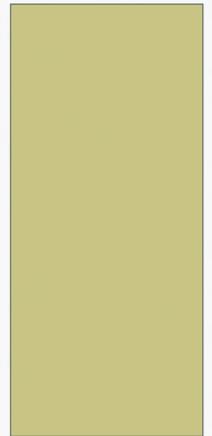


THE IMPACT OF PRIOR DRUG CONVICTIONS  
ON SENTENCING OUTCOMES:  
EVIDENCE FROM KING COUNTY

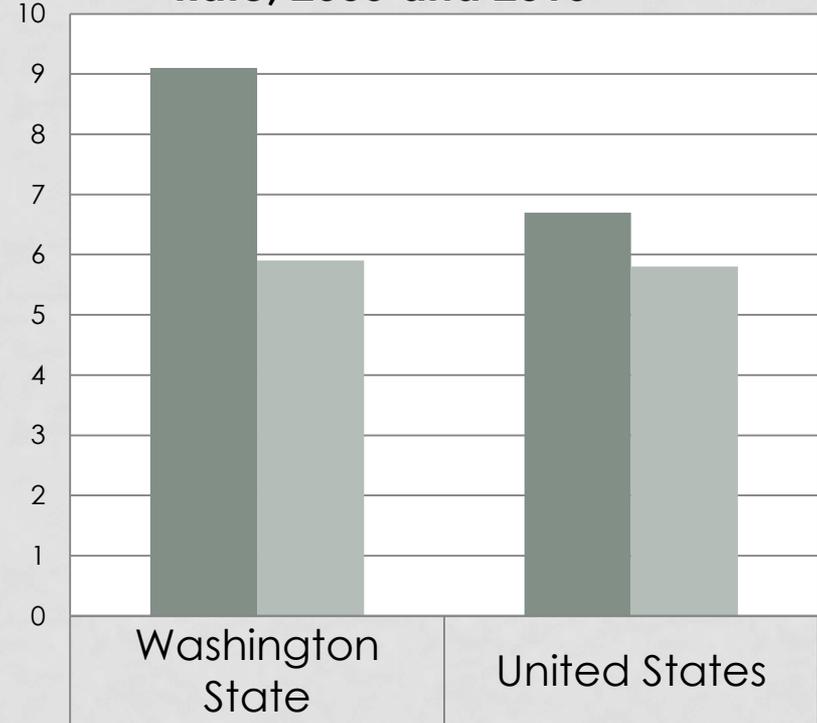
KATHERINE BECKETT, EMILY KNAPHUS & ANNA  
REOSTI, UNIVERSITY OF WASHINGTON



# MOTIVATION & CONTEXT

- The over-representation of people of color - especially blacks - has diminished, but remains pronounced
- Improvements have resulted mainly from drug law reform efforts
- But disproportionality persists

