

Washington State Criminal Sentencing Task Force
Grid Sub-Group
Meeting Notes: September 27th, 2022
Meeting via Zoom

ATTENDEES

Task Force Members/Alternates:

- Clela Steelhammer, *Caseload Forecast Council*
- Chief Brian Smith, *WA Association of Sheriffs and Police Chiefs*
- Melody Simle, *Statewide Family Council*
- Keri-Anne Jetzer, *Sentencing Guidelines Commission*
- Nick Straley, *Interests of Incarcerated Persons*
- Representative Roger Goodman, *Washington State House of Representatives (Democrats)*
- Russ Brown, *WA Association of Prosecuting Attorneys*
- Waldo Waldron-Ramsey, *Washington Community Action Network*
- Megan Allen, *Interests of Crime Victims*
- Tiffany Attrill, *Interests of Crime Victims*
- Kameon Quillen, *Interests of Crime Victims*
- Judge Wesley St. Clair, *Sentencing Guidelines Commission*

Facilitation Team: Amanda Murphy, Zack Cefalu

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

Public Guests: David Trieweiler, Joanne Smieja, Jim Chambers, Carolyn Gray, Audrey Koreski

WELCOME AND AGENDA REVIEW:

Amanda welcomed the group and reviewed the agenda for the meeting. The first agenda item will revisit the following potential recommendation, which the Subgroup discussed on August 9th but did not resolve what might go before the Task Force as a proposed recommendation:

- **Potential Recommendation:** *For all sentences longer than 20 years, require a second chance review at 20 years of incarceration with the presumption of release.*

Next the group will pick up the conversation from its September 19th work session discussing recommendations—both proposed and potential—on Community Intermediate Sanctions and Reintegrative Services (CISRS), sentencing alternatives, and DOC/reentry programming. Attached is the description of the CISRS proposed recommendation as presented at the Aug 31st Task Force meeting. Representative Goodman reminded the group of the Joint Legislative Meeting in Olympia on December 14th from 10am-1pm. At the meeting the group will need to present all the work they have done while still allowing time for Task Force members to offer their perspectives; however, if all members of the Task Force present, then it would mean only about 5 minutes each. Rep. Goodman said he will need to meet with the facilitation team to strategize how to best run this meeting.

REVIEW AND DISCUSS PROPOSED RECOMMENDATIONS

Proposed Recommendation: Community Intermediate Sanctions and Reintegrative Services (CISRS) Program. Establish a workgroup tasked with determining the legislative standards and implementation

plan for the CISRS program, using the information provided in the recommendation as a guideline for the general program framework.

Recommendation Overview and Context

Dr. Knoth-Peterson gave a quick overview of the CISRS program's objectives. The group has discussed dropping the minimums in Zone 1 of the grid, the SW corner, down to 0 months. Task Force members did not feel comfortable with such a reduction in guideline ranges without bolstered supervision and added requirements to ensure accountability. The Alternatives Workgroup designed CISRS to provide the additional sentencing options, that the choice was not simply incarceration or none, and so that individuals could still be held accountable, while also getting access to programs, treatments, and supports. To address concerns that some judges may be unlikely to sentence individuals to a local sentencing alternative and to incentivize the development and use of these programs at the county level, CISRS sentences could be reimbursed by state funding. Local jail sentences would still be resourced by the county.

Zone 2 is the area of the grid that has cells with sentence ranges from shorter than 12 months to longer than 12 months (and a day), i.e., that straddle prison or jail. CISRS is designed to address these straddle cells. In this zone, a CISRS sentence would be the default for those individuals meeting program criteria; to sentence to prison/jail, prosecutors and/or judges would have to articulate how intermediate sanctions and reintegrative services are not appropriate.

The group has discussed possibly moving CISRS eligibility up to Zone 3 to allow for partial time served in confinement and then time finished in CISRS community custody. DOC would need to have greater involvement here to provide continuity of care. In this zone, CISRS could mirror the Drug Offender Sentencing Alternative (DOSA) by requiring a term of confinement of half the midpoint of the sentencing range, followed by a term of supervision or other intermediate sanction, which could be similar to the graduated reentry program.

Grid Subgroup Discussion:

- A member said they see a huge expansion of community supervision—interested to learn more about who would monitor and evaluate to determine which entities/programs are most effective. There's a lot of money going out to community service providers, but who and how will the state monitor who gets this money and whether the programs are working effectively?
- The annual report from the Department of Children, Youth, and Families on the funding and use of their programs seems like a good model for this program to follow. There should be documentation on who is returned to confinement from community custody in these programs, as well.
- Some of these issues not likely to be resolved by the Task Force, but this outline is sufficient to put into legislation -- the Legislature would flesh out this proposal as to who gets the money, where it goes, and how to conduct a proper evaluation. This would have a delayed implementation date years away, so there is time for all these considerations to be deliberated.
- As the CISRS recommendation states, each county would submit an initial application of their program to be reviewed every 2 years by the state in order to receive funding, as well as an annual analysis of specified data to ensure proper allocation of funds and effective use of programs.

- On geographic disparities, the Legislature could establish a formula to ensure equitable allocation of funding based on population and need of each county.
- Evaluation and data collection do not ensure that action gets taken to correct any inequities or ineffective use of funds or programming. There needs to be a certification process that ensures actionable evaluation practices to address any potential shortcomings.
- In the Juvenile Block Grant system, the programs and funding run through the juvenile courts, who then decide which services to fund. These services are provided by private nonprofit community organizations. Some of the programs in CISRS will have to follow a similar model, such as the supervision services, which will have to be run through the courts themselves. But the reintegrative services aspect of CISRS will likely have to come from directly funding community service providers. The Task Force has heard that community providers do not always have the necessary resources to do widespread data collection and analysis. This could prevent some providers from engaging in this work, as they cannot and do not want to be responsible for annual data collection and analysis.
- A member said they saw a section in the CISRS proposal stating that victim advocacy groups should be involved in both the creation and implementation of this program and its policies. How will the voices of both the victims and their advocacy groups be incorporated, and what groups would be at the table representing victims, especially with victims of crimes such as sexual assault, homicide, and other serious and violent offenses?
 - This will be decided by the Legislature during the implementation phase.
- There are specialized victim advocacy groups for different victims such as Sexual Assault survivors, Domestic Violence Survivors, but there is no advocacy group for victims of “generalized” crime. There is a gap in advocacy groups available and the assumption of having a multitude of groups available to include in the implementation of CISRS is problematic.
- This section just says victim advocacy groups should be included in some fashion in the implementation phase to identify victims’ needs to ensure the needs get addressed for this constituency. This is trying to identify how to mend the service gaps available for victims and making the Legislature aware of this as something that requires their attention during the process of implementation and creation of the finer details of CISRS.
- There is an absence of support for “mainstream” victims, victims of crimes that are not serious/violent crimes. The Victim Assistance Unit focuses on administrative work such as collecting victim impact statements and restitution statements. There is a recognition that Washington does not use restorative justice services to create space for victims to be heard and prioritized. Accountability does not always have to equal incarceration, and there are ways to hold those who have committed offenses accountable while still prioritizing victims' support.
- Rep. Goodman is holding a work session on victim-centered justice approaches on December 2nd at 8:00am (hybrid, both in-person in Olympia as well as over Zoom). This work session will address how to fill the service gap for “mainstream” crime victims, victims of gender-based violence, and incorporate restorative justice practices into Washington state. Rep. Goodman encourages Task Force members, especially those representing the interests of victims to attend and speak during the meeting.
- The group has to keep in mind the implementation issue of hiring the proper work force to staff these programs in each county. Some counties are struggling to staff their legal systems as is. The Task Force must articulate this to the Legislature so that they are also aware of this barrier.
- A member said they are comfortable with putting the language as it currently exists in legislation.

Amanda asked if there is anyone that cannot live with this proposal going forward for consensus to the Task Force; the Subgroup agreed to propose the CISRS recommendation to the Task Force.

Proposed Recommendation for CSTF consensus consideration: Create a Community Intermediate Sanctions and Reintegrative Services (CISRS) Program. Establish a workgroup tasked with determining the legislative standards and implementation plan for the CISRS program, using the information provided in the recommendation as a guideline for the general program framework.

