



STATE OF WASHINGTON  
SENTENCING GUIDELINES COMMISSION  
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**2008-2013 STRATEGIC PLAN**

**Introduction**

Washington State was the second state to adopt determinate sentencing. Twenty-two states have now adopted a structured sentencing system for felonies. The Sentencing Reform Act of 1981 (SRA) passed after several years of debate. The purposes of the SRA began with a “just deserts” philosophy, all within the context of proportionality, justice and equality. Improving public safety through reduced recidivism is a major focus. Rehabilitation has been added back into the original statutory purposes. (See Section A, below) In addition, one of the selling points for the SRA was a greater predictability for the results of policy decisions, and thus an enhanced ability to manage criminal justice resources. The **Sentencing Guidelines Commission 2008-2013 Strategic Plan** guides the variety of functions that support the SRA. The Sentencing Guidelines Commission (SGC) is a carefully balanced group of criminal law experts, appointed by the Governor to provide ongoing expert policy advice to the Governor and the Legislature. SGC agency staff support the commission and maintain a comprehensive data center. The SGC staff also conducts research, issues reports and plays a key role in prison bed forecasting.

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## **A. Washington State Government Priorities**

The Sentencing Reform Act of 1981 (RCW 9.94A.850) contains the following purposes:

- make the criminal justice system accountable to the public;
- ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;
- promote respect for the law by providing punishment which is just;
- be commensurate with the punishment imposed on others committing similar offenses;
- protect the public;
- offer the offender an opportunity to improve him or herself;
- make frugal use of the state's and local governments' resources; and
- reduce the risk of reoffending by offenders in the community.

The Washington State Sentencing Guidelines Commission is established in this statute.

## **B. Mission of the Sentencing Guidelines Commission**

In furtherance of these Washington State Government Priorities, the mission of the Washington State Sentencing Guidelines Commission is to promote accountability and equity in adult and juvenile sentencing, provide accurate and timely information about sentencing and recommend improvements to the criminal justice system.

We accomplish our mission by:

- Providing recommendations to further the purposes of the Sentencing Reform Act.
- Providing access to accurate and comprehensive information about felony sentences and juvenile dispositions.
- Publishing information to Washington State policymakers and residents so they are able assess how the state's criminal justice system is working.
- Staffing and supporting a Sex Offender Policy Board, to provide advice and expertise to the public policy process.
- Using the Governor's Management Accountability and Performance (GMAP) program to stay tuned to our performance.

## **C. 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 and four non-voting legislators. 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 meets regularly to develop policy proposals and respond to criminal justice issues. During the legislative session, the Commission responds to criminal justice bills, and promotes bills developed by the SGC itself.

The Commission also serves as a clearinghouse and information center for the collection, preparation, analysis and dissemination of information on adult and juvenile sentencing practices. Pursuant to its statutory mandate, the Commission maintains an extensive computerized database on sentencing data from all areas of the state. In addition to responding to data requests, the SGC creates 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 lawyers and interested members of the general public.

During the coming three years, 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. RCW 9.94A.850 and RCW 9.94A 480 establish the Commission and outline its powers and duties.

In 2008, the Commission is launching a newly created Sex Offender Policy Board. This board was created by the legislature to provide front-line expertise on issues related to the prevention of sex offenses, the sex offense response system and the management of sex offenders. The Sentencing Guidelines Commission will staff and maintain the board, although it will operate independently of the Commission. The legislature has assigned the group the task of reviewing the sex offender registration system by 2009, and the Governor has asked the board to look at the issues related to housing of sex offenders in the community. An initial Workplan, with performance measures is due to the legislature by December, 2008.

#### **D. Sentencing Guidelines Commission Priority Performance Outcomes**

**The Sentencing Guidelines Commission is funded to pursue outcomes that support progress on the State of Washington High Priority Statewide Goal of Improving the Safety of People and Property. The Outcomes we strive for are as follows:**

**OUTCOME # 1: THE GOVERNOR AND LEGISLATURE RECEIVE RECOMMENDATIONS WHICH FURTHER THE PURPOSES OF THE SENTENCING REFORM ACT.**

**OUTCOME #2: THE GOVERNOR, LEGISLATURE AND THE PUBLIC HAVE ACCESS TO ACCURATE AND COMPREHENSIVE INFORMATION ABOUT FELONY SENTENCES AND JUVENILE DISPOSITIONS.**

