



**FY 2013 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.

**Agency Workload Measures**

<b>Measure</b>	<b>FY 2010 Actual</b>	<b>FY 2011 Actual</b>	<b>FY 2012 YTD</b>
# of Felony Counts Sentenced by District Judges	4,329	4,487	4,632
# of CSOSA Criminal History Forms Processed	2,987	3,012	3,489

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

**INITIATIVE 1.1: Develop a Training Component for the Agency's Website.**

This initiative focuses on expanding the website reconstruction efforts that have occurred over the past two years to include a Sentencing Guideline Training component, which will provide policy makers and practitioners' guidance on the technical application of the guidelines and any recent modifications to the District's Voluntary Sentencing Guidelines.



The Commission has expanded its website to include an updated history of the sentencing guidelines, an overview of the structure of the guidelines and a FAQ section. The information is presented in two formats with one tailored to the needs of practitioners and a second format tailored to the public at large since the type and depth of the information related to the sentencing guidelines varies between these two audiences.

Basic information about the guidelines is now easily accessible in a single location 24 hours a day, seven days a week. The number of agency website hits has increased significantly over the past year due to the revised format, which is a strong indicator of the utility of the website to individuals seeking guideline information. The website has enabled the agency to improve its customer service capabilities.

The Commission will expand the website to include a Guideline Training Section containing PowerPoint presentations focusing on technical application and new guideline procedures adopted by the Commission. Training materials will focus on calculation of criminal history scores, application of sentencing enhancements, scoring of misdemeanor offenses and departure procedures. By concentrating on specific training area the potential for guideline application errors will be reduced. The Training Component will be developed with one specific training module being added quarterly in 2013. One module will be developed and implemented on each of the following dates: December 31, 2012; March 31, 2013; June 30, 2013 and September 30, 2013.

**INITIATIVE 1.2: Develop Semi-Annually Issues Papers.**

The purpose of this ongoing initiative is to develop and distribute semi-annual Issue Papers. Given that Issues Papers are data driven and highlight specific offense based sentencing trends or policy issues, the Commission intends to continue this initiative since Issue Papers provide an efficient method of addressing specific sentencing issues faced by the District in a timely cost effective manner. Issue Papers serve as both an educational and information resource to 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. Unlike the Commission's Annual Report, Issue Papers are able to target a specific offense or sentencing guideline issue which will improve the proper application of the guidelines, evaluate the effectiveness of the guidelines and identify sentencing policy issues that may need to be revisited by the Commission. In FY 2013 Issues papers will analyze sentencing practices for at a minimum one violent felony and one property felony offense. Issue papers will be released as follows: April 2013 and September 2013.

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

**INITIATIVE 2.1: Refine the process for obtaining information related to for judicial departures from the recommended Guideline Sentence.**



The Sentencing Guidelines identifies a recommended sentence type and length based on the offense severity and criminal history of the defendant. If the court imposes a sentence within the Guideline recommended range, the sentence is considered “compliant.” If the court chooses to impose a sentence outside the recommended range it is then classified as a departure and considered a “non-compliant” sentence.

The Guidelines contain specific sentencing provisions whereas a departure can be considered a compliant sentence, for example if a sentence is subject to an enhancement or there is a special sentencing rule applied. The Commission has determined that departures will be classified as either a (1) a “compliant departure” reflecting a sentence outside the recommended range but deemed compliant due to a specific guideline provision or (2) a non-compliant sentence reflecting a sentence outside the recommended range for which no valid departure or sentencing provision applies.

By incorporating this bifurcated classification of departures, the Commission is able to more accurately identify and analyze sentences imposed that are not within the recommended guideline range to determine if modifications to the guidelines are warranted. All departures will be reported as either a “compliant departure” or a “non-compliant” sentence.

This new departure classification system will enable the Commission to clearly identify the “non-compliant” sentences which will reflect a more accurate compliance rate for sentences imposed under the Guidelines. The total number of departures, compliant departures and non-compliant sentences will be reported quarterly with the goal of achieving an annual compliance rate of 95%.

**INITIATIVE 2.2: Develop and Implement a Data System  
to ensure data transfer compatibility with DCSC’s IJIS Outbound 12.1.**

The purpose of the initiative is to design, develop and implement a new agency data system to ensure sentencing related data transfer capability with the D.C. Superior Court’s new IJIS Outbound 12.1 data system.

The Sentencing Commission receives filtered conviction and sentencing related data from the court through JUSTIS via an electronic feed. The court, through IJIS Outbound 21.1, is changing the amount and the manner in which it shares data with criminal justice agencies. Receiving agencies will be required to make modifications to their data systems to continue receiving court data.

Once IJIS Outbound 12.1 is implemented, unfiltered court data provided will be provided to the Commission and changes to the agency’s data will be required. 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 by the end of FY 2013.



