

**Washington State Criminal Sentencing Task Force
Grid Subgroup**

Meeting Notes: September 19th, 2022

Hybrid Meeting via Zoom and

Helen Sommers Building, Office of Financial Management Conference Room 2011,
110 11th Avenue SW, Olympia, WA 98504

ATTENDEES

Task Force Members/Alternates:

- Clela Steelhammer, *Caseload Forecast Council*
- Melody Simle, *Statewide Family Council*
- Senator Chris Gildon, *Washington State Senate (Republicans)*
- Jon Tunheim, *WA Association of Prosecuting Attorneys*
- Keri-Anne Jetzer, *Sentencing Guidelines Commission*
- Nick Straley, *Interests of Incarcerated Persons*
- Representative Roger Goodman, *Washington State House of Representatives (Democrats)*
- Greg Link, *WA Association of Defense Attorneys*
- Russ Brown, *WA Association of Prosecuting Attorneys (WAPA)*
- Waldo Waldron-Ramsey, *Interests of Incarcerated Persons*
- Chief Greg Cobb, *WA Association of Police Chiefs and Sheriffs*
- Megan Allen, *Representing Interests of Crime Victims*
- Tiffany Attrill, *Representing Interests of Crime Victims*
- Kameon Quillen, *Representing Interests of Crime Victims*
- Mac Pevey, *Department of Corrections*

Facilitation Team: Amanda Murphy, Chris Page, Molly Stenovec, Alec Solemslie, Zack Cefalu

Research Team: Dr. Lauren Knoth-Peterson, *Washington State Institute for Public Policy*

Public: David Trieweller, Joanne Smieja, Jim Chambers, Carolyn Gray

WELCOME AND AGENDA REVIEW

Amanda and Chris welcomed the Grid Subgroup and reviewed the meeting agenda. The primary focus for the meeting is to address the concerns of the Task Force member seats that could not live with the Proposed Felony Sentencing Grid Recommendation. The working session will allow attendees to consider what the 3 remaining member constituencies *could* live with and how those changes could still meet the needs of the group.

The Subgroup will also hold its regularly scheduled meeting on Tuesday the 20th, resuming discussion of potential washout recommendations. Amanda also addressed the Task Force workplan for the remainder of the year, which will require the Task Force to have two full-day meetings a month for October and November.

The Task Force will also present at a bipartisan Legislative meeting on its work: on December 14th from 10:00am–1:00pm.

Task Force Discussion on Workplan:

- Two full-day meetings a month is difficult for members to juggle as there is a lot going on outside of the Task Force for each member.
- Complexity of the material makes it difficult to keep up with content.
- Suggestion to prioritize meetings important to each constituency.

Amanda reminded the group that this is the time to prioritize the work of the Task Force, asking if the group could suggest another timeline that would allow it to get all the desired work done.

- A member said it is incumbent on group to prioritize what they want done before the next Legislative session. They feel apprehensive about trying to get a complete recommendation on Community Intermediate Sanctions and Reintegrative Services (CISRS) by December. The member said they would instead like to prioritize the new grid and its connected recommendations before the upcoming Legislative sessions, then come back to CISRS after that to focus more in-depth on that recommendation.
- The Task Force could recommend a skeletal outline of CISRS to the Legislature, as the Task Force does not have all the necessary voices integral to fully planning the CISRS program. The implementation of the new grid will take several years even if the Legislature passes it this session, so the group should form an outline to the point where another entity (a workgroup or the Legislature itself) can fully develop the CISRS program based on the outlines the Task Force creates.
- Another member agreed they thought the Task Force would develop the larger picture of CISRS rather than fleshing out the details of the program's functioning.
- How built out the CISRS program needs to be for constituencies, like WASPC, to be in consensus on the new grid?
 - The recommendations need to have a framework of local community custody and diversion options in a substantive form that supports the availability of programming from the first day of incarceration. The recommendation needs substantial work done first before this constituency can support the new grid as this new grid has overall sentencing reductions that this member and their constituency cannot support without programming. The Legislature needs to provide funds for programming before the implementation of a new sentencing grid.
- A member asked if everyone incarcerated should be eligible for this newly funded programming?
 - Those who commit even very serious crimes who face release should have eligibility for programming, whether under CISRS or otherwise. This member supports those incarcerated facing a release date having access to programming and reintegrative services.
- A member said retroactivity is an important way to address the past racial disproportionalities that exist from Washington's past.

