

**Washington State Criminal Sentencing Task Force
Meeting Summary: June 3, 2021**

Virtual Meeting via ZOOM – [Recording available at TVW](#)

Task Force Members and Alternates Attendees:

- Nick Allen
- Dashni Amin
- Tiffany Attrill
- Lydia Flora Barlow
- Chief Gregory Cobb
- Senator Manka Dhingra
- Representative Roger Goodman
- Keri-Anne Jetzer
- Gregory Link
- Dep. Secretary Julie Martin
- Mac Pevey
- Chris Poulos
- Waldo Waldron-Ramsey
- Chief James Schrimpsner
- Melody Simle
- Clela Steelhammer
- Nick Straley
- Jon Tunheim
- Councilmember Derek Young

Presenting Attendees: Lauren Knoth, Washington State Institute for Public Policy (WSIPP); Clela Steelhammer, Caseload Forecast Council

Guests: Damon Brown, Kelsey-Anne Fung, Bruce Glant, Cynthia Holliman, Sydney Oliver, Juliana Roe, Joanne Smieja, David Triweiler, Matt Tremble, Kehaulani Walker

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

MEETING GOALS: Introductions and updates • Presentation and discussion on sentencing grid cell ranges and zones • Dialog on alternatives to incarceration

WELCOME, INTRODUCTIONS, REVIEW AGENDA and GROUNDRULES

Amanda welcomed attendees and introduced co-facilitator Chris Page and the Ruckelshaus Center Facilitation Team. Amanda and Chris reviewed the meeting goals, agenda, and groundrules. Members and Alternates stated name, affiliation, and constituency/perspective representing.

CO-CHAIR UPDATES

- The Legislature has reauthorized the Criminal Sentencing Task Force. Senate and House Leadership will soon begin confirming reappointments and filling vacancies. Membership changes since December 2020 include new representatives from:
 - House Republican Caucus,
 - Department of Corrections,
 - Sentencing Guidelines Commission,
 - Community organization representing the interests of incarcerated persons; and
 - Community organization representing the interests of crime victims.
- After updates from the Grid Subgroup during the July 1st and 17th meetings, members and alternates will participate in a workshop on strategies for effective engagement in difficult and cross-cultural conversations (facilitated by Caprice D. Hollins, with Cultures Connecting): Addressing Race Relations in the 21st Century. The workshops will not be recorded.

GRID SUBGROUP UPDATE

After many conversations about how to best sequence conversations exploring possible changes to the Sentencing Grid, members of the Subgroup recommend starting with the middle (cell ranges and zones) and working towards the outside (criteria for rows and columns). The Subgroup will continue meeting weekly, providing updates at the July meetings with the goal of presenting a “first offer” of potential recommendations to the Task Force at the August 5th meeting. The Facilitation Team is updating a workplan to guide the sequence of topics and conversations.

PRESENTATION: Cell Ranges and Zones, Lauren Knoth, Washington State Institute for Public Policy

[\(Follow this link to go directly to presentation which begins at 0:26:00\)](#)

Lauren provided examples of other states and the federal system’s sentencing grids. She also shared options considered by Grid Subgroup members as they consider the appropriate ranges for grid cells. Takeaways include:

- Zones can add a diagonal dimension on a sentencing grid (in addition to offense seriousness level (OSL) and criminal history score) and can apply to a felony class or OSL grid.
- Uniform modifications to cell ranges across the entire grid (such as expand range above and below by consistent amount) could lead to undesired outcomes in some grid areas. Rather than a “one-size fits all” approach to modifying the grid, Grid Subgroup members are exploring various options for specific areas of the grid. Options could include ([direct link to presentation of potential grid](#)):
 - The lower left (i.e., SW corner) of grid (shaded green on slides): could lower more presumptive minimums to zero incarceration and reduce maximum to 12 months to reduce incarceration and length of stay, respectively.
 - Middle grid (shaded orange): could reduce ranges to ensure maximum period of confinement does not exceed statutory maximums for class C and B felonies.
 - Upper portion of grid (shaded gray): could reduce ranges of incarceration and allow judges and prosecutors to retain discretion via aggravated/exceptional sentences.

Q & A and Comments

- **Q:** Has the Grid subgroup looked at how criminal history score is calculated? **R:** The Office of Financial Management’s Statistical Analysis Center (OFM SAC) is conducting an analysis of criminal history score for release later in 2021.
- **Q:** Do any grids have a non-traditional axis, something other than criminal history score or OSL? **R:** Yes, some examples will be presented shortly.
- **Q:** Do any grids use Risk Needs Responsivity (RNR) to inform an appropriate sentence? **R:** Sentencing risk assessments are a relatively new tool, most often used statically to identify lowest risk populations for alternatives to incarceration or populations who should receive pre-sentence investigations (PSIs).
- **Q:** Was there a report released recently that found that criminal history score was not predictive of recidivism? **R:** Council of State Governments released that report, but some have raised questions about their methodology which is why OFM SAC is conducting the analysis.
- **Qs:** Has the Grid subgroup looked at supervision models that lessen incarceration time, or possible changes/modifications to supervision? **R:** The presentations this afternoon will share information on supervision and sentencing alternatives—both the status quo and opportunities for improvement.
- **Comment:** Several individuals expressed support for re-envisioning supervision, including who oversees.

