

# SENTENCING GUIDELINES COMMISSION

## AGENCY STRATEGIC PLAN

2007-2013

### A. Mission Statement

The Sentencing Guidelines Commission promotes accountability and equity in adult and juvenile sentencing, provides accurate and timely information about sentencing, and recommends improvements in the criminal justice system.

### AGENCY OVERVIEW

In 1981, the Washington State Legislature enacted the Sentencing Reform Act (“SRA”), which established the Sentencing Guidelines Commission and directed the Commission to recommend to the Legislature a determinate sentencing system for adult felonies.

The Sentencing Guidelines Commission consists of twenty voting members. Sixteen members are appointed by the Governor for three-year terms and include Superior Court judges, county prosecutors, defense attorneys, a law enforcement official, a juvenile court administrator, city and county elected officials and four citizens (including one victims’ advocate). The remaining voting members serve in an *ex officio* capacity, by virtue of their positions in state government and include the Secretary of the Department of Corrections, the Assistant Secretary of the Department of Social and Health Services – Juvenile Rehabilitation Administration, the Chair of the Indeterminate Sentence Review Board and the Director of the Office of Financial Management. In addition, four legislators, two appointed by the President of the Senate and two appointed by the Speaker of the House, with one member from each party, serve on the Commission as non-voting members.

The Commission serves as a clearinghouse and information center for the collection, preparation, analysis and dissemination of information on state and local adult and juvenile sentencing practices. Pursuant to its statutory mandate, the Commission maintains an extensive computerized database on sentencing in all areas of the state and, in addition to responding to data requests, publishes the following publications: an annual report on sentencing practices of individual judges; biennial reports on racial disproportionality in juvenile and adult sentencing, capacity of correctional facilities, and use of resources; an evaluation of adult felony sentencing policy and recommendations for

improvement; an evaluation of juvenile dispositions standards; a biennial reports on recidivism of adult and juvenile offenders; a statistical summary of sentencing practices; and annual sentencing manuals for use by the courts, legislators, county prosecutors, defense counsel and interested members of the general public.

During the coming six years, in addition to its customary function, the Commission will continue to work towards meeting the legislative mandate of recommending evidence-based options to stabilize or reduce the adult prison population in this state.

## **B. Statutory Authority Statement**

RCW 9.94A.850 establishes the Commission and outlines its powers and duties.

## **C. GOALS**

- 1) Develop innovative proposals for advancing proportionate sentencing.
- 2) Improve the delivery of sentencing information and reporting to better inform policy and identify issues affecting sentencing policies, practices and trends.
- 3) Remain wholly accountable in adhering to legislative directives requiring accurate and timely data collection.

## **D. OBJECTIVES AND STRATEGIES**

*(Goals 1 and 2 -- Develop innovative proposals advancing proportionate sentencing and improve the delivery of sentencing data.)*

### **Objective #1: Lead Formulation of Changes in Criminal Code Strategies:**

- Initiate agency and legislative review to maintain continued compatibility of the SRA with stated purposes.
- Introduce legislation simplifying statewide sentencing procedures
- Review, keep abreast and incorporate where appropriate national developments in sentencing laws and policies.
- Initiate research, reporting, and publication of findings on internally identified issues.

## **Objective #2: Improve Data Collection System**

### **Strategies:**

- Continue the process of upgrading the software and hardware used for entry and retrieval of data from the adult and juvenile databases for accuracy, utility and speed.
- Enhance internal and external computer networking to keep pace with the emerging practice of electronic transmission and retrieval of sentencing data.
- Upgrade security of information systems.
- Implement upgrades of information technology systems to permit remote access.

## **Objective #3: Improve Staff Efficiency**

### **Strategies:**

- Require continuing education and cross training for staff.
- Increase staff interaction with Commission members.
- Increase staff involvement in national organizations.
- Require all staff members to complete training in loss prevention.
- Periodically review status of risk management efforts.

