

Washington State Criminal Sentencing Task Force
Meeting Summary: April 15, 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 Attending:

- 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
- 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
- Judge Wesley Saint Clair
- Chief James Schrimpsner
- Melody Simle (alt. for Suzanne Cook)
- Clela Steelhammer (alt. for Elaine Deschamps)
- Nick Straley (alt. for Nick Allen)
- Jon Tunheim
- Waldo Waldron-Ramsey
- Judge Josephine Wiggs-Martin

Additional Participants:

- Damon Brown
- Gail Brashear
- Sen. Darneille
- Bruce Glant
- Rep. Graham
- Davina Kerrelola
- Joanne Smieja
- David Trieweiler
- Kehaulani Walker
- Sanjay Walvekar

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

Research Support: Lauren Knoth (WSIPP)

MEETING GOALS: Check-ins and updates • Purpose, Goals, and History of the SRA • Small group & Full Group Dialog on Purpose of the Adult Felony Sentencing System

WELCOME, REVIEW AGENDA and GROUNDRULES

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. Chris reviewed key ground rules about listening to build understanding and assuming the best in each other.

INTRODUCTIONS

Amanda announced that Lew Cox is stepping down from the Task Force, updated members and alternates on who had informed the facilitation team they had to miss all or part of this meeting. Members and alternates introduced themselves and their constituencies.

FACILITATION TEAM UPDATES

- Starting in May there will be two half day meetings per month. The first Tuesday of each month from 1pm-4:30pm and the third Thursday in each month from 9am-12:30pm.
- Members and alternates should watch their email inboxes for meeting invites for July-December meetings, to come soon.

HISTORY OF THE SRA- Presentation by Keri-Anne Jetzer: Coordinator, Sentencing Guidelines Commission

Keri-Anne presented to the Task Force on the history of the Sentencing Reform Act (SRA). The slides from the presentation can be viewed via this [link](#).

Q & A

Members and alternates asked whether statistics are available about disproportionality in sentencing, specifically if comparable data exists to measure whether disproportional impacts increased or decreased when the sentencing system changed from an indeterminate to determinate one. Lauren shared some studies she knows of, including a report on the [First Step Act](#), and three different studies on discretion and disparity related to [federal sentencing](#), [sentencing guidelines](#) and the relationship between [sentencing alternatives and guideline decision making](#)

Another member had concerns about how data gets collected and the level of transparency that exists or does not exist across jurisdictions in the state. A member expressed interest in reviewing the legislative history of changes to the sentencing system.

SMALL GROUP DISCUSSION

The Task Force and members of the public split into three small groups to discuss the following questions:

- *What did we not know 40 years ago?*
- *What do we still not know?*
- *How does this inform the Task Force's work on the grid?*

Responses from all three groups have been synthesized below.

Task Force Breakout Group 1:

What did we not know 40 years ago?

- There is a criminogenic effect of being incarcerated.
- Job training, education, and support during transitions work to reduce recidivism.
- Longer sentences don't deter crime.
- Need to recognize the punitive costs of incarceration to communities and individuals.
- Need better access to programming while incarcerated.

What do we still not know?

- How much time is enough time behind bars?
- What help is needed for individuals who don't have support?

How does this inform work on the grid?

- Think about the effect of prison on individuals when thinking about sentence reform.

Task Force Breakout Group 2:

What did we not know 40 years ago?

- How to treat/provide support for the mental/behavioral health side.
- The impact of the SRA system on communities of color.
- Stop criminalizing individuals in a mental health crisis, just because they are in crisis does not mean they are breaking the law.
- To better balance prosecutorial discretion.
- Courts are not the appropriate setting to address youth at risk.

What do we still not know?

- Complexity of the system makes it difficult to isolate whether/how a particular change will influence outcomes.

Responses from Guests:

What did we not know 40 years ago?

- Children are different than adults:
 - Brain development science.
 - Need to consider actions of “children” differently than “adults” and redefine who considered to be “children”.
- Longer sentences are socially destructive.
- Technology, i.e., the existence of social media.
- Evolving perception of pornography.
- Our knowledge of mental and behavioral health has expanded greatly (even as reductions in funding for those services have occurred).
- Racial disparities.
- Relationship between childhood trauma/experiences and adult behaviors.

What do we still not know?

- What is needed for true/full rehabilitation?
- What is needed to best support reentry?
- What needs to occur for healing: for a survivor of crime, the person who committed it, and the community?
- Sex offenses that carry a stigma—what is really needed to support rehabilitation for the individual?

How does this inform work on the grid?

- Longer sentences do not contribute to public safety (and can be based in racism).
 - Simply need to cut sentences.
 - Will never get a perfect system but have an opportunity to undo some damage.
- We need to look at plea bargains and the power of the prosecution.

