



# Washington State Criminal Sentencing Task Force

December 30, 2022 Final Report

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Prepared for:  
The Washington State Governor and the Washington State Legislature

# THE WILLIAM D. RUCKELSHAUS CENTER

UNIVERSITY OF WASHINGTON

The William D. Ruckelshaus Center is an impartial resource for collaborative problem solving in the State of Washington and the Pacific Northwest, dedicated to assisting public, private, tribal, non-profit, and other community leaders in their efforts to build consensus and resolve conflicts around difficult public policy issues. It is a joint effort of Washington State University, hosted and administered by WSU Extension, and the University of Washington, hosted by the Daniel J. Evans School of Public Policy and Governance.

For more information visit [www.ruckelshauscenter.wsu.edu](http://www.ruckelshauscenter.wsu.edu)

## DISCLAIMER

The following report was prepared by the William D. Ruckelshaus Center (Center) on behalf of the Washington State Criminal Sentencing Task Force. The Center's mission is to help parties involved in complex public policy challenges in the State of Washington and Pacific Northwest to develop collaborative, durable, and effective solutions.

University leadership and the Center's Advisory Board support the preparation of this and other reports produced under the Center's auspices. However, the information and policy recommendations contained in this report are intended to reflect the statements, opinions, and decisions of the Task Force. This information and policy recommendations do not represent the views of the universities, Advisory Board members, or the Center's staff and faculty.



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UNIVERSITY of WASHINGTON



# THE WILLIAM D. RUCKELSHAUS CENTER

UNIVERSITY OF WASHINGTON

## Washington State Criminal Sentencing Task Force December 2022 Final Report

In 2019, The Legislature established the Washington State Criminal Sentencing Task Force and directed the William D. Ruckelshaus Center (Center) to facilitate its work to review state sentencing laws and provide recommendations for the purpose of:

- (a) Reducing sentencing implementation complexities and errors;
- (b) Improving the effectiveness of the sentencing system; and
- (c) Promoting and improving public safety.

The proviso requested the Task Force submit an initial report to the Governor and the appropriate committees of the Legislature by December 31, 2019 and a final report by December 31, 2020. The Legislature extended the Task Force's work for an additional two years, with a report due by December 31st, 2022.

The William D. Ruckelshaus Center (the Center) served as an impartial facilitator for the effort. The Center's Facilitation Team designed the process and facilitated meetings, guiding the Task Force in its work to develop and agree on recommendations.

### Ruckelshaus Center Facilitation Team

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# Table of Contents

<b>EXECUTIVE SUMMARY</b>	<b>i</b>
Task Force Members and Alternates	iv
List of 2022 Recommendations	vii
<b>I. INTRODUCTION</b>	<b>2</b>
Summary of Work: 2019 - 2020	2
Summary of Work: 2021 - 2022	4
2021 and 2022 Meetings	10
2022 Workplan	12
<b>II. Overview of Washington State Sentencing Guidelines</b>	<b>26</b>
<b>III. Recommendations</b>	<b>30</b>
Recommendation 1. Proposal For A New Adult Felony Sentencing Guidelines Grid	31
Recommendation 2. Sufficiently Fund Rehabilitative Programming, To Reduce Recidivism and Strengthen Public Safety	43
Recommendation 3. Create A Statewide Program For Intermediate Sanctions And Reintegrative Services	45
Recommendation 4. Implement a Motivational-Focused Supervision Model	52
Recommendation 5. Request and Fund the Washington State Institute for Public Policy To Update the Adult Corrections Inventory	54
Recommendation 6. Require and Fund the Sentencing Guidelines Commission to Monitor and Evaluate Changes and Reforms to the SRA Every 5 Years	55
Recommendation 7. Direct the Sentencing Guidelines Commission to Review Infrequent Used Offenses	56
Recommendation 8. Visually Depict Sentencing Alternatives on the Sentencing Grid	57
Recommendation 9. Change the Drug Offender Sentencing Alternative (DOSA) Eligibility Criteria	60
Recommendation 10. Eliminate the Cap on Prison DOSA Sentences	63
Recommendation 11. Eliminate the Cap on Residential DOSA Sentences	63
Recommendation 12. Conduct a Review of the Eligibility Exclusions for Sentencing Alternatives	65

