

Proposal for Data-Driven Decision Making

Sentencing Effectiveness Work Group
Sentencing Grid Sub-Group

Remaining questions for sub-group:

1. Currently there are 3 classes of offenses (A, B, C) plus unranked offenses. The grid mockup had up to class D as a way to show the potential for making more offense-type distinctions within a class-based guidelines system. There are not currently class D offenses. What classification system does the group want to use on the vertical axis for a class-based grid? Would need to determine if/how to incorporate unranked offenses.
 - a. There is not currently a +/- system for adult felony sentences. We would need guidance on which offenses fall in which classification.
 - b. Can use the SGC review and proposed classifications (based on the juvenile +/- system) as a starting point.

Potential research Directions:

The current proposal for research includes gathering detailed information on the current grid using historical data and then assessing the possible impacts of changing components of the grid using the same set of historical data. Comparisons could be made between the current grid and the two potential grid options put forth by the sub-group.

The information on the current grid and hypothetical scenarios can help identify which options best meet the previously identified *desired outcomes*, but may also help identify where additional changes are necessary to meet the *desired outcomes*.

Information on current grid:

Data could be gathered to examine the following:

1. Number of sentences issued within each cell of the grid
2. Average sentence within each cell on the grid
3. Range of sentences in each cell as well as proportions of sentences that are in the range, below the range, and above the range.
4. Average reduction in length of stay for mitigated sentences and average increase in length of stay for aggravated sentences, by offense seriousness level.
5. **Are there racial/ethnic or gender disparities in the use of sentencing enhancements?**
6. Assessment of average range of sentences for the 5 most common crimes in each cell
7. Amount of sentences in each guideline cell that received a disposition alternative
8. **Disparity in the outcomes for individuals across the grid?**
 - a. *Is there racial/gender/age disparity in the general distribution of individuals?*
 - b. *Is there racial/gender/age disparity in average sentences within a guideline cell?*

Assessing the impact of changes:

There are two proposed options that the group has coalesced around.

Grid A: two vertical axes: Zone and Class (+/- system)**Grid B: two vertical axes: Zone and Offense Seriousness Level**

In order to assess the potential impact of moving forward with either grid, we could examine:

1. How many offenses would have an increase or decrease in the range of sentences on the new grid? (Relevant only for the class-based grid)
2. How many sentences would have had a potential increase or decrease on the new grid?
3. How do changes differentially affect racial/ethnic groups? Different genders? Different age groups?
4. Are there data-driven adjustments to the ranges in different cells that can reduce racial/ethnic, gender, or age disparities?
5. Where do disposition alternatives most commonly fall on the new grid? (to assess reasonable placements for new “zones”)
6. What are the potential outcomes from expanding the ranges in the guideline cells?
7. What are the potential outcomes from revising enhancements to be either a) a new, separate offense or b) moved into aggravating factors?

Other potential areas of examination:

The above questions focus primarily on the changes to the guideline rows and the width of the range in each of the individual cells. Based on the conversations from the sub-group, other potential areas of exploration include:

1. Combining felony and drug grid – additional analyses could examine the effects of eliminating the drug grid and putting those offenses back into the main felony sentencing grid.
2. Incorporating unranked offenses – how would sentences be affected if unranked offenses were incorporated into the grid?

Proposed timeline:

Draft report to Sentencing Effectiveness Grid Subgroup by March 31, 2021 (SAC report on criminal history scores should also be available).

Grid subgroup review WSIPP/CFC report and SAC report, April, 2021.

Grid subgroup decision making on final choices, May 2021.

WSIPP/CFC complete analyses on the combined/aggregate effects of final changes, June, 2021 (pending availability of additional funds).