

Washington State Criminal Sentencing Task Force Meeting

October 7, 2021 1:00pm-4:30pm

ZOOM Meeting

Agenda

Agenda

- Task Force introductions and updates
- Updates: Co-Chairs, Facilitation Team, Sentencing Grid Subgroup
- Sentencing Alternatives Workgroup update & options for Task Force input

Agenda

1:00pm
**Review Agenda,
Groundrules**

1:10pm
**Introductions and
Updates**

1:40pm
**Sentencing
Alternatives Overview
& Options for
Connecting
Alternatives to Grid**

2:30pm
BREAK

2:45pm
**Discussion and Input on
Sentencing Alternatives**

4:00pm
**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 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.

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 Grid Subgroup Update

1:40 - 2:30pm

Sentencing Alternatives Subgroup:

**Overview of work to date,
discussion, and gathering Task Force
input**

Alternatives Subgroup - Scope

- **July – September 2021:** Presentations on existing state sentencing alternatives: eligibility, FY19 data on # of each alternative issued, discussions on effectiveness, and conditions for when alternatives may be revoked.
- **October – December meetings:** Explore ways to integrate sentencing alternatives onto the grid and ways to account for differences in eligibility.

Today's Meeting Focus: Provide an overview of key learnings from July-September with focus on current eligibility criteria; Gather Task Force input to inform Subgroup's Oct.-Dec. discussions on ways to integrate sentencing alternatives onto the grid and ways to account for differences in eligibility.

Sentencing Alternatives Subgroup Has Discussed:

Sentencing Alternatives

Non-incarcerative or partial confinement sentencing options that may be imposed in lieu of the standard range of incarceration for certain cases. These alternatives can include components such as outpatient treatment and/or community supervision.

Washington has five sentencing alternatives.

Special Sex Offense Sentencing Alternative

Drug Offense Sentencing Alternative (DOSA)

Mental Health Sentencing Alternative

Parenting Alternative – Family and Offender Sentencing Alternative (FOSA)

First Time Offense Waiver (FTOW)

Prison DOSA

Residential DOSA

Special Sex Offense Sentencing Alternative (SSOSA)

- Confinement alternative of up to 12 months for individuals with a current sex offense (excluding sex offenses that are serious violent or for Rape 2) that are facing a sentence of less than 11 years.
- Conditions of the sentence that may include inpatient and/or outpatient treatment.
- If a person under the SSOSA alternative does not comply with the sentence requirements, the court may revoke the alternative sentence and impose the suspended, standard range sentence.

Data: In FY 2019, there were 68 sentences imposed for SSOSA.

SSOSA - Eligibility

- Individuals convicted of a current sex offense that does not include any serious violent sex offenses or rape in the second degree. If conviction results from a guilty plea, individual must voluntarily and affirmatively admit to committing all elements of the crime to which the individual is pleading guilty. Alternative not available to offense charged under *North Carolina v. Alford* and *State v. Newton*.
- Person may not have any prior felony sex convictions.
- No prior adult convictions for a violent offense that was committed within 5 years of the current offense
- Not have caused substantial bodily harm to victim.
- Individual had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime.
- Individuals must also have a current offense and criminal history that permits the court to impose a standard range sentence of less than eleven years confinement.

Drug Offense Sentencing Alternative (DOSA)

The Drug Offender Sentencing Alternative consists of two programs:

- 1. Prison-based DOSA:** $\frac{1}{2}$ the sentence is served in a DOC facility and the other half is served in the community (Effective April 1995).
- 2. Residential DOSA:** A non-confinement program that consists of inpatient treatment in the community followed by community custody (Effective Oct. 2005).

Data: In FY 2019, there were 1,522 sentences imposed for Prison DOSA (90% below the standard range, 10% within the standard range) and 1,032 sentences for Residential DOSA (100% below the standard range).