**Ratio of the Black Prison Admission Rate to the White Prison Admission Rate, 2000 and 2010**



■ 2000	9.1	6.7
■ 2010	5.9	5.8

# MANY FACTORS MAY CONTRIBUTE TO RACIAL DISPROPORTIONALITY

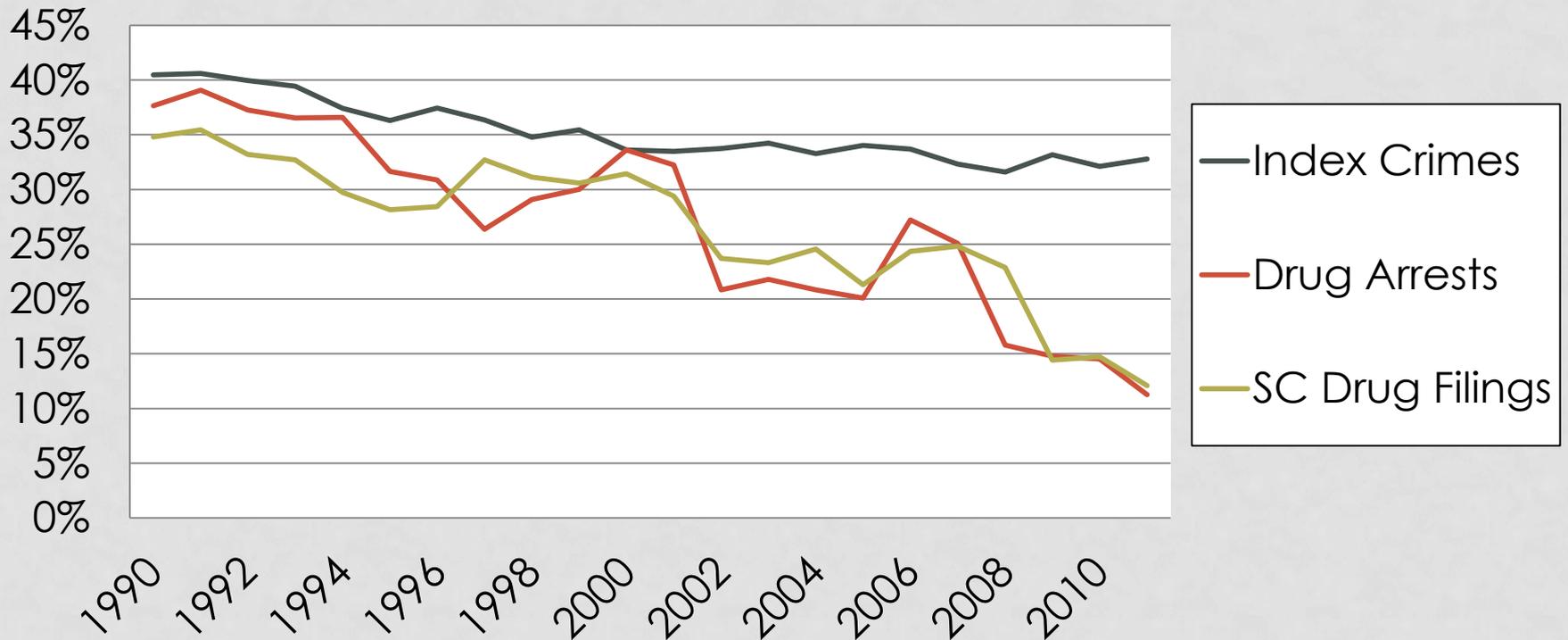
- Racial inequities in arrests
  - May reflect offending patterns, enforcement practices, or both
- Differences in case characteristics, e.g.,, weapon involvement, number of victims, etc.
- Filing and charging criteria/practices
- Sentencing practices
- **The cumulative impact of prior drug convictions**

# RESEARCH QUESTIONS

- How did prior drug convictions impact sentencing outcomes among defendants sentenced in King County in 2010?
- What do these findings imply about the impact of a policy or practice in which prior drug convictions are discounted from the calculation of offender scores?

# KING COUNTY IN CONTEXT

**Share of All Washington Index Crimes, Drug Arrests and Superior Court Drug Filings Occurring in King County**



# DATA

- Four month case sample derived from J & S forms filed by King County Superior Court judges in January, March, May and July of 2010
- Race of defendant for these cases was retrieved from case files through the Electronic Court Records system
- Sample includes 844 cases of the 937 cases for which we received J & S forms
  - Cases involving unranked offenses were excluded
  - Cases without race information were also excluded (17 cases)
- Ethnicity (Hispanicity) was identified for white and racially unclassified defendants through Hispanic Surname Analysis

# METHODOLOGY

1. Recalculated offender scores excluding drug prior points
2. Estimated (hypothetical) confinement sentence based on revised offender score
3. Key assumption: the exercise of judicial discretion would remain unchanged if drug prior points were discounted

## 2.4 SENTENCING DATA:

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	2	III			4 TO 12 MONTHS	5 YRS AND/OR \$10,000
Count						
Count						
Count						

