

# Guidelines Application

**This chapter covers offenders and sentencing from the perspective of sentencing guidelines: the number offenders classified at each level on the Crime Seriousness and Criminal History scales, and the frequency and reasons for departures from the sentencing guidelines.**

## Overview

### Number of Offenders

- ◆ Fifty-eight percent of offenders were concentrated in the lowest criminal history categories G, H and I. Seventeen percent of offenders were in the more serious criminal history categories that include one or more prior person felonies, while 40 percent had no prior felonies.
- ◆ More than half of the offenders were sentenced for offenses in the three least serious crime categories. Less than four percent were in the three most serious categories. The largest single concentration of offenders was in crime category one, followed by crime category six.

### Imprisonment Rate

- ◆ Offenders with more serious crimes and more serious criminal histories were more likely to be sent to prison. All offenders in gridblock 10-A were sentenced to prison, whereas one percent of offenders in gridblock 1-I were sentenced to prison.

### Departure Sentences

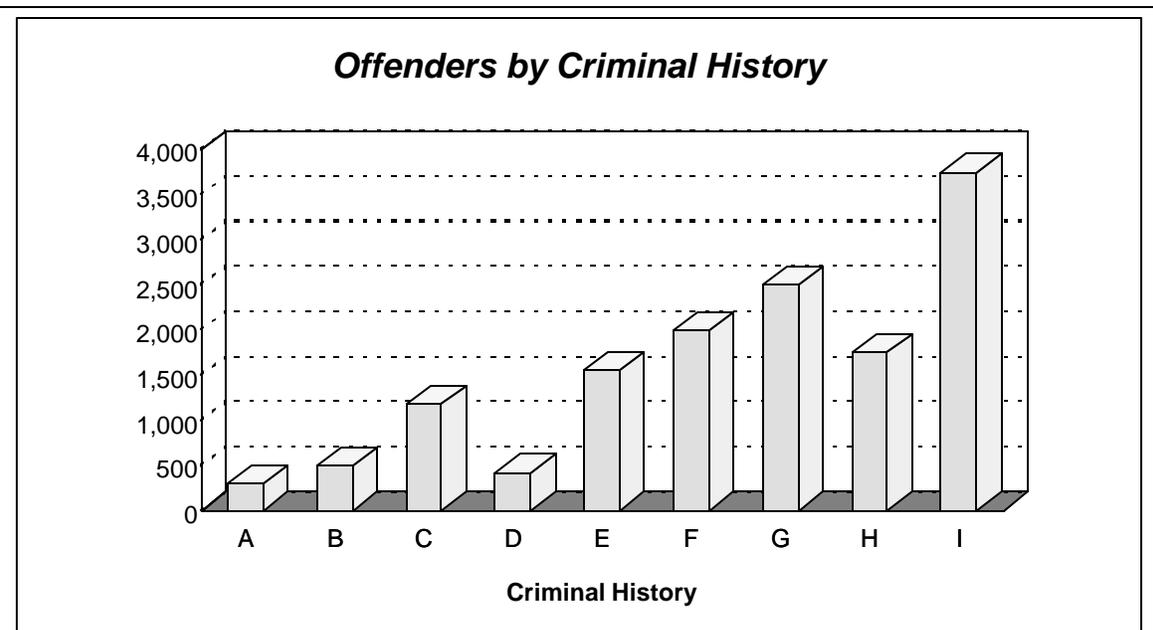
- ◆ Departure sentences occur in about one-fourth of all cases. Upward departures occur twice as often as downward departures.
- ◆ Upward dispositional departures were most prevalent for offenders in criminal history categories A and E. These are the offenders with multiple prior convictions for person (A) or non person (E) offenses.
- ◆ Upward dispositional and durational departures were more prevalent than downward dispositional and durational departures. The highest rate of upward dispositional departures were in crime seriousness category three and were for property offenses. The highest rate of upward durational departures were in crime seriousness categories 10 and 11 and were for person offenses.
- ◆ The aggravating factor most frequently cited in support of upward departures was “persistent involvement in similar offenses.” The specific mitigating factor most frequently cited in support of downward departures was “offender cooperated with the state”.

## Number of Offenders

The felony sentencing guidelines categorize offenders by the seriousness of their current offense and their criminal history in order to determine the presumptive sentence type and length. This section of the *Guidelines Application* chapter describes the number of offenders who fell into each level of these classifications. See Appendix B for more information about the sentencing guidelines.

### Number of Offenders by Criminal History

Oregon's sentencing guidelines places offenders into criminal history categories based on their prior convictions, including juvenile felony adjudications. Criminal history "A" is the most serious (three or more person felonies), while "I" is the least serious (no prior felonies; no adult Class A misdemeanors). Criminal history "I" through "E" include offenders with non-person felonies only, while categories "D" through "A" are for those with one or more person felonies. See the sentencing guidelines grid in the appendices for descriptions of the criminal history categories.



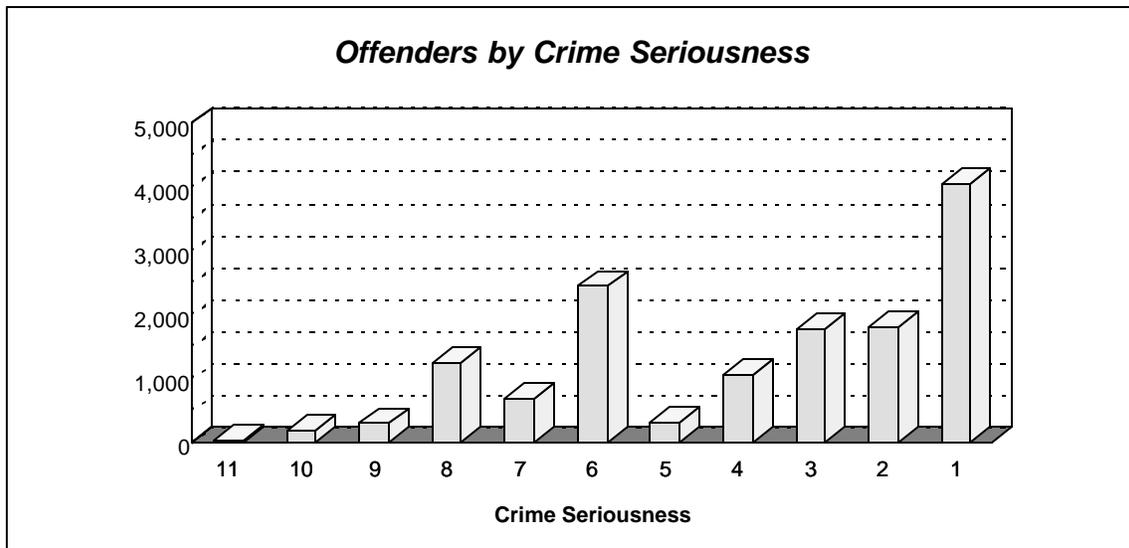
More than half of the offenders were in the least serious categories G through I (maximum of one adult non-person felony). Less than one-fifth were in the most serious categories A through D (one or more person felonies).

A	B	C	D	E	F	G	H	I	Total
302	500	1,177	415	1,549	1,997	2,501	1,745	3,739	13,925
2%	4%	8%	3%	11%	14%	18%	13%	27%	100%

Note: cases missing criminal history information are omitted.  
Adjusted for non-reporting counties.

## Number of Offenders by Crime Seriousness

Under Oregon’s sentencing guidelines, every felony offense (except aggravated murder, which is not covered by sentencing guidelines) is assigned a crime seriousness category. Category 1 is the least serious, while category 11 is the most serious. The crime seriousness scale forms one axis of the grid that is used to determine the sentence. See the sentencing guidelines grid in Appendix B for examples of offenses in various crime seriousness categories. A complete listing of the crime seriousness categories is available in the rules of the Criminal Justice Commission at OAR 213-01-000, et seq.



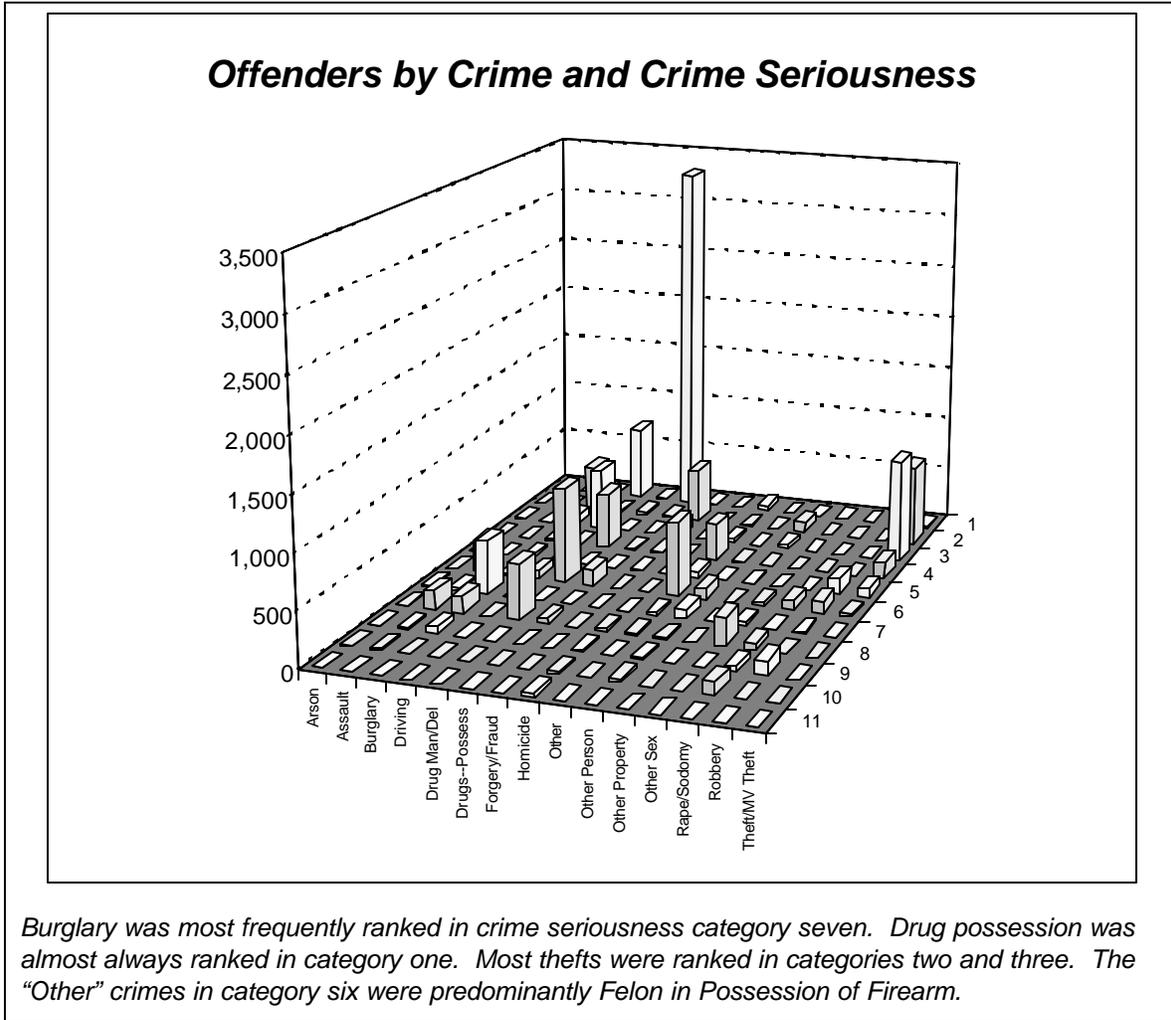
More than half of the offenders were sentenced for offenses in the three least serious crime categories. Less than 4 percent were in the three most serious categories.

Offenders by Crime Seriousness											
11	10	9	8	7	6	5	4	3	2	1	Total
37	187	302	1,255	690	2,446	315	1,064	1,782	1,816	4,059	13,952
0.3%	1.3%	2.2%	9.0%	4.9%	17.5%	2.3%	7.6%	12.8%	13.0%	29.1%	100%

Note: cases missing crime seriousness information are omitted.  
Adjusted for non-reporting counties.

## Number of Offenders by Crime and Crime Seriousness

The following graph and table provides the number of offenders in each crime seriousness level for various crimes. These displays provide information both about which crimes were most prevalent in each crime seriousness category, and about how different crimes were most frequently ranked.

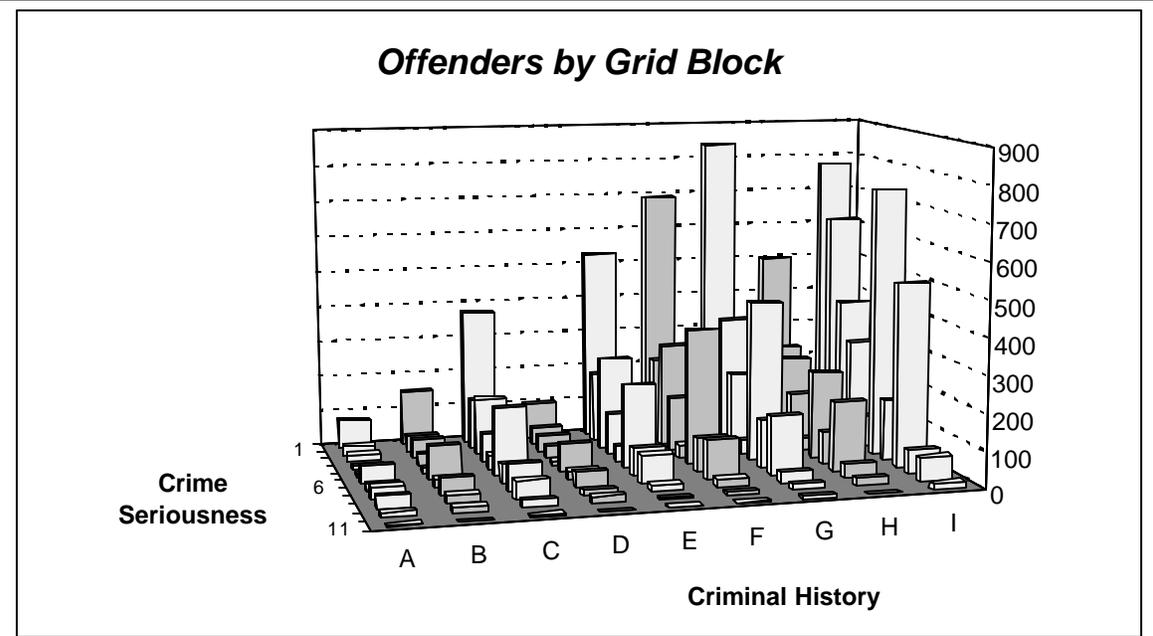


**Guidelines Application**

<b>Number of Offenders* by Crime and Crime Seriousness Category</b>											
<b>Crime</b>	<b>11</b>	<b>10</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Arson	0	8	2	4	20	1	2	0	2	3	0
Assault	0	15	17	173	18	297	0	0	0	0	0
Burglary	0	0	60	149	497	16	26	20	80	424	0
Driving	0	0	0	1	0	76	1	2	564	3	690
Drug Man/Del	0	0	0	511	3	881	0	513	0	21	8
Drugs--Possess	0	0	1	48	0	147	1	10	5	9	3,298
Forgery/Fraud	0	0	0	0	0	2	7	14	103	499	2
Homicide	37	23	16	26	0	0	0	0	0	0	0
Other	0	0	1	18	18	682	50	339	30	10	49
Other Person	0	30	18	7	87	98	1	10	0	0	1
Other Property	0	0	0	0	1	0	7	1	39	97	1
Other Sex	0	0	0	255	34	32	0	0	0	0	1
Rape/Sodomy	0	111	51	62	3	81	0	0	0	0	0
Robbery	0	0	134	1	8	106	142	2	0	0	0
Theft/MV Theft	0	0	1	0	1	26	78	153	957	751	10
* Note: adjusted for non-reporting counties. Cases missing data for crime seriousness category are omitted.											

## Number of Offenders by Grid Block

The crime seriousness and criminal history determine an offender's grid block on the sentencing guidelines grid. A copy of the grid is included in the appendices. The grid indicates the presumptive sentence. Crime seriousness category 11 (the most serious) is in the front row of the graph and the top row of the table below. Criminal history scores are arranged from "A" (the most serious) on the left through "I" (the least serious) on the right in both the graph and table.



