

WASHINGTON STATE  
MINORITY AND JUSTICE COMMISSION

COMMISSION MEETING



TVW: [HTTPS://WWW.TVW.ORG/WATCH/?  
EVENTID=2023011051](https://www.tvw.org/watch/?eventid=2023011051)

FRIDAY, JANUARY 20, 2023  
9:00 A.M.–12:00 P.M.

# Minority and Justice Commission

## 2023 Meeting Dates

All Meetings Available Virtually via Zoom Videoconference

Date	Time	Location
Friday 01/20/23	9:00 AM – 1:00 PM	Zoom Videoconference In-person: <i>TBD</i>
Friday 03/17/23	9:00 AM – 1:00 PM	Zoom Videoconference In-person: <i>TBD</i>
Friday 05/12/23	9:00 AM – 1:00 PM	Zoom Videoconference In-person: <i>TBD</i>
<b>NCREF National Conference</b> Sun. 5/21-Wed. 5/24  Supreme Court Symposium Monday 5/22/23	Symposium: Monday, 9:00 AM – 1:00 PM	Zoom Webinar In-person: Motif Hotel in Downtown Seattle
Friday 07/21/23	9:00 AM – 1:00 PM	Zoom Videoconference In-person: <i>TBD</i>
Friday 09/15/23	9:00 AM – 1:00 PM	Zoom Videoconference In-person: <i>TBD</i>
Friday 11/17/23	9:00 AM – 1:00 PM	Zoom Videoconference In-person: <i>TBD</i>

Please contact Frank Thomas at [Frank.Thomas@courts.wa.gov](mailto:Frank.Thomas@courts.wa.gov) or 206-316-0607 if you have any questions.



# MINORITY AND JUSTICE COMMISSION

BIMONTHLY GENERAL MEETING

JANUARY 20<sup>TH</sup>, 2023

9:00 A.M. – 12:00 P.M.

JUSTICE MARY YU, CO-CHAIR

JUDGE VERONICA GALVÁN, CO-CHAIR

## AGENDA

### CALL TO ORDER 9:00 – 9:15 a.m. (10 minutes)

- Welcome
- Introductions and Acknowledgements
- Introducing Carolyn Cole, Race Equity Consultant for NCREF National Conference
- Approval of December 9 minutes

### GUEST PRESENTATION 9:15 – 9:45 (30 minutes)

- **2022 Jury Demography Study Interim Report** – Peter Collins, Brooke Gialopsos, Judge Steve Rosen
  - A presentation on the methodology, research and findings of the Interim Report for the 2022 Statewide Jury Demography Survey

### CHAIR & STAFF REPORT 9:45 – 10:00 a.m. (15 minutes)

- **Staff Report**
  - Racial Justice Consortium – Frank Thomas
  - Pretrial Research Update – Frank Thomas

### BREAK 10:00 – 10:10 (10 minutes)

### LAW STUDENT LIAISON ANNUAL PROJECT PROPOSALS 10:10 – 10:30 (20 minutes)

- **Seattle University School of Law - *Community Courts and the Need for Alternatives to Incarceration***, Leslie Burnett, Stephanie Chavez, Mónica Mendoza-Castrejon

### COMMISSION LIAISONS & COMMITTEE REPORTS 10:30 – 12:00 p.m. (80 minutes)

- **NCREF National Conference 2023** – Judge Veronica Galván
  - Date selected: May 21-24, 2023
  - Location: Motif Hotel in Downtown Seattle, WA
  - Supreme Court Symposium Date: Monday, May 22<sup>nd</sup>, 2023
- **Rules and Legislation Committee** – Frank Thomas, Judge Theresa Doyle and Christopher Sanders
  - [SB 5128](#) Concerning Jury Diversity – Frank Thomas
  - [SB 5046](#) Concerning Postconviction Access to Counsel
  - [HB 1169](#) Concerning Legal Financial Obligations (LFOs)

- **Education Committee** – Judge Lori K. Smith
  - Fall Conference Proposal Submission – Judge Lori K. Smith, Judge LeRoy McCullough, Christopher Sanders and Judge Sara Dannen
  - Jury Diversity CLE on January 27<sup>th</sup> – Frank Thomas (register here: <https://tinyurl.com/myj25627>)
  