PRESENTATION: Current Sentencing Alternatives in WA, Clela Steelhammer, Caseload Forecast Council (CFC)

Clela reviewed sentencing alternatives currently available in Washington ([summary document available here](#)):

- First time offender waiver (FTOW)

- Drug Offender Sentencing Alternative (DOSA). Recent modifications include: eligibility now includes individuals with a jail sentence, midpoint was raised from 24 to 26 months.
- Parenting Alternative, also called Family and Offender Sentencing Alternative (FOSA). Recent modifications include: eligibility expansions.
- Special Sex Offender Sentencing Alternative (SSOSA)
- Mental Health Sentencing Alternative (MHSA): created in 2021 Legislative Session.
- Work Ethic Camp: currently remains in statute; however not currently operating.

Q & A and Comments

- **Comment:** In determining whether an individual qualifies for a sentencing alternative, DOC needs to weigh the needs of the individual as well as the needs of current and potential future victims. The Task Force and Legislature considered a proposal to change liability policies, and such changes are needed to ensure that more people who meet the eligibility criteria can access a sentencing alternative.
- **Q:** Do you have racial data regarding individuals receiving sentencing alternatives? **R:** That is in Exhibit 20 of [Examining Washington State's Sentencing Guidelines: A Report for the Criminal Sentencing Task Force](#) (p. 39).
- **Q:** Is there data on individuals (age, race, geography, etc.) that have sentencing alternatives revoked? **R:** CFC does not have that information, but DOC may be able to provide it.
- **Q:** Could you provide information about the low utilization of the Parenting Alternative? **R:** It could be a variety of factors such as lack of familiarity among judges or prosecutors of a relatively new program, or people not meeting the eligibility criteria.
- **Q:** How will the "Blake Fix" affect access to DOSA? **R:** DOSA will still be relevant to individuals with substance use disorder, and eligibility was recently expanded to include property crimes and other offenses.
- **Q:** Could you provide race/ethnicity information regarding individuals with convictions for serious/violent crimes and those with nonviolent felony convictions? **R:** That information is not in the recent WSIPP report, but Lauren can look that up.
 - **Comment:** Need to look at expanding involuntary substance addiction related treatment or therapeutic options.
 - **Comment:** Some survivors/families are unfamiliar with sentencing alternatives and unsure of efficacy.
 - **Comment:** Need for treatment as soon as possible, rather than towards the end of a period of incarceration.

NEXT STEPS:

- Facilitation Team will provide a summary of Task Force discussion and feedback on Sentencing Alternatives to the Grid Subgroup.
- Facilitation Team will follow up with various entities to provide the Task Force with the following additional information:
 - (DOC) Data on individuals that have sentencing alternatives revoked (age, race, geography)
 - (WSIPP) Race/ethnicity information regarding individuals with convictions for serious/violent crimes and those with nonviolent felony convictions Facilitation Team will add a conversation on community supervision to the workplan.

After providing an overview of next steps, Amanda concluded the Task Force meeting and invited guests to share comments or ask questions relevant to the work of the Task Force.

QUESTIONS FROM OBSERVERS

- **Q:** Have there been discussions about eliminating lifetime supervision and lifetime sex registration requirements? **R:** Grid Subgroup anticipates discussing supervision length, including lifetime supervision. Registration is a more complicated topic since many of the policies are governed by federal law.
- **Q:** Would lowering the confinement ranges for serious violent crimes given that this reflects a larger percentage of the prison population have a bigger impact on reducing the overall prison population than

reducing sentence lengths in the SW corner of the grid? **R:** The majority of sentencing events occur in the SW corner of the grid, so diverting or reducing periods of incarceration for those individuals quickly reduces the average daily population of individuals who are incarcerated. Reducing length of incarceration for individuals with sentences over 60 months can also change the overall population, but that change need more time to be visible in changes to the average daily population.

Comments:

- Regarding barriers to accessing to the parenting alternative: the person needs to be the custodial parent to be eligible for program.
- Regarding SOSA: eligibility should be expanded to those convicted of sex offenses involving undercover officers.
- Regarding Task Force conversation on community supervision, an observer shared some personal reflections on their work as a Community Corrections Officer (CCO). While there are flaws in the program, community supervision is an essential component of the criminal justice system that provides oversight and support on an individual’s ability to meet commitments to reentry. For example, CCOs connect individuals with everything from clothes to identification documents to toiletries and other resources that individuals urgently need. To better support individuals on supervision, CCOs need to be able to rapidly connect individuals with emergency housing, sex offender treatment programs, in-patient treatment.
- An observer thanked Task Force members for their work and expressed support for the focus on the SW corner of the grid and expanding first time offender waivers (FTOW). They also suggested the Task Force consider expanding FTOW for individuals with convictions for a nonvictim sex offense, specifically instances involving possession of illegal images.
- In response to a number of comments made by guests regarding nonvictim sex offenses, Lauren Knoth described work that WSIPP will conduct in the next fiscal year (7/1/21-6/30-22) to evaluate the Net Nanny program, sentencing outcomes for individuals, and eligibility for programs and alternatives.

ADJOURN

Upcoming Meetings:

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 7, 1 pm – 4:30 pm

October 21, 9 am – 12:30

November 4, 1 pm – 4:30 pm

November 18, 9 am – 12:30

December 2, 1 pm – 4:30 pm

December 16, 9 am – 12:30