*The bulk of offenders were in the grid blocks defined by less serious offenses and less extensive criminal histories. Relatively few fell into the grid blocks defined by the most extensive criminal histories and most serious offenses.*

	A	B	C	D	E	F	G	H	I	Totals
11	2	0	3	0	2	1	8	2	18	37
10	13	15	21	18	4	8	16	23	68	187
9	33	25	51	15	17	22	30	40	67	301
8	36	47	73	43	77	108	162	192	508	1,246
7	22	25	55	24	77	92	134	91	167	688
6	52	92	187	80	231	373	442	238	743	2,439
5	10	13	38	12	42	36	41	34	88	314
4	11	34	76	33	116	153	209	143	287	1,062
3	21	50	159	42	255	284	352	230	388	1,781
2	24	45	138	46	196	227	263	249	621	1,808
1	79	154	375	99	529	691	839	500	775	4,041
<b>Totals</b>	302	500	1,176	413	1,548	1,994	2,496	1,743	3,732	13,903

Note: Adjusted for non-reporting counties.

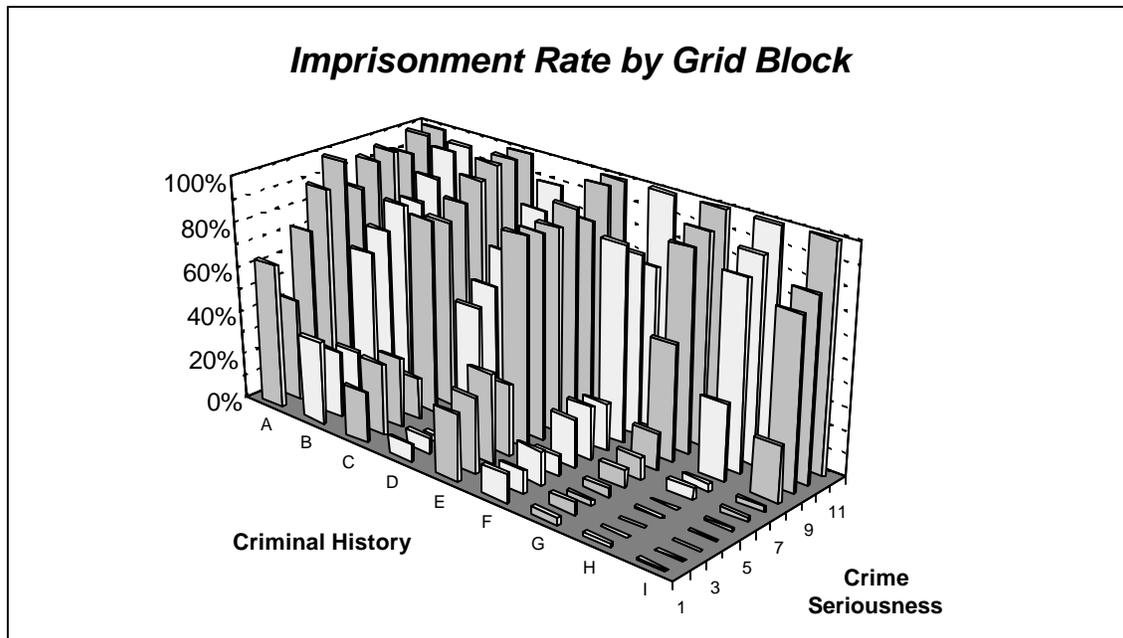
Cases missing information for crime seriousness or criminal history are omitted.

# Imprisonment Rate and Grid Block

Under felony sentencing guidelines, felony crimes are classified for seriousness from 1 through 11, with 11 being the most serious. The offender's criminal history is classified A through I, with A being the most serious. Both crime seriousness and criminal history are considered in determining sentence type and length. The following table and graph show the percentage of offenders in each grid block who were sentenced to prison.

	A	B	C	D	E	F	G	H	I
<b>11</b>	100%	NA	100%	NA	100%	100%	100%	100%	100%
<b>10</b>	100%	100%	100%	94%	100%	71%	93%	90%	81%
<b>9</b>	93%	100%	100%	86%	88%	80%	89%	84%	76%
<b>8</b>	97%	90%	96%	75%	96%	87%	52%	34%	25%
<b>7</b>	95%	83%	88%	73%	90%	21%	16%	4%	3%
<b>6</b>	85%	84%	83%	61%	91%	23%	9%	6%	2%
<b>5</b>	100%	75%	86%	55%	92%	21%	8%	0%	1%
<b>4</b>	90%	68%	19%	3%	32%	9%	4%	1%	0%
<b>3</b>	74%	26%	31%	3%	40%	15%	2%	0%	0%
<b>2</b>	45%	29%	31%	7%	33%	10%	6%	0%	0%
<b>1</b>	64%	37%	23%	8%	30%	12%	3%	2%	1%

Under sentencing guidelines, offenders with more serious crimes and more serious criminal histories are more likely to be sent to prison. The area above the heavy line in the table indicate the grid blocks where the presumptive sentence is prison. In these grid blocks, the judge must sentence the offender to prison unless substantial and compelling reasons exist for a probation sentence, except in grid blocks 8G, 8H and 8I. In those grid blocks, "optional probation" sentences are possible, if certain conditions are met, without the findings necessary for a departure sentence. No offenders sentenced in grid blocks 11B and 11D.



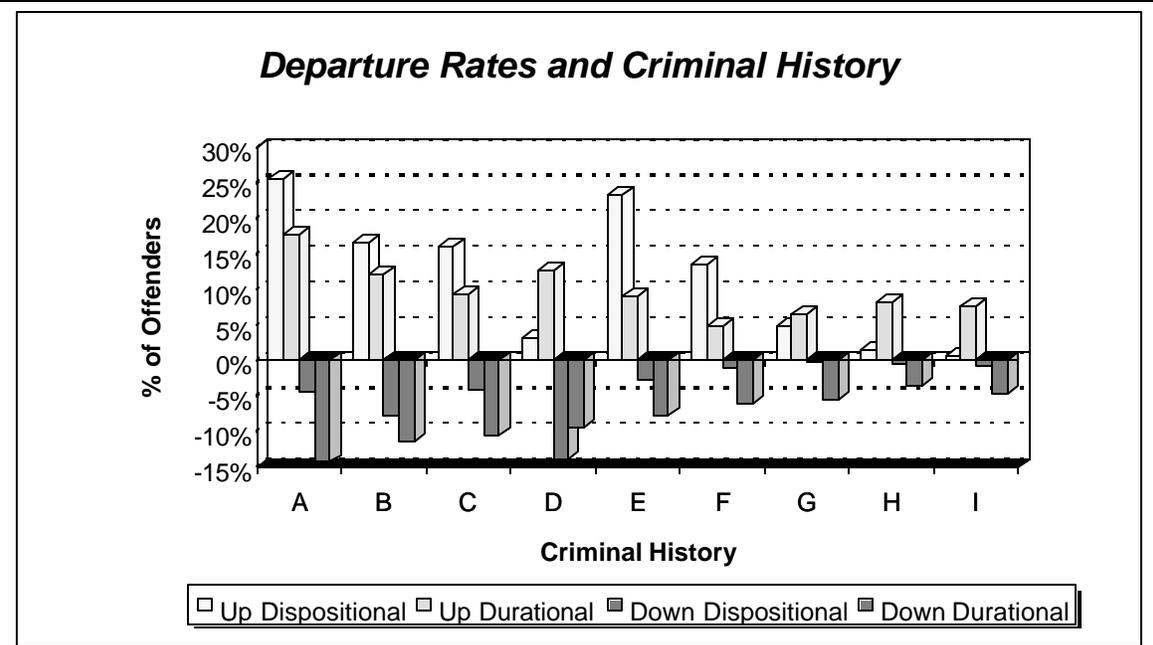
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## Departure Sentences

This section of the *Guidelines Application* chapter deals with departures from the sentencing guidelines. Departures are cases where the length or type of sentence (prison vs. probation) is different than the presumptive sentence under sentencing guidelines. Durational departures are sentences that are of the same type (prison or probation) called for by the guidelines, but longer or shorter in length. Dispositional departures involve a different type of sentence (prison or probation) than the presumptive sentence. An upward dispositional departure is a prison sentence when the guidelines call for probation. A downward dispositional departure is a probation sentence when the guidelines call for prison. See the Appendix B for more information about sentencing guidelines.

## Departure Rates and Criminal History

This display shows the proportion of offenders in each criminal history category whose sentences departed from the sentencing guidelines in length or type.



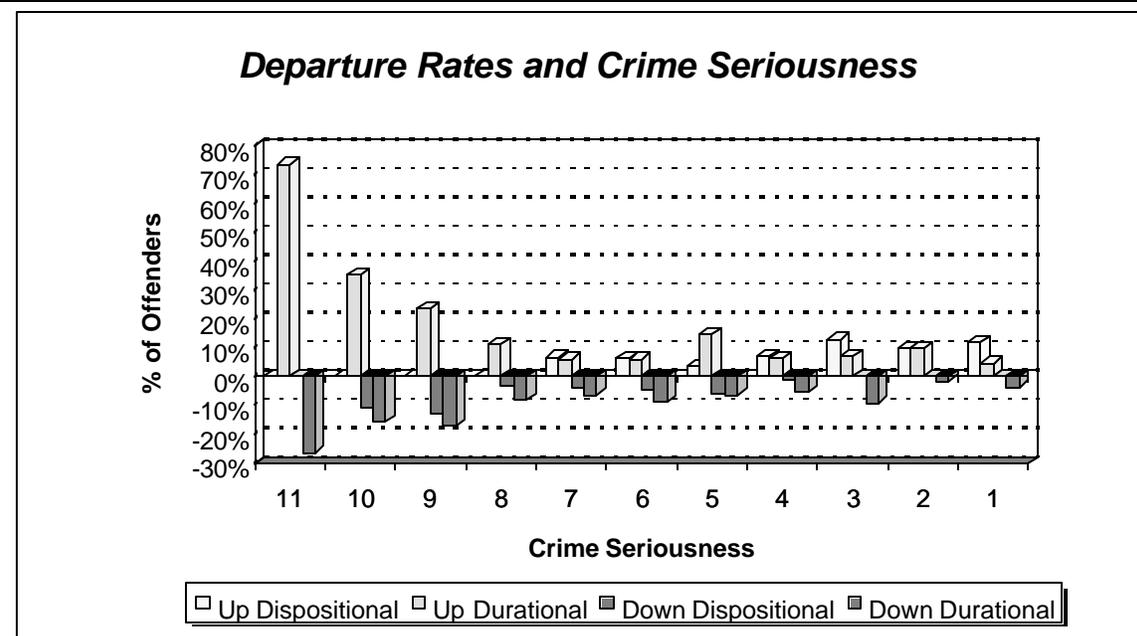
Departures of all types are most common in criminal history categories A, B, C and E. Upward dispositional departures are most prevalent for offenders in criminal history categories A and E. Category A includes offenders with three or more person felonies. Category E includes offenders with four or more non-person felonies, but no person felonies.

Criminal History and Departure Rate				
	Up Dispositional	Up Durational	Down Dispositional	Down Durational
<b>A</b>	25.5%	17.6%	4.3%	14.4%
<b>B</b>	16.7%	12.2%	7.8%	11.5%
<b>C</b>	16.2%	9.4%	4.1%	10.5%
<b>D</b>	3.1%	12.6%	13.9%	9.4%
<b>E</b>	23.2%	9.0%	2.7%	7.9%
<b>F</b>	13.7%	4.8%	1.0%	6.1%
<b>G</b>	4.9%	6.5%	0.2%	5.6%
<b>H</b>	1.6%	8.1%	0.6%	3.5%
<b>I</b>	0.8%	7.7%	0.8%	4.6%
<b>Total</b>	8.4%	7.9%	1.9%	6.3%

Note: cases missing information for criminal history are omitted.

## Departure Rates and Crime Seriousness

The following graph and table illustrate the proportion of offenders in each crime seriousness category whose sentence departed from the presumptive guidelines sentence in type or length.



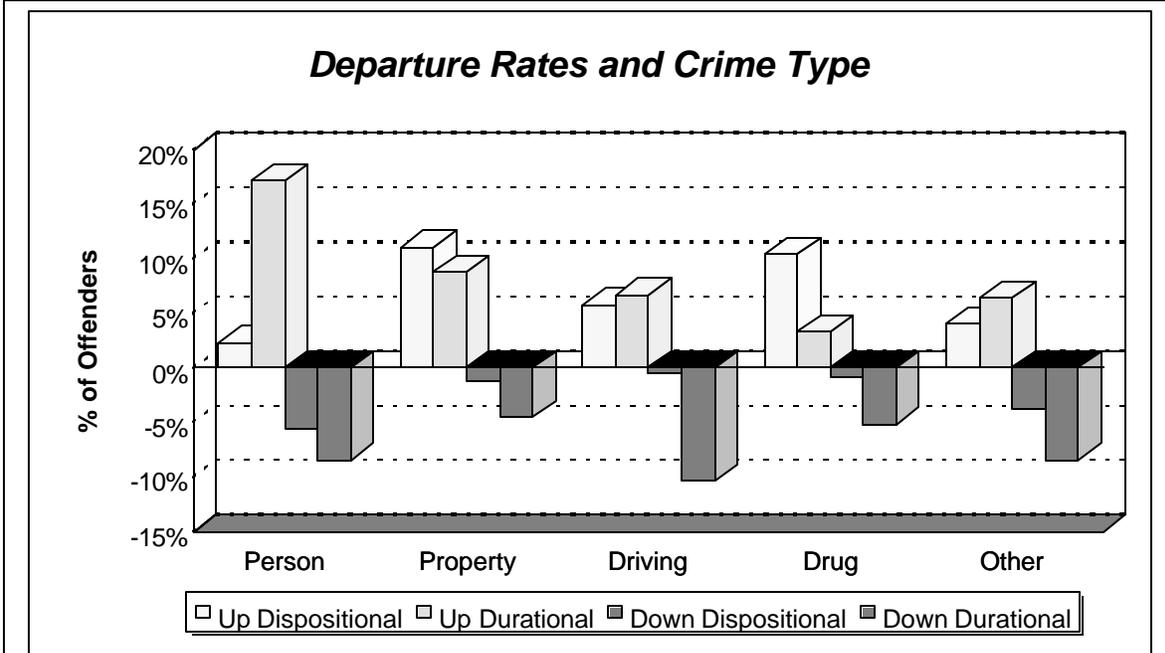
Upward dispositional departures (a prison term for an offender in a presumptive probation grid block) were more prevalent than downward dispositional departures (a probation sentence for an offender in a presumptive prison grid block). Upward durational departures (a longer than presumptive prison or probation term) were more prevalent than downward durational departures, especially in the most serious categories eight through 11. There are no upward dispositional departures for crime seriousness categories eight through 11 because the presumptive sentence for these is prison, regardless of criminal history.

Crime Seriousness and Departure Rate				
Seriousness	Up Dispositional	Up Durational	Down Dispositional	Down Durational
11	0.0%	73.5%	0.0%	26.5%
10	0.0%	35.5%	11.0%	15.7%
9	0.0%	23.4%	12.6%	17.3%
8	0.0%	11.2%	2.9%	8.4%
7	6.6%	6.0%	3.9%	6.6%
6	6.3%	6.0%	4.5%	8.7%
5	3.4%	14.8%	5.9%	6.6%
4	7.2%	6.5%	1.1%	5.6%
3	12.9%	7.0%	0.0%	9.1%
2	9.7%	10.0%	0.0%	1.6%
1	11.9%	4.7%	0.0%	3.8%
<b>Total</b>	<b>8.4%</b>	<b>7.9%</b>	<b>1.9%</b>	<b>6.3%</b>

Note: cases missing information for crime seriousness are omitted.

## Departure Rates and Crime Type

For this analysis, all offenses are grouped into the categories Person, Property, Driving, Drug, and Other. Departure rates should be viewed in the context of presumptive sentence type. For example, many person offenses carry presumptive prison sentences, so upward dispositional departures are not possible. See Appendix C for a complete listing of the statutes included in each category.

