



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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

MEETING MINUTES

December 13, 2024 9:00am – 12:00pm

1500 Jefferson Building, Room 2330

Olympia, WA 98516

And Zoom

Members Present:

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

Members Absent:

Rep. Tarra Simmons
Jennifer Redman
Dr. Vasiliki Georgoulas-Sherry

Guests:

Katherine Hurley, King County
Dept of Public Defense
Arthur Longworth, Team Child
Elisa Cozad, Team Child

Staff:

Keri-Anne Jetzer
Dr. Lauren Knoth-Peterson, PSPRC
Whitney Hunt, SOPB

I. CALL TO ORDER

Acting Chair Judge Swan called the meeting to order.

II. APPROVAL OF MINUTES

MOTION #24-69: APPROVE NOVEMBER 2024 MEETING MINUTES WITH TYPO CHANGE

MOVED: Judge Wiggs
SECONDED: Ramona Brandes
PASSED: Passed
ABSTAIN: Dianne Ashlock

III. JUVENILE BILL PROPOSALS

Katie Hurley, from the King County Department of Public Defense, provided background information about the Youth Hope Act that was thought up by the young people at Echo Glen Children’s Center and Green Hill School (JR). The proposal they created was to offer the opportunity for them to file a petition to the ISRB prior to being moved from JR to Department of Corrections (DOC). This would allow the Indeterminate Sentence Review Board (ISRB) to decide on a case-by-case basis if the young person can be released under supervision in the community. The largest population of youth who would be eligible under this plan, Katie explained, are those who were declined from the juvenile court system. Data has shown that population is highly disproportionate. The Youth Hope Act offers accountability, safety, and hope.

Acting Chair Judge Swan remarked that a lot of time and work goes into a juvenile decline decision. He wondered how judges might feel about this pathway that would lead away from that decision. Katie Hurley replied that there are very few discretionary declines but that she believes judges would not view it as an insult to the work they had done but would welcome the fact that this is not the end of the road for these youth.

Members asked questions related to the proposal.

Katie Hurley then presented information on juvenile sentencing reform and data related to dispositions, confinement lengths and disproportionality. There was discussion about the differing amounts of resources available to the counties, which may impact their incarceration rates.

Acting Chair Judge Swan paused this discussion to allow SGC member Roshelle Clelland to speak to members about some concerns she had before her flight departed. She had questions about juveniles on electronic home monitoring (EHM), how EHM works, about some juveniles who have reoffended while on EHM, and the increase in the number of juveniles who may be placed on EHM knowing that community services are already stretched thin. Members discussed. Jeremiah Bourgeois suggested the youth who reoffended on EHM were likely not part of the population that would be impacted by draft bill S-0055. Roshelle remarked that many victims are currently not being properly notified and not being told when hearings occur because service providers are at their max. She voiced concern about how to ensure that victims will be notified should a bill pass that would increase the amount of notifications considering it is not happening now.

The Acting Chair returned members to the prior conversation. Jeremiah Bourgeois inquired about the disconnect in reports that the spike in juvenile crime was expected and yet not expected. Dr. Knoth-Peterson offered a detailed response, which was to say that the data are very complicated, it can vary based on how the data are parsed, the specificity in statistics, and depends on how it is reported.

Members moved to discuss the juvenile proposals brought forth by the Juvenile Committee. Ramona Brandes briefed members on Option #7.

Option #7 – Amend RCW 13.40.180 to run sentences on a single juvenile disposition concurrently instead of consecutively—except for multiple serious violent offenses, which shall continue to run consecutively.

Ramona explained that in the adult system, a prior offense will increase the criminal history score which will increase the presumptive sentencing range, usually by a few months. In the juvenile system, every concurrent offense doubles the sentence because the sentences are served consecutively. Katie Hurley added in the chat “in juvenile, the criminal history is determined based on the adjudications that the youth had at the time of the offense”. Keri-Anne informed members that the Caseload Forecast Council (CFC) provided preliminary for these proposals data back in October to help ballpark any impacts. The CFC reported that, for fiscal year 2023, there were 298 juvenile dispositions and about half of those sentences were for a single offense.

