

Guiding Principles for SGC Re-ranking Project

This document serves as a reference and guiding document for the SGC's current re-ranking project. All subcommittee members are asked to utilize this document throughout the project and to keep these principals and guidelines in mind as they conduct their work.

1. Purposes of the SRA

RCW 9.94A.010

Purpose.

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.

2. Rep. Goodman's Request Letter

The expectation of this project is to make recommendations for *minor* adjustments to the location of ranked offenses from their position on the current standard sentencing grid to the proposed standard sentencing grid. Essentially, the SGC is being asked to determine whether any tweaks or changes should be made on the new proposed grid as the offenses are translated over onto the proposed sentencing grid.

In order to complete the project within the designated timeframe, the SGC has established 4 subcommittees: 1) Class A Offenses Subcommittee, 2) Class B Offenses Subcommittee, 3) Class C Offenses Subcommittee, and 4) Felony Sex Offenses Subcommittee (made up by the Sex Offender Policy Board).

In addition to the proposed sentencing grid for reference, the materials for the project will include:

- Historical sentence length patterns (including conviction data by offense, criminal history score, race and gender) from 2010 to 2019 (Note: Due to the pandemic, we will limit the data to pre-pandemic years).

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- Court charging data by offense, adult and juvenile categories, race, and gender. (Note: Due to the pandemic, we will limit the data to pre-pandemic years.)

If, through discussions, a subcommittee believes that a major change should be considered for a particular ranked offense that would be above and beyond the scope of this request, recommendations with supporting justifications may be made to the SGC for consideration and discussion. If the SGC agrees with the recommendations made by the subcommittee and approves the addition, the change may be added to the end of the report.

Reminders and Examples:

- During SGC discussions for this project, an example of a *minor* tweak for re-ranking an offense was moving a particular offense 1-2 levels up or down from its current rank on the proposed grid and/or changing the offense classification if relevant to the movement (if needed).
- Reminder: The SGC and its subcommittees are not being asked to review the proposed grid and provide general feedback, but rather, to translate the position of current ranked offenses onto the proposed grid.

History – SGC considerations when establishing ranked offenses in 1983

- SGC gave considerable weight to the Legislature’s directive to “emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.”
- Crimes Against a Person were ranked more seriously than Crimes Against Property.
- SGC assigned seriousness rankings based on the seriousness of the harm threatened or imposed. No formal criteria were used.
- The SGC frequently departed from the legislative offense classifications of A, B, and C (e.g. Rape 2 – class B – SL8; Burglary 1 – class A – SL7).
- The most serious example of conduct was considered when assigning classification that sets the maximum penalty.
- SGC based its ranking on the typical example of the crime since exceptional sentence provisions could be used for extreme cases.
- SGC believed that appropriate, individualized sentencing was possible within the presumptive sentence ranges. Where the range did not allow an appropriate sentence, the authority to impose an exceptional sentence provided the necessary flexibility.