

Washington State Criminal Sentencing Task Force
Sentencing Grid Subgroup
Meeting Summary: July 20, 2021
Zoom Digital Conferencing Technology

Attendees:

- 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, *Interests 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 Triewailer

Facilitation Team: Amanda Murphy, Chris Page, Molly Stenovec and Maggie Counihan

WELCOME & AGENDA REVIEW

Amanda welcomed Sentencing Grid Subgroup (Subgroup) members and reviewed the agenda. She reminded members they agreed to talk about the grid holistically and to date have focused on three areas: the lower left (SW) corner, stat max, and sentence lengths in the upper portion of the grid.

SIMULAITED GRID & DISCUSSION

Keri-Anne shared some grid simulations and explained that she embedded formulas into the grid for consistency, based on previous discussions the subgroup had. She thought it might help, since no justification exists in the working papers of the Sentencing Guidelines Commission (SGC) for the current ranges and sentence lengths.

She displayed a chart showing reductions and increases in sentence lengths (in months) that the simulate grid would have as compared to the current grid, based on the formula changes. The formulas can be adjusted using percentages.

By adjusting the formulas, the Task Force (or Legislature) could increase the number of “straddle cells” (those straddling 12 months, thus with potential for either a county jail or a state prison sentence) and would increase the number of cells where sentencing alternatives are available.

DISCUSSION

Some Subgroup members liked the idea of a formulistic approach, but others said they needed more time to digest the simulated grid. Members suggested collapsing (combining) some cells to increase the overlap of some rows.

- **Q:** Do mandatory minimums override the grid? **R:** if the statute [with the mandatory minimums] remains, then yes.

The subgroup discussed the Murder 1 offense and potential issues with lowering the sentence range for it in the grid. Members expressed concern about disproportionality in sentencing but noted that murder is viewed differently in society. Others noted they wanted to look at earned time, and Keri-Anne noted that the Task Force 2020 report had support for expanding who is eligible for community supervision.

NEXT STEPS & ACTION ITEMS

- **The Subgroup** will continue to review the simulated grids and discuss again the following week.