

Washington State Criminal Sentencing Task Force Meeting

February 3, 2022 1:00pm-4:30pm

ZOOM Meeting

Agenda

Agenda

- Task Force Introductions and Updates
- Update from Sentencing Alternatives Workgroup
- Update on 2022 legislation related to Task Force's work
- Discuss vacant co-chair position
- Presentation and discussion of potential recommendations from Grid Subgroup

Agenda

1:00pm

**Review Agenda,
Groundrules**

1:10pm

**Introductions &
Updates**

1:40pm

**Discussion: Vacant Co-
Chair Position**

1:50pm

**Presentation: Criminal
History Scoring and
Multipliers**

2:30pm

BREAK

3:40pm

**Potential
Recommendations From
Gid Subgroup and
Discussion**

4:15pm

**Questions from
Observers**

4:30pm

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 a chat message to Molly Stenovec.**

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.

1:10 - 1:40pm

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 Workgroup Update

Update on 2022 Legislation Related to Task Force's Work

1:40 - 1:50pm

Discussion: Vacant Co-Chair Position

Quick Reminder of Work To Date and Work To Come

CSTF 3 Policy Goals:

In 2019, the Legislature established the Washington State Criminal Sentencing Task Force (Task Force) to review state sentencing laws, including a consideration of the Sentencing Guidelines Commission's (SGC) 2019 report, and 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.

CSTF Focus 2021 – 2022:

Sentencing Guidelines Grid

Washington State's Felony Sentencing Guidelines Grid with Midpoint and Sentence Ranges (RCW 9.94A.510)

	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.									
	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
	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
	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
	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	120 - 158	146 - 194	159 - 211	185 - 245	210 - 280
	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
	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
	24 m	30 m	36 m	42 m	47.5 m	53.5 m	78 m	89.5 m	101.5 m	126 m
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	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
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

Vertical Axis: Offense Serious Level

Horizontal Axis: Criminal History Score

	U	1	2	3	4	5	6	7	8	9+										
	Life Sentence without parole/death penalty for defendants at or over the age of 18 years to Life										5									
XVI											48									
XV	240	320	250	333	261	347	271	361	281	374	291	3	48							
XIV	12							254	165	265	175	2	97							
XIII	12							205	165	219	175	2	97							
XII	9							160	129	171	138	1	18							
XI	7							136	111	147	120	1	30							
X	5							89	72	96	77	1	98							
IX	3							61	51	68	57		71							
VIII	2							48	41	54	46		44							
VII	1							41	36	48	41	54	57	75	67	89	77	102	87	116
VI	12							34	31	41	36	48	46	61	57	75	67	89	77	102
V	3							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																			

Vertical Axis:

The rows on the grid represent different **Offense Seriousness Levels (OSLs)** and range from 1 to 16. Higher OSLs correspond with longer sentence lengths.

Horizontal Axis:

The columns represent different **criminal history scores** and range from 0 to 9+. Criminal history scores are determined using a complex calculation.

Vertical Axis:

The rows on the grid represent different **Offense Seriousness Levels (OSLs)** and range from 1 to 16. Higher OSLs correspond with longer sentence lengths.

Horizontal Axis:

The columns represent different **criminal history scores** and range from 0 to 9+. Criminal history scores are determined using a complex calculation.

Potential recommendations presented to full Task Force in 2021 were on the grid components primarily associated with the *vertical axis* of the grid.

