

Sentencing Guidelines Grid Sub-Group: Decision Points, Considerations, and Research

Alternate title: Grid 102

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Criminal Sentencing
Task Force

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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?

DESIRED OUTCOMES UNDER CONSIDERATION

1. **Balanced discretion**
2. **Predictability** for all parties
3. **Reduce unnecessary incarcerations** while addressing accountability
4. **Avoid shift to jails** from state prisons
5. Balance **costs and workload** requirements
6. Availability of **adequate resources** for DOC and counties
7. Eliminate **unnecessary complexity**
8. **Reduce/eliminate disparities and disproportionate impacts**
9. Increase access to information for **informed decision-making**

QUESTIONS UNDER CONSIDERATION

1. How many grids should there be?

- a. One felony grid with separate drug grid? **(CURRENT SYSTEM)**
- b. Separate violent and non-violent?

SEPARATE VIOLENT AND NON-VIOLENT

Arizona

NON-DANGEROUS OFFENSES—§ 13-702					
Class	First Offense—§ 13-702(D)				
	MIT*	MIN	P	MAX	AGG*
2	3	4	5	10	12.5
3	2	2.5	3.5	7	8.75
4	1	1.5	2.5	3	3.75
5	.5	.75	1.5	2	2.5
6	.33	.5	1	1.5	2

 Probation eligible, except for drug offenses in which the amount exceeds the statutory threshold pursuant to § 13-3405(C), § 13-3407(D), (E), (F) & (G), or § 13-3408 (D) & (E)

DANGEROUS OFFENSES—§ 13-704									
Class	First Offense § 13-704(A)			One Historical Prior § 13-704(B),(D)			Two Historical Priors § 13-704(C),(E)		
	MIN	P	MAX	MIN	P	MAX	MIN	P	MAX
2	7	10.5	21	14	15.75	28	21	28	35
3	5	7.5	15	10	11.25	20	15	20	25
4	4	6	8	8	10	12	12	14	16
5	2	3	4	4	5	6	6	7	8
6	1.5	2.25	3	3	3.75	4.5	4.5	5.25	6

SEPARATE VIOLENT AND NON-VIOLENT

What is a violent offense?

Offense Description	Class	Offense SL	Offense	Violent	Sex	Crimes
			RCW 9.94A.030	Offense RCW 9.94A.030	Offense RCW 9.94A.030	against persons RCW 9.94A.411
AGGRAVATED MURDER 1	A	16	X	X		X
HOMICIDE BY ABUSE	A	15	X	X		
MALICIOUS EXPLOSION 1	A	15		X		
MURDER 1	A	15	X	X		X
MURDER 2	A	14	X	X		X
TRAFFICKING 1ST DEGREE	A	14		X		
MALICIOUS EXPLOSION 2	A	13		X		
MALICIOUS PLACEMENT OF EXPLOSIVES 1	A	13		X		
ASSAULT 1	A	12	X	X		X
ASSAULT OF A CHILD 1	A	12	X	X		X
COMMER SEX ABUSE A MINOR - PROMOTE	A	12		X	X	
RAPE 1	A	12	X	X	X	X
RAPE OF A CHILD 1	A	12		X	X	X
TRAFFICKING 2ND DEGREE	A	12		X		
MALICIOUS PLACEMENT OF IMITATION DEVICE 1	B	12				

