

Washington State Criminal Sentencing Task Force Meeting

September 10, 2020

8:45am-12:45pm

ZOOM Meeting

AGENDA



Meeting Goals

- Check-ins & updates
- Consensus Discussion: Sentencing Grid Research Proposal Recommendation
- Present and discuss “third offer” of findings & potential recommendations from Working Groups; and
- Review upcoming Task Force meetings & overall work plan

AGENDA



Task Force Purpose

The Washington State Criminal Sentencing Task Force was established by the Legislature in 2019 to review state sentencing laws, including a consideration of the report of the Sentencing Guidelines Commission required by section 129, chapter 299, Laws of 2018.

The task force shall develop recommendations for the purpose of:

- a) Reducing sentencing implementation complexities and errors;**
- b) Improving the effectiveness of the sentencing system; and**
- c) Promoting and improving public safety.**

AGENDA

8:45am
Review Agenda, Groundrules

9:05am
Introductions

9:25am
**Updates: Facilitation Team
and Co-Chairs**

9:35am
**Sentencing Grid Subgroup:
Overview of Work to Date**

9:45am
**Presentation: Sentencing Grid
Research Presentation**

10:00am
**Consensus Discussion:
Sentencing Grid Research
Recommendation**

10:30am
BREAK

10:40am
**“Third Offer” Of Potential
Recommendations +
Discussion**

12:25pm
**Work Plan, Action Items and
Next Steps**

12:30pm
Questions from Observers

12:45pm Adjourn

ZOOM: Virtual Meeting Groundrules

Mute your audio: Whether you've joined by phone or video, please mute your audio until just before it's your turn to speak.

Join by Video: We encourage everyone to join by video (recognizing that bandwidth issues may prevent some from using video) Personal presence is important for collaborative group meetings, and even more crucial for virtual meetings.

Gallery view: Please select gallery view (in top left corner of your computer screen), so you can see everyone & not just the speaker.

ZOOM: Virtual Meeting Groundrules

Chat: On the bottom “menu” bar on your screen (or in the participant box on a mobile device app) you’ll see a “chat” button. We have disabled the private chat function to adhere to your groundrule of no side conversations. You can chat to the entire group, and Molly will manage the discussion.

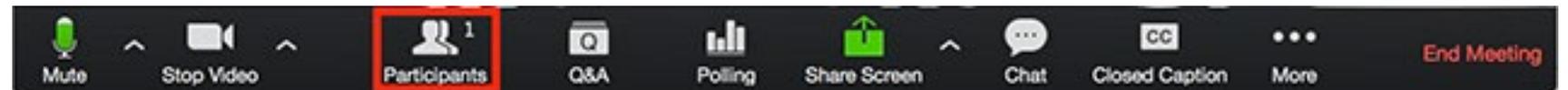
Phone Participation: For those only on via phone, we will facilitate discussion similar to in-person meetings. During discussion, we will start w/Task Force members “in the room” (those on Zoom using “Raise Hand”) then ask those on phone if they have questions or comments.

ZOOM: Virtual Meeting Groundrules

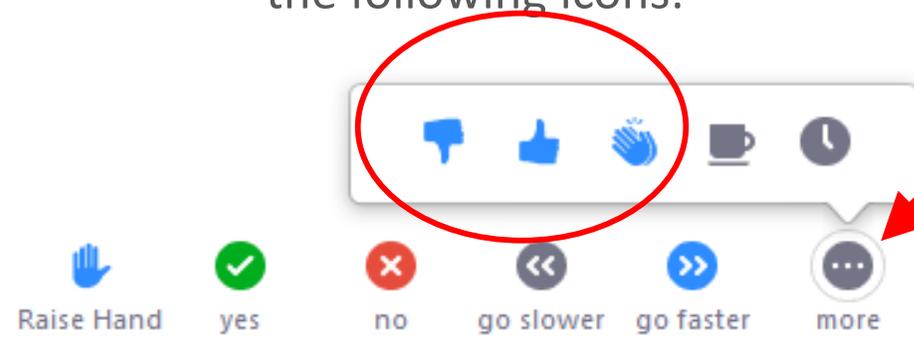
When you want to speak: To avoid talking over one another, we ask that those on video use the “raise your hand function”. The Facilitation Team will monitor this and call on folks individually, similar to how we use table tents during in-person meetings.

To access the “raise your hand function”:

Click on the “participants” icon.



This will bring up the participant box and at the bottom you will see the following icons:



Task Force Groundrules

Criminal Sentencing Task Force Groundrules

- **Be Respectful**
 - One person speaks at a time; listen when others are speaking, avoid interrupting and side conversations.
 - Keep comments brief so everyone gets a chance to share their thoughts. Avoid dominating the discussion.
 - Hear and respect all opinions.
 - Silence cell phones and refrain from using laptops during the meeting, except to take notes.
- **Be Constructive**
 - Acknowledge that all participants bring with them legitimate purposes, goals, concerns, and interests, whether or not you are in agreement with them.
 - Openly explore issues.
 - **Act in “good faith,” seeking to resolve conflicts and identify solutions.**
 - State concerns and interests clearly, listen carefully to and assume the best in others. Leave negative assumptions and attitudes at the door.
 - **Share comments that are solution focused**, rather than repeating past discussions.
 - It’s OK to disagree, it is not OK to make personal attacks or slanderous statements.
 - Minimize the use of jargon and acronyms, define and explain when used.
 - **Work towards consensus. Be willing to compromise.**
 - Ask for clarification when uncertain of what another person is saying. Ask questions rather than make assumptions.
- **Be Productive**
 - Begin and end meetings on time.
 - Respect time constraints.
 - **Adhere to the agenda as much as possible, focusing on the subject at hand.**

9:05-9:25am

Introductions

- **Task Force Member Changes**
- **Members:** Please state name, affiliation, and constituency you represent on the Task Force.
- **Alternates:** Please state name, affiliation, and who you are an alternate for on the Task Force

9:25-9:35am

Facilitation Team and Co-Chair Updates

- Task Force Meetings 2x/month starting in September – next meeting is Sept. 17 **(next week)**
- Cont. “3rd Offer” of potential recommendations on Sept. 17 and Oct. 1
- Furloughs

9:25-9:35am

August 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18 Grid	19 SEWG	20	21	22
23	24 RWG	25 Grid	26	27	28	29
30	31					

September 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Grid	2 SEWG	3 RWG	4	5
6	7	8 Grid	9	10 ★	11	12
13	14	15 Grid	16 SEWG	17 ★	18	19
20	21 RWG	22 Grid	23	24	25	26
27	28	29 Grid	30 SEWG	1 ★		

Grid: Sentencing Grid Sub Group

SEWG: Sentencing Effectiveness Working Group

★ CSTF Meeting

RWG: Reentry Working Group

9:35-9:45am

Sentencing Grid Subgroup: Update on Work to Date

9:45-10:00am

**Presentation: Sentencing Grid
Research Proposal
Recommendation**

9:45-10:00am

Recommendation for Research

WSIPP and CFC research current grid, using historical data, then assess possible impacts of changing components of grid, using the same set of historical data.

Comparisons could be made between the current grid and the two potential grid options suggested by Sentencing Effectiveness Working Group:

- **Grid A: two vertical axes: Zone and Class (+/- system)**
- **Grid B: two vertical axes: Zone and Offense Seriousness Level**

9:45-10:00am

Recommendation for Research

Data gathered on the current grid:

1. Number of sentences issued within each cell of the grid
2. Average sentence within each cell on the grid
3. Range of sentences in each cell as well as proportions of sentences that are in the range, below the range, and above the range.
4. Average reduction in length of stay for mitigated sentences and average increase in length of stay for aggravated sentences, by offense seriousness level.
5. Are there racial/ethnic or gender disparities in the use of sentencing enhancements?
6. Assessment of average range of sentences for the 5 most common crimes in each cell
7. Amount of sentences in each guideline cell that received a disposition alternative
8. Disparity in the outcomes for individuals across the grid?
 - a) *Is there racial/gender/age disparity in the general distribution of individuals?*
 - b) *Is there racial/gender/age disparity in average sentences within a guideline cell?*

9:45-10:00am

Recommendation for Research

In order to assess the potential impacts of moving forward with either grid, would then examine:

1. How many offenses would have an increase or decrease in the range of sentences on the new grid? (*Relevant only for the class-based grid.*)
2. How many sentences would have a potential increase or decrease on the new grid?
3. How do changes differentially affect racial/ethnic groups? Different genders? Different age groups?
4. Are there data-driven adjustments to the ranges in different cells that can reduce racial/ethnic, gender, or age disparities?
5. Where do disposition alternatives most commonly fall on the new grid? (to assess reasonable placements for new “zones”)
6. What are the potential outcomes from expanding the ranges in the guideline cells?
7. What are the potential outcomes from revising enhancements to be either a) a new, separate offense or b) moved into aggravating factors?

9:45-10:00am

Recommendation for Research

Other potential research suggestions:

- Additional analyses could examine the effects of eliminating the drug grid (to simplify overall) by incorporating those offenses back into the main felony sentencing grid.
- Incorporating unranked offenses: how would sentences be affected if unranked offenses were incorporated into the grid?

9:45-10:00am

Recommendation for Research

Proposed timeline:

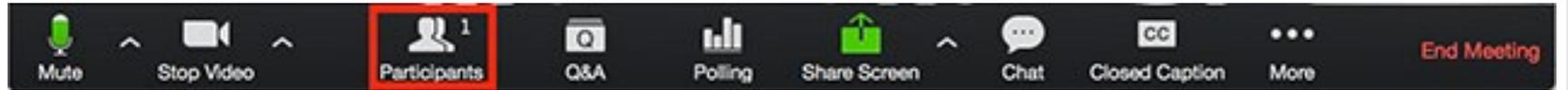
- Draft report to Sentencing Effectiveness Grid Subgroup by March 31, 2021 (SAC report on criminal history scores should also be available).
- Grid subgroup and SEWG review WSIPP/CFC report and SAC report, April 2021.
- Grid subgroup recommends to Task Force final choices, May 2021.
- WSIPP/CFC complete analyses on the combined/aggregate effects of final changes, June 2021 (pending availability of additional funds).

10:00-10:30am

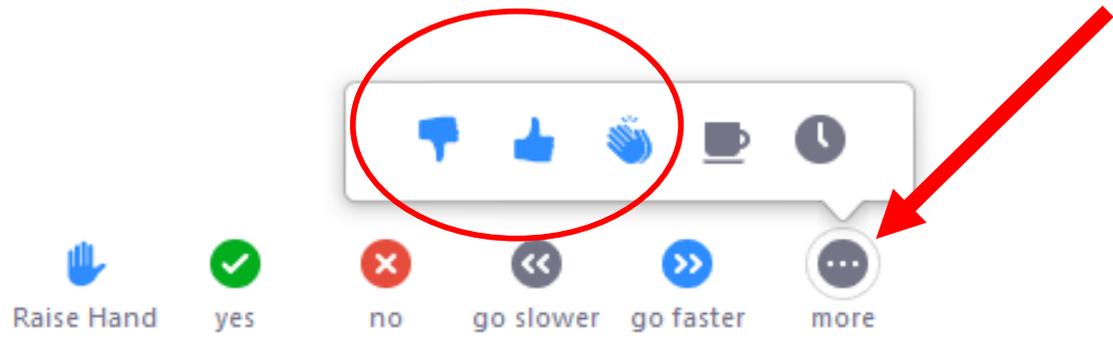
Consensus Discussion: Sentencing Grid Research Proposal Recommendation

Consensus Discussion

To access the “consensus icons”
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10:30-10:40am

BREAK

10:40-12:25pm

“Third Offer” Of Potential Recommendations + Discussion

12:25-12:30pm

Workplan, Action Items, Next Steps

12:30-12:45pm

Questions from Observers

12:45pm

Adjourn