

Washington State Criminal Sentencing Task Force

DRAFT 2021 Work Plan

Background

In 2019, the Legislature established the Washington State Criminal Sentencing Task Force (Task Force) to review state sentencing laws, including a consideration of the Sentencing Guidelines Commission's (SGC) 2019 report, and develop recommendations for the purpose of:

- a) Reducing sentencing implementation complexities and errors;
- b) Improving the effectiveness of the sentencing system; and
- c) Promoting and improving public safety.

The proviso stipulated the Task Force submit an initial report to the Governor and "the appropriate committees of the Legislature" by December 31, 2019, and a final report by December 31, 2020. The William D. Ruckelshaus Center (Center) served as a third-party facilitator of the Task Force. In 2019, the Task Force met monthly from September to December 2019 for daylong facilitated meetings and reached consensus on two policy recommendations. In 2020, the Task Force met monthly from January – August (except in March 2020 due to the coronavirus pandemic) and bi-monthly from September-December and reached consensus on 47 policy recommendations.

As the Task Force discussed potential policy changes over the course of 2020, the group agreed that detailed, research-based work remains to simplify the sentencing system and reduce racial, ethnic, socioeconomic, and geographic disparities in adult felony sentencing. As reflected in Recommendation #1 in the 2020 Report (available [here](#)), the Task Force agreed that proper consideration of changes to the sentencing grid required a thorough assessment of the possible impacts of those changes. This would take more time than initially allotted to the Task Force. Therefore, the Task Force agreed to continue meeting and working together in 2021 and the Legislature extended the Task Force for an additional fiscal year.

The Task Force contracted with the Washington State Institute for Public Policy (WSIPP) to complete a report examining sentencing outcomes for individuals using the current sentencing guidelines grid and potential sentencing outcomes for individuals using a modified version of the guidelines grid.

WSIPP presented the report and findings to the Task Force at its May 6, 2021 meeting: [Examining Washington State's Sentencing Guidelines: A Report to the Criminal Sentencing Task Force](#).

The purpose of the report is to provide analytic data that will assist the Task Force in its discussions beginning in May 2021 about potential changes to the sentencing guidelines grid.

2021 Workplan: Sentencing Guidelines Grid

Beginning in May 2021 the Task Force and its sentencing grid subgroup (grid subgroup) will be using the WSIPP report findings to inform discussions and decisions about potential changes to the sentencing guidelines grid. The grid subgroup will meet weekly to discuss and prepare potential recommendations for the Task Force to consider. The sequencing of grid topics/sections is as follows:

1. What are the axes?

- a. Vertical – offense serious level; felony class
- b. Should there be two vertical axes? "Zones"
- c. Horizontal – current or modified criminal history score

2. What is the appropriate range for grid cells?
 - a. Should some cells be collapsed?
 - b. Should some cells be widened?
3. How can judges move within the grid?
 - a. Aggravating vs mitigating
 - b. Acceptable departure range below or above the range
 - c. Enhancements
 - d. Sentencing alternatives
 - e. Sentencing for young adults
4. What are the information and data needs?

Below is a tentative meeting schedule and workplan of the Task Force and the Grid Subgroup.

Discussions about research findings and potential recommendations on the sentencing grid will begin in May 2021.

2021 Meeting	Date	Tentative Agenda Topics
Task Force Meeting #1	Jan 21	<ul style="list-style-type: none"> • Intro new members • Update on legislation • Discuss and create 2021 workplan • Identify key conversations that are needed • Sentencing Grid 101 and Discussion
Grid Subgroup Meetings	Jan: 12, 19, & 26	<ul style="list-style-type: none"> • Grid group planning • Discuss format & materials for presenting to full TF
Task Force Meeting #2	Feb 18	<ul style="list-style-type: none"> • Task Force introductions and updates • Review Task Force Operating Procedures • Discuss Dynamics & Principles of Collaborative Decision-Making • Grid Subgroup Work to Date • Legislation briefing
Grid Subgroup Meetings	Feb: 1, 8, & 22	<ul style="list-style-type: none"> • Review/discuss WA criminal history score research (Matt Landon, OFM SAC)
Task Force Meeting #3	Mar 18	<ul style="list-style-type: none"> • Task Force introductions and updates • Discuss Potential Changes to Task Force Operating Procedures • Consensus Deliberation on Potential Policy Statement Related to State v. Blake • Small Group & Full Task Force Discussion on Purpose of Felony Sentencing System • Legislation Briefing
Grid Subgroup Meetings	Mar: 1, 8, 15, 22, & 29	<ul style="list-style-type: none"> • Review/discuss data on sentencing alternatives & summary statistics on community service • Discuss incorporating grid zones (informed by sentencing alternatives data)