- **MJC Liaisons**
  - **Appointing a Liaison to Gender and Justice Commission** – Judge Veronica Galván
  - **Sentencing Task Force and Sentencing Guidelines Commission** – Judge Veronica Galván
  - **Sentencing Task Force Final Report:**  
[https://s3.wp.wsu.edu/uploads/sites/2180/2022/12/CSTF\\_2022-Final-Report\\_12.30.22.pdf.pdf](https://s3.wp.wsu.edu/uploads/sites/2180/2022/12/CSTF_2022-Final-Report_12.30.22.pdf.pdf)
  - **Washington State Bar Licensure Task Force** – Frank Thomas
  - **BJA Alternatives to Incarceration Task Force** – Judge Ketu Shah
  - **Access to Justice Board** – Michael Chin
  - **WPIC Jury Instruction Video** – Judge Leah Taguba

**Next MJC meeting: Friday, March 17<sup>th</sup>, 2023 @ 9:00 a.m. (via Zoom).**



**MINORITY AND JUSTICE  
COMMISSION**  
ZOOM VIDEOCONFERENCE  
FRIDAY, DECEMBER 9TH, 2022  
9:00 A.M. – 12:00 P.M.  
JUSTICE MARY YU, CO-CHAIR  
JUDGE VERONICA GALVÁN, CO-CHAIR



**MEETING NOTES**

**Commission Members**

Justice Mary Yu  
Professor Robert Boruchowitz  
Lisa Castilleja  
Professor Mark A. Chinen  
Judge Linda Coburn  
Grace Cross  
Professor Jason Gillmer  
Judge Bonnie Glenn  
Kitara Johnson  
Justice Raquel Montoya-Lewis  
Karen Murray  
Judge Leah Taguba  
Jeremy Walker  
Judge Karl Williams

**Liaisons**

Leslie Burnett  
Stephanie Chavez  
Monica Mendoza-Castrejon  
Angel Torres Mann  
Donald Peters

**Guests**

Judge Sara Dannen  
Sammie Alizadeh  
Kelsey Jandoc  
SaNni Lemonidis  
Judge Jennifer Forbes

**AOC Staff**

Kelley Amburgey-Richardson  
Cynthia Delostrinos  
Avery Miller  
Frank Thomas

## CALL TO ORDER

The meeting was called to order at 9:00 AM

### Welcome and Introductions

- The MJC Co-chairs introduced themselves.
- Attendance was called via roll-call.

### Approval of September 9<sup>th</sup> Meeting Minutes

- The minutes were approved as presented.

## GUEST PRESENTATIONS

### SCJA Unrepresented Litigants Work Group, Court-based Help Center Pilot Program— Judge Jennifer Forbes

- A majority of civil cases involve unrepresented litigants, some of whom have a poverty background. In 2019 Superior Court Judges Association made it a priority to address access to justice issues for pro se litigants and making the courts more efficient. An Ad Hoc Workgroup launched in 2020, with stakeholders including DMCJA, Commissions, OCLA, AOC, Law Library, Clerks, Administrators, Facilitators, LLLTs, NJP, ATJ, WSCADV, Judicial Conduct Commission.
  - The first priority was to formulate goals and purpose and formed 3 subgroups: judicial education, website and technology, self-help centers.
    - Judicial Education: training, draft proposed languages to amend language to provide greater detail about judge's obligation to accommodate pro se people and ensure they have a fair opportunity to participate.
    - Portal subgroup, partnered with Microsoft and additionally hoping to partner with AOC and OCI to provide centralized resources for people.
    - Self-help center: provides legal information, forms, filing, review and connecting litigants with appropriate resources. Received funding for pilot project for ~\$520,000 where Spokane and Grays Harbor are beginning the trial.
  - The Workgroup has sought more funding from the legislature with an assigned AOC staff person, which would offer better opportunity to develop resources.
  - Asking for MJC support on the request for funding self-help centers (it's in the AOC budget package)
  - The Workgroup applies a racial equity lens in all it's priorities.
- Discussion around support for the Office of Public Defense request to get funding for post-conviction representation and hopefully being able to support both.
- The pilot projects had money allocated with very few parameters, the proviso was very simple. Typically, there's a staff managing attorney who supervises paralegals, volunteers, etc.
  - Is there a potential for partnering with law schools to help provide space and support and to connect students with the courts? In Spokane they're thinking more creatively, partner with nonprofits and talking about using them for tutorials/portals.
  - The issue of Language Access/ Accommodations was raised; when developing these programs, who is being served, what populations, what interpreter and

- translation services are needed, what demographic info is collected and who's benefiting from these pilot programs. Are we engaging grassroots communities?
- Money is very limited; the pilot programs are considering best use of resources and using courts standard resources for language access.