**OUTCOME #3: WASHINGTON STATE RESIDENTS AND POLICYMAKERS HAVE ACCESS TO ACCURATE AND TIMELY INFORMATION TO ASSESS HOW THE STATE’S CRIMINAL JUSTICE SYSTEM IS WORKING.**

**OUTCOME # 4: THE SENTENCING GUIDELINES COMMISSION (SGC) IS ADMINISTERED IN A MANNER THAT SUPPORTS HIGH QUALITY WORK BY EMPLOYEES AND COMPLIES WITH STATE LAWS AND RULES.**

#### **Activity Measures for the Official Activity Inventory**

**The Sentencing Guidelines Commission will continue to use the same Activity Measures that have been used in the past, with one correction. (Measure #3 the term “juvenile felonies” is replaced with “juvenile dispositions”.)**

- Measure #1: Average number of turnaround days for processing agency fiscal notes.  
The target is 2 days -efficiency measure.
- Measure #2: Number of adult felony sentences entered in database.  
The target is 28,000 – input measure.
- Measure #3: Number of juvenile dispositions entered in database.  
The target is 11,500 – input measure.
- Measure #4: Number of published reports  
The target is 5-10 – output measure.

**Sentencing Guidelines Commission GMAP Performance Measures**  
**Performance measurements will be completed by July 30, 2008 at the Sentencing Guidelines Commission (SGC). The SGC will develop its Performance Management Database by August 31, 2008, and measure performance quarterly beginning Fiscal Year 2009.**

**E. Priority Goals, Objectives and Strategies**

**OUTCOME # 1: THE GOVERNOR AND LEGISLATURE RECEIVE RECOMMENDATIONS WHICH FURTHER THE PURPOSES OF THE SENTENCING REFORM ACT.**

**Goal # 1 A: Provide research-based, well-balanced criminal justice expertise to the public policy process.**

| <u>Objectives</u>  | <u>Strategies</u>  |
|--|--|
| <p>a) Maintain the development and support for proposed legislation from criminal justice experts, representing a cross-section of views.</p> <p>b) Increase responsiveness to proposed legislation in a timely and effective manner.</p> <p>c) Maintain participation in criminal justice task forces and study groups.</p> | <ol style="list-style-type: none"> <li>1) The SGC will meet regularly to stay apprised of and discuss topics related to criminal justice.</li> <li>2) The SGC will respond to legislative directives, making timely recommendations as requested, or as identified by the Commission.</li> <li>3) Solicit the comments of the juvenile justice community concerning disposition standards biennially.</li> </ol> <ol style="list-style-type: none"> <li>1) The SGC will form a legislative committee to discuss legislation and testify where appropriate.</li> </ol> <ol style="list-style-type: none"> <li>1) The SGC will participate in task forces and study groups as it deems appropriate; and form study groups as needed to fulfill its duties in relation to the Sentencing Reform Act.</li> </ol> |

**OUTCOME #2: THE GOVERNOR, LEGISLATURE AND THE PUBLIC HAVE ACCESS TO ACCURATE AND COMPREHENSIVE INFORMATION ABOUT FELONY SENTENCES AND JUVENILE DISPOSITIONS.**

**Goal # 2A: Maintain an accurate, complete and comprehensive database of adult felony sentences and juvenile dispositions.**

| <u>Objectives</u>  | <u>Strategies</u>  |
|--|--|
| <p>a) Increase accuracy and comprehensiveness of data entered from all county felony judgment and sentence and juvenile disposition forms.</p> | <ol style="list-style-type: none"> <li>1) Develop and implement data entry protocols that ensure timely entry of criminal sentencing.</li> <li>2) Develop and implement data cleaning and matching protocols to ensure accurate and comprehensive data.</li> <li>3) Purchase expert programming to maintain the integrity and accuracy of the database.</li> <li>4) Purchase expert advice on options for upgrading or replacing the SGC database</li> </ol> |
| <p>b) Maintain preparation of a complete adult felony and juvenile disposition data set for each fiscal year and calendar year.</p>            | <ol style="list-style-type: none"> <li>1) Freeze a cleaned and matched dataset for each fiscal year no later than December 1<sup>st</sup> of each year.</li> <li>2) Freeze a cleaned and matched dataset for each calendar year no later than July 1<sup>st</sup> of each year.</li> </ol>   |