Drug Offense Sentencing Alternative (DOSA)

1. Prison DOSA:

- Confinement alternative of $\frac{1}{2}$ midpoint of standard range for individuals facing a prison sentence.
- The sentence consists of a period of total confinement in a state facility for one-half the midpoint of the standard sentence range or 12 months, whichever is greater; and one-half of the midpoint of the standard sentence range as a term of community custody, which must include appropriate substance abuse treatment.
- Individuals receive an assessment and are required if time allows to start or complete treatment while in prison before continuing treatment on community supervision.

Drug Offense Sentencing Alternative (DOSA)

2. Residential DOSA:

- If the midpoint of the standard range is twenty-four months or less, the court may impose a Residential DOSA sentence consisting of a term of community custody equal to one-half the midpoint of the standard sentence range or two years, whichever is greater.
- Conditioned on the individual entering and remaining in residential chemical dependency treatment for a period between three and six months.
- Changes in the 2019 session allow for some violent history and allow individuals with a jail sentence to be eligible.

DOSA - Eligibility

- The maximum of the standard sentence range for the current offense is greater than one year.
- The current offense is not a:
 - violent offense,
 - a sex offense,
 - have a weapon enhancement,
 - a felony driving while under the influence of intoxicating liquor or any drug,
 - a felony physical control of a vehicle while under the influence of intoxicating liquor or any drug, and
 - if the current offense constitutes a violation under the Uniform Controlled Substance Act, the court must determine that the offense involved a small quantity of the controlled substance.

Additionally, the individual may not:

- Have any prior sex offense (***changes made in 2021 – discussed on next slide***)
- Have any prior violent offenses within ten years of the current offense,
- Have received a DOSA more than once in 10 years before the current offense, and
- Be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence.

DOSA – Recent Eligibility Changes

As of 1/1/2021, DOSA changed in the following ways (2SSB 6211, 2020):

- Rather than eliminating anyone that has a prior sex offense, eligibility is based on whether or not the person is currently required to register as a sex offender.
- For individuals with a Robbery 2 in their criminal history (a violent offense), if the offense did not involve a weapon or was not reduced from Robbery 1, the person becomes eligible after 7 years, rather than 10 years.

Parenting Sentencing Alternative (FOSA)

Family and Offender Sentencing Alternative (FOSA):

- Alternative is available for individuals who have physical custody of his or her minor child, is an expectant parent, or is a legal guardian of a minor child; or is a biological parent, adoptive parent, custodian, or stepparent with a proven, established, ongoing, and substantial relationship with the minor child that existed at the time of the offense.
- Allows judges to waive a sentence within the standard range for eligible individuals and impose 12 months community supervision along with conditions for treatment and programming.
- If a person under the FOSA alternative does not comply with the sentence requirements, the court may revoke the alternative sentence and impose a standard range sentence.

Data: In FY 2019, there were 70 sentences imposed for FOSA.

FOSA – Eligibility

A person is eligible if the top end of the standard sentence range for the current offense is greater than one year, and the person:

- has no prior or current conviction for a felony sex offense,
- has no prior or current serious violent offense,
- has no prior or current felony offense where the person was armed with a firearm or other deadly weapon in the commission of the offense,
- has no current conviction for a violent offense,
- has not been found by the U.S. Attorney General to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence; and
- signs release of information waivers required to allow info regarding current or prior child welfare cases to be shared with the department and the court.

FOSA – Recent Eligibility Changes

As of 6/11/2020, eligibility for FOSA changed in the following ways (E2SSB 5291):

- Eligibility was expanded to include expectant parents, adoptive parents, step-parents, or custodians (still must have a proven, established, ongoing, and substantial relationship with the minor child existing prior to the time of the offense).
- Restriction regarding those with deportation orders or detainers was removed.
- Allows individuals with prior violent offenses to be considered for the alternative.
- Removed juvenile offenses from eligibility, other than those classified as sex, serious violent, or the offense was committed while the individual was armed with a firearm or other deadly weapon.
- Individuals are allowed right to assistance of counsel when facing a revocation hearing.

