

Washington State Criminal Sentencing Task Force

DRAFT Meeting Summary: July 7th, 2022

In Person: The Pacific Tower at 1200 12th Ave. S, Seattle, WA 98144

Hybrid Meeting via Zoom– [Link to recording via TVW](#)

ATTENDEES:

- **Task Force Members and Alternates:** *See Appendix A*
- **Members of the Public:** *See Page 23*
- **Facilitation Team:** Amanda Murphy, Chris Page, Maggie Counihan, Zack Cefalu – Ruckelshaus Center
- **Research/Technical Support:** Dr. Lauren Knoth-Peterson, *Washington State Institute for Public Policy (WSIPP)*

MEETING GOALS:

- Consensus Decision on Third Co-Chair Position
- Review, Discuss, and Provide Input on Potential Recommendation 33: Offense Classification Proposal
- Review, Discuss, and Provide Input on Potential Recommendations: Washout Scoring Rules

WELCOME

Amanda and Chris welcomed Task Force members and alternates, reviewed the agenda for the meeting, and highlighted the work moving forward needed to stay on the project's deadline for the December report.

INTRODUCTIONS

The Task Force members and alternates then introduced themselves for everyone including their name and the constituency that they represent. Membership updates:

FACILITATION TEAM UPDATES

- Co-chairs have asked that members of the public and guests abide by the Task Force ground rules and also provide their input in the form of comments rather than questions.

2022 Work Plan

Amanda reminded the Task Force of the work plan for the rest of the year:

- **August:** Sentencing Alternatives potential recommendations, discussion on the full package of recommendations – all potential recommendations stitched together

- **September:** start consensus decision-making on the full package of recommendations
- **October:** continue consensus decision-making
- **November:** continue consensus decision-making, with the goal of reaching final consensus. Draft Report. Joint Legislative Work Session.
- **December:** Moved to December 8th. Final report – last review and opportunity to address any unresolved issues.

Meeting Reminders

- Grid Sub Group's upcoming all **day work sessions on July 12th and July 26th**, where the group will begin to stitch together potential recommendations into a comprehensive package(s). The Grid Subgroup will present that work at the August 4th CSTF meeting. At the August 31st CSTF meeting, members and alternates will finish reviewing potential recommendations and begin seeking consensus on September 1.
- December's Task Force meeting has moved from December 1st to **December 8th, from 10 am – 4 pm, both by zoom and in Puyallup.**

CO-CHAIR UPDATES:

Representative Goodman thanked the Task Force members and alternates for their hard work and dedicated commitment to the project and to their constituencies. Rep. Goodman then shared his hopefulness for achieving consensus in the work ahead, and also shared that himself, Sonja, and Waldo all recently visited Norway in an effort to analyze the Norwegian criminal legal system. Rep. Goodman expressed his enthusiasm for the functioning of their system and hopes to be able to incorporate some of the elements from their system into Washington State's legal system. Jon Tunheim also shared a similar sentiment of gratitude to the Task Force and its alternates as well as to the members of the public for their continued dedication to the work of the Task Force.

CONSENSUS DECISION: VACANT CO-CHAIR POSITION

Due to the departure of Nick Allen, there is a vacant Task Force's Co-Chair position. At the formation of the CSTF, the group decided that the three co-chairs should include: one legislative representative, one "system professional" representative, and one representing those most affected by the system. Co-chairs had nominated Waldo Waldon-Ramsey; and Waldo expressed willingness to serve.

Consensus decision: The Task Force members present reached unanimous consensus, selecting Waldo Walden-Ramsey as a Task Force Co-Chair.

REVIEW, DISCUSS, AND PROVIDE INPUT ON POTENTIAL RECOMMENDATION 33: OFFENSE CLASSIFICATION PROPOSAL

Amanda transitioned the group to the next agenda item—review and discuss potential recommendation 33. This potential recommendation includes two proposals, which are very similar. Both offer an approach to structuring the potential grid and the presentation will focus on these different proposals meet the policy goals. Once the field has been designed, then the group will focus on offense reclassifications that may need to occur as a result of a restructured sentencing guidelines grid.

Dr. Knoth-Peterson provided a brief overview of the current sentencing system and common terms before introducing the proposals. (Presentation begins at [37:53](#))

Overview of current sentencing system and common terms:

- Felonies defined in Title 9A RCW have a “class”, and the severity of the offenses may determine the class of the felony.
 - Class A, Class B, and Class C
 - In Washington Class A is the most serious.
- The class of an offense drops to a class lower if it is an anticipatory (attempt, conspiracy, or solicitation) offense, with a few exceptions.
- Some felony offenses are grouped by a specific definition into categories (which are not mutually exclusive) for example:
 - Sex Offenses
 - Serious Violent Offenses
 - Violent Offenses
 - Crimes Against a Person
 - Drug Offenses
 - Violation of the Controlled Substance Act
- Washington also uses Offense Seriousness Levels to determine appropriate sentencing based on the seriousness of the offense.
 - Some felonies have an assigned OSL and are therefore considered to be “ranked”
 - Whereas 300+ felonies (Class A, B, and C) in Washington are not assigned an OSL and are considered to be “unranked” meaning they carry a sentence of 0-12 months of incarceration.
- Offense Seriousness Level: WA also uses sentencing levels based on the seriousness of the offense.
- Some felonies have an Offense Seriousness Level assigned - “ranked”
- Offenses that are not assigned a seriousness level are considered “unranked” offenses.

- The sentence range for all unranked felonies (regardless of whether they are a Class A, B, or C) is 0 to 12 months.
- The majority of felony offenses in statute are unranked - There are over 300 unranked felony offenses.
- House Public Safety Committee requested the SGC “to examine ‘unranked’ felony offenses and make recommendations as to which of those offenses should be ranked on the adult felony sentencing grid, and which offenses could be advisably repealed”.

On the current sentencing grid, an increase in OSL does not necessarily correlate with an increase in felony class or violent offense status. Many of the potential recommendations developed by the Grid Group so far have looked to better align and tighten the connections between offense class, statutory maximums, and sentencing ranges. The Grid Subgroup has looked at whether it made sense to also try to tighten the connection between all functions of offense classification, such as washouts, statutory maximums, violent status, and offense vacation.

Potential Recommendation 33 focuses primarily on the connection between OSL, felony class, and violent offense status.

POTENTIAL RECOMMENDATION 33: OFFENSE CLASSIFICATION PROPOSAL

The Grid Group has developed two separate proposals, Proposal A and Proposal B, for addressing offense classification in the sentencing guidelines grid. The images and narrative below will present each proposal, its effects, and then side by side, as well as a description of how these proposals meet the policy goals of the Task Force.