- CISRS is a middle ground between those serving sentences in cells that would straddle the 12-month line who can either serve community sentences, jail sentences, or DOC prison sentences. The programming for those incarcerated in the southwest corner is a different idea than programming available to anyone in DOC-- CISRS is not appropriate for longer periods of time, however, certainly individuals should have available programming for reentry services.
- CISRS has multiple types of programming, that includes reentry services, and these services are needed by all those incarcerated regardless of length. This member thought CISRS could extend to everyone incarcerated, as there has not been a vocalized limit for eligibility established.
 - This was supposed to be available for those not eligible for DOSA, SSOSA, FOSA, or other pre-existing alternatives.
- A member said they face barriers trying to get their constituency on board with the proposed grid and potentially other recommendations; once they turn into Legislative action, they may not be able to support a bill. Once a recommendation reaches that phase of becoming a bill there is no longer time to adjust the recommendations. Would consensus in the Task Force commit them to support any potential legislation?
 - No, consensus does not commit anyone to support any legislation. The group is here to create and come to consensus on policy recommendations for the Legislature to do with what they want. The legislation that comes out of these recommendations goes to the public sphere and then is open to change or amendments the Legislature feels necessary. This does not bind any person or organization to support to the legislation, even if supported in consensus deliberations. The consensus is a way to show the Legislature which constituencies support what policy recommendations.

Discussion on the Grid Proposal

- A member said for their constituency, the new proposed grid and CISRS recommendation both reduce sentences too much and do not properly address sex crimes and the victims of these crimes. For example, CISRS program is designed to address the SW corner offenses but there are 9 different sex offenses in this region of the grid. There are gender gaps and the racial disparity is not being addressed in relation to these offenses. Can support providing services in a holistic way in the SW region of the grid, but we need to think about the interpersonal violence offenses that exist in this region.
- This is not a grid designed simply just to reduce sentencing ranges, rather it is critical the grid reduces complexity causing errors and increases effectiveness. The better the connection between offenses and their associated seriousness level, the better the grid answers why a certain range is what it is. The proposed grid is consistent where offenses increase with the seriousness levels across and up. However there still needs to be something created to move offenses around.

Dr. Knoth-Peterson reminded the group that reports from the Sentencing Guidelines Commission (SGC) and the Sentencing Reform Act (SRA) are designed to speak on average crimes; that is why the current grid has exceptional sentences and aggravators. The group cannot create a grid that addresses everything.

Continued Discussion on the Grid Proposal

- Feel the group has created a grid that is still messing things up. The group has talked about principles, this member still feels frustrated at the grid that has emerged.

Amanda reminded the group that the Grid Group created this grid, not the research team or the facilitation team. The Grid Group created every idea that currently exists in the proposed grid, not the research team. This grid came about from weekly meetings lasting over 2 years. Now, recently the facilitation and research team have stitched together all the recommendations to create this new grid.

- A member commented that when reading through the material, it stood out that racial disparity only looks at the impact on defendants, not the victims. Additionally, there so far has been no use of a gender disparity lens. There are some adjustments to Vehicle Prowl offenses, but Rape 3 and Vehicle Theft are in the same offense seriousness level (OSL). How are these offenses similar? What is the gender lens? Sexual assault and other sex offenses have been underrepresented and devalued in the current grid and the group has not had enough conversations about this.
- The grid has no perspective, it is simply based on formulas. Offenses can be moved around to meet policy needs. The current grid does not have a formula, and the changes between the grid cells vary. Some reductions are based on research stating that sentence length does not correlate to recidivism. But if the time of confinement is higher quality, that impacts recidivism more than the quantity of the time spent incarcerated. These recommendations will address the quality of incarceration with additional resources.
- Some ranges were reduced due to the formulas to correct previously invalid ranges that went beyond the statutorily allowed maximum for that felony class. For example, looking at some ranges in OSL 5, under the status quo grid there are ranges that have ranges going above 60 months, the statutory maximum for Class C felonies, making these ranges invalid for use for Class C offenses.
- One of the biggest questions the Task Force has addressed in examining the status quo grid was trying to decipher why a sentencing range is the way it is. That is part of a moral conversation in which the value of sentences are reflections of moral judgments.

Amanda moved the discussion towards deliberations on the concerns from the three members who are currently not able to live with consensus on the proposed grid as is.