Vertical Axis Components

- Offense Serious Levels
- Felony class – areas on the grid that exceed stat max
- Statutory minimums
- The “Southwest Corner” of the grid
- Cell ranges
- Exceptional sentence (departures above and below)
- Creating zones
- Sentencing alternatives
- Sentencing for young adults
- Information and data available

Reminder: Presented in 2021: Vertical Axis

Potential Recommendations

Potential Recommendations 1-5

- # 1: Community Supervision Model
- # 2: Felony Class B no higher than OSL 9 and Felony Class C no higher than OSL 5
- # 3: Addresses sentencing ranges that exceed the statutory maximum for class C and class B felonies
- # 4: Offenses Sunset Committee
- # 5: Ongoing Monitoring and Evaluation of any Changes to the Grid

Potential Recommendations 6-9:

- # 6: Formulaic approach for OSL 1-5
- #7: 12 months or less, minimum become zero
- # 8: Eliminate straddle Cells
- #9: Keep straddle cells and create a state-funded intermediate sanction zone

Potential Recommendations # 10-13

- # 10: Eliminate mandatory minimum for Murder 1
- # 11: For aggravated murder 1, change the age for life without parole.
- # 12: Second chance review at 20 years
- # 13: Increasing the number of OSLs
- # 13a: Move Trafficking 1 to OSL 15 with Malicious Explosion of a Substance 1. Move all other offenses up one OSL
- # 13b: Collapse the ranges for Murder 1 for Criminal History Scores 0-4 and 5-9+

Potential Recommendations # 14

- # 14: Formulaic approach for OSL 6-9

Reminder: Grid Subgroup Present to CSTF Starting February 2022

Horizontal Axis Components – Criminal History Score

- Methods for Addressing Repeat Violent Offending Behaviors
 - Three strikes laws
 - Two strikes laws
 - Criminal history multipliers
 - Mandatory consecutive sentencing for serious violent offenses
 - Mandatory consecutive sentencing for other offenses
 - Exceptional Sentences: Aggravators and Mitigators
- Enhancements
- Criminal History Score
- Sentencing for young adults
- Information and data available

After Potential Recommendations on Horizontal Axis Presented & Discussed:

The Grid Subgroup will be revising all potential recommendations: bringing in Task Force input, new ideas, refining ideas and areas where members are and are not aligned, etc...

In order to put together the whole package of potential grid recommendations. This will be what the Task Force then starts working to revise, refine, and ultimately enter into consensus deliberations.

Reminder:

Eventually all potential recommendations will come together to form a complete grid structure.

In essence, *ALL* potential recommendations are sub-recommendations that altogether comprise a larger reform package(s) the full Task Force will then work towards consensus on.

1:50-2:15pm

Presentation: Washington State Criminal History Scoring Rules, Multipliers, and Scenarios

Clela Steelhammer, Caseload Forecast Council

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

CRIMINAL HISTORY SCORE										
	0	1	2	3	4	5	6	7	8	9+
XV										
XIV	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
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Criminal History Score

Complex calculation

- Different offenses scored differently
- Includes juvenile dispositions
- “Multipliers” based on relationship between current offense and prior convictions
- Point added if on community custody
- Some offenses “wash out” after 5 – 10 years and no longer count for points

CRIMINAL HISTORY SCORE												
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	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	

Criminal History “Standard” Scoring

The general rule for scoring is that prior felony convictions count as:

- Adult offenses count as 1 point
 - Juvenile Violent offenses count as 1 point
 - Juvenile non-violent (NV) offenses count as 1/2 point (rounded down)
-
- If there is more than one offense for in a sentence, the current offenses will score against one another, but are run concurrently (at the same time). There are exceptions that we’ll go over in the scoring document (SV & certain weapon offenses)
 - If a person was under community custody at the time of the current offense, 1 pt is added to the criminal history score.
 - Offenses score as if they were a completed offense (example: Robbery 2° is a Violent offense and Attempted Robbery 2° is NV, but would be scored as Violent offense).
 - Only offenses ranked on the adult felony sentence grid are scored – unranked offenses have a score of 0 and a standard range of 0-12 months.

