



Jennifer Valencia
Utah Sentencing Commission
Guideline Analysis 2013 - 2015

2015 Guidelines Matrix

Form 1:

CRIME CATEGORY

CRIMINAL HISTORY

	1 st Degree Murder A	1 st Degree Death B	2 nd Degree Death C	1 st Degree Person D	3 rd Degree Death E	1 st Degree Other F	2 nd Degree Person G	3 rd Degree Person H	2 nd Degree Other I	2 nd Degree Poss. J	3 rd Degree Other K	3 rd Degree Poss. L
V	24 YRS	10 YRS	*	10 YRS	48 MOS	84 MOS	54 MOS	32 MOS	26 MOS	16 MOS	16 MOS	14 MOS
IV	22 YRS	9 YRS	*	9 YRS	42 MOS	78 MOS	42 MOS	26 MOS	20 MOS	14 MOS	14 MOS	12 MOS
III	20 YRS	8 YRS	*	8 YRS	36 MOS	72 MOS	30 MOS	20 MOS	16 MOS	12 MOS	8 MOS	8 MOS
II	20 YRS	7 YRS	*	7 YRS	24 MOS	66 MOS	24 MOS	16 MOS	14 MOS	10 MOS	6 MOS	6 MOS
I	20 YRS	6 YRS	*	6 YRS	20 MOS	60 MOS	18 MOS	14 MOS	12 MOS	8 MOS	5 MOS	4 MOS

MANDATORY IMPRISONMENT

IMPRISONMENT

INTERMEDIATE SANCTIONS

PRESUMPTIVE PROBATION

Jail as a Condition of Probation

Form 5:

GENERAL MATRIX

(To be used with Form 1)

	2 nd Death	1 st Person	3 rd Death	1 st Other	2 nd Person	3 rd Person	2 nd Other	2 nd Poss	3 rd Other	3 rd Poss
V	365	365	365	365	365	300	300	300	270	150
IV	365	365	320	320	320	300	300	270	210	120
III	365	300	270	270	270	180	180	180	150	0-90
II	365	270	240	240	240	150	0-120	0-120	0-90	0-60
I	365	240	210	210	210	120	0-90	0-60	0-60	0-30

JAIL DAYS

INTERMEDIATE SANCTIONS

PRESUMPTIVE PROBATION

Incarceration Recommendations by Zone

	1 st Degree Murder	1 st Degree Death	2 nd Degree Death	1 st Degree Person	3 rd Degree Death	1 st Degree Other	2 nd Degree Person	3 rd Degree Person	2 nd Degree Other	2 nd Degree Poss.	3 rd Degree Other	3 rd Degree Poss.
	A	B	C	D	E	F	G	H	I	J	K	L
V	24 YRS	10 YRS	*	10 YRS	48 MOS	84 MOS	54 MOS	32 MOS	26 MOS	16 MOS	16 MOS	14 MOS
IV	22 YRS	9 YRS	*	9 YRS	42 MOS	78 MOS	42 MOS	26 MOS	20 MOS	14 MOS	14 MOS	12 MOS
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I	20 YRS	6 YRS	*	6 YRS	20 MOS	60 MOS	18 MOS	14 MOS	12 MOS	8 MOS	5 MOS	4 MOS

MANDATORY IMPRISONMENT

Zone 3:

