

Washington State Criminal Sentencing Legislative Task Force

Meeting Summary: September 30, 2019

Criminal Justice Training Center, 19010 1st Ave. S., Burien, WA

Task Force Attendees:

- DeVitta Briscoe
- Suzanne Cook
- Lew Cox
- Elaine Deschamps
- Senator Manka Dhingra
- Lydia Flora Barlow
- Representative Roger Goodman
- Kim Gordon (on behalf of Greg Link)
- Sonja Hallum
- Russ Hauge
- Chief Rafael Padilla
- Chief James Schrimpsker
- Tarra Simmons
- Jon Tunheim
- Councilmember Derek Young
- Nick Straley (attending on behalf of Nick Allen)

Facilitation Team: Amanda Murphy, Chris Page, Michael Kern, and Molly Stenovec – William D. Ruckelshaus Center

WELCOME & INTRODUCTIONS

Michael Kern, Director of the Ruckelshaus Center, provided a brief welcome and overview of the Ruckelshaus Center.

Project Co-Leads Chris Page & Amanda Murphy then asked members of the Criminal Sentencing Task Force (Task Force) to share name, affiliation, and response to the following question:

Imagine that it is the last Task Force meeting in December 2020, what are your two biggest accomplishments together?

Many members described their hopes for the process. Some specifically talked about transparency, while others hoped the group builds a common understanding and has reached consensus. Others expressed desire for the group to have considered racial and economic equity and the legacy of policies such as the war on drugs. Members also want this process to build trust and working relationships among Task Force members.

In terms of anticipated outcomes, many described broad aspirations. Responses included:

- feeling that public safety has been considered in all decision-making;
- increased clarity of the criminal sentencing system;
- increased trust in judges while also decreasing racial disparity;
- that recommendations are informed by data and creative thinking;
- improved visibility regarding the intersection of race and justice; and
- that everyone has a clear, common understanding of where we're going.

Task Force members also described their aspirations for the recommendations the group will generate. Responses included: practical measures that could be passed in the 2021 Legislative session; created a process for ongoing review of the criminal sentencing system; and established path towards a criminal justice system that allows for a more individualized

approach to sentencing. Some members also described specific anticipated accomplishments, such as:

- Simplified the judging and sentencing forms (J&S forms) as well as the sentencing grid;
- Reduction in the prison population;
- Developed a path for eliminating racial disparity in sentencing;
- Process has examined impacts of incarceration on local governments and developed recommendations to decrease their financial burden; and
- Package of comprehensive updates to the Sentencing Reform Act, which incorporates current values and best practices.

Some noted that while December 2020 marks a deadline for this group, the work of reducing complexity, improving effectiveness, and promoting public safety will be ongoing.

REVIEW AGENDA AND DISCUSSION GROUNDRULES

Chris Page walked through the agenda and explained that the Center often leaves the “draft” watermark on an agenda until after the meeting to allow the Facilitation Team to change times and sequencing to meet the needs of the group. A final copy of the agenda is attached to the summary.

Chris also briefly reviewed the ground rules and operating procedures, which were informed by feedback during the informational interviews and the Center’s experience working with other groups. Members of the Task Force made the following requests:

- Meeting materials will be sent electronically in advance and hard copies (with three ring holes) will be provided at meetings.
- Meeting rooms will include outlets for computer/phone charging.
- Facilitation Team will provide morning and afternoon refreshments.

BACKGROUND AND OVERVIEW

Representative Goodman provided an overview of the events that led to the creation of the Task Force. In his remarks, the Representative noted that 30+ years of modifications and changes to the Sentencing Reform Act and the sentencing grid have created a system that is very complex. Recently, that complexity has led to errors, such as the sentencing computation error that resulted in the early release date of many incarcerated persons. Members of the House Public Safety Committee began thinking about a group that could have broad and inclusive representation of interested and affected entities coming together to build on the work of the Sentencing Guidelines Commission, that could take on some of the tough issues, and make recommendations and improvements to the criminal sentencing system.

Keri-Anne Jetzer provided an overview of the Sentencing Guidelines Commission history and recent work. The Sentencing Reform Act of 1981 created the Sentencing Guidelines Commission (SGC). The SGC served as data collection and dissemination center of sentencing practices across the state. In 2011, the SGC was integrated into the Office of Financial

Management (OFM) and the Caseload Forecast Council. Membership of the SGC includes: judges, attorneys, local and state government, local law enforcement and citizens.

