Washington State Criminal Sentencing Task Force
Sentencing Grid Subgroup
Meeting Summary: July 27, 2021
Zoom Digital Conferencing Technology

Attendees:

- Representative Roger Goodman, *WA 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, *Interests 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, Kelly Leonard, Corey Patton, Joanne Smieja, and David Trieweiler

Facilitation Team: Amanda Murphy, Chris Page, Molly Stenovec, and Maggie Counihan

WELCOME & AGENDA REVIEW

Amanda welcomed Sentencing Grid Subgroup (Subgroup) members, reviewed past conversations about the simulated grid, and reminded the group of its goal to have a "first offer" of potential Task Force recommendations for the August 5th Task Force meeting.

POTENTIAL RECOMMENDATIONS

The possible recommendations related to the SW corner of the grid are:

- Increase the number of cells with a 0 minimum.
    - **Dark green cells drop more minimums to 0 but keep minimums in light green cells at 6 months or more.**
    - A member asked if the grid could have different minimum sentences for crime against a person.
- Development of a non-incarcerative alternative sanction.

The potential recommendations related to the stat max conversations are:

- **Reclassify Criminal Mistreatment 1, Malicious Explosion 3, Malicious Placement of Imitation Device 1 to OSL 9 or lower.**
- **Reclassify theft of anhydrous ammonia, and 4 airbag offenses to OSL 6 or lower.**
- **Establish a sunset committee that reviews offenses that have not been sentenced in the last 5-10-20 years for potential elimination from the criminal code.**
- **The most serious sentence in any grid row may not exceed the statutory maximum for offenses in that seriousness level.**
- **Require ongoing monitoring and larger, more in-depth statistical reviews after the first few years.**

SIMULATED GRID DISCUSSION

The subgroup shared reflections based on the previous week's review of simulated grids drafted by Keri-Anne Jetzer. These reflections from members included discussion about reducing the number of columns in the grid, which could create more overlap between ranges. Lauren noted that reducing the columns would make the ranges of the cells wider, which could potentially lead to larger increases in sentence length from one criminal history score to the next; she noted that the literature is mixed on whether disproportionality increases in such instances.

A member suggested having a mechanism to ensure transparency on the sentences that judges issue and how they affect disparity. Members suggested that it take the form of a racial impact analysis by the Legislature or another organization after a certain number of years. Keri-Anne reminded the subgroup that the Sentencing Guidelines Commission originally got tasked to help provide transparency to the system, but those reports have not been done for a number of years.

Another member suggested having one number in a grid cell, instead of a range, to lower racial discretion. Others thought it would bring in increase in mitigated or aggravated sentences with only one number per grid cell.

NEXT STEPS & ACTION ITEMS

- **The Subgroup** will continue to review the simulated grids and have discussion about racial discretion.