

**Washington State Criminal Sentencing Task Force**  
**Meeting Summary: December 2, 2021**  
Virtual Meeting via ZOOM – [Link to recording via TVW](#)

**ATTENDEES:**

- **Task Force Members and Alternates Attendees:** see Appendix A.
- **Members of the Public:** Megan Allen, Cindy Carr, James Chambers, Liz Dayton, Kelsey-anne Fung, Taylor Gardner, Bruce Glant, Carolyn Gray, Caylin Jensen, Cathy Johnston, Davina Kerrelola, Brittany Lovely, Alex Mayo, John McGrath, David Trieweiler, Gideon Newmark, Lydia Schoen, Joanne Smieja, Kehaulani Walker,
- **Facilitation Team:** Amanda Murphy, Chris Page, Molly Stenovec, Maggie Counihan – William D. Ruckelshaus Center
- **Research/Technical Support:** Lauren Knoth, Washington State Institute for Public Policy (WSIPP)

**MEETING GOALS:**

- Task Force Introductions and Updates
- Reflect on & Discuss Task Force Work to Date
- Receive updates from Sentencing Grid Subgroup and Sentencing Alternatives Workgroup
- Discuss Workplan for 2022 and Share Desired Outcomes for the Work Ahead
- Update from Legislators on Status of Task Force’s 2020 Recommendations for 2022 Legislative Session

**WELCOME, INTRODUCTIONS, REVIEW AGENDA and GROUND RULES**

Amanda Murphy welcomed attendees and introduced herself and the rest of the facilitation team before reviewing the agenda and meeting goals. She shared that Sonja Hallum from the Governor’s office must miss a few upcoming meetings due to a short-term job change. A new Governor’s office representative will fill in while Sonja is away.

**CO-CHAIR UPDATES**

Co-Chairs Representative Goodman and Jon Tunheim thanked members and alternates for their hard work and continued commitment. Rep. Goodman shared that Task Force member and co-chair Lydia Flora Barlow has stepped down from the Task Force and her other public commitments due to personal health reasons.

**FACILITATION TEAM UPDATES**

Amanda reminded the Task Force that there will be no meeting January 2022. The subgroups will keep meeting in January and the full Task Force will reconvene in February 2022.

**REFLECTIONS ON TASK FORCE WORK TO DATE**

Amanda reviewed the Task Force’s work since 2019. In 2019, starting in September, the group met four times, created two workgroups, and reached consensus on two recommendations. In 2020 the group completed a massive amount of work, culminating in a December 2020 report with 47 consensus recommendations to the Governor and Legislature. In 2021 the Task Force updated its operating procedures, reviewed the Washington State Institute for Public Policy (WSIPP) report it had requested in 2020, and dived deep into the sentencing guidelines grid to improve it. Two workgroups met throughout 2021 with the Grid Subgroup looking at the components of the grid and the Sentencing Alternatives Workgroup reviewing existing alternatives to incarceration for potential improvements.

**REFLECTIONS ON TASK FORCE WORK TO DATE**

Task Force members and alternates were split up into breakout rooms to discuss the following questions:

- *What do you see as key accomplishments of this Task Force? Why?*
- *What made it possible for those accomplishments to occur?*
- *What strengths do you see in the Task Force to continue to nurture and build on?*

