



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

Helen Sommers Building, PO Box 43124 • Olympia, Washington 98504-3124 • (360) 902-0425

MEETING MINUTES

June 11, 2021 9:00am – 12:00pm

MS Teams

Members Present:

Hon. J. Wesley Saint Clair, Chair
Hon. Stanley Rumbaugh
Councilmember Phillip Lemley
Kimberly Gordon
Chief Cherie Harris
Hon. Josephine Wiggs-Martin
Jennifer Albright
Senator Jeannie Darneille
Jon Tunheim
Kathleen Harvey
Secretary Cheryl Strange (Dep
Secretary Julie Martin proxy)
Kecia Rongen

Staff:

Keri-Anne Jetzer

Members Absent:

Senator Mike Padden
Rep. Lauren Davis
Rep. Skyler Rude
Sonja Hallum
Tony Golik
Hon. William Houser
Councilmember Derek Young
Greg Link
Hon. Catherine Shaffer
Tim Wettack
Norrie Gregoire

Guest:

Lauren Knoth, WSIPP
Kehaulani Walker, FOTi
Davina Kerrelola, FOTi
Aprille Spies, FOTi

I. CALL TO ORDER

Chair Saint Clair called the meeting to order.

II. APPROVAL OF MINUTES

MOTION #21-50: APPROVE MINUTES FROM MAY 2021 MEETING

MOVED: Kimberly Gordon

SECONDED: Judge Rumbaugh

PASSED: Unanimous

III. EXAMINING WASHINGTON STATE’S SENTENCING GUIDELINES: A REPORT TO THE CRIMINAL SENTENCING TASK FORCE

Chair Saint Clair introduced Dr. Lauren Knoth, Senior Research Associate with the Washington Institute for Public Policy.

Dr. Knoth presented her analyses on the current standard sentencing grid and a standard sentencing grid based on classification levels that was considered by the Sentencing Grid work group within the Criminal Sentencing Task Force. She then provided a comparison of the two grids and spoke about observed sentencing trends and racial disproportionality for non-standard sentences.

Chair Saint Clair said he was very impressed and very appreciative of the work she completed.

Dr. Knoth was asked if she had removed juvenile adjudications from the criminal history score. She explained that no changes were made to the criminal history score, including removing any offenses related to the Blake decision. She noted that type of analysis is included in the study being completed by the Washington Statistical Analysis Center.

Senator Darneille asked how the pathway for these research questions is deployed to different organizations to do the study. Dr. Knoth replied that, largely, it is a practical constraint of where the organizations get their funding to do research projects and provided examples of where the funding comes from for the SAC, WSIPP in general, and for the study she completed for the Criminal Sentencing Task Force. She noted that the real research gap is a system-based study that would follow the same individuals from arrest through incarceration and include a comparison to the general population. She thought both the adult and juvenile systems would benefit from this type of study but noted that type of research would be very resource heavy because Washington doesn’t have a comprehensive, unified data structure.

Chair Saint Clair inquired if Dr. Knoth’s report created a mechanism to allow for updates on the issues of disproportionality with regard to mitigated and aggravated sentences and sentencing alternatives. Dr. Knoth replied that, while the code was written for these data, it could be applied to updated CFC data. She suggested if the SGC had some charts from her study they would like to see updated to contact the CFC as they may be able to include them in its annual Statistical Summary report, for example.

IV. PRETRIAL RELEASE

Keri-Anne reported that the committee has decided to wait any further action until hearing back from Senator Pedersen on when the interim work on the Uniform Pretrial Release and Detention Act will start.

V. [SB 5413](#) - SOLITARY CONFINEMENT

Chair Saint Clair mentioned that there is developing research about the impact of a person being in solitary confinement over a certain number of days. Senator Darneille provided background on the two latest legislative bills related to this topic and believed this will be a topic the Jail Standards Task Force will be taking on. Other states are looking at solitary confinement reform, to either eliminate or restrict its use because of the emotional trauma. The Senator expressed hope that this might be something the SGC might weight in on or provide some leadership in looking at this because it impacts length of stay in confinement and eligibility of early release programs, among other impacts.

Chair Saint Clair said he personally has a great interest in this topic. He mentioned the efforts made by the King County Department of Juvenile and Adult Detention to address their utilization of solitary confinement. He also mentioned that research speaks to the long-lasting impacts of spending time in solitary confinement. He asked members for their thoughts.

Kim Gordon commented that while she was unsure what the goal would be if the SGC looked at the use of solitary confinement, she saw a direct connection between the use of solitary confinement and sentences., i.e. it is a part of some people's sentences. She feels it is important to learn more about how it is used, why it is used, and against whom it is used. After hearing today's presentation, she wondered where else disparity and inequality is hiding in the system and what impact does it have on identifiable populations and their outcomes. On a basic level, she thinks what SGC members want is effective sentencing policy. The purposes of sentencing include rehabilitation and proportionality and the use of solitary confinement impacts that.

Judge Rumbaugh believes the use of solitary confinement is psychologically damaging but commented that he doesn't sentence a person to be incarcerated and placed in solitary confinement. That is a determination made by DOC. He was unsure if the SGC has the expertise to delve into the use of this management tool beyond understanding that there shouldn't be any racial disproportionality in its implementation. At a minimum, he suggested anything that the SGC chooses to investigate related to the use of solitary confinement involve members from corrections and local law enforcement because there are definitely instances when solitary confinement is necessary to protect the health and safety of other incarcerated individuals and of the individuals, themselves.

Chair Saint Clair suggested that learning what the recidivism rate is of persons who experienced solitary confinement would make its connection to sentencing clearer. His view is that operating in silos takes away from the fact that this is a systemic issue that derives from many areas, such as housing, education, and child welfare. If it turns out that those being held in solitary confinement are disproportionately BIPOC people, that shouldn't be ignored because it falls in someone else's department. He acknowledged Judge Rumbaugh's point but thought due diligence in some ways says we need to engage. We are not the experts, he remarked, but we know how to bring

experts to the table. Judge Rumbaugh endorsed all the comments made by Chair Saint Clair

VI. OTHER BUSINESS

Kehaulani Walker, founder of Families of the Incarcerated (FOTi), introduced her organization to the Commission. Aprille Spies is the Vice-President and Davina Kerrelola is the Chief Operating Officer. Ms. Walker shared that the organization was created to offer guidance and assistance to families as they navigate the incarcerative system. There are over 2500 families in their community. Chair Saint Clair remarked that he had participated in some of FOTi's public town hall meetings and was appreciative of the voices that FOTi brings to conversations.

Chair Saint Clair informed members that he had been sent six applications for the vacant Citizen – Victim Witness position. While he doesn't make the decision as to whom to appoint, he was asked for feedback by the Boards and Commissions Office.

VII. ADJOURNMENT

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION



7/9/2021

Judge J. Wesley Saint Clair, Chair

Date