



**Washington State
Minority and Justice Commission**

**RACIAL/ETHNIC DISPARITIES AND
EXCEPTIONAL SENTENCES
IN WASHINGTON STATE**

FINAL REPORT

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EXECUTIVE SUMMARY

This study examines the use of exceptional sentences and other sentence alternatives such as the First-Time Offender Waiver and the Special Sex Offender Sentencing Alternative provided by the Sentencing Reform Act of 1981. The primary objectives are to determine whether racial or ethnic disparities exist in the use of these sentences and to identify characteristics of cases or offenders that may contribute to such disparities. To address these issues, we analyze data provided by the Sentencing Guidelines Commission on 51,844 adult felony sentences in Washington state during fiscal years 1990, 1991 and 1992.

The report presents analyses of statewide patterns in the use of mitigated and aggravated exceptional sentences and of other sentences above and below the standard range, as well as analyses of variations in the use of these sentences across Superior Courts and by county size. The following are the major findings for the first part of the analysis:

Exceptional sentences are used infrequently in Washington state. Less than 4% of all convictions result in exceptional sentences.

Disparities in exceptional sentencing between minority offender groups are as large as the disparities between White and minority offender groups.

The racial disparities that appear are not so much due to minorities receiving aggravated exceptional sentences as to some minority groups receiving mitigated exceptional sentences less often than other offenders, for some offenses.

Statewide, Hispanic, White and Native American offenders are more likely to receive aggravated exceptional sentences than either African American

or Asian American offenders. Native Americans are the most likely, and Hispanic offenders the least likely, to receive mitigated exceptional sentences.

Smaller Superior Courts are more likely to impose exceptional sentences than larger Superior Courts.

The relationship between race/ethnicity and the use of exceptional sentences is complex and varies by type of offense and across county Superior Courts.

Hispanic offenders are the group least likely to receive mitigated exceptional sentences. In many instances, Hispanic offenders are more likely than other offender groups to receive aggravated exceptional sentences.

Racial and ethnic disparities in exceptional sentencing are exacerbated by the concentration of the state's minority populations in some counties.

The second part of the analysis examines the individual case and offender characteristics that are related to the imposition of exceptional sentences and other sentences outside the standard range. We also examine the reasons given by judges for imposing either a mitigated or an aggravated sentence. The following are the major findings for the analyses of individual cases:

Offenders who commit more serious crimes, and those who have more serious criminal histories are more likely to receive either mitigated or aggravated exceptional sentences.

Offenders sentenced in smaller counties are more likely to receive exceptional sentences than those in larger counties.

The current offense, priors, and the offender and offense seriousness scores produce different patterns of exceptional sentences for different racial groups.

The relationship between race/ethnicity and the imposition of exceptional sentences is complex and is related to the current offense and the legal characteristics of the offender. For example, African American offenders

are less likely than White offenders to receive aggravated exceptional sentences, but African Americans sentenced for serious crimes are more likely than Whites sentenced for serious crimes to be given aggravated exceptional sentences.

There are direct relationships between race/ethnicity and the imposition of exceptional sentences: (1) Hispanic offenders are less likely than others to receive mitigated sentences; (2) African Americans are less likely to receive aggravated sentences.

White female offenders are more likely than White male offenders to receive either an aggravated or mitigated exceptional sentence. Hispanic and African American female offenders are more likely to receive mitigated sentences than their male counterparts but are not more likely to receive aggravated exceptional sentences.

The reasons provided by judges for imposing exceptional sentences are related to the race/ethnicity of the offender, but no clear patterns emerge.

We conclude that exceptional sentences, both above and below the standard range, are used infrequently and that the relationship between race/ethnicity and the imposition of these sentences is very complex. Therefore, even though it appears that race has a modest effect on sentencing outside the standard range, simplistic notions about race and exceptional sentencing should be avoided.

Officials in Washington state should recognize that some racial disparities reported here result from the residential concentration of minority populations in some counties and, therefore, that Superior Courts in those counties will contribute disproportionately to statewide racial disparities.

This study was limited to a relatively unique type of sentence. It is clear that the Minority and Justice Commission, the Sentencing Guidelines Commission, the Legislature, state agencies and other entities should continue to examine the criminal justice system for other sources of racial disparity. It is our belief that one

of the most effective means of preventing unwarranted disparity is the process of examining and reviewing ongoing practices.

Finally, as is frequently the case, addressing the question of racial disparities in the use of exceptional sentences raises additional questions. We recommend a more thorough examination of some of the issues uncovered by this research, particularly the substantial disadvantage experienced by Hispanic offenders in the use of exceptional sentences.

INTRODUCTION

Several years ago a study that examined racial differences in imprisonment in Washington state found that African Americans and Hispanics did not fare as well as Whites in the criminal justice system (Crutchfield and Bridges, 1986). It was hoped at that time that the Sentencing Reform Act of 1981 would remedy racial inequalities in criminal justice processing through its mandated statewide sentencing guidelines. The goal of this study is to assess whether the exceptional sentence provision in the Sentencing Reform Act is used in a racially-biased fashion.

In particular, the objective of this study is to identify whether racial and/or ethnic differences exist in the probability that offenders receive exceptional sentences. The research study focuses on two issues: 1) the level of racial and ethnic differences in exceptional sentencing and 2) the characteristics of cases and offenders that may contribute to these disparities. The analyses reported here should provide a better understanding of racial and ethnic differences in the imposition of exceptional sentences. We also examine sentences other than exceptional sentences which are above or below the standard range.

Before presenting the results of the analyses, we summarize the Sentencing Reform Act of 1981 and describe our analysis plan. We then present the results of the analysis of statewide trends in the use of exceptional sentences and of other sentences outside the standard range. This analysis is replicated for Superior Courts and for counties grouped according to their population size. The results of the analyses of individual cases are then presented. This, too, includes

both exceptional sentences, as well as other sentences outside the standard range. Finally, analyses of the reasons provided by judges for imposing these sentences are discussed.

The Sentencing Reform Act of 1981

Washington's Sentencing Reform Act (SRA) established uniform and determinate sentencing guidelines for the imposition of penalties for adult felons. The SRA seeks greater uniformity in the sentencing of offenders convicted of like offenses and with similar criminal histories. It places limits on judicial discretion in sentencing, eliminates extensive use of probation and parole, and requires that sentences be based only on legal characteristics of the offense and the offender's criminal history.

Under this sentencing model, judges are required to impose a term of confinement within a presumptive "standard range" that reflects both the seriousness of the offense and the offender's prior felony convictions. Offense seriousness levels range from 1 to 15 and the offender score ranges from 0 to 9.¹ Sentences are determinate, in that they indicate specific amounts of time to be served, whether in confinement, community service or community supervision.²

In addition to the offense and offender seriousness, the SRA indicates a variety of factors that enhance or reduce the standard sentence range. Sentences may be enhanced for the use of a deadly weapon in certain crimes, and for certain drug offenses committed on school property or in a correctional facility. Sentences

¹ The offense seriousness level and offender seriousness score are computed according to the criteria in RCW 9.94A.320 and RCW 9.94A.030. The offender score reflects the number of prior convictions, the nature of those offenses, and the length of time since they occurred.

² Most offenders are eligible for early release for "good time," so the actual time in confinement is less certain and likely to be shorter than that ordered. Sentences are, nonetheless, ordered as specific terms to be served.

are reduced by 25% for most anticipatory offenses such as attempt, solicitation, or conspiracy to commit a felony.³

Judges do, however, retain limited discretion and may, under substantial and compelling circumstances, impose sentences outside the standard range. These "exceptional" sentences may be either aggravated (above the standard range) or mitigated (below the standard range), and may be imposed on any offender for any offense, provided the issuing judge states in writing the aggravating or mitigating circumstances that would make the standard range sentence inappropriate. There are only two limitations on exceptional sentences: 1) sentences may not exceed the statutory maximum for the offense; and 2) mandatory minimum sentences exist for five of the most serious offenses (Aggravated Murder; First Degree Murder; First Degree Assault; First Degree Rape; First Degree Assault of a Child).

In addition to the exceptional sentence option, judges have a few other alternatives to standard-range sentences. Judges may, under some circumstances, convert all or part of a sentence to community service. In these "Alternative Conversions," the total sentence must still be within the standard range but need not be served in confinement. Depending upon the nature of the offense and the offender's prior history, the "First-Time Offender Waiver" (FTOW), and the "Special Sex Offender Sentencing Alternative" (SSOSA) are available for some offenders and are foremost among alternative sentences.

Under the FTOW, the standard range sentence is waived in lieu of a determinate sentence of up to 90 days of confinement and/or community service, with or without community supervision. Under the SSOSA, a sentence is formally

³ Prior to State of Washington v. Mendoza, 63 Wn. App. 373, 189 p.2d 387 (1991), the law was unclear regarding sentencing for anticipatory violations of the Uniform Controlled Substances Act. The Washington Supreme Court ruled in Mendoza that, unless otherwise defined by the UCSA, these anticipatory offenses are to be considered "unranked" offenses for the purposes of sentencing, with a standard sentence range of from 0 to 12 months.

imposed that is within the standard range, but it is then suspended and the judge may order terms of confinement (up to 6 months), community service, community supervision, or treatment as conditions of the standard range suspension. While SSOSAs will generally be less severe than the standard range sentence, FTOWs may actually result in a longer sentence, with additional conditions, than would have been allowed under the standard range (Sentencing Guidelines Commission, 1992).

Empirical Research Literature

Studies confirm that the populations of African American and other minority prisoners in state and federal correctional facilities are disproportionately large, given their number in the general population (Blumstein, 1982; Langan, 1985). Washington state is no exception to this general rule (Crutchfield and Bridges, 1986; Bridges, Crutchfield and Simpson, 1987). There is considerable debate, however, over the causes of racial disproportionality in incarceration. Some argue that the higher proportion of minorities in correctional facilities is a result of their greater involvement in more serious crimes. Others argue that the higher rates of incarceration among African Americans and other minorities are at least, in part, the result of discriminatory treatment in the courts.

Empirical evidence is available to support both views. Supporting the differential involvement thesis, Blumstein (1982) reports that arrests for violent crimes (those serious crimes most likely to result in imprisonment) account for 80% of the observed racial differences in imprisonment in the United States. Other studies have replicated Blumstein's findings (see Langan, 1985 and earlier reviews by Hagan, 1974 and Kleck, 1981). However, a growing body of research has shown that after controlling for legally relevant variables, social factors such as race of the offender are important in determining individuals' outcomes in the

criminal justice process (Peterson and Hagan, 1984; Miethe and Moore, 1986; Myers and Talarico, 1986; Bridges and Crutchfield, 1987).

There are a number of methodological problems with prior studies that hinder our interpretation of these findings. First, studies have typically examined either single jurisdictions (e.g., offenders in a single county) or large aggregates, such as entire states or nations, ignoring variations within those units (e.g., counties within a state). Research has shown that race differences in treatment vary by social context, and analyses should examine differences across jurisdictions, as well as the characteristics of individual jurisdictions that may be associated with differential treatment (Sabol, 1989; Bridges, 1993).

Second, studies have typically focused on one of the last steps in the criminal justice process, namely, sentencing. This is understandable given the paucity of data on earlier stages, for example, on arrests or charges (Miethe and Moore, 1986; Lloyd, 1992). However, if differential treatment by race occurs at earlier stages, comparisons at the point of sentencing will be biased.⁴ Those biases can be corrected statistically only if data for decisions that occur earlier in the criminal justice process are included in analyses (Berk, 1983).

The extent of the sample selection problem is not clear in sentencing studies. In general, researchers assume that analyses that do not correct for sample selection will provide conservative estimates (i.e., underestimates) of differential processing by race (Miethe and Moore, 1986; Peterson and Hagan, 1984). Myers (1987) finds that the hazard rate (the measure of the likelihood of an offender continuing in the system until sentencing) that was constructed to control for sample selection bias was largely determined by offense seriousness. The results

⁴ For instance, the effect of minority status on receiving a more excessive sentence may be masked if some Whites are treated more leniently at earlier stages. Thus, we are comparing a select sample of probably more severe White offenders with a sample of "normal" or less severe minority offenders.

suggest that simply controlling for offense seriousness will partially correct for the sample selection bias. Miethe and Moore (1986) examine racial differences in criminal sentencing in Minnesota but are unable to explore the effect of sample selection on their analysis. However, because of their large sample size and the use of interactive, rather than additive, models, they were able to discover racial differences in sentencing.

In general, the literature suggests that uncorrected models tend to produce conservative estimates of race effects and that corrected models should be used if the data are available, especially if the objective is to estimate individual offenders' probability of receiving particular sentences. Analyses of large, representative samples, employing uncorrected interactive models, should detect racial differences in sentencing practices if they indeed exist.

That is the analytic strategy used in this study. The data available for analysis consists of 51,844 adult felony sentences. There is no information on case attrition prior to sentencing (e.g., arrest, filing of charges, pretrial diversion). However, with this large, complete sample of sentences, the analyses should be able to detect, albeit conservatively, any race differences in the use of exceptional sentences in Washington state.

THE ANALYSIS PLAN

The data provided by the Sentencing Guidelines Commission are well-suited to assess the impact of race on the use of exceptional sentences. Data are analyzed on all convicted felons sentenced in Washington state during fiscal years 1990, 1991 and 1992 (July 1, 1989 to June 30, 1992). These data include legal characteristics of each case, such as the type and severity of the offense(s); the offender's prior felony convictions; the type and severity of sentence imposed (e.g., exceptional versus nonexceptional); and whether the sentence was enhanced (e.g., due to use of a deadly weapon, or sale of drugs in a school zone), reduced (e.g., through the First-Time Offender Waiver), or suspended (e.g., through the Special Sex Offender Sentencing Alternative). In addition, the data include the offender's age, race and sex, and the aggravating or mitigating reasons given by judges in cases where they have imposed exceptional sentences, thus facilitating an analysis of possible variations in judges' justifications for exceptional sentences by the race or ethnicity of the offender. Data for all three years are pooled and analyzed collectively.

The analysis of exceptional sentences is divided into two parts. Part 1 examines the levels of racial and ethnic disparities in the imposition of exceptional sentences statewide and across Superior Courts. Part 2 analyzes all individual cases statewide in order to identify characteristics of cases and of offenders, including race and ethnicity, that predict the imposition of exceptional sentences.

While the analysis focuses on the use of exceptional sentences, other sentencing alternatives (FTOW and SSOSA) also produce sentences outside the standard range. Because we are interested both in the use of exceptional sentences

and in the more general issue of race/ethnic differences in sentencing, we repeat the analyses for all sentences outside the standard range in both Part 1 and Part 2.

Part 1 is the analysis of levels of exceptional sentences. This part of the analysis is performed in three stages. First, we compare the statewide levels of exceptional sentencing, for all offenders, by race/ethnicity and by type of offense. Second, we compare these levels of exceptional sentencing within, and between, Superior Courts.⁵ Third, we combine the data for the 30 Superior Courts into the five classes according to population size of counties, and compare levels of exceptional sentencing across these classes of Superior Courts (See Appendix 1 for classifications by county).

The third stage of the analysis was performed because of the small numbers of convictions in many Superior Courts, particularly of minority offenders. For example, with 93% of African American offenders concentrated in only four Superior Courts, it is difficult to draw conclusions regarding sentencing disparities in those courts with few minority offenders. By combining Superior Courts according to population size, we are better able to examine differences in sentencing patterns by offender race and by offense type, while still being able to compare sentencing trends between the larger, more urban districts and the smaller, more rural districts.

Given the disproportionate numbers of offenders by race and ethnicity in the state (67% are White) and across Superior Courts, it would be misleading to draw conclusions regarding sentencing disparities from a direct comparison of the total numbers of exceptional sentences imposed on offenders of different races and in different jurisdictions. Rather, we compare percentages of offenders of each

⁵ Washington's 39 counties are divided into 30 Superior Courts. Each court typically represents a single county, but several of the smaller counties have combined Superior Courts (See Appendix 1).

race who received exceptional sentences. Total exceptional sentences across Superior Courts are relevant, on the other hand, for understanding racial disparities at the state level.

At all stages of this analysis, it is important to assess overall levels of exceptional sentencing and, more important, whether those sentences are more likely to be aggravated (above the standard range) or mitigated (below the standard range). Therefore, at each stage of the analysis, we compute the percentages of all offenders receiving aggravated exceptional and mitigated exceptional sentences.⁶ We also compute these percentages separately for each racial/ethnic offender group and for all minority offenders combined. We compute the percentages of offenders of each race receiving aggravated and mitigated exceptional sentences for each of four types of offenses: (1) Violent offenses; (2) Sex offenses; (3) Drug offenses; and (4) all Other Nonviolent offenses. Finally, we replicate these analyses, computing percentages of offenders receiving any sentence outside the standard range, whether or not it is an exceptional sentence.

Part 2 is an analysis of individual case characteristics that predict exceptional sentences. The state and county class analyses provide important descriptive data concerning aggregate trends in the imposition of exceptional sentences across racial groups and type of offense. However, these analyses tell us little about the individual characteristics that increase or decrease the probability of receiving an exceptionally lenient or severe sentence. We perform a second set of analyses to assess the impact of a variety of legal and extralegal factors on sentencing outcomes.

⁶ A small number of exceptional sentences are actually within the standard range. We have included these among the aggravated exceptional sentences because, while they do not entail longer periods of incarceration, they typically include additional conditions (e.g., a longer period of community supervision) above and beyond the ordinary for a given offense.

We create two dichotomous dependent variables. "Mitigated Exceptional" sentences were computed to equal one if the offender received a mitigated exceptional sentence and zero if either a standard range sentence or an aggravated exceptional sentence was imposed. "Aggravated Exceptional" sentences were computed to equal one if the offender received an exceptional sentence above the standard range and zero if either a standard range sentence or mitigated exceptional sentence was imposed.