Proposal A:

Potential Recommendation 33

OSL	Class	In Years					Violent Prop A	Violent Prop B
		Stat Max	Washout	Vacation				
18	A1	Life	Life	NA	SV	SV		
17	A2	Life	Life	NA	SV	SV		
16	A2	Life	Life	NA	SV	SV		
15	A2	Life	Life	NA	SV	SV		
14	A2	Life	Life	NA	SV	SV		
13	A3	Life	Life	NA	V	V		
12	A3	Life	Life	NA	V	V		
11	A3	Life	Life	NA	V	V		
10	A3	Life	Life	NA	V	V		
9	B	10	10	10	NV	V/NV		
8	B	10	10	10	NV	NV		
7	A/B*	10	10	NA/10	NV	NV		
6	B	10	10	10	NV	NV		
5	B/C	10/5	10/5	10/5	NV	NV		
4	B/C	10/5	10/5	10/5	NV	NV		
3	B/C	10/5	10/5	10/5	NV	NV		
2	B/C	10/5	10/5	10/5	NV	NV		
1	B/C	10/5	10/5	10/5	NV	NV		

Unranked Offenses

Proposal A

1. **Divide Class A Felonies into 3 Groups**
 - i. A1: Offenses receiving Life Without Parole/Death sentence
 - ii. A2: Serious Violent offenses
 - iii. A3: Class A Violent offenses (excluding serious violent)
2. **Recalibrate the seriousness level of A2 offenses into OSLs 14 – 17**
3. **Recalibrate the seriousness level of A3 offenses into OSL 10 – 13**
4. **Add statutory language so that:**
 - a) serious violent offenses are a standalone category and not a subset of violent offenses by definition
 - b) class A2 offenses consist only of serious violent offenses
 - c) *all violent offenses must be a class A3 offense*

*Veh Hom - Disregard for Safety is a class A offense, however, under State v. Stately (152, Wn.App. 604, 216 P.3d 1102 (2009)) it is not considered a violent offense

Effects Of Proposal A:

OSL	Class	In Years					Violent Prop A	Violent Prop B
		Stat Max	Washout	Vacation				
18	A1	Life	Life	NA	SV	SV		
17	A2	Life	Life	NA	SV	SV		
16	A2	Life	Life	NA	SV	SV		
15	A2	Life	Life	NA	SV	SV		
14	A2	Life	Life	NA	SV	SV		
13	A3	Life	Life	NA	V	V		
12	A3	Life	Life	NA	V	V		
11	A3	Life	Life	NA	V	V		
10	A3	Life	Life	NA	V	V		
9	B	10	10	10	NV	V/NV		
8	B	10	10	10	NV	NV		
7	A/B*	10	10	NA/10	NV	NV		
6	B	10	10	10	NV	NV		
5	B/C	10/5	10/5	10/5	NV	NV		
4	B/C	10/5	10/5	10/5	NV	NV		
3	B/C	10/5	10/5	10/5	NV	NV		
2	B/C	10/5	10/5	10/5	NV	NV		
1	B/C	10/5	10/5	10/5	NV	NV		

Unranked Offenses

Proposal A

Effects:

1. Serious Violent Offenses would be in OSL 14 and above.
2. ***All violent offenses must be a class A3 offense*** - Violent offenses would be in OSL 10-13.
3. This means all Class A offenses will be in OSL 10 - 18.
4. If Violent offenses are to be in OSL 10-13, and OSL 10-18 are for Class A offenses, then will need to recalibrate class B violent offenses (9 total offenses) to either class A3 or as non-violent.
 - OSL 1-9 would be Class B and C
 - OSL 1-9 would be non-violent offenses

Proposal B:

Potential Recommendation 33

OSL	Class	In Years				Violent Prop A	Violent Prop B
		Stat Max	Washout	Vacation			
18	A1	Life	Life	NA	SV	SV	
17	A2	Life	Life	NA	SV	SV	
16	A2	Life	Life	NA	SV	SV	
15	A2	Life	Life	NA	SV	SV	
14	A2	Life	Life	NA	SV	SV	
13	A3	Life	Life	NA	V	V	
12	A3	Life	Life	NA	V	V	
11	A3	Life	Life	NA	V	V	
10	A3	Life	Life	NA	V	V	
9	B	10	10	10	NV	V/NV	
8	B	10	10	10	NV	NV	
7	A/B*	10	10	NA/10	NV	NV	
6	B	10	10	10	NV	NV	
5	B/C	10/5	10/5	10/5	NV	NV	
4	B/C	10/5	10/5	10/5	NV	NV	
3	B/C	10/5	10/5	10/5	NV	NV	
2	B/C	10/5	10/5	10/5	NV	NV	
1	B/C	10/5	10/5	10/5	NV	NV	

Unranked Offenses

Proposal B

1. **Divide Class A Felonies into 3 Groups**
 - i. A1: Offenses receiving Life Without Parole/Death sentence
 - ii. A2: Serious Violent offenses
 - iii. A3: Class A Violent offenses (excluding serious violent)
2. **Recalibrate the seriousness level of A2 offenses into SLs 14 – 17**
3. **Recalibrate the seriousness level of A3 offenses into SL 10 – 13**
4. **Add statutory language so that:**
 - a) serious violent offenses are a standalone category and not a subset of violent offenses by definition
 - b) class A2 offenses consist only of serious violent offenses
 - c) *class A3 offenses consist of only violent offenses*
 - d) *class B violent offenses must be assigned SL 9*

*Veh Hom - Disregard for Safety is a class A offense, however, under State v. Stately (152, Wn.App. 604, 216 P.3d 1102 (2009)) it is not considered a violent offense

Effects Of Proposal B:

OSL	Class	In Years				Violent Prop A	Violent Prop B
		Stat Max	Washout	Vacation			
18	A1	Life	Life	NA	SV	SV	
17	A2	Life	Life	NA	SV	SV	
16	A2	Life	Life	NA	SV	SV	
15	A2	Life	Life	NA	SV	SV	
14	A2	Life	Life	NA	SV	SV	
13	A3	Life	Life	NA	V	V	
12	A3	Life	Life	NA	V	V	
11	A3	Life	Life	NA	V	V	
10	A3	Life	Life	NA	V	V	
9	B	10	10	10	NV	V/NV	
8	B	10	10	10	NV	NV	
7	A/B*	10	10	NA/10	NV	NV	
6	B	10	10	10	NV	NV	
5	B/C	10/5	10/5	10/5	NV	NV	
4	B/C	10/5	10/5	10/5	NV	NV	
3	B/C	10/5	10/5	10/5	NV	NV	
2	B/C	10/5	10/5	10/5	NV	NV	
1	B/C	10/5	10/5	10/5	NV	NV	

Unranked Offenses

Proposal B

Effects:

1. Serious Violent Offenses would be in OSL 14 and above. (Same as Proposal A)
2. **Class A Violent offenses would be in OSL 10-13.**
3. This means all Class A (1,2,3) offenses will be in OSL 10 - 18. (Same as Proposal A)
4. OSL 1-9 would be Class B and C (Same as Proposal A)
5. **OSL 9 will have both V and NV offenses. Class B violent offenses must be assigned OSL 9.** Therefore, will need to recalibrate Class B violent offenses (9 total offenses). Moving them to OSL 9 or as non-violent.