Offense Alone Justifies Incarceration

**Zone 2:
Pushed in by
Criminal History**

**Zone 1:
Presumptive Probation**

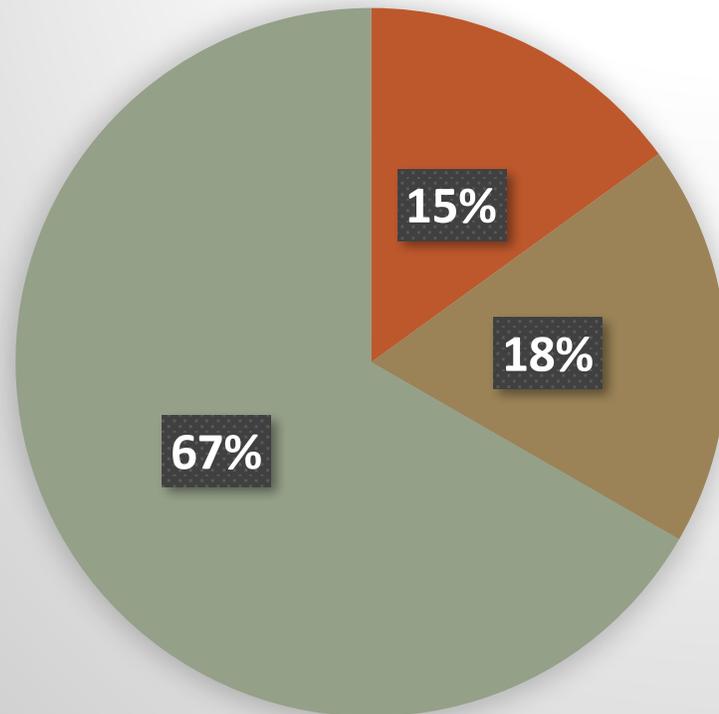
IMPRISONMENT

INTERMEDIATE SANCTIONS

PRESUMPTIVE PROBATION

2015 General Matrices:

Percentage of Recommended Sentences

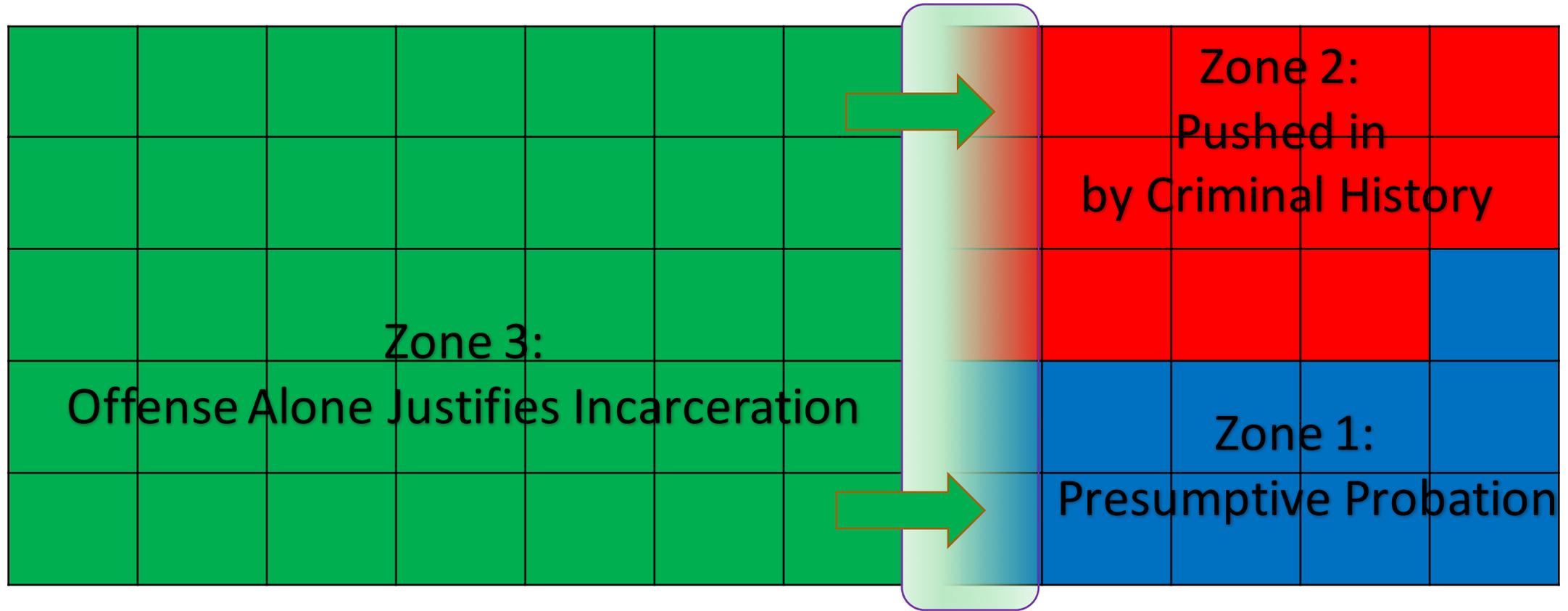


■ Zone 1: Presumptive Probation

■ Zone 2: Pushed in by Criminal History

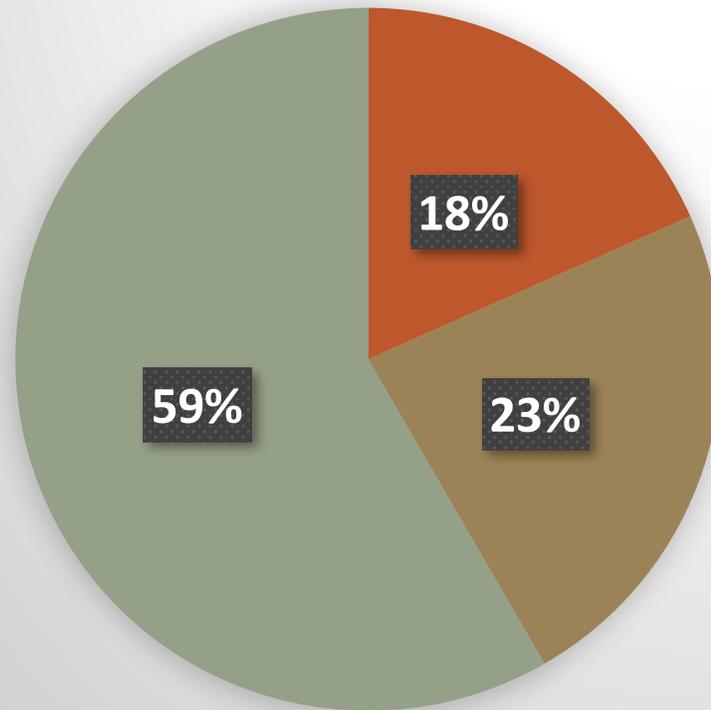
■ Zone 3: Offense Alone Justifies Incarceration (Prison or Jail)

2014 to 2015 General Matrices Comparison (Zone 3 expanded by 1 column; Zone 2 & 1 reduced)



2014 General Matrices

Percentage of Recommended Sentences



■ Zone 1: Presumptive Probation

■ Zone 2: Pushed in by Criminal History

■ Zone 3: Offense Alone Justifies Incarceration (Prison or Jail)

Preliminary Feedback on Matrices:

***Why Isn't Incarceration
Always Recommended!?!?***

Preliminary Feedback on Criminal History Scoring:

Why Doesn't Everything Count !?!?

