

# Examining Washington State's Sentencing Guidelines

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WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY

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Criminal  
Sentencing  
Task Force

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# WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY

Non-partisan research at legislative/board direction

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# PURPOSE

## Review results from examination of the components of Washington State's Sentencing Guideline Grids.

Various analyses to assist with future conversations about grid reforms.

Focus on standard, non-drug sentences, but also exceptional sentences, enhancements, and sentencing alternatives.

Racial disproportionality findings for each section of analysis.

### Examining Washington State's Sentencing Guidelines: *A Report for the Criminal Sentencing Task Force*

In 2019, the legislature established the Washington State Criminal Sentencing Task Force (CSTF) through ESHB 1109.<sup>1</sup> The establishing statute directed the CSTF to "review state sentencing laws" and to "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."<sup>2</sup>

The CSTF established a working group to develop proposals for reforming the current sentencing guidelines within the Washington State Sentencing Reform Act (Chapter 9.94A RCW). As a part of this work, the CSTF contracted with the Washington State Institute for Public Policy (WSIPP) to complete a report examining sentencing outcomes for individuals using the current sentencing guidelines grid and potential sentencing outcomes for individuals using a modified version of the guidelines grid.

This report is organized into five sections. **Section I** provides an overview of current sentencing policies in Washington State. **Section II** provides an overview of the proposed modifications to the sentencing guidelines grid that arose from the CSTF meetings. **Section III** compares sentencing outcomes for standard non-drug sentences under the current guideline structure to outcomes under a modified guideline structure. **Section IV** examines trends in sentencing outcomes for non-standard sentences. Both **Sections III** and **IV** include an analysis of racial disproportionality.

#### Summary

The Washington State Criminal Sentencing Task Force (CSTF) was directed to review the state's sentencing laws. To better understand the landscape of sentencing in Washington and the potential impacts of reforming the state's sentencing laws, the CSTF contracted with WSIPP to examine felony sentencing in Washington State Superior Courts. The purpose of this report is to provide analytic data to assist with future policy discussions within the CSTF.

Using data from the Caseload Forecast Council, this report reviews the outcomes from FY 2019 felony sentences. Specifically, the report examines how standard, non-drug sentences vary across the current offense seriousness level-based sentencing guideline grid. The report also examines how sentences may vary across and alternative, felony class-based guideline grid.

This report includes an examination of racial disproportionality in sentencing outcomes for standard sentences in the current and alternative guideline grids and for non-standard sentences including enhancements, exceptional sentences, and sentencing alternatives.

In general, the report found that average sentence lengths and incarceration rates may decrease under a class-based grid. However, racial disproportionality in sentencing outcomes was present under both grid systems.

Suggested citation: Knoth, L. (2021). *Examining Washington State's sentencing guidelines: A report for the Criminal Sentencing Task Force (Document Number 21-05-1901)*. Olympia: Washington State Institute for Public Policy.

# WHY THIS RESEARCH?

Early subgroup conversations exposed desire for additional information.

- How many cases would be affected by a particular decision?
- Where are the gaps?
- Are there differences in outcomes across the grid?

Narratives/Case Studies vs. Analytic Data

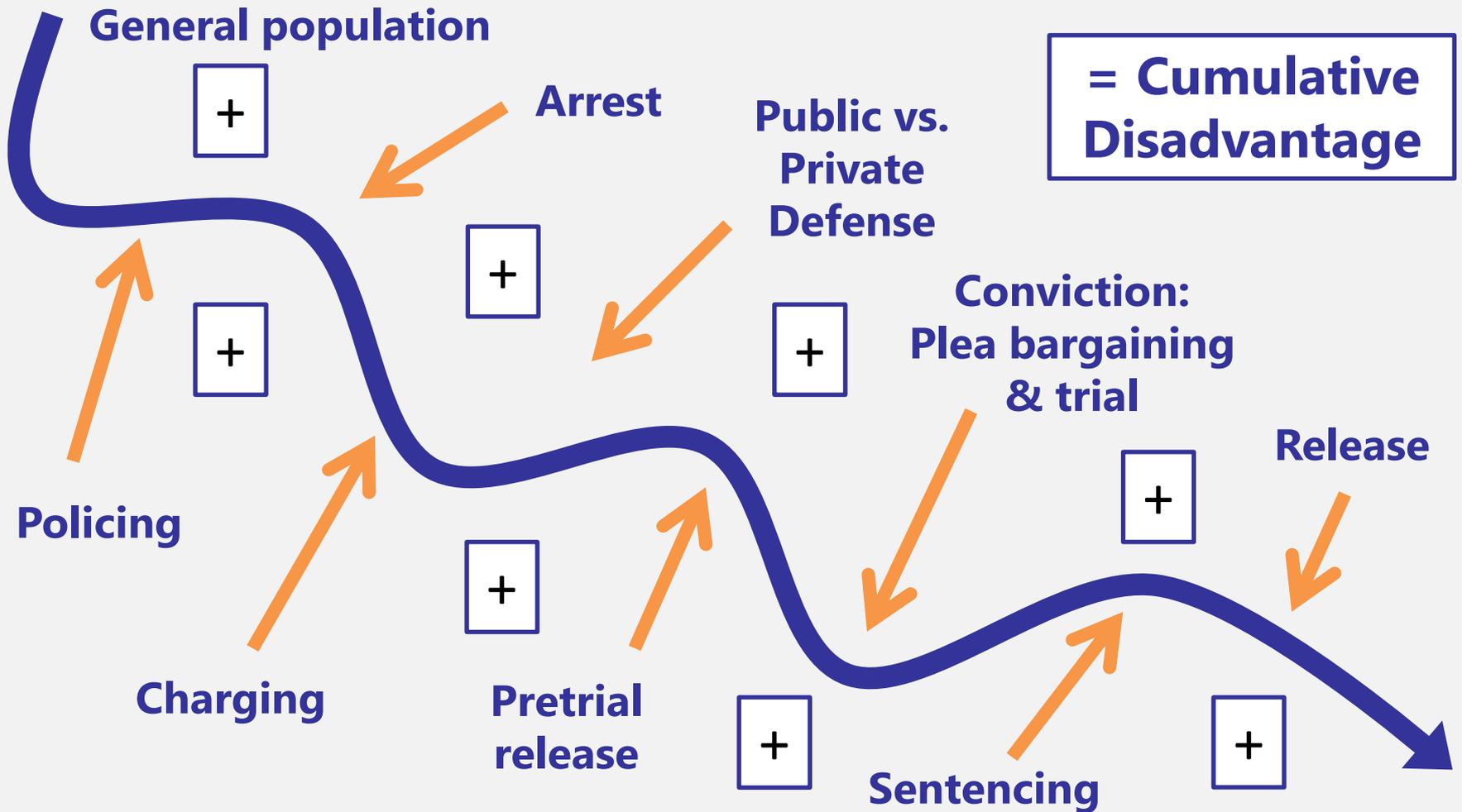
- **Both are important**
- Narratives are key to understanding what we see in analytic data
- Analytic data key to understanding averages and general landscape
- Narratives/case studies may be outliers
- Analytic data may identify important “exceptions” to the “rules”

Understanding differences across the grid may help anticipate consequences of reforms

