

# Sentencing Guidelines

WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY

---

Lauren Knoth, PhD  
Senior Research Associate

Criminal  
Sentencing  
Task Force

January 2021

# WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY

Non-partisan research at legislative/board direction

## WSIPP Board of Directors

Senator Andy Billig,  
Co-Chair

Senator Marko Liias

Senator Mark Schoesler

Senate Republican Vacancy

Curt Gavigan, Senate Staff Dir.

David Schumacher, OFM

Sarah Norris Hall, UW

George Bridges, TESC

House Republican Vacancy  
Co-Chair

Representative Timm Ormsby

Representative Larry Springer

House Republican Vacancy

Jill Reinmuth, House Staff Dir.

Keith Phillips, Gov. Policy Dir.

Steve DuPont, CWU

Bidisha Mandal, WSU

# SENTENCING GUIDELINES

1. Legislative/social background
2. Components of Sentencing Guidelines
  1. Rows
  2. Columns
  3. Range within cells
  4. Departing from the guidelines
  5. Sentencing alternatives

# SENTENCING GUIDELINES HISTORY

1970s-1980s – concern over disparity in sentences due to judicial discretion and indeterminate sentencing

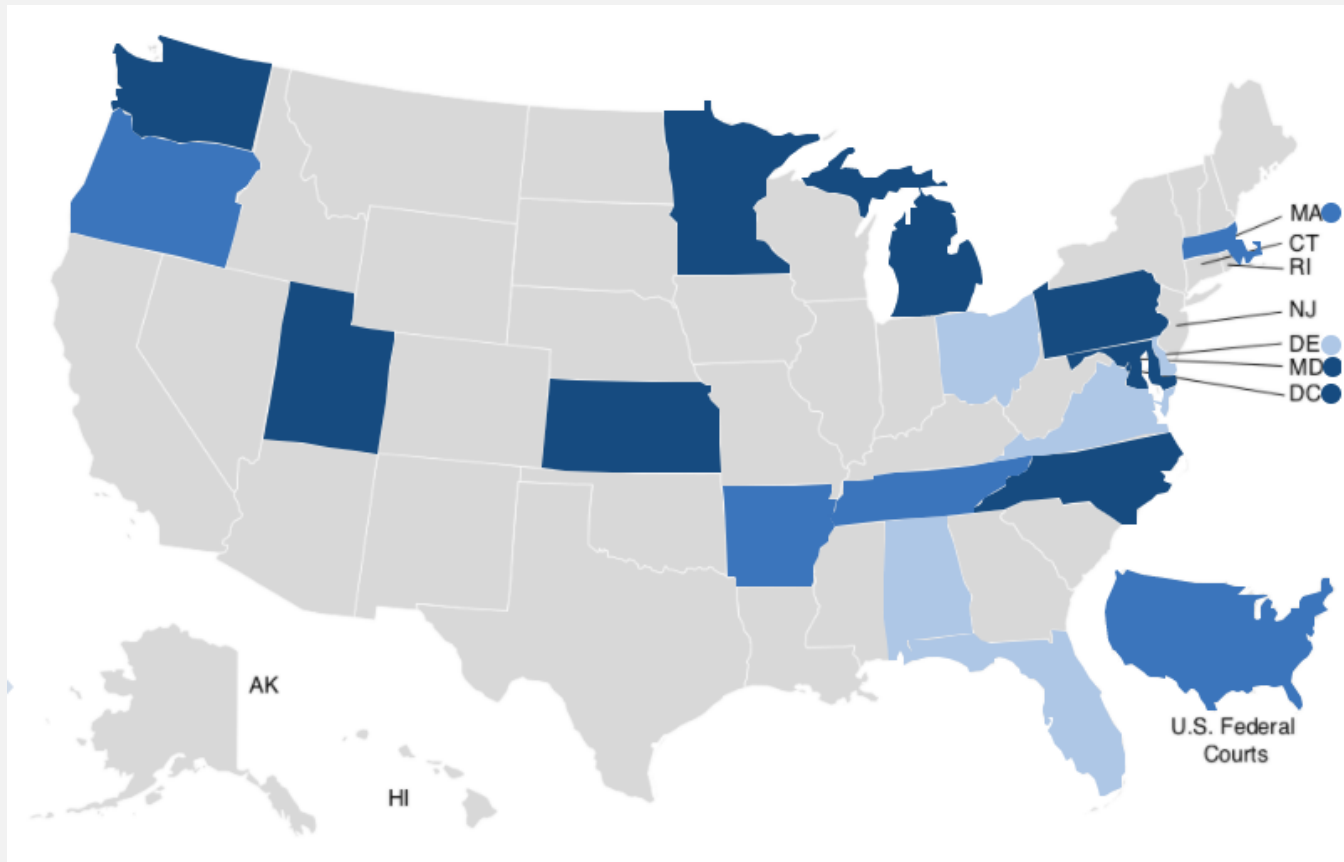
- Racial disparity, geographic disparity, gender disparity, etc.

