

**Washington State Criminal Sentencing Task Force**  
**Sentencing Grid Subgroup**  
**Meeting Summary: May 25, 2021**  
Zoom Digital Conferencing Technology

**Attendees:**

- Russ Brown (alt. for Jon Tunheim), *Washington State Association of Prosecuting Attorneys*
- Representative Roger Goodman, *Washington State House Democratic Caucus*
- Keri-Anne Jetzer (alt. for Judge Saint Clair), *Sentencing Guidelines Commission*
- Lauren Knoth (research & data support), *Washington Institute for Public Policy*
- Greg Link, *Washington Association of Criminal Defense Attorneys; Washington Defender Association*
- Judge Wesley Saint Clair, *Sentencing Guidelines Commission*
- Melody Simle (alt. for Suzanne Cook), *Statewide Family Council*
- Clela Steelhammer (research & data support), *Caseload Forecast Council*
- Nick Straley (alt. for Nick Allen), *Interests of Incarcerated Persons*
- Jon Tunheim, *Washington State Association of Prosecuting Attorneys*
- Waldo Waldron-Ramsey, *Interests of Incarcerated Persons*

**Guest:** David Triewweiler

**Facilitation Team:** Amanda Murphy, Chris Page, Molly Stenovec, and Hannah Kennedy

**WELCOME & AGENDA REVIEW**

Amanda welcomed Sentencing Grid Subgroup (Subgroup) members and reviewed the agenda. She reminded members they will provide updates on their discussions, progress, findings, and suggested/potential recommendations at all future Task Force meetings.

**SENTENCING GRID CELL RANGES & ZONES**

Last week, the Subgroup agreed to adjust the order in which they consider the various grid topics. Members tentatively decided to work with the current offense seriousness level grid as they discuss cell ranges and zones, instead of moving forward with a felony-class-based grid.

Some members expressed interest in increasing judicial discretion by expanding cell ranges and/or collapsing/combining cells along the horizontal axis (e.g., combining criminal history scores 1-3, etc.). Others quickly note they did not support any increases in presumptive sentence lengths. At least one member reminded the Subgroup that recent grid research by the Washington Institute for Public Policy (WSIPP) indicates that as discretion increases so too does disproportionality; if the Subgroup and Task Force consider increasing discretion, they should also find ways to safeguard against increasing disproportionality.

**ADDRESSING OFFENSES WHEN THE PRESUMPTIVE RANGE EXCEEDS THE STATUTORY MAXIMUM**

A, B, and C class felonies are distributed across offense seriousness levels in the current grid. As a result, many B and C class felonies (which have a statutory maximum sentence of 10 and 5 years, respectively) are situated in cells with sentence ranges that exceed those maximum sentences. This

means that currently, such B and C class felonies will always result in sentences on the lower end of the cell range to avoid exceeding their statutory maximum.

To address this complexity and inconsistency, the Subgroup discussed a potential recommendation of a business rule where Class offense seriousness levels 1-5 could hold felony class, A, B, or C offenses, offense seriousness levels 6-10 could only hold felony class A and B offenses, and offense seriousness levels 11-15 could only hold class-A offenses. Members also discussed modifying the cell ranges to avoid instances where the presumptive range exceeds some offenses' statutory maximum.

#### **NEXT STEPS & ACTION ITEMS**

- **The Subgroup** will continue their discussion of cell ranges and zones on June 1st.