Side by side of Proposals A & B:

Proposal A

OSL	Class	In Years			Violent Prop A	Violent Prop B
		Stat Max	Washout	Vacation		
17	A1	Life	Life	NA	SV	SV
16	A2	Life	Life	NA	SV	SV
15	A2	Life	Life	NA	SV	SV
14	A2	Life	Life	NA	SV	SV
13	A3	Life	Life	NA	V	V
12	A3	Life	Life	NA	V	V
11	A3	Life	Life	NA	V	V
10	A3	Life	Life	NA	V	V
9	B	10	10	10	NV	V/NV
8	B	10	10	10	NV	NV
7	A/B*	10	10	NA/10	NV	NV
6	B	10	10	10	NV	NV
5	B/C	10/5	10/5	10/5	NV	NV
4	B/C	10/5	10/5	10/5	NV	NV
3	B/C	10/5	10/5	10/5	NV	NV
2	B/C	10/5	10/5	10/5	NV	NV
1	B/C	10/5	10/5	10/5	NV	NV
Unranked Offenses						

Proposal B

1. Divide Class A Felonies into 3 Groups
 - i. A1: Offenses receiving Life Without Parole/Death sentence
 - ii. A2: Serious Violent offenses
 - iii. A3: Class A Violent offenses (excluding serious violent)
2. Recalibrate the seriousness level of A2 offenses into SLs 14 – 17
3. Recalibrate the seriousness level of A3 offenses into SL 10 – 13
4. Add statutory language so that:
 - a) serious violent offenses are a standalone category and not a subset of violent offenses by definition
 - b) class A2 offenses consist only of serious violent offenses
 - c) **all violent offenses must be a class A3 offense**

OSL	Class	In Years			Violent Prop A	Violent Prop B
		Stat Max	Washout	Vacation		
17	A1	Life	Life	NA	SV	SV
16	A2	Life	Life	NA	SV	SV
15	A2	Life	Life	NA	SV	SV
14	A2	Life	Life	NA	SV	SV
13	A3	Life	Life	NA	V	V
12	A3	Life	Life	NA	V	V
11	A3	Life	Life	NA	V	V
10	A3	Life	Life	NA	V	V
9	B	10	10	10	NV	V/NV
8	B	10	10	10	NV	NV
7	A/B*	10	10	NA/10	NV	NV
6	B	10	10	10	NV	NV
5	B/C	10/5	10/5	10/5	NV	NV
4	B/C	10/5	10/5	10/5	NV	NV
3	B/C	10/5	10/5	10/5	NV	NV
2	B/C	10/5	10/5	10/5	NV	NV
1	B/C	10/5	10/5	10/5	NV	NV
Unranked Offenses						

1. Divide Class A Felonies into 3 Groups
 - i. A1: Offenses receiving Life Without Parole/Death sentence
 - ii. A2: Serious Violent offenses
 - iii. A3: Class A Violent offenses (excluding serious violent)
2. Recalibrate the seriousness level of A2 offenses into SLs 14 – 17
3. Recalibrate the seriousness level of A3 offenses into SL 10 – 13
4. Add statutory language so that:
 - a) serious violent offenses are a standalone category and not a subset of violent offenses by definition
 - b) class A2 offenses consist only of serious violent offenses
 - c) **class A3 offenses consist of only violent offenses**
 - d) **class B violent offenses must be assigned SL 9**

How Proposals A & B meet policy goals

Reducing Complexity and Improving Effectiveness of the System: This structure, as well as the formulaic approach for the grid are attempts at uniformity and better alignment among the many factors of felony offenses. The Grid group has discussed how under this, or any, new structure, recalibration of offenses and laws will be necessary.

Recalibration will take additional time and effort that may be beyond the scope and timeline of the Task Force. One idea discussed by Co-Chairs is that if the Task Force can reach consensus on adopting a structure, to then direct the Sentencing Guidelines Commission to make the necessary and sufficient changes to offense classifications to comply with the new structure. The presentation below presents some of the potential recalibration needs that have been identified during Grid Group discussions.

Moving Violent Offenses Up OSLs or Reclassifying Felony Class B to A:

Offenses that would be moved to a higher OSLs 14+:

This slide depicts the offenses that would either need to be moved from their current OSLs to OSL 14 or above on the new simulated grid or reclassified as violent crime rather than serious

violent crimes.

Proposal A & B Effects

Serious Violent Offenses would be moved to OSL 14 or above.

IMPORTANT NOTE:

Remember Potential Recommendation 13-13a which increases the number of OSLs from 16-18, moves offenses, and establishes a formula for OSL 10-17. This then leaves OSL open for recalibration.

Offense Description	Class	SL	Serious violent Offense	Violent Offense	Sex Offense	Crimes against persons
			9.94A.030 RCW	9.94A.030 RCW	9.94A.030 RCW	9.94A.411 RCW
Aggravated murder 1	A	18	X	X		X
Homicide by abuse	A	17	X	X		
Murder 1	A	17	X	X		X
Murder 2	A	16	X	X		X
Malicious explosion 1	A	15		X		
Trafficking 1st degree	A	15		X		
Malicious explosion 2	A	14		X		
Malicious placement of explosives 1	A	14		X		
Assault 1	A	13	X	X		X
Assault of a child 1	A	13	X	X		X
Commer sex abuse a minor - promote	A	13		X	X	
Rape 1	A	13	X	X	X	X
Rape of a child 1	A	13		X	X	X
Trafficking 2nd degree	A	13		X		
Manslaughter 1	A	12	X	X		X
Rape 2	A	12		X	X	X
Rape of a child 2	A	12		X	X	X
Vehicular homicide - drunk	A	12		X		X
Vehicular homicide - reckless	A	12		X		X
Child molest 1	A	11		X	X	X
Indecent liberties with force	A	11		X	X	X
Kidnapping 1	A	11	X	X		X
Leading organized crime	A	11		X		
Sexually violent predator escape	A	11		X		
Open for recalibration		10				

These offenses *Assault 1*, *Assault of a Child 1*, *Rape 1*, *Manslaughter 1*, and *Kidnapping 1* are all serious violent crimes that exist below OSL 14. In both Proposals A & B serious violent offenses are to be moved up to at least OSL 14, so these offenses will either need to be moved up in seriousness level or reclassified as violent offenses.

The following slides show the different recalibration needs for each proposal.

Offense Description	Class	SL	Serious	Violent	Sex	Crimes
			Violent	Violent	Offense	against
			Offense	Offense	Offense	persons
			RCW	RCW	RCW	RCW
Explosive devices prohibited	A	9		X		
Homicide by watercraft-drunk	A	9		X		
Robbery 1	A	9		X		X
Abandon dependent persons 1	B	9				
Assault of a child 2	B	9		X		X
Criminal mistreatment 1	B	9				X
Controlled substance homicide	B	9*				
Hit and run - death	B	9				
Inciting criminal profiteering	B	9				
Malicious placement of imitation device 1	B	9				
Malicious explosion 3	B	9				
Malicious placement of explosives 2	B	9				
Sexual exploitation of a minor	B	9		X	X	
Arson 1	A	8		X		X
Homicide by watercraft-reckless	A	8		X		
Commer sex abuse a minor	B	8			X	
Manslaughter 2	B	8		X		X
Promoting prostitution 1	B	8				X
Burglary 1	A	7		X		X
Homicide by watercraft-disregard safety	A	7		X		
Use machine gun or bump-fire stock in commission of a felony	A	7		X		
Vehicular homicide - disregard safety of others*	A	7				X
Child molest 2	B	7			X	X
Civil disorder training	B	7				
Dealing depictions of a minor 1st degree	B	7			X	
Drive-by-shooting	B	7		X		
False reporting 1 (effective 6/11/2020)	B	7				
Indecent liberties w/o force	B	7			X	X
Introducing contraband 1	B	7				
Malicious placement of explosives 3	B	7				
Negligently causing death by use of a signal preemption device	B	7				
Send/bring sexual depictions of minor 1st degree	B	7			X	
Unlawful possession of firearms 1	B	7				

Proposal A

- **All violent offenses must be a class A3 offense** - Violent offenses would be in OSL 10-13.
- If Violent offenses are to be in OSL 10-13, and OSL 10-18 are for Class A offenses, then will need to recalibrate class B violent offenses (9 total offenses) to either class A3 or as non-violent.

Proposal B

1. **Class A Violent offenses would be in OSL 10-13.**
2. **OSL 9 will have both V and NV offenses. Class B violent offenses must be assigned OSL 9.** Therefore, will need to recalibrate Class B violent offenses (9 total offenses). Moving them to OSL 9 or as non-violent.

In Proposal A: **all** violent offenses must be a Class A3 offense, which would fall between OSL 10-13. Class B violent offenses (currently there are 9 total) would either be increased to a Class A3 offense or removed of their violent crime designation, as OSL 10-13 would be reserved for Class A3 violent crimes and OSL 10-18 are now reserved for Class A offenses.

In Proposal B: all Class A violent offenses falling between OSL 10-13 and having OSL 9 having a mix between violent and nonviolent offenses. All 9 Class B violent offenses would then be required to be recalibrated to either fall into OSL 9 or be removed of their violent crime designation.

The Class A offenses that could be recalibrated to a higher OSL are as follows: *Explosive Devices Prohibited, Homicide by Watercraft (drunk), Robbery 1, Arson 1, Homicide by Watercraft (reckless), Burglary 1, Homicide by Watercraft (disregard for safety of others), Use of a machine gun or a bump-fire stock in the commission of a felony, Bail Jump with Murder 1, Kidnapping 2 with sexual motivation, and Assault 2 with sexual motivation.*

The Class B offenses that could be moved to a higher OSL or reclassified as nonviolent crimes are as follows: *Assault of a Child 2, Manslaughter 2, Drive-by shooting, Extortion 1, Kidnapping 2, Arson 2, Assault 2, Robbery 2, and Vehicular assault (under the influence/reckless).*

Member/Alternate Discussion on the Structure of Potential Recommendation 33:

- A member expressed support for looking at the offenses that are frequently seen in courtrooms (i.e., Robbery in the 2nd degree, Felony DUI, Assault 2, etc.), to move them

into more appropriate places in the grid. This member expressed they are confident they can reach consensus on this; this is to make changes to the grid that reflect best sentencing practices that historically has not been the case.

- Several members stated that they support the framework of separating the felony classes by OSLs and that this recommendation creates better consistency in this new simulated grid. Some mentioned that this structure provides the Legislature with an appropriate framework when creating new offenses, and this structure is what the Task Force should strive for. Other members expressed the need for clarity on where offenses will need to be reclassified, for them to support the potential recommendation.
- Several members expressed concern about the consequences of recommendations that would increase sentence lengths, especially in the context of discussing moving offenses up from Class B to A. The reclassification of offenses could have multilateral consequences that will negatively affect those being sentenced. For example, Class B offenses washout after 10 years whereas Class A offenses never washout so those sentenced under an offense that moved from Class B to Class A now no longer have a washout period. These members encouraged the group to think of potential unintended consequences. These members stated they support the overall structure of the recommendation but would need to spend time as a Task Force discussing how to conduct the reclassification of specific offenses.
- Several members expressed support for the concept of offense classification on the guidelines grid, specifically that it provides structural consistency and seems incredibly logical. They expressed concerns about ability to reach consensus on the offense specific recalibration, and several members wonder what happens if they cannot reach consensus.
- A member informed the Task Force that their constituency is not interested in breaking these details down to reach consensus on individual offense reclassification. They expressed interest in the new structure on the grid but felt that the only way to reach consensus was through focusing on the bigger picture that generally outlines the process of reclassification.
- A member pointed out that they think this is a very appropriate way to begin restructuring the grid—concerned that this recommendation would require work that is beyond the time and effort available to the Task Force so this specific recommendation may be beyond the scope of what they can do.
- Is the Task Force trying to align aspects of the grid that are not meant to be aligned or if this would make the grid even more complicated? Noted concern that the Task Force can ever reach consensus on the reclassification of offenses and thinks trying to do so sets them up for failure.

- Several Task Force members felt that they do not think they can weigh in on if the structure of the new simulated grid, because they do not know the details that determine if this structure will work as intended or not. These members stated that they cannot commit to consensus on this until the Task Force further builds out this recommendation by further diving into discussions on reclassification, as their constituencies cannot support this until they know more about the reclassification of offenses.
- A Task Force member was concerned with the dichotomy of classifying crimes as either violent or nonviolent crimes when this does not accurately reflect the true impact of offenses, or the intent associated with an offense. This member stated that the group does need details to determine how this would work in practice because the simplicity and alignment of this simulated grid is nice but may not reflect real-life conditions.
- A member expressed support for the distinction of violent versus nonviolent crime, but they felt this new grid does not capture the distinction between crimes against persons versus crimes against property and this should be reflected.
- Observed that this potential recommendation will interplay with other recommendations, such as washouts, aggravating factors, enhancements, and sentencing alternatives. Collectively, these recommendations will address situations that don't neatly fall into one category.
- Concerned that, on the simulated grid, the length of confinement seems to dictate the other columns of the grid such as availability/access to washouts, availability/access to vacation, and mandatory reprimand. This should not be the case as these columns should be dictated by other factors than length of incarceration, while our current grid has flaws it reflects the non-linear reality that offenses have.
- Given the need for recalibration, are there any offenses that would those no longer fit into this new structure?
 - The ranges can be manipulated accordingly to fit the offenses reclassification into a new place into the grid, to do that there needs to be political will.
- Member expressed concern about sentencing grid that puts people in a worse position than they are in today, should prioritize just sentencing in this new grid.
- Suggestion to eliminate the designation of violent versus nonviolent versus serious violent crime distinction and solely focus on the designation of crime through felony classes and corresponding OSL. They do not think the Task Force will reach consensus on this if they cannot move away from focusing on the discussion about the reclassification of offenses.
 - Offense status as nonviolent, violent, or serious violent designation is important in other aspects of the legal system.

- Noted the consequences associated with offense classifications – such as washouts, vacation, etc. Encouraged the group to add the availability of community custody/sentencing alternatives with associated classes to orient the grid around the availability of alternatives and not just revolving around punishment.”
- The interconnectedness of this new grid makes it very clear what will happen to a defendant at varying OSLs and felony classes in a way that can benefit the legislature for a clearer interpretation in statute and the associated correctional organization to see what the practices are for specified sentences.
- A more transparent and clear structure can also make potentials punishments and sanctions easier for stakeholders to understand—this clarity is important to add to the grid.
- Several members felt there was a lot more consensus among the group when they first were talking about how the current old grid has a lack of structure and is overly complex. Saw lots of support among members during discussions about broad policy changes and potential structure for a sentencing grid, however, see less support as discuss the details and potential recalibration needs.
- Current grid includes old legislation that is no longer relevant. when discussing the challenges of the current grid encouraged the Task Force needs to focus on opportunities to clean up statutes and then figure out where to fill in these gaps in the structure. Have reservations about getting stuck in the details.

REVIEW, DISCUSS, AND PROVIDE INPUT ON POTENTIAL RECOMMENDATIONS: WASHOUT SCORING RULES

See recording at [2:24:45](#)

Dr. Knoth-Peterson reviewed background information for washouts and presented data and research on Theoretical Underpinnings of CHS, the Age Crime Curve, and Desistance.

Potential Recommendations 34-37 focus on the two highlighted rows in the simulated grid concerned with both the felony classes and their washout periods from consideration in the calculation in CHS. Currently, Class A felonies never washout, Class B felonies washout at 10 years crime-free, and Class C felonies washout after 5 years.

