

Washington State Criminal Sentencing Task Force
Meeting Summary: August 5, 2021
Virtual Meeting via ZOOM – [Recording available at TVW](#)

ATTENDEES:

- **Task Force Members and Alternates Attendees:** See Appendix A. for members and alternates attendance list.
- **Presenting Attendees:** Lauren Knoth, Washington State Institute for Public Policy (WSIPP)
- **Guests:** Joanne Smieja, John McGrath, Davina Kerreola, Damon Brown, James Chambers, David Trieweiler, Bruce Glant, Carsen Nies, Gideon Newmark, Carolyn Gray, Corey Patton, Kelsey-Anne Fung, Matt Tremble, Adam Hall, Shawnte Holmes-Davenport, Megan Allen, Brittany Lovely
- **Facilitation Team:** Amanda Murphy, Chris Page, Molly Stenovec, Maggie Counihan – William D. Ruckelshaus Center

MEETING GOALS: Introductions and updates • Debrief and reflections on July workshops & revisit groundrules • Sentencing Grid Subgroup presentation and first offer of potential recommendations for Task Force input

WELCOME, INTRODUCTIONS, REVIEW AGENDA and GROUND RULES

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 co-chairs thanked members and alternates for their continued dedication to this important work. They reminded the Task Force that the technical nature of the grid means it will take time to get all members up to speed and encouraged members and alternates to do the work required to understand the key components of the grid and potential changes the group might recommend.

SENTENCING ALTERNATIVE SUBGROUP UPDATE

Chris recapped the rationale for this Subgroup and shared which members have been attending meetings¹. Judge Wesley Saint Clair gave an overview of what the workgroup has discussed:

- The four sentencing alternatives- Special Sex Offender Sentencing Alternative (SSOSA), Drug Offender Sentencing Alternative, First Time Offender Waiver, Family & Offender Sentencing Alternative (also called the Parenting Sentencing Alternative), and new Mental Health Sentencing Alternative
- Sen. Dhingra gave a presentation to the Subgroup on the rationale underpinning the approach on the newest sentencing alternative, the mental health alternative.
- A presentation from DOC staff on the Parenting Sentencing Alternative.

¹ Nick Allen, Representative Roger Goodman, Keri-Anne Jetzer, Mac Pevey, Waldo Waldron-Ramsey, Judge Wesley Saint Clair, Clela Steelhammer

- The Subgroup has discussed the need for education for prosecutors and judges to learn about the alternatives, ways to broaden the eligibility criteria, approaches that have proven effective, differences in usage across counties, and what alternatives other states have successfully adopted.
- An opportunity to place the alternatives directly onto the grid

DEBRIEF OF JULY WORKSHOPS

Amanda asked the Task Force for reactions to the July meetings with Dr. Caprice Hollins from Cultures Connecting. Members liked the model of resolving conflict through asking questions. Amanda asked the Task Force to email her or Chris suggestions for changes to the ground rules.

The facilitation team and co-chairs are discussing the prospects for returning to in-person meetings (with a virtual attendance option) depending on virus restrictions and will keep the Task Force updated.

SENTENCING GRID SUBGROUP UPDATE: FIRST OFFER OF POTENTIAL RECOMMENDATIONS- Lauren Knoth, Washington State Institute for Public Policy

[*\(Follow this link to go directly to presentation which begins at 0:37:30\)*](#)

Amanda gave a review of the approach the Grid Subgroup has taken to look at different areas of the grid. They have focused on the lower left corner, the sentence lengths in cell ranges, and zones. Lauren walked the Task Force through emerging potential recommendations developed by the Grid Subgroup. The list of potential recommendations can be [viewed here](#). The facilitation team slides listing the background and potential recommendations are [available here](#) (start on slide 10).

Members provided feedback and input to the grid subgroup. The feedback themes are listed below.

Potential Recommendation #1:

The current supervision model based on surveillance is insufficient and that changes to the grid are based on a broader paradigm shift that is focused on providing the appropriate treatment and resources for individuals who are placed under state custody. To sufficiently achieve those goals, changes to the grid must include concurrent changes to the Department of Correction's community custody approach to fully adopt the i-COACH model or to adopt a separate form of Community Reentry.

