

**Washington State Criminal Sentencing Task Force**  
**DRAFT Meeting Summary: May 5<sup>th</sup>, 2022**  
Virtual Meeting via ZOOM – [Link to recording via TVW](#)

**ATTENDEES:**

- **Task Force Members and Alternates:** *See Appendix A*
- **Members of the Public:** *See pg. 13*
- **Facilitation Team:** Amanda Murphy, Chris Page, Molly Stenovec, Maggie Counihan – Ruckelshaus Center
- **Research/Technical Support:** Dr. Lauren Knoth-Peterson, *Washington State Institute for Public Policy (WSIPP)*

**MEETING GOALS:**

- Task Force Introductions and Updates
- Revisit Three Policy Goals
- Discuss The Road Ahead: Until Consensus & After Consensus
- Generate List of Important Conversations
- Begin Important Conversations

**WELCOME**

Amanda welcomed members and alternates to the first in-person/virtual meeting since February 2020. She then turned to the co-chairs for opening remarks. Highlights from co-chair remarks include:

- A sense of hope and excitement for the work ahead, even for those tough conversations, and note the value that each member and perspective bring to the work.
- Appreciation for the facilitation team. Conversations today about what is possible overall, and the road ahead, will help guide the conversations in the coming months.
- Nick Allen shared that this will be his final meeting with the Task Force as he's leaving Columbia Legal Services and will no longer be able to represent interests those incarcerated. Thanked everyone for their time and effort.

**INTRODUCTIONS & REFLECTIONS**

Amanda asked all members and alternates to share their name, the constituency they represent on the Task Force, and respond to the following reflection question: *Imagine this is your last meeting as a Task Force. Your work is complete. You believe the work you all have done together has been successful. In 1-2 sentences, what does that look like to you?*

Responses to the reflection question:

- This group has developed recommendations to refine the system through the lens of public safety and accountability, as well as fairness.
- We see a system that after 40 years has been updated to incorporate the latest research, is equitable for all who come before the court, and that increases and enhances public safety.
- A system that is less complex
- We have reached consensus on the three policy goals and there is a path for legislative action and to seeing positive impacts across the state on all three objectives.
- That a victim lens and perspective has been considered in the development of recommendations.
- We have tangible, specific, and meaningful recommendations that are being considered and adopted by the legislature.

- We have developed an updated sentencing grid that reduces errors in calculating sentences and also better provides opportunities for individuals to have a second chance.
- Recommendations that have not just been informed by data and approaches in other states, but also consider unique circumstances and communities in Washington
- I see our measure of success as having developed a proposal for a system that is equitable and sees the humanity of all individuals involved in the system
- I hope that final recommendations have a victim centered lens, that victims' advocates won't have to apologize for a system that often leaves victims out
- Recommendations that create a system that promotes public safety and public confidence, that holds people accountable for their actions, and that provide opportunities for people to successfully reenter the community
- A system that is more effective and improves public safety—for example, that reduces recidivism and takes care of the people who have been harmed by crimes. The group has created recommendations and a sentencing framework that is tangible and informed by research and thoughtful conversations...and that the group strives to reach consensus as much as possible. Everyone feels that their perspective has been considered and that the group can walk together into Olympia, into the Legislature, to support the path towards implementation.
- Developed recommendations for a system based on evidence, has more rehabilitative options, is less retributive, and has more opportunities for considering individual circumstances and needs
- Group has found ways to meet the three policy goals, and that those recs are digestible for the Legislature, who can turn those recommendations into bills and ultimately policy.
- Have a system predicated on notion that people can change, given opportunity and resources; a system that is person centered – both defendants and those who have been harmed.
- Have a system that is person-centered-- the individuals and communities experiencing the harms of crime, the individuals who are incarcerated or on supervision—as well as their families and communities.
- Express hope for recognition of the harms caused by the current system, and that group has developed recommendations to intentionally address some of those harms. A system that is more rehabilitative and less retributive and that includes recommendations addressing racial disparity throughout the system.
- In December, want to feel that victims and families have been heard in this process.
- Recommendations guide a huge increase in programs and resources for those incarcerated, that individuals have more opportunities and supports to not recidivate.
- Success will look like the Legislature hearing and developing legislation informed by the recommendations, as well as providing appropriate funding to implement them.
- Success includes a process that incorporates a diversity of opinions and consideration of extensive research; and recommendations that will reduce disproportionality and disparity throughout the sentencing grid. Hope that recommendation in the southwest corner of the grid will better provide people with the supports they need so we see a reduction in recidivism.
- I want to see the group develop recommendations that could lead measurable changes, especially in the disparate treatment of BIPOC individuals, and that increase transparency.
- The group has developed recommendations for a fair, more clear system of sentencing that is evidence based, that reduces costs, and that reinvests those resources in crime prevention, especially at the local level.
- Recommendations create the framework for a system that:
  - Is based on fairness for all parties
  - Addresses issues of complexity

- Increases the concept of public safety
- Provides opportunities and resources to support rehabilitation
- Meets the needs of individuals families who have been harmed by crimes
- That the group is satisfied with the process—that everyone has heard those individuals who have experienced the system personally, including the systemic inequities, and that those perspectives have informed the development of the recommendations.
- Success looks like a framework for a new grid, that reduces complexity leading to errors, that is data driven, and reflects an understanding that incarceration alone does not necessarily contribute to safer communities.

Amanda thanked everyone for sharing their perspectives, which will help inform the discussion today about the road ahead. As facilitator, often thinking about tending the process, substance, and relationships in multi-party group efforts. It's challenging to tend relationships on zoom, so having people in person today presents an opportunity to focus on relationships and process. The Task Force will talk about what's things possible before its December 31, 2022 report deadline and, beyond that, what happens from January through June 30, 2023 (the official expiration date for the Task Force).

### **REVISITING THE THREE POLICY GOALS**

Amanda provided an overview and context for the discussion on the three policy goals of the Task Force. At the first Task Force meeting in September 2019, the facilitation team asked members and alternates to share their perspectives on how the group could meet those goals. Those responses informed the creation of working groups that developed potential recommendations that the Task Force deliberated consensus on, 47 of which the Task Force included in its December 2020 report.

Since many members and alternates have joined since 2019 and the group is now focused specifically on the sentencing guidelines grid, this discussion will be an opportunity to create a shared understanding of what those policy goals mean in the context of the grid. Members and alternates, both in person and on zoom, then wrote their responses on sticky notes and shared reflections. See Appendix B for transcription of all stickies; summary of discussion for each policy goal is below.

### **Discussion: Reducing Sentencing Implementation Complexities and Errors**

*What are the implementation complexities and errors associated with the sentencing guidelines grid that need to be addressed? Why? Ideas about how to address?*

- Unsure whether we can reduce complexity and errors and public safety at the same time; it feels like those policy goals are at tension with each other. If we create a system with more opportunities for pre-sentencing investigations and one that is responsive to the needs of individuals, it feels like it would need to be a complex system.
- Does the grid need to be less complex? If we reduce the complexity of the grid, then very different people and histories are considered in the same category or guidelines range. Some complexity allows the judge, prosecution, and defense to make decisions on what a sentencing outcome should look like for a specific individual.
- Members in this group have very different perspectives about the scale of potential reforms. Everyone is here because of the opportunity for a holistic look at a 40-year-old guidelines grid.
- The current grid was created to address judges having disparate approaches to sentencing and to provide boundaries and certainty on sentencing outcomes. The grid does provide bounds on what sentences can be issued by the judges, yet the current system still includes opportunities for implicit bias and unpredictable sentencing outcomes. We need greater transparency in decision-making,

especially in calculating criminal history scores (CHS), so all parties have increased clarity about potential sentencing outcomes.