REVIEW AND DISCUSS REENTRY AND REINTEGRATIVE SERVICES RECOMMENDATION

Potential Recommendation: The Legislature must allocate sufficient funds to implement rehabilitative programming for individuals incarcerated in Washington state, i.e., to support recruitment and training for mental health professionals, substance use disorder counselors, and the evidence-based programs to provide treatment and services along with education and job training for incarcerated individuals. These programs and services must be immediately available after DOC conducts an individual's intake assessment. Improving the effectiveness of the system and promoting public safety depend on this, as well as allocation of funds to support the transition to reentry through housing, transportation, removing barriers to employment, providing community supports, and other steps such as those outlined in the Task Force's 2020 Report and in draft bill S-3217.1.

Recommendation Overview and Context

Chief Cobb, Chief Smith, Nick Straley, Mac Pevey, and Julie Martin met some weeks back to talk about putting together a recommendation on programming and funding and provided the above language.

Grid Subgroup Discussion:

- Is this separate from CISRS or a part of the overall CISRS recommendation?
 - This is a separate recommendation from CISRS; CISRS focuses on community custody in the lower regions of the grid. This is designed to create better quality of programs/services for individuals sentenced in all regions of the grid.
- Is this something that is necessary for WASPC to have for them to reach consensus on both CISRS and the New Proposed Grid?
 - Yes, that is correct.
- A member said they felt this recommendation seems rather vague in its outline--they would like to see the specific programs that would be expanded or created. Would also want to know what the requirements for eligibility will be and who will be able to participate.
- In response, the member presenting this recommendation said that this may be a bit vague as it currently stands but they want to leave the language open-ended for now so that they could create an outline rather than identifying any specific programs by names.
- Another member likes this proposal and the fact that it is separate from the CISRS recommendation. If there is a way to get more specific it could be beneficial but leaving this open-ended leaves room for each facility to expand and create their own programs according to their needs. Identifying the top 3 DOC programs for effectiveness and cost-benefit could be a good start to identify what to expand into all facilities.

- Like CISRS, this is a generalized framework. The Task Force should, as with CISRS, design a framework to provide DOC and the Legislature with, and this is a great outline. The group cannot get too detailed as they should leave that to the Legislature and DOC. This should be kept broad.
- Rehabilitative programming: members asked for an inventory of DOC programs currently being offered at each facility including who is being served by each. The top 3 DOC programs for effectiveness and cost-benefit could be a good start to expand into all facilities. This list is dynamic though and often changes as to what DOC is doing in real time and what the needs of those inside are. Members don't believe the menu of programs is standard across facilities; if true, this creates disparities for rehabilitative opportunities depending on where one serves their sentence. It could also be helpful to direct a study to determine which programs have the largest impact on reducing recidivism.
- These Top 3 programs will likely be different now from what they will be once this recommendation is ready for implementation.
- Need to know what programs are at each facility and what the program capacity is, and how many people complete.
- WSIPP did an inventory for adult correctional programs, last updated in 2016 – rich literature assessing evidence-based programs (EBPs), expanding the inventory to include new programs.
- In 2013, SB 5034 directed a review of DOC programs to determine if they were or were not supported by evidence-based practices. All the programs that DOC offers are not necessarily the same as what is on the state's inventory. DOC has programs that are evidenced-based that WSIPP does not have listed as evidenced-based.
- Since WSIPP's inventory on WA DOC programs was last updated in 2016 there has been a lot of trauma-informed care documented in research that wasn't available during the last review of data and research in 2016. This means they are studying individuals who were released in the late 2000's and incarcerated at some point in the 1990's. Since the 1990s and 2000s, the philosophy of justice has changed drastically, and this change is not captured on WSIPP's current list.
- Recognize that many programs are created and run by individuals who are in prison – don't see those inmate-created programs on this list.
 - The study and list collection only focuses on outside programs being funded by the Legislature.

Resources Shared via Chat:

[Juvenile Court block grant \(wa.gov\)](#)

[Staff Safety \(wa.gov\)](#)

[Washington State Institute for Public Policy](#)