**Goal # 2B: Provide Fiscal Note analyses, as requested, in an accurate and timely manner.**

| <u>Objectives</u>  | <u>Strategies</u>  |
|--|--|
| <p>a) Maintain preparation of a dataset useable for fiscal notes for each legislative session.</p> | <ol style="list-style-type: none"> <li>1) Develop agreed assumptions with a fiscal note workgroup comprised of staff from SGC, CFC, DOC, CTED, OFM, and the Legislature to expedite an accurate fiscal note process.</li> <li>2) Adjust the fiscal note dataset as needed to include a) phase-in factors; b) percent prison and c) discount factors.</li> <li>3) Develop, update and utilize a SGC Fiscal Note Procedures Manual to accurately forecast prison, jail and community custody impacts.</li> </ol> |
| <p>b) Maintain a SGC Fiscal Note Team for the entirety of the fiscal note season.</p>              | <ol style="list-style-type: none"> <li>1) Develop and implement protocols within the SGC to provide availability during all working hours.</li> <li>2) Develop and implement protocols to ensure prompt and adequate bill and bed impact analyses.</li> </ol>  |

**OUTCOME #3: WASHINGTON STATE RESIDENTS AND POLICYMAKERS HAVE ACCESS TO ACCURATE AND TIMELY INFORMATION TO ASSESS HOW THE STATE’S CRIMINAL JUSTICE SYSTEM IS WORKING.**

**Goal #3A: Regular reports are made available to enable policymakers, administrators, criminal justice officials and the public to assess the status of criminal sentencing in Washington State.**

| <u>Objectives</u>   | <u>Strategies</u>   |
|---|---|
| <p>a) Maintain publication of an adult statistical summary annually.</p> <p>b) Maintain publication of a juvenile statistical summary annually</p> <p>c) Maintain publication of a report on judicial sentencing practices annually.</p> <p>d) Maintain publication of an adult sentencing manual annually.</p> <p>e) Maintain publication of a juvenile disposition manual annually.</p> <p>f) Maintain publication of a biennial report on racial disproportionality and disparity in sentencing.</p> <p>g) Maintain publication of biennial reports on the recidivism rates of Washington offenders.</p> <p>h) Increased responsiveness to data requests from SGC commissioners, the legislature, the governor, the criminal justice community and the public.</p> | <p>Objectives a) through g)</p> <ol style="list-style-type: none"> <li>1) Use the final datasets (see Goal # 2) to ensure consistent and accurate reporting.</li> <li>2) Schedule report issuance to comply with statutes, to ensure maximum availability to the public, which appropriately and fairly allocates staff resources.</li> <li>3) Develop a coordinated Research Team to allow for skilled analysis, cross review and appropriate approvals to achieve a high level of accuracy.</li> <li>4) Contracts for external review as needed to achieve a high level of accuracy.</li> <li>5) Periodically review and update the approaches and methodologies used in each report by soliciting the comments and opinions of experts.</li> </ol> <p>Objective h) only</p> <ol style="list-style-type: none"> <li>1) Develop, periodically update and comply with a Research Protocol to ensure research time is allocated appropriately;</li> <li>2) Develop and implement a standard presentation approach for responses to data requests.</li> </ol> |

**OUTCOME # 4: THE SENTENCING GUIDELINES COMMISSION (SGC) IS ADMINISTERED IN A MANNER THAT SUPPORTS HIGH QUALITY WORK BY EMPLOYEES AND COMPLIES WITH STATE LAWS AND RULES.**

**Goal #4A: The SGC shall foster staff performance and accountability.**

| <u>Objectives</u>   | <u>Strategies</u>   |
|---|---|
| <p>a) Increase staff communication to improve the accuracy and quality of work, maximizing staff expertise.</p> <p>b) Increase training opportunities for staff to support professional growth and improved agency outcomes.</p> <p>c) Maintain updated policies that inform staff of their rights and responsibilities.</p> <p>d) Maintain communication with staff about performance expectations and assessment.</p> | <ol style="list-style-type: none"> <li>1) Hold regular staff meetings</li> <li>2) Hold regular Research Team, Data Compiler and Administrative meetings.</li> </ol><br><ol style="list-style-type: none"> <li>1) Maintain a training plan with staff involvement.</li> <li>2) Request staff reports to the staff meetings after each training.</li> </ol><br><ol style="list-style-type: none"> <li>1) Adopt all policies listed on the OFM Small Agency Client Services List, with staff involvement.</li> <li>2) Adopt policies specific to agency purposes as needed.</li> <li>3) Provide periodic staff training on policies.</li> <li>4) Review and update policies annually.</li> </ol><br><ol style="list-style-type: none"> <li>1) Use the DOP forms to annually evaluate staff performance and update performance expectations.</li> <li>2) Hold interim evaluations as needed to improve performance or modify expectations.</li> </ol> |

