

Washington State Criminal Sentencing Task Force
FINAL Meeting Summary: March 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
- Lew Cox
- Keri-Anne Jetzer
- Judge Veronica Alicea-Galvan
- Lauren Knoth (WSIPP)
- Martina Kartman
- Gregory Link
- Ginny Parham (alt. for Waldo Waldron-Ramsey)
- Mac Pevey (alt. for Deputy Sec. Martin)
- Chris Poulos (alt. for Lydia Flora Barlow)
- Deputy Sec. Jamie Martin
- Dashni Amin (alt. for Martina Kartman)
- Judge Wesley Saint Clair
- Chief James Schrimpsher
- Melody Simle (alt. for Suzanne Cook)
- Clela Steelhammer (alt. for Elaine Deschamps)
- Nick Straley (alt. for Nick Allen)
- Jon Tunheim
- Waldo Waldron-Ramsey
- Judge Wiggs-Martin

Additional Participants:

- Neil Beaver
- Damon Brown
- Bruce Glant
- Davina Kerrelola
- Rocio Lopez
- John McGrath
- Bridget Molina
- Cynthia Hollimon
- Josephine Johnson
- J Hawk
- David Trieweiler
- Kehaulani Walker

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 changes to Task Force Operating procedures • Consensus deliberations on potential policy statement on *State v. Blake* • Discussion on purpose of adult felony sentencing system

WELCOME, REVIEW AGENDA and GROUND RULES

Amanda welcomed Task Force members, alternates, and guests. She reviewed the agenda and goals for the meeting, reminded folks they can send questions through the chat to Molly, and explained that there would be time at the end of the meeting for public comment.

INTRODUCTIONS

Amanda introduced the facilitation team. Secretary Sinclair introduced Julie Martin, Deputy Secretary of the Department of Corrections (DOC), who will be DOC's representative on the Task Force as Secretary Sinclair retires in April 2021. Dashni Amin is the new alternate for Martina Kartman, representing crime victims as DeVitta Briscoe has stepped away from the Task Force. Members and alternates introduced themselves and the constituencies they represent.

CO-CHAIR UPDATES

Lydia shared how many of the conversations she’s had recently are about the recent WA Supreme Court decision *State v. Blake*. She mentioned Walter Francis Wright, the former head of the National Association for the Advancement of Colored People, stating that we often think things cannot change but how now *is* the time to take on critically important work. Jon voiced his appreciation for everyone staying engaged and involved during this challenging time.

FACILITATION TEAM UPDATES

The facilitation team and co-chairs discussed the feedback on the schedule and workplan discussed at last month’s meeting. Based on the discussion about meeting frequency at last month’s Task Force meeting, the Task Force will hold two shorter meetings per month from 8:30am-noon or 1pm-4:30pm. Members and alternates sent meeting preferences to Molly via chat. The facilitation team will send out updated meeting times based on the feedback.

OPERATING PROCEDURES

Chris and Amanda reviewed the draft changes to the Task Force operating procedures based on dialog from February’s meeting. The proposed changes included:

- Clarifying the role of alternates
- Participation expectations during meetings
- Email communication
- Consensus process
- Quorum level

Members and alternates discussed the proposed changes and suggested lowering the quorum number needed for a consensus decision to 12 seats instead of 14 seats. Multiple members expressed discomfort with the idea of a member providing feedback on a decision via email if the member had not attended a Task Force meeting. The group suggested changing “shall” to “may” to allow the Task Force and co-chairs determine if input via email would suffice for certain consensus deliberations.

With 13 member seats present, members and alternates reached tentative consensus on the updated operating procedures and later reached full consensus with 14 members present.

Updated operating procedures can be [viewed here](#).

STATE V. BLAKE DISCUSSION

Jon Tunheim provided a high-level overview of the [State v. Blake decision](#) and its implications throughout the criminal legal system. Nick Straley shared the grid subgroup’s five proposed recommendations for the Task Force to consider and a synopsis of the conversations the group had about them.

CONSENSUS DISCUSSION & DELIBERATIONS ON STATE V. BLAKE RECOMMENDATIONS

The Task Force held consensus deliberations on the [suggested recommendations](#) to send to the Legislature. The discussion among members and alternates included:

- Members and alternates sharing personal stories and examples of how this law has impacted them and their communities.

- What changes members and alternates thought the Legislature should make to the statute and the effects various changes could have on geographic and racial disproportionality.
- Discussion on how recommendations #3 and #5 might relate to each other, with several members saying they would support #5 and not #3.
- Comments around the intersection of the criminal legal system and the public health system.

CONSENSUS DELIBERATIONS

The Task Force discussed, offered proposed changes, and reached consensus on four recommendations. The final, consensus language of each recommendation is as follows.

Recommendation #1: The Legislature should task the Sentencing Guidelines Commission with reviewing the implications of the Blake decision as part of a broader analysis of Washington’s drug laws and report back to the legislature before the next session.

