

# Washington State Criminal Sentencing Task Force Meeting

September 16, 2021

9:00am-12:30pm

ZOOM Meeting

# Agenda

## Agenda

- Task Force introductions and updates
- Updates: Co-Chairs, Facilitation Team, Sentencing Alternatives Workgroup
- Sentencing Grid Subgroup presentation & next offer of potential recommendations for Task Force input

# Agenda

**9:00am**

**Review Agenda,  
Groundrules**

**9:10am**

**Introductions and  
Updates**

**9:40am**

**Sentencing Grid  
Subgroup Presentation  
–Potential  
Recommendations**

**10:30am**

**BREAK**

**10:45am**

**Discussion and Input on  
Potential  
Recommendations**

**12:00pm**

**Questions from  
Observers**

**12:30pm**

**Adjourn**

# ZOOM: Virtual Meeting Groundrules

**Chat Reminder:** We have disabled the private chat function to adhere to your groundrule of no side conversations.

**\*\*\*If you want to chat to the facilitators or pass along info to the Task Force, please send your chat to Molly Stenovec, who monitors the chat.**

**Phone Participation:** For those only on via phone, we will facilitate discussion similar to in-person meetings. During discussion, we will start w/Task Force members “in the room” and then those on phone.

# Task Force Groundrules

## Criminal Sentencing Task Force Groundrules

- **Be Respectful**
  - One person speaks at a time; listen when others are speaking, avoid interrupting and side conversations.
  - Keep comments brief so everyone gets a chance to share their thoughts. Avoid dominating the discussion.
  - **Hear and respect all opinions.**
  - Silence cell phones and refrain from using laptops during the meeting, except to take notes.
- **Be Constructive**
  - Acknowledge that all participants bring with them legitimate purposes, goals, concerns, and interests, whether or not you are in agreement with them.
  - Openly explore issues.
  - Act in “good faith,” **seeking to resolve conflicts and identify solutions.**
  - State concerns and interests clearly, listen carefully to and assume the best in others. Leave negative assumptions and attitudes at the door.
  - **Share comments that are solution focused,** rather than repeating past discussions.
  - It’s OK to disagree, it is not OK to make personal attacks.
  - Minimize the use of jargon and acronyms, define and explain when used.
  - Work towards consensus. Be willing to compromise.
  - **Ask for clarification when uncertain** of what another person is saying. Ask questions rather than make assumptions.
- **Be Productive**
  - Begin and end meetings on time.
  - Respect time constraints.
  - Adhere to the agenda as much as possible, focusing on the subject at hand.

9:10–9:40am

## Task Force Introductions

- **Members:** Please state name, affiliation, and constituency you represent.
- **Alternates:** Please state name, affiliation, and who you are an alternate for on the Task Force.

## Co-Chair & Facilitator Updates

## Sentencing Alternatives Work Group Updates

9:40–10:30am

# Sentencing Grid Subgroup Presentation & Discussion: Potential Recommendations, Tradeoffs, and Considerations

- **Finish reviewing and discussions potential recommendations from the 9.2.21 meeting on Offense Serious Levels 10 and above.**

# The Current Grid

	0	1	2	3	4	5	6	7	8	9+										
XV	240	320	250	333	261	347	271	361	281	374	291	388	312	416	338	450	370	493	411	548
XIV	123	220	134	234	144	244	154	254	165	265	175	275	195	295	216	316	257	357	298	397
XIII	123	164	134	178	144	192	154	205	165	219	175	233	195	260	216	288	257	342	298	397
XII	93	123	102	136	111	147	120	160	129	171	138	184	162	216	178	236	209	277	240	318
XI	78	102	86	114	95	125	102	136	111	147	120	158	146	194	159	211	185	245	210	280
X	51	68	57	75	62	82	67	89	72	96	77	102	98	130	108	144	129	171	149	198
IX	31	41	36	48	41	54	46	61	51	68	57	75	77	102	87	116	108	144	129	171
VIII	21	27	26	34	31	41	36	48	41	54	46	61	67	89	77	102	87	116	108	144
VII	15	20	21	27	26	34	31	41	36	48	41	54	57	75	67	89	77	102	87	116
VI	12.05	14	15	20	21	27	26	34	31	41	36	48	46	61	57	75	67	89	77	102
V	6	12	12.05	14	13	17	15	20	22	29	33	43	41	54	51	68	62	82	72	96
IV	3	9	6	12	12.05	14	13	17	15	20	22	29	33	43	43	57	53	70	63	84
III	1	3	3	8	4	12	9	12	12.05	16	17	22	22	29	33	43	43	57	51	68
II	0	3	2	6	3	9	4	12	12.05	14	14	18	17	22	22	29	33	43	43	57
I	0	2	0	3	2	5	2	6	3	8	4	12	12.05	14	14	18	17	22	22	29
Unr	0 - 365 days																			

## RCW 9.94A.506

- (1) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;
- (2) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range.