Past work of the SGC includes creation of the original adult felony grid, the drug sentencing grid, and recommendations related to *Blakely v. Washington*. In 2018, the Legislature directed the SGC to conduct a review of the Sentencing Reform Act. The final report, which includes 20 recommendations, was released August 2019. Currently the SGC is working on an inventory of alternatives to confinement, in part to ensure that they do not duplicate or detract from the work of the Task Force.

After the brief presentations, members of the Task Force had an opportunity to ask questions and provide comments.

Q: How does the work of the SGC relate to the work of the Task Force?

R: Task Force includes several members of the SGC but was composed to include perspectives that were not included in the SGC in order to build broader support for legislative action.

Q: How does the work of the WA State Caseload Forecast Council differ from the Administrative Office of the Courts?

R: Caseload Forecast Council keeps a comprehensive statewide database of judgments and sentences and is tasked with forecasting caseloads in the State of Washington. Attendees understood that the Administrative Office of the Courts (AOC) has less comprehensive data than the Caseload Forecast Council, but offers a number of other services such as maintenance of the Judicial Information System (JIS).

The Task Force discussed evidence-based solutions and innovation. Some expressed concern that looking at “tried and true” practices might constrain or limit opportunities for innovation and creative thinking. Others suggested that the group should focus on the intersection of evidence and innovation, noting that data can both direct away from or towards something. The conversation then shifted to information needs and who might either have that information or be able to provide it. Some attendees expressed a desire for more detailed information regarding demographics and sentencing. In response, others noted that the Washington State Caseload Forecast Council produces an annual demographic and sentencing report.

FINDINGS FROM CONVERSATIONS WITH TASK FORCE MEMBERS

Chris & Amanda provided the following overview of what they heard and learned during the interviews/conversations with individual members of the Task Force and how the key themes that emerged informed the development of the agenda. In response to questions regarding goals for the Task Force, members shared the following:

- Be part of a process that includes participants with diverse backgrounds with decades of experience.

- Want an inclusive process where members truly listen to each other.
- Want to develop recommendations that uphold public safety and improve the criminal sentencing system.
- Many talked about the policy goals articulated in the budget.
 - In terms of reducing complexities and errors, some suggested opportunities to the complexity of the sentencing grid so that there are fewer errors in the judgment & sentencing forms.
 - Regarding improving the effectiveness of the system: For some this meant creating a system that is less expensive, while others talked about reentry and reducing recidivism. Challenges include paradigm shift of incarceration to rehabilitation/monitoring and allowing judges increased discretion in sentencing.
 - Concerning promoting and improving public safety: many expressed hope that the Task Force can create more opportunities for programs and services such as job training, mental health, and addiction support, rather than just confinement.
- In terms of barriers to reaching some of the above goals, members mentioned politics, resources, and paradigm shifts (especially regarding rehabilitation and monitoring, rather than incarceration and granting judges more discretion).

Areas of common ground include:

- Desire to reduce costs (across the system) and complexity in the criminal sentencing grid;
- Want to eliminate racial disparity and disproportionate impacts to certain communities
- Include voices of incarcerated persons throughout the process and in the recommendations; and
- Pathways for incarcerated persons to have more successful reintegration to the community.

With respect to the collaborative process, members shared that:

- Members bring open minds and listen to fellow Task Force members.
- In terms of perspectives not included on the Task Force, interviewees listed rural, Latinx, mental & behavioral health, county, addiction services, and fiscal impact.
- The facilitation team needs to be truly neutral, to provide equal air time, and ensure that everyone understands the jargon.
- Role of the co-chairs should include an awareness of the public landscape and consideration of the whole group and criminal sentencing system.
- Members of the Task Force will need some time to build trust.
- Want some meetings to occur outside of Western WA.

Key Takeaways:

- Members of the Task Force deeply care about this topic and have a shared belief that status quo is not acceptable. Members have a shared commitment to achieve tangible

results and to make a system that is more equitable, that is created by a group that is more representative.