- Calculating criminal history scores is very complex. Also, there are elements of sentencing not currently explicitly on the grid – i.e., calculating CHS, sentencing alternatives. The Sentencing Guidelines Commission has developed recommendations to incorporate all sentencing options onto the grid, to create transparency.
- The current grid creates bounds on sentencing outcomes but is confusing and leads to disparate outcomes while placing constraints on meeting the needs of various cases. We need greater simplicity and a balance of discretion and predictability.
- The basic grid has simplicity in its structure but complexity in how it currently gets implemented, which has contributed to racial disproportionality in sentencing outcomes. Task Force recommendations, and the new grid, will need some level of complexity to address the current complexity.
- Shared experiences with federal advisory approach to sentencing guidelines. Acknowledged tensions that exist within the sentencing system—changes in one area may affect something else. Current system is product of small changes over time, expressed support for holistic review and increases in bounds of sentencing outcomes.

Amanda, noting that many members have described the importance of complexity, reminded the group that the full policy goal is about reducing the complexity that leads to errors in the system. She invited members and alternates to weigh in on that specific element. Responses included:

- An expression of support for having some level of complexity, to consider individual needs and specific elements of cases, but that is easier than the current system to implement without errors. The current system includes unnecessary complexity—tolling policies, enhancements, variations across counties in judgement & sentencing (J&S) forms—that lead to calculation errors on J&S forms.
- Expressed support for complexity in the grid to meet complex and diverse needs of individuals—group has an opportunity to improve the human experience of the sentencing system. Encouraged group to create a system that can meet victim and defendant needs w dignity and respect, and to build on other efforts to support restorative justice, reentry supports, and including communities and voices that have been left out historically.
- Group can meet this policy goal by taking a holistic look and prioritizing the complexities that lead to errors in the system. Complexity can allow balance – allow for judge, prosecution, and defense, to consider the unique instances of the case.

### **Discussion: Improving the Effectiveness of the Sentencing System**

*What aspects of the sentencing grid need improvement/are not effective? Ideas for how to address?*

*How will it improve the overall effectiveness of the system?*

- Grid feels simple, conceptually, but policies such as multipliers bring complexity and the individuals involved do not clearly understand the processes that inform the calculation of a sentence imposed.
- Currently sentencing errors can include:
  - Reliance on plea bargains—individuals who plead guilty may not actually be guilty of the charge and do not have opportunity for appeal or “second look” and
  - Geographic and racial disparity in sentencing.

We need systemic changes to address those errors.

- I view this policy goal as increasing accuracy in calculating sentences and increasing the clarity and understanding among defendants, victims and survivors, and DOC about how a sentence will

transpire. DOC staff find it challenging to explain such a complex system and we often see how this contributes to the trauma experienced by defendants and victims, as well as their families.

- I have been thinking about the complexity that leads to errors—both mathematical and moral. Has or will the group discuss potential for a less complex form?
  - Grid Subgroup will discuss in the next two months.
- Studies have been showing the racial disproportionality/disparity in the system. The grid, while not perfect, has created some bounds on the disparity that was occurring prior to the SRA. Regarding plea bargaining: encouraged group to consider how that could benefit the defendant AND the state. If eliminate plea bargaining, then would see increased time and resources for trials and potential for a defendant to face a longer sentence. A plea bargain provides an opportunity for the defense and prosecution to negotiate and make the case before a judge about how to meet the need of a case, while holding accountability for that individual. Expressed caution about the feasibility of creating a single judgement and sentence form

### **Discussion: Promoting and Improving Public Safety**

*How does your constituency define public safety? What specific improvements to the sentencing grid would improve public safety? Why/how?*

- Adoption of the Sentencing Reform Act (SRA) and creation of the current grid reduced disproportionality and disparities that were occurring 40 years ago—currently see still see racial disparity in the number of people with sentences related to enhancements, life without parole, and three strikes. Addressing that disparity relates to goals on effectiveness and public safety—all connected to what our communities look like and successful outcomes of this Task Force.
- Thinking about the high percentage of individuals who will be returning to communities, we need to focus on the programs and supports that will help individuals upon reentry.
- Reflecting on the southwest corner of the grid: so many of the resources and supports that people need avoid returning to the criminal justice system are beyond the sentencing system (such as housing, jobs, and family), cannot be included in the grid. What else could be included in a sentencing grid that can clearly communicate what an individual needs to move forward?
- I have concerns about mandating restorative justice. Successful programs and outcomes include the buy-in from all parties. I see an opportunity and need to support victim healing.
- Several members described increased public safety as decreased recidivism rates.
- I see opportunity and alignment among the group for supporting programs that reduce recidivism. Recidivism rates can be measured, but it is more difficult to measure public confidence in the system and perceptions of safety in the community.
- Recidivism often used as way to measure public safety. It tells what is happening--repeat criminal activity—but not why. We should think about additions and modifications to the grid that could both provide accountability and address potential causes of recidivism. The Sentencing Alternatives Workgroup has discussed intermediate sanctions, a zone on the grid where courts could consider range of sentencing options between zero confinement and a period of confinement, such as electronic home monitoring.
- Most cases don't involve the most egregious crimes. Restorative justice and conferencing among the involved parties can provides spaces for voices to be heard and opportunities for healing and moving forward without negating the harm and pain.
- The shift from indeterminate to determinate sentencing reduced some disparities occurring decades ago, but racial disparities are still occurring, and financial barriers contribute to sentencing disparities. We still have recidivism rates that are too high and still have disparity.

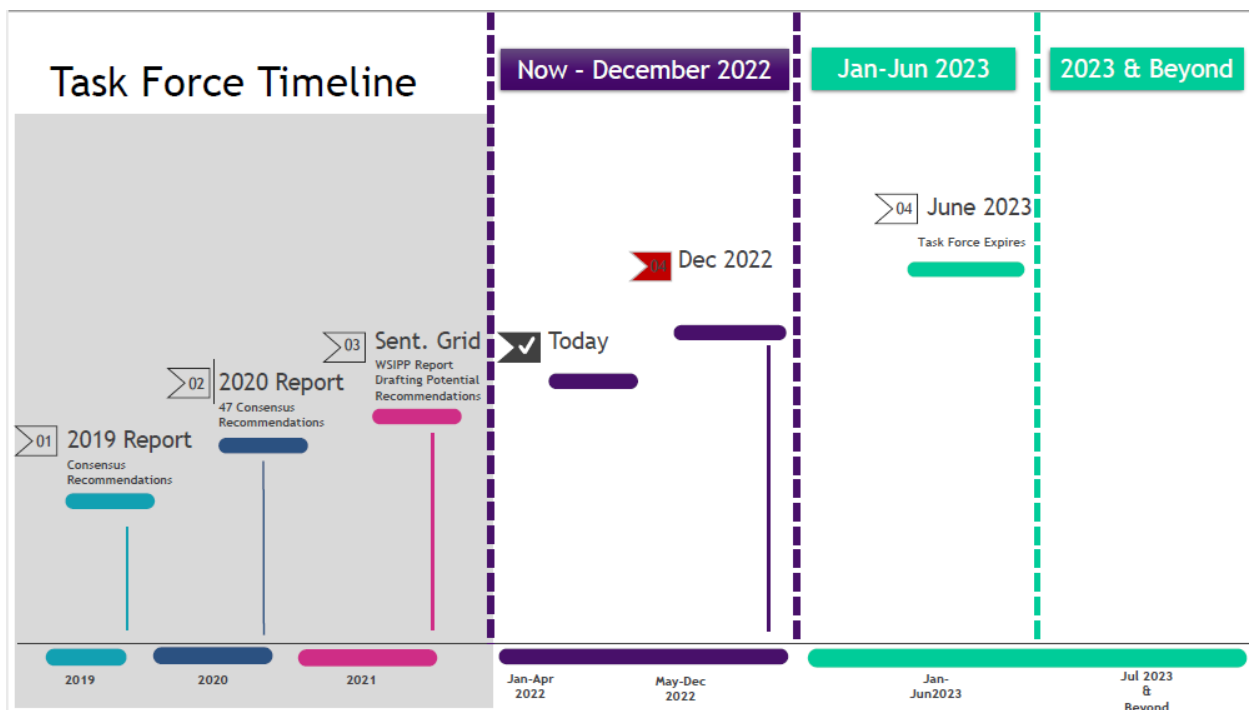
- When we talk about resentencing, judges express concern about the increased workload without the resources to do the work.
- Those working in the realm of victim support and advocacy have high caseloads and are facing decreased or complete loss of funding for victim support programs.

