

SRA Areas for Review

DOC Perspective

The priority for review should be based on an overarching theme of simplification to the sentencing framework so that requirements/rules are clear to all of the participants.

General Principles:

- **Role Clarification:** Clear delineation of the roles and responsibilities for each of the participants in the system. Many J&S documents received by DOC are not clear, require some level of interpretation, or don't appear to comport with statute. Currently DOC sends over 1,000 letters a year to local jurisdictions requesting clarification and interpretation of the J&S document.

Topics to Be Considered:

- Building, setting and double checking the sentence structure for felony sentences prior to the convicted person coming to DOC or jail.
 - Either a process before sentencing (similar to the Federal System) or a QA process after sentencing and before transfer to DOC or jail.

- **Simplification:** The current sentencing system is complex and ever-changing. Sentencing structures change frequently - the average number of felony sentencing statutes that were amended or created in each of the last five years exceeds 40. There are 12 different enhancements that take away judicial discretion, add layers of complexity, and have different rules for calculating sentences (concurrent vs. consecutive and allowable earned time).

Topics to Be Considered:

- Adopting a mandatory sentencing elements table to be included in every felony J&S.
- Providing direction on how multiple terms of community supervision should be presumptively served (consecutive or concurrent).
- Making consistent rules for all enhancements. Consider reducing the number of enhancements.

- **Data & Policy Informed Decision Making:** Increased data and policy-informed decision making around sentencing and legislation will ensure greater impacts on public safety. There is much more information about the use of risk, need, and responsibility principles than when the SRA was developed.

Topics to Be Considered:

- Increasing use of risk information from pre-sentencing to reentry.
 - Sentences and sentence alternatives based on risk

- Establishing of a formal non-partisan, independent, expert voice on sentencing proposals
 - A dedicated group such as the SGC that has the resources to review proposed legislation and to weigh in on the impact of the individual changes would help ensure changes would have the greatest impact on public safety.
 - The group could also be charged with reviewing the system and periodically recommending changes to ensure the intent of the SRA is still being met. Examples: looking at racial disproportionality, or whether the DOSA alternative is meeting the intent of the statute.

- **Additional focus on reentry:** Over 95% of the population serving a sentence in DOC will be returning to our communities. Reentry efforts need greater focus and resources from state, locals, and communities.

Topics to Be Considered:

- Increasing supportive reentry through expanded use of partial confinement options.
- Promoting coordinated systems across jurisdictions to improve care and transition.

Corrections Workgroup Perspective

The Corrections Workgroup prioritized the topics be considered for review based on ratings for ***satisfaction*** (how satisfied stakeholders were with the current processes associated with a topic) and the ***importance*** (how critical the topic area is for stakeholders to complete their work and accomplish their goals) of the current system.

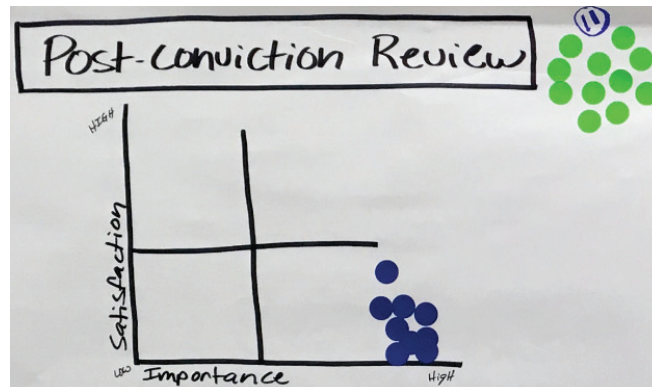
Based on the review, the topics suggested by the Commission Chair were prioritized as follows:

1. Post-Conviction Review:
2. Reentry
3. Enhancements
4. Diversion
5. Purposes and Policies of the Guidelines
6. Legal Financial Obligations
7. Information to Judges Presentencing
8. Grids
9. Jurisdictional Consistency

Details on each topic on the following pages.