# Table of Contents

<b>Recommendation 13.</b>	Require Notice be Provided to Defendants Prior to Entering a Guilty Plea or Going to Trial for Cases Involving Offenses Included in Persistent Offender Laws.....	68
<b>Recommendation 14.</b>	Conduct a Review of the Offenses Under the Persistent Offender Laws.....	70
<b>Recommendation 15a.</b>	Change to Determinate Plus Sentencing for Three-Strikes.....	71
<b>Recommendation 15b.</b>	Evaluate Whether to Change the Persistent Offender Law to a Determinate Plus Sentencing Model.....	73
<b>Recommendation 16.</b>	Change the Mandatory Life Without the Possibility of Parole Terms for Young Adults.....	74
<b>Recommendation 17.</b>	Establish a New Process for Second Chance Review.....	77
<b>Recommendation 18.</b>	Allow Judges Discretion to Issue Consecutive and Concurrent Sentences.....	80
<b>Recommendation 19.</b>	Add an Additional Reason for an Aggravated Departure to RCW 9.94A.535(2).....	83
<b>Recommendation 20.</b>	Change When the Washout Periods Reset.....	87
<b>Recommendation 21.</b>	Change the Washout Period for Class A Felonies.....	90
<b>Recommendation 22.</b>	Change the Washout Period for Class B Felonies.....	95
<b>Recommendation 23.</b>	Change the Washout Period for Class C Felonies.....	95
<b>Recommendation 24.</b>	Prior Misdemeanor DUI Offenses No Longer Score for Current Offenses That Do Not Involve a DUI.....	101
<b>Recommendation 25.</b>	Create Parity Between Vehicular and Watercraft Offenses.....	102
<b>Recommendation 26.</b>	Change the Offense Serious Level for Vehicle Prowling 2nd Degree (third or subsequent) and Vehicle Prowling 1st Degree.....	104
<b>Recommendation 27.</b>	Eliminate Special Misdemeanor Scoring for Prior Gross Misdemeanor Vehicle Prowl.....	106
<b>Recommendation 28.</b>	Limit the Scope of Misdemeanor Offenses that Can Be Included in Felony Criminal History Score.....	109

## **IV. Consensus Decision Roll Calls & Member Statements..... 111**

<b>Recommendation 1.</b>	Consensus Decision Roll Call.....	112
	<i>Washington Association of Prosecuting Attorneys Statement.....</i>	<i>113</i>
	<i>Combined Statements from Seat 1 and Seat 2 Representing the Interests of</i>	

	<i>the Incarcerated, the Statewide Family Council, and the Washington Defender Association and Association of Criminal Defense Lawyers</i> .....	115
	<i>Washington Association of Sheriffs and Police Chiefs Statement</i> .....	124
	<i>Seat 1 Representing the Interests of Crime Victims Statement</i> .....	129
	<i>Seat 2 Representing the Interests of Crime Victims Statement</i> .....	131
<b>Recommendation 2.</b>	Consensus Decision Roll Call.....	132
<b>Recommendation 3.</b>	Consensus Decision Roll Call.....	133
<b>Recommendation 4.</b>	Consensus Decision Roll Call.....	134
<b>Recommendation 5.</b>	Consensus Decision Roll Call.....	135
<b>Recommendation 6.</b>	Consensus Decision Roll Call.....	136
<b>Recommendation 7.</b>	Consensus Decision Roll Call.....	137
<b>Recommendation 8.</b>	Consensus Decision Roll Call.....	138
<b>Recommendation 9.</b>	Consensus Decision Roll Call.....	139
<b>Recommendation 10.</b>	Consensus Decision Roll Call.....	140
<b>Recommendation 11.</b>	Consensus Decision Roll Call.....	141
	<i>Combined Member Statements</i> .....	141
<b>Recommendation 12.</b>	Consensus Decision Roll Call.....	142
<b>Recommendation 13.</b>	Consensus Decision Roll Call.....	143
<b>Recommendation 14.</b>	Consensus Decision Roll Call.....	144
<b>Recommendation 15a.</b>	Consensus Decision Roll Call.....	145
	<i>Combined Member Statements</i> .....	145
<b>Recommendation 15b.</b>	Consensus Decision Roll Call.....	146
<b>Recommendation 16.</b>	Consensus Decision Roll Call.....	147
	<i>Combined Member Statements</i> .....	147
<b>Recommendation 17.</b>	Consensus Decision Roll Call.....	148
	<i>Combined Member Statements</i> .....	148
<b>Recommendation 18.</b>	Consensus Decision Roll Call.....	149
	<i>Combined Member Statements</i> .....	149
	<i>Washington Association of Prosecuting Attorneys Statement</i> .....	150
<b>Recommendation 19.</b>	Consensus Decision Roll Call.....	151
<b>Recommendation 20.</b>	Consensus Decision Roll Call.....	152
	<i>Combined Member Statements</i> .....	152
<b>Recommendation 21.</b>	Consensus Decision Roll Call.....	153
<b>Recommendation 22.</b>	Consensus Decision Roll Call.....	154
<b>Recommendation 23.</b>	Consensus Decision Roll Call.....	155

<b>Recommendation 24.</b>	Consensus Decision Roll Call.....	156
	<i>Combined Member Statements</i> .....	156
<b>Recommendation 25.</b>	Consensus Decision Roll Call.....	157
	<i>Combined Member Statements</i> .....	157
<b>Recommendation 26.</b>	Consensus Decision Roll Call.....	158
	<i>Combined Member Statements</i> .....	158
<b>Recommendation 27.</b>	Consensus Decision Roll Call.....	159
	<i>Combined Member Statements</i> .....	159
<b>Recommendation 28.</b>	Consensus Decision Roll Call.....	160
	<i>Combined Member Statements</i> .....	160