**Goal #4B: The SGC will utilize systems and expectations that maintain agency compliance with the Public Records Act and the Open Public Meetings Act.**

| <u>Objectives</u>  | <u>Strategies</u>   |
|--|---|
| <ol style="list-style-type: none"> <li>a) Maintain legally compliant notice of public meetings.</li> <li>b) Maintain the commitment to hold meetings in accessible locations.</li> <li>c) Maintain meetings documents to ensure public access in accordance with statute.</li> </ol> | <ol style="list-style-type: none"> <li>1) Develop, maintain and follow a compliance checklist that guides and documents the scheduling and notice of all SGC and SOPB Meetings.</li> <li>1) Document the accessibility of all locations in which public meetings are held.</li> </ol><br><ol style="list-style-type: none"> <li>1) Develop, maintain and follow a compliance checklist that guides and creates an inventory of all meeting documents.</li> <li>2) Develop and maintain records which document public records requests and responses.</li> <li>3) Adopt policies that clarify recordkeeping requirements for public records purposes.</li> </ol> |

**Goal #4C: The SGC will maintain agency compliance with law and rules related to the expenditure of funds.**

| <u>Objectives</u>   | <u>Strategies</u>  |
|---|--|
| <p>a) Maintain and update realistic budgets for the SGC and the SOPB.</p> <p>b) Increase monitoring of budget adherence.</p> <p>c) maintain periodic review of travel and other procedures.</p> | <p>1) Comply with OFM timelines for biennial and supplemental budget requests.</p> <p>2) Adjust the SGC budget as necessary, within agency discretion to promote adherence.</p> <p>1) Review budget status on a monthly basis.</p> <p>2) Meet quarterly with OFM staff to review status and make changes as necessary.</p> <p>1) Review and update travel procedures and policies.</p> <p>2) Review and update food and reimbursement procedures and policies.</p> |

**Goal #4D: The SGC shall develop and measure performance in accordance with the Governor’s Management and Accountability Process (GMAP).**

| <u>Objectives</u>  | <u>Strategies</u>   |
|--|---|
| <p>a) Maintain annual submission of an agency Strategic Plan.</p> <p>b) Maintain annual updates of performance measures to track progress on the SGC Strategic Plan.</p> <p>c) Increase performance measuring as needed throughout the year, and publish an annual performance report.</p> | <p>1) Review the SGC Strategic Plan with staff by May of each year.</p> <p>2) Finalize and submit a SGC Strategic Plan by June 13 of each year.</p> <p>1) Draft a 2008-2013 SGC Strategic Plan Activities and Performance Measures Plan for staff review by June of each year.</p> <p>2) Finalize the revised Activities and Performance Measures Plan by July 30 of each year.</p> <p>3) Create or update a Performance Measures Database by August 31 of each year.</p> <p>4) Assign responsibility for measuring performance by August 31 of each year.</p> <p>1) Measure performance quarterly, semi-annually or annually as indicated in the Activities and Performance Measures Plan.</p> <p>2) Discuss performance quarterly in a staff meeting.</p> |

## **F. External Environmental Factors**

The Commission recommends statewide sentencing policy for adult felons and juvenile offenders and recommends changes to the Criminal Code in conformity with the Sentencing Reform Act of 1981 (SRA). The public's concern about the criminal justice system is at times driven by media saturation of particular current events. The environment in which the Commission operates may be characterized as fluid and sometimes volatile.

The criminal justice system is, by design, adversarial. Thusly, different interests will be of concern to the judiciary, law enforcement, prosecutors, defense counsel, victims, correctional agencies and the public at large. The SRA statute responds to these interests by creating a commission that represents a variety of expertise and viewpoints in the discussions about criminal justice policy in order to formulate balanced recommendations.

A major portion of the workload of the Commission is directly affected by changes in legislative criminal justice policy, as well as trends experienced by the state superior courts, the Department of Corrections and the Department of Social and Health Services Juvenile Rehabilitation Administration. Based on reports prepared by the Caseload Forecast Council, and national trends, the Commission anticipates that there will be a steady increase in adult 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. Although the juvenile offense rate has been dropping, a newly formed Juvenile Justice Committee has identified some major policy areas for discussion by the commission.