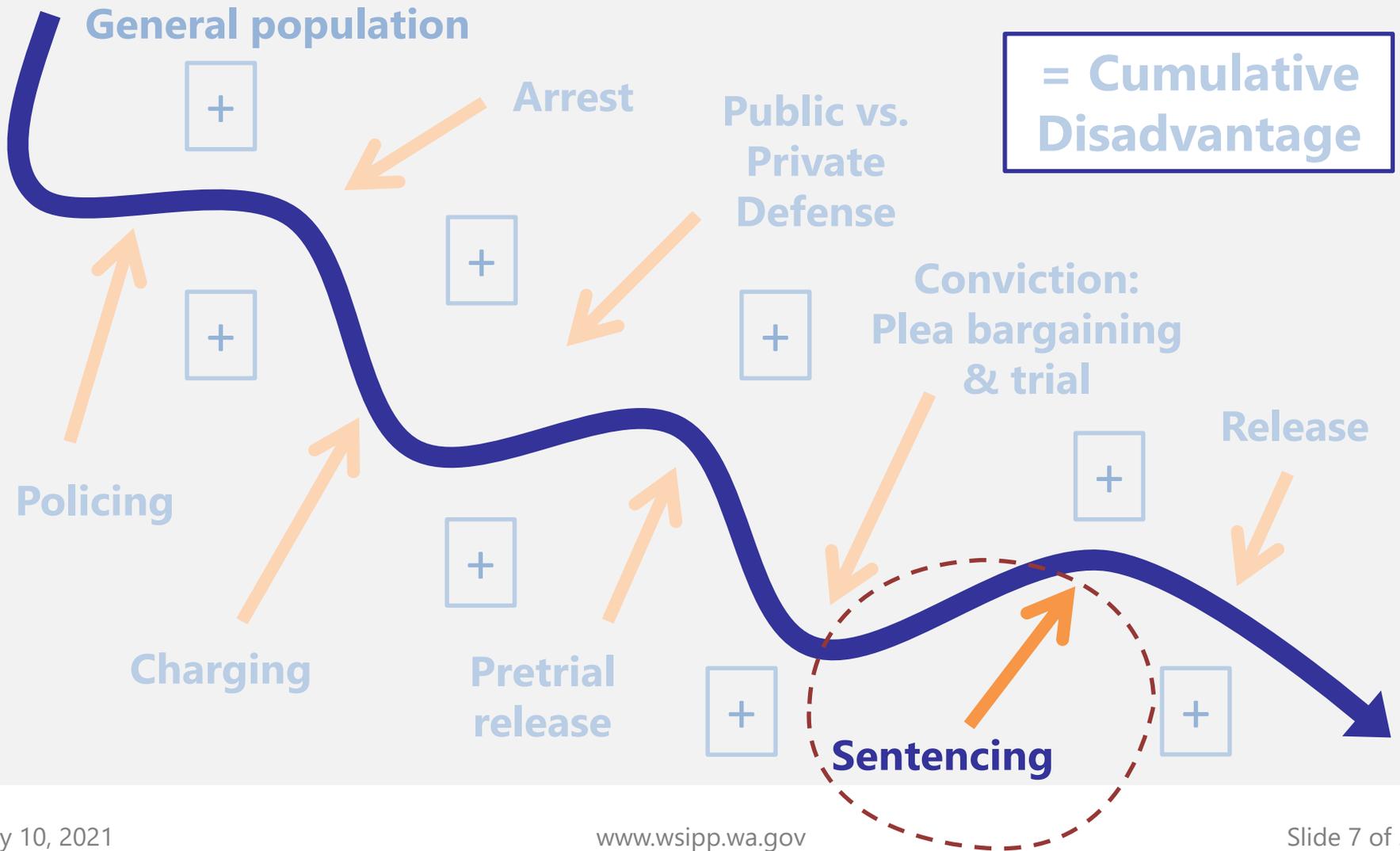
# REVISITING KEY TERMS

- ✓ Discretion: freedom/leeway an individual or an organization has to make decisions
- ✓ Racial disproportionality: when the proportion of a racial/ethnic group within the control of the system is greater than the proportion of such groups in the general population. This is a state of being.
- ✓ Racial disparity: when the ratio of one racial/ethnic group experiencing an event is not equal to the ratio of another racial or ethnic group who experienced the same event. Question of equality in treatment.

# UPSTREAM AND DOWNSTREAM



# UPSTREAM AND DOWNSTREAM



# REVISITING SUBGROUP DISCUSSIONS

- 1. How many grids should there be?**
- 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? “Zones”
- 3. What is the appropriate range for grid cells?**
  - a. Should some cells be collapsed?
  - b. Should the ranges be widened?
- 4. 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
- 5. What information is available to judges at sentencing?**
  - a. Pre-sentence investigations – scope and availability

# REVISITING SUBGROUP DISCUSSIONS

## Desired Outcomes

- 1) Balanced discretion throughout the system,
- 2) Predictability for all parties,
- 3) *Reducing unnecessary incarcerations,*
- 4) *Avoiding shifts to jails,*
- 5) Balancing costs and workload requirements,
- 6) Ensuring adequate resources for DOC and local counties,
- 7) Eliminating unnecessary complexity,
- 8) *Reducing/eliminating disparities and disproportionate impacts,*
- 9) Increasing informed decision-making, and
- 10) Ensuring public safety.

# APPROACH TO THE REPORT

- Descriptive statistics, not causal analyses
  - Helpful to answer the “what” questions, but not all of the “why” or “how” questions
  - For racial analyses, we use the term disproportionality rather than disparity
- Analyses examine different components of the grid
- Not intended to be exhaustive examination of potential options
- Examination of criminal history score (CHS) is very limited

# APPROACH TO THE REPORT

- Examines standard, non-drug sentences on the current **offense seriousness level**-based grid
- Examines standard, non-drug sentences on an alternative, **felony class-based grid**
- Separately examines sentences with ***sentencing enhancements***, ***exceptional sentences***, ***sentencing alternatives***, and ***unranked offenses***

# Offense Seriousness Level Grid

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# CURRENT SL-BASED GRID

		Criminal history score (CHS)									
		0	1	2	3	4	5	6	7	8	9+
Offense seriousness level (SL)	XVI	Life sentence without parole/death penalty for individuals at over the age of 18. For those under the age of 18, a term of 25 years to life.									
	XV	280 m	291.5 m	304 m	316 m	327.5 m	339.5 m	364 m	394 m	431.5 m	479.5 m
		240 - 320	250 - 333	261 - 347	271 - 361	281 - 374	291 - 388	312 - 416	338 - 450	370 - 493	411 - 548
	XIV	171.5 m	184 m	194 m	204 m	215 m	225 m	245 m	266 m	307 m	347.5 m
		123 - 220	134 - 234	144 - 244	154 - 254	165 - 265	175 - 275	195 - 295	216 - 316	257 - 357	298 - 397
	XIII	143.5 m	156 m	168 m	179.5 m	192 m	204 m	227.5 m	252 m	299.5 m	347.5 m
		123 - 164	134 - 178	144 - 192	154 - 205	165 - 219	175 - 233	195 - 260	216 - 288	257 - 342	298 - 397
	XII	108 m	119 m	129 m	140 m	150 m	161 m	189 m	207 m	243 m	279 m
		93 - 123	102 - 136	111 - 147	120 - 160	129 - 171	138 - 184	162 - 216	178 - 236	209 - 277	240 - 318
	XI	90 m	100 m	110 m	119 m	129 m	139 m	170 m	185 m	215 m	245 m
		78 - 102	86 - 114	95 - 125	102 - 136	111 - 147	120 - 158	146 - 194	159 - 211	185 - 245	210 - 280
	X	59.5 m	66 m	72 m	78 m	84 m	89.5 m	114 m	126 m	150 m	230.5 m
		51 - 68	57 - 75	62 - 82	67 - 89	72 - 96	77 - 102	98 - 130	108 - 144	129 - 171	149 - 198
	IX	36 m	42 m	47.5 m	53.5 m	59.5 m	66 m	89.5 m	101.5 m	126 m	150 m
		31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	77 - 102	87 - 116	108 - 144	129 - 171
	VIII	24 m	30 m	36 m	42 m	47.5 m	53.5 m	78 m	89.5 m	101.5 m	126 m
	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	46 - 61	67 - 89	77 - 102	87 - 116	108 - 144	
VII	17.5 m	24 m	30 m	36 m	42 m	47.5 m	66 m	78 m	89.5 m	101.5 m	
	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	41 - 54	57 - 75	67 - 89	77 - 102	87 - 116	
VI	13m	18m	2y	2y 6m	3y	3y 6m	4y 6m	5y 6m	6y 6m	7y 6m	
	12+ - 14	15 - 20	21 - 27	26 - 34	31 - 41	36 - 48	46 - 61	57 - 75	67 - 89	77 - 102	
V	9m	13m	15m	17.5 m	25.5 m	38 m	47.5 m	59.5 m	72 m	84 m	
	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	41 - 54	51 - 68	62 - 82	72 - 96	
IV	6m	9m	13m	15m	17.5 m	25.5 m	38 m	50 m	61.5 m	73.5 m	
	3 - 9	6 - 12	12+ - 14	13 - 17	15 - 20	22 - 29	33 - 43	43 - 57	53 - 70	63 - 84	
III	2m	5m	8m	11m	14m	19.5 m	25.5 m	38 m	50 m	59.5 m	
	1 - 3	3 - 8	4 - 12	9 - 12	12+ - 16	17 - 22	22 - 29	33 - 43	43 - 57	51 - 68	
II		4m	6m	8m	13m	16m	19.5 m	25.5 m	38 m	50 m	
	0 - 90 days	2 - 6	3 - 9	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	33 - 43	43 - 57	
I			3m	4m	5.5m	8m	13m	16m	19.5 m	25.5 m	
	0 - 60 days	0 - 90 days	2 - 5	2 - 6	3 - 8	4 - 12	12+ - 14	14 - 18	17 - 22	22 - 29	

# CURRENT SL-BASED GRID

		Criminal history score (CHS)									
		0	1	2	3	4	5	6	7	8	9+
Offense seriousness level (SL)	15	22	3	5	3	6	2	4	1	1	4
	14	24	4	9	3	6	2	3	2	4	3
	13	--	--	--	--	--	--	--	--	--	1
	12	40	6	15	13	6	6	2	2	2	21
	11	22	6	6	10	4	2	2	--	1	5
	10	17	--	--	6	1	3	5	1	1	13
	9	49	21	35	18	26	22	10	9	6	40
	8	17	9	6	9	2	5	10	1	1	4
	7	58	28	30	73	34	33	41	25	15	119
	6	42	20	20	33	10	8	19	4	6	37
	5	142	52	78	90	94	79	72	58	45	192
	4	583	322	244	243	184	131	125	75	60	307
	3	1,214	748	558	351	293	276	188	158	108	428
	2	633	291	206	160	125	121	129	98	96	483
	1	939	515	256	237	243	183	106	103	98	413
Unranked	2,526										