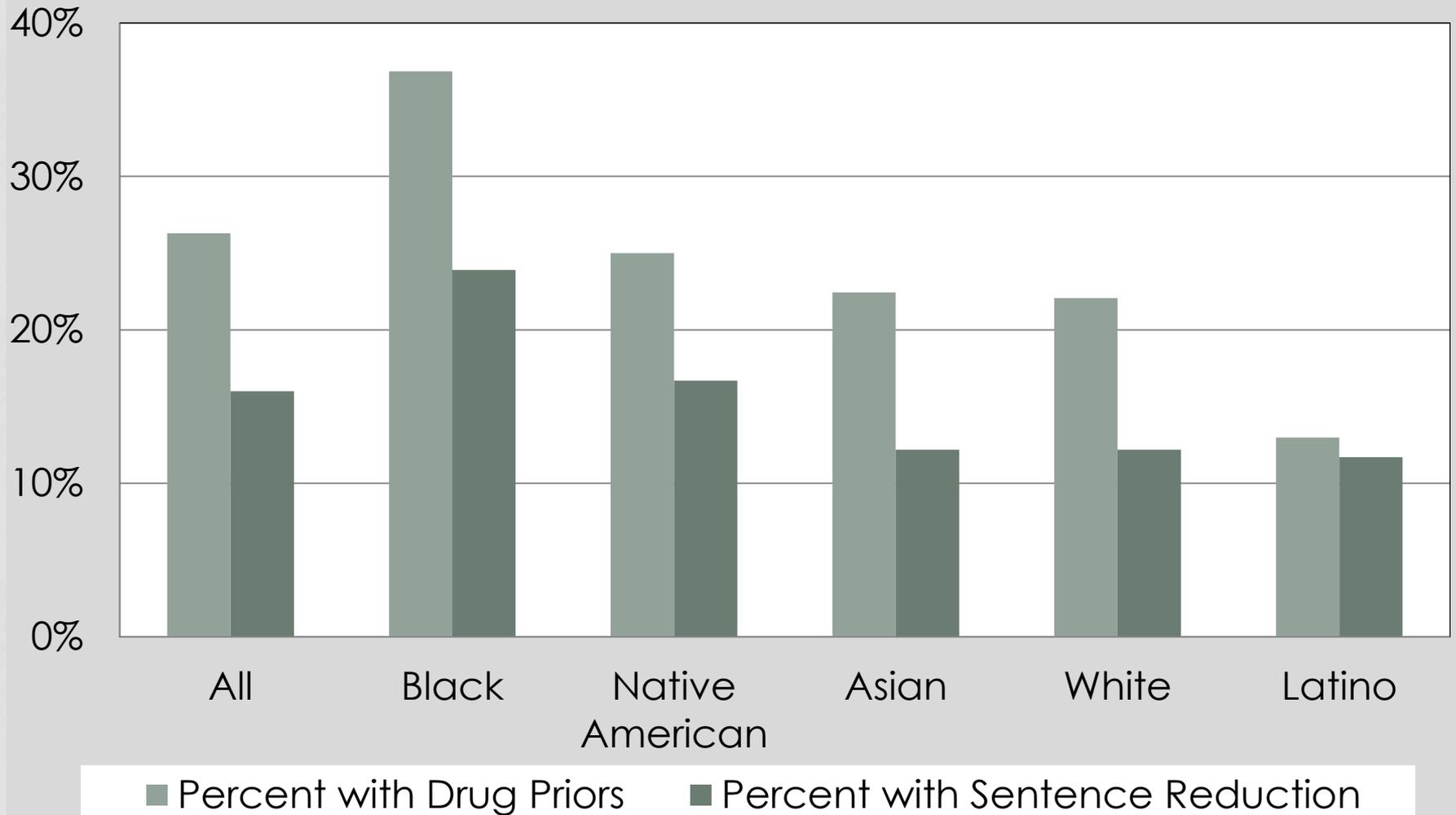
Additional current offense sentencing data is attached in Appendix C.

4.4 CONFINEMENT ON E YEAR OR LESS: Defendant shall serve a term of confinement as follows commencing:  immediately;  (Date): April 13, 2010 by 4 am p.m.  
4 months/ days on count I; \_\_\_ months/ days on count \_\_\_; \_\_\_ months/ days on count \_\_\_