Questions/Comments from Members

Q: did members of the Task Force use language and terms differently? For example, different definitions of “public safety”?

R: Yes, but as part of the process the group will be developing shared definitions of terms and of the criminal sentencing system.

OPERATING PROCEDURES & DECISION-MAKING PROCESS

Amanda and Chris presented and walked through a first offer of draft, suggested operating procedures and the consensus decision-making process. Members then discussed, offered suggestions, and made decisions on the roles, responsibilities, ground rules, and decision-making process.

The following paragraphs summarize the discussion on various aspects of the draft operating procedures and call out any decisions made by the group.

Roles & Responsibilities: Chris and Amanda clarified that the Center will provide facilitation and some staff support, but the reports will be the product of the Task Force. Members of the Task Force then engaged in a discussion regarding the content, especially of the first report due in December of 2019. Some expressed hope that the Task Force will reach consensus on pieces of the work laid out by the SGC that could then lead to pieces of bills that could be introduced in the 2020 Legislative session. The Facilitation Team wants the group to determine what will go into each report. Many members noted that not all challenges within the criminal sentencing system will be addressed in the next 15 months and that this work may be ongoing.

Alternates: As per the draft operating procedures, members are not required to designate an alternate. The Facilitation Team noted that in some cases it can be helpful to have an alternate so that a perspective is represented, but the process can get complicated if alternate and primary have different views or are not on same page. A member of the Task Force asked if an alternate must be affiliated with the same organization as the member. In the ensuing discussion, members noted that individuals were named to represent various perspectives, not necessarily just an organization. This is reflected in the draft operating procedures that state that “members will bring the concerns & perspectives of their various constituencies to the Task Force, where appropriate, for discussion and possible consensus building.”

Absences and Consensus Decision-Making: The discussion on decision-making opened with a conversation on member absences and the role of alternates, specifically if alternates could vote/make decisions on behalf of the member. Some noted that if alternates could not assume the full roles of members, then the group might struggle to have 2/3 present for decisions and that absences might be used to stall decision-making. Others stated the need to trust that appointees will attend as much as possible and that absence is not a tactic to delay the process.

As part of this conversation, the Washington State Caseload Forecast Council stated that they will participate in the process as a non-voting member.

The Facilitation Team offered the following proposal: *Appointed members of the Task Force may choose to designate an alternate and must communicate that choice to the Facilitation Team and Co-Chairs.....Unless otherwise stated, alternates speak and act on behalf of the member—which includes decision-making.*

Decision: All Task Force members present conveyed consensus for the above edits to the operating procedures.

Members of the Task Force discussed absences and the process of integrating those absent in the decision-making process. Many members of the Task Force noted that for some decisions the participation of all 20 voting members may be valuable to the process. The group engaged in a discussion about the process of how key points of the deliberations would be communicated afterward to those absent and how those perspectives would be included, particularly if those absent were not in consensus.

The group brought forth and discussed the following proposals

- If those absent are not in consensus, a role of co-chair(s) will be to decide if that decision needs to be revisited by the full group.
- If those absent are not in consensus, the full group will revisit that decision. Some expressed concern that this could be a tactic for stalling and delaying decision-making.

Decision: All Task Force members present conveyed consensus to the following revisions:

Consensus decision-making can be achieved when at least 14 of 20 appointed members (or their designated alternates) are present.

The Task Force will have the option to ask the Facilitation Team to communicate afterward with members not present for a decision, to explain key points of Task Force deliberations, and confirm whether those members can go along with the decision. If not, the co-chairs may decide whether the full Task Force should reconsider the decision at a subsequent meeting.

Public Meetings: Chris and Amanda let members know that TVW has requested to attend and film future Task Force meetings.

Decision: The Task Force is comfortable having the meetings filmed by TVW.

DECIDE ON TASK FORCE CO-CHAIRS

Amanda and Chris provided an overview of criteria for selecting co-chairs.

Decision: All Task Force members present conveyed consensus to the following revision to the Co-Chairs section of the operating procedures: f) committed to working for outcomes that meet the ~~needs~~ interests of all Task Force members.

The Task Force then engaged in a conversation regarding the number of co-chairs. The proviso requires at least two co-chairs (one legislative and one non-legislative). Membership considered nominating 5 co-chairs but thought that would be too many individuals.

