



C A M B I A R E

E V A L U A T I N G   S E N T E N C I N G  
G U I D E L I N E S   S Y S T E M S

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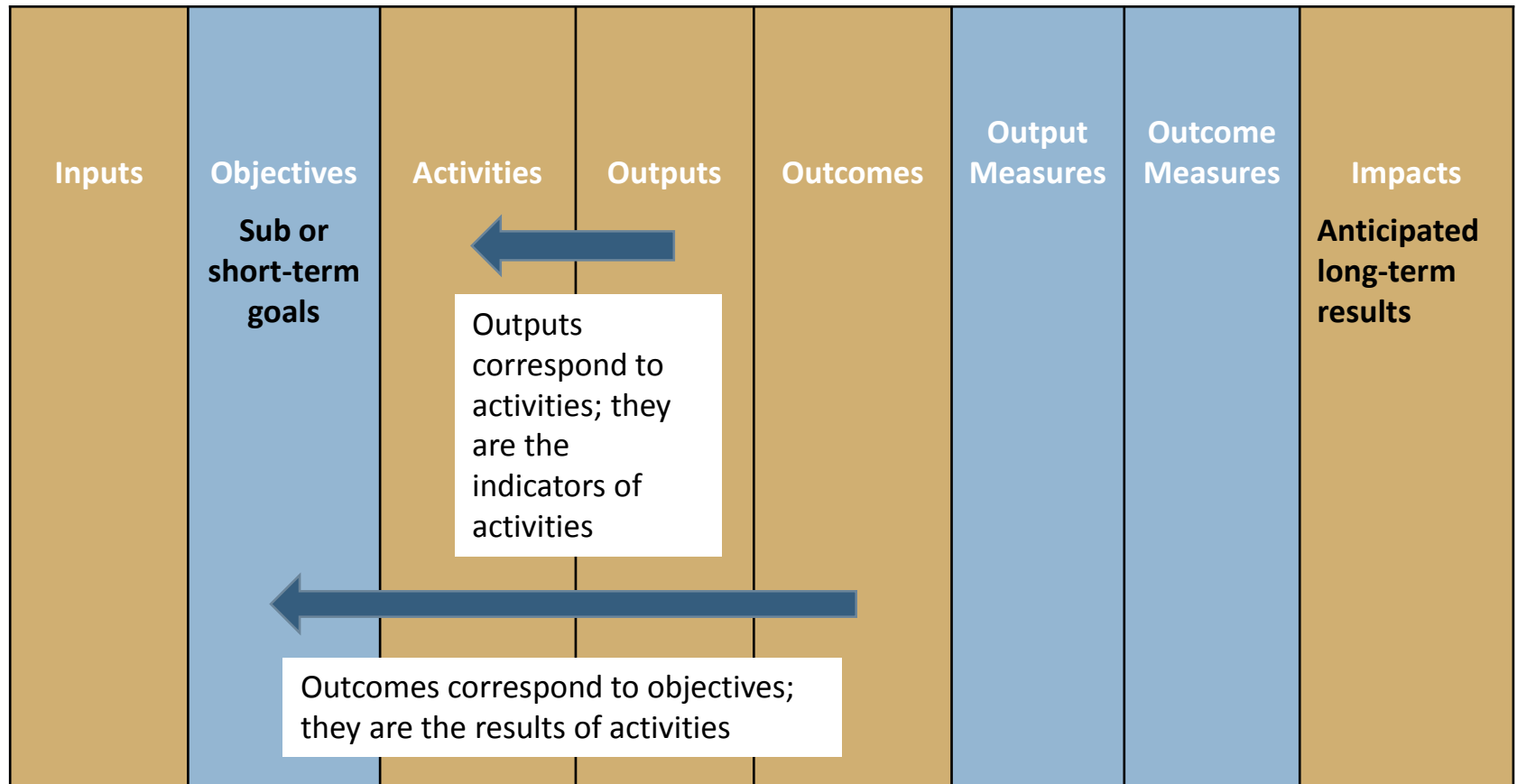
# WHAT IS EVALUATION?

