



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

Helen Sommers Building, PO Box 43124 • Olympia, Washington 98504-3124 • (360) 688-8511

MEETING MINUTES

May 13, 2022 9:00am – 12:00pm

Zoom

Members Present:

Hon. J. Wesley Saint Clair, Chair
Tim Wettack
Hon. Stanley Rumbaugh
Kimberly Gordon
Hon. Josephine Wiggs
Hon. Sharonda Amamilo
Kathleen Harvey
Greg Link
Tony Golik
Jon Tunheim
Rep. Tarra Simmons
Marc Baldwin
Rep. Gina Mosbrucker
Jennifer Albright
Kecia Rongen

Members Absent:

Senator Mike Padden
Gina Cardenas
Norrie Gregoire
Hon. William Houser
Councilmember Phillip Lemley
Secretary Cheryl Strange
Senator Claire Wilson
Councilmember Derek Young

Staff:

Keri-Anne Jetzer

Guest:

Dr. Karen Johnson, Director
Office of Equity

I. CALL TO ORDER

Chair Judge Saint Clair called the meeting to order.

II. APPROVAL OF MINUTES

MOTION #22-37: APPROVE MINUTES FROM APRIL 2022 MEETING

MOVED: Judge Amamilo
SECONDED: Judge Rumbaugh
PASSED: Passed

III. DR. KAREN JOHNSON, DIRECTOR, OFFICE OF EQUITY

Dr. Johnson continued the group's discussion on race, equity and inclusion.

She asked members what outcomes they most want to see. Members mentioned:

- How did the system get started and what is it designed to do? The Purpose and Construction of the Criminal Rules under Criminal Rule 1.2 was read, "these rules are intended to provide for the just determination of every criminal proceeding. They shall be construed to secure simplicity and procedure, fairness in administration, effective justice, and the elimination of unjustifiable expense and delay." Criminal Rule 4.2 on plea agreements was read, "judges are to assess the validity of the agreement." The validity of the agreement is supposed to be governed by RCW 9.94A.431 and "the agreement is supposed to be consistent with the interest of justice and with prosecuting standards." Criminal Rule 4.2(f) mentions the withdrawal of the guilty plea to correct a manifest injustice. It was mentioned that presentence investigation information isn't often used unless the defendant is seeking a sentencing alternative. But Criminal Rule 7.1(a) reads "at the time of or within 3 days after a plea, finding, or verdict of guilt of a felony, the court may order a risk assessment or presentence investigation report and be prepared by the Department of Corrections when authorized by law." It doesn't limit more information that the judge can consider to sentence alternatives. The member wants to know all the tools available to them and wants the other stakeholders to know the tools so an appropriate and just sentence can be rendered.
- Give judges time and capacity to engage in individualized justice. Strict sentencing guidelines are an issue and judges don't have a lot of discretion to go outside of them.
- See the elimination of adverse childhood experiences. A society that is anti-racist and trauma-informed will prevent a lot of people coming before the court.
- When people do commit harm, more restorative justice at the front end, increase services for victims and survivors, such as:
 - Mental health treatment
 - Economic opportunities
 - Job training
 - Housing
- Remove collateral consequences.
- Mandatory training and accountability for judges operating in the system.
- Second look legislation.
- We never stop punishing. Once people have served their time, it needs to stop.

- A system that has less reliance on incarceration as the currency of accountability, and not just for the easy cases.
- Give people who have demonstrated accountability and rehabilitation a true way out, and not just for the easy cases because they are already getting out. It's easy to look at the Clemency and Pardons Board, there is SB 6164, and there is the Blake decision. These are not a good response because other players in the system are fighting tooth and nail to keep everyone of them in.
- The people who come into the system are there because of trauma and other things causing them to have a hard time succeeding. It is irrational that we make their life harder by bringing them into the system, taking away their support, giving them greater burdens, and suddenly expect them to be better.
- Slow down and look at individual in all stages.
- Ways to approach the funding problem:
 - Learn what is true cost of incarceration in the system we have now. Not just the dollar amount but all other costs.
 - The SGC should take leadership in educating the public on what works.
- Judges need more information and more discretion. Presentence investigations are only for certain offenses. That needs to be expanded.
- Judges can't release someone to treatment per Supreme Court ruling so they generally remain held.
- Need more options presentence. Currently, it's only hold them or release them.
- While confinement is sometimes necessary, there is a need for more tools in the 'toolbox', including alternatives to confinement.
- More emphasis put on:
 - Reentry
 - Rehabilitation
 - Pathways to change
- Respond to the data on disproportionality and disparity. There is little motivation to change what the data shows and supports.
- The SGC to be purposeful in the changes it recommends, making change in response to or because of the disparities shown.
- Recognize lost opportunity costs borne by individuals and communities, ex: when individual is not our colleague or our employee.

Members were asked what are some of the most egregious sentencing guidelines?

- Persistent Offenders
- Drive-by aggravating circumstance under Murder 1
- Scoring included in adult criminal history score:
 - Multipliers
 - Juvenile offenses
- Trauma-informed care. Understanding trauma of the defendant, the survivor, and the family.
- Develop other currencies of accountability
- Sunshine – the criminal justice system is in a black box.
- Second chance review process.
- Increase judicial discretion. Providing more information won't matter without increasing discretion.
- State doesn't use data to make concrete and sustaining change. Responses don't always match the research.
- What is the relationship of sentence ranges to crime? What is the supporting rationale to give X amount of time for Y crime?
- Nexus between mental health and substance use disorder leading to the breakdown of the family.
- Community policing allows law enforcement to become active in the community.
- Education and communication are key.
- Offer more program within the prison and reentry services for those releasing.

IV. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION



7/08/2022

Judge J. Wesley Saint Clair (Ret), Chair

Date