Task Force input:

- Consider a study to assess the workload of community corrections officers along with allocating resources for sufficient and appropriate training, equipment, and support. These programs are part of the fabric of the community and, if implemented effectively and with adequate support and partnerships at the local level, can and will contribute to public safety.
- A request to learn about what stage the implementation of the i-coach model is at within DOC. ([This link provides information about i-coach supervision model.](#))
- A desire to support community organizations to help with reentry services.

- A suggestion to reference the purpose of a different supervision model with the components of it, instead of a specific model that may or may not get implemented.

Potential Recommendation #2:

Move all felony class B offenses to no higher than OSL 9. Move all felony class C offenses to no higher than OSL 5. Include new legislative/statutory language specifying that:

“Class C felony offenses may not exceed offense seriousness level 5. Class B felony offenses may not exceed offense seriousness level 9.”

OR

“Offenses may not be placed in an offense seriousness level if the maximum standard punishment for the maximum criminal history score exceeds the statutory maximum punishment for the offense.”

Task Force input:

- Concern expressed that capping sentence lengths at 108 months for Class B felonies might shorten sentences for some felonies (e.g., Offender Seriousness Level (OSL) X at Criminal History Score (CHS) 8-9+) excessively; instead, suggest moving such felonies up to Class A.
- Concern about any step that might shorten sentences for crimes of sexual violence.
- General understanding of the principle and support for the move toward consistency and alignment with stat max.

Potential Recommendation #3:

The statutory maximum for class C and class B felonies is 5 and 10 years, respectively. Washington’s current grid contains several cells where the courts are unable to sentence some crimes within the full or partial range because they are greater than the statutory maximum.

To address cells where the presumptive sentencing range exceeds the statutory maximum for class C and class B felonies, make maximum of the range in CHS 9+ for OSL V 54 months and for OSL IX 108 months.

Task Force input:

- Some members reluctant to endorse capping sentence lengths in OSL 5 at or below the stat max of 5 years for Class C and in OSL 9 at stat max of 10 years for Class B, until they can see what that would do to sentence lengths in other cells.
- Suggestion to refrain from specifying new top ends of cell ranges, in favor of pointing out the inconsistencies to the Legislature and letting them make adjustments to address them.

Potential Recommendation #4:

Establish a sunset committee that reviews offenses that have not been sentenced in the last 5-10-20 years for potential elimination from the criminal code.

Task Force input:

- Can Clela provide a list of the offenses not charged in last 5, 10, 15, 20 years?

Potential Recommendation #5:

Require ongoing monitoring and larger, more in-depth statistical reviews after the first few years.Task Force input:

- General support for this recommendation
- Suggestion to assess projected impacts to criminal justice system (Grid, DOC facilities, county court caseloads, county jail populations) from all Legislative statutory changes annually.

QUESTIONS FROM OBSERVERS

Q: If we move to a new community supervision model that focuses on helping people have a successful re-entry, will we eliminate lifetime supervision?

Q: In regard to 'crime on the rise,' is this something that has been found to be a statistically significant rise? And if so, is there more content to it? i.e. in comparing 1 year, 2 years, etc.? **R:** Would direct you to the [WSPAC report on crime](#).

Q: Question on specific drug statute (69.5408) and doubling – also provides an opportunity to double the level of the weapons enhancement...is this something that the group is looking at too? **R:** Think it would be covered under the enhancement proposal, which is still pending. The Task Force is not looking at the drug grid, but the SGC was asked to review it.

Q: It's my understanding that the Grid group is looking at serious and more violent crimes ...is there a recognition among members that the doubling of sentences over the last 20 years has not increased public safety?

Q: Thank you for the opportunity to address the group. In the process of thinking about what DOC does in terms of supervision, has anyone sat down and talked to a community corrections officer? I really appreciate the curiosity about the iCOACH model.

Q: How will this grid address the inherent minimization of gender-based violence and imbalance of accountability in our system. For example, the lack of value given to crimes like "Rape of a Child 3," which involve the rape of a child under 16 years of age by an adult. I am concerned this grid will continue to exacerbate these issues. Or will this be left to the legislature to sort out? **R:** Agree that sexual assault is under reported.