**WSBA DEI Council, Definition of Diversity Workgroup— SaNni Lemonidis**

- SaNni Lemonidis, a volunteer with the Diversity Committee at WSBA, chair of definition of diversity workgroup, discusses the proposed change to the definition of diversity.
- The purpose of at-large governor's position on the board of WSBA seeking a new working definition of diversity to meet the intent of the position.
- Law school liaisons raised the issue of difference between lived experience and a more superficial idea of what diversity is.
- Discussion of terminology of gender, identity, expression and geographic diversity, and inclusion of formerly incarcerated/ detained/ veteran status.
- Consider whether definition will accomplish underlying goals, not just a list of different classifications, but what are the structural barriers that actually preclude people from getting elected.

**Berkeley Law Policy Advocacy Clinic, Youth LFO Legislative Proposal— Gus Patel-Tupper, Liz Trautman**

- The overall goal of the Youth LFO Legislative Proposal is racial and socio-economic justice. The niche focus is on reducing or eliminating monetary sanctions.
- Several partners/ stakeholders: Debt-free Youth Justice, Washington Coalition, Columbia Legal Services, Team Child, Civil Survival, Choose 180.
- Monetary sanctions or LFOs increase recidivism, disproportionately harm BIPOC, strain family relationships, waste Law Enforcement resources, net little revenue for government, is not evidence based and undermine faith in government.
- The YEAR act: eliminated many juvenile fees and fines, but did not eliminate VPA, DNA collection fee, did not waive outstanding debt, unevenly implemented. Data on fines and fees shows that it's steadily decreasing, but FY19 is incredibly high.
- Black youth are 4% of WA, but 12% of fines and fees. Their tool shows outstanding fees and fines per county and shows disparities from county to county.
- In 2023, there are the following legislative requests:
  - Exclusively amending Chapter 13. 40
  - Eliminate all remaining fees and fines (VPA, DNA)
  - Waiving outstanding debt
  - Replace youth restitution with a more sustainable system
  - Improve data collection and reporting
- They are seeking to create community compensation fund, to actually compensate harmed parties and task force to implement the fund. Victims not receiving penalties. The bill is informed by directly impacted youth, young adults, community members, organizations, available research and data and victim/ survivor advocacy group. They are seeking systems input: judges, prosecuting attorneys, public defenders, clerks, etc.
- Some of the gaps are in the lack of statewide restitution data, and the lack of perspectives on law enforcement in WA.
- Community compensation fund: drawing on King County Restorative Community Pathways program, implemented by task force, exclude all insurance companies and non-individuals.

- They are asking for MJC to review draft legislation and support the effort.
- Additional data needed: key points missing are total amount of restitution ordered, collected and paid to victims, any demographic data.

## **CHAIR & STAFF REPORT**

### **Jury Diversity Study Update – Frank Thomas**

- Jury Diversity Study will have published report to provide to the MJC Commission and will be provided to the legislature for deliberations for continuing the survey project to improve jury diversity in the state. This is a BJA budget request and will have the report by the next Commission meeting. The research team was led by Seattle University and King County Superior Court Judge Steve Rosen.
- Top line findings show large scale disproportionality/ under-representation, especially among Black and Native prospective jurors. The team has a close partnership with pierce county, which has a great case management system to collect demography of jurors at the summons phase and also track jurors throughout the jury selection process, which will give more information about the demographic composition of empaneled juries in pierce county and in other steps along the process (excusal for hardship, voir dire, etc.). Also proposing child support and an increase in juror pay.

### **NCREF National Conference 2023 Update – Frank Thomas**

- The NCREF 2023 will be held May 21<sup>st</sup> -24<sup>th</sup> and include the MJC Annual Symposium at the Motif hotel in Seattle. There is a PR and Engagement Workgroup and a Curriculum Workgroup established to prepare.