We construct four sets of independent variables to estimate the influence of legal and extralegal factors on the likelihood of being given an exceptional sentence. The first set of legal variables examines the types of prior offenses in the offender's record. Three dichotomous variables indicate whether the offender had prior convictions for sex, drug or violent offenses. The second indicates whether the offender's current conviction includes a sex offense, drug-related offense or violent offense. The third set of legal variables includes the offender and the offense seriousness scores. The fourth describes characteristics of the case and its outcome. These include whether the sentence was enhanced because a weapon was involved, the person was dealing drugs in a school zone or other protected area, or the crime was committed in a correctional facility, or included sexual motivation, or whether it was reduced because the crime was not completed (e.g., attempted). Outcome measures include whether the offender was sentenced under a FTOW or a SSOSA. Extralegal variables include the offender's sex, race and age at the time of the sentence, and the size of the Superior Court.

In the analyses we first use logistic regression analyses to assess the impact of legal and extralegal factors (e.g., race and gender of the offender, and county class) on the probability that individual offenders receive aggravated or mitigated exceptional sentences. Second, we assess the impact of extralegal factors on judges' reasons for imposing more lenient or more severe sentences, controlling

for legally relevant variables. Because information on judges' reasons exists only in those cases that received exceptional sentences, there is the possibility of sample selection bias. To control for this potential effect on the analyses, we include in the equations a hazard rate that represents the probability of being included in the sample (Berk, 1979).⁷

Following the analyses of exceptional sentences, we repeat the above analyses and examine all sentences, both exceptional and nonexceptional, that fall outside the standard range. While most sentences above the standard range are exceptional sentences, many sentences imposed are below the standard range and are not defined as exceptional. Most of these sentences below the standard range are due to the use of other alternative sentences (FTOW and SSOSA).

⁷ The hazard rates were constructed using the results of earlier regression analyses.

FINDINGS: STATE AND COUNTY ANALYSES

Exceptional Sentences in Washington State

There was a total of 51,844 felony sentences in Washington state from July 1, 1989 to June 30, 1992. The majority of offenders sentenced were White (67%), followed by African Americans (17%), Hispanics (7%), Native Americans (2%), and Asian Americans (2%). An additional 5% are recorded as "Other" or "Unknown" (see Tables 1 through 5).⁸ The racial composition of convicted offenders primarily reflects the numbers of persons of each race living in Washington, but also may reflect differential involvement in criminal activity or differential treatment at earlier stages in criminal justice processing.

Exceptional sentences are used infrequently in Washington state, occurring in less than 4% of all convictions from 1990 to 1992. When judges impose exceptional sentences, they are as likely to be above (1,014 cases) as below (1,044 cases) the standard range. The use of exceptional sentences varies considerably, however, by type of offense and by race of the offender. In this study we examine four broad categories of offenses: Violent offenses; Sex offenses; Drug-related offenses; and Other Nonviolent offenses.

Sex offenders are the most likely to receive exceptional sentences (14%), while 10% of violent offenders, 3% of drug offenders, and 2% of offenders convicted of other nonviolent crimes received exceptional sentences.⁹ This pattern

⁸ These percentages are of all felony convictions, rather than all persons convicted. Individual offenders can, and often do, have more than one conviction. As a result, while 67% of all convictions are of White offenders, it may be that fewer than 67% of all offenders are White.

⁹ Cases often include multiple offenses. For example, a single conviction may include a violent offense and an "other" nonviolent offense. This case would be counted as both

is the same for both aggravated and mitigated exceptional sentences. That is, sex offenders are more likely to receive *either* high (8%) *or* low (6%) exceptional sentences, than are violent offenders (5% and 4%), drug offenders (1% and 2%), or other nonviolent offenders (1% and 1%).

Exceptional Sentencing by Race. Statewide, the likelihood of receiving an exceptional sentence varies by the race of the offender (see Tables 6a and 6b). As with total convictions, the majority (73%) of offenders receiving exceptional sentences are White. Due to the large differences in the total numbers of offenders of each race, and the infrequent use of exceptional sentences, some groups receive very few exceptional sentences, regardless of any differences in the use of these sentences.

For all offenses combined, Hispanic, White and Native American offenders are equally likely to receive aggravated exceptional sentences (2.3%, 2.2%, and 2.1%, respectively), and are approximately twice as likely as either African American (1.2%), or Asian American offenders (1.0%) to receive these sentences. Conversely, mitigated exceptional sentences are most likely for Native American offenders (3.0%), followed by Asian American (2.5%), African American (2.2%), White (2.1%) and Hispanic offenders (1.0%).

When one examines the differences in the likelihood of aggravated versus mitigated exceptional sentences within each racial group, equal proportions of White offenders are as likely to receive exceptionally high (2.2%) as low (2.1%) exceptional sentences. However, African American, Asian American and Native American offenders are each more likely to receive low exceptional sentences than

violent and other nonviolent. Furthermore, these categories are not mutually exclusive. A violent sex offense (e.g., first degree Rape) is counted as both a violent and a sex offense. The percentage of cases receiving exceptional sentences for a particular type of offense, therefore, refer to all convictions that include, but are not restricted to, that type of offense.

high, while Hispanic offenders are more than twice as likely to receive high exceptional sentences.

There are also racial differences in the likelihood of exceptional sentencing within types of offenses. For example, among violent offenders, Whites (5.7%) and Hispanics (5.2%) are the most likely to receive high exceptional sentences. African American and Asian American violent offenders are least likely to receive these sentences (3.4% and 3.1%, respectively). Mitigated exceptional sentences are most likely for White (4.7%), Asian American (4.7%), and Native American (4.6%) violent offenders, followed by African American (3.6%) and Hispanic violent offenders (1.9%).

Comparing the relative likelihood of aggravated versus mitigated exceptional sentences within and across race groups, we see that White violent offenders are slightly more likely to receive high as low exceptional sentences, while Asian Americans are slightly more likely to receive low than high exceptional sentences. African Americans and Native Americans are both equally likely to receive either low or high exceptional sentences. Hispanic violent offenders, however, are nearly three times as likely to receive an aggravated as a mitigated exceptional sentence.

The disparities, both between and within races, are more apparent for sex offenders. Among these offenders, Native Americans are most likely to receive aggravated (13.6%) and least likely to receive mitigated exceptional sentences (1.5%), while Asian Americans are most likely to receive mitigated (12.5%) and least likely to receive aggravated exceptional sentences (2.5%). Hispanic and African American sex offenders are only slightly more likely (9.2%; 9.5%) than Whites (8.5%) to receive high exceptional sentences. African Americans and Native Americans are the least likely (2.9%; 1.5%) of all sex offenders to receive mitigated exceptional sentences.

Within race groups we see that White sex offenders are slightly (2.3%) more likely to receive a high exceptional sentence than a low exceptional sentence, but African American sex offenders are three times (6.3%) more likely to receive a high exceptional sentence than a low exceptional sentence. More striking, the percentage of Native American sex offenders receiving high exceptional sentences is nine times the percentage receiving low exceptional sentences, while Asian American offenders are five times more likely to receive low than high exceptional sentences.

Drug offenders are much less likely to receive exceptional sentences than either violent or sex offenders, but race differences exist nonetheless. For drug offenses, Whites (1.5%) and Native Americans (1.3%) are nearly twice as likely as African Americans (.7%) to receive high exceptional sentences. Hispanic offenders are the most likely to receive high exceptional sentences (2.1%). Native Americans are the most likely (5.1%) to receive low exceptional sentences for drug offenses -- twice as likely as either African American (2.6%) or White offenders (2%) and eight times as likely as Hispanic offenders (.6%).

Comparing within race, all groups except Hispanics are more likely to receive mitigated than aggravated exceptional sentences for drug offenses. African American and Native American offenders are each about four times as likely to receive a low exceptional sentence as a high exceptional sentence. Hispanic offenders, on the other hand, are three times as likely to receive a high exceptional sentence.

These examples illustrate the complexity of the disparities that exist at the state level. Overall, we find that White offenders are more likely to receive exceptional sentences, whether more severe or more lenient than the standard presumptive range, and that they do not have a clear advantage over other offenders. African American, Asian American and Native American offenders are

more likely to receive mitigated exceptional than aggravated exceptional sentences, and appear, therefore, to have an overall advantage over both White and Hispanic offenders. For both African Americans and Native Americans, this is true for all offenses except sex offenses, where they are less likely than others to receive mitigated exceptional sentences.

Conversely, these findings suggest that if any offenders are at a clear disadvantage in the use of exceptional sentencing, relative to other groups, it is Hispanic offenders. This is not simply due to exceptionally harsh treatment, but rather to the lower probability of receiving lenient sentences for most offenses. Across offense types, Hispanics are consistently among the most likely to receive aggravated, and least likely to receive mitigated, exceptional sentences. In addition, for all offenses combined, Hispanic offenders are the most likely to receive aggravated exceptional, and least likely to receive mitigated exceptional, sentences. Finally, Hispanic offenders are the only group that is more likely to receive aggravated than mitigated exceptional sentences for every category of offense, and for all offenses combined.

Exceptional Sentencing Across Superior Courts

While patterns of sentencing statewide are important for an overall understanding of the relationship between race and exceptional sentencing in Washington, it is equally important to examine differences within and between Superior Courts. This section of the report will highlight some of those differences (see Tables 7a and 7b).

Across all races and all offense types, the highest rates of aggravated exceptional sentences are found in the Pacific/Wahkiakum counties (7.2%), Mason county (7.0%) and Clallam county (6.7%) Superior Courts. The lowest rates are found in Grant county (.5%), Adams county (.4%) and Whitman county (.0%)

Superior Courts. Mitigated exceptional sentences are imposed most often in the Thurston county (3.6%), Walla Walla county (3.6%), Island/San Juan (3.3%) and Kitsap county (3.2%) Superior Courts. They are least likely in the Skagit county (.6%), Kittitas county (.4%) and Grant county (.4%) Superior Courts.

It is important to note that these counties, with the exception of Kitsap, produce relatively few convictions in the state. Therefore, while they are at the extremes in the proportion of exceptional sentences issued, they contribute little to the overall levels of exceptional sentencing at the state level. Furthermore, most of these counties, including Kitsap, have very few convictions of minority offenders. As a result, their overall rates of exceptional sentences are primarily a reflection of the sentencing of White offenders. Due to the small numbers of convictions in many Superior Courts, any conclusions regarding the extent of racial disparities, especially by offense type, must be drawn cautiously.

Nonetheless, there are some sentencing disparities by offender race and offense type. These differences are most apparent for those offenses that receive the most exceptional sentences -- sex offenses and violent offenses. Five Superior Courts appear to treat violent offenders particularly harshly: the combined counties of Asotin/Columbia/Garfield, Clallam county, Kitsap county, Okanogan county, and the combined Pacific/Wahkiakum court each imposed aggravated exceptional sentences in more than 10% of convictions for violent crimes.

County differences are most apparent in the use of exceptional sentences for sex offenders. While 8% of sex offenders statewide received high exceptional sentences, 12 courts imposed aggravated sentences in more than 10% of sex convictions, and eight of them in more than 15% of such cases. For the most part, this harsh treatment extends to White and nonwhite offenders alike, though there appear to be wide disparities in some counties. For instance, African American sex offenders are about five times more likely than Whites to receive aggravated

exceptional sentences in Snohomish county, while Hispanic offenders are more than twice as likely as Whites to receive high exceptional sentences in Thurston county.

There are also differences among Superior Courts in the provision of mitigated exceptional sentences for sex offenders. Adams, Grays Harbor, Jefferson, Lewis, Lincoln, Mason, Pierce and Thurston counties had high rates of low exceptional sentences for sex offenders (10% to 18% of convictions). Most of these sentences are for White offenders because, with the exception of Pierce and Thurston counties, these counties had almost no convictions of nonwhite sex offenders.

Differences by race within Superior Courts exist as well. In Pierce county, for example, White sex offenders are three times more likely than African Americans to receive low exceptional sentences, but Hispanic offenders are 1.7 times more likely to receive them than Whites. In King county, White sex offenders are 1.7 times more likely than African Americans to receive mitigated exceptional sentences.

Exceptional Sentences by County Size

The small numbers of felony convictions in most counties, particularly of Hispanic, Native American and Asian American offenders, make it difficult to draw conclusions regarding sentencing disparities in individual counties. However, by grouping county Superior Courts by population size, we are better able to examine differences in sentences, by race of the offender and by offense type, and to make comparisons between the larger urban counties and the smaller rural counties. Of course, there is variation between counties of similar size, and the findings based on these combined Superior Courts may not apply to any specific

county. Rather, they reflect trends in sentencing among counties of similar size and urban concentration (see Tables 8a-12b).

For this analysis, we combine the data for the 30 Superior Courts into five groups, according to their County Class designations. Superior Courts that include more than one county are designated according to the population of the largest county (See Appendix 1). The largest urban Class "A" counties, which include King, Pierce, Snohomish and Spokane counties, account for 57% of all convictions. The seven next largest counties are the Class "B" counties and account for an additional 27% of all convictions. The nine smaller Class "C" counties account for 10% of all convictions, followed by six counties in Class "D" with 4% of all convictions, and the four smallest Class "E" counties with only 2% of all convictions in the state.

Of course, minority offenders are not equally represented in these classes. The vast majority (93%) of all minority offenders are found in Class A and Class B counties, yet there are sufficient numbers of convictions in the smaller counties to analyze and describe more accurately the levels of exceptional sentencing there.

Perhaps the most significant observation is that smaller urban counties and the predominantly rural counties use exceptional sentences more often than the largest urban counties (See Tables 8a and 8b). Class B and C counties issued aggravated exceptional sentences 1.7 times more often than Class A counties, and Class D counties were 2.5 times more likely than Class A counties to use aggravated exceptional sentences. The use of mitigated exceptional sentences also varies by county class: Class B counties issue these low exceptional sentences slightly more often than Class A counties, followed by Class E, Class C and Class D counties.

Recall that statewide, Hispanic offenders are the most likely to receive high exceptional sentences. Ironically, in most of the county Superior Court

classes, particularly the largest ones, courts are more likely to issue aggravated exceptional sentences to White offenders than to Hispanic offenders. Class D and Class E county courts, which have relatively few Hispanic convictions, are the only ones more likely to impose aggravated exceptional sentences on Hispanic offenders.¹⁰ The high rate for Hispanics statewide appears to be largely a result of the concentration of Hispanic offenders in Class B counties. Those Superior Courts impose high exceptional sentences at higher than average rates (2.5%) for all offenders. As a result, Hispanic offenders are more likely to receive high exceptional sentences than any other group statewide, and are twice as likely to receive them in Class B counties than in Class A counties.

Class D county Superior Courts are the most likely to sanction Hispanics with aggravated exceptional sentences -- nearly six times more likely than Class A counties. All classes of counties are more likely to impose high exceptional sentences on Hispanic offenders than on African American offenders, with the largest disparities in the three smallest classes.

Statewide, Hispanic offenders are the least likely to receive low exceptional sentences. This is true across all Superior Court county classes, though particularly so in Classes D and E, where less than .2% of Hispanic offenders received mitigated exceptional sentences, compared to 3.7% and 2.1% of Whites, respectively. As noted above, these two classes of courts are also by far the most punitive toward Hispanic offenders in terms of high exceptional sentencing. Class B county courts are twice as likely to impose high as low

¹⁰ We should be cautious when interpreting this result. Social scientists generally consider race and ethnicity as two different variables. For instance, the U.S. Census asks respondents to list their race and a separate question asks about ethnicity. Hispanics are frequently divided into those who self-identify as Black Hispanics and those who identify as White Hispanics. This is important because some research has found that these two groups experience social life somewhat differently. In these data we cannot differentiate between White and Black Hispanics, nor can we know if a Hispanic offender is perceived to be White and is consequently treated as if he or she were White.

exceptional sentences on Hispanic offenders. This is true only for Hispanics in those counties, and is due not to a greater likelihood of high exceptional sentencing, but to the much lower likelihood of low exceptional sentencing. All other racial groups are as likely, or more likely, to receive mitigated than aggravated sentences in Class B counties.

Hispanics are more likely to receive high exceptional sentences than low exceptional sentences across all offenses examined. Among violent offenders, this is most notable in Class B, Class D and Class E counties. Class D Superior Courts, in particular, imposed high exceptional sentences in 19% of Hispanic convictions for violent crimes, which is 12 times higher than for Hispanics in Class A counties and twice as high as for Whites in Class D counties. In all classes, Hispanic violent offenders are the least likely of any racial group to receive mitigated exceptional sentences. This disparity is greatest in the three smallest county classes, where less than 1% of these offenders received low exceptional sentences, compared to an average of 5% of White violent offenders.

Similarly, all classes of Superior Courts are much more likely to impose aggravated than mitigated exceptional sentences on Hispanic drug offenders. The opposite is true for most other racial groups. The same pattern holds for Hispanic sex offenders, although this is true for most sex offenders. In Class A and Class B counties, Hispanic sex offenders are actually more likely to receive low exceptional sentences than are Whites.

The pattern of exceptional sentencing for African American offenders is essentially opposite that of Hispanics. Statewide, African Americans are less likely than most to receive aggravated exceptional sentences. In every Superior Court class, African Americans are also less likely to receive high exceptional sentences than nearly any other group, the one exception being Native Americans in Class A county Superior Courts. As with every other group of offenders, Class B counties

give African Americans high exceptional sentences twice as often as do the Class A county Superior Courts. However, while the Class C, D and E counties are even more likely to issue White, Native American, and Hispanic offenders high exceptional sentences (ranging from 2% to 3%), they are less likely to impose these sentences on African Americans (less than 1% of cases).

Statewide, African American offenders are more likely to receive low exceptional sentences than either White or Hispanic offenders. This overall trend seems to be due to Class A and Class B county Superior Courts (where 98% of African Americans are convicted). Class C, D and E county Superior Courts rarely issue mitigated exceptional sentences to African Americans, in less than 1% of cases, compared to approximately 2% for White offenders.