# The Current Grid

\*The portion of the grid that will be finishing up discussing (from the last meeting)

\*After the break, will then move on to the middle portion of the grid, OSL 6-9

	0	1	2	3	4	5	6	7	8	9+										
<b>XV</b>	240	320	250	333	261	347	271	361	281	374	291	388	312	416	338	450	370	493	411	548
<b>XIV</b>	123	220	134	234	144	244	154	254	165	265	175	275	195	295	216	316	257	357	298	397
<b>XIII</b>	123	164	134	178	144	192	154	205	165	219	175	233	195	260	216	288	257	342	298	397
<b>XII</b>	93	123	102	136	111	147	120	160	129	171	138	184	162	216	178	236	209	277	240	318
<b>XI</b>	78	102	86	114	95	125	102	136	111	147	120	158	146	194	159	211	185	245	210	280
<b>X</b>	51	68	57	75	62	82	67	89	72	96	77	102	98	130	108	144	129	171	149	198
<b>IX</b>	31	41	36	48	41	54	46	61	51	68	57	75	77	102	87	116	108	144	129	171
<b>VIII</b>	21	27	26	34	31	41	36	48	41	54	46	61	67	89	77	102	87	116	108	144
<b>VII</b>	15	20	21	27	26	34	31	41	36	48	41	54	57	75	67	89	77	102	87	116
<b>VI</b>	12.05	14	15	20	21	27	26	34	31	41	36	48	46	61	57	75	67	89	77	102
<b>V</b>	6	12	12.05	14	13	17	15	20	22	29	33	43	41	54	51	68	62	82	72	96
<b>IV</b>	3	9	6	12	12.05	14	13	17	15	20	22	29	33	43	43	57	53	70	63	84
<b>III</b>	1	3	3	8	4	12	9	12	12.05	16	17	22	22	29	33	43	43	57	51	68
<b>II</b>	0	3	2	6	3	9	4	12	12.05	14	14	18	17	22	22	29	33	43	43	57
<b>I</b>	0	2	0	3	2	5	2	6	3	8	4	12	12.05	14	14	18	17	22	22	29
<b>Unr</b>	0 - 365 days																			

# Grid Subgroup Considering A Formula

- Durability – creating a structure gives guidance to Legislators for future policy decisions.
  - Currently, the absence of structure means that policies are not always consistent with past practices and lead to continuous variation, exceptions, and inconsistency
- Consistency – creating consistency within the grid.
  - Current grid does not have consistency in the increase in sanctions with OSL or CHS. There isn't a particular way to answer the question: "Why are the ranges what they are?"
  - Formula can directly consider other statutory sentencing regulations like statutory maximum to create consistency across different aspects of the sentencing structure.
- **Note:** recalibration will likely be necessary to make sure certain offenses make sense within the new structure and formula. The focus is not on any particular offense, but rather the State's policy and views on sentencing broadly. Changes to particular SL's may be necessary once the overall grid structure is established.

# Recap: Potential Recommendations 12, 12a, and 12b

- Potential modifications to OSLs 10 and above.
- Focus is on violent offenses.
- Focus is on implementation of the consistent/formulaic approach to setting guideline ranges while considering unique characteristics of offenses in the upper range.

## Grid Group Discussion Points/Considerations:

- Formula provides an answer to “why this range”
- Creates logical consistency in how sentence lengths change as OSL increases and as CHS increases
- Long term durability of changes
- Focus is on creating the structure of the grid. Individual offenses may need to be recalibrated on the new grid to account for the ad-hoc decisions in the past.

