

Washington State Criminal Sentencing Task Force
Sentencing Grid Subgroup
Meeting Summary: April 19, 2021
Zoom Digital Conferencing Technology

Attendees:

- Chief Gregory Cobb, *Washington Association of Sheriffs and Police Chiefs*
- Representative Roger Goodman, *Washington State House Democratic Caucus*
- Keri-Anne Jetzer (alt. for Judge Saint Clair), *Sentencing Guidelines Commission*
- Lauren Knoth (research & data support), *Washington Institute for Public Policy*
- Greg Link, *Washington Association of Criminal Defense Attorneys; Washington Defender Association*
- Judge Wesley Saint Clair, *Sentencing Guidelines Commission*
- Melody Simle (alt. for Suzanne Cook), *Statewide Family Council*
- Clela Steelhammer (research & data support), *Caseload Forecast Council*
- Waldo Waldron-Ramsey, *Interests of Incarcerated Persons*
- Judge Josephine Wiggs-Martin, *Superior Court Judges Association*

Guest: David Trieweler

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; the meeting would focus on the order of topics to address and decisions to make related to the sentencing grid. The Subgroup also agreed to resume its Tuesday 9am-10am meeting schedule beginning in May.

DRAFT SUBGROUP AND TASK FORCE WORKING PLANS

Amanda shared the Task Force's draft working plan and a list of grid related decisions and topics, asking if anything was missing. Members suggested consolidating some topics related to criminal history score (i.e., scoring/multipliers and washouts) and added the following to the list:

- Information available to judges at the time of sentencing (e.g., risk assessments), and
- Information and data collection needed to monitor the outcomes and impacts of any changes recommended by the Task Force.

The Facilitation Team noted the Task Force will need to make some decisions in the absence of complete information. In particular, the Office of Financial Management Statistical Analysis Center's criminal history score research may not line up with the Task Force's timeline.

The Subgroup then discussed how to sequence topics, noting the need to begin by first determining the grid's rows and columns. The Subgroup agreed to propose the following decision/topic ordering to the full Task Force, with retroactivity a component of each discussion:

1. Felony Class vs. Offense Serious Level

2. What are the rows? – A, B, C? Expand to D? Or use an offense seriousness level—if so, should the current set of levels be expanded or collapsed, and should it have other reforms too?
3. What are the columns? (Assuming this remains as criminal history score: Scoring, Multipliers, Washouts.)
4. Unranked offenses
5. Cell ranges and zones – sentence lengths
6. Aggravators and mitigators
7. Sentencing Alternatives (where are gaps, what are the limitations, should these be layered onto the grid—if so, where?)
8. Enhancements
9. Information available to judges at time of sentencing – PSIs, risk assessments (or exclusion of risk assessments). Sub-topic: when should PSIs be ordered—what criteria should be used to order them? Should they be tied to the grid?
10. What new data should be gathered to report outcomes and impacts of changes? (For example: prosecutor data, court data, judge’s report that used to be used, monitoring and evaluation, racial impact analysis.)

Finally, the Facilitation Team proposed a draft document (CSTF Grid Discussion Guide) to organize key research findings, remaining questions, potential trade-offs and considerations, and emerging potential recommendations related to each topic. To help inform Task Force discussions and consensus deliberations, the Facilitators suggested the Subgroup could prepare and share this document for each decision/topic prior to the relevant full Task Force meetings.

NEXT STEPS & ACTION ITEMS

- Next meeting: begin discussing Felony Class System vs. Offense Seriousness Level.