1980s-2000s– widespread adoption of sentencing guidelines grids.

- **1981** – Washington State Sentencing Reform Act
- **1984** – Washington State adopts and implements determinate sentencing guideline grid.
- **1984** – Federal Government passes Sentencing Reform Act
- **1987** – Federal Government adopts determinate sentencing guidelines grid
- **2002** – Washington State adopts separate grid for drug offenses

# SENTENCING GUIDELINES HISTORY

**Now: at least 17 states, District of Columbia, and Federal government have sentencing guidelines.**



# WHAT IS A SENTENCING GRID?

**Structured sentencing** approach that uses a table (aka a grid) to determine the appropriate sentence in a case. Typically based on a combination of *offense characteristics* and *defendant characteristics*.

Each cell provides a *minimum* and *maximum* sentence.

Sentences within the range *presumed* to be reasonable and appropriate.

Specific conditions allow for sentences *above* or *below* the range

**Goal: consistency in sentences for similar crimes and similar criminal histories**

# TYPES OF SENTENCING GUIDELINES

Advisory – grid is a recommendation, but judges have the discretion to depart above and below at will.

- “Reasonableness”
- Varying standards for sentence justification

Mandatory – sometimes called “presumptive” – strict limits on sentencing outside of the grid cell range.

- More legislative control over sentences through enhancements, aggravators, etc.

## **Washington State – Mandatory/Presumptive**

# TYPES OF SENTENCING GUIDELINES

Single grid – encompasses all criminal offenses, or all criminal offenses under a particular court jurisdiction.

Multiple grids – separate grids for different cases, for example, grids by type of crime

**Washington State – Two grids: Non-drug and drug**



# WASHINGTON STATE SENTENCING GUIDELINES

		CRIMINAL HISTORY SCORE									
		0	1	2	3	4	5	6	7	8	9+
S E R I O U S N E S S L E V E L	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	130 - 174	140 - 184	160 - 216	178 - 236	209 - 277	240 - 318
	XI	90 m	100 m	110 m	119 m	129 m	139 m	159 m	178 m	215 m	245 m
		78 - 102	86 - 114	95 - 125	102 - 136	110 - 144	119 - 153	139 - 184	157 - 216	185 - 245	210 - 280
	X	59.5 m	66 m	72 m	78 m	84 m	90 m	106 m	122 m	150 m	230.5 m
		51 - 68	57 - 75	62 - 82	67 - 89	73 - 95	79 - 101	95 - 122	101 - 134	129 - 171	149 - 198
	IX	36 m	42 m	47.5 m	53.5 m	59.5 m	65.5 m	71.5 m	77.5 m	126 m	150 m
		31 - 41	36 - 48	41 - 54	46 - 61	51 - 64	56 - 70	61 - 76	67 - 83	108 - 144	129 - 171
	VIII	24 m	30 m	36 m	42 m	48 m	54 m	60 m	66 m	101.5 m	126 m
21 - 27		26 - 34	31 - 41	36 - 48	42 - 54	48 - 60	54 - 66	60 - 72	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	15 - 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	

"Southwest corner of the grid"

# WASHINGTON STATE SENTENCING GUIDELINES

## Washington State Drug Grid

Ser. Lev.	Criminal History Score		
	0 - 2	3 - 5	6 - 9+
3	51 - 68 months	68+ - 100 months	100+ - 120 months
2	12+ - 20 months	20+ - 60 months	60+ - 120 months
1	0 - 6 months	6+ - 18 months	12+ - 24 months