# Recap: Offenses at Upper OSLs

OSL	Offense	Total FY19
16	Aggravated murder 1	6
15	Homicide by abuse	0
15	Malicious explosion of a substance 1	0
15	Murder 1	59
14	Murder 2	60
14	Trafficking 1st degree	0
13	Malicious explosion of a substance 2	0
13	Malicious placement of explosives 1	0
12	Assault 1	82
12	Assault of a child 1	2
12	Commercial sex abuse a minor - promote	4
12	Rape 1	10
12	Rape of a child 1	83
12	Trafficking 2nd degree	2
11	Manslaughter 1	20
11	Rape 2	20
11	Rape of a child 2	67
11	Vehicular homicide - DUI	24
11	Vehicular homicide – reckless endangerment	3
10	Child molestation 1	107
10	Indecent liberties with force	8
10	Kidnapping 1	13
10	Leading organized crime	2
10	Sexually violent predator escape	0

## Reminder:

Previous recommendations moved several Class B felony offenses out of these OSLs, so there are 3 offenses omitted here.

OSL 10-16 are all Class A felonies – thus a separate zone for violent offenses.

# Recap: Other Sentencing Laws

- RCW 9.94A.540
  - Murder in the first degree - mandatory minimum 20 years
  - Rape in the first degree – mandatory minimum 5 years
  - Sexually violent predator escape – mandatory minimum 5 years
  - Assault 1 (where used force or means likely to result in death or intended to kill the victim) – mandatory minimum 5 years
- RCW 10.95.030
  - Aggravated first degree murder – mandatory life in prison without possibility of parole\*
- RCW 9.94A.506
  - For murder in the second degree in seriousness level XIV, the minimum term shall be no less than 50 percent of the maximum term.

**These exceptions complicate the use of a standardized/formulaic approach.**

# Recap: Current Grid

	0	1	2	3	4	5	6	7	8	9+										
<b>16</b> Aggravated Murder 1	Life Without Parole																			
Homicide by Abuse																				
<b>15</b> Malicious Explosion 1																				
Murder 1	240	320	250	333	261	347	271	361	281	374	291	388	312	416	338	450	370	493	411	548
<b>14</b> Murder 2																				
Trafficking 1st Degree	123	220	134	234	144	244	154	254	165	265	175	275	195	295	216	316	257	357	298	397
<b>13</b> Malicious Explosion 2																				
Malicious Placement of Explosives 1	123	164	134	178	144	192	154	205	165	219	175	233	195	260	216	288	257	342	298	397
Assault 1																				
Assault of a child 2																				
<b>12</b> Comm. Sex Abuse of a Minor - Promote																				
Rape 1																				
Rape of a child 1																				
Trafficking 2nd degree	93	123	102	136	111	147	120	160	129	171	138	184	162	216	178	236	209	277	240	318
Manslaughter 1																				
<b>11</b> Rape 2																				
Rape of a Child 2																				
Veh. Homicide DUI/Reckless	78	102	86	114	95	125	102	136	111	147	120	158	146	194	159	211	185	245	210	280
Child Molestation 1																				
Indecent liberties with force																				
<b>10</b> Kidnapping 1																				
Leading organized crime																				
Sexually Violent Predator Escape	51	68	57	75	62	82	67	89	72	96	77	102	98	130	108	144	129	171	149	198

# Recap: Potential Recommendation 12

- **Murder 1, Homicide by Abuse, and Murder 2 moved to their own OSLs.**
- **Expands the grid from 16 to 18 rows.**
- **Ranges for Murder 1 unchanged. Maxs for Murder 2 are the same, but minimums are different.**

Offenses Within Each SL		0	1	2	3	4	5	6	7	8	9+										
Aggr Murder	<b>18</b>	Life Sentence without parole/death penalty for defendants at or over the age of 18. For defendants under the age of 18, a term of 25 years to Life																			
Murder 1 ( <i>mandatory minimum of 20 years</i> ) Homicide by Abuse ( <i>no mandatory minimum</i> )	<b>17</b>	240	320	250	333	261	347	271	361	281	374	291	388	312	416	338	450	370	493	411	548
Murder 2	<b>16</b>	110	220	117	234	122	244	127	254	132	265	137	275	147	295	158	316	178	357	198	397
Malicious Explosion of a Substance 1	<b>15</b>	93	124	102	137	113	150	124	165	136	182	150	200	165	220	182	242	200	267	267	356
Trafficking 1	<b>14</b>	82	110	90	121	100	133	110	146	121	161	133	177	146	195	161	214	177	236	236	315
Malicious Explosion of a Substance 2 Malicious Placement of an Explosive 1	<b>13</b>	71	95	79	105	87	116	95	127	105	140	115	154	127	169	140	186	154	205	205	274
Assault 1 Assault of a Child 1 Promoting Commercial Sexual Abuse of a Minor	<b>12</b>	61	81	67	89	74	98	81	108	89	119	98	131	108	144	119	158	131	174	174	233
Rape 1 Rape of a Child 1 Trafficking 1	<b>11</b>	50	67	55	73	60	81	67	89	73	98	81	108	89	119	98	130	108	144	144	192
Manslaughter 1 Rape 2 Rape of a Child 2 Vehicular Homicide - DUI/Reckless Manner	<b>10</b>	39	52	43	58	47	63	52	70	58	77	63	85	70	93	77	102	84	113	113	151
Child Molestation 1 Indecent Liberties - w Forcible Compulsion Kidnapping 1 Leading Organized Crime Sexually Violent Predator Escape	<b>9</b>	39	52	43	58	47	63	52	70	58	77	63	85	70	93	77	102	84	113	113	151