Breakout Group 1 Notes

- An important and key accomplishment is that we are now actually having frank conversations about the system. Having these types of conversations is a first for me in 26 years active in the system. We have been engaged in this work for over two years now and a key accomplishment is that we are still committed and engaged and willing to continue doing the work. What has made that possible is many things but think the work we did at the start of the Task Force, when we were in person and building relationships. I think that to keep the momentum and commitment going, we are going to need to be back together in person. Returning to meeting in-person is what is really going to help us work through the hard conversations and work that lies ahead.
- It is hard to pinpoint a single key accomplishment. This work is very complex. The race and justice conversations that are being had by society are critical and have aided us in having these important discussions. I am seeing more and more where there are areas that we can agree. And even where there are areas that we can't agree, we are all still committed to the work. I would also like to see us return to in-person meeting. I have such an enormous amount of respect for everyone on this Task Force and their continuing commitment. Also think one of the strengths is the time we have been given to do the work intentionally and deliberately and am grateful for that time.
- A key accomplishment is that we are doing what has not been done before – we are taking a very detailed, deliberate, and inclusive work to look at changes to the system. We are not just skimming the surface. And one thing that has made this possible is all the support and expertise from Lauren Knoth, with WSIPP, Clela Steelhammer with CFC, and Keri-Anne Jetzer with the SGC.
- A key accomplishment was our report last year. We did a good job of coming up with recommendations that met the policy goals we were asked to address. We reached consensus on nearly all of them. And these recommendations will lead to real, positive reforms. And this was possible because people on this group are willing to have the hard conversations even though there were real differences and disagreements. There were some difficult moments and situations last year and think we have moved beyond those moments and great to see people are still here and committed given those events. I am also wanting to see us return to working in-person.
- I am new to the group and to the topic of sentencing, but I am getting caught up and am very appreciative of Lauren Knoth and her expertise and help getting me up to speed on sentencing in WA. I wasn't sure what to expect when joining this Task Force but have been impressed by the group and what it is trying to do. I have also really enjoyed this group because of all the different perspectives that are present on the group and being shared. Getting to hear all these perspectives has challenged my own understanding and some of my own perspectives have been changing. I too want to see us get to in-person meetings.
- I too echo that we have done great work. I think we know that and know how to have difficult conversations and not to expect that we will get everything we want out of this process, that no one will, but that working together we can make the system better for everyone. But I don't think we need to spend too much of our time like we are now talking about it. We have work to do. I am deeply impressed by the people on this group that have moved their positions. We have done great work and gave recommendations like we were asked to do. I want to see this work that we have already done and the work we will be doing putting forward next year, actually translate into the Legislature. We have done the work. It is the Legislature that needs to do the work now.

Breakout Group 2 Notes

- The 2019 consensus recommendations on “compliance credit” and concurrent v. consecutive supervision terms. They have made a real positive difference in people's lives.
- Task Force reached consensus on 49 recommendations!
- We addressed the “elephant in the room” after the racially charged incident. We met it head on with Cultures Connecting and had some hard conversations and developed new tools to work together better.

- Problem-solving in small groups when necessary
- Great information from the research folks.
- Maintaining dialog and working through frustration.
- Members being willing to offer what CAN work for their constituency when they had to go thumbs-down” on a potential recommendation.
- Neutral facilitation keeping us on task and helping us reach agreement
- Grit and perseverance
- Open mindedness
- Recognizing the need and getting baseline data on sentencing, the grid, and disproportionality from WSIPP
- Commitment
- Good faith engagement
- Willingness to show vulnerability

### Breakout Group 3 Notes

- The bills that have passed and the conversations that have happened
- Still getting a holistic understanding of what is going on
- Impressive number of recommendations last year. Collaborative framework helps with trust building. Sharing costs make it easier for services to be provided
- Availability of data help us make strong evidence based decision to reduce racial disproportionality
- Educating people about the whole system
- Keep questioning past assumptions
- Continuing to build relationships
- Having tough conversations in a respectful manner
- The policy goals and outcome keep us working together on a shared vision
- Strength in the subgroups and using data and facts
- People operating from a place of curiosity and openness

### **REFLECTIONS ON WORK AHEAD IN 2022**

The second breakout session focused on the following questions:

- *Imagine we are at the last Task Force meeting, and you all agree that your work has been successful? What does that look like?*
- *What is one specific thing that you have accomplished together?*
- *What needs to happen next year to ensure this success comes to fruition?*
- *What is one thing you are willing to commit to the group to help make this happen?*

### Breakout Group 1 Notes

- A new sentencing grid. And even better if there is consensus to go along with it. I have been impressed by all the progress that has been made this year to make this possible. What needs to happen is that we keep showing up to the conversation, will to contribute, willing to listen. That we continue to have productive dialogue.
- Success is that we have don't what we have been asked to do by the Legislature. That we provide recommendations that meet the policy goals. But for me, importantly is that we really take a look at what's doable in the southern portion of the grid. The southwest corner and the entire southern portion. To look at what alternative to incarceration can be built into this area. Providing meaning program options for people instead of just going to prison. To be able to address the underlying issues that are resulting in people creating these offenses. This will contribute to public safety overall. I am willing to commit to be

open-minded and to bring things back to my constituency and explain when necessary to them why we don't need to dig our heels in on certain proposals.