# WASHINGTON STATE SENTENCING GUIDELINES

## CRIMINAL HISTORY SCORE

SERIOUSNESS LEVEL	0	1	2	3	4	5	6	7	8	9+
	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
XIV	240 - 320	250 - 333	261 - 347	271 - 361	281 - 374	291 - 388	312 - 416	338 - 450	370 - 493	411 - 548
XIII	171.5 m	184 m	194 m	204 m	215 m	225 m	245 m	266 m	307 m	347.5 m
XII	123 - 220	134 - 234	144 - 244	154 - 254	165 - 265	175 - 275	195 - 295	216 - 316	257 - 357	298 - 397
XI	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
X	123 - 164	134 - 178	144 - 192	154 - 205	165 - 219	175 - 233	195 - 260	216 - 288	257 - 342	298 - 397
IX	108 m	119 m	129 m	140 m	150 m	161 m	189 m	207 m	243 m	279 m
VIII	93 - 123	102 - 136	111 - 147	120 - 160	129 - 171	138 - 184	162 - 216	178 - 236	209 - 277	240 - 318
VII	90 m	100 m	110 m	119 m	129 m	139 m	170 m	185 m	215 m	245 m
VI	78 - 102	86 - 114	95 - 125	102 - 136	111 - 147	120 - 158	146 - 194	159 - 211	185 - 245	210 - 280
V	59.5 m	66 m	72 m	78 m	84 m	89.5 m	114 m	126 m	150 m	230.5 m
IV	51 - 68	57 - 75	62 - 82	67 - 89	72 - 96	77 - 102	98 - 130	108 - 144	129 - 171	149 - 198
III	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
II	31 - 41	36 - 48	41 - 54	46 - 61	51 - 68	57 - 75	77 - 102	87 - 116	108 - 144	129 - 171
I	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
	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
	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
	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
	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
	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
		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
			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

# ROWS

## Offense Seriousness Level (RCW 9.94A.515):

- Offenses **ranked** from 1-16 with 1 being least serious and 16 being most serious
- Confinement time increases as rank increases

## Unranked offenses:

- Felonies not assigned a seriousness level
- 300+ unranked felony offenses, include all felony classes
- Presumptive range of 0-12 months

# WASHINGTON STATE SENTENCING GUIDELINES

## CRIMINAL HISTORY SCORE

	0	1	2	3	4	5	6	7	8	9+
	Life Sentence without Parole/Death Penalty for individuals at or over the age of 18. For those under the age of 18, a term of 25 years to life.									
XVI										
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

S  
E  
R  
I  
O  
U  
S  
N  
E  
S  
S  
L  
E  
V  
E  
L

# COLUMNS

## Criminal History Score:

- Ranges from 0 – 9+
- Based on prior convictions and current offenses
- Within a row, as criminal history score increases, sentence lengths increase
  - *Exception:* unranked offenses are 0 – 12 months regardless of criminal history score

# COLUMNS

## Criminal History Score:

- Complex calculation
  - Different offenses scored differently
  - Includes juvenile dispositions
  - “Multipliers” based on relationship between current offense and prior convictions (e.g., Burglary 1 current makes any previous burglary 2 conviction worth 2 points instead of 1)
  - Point added if on community custody
  - Some offenses “wash out” after 5 – 10 years and no longer count for points

# WASHINGTON STATE SENTENCING GUIDELINES

## CRIMINAL HISTORY SCORE

	0	1	2	3	4	5	6	7	8	9+	
	Life Sentence without Parole/Death Penalty for individuals at or over the age of 18. For those under the age of 18, a term of 25 years to										
	ine.										
S E R I O U S N E S S L E V E L	XVI										
	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	



# CELL RANGES

## Cell range:

- Provides minimum and maximum sentence for each combination of seriousness level and criminal history score
- Sentences < 1 year served in jail and >1 year served in prison
- SW corner range sizes from 60 days to 8 months
- NE portion of grid range sizes often exceed 100 months+
- In general, ranges increase as you move up and to the right on the grid
- Sentences must fall within the range, but there are some exceptions. . .
- In FY 2020, 77.9 percent of sentences were within standard range

# WASHINGTON STATE SENTENCING GUIDELINES

## CRIMINAL HISTORY SCORE

	0	1	2	3	4	5	6	7	8	9+
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									
	ine.									
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

S E R I O U S N E S S L E V E L

# DEPARTING FROM THE GUIDELINES

Other factors that can impact sentences:

- Exceptional sentences
- Sentencing enhancements
- Mandatory minimums/statutory maximums
- Sentencing/disposition alternatives

# DEPARTING FROM THE GUIDELINES

## Exceptional sentences:

- Departure above or below guideline range for “substantial and compelling” justification
- Statutes outline types of mitigating and aggravating factors
- *Mitigated* exceptional sentence – below the range
  - Judicial discretion
  - E.g., offense committed under duress
- *Aggravated* exceptional sentence – above the range
  - Must be “pled and proven” – limited judicial discretion
  - Statutorily defined
  - E.g., multiple victims
- Amount of time reduced or added at discretion of the judge
- FY 2020 – 7.6 % of sentences were exceptional sentences with majority being mitigated