Amanda thanked everyone for speaking on behalf of their respective constituencies, for listening to each other, and for engaging in a rich conversation.

### ROAD AHEAD: BEFORE CONSENSUS AND AFTER CONSENSUS

Amanda reviewed the Task Force's overall timeline, the consensus process, and the workplan for the remainder of 2022. That overview provided context for upcoming conversations on the road ahead of the group: what's possible between now and the end of the calendar year (including consensus), as well as after consensus.

*CSTF timeline:*



### Consensus Process:

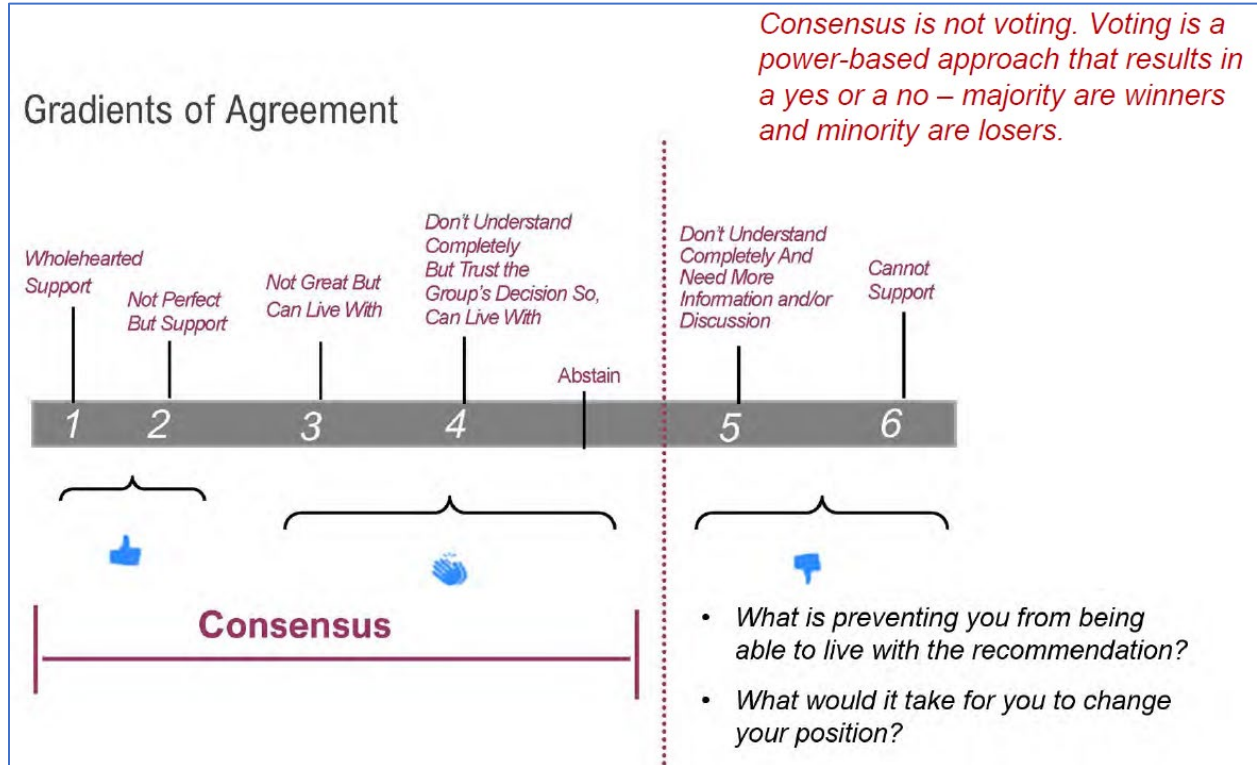
Amanda spoke briefly about what means to be in a collaborative, consensus-seeking process. Consensus is both an outcome and a process. Values of consensus decision-making include:

- Full participation & cooperation
- Shared responsibility
- Mutual understanding
- Inclusive solutions

The Task Force operations under the following definition of consensus:

*Consensus means that each Task Force member can say: (1) I was a respected member of the group that considered the decision; (2) my ideas (opinions, knowledge, concerns, beliefs, hopes) were listened to; (3) I listened to the ideas (opinions, knowledge, concerns, beliefs, hopes) of others; and (4) I can support the decision of the group, even though I might have made a different decision had I acted alone.*

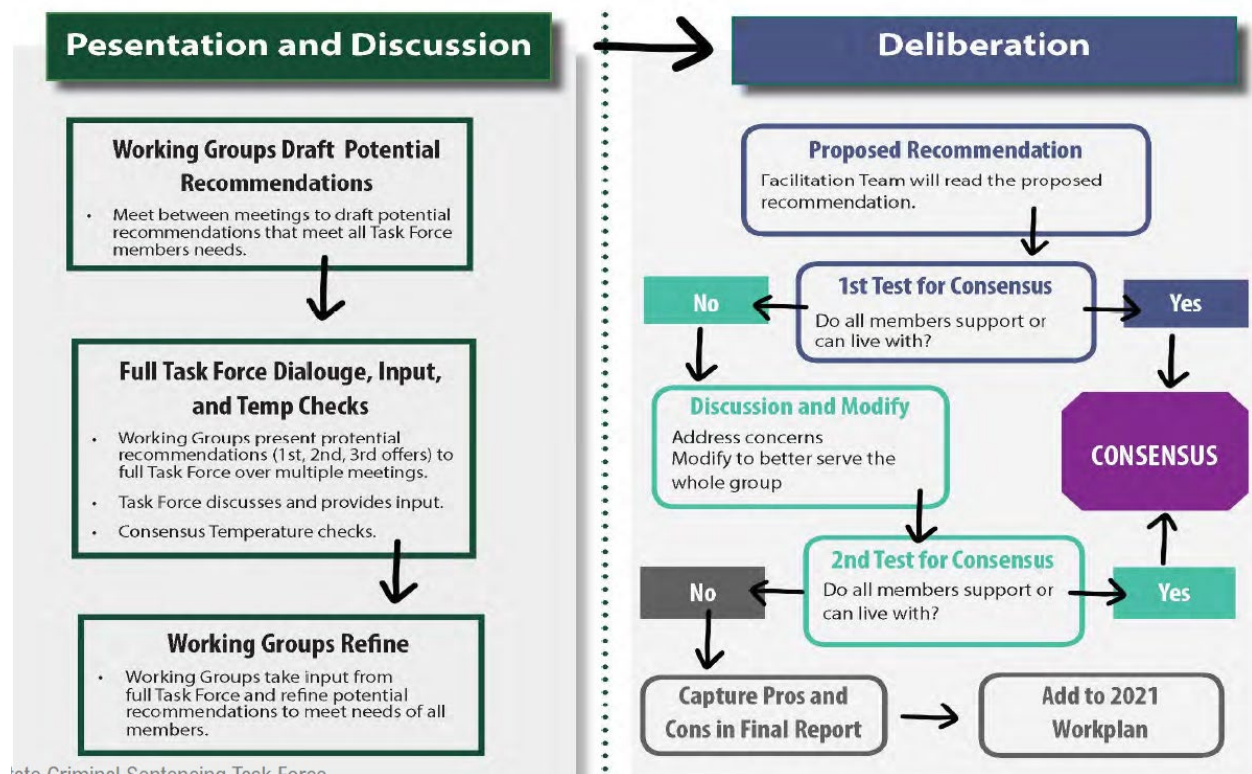
Consensus can be reached through gradients of agreement (see graphic below).