### **Research Update – Frank Thomas**

- Researchers from WSCCR are looking at disproportionality in pre-trial race and gender and have obtained two sets of data, both statewide and from county jails. In preliminary analysis, researchers found a significant discrepancy between overlapping years between the two data sets and are drafting a short white paper on the subject. Any scholarship or analysis of state data would have relied on the WSP data set, so it's important to alert the community regarding the discrepancy and prime them for more robust data to be released soon.

## **ADJOURNMENT**

**The meeting was adjourned at 12:00 PM**



## Request Form

<p><b>Full name and contact information of organization and persons making the request:</b></p>	<p>Seattle University Law Student Liaisons          Leslie Burnett Locke: <a href="mailto:burnettl@seattleu.edu">burnettl@seattleu.edu</a>          Stephanie Chavez: <a href="mailto:schavez1@seattleu.edu">schavez1@seattleu.edu</a>          Mónica Mendoza-Castrejón: <a href="mailto:mmendoza-castrejon@seattleu.edu">mmendoza-castrejon@seattleu.edu</a></p>
<p><b>Type of request (please check one)</b>  <b>SUPPORT includes:</b>          Publicity – WSMJC listed as a “supporter” on all promotional materials and helps advertise.  <b>CO-SPONSORSHIP includes:</b>          Publicity – WSMJC listed as a “co-sponsor” on all promotional materials and helps advertise.          Funding based on available WSMJC funds.          Planning support for the event.</p>	<p><input checked="" type="checkbox"/> <b>SUPPORT (Level 1)</b>          Indicate if you would also like:  <input checked="" type="checkbox"/> Outreach – WSMJC member(s) provide outreach assistance</p> <p><input checked="" type="checkbox"/> <b>CO-SPONSORSHIP (Level 2)</b>          WSMJC listed as a “co-sponsor” on all promotional materials, and funding based on available WSMJC funds.</p>
<p><b>Name, date, time, and location of the event or project:</b></p>	<p><u>Community Courts and the need for alternatives to incarceration</u>  <i>Date:</i> Late April 2023  <i>Time:</i> TBD  <i>Location:</i> The event will be held in person and online. The in-person portion will be at one of the community court locations, preferably in Auburn. Backup location will be at a community center in South King County. We are proposing these locations to give attendants a visualization of the community court system.</p>
<p><b>If funding is requested, total amount of funds requested and tentative budget:</b></p>	<p>Funding requested: \$785.</p> <ul style="list-style-type: none"> <li>• Food/Beverages for event \$350*</li> <li>• Pens \$10</li> <li>• Legal Pads** \$50</li> <li>• Tables/Chairs/Speaker equipment \$250</li> </ul> <p>***</p> <ul style="list-style-type: none"> <li>• Van Training (\$50)****</li> <li>• Gas for vans \$75</li> </ul> <p>*Food/Beverage option from a local BIPOC business in South King County. Considering collaborating with <u>FareStart</u>.</p> <p>**We will provide paper to ensure students have a place to take notes. Cost is an estimate. Seattle University School of Law Student Bar Association,</p>

