



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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

MEETING MINUTES

October 11, 2024, 9:00am – 12:00pm

1500 Jefferson Building, Room 2330

Olympia, WA 98516

And Zoom

Members Present:

Hon. J. Wesley Saint Clair
Hon. Sharonda Amamilo
Greg Link (proxy: Ramona Brandes)
Secretary Cheryl Strange (proxy: Dianne Ashlock)
Ramona Brandes
Dr. Vasiliki Georgoulas-Sherry
Hon. Karen Donohue
Commissioner Tye Menser
Hon. Jeffery Swan
Kecia Rongen
Jeremiah Bourgeois
Hon. Josephine Wiggs
Senator Claire Wilson
Norrie Gregoire
Chief Brian Smith
Rep. Gina Mosbrucker
Amy Anselmi
Rochelle Cleland
Jennifer Redman
Hon. Veronica Galván
Dr. Esther Matthews
Jon Tunheim (proxy: Jennifer Lord)
Councilmember Carmen Rivera

Members Absent:

Rep. Tarra Simmons

Guests:

Pamela Davis, JR
Michael Pumilia, JR
Jenny Heddin, JR
Andrew Fox, JR
Chief Kal Fuller

Staff:

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

I. CALL TO ORDER

Chair Judge Saint Clair called the meeting to order. He welcomed guests from the Department of Children, Youth and Families - Juvenile Rehabilitation.

II. APPROVAL OF MINUTES

MOTION #24-60: APPROVE SEPTEMBER 13, 2024, MEETING MINUTES

MOVED: Ramona Brandes

SECONDED: Chief Smith

PASSED: Passed

ABSTAIN: Jennifer Lord, Diane Ashlock, Judge Galván

III. DISCUSSION ON JUVENILE REHABILITATION OVERCROWDING SOLUTIONS

Chair Judge Saint Clair noted that the governor has provided a response to the Team Child letter. While the governor did not act upon the emergency powers, none the less, it allows the SGC to advise the legislature and governor on solutions.

He asked a member of the Juvenile Rehabilitation (JR) Overcrowding subcommittee to provide a report on the two meetings that took place. Jeremiah Bourgeois briefed members that JR provided background on the situation at Green Hill School (GHS) up to this point, spoke about things that are being done, and dispelled things that are not being done. There were several proposals put forward. The viability of them seemed to depend on what authority the SGC had. He observed that the governor's response highlighted some of the ambiguity that the subcommittee members had in the statute RCW 9.94A.870. He suggested a future discussion would be needed to tease out what authority is given.

Ramona Brandes responded that the subcommittee didn't have a full discussion on each of the proposals. Keri-Anne added that she shared with subcommittee members some barriers to the immediate impact type of proposals, like the governor would need to call a state of emergency to act above and beyond statute and that could last only 30 days before needing approval to be extended.

Members continued discussion about the governor's response to Team Child and how some believed that the overcrowding situation should have been expected.

Dr. Matthews encouraged that any responses the SGC may produce be in line with best practices and not knee-jerk reactions to the situation.

Dr. Lauren Knoth-Peterson commented that some of what happened could not be predicted when JR to 25 passed. She stated the pandemic makes things difficult for those in predictive analytics also adding impacts of the Blake decision, economic instability, and the rise in motor vehicle theft. She explained that research in Washington is difficult because the crime trends occurring here are different from those across the rest of the country and analysts are still trying to unpack why that is, what that means and how long it will last.

Dr. Knoth-Peterson presented information on the facilities and population at JR and data provided by DCYF to apprise members of the status of that part of the juvenile

system and Administrative Office of the Courts charging data for Prison Riot felonies across the state.

Members talked about how staffing issues in JR facilities also contribute to the issues and must be part of the solution.

Senator Wilson said she was interested in looking at adjudication and diversion efforts, and helping DCYF figure out what and where is a developmentally appropriate placement for emerging adults to get what they need and provide programming and education in a way that supports their reentry into the community.

Katie Hurley suggested that before a young person is removed from their community and brought into a juvenile prison, the judge could make a finding that a community-based placement would not adequately protect the community. No finding is being made right now. Only if the defense can provide clear and convincing evidence can the young person receive an exceptional down sentence. She observed that there are different rates of incarceration by counties across the state. If all counties incarcerated at the same rate as Snohomish and King counties, she claimed there would be a 57% reduction in the number of youth who go to juvenile facilities.

Chair Judge Saint Clair asked members to think about what is the best approach that uses the brain power and expertise that is available here to reformulate the juvenile sentencing model that is not based upon an arbitrary matrix. What are the needs of the community, individual, family, and school in order to support the person's presence in the community. How to make interventions effective.

George Yeanakkis talked with juvenile court administrators and suggested they make a presumption that youth would be locally kept unless there was a reason to move them. A majority of the counties that were represented agreed to that as they have the staff and the space. He suggested that there be two levels of sentences, local sanctions up to 30 days detention with probation, and JR sentences with the presumption everyone starts at a local sanction and, if the state can rebut that, the youth can be sent to JR.