During FY 2012, the Commission completed a Needs Assessment to determine the most cost effective option to accommodate the required IJIS 12.1 changes and based on those findings determined that developing a new data system would be the most appropriate and cost beneficial.

The agency submitted and was approved for FY 13 Capital Budget funds to develop the agency's new data system. The agency secured the services of an IT Project Manager to assist with the design and oversight of the data system development process to ensure the agency receives the system requested. In May of 2012, the RFP process began and four specific stages of the development of the data system were identified. An anticipated contract award date of January 2013 has been identified with a projected Go Live date of December 2013.

### **INITIATIVE 2.3: Restructure Process for Obtaining Criminal History Information.**

This initiative will enable the electronic transfer of criminal history information from CSOSA directly into the agency's database for the purpose of monitoring compliance with the sentencing guidelines. During last fiscal year the Commission, in collaboration with Court Services and Offender Supervision Agency (CSOSA) developed and implemented an electronic sentencing guidelines form using Microsoft InfoPath technology to transfer criminal history information between the two agencies. The new form has the capabilities to automatically perform mathematical calculations, improving both the timeliness and accuracy of the criminal history information used by the Commission.

Information from the electronic guideline form is automatically imported into an Excel spreadsheet and manually merged with the agency's database matching the offender's criminal history score with the sentence imposed for each count of conviction. The electronic guidelines form is a significant improvement over the word document format, but still requires manual merging of the data from the excel spreadsheet with the agency's database, resulting in the use of staff resources.

As part of the agency's new data system, criminal history data will be automatically transferred from the electronic sentencing guideline form into the agency database. The vendor will design an interface between the Excel spreadsheet and the agency database that will transfer criminal history information received from CSOSA, match the case, offender, and criminal history score identified and import the data to the agency's database on an ongoing basis.

The interface design of the electronic data transfer and merge function of the new data system will be completed by August 1, 2013: the implementation of the criminal history interface component will be completed by October 1, 2013. and testing, validation completed and a projected a "Go-Live" or fully operational date of December 1, 2013.



**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: Fully staff the Criminal Code Revision Project**

This initiative is targeted at hiring a complete and appropriate staff to undertake the comprehensive Criminal Code Revision project. The DC Council directed the Sentencing and Criminal Code Revision Commission to complete a comprehensive review of the DC criminal code in 2008. At that time, funding was approved to employ only a part-time project director. Limited code revisions have been submitted over the past few years; however, given the complexity of this project, a single part-time staff was clearly inadequate to undertake a project of this magnitude.

The Council approved funding in FY 2013 for a full time project director, two attorneys and two paralegals to move the project forward. The agency will undertake a comprehensive search to fill the five new positions beginning October 1, 2013. Given the specific skill sets required for this project, including legislative research, statutory construction and DC criminal code experience, hiring the appropriate staff may pose a challenge. The agency intends to have all five positions filled by December 31, 2012.

**INITIATIVE 3.2: Prioritize and draft code revision recommendations for specific sections of the DC Criminal Code.**

This initiative will focus on the prioritizing the code revision tasks to be completed once the project is fully staffed. The code revision staff, working with the members of the Commission’s Code Revision Subcommittee, will identify and prioritize specific sections of the criminal code that will be revised into three categories: (1) Immediate, (2) Intermediate (within four years), and (3) Long term. The prioritization will enable the project to address simultaneously sections of the code that can be revised very quickly and easily, while laying the ground work for the more intensive and difficult code revision sections.

Once the code revision tasks have been prioritized, the staff and Subcommittee will begin code revision activities on a minimum of two sections. The revision process will involve producing a memo that includes comprehensive legislative history, current status of the code section, proposed revisions to the section, necessary language clarification and identification any other section of the criminal code that may be impacted by the changes proposed in this specific section. The memo will be reviewed and approved by the Subcommittee and then forwarded to the full Commission for review and action. The first proposed code revision memo will be completed by May 31, 2013 and the second memo completed by September 30, 2013.



## KEY PERFORMANCE INDICATORS

<b>Metric</b>	<b>FY 2011 Actual</b>	<b>FY 2012 Target</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Projection</b>	<b>FY 2014 Projection</b>	<b>FY 2015 Projection</b>
Percent of Judicial Compliance with the Sentencing Guidelines <sup>1</sup>	90%	90%	98%	96%	97%	98%
Number of Agency Web Page Hits	NA	1100	4494	4575	4750	5000
Number of Agency Web Page Updates	NA	4	7	10	13	16
Percent of Departures Classified as “Compliant Departure”	NA	NA	NA	65%	75%	80%
Percent of guidelines questions answered within 24 hours	98%	95%	98%	98%	98%	99%
Issue papers released	3	2	2	2	2	2
Number of Code Revision Memos Drafted	NA	NA	NA	2	4	6
Number of hours of code revision research	NA	NA	NA	2,800	3,200	3,550

---

<sup>1</sup> 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.