

360, 1985 1st ex.s. c 6, RCW 43.63A.060 and 43.63A-.065. 85-19-042 (Order 85-10), § 365-110-060, filed 9/13/85.]

**WAC 365-110-080 Termination.** The surcharges established under WAC 365-110-040 (State Energy Code studies surcharge) shall terminate on June 30, 1989, unless terminated earlier upon a finding that the general fund has been reimbursed for the cost of the studies pursuant to chapter 144, Laws of 1985.

The fees established under WAC 365-110-050 (State Building Code fee) shall continue in effect until repealed or modified by legislative action. [Statutory Authority: 1985 c 144 and 360, 1985 1st ex.s. c 6, RCW 43.63A-.060 and 43.63A.065. 85-19-042 (Order 85-10), § 365-110-080, filed 9/13/85.]

## Title 381 WAC PRISON TERMS AND PAROLES, BOARD OF

**Reviser's note:** The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but was filed in the office of the code reviser and was published in Washington State Register 85-03-079. It is published in the Washington Administrative Code exactly as filed pursuant to the court order shown in WSR 82-08-001 and Title 381 in the 1982 WAC Supplement.

### BOARD OF PRISON TERMS AND PAROLES

**Rule 2.092** DEFERRED DECISIONS In those cases where the Board panel conducting the minimum term meeting cannot agree as to the minimum term, a deferred decision shall occur and such cases will be referred to the full Board for resolution. No decision will be communicated until all seven Board members have voted. In addition, the panel may take a deferred decision in cases where more information is required prior to setting the minimum term.

Adopted October, 1984

New Section In establishing minimum terms after January 1, 1985, the Board shall give reasons for all minimum term set.

Amended December 17, 1984

**Rule 2.100** PRE-MINIMUM TERM CONFERENCES PROHIBITED No member or members of the Board of Prison Terms and Paroles shall engage in a personal conference with anyone regarding a convicted and committed person prior to the Board fixing a minimum term. The Board will accept written statements from anyone regarding such convicted and committed persons, however.

Adopted December 17, 1984

**Rule 4.150** RULES OF EVIDENCE - ADMISSIBILITY

New Section Confidential informant testimony alone may form the basis for a finding of guilty where such testimony is supported on the record by evidence of its credibility and reliability.

Amended December 17, 1984

**Rule 5.150** RULES OF EVIDENCE - ADMISSIBILITY

New Section Confidential informant testimony alone may form the basis for a finding of guilty where such testimony is supported on the record by evidence of its credibility and reliability.

Amended December 17, 1984

**Rule 6.400** RULES OF EVIDENCE - ADMISSIBILITY

New Section Confidential informant testimony alone form the basis for a finding of guilty where such testimony is supported on the record by evidence of its credibility and reliability.

Amended December 17, 1984

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STATE OF WASHINGTON

BOARD OF

PRISON TERMS AND PAROLES

Guidelines for  
Fixing of Minimum Terms  
and Reconsideration of  
Length of Confinement

Olympia, Washington

Effective December 1, 1978

Amended December 12, 1983

## SUMMARY

GUIDELINES FOR FIXING OF MINIMUM TERMS  
AND  
GUIDELINES FOR THE RECONSIDERATION OF LENGTH OF CONFINEMENT

The Board of Prison Terms and Paroles has adopted guidelines designed to channel its discretion in fixing minimum terms of confinement and the review of those terms.

Minimum Terms

The guidelines for fixing minimum terms specify a period of incarceration for offenders based on:

1. The offender's behavior in criminal acts leading to the current incarceration.
2. The offender's record of criminal convictions and parole revocations (hereafter referred to as prior record).

Criminal acts are grouped into seven offense categories (see Table 1). Acts in a given category are assigned time (in months of potential confinement) to which further time is added for the presence of certain aggravating circumstances (see Tables 2A-2G). Additional time is given to offenders based on the number and type of prior convictions or parole revocations and on the category of the felony acts leading to the current incarceration (see Tables 3 and 4).

Outside Guidelines

The Board may go outside the guidelines, provided members give written reasons for such decisions. Certain of the more commonly cited reasons have been codified and may be found in the pages following the section devoted to the minimum term guidelines (between blue and yellow pages).

Reconsideration of Minimum Terms

Reconsideration guidelines provide a means for modifying the length of sentence based upon probability statements about parole performance for various groups of offenders. Offender groups are defined in Table 1 (yellow pages).

The scores associated with the probability statements, termed "public safety scores" are based upon offender attributes found to be positively correlated with parole success. The attributes are listed by offense group in Exhibit 1A-1F. The possible percent reductions in length of confinement associated with public safety scores may be found in Table 2A-2I.

## Guidelines for Fixing of Minimum Terms

To promote consistent exercise of discretion and to affect fair and equitable decision making without removing individual case consideration, the Board has established guidelines for fixing minimum terms of confinement.

1. These guidelines establish the customary range of minimum terms to be fixed for various admission classes, based on aggravating circumstances and prior criminal record.
2. All admissions subsequent to a court commitment are subject to the provisions of these guidelines.
3. The guidelines shall apply to all persons committed to Board authority in accordance with the Revised Code of Washington on or after the date of adoption of the guidelines. Decisions concerning persons admitted for behavior not specifically covered in the guidelines shall be made on a case-by-case basis.
4. Decisions outside the guidelines may be made by panels of the Board, provided that written reasons are given. Written reasons for the Board's decision need not be given if the minimum term of confinement falls within the guidelines.
5. All minimum terms fixed at more than 18 months above or below the high point or low point of the guideline range must be referred to the full Board for approval.
6. Mandatory minimum terms shall be fixed in accordance with the Revised Code of Washington and Board rule 3.140. When the guideline term is less than the mandatory minimum term, the mandatory minimum term takes precedence.
7. When the guideline term is greater than the statutory maximum term, the statutory maximum term takes precedence.
8. The Board shall review the guidelines six months after adoption and at least annually thereafter, and may revise or modify the guidelines based on appropriate new information.
9. The Board shall disclose to the offender all adverse information used to determine the guideline minimum term.

- GUIDELINES FOR FIXING OF MINIMUM TERMS -  
WASHINGTON STATE BOARD OF PRISON TERMS AND PAROLES

COURT COMMITMENT

I. Defining and Measuring the Severity of Criminal Behavior

A. Defining the Unit of Criminal Behavior - The Criminal Act

A criminal act is the set of all behaviors and circumstances that results in a felony conviction. The criminal act includes all actions related by their closeness in time, location, intent or consequences.

B. Measuring the Severity of the Criminal Act - Felony Class and Act Circumstances

The severity of a criminal act is determined by the felony class of the act and circumstances which are present in the act. The measure of the severity of a criminal act is the number of months of confinement for the act.

1. Felony Classes

a. Definition

Felony offenses defined in the Revised Code of Washington are grouped into felony classes according to common elements. These felony classes, listed in decreasing order of severity, and the most common offenses within them are given below in Table 1.

b. Nonguideline Felonies

Certain felony offenses are not grouped within the guideline felony classes. Some of these felonies encompass a wide variety of behaviors and circumstances difficult to classify within the standardized structure of the guidelines. Others occur so infrequently that standardization is not possible. Still other felonies are statutorily removed from Parole Board jurisdiction. These felonies are classified as nonguideline offenses. Table 1A below lists all nonguideline felony offenses.

c. Nonguideline Offenders

Certain conditions eliminate offenders from being considered a guideline case. Offenses committed while the offender is incarcerated or on escape status are not subject to guideline rules. This includes incarceration or escape from state juvenile institutions.

TABLE 1 - OFFENSES INCLUDED IN BOARD FELONY CLASSES

FELONY CLASS	OFFENSES INCLUDED IN FELONY CLASS
1. Murder 2	Murder 2
2. Manslaughter	Manslaughter 1, 2, 3, Motor Vehicular Homicide
3. Sexual Molestation	Rape 1, 2, 3, Statutory Rape 1, 2, 3, Indecent Liberties, other sex offenses
4. Robbery	Robbery 1, 2, Extortion 1, 2
5. Assault	Assault 1, 2, 3, Kidnapping 1, 2, Unlawful Imprisonment, Felon in Possession of Firearm
6. Property	Burglary 1, 2, Auto Theft, Theft 1, 2, Credit Card Theft, other Thefts, Possession of Stolen Property 1, 2, Forgery 1, 2, Unlawful Issuance of Bank Checks, Credit Card Forgery, Uttering a Forged Instrument
7. Drugs	Sale of Controlled Substance for Profit; Sale of Heroin for Profit; Sale, Delivery or Possession of Drugs with Intent to Sell; Violation of the Uniform Controlled Substance Act; Uttering a Forged Prescription

TABLE 1A - COMMON NONGUIDELINE OFFENSES

Accomplice to 2nd Degree Introducing Contraband  
Arson 1  
Arson 2  
Attempted Possession of an Incendiary Device  
Attempting to Elude Pursuing Police Vehicle  
Bail Jump  
Conspiracy  
Communicating with a Minor for Immoral Purposes  
Defrauding Innkeeper  
Escape 1  
Escape 2  
Failure to Comply with Police Order to Stop  
Failure to Return from Work Release/Furlough  
Felony Hit and Run  
Intimidating Witness  
Malicious Mischief  
Murder 1  
Parole Violators  
Perjury  
Promoting Prostitution  
Rendering Criminal Assistance  
Unlawful Delivery of a Controlled Substance in Lieu of a  
Controlled Substance

d. Classification of Criminal Acts

The commitment act is assigned to the felony class of that conviction according to Table 1.

2. Minimum Measure of Criminal Act Severity - Base Time

For each felony class, the base time defines the minimum measure of act severity for the class. The base times for the 7 felony classes are given in Tables 2A to 2G beginning on page 13.

3. Circumstances of Each Felony Class

a. Definition

Act circumstances are those behaviors and circumstances which determine the severity of the act within a felony class.

The act circumstances indicate what acts within a felony class are viewed by the Board as differing in severity. That is, the label of the felony class does not sufficiently define the severity of the act.

b. Specifying and Measuring Act Circumstances

The presence of each aggravating circumstance in an act increases the guideline recommendation for the act. The presence of each mitigating circumstance decreases the guideline recommendation for the act. Through the guidelines the Board has specified a set of circumstances for each felony class and the number of months of increased or decreased guideline recommendation for each circumstance.

Tables 2A to 2G give the circumstances and corresponding months of increased or decreased confinement for all felony classes. These months of increased or decreased confinement are referred to as act circumstance times.

Detailed definitions for each of the act circumstances are included in Tables 2A through 2G.

## 4. Act Severity Time

The act severity time is the sum of the base time and act circumstance time(s). It is the assessment (in terms of potential months of confinement) of the severity of a criminal act, based on specific behaviors in the act. Thus, the major contributors to the act severity time are the act circumstance times. The role of the felony class is to determine which set of act circumstances are to be used in calculating the act severity time.

## C. Integrating Act Severity Times with Court Sentence Structures - Total Act Time

The total act time is the number of months of confinement for all criminal acts considered in setting the minimum term. The total act time is determined by considering the act severity time(s) and the sentence structure imposed by the courts.

The following rules determine the total act time:

## 1. Single Criminal Acts

The total act time for single act cases is the act severity time of the single criminal act.

## 2. Multiple Criminal Acts - Concurrent Sentences

If there is more than one criminal act and the sentences associated with the criminal acts are concurrent, the total act time is the act severity time of the most serious act--the act with the highest number of months.

## 3. Multiple Criminal Acts - Consecutive Sentences

If there is more than one criminal act and the sentences associated with the criminal acts are consecutive, the total act time is the sum of the individual act severity times.

## 4. Parole Revocation With New Commitment

If the offender is admitted as a parole violator with a new commitment, rules 1, 2, or 3 will apply.

## d. Admission Felony Class

The admission felony class is the felony class of the most serious act--the act resulting in the highest act severity time.

## II. Defining and Measuring Severity of Prior Record

## A. Definition of Prior Record Entries Considered in Guidelines

Two types of prior criminal behavior are considered in the guidelines: adult felony convictions and parole revocations not accompanied by a new felony conviction. Each type must predate and not be associated with the present entry to prison.

## 1. Prior adult felony convictions considered as prior record entries are:

- a. Those convictions committed by a person age 18 or older at the time of convictions -or- those convictions committed by a person treated as an adult by the criminal justice system

-and which are-

- b. Washington State convictions for felonies -or- convictions in other jurisdictions which would constitute felony offenses under applicable Washington State Statute or their equivalent in common law.

In situations where it is difficult to determine if the conviction is a felony conviction, the sentence imposed must have resulted in incarceration in a state or federal correctional institution or probation for felony convictions. Each count is considered a separate conviction.

Convictions in other countries will be included in this category.

## 2. Prior parole revocations considered in the guidelines are:

- a. Those revocations of Washington State parole which are not the result of, nor accompanied by any new conviction

-and which are-

- b. Violations for which guilt has been established under due process by the Board.

## B. Measuring Severity of Prior Record Entries

## 1. Classification of Prior Record Entries

## a. Definition of Prior Record Classes

Nine felony classes are used in the assessment of prior record severity. The prior record classes coincide with the felony classes for criminal acts with one exception: prior felony convictions or felony parole revocations not included in the eight felony classes (see Table 1) default to the prior record class Other. The nine prior record classes in decreasing order of severity are:

Most Serious:	Murder
	Manslaughter
	Sexual Molestation
	Robbery
	Assault
	Property
	Drugs
	Escape
Least Serious:	Other

## b. Rules for Classification

- i) Prior felony convictions are assigned to one of the prior record classes above (see Table 1 for common offense titles in each class).
- ii) Prior parole revocations which are not the result of, nor accompanied by any new convictions are counted and all classified the same.

## c. Procedure for eliminating prior record entries

- i) Prior murder convictions are never eliminated from guideline consideration.

- ii) If the offender has spent ten continuous years in the community without felony convictions or incarceration in a state or federal correctional institution, all manslaughter, sex offense, assault and robbery prior record entries which predate the ten year period are eliminated from guideline consideration.
- iii) If the offender has spent five continuous years in the community without felony convictions or incarceration in a state or federal correctional institution, all property, drug and other felony prior record entries which predate the five year period are eliminated from guideline consideration.

Table 3 contains the number of years in the community between convictions or incarcerations necessary to eliminate a prior conviction or parole revocation from guideline consideration.

As an example, assume an offender convicted on June 10, 1969 for burglary was released from incarceration on July 15, 1971. The offender was convicted in June 1972 for auto theft and was released in January 1974. In May 1979, the offender was convicted of theft and committed to Board authority. Since the offender remained in the community for more than five years with no felony convictions or incarcerations in state or federal institutions, the prior burglary and auto theft are not considered in the prior record guidelines.

## 2. Prior Record Time--The Measure of Prior Record Severity

As with the criminal act severity, the severity of an offender's prior record is expressed by an increased term of confinement. The Board is explicitly stating that repeat offenders will be given more time in accordance with the severity of their prior record.