Potential Recommendation 34-37 will focus on Washouts

Simulated Grid										
DSL	Class	Stat Max	Washout	In Years		Attempt/ Solicitation	Conspiracy	Violent	Most Serious Offense	Mandatory Remand
				Vacation	SO Registration					
18	A	Life	Life	NA	Life			SV	Any Class A	Any Class A w/Sex Mot
17	A	Life	Life	NA	Life	A/B	A/B	SV	Any Class A	Any Class A w/Sex Mot
16	A	Life	Life	NA	Life	A	B	SV	Any Class A	Any Class A w/Sex Mot
15	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot
14	A	Life	Life	NA	Life	B	B	SV/V	Any Class A	Any Class A w/Sex Mot
13	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot
12	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot
11	A	Life	Life	NA	Life	A/B	B	SV/V	Any Class A	Any Class A w/Sex Mot
10	A	Life	Life	NA	Life	A/B	B	V	Any Class A	Any Class A w/Sex Mot
9	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
8	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
7	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class A/B w/Sex Mot	Any Class A/B w/Sex Mot
6	A/B	Life/10	Life/10	NA/10	Life/15	B/C	B/C	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
5	A/B/C	Life/10/5	Life/10/5	NA/10/5	Life/15/10	B/C/GM	B/C/GM	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
4	A/B/C	Life/10/5	Life/10/5	NA/10/5	Life/15/10	B/C/GM	B/C/GM	V/NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
3	B/C	10/5	10/5	10/5	15/10	C/GM	C/GM	NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
2	B/C	10/5	10/5	10/5	15/10	C/GM	C/GM	NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot
1	B/C	10/5	10/5	10/5	15/10	C/GM	C/GM	NV	Any Class B w/Sex Mot	Any Class B w/Sex Mot

Theoretical Underpinnings of Criminal History Score

Dr. Knoth-Peterson provided an overview of two philosophies underpinning the use of a Criminal History Score in determining sentencing ranges:

1. Risk – “past behavior is the best predictor of future behavior”
 - a. *Theory of punishment: incapacitation* – individuals at a higher risk of committing an offense should be incarcerated longer.
2. Culpability – repeat offending makes an individual more culpable
 - a. *Theory of punishment: retribution* – individuals who commit more crimes deserve more punishment
 - b. *Theory of punishment: deterrence* – if prior punishments were insufficient to deter an individual from crime, more severe punishments may be/are necessary.

The Age Crime Curve

Lauren shared information about the Age-Crime Curve, including research-based findings that depict the relation of the likelihood to engage in criminal behavior and a person’s age. This section provides a summary of the presentation.

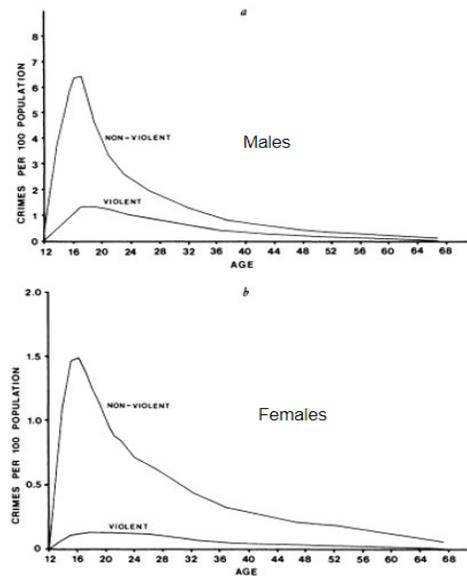
Age Crime curves below show that there are phases in a person’s life where they are more/less likely to engage in criminal behavior. The curve shows the following information about the relationship between crime and age:

- Age-Crime Curve: crime tends to peak in late adolescence/early adulthood and rapidly declines thereafter.
- Physiology: Brain development further supports this finding – as the brain matures, executive functions and neuropsychological processes strengthen
- Social/cultural: youth leaving household/parental supervision for the first time leads to experimentation and hedonism. As people age, they form stronger prosocial bonds such as education, family, employment, and other responsibilities.

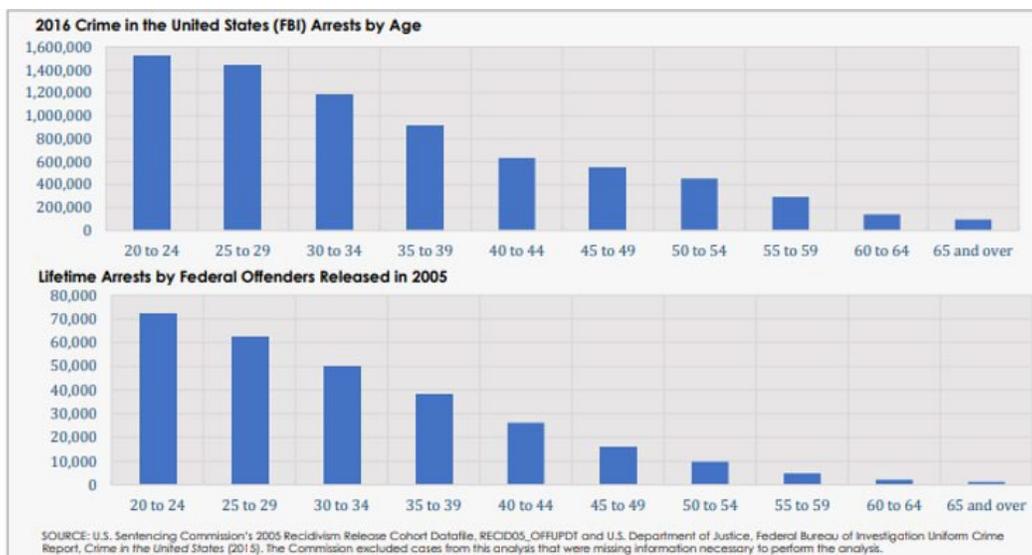
Research and Data: Age-Crime Curve

- Age-crime curve

Farrington (1986)



As depicted in the graph above, research findings indicate a decrease in criminal activity as people begin to age. The graph above differentiates across male and female criminal behavior as well as nonviolent and violent age crime curves for both the listed sexes. The image shows the peak of criminal behavior peaks in late adolescence/early adulthood and rapidly falls for both types of crimes. Violent crime is shown to peak within the same time frame as nonviolent crime in addition to having a much smaller peak both types of crime can be shown to rapidly decline as people age out of early adulthood.



Although recidivism rates are usually quite high these high rates of recidivism occur 3 to 5 years after the initial offense, highlighting that most people who recidivate do so quickly. However, recidivism rates often vary by the type of crime committed where both drug and property offenses often have higher rates of recidivism than do violent crimes. This could potentially be due to the lengthier periods of incarceration that violent/serious violent offenses carry where those convicted under these offenses are released from confinement at much older ages.

Around 7-10 years people who have not recidivated are no more likely to commit a future offense than anyone else in the general population, having the same probability of reoffending as someone who has no criminal history. While no one has a risk of "0", after this period of time those with a criminal history no longer have an elevated risk of recidivating. As much like the age-crime curve, as people get older, they are less likely to recidivate.

Desistance

Often the way in which recidivism is discussed falls within black and white discussion of, "yes they recidivated" or "no they did not" framing the idea of intervention from crime as either a success or failure. This frames the entire model of intervention through a lens of immediate act that results in either success or failure. However, research increasingly indicates that desistance from crime is a more accurate measure of effectiveness than simply measuring recidivism.