- Arrests
- Charges
- Law Enforcement Input
- Victim Input
- Juvenile System Placement(s)
- Lying
- Manipulative

No Really, Why Not?

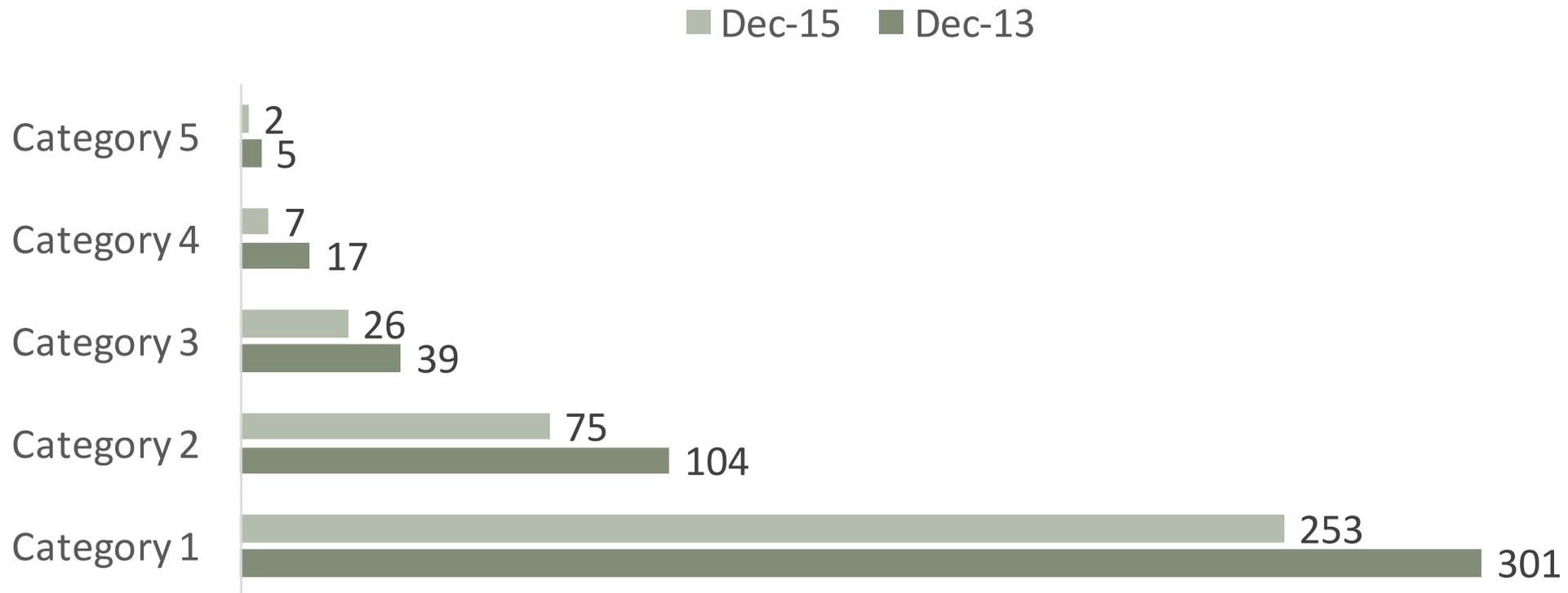
Blakely v. Washington, 542 U.S. 296 (2004)

- <http://sentencing.umn.edu/content/what-blakely-and-why-it-so-important>
- *Apprendi v. New Jersey*, 530 U.S. 466 (2000): “Any fact, other than the fact of a prior conviction, that increases the penalty for a crime beyond the statutory maximum must be submitted to a jury and proven beyond a reasonable doubt.”