The first member's concerns to be addressed were from Nick Straley. Nick said he was encouraged to see proposals or commitments to discuss recommendations on topics directly connected to aspects of the grid (e.g., Three Strikes, Post-Conviction Review). Nick said he can go thumb sideways – can live with—on the grid with the commitment to discuss these topics.

Amanda asked representatives of WAPA and victims of crimes what their constituencies could not live with on the proposed grid and why? What changes can be made that would allow for these constituencies to lend their support for the grid or get them to a point that these groups can live with?

Grid Group Discussions:

- Representatives of crime victims acknowledged frustration and tension in the Subgroup since it is revisiting past conversations again. The member said they are struggling to support the proposed grid recommendation since they are not comfortable with the potential reductions in sentence ranges, seeing them as too large and too frequent. For example, victims already feel as if the sentence for Murder 2 is not long enough as it stands, so any reduction would not be acceptable.
- Another member stated that retroactivity of any reforms is an avenue to address the racial disparities in our current system.
- Retroactivity is a big issue for families – the thought of resentencing is retraumatizing for victims and families.

Amanda reminded the group that the Task Force currently does not have any recommendations concerning retroactivity, so today's conversation should focus on addressing concerns with the proposed grid and the recommendations making up this grid.

- Once numbers were put to the grid, this proposal became real for WAPA. Their representative sees the reductions in proposed sentence ranges as too drastic. WAPA appreciates the formulaic approach as the guideline ranges increase in criminal history score (CHS) levels, but not as offenses move up OSLs. The second issue for WAPA is that offenses would need re-ranking so that their ranges end up somewhat close to current practices.
- In summary, for WAPA to live with the proposed grid, there would need to be more overlap of sentence ranges to make the proposed new grid ranges closer to current practice—or a mechanism exists to move offenses up in OSL. While WAPA agrees with some of the proposed formulas, they cannot live with the frequency of reductions in the guideline ranges. The group has talked about the differences in the midpoints of ranges across both grids, but according to the Excel sheets, there are 123 sentences that have more than a 23% reduction in sentence length. Only three cells that have a 20% increase. Overall, WAPA sees a 25% reduction in sentence midpoints.
- An option could be to attach a proposal that says, "if this went through, we need the following offenses to be re-ranked to the following..." The ability to frame the ranges relevant to the statutory maximum is a potential route forward and the Task Force or member constituencies could recommend the Legislature increase certain statutory maximums to reflect this.
- WAPA would suggest creating a row that can be used as a parking lot to re-rank offenses that have seen reductions deemed too large in the eyes of Task Force members (such as Rape 3 in OSL 5). These offenses could then be placed in this new row for reclassification.

Amanda asked if the group could agree that the *structure* of the grid is something they can all live with: leaving the ranges as they exist within the proposed grid but re-ranking offenses within this grid, is this a way forward? Is the issue with the framework of this grid or how the grid applies to the offenses currently ranked within the grid?

- WAPA’s representatives believe that the structure and the ranking cannot be fully separated and have a hard time with the idea that the offenses would be re-ranked without knowing where they will go and the ranges associated with this.
- A member has tried to remodel this new grid, but everything comes out substantially reduced and not linear. There are significant decreases in the areas of the grid that capture higher OSLs and higher CHS, moving up offenses to higher OSLs does not cleanly work as this would require an increase by several OSLs to eliminate reductions in the ranges, which would result in significant increases in ranges for offenses that did not previously have these larger ranges. The formula is the problem as it limits the ability to put offenses on the grid.
- For WAPA the offenses and their ranges they are concerned about are the most serious offenses, especially at the highest OSL. However, if they were to adjust the formula to work for them, they would then need to make similar adjustments on the other formulas, and before long then the ranges for the whole grid have increased beyond where Task Force consensus might be possible.

The formulas for the proposed grid are curvilinear to create graduated increases in ranges, once they are multiplied by the previous offense. A linear/exponential design for formulas creates larger increases in ranges that grow exponentially faster within the grid that leads to larger increases in sentence lengths and ranges. There is not a way to calibrate the formulas to get consensus. The group can try to reach consensus on a structure that offenses will need to be re-ranked within, then consensus will not be reached this way either.