The prior record time is a function of the admission felony class and the frequencies and classes of prior record entries. For each prior record entry, a fixed number of months is added to the prior record time. The number of months added for each entry, based on the admission felony class, is given in Table 4, page 42.

For example, assume an offender has three prior record entries--two robbery convictions and a parole revocation. The offender is being admitted for an assault conviction. From Table 4 each robbery conviction for an assault admission adds 12 months to the prior record time. The parole revocation for an assault admission adds 6 months to the prior record time. The prior record time for the offender is the sum of the times for each entry, in this case 30 months.

The magnitude of the prior record time is limited only when both the admission felony class and all prior record classes are property or drug offenses. In that case, if the prior record time exceeds the act severity time it shall be lowered to equal the act severity time.

### III. Minimum Term Setting Guidelines

#### A. Guideline Term

The guideline term is the sum of the total act time and the prior record time.

#### B. Guideline Range

1. To allow flexibility for individual case differences, a range is associated with each guideline term. This guideline range defines the explicit policy of the Washington State Board of Prison Terms and Paroles for the fixing of minimum terms.
2. The guideline range represents approximately a 12 1/2 % variation above or below the guideline term, rounded to increments of three months. Actual minimum terms set inside the range are said to be within the guidelines. Table 5 defines the corresponding above/below guideline term variation for guideline terms up to 30 years.

For example, the guideline variation for a guideline term of 42 months is 6 months. Thus the corresponding guideline range is 36 to 48 months.

#### C. Outside the Guideline Range

Guidelines are an aid to consistent decision making, rather than deterministic rules for fixing minimum terms. Therefore, it is expected that Board panels will go outside the guideline range whenever they encounter atypical circumstances in a case. For these atypical cases, written reasons will be given to declare why the case is an exception to the general rule.

### IV. Review of Minimum Term Setting Guidelines

#### A. Offender Review

Each offender reviews the information used to determine the total act time and the prior record time. The offender can comment on the information prior to it being forwarded to the Board for scoring.

## B. Challenge to Guideline Information

If the offender challenges the accuracy of guideline information, makes claims to missing information, or indicates that the guideline information is otherwise incomplete or false, the Board will disclose the source of the guideline information and request that the offender provide verified information supporting the offender's contention. The offender is given 30 days to provide the Board with verified data before the minimum term is set. All new information provided by the offender will be considered and adjustments to the guideline scoring will be made where appropriate. The Board will then proceed with the minimum term setting process. Information sent to the Board after the minimum term is set will still be considered and guideline adjustments will be made where appropriate.

TABLE 2A  
FELONY CLASS: MURDER II

+12 BASE TIME

VICTIM - Person who is dead as a result of offenders actions.

+48 1. RELATED TO ANOTHER FELONIOUS ACT/OPPORTUNITY FOR FORETHOUGHT

A. Felony Related - act occurred as result of offender committing or intending to commit, any felony:

1. Robbery
2. Rape
3. Arson
4. Burglary
5. Kidnapping
6. Any other class A, B, or C felonies.

-or-

B. Forethought - offender had time to consider actions before committing act. Evidence of forethought may be:

1. Leaving and returning to scene
2. Seeking out/waiting for victim
3. Discussing intent
4. Plotting/laying plans for execution of act.

(i.e., offender's actions were a deliberate course of action, not just a spontaneous reaction to a situation)

+36 2. VICTIM WAS VULNERABLE--NOT A RESULT OF AGE

A handicap or disadvantage made the victim especially vulnerable. Such disadvantage is indicated by any of the following:

1. Victim was mentally retarded or physically handicapped
2. Victim was pregnant
3. Victim was weak or frail in comparison with offender (more than just a difference in sex between offender and victim)
4. Offender capitalized on the immediate defenselessness of a victim who was unconscious, drugged, unclothed, forcibly restrained or otherwise hampered or inhibited from defending self
5. Offender deliberately acted to render the victim defenseless prior to assault.

Note: None of the above circumstances can be considered if they result solely from victim weakness due to age.

+36 3. VICTIM WAS VULNERABLE BY AGE

Age made the victim especially vulnerable to the offender. The victim was:

1. Under the age of 18 -or-
2. Over the age of 49.

+18 4. OFFENDER ACTED WITH NO PROVOCATION FROM VICTIM

Victim did not provoke offender into assaultive behavior. At the time of the act, victim had:

1. Not enraged/incited offender
2. Not stimulated offender
3. Not precipitated act through any words or actions.

(i.e., victim did not taunt, gibe, ridicule or motivate offender to violence)

5. CAUSE OF INJURY/DEATH

(Only one of the following circumstances applies)

## +18 PHYSICAL FORCE

Use of feet, fists, hands or other body parts exclusive of any implement external to offender's body to injure or kill victim.

## +18 WEAPON

Offenders use of any implement external to offender's body, without the use of "physical force" (as defined above) to kill victim.

## +48 PHYSICAL FORCE AND WEAPON

Offenders use of both, as described above, to kill victim.

+24 6. SEXUAL OVERTURES OR ABUSE BY OFFENDER

Without victim's consent or voluntary compliance, or if by virtue of victim's age consent could not be given, any of the following behaviors occurred:

1. Attempted or actual exposure of the offender's genitals or breasts to victim
2. Attempted or actual exposure of victim's genitals or breasts by offender
3. Touching of the victim's genitals or breasts
4. Touching by victim of offender's genitals or breasts
5. Vaginal intercourse
6. Anal/oral sex.

+12 7. VICTIM FORCED TO ANOTHER LOCATION

Victim was:

1. Moved to a place where victim is not likely to be found at that time.

Note: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".

## TABLE 2B

## FELONY CLASS: MANSLAUGHTER

(Manslaughter, Motor Vehiclular Homicide)

+27 BASE TIME

VICTIM - Person who is:

- A. Killed
- B. Directly or indirectly threatened or injured in the offense -or-
- C. Recklessly endangered by actions involved in the offense --  
could have been injured or killed in the offense.

+ 6 1. RELATED TO ANOTHER CRIMINAL ACT

The act occurred during the commission of another criminal act.  
The other criminal act may include a felony, gross misdemeanor, or  
misdemeanor, except DWI.

+12 2. MORE THAN ONE VICTIM KILLED OR INJURED

More than one victim is considered involved if, in the commission  
of the offense:

- 1. More than one person was directly threatened, injured, or killed  
-or-
- 2. More than one person was recklessly endangered -or-
- 3. More than one person could have been injured or killed.

+ 6 3. VICTIM DID NOT RECKLESSLY AND/OR KNOWINGLY ENDANGER SELF

Circumstances of act must indicate that:

- 1. Victim could not have been cognizant of dangers involved in  
offender's actions
- and-
- 2. Did not willingly participate in activities resulting in  
injury to self.

4. CAUSE OF INJURY/DEATH

(More than one of the following circumstances may apply)

+42 PHYSICAL FORCE

Use of feet, fists, hands or other body parts exclusive of any  
implement external to offender's body to injure or kill victim.

+39 WEAPON

Use of any implement external to offender's body without the use of "physical force" (as defined above) to injure or kill victim.

Note: If both physical force and weapon use are present consider both aggravating circumstances in determining the act severity.

5. INCIDENTS OF NEGLIGENCE

(Motor Vehicle Negligent Homicide only,  
more than one of the following may apply)

+ 6 DWI PRIOR TO CONVICTION

Offender has at least one conviction for driving while intoxicated prior to the negligent homicide conviction.

+ 6 DWI FOLLOWING CONVICTION

Offender has at least one conviction for driving while intoxicated following the negligent homicide conviction.

+ 6 TRAFFIC RECORD

Offender has been convicted of one or more of the following offenses prior to admission to prison but no earlier than 18 months prior to the negligent homicide conviction.

These convictions include but are not limited to Negligent Driving, Reckless Driving, Attempting to Elude Pursuing Police Vehicle, Habitual Traffic Offender, Driving Without Valid Drivers License (i.e., license suspended, license revoked, or no license).

## TABLE 2C

FELONY CLASS: SEXUAL MOLESTATION  
(SEX OFFENSES)**+12** BASE TIME

Victim - Person who is:

- A. Directly/indirectly threatened, injured or abused in the offense -or-
- B. Recklessly endangered by actions involved in the offense -- could have been injured or killed in the offense.

**-12** 1. VICTIM PROVOKED ASSAULT (MITIGATING)

Victim provoked offender into committing act. At the time of the act, victim had:

- 1. Enraged/incited offender -or-
- 2. Precipitated the act through any words or actions.

(i.e., victim did taunt, gibe, or ridicule offender to commit act.)

2. DEGREE OF FORETHOUGHT

(At most one of the following circumstances may apply)

**+12** OPPORTUNITY FOR FORETHOUGHT

- 1. Offender had time to consider actions before committing act -or-
- 2. Offender's actions were not a spontaneous reaction to a situation -or-
- 3. A sufficient period of time and opportunity existed for the offender to abandon course of action -or-
- 4. Offender left and then returned to scene -or-
- 5. Offender had mentioned intent prior to act.

**+24** DELIBERATE

In addition to having the opportunity for forethought before committing the act, the offender took steps in advance to commit the act. Evidence of such may be:

- 1. Plotting/laying plans for execution of act -or-
- 2. Partner collaboration to plan and execute act -or-
- 3. Gaining access to victim through fraud, breaking and entering, kidnapping or other illegal means -or-
- 4. Behavior occurred over an extended period of time -or-
- 5. Repeated prior incidents.

+48 PREDATORY - HEINOUS

- 1. A predatory situation in which the offender actively rendered victim helpless before completing the act by tying victim up, or rendering victim unconscious by drugs or violence in order to further assault or molest victim -or-
- 2. Offender carried out act in heinous manner by prolonging victims agony or humiliation or physically/mentally torturing victim.

3. VICTIM WAS PHYSICALLY/MENTALLY HANDICAPPED

+12 A handicap (not the result of age) made the victim especially vulnerable to the offender. The victim was:

- 1. Mentally retarded -or-
- 2. Mentally ill -or-
- 3. Physically handicapped -or-
- 4. Pregnant -or-
- 5. Seriously ill.

4. VICTIM VULNERABLE BY AGE

{At most one of the following circumstances may apply}

Age made the victim especially vulnerable to the offender. The victim was:

- +12 13-15 OR 50-59 YEARS OLD
- +18 10-12 OR 60-69 YEARS OLD
- +24 6-9 OR 70-79 YEARS OLD
- +30 1-5 OR 80 YEARS OR OLDER

5. METHOD OF ACCOMPLISHING THE ACT

{Score all method(s) relied upon to accomplish the act}

+ 9 PHYSICAL FORCE/PSYCHOLOGICAL MANIPULATION/INTIMIDATION/COERCION  
Offender's use or threat of use of feet, fists, hands or other body parts exclusive of any implement external to offender's body -or- offender used psychological manipulation, intimidation, or coercion to accomplish the act.

+15 WEAPON OTHER THAN KNIFE OR FIREARM

Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.

+18 KNIFE

Offenders use of any weapon/implement consisting of a sharp blade fastened to a handle, or capable of inflicting cut or stab wounds

- +24 FIREARM  
Offenders use of a firearm: any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shotguns, etc.
6. INJURY TO VICTIM  
(At most one circumstance may apply)
- + 6 MINOR INJURY  
In the act, the principal victim received a physical injury requiring medical attention.
- +18 IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY OR DEATH  
In the act, behavior was exhibited indicating an ability to inflict major/permanent injury or death. EXAMPLE: displayed firearm or other weapon displayed in close enough proximity to inflict injury.
- +24 RECEIVED MAJOR/PERMANENT INJURY  
One of the following types of injury were inflicted:
1. Life threatening injury -or-
  2. Injury threatening permanent loss/alteration of bodily functions
  3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
  4. Permanent injury (psychological damage) will be scored when the victim is 12 years of age or under where sexual behavior has occurred -or-
  5. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
  6. Permanent noticeable (facial) disfigurement -or-
  7. Any injury that is reasonably expected to continue throughout the victim's life.
7. MORE THAN ONE VICTIM THREATENED/INJURED  
(At most one of the following circumstances may apply)
- + 3 MORE THAN ONE VICTIM THREATENED:  
In the act, additional victim was verbally or physically threatened or abused.
- + 6 MORE THAN ONE VICTIM RECEIVED MINOR INJURY:  
In the act, additional victim received a minor injury.
- +18 MORE THAN ONE VICTIM PLACED IN IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY:  
In the act, an additional victim was placed in imminent danger of receiving a major/permanent injury or death.
- +24 MORE THAN ONE PERSON RECEIVED MAJOR/PERMANENT INJURY:  
In the act, an additional victim received a major/permanent injury.

+12 8. VICTIM FORCED TO ANOTHER LOCATION

Victim was moved to a place where victim was not likely to be found at that time.

9. NON-CONSENSUAL SEXUAL ABUSE BY OFFENDER

(Only the most serious sexual abuse occurring in the act applies)

Non-consensual sexual abuse is the touching or exposure of the genitals or breasts against the victim's wishes or against a victim incapable of consent by reason of age, infirmity or mental incapability.

Attempted sexual abuse involves an intent to commit some sexual abuse as evidenced by:

1. Verbal demands -or-
2. Attempted or actual removal of clothing -or- touching victim's genitals or breasts.

-and-

Substantial steps taken to carry out the sexual intent as evidenced by:

1. Use or threat of use of physical force or weapon -or-
2. Use of any mental coercion -or-
3. Forcing victim to another location -or-
4. Creating in the victim a well founded fear of injury.

## + 6 INDECENT EXPOSURE BY OFFENDER:

The offender exposed self to victim.

## + 9 ATTEMPTED SEXUAL FONDLING/EXPOSURE:

The offender attempted to fondle, touch, or expose the victim's genitals or breasts.

## +12 SEXUAL FONDLING/EXPOSURE:

Offender fondled, touched or exposed the victim's genitals or breasts.

## +18 ATTEMPTED VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX:

Offender attempted vaginal penetration, contact between mouth and genitals or contact with anus.

## +24 VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX:

Offender's actions involved actual vaginal penetration, or contact between mouth and genitals or contact with anus.

10. ADDITIONAL INCIDENTS OF NON-CONSENSUAL SEXUAL ABUSE  
OCCURRING DURING COMMISSION OF CURRENT OFFENSE

- + 6 ADDITIONAL INCIDENT OF INDECENT EXPOSURE BY OFFENDER
- + 9 ADDITIONAL INCIDENT OF ATTEMPTED SEXUAL FONDLING/EXPOSURE
- +12 ADDITIONAL INCIDENT OF SEXUAL FONDLING/EXPOSURE OF VICTIM BY OFFENDER.
- +18 ADDITIONAL INCIDENT OF ATTEMPTED VAGINAL INTERCOURSE, ANAL SEX OR ORAL SEX
- +24 ADDITIONAL INCIDENT OF VAGINAL INTERCOURSE, ANAL SEX, OR ORAL SEX

TABLE 2D  
 FELONY CLASS: ROBBERY  
 (ROBBERY, EXTORTION)

+12 BASE TIME

VICTIM - Person who is:

- A. Directly/indirectly threatened or injured in the offense -or-
- B. Recklessly endangered by actions involved in the offense --  
could have been injured or killed in the offense.