- Continue the pathway of police reforms.
- Need to use more technology to exonerate people (DNA, etc.).
- Actions today to improve the grid need to be retroactive so that changes apply to everyone.

FULL GROUP DISCUSSION

Members and alternates shared reflections from what was discussed in breakout groups and additional reflections on the questions. Responses included:

- A discussion about societal issues, criminalization and how courts are not adequately prepared to address those issues.
- The need to look to science and communities for opportunities for solutions.
- The criminalizing of behavior- specifically about juveniles.
- Comments about pre-arrest diversion specifically around mental health. How to provide enough programming in time to help with recidivism. Changing the culture in prisons so it is not so dehumanizing.
- How to keep reimagining the work that is needed.
- That treatment and programming in institutions is tied to the goal in the SRA about incarcerated individuals improving themselves.
- Appreciation for a fellow members comments about AMEND work and noting that DOC is under the human service committee, not just the criminal justice committee.
- A comment that we now know everything, but it is how we choose to use those tools that is unknown.
- Not enough services provided in communities for behavioral health services.
- Have not done a good job of showing that we are capable of providing treatment and rehabilitation.
- We now realize that reentry is an important part in sentencing.
- The discrepancy in the different ranges that are in place for different crimes.
- The power of prosecutors' roles and how it has changed over time.
- The need to include the role of DOC when talking about the system, cannot separate them.

Conflict arose when an alternate disputed the factual accuracy of a member's statement about downtown Seattle. This brought up discussion of a conflict involving the same member and alternate that occurred at the Task Force's last in-person meeting before the COVID-19 pandemic forced the group to move to virtual meetings. After heated dialogue including accusations of using racist language and of racism itself, the facilitators asked each Task Force member and alternate to express their sentiments about what had just happened.

BREAK

After a break for lunch, one of the Task Force co-chairs asked the group to return to its work of discussing the sentencing system. Task Force members expressed disappointment that this incident had distracted from the group's work, requested that the conflict get addressed by the co-chairs and facilitation team, and agreed to return to discussing the system.

DISCUSSION: VISION FOR THE FELONY SENTENCING SYSTEM

Members and alternates shared their vision for the adult felony sentencing system. Responses included:

- A system with a racial equity lens that treats incarcerated individuals humanly and addresses wrongs of the past.
- Envision people helping people.

- Focus on community safety and research-based programs.
- A system where bias and institutional racism is not at the center, transformed into something different and restorative. Stop asking law enforcement to do everything and stop criminalizing everything.
- Incarceration would be the last resort and it would be humanizing, leaving room for change and the idea that transformation is possible.
- Make the most effective use of a person's time when incarcerated and provide support to smoothly transition back into society.
- Think about the best way for the system to address a wide variety of behaviors. Look at things besides sentence lengths, like the roles of judges and prosecutors.
- See recidivism reduced.
- A system that is based on research and data, that funding the right things, involve social work and behavioral health.
- Promote public safety by helping those incarcerated with internal growth and healing.
- I see a system with alternative consequences than going into the felony system.
- I think we neglect those that we make the decisions about - the incarcerated people.
- I want a system that is person centric, that tends to people and their needs and takes care of the accused, the incarcerated, and victims. The system needs to be more simple than complex and as transparent as possible from beginning to end.
- A system that is restorative and healing.
- We inherited a system changed a long time ago, and we are creating a system for our children, their friends, and others into the future. Need to think about the future generations this will affect.

QUESTIONS FROM OBSERVERS

Questions and comments shared by observers include:

- Support for having a seat for an individual currently incarcerated to be a member of the Task Force.
- Effects of COVID-19 pandemic on downtown Seattle.
- Definition of "juvenile" should match what is known about brain science and development.
- Importance of distinguishing between crimes with and without victims, particularly crimes that may involve undercover police.
- Appreciation for comments shared by Task Force members.

NEXT STEPS

Next meeting is May 6th from 1pm-4:30pm

ADJOURN

All Upcoming Meetings:

May 20th, from 9am – 12:30

June 3, from 1pm – 4:30pm

June 17, from 9am – 12:30

July 1, 1 pm – 4:30 pm

July 15, 9 am – 12:30

August 5, 1 pm – 4:30 pm

August 19, 9 am – 12:30
September 2, 1 pm – 4:30 pm
Sept. 16, 9 am – 12:30
October, 1 pm – 4:30 pm
October, 9 am – 12:30
November, 1 pm – 4:30 pm
November, 9 am – 12:30
December, 1 pm – 4:30 pm
December, 9 am – 12:30