Amanda then reviewed some of the consensus achievements reached by the group in 2019 and 2020. Some of those accomplishments include: reaching consensus on ground rules and operating procedures, co-chairs, and policy recommendations (two in 2019; 47 in 2020).

She then provided a brief overview of the consensus process in 2020: the Sentencing Effectiveness Workgroup and Reentry & Reducing Recidivism Workgroup discussed and developed potential recommendations, the full Task Force discussed those potential recommendations and gave input to the Workgroups. The Workgroups refined recommendations and presented them to the Task Force before the full group moved to deliberation and testing for consensus (see graphic below).

## Criminal Sentencing Task Force Consensus Process

*Workplan Review: May-December 2022*

The Grid and Sentencing Alternatives Subgroups are in the process of developing and presenting all their draft potential recommendations.

- **Action items for all members/alternates:**

- Review all potential recommendations
- Vet them with your constituency and the perspectives you represent
- Think about whether you and your constituency can live with each recommendation; if not, identify modifications necessary for you to move from thumbs down to sideways.

Links to detailed guides of potential recommendations – [on the vertical axis of the sentencing grid](#), [on the horizontal axis of the sentencing grid](#).

Amanda then reviewed upcoming milestones for the group to have a finalized report by December 31<sup>st</sup>, 2022:

- **June:** discussions on potential recommendations developed by Grid and Sentencing Alternatives Subgroups
- **July:** discussions on potential recommendations developed by Grid and Sentencing Alternatives Subgroups
- **August:** discussion on the full package of recommendations
- **September:** start consensus decision-making on the full package of recommendations
- **October:** continue consensus decision-making
- **November:** continue consensus decision-making, with goal of reaching final consensus
- **December:** Final report – last review and opportunity to address any unresolved issues



Amanda then called out potential meeting dates for the group to keep in mind:

- In July (exact date TBD), potential of half or all-day meetings of the Grid Subgroup to assemble package of potential recommendations
- August 31/September 1, potential two-day consensus session so Task Force can review all grid recommendations together and test for consensus package of recommendations. This will be a work session to discuss issues around and/all thumbs down that emerge during the first consensus test, followed by the first round of seeking consensus.
- Facilitation team is reconvening the Legislative Working Group and will begin the scheduling process

*Questions and Discussion on Workplan and Meeting Dates:*

- What's the process for drafting and editing the final report?
  - The facilitation team and co-chairs did all the grammatical editing and managed draft working documents. During the consensus process, the full Task Force will have multiple opportunities to review the language in the recommendations (including how they meet the policy goals). The full Task Force and its workgroups will have several opportunities to review and weigh in on that language in an iterative, generative process.
- Suggestion to reschedule December meeting due to conflict of Legislative Committee Days, including a work session featuring work of the Task Force—Senator Dhingra, Senator Gildon, Representative Eslick, and Representative Goodman are co-convening a legislative work session featuring the work of the Task Force on Nov. 30<sup>th</sup>. Members and alternates are invited to participate in the work session during Committee Days.
  - Group expressed support in rescheduling the December meeting to avoid back-to-back meetings
  - **Action item:** Facilitation team will send out a doodle for rescheduling the December meeting and to solicit RSVPs for the Nov. 30<sup>th</sup> legislative work session.
- More information and discussion on the potential September “consensus retreat”:
  - Facilitation team envisions it taking a half day to present potential recommendations and take temperature reads (thumbs up, down, or sideways from each Task Force member seat).
  - The afternoon of the first day through the following morning, the Task Force would engage in work sessions to address concerns raised during the temperature reads
  - The afternoon of the second day, the full group would seek consensus.
  - A member suggested scheduling sooner rather than later to get dates held on calendars.
- How are all the potential recommendations and package taking shape—are there things on or off the table? Is there a road map of options to move the policy recommendations forward through the Legislature most effectively?
  - In terms of what's on or off the table—that will be informed by the conversation ahead. Given the timeline, what critical conversations need to happen by the end of the year? What doesn't the group have time for, or could be addressed by other groups?
  - No strategic decisions have been made about number of bills or a legislative strategy. Some critical things need to be addressed, such as funding and tort/liability reforms.
  - A member expressed concern that if the bill is too complicated, it may not advance because people don't fully understand it. Don't see one big bill passing early or quickly, legislative process takes time.
  - Facilitation team: the Legislative Working Group, which includes co-chairs and legislative members, will reconvene to address some of these questions.

- For some of the recommendations, funding allocated by the Legislature will be critical to implementation.
- For some recommendations, a member's support (or the full Task Force's support) may hinge on other recommendations moving forward as well.
- Several members expressed support for developing a strategic framework that specifies which recommendations might need to be considered as a bundle or package.
- The Sentencing Reform Act was passed in 1981 but did not go into effect until 1984. The Task Force could explore a similar approach – there will need to be time for the Legislature to do some of the detailed work (for example, writing updated language for the Revised Code of Washington, or RCW) that this Task Force doesn't have time to address.

### **What's possible discussion?**

The purpose of this discussion is for the group to create a shared understanding on what is realistically doable, as well as not doable, under the timeline of the Task Force. The facilitation team will use this conversation to further develop the workplan.

