



FY 2015 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 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.

Agency Workload Measures

Measure	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual
# of Felony Cases Sentenced by District Judges	3,894	3,778	2,056
# of Felony Counts Sentenced by District Judges	4,632	4,442	2,932
# of CSOSA Criminal History Forms Processed	3,489	3,612	2,591
# of Requests for Sentencing Data and Analysis	7	6	32

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 an evaluation study of the effectiveness of the Sentencing Guidelines. The District's Voluntary Sentencing Guidelines were designed and enacted in 2006 with the 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 to 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.

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**.

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**.

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**.



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.

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.



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.

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 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.



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

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 Actual	FY 2015 Projection	FY 2016 Projection	FY 2017 Projection
Percent of Judicial Compliance with the Sentencing Guidelines ¹	96.7%	97%	97.9%	97%	98%	98%
Number of Agency Web Page Hits	7,776	4,750	10,681	7,750	8,000	8,500
Number of Agency Web Page Updates	15	13	57	26	29	31
Percentage Compliant Guideline Sentences ²	98.2%	98%	98.2%	98%	98.5%	98.5%
Percent of Departures Classified as “Compliant Departure”	93.9%	95%	96.2%	95%	96%	97%
Percent of guidelines questions answered within 24 hours	99%	98.5%	99.3%	99%	99%	99%
Number of Code Revision Committee Meetings ³	19	12	25	15	12	NA
Number of Code Revision Reports Drafted ⁴	15	14	37	5	15	NA
Number of hours of code revision research ⁵	3,210	3,200	3,998	3,200	2,900	NA
Number of Criminal Statutes Repealed, Codified or Revised	NA	2	15	15	6	NA
Number of Data Requests	6	7	33	40	42	45
Number of hours spent on data requests	94	175	510	525	530	550

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.

² This percentage reflects compliant “in-the-box” sentences.

³ By statute, the Criminal Code Revision Project ends on September 30, 2016

⁴ *ibid*

⁵ *ibid*