

**PROPOSAL**  
**PROPERTY OFFENSE SENTENCING GRID V2**  
**325 – Sentencing Guidelines Commission**  
**July 7, 2009**

**SUMMARY**

This proposal creates a separate sentencing grid for property offenses. This grid collapses some seriousness levels and offender score. The philosophy behind the proposed grid follows analyses completed by the Washington State Institute for Public Policy<sup>1</sup>. Their studies show that

- lower recidivism rates are located in the cells with low offender scores
- recidivism rates for property offenders has been increasing since 1986
- prison sentences for property offenders do not decrease recidivism and may increase it
- for offenders who do get prison sentences that recidivism rates decrease 1.0% for every additional 6 mos spent in prison

As a result, the grid cells under the lower offender scores were decreased and as the offender score increases, the ranges get higher and wider. The high ranges for offender score of 9+ were also increased.

**EXPENDITURES**

**Assumptions.**

The adult jail and prison bed impacts for this bill were calculated under the following assumptions:

- Sentences are based on Sentencing Guidelines Commission Fiscal Year 2008 adult felony sentencing data, and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, *etc.* (*i.e.*, there will be an identical number of sentences each year).
- Sentences are distributed evenly by month.
- Sentences are discounted by the ratio of sentences to jail or prison admissions.
- Length of stay in jail is calculated using a figure for average earned release, based on a survey of local jails by the Sentencing Guidelines Commission, the Office of Community Development and the Washington State Association of Counties.
- Bed impacts are calculated with a phase-in factor for other property offenses
- The prospective length of stay in prison factors in the amount of time served in jail prior to transferring to the Department of Corrections based on the average time served for specific offenses as reported by DOC.
- **The list of offenses included in our definition of property offenses is attached**
- All sentencing alternatives were excluded with the exception of DOSA

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<sup>1</sup> Barnoski, R. (2004). *Sentences for adult felons in Washington: Options to address prison overcrowding – Part II (Recidivism Analyses)*. Olympia: Washington State Institute for Public Policy, Document No. 04-07-1201.

## Proposed Property Offense Sentencing Grid

Seriousness Level	Offender Score						Current SL Levels
	0 to 2	3 to 4	5 to 6	7	8	9+	
VI	12.03 - 20	21 - 34	35 - 56	53 - 85	81 - 125	125 - 205	10
V	4 - 12	12.03 - 20	20 - 32	31 - 50	49 - 75	74 - 120	6, 7
IV	3 - 8	6 - 12	12.03 - 20	21 - 35	36 - 59	60 - 102	4, 5
III	2 - 5	5 - 12	12.03 - 19	19 - 31	29 - 48	47 - 72	3
II	0 - 90	4 - 12	12.03 - 18	17 - 27	25 - 40	37 - 60	2
I	0 - 60	2 - 6	6 - 12	12.03 - 18	15 - 24	20 - 32	1

### Impact on prison and jail beds.

In FY08, there was a total of 5,662 property offenses whose sentence length was affected by the proposed grid. Of those 3,659 were jail sentences, 476 were DOSA sentences and 1,527 were non-DOSA prison sentences.

The average length of stay for jail sentences decreased from 2.5 mos to 2.1 mos, for non-DOSA prison sentences the average length of stay increased from 13.4 mos to 14.2 mos and the average length of stay for DOSA sentences decreased from 9.8 mos to 8.7 mos (this is partly due to 21 DOSA sentences no longer being eligible for a DOSA sentence).

It is believed that the bed impacts are slightly over-estimated because some offenders who were sentenced at the low end of the range under the current grid may not be sentenced at the low end of the proposed grid due to the collapsing of the offender score columns. Take for example offenders with a score of 2 or a score of 4 who were sentenced to the low end of the range under the current sentencing grid. Under the proposed grid, offenders with a score of 2 or 4 are now in the same column and it would be unlikely that both would receive a sentence length equal to the low end of the range.