As a result, in every Superior Court county class, and for most offenses, African Americans are at least as likely to receive mitigated as aggravated exceptional sentences. For example, African American violent offenders are equally likely to receive high as low exceptional sentences in Class A and Class C county Superior Courts, and are slightly more likely to receive low exceptional sentences in Class B counties. In contrast, White violent offenders in these counties are more likely to receive high exceptional sentences than low ones. Still, White offenders in all Superior Court classes are more likely to receive mitigated exceptional sentences for violent crimes than are African Americans.

African Americans appear to have an advantage over most groups in sentencing for drug offenses: They are least likely to receive high exceptional sentences and more likely than either Whites or Hispanics to receive low exceptional sentences. Class A counties are particularly unlikely to issue high exceptional sentences to African Americans for these offenses (less than 1% of cases). The pattern of sentencing for other nonviolent offenses is nearly identical. However, African American sex offenders appear to be at a distinct disadvantage,

being most likely to receive aggravated exceptional sentences in Class A county courts and least likely to receive mitigated exceptional sentences in both Class A and Class B counties. Overall, African American sex offenders are three times more likely to receive an aggravated than a mitigated exceptional sentence.

There are some unusual patterns of exceptional sentencing of Native American offenders. Native Americans receive vastly different treatment across Superior Court classes. Overall, Native Americans are less likely than either Whites or Hispanics to receive high exceptional sentences, but more likely than African Americans or Asian Americans. In Class A county courts only .4% of Native Americans receive aggravated exceptional sentences, while Class B county courts are more likely to issue high exceptional sentences to Native Americans than to any other racial group. By far the most striking finding is that Class C county Superior Courts imposed high exceptional sentences to 10% of all Native Americans convicted. While these counties convicted a small number of Native Americans (n=85), and therefore have little impact on statewide disparities, they produce the most disparate sentencing outcomes. In these counties, Native Americans are over three times more likely than Whites, five times more likely than Hispanics, and 12 times more likely than African Americans, to receive aggravated exceptional sentences. These results might be affected by the transfer of some Native American offenders to tribal courts.

The pattern of mitigated exceptional sentences for Native Americans is just the reverse. Statewide, Native Americans are most likely to receive lenient exceptional sentences (3%) -- three times more likely than Hispanics, the group least likely to receive low exceptional sentences. This appears to be due to the relatively high proportion of Native American offenders receiving low exceptional sentences in Class A and Class B county courts. Class A county courts issue low exceptional sentences twice as often for Native Americans as for White offenders,

and nearly four times more often than for Hispanic offenders. Class B counties are somewhat less likely than Class A counties to use mitigated exceptional sentences for Native Americans, but still do so more often than for Whites and Hispanics, and equally as often as for African Americans. Asian Americans are the only group to receive a higher proportion of low exceptional sentences than Native Americans in Class B counties. Class C and D county Superior Courts are less likely than the larger county Superior Courts to issue low exceptional sentences to Native Americans, but these rates (1% and 2%) are not unusually low. This does result, however, in Class C counties being 10 times more likely to issue Native Americans high exceptional sentences than low exceptional sentences.

This pattern of aggravated exceptional sentencing of Native Americans in Class B and Class C county Superior Courts and more mitigated exceptional sentencing in Class A county Superior Courts seems to hold for all four types of offenses. Native American violent offenders and sex offenders are especially likely to receive high exceptional sentences in Class B and C counties. Two-thirds of Native American sex offenders in Class C county courts received high exceptional sentences. The one clear exception to this pattern is that no Native American sex offenders in Class A courts received exceptional sentences.

Finally, Asian American offenders appear to receive the most lenient treatment, statewide, being least likely to receive high exceptional sentences, and second only to Native Americans in the likelihood of receiving low exceptional sentences. The discussion of sentencing patterns for Asian American offenders will be limited because only 21 of the 488 convictions of Asian Americans in the study occurred in other than the large, more urban Class A or Class B county Superior Courts.

The fact that Asian Americans are least likely to receive high exceptional sentences statewide may be due to the concentration of Asian American offenders

in Class A counties, which use aggravated exceptional sentences less than any other courts. In these counties, White offenders are the only group more likely than Asian Americans offenders to receive high exceptional sentences, but this difference is rather small. Class B county courts are much more likely to issue high exceptional sentences, yet no Asian American offenders received this type of sentence.

In both Class A and Class B counties, Asian American offenders are more likely to receive low exceptional sentences. They are the most likely of all offenders to receive these sentences in Class B county courts, and second only to Hispanic offenders in the Class A counties.

Asian American offenders are most likely to receive exceptional sentences, both high and low, for violent offenses and sex offenses. Violent offenders in Class A courts were as likely to receive high as low exceptional sentences, but sex offenders were three times more likely to receive low exceptional sentences. In Class B counties, 22% of Asian American sex offenders receive low exceptional sentences. No high exceptional sentences were issued for drug offenses or other nonviolent offenses in these counties.

Sentences Outside the Standard Range in Washington State

Thus far we have examined only the use of exceptional sentences in Washington state, and across county Superior Courts. The analyses reported next examine the use of all sentences that fall outside the standard range, regardless of the type of sentence imposed (see Appendix 2 for a description of the computation of these variables).

Overall, the patterns of out-of-range sentences, by offender race and offense type, resemble those for exceptional sentences, with some notable differences (see Tables 13 and 14). Statewide, sentences are much more likely to

fall below than above the standard range. Of the 51,844 felony sentences issued during the period of our study, 3,704 (7.1%) fall below the standard range, while 1,182 (2.3%) fall above the standard range.

The larger proportion of cases below-range is primarily due to the availability of additional sentencing alternatives (FTOWs and SSOSAs) that result in lower sentences for some offenders. Twice as many offenders receive below-range sentences through these alternatives as through exceptional sentences. Of the sentences below the standard range, 28% are exceptional sentences, while 31% are FTOWs, and 27% SSOSA suspended sentences. Fourteen percent (14%) of the below-range sentences are neither exceptional, FTOW, nor SSOSA sentences. Of the above-range sentences, 86% are exceptional, and 5.5% are FTOWs. The remaining (8.2%) are neither exceptional nor FTOW sentences.¹¹

As with exceptional sentences, sex offenders are the most likely to receive a sentence outside the standard range, followed by violent, drug and other nonviolent offenders. However, the proportion of offenders receiving sentences below-range, compared to above-range, varies much more by offense type than do the relative proportions of exceptional sentences. Whereas violent offenders are slightly more likely to receive an aggravated than mitigated exceptional sentence, they are 2.4 times more likely to receive a sentence below-range than above-range. This reversal is even more pronounced for sex offenders: Sex offenders are 1.4 times more likely to receive an aggravated than mitigated exceptional sentence but are four times more likely to receive a sentence below-range than above range. This is hardly surprising given that we have defined SSOSAs as below-range (see Appendix 2). This clearly illustrates that, in order to portray accurately the

¹¹ It is not clear why there are over 600 cases sentenced outside the standard range that are not alternative sentences, though some may simply be due to errors in calculating the standard range at the time of sentencing.

favorable or unfavorable treatment of different groups by the criminal justice system, one must examine not only exceptional sentences, but all alternative sentences.

Sentencing outside the standard range varies by race of the offender. As with exceptional sentences, Hispanic, White and Native American offenders are most likely to be sentenced above the standard range. African American and Asian American offenders are the least likely to be sentenced above the standard range. However, the pattern of below-range sentences differs somewhat from that of mitigated exceptional sentences. Whereas Native Americans are the most likely to receive mitigated exceptional sentences, White, Asian American and Native American offenders are approximately equally likely to be sentenced below-range (between 7.4% and 8%). Furthermore, while African American offenders are as likely as White and Asian Americans to receive mitigated exceptional sentences, African American offenders receive below-range sentences in only 5.1% of cases, only slightly more than Hispanics (4.5%).

An interesting finding at the state level is that the disparities between racial groups in the likelihood of below-range sentencing, while notable, are somewhat smaller than the disparities in mitigated exceptional sentencing. This is due to the differential likelihood of groups receiving non-exceptional, relative to exceptional, sentences below the standard range. For African American and Native American offenders, over 40% of all below-range sentences are exceptional sentences. For Whites, 27% of below-range sentences are exceptional sentences, and for Hispanics, 23%. While every group receives more non-exceptional than exceptional sentences below the standard range, this difference is most pronounced for Hispanics. This seems, however, to be more a reflection of the extremely low number of mitigated exceptional sentences than to a large number of non-exceptional, below-range sentences. Conversely, 86% of all offenders receiving

above-range sentences received exceptional sentences. Among these offenders, Hispanics are most likely to have received exceptional sentences (91%), and African Americans are least likely (81%).

The levels of out-of-range sentencing vary substantially by race and offense type (see Tables 13a and 13b). Recall that among violent offenders, Whites are most likely to receive aggravated exceptional sentences, followed closely by Hispanics. This pattern is unchanged when looking at all sentences above the standard range. However, Whites are by far the most likely to benefit from below-range sentences for violent offenses. Fifteen percent (15%) of White violent offenders received below-range sentences -- over three times the number receiving mitigated exceptional sentences. Among violent offenders, African Americans are least likely to receive non-exceptional below-range sentences, and as a result are least likely (6.5%) to receive any below-range sentence.

Among sex offenders, the pattern of above-range sentences is similar to that of exceptional sentences. Native Americans are by far the most likely to receive these (15%) -- nearly twice as likely as White sex offenders (8.8%). Ten percent (10%) of both African American and Hispanic sex offenders received above-range sentences. White and Asian American sex offenders are the most likely to receive below-range sentences (39% and 38%, respectively). Nearly 30% of Hispanic and Native Americans received below-range sentences as well. African Americans, however, are much less likely than any other group to receive below-range sentences for sex offenses (16%), yet are second only to Native Americans in the likelihood of above-range sentences. Thus, African Americans are least likely of any group of sex offenders to receive either mitigated exceptional sentences or non-exceptional, below-range sentences.

The patterns of out-of-range sentencing for drug offenses and other nonviolent offenses are essentially no different than those of exceptional sentences.

For drug offenses, Hispanics are most likely to be sentenced above-range and least likely to be sentenced below-range. African Americans are least likely to be sentenced above-range, and less likely than any group except Hispanics to be sentenced below-range.

Summary of State and County Analyses

Major findings:

Exceptional sentences are used infrequently in Washington. Less than 4% of all convictions result in exceptional sentences.

Disparities in exceptional sentencing between minority offender groups are as large as the disparities between White and minority offender groups.

The racial disparities that appear are not so much due to minorities receiving aggravated exceptional sentences as to some minority groups receiving mitigated exceptional sentences less often than other offenders, for some offenses.

Statewide, Hispanic, White and Native American offenders are more likely to receive aggravated exceptional sentences than either African American or Asian American offenders. Native Americans are the most likely, and Hispanic offenders the least likely, to receive mitigated exceptional sentences.

Smaller Superior Courts are more likely to impose exceptional sentences than larger Superior Courts.

The relationship between race/ethnicity and use of exceptional sentences is complex and varies by type of offense and across county Superior Courts.

Hispanic offenders are the group least likely to receive mitigated exceptional sentences, and in many instances they are more likely than other offender groups to receive aggravated exceptional sentences.

These disparities are exacerbated by the concentration of the state's Hispanic population in counties that are more likely to impose exceptional sentences.

Additional Findings:

Racial disparities similar to those observed for exceptional sentences are also observed for all sentences outside the standard range.

Hispanic offenders are the most likely to receive sentences above and the least likely to receive sentences below the standard range.

White offenders are most likely to benefit from below-range sentences for violent offenses.

African American sex offenders are least likely to receive either mitigated exceptional sentences or other sentences below the standard range.

FINDINGS: ANALYSES OF INDIVIDUAL CASE CHARACTERISTICS

Predicting Aggravated and Mitigated Exceptional Sentences

This section will first review the factors associated with both mitigated and aggravated exceptional sentences for the total sample. Second, analyses of differences within specific racial and ethnic groups will be discussed. In these latter analyses, if characteristics of the case statistically predict exceptional sentences, then the significant factor(s) can be said to interact with race. If for instance, the presence of a weapon during a crime is significantly related to aggravated exceptional sentences for African Americans, but not for Whites, one would conclude that race interacts with the use weapons. In other words, African Americans using weapons would be given aggravated exceptional sentences more often than other African American offenders, but White offenders with this enhancement would not receive exceptional sentences more often than other White offenders. This would indicate an inappropriate inclusion of race as a factor in sentencing, that may or may not have shown up in the analysis of the total sample.

Tables 20a through 20f present the results of logistic regression analyses and describe the factors that influence the likelihood of receiving mitigated and aggravated exceptional sentences. The column designated by "R," shows the relative size and direction of the relationship. It ranges from -1.0 (an exceptionally strong negative effect) to +1.0 (an exceptionally strong positive effect). "R" is set to zero if the effect, whether positive or negative, is exceptionally small. The column designated by "Exp.(B)" includes the exponent of the slope, which can be used to compare effect sizes. Table 20a includes the results for the entire sample. The race variables describe the probability that individuals in each minority group

will receive an exceptional sentence compared to White offenders. The tables also describe the effects of other characteristics of the offender, the offense and county size on exceptional sentencing.

In discussing the analyses of the full sample, we focus on the race and ethnicity variables. The other characteristics are statistically controlled during the analyses, allowing us to discern the extent to which race is affecting the imposition of exceptional sentences after legally relevant factors have been taken into account. Before examining the race effects, two results are noteworthy. First, the seriousness of the offense and the offender's record are consistent predictors of both mitigated and aggravated exceptional sentences. For the most part, this is true for each of the racial/ethnic groups. This suggests that judges invoke more discretion or deviation from the presumptive range for the most serious offenders and most serious crimes. Second, there is a "county effect" on the imposition of both mitigated and aggravated exceptional sentences. Smaller counties are more likely to impose exceptional sentences, even after characteristics of the case and the offense history of offenders are taken into account. This is consistent with the aggregated statewide and county level patterns discussed above.

Race and ethnicity directly affect the imposition of exceptional sentences (see Table 20a). Consistent with the aggregate analyses, Hispanic offenders are significantly less likely than White offenders to receive mitigated exceptional sentences, and African American offenders are less likely than White offenders to receive aggravated exceptional sentences even after other legally relevant factors have been taken into account. Male offenders are less likely than their female counterparts to receive either mitigated or aggravated sentences.

Tables 20b through 20f present analyses for each racial group separately. By examining these results one can determine if the characteristics of cases or offender histories have different effects within groups. In other words,

what are the factors that differentially affect the sentencing of Whites and persons of color? We will examine the effects of prior record, current offense type, seriousness of the offense and offender and other extralegal factors.

Prior Offenses. Whites with a history of violent offenses are less likely to receive a mitigated exceptional sentence while Hispanics with violent offense priors for violence are more likely to receive a mitigated exceptional sentence. Whites and African Americans with prior drug convictions are less likely to receive mitigated exceptional sentences for their current offense. Whites with prior drug convictions are also less likely to receive aggravated exceptional sentences. However, Native Americans with prior drug convictions are still more likely to receive aggravated exceptional sentences. Whites with prior sex offenses are more likely to receive aggravated exceptional sentences, but prior sex offenses have no effect on the sentencing of the other racial/ethnic groups.

Current Offenses. Whites charged with violent offenses are more likely than other White offenders to receive exceptional sentences, with the effect being stronger for aggravated sentences. Most important however, and consistent with the aggregate analyses, the effect of being convicted of a violent crime is substantially more important in leading to aggravated exceptional sentences for Hispanic offenders than for all other racial groups.

Current drug convictions have a very limited effect on receiving an exceptional sentence, although Hispanic drug offenders are less likely to receive mitigated exceptional sentences. The effect of current sex offenses is more robust. In all racial groups, except Asian Americans, sex offenders are significantly more likely to receive aggravated exceptional sentences.

Seriousness. Although offenders with higher offense and offender scores are more likely to receive exceptional sentences, this effect is not the same for all racial groups. White and African American felons with high offender scores are more likely to receive both mitigated and aggravated exceptional sentences, but there are some important differences. Examination of the exponent of the logistic regression coefficients shows that the effect of offender seriousness scores on aggravated exceptional sentences are substantially greater for African Americans and Asian Americans than for Whites.

Generally, offenders with high offense seriousness scores are more likely to receive mitigated and aggravated exceptional sentences. White, African American, Hispanic and Asian American offenders convicted of more serious offenses are all more likely to receive mitigated exceptional sentences. White, Hispanic and African American offenders with high offense scores are also more likely to receive an aggravated exceptional sentence, though the effect is strongest for African Americans.

To summarize, serious offenders are more likely to receive both mitigated and aggravated exceptional sentences. Judges appear to be maximizing the use of available discretion in these most serious cases. This pattern, though, appears to fall most heavily on African American and Hispanic offenders.

Extralegal Factors. Three extralegal factors that are significant predictors of exceptional sentences are age, gender and county size. White males are less likely to receive either mitigated or aggravated exceptional sentences, and African American and especially Hispanic men are less likely to receive mitigated sentences than females.

The effect of age is minimal. Older White offenders are more likely to receive aggravated sentences than their younger counterparts, while older African Americans are more likely to receive mitigated exceptional sentences.

Judges in smaller counties are more likely to give aggravated exceptional sentences to Whites, Hispanics and especially Native Americans. Whites are also more likely to receive mitigated sentences in smaller counties, while Hispanics are less likely to receive them.

Judicial Reasons for Imposing Exceptional Sentences

Judges' reasons for using exceptional sentences vary considerably. The Sentencing Guidelines Commission provides an initial content analysis of those reasons, coding up to 10 reasons included in each judge's written report. To date, approximately 100 different reasons have been coded (see Sentencing Guidelines report, 1992). In this study, we aggregate those codes in two ways. First, we create seven categories of substantive reasons for mitigated exceptional sentences (including Positive Offender Character; Diminished Capacity; Social Ties; Accomplice; Victim-Offender relationship; and Legal Justifications) and six substantive categories for aggravated exceptional sentences (including Negative Offender Characteristics; Extent of Damages; Victim-Related; Drug Involvement; and Legal Justifications). Second, we divide judges' reasons for exceptional sentences into statutory or non-statutory justifications (see Appendix 3 for list of the judges' reasons and their categorization). The results of these analyses are presented in Table 21.