Jennifer Lord suggested a hybrid sentencing system where the judge makes the decision based not only on the determinate sentencing scheme but also having to make findings regarding the information provided to them regarding this specific youth, saying it might be a step toward addressing what these youth need. She added that Snohomish and King counties are not representative of the resources that most counties have available to them in the communities to address the issues these youth need addressed. Moving forward she suggested keeping in mind that these community resources needed to address the proper rehabilitation of youth and need the funding in the local communities to be able to ensure that. Judge Galván replied that while King County does have more resources than most counties, they still have difficulty finding programming. Their detention facility was not built for long-term stays. She believes this should not fall on local jurisdictions as it is the responsibility of the state to fund.

Melissa Hamblin briefed members on the fiscal impacts included in the 2019 JR to 25 bill (E2SHB 1646) stating that she believed the population levels at GHS were predicted. She also briefed members on the expected impacts related to the implementation of the Community Transition Services program.

The Chair observed that Jeremiah Bourgeois had made a motion in the chat to seek an Attorney General Opinion on these and any other points the SGC believes are ambiguous in the statute, which was seconded in the chat by Dr. Matthews. The Chair was unsure if there would be a fiscal cost to ask the Attorney General (AG) for an opinion. Dr. Georgoulas-Sherry replied that she would work with OFM's legal team to get more information for the members.

Chair Judge Saint Clair asked if the SGC has sought an AG's opinion before. Whitney Hunt briefed members on the SOPB's experience in looking into seeking an AG opinion.

MOTION #24-61: REQUEST OFM TO SEEK AN AG'S OPINION ON THE AUTHORITY GRANTED UNDER RCW 9.94A.870 AND RCW 9.94A.875

MOVED: Jeremiah Bourgeois
SECONDED: Dr. Matthews
PASSED: Passed (Y=16; N=0)
ABSTAIN: Dianne Ashlock, Jennifer Redman, Dr. Georgoulas-Sherry

MOTION #24-62: SGC TO FORM A WORKGOUUP FOCUSED ON EVIDENCE-BASED PRACTICES FOR LONG-TERM SOLUTIONS TO JUVENILE SENTENCING

MOVED: Dr. Matthews
SECONDED: Councilmember Rivera
PASSED: Passed (Y=16; N=0)
ABSTAIN: Diane Ashlock, Dr. Georgoulas-Sherry

Keri-Anne told members that before the SGC was eliminated as an independent agency it had a standing juvenile committee that had been staffed by former SGC member Dr. Jennifer Albright.

Jenny Heddin, Deputy Secretary Chief of Staff for DCYF, pointed out that the Partnership Council for Juvenile Justice also makes recommendations to the governor. She thought there may be an opportunity for the SGC to collaborate with that council.

Juvenile Committee volunteers: Senator Wilson, Councilmember Rivera, Norrie Gregoire, Dr. Matthews, Kecia Rongen, Ramona Brandes, Katie Hurley, Melissa Hamblin, Jeremiah Bourgeois, Jennifer Redman

The draft proposals that came from the Juvenile Overcrowding subcommittee will be given to the Juvenile Committee for review.

IV. OTHER BUSINESS

Keri-Anne noted that a motion from last month to send a letter to the governor related to the crisis at GHS has not gone out due to including proposals that the governor might consider if he chose not to bring the SGC into emergency meeting per RCW 9.94A.870. That motion is still outstanding and she inquired, in light of the governor’s response to Team Child and the discussion today, how members would like to deal with that motion.

MOTION #24-63: TABLE MOTION #24-59

MOVED: Judge Saint Clair
SECONDED: Dr. Matthews
PASSED: Passed (Y=12; N=2)
ABSTAIN: Diane Ashlock, Dr. Georgoulas-Sherry, Kecia Rongen, Jennifer Lord, Jennifer Redman, Amy Anselmi

Ramona Brandes expressed frustration that the governor’s office did not get notified of the SGC’s concerns after that motion was passed. She added that proposals were brought forward from the subcommittee that still have not been addressed. She felt like the response the governor gave to Team Child was done without knowing that the SGC was actively seeking the same request. Keri-Anne responded that while the letter did not go out from the SGC, someone from the Governor’s Policy Office did contact her after the last meeting regarding the motion about the letter to the governor.

Keri-Anne briefed members that DOC has requested feedback on a legislative bill related to compliance credit they will be putting forward in January. Dianne Ashlock provided a description of the draft legislation.

Ramona Brandes stated that, in the past, blanket restrictions have resulted in application of the statute when it shouldn’t have been, e.g. judicial review on exceptional aggravating factors probative versus prejudice. She believed that each sentencing alternative should be individually assessed as to whether it should receive compliance credit. Members did not take a position on the bill.

V. PUBLIC COMMENT

No member of the public wished to address the members.

VI. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

11/8/2024

Judge J. Wesley Saint Clair (Ret), Chair

Date