

Washington State Criminal Sentencing Task Force
DRAFT Meeting Summary: January 21, 2021
Virtual Meeting via ZOOM

Task Force Members & Alternates Attendees:

- Nick Allen
- Lydia Flora Barlow
- Russ Brown (alt. for Jon Tunheim)
- Chief Gregory Cobb
- Suzanne Cook
- Lew Cox
- Sen. Manka Dhingra
- Rep. Roger Goodman
- Keri-Anne Jetzer
- Rep. Brad Klippert
- Lauren Knoth- research/data support (WSIPP)
- Gregory Link
- Ginny Parham (alt. for Waldo Waldron-Ramsey)
- Mac Pevey (alt. for Sec. Sinclair)
- Chris Poulos (alt. for Lydia Flora Barlow)
- Judge Wesley Saint Clair
- Chief James Schrimpsner
- Melody Simle (alt. for Suzanne Cook)
- Sec. Steve Sinclair
- Clela Steelhammer (alt. for Elaine Deschamps)
- Nick Straley (alt. for Nick Allen)
- Jon Tunheim
- Waldo Waldron-Ramsey

Additional Participants:

- Damon Brown
- Bruce Glant
- J Hawk
- Cynthia Hollimon
- Josephine Johnson
- Brittany Lovely
- Trisha Newport
- Joanne Smieja
- Mark Thompson
- David Trieweler
- Kehaulani Walker
- Sanjay Walvekar
- Paige Wanner (WSIPP)
- Alicia Zacamitzin

Facilitation Team: Amanda Murphy, Chris Page, Molly Stenovec, Hannah Kennedy, Maggie Counihan – William D. Ruckelshaus Center

MEETING GOALS: • Introduce new members • Check-ins and updates • Legislation updates • Discuss 2021 workplan • Sentencing Grid 101 and overview and discussion of Grid Subgroup work

WELCOME, REVIEW AGENDA and GROUND RULES

Amanda and Chris welcomed Task Force members, alternates, and guests before reviewing the agenda and meeting goals and reminding folks they can access the Final Report and all other materials on the [website](#). Chris reminded observers to send questions for the Task Force through the chat to Molly and there would be time at the end of the meeting for public comment. He highlighted a few key ground rules for the meeting.

INTRODUCTIONS

Members and alternates introduced themselves and the constituencies they represent. The Task Force welcomed new members: Judge Wesley Saint Clair, a retired superior court judge and new chair of the Sentencing Guidelines Commission; Waldo Waldron-Ramsey, taking over the seat for incarcerated persons, policy director for Washington Community Action Network, and his alternate Ginny Parham.

LEGISLATION UPDATES

Amanda reviewed legislation introduced in the current legislative session. HB 1169, concerning sentencing enhancements; HB 1126, limiting tolling of community custody terms; and HB 1282 and companion bill SB 5285 on allowing earned time for certain offenses.

Clela and Keri-Anne shared they keep track of bills introduced and can share the information with Task Force members and alternates if interested. Senator Dhingra updated the group on a bill draft based on the “failure to register” as a sex offender recommendation: removing failure to register as a sex offense would remove the mandatory community custody. She suggested holding this bill until the next legislative session. Some members thought it was a good idea to wait until the next session and others commented on having discussions about supervision. The Facilitation Team asked whether Task Force members would prefer to look at this as part of the grid or make a change such that failure to register would require community custody; members expressed clear support for making the change such that mandatory community custody would ensue.

CO-CHAIR UPDATES

Lydia and Jon gave brief updates, acknowledging the amount of work ahead this year to build understanding of the grid and recognizing that tensions and tradeoffs exist within the grid itself. They asked members to openly listen to each other.

DISCUSS AND DEVELOP 2021 WORKPLAN

Amanda and Chris reviewed a draft Task Force workplan the facilitation team built off previous conversations with the Task Force. They reminded members that extending the Task Force past June depends on funding not yet finalized. The Facilitation team also shared the draft desired outcomes created last year by the grid subgroup and the Sentencing Effectiveness Working Group.

Members and alternates were asked to provide thoughts and suggestions about the 2021 workplan. Below is a summary of the discussion.

- Members discussed the work ahead for the Grid Subgroup and asked how the Task Force can support that group.
- Members and alternates suggested discussing mandatory minimums, second chance legislation, retroactivity, younger individuals in the system, racial disproportionality, the Independent Sentencing Review Board, and “Three Strikes” legislation.
- Most members thought the workplan made sense, but several commented on how ambitious it seemed.
- To help make the workplan achievable, Task Force members suggested having specific benchmarks to meet and having shared goals.

SENTENCING GRID 101- presentation by Lauren Knoth

Lauren Knoth presented on sentencing guidelines and the grid system that the criminal justice system uses. She described it as a high-level overview, to give all members and alternates a foundational level of understanding. The slides of the presentation are [accessible here](#).

DISCUSSION ON PRESENTATION

Members and alternates had comments and questions after the presentation, summarized below.

- Members asked how the upcoming grid work can avoid doing similar things as smaller changes in the past.
- Tensions that exist within the system:
 - Discretion—major influencers include prosecutors, judges, legislature
 - Wanting to treat similar situations in the same manner but recognizing each case and person is different
 - How much time is enough time?
- Before the Sentencing Reform Act (SRA), the state had an indeterminate sentencing system; currently we have a determinate sentencing system.

Members and alternates had other suggestions for things they want to understand about the grid. They included:

- Need to address prior to sentencing (e.g., initial charges, plea agreements), not just during sentencing
- The inherent complexity within the grid for all those involved in the system. Clarity and transparency about the grid should improve- need to be able to explain it to a lay person
- Interest in a discussion about disparities within a range
- The relationship between the grid and the availability of rehabilitative programming.
- Continue the conversation about supervision.

REFLECTION/FEEDBACK and NEXT STEPS

Next meeting: February 18th. The Facilitation Team will follow up with an email about bill information.

QUESTIONS FROM OBSERVERS

Molly shared resources sent by participants through the chat, including a comment about listening to the sex offender policy board related to the failure to register bill discussion.

C: The sex offender policy board gets assigned work by the Governor or the head of a legislative body. They might be able to provide feedback but any request for proactive analysis must come from a chair of a legislative body.

An observer posed a question about studies on the relationship between longer sentences and deterrence of violent crimes. Members noted the variety of opinions on the Task Force and reminded participants about a conversation earlier on framing that discussion.

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