SEPARATE VIOLENT AND NON-VIOLENT

Pennsylvania

Level	OGS	Example Offenses	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder (SBI) Rape (victim <13 yrs)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	-/- 12
	13	Inchoate Murder (No SBI) Weapons Mass Destr-Use PWID Cocaine (>1,000 g)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
	12	Rape-Forcible Compulsion IDSI-Forcible Compulsion Robbery-inflicts SBI	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	Agg Assault-Cause SBI Voluntary Manslaughter Sexual Assault PWID Cocaine (100-1,000 g)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
	10	Kidnapping Agg Indecent Assault F2 Arson-Person in Building Hom by Vehicle-DUI & Work Zone PWID Cocaine(50-<100 g)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120	+/- 12
	9	Sexual Exploitation of Children Robbery-Commit/Threat F1/F2 Burglary-Home/Person Present Arson-No Person in Building	12-24 BC	18-30 BC	24-36 BC	30-42 BC	36-48 BC	48-60	60-72	120	+/- 12
LEVEL 4 State Incar / RIP trade	8 (F1)	Agg Assault -Attempt/Cause BI w/DW Theft (Firearm) Identity theft (3rd/+ & Vic>=60 yrs) Hom by Veh-DUI or Work Zone Theft (>=\$500,00) PWID Cocaine (10-<50 g)	9-16 BC	12-18 BC	15-21 BC	18-24 BC	21-27 BC	27-33 BC	40-52	NA	+/- 9
	7 (F2)	Robbery-inflicts/Threatens BI Burglary-Home/No Person Present Assault by Prisoner Theft (\$100,000-<\$500,000) Identity Theft (3rd/subq) PWID Cocaine (5-<10 g)	6-14 BC	9-16 BC	12-18 BC	15-21 BC	18-24 BC	24-30 BC	35-45 BC	NA	+/- 6
LEVEL 3 State / Cnty Incar RIP trade	6	Agg Assault-Cause Fear of SBI Homicide by Vehicle Burglary-Not a Home/Person Prsnt Theft (>\$25,000-<\$100,000) Arson-Endanger Property PWID Cocaine (2<5 g)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA	+/- 6
	5 (F3)	Burglary F2 Theft (>\$2000-\$25,000) DUI (M1) PWID Marij (1-<10 lbs)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 BC	NA	+/- 3
LEVEL 2 Cnty Incar RIP RS	4	Indecent Assault M2 Forgery (Money, Stocks) Weapon on School Property Crim Trespass F2	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA	+/- 3
	3 (M1)	Simple Assault-Attempt/Cause BI Theft (\$200-\$2000) Carrying Explosives Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA	+/- 3
	2 (M2)	Theft (\$50-\$200) Retail Theft (1st/2nd Offense)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6-<12	NA	+/- 3

QUESTIONS UNDER CONSIDERATION

1. How many grids should there be?

- a. One felony grid with separate drug grid? **(CURRENT SYSTEM)**
- b. ~~Separate violent and non-violent?~~
 - Increases complexity – which grid to use when?
 - Potential long-term issues – legislature forced to decide which grid things go on
 - What is violent? What is non-violent?
 - Can achieve benefits within a single grid
- c. Separate grid by type of offense?

GRID BY TYPE OF OFFENSE

Virginia

[Virginia Sentencing Guidelines](#)

QUESTIONS UNDER CONSIDERATION

1. How many grids should there be?

- a. One felony grid with separate drug grid? **(CURRENT SYSTEM)**
- ~~b. Separate violent and non-violent?~~
 - Increases *complexity* – which grid to use when?
 - Potential long-term issues – legislature forced to decide which grid things go on
 - What is violent? What is non-violent?
 - Can achieve benefits within a single grid
- ~~c. Separate grid by type of offense?~~
 - a. Significantly increases *complexity* and the potential for errors
 - b. Potential long-term issues – legislature forced to define crimes to fit in a particular grid
 - c. Could exacerbate *disparity* if there are differences in the distribution of race by type of crime

QUESTIONS UNDER CONSIDERATION

2. What are the axes?

a. Horizontal axis (columns)

- I. Current criminal history score
- II. Modified criminal history score (e.g., eliminating multipliers)
- III. New criminal history score
 - May even incorporate new categories like PA REVOC
- IV. Broader risk score encompassing characteristics other than prior record (e.g., age at first conviction or time since last conviction)

This discussion is on hold pending research findings from OFM's SAC

QUESTIONS UNDER CONSIDERATION

2. What are the axes?

a. Vertical axis (rows)

I. Offense Seriousness Level (CURRENT SYSTEM)

- 16 seriousness levels
- Concerns:
 - Current classifications are arbitrary, and may be unnecessarily complex
 - OSL doesn't mean anything to most people, thus not predictable
 - Already have multiple other offense classifications: felony class, violent, serious violent, sex offense, crimes against persons

QUESTIONS UNDER CONSIDERATION

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- 16 seriousness levels
- Concerns:
 - *Unnecessary complexity* - Current classifications are arbitrary
 - *Not predictable* - OSL doesn't mean anything to most people,
 - *Unnecessary complexity* - Already have multiple other offense classifications: felony class, violent, serious violent, sex offense, crimes against persons
 - *Unbalanced discretion and possible disparity* – 300+ unranked offenses, including 3 class A felonies and 99 Class B felonies

QUESTIONS UNDER CONSIDERATION

2. What are the axes?

a. Vertical axis (rows)

- I. Offense Seriousness Level (CURRENT SYSTEM)
- II. Modified Offense Seriousness Level
 - US Federal System – 43 seriousness levels
 - Could reclassify to be *more consistent/predictable*, group based on other classifications to streamline. E.g., make highest OSL's all violent crimes.
 - *Shift to jail* – expanding the grid could lead to more offenses with confinement less than 1 year
 - Increases *complexity* – have to be sure that new OSL doesn't exceed stat max by class