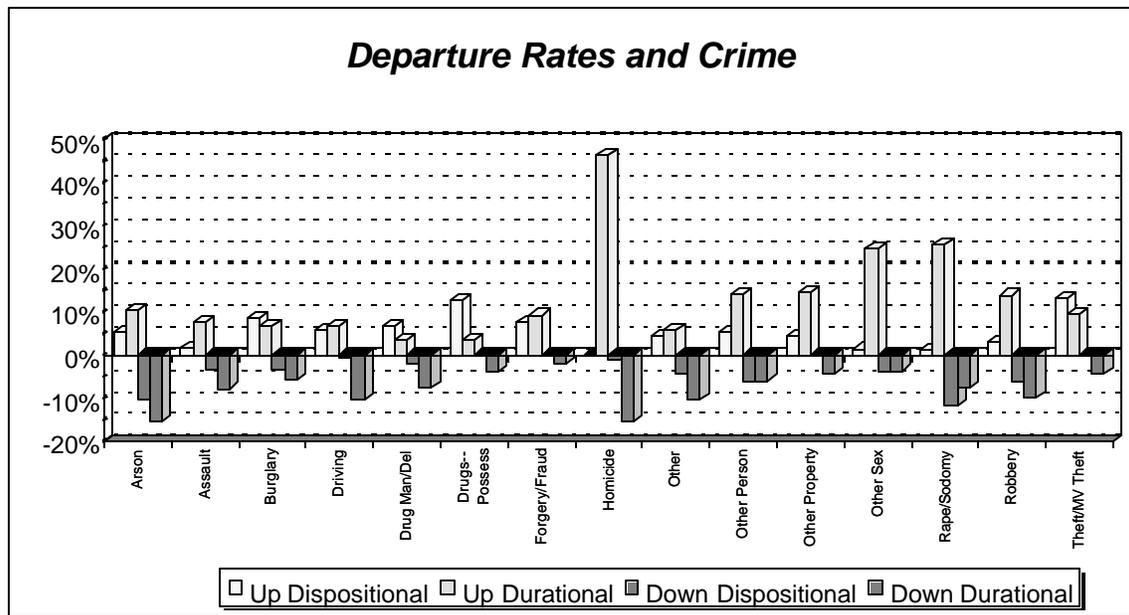


Upward dispositional departure rates are highest for property and drug offenses. Upward durational departure rates are highest for person offenses. Downward durational departures are most frequent for driving offenses.

Departure Rates and Crime Type				
	Up Dispositional	Up Durational	Down Dispositional	Down Durational
<b>Person</b>	2.3%	17.1%	5.6%	8.5%
<b>Property</b>	11.0%	8.8%	1.2%	4.6%
<b>Driving</b>	5.7%	6.6%	0.5%	10.4%
<b>Drug</b>	10.4%	3.3%	0.9%	5.2%
<b>Other</b>	4.0%	6.4%	3.8%	8.5%

## Departure Rates and Crime

This analysis groups together different degrees of offenses, closely related offenses and attempts/solicitations/conspiracies. See Appendix C for a complete listing of the statutes included in each crime grouping.

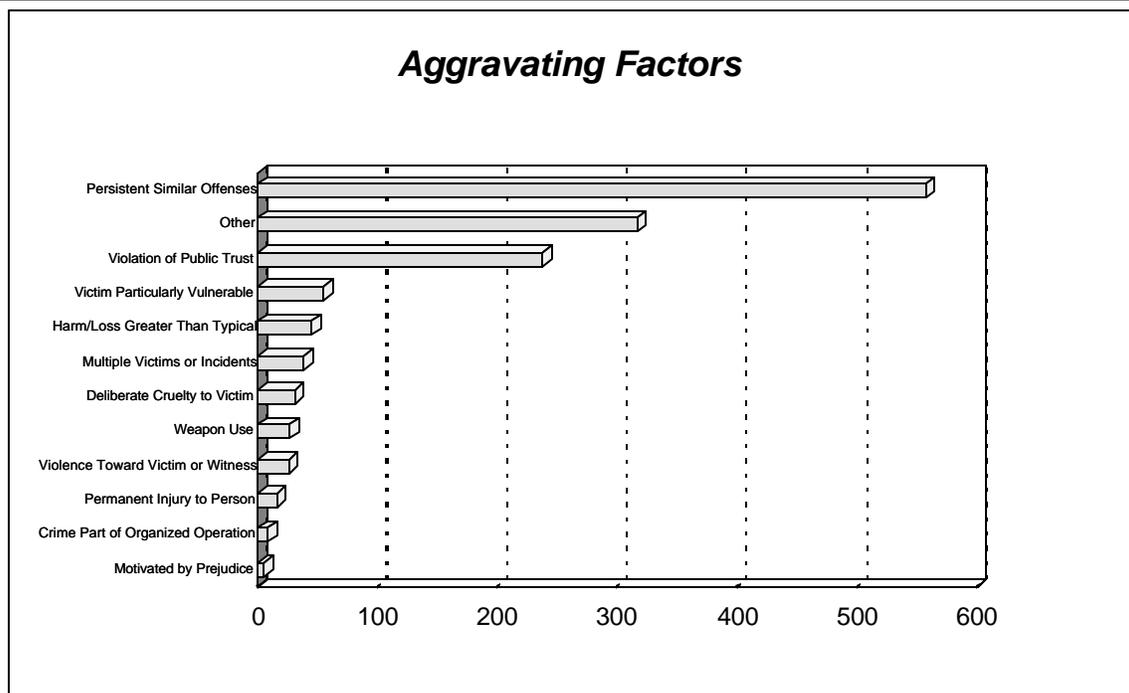


Nearly half of all homicides result in upward durational departures. Overall, upward dispositional departures are more prevalent than downward dispositional departures.

Departure Rates and Crime				
	Up Dispositional	Up Durational	Down Dispositional	Down Durational
<b>Arson</b>	5.1%	10.3%	10.3%	15.4%
<b>Assault</b>	1.6%	7.4%	3.3%	7.8%
<b>Burglary</b>	8.7%	6.8%	3.3%	5.6%
<b>Driving</b>	5.7%	6.7%	0.5%	10.4%
<b>Drug Man/Del</b>	6.5%	3.3%	2.3%	7.5%
<b>Drugs--Possess</b>	12.6%	3.3%	0.1%	3.9%
<b>Forgery/Fraud</b>	7.7%	9.3%	0.2%	2.2%
<b>Homicide</b>	0.0%	46.4%	1.0%	15.5%
<b>Other</b>	4.3%	6.0%	4.1%	10.3%
<b>Other Person</b>	5.2%	14.2%	6.0%	6.0%
<b>Other Property</b>	4.4%	14.7%	0.0%	4.4%
<b>Other Sex</b>	1.3%	24.8%	4.0%	3.7%
<b>Rape/Sodomy</b>	1.0%	25.5%	11.9%	7.7%
<b>Robbery</b>	3.0%	13.8%	6.3%	9.9%
<b>Theft/MV Theft</b>	13.2%	9.5%	0.2%	4.4%
<b>Grand Total</b>	<b>8.4%</b>	<b>7.4%</b>	<b>1.9%</b>	<b>6.3%</b>

## Upward Departure Aggravating Factors

The following graph and table show the number of times each of the listed factors was reported as a reason for upward departure. To depart from the sentencing guidelines, a judge must find “substantial and compelling” reasons. Note that more than one factor may be cited for a particular offender, and many of the sentencing reports received are not complete on this item. Multnomah County is the source of many in the “Other” category.

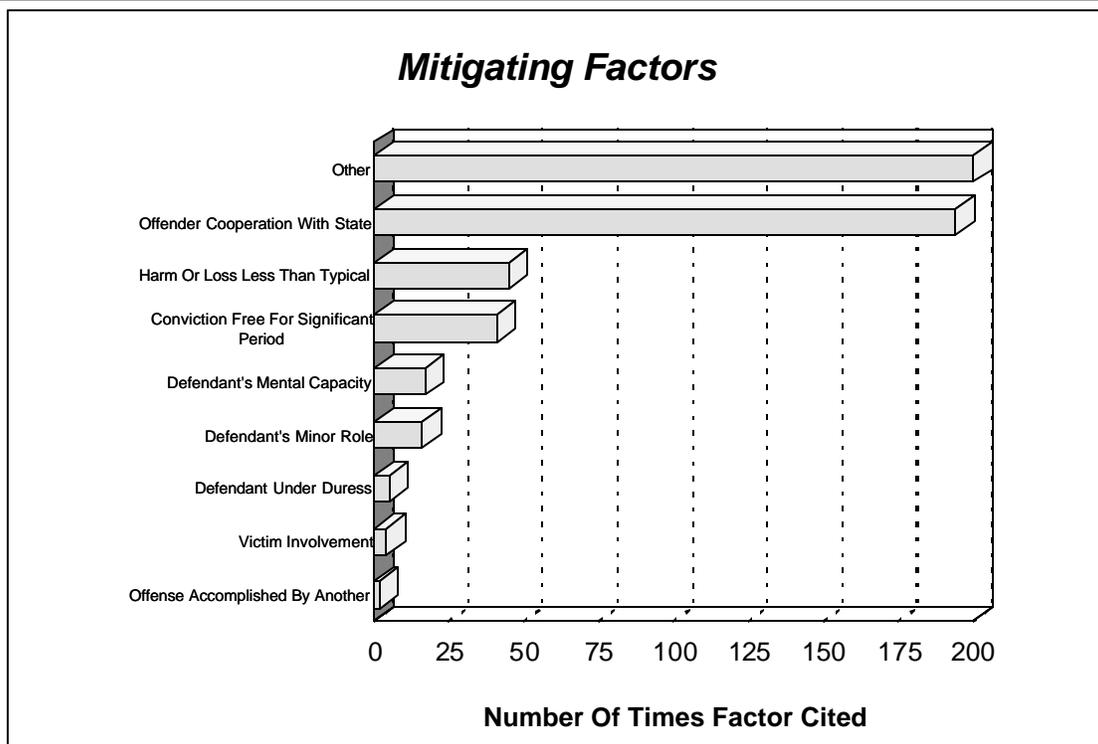


*“Persistent similar offenses” was the aggravating factor most frequently cited in support of upward departure sentences. The broad category of “other” was in second place, while “violation of public trust” came in third.*

<b>Number of Times Aggravating Factor Cited</b>	
Persistent Similar Offenses	557
Other	316
Violation of Public Trust	237
Victim Particularly Vulnerable	55
Harm/Loss Greater Than Typical	45
Multiple Victims or Incidents	38
Deliberate Cruelty to Victim	31
Weapon Use	27
Violence Toward Victim or Witness	26
Permanent Injury to Person	16
Crime Part of Organized Operation	9
Motivated by Prejudice	5

## Downward Departure Mitigating Factors

The following graph and table show the number of times each of the listed factors was reported as a reason for downward departure. To depart from the sentencing guidelines, a judge must find “substantial and compelling” reasons. Note that more than one factor may be cited for a particular offender, and many of the sentencing reports received are not complete on this item. Multnomah County is the source of many offenders with the “Other” mitigating factor.



*The broad category of “other” was most frequently cited in support of downward departure sentences. “Defendant cooperated with the state” was the second most commonly cited mitigating factor.*

Number of Times Mitigating Factor Cited	
Other	200
Offender Cooperation With State	194
Harm Or Loss Less Than Typical	45
Conviction Free For Significant Period	41
Defendant's Mental Capacity	17
Defendant's Minor Role	16
Defendant Under Duress	5
Victim Involvement	4
Offense Accomplished By Another	2

# Special Topics

This chapter provides in-depth examination of selected areas of interest.

## Overview

### Drug Offenders

- ◆ Persons convicted of drug delivery or manufacture were sentenced to prison twice as often as those sentenced for possession, and served sentences three times as long.
- ◆ Eighteen percent of drug all offenders were sentenced to prison, and received an average prison sentence of 11 months.
- ◆ Most drug possession offenses were classified in crime seriousness category one (93.9 percent). Most drug delivery/manufacturing offenses were classified in crime seriousness categories four (26.7 percent), six (46.0 percent) and eight (25.6 percent).

### Motor Vehicle Theft

- ◆ Seventy-three percent of motor vehicle theft offenders had no prior motor vehicle theft convictions. Thirty-six percent had two or more prior convictions for non-person felonies.
- ◆ Offenders with prior motor vehicle theft convictions were more likely to be sentenced to prison, and the likelihood increased as the number of priors increased. The length of jail or prison sentences for motor vehicle offenders increased as the number of priors increased.

### Sex Offenders

- ◆ Sex offenders tend to be older (34.3 years) than felony offenders overall (29.5 years). Those convicted of Sexual Abuse I were oldest at 37.9 years and those convicted of Rape III were youngest at 24.6 years.
- ◆ Among the sexual offenses, convictions for Rape I and Sodomy I most often resulted in prison sentences (84 percent). Convictions for Rape III and Sodomy III most often resulted in probation sentences (79 percent and 77 percent).

### Homicide

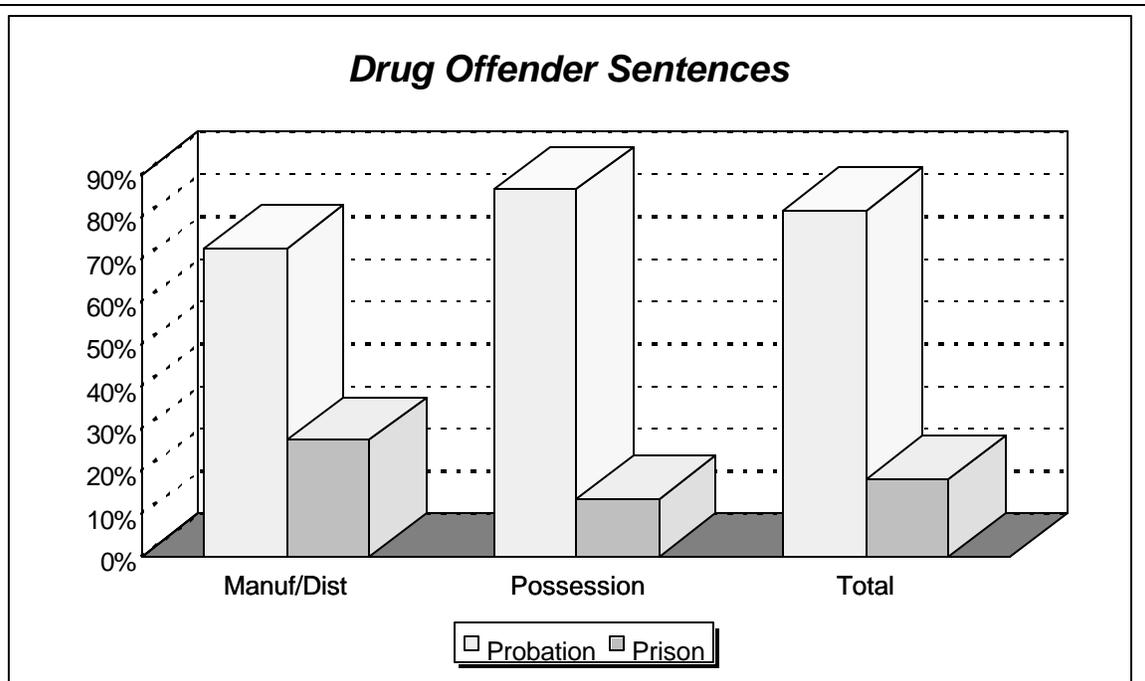
- ◆ All offenders sentenced for Murder and Manslaughter I in 1994 were sentenced to prison for average terms of 217 months and 82 months, respectively
- ◆ As with other offenses, homicide offenders were concentrated in the lower criminal history categories. Eighty-three percent had no prior person felony convictions.
- ◆ Murder was the most common offense of conviction among male homicide offenders (50 percent). Manslaughter II was the most common among female homicide offenders (40 percent).

### Ballot Measure 11

- ◆ Of the offenses sentenced in 1994 that will be subject to Measure 11 minimum sentences in the future, Sexual Abuse I was most common, followed by Assault II and Robbery I.
- ◆ Offenders with the most serious criminal history will experience the lowest average increase in sentence length (23.1 month average increase in criminal history category A) , while offenders with the least serious criminal history will have the greatest average increase (69.1 month average increase in criminal history category I).

# Drug Offenders

## Drug Offender Sentence Type



*Felony drug offenders were sentenced to prison in 18 percent of all cases. The rate of prison sentences was twice as high for manufacturing/distribution of drugs (27 percent) as it was for possession (14 percent).*

Drug Offender Sentence Types					
	Probation		Prison		Total*
	Number*	%	Number*	%	
Manuf/Dist	1,392	73%	524	27%	1,915
Possession	3,052	86%	479	14%	3,531
Total	4,444	82%	1,003	18%	5,447

\* Note: adjusted for non-reporting counties.

## Drug Offender Sentence Length

Among drug offenders sentenced to prison, the average sentence was longer for manufacturing/distribution (16.3 months) than for possession (5.3 months). Drug offender prison sentences averaged 11 months overall.