### **Member/Alternate discussion:**

- The Grid Subgroup has been looking at potential recommendations in isolation; however, a move in one portion of the grid affects other. A member suggested dividing up recommendations by topical area, and for the Task Force to consider as bundles or connected sets within the larger package.
- A member expressed concern about "cherry picking of recommendations" since recommendations in isolation may be taken out of context. Another issue might be that one or more members gave thumbs up (or sideways) to a policy change as part of a consensus package—with that support contingent on other recommendations also getting enacted.
- A member suggested making note of potential effects or needs beyond the sentencing system—such as needs for supportive housing, education or job training, or other supportive services.
- Another member expressed support for a legislative strategy and noted a need for developing an implementation strategy, including funding approach.
- Several members expressed support for building bundles of recommendations and a road map for implementation, including calling out recommendations that could be more stand-alone. Various additional comments and suggestions included:
  - need to structure or communicate the package in a way that legislators and others can easily see the big picture and how "bundles" of recommendations support that approach
  - consider the time and resources needed to onboard and train up individuals in the new system
  - there will need to be tort or liability reforms, especially for entities overseeing community-based programs and services
  - we should group the recommendations by level of consensus
  - if we incorporate lessons learned from last legislative session, we can encourage legislative staff to develop bill language and messaging in a way consistent with the consensus model and framing developing by this group
  - clearly call out conditional relationships and interconnections among recommendations
- On sentencing approaches for individuals aged 18-25: this group doesn't have time for those discussions, so Rep. Eslick and Rep. Goodman are beginning to explore how to take that on in a way that could complement the work and timeline of this Task Force
- The Task Force should discuss the implementation timeline, since it could inform support for policy recommendations. For example, support for some recommendations may be contingent on funding

commitments or service/program availability—it may take a few years for those fundamental pieces to come to fruition.

- It could be easier for legislature to support bills that increase the length of incarceration than increasing resources for programs or increasing the availability of alternatives to confinement—recommendations important to those representing interests of incarcerated persons.
- Recommendations important to this group in addressing disparity and disproportionality need to be part of the consensus package—or included in potential legislation.
  - How could these concerns be addressed? Grid Subgroup has been discussing and developing potential recommendations that could address those concerns, but the Subgroup has not yet worked through those recommendations.
- Current challenges and complications in the sentencing system have been created over course of many years, so they will take years to rectify.
- It will be important to reach consensus on as much as possible and put in place a plan and framework to effectively guide resource allocation.
- A member of the Research Team (Clela, Keri-Anne, and Lauren) noted that many of the comments have been about resources, and additional resources may be contingent on cost savings elsewhere. As the group can begin to narrow options of recommendations, the Research Team can begin calculating fiscal notes for the recommendations. Some recommendations could lead to cost savings, others will require increased resources; the Research Team will be able to provide a holistic perspective on budget impacts.
- Retroactivity will be a critical conversation, especially for individuals representing perspectives of crime victims and survivors
- The group still doesn't have a shared vision about the problems, specifically on sentence lengths in the northeast corner of the grid, so while the group has had conceptual conversations it could be hard for the group to coalesce around specific recommendations for that area of the grid.
  - What needs to happen to address this: Need recognition of and discussion on how to address current sentencing issues in the northeast corner regarding sentence length, racial disproportionality, and the community costs of those sentences in addition to costs to the defendant and survivors/victims.
- Resentencing for serious violent offenses under the Blake decision had impacts on victims—it resulted in them getting notified of dramatic changes to sentences without a trauma-informed process.

Amanda encouraged group to hold space for problem-solving and thinking creatively. She challenged the group to think about opportunities for win-win solutions, for example, addressing retroactivity differently in different sections of the grid. Retroactivity is emerging as a critical conversation—not for the Task Force to discuss today, but at a future meeting (so the group will have advance notice). It will be important to have conversation on retroactivity in the context of specific recommendations, as the group may want to approach retroactivity differently in the southeast corner than the northeast corner.

#### Continued Task Force discussion:

- Task Force is composed of people with very different perspectives and backgrounds, who see the various portions of the grid in different ways; however, we don't have to see the problem in the same way to achieve consensus and we have opportunities to learn from each other along the way
- I hope this group can be aspirational and work hard to get through emotions and ultimately think pragmatically, especially in terms of the legislative process and about the vote counts. So many great bills and ideas have died because they could not reach the necessary votes in the legislature.

- It is a good idea to develop fiscal notes--the legislature and others need to know costs, especially since the Task Force support for recommendations will hinge on the state allocating funding.
- Regarding the NE corner of the grid: the conversations on appropriate sentence ranges will be hard, as there are some instances where long sentences are appropriate.
- Several members shared additional comments and concerns on the NE corner of the grid, including:
  - Concern about just leaving the NE corner as is
  - We have the opportunity to increase transparency, to modify the bounds of discretion.
  - Concern about proposing a framework without numbers in the guideline ranges—because the legislature will then create the numbers.
  - Support for adding the columns for repeat offenses, for repeat violent offenses, to replace current multiplier policies; however, could not support those columns to increase the maximum per offense.
  - Support for considerations of the age of individuals in the system: for example, could there be opportunities for individuals over a certain age to be considered for release? To support aging incarcerated persons is expensive, and finite resources could probably be better allocated elsewhere given that people age out of criminal behavior.
- We may not agree on how to define the problem, but I don't see that as a barrier for the group to identify opportunities to make improvements and finish our work feeling like positive changes have been made. For example, my constituency may not be able to support the sentiment that "all sentences are too long," but see we could explore questions such as "are there features of the grid that have led to sentences that are too long or inappropriate?"
- Would it be helpful to have case study or sentencing scenario reviews? Maybe specific case examples could help inform improvements to processes and systems?
- Case reviews could help the group refine details of the system, but the timeframe is getting short to have those types of conversations.

Amanda provided a brief overview of some of the topics emerging for the road ahead within the Task Force timeframe. Those topics include:

- Legislative strategy: the Legislative Working Group, composed of co-chairs and legislative members of the Task Force, will reconvene, and begin to have conversations about what a legislative strategy could look like and report back to the full Task Force.
- Implementation plan: what could implementation look like, core components for implementing recommendations, stakeholder and personnel development and training needs, potential funding models,
- Sequencing: identifying the recommendations that could stand alone, those interconnected and need to be considered together,
- Funding and resources: calculating fiscal notes for individual recommendations, as well as big picture to gauge overall budget impacts and how compares to current system.
- Develop big picture framework and how potential recommendations support

Amanda asked members of the Task Force to identify conversations the conversations that are critical to consensus, that must occur between now and August. Conversations include:

- Retroactivity
- Excessive sentencing
- Racial bias, addressing disparity and disproportionality

- The Grid Subgroup has had many of these critical conversations, and it will be important to build awareness among the full group about how those recommendations address disproportionality, identifying the potential modifications necessary for consensus
- Processes for transparency and data collection and access: we need to recommend ways to gather the data and information so that the monitoring and evaluation can occur on the “new system.”
- Desire for more information about cases settled by plea bargain
- Frameworks and mechanisms to address disparities occurring in individual cases. For example, not necessarily creating more appeal opportunities, but process for “audits.”

**Action:** Facilitation team will review these notes on critical conversations, thinking about how and when to fit those conversations into the workplan and bring back to the Task Force at the June meeting, as well as with the Grid Subgroup.

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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 xx in the meeting recording.

**PUBLIC ATTENDEES:** Bruce Glant, Cynthia Hollimon, David Triewailer, Gideon, Adam Hall, James McMahan, Katelyn Kelly, Kehaulani Walker, Loren, Matt Tremble, Joe McKittrick, Michelle Mason, Chris Johnson, Joe McKittrick, Senator Lynda Wilson, Carolyn Gray, Michael Althausen.

**Joanne Smieja:** Expressed support for the group to develop a grid that is more transparent and easy for the public to understand. Regarding the Sentencing Alternatives Subgroup – has asked the SOPB to develop recs?