	<p>Microsoft, WA and King County Bar Associations will be reached out to for swag contributions.</p> <p>*** We will work with community space to have chairs/tables/etc. without using this cost.</p> <p>**** We will have van drivers to and from Seattle University to the event, and this will be used to cover for the training fees for vans.</p>
<p><b>Purpose and objectives of the request:</b></p>	<p>The purpose of this event is to provide Judges, legal professionals, students, and community stakeholders, with the necessary tools to implement community courts in their respective counties or cities to further alternatives to incarceration. We want to provide attendees with this information so that community courts can be implemented in every city and county within the state.</p> <p>This event will highlight the benefits of implementing a variety of therapeutic courts, with an emphasis on the successes that community courts have accomplished, wherever they have been implemented. We plan to host a panel discussion where we will invite some of the key individuals who developed, implemented, and worked within community courts, to discuss how participants benefit from these programs, and how attendees can implement community courts within their own neighborhoods.</p> <p>Additionally, the Washington State Legislature has found that community courts effectively address the variety of social issues that contribute to criminal activity and recidivism. While the Legislature highly respects the judicial branch’s authority, they also recognize the importance of these alternative courts, and have codified guidelines for the creation of community courts across the state under <u>RCW 2.30</u>. This proposal reflects our attempt to aid courts in furthering community court programming, with a particular focus on establishing community courts.</p>
<p><b>Event agenda or project schedule, if available:</b></p>	<p style="text-align: center;"><b><u>OVERVIEW</u></b></p> <p style="text-align: center;">PROPOSED TIMELINE AND ITINERARY:</p> <p><u>Timeline:</u></p> <ul style="list-style-type: none"> <li>• <b>January:</b> <ul style="list-style-type: none"> <li>○ Ask for money</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Early February:</b> <ul style="list-style-type: none"> <li>○ Reserve community space</li> <li>○ Invite panelists</li> <li>○ Design flyer for event</li> </ul> </li> <li>○ <b>Late February:</b> <ul style="list-style-type: none"> <li>○ Reserve equipment</li> <li>○ Send out save the date for event to 1,000 people via social media and email</li> <li>○ Publish event on social media</li> <li>○ Get drivers/do training of vans</li> <li>○ Schedule with panelists rehearsal</li> </ul> </li> <li>• <b>March:</b> <ul style="list-style-type: none"> <li>○ Do turnout/outreach</li> <li>○ Acquire food</li> <li>○ Acquire transportation</li> <li>○ Invite media to attend event</li> <li>○ Do rehearsal of event in early April both in person and virtual</li> <li>○ Acquire volunteers for event</li> </ul> </li> <li>• <b>Week of event:</b> <ul style="list-style-type: none"> <li>○ Confirm attendance (Confirm 100 in person, 100 virtual)</li> <li>○ Confirm food</li> <li>○ Confirm panelists</li> <li>○ Test equipment/speakers/etc.</li> <li>○ Set up text thread with organizers of event (confirm people are okay with being on text thread)</li> <li>○ Set up Teams channel with panelists(confirm people are okay with being on Teams channel)</li> </ul> </li> <li>• <b>Day of event:</b> <ul style="list-style-type: none"> <li>○ Set up hours before tables/chairs/food/beverages</li> <li>○ Have virtual event recorded, event be put on Facebook/Instagram Live either through MJC account or through SU MJC accounts.</li> <li>○ Main organizers of the event and volunteers arrive a few hours early</li> <li>○ Speakers/panelists/information people arrive</li> </ul> </li> </ul>
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Event itinerary (Times will likely change)

- 11:30 am – 12:00 pm:
  - Guests arrive
- 12:00 – 12:10
  - Introduction
- 12:10 – 12:20
  - Presentation on community courts/how they came to be
  - Discussion of other alternatives to incarceration/other therapeutic courts
- 12:20 – 12:25:
  - Introduce panelists
- 12:25 – 1:15:
  - Panel Discussion
- 1:15 – 1:30:
  - Q & A
- 1:30 – 2:15:
  - Clean-up

Proposed Panelists:

- Department of Public Defense: Anita Khandelwal (Director)
- Prosecuting Attorney's Office (PAO): Leandra Craft
- Judge Damon Shadid (Seattle Municipal Court)
- Renton City Councilmember Carmen Rivera
- Nicole Thomas Kennedy
- Community Passageways

Proposed Moderator:

- King County Councilmember Girmay Zahilay

People/Organizations to Invite (both in person and virtually):

*Seattle & King County*

- WA DSHS
- King County Department of Public Health
- Catholic Community Services
- King County Department of Public Defense

