Washington State Criminal Sentencing Task Force
Sentencing Grid Subgroup
Meeting Summary: February 8, 2021
Zoom Digital Conferencing Technology

Attendees:

- Chief Gregory Cobb, *Washington State Association of Sheriffs and Police Chiefs*
- Keri-Anne Jetzer (alt. for Judge Wesley Saint Clair), *Sentencing Guidelines Commission*
- Lauren Knoth (research & data support), *Washington Institute for Public Policy*
- Greg Link, *WA Association of Criminal Defense Attorneys; WA Defender Association*
- 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*
- Clela Steelhammer (research & data support), *Caseload Forecast 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.

Action Item: The Subgroup agreed to cancel its 2/15 meeting in observation of President's Day.

GRIS RESEARCH UPDATE & DISCUSSION

Lauren Knoth (Washington Institute for Public Policy, aka WSIPP) updated the Subgroup on her and Clela Steelhammer's (Caseload Forecast Council) research progress. Clela has provided the data; Lauren is working through standard sentencing data and building tables for the Subgroup and Task Force to review.

Lauren asked the Subgroup for input on whether and (if so) how to simulate sentencing alternatives, enhancements, and exceptional sentences. Including such nonstandard sentences in grid simulations requires significant assumptions about how judges would impose alternative, enhanced, and exceptional sentences on a new grid. For example, one might assume that:

a. Judges will sentence within the standard range if the standard range under a new grid includes the same confinement time that an individual would have received with an enhanced/ exceptional sentence on the old grid, or
b. Judges will sentence outside the standard range, regardless of what that range is, when issuing an enhanced or exceptional sentence.

Subgroup members discussed the difficulty in confirming either assumption: there is no judge's rulebook that tells courts exactly how to impose such nonstandard sentences. Some judges justify enhanced or exceptional sentences by comparing them to the standard range (i.e., imposing 50% more time due to aggravating circumstances), while others may be worry less about the standard range and focus more on a certain amount of confinement time (regardless of how it relates to the standard range).

Action Item: Subgroup members suggested the researchers analyze alternative, enhanced, and exceptional sentences separately from their standard range simulations.

SUBGROUP GRID DISCUSSION TOPICS REVISITED

Amanda and Chris reviewed the Subgroup's current draft list of 2021 discussion topics, asking members to weigh in on a suggestion to add community service to that list. Lauren said she would be happy to provide some summary statistics on the use of community service as part of an individual's total sentence. Subgroup members were eager to discuss community service in more detail, opining that it appears underutilized in sentencing. Members noted fiscal challenges in maintaining community service programs, changes in community custody/supervision that have made community service less popular with prosecutors, and possible ways to address these issues (i.e., a digital system to allow approved employers/businesses to verify community service hours).

Action Item: Subgroup agreed to continue discussing community service as a sentencing tool.

CRIMINAL HISTORY SCORE RESEARCH

Amanda and Chris suggested the Subgroup invite Matt Landon, from Office of Financial Management's Statistical Analysis Center, to present to them his planned research related to Washington's criminal history score calculation system and the relationship between that score and recidivism. Lauren noted that Matt is early enough in the research project that he could still incorporate some Subgroup-specific questions into his analysis. Subgroup members expressed interest in the following with regards to criminal history score:

- Washout periods, including how they are applied and the legislative history;
- The predictive validity of multipliers;
- The overall predictive validity of Washington's criminal history score calculation system;
- How all, and certain, juvenile adjudications impact the predictive validity of criminal history scores;
- Possible alternative measurements that could increase predictive validity; and
- What are the study's limitations and what information will not be included in the study.

Action Item: The Facilitation Team will contact Matt Landon to schedule a presentation to the Subgroup.

NEXT STEPS & ACTION ITEMS

- **Lauren Knoth** will prioritize analysis of alternative, enhanced, and exceptional sentences with the goal to have data available for Subgroup review by 2/22. Lauren will also provide summary statistics on the use of community service in sentencing.
- **The Facilitation Team** will schedule a time for Matt Landon to discuss his criminal history score research with the Subgroup.