- Sentencing Alternatives Subgroup has had conversations on sex offense sentencing, which led to Rep. Goodman requesting the Sex Offender Policy Board (SOPB) to review sentencing for sex offenses and develop recommendations to submit a report to the Legislature. That work is related to, yet separate from the Criminal Sentencing Task Force.
- Sentencing Guidelines Commission (SGC) is conducting work on unranked offenses that was directed by Rep. Goodman. SGC will be submitting a report on a similar timeline as the CSTF and the SOPB, so Legislature will have full suite of information at about the same time.
- These pieces of work will be important to think about in developing the implementation plan

**Alex Mayo:** Talked about personal experience as an individual convicted of a sex offense. Expressed hope for the group to consider alternatives to incarceration, for the supports and healing that victims and their families need, as well as the supports that could be beneficial to the individuals convicted in order to have safer and healthier communities.

**David Triewailer:** Group has had discussions about utilizing data and evidence, including trends about increased sentence lengths and public safety. See a disconnect between desire to make decisions informed by data and reluctance to reduce sentence lengths.

**Jim Chambers:** Express support for the group to consider retroactivity, for changes to the system to apply to those individuals currently affected by the sentencing system. Described personal experience—received a 40-year sentence in 2000, after changes to sentencing policy in 2004 individuals with same

convictions would receive a 20 year sentence. Express support for family engagement for those incarcerated, see how has potential to interrupt generational trends of incarceration.

**Kehaulani Walker:** How do you ensure that recommendations are implemented, especially in all counties?

- See that judges would have a critical role in making decisions and seeking fair and appropriate sentencing outcomes

**Bruce Glant:** After watching meetings for two years, expressed concern about how all the recommendations will come together, about the Task Force achieving consensus. Encouraged Task Force take advantage of a chance to improve the sentencing system, to create something that could be more effective.

**Michelle Mason:** If judges are given increased discretion, will DOC authorities override judicial decisions?

- Is the question about DOC hearings officer authorities to either return or reclassify an individual that's either been sentenced to an alternative or to supervision?
- Yes, interested in any manner that DOC may make a decision to change sentencing.
- Great question, but this group has not contemplated specific authorities as relates to someone's sentence.
- We all have a responsibility to oversee the implementation of recommendations into policy

## TASK FORCE MEMBER AND ALTERNATE CLOSING REFLECTIONS

*What are you taking with you from our time together today?*

- These conversations feel heavy. We're not all going to agree on everything – but it's at least worth trying, and I feel optimistic about identifying things that will help sentencing, reentry, etc.
- Though I fear that we're diverging about where we are trying to go, I have hope that we can find areas of overlap and find ways to make systemic changes and reduce complexity leading to error.
- I hope that when we get to consensus making, the discussions will get more specific, so the picture and detail will become apparent to more individuals. I'm concerned that there is too much hope that this group will solve all the complexities that have developed over the years – need to maintain sight of the remarkable progress that this group has been made. I am excited to share what the subgroups have been working on.
- I have respect for all the voices that have been part of these conversations
- I appreciate everyone's willingness and ability to share their perspectives. I fear we might not find the areas of overlap and agreement. Members of this group have very different goals and perspectives on sentencing, but are there features that we can address? I'm optimistic that we can do this work and appreciate the passion that each member brings to the conversation.
- Each member needs to remain true to their constituency. I'm preparing for the potential outcome that the group may not reach consensus, to be ok with whatever outcomes reached by the group
- I really appreciate ability to meet in person.
- It's taken time to get here, so it will take time to get out. Looking forward to the big conversations ahead.
- Appreciation for ability to be in person. Hope that group finds consensus—and even if we don't reach consensus – these conversations will stay with us for many years to come.
- Appreciation for the very genuine conversation.

- Exhausted from holding space and respect for other everyone's different perspectives, and appreciation that can share personal perspectives and beliefs.
- Realizing the amount of work to do before December—have made incredible progress, but still so much ahead.
- Hopeful. This group won't change the world or address fundamental challenges in housing, education, healthcare. But we do have an opportunity to be inclusive and make progress on sentencing policies.
- Recognizing this is the first time a group has really evaluated the past 40 years of sentencing—we have an opportunity to do something important.
- Appreciation of the honest and frank discussion. I like the idea of seeking a more balanced approach to our sentencing system, but need to think about what a more balanced system looks like for each constituency at the table.
- Everyone is here to represent their perspective and constituency. I have hope that group will make progress towards the policy goals.

**ADJOURN**

Amanda thanked everyone for an incredible conversation and dedicating their time.

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**PUBLIC INPUT SHARED VIA THE CHAT:**

**Kehaulani Walker:** What about the external stakeholders' expectations of this task force?

**Michelle Mason:** This is the first time I have seen an in person meeting set up. Why are the public participants so far back from the members of the Task Force? Do you not ever set up the seating so they would sit Task Force member, Public member, Task Force Member, Public Member and so on in more of a welcoming "working together" circle round table? Is this something that you would be willing to try out for Junes' meeting?

**Bruce Glant:** Nick Straley seems to understand it, and it would be interesting to hear his 3-5 things that he feels need to be changed

**Kehaulani:** I feel so offended that my husband is still in prison and everyone can sit and laugh about something so serious. This decision making is something that has taken lives.

## Appendix A - CSTF Attendance

CSTF Members & Designated Alternates	Affiliation/Perspective Represented	Attendance
Jon Tunheim, Co-Chair	Washington Association of Prosecuting Attorneys	✓
Russell Brown (alternate)		✓
Nick Allen, Co-Chair	Columbia Legal Services, Representing Interests of Incarcerated Persons	✓
(Nick Straley)		✓
Rep. Roger Goodman, Co-Chair	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	
Carmen Pacheco Jones (Francis Adewale)	Statewide Reentry Council	✓
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	✓
Melody Simle (Suzanne Cook)	Statewide Family Council	✓
Judge Josephine Wiggs	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	✓



## Appendix A - CSTF Attendance

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	✓
Waldo Waldron-Ramsey (Ginny Parham)	Washington Community Action Network, Representing Interests of Incarcerated Persons	✓
Tiffany Attrill	King County, Representing Interests of Crime Victims	✓
Riddhi Mukhopadhyay	Sexual Violence Law Center, Representing Interests of Crime Victims	✓

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## Washington State Criminal Sentencing Task Force

### Revisiting the Three Policy Goals: Notes from May 5, 2022 CSTF Meeting

#### Revisiting The Three Policy Goals

The Task Force's scope of work for 2021-2022 is the sentencing guidelines grid. At the Task Force's May 5<sup>th</sup> 2022 meeting, Task Force members and alternates were asked a set of questions about each goal as they relate to the sentencing guidelines grid, and wrote down their responses on large sticky notes. The Task Force then discussed the responses. Provided below are the typed up sticky notes for each set of questions. Also included are the flip chart notes from the discussion.

#### Responses from Sticky Notes: Both In-Person and Virtual

##### Reducing Sentencing Implementation Complexities and Errors

- *What are the implementation complexities and errors associated with the sentencing guidelines grid that need to be addressed?*
- *Why?*
- *Ideas about how to address?*

##### Complexities:

- Calculation of criminal history score
- Enhancements – earned time, consecutive/concurrent mandatory
- Factors outside the grid that impact sentences – mandatory minimums, stat max, anticipatory range reduction, etc.

The system has been built in pieces over the years. Not designed as one integrated system.

The current grid seems to have gotten complicated/confusing over time.  
Retroactivity is not going to reduce complexities and is not a trauma informed approach.

I am not sure the grid is complex.

Reducing complexities around sentencing appears to be in conflict with making the system effective in addressing public safety.

