

Sentencing Guidelines Grid Sub-Group: Initial Discussions

QUESTIONS UNDER CONSIDERATION

1. How many grids should there be?
2. What are the axes?
3. What is the appropriate range for grid cells?
4. How can judges move within the grid?
5. What information is available to judges at sentencing?

QUESTIONS UNDER CONSIDERATION

1. How many grids should there be?

- a. Separate violent and non-violent?
- b. Separate drug grid?
- c. Separate grid by type of offense?

2. What are the axes?

- a. Horizontal – current or modified criminal history score
- b. Vertical – offense seriousness level; felony class
- c. Should there be two vertical axes?

3. What is the appropriate range for grid cells?

- a. Should some cells be collapsed?
- b. Should the ranges be widened?

QUESTIONS UNDER CONSIDERATION

1. How many grids should there be?

- a. Working group supports Grid Subgroup's suggestion of having a single grid for all non-drug offenses
- b. Considering impacts of incorporating drug offenses into single grid

2. What are the axes?

- a. Criminal History Score under review by OFM's Statistical Analysis Center
 - I. Multipliers
 - II. Juvenile adjudications
- b. Vertical – offense seriousness level or a +/- felony class system
- c. Working group supports Grid Subgroup's suggestion to incorporate second vertical classification for "zones"

3. What is the appropriate range for grid cells?

- a. Considering collapsing some cells at lower end of the grid
- b. Exploring ways to expand ranges within each cell

Felony Sentencing Grid

Criminal History Score

Zone	Felony Class	0	1	2	3	4	5	6	7	8	9+
Zone 4	A+										
	A										
	A-										
Zone 3	B+										
	B										
Zone 2	B-										
	C+										
	C										
Zone 1	C-										
	D+										
	D										
	D-										

Current felony class ranges from A – C and does not have a +/- system.

Unranked offenses could be incorporated or added as separate class.

*Colors of zones are purely illustrative

Felony Sentencing Grid

Criminal History Score

Zone	Felony Class	0	1	2	3	4	5	6	7	8	9+
Zone 4	A+	Blue									
	A	Blue									
	A-	Blue									
Zone 3	B+	Green	Green	Green	Green	Green	Green	Blue	Blue	Blue	Blue
	B	Green	Green	Green	Green	Green	Green	Blue	Blue	Blue	Blue
Zone 2	B-	Purple	Purple	Purple	Purple	Green	Green	Green	Green	Green	Green
	C+	Purple	Purple	Purple	Purple	Purple	Purple	Green	Green	Green	Green
	C	Purple	Green	Green	Green						
Zone 1	C-	Orange	Orange	Orange	Orange	Purple	Purple	Purple	Purple	Purple	Purple
	D+	Orange	Orange	Orange	Orange	Orange	Orange	Purple	Purple	Purple	Purple
	D	Orange	Purple	Purple							
	D-	Orange									

Illustration of possible collapsing of cells for less serious offenses.

*Colors of zones are purely illustrative

Felony Sentencing Grid
Criminal History Score

Zone	Offense seriousness	Criminal History Score									
		0	1	2	3	4	5	6	7	8	9+
Zone A	XVI	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
	XV	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
	XIV	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
	XIII	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
Zone B	XII	Green	Green	Green	Green	Green	Green	Green	Blue	Blue	Blue
	XI	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
	X	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
	IX	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Zone C	VIII	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Green	Green	Green
	VII	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Green	Green	Green
	VI	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Green	Green
	V	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Green
	IV	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Green
Zone D	III	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Purple
	II	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange
	I	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange

Maintains current Offense Seriousness Levels.

Unranked offenses could be incorporated into the 16 OSLs.

*Colors of zones are purely illustrative

Felony Sentencing Grid
Criminal History Score

Zone	Offense seriousness	Criminal History Score									
		0	1	2	3	4	5	6	7	8	9+
Zone A	XVI	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
	XV	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
	XIV	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
	XIII	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
Zone B	XII	Green	Green	Green	Green	Green	Green	Green	Blue	Blue	Blue
	XI	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
	X	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
	IX	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Zone C	VIII	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Green	Green	Green
	VII	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Green	Green	Green
	VI	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Green	Green
	V	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Purple
Zone D	IV	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Purple	Purple
	III	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange
	II	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange
	I	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange

Illustration of potential to collapse cells for less serious offenses

*Colors of zones are purely illustrative

BI-LEVEL GRIDS

- [Pennsylvania](#)
- [US Federal Courts](#)
- “Zones” – identified by different colors on the proposed grids
- Allows for policy decisions that move diagonally across the grid
 - Incorporating alternatives to incarceration
 - Relaxing or restricting judicial discretion

REMAINING QUESTIONS

1. How can judges move within the grid?
 - a. Aggravating vs mitigating
 - b. Acceptable departure range below or above the range
 - c. Enhancements
 - d. Sentencing alternatives
 - e. Sentencing for young adults

2. What information is available to judges at sentencing?
 - a. Pre-sentence investigations – scope and availability

PROPOSAL FOR RESEARCH

- Working group is narrowing options for reform, but is interested in assessing the potential impacts of different options to make data-driven recommendations.
- Proposal to contract with WSIPP to complete a report examining impacts of potential reform options as they relate to:
 - Increases or decreases in incarceration rates and/or sentence lengths
 - Potential shifts of prison populations to local jails
 - Disparate impacts by age and race/ethnicity
- CFC will provide some support for data analysis. WSIPP would use their Criminal History Database to complete additional analyses, compiling the findings into a comprehensive report.

THANK YOU

Questions?