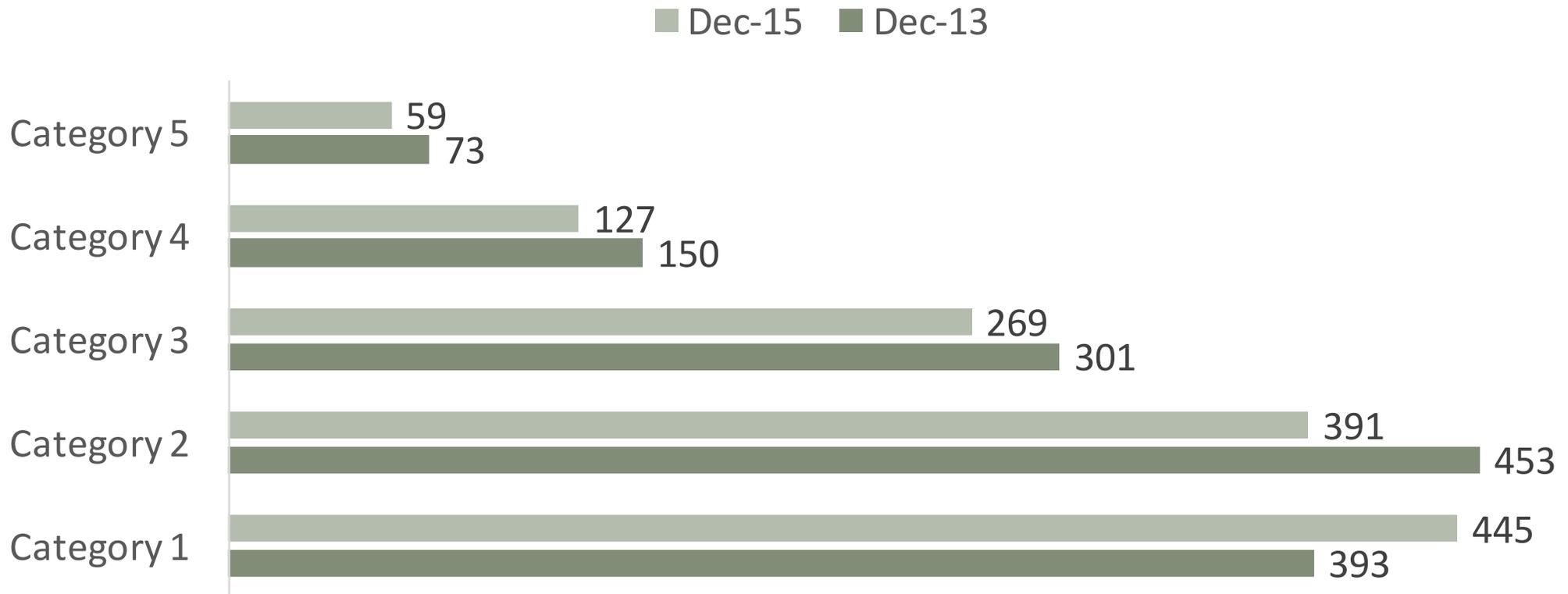
Statewide Due Process & Equal Protection Concerns

- Charges & arrests are simply insufficient
- Counsel is less likely to have been provided in:
 - Class B or lower
 - Juvenile Court
 - Violations of supervision without a revocation hearing

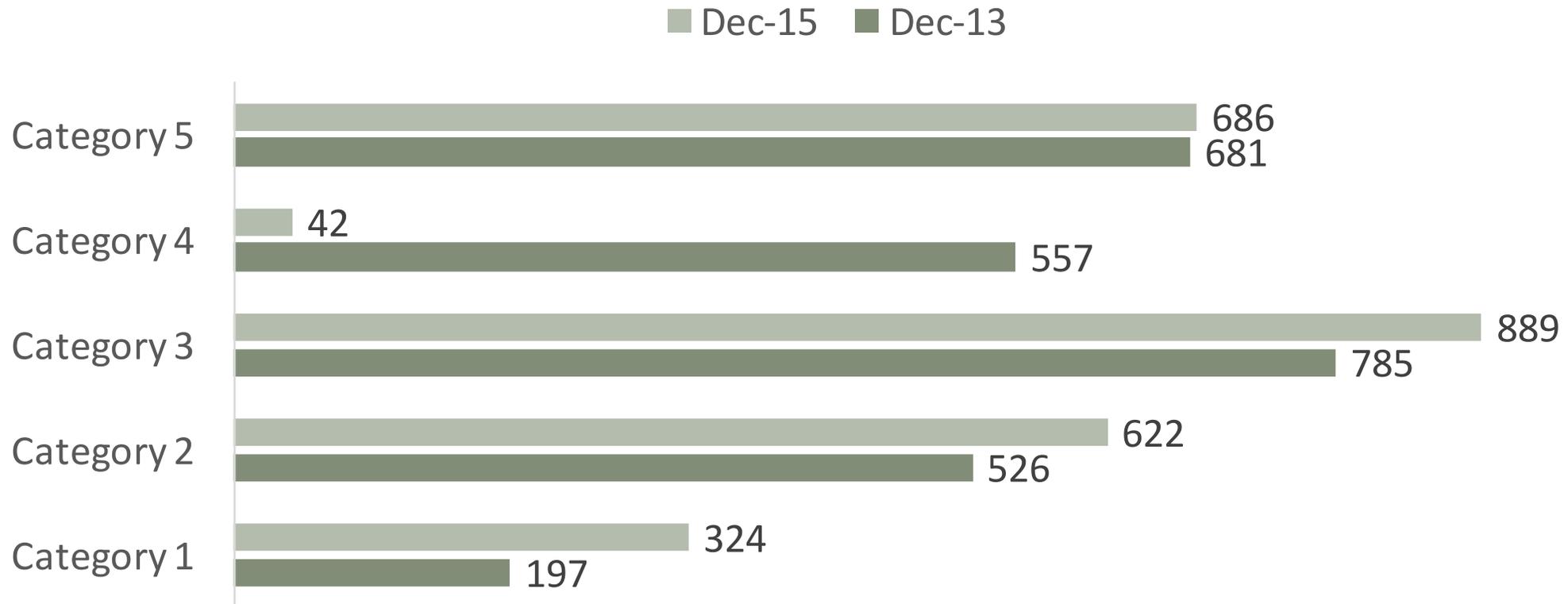
Low Risk by Criminal History Category: 2013 – 2015 (full PSRs)