		<ul style="list-style-type: none"> • Discuss retroactivity • Discuss second look options
Task Force Meeting #4	Apr 15	<ul style="list-style-type: none"> • Task Force introductions and updates • Purpose, Goals, and History of Sentencing Reform Act • Small Group & Full Task Force Dialog on Purpose of Felony Sentencing System • Legislation Briefing
Grid Subgroup Meetings	Apr: 5, 12*, 19, 26 *potential make-up meeting wk of the 12th	<ul style="list-style-type: none"> • April 5th and April 12th: Providing feedback to Lauren and Clela on draft research report. • April 19th will discuss the distribution of work tasks for the full Task Force and for the subgroup. What is the sequencing of work? Are these elements that need to be decided on before other topics can be worked on? For example, does the Task Force need to first decide on felony class or offense serious level? The process for getting work done. • April 26th: Begin developing “decision guides”, for Task Force meetings starting with Felony Class vs. Offense Serious Level. What are the decision points, considerations, and tradeoffs for each?
Task Force Meeting #5	May 6	<ul style="list-style-type: none"> • Task Force introductions and updates • Presentation of Sentencing Grid Research Report Findings • Q & A and Discussion on Research Findings • Debrief of Legislative Session • Preview of Workplan for Remainder of 2021
Grid Subgroup Meeting	May 18	<ul style="list-style-type: none"> • Discuss Vertical Axis – what reforms to the rows?
Task Force Meeting #6	May 20	<ul style="list-style-type: none"> • Task Force introductions and updates • Review Task Force workplan for the grid • Consider and discuss potential draft recommendation on vertical axis of grid • Dialog on public safety
Grid Subgroup Meeting	May 25	<ul style="list-style-type: none"> • Discuss Vertical Axis – what reforms to the rows? • Any follow up from the May 20th Task Force meeting
Grid Subgroup Meeting	June 1	<p>What are the axes?</p> <ul style="list-style-type: none"> • Vertical: OSL, Felony Class, or Hybrid • Should there be zones (two vertical axes) • Horizontal: current or modified CHS <p>What is the appropriate range for grid cells?</p> <ul style="list-style-type: none"> • Should some cells be collapsed? • Should the ranges be widened?
Task Force Meeting #7	June 3	<ul style="list-style-type: none"> • Task Force introductions and updates • Consider and discuss grid cell ranges and zones • Dialog on alternatives to incarceration

Grid Subgroup Meeting	June 8	<p>What are the axes?</p> <ul style="list-style-type: none"> • Vertical: OSL, Felony Class, or Hybrid • Should there be zones (two vertical axes)? • Horizontal: current or modified CHS <p>What is the appropriate range for grid cells?</p> <ul style="list-style-type: none"> • Should some cells be collapsed? • Should the ranges be widened?
Grid Subgroup Meeting	June 15	<p>What are the axes?</p> <ul style="list-style-type: none"> • Vertical: OSL, Felony Class, or Hybrid • Should there be zones (two vertical axes) • Horizontal: current or modified CHS <p>What is the appropriate range for grid cells?</p> <ul style="list-style-type: none"> • Should some cells be collapsed? • Should the ranges be widened?
Task Force Meeting #8	June 17	<ul style="list-style-type: none"> • Task Force introductions and updates. • Review workplan for remainder of 2021. • Overview and prep for July Task Force workshops. • Debrief of public safety dialog from the May 20th meeting and review key themes from the dialog related to this year's work on the sentencing grid. • Sentencing Grid Subgroup update and Task Force providing guidance and input.
Grid Subgroup Meeting	June 22	<p>What are the axes?</p> <ul style="list-style-type: none"> • Vertical: OSL, Felony Class, or Hybrid • Should there be zones (two vertical axes) • Horizontal: current or modified CHS <p>What is the appropriate range for grid cells?</p> <ul style="list-style-type: none"> • Should some cells be collapsed? • Should the ranges be widened?
Grid Subgroup Meeting	June 29	<p>What are the axes?</p> <ul style="list-style-type: none"> • Vertical: OSL, Felony Class, or Hybrid • Should there be zones (two vertical axes) • Horizontal: current or modified CHS <p>What is the appropriate range for grid cells?</p> <ul style="list-style-type: none"> • Should some cells be collapsed? • Should the ranges be widened?
Task Force Meeting #9	July 1 Workshop	<ul style="list-style-type: none"> • Grid Group Updates <p><u>Norms for Courageous Conversations</u> (Tools/Strategies) – Caprice Hollins, Cultures Connecting</p>