With the current grid there are different levels of increases, but the proposed formula is curvilinear. This means that there will be decreases in general but if the OSL for an offense is raised, you get increases on the lower end. Dr. Knoth-Peterson runs through an example of this, and substantial decreases can be seen at the far end of the grid.

- It is not necessarily the formula. It is the problem of putting a formula on something that does not have a formula.
- Removing multipliers creates a massive difference between the current grid and the proposed grid in a way that the prosecutors cannot accept.
- Another member felt the problem WAPA and victims’ constituencies are having is not the formula but trying to apply formulaic approaches to an illogical grid. The SRA was an offense-centric irrational grid created to focus on crime-of-the-day, offense-based specific outcomes 40 years ago. If the group tries to re-create this approach, it will bake irrationality into the new grid. This proposal tries to create logic within the grid where none exists.
- WAPA can live with a formula and logic but not the frequency of decreases. If the group can coalesce around another formulaic approach, then WAPA representatives could go back to the organization’s members with a formulaic approach that they can then lay offenses onto. WAPA is wondering if there is a different formula that we can use to put offenses in new areas where WAPA thinks they belong.

- The conundrum is that you cannot redo the formula for any given row (or offense class) without seeing an increase or decrease in sentence ranges that would move one group or another out of consensus. WAPA would struggle with the decreases and others with the increases.
- A potential work around could be to allow for the widening of the ranges by decreasing the minimums further and increasing the maximums. Perhaps this gets to a curvilinear approach as well as increases judicial discretion?
- How could basing the formulas on the midpoint of the ranges work?
 - This would not work, as the midpoints are functions of the interplay between the minimums and maximums.

Senator Gildon created his own Excel sheet highlighting proposed sentence range increases/decreases as percentage changes from the status quo. Dr. Knoth-Peterson reviewed this Excel with the Grid group. She started by removing the offenses that have had no convictions or very few convictions in recent decades and then removed the ranges with invalid sentences (beyond the statutory maximum). The results show that of the ranges that differ, 74% of those ranges have a 20% or more reduction. About 77% of the cells show decreases in midpoints and 6% of ranges increase.

- If these reductions come at the higher ranges of CHS, it is antithetical to what WAPA wants to do since their members do not believe it increases public safety.
- The way that the old grid functions, to address WAPA's concerns will require increases in sentences but this would mean other Task Force members could not live with it.
- Unless the maximums of ranges increase while minimums of ranges decrease and everyone can agree on this, then there is no formulaic manipulation that can create consensus.

Amanda asked if there is a proposal from WAPA that could meet everyone's concerns?

- It would depend on the Task Force's tolerance for increases in ranges. WAPA has shown some tolerance for decreases, but the amount currently is too much.
- WAPA did not come into this Task Force wanting to increase ranges but would need to see increases to offset the number of decreases in the current proposal.
- What are the reasons for having increases in ranges? Retribution or because their constituencies do not like reductions in the grid? There is no evidence to support any increases in sentences, while there is evidence to support the position to reduce sentences. Reductions will keep the public safe while improving the quality of incarceration and the effectiveness of the sentencing system.
- Victims' advocates that do not feel as if their constituents are receiving justice in the current system. They cannot support minimal changes that keep the grid closer to the functioning of the status quo.
- Interest in increasing judicial discretion, and that by doing so there will be some increases and decreases. But to get their support there would have to be expanded resources and treatment. Expanding judicial discretion will lead to more balance in power.
- The appropriate sentence is a moral value, and the application of a formula takes away from a moral standpoint. If we maintain anchor points in the formulas, we get ridiculous ranges moving from the top down.

- Prosecutors have come willing to work and create changes since the start of the Task Force.
- Is it necessary to have the anchor points in the formulas? These could be some of the source of tension that could be amended.
- WAPA is not sure it is feasible to produce a proposal that the Task Force can get to consensus on. The best option may be for them to create some preliminary re-ranking of offenses they can submit with the report that would identify what changes could be made to address WAPA's concerns. They can also send this out to the group to see if this is something they perhaps could agree on.

WAPA's Grid Proposal

WAPA's proposed grid has 18 OSLs that have formulas where 160% of the previous range influences the next. It saves OSLs 10-18 for all Class As, with a similar formula as OSLs 10-18 in the proposed grid; however, it removes the distinction between serious violent and violent offenses. OSL 6-9 is saved for Class B offenses and OSLs 1-5 are for Class C offenses.