# CURRENT SL-BASED GRID

Percentage of FY 19 Sentences by Guideline Cell

	Criminal history score (CHS)									
	0	1	2	3	4	5	6	7	8	9+
15	0.13%	0.02%	0.03%	0.02%	0.04%	0.01%	0.02%	0.01%	0.01%	0.02%
14	0.14%	0.02%	0.05%	0.02%	0.04%	0.01%	0.02%	0.01%		0.02%
13										0.01%
12	0.24%	0.04%	0.09%		0.04%	0.04%		0.01%		
11	0.13%	0.04%	0.04%	0.06%	0.02%		0.01%		0.01%	
10	0.10%			0.04%	0.01%		0.03%			
9	0.29%	0.13%	0.21%	0.11%	0.16%	0.13%	0.06%	0.05%	0.04%	0.24%
8	0.10%	0.05%	0.04%	0.05%	0.01%	0.03%	0.06%	0.01%	0.01%	0.02%
7	0.35%	0.17%	0.18%	0.44%	0.20%	0.20%	0.24%	0.15%	0.09%	0.71%
6	0.25%	0.12%	0.12%	0.20%	0.06%	0.05%	0.11%	0.02%	0.04%	0.22%
5	0.85%	0.31%	0.47%	0.54%	0.56%	0.47%	0.43%	0.35%	0.27%	1.15%
4	3.48%	1.92%	1.46%	1.45%	1.10%	0.78%	0.75%	0.45%	0.36%	1.83%
3	7.25%	4.47%	3.33%	2.10%	1.75%	1.65%	1.12%	0.94%	0.65%	2.56%
2	3.78%	1.74%	1.23%	0.96%	0.75%	0.72%	0.77%	0.59%	0.57%	2.88%
1	5.61%	3.08%	1.53%	1.42%	1.45%	1.09%	0.63%	0.62%	0.59%	2.47%
<b>Unranked</b>	<b>15.09%</b>									

# STANDARD, NON-DRUG AVERAGE SENTENCES AND RANGE OF SENTENCES

		Criminal history score (CHS)																			
		0		1		2		3		4		5		6		7		8		9+	
		Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
Offense seriousness level (SL)	15	275.8		240.0		303.5		228.0		374.0		276.0		416.0		360.0		420.0		400.0	
		180.0	320.0	240.0	240.0	271.0	336.0	228.0	228.0	374.0	374.0	276.0	276.0	416.0	416.0	360.0	360.0	420.0	420.0	400.0	400.0
	14	175.3		134.0		217.0		184.0		192.0				231.0		300.0				397.0	
		92.3	220.0	134.0	134.0	194.0	240.0	154.0	214.0	165.0	231.0			231.0	231.0	300.0	300.0			397.0	397.0
	13																			397.0	
																				397.0	397.0
	12	93.1		95.0		113.9				169.5		138.0				178.0					
		69.8	120.0	78.0	120.0	83.3	129.0			168.0	171.0	138.0	138.0			178.0	178.0				
	11	84.7		102.5		109.5		111.0		128.0				146.0				204.0			
		78.0	95.0	90.0	114.0	95.0	125.0	102.0	120.0	120.0	144.0			146.0	146.0			204.0	204.0		
	10	58.3						73.5		96.0				98.0							
		55.0	60.0					67.0	80.0	96.0	96.0			98.0	98.0						
	9	33.6		38.5		45.1		48.3		55.2		60.7		84.8		94.8		112.0		135.5	
		23.25	41	30	48	33	54	34.5	61	51	68	42.75	75	77	102	81	116	108	120	96.75	171
	8	23.6		28.9		36.0		41.4		52.0		56.3		78.0		60.0		101.5		121.3	
		15.8	27.0	19.5	34.0	31.0	41.0	29.0	48.0	52.0	52.0	54.0	60.0	67.0	89.0	60.0	60.0	101.5	101.5	100.0	144.0
	7	17.0		22.4		26.9		33.9		41.4		44.1		60.8		72.3		85.1		96.7	
		12.0	20.0	16.0	27.0	20.0	34.0	23.3	41.0	27.0	48.0	35.0	54.0	42.8	75.0	57.0	89.0	57.8	102.0	60.0	116.0
	6	13.0		15.7		22.3		29.5		36.0		40.8		50.0		57.0		69.5		83.4	
		12.0	14.0	11.3	20.0	21.0	27.0	19.5	36.0	31.0	41.0	36.0	48.0	46.0	61.0	57.0	57.0	69.0	70.0	60.0	102.0
5	8.2		12.3		14.2		16.3		23.9		34.8		42.7		52.6		64.2		64.2		
	6.0	12.0	9.0	14.0	10.0	17.0	15.0	20.0	22.0	29.0	33.0	43.0	41.0	50.0	51.0	60.0	60.0	82.0	60.0	96.0	
4	4.9		7.5		12.4		14.0		15.9		23.9		35.6		45.9		57.8		70.3		
	2.3	9.0	4.5	12.0	9.0	14.0	9.8	17.0	11.3	20.0	16.5	29.0	24.8	60.0	32.3	57.0	44.0	70.0	47.3	84.0	
3	1.7		4.0		5.5		9.6		12.9		18.3		23.9		35.1		46.6		54.7		
	0.8	3.2	2.3	8.0	3.0	12.0	6.8	14.0	9.0	24.0	13.0	22.0	16.5	29.0	24.8	43.0	32.3	57.0	38.3	68.0	
2	1.1		2.8		4.0		5.4		12.1		14.8		17.8		23.4		34.5		45.4		
	0.0	4.7	0.5	9.0	2.3	9.0	3.0	12.0	9.0	14.0	10.5	18.0	16.0	22.0	17.0	29.0	24.8	43.0	32.3	57.0	
1	0.8		1.1		2.5		2.9		4.1		5.8		12.5		14.9		17.9		24.8		
	0.0	2.0	0.0	3.0	2.0	12.0	2.0	6.0	3.0	9.3	3.0	12.0	12.0	14.0	14.0	18.0	17.0	22.0	22.0	29.0	

# DIFFERENCES BY OFFENSE

Offense	N	Average sentence	Minimum sentence	Maximum sentence
<b>Offense seriousness level - 15</b>				
Murder 1 (Post 7/24/1999)	21	300.52	180	420
Murder (Pre 7/1/1990)	1	320	320	320
<b>Offense seriousness level - 14</b>				
Murder 2 (Post 7/24/1999)	22	196.66	92.25	397
<b>Offense seriousness level - 13</b>				
Murder 2 (7/1/1990 to 7/24/1999)	1	397	397	397
<b>Offense seriousness level - 12</b>				
Assault 1 (post 7/1/1990)	27	108.19	69.75	178
Commercial Sex Abuse of a Minor	2	95.5	80	111
Trafficking 2nd Degree	2	109.5	108	111
Rape of a Child (Post 8/31/2001)	1	108	108	108
<b>Offense seriousness level - 11</b>				
Vehicular Homicide - DUI	13	101.85	78	146
Manslaughter 1	11	112.91	78	204
<b>Offense seriousness level - 10</b>				
Child Molestation 1 (7/1/1990 to 8/31/2001)	2	57.5	55	60
Child Molestation 1 <18 (Post 8/31/2001)	2	73.5	67	80
Criminal Mistreatment 1 (Post 6/7/2006)	2	79	60	98
Kidnapping 1	1	96	96	96
<b>Offense seriousness level - 9</b>				
Robbery 1	131	63.61	23.25	171
Assault of a Child 2	14	39.57	31	54
Sexual Exploitation (Post 6/30/2001)	7	95.21	53.5	120
Hit and Run - Death (Post 7/21/2001)	3	37.67	36	41
<b>Offense seriousness level - 8</b>				
Manslaughter 2 (Post 7/26/1997)	14	44.89	22	120
Commercial Sex Abuse of a Minor (Post 6/10/2010)	13	48.27	19.5	89
Arson 1	12	37.33	15.75	100
Vehicular Homicide - Reckless Manner	3	74.67	32	144
Promoting Prostitution 1	1	60	60	60

Far fewer offenses in higher SLs

Fewer sentences in higher SLs

Some SLs (e.g., 9) are driven by one or two offenses

Differences in sentences may be driven by differences in CHS

# DIFFERENCES BY OFFENSE

Offense	N	Average sentence	Minimum sentence	Maximum sentence
<b>Offense seriousness level - 7</b>				
Unlawful Possession of a Firearm 1	116	58.82	16	116
Child Molestation 2 (Post 7/1/1990)	73	45.47	13.5	116
Burglary 1	49	53.49	12	116
Indecent Liberties - Developmental Disability Victim	26	39.79	15	116
Drive-By Shooting (Post 6/30/1997)	16	48.88	15	100
<b>Offense seriousness level - 6</b>				
Possession of Depiction of a Minor 1st Degree	51	46.36	12.03	102
Rape of a Child (Post 7/1/1990)	38	28.71	12.03	60
Theft of a Firearm (Post 7/22/1995)	19	35.54	11.25	100
Incest 1	8	60.63	14	102
Intimidating a Witness	7	48.79	15	102
<b>Offense seriousness level - 5</b>				
Domestic Violence Court Order Violation	191	33.66	6	60
Rape 3	36	15.4	6	60
Child Molestation 3 (Post 7/1/1990)	33	11.89	6	33
Possession of a Stolen Firearm	27	17.57	6	75
Rendering Criminal Assistance 1	17	11.18	6	25
<b>Offense seriousness level - 4</b>				
Assault 2 (Post 7/1/1988)	501	18.91	2.25	84
Residential Burglary (Post 7/1/1990)	290	25.13	3	84
Robbery 2	205	18.65	2.25	84
Driving Under the Influence - Felony	121	22.26	3	84
Vehicular Assault Under the Influence/Reckless	97	12.48	3	78
<b>Offense seriousness level - 3</b>				
Assault 3	1,000	8.74	0.99	60
Burglary 2 - Non-dwelling	695	12.65	0.75	68
Unlawful Possession of a Firearm 2	390	13.57	1	60
Harassment	238	8.9	0.99	60
Bail Jump with Class B or C	191	13.15	0.99	60

Variation in average sentences by offense type, but variation decreases as SL decreases

# DIFFERENCES BY OFFENSE

Offense	N	Average sentence	Minimum sentence	Maximum sentence
<b><i>Offense seriousness level - 2</i></b>				
Possession of a Stolen Vehicle	381	16.83	0	57
Identity Theft 2	312	11.19	0	57
Escape from Community Custody	250	1.96	0	12.03
Theft 1	224	10.09	0	57
Theft of a Motor Vehicle	138	12.65	0	57
<b><i>Offense seriousness level - 1</i></b>				
Theft 2	634	4.42	0	29
Taking a Motor Vehicle Without Permission 2	599	6.67	0	29
Attempting to Elude Pursuing Police Vehicle	479	7.55	0	29
Forgery	280	4.45	0	29
Possession of Stolen Property 2	262	5.44	0	29

More consistency in the min/max ranges for lower SLs, but varying average sentences.