Post-conviction Review

11 votes



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- Allows people to demonstrate growth
- Offers hope
- It is a great idea!
- This would help identify inconsistent sentences across the state
- Great idea for those who are either aging out or have decided to make positive changes in their lives, especially for 3 strike offenders
- Cost saving to the Department and gives individuals something to work towards
- Concept is worthwhile to consider
- Provide an opportunity to consider the individuals progress for review at their release
- Review would provide a tool for DOC to manage the population
- Frequent reviews during the period of confinement
- Balances public safety against rehabilitation and risk

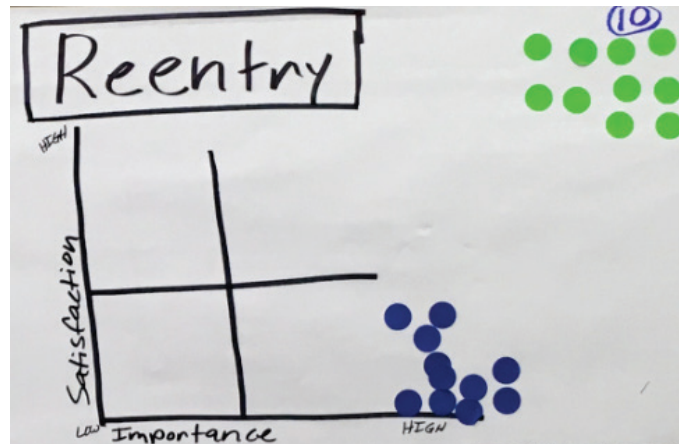
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- Resources to prepare for review and consideration of review
- This doesn't exist formally but concepts are hard to bring to fruition
- Some convicted persons should be excluded (based on crime and or criminal history)
- Has potential to be politicized
- No review for life without parole sentences
- Current lack of such an option

Analysis: This topic was clearly a subject area of high importance to the work group and one that was rated as generally low on the satisfaction scale. Discussions revealed that low satisfaction generally related to the lack of options that currently exist today for post-conviction review.

Reentry

10 votes



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- Should or could be factored into sentencing
- Coordinated systems and continuity of care reduce recidivism
- Necessary tool for DOC
- Excellent models available for adoption
- Starting Reentry at intake (the sooner the better)
- Look at how we spend dollars: penalty vs. support
- Great concept: DOC has made great strides in this area and hopefully it will show up in their recidivism rates
- Additional Risk, Needs, Responsivity principles added to supervision
- Reentry planning critical to success
- Involved communities
- Good for children impacted by incarceration
- This is where our focus should be!

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- Better reentry assistance has been discussed forever, but nothing ever happens
- Certain populations cannot legally benefit from reentry services
- Current SRA does not take into account existing protective factors
- Supervision based on offense
- Not funded at a level where everyone gets services
- Need more community based resources
- All counties are not created equal in terms of resources
- Need more resources: staff, community resources, community partners
- County of origin does not work
- Need significant evidence to sway the “lock them up” stakeholders
- Often seen as a DOC problem: DOC can’t do it all
- Lacks resources
- Needs more resources and emphasis

Analysis: This topic was assessed as high importance by the work group. Current satisfaction was generally as low. Some of the discussion surrounded RNR, the lack of resources within the criminal justice system and in communities, and need for greater emphasis.

Enhancements

7 votes



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- Can be a necessary hammer
- Attempts to serve as a deterrence
- Makes society “feel” better
- Adjusts sentences for extenuating circumstances
- Accountability for serious behaviors
- Responsive to the theme at the moment
- Increases punishment for crimes

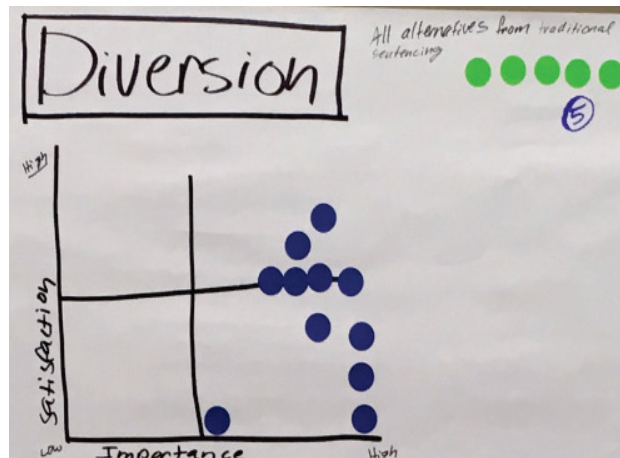
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- Too many different enhancements. Some get good time, others don't. Some are concurrent, some are consecutive. Some are included in the base.
- Much too complex. Too many layers. Changes are also date driven and affected by court decisions. Once again, too complex!
- Enhancements are mandatory-do not allow for courts discretion
- Inconsistent rules regarding different enhancements i.e. earned time allowed or not
- Makes society “feel” better
- Does not deter related crimes
- Too many!
- No discretion
- Added complexity
- Research based deterrence?
- Punishment for the sake of punishment
- Not enough judicial discretion
- Enhancements ineffective way to deal with “real” sentencing
- Not consistently used
- Change the sentence grid
- Be consistent with good time or no good time
- Equity issues (enhancement length vs. underlying offense)
- Does running enhancements consecutive make sense again, it a “feel good” or true deterrence?
- Greatly increases complexity in administrative sentences
- Legislature makes too many changes every year

Analysis: The work group rated this topic as low-medium importance and as low satisfaction during the first part of the exercise to but this topic had 3rd most votes when prioritizing which topic to focus on first.

