OVERVIEW OF STATE AND LOCAL SENTENCING GUIDELINES AND SENTENCING RESEARCH ACTIVITY

May 1980

Prepared by:
Criminal Courts Technical Assistance Project

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
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LAW ENFORCEMENT ASSISTANCE ADMINISTRATION CONTRACT NUMBER: J-LEAA-011-78
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In the fall of 1978, the Criminal Courts Technical Assistance Project (CCTAP) at The American University began a telephone survey of each state to determine what, if any, sentencing reform activities were underway and, specifically, whether any sentencing guidelines projects were being undertaken. Initially, state planning agencies and/or state court administrative offices were contacted. In those states where sentencing research or guidelines activities were underway, additional calls were made to the appropriate state or local officials involved in the projects.

In March 1979, the CCTAP coordinated a workshop for representatives from sentencing guidelines projects which were then operational. The discussions at this workshop focussed upon issues related to the planning, research, implementation and monitoring of sentencing guidelines programs. A summary of the workshop discussions was prepared by the CCTAP and distributed to each attendee.

In April 1979, CCTAP staff prepared the Overview of State and Local Sentencing Guidelines Activities which summarized, state by state, the information obtained through the telephone survey regarding state and local sentencing research or reform efforts. As of April 1979, twenty sentencing projects, both research and guidelines, had been or were currently being undertaken. Thirteen of these projects were operating at the state level with the remaining seven projects conducted in local court systems. In addition, ten jurisdictions (five state and five local) planned to begin a project shortly. Most of the projects were still in a research phase, with only eight guidelines projects achieving operational status at that time. Included among these eight projects was a local guidelines project...
which had been terminated when statewide guidelines took effect.

During the period following the workshop and publication of the Overview, the CCTAP maintained contact with the various sentencing projects and collected information and resource materials developed by them and made these resources available on loan to other interested jurisdictions. In addition, 13 technical assistance assignments dealing with various aspects of sentencing guidelines project operations were completed by the CCTAP.

In the spring of 1980, each state was again surveyed by CCTAP staff to ascertain developments in those states which had earlier been planning or undertaking sentencing research or guidelines efforts and to determine what new sentencing activity was underway. The results of this effort are included in this revised Overview.

As of April 1980, a number of sentencing guidelines projects were in various stages of operation. Of these, ten were developing sentencing guidelines (six state projects, two local projects and two multi-jurisdictional projects); nine had already developed guidelines (five state projects and four local projects). Eleven projects were operational, or slated to be shortly (six state and five local). In all, sentencing guidelines activities were underway at either the state or local level, or both, in 23 states.

In addition, sentencing research, independent of guidelines development, had been undertaken or considered in 16 states and in eight districts of the federal district court system. Two of these studies were in the planning stage, six were under way, and nine were completed. With the exception of the sentencing study
conducted by the 10th Judicial District Court of Nevada, all of the sentencing research activity has been occurring at the state level. Three of the jurisdictions involved in sentencing research projects have subsequently undertaken sentencing guidelines efforts.\footnote{17}

Comparing 1980 state and local sentencing research or guidelines activity with that noted in 1979, ten new studies which were operational in 1980 did not exist in 1979; three projects which had been operational in 1979 had ceased by 1980.\footnote{18} In addition, interest expressed in 1979 by two states (Georgia and Montana) in a possible guidelines program no longer existed by 1980.

The focus and scope of these projects varies significantly. Some are designed to analyse sentencing practices per se without any mandate to develop sentencing guidelines; others, however, are specifically directed to use this analysis to develop guidelines. In some cases, the projects are being undertaken at the initiative of the Judiciary; in other cases, they are responding to specific legislative mandates. The methodologies for the projects also vary considerably, particularly in terms of the extent of data used, the procedures employed for data collection, and the type of analysis performed.

Many of the projects are still in a research phase. For those which are sentencing studies only, results will be submitted to the appropriate supervisory body which will determine what further action, if any, will be undertaken in the jurisdiction. Those projects which are geared to the actual development of guidelines, however, will follow up the research and testing phase with activities designed to secure judicial, legislative and other support required to make the guidelines operational.
For those projects which have achieved operational status, guideline use is, by and large, voluntary. Periodic monitoring, evaluation, and impact assessment of guideline use is generally conducted by the jurisdiction to analyze guideline use and to identify areas in which modification might be desirable. The approaches with which the operational projects are performing these tasks vary as do the results obtained. Some jurisdictions have found the guidelines to be well received while others have experienced some difficulty.

On April 17-18, 1980, a second workshop on Sentencing Guidelines was conducted by the CCTAP. Representatives from 22 projects in 19 states and the federal system attended. The workshop discussions focussed primarily upon research and implementation issues and are documented in a Meeting Summary prepared by the CCTAP. At that session, project representatives completed a Project Information Sheet which included information relating to the mandate, resources, research approach and jurisdictional characteristics of each project. A summary of the project responses is included in the Appendix to this Overview.

The CCTAP is grateful for the time and help contributed by the many state and local officials who provided the information contained in this Overview. Readers are encouraged to report to the CCTAP appropriate update information as it becomes available.
FOOTNOTES


2. Maricopa County (Phoenix), Arizona; Denver, Colorado; Cook County (Chicago), Illinois; Topeka, Kansas; Lucas County (Toledo), Ohio; Essex County (Newark), New Jersey (terminated because statewide guidelines became operational); Philadelphia, Pennsylvania.

3. Florida (completed a preliminary sentencing study and planned to begin a sentencing guidelines project subsequently); Maryland; Georgia; Montana; Pennsylvania.

4. Clayton County (Jonesboro), Georgia; Orleans Parish (New Orleans), Louisiana; Montgomery County (Dayton), Ohio; Hamilton County (Cincinnati), Ohio; and Cuyahoga County (Cleveland), Ohio.

5. Maricopa County (Phoenix), Arizona; Denver, Colorado; Cook County (Chicago), Illinois; Lucas County (Toledo, Ohio); Essex County (Newark), New Jersey (terminated); Oregon; and Philadelphia, Pennsylvania.

6. Essex County (Newark), New Jersey.

7. Michigan, Minnesota (juvenile offenses); Pennsylvania, Rhode Island; South Carolina; Vermont.

8. Clayton County (Jonesboro), Georgia; Third Judicial District (Shawnee County), Kansas.

9. Florida; Maryland.

10. Connecticut; Indiana; Massachusetts; Michigan; Minnesota (adult felony).

11. Denver, Colorado; Cook County (Chicago), Illinois; New Orleans, Louisiana; Essex County (Newark), New Jersey.

12. Alaska; Minnesota (adult felonies); New Jersey; Oregon; Utah; Washington.

13. Maricopa (Phoenix), Arizona; Cook County (Chicago), Illinois; Lucas County (Toledo), Ohio; Cuyahoga County (Cleveland), Ohio; Philadelphia, Pennsylvania.

14. Nebraska; Virginia.

15. California; Delaware; Hawaii; Illinois; North Carolina; North Dakota.

16. Alaska; District of Columbia; Florida; Maine; Michigan; Tenth District Court (Clark County), Nevada; New York; Wisconsin.
17. Alaska; Florida; Michigan.

18. California; Delaware; District of Columbia; Hawaii; Illinois; New York; North Carolina; South Carolina; Vermont; Virginia.

19. Denver, Colorado; Connecticut; Wisconsin.
## CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT

### SENTENCING RESEARCH/GUIDELINES PROJECTS

**Summary of State and Local Activities**

**As of April 15, 1980**

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*This section is completed only for those jurisdictions in which a sentencing study was conducted independent of a subsequent guidelines project.*

1. Guidelines developed for drug offenses; in the future, guidelines for other offenses may be developed.
2. Original guidelines modified in 1980 to comply with new code.
3. No longer operational because of new code's sentencing provisions.
4. Proposed guidelines defeated by legislature.
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5Provisions reflected in subsequent legislation
**CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT**

**SENTENCING RESEARCH/GUIDELINES PROJECTS**

Summary of State and Local Activities

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- **MARYLAND**
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- **MASSACHUSETTS**
  - X
- **MICHIGAN**
  - X
- **MINNESOTA**
  - Adult Felony Project (Statutory)
    - Study under way
    - Being dev. effective May 1, 1980
  - Juvenile Project
    - Study completed
    - Project Scope
      - State
      - Local
      - Multi-juris.

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5Pilot testing scheduled to begin July 1, 1980

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*Terminated in 1978 when state guidelines became effective.*
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## Summary of State and Local Activities

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*This section is completed only for those jurisdictions in which a sentencing study was conducted independent of a subsequent guidelines project.*
I SENTENCING RESEARCH PROJECTS:

Summary of State and Local Activities as of April 15, 1980
II DESCRIPTION OF SENTENCING REFORM ACTIVITIES BY STATE
SUMMARY OF ACTIVITY

State Level

No sentencing guidelines activity is presently occurring in Alabama. The state recently implemented a new criminal code (January 1980) which retains the state's basic determinate sentencing structure but creates classifications of crimes and narrows slightly judicial discretion in sentencing. The Office of the State Court Administrator expanded the range of sentencing information which it collects. This expanded data base may eventually be used to conduct a statewide sentencing study.

Local Level

None

PROVISIONS FOR APPELLATE REVIEW

Any sentence handed down in Municipal or District Court can be appealed, de novo, to the Circuit Court. There are no juries in Alabama District Courts. There is no other provision for appellate review of sentencing unless the sentence exceeds the maximum penalty allowed by statute.

INDIVIDUALS WHO CAN PROVIDE FURTHER INFORMATION

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State Level

In July 1978, a Committee of the Judicial Council was established by the Chief Justice to consider sentencing practices. The Committee is composed of three judges (two from the Superior Court and one from the District Court), the state Public Defender, the Chief Prosecutor for the state and representatives from the state's three minority groups. The data used by the Committee has been gathered during the course of various justice system research projects conducted in the state.

A set of sentencing guidelines was recently developed for drug offenses, particularly those related to drug sales, with data developed during the course of a plea bargaining study funded by LEAA's NILECJ. During that study, information on 200 variables for approximately 1500 convictions covering the period of August 1976 through August 1979 was collected. The guidelines will be used on an experimental basis by Superior Court Judges for six months and will then be reassessed in light of the experience during the pilot period.

In May 1980, Judicial Council staff will meet with the Committee to decide on what other offenses might be appropriate to guideline development.

