

**Washington State Criminal Sentencing Task Force**  
**Sentencing Grid Subgroup**  
**Meeting Summary: June 29, 2021**  
Zoom Digital Conferencing Technology

**Attendees:**

- Russ Brown (alt. for Jon Tunheim), *Washington Association of Prosecuting Attorneys*
- 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), *Families of Incarcerated Persons*
- Clela Steelhammer (research & data support), *Caseload Forecast Council*
- Jon Tunheim, *Washington Association of Prosecuting Attorneys*
- Waldo Waldron-Ramsey, *Interests of Incarcerated Persons*

**Guests:** Bruce Glant, Joanne Smieja, and 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. She suggested that before tackling the upper portion of the grid, the Subgroup work toward potential recommendations to address cells where the presumptive sentencing range exceeds the statutory maximum for class C and class B felonies.

**ADDRESSING CELLS THAT EXCEED THE STATUTORY MAX FOR CLASS C AND CLASS B FELONIES**

The statutory maximum for class C and class B felonies is 5 and 10 years, respectively. Washington's current grid contains several cells where the courts are unable to sentence some crimes within the full or partial range because they are greater than the statutory maximum. *See supporting materials (below) for examples of cell ranges that exceed the statutory maximum (highlighted in yellow).*

The Subgroup considered what the maximum sentences could be for various cells (to fit within the statutory maximum) and whether the grid should leave room for an aggravated sentence in all cells. The larger structure of the Sentencing Reform Act (SRA) acknowledges that crimes have aggravating and mitigating circumstances, so to be consistent with that, all cell ranges, even those at higher criminal history scores (CHSs), should leave room for aggravated sentences. Because the maximum sentence for any class B felony is 10 years, allowing for aggravated sentences would mean the maximum sentence at CHS 9+ for any rows containing such offenses must be less than 120 months.

Members felt changing the sentencing ranges in certain cells (and potentially entire rows of cells) to reflect the statutory maximum of class B or C felonies in OSLs where most crimes are a higher felony class (i.e., OLS 10 and 6) would limit sentencing options for serious offenses. Subgroup members discussed the idea to—instead of changing the ranges of cells and rows to accommodate

a relatively small number of sentencing instances—to reclassifying certain crimes as lower offense seriousness levels.

**Potential Recommendations:**

- **Criminal Mistreatment 1, Malicious Explosion 3, Malicious Placement of Imitation Device would become OLS 9 or less, to address the statutory maximum issue in offense seriousness level 10.**
- **Move Unlawful Storage of Anhydrous Ammonia and four airbag-related offenses to OLS 6 or lower.**

The Subgroup also discussed how adjustments to cell ranges to address the statutory maximum issue might affect the court’s ability to order community custody. Members believe the current supervision model, based on surveillance, is insufficient and that changes to the grid should come as part of a broader paradigm shift away from retribution and toward providing appropriate treatment and resources for individuals in state custody.

**Potential Recommendation:**

- **Changes to the grid, felony sentences, and ranges should be conditioned on Department of Corrections making the transition to the i-COACH supervision model.**

**NEXT STEPS & ACTION ITEMS**

- **The Subgroup will continue to discuss ways to address cell ranges that exceed the statutory maximum, focusing on whether all cells should allow for aggravated sentences.**

**SUPPORTING MATERIALS**

Offense Seriousness Level	Washington State Felony Sentencing Grid											FY 19		
	0	1	2	3	4	5	6	7	8	9+	Total A	Total B	Total C	
XVI	Life sentence without parole/death penalty for individuals at over the age of 18. For those under the age of 18, a term of 25 years to life.													
XV	240-320 m	250-333 m	261-347 m	271-361 m	281-374 m	291-388 m	312-416 m	338-450 m	370-493 m	411-548 m	31	0	0	
XIV	123-220 m	134-234 m	144-244 m	154-254 m	165-265 m	175-275 m	195-295 m	216-316 m	257-357 m	298-397 m	32	0	0	
XIII	123-164 m	134-178 m	144-192 m	154-205 m	165-219 m	175-233 m	195-260 m	216-288 m	257-342 m	298-397 m	1	0	0	
XII	93-123 m	102-136 m	111-147 m	120-160 m	129-171 m	138-184 m	162-216 m	178-236 m	209-277 m	240-318 m	76	0	0	
XI	78-102 m	86-114 m	95-125 m	102-136 m	111-147 m	120-158 m	146-194 m	159-211 m	185-245 m	210-280 m	40	0	0	
X	51-68 m	57-75 m	62-82 m	67-89 m	72-96 m	77-102 m	98-130 m	108-144 m	129-171 m	149-198 m	22	3	0	
IX	31-41 m	36-48 m	41-54 m	46-61 m	51-68 m	57-75 m	77-102 m	87-116 m	108-144 m	129-171 m	171	33	0	
VIII	21-27 m	26-34 m	31-41 m	36-48 m	41-54 m	46-61 m	67-89 m	77-102 m	86-116 m	108-144 m	17	40	0	
VII	15-20 m	21-27 m	26-34 m	31-41 m	36-48 m	41-54 m	57-75 m	67-89 m	77-102 m	87-116 m	79	338	0	
VI	12+14 m	15-20 m	21-27 m	26-34 m	31-41 m	36-48 m	46-61 m	57-75 m	67-89 m	77-102 m	0	129	41	
V	6-12 m	12+14 m	13-17 m	15-20 m	22-29 m	33-43 m	41-54 m	51-68 m	62-82 m	72-96 m	0	105	680	
IV	3-9 m	6-12 m	12+14 m	13-17 m	15-20 m	22-29 m	33-43 m	43-57 m	53-70 m	63-84 m	0	1888	90	
III	1-3 m	3-8 m	4-12 m	9-12 m	12+16 m	17-22 m	22-29 m	33-43 m	43-57 m	51-68 m	0	1002	2721	
II	0-90 d	2-6 m	3-9 m	4-12 m	12+14 m	14-18 m	17-22 m	22-29 m	33-43 m	43-57 m	0	1269	851	
I	0-60 d	0-90 d	2-5 m	2-6 m	3-8 m	4-12 m	12+14 m	14-18 m	17-22 m	22-29 m	0	1	2746	