Reasons for Mitigated Exceptional Sentences

Positive Offender Characteristics. The first category refers to offenders' positive characteristics (e.g., the offender shows remorse or poses no threat) and positive actions (e.g., offender confesses before apprehension or is

making an effort to compensate the victim). These types of reasons were reported by judges in 29.6% of the mitigated exceptional sentences. Judges were more likely to cite positive offender characteristics as reasons for imposing mitigated exceptional sentences on offenders convicted of drug offenses. Judges also were more likely to use these reasons for offenders with more serious offense scores. Regarding racial differences in the reasons cited, judges were less likely to cite positive characteristics of African American offenders when imposing a more lenient sentence.

Diminished Responsibility. The most commonly-used justifications for imposing mitigated exceptional sentences refer to the condition of the offender or circumstances at the time of the crime that reduce the offenders' culpability (43.3%). For example, the offender may have acted out of physical or emotional duress, or under the influence of drugs or alcohol. These types of reasons were cited less often in cases where the offender received a SSOSA. Offenders with sex offense priors were less likely to be given these reasons while, those with drug priors were more likely. African Americans were more likely, and Asian Americans slightly less likely, than Whites to receive this type of justification. County class was also important in predicting the use of a diminished responsibility justification: Judges in smaller counties were less likely to use diminished responsibility as a justification for a mitigated exceptional sentence.

Social Ties. Social ties are distinguished from other "positive offender characteristics" because of their relevance in theories of criminal behavior and in decision making within the criminal justice system. Here judges are moved to impose more lenient sentences because the offender has stable social ties in the community, particularly in the form of employment or family relationships. Judges explicitly stated these reasons in relatively few mitigated exceptional cases (5.5%).

Judges were most likely to use these mitigating reasons when offenders had received sentence enhancements because they were dealing drugs in a school zone, or because the offense was very serious. Judges were less likely to cite social ties in cases involving violent offenses.

Accomplices. Sometimes an offender does not play a major role in the commission of a crime or was heavily influenced by others to commit the crime. For example, the offender "was induced by others to participate" or the "offense was principally accomplished by another." These types of reasons were used in 12.5% of the mitigated exceptional sentences. That the offender played a minor or accomplice role in the commission of a crime was especially prevalent in drug offenses and when the offense was more serious. A weapon enhancement also increased the likelihood of this justification for imposing a more lenient sentence. These justifications were offered less frequently for sex offenders and male offenders.

Victim-Offender Relationship. Some judicial reasons revolve around characteristics of the victim or the offender-victim relationship. These are used by judges when the victim is an initiator or participant in the crime, or there is a special relationship between the offender and the victim. These types of reasons were provided for in 11.9% of the mitigated exceptional sentences. They were less likely for drug crimes but more likely for violent crimes and when a weapon enhancement had increased the sentence. Judges were less likely to refer to victim characteristics when sentencing males, while judges from smaller rather than larger counties were more likely to use these types of reasons.

Legal Justifications. Specific legal factors were often used as reasons for a mitigated exceptional sentence (35%). They cluster around issues of prior

record, credit for time already served and legal characteristics of the case. Judges were not likely to use legal justifications to impose more lenient sentences when offenders had histories of violent and drug offenses. However, they were more likely to use these reasons when the current offense was drug-related and the offender had a high seriousness score. Judges in larger counties, and those sentencing African American offenders, were more likely to use legal justifications for imposing mitigated exceptional sentences.

Nonspecific Reasons. A final category of nonspecific reasons is also included in Appendix 3. These reasons, present in 22.8% of the mitigated sentences, were difficult to fit into our coding scheme. Examples of these reasons include: an "exceptional sentence is more appropriate;" the "nature of the offense;" and the "first-time offender range is not adequate." It is likely that these were not the only reasons given in a particular case by the judge, and that they represent the inclusion of multiple reasons by the Sentencing Guidelines Commission. Given the diversity and ambiguity of the reasons within this category, regression analyses were not performed.

Statutory Reasons. Finally, the second coding scheme that was employed examined whether or not the judge cited statutory reasons. Judges used statutory justifications in 36.4% of the mitigated exceptional sentences. Judges were most likely to use statutory reasons when sentencing African Americans, when a weapon was present, and when the crime was very serious. Judges were less likely to use these types of justifications when the sentence was suspended and when the offender was male.

The analyses of judges' reasons for giving a mitigated exceptional sentence can be summarized as follows. Reasons based on offender characteristics are offered in a majority of these sentences (78.4%), and refer typically to the

positive characteristics, diminished capacity, or social ties of the offender. Legal justifications are used in approximately 35% of the cases. Judges in smaller counties are less likely to use diminished capacity, legal, or statutory reasons and more likely to focus on victim characteristics. Judges are less likely to give African American offenders mitigated sentences because of attributed positive personal characteristics and more likely to cite legal and statutory reasons when rendering a more lenient sentence.

Reasons for Aggravated Exceptional Sentences

Offender Characteristics. As one might expect, the reasons for more severe sentences focused on negative rather than positive attributes of the offenders. Offender characteristics that concerned judges centered around the offender being a particular threat, showing a pattern of escalating violence, or showing little concern or remorse for committing the offense. These types of reasons were given in a substantial number of sentences (41.2%).

Judges were less likely to justify exceptionally severe sentences with negative offender characteristics in drug cases but more likely in sex-related cases. Judges were more likely to refer to negative offender characteristics as a reason for imposing aggravated exceptional sentences on Hispanic offenders.

Extent of Damages. The second category refers to the extent of damage or the severity of the crime. Use of sophisticated and well-planned methods, deliberate cruelty, and the amount of loss in economic crimes were among the types of reasons included in this category, which were cited in 32.5% of the aggravated exceptional sentences. Judges were less likely to cite the extent of damage as a justification for violent, drug, or sex offenses. Judges were less likely to employ these reasons when sentencing more serious offenders but more likely

for serious offenses. Judges in smaller counties, and judges sentencing male offenders, were less likely to use these types of reasons.

Victim Related. The ramifications of the crime for the victim were cited in 30.8% of the aggravated exceptional sentences. Judges' reasons included ongoing patterns of abuse to minors, major economic offenses with numerous victims, and emotional damage to the victim. Judges were less likely to use victim-related reasons for drug offenses and those crimes that were only attempted (e.g., not completed) and more likely for sex offenses.

Drug Involvement. Judges justified the imposition of aggravated exceptional sentences with reports that drugs were involved in the crime (11.7%). Specific reasons stipulated that the drug offense involved a high degree of sophistication, a broad geographic area of distribution, or a large number of transactions. Drug-related justifications were, as expected, more prevalent for drug offenses, as well as for particularly serious crimes. Judges were less likely to use these reasons when sentencing African Americans and more likely when sentencing Hispanics.

Legal Justifications. Judges also cited legal justifications for decisions to impose aggravated exceptional sentences (31.1% of those cases). They include the presence of additional incidents which, if charged, would result in higher sentences; offender violated zone of privacy; and the presence of weapons. Judges were less likely to use legal reasons to impose aggravated exceptional sentences when the seriousness of the offense was particularly high, but more likely when the offender received a SSOSA or when the offense was attempted rather than completed.¹² Judges were also more likely to use legal justifications when

¹² While SSOSA sentences are not ordinarily considered exceptional, and thus no reasons are provided by judges, exceptional sentences are occasionally imposed under SSOSA

imposing more severe sentences on males. These reasons were offered more frequently when the offender had prior drug and sex convictions, and less likely if these were among their current offenses.

Nonspecific Reasons. A smaller category of nonspecific reasons for aggravated exceptional sentences are used by judges (9.3%). They primarily refer to the presumptive sentence as being too lenient. Again, these reasons may not be the sole or most important justifications, and other reasons may be reported by judges.

Statutory Reasons. In the majority of cases (54.3%) judges used statutory justifications for imposing aggravated exceptional sentences. They were most likely used when sentencing more serious crimes and when sentencing Hispanic offenders. Judges were less likely to use these reasons for offenders with prior drug offenses, male offenders and SSOSAs.

The analyses of judicial reasons for using exceptional sentences show that judges are more likely to cite negative characteristics of Hispanic offenders to justify aggravated exceptional sentences. Judges sentencing men rather than women, are less likely to focus on the extent of damages. Judges sentencing African Americans are less likely to refer to drug involvement as a reason for a more severe exceptional sentence and more likely to use this reason for Hispanic offenders. Last, judges tend to use statutory reasons when imposing aggravated exceptional sentences on Hispanics, women and for more serious offenses.

Predicting Sentences Above and Below the Standard Range

Like the aggregate analyses, we also examined sentences outside the standard range at the individual level. We constructed two additional dependent variables based on whether the total sentence was above or below the standard range and replicated the previous analysis. The results are presented in Tables 22a through 22f.

Sentence enhancements increase the presumptive range, so we would expect that offenders who receive higher sentences because they, for instance, carried a weapon during an offense, should still fall within the standard range unless the judge imposes an exceptional sentence. Therefore, enhancements would have a minimal influence on receiving a sentence above or below the standard range. However, logistic regression analyses of the sample as a whole show that carrying a weapon increases the probability of receiving a sentence above the presumptive range. For Whites and Hispanics the sexual motivation enhancement increases the likelihood of an above standard range sentence. Ironically, for Whites and African Americans, selling drugs in school zones increases the likelihood of receiving a sentence below the standard range.

FTOWs, SSOSAs, and anticipatory crimes (e.g., attempts) increase the likelihood of receiving a sentence below the standard range across most racial groups.¹³ However, controlling for other legally relevant variables, Hispanics and Native Americans did not seem to benefit from SSOSAs as did other minority groups and Whites. In addition, these three variables reduced the likelihood of receiving an above-range sentence for Whites only. No other racial group seemed to benefit in this way.

¹³ This is expected for FTOW and SOSSAs but is somewhat surprising for anticipatory convictions. This shows that judges are giving sentences below the reduced 755 range for anticipatory crimes.

As in the analyses predicting exceptional sentences, legal factors play the strongest role in determining the imposition of a sentence outside the standard range. There is a significant positive effect of both the offender and offense seriousness scores on sentences above and below the standard range for most racial groups. The offender seriousness score did not, however, significantly predict above-range sentences for Hispanics or Native Americans or below-range sentences for Asian Americans and Native Americans. The offense seriousness score did not predict above-range sentences for Asians Americans.

With the exception of Asian Americans, all groups convicted of sex offenses were more likely to receive sentences above the standard range, though the effect size was stronger among minority offenders. African American and White sex offenders were also less likely to receive sentences below the standard range. Whites, Hispanics and African Americans convicted of violent offenses were also more likely to receive sentences above the standard range. This effect is strongest for Hispanic offenders. Last, Hispanics and Whites convicted of drug offenses were less likely to receive sentences below the standard range.

Although legal factors have a substantial impact on the likelihood of receiving a sentence above the standard range, extralegal factors still play a role. Judges in smaller counties are generally less likely to impose sentences below the standard range and more likely to impose sentences above the standard range, at least for White offenders; and Hispanic offenders in smaller counties are also less likely to receive below-range sentences. Native American and White offenders in smaller counties are significantly more likely to receive sentences above the standard range.

As with analyses of exceptional sentences the effect of age is minimal, only increasing the likelihood of above-range sentences for Whites. Hispanic and White male offenders were less likely to receive mitigated exceptional sentences.

Summary of Analyses of Individual Case Characteristics

Major findings:

Offenders who commit more serious crimes, and those who have more serious criminal histories are more likely to receive either mitigated or aggravated exceptional sentences.

Offenders sentenced in smaller counties are more likely to receive exceptional sentences than those in larger counties.

The current offense, priors, and the offender and offense seriousness scores produce different patterns of exceptional sentences for different racial groups.

The relationship between race/ethnicity and the imposition of exceptional sentences is complex and is related to the current offense and the legal characteristics of the offender. For example, African Americans offenders are less likely than White offenders to receive aggravated exceptional sentences, but African Americans sentenced for serious crimes are more likely than Whites sentenced for serious crimes to be given aggravated exceptional sentences.

There are direct relationships between race/ethnicity and the imposition of exceptional sentences: (1) Hispanic offenders are less likely than others to receive mitigated sentences; (2) African Americans are less likely to receive aggravated sentences.

Additional Findings:

White females are more likely than White males to receive either mitigated or aggravated exceptional sentences. African American and Hispanic women are more likely to receive mitigated sentences than their male counterparts, but are not more likely to receive aggravated exceptional sentences.

Alternative sentences and sentence enhancements are imposed differently for different race and ethnic groups.

The reasons provided by judges for imposing exceptional sentences are related to the race/ethnicity of the offender, but no clear patterns emerge.

Judges are most likely to cite positive offender characteristics as reasons for mitigated exceptional sentences, but are most likely to cite statutory reasons for aggravated exceptional sentences.

CONCLUSIONS

Clearly, the sentences imposed on most offenders in Washington state are within the standard range. Exceptional sentences and other sentences outside the standard range are rare. If unwarranted racial disparities exist currently in the Washington state criminal justice system, then this is only minimally due to the use of sentences outside the standard range.

The results of this study indicate that the relationship between race and sentencing is complex. We should avoid simple interpretations of the relationship between race/ethnicity and exceptional sentencing. Although White offenders are as likely, and in many cases more likely, to receive exceptional sentences than minority offenders, there are racial disparities in the use of exceptional sentences under some circumstances and in some jurisdictions. Hispanic offenders in particular are frequently disadvantaged by the use of these sentences. This is consistent with previous research on sentencing practices in Washington state (Hood and Harlan, 1991).

In general, African Americans are not treated disproportionately more severely through the use of exceptional sentences. In fact, the overall pattern for African American offenders suggests that they benefit by receiving fewer aggravated sentences and relatively more mitigated exceptional sentences. Under some conditions, however, such as when serious offenders are considered, African American offenders fare considerably worse than White offenders when exceptional sentences are imposed.

The same is also the case for other minority offenders. Whether they disproportionately benefit from or are harmed by exceptional sentences and other

sentences outside the standard range depends upon the facts of their case, their criminal history and the county in which they are sentenced.

When considering the results of this study, one might wonder about the "local legal culture" of some counties or regions of the state. The cultural patterns of courts, counties and communities were clearly beyond the scope of this study, but our results lead us to conclude that the fate of minority offenders is exacerbated in part because they are residentially concentrated in counties that either minimize or maximize the use of exceptional sentences.

This study is only a partial examination of race and criminal justice in Washington. We have found that the use of exceptional sentences does vary by race of offenders, but that exceptional sentences are not a major source of racial disparities in sentencing. While not the major focus of this study, our findings suggest that other sentencing alternatives, such as FTOW and SSOSA, may contribute more to racial disparities in sentencing than do exceptional sentences. Readers must also recognize that disparities may occur in sentences within the standard range (see Fallen, 1987), at earlier points in criminal justice processing, or at arrest. A complete picture of the state of Washington's treatment of offenders requires that all of these possibilities be thoroughly explored. It is clear that the Minority and Justice Commission, the Sentencing Guidelines Commission, the Legislature, state agencies and other entities should continue to examine the state's criminal justice system for other sources of racial disparity. It is our belief that one of the most effective means of combating unwarranted racial disparity is the process of examination and review of ongoing practices.

Finally, as is frequently the case, addressing the question of racial disparities in the use of exceptional sentences raises additional questions. We

recommend that closer examination be made of some of the patterns uncovered by this research, such as the substantial disadvantage experienced by Hispanic offenders in the use of exceptional sentences in Washington state courts.