Drug Offender Prison Sentences		
	Number of Offenders*	Average Sentence
Manuf/Dist	524	16.3
Possession	479	5.3
Total	1,003	11.0

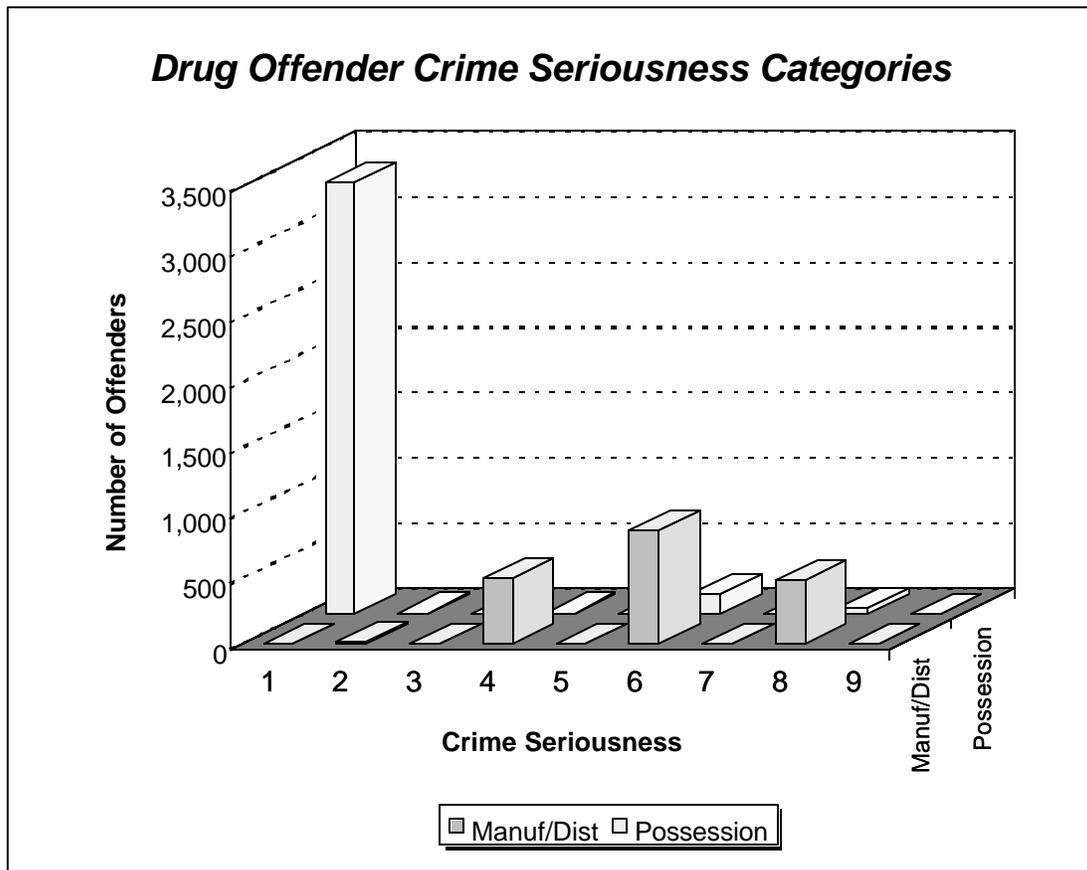
\* Adjusted for non-reporting counties.

Drug Offender Probation Sentences			
	Number of Offenders*	Average Probation	Average Jail
Manuf/Dist	1,392	31.7	32
Possession	3,052	18.5	15
Total	4,444	22.6	21

\* Adjusted for non-reporting counties.

Drug offenders sentenced to probation for manufacture/distribution received longer probation terms on average (31.7 months) than those convicted of possession (18.5 months). Overall, drug offender probation terms averaged 22.6 months. The table also shows the average days of jail time required as a condition of probation.

## Drug Offender Crime Seriousness Categories



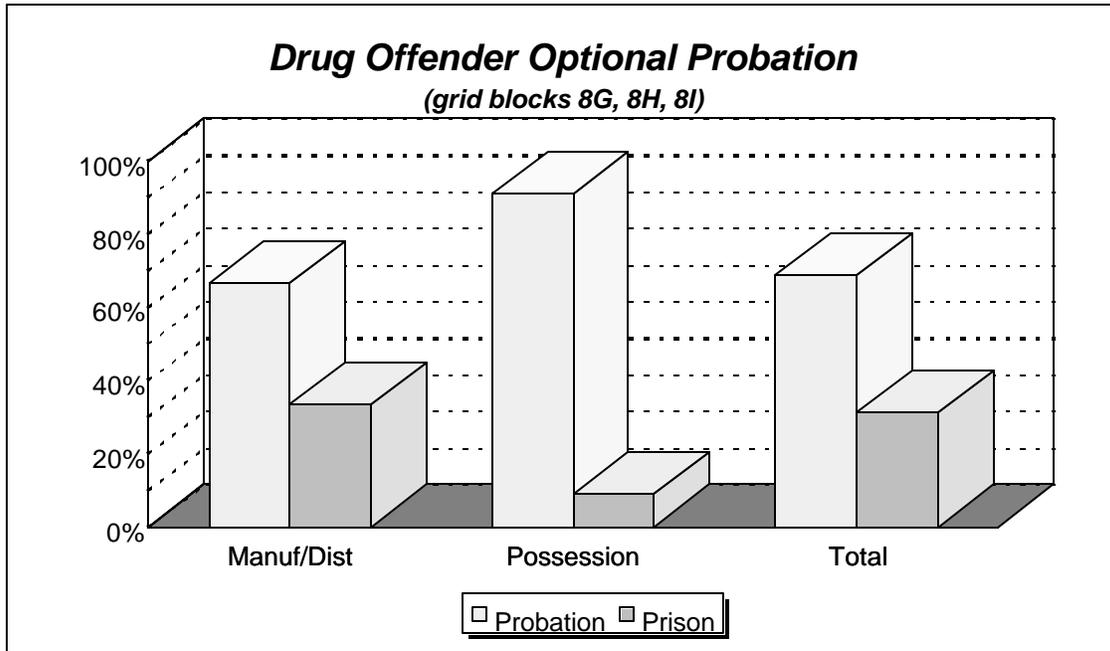
Most drug possession offenders (93.9 percent) were classified as crime seriousness category 1 (the least serious). Most drug manufacturing/distribution offenders were classified as crime seriousness category 6 (46.0 percent), category 4 (26.7 percent), or category 8 (25.6 percent). This table shows the seriousness categories as reported, even though some of them are not technically correct under sentencing guidelines. See Appendix B for more discussion of crime seriousness categories.

Seriousness	1	2	3	4	5	6	7	8	9	Total
Manuf/Dist	9	22	0	510	0	879	3	489	0	1,911
Possession	3,296	8	5	9	1	147	0	45	1	3,512
Total	3,305	29	5	518	1	1,026	3	533	1	5,423
Total %	60.9%	0.5%	0.1%	9.6%	0.0%	18.9%	0.1%	9.8%	0.0%	100%

\* Note: adjusted for non-reporting counties.

## Use of Optional Probation for Drug Offenders

The presumptive sentence for grid blocks 8G, 8H, and 8I is prison; however, “optional probation” sentences are possible, if certain conditions are met, without the findings necessary for a departure sentence. These conditions are: a) an appropriate treatment program is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; b) the recommended treatment program is available and the offender can be admitted to it within a reasonable period of time; and c) the probationary sentence will serve community safety interests by promoting offender reformation. Optional probation is not available if: a) a firearm was used in the commission of the offense; or b) at the time of the offense, the offender was under correctional supervision status for a prior conviction.



*More than two-thirds of drug offenders in the optional probation grid blocks were sentenced to optional probation.*

	Probation		Prison		Total
	Number	%	Number	%	
Manuf/Dist	240	67%	121	33%	361
Possession	34	91%	3	9%	37
Total	274	69%	124	31%	398

\* Adjusted for non-reporting counties.

## Drug Offenders by County

The following table lists drug offenders by county and whether their conviction was for manufacturing/delivery or possession. The county's percentage of total drug offenders and of total state population are compared in the three rightmost columns. The "% of State Offenders" column shows the county's proportion of all drug offenders statewide. The "% of State Population" column shows the county's proportion of total state population. The "Difference (proportion)" column shows how much the county's proportion of the state's drug offenders differs from its proportion of the state population. A zero percent in the "Difference" column indicates that the county had the number of drug offenders one would expect based on their population, while negative numbers indicate that they had fewer drug offenders than expected. Differences may be a result of the levels of both law enforcement and drug activity. Counties which did not submit sentencing reports are omitted.

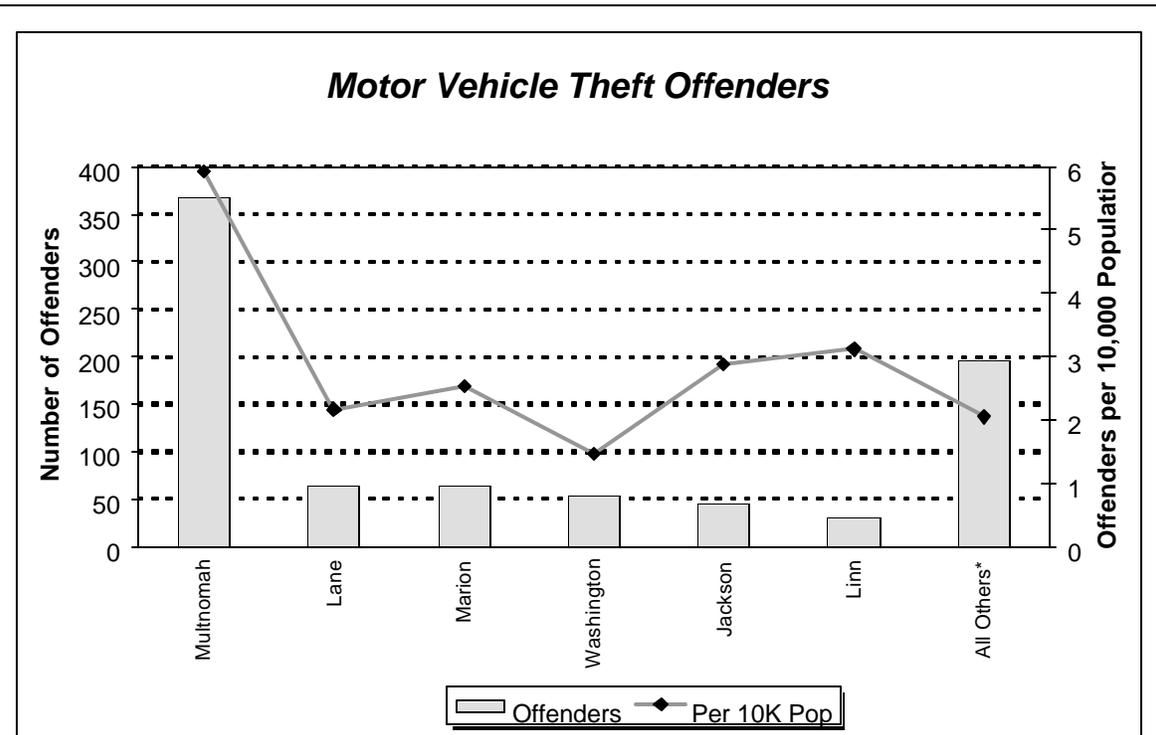
Drug Offenders by County						
County	Manuf/Deliv	Possession	Total	% of State Offenders	% of State Population	Difference (proportion)
Baker	3	1	4	0.08%	0.53%	-85%
Benton	23	18	41	0.82%	2.45%	-67%
Clatsop	6	37	43	0.86%	1.10%	-22%
Columbia	17	15	32	0.64%	1.28%	-50%
Coos	43	79	122	2.43%	2.04%	19%
Crook	9	15	24	0.48%	0.51%	-6%
Curry	11	11	22	0.44%	0.71%	-39%
Deschutes	87	59	146	2.91%	2.90%	0%
Douglas	58	162	220	4.39%	3.15%	39%
Gilliam	2	1	3	0.06%	0.06%	5%
Harney	0	4	4	0.08%	0.22%	-64%
Hood River	6	15	21	0.42%	0.60%	-30%
Jackson	62	289	351	7.00%	5.19%	35%
Jefferson	7	19	26	0.52%	0.50%	4%
Josephine	44	78	122	2.43%	2.21%	10%
Klamath	26	60	86	1.72%	1.96%	-13%
Lake	18	1	19	0.38%	0.24%	58%
Lane	109	310	419	8.36%	9.73%	-14%
Lincoln	23	23	46	0.92%	1.33%	-31%
Linn	17	117	134	2.67%	3.12%	-14%
Malheur	8	11	19	0.38%	0.91%	-58%
Marion	84	199	283	5.65%	8.20%	-31%
Multnomah	947	1,478	2,425	48.37%	20.12%	140%
Polk	21	28	49	0.98%	1.77%	-45%
Sherman	0	2	2	0.04%	0.06%	-35%
Tillamook	13	8	21	0.42%	0.74%	-44%
Umatilla	11	22	33	0.66%	2.08%	-68%
Union	0	1	1	0.02%	0.79%	-97%
Wallowa	9	3	12	0.24%	0.23%	2%
Wasco	4	21	25	0.50%	0.73%	-32%
Washington	67	99	166	3.31%	11.66%	-72%
Yamhill	28	64	92	1.84%	2.36%	-22%

# Motor Vehicle Theft

This section examines motor vehicle theft offenders convicted under ORS 164.135 (Unauthorized Use of a Vehicle), ORS 819.300 (Possession of Stolen Vehicle) and ORS 811.310 (Trafficking in Stolen Vehicles). The vast majority (712) were convicted under ORS 164.135, most of the remainder (178) were convicted under ORS 819.300, and only one was convicted under ORS 811.310. New sentencing laws passed by the 1996 Legislature (HB 3488) will increase both the number of motor vehicle theft offenders sentenced to prison and the length of their sentences.

## Motor Vehicle Theft Offenders by County: Summary

The six counties with the largest number of offenders convicted of motor vehicle theft are shown individually in the following display.



*Of the counties with the largest number of offenders convicted of motor vehicle theft, Multnomah County had the most convictions in terms of both absolute numbers and in proportion to population.*

Motor Vehicle Theft Offenders		
County	Offenders	Per 10K Pop
Multnomah	367	5.9
Lane	65	2.2
Marion	64	2.5
Washington	53	1.5
Jackson	46	2.9
Linn	30	3.1
All Others*	196	2.1
<b>Total Reported*</b>	<b>821</b>	<b>3.0</b>

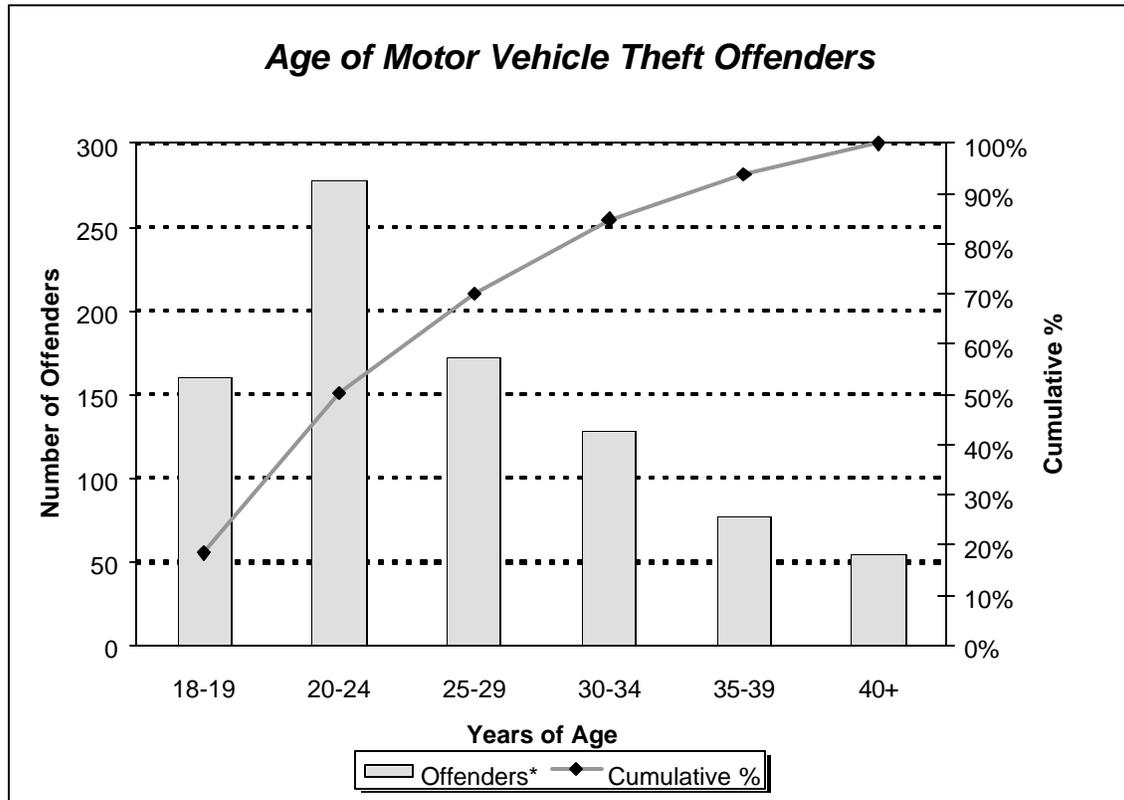
\* Clackamas and Morrow did not report

## Motor Vehicle Theft Offenders by County: Detail

The following table provides detailed information from all reporting counties about the number of offenders convicted for auto theft. This information is summarized in the preceding display.