# Recap: Proposed Potential Changes 12a

- Collapse Malicious Explosion 1 & Trafficking 1 into SL 15. Move all other offenses up 1 SL.
- Leaves open OSL 10 for Class A felonies in OSL 9 and below that may need to be recalibrated to 10 or above under new grid structure.

Offenses Within Each SL		0	1	2	3	4	5	6	7	8	9+										
Aggr Murder	18	Life Sentence without parole/death penalty for defendants at or over the age of 18. For defendants under the age of 18, a term of 25 years to Life																			
Murder 1 ( <i>mandatory minimum of 20 years</i> ) Homicide by Abuse ( <i>no mandatory minimum</i> )	17	240	320	250	333	261	347	271	361	281	374	291	388	312	416	338	450	370	493	411	548
Murder 2	16	110	220	117	234	122	244	127	254	132	265	137	275	147	295	158	316	178	357	198	397
Malicious Explosion of a Substance 1 Trafficking 1	15	93	124	102	137	113	150	124	165	136	182	150	200	165	220	182	242	200	267	267	356
Malicious Explosion of a Substance 2 Malicious Placement of an Explosive 1	14	82	110	90	121	100	133	110	146	121	161	133	177	146	195	161	214	177	236	236	315
Assault 1 Assault of a Child 1 Promoting Commercial Sexual Abuse of a Minor Rape 1 Rape of a Child 1 Trafficking 1	13	71	95	79	105	87	116	95	127	105	140	115	154	127	169	140	186	154	205	205	274
Manslaughter 1 Rape 2 Rape of a Child 2 Vehicular Homicide - DUI/Reckless Manner	12	61	81	67	89	74	98	81	108	89	119	98	131	108	144	119	158	131	174	174	233
Child Molestation 1 Indecent Liberties - w Forcible Compulsion Kidnapping 1 Leading Organized Crime Sexually Violent Predator Escape	11	50	67	55	73	60	81	67	89	73	98	81	108	89	119	98	130	108	144	144	192
<Held for recalibration of other offenses>	10	39	52	43	58	47	63	52	70	58	77	63	85	70	93	77	102	84	113	113	151

# Potential Recommendation 12b

*Collapse the ranges for Murder 1 for Criminal History Scores 0-4 and 5-9+.*

- Because of the mandatory minimum, we cannot apply the formula to Murder 1.
- Proposed ranges would keep the current minimum for CHS 0 and approximate the Maximum in CHS 4, the Minimum in CHS 5 and the Maximum in CHS 9+

		0	1	2	3	4	5	6	7	8	9+										
Aggr Murder 1	XVI	Life Sentence without parole/death penalty for defendants at or over the age of 18. For defendants under the age of 18, a term of 25 years to Life																			
Murder 1 (mandatory minimum of 20 years) Homicide by Abuse (no mandatory minimum)	XV	240	320	250	333	261	347	271	361	281	374	291	388	312	416	338	450	370	493	411	548
Murder 2	XIV	123	220	134	234	144	244	154	254	165	265	175	275	195	295	216	316	257	357	298	397

		Life Sentence without parole/death penalty for defendants at or over the age of 18. For defendants under the age of 18, a term of 25 years to Life																			
Aggr Murder 1	XVI																				
Murder 1 (mandatory minimum of 20 years) Homicide by Abuse (no mandatory minimum)	XV	240 - 360										300-540									
Murder 2	XIV	123	220	134	234	144	244	154	254	165	265	175	275	195	295	216	316	257	357	298	397