*(Goal #3 -- Adhere to legislative directives requiring accurate data collection and reporting to inform policy and identify issues affecting sentencing policies, practices and trends.)*

## **Objective #4: Meet Legislative Reporting Mandates**

### **Strategy:**

- Publish all reports required by statute as follows:
  - a) Report on sentencing practices of individual judges by calendar year, on or before September 15<sup>th</sup> of each year.
  - b) Report on racial disproportionality in juvenile and adult sentencing on or before December 1<sup>st</sup> of every odd-numbered year.
  - c) Report on capacity of state and local juvenile and adult facilities and resources by December 1<sup>st</sup> of every odd-numbered year.
  - d) Evaluate adult felony sentencing policy and make recommendations for change as needed.
  - e) Report on evaluation of juvenile disposition standards on December 1<sup>st</sup> of every odd-numbered year.
  - f) Report on recidivism patterns of adult and juvenile offenders on December 1<sup>st</sup> of every odd-numbered year.

## **Objective #5: Educate Policy Makers and Practitioners about Sentencing Laws**

### **Strategies:**

- Produce annual statistical summaries of adult felony sentences and juvenile dispositions.
- Produce updates of the Sentencing Guidelines Manual and the Juvenile Disposition Guidelines within six months of legislative action.
- Prepare fiscal notes and other requested analyses of sentencing policy proposals within appropriate timeframes.
- Respond promptly to inquiries from practitioners and others about application of sentencing laws to individual cases.

## **E. APPRAISAL OF EXTERNAL ENVIRONMENT**

The Commission recommends statewide sentencing policy for adult felons and juvenile offenders, predicts the effect of its recommendations on correctional system capacity, and recommends changes to the Criminal Code. Because often the public's concern about the criminal justice system is driven by media saturation of particular current events, the environment in which the Commission operates may be characterized as fluid and volatile.

A major portion of the workload of the Commission is directly affected by changes and trends experienced by the state superior courts, the Department of Corrections and the Department of Social and Health Services--Juvenile Rehabilitation Facilities. Based on reports prepared by the Caseload Forecast Council, the Commission anticipates that there will be a steady increase in admissions to state prisons during the coming biennium. The increase in prison admissions will require an attendant increase in the workload of the data entry staff and increase the complexity of the work of staff members charged with interpreting and reporting on criminal justice issues.

## **F. TRENDS IN CUSTOMER CHARACTERISTICS**

As court procedures and rules change and as local clerks of the court incorporate technological advances in court operations aimed at the reduction and eventual elimination of paper pleadings, the Commission will be required to modify its internal operation in order to meet the changing needs of its partners and clients.

During the current fiscal year, the Administrative Office of the Court participated in drafting proposed amendments to general court rules which permit electronic filing of pleadings and remove existing distinctions between paper documents and electronic communications. Several county systems have initiated pilot programs to study the efficacy of changing the entire system.

Use of electronic court records will continue to relieve Commission and court staff members of the often onerous task of receiving, storing and manually entering sentencing data from paper documents. As the number of paper files is reduced, key staff members will be able to devote more time to the interpretation of sentencing data and should be in a better position to provide greater support to policy makers in their efforts to promote accountability and equity in adult and juvenile sentencing.

Additionally, the Commission, through the publication of sentencing manuals, supplies updated law on both adult and juvenile sentencing each fiscal year to criminal justice practitioners, libraries, and other interested persons. The Commission is the only entity, public or private, providing this information. Since its enactment, the Sentencing Reform Act has grown in complexity. As the number of criminal justice practitioners has increased, so too has the demand for sentencing manuals and for the staff's time and expertise.

The Commission anticipates that amendments to sex offender sentencing laws enacted during the 2006 legislative session, most of which be in effect at the beginning of the coming fiscal year, will fuel increases in requests for guidance from practitioners. These amendments are also expected to add to the complexity of data analysis, and increase the frequency and number of reports produced by the Commission.

## **G. STRATEGY AND CAPACITY ASSESSMENT**

During the coming biennium and to a lesser extent in the later years covered by this strategic plan, the Commission will continue the shift from manual data entry to electronic retrieval and manipulation of sentencing information. As a result, although caseloads will increase, we anticipate that continued improvements to the Commission's information technology systems will eliminate the need to hire additional staff. The current staff has been in ongoing training necessary to shift the focus of activity away from filing, data entry and storage of paper documents, towards improved analysis and dissemination of sentencing data. Additionally, as existing systems are upgraded and replaced, the Commission will be in a better position to achieve its statutorily mandated reporting electronically.

## **H. PERFORMANCE ASSESSMENT**

The Sentencing Guidelines Commission is unique in that there are no other state agencies or private concerns that perform the same function. As such, the Commission's performance cannot be compared to that of other entities. It is important to note, however, that to date the Commission has consistently met or exceeded stated performance measures.