Scoring Exceptions: Multiple Scoring for Adult Offenses

Current Offense:	Other Currents/Prior Offenses Score:
Violent	Violent = 2 pts
Serious Violent	SV = 3pts (for offenses not ran consecutive), Violents = 2 pts
Burglary 1	Burlary = 2 pts, Violents or SV = 2 pts
Felony Traffic	Veh Homicide or Veh Assault = 2 pts
Asslt or Homicide By Watercraft	Asslt or Homicide By Watercraft = 2 pts
Manufacture of Meth	Manufacture of Meth = 3 pts
Drug Offense* with history of Sex or SV offenses:	Prior Drugs* = 3 pts
Burglary 2 or Residential Burglary	Burglaries = 2 pts
Sex Offense (other than Failure to Register)	Sex = 3 pts
Failure to Register defined as Sex offense	Sex = 3 pts (except sex offense of FTR = 1 pt)
Domestic Violence (DV)	DV = 2 pts
*Definition of Drug excludes simple possession of controlled substances.	

Scoring Scenarios

2:15-2:30pm

Philosophies of Punishment

Lauren Knoth, Washington State Institute for
Public Policy

Philosophies of Punishment

- **Retribution**

- “Just deserts” – punishment should be as serious as the offense.
- “An eye for an eye” “Let the punishment fit the crime”

- **Incapacitation**

- Eliminate the ability for individuals to commit an offense.
- Individuals at a higher *risk* of crime should be incarcerated longer.

- **Deterrence**

- Punishments that are swift, certain, and severe will prevent individuals from committing an offense.
- Individuals are rational and consider benefits and costs. Punishments must be severe enough to outweigh the benefits of offending.

- **Rehabilitation**

- Punishments should reform individuals to reduce their offending behaviors.
- Prisons as “reformatories.”

- **Restoration**

- Punishments should restore harm done to victims and society.
- Individuals take full responsibility for offense, restore harm done, and reintegrate back into society.

Philosophies of Punishment

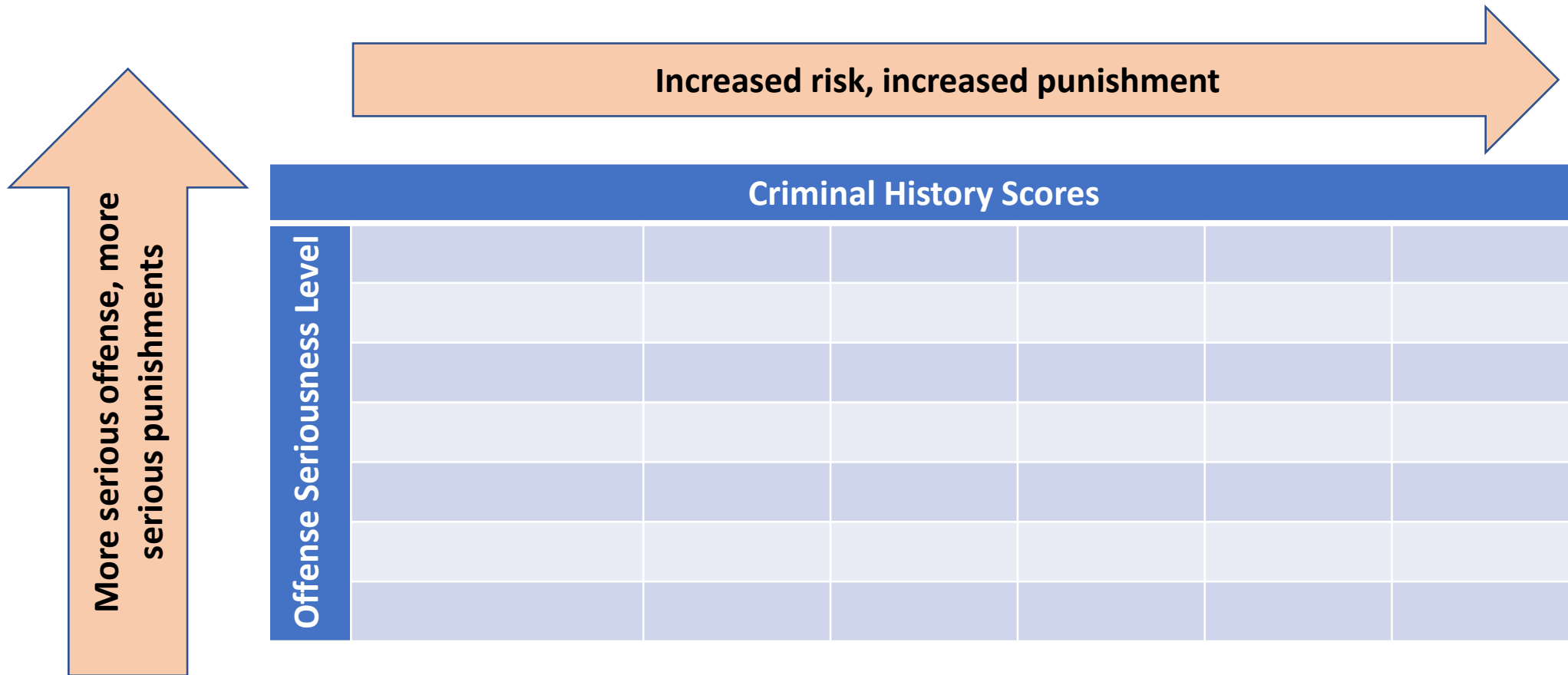
Most policies can be tied to one or more of these philosophies of punishment.

