

## **DOC Perspective**

The DOC used the original purposes of the SRA (below) with the added overarching theme of simplification to the sentencing framework as the basis for general principles to help convey the DOC perspectives. As part of any sentencing framework review, DOC believes that the SGC should review the statutory purposes of the sentencing system and should consider formally including simplification or clarity of the sentencing rules as an important principle.

### ***SRA Purposes (RCW 9.94A.010).***

*The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to:*

- (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;*
- (2) Promote respect for the law by providing punishment which is just;*
- (3) Be commensurate with the punishment imposed on others committing similar offenses;*
- (4) Protect the public;*
- (5) Offer the offender an opportunity to improve himself or herself;*
- (6) Make frugal use of the state's and local governments' resources; and*
- (7) Reduce the risk of reoffending by offenders in the community.*

## **DOC General Principles:**

- **Simplification** (Supports SRA Purpose #2). The current sentencing system is complex and ever-changing. The rules of the sentencing framework should be clear to all of the participants in the system.

Sentencing rules:

- Are simple to administer
- Are understandable to all participants
- Have clearly defined roles and authority for each of the participants

- **Public Safety** (Supports SRA Purposes #1, #2, #4, and #7). The sentencing system is intended to protect the public. The primary focus of DOC, as described in our mission statement, is to improve public safety.

Sentencing rules:

- Hold individuals accountable for their crimes
- Reduce the risk of reoffending

- **Rehabilitative** (Supports SRA Purposes #5 and #7). Over 95% of the population serving a sentence in DOC are expected to be returning to our communities. The sentencing system should reduce the risk of re-offense by allowing opportunities for individuals to improve.

Sentencing rules:

- Promote opportunities for individuals to improve themselves
- Support successful reentry to the community

- **Efficient Use of Resources** (Supports SRA Purpose #6). The sentencing system should ensure that resources are focused on those that pose the greatest risk and have the greatest need, and that resources are used efficiently. Alternatives to incarceration should be considered when it results in justice being served and the risk of recidivism being reduced.

Sentencing rules:

- Focus resources on those that pose the greatest risk and who have the greatest needs
- Include alternatives to incarceration when appropriate

- **Data & Policy Informed Decision Making** (Supports SRA Purposes #2 and #4). Increased data and policy-informed decision-making around sentencing will ensure greater impacts on public safety.

Sentencing rules:

- Are based on established research and evidence, and are data driven

- **Consistency** (Supports SRA Purpose #1 and #3). Sentences imposed should be proportionate to the seriousness of the offense and the individual's criminal history and be commensurate with the punishments imposed on other committing similar offenses.

Sentencing rules:

- Ensure that punishment is proportionate to the seriousness of the crime and the individual's criminal history

## Enhancements and Exceptional Sentences

**DOC Perspective Summary:** The different statutory requirements for application of enhancements adds complexity and inconsistency to the sentencing framework. There are benefits to public safety from incapacitation, but the department is not aware of research indicating that the use of enhancements serves as a deterrent or has a rehabilitative impact. Many of the current enhancements are infrequently used. Allowing courts to impose exceptional sentences in specific cases with specific circumstances may provide a more focused use of resources for holding individuals accountable for serious behaviors than the use of mandatory enhancements.

Options would include:

- Eliminating infrequently used enhancements and instead allowing additional court discretion through the use of aggravating circumstances.
- Aligning the rules consistently for all enhancements -- mandatory versus discretionary, concurrent versus consecutive, and earned time allowance.

### ➤ **Simplification (-)**

- There are a total of 12 sentence enhancements, many of which are infrequently used.
- Different enhancements have different rules, making administration of enhancements very complex: consecutive vs. concurrent with each other and the underlying sentence; earned time allowed vs. not allowed.
- If all the rules are not understood by the public, may not serve as a deterrence
- Use of exceptional sentences provides less complexity for DOC staff than the use of enhancements.

### ➤ **Public Safety (+)**

- Holds individuals accountable for serious behaviors.
- Adjusts sentences for extenuating circumstances.

### ➤ **Rehabilitative (n/a)**

### ➤ **Efficient Use of Resources (-)**

- Allowing courts to impose exceptional sentences in specific cases may be a more focused use of resources than use of mandatory enhancements.

### ➤ **Data & Policy Informed Decision (?)**

- Beyond incapacitation impacts, DOC does not know what research or data show about the impacts of enhancements or use of exceptional sentences.

### ➤ **Consistency (-)**

- Certain enhancements are mandatory and others are discretionary, which can result in inconsistencies.
- Use of exceptional sentences could add inconsistencies across sentences imposed.