Community Parenting Alternative

Community Parenting Alternative: Allows Dept. of Corrections to transfer individuals convicted of non-violent, non-sex offense and are a parent of a minor child to to partial confinement (electric home monitoring) and supervision for the parenting program for up to the last 12 months of an individual's sentence.

First Time Offense Waiver (FTOW): Overview

- FTOW is an alternative that has existed since the beginning of the sentencing reform act.
- Originally, exclusions for current offense were for violent & sex offenses, certain prior convictions for some drug/DUI offenses were added later. Community supervision of up to 24 months was allowed. Also, originally prior juvenile adjudications were allowed.
- In 1986, added restrictions for prior juveniles committed after age 15 (criminal history at that time was defined as juv adjudications committed before age 15).
- Currently, FTOW is available in which the court may waive the standard sentence range and impose a sentence of up to 90 days confinement and 6 months of community custody, or 12 months of community custody if treatment is ordered.

Data: FTOW offenses are not always imposed as a sentence with less confinement than a standard range sentence. As all FTOWs are supervised in the community as part of the sentence, this alternative may be imposed in order to have community custody as part of the sentence.

In Fiscal Year 2019, there were 1,623 sentences for FTOW imposed. Of these, 855 (53%) included a sentence below the standard range, 760 (47%) included a sentence within the standard range and 8 (.5%) included a sentence above the standard range.

FTOW: Eligibility

For individuals to be eligible for FTOW, the sentence must be a conviction that is:

- A first felony offense.
- For an offense not be categorized as:
 - a violent offense,
 - a sex offense,
 - Manufacture, Delivery, or Possession with intent to Manufacture or Deliver a Controlled Substance Classified in Schedule I or II, or
 - Manufacture, Delivery, or Possession with intent to Deliver Methamphetamine,
 - Selling for Profit any Controlled Substance or Counterfeit Controlled Substance Classified in Schedule 1 (except for leaves or flowering tops of marijuana),
 - Felony Driving while Under the Influence or Physical Control of a Vehicle while under the Influence.

Mental Health Sentencing Alternative - Overview

- Task Force 2020 Recommendation. Passed during the 2021 Legislative Session and effective 7/25/2021
- In making the decision as to whether to impose the MHSA, the court is required to consider whether the defendant and community will benefit from the use of the alternative and must also consider the victim's opinion on whether the defendant should receive the MHSA.
- If the court imposes the MHSA, the court waives imposition of a sentence within the standard range and imposes a term of community custody between 12 and 24 months if the midpoint of the standard range is 36 months or less, and if over 36 months, a term of community custody between 12 and 36 months.
- If a person under the MHS alternative does not comply with the sentence requirements, the court may revoke the alternative sentence and impose a standard range sentence.

Mental Health Sentencing Alternative - Eligibility

Supervision in lieu of standard range sentence is available for defendants who:

- have been convicted of a felony that is not a serious violent or sex offense;
- have been diagnosed with a serious mental health illness recognized by the diagnostic manual in use by mental health professionals at the time of sentencing;
- would benefit, along with the community, from supervision and treatment (as determined by the judge); and
- are willing to participate in the alternative.

Unless waived by the court, a report (pre-sentence investigation) shall be provided by DOC containing:

- A proposed treatment plan for the defendant's mental illness;
- A proposed monitoring plan;
- Recommended crime-related prohibitions and affirmative conditions; and
- A release of information signed by the defendant.

Exhibit 19

Number of FY 2019 Sentencing Alternative Sentences, by Guideline Cell

[Report: Examining Washington State's Sentencing Guidelines: A Report for the Criminal Sentencing Task Force, Washington State Institute for Public Policy, May 2021](#)

- Sentencing alternatives were most common for individuals convicted of offenses at lower OSLs.
- This finding is unsurprising given that most sentencing alternatives preclude individuals convicted of violent offenses which tend to be concentrated in higher OSLs.
- The use of sentencing alternatives varied across the grid.

