



FY 2015 Performance Accountability Report

District of Columbia Sentencing and Criminal Code Revision Commission

INTRODUCTION

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives' progress and key performance indicators (KPIs).

MISSION

The mission of the District of Columbia Sentencing Commission (DCSC) 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 Reform Amendment Act of 2000 established 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 sentencing 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.

OVERVIEW – AGENCY PERFORMANCE

The following section provides a summary of DCSC performance in FY 2015 by listing DCSC's top three accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

TOP THREE ACCOMPLISHMENTS

The top three accomplishments of DCSC in FY 2015 are as follows:

- ✓ Successfully completed the development and implementation of the GRID Scoring System (GSS) enabling the electronic transfer of criminal history scores from Court Services and

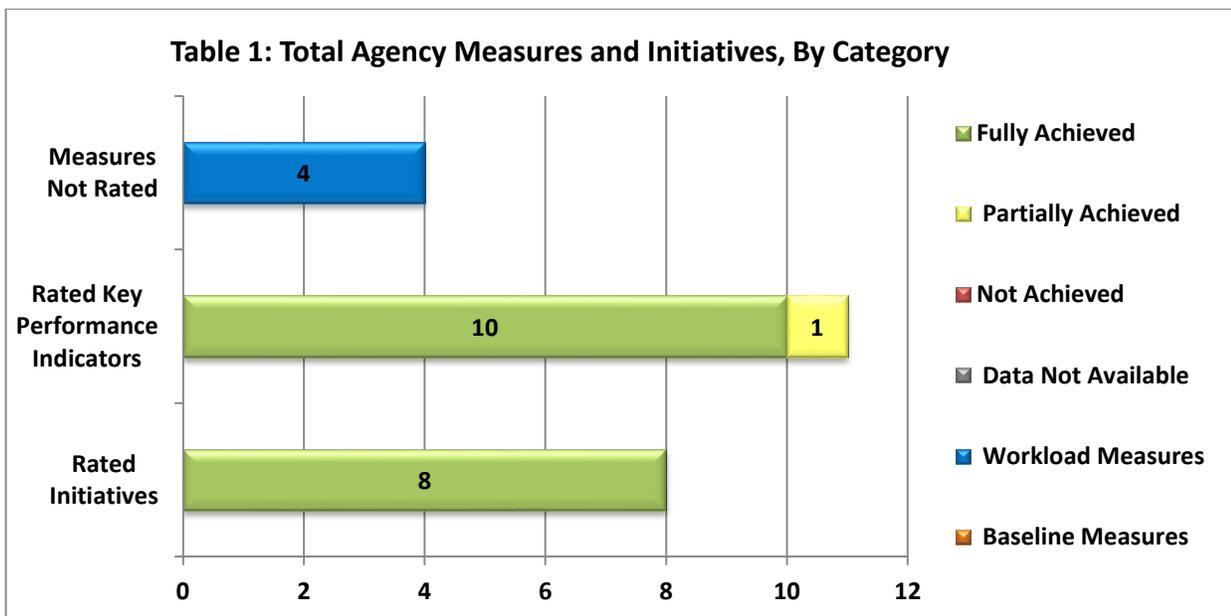


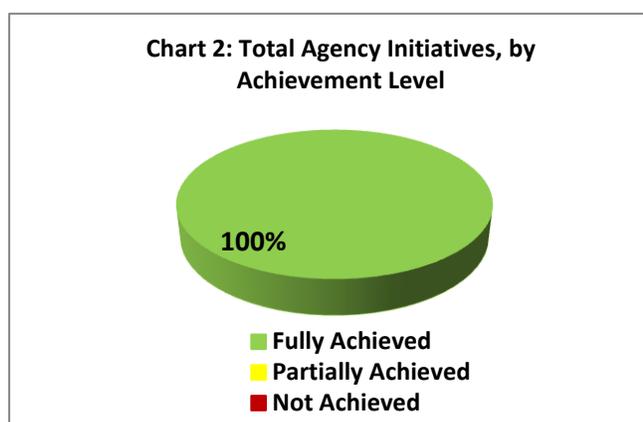
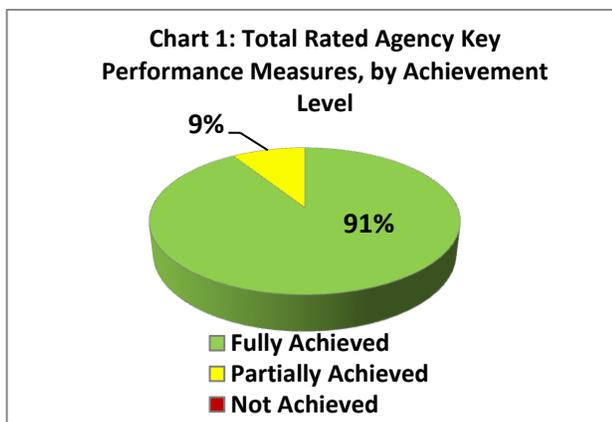
Offender Supervision Agency (CSOSA) required to calculate judicial compliance with the Sentencing Guidelines.

- ✓ The Commission developed and approved a comprehensive, standardized Data Sharing Policy which identifies the types and format of sentencing data that can be requested from the Commission, including a data request form and approval process.
- ✓ Drafted and submitted to the Mayor and D.C. Council the Report on Enactment of the D.C. Code Title 22 and Other Criminal Code Revisions with accompanying Appendices. The report provides recommendations to improve the clarity, accuracy, and accessibility of the District's criminal statutes.

SUMMARY OF PROGRESS TOWARD COMPLETING FY 2015 INITIATIVES AND PROGRESS ON KEY PERFORMANCE INDICATORS

Table 1 (see below) shows the overall progress the DCSC made on completing its initiatives, and how overall progress is being made on achieving the agency's objectives, as measured by their key performance indicators.





In FY 2015, DCSC fully achieved all of its initiatives and more than ninety percent of its rated key performance measures. Table 1 provides a breakdown of the total number of performance metrics DCSC uses, including key performance indicators and workload measures, initiatives, and whether or not some of those items were achieved, partially achieved or not achieved. Chart 1 displays the overall progress being made on achieving DCSC objectives, as measured by their rated key performance indicators. Please note that chart 2 contains only rated performance measures. Rated performance measures do not include measures where data is not available, workload measures or baseline measures. Chart 2 displays the overall progress DCSC made on completing its initiatives, by level of achievement.

