



DISTRICT OF COLUMBIA SENTENCING COMMISSION

FY 2023 PERFORMANCE ACCOUNTABILITY REPORT

JANUARY 16, 2024

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1 DISTRICT OF COLUMBIA SENTENCING 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.

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.

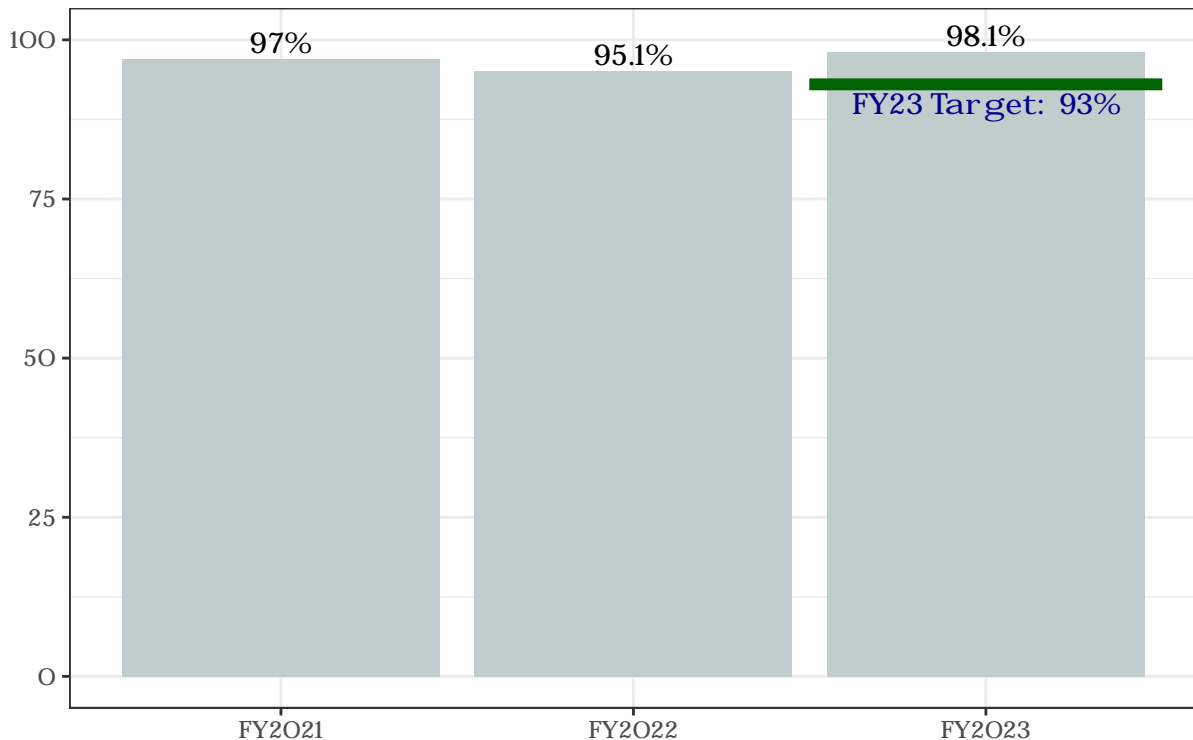
2 2023 ACCOMPLISHMENTS

Accomplishment	Impact on Agency	Impact on Residents
<p>Publishing individual data request responses. In fiscal year 2023 (FY23), the Sentencing Commission began formatting relevant individual data request responses so that they could be made available to the public. The agency formatted and published five data request responses in FY23.</p>	<p>Implementing the new data request response sharing policy allows the agency to share more data with the public without a major increase in staff resources. Because the research and/or analysis was already being completed, making this data available to the public did not significantly increase the amount of time staff spent responding to each request. Therefore, it is a very efficient way to share more data and information with the public.</p>	<p>Previously, data request responses were only provided to the individual or group requesting the data. They were not made available to the public. As of FY23, the Commission now publishes relevant/informative data request responses. This enables stakeholders and residents to have access to the information and analysis, as well as increases transparency.</p>
<p>Publishing arrest to case conclusion or sentencing data. In fiscal year 2023 the agency began publishing data on how adult felony arrests flow through the D.C. Superior Court's criminal division so that a case can be tracked from the initial arrest all the way through final disposition and sentencing. Specifically, the Commission analyzed and reported on the proportion of felony arrests that result in prosecutors filing a criminal case, the percentage of those cases that ultimately result in a conviction, and the sentencing trends for the subset of convicted cases.</p>	<p>Being able to publish data and analysis that tracks cases from arrest through to case resolution or sentencing took a significant effort. The Commission first had to modify its internal data system to receive, consume, and analyze arrest data. The Commission captures more than 700 data elements for each arrest coming from MPD's arrest feed, however not all the data elements are present in each MPD arrest record. This data has to be cleaned and dissected. The Commission then had to pair MPD data with data from the Superior Court. Finally, the Commission had to track and analyze the cases as they progressed through the system.</p>	<p>The newly published research allows residents to see how arrests move through the District's justice system from arrest to case resolution or sentencing. The agency is often asked about why arrests result in specific outcomes. This data shows at a system wide level the results of adult arrests, which has allowed the agency to provide the public with a holistic overview of the criminal justice system.</p>