		<p>We have different experiences and perspectives on race depending on our racial identity. This often leads to tension and conflict in cross cultural interactions. Typical ways in which we engage in everyday conversations don't necessarily work when talking about race or interacting across cultures. In this workshop participants learn seven tools to guide them in having effective conversations about race, racism, and race relations, adapted from the work of Glenn Singleton.</p> <p>Objectives: Participants will:</p> <ol style="list-style-type: none"> 1. Learn tools and some strategies for how to engage in cross cultural interactions. 2. Identify what is difficult for them in engaging and commit to practicing a new way of engaging.
Grid Subgroup Meeting	July 6	<p>What are the axes?</p> <ul style="list-style-type: none"> • Vertical: OSL, Felony Class, or Hybrid • Should there be zones (two vertical axes) • Horizontal: current or modified CHS <p>What is the appropriate range for grid cells?</p> <ul style="list-style-type: none"> • Should some cells be collapsed? • Should the ranges be widened?
Grid Subgroup Meeting	July 13	<p>What are the axes?</p> <ul style="list-style-type: none"> • Vertical: OSL, Felony Class, or Hybrid • Should there be zones (two vertical axes) • Horizontal: current or modified CHS <p>What is the appropriate range for grid cells?</p> <ul style="list-style-type: none"> • Should some cells be collapsed? • Should the ranges be widened?
Task Force Meeting #10	July 15 <i>Workshop</i>	<ul style="list-style-type: none"> • Grid Group Updates <p>Strategies for Effectively Engaging in Cross Cultural Conflict (Strategies/Skills) Caprice Hollins, Cultures Connecting</p> <p>In this workshop participants develop their skills for engaging when tension exists across cultures. Strategies include how to engage when you offend, how to engage when you are offended, and how to engage when you witness an offense. Participants will learn how best to approach tense situations through vignettes, role playing, video, and small and large group discussion.</p> <p>Objectives—Participants will:</p> <ol style="list-style-type: none"> 1. Learn strategies for engaging when conflict occurs. 2. Develop skills for engaging.
Grid Subgroup Meeting	July 20	<p>What are the axes?</p> <ul style="list-style-type: none"> • Vertical: OSL, Felony Class, or Hybrid • Should there be zones (two vertical axes)

		<ul style="list-style-type: none"> • Horizontal: current or modified CHS <p>What is the appropriate range for grid cells?</p> <ul style="list-style-type: none"> • Should some cells be collapsed? • Should the ranges be widened?
Grid Subgroup Meeting	July 27	<p>Finalize Discussions and first offer of sentencing grid recommendations:</p> <ul style="list-style-type: none"> • Potential recommendation for the axes • Potential recommendation on the range for grid cells
Grid Subgroup Meeting	Aug 3	<p>Finalize Discussions and first offer of sentencing grid recommendations:</p> <ul style="list-style-type: none"> • Potential recommendation for the axes • Potential recommendation on the range for grid cells
Task Force Meeting #11	Aug 5	<ul style="list-style-type: none"> • Task Force introductions and updates • Discuss first offer of sentencing grid recommendations: <ul style="list-style-type: none"> ○ Potential recommendation for the axes ○ Potential recommendation on the range for grid cells
Grid Subgroup Meeting	Aug 10	<ul style="list-style-type: none"> • Address input from Task Force Meeting
Grid Subgroup Meeting	Aug 17	<ul style="list-style-type: none"> • Prepare 2nd offer of sentencing grid recommendations on the axes and cell ranges
Task Force Meeting #12	Aug 19	<ul style="list-style-type: none"> • Task Force introductions and updates • Discuss second offer of sentencing grid recommendations: <ul style="list-style-type: none"> ○ Potential recommendation for the axes ○ Potential recommendation on the range for grid cells
Grid Subgroup Meeting	Aug 24	<ul style="list-style-type: none"> • Any follow up from last Task Force Meeting <p>How can judges move within the grid?</p> <ul style="list-style-type: none"> ○ Aggravating vs Mitigating ○ Acceptable departure range below or above the range ○ Enhancements ○ Sentencing Alternatives ○ Sentencing for Young Adults
Grid Subgroup Meeting	Aug 31	<p>How can judges move within the grid?</p> <ul style="list-style-type: none"> ○ Aggravating vs Mitigating ○ Acceptable departure range below or above the range ○ Enhancements ○ Sentencing Alternatives ○ Sentencing for Young Adults
Task Force Meeting #13	Sep 2	<ul style="list-style-type: none"> • Task Force introductions and updates • Follow up and Action items from last meeting • Update on Grid Group Work
Grid Subgroup Meeting	Sep 7	<p>How can judges move within the grid?</p> <ul style="list-style-type: none"> ○ Aggravating vs Mitigating ○ Acceptable departure range below or above the range ○ Enhancements ○ Sentencing Alternatives ○ Sentencing for Young Adults

