

Washington State Criminal Sentencing Task Force
Sentencing Grid Subgroup
Meeting Summary: January 25, 2021
Zoom Digital Conferencing Technology

Attendees:

- Russ Brown (alt. for Jon Tunheim),
Washington Association of Prosecuting Attorneys
- Representative Roger Goodman,
Washington State House of Representatives, Democratic Caucus
- Ginny Parham (alt. for Waldo Waldron-Ramsey), *Interests of Incarcerated Persons*
- Judge Wesley Saint Clair, *Sentencing Guidelines Commission*
- Melody Simle (alt. for Suzanne Cook),
Statewide Family Council
- Nick Straley (alt. for Nick Allen), *Interests of Incarcerated Persons*
- Jon Tunheim, *Washington Association of Prosecuting Attorneys*
- Waldo Waldron-Ramsey, *Interests of Incarcerated Persons*

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

WELCOME & AGENDA REVIEW

Amanda welcomed Sentencing Grid Subgroup (Subgroup) members and reviewed the agenda.

TASK FORCE MEETING DEBRIEF & SUBGROUP WORKING PLAN

Amanda and Chris thanked participants for a successful and productive first Task Force meeting of 2021. The Subgroup then discussed how to sequence topics the Task Force suggested. The Subgroup agreed to maintain its focus on grid-related topics and encourage the Task Force to tackle issues not directly related to the grid. While such a division seems the most efficient use of time, the Subgroup also emphasized the importance of involving multiple perspectives and voices in all conversations.

The Subgroup created a running list of decision points/ topics to discuss this year and organized them by whether they pertain directly or indirectly to the sentencing grid (*see supporting materials for the initial list of decision points/topics*).

NEXT STEPS & ACTION ITEMS

- **The Facilitation Team** will send the Office of Financial Management (OFM) Statistical Analysis Center (SAC) research questions pertaining to Washington’s criminal history score calculation.
- **The Grid Subgroup** will set draft milestones to help ensure the grid work stays on track for 2021.

SUPPORTING MATERIALS: LIST OF DECISION POINTS & ISSUES

Decision Points for Grid Redevelopment

1. How many grids should there be?
2. What are the axes?
3. What is the appropriate range for grid cells?
4. How can judges move within the grid?
5. What information is available to judges at sentencing?

Full Task Force conversations

- Charging decisions/discretion/power in system—how to bring balance
- Relationship between discretion & disparity
- Purpose(s) and goals of sentencing—rehabilitation, public safety, accountability to the rule of law, reducing risk of reoffense. Original purposes in SRA: just desserts et al—how well does the system fulfill these?
- Mass incarceration

Additional Related Topics Suitable for Ad Hoc Group Dialogue

- What information should be collected over time (to measure outcomes & impacts and inform decision-making), and what systems are needed to do so?
- Mandatory minimums (including Three Strikes)—*philosophical discussion*
- Retroactivity
- Second Look

Keep with Grid due to integral relationship

- Criminal History Score: Multipliers, risk, offender characteristics (e.g., youthfulness of over-18 & prior offenses as juvenile), washout period, anticipatory offenses, and other variables
- Seriousness levels & ranking (zones?)
- Aggravators & mitigators
- Alternatives to incarceration: DOSA, SOSSA, Community-based
- Enhancements (*mechanics of how to address each*)
- Data collection over time
- Anticipatory offenses (*suggested by Clela Steelhammer on 1/26*)