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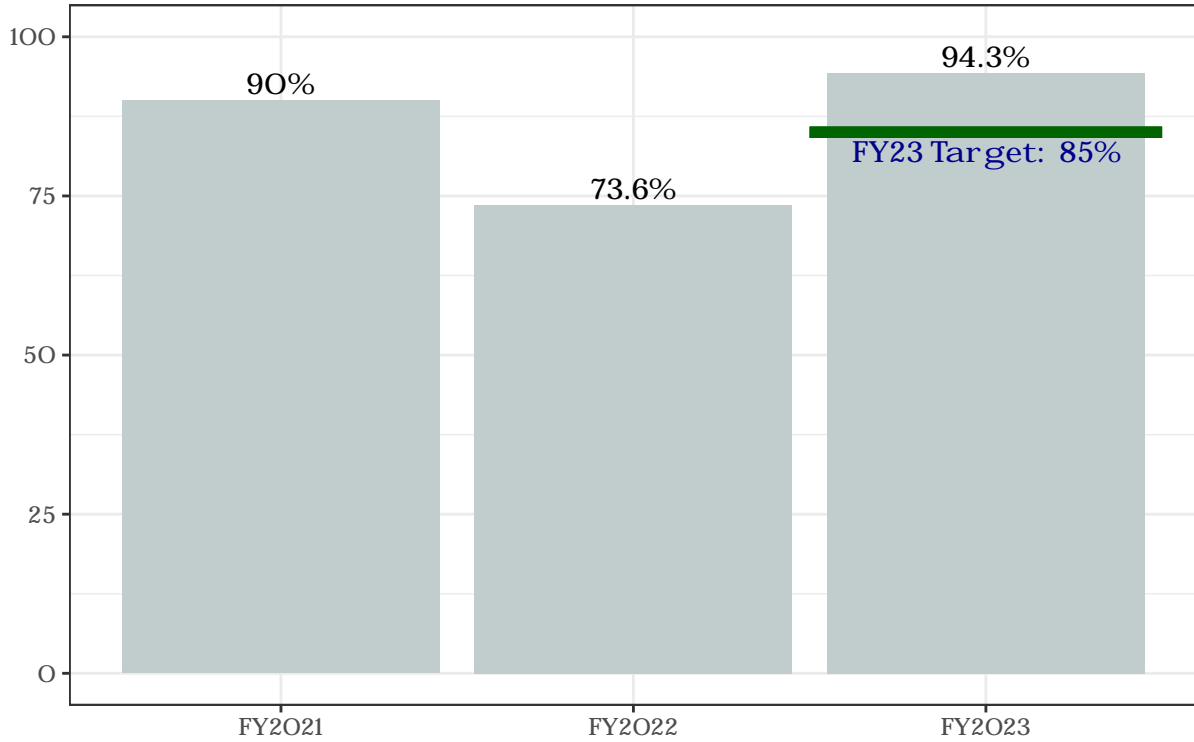
Accomplishment	Impact on Agency	Impact on Residents
Deploy an enhanced Sentencing Guidelines training program. In fiscal year 2023 (FY23), the DC Sentencing Commission has increased the number of training and the access to those training for our criminal justice partners and to the public. This was done by diversifying our training options, including virtual trainings, prior recorded trainings available on our website 24/7, hybrid trainings, and increasing our short-form training materials. This goal remains a priority for the Commission in FY24 as we continue to respond to the needs of our partners and the public.	This accomplishment has impacted both the public and our partners' trust and reliance on our agency by providing more extensive information and guidance on sentencing issues. The Commission continues to seek out strategic partnerships to increase public awareness about sentencing.	District residents now have more opportunities to learn about how the D.C. Sentencing Guidelines operate. Stakeholders and/or residents can select a training based on their level or interest and/or preexisting knowledge (some trainings have been developed for individuals with no prior knowledge about how the Guidelines operate). Additionally, by enabling practitioners to better understand the Guideline, they will be better able to serve the public.

Percent of all counts sentenced that are deemed compliant with the Guidelines.



The Sentencing Commission continues to record high compliance with the DC Voluntary Sentencing Guidelines. This shows that the Guidelines are very well accepted and utilized by D.C. Superior Court Criminal Division Judges.

Percent of all judicial compliance letters sