



District of Columbia Sentencing and Criminal Code Revision Commission DCSC (FZ)

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

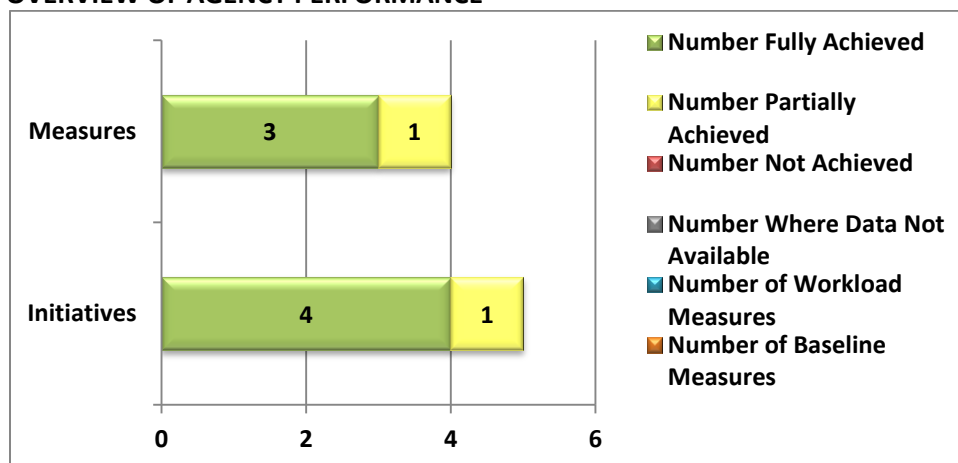
The commission advises the District of Columbia on policy matters related to criminal law, sentencing and corrections policy. The Sentencing and Criminal Code Revision Commission Amendment Act of 2007 established a permanent voluntary felony sentencing guidelines and requires the Commission to monitor 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.

ACCOMPLISHMENTS

- ✓ Completed a comprehensive revision of the agency's web page that made available 24 hours a day, seven days a week information about Commission, the Sentencing Guidelines and various sentencing policy related documents. The new web page provides information and tools for practitioners regarding the proper application of the guidelines and contains notices about changes to the guidelines in a timely and efficient manner.
- ✓ Implemented a new process by which to obtain departure reasons for non-complaint sentences imposed by providing judges with a streamline form to complete and submit by email to the Commission. This process increased the response rate by judges from 20% to 50%.
- ✓ The Commission submitted the "Fine Proportionality Act of 2011" to both the Mayor and the Council. The Act sets forth a fine structure for all criminal offenses with the fine amounts proportional to the maximum penalty assigned to each offense. This legislation provides the judge an option to impose a fine for every criminal offense in the District with the amount of fine being proportional to the seriousness of the offense. This proposal replaces a very fractured system of fines in which some of the most serious offenses, such as murder, previously had no fine identified.




OVERVIEW OF AGENCY PERFORMANCE





Performance Initiatives – Assessment Details

Performance Assessment Key:

 Fully achieved  Partially achieved  Not achieved  Data not reported

Agency Management

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

● INITIATIVE 1.1: Revise and Restructure the Commission’s Website.

The Commission completed a content overhaul of its website over the past year. Nearly every page was revised, with the most significant changes including the creation of a new history and timeline section that tracks key policies and legislation from the Commission. Additional revisions included the expansion of meeting information to include meeting dates, agendas and minutes, development of the Commission’s publications section that includes Issues Papers, Annual Reports, Research Studies and current and previous versions of the Sentencing Guideline Manuals. A new FAQ section, Guideline Alert and Glossary sections to provided viewers with comprehensive and easily accessible information on the application and changes to the guidelines.

Outcome: These revisions to the web page focused on providing practitioners and the public a website that breath of material that will assist them in both understanding how sentencing guidelines function and the proper application of the guidelines in felony sentencing. The revisions were intended to serve the needs of both the seasoned practitioner, as well as, the general public who may have no prior experience with sentencing matters and increase the proper application of the guidelines in all felony sentencing within the District.

Outcome Measurements: With 24 hour access, seven days a week to the web page, the timeliness of obtaining information about the guidelines is increased and changes to the guidelines are readily available to practitioners.

Outputs: The comprehensive web site ensures that sentencing legislation, research and issues before the Commission are available for the practitioners and the public to increase both their understanding and awareness of sentencing issues in the District, while decreasing potential errors during the sentencing process.

Outcome Measurements: Staff hours devoted to responding to guideline related questions was reduced by 15%, with questions addressed by staff being of a more complex nature.

This initiative was Fully Achieved

● INITIATIVE 1.2: Develop Quarterly Issues Papers.

The Commission develops and distributes quarterly “Issue Papers” to educate and address specific guideline application issues to assist practitioners. New changes to the guidelines or application of more complex guideline procedures can present challenges to practitioners and result in improper application of the guidelines. During FY 11, Issue Papers addressed the Fine Proportionality Act of 2011, Felony Assault Sentences in the District of Columbia and Decay



Factors in Criminal History.

Outcome: The Issue Papers are intended to address specific areas of the guidelines to reduce errors and increase the guideline's goals of consistency and certainty in felony sentencing.