Decision: All Task Force members present conveyed consensus to nominating one legislative and two non-legislative co-chairs.

The following individuals received nominations and endorsements (and expressed willingness and ability to serve):

- Representative Roger Goodman due to experience as a legislator and substantive knowledge of the criminal justice system, and proven ability to work across the aisle.
- Lydia Flora Barlow because she spends most of her day working and talking with incarcerated people and would bring a race/equity lens and ethos of consensus building. In her role with the Statewide Reentry Council, Lydia works with many differing perspectives, such as police departments, prosecution, defense, and incarcerated persons. Lydia would also bring perspective of African American women, who are disproportionately both victims of crime and affected by the criminal sentencing system.
- DeVitta Briscoe, who would provide survivor of crime and incarcerated person perspectives.
- Chief James Schrimsher since he brings both decades of law enforcement perspective and experience working on tough policy issues, specifically as a member of the Deadly Force Taskforce. He has also been involved in the First Steps Program and efforts to balance public safety and alternatives to incarceration.
- John Tunheim, due to his involvement in the SGC and motivation to build on that effort. He envisions Washington as a national leader in innovation in criminal justice systems.

Decision: All Task Force members present conveyed consensus to selecting Representative Roger Goodman as their Legislative Co-Chair.

After voting members of the Task Force engaged in a sticky dot exercise to gauge support for the non-legislative co-chairs, the group nominated and considered the following proposals:

- DeVitta Briscoe and Lydia Flora Barlow
- Jon Tunheim and Lydia Flora Barlow

Members of the Task Force did not reach consensus when considering DeVitta Briscoe and Lydia Flora Barlow as co-chairs. During the ensuing discussion, some suggested a need to consider optics, specifically regarding racial and gender diversity. Others saw a need for an “institutional” perspective and those most adversely affected by the system, while others suggested a need to bring the perspectives of crime victims and incarcerated persons to the forefront.

The Facilitation Team then asked the Task Force to show thumbs for Jon Tunheim and Lydia Flora Barlow.

Decision: all Task Force members present conveyed consensus, selecting Jon Tunheim and Lydia Flora Barlow as Co-Chairs.

Decision: Task Force Chairs:

- Roger Goodman as their Legislative Co-Chair
- Lydia Flora Barlow
- Jon Tunheim

WHAT IS THE CRIMINAL SENTENCING SYSTEM?

Amanda and Chris presented a preliminary system map of the criminal sentencing system for the Task Force to begin the conversation about the size and complexity of the system, how it affects and is affected by other topic areas, such as mental health. As the group begins to develop ideas and recommendations, members can go back to the system and consider ripple effects. Amanda then walked the group through a visual of the criminal sentencing system, informed in part by the interviews with members prior to the meeting.

Amanda and Chris explained how it was not necessary for the group to clearly define the scope of the task force at this meeting. The purpose was to provide a visual of where everyone has expertise throughout the entire system and show where in the system members focused on when talking with Chris and Amanda during the interviews.

The Task Force suggested the following additions to the system map:

- Treatment alternatives to incarceration
- Supervision, which includes job training, housing
- Diversion
- Collateral consequences (retention of conviction on record, ability to volunteer at schools, etc.)
- Income inequality, race, homelessness, etc. as contributing factors
- Community-based responses and services (organizations that are providing alternatives to confinement or diversions)

Additional comments:

- Incarcerated persons face very different challenges upon release from jail and from prison.
- People can be diverted to alternatives to incarceration at many different points in the criminal sentencing system.
- Members need to consider what individuals are being sentenced for, the experience before, during and after sentencing. Sentencing is not simply a matter of time.
- Members need to focus on the sentencing and creating pathways along the system for alternatives to sentencing, to diversion.

- Reentry Council has preferred language, but using “offender” is problematic, preferred to use “incarcerated people”. Propose that this group seeks to use humanizing language.

Q: Is this the adult system? Are juveniles included?

R: Some members noted that the while adult and juvenile systems are very different, the adult criminal sentencing system could consider how juveniles are integrated. Others noted that the SGC focused on the adult sentencing system and that the intent, in part, of the Task Force is to move forward the work of the SGC.

