



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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

MEETING MINUTES

November 3, 2023 9:00am – 12:00pm

1500 Jefferson Building
Olympia, WA 98516
And Zoom

Members Present:

Hon. J. Wesley Saint Clair, Chair
Greg Link
Secretary Cheryl Strange
Kecia Rongen
Kimberly Gordon (proxy: Greg Link)
Hon. Josephine Wiggs
Hon. Jeffrey Swan
Marc Baldwin
Senator Claire Wilson
Norrie Gregoire
Judge Karen Donohue
Judge Veronica Galván
Commissioner Tye Menser
Jon Tunheim
Tim Wettack (proxy: Greg Link)

Members Absent:

Tony Golik
Rep. Tarra Simmons
Gina Cardenas
Jennifer Albright
Hon. Sharonda Amamilo
Rep. Gina Mosbrucker

Guest:

Whitney Hunt, SOPB Coordinator

Staff:

Keri-Anne Jetzer
Dr. Lauren Knoth-Peterson, PSPRC

I. CALL TO ORDER

Chair Judge Saint Clair called the meeting to order.

II. APPROVAL OF MINUTES

MOTION #23-43: APPROVE OCTOBER 27, 2023, MEETING MINUTES

MOVED: Marc Baldwin
SECONDED: Norrie Gregoire
PASSED: Passed
ABSTAIN: Kecia Rongen, Jon Tunheim

III. RE-RANKING PROJECT

Dr. Lauren Knoth-Peterson presented data on her initial racial impact analysis of class A offenses based on the proposed rankings discussed last meeting. As members work through the class B and class C offenses, she will continue to update the analysis. Judge Saint Clair expressed appreciation for the data. He felt it is important to know who is being impacted by the changes in the proposed sentencing grid. Judge Galván agreed and thought it illustrated that things that may look neutral on their face may not be neutral in practice.

Keri-Anne invited subcommittee members to the re-ranking discussion: Joanne Smieja, Jason Walker (WAPA), Kevin McCrae, (WAPA), and Nicholas Cochrane (WASPC). Members continued their work on discussing the ranking recommendations.

SL 13

- Manslaughter 1
 - SL 14 Higher rank due to loss of life.
 - SL 13 Comports with current practice.
 - Sentencing disparity by race.
 - Poll result: SL 13 – 9; SL 14 - 2
- Vehicular Homicide – DUI
 - Policy decision – rank same as Manslaughter 1
 - Veh Hom and Manslaughter 1 not necessarily the same: WA has placed an emphasis on vehicular crimes. Veh Hom is misd in some states.
 - Manslaughter 1 is a serious violent offense. Veh Hom is not.
 - Poll result: SL 13 – 9; SL 14 - 1
- Vehicular Homicide – Reckless Manner
 - Policy decision – rank same as Manslaughter 1
 - Veh Hom and Manslaughter 1 not necessarily the same: WA has placed an emphasis on vehicular crimes. Veh Hom is misd in some states.
 - Manslaughter 1 is a serious violent offense. Veh Hom is not.
 - Poll result: SL 13 – 9; SL 14 – 1
- Homicide by Watercraft – Reckless Manner
 - Poll result: SL 13 – 9; SL 14 – 1

SL 12

- Sexually Violent Predator Escape
 - SL 12 – to align with the mandatory minimum.
 - SL 12 – most closely aligns with current sentencing ranges.
 - SL 11 – with CHS of 1 would still have a valid range to include mandatory minimum.
 - People are under the jurisdiction of DSHS. Would DSHS deal with escape? Does that explain the absence of convictions?

- If a person escapes *and* reoffends, they will be charged with two crimes and their leave would be revoked by DSHS. Should the escape offense be more serious than the other offense?
- Several members again expressed concern about the assumption that the original sentencing grid is correct.
- Escape 1 offense (non-SVP) is a class B, SL 4.
- Poll result: SL 12 – 2; SL 10 – 9

SL 11

- Leading Organized Crime
 - SL 12 - comports most closely with current practice.
 - SL11 – charges and convictions are disproportionate for BIPOC community.
 - Poll result: SL 11 – 9; SL 12 - 2

SL 10

- Explosive Devices Prohibited
 - Poll result: SL 9 – 7; SL 10 – 4
- Robbery 1
 - SL 9 – racial disproportionality is most stark on this offense, both in convictions and sentence length.
 - Poll result: SL 9 – 7; SL 10 – 4
- Sexual Exploitation of a Minor
 - Members discussed the increase of this offense to a class A felony when moving to SL 10.
 - Question on whether this offense is subject to Det-Plus (.507): offense itself would not be but if defendant has a prior, it could.
 - Of the SOPB members who did vote, SL 10 was the unanimous choice.
- Assault of a Child 2
 - Members talked about some possible rule exceptions to allow the offense to remain a class B but be ranked at SL 10. Some felt SL 9 was not adequate, but class A was too high.
 - Dr. Knoth-Peterson suggested a solution where violent class B offenses could be placed in SL 10. For clarity and simplicity, members decided not to create any exceptions.
 - Poll result: SL 9/class B – 8; SL 10/class A – 3

SL 9

- Unlawful Selling of Ephedrine, Pseudoephedrine or Phenylpropanolamine by a Wholesaler
 - This is currently an unranked offense.
 - Recommendation includes moving to the drug grid, to make crime by company at the same level as crime by individual.
 - Conduct associated with drug trafficking.
 - Offense came about during methamphetamine epidemic.

- Existed prior to the creation of the drug grid; located in section for pharmacists.
- Poll result: SL 9 – 0; Drug Grid 3 - 11

Keri-Anne reminded members that there are only two meetings left to finish the class B and class C offenses and then finalize the rankings. She stressed the importance of member attendance or the use of a proxy by members to make sure a quorum is available.

IV. OTHER BUSINESS

No other business.

V. PUBLIC COMMENT

No members of the public wished to address members.

VI. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION



11/17/23

Judge J. Wesley Saint Clair (Ret), Chair

Date