

**Washington State Criminal Sentencing Task Force**  
**Sentencing Grid Subgroup**  
**Meeting Summary: May 11, 2021**  
Zoom Digital Conferencing Technology

**Attendees:**

- Russ Brown (alt. for Jon Tunheim), *Washington State Association of Prosecuting Attorneys*
- Representative Roger Goodman, *Washington State House Democratic Caucus*
- Keri-Anne Jetzer (alt. for Judge Saint Clair), *Sentencing Guidelines Commission*
- 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*
- Jon Tunheim, *Washington State Association of Prosecuting Attorneys*
- Waldo Waldron-Ramsey, *Interests of Incarcerated Persons*
- Judge Josephine Wiggs-Martin, *Superior Court Judges Association*

**Guest:** David Triewailer

**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. She noted the Co-Chairs and Facilitation Team are working to arrange a special, guest-facilitated meeting to help the Task Force in discussing issues of race and racism in the criminal justice system.

**DRAFT MAY 20<sup>th</sup> TASK FORCE MEETING AGENDA & SUBGROUP WORKING PLAN**

The Facilitation Team suggested revisiting earlier conversations on the purpose and goals of the Sentencing Reform Act (SRA) at the May 20<sup>th</sup> Task Force meeting to determine whether the purpose and goals should be amended or expanded. Instead, Subgroup members suggested a conversation around the purpose and goals of the Task Force would be more useful. In particular, the Subgroup suggested discussing the Task Force's mandated goal of promoting and improving public safety and better defining "public safety" as a collective. Some Subgroup members noted sentence lengths, non-incarcerated alternatives, and community supervision models are an important part of the public safety conversation.

Subgroup members also discussed the immense amount of work needed for the Task Force to reach consensus on a new proposed felony sentencing grid by the end of the year. The Subgroup reviewed the Task Force's draft workplan and agreed to continue developing discussion guides for the key grid decision-points:

1. Felony Class vs. Offense Serious Level
2. What are the rows – (ABC? Expand to D? Offense serious level? OSL expanded/collapsed? Etc.)?
3. Scoring/multipliers, Criminal history score, 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, to layer onto the grid?)
8. Enhancements
9. Information available to judges at time of sentencing – PSIs, risk assessments, etc.
10. New information/data needed to be gathered to report outcomes and impacts of changes (example – prosecutor data, court data, judge’s report that used to be used), monitoring and evaluation, and racial impact analysis.

#### **FELONY CLASS V. OFFENSE SERIOUSNESS LEVEL**

The Subgroup resumed discussing findings, context, and considerations from the grid research and the tradeoffs of using a felony-class-based versus offense-seriousness-level-based grid. Multiple members were interested in exploring further the idea of tying felony-class to offense seriousness level. For example, Class C felonies would occupy the first 5 seriousness levels, Class B the next 5 seriousness levels, and Class A the following 5 seriousness levels. Currently, most offense seriousness levels include a variety of Class A, B, and C offenses. However, because each felony class has a corresponding statutory max, several Class C and B felonies which have higher offense seriousness level rankings are not eligible for most of the presumptive sentence ranges on the current grid. Tying felony class to offense seriousness level could address this while simultaneously meeting the Task Force goal of reducing complexity.

*Action Item: The Subgroup agreed to continue discussing felony class v. offense seriousness level with the goal of presenting the Task Force with a potential recommendation or path forward on this issue at its May 20<sup>th</sup> meeting.*

#### **NEXT STEPS & ACTION ITEMS**

- **The Subgroup** will finish discussing felony class system vs. offense seriousness level on May 18<sup>th</sup>.