

Washington State Criminal Sentencing Task Force
Sentencing Grid Subgroup
Meeting Summary: July 6, 2021
Zoom Digital Conferencing Technology

Attendees:

- Russ Brown (alt. for Jon Tunheim), *WA Association of Prosecuting Attorneys*
- 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), *Families of Incarcerated Persons*
- 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*

Guests: Bruce Glant, Kelly Leonard, Joanne Smieja, and David Trieweiler

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

WELCOME & AGENDA REVIEW

Amanda welcomed subgroup members and reviewed the agenda. The group briefly discussed and shared positive feedback from the recent Task Force workshop with Cultures Connecting.

ADDRESSING THE STATUTORY MAX FOR CLASS C AND CLASS B FELONIES

The Subgroup considered the question, “Should there be room for judges to add months to the highest criminal history score (CHS) for aggravated sentences?” Keri-Anne noted that this would leave room for either an aggravated sentence and/or a community supervision term. For example, for Class C felonies a statutory maximum of 54 months would leave judges the discretion to add six months for aggravated sentences. This could reduce prosecutorial discretion, by removing the option of allowing prosecutors to offer less time in a plea negotiation.

Members discussed having a sentence range for CHS 9+ that would allow a judge to consider mitigating factors. The Task Force Could also recommend the Legislature redefine the stat max as the original imposed incarceration term, not to include community custody time.

If the categories or number of individuals eligible for supervision gets expanded, DOC staff could limit earned early release time if they needed to approve a release address, since individuals with earned early release time cannot be released without an address for residency in the community.

Members discussed what type of range would make sense and generally agreed it would be best to leave room at the top of the range for reentry options or supervision (or an exceptional / aggravated sentence).

Some members expressed support for having more community organizations involved in supervision, to complement the model DOC has. Clela noted that the period that DOC is authorized to supervise an individual under this section may not exceed the duration of community custody specified under [RCW 9.94B.050](#), [RCW 9.94A.701](#) (1) through (8), or [RCW 9.94A.702](#), except in cases where the court has imposed an exceptional term of community custody under [RCW 9.94A.535](#).

From the dialog, Lauren Knoth distilled the following **Potential Recommendations**:

- **Make maximum in CHS 9+ for OSL IX 108 months**
- **Change statutes to exclude community custody beyond statutory maximums.**
- **Add presumptive community supervision based on offense seriousness level to ensure all individuals get some reentry services.**

NEXT STEPS & ACTION ITEMS

- **The Subgroup will continue to discuss ways to address cell ranges.**

SUPPORTING MATERIALS

Offense Seriousness Level	Washington State Felony Sentencing Grid										FY 19		
	0	1	2	3	4	5	6	7	8	9+	Total A	Total B	Total C
XVI	Life sentence without parole/death penalty for individuals at over the age of 18. For those under the age of 18, a term of 25 years to life.												
XV	240-320 m	250-333 m	261-347 m	271-361 m	281-374 m	291-388 m	312-416 m	338-450 m	370-493 m	411-548 m	31	0	0
XIV	123-220 m	134-234 m	144-244 m	154-254 m	165-265 m	175-275 m	195-295 m	216-316 m	257-357 m	298-397 m	32	0	0
XIII	123-164 m	134-178 m	144-192 m	154-205 m	165-219 m	175-233 m	195-260 m	216-288 m	257-342 m	298-397 m	1	0	0
XII	93-123 m	102-136 m	111-147 m	120-160 m	129-171 m	138-184 m	162-216 m	178-236 m	209-277 m	240-318 m	76	0	0
XI	78-102 m	86-114 m	95-125 m	102-136 m	111-147 m	120-158 m	146-194 m	159-211 m	185-245 m	210-280 m	40	0	0
X	51-68 m	57-75 m	62-82 m	67-89 m	72-96 m	77-102 m	98-130 m	108-144 m	129-171 m	149-198 m	22	3	0
IX	31-41 m	36-48 m	41-54 m	46-61 m	51-68 m	57-75 m	77-102 m	87-116 m	108-144 m	129-171 m	171	33	0
VIII	21-27 m	26-34 m	31-41 m	36-48 m	41-54 m	46-61 m	67-89 m	77-102 m	86-116 m	108-144 m	17	40	0
VII	15-20 m	21-27 m	26-34 m	31-41 m	36-48 m	41-54 m	57-75 m	67-89 m	77-102 m	87-116 m	79	338	0
VI	12+-14 m	15-20 m	21-27 m	26-34 m	31-41 m	36-48 m	46-61 m	57-75 m	67-89 m	77-102 m	0	129	41
V	6-12 m	12+-14 m	13-17 m	15-20 m	22-29 m	33-43 m	41-54 m	51-68 m	62-82 m	72-96 m	0	105	680
IV	3-9 m	6-12 m	12+-14 m	13-17 m	15-20 m	22-29 m	33-43 m	43-57 m	53-70 m	63-84 m	0	1888	90
III	1-3 m	3-8 m	4-12 m	9-12 m	12+-16 m	17-22 m	22-29 m	33-43 m	43-57 m	51-68 m	0	1002	2721
II	0-90 d	2-6 m	3-9 m	4-12 m	12+-14 m	14-18 m	17-22 m	22-29 m	33-43 m	43-57 m	0	1269	851
I	0-60 d	0-90 d	2-5 m	2-6 m	3-8 m	4-12 m	12+-14 m	14-18 m	17-22 m	22-29 m	0	1	2746