- Anything that can be done to help make sentencing calculations less complex and reduce the risk of errors. This is what I hear from our folks. Improving the J&S forms. Having some methodology to the grid that makes it more clear to all parties and that helps relieve the complexity. Also, success would be meaningful options for programming and better programming being available. And I can commit time and data and information.
- Recommend that if and when a new grid is in place that there also be some sort of electronic analysis system in place that can do double checking.
- Success would be supervision and better supervision built in and available in the system. Right now, incarceration is the only tool. Would like to see supervision and other tools available in the system for accountability. Would also like to see better reentry support. And in the bottom portion of the grid, think there is a lot of agreement. Being able to create more options in the system that allow for being responsive to the individual. I am willing to continue committing the time and involvement in the working groups and all meetings.
- I do think we have a shared goal of reducing the number of people in prison and having better programs and services available. I do see that there are options we are considering that while not perfect, they will reduce the number of people in prison. It will be important that the resources and funding is there to support and provide the services people need. I am slowly coming to accept that I won't get everything we want out of all this but there are areas where compromise still results in improvements. Again, I really do think we have similar goals, it's just we have different ideas of how to achieve them. And success would also be addressing where we can in the system racial disparity. And I am committed to continuing to show up and do the work.
- Recognition and calling out that incarceration is not always the answer. Having more rehabilitative options available can lead to better outcomes. Also, success would be the intentionality to address racial disparity. And I am committed to being a broken record about this. And committed to be curious and open-minded.

#### Breakout Group 2 Notes

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- Problem-solving in small groups when necessary
- Great information from the research folks.
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- Neutral facilitation keeping us on task and helping us reach agreement
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- Commitment
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- Willingness to show vulnerability
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- A complete grid package founded on research and data that addresses racial disparity

- A multifaceted proposal to the Legislature that has future data collection and monitoring built into the system
- We have developed and come to agreement on a Values Statement to help refocus the system away from retribution, the primary principle that has guided sentencing since the SRA.
- We have put forward a sentencing grid that has lower presumptive sentences across the board.
- We keep meeting regularly in good faith
- We may need some sidebar conversations from small working groups to problem-solve when things get sticky.
- Good faith engagement
- People need to maintain an open-minded approach
- Earlier today I asked my assistant how I could get out of this Task Force since I do not know this material or the system at all, it is so new to me. But after these two breakout rooms today, I commit to finishing this process.
- I promise to keep showing up and positively representing my constituency
- Good faith engagement

#### Breakout Group 3 notes:

- Completion of a new grid
- Policy issues that affect the grid
- The grid is the core of the issue, alternatives for people that don't need to be incarcerated
- A way to better serve the public, a way to change our prison system to allow individuals to have meaningful change – the grid is a piece but don't want to do it in absence of other things
- Need a handful of grand compromises
- Success is challenge some of the assumptions of the past
- Social supports are lacking, people need to have their needs met
- Should be asking different questions after a criminal offense – how did you get here? What do you need?
- Discussion to have around what would it be to change the system before people hit it? Goes back to what would actually reduce recidivism?
- What's the data that supports the current grid? Curious is there are data/facts/studies that exist

#### **REVIEW 2020 RECOMMENDATIONS & LOOK AHEAD TO THE 2022 LEGISLATIVE SESSION**

The Task Force was reminded of a bill tracking document that Keri-Anne Jetzer had created for the Sentencing Guidelines Commission including bills related to previous Task Force recommendations. Rep. Goodman said a bill on firearms enhancements is a top priority, as is a bill related to tolling on supervision. Sen. Dhingra reminded the Task Force about the mental health bill the Legislature passed last year, which included monies to local governments to increase the use of therapeutic courts in communities. This year there is a bill to make first-time DUI offenders eligible for the Drug Offender Sentencing Alternative, a bill related to convictions covered by the Blake decision to streamline the resentencing process, and a bill regarding access to substance use disorder treatment in prisons.

#### **NEXT STEPS**

Amanda and Chris thanked members and alternates for all the time and talent they have dedicated to the work of this Task Force. Co-Chairs Rep. Goodman and Jon Tunheim thanked members of all the great work that has been accomplished this year and look forward to the year ahead.

**February – June 2022 Meeting Schedule:** Starting in February, meeting times reflect possible in-person, all-day meetings

*February 3, 9 am – 4:30 pm*

*March 3, 9 am – 4:30 pm*

*April 7, 9 am – 4:30 pm*

*May 5, 9 am – 4:30 pm*

*June 2, 9 am – 4:30 pm*

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**PUBLIC QUESTIONS AND COMMENTS:** Below are summaries of comments and questions shared by public attendees and any responses from Task Force members and alternates. Full questions/comments and responses can be viewed by following this link to TVW which starts at [01:59:51](#) in the meeting recording.

**David Trieweller:** During the breakout discussion among the public, many of us observed a divide among those who think too many individuals are incarcerated for too long and those who don't—how does the group feel they can make significant progress on reducing incarceration for all crimes?

