



**FY 2014 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 2011 Actual</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Actual</b>
# of Felony Cases Sentenced by District Judges	3,943	3,894	3,778
# of Felony Counts Sentenced by District Judges	4,487	4,632	4,442
# of CSOSA Criminal History Forms Processed	3,012	3,489	3,612

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

**INITIATIVE 1.1: Reduce the time required to review and verify non-compliant Guideline sentences.**

This initiative focuses on streamlining the process for review and verification of non-compliant Guideline sentences which will result in the timely determination of judicial compliance rates with the Voluntary Sentencing Guidelines. The calculation of judicial compliance with the guidelines is the primary indicator of whether the court views the recommended guideline sentence as appropriate or whether the Commission needs to review and reconsider the offense ranking and/or modify recommended guideline sentence. Currently, the verification process for non-compliant sentences takes



approximately six weeks from the time the sentence is received in the agency database and involves verifying criminal history, imposition of a departure or a Rule 11(e)(1)(C) plea. With the implementation of the agency's new data system, criminal history information will be electronically imported Court Services Offender Supervision Agency (CSOSA) directly into the agency's data system rather than the current email transmission process. By receiving criminal history information in real time, the agency projects that it will be able to reduce the time required for non-compliant sentence verification from six weeks to three weeks by September 30, 2014, enabling the agency to identify and respond to guideline sentencing compliance issues in a more timely manner, thus ensuring the sentencing guidelines are appropriately structured and applied by the Court.

**INITIATIVE 1.2: Update the FAQ section of the agency's Webpage Quarterly**

The purpose of this initiative is to update the FAQ section of the agency's webpage on a quarterly basis to reflect information that is most frequently requested in phone calls during the previous quarter. When new laws are enacted, Supreme or Appellate Court decisions are released or changes are made to the Sentencing Guidelines, there is a significant increase in the number of criminal justice practitioners contacting the agency seeking an explanation or clarification on the impact of the change. There is also a corresponding increase in staff time devoted to responding to those inquiries. Quarterly updates to the FAQ's reflecting the most frequent and recent information requested will provide information on changes in a timely manner and ensure the proper application of the sentencing guidelines, while reducing the potential for incorrect sentences or appeals. In FY14, at the end of each quarter, December 31, 2013, March 31, 2014, June 30, 2014, and September 30, 2014, a minimum of two updates per quarter will be completed to the FAQ section of the web page which will address most frequent request for information or clarification.

**INITIATIVE 1.3: Develop standardized trend data reports to be published on the agency's webpage.**

The agency responds to 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. The agency will develop two standardized data reports to publish on the agency's website to inform professionals and the general public of sentencing trends within the District of Columbia.

The first report will present data on felony sentences imposed by offense categories, sentence type, gender and race for FY13. The second data report will present data comparing drug and non-drug offenses by sentence imposed, gender, race and age for FY13. These two data reports will be updated each fiscal year to allow for comparison of trends over multiple years. The first data report will be published on the website by April 30, 2014 and the second data report by May 30, 2014.



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

**INITIATIVE 2.1: Complete the Development and Implementation the new 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 agency received FY13 Capital Funding for this multi-year project that is scheduled to be completed in December 2013. The agency entered into a contract with Blue Print Consulting to design and implement the data system.

Once the new data system is fully implemented, on a daily basis the agency will receive the complete unfiltered IJIS 12.1 data feed containing offender, conviction and sentencing information for all felony offenses from the DC Superior Court. This data will enable the agency to comprehensively monitor the application of the Sentencing Guidelines and analyze sentencing trends within the District.

The development of the new data systems involves four releases, with each release providing increased functionality of the system. Release one occurred on May 21, 2013 and involved basic data transfer and statistical analysis capabilities. Release two will be completed on August 28, 2013, and will entail advanced statistical analysis. In FY14, the remaining releases will occur.

On October 14, 2013, Release Three will be completed, which includes compliance algorithms and incorporates offender criminal history information provided by CSOSA. The final release is scheduled for December 13, 2013 and will result in full functionality for the data system.

**INITIATIVE 2.2: Design and Implement an XML Transfer of Criminal History Information from CSOSA**

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 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. The form is forwarded to the Commission via email and the criminal history data imported into a spread sheet that is merged with the data system. The InfoPath form was an improvement over the prior word document format, but still presented numerous challenges related to the timeliness and validity of the data received by the agency.

As part of the agency's new data system design, criminal history data will be automatically transferred from CSOSA through a XML interface and electronically



merged into the data system, matching on offender name, case number and PDID number. This design requires no staff intervention which increases the timeliness of the transfer of criminal history data and improves data quality by reducing the potential for error with manual data transfer processes.