Option #9 – Amend offense categories in RCW 13.40.0357:

- a. **Robbery 1 (currently A++ if 16 or 17) to B+.**
- b. **Robbery 1 (currently A if under 16) to B+.**
- c. **Robbery 2 (currently B+ and a divertible offense) to B.**
- d. **Assault 2 (currently B+ and a divertible offense) to B.**
- e. **Prison Riot (Class B offense) to Class C.**

Ramona informed members that the intent of Option #9 is to align juvenile scoring, make the offenses commensurate to similar offenses and appropriate to offenses that may be more or less severe. It would also adjust Prison Riot from a class B to class C offense. Katie Hurley further explained how juvenile disposition scoring works.

Members discussed the disposition categories of these offenses and compared them to the disposition categories of other crimes. Dr. Knoth-Peterson reminded members during this discussion that some of the more serious offenses are eligible for decline while others are not.

Option #10 – For youth sentenced as adults, currently at least 18 years of age, and after serving at least one year housed at JR, upon receipt of 3 or 5 or more [Major? Serious?] DOC infractions in a year while at JR, resident shall be transferred to a DOC facility to serve the remainder of their sentence.

Ramona briefed members on Option #10. Keri-Anne clarified that this option applies only to youth who were sentenced as adults and are under DOC jurisdiction, have reached 18 years of age, and are serving time at JR. She went on to say that DOC has a person located at Green Hill School that infracts individuals who violate DOC policies. She added that the Juvenile Committee had discussed concerns about the time frame in which the infractions should be counted and how many infractions would put this policy into play.

Judge Galván voiced concern over the lack of due process for such an important consequence. Dr. Matthews told members that JR has mentioned it has hired a consultant who is helping them to design a hearings process, although she was unsure when JR would be officially announcing it. Jeremiah Bourgeois remarked that DOC infractions are classified similar to offenses with some being more serious than others. He believes that if a person is being moved to DOC for an infraction, it should be for the most serious infractions.

Dr. Knoth-Peterson added that JR must protect those youth under its jurisdiction. This option could give JR a pathway to address a demonstrated pattern of behavior that may be causing safety concerns to the 52% of youth in their facilities who are not under DOC jurisdiction. DOC is the only one who makes the decision whether to transfer youth from JR to DOC.

Acting Chair Judge Swan invited people from Team Child to present on the Prison Riot offense. Arthor Longworth and Elisa Cozad, from Team Child, spoke to members. In response to the proposal to reduce Prison Riot from a class B to a class C felony, Arthur replied that Team Child does not view that as a solution. Their issue is that the application of the offense by Lewis County is different from all the other counties where incarcerated individuals are housed. Team Child is asking the SGC if it feels it has the authority to take a look at the statutory language and recommend changes or for Team Child to present to either the full SGC or the Juvenile Committee on their recommended statutory changes. Acting Chair Judge Swan replied that the SGC generally doesn't comment on the definitions of crime so it would depend on what changes Team Child is recommending.

Elisa Cozad presented on the impacts this offense has had on the youth at JR facilities. She noted that the penalty in the statute is not less than one year, which makes it a prison sentence. Dr. Matthews commented that if a certain population is being disproportionately targeted by a law, she believed that would fall under the purview of the SGC.

Dr. Knoth-Peterson noted in the chat that the definition of correctional institution includes JR facilities. Ramona Brandes remarked the addition of JR facilities to the definition was made recently in 2021. She also added that the language doesn't discern between the victim of the assault and the perpetrator of the assault, which she believed to be unfair. Dr. Knoth-Peterson observed that the 2021 legislative bill that changed the definition of correctional institution was about the continuation of medical services

post confinement release. It is not related to the Prison Riot offense. This could be an unintended consequence by the legislature.