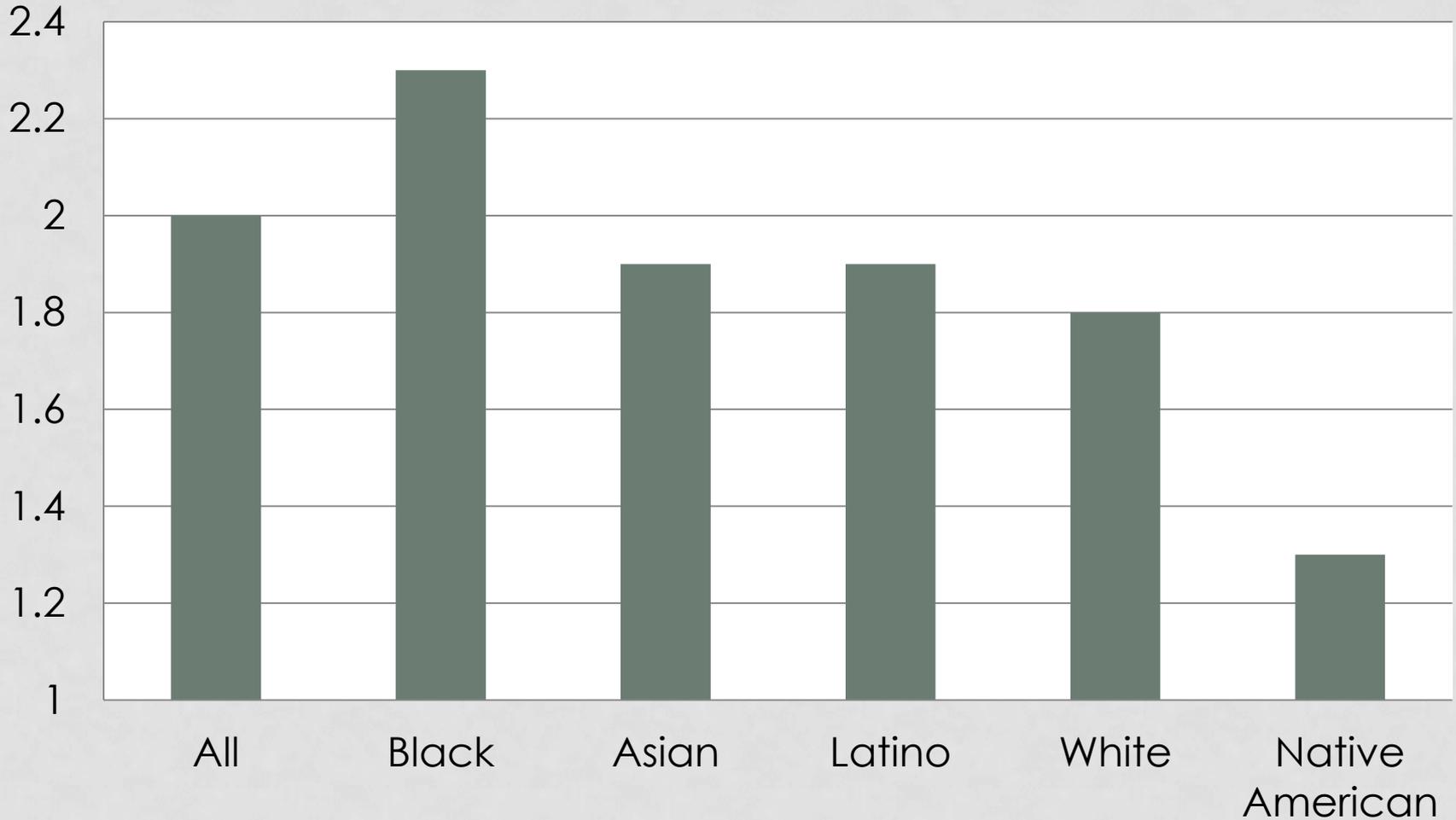
# FINDINGS

RACIAL DISPROPORTIONALITY

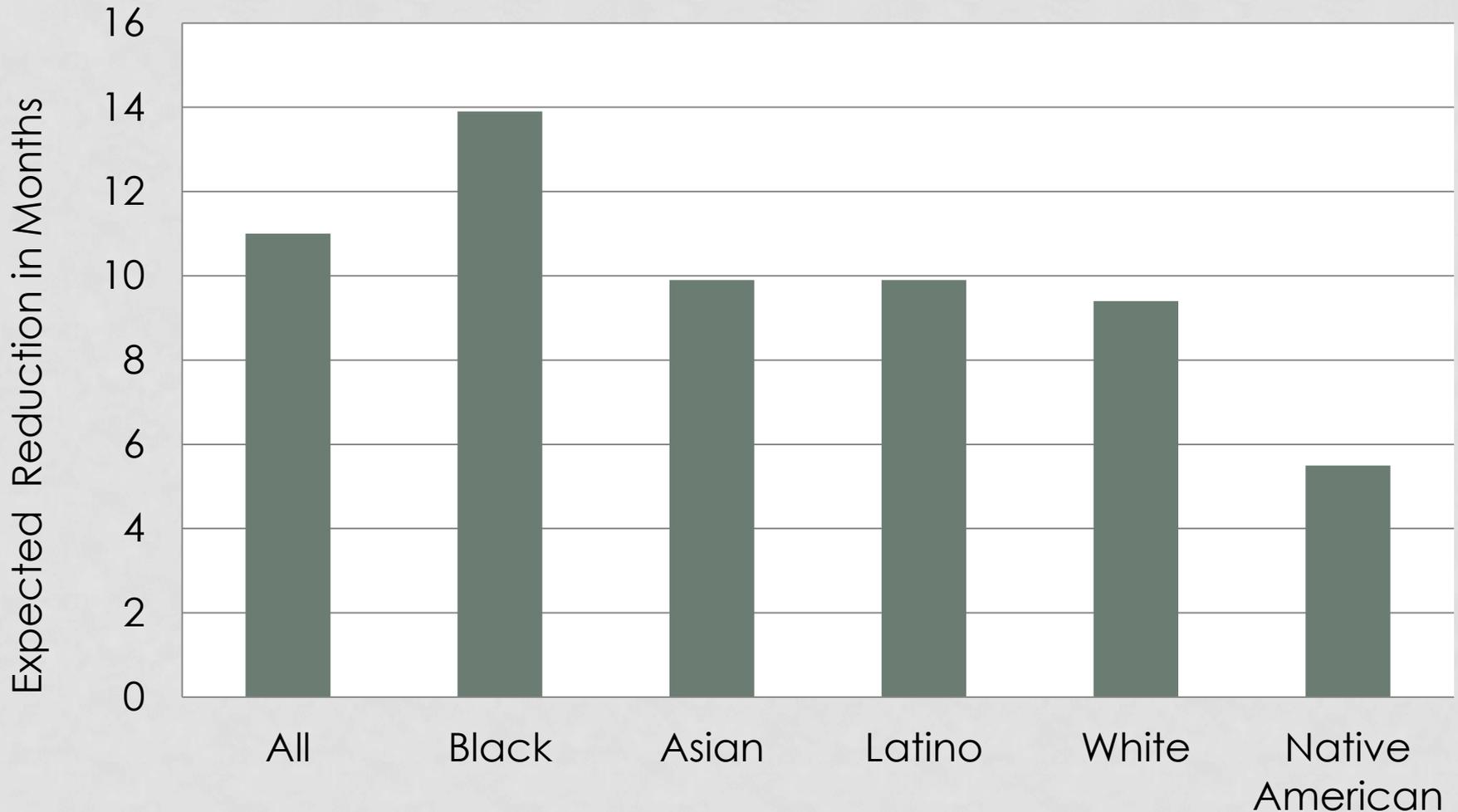
# SHARE OF DEFENDANTS WITH ONE OR MORE DRUG PRIORS AND EXPECTED SENTENCE REDUCTIONS, BY RACE AND ETHNICITY