FACILITATED BRAINSTORM

Amanda and Chris led members through a facilitated brainstorm to gather each members thoughts and ideas on the three policy goals of the Task Force, as described in the budget proviso.

Task Force members wrote down their responses to the following questions on large sticky notes and posted them on the wall:

1. Reducing Sentencing Implementation Complexities and Errors
 - a. What are the implementation complexities and errors that need to be reduced?
 - b. Why?
 - c. Ideas about how to reduce?
2. Improving the Effectiveness of the Sentencing System
 - a. What is not working effectively?
 - b. Why?
 - c. Ideas about how to improve?
3. Promoting and Improving Public Safety
 - a. What is public safety? – What does it look like?
 - b. What needs to be promoted and improved?
 - c. Why?

Amanda and Chris will thematically categorized the sticky note responses written by members and will bring them to the Task Force’s second meeting to be used as a starting point for creating tasks and a work plan for 2019 and 2020.

Note: A transcription of the sticky notes is provided in Appendix A.

DECISIONS, SCHEDULE, NEXT STEPS, REFLECTION

During wrap-up, the Task Force spent some time brainstorming topics for future meetings. Agenda items include:

- Presentation by the Reentry Council on their current work so the so the Task Force is aware of and not duplicating their efforts.

- Presentation on high level goals and purpose of the Sentencing Reform Act.
- Review of effectiveness of different types of sentencing systems, what are recidivism rates in correlation with different crimes ---WA State Institution of Public Policy
- General disproportionality report
- Hold a meeting in Walla Walla, meet with incarcerated people and hear their stories.
- Facilitated conversation around narrative of who is the victim and who is criminalized (DeVitta and her work with a survivors' council).
- Presentation on the work of the Justice Reinvestment Task Force (contact Sonja Hallum).
- Meetings during the legislative session: Friday works best, but preference for Olympia Jan-March

At the end of the meeting, Amanda and Chris asked members to go around and share one thing they are taking with them from today's meeting. Members Responses:

- Supporting the task force
- Bringing the system out of the 80s
- Optimistic for the group
- Work on changing vocabulary
- Appreciation for the people who are at this table and the perspectives they are bringing
- Wow! Thanks to everyone, including the facilitation team.
- Have lots of hope for the group to come together and change in our humanity and create a system that better reflects our values
- While we have lots of challenges, but optimistic that we will meet them
- Deep appreciation for everyone and looking forward to the work
- Look forward to bringing people from affected communities into the conversation
- Taking away more questions than answers, but looking forward to meeting everyone
- While our language might be different, we are all aware of the sensitivity and importance of the topic
- Feeling gratitude to be part of this group and looking forward to making a contribution to something much larger
- Appreciative the facilitation team and task force members in making a safe space for discussions and have lots of hope for the process and where we're headed
- Taking away a sense of awe, for the time and talent you are bringing and courage for stepping into a collaborative process.

RE-CAP OF DECISION AND ACTION ITEMS

Task Force Decisions:

- The Task Force agreed on discussion groundrules.
- The Task Force agreed on the following revisions to the operating procedures:
 - *Appointed members of the Task Force may choose to designate an alternate and must communicate that choice to the Facilitation Team and Co-Chairs.....Unless otherwise stated, alternates speak and act on behalf of the member—which includes decision-making.*
 - *Consensus decision-making can be achieved when at least 14 of 20 appointed members (or their designated alternates) are present.*
 - *The Task Force will have the option to ask the Facilitation Team to communicate afterward with members not present for a decision, to explain key points of Task Force deliberations, and confirm whether those members can go along with the decision. If not, the co-chairs may decide whether the full Task Force should reconsider the decision at a subsequent meeting.*
- Public Meetings: The Task Force is comfortable having the meetings filmed by TVW.
- The Task Force decided to elect one Legislative co-chair and two non-legislative co-chairs. The Task Force selected the following Co-Chairs:
 - Roger Goodman as their Legislative Co-Chair
 - Lydia Flora Barlow
 - Jon Tunhein

Task Force Action Items:

- Send Amanda and Chris additional suggested edits to the operating procedures. Amanda and Chris will incorporate suggested edits and provide a second draft at the next meeting.
- Read the Sentencing Guidelines Commission Report and come to the next meeting with input and questions.
- Update and communicate with key individuals and constituencies.