Effective January 1980, a new Criminal Code in Alaska made second felony offenders subject to a presumptive sentencing statute.

Local Level

None

PROVISIONS FOR APPELLATE REVIEW

Sentences of over one year are appealable on grounds of excessive-ness. The state can also appeal to the Supreme Court on the grounds that the sentence is too lenient. The Supreme Court can only reverse the sentence; it cannot lengthen it.

INFORMATIONS

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SUMMARY OF ACTIVITY

State Level

No statewide sentencing guidelines activity is being conducted. The state has an indeterminate sentencing law which has been retained even after the new criminal code became effective October 1, 1978. The new Code changes some sentence lengths and establishes a presumptive sentencing scheme.

Local Level

Sentencing guidelines were developed in Maricopa County (Phoenix) under a grant from LEAA's NILECJ. The guidelines were in use for approximately one year at the time when the new criminal code became effective. This new code reduced the range of cases to which the guidelines could be applied. During the period in which the guidelines operated, analysis was made of the correlation between the sentences recommended by the guidelines and those actually imposed. Preliminary results of this analysis indicated that the guidelines were followed in approximately 85% of the cases in which length of sentence was at issue.

In 1979, technical assistance services were provided by the CCTAP to provide recommendations to the Court as to the necessary modifications which should be made in the guidelines to make them consistent with the new state code. The report of this study was completed in March 1980 and will be the basis for renewed use of the guidelines. Responsibility for data collection and monitoring for the project has now been turned over to the Superior Court's Court Administrator's office.

Permissible only for serious abuse of discretion.

PROVISIONS FOR APPELLATE REVIEW

INDIVIDUALS WHO CAN PROVIDE FURTHER INFORMATION

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*Provided the information for this summary.
SUMMARY OF ACTIVITY

State Level
There is presently no sentencing guideline activity in Arkansas. A new criminal code, effective since 1975, revised the classification of crimes and some sentence provisions.

Local Level
None

PROVISIONS FOR APPELLATE REVIEW
None, unless sentence exceeds statutory levels.

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State Level

For felonies committed prior to July 1, 1977, California applied an indeterminate sentencing scheme under which the principal decision of the judge was whether or not to imprison. The length of prison stay for those incarcerated was determined by the parole board. For most felonies committed after July 1, 1977, a determinate sentencing statute requires the judge to make a sentencing decision based on three possible sentence lengths established for each crime. The new statute vests responsibility for collecting and analyzing sentencing data in the State Judicial Council. Preliminary evaluations of the operation of the new law indicated: (1) there have been two major increases in statutory sentence length in the short time since the Legislature began trying to set precise sentences; (2) prison populations are increasing primarily because less serious felonies are sentenced to state prison rather than to jail and probation (judges apparently feel more comfortable giving prison terms because they know the sentence is not of indefinite length); and (3) some of the discretion which has been removed from the parole board has moved to the prosecutor function where plea bargaining is deemed an effective method for controlling sentence length. The Judicial Council adopts rules giving sentencing criteria. These are not quantitative and have no relationship to statistically derived "guidelines".

The California Legislature has recently awarded private contracts for brief studies on: (1) projected prison populations; (2) alternatives to incarceration; and (3) the impact of determinate sentencing and the feasibility of a sentencing commission. The third study which is being conducted by Arthur D. Little, Inc. is scheduled for completion in late May 1980. Included in this study will be a brief overview of statewide sentencing guidelines activity with particular emphasis on developments in Pennsylvania, N.J., Minnesota, and Massachusetts.

Even if this study recommends the use of sentencing guidelines, it would take a minimum of several years before such guidelines could be developed. The likelihood of a legislative mandate for sentencing guidelines study will be affected by a upcoming referendum that would cut state income taxes in half and the normal delay which is implicit in most legislation.

Local Level

None

The new sentencing law originally provided for appellate review. Although this provision was not completed in the final version of the draft, it is generally felt that the new procedural requirement for sentence determinations will permit considerable opportunity for sentence review.

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**Directing LEAA project comparing sentencing systems of California and Oregon. The project's report should be available by December, 1980.
SUMMARY OF ACTIVITY

State Level

At one time, interest in developing statewide sentencing guidelines had been expressed; however, a presumptive sentencing statute became effective July 1, 1979. At the time of implementation, it was felt that guideline development might still proceed on a local basis.

Local Level

Denver (the 2nd Judicial District of Colorado) was the first jurisdiction to implement sentencing guidelines in the U.S. The city was one of four cities participating in the Sentencing Guidelines Feasibility Study undertaken by the Criminal Justice Research Center (CJRC) under the sponsorship of LEAA's NILECJ. Actual use of the guidelines began in accordance with the design established by CJRC. The Colorado Judicial Department began collecting data on sentencing decisions to permit comparison with the sentencing grids established for the guidelines and to identify necessary modifications which should be made after the guidelines were in use. Although periodic (six-month) analyses were made, no modifications were deemed necessary. In July 1979, however, when the new presumptive sentencing statute became effective, use of the guidelines diminished. Although a few judges still refer to the guidelines, they are not considered very reliable because they are geared to the range of sentences for offenses governed by the prior law which has now been totally changed.

Under the new presumptive sentencing statute, automatic review is available for any sentence outside the range provided for that class of felony.

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SUMMARY OF ACTIVITY

State Level

In 1978, the Connecticut Legislature authorized the Connecticut Justice Commission (SPA) to explore the feasibility of developing statewide sentencing guidelines. A sentencing study commission was established which developed a set of proposed guidelines based on a sample of 650 cases which, it was anticipated, would be validated by a larger sample. These proposed guidelines were incorporated into a bill which was subsequently defeated by the Legislature. Among the criticisms offered of the guidelines was that no account had been made of their potential impact on the operations of the state's attorney and that the proposed methodology for guideline construction was deficient. The study commission subsequently conducted additional research and reported its findings to the Judiciary Committee. The findings are incorporated in a recently introduced bill which provides for a determinate sentencing structure, expanded sentencing review procedures, but no sentencing guidelines. As of this writing, no action has been taken on this bill.

The CCTAP provided consultant assistance to the Commission on two occasions. In September 1979, Hon. Stanley Goodfarb of the Maricopa County, Arizona Superior Court, Jack Kress of the School of Criminal Justice at SUNY-Albany and John Packel, Director of the Appellate Division of the Philadelphia, Pa. Defender Association, met with Commission members to discuss the concept of sentencing guidelines and how their implementation might affect the judiciary, defense and prosecutor functions. In January 1980, Mr. Kress returned to Connecticut to meet again with the Commission to review and critique its draft report. This meeting produced discussion of substantive and procedural aspects of the report.

Local Level

None

PROVISIONS FOR APPELATE REVIEW

Sentences of three years or more may be appealed to a three judge panel of the Superior Court. Legislation has been introduced which would allow review of sentences of one year or greater.

INDIVIDUALS WHO CAN PROVIDE FURTHER INFORMATION

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*Provided the information for this summary.
A determinate sentencing structure was adopted in Delaware in 1975 as part of a statute revising the state's criminal code. The sentencing provisions were designed to reduce sentencing disparity in the state. One result has been an increase in the prison population. The Delaware Criminal Justice Planning Commission, through a grant from the National Institute of Corrections, has been studying the systemwide impact of the present structure and alternative sentencing schemes. The study incorporates the University of Kentucky SPACE Model (Simulated Population from Arrest to Corrections through Exit). The report of this study should be available soon. Several bills presently before the legislature provide for the replacement of the present determinate sentencing structure with either a presumptive or flat-time structure.

Local Level

None

PROVISIONS FOR APPELLATE REVIEW

None

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State Level

As a result of a recently completed study by the D.C. Law Reform Commission, a new criminal code for the District of Columbia has been proposed. The code would shift the present indeterminate sentencing structure to a more presumptive structure. One of the recommendations made in the study was the establishment of a sentencing scheme which would permit a 15% deviation in either direction. Community hearings on the proposed code are now near completion. No sentencing guidelines study, per se, has been recommended by the Commission.

The Social Services Division of the D.C. Superior Court, under which probation services are provided, has instituted several sentencing efforts. Six probation officers involved in a juvenile restitution project have used grids to formulate sentence recommendations for over one year. These grids were developed by the Center for Community Justice. The Division has also recently completed a sentencing disparity study on adult offenders serving restitution sentences. The results may lead to the use of sentencing guidelines in restitution sentences for adults.

The present system contains no provision for appellate review of sentencing. The proposed code would allow for appellate review of sentencing by the prosecution and defense in some cases, e.g. when the sentence does not conform to the presumptive sentence prescribed for the crime in question.

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SUMMARY OF ACTIVITY

State Level

During 1977-1978, the State Court Administrator's Office (AOC) conducted a research study, funded by LEAA block grant support, to gather information on sentencing practices in the state. An advisory committee composed of judges, prosecutors and public defenders was established to work with the AOC staff on the project. As a result of that study, a recommendation was made to the Florida Supreme Court that the state develop sentencing guidelines and also establish sentencing review panels composed of three circuit judges to review, on appeal, sentences outside of the guidelines.

The AOC subsequently applied to LEAA for funds under NILECJ's Multi-Jurisdictional Test Design Program to conduct a sentencing guidelines study. Included in the proposed study were an analysis of a 1,000 case data sample collected from the state's twenty judicial circuits, an examination of pre-sentence investigation reports, a study of the effect of plea bargaining on the sentence decision-making process, and an examination of the feasibility of developing guidelines for misdemeanor offenses. The award for this grant was made in the fall of 1979, with $259,000 funding provided.

Four circuits have been selected for the study: an urban circuit (4th Judicial Circuit - Jacksonville - located in the northern portion of the state); two rural circuits (the 10th Judicial Circuit - Bartow - located in the south and the 14th Judicial Circuit - Panama City - located in the north); and a suburban circuit (15th Judicial Circuit - Palm Beach). These circuits were selected on the basis of the case processing information available, the geographical representation in the state, and the interest of the judges involved.

The project has now developed a draft code book and coding instrument which is being pre-tested. Efforts are now under way to develop the universe of convicted felons in the four circuits for the period of July 1, 1976-June 30, 1979 during which time sentencing patterns for offenders arrested during the period will be analysed. One of the problems which project staff are addressing is the different methods used among the circuits for recording offense and offender statistics.