Desistance is defined as, "the process by which criminality, and the individual risk for antisocial behavior, declines over the life-course, generally after adolescence." Desistance does not just happen, it is an active process that may still be occurring even if someone continues to engage in criminal behavior, an indication of desistance can be the continuation of criminal behavior that is not as serious offenses as prior convictions.

Interventions have a mixed effect and can either help facilitate desistance or impede the process. Criminal legal system involvement and the subsequent sanctions do not always tie into this process, as general life circumstances and the person's material conditions have large effects on this process as well. Intervention from the legal system can have either positive or negative influences on the process of desistance depending on how these interventions affect a person's life circumstances.

According to research the process of desistance has three main measurements:

1. **Deceleration** – over time, a reduction in the frequency of offending is an indicator of desistance.
2. **De-escalation** – over time, a reduction in the seriousness of offending behaviors is an indicator of desistance.
3. **Reaching a Ceiling** – the point of which an individual's criminal behavior has completely ended. This is the opposite of recidivism.

When revisiting the several competing philosophies underpinning the use of a Criminal History Score and applying the demonstrated evidence from research on desistance, the age crime curve, and recidivism we can see the following:

1. **Risk – “past behavior is the best predictor of future behavior”**
 - a. Recent past behavior is the best predictor of future behavior
 - b. Criminal history score is likely to increase with a person's age, as they've had more exposure to the possibility of arrest/conviction, but as they age the likelihood, they will commit additional crimes decreases.
 - c. Research indicates as time passes, prior offenses are less predictive of future behavior.
 - d. Even with an extensive criminal history, a decline in both frequency and/or severity may indicate desistance. Severe legal interventions could actually disrupt the desistance process.
2. **Culpability – repeat offending makes an individual more culpable**
 - a. Desistance is not an immediate process
 - b. Offenses occurring in closer succession are more likely to be related and representative of a similar/consistent level of underlying “criminality”
 - c. Criminal history is likely to accumulate in late adolescence, a time that the U.S. Supreme Court has indicated individuals are less culpable due to the underdevelopment of cognitive functioning in precedent such as *Roper v. Simmons*, *Graham v. Florida*, and *Miller v. Alabama*. Yet those offenses are used to increase culpability in later years through a criminal history score.

Overview of WA Washouts Rules:

Washout is a period of crime-free behavior that changes the inclusion of prior convictions in the criminal history score calculation. This does not equate to a vacated offense.

Never Washout:

- Class A prior felony convictions
- Prior Sex felony convictions
- Non-felony & felony DUI and Physical Control of a Vehicle (PVC) serious traffic offenses **if the current offense** is Felony DUI/PCV

10-year Washout:

- Class B prior felony convictions, other than:
 - Sex offenses
 - Non-felony & felony DUI and Physical Control of a Vehicle (PVC) serious traffic offenses **if the current offense is not** Felony DUI/PCV
- Prior convictions for a repetitive domestic violence offense (GM/Misd)

5-year Washout:

- Class C prior felony convictions other than sex offenses
- Serious traffic offenses (GM/Misd), other than DUI/PCV when current offense is felony DUI/PCV

Other Related Washout Policies in Status Quo:

- Gross Misdemeanor/Misdemeanor convictions interrupt period of crime free period for washout
- Confinement pursuant to Department of Corrections sanctions for violations of Community Custody interrupt crime free period
- Counting crime free period starts at release from confinement, release from full-time residential treatment, or entry of J&S form

Overview of Grid Group Discussions

The Grid Group has spent several months discussing the following questions:

- Are the current washout periods appropriate for the different classes (based on research and data)?
- Should Class A offenses ever be eligible for washout—based on research and data?
- When does the washout period start? What about technical violations or DOSA revoke?
- Should washout periods be restarted for any offense or only for an offense that is as serious or more serious than the new conviction?

- Should misdemeanors trigger reset of “crime-free” period for felony offenses?
- Anticipatory offenses scored as completed offense – should they be treated as completed or have separate washout rule?

The following recommendations emerged during those conversations.

Potential Recommendation 34: Maintain washout period start upon release from confinement, but base that on release from confinement for the original sentence or the final period of confinement under inmate status. Washout periods reset upon conviction for a new criminal offense that is a felony or gross misdemeanor. If an individual is convicted of three separate misdemeanor offenses, the washout period resets upon the third conviction. Confinement for a technical violation will not reset the washout period.

What does this mean?

If an individual is revoked under a sentencing alternative and they consequently return to incarceration under inmate status, the washout period starts when they are released. This is different from someone returning to incarceration under violator status.

Member/Alternate Discussion and Input:

- Could the recommendation simply be to have someone’s washout period reset after a subsequent conviction after their release?
 - Any violation that occurs while that person is in community custody will reset the washout period. For technical violations, the Task Force has expressed support for policy that would not reset the washout period and would keep it set as from the day of their release. But for revocation, return to incarceration is still considered their original sentence and they are serving time on that conviction of an offense rather than a technical violation.
- How would this affect individuals arrested on a technical violation and incarcerated pre-trial but not convicted? Expressed support for washout period to reset with arrest, regardless of whether individual is convicted.
- A few members felt that public safety and rehabilitation could be better met with a washout period that only resets through a new conviction.
- Suggestion to clarify whether revocation of a sentence should or should not reset the washout period. For example, if people on pDOSAs or rDOSAs go back to incarceration on revocation or a technical violation, will this reset the washout period or not?
- Can something other than a new crime cause a judicial revocation?
 - Yes, if someone agrees to engage in treatment programming and they do not do so they will be revoked to incarceration. If someone does not meet their conditions of programming, then they can be subject to judicial revocation.

- Expressed concern about washout periods getting reset when individuals have failed to meet the conditions to reset their washout periods, uncertain how this serves public safety.
- See divergent perspectives about whether or not their washout period should be reset or not.

Potential Recommendation 35: Class A Felony Washout Scoring Rules

The Grid Subgroup whether the current washout periods are appropriate for different felony classes, particularly whether Class A felonies should have a washout period for nearly two months. For some members, there is support for keeping things as is, that Class A felonies should not washout. Other members cannot support the status quo.

Washouts are an important factor for calculation of CHS. The Subgroup worked hard to explore whether there is a middle ground and identified a number of potential options. The Subgroup is presenting all of those options, in order to get input from all CSTF perspectives and to better inform a potential path to consensus.

Potential Recommendation 35 includes five possible options:

- Option a: Make no change to the current law (Class A felonies would continue to not washout).
- Option b: All Class A felonies washout after 15 years.
- Option c: Offense Classification Proposal – Violent Class A felonies washout after 15 years. Serious violent Class A felonies would not washout.
- Option d: Allow for Class A felonies to washout after 15 years if the new offense is not as serious or more serious than the original offense.
- Option e: If the current offense is a serious violent crime, then all prior serious violent should be included in the CHS.