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TABLES

TABLE 1

TOTAL CONVICTIONS BY COUNTY SUPERIOR COURTS

COUNTY	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Adams	231	7	1	1	3	0	4	12	247
Asotin/Garfield/Columbia	175	2	0	3	5	0	57	10	242
Benton/Franklin	1252	159	4	4	381	0	226	548	2026
Chelan/Douglas	754	7	3	21	242	3	135	276	1165
Clallam	292	2	0	15	8	0	11	25	328
Clark	2350	142	18	20	84	11	140	275	2765
Cowlitz	1141	20	1	5	46	1	121	73	1335
Ferry/Stevens/Pend Or.	283	1	0	11	3	0	23	15	321
Grant	396	31	0	2	123	0	3	156	555
Grays Harbor	325	2	1	16	18	1	365	38	728
Island/San Juan	147	12	3	1	0	0	137	16	300
Jefferson	177	3	0	2	0	1	14	6	197
King	8926	5763	242	199	29	6	313	6239	15478
Kitsap	1301	193	22	24	30	18	120	287	1708
Kittitas	243	10	3	6	6	0	13	25	281
Klickitat/Skamania	185	0	0	11	19	1	13	31	229
Lewis	460	22	1	7	31	0	213	61	734
Lincoln	67	1	0	3	3	1	8	8	83
Mason	265	6	0	17	11	0	57	34	356
Okanogan	204	4	0	61	103	0	92	168	464
Pacific/Wahkiakum	291	0	1	2	17	3	32	23	346
Pierce	4195	2045	112	138	740	7	97	3042	7334
Skagit	666	26	4	19	103	0	15	152	833
Snohomish	3362	236	14	75	14	2	164	341	3867
Spokane	2666	224	10	101	76	1	7	412	3085
Thurston	1220	89	27	19	43	6	34	184	1438
Walla Walla	405	12	0	2	8	0	15	22	442
Whatcom	740	39	12	56	54	2	152	163	1055
Whitman	95	1	4	2	2	1	10	10	115
Yakima	2049	191	5	175	1338	1	28	1710	3787
STATE TOTAL	34863	9250	488	1018	3540	66	2619	14362	51844

TABLE 2

TOTAL CONVICTIONS BY COUNTY SUPERIOR COURTS: VIOLENT OFFENSES

COUNTY	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Adams	32	0	0	0	3	0	0	3	35
Asotin/Garfield/Colu	33	0	0	1	2	0	8	3	44
Benton/Franklin	202	46	1	0	80	0	43	127	372
Chelan/Douglas	139	2	0	3	44	1	43	50	232
Clallam	71	0	0	5	1	0	3	6	80
Clark	483	34	5	13	19	6	22	77	582
Cowlitz	200	2	0	1	11	0	24	14	238
Ferry/Stevens/Pend Or.	67	0	0	4	1	0	5	5	77
Grant	77	4	0	1	28	0	0	33	110
Grays Harbor	45	1	1	5	3	1	59	11	115
Island/San Juan	36	3	0	0	0	0	15	3	54
Jefferson	26	0	0	0	0	0	1	0	27
King	1675	1204	60	57	8	1	64	1330	3069
Kitsap	226	50	4	7	7	5	14	73	313
Kittitas	56	0	1	1	0	0	0	2	58
Klickitat/Skamania	22	0	0	1	8	0	3	9	34
Lewis	102	5	0	2	11	0	31	18	151
Lincoln	5	0	0	0	0	1	0	1	6
Mason	47	2	0	3	4	0	19	9	75
Okanogan	40	1	0	16	30	0	29	47	116
Pacific/Wahkiakum	51	0	0	1	11	2	3	14	68
Pierce	717	446	31	19	107	1	17	604	1338
Skagit	114	7	3	4	34	0	1	48	163
Snohomish	714	61	4	22	3	1	36	91	841
Spokane	370	53	4	22	13	0	1	92	463
Thurston	226	18	7	4	7	4	4	40	270
Walla Walla	72	4	0	0	1	0	2	5	79
Whatcom	157	11	6	18	16	1	27	52	236
Whitman	17	1	0	0	0	0	1	1	19
Yakima	355	46	1	51	337	0	6	435	796
STATE TOTAL	6377	2001	128	261	789	24	481	3203	10061

TABLE 3

TOTAL CONVICTIONS BY COUNTY SUPERIOR COURTS: DRUG OFFENSES

COUNTY	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Adams	80	3	1	1	0	0	0	5	85
Asotin/Garfield/Columbus	49	1	0	1	1	0	15	3	67
Benton/Franklin	277	69	0	3	259	0	81	331	689
Chelan/Douglas	195	3	0	5	146	1	34	155	384
Clallam	69	1	0	4	4	0	2	9	80
Clark	410	11	0	1	27	2	34	41	485
Cowlitz	268	8	0	2	36	1	77	47	392
Ferry/Stevens/Pend Or.	63	0	0	0	0	0	4	0	67
Grant	96	8	0	0	58	0	0	66	162
Grays Harbor	50	0	0	2	11	0	84	13	147
Island/San Juan	30	3	0	1	0	0	38	4	72
Jefferson	39	0	0	0	0	0	2	0	41
King	2838	2707	22	53	17	3	111	2802	5751
Kitsap	247	56	4	5	3	0	14	68	329
Kittitas	74	4	0	1	1	0	6	6	86
Klickitat/Skamania	64	0	0	4	3	0	2	7	73
Lewis	65	2	0	0	8	0	67	10	142
Lincoln	9	0	0	0	3	0	1	3	13
Mason	49	1	0	3	1	0	13	5	67
Okanogan	50	3	0	8	31	0	18	42	110
Pacific/Wahkaikum	65	0	0	0	3	0	10	3	78
Pierce	1336	895	27	56	644	2	52	1624	3012
Skagit	164	2	0	5	33	0	3	40	207
Snohomish	861	61	2	16	7	0	45	86	992
Spokane	656	79	2	13	31	0	5	125	786
Thurston	326	15	2	4	15	1	9	37	372
Walla Walla	118	4	0	2	4	0	4	10	132
Whatcom	145	7	2	8	21	0	63	38	246
Whitman	20	0	1	0	1	0	2	2	24
Yakima	660	68	1	36	714	0	8	819	1487
STATE TOTAL	9373	4011	64	234	2082	10	804	6401	16578

TABLE 4

TOTAL CONVICTIONS BY COUNTY SUPERIOR COURTS: SEX OFFENSES

COUNTY	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Adams	17	0	0	0	0	0	0	0	17
Asotin/Garfield/Columbus	13	1	0	1	0	0	3	2	18
Benton/Franklin	76	4	1	0	10	0	12	15	103
Chelan/Douglas	5	0	1	3	8	1	9	13	87
Clallam	31	0	0	3	1	0	0	4	35
Clark	238	13	2	8	11	2	11	36	285
Cowlitz	92	0	1	0	1	0	2	2	96
Ferry/Stevens/Pend Or.	38	0	0	1	0	0	3	1	42
Grant	25	1	0	0	3	0	0	4	29
Grays Harbor	27	0	0	0	0	0	21	0	48
Island/San Juan	25	1	0	0	0	0	11	1	37
Jefferson	14	1	0	0	0	0	1	1	16
King	576	121	19	9	0	0	18	149	743
Kitsap	112	8	2	3	10	3	7	26	145
Kittitas	26	0	0	0	1	0	0	1	27
Klickitat/Skamania	19	0	0	0	1	0	2	1	22
Lewis	41	2	0	2	0	0	14	4	59
Lincoln	6	0	0	0	0	1	0	1	7
Mason	30	0	0	0	3	0	4	3	37
Okanogan	21	0	0	2	7	0	6	9	36
Pacific/Wahkiakum	24	0	0	1	1	0	2	2	28
Pierce	270	48	7	3	9	1	10	68	348
Skagit	67	0	0	1	9	0	0	10	77
Snohomish	294	11	2	10	1	1	15	25	334
Spokane	195	14	2	8	1	0	0	25	220
Thurston	125	6	2	1	4	2	4	15	144
Walla Walla	33	0	0	0	1	0	1	1	35
Whatcom	43	4	0	4	2	0	24	10	77
Whitman	6	0	0	0	0	0	0	0	6
Yakima	96	4	1	6	53	0	2	64	162
STATE TOTAL	2645	239	40	66	137	11	182	493	3320

TABLE 5

TOTAL CONVICTIONS BY COUNTY SUPERIOR COURTS: OTHER NON-VIOLENT OFFENSES

COUNTY	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Adams	199	6	1	1	3	0	4	11	214
Asotin/Garfield/Columbus	126	0	0	1	4	0	47	5	178
Benton/Franklin	983	91	3	4	165	0	148	263	1394
Chelan/Douglas	556	5	2	12	145	2	95	166	817
Clallam	197	2	0	10	5	0	7	17	221
Clark	1823	118	13	8	52	3	109	194	2126
Cowlitz	867	13	0	3	22	1	65	39	971
Ferry/Stevens/Pend Or.	183	1	0	10	3	0	16	14	213
Grant	297	26	0	2	87	0	3	115	415
Grays Harbor	257	1	0	13	8	0	284	22	563
Island/San Juan	89	10	3	1	0	0	104	14	207
Jefferson	125	2	0	2	0	1	13	5	143
King	6342	3995	170	136	16	3	215	4320	10877
Kitsap	970	130	15	15	13	14	98	187	1255
Kittitas	171	9	3	5	5	0	11	22	204
Klickitat/Skamania	113	0	0	8	8	1	9	17	139
Lewis	362	17	1	5	19	0	157	42	561
Lincoln	59	1	0	3	3	0	8	7	74
Mason	192	6	0	15	6	0	34	27	253
Okanogan	154	2	0	47	63	0	62	112	328
Pacific/Wahkiakum	220	0	1	1	8	2	28	12	260
Pierce	3336	1566	84	114	455	4	66	2223	5625
Skagit	496	19	2	14	54	0	13	89	598
Snohomish	2352	171	10	43	9	0	121	233	2706
Spokane	2038	144	6	71	54	1	6	276	2320
Thurston	884	75	23	14	30	1	27	143	1054
Walla Walla	289	9	0	1	3	0	12	13	314
Whatcom	568	27	7	42	32	1	92	109	769
Whitman	71	0	3	2	2	1	10	8	89
Yakima	1675	147	3	135	828	1	23	1114	2812
STATE TOTAL	25994	6593	350	738	2102	36	1887	9819	37700

TABLE 6A

PERCENT AGGRAVATED EXCEPTIONAL SENTENCES STATEWIDE

OFFENSE	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Violent	5.69	3.45	3.13	4.60	5.20	8.33	2.29	4.00	4.99
Drug	1.47	.72	.00	1.28	2.07	10.00	1.49	1.19	1.36
Sex	8.54	9.21	2.50	13.64	9.49	9.09	4.40	9.33	8.43
Other	1.20	.64	.00	1.08	.71	2.78	.26	.67	1.02
TOTAL	2.17	1.24	1.02	2.06	2.32	7.58	1.11	1.59	1.94

TABLE 6B

PERCENT MITIGATED EXCEPTIONAL SENTENCES STATEWIDE

OFFENSE	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Violent	4.72	3.55	4.69	4.60	1.90	.00	1.66	3.25	4.10
Drug	2.02	2.62	1.56	5.13	.62	10.00	.37	2.06	1.95
Sex	6.28	2.93	12.50	1.52	7.30	9.09	1.10	4.87	5.78
Other	1.18	1.11	.57	1.63	.43	.00	.37	.98	1.09
TOTAL	2.13	2.18	2.46	3.05	1.02	3.03	.65	1.97	2.01

TABLE 7A

PERCENT AGGRAVATED EXCEPTIONAL SENTENCES BY COUNTY SUPERIOR COURTS

COUNTY	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Adams	.43	.00	.00	.00	.00	.	.00	.00	.40
Asotin/Garfield/Columbus	4.00	.00	.	.00	.00	.	3.51	.00	3.72
Benton//Franklin	1.28	1.26	.00	.00	1.84	.	.88	1.64	1.33
Chelan/Douglas	1.19	.00	.00	9.52	2.07	.00	.00	2.54	1.37
Clallam	6.85	.00	.	13.33	.00	.	.00	8.00	6.71
Clark	3.32	3.52	.00	10.00	1.19	.00	.00	2.91	3.11
Cwoltz	3.07	.00	.00	20.00	2.17	.00	1.65	2.74	2.92
Ferry/Stevens/Pend Or.	1.41	.00	.	.00	.00	.	.00	.00	1.25
Grant	.51	.00	.	50.00	.00	.	.00	.64	.54
Grays Harbor	6.77	.00	.00	6.25	5.56	100.00	1.37	7.89	4.12
Island/San Juan	4.08	.00	.00	.00	.	.	.00	.00	2.00
Jefferson	1.69	.00	.	.00	.	.00	.00	.00	1.52
King	1.71	.99	1.65	.50	.00	33.33	2.56	1.03	1.45
Kitsap	3.84	3.11	.00	4.17	.00	5.56	.00	2.79	3.40
Kittitas	2.06	.00	.00	.00	.00	.	.00	.00	1.78
Klickitat/Skamania	4.86	.	.	.00	5.26	.00	.00	3.23	4.37
Lewis	3.91	.00	.00	14.29	.00	.	.00	1.64	2.59
Lincoln	1.49	.00	.	.00	.00	.00	.00	.00	1.20
Mason	7.55	.00	.	5.88	9.09	.	5.26	5.88	7.02
Okanogan	1.47	.00	.	.00	.97	.	1.09	.60	1.08
Pacific/Wahkiakum	5.50	.	.00	.00	52.94	.00	.00	39.13	7.23
Pierce	1.81	1.37	.89	.72	1.35	.00	1.03	1.31	1.60
Skagit	2.85	3.85	.00	10.53	3.88	.	6.67	4.61	3.24
Snohomish	1.46	2.12	.00	.00	.00	.00	1.22	1.47	1.45
Spokane	1.31	2.23	.00	.00	1.32	.00	.00	1.46	1.33
Thurston	2.79	2.25	.00	5.26	9.30	16.67	.00	4.35	2.92
Walla Walla	2.22	.00	.	.00	.00	.	6.67	.00	2.26
Whatcom	2.57	.00	.00	1.79	3.70	.00	.66	1.84	2.18
Whitman	.00	.00	.00	.00	.00	.00	.00	.00	.00
Yakima	1.85	2.09	.00	1.71	2.54	.00	.00	2.40	2.09
STATE TOTAL	2.17	1.24	1.02	2.06	2.32	7.58	1.11	1.59	1.94

TABLE 7B

PERCENT MITIGATED EXCEPTIONAL SENTENCES BY COUNTY SUPERIOR COURTS

COUNTY	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Adams	3.03	.00	.00	.00	.00	.	.00	.00	2.83
Asotin/Garfield/Columbus	2.86	.00	.	.00	.00	.	.00	.00	2.07
Benton/Franklin	1.84	3.77	25.00	.00	.52	.	.44	1.64	1.63
Chelan/Douglas	1.72	.00	.00	4.76	.00	.00	.74	.36	1.29
Clallam	3.42	.00	.	.00	.00	.	.00	.00	3.05
Clark	2.51	2.11	5.56	5.00	.00	.00	.71	1.82	2.35
Cowlitz	2.63	5.00	.00	.00	.00	.00	.83	1.37	2.40
Ferry/Stevens/Pend Or.	1.41	.00	.	.00	.00	.	.00	.00	1.25
Grant	.51	.00	.	.00	.00	.	.00	.00	.36
Grays Harbor	3.08	.00	.00	.00	5.56	.00	.27	2.63	1.65
Island/San Juan	6.80	.00	.00	.00	.	.	.00	.00	3.33
Jefferson	2.26	.00	.	.00	.	.00	.00	.00	2.03
King	2.43	2.60	1.65	7.04	3.45	.00	2.24	2.71	2.54
Kitsap	3.46	2.07	4.55	4.17	6.67	.00	2.50	2.79	3.28
Kittitas	.41	.00	.00	.00	.00	.	.00	.00	.36
Klickitat/Skamania	1.08	.	.	.00	.00	.00	.00	.00	.87
Lewis	4.13	.00	.00	.00	.00	.	.00	.00	2.59
Lincoln	1.49	.00	.	.00	.00	.00	.00	.00	1.20
Mason	2.26	.00	.	.00	.00	.	1.75	.00	1.97
Okanogan	1.47	.00	.	3.28	.00	.	.00	1.19	1.08
Pacific/Whakium	2.06	.	.00	.00	.00	.00	3.13	.00	2.02
Pierce	1.84	1.17	4.46	2.17	1.08	.00	.00	1.31	1.60
Skagit	.75	.00	.00	.00	.00	.	.00	.00	.60
Snohomish	1.40	.42	.00	1.33	.00	50.00	.00	.88	1.29
Spokane	.94	1.79	.00	1.98	.00	.00	.00	1.46	1.00
Thurston	3.85	1.12	.00	15.79	.00	16.67	.00	2.72	3.62
Walla Walla	3.70	8.33	.	.00	.00	.	.00	4.55	3.62
Whatcom	1.62	2.56	.00	.00	.00	.00	.00	.61	1.23
Whitman	2.11	.00	.00	.00	.00	.00	.00	.00	1.74
Yakima	1.81	3.14	.00	1.71	1.64	.00	.00	1.81	1.80
STATE TOTAL	2.13	2.18	2.46	3.05	1.02	3.03	.65	1.97	2.01

TABLE 8A

PERCENT AGGRAVATED EXCEPTIONAL SENTENCES BY COUNTY CLASS: ALL OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	1.63	1.15	1.32	.39	1.28	12.50	1.89	1.15	1.47
B	2.69	2.28	.00	2.97	2.48	5.13	.61	2.44	2.51
C	2.97	.87	.00	10.59	1.87	20.00	.77	2.78	2.56
D	3.76	.00	.00	1.00	7.59	.00	2.19	4.36	3.63
E	2.12	.00	.00	.00	4.00	.00	.00	1.75	1.98
STATEWIDE	2.17	1.24	1.02	2.06	2.32	7.58	1.11	1.59	1.96

TABLE 8B

PERCENT MITIGATED EXCEPTIONAL SENTENCES BY COUNTY CLASS: ALL OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	1.91	2.16	2.38	3.90	1.05	6.25	1.20	2.17	1.99
B	2.52	2.64	3.37	2.64	1.32	2.56	.73	1.85	2.26
C	2.43	.87	.00	1.18	.19	.00	.22	.40	1.75
D	1.71	.00	.00	2.00	.00	.00	.73	.73	1.44
E	2.12	.00	.00	.00	.00	.00	.00	.00	1.85
STATEWIDE	2.13	2.18	2.46	3.05	1.02	3.03	.65	1.97	2.01

TABLE 9A

PERCENT AGGRAVATED EXCEPTIONAL SENTENCES BY COUNTY CLASS: VIOLENT OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	4.34	3.46	4.04	1.67	1.53	.00	2.54	3.26	3.90
B	6.98	3.38	.00	6.38	5.45	6.25	1.43	4.89	6.09
C	8.32	3.70	.00	15.00	2.46	50.00	.65	4.57	6.48
D	8.50	.00	.00	3.85	18.75	.00	7.81	12.50	9.13
E	2.35	.	.	.00	9.09	.00	.00	7.69	2.94
STATEWIDE	5.69	3.45	3.13	4.60	5.20	8.33	2.29	4.00	4.99

TABLE 9B

PERCENT MITIGATED EXCEPTIONAL SENTENCES BY COUNTY CLASS: VIOLENT OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	4.43	3.46	4.04	6.67	3.05	.00	3.39	3.64	4.11
B	5.25	4.35	8.33	3.19	2.10	.00	1.43	2.93	4.38
C	4.90	3.70	.00	.00	.82	.00	.65	1.14	3.59
D	3.74	.00	.00	3.85	.00	.00	1.56	1.25	2.97
E	7.06	.	.	.00	.00	.00	.00	.00	5.88
STATEWIDE	4.72	3.55	4.69	4.60	1.90	.00	1.66	3.25	4.10