Consensus reached (General Support)

Recommendation #2: The Legislature should also task and fund WSIPP or another appropriate research body with researching the impacts of the Blake decision. That research should examine at a minimum how the Blake decision may impact:

a) Individuals incarcerated for possession of a controlled substance at the time of the decision and those who were subsequently eligible for having their conviction vacated and being released from incarceration.

b) Individuals incarcerated for a crime who had a prior conviction for possession of a controlled substance that was included in the calculation of their offender score at the time of sentencing who may be eligible for resentencing and an earlier release from incarceration.

Such research should also cover:

- The impacts of Blake by race and ethnicity.
- The fiscal impact of the decision including potential cost-savings from reduced incarceration and potential impacts on recidivism.
- The impacts of State v. Blake on public safety (both in its traditional sense but also linked to enforcement and demographics).
- The geographic implications of the drug possession statute (RCW 69.50.401).

Consensus reached (Strong Support) -

*Members agreed to not ask for consensus on recommendation #3

Recommendation #4: The Legislature and other policy makers must resource Washington’s behavioral health services system so that services can be provided and accessed without the need for the coercive power of the criminal justice system.

Consensus reached (General Support)

Recommendation #5: Action (if any) taken by the Legislature to address the consequences of the *State v. Blake* decision until it considers the meaningful input of relevant stakeholders who should be at the table in deciding the proper policy responses to the Blake decision.

Consensus reached (Unanimous Support)

The Task Force agreed that the consensus recommendations will be sent in a letter from the two non-Legislative co-chairs of the Task Force to the Governor and Legislature.

ADULT FELONY SENTENCING SYSTEM

Members and alternates were asked to share their answer to the question “*Why do we have an adult felony system? What is its purpose, what is its goal?*”

Responses below have been categorized into similar groupings:

Common Themes on System Goals:

- Public safety (particularly with respect to crimes against a person)
- Prevention of future crimes and harm
- Accountability to the rule of law, also described as:
 - Maintain society’s social contract
 - Providing some structure/predictability/fairness when holding people accountable
 - Impart respect for the law
- Rehabilitation
- Accountability for harm
- Focuses on Punishment
- The sentencing system is a line that keeps communities safe but comes with a responsibility to give individuals held behind that line every opportunity for rehabilitation.
- Recognize system goals are never fully achieved but we constantly work towards fulfilling them.
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System Outcomes:

- An imperfect system—goals have never been fully realized
- Separates families and individuals from their communities
- Isolation/an ostracization process
- Inhumane
- Cheap labor that serves a profit-seeking business
- Racial and socioeconomic disparities
 - Individuals entering the system are defined by socioeconomic class
 - Perpetuates history where prisons were designed in large part to incarcerate Black people
 - Generational impacts
- Acknowledge that prisons are not necessarily the only or best space for rehabilitation
- It shows a lack of imagination and will. It does not address complex and varied issues and actions and instead applies a one-size-fits-all approach.
- A catch-all system to solve complex problems that results in socioeconomic inequalities and falsely simplifies society in terms of good vs. evil.
- Inadequate programming and amenities to support rehabilitation/change
- Does not rehabilitate and prepare people for successful reentry
- Does not center the needs and restoration of people who have been harmed
- Criminal legal processing system rather than a criminal justice system

The System Should...

- Respond to violations of law in appropriate way while acknowledging the complexity of the individuals, systems, and actions involved.

- We should ask ourselves “What else can be done to achieve mutual goals?”
- Bring equal justice for equal violations of the law
- Provide ways to acknowledge and address structural harms—not just incapacitating individuals who break the law and cause harm
- Allow individuals to pay their debt and start with a clean slate. The current system fails to prepare people to reentry society in productive and healthy ways.
- The system should progress with society and align with human change and progress.
- Acknowledge the complexity and nuance that exists (e.g., acknowledge criminalized survivors, human fragility, etc.)
- Can gain perspective on our system by examining other systems, particularly those not focused on revenge (e.g., Nordic countries, Germany, etc.).
- Perspective changes how you see the system, its goals, and its purposes. Law enforcement officers, policymakers, and communities all experience and view the system differently.

The Task Force then reviewed the list of goals in the [Sentencing Reform Act \(SRA\)](#). The Facilitation Team asked members to reflect on the responses they heard from each other and how they compare with the listed SRA goals. The facilitation team suggested that at its next meeting the Task Force could compare their reflections on how the system should look and how it has played out with those original SRA goals, to continue the conversation about purpose and goals at the April meeting.

QUESTIONS FROM OBSERVERS

- **Q:** How does the *Blake* decision help with a simple possession charge that is lumped together with other charges? **R:** The technical implications are that anyone who has a simple possession charge in their history, is entitled to have those charges looked at.
- **Q:** Can you provide more context for the reference to “coercive power” in recommendation #4? **R:** It’s about finding alternative paths to treatment and addiction services than just the criminal justice system.

One observer shared a personal story of a friend involved with the criminal justice system and how his situation differs from individuals facing similar charges, but who present as white or Caucasian

NEXT STEPS

Next meeting is April 15th, from 9am – 3pm.

ADJOURN

All Upcoming Meetings:

April 15th, from 9am – 3pm

May 6th, from 1pm – 4:30pm

May 20th, from 9am – 12:30

June 3, from 1pm – 4:30pm

June 17, from 9am – 12:30