<b>Motor Vehicle Theft Offenders</b>				
<b>County*</b>	<b>Offenders</b>	<b>% of Offenders</b>	<b>% of Pop</b>	<b>Per 10K Pop</b>
Multnomah	367	45%	20%	5.9
Lane	65	8%	10%	2.2
Marion	64	8%	8%	2.5
Washington	53	6%	12%	1.5
Jackson	46	6%	5%	2.9
Linn	30	4%	3%	3.1
Lincoln	21	3%	1%	5.1
Coos	19	2%	2%	3.0
Josephine	19	2%	2%	2.8
Deschutes	16	2%	3%	1.8
Clatsop	13	2%	1%	3.8
Douglas	13	2%	3%	1.3
Benton	11	1%	2%	1.5
Hood River	11	1%	1%	6.0
Umatilla	10	1%	2%	1.6
Klamath	9	1%	2%	1.5
Polk	9	1%	2%	1.7
Yamhill	8	1%	2%	1.1
Tillamook	7	1%	1%	3.1
Columbia	6	1%	1%	1.5
Wasco	5	1%	1%	2.2
Crook	4	0%	1%	2.5
Baker	3	0%	1%	1.8
Curry	3	0%	1%	1.4
Gilliam	2	0%	0%	11.4
Jefferson	2	0%	0%	1.3
Malheur	2	0%	1%	0.7
Sherman	1	0%	0%	5.3
Union	1	0%	1%	0.4
Wallowa	1	0%	0%	1.4
<b>Total</b>	<b>821</b>	<b>100%</b>		
* Clackamas and Morrow Counties did not report.				

## Motor Vehicle Theft Offender Age



Half of all motor vehicle theft offenders were less than 25 years old.

Motor vehicle theft offenders tended to be younger (26.5 years) than the average for all felony offenders (29.5 years). Their ages were concentrated in a narrower range (standard deviation = 7.4 years) than were felony offenders in general (standard deviation = 9.8 years).

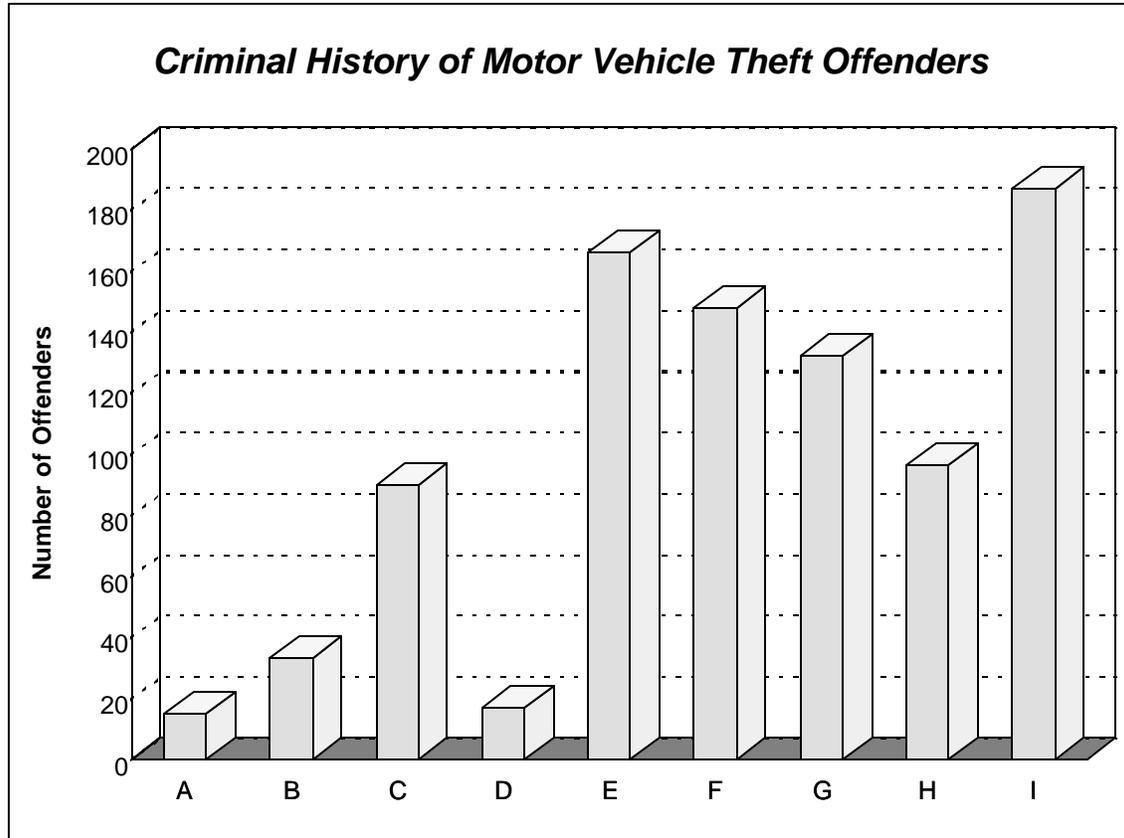
The standard deviation is a statistical measure of dispersion around the average; a larger number indicates that there are more cases farther away from the average.

MV Theft and Age		
Age	Offenders*	% of Total
18-19	161	18%
20-24	278	32%
25-29	173	20%
30-34	128	15%
35-39	77	9%
40+	54	6%
<b>Total</b>	<b>871</b>	<b>100%</b>

\*Adjusted for non-reporting counties.

## Criminal History

This display shows the criminal history scores of offenders convicted of motor vehicle theft. See Appendix B for descriptions of the criminal history categories.

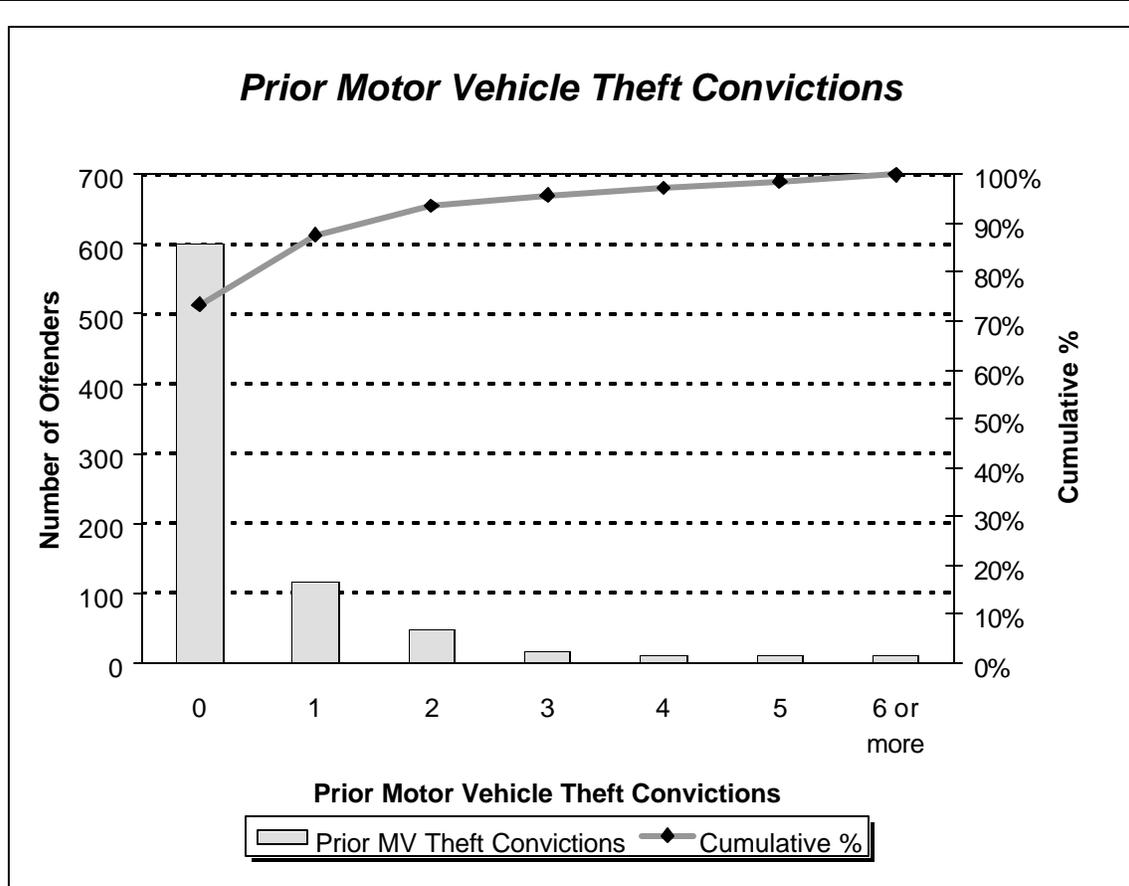


More than one-half of motor vehicle theft offenders had at least one or more prior felony conviction or juvenile adjudication. Four-fifths fell in criminal history categories E through I (no prior person felonies.) Only one-fifth were in category I (the least serious category).

Criminal History Scores of Motor Vehicle Theft Offenders								
A	B	C	D	E	F	G	H	I
15	34	90	17	166	148	133	97	187
2%	4%	10%	2%	19%	17%	15%	11%	21%
Note: adjusted for non-reporting counties. Cases missing criminal history information are omitted.								

## Prior Motor Vehicle Theft Convictions

This display shows the number of previous motor vehicle theft convictions for offenders convicted of motor vehicle theft during 1994.



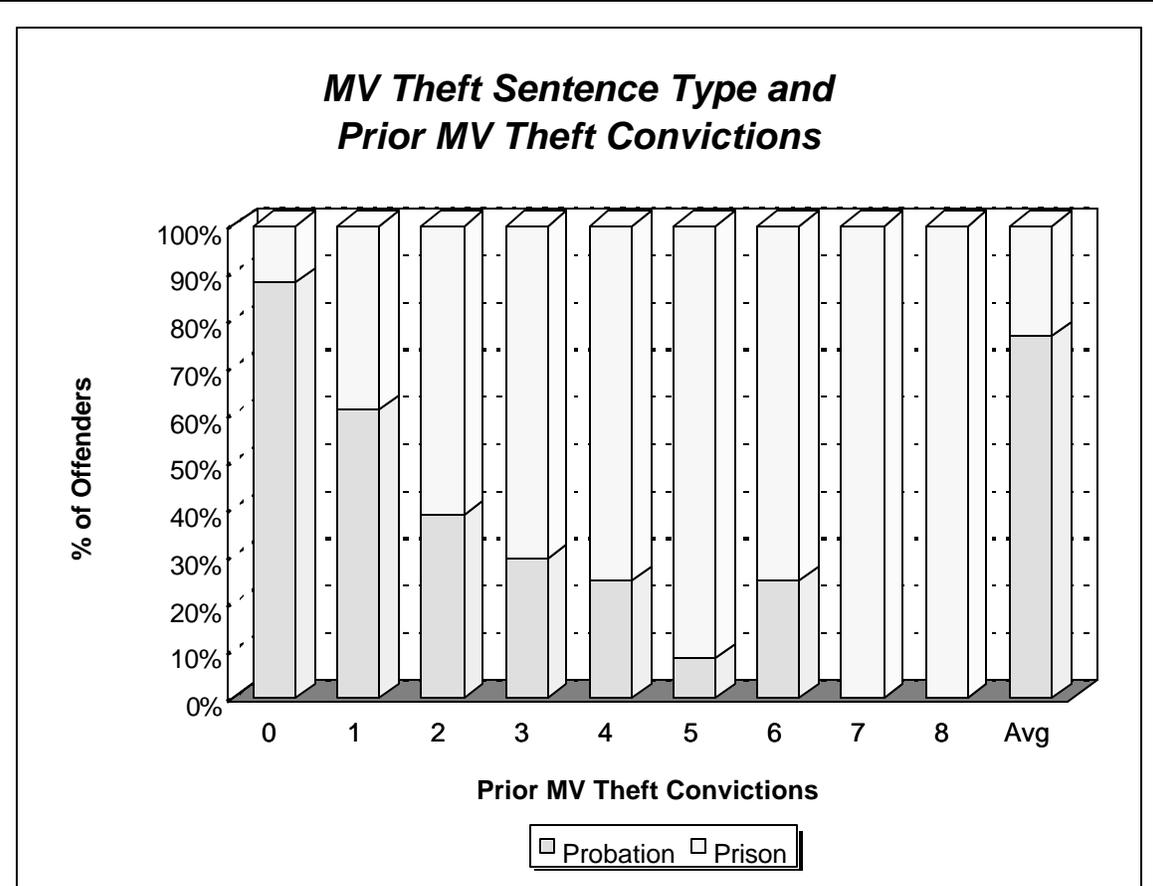
Nearly three-fourths of all motor vehicle theft offenders had no prior motor vehicle theft convictions. Only 12 percent had two or more prior motor vehicle theft convictions.

Prior MV Theft Convictions		
Prior MV Theft Convictions	Number of Offenders*	% of Offenders
0	654	73%
1	128	14%
2	53	6%
3	18	2%
4	13	1%
5	13	1%
6 or more	12	1%
<b>Total</b>	<b>892</b>	<b>100%</b>

\* Adjusted for non-reporting counties.

## Sentence Type and Prior Convictions

The following display illustrates the relationship between sentence type (probation or prison) and number of prior motor vehicle theft convictions. Note that probation sentences commonly include time in jail as a condition of probation.



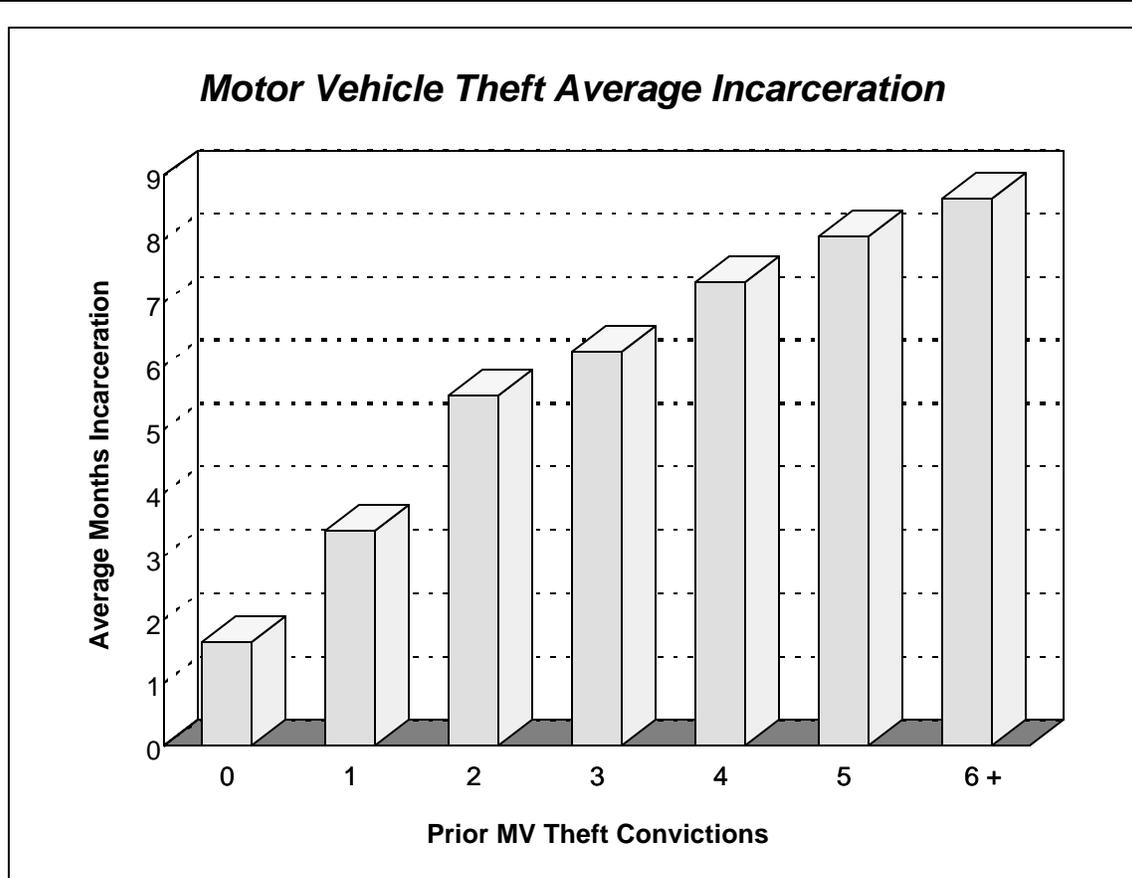
Overall, one-fourth of motor vehicle theft offenders were sentenced to prison. Offenders with more prior motor vehicle theft convictions were more likely to be sentenced to prison.