# DEPARTING FROM THE GUIDELINES

## **Sentencing Enhancements:**

- May be fixed period of time (e.g., 2 years) added to the sentence or an increase in the presumptive sentencing range.
  - With fixed periods, sentences may be the maximum of the cell range plus the additional enhancement time
- Currently 12 enhancements
  - Firearm and deadly weapon enhancements
  - Protected zone enhancement
- Impacts on sentence vary
  - With multiple, some concurrent and some consecutive (i.e., stacked)
  - Some eligible for earned time, some are not
  - Some may be served in partial confinement, some may not

# DEPARTING FROM THE GUIDELINES

## Statutory maximums:

- Statutorily defined maximum sentence for an offense based on felony class:

Felony Class	Stat Max
Class A	Life
Class B	10 years
Class C	5 years

# DEPARTING FROM THE GUIDELINES

## **Mandatory Minimums:**

- Statutorily defined minimum sentence for an offense
- In Washington, mandatory minimums apply to:
  - Aggravated Murder (25 years)
  - Murder 1 (20 years)
  - Assault 1 (5 years)
  - Assault of a Child 1 (5 years)
  - Rape 1 (5 years)
  - Sexually violent Predator Escape (60 months)

# SENTENCING ALTERNATIVES

Non-incarceration or partial confinement alternatives to felony sentencing, each with specific eligibility criteria.

- First-time Offender Waiver (FTOW)
- Special Sex Offender Sentencing Alternative (SSOSA)
- Parenting Sentencing Alternative (FOSA)
- Drug Offender Sentencing Alternative, prison (prison DOSA)
- Drug Offender Sentencing Alternative, Residential (Residential DOSA)

**Not** incorporated directly into the grid

In FY 2020, 18.4 percent of sentences used sentencing alternatives



# WASHINGTON STATE SENTENCING GUIDELINES

		CRIMINAL HISTORY SCORE										
		0	1	2	3	4	5	6	7	8	9+	
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.										
S E R I O U S N E S S L E V E L	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	
		103 - 164	114 - 178	124 - 192	134 - 205	145 - 218	155 - 230	175 - 280	195 - 300	237 - 342	288 - 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	
		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					210 - 280	
	X	59.5 m	66 m	72 m	78 m	84 m	Example: Assault 1 Criminal History Score 2					230.5 m
		51 - 68	57 - 75	62 - 82	67 - 89	72 - 96						149 - 198
	IX	36 m	42 m	47.5 m	53.5 m	59.5 m						150 m
		31 - 41	36 - 48	41 - 54	46 - 61	51 - 68						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							
VII	17.5 m	24 m	30 m	36 m	But...							
	15 - 20	21 - 27	26 - 34	31 - 41	Sexual motivation enhancement ? (+ 2 years)							
VI	13m	18m	2y	2y 6m	Multiple victims aggravating factor? (+?? Years)							
	12+ - 14	15 - 20	21 - 27	26 - 34								
V	9m	13m	15m	17.5 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		

# OTHER CONSIDERATIONS FOR ACTUAL CONFINEMENT LENGTH

Earned time

Community Parenting Alternative

Extraordinary Medical Placement

Juveniles sentenced as adults

Three strikes law

Graduated reentry

Consecutive vs. concurrent sentences

For more detailed sentencing information, see the [CFC's powerpoint](#) on the CSTF webpage.

# QUESTIONS?

CRIMINAL HISTORY SCORE											
	0	1	2	3	4	5	6	7	8	9+	
S E R I O U S N E S S L E V E L	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	

# TYPES OF OFFENSES

Offense classifications:

- Seriousness level
- Felony class (A, B, C)
- Serious violent offenses
- Violent offenses
- Crimes against a person
- Sex offenses

# FIVE FACTORS IN CRIMINAL HISTORY SCORES

1. Prior convictions and juvenile dispositions
2. Similarity between prior and current offenses
3. Number of other current offenses in conviction
4. Community custody status
5. Length of time an individual is crime-free

# CRIMINAL HISTORY SCORES – WASH OUT

1. Class A, sex offenses, felony DUI – never wash out
2. Class B (not sex offense or felony DUI) – 10 years in community post release with no new convictions
3. Class C (not sex offense or felony DUI) – 5 consecutive years in community
4. Prior repetitive Domestic Violence (includes some misdemeanors) – 10 consecutive years in the community