Options A-C are depicted in the image below:

OSL	Class	Stat Max	Washout In Years			Vacation	Violent Prop A	Violent Prop B
			Current (law)	Prop B	Prop C			
18	A1	Life	Life	15	Life	NA	SV	SV
17	A2	Life	Life	15	Life	NA	SV	SV
16	A2	Life	Life	15	Life	NA	SV	SV
15	A2	Life	Life	15	Life	NA	SV	SV
14	A2	Life	Life	15	Life	NA	SV	SV
13	A3	Life	Life	15	15	NA	V	V
12	A3	Life	Life	15	15	NA	V	V
11	A3	Life	Life	15	15	NA	V	V
10	A3	Life	Life	15	15	NA	V	V
9	B	10	10	5		10	NV	V/NV
8	B	10	10	5		10	NV	NV
7	A/B**	10	10	5		NA/10	NV	NV
6	B	10	10	5		10	NV	NV
5	B/C	10/5	10/5	5/3		10/5	NV	NV
4	B/C	10/5	10/5	5/3		10/5	NV	NV
3	B/C	10/5	10/5	5/3		10/5	NV	NV
2	B/C	10/5	10/5	5/3		10/5	NV	NV
1	B/C	10/5	10/5	5/3		10/5	NV	NV

Unranked Offenses

* 15 year washout unless new offense is SV, then previous SV does not washout
 ** Veh Hom - Disregard for Safety is a class A offense, however, under *State v. Stately* (152,

Potential Recommendation 36: Class B Felony Washout Scoring Rules

This potential recommendation focuses on washout periods for Class B felonies, and includes the following options (also depicted in the image below):

- Option a: Make no change to the current law (Class B washout period of ten years).
- Option b: Class B felonies washout after 5 years.

OSL	Class	Stat Max	In Years			Vacation	Violent Prop A	Violent Prop B
			Washout (current law) Prop A	Washout Prop B	Washout Prop C			
18	A1	Life	Life	15	Life	NA	SV	SV
17	A2	Life	Life	15	Life	NA	SV	SV
16	A2	Life	Life	15	Life	NA	SV	SV
15	A2	Life	Life	15	Life	NA	SV	SV
14	A2	Life	Life	15	Life	NA	SV	SV
13	A3	Life	Life	15	15	NA	V	V
12	A3	Life	Life	15	15	NA	V	V
11	A3	Life	Option a	Option b	15	NA	V	V
10	A3	Life	Option a	Option b	15	NA	V	V
9	B	10	10	5		10	NV	V/NV
8	B	10	10	5		10	NV	NV
7	A/B**	10	10	5		NA/10	NV	NV
6	B	10	10	5		10	NV	NV
5	B/C	10/5	10/5	5/3		10/5	NV	NV
4	B/C	10/5	10/5	5/3		10/5	NV	NV
3	B/C	10/5	10/5	5/3		10/5	NV	NV
2	B/C	10/5	10/5	5/3		10/5	NV	NV
1	B/C	10/5	10/5	5/3		10/5	NV	NV

Unranked Offenses

* 15 year washout unless new offense is SV, then previous SV does not washout
 ** Veh Hom - Disregard for Safety is a class A offense, however, under *State v. Stately* (152, Wn.App. 604, 216 P.3d 1102 (2009)) it is not considered a violent offense

Potential Recommendation 37: Class C Felony Washout Scoring Rules

- Option a: Make no change to the current law (Class C washout period of 5 years).
- Option b: Class C felonies washout after 3 years.

Grid Subgroup Considerations:

The Grid Group has spent several months discussing potential recommendations to washouts and specifically discussed the following questions:

- Are the current washout periods appropriate for the different classes, based on current research?
- Should Class A offenses ever be eligible to washout?
- When does the washout period start? How should they account for technical violations or DOSA revocation?
- Should washout periods be restarted for any offense or only for an offense that is as serious or more serious than the new conviction?
- Should misdemeanors trigger a reset of the “crime-free” period for felony offenses?
- Anticipatory offenses scored as complete offenses – should they be treated as completed or have a separate washout rule?
 - The grid group concluded that no recommendations are necessary – scoring would be the same regardless of its Class A or B. Current laws already account for the lesser punishment for anticipatory offenses, such that they receive 75%

of the minimum of the range. Washouts are based on the conviction class, so if anticipatory drops to Class B, the conviction will washout according to Class B rules.

Member/Alternate Discussion and Input:

- Suggestion for more information about how the potential recommendations meet the three policy goals of the CSTF.
- Several members noted that washouts only apply IF an individual commits a subsequent crime.
- Expressed support for changing washout periods, as a critical component of creating an evidence-based and rational system not based on retribution. The current washout period holds people's past mistakes over their heads for excessively long periods of time for the sake of retribution and this Task Force should not look to retribution and culpability as the basis of the legal system, especially after the discussion they had on desistance earlier in the meeting.
- Currently Washington prioritizes retribution—encouraged Task Force to follow the evidence and proceed with centering justice and accountability while rehabilitating people and welcoming them back into our community.
- A member stated that they cannot live with Potential Recommendations 35-37 Option B but is curious to hear what victim advocates have to say.
- A member who serves as a victim advocate stated they agree with the members who stated that this is not a good use of time for us to focus on and that people should face punishment as a way of taking ownership of their mistakes. Washouts are not an issue for people who do not commit any future crimes and as such they support the status quo for the washout period of all classes staying the same, it would be difficult for my constituency.
- Noted that these policies only matter when someone recidivates and has greater culpability--comfortable with shorter washouts for Felony Classes B and C, but not for Class A. Suggestion that as an individual gets older and should be aging out of crime the state should enact stricter punishments and longer washouts because people should know better than to commit the offense(s) that they did.
- Interest in information regarding number of individuals who commit a Class A felony and once released then successfully go 15 years without committing any new offenses.
- If considering recommendation for status quo, encouraged group to consider how status quo washout policies meet the three policy goals.
- It would be simpler to either always include all criminal history or to never include any criminal history, but there are more nuances to distinguish this around felony classes

and their perceived levels of culpability based on their criminal history. Some complexity may be necessary to address nuance and individual circumstances.

- See a tension across discussions—currently group discussing tying washouts to felony classes, noting that certain class A offenses are more serious; however, many also expressed concern with how felony classes create a hierarchy of seriousness but in the context of washouts the group is saying exactly this. Encouraged group to tie all conversations together and keep the conversations they have fluid and have a full-circle holistic view.
- The SRA did not remove discretion, it transferred discretion from judges to the prosecutors. Suggestion for increasing transparency in sentencing process.
- Charging decisions influence sentencing outcomes—noted emerging work on pre-arrest diversion, expressed support for recommendations that would increase transparency in sentencing decision-making.
- Current system has many avenues for increasing sentence lengths but few avenues for moving down. Expressed frustration about divergent perspectives on appropriate sentence lengths and creating frameworks to consider sentence length reductions.
- Expressed interest in learning about the concrete steps that Norway takes to prioritize successful reentry and rehabilitation of those incarcerated.
- DOC, as well as counterparts along the West Coast and in North Dakota are working to implement Norwegian practices of more humane treatment of those incarcerated and actual rehabilitation to ensure successful reentry.

PUBLIC ATTENDEES: Jim Chambers, Joanne Smieja, Bruce Glant, David Trieweiler, Michelle Mason

PUBLIC COMMENTS: Below are summaries of comments related to the work of the Task Force shared by public attendees. Full comments can be viewed by following this link to TVW which starts at [4:55:44](#) in the meeting recording.