May not be mutually exclusive.

- Prison sentences may be motivated by retribution, incapacitation, and rehabilitation.
- Legal financial obligations may be motivated by retribution (fines) and restoration (restitution, fees).

Philosophies of Punishment

Sentencing guidelines generally informed by retribution and incapacitation/risk

[illegible]

Philosophies of Punishment

Offense-specific multipliers in Criminal History Scores

- Rehabilitation – n/a
- Restoration – n/a
- Deterrence
 - No current evidence for deterrent effect.
 - Multipliers are a “black box” unknown by most individuals.
- Incapacitation/Risk
- Retribution

Philosophies of Punishment

Offense-specific multipliers in Criminal History Scores

- Rehabilitation – n/a
- Restoration – n/a
- Deterrence
 - No current evidence for deterrent effect.
 - Multipliers are a “black box” unknown by most individuals.
- **Incapacitation/Risk**
- **Retribution**

Philosophies of Punishment

Offense-specific multipliers in Criminal History Scores

- **Incapacitation/Risk**

- Argument for: Past behavior is a predictor of future behavior. If individuals previously committed violent offenses, they may be more likely to recidivate with a violent offense.
- *Quantitative* aspect of history captured in number of priors
- Multipliers capture *qualitative* aspect of history – more points for *specialization*.

Philosophies of Punishment

Offense-specific multipliers in Criminal History Scores

- **Incapacitation/Risk**
 - Research on specialization:
 - Generalization more common than specialization
 - Specialization more common among less frequent offending populations
 - Some evidence of short-term specialization, but more versatility in long-term.
 - “The more highly motivated crime-prone offenders are more likely to engage in a wide range of criminal behaviors relative to their less motivated, more criminally specialized, counterparts.” McGloin et al., (2007)
 - “It is quite possible that a trend toward offending specialization may be a part of the desistance process.” McGloin et al., (2007)

Thus, evidence suggests there is a greater risk of recidivism among generalists rather than specialists.

Philosophies of Punishment

Offense-specific multipliers in Criminal History Scores

- **Retribution**

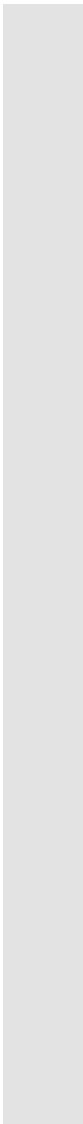
- Argument for: Individuals who have repeatedly committed the same crimes are deserving of more serious punishments.
- Value/policy-based question
- Individuals have not “learned their lesson”
- Previous sanctions weren’t enough, so more sanctions may be necessary for repetitive behaviors

Absent a deterrent effect or indicator of risk, offense-specific multipliers are most likely informed by retribution perspective.