An advisory Board has been established for the project which consists of four voting members represented by the Chief Judge of each of the circuits studied. The Chief Justice serves as a fifth member of the board and votes in case of a tie. Eight additional ex officio members serve on the board, but have no voting power. These ex officio members are: a state senator; a state representative; the Parole Commissioner; a criminologist; a public defender from one of the four circuits studied; the state's attorney from one of the four circuits studied; a representative
from the State Trial Judges Association and a representative from the State Bar Association.

It is anticipated that the guidelines will be developed and ready for implementation by January 1, 1981. Upon the approval of the four voting members of the Advisory Board, they will be tested for one year.

Local Level

None

None

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State Level

The Georgia Administrative Office of the Courts (AOC) had considered the possibility of developing sentencing guidelines under NICLEJU's Multi-Jurisdictional Test Design Program. However, requisite representation of local courts with the appropriate population and information base was not possible and the program was therefore not explored further.

Local Level

The CCTAP has been providing technical assistance to the Clayton County Superior Court over an 18-month period to assist that court in developing and implementing a local sentencing guidelines program. Since existing data was not adequate for guidelines development, the CCTAP has been working with the 3-judge court to develop a program for collecting data on future sentencing decisions and a set of informal guidelines for interim use.

Appellate review of sentencing has existed in Georgia for three years. A 3-judge panel composed of trial court judges who are rotated every three months reviews all petitions for review of sentences of 5 years or more. The panel is empowered to lower but not raise the sentence. Over the 3-year period in which this review has taken place, 7% of the approximately 3,000 sentences reviewed have been reduced.

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SUMMARY OF ACTIVITY

State Level

Currently, the state has an indeterminate sentencing scheme which leaves the sentencing decision to the discretion of one judge. The Office of the Administrative Director of the Courts, however, began a statewide sentencing project in October 1979. Its purpose is to examine national activities in the area of determinate sentencing and to determine, specifically, issues which should be addressed by the State justice system of Hawaii should Hawaii move toward a determinate sentencing structure. This process includes reviewing recent literature and state code provisions concerning determinate sentencing. The project employs one full-time and one half-time staff member. It is governed by an 18 member Advisory Committee comprised of a broad range of representatives from the criminal justice system. The project is 90% funded by an LEAA grant.

Local Level

None.

PROVISIONS FOR APPELLATE REVIEW

Hawaii common law provides for appeal of a sentence on the grounds of abuse of discretion.

INDIVIDUALS WHO CAN PROVIDE FURTHER INFORMATION

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SUMMARY OF ACTIVITY

State Level

There is presently no sentencing guidelines activity in the state. A constitutional amendment provides for mandatory minimum sentencing. Court rules also provide for minimum standards in sentencing and require specific findings on the record in order for judgment to be withheld and the case to be dismissed.

Local Level

None

PROVISIONS FOR APPELLATE REVIEW

None, unless sentence is outside of statutory limits.

INDIVIDUALS WHO CAN PROVIDE FURTHER INFORMATION

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**State Level**

For crimes committed after February, 1978, a determinate sentencing scheme provides a narrow range of permissible sentences for each offense. The statute also provides for the establishment of a criminal sentencing commission to develop sentencing guidelines and conduct other sentencing studies. In 1979, the commission was created. It is presently conducting a sentencing study which may lead to the development of sentencing guidelines for Illinois. No deadline has been set for the report of the sentencing study.

**Local Level**

Cook County uses sentencing guidelines which were developed as part of a pilot study conducted by the Criminal Justice Research Center (CJRC) under LEAA's NILECJ grant. Data regarding offender characteristics (past record, past incarceration, etc.) and offense characteristics (use of a weapon, injury to victim, etc.) is collected from all Cook County Criminal Court Judges. The use of the guidelines is not mandatory and a written explanation for deviations is not required.

Du Page County, located in suburban Chicago, had recently explored the possibility of developing sentencing guidelines. Action on this project has been deferred because of sentencing guideline activity on the state level.

**PROVISIONS FOR APPELLATE REVIEW**

Appellate Courts can review sentences on the grounds that they are inappropriate for the offense or offender in question. Sentences can be increased or decreased.

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*Provided the information for this summary.
**State Level**

The Indiana criminal code, adopted in 1977, establishes narrowly defined or presumptive sentencing. As a result, sentencing guideline activity has been given a low priority by the State Sentencing Commission. There are no active efforts to develop sentencing guidelines at this time.

Prior to implementation of the new code, the state's Criminal Law Study Commission conducted a survey of sentencing practices in twelve of ninety-two counties. The study was assisted by the Ohio Bar Foundation which had experience in developing sentencing guidelines. Although the study's Project Director, Professor Kerr, described the findings as "tentative", they were used to develop a set of guidelines which were disseminated statewide. The guidelines have been cited in state appellate decisions. Professor Kerr hopes to conduct a more extensive sentencing guideline effort but has no immediate plans to do so.

**Local Level**

None

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**PROVISIONS FOR APPELLATE REVIEW**

The Circuit and Supreme Courts have had the authority to create rules allowing them to review sentences of lower courts since 1970. However, they did not choose to exercise that authority until January 1978. The two existing rules concerning sentencing review which were adopted in 1978 narrowly define conditions under which review can take place.

**INDIVIDUALS WHO CAN PROVIDE FURTHER INFORMATION**

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<th>William A. Kerr*</th>
<th>Executive Director</th>
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<td>Indiana Judicial Center</td>
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<tr>
<td>600 North Alabama Street</td>
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<td>Indianapolis, Indiana 46204 - (317) 232-1313</td>
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<th>Hon. James Richards*</th>
<th>Lake County Superior Court</th>
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<td>P. O. Box 726</td>
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<td>Hammond, Indiana 46320 - (219) 931-4620</td>
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*Provided the information for this summary.
SUMMARY OF ACTIVITY

State Level

Much interest in sentencing analysis has been expressed by Judge Anthony Critelli who serves on the Fifth Judicial Circuit Court and has been a member of the Steering and Policy Committee of LEAA's NILECJ study on Sentencing and Judicial Discretion. In June 1978, Jack Kress of the Criminal Justice Research Center (CJRC) in Albany conducted a seminar for judges as part of a Continuing Judicial Educator meeting. Response to the seminar was very favorable and both judges and parole board members have appeared interested in developing guidelines. A bill which would create a limited form of sentencing guidelines has been introduced in the 1979-80 legislative session. Passage of this bill, however, appears doubtful. The state's Chief Justice has expressed interest in the development of sentencing guidelines and may create a study group to examine the subject. If sentencing guidelines are determined to be a useful aid to the judges, such guidelines possibly could be instituted through court rules if passage of a statute is not possible.

Local Level

None

PROVISIONS FOR APPELLATE REVIEW

None

INDIVIDUALS

Hon. Anthony Critelli*

WHO CAN PROVIDE

Polk County Courthouse

FURTHER INFORMATION

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*Provided the information for this summary.
SUMMARY OF ACTIVITY

State Level

There is presently no sentencing guidelines activity on a statewide level in Kansas. Judge Michael Barbara of the Third Judicial District, however, is quite interested in developing guidelines. In 1977, Judge Barbara organized a sentencing guidelines presentation by Arthur Gelman of the Criminal Justice Research Center and Judge Clifton Flowers of the Denver District Court. The meeting did not generate sufficient interest in sentencing guidelines and no statewide activity has occurred since that time. However, Judge Barbara remains interested in the development of statewide guidelines and feels that recent events may lead to greater interest in the guidelines. These events include the statewide unification of the District Court system, new legislation which requires judges to deal with variable maximum sentences, and a recent state Supreme Court decision reversing a lower court's sentence of an offender despite the fact that the sentence was within the statute's authorization. Judge Barbara is, however, active in developing guidelines on a pilot basis in the Third Judicial District (see below).

Local Level

The Third Judicial District (Shawnee County) in Topeka, is presently developing guideline grids for use in a pilot program. These grids have been developed with the assistance of the Criminal Justice Research Center in Albany.

Sentences are reviewable by the State Supreme Court if they are outside of the sentence lengths prescribed by statute.

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*Provided the information for this summary.
STATE LEVEL

Any formal effort to begin work on sentencing guidelines is contingent upon a bill pending in the legislature. The bill would allow judges to sentence convicted criminals. Presently, juries decide sentences unless a guilty plea is entered. If the bill passes, the Administrative Office of the Courts would investigate the use of sentencing guidelines. Passage of the bill in this session appears doubtful.

LOCAL LEVEL

Kentucky provides for mandatory review of capital punishment sentences.

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SUMMARY OF ACTIVITY

State Level

There is presently no sentencing guidelines activity underway. Interest has been expressed on the subject, however, by both the Legislature and the Governor.

Local Level

Orleans Parish, which handles 32% of the state’s criminal docket, received a grant in 1979 from the Louisiana Commission on Law Enforcement and Administration of Criminal Justice (SPA) to develop guidelines on the basis of 1,300 of the 6,000 misdemeanor and felony cases disposed of in 1978. It was anticipated that the guidelines would be tested out over a six-month trial period during which five of the ten sections of the Orleans Parish Criminal District Court would use the guidelines. The results of the sentencing guidelines effort would then be reassessed.

The study began on April 1, 1979 with data collection completed on December 30, 1979. The crimes covered by the study were: murder, armed robbery, theft, burglary, weapons violations, assault, and simple theft. The offenses selected were those most frequently committed in the Parish. The guidelines will be finalized on April 15 and will be tested out for the six-month pilot period beginning on July 1, 1980.

The Legislature has mandated the provision of sentence review and the State Supreme Court has recently overturned a sentence on the grounds that it was too harsh.

PROVISIONS FOR APPELLATE REVIEW

INDIVIDUALS WHO CAN PROVIDE FURTHER INFORMATION

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**State Level**

A new criminal code became effective May 1, 1976 and a grant was awarded by LEAA's NILECJ to Pennsylvania State University to assess the effect of the new code in various areas, including sentencing. Among the provisions of the code were the establishment of determinate sentencing and the abolition of parole. Since enactment of the statute, the state has expanded its sentencing data collection activities. No sentencing studies are, however, presently underway. The state's judiciary is required by statute to hold an institute every three years for the purpose of discussing sentencing practices. Their next meeting is scheduled for 1981.

**Local Level**

None

**PROVISIONS FOR APPELLATE REVIEW**

A three judge Appellate Division of the Supreme Court is charged with the sole function of reviewing appealed sentences. Sentences must exceed one year to qualify for review.