### Average Monthly Population Jail and Prison Impacts Property Offense Sentencing Grid - V2 Sentencing Guidelines Commission July 7, 2009

	Fiscal Year									
	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
Jail AMP	-6	-3	-2	-2	-1	-1	-1	-1	-1	-1
Prison AMP (DOSA)	-4	-23	-28	-30	-31	-31	-31	-32	-32	-32
Prison AMP (Non-DOSA)	-64	-217	-301	-335	-342	-342	-342	-342	-343	-344
Prison AMP (Total)	-68	-240	-330	-365	-373	-373	-374	-374	-375	-376

	Fiscal Year									
	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29
Jail AMP	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1
Prison AMP (DOSA)	-32	-32	-32	-32	-32	-32	-32	-32	-32	-32
Prison AMP (Non-DOSA)	-345	-345	-345	-345	-345	-345	-345	-345	-345	-345
Prison AMP (Total)	-377	-377	-377	-377	-377	-377	-377	-377	-377	-377

<b>Codes</b>	<b>PROPERTY OFFENSES (THEFTS/FRAUDS)</b>	<b>Offense Level</b>
5416	ADV MONEY - EXT CREDIT	V
2012	ARSON 2	IV
2316	BURGLARY 2	III
3417	COUNTERFEIT - 3RD CONVICT. AND >\$10,000	II
3064	DEFRAUDING INNKEEPER >\$75	IV
2764	EXTORTION 2	III
5414	EXTORTIONATE EXT OF CREDIT	V
5417	EXTORTIONATE MEANS TO COLLECT	V
4718	FALSE VERIFICATION FOR WELFARE	I
3002	FORGERY	I
3230	INSURANCE CLAIMS TRAFFICKING SUBSEQ	II
2063	MALICIOUS EXPLOSION 3 (POST 7/26/97)	X
2146	MALICIOUS INJURY RAILROAD PROP (POST 7/24/99)	III
2152	MALICIOUS MISCHIEF 1	II
2172	MALICIOUS MISCHIEF 2	I
2026	MALICIOUS PLACEMENT OF EXPLOSIVES 3 (POST 7/26/97)	VII
2621	ORGANIZED RETAIL THEFT 1	III
2622	ORGANIZED RETAIL THEFT 2	II
2804	POSS STOLEN PROPERTY 1	I
2812	POSS STOLEN PROPERTY 2	II
2730	POSS STOLEN VEHICLE	II
2104	RECKLESS BURNING	I
2310	RESIDENTIAL BURGLARY	IV
2631	RETAIL THEFT W/EXTENU CIRCUMSTN 1	III
2632	RETAIL THEFT W/EXTENU CIRCUMSTN 2	II
2724	TAKING MV W/o PERMISSION (OLD CODE)	
2726	TAKING MV W/o PERMISSION 1	V
2728	TAKING MV W/o PERMISSION 2	I
2502	THEFT 1	II
2552	THEFT 2	I
2614	THEFT 2 - WELFARE FRAUD	I
2710	THEFT MOT VEH	II
2947	THEFT OF A FIREARM	VI
2735	THEFT OF LIVESTOCK 1	IV
2736	THEFT OF LIVESTOCK 2	III
2746	THEFT OF RENTAL OR LEASED PROPERTY (\$250-\$1500)	I
2748	THEFT OF RENTAL OR LEASED PROPERTY (<\$1,500)	II
2641	THEFT W/ INTENT RESELL 1	III
2642	THEFT W/ INTENT RESELL 2	II
2526	THEFT1 - WELFARE FRAUD	II
5424	TRAFFICKING IN STOLEN PROP 1	IV
5426	TRAFFICKING IN STOLEN PROP 2	III
3324	UNLAWFUL FACTORING CREDIT/PAY CARD TRANSACTION-1ST	II
3326	UNLAWFUL FACTORING CREDIT/PAY CARD TRANSACTION-2ND	IV
2702	UNLAWFUL ISSUE OF CHECKS/DRAFT	I
2512	UNLAWFUL OBTAIN FINANCIAL INFO (POST 7/21/01)	II
3302	UNLAWFUL POSS OF FICTITIOUS IDENTIFICATION	I
3343	UNLAWFUL POSS OF INSTRUMENTS OF FINANCIAL FRAUD	I
3353	UNLAWFUL POSS OF PAYMENT INSTRUMENTS	I
3323	UNLAWFUL POSS OF PERSONAL IDENTIFICATION DEVICE	I
3373	UNLAWFUL PRODUCTION OF PAYMENT INSTRUMENTS	I
3097	UNLAWFUL USE OF FOOD STAMPS	I
2374	VEHICLE PROWL 1	I

