



District of Columbia Sentencing Commission (SCDC) FY2016 Performance Accountability Report (PAR)

Introduction

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives' progress and key performance indicators (KPIs).

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.

Overview – Agency Performance

The following section provides a summary of SCDC performance in FY 2016 by listing SCDC’s top accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

Top Agency Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
Expanding the Sentencing Data Section of the agency’s website to include a sentencing dataset, as well as, expanding sentencing related graphs and chart displaying various felony sentencing trends in the District.	This accomplishment helps to increase transparency related to the analysis of sentencing related data done by the agency but also reduces the staff resources required to respond to basic data related questions that can now be answered by viewing the information presented on the webpage.	District residents can now easily access and view various sentencing trends with only a few clicks on the agency’s website. In addition, for the first time datasets are available that enable residents, students, and other criminal justice professions to download and perform their own specific analysis reducing response time to questions or concerns about sentencing practices in the District.
The agency responded to over 99% of all Sentencing Guideline related questions within 24-hours.	The expedited response time demonstrated by the agency has increased the number of contacts from attorneys, CSOSA, and the Court when there is uncertainty about a Guideline provision and has reduced the number on inaccurate criminal history scores or improper application of the Sentencing Guidelines.	Often Sentencing Guideline related questions come up either just prior or at the time of sentencing from either the Court, prosecution or defense. By responding in a very accurate and timely manner, delays in sentencing are avoided. In addition by responding to specific questions regarding the proper application of the more complex aspects of the Sentencing Guidelines, the accuracy of the sentence is improved ensuring the defendant receives a fair and appropriate sentence and public safety concerns are addressed.
The agency complete Part I and Part II of the multi-year evaluation of the impact of implementation of the Sentencing Guidelines on felony sentencing in the District.	This multi-year evaluation of the Sentencing Guidelines is the first comprehensive examination of how effective this policy change (the Guidelines) has been in achieving the intended goals. The findings identified in Phase I and Phase II of the study will serve as the basis to develop data driven recommendations by the Sentencing Commission that will address any necessary modifications to the Sentencing Guidelines to ensure the statutory goals are achieved,	The Sentencing Guidelines were implemented to achieve the statutory goals of certainty, consistency, adequacy of punishment in felony sentencing within the District. By undertaking a comprehensive evaluation of this sentencing policy change based on analysis of sentencing data and trends, District residents will be able to review the Evaluation Study results and understand how sentencing has changed and to what degree these goals have been achieved.

In FY 2016, SCDC had 11 Key Performance Indicators. Of those, 0 were neutral. Of the remaining measures, 64% (7 KPIs) were met, 27% (3 KPIs) were nearly met, and 9% (1 KPIs) were unmet. In FY 2016, SCDC had 9 Initiatives. Of those, 78% (7) were completed and 0% (0) were nearly completed, and 22% (2) were not completed. The next sections provide greater detail on the specific metrics and initiatives for SCDC in FY 2016.

FY16 Objectives

Division	Objective
Agency Management	Promulgate the accurate, timely, and effective use of sentencing guidelines in every felony case.
Agency Management	Promulgate compliance with the guidelines in at least 93% of all felony cases.
Agency Management	Evaluate the Effectiveness of the Sentencing Guidelines in Achieving Certainty, Consistency, and Adequacy of Punishment.
Agency Management	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.

FY16 KPIs

Objective: 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.

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Number of Criminal Code Revision Committee Meetings	13	Q	4	5	5	2	16	Met	
Number of Code Revision Research Hours	4,137	Q	947	1,010	1,264	1,087	4,308	Met	
Number of Code Revision Research Memorandum Completed	16	Q	7	1	1	7	16	Met	
Number of Criminal Statutes Revised	26	Q	10	0	5	6	21	Unmet	Due to Legislation enacted by the Council, the project was extended for its September 31, 2016 deadline to allow more time to complete revisions to the Criminal Code Revision. The extension provided time to do the additional research required to develop revisions to the statutes, thus they were not revise during FY 2016

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

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Percent Compliant In-The- Box Guideline Sentences	86	Q	85.39	91.96	85.91	93.93	89.3	Met	