**APPENDICES**..... **161**

- A. Legislative Proviso Establishing the Criminal Sentencing Task Force
- B. Criminal Sentencing Task Force 2019 Initial Report
- C. Criminal Sentencing Task Force 2020 Report
- D. Criminal Sentencing Task Force Ground Rules and Operating Procedures, Updated 3.18.22
- E. Criminal Sentencing Task Force Recommendations re: State v. Blake

## Co-Chair Letter of Transmittal

December 30, 2022

Governor Jay Inslee

Lt. Governor Denny Heck

President of the Senate

Senator John Braun

Senate Minority Leader

Representative Laurie Jinkins

Speaker of the House

Representative J.T. Wilcox

House Minority Leader

Senator Christine Rolfes

Chair, Senate Ways and Means Committee

Senator Lynda Wilson

Ranking Member, Senate Ways and

Means Committee

Senator Manka Dhingra

Chair, Senate Law & Justice Committee

Senator Mike Padden

Ranking Member, Senate Law & Justice Committee

Senator Claire Wilson

Chair, Senate Human Services, Reentry, and  
Rehabilitation Committee

Senator Chris Gildon

Ranking Member, Senate Human Services, Reentry,  
and Rehabilitation Committee

Representative Timm Ormsby

Chair, House Appropriations Committee

Representative Drew Stokesbary, Ranking Member,

House Appropriations Committee

Representative Roger Goodman

Chair, House Public Safety Committee

Representative Gina Mosbrucker

Ranking Member, House Public Safety Committee

Representative Drew Hanson

Chair, House Civil Rights & Judiciary Committee

Representative Jim Walsh, Ranking Member, House

Civil Rights & Judiciary Committee

Dear Governor Inslee, Senators, and Representatives

We are pleased to submit this Final Report and Recommendations of the Washington State Criminal Sentencing Task Force. It has been our honor and privilege to serve as Task Force Co-Chairs, working alongside a highly dedicated and diverse group of people who have devoted countless hours of time and talent to improving Washington's sentencing system. This work over the last three and a half years represents a rigorous, comprehensive, inclusive effort to modernize Washington state's sentencing system, centered on the policy goals of public safety, improving effectiveness, and reducing complexities and implementation errors. The Task Force and its workgroups held hundreds of meetings, each characterized by active engagement, thoughtful consideration of information and perspectives, and respectful dialog.

This report contains 13 consensus recommendations—and more than a dozen other recommendations with support from multiple diverse constituencies—to improve the effectiveness of the criminal



# The Washington State Criminal Sentencing Task Force

sentencing system, to reduce complexities and errors, and to promote and improve public safety. Most of these recommendations suggest legislative statutory changes to address the policy goals. On those recommendations on which the group did not reach consensus, this report contains an explanation of the issues, overview of Task Force discussion, and summary of the differing perspectives to provide information that might help in addressing these issues going forward. The Task Force wanted the Legislature and Governor to have a record of the evidence, issues, and options it considered.

Central among the consensus recommendations is the proposal for intermediate sanctions and reintegrative services, which, along with the top-line recommendation to fund programming and services (based on the findings of an intake assessment) for all incarcerated individuals, hold promise to increase public safety, decrease collateral consequences, and improve the effectiveness of the system, and strengthen communities around the state.

The Task Force reached consensus on 47 recommendations to the Governor and Legislature in 2020. While a handful of these have been implemented (notably, the new Mental Health Sentencing Alternative and several targeting the Department of Corrections), the majority sit unattended, awaiting legislative action, after the state Supreme Court decision in *State v. Blake* decision subsumed the attention of lawmakers during the 2020 Legislative Session. We ask that you revisit these recommendations to gauge which merit action in 2023.

The work herein represents the findings and best thinking of more than three years of the most collaborative, comprehensive, evidence-based consideration of criminal sentencing issues ever done in our state. The recommendations, if implemented, would ensure our sentencing system is evidence-based, aligns with current best practices, and advances public safety by both holding individuals accountable and providing them with the support and services needed for successful reentry.

On behalf of the Task Force, we also must convey the urgent need for investments into the sentencing system. Many up-front expenditures on recommendations in this Report promise significant future savings. We strongly urge the policy and law makers of Washington to make the investments required for the recommendations in this Report to get enacted.

Sincerely,

Co-Chair, Representative Roger Goodman  
Washington State House of Representatives  
Chair, House Public Safety Committee

Co-Chair, Jon Tunheim  
Washington Association of Prosecuting Attorneys

Co-Chair, Waldo Waldron-Ramsey  
Washington Community Action Network

# Executive Summary

In 2019, the Washington State Legislature established the Washington State Criminal Sentencing Task Force (Task Force) to review state sentencing laws, including a consideration of the Sentencing Guidelines Commission's (SGC) 2019 report and develop recommendations for the purpose of:

- a) Reducing sentencing implementation complexities and errors;
- b) Improving the effectiveness of the sentencing system; and
- c) Promoting and improving public safety.

The proviso requested the Task Force submit an initial report to the Governor and the appropriate committees of the Legislature by December 31, 2019 and a final report by December 31, 2020. The Legislature extended the Task Force's work for an additional two years, with a final report due by December 31, 2022. The William D. Ruckelshaus Center (the Center) served as an impartial facilitator for the effort. The Center's Facilitation Team designed the process and facilitated meetings, guiding the Task Force in its work to develop and agree on recommendations.