TABLE 10A

PERCENT AGGRAVATED EXCEPTIONAL SENTENCES BY COUNTY CLASS: DRUG OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	1.04	.67	.00	.00	1.43	20.00	1.88	.78	.94
B	2.14	1.71	.00	3.39	2.51	.00	1.05	2.39	2.15
C	1.73	.00	.00	5.26	1.89	.00	1.71	1.94	1.78
D	3.14	.00	.	.00	2.70	.	1.52	1.69	2.74
E	2.08	.00	.00	.00	.00	.	.00	.00	1.89
STATEWIDE	1.47	.72	.00	1.28	2.07	10.00	1.49	1.19	1.36

TABLE 10B

PERCENT MITIGATED EXCEPTIONAL SENTENCES BY COUNTY CLASS: DRUG OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	1.79	2.65	1.89	6.52	.86	.00	.94	2.48	2.08
B	2.40	2.56	.00	5.08	.65	25.00	.35	1.23	1.85
C	2.60	.00	.00	.00	.00	.00	.00	.00	1.56
D	2.00	.00	.	.00	.00	.	.00	.00	1.47
E	1.56	.00	.00	.00	.00	.	.00	.00	1.42
STATEWIDE	2.02	2.62	1.56	5.13	.62	10.00	.37	2.06	1.95

TABLE 11A

PERCENT AGGRAVATED EXCEPTIONAL SENTENCES BY COUNTY CLASS: SEX OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	6.74	9.28	3.33	.00	9.09	.00	4.65	7.49	6.81
B	11.00	10.26	.00	13.64	9.89	14.29	3.23	10.12	10.38
C	9.69	.00	.00	66.67	9.09	.00	3.57	21.62	9.93
D	9.21	.00	.	.00	8.33	.	11.11	5.56	9.04
E	8.93	.00	.	.	.00	.00	.00	.00	8.06
STATEWIDE	8.54	9.21	2.50	13.64	9.49	9.09	4.40	9.33	8.43

TABLE 11B

PERCENT MITIGATED EXCEPTIONAL SENTENCES BY COUNTY CLASS: SEX OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	5.84	2.58	10.00	.00	18.18	50.00	2.33	4.12	5.47
B	6.14	5.13	22.22	.00	8.79	.00	1.61	7.14	6.03
C	7.19	.00	.00	11.11	.00	.00	.00	2.70	5.81
D	7.24	.00	.	.00	.00	.	.00	.00	5.85
E	10.71	.00	.	.	.00	.00	.00	.00	9.68
STATEWIDE	6.28	2.93	12.50	1.52	7.30	9.09	1.10	4.87	5.78

TABLE 12A

PERCENT AGGRAVATED EXCEPTIONAL SENTENCES BY COUNTY CLASS: OTHER OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	.88	.54	.00	.27	.75	12.50	.74	.54	.77
B	1.39	1.66	.00	1.36	.44	.00	.18	.88	1.22
C	1.80	.00	.00	5.00	.62	.00	.15	1.03	1.40
D	2.68	.00	.00	1.27	4.49	.00	.00	2.60	2.30
E	1.01	.00	.00	.00	.00	.00	.00	.00	.88
STATEWIDE	1.20	.64	.00	1.08	.71	2.78	.26	.67	1.02

TABLE 12B

PERCENT MITIGATED EXCEPTIONAL SENTENCES BY COUNTY CLASS: OTHER OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	1.00	1.02	.74	1.92	.00	.00	.49	.98	.98
B	1.61	2.00	.00	1.36	.70	.00	.53	1.12	1.45
C	1.22	1.12	.00	.00	.31	.00	.15	.41	.92
D	.57	.00	.00	2.53	.00	.00	.51	1.04	.63
E	.60	.00	.00	.00	.00	.00	.00	.00	.53
STATEWIDE	1.18	1.11	.57	1.63	.43	.00	.37	.98	1.09

TABLE 13A

PERCENT SENTENCES ABOVE STANDARD RANGE STATEWIDE

OFFENSE	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Violent	5.93	4.00	3.91	4.60	5.45	8.33	2.49	4.43	5.29
Drug	1.95	.95	1.56	1.71	2.31	10.00	2.24	1.44	1.77
Sex	8.77	10.04	2.50	15.15	10.22	9.09	4.40	10.14	8.73
Other	1.54	.83	.00	1.36	.95	2.78	1.01	.88	1.34
TOTAL	2.50	1.54	1.23	2.46	2.54	7.58	1.64	1.87	2.28

TABLE 13B

PERCENT SENTENCES BELOW STANDARD RANGE Statewide

OFFENSE	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Violent	15.35	6.50	9.38	10.34	7.35	8.33	11.64	7.15	12.56
Drug	6.54	5.41	7.81	8.12	3.51	10.00	4.98	4.92	5.84
Sex	38.56	15.90	37.50	27.27	29.93	63.64	34.62	24.14	36.20
Other	4.21	3.85	4.00	4.20	2.19	.00	3.76	3.51	4.01
TOTAL	7.97	5.10	7.79	7.37	4.49	12.12	6.64	5.24	7.14

TABLE 14A

PERCENT SENTENCES ABOVE STANDARD RANGE BY COUNTY SUPERIOR COURTS

COUNTY	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Adams	.87	.00	.00	.00	.00	.	.00	.00	.81
Asotin/Garfield/Columbus	4.57	.00	.	.00	.00	.	5.26	.00	4.55
Benton/Franklin	1.28	1.26	.00	.00	1.84	.	1.33	1.64	1.38
Chelan/Douglas	1.33	.00	.00	9.52	2.07	.00	.00	2.54	1.46
Clallam	8.22	.00	.	13.33	.00	.	.00	8.00	7.93
Clark	3.87	3.52	.00	10.00	1.19	.00	1.43	2.91	3.65
Cowlitz	3.42	.00	.00	20.00	2.17	.00	1.65	2.74	3.22
Ferry/Stevens/Pend Or.	2.83	.00	.	.00	.00	.	.00	.00	2.49
Grant	.51	.00	.	50.00	.00	.	.00	.64	.54
Grays Harbor	6.77	.00	.00	6.25	5.56	100.00	2.19	7.89	4.53
Island/San Juan	4.08	.00	.00	.00	.	.	.73	.00	2.33
Jefferson	1.69	.00	.	.00	.	.00	.00	.00	1.52
King	1.94	1.34	2.07	.50	.00	33.33	2.88	1.36	1.73
Kitsap	4.46	3.63	.00	4.17	.00	5.56	.00	3.14	3.92
Kittitas	2.47	.00	.00	.00	.00	.	.00	.00	2.14
Klickitat/Skamania	5.41	.	.	.00	5.26	.00	.00	3.23	4.80
Lewis	3.91	.00	.00	14.29	.00	.	1.41	1.64	3.00
Lincoln	2.99	.00	.	.00	.00	.00	.00	.00	2.41
Mason	10.19	.00	.	5.88	9.09	.	5.26	5.88	8.99
Okanogan	1.47	.00	.	.00	.97	.	1.09	.60	1.08
Pacific/Wahkiakum	5.84	.	.00	.00	52.94	.00	.00	39.13	7.51
Pierce	2.34	1.61	.89	2.17	1.76	.00	2.06	1.64	2.05
Skagit	3.00	3.85	.00	10.53	3.88	.	6.67	4.61	3.36
Snohomish	1.61	2.12	.00	1.33	.00	.00	1.83	1.76	1.63
Spokane	1.39	2.23	.00	.00	2.63	.00	.00	1.70	1.43
Thurston	3.52	3.37	.00	5.26	9.30	16.67	.00	4.89	3.62
Walla Walla	2.47	.00	.	.00	.00	.	6.67	.00	2.49
Whatcom	2.97	.00	.00	1.79	9.26	.00	.66	3.68	2.75
Whitman	1.05	.00	.00	.00	.00	.00	.00	.00	.87
Yakima	2.00	2.09	.00	2.29	2.62	.00	.00	2.51	2.22
STATE TOTAL	2.50	1.54	1.23	2.46	2.54	7.58	1.64	1.87	2.28

TABLE 14B

PERCENT SENTENCES BELOW STANDARD RANGE BY COUNTY SUPERIOR COURTS

COUNTY	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
Adams	7.36	14.29	.00	.00	.00	.	.00	8.33	7.29
Asotin/Garfield/Columbia	10.29	.00	.	33.33	.00	.	5.26	10.00	9.09
Benton/Franklin	6.31	3.77	25.00	.00	2.36	.	4.42	2.92	5.18
Chelan/Douglas	9.81	.00	.00	9.52	3.31	.00	9.63	3.62	8.33
Clallam	11.30	.00	.	.00	.00	.	.00	.00	10.06
Clark	8.09	3.52	11.11	15.00	3.57	18.18	2.86	5.45	7.56
Cowlitz	7.45	15.00	.00	.00	.00	.00	2.48	4.11	6.82
Ferry/Stevens/Pend Or.	0.95	.00	.	18.18	66.67	.	8.70	26.67	11.53
Grant	15.15	9.68	.	.00	7.32	.	.00	7.69	12.97
Grays Harbor	6.77	.00	.00	6.25	5.56	.00	5.21	5.26	5.91
Island/San Juan	23.81	16.67	.00	.00	.	.	9.49	12.50	16.67
Jefferson	7.91	.00	.	.00	.	.00	7.14	.00	7.61
King	7.61	5.01	7.44	9.05	3.45	.00	6.07	5.23	6.62
Kitsap	9.07	3.63	13.64	12.50	13.33	11.11	10.83	6.62	8.78
Kittitas	7.82	10.00	.00	16.67	.00	.	7.69	8.00	7.83
Klickitat/Skamania	12.97	.	.	9.09	5.26	.00	7.69	6.45	11.79
Lewis	7.83	.00	.00	.00	3.23	.	5.16	1.64	6.54
Lincoln	5.97	.00	.	.00	.00	.00	.00	.00	4.82
Mason	6.04	.00	.	.00	.00	.	10.53	.00	6.18
Okanogan	10.78	.00	.	8.20	2.91	.	9.78	4.76	8.41
Pacific/Wahkiakum	2.75	.	.00	.00	.00	.00	3.13	.00	2.60
Pierce	8.65	5.62	9.82	8.70	8.24	14.29	8.25	6.57	7.79
Skagit	4.20	.00	.00	.00	1.94	.	6.67	1.32	3.72
Snohomish	6.10	2.54	7.14	6.67	7.14	50.00	6.10	4.11	5.92
Spokane	9.26	6.25	.00	4.95	2.63	.00	.00	5.10	8.69
Thurston	11.31	4.49	.00	21.05	4.65	33.33	14.71	6.52	10.78
Walla Walla	10.86	16.67	.	.00	.00	.	13.33	9.09	10.86
Whatcom	6.76	7.69	.00	3.57	5.56	.00	11.18	4.91	7.11
Whitman	8.42	.00	25.00	.00	.00	.00	.00	10.00	7.83
Yakima	5.42	5.76	20.00	5.71	3.44	.00	7.14	3.98	4.78
STATE TOTAL	7.97	5.10	7.79	7.37	4.49	12.12	6.64	5.24	7.14

TABLE 15A

PERCENT SENTENCES ABOVE STANDARD RANGE BY COUNTY CLASS: ALL OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	1.89	1.45	1.59	.97	1.75	12.50	2.41	1.47	1.76
B	3.08	2.52	.00	3.30	2.68	5.13	.97	2.65	2.86
C	3.19	.87	.00	10.59	1.87	20.00	1.55	2.78	2.85
D	4.72	.00	.00	1.00	7.59	.00	2.55	4.36	4.38
E	2.58	.00	.00	.00	4.00	.00	.00	1.75	2.38
STATEWIDE	2.50	1.54	1.23	2.46	2.54	7.58	1.64	1.87	2.28

TABLE 15B

PERCENT SENTENCES BELOW STANDARD RANGE BY COUNTY CLASS: ALL OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	7.80	5.13	7.94	7.80	7.57	12.50	6.37	5.59	7.03
B	7.67	4.68	7.87	7.26	3.39	15.38	6.58	4.35	6.84
C	9.60	6.09	6.25	3.53	3.93	.00	6.53	4.23	8.29
D	7.80	4.35	.00	9.00	3.45	.00	8.03	5.45	7.51
E	8.94	9.09	.00	5.88	4.00	.00	5.13	5.26	8.47
STATEWIDE	7.97	5.10	7.79	7.37	4.49	12.12	6.64	5.24	7.14

TABLE 16A

PERCENT SENTENCES ABOVE STANDARD RANGE BY COUNTY CLASS: VIOLENT OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	4.60	4.08	5.05	1.67	1.53	.00	2.54	3.83	4.27
B	7.25	3.38	.00	6.38	5.87	6.25	2.14	5.13	6.38
C	8.32	3.70	.00	15.00	2.46	50.00	.65	4.57	6.48
D	8.84	.00	.00	3.85	18.75	.00	7.81	12.50	9.36
E	2.35	.	.	.00	9.09	.00	.00	7.69	2.94
STATEWIDE	5.93	4.00	3.91	4.60	5.45	8.33	2.49	4.43	5.29

TABLE 16B

PERCENT SENTENCES BELOW STANDARD RANGE BY COUNTY CLASS: VIOLENT OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	15.02	6.41	10.10	12.50	16.79	.00	8.47	7.56	12.12
B	15.09	6.28	8.33	7.45	6.29	12.50	13.57	6.60	12.54
C	17.53	14.81	.00	.00	3.28	.00	10.32	4.57	14.16
D	14.97	.00	.00	19.23	4.17	.00	14.06	8.75	13.70
E	18.82	.	.	.00	.00	.00	50.00	.00	17.65
STATEWIDE	15.35	6.50	9.38	10.34	7.35	8.33	11.64	7.15	12.56

TABLE 17A

PERCENT SENTENCES ABOVE STANDARD RANGE BY COUNTY CLASS: DRUG OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	1.44	.91	1.89	.00	2.00	20.00	2.82	1.08	1.31
B	2.70	1.71	.00	5.08	2.60	.00	1.05	2.53	2.52
C	2.11	.00	.00	5.26	1.89	.00	3.42	1.94	2.30
D	4.57	.00	.	.00	2.70	.	1.52	1.69	3.79
E	2.60	.00	.00	.00	.00	.	.00	.00	2.36
STATEWIDE	1.95	.95	1.56	1.71	2.31	10.00	2.24	1.44	1.77

TABLE 17B

PERCENT SENTENCES BELOW STANDARD RANGE BY COUNTY CLASS: DRUG OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	6.57	5.51	7.55	10.87	7.44	.00	6.10	5.97	6.30
B	5.19	3.85	.00	5.08	1.40	25.00	2.80	2.03	3.93
C	9.17	4.35	100.00	5.26	1.89	.00	5.13	2.59	6.96
D	7.43	11.11	.	.00	2.70	.	10.61	3.39	7.37
E	9.38	.00	.00	.00	.00	.	.00	.00	8.49
STATEWIDE	6.54	5.41	7.81	8.12	3.51	10.00	4.98	4.92	5.84

TABLE 18A

PERCENT SENTENCES ABOVE STANDARD RANGE BY COUNTY CLASS: SEX OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	6.97	10.31	3.33	3.33	9.09	.00	4.65	8.61	7.17
B	11.38	10.26	.00	13.64	10.99	14.29	3.23	10.71	10.77
C	9.69	.00	.00	66.67	9.09	.00	3.57	21.62	9.93
D	9.21	.00	.	.00	8.33	.	11.11	5.56	9.04
E	8.93	.00	.	.	.00	.00	.00	.00	8.06
STATEWIDE	8.77	10.04	2.50	15.15	10.22	9.09	4.40	10.14	8.73

TABLE 18B

PERCENT SENTENCES BELOW STANDARD RANGE BY COUNTY CLASS: SEX OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	39.93	16.49	36.67	30.00	45.45	100.00	25.58	22.10	36.66
B	37.72	15.38	44.44	27.27	32.97	71.43	45.16	30.36	36.96
C	35.94	.00	.00	11.11	22.73	.00	32.14	16.22	33.66
D	36.84	.00	.	40.00	8.33	.	27.78	16.67	34.04
E	37.50	.00	.	.	.00	.00	33.33	.00	35.48
STATEWIDE	38.56	15.90	37.50	27.27	29.93	63.64	34.62	24.14	36.20

TABLE 19A

PERCENT SENTENCES ABOVE STANDARD RANGE BY COUNTY CLASS: OTHER OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	1.14	.73	.00	.82	1.31	12.50	1.47	.77	1.02
B	1.78	2.00	.00	1.36	.61	.00	.71	1.07	1.58
C	2.10	.00	.00	5.00	.62	.00	1.17	1.03	1.80
D	3.82	.00	.00	1.27	4.49	.00	.51	2.60	3.20
E	1.61	.00	.00	.00	.00	.00	.00	.00	1.40
STATEWIDE	1.54	.83	.00	1.36	.95	2.78	1.01	.88	1.34

TABLE 19B

PERCENT SENTENCES BELOW STANDARD RANGE BY COUNTY CLASS: OTHER OFFENSES

COUNTY CLASS	WHITE	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	HISPANIC	OTHER	UNKNOWN	NON-WHITE	TOTAL
A	4.04	3.81	4.44	3.57	2.06	.00	3.68	3.69	3.92
B	4.31	3.83	3.13	4.07	1.75	.00	3.20	2.64	3.92
C	5.47	6.74	.00	1.67	3.41	.00	4.09	3.70	4.99
D	2.77	.00	.00	8.86	3.37	.00	4.55	5.21	3.34
E	3.63	11.11	.00	7.14	7.14	.00	2.94	7.50	3.86
STATEWIDE	4.21	3.85	4.00	4.20	2.19	.00	3.76	3.51	4.01

