

**Washington State Criminal Sentencing Task Force  
Sentencing Effectiveness Working Group – Grid Subgroup  
Meeting Summary: December 1, 2020  
Digital Conferencing Technology**

**Attendees:**

- Russ Brown (alt. for Jon Tunheim), *Washington Association of Prosecuting Attorneys*
- Representative Roger Goodman, *Washington State House of Representatives, Democratic Caucus*
- Keri-Anne Jetzer (alt. for Judge Rumbaugh), *Sentencing Guidelines Commission*
- Lauren Knoth (research/data support), *Washington Institute for Public Policy*
- Greg Link, *Washington Association of Criminal Defense Attorneys; Washington Defender Association*
- Melody Simle (alt. for Suzanne Cook), *Statewide Family Council*
- Clela Steelhammer (research/data support), *Caseload Forecast Council*
- Nick Straley (alt. for Nick Allen), *Interests of Incarcerated Persons*
- Jon Tunheim, *Washington Association of Prosecuting Attorneys*
- Judge Josephine Wiggs-Martin, *Superior Court Judges Association*

**Guests:**

- Megan Allen **Facilitation Team:** Amanda Murphy and Hannah Kennedy

**WELCOME & AGENDA REVIEW**

Amanda welcomed Grid Subgroup (Subgroup) members and thanked them for working on their unranked offenses “homework” assignment over the past two weeks.

**EARNED EARLY RELEASE TIME**

At the last Task Force meeting at least one member indicated the Sentencing Guidelines Commission (SGC) had an interesting and fruitful discussion of earned early release time that could inform the Task Force’s work. Amanda asked Subgroup members who serve on the SGC to summarize the conversation. According to SGC members present, the Commission fully support’s the Task Force’s recommendation to extend earned early release time eligibility to all enhancements. The SGC generally agreed the process should be simplified so all sentences are eligible for the same percentage (e.g., 33%) of earned early release time. The SGC did not agree on a specific percentage but asked the Department of Corrections to assess the impact a single earned early release time percentage would have on racial disparities and the Department’s budget.

**UNRANKED OFFENSES “HOMEWORK” ASSIGNMENT**

Most Subgroup members partially completed their assigned unranked offenses exercise and generally agreed a full review of unranked offenses would take significantly more time. Most members found the task difficult and time consuming. Many of the unranked offenses seemed obscure and most members had not even heard of them before. Some Subgroup members felt several unranked offenses would be better categorized as civil penalties or could be eliminated altogether. A few unranked offenses stood out as clearly driven by important concerns which warranted serious policy considerations. For such

offenses, Subgroup members suggested reaching out to the State Attorney General's office and Tribal governments for additional context and input.

The Subgroup went back and forth discussing the assignment timeline. They debated whether it made sense to continue the ranking exercise for all currently unranked offenses or to prioritize the unranked offenses that would most impact the ongoing grid research (i.e., the unranked offenses which resulted in sentences in FY2019). While the Subgroup agreed it was important to continuing review all unranked offenses, as well as ranked offenses, they decided to prioritize the most frequently used unranked offenses in the short-term.

*Action Item: The Subgroup agreed to revise their unranked offense "homework" to prioritize the most approximately 70 unranked offenses most frequently used.*

#### **NEXT STEPS & ACTION ITEMS**

- **The Facilitation Team** will follow-up with a revised Excel workbook and explicit assignment instructions.