In 2019, the Task Force met monthly from September to December 2019 for day-long facilitated meetings and reached consensus on two policy recommendations. In 2020, the Task Force met monthly from January – August (except for March) and bi-monthly from September-December and created working groups that met at least twice a month. From mid-October through early December the Task Force deliberated on potential recommendations, reaching consensus on 47 recommendations to improve the effectiveness of the criminal sentencing system, reduce complexities and errors, and promote and improve public safety.

As the Task Force discussed potential policy changes over the course of 2020, the group agreed that detailed, research-based work remains to simplify the sentencing system and reduce racial, ethnic, socioeconomic, and geographic disparities in adult felony sentencing. As reflected in Recommendation #1 in the 2020 Report, the Task Force agreed that proper consideration of changes to the sentencing grid required a thorough assessment of the possible impacts of those changes. This would take more time than initially allotted to the Task Force. Therefore, the Task Force agreed to continue meeting and working together and the Legislature extended the work through June 2023.

On February 25, 2021, the Washington State Supreme Court in *State v. Blake* ruled that Washington's simple drug possession statute was unconstitutional. The Task Force discussed the potential impacts of the *State vs. Blake* decision and reached consensus on four recommendations for the Legislature and Governor to consider in addressing *State v. Blake*.

Also at the beginning of 2021, the Task Force contracted with the Washington State Institute for Public Policy (WSIPP) to examine sentencing outcomes using the current sentencing guidelines grid and potential outcomes using a modified version of the guidelines grid. The report provided analytic data that assisted the Task Force's Sentencing Grid Subgroup (Grid Subgroup) in weekly discussions beginning May 2021 about potential changes to the sentencing grid.

The Task Force's Sentencing Grid Subgroup (referred to as the Grid Subgroup) met weekly to put together a complete proposal for a new grid for the Task Force to consider. At the beginning of 2021, the Grid Subgroup's first big task was to come up with an approach and workplan to deliberately and collaboratively work through the sentencing grid, which is made up of many interconnected laws, knowing that it would be difficult to break it down into part-by-part discussions but also difficult to discuss the grid as a whole without having an in depth understanding of each part and how they connect to other parts. This meant figuring out where to start on the grid, how to sequence the discussion and work, and how best to present ideas back to the full Task Force.

The Grid Subgroup decided to organize the various components of the grid and sequence discussions according to the sentencing grid axis. This approach allowed the Subgroup to break the grid into parts to come up with potential recommendations for each part of the grid, which were presented to the full Task Force. This process was particularly necessary and helpful for ensuring all Task Force members developed an in-depth understanding of each component of the guideline grid and how each of those components connects to other elements of the grid and other sentencing laws.

As the Grid Subgroup began their work of examining each element of the felony sentencing guidelines grid, they saw a need for focused conversation on the potential relationship between the grid and sentencing alternatives to confinement. The full Task Force supported this suggestion and created a Sentencing Alternatives Workgroup.

Presentations on potential recommendations from both the Grid Subgroup and the Sentencing Alternatives Workgroup to the full Task Force occurred from August 2021 – July 2022. Similar to the process used in 2020, each month the working groups would present a set of new potential recommendations to the full Task Force and would take the input gathered to further refine them into proposed recommendations ready for consensus deliberations.

Consensus deliberations on Recommendation 1. Proposal for a New Adult Felony Sentencing Guidelines Grid were held on September 1, 2022 and October 6, 2022. Consensus deliberations on all other recommendations were held on November 3rd and 17th and December 8, 2022.

### **This report includes the following:**

**Section I.** Provides a brief recap of the Task Force's work and consensus process in 2019 and 2020, followed by a more detailed explanation of the process and work in 2021-2022 to develop the recommendations presented in this report.

**Section II.** Provides an overview of Washington State's sentencing guidelines.

**Section III.** Presents the Task Force's 2022 recommendations. There are 28 recommendations, 13 of which are consensus recommendations. Each recommendation includes a brief description of its purpose, rationale, and a high-level summary of workgroup and Task Force discussions about the recommendation, and how it meets the policy goals. On those recommendations on which the Task Force did not reach consensus, a brief and high-level summary of differing perspectives is provided. Each recommendation also includes the following "consensus gradient", which the Task Force created in 2021 to better capture and communicate the range of support on recommendations.

<b>Unanimous Consensus</b>	Full agreement with all aspects of the decision/recommendation – all members present are thumbs up.
<b>Strong Consensus</b>	Support for all or most aspects of the decision/recommendation and no fundamental disagreements with any aspect of the proposal – no more than two members present are thumbs sideways.
<b>General Consensus</b>	Support for most aspects of the decision/recommendation and no fundamental disagreements, however there may be unanswered questions, aspects in need of information not available, etc. There is a mix of thumbs up and thumbs sideways.
<b>Weak Consensus</b>	Significant disagreement with one or more aspects of the decision/ recommendation, however, all members present can live with the proposal (i.e. overall, the decision/recommendation is better than leaving things as they are now or doing nothing) – the majority of members present are thumbs sideways.
<b>Non-Consensus</b>	Significant disagreement with the decision/ recommendation. One or more members cannot support or live with the proposal. Member(s) have suggested alternatives that legitimately attempts to achieve the interest of the constituency they are representing, and the interests of the other members, however, after dialogue and deliberation, there is still no consensus – One or more thumbs down.