TABLE 20A

LOGISTIC REGRESSIONS OF MITIGATED AND AGGRAVATED EXCEPTIONAL SENTENCES: TOTAL SENTENCES

	MITIGATED		AGGRAVATED	
	R	Exp(B)	R	Exp(B)
Prior Offenses				
Violent	-.0324	.6841**	.0000	.9578
Drug	-.0307	.7025**	.0180	.7738*
Sex	.0000	.9899	.0260	1.4786*
Current Offenses				
Violent	.0000	1.1005	.0403	1.5144**
Drug	.0000	1.1207	-.0134	.8218
Sex	-.0158	.7419*	.0618	1.9605**
Seriousness Scores				
Offender	.0804	1.1148	.0649	1.0939**
Offense	.1451	1.2244	.1204	1.1908**
Enhancements & Alternatives				
Sexual Motivation	.0000	.3528	.0728	4.1291**
1st Time Waiver	-.0273	.0022*	-.0159	.0010*
SOSSA Suspended	.0590	2.6461**	-.0746	.2146**
Attempted	-.0177	.6685	-.0249	.6016*
Weapon	.0164	1.4846	.0102	1.3656
School Zone	.0000	1.5209	.0000	1.2132
Correction Facility	.0000	.0023	.0000	.0009
Social Factors				
African American	.0000	.9819	-.0392	.6432**
Asian	.0000	1.0224	-.0083	.4729
Hispanic	-.0524	.3826**	.0000	.9897
Native American	.0046	1.3279	.0000	.8418
Other	.0000	.8248	.0054	2.1457
Unknown	-.0238	.2003*	-.0027	.6097
Male	-.0782	.5044**	-.0294	.7108*
County Class	.0168	1.0842*	.0852	1.3248**
Age	.0239	1.0092*	.0617	1.0201**

* Significant at .05

** Significant at .001

TABLE 20B

LOGISTIC REGRESSIONS OF MITIGATED AND AGGRAVATED EXCEPTIONAL SENTENCES: WHITES ONLY

	MITIGATED		AGGRAVATED	
	R	Exp(B)	R	Exp(B)
Prior Offenses				
Violent	-.0386	.6079**	.0000	.9543
Drug	-.0241	.7189*	-.0162	.7584*
Sex	.0000	1.0235	.0337	1.6004**
Current Offenses				
Violent	.0165	1.2643*	.0354	1.4696**
Drug	.0000	1.1350	.0000	.8673
Sex	-.0118	.7564	.0519	1.7860**
Seriousness Scores				
Offender	.0861	1.1230**	.0609	1.0880**
Offense	.1266	1.2051**	.1122	1.1847**
Enhancement & Alternatives				
Sexual Motivation	.0000	.3643	.0465	3.0107**
1st Time Waiver	-.0160	.0007	-.0153	.0009
SOSSA Suspended	.0653	2.7026**	-.0755	.2505**
Attempted	.0000	.8411	-.0188	.6371*
Weapon	.0185	1.5853*	.0000	1.3050
School Zone	.0000	1.4581	.0000	1.4920
Correction Facility	.0000	.0009	.0000	.0007
Social Factors				
Male	-.0842	.4763**	-.0294	.7087*
County Class	.0337	1.1300*	.0893	1.3146**
Age	.0067	1.0059	.0773	1.0240**

* Significant at .05

** Significant at .001

TABLE 20C

LOGISTIC REGRESSIONS OF MITIGATED AND AGGRAVATED EXCEPTIONAL SENTENCES: AFRICAN AMERICANS

	MITIGATED		AGGRAVATED	
	R	Exp(B)	R	Exp(B)
Prior Offenses				
Violent	-.0243	.7094	.0000	1.0529
Drug	-.0514	.5941*	.0000	.8811
Sex	.0000	.8152	.0000	1.2101
Current Offenses				
Violent	.0000	.9238	.0333	1.6840
Drug	.0000	1.2569	-.0170	.6661
Sex	-.0330	.3392*	.0821	2.6437*
Seriousness Scores				
Offender	.0706	1.1052**	.1235	1.1805**
Offense	.1888	1.2654**	.1651	1.2461**
Enhancement & Alternatives				
Sexual Motivation	.0000	.0308	.0000	2.5990
1st Time Waiver	.0000	.0022	.0000	.0030
SOSSA Suspended	.0337	5.2025*	.0000	.0002
Attempted	-.0421	.3005*	.0000	.6392
Weapon	.0000	.7622	.0000	1.1069
School Zone	.0000	1.5947	.0000	.0005
Correction Facility	.0000	.0021	.0000	.0025
Social Factors				
Male	-.0314	.6808*	-.0152	.6319
County Class	.0000	.9445	.0000	1.2869
Age	.0600	1.0241*	.0000	.9969

* Significant at .05

** Significant at .001

TABLE 20D

LOGISTIC REGRESSIONS OF MITIGATED AND AGGRAVATED EXCEPTIONAL SENTENCES: HISPANIC

	MITIGATED		AGGRAVATED	
	R	Exp(B)	R	Exp(B)
Prior Offenses				
Violent	.0795	2.8831*	.0000	1.5346
Drug	.0000	.5497	.0000	.6897
Sex	.0000	.7520	.0000	1.1140
Current Offenses				
Violent	.0000	.6067	.0544	2.0038*
Drug	-.0841	.3189*	.0000	1.0229
Sex	.0731	3.1518*	.0675	2.6943*
Seriousness Scores				
Offender	.0233	1.1316	.0000	.9790**
Offense	.1675	1.3125**	.1141	1.1884**
Enhancement & Alternatives				
Sexual Motivation	.0000	.0257	.1424	7.0568
1st Time Waiver	.0000	.0035	.0000	.0030
SOSSA Suspended	.0000	1.4584	.0000	.0002
Attempted	.0000	.5567	.0000	.4397
Weapon	.0000	1.7060	.0000	1.5838
School Zone	.0000	1.8371	.0000	1.7618
Social Factors				
Male	-.1189	.2378*	.0000	.8208
County Class	-.1093	.4648*	.0786	1.4470*
Age	.0000	.9928	.0000	1.0138

* Significant at .05

** Significant at .001

TABLE 20E

LOGISTIC REGRESSIONS OF MITIGATED AND AGGRAVATED EXCEPTIONAL SENTENCES: ASIAN AMERICANS

	MITIGATED		AGGRAVATED	
	R	Exp(B)	R	Exp(B)
Prior Offenses				
Violent	.0000	2.4218	.0000	.0000
Drug	.0000	.0004	.0000	.0020
Sex	.0000	.0006	.0000	.0001
Current Offenses				
Violent	.0000	1.6561	.0000	6.3744
Drug	.0000	2.0133	.0000	.0002
Sex	.0000	2.5737	.0000	19.0640
Seriousness Scores				
Offender	.0000	.9668	.2633	2.1158*
Offense	.0284	1.1902	.0000	.6760
Enhancement & Alternatives				
Sexual Motivation	.0000	1.2608	.0000	1.3716
1st Time Waiver	.0000	.0009	.0000	.0009
SOSSA Suspended	.0000	3.5570	.0000	.0000
Attempted	.0000	.0005	.0000	.0027
Weapon	.0000	3.3275	.0000	26.4094
School Zone	.0000	.0001	.0000	16363.49
Social Factors				
Male	-.0861	.1984	.0000	21359.42
County Class	.0000	1.1017	.0000	.0000
Age	.0000	1.0219	.1439	1.0964

* Significant at .05

** Significant at .001

TABLE 20F

LOGISTIC REGRESSIONS OF MITIGATED AND AGGRAVATED EXCEPTIONAL SENTENCES: NATIVE AMERICANS

	MITIGATED		AGGRAVATED	
	R	Exp(B)	R	Exp(B)
Prior Offenses				
Violent	.0000	.5311	.0000	.0001
Drug	.0000	1.7954	.1094	5.2992*
Sex	.0454	3.7544	.0000	2.5089
Current Offenses				
Violent	.0000	.7042	.0922	3.9616
Drug	.0000	1.2452	.0000	.7145
Sex	.0000	.0002	.2070	11.1942*
Seriousness Scores				
Offender	.0000	1.0280	.0000	.9342
Offense	.1670	1.2667*	.0000	1.0963
Enhancement & Alternatives				
Sexual Motivation	.0000	.0310	.0000	9982.424
1st Time Waiver	.0000	.0006	.0000	.0003
SOSSA Suspended	.0000	3457.803	.0000	.0000
Attempted	.0000	.5123	.0000	.0000
Weapon	.1224	6.5271*	.0000	.0004
School Zone	.0194	9.4434	.0000	.0001
Social Factors				
Male	.0000	.5970	.0000	.8882
County Class	.0000	.7665	.2155	2.2332**
Age	.0000	1.0273	.0000	1.0016

* Significant at .05

** Significant at .001

TABLE 21A

LOTISTIC REGRESSIONS PREDICTING JUDGES' REASONS FOR GIVING MITIGATED EXCEPTIONAL SENTENCES

	POSITIVE			DIMINISHED			SOCIAL TIES		
	DEFENDANT CHARACTER			CAPACITY					
	R	Exp(B)	R	R	Exp(B)	R	R	Exp(B)	
Hazard Rate	-.0122	.0001	.0000	.0000	440.8536	.0000	.0000	.0000	
Prior Offenses									
Violent	.0000	1.0580*	.0000	.0000	1.0676	-.0607	.1399	.1399	
Drug	-.0390	.6064	.0367	.0367	1.5649*	.0000	1.1363	1.1363	
Sex	.0000	1.4923	-.0515	-.0515	.3119*	.0000	1.4496	1.4496	
Current Offenses									
Violent	.0000	.8888	.0000	.0000	.8867	-.0901	.3330*	.3330*	
Drug	.1023	2.3622*	-.0413	-.0413	.6398*	.0000	.7361	.7361	
Sex	-.0362	.5407*	-.0154	-.0154	.6225	-.0597	.2179	.2179	
Seriousness Scores									
Offender	.0000	1.0225	.0000	.0000	1.0118	.0000	.9772	.9772	
Offense	.0754	1.2085	.0000	.0000	.9718	.0426	1.2640	1.2640	
Enhancements & Alternatives									
SSOSSA Suspended	-.0419	.2824	-.0727	-.0727	.1968*	.0000	.0027	.0027	
Attempt	.0000	.9982	.0000	.0000	1.3114	.0000	.8196	.8196	
Weapon	.0000	.6243	.0000	.0000	.8780	.0000	.5483	.5483	
School Zone	.0000	.4746	-.0117	-.0117	.3715	.0758	7.8225*	7.8225*	
Social Factors									
Black	-.0856	.5038**	.0670	.0670	1.7019*	-.0507	.4815	.4815	
Hispanic	-.0236	.4670	.0000	.0000	.6602	.0000	.2751	.2751	
Asian American	.0000	1.4565	-.0389	-.0389	.1133*	.0371	4.1791	4.1791	
Other	.0000	.0023	.0000	.0000	1.7209	.0000	.0004	.0004	
Unknown	.0000	.0016	.0000	.0000	2.8557	.0000	.0002	.0002	
Male	-.0060	.6805	.0000	.0000	.8791	.0000	.5591	.5591	
County Class	.0000	.9227	-.1479	-.1479	.5635**	.0000	.7850	.7850	

* Significant at .05

** Significant at .001

TABLE 21B

LOGISTIC REGRESSIONS PREDICTING JUDGES'REASONS FOR GIVING MITIGATED EXCEPTIONAL SENTENCES

	ACCOMPLICE		VICTIM RELATED		LEGAL	
	R	Exp(B)	R	Exp(B)	R	Exp(B)
Hazard	-.0977	.0000*	-.0016	.0000	-.0254	.0000
Prior Offenses						
Violent	.0000	.6262	.0000	.9759	-.0717	.4806*
Drug	-.0663	.4191*	.0140	1.7092	-.1010	.3801**
Sex	.0000	1.3129	.0000	1.5064	-.0266	.4068
Current Offenses						
Violent	.0000	1.2993	.0781	2.1134*	.0000	1.1111
Drug	.1099	2.9017**	-.1488	.1627**	.0756	1.9780*
Sex	-.0812	.2037*	.0000	1.5670	.0000	.8228
Seriousness Scores						
Offender	.0181	1.1050	-.0592	.8605*	.0688	1.1224*
Offense	.1233	1.4497*	.0235	1.1530	.0000	1.0346
Enhancements & Alternatives						
SSOSSA Suspended	.0000	.0118	-.0658	.1441*	.0000	.6443
Attempt	.0000	1.3302	.0000	.6738	.0000	.6152
Weapon	.0981	4.2863*	.0918	3.3295	.0000	.5924
School Zone	.0000	1.5496	.0000	2.0223	.0000	.4964
Social Factors						
Black	.0000	.7830	.0000	1.3412	.0631	1.6394
Hispanic	.0000	.6070	.0000	1.0746	-.0197	.4701
Asian American	.0000	.0008	.0000	1.1081	.0000	.7924*
Other	.0000	.0004	.0000	.0207	.0000	.0077
Unknown	.0000	.0001	.0507	23.4184*	.0000	.0062
Male	-.0685	.3688*	-.1077	.2939*	.0000	.7484
County Class	.0000	1.0274	.0733	1.3452*	-.1185	.6228**

* Significant at .05

** Significant at .001

TABLE 21C

LOGISTIC REGRESSIONS PREDICTING JUDGES' REASONS FOR GIVING MITIGATED EXCEPTIONAL SENTENCES

	STATUTORY	
	R	Exp(B)
Hazard	.0000	.0018
Prior Offenses		
Violent	.0000	.8342
Drug	.0000	.9404
Sex	-.0242	.4687
Current Offenses		
Violent	.0151	1.3494
Drug	-.0334	.6678
Sex	.0000	1.0404
Seriousness Scores		
Offender	.0000	1.0528
Offense	.0617	1.1756*
Enhancements & Alternatives		
SSOSSA Suspended	-.1109	.0558**
Attempt	.0000	1.4288
Weapon	.0485	2.3791
School Zone	.0000	.7321
Social Factors		
Black	.0523	1.5459*
Hispanic	.0000	1.5071
Asian American	.0000	.5474
Other	.0000	1.6576
Unknown	.0000	2.5615
Male	-.0550	.5323*
County Class	.0000	.9269

* Significant at .05

** Significant at .001

TABLE 21D

LOGISTIC REGRESSIONS PREDICTING JUDGES' REASONS FOR GIVING AGGRAVATED EXCEPTIONAL SENTENCES

	NEGATIVE DEFENDANT CHARACTER		EXTENT DAMAGE		VICTIM RELATED	
	R	Exp(B)	R	Exp(B)	R	Exp(B)
Hazard	.0000	4.6062	.0443	27.8100*	.0000	2.4682
Prior Offenses						
Violent	.0000	.8376	.0000	.8814	-.0597	.5585*
Drug	.0000	1.2421	-.0342	.5757	.0000	.6890
Sex	.0595	2.1050*	.0000	.8740	-.0392	.5789*
Current Offenses						
Violent	.0000	.8696	-.0868	.4728**	.0000	.9083
Drug	-.1632	.1937**	-.2290	.0689**	-.1672	.0405**
Sex	.1099	2.7144**	-.0695	.5199*	.1154	2.6838**
Seriousness Scores						
Offender	.0000	1.0269	-.0483	.9309*	.0000	.9986
Offense	.0000	.9992	.0659	1.0956*	.0000	1.0425
Enhancements & Alternatives						
SSOSSA Suspended	-.0286	.4572	-.0643	.0615*	-.0224	.4913
Attempt	.0000	.9223	.0000	.6963	-.0526	.3220*
Weapon	-.0428	.4024*	.0074	1.7272	.0000	.7041
School Zone	.0000	.0350	.0000	.0448	.0000	.1315
Social Factors						
Black	.0000	1.2549	.0000	1.1349	.0000	1.0179
Hispanic	-.0793	.3161*	.0000	.7746	.0000	.7332
Asian	.0000	.4943	.0085	5.2813	.0000	1.0876
Other	.0000	.2984	.0000	2.6027	.0000	1.4285
Unknown	.0000	.8214	.0000	1.5217	.0000	.5663
Male	.0000	1.0464	-.0803	.4656*	.0000	.7943
County Class	.0331	1.1667	.0000	.9196	.0000	.9067

* Significant at .05

** Significant at .001

TABLE 21E

LOGISTIC REGRESSIONS PREDICTING JUDGES' REASONS FOR GIVING AGGRAVATED EXCEPTIONAL SENTENCES

	DRUG USE		LEGAL		STATUTORY	
	R	Exp(B)	R	Exp(B)	R	Exp(B)
Hazard	.0000	.1849	.0453	29.7343*	.0000	5.4272
Prior Offenses						
Violent	.0000	.5162	.0311	1.4572	.0000	.8024
Drug	-.0191	.5250	.0896	2.2488**	-.0645	.5274*
Sex	.0000	.0013	.0689	2.0955*	.0000	.9666
Current Offenses						
Violent	.0000	.8330	.0000	.9972	-.0135	.7388
Drug	.2843	55.1819**	-.0509	.5859*	.0000	.8506
Sex	.0000	.3160	-.0522	.5522*	.0000	.9728
Seriousness Scores						
Offender	.0000	.9935	.0205	1.0521	-.0057	.9579
Offense	.0680	1.1576*	-.1040	.8788**	.1019	1.1302**
Enhancements & Alternatives						
SSOSA Suspended	.0000	.0048	.0710	3.7004*	-.0779	.2094*
Attempt	.0000	1.3943	.0669	2.6777*	.0000	.7072
Weapon	.0000	1.2807	.0000	.6275	.0000	1.0185
School Zone	.0000	.9834.545	.0000	.0028	.0000	308.0372
Social Factors						
Black	-.0968	.1438*	.0270	1.5050	.0000	.8419
Hispanic	.0902	3.0966*	.0000	1.2413	.0416	1.7513*
Asian	.0000	.0018	.0000	.0032	.0000	438.7732
Other	.0000	5.8885	.0000	.0014	.0000	3.4338
Unknown	.0000	.6854	.0000	.4335	.0000	.9535
Male	.0288	2.0843	.0774	2.2424*	-.0673	.5281*
County Class	.0397	1.3251	.0404	1.1762*	.0000	1.0384