# RACIAL DIFFERENCES IN SENTENCES

Offense SL	Sentence length ratio	White		BIPOC	
		N	Avg. sent.	N	Avg. sent.
All SLs	1.12	6,132	16.1	3,164	18.1

*Sentence Length Ratio* – average sentence length for BIPOC divided by average sentence length for Whites.

**Values greater than 1 mean the average sentence for BIPOC defendants was greater than the average sentence for White defendants.**

Overall, BIPOC defendants received longer sentences (2 months), but varied by SL.

# RACIAL DIFFERENCES IN SENTENCES

Offense SL	Sentence length ratio	White		BIPOC	
		N	Avg. sent.	N	Avg. sent.
<i>All SLs</i>	1.12	6,132	16.1	3,164	18.1
15	1.08	15	294.1	7	317.0
14	1.12	12	189.9	9	212.6
13		1	397.0	–	–
12	0.80	14	122.0	17	97.1
11	0.89	11	113.8	13	101.1
10	1.01	4	73.3	3	74.3
9	1.01	84	62.3	67	62.6
8	1.06	29	45.3	14	48.1
7	0.86	160	57.0	145	48.9
6	0.79	96	42.7	32	33.8
5	0.91	211	27.8	148	25.4
4	0.95	926	21.0	519	19.9
3	1.12	1,823	10.8	996	12.2
2	0.99	1,091	13.2	487	13.1
1	1.10	1,655	5.6	707	6.2

*Sentence Length Ratio* – average sentence length for BIPOC divided by average sentence length for Whites.

**Values greater than 1 mean the average sentence for BIPOC defendants was greater than the average sentence for White defendants.**

Overall, BIPOC defendants received longer sentences (2 months), but varied by SL.

# RACIAL DIFFERENCES IN SENTENCES

Offense SL	Sentence length ratio	White		BIPOC	
		N	Avg. sent.	N	Avg. sent.
<i>All SLs</i>	1.12	6,132	16.1	3,164	18.1
<b>15</b>	<b>1.08</b>	<b>15</b>	<b>294.1</b>	<b>7</b>	<b>317.0</b>
<b>14</b>	<b>1.12</b>	<b>12</b>	<b>189.9</b>	<b>9</b>	<b>212.6</b>
13		1	397.0	–	–
12	0.80	14	122.0	17	97.1
11	0.89	11	113.8	13	101.1
<b>10</b>	<b>1.01</b>	<b>4</b>	<b>73.3</b>	<b>3</b>	<b>74.3</b>
<b>9</b>	<b>1.01</b>	<b>84</b>	<b>62.3</b>	<b>67</b>	<b>62.6</b>
<b>8</b>	<b>1.06</b>	<b>29</b>	<b>45.3</b>	<b>14</b>	<b>48.1</b>
7	0.86	160	57.0	145	48.9
6	0.79	96	42.7	32	33.8
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<b>3</b>	<b>1.12</b>	<b>1,823</b>	<b>10.8</b>	<b>996</b>	<b>12.2</b>
2	0.99	1,091	13.2	487	13.1
<b>1</b>	<b>1.10</b>	<b>1,655</b>	<b>5.6</b>	<b>707</b>	<b>6.2</b>

Disproportionate sentences were most notable in the two SLs (1 and 3) with the largest percent of overall sentences.

# RACIAL DIFFERENCES IN SENTENCES

*Sentence Length Ratio by Grid Cell*

Offense seriousness level (SL)	Criminal history score (CHS)									
	0	1	2	3	4	5	6	7	8	9+
15	1.15	---	---	---	---	---	---	---	---	---
14	0.89	---	1.24	1.39	0.91	---	---	---	---	---
13	---	---	---	---	---	---	---	---	---	---
12	0.88	0.92	0.81	---	1.02	---	---	---	---	---
11	0.93	0.87	0.97	0.85	1.10	---	---	---	---	---
10	1.04	---	---	0.84	---	---	---	---	---	---
9	0.92	1.01	1.00	0.94	0.99	0.90	1.01	0.99	0.95	1.11
8	1.10	1.25	1.12	1.11	---	1.05	---	---	---	0.98
7	0.99	1.05	0.93	0.94	0.88	0.96	0.85	0.92	1.02	0.98
6	1.00	1.09	1.19	1.06	1.24	0.86	1.07	---	0.99	0.90
5	1.05	1.00	1.00	0.97	1.01	1.02	0.95	1.01	1.07	0.99
4	0.94	1.01	0.98	1.00	0.97	0.98	0.98	1.00	0.97	1.01
3	1.06	1.06	0.96	1.02	1.01	1.02	0.92	1.01	0.99	0.96
2	1.08	1.17	0.90	1.10	0.98	0.97	0.94	0.98	0.99	1.04
1	1.06	0.94	0.99	0.89	1.01	1.04	0.98	0.98	1.00	1.00

**Values greater than 1 mean the average sentence for BIPOC defendants was greater than the average sentence for White defendants.**

**Overall**

41 Cells BIPOC>White

52 Cells White>BIPOC

8 Cells BIPOC=White

# RACIAL DIFFERENCES IN SENTENCES

*Sentence Length Ratio by Grid Cell*

	Criminal history score (CHS)									
	0	1	2	3	4	5	6	7	8	9+
15	1.15	---								
14	0.89	---								
13	---	---								
12	0.88	0.92								
11	0.93	0.87								
10	1.04	---								
9	0.92	1.01								
8	1.10	1.25								
7	0.99	1.05								
6	1.00	1.09								
5	1.05	1.00								
4	0.94	1.01								
3	1.06	1.06								
2	1.08	1.17								
1	1.06	0.94								

## CHS 0 and 1:

23.3% of cells, comprising **57 sentences had same outcome or no data.**

30.0% of cells, comprising **955 sentences White>BIPOC**

46.7% of cells, comprising **3,045 sentences BIPOC>White**

*More disproportionality with lower CHS*

# Felony Class Grid

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# FELONY CLASS-BASED GRID

		Criminal history score (CHS)										
		0	1	2	3	4	5	6	7	8	9	10+
Felony class	A+	229.5	258	276	300	312	354	372	402	432	480	522
		123-336	156-360	192-360	228-372	252-372	288-420	300-444	324-480	348-516	420-540	444-600
	A	126	144	162	180	198	216	234	258	282	294	318
		72-180	96-192	120-204	132-228	156-240	168-264	180-288	216-300	240-324	252-336	276-360
	A-	66	75	84	84	90	102	114	126	144	168	216
		42-90	54-96	60-108	60-108	72-108	84-120	96-132	108-144	120-168	132-204	168-264
	B+	31.5	36	45	54	60	69	72	90	90	108	120
		21-42	24-48	30-60	36-72	48-72	54-84	60-84	72-108	72-108	96-120	120-120
	B	12	13.5	18	20	23	28	36	48	60	72	84
		6-18	9-18	12+-24	16-24	16-30	20-36	24-48	36-60	48-72	60-84	72-96
	B-	6	11	16	19	20	24	25	30	32	36	45
		0-12	6-16	12+-18	14-24	16-24	18-30	20-30	24-36	24-40	24-48	30-60
	C+	6	9	14	14	17	17	20	20	24	24	33
		0-12	6-12	12-16	12+-16	14-20	14-20	16-24	16-24	18-30	18-30	24-42
	C	1.5	3	4.5	7.5	7.5	7.5	9	10.5	16	18	27
		0-3	0-6	0-9	3-12	3-12	3-12	6-12	9-12	12+-18	12+-24	18-36
C-	0.5	1	1.5	3	4.5	6	7.5	7.5	9	9	10.5	
	0-1	0-2	0-3	0-6	0-9	0-12	3-12	3-12	6-12	6-12	9-12	

# FELONY CLASS-BASED GRID

Number of Sentences by Grid Cell

Felony class	Criminal history score (CHS)										
	0	1	2	3	4	5	6	7	8	9	10+
A+	20	8	8	5	7	0	2	1	1	1	2
A	30	4	6	3	3	3	1	2	1	0	1
A-	36	23	27	15	24	20	8	12	6	9	25
B+	469	244	179	230	142	109	117	54	45	59	193
B	19	3	7	10	1	3	5	0	2	3	1
B-	418	243	237	139	99	88	75	66	54	36	248
C+	83	25	33	33	34	22	21	10	7	12	44
C	10	6	3	8	2	3	1	0	0	2	3
C-	1,642	1,018	645	484	394	282	178	154	108	99	350