The next sections provide greater detail on the specific metrics and initiatives for DCSC in FY 2015.

PERFORMANCE INITIATIVES – ASSESSMENT DETAILS

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

INITIATIVE 1.1: Develop a Research Design for an Evaluation Study of the Sentencing Guidelines.

This initiative focuses on developing an appropriate research design for the evaluation study of the effectiveness of the Sentencing Guidelines. The District’s Voluntary Sentencing Guidelines were designed and enacted in 2006 with the stated goals of ensuring certainty, consistency and adequacy of punishment in relation to the seriousness of the offense, dangerousness of the offenders, and the protection of public safety. In addition, the guidelines were developed to reduce disparity and ensure proportionality in felony sentences imposed. The Commission has determined that the Sentencing Guidelines have been operational for a sufficient number of years to have reliable data necessary undertake an evaluation of the guidelines to determine if these goals have been achieved.

An evaluation study is a systematic and objective process for determining the success or impact of a policy or program. An evaluation study addresses questions about whether and to



what extent a policy is achieving its goals and objectives and identifies the impact of the policy change. The evaluation study design of the sentencing guidelines will have two primary focuses: 1) to assess the effectiveness of a D.C. Voluntary Sentencing Guidelines in achieving the stated goals of certainty, consistency and adequacy of punishment and 2) develop a research design that distinguishes the effects of the Sentencing Guidelines from those of other forces/policies that may have an impact on outcomes.

The development of the research design will include identifying at a minimum two research questions and null hypotheses by November 15, 2014. The review of potential research designs and the selection of the most appropriate study design will be completed by March 1, 2015. A preliminary review of the data required for the study will be completed by July 1, 2015, with the development of the study timeline and identification of required resources identified by **September 30, 2015**. The evaluation study will begin in FY 2016 and is projected to take 12 to 18 months to complete.