QUESTIONS UNDER CONSIDERATION

2. What are the axes?

a. Vertical axis (rows)

I. Offense Seriousness Level (CURRENT SYSTEM)

~~II. Modified Offense Seriousness Level~~

III. Felony Class

- Currently 3 classes: A, B, C
 - Juvenile System has +/-
- Concerns:
 - Legislature assigned class with concern about stat max, not relative seriousness to other offenses
 - Switching to felony class would reorder relative seriousness of some offenses

QUESTIONS UNDER CONSIDERATION

2. What are the axes?

a. Offense Description	Class	Offense SL
CHILD MOLEST 1	A	10
INDECENT LIBERTIES WITH FORCE	A	10
KIDNAPPING 1	A	10
LEADING ORGANIZED CRIME	A	10
SEXUALLY VIOLENT PREDATOR ESCAPE	A	10
CRIMINAL MISTREATMENT 1	B	10
MALICIOUS EXPLOSION 3	B	10
EXPLOSIVE DEVICES PROHIBITED	A	9
HOMICIDE BY WATERCRAFT-DRUNK	A	9
ROBBERY 1	A	9
ABANDON DEPENDENT PERSONS 1	B	9
ASSAULT OF A CHILD 2	B	9
CONTROLLED SUBSTANCE HOMICIDE	B	9*
HIT AND RUN - DEATH	B	9
INCITING CRIMINAL PROFITEERING	B	9
MALICIOUS PLACEMENT OF EXPLOSIVES 2	B	9
SEXUAL EXPLOITATION OF A MINOR	B	9

t max, not
seriousness

QUESTIONS UNDER CONSIDERATION

2. What are the axes?

a. Vertical axis (rows)

- I. Offense Seriousness Level (CURRENT SYSTEM)
- II. ~~Modified Offense Seriousness Level~~
- III. Felony Class
- IV. Should there be more than one vertical axis?

MULTIPLE VERTICAL AXES

Pennsylvania

Level	OGS	Example Offenses	Prior Record Score								REVO	AGG/MIT
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	10	Kidnapping Agg Indecent Assault F2 Arson-Person in Building Hom by Vehicle-DUI & Work Zone PWID Cocaine(50-<100 g)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120	+/- 12	
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	3 (M1)	Simple Assault-Attempt/Cause BI Theft (\$200-\$2000) Carrying Explosives Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA	+/- 3	
	2 (M2)	Theft (\$50-<\$200) Retail Theft (1st/2nd Offense)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6-<12	NA	+/- 3	

MULTIPLE VERTICAL AXES

US Federal System

Offense Level	Criminal History Category (Criminal History Points)					
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
1	0-6	0-6	0-6	0-6	0-6	0-6
2	0-6	0-6	0-6	0-6	0-6	1-7
3	0-6	0-6	0-6	0-6	2-8	3-9
4	0-6	0-6	0-6	2-8	4-10	6-12
5	0-6	0-6	1-7	4-10	6-12	9-15
6	0-6	1-7	2-8	6-12	9-15	12-18
7	0-6	2-8	4-10	8-14	12-18	15-21
8	0-6	4-10	6-12	10-16	15-21	18-24
9	4-10	6-12	8-14	12-18	18-24	21-27
10	6-12	8-14	10-16	15-21	21-27	24-30
11	8-14	10-16	12-18	18-24	24-30	27-33
12	10-16	12-18	15-21	21-27	27-33	30-37
13	12-18	15-21	18-24	24-30	30-37	33-41
14	15-21	18-24	21-27	27-33	33-41	37-46
15	18-24	21-27	24-30	30-37	37-46	41-51
16	21-27	24-30	27-33	33-41	41-51	46-57
17	24-30	27-33	30-37	37-46	46-57	51-63
18	27-33	30-37	33-41	41-51	51-63	57-71
19	30-37	33-41	37-46	46-57	57-71	63-78
20	33-41	37-46	41-51	51-63	63-78	70-87
21	37-46	41-51	46-57	57-71	70-87	77-96
22	41-51	46-57	51-63	63-78	77-96	84-105
23	46-57	51-63	57-71	70-87	84-105	92-115
24	51-63	57-71	63-78	77-96	92-115	100-125
25	57-71	63-78	70-87	84-105	100-125	110-137
26	63-78	70-87	78-97	92-115	110-137	120-150
27	70-87	78-97	87-108	100-125	120-150	130-162
28	78-97	87-108	97-121	110-137	130-162	140-175
29	87-108	97-121	108-135	121-151	140-175	151-188
30	97-121	108-135	121-151	135-168	151-188	168-210
31	108-135	121-151	135-168	151-188	168-210	188-235
32	121-151	135-168	151-188	168-210	188-235	210-262