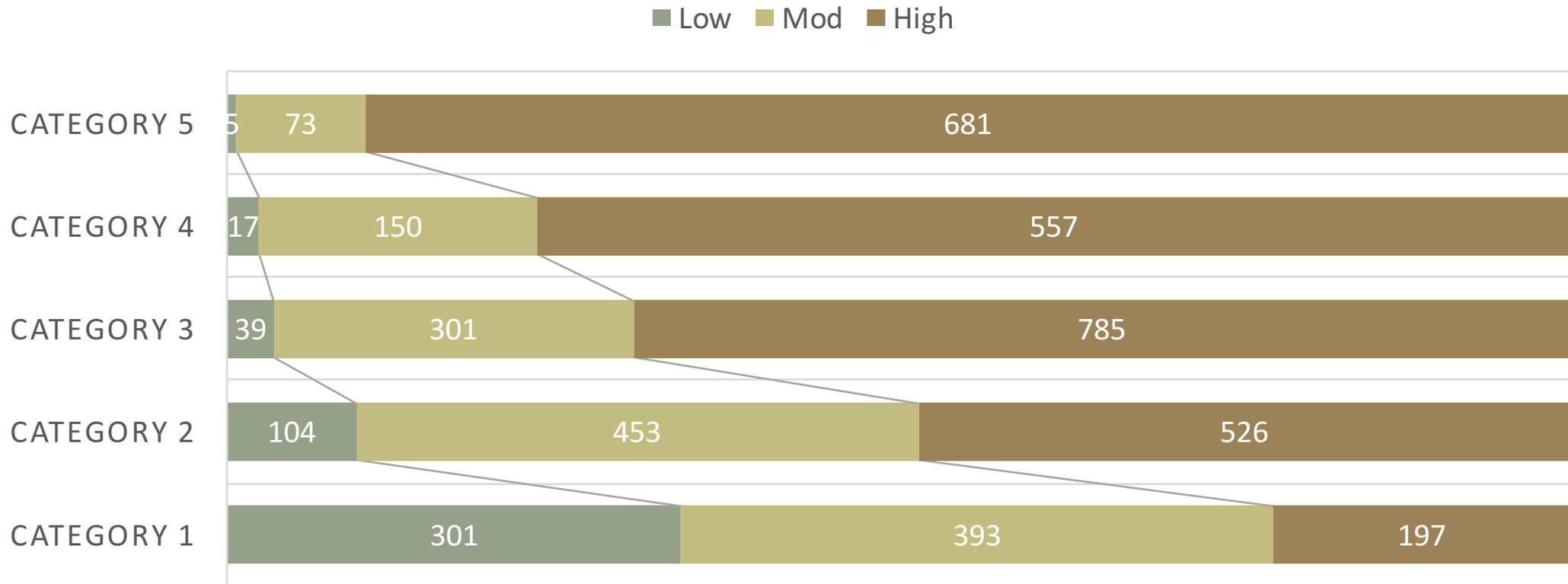
Moderate Risk by Criminal History Category: 2013 – 2015 (full PSRs)



