



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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

MEETING MINUTES

March 8, 2024 9:00am – 12:00pm

1500 Jefferson Building

Olympia, WA 98516

And Zoom

Members Present:

Hon. J. Wesley Saint Clair
Hon. Sharonda Amamilo
Greg Link
Secretary Cheryl Strange
Ramona Brandes
Hon. Josephine Wiggs
Vasiliki Georgoulas-Sherry
Judge Karen Donohue (proxy: Judge Wiggs)
Commissioner Tye Menser
Hon. Jeffery Swan
Jon Tunheim
Norrie Gregoire
Senator Claire Wilson
Kecia Rongen
Judge Veronica Galván
Jennifer Redman

Members Absent:

Rep. Tarra Simmons
Rep. Gina Mosbrucker
Chief Brian Smith
Tim Wettack
Jennifer Albright

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 #24-40: APPROVE FEBRUARY 9, 2024, MEETING MINUTES

MOVED: Commissioner Menser

SECONDED: Greg Link

PASSED: Passed

ABSTAIN: Kecia Rongen, Judge Swan

III. 2024 LEGISLATIVE BILL UPDATE

Keri-Anne walked members through a document that listed all the legislative bills the SGC voted on during the legislative session and the resulting status of those bills as of sine die.

Chair Judge Saint Clair suggested obtaining feedback from legislators to get their impression on the racial and ethnic impact statement (REIS) that the Public Safety Policy and Research Center created. Keri-Anne commented that Dr. Lauren Knoth-Peterson is working on a white paper to describe the purpose of the REIS, data and methodology used, and how the PSPRC plans to start producing these statements at the next legislative session. Senator Wilson thanked the PSPRC for the REIS and felt this was critically important in helping legislators to understand the data.

IV. 2024 WORK PLAN

Keri-Anne announced that Rep Goodman's sentencing grid bill dropped yesterday (HB 2504). She wasn't sure if there was much the SGC would be asked to do with it or if Rep. Goodman would be asking the SGC to finalize the work on the re-ranking project as there are a few offenses that still need tweaking. With this in mind, she provided members with a list of topics for consideration when coming up with a work plan for the rest of the year. Members brainstormed some topics.

Members discussed the need to conduct a final review of the proposed re-ranking of the offenses that were presented to Rep. Goodman last December. Members agreed.

Chair Judge Saint Clair inquired about the status of Washington's 3-strikes laws and what the status is in other states. Keri-Anne noted that the Criminal Sentencing Task Force's (CSTF) last report contained recommendations related to Persistent Offender laws. Discussed areas of interest under Persistent Offender (PO) laws includes:

- History of WA PO statute
- What are other states doing/status of their persistent offender laws?
- Racial disparity in PO sentencing
- Data on the value of the PO sentencing scheme
- Does the PO statute impact the commission of MSO crimes? Lauren noted studies indicate it can increase violence against LEO when individual already has two strikes and is facing a third. What is the impact of prison management of LWOP sentences? What kind of additional punishment can be given to individuals serving such sentences?
- Data on Assault 2 as a strike and its impact on individuals. Greg Link has an appendix of all folks serving PO sentences with Assault 2 as a current/past offense. He thought the data was easily attainable.
- Reviewing the MSO list
- Is any additional punishment given to people who receive a PO sentence?
- Consider PO sentencing as a determinate-plus model?
- Data showing the frequency of offenses as first, second and third strikes.
- Just looking at 3-strikes, not 2-strikes.

Volunteers: Ramona Brandes, Judge Amamilo, Kecia Rongen

Judge Swan suggested looking at the continued emphasis on sentencing alternatives, or the ideas of therapy as an alternative to incarceration, including:

- How effective have sentencing alternatives been at reducing recidivism?
- Should alternatives be default consideration and court to provide reason why it was not used. Seems as though there is already statutory language directing the court to do that but it is not really used. Is stronger language needed?
- Eligibility criteria review. There was discussion about the exclusion of persons with historical violent offense in history.
- Look at all sentencing alternatives except SSOSA.

Volunteers: Secretary Strange, Norrie Gregoire, Jennifer Redman

Dr. Knoth-Peterson commented that the CSTF had several recommendations related to sentencing alternatives and remarked that she had completed an updated evaluation on DOSA when at WSIPP with disappointing results as far as its impact on recidivism. That's not to conclude that it doesn't work, she added. There are questions that need to be answered. She noted that the sentencing grid bill has a whole new alternative that needs to be created.

Keri-Anne shared with members a section of HB 2504 that would create an intermediate sanction sentencing alternative on the new grid and that the SGC would be directed to work with the Department of Commerce to develop it. While this is not something the SGC is being asked to work on now, she noted it is on the horizon.

Secretary Strange informed members that the Governor's public performance review in April is on reentry. She extended an invitation to the presentation on data and said several agencies that are responsible for this work will be presenting to the Gov and the public on efforts on reentry. She also talked about the Governor's Pro Equity Anti Racism (PEAR) plan used by all executive branch agencies and how DOC has learned the areas where it is most critical is in DOC's discipline process and an outdated classification tool. She admitted they have only just started this process and have a long way to go. She offered to provide a short presentation to the SGC on DOC's PEAR work thus.

Members decided to triage the projects as follows:

- 1) Re-ranking revisit
- 2) Sentencing Alternatives
- 3) Persistent Offender statute and offenses

Greg Link recommended the SGC remains flexible in order to be able to address the sentencing grid bill as conversations progress between now and next session. He noted that this is a fundamental shift in the SRA and that it should be a priority for the SGC. Chair Judge Saint Clair agreed that the SGC needs to be an active resource for those discussions.

V. OTHER BUSINESS

Keri-Anne invited members to submit suggestions of laws that have been passed of which they would like to see an evaluation conducted to her or Dr. Knoth-Peterson. Dr. Knoth-Peterson added that could also include post-implementation racial and ethnic impact statements.

VI. PUBLIC COMMENT

No members of the public wished to address the members.

VII. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION



4/12/2024

Judge J. Wesley Saint Clair (Ret), Chair

Date