- Employing objective methods for collecting information regarding programs/policies/initiatives in order to determine:
  - What are the goals and objectives of the policy?
  - Is the policy being implemented as planned?
  - Is the policy meeting its stated goals and objectives? If not, why not?
  - What observed changes can be attributed to the policy (as opposed to other factors)?

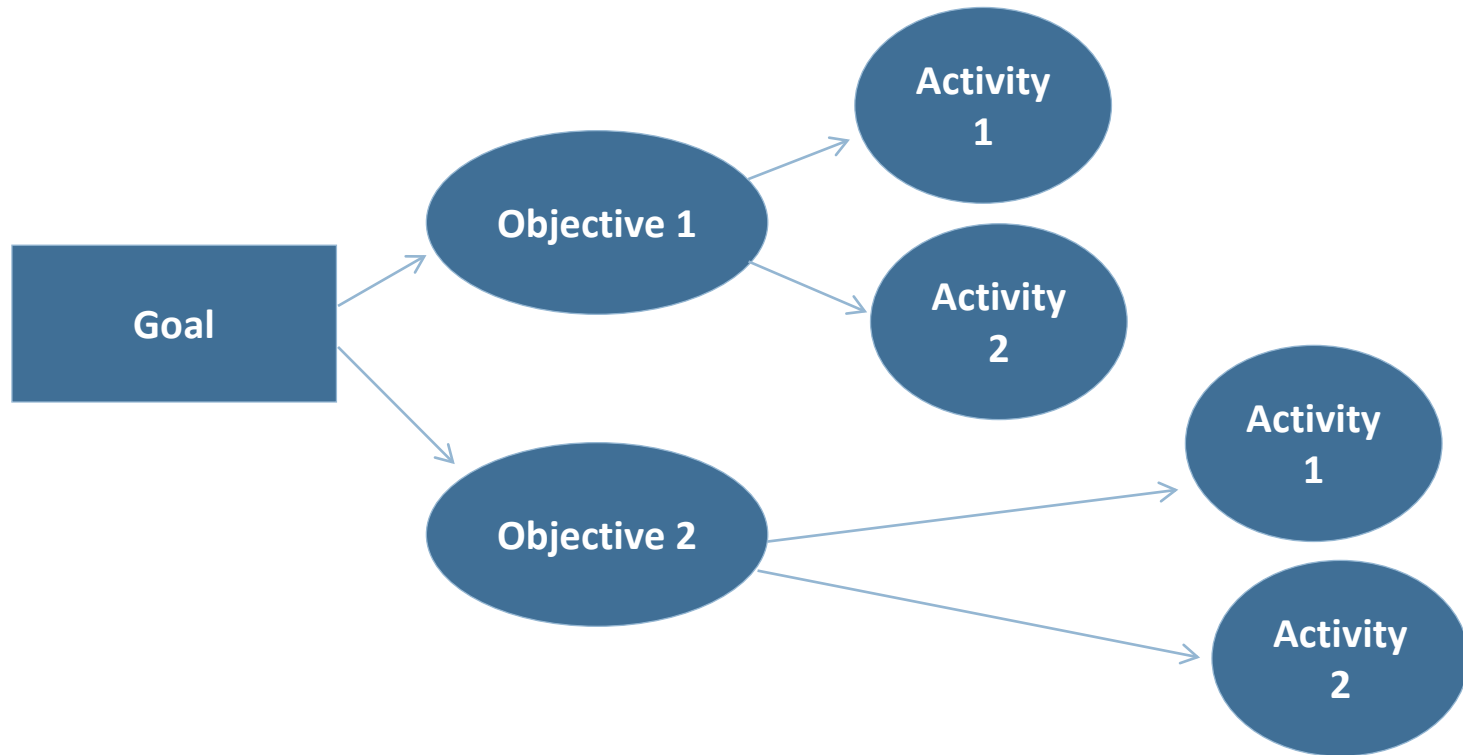


# LOGIC MODEL

## Goal Statement



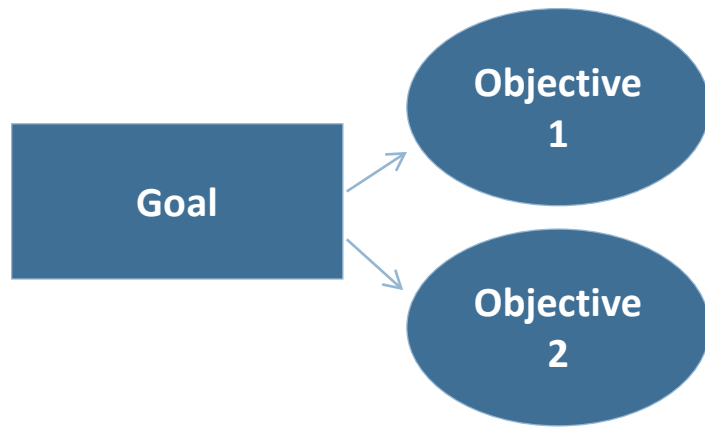
# CONCEPTUALIZATION



Conceptualizing constructs takes you from goals to objectives and from objectives to activities