##### Implementation complexities:

- When we have Task Force members that are sticking to their beliefs that excessive sentencing is the correct way to keep the sentencing grid then that becomes a implementation complexity

Errors associated with the sentencing guidelines grid:

<ul style="list-style-type: none"> <li>• The fact that sentencing grid is 40 years old is an error in itself.</li> </ul>
<p>Complexities:</p> <ul style="list-style-type: none"> <li>• Offender score calculation should be simplified</li> <li>• Concurrent/consecutive sentence rules should be simplified</li> </ul>
<p>Gun enhancements</p>
<ul style="list-style-type: none"> <li>• Consecutive v. Concurrent</li> <li>• Enhancements</li> <li>• Flat time: earned time</li> <li>• Lack of standardized J&amp;S <ul style="list-style-type: none"> <li>○ Still paper based</li> <li>○ Can be unclear or contain errors</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <u>Enhancements</u>: ineligible for partial confinement/early release</li> <li>• <u>Multipliers</u>: distort criminal history score</li> <li>• <u>Tolling</u> rules re: community custody</li> <li>• <u>Judgement and sentence forms</u> different in each county</li> <li>• <u>Offense classifications</u> overlap, cross purposes</li> </ul>
<p>Consecutive v. concurrent</p>
<p>Current complexity in that sentencing grid does not make sense to a lay person. Public understands the difference between violent crimes such as rape, assault or homicide and crimes of need/poverty such as property or drug related crimes. The grid does not reflect this distinction.</p>
<ul style="list-style-type: none"> <li>• Numerosity of crimes, overlapping variations in punishments that can be applied discriminately.</li> <li>• Creates space for disparate and disproportionate treatment</li> <li>• Streamline the code</li> </ul>
<ul style="list-style-type: none"> <li>• Need consistency around concurrent and consecutive sentences</li> <li>• Need simplicity around enhancement and aggravating factors</li> </ul>
<p>Criminal history score calculations</p> <p>Transparency</p>
<ul style="list-style-type: none"> <li>• Not transparent or easy to calculate</li> <li>• Does not consider individual risk/needs/responsivity</li> </ul>
<ul style="list-style-type: none"> <li>• J&amp;S – need new form</li> <li>• RCW/WAC interpretation</li> <li>• Location of crimes on the grid</li> <li>• Piecemeal changes <ul style="list-style-type: none"> <li>a. Address where crimes are on the grid and sentence lengths</li> </ul> </li> </ul>

<ul style="list-style-type: none"><li>b. Uniform J&amp;S</li><li>c. Look at how RCW v. DOC policy affects earned time</li><li>d. More guidance for courts</li><li>e. Get rid of multipliers</li><li>f. Focus on rehabilitation</li><li>g. Address racial bias</li></ul>
<p>The current system creates a situation where victims do not get closure and the person cannot get out of the system without added harm.</p> <p>Does not prevent or address re-offending</p>
<p>39+ J&amp;S's. Every time the grid changes we must keep the old sentence RCW and the new. We keep layering the system and have to remember what is concurrent what is consecutive. Many different ways to write a sentence which may not comport with law.</p>
<p>Too many ways to manipulate sentencing through use of aggravators. Need a grid that contemplates those situations and accounts for them within the grid itself. The more discretionary decision points, the more there is an opportunity for bias to enter the equation.</p>
<p>I think we have done a pretty good job addressing complexities and errors. Certain crimes on the grid calling for a sentence beyond the statutory max is the one area that still needs to be addressed.</p>
<p>Multipliers lead to outcomes that are not clear. Sunshine needs to occur at every level, prosecutors, judges and defense attorneys</p>
<p>Geographic and racial disparities in sentences imposed, lack of transparency in decisions that lead to sentences, with 97% of cases determined by plea and no opportunity for second look no way for errors to be corrected. System wholly reliant upon few system professionals that leads to errors and lack of transparency.</p>

### Improving the Effectiveness of the Sentencing System

- *What aspects of the sentencing grid need improvement/are not effective?*
- *Ideas for how to address?*
- *How will it improve the overall effectiveness of the system?*

Too many aspects of sentencing yield disparate outcomes

- Multipliers
- Enhancements
- Availability of mitigated sentences

Eliminate imbalances in who has discretion

- Reduce length of sentence outcomes from any mandatory aspect
- Provide discretion to other participants to mitigate
- Ensure meaningful review

The Grid needs to be paired with a better system to improve/reduce recidivism
<ul style="list-style-type: none"> <li>• Simplify</li> <li>• Balance of needs and outcomes</li> <li>• Address re-entry</li> </ul>
<ul style="list-style-type: none"> <li>• Incarceration without re-entry services: supervision is not effective.</li> <li>• Implement a supervision model focused on state and successful re-entry.</li> </ul>
Where does disproportionality occur? <ul style="list-style-type: none"> <li>• Prosecutorial discretion</li> <li>• Plea bargaining</li> <li>• Judicial discretion</li> <li>• Upstream events</li> </ul>
<p>Needed improvement is understanding the title of the convicted crime (and sentencing) does not always reflect the actual harm or conduct.</p> <ul style="list-style-type: none"> <li>• Greater discretion for courts with minimum standards</li> <li>• Possible lower ranges but with more aggravators</li> </ul>
Being able to clearly distinguish between violence against persons and violence against property.
Give judges more discretionary power in sentencing.
<ul style="list-style-type: none"> <li>• Grid needs a better balance between rehab and retribution.</li> <li>• For certain classes of crimes reduce retributive focus and increase rehabilitative opportunities.</li> <li>• Reduce recidivism.</li> </ul>
<ul style="list-style-type: none"> <li>• Consistency in application</li> <li>• Less complex to apply, understand, and explain.</li> <li>• Applied in a manner that reduces crime and behavior that harms others</li> <li>• Applies sanctions appropriately and offers help and guidance for a successful return to society.</li> </ul>
<p>Racial Disparity</p> <ul style="list-style-type: none"> <li>• Identify what parts of system are producing the greatest disparity</li> <li>• Eliminate those aspects or limit their impact</li> </ul> <p>Imbalances in discretion</p> <ul style="list-style-type: none"> <li>• Increase discretion with other participants so no one participant controls outcomes</li> </ul> <p>Increase Transparency</p>

<ul style="list-style-type: none"> <li>• Data collection</li> <li>• Broaden review</li> </ul>
<ul style="list-style-type: none"> <li>• <u>Imbalance of discretion</u> vis a vis prosecutors and judges</li> <li>• Racial/ethnic <u>disparities</u></li> <li>• <u>Re-offense rates</u> too high</li> <li>• Local community/<u>re-entry</u> investments</li> <li>• <u>Retribution</u> over-stressed at expense of other stated purposes of the system</li> <li>• <u>Victims</u> and <u>families</u> of the incarcerated neglected</li> <li>• <u>Research/evidence</u> must drive policy more</li> </ul>
<p>Better alignment with offense classification functions, e.q. stat max terms, violent/non-violent category</p> <p>Transparency</p>
<p>Improvements:</p> <ul style="list-style-type: none"> <li>• Eligibility requirements for sentencing alternatives</li> <li>• Increase judicial discretion</li> <li>• Change CHS calculations</li> </ul> <p>How to address:</p> <ul style="list-style-type: none"> <li>• Widen ranges, decrease and make more consistent eligibility for alternatives</li> <li>• Simplify CHS</li> </ul>
<p>Excessive sentencing and three strikes laws are not effective and do not promote public safety. The far-left portion of the grid is not the only portion of the grid that this Task Force should be focusing on.</p>
<p>Bring back parole!</p>
<p>Low end of the grid need improving. What to do with repeat violations on the low end, when should someone be moved up in score because of harm to others. Repeat offender explanation and judge discretion</p>
<p>It is fundamentally unfair b/c it does not take into account external factors baked into the system that are central to sentencing, including the the disparities in power between people entering the crim legal system and those responsible for prosecuting offenses</p>
<p>Begin with the fundamental question: what is the goal? If it is only retribution and ostracization then we have succeeded. If it is accountability and restorability than we must change our collective mindset to truly have an equitable system.</p>
<p>Can be easily manipulated to produce a particular outcome</p>
<p>Does not effectively take into account individualized characteristics of defendants</p>

If we are going to reduce sentences in the grid we need to apply the cost savings into programing. With that said we should recommend that the legislature fund appropriate levels of programing regardless.