**INDIVIDUALS**

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*Provided the information for this summary.
State Level

A Sentencing Study Committee of the Judicial Conference, working in conjunction with the State Administrative Office of the Courts, recommended to the Conference that consideration be given to developing sentencing guidelines for the state. An application was submitted to LEAA's NILECO requesting funds to permit participation in the multijurisdictional field test design program. A grant was awarded on September 30, 1979, and a project director was hired on December 3. During the project's first year, sentencing data will be analyzed and guidelines developed. The second year will be devoted to guidelines implementation and refinement. The Legislature has agreed to defer consideration of any sentencing statutes until the guidelines project is completed.

An Advisory Board for the project has been established, composed of 10 circuit court judges from Baltimore City, Montgomery County, Prince George's County, and Harford County -- the jurisdictions participating in the project. In addition, these 10 circuit judges have selected 7 ex officio members of the Board representing the Parole Board; the Secretary for Public Safety and Corrections; the Chief Legislative Officer from the Governor's Office; the State's Attorney Coordinator; the Chairman of the Judiciary Committee of the House of Delegates; the Chairman of the Judicial Procedures Committee of the State Senate; and the Public Defender.

Local Level

None

PROVISIONS FOR APPELLATE REVIEW

None. However, a defendant can request review of a sentence by a three-judge panel of Circuit Court judges.

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The Massachusetts Committee on Criminal Justice (SPA) awarded the Superior Court funds to develop and implement statewide sentencing guidelines. The Superior Court has jurisdiction over all felonies in the state. The Project began in July 1978, with data collection completed in September 1979. The guidelines will cover all felonies and, among other factors, will take into account the following information relating to the offense: (1) the use of a firearm (gun); (2) the use of a knife or other dangerous weapon; (3) the offender's prior record; and (4) the injury of each victim.

Sentencing information was analyzed during September and October. In early November the guidelines were tested in several courts. The testing revealed that sentences imposed complied generally with the guideline ranges. The guidelines are now being proposed for adoption by the Superior Court judges.

**Local Level**

None

**PROVISIONS FOR APPELLATE REVIEW**

Although, by statute, a defendant in specifically noted crimes can appeal the sentence, in practice this right of appeal is available to all defendants. Petition for review must be filed in the Appellate Division of the Superior Court within 10 days of disposition. Approximately 3-6 percent of the sentences appealed are changed.

**INDIVIDUALS WHO CAN PROVIDE FURTHER INFORMATION**

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State Level

In 1979, the Michigan Administrative Office of the Courts completed a one-year study funded by LEAA for the purpose of establishing baseline data on sentencing practices and developing guidelines and a suggested legal framework for guidelines implementation. Approximately 400 items of information were collected for each case studied. The Project relied heavily on the methods for information gathering used by the New Jersey Administrative Office of the Courts and staff of that office provided technical assistance to the Michigan project. Phase I of the project concluded with a report, "Sentencing in Michigan", submitted to the Governor, Legislature, and Supreme Court.

In November 1979, Phase II of the project began and will conclude in May 1980. During this phase, the Advisory Committee is utilizing felony sentencing project data and working with staff of the project to develop prototype guidelines. A report of this effort will be submitted to the Supreme Court. The project plans to field test the guidelines and develop a monitoring system before finalizing them and submitting them for advisory use to the judiciary.

Local Level

None

No provisions presently exist. A few cases have been appealed successfully on constitutional grounds, namely the prohibition against cruel and unusual punishment. The Code Revision Committee of the Michigan State Bar Association recently supported limited appellate review. The Michigan Felony Sentencing Project is currently studying the issue and will make recommendations to its Steering Committee.

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State Level

Adult Felony Project (Statutory)

Minnesota has been operating under an indeterminate sentencing practice, with paroling and early discharge authority vested in the Minnesota Corrections Board, a full-time parole board. In 1978, the Minnesota Legislature, after three years of active debate over determinate, indeterminate or fixed sentencing,

The Commission submitted the guidelines to the Legislature on January 1, 1980 and, because the 1980 Legislature took no action to the contrary, they will go into effect for persons convicted of crimes on or after May 1, 1980. The guidelines are not retroactive, and the Minnesota Corrections Board (the Adult parole authority) will continue with jurisdiction over individuals imprisoned for offenses committed before May 1, 1980.

The Commission is now conducting thirty training sessions for judges, prosecutors, defenders (public and private), and probation officers. Twenty initial training sessions will be completed by June 6, 1980, and ten follow-up sessions will be completed by mid-July. Staff has developed guideline application forms and a monitoring system in conjunction with the state judicial information system, which will provide monitoring and evaluation data on every felony sentence. An evaluation design is being developed to assess the effectiveness of the guidelines in reducing disparity. A special study is being designed to assess the impact of the guidelines, if any, on plea negotiation practices.

In March 1979, the Commission received a $7,500 grant from the National Institute of Corrections (NIC) to develop a model to project the prison population impact of optional guidelines development. Recently, NIC has granted a supplemental award to improve the projection model and to publish and disseminate information on its use. The model will be used in monitoring the guidelines as well.

The Legislature appropriated $200,000 for the balance of the biennium ending on June 30, 1979, and $194,500 for each year of the biennium ending on June 30, 1981. In January, 1980, the Legislative Advisory Committee granted an additional $17,000 for the fiscal year ending June 30, 1980.
Juvenile Project

In September 1979, the Correctional Service of Minnesota, a privately funded criminal justice organization, began data collection on juvenile sentencing dispositions to determine the existence and extent of sentencing disparity in the Juvenile Courts of Minnesota. The study will be based upon a sample obtained from one urban county, several suburban counties, and a few rural counties.

The project will develop recommendations regarding factors which should be considered in dispositional determination, elements for a statewide tracking system and dispositional guidelines.

The project is served by an Advisory Panel composed of 7-8 juvenile judges and representatives from the Service’s Board of Directors who work with numerous individuals in the state’s justice system who provide advice and comment on the guideline effort.

The study began as a result of the Service’s involvement several years ago with the determinate sentencing bill then under consideration by the Legislature. The Service’s Board of Directors opposed the bill and directed a short-term study which was instrumental in defeating the bill and establishing the Sentencing Guidelines Commission. During the course of this effort, it was found that those supporting sentencing guidelines for adult offenses also supported their use for juveniles.

SUMMARY OF ACTIVITY

Local Level

No

PROVISIONS FOR APPELLATE REVIEW (Adult Felonies Only)

No sentence review had existed unless a violation of the statute was shown. New legislation, however, provides an unlimited right of appeal by both the prosecution and the defendant for any sentence issued on a showing of illegality or disparity with other sentences for similar offenses. This legislation is effective as of May 1, 1980

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Adult Felony Project (Statutory)

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Jan Smaby
Chairperson
Minnesota Sentencing Guidelines Commission
2308A Government Center
Minneapolis, Minnesota 55487
<table>
<thead>
<tr>
<th>SUMMARY OF ACTIVITY</th>
<th>PROVISIONS FOR APPELATE REVIEW</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State Level</strong></td>
<td>None, unless the sentence given is outside the statutory authorization.</td>
</tr>
<tr>
<td>Efforts by the State Court Administrator's Office to assess the feasibility of sentencing guidelines have been hampered by lack of time and resources. Interest in sentencing reform by some judges and judicial planners continues but, to date, no plans for action exist.</td>
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<table>
<thead>
<tr>
<th>INDIVIDUALS</th>
<th>Terry Brummer*</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHO CAN PROVIDE</td>
<td>Director Planning, Research, and Training</td>
</tr>
<tr>
<td>FURTHER INFORMATION</td>
<td>Office of the State Court Administrator 1105 Rear Southwest Blvd. Jefferson City, Missouri 65101 314/751-4377</td>
</tr>
</tbody>
</table>

*Provided the information for this summary.
State Level

Prompted by concern on the part of both justice system staff and the public, a committee of the Judicial Council was created to explore the feasibility of sentencing guidelines. In 1979, Hon. Gordon R. Bennett of the First Judicial District Court in Helena, Chairman of the Committee, requested assistance from the CCTAP to pursue this task. Judge Bennett and Clyde Peterson of the Board of Crime Control (SPA), which would have provided staff support for such an effort, attended the 1979 Sentencing Guidelines Workshop in Cincinnati. However, during the months following the workshop, support for further exploring the feasibility of sentencing guidelines was not apparent and no further technical assistance was provided. Presently, the Montana legislature is considering proposals which are indicative of popular support for a determinate or mandatory sentencing structure—a departure from the prior interest in sentencing guidelines.

Local Level

None

PROVISIONS FOR APPELLATE REVIEW

The Sentencing Review Board composed of three District Court Judges appointed by the Supreme Court meets at the prison and every state inmate has a right to request a review of his/her sentence. The Board may raise or lower the original sentence.

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On January 1, 1979, a new criminal code took effect which includes a classification scheme for all crimes and expands the discretion available to the sentencing judge. Nebraska may soon undertake a sentencing disparity study with funds provided under a larger LEAA Fundamental Court Improvement Program effort in the state. Results of the proposed study would determine whether sentencing disparity exists and the direction for future work in the area of sentencing reform.

Local Level

None

The State Bar Association has proposed to the Legislature that provision be made for appellate review of sentences. The Legislature asked the Bar Association to study this issue further. No further legislative action has been taken.

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SUMMARY OF ACTIVITY

State Level

The 1979 Legislature passed a bill which establishes uniformity in fines levied in misdemeanor and felony cases. Otherwise, there is no formal activity at present in the area of sentencing reform/sentencing guidelines development.

Local Level

Judge Paul Goldman, Chief Judge of the 10th District Court in Las Vegas, conducted a small sentencing study in his court last year. It was hoped that the study would lead to broader interest and activity in sentencing guidelines. However, it appears the study has generated little or no further action.

PROVISIONS FOR APPELLATE REVIEW

None

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**SUMMARY OF ACTIVITY**

**State Level**

There is presently no formal sentencing guidelines activity in New Hampshire. A recent Judicial Conference addressed the issue of sentencing disparities. Participating judges were presented with various hypothetical situations and asked to issue an appropriate sentence. The session generated considerable interest among the judges although no further activity on the subject has been undertaken. When the state judiciary meets this summer, they will discuss, among other things, standardizing traffic fines.