2:40 – 2:50pm

BREAK



2:40 - 4:15pm

Potential Recommendations From Grid Subgroup and Discussion

Proposed Recommendation

Eliminate the offense-specific multipliers from the criminal history score calculation.

and

Create a new column on the grid for repeat violent offending that increases the maximum of the standard sentencing range if the individual has convictions for a previous violent or serious violent offense.

Grid Subgroup Discussion:

Recognizing that retributive sanctions may be justified for individuals who have committed repeat violent offenses (more cumulative harm done to society), this recommendation maintains the ability to increase sanctions for repeat violent offenses while eliminating a significant source of complexity, inefficiency, and error.

Simulating ranges based on set month approach.

	0		1		2		3		4		5		6		7		8		9+		Repeat Violent										
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																														
17	240	320	380	252	336	396	264	352	412	277	370	430	291	388	448	306	408	468	321	428	488	337	450	510	354	472	532	372	496	556	60
16	104	138	186	114	152	200	126	168	216	138	184	232	152	203	251	167	223	271	184	246	294	203	270	318	223	297	345	297	397	445	48
15	93	124	172	102	137	185	113	150	198	124	165	213	136	182	230	150	200	248	165	220	268	182	242	290	200	267	315	267	356	404	48
14	82	110	146	90	121	157	100	133	169	110	146	182	121	161	197	133	177	213	146	195	231	161	214	250	177	236	272	236	315	351	36
13	71	95	131	79	105	141	87	116	152	95	127	163	105	140	176	115	154	190	127	169	205	140	186	222	154	205	241	205	274	310	36
12	61	81	105	67	89	113	74	98	122	81	108	132	89	119	143	98	131	155	108	144	168	119	158	182	131	174	198	174	233	257	24
11	50	67	91	55	73	97	60	81	105	67	89	113	73	98	122	81	108	132	89	119	143	98	130	154	108	144	168	144	192	216	24
10	39	52	64	43	58	70	47	63	75	52	70	82	58	77	89	63	85	97	70	93	105	77	102	114	84	113	125	113	151	163	12
9	16	21	33	19	25	37	23	31	43	27	37	49	33	44	56	40	53	65	48	64	76	58	77	89	69	92	104	81	108	120	12
8	14	19	31	17	22	34	20	27	39	24	32	44	29	39	51	35	47	59	42	56	68	51	68	80	61	81	93	71	95	107	12
7	12	16	28	14	19	31	17	23	35	21	28	40	25	34	46	30	40	52	36	48	60	44	58	70	52	70	82	61	82	94	12
6	10	13	25	12	16	28	14	19	31	17	23	35	21	28	40	25	34	46	30	41	53	37	49	61	44	59	71	51	69	81	12
5	3	10	16	3	12	18	4	15	21	5	18	24	6	22	28	8	26	32	9	32	38	11	38	44	13	46	52	16	54	60	6
4	2	9	15	3	10	16	3	12	18	4	15	21	5	18	24	6	22	28	8	26	32	9	32	38	11	38	44	13	45	51	6
3	2	7	13	2	8	14	3	10	16	3	12	18	4	14	20	5	17	23	6	21	27	7	25	31	9	30	36	10	36	42	6
2	0	3	9	1	6	12	2	7	13	2	8	14	3	10	16	3	12	18	4	14	20	5	17	23	6	21	27	8	27	33	6
1	0	2	8	0	3	9	1	5	11	1	6	12	2	7	13	2	8	14	3	10	16	3	12	18	4	14	20	5	18	24	6
Unr	0 - 365 days																														

Simulations – using simulated grid

Scoring example 2 – Burglary 1st degree (OSL 7)

Standard CHS scoring (no multipliers) – CHS = 6; **Sentencing Range = 36-48 months**