1. DEGREE OF FORETHOUGHT

(At most one of the following circumstances may apply)

+12 PLANNED

The act which was planned or involved some forethought as distinguished from a spontaneous reaction to an opportune situation. Evidence of planning may be:

- 1. Leaving and returning to scene -or-
- 2. Loitering at scene prior to act -or-
- 3. Prior discussion of intent -or-
- 4. Possession of a firearm, real or simulated, in commission of act.

+24 SOPHISTICATED

Planning, beyond the level discussed in previous item, was evident in the act. Evidence of sophistication may be:

- 1. Use of masks and disguises -or-
- 2. Victim incapacitation -or-
- 3. Getaway vehicle with driver waiting in vehicle while robbery is committed -or-
- 4. Use of look-outs -or-
- 5. Use of multiple firearms.

+48 PROFESSIONAL

Circumstances indicate a robbery which goes beyond the level of sophistication discussed in previous item. Evidence may be:

- 1. Disabling alarm system -or-
- 2. Timed partner coordination in execution of steps necessary to attempt the type of robbery -or-
- 3. Circumstances indicating detailed preparation was necessary to attempt the type of robbery -or-
- 4. Use of blueprints/maps in planning -or-
- 5. Use of tear gas, explosives, etc.

2. VICTIM WAS PHYSICALLY/MENTALLY HANDICAPPED

+12 A handicap (not the result of age) made the victim especially vulnerable to the offender. The victim was:

- 1. Mentally retarded -or-
- 2. Mentally ill -or-
- 3. Physically handicapped -or-
- 4. Pregnant -or-
- 5. Seriously ill.

3. VICTIM VULNERABLE BY AGE

(At most one of the following circumstances may apply)

Age made the victim especially vulnerable to the offender. The victim was:

- +12 13-15 OR 50-59 YEARS OLD
- +18 10-12 OR 60-69 YEARS OLD
- +24 6-9 OR 70-79 YEARS OLD
- +30 1-5 OR 80 YEARS OR OLDER

4. METHOD OF ACCOMPLISHING THE ACT

(Score all method(s) relied upon to accomplish the act)

- + 9 PHYSICAL FORCE/PSYCHOLOGICAL MANIPULATION/INTIMIDATION/COERCION  
Offender's use or threat of use of feet, fists, hands, or other body parts exclusive of any implement external to offender's body -or- offender used psychological manipulation, intimidation, or coercion to accomplish the act.
- +15 WEAPON OTHER THAN KNIFE OR FIREARM:  
Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.
- +18 KNIFE:  
Offenders use of any weapon/implement consisting of a sharp blade fastened to a handle, or capable of inflicting cut or stab wounds.
- +24 FIREARM:  
Offenders use of a firearm: Any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shotguns, etc.

5. INJURY TO VICTIM

(At most one circumstance may apply)

- + 6 MINOR INJURY:  
In the act, the principal victim received a physical injury requiring medical attention.
- +18 IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY OR DEATH:  
In the act, behavior was exhibited indicating an ability to inflict major/permanent injury or death. EXAMPLE: displayed firearm or other weapon displayed in close enough proximity to inflict injury.
- +24 RECEIVED MAJOR/PERMANENT INJURY:  
The following types of injury were inflicted:
  1. Life threatening injury -or-
  2. Injury threatening permanent loss/alteration of bodily functions
  3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in a normal capacity -or-
  4. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-

- 5. Permanent noticeable (facial) disfigurement -or-
- 6. Any injury that is reasonably expected to continue throughout the victim's life.

6. MORE THAN ONE VICTIM THREATENED/INJURED

(At most one of the following circumstances may apply)

- + 3 MORE THAN ONE VICTIM THREATENED:  
In the act, an additional victim was verbally or physically threatened or abused.
- + 6 MORE THAN ONE VICTIM RECEIVED MINOR INJURY:  
In the act, an additional victim received a minor injury.
- +18 MORE THAN ONE VICTIM PLACED IN IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY:  
In the act, an additional victim was placed in imminent danger of receiving a major/permanent injury or death.
- +24 MORE THAN ONE PERSON RECEIVED MAJOR/PERMANENT INJURY:  
In the act, an additional person received a major/permanent injury.

7. VICTIM FORCED TO ANOTHER LOCATION

- +12 Victim was moved to a place where victim would not likely be found at that time.

NOTE: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location."

8. NON-CONSENSUAL SEXUAL ABUSE BY OFFENDER

(Only the most serious sexual abuse occurring in the act applies)

Non-consensual sexual abuse is the touching or exposure of the genitals or breasts against the victim's wishes or against a victim incapable of consent by reason of age, infirmity or mental incapability.

Attempted sexual abuse involves an intent to commit some sexual abuse as evidenced by:

- 1. Verbal demands -or-
- 2. Attempted or actual removal of clothing -or- touching victim's genitals or breasts.

-and-

Substantial steps taken to carry out the sexual intent as evidenced by:

- 1. Use or threat of use of physical force or weapon -or-
- 2. Use of any mental coercion -or-
- 3. Forcing victim to another location -or-
- 4. Creating in the victim a well founded fear of injury.

- + 6 INDECENT EXPOSURE BY OFFENDER:  
The offender exposed self to victim.
- + 9 ATTEMPTED SEXUAL FONDLING/EXPOSURE:  
The offender attempted to fondle, touch, or expose the victim's  
genitals or breasts.
- +12 SEXUAL FONDLING/EXPOSURE  
Offender fondled, touched or exposed the victim's genitals or  
breasts.
- +18 ATTEMPTED VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX:  
Offender attempted vaginal penetration, contact between mouth and  
genitals or contact with anus.
- +24 VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX:  
Offender's actions involved actual vaginal penetration, or contact  
between mouth and genitals or contact with anus.

9. ADDITIONAL INCIDENTS OF NON-CONSENSUAL SEXUAL ABUSE  
OCCURRING DURING COMMISSION OF CURRENT OFFENSE

- + 6 ADDITIONAL INCIDENT OF INDECENT EXPOSURE BY OFFENDER
- + 9 ADDITIONAL INCIDENT OF ATTEMPTED SEXUAL FONDLING/EXPOSURE
- +12 ADDITIONAL INCIDENT OF SEXUAL FONDLING/EXPOSURE OF VICTIM BY  
OFFENDER.
- +18 ADDITIONAL INCIDENT OF ATTEMPTED VAGINAL INTERCOURSE, ANAL SEX  
OR ORAL SEX
- +24 ADDITIONAL INCIDENT OF VAGINAL INTERCOURSE, ANAL SEX, OR  
ORAL SEX

TABLE 2E  
 FELONY CLASS: ASSAULT  
 (ASSAULT, KIDNAPPING, FELON IN POSSESSION OF FIREARM)

- +12 BASE TIME  
 VICTIM - Person who is:  
 A. Directly/indirectly threatened, injured or abused in the offense  
 -or-  
 B. Recklessly endangered by actions involved in the offense --  
 could have been injured or killed in the offense.
- 12 1. VICTIM PROVOKED ASSAULT (MITIGATING)  
 Victim provoked offender into committing act. At the time of the act, victim had:  
 1. Enraged/incited offender -or-  
 2. Precipitated the act through any words or actions.  
 (i.e., victim did taunt, gibe or ridicule offender to commit act.)
2. DEGREE OF FORETHOUGHT  
 (At most one of the following circumstances may apply)
- +12 OPPORTUNITY FOR FORETHOUGHT  
 1. Offender had time to consider actions before committing act -or-  
 2. Offender's actions were not a spontaneous reaction to a situation -or-  
 3. A sufficient period of time and opportunity existed for the offender to abandon course of action -or-  
 4. Offender left and then returned to scene -or-  
 5. Offender had mentioned intent prior to act.
- +24 DELIBERATE  
 In addition to having the opportunity for forethought before committing the act, the offender took steps in advance to commit the act. Evidence of such may be:  
 1. Plotting/layng plans for execution of act -or-  
 2. Partner collaboration to plan and execute act -or-  
 3. Gaining access to victim through fraud, breaking and entering, kidnapping or other illegal means -or-  
 4. Behavior occured over an extended period of time or repeated prior incidents.
- +48 PREDATORY - HEINOUS  
 1. A predatory situation in which the offender actively rendered victim helpless before completing the act by tying victim up, or rendering victim unconscious by drugs or violence in order to further assault or molest victim -or-  
 2. Offender carried out act in heinous manner by prolonging victim's agony or humiliation or physically/mentally torturing victim.
3. VICTIM WAS PHYSICALLY/MENTALLY HANDICAPPED  
 +12 A handicap (not the result of age) made the victim especially vulnerable. The victim was:  
 1. Mentally retarded -or-  
 2. Mentally ill -or-  
 3. Physically handicapped -or-  
 4. Pregnant -or-  
 5. Seriously ill.

4. VICTIM VULNERABLE BY AGE

(At most one of the following circumstances may apply)

Age made the victim especially vulnerable to the offender. The victim was:

- +12 13-15 OR 50-59 YEARS OLD
- +18 10-12 OR 60-69 YEARS OLD
- +24 6-9 OR 70-79 YEARS OLD
- +30 1-5 OR 80 YEARS OR OLDER

5. METHOD OF ACCOMPLISHING THE ACT

(Score all method(s) relied upon to accomplish the act)

- + 9 PHYSICAL FORCE/PSYCHOLOGICAL MANIPULATION/INTIMIDATION/COERCION  
Offender's use or threat of use of feet, fists, hands, or other body parts exclusive of any implement external to offender's body -or- offender used psychological manipulation, intimidation, or coercion accomplish the act.
- +15 WEAPON OTHER THAN KNIFE OR FIREARM:  
Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.
- +18 KNIFE:  
Offenders use of any weapon/implement consisting of a sharp blade fastened to a handle or capable of inflicting cut or stab wounds.
- +24 FIREARM:  
Offenders use of a firearm: any weapon from which a shot may be discharged by an exposition of gun powder. Commonly includes rifles, pistols, shotguns, etc.

6. INJURY TO VICTIM

(At most one circumstance may apply)

- + 6 MINOR INJURY:  
In the act, the principal victim received a physical injury requiring medical attention.
- +18 IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY OR DEATH:  
In the act, behavior was exhibited indicating an ability to inflict major/permanent injury or death. EXAMPLE: displayed firearm or other weapon in close enough proximity to inflict injury.
- +24 RECEIVED MAJOR/PERMANENT INJURY  
One of the following types of injury were inflicted:
  1. Life threatening injury -or-
  2. Injury threatening permanent loss/alteration of bodily functions -or-
  3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
  4. Permanent injury (psychological damage) will be scored when the victim is 12 years of age or under where sexual behavior has occurred -or-

5. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
6. Permanent noticeable (facial) disfigurement -or-
7. Any injury that is reasonably expected to continue throughout the victim's life.

7. MORE THAN ONE VICTIM THREATENED/INJURED

(At most one of the following circumstances may apply)

- + 3 MORE THAN ONE VICTIM THREATENED:  
In the act, an additional victim was verbally or physically threatened or abused.
- + 6 MORE THAN ONE VICTIM RECEIVED MINOR INJURY:  
In the act, an additional victim received a minor injury.
- +18 MORE THAN ONE VICTIM PLACED IN IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY:  
In the act, an additional victim was placed in imminent danger of receiving a major/permanent injury or death.
- +24 MORE THAN ONE PERSON RECEIVED MAJOR/PERMANENT INJURY:  
In the act, an additional person received a major/permanent injury.

8. VICTIM FORCED TO ANOTHER LOCATION

- +12 Victim was moved to a place where victim would not likely be found at that time.

NOTE: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".

9. NON-CONSENSUAL SEXUAL ABUSE BY OFFENDER

(Only the most serious sexual abuse occurring in the act applies)

Non-consensual sexual abuse is the touching or exposure of the genitals or breasts against the victim's wishes or against a victim incapable of consent by reason of age, infirmity or mental incapability.

Attempted sexual abuse involves an intent to commit some sexual abuse as evidenced by:

1. Verbal demands -or-
2. Attempted or actual removal of clothing -or- touching victim's genitals or breasts.

-and-

Substantial steps taken to carry out the sexual intent as evidenced by:

1. Use or threat of use of physical force or weapon -or-
2. Use or any mental coercion -or-
3. Forcing victim to another location -or-
4. Creating in the victim a well founded fear of injury.

- + 6 INDECENT EXPOSURE BY THE OFFENDER:  
The offender exposed self to victim.
- + 9 ATTEMPTED SEXUAL FONDLING/EXPOSURE:  
The offender attempted to fondle, touch, or expose the victim's  
genitals or breasts.
- +12 SEXUAL FONDLING/EXPOSURE:  
Offender fondled, touched or exposed the victim's genitals or  
breasts.
- +18 ATTEMPTED VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX:  
Offender attempted vaginal penetration, contact between mouth and  
genitals or contact with anus.
- +24 VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX:  
Offender's actions involved actual vaginal penetration, or contact  
between mouth and genitals or contact with anus.

10. ADDITIONAL INCIDENTS OF NON-CONSENSUAL SEXUAL ABUSE  
OCCURRING DURING COMMISSION OF CURRENT OFFENSE

- + 6 ADDITIONAL INCIDENT OF INDECENT EXPOSURE BY THE OFFENDER
- + 9 ADDITIONAL INCIDENT OF ATTEMPTED SEXUAL FONDLING/EXPOSURE
- +12 ADDITIONAL INCIDENT OF SEXUAL FONDLING/EXPOSURE OF VICTIM BY  
OFFENDER
- +18 ADDITIONAL INCIDENT OF ATTEMPTED VAGINAL INTERCOURSE, ANAL SEX, OR  
ORAL SEX
- +24 ADDITIONAL INCIDENT OF VAGINAL INTERCOURSE, ANAL SEX, OR ORAL SEX

## TABLE 2F

FELONY CLASS: PROPERTY - PART 1  
 (BURGLARY, CHECK/CREDIT CARD ABUSE, THEFT, FRAUD,  
 AUTO THEFT, POSSESSION OF STOLEN PROPERTY)

+ 3 BASE TIME1. TYPE OF PROPERTY ACT

(More than one circumstance may apply)

The intent of the criminal act against property was:

## + 9 BURGLARY:

Knowingly entering or remaining unlawfully in a building with the intent to commit a crime against person or property.

## + 6 EMBEZZLEMENT/FRAUD: (INCLUDES UNLAWFUL ISSUANCE OF BANK CHECKS)

1. Fraudulent appropriation to one's own use or benefit of money entrusted to one's care -or-
2. Intentional perversion of truth or false representation of facts to obtain other's belongings.

## + 6 FORGERY:

1. Unauthorized signing of a name other than one's own name to any document -or-
2. Intent to defraud through any false making or material altering of any writing which, if genuine, might be of legal efficacy.