# Potential Recommendation 12b

*Collapse the ranges for Murder 1 for Criminal History Scores 0-4 and 5-9+.*

## Grid Group Discussion points:

- Would increase the maximum in some cases (7 columns) and would decrease the minimum for some cases (8 columns).
- Would it increase or decrease prosecutorial discretion? Defense discretion?
- The difference between Murder 1 and Murder 2 is minimal
- Potential racial disproportionality in who is charged with M1 vs. M2

		0	1	2	3	4	5	6	7	8	9+										
Aggr Murder 1	XVI	Life Sentence without parole/death penalty for defendants at or over the age of 18. For defendants under the age of 18, a term of 25 years to Life																			
Murder 1 (mandatory minimum of 20 years) Homicide by Abuse (no mandatory minimum)	XV	240	320	250	333	261	347	271	361	281	374	291	388	312	416	338	450	370	493	411	548
Murder 2	XIV	123	220	134	234	144	244	154	254	165	265	175	275	195	295	216	316	257	357	298	397

		Life Sentence without parole/death penalty for defendants at or over the age of 18. For defendants under the age of 18, a term of 25 years to Life																			
Aggr Murder 1	XVI																				
Murder 1 (mandatory minimum of 20 years) Homicide by Abuse (no mandatory minimum)	XV	240 - 360										300-540									
Murder 2	XIV	123	220	134	234	144	244	154	254	165	265	175	275	195	295	216	316	257	357	298	397

# Open Discussion – New Zone

- Potential to create new “zone” on the grid for OSL 10 and above
- Zone includes only Class A felonies – thus, violent offenses
- Policies affecting zones do not have to be limited to sentence lengths
  
- **What other forms of accountability could help victims?**
  - Require the court give victims the option to submit Victim Impact Statement in this zone?
  - Mandatory restitution in this zone?
  
- **What other forms of accountability could be integrated for defendants?**
  - Require drug and alcohol assessments?
  - Require some form of rehabilitative treatment?
  - Create special sentencing conditions for repeat-violent convictions?

10:30–10:45am

**BREAK**

10:45–12:00pm

**CONT.**

**Sentencing Grid Subgroup  
Presentation and Discussion:  
Potential Recommendations,  
Tradeoffs, and Considerations**

# The Current Grid – OSL 6-9

\*Now  
Focusing  
on the  
middle  
portion of  
the grid,  
OSL 6-9

	0	1	2	3	4	5	6	7	8	9+										
<b>XV</b>	240	320	250	333	261	347	271	361	281	374	291	388	312	416	338	450	370	493	411	548
<b>XIV</b>	123	220	134	234	144	244	154	254	165	265	175	275	195	295	216	316	257	357	298	397
<b>XIII</b>	123	164	134	178	144	192	154	205	165	219	175	233	195	260	216	288	257	342	298	397
<b>XII</b>	93	123	102	136	111	147	120	160	129	171	138	184	162	216	178	236	209	277	240	318
<b>XI</b>	78	102	86	114	95	125	102	136	111	147	120	158	146	194	159	211	185	245	210	280
<b>X</b>	51	68	57	75	62	82	67	89	72	96	77	102	98	130	108	144	129	171	149	198
<b>IX</b>	31	41	36	48	41	54	46	61	51	68	57	75	77	102	87	116	108	144	129	171
<b>VIII</b>	21	27	26	34	31	41	36	48	41	54	46	61	67	89	77	102	87	116	108	144
<b>VII</b>	15	20	21	27	26	34	31	41	36	48	41	54	57	75	67	89	77	102	87	116
<b>VI</b>	12.05	14	15	20	21	27	26	34	31	41	36	48	46	61	57	75	67	89	77	102
<b>V</b>	6	12	12.05	14	13	17	15	20	22	29	33	43	41	54	51	68	62	82	72	96
<b>IV</b>	3	9	6	12	12.05	14	13	17	15	20	22	29	33	43	43	57	53	70	63	84
<b>III</b>	1	3	3	8	4	12	9	12	12.05	16	17	22	22	29	33	43	43	57	51	68
<b>II</b>	0	3	2	6	3	9	4	12	12.05	14	14	18	17	22	22	29	33	43	43	57
<b>I</b>	0	2	0	3	2	5	2	6	3	8	4	12	12.05	14	14	18	17	22	22	29
<b>Unr</b>	0 - 365 days																			