The one area where performance should be improved relates to the agency's response time to requests for fiscal notes and to the accuracy of the assumptions used in fiscal note preparation. The variance between anticipated performance and actual output is small, but nonetheless could result in problems with the performance requirements of our partners. The Commission provides front-end data on the impact of proposed criminal justice legislation and transmits the results to the Department of Corrections for use in preparing fiscal impact statements. When we fall short of completion schedules, the Department suffers a corresponding variance from performance standards.

During the past fiscal year, the agency initiated the process of upgrading and changing its internal systems dedicated to fiscal note preparation. Most changes have been aimed at eliminating the need to manually handle data. That process is on-going and the Commission anticipates that not only will the variances in performance time be eliminated, but as a result of increased time for review, the quality of the results should improve as well.

For the coming two years, the following summarizes the output measures the Commission will work to meet.

**Goal #1 and #2—Develop Innovative Sentencing Proposals and Improve Delivery of Information**

- Number of reports distributed regarding sentencing practices in other states.
- Number of reports produced on internally identified issues.

**Goal #3—Adhere to Legislative Directives**

- Reduce the interval between final legislative action and publication of Sentencing Guidelines annual reports (months).
- Reduce the average backlog of adult and juvenile data entry from receipt (days).
- Improve average turnaround for requested fiscal notes (days).
- Number of adult felony sentences entered in database.
- Number of juvenile felony sentences entered in database.
- Number of published reports (excluding adult and juvenile manuals).

**I. FINANCIAL HEALTH ASSESSMENT**

The Commission is presently upgrading its data collection system to meet demands caused by the increased number and complexity of new sentencing laws, and in anticipation of the growing complexity of data collection and storage, as well as the attendant need for additional staff and/or investment for technological improvement. As indicated in preceding sections of this plan, during the coming biennium and perhaps the next five to ten years, our ability to

electronically transfer data and thereby eliminate the need for additional staff should be significantly enhanced. The Commission continues to meet the cost of upgrading its IT system by streamlining and mechanizing administrative practices. These changes have permitted the agency to reduce the number of FTE's and to use the resultant salary cost savings to cover its IT portfolio.

## **J. COST REDUCTION STRATEGIES**

During the past four years the Commission implemented several cost reduction measures, primary among which are the following:

- Elimination of several paper reports resulting in savings in staff time for shipping and handling bound volumes, printing costs, postage, and storage space requirements.
- Initiation of the use of electronic imaging resulting in reduction of staff time for receiving, sorting, and storing documents received from the superior courts. This practice has also resulted in a partial reduction on data entry time.
- Implementation of strategies in support of the state's efforts of fostering sustainability of resources. Current strategies include flexible work schedules and telecommuting.

During the upcoming two years the Commission will continue the practices already in place and with upgrades in the agency's IT systems, will provide remote access to the database thereby increasing staff participation in telecommuting. Since the public rarely has reason to visit Commission offices, during the upcoming fiscal year, the agency will start efforts to study the feasibility and cost reduction benefits of requiring all staff members to telecommute and of closing the office one day per week when the legislature is not in session.

## **K. ACTIVITY LINKS AND MAJOR PARTNERS**

The Commission's major partners are the Department of Corrections, the Administrative Office of the Courts, the Department of Social and Health Services—Juvenile Rehabilitation Services, the Legislature and to a certain extent, the Office of Financial Management. Before completing statutorily mandated studies, the Commission reviews, augments and/or spot checks data supplied by these partners.

The Commission's staff collaborates with these agencies in formulating and preparing assumptions and methods for producing prison and jail bed impact estimates of proposed criminal justice legislation and hypothetical sentencing scenarios.

During the next biennium the Commission will continue to work closely with the Administrative Office of the Courts and the Justice Information Network to ensure accurate and timely transmittal of electronic sentencing information.

#### **L. INTERNAL RESOURCE ASSESSMENT**

The Commission's increased reliance on the Internet to publish and disseminate sentencing information and reports will require ongoing staff training in website development and maintenance. This need for increased staff competency in information technology is also required by the shift from manual data entry of paper judgment and sentence forms to electronic retrieval of sentencing information. The move toward electronic sentencing information will produce a need to refocus and train data entry staff in data integrity, analysis and reporting. These changes along with others already accomplished will produce lower facility costs due to staff reductions and the elimination of handing and storing paper sentencing forms and Commission reports and manuals.