Q: How or would this grid affect cases in which individuals are convicted of higher-class charges than what their initial charge is? i.e. a Class B drive-by shooting charge with no injuries, which produces (possibly several) Class A assault charges. If each assault charge would still be included, even in cases with no injuries, could the offense score be lowered for any more than one? Or if multiple assault charges, could some be eliminated?

Comments:

- The SGC originally did consider the differences between class of crimes and their seriousness level. I can explain that further if needed.
- I think it's important for us to keep reminding ourselves, and our constituencies, that the United States has the largest prison population in the world, per capita, and we don't have

anywhere near the largest population in the world, and we're not the safest country in the world. We need to recognize that longer sentences don't make us safer, we need systems of accountability that both make the victim whole as best we can, and help the offender make amends and return to the community. That's how we make ourselves safer.

- I just want to quickly say that song I keep singing about the sexting, arresting people w/o a criminal history and intent to commit a crime as a result of law enforcement ruses...I hope that the committee could put forward some comments about how those individuals may have access to the SSOSA system. Because these kids who get these long systems don't have a victim, they don't have access to the SSOSA system so instead have really long terms of confinement (i.e., life, as in my son's case).
- I want to follow up on the review of sentences in line with the census...I was part of conducting the census and have learned that people are counted within the county in which the prison/jail resides. I know that in Coyote Ridge...it determines the taxes paid.

ADJOURN

Upcoming Meetings:

August 19, 9 am – 12:30pm

September 2, 1 pm – 4:30 pm

October 7, 1 pm – 4:30 pm

November 4, 1 pm – 4:30 pm

December 2, 1 pm – 4:30 pm

Sept. 16, 9 am – 12:30pm

October 21, 9 am – 12:30pm

November 18, 9 am – 12:30pm

December 16, 9 am – 12:30pm

APPENDIX A

CSTF Members & Designated Alternates	Affiliation/Perspective Represented	Attendance:
Jon Tunheim	Washington Association of Prosecuting Attorneys	✓
Russell Brown (alternate)		✓
Lydia Flora Barlow (Christopher Poulos)	Statewide Reentry Council	
Rep. Roger Goodman	Washington State House of Representatives	✓
Sen. Chris Gildon	Washington State Senate	✓
Sen. Manka Dhingra	Washington State Senate	
Rep. Carolyn Eslick	Washington State House of Representatives	
Sonja Hallum	Washington State Office of the Governor	✓
Elaine Deschamps (Clela Steelhammer)	Washington State Caseload Forecast Council	✓
Julie Martin, Chief of Staff (Mac Pevey)	Washington State Department of Corrections	✓
Judge Wesley Saint Clair (Keri-Anne Jetzer)	Washington State Sentencing Guidelines Commission	✓ ✓
Suzanne Cook (Melody Simle)	Statewide Family Council	✓
Judge Josephine Wiggs-Martin	Superior Court Judges' Association	
Gregory Link (Kim Gordon)	Washington Association of Criminal Defense Attorneys; Washington Defender Association	✓
Chief Gregory Cobb (Chief Brian Smith)	Washington Association of Sheriffs and Police Chiefs	✓ ✓
Councilmember Derek Young	Washington State Association of Counties	✓

Judge Veronica Alicea-Galván (Frank Thomas)	Washington State Minority and Justice Commission	✓
Chief James Schrimpsker	Fraternal Order of Police, Labor Organization Representing Active Law Enforcement Officers in Washington State	✓
Nick Allen (Nick Straley)	Columbia Legal Services, Representing Interests of Incarcerated Persons	✓
Waldo Waldron-Ramsey (Ginny Parham)	Washington Community Action Network, Representing Interests of Incarcerated Persons	✓ ✓
Martina Kartman (Dashni Amin)	Collective Justice, Representing Interests of Crime Victims	
Riddhi Mukhopadhyay (Tiffany Attrill)	Sexual Violence Law Center, Representing Interests of Crime Victims	✓ ✓