When comparing any overlap from WAPA's proposed grid to the current status quo, in the upper regions the maximums of the ranges increase while the minimums of ranges decrease. Throughout, the midpoints increase more than they were in both the status quo and the new proposed grid, but this is a consequence of widening the ranges. Most ranges in the SW corner of the grid have remained unchanged, but the maximums increase slightly.

Russ Brown stated that to mitigate the substantial decreases at the upper levels of CHS, they had to move certain offenses up by 2 OSLs but this *significantly* increased sentence ranges for low CHS levels. This seems contrary to what both the group wants and what makes sense, as they feel they should not increase the sentences for lower CHS to keep them unchanged for upper CHS.

Dr. Knoth-Peterson pointed out that to have the upper regions of CHS be meaningful with each increase, there must be reductions at these points on the grid. Otherwise, this can create the case that when an individual reaches CHS 7 they will essentially max out there as the incremental increases after this will either be beyond the statutory maximum or increase an insignificant amount. The reliance on an anchor point draws each change in that OSL to have a consistent increase in each CHS point to reach the maximum at the anchor point.

Grid Group Discussion:

- WAPA is looking at a grid proposal through an offense-centric lens rather than overall framework. Prosecutors look at the new grid and immediately look to locate specific offenses they are concerned about and then analyze whether there are increases or decreases for that offense.
- This proposed grid is trying to create a system that is offense-based and re-rank offenses based on the levels of perceived harm, so that each OSL has a consistent punishment across the CHS that reaches ranges that are deserving of these offenses. The grid that WAPA would propose would be based upon offense mapping and how these interplay with the ranges.

- Determining what is and is not a similar offense is also a subjective value judgement. How could this be formulaically mapped onto a grid to create a consistent approach through pre-determined sentences?
- How often are there CHS 8-9+ used in WA?
 - CHS 9 is used more frequently than CHS 8 since after individuals reach the maximum at 9+ their score does not increase further.

Amanda said if no further progress can be made, the consensus decision from September 1st will stand, with the addition of seat representing incarcerated individuals, and those members still not in consensus will put in writing what could work for them related to the grid. This will provide the Legislature with as much information for consideration as possible. Is this something that the Subgroup feels they can agree on?

- Tiffany said that she will agree with Jon that offense reclassification will need to happen since she cannot live with the proposed grid as it is. She feels hopeful with Jon and Russ's ideas on how to amend this proposal. For her constituency, she cannot avoid thinking of specific sentences; for example, if someone commits Rape 3 and has an offender score of 5, the range in the status quo would be 33-43 months. Under the proposed grid it would be a range of 8-29 months, not including a third of the sentence potentially being dismissed for good behavior. Judges start at the minimum of the range and then need articulation as to why they should move up in the range, so minimums would need to increase as well for her constituency.
- Megan agreed and mentioned the need to pull out interpersonal crime in lower OSLs and identify where these offenses should be re-ranked within the grid. Victims should be able to understand the sentence given, and it should feel just to them. While this is a value judgment, there are too many Sexual Assault and Domestic Violence offense in the lower OSLs, even in the SW corner, that need to be pulled out and re-classified in higher OSLs.

Amanda pointed out that the proposed grid has no offenses listed by OSLs, what is up for proposal is just the framework. So, if it can be agreed to have a re-calibration of ALL offenses within this proposed grid, would this get to the concerns of members representing the interests of crime victims?

- Tiffany said this might not get them all the way to consensus but that would be significant for their constituency.
- Many of those convicted of sex offenses have been victim of sexual assault themselves and grow up to be perpetrators of sex crimes themselves. There needs to be an increase in funding for services for victims and their healing.
- Reductions in sentences can reduce DOC caseloads, which can be used to provide both more support and resources to individuals confined. This would support successful reentry in such a way that could mitigate the reductions by increasing effectiveness and public safety. Where would WAPA fall on this idea?
- One, if the state wants to invest in programming for reentry and services that start at admission into DOC, WAPA would be 100% in support of this. However, when looking at offenses

committed in higher OSLs there should be some form of incapacitation as a form of accountability. As the offense seriousness levels increase, so does the potential harm caused.