# CONCEPTUALIZING GOALS



Goal: Maintain a *healthy lifestyle*

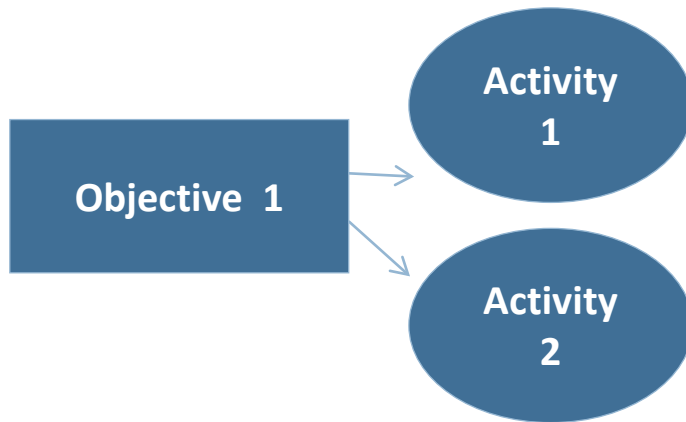
Objectives:

- Maintain proper weight
- Eat healthfully
- Exercise regularly
- Get an adequate amount of sleep
- Reduce stress

**Some objectives may be more important  
in reaching the goal than others**



# CONCEPTUALIZING OBJECTIVES



Objective: Eat *healthfully*

Activities:

- Eat more fruits and vegetables
- Limit snacks
- Reduce amount of fat and sugar in diet
- Eat less red meat and more fish