Action Items for the Facilitation Team:

- Synthesize the stickies so that the group will be able to develop priorities at the second meeting.
- Build a contact list of task force members and alternates.
- Build a website with agendas meeting materials, etc.
- Schedule October, November, and December 2019 meetings
- Find a recurring meeting pattern for 2020 meetings (group prefers Thursdays or Fridays) (Group also noted preference for Olympia during Legislative Session and potential for meetings to be held at Tacoma County Council Offices, the Training Center, Tukwila Community Center, Walla Walla or Yakima).

APPENDIX A.**Criminal Sentencing Task Force Members Input – Sticky Notes**

Criminal Sentencing Task Force Meeting, September 30, 2019

Reducing Sentencing Implementation Complexities and Errors

- 1) What are the implementation complexities and errors that need to be reduced?
- 2) Why?
- 3) Ideas about how to reduce?

Sentencing laws are continually changing – driving additional complexity and leading to errors.

Additional efforts on training practitioners on changes are needed.

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- Enhancements – reduce/eliminate
 - Get back to the story of the person
 - J&S forms across the state
 - Community informed
 - Restorative practices
 - Update/invest in 2020 tech

Offense multipliers and some enhancements make calculation score complex.

Reduce/eliminate multipliers

Limits flexibility to address the root cause of the offender’s behavior

Does not take into account the consequences of the complexities

Lack of data driven decisions

Allow judges at all levels to have more flexibility

Can’t just be viewed as easier to incarcerate

Complexity in the system masks bias in the system

Aggravating factors are urban/rural based

Complexity leads to errors with folks serving longer sentences

Delegate contours of sentencing practice to local authorities, i.e. let judges, working within guidelines set the final parameters of the sentence.

Sentencing has been directed by our outdated - Tough on crime values

Science and best practices have not directed sentencing laws or decisions

Sentencing is too narrowly focused on incarceration

Sentencing has been divorced from goals of rehabilitation

Sentencing decisions reflects the needs of the system, not the needs of the people affected.

Sentencing decisions do not reflect the actual costs borne by communities affected by crime

Focus on individualized sentencing

Create mechanisms to (?) upon change of circumstances

Sentencing not connected to other systems and needs of people impacted

- 1) Judgment and sentence (J&S) forms differ across the state. Sentence miscalculations are too frequent. Also, many community supervision periods are miscalculated.
- 2) Almost 40 years of continual statutory amendments – and court decisions – related to sentencing have resulted in maddeningly complex sentences, case-by-case.
- 3) Establish a uniform worksheet for all counties to use state-wide in order for sentences to be calculated correctly.

Make community supervision terms presumptively concurrent (rather than consecutive)

Give courts discretion to consider prior record, aggravating/mitigating factors as part of individualized sentences.

Inconsistency in sentencing documents. At least 10% of J&S documents rec'd by DOC have issues that need to be clarified:

- Illegible
- Blank/missing info
- Math errors
- Appear inconsistent with statute

Solution:

- Standard J&S
 - Judicial branch Q&A process
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Sentencing decisions driven by facts and data, not politics and fear.

Look at models across the nation and sentencing data/facts and crime rates.

Transparency

- Complexity of sentencing makes it difficult for all participants (judges, prosecutors, defense bar, victims, sentenced individuals, DOC) to understand the terms of the sentence.
 - Simpler rules
 - Fewer add-ons (enhancements, multipliers, etc.)
 - Standard J&S
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What are the complexities?

- Different forms in different locations
- Classes of felonies that have no clear connection to sentencing levels
- Some lower degrees of crimes are ranked as more serious than the higher degree of the same crime.
- Different calculations for earned release time.
- Different rules for concurrent/consecutive sentences
- Enhancements that function different from aggravators
- Enhancements/aggravators/mitigators rarely, if ever used
- Mathematical formulas (the grid) to calculate the sentence plus a lot of “add-ons” for specific crimes
- Very different rates for who gets supervised and when and how and by who

Why – complexities and errors

- 1) Piecemeal changes to a complicated “holistic” system w/o enough regard for how changes to one piece affects the others.
- 2) The attempt to do justice in individual cases with a formulaic, one-size-fits-all, sentence

How to reduce complexities and errors?