## + 3 AUTO THEFT:

1. Theft of a motor vehicle -or-
2. Riding in a motor vehicle known by offender to be stolen.

+ 6 2. VICTIM WAS VULNERABLE

The person(s) suffering damage or loss of personal property due to the offense was (were):

1. Someone on a fixed or limited income such as Social Security, retirement fund, unemployment compensation, disability payments, public assistance, etc. -or-
2. Someone with a physical or mental weakness due to age, mental retardation, physical handicap or infirmity.

3. DEGREE OF PLANNING

(At most one of the following circumstance applies)

## + 6 PLANNED:

Forethought, as distinguished from a spontaneous reaction to an opportune situation, was evident in the act. Evidence may include:

1. In Burglary:
  - A. Leaving and returning to scene -or-
  - B. Loitering at scene prior to act -or-
  - C. Prior discussion of intent -or-
  - D. Illegal entry by more than simple force.

2. In Auto Theft:
  - A. Obtaining keys prior to theft -or-
  - B. Using concealment to remove vehicle -or-
  - C. Using deceit to remove vehicle.
3. In Check/Credit Card Abuse:
  - A. Planned always applies, unless clear indication that act was spur of the moment.
4. In Possession of Stolen Property:
  - A. Planned always applies.
5. In Theft:
  - A. Partner coordination -or-
  - B. Prior discussion of theft -or-
  - C. A scheme of concealment -or-
  - D. Casing establishment, leaving and returning to scene, loitering at scene.

## +12 SOPHISTICATED:

A level of planning indicating a more criminally oriented or sophisticated mode of operation was evident in the act. Evidence may include:

1. In Burglary:
  - A. Use or possession of burglary tools -or-
  - B. Illegal entry through roof or above ground floor -or-
  - C. Burgling warehouses, jewelry stores, banks, furriers, or other large commercial establishments known to contain goods of high value, or large sums of money, -or-
  - D. Use of look-outs.
2. In Auto Theft:
  - A. Having keys copied -or-
  - B. Hot wiring -or-
  - C. Using tools.
3. In Non-Sufficient Funds (NSF):
  - A. Account(s) set up for fraudulent purposes -or-
  - B. Account(s) set up under fictitious name -or-
  - C. Account(s) set up with minimal funds and immediately overdrawn -or-
  - C. Unauthorized use of check protector.

In Forgery:

  - A. Use of stolen or false identification in addition to the forged instrument -or-
  - B. Unauthorized use of check protector -or-
  - C. Forgery on multiple accounts where all accounts belong to a single individual.
4. In Possession of Stolen Property:
  - A. Stolen goods possessed were taken from several different sources or persons -or-
  - B. Amount and type of goods are a clear indication of retail selling -or-

C. Receiving stolen goods and paying for goods with marijuana/ hashish.

5. In Theft:

- A. Knowledge of layout of premises and/or its business procedures necessary to execute theft -or-
- B. Fraudulent appropriation to one's own use or benefit of money entrusted to one's care -or-
- C. Intentional perversion of truth or false representation of facts in order to obtain another's belongings.

+24 PROFESSIONAL:

The highest level of planning is indicated by a professional orientation in the mode of operation. Evidence may include:

1. In Burglary:

- A. Use of stolen vehicles or deceptively labeled vehicles to haul goods away -or-
- B. Disabling alarm systems prior to entry -or-
- C. Cracking safes -or-
- D. Use of blue prints/maps -or-
- E. Timed partner coordination in execution of steps necessary to commit burglary -or-
- F. Leader or equal partner in a burglary ring.

2. In Auto Theft:

- A. Use of punch locks -or-
- B. Use of tow trucks -or-
- C. Theft of several vehicles -or-
- D. Leader or equal partner in an auto theft ring.

3. In Check/Credit Card Abuse:

For NSF Checks:

- A. Transferring of funds among accounts to create false impression of solvency (kiting) -or-
- B. A leader or equal partner in a check/credit card ring.

For Forgery Cases:

- A. Forgery on accounts belonging to two or more individuals -or-
- B. Leader or equal partner in a forgery ring.

4. In Possession of Stolen Property:

- A. Fencing or wholesaling in stolen goods -or-
- B. Receiving stolen goods and paying for goods with hard drugs.

5. In Theft:

- A. An extremely complicated scheme necessary to accomplish theft -or-
- B. A leader or equal partner in a theft ring.

4. OBJECTIVE OF ACT AGAINST PROPERTY

(Exactly one of the following circumstances applies)

These circumstances identify the objective or intent of the act, regardless of whether the goods or services are actually obtained.

- + 0 TO OBTAIN GOODS FOR PERSONAL CONSUMPTION:
  1. To obtain small amounts of goods for immediate personal use - alcohol, food, tobacco, essential clothing and miscellaneous items -or-
  2. To obtain property or services valued at less than \$250 -or-
  3. To obtain a motor vehicle for joyriding.
- + 3 TO OBTAIN RETAIL LEVEL GOODS:
  1. To obtain goods saleable to an individual purchaser such as television, stereo, minor electrical appliance, check/credit card, auto parts, drugs, tools, etc. -or-
  2. To obtain property or services valued at \$250-\$749.
- + 9 TO OBTAIN MIDDLE LEVEL GOODS
  1. To obtain goods saleable to a retailer, such as large appliances, furniture, office equipment, weapons, etc. -or-
  2. To obtain property or services valued at \$750-\$1499. -or-
  3. To obtain a motor vehicle to travel outside the state or country.
- +15 TO OBTAIN WHOLESALE LEVEL GOODS
  1. To obtain goods in wholesale quantities, such as warehouse goods, goods from large commercial establishments, jewelry stores, etc. -or-
  2. To obtain property or services valued at \$1500 or more -or-
  3. To obtain motor vehicle to strip for parts or sell.

+ 6 5. RESIDENTIAL THEFT

The goods were taken from inside a dwelling which was illegally entered. Dwellings include:

1. Motel rooms -or-
2. Hotel rooms -or-
3. Any private homes or apartments.

+ 6 6. VANDALISM

Any willful, malicious, purposeless destruction, defacement or vandalism of property.

NOTE: Destruction resulting from forced entry or ransacking for purpose of searching for goods or money is not vandalism.

7. HIGH SPEED CHASE

## + 6 HIGH SPEED CHASE - NO DAMAGE

A chase occurred in which vehicle was driven by offender in excess of speed limit to avoid apprehension.

+ 6 8. DAMAGE TO VEHICLE

A vehicle other than the offender's own was damaged:

1. In the criminal act -or-
2. As a result of the criminal act -or-
3. As a result of the offender's flight from the act or from pursuit by authorities.

FELONY CLASS: PROPERTY - PART II  
 USE THIS SECTION WHEN A VICTIM IS THREATENED OR INJURED  
 IN THE PROPERTY CRIME

+12 9. VICTIM CONFRONTED WITH THREAT/ASSAULT

This circumstance is present in the criminal act if a victim is actually confronted in the criminal act and physically assaulted or threatened with bodily harm or placed in danger of physical harm.

+12 10. VICTIM WAS PHYSICALLY/MENTALLY HANDICAPPED

A handicap (not the result of age) made the victim especially vulnerable. The victim was:

1. Mentally retarded -or-
2. Mentally ill -or-
3. Physically handicapped -or-
4. Pregnant -or-
5. Seriously ill.

11. VICTIM VULNERABLE BY AGE

(At most one of the following circumstances may apply)

Age made the victim especially vulnerable to the offender. The victim was:

- +12 13-15 OR 50-59 YEARS OLD
- +18 10-12 OR 60-69 YEARS OLD
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(Score all method(s) relied upon to accomplish the act)

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Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.

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Offenders use of any weapon/implement consisting of a sharp blade fastened to a handle, or capable of inflicting cut or stab wounds.

+24 FIREARM:

Offenders use of a firearm: Any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shotguns, etc.

13. INJURY TO VICTIM

(At most one circumstance may apply)

## + 6 MINOR INJURY:

In the act, the principal victim received a physical injury requiring medical attention.

## +18 IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY OR DEATH:

In the act, behavior was exhibited indicating an ability to inflict major/permanent injury or death. EXAMPLE: displayed firearm or other weapon displayed in close enough proximity to inflict injury.

## +24 RECEIVED MAJOR/PERMANENT INJURY:

One of the following types of injury were inflicted:

1. Life threatening injury -or-
2. Injury threatening permanent loss/alteration of bodily functions -or-
3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
4. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
5. Permanent noticeable (facial) disfigurement -or-
6. Any injury that is reasonably expected to continue throughout the victim's life.

14. MORE THAN ONE VICTIM THREATENED/INJURED

(At most one of the following circumstances may apply)

## + 3 MORE THAN ONE VICTIM THREATENED:

In the act, an additional victim was verbally or physically threatened or abused.

## + 6 MORE THAN ONE VICTIM RECEIVED MINOR INJURY

In the act, an additional victim received a minor injury.

## +18 MORE THAN ONE VICTIM PLACED IN IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY

In the act, an additional victim was placed in imminent danger of receiving a major/permanent injury or death.

## +24 MORE THAN ONE PERSON RECEIVED MAJOR/PERMANENT INJURY

In the act, an additional victim received a major/permanent injury.

15. VICTIM FORCED TO ANOTHER LOCATION

## +12 Victim was moved to a place where victim is not likely to be found at that time.

NOTE: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".

16. NON-CONSENSUAL ABUSE BY OFFENDER

(Only the most serious sexual abuse occurring in the act applies)

Non-consensual sexual abuse is the touching or exposure of the genitals or breasts against the victim's wishes or against a victim incapable of consent by reason of age, infirmity or mental incapability.

Attempted sexual abuse involves an intent to commit some sexual abuse as evidenced by:

1. Verbal demands -or-
2. Attempted or actual removal of clothing -or- touching victim's genitals or breasts.

-and-

Substantial steps taken to carry out the sexual intent as evidenced by:

1. Use or threat of use of physical force or weapon -or-
2. Use or any mental coercion -or-
3. Forcing victim to another location -or-
4. Creating in the victim a well founded fear of injury.

**+ 6 INDECENT EXPOSURE BY THE OFFENDER:**

The offender exposed self to victim.

**+ 9 ATTEMPTED SEXUAL FONDLING/EXPOSURE:**

The offender attempted to fondle, touch, or expose the victim's genitals or breasts.

**+12 SEXUAL FONDLING/EXPOSURE:**

Offender fondled, touched or exposed the victim's genitals or breasts.

**+18 ATTEMPTED VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX:**

Offender attempted vaginal penetration, contact between mouth and genitals or contact with anus.

**+24 VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX**

Offender's action involved actual vaginal penetration, or contact between mouth and genitals or contact with anus.

17. ADDITIONAL INCIDENTS OF NON-CONSENSUAL SEXUAL ABUSE OCCURRING DURING COMMISSION OF CURRENT OFFENSE**+ 6 ADDITIONAL INCIDENT OF INDECENT EXPOSURE BY THE OFFENDER****+ 9 ADDITIONAL INCIDENT OF ATTEMPTED SEXUAL FONDLING/EXPOSURE****+12 ADDITIONAL INCIDENT OF SEXUAL FONDLING/EXPOSURE OF VICTIM BY OFFENDER**

+18 ADDITIONAL INCIDENT OF ATTEMPTED VAGINAL INTERCOURSE, ANAL SEX  
OR ORAL SEX

+24 ADDITIONAL INCIDENT OF VAGINAL INTERCOURSE, ANAL SEX OR ORAL SEX

TABLE 2G  
 FELONY CLASS: DRUGS  
 (ALL DRUG OFFENSES)

Acts in felony class drugs are subject to treatment under only one of the following subclasses.

FELONY SUBCLASS: DRUG POSSESSION

Offender possessed or attempted to possess drugs in a quantity which could reasonably be used by the offender -and- there is no evidence the drugs were for sale.

- + 6 BASE TIME
  - + 6 1. CONTROLLED SUBSTANCE  
 This circumstance applies if any of the drugs possessed are controlled substances. This excludes marijuana, cannabis sativa, hashish, and THC and prescription drugs which are not controlled substances.
  - + 6 2. CHEMICAL DEPENDENCY (DRUGS/ALCOHOL)  
 Offender is unable to function without frequent intake of alcohol/drugs, or is unable to function at all, as evidenced by documentation.
- 

FELONY SUBCLASS: DRUG SALES

Any actual sale or attempted sale of drugs -or- possession of drugs or attempted to possess drugs in quantities exceeding an amount that could reasonably be used by the offender.

- +12 BASE TIME
- +12 1. CONTROLLED SUBSTANCE  
 This circumstance applies if any drugs involved in selling are controlled substances. This excludes marijuana, cannabis sativa, hashish, THC and prescription drugs which are not controlled substances.
- 2. LEVEL OF SELLING  
 (At most one of the following circumstances applies)
- +12 MIDDLE LEVEL:  
 Evidence of middle level selling includes:
  - 1. Sale of drugs in bulk form -or-
  - 2. Apprehension of offender with drugs in bulk form -or-
  - 3. Offender's possession of drug sale equipment -or-
  - 4. Possessing/selling/or attempting to obtain drugs with street value of \$5,000 to \$15,000.

+30 MAJOR LEVEL:

Evidence of major level selling/dealing includes:

1. Offender receiving shipments of drugs from out-of-state or out-of-country sources -or-
2. Sale of drugs in bulk form -or-
3. Possessing/selling/or attempting to obtain drugs with street value in excess of \$15,000 -or-
4. Manufacturing/refining drugs.

TABLE 3  
ELIMINATION OF PRIOR RECORD ENTRIES OVER TIME

Type of Prior Record	Number of Years in Community Between Convictions or Parole Revocations Necessary to Eliminate Convictions or Parole Revocations from Guideline Consideration
Murder	Life
Manslaughter	10 Years
Sex Offense	10 Years
Assaults	10 Years
Robbery	10 Years
Property Offenses	5 Years
Drug Offenses	5 Years
Other Offenses	5 Years

TABLE 4  
NUMBER OF MONTHS ADDED FOR EACH PRIOR RECORD ENTRY  
BY ADMISSION FELONY CLASS\*

PRIOR RECORD CLASS	ADMISSION FELONY CLASS							
	MURDER	SEX	ROBBERY	ASSAULT	MANSL.	PROP.	DRUG	OTHER
MURDER	96	48	48	48	48	18	24	18
SEX OFFENSE	24	24	12	12	12	6	6	6
ROBBERY	24	12	24	12	12	6	6	6
ASSAULT	24	12	12	24	12	6	6	6
MANSLAUGHTER	48	12	12	12	36	12	12	12
PROPERTY OFFENSE	6	6	6	6	6	6	6	6
DRUG OFFENSE	6	6	6	6	6	6	6	6
OTHER	6	6	6	6	6	6	6	6

\*NOTE: Each column represents the felony class of the current admission. Each figure in a column is the number of months added for each entry within the prior record classes.

Prior record time shall not exceed act severity time when both the admission felony class and all prior record classes are property or drug offenses.

Other offenses include felony classes Felon in Possession of a Firearm, Escape, and all other types of criminal acts not included in the previous felony classes.