**Section IV.** Includes the full decision roll calls for each recommendation, which lists each Task Force members consensus decision. Also included in this section are members statements and alternative proposals for non-consensus recommendations.

Given the diversity of perspectives, complexity and nuance of the issues, highly technical nature of the sentencing system laws and policies, and the large body of research and data reviewed over the last two years, the Task Force recognizes it would be impossible to capture all of this information in detail in one report. However, it is important to the Task Force that the Legislature and Governor have as complete as possible a record of all the research, issues, discussion, and options considered.

**Provided here on the Task Force’s 2020 Final Report web page are the following additional materials**, which will provide greater detail about the recommendation in this report and more nuanced information on the discussions which led to their creation:

- 2021 Task Force meeting recordings and materials
- 2021 Task Force meeting summaries, Grid Subgroup and Sentencing Alternatives Workgroup meeting notes
- 2022 Task Force meeting recordings, summaries, and materials
- 2022 Grid Subgroup meeting notes and materials
- 2022 Sentencing Alternatives Workgroup meeting notes and materials
- Research articles and data reviewed by the Task Force and work groups, many of which are footnoted in this report.



## Task Force Members and Alternates

- **Waldo Waldron-Ramsey, Co-Chair**

Washington Community Action Network | Representing Interests of Incarcerated Persons

- *Ginny Parham (Alternate) – Interests of Incarcerated Persons*

- **Representative Roger Goodman, Co-Chair**

Washington State House of Representatives, Democratic Caucus

- **Jon Tunheim, Co-Chair**

Washington Association of Prosecuting Attorneys

- *Russ Brown (Alternate) – Washington Association of Prosecuting Attorneys*

- **Senator Manka Dhingra**

Washington State Senate, Democratic Caucus

- **Senator Chris Gildon**

Washington State Senate, Republican Caucus

- **Representative Carolyn Eslick**

Washington State House of Representatives, Republican Caucus

- **Sonja Hallum**

Washington State Office of The Governor

- **Mac Pevey**

Washington State Department of Corrections

- *Dianne Ashlock (Alternate) – Washington State Department of Corrections*

- **Judge Wesley Saint Clair**

Washington State Sentencing Guidelines Commission

- *Keri-Anne Jetzer (Alternate) – Washington State Sentencing Guidelines Commission*

- **Melody Simle**

Statewide Family Council

- *Suzanne Gordon (Alternate) – Statewide Family Council*

- **Francis Adewale**

Statewide Reentry Council

- **Judge Josephine Wiggs**

Superior Court Judges' Association

- **Gregory Link**

Washington Association of Criminal Defense Attorneys and The Washington Defender Association

- **Chief Gregory Cobb**

Washington Association of Sheriffs and Police Chiefs

- *Chief Brian Smith (Alternate) – Washington Association of Sheriffs and Police Chiefs*

- **Councilmember Derek Young**

Washington State Association of Counties

- **Judge Veronica Galvan**

Washington State Minority and Justice Commission

- **Chief James Schrimpsker**

Washington State Fraternal Order of Police | Labor Organization Representing Active Law Enforcement Officers

- **Blaze Vincent**

Seattle Clemency Project | Representing the Interests of Incarcerated Persons

- *Nick Straley (Alternate) – Columbia Legal Services | Interests of Incarcerated Persons*

- **Tiffany Attrill**

Victim Advocate, King County Prosecuting Attorney | Representing the Interests of Crime Victims

- *Kameon Quillen (Alternate) – Snohomish County Prosecuting Attorney Office | Interests of Crime Victims*

- **Riddhi Mukhopadhyay**

Sexual Violence Law Center | Representing the Interests of Crime Victims

- *Megan Allen (Alternate) – King County Sexual Assault Resource Center | Interests of Crime Victims*

## Data and Research Support

**Dr. Lauren Knoth-Peterson** – Washington State Institute for Public Policy

**Clela Steelhammer** – Washington State Caseload Forecast Council

**Keri-Anne Jetzer** – Washington State Sentencing Guidelines Commission

## Sentencing Grid Subgroup Members

- **Tiffany Attrill**, *Interests of Crime Victims*
- **Megan Allen**, (alternate) *Interests of Crime Victims*
- **Russ Brown**, (alternate) *Washington Association of Prosecuting Attorneys*
- **Senator Chris Gildon**, *Washington State Senate, Republican caucus*
- **Representative Roger Goodman**, *Washington State House of Representatives, Democratic Caucus*
- **Keri-Anne Jetzer** (alternate), *Sentencing Guidelines Commission*
- **Dr. Lauren Knoth-Peterson** (research/data support), *Washington State Institute for Public Policy*
- **Greg Link**, *Washington Association of Criminal Defense Attorneys; Washington Defender Association*
- **Judge Wesley Saint Clair**, *Sentencing Guidelines Commission*
- **Melody Simle**, *Statewide Family Council*