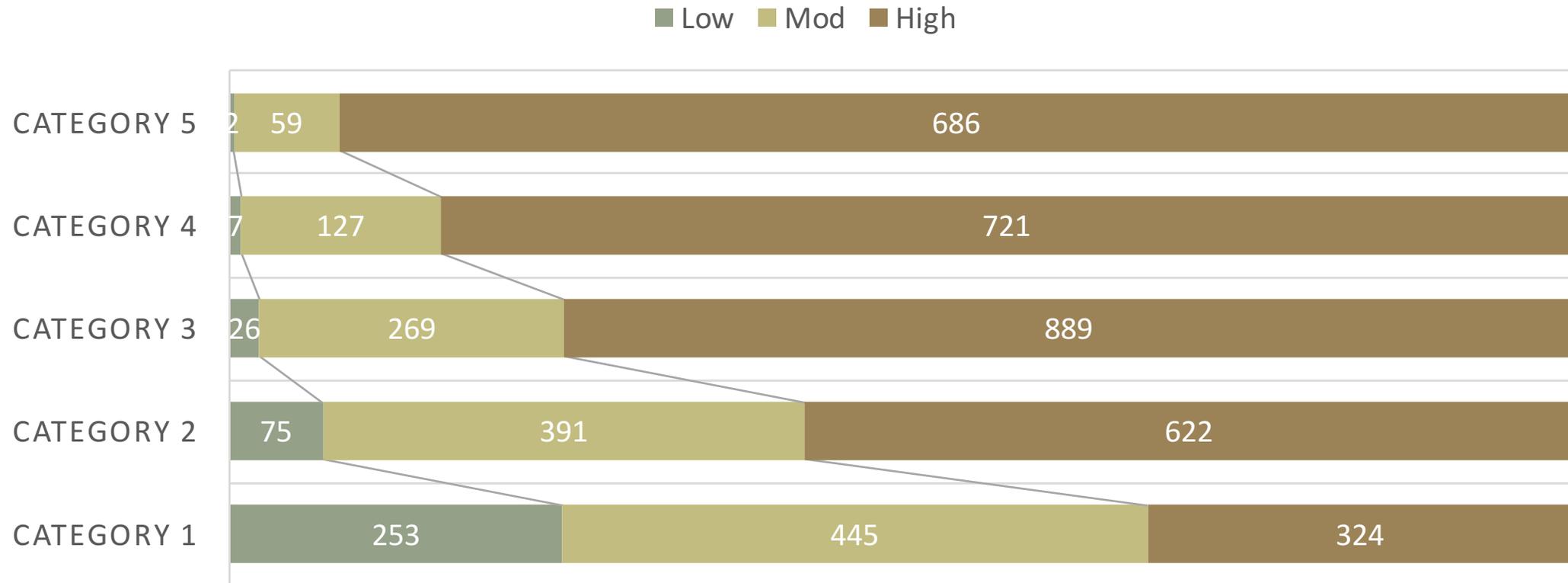
High Risk by Criminal History Category: 2013 – 2015 (full PSRs)



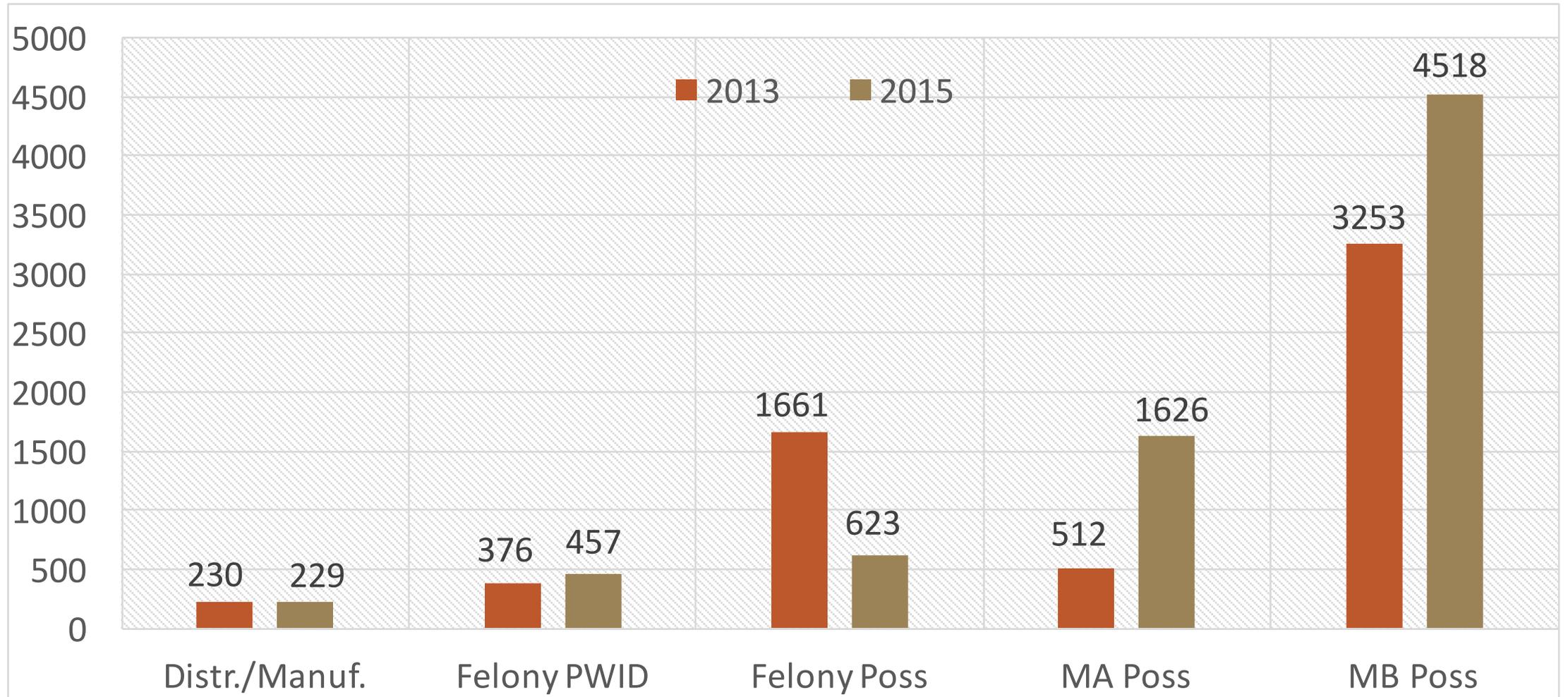
Risk Levels by Criminal History Category: 2013 (full PSRs)