*Excludes unranked offenses because we did not have CHS*

*Dark Orange – presumptive jail sentence*

*Light Orange – range includes jail and prison sentences*

# SIMULATING SENTENCES

- Calculated “Where In The Range” (WITR) measure for sentences on current SL grid where 0 = minimum of the range and 1 = maximum of the range
- Applied WITR calculation to ranges on class-based grid
- For example:
  - CHS 4, SL 1 current grid range: 3 – 8 months
  - Sentence of 5.5 months is a WITR value of 0.5 (the midpoint)
  - CHS 4, felony class C- grid range: 0 – 9 months
  - Sentence of 4.5 months on class-based grid for a WITR value of 0.5

# STANDARD, NON-DRUG AVERAGE SENTENCES AND RANGE OF SENTENCES

Felony class	Criminal history score (CHS)																					
	0		1		2		3		4		5		6		7		8		9		10+	
	Avg		Avg		Avg		Avg		Avg		Avg		Avg		Avg		Avg		Avg		Avg	
	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
A+	194.4		226.5		246.7		250.6		369.1		254.5		444.0		339.3		416.3				437.5	
	92.3	336.0	126.0	270.0	144.0	338.5	210.6	313.1	363.4	372.0	187.4	288.0	444.0	444.0	324.0	354.6	416.3	416.3			437.5	437.5
A	118.9		131.5		155.6		172.9		194.7				199.4		286.6		266.6		336.0		360.0	
	54.0	180.0	81.9	192.0	120.0	204.0	132.0	228.0	156.0	240.0			180.0	218.9	286.6	286.6	266.6	266.6	336.0	336.0	360.0	360.0
A-	54.9		64.4		77.3		72.6		85.4		93.0		108.5		113.5		137.8		145.0		198.8	
	31.5	90.0	51.0	96.0	53.3	108.0	45.0	108.0	72.0	108.0	63.0	120.0	96.0	132.0	84.2	144.0	90.0	168.0	99.0	168.0	126.0	264.0
B+	32.8		32.7		47.1		57.2		68.3		74.7		68.5				81.0		108.0		120.0	
	21.0	42.0	18.0	48.0	30.0	60.0	36.0	72.0	68.3	68.3	70.0	82.0	60.0	84.0			72.0	90.0	108.0	108.0	120.0	120.0
B	9.9		11.2		15.0		18.2		19.5		24.4		30.3		41.9		55.3		70.0		81.0	
	4.5	18.0	6.8	18.0	0.0	24.0	12.0	32.0	12.0	30.0	15.0	36.0	18.0	48.0	27.0	60.0	36.0	72.0	54.0	84.0	54.0	96.0
B-	4.0		7.6		12.9		15.2		16.7		20.8		21.5		26.3		27.3		27.1		37.9	
	0.0	18.8	4.5	23.5	9.0	18.0	10.5	32.0	12.0	24.0	13.5	30.0	15.0	30.0	18.0	36.0	18.0	40.0	18.0	48.0	22.5	60.0
C+	5.4		7.6		13.3		14.0		18.5		18.0		16.0						24.0		33.0	
	0.0	12.0	6.0	12.0	12.0	16.0	12.0	17.0	17.0	20.0	14.0	20.0	16.0	16.0					24.0	24.0	33.0	33.0
C	1.3		1.5		2.8		5.9		4.9		5.0		6.8		9.5		15.0		18.0		27.0	
	0.0	3.0	0.0	6.0	0.0	9.0	3.0	12.0	3.0	12.0	3.0	12.0	6.0	10.2	9.0	12.0	15.0	15.0	18.0	18.0	27.0	27.0
C-	0.4		0.6		0.5		1.4		2.1		2.9		5.4		5.0		7.2		7.7		10.2	
	0.0	1.1	0.0	2.0	0.0	10.0	0.0	6.0	0.0	27.1	0.0	12.0	3.0	12.0	3.0	12.0	6.0	12.0	6.0	12.0	9.0	12.0

# DIFFERENCES IN INCARCERATION

## Number and Percent of Standard, Non-Drug Sentences

	Current grid		Simulated class grid	
	N	%	N	%
Jail	5,817	60.4%	4,816	50.0%
Prison	3,663	38.0%	2,752	28.6%
No incarceration	148	1.5%	2,060	21.4%

**29.1%** predicted **increase** in sentence length.

**68.5%** predicted **decrease** in sentence length.

**2.4%** of sentences predicted to remain the **same**.

*Note: Estimates based on the WITR calculation. Decreases in incarceration driven largely by increases in the number of sentences falling in cells where the minimum incarceration length is 0. It is possible that, if implemented, judges would be less likely to sentence individuals to the minimum of the range if that minimum sentence did not include any time in confinement. Thus, these calculations may overestimate the effects on sentences in a real-world application.*

# DIFFERENCES BY OFFENSE

Offense	N	Sentence length		
		Avg.	Min.	Max.
<b>Offense class A+</b>				
Assault 1	27	205.24	92.25	372
Murder 1 (Post 7/24/99)	21	274.35	92.25	444
Child Molestation 1 (7/90 - 8/31/01)	2	204.44	173.12	235.76
Child Molestation 1 <18 (Post 8/31/01)	2	270.55	228	313.09
Murder 1 (Pre 7/1/90)	1	336	336	336
<b>Offense class A</b>				
Murder 2 (Post 7/24/1999)	22	164.18	54	360
Vehicular Homicide-DUI	13	140.92	72	192
Manslaughter 1	11	153.38	72	266.6
Vehicular Homicide - Reckless Manner	3	244	168	336
Commercial Sex Abuse of a Minor - Promote	2	100.94	81.88	120
<b>Offense class A-</b>				
Robbery 1	131	92.94	31.5	264
Burglary 1	49	108.8	38.7	264
Vehicular Homicide - Disregard Safety of Others	13	107.29	54	214.34
Arson 1	12	81.24	31.5	176.67
<b>Offense class B+</b>				
Assault of a Child 2	14	35.39	21	60
Manslaughter 2	14	54.74	24.5	108
Commercial Sex Abuse of a Minor	13	55.62	18	84
Sexual Exploitation	7	85.82	54	120
Hit and Run - Death	3	35	31.5	42

Class-Based grid moves from 16 SLs to 9, so more offenses and sentences in each individual row

More variance in sentences for more serious offenses

# DIFFERENCES BY OFFENSE

Offense	N	Sentence length		
		Avg.	Min.	Max.
<b>Offense class B</b>				
Assault 2	501	22.51	4.5	96
Residential Burglary	290	28.17	0	96
Robbery 2	205	21.66	4.5	96
Driving Under the Influence (Felony)	121	24.8	6	96
Unlawful Possession of a Firearm 1	116	38.96	7.13	96
<b>Offense class B-</b>				
Burglary 2 - Non-dwelling	695	13.94	0	60
Possession of a Stolen Vehicle	381	18.86	0	60
Theft 1	224	13.76	0	60
Theft of a Motor Vehicle	138	15.79	0	60
Failure to Register as a Sex Offender 3+	120	28.71	2.76	60
<b>Offense class C+</b>				
Rape of a Child 3	38	13.3	0	33
<b>Offense class C</b>				
Domestic Violence Court Order Violation	191	9.52	0	27
Rape 3	36	4.08	0	18.02
Child Molestation 3	33	2.71	0	12
Hit and Run - Injury	29	5.18	0	27
Indecent Exposure	12	5.6	0	27
<b>Offense class C-</b>				
Assault 3	1000	1.48	0	27.14
Theft 2	634	1.8	0	12
Taking Motor Vehicle Without Permission 2	599	2.63	0	12
Attempting to Elude Pursuing Police Vehicle	479	3.11	0	12
Unlawful Possession of a Firearm 2	390	2.15	0	12

Variation in average sentences decreases as felony class decreases.

# RACIAL DIFFERENCES IN SENTENCES

Felony class	Sentence length ratio	White		BIPOC	
		N	Avg. sent.	N	Avg. sent.
All classes	1.10	6,132	13.6	3,164	14.9

*Sentence Length Ratio* – average sentence length for BIPOC divided by average sentence length for Whites.

**Values greater than 1 mean the average sentence for BIPOC defendants was greater than the average sentence for White defendants.**

Overall, BIPOC defendants received longer sentences (1.3 months), but varied by felony class.

# RACIAL DIFFERENCES IN SENTENCES

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		N	Avg. sent.	N	Avg. sent.
<i>All classes</i>	1.10	6,132	13.6	3,164	14.9
A+	0.85	31	254.0	22	216.9
A	0.89	26	172.8	28	154.3
A-	0.95	117	99.1	85	93.9
B+	0.92	34	55.0	19	50.6
B	0.90	1,115	27.2	675	24.4
B-	0.97	1,143	16.5	494	16.0
C+	0.95	22	13.6	16	12.9
C	0.97	195	7.7	125	7.4
C-	1.12	3,449	2.0	1,700	2.2

*Sentence Length Ratio* – average sentence length for BIPOC divided by average sentence length for Whites.

**Values greater than 1 mean the average sentence for BIPOC defendants was greater than the average sentence for White defendants.**

Overall, BIPOC defendants received longer sentences (1.3 months), but varied by felony class.

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C+	0.95	22	13.6	16	12.9
C	0.97	195	7.7	125	7.4
<b>C-</b>	<b>1.12</b>	<b>3,449</b>	<b>2.0</b>	<b>1,700</b>	<b>2.2</b>

Disproportionate sentences were most notable for felony class C- which accounts for 55% of all sentences.