Ramona suggested the following statutory change to RCW 9.94.010:

(2) Every inmate of a correctional institution who is guilty of prison riot or of voluntarily participating therein by being present at, or by instigating, aiding, or abetting the same, is guilty of a class ~~B~~ C felony and shall be punished by imprisonment in a state correctional institution for no ~~not less than one year nor~~ more than ~~ten~~ five years, which shall be in addition to the sentence being served.

MOTION #24-70: SUPPORT CHANGING RCW 9.94.010(2) TO READ:

(2) Every inmate of a correctional institution who is guilty of prison riot or of voluntarily participating therein by being present at, or by instigating, aiding, or abetting the same, is guilty of a class C felony and shall be punished by imprisonment in a state correctional institution for no ~~not less than one year nor~~ more than ~~ten~~ five years, which shall be in addition to the sentence being served.

MOVED: Ramona Brandes

SECONDED: Dr. Matthews

PASSED: Tabled

ABSTAIN:

Chief Smith inquired what people who work in the facilities have said about this and how they might feel about the proposed change. Dr. Matthews replied that she has participated in discussions on this topic with JR superintendents, executive team members, and community organizations. She noted that during her time at JR, it was common for JR staff to write letters of support for the youth to not receive punishment for this offense.

Norrie Gregoire additionally wanted to make sure that adult facilities would not be undermined with this change. Dr. Knoth-Peterson provided data: in 2023, there were 129 charges for prions riot, 87 (67%) were in Lewis County. Of those 87, 40 were for juveniles and 47 were for adult charges – the 18-26 population. Ramona Brandes added that in the CFC’s Statistical Summary from 2023, there was only 1 conviction for Prison Riot. Jeremiah Bourgeois proffered that in all the time he spent at DOC, he had never met someone who had been convicted of Prison Riot because DOC has other tools to deal with that behavior.

After an informal poll, most members indicated they would like more time to consider the motion before voting. Ramona Brandes agreed to table her motion until the January SGC meeting. She asked members what information they would need in order to move forward with the motion at the next meeting. Elisa Cozad offered to send Keri-Anne data from Team Child to be forwarded to members. Acting Chair Judge Swan thanked Mr. Longworth and Ms. Cozad for sharing their concerns and information with the SGC.

MOTION #24-71: SET ASIDE JUVENILE OPTION #10 GIVEN THE LACK OF DUE PROCESS IN THE PROPOSAL AND THE CONCERN ABOUT THE TYPES OF INFRACTIONS THAT MAY BE USED TO TRANSFER PERSONS FROM DCYF TO DOC

MOVED: Ramona Brandes
SECONDED: Jeremiah Bourgeois
PASSED: Yes – 14; No – 0
ABSTAIN: Amy Anselmi, Dianne Ashlock, Kecia Rongen

MOTION #24-72: MOTION TO GIVE JUDGES THE DISCRETION TO RUN DISPOSITIONS CONCURRENTLY OR CONSECUTIVELY. IF RUN CONSECUTIVELY, JUDGES SHOULD ARTICULATE THEIR FINDINGS TO THE SAME EXTENT REQUIRED UNDER MANIFEST INJUSTICE (related to

Option #7)
MOVED: Judge Galván
SECONDED: Norrie Gregoire
PASSED: Tabled
ABSTAIN:

Acting Judge Swan wondered if there should be a vote on the proposals brought forth by the Juvenile Committee. He tabled Options #7 and #9 for further discussion. Ramona Brandes reported that she and Judge Galván will be working on some language regarding the Judge’s motion for the next meeting.

IV. OTHER PREFILED BILL PROPOSALS

V. OTHER BUSINESS

VI. PUBLIC COMMENT

One member of the public started to address the SGC. Part of the way through the comment, the phone cut out. Keri-Anne encouraged the speaker and all members of the public to submit written comments via email which will then be shared with all the members. None of the other attendees wished to address the members.

VII. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION



1/10/25

Judge J. Wesley Saint Clair (Ret), Chair

Date