	Criminal history score (CHS)									
	0	1	2	3	4	5	6	7	8	9+
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					

Notes:

This table includes only the sentencing alternatives associated with non-drug sentences in FY 2019. There were no sentencing alternative sentences for seriousness levels 13-16.

The percentage of sentences in each cell on the guideline grid that received a sentencing alternative.

- **Dark red cells** contain no sentences that received a sentencing alternative
- **Lighter red cells** having fewer than 10% of the sentences with a sentencing alternative
- **Light green cells** having greater than 10% of sentences with a sentencing alternative
- **Dark green** having between 50% and 60% of sentences with a sentencing alternative.

Exhibit A13

Percentage of FY 2019 Sentences in Each Guideline Cell with a Sentencing Alternative

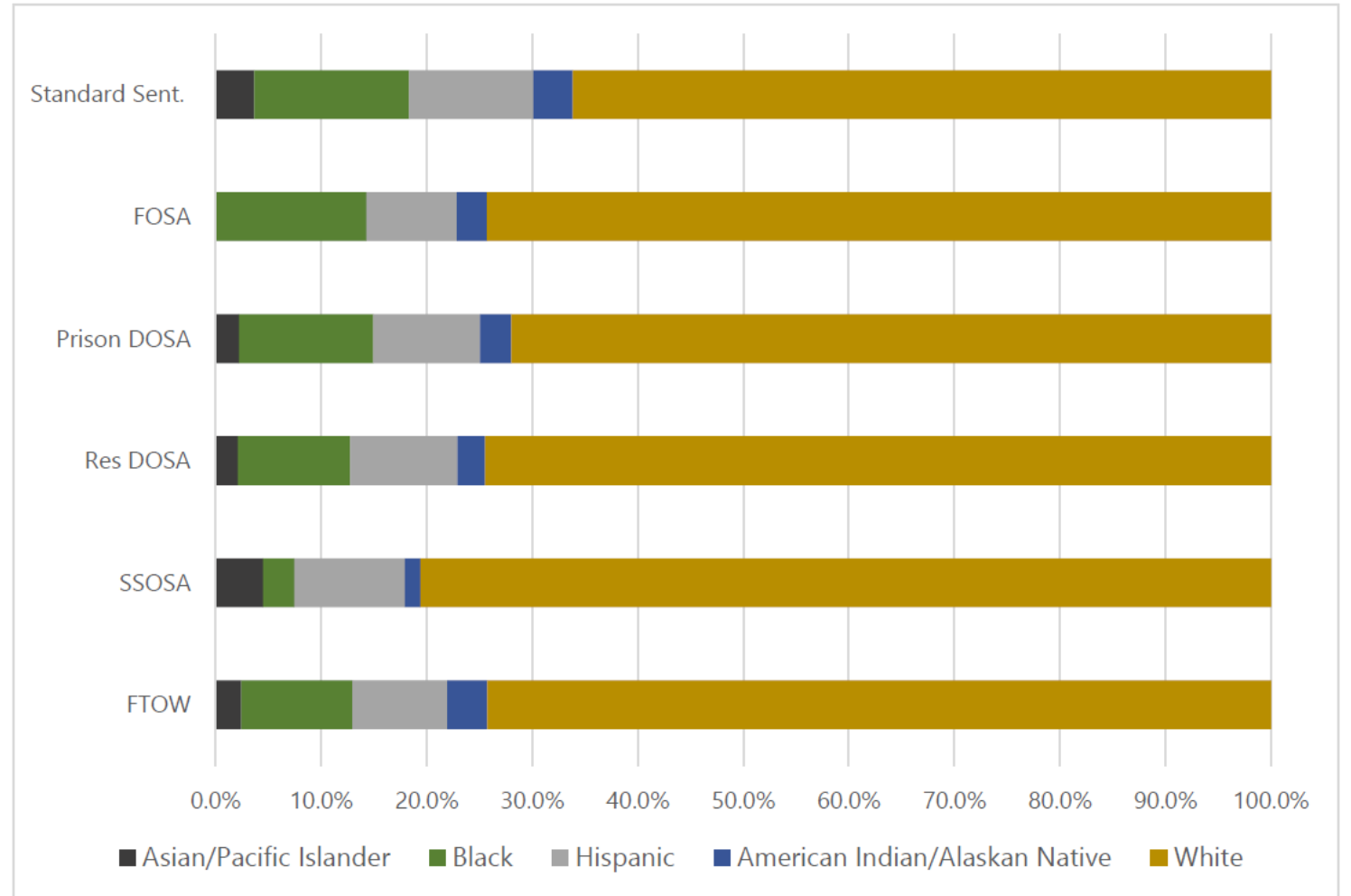
		Criminal history score (CHS)												
		0	1	2	3	4	5	6	7	8	9+			
Offense seriousness level (SL)	15	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	14	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	13													0.0%
	12	17.0%	0.0%	0.0%	46.0%	17.0%	0.0%	0.0%	0.0%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