Outcome Measurements: The timely presentation of data driven sentencing issues that enable consumers to understand changes to the guidelines and be better informed on sentencing patterns within the District so that facts replace assumptions and increase the appropriate use of the guidelines.

Outputs: The quarterly distribution of Issue Papers enables the Commission to highlight several important sentencing issues in a timely manner, including the Fine Proportionality legislation. Since the Issues papers are posted on the agency's web page, the information is available to all practitioners and serves as an educational tool to increase the proper use of the guidelines.

Outcome Measures: Reduced printing costs since information is available through the web page and an email list serve. Increased timeliness in distributing pertinent sentencing information.

This initiative was partially achieved - Three of the four Issues Papers being developed and distributed. The only research analysis for the agency resigned in July 2011 and the position was not filled until October of 2011. Since the research analysis is primarily responsible for the development of the Issue Paper, the final Issue Paper of FY 11 was not completed.

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

● **INITIATIVE 2.1: Restructure Process for Obtaining Departure Reasons.**

The Sentencing Commission is mandated by statute to monitor judicial compliance with the sentencing guidelines. When a sentence imposed appears to be non-complaint, the Commission contacts the judge to determine if a departure has an occurred and the reason for the departure. A new streamlined process for obtaining departure information was implemented in FY 2011.

Outcome: The new process for obtaining departures reasons resulted in requests for departure reasons being submitted to judges within six weeks of sentencing and judges provided more complete departure reasons.

Outcome measurements: judges were able to respond to departure reason request by completing a simple check off form and returning the information via email. This increased response rates by almost 30%.

Outputs: By increasing the response rate of judges for departure reasons, the Commission was able to analyze compliance in a more effective manner and identify the specific departure reasons for non-compliant sentences imposed. This information will be considered by the Commission when sentencing policy modifications are discussed.

Output Measurement: All departure request forms were submitted within 6 weeks of sentencing and 50% of responses were received within two weeks of receiving departure request forms. Overall response rates increased from 20% in 2010 to 50% in 2011.

This initiative was Fully Achieved.



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 a Fine Proportionality System.**

In January 2011, the Commission submitted the Mayor and the DC Council, the Fine Proportionality Act of 2011 which proposes a fine structure that is proportional to the maximum penalty for a criminal offense. The Act addressed the inconsistency and lack of proportionality in fine amounts through the criminal code by assigning fines in a structure that ensures the most serious criminal offenses receive the most severe fines. The Council held a hearing on the Act in April and amendments were proposed. The Act is still in the legislative process before the Council.

Outcome: Fines throughout the entire criminal code are now proportional to the maximum penalty assigned to a criminal statute.

Outcome Measure: Judges now do not have to search various statutes to determine if an offense is subject to a fine provision or what the amount of the fine should be. By linking the fine directly to the maximum penalty for an offense, it provides a clear, concise method of determining the amount of fine to impose. It also ensures that the more serious the criminal behavior, the higher the fine.

Output: The Fine Proportionality Act of 2011, legislation introduced before the Council, was the direct output for this initiative.

Output Measures: If the Fine Proportionality Act of 2011 is passed into law by the Council, the District will have both a structured fine system throughout the criminal code and also has the potential to increase the revenue generated by fines for the District.

This initiative was Fully Achieved

● **INITIATIVE 3.2: Apply Part I of the Model Penal Code to the DC Criminal Code.**

After discussion among Commission members, the decision was made that the first task of code reform was to attempt to standardize the format and language of the District’s current Criminal Code to ensure substantive changes of any degree (Model Penal Code or otherwise) could be applied throughout the code. Standardization includes criminalizing behavior and sets penalties in a consistent manner.

Outcome: Criminal statutes would all be structured in standard format that would include definitions, elements of the offenses and penalties that would increase the likelihood of correct charging and indictment proceedings being utilized by practitioners thus resulting in efficiencies in court proceedings.

Outcome measurements: Fewer cases would need to be refilled and delays within the court proceeds would be reduced.

Outputs: The Criminal Code would be divided into sections for the standardization process. The first section to undergo the process was Assaults, which included the various types and degrees of assault.



Output measurement: The revision of the assault statutes will result in a clear differentiation among the various types of assaults and increase successful prosecution and conviction for assaultive behavior.

This initiative was Fully Achieved.



Key Performance Indicators - Details

Performance Assessment Key:

Fully achieved Partially achieved Not achieved Data not reported Workload Measure

		Measure Name	FY2010 YE Actual	FY2011 YE Target	FY2011 YE Revised Target	FY2011 YE Actual	FY2011 YE Rating	Budget Program
	1.1	Development and Distribution of Issues Papers	2	4		3	75%	MANAGEMENT
		Issue Papers Released						
	1.2	Guideline Responses	87.3%	80%		98.28%	122.84%	MANAGEMENT
	2.1	Judicial Compliance Rate	88.08%	86%		90.03%	104.69%	DATA COLLECTION (AIP)
	2.2	Reasons for Departures From the Guidelines	20%	40%		52.33%		MANAGEMENT