Diversion

5 votes



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- Gives sentencing options for potential impact
- Allows for mitigating factor to be taken into account
- They may actually work!
- Decrease in incarceration rates
- Juvenile diversion is widely used to keep youth out of the system
- May impact 1st time significantly
- Alternatives can be Risk/Need/Responsivity appropriate
- Provides for better outcomes/harm reduction
- Preserves: family, housing, employment, support systems
- Reduce incarcerations, improve treatment with reduced recidivism
- Provide incentive for change in behavior
- Great opportunities for offenders if they follow the rules
- Diversion supports the principle of human worth

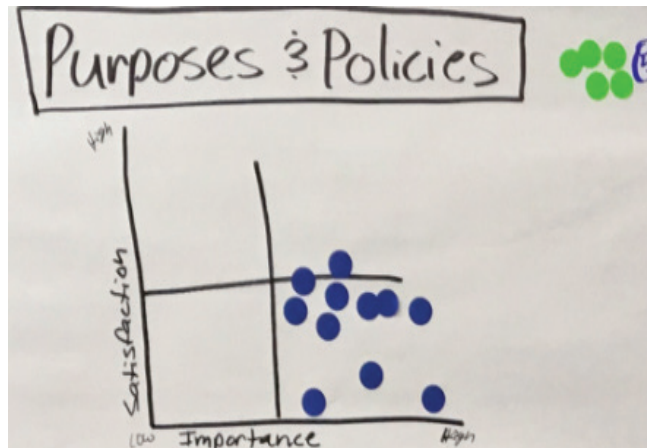
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- Not enough diversion options (Mental Health, Veterans, etc.)
- Need a mental health option
- Diversion options not applied consistently across Washington State
- Use of DOSA when not appropriate
- Alternatives are not widely or consistently used from jurisdiction to jurisdiction
- Need more adult Diversion opportunities along the juvenile model
- Not enough alternatives
- Individuals can receive multiple alternative: no clear or research driven structure/criteria
- Are they effective/evidence based?
- Add complexity and lead to calculation errors
- Calculating sentences or revoked alternative sentences is too complicated
- Lack of training for sentence alternatives leads to inconsistent application
- Do we know how effective each diversion is in regards to re-offense
- Lack of understanding of sentence
- Data to show "they" work
- Who should revoke or reclassify when not successful

Analysis: After discussion, the work group agreed that "diversion" would include all pre and post sentencing alternatives to confinement. This topic was generally an area of high importance to the work group, but one that was of mixed satisfaction.

Purpose and Policies (SGC)

5 votes



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- Attempts to create a fair system
- Initial reform brought a unified system
- Creates and equitable and consistent sentencing system
- Respects victims while suggesting sentencing
- Should be fair and support a reduction in re-offense
- Purposes are logical
- Better than no sentencing guidelines

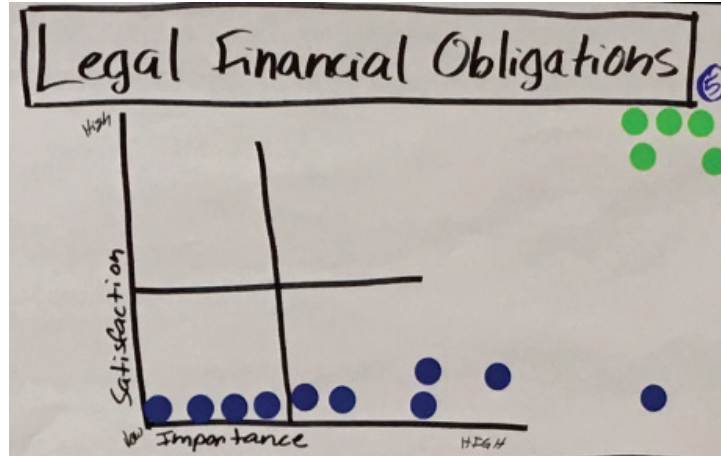
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- Purpose is too broad and incongruent to be meaningful
- Purpose is not currently supported by Legislative action
- Too many work-arounds cause great disconnect from stated purpose
- Use of the word offender
- Needs to speak to Risk/Needs/Responsivity principles
- Serious drift from original purpose
- Each revision of the SRA appears to fail to incorporate each purpose (more reactive)
- The methods for achieving those purposes are arrived at illogically by the legislature
- Original intent of "truth in sentencing" is a great idea. However, courts seem to get around that by using exceptional sentences.
- Still see offenders coming in with similar crimes and criminal history who have huge discrepancies
- Not enough consideration of mental health and substance abuse issues in sentencing
- Evidence/data must be used
- Too many goals - diminishes importance of those deemed most important (whatever they are)
- Inconsistency in sentences for similar/same offense
- Lack of an independent regular review of sentencing structure to ensure consistency with purpose
- Written at political time - needs review and revisions
- Public Safety should be in opening statement