**Some activities may be more important in fulfilling the objective than others**

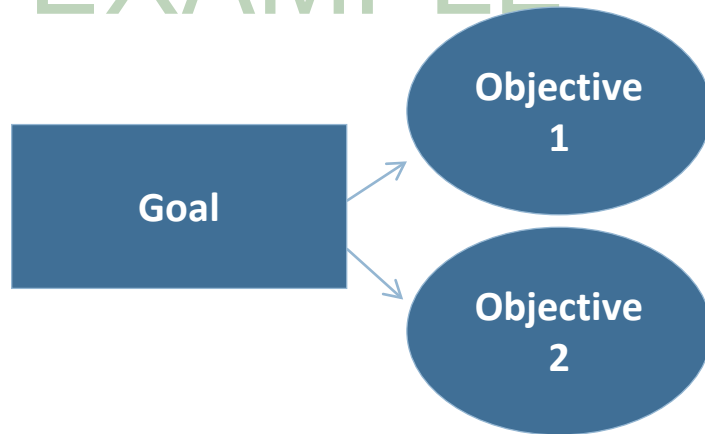


# COMMISSION/COUNCIL

## GOALS:

### CONCEPTUALIZATION

#### EXAMPLE



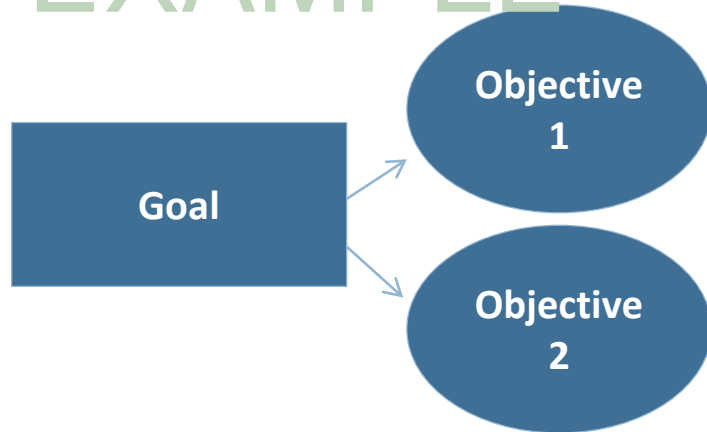
Goal: Increase fairness/equity in sentencing

Objectives:

- Ensure that the sentences received are commensurate with the seriousness of the offense
- Ensure that offenders who commit similar offenses receive similar sentences
- Ensure that offenders who have similar offense histories receive similar sentences

# COMMISSION/CONSOLE

## GOALS: CONCEPTUALIZATION EXAMPLE



Goal: [Improve] [enhance]  
[promote] [support]  
[maintain] [advance]  
public safety

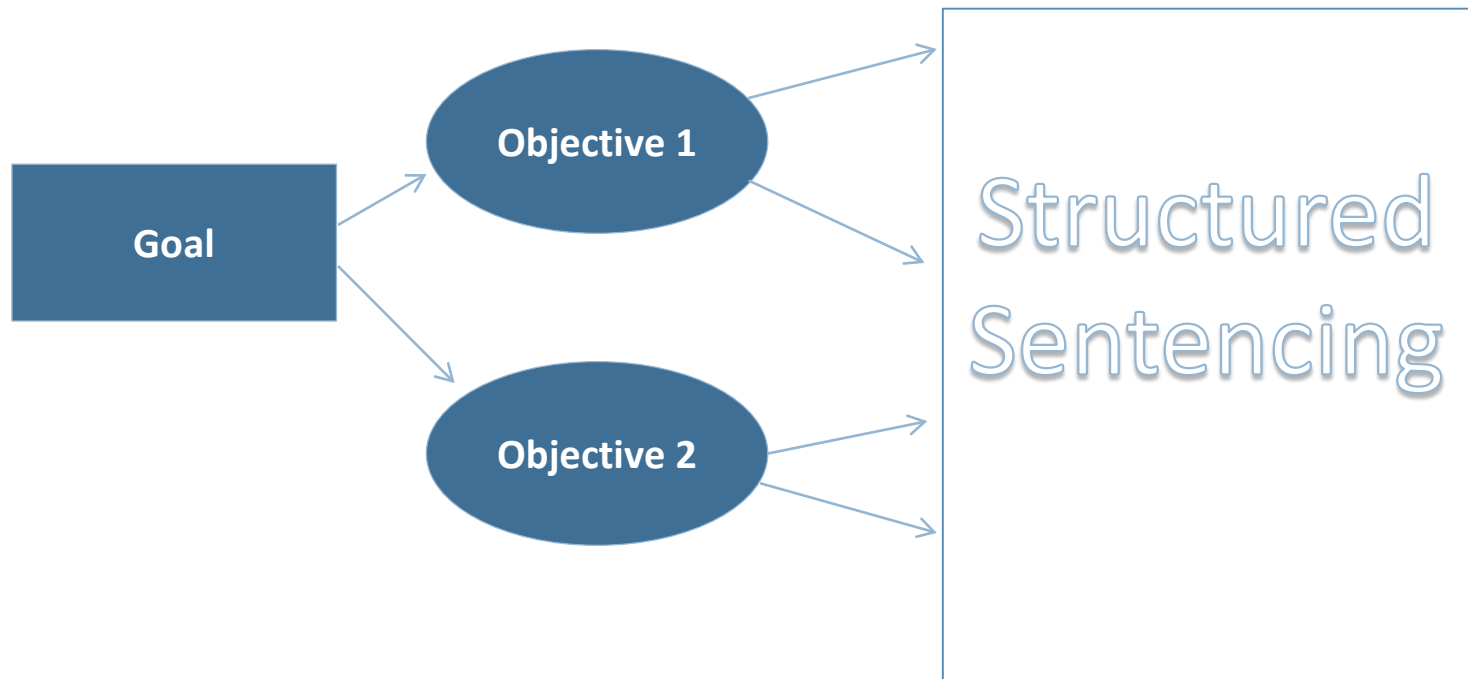
Objectives:

