Washington State Criminal Sentencing Task Force
Sentencing Grid Subgroup
Meeting Summary: April 26, 2021
Zoom Digital Conferencing Technology

Attendees:

- 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*
- 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*
- Waldo Waldron-Ramsey, *Interests of Incarcerated Persons*

Guest: David Trieweiler

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. Representative Goodman gave a legislative update on *State v. Blake*, noting the bill (which has a sunset date) makes knowing possession of a controlled substance a misdemeanor, while mandating law enforcement diversion at least twice, and increasing funding for behavioral health services.

VERTICAL AXIS DISCUSSION: FELONY CLASS OR OFFENSE SERIOUSNESS LEVEL?

Lauren Knoth (Washington Institute for Public Policy, aka WSIPP) recapped key findings from the grid research report related to offense seriousness level vs. felony class:

- Under the assumptions made in the report, the class-based grid would significantly reduce the average length of stay and overall number of sentences. This reduction is driven by the large number of class-C, and class-C- felony offenses, which increased the concentration of sentences in the southwest corner of the grid.
- Both grids display racial disproportionality, though it is slightly reduced in a felony-class-based grid.
- Approximately 29.1% of sentences were predicted to experience an increase in confinement time in a felony-class-based grid.

Subgroup members discussed the potential for a felony-class-based grid, with fewer but wider cell ranges, to increase judicial discretion. Others suggested adding a D (+/-) felony class, though others noted this could leader to smaller ranges. Some members expressed concerns about the prospect of increasing sentence lengths for any offenses and noted this could lead to ex post facto problems. The simulated grid would increase the presumptive range of several class B felonies.

Action Item: Lauren will compare racial disproportionality information for class B felonies between the current and simulated grids.

NEXT STEPS & ACTION ITEMS

- **The Subgroup** will review the Task Force desired outcomes for the sentencing grid and continue discussing felony class system vs. offense seriousness level on May 4th.