Percentage of Compliant Departure Sentences	92.5	Q	88.24	82.05	94.12	95.83	88.7	Nearly Met	The percentage of compliant departure sentences did not reach the FY 16 target due in part to the manner in which compliant departure sentences were calculated was changed mid- year to exclude 11(c)(1)(c) pleas from departures since they represent sentences agreed upon by both the prosecution and defense. Also there were delays in receiving responses to Departure Letters from Judges.
Judicial Compliance with the Sentencing Guidelines	96	Q	97.18	93.69	92.74	99.52	95.8	Nearly Met	There is often a delay in receiving departure letter responses from the court and until a response is received the sentence is considered non- compliant. When the court indicates the sentence imposed was due to a departure, the sentence is then classified as compliant.

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

Measure	Target	Freq	Q1	Q2	Q3	Q4	Total	KPI Status	KPI Barriers
Number of agency webpage hits	11,500	Q	8,011	4,710	5,609	5,094	23,424	Met	
Number of Agency Web Site Updates	29	Q	11	8	10	13	42	Met	
Number of Hours Required to Respond to Data Requests	600	Q	285	310	186	45	826	Met	

Number of Guideline Questions Answered Within 24 Hours	99.8	Q	99.24	100	99.39	99.33	99.5	Nearly Met	Several of the guideline questions received focused on the scoring of out of District offenses from various states that required a more complicate offense conversion and longer response time.
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FY16 Workload Measures

Measure	Freq	Q1	Q2	Q3	Q4	Total
Number of Felony Cases Sentenced	Q	390	448	508	497	1,843
Number of Felony Counts Sentenced	Q	496	618	649	625	2,388
Number of CSOSA Criminal History Forms Processed	Q	418	418	392	428	1,656
Number of Requests for Sentencing Data and Analysis	Q	11	19	12	5	47
Number of Sealed/Expunged Cases Processed	Q	558	326	596	210	1,690

FY16 Initiatives

Title: Review and Identify the Appropriate Data Risk Issues to be Addressed in the Development of an Agency Data Security Plan.

Description: This initiative is intended to use a multi-tiered risk management approach that will assess technical, business process and organizational risks related to the Commission's two data systems: GRID (Guideline Reporting Information Data) system and GSS (Guideline Scoring System). The Risk Assessment will represent Phase I of developing the agency's comprehensive data security plan, with Phase II focusing on developing the security controls needed to address the assessed risks in FY 2017, and the implementation of the required security measures and protocols completed in FY 2018.

Complete to Date: Complete

Status Update: The agency aggressively worked to not only complete Phase I of the security plan which reviewed and identified the risk issues that need to be addressed but also finished Phase II of the security plan that included developing the security controls for the risk issues identified. At this time the agency is working towards implementing the appropriate security measures and protocols

Title: Expand the Data Section of the Agency's Website by Adding Five New Statistical Compliance Graphs or Charts.

Description: This Initiative will expand the Data Section of the agency's website to include five new graphs and charts analyzing judicial compliance with the Sentencing Guidelines by compliance type and offense categories. Monitoring and analyzing specific felony offenses or offense groups receiving non-compliant sentences can assist in identifying sentencing trends and provide insight into emerging patterns that may need to be explored in greater detail.

Complete to Date: Complete

Status Update: The agency has developed and posted on its website Sentencing Data Section, five new statistical charts and graphs demonstrating compliance rates for felony sentences imposed in FY 15.

Title: Develop an Interactive Training on Compliant Guideline Sentences for the Agency Website.

Description: In FY 2016, this initiative will enhance the training/educational section of the agency's website by developing an interactive training on compliant guideline sentences that enables individuals to learn about the various components of complaint sentences under Sentencing Guidelines. This interactive training will benefit attorneys, defendants and their families, and the citizens of District by providing an educational training on one of the key components of the Guidelines.

Complete to Date: Complete

Status Update: The development of the interactive Guideline Compliance Training has been completed and is posted on the agency's webpage training section

Title: Complete Phase I for the Five Year Evaluation Study of the Sentencing Guidelines.