- **Chief Brian Smith**, *Washington Association of Sheriffs and Police Chiefs*
- **Clela Steelhammer** (research/data support), *Washington State Caseload Forecast Council*
- **Nick Straley** (alternate), *Interests of Incarcerated Persons*
- **Jon Tunheim**, *Washington Association of Prosecuting Attorneys*
- **Waldo Waldron-Ramsey**, *Interests of Incarcerated Persons*

## Sentencing Alternatives Workgroup Members

- **Nick Allen**, (former member) *Interests of Incarcerated Persons*
- **Tiffany Attrill**, *Interests of Crime Victims*
- **Representative Roger Goodman**, *Washington State House of Representatives, Democratic Caucus*
- **Keri-Anne Jetzer** (alternate), *Sentencing Guidelines Commission*
- **Julie Martin** (former member), *Washington State Department of Corrections*
- **Mac Pevey**, *Washington State Department of Corrections*
- **Judge Wesley Saint Clair**, *Sentencing Guidelines Commission*
- **Clela Steelhammer** (research/data support), *Washington State Caseload Forecast Council*
- **Jon Tunheim**, *Washington Association of Prosecuting Attorneys*
- **Waldo Waldron-Ramsey**, *Interests of Incarcerated Persons*

## Former Members

- Lydia Flora Barlow – Statewide Reentry Council
- Russ Hauge – Washington State Sentencing Guidelines Commission
- Julie Martin – Washington State Department of Corrections
- Judge Roger Rogoff – Superior Court Judges' Association
- Chief Rafael Padilla – Washington Association of Sheriffs and Police Chiefs
- Senator Mike Padden – Washington State Senate
- Representative Brad Klippert – Washington State House of Representatives
- Secretary Stephen Sinclair – Washington State Department of Corrections
- Judge Stanley Rumbaugh, Washington State Sentencing Guidelines Commission
- Tarra Simmons – Representing the Interests of Incarcerated Persons
- Nick Allen – Representing the Interests of Incarcerated Persons
- Martina Kartman – Representing the Interests of Crime Victims
- Lew Cox – Representing the Interests of Crime Victims
- Christopher Poulos – Statewide Reentry Council
- DeVitta Briscoe – Representing the Interests of Crime Victims

# 2022 RECOMMENDATIONS

## RECOMMENDATION 1.

### Proposal For A New Felony Sentencing Guidelines Grid

*(Non-Consensus)*

		Criminal History Score (CHS)																			Aggravator Departure Cap (greater than is presumptively unreasonable)	Repeat Serious Violent/Violent or Repeat Domestic Violence 9.94a.525(21)	
		0	1	2	3	4	5	6	7	8	9+												
Offense Serious Level (OSL)	18	Life Sentence without parole/death penalty for defendants at or over the age of 18. For defendants under the age of 18, a term of 25 years to Life																					
	17	240	320	249	332	259	346	269	359	280	374	291	389	303	404	315	421	328	437	341	455	49.0	10%
	16	114	153	126	168	138	185	152	203	168	224	184	246	203	271	223	298	245	327	255	340	34.0	10%
	15	101	135	111	148	122	163	134	179	148	197	163	217	179	239	197	263	217	289	225	300	30.0	10%
	14	87	117	96	128	106	141	116	155	128	171	141	188	155	207	170	227	188	250	195	260	26.0	10%
	13	59	99	65	108	71	119	79	131	86	144	95	159	105	175	115	192	127	212	132	220	22.0	10%
	12	52	87	57	96	63	106	70	116	77	128	84	141	93	155	102	170	112	188	117	195	19.0	10%
	11	45	76	50	84	55	92	61	101	67	112	73	123	81	135	89	149	98	163	102	170	17.0	10%
	10	39	65	43	71	47	78	52	86	57	95	63	105	69	115	76	127	83	139	87	145	14.0	10%
	9	19	33	22	37	26	43	30	50	34	57	39	66	45	76	52	87	60	100	72	120	12.0	10%
	8	17	28	19	33	22	38	26	43	30	50	34	58	40	66	46	76	52	88	63	105	10.0	10%
	7	14	24	17	28	19	32	22	37	25	43	29	49	34	57	39	65	45	75	54	90	9.0	10%
	6	12	20	14	23	16	27	18	31	21	36	24	41	28	47	32	54	37	63	45	75	7.0	10%
	5	3	12	4	14	5	17	6	20	7	24	8	29	10	35	12	42	15	51	18	60	6.0	10%
	4	2	9	3	11	4	14	5	17	6	20	7	24	8	29	10	35	12	42	14	49	4.0	10%
	3	2	7	2	9	3	11	4	13	4	16	5	19	6	23	8	27	10	33	11	39	3.0	10%
	2	0	3	1	6	2	7	2	8	3	10	3	12	4	14	5	17	6	21	8	28	2.0	10%
	1	0	2	0	3	1	5	1	6	2	7	2	8	3	10	3	12	4	14	5	18	1.0	10%
Unranked		0 - 365 days																					

## RECOMMENDATION 2.

### Sufficiently Fund Rehabilitative Programming, To Reduce Recidivism and Strengthen Public Safety

*(Consensus - Strong Support)*

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 the Department of Corrections (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. Require DOC to publish annual statistics regarding participation in and completion of programs by program and facility.



