of the potential for over-policing of people of color. However, it may work its way through to convictions, which they do look at. He added, though, that research shows that some of that bias works its way out through the system as other decisions are made.

Kimberly wondered what would be the likelihood that a judge, using an external factor, would go against the recommendation of the assessment. In other words, how will the tool be used to supplement and not displace judicial discretion? Vice-Chair Rumbaugh replied with examples on how he uses the tool to supplement the information he has before him. Lauren Knoth (WSIPP) offered to send a study that she was part of that looked at the use of risk assessments by judges and other practitioners and tested how the presentation of risk assessment information affected perceptions of risk. She said her study found that, across all offense types, getting risk assessment information had a tendency to decrease the perception of risk, meaning that prior to getting the risk assessment information, there was an overestimation of risk with the biggest effects on the drug offending population.

Kimberly asked if they saw fewer people being detained or a different demographic of people being detained with the use of this tool. Matthew noted that there isn't evidence that just adding an assessment tool is going to decrease the detention rates. Rather, they see the tool as part of the reform process that help can create a cultural or institutional shift in how people do their jobs.

Vice-Chair Rumbaugh thanked the presenters and said he hopes they will come back to talk about cash bail in the context of release and risk.

Keri-Anne asked members, in preparation for next month's meeting, to think about what kind of deliverable(s) they would like to have come out of the pretrial reform discussions.

#### **IV. CRIMINAL JUSTICE EQUITY SYSTEM**

Kimberly Gordon provided background on the project, noting that it mirrors a recommendation in the SGC's report on the SRA review, and talked about how she became involved. Anthony Powers, with the Seattle Clemency Project, talked about how he came up with the idea and ultimately presented it to Microsoft. Kate Sigafos, from Microsoft, explained how this project came about through Microsoft's Hackathon program.

Kimberly remarked that the tool is a work in progress and currently contains only the Caseload Forecast Council conviction data. The dashboard provides charts, graphs, percentages, and even some underlying case data (without personal identifiers). They hope to expand the tool to include charging decisions, bail decisions, pretrial detention decisions and arrest decisions. Kate then walked members through a demonstration of the tool, explaining what it shows and how it works.

Participants had several questions about the data. Kate explained that they hope to get additional data to be able to answer more questions. Members were very excited about the potential that this tool has to offer.

#### **V. DOC AGENCY REQUEST LEGISLATION**

Even though DOC provided additional data related to the proposals, members still had questions that weren't able to be answered. Vice-Chair Rumbaugh tabled this agenda item until the November meeting.

#### **MOTION #20-17: TABLE DISCUSSION ON DOC AGENCY REQUEST LEGISLATION UNTIL NOVEMBER 2020 MEETING**

**MOVED:** Judge Shaffer

**SECONDED:** Tony Golik

**PASSED:** Unanimous

#### **VI. CRIMINAL SENTENCING TASK FORCE**

Vice-Chair Rumbaugh and Greg Link updated members on the Sentencing Grid work group. Greg remarked that the work group decided to table work on the actual grid until the studies by WSIPP/CFC and the SAC are finished. The group has turned its focus toward enhancements.

Greg mentioned that one of the big-picture conversations the Task Force is grappling with is the idea of retroactivity. He expects that will continue to dominate the conversation for a while.

Keri-Anne apprised members that the full Task Force will start making decisions on October 15 as to which recommendations will be included in the final report due at the end of December. There are between 45-50 recommendations they will consider. She added that the length of these deliberative meetings was expanded due to the number of recommendations and the volume of discussion during the

deliberations. One of the recommendations, she reminded members, was to ask the SGC to review Chapter 69.50 RCW for felony penalties and decide if they should be consolidated under Chapter 9.94A RCW. Upon further discussion by the Task Force, it was suggested that recommendation could be broadened to include all other chapters with penalties that might be moved under Chapter 9.94A RCW. She noted that a decision hasn't yet been made on the expansion or the recommendation.

Senator Darneille noted that because of the fiscal nature of the next session, it will be necessary to look at change in the corrections system or some of the processes that the Task Force is looking at, including the DOC proposals that have been tabled for next month. She said that there is an expectation in the Legislature that there will be savings in the criminal justice system. They believe fewer than 10% of the bills proposed will make it through the process. She added that this session the House will be 100% virtual and the Senate is looking at a hybrid model where hearing would still be virtual, but some members would come to Olympia.

**VII. OTHER BUSINESS**

Vice-chair Rumbaugh talked about and gave examples to illustrate the need for guidance in resentencing. He wondered if there was any interest in reinitiating a parole system.

**VIII. ADJOURNMENT**

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

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Judge Stanley Rumbaugh, Acting Vice-Chair

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Date