Analysis: This topic was an area of medium to high importance and one that showed a low-medium satisfaction.

Legal Financial Obligations (LFOs)

5 votes



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- Important for victims
- Funds victim resources
- Restitution owed to victims is important
- Restitution helps restore victims
- LFOs help fund some programs
- Important for cost of crime to be shared by the perpetrator
- Benefits victims
- Promotes accountability

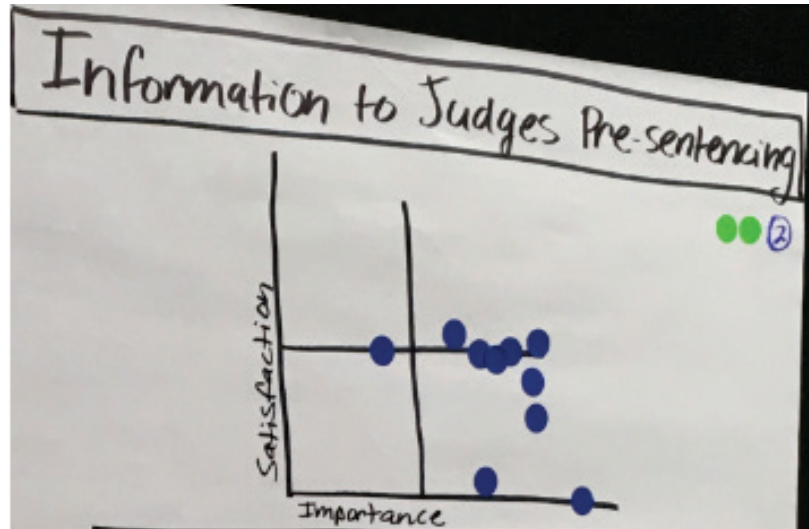
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- 12% compounded REALLY?
- Creates a “debtor’s prison” system
- More resources to attempt collect payment than actual payments are received
- Compounding interest during incarceration should be illegal!
- Interest is not reasonable
- Interest rates are too high. It seems we are setting the offenders up to fail by having them start reentry in debt and adding to that before they have the ability to pay.
- Unrealistic to repay
- Identify fines that are mandatory (restitution/crime victim)
- Why is DOC involved in the collection of legal financial obligations?
- Felons are charged for DNA on every sentencing but DNA is only processed once
- Negatively impacts the defendant’s focus on rehabilitation and positive change
- 2nd punishment to the sentence
- Outside of restitution, fines can be an additional barrier
- Unsure of purpose: punish, pay, suffer?

Analysis: This topic was one of mixed importance to the work group but one that was consistently rates as low satisfaction.

Information to Judges Pre-sentencing

2 votes



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- Helps to support better sentencing
- Helps in decision making when provided
- PSI pre-SRA were very thorough and well written
- Yes!
- Current state PSI help inform sex offender, mentally ill sentencing
- Help inform risk: Needs assessments
- Helps inform case management plan development