TABLE 5

ABOVE/BELOW GUIDELINE VARIATION  
BY GUIDELINE TERM

GUIDELINE TERM (in months)	ABOVE/BELOW GUIDELINE VARIATION (in months)
12 to 35	3
36 to 59	6
60 to 83	9
84 to 107	12
108 to 131	15
132 to 155	18
156 to 179	21
180 to 203	24
204 to 227	27
228 to 251	30
252 to 275	33
276 to 299	36
300 to 323	39
324 to 347	42
348 to 371	45
372 to 395	48
396 to 419	51
420 to 443	54
444 to 467	57
468 to 491	60
492 to 515	63
516 to 539	66
540 to 563	69
564 to 587	72
588 to 611	75
612 to 635	78
636 to 659	81
660 to 683	84
684 to 707	87
708 to 731	90
732 to 755	93
756 to 779	96
780 to 803	99
804 to 827	102
828 to 851	105
852 to 875	108
876 to 899	111
900 to 923	114
924 to 947	117
948 to 969	120

Guideline Range = Guideline term + or - Guideline Variation

STATE OF WASHINGTON  
BOARD OF PRISON TERMS AND PAROLES

Guidelines are an aid to consistent decision making, rather than determinate rules for fixing minimum terms. Therefore, it is expected that Board panels will go outside the guideline range whenever they encounter atypical circumstances in a case.

For these atypical cases, explicit reasons will be given to declare why the case is an exception to the general rule. A list of circumstances which may result in a decision outside the guidelines is given. This list is not complete, since there undoubtedly are additional reasons for outside guideline decisions.

Prepared by:  
Management Information Section

Effective January 1979  
Amended Effective May 1, 1980

REASONS FOR OUTSIDE GUIDELINE DECISIONS

NAME \_\_\_\_\_

DSHS # \_\_\_\_\_

OFFENDER CHARACTERISTICS:

OFFENSE CIRCUMSTANCES:

AGGRAVATING

1. OFFENDER'S JUVENILE RECORD INDICATES A MORE SERIOUS PRIOR INVOLVEMENT IN CRIMINAL ACTIVITIES THAN REFLECTED IN THE ADULT PRIOR RECORD.
2. OFFENDER'S POTENTIAL FOR VIOLENCE IS NOT LIKELY TO BE APPRECIABLY LESSENED BY THE END OF THE GUIDELINE TERM OF CONFINEMENT.  
  
OFFENDER'S POTENTIAL FOR COMMITTING NON-VIOLENT CRIMES IS NOT LIKELY TO BE APPRECIABLY LESSENED BY THE END OF THE GUIDELINE TERM OF CONFINEMENT.
4. OFFENDER'S ADULT RECORD OF FELONY CONVICTIONS UNDERSTATES OFFENDER'S DEGREE OF CRIMINAL ORIENTATION (EXTENSIVE HISTORY OF PRIOR MISDEMEANOR CONVICTIONS, VIOLATIONS OF PROBATION, ETC.)
5. JUDGE'S RECOMMENDATIONS IN SENTENCING SUGGEST MINIMUM TERM HIGHER THAN THE GUIDELINE TERM.
6. OFFENDER HAS PARTICIPATED IN A COURT-ORDERED TREATMENT PROGRAM FOR THE COMMITMENT OFFENSES, BUT WAS FOUND UNSAFE TO BE AT LARGE.
7. OFFENDER HAS PARTICIPATED IN A COURT-ORDERED TREATMENT PROGRAM FOR THE COMMITMENT OFFENSES, BUT IMMEDIATELY RE-OFFENDED WITH A CRIME SIMILAR TO THE COMMITMENT OFFENSES.
8. OFFENDER HAS PARTICIPATED IN A COURT-ORDERED TREATMENT PROGRAM FOR THE COMMITMENT OFFENSES, BUT MADE NO GOOD FAITH EFFORT TO COMPLETE PROGRAM.
9. OFFENDER FAILED TO TAKE ADVANTAGE OF REPEATED OPPORTUNITIES TO REHABILITATE SELF.
10. OFFENDER FAILED TO MAKE RESTITUTION DESPITE OPPORTUNITIES TO DO SO.

MITIGATING

11. COMMUNITY-BASED TREATMENT PROGRAM HAS BEEN RECOMMENDED FOR THE OFFENDER.
12. STRONG POSITIVE COMMUNITY RESOURCES AND RELATIONSHIPS ARE AVAILABLE TO THE OFFENDER.
13. OFFENDER HAS ABSOLUTELY NO PRIOR CONTACTS WITH ANY LAW ENFORCEMENT AUTHORITIES.
14. OFFENDER POSES NO THREAT TO SOCIETY.
15. OFFENDER IS ESPECIALLY YOUNG.
16. OFFENDER IS ESPECIALLY OLD.
17. OFFENDER IS MENTALLY RETARDED, PHYSICALLY WEAK, TERMINALLY OR SERIOUSLY ILL, OR SENILE.
18. OFFENDER HAS EMOTIONAL/PSYCHIATRIC PROBLEMS WHICH RENDER THE OFFENDER UNABLE TO COPE WITH PRISON ENVIRONMENT.
19. OFFENDER NEEDS TREATMENT FOR SEVERE MENTAL/PHYSICAL PROBLEMS WHICH REQUIRE FACILITIES NOT AVAILABLE WITHIN THE INSTITUTION.
20. JUDGE'S RECOMMENDATIONS IN SENTENCING SUGGEST A MINIMUM TERM LOWER THAN THE GUIDELINE TERM.
21. OFFENDER HAS SPENT TIME IN A COURT-ORDERED TREATMENT PROGRAM FOR THE COMMITMENT OFFENSES.
22. OFFENDER HAS MADE SUBSTANTIAL PROGRESS IN REHABILITATING SELF SINCE ORIGINALLY CONVICTED.
23. OFFENDER'S ADULT RECORD OF FELONY CONVICTIONS OVERSTATES THE OFFENDER'S DEGREE OF CRIMINAL ORIENTATION.

AGGRAVATING

24. OFFENDER USED OR THREATENED TO USE VIOLENCE IN EXCESS OF THAT NECESSARY TO CARRY OUT THE CRIME (BRUTALITY).
25. OFFENDER'S CRIMINAL BEHAVIOR CLEARLY INDICATED AN INTENT TO INFLICT A MAJOR/PERMANENT INJURY.
26. OFFENDER RESISTED ARREST WITH A WEAPON OR ENDANGERED/INJURED OTHERS BY RESISTING ARREST.
27. OFFENDER RECRUITED OR COERCED OTHERS INTO COMMITTING OFFENSES.
28. OFFENDER'S RELATIONSHIP TO PARTNERS INDICATES A GREATER DEGREE OF CULPABILITY THAN REFLECTED BY THE GUIDELINES.
29. OFFENDER EXHIBITED ASSAULTIVE OR DISRUPTIVE BEHAVIOR WHILE IN CUSTODY PRIOR TO COMMITMENT TO STATE INSTITUTION.
30. OFFENSE INVOLVES FELONY BEHAVIOR NOT CONSIDERED IN THE GUIDELINES.
31. OFFENDER'S FAILURE TO COOPERATE WITH LAWFULLY CONSTITUTED AUTHORITIES INDICATES A CONTINUED CRIMINAL ORIENTATION.
32. OFFENDER PREYED UPON THE VICTIM FROM A CONCEALED POSITION (AMBUSHED).
33. OFFENDER EXHIBITED BIZARRE OR DEVIANT SEXUAL BEHAVIOR IN EXCESS OF THAT INHERENT IN THE OFFENSE.

MITIGATING

34. OFFENDER'S RELATIONSHIP TO PARTNERS INDICATES A LESSER DEGREE OF CULPABILITY THAN REFLECTED BY THE GUIDELINES (E.G., NAIVE FOLLOWER, UNAWARE OF PARTNER'S INTENTIONS OR ACTIONS, ETC.)
35. OFFENDER MADE COMPLETE RESTITUTION FOR OFFENSE.
36. OFFENDER VOLUNTARILY TURNED SELF IN TO LAW ENFORCEMENT AUTHORITIES IMMEDIATELY AFTER THE CRIME.
37. OFFENDER ACTED UNDER EXTREME MENTAL OR PHYSICAL DURESS.
38. OFFENDER COOPERATED WITH AUTHORITIES.
39. THERE IS INFORMATION THAT THE VICTIM IS IN FAVOR OF LENIENCY FOR THIS CASE.
40. THERE IS INFORMATION THAT THE COMMUNITY IS IN FAVOR OF LENIENCY FOR THIS CASE.
41. OFFENDER'S CRIMINAL BEHAVIOR CLEARLY INDICATED NO INTENT TO INFLICT ANY INJURY.
42. OFFENDER HAS SPENT TIME INCARCERATED FOR THIS OFFENSE IN ANOTHER JURISDICTION OR IN COUNTY JAIL.

## SPECIFIC OFFENSE CIRCUMSTANCES

MURDER:

43. MORE THAN ONE VICTIM KILLED OR INJURED.
44. VICTIM IS PUBLIC OFFICIAL MURDERED AS A RESULT OF OFFICE OR IN THE LINE OF DUTY.

MANSLAUGHTER:

45. MORE THAN NEGLIGENCE ON THE OFFENDER'S PART CAUSED THE VICTIM'S DEATH.

SEXUAL MOLESTATION:

46. COMMERCIAL EXPLOITATION OF VICTIM INVOLVED.
47. OFFENDER NON-SEXUALLY ASSAULTED PERSON(S) IN ADDITION TO THE PERSON(S) SEXUALLY MOLESTED.
48. OFFENDER COERCED VICTIM THROUGH THREATS AGAINST A THIRD PARTY (E.G., CHILD OF VICTIM) OR THREATS AGAINST PROPERTY OR RIGHTS OF VICTIM.
49. OFFENDER USED FORCE TO GAIN ACCESS TO THE VICTIM (DOMESTIC INVASION).
50. OFFENDER USED RUSE OR DECEPTION TO GAIN ACCESS TO THE VICTIM.

ROBBERY:

51. OFFENDER USED FORCE TO GAIN ACCESS TO THE VICTIM (DOMESTIC INVASION)
52. OBJECTIVE OF ROBBERY WAS TO OBTAIN GOODS FOR IMMEDIATE PERSONAL CONSUMPTION (E.G., FOOD, ALCOHOL, MISCELLANEOUS ITEMS) ONLY.
53. OBJECTIVE OF ROBBERY WAS TO GAIN DRUGS IN EXCESS OF PERSONAL CONSUMPTION/NEEDS.
54. OBJECTIVE OF ROBBERY WAS TO OBTAIN WEAPONS/EXPLOSIVES.
55. THE ROBBERY INVOLVED EXTORTION.

BURGLARY:

56. BURGLARY INVOLVED SOPHISTICATION IN EXCESS OF PLANNING--PROFESSIONALLY EXECUTED BURGLARY.
57. THERE IS EVIDENCE THAT THE OFFENDER BELIEVED SELF TO HAVE LEGITIMATE CLAIM TO GOODS INVOLVED IN BURGLARY.
58. PREDATORY BURGLARY--OFFENDER KNOWINGLY BURGLARIZED A VULNERABLE VICTIM (E.G., A VICTIM VULNERABLE BY REASON OF AGE, INFIRMITY, OR ECONOMIC STRAIGHTS).
59. OFFENDER BELIEVED SELF TO HAVE "COLOR OF RIGHT" TO ENTER PREMISES.

99. ADDITIONAL REASONS:ASSAULT:

60. ASSAULT IS A RESISTANCE OF ARREST.
61. VICTIM IS A PUBLIC OFFICIAL ASSAULTED IN THE LINE OF DUTY OR AS A RESULT OF PUBLIC OFFICE (EXCLUDING RESISTING ARREST).
62. THEFT OF PROPERTY/EXTORTION ALSO INVOLVED IN THE ASSAULT.
63. OFFENDER ACTED WITH NO PROVOCATION FROM THE VICTIM.
64. VICTIM PROVOKED OFFENDER INTO ASSAULT.
65. OFFENDER GAINED ACCESS TO VICTIM THROUGH FORCE, ILLEGAL ENTRY, OR RUSE.
66. ASSAULT INVOLVED CHILD ABUSE.

THEFT:

67. THEFT INVOLVED DRUGS IN EXCESS OF IMMEDIATE PERSONAL CONSUMPTION/USE.
68. THEFT INVOLVED WEAPONS, EXPLOSIVES, ETC.
69. THEFT OF GOODS OR MATERIALS RESULTED IN A PUBLIC HAZARD.

AUTO THEFT:

70. WEAPONS WERE FOUND IN THE STOLEN VEHICLE.
71. DRUGS WERE FOUND IN THE STOLEN VEHICLE.
72. STOLEN PROPERTY WAS FOUND IN THE STOLEN VEHICLE.
73. OFFENDER IS PART OF AN AUTO THEFT RING.

CHECK/CREDIT CARD ABUSE:

74. PREDATORY THEFT--OFFENDER KNOWINGLY EXPLOITED A VULNERABLE VICTIM (VICTIM WAS VULNERABLE BY REASON OF AGE, INFIRMITY, ECONOMIC STRAIGHTS, ETC.).

DRUGS:

75. OFFENDER WAS SELLING DRUGS TO MINORS.
76. OFFENDER WAS INFLUENCING OTHERS TO USE DRUGS.
77. OFFENDER POSSESSED A WEAPON AT TIME OF ARREST OR DURING DRUG TRANSACTION.
78. OFFENDER WAS DEALING IN DRUGS IN RETURN FOR STOLEN PROPERTY/WEAPONS.
79. OFFENDER WAS ACCEPTING EARNINGS OF A PROSTITUTE IN PAYMENT FOR DRUGS.

FELON IN POSSESSION OF FIREARM:

80. OFFENDER POSSESSED MORE THAN ONE WEAPON - OFFENDER WAS DEALING IN WEAPONS.

STATE OF WASHINGTON  
BOARD OF PRISON TERMS AND PAROLES

GUIDELINES FOR RECONSIDERATION OF  
LENGTH OF CONFINEMENT

Effective July 1, 1979

Amended:

May 1, 1980

February 1, 1981

Prepared by:  
Management Information Section

GUIDELINES FOR RECONSIDERATION OF LENGTH OF CONFINEMENT

In order to promote consistent exercise of discretion and effect fair and equitable decision-making, without jeopardizing public safety or removing individual case consideration, the Board has established guidelines for the reconsideration of length of confinement. In this section, the term "guidelines" refers to the guidelines for the reconsideration of length of confinement.

1. The guidelines modify length of confinement based upon probability statements concerning parole performance for various groups of offenders.
2. The guidelines shall apply to all offenders receiving minimum terms under the provisions of Guidelines for Fixing of Minimum Terms. Decisions concerning offenders admitted under circumstances not specifically stated in the guidelines shall be handled on a case-by-case basis.
3. Decisions outside the guidelines may be made by panels of the Board, provided that written reasons for these decisions are given. Written reasons need not be given if the decision falls within the guidelines.
4. When the guidelines indicate a length of confinement which is less than the mandatory minimum term, the mandatory minimum term will take precedence.
5. The Board shall review the guidelines six months after adoption and at least annually thereafter, and may revise or modify the guidelines based upon appropriate new information.
6. The Board shall disclose to the offender all adverse information used to determine the guideline for reconsideration of length of confinement.