Performance Assessment Key: Fully Achieved. The D.C. Sentencing and Criminal Code Revision Commission established a Research Committee comprised of criminal justice professionals with research backgrounds and experience to develop a comprehensive research design that will serve as the basis for an Evaluation Study of the effectiveness of the District's Sentencing Guidelines. The Committee reviewed similar evaluation studies, collaborated with partner criminal justice agencies and conducted a preliminary review of available data. Based upon the statutory goals of the guidelines, six specific research questions and null hypothesis were developed focusing on certainty, consistency and adequacy of punishment in sentencing. In addition, the research design includes a comparative analysis of pre-guideline sentencing practices 1993-1998 and post-guideline sentencing practices 2010-2014. A timeline for the completion of the evaluation study was presented to and approved by the full Commission. The results of the Evaluation Study will enable the Commission to identify areas of sentencing guidelines where goals are being met and respond to areas where modifications may be warranted.

INITIATIVE 1.2: Develop Standardized Policies and Procedures for Responding to Data Requests

The purpose of this initiative is for the Commission to develop a written policy and procedure for sharing data and responding to data requests that addresses the legal, resource, and procedural issues.

The agency receives numerous sentencing related data requests from criminal justice agencies, academic institutions, policymakers and the general public focusing on the length of sentence imposed, types of sentences and offender demographics. Sentencing related data provides an overview of the types of crimes is being committed and the sentences imposed for a conviction of those offenses. This information serves a public safety purposes, as well as, a general deterrent purpose. Sentencing related data also highlights the consistency and



certainty of sentences imposed under the District's Sentencing Guidelines for offenders with similar criminal histories sentenced for similar offenses.

With the implementation of the GRID system in FY 2014, the agency has experienced a significant increase in the number of data requests. Although the agency now has the technical ability to respond to data request, the Commission has no formal data sharing or data request policies and has identified a need for such policies to address the various legal, resource and procedural issues associated with sharing data and responding to data requests.

The first draft of the Commission's Data Sharing and Request policy will be completed and presented to the Commission for review and comment by April 1, 2015. A final draft of the policy will be presented to the full Commission for adoption by September 30, 2015. The Data Sharing and Request Policy will become effective no later than **October 1, 2015**.

- **Performance Assessment Key: Fully Achieved.** The Commission used a multi-step approach to develop standardized policies and procedures for sharing sentencing data and responding to agency data requests. State sentencing commissions throughout the country were surveyed regarding their individual data sharing policies and procedures to identify best practices. The agency's General Counsel reviewed and addressed all legal and FOIA issues related to data sharing and requests. After input and discussion by the Commission, the Data Sharing Policy was adopted, along with a standardized data request form and procedure. This policy will allow the Commission to share sentencing related data in an appropriate and transparent manner.

OBJECTIVE 2: Promulgate compliance with the guidelines in at least 93% of all felony cases.

INITIATIVE 2.1: Develop and Implement the GRID SCORING SYSTEM (GSS)

The purpose of the initiative is to build upon the existing deployed one-way XML interface used by the Commission to receive criminal history scores from Court Services Offender Supervision Agency (CSOSA) to create a bi-directional interface between the Commission and CSOSA for communication and data exchange purposes between the two agencies.

This initiative will enable the electronic transfer of criminal history information from CSOSA directly into the agency's data system for the purpose of monitoring compliance with the sentencing guidelines. During FY12, the Commission, in collaboration with CSOSA developed and implemented an electronic sentencing guidelines form using Microsoft InfoPath technology to transfer criminal history information between the two agencies.