# RACIAL DIFFERENCES IN SENTENCES

*Sentence Length Ratio by Grid Cell*

Felony class	Criminal history Score (CHS)											
	0	1	2	3	4	5	6	7	8	9	10+	
A+	0.68	0.7	1.83	0.44	0.63							
A	0.86	1.01	0.86	0.89	0.78		1.58					
A-	0.91	0.96	1.03	1.13	0.98	0.95	1.07	1.01	0.99	1.25	1.097	
B+	0.91	0.96	1.03	1.13		0.95				1.25		
B	1.02	1.13	0.97	0.96	1.07	1.1	1.03	1.02	0.99	1.02	0.982	
B-	0.92	1.03	0.93	0.88	0.96	1.02	0.87	0.86	0.98	1.01	0.985	
C+	1.05	1.04	1.29	1.14								
C	1.08	1.04		0.97	1.13	1.02	0.93	1.01				
C-	1.12	1.2	1.02	1.06	1.16	1.06		1.21	1.04	1.06	1.052	

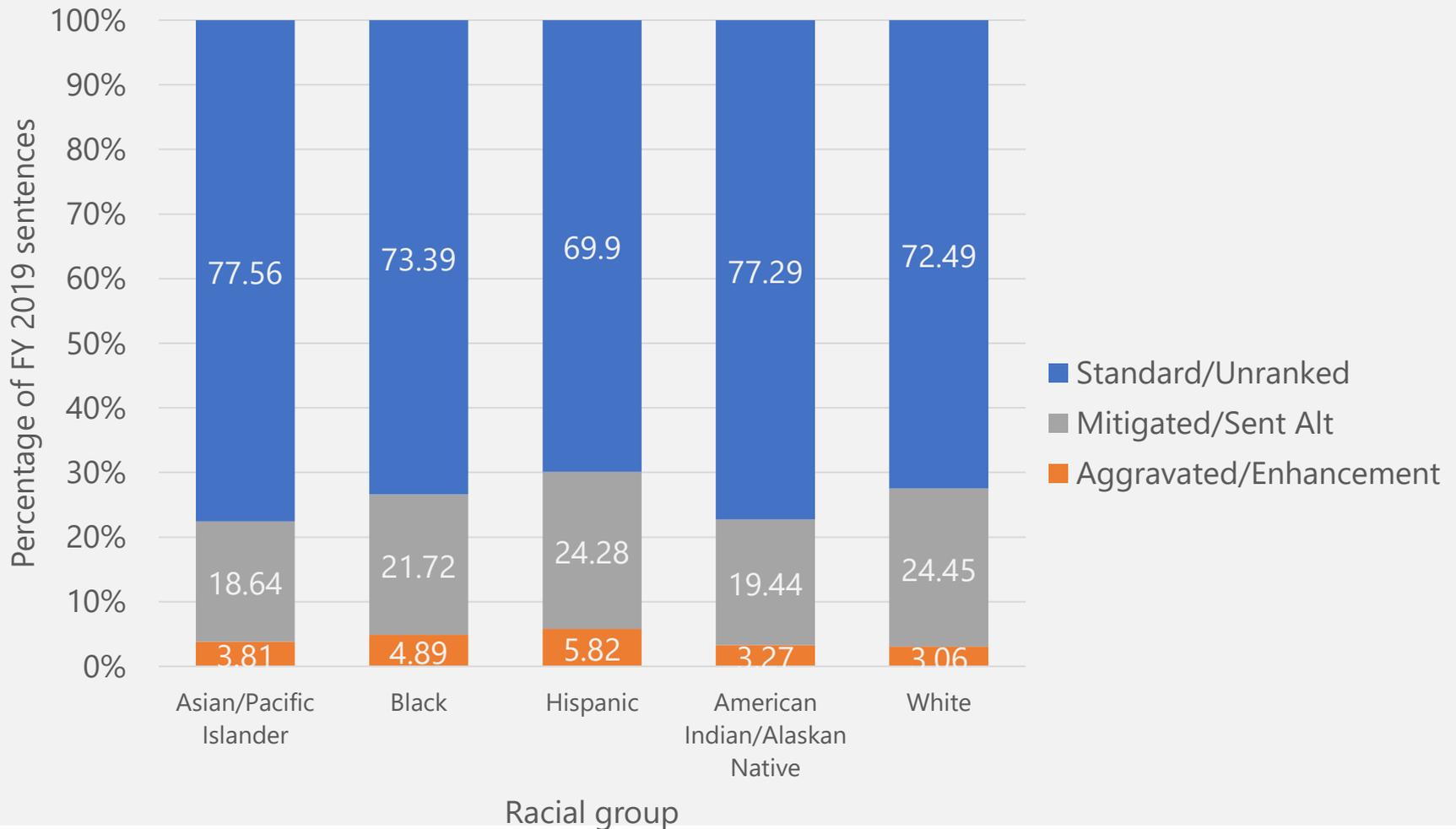
**Values greater than 1 mean the average sentence for BIPOC defendants was greater than the average sentence for White defendants.**

Greatest disproportionality for less serious offenses and lower CHS.

# Non-Standard Sentences

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# SENTENCE TYPES BY RACE



# EXCEPTIONAL SENTENCES

Total 1,365 exceptional sentences

- 75% Mitigated
- 22% Aggravated
- 3% Within standard range

Overall average aggravated departures:

- 31.61 months for Whites
- 36.52 months for BIPOC

Overall average mitigated departures:

- 18.49 months for Whites
- 27.91 months for BIPOC

These differences may be driven by differences in CHS or types of offenses (e.g., lower stat maxes for class B and C offenses).

# EXCEPTIONAL SENTENCES

	N	% of FY 2019 sentences	Average departure length in months
<b>Aggravated exceptional</b>			
Asian/Pacific Islander	5	1.0%	+39.87
Black	42	1.8%	+31.89
Hispanic	48	2.6%	+24
American Indian/Alaskan Native	12	2.0%	+15.7
White	185	1.7%	+18.49
<b>Mitigated exceptional</b>			
Asian/Pacific Islander	27	5.4%	-87.01
Black	183	7.9%	-41.46
Hispanic	178	9.7%	-30.11
American Indian/Alaskan Native	29	4.7%	-23.85
White	593	5.4%	-31.61

# EXCEPTIONAL AGGRAVATED

Offense SL	Total				White		BIPOC		
	N	Avg. length over max	Avg. % of max	N	Avg. length over max	Avg. % of max.	N	Avg. length over max	Avg. % of max.
15	3	+80.0	15.6%						
14	4	+95.3	36.3%						
13	--	--	--						
12	14	+104.4	37.9%						
11	6	+56.3	31.7%						
10	6	+112.3	73.4%						
9	6	+60.8	63.8%						
8	6	+19.6	34.0%						
7	32	+58.3	88.4%						
6	5	+73.2	81.5%						
5	14	+27.9	82.0%						
4	76	+21.1	94.1%						
3	70	+18.4	106.4%						
2	29	+17.9	330.3%						
1	28	+8.8	57.2%						

Average % of Maximum takes into account differences in CHS.

Calculated as the amount over the maximum divided by the maximum of the range.

# EXCEPTIONAL AGGRAVATED

Offense SL	Total				White		BIPOC		
	N	Avg. length over max	Avg. % of max	N	Avg. length over max	Avg. % of max.	N	Avg. length over max	Avg. % of max.
15	3	+80.0	15.6%						
14	4	+95.3	36.3%						
13	--	--	--						
12	14	+104.4	37.9%						
11	6	+56.3	31.7%						
10	6	+112.3	73.4%						
9	6	+60.8	63.8%						
8	6	+19.6	34.0%						
7	32	+58.3	88.4%						
6	5	+73.2	81.5%						
5	14	+27.9	82.0%						
4	76	+21.1	94.1%						
3	70	+18.4	106.4%						
2	29	+17.9	330.3%						
1	28	+8.8	57.2%						

As SL increases, the length of aggravated departures tended to increase.

However, as SL increases, the average percent of the maximum decreased.

# EXCEPTIONAL AGGRAVATED

Offense SL	Total			White			BIPOC		
	N	Avg. length over max	Avg. % of max	N	Avg. length over max	Avg. % of max.	N	Avg. length over max	Avg. % of max.
15	3	+80.0	15.6%	1	+66.0	9.0%	2	+87.0	<b>18.8%</b>
14	4	+95.3	36.3%	3	+90.3	31.7%	1	+110.0	<b>50.0%</b>
13	--	--	--	--	--	--	--	--	--
12	14	+104.4	37.9%	9	+98.7	35.9%	5	+114.8	<b>41.3%</b>
11	6	+56.3	31.7%	5	+37.6	17.4%	1	+150.0	<b>103.1%</b>
10	6	+112.3	73.4%	5	+128.4	78.6%	0	.	.
9	6	+60.8	63.8%	3	+59.0	68.0%	3	+62.7	59.7%
8	6	+19.6	34.0%	4	+14.1	38.2%	2	+30.5	25.6%
7	32	+58.3	88.4%	18	+55.8	90.1%	14	+61.5	86.2%
6	5	+73.2	81.5%	3	+109.3	116.0%	--	--	--
5	14	+27.9	82.0%	11	+23.1	58.9%	3	+45.3	<b>166.7%</b>
4	76	+21.1	94.1%	40	+20.8	80.0%	33	+22.9	<b>115.6%</b>
3	70	+18.4	106.4%	42	+14.0	45.5%	28	+24.9	<b>197.7%</b>
2	29	+17.9	330.3%	19	+18.6	299.1%	9	+17.2	<b>399.5%</b>
1	28	+8.8	57.2%	22	+9.1	57.8%	6	+7.7	54.8%

BIPOC received greater increases in their sentence for 8 of the 12 SLs.

