

# SENATE BILL REPORT

## SB 6257

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As of February 3, 2014

**Title:** An act relating to sentencing information concerning racial disproportionality.

**Brief Description:** Ordering the caseload forecast council to publish sentencing information concerning racial disproportionality.

**Sponsors:** Senators Darneille, Hasegawa, McCoy, Frockt, Chase and Conway.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/30/14.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Joan Miller (786-7784)

**Background:** The Caseload Forecast Council (CFC) is an independent council of six members established to forecast the entitlement caseloads for the state of Washington. CFC consists of two members appointed by the Governor and four members from the Legislature. One legislative member is appointed by the chair of each of the two largest political caucuses in the Senate and House of Representatives. The chair of the council is selected from among the four caucus appointees. CFC employs a caseload forecast supervisor to supervise the preparation of all caseload forecasts and may select other officers as the members deem necessary.

CFC meets several times per year to adopt official forecasts that are the basis of the Governor's budget document and utilized by the Legislature in the development of the omnibus biennial appropriations act. The supervisor submits caseload forecasts, with any unofficial forecasts, to the Governor and the members of the legislative fiscal committees. CFC prepares forecasts for the number of persons expected to meet entitlement requirements and to require the services of public assistance programs, state correctional institutions, state correctional non-institutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support.

In 2011 CFC assumed responsibility for the adult felony and juvenile disposition databases, the annual sentencing statistical summaries, and the sentencing manuals, which were formerly under the Sentencing Guidelines Commission. CFC develops and maintains a

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computerized adult and juvenile sentencing information system consisting of offender, offense, history, and sentence information entered from the judgment and sentence forms for all adult felons.

**Summary of Bill:** As part of its duties maintaining the sentencing information system, CFC must publish a summary of racial disproportionality in adult felony sentencing and juvenile dispositions on an annual basis.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: I served on CFC for many years for the House Democrats and now for the Senate Democrats. At one of our interim meetings, we discussed that there is a growing body of organizations that are interested in racial disproportionality in our system and want to know whether our policies are contributing to or helping to reduce racial disproportionality. This bill is a movement toward using data we already have and making sure the Legislature has this information on an annual basis. The Sentencing Guidelines Commission (SGC) will support this bill, as the discussions of this bill were uniformly favorable. Several things are worth noting. First, CFC's data includes 30 years of sentencing data in Washington. It is a very rich database that includes more than just race and crime. It also includes criminal history and a number of other factors that allow for a more sophisticated analysis, which is vital to the process. Second, CFC has a superbly qualified staff to do this type of work. At every conference or forum I attend, people are talking about this issue. They want more data about racial disproportionality. They want to use that data to further agendas, and they all decry the incompleteness of the data. This bill is the best thing the Legislature can do to further the discussion along. CFC has the information that will answer a lot of questions and will inform discussions. We cannot make an accurate judgment about how the system performs and where racial disproportionality is unjustified unless we analyze the data. The discussion about racial disproportionality will happen no matter what we do. This bill will make it rest on a solid foundation.

OTHER: CFC participated in a workgroup about racial disproportionality in sentencing, and we were able to do a dry run on our data to determine if we could provide some factual information about the extent of racial disproportionality in both the adult sentencing and juvenile systems. For example, we looked at adult felony sentencing and saw that for African-Americans, compared to their proportion of the general state population, they are sentenced two to seven times the rate that you would expect if they were sentenced at their proportion of the general population. CFC could satisfy the requirements of this bill without any additional resources. The intent of the annual report would be to see if there are explanatory factors, such as criminal history, that help explain what is going on in the justice system. We are looking for an opportunity to find factors that could be addressed with policy changes that might reduce racial disproportionality.

**Persons Testifying:** PRO: Senator Darneille, prime sponsor; David Boerner, SGC; Russ Hauge, Kitsap County.

OTHER: John Steiger, Caseload Forecast Council.