During FY 14, the Commission completed the development and implementation of its new data system, GRID, which is IJIS compatible and enables the agency to consume the 12.1 data feed from the D.C. Superior Court through an XML interface with JUSTIS. During the development the GRID system, specific technical and security issues were identified relating to the conversion and transfer of criminal history information from CSOSA. To ensure the new data



system project followed the completion timeline and remained within budget, a short-term/temporary one-way XML was implemented that allowed for the basic criminal history information from CSOSA to be electronically transferred to the Commission. However, the current XML interface does not provide for a two-way transmission of data between the two agencies nor does allow for sentencing and criminal history updates to be shared via the interface. The bi-directional transmission of data between the two agencies is necessary to fully utilize the multiple functions of the agency's new data system and to provide the most timely and accurate sentencing information available thus reducing criminal history errors identified at sentencing.

This project will provide a long-term permanent and secure automated bi-directional transactional interface between the SCCRC and CSOSA that complies with both District and Federal business and security requirements. The bi-directional interface will be built upon the single directional interface that is currently implemented. The approach of enhancing and building upon the existing interface will ensure re-usability and result in cost savings. The project will be developed and deployed as a collaborative effort between CSOSA and SCCRC for use within the GRID system.

The agency entered into a contract in March 2014, to begin the design of the bi-directional XML data exchange process with a projected completion date of December 2014. The GSS requirement analysis and design will be completed by October 1, 2014. The Implementation and testing of GSS will be completed by **January 1, 2015**.

Performance Assessment Key: Fully Achieved. With the assistance of a vendor, a bi-directional XML interface was designed and successfully implemented that complied with the security and technical requirements of both the Commission and our federal partner, Court Services and Offender Supervision Agency (CSOSA). The interface (GSS) design represented a collaborate effort between the Commission and CSOSA, with direct input from users, supervisors, and management. GSS was piloted with a small group of users for two months to identify business and technical problems which were then addressed prior to deploying the system in full production. The GSS system improves efficiency through the use of technology that results in the timely transfer of data between the two agencies and improves data quality by eliminating the previous manual entry process.

INITIATIVE 2.2: Complete Data Validity and Reliability Verification for 2010 through 2014.

This initiative is intended to review all data currently contained in the GRID system for the years of 2010 through 2014 for validity and reliability verification.

With the implementation of the Grid system in December 2013, the agency now receives approximately 488 data variables associated with each individual felony case sentenced in the District. This data includes offender, offense, court and sentencing information. As part of the GRID system development, the agency was also able to obtain a copy of Pre-Trial Service Agency's (PSA) database containing historic court and sentencing data. Lastly, the agency receives offender criminal history data from CSOSA. Data from these three different sources



were merged within the GRID system to create a complete sentencing record by matching variables such as name, PDID, date of birth, case number etc.

When managing the large amount of data contained within the relatively new GRID system, it is necessary to review or clean all data prior to its use for analysis purposes. Issues such as missing data elements or incorrect data in specific variable fields will need to be identified and corrected. It will also be necessary to review whether specific data fields have been modified over time, since data is often examined retrospectively.

The agency will focus the validation and reliability verification of data for felony sentences imposed between 2010 and 2014, with corresponds with the guideline's evaluation study period and the most recent five years of data. Initial frequency analysis will be completed on all data variables within the GRID system by December 30, 2014. The results will be reviewed and abnormalities/missing data will be examined further and corrected when possible. Partner agencies will be contacted to assist in verifying data or requested to provide missing data. This second step of the data verification will be completed by April 30, 2015.

Data elements that are deemed to invalid or unreliable will be shared with the Commission's Research Committee to ensure that as the research design for the guideline evaluation study is developed, it utilizes only valid and reliable data.

The final step in the data verification process will involve identifying alternate data variables to incorporate in the evaluation study that have been verified when appropriate and necessary. This task will be completed by **July 15, 2015**.

Performance Assessment Key: Fully Achieved. A total of 11,874 felony cases and 16,508 felony counts, sentenced between 2010 and 2014, were downloaded from the GRID system for analysis as part of the Guideline Evaluation Study. Data cleaning and verification included addressing DQA's, removing outliers, and performing frequencies and box plot analyses to determine normal distributions. Data elements required for the research design were reviewed by the Research Committee and approved by the full Commission.

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: Identification of Statutes Held to be Unconstitutional by a Court of Competent Jurisdiction.