# EXCEPTIONAL MITIGATED

Offense SL	Total				White		BIPOC		
	N	Avg. length below min.	Avg. % of min.	N	Avg. length below min.	Avg. % of min.	N	Avg. length below min.	Avg. % of min.
15	6	-138.4	32.1%						
14	6	-153.6	37.6%						
13	--	--	--						
12	30	-95.2	37.8%						
11	9	-34.5	40.2%						
10	12	-80.6	46.9%						
9	40	-22.5	44.5%						
8	5	-13.2	48.9%						
7	26	-29.1	42.5%						
6	7	-16.1	37.1%						
5	253	-26.3	58.2%						
4	153	-13.3	46.9%						
3	276	-13.6	56.4%						
2	127	-15.2	54.9%						
1	75	-7.8	55.6%						

Average % of minimum takes into account differences in CHS.

Calculated as the amount below the minimum divided by the minimum of the range.

# EXCEPTIONAL MITIGATED

Offense SL	Total				White		BIPOC		
	N	Avg. length below min.	Avg. % of min.	N	Avg. length below min.	Avg. % of min.	N	Avg. length below min.	Avg. % of min.
15	6	-138.4	32.1%						
14	6	-153.6	37.6%						
13	--	--	--						
12	30	-95.2	37.8%						
11	9	-34.5	40.2%						
10	12	-80.6	46.9%						
9	40	-22.5	44.5%						
8	5	-13.2	48.9%						
7	26	-29.1	42.5%						
6	7	-16.1	37.1%						
5	253	-26.3	58.2%						
4	153	-13.3	46.9%						
3	276	-13.6	56.4%						
2	127	-15.2	54.9%						
1	75	-7.8	55.6%						

As SL increases, the length of mitigated departures tended to increase.

However, as SL increases, the average percent of the minimum decreased.

# EXCEPTIONAL MITIGATED

Offense SL	Total			White			BIPOC		
	N	Avg. length below min.	Avg. % of min.	N	Avg. length below min.	Avg. % of min.	N	Avg. length below min.	Avg. % of min.
15	6	-138.4	32.1%	1	-60.0	33.3%	5	-154.1	<b>31.9%</b>
14	6	-153.6	37.6%	2	-38.3	41.5%	4	-211.3	<b>35.7%</b>
13	--	--	--	--	--	--	--	--	--
12	30	-95.2	37.8%	12	-49.3	41.3%	18	-125.8	<b>35.4%</b>
11	9	-34.5	40.2%	5	-36.8	44.4%	4	-31.6	<b>35.0%</b>
10	12	-80.6	46.9%	6	-55.0	64.2%	6	-106.2	<b>29.6%</b>
9	40	-22.5	44.5%	17	-20.9	43.3%	21	-23.6	46.5%
8	5	-13.2	48.9%	1	-15.0	71.4%	4	-12.8	<b>43.3%</b>
7	26	-29.1	42.5%	15	-21.6	50.8%	11	-39.3	<b>31.2%</b>
6	7	-16.1	37.1%	5	-9.6	34.3%	2	-32.5	44.0%
5	253	-26.3	58.2%	150	-27.1	58.6%	103	-25.3	<b>57.6%</b>
4	153	-13.3	46.9%	98	-12.3	48.2%	52	-15.8	<b>44.4%</b>
3	276	-13.6	56.4%	157	-13.2	58.7%	110	-15.0	<b>54.5%</b>
2	127	-15.2	54.9%	79	-16.1	60.2%	47	-14.0	<b>46.0%</b>
1	75	-7.8	55.6%	45	-8.1	59.2%	30	-7.4	<b>50.1%</b>

Whites received often downward departures that were a larger percentage of the minimum than BIPOC defendants.

# EXCEPTIONAL SENTENCES – REASONS FOR DEPARTURE

	Total		BIPOC		White	
	N	%	N	%	N	%
<b>Aggravated exceptional</b>						
Defendant agreed to prison, greater sentence, or treatment	251	86.0%	95	88.8%	153	82.7%
Victim was particularly vulnerable	9	3.1%	3	2.8%	5	2.7%
A domestic violence offense that occurred in sight or sound of victims children under age 18	8	2.7%	2	1.9%	5	2.7%
A domestic violence offense that was a part of an ongoing pattern of psychological, physical, or sex abuse of victim multiple incidents over a prolonged period of time	7	2.4%	3	2.8%	4	2.2%
Defendant was in a position of trust (not an economic or drug offense)	6	2.1%	2	1.9%	3	1.6%
<b>Mitigated exceptional</b>						
Exceptional sentence is more appropriate/is in the interests of justice	427	42.3%	188	45.1%	234	39.5%
All parties agreed to mitigated sentence	397	39.3%	138	33.1%	252	42.5%
Part of Plea Agreement	125	12.4%	57	13.7%	67	11.3%
Capacity to appreciate the wrongfulness was significantly impaired	21	2.1%	9	2.2%	12	2.0%
Victim was an initiator, willing participant, aggressor, or provoker	19	1.9%	7	1.7%	12	2.0%

# EXCEPTIONAL SENTENCES – MOST COMMON OFFENSES

Offense	N	%
<b>Aggravated sentence</b>		
Assault 2	43	14.38
Assault 3	32	10.7
Burglary 2	11	3.68
Child Molestation 2	11	3.68
Robbery 2	11	3.68
Theft 1	11	3.68
Attempting to Elude Police Pursuing Vehicle	10	3.34
Unlawful Possession of a Firearm 2	10	3.34
Unlawful Possession of a Firearm 1	9	3.01
Escape from Community Custody	8	2.68
Rape of a Child 1, Age >17	8	2.68
<b>Mitigated sentence</b>		
Domestic Violence Court Order Violation	240	23.41
Assault 3	109	10.63
Assault 2	57	5.56
Burglary 2	54	5.27
Failure to Register as a Sex Offender 3+	38	3.71
Robbery 1	37	3.61
Unlawful Possession of a Firearm 2	36	3.51
Residential Burglary	32	3.12
Possession of a Stolen Vehicle	27	2.63
Bail Jump with Class B OR C Offense	26	2.54

Many of the aggravated sentences associated with offenses where a higher degree offense would be a three-strikes offense.

# SENTENCING ENHANCEMENTS

Race	Full dataset		Total enhancements		Firearm/deadly weapon		Vehicular homicide— prior DUI		Sexual motivation		Endangerment with elude	
	N	%	N	%	N	%	N	%	N	%	N	%
Asian/Pacific Islander	499	3.0	14	4.5	12	4.8	0	0.0	1	5.3	1	2.6
Black	2,311	13.8	71	22.6	63	25.2	0	0.0	2	10.5	6	15.8
Hispanic	1,837	11.0	59	18.8	50	20.0	0	0.0	6	31.6	3	7.9
American Indian/ Alaskan Native	612	3.7	8	2.5	5	2.0	1	14.3	0	0.0	2	5.3
White	10,949	65.4	150	47.8	113	45.2	5	71.4	8	42.1	24	63.2
Race unavailable	536	3.2	12	3.8	7	2.8	1	14.3	2	10.5	2	5.3
<b>Total</b>	<b>16,744</b>		<b>314</b>		<b>250</b>		<b>7</b>		<b>19</b>		<b>38</b>	

Measures are for sentencing events, not sentences, so total enhancements may be higher.

Compared to distributions in the full dataset, BIPOC are overrepresented in enhancements, especially firearm/deadly weapon enhancements.

# SENTENCING ALTERNATIVES

*Sentences with a Sentencing Alternative by Cell*

		Criminal history score (CHS)										
		0	1	2	3	4	5	6	7	8	9+	
Offense seriousness level (SL)	16											
	...											
	12	7			6	1						
	11	2	1		4							
	10	10			3			3				
	9	2			1			1			1	
	8		1									
	7	7	4	2	8	4	6	4	5	3	17	
	6	11	9	10	7	5	2	3	2	3	6	
	5	30	14	29	29	49	30	23	15	9	41	
	4	84	64	45	38	25	25	32	25	16	90	
3	337	146	54	20	68	98	57	42	36	160		
2	113	55	21	16	35	41	56	22	26	162		
1	234	43	19	17	6	5	20	37	25	82		
Unranked					40							

Most alternatives preclude individuals convicted of a violent offense or with a prior violent conviction.