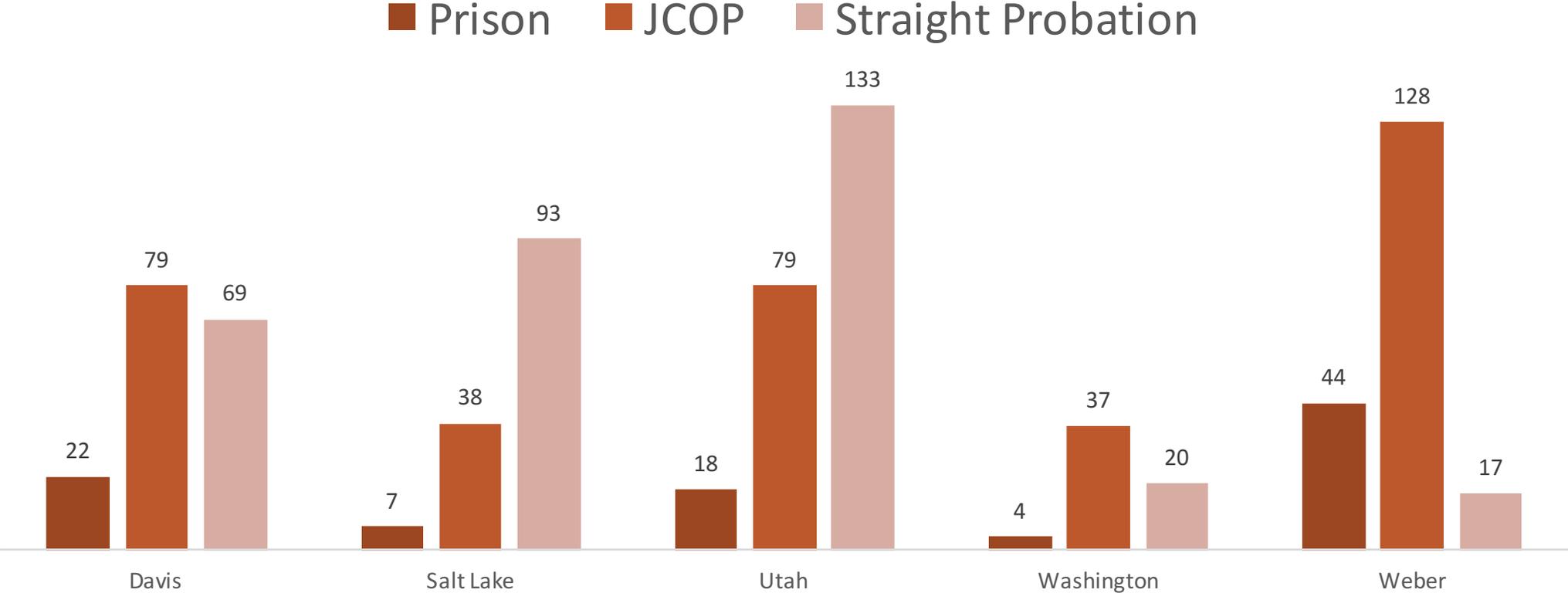
Risk Levels by Criminal History Category: 2015 (full PSRs)