1996 House Bill 3488 establishes a 13-month presumptive prison term for motor vehicle theft if the offender has a prior conviction for auto theft or certain other property offenses.

<b>MV Theft Sentences and Prior Convictions</b>		
<b>Prior MV Theft Convictions</b>	<b>Probation</b>	<b>Prison</b>
0	88%	12%
1	61%	39%
2	39%	61%
3	29%	71%
4	25%	75%
5	8%	92%
6	25%	75%
7	0%	100%
8	0%	100%
Avg	77%	23%

## Average Incarceration

Incarceration is time behind bars, whether in jail (as a condition of probation) or prison. This analysis compares the average incarceration for motor vehicle theft offenders with various numbers of prior motor vehicle theft convictions.



Average incarceration for motor vehicle theft offenders ranged from 1.6 months for those with no prior motor vehicle theft convictions, to 8.6 months for those with six or more prior convictions. The average overall was 2.5 months.

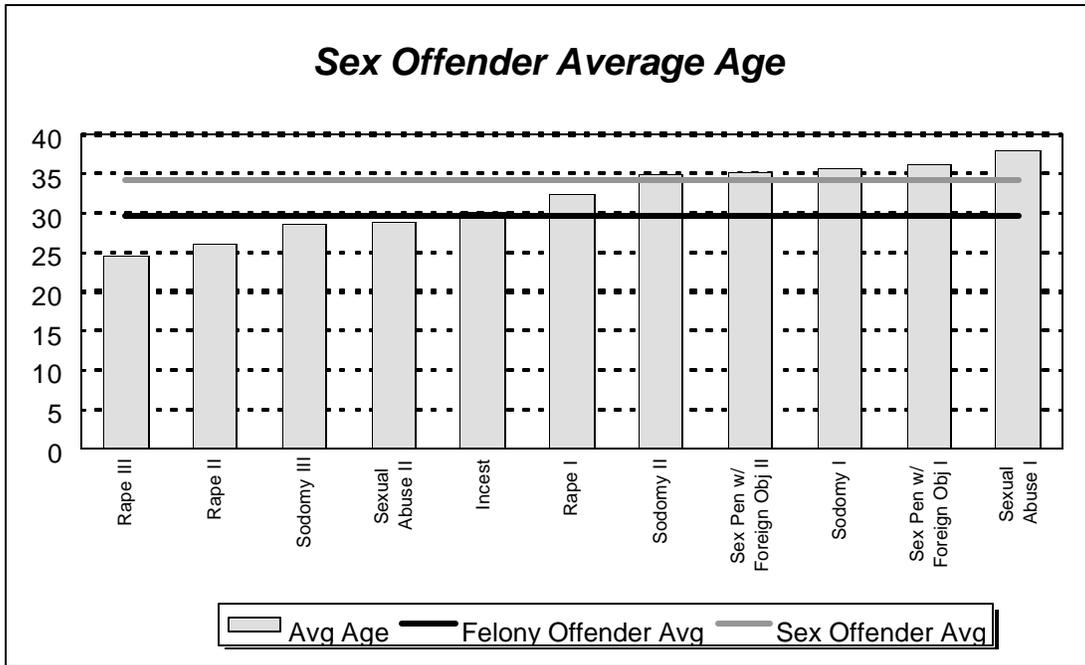
1996 House Bill 3488 establishes a 13-month presumptive prison term for motor vehicle theft if the offender has a prior conviction for auto theft or certain other property offenses.

Motor Vehicle Theft Offenders Average Incarceration*	
Prior MV Theft Convictions	Months Incarceration
0	1.6
1	3.4
2	5.5
3	6.2
4	7.3
5	8.0
6 +	8.6
<b>Average</b>	<b>2.5</b>
*Prison and/or jail	

# Sex Offenders

This section briefly reviews felony sex offender demographics and sentencing practice. For a more thorough examination of sex offender characteristics, see *Adult Sex Offenders in Oregon*, published by the Oregon Criminal Justice Council in 1994.

## Sex Offenders by Age and Offense



Sex offenders tend to be older (average 34.3 years) than felony offenders in general (average 29.5 years). In addition, their ages are spread over a wider range, as indicated by the standard deviation of 13.1 years for sex offenders as compared with 9.8 years for all felony offenders.

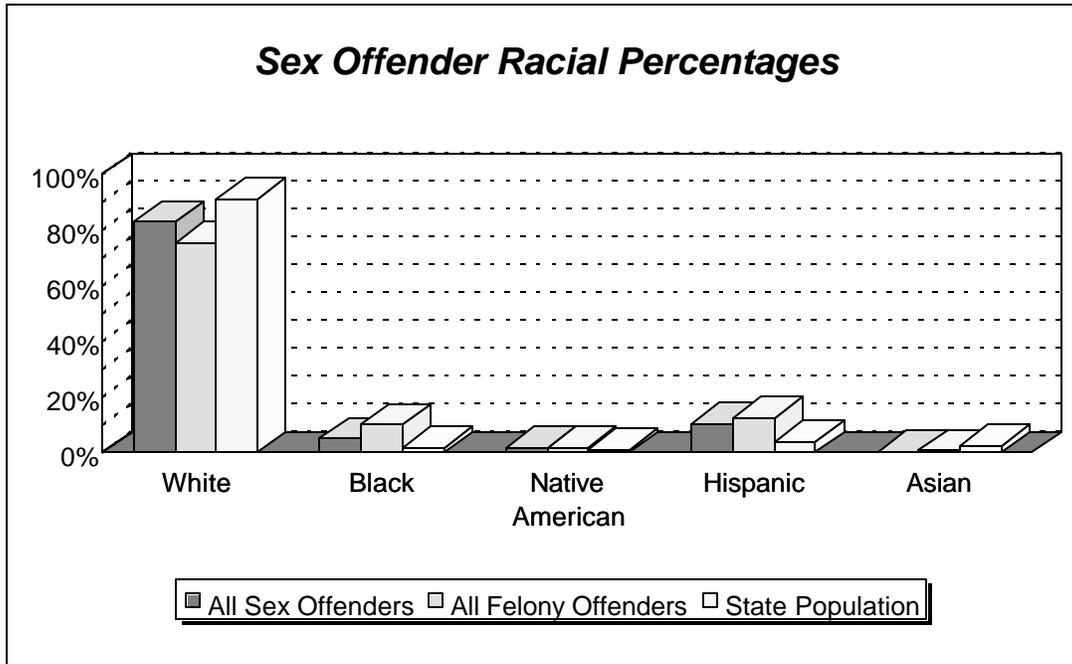
The standard deviation is a statistical measure of dispersion around the average; a larger number indicates that there are more cases farther away from the average.

Inchoate and completed offenses are counted together for this analysis.

Sex Offender Average Age			
ORS	Offense	Avg Age	Std Dev
163.355	Rape III	24.6	6.5
163.365	Rape II	26.1	8.4
163.385	Sodomy III	28.6	10.0
163.425	Sexual Abuse II	28.9	11.0
163.525	Incest	30.0	5.4
163.375	Rape I	32.4	10.2
163.395	Sodomy II	34.9	12.0
163.408	Sex Pen w/ Foreign Obj II	35.3	12.9
163.405	Sodomy I	35.8	10.6
163.411	Sex Pen w/ Foreign Obj I	36.1	11.7
163.427	Sexual Abuse I	37.9	14.6
	All Sex Offenders	34.3	13.1
	All Felony Offenders	29.5	9.8

## Sex Offenders by Race and Offense

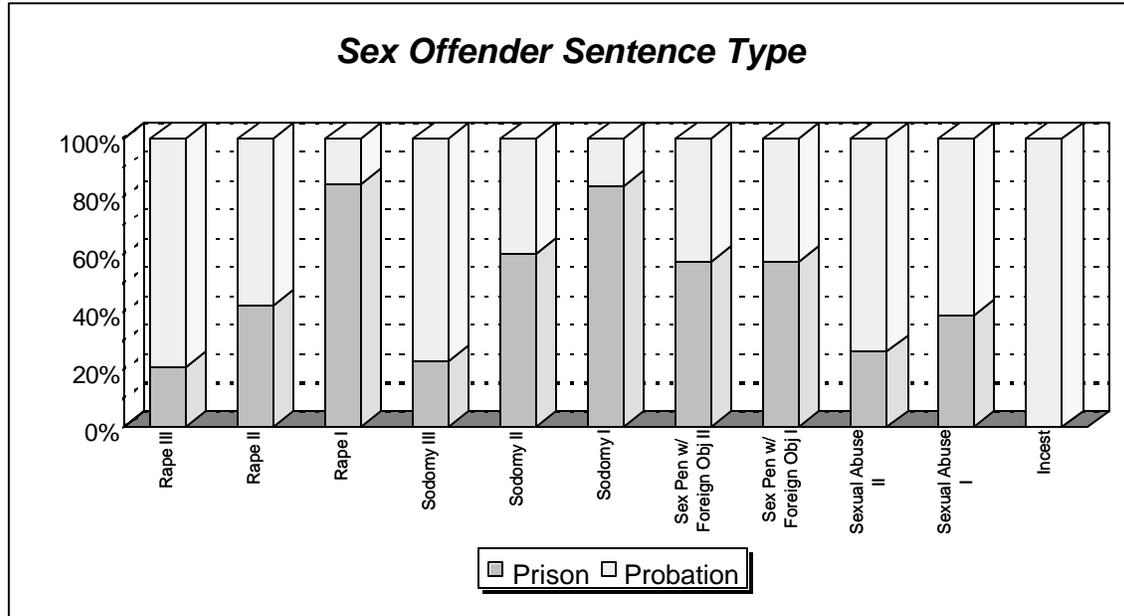
The following display compares the racial distributions of felony sex offenders, felony offenders in general and the state population. Inchoate and completed offenses are counted together for this analysis.



Whites represent a larger proportion of sex offenders than they do of the overall felony offender population, while Blacks and Hispanics represent a smaller proportion.

Sex Offenders by Offense and Race							
ORS	Description	White	Black	Native American	Hispanic	Asian	Total
163.355	Rape III	72%	6%	0%	20%	2%	100%
163.365	Rape II	59%	6%	6%	29%	0%	100%
163.375	Rape I	74%	14%	2%	11%	0%	100%
163.385	Sodomy III	100%	0%	0%	0%	0%	100%
163.395	Sodomy II	94%	6%	0%	0%	0%	100%
163.405	Sodomy I	88%	5%	1%	6%	0%	100%
163.408	Sex Pen w/ Foreign Obj II	100%	0%	0%	0%	0%	100%
163.411	Sex Pen w/ Foreign Obj I	90%	5%	0%	5%	0%	100%
163.425	Sexual Abuse II	73%	6%	6%	15%	0%	100%
163.427	Sexual Abuse I	86%	3%	2%	10%	0%	100%
163.525	Incest	100%	0%	0%	0%	0%	100%
	All Sex Offenders	83%	5%	2%	10%	0%	100%
	All Felony Offenders	75%	10%	2%	13%	1%	100%
	State Population	91%	2%	1%	4%	2%	100%

## Sex Offender Sentence Type by Offense

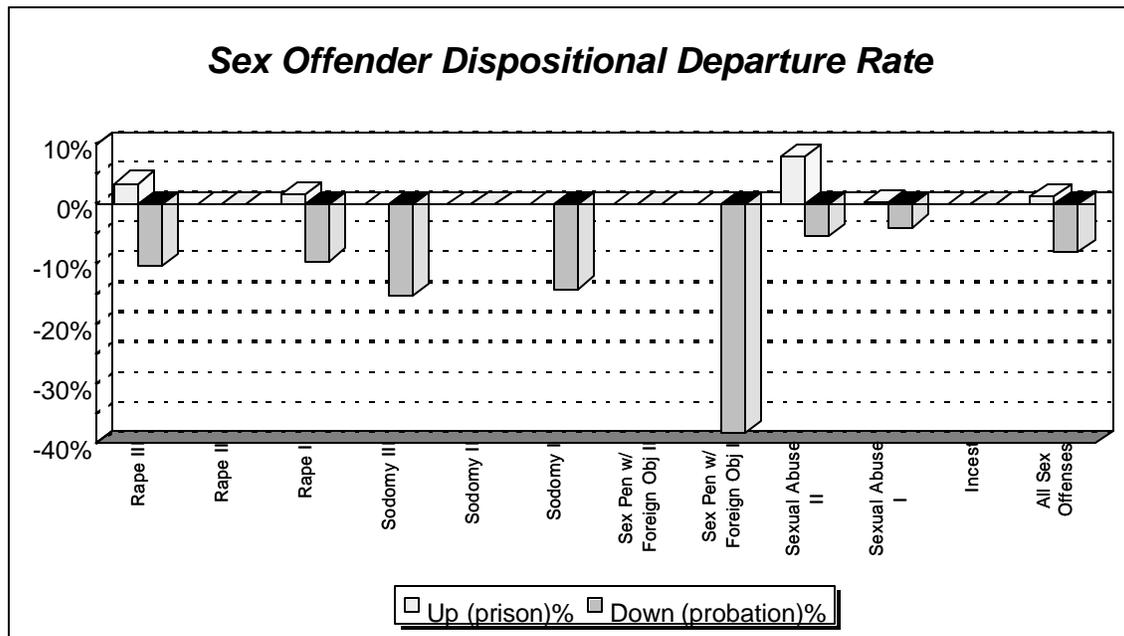


More than four-fifths of Rape I offenders were sentenced to prison. All incest offenders were placed on probation. Inchoate and completed offenses are counted together. The table below indicates offenses that will be subject to mandatory prison terms under Ballot Measure 11 (ORS 137.700) after April 1, 1995. While inchoate and completed offenses are counted together for this analysis, inchoate offenses are not subject to Ballot Measure 11.

ORS	Description	Ballot Measure 11	Probation		Prison	
			Number*	%	Number*	%
163.355	Rape III		50	79%	13	21%
163.365	Rape II	◆	12	58%	9	42%
163.375	Rape I	◆	11	16%	58	84%
163.385	Sodomy III		11	77%	3	23%
163.395	Sodomy II	◆	9	40%	13	60%
163.405	Sodomy I	◆	15	16%	77	84%
163.408	Sex Pen w/ Foreign Obj II	◆	3	43%	4	57%
163.411	Sex Pen w/ Foreign Obj I	◆	10	43%	13	57%
163.425	Sexual Abuse II		30	74%	11	26%
163.427	Sexual Abuse I	◆	171	61%	109	39%
163.525	Incest		3	100%	0	0%
	All Sex Offenders		325	51%	310	49%

\* Note: adjusted for non-reporting counties.

## Sex Offender Dispositional Departures

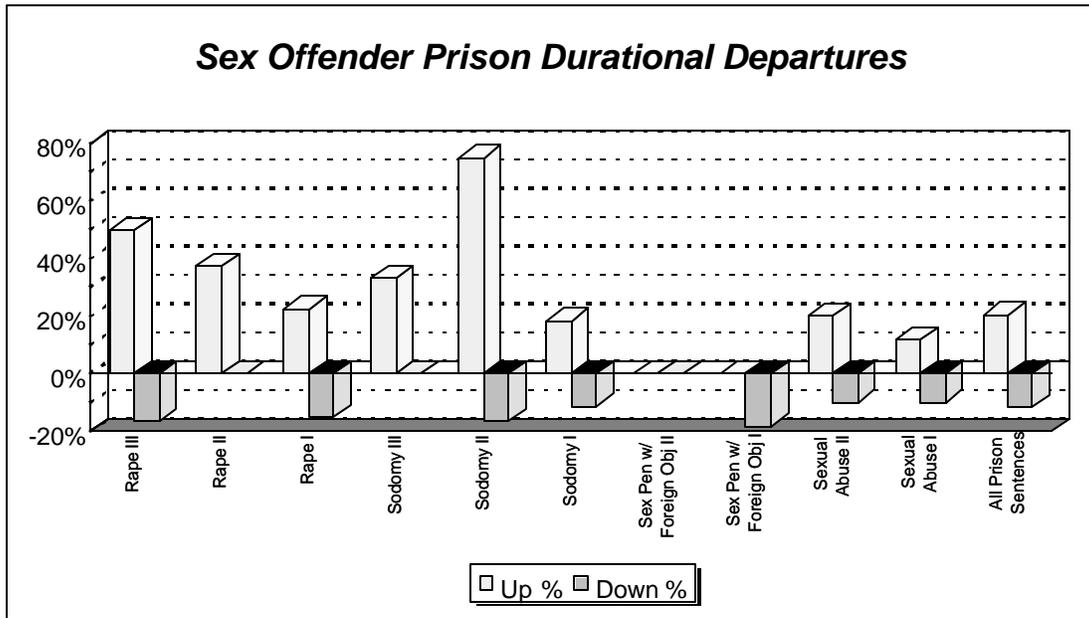


Overall, only eight percent of sex offenders received downward dispositional departures. Many sex offenses carry presumptive prison sentences, so upward dispositional departures are not possible. Of offenders convicted of Unlawful Sexual Penetration with a Foreign Object I, 38 percent received downward dispositional departures. Completed and inchoate offenses are counted together.