- Make a simpler system
 - Create opportunities for individualized tailoring of the sentence, by an informed judge-after hearing from an informed prosecutor and defense council.
 - Give the courts more guidance and more discretion.
 - Build in clear plans for supervision
 - Combine “classes” of crimes with sentencing levels
 - Get rid of multipliers
 - Get rid of different earned-time calculations
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Improving the Effectiveness of the Sentencing System

- 1) What is not working effectively?
 - 2) Why?
 - 3) Ideas about how to improve?
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Lack of an independent body that is responsible for reviewing statutory sentencing on an ongoing and comprehensive manner is short-sighted.

Need for an independent and well-funded body to advise policy makers. Similar to how the SGC was originally designed (but not how it actually operated).

Reduce prison population and racial inequity in arrest and sentencing.

Post-conviction review process will give offenders incentive to participate in rehabilitative programs.

It's not working because we have a ballooning aging prison population that will cost the state.

Sentences not properly individualized

- One size fits all thinking
 - Attempts to simplify
 - Tough on crime
 - Laws that promote an overly punish era and Legislators fearful of being seen as too lenient
 - Rehabilitation not relevant to sentencing, people that are affected are not part of decision-making
 - Emphasize rehabilitation, those connected to actual people impacted
 - Age appropriate sentencing
 - The second look available for all
 - Deemphasize (?) as goal
 - Focus on health, deemphasize punishment
 - Place needs of impacted communities at heart of sentencing paradigms.
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Inefficient use of resources

- Consecutive terms of supervision – resources could be better used for reentry activities.
- Also, a complexity issue.

Tolling of supervision

- Drives resources. Complex rules and lack of information make it difficult to track effectively.

Solution: Concurrent supervision, repurpose \$ for case management and eliminate tolling.

The rigid nature of the sentencing matrix.

What it does not allow for is the flexibility to address some of the most root causes of the offender's actions.

Simplify the process.

More uniformity of judgment and sentencing forms across counties.

What is not working?

- Length of sentences
- Errors in scoring

Why?

- Revenge, not justice.
- Consequences to communities/families not addressed appropriately

How to improve?

- Holistic approach
 - Diversion – alternatives
 - Radically change the grid
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Sentence ranges are often too narrow, which limits discretion in sentencing decisions.

Ranges should be expanded.

- 1.) Recidivism/re-offense rates are too high. Inadequate rehabilitation programs and services →
 - 2.) Excessive incarceration is counterproductive to successful reentry. Woefully inadequate community supervision/support. Inadequate focus on offender risks/needs/responsibility.
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- 3.) Risk-based, more community-oriented responses; greatly increased programming both inside and outside the facilities.

Need trauma-informed rehabilitative prisons.

Let's visit European prisons to get inspiration!

Sentencing system targets disproportionate by demographic, e.g. stacking

Sentences too low (*word not legible*) services while incarcerated.

No way to return.

Evidence shows long sentences have diminishing returns

Low/no community (*word not legible*) upon release.

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- Too much emphasis on incarceration.
 - Too little emphasis on rehabilitation.
 - Too little consideration of the community as a whole.
 - Too little consideration of – and opportunity for consideration of – individual circumstances and needs (this includes offenders and victims and the communities)
 - No chance (or very little) to resist initial sentencing decisions.
 - Too much emphasis on responding to the “crime of the day”
 - Too little opportunity for everyone impacted by crime to be considered in the sentencing process.
 - Too much discretion in the hands of the prosecution-only.
 - Too few trials (coercive plea practices)
 - Not enough \$
 - Not enough trained professionals in the system.

Not working: lengthy sentences with no hope or opportunity for release

DOC not equipped to deal with elderly folks.

Little quality programming in some prisons.

Inadequate healthcare in prisons.

Challenges with family visits, building a support system.

Additional focus on risk-need-responsive (RNR) sentencing and sanctioning.

Non-confinement alternatives for community supervision response to violations.

Violation behavior, rather than just violation count, and individual circumstances need to be considered in sanction response.

Reduce recidivism via supervision of offenders who, research proves, will benefit from it.