Move from a retributive model to a restorative model, that provides services to all aspects of the community. Longer sentences do not equal appropriate outcomes. Look to balance those needs. Call out the oppressive systems that are in play, whether school, behavioral health, child welfare systems, etc. Use evidence to change system when they do not work

not evidence based system. Best research demonstrates that long sentences serve no function other than retribution. System does not accommodate harm that long sentences cause communities, families, children. System perpetuates poverty and crime. System has geographic and racial disproportionate outcomes. Resources dedicated to carceral system are unavailable to address actual harms that crime causes.

### Promoting and Improving Public Safety

- *How does your constituency define public safety?*
- *What specific improvements to the sentencing grid would promote public safety?*
- *Explain why/how.*

- Balance between accountability and addressing root cause
- Ensuring that we are setting someone up for success upon re-entry

Add confinement alternatives options  
Transparency

Public safety has both a trauma-informed lens and a harm reduction lens

Creating a blanket system that simply reduces incarceration for all crimes, in the name of reducing disproportionality of incarcerated people, is not the answer.

They want offenders to never reoffend and cause others harm. What that looks like varies...some believe incarceration...others believe incarceration and rehabilitation. Some believe some people are incapable of being rehabilitated.

- People can live in peace
- It is about everyone but starts with everyone not in the system, not having engaged in behavior that caused harm to others.
- Improvements include sentencing that separates the people that need to be sentenced, offers help and education to allow a successful return to society and reduces repeat behavior that harms others.
- Freedom from harm in public/private spaces
- Stability of investment in all communities
- Attention to underlying needs of dislocated individuals – trauma informed

<ul style="list-style-type: none"> <li>Community-oriented responses/sanctions instead of needless incarceration</li> </ul>
<p>Public safety includes both accountability and rehabilitation</p> <ul style="list-style-type: none"> <li>How is accountability identified in the grid</li> </ul>
<p>Public safety is feeling safe in community and trusting that community is invested in helping those impacted by addiction and trauma through program \$ and treatment options and community navigators.</p>
<p>Sentences that help identify the factors that lead to the crime being committed and conditions of sentences that address those factors promote public safety.</p>
<p>How does my constituency define public safety?</p> <ul style="list-style-type: none"> <li>Restorative justice programs</li> <li>Rehabilitative programming</li> <li>Transformational education programs within the prison systems</li> <li>All of these would contribute to ensuring public safety. All of these would ensure that recidivism rates drop.</li> </ul>
<ul style="list-style-type: none"> <li>People are safe in communities</li> <li>It is more about whether we can reduce recidivism than the grid</li> </ul>
<p>Public safety lcfls up the experience of BIPOC communities and individuals who experience higher rates of abuse and violence while receiving little community or systems support.</p>
<p>My daughter can walk through the neighborhood or downtown without fear of becoming a victim of crime.</p>
<ul style="list-style-type: none"> <li>Increase public perception of safety</li> <li>Decrease harm caused by violators of law</li> <li>Reduce recidivism</li> </ul>
<ul style="list-style-type: none"> <li>Reduce recidivism</li> <li>Increase rehabilitative opportunities and programs</li> <li>Increase the chance that people will not return to the system</li> </ul>
<ul style="list-style-type: none"> <li>Positively changed lives</li> <li>Harm reduction/prevention</li> <li>Improvements: employ risk/needs/responsivity tools</li> </ul>
<p>Providing responses to crime that recognizes the humanity of all and which doesn't cause additional harm to any person or community.</p>
<ul style="list-style-type: none"> <li>Different options/alternatives to total confinement</li> <li>Engagement with community/family while serving a sentence will result in safer outcomes for all.</li> </ul>
<p>Interesting question - I think the community would say that we improve them so they do not get released on commit additional crimes and hold them for as long as the court has</p>



mandated. The incarcerated would say improved activity, programming, food, environment and reducing institutionalizing them. Treating them respectfully. Those who are serving community time, it would be to coach them, give them needed housing, jobs, and other programs so they don't serve a prison sentence.

Current system does not reflect how communities can be truly "safe". It dedicates resources unnecessarily to incarceration and fails to provide resources where most effective at repairing harms and protecting communities. History has shown that punitive system does not reduce crime, reduce disproportionality, or improve long-term outcomes. Incarceration should be last resort, not first resort. And then only as long as necessary to accommodate all of

Have systems that are transparent for all to see and evaluate, especially around areas of racial or gender disparities. Create programming in the community that support disengagement from the systems of oppression. People should not be defined by a single act. Have system of accountability that understand adolescent brain development. Redefine adult to something that is reflective of the science indicates when the brain is mature.

Public safety includes finding ways to reintegrate into the community in a manner that will lessen criminogenic behavior. We need to support families, victims, and the incarcerated. Our current policies force people to live on the margins, by denying meaningful reintegration into community. I.e denial of shelter, jobs, opportunity, health care, treatment etc.

WASPC defines public safety by reducing the occasions where people are victims of crime. Funding programs that provide opportunities for counselling, education and job training will reduce recidivism rates and thus reduce the occasions where people become crime victims.

### **Flip Chart Notes from Discussion**

#### Reduce Complexity and Errors and Increase Effectiveness

- Some complexity needed to allow for PSI's and individual risk assessments to tailor sentences
- Can simplify to make it more transparent and predictable, with discretion for judges
- Criminal History Score = highly complex
- Increase transparency by including alternatives on the grid
- Basic structure = simple. Hidden elements (including discretion) increase complexity and result in disparity
- 39 J&S forms; tolling; enhancements' multipliers
- Need balance (some complexity) and stop piecemeal approach, case-by-case legislative changes create problems

## Appendix B - Transcription of Stickies, Three Policy Goals

- Plea bargains → innocent people plead guilty. Disparate treatments (geog, racial) bring errors and here is no appeal or 2<sup>nd</sup> look
- J&S forms = 39
- Plea bargains can also benefit defendants
- Grid has over time actually decreased some disproportionality
- 3 Strikes, LWOP, +25 year sentences still highly disproportionate
- Restorative justice can increase better outcomes

### Promoting and Improving Public Safety

- Reduce risk of harm, increase perception of safety
- Reduce recidivism through programming, e.g. via prison education programs and received at the start of sentence, not at the end. Focus on the quality of incarceration not the quantity.
- Accountability does not always equal punishment
- Restorative justice can bring healing and reduce recidivism
- Not all victims want to engage in restorative justice
- SRA and determinate system has not made us safer. Need to shift the levels of power in the system and move resources
- Victim services have lost funding and more is needed