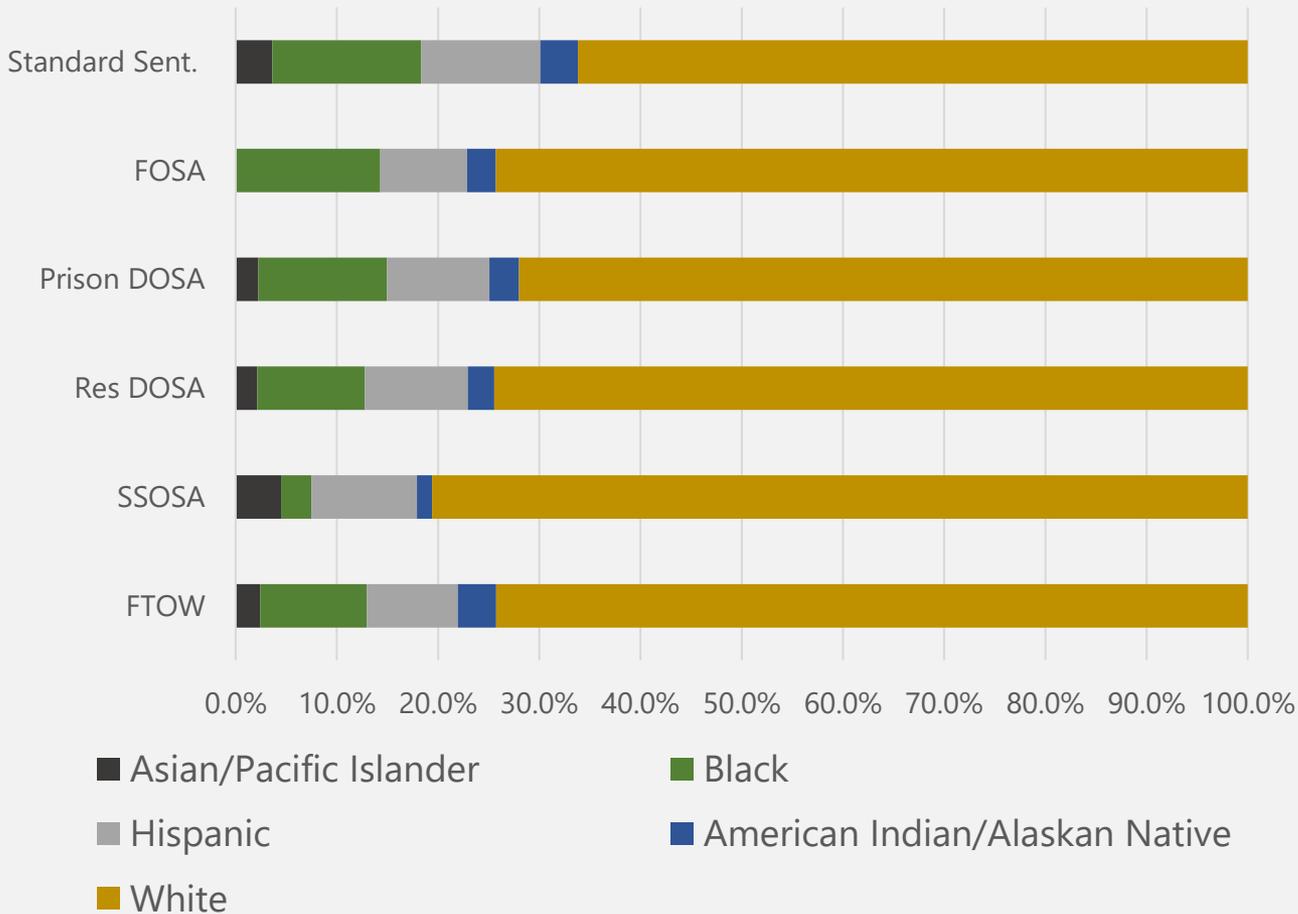
# SENTENCING ALTERNATIVES

Percent of Sentences in Each Cell with a Sentencing Alternative

		Criminal history score (CHS)											
		0	1	2	3	4	5	6	7	8	9+		
Offense seriousness level (SL)	15	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	14	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	13												0.0%
	12	17.0%	0.0%	0.0%	46.0%	17.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	11	9.0%	17.0%	0.0%	40.0%	0.0%	0.0%	0.0%		0.0%	0.0%	0.0%	0.0%
	10	59.0%			50.0%	0.0%	0.0%	60.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	9	4.0%	0.0%	0.0%	6.0%	0.0%	0.0%	10.0%	0.0%	0.0%	0.0%	3.0%	0.0%
	8	0.0%	11.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	7	12.0%	14.0%	7.0%	11.0%	12.0%	18.0%	10.0%	20.0%	20.0%	20.0%	14.0%	0.0%
	6	26.0%	45.0%	50.0%	21.0%	50.0%	25.0%	16.0%	50.0%	50.0%	50.0%	16.0%	0.0%
	5	21.0%	27.0%	37.0%	32.0%	52.0%	38.0%	32.0%	26.0%	20.0%	20.0%	21.0%	0.0%
	4	14.0%	20.0%	18.0%	16.0%	14.0%	19.0%	26.0%	33.0%	27.0%	27.0%	29.0%	0.0%
	3	28.0%	20.0%	10.0%	6.0%	23.0%	36.0%	30.0%	27.0%	33.0%	33.0%	37.0%	0.0%
	2	18.0%	19.0%	10.0%	10.0%	28.0%	34.0%	43.0%	22.0%	27.0%	27.0%	34.0%	0.0%
	1	25.0%	8.0%	7.0%	7.0%	2.0%	3.0%	19.0%	36.0%	26.0%	26.0%	20.0%	0.0%
Unranked												2.0%	

Alternatives were most likely to be issued for less serious offenses and for individuals with a higher CHS.

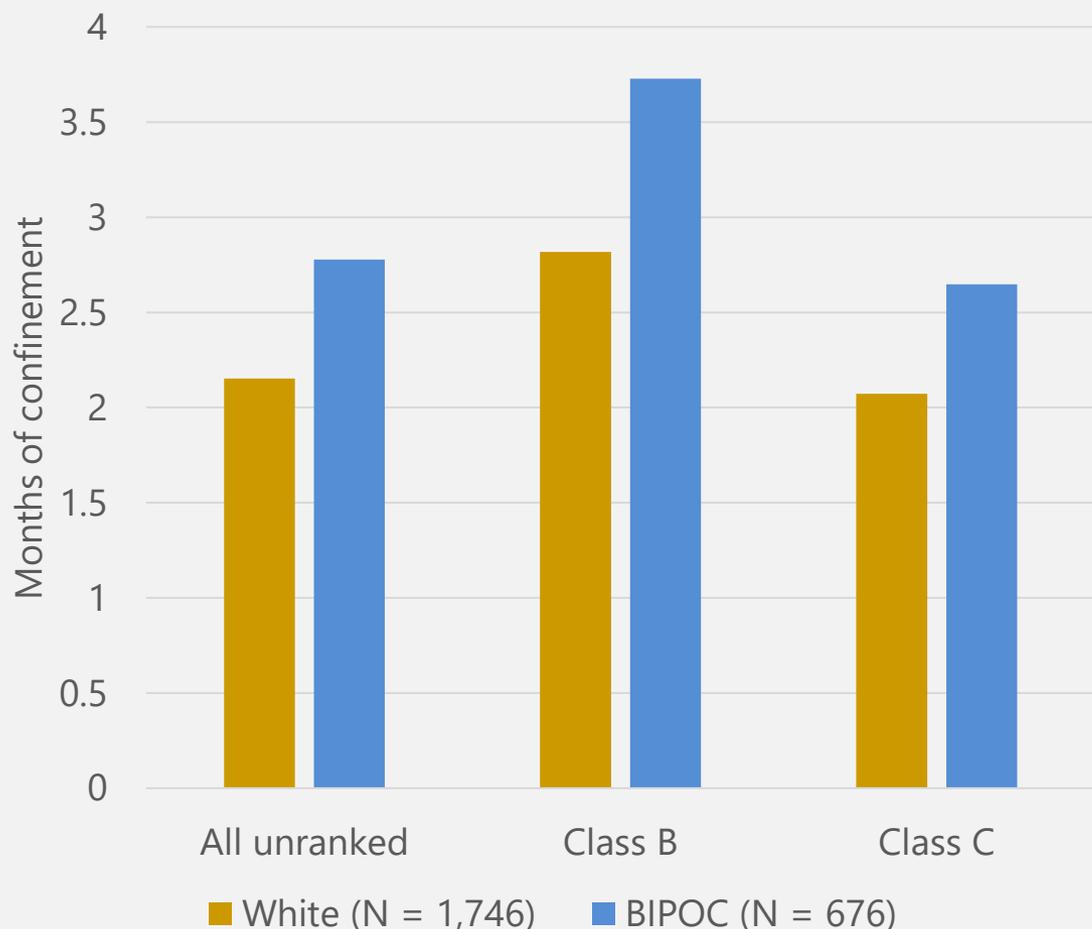
# SENTENCING ALTERNATIVES BY RACE



Overall, White defendants were disproportionately likely to receive a sentencing alternative rather than a standard sentence.

Black and Hispanic defendants were more likely to receive a standard sentence than any of the five sentencing alternatives.

# UNRANKED OFFENSES



For unranked offenses, range is 0-12 regardless of CHS.

BIPOC received disproportionately longer sentences than Whites for unranked offenses.

Findings consistent for both Class B and Class C offenses

THANK YOU

Questions?

# RACIAL DIFFERENCES IN SENTENCES

## *Criminal History Score by Race*

	BIPOC		White	
	N	%	N	%
0	792	25.0%	1,762	28.7%
1	471	14.9%	1,034	16.9%
2	383	12.1%	732	11.9%
3	329	10.4%	578	9.4%
4	276	8.7%	421	6.9%
5	220	7.0%	296	4.8%
6	154	4.9%	251	4.1%
7	121	3.8%	174	2.8%
8	88	2.8%	135	2.2%
9	330	10.4%	749	12.2%

Whites had, on average, did lower criminal history scores