# AVERAGE NUMBER OF PRIOR DRUG CONVICTIONS



# EXPECTED SENTENCE REDUCTIONS FOR DEFENDANTS WITH DRUG PRIORS



# IMPACT OF DISCOUNTING DRUG PRIORS ON AVERAGE SENTENCE LENGTH FOR ALL DEFENDANTS

	Average sentence length, drug priors counted	Average sentence length, drug priors discounted	Absolute change (in months)	Percent change
Black	29.2	25.9	3.3	-11.3%
White	19.9	18.8	1.1	-5.8%
Native American	16.2	15.2	1	-5.7%
Latino/a	25.6	24.4	1.2	-4.5%
Asian	37.2	36	1.2	-3.3%

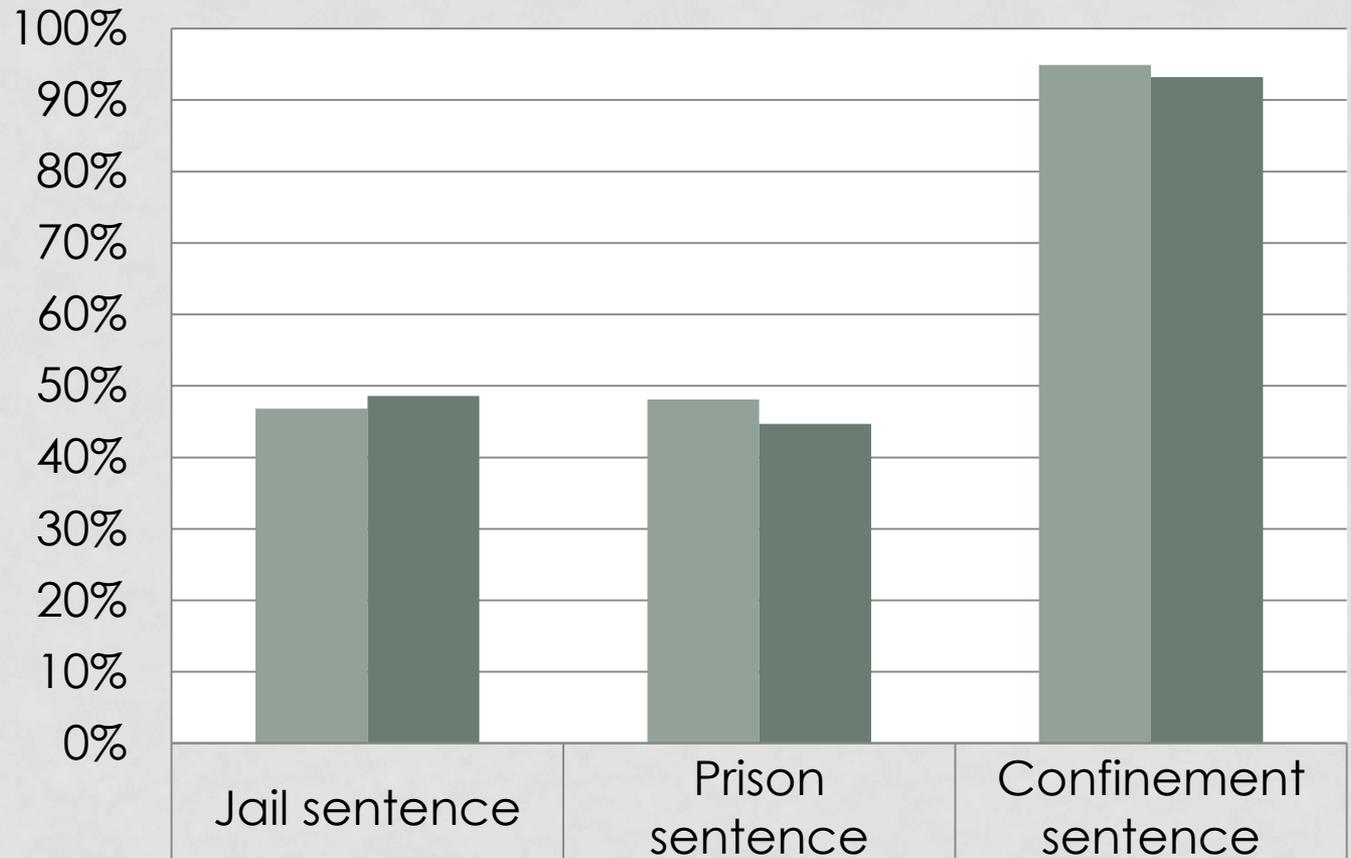
# SUMMARY OF FINDINGS REGARDING RACIAL IMPACT IN KING COUNTY

- A comparatively large share of black defendants have drug priors and would have their sentence reduced under the proposed policy
- On average, black defendants have more drug priors than other defendants
- Black defendants would likely experience a comparatively large decrease in the length of their sentence
  - An average of 11 months for those with sentence reductions
  - An average of 3.3 months for all black defendants