Sentencing can be improved by:

- Preparing the incarcerated for release.
 - Housing, career training
 - Mental health/drug treatment
 - Transportation plan prior to release
 - Anger management tools
 - Tools/hope for a better life after release
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Not working: inconsistent sentences that don't follow guidelines of RCW 9.94A.010

Example: 5 year max for vehicle crime theft. "Free crime"

How to improve: review current sentences to ensure they work to achieve 9.94A.010

Promoting and Improving Public Safety

- 1) What is public safety? – What does it look like?
 - 2) What needs to be promoted and improved?
 - 3) Why?
 - 4) Ideas about how to promote and improve?
-

What is public safety?

- Additionally add to language, "transforming lives" - Change intent of language →

What needs to be improved?

- Holistic approach.
 - All public safety inclusion.

Why?

- All people are the Public and deserve inclusion.

How to promote and improve?

- Public safety is not incarceration.

Public safety is to provide all communities with an environment that they can live with out fear.

Promote a focus on returning offenders to the community with tools to be successful.

Invest in the success of offenders while they are being supervised.

Public safety includes emphasis on health and (?) and people impacted by crime.

Public safety includes efforts to reduce (?) and intensity of violence

Public safety includes strengthened economic power of all communities

Public safety involves focus on needs of people affected.

Public safety requires appropriate and equitable distribution of resources.

Public safety means that our communities are invested in and believe in fairness of system

System professionals must be willing to cede power to others.

Experiences and views of most impacted must be centered in direct decisions.

Sentences must be charged to truly address needs of people impacted and accountability of people responsible.

People making decisions also reflect communities most affected by those decisions.

Racial disproportionality and class differences must be overtly and intentionally addressed at all levels

Public safety among other things is when the public is free from being victimized by crime.

Promote/improve/reduce broken families. Increase personal accountability/responsibility!

Improve the education system: more respect, and more/better career training.

Homes where children have a supportive/loving mom and dad in their family/home.

Improve child labor laws so kids can work earlier.

What is it: healthy, vibrant, thriving communities.

What needs to be promoted and improved: alternatives to warehousing/punishment focus; ways to decreasing and allowing prison population.

Why: sentencing is individual but the cause for needing is community based.

How: alt-based, community based

What it looks like:

- Community environment is one where they feel comfortable/safe to live, raise a family, work and prosper

What needs to be promoted:

- Strengthen accountability for violent offenders
- Increase restorative justice programs/services
- Increase/implement post-sentence/release services/programs.

Idea: develop a multi-based early release model.

Put rehabilitation programs into the prison system. Make it mandatory for inmates to take the program before being released.

Lock up those who need to be locked up;

Support those offenders who, research shows, will benefit from support in the community.

Supervision is not authorized for many non-violent felonies. This limits re-entry resources as well as system confidence in reentry programming.

Public safety is when ALL people have their basic human needs met and have positive supportive primary relationships.

Mental health is accessible to ALL.

Poverty and racism is ended.

Invest in marginalized communities:

- Wrap around services in education
 - Homes for all
 - Healthcare accessibility – mental health; Sub treatment
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- Food for all
 - Love/connection for all
 - Opportunity for all
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What: only happens in a healthy, vibrant, thriving community.

- Decrease incarceration as only option
 - Increase ability to leave when its time
 - Change is expensive when incarcerated
 - Removal barriers to full reinstatement at community rate
 - Diversion, 2nd look, prison reform, sentence length, stacking, race, etc.
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What is public safety?

Do more good

Do less harm

What needs to be improved?

- 1.) Maximize the use of system alternatives to incarceration.
 - 2.) Fund alternatives and use best practices.
 - 3.) Incarcerate the right people, in the right way, for the right amount of time.
 - a. This is an individual determination based on offense, individual needs/opportunities, and resources
 - 4.) Take into account the values that incarceration imposes on some in the community and balance that with what is accomplished via incarceration.
 - 5.) Take a second look at causes during incarceration, when lengthy periods of confinement are imposed.
 - 6.) Reintegrate those sentenced into the community to reduce recidivism.
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Public safety is not met through punishment and long-term sentencing.

DO NOT USE VICTIMS AS PAWNS TO PUSH “TOUGH-ON CRIME” AGENDA. Don’t speak for all victims.

Dis-investment strategy that transfers to community-based responses/public health approaches.