- If there is a constituency that has issues with the structure of the grid, then that must be dealt with first before dealing with the specifics within the grid.
- The formulas are increasing by a stagnant percentage as there are increases in CHS. What if there was a graduated formula for each increase in CHS to reduce what has been perceived as dramatic reductions in ranges?
- The problem with this is that each increase in CHS needs to be an appropriate jump to demonstrate the meaningful increase coming with each increase of CHS. But to do this with a graduated formula, within each row, then we will have to reduce the ranges at the far ends of the highest levels of the CHS for this to work successfully. Additionally, the percentage would then have to decrease across the grid with the largest percentage increase being at the start of CHS 0 and the smallest percentage increases at CHS 9+ to create consistent application, as there is a finite increase that can happen to prevent ranges going over the stat max. This could create increases where the largest change in a sentence, as a result from CHS increasing, would be in the early stages of CHS increasing and the least significant increases coming from the highest CHS increases.

To address this Dr. Knoth-Peterson said she could try a percentage increase in CHS such that from CHS 1-4 there is a set percentage increase that then shifts up to a higher percentage increase once an individual falls within OSL 5-9+. For example, 108% increase in CHS 1–4 and 117% for CHS 5–9+. This would create a shelf between CHS 4 and CHS 5 and create a curvilinear increase across the given row.

- Does this get the ranges in the upper region closer to the status quo?
 - No, the statutory maximum anchor points keep the ranges further from the status quo. Dr. Knoth-Peterson describes the statistical concept of interest compounding, explaining a linear percentage creates a stagnant increase while a flat percentage is curvilinear.
- It does not matter how reclassification is done as there will be major increases or decreases that will make one constituency or another unhappy and unwilling to reach consensus. There is no formula under the current structure that will satisfy everyone.
- Dr. Knoth-Peterson asks if punishments should increase as OSLs increase? Should punishments increase as CHS increases?
 - Many members expressed support that ranges should increase with both increases in OSLs and CHS.
- If you do not want decreases in the upper levels of CHS then there cannot be increases throughout the rest of the grid. If there are increases in overall in the grid ranges, there must be reductions in the upper CHS levels. The decreases in these areas are often a result of invalid ranges that exist beyond what is statutorily allowed. There cannot be both increases throughout the areas of the grid and increases at the upper most regions of CHS when using a formula anchored by statutory maximums.
- By tying up the formulas through the anchor points, one modification then changes all the ranges related to that anchor point and consequently reduces all these ranges as well.
 - So, could the grid have fewer CHS columns, maybe 6 or 7, like other states have?

- This would increase the offenses at the lower CHS levels and decrease them at the upper CHS levels.
- Most of the Class C offenses exist all the way up until OSL 5 but the statutory maximum exists within OSL 2 in the upper CHS levels.

Discussion on Not Reaching Consensus and the Next Steps:

- The group is trying to apply logic to an illogical system that was created over 40 years. This new grid is meant to be designed to right the wrongs of the past while also incorporating the inclusion of future offenses to be clear to the Legislature where this future offense would fall on the grid to create easy implementation. WAPA keeps referencing how this proposal relates to the current grid when this was not the design of the Task Force. It seems clear WAPA would be happier with the status quo, and it is not possible to compromise to reach consensus when that is the case.
- The representatives for WAPA stated the status quo works for them and they do not find it to be complex or problematic, just as they do not find multipliers to be complex or problematic. WAPA is engaged in the work of the Task Force but is happy with the status quo. There are areas in the grid where they are flexible and tolerant to change but as the group moves its focus out of the SW corner then prosecutors become less willing to change. WAPA intends to come back with a proposal to include in the report concerning where they are coming from and what would have their support.
- Another member said that while 2 of the 4 members originally not able to live with the grid have since accepted changes that allowed them to live with the grid. The remaining 2 members do not seem to like what has been presented today and this means the Task Force will not reach consensus.
- Tiffany said she is still not comfortable putting her name on the grid proposal. When she discusses with victim families, she has identified two priorities for victims: 1. They want the perpetrator to never harm anyone else again and 2. for perpetrators to be truly remorseful and sorry for their actions. Most victims do not care what opportunities exist in confinement for perpetrators. While she is in support of these services, there needs to be a way to ensure those in these programs can be held accountable and not just going through the motions. The families of homicide victims she speaks with feel that the status quo sentences for homicide are already too low.
- A member spoke up and said they have been listening to the exchanges back and forward and wanted to remind the group this is a Grid Subgroup meeting not a full Task Force meeting where decisions are being made. While it may have felt like it at times, this meeting was not meant to pressure people but to identify where the issues lay so that they can work to address these to find any potential common ground.