Zone A

Zone B

Zone C

Zone D

QUESTIONS UNDER CONSIDERATION

2. What are the axes?

a. Vertical axis (rows)

I. Offense Seriousness Level (CURRENT SYSTEM)

~~II. Modified Offense Seriousness Level~~

III. Felony Class

IV. Should there be more than one vertical axis?

- “Zones” could work with either the felony or OSL based system
- Allows more *discretion* and can make *alternatives to incarceration* more explicit on the grid.
- Can reduce or relax judicial *discretion*
- Potential to *reduce disparity* associated with criminal history.
- Increases *complexity*, but that may be good if achieving other goals

QUESTIONS UNDER CONSIDERATION

Putting the first two questions together:

- Single felony grid, keeping drug grid separate
- Rows based on felony class or offense seriousness level
- Potential incorporation of second vertical axis that moves diagonally – calling these “Zones”

Research examining distribution under two different grid systems

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	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	Purple						
	D+	Orange	Orange	Orange	Orange	Orange	Orange	Purple	Purple	Purple	Purple
	D	Orange	Purple	Purple							
	D-	Orange									
	D-	Orange									

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

QUESTIONS UNDER CONSIDERATION

3. What is the appropriate range for grid cells?

- a. Expand range above and below by consistent amount (20%)
 - Larger ranges mean sentences are less *predictable*
 - Increasing upper end *could increase incarceration* lengths
 - Decreasing lower end *could increase jail sentences*
 - Increasing punishments would prevent making new system *retroactive*
 - Increased range could increase/exacerbate *disparity*
- b. Expand range unequally – e.g., 20% minimum but only 10% maximum
 - Larger ranges mean sentences are less *predictable*
 - Increasing upper end *could increase incarceration* lengths
 - Decreasing lower end *could increase jail sentences*
 - Increasing punishments would prevent making new system *retroactive*
 - Increased range could increase/exacerbate *disparity*
 - BUT, impacts likely lesser than option a
 - Concern about political feasibility
- c. Should some cells be collapsed?

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									

Should we collapse cells for less serious offenses?

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	0	1	2	3	4	5	6	7	8	9+
Zone A	XVI										
	XV										
	XIV										
	XIII										
Zone B	XII										
	XI										
	X										
	IX										
Zone C	VIII										
	VII										
	VI										
	V										
	IV										
Zone D	III										
	II										
	I										

Should we collapse cells for less serious offenses?

Illustration of potential to collapse cells for less serious offenses

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QUESTIONS UNDER CONSIDERATION

4. How can judges move within the grid?

- a. Aggravating and mitigating, limited only by stat max (**CURRENT SYSTEM**)
- b. Modified aggravating and mitigating with predetermined acceptable range
 - Puts additional limits on the acceptable length of stay that may be added or reduced
 - Could be incorporated directly into the grid and vary by offense seriousness

LIMITS ON AGGRAVATING AND MITIGATING

Arizona

NON-DANGEROUS OFFENSES—§ 13-702					
Class	First Offense—§ 13-702(D)				
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2	3	4	5	10	12.5
3	2	2.5	3.5	7	8.75
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2	7	10.5	21	14	15.75	28	21	28	35
3	5	7.5	15	10	11.25	20	15	20	25
4	4	6	8	8	10	12	12	14	16
5	2	3	4	4	5	6	6	7	8
6	1.5	2.25	3	3	3.75	4.5	4.5	5.25	6

LIMITS ON AGGRAVATING AND MITIGATING

Oregon

Crime Seriousness	A	B	C	D	E	F	G	H	I	Prob Term	Max Depart	PPS
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	5 Years	Max Depart	3 Years
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	3 Years	18 Mos.	2 Years
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90			
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90	2 Years	12 Mos.	1 Year
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60			
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60	2 Years	6 Mos.	1 Year
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30			
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	1 ½ Years	6 Mos.	1 Year
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30			



QUESTIONS UNDER CONSIDERATION

4. How can judges move within the grid?

- a. Aggravating and mitigating, limited only by stat max (**CURRENT SYSTEM**)
- b. Modified aggravating and mitigating with predetermined acceptable range
 - Maintains judicial *discretion*, but puts some limits to make outcomes more predictable
 - Makes mitigated and aggravated sentence ranges more *transparent*, less *complex*
- c. Integrate alternatives to incarceration explicitly into the grid