# Offenses at Mid OSLs

OSL	Offense	Felony Class	FY 19
9	Explosive Devices Prohibited	A	3
	Homicide By Watercraft-dui	A	0
	Robbery 1	A	204
	Abandon Dependent Persons 1	B	0
	Assault Of A Child 2	B	19
	Controlled Substance Homicide	B	0
	Hit and Run Resulting In Death	B	7
	Inciting Criminal Profiteering	B	1
	Malicious Placement Of Explosives 2	B	0
Sexual Exploitation Of A Minor	B	9	
8	Arson 1	A	15
	Homicide By Watercraft-reckless	A	0
	Comm. Sex Abuse A Minor	B	20
	Manslaughter 2	B	24
	Promoting Prostitution 1	B	1

OSL	Offense	Felony Class	FY 19
7	Burglary 1	A	72
	Homicide By Watercraft-disregard Safety	A	0
	Use Machine Gun Or Bump-fire Stock In Commission Of A Felony	A	0
	Vehicular Homicide - Disregard Safety Of Others*	A	19
	Child Molestation 2	B	98
	Civil Disorder Training	B	0
	Dealing Depictions Of A Minor 1st Degree	B	16
	Drive-by-shooting	B	26
	False Reporting 1 (Effective 6/11/2020)	B	0
	Indecent Liberties W/O Force	B	34
6	Introducing Contraband 1	B	1
	Malicious Placement Of Explosives 3	B	0
	Negligently Causing Death By Use Of A Signal Preemption Device	B	0
	Send/Bring Sexual Depictions Of Minor 1st Degree	B	0
	Unlawful Possession Of Firearm 1	B	215
	Bail Jump With Murder 1	A	0
	Bribery	B	1
	Incest 1	B	12
	Intimidating A Judge	B	4
	Intimidating A Juror	B	0
Intimidating A Witness	B	13	
6	Poss Of Depiction Of Minor 1st Degree	B	56
	Theft From A Vulnerable Adult 1	B	4
	Theft Of A Firearm	B	73

## Reminder:

Previous recommendations moved several Class C felony offenses out of these OSLs, so there are 8 offenses omitted here.

# Potential Recommendation 13

***Create the grid ranges for OSLs 6 – 9 using 108 as the anchor for the most serious maximum punishment for OSL 9, CHS 9+.***

- Previous recommendations suggested moving a few Class C felonies from OSL 6-9 to OSLs 5 and below.
- The majority of offenses in OSL 6-9 are Class B felonies with a statutory maximum of 120 months.
- Setting the maximum punishment at 108 months instead of 120 allows for some judicial discretion to issue aggravated sentences when warranted and allows for some sentences with some time in community custody.

# Potential Recommendation 13

*Create the grid ranges for OSLs 6 – 9 using 108 as the anchor for the most serious maximum punishment for OSL 9, CHS 9+.*

- **Formula is same as other portions of the grid**
  - Anchor is the maximum for OSL 9
  - Maximum for CHS 9+ in each row established by creating equal intervals in the maximum for each row.
  - Maximum for CHS 0 is calculated as 20% of the CHS 9+ maximum.
  - Maximum for each CHS after CHS 0 is 120% of the maximum for the previous CHS.
  - Minimum is 75% of the maximum.

# The Formula for OSL 6-9

3

	0	1	2	3	4	5	6	7	8	9+										
9	16.0	21.6	19.0	25.9	23.0	31.1	27.0	37.3	33.0	44.8	40.0	53.7	48.0	64.5	58.0	77.4	69.0	92.9	81.0	108.0
8	14.0	19.0	17.0	22.8	20.0	27.4	24.0	32.8	29.0	39.4	35.0	47.3	42.0	56.7	51.0	68.1	61.0	81.7	71.0	95.0
7	12.0	16.4	14.0	19.7	17.0	23.6	21.0	28.3	25.0	34.0	30.0	40.8	36.0	49.0	44.0	58.8	52.0	70.5	61.0	82.0
6	10.0	13.8	12.0	16.6	14.0	19.9	17.0	23.8	21.0	28.6	25.0	34.3	30.0	41.2	37.0	49.4	44.0	59.3	51.0	69.0

1

2

1. Anchor.

2. Calculation of maximum range per seriousness level is based on anchor.

3. Calculation of CHS 0 upper range value is based on anchor.

# Formula Cont.

	0	1	2	3	4	5	6	7	8	9+										
9	16.0	21.6	19.0	25.9	23.0	31.1	27.0	37.3	33.0	44.8	40.0	53.7	48.0	64.5	58.0	77.4	69.0	92.9	81.0	108.0
8	14.0	19.0	17.0	22.8	20.0	27.4	24.0	32.8	29.0	39.4	35.0	47.3	42.0	56.7	51.0	68.1	61.0	81.7	71.0	95.0
7	12.0	16.4	14.0	19.7	17.0	23.6	21.0	28.3	25.0	34.0	30.0	40.8	36.0	49.0	44.0	58.8	52.0	70.5	61.0	82.0
6	10.0	13.8	12.0	16.6	14.0	19.9	17.0	23.8	21.0	28.6	25.0	34.3	30.0	41.2	37.0	49.4	44.0	59.3	51.0	69.0

1

2

1. Anchor.
2. Calculation of maximum range per seriousness level is based on anchor.
3. Calculation of CHS 0 upper range value is based on anchor.
- 4. Calculation of the upper range of the cell to the right is based on the upper range of the cell to the left.**

# Formula Cont.

	0	1	2	3	4	5	6	7	8	9+										
9	16.0 ← 21.6	19.0 ← 25.9	23.0 ← 31.1	27.0 ← 37.3	33.0 ← 44.8	40.0	53.7	48.0	64.5	58.0	77.4	69.0	92.9	81.0	108.0					
8	14.0	19.0	17.0	22.8	20.0	27.4	24.0	32.8	29.0	39.4	35.0	47.3	42.0	56.7	51.0	68.1	61.0	81.7	71.0	95.0
7	12.0	16.4	14.0	19.7	17.0	23.6	21.0	28.3	25.0	34.0	30.0	40.8	36.0	49.0	44.0	58.8	52.0	70.5	61.0	82.0
6	10.0	13.8	12.0	16.6	14.0	19.9	17.0	23.8	21.0	28.6	25.0	34.3	30.0	41.2	37.0	49.4	44.0	59.3	51.0	69.0

1

2

1. Anchor.
2. Calculation of maximum range per seriousness level is based on anchor.
3. Calculation of CHS 0 upper range value is based on anchor.
4. Calculation of the upper ranges is based on the upper range value to the left.
- 5. Calculation of the lower range is based on the upper range value (current policy).**

# Formula Cont.

	3		5		4															
	0	1	2	3	4	5	6	7	8	9+										
9	16.0	21.6	19.0	25.9	23.0	31.1	27.0	37.3	33.0	44.8	40.0	53.7	48.0	64.5	58.0	77.4	69.0	92.9	81.0	108.0
8	14.0	19.0	17.0	22.8	20.0	27.4	24.0	32.8	29.0	39.4	35.0	47.3	42.0	56.7	51.0	68.1	61.0	81.7	71.0	95.0
7	12.0	16.4	14.0	19.7	17.0	23.6	21.0	28.3	25.0	34.0	30.0	40.8	36.0	49.0	44.0	58.8	52.0	70.5	61.0	82.0
6	10.0	13.8	12.0	16.6	14.0	19.9	17.0	23.8	21.0	28.6	25.0	34.3	30.0	41.2	37.0	49.4	44.0	59.3	51.0	69.0

1

2

1. Anchor.
2. Calculation of maximum range per seriousness level is based on anchor.
3. Calculation of CHS 0 upper range value is based on anchor.
4. Calculation of the upper ranges is based on the upper range value to the left.
5. Calculation of the lower range is based on the upper range value (current policy).

**6. Drop any partial months, e.g. 7.2 becomes 7.0, 38.7 becomes 38.0.**

6

	0	1	2	3	4	5	6	7	8	9+										
9	16	21	19	25	23	31	27	37	33	44	40	53	48	64	58	77	69	92	81	108
8	14	19	17	22	20	27	24	32	29	39	35	47	42	56	51	68	61	81	71	95
7	12	16	14	19	17	23	21	28	25	34	30	40	36	48	44	58	52	70	61	82
6	10	13	12	16	14	19	17	23	21	28	25	34	30	41	37	49	44	59	51	69

# Cont. Potential Recommendation 13

Current Ranges	OSL	0	1	2	3	4	5	6	7	8	9+									
	9	31	41	36	48	41	54	46	61	51	68	57	75	77	102	87	116	108	144	129
8	21	27	26	34	31	41	36	48	41	54	46	61	67	89	77	102	87	116	108	144
7	15	20	21	27	26	34	31	41	36	48	41	54	57	75	67	89	77	102	87	116
6	12.05	14	15	20	21	27	26	34	31	41	36	48	46	61	57	75	67	89	77	102

Simulated Ranges	OSL	0	1	2	3	4	5	6	7	8	9+									
	9	16	21	19	25	23	31	27	37	33	44	40	53	48	64	58	77	69	92	81
8	14	19	17	22	20	27	24	32	29	39	35	47	42	56	51	68	61	81	71	95
7	12	16	14	19	17	23	21	28	25	34	30	40	36	48	44	58	52	70	61	82
6	10	13	12	16	14	19	17	23	21	28	25	34	30	41	37	49	44	59	51	69

Change in Min/Max	OSL	0	1	2	3	4	5	6	7	8	9+									
	9	15	20	17	23	18	23	19	24	18	24	17	22	29	38	29	39	39	52	48
8	7	8	9	12	11	14	12	16	12	15	11	14	25	33	26	34	26	35	37	49
7	3	4	7	8	9	11	10	13	11	14	11	14	21	27	23	31	25	32	26	34
6	2.05	1	3	4	7	8	9	11	10	13	11	14	16	20	20	26	23	30	26	33

# Cont. Potential Recommendation 13

Current Ranges	OSL	0	1	2	3	4	5	6	7	8	9+									
	9	31	41	36	48	41	54	46	61	51	68	57	75	77	102	87	116	108	144	129
8	21	27	26	34	31	41	36	48	41	54	46	61	67	89	77	102	87	116	108	144
7	15	20	21	27	26	34	31	41	36	48	41	54	57	75	67	89	77	102	87	116
6	12.05	14	15	20	21	27	26	34	31	41	36	48	46	61	57	75	67	89	77	102

Simulated Ranges	OSL	0	1	2	3	Class B felonies have a stat max of 120, so technically, the reductions in the NE corner are less it appears.				7	8	9+								
	9	16	21	19	25	23	31	27	58	77	69	92	81	108						
8	14	19	17	22	20	27	24	51	68	61	81	71	95							
7	12	16	14	19	17	23	21	44	58	52	70	61	82							
6	10	13	12	16	14	19	17	23	21	28	25	34	30	41	37	49	44	59	51	69

Change in Min/Max	OSL	0	1	2	3	4	5	6	7	8	9+									
	9	15	20	17	23	18	23	19	24	18	24	17	22	29	38	29	39	39	28	39
8	7	8	9	12	11	14	12	16	12	15	11	14	25	33	26	34	26	35	37	25
7	3	4	7	8	9	11	10	13	11	14	11	14	21	27	23	31	25	32	26	34
6	2.05	1	3	4	7	8	9	11	10	13	11	14	16	20	20	26	23	30	26	33

# Recalibration Example

***Previous Recommendation 12a empties out OSL 10. Class A felonies in OSL 6-9 could be recalibrated (moved to a higher OSL) to moderate the reductions in sentences for Class A felonies since they are not held to the Class B stat max.***

- We've previously mentioned the possible need to recalibrate offenses to appropriately fit on the new grid.
- Reductions in sentences in OSL 6-9 may be more palatable for Class B felonies, but less desirable for Class A felonies.
- Recalibration may also occur for Class B felonies in OSL 1-5.
- Could be a decision made with these recommendations or could be a separate recommendation for SGC to examine and propose recalibrations of offenses under the new structure.

# Recalibration Example

OSL		0	1	2	3	4	5	6	7	8	9+										
Explosive Devices Prohibited Homicide by Watercraft DUI Robbery 1	<b>Current 9</b>	31	41	36	48	41	54	46	61	51	68	57	75	77	102	87	116	108	144	129	171
	<b>Sim 9</b>	16	21	19	25	23	31	27	37	33	44	40	53	48	64	58	77	69	92	81	108
	Diff	15	20	17	23	18	23	19	24	18	24	17	22	29	38	29	39	39	52	48	63
	<b>Sim 10</b>	39	52	43	58	47	63	52	70	58	77	63	85	70	93	77	102	84	113	113	151
	Diff	-8	-11	-7	-10	-6	-9	-6	-9	-7	-9	-6	-10	7	9	10	14	24	31	16	20

# Open Discussion – Other forms of accountability

- Reductions in sentence lengths could coincide with increases in other forms of accountability.
- **What other forms of accountability could help victims for class B offenses?**
  - Mandatory restitution in this zone?
- **What other forms of accountability could be integrated for defendants in the middle of the grid?**
  - Require drug and alcohol assessments?
  - Partial confinement alternatives?
  - Different requirement for violent or sex offenses?

12:00–12:30pm

## Questions from Observers

12:30pm

**ADJOURN**