Distribution of race by sentencing alternative as well as the racial distribution for those receiving standard sentences.

- Sentencing alternatives were disproportionately distributed across racial groups.
- 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.

Exhibit 20

Distribution of Race for Standard Sentences and Sentencing Alternatives



Notes:

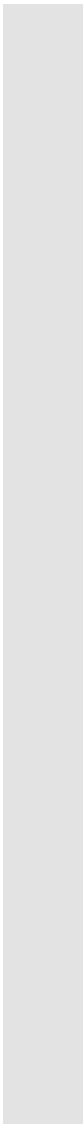
This table includes only the sentencing alternatives associated with non-drug sentences in FY 2019. There were no sentencing alternative sentences for seriousness levels 13-16.

2:00 - 2:30pm

Questions and Discussion



BREAK



2:45 - 4:00pm

CONT.

**Sentencing Grid Subgroup
Presentation and Discussion:
Relationship between Sentencing
Alternatives and the Grid**

Note:

Not all offenses within an OSL may be eligible for a Sentencing Alternative.

	= FTOW eligible cells (11 cells)
	= FOSA and pDOSAs eligible cells (93 cells)
	= rDOSAs eligible cells (42 cells)
123	= SOSSA eligible cells (112 cells)

Sentencing Alternatives - Overlay on Grids

	Current Standard 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	231	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	86	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																			

How Sentencing Alternatives could Integrate to the Grid: Option 1

Modify grid to fit current eligibility requirements.

	0	1	2	3	4	5	6	7	8	9+										
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																			
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																			

- Cells in the green zone are presumptive jail sentences. Depending on the offense, individuals may be eligible for a residential DOSA or SOSSA disposition.
- Cells in the yellow zone may be eligible for a residential DOSA, FOSA, or SOSSA disposition depending on the offense and the types of offenses in an individual's criminal history.
- Cells in the blue zone may be eligible for a prison DOSA, FOSA, or SOSSA disposition depending on the offense and the types of offenses in an individual's criminal history.
- Cells in the hatched zone may be eligible for the FTOW sentencing alternative.

How Sentencing Alternatives could Integrate to the Grid: Option 1

Modify grid to fit current eligibility requirements.

Discussion points:

- Increasing the visibility on the grid – more transparency for defendants and may increase likelihood that judges consider alternatives at sentencing.
- It may cause confusion because there are still eligibility restrictions that will prevent many individuals from accessing the sentencing alternatives.

How Sentencing Alternatives could Integrate to the Grid: Option 2

Modify eligibility requirements.