## GUIDELINES FOR RECONSIDERATION OF LENGTH OF CONFINEMENT

Washington State Board of Prison Terms and Paroles

I. DEFINING PAROLE PERFORMANCE

Parole performance, which is defined as an offender's status in the criminal justice system after 18 months of parole supervision, is divided into three categories as follows:

- A. No Violations - During the 18 month follow-up period, the offender was not guilty of violating parole conditions.
- B. Misdemeanor-level/Technical Violations - During the 18 month follow-up period, the offender was found guilty of misdemeanor-level or technical violation(s) of parole conditions only.
- C. Felony Violations - During the 18 month follow-up period, the offender was found guilty of felony-level violation(s) or felony offense(s).

II. DEFINING PROBABILITY STATEMENTS CONCERNING PAROLE PERFORMANCE

A probability statement is an estimate of the likelihood of the occurrence of an event. A probability statement concerning parole performance is, therefore, an estimate of the likelihood of an offender having a specific parole performance.

These probability statements are functions of the offender's group Public Safety Score (PS Score) and the associated proportions of the three types of parole performance. The proportions are derived for offenders within each offender group having identical PS Scores.

A. Offender Groups

Under these guidelines, offenders are classified into nine offender groups based upon minimum term felony class, sex of the offender, and type of admission (see Table 1).

B. Public Safety Scores (PS Scores)

For each offender group, statistical analyses have demonstrated that various attributes of offenders are related to parole performance. In these guidelines, the presence of an attribute is a positive trait related to no violations. The Public Safety Score (PS Score) is the total number of attributes possessed by an offender. Within each offender group, offenders with high scores have higher probabilities of no violations than those with low scores. Exhibits 1A through 1F present the attributes for the offender groups.

C. Parole Performance Proportions

For a given PS Score within an offender group, the probability statements for each parole performance are based upon the proportions of offenders actually exhibiting that performance.

When a current offender is said to have a certain probability of a specific parole performance, it is to be understood that this probability is numerically equal to the proportion of all like offenders who have actually exhibited that performance (i.e., the behavior of offender groups in the analysis sample is used to estimate the probable behavior of current offender groups).

Tables 2A through 2I present the PS Scores and the associated probabilities of parole performances for each offender group.

III. GUIDELINE RULES AND PROCEDURES

The primary concern of the Board is public safety. The Board is, however, cognizant of the high cost of prolonged incarceration to the public and its potentially negative impact on offenders. Therefore, the Board has elected to reconsider the length of confinement for certain offenders, while minimizing the threat to public safety, by using information predictive of their likelihood of re-offending after release. Thus, the greater the likelihood of no parole violation, the greater the potential for reduction in length of confinement. Conversely, as the likelihood of felony violation increases, the potential for reduction decreases. Furthermore, the Board has elected to consider larger reductions in length of confinement for property offenders than for offenders convicted of more serious offenses (e.g., Murder 2, Assault, Sexual Molestation, etc.).

The guideline rules and the procedures for calculating reductions in length of confinement are presented in Section A.

A. Rules For Calculation of Guideline Reduction of Length of Confinement (In Months)

1. Potential Guideline Reduction. Equation 1 presents the formula for calculation of the offender's potential guideline reduction in length of confinement (i.e., the largest reduction in length of confinement for which an offender is eligible under these guidelines).

Equation 1

$$\text{Potential Guideline Reduction} = \left[ \begin{array}{c} \text{Percent} \\ \text{Reduction} \\ \text{(Tables 2A-I)} \end{array} \right] \times \left[ \begin{array}{c} \text{Two-thirds} \\ \text{of Minimum} \\ \text{Term} \end{array} \right]$$

2. Guideline Adjustment. Equation 2 presents the formula for calculating the guideline adjustment to a minimum term.

Equation 2

$$\text{Guideline Adjustment} = \left[ \begin{array}{c} \text{Potential} \\ \text{Guideline} \\ \text{Reduction} \end{array} \right] + \left[ \begin{array}{c} \text{"Good Time"} \\ \text{Credits} \\ \text{Granted} \end{array} \right]$$

3. Guideline Length of Confinement. Equation 3 presents the formula for calculating an offender's length of confinement under these guidelines.

Equation 3

$$\text{Guideline Length of Confinement} = \left[ \begin{array}{c} \text{Minimum} \\ \text{Term} \end{array} \right] - \left[ \begin{array}{c} \text{Guideline} \\ \text{Adjustment} \end{array} \right]$$

4. Earliest Possible Release Date (EPRD). Equation 4 presents the formula for calculating an offender's EPRD.

Equation 4

$$\text{EPRD} = \left[ \begin{array}{c} \text{Time} \\ \text{Start} \end{array} \right] + \left[ \begin{array}{c} \text{Guideline} \\ \text{Length of} \\ \text{Confinement} \end{array} \right]$$

B. Application of Rules for Calculation of Reduction of Length of Confinement

The following two examples illustrate the application of the preceding equations:

Example 1: Offender A receives a minimum term of 36 months for an Assault II conviction. Due to his large number of infractions, he is granted only six months "good time" credits (out of a maximum of 12 months).

Offender A has a PS Score of 16.5 which is associated with a 84% chance of no violation and an 8% chance of felony violation which calls for a 24% reduction (see Table 2A). Applying the prior equations, offender A's projected term of confinement is summarized below:

- a. Minimum Term = 36 months
- b. "Good Time" Credits Granted = 6 months
- c. Person Offender Reduction = 24% (Table 2A)
- d. Potential Guideline Reduction = 6 months (Equation 1)
- e. Guideline Adjustment = 12 months (Equation 2)
- f. Guideline Length of Confinement = 24 months (Equation 3)

Example 2: Offender B receives a minimum term of 36 months for an Assault II conviction. He is granted all of the "good time" credits permitted by statute (1/3 of the minimum term--12 months).

Offender B has a PS Score of 16.5 which is associated with a 84% chance of no violation and an 8% chance of felony violation which calls for a 24% reduction (see Table 2A). Applying the prior equations, Offender B's projected term of confinement is summarized below:

- a. Minimum Term = 36 months
- b. "Good Time Credits Granted = 12 months
- c. Person Offender Reduction = 24% (Table 2A)
- d. Potential Guideline Reduction = 6 months (Equation 1)
- e. Guideline Adjustment = 18 months (Equation 2)
- f. Guideline Length of Confinement = 18 months (Equation 3)

C. Review of Guideline Adjustment

1. Review Procedure

One month prior to the Earliest Possible Release Date (EPRD) an authorized panel of the Board will administratively review an offender's case and determine whether or not to grant the guideline adjustments.

The following documents are required by the Parole Board at that time:

- a. Progress Report
- b. Preparole Investigation
- c. Certification of "Good Time" Credits
- d. Public Safety Score - Part II

2. Guideline Decisions

At the review, the guideline decision to be considered by the Board is to grant or not grant the offender the guideline adjustment.

a. Within Guideline Decisions

If the adjustment granted by the Board results in a length of confinement that is within 30 days of the guideline length of confinement, the decision is within the guidelines.

b. Outside Guideline Decisions

If the adjustment granted by the Board results in a length of confinement that varies by more than 30 days of the guideline length of confinement, the decision is outside of the guidelines.

It is expected that Board panels will go outside the guidelines whenever they encounter atypical circumstances. Explicit written reasons for the decision will be given.

c. Limitations

There will be an automatic forfeiture of the guideline adjustment if the offender has been found guilty of an infraction at a disciplinary hearing or if the offender has been convicted of another felony committed during this incarceration period.

TABLE 1  
CONDITIONS FOR GROUP MEMBERSHIP

OFFENDER GROUP	SEX OF OFFENDER	TYPE OF ADMISSION	MINIMUM TERM FELONY CLASS*	OFFENSE LEADING TO ADMISSION
1. Homicide/Assault/Sex	Male	Court Commitment	Murder II Manslaughter Sexual Molestation Assault	Murder II Manslaughter I, II All Sex Offenses Assault I, II Felon in Possession of Fire-arm
2. Robbery	Male	Court Commitment	Robbery	Robbery I, II
3. Property	Male	Court Commitment	Property	Burglary I, II, Theft I, II, Possession of Stolen Property I, II, Forgery, Uttering a Forged Instrument, Unlawful Issuance of Bank Checks, Credit Card Forgery, Auto Theft
4. Drugs	Male	Court Commitment	Drugs	Sale of Controlled Substances for Profit; Sale of Heroin for Profit; Sale, Delivery or Possession of Drug With Intent to Sell
5. Parole Violator	Male	Parole Violators revoked with no new commitment offense	All Classes	N/A
6. Women - Person Offense	Female	Court Commitment	Classes 1 and 2	All Offenses in Class.
7. Women - Property Offenses	Female	Court Commitment	Class 3	All Offenses in Class.
8. Women - Drug Offenses	Female	Court Commitment	Class 4	All Offenses in Class.
9. Women - Parole Violators	Female	Parole Violator	All Classes	N/A

\*Note: See Guideline for Fixing of Minimum Terms for explanation of Minimum Term Felony Class. If an offender has been convicted for more than one offense at this admission, offender is classified according to the highest act severity time (see Guideline for Fixing of Minimum Terms for explanation of highest act time).

## EXHIBIT 1A

7

OFFENDER GROUP 1: HOMICIDE/ASSAULT/SEX OFFENSES (Male)\*INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETSADMISSIONS ITEMS ONLYITEMA1 JUVENILE RECORD (Admissions Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 1.0 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, demoral, dilaudid, methodone, metopon, laudane, laudanum, pantopon, perigoric)
- 2.0 Drugs/Substances Other than opiates, marijuana or hashish
- 4.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified.
- 6.0 No illegal drug use OR no indication in record of illegal drug use.

\*Minimum Term Felony Classes: Murder II, Manslaughter, Sexual Molestation, and Assault.

8 OFFENDER GROUP 1: HOMICIDE/ASSAULT/SEX OFFENSES (MALE)

ITEM

A3 EMPLOYMENT RECORD DURING TWO YEARS PRIOR TO ADMISSION (Admission Summary, Pre-Sentence Report)

Indicate the offender's employment record during the two years prior to this admission. This includes work release, but excludes those under prison commitments while on work release.

Code

- 0.0 Verified information that offender has never had a job OR there is no verifiable information indicating offender had ever had a job.
- 2.0 Verified information that offender had been employed before the two year period prior to this admission, but has not had a job during the two years prior to admission OR there is verifiable information indicating that the offender has previously been employed but no verifiable information indicating any employment during the two years prior to admission.
- 4.0 Offender had verifiable employment during the two year period prior to admission -and- the offender was unemployed for at least one continuous period of six months or more.
- 6.0 Offender had verifiable employment during two years prior to admission -and- the offender was never continuously unemployed for six months or more during this period.

A4 ASSESSMENT OF PERSONAL SUPPORT - LIVING ARRANGEMENT(Admission summary, Pre-Sentence Report)

Prior to this admission the offender was living in the community:

Code

- 0.0 Alone OR No Verifiable Indication of Prior Living Arrangement in Record
- 0.5 With Siblings or Friends
- 1.0 With Parents or Relatives Other Than Parents or Siblings
- 1.5 With Spouse and/or Children

OFFENDER GROUP I: HOMICIDE/ASSAULT/SEX OFFENSES (MALE)

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ITEM

A5 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s)).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony conviction

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OFFENDER GROUP 1: HOMICIDE/ASSAULT/SEX (MALE)

CURRENT INCARCERATION ITEMS ONLYITEMII INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender received any infraction reports during the current period of incarceration? If so, indicate the most serious type of infraction."

Code

0.0 One or more of the following "serious" infractions:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

0.5 One or more "general infractions (any infraction not included in above listing).

1.0 No infractions.

OFFENDER GROUP 1: HOMICIDE/ASSAULT/SEX (MALE)

11

I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 0.5 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 1.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 2A

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCEHOMICIDE/ASSAULT/SEX OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	47.6%	31.1%	21.3%	--
0.5	46.4	30.4	23.2	--
1.0	45.2	29.7	25.1	--
1.5	44.0	29.0	27.0	--
2.0	42.8	28.3	28.9	--
2.5	41.6	27.6	30.8	--
3.0	40.4	26.9	32.7	--
3.5	39.2	26.2	34.6	--
4.0	38.0	25.5	36.5	--
4.5	36.8	24.8	38.4	--
5.0	35.6	24.1	40.3	--
5.5	34.4	23.4	42.2	--
6.0	33.2	22.7	44.1	--
6.5	32.0	22.0	46.0	--
7.0	30.8	21.3	47.9	--
7.5	29.6	20.6	49.8	--
8.0	28.4	19.9	51.7	3%
8.5	27.2	19.2	53.6	4
9.0	26.0	18.5	55.5	5
9.5	24.8	17.8	57.4	6
10.0	23.6	17.1	59.3	8
10.5	22.4	16.4	61.2	9
11.0	21.2	15.7	63.1	10
11.5	20.0	15.0	65.0	11
12.0	18.8	14.3	66.9	13
12.5	17.6	13.6	68.8	14
13.0	16.4	12.9	70.7	15
13.5	15.2	12.2	72.6	16
14.0	14.0	11.5	74.5	18
14.5	12.8	10.8	76.4	19
15.0	11.6	10.1	78.3	20
15.5	10.4	9.4	80.2	21
16.0	9.2	8.7	82.1	22
16.5	8.0	8.0	84.0	24
17.0	6.8	7.3	85.9	25
17.5	5.6	6.6	87.8	26
18.0	4.4	5.9	89.7	27
18.5	3.2	5.2	91.6	29
19.0	2.0	4.5	93.5	30
19.5	0.8	3.8	95.4	31
20.0	0.0	2.7	97.3	32

## EXHIBIT 1B

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OFFENDER GROUP 2: ROBBERY OFFENSES (MALE)\*INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETSADMISSION ITEMS ONLYITEMA1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 2.0 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demural, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigoric)
- 1.0 Drugs/Substances Other than opiates, marijuana or hashish
- 2.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 3.0 No illegal drug use OR no indication in record of illegal drug use.

\*Minimum Term Felony Class: Robbery.

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## OFFENDER GROUP 2: ROBBERY OFFENSES (MALE)

ITEMA3 WEAPON IN OFFENSE (Pre-Sentence Report)

The question to be answered here is: "Were there any weapons involved (use, threat or possession) in the offender's criminal act(s) or felony violation?" Note: It does not matter whether the offender OR his partners possessed or used the weapon(s)!

Code

- 0.0 Weapon(s) involved in offense
- 3.0 No weapons involved in offense

A4 ASSESSMENT OF PERSONAL SUPPORT -- LIVING ARRANGEMENT (Admission Summary, Pre-Sentence Report)

Prior to this admission the offender was living in the community:

Code

- 0.0 Alone OR No Verifiable indication of prior living arrangement in record.
- 0.5 With siblings or friends
- 1.0 With parents or relatives other than parents or siblings
- 1.5 With spouse and/or children.