With multipliers (Status Quo) – CHS = 10; **Sentencing range = 61-82 months**

	0	1	2	3	4	5	6	7	8	9+										
7	12	16	14	19	17	23	21	28	25	34	30	40	36	48	44	58	52	70	61	82

Proposed RV Column Recommendation

No multipliers (standard scoring only) CHS = 6; **Sentencing range = 36-60 months**

	0	1	2	3	4	5	6	7	8	9+	Repeat vio.																				
7	12	16	28	14	19	31	17	23	35	21	28	40	25	34	46	30	40	52	36	48	60	44	58	70	52	70	82	61	82	94	12 mos

Simulations – using simulated grid

Scoring example 3 – Assault of a Child 2nd Degree (OSL 9)

Standard CHS scoring (no multipliers) – CHS = 6; **Sentencing Range = 36-48 months**

With multipliers (Status Quo) – CHS = 9; **Sentencing range = 61-82 months**

	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

Proposed RV Column Recommendation

No multipliers (standard scoring only) CHS = 6; **Sentencing range = 48-76 months**

	0	1	2	3	4	5	6	7	8	9+	Repeat vio.																				
9	16	21	33	19	25	37	23	31	43	27	37	49	33	44	56	40	53	65	48	64	76	58	77	89	69	92	104	81	108	120	12

Simulations – using simulated grid

Scoring example 4a – Manslaughter first degree (OSL 12)

Standard CHS scoring (no multipliers) – CHS = 3; **Sentencing Range = 81-108 months**

With multipliers (Status Quo) – CHS = 9; **Sentencing range = 108-144 months**

	0		1		2		3		4		5		6		7		8		9+	
12	61	81	67	89	74	98	81	108	89	119	98	131	108	144	119	158	131	174	174	233

Proposed RV Column Recommendation

No multipliers (standard scoring only) CHS = 3; **Sentencing range = 81-132 months**

	0	1	2	3	4	5	6	7	8	9+	Repeat vio.																				
12	61	81	105	67	89	113	74	98	122	81	108	132	89	119	143	98	131	155	108	144	168	119	158	182	131	174	198	174	233	257	24

Proposed Recommendation

Reducing Complexities and Errors

- Multipliers happen in the background and have many complex rules that are not always known.
- Applying a new column consistently regardless of offense reduces the complexity and potential for errors.
- Applying a new column increases transparency and makes it clearer that an individual's sentence was higher or eligible to be higher as a result of the types of offenses in their criminal history.

Proposed Recommendation

Improving Effectiveness of the Sentencing System

- Multipliers increase discretion of the legislature and reduce the discretion of judges/prosecutors/defense. Recommendation creates more balanced discretion.
- Increasing the maximum allows for the similar outcomes as today (e.g., increased punishment for repeat offenses/retributive sanctions), but also allows for more consideration of cases that may not need increased sanctions.
- More individualized sanctions.

Proposed Recommendation

Promoting and Improving Public Safety

- Recommendation maintains the ability to issue more serious sanctions for more serious individuals/cases.
- In particularly egregious cases, aggravating factors are likely to apply.
- Many violent and serious violent offenses will also have enhancements which still apply.
- Given the lack of evidence that specialization is a signal for increased risk, there is no evidence that increased incapacitation is necessary to maintain public safety for repeat offenses vs. generalists.

Proposed Recommendation

Reducing Racial Disproportionality/Disparity

- Initial evidence from OFM suggests there is racial disproportionality in the application of multipliers which creates disproportionality in sentences.
- Increasing the maximum still allows for increased sentences when warranted, but allows defense to argue that increased sanctions are not justified given considerations of an individual's specific criminal history.
- Allows for more clear understanding of potential disparity by being able to compare cases where the sentence was increased due to the type of offenses in a person's criminal history. In status quo, there is significant heterogeneity in the meaning of different people's criminal history scores.

Additional Considerations

Eliminating all offense-specific multipliers or just eliminating all multipliers related to violent and serious violent offenses?