SENTENCING ALTERNATIVES

Pennsylvania

Level	OGS	Example Offenses	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOG	AGG/MIT
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder (SBI) Rape (victim <13 yrs)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	-/- 12
	13	Inchoate Murder (No SBI) Weapons Mass Destr-Use PWID Cocaine (>1,000 g)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
	12	Rape-Forcible Compulsion IDSI-Forcible Compulsion Robbery-inflicts SBI	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	Agg Assault-Cause SBI Voluntary Manslaughter Sexual Assault PWID Cocaine (100-1,000 g)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
	10	Kidnapping Agg Indecent Assault F2 Arson-Person in Building Hom by Vehicle-DUI & Work Zone PWID Cocaine(50-<100 g)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120	+/- 12
	9	Sexual Exploitation of Children Robbery-Commit/Threat F1/F2 Burglary-Home/Person Present Arson-No Person in Building	12-24 BC	18-30 BC	24-36 BC	30-42 BC	36-48 BC	48-60	60-72	120	+/- 12
LEVEL 4 State Incar / RIP trade	8 (F1)	Agg Assault -Attempt/Cause BI w/DW Theft (Firearm) Identity theft (3rd/+ & Vic>=60 yrs) Hom by Veh-DUI or Work Zone Theft (>=\$500,00) PWID Cocaine (10-<50 g)	9-16 BC	12-18 BC	15-21 BC	18-24 BC	21-27 BC	27-33 BC	40-52	NA	+/- 9
	LEVEL 3 State / Cnty Incar RIP trade	7 (F2)	Robbery-inflicts/Threatens BI Burglary-Home/No Person Present Assault by Prisoner Theft (\$100,000-<\$500,000) Identity Theft (3rd/subq) PWID Cocaine (5-<10 g)	6-14 BC	9-16 BC	12-18 BC	15-21 BC	18-24 BC	24-30 BC	35-45 BC	NA
6		Agg Assault-Cause Fear of SBI Homicide by Vehicle Burglary-Not a Home/Person Prsnt Theft (>\$25,000-<\$100,000) Arson-Endanger Property PWID Cocaine (2<5 g)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA	+/- 6
LEVEL 2 Cnty Incar RIP RS	5 (F3)	Burglary F2 Theft (>\$2000-\$25,000) DUI (M1) PWID Marij (1-<10 lbs)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 BC	NA	+/- 3
	4	Indecent Assault M2 Forgery (Money, Stocks) Weapon on School Property Crim Trespass F2	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA	+/- 3
	3 (M1)	Simple Assault-Attempt/Cause BI Theft (\$200-\$2000) Carrying Explosives Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA	+/- 3
	2 (M2)	Theft (\$50-<\$200) Retail Theft (1st/2nd Offense)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6-<12	NA	+/- 3

QUESTIONS UNDER CONSIDERATION

4. How can judges move within the grid?

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- b. Modified aggravating and mitigating with predetermined acceptable range
 - Maintains judicial discretion, but puts some limits to make outcomes more predictable
 - Makes mitigated and aggravated sentence ranges more transparent, less complex
- c. Integrate alternatives to incarceration explicitly into the grid
 - Increases judicial *discretion*
 - Potential to *reduce incarceration* while avoiding jail shift
 - More sentencing options may decrease *predictability* and make grid more *complex*
 - Could integrate alternatives for portions of grid that show large racial disproportionality to *reduce disproportionate incarceration outcomes*.
 - May not have sufficient *resources* to expand sentencing alternatives

Research will examine distribution of agg/mit sentences and sentencing alternatives

REMAINING QUESTIONS

1. What information is available to judges at sentencing?
 - a. Pre-sentence investigations – scope and availability
 1. PSI primarily for sex offenses or mentally ill defendants (CURRENT SYSTEM)
 2. PSIs for all violent offenses?
 3. PSI's for all non-violent offenses?
 4. Sentencing risk assessment instruments
 5. Sentencing risk assessment explicitly for diversion only
 6. Sentencing risk assessment to direct PSI resources

RESEARCH FORTHCOMING

- Contract with WSIPP (in coordination with CFC) to complete a report examining impacts of potential reform options as they relate to:
 - Increases or decreases in incarceration rates and/or sentence lengths based on potential grid change options
 - Potential shifts of prison populations to local jails
 - Disparate impacts by race/ethnicity
- Information will be provided to help inform discussions about:
 - Potential placement of new “zones”
 - Impact of capping aggravating and mitigating departure amounts
 - Use and availability of sentencing alternatives

THANK YOU

Questions?