How it could be developed:

- Discuss which rows and columns are appropriate for sentencing alternatives
- Modify offense-based eligibility requirements to designated OSL and/or CHS
- Rather than having multiple levels of complex eligibility, eligibility could be largely based on grid location. Could still maintain some restrictions, for example with regard to criminal history.
- Idea is to streamline the eligibility to make it less complex, more accessible, and more clear at sentencing (e.g., integrating it visually on the grid).

How Sentencing Alternatives could Integrate to the Grid: Option 2

Modify eligibility requirements.

Could result in a similar design as option 1, but you could eliminate the offense specific criteria so that all offenses in the shaded cells are eligible for the sentencing alternative.

Could also change the zones, expanding or contracting.

	0	1	2	3	4																	
XVI	Life Sentence without parole/death penalty for defendants at or over the age of 18																					
XV	240	320	250	333	261	347	271	361	281	374	297	386	306	398	318	410	330	422	342	434	354	446
XIV	123	220	134	234	144	244	154	254	165	265	175	275	185	285	195	295	205	305	215	315	225	325
XIII	123	164	134	178	144	192	154	205	165	219	175	232	185	245	195	255	205	265	215	275	225	285
XII	93	123	102	136	111	147	120	160	129	171	133	182	142	193	152	204	162	215	172	226	182	237
XI	78	102	86	114	95	125	102	136	111	147	122	158	133	174	148	190	158	202	168	214	178	226
X	51	68	57	75	62	82	67	89	72	96	77	102	85	110	93	116	100	122	105	128	111	140
IX	31	41	36	48	41	54	46	61	51	68	57	75	67	87	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	129	171
VII	15	20	21	27	26	34	31	41	36	48	41	54	57	75	67	89	77	102	87	116	108	144
VI	12.05	14	15	20	21	27	26	34	31	41	36	48	46	61	57	75	67	89	77	102	87	116
V	6	12	12.05	14	13	17	15	20	22	29	33	43	41	54	51	68	62	82	72	96	84	108
IV	3	9	6	12	12.05	14	13	17	15	20	22	29	33	43	43	57	53	70	63	84	74	96
III	1	3	3	8	4	12	9	12	12.05	16	17	22	22	29	33	43	43	57	51	68	63	84
II	0	3	2	6	3	9	4	12	12.05	14	14	18	17	22	22	29	33	43	43	57	51	68
I	0	2	0	3	2	5	2	6	3	8	4	12	12.05	14	14	18	17	22	22	29	33	43
Unr	0 - 365 days																					

- Cells in the green zone are presumptive jail sentences. Depending on the offense, individuals may be eligible for a residential DOSA or SOSSA disposition.
- Cells in the yellow zone may be eligible for a residential DOSA, FOSA, or SOSSA disposition **depending on the offense** and the types of offenses in an individual's criminal history.
- Cells in the blue zone may be eligible for a prison DOSA, FOSA, or SOSSA disposition **depending on the offense** and the types of offenses in an individual's criminal history.
- Cells in the hatched zone may be eligible for the FTOW sentencing alternative.

How Sentencing Alternatives could Integrate to the Grid: Option 3

Place overarching sentencing alternatives on the grid, allow different requirements/components depending on type of offense or criminal history.

How it could be developed:

- Designate zones of the grid for sentencing alternatives. Within an alternative, develop stipulations for treatment and program requirements based on type of offense, criminal history, and results of screenings.
- Could keep the current sentencing alternatives in addition to the broader, overarching alternatives.
- Increases flexibility in sentencing while still maintaining accountability.

How Sentencing Alternatives could Integrate to the Grid: Option 3

	0	1	2	3	4	5	6	7	8	9+											
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																				
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	
Zone 3: PDOSA, FOSA, State Prison	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
Zone 2 CRS, DOSA, FOSA, State Prison	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
Zone 1: CIS	VII	15	20	21	27	26	34	31	41	36	48	41	54	57	75	67	89	77	102	87	116
RDOSA	VI	12.05	14	15	20	21	27	26	34	31	41	36	48	46	61	57	75	67	89	77	102
<=12 Jail	V	6	12	12.05	14	13	17	15	20	22	29	33	43	41	54	51	68	62	82	72	96
>12 Prison	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																				

CIS: County Intermediate Sanctions. Sentences less than 2 years may be served in a county intermediate sanctions program administered by the local court.