**Local Level**

None

**PROVISIONS FOR APPELLATE REVIEW**

The Sentence Review Commission composed of trial court judges is available to review the sentence of anyone convicted in the state. The Commission may raise or lower a sentence.

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Summary of Activity

State Level

In 1978, the Administrative Office of the Courts completed a two year analysis of all New Jersey criminal sentences (approximately 15,000 cases) and developed guidelines based upon this analysis which were implemented in the state's trial courts in October 1978. In developing the guidelines, each case was coded according to 840 items of information relating to the offender, offense, victim, judge assigned, attorney of record, and other factors. Since the guidelines have been in operation, their use has been monitored so that appropriate modifications could be made if needed.

Recently, the Legislature passed a new Model Penal Code which has changed the range of sentences for a number of offenses as well as made other changes in the code which have impact on the guidelines.

Consideration is presently being given to possible modifications which will now be required in the guidelines program. Although they are still relevant for the in/out decision and for considering whether a weapon was involved, the changing Code provisions regarding duration of sentence have impact on the guidelines.

The AOC is also considering the development of guidelines for juvenile offenses and support cases. Information in both of these areas is presently being collected.

Local Level

The Essex County (Newark) Courts developed local guidelines which were in use from July 1976 until the state guidelines became effective in 1978. The Essex County guidelines were developed during the feasibility and implementation study conducted by the Criminal Justice Research Center (CJRC) under LEAA's NILECJ sponsorship. The guidelines were challenged in Whitehead v. State, 159 N.J. 433, 388 A.2nd 280 (1978). The challenges were based on alleged violations of due process and equal protection rights and a claim that the guidelines constituted illegal local judicial rule-making. The New Jersey Supreme Court ruled against the petitioner on the basis of legal issues raised and did not reach a decision regarding the guidelines.

In New Jersey, sentences can be appealed as a matter of right and the great majority are. The standards by which the New Jersey Supreme Court considers these appeals are "manifest
excessiveness" or abuse of judicial discretion. It is felt that the statewide sentencing guidelines now in place will provide a new measure to consider when reviewing sentences.

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New Mexico implemented a new determinate sentencing structure on July 1, 1979. This structure provides statutory flat-time sentences by categories of offenses and replaces a former indeterminate sentencing system. Modifications of up to one-third of the prescribed sentences may be made by the sentencing judge, with the requirement, however, that reasons for such modification be given in writing. There are presently no plans to study the feasibility of sentencing guidelines. However, in 1978, a survey conducted by the AOC indicated that 50% of the state's judges were interested in considering sentencing guidelines.

**Local Level**

None

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SUMMARY OF
ACTIVITY

State Level

The Morganthau Committee, a special sentencing study body authorized by the Governor, has completed its work and reported its findings to the legislature. A State Bar Association Committee has also studied the subject. No legislation which incorporates these findings is expected to emerge from this session.

Local Level

None

PROVISIONS
FOR APPELLATE
REVIEW

New York allows appeals of sentences on the basis of excessiveness. The appeals go to the appropriate intermediate appellate court. This court may modify a sentence even if the original sentence was within the statutory limits. A bill which would authorize the creation of a sentencing review court is before the legislature.

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SUMMARY OF ACTIVITY

State Level

A new presumptive felony sentencing structure is scheduled for implementation in July 1980. The Supreme Court's Sentencing Procedure Committee will oversee a major sentencing study being conducted by Stevens H. Clarke of the Institute of Government at the University of North Carolina under a NIJ grant. The initial phase of the study will seek to identify factors affecting sentencing.

Mr. Clarke predicts a great deal of activity in sentencing reform in North Carolina in the next few years. Sentencing guidelines may be one result of this reform activity.

Local Level

None

PROVISIONS FOR APPELLATE REVIEW

Under the new felony sentencing structure, sentences handed down in jury trials which exceed statutory limits can be appealed to the Court of Appeals.

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**SUMMARY OF ACTIVITY**

**State Level**

A Sentencing Committee composed of members of the Judicial Council, Parole Board and the Warden of the State Correctional Institution has been established to explore the desirability of developing sentencing guidelines. The Committee, which is receiving staff support from the State Court Administrator's Office (AOC), has identified approximately 20 factors which appear relevant to the sentencing decision for felony cases. The AOC has been collecting this information in each felony case. This data is reported by case to each judge in a felony sentencing digest. This practice may give way to the dissemination of aggregate summaries of sentencing practices. Sentencing guidelines may result from this effort although there are no plans for their development at present. Judges have been generally receptive to this experiment.

**Local Level**

None

**PROVISIONS FOR APPELLATE REVIEW**

No provisions for appellate review exist at this time.

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State Level

No statewide sentencing guidelines activity is presently occurring in Ohio. However, the Ohio State Bar Foundation has prepared a publication, *Sentencing in Ohio,* that lists factors which a judge should take into account when making a sentencing decision. The publication displays guidelines for felony and misdemeanor offenses which were developed through a data collection effort prepared for the Ohio Judicial Conference in 1977. It includes a matrix which can be used to calculate sentences by offender and offense characteristics.

Local Level

Lucas County (Toledo) - Probation Officers have been using sentencing guidelines in their presentence reports for one and a half years. The guidelines have been adjusted once. The adjustment occurred six months after their implementation. There are no plans for further adjustments at present; however, any adjustments would require little effort. The guidelines have been well received by the judges.

Cuyahoga County (Cleveland) - Probation Officers are using sentencing guidelines which are a modified version of those developed by the Ohio Bar Foundation. The guidelines are incorporated in presentence recommendations which are used by twenty-seven of the thirty-one judges.

None

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**SUMMARY OF ACTIVITY**

**State Level**

At this time Oklahoma has no activity in sentencing guidelines. The Criminal Jurisprudence Committee of the State Senate is presently studying sentencing questions. A bill has been introduced which would require minimum mandatory sentences.

**Local Level**

None

**PROVISIONS FOR APPELLATE REVIEW**

Oklahoma law provides for appeal of lower court sentences to the Court of Criminal Appeals or the Supreme Court. The Court of Criminal Appeals has exclusive appellate jurisdiction in criminal cases. In the event of conflict over jurisdiction in other cases, the Supreme Court has overriding authority. The Court of Criminal Appeals is subject to the administrative control of the Supreme Court.

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SUMMARY OF ACTIVITY

State Level

In 1976, a set of guidelines were developed by the State Parole Board to deal with sentencing and parole decisions. The purpose of these guidelines was to articulate a public policy regarding sentencing and parole decisions which would be geared to the severity of the crime and the prior history of the defendant. The guidelines were developed to reflect this policy rather than any past practices or data analysis. In 1977, the Oregon Legislature passed a statute mandating the development of guidelines and thereby authorizing the guidelines developed by the Parole Board. The judiciary may make findings in open court regarding the severity level of an offense, the history risk score given for the particular case and any aggravating or mitigating circumstances involved; the Parole Board is then bound by these findings in applying the guidelines unless an error has been made. As a result of the guidelines, greater structure has been provided to both judicial and Parole Board decisions.

Local Level

None

PROVISIONS FOR APPELLATE REVIEW
Every sentence is reviewable through a post-conviction review by the Court of Appeals. Additional review can be sought on constitutional grounds.

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State Level

In November 1978, a bill mandating the development of sentencing Guidelines was passed by the Legislature, thus creating a Sentencing Commission which has responsibility for developing guidelines and submitting them to the Legislature for approval. The guidelines which will be developed will cover all misdemeanor and felony offenses (excluding summary offenses). The Commission began operations on April 27, 1979.

The Commission is composed of four legislators (two from the House and two from the Senate); four judges selected by the Chief Justice; three individuals appointed by the governor and representing the defense bar, the District Attorney and the academic community (law professor/criminologist). Terms on the Commission are for two years; none of the eleven members are required for a quorum. The Commission is authorized to write the guidelines and is statutorily required to take into account the offender's prior record and whether a weapon was used. The Commission has also been entrusted with broad powers to obtain information and has been designated the repository for sentencing information in the state. Funding for the Commission has been authorized by the Legislature in the amount of $200,000 for the current fiscal year.

The Commission is developing a draft set of guidelines which includes offense seriousness ranking, aggravating and mitigating offense factors, and offender characteristics. To help the Commission in making these decisions a survey has been conducted of all judges in the courts of common pleas, defense attorneys, district attorneys, public defenders, representatives of the police fraternal order and corrections officials. In addition, a baseline of information has been developed regarding sentencing practices in the state on the basis of a random sample of 3,066 cases sentenced in 1977.

In early May 1980, project staff will analyze the information gathered in accordance with the guidelines design. Interim guidelines will be developed in June, with public hearings scheduled for July. It is anticipated that the guidelines will then be submitted to the Legislature on September 1. The Legislature has 90 days within which it can reject the guidelines; otherwise, they will become operational on January 1, 1981.

Local Level

A local sentencing guidelines effort has been under way in the Philadelphia Court of Common Pleas, which handles felonies sentenceable to five years or over. The project is funded by the Court. On March 5, 1979, the guidelines became operational.
A monitoring system has subsequently been developed; no modifications, however, have been deemed necessary in the guidelines. Judges deviating from the guidelines must provide written reasons for the deviations. The Project is currently conducting a validation study using cases disposed of in 1979. The rate of compliance with the guidelines approximates 81%.

Presently, sentences can be appealed if they fall outside legislative minimums or maximums. Under the new legislation, the right of appeal is greatly extended and will extend to both the defense and prosecution.

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Saundra Dillio*
Court Program Analyst
Court Administration Planning Unit
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State Level

In 1979, at the request of the Chief Justice, a sentencing study was launched to review past sentencing practices and explore the feasibility of developing sentencing guidelines. The Rhode Island Governor's Justice Commission (SPA) awarded a $16,500 grant to provide assistance to the State Court Administrator's Office in conducting the study. An Advisory Committee was established for the project. The committee is chaired by a Supreme Court Justice and composed of three trial court judges, one District Judge, one Family Court Judge, the State Court Administrator, a state legislator, representatives from the public defender and prosecutor offices and a political science professor from Brown University.

The study was completed in November 1979. Essentially, two projects were conducted: (1) a study of sentencing practices by use of 14 hypothetical cases presented to all of the state's Superior and District Court judges for sentencing; and (2) analysis of responses to a questionnaire focusing upon problems perceived with pre-sentence reports. Analysis of the hypotheticals showed the potential for disparity in sentencing felony offenders; analysis of the questionnaire pointed up specific revisions that should be made in the pre-sentence reports.