As proposed, the recommendation would eliminate multipliers for:

- Escape from Community Custody
- Escape 1/2
- Burglary 2/residential burglary
- Failure to register
- Theft of Motor vehicle/possession of stolen vehicle
- Manufacture methamphetamine
- NV Drug offenses
- NV felony traffic offenses

If multipliers function as a retributive form of punishment only, are they necessary or appropriate for non-violent offenses? Should individuals with three similar NV offenses be treated more harshly than individuals with 3 different NV offenses?

Serious Violent Felonies

Multiplier	Race						
	Missing	Asian	Black	Hispanic	Indigenous	Unknown	White
No Serious Violent Felony	77	741	3827	3092	605	202	10390
Serious Violent Felony Present	1	18	279	153	32	0	442
No Violent Felony	78	710	3614	3029	582	202	10087
Violent Felony Present	0	49	492	216	55	0	745

Prior Serious Violent Felony	
Race	Has Multiplier
Missing	1.28%
Asian	2.37%
Black	6.79%
Hispanic	4.71%
Indigenous	5.02%
Unknown	0.00%
White	4.08%

Prior Violent Felony	
Race	Has Multiplier
Missing	0.00%
Asian	6.46%
Black	11.98%
Hispanic	6.66%
Indigenous	8.63%
Unknown	0.00%
White	6.88%

Violent Felonies

Multiplier	Race						
	Missing	Asian	Black	Hispanic	Indigenous	Unknown	White
No Violent Felony	476	1405	7818	5502	1423	423	34047
Violent Felony Present	14	91	1109	365	121	5	2562

Prior Violent Felony

Race	Has Multiplier
Missing	2.86%
Asian	6.08%
Black	12.42%
Hispanic	6.22%
Indigenous	7.84%
Unknown	1.17%
White	7.00%



Burglary 1

Prior Burglary 2 Adult

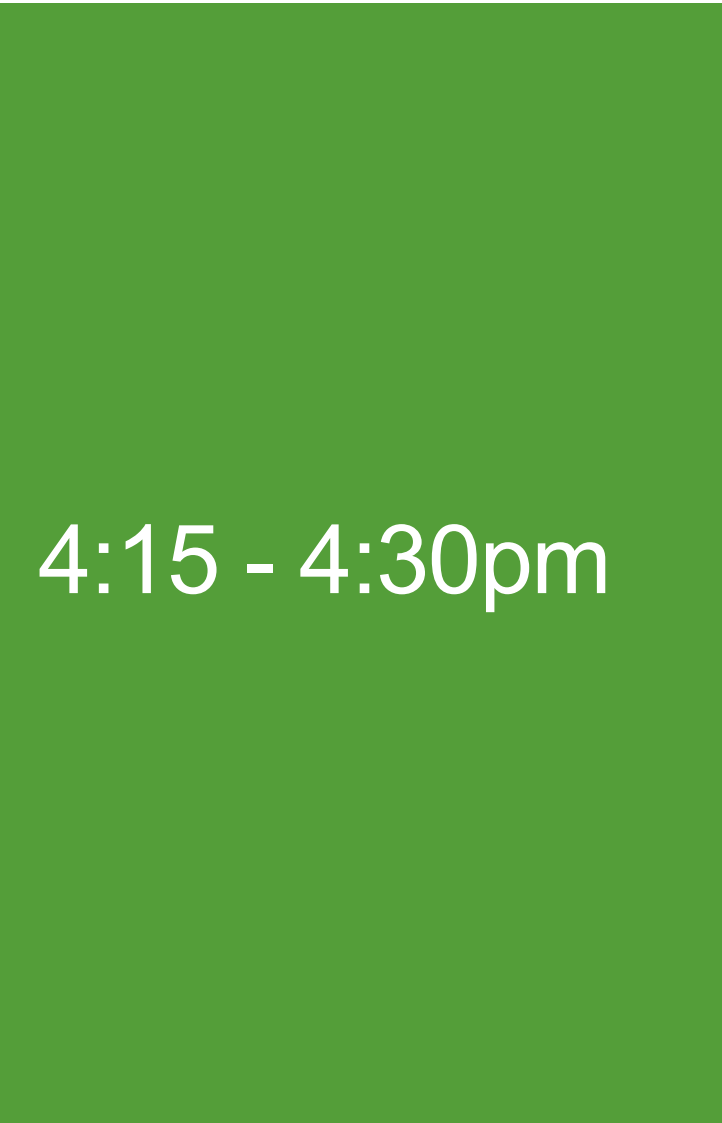
Race	Has Multiplier
Missing	9.60%
Asian	9.06%
Black	16.77%
Hispanic	13.71%
Indigenous	17.63%
Unknown	0.00%
White	18.29%