Grid Subgroup Meeting	Sep 14	How can judges move within the grid? <ul style="list-style-type: none"> ○ Aggravating vs Mitigating ○ Acceptable departure range below or above the range ○ Enhancements ○ Sentencing Alternatives Sentencing for Young Adults
Task Force Meeting #14	Sep 16	<ul style="list-style-type: none"> ● Task Force introductions and updates ● Follow up and Action items from last meeting Update on Grid Group Work
Grid Subgroup Meeting	Sep 21	How can judges move within the grid? <ul style="list-style-type: none"> ○ Aggravating vs Mitigating ○ Acceptable departure range below or above the range ○ Enhancements ○ Sentencing Alternatives Sentencing for Young Adults
Grid Subgroup Meeting	Sep 28	Finalize Discussions and first offer of how judges move within the sentencing grid recommendations: <ul style="list-style-type: none"> ○ Aggravating vs Mitigating ○ Acceptable departure range below or above the range ○ Enhancements ○ Sentencing Alternatives Sentencing for Young Adults
Grid Subgroup Meeting	Oct 5	Finalize Discussions and first offer of how judges move within the sentencing grid recommendations: <ul style="list-style-type: none"> ○ Aggravating vs Mitigating ○ Acceptable departure range below or above the range ○ Enhancements ○ Sentencing Alternatives Sentencing for Young Adults
Task Force Meeting #15	Oct 7	Discussion of first offer of how judges move within the sentencing grid recommendations: <ul style="list-style-type: none"> ○ Aggravating vs Mitigating ○ Acceptable departure range below or above the range ○ Enhancements ○ Sentencing Alternatives Sentencing for Young Adults
Grid Subgroup Meeting	Oct 12	<ul style="list-style-type: none"> ● Address input from Task Force Meeting
Grid Subgroup Meeting	Oct 19	Prepare 2nd offer of how judges move within the sentencing grid recommendations
Task Force Meeting #16	Oct 21	<ul style="list-style-type: none"> ● Task Force introductions and updates Discussion of second offer of how judges move within the sentencing grid recommendations: <ul style="list-style-type: none"> ○ Aggravating vs Mitigating ○ Acceptable departure range below or above the range

		<ul style="list-style-type: none"> ○ Enhancements ○ Sentencing Alternatives <p>Sentencing for Young Adults</p>
Grid Subgroup Meeting	Oct 26	<ul style="list-style-type: none"> ● Any follow up from last Task Force Meeting <p>Data and Information Needs:</p> <ul style="list-style-type: none"> ○ What information is available to judges at sentencing – PSI? ○ Risk Need Responsivity Assessments ○ Data needs and Monitoring and evaluation of any changes
Grid Subgroup Meeting	Nov 2	<p>Prepare first offer of Data and Information Needs Recommendations:</p> <ul style="list-style-type: none"> ○ What information is available to judges at sentencing – PSI? ○ Risk Need Responsivity Assessments ○ Data needs and Monitoring and evaluation of any changes
Task Force Meeting #17	Nov 4	<ul style="list-style-type: none"> ● Task Force introductions and updates ● Follow up and Action items from last meeting <p>Discuss first offer of Data and Information Needs Recommendations:</p> <ul style="list-style-type: none"> ○ What information is available to judges at sentencing – PSI? ○ Risk Need Responsivity Assessments ○ Data needs and Monitoring and evaluation of any changes
Grid Subgroup Meeting	Nov 9	<ul style="list-style-type: none"> ● Any follow up from last Task Force Meeting <p>Prepare final offer of all sentencing grid potential recommendations</p>
Grid Subgroup Meeting	Nov 16	Prepare final offer of all sentencing grid potential recommendations
Task Force Meeting #18	Nov 18	<ul style="list-style-type: none"> ● Task Force introductions and updates ● Follow up and Action items from last meeting <p>Consensus Decision-making: final offer of all sentencing grid potential recommendations</p>
Grid Subgroup Meeting	Nov 23	<ul style="list-style-type: none"> ● Address Task Force Input
Grid Subgroup Meeting	Nov 30	<ul style="list-style-type: none"> ● Review draft report of all sentencing grid recommendations.
Task Force Meeting #19	Dec 2	Consensus Decision-making: final offer of all sentencing grid potential recommendations
Grid Subgroup Meeting	Dec 7	Address any Remaining Task Force Input
Grid Subgroup Meeting	Dec 14	Review final draft report of all sentencing grid recommendations.
Task Force Meeting #20	Dec 16	Agree on Final Recommendations Report