- Reduce offender recidivism
- Enhance institutional and post-release programming for offenders
- Explore alternatives to incarceration
- Incapacitate violent, sex, repeat offenders





# WHAT ARE WE EVALUATING?



Regardless of how goals and objectives are conceptualized, the “activity” is the same



# EXAMPLE: VIRGINIA § 17.1-801

The purpose of the Virginia Criminal Sentencing Commission is to establish a discretionary sentencing guidelines system that emphasizes the accountability of the offender and of the criminal justice system to the citizens of the Commonwealth.

## Goals:

The Commission is established to develop, implement and revise discretionary sentencing guidelines to ensure the imposition of appropriate and just criminal penalties, and to make the most efficient use of correctional resources, especially for the effective incapacitation of violent offenders.

The Commission shall develop guidelines to achieve the goals of certainty, consistency, and adequacy of punishment with due regard to the seriousness of the offense, the dangerousness of the offender, deterrence of individuals, and use of alternative sanctions, where appropriate.



# EXAMPLE: VIRGINIA

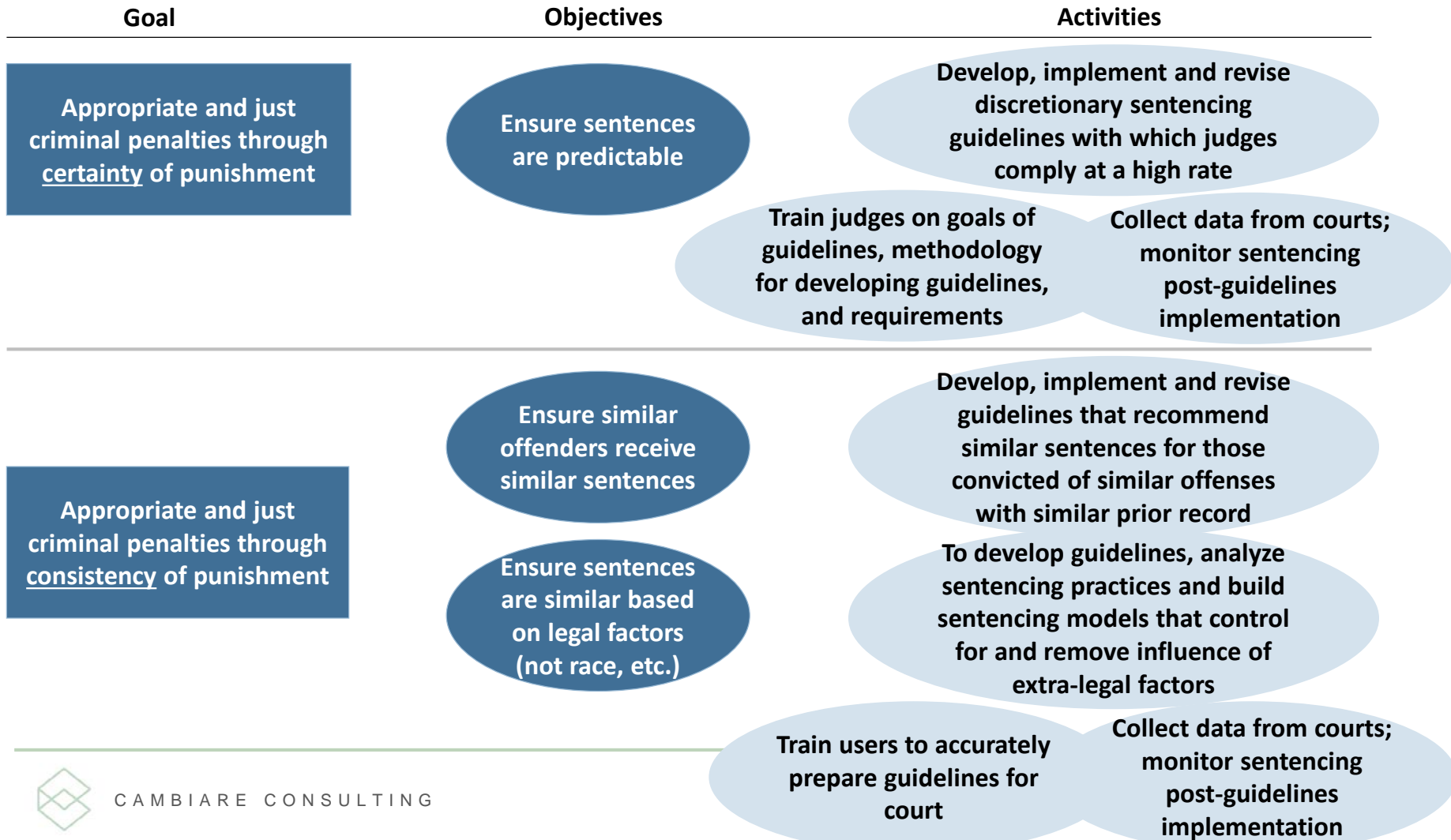
## Goals:

- Appropriate and just criminal penalties
  - Certainty of punishment
  - Consistency of punishment
  - Adequacy of punishment
    - Seriousness of offense, dangerousness of offender, deterrence
- Most efficient use of correctional resources
  - Effective incapacitation of violent offenders
  - Use of alternative sanctions, where appropriate



# EXAMPLE: VIRGINIA

**Goal Statement: Appropriate and just criminal penalties through certainty, consistency and adequacy of punishment**



# EXAMPLE: VIRGINIA

**Goal Statement: Appropriate and just criminal penalties through certainty, consistency and adequacy of punishment**

Goal	Objectives	Activities
<b>Appropriate and just criminal penalties through <u>adequacy</u> of punishment</b>	<ul style="list-style-type: none"><li>Ensure sentences are proportional to the seriousness of the offense</li><li>Ensure sentences are proportional to the seriousness of prior record</li><li>Ensure sentences effectively incapacitate violent offenders</li></ul>	<ul style="list-style-type: none"><li>Develop, implement and revise guidelines so individuals are placed into distinct groups with a proportionally-increasing range of punishment based on legal factors</li><li>Integrate guidelines enhancements for violent offenders per legislative criteria</li><li>Train users to accurately prepare guidelines for court</li><li>Revise guidelines as needed based on analysis of sentencing data and legislative changes</li><li>Collect data from courts; monitor sentencing post-guidelines implementation</li></ul>



# EXAMPLE: VIRGINIA

**Goal Statement: Appropriate and just criminal penalties through certainty, consistency and adequacy of punishment**

	Objectives	Activities	Outputs
CERTAINTY	Ensure sentences are predictable	<p>Develop, implement and revise discretionary sentencing guidelines with which judges comply at a high rate</p> <p>Train judges on goals of guidelines, methodology for developing guidelines, and requirements</p> <p>Collect data from courts; monitor sentencing post-guidelines implementation</p>	<p>Guidelines implemented in 100% of Virginia jurisdictions</p> <p>100% of new judges trained</p> <p>Minimum of 50 judges participating in ongoing training at annual judicial conference</p>
	<p>Ensure similar offenders receive similar sentences</p> <p>Ensure sentences are similar based on legal factors (not race, etc.)</p>	<p>Develop, implement and revise guidelines that recommend similar sentences for those convicted of similar offenses with similar prior record</p> <p>To develop guidelines, analyze sentencing practices and build sentencing models that control for and remove influence of extra-legal factors</p> <p>Train users to accurately prepare guidelines for court</p> <p>Collect data from courts; monitor sentencing post-guidelines implementation</p>	<p>Guidelines implemented in 100% of Virginia jurisdictions</p> <p>80% of prosecutors, public defenders, and court-appointed attorneys participate in voluntary guidelines training</p> <p>100% of guidelines worksheets are submitted by the courts</p> <p>Less than 10% error rate in guidelines calculation</p>