Prior Burglary 2 Juvenile

Race	Has Multiplier
Missing	0.00%
Asian	2.27%
Black	2.28%
Hispanic	4.89%
Indigenous	4.91%
Unknown	0.00%
White	2.87%

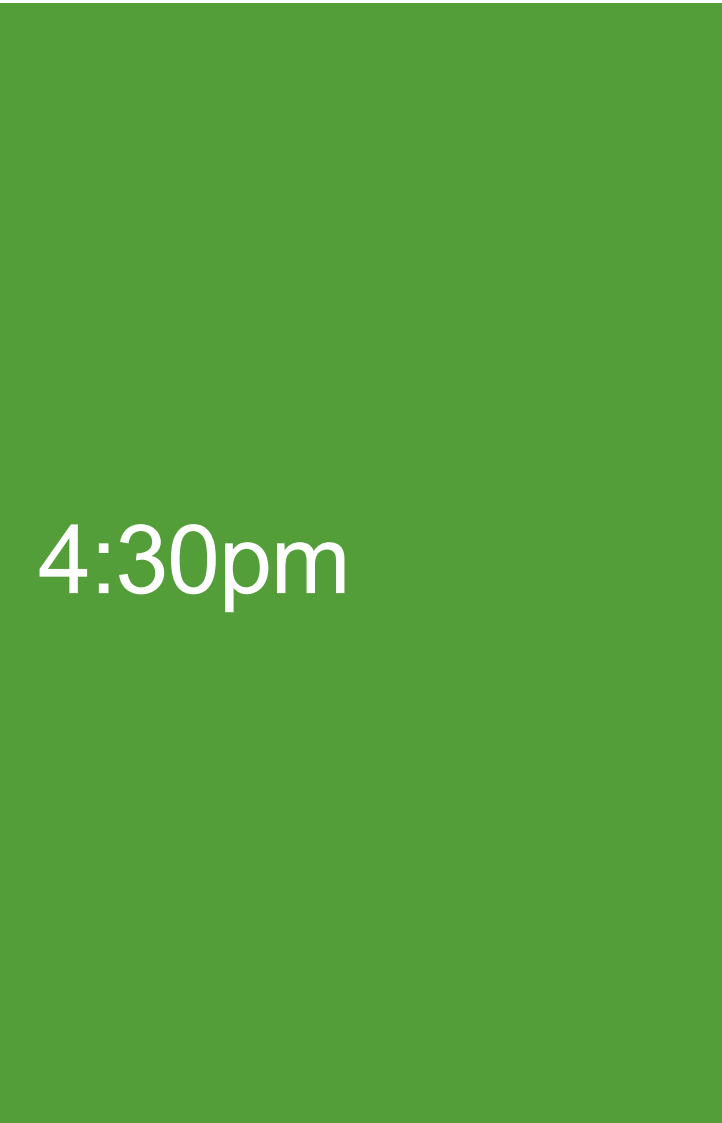
Prior Violent Felony

Race	Has Multiplier
Missing	0.80%
Asian	17.15%
Black	28.82%
Hispanic	15.30%
Indigenous	20.23%
Unknown	4.55%
White	13.20%



4:15 - 4:30pm

Questions from Observers



ADJOURN