# FINDINGS

CONFINEMENT SENTENCES

# IMPLICATIONS OF PROPOSED POLICY FOR TYPE OF CONFINEMENT SENTENCE



■ Drug priors counted  
■ Drug priors discounted

46.8%

48.6%

Prison sentence

48.1%

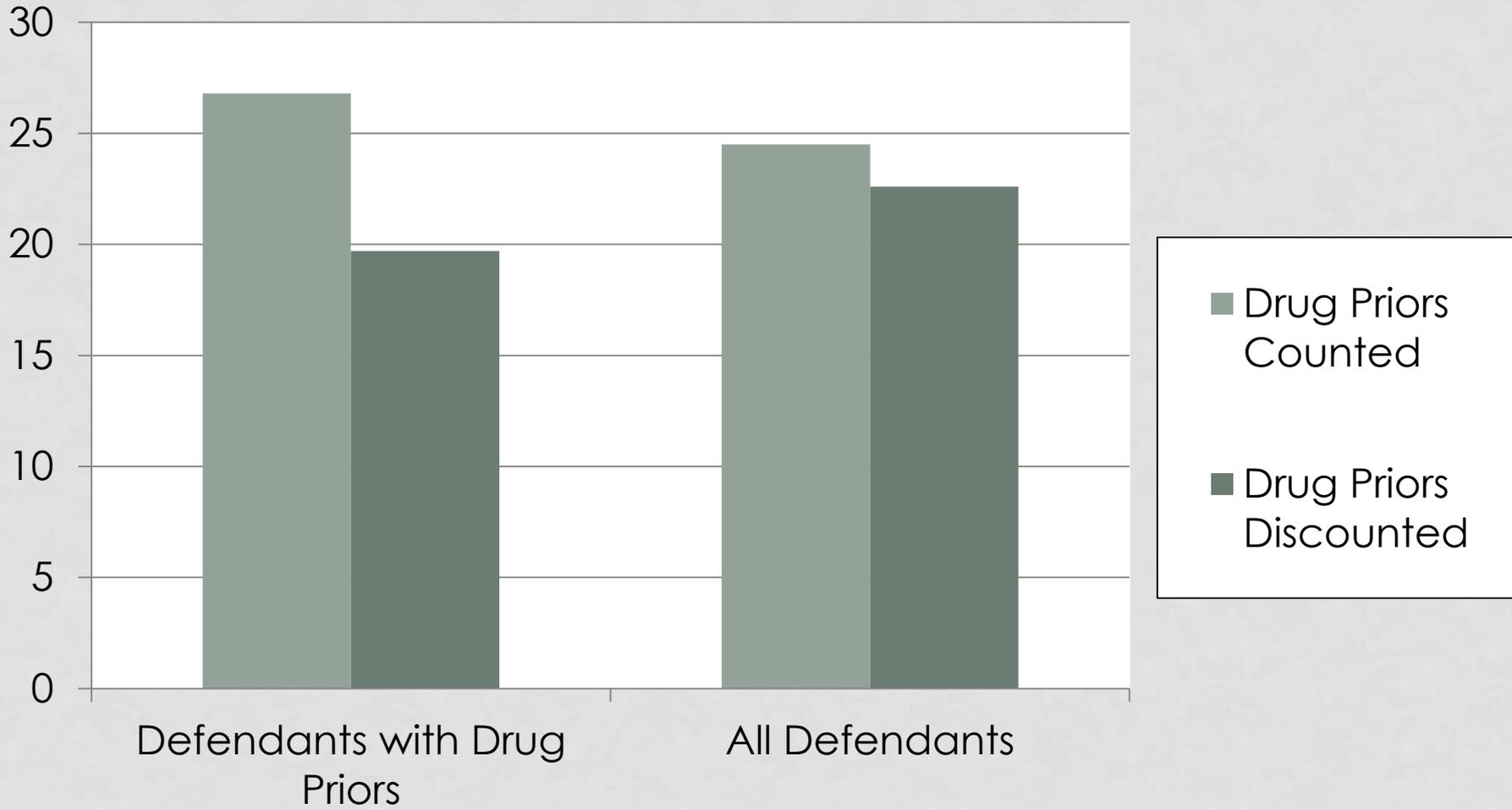
44.7%

Confinement sentence

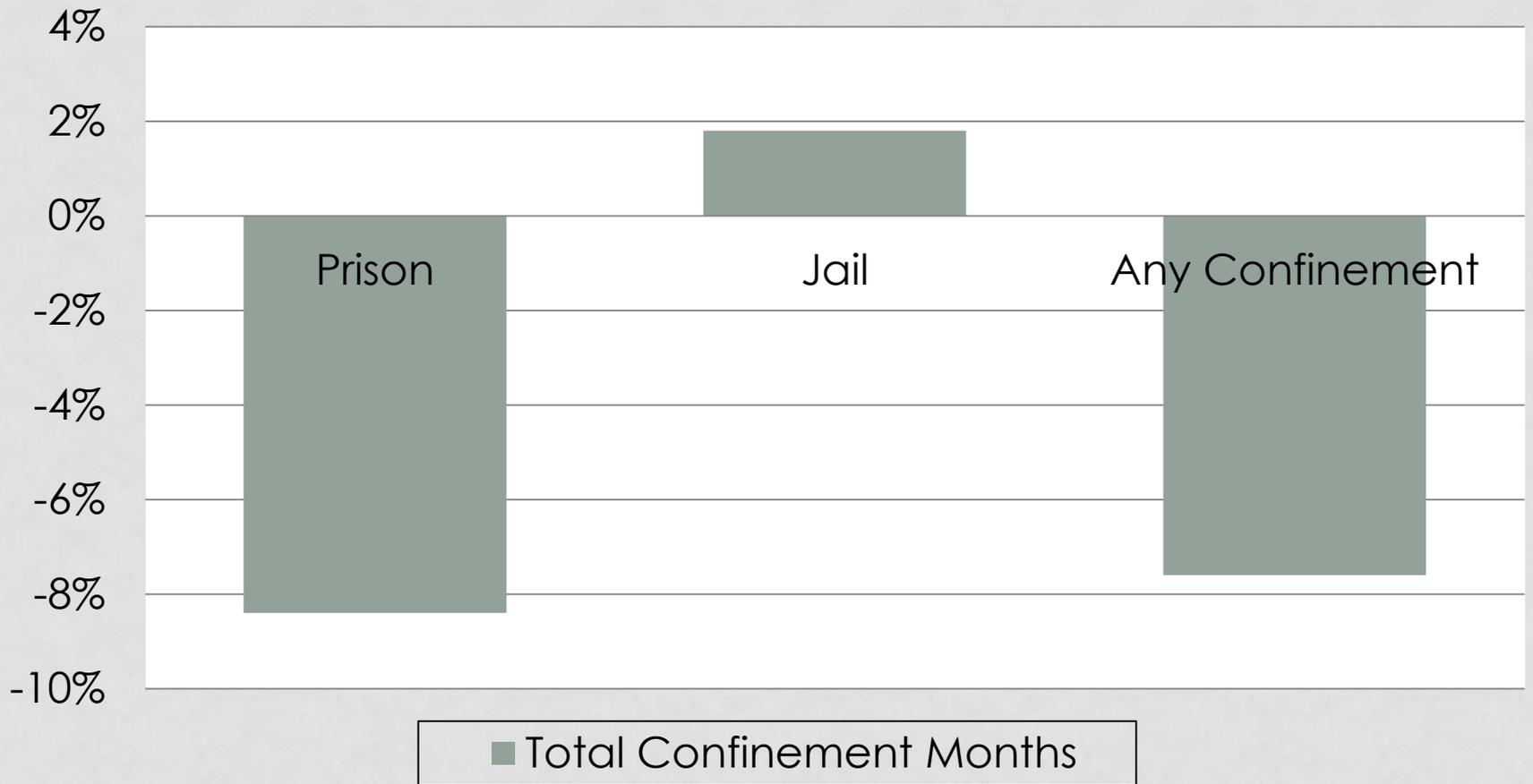
94.9%

93.2%

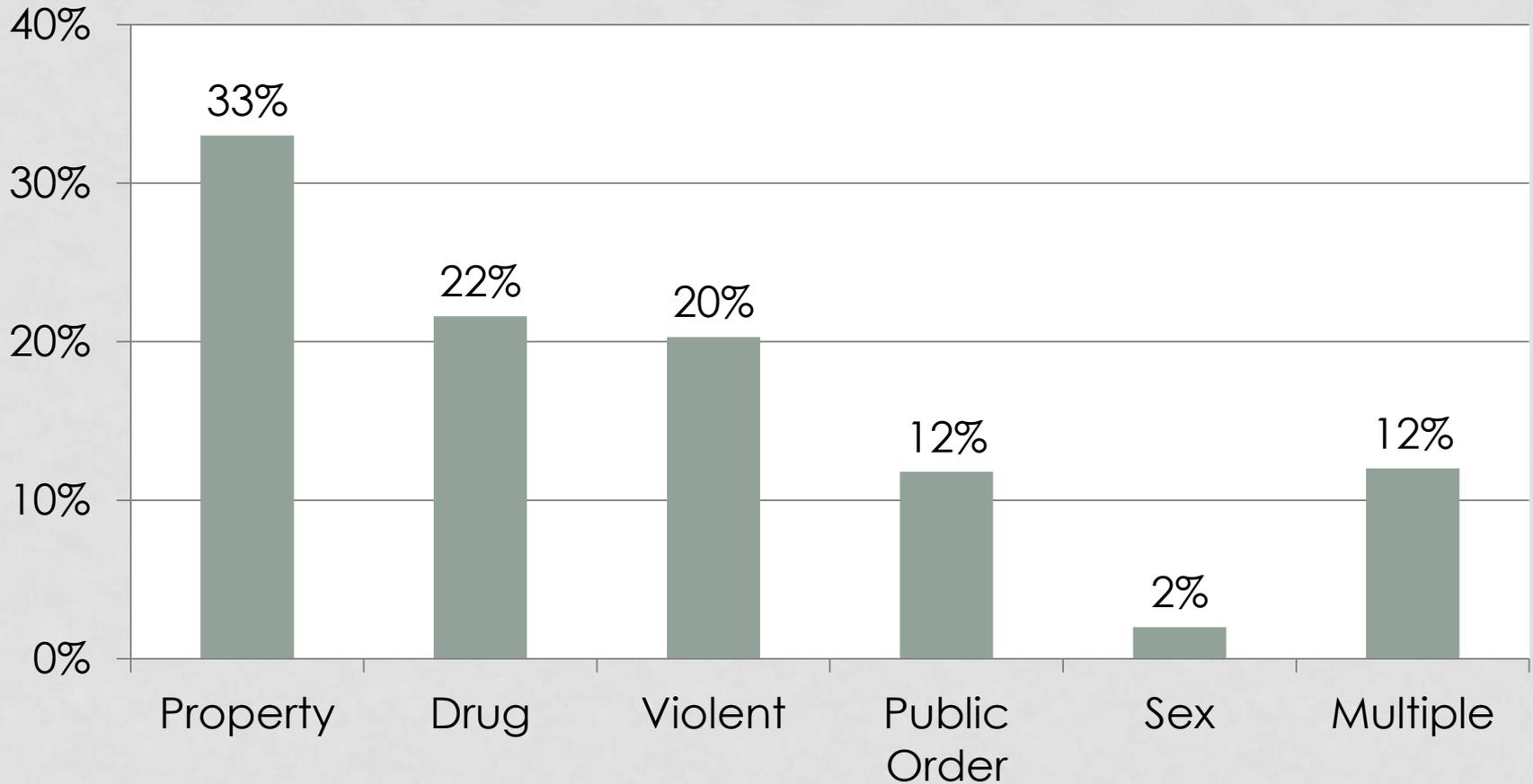
# IMPACT OF PROPOSED POLICY ON AVERAGE SENTENCE LENGTH



# PREDICTED IMPACT OF PROPOSED POLICY ON LENGTH OF CONFINEMENT SENTENCES



# CASES WITH EXPECTED SENTENCE REDUCTIONS BY OFFENSE CATEGORY



# SUMMARY OF FINDINGS

- Just over one-fourth (26.3%) of all felony defendants sentenced 2010 had one or more prior drug convictions
- Drug priors affect confinement sentences in about one sixth (16%) of all felony cases
- Discounting drug priors would most notably reduce the confinement sentences for black defendants
- Most cases involving sentence reductions involve property, drug or public order offenses
- Overall, discounting drug priors would likely reduce total confinement sentence length by about 8%