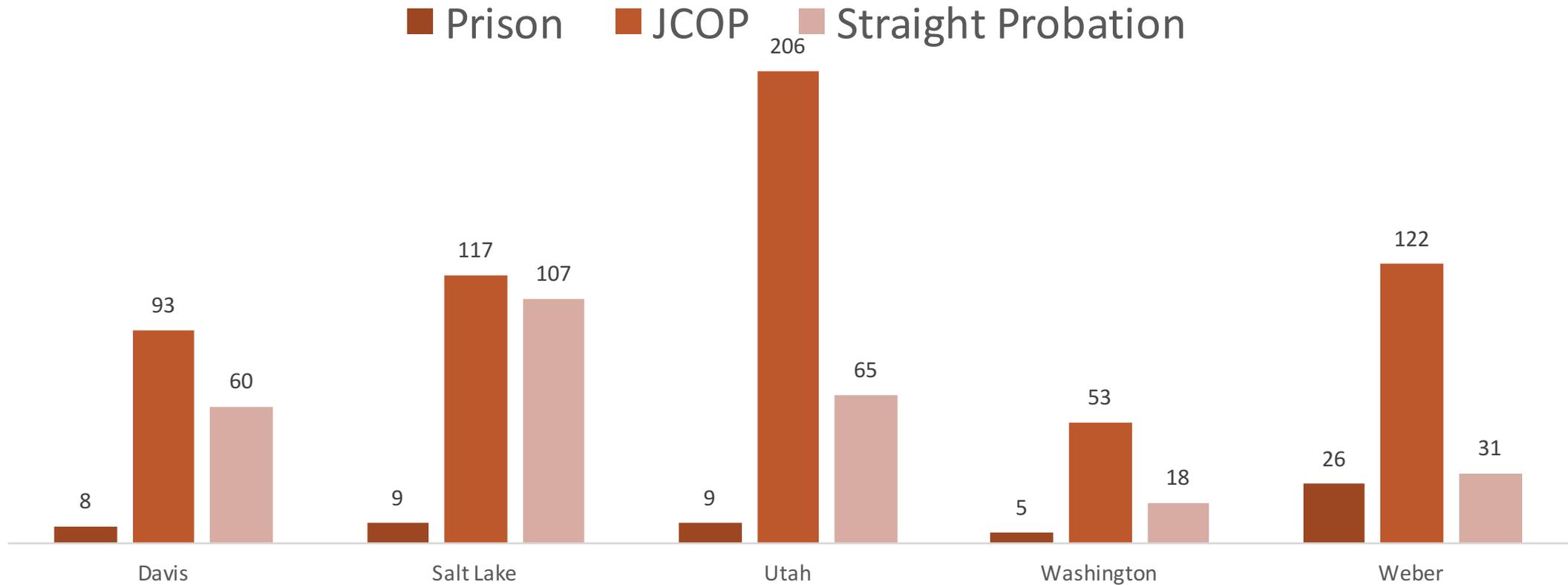
Level of Drug Offenses Filed



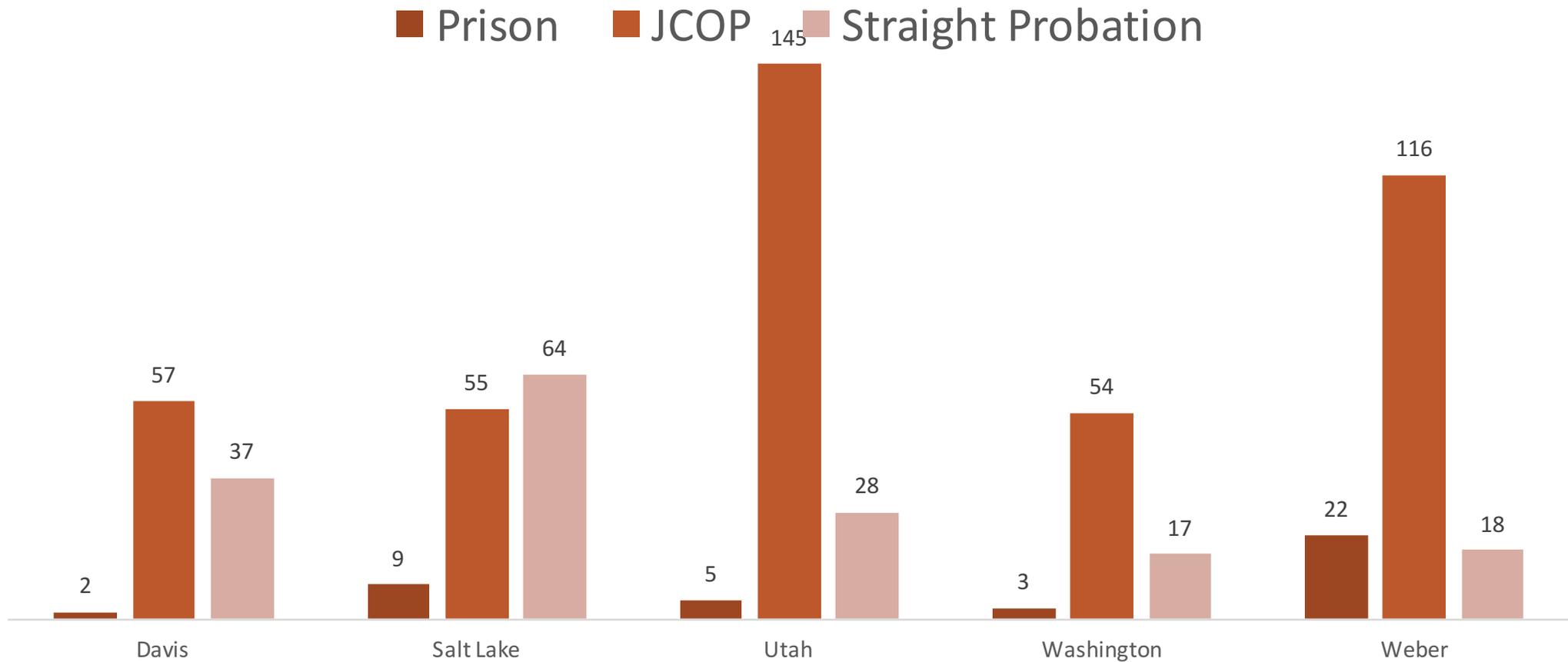
2013 Drug Possession Sentences



2014 Drug Possession Sentences



2015 Drug Possession Sentences



Statewide Trends?

- Statewide “average” is not a replica of any one county
- Available jail space?
- Available treatment beds?