Staff for the project was contributed by the AOC with advisory assistance provided by the National Center for State Courts.

The Committee has now developed Benchmarks, similar to those developed for the Second Circuit. The Committee is presently considering the development of a "model sentence" for approximately 30 offenses.

Local Level

None

Constitutionally, the Supreme Court has the inherent power to review sentences. In a recent Supreme Court case (State vs. Levitt), the Supreme Court noted that no sentence will be reviewed unless the record clearly shows that "there is no justification for the imposition of the sentence and that it is 'grossly disparate' from a sentence generally imposed for a similar offense.

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State Level

The Chief Justice has recently requested that a Sentencing Guidelines Committee be formed composed of Circuit Judges to develop recommendations regarding sentencing guidelines. Staff support to the Committee is being provided by the State Court Administrator's Office.

The project which began in mid-1979 is concentrating on nine felony and misdemeanor offenses for which information is most adequately available. The methodology used will then be applied to other offenses. The offenses which are being studied initially are: assault and battery of a high and aggravated nature; Blue Light violations (failure to stop for a law enforcement officer); carrying a pistol unlawfully; driving while intoxicated (second, third and fourth offenses); forgery; grand larceny; and receiving stolen goods. Data is being gathered for all offenses committed since January 1, 1978 in these categories.

The results of the project's analysis will be submitted to the Committee which will develop the guidelines and submit them for approval to the Chief Justice.

Local Level

None

PROVISIONS FOR APPELLATE REVIEW

INDIVIDUALS

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SUMMARY OF ACTIVITY

State Level
South Dakota has no sentencing guidelines activity at present.

Local Level
None

PROVISIONS FOR APPELLATE REVIEW

None

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**SUMMARY OF ACTIVITY**

**State Level**

Tennessee is not presently involved in sentencing guidelines activity. Legislation authorizing sentencing guideline research has not been introduced in this session as it has in previous sessions.

**Local Level**

None

**PROVISIONS FOR APPELLATE REVIEW**

None

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SUMMARY OF ACTIVITY

State Level
No sentencing guidelines or reform activities are under way or planned.

Local Level
None

PROVISIONS FOR APPELLATE REVIEW
Sentences can be appealed only if they exceed statutory punishment limits for that offense.

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## State Level

In response to Judicial Council recommendations, Utah has recently completed the development of sentencing guidelines which became operational July 1, 1979. The guidelines apply to capital felonies, Class B misdemeanors and jail decisions and will be used by the state’s District and Circuit Courts and Board of Pardon. The project, which was undertaken initially through the state Department of Public Safety, with work performed by Ernest Wright, a private contractor, was completed by the Division of Corrections and is operated by the Division’s Department of Adult Probation.

The guidelines consist of history/risk factors which were developed and reviewed with the state’s judges and then pilot tested. As part of the guidelines project, a uniform bail schedule has been developed. Although there has been no formal evaluation of the guidelines since implementation, the Division has conducted an empirical validation of closed cases. The project has found a close correlation between the history/risk factors identified for felons and recidivism rates; this correlation has not been found with misdemeanants however.

Under Utah’s judicial system provisions, judges have only limited sentencing authority; they recommend to the Board of Pardons, which has releasing authority and authority to determine sentence duration. The Board of Pardons sets the sentence subject to the judge’s recommendations. One effect of the guidelines project has thus been to tie together the activities and philosophies of the various justice agencies involved in the sentencing, correctional and release determination process.

## Local Level

None

<table>
<thead>
<tr>
<th>PROVISIONS FOR APPELLATE REVIEW</th>
<th>The Board of Pardons sentences and sets the releasing time in accordance with the judge's recommendations.</th>
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<tr>
<th>INDIVIDUALS</th>
<th>Hon. George E. Ballif</th>
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<tbody>
<tr>
<td>WHO CAN</td>
<td>4th District Court</td>
</tr>
<tr>
<td>PROVIDE</td>
<td>51 South University</td>
</tr>
<tr>
<td>FURTHER</td>
<td>Provo, Utah 84601</td>
</tr>
<tr>
<td>INFORMATION</td>
<td>801/373-5510</td>
</tr>
</tbody>
</table>

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Program Specialist
Utah Division of Corrections
150 West North Temple Street, Room 375
Salt Lake City, Utah 84103
801/533-4437

*Provided the information for this summary.
State Level

Although Vermont was an original pilot site for sentencing guidelines under the NILEC3 Multi-jurisdictional Test Design Program, sentencing guidelines activities were dropped for several years. Interest, however, was recently regenerated in the guidelines following attendance by several state judges at a conference on guidelines. Judge Lewis Springer of the District Court in St. Johnsbury was identified as among the judges most interested in guideline development. The AOC has recently received an award of $40,000 to develop guidelines for felonies and major misdemeanors. A three-judge Advisory Committee has been established for the project and a staff director has recently been hired.

Local Level

None

Vermont has no appellate review of sentencing. It does, however, have a provision for a 90-day sentence review in the trial court where sentencing originally occurred.

INDIVIDUALS
WHO CAN PROVIDE FURTHER INFORMATION
Michael Krell* State Court Administrator Vermont Supreme Court Montpelier, Vermont 05602 802/828-3281

Robert Squires Sentencing Guidelines Project Director Supreme Court of Vermont 111 State Street Montpelier, Vermont 05602 802/828-3281

*Provided the information for this summary.
STATE LEVEL

Several bills which would change Virginia's sentencing structure were defeated by the legislature in 1980. The legislature did approve a resolution calling for an Administrative Office of the Courts study of sentencing disparity. This study could result in a recommendation for the creation of sentencing guidelines. The Administrative Office of the Courts plans to begin a small scale sentencing guideline feasibility study in late 1980.

LOCAL LEVEL

None

NO APPELDATE REVIEW

No appellate review of sentencing exists at this time. A recent Administrative Office of the Courts study recommended the creation of an intermediate appellate court which would provide a forum for sentencing review. This recommendation is presently under consideration by concerned parties across the state.

INDIVIDUALS WHO CAN PROVIDE FURTHER INFORMATION

Robert M. Baldwin*
Executive Secretary
Supreme Court Building
1101 E. Broad Street
Richmond, Virginia 23219
804/786-6455

Kenneth Montero
Director
Research and Planning
Supreme Court
Fifth Floor
11 So. 12th St.
Richmond, Virginia 23219
804/786-1263

*Provided the information for this summary.
State Level

Washington has developed sentencing guidelines under an LEAA grant to the State Court Administrator's Office. The project was originally conducted under contract with the Criminal Justice Research Center (CJRC) and has been overseen by an Advisory Committee composed of five Superior Court (general jurisdiction) Judges and five District Court (limited jurisdiction) Judges. The project includes both offenses handled by the general jurisdiction courts as well as selected offenses handled in the limited jurisdiction courts.

Since the project became operational in May 1979 on a voluntary basis, it appears that the guidelines are being used in 60% of felony sentencing decisions. Preliminary analysis of data derived for 2,000 felony sentencing decisions indicates considerable conformity with the guidelines. However, the rate of conformity appears to vary with the nature of the case and the factors involved. Although limited staff resources have precluded analysis of limited jurisdiction sentences, this class of cases will receive attention shortly.

In addition to the sentencing guidelines project, there has been considerable interest in the state legislature in sentencing reform. Several sentencing bills have been considered, one of which called for mandatory sentencing for certain offenses. H.B. 600, presently pending, would create an executive branch board (Board of Sanctions) which would establish guidelines for sentencing decisions.

Local Level

None

PROVISIONS FOR APPELLATE REVIEW
None

INDIVIDUALS
Bruce Freeland*  
Manager for Research

PROVIDE
Administrator for the Courts

FURTHER INFORMATION
Temple of Justice
Olympia, Washington 98504
205/754-2764

*Provided the information for this summary.
SUMMARY OF ACTIVITY

State Level
West Virginia is not presently involved in sentencing guidelines activity. A new criminal code will probably be introduced to the legislature in 1981.

Local Level
None

PROVISIONS FOR APPELLATE REVIEW
None, unless the sentence is outside of the statutory authorization.

INDIVIDUALS WHO CAN PROVIDE FURTHER INFORMATION
Paul L. Crabtree *
Administrative Director of the Courts for W. Va.
E-402 State Capitol
Charleston, W.Va. 25305
(304) 348-0145

*Provided the information for this summary.
Considerable interest has been expressed by the Wisconsin Legislature in sentencing reform. In 1978, decision on a determinate sentencing bill was deferred, largely due to the request of the SPA and the Governor that the Legislature await the results of a sentencing study presently under way. That study was performed by the Center for Public Policy under LEAA and SPA funding and was designed to conduct an analysis of sentencing patterns in five counties during 1975-75. These counties included both the most populous and the least populous in the state. The study was intended to provide the Legislature with an understanding of the sentencing process in the state and the nature of discretionary judgments which are made at a variety of points in the charging and sentencing process.

The study was completed in 1979. Although the study has been made available to the Legislature, the findings are apparently being ignored and pressure continues for a determinate sentencing statute. The Governor has been advocating a mandatory/minimum sentencing structure.

**Local Level**

None

**An appeal for sentence reduction can be filed in the sentencing court. If denied, appeal can be made on the grounds of undue harshness, abuse of discretion or on the basis of ABA sentencing standards.**

**INDIVIDUALS WHO CAN PROVIDE FURTHER INFORMATION**

Sandra Shane-DuBow*

Director

Criminal Justice Research

Wisconsin Center for Public Policy

1605 Monroe Street

Madison, Wisconsin 53711

608/257-4414

*Provided the information for this summary.*
SUMMARY OF ACTIVITY

State Level
Wyoming has no sentencing guidelines at the present time.

Local Level
None

PROVISIONS FOR APPELLATE REVIEW
Appellate review of sentencing is available only in capital cases or in cases where the minimums or maximums of the statute are violated.