Sex Offender Dispositional Departures						
ORS	Description	Offenders*	Upward*	Up (prison)%	Downward*	Down (probation)%
163.355	Rape III	63	2	3%	7	10%
163.365	Rape II	21	0	0%	0	0%
163.375	Rape I	68	1	2%	7	10%
163.385	Sodomy III	14	0	0%	2	15%
163.395	Sodomy II	22	0	0%	0	0%
163.405	Sodomy I	92	0	0%	13	14%
163.408	Sex Pen w/ Foreign Obj II	8	0	0%	0	0%
163.411	Sex Pen w/ Foreign Obj I	23	0	0%	9	38%
163.425	Sexual Abuse II	41	3	8%	2	5%
163.427	Sexual Abuse I	279	1	0%	11	4%
163.525	Incest	3	0	0%	0	0%
	All Sex Offenses	635	8	1%	50	8%

\* Note: adjusted for non-reporting counties.

## Sex Offender Prison Durational Departures



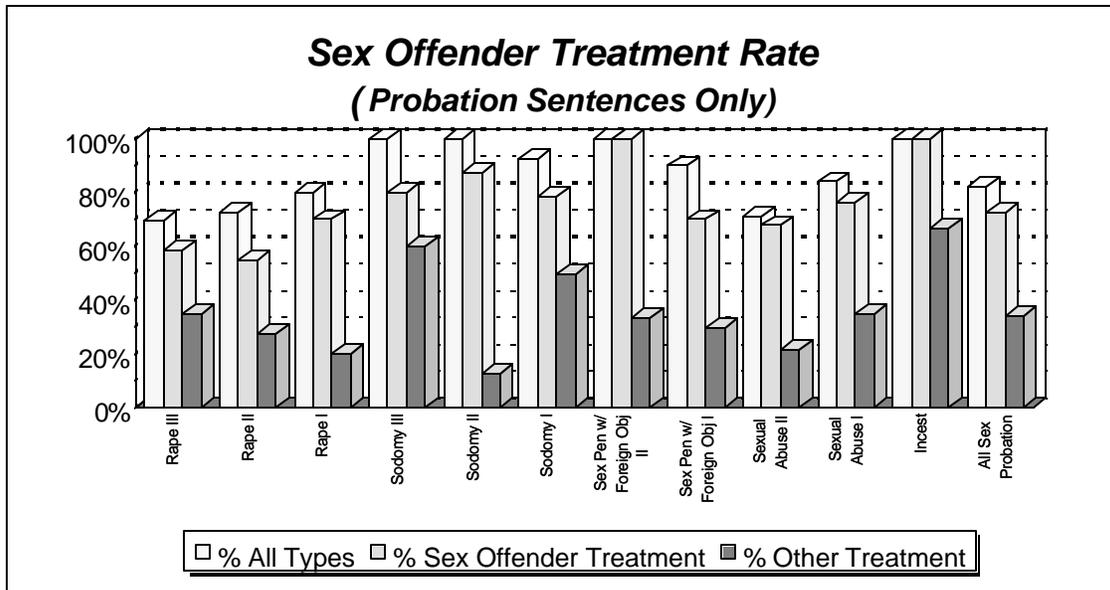
Twenty percent of sex offenders whose presumptive sentence was prison received prison terms longer than the presumptive sentence called for by the sentencing guidelines. In the accompanying chart and table, "Up" indicates an upward durational departure (prison sentence longer than called for by sentencing guidelines), while "Down" indicates a downward durational departure (prison sentence shorter than called for by sentencing guidelines).

ORS	Description	Prison Sentences*	Up*	Up %	Down*	Down %
163.355	Rape III	13	7	50%	2	17%
163.365	Rape II	9	3	38%	0	0%
163.375	Rape I	58	13	23%	9	15%
163.385	Sodomy III	3	1	33%	0	0%
163.395	Sodomy II	13	10	75%	2	17%
163.405	Sodomy I	77	14	18%	9	11%
163.408	Sex Pen w/ Foreign Obj II	4	0	0%	0	0%
163.411	Sex Pen w/ Foreign Obj I	12	0	0%	2	18%
163.425	Sexual Abuse II	11	2	20%	1	10%
163.427	Sexual Abuse I	109	13	12%	11	10%
	All Prison Sentences	309	63	20%	36	12%

\* Note: adjusted for non-reporting counties.

## Use of Treatment Programs for Sex Offenders

This graph and table show the use of treatment programs for sex offenders who received probation sentences. The “All Types” column shows offenders ordered to undergo any form of treatment, whether it was sex offender treatment or some other type. The “Other Types” column includes alcohol, mental health and other types of treatment programs. Some offenders were required to undergo several types of treatment, so the numbers in the “Sex Offender” and “Other Types” column may add up to more than the amount in the “All Types” column. Inchoate and completed offenses are counted together.



Most sex offenders (82 percent) sentenced to probation were ordered to undergo some form of treatment. All Sodomy II, Sodomy III and Incest offenders sentenced to probation were ordered to undergo treatment.

Sex Offender Treatment Rate (Probation Sentences Only)								
ORS	Description	Offenders*	Treatment Type					
			All Types		Sex Offender		Other Types	
			Number*	%	Number*	%	Number*	%
163.355	Rape III	50	35	70%	29	59%	17	35%
163.365	Rape II	12	9	73%	7	55%	3	27%
163.375	Rape I	11	9	80%	8	70%	2	20%
163.385	Sodomy III	11	11	100%	9	80%	7	60%
163.395	Sodomy II	9	9	100%	8	88%	1	13%
163.405	Sodomy I	15	14	93%	12	79%	8	50%
163.408	Sex Pen w/ Foreign Obj II	3	3	100%	3	100%	1	33%
163.411	Sex Pen w/ Foreign Obj I	11	10	90%	8	70%	3	30%
163.425	Sexual Abuse II	30	22	71%	21	68%	7	21%
163.427	Sexual Abuse I	171	143	84%	130	76%	60	35%
163.525	Incest	3	3	100%	3	100%	2	67%
	All Sex Probation	326	267	82%	237	73%	111	34%

\* Note: adjusted for non-reporting counties.

# Homicide

This section examines homicide sentencing in detail. Unless otherwise noted, information presented is for completed offenses only, while inchoate offenses (attempts, solicitations and conspiracies) are excluded.

## Homicide Sentences

*All offenders convicted of Murder and Manslaughter I were sentenced to prison. Approximately two-thirds of Manslaughter II offenders were sentenced to prison, while three-fifths of those convicted of Criminally Negligent Homicide were placed on probation. Offenders convicted of Murder, Manslaughter I and Manslaughter II will be subject to mandatory prison terms under Ballot Measure 11 (ORS 137.700) for offenses committed after April 1, 1995.*

Homicide Sentences								
	Prison Sentences			Probation Sentences				Total Offenders*
	Offenders*	% to Pris	Avg Term	Offenders*	% to Prob	Avg Prob	Avg Jail	
Murder	35	100%	217	0	0%	N/A	N/A	35
Manslaughter I	16	100%	82	0	0%	N/A	N/A	16
Manslaughter II	10	64%	39	5	36%	35	72	15
Crim Neg Hom	4	40%	23	6	60%	40	45	11

\* Note: adjusted for non-reporting counties.

Prison and probation sentences are expressed in months. Jail sentences are expressed in days.

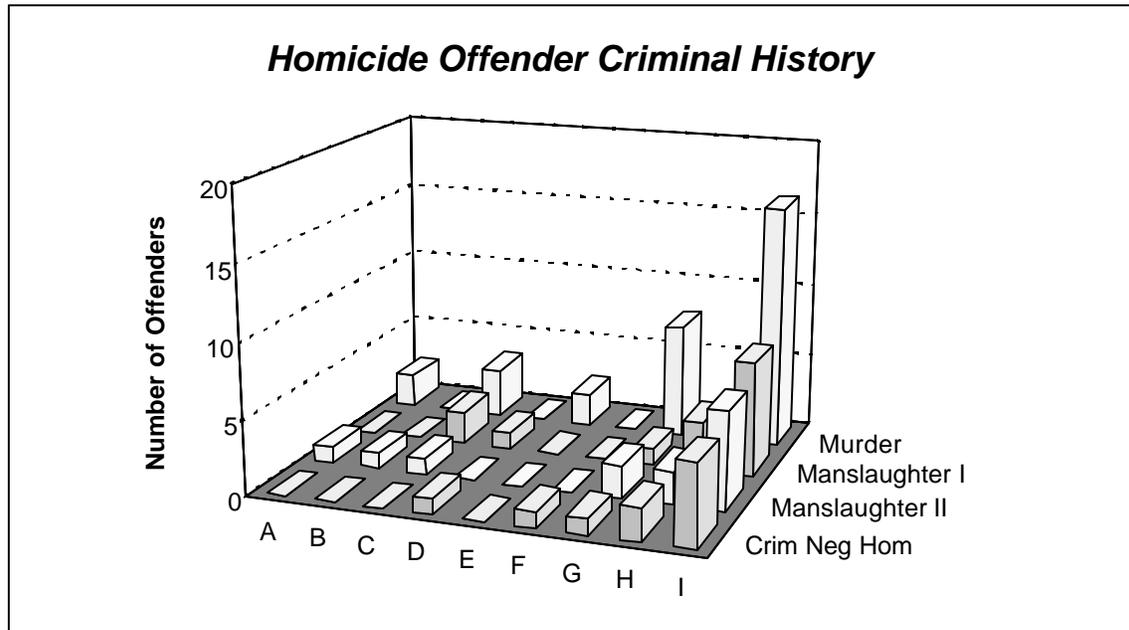
## Homicide Sentences -- Special Provisions

*Seven homicide offenders received mandatory minimum sentences under ORS 161.610 as a result of firearm use. One offender received a mandatory minimum sentence as a dangerous offender under ORS 137.635.*

Homicide Sentences*			
	Offenders	Gun Minimum	Dangerous Offender
Murder	35	4	0
Manslaughter I	16	2	1
Manslaughter II	15	0	0
Crim Neg Hom	11	0	0
All Homicide	77	6	1

\*Adjusted for non-reporting counties.

## Homicide Offender Criminal History



As with other offenders, homicide offenders are concentrated in the less extensive criminal history categories. About half were in category I, and four-fifths were in categories E through I (no prior person offenses).

	A	B	C	D	E	F	G	H	I	Total
Murder	2	0	3	0	2	0	8	2	16	34
Manslaughter I	0	0	2	1	0	0	1	3	8	15
Manslaughter II	1	1	1	0	0	0	2	2	7	14
Crim Neg Hom	0	0	0	1	0	1	1	2	5	11
All Homicide	3	1	7	2	2	1	12	10	36	74
All Homicide %	4%	1%	9%	3%	3%	1%	16%	13%	49%	100%

\* Note: adjusted for non-reporting counties.  
Cases missing information for criminal history are omitted.

## Homicide Trials and Pleas

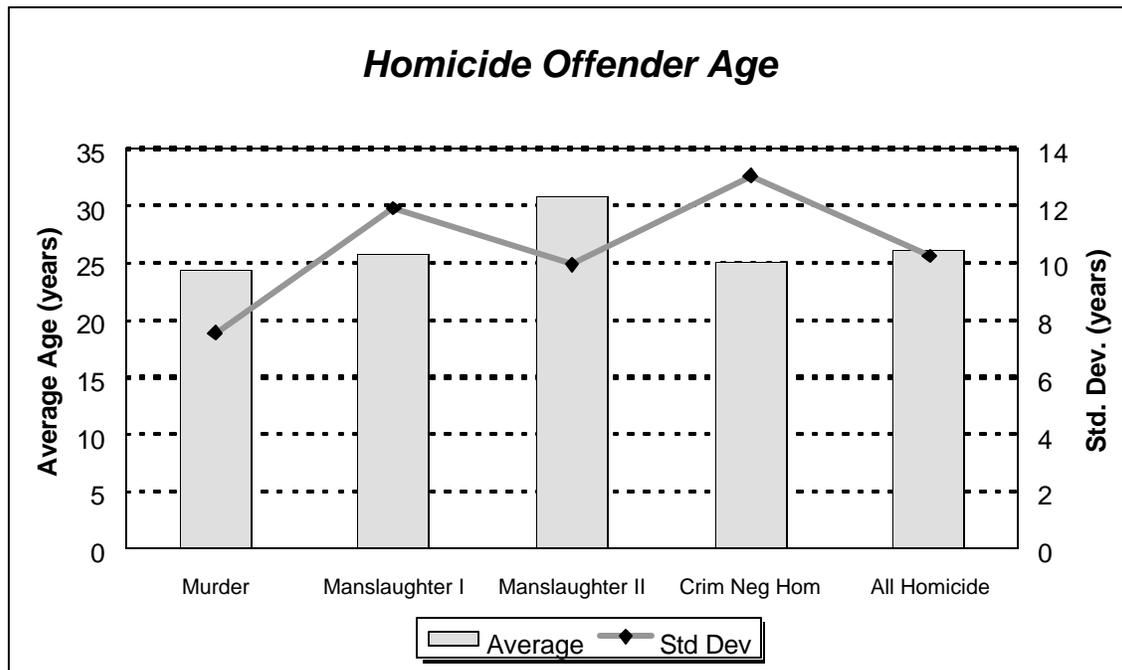
The following table shows the basis for adjudication in homicide guilty findings. Two-thirds of homicide cases were resolved by plea.

<b>Homicide Guilty Findings*</b>					
	<b>Murder</b>	<b>Manslaughter I</b>	<b>Manslaughter II</b>	<b>Crim Neg Hom</b>	<b>All Homicide</b>
Plea to original charge	10	5	1	1	17
Plea w/ charges dropped	14	4	8	5	31
Plea to lesser included	0	3	2	2	7
Jury trial	5	1	1	2	9
Bench trial	3	0	1	0	4
Stipulated facts trial	0	1	1	0	2
All types	32	14	14	10	70

\*Note: adjusted for non-reporting counties.

Cases missing information for type of guilty finding are omitted.

## Homicide Offender Demographics: Age

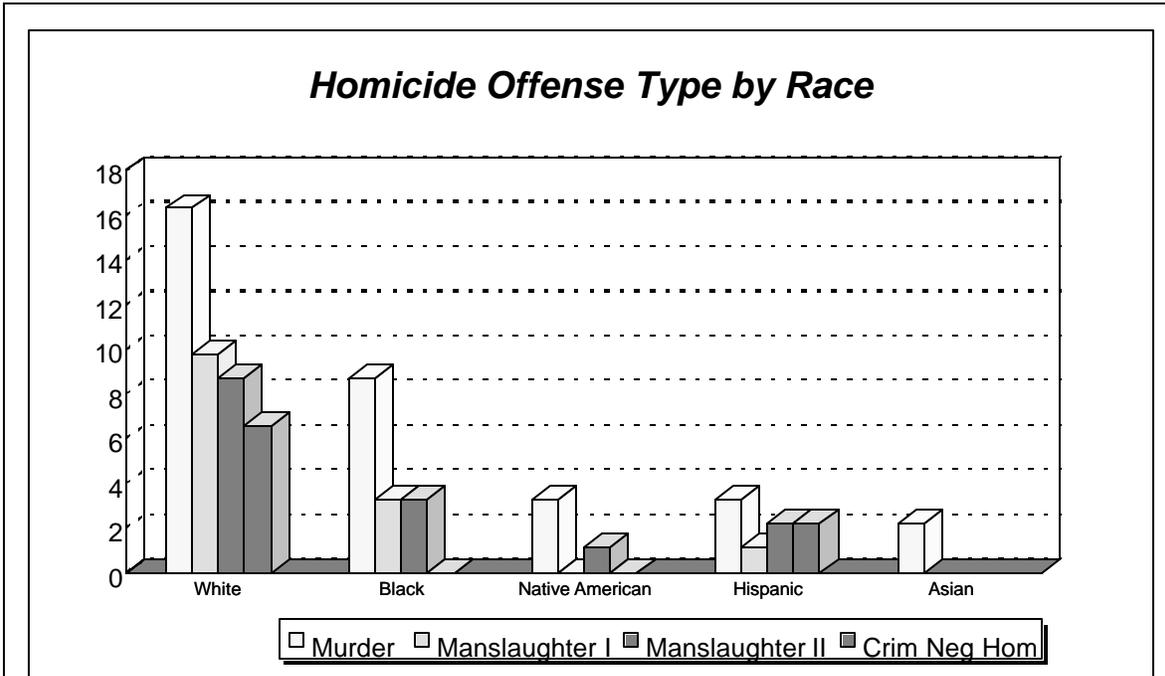


Murder offenders tended to be younger (average age 24.4 years) than other types of homicide offenders, and their ages were concentrated in a narrower range. The age of Criminally Negligent Homicide offenders varied more widely than other homicide offenders.