**Number of Sentences by Where in the Range\*  
Where Most Serious Offense is a Property Offense  
by Seriousness Level and Offender Score**

Seriousness Level	Offender Score																																						
	0			1			2			3			4			5			6			7			8			9											
	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High						
6	4	0	2	3	1	1	3	1	0	2	2	1	0	1	1	2	2	1	0	1	0	0	0	1	1	0	0	0	0	0	0	1	0	0	0	0	0	1	0
5	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
4	80	63	15	57	44	4	40	5	10	39	23	6	20	14	17	24	13	13	11	15	5	2	7	5	7	6	2	29	35	15	7	6	2	29	35	15			
3	111	92	29	81	66	8	78	68	10	48	16	14	48	17	8	24	15	11	19	22	12	11	10	5	11	9	2	31	36	15	11	10	5	31	36	15			
2	26	405	33	94	93	14	69	86	9	70	77	19	64	12	24	56	21	19	28	26	27	23	16	10	28	15	6	79	52	51	23	16	10	79	52	51			
1	63	1018	67	20	757	55	315	137	44	204	181	77	150	158	66	128	146	33	117	13	42	73	28	24	70	34	42	147	103	177	73	28	24	147	103	177			

\*WIR = Where in the Range determines where the sentence length falls within the presumptive range. Any enhancements were stripped from the sentence length prior to the calculation.  
 Low = low end of the range  
 High = high end of the range  
 Mid = somewhere between the Low and the High end of the range

**Percentage of Sentences by Where in the Range\*  
Where Most Serious Offense is a Property Offense  
by Seriousness Level and Offender Score**

Seriousness Level	Offender Score																																			
	0			1			2			3			4			5			6			7			8			9								
	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High
6	67%	0%	33%	60%	20%	20%	75%	25%	0%	40%	40%	20%	0%	50%	50%	40%	40%	20%	0%	100%	0%	0%	0%	100%	100%	0%	0%	0%	100%	0%	0%	0%	0%	0%	100%	0%
5	0%	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%
4	51%	40%	9%	54%	42%	4%	73%	9%	18%	57%	34%	9%	39%	27%	33%	48%	26%	26%	35%	48%	16%	14%	50%	36%	47%	40%	13%	37%	44%	19%	14%	50%	36%	47%	40%	13%
3	48%	40%	13%	52%	43%	5%	50%	44%	6%	62%	21%	18%	66%	23%	11%	48%	30%	22%	36%	42%	23%	42%	38%	19%	50%	41%	9%	38%	44%	18%	42%	38%	19%	50%	41%	9%
2	6%	87%	7%	47%	46%	7%	42%	52%	5%	42%	46%	11%	64%	12%	24%	58%	22%	20%	35%	32%	33%	47%	33%	20%	57%	31%	12%	43%	29%	28%	47%	33%	20%	57%	31%	12%
1	5%	89%	6%	2%	91%	7%	64%	28%	9%	44%	39%	17%	40%	42%	18%	42%	48%	11%	68%	8%	24%	58%	22%	19%	48%	23%	29%	34%	24%	41%	58%	22%	19%	48%	23%	29%

\*WIR = Where in the Range determines where the sentence length falls within the presumptive range. Any enhancements were stripped from the sentence length prior to the calculation.  
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represents over 50% of sentences