Amanda said that it is important to note both constituencies who are not in consensus have still displayed an openness and willingness to keep working on this. The legislative members of the group have articulated the desire to bring this forward so it will be important for the two constituencies not currently in support to articulate their concerns and what they could support.

The facilitation team provided an overview of the consensus seeking discussions: on September 1st, the Task Force tried to work through the issues members have with the grid but were not successful and asked Grid Group to try to fix these issues first. Since the Grid Group could not come up with a unified proposal that can be put forward then the facilitation team will hold the consensus count that was present on September 1st and those not in consensus they will provide, in writing, why this is the case. Potentially, those who were thumbs sideways they will provide in writing what would get them to thumb up and what would make them thumbs down. The Task Force will now turn their focus to the remaining proposed recommendations as well as the CISRS programs.

CISRS Discussion:

The remainder of the time for the meeting will address the CISRS program.

Grid Subgroup Discussion: CISRS

- A member stated that for their constituency, making programming and services available must come before any reductions in sentencing. We must first build the infrastructure and implement services for reentry and rehabilitation, then implement a new grid, if this is to be successful.

Background and Context from the Department of Corrections

DOC prioritizes services and programs based on release date, risk assessments, and the need of treatment. The Department would support treatment upon admission but there are barriers: not all their institutions have the necessary infrastructure, neither in funds nor workforce. Some DOC facilities are older and present challenges to incorporating treatment programs in both physically holding the space for these programs and creating therapeutic environments.

iCOACH was endorsed by the SGC and in a consensus recommendation developed by the CSTF. DOC received authorization and funding from the Legislature in 2021. Since then, DOC has been developing this model (learning from community supervision and reentry models from other states) to get away from the surveillance and tracking models from the 1990s and early 2000s. Individuals have basic life needs; meeting these needs will help them successfully reintegrate and complete community custody. DOC has been working to provide services such as substance abuse treatment, trauma informed approaches, behavior health interventions, and other broad tools that can improve outcomes over solely punitive responses for issues. COVID taught us additional ways to be in contact with people, such that video contacts (if appropriate) can be used to keep in contact with those released. Prior to the Great Recession of 2008, DOC was able to provide reentry services to more individuals but had to reduce those offerings. However, after the passage of iCOACH, DOC is bringing this approach back. The current funding model only allows 6 hours a month for the highest need individuals—this needs to be increased significantly to ensure successful programming. The Community-Parent Alternative is model DOC can base some iCOACH services upon.

- Is there additional information or resources on iCOACH that can be shared?
 - Yes, Mac can send out a slide deck with necessary information.
- Should the state start funding for these services immediately or save funds through the reductions of sentences?

- The funding must come first to prevent the release of individuals who are not given successful reentry services. The savings from these reductions will never be enough to fund these programs on the scale the state needs.
- What is more effective to invest funds in, intensive programming in the community or in DOC facilities? Is there any research highlighting one being more effective than the other?
- There is more supervision of people transitioning from jails than prisons. However, there is still a great need to establish a continuum of care for those being released from DOC facilities to reenter society. One is not necessarily more important than the other.
- There are different aspects of programming, including the need for effective treatment during confinement that can help people more effectively engage in reentry programs once they have been released (rather than starting these services while they are incarcerated).
- A continuum of care of services when incarcerated and then in the community go together to create the best possible outcomes, as they break down responsibility barriers that prevent effectively receiving treatment. If services are not available in DOC facilities, then they are already behind.
- In a recent analysis, the WA state Statistical Analysis Center found that too few people are getting services in prison: 175-180 individuals during the year of the study were eligible for treatment yet not enrolled, due to these individuals having shorter DOC sentences.
- If those ending up in custody need sentences long enough to qualify for these services, then this presents incentive for longer sentences to get them the help they need, which is not appropriate.

Amanda asked if the CISRS program and the availability of programming within DOC facilities are separate recommendations or the same recommendations? A group member offered that perhaps the two relate as in a Venn diagram, with two distinct things that have significant overlap.

Action Items:

- Chief Cobb will create verbiage on this separate recommendation of programming and reentry services within DOC facilities.
- Mac Peevy will identify the Top 3 services available within DOC facilities across the state and send the slide deck on i-COACH to the Grid Group.