The Governor and Legislature enacted a major new offender re-entry effort in 2007. This legislation responds to research that identifies the supports and restraints most likely to result in lowered recidivism by offenders returning to the community. The intended results include an increase in public safety and a decrease in criminal justice costs. The SRA requires the SGC to report on recidivism and yet the SGC data is not comprehensive enough to provide a holistic picture of recidivism. The SGC will devote resources to working with stakeholders to improve recidivism reporting. A similar process will begin in 2008 to improve reporting on racial disproportionality and disparity.

Since passage of the SRA in 1981, there have been numerous amendments to add community supervision components to sentences. The statutes became nearly unreadable and many agree it is time to have an in-depth policy discussion about the community portion of sentences. The Sentencing Guidelines Commission proposed legislation which was passed in 2008 to simplify the Community Custody statutes. At the request of the legislature, the Commission is conducting an intense review of the policies underlying community custody in light of the research. These discussions will require substantial additional research resources and time commitments from Commissioners and staff in 2008.

The legislature has also asked the SGC to review statutes of limitation for sex offenses in 2008. In 2008, legislation created a Sex Offender Policy Board (SOPB) to be developed, staffed and maintained by the SGC. The SOPB will provide front-line expertise regarding best-practices in the response to sex offenses and management of offenders. The new board must submit a Workplan to the legislature within the first six months. The SOPB has been assigned the task of reviewing adult and juvenile sex offender registration and housing issues for sex offenders in the community. The SOPB will look at issues related to implementing the federal Adam Walsh Act. The relatively new "determinate plus" system provides for lifetime supervision of some sex offenders. The 2007 task force agreed that this new system needs review as well.

## **G. Internal Environmental Factors**

The Sentencing Guidelines Commission is faced with a number of challenges in the next three years, including:

### **An Aged Database**

The Sentencing Guidelines Commission (SGC) maintains a centralized database with all felony criminal sentences and juvenile dispositions from the 39 Washington counties. The SGC database is used for a number of purposes, most of which require it to perform continuous, dynamic functions.

- The SGC is a 24 member commission of criminal justice experts, appointed by the Governor and the legislature. It is required by statute to regularly evaluate and make recommendations on state criminal justice policy. The SGC database is used to analyze the impacts of various sentencing ideas, and requires annual programming changes.
- As data is entered, the SGC database provides feedback on whether the sentence complies with the law. This feature requires annual programming changes as the legislature modifies criminal statutes every year.
- The SGC issues ten statutorily mandated annual or biennial Reports. Most SGC reports are statistical and require data analysis using the SGC database.
- Since 1982, SGC staff has been using the SGC database to forecast the prison populations. Certain programs and processes are required to support this forecasting process, which is essential to the state budgeting process. The SGC provides fiscal note analyses for dozens of crime bills each year so legislators can know the costs of each proposed change to criminal sentences.
- RCW 9. 94A. also requires the SGC to conduct ongoing research regarding:
  - a. adult and juvenile sentencing guidelines;
  - b. use of total confinement and alternatives to total confinement,
  - c. plea bargaining; and
  - d. other matters relating to the improvement of the adult criminal justice system and the juvenile justice system.

Each of these functions requires the database to be accurate, comprehensive and useable. The SGC database is more than 20 years old, although it has been updated regularly and continues to function. By 2010 the SGC will need to replace or dramatically upgrade its database to ensure continued accuracy and to make it useable in a world of rapidly changing technology.

### **Limited Staff Resources**

The SGC is currently allocated two fewer FTEs than in 2001, although the functions have not decreased. In 2008 the SGC is allocated 10.4 FTEs, but funds are provided for 8.4 FTEs. Additional resources through an interagency agreement with OFM allowed the hiring of a Research Director. Our staff consists of 3.4 Data Compilers, a Database Program Manager, a Research Investigator and a Research Analyst. The Executive Director and the Executive Assistant are the remaining staff. The Executive Director also functions as the legal analyst. The SGC will need to have ongoing funding for the Research Director and also needs to have resources for its additional unfunded FTE. A quick look at our responsibilities illustrates why we are challenged. There was an 80 percent turnover in the SGC research staff in FY 2008. We are focusing on improving our database, fiscal notes and reports and in improved communication with the public. We are making good progress on upgrading our performance.