This initiative involves a review of all rulings on the constitutionality of District criminal statutes by courts with jurisdiction over the District. Queries related to unconstitutionality will be performed on an online commercial database of court decisions. Query results will be reviewed to confirm that the statute in question is criminal in nature and still extant. The precise nature and extent of the unconstitutionality in identified statutes will be analyzed and,



where possible, a recommendation will be developed on how to remedy the constitutional defect.

The initiative will produce a report that identifies unconstitutional statutes, describes the relevant court rulings and rationales, and, where applicable, presents a recommendation for an amendment that makes the statute constitutional. This work satisfies the Project's mandate in D.C. Code § 3–101.01(a)(6) to: "Identify criminal statutes that have been held to be unconstitutional." This initiative will begin on February 28, 2015 and be completed by September 30, 2015.

Performance Assessment Key: Fully Achieved. The agency successfully issued a report to the Council and Mayor in September 2015 identifying District statutes held to be unconstitutional through legal research by agency staff and subsequent review and approval by the Commission. Legal research involved key word searches of legal databases containing court decisions applicable to the District and review by project staff to determine the extent to which the statute was held to be unconstitutional. The Commission's identification of unconstitutional statutes resulted in corrective amendments to two District criminal statutes.

INITIATIVE 3.2: Identification of Obsolete Statutes within the D.C. Criminal Code that should be repealed and outdated references that should be amended.

This initiative entails a review of all District criminal statutes to identify crimes that should be repealed because they are archaic, unnecessary, and/or no longer in use, as well as references in any crime to institutions that now have been renamed. A list of all statutes in the District that are "criminal" in nature, based on the type of punishment and prohibited behavior will be compiled from court records, sentencing data, and Council legislation. Each criminal statute will then be reviewed for obsolescence by examining: available sentencing data; the existence of offenses that criminalize the same behavior; legislative action since enactment; and the continued utility of the statute to law enforcement. As part of the review of each criminal statute for obsolescence, outdated institutional references in criminal statutes, such as to the District's Corporation Counsel, will also be identified.

The initiative will produce a report that presents findings, recommends the repeal of criminal statutes deemed to be obsolete, and recommends amendments to update references to outdated institutions. This work advances the Project's mandate in D.C. Code § 3–101.01(a)(1) to: "Revise the language of criminal statutes to be clear and consistent." This initiative will begin on February 28, 2015 and be completed by September 30, 2015.

Performance Assessment Key: Fully Achieved. Through input from multiple District agencies regarding the continued utility of criminal statutes related to their regulatory authority, the Commission successfully identified obsolete statutes and outdated references. Agency legal staff examined criminal statutes in the D.C. Code and developed a comprehensive list of preliminary obsolete statutes and outdated references that were vetted with the appropriate District agencies and then evaluated by the Commission. The Commission's recommended



repeal of 21 offenses, and technical amendment to over 87 more offenses that would significantly improve the clarity and consistency of the D.C. Code

INITIATIVE 3.3: Identification of Crimes defined in Common Law that should be codified.

This initiative requires a review of all District criminal statutes for offenses that do not specify the elements that establish guilt, as well as rulings involving common law crimes by relevant courts. The list of all statutes that are “criminal” in nature, developed for Initiative 3.2, will be screened for crimes that prescribe a penalty but otherwise do not address elements constituting the offense. Such crimes, entirely defined by courts, will be identified as “common law” offenses. Queries related to common law crimes also will be performed on an online commercial database of court decisions. Relevant court rulings include not only courts with jurisdiction over the District. Per the District’s reception statute, D.C. Code § 45–401(a), common law crimes may be recognized by British court rulings and Maryland court’s ruling on British statutes in force in that state as of 1801. All common law offenses determined to be of continuing utility will be recommended for codification.

The initiative will produce a report that describes all common law crimes in effect in the District and which of these should be codified. This work advances the Project’s mandate in D.C. Code § 3–101.01(a)(5) to: “Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate.” This initiative will begin on February 28, 2015 and be completed by September 30, 2015.