Jim Chambers: I have been listening all day and I have attended every Grid Subgroup meeting for the last 15 months. The SRA started off great and seemed to reduce complexity, but as time moved on the sheer number of amendments led to increases in sentences and the problems, we see today such as racial disproportionality and disparities. If the Task Force is not careful and continues with a similar framework and continuation of the past amendments, this will happen within the new simulated grid that is being made here too. If we do not prioritize avoiding the mistakes of the past, we stand to repeat them. When I was incarcerated, I had no access to programs in prisons and I served 22 years in WA DOC as a drug offender. There was no available treatment for me, and my rehabilitation and treatment were done by myself and

on my own. I was given a sentence for an offense that was later amended to have a shorter sentence but was not done so retroactively so I was incarcerated with people who had committed the same offense who received a fraction of the sentence that I did. When we look forward, we must remember all the lives affected by the past 300+ amendments that were made to the current grid and if we do not amend these, we stand to make the same mistakes in a new grid. I remember watching a SGC meeting where there was a study done with multiple states on offender scores, and our offender score was the only state that came back that did not match our recidivism rates, why is this?

David Teriweiler: The most significant thing I heard today was when Rep Goodman said he wants to prioritize standard ranges that reflect current practices. The problem is that the current practices reflect the current systems and the problems that come with it such as enhancements, multipliers, and all the other things that have given WA one of the highest incarceration rates in the developed world. So, if the Task Force is not going to address sentencing ranges and lengths or incarceration rates then the group is achieving the illusion of change rather than any significant changes. I had hoped for more from these discussions.

Joanne Smieja: Much like Jim I have been attending many of the grid group and full Task Force meetings and have been present for all the discussions on the washouts. I am now serving on the subcommittee for the Sex Offender Policy Board for work that has to do with washouts for people convicted of a sex offense. We are struggling in these conversations, and I am hoping to get guidance for the Sex Offender Review Policy Board. It seems to me that there were two reasons for washouts, one pertains to the risk people pose. The evidence shows that people's tendencies to recidivate decrease as they age and there is decreasing risk the longer, they are a part of the community so based on what we know about recidivism and risk we should be supporting washouts. It looks to me that this discussion is bound essentially in retribution and punishing people. The discussions seem to boil down to a values thing and whether or not we should be punishing people multiple times for an offense and the societal values associated with that. Anyways I hope someone on this Task Force can help the SOPB with a little guidance with what evidence we should look at to recommend either we change the status quo and allow sex offenses to washout or support the status quo that they should never washout.

Michelle Mason: What I haven't heard here today is how a felony record affects a justice impacted individuals' opportunity for gaining housing and a self-sustaining wage in a lifelong career. Over the last 3 years I have been researching and trying to locate housing that is other than a private party owned situation for individuals in King, Snohomish, Skagit, and Whatcom counties to rent if one has a misdemeanor, gross misdemeanor and one felony on their record. Even Habitat for Humanity in Whatcom County will not let individuals with a misdemeanor or

gross misdemeanor within the last 3 years participate in their program. Vacating felony records allows for an individual to obtain the basic rights to remain a productive member in their communities. This is what is needed to create safer and stronger communities to ensure public safety for all.

How in this great state of Washington are we ever going to lower the recidivism rates which plague this state if we continue to punish individuals far beyond the debt to society that they have completed? I know personally of a justice impacted individual who applied for a job with Goodwill Industries, which is a second chance employer, and they went back 29 years in their background check. Since the points that a justice impacted individual collects are not wiped from the courts record, which I personally feel is in the best interest of public safety and reminds the justice individual that they still have consequences if poor choices in the future find them back in a courtroom setting.

However, allowing the lowering of how many years before an individual may petition for vacating of their records actually encourages a justice impacted individual to continue to do well in our communities by giving them hope and an obtainable goal of being able to bring their criminal resume/history up to date and reflective of the person and skills they have worked so hard to obtain in order to no longer be a factor in Washington States recycled system of incarceration.

Opportunities for a self-sustaining wage in a productive career, housing that allows for them to be surrounded by positive and productive community members who share the same thoughts of non-criminal behavior allows for an individual to have a feeling of self-worth by how they are now choosing to conduct themselves in their communities. Individuals should be viewed for who they currently are and not be continually viewed by the sum of their mistakes and poor life choices of the past. My personal external stakeholder opinion is the lowering Class C vacating eligibility time from 5 years to 3 and Class B from 10 years to 7 is a small but significant move in the correct direction to assist in lowering our states high rate of recidivism and keeping justice impacted individuals from becoming part of the out-of-control homeless situation which is scene in our state once a justice impacted individual is released from the Department of Corrections. I thank you all for the opportunity to share my thoughts and opinions as an External Stakeholder.

RECAP, ACTION ITEMS, & CLOSING REFLECTIONS:

Action Items:

- Follow-up with Joanne about possible data involving recidivism and sex offenses.

- Follow up with Mac/Julie DOC to better understand the process /how escape from community custody charge is being used in the field offices of the counties that are charging this.

Amanda posed a question to the group, asking what one commitment each member can make to reach consensus:

- Listening to learn.
- Listen and engage.
- Commit to thinking about offering alternatives when we reach disagreements.
- Being transparent and open with the reason I support what I support.
- Continuing to listen and continuing to challenge.
- Be open-minded.
- Show up and stay engaged.
- Thoughtfully weighing each opinion and listening to everyone.
- Being transparent and open with the reason(s) I support what I support and offer alternatives.
- Trying to push our conversations forward.
- Thinking outside the box and being bold to reach consensus.
- When I see room for compromise and common ground, I will passionately advocate for that.
- Being open and trying to absorb new information to reach consensus.
- Attend more in-person meetings.
- Learning the bigger picture of how our work fits together.

APPENDIX A: CSTF MEMBERS/ALTERNATES ATTENDANCE, JULY 7, 2022

CSTF Members & Designated Alternates	Affiliation/Perspective Represented	Attendance
Jon Tunheim, Co-Chair	Washington Association of Prosecuting Attorneys	✓
Russell Brown (alternate)		✓
Rep. Roger Goodman, Co-Chair	Washington State House of Representatives	✓
Sen. Chris Gildon	Washington State Senate	✓
Sen. Manka Dhingra	Washington State Senate	✓
Rep. Carolyn Eslick	Washington State House of Representatives	✓
Sonja Hallum	Washington State Office of the Governor	✓
Carmen Pacheco Jones (Francis Adewale)	Statewide Reentry Council	✓
Elaine Deschamps (Clela Steelhammer)	Washington State Caseload Forecast Council	✓
Julie Martin, Chief of Staff (Mac Pevey)	Washington State Department of Corrections	✓
Judge Wesley Saint Clair (Keri-Anne Jetzer)	Washington State Sentencing Guidelines Commission	
Melody Simle (Suzanne Cook)	Statewide Family Council	✓
Judge Josephine Wiggs	Superior Court Judges' Association	✓
Gregory Link (Kim Gordon)	Washington Association of Criminal Defense Attorneys; Washington Defender Association	✓
Chief Gregory Cobb (Chief Brian Smith)	Washington Association of Sheriffs and Police Chiefs	✓
Councilmember Derek Young	Washington State Association of Counties	✓
Judge Veronica Galván (Frank Thomas)	Washington State Minority and Justice Commission	✓

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Chief James Schrimpsheer	Fraternal Order of Police, Labor Organization Representing Active Law Enforcement Officers in Washington State	✓
Blaze Vincent (Nick Straley)	Seattle Clemency Project, Representing Interests of Incarcerated Persons	✓
Waldo Waldron-Ramsey (Ginny Parham)	Washington Community Action Network, Representing Interests of Incarcerated Persons	✓
Tiffany Attrill (Kameon Quillen)	King County, Representing Interests of Crime Victims	✓
Riddhi Mukhopadhyay	Sexual Violence Law Center, Representing Interests of Crime Victims	✓
