



**FY10 PERFORMANCE PLAN**  
**District of Columbia Sentencing and Criminal Code Revision Commission**

**MISSION**

The mission of the District of Columbia Sentencing Commission is to implement, monitor, and support the District's voluntary sentencing guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guidelines system in order to recommend changes based on actual sentencing and corrections practice and research.

**SUMMARY OF SERVICES**

The commission advises the District of Columbia on policy matters related to criminal law, sentencing and corrections policy. The Sentencing and Criminal Code Revision Commission Amendment Act of 2007 established a permanent voluntary felony sentencing guidelines and requires the Commission to monitor and make adjustments as needed to promote sentencing policies that limit unwarranted disparity while allowing adequate judicial discretion and proportionality. The sentencing guidelines provide recommended sentences that enhance fairness so that offenders, victims, the community, and all parties will understand the sentence, and sentences will be both more predictable and consistent. The commission provides analysis of sentencing trends and guideline compliance to the public and its representatives to assist in identifying sentencing patterns for felony convictions. In addition, the Advisory Commission on Sentencing Amendment Act of 2006 requires the Commission to conduct a multi-year study of the DC Criminal Code reform, including analysis of current criminal statutes and developing recommendations for the reorganization and reformulation of the District's Criminal Code.

**OBJECTIVE 1: Promulgate the accurate, timely, and effective use of the sentencing guidelines in every felony case.**

**INITIATIVE 1.1: Revise and Update the Sentencing Guideline Manual**

Although the Commission adds new offenses yearly, the Sentencing Guideline Manual has not been revised or completely updated since 2004. The update and revision will ensure that the most accurate and current sentencing information is available to practitioners and the judiciary to minimize any errors in the sentencing process, as well as a listing of all new criminal offenses and modifications to sentencing policy in the District of Columbia.

**INITIATIVE 1.2: Development of Semi - Annual Issues Papers**

Based on the analysis of sentencing data, the Commission will develop short issues papers semi-annually that will highlight specific sentencing trends, policy issues or current developments in sentencing practices. The issues papers will serve as a means to inform users of the guidelines of changes, modifications or developments that will increase the accurate and appropriate use of the guidelines.

**OBJECTIVE 2: Promulgate compliance with the guidelines in at least 85% of all felony cases.**



**INITIATIVE 2.1: Analyze Felony Departure Rates**

Sentences that fall outside of the recommended guideline sentences range are considered departures. It is import to analyze departure sentences to understand the court's rationale for the imposition of the departure sentence and to identify specific areas of the sentencing guideline that may need to be revisited or modified by the Commission to ensure the recommended sentence is appropriate and effective. Initial data analysis and a draft report will be completed in FY10, and a final report will be released in early FY11.

**OBJECTIVE 3: Analyze the District of Columbia’s current criminal code and propose reforms in the criminal code to create a uniform and coherent body of criminal law in the District of Columbia.**

**INITIATIVE 3.1: Catalogue and Analyze the D.C. Code.**

The Commission staff has nearly completed a line by line survey of the entire D.C. Code, analyzing each section of the code preparatory to including each section in a database. When completed, the database will enable us to analyze the code and undertake an organized effort comprehensively to revise its criminal provisions. Some 85% of this is now done; the remaining 15%, creating the database and populating it with the data, should be accomplished early in the next fiscal year.

**INITIATIVE 3.2: Apply for Grant Funding.**

The Commission applied for Funding under American Recovery and Reinvestment Act to hire four attorneys to work on criminal code reform and to fund the already-incumbent, part-time project director. We are awaiting a decision on that application. The remaining initiative depends upon the grant application be approved.

**INITIATIVE 3.3: Propose Reforms in the Criminal Code.**

The Commission is developing multiple options for undertaking the Criminal Code Revision based on funding availability and varied times lines. Four proposals will be presented that range from mere language clean-up to complete adoption of the Model Penal Code.

**KEY PERFORMANCE INDICATORS**

<b>Metric</b>	<b>FY08 Actual</b>	<b>FY09 Original</b>	<b>FY09 YE</b>	<b>FY10 Projection</b>	<b>FY11 Projection</b>	<b>FY12 Projection</b>
Percent of Compliance Reached <sup>1</sup>	88%	85%	87%	85%	85%	85%
Percent of DCSC data uploaded to the web <sup>2</sup>	0%	100%	0%	100%	100%	100%
Percent of guidelines questions answered within 24 hours	0	0	0	75%	75%	80%

<sup>1</sup> Compliance is a measure of the extent to which judges follow the voluntary guidelines. Specifically, it is when judges give the sentence that is recommended by the sentencing guidelines given the defendant’s current offense and prior criminal history.

<sup>2</sup> As mentioned previously, one of the stated missions of the Commission is to monitor and report on the District’s sentencing guidelines. The Commission has contracted with a company that has helped build a system that would allow staff to transfer Superior Court data on a semi-annual basis.



Issues papers released	-	-	-	2	4	4
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**STANDARD CITYWIDE OPERATIONAL MEASURES**

Measure	FY09 YTD
<b>Contracts</b>	
<b>KPI:</b> % of sole-source contracts	
<b>KPI:</b> Average time from requisition to purchase order for small (under \$100K) purchases	
<b>KPI:</b> # of ratifications	
<b>KPI:</b> % of invoices processed in 30 days or less	
<b>Customer Service</b>	
<b>KPI:</b> OUC customer service score	
<b>Finance</b>	
<b>KPI:</b> Variance between agency budget estimate and actual spending	
<b>KPI:</b> Overtime as percent of salary pay	
<b>KPI:</b> Travel/Conference spending per employee	
<b>KPI:</b> Operating expenditures "per capita" (adjusted: per client, per resident)	
<b>People</b>	
<b>KPI:</b> Ratio of non-supervisory staff to supervisory staff	
<b>KPI:</b> Vacancy Rate Total for Agency	
<b>KPI:</b> Admin leave and sick leave hours as percent of total hours worked	
<b>KPI:</b> Employee turnover rate	
<b>KPI:</b> % of workforce eligible to retire or will be within 2 years	
<b>KPI:</b> Average evaluation score for staff	
<b>KPI:</b> Operational support employees are percent of total employees	
<b>Property</b>	
<b>KPI:</b> Square feet of office space occupied per employee	
<b>Risk</b>	
<b>KPI:</b> # of worker comp and	



disability claims per 100 employees	
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