

**Washington State Criminal Sentencing Task Force**  
**Sentencing Grid Subgroup**  
**Meeting Notes: August 24, 2020**  
**Meeting via Zoom**

**Attendees:**

- Tiffany Attrill (Alt for Riddhi Mukhopadhyay), *Interests of Crime Victims*
- Russell Brown (Alt. for Jon Tunheim), *WA Association of Prosecuting Attorneys*
- Rep. Roger Goodman, *WA Legislature*
- Keri-Anne Jetzer, (Alt. for Judge St. Clair), *Sentencing Guidelines Commission*
- Greg Link, *Washington Association of Criminal Defense Attorneys; Washington Defender Association*
- Melody Simle, (Alt. for Suzanne Cook), *Statewide Family Council*
- Judge St. Clair, *Sentencing Guidelines Commission*
- Clela Steelhammer (research & data support), *Caseload Forecast Council*
- Waldo Waldron-Ramsey, *Interests of Incarcerated Persons*

**Presenter:** Lauren Knoth (research & data support), *Washington Institute for Public Policy*

**Guests:** Bruce Glant

**Facilitation Team:** Chris Page, Molly Stenovec

**WELCOME & AGENDA REVIEW**

Chris welcomed everyone, noting that he'll facilitate the discussion while Amanda Murphy is on leave. Today the Grid Subgroup will review the input from the CSTF on the 1-5 OSL and straddle cells. The rest of this meeting will focus on the upper rows of the grid.

**Facilitation Team update:** Chris thanked Lauren, Clela, and Keri-Anne for all the research and data support they have been providing to the Subgroup and Task Force. He encouraged the Subgroup to share their perspectives more openly on issues related to the grid and take ownership of the potential recommendations, considerations, and tradeoffs of each during Task Force meetings.

**DEBRIEF OF TASK FORCE INPUT FROM AUGUST 19<sup>TH</sup> CSTF MEETING**

- Some perceive length of incarceration as the measure of accountability and public safety. This group (or the Sentencing Alternatives group) will need to think about how to talk about and demonstrate that participation in programs that support individuals to have productive lives after release from confinement is also means of ensuring accountability and promoting public safety. The group also discussed the need for reentry planning and support to begin the first day a person enters incarceration. Public safety is often measured by recidivism rates, so group needs to think about the resources, programs, etc. that reduce recidivism.

- While the range (on the simulated grid) in some cells may go from 0 – 12+ months, judges still retain the discretion to make the decision about the appropriate length of confinement. The current grid provides a much smaller range of judicial decision-making. Considerations:
  - Some expressed comfort with increasing the number of cells with zero-time confinement as the minimum, but discomfort as move towards some of the higher criminal history scores, with the assumption that those individuals have had opportunities for rehabilitation during previous contacts with the criminal justice system.
  - The types of actions/crimes with a low OSL and willingness of individuals to engage in the rehabilitation services that are available. The subgroup could consider a recommendation for the SGC to review low OSLs for possible reclassification (**emerging potential recommendation**).
  - Many individuals serve at least some time in confinement prior to sentencing; and zero on the grid reflects the potential months of prison/jail time after sentencing. The court could still sentence an individual to work release, electronic home monitoring, or day reporting.
  - A wide sentencing range is reflective of the range of crimes within each seriousness level—the group could consider a recommendation about increasing the number of OSLs.
- Some suggested that the group needs a conversation on language clarity: electronic home monitoring IS confinement and needs to fall within the standard range.
  - Comments: The Subgroup could consider a recommendation with fixed length monitoring for work release, electronic home, and/or day reporting.
  - Resource: Washington State Institute for Public Policy has conducted cost/benefit analysis of Adult Criminal Justice programs ([link to pdf](#) and [here is the link to the website with further analysis](#)), which shows these programs having benefits greater than costs.

\*Note: Participants shifted to new zoom coordinates to enable screen-sharing at this point in the meeting.

### **DISCUSSION ON UPPER ROWS OF THE SENTENCING GRID**

Chris acknowledged that there are still conversations that could be had about the lower level of the grid, but the Facilitation team wants to provide members an opportunity to have high level conversations about each portion of the grid, so then can have conversations about the grid holistically. Moving from the bottom of the grid to the top so can have juxtaposition of each end of the OSL spectrum and because people seem eager to talk about the upper level.

Keri-Anne provided an overview about how she developed a first offer of the simulated ranges, based on a consistent formula.

Initial thoughts and discussion among members included:

- On OSL 15 there is a statutory minimum: several members suggested that the simulated grid should reflect that anchor point. Retaining the statutory minimum will be important from a

victim's perspective—and changing the statutory minimum would require significant political capital.

- Regarding aggravated murder: would like to see sentencing reflect brain science and development (i.e., consider a recommendation for those 25 and over could receive a sentence of 25 years to life).
- Comment: These rows reflect some pretty serious crimes and situations where people experience severe harm.
- Uncertain about what changes could be made to sentence lengths for murder 1.
- Question: what current legislation exists about actions/behaviors for adults under 25 years of age?

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

- Continue the discussion on the upper level of the grid, exploring options to accommodate mandatory minimums.