INDIVIDUALS WHO CAN PROVIDE FURTHER INFORMATION
Judge J. Reuel Armstrong*
Court Coordinator
Wyoming Supreme Court Building, 4th Floor
Cheyenne, Wyoming 82001
(307) 777-7581

*Provided the information for this summary.
SUMMARY OF ACTIVITY

Under a contract from the U.S. Department of Justice's Office for Improvements in the Administration of Justice, the Institute for Law and Social Research (INSLAW) in Washington, D.C. is undertaking a multi-phased project examining sentencing in Federal Courts. As one part of the study, INSLAW is empirically examining sentencing decisions in 8 U.S. District Courts. The offenses covered in the study are: bank embezzlement; income tax evasion, mail fraud, forgery, postal violations, bank robbery, bribery, homicide, and random other offenses. The District Courts involved in the study are located in the following locales: Connecticut; Eastern District of New York; Florida; Northern Ohio; Northern California; New Mexico; Eastern Oklahoma; and New Jersey. In addition, INSLAW is surveying federal justice practitioners and the general public regarding their perceptions of the purposes of the sentencing process and how well the sentencing process accomplishes those goals. The study began in August 1978 and will be completed in August 1980. A description of the study was reported in the Hofstra Law Review, Symposium on Sentencing, V. 7, Winter 1979.

PROVISIONS FOR APPELATE REVIEW

None, unless the sentence is outside statutory limits or there has been a violation of the defendant's constitutional rights.

INDIVIDUALS
WHO CAN PROVIDE FURTHER INFORMATION
Arthur Gelman*
Senior Research Associate
Institute for Law and Social Research
1125 15th Street, N.W.
Washington, D.C. 20005
202/828-8600

*Provided the information for this summary
APPENDIX

SUMMARY OF INFORMATION ON CURRENT SENTENCING PROJECTS

I. Project Mandate
II. Research Methodology
III. Information on Jurisdiction
IV. Project Information
<table>
<thead>
<tr>
<th>PROJECT</th>
<th>A. OBJECTIVE</th>
<th>B. TIMETABLE</th>
<th>C. AGENCY AUTHORIZING PROJECT</th>
<th>D. AGENCY CONDUCTING PROJECT</th>
<th>E. OFFENSES STUDIED</th>
<th>F. OFFENSES FOR WHICH GDLS DEVELOPED</th>
<th>G. PROCEDURE FOR GUIDELINES ADOPTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Alaska</td>
<td>eliminate patterns of undue disparity; provide tools for judges</td>
<td>experimentally</td>
<td>Supreme Court</td>
<td>Sent. Gdls Comm/with Jud. Council assistance</td>
<td>all fel. convictions (1974 - 79)</td>
<td>fel. drug offs</td>
<td>Committee dev. based on emp. data</td>
</tr>
<tr>
<td>2. Del.</td>
<td>determine impact of sentencing changes on prison pops.</td>
<td>10/1/79 - 6/30/80</td>
<td>SPA/NIC</td>
<td>SAC(SPA)</td>
<td>all felons except those with mandatory life sentences</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>3. Fla.</td>
<td>dev guidelines in 4 jud. circuits (13 counties)</td>
<td>implement for 1 yr (to begin 1/1/81)</td>
<td>Supr. Ct.</td>
<td>AOC</td>
<td>all felonies</td>
<td>not yet determ.</td>
<td>Supr. Ct. rule</td>
</tr>
<tr>
<td>8. Minn.</td>
<td>dev/implement statewide presumptive adult felony guidelines</td>
<td>dev: 19/78-1/80</td>
<td>Legislature</td>
<td>a. Sent. Gdl Comm b. Cor. Serv. of Minn.</td>
<td>a. all felonies except those infrequently prosed. b. same as studied</td>
<td>Legislature</td>
<td></td>
</tr>
<tr>
<td>9. N.J.</td>
<td>dev empirical guidelines for juvenile courts</td>
<td>operational</td>
<td>AOC</td>
<td>AOC</td>
<td>all crimes</td>
<td>all crimes</td>
<td>Admin dev w/ Sup. Ct. approval</td>
</tr>
<tr>
<td>PROJECT</td>
<td>A. OBJECTIVE</td>
<td>B. TIMELINE</td>
<td>C. AGENCY AUTHORIZING PROJECT</td>
<td>D. AGENCY CONDUCTING PROJECT</td>
<td>E. OFFENSES STUDIED</td>
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<td>G. PROCEDURE FOR GUIDELINES ADOPT.</td>
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<td>----------------------------------</td>
</tr>
<tr>
<td>11. R.I.</td>
<td>study existing sent practices; dev and implement sentencing benchmarks</td>
<td>phase 1: 1 yr</td>
<td>Supreme Court</td>
<td>Sup. Ct. Committee</td>
<td>breaking/ent; aslt with dang. wpn; false pretenses; theft; stolen goods; robbery; poc/dol of controlled subst.; manslr; driving to endanger/death</td>
<td>same as studied (initially)</td>
<td>trial ct. approval</td>
</tr>
<tr>
<td>12. S.C.</td>
<td>determine need for gdls and assist in dev if necessary</td>
<td>-----</td>
<td>AOC</td>
<td>AOC</td>
<td>aslt &amp; bat; failure to stop for officer; forgery; grand larceny; rec stolen goods; carrying pistol unlawfully; DUI</td>
<td>not yet deter.</td>
<td>-----</td>
</tr>
<tr>
<td>13. Utah</td>
<td>-----</td>
<td>11/78 7/1/79 impl</td>
<td>Div of Cors; State Jud. Council; Bd of Pardons</td>
<td>same</td>
<td>all felonies, misdmsr. (exc DUI)</td>
<td>approval by Bd of Pardons, Judges Assoc., Adult Prob and Prote</td>
<td></td>
</tr>
<tr>
<td>15. Va.</td>
<td>determin. feas. of sent gdls</td>
<td>present - Dec 1980</td>
<td>Legislature</td>
<td>S. Ct.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>16. Wa.</td>
<td>dev, implement and monitor gdls; forestall legislatively mandated sentencing reform</td>
<td>dev: 1978-79 implem: 5/79</td>
<td>AOC and cts.</td>
<td>AOC</td>
<td>fels; traffic (DUI, MLS, reckless driving); theft; aslt; shoplifting; bad checks</td>
<td>same</td>
<td>val. by judges assoc</td>
</tr>
<tr>
<td>17. Wis.</td>
<td>deter extent/nature of felony sentencing variability; project impact of determinate sentencing scheme</td>
<td>15 months</td>
<td>SPA/Jud. Counc. Wis. Cntr for Public Policy</td>
<td>same</td>
<td>burg; armed rob; agrav aslt; theft; sex aslts car theft; endangering safety</td>
<td>none</td>
<td>n/a</td>
</tr>
<tr>
<td>18. Fed. Sentencing Project</td>
<td>prop alternative sentencing gdls and collect/analyze relevant data</td>
<td>6/78 - 8/80</td>
<td>U.S. Dept. of Justice</td>
<td>INS/LAW</td>
<td>all fed offenses; focus on embezz; tax &amp; mail fraud; forgery, bank rob; narcotics; bribery; homicide</td>
<td>n/a</td>
<td>Congr. approval of sent. com to formulate gdls.</td>
</tr>
<tr>
<td>PROJECT</td>
<td>A. NO. OF CASES ON WHICH DATA COLLECTED</td>
<td>B. NO. OF CASES FROM WHICH SAMPLE DERIVED</td>
<td>C. NO. OF INFORMATION ITEMS COLLECTED ON EACH CASE</td>
<td>D. TIME PERIOD FOR WHICH DATA COLLECTED</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------</td>
<td>----------------------------------------</td>
<td>------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Alaska</td>
<td>1974-6: 1500 convs.</td>
<td>all cases</td>
<td>200 variables</td>
<td>8/74 - 8/79</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1976-9: 1901 cases</td>
<td>all cases</td>
<td></td>
<td>1975-79</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Del.</td>
<td>36,000</td>
<td>all cases</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Fla.</td>
<td>not yet decided</td>
<td>216,000 (3 yr. period)</td>
<td>150</td>
<td>7/76 - 6/30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. New Orleans, Louisiana</td>
<td>1,300</td>
<td>approx. 6,000</td>
<td>56</td>
<td>1/1/78 - 12/31/79</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Md.</td>
<td>4,000 - 6,000</td>
<td>approx. 16,000</td>
<td>110</td>
<td>Cy 1979</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Mich.</td>
<td>6,000</td>
<td>approx. 20,000</td>
<td>400+</td>
<td>1977</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Minn.</td>
<td>a. 2,800 jud. disps.</td>
<td>a. 5,500 jud. disps.</td>
<td>a. 100</td>
<td>a. 7/1/77 - 6/30/78</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>900 parole cases</td>
<td>900 parole cases</td>
<td>b. probably 10 offender and 10 &quot;legal&quot;</td>
<td>b. Cy 79</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. not yet known</td>
<td>b. approx. 15,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. N.J.</td>
<td>14,000 per yr.</td>
<td>all</td>
<td>800</td>
<td>all yr</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## II. RESEARCH METHODOLOGY

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>A. NO. OF CASES OR WHICH DATA COLLECTED</th>
<th>B. NO. OF CASES FROM WHICH SAMPLE DERIVED</th>
<th>C. NO. OF INFORMATION ITEMS COLLECTED ON EACH CASE</th>
<th>D. TIME PERIOD FOR WHICH DATA COLLECTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Pa.</td>
<td>2,950</td>
<td>approx. 25,000</td>
<td>99</td>
<td>CY 1977</td>
</tr>
<tr>
<td>a. Comm. on Sentencing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Philadelphia Sentencing Guidelines Project</td>
<td>2,500</td>
<td>24,000</td>
<td>120</td>
<td>1975 (full yr) 1978 (full yr)</td>
</tr>
<tr>
<td>11. R.I.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>12. S.C.</td>
<td>all sentenced cases from gen. juris cts (1978-9)</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>13. Utah</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>14. Vt.</td>
<td>all</td>
<td>n/a</td>
<td>n/a</td>
<td>to be determined</td>
</tr>
<tr>
<td>15. Va.</td>
<td>not yet determined</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>16. Wa.</td>
<td>1700 fel; 240 misd/traf</td>
<td>6000 fel; 40,000 - 50,000 traff/misd</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>17. Wisc.</td>
<td>3,589 fels</td>
<td>universe of selected fels</td>
<td>345</td>
<td>fels charged in 1974 - 1975</td>
</tr>
<tr>
<td>(1974-5) in 4 cos; 35% sample in major cos.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## II. RESEARCH METHODOLOGY