CRS: County Restrictive Sanctions. Up to two years of the individual's sentence may be served in a county intermediate sanctions program administered by the local court.

RDOSA: Residential DOSA, for eligible individuals based on offense type and criminal history

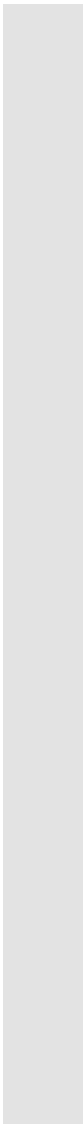
PDOSA: Prison DOSA, for eligible individuals based on offense type and criminal history

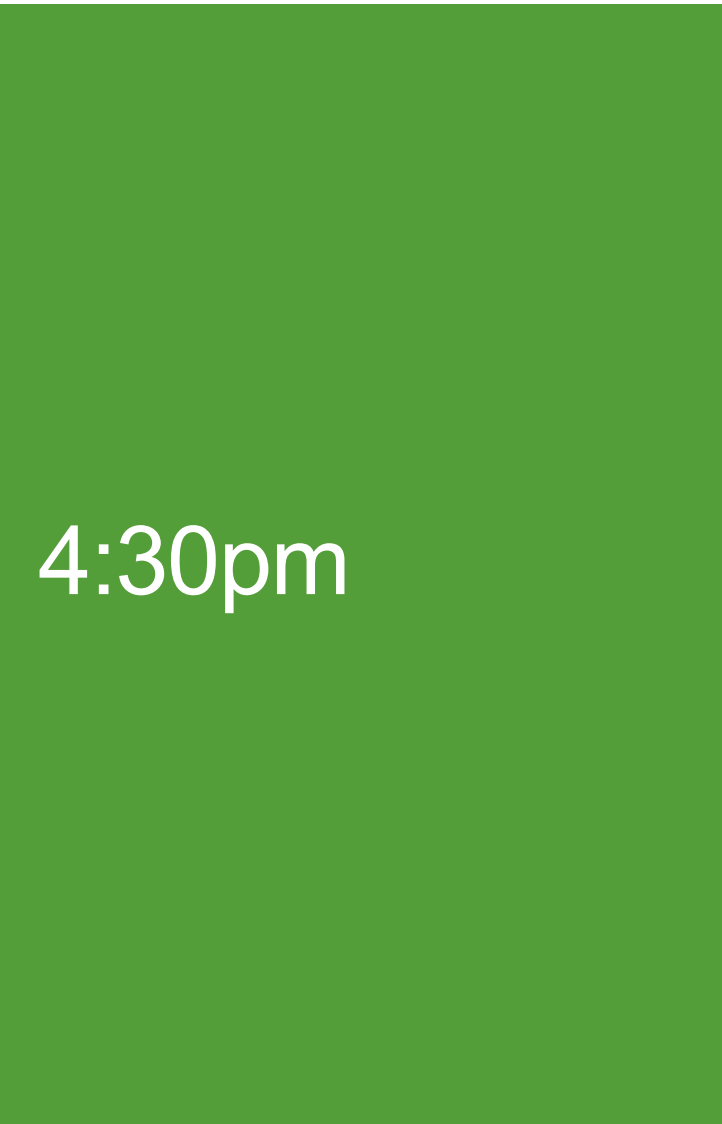
FOSA: Parenting Sentencing Alternative, for eligible individuals

Cells in the hatched zone may be eligible for the FTOW sentencing alternative.



Questions from Observers





4:30pm

ADJOURN

