

Washington State Criminal Sentencing Task Force
Sentencing Grid Subgroup
Meeting Summary: June 8, 2021
Zoom Digital Conferencing Technology

Attendees:

- Russ Brown (alt. for Jon Tunheim), *Washington Association of Prosecuting Attorneys*
- Chief Gregory Cobb, *Washington Association of Sheriffs & Police Chiefs*
- 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*
- Clela Steelhammer (research & data support), *Caseload Forecast Council*
- Nick Straley (alt. for Nick Allen), *Interests of Incarcerated Persons*
- Jon Tunheim, *Washington Association of Prosecuting Attorneys*
- Waldo Waldron-Ramsey, *Interests of Incarcerated Persons*
- Judge Josephine Wiggs-Martin, *Superior Court Judges Association*

Guest: David Trieweller, Joanne Smieja, Sydney Oliver

Facilitation Team: Amanda Murphy, Chris Page, Maggie Counihan, and Hannah Kennedy

WELCOME & AGENDA REVIEW

Amanda welcomed Sentencing Grid Subgroup (Subgroup) members and reviewed the agenda. She shared that the Facilitation Team and the Co-chairs discussed ways to approach sentencing alternatives and proposed creating a small, ad hoc workgroup to focus on the details of the alternatives and report information to the Subgroup. The Subgroup would continue to work on the structure of the grid. All present supported that approach.

GRID STRUCTURE DISCUSSION

The Subgroup discussed the lower left portion of the grid and the question: *Should any sentence in OSL 1 result state incarceration?*

Concerns:

- Implications for moves to jail/local supervision costs.
- Appropriateness of individuals with 9+ felony priors never going to prison?

Considerations/suggestions:

- Remove requirement for post-conviction portion of sentences 12 months and 1 day to be served in state prison system.
- All post-conviction incarceration sentences served in state system and community supervision sentences under DOC supervision jurisdiction.

Opportunities:

- Better coordinated and financed/resourced reentry system rather than 39 separate reentry systems.

- Shifts financial responsibility away from local jails
- Local facilities have limited resources; some don't even have electronic home monitoring programs. Would make access more consistent across the state.

Challenges:

- Individuals incarcerated away from their home location/work release/visitation.
- Limited stays would likely be served entirely at the Shelton facility, which would create a logistical challenge for DOC (potential overcrowding at Shelton).
- Potential limits on access to programming due to short length of stay.
- Potential concurrent modification: lowering ranges at the bottom to include more non-incarceration sentences.
- Graduate Reentry (GRE) changes for non-violent, non-sex offense individuals so they may be released on electronic home monitoring after 4 months in state prison. This requires more transitions out of incarceration from state custody than may be available in local jurisdictions.
- Concern: are we just shifting where people are serving incarceration instead of trying to holistically reduce incarcerated populations?

Question:

- What percent of individuals incarcerated in prison are released from prison? Don't have exact numbers but have sense it's a majority of individuals. This may change with expansion of GRE.
- Would changes need to be made to policies regarding sanctions for violations to community custody violations?

NEXT STEPS & ACTION ITEMS

- **The Subgroup** will update the Task Force on this conversations and progress to-date at the June 17th meeting.
- **The Subgroup** will discuss the First Time Offender Waiver (FTOW), specifically the approach of the program and how it might be used to create a new program.
- **The Facilitation Team** will see if DOC members/alternates can attend the next subgroup meeting.