

Washington State Criminal Sentencing Task Force
DRAFT Meeting Summary: February 18, 2021
[Virtual Meeting via ZOOM](#)

All Task Force meetings are recorded and available on TVW. This summary is a high-level overview of the meeting. For detailed information, please see video recording linked above.

Task Force Members & Alternates Attendees:

- Nick Allen
- Tiffany Attrill (alt. for Lew Cox)
- Lydia Flora Barlow
- Russ Brown (alt. for Jon Tunheim)
- Chief Gregory Cobb
- Suzanne Cook
- Judge Veronica Galvan
- Keri-Anne Jetzer
- Lauren Knoth (WSIPP)
- Martina Kartman
- Gregory Link
- Deputy Sec. Julie Martin (DOC)
- Ginny Parham (alt. for Waldo Waldron-Ramsey)
- Chris Poulos (alt. for Lydia Flora Barlow)
- Dashni Amin (alt. for Martina Kartman)
- Judge Wesley Saint Clair
- Chief James Schrimpsheer
- Melody Simle (alt. for Suzanne Cook)
- Clela Steelhammer (alt. for Elaine Deschamps)
- Nick Straley (alt. for Nick Allen)
- Jon Tunheim
- Judge Josephine Wiggs-Martin
- Councilmember Derek Young
- Waldo Waldron-Ramsey

Additional Participants:

- Damon Brown
- Gail Brashear
- Bruce Glant
- Jamie Hawk
- Cynthia Hollimon
- Josephine Johnson
- Noreen May Light
- Brittany Lovely
- Sonja Malicoat
- John McGrath
- Elise McKinnon
- Justice E. Newhouse
- Joanne Smieja
- David Trieweiler
- Kehaulani Walker
- Sanjay Walvekar

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 • Review Task Force Operating procedures • Grid Subgroup update • Legislation update

WELCOME, REVIEW AGENDA and GROUND RULES

Amanda welcomed Task Force members, alternates, and guests. She reviewed the agenda and goals for the meeting and reminded people to send questions by the Zoom “chat” function to Molly, with time at the end of the meeting for public comment. Chris highlighted a few ground rules to keep in mind for the meeting.

INTRODUCTIONS

Amanda introduced the facilitation team. New members and alternates introduced themselves: Deputy Secretary Julie Martin is attending for Secretary Sinclair and Tiffany Attrill, a victim advocate for the city of Seattle, has joined the Task Force as alternate for Lew Cox’s seat representing crime victims. Members and alternates introduced themselves and the constituencies they represent.

CO-CHAIR UPDATES

Lydia and Jon explained why the Task Force is reviewing previous work. They noted a desire for all members and alternates to have the same foundation of knowledge about the grid, to be prepared for upcoming conversations. They appreciated the continued involvement and engagement of members and alternates.

FACILITATION TEAM UPDATES

Amanda shared that, based on Task Force feedback about how ambitious the proposed 2021 work plan seems, the facilitation team proposes two meetings a month starting in April: one a business/policy meeting and the other a “listen and learn” session to have conversations around difficult topics to build understanding and trust. Members and alternates said two meetings a month would not be ideal, noting that all-day meetings are difficult. Some members suggested doing two half day meetings instead.

The co-chairs and facilitation team will discuss the meeting schedule and workplan based on the group’s feedback.

OPERATING PROCEDURES

Chris and Amanda reviewed the operating procedures. Members provided the following feedback on specific elements:

Role of Alternates: members shared that they want a diversity of opinions, to have alternates stay informed, have a clear process for informing when an alternate is filling in for a member, and differentiate between group discussions and consensus decision-making conversations. Only members are to participate in consensus decision-making unless the member is not in attendance and communicates to the facilitators that the alternate will be representing their seat for decision-making.

Meeting Participation: Members and alternates suggested having a limit on the number of meetings an individual can miss before asking for a replacement and suggested the facilitation team reach out to the member or their organization if they have missed meetings without informing the facilitation team.

Email Communication: Members and alternates agreed that information shared to the full Task Force needs to be related to the work and suggested having the co-chairs review material if the facilitation team is unsure it should be sent.

Implementing Consensus Decisions: Members and alternates expressed a desire that the nature of Task Force consensus recommendations gets communicated clearly to the Legislature. Suggestions included: sharing which seats showed “thumb sideways” (“I can live with it”) on specific recommendations and making sure the Legislature understands the nuances of what consensus means to help limit misrepresentations of members’ agreement (or lack thereof) on certain recommendations.

The facilitation team will discuss all the suggestions regarding the operating procedures with the co-chairs and will bring back a revised document for review and Task Force approval at the March meeting.

SENTENCING GUIDELINES COMMISSION REVIEW

Jon Tunheim and Greg Link described the Sentencing Guidelines Commission’s (SGC’s) 2019 sentencing review process, sharing that it was a high-level look at the Sentencing Reform Act. They noted the SGC’s report does not recommend one specific grid approach and that the SGC did not do its own research. The research Lauren and Clela are doing for the Task Force is not duplicative.

GRID SUBGROUP UPDATE- Presented by Lauren Knoth, WSIPP

Lauren presented to the Task Force on *Sentencing guidelines grid sub-group: decision points, considerations, and research*, which builds on her January 2021 presentation with more information about conversations the grid sub-group has had. Presentation slides are posted on the website and [linked here](#).

Members and alternates had questions and comments about information in the presentation. There was a brief discussion on risk assessments, the two grid options under review as part of the research, differences between policy (how an incarcerated individual is treated) and process (how individuals are sentenced), the complexity of the system, and a suggestion to create a Venn diagram of the overlapping areas.

LEGISLATION UPDATES

Rep. Goodman provided legislation updates to the Task Force. Several bills related to Task Force recommendations have moved out of committees and are nearing a floor vote.

QUESTIONS FROM OBSERVERS

Question: Has reclassification of offenses been discussed?

Response: This has been deemed outside the scope of the Task Force.

Question: Is diversion is proposed during pre-sentencing?

Response: Judges do not automatically have the ability to assign diversion; that process is not something the courts are involved in.

Question: Is there a way to protect against judicial bias in the grid?

Response: There are policy changes that can address discretion. One example the grid group has discussed is putting a cap on aggravating factors so if an aggravating factor is found, Judges have discretion but it's not unbounded. I understand the question to be- how to ensure there's not inequality when Judges are willing to acknowledge there's a mitigating circumstance and then depart downward in the grid in response to the mitigating circumstance. I'm not familiar with any state policy that ensures that that happens and from a research perspective the policy option that could be put forth is reviewing how often the mitigating circumstances are being implemented and if there is apparent disparity in the types of defendants that are getting mitigating circumstances than it's a question of if it is being equally applied. I don't know a policy that could be put in place to make sure Judges accept a mitigating factor, it's not something that is easily measured in the data.

Question: With the laws that may go into effect, who is going to hold entities accountable?

Response: this is the type of collaboration that is necessary to make lasting changes and that these meetings are essential to achieve important legislation.

Question: Are there conversations about reducing sentence lengths for all individuals?

Response: We've been focused on the structural components of the grid and we haven't reached the conversation about where sentence lengths lie within the grid and what those ranges look like.

Question: Are there differing opinions on length of sentences?

Response: There are differing opinions about what appropriate length of sentences are. We have begun those conversations, but our focus on the grid last year was not on those particulars. We are waiting to get the research back on multipliers from Lauren and Clela.

NEXT STEPS

Next meeting is March 18th.

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