# EXAMPLE: VIRGINIA

**Goal Statement: Appropriate and just criminal penalties through certainty, consistency and adequacy of punishment**

	Objectives	Activities	Outputs
ADEQUACY	Ensure sentences are proportional to the seriousness of the offense	Develop, implement and revise guidelines so individuals are placed into distinct groups with a proportionally-increasing range of punishment based on legal factors	Guidelines implemented in 100% of Virginia jurisdictions
	Ensure sentences are proportional to the seriousness of prior record	Integrate guidelines enhancements for violent offenders per legislative criteria	Guidelines yield meaningful distinctions in sentences between groups of offenders
	Ensure sentences effectively incapacitate violent offenders	Train users to accurately prepare guidelines for court	Guidelines yield longer sentence recommendations for offenders defined as violent per <i>Code</i>
		Revise guidelines as needed based on analysis of sentencing data and legislative changes	Less than 10% error rate in guidelines calculation



# EXAMPLE: VIRGINIA

**Goal Statement: Appropriate and just criminal penalties through certainty, consistency and adequacy of punishment**

	Outputs	Outcomes	Impacts
<b>CERTAINTY</b>	<p>Guidelines implemented in 100% of Virginia jurisdictions</p> <p>100% of new judges trained</p> <p>Minimum of 50 judges participating in ongoing training at annual judicial conference</p>	<p>At least 75% judicial compliance with guidelines</p> <p>Statistically speaking, guidelines factors account for more than half of observed variation in sentencing</p>	<p>Sentences are predictable and based on approved guidelines factors</p>
<b>CONSISTENCY</b>	<p>Guidelines implemented in 100% of Virginia jurisdictions</p> <p>80% of prosecutors, public defenders, and court-appointed attorneys participate in voluntary guidelines training</p> <p>100% of guidelines worksheets are submitted by the courts</p> <p>Less than 10% error rate in guidelines calculation</p>	<p>At least 75% judicial compliance with guidelines in each offense group and prior record category</p> <p>Statistically speaking, the influence of extra-legal factors such as geography, race, and gender, and their interactions with each other, have no substantive influence on sentencing outcomes</p>	<p>Sentences are consistent and the role of extra-legal factors is diminished</p>





# EXAMPLE: VIRGINIA

**Goal Statement: Appropriate and just criminal penalties through certainty, consistency and adequacy of punishment**

	Outputs	Outcomes	Impacts
ADEQUACY	Guidelines implemented in 100% of Virginia jurisdictions	Statistically speaking, rate of prison incarceration and length of sentence increases as guidelines score increases (statistically significant)	Offenders with progressively more serious classifications of offense and prior record (i.e., those “more blameworthy”) receive prison terms at higher rates and longer prison sentences
	Guidelines yield meaningful distinctions between groups of “like” offenders	Violent offenders receive sentences that result in longer lengths of stay (compared to pre-1995 parole system)	Public safety is improved
	Guidelines yield longer sentence recommendations for offenders defined as violent per <i>Code</i>		
	Less than 10% error rate in guidelines calculation	10% reduction in recidivism rate among violent offenders	



# COMPLIANCE ANALYSIS: ISSUES

- What is your operational definition of “compliance?”
  - Should include data reporting
- What is an acceptable level of compliance? Is it the same for aggravation and mitigation?
- How do you handle sentences for multiple counts? Concurrent and consecutive sentences? Split sentences? Suspended sentences?
- Overall compliance may be satisfactory, but compliance within specific jurisdictions, offense categories, racial categories, etc. may not
- Do you expect to see greater compliance over time? Is there a ceiling effect?



# DISPARITY ANALYSIS: ISSUES

- What is your operational definition of “disparity?”
  - What types of disparity are unwarranted?
  - Is disparity more than just observed differences?
- Where might there be unintended or “hidden” disparity?
- There may be relatively little disparity overall, but disparity may exist within specific jurisdictions, offense categories, racial categories, etc.
- Do you expect to see less disparity over time? Is there a floor effect?
- **WHAT ARE THE CAUSES OF OBSERVED DISPARITY?**
  - What are the limitations of sentencing guidelines systems in addressing disparity?



# DATA: ISSUES

- Data limitations
  - Reporting to commission/council
  - Completeness
  - Accuracy





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