A5 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s)).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony convictions

OFFENDER GROUP2: ROBBERY OFFENSES (MALE)

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ITEMI1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender at any time during this incarceration been placed in segregation as a result of disciplinary infractions?"

Code

- 0.0 Place in disciplinary segregation
- 1.5 No infractions OR not placed in disciplinary segregation.

I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Report, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program at release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 0.5 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 1.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

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TABLE 2B

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

ROBBERY OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	40.9%	22.6%	36.5%	--
0.5	39.6	22.1	38.3	--
1.0	38.3	21.6	40.1	--
1.5	37.0	21.1	41.9	--
2.0	35.7	20.6	43.7	--
2.5	34.4	20.1	45.5	--
3.0	33.1	19.6	47.3	--
3.5	31.8	19.1	49.1	--
4.0	30.5	18.6	50.9	2%
4.5	29.2	18.1	52.7	3
5.0	27.9	17.6	54.5	4
5.5	26.6	17.1	56.3	5
6.0	25.3	16.6	58.1	7
6.5	24.0	16.1	59.9	8
7.0	22.7	15.6	61.7	9
7.5	21.4	15.1	63.5	10
8.0	20.1	14.6	65.3	11
8.5	18.8	14.1	67.1	13
9.0	17.5	13.6	68.9	14
9.5	16.2	13.1	70.7	15
10.0	14.9	12.6	72.5	16
10.5	13.6	12.1	74.3	18
11.0	12.3	11.6	76.1	19
11.5	11.0	11.1	77.9	20
12.0	9.7	10.6	79.7	21
12.5	8.4	10.1	81.5	23
13.0	7.1	9.6	83.3	24
13.5	5.8	9.1	85.1	25
14.0	4.5	8.6	86.9	26
14.5	3.2	8.1	88.7	28
15.0	1.9	7.6	90.5	29
15.5	0.6	7.1	92.3	30

EXHIBIT 1C

OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)\*

INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLY

ITEM

A1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 1.5 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demural, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigoric)
- 1.0 Drugs/Substances Other than opiates, marijuana or hashish
- 2.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 3.0 No illegal drug use OR no indication in record of illegal drug use.

\*Minimum Term Felony Class: Property.

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OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)

ITEMA3 EMPLOYMENT RECORD DURING TWO YEARS PRIOR TO ADMISSION (Admission Summary, Pre-Sentence Report)

Indicate the offender's employment record during the two years prior to this admission. This includes work release, but excludes those under prison commitments while on work release.

CODE

- 0.0 Verified information that offender has never had a job OR there is no verifiable information indicating offender had ever had a job.
- 1.5 Verified information that offender had been employed before the two year period prior to this admission, but has not had a job during the two years prior to admission OR there is verifiable information indicating that the offender has previously been employed but no verifiable information indicating any employment during the two years prior to admission.
- 3.0 Offender had verifiable employment during the two year period prior to admission -and- the offender was unemployed for at at least one continuous period of six months or more.
- 4.5 Offender had verifiable employment during two years prior to admission -and- the offender was never continuously unemployed for six months or more during this period.

A4 ASSESSMENT OF PERSONAL SUPPORT - LIVING ARRANGEMENT (Admission Summary, Pre-Sentence Report)

Prior to this admission the offender was living in the community:

Code

- 0.0 Alone OR No Verifiable Indication of Prior Living Arrangement in Record
- 0.5 With Siblings or Friends
- 1.0 With Parents or Relatives Other Than Parents or Siblings
- 1.5 With Spouse and/or Children

OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)

ITEM

A5 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment, regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony conviction

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## OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)

CURRENT INCARCERATION ITEMS ONLYITEMII INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports;  
Infraction Reports)

The question to be answered here is: "Has the offender received any infraction reports during the current period of incarceration? If so, indicate the most serious type of infraction."

Code

0.0 One or more of the following "serious" infractions:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

1.0 One or more "general infractions (any infraction not included in above listing).

2.0 No infractions.

## OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)

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I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 0.5 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 1.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

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TABLE 2C

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE.

PROPERTY OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	63.0%	20.7%	16.3%	--
0.5	61.3	20.5	18.2	--
1.0	59.6	20.3	20.1	--
1.5	57.9	20.1	22.0	--
2.0	56.2	19.9	23.9	--
2.5	54.5	19.7	25.8	--
3.0	52.8	19.5	27.7	--
3.5	51.1	19.3	29.6	--
4.0	49.4	19.1	31.5	--
4.5	47.7	18.9	33.4	--
5.0	46.0	18.7	35.3	--
5.5	44.3	18.5	37.2	--
6.0	42.6	18.3	39.1	--
6.5	40.9	18.1	41.0	--
7.0	39.2	17.9	42.9	--
7.5	37.5	17.7	44.8	--
8.0	35.8	17.5	46.7	--
8.5	34.1	17.3	48.6	--
9.0	32.4	17.1	50.5	14%
9.5	30.7	16.9	52.4	16
10.0	29.0	16.7	54.3	18
10.5	27.3	16.5	56.2	19
11.0	25.6	16.3	58.1	21
11.5	23.9	16.1	60.0	22
12.0	22.2	15.9	61.9	24
12.5	20.5	15.7	63.8	25
13.0	18.8	15.5	65.7	27
13.5	17.1	15.3	67.6	28
14.0	15.4	15.1	69.5	30
14.5	13.7	14.9	71.4	31
15.0	12.0	14.7	73.3	33
15.5	10.3	14.5	75.2	34
16.0	8.6	14.3	77.1	36
16.5	6.9	14.1	79.0	37
17.0	5.2	13.9	80.9	39

## EXHIBIT 1D

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OFFENDER GROUP 4: DRUG OFFENSES (MALE)INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETSADMISSION ITEMS ONLYITEMA1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 2.0 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demoral, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigorric)
- 1.0 Drugs/Substances Other than opiates, marijuana or hashish
- 2.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 3.0 No illegal drug use OR no indication in record of illegal drug use.

\*Minimum Term Felony Class: Drugs.

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## OFFENDER GROUP 4: DRUG OFFENSES (MALE)

ITEM

A3 EMPLOYMENT RECORD DURING TWO YEARS PRIOR TO ADMISSION (Admission Summary, Pre-Sentence Report)

Indicate the offender's employment record during the two years prior to this admission. This includes work release, but excludes those under prison commitments while on work release.

CODE

- 0.0 Verified information that offender has never had a job OR there is no verifiable information indicating offender had ever had a job.
- 0.5 Verified information that offender had been employed before the two year period prior to this admission, but has not had a job during the two years prior to admission OR there is verifiable information indicating that the offender has previously been employed but no verifiable information indicating any employment during the two years prior to admission.
- 1.0 Offender had verifiable employment during the two year period prior to admission -and- the offender was unemployed for at at least one continuous period of six months or more.
- 1.5 Offender had verifiable employment during two years prior to admission -and- the offender was never continuously unemployed for six months or more during this period.

OFFENDER GROUP 4: DRUG OFFENSES (MALE)

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ITEM

A4 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s)).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment, regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony conviction

## OFFENDER GROUP 4: DRUG OFFENSES (MALE)

CURRENT INCARCERATION ITEMS ONLYITEMI1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender received any infraction reports during the current period of incarceration? If so, indicate the most serious type of infraction."

Code

0.0 One or more of the following "serious" infractions:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

0.5 One or more "general infractions (any infraction not included in above listing).

1.0 No infractions.

OFFENDER GROUP 4: DRUG OFFENSES (MALE)

27

I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 0.5 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 1.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

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TABLE 2D

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCEDRUG OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	42.5%	19.2%	38.3%	--
0.5	40.5	18.7	40.8	--
1.0	38.5	18.2	43.3	--
1.5	36.5	17.7	45.8	--
2.0	34.5	17.2	48.3	--
2.5	32.5	16.7	50.8	1%
3.0	30.5	16.2	53.3	2
3.5	28.5	15.7	55.8	4
4.0	26.5	15.2	58.3	6
4.5	24.5	14.7	60.8	8
5.0	22.5	14.2	63.3	10
5.5	20.5	13.7	65.8	11
6.0	18.5	13.2	68.3	13
6.5	16.5	12.7	70.8	15
7.0	14.5	12.2	73.3	17
7.5	12.5	11.7	75.8	19
8.0	10.5	11.2	78.3	21
8.5	8.5	10.7	80.8	22
9.0	6.5	10.2	83.3	24
9.5	4.5	9.7	85.8	26
10.0	2.5	9.2	88.3	28
10.5	0.5	8.7	90.8	30
11.0	0.0	6.7	93.3	31
11.5	0.0	4.2	95.8	32
12.0	0.0	1.7	98.3	32

## EXHIBIT 1E.

OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)\*INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETSADMISSION ITEMS ONLYITEMA1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 1.5 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demural, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigorric)
- 1.0 Drugs/Substances Other than opiates, marijuana or hashish
- 2.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 3.0 No illegal drug use OR no indication in record of illegal drug use.

\*All male offenders not admitted under court commitment.

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## OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)

ITEMA3 EMPLOYMENT RECORD DURING TWO YEARS PRIOR TO ADMISSION (Admission Summary, Pre-Sentence Report)

Indicate the offender's employment record during the two years prior to this admission.

Code

- 0.0 Verified information that offender has never had a job OR there is no verifiable information indicating offender had ever had a job.
- 1.0 Verified information that offender had been employed before the two year period prior to this admission, but has not had a job during the two years prior to admission OR there is verifiable information indicating that the offender has previously been employed but no verifiable information indicating any employment during the two years prior to admission.
- 2.0 Offender had verifiable employment during the two year period prior to admission -and- the offender was unemployed for at least one continuous period of six months or more.
- 3.0 Offender had verifiable employment during two years prior to admission -and- the offender was never continuously unemployed for six months or more during this period.

A4 ASSESSMENT OF PERSONAL SUPPORT - LIVING ARRANGEMENT (Admission Summary, Pre-Sentence Report)

Prior to this admission the offender was living in the community:

Code

- 0.0 Alone OR No Verifiable Indication of Prior Living Arrangement in Record
- 0.5 With Siblings or Friends
- 1.0 With Parents or Relatives Other Than Parents or Siblings
- 1.5 With Spouse and/or Children

OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)

ITEM

A5 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment, regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony conviction

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OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)

CURRENT INCARCERATION ITEMS ONLYITEM

I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports;  
Infraction Reports)

The question to be answered here is: "Has the offender received any infraction reports during the current period of incarceration? If so, indicate the most serious type of infraction."

Code

0.0 One or more of the following "serious" infractions:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

1.0 One or more "general infractions (any infraction not included in above listing).

2.0 No infractions.

## OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)

33

12 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 3.0 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 4.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 5.0 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 2E

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCEMALE PAROLE VIOLATORS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	60.9%	17.6%	21.5%	---
0.5	59.2	17.9	22.9	---
1.0	57.5	18.2	24.3	---
1.5	55.8	18.5	25.7	---
2.0	54.1	18.8	27.1	---
2.5	52.4	19.1	28.5	---
3.0	50.7	19.4	29.9	---
3.5	49.0	19.7	31.3	---
4.0	47.3	20.0	32.7	---
4.5	45.6	20.3	34.1	---
5.0	43.9	20.6	35.4	---
5.5	42.2	21.0	36.8	---
6.0	40.5	21.3	38.2	---
6.5	38.8	21.6	39.6	---
7.0	37.1	21.9	41.0	---
7.5	35.4	22.2	42.4	---
8.0	33.7	22.5	43.8	---
8.5	32.0	22.8	45.2	---
9.0	30.3	23.1	46.6	---
9.5	28.6	23.4	48.0	---
10.0	26.9	23.7	49.4	---
10.5	25.2	24.0	50.8	4%
11.0	23.5	24.3	52.2	6
11.5	21.8	24.6	53.6	7
12.0	20.1	24.9	55.0	8
12.5	18.4	25.2	56.4	9
13.0	16.7	25.5	57.8	11
13.5	15.0	25.8	59.2	12
14.0	13.3	26.1	60.6	13
14.5	11.6	26.4	62.0	15
15.0	9.9	26.7	63.4	16
15.5	8.2	27.0	64.8	17
16.0	6.5	27.3	66.2	19
16.5	4.8	27.6	67.6	20
17.0	3.1	27.9	69.0	21
17.5	1.4	28.2	70.4	22
18.0	0.0	28.2	71.8	24
18.5	0.0	26.8	73.2	24
19.0	0.0	25.4	74.6	25

OFFENDER GROUP 6: WOMEN - PERSON OFFENSES\*

## INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLYITEMA1 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever illegally used marijuana or hashish OR any drugs/controlled substances other than marijuana or hashish?"

Code

- 0.0 Illegal use of drugs other than marijuana or hashish
- 1.5 No illegal use of drugs other than marijuana or hashish OR illegal drug use indicated, but type of drug not identified OR no record of any illegal drug use.

A2 ASSESSMENT OF PERSONAL SUPPORT - BAIL STATUS (Pre-Sentence Report)

Indicate whether the offender was granted bail, released on personal recognizance or held in jail following most recent arrest and subsequent admission to institution.

Code

- 0.0 Held in Jail Until Trial or Plea
- 3.0 Granted Bail OR Released on Personal Recognizance

A3 ADULT CRIMINAL RECORD (Pre-Sentence Report; FBI Rap Sheet)

Enter the code which best indicates the total number of felony convictions and the total number of times the offender has been committed to Washington State and other jurisdiction adult correctional institution(s) or prison(s) for felony convictions, including this commitment.

Code

- 0.0 Two or more prison commitments
- 1.0 Three or more felony convictions AND one prison commitment
- 2.0 Two felony convictions AND one prison commitment
- 3.0 One felony conviction AND one prison commitment

\*Minimum Term Felony Classes: Murder II, Manslaughter, Sexual Molestation, Assault and Robbery.

CURRENT INCARCERATION ITEMS ONLYITEMI1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

This item summarizes the offender's institutional/work release/furlough conduct during the current incarceration.

Code

- 0.0 Offender was placed in segregation as a result of disciplinary infractions OR offender has received any of the following "serious" infractions and was placed in segregation as a result of these infractions or suffered the loss of institution privileges:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

- 2.0 Offender received any of the above "serious" infractions and was not placed in segregation and did not lose any institution privileges.
- 4.0 Offender has not received any infractions during this incarceration period OR offender has not received any "serious" infractions and has not been placed in segregation as a result of infractions.

I2 WORK/TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports)

Enter the code which best describes the offender's participation in a work/training release program during this period of incarceration.