Performance Assessment Key: Fully Achieved. Through comprehensive legal research, the Commission identified District common law crimes for review by District criminal justice agencies and the Commission. The legal research included analysis of D.C. statutory offenses, legal database searches for case law applicable to the District, and consultation with prosecutors and defense attorneys as to any other usage of common law crimes. The Commission reviewed these findings and issued recommendations that sixteen offenses should be codified and others eliminated.

INITIATIVE 3.4: Enable the adoption of Title 22 as an enacted title of D.C. Code.

This initiative involves legal research to identify and cite all the separate laws (or portions of laws) that comprise current Title 22 of the D.C. Code. The official text of the organic laws passed by Congress and the District that are currently codified in Title 22 will be located. Bill language then will be drafted that both repeals these organic laws (or portions thereof) and adopts the current official text of Title 22 as a whole. The draft bill language will also be reviewed to determine whether any organizational or technical amendments to Title 22 should be made simultaneously with its adoption as an enacted title. The Codification Counsel in the Office of the General Council shall be consulted on all work for this initiative to ensure compliance with relevant Council legislative standards.



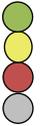
The initiative will produce a report that explains the sources and methodology used in the legal research, describes any recommendations regarding simultaneous organizational or technical amendments, and attaches draft bill language to enact Title 22. This work advances the Project’s mandate in D.C. Code § 3–101.01(a)(8) to: “Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.” This initiative will begin on February 28, 2015 and be completed by September 30, 2015.



Performance Assessment Key: Fully Achieved. The Commission successfully issued a report to the D.C. Council and Mayor in September 2015 that included a draft bill to enact Title 22 and provided supporting information. After confirming an appropriate methodology and sources for enabling the adoption of Title 22 as an enacted title with the Council’s Office of General Counsel, agency staff analyzed the Title 22 text of the Official D.C. Code as well as the original legislation and subsequent amendments comprising Title 22. The Commission reviewed and approved the resulting draft enactment bill, and recommended that organizational and technical amendments be addressed separately from enactment. The agency’s work meets the mandate of D.C. Code § 3–101.01(a)(8) and provides a concise summary of apparent discrepancies in the Official D.C. Code text that the Commission recommends the Council address prior to enactment.



KEY PERFORMANCE INDICATORS

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual	FY 2015 YE Rating	Budget Program
	2.2	Percent of Judicial Compliance with the Sentencing Guidelines	97.9%	97%	97%	95.29%	98.24%	Data Collection
	1.1	Number of Agency Web Page Hits	10,681	7,750	7,750	14,050	181.29%	Data Collection
	1.2	Number of Agency Web Page Updates	57	26	26	38	146.15%	Data Collection
	2.3	Percentage Compliant Guideline Sentences	98.2%	98%	94%	93.3%	99.26%	Data Collection
	2.4	Percent of Departures Classified as "Compliant Departure"	96.2%	95%	95%	91.84%	96..67%	Data Collection
	1.5	Percent of guidelines questions answered within 24 hours	97.90%	97%	97%	99.68%	102.76%	Management
	3.1	Number of	25	12	12	21	175%	Management



		Code Revision Committee Meetings						
●	3.2	Number of Code Revision Memos Drafted	37	20	20	45	225%	Management
●	3.3	Number of hours of code revision research	3,998	3,000	3,000	4,137	137.9%	Management
●	3.4	Number of Criminal Statutes Repealed, Codified or Revised	15	25	25	37	148%	Management
●	2.6	Number of hours spent on data requests	510	525	525	668	127.24%	Data Collection

WORKLOAD MEASURES – APPENDIX

WORKLOAD MEASURES ●

Measure Name	FY 2013 YE Actual	FY 2014 YE Actual	FY 2015 YE Actual	Budget Program
# of Felony Cases Sentenced by District Judges	3,778	2,056	1,891	Data Collection
# of Felony Counts Sentenced by District	4,442	2,932	2,611	Data Collection



Judges				
# of CSOSA Criminal History Forms Processed	3,612	2,591	2,730	Data Collection
# of Requests for Sentencing Data and Analysis	6	32	49	Data Collection