Homicide Offender Age		
	Average	Std Dev
Murder	24.4	7.5
Manslaughter I	25.8	11.9
Manslaughter II	30.9	9.9
Crim Neg Hom	25.1	13.0
All Homicide	26.1	10.2

Age range is indicated by the standard deviation, which is a statistical measure of dispersion around the average. A larger number indicates that there are more cases farther away from the average.

## Homicide Offender Demographics: Race

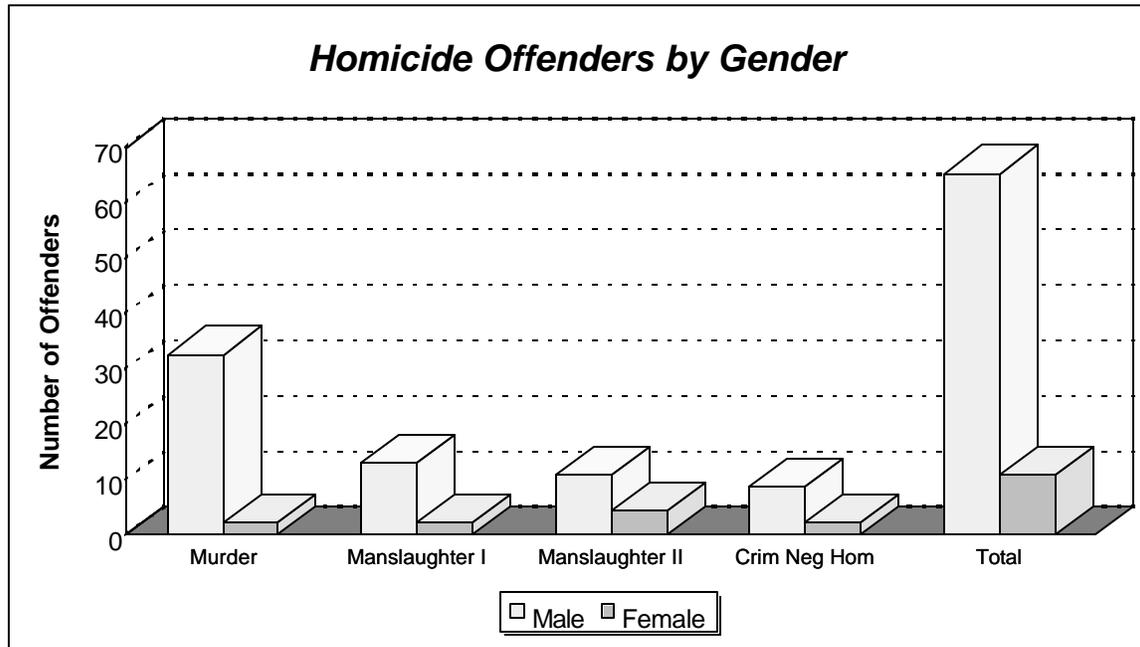


*This graph and table show the distribution of each racial group's homicide offenders by specific offense.*

Homicide Offenders* by Race										
	White		Black		Native American		Hispanic		Asian	
Murder	16	39%	9	57%	3	75%	3	38%	2	100%
Manslaughter I	10	24%	3	21%	0	0%	1	13%	0	0%
Manslaughter II	9	21%	3	21%	1	25%	2	25%	0	0%
Crim Neg Hom	7	16%	0	0%	0	0%	2	25%	0	0%
All Homicide	41	100%	15	100%	4	100%	9	100%	2	100%

\* Note: adjusted for non-reporting counties. Cases missing information for race are omitted.

## Homicide Offender Demographics: Gender



Among male homicide offenders, Murder was the most common offense. Among female homicide offenders, Manslaughter II was most common.

	Homicide Offenders*				Total Offenders*
	Male		Female		
	Offenders*	%	Offenders*	%	
Murder	33	50%	2	20%	35
Manslaughter I	13	20%	2	20%	15
Manslaughter II	11	17%	4	40%	15
Crim Neg Hom	9	13%	2	20%	11
Total	65	100%	11	100%	76

\* Adjusted for non-reporting counties.  
Cases missing gender information are omitted.

## Ballot Measure 11

Ballot Measure 11 (BM11), passed in November 1994, sets minimum prison sentences and eliminates earned time credit for certain offenses committed on or after April 1, 1995. The measure was codified as ORS 137.700, with the addition of minimum sentences for attempts and conspiracies to commit murder and aggravated murder.

This section compares the actual 1994 sentencing patterns for the listed offenses with those that will be required in the future under BM11 and ORS 137.700. It is a model of changes in sentencing practice that may occur, not an analysis of changes that already have taken place. A retrospective analysis of actual changes will not be possible until the measure has been in effect long enough for a significant number of offenders to be sentenced under its provisions.

The prison increase attributed to Ballot Measure 11 is an estimate of the sentences that would have resulted if all 1994 convictions had been subject to its provisions. The estimate incorporates the following assumptions:

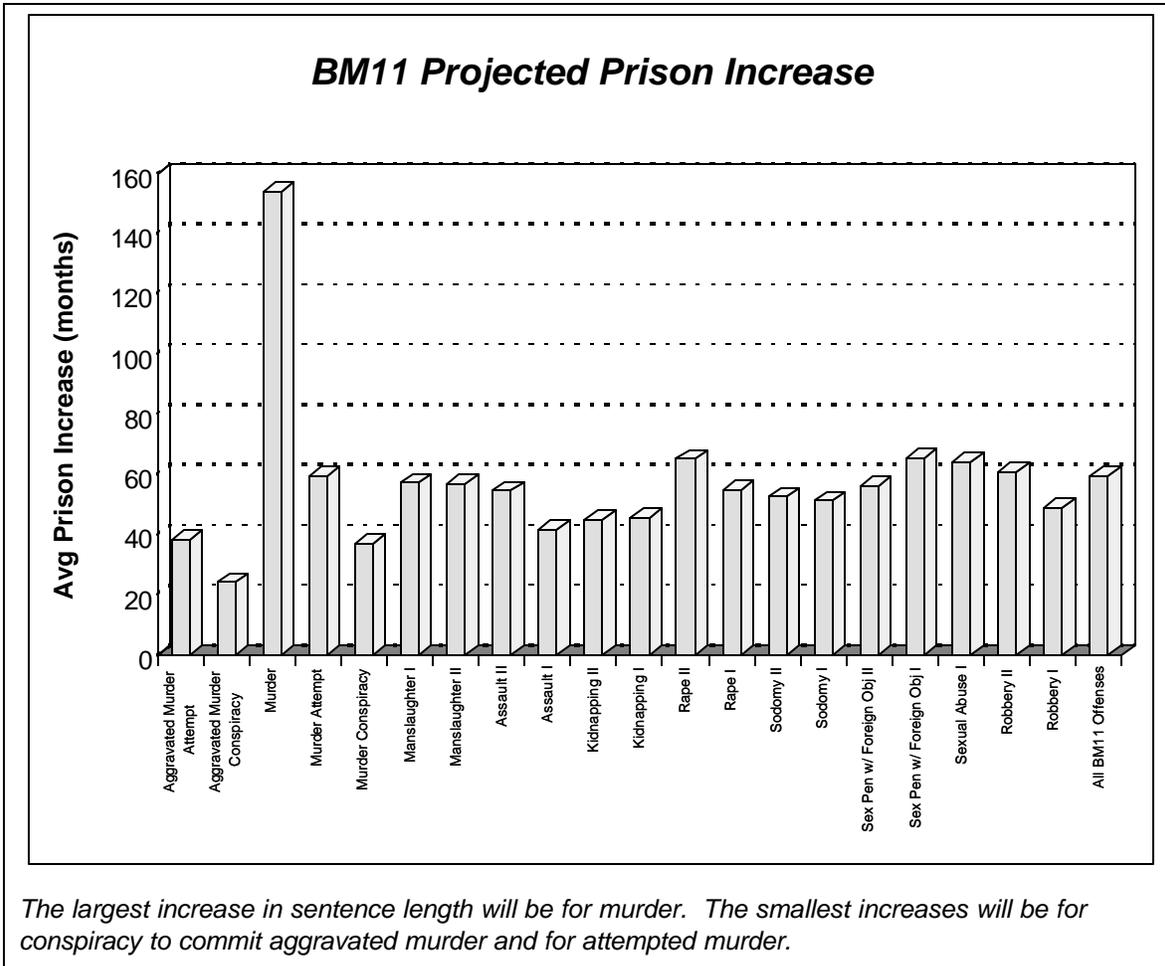
- ◆ Sentences shorter than BM11 minimum will be increased to exactly the BM11 minimum.
- ◆ Sentences longer than BM11 minimum will not change.
- ◆ Judges will not adjust these longer sentences in response to elimination of earned time credit.
- ◆ The current average earned time credit of 17 percent for all offenders is applicable to those individuals convicted of BM11 offenses. Note that offense-specific earned time credit data is not available, and there are several statutes that prohibit earned time credit under certain conditions.

Increases in prison sentence length for individual offenders are the result of the following effects:

- ◆ For offenders sentenced to probation, the increase from no prison up to the BM11 minimum.
- ◆ For offenders sentenced to prison for less than the BM11 minimum, the increase in prison to the BM11 minimum and the increase due to elimination of earned time credit.
- ◆ For offenders sentenced to prison for more than the BM11 minimum, the increase due to elimination of earned time credit.

## Ballot Measure 11 Sentences: Summary

The following graph illustrates the projected average increase in prison sentences for offenders sentenced for one of the listed offenses committed after the effective date, as detailed in the table below.



## Ballot Measure 11 Sentences: Detail

In the following table, the "Offenders" column shows the total number of offenders convicted in 1994 for offenses listed in ORS 137.700, the "Prison Rate" column shows the percentage that received prison sentences prior to BM11, the "Average Prison" column shows the average length of prison sentences for listed offenses (with probation sentences averaged in as zero months), the "BM11 Minimum Sentence" column shows the minimum sentence established for offenses committed after the effective date of the measure, and the "Avg BM11 Prison Increase" column shows the estimated average increase in prison length of stay. **Counting probation sentences as zeroes means that the "Average Prison 1994" column shows the average for ALL offenders convicted of the offense regardless of sentence type, NOT the average sentence for offenders sentenced to prison. Average sentences for just those offenders sentenced to prison are longer than shown in this column.**

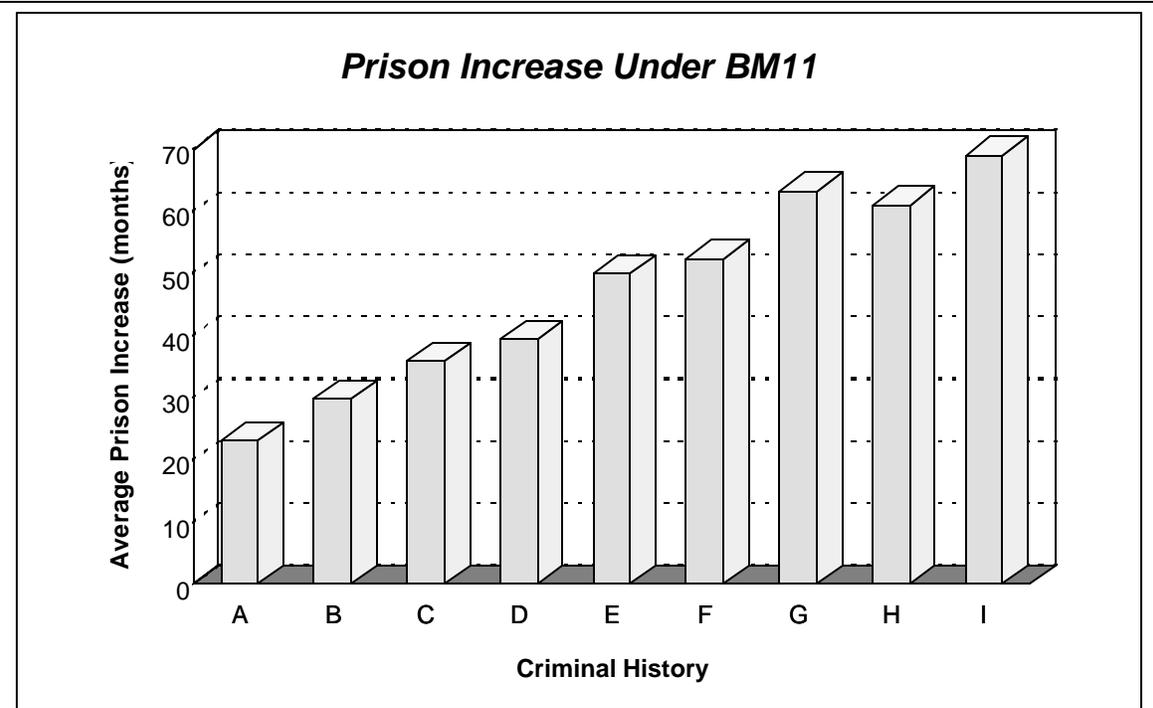
Note that the "Average Prison 1994" and "Avg BM11 Prison Increase" columns are averages for all offenders convicted of a particular offense. Offenders convicted of the same offense will be affected differently under the various scenarios discussed in the introduction to this section. The following table is a summary only, and does not detail the components of the average increase.

Ballot Measure 11 Offenses						
ORS	Description	Offenders*	Prison Rate 1994	Average Prison 1994**	BM11 Minimum Sentence	Avg BM11 Prison Increase***
163.095	Aggravated Murder Attempt	4	100%	120.8	120	38.3
163.095	Aggravated Murder Conspiracy	1	100%	119.5	120	24.0
163.115	Murder	35	100%	180.4	300	154.1
163.115	Murder Attempt	18	100%	118.0	90	59.4
163.115	Murder Conspiracy	4	100%	130.7	90	36.8
163.118	Manslaughter I	16	100%	68.4	120	57.0
163.125	Manslaughter II	15	64%	20.7	75	56.6
163.175	Assault II	164	61%	16.1	70	54.5
163.185	Assault I	34	100%	73.2	90	41.4
163.225	Kidnapping II	18	65%	25.3	70	44.7
163.235	Kidnapping I	30	100%	170.4	90	45.7
163.365	Rape II	20	44%	10.0	75	65.1
163.375	Rape I	60	87%	75.3	100	54.6
163.395	Sodomy II	21	58%	36.4	75	52.5
163.405	Sodomy I	88	85%	84.8	100	51.1
163.408	Sex Pen w/ Foreign Obj II	7	67%	18.7	75	56.3
163.411	Sex Pen w/ Foreign Obj I	21	63%	42.3	100	65.3
163.427	Sexual Abuse I	253	39%	12.1	75	64.2
164.405	Robbery II	105	51%	10.0	70	60.5
164.415	Robbery I	134	93%	52.8	90	48.7
	All BM11 Offenses	1,048	67%	44.8		59.2

Note: \* Adjusted for non-reporting counties.  
 \*\* Adjusted for typical 17% earned time credit. Includes probation sentences as zeroes.  
 \*\*\* Assumes greater of current or BM11 minimum.

## Ballot Measure 11 Sentences and Criminal History

The following graph and table show Ballot Measure 11 offenders grouped by their sentencing guidelines criminal history score. The estimated prison increase reflects the assumptions described above. Records missing information about criminal history score are omitted from the analysis.



*Offenders with the most serious criminal history will experience the lowest average increase in sentence length, while offenders with the least serious criminal history will have the greatest average increase.*

BM11 and Criminal History				
Criminal History	Offenders *	Prison Rate 1994	Average Prison 1994**	Avg BM11 Prison Increase***
A	71	97%	142.2	23.1
B	68	95%	109.4	29.7
C	100	98%	92.2	35.8
D	64	85%	85.1	39.4
E	43	93%	67.9	50.0
F	56	79%	49.0	52.4
G	113	64%	71.7	63.2
H	158	53%	55.2	61.0
I	356	47%	61.6	69.1

Note: \* Adjusted for non-reporting counties.

\*\* Not adjusted for typical 17% earned time credit.

\*\*\* Adjusted for typical 17% earned time credit.