Code

- 0.0 Offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Offender did not participate in a work/training release program.
- 4.0 Offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 2F

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

WOMEN - PERSON OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	32.4%	26.7%	40.9%	--
1.5	29.1	24.8	46.1	--
3.0	25.8	22.8	51.4	4%
3.5	24.7	22.2	53.1	5
4.0	23.6	21.5	54.9	6
4.5	22.5	20.9	56.6	7
5.0	21.4	20.2	58.4	9
5.5	20.3	19.6	60.1	10
6.0	19.2	18.9	61.9	11
6.5	18.1	18.3	63.6	12
7.0	17.0	17.6	65.4	13
7.5	15.9	17.0	67.1	14
8.0	14.8	16.3	68.9	15
8.5	13.7	15.7	70.6	16
9.0	12.6	15.0	72.4	18
9.5	11.5	14.4	74.1	19
10.0	10.4	13.7	75.9	20
10.5	9.3	13.1	77.6	21
11.0	8.2	12.4	79.4	22
11.5	7.1	11.8	81.1	23
12.0	6.0	11.1	82.9	24
12.5	4.9	10.5	84.6	25
13.0	3.8	9.8	86.4	27
13.5	2.7	9.2	88.1	28
14.0	1.6	8.5	89.9	29
14.5	0.5	7.9	91.6	30
15.5	0.0	4.9	95.1	31

## EXHIBIT 1G

OFFENDER GROUP 7: WOMEN - PROPERTY OFFENSES\*

## INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLYITEMA1 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever illegally used marijuana or hashish OR any drugs/controlled substances other than marijuana or hashish?"

Code

- 0.0 Illegal use of drugs other than marijuana or hashish
- 1.5 No illegal use of drugs other than marijuana or hashish OR illegal drug use indicated, but type of drug not identified OR no record of any illegal drug use.

A2 ASSESSMENT OF PERSONAL SUPPORT - BAIL STATUS (Pre-Sentence Report)

Indicate whether the offender was granted bail, released on personal recognizance or held in jail following most recent arrest and subsequent admission to institution.

Code

- 0.0 Held in Jail Until Trial or Plea
- 3.0 Granted Bail OR Released on Personal Recognizance

A3 ADULT CRIMINAL RECORD (Pre-Sentence Report; FBI Rap Sheet)

Enter the code which best indicates the total number of felony convictions and the total number of times the offender has been committed to Washington State and other jurisdiction adult correctional institution(s) or prison(s) for felony convictions, including this commitment.

Code

- 0.0 Two or more prison commitments
- 1.0 Three or more felony convictions AND one prison commitment
- 2.0 Two felony convictions AND one prison commitment
- 3.0 One felony conviction AND one prison commitment

\*Minimum Term Felony Class: Property.

CURRENT INCARCERATION ITEMS ONLY

ITEM

I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

This item summarizes the offender's institutional/work release/furlough conduct during the current incarceration.

Code

0.0 Offender was placed in segregation as a result of disciplinary infractions OR offender has received any of the following "serious" infractions and was placed in segregation as a result of these infractions or suffered the loss of institution privileges:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

2.0 Offender received any of the above "serious" infractions and was not place in segregation and did not lose any institution privileges.

4.0 Offender has not received any infractions during this incarceration period OR offender has not received any "serious" infractions and has not been placed in segregation as a result of infractions.

I2 WORK/TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports)

Enter the code which best describes the offender's participation in a work/training release program during this period of incarceration.

Code

- 0.0 Offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Offender did not participate in a work/training release program.
- 4.0 Offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 20

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

WOMEN - PROPERTY OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTIONS
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	32.4%	26.7%	40.9%	--
1.5	29.1	24.8	46.1	--
3.0	25.8	22.8	51.4	17%
3.5	24.7	22.2	53.1	18
4.0	23.6	21.5	54.9	20
4.5	22.5	20.9	56.6	21
5.0	21.4	20.2	58.4	22
5.5	20.3	19.6	60.1	23
6.0	19.2	18.9	61.9	25
6.5	18.1	18.3	63.6	26
7.0	17.0	17.6	65.4	27
7.5	15.9	17.0	67.1	28
8.0	14.8	16.3	68.9	30
8.5	13.7	15.7	70.6	31
9.0	12.6	15.0	72.4	32
9.5	11.5	14.4	74.1	33
10.0	10.4	13.7	75.9	34
10.5	9.3	13.1	77.6	36
11.0	8.2	12.4	79.4	37
11.5	7.1	11.8	81.1	38
12.0	6.0	11.1	82.9	40
12.5	4.9	10.5	84.6	41
13.0	3.8	9.8	86.4	42
13.5	2.7	9.2	88.1	43
14.0	1.6	8.5	89.9	44
14.5	0.5	7.9	91.6	46
15.5	0.0	4.9	95.1	48

EXHIBIT 1H

OFFENDER GROUP 8: WOMEN - DRUG OFFENSES\*

INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLY

ITEM

A1 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever illegally used marijuana or hashish OR any drugs/controlled substances other than marijuana or hashish?"

Code

- 0.0 Illegal use of drugs other than marijuana or hashish
- 1.5 No illegal use of drugs other than marijuana or hashish OR illegal drug use indicated, but type of drug not identified OR no record of any illegal drug use.

A2 ASSESSMENT OF PERSONAL SUPPORT - BAIL STATUS (Pre-Sentence Report)

Indicate whether the offender was granted bail, released on personal recognizance or held in jail following most recent arrest and subsequent admission to institution.

Code

- 0.0 Held in Jail Until Trial or Plea
- 3.0 Granted Bail OR Released on Personal Recognizance

A3 ADULT CRIMINAL RECORD (Pre-Sentence Report; FBI Rap Sheet)

Enter the code which best indicates the total number of felony convictions and the total number of times the offender has been committed to Washington State and other jurisdiction adult correctional institution(s) or prison(s) for felony convictions, including this commitment.

Code

- 0.0 Two or more prison commitments
- 1.0 Three or more felony convictions AND one prison commitment
- 2.0 Two felony convictions AND one prison commitment
- 3.0 One felony conviction AND one prison commitment

\*Minimum Term Felony Class: Drugs.

CURRENT INCARCERATION ITEMS ONLYITEMI1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

This item summarizes the offender's institutional/work release/furlough conduct during the current incarceration.

Code

- 0.0 Offender was placed in segregation as a result of disciplinary infractions OR offender has received any of the following "serious" infractions and was placed in segregation as a result of these infractions or suffered the loss of institution privileges:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

- 2.0 Offender received any of the above "serious" infractions and was not place in segregation and did not lose any institution privileges.

- 4.0 Offender has not received any infractions during this incarceration period OR offender has not received any "serious" infractions and has not been placed in segregation as a result of infractions.

I2 WORK/TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports)

Enter the code which best describes the offender's participation in a work/training release program during this period of incarceration.

Code

- 0.0 Offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Offender did not participate in a work/training release program.
- 4.0 Offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 2H

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

WOMEN - DRUG OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	32.4%	26.7%	40.9%	--
1.5	29.1	24.8	46.1	—
3.0	25.8	22.8	51.4	4%
3.5	24.7	22.2	53.1	5
4.0	23.6	21.5	54.9	6
4.5	22.5	20.9	56.6	7
5.0	21.4	20.2	58.4	9
5.5	20.3	19.6	60.1	10
6.0	19.2	18.9	61.9	11
6.5	18.1	18.3	63.6	12
7.0	17.0	17.6	65.4	13
7.5	15.9	17.0	67.1	14
8.0	14.8	16.3	68.9	15
8.5	13.7	15.7	70.6	16
9.0	12.6	15.0	72.4	18
9.5	11.5	14.4	74.1	19
10.0	10.4	13.7	75.9	20
10.5	9.3	13.1	77.6	21
11.0	8.2	12.4	79.4	22
11.5	7.1	11.8	81.1	23
12.0	6.0	11.1	82.9	24
12.5	4.9	10.5	84.6	25
13.0	3.8	9.8	86.4	27
13.5	2.7	9.2	88.1	28
14.0	1.6	8.5	89.9	29
14.5	0.5	7.9	91.5	30
15.5	0.0	4.9	95.1	31

## EXHIBIT 11

7

OFFENDER GROUP 9: WOMEN - PAROLE VIOLATORS\*

## INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLYITEMA1 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever illegally used marijuana or hashish OR any drugs/controlled substances other than marijuana or hashish?"

Code

- 0.0 Illegal use of drugs other than marijuana or hashish  
 1.5 No illegal use of drugs other than marijuana or hashish OR illegal drug use indicated, but type of drug not identified OR no record of any illegal drug use.

A2 ASSESSMENT OF PERSONAL SUPPORT - BAIL STATUS (Pre-Sentence Report)

Indicate whether the offender was granted bail, released on personal recognizance or held in jail following most recent arrest and subsequent admission to institution.

Code

- 0.0 Held in Jail Until Trial or Plea  
 3.0 Granted Bail OR Released on Personal Recognizance

A3 ADULT CRIMINAL RECORD (Pre-Sentence Report; FBI Rap Sheet)

Enter the code which best indicates the total number of felony convictions and the total number of times the offender has been committed to Washington State and other jurisdiction adult correctional institution(s) or prison(s) for felony convictions, including this commitment.

Code

- 0.0 Two or more prison commitments  
 1.0 Three or more felony convictions AND one prison commitment  
 2.0 Two felony convictions AND one prison commitment  
 3.0 One felony conviction AND one prison commitment

\*All female offenders not admitted under court commitment.

CURRENT INCARCERATION ITEMS ONLYITEMI1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

This item summarizes the offender's institutional/work release/furlough conduct during the current incarceration.

Code

0.0 Offender was placed in segregation as a result of disciplinary infractions OR offender has received any of the following "serious" infractions and was placed in segregation as a result of these infractions or suffered the loss of institution privileges:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

2.0 Offender received any of the above "serious" infractions and was not place in segregation and did not lose any institution privileges.

4.0 Offender has not received any infractions during this incarceration period OR offender has not received any "serious" infractions and has not been placed in segregation as a result of infractions.

I2 WORK/TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports)

Enter the code which best describes the offender's participation in a work/training release program during this period of incarceration.

Code

0.0 Offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).

2.0 Offender did not participate in a work/training release program.

4.0 Offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

TABLE 21

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON  
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

WOMEN - PAROLE VIOLATORS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	32.4%	26.7%	40.9%	--
1.5	29.1	24.8	46.1	--
3.0	25.8	22.8	51.4	4%
3.5	24.7	22.2	53.1	5
4.0	23.6	21.5	54.9	6
4.5	22.5	20.9	56.6	7
5.0	21.4	20.2	58.4	9
5.5	20.3	19.6	60.1	10
6.0	19.2	18.9	61.9	11
6.5	18.1	18.3	63.6	12
7.0	17.0	17.6	65.4	13
7.5	15.9	17.0	67.1	14
8.0	14.8	16.3	68.9	15
8.5	13.7	15.7	70.6	16
9.0	12.6	15.0	72.4	18
9.5	11.5	14.4	74.1	19
10.0	10.4	13.7	75.9	20
10.5	9.3	13.1	77.6	21
11.0	8.2	12.4	79.4	22
11.5	7.1	11.8	81.1	23
12.0	6.0	11.1	82.9	24
12.5	4.9	10.5	84.6	25
13.0	3.8	9.8	86.4	27
13.5	2.7	9.2	88.1	28
14.0	1.6	8.5	89.9	29
14.5	0.5	7.9	91.6	30
15.5	0.0	4.9	95.1	31

## EXHIBIT 2

DEFINITION OF ATTRIBUTES RELATED TO PAROLE PERFORMANCE

- Admission - Admission to the Washington State adult correctional system by court commitment or revocation of parole.
- Committed to Juvenile Institution - Commitment to a state or Federal juvenile institution by a juvenile or adult court for any reason.
- Drug Abuse - Any illegal use (including experimental) of narcotics or controlled substances.
- Employed - Worked at a legitimate job for wages or salary.
- Felony Conviction - Conviction in state or Federal court for a felony offense.
- "General" Infractions - "Minor" violations (e.g., refusing to work) of institution rules.
- Living Alone - Residing by one's self.
- Marijuana or Hashish - Cannabis or any of its derivatives.
- Opiates - The following substances are classified as opiates:
- |             |              |
|-------------|--------------|
| a. Opium    | g. Methadone |
| b. Morphine | h. Metapon   |
| c. Codeine  | i. Laudane   |
| d. Heroin   | j. Laudanum  |
| e. Demerol  | k. Pantopon  |
| f. Dilaudid | l. Perigoric |
- Parents - Natural or step-parents.
- Released on Bail or Own Recognizance - Released from custody following latest arrest after posting bond or released by the court on "own recognizance".
- "Serious" Infractions - "Major" violations (e.g., riot; possession of a weapon) of institution rules or felonious behavior.
- Siblings - Natural or step-siblings.
- Spouse - Legal spouse.
- Spouse and Children - Legal spouse and natural, adopted, or step-children.
- Successful Termination (Work/Training Release) - Completed program; job ended by employer; released on parole.

Unsuccessful Termination (Work/Training Release) - Escaped, violation of program rules, or law violation led to termination from program.

Verified Education Program - Education program may include college, vocational, apprenticeship programs, etc. Verification of an education program by parole officer must include acceptance by the program, an admission date, and a source of funding while in the program.

Verified Employment - Employment upon release as verified by investigating parole officer.

Weapons in Offense - Use of firearm, knife, or other instrument. Includes an implied weapon and possession of a weapon.

Title 388 WAC

SOCIAL AND HEALTH SERVICES,  
DEPARTMENT OF (PUBLIC ASSISTANCE)

Chapters		388-54	Food assistance programs.
388-08	Practice and procedure--Fair hearing.	388-55	Refugee assistance.
388-09	Practice and procedure--Administrative hearing--Child welfare agency.	388-57	Employment and training--Work incentive.
388-11	Child support--Obligations.	388-70	Child welfare services--Foster care--Adoption services--Services to unmarried parents.
388-14	Support enforcement.		
388-15	Social services for families, children and adults.	388-73	Child care agencies--Adult family homes minimum licensing/certification requirements.
388-18	Long-term care ombudsman program.	388-76	Adult family homes minimum licensing requirements.
388-24	Aid to families with dependent children--Eligibility.	388-81	Medical care--Administration--General.
388-26	Aid to families with dependent children and continuing general assistance--Eligibility--Common conditions.	388-82	Medical care--Program described--Limitations.
388-28	Aid to families with dependent children and continuing general assistance--Eligibility need.	388-83	Medical care--Eligibility.
388-29	Standards--Eligibility.	388-84	Medical care--Application.
388-33	Aid to families with dependent children and continuing general assistance--Grant or vendor payment.	388-85	Medical care--Certification.
388-37	General assistance--Eligibility--Standards of assistance--Payment.	388-86	Medical care--Services provided.
388-42	Funeral expense.	388-87	Medical care--Payment.
388-44	Overpayment--Repayment.	388-88	Medical care--Nursing home care.
388-53	Disaster and relief program--Individual and family grant.	388-91	Medical care--Drugs.
		388-92	Medical care for persons receiving benefits under Title XVI of Social Security Act--Eligibility--Income and resource standards for applicants in own home.
		388-95	Institutional--Medical assistance--Eligibility.
		388-96	Nursing home accounting and reimbursement system.
		388-99	Limited casualty program--Medically needy.
		388-100	Limited casualty program--Medically indigent.