	<ul style="list-style-type: none"> <li>• MyAdvocate (Mainly South King County)</li> <li>• Microsoft</li> <li>• Washington Coalition for Police Accountability (Mainly South King County)</li> <li>• Public Defender Association</li> <li>• Community Passageways</li> <li>• Choose 180</li> <li>• Seattle University School of Law* <ul style="list-style-type: none"> <li>○ Access to Justice Institute</li> <li>○ Defender Clinic</li> </ul> </li> <li>• University of Washington School of Law</li> <li>• Creative Justice <ul style="list-style-type: none"> <li>○ Equity in Education Coalition (White Center)</li> </ul> </li> <li>• Renton Progress (Renton)</li> <li>• Glover Empower Mentoring (Kent)</li> <li>• King County Prosecuting Attorney's Office</li> <li>• DivestSPD (Seattle)</li> <li>• Decriminalize Seattle (Seattle)</li> <li>• ForFortyTwo (Kent)</li> <li>• Auburn Youth (Auburn)</li> </ul> <p><i>Port Angeles/Clallam County</i></p> <ul style="list-style-type: none"> <li>• Navarra Carr (Port Angeles City Councilmember and Seattle University Law Student)</li> <li>• Lindsey Schromen-Wawrin (Port Angeles City Councilmember and Attorney)</li> </ul> <p><i>Snohomish County</i></p> <ul style="list-style-type: none"> <li>• Bothell Councilmember Rami Al-Kabra</li> <li>• Han Tran (Community Activist in Bothell)</li> <li>• Lynnwood Councilmember Josh Binda</li> </ul> <p><i>Pierce County</i></p> <ul style="list-style-type: none"> <li>• Tacoma Activists</li> </ul> <p><i>Spokane County</i></p> <ul style="list-style-type: none"> <li>• Gonzaga School of Law</li> </ul>
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	<p>* Additionally, the student liaisons will recruit student-volunteers for the event. We plan to utilize the law school’s marketing and communication channels to reach out to the law school’s affinity groups such as: Black Law Students Association, Latinx Law Student Association, Asian and Pacific Islander Law Students Association, OutLaws, etc.</p>
<b>Target audience:</b>	<ul style="list-style-type: none"> <li>• Stakeholders who have the ability to implement community courts and/or other alternatives to incarceration in King County, with hopes of reaching a variety of counties across the state such as: Pierce, Snohomish, Yakima, Spokane, Clallam, etc.</li> <li>• Seattle University Law students, staff, and faculty</li> </ul>
<b>Expected attendance or number of persons who will benefit:</b>	<ul style="list-style-type: none"> <li>• 15 Volunteer Law students</li> <li>• 200+ Community members</li> <li>• 100+ Attorneys</li> <li>• 50+ Seattle University Law students, faculty, and alumni</li> </ul>
<b>Other methods or sources being used to raise funds, if any:</b>	<p>We plan to have a web page that will host a toolkit with steps on how a community court is founded available to the public. Additionally, we plan to have the list of organizations who have been involved in community court efforts as a part of the webpage. The webpage will be hosted by one of the participating organizations.</p>
<b>Other co-sponsors, if any:</b>	<p>TBD</p>
<b>Plan to collect outcome data and evaluate the impact of the project (i.e., survey):</b>	<p>We will send out a survey of the event after the event, and send out a summary/report of impact of the event at a later date. A QRC to the survey will be printed out and at the event.</p> <p>We also plan to distribute a webpage link for attendants to replicate a community court in their city and/or county. This will include all the research resources provided in this proposal as a more streamlined process. We will begin to create the webpage before the event, but distribute the webpage link after the event. Some of the information collected from the event will make it to the webpage.</p>

## RESEARCH RESOURCES

### Government Resources:

1. [Seattle Community Court](#)
  - a. List of Community partners
2. [King County Community Court](#)
3. KC Behavioral Health and Recovery – funding community courts
  - a. [MIDD Behavioral Health Sales Tax Fund](#)
4. Washington Courts
  - a. [Drug Courts & Other Therapeutic Courts](#)
    - i. Current lists of alternative courts throughout the state
    - ii. [King County](#) Specific
5. Washington State Legislature
  - a. Chapter 2.30 RCW - [THERAPEUTIC COURTS](#)
6. [Auburn Community Court](#)
7. [Renton Municipal Community Court](#) (not as comprehensive. Also features Issaquah Community Court)
8. [City of Kent DUI Court](#) (not as comprehensive)
9. [Bothell Municipal Community Court](#) (not as comprehensive)

### News Articles:

1. [For some, community court reduces jail bookings by 87%](#)
  - a. The King County program was founded as an alternative to the traditional justice system, emphasizing rehabilitation over incarceration for those with low-level offense.
  - b. *(Note: Burien initially had a community court, but it was closed. Same with Federal Way. Kent and Renton have community courts but they are not as nearly as comprehensive as Auburn's.)*
2. [Seattle community court referrals are surging. Here's why](#)
  - a. The softer approach to prosecution has seen double the referrals since tough-on-crime city attorney Ann Davison took office in January.
  - b. [Auburn Community Court takes holistic approach to crime](#)
    - a. One factor that helps the Auburn Community Court is its location directly next to the Resource Center. The Resource Center, which is open to everyone (not just Community Court participants), is a hub for connecting people with the resources they need. If a participant hits a speed bump in their progress, the court can send them next door to get things sorted out, Judge Taguba said.
4. [Renton to implement alternative to jail for low-level offenders](#)
  - a. Municipal Judge Kara Murphy Richards described the traditional approach to criminal justice as often being a “revolving

