



STATE OF WASHINGTON

## SENTENCING GUIDELINES COMMISSION

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

### MEETING MINUTES

**May 12, 2023 9:00am – 12:00pm**

1500 Jefferson Building

Olympia, WA 98516

And Zoom

#### Members Present:

Greg Link, Acting Chair  
Hon. Sharonda Amamilo  
Kimberly Gordon  
Secretary Cheryl Strange (proxy:  
Dianne Ashlock)  
Marc Baldwin  
Jon Tunheim  
Hon. Josephine Wiggs  
Tim Wettack  
Rep. Tarra Simmons  
Senator Claire Wilson  
Norrie Gregoire  
Hon. William Houser  
Jennifer Albright  
Hon. Stanley Rumbaugh

#### Members Absent:

Tony Golik  
Chief Ken Thomas  
Rep. Gina Mosbrucker  
Kecia Rongen  
Hon. J. Wesley Saint Clair, Chair  
Kathleen Harvey  
Gina Cardenas

#### Staff:

Keri-Anne Jetzer

#### Guests:

Commissioner Tye Menser, Thurston  
County  
Brad Meryhew, SOPB Chair  
Whitney Hunt, SOPB Coordinator

### **I. CALL TO ORDER**

Acting Chair Greg Link called the meeting to order

### **II. APPROVAL OF MINUTES**

#### **MOTION #23-39: APPROVE APRIL 2023 MEETING MINUTES**

**MOVED:** Marc Baldwin

**SECONDED:** Jon Tunheim

**PASSED:** Passed

**ABSTAIN:** Judge Houser, Judge Rumbaugh

### **III. NEW SGC/SOPB WORK REQUEST**

Brad Meryhew, Chair of the Sex Offender Policy Board, shared with members the recent work of the Board and how they approach their projects.

Greg Link noted that the timeline for this project is very short. He asked members for suggestions on how they would like to proceed. Keri-Anne informed members that the grid that will be used for this project is the grid that Representative Goodman and Dr. Knoth-Peterson (WSIPP) had been working on. This new proposed grid worked toward somewhat flattening the curvilinear aspect of the formula applied to the Criminal Sentencing Task Force proposed grid which some Task Force members had concerns about. She has a copy of that grid and will share it soon. She also noted that she will be sharing the principles the SGC used when it ranked offenses on the new sentencing grid it created in 1983.

Acting Chair Link asked members for work plan suggestions. Members agreed that subcommittees will need to be formed and discussed ways on how to break up the offenses for each subcommittee.

Brad Meryhew suggested use of agreed upon guiding principles to ensure each subcommittee would be grounding its review in research and data rather than values. Keri-Anne informed members that they will be provided with historical sentencing data (average sentence length, where does the average sentence length fall within the current range, who has been convicted of each offense, etc.) to assist with the work.

Acting Chair Link asked Dr. Lauren Knoth-Peterson if she had any suggestions. Dr. Knoth-Peterson suggested looking at a couple of resources, like the Model Penal Code, or the ranking of offenses in other states or the federal system for comparison. She admitted there is no “Truth” in any ranking system. There were also some principles that the Criminal Sentencing Task Force used, such as where class C and B offenses would be placed on the proposed grid.

It was decided that the SOPB would, in essence, be considered as one of the subcommittees and will bring its recommendations back to the SGC for review. It was further decided that there will be class A, class B, class C, and sex offense (SOPB) subcommittees.

Keri-Anne commented that there was tremendous value in having other stakeholder participate on the unranked offense and drug sentence work groups. She will be reaching out to former members of the Criminal Sentencing Task Force as they already have knowledge on the grid, as well as others to get missing voices on to the subcommittees. She encouraged SGC members to invite other members from their organizations to participate on the subcommittees so there is equal representation on each while not having to worry about reaching a quorum. Keri-Anne will send out an email reminder and ask members which subcommittee they would like to volunteer for and if they have any colleagues who can volunteer on the other subcommittees.

Keri-Anne suggested the chairs of the subcommittees have periodic check-ins to make sure everyone is on the same track and members agreed.

Rep. Simmons observed that the SOPB has a victim advocate representative but does not have representation for someone with lived experience. She asked if there is interest in changing that. Brad Meryhew replied that the SOPB was created in 2008 and there had been no change to the membership since then. He noted that Washington Voices has become very active and do a great job. He would love to see positions added to the SOPB for someone who has been victimized by sexual offenses. He would also love to add a position for someone who has been subject to the sentencing laws, people who have been registered. Persons with that perspective are active at the SOPB subcommittees, but they don't have a vote.

Members decided to have the subcommittee members discuss guiding principles and then have them brief the full SGC at its June meeting.

#### **IV. LEGISLATIVE SESSION**

Rep. Mosbrucker had asked the SGC to provide any feedback on the Conference Committee's Report on the Blake fix prior to the Legislature being called back into session. Keri-Anne provided an outline of the aspects of that report. Members felt that their organizations are already working and communicating with the Legislature on this and had nothing further to add.

Keri-Anne reviewed the final position of legislative bills where the SGC took a position or explicitly took no position. She added that this document will be posted on the SGC's website on its Legislative Session page.

Keri-Anne reported out that she has been in touch with the Boards and Commissions Office about the new positions. She will send an email to everyone sometime in June when the Boards and Commissions Office is ready to take applications for those positions. While the SGC does not have any input on the appointment, she thought members could help building the pool of applicants from which the appointments would be made. She also announced that the hiring process for the new research FTE is in the works.

#### **V. REVIEW DRAFT REPORT**

Keri-Anne asked members for feedback on the draft report. Members confirmed that the recommendations for the unranked offense she had questions about should remain as noted.

Keri-Anne informed members that the language for the recommendation related to the evaluations of drug courts had not been decided. She noted the alternate recommendation language that was based on previous discussions.

**MOTION #23-40: ACCEPT ALTERNATE RECOMMENDATION  
LANGAUGE REGARDING EVALUATIONS OF DRUG  
COURTS**

**MOVED:** Jon Tunheim  
**SECONDED:** Marc Baldwin  
**PASSED:** Passed

Keri-Anne asked members to confirm if the SGC agreed with comments related to gate-keeping function of drug courts. Jon Tunheim explained some of the complexity of pre and post plea drug court options. He wasn't sure what the term 'gate-keeper' meant. While gate-keeping may not actually be correct, some members felt that is the general perception and as it is clearly noted as coming from members of the Criminal Code Review Committee and not the SGC, itself, it was important to keep that reference to point to why the SGC would be making its recommendation.

Jon Tunheim reported that drug court professionals are currently working on expanding eligibility and trying to get alignment among the courts.

**MOTION #23-41: ACCEPT THE DRAFT REPORT AS AMENDED ON 5/12/23**

**MOVED:** Judge Amamilo  
**SECONDED:** Kimberly Gordon  
**PASSED:** Passed

**VI. OTHER BUSINESS**

**VII. PUBLIC COMMENT**

No member of the public requested to speak.

**VIII. ADJOURNMENT**

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



6/9/2023

\_\_\_\_\_  
Judge J. Wesley Saint Clair (Ret), Chair

\_\_\_\_\_  
Date