* Significant at .05

** Significant at .001

TABLE 22A

LOGISTIC REGRESSIONS OF OUT-OF-RANGE SENTENCES: TOTAL SENTENCES 1990-1992

Variable	BELOW RANGE		ABOVE RANGE	
	R	Exp(B)	R	Exp(B)
Prior Offenses				
Violent	-.0338	.6158**	.0000	1.0148
Drug	.0000	.9296	-.0112	.8270
Sex	-.0194	.5182**	.0249	1.4637*
Current Offenses				
Violent	-.0136	.8386	.0411	1.5121**
Drug	-.0121	.8805*	.0000	.9303
Sex	-.0366	.4804**	.0704	2.1901**
Seriousness Scores				
Offender	.0870	1.1520**	.0637	1.0924**
Offense	.1619	1.2946**	.0975	1.1556**
Enhancement & Alternatives				
Sexual Motivation	-.0053	.4587	.0613	3.4838**
1st Time Waiver	.2664	10.4252**	-.0376	.5506**
SOSSA Suspended	.2268	412.2051**	-.0718	.2100**
Attempted	.0895	3.1060**	-.0225	.6278*
Weapon	.0000	1.0476	.0253	1.6415*
School Zone	.0073	1.5431	.0000	1.4825
Correction Facility	.0000	4.2516	.0000	.0332
Social Factors				
African American	.0000	.9574	-.0346	.6859*
Asian	.0000	.8254	-.0075	.5088
Hispanic	-.0239	.6696**	.0000	.9415
Native American	.0000	1.0893	.0000	.9074
Other	.0000	.5798	.0028	2.0465
Unknown	-.0086	.6461*	.0000	.6488
Male	-.0169	.8445*	.0000	.8794
County Class	-.0199	.9184**	.0793	1.2942
Age	.0055	1.0039	.0524	1.0172

* Significant at .05

** Significant at .001

TABLE 22B

LOGISTIC REGRESSIONS OF OUT-OF-RANGE SENTENCES: WHITE

	BELOW RANGE		ABOVE RANGE	
	R	Exp(B)	R	Exp(B)
Prior Offenses				
Violent	-.0383	.5273**	.0000	.9794
Drug	-.0056	.8505	-.0029	.8313
Sex	-.0281	.3515**	.0355	1.6429**
Current Offenses				
Violent	-.0090	.8584	.0360	1.4636**
Drug	-.0109	.8780*	.0000	.9851
Sex	-.0399	.4572**	.0584	1.9421**
Seriousness Scores				
Offender	.0939	1.1705**	.0556	1.0816**
Offense	.1720	1.3362**	.0936	1.1550**
Enhancement & Alternatives				
Sexual Motivation	.0000	.5888	.0382	2.5952**
1st Time Waiver	.2764	11.6047**	-.0449	.5148**
SOSSA Suspended	.2413	373.0174**	-.0730	.2456**
Attempted	.0542	2.2486**	-.0154	.6732*
Weapon	.0000	1.0273	.0132	1.4704
School Zone	.0156	2.5274*	.0000	1.7780
Correction Facility	.0000	5.9599	.0000	.0240
Social Factors				
Male	-.0130	.8623*	.0000	.8599
County Class	-.0187	.9257*	.0871	1.2977**
Age	.0000	1.0016	.0681	1.0212

* Significant at .05

** Significant at .001

TABLE 22C
LOGISTIC REGRESSIONS OF OUT-OF-RANGE SENTENCES: AFRICAN AMERICANS

	BELOW RANGE		ABOVE RANGE	
	R	Exp(B)	R	Exp(B)
Prior Offenses				
Violent	-.0309	.7066*	.0000	1.1224
Drug	.0000	.9567	.0000	.9294
Sex	.0000	1.0161	.0000	.9992
Current Offenses				
Violent	.0000	.8247	.0433	1.7321*
Drug	.0000	.9810	-.0032	.7183
Sex	-.0392	.2667*	.0880	2.8823**
Seriousness Scores				
Offender	.0674	1.1018**	.1329	1.1901**
Offense	.1190	1.1784**	.1297	1.1947**
Enhancement & Alternatives				
Sexual Motivation	.0000	.1742	.0000	2.0292
1st Time Waiver	.1873	5.3749**	.0000	.9892
SOSSA Suspended	.1087	1979.157**	.0000	.0043
Attempted	.1315	3.7639**	.0000	.6783
Weapon	.0000	.7763	.0000	1.4163
School Zone	.0254	2.1511*	.0000	.0086
Correction Facility	.0000	.0631	.0000	.0375
Social Factors				
Male	.0000	.8983	.0000	.9218
County Class	.0000	.9914	.0000	1.1670
Age	.0265	1.0120*	.0000	.9932

* Significant at .05
** Significant at .001

TABLE 22D

LOGISTIC REGRESSIONS OF OUT-OF-RANGE SENTENCES: HISPANIC

	BELOW RANGE		ABOVE RANGE	
	R	Exp(B)	R	Exp(B)
Prior Offenses				
Violent	.0000	1.1802	.0000	1.4769
Drug	.0000	1.0163	-.0147	.5958
Sex	.0000	.9412	.0000	.9628
Current Offenses				
Violent	.0000	.6792	.0690	2.1697*
Drug	-.0855	.3898*	.0000	1.2202
Sex	.0000	1.1405	.0924	3.4404
Seriousness Scores				
Offender	.0726	1.1851*	.0000	1.0237
Offense	.1817	1.3859**	.0764	1.1338*
Enhancement & Alternatives				
Sexual Motivation	.0000	.1004	.1272	6.0608**
1st Time Waiver	.2758	23.9630**	.0000	.5177
SOSSA Suspended	.0000	72450.17	.0000	.0016
Attempted	.2901	13.0542**	-.0051	.4058
Weapon	.0000	1.7424	.0000	2.0707
School Zone	.0000	.4830	.0000	1.5636
Social Factors				
Male	-.0518	.4352*	.0000	.9294
County Class	-.0383	.7571*	.0399	1.2861
Age	.0000	1.0003	.0000	1.0126

* Significant at .05

** Significant at .001

TABLE 22E

LOGISTIC REGRESSIONS OF OUT-OF-RANGE SENTENCES: ASIAN AMERICAN

	BELOW RANGE		ABOVE RANGE	
	R	Exp(B)	R	Exp(B)
Prior Offenses				
Violent	.0000	1.1397	.0000	.0001
Drug	.0000	1.3948	.0000	.0008
Sex	.0000	.0120	.0000	.0000
Current Offenses				
Violent	.0000	1.0573	.0000	6.3744
Drug	.0000	1.0049	.0000	.0001
Sex	.0000	1.8416	.0000	19.0640
Seriousness Scores				
Offender	.0000	1.0431	.2444	2.1158*
Offense	.1517	1.2919*	.0000	.6760
Enhancement & Alternatives				
Sexual Motivation	.0000	.0990	.0000	1.9302
1st Time Waiver	.2889	20.7759**	.0000	.0004
SOSSA Suspended	.2388	237.3564**	.0000	.0000
Attempted	.0506	3.6734	.0000	.0013
Weapon	.0000	1.9737	.0000	26.4094
School Zone	.0000	.0059	.0000	8.38E+13
Social Factors				
Male	.0000	.5490	.0000	56463.35
County Class	.0000	.7048	.0000	.0000
Age	.0000	1.0118	.1336	1.0964

* Significant at .05

** Significant at .001

TABLE 22F

LOGISTIC REGRESSIONS OF OUT-OF-RANGE SENTENCES: NATIVE AMERICANS

	BELOW RANGE		ABOVE RANGE	
	R	Exp(B)	R	Exp(B)
Prior Offenses				
Violent	.0000	.8537	-.0616	.1486
Drug	.0000	1.6881	.0000	2.9526
Sex	.0474	3.3488	.0000	3.0301
Current Offenses				
Violent	.0000	.7158	.0000	2.3511
Drug	.0000	.8439	.0000	.6634
Sex	.0000	.0008	.2198	13.6407**
Seriousness Scores				
Offender	.0000	1.0774	.0000	.9122
Offense	.1653	1.2804**	.0000	1.0260
Enhancement & Alternatives				
Sexual Motivation	.0000	.0374	.0000	2680.553
1st Time Waiver	.1744	5.1320**	.0000	.3587
SOSSA Suspended	.0000	318405.1	.0000	.0000
Attempted	.0168	2.2438	.0000	.0000
Weapon	.0473	3.9390	.0000	3.7001
School Zone	.0000	.0009	.0638	20.9923
Social Factors				
Male	-.0412	.5632	.0000	1.1376
County Class	.0000	.9088	.1292	1.6680*
Age	.0000	.9900	.0000	.9915

* significant at .05

** significant at .001

APPENDICES

Appendix 1

Classification of County Superior Courts

Superior Courts are grouped according to population size, based on county classes defined in RCW 36.13.010. Superior Courts that include more than one county are coded according to the population of the largest county. We define five court classes that correspond to county class and population as follows:

Court Class	County Class	Population
Class A	A and AA	210,000 +
Class B	1 and 2	70,000 to 209,000
Class C	3	40,000 to 69,000
Class D	4	18,000 to 39,000
Class E	5 through 8	less than 18,000

Class A Courts	Class B Courts
King	Benton/Franklin
Pierce	Clark
Snohomish	Cowlitz
Spokane	Kitsap
	Thurston
	Whatcom
	Yakima

Class C Courts	Class D Courts	Class E Courts
Chelan/Douglas	Asotin/Garfield/Columbia	Adams
Clallam	Kittitas	Jefferson
Grant	Mason	Klickitat/Skamania
Grays Harbor	Okanogan	Lincoln
Island/San Juan	Pacific/Wahkiakum	
Lewis	Stevens/Ferry/Pend Oreille	
Skagit		
Walla Walla		
Whitman		

APPENDIX 2

Computing Above and Below Standard Range Sentences

The data provided by SGC include the standard range sentence (LOWRANGE; HIRANGE), measured in months, and adjusted to reflect statutory enhancements or reductions. These data do not, however, include the total sentence imposed in each case. In order to determine whether a sentence is above or below the standard range we compute the total sentence (TOTSENT) as the sum of TOTAL confinement, community SERVICE, and PARTIAL confinement ordered, and then compare TOTSENT to the standard range sentence. Unfortunately, several factors complicate this procedure, and threaten to produce erroneous classifications of sentences. These include changes in law, lack of clarity in the sentencing guidelines for some offenses, and error due to the mathematical conversion of sentences from days or hours (i.e. community service) to equivalent numbers of months. This conversion becomes problematic because judges frequently issue sentences, for example, of 30, 60, or 90 days. While these sentences approximate one, two, and three months respectively, when converted they appear as just less than that number of months (e.g., 30 days=.99 months). Therefore, we adopt the following procedure to identify cases above (ABVRANGE) and below the standard range (BLWRANGE). These should produce conservative estimates of the number of cases beyond the standard range.

(1) Many cases that appear to be outside the standard range, but that are not (or should not be considered such) are indicated by one or more override codes. To avoid treating these as out-of-range sentences, we define ANY sentence with an override code that includes the values 2 (rounding error), 4096 (other), or 8192 (legal sentence) as WITHIN the standard range. These cases will not be reclassified.

(2) We define all mitigated exceptionals as BLWRANGE, and all aggravated exceptionals as ABVRANGE.

(3) We compute remaining cases as BLWRANGE based on an adjusted total sentence. For all cases with TOTSENT less than 24 months, we convert TOTAL confinement, PARTIAL confinement, and community SERVICE to equivalent months using 30 days per month rather than 30.417. Literally, we multiply TOTAL, PARTIAL, and SERVICE by an adjustment factor (ADJUST), plus a constant to correct for additional rounding error.

$$\text{ADJUST} = [((365/12)/30) + .0012] = .0015$$

We then recompute the total adjusted sentence (ADJSENT) as the sum of the adjusted values of TOTAL, PARTIAL, and SERVICE. We define a sentence as below the standard range if this adjusted total sentence is less than LOWRANGE.

(4) Finally, we define remaining cases as ABVRANGE if TOTSENT (unadjusted total sentence) is greater than HIRANGE by .5 or more. We use TOTSENT here, and require a .5 month difference between the total sentence and HIRANGE in order to avoid "false positives." Thus, our estimate of ABVRANGE sentences should be conservative as well.

APPENDIX 3

Judges' Reasons for Imposing Exceptional Sentences

(Numbers refer to codes used by Sentencing Guidelines Commission)

I. MITIGATING CIRCUMSTANCES:

A. Positive Actions or Character of Defendant

- 25. Assisted law enforcement/agreed to help in prosecution of codefendant.
- 29. Defendant is addressing psychological or emotional problems.
- 24. Defendant is remorseful.
- 22. Defendant's age.
- 38. Defendant is making an effort to change criminal behavior or demonstrates a desire to do so.
- 2. Before detection the defendant compensated victim, or made effort.
- 104. Defendant paid restitution or accepts responsibility for it.
- 9. Confession before apprehension.
- 32. Defendant poses no threat to the community.

B. Diminished Capacity

- 5. Capacity to appreciate the wrongfulness was significantly impaired.
- 28. Defendant's physical or mental condition.
- 3. Crime committed under duress, coercion, threat, compulsion.
- 37. Strong relationship between drug or alcohol addiction and criminal activity.

36. Defendant is addicted to drugs or alcohol.

C. Social Ties

103. Defendant is employed, in school, or has had commendable employment record or military service.

101. Defendant has community or family support.

102. Defendant is providing support to dependents.

D. Accomplice

4. With no apparent predisposition, was induced by others to participate.

33. Equivalent sentence given to codefendant.

6. Offense principally accomplished by another and defendant showed concern for the victim.

108. Defendant played an accomplice role.

106. Defendant's role was minor.

E. Characteristics of the Victim / Offender Relationship

1. Victim was an initiator, willing participant, aggressor, or provoker.

26. Victim or family requests lower sentence.

35. Relationship with victim.

35. No injury to victim.

30. Defendant is a battered woman.

8. Offense is a response to victim's abuse of defendant or defendant's children.

G. Legal

- 27. No prior convictions or remote in time.
- 23. Prison would be detrimental.
- 11. If given credit for good time, sentence is already served.
- 21. For defendant's rehabilitation or treatment (sometimes State v. Bernhard cited).
- 105. The delay in filing the case was lengthy.

F. Nonspecific

- 16. Exceptional sentence is more appropriate/is in the interest of justice.
- 7. The multiple offense policy results in a clearly excessive presumptive sentence.
- 17. All parties agreed to mitigated sentence.
- 13. To make frugal use of state resources.
- 18. Isolated incident.
- 20. Nature of the offense.
- 14. Exceptional sentence is one day less than range.
- 15. First-time offender range is not adequate.
- 107. The basis for the exceptional sentence was discussed in chambers and justifies leniency.

II. AGGRAVATING CIRCUMSTANCES

A. Defendant Characteristics

- 145. Defendant has pattern of escalating violence.
- 45. Defendant used his/her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the major economic offense.
- 70. Defendant is a threat to the community/predatory nature.
- 73. Defendant is not amenable to treatment.
- 80. Continuing criminal activity after arrest or while on previous probation or parole.
- 87. Defendant showed no remorse.
- 91. Defendant does not accept responsibility for actions, blames others.
- 74. Defendant was in a position of trust (not an economic or drug offense).

B. Extent or Amount of Damage

- 71. Seriousness of the offense.
- 43. A major economic offense involving attempted or actual monetary loss substantially greater than typical for the offense.
- 40. The defendant's conduct during the commission of the offense manifested deliberate cruelty to the victim.
- 44. A major economic offense involving a high degree of sophistication or planning or occurred over a lengthy period of time.
- 94. Conduct was premeditated.
- 75. Defendant used sophistication and well-planned methods (not an economic or drug offense).

C. Nature or Extent of Damage to Victim

- 84. The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of 18 years manifested by multiple incidents over a prolonged period of time.
- 141. The crime caused extreme emotional damage to the victim.
- 42. A major economic offense involving multiple victims or multiple incidents per victim.
- 76. The offense involved multiple victims or multiple incidents per victim (not and economic offense).
- 79. Injuries were greater than necessary for the crime.
- 87. Crime injured persons other than victim.
- 41. The defendant knew or should have known that the victim of the offense was particularly vulnerable or incapable of resistance to extreme youth, advanced age, disability, or ill health.

D. Drug Related

- 144. Crime was gang related.
- 48. The drug offense involved the manufacture of controlled substances for use by other parties.
- 50. The circumstances of the drug offense reveal the offender to have occupied a high position in the drug distribution hierarchy.
- 51. The drug offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement.
- 93. Excessive alcohol or drug use.
- 46. The drug offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with the intent to do so.

- 47. The drug offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use.
- 52. The offender used his or her position or status to facilitate the commission of the drug offense, including positions of trust, confidence or fiduciary responsibility (e.g. pharmacist, physician, or other medical professional).

E. Legal

- 72. Defendant agreed to serve time in prison instead of jail, or defendant. agreed to a greater sentence, or agreed to additional treatment.
- 78. Factors in criminal record.
- 81. Greater treatment available in prison/hospital.
- 82. Sentence to be combined with pre-SRA prison sentence.
- 83. Additional incidents which, if charged, would result in higher sentence range.
- 85. For Defendant's rehabilitation or treatment, not in prison.
- 86. Criminal history score greater than nine.
- 88. Defendant violated zone of privacy.
- 92. Weapons were present.

III. Nonspecific

- 3. The operation of the multiple offense policy results in a presumptive sentence that is clearly to lenient in light of the purpose of the sentencing reform act of 1981.
- 89. Sentence will promote respect for the law.

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