door” of reoffenders. She said she regularly sees the same re-offending individuals in her court because the punitive approach of being sent to jail fails to address the underlying factors that drive individuals toward crime in the first place. Murphy Richards said the majority of low-level theft, trespassing, vandalism, public exposure and harassment crimes are related to the underlying issues of addiction, mental health, poverty and homelessness. Community courts aim to give low-level offenders the resources and services they need to avoid making the same mistakes, and it does so on an individualized case-by-case basis.

5. [Federal Way Community Court breaks cycle of criminal behavior](#)
  - a. Note: This was in 2019. It does not appear to be in service as of now.

Nonprofit Resources:

1. [Center for Court Innovation](#): Works with both government and communities to develop and run programs that have reduced the use of incarceration, increased equity, and strengthened neighborhoods by increasing safety and economic opportunity. We perform original research to identify what works. And we share what we learn from our programming and research with those seeking to transform the justice system around the world.
  - a. The Red Hook Community Justice Center: [Research Findings](#)

King County Cities as of 11.22.22 that do not have a therapeutic court:

1. Burien
2. Tukwila
3. Federal Way
4. SeaTac
5. Bellevue
6. Covington
7. Maple Valley
8. Black Diamond
9. Enumclaw





# 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.

# 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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**Chris Page**, Senior Facilitator for Projects and Strategic Initiatives; Associate Professor, Washington State University Extension

**Molly Stenovec**, Project and Program Manager

**Zack Cefalu**, Project Coordinator

**Alec Solemslie**, Project Coordinator

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- 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**

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- **Senator Chris Gildon**

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- **Representative Carolyn Eslick**

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Washington State Office of The Governor

- **Mac Pevey**

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

- **Melody Simle**

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- **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

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- **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*

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- *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*

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

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

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- **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+												
<b>18</b>	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																					
<b>17</b>	240	320	249	332	259	346	269	359	280	374	291	389	303	404	315	421	328	437	341	455	49.0	10%
<b>16</b>	114	153	126	168	138	185	152	203	168	224	184	246	203	271	223	298	245	327	255	340	34.0	10%
<b>15</b>	101	135	111	148	122	163	134	179	148	197	163	217	179	239	197	263	217	289	225	300	30.0	10%
<b>14</b>	87	117	96	128	106	141	116	155	128	171	141	188	155	207	170	227	188	250	195	260	26.0	10%
<b>13</b>	59	99	65	108	71	119	79	131	86	144	95	159	105	175	115	192	127	212	132	220	22.0	10%
<b>12</b>	52	87	57	96	63	106	70	116	77	128	84	141	93	155	102	170	112	188	117	195	19.0	10%
<b>11</b>	45	76	50	84	55	92	61	101	67	112	73	123	81	135	89	149	98	163	102	170	17.0	10%
<b>10</b>	39	65	43	71	47	78	52	86	57	95	63	105	69	115	76	127	83	139	87	145	14.0	10%
<b>9</b>	19	33	22	37	26	43	30	50	34	57	39	66	45	76	52	87	60	100	72	120	12.0	10%
<b>8</b>	17	28	19	33	22	38	26	43	30	50	34	58	40	66	46	76	52	88	63	105	10.0	10%
<b>7</b>	14	24	17	28	19	32	22	37	25	43	29	49	34	57	39	65	45	75	54	90	9.0	10%
<b>6</b>	12	20	14	23	16	27	18	31	21	36	24	41	28	47	32	54	37	63	45	75	7.0	10%
<b>5</b>	3	12	4	14	5	17	6	20	7	24	8	29	10	35	12	42	15	51	18	60	6.0	10%
<b>4</b>	2	9	3	11	4	14	5	17	6	20	7	24	8	29	10	35	12	42	14	49	4.0	10%
<b>3</b>	2	7	2	9	3	11	4	13	4	16	5	19	6	23	8	27	10	33	11	39	3.0	10%
<b>2</b>	0	3	1	6	2	7	2	8	3	10	3	12	4	14	5	17	6	21	8	28	2.0	10%
<b>1</b>	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.