- See common ground even with value and policy differences, feel optimistic for conversations ahead.
- What comes out of the Task Force, what comes out of the Legislature won't provide everyone what everyone wants. See opportunities for increasing opportunities for non-incarceration forms of accountability and other improvements to the sentencing system.
- Expressed hope for conversations in-person among Task Force members, especially those with differing viewpoints, to explore common interests
- This Task Force and the Legislature won't give everyone everything they want, but do believe the Task Force will be able to create a new approach and responses that will improve the sentencing system in Washington.
- Facilitation team noted that a collaborative, consensus seeking process creates a space where it's not one idea or value against another, but recognizes the continuum of values and the opportunities for moving forward. During the breakouts and report out, members expressed their commitment to the collaborative process and dialogue.
- Without conversation, the system will remain the same. Building relationships is part of the process of creating something different, and believe that the group has the ability to create something different.

**Joanne Smieja:** Could you provide an update on HB1282, which pertains to earned early release time?

- Currently with the appropriations committee and unsure about its prospects moving out of the committee, due to concerns about the universal increase in earned time for all individuals currently incarcerated.

**Alex Mayo:** Shared reflections while attending a subgroup meeting and encouraged the Task Force to consider all individuals with a shared humanity. Expressed concern that Task Force will not discuss sex offenses or certain offenses because other group is going to look at it.

- The Public Safety Committee benefits and appreciates the guidance and expertise of the Sex Offender Policy Board (SOPB) on bills and policies related to sex offenses.
- Follow up comment, Alex Mayo: a challenge with the SOPB is that the membership does not include a position for individuals with a sex offense conviction in their past.
- Additional policy matters related to sentencing of individuals convicted of sex offenses: would like to create a mechanism to suspend lifetime supervision for individuals meeting certain criteria. While not within the scope of the Task Force, also want to express concern for the individuals who were convicted of sex offenses as part of undercover operations, especially those cases that involved a fictitious victim and the individual held no prior record or inclination to engage in the activity.

**Bruce Glant:** Express support to see perspectives of individual with sex offense conviction, as well as their family. Thanked the Task Force for their hard work.

**Question for Task Force, posed via chat & posed during the meeting:** Does the firearm bill have any defined or meaningful structure for how victims of crimes will be notified of resentencing?

- Victim advocates work to contact named victims if a resentencing hearing will occur, so those individuals have the opportunity to be heard.

**Lydia Schoen:** How can one find out or initiate a task force to look at individuals with sex offense convictions related to sting operations? Those individuals are not currently eligible for 6164, have restricted access to graduated reentry, and not eligible for SSOSA.

- Sting operations are no longer occurring, yet many individuals are still incarcerated as a result of those operations. There could still be opportunities for resentencing—prosecutors have that authority—depending on individual circumstances and local policies.
- The 2013 Review of SSOSA by the SOPB includes suggestions to consider sentencing associated with non-contact sex offenses, as well as create a process to suspend lifetime supervision terms.

**Bruce Glant:** Individuals convicted of sex offenses through the earlier years of the net nanny stings generally received much longer sentences than individuals convicted and sentenced in later years.

**Verbatim Public Comments and Questions Submitted via Zoom Chat Function:**

**Bruce Glant:** Sex crimes are always carved out of everything and need to be given fare consideration after they have served their time.

**Liz Dayton:** An observation: In the last report out, the other groups commented on how their work is predicated on "evidence." The public sub-group commented on how their observations were the opposite: work was based on anecdotes of individual cases.

**Bruce Glant:** Sex crimes have one of if not THE lowest recidivism rates other than murder 1, yet are treated the harshest and given the most punitive treatment for life, after serving their time.

**Carolyn Gray:** Does the firearm bill has any defined / meaningful structure for how victims of the crimes are to be notified of the resentencing?

**ADJOURN**

**APPENDIX A.**  
**Task Force Members and Alternates Attendees**

CSTF Members & Designated Alternates	Affiliation/Perspective Represented	Attendance:
Jon Tunheim	Washington Association of Prosecuting Attorneys	✓
Russell Brown (alternate)		✓
Lydia Flora Barlow	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 (technical expertise)	✓
Julie Martin (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 Schrimpsheer	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	✓
	Columbia Legal Services, Representing Interests of Incarcerated Persons	✓
Waldo Waldron-Ramsey (Ginny Parham)	Washington Community Action Network, Representing Interests of Incarcerated Persons	✓
Tiffany Attrill	Washington Community Action Network, Representing Interests of Incarcerated Persons	
	King County Prosecutor's Office, Representing Interests of Crime Victims	
Riddhi Mukhopadhyay	Sexual Violence Law Center, Representing Interests of Crime Victims	

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