



FY 2012 PERFORMAN 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.

AGENCY WORKLOAD MEASURES

Measure	FY 2009	FY 2010	FY 2011
# of Felony Counts Sentenced by District Judges*	4,699	4,329	4,487
# of CSOSA Criminal History Forms Processed*	2,688	2,987	3,012

*Data is reported for calendar year

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

INITIATIVE 1.1: Expanding resources available through the Commission's Website.

This initiative focuses on expanding the website reconstruction efforts that occurred in the previous year which included: (1) an update to the history of the sentencing guidelines, (2) overview of the structure of the sentencing guidelines and (3) FAQ's.



These recent revisions provided basic information about the District's sentencing structure and procedures in one easily accessible location. Through feedback received from individuals visiting the website, the agency became aware that practitioners and the general public want different types of sentencing related information. Practitioners are seeking information on how to apply the sentencing guidelines to criminal cases before them; whereas, the general public is more interested in information related to how the guidelines work.

The Commission will develop two separate information resource sections on its webpage. One section will be tailored to practitioners and will contain information and resource materials that will assist in the application of the guidelines including criminal history calculations, enhancements and special sentencing rules. In addition, training templates, materials and resources will be available to assist practitioners in determining the proper application of the guidelines. The second information resource section will focus providing more basic and general sentencing guidelines information for the public, such as what the grids mean and to which offenses guidelines apply. By dividing sentencing guideline information by user type, the agency will be able to provide information that will better match our user needs, decrease the staff time spent providing basic sentencing guidelines information and enhance the accuracy of the application of the guidelines by practitioners. The sentencing guideline information tailored to practitioners January, 2012, with the general public resource information added to the website by September, 2012.

INITIATIVE 1.2: Develop Semi-Annually Issues Papers.

The purpose of this initiative is to restructure the development and distribution the agency's quarterly Issue Papers to semi-annually Issues Papers. Since Issues Papers are data driven and highlight specific offense based sentencing trends or policy issues, the Commission intends to reduce the number of Issue Papers developed yearly and to increase the level of data analysis presented in each Issue Paper to more comprehensively examine more trends and causal relationships in sentencing. In order to undertake the more comprehensive statistical analysis, additional time resources are required to ensure the analysis is both valid and reliable. For this reason, the Commission will reduce the number of Issue Papers to semi-annually. The Issue Papers developed serve as a means of providing timely information to both criminal justice practitioners, policy makers and the general public regarding the application, modifications and developments relating to the sentencing guidelines resulting in an increased understanding and appropriate use of the guidelines and emerging sentencing trends within the District. The timely and comprehensive distribution of sentencing guideline related information will decrease the errors in guideline sentence calculations, while identifying sentencing policy issues that may need to be revisited by the Commission. Issues papers will be released as follows: April 2012 and September 2012.



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

INITIATIVE 2.1: Redesign and Implement a Database System to retain compatibility with DCSC's IJIS Outbound 12.1.

This initiative will implement changes to the agency's current data transfer and database structure to ensure the agency will be compatible with the DC Superior Courts new IJIS Outbound 12.1 system. Currently the Commission receives conviction and sentencing data from the DCSC through a daily feed. The court, through IJIS Outbound 21.1, is changing the manner in which it shares data with criminal justice agencies and the amount of court data that will be available to agencies. Receiving agencies will be required to make modifications to their data systems to continue receiving court data.

Currently the Sentencing Commission receives filtered sentencing related data from the court through JUSTIS. Once IJIS Outbound 12.1 is implemented, unfiltered court data provided will be provided to agencies and the necessary changes required to accommodate this change will be necessary to continue receiving court data. It is projected that the court's current data delivery method will be discontinued approximately six months after IJIS Outbound 12.1 is fully implemented, which is anticipated to occur in FY 2013.