Description: 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 whether these goals have been achieved. The Guideline Evaluation Project involves three distinct phases: (1) Evaluation of achieving the statutory goals of the guidelines; (2) completion of a comparative of analysis of sentences pre and post guideline implementation; and (3) the development of data driven recommendations for potential modifications to the guidelines and to identify areas for further research. Phase I will involve the statistical analysis of sentencing data from 2010 through 2014 to address six specific research questions focused on identifying the level of consistency and certainty for felony sentences imposed under the sentencing guidelines.

Complete to Date: Complete

Status Update: Please note that I mistakenly clicked on two Q4 updates for this initiative Please disregard this update and refer to the previous one

Title: Complete Phase II for the Five Year Evaluation Study of the Sentencing Guidelines.

Description: This initiative is focused on completing Phase II of the Five Year Evaluation Study of the Sentencing Guidelines, which includes a comparative analysis of felony sentences imposed prior to the implementation of the guidelines with felony sentences imposed under the guidelines to determine whether sentencing patterns have changed either by the type or length of sentence type imposed.

Complete to Date: Complete

Status Update: This initiative involved a comparative analysis of sentencing patterns before and after the implementation of the Sentencing Guidelines. The analysis included a comparison of offender demographics, offense types, sentence lengths, sentence types to determine the impact of the Sentencing Guidelines on sentencing practices with in the District.

Title: Final Review and Commission Action on General Provisions.

Description: This initiative represents a final review by the Criminal Code Revision Committee and action by the full Commission on the twelve new proposed General Provisions, which involve creating new code provisions that provide definitions and principals that apply to all specific offenses that are revised.

Complete to Date: Complete

Status Update: The work of the Criminal Code Revision Project under the direction of the Sentencing Commission was completed by September 30, 2016. The Commission approved and submitted to the Council and the Mayor, a draft summary of proposed revisions to numerous criminal statutes that had been tentatively agreed upon by the Criminal Code Revision Committee but not voted upon to enact at this time. The Criminal Code Revision project was transferred to another agency where the code revision work will continue.

Title: Final Review and Commission Action on Property Offenses.

Description: This initiative represents a final review by the Criminal Code Revision Committee and action by the full Commission on proposed revisions to a minimum of ten property offenses and four related provisions.

Complete to Date: Complete

Status Update: Draft revisions for numerous property offenses were completed and presented to the full Commission for review on the approach the project had chosen to develop the proposed revision. The Commission approved the approach but did not take any action on proposed revisions since the CCR project was being transferred to another agency

Title: Final Review and Commission Action on Drug Offenses - Pending Council Legislation

Description: This initiative represents a final review by the Criminal Code Revision Committee and action by the full Commission on proposed revisions to a minimum of six drug offenses and three related provisions. This initiative was initially slated to begin on January 30, 2016 and be completed by March 15, 2016. However, the D.C. Council introduced legislation in December 2015 to move the Criminal Code Revision Project out of the Commission's authority to a new independent agency and to extent the current project deadline of September 30, 2016. The Commission is awaiting the outcome of the legislation to move forward or to remove the imitative from its performance plan for FY 2016.

Complete to Date: 0-24%

Status Update: This is no longer an initiative due to recent legislation passed by the DC Council in June 201

Title: Final Review and Commission Action on Sex Abuse Offenses - Pending Council Legislation

Description: This initiative represents a final review by the Criminal Code Revision Committee and action by the full Commission on proposed revisions to between five and eighteen sex abuse offenses and one related provisions. This initiative was originally slated to begin on March 1, 2016 and be completed by May 15, 2016. However, the D.C. Council introduced legislation in December 2015 to move the Criminal Code Revision Project out of the Commission's authority to a

new independent agency and to extend the project deadline of September 30, 2016. The Commission is awaiting the outcome of the legislation to move forward or to remove this initiative from its performance plan for FY 2016.

Complete to Date: 0-24%

Status Update: The agency has requested that this initiative be removed from the FY16 Performance Plan due passage of legislation by the Council that moves the Criminal Code Revision project to a new agency and extends the project completion deadline to September 30, 2018. Given the new legislation and project mandate, this initiative will not be completed. Agency is awaiting response from OC