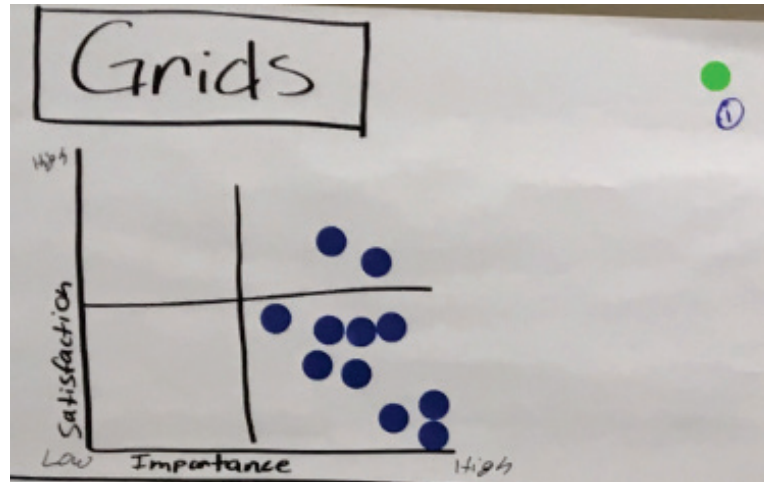
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- Why wouldn't we?
- Judges sentence with limited information which may result in unfair sentences
- Need uniform system to inform all (pretrial, pre-sentence, post-sentence)
- No way of knowing if judges are using correctly
- Limited except for sex offenders and when requested by court (not individual)
- Not funded
- Not requested consistently
- Absent a risk assessment, we make much less informed sentencing decisions
- Unsure if judges really use them

Analysis: This topic had less consistency within the work group than some of the other topics. Most members voted as medium importance and medium satisfaction.

Grids

1 vote



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- Easy to read and interpret
- Guidelines
- Attempts to create a fair or impartial system
- Predictability (caseload, budget)
- Determinate lengths serve as a deterrence
- Consistency
- Resource predictive
- Fairness
- Consistency in sentences across jurisdiction
- Rough equivalency in sentencing across defendants
- Easy to estimate ADP changes

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- Length of sentences are subjective “feel good” not research or science based regarding rehabilitation
- Scoring options complex
- 75% rule of anticipated offenses adds complexity
- Scores >9 results in sentences similar when history is not
- Ability to read and interpret the grid
- Complexity without current data to show effectiveness
- Stat maximum can cause sentences to be similar when history is not (those that hit stat max at low scores)
- Calculating scores is complicated
- Calculating adult offender score
- Complicated scoring leads to errors
- Treats juveniles tried as adults the same as adults regardless of age/development
- No RNR basis
- Complicated scoring
- Legislature makes too many changes every year

Analysis: This topic had less consistency within the work group than some of the other topics. Most members voted as medium-high importance and low-medium satisfaction.

Jurisdictional Consistency

1 vote



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- Better than pre-SRA
- Important goal
- A good goal to have
- A good goal to have
- A good goal to have
- This is what we should be striving for

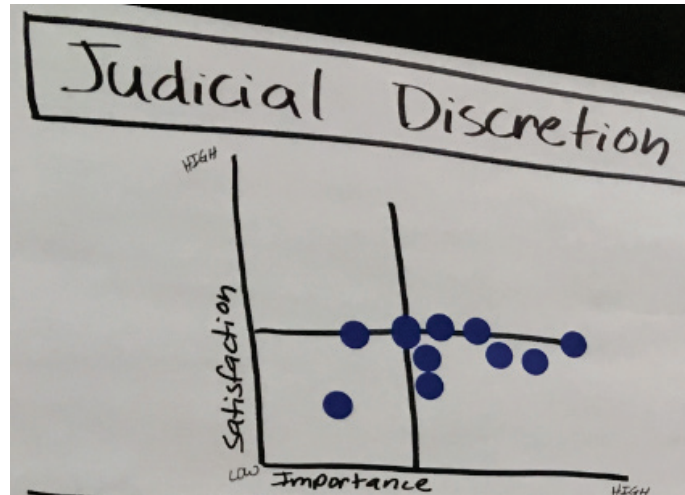
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- Judges sentence outside the law
- There is great variation in Washington
- Too much prosecutorial discretion
- Dependent on several factors (resources/community involvement)
- Some decisions are based on lack of resources in specific communities (need more community based resources)
- Jurisdictional affluence impacts consistency
- Too dependent on finances
- Fairness to individual
- Too many sentencing changes by the legislature
- No way to actually ensure consistency
- Political influence

Analysis Most members voted as high importance and low-medium satisfaction.

Judicial Discretion

0 votes



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- Good if evidence supports
- Must be equal for all
- Exceptional sentences
- The SRA kind of keeps Judges in check
- Allows for limited discretion
- Important when used judicially
- Okay within reason. If they go outside of the laws, should be well-documented
- Allows judge to take into account unique factors and avoid harsh/unjust results

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- Must be consistent
- Too much discretion results in loss of consistency
- Articulate the exceptional sentence
- Judges
- Elected Judges
- Political influence on elected officials
- Subjective
- Sometimes misused

Analysis Most members voted this topic as medium-high importance and medium satisfaction.