The Commission will contract for a "Needs Assessment" during FY 12 to begin in January and be completed by April 2012. The Needs Assessment will consist of:

- A Gap Analysis to determine deficiencies between the current and future state of the Commission's business process and technical design to identify areas of needed improvement.
- Determine business needs specific to the new IJIS Outbound 12.1 court feed an impact to JUSTIS data infrastructure.
- Determine the impact of infrastructure upgrades, new hardware configuration and migration to Structured Query Language (SQL) version 8 on legacy architecture.
- Analyze options (enhance, buy or build) required to meet Commission's system needs.
- Determine the appropriate technical roadmap to address future business needs and technical gaps of the current Commission system design.
- Provide recommendations based on cost benefit analysis to enhance, buy or build a data system that ensure continue transfer of sentencing related data from the Superior Court.

This information will be utilized by the Commission to determine the most efficient and cost effective approach to undertake changes to the agency's data system to be completed during the next fiscal year a decision will be made by the Commission by June 1, 2012.



By August of 2012, a Project Director will be hired to oversee the technical design, implementation and testing of the new data system selected.

INITIATIVE 2.2: Restructure Process for Obtaining Criminal History Information.

This initiative will automate the Sentencing Guideline Form to enable criminal history data from Court Services and Offender Supervision Agency (CSOSA) to be transferred electronically and matched with offender sentencing information in the agency's database. Sentencing Guideline Compliance is determined by two factors: the offense severity level and the offender criminal history score. The Commission currently receives offender criminal history information from CSOSA via the Sentencing Guideline Form. The information is provided in a hard copy format that is manually entered into the agency's database and matched with sentencing information for a given offenders. The purpose of this initiative is to improve the process by which the Commission obtains offender criminal history information. Using Microsoft InfoPath software, the Commission will develop an electronic form that will be mutually accessible by both CSOSA and the Commission. The form will incorporate all the necessary business requirements and necessary security controls. Once the form has been developed, it will undergo a pilot test with a select group of CSOSA officers and supervisors. Once full functionality of the form has been tested and verified, the automated Sentencing Guideline Form will be implemented agency wide at CSOSA.

The automated sentencing guideline form will enable the timely transfer of data, improve data quality by eliminating data entry errors and reduce the time staff currently spends manually entering data, allowing for more time to be devoted to research and analysis activities. Completion date for the development of the Automated Guideline Form will be December 1, 2012, with pilot testing completed by February 1, 2012. It is anticipated that the automated form will be implemented agency wide by March 1, 2012.

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: Develop Recommendations for Standard Language and Section Structure for the DC Criminal Code

This initiative is targeted at addressing a portion of the DC Criminal Code Revision Project by revising the common language and structure of Criminal Code. The Commission has begun creating standardized language and formatting, including common headings and subheadings, section separation, and introductory and penalty language that can be implemented throughout the Criminal Code. These revisions will not alter the current substance of the Code; however they will add clarity and



consistency. Currently, individual chapters and sections of the criminal code do not follow a common language or structural scheme. This process will involve reviewing and modifying over 250 felony statutes and subsections and over 300 misdemeanor statutes and subsections. The first 75 of these revisions will be completed by April 2012, with a total of 150 revisions completed by September 2012. It is anticipated that all revisions to the common language and structure of the Criminal Code will be completed by September 2013.

KEY PERFORMANCE INDICATORS

Metric	FY09 Actual	FY10 Actual	FY11 Target	FY11 Actual	FY12 Projection	FY 13 Projection
Percent of Judicial Compliance with the Sentencing Guidelines ¹	88%	88%	86.0%	90%	90%	92%
Response Rate for Departure Reasons	15%	20%	40%	52%	55%	60%
Percent of guidelines questions answered within 24 hours	0	87%	80%	98%	95%	95%
Issues papers released	0	2	4	3	2	2

¹ Judicial Compliance is considered an Industry Standard measure among Sentencing Commissions and a measure of the extent to which judges follow the sentencing guidelines when imposing a felony sentence. Compliance is defined as a judge imposing a sentence that is within the range recommended by the sentencing guidelines given the defendant's current offense and prior criminal history. The National Association of Sentencing Commissions identifies 80 percent compliance as standard, indicating the imposition of judicial discretion in 20 percent of cases.