The agency entered into a contract on July 1, 2013 to begin the development of the XML data transfer process with a projected completion date of September 30, 2013. This specific functionality will be incorporated in Release 3, which is scheduled for October 12, 2013. Once the CSOSA interface is functional and tested, an historical transfer of criminal history information from CSOSA will be completed in November 2013, with the completed data system being fully functional by December 13, 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: Reorganize all Title 22 offenses into eight categories**

This initiative focuses on developing the initial structure for the revision of the DC Criminal Code. The Commission has identified 37 sections of the District’s code that account for over 95% of the felony charge convictions in 2012. The reorganization of Title 22 includes preliminary analysis of all included offenses, categorization of offenses by general relationship (for example, offenses against property), and potentially the combination of like offenses within one code section. This will organize existing criminal statutes in a logical order. Accomplishing this task will involve consultation with the Codification Counsel in the Office of the General Counsel for the Council of the District of Columbia. This process will also require developing a classification scheme for misdemeanors in Title 22, and will include a review for criminal statutes that have been held to be unconstitutional to ensure clarity and consistency throughout the code.

Offenses will be classified into seven categories by substance: (1) Offenses against property, (2) Inchoate offenses, (3) Offenses against government organizations, (4) Offenses against persons, (5) Weapons offenses, (6) Drug offenses, and (7) Offenses against public order. The reorganization process will involve two committee meetings and begin on October 1, 2013 and be completed by November 1, 2013. Completion date: November 1, 2013

**INITIATIVE 3.2: Draft revision the criminal code for Offenses against Property**

Once the offense reorganization process is completed, offenses against property will be the first group to undergo code revision. The revision process includes a summary of the legislative history of the current DC statute; review of case law and other non-binding authorities associated with the statute; a concise appraisal of the statute related to the Code Revision mandate; and recommended revisions to the statute if appropriate. This revision process will make criminal offense language more “clear and consistent.” In addition, as part of its revision efforts the Commission will determine whether there are relevant crimes defined in common law that should be codified. The Commentary will provide guidance on the meaning of revised offenses as necessary.



Specific offenses to be revised under offenses against property include: theft, unauthorized use of a vehicle, destruction of property, fraud and burglary. The revision process will begin on October 15, 2013 and be completed by May 15, 2014, and involve 14 committee meetings in which staff research memos will be reviewed and specific code revisions drafted. Completion date: May 15, 2014

**INITIATIVE 3.3: Draft Revision to the criminal code for Drug Offenses**

In 2014, DCSC will draft revision to the criminal code for drugs offenses. Once draft code revisions are completed for offenses against property are completed, the next offense group to be examined will be drug offenses. Following the same process identified with the revision of offenses against property, a summary of the legislative history of the current DC statute; review of case law and other non-binding authorities associated with the statute; a concise appraisal of the statute related to the Code Revision mandate; and recommended revisions to the statute if appropriate will be completed.

The specific drug offenses to be revised include: distribution of drugs, possession with intent to distribute drugs, and possession of drugs. The revision process will begin on May 15, 2014 and be completed by July 30, 2014, and involve 5 committee meetings in which staff research memos will be reviewed and specific code revisions drafted. Completion date: July 30, 2014.

**INITIATIVE 3.4: Draft Revision to the criminal code for Weapons Offenses**

Upon the completion of draft code revisions for drug offenses, the next offense group to undergo revision will be weapons offenses. Following a similar revision process used for drug offenses, a summary of the legislative history of the current DC statute; review of case law and other non-binding authorities associated with the statute; a concise appraisal of the statute related to the Code Revision mandate; and recommended revisions to the statute if appropriate will be completed.

The specific weapons offenses to undergo revision include: carrying a pistol without a license, possession of a firearm during a crime of violence or dangerous crime, unlawful possession of a firearm (prior conviction), carrying a dangerous weapon, unlawful possession of a pistol, presence in a motor vehicle containing a firearm, possession of a prohibited weapon, and possession of an unregistered firearm. The revision process will begin on July 30, 2014, and will be completed by November 15, 2015 and involve 7 committee meetings in which staff research memos will be reviewed and specific code revisions drafted. Completion date: November 15, 2015



**KEY PERFORMANCE INDICATORS - District of Columbia Sentencing and Criminal Code Revision Commission**

<b>Measure</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Target</b>	<b>FY 2013 Actual</b>	<b>FY 2014 Projection</b>	<b>FY 2015 Projection</b>	<b>FY 2016 Projection</b>
Percent of Judicial Compliance with the Sentencing Guidelines <sup>1</sup>	98%	96%	96.7%	97%	98%	98%
Number of Agency Web Page Hits	4,494	4,575	7,776	4,750	5,000	5,500
Number of Agency Web Page Updates	7	10	15	13	16	16
Percentage Compliant Guideline Sentences	97%	98%	98.2%	98%	98.5%	98.5%
Percent of Departures Classified as “Compliant Departure”	85%	94%	93.9%	95%	96%	97%
Percent of guidelines questions answered within 24 hours	98%	98%	99%	98.5%	99%	99%
Number of Code Revision Committee Meetings	3	6	19	12	14	14
Number of Code Revision Research Memos Drafted	NA	2	15	14	16	20
Number of hours of code revision research	NA	2,800	3,210	3,200	3,550	3,700
Number of Criminal Statutes Revised	NA	2	3 <sup>2</sup>	11	12	14

<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.

<sup>2</sup> Total includes drafts of General Provisions for the DC Criminal Code.