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>E. NUMBER OF COURT LOCATIONS ABOUT WHICH DATA IS BEING GATHERED</th>
<th>F. NUMBER OF COURT LOCATIONS AT WHICH DATA IS BEING COLLECTED</th>
<th>G. AGENCIES OTHER THAN COURTS WHOSE RECORDS ARE USED TO COLLECT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Alaska</td>
<td>10 (all)</td>
<td>10</td>
<td>10;</td>
</tr>
<tr>
<td>2. Del.</td>
<td>3</td>
<td>0</td>
<td>Corrections</td>
</tr>
<tr>
<td>3. Fla.</td>
<td>4 circuits (13 counties)</td>
<td>13</td>
<td>Department of Corrections; Probation Records; one</td>
</tr>
<tr>
<td>4. New Orleans, Louisiana</td>
<td>one</td>
<td>one</td>
<td>one</td>
</tr>
<tr>
<td>5. Md.</td>
<td>4</td>
<td>3</td>
<td>probably none</td>
</tr>
<tr>
<td>6. Mass.</td>
<td>10</td>
<td>10</td>
<td>D.A., Probation, Clerks of Court</td>
</tr>
<tr>
<td>7. Mich.</td>
<td>all (approx. 50 circs.)</td>
<td>approx. 15</td>
<td>psi reps</td>
</tr>
<tr>
<td></td>
<td>b. ----</td>
<td>b. prob. 5</td>
<td>b. Prob.; Law enf. if needed</td>
</tr>
<tr>
<td>9. N.J.</td>
<td>21</td>
<td>21</td>
<td>none</td>
</tr>
<tr>
<td>PROJECT</td>
<td>E. NUMBER OF COURT LOCATIONS ABOUT WHICH DATA IS BEING GATHERED</td>
<td>F. NUMBER OF COURT LOCATIONS AT WHICH DATA IS BEING COLLECTED</td>
<td>G. AGENCIES OTHER THAN COURTS WHOSE RECORDS ARE USED TO COLLECT INFORMATION</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>10. Pa.</td>
<td>67+</td>
<td>67+</td>
<td>Co. prob and parole depts; state police criminal rec. info system</td>
</tr>
<tr>
<td>a. Comm. on Sent.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Philadelphia Sent. Gdls. Proj.</td>
<td>one</td>
<td>one</td>
<td>Probation</td>
</tr>
<tr>
<td>11. R.I.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>13. Utah</td>
<td>70</td>
<td>70</td>
<td>Utah Div. of Corrections</td>
</tr>
<tr>
<td>14. Vt.</td>
<td>14</td>
<td>n/a</td>
<td>Corrections (prob &amp; parole)</td>
</tr>
<tr>
<td>15. Va.</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>16. WA.</td>
<td>---</td>
<td>---</td>
<td>Dept. of Soc. &amp; Health Servs. (Prob. rept.)</td>
</tr>
<tr>
<td>17. Wis.</td>
<td>5</td>
<td>5</td>
<td>D.A., prob &amp; par. of police &amp; sheriffs, Div. of Corps.</td>
</tr>
</tbody>
</table>
### III. INFORMATION ON JURISDICTION

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>A. SIZE OF POPULATION IN WHICH CASES ARE STUDIED</th>
<th>B. NUMBER OF JUDGES IN WHICH CASES ARE STUDIED</th>
<th>C. YEARLY NUMBER OF DISPOSITIONS FOR OFFENSES IN WHICH GUIDELINES WILL BE USED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Alaska</td>
<td>4,000,000</td>
<td>250,000</td>
<td>25</td>
</tr>
<tr>
<td>2. Del.</td>
<td>582,000</td>
<td>-----</td>
<td>11</td>
</tr>
<tr>
<td>3. Fla.</td>
<td>1,200,000</td>
<td>1,200,000</td>
<td>25</td>
</tr>
<tr>
<td>4. New Orleans, Louisiana</td>
<td>650,000</td>
<td>650,000</td>
<td>10</td>
</tr>
<tr>
<td>5. Md.</td>
<td>-----</td>
<td>-----</td>
<td>52</td>
</tr>
<tr>
<td>6. Mass.</td>
<td>state</td>
<td>state</td>
<td>55</td>
</tr>
<tr>
<td>7. Mich.</td>
<td>9,000,000</td>
<td>9,000,000</td>
<td>approx. 175</td>
</tr>
<tr>
<td>8. N.J. a.</td>
<td>3,000,000</td>
<td>3,000,000</td>
<td>a. 300</td>
</tr>
<tr>
<td>b.</td>
<td>-----</td>
<td>-----</td>
<td>b. ---</td>
</tr>
<tr>
<td>9. N.J.</td>
<td>236 (95 crim.)</td>
<td>236 (95 crim.)</td>
<td>14,000</td>
</tr>
</tbody>
</table>
### III. INFORMATION ON JURISDICTION

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>A. SIZE OF POPULATION OF JURISDICTION</th>
<th>B. NUMBER OF JUDGES</th>
<th>C. YEARLY NUMBER OF DISPOSITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>IN WHICH CASES ARE STUDIED</td>
<td>IN WHICH GUIDELINES WILL BE USED</td>
<td>IN WHICH CASES ARE STUDIED</td>
</tr>
<tr>
<td>10. Pa.</td>
<td>12,000,000</td>
<td>12,000,000</td>
<td>300</td>
</tr>
<tr>
<td>a. Comm. on Sentencing</td>
<td>2,000,000</td>
<td>2,000,000</td>
<td>81 (35-40 crim.)</td>
</tr>
<tr>
<td>b. Philadelphia Sent. Gdls. Proj.</td>
<td>960,000</td>
<td>960,000</td>
<td>20 Gen. Trial 13 Misd.</td>
</tr>
<tr>
<td>11. R.I.</td>
<td>3,000,000</td>
<td>3,000,000</td>
<td>31</td>
</tr>
<tr>
<td>12. S.C.</td>
<td>1,250,000</td>
<td>1,250,000</td>
<td>70</td>
</tr>
<tr>
<td>13. Utah</td>
<td>500,000</td>
<td>500,000</td>
<td>15</td>
</tr>
<tr>
<td>14. Vt.</td>
<td>3,400,000</td>
<td>3,400,000</td>
<td>500</td>
</tr>
<tr>
<td>15. Va.</td>
<td>not yet deter.</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>16. Wa.</td>
<td>225,000,000</td>
<td>---</td>
<td>500</td>
</tr>
<tr>
<td>PROJECT</td>
<td>A. SOURCE/LEVEL OF FUNDING</td>
<td>B. PROJECT STAFF</td>
<td>C. OTHER RESOURCES</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------------</td>
<td>------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>1. Alas.</td>
<td>$400,000 - LEAA plea barg. study $120,000 - Legis</td>
<td>15</td>
<td>-----</td>
</tr>
<tr>
<td>2. Del.</td>
<td>NIC/SPA grants (approx. $22,000)</td>
<td>4 ft</td>
<td>state data proc. analys. Corrections Recd. staff</td>
</tr>
<tr>
<td>3. Fla.</td>
<td>$270,000 LEAA-NIJ</td>
<td>5 plus secr. and coders</td>
<td>AOC staff</td>
</tr>
<tr>
<td>4. New Orleans, La.</td>
<td>$14,000 - SPA</td>
<td>5 plus consultants</td>
<td>-----</td>
</tr>
<tr>
<td>5. Md.</td>
<td>$270,000 (LEAA-NIJ)</td>
<td>3 plus secr</td>
<td>-----</td>
</tr>
<tr>
<td>6. Mass.</td>
<td>$191,000 - SPA</td>
<td>3 plus consultants, data collectors</td>
<td>-----</td>
</tr>
<tr>
<td>7. Mich.</td>
<td>$200,000 - SPA</td>
<td>currently 3 pt</td>
<td>space, computer, secretary</td>
</tr>
<tr>
<td>8. Minn. a.</td>
<td>$200,000 annual Legislature</td>
<td>6 plus secr</td>
<td>$7,500 NIC grant for proj. prison population</td>
</tr>
<tr>
<td></td>
<td>$130,000 N.W. Area Found</td>
<td>1 2/3 prof plus secr and consultants</td>
<td>7 juv ct judges (vol. partic)</td>
</tr>
<tr>
<td>9. N.J.</td>
<td>$300,000 - SPA</td>
<td>4 plus secr, coders and consultants</td>
<td>local probation personnel</td>
</tr>
<tr>
<td>PROJECT</td>
<td>A. SOURCE/LEVEL OF FUNDING</td>
<td>B. PROJECT STAFF</td>
<td>C. OTHER RESOURCES</td>
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<tr>
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<td>------------------------------</td>
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<tr>
<td>10. Pa.</td>
<td></td>
<td>4 plus data collectors</td>
<td>state agencies obliged to coop.</td>
</tr>
<tr>
<td>a. Comm. on</td>
<td>$200,000 annually (Legislature)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Philadelphia</td>
<td>ct. budget</td>
<td>1.5 plus pt coders</td>
<td>none</td>
</tr>
<tr>
<td>Gds. Project</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. R.I.</td>
<td>$16,000 - SPA (some will revert)</td>
<td>2 pt</td>
<td></td>
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<tr>
<td>12. S.C.</td>
<td>none</td>
<td>3 pt</td>
<td>none</td>
</tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>13. Utah</td>
<td>agency budget</td>
<td>0</td>
<td>Div. of Cors., Res and Adult</td>
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<td></td>
<td></td>
<td></td>
<td>Probation and Parole Staff</td>
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<tr>
<td>14. Vt.</td>
<td>not yet known</td>
<td>1 now</td>
<td>corrections data; t/a from NCSP,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CCTAP</td>
</tr>
<tr>
<td>15. Va.</td>
<td>$40,000 - SPA</td>
<td>2</td>
<td>t/a from NCSP,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CCTAP</td>
</tr>
<tr>
<td>16. Wa.</td>
<td>$80,000 - LEAA (initial study)</td>
<td>2</td>
<td>judges</td>
</tr>
<tr>
<td></td>
<td>AOC and $30,000 (LEAA) for</td>
<td></td>
<td>from participating judges</td>
</tr>
<tr>
<td></td>
<td>monitoring and analysis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Wis.</td>
<td>$143,000 SPA/JPC</td>
<td>4 plus pt research assistants</td>
<td>informal assistance from</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>colleagues</td>
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</tbody>
</table>

IV. PROJECT INFORMATION