### **RECOMMENDATION 3.**

#### **Create A Statewide Program For Intermediate Sanctions And Reintegrative Services**

*(Consensus - General Support)*

Create a statewide program for intermediate sanctions and reintegrative services to be served in the community. Establish a workgroup tasked with determining the legislative standards and implementation plan for the program, using the information provided in the recommendation as a guideline for the general program framework.

### **RECOMMENDATION 4.**

#### **Implement a Motivational-Focused Supervision Model**

*(Consensus - Strong Support)*

The current supervision model based on surveillance should be modified to create a system that allows appropriate treatment, resources, and mentoring for individuals placed in custody. To sufficiently achieve those goals, changes to the adult felony sentencing guideline grid must include concurrent changes to the DOC community custody approach to fully adopt the i-COACH model or to adopt a comparable model of community reentry practices. This includes adequate funding for DOC and training of community corrections officers.

### **RECOMMENDATION 5.**

#### **Request and Fund the Washington State Institute for Public Policy To Update the Adult Corrections Inventory**

*(Consensus - Unanimous)*

Request and fund the Washington State Institute for Public Policy to update its adult corrections inventory in order to update assessments of evidence-based programs and expand the inventory to include new programs that were not previously available when the inventory was conducted.

### **RECOMMENDATION 6.**

#### **Require and Fund the Sentencing Guidelines Commission to Monitor and Evaluate Changes and Reforms to the Sentencing Reform Act Every 5 Years**

*(Consensus - General Support)*

Require and fund the SGC to review the state of evidence about the efficacy of reforms, including recommendations for additional reforms. The SGC will provide a progress report at three years, followed by a full report at five years, and will continue to report every five years. Research should include the impact of the reforms on:

- Public safety (including recidivism, technical violations, violations of protection orders, and the community)
- Racial and gendered disparities and disproportionality (for both defendants and victims) from arrest through sentencing
- The outcomes, rate, and use of incarceration and community alternatives
- Reentry outcomes including employment, housing, participation in and completion of treatment, etc.
- Complexity and errors in sentencing

**RECOMMENDATION 7.**

**Direct the Sentencing Guidelines Commission to Review Infrequent Used Offenses**

*(Consensus - Strong Support)*

Direct the Sentencing Guidelines Commission (SGC) to review offenses that have not been sentenced in the last 5-10-20 years for potential elimination from the criminal code.

**RECOMMENDATION 8.**

**Visually Depict Sentencing Alternatives on the Sentencing Grid**

*(Consensus - General Support)*

Include and visually depict sentencing alternatives on the adult felony sentencing guidelines grid.

**RECOMMENDATION 9.**

**Change the Drug Offender Sentencing Alternative (DOSA) Eligibility Criteria**

*(Consensus - General Support)*

Eliminate eligibility exclusions related to prior convictions for a violent offense (not serious violent offenses) from Prison DOSA and Residential DOSA. Exclude from eligibility individuals with prior felony offenses where an individual was armed with a firearm or deadly weapon, therefore aligning DOSA eligibility with Family Offender Sentencing Alternative.

**RECOMMENDATION 10.**

**Eliminate the Cap on Prison DOSA Sentences**

*(Consensus - General Support)*

Eliminate the cap on the number of prison DOSA sentences that an individual can receive in a 10-year period.

**RECOMMENDATION 11.**

**Eliminate the Cap on Residential DOSA Sentences**

*(Non-Consensus)*

Eliminate the cap on the number of residential DOSA sentences that an individual can receive in a 10-year period.

**RECOMMENDATION 12.**

**Conduct a Review of the Eligibility Exclusions for Sentencing Alternatives**

*(Consensus - General Support)*

Conduct a review to assess the process and efficacy of eligibility exclusions for sentencing alternatives, including the Department of Correction's capacity to supervise in the community.

**RECOMMENDATION 13.**

**Require Notice be Provided to Defendants Prior to Entering a Guilty Plea or Going to Trial for Cases Involving Offenses Included in Persistent Offender Laws**

*(Consensus - Strong Support)*

Change the persistent offender laws to require notice to defendants that a conviction for the charged offense could lead to a sentence of life without parole under the persistent offender laws prior to entering a guilty plea or going to trial.

**RECOMMENDATION 14.**

**Conduct a Review of the Offenses Under the Persistent Offender Laws**

*(Consensus - General Support)*

The Legislature should conduct a review to assess the objectives of the persistent offender laws and evaluate what offenses should be classified as a most serious offense.

**RECOMMENDATION 15a.**

**Change to Determinate Plus Sentencing for Three-Strikes**

*(Non-Consensus)*

Replace Three-Strikes mandatory life without the possibility of release sentencing with determinate plus sentencing.

**RECOMMENDATION 15b.**

**Evaluate Whether to Change the Persistent Offender Law to a Determinate Plus Sentencing Model**

*(Non-Consensus)*

The Legislature should evaluate whether persistent offender mandatory life without the possibility of release sentences should be replaced with determinate plus sentencing structure.

**RECOMMENDATION 16.**

**Change the Mandatory Life Without the Possibility of Parole Terms for Young Adults**

*(Non-Consensus)*

For aggravated murder 1 change the language from: "Life sentence without parole/death penalty for individuals at or over the age of eighteen. For individuals under the age of eighteen, a term of twenty-five years to life." To "Life sentence without parole/death penalty for individuals at or over the age of twenty-one. For individuals under the age of twenty-one, a term of twenty-five years to life." In addition, strike reference to the death penalty as it is no longer a valid sentence in Washington State.

**RECOMMENDATION 17.**

**Establish a New Process for Second Chance Review**

*(Non-Consensus)*

For sentences including a term of total consecutive confinement longer than 20 years, individuals may petition for a second chance review at 20 years of incarceration (total confinement). Require that the review process explicitly include the opportunity for victim input.

**RECOMMENDATION 18.**

**Allow Judges Discretion to Issue Consecutive and Concurrent Sentences**

*(Non-Consensus)*

Eliminate mandatory consecutive sentencing. Leave default consecutive but allow judges discretion to issue concurrent sentences without invoking an exceptional sentence.

**RECOMMENDATION 19.**

**Add an Additional Reason for an Aggravated Departure to RCW 9.94A.535(2)**

*(Consensus - General Support)*

Add an additional reason or reasons for an aggravated departure to RCW 9.94A.535(2), to include “the parties have agreed to reduction of charges and in exchange have sought an exceptional sentence and the parties stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence is in the interest of justice and the purposes of the SRA.”

**RECOMMENDATION 20.**

**Change When the Washout Periods Reset**

*(Non-Consensus)*

Make the appropriate changes to the washout period law so that:

- Washout periods do not reset upon confinement for a community custody violation.
- Washout periods do not reset upon conviction (or subsequent confinement) for a simple misdemeanor offense unless it is the third conviction for a simple misdemeanor offense.

**RECOMMENDATION 21.**

**Change the Washout Period for Class A Felonies**

*(Non-Consensus)*

Violent Class A felonies washout after 15 years. Serious violent Class A felonies would not washout.

**RECOMMENDATION 22.**

**Change the Washout Period for Class B Felonies**

*(Non-Consensus)*

All Class B felonies washout after 7 years.

**RECOMMENDATION 23.**

**Change the Washout Period for Class C Felonies**

*(Non-Consensus)*

Class C felonies washout after 3 years.

**RECOMMENDATION 24.**

**Prior Misdemeanor DUI Offenses No Longer Score for Current Offenses That Do Not Involve a DUI**

*(Non-Consensus)*

Maintain special misdemeanor scoring for prior Misdemeanor DUI offenses when the current



offenses is a serious felony traffic offense involving DUI (e.g., Vehicular homicide-DUI, Vehicular Assault-DUI, Felony DUI, Felony physical control, etc.). Prior misdemeanor DUI offenses no longer score for felony offenses not involving DUI.

**RECOMMENDATION 25.**

**Create Parity Between Vehicular and Watercraft Offenses**

*(Non-Consensus)*

Maintain the special misdemeanor DUI scoring exceptions for homicide or assault by watercraft offenses when the current offense involves a DUI and make homicide or assault by watercraft offenses the same Offense Serious Level (OSL) as the corresponding felony traffic offense (by either increasing watercraft offenses to higher OSLs or reducing vehicular offenses to a lower OSL) with the goal of creating parity between vehicular and watercraft offenses (Homicide by watercraft and vehicular homicide. Assault by watercraft and vehicular assault).

**RECOMMENDATION 26.**

**Change the Offense Serious Level for Vehicle Prowling 2nd Degree (third or subsequent) and Vehicle Prowling 1st Degree**

*(Non-Consensus)*

Reduce the Offense Serious Level (OSL) for Vehicle Prowling – 2nd degree (third or subsequent) to OSL 2 and raise the OSL for Vehicle Prowling – 1st degree to OSL 2.

**RECOMMENDATION 27.**

**Eliminate Special Misdemeanor Scoring for Prior Gross Misdemeanor Vehicle Prowl**

*(Non-Consensus)*

Eliminate special misdemeanor scoring for prior gross misdemeanor vehicle prowling in the second degree for theft of a motor vehicle, possession of a stolen vehicle, or theft of a motor vehicle without permission 1 or 2.

**RECOMMENDATION 28.**

**Limit the Scope of Misdemeanor Offenses that Can Be Included in Felony Criminal History Score**

*(Non-Consensus)*

Include language in Sentencing Reform Act that would define the scope of offenses that can be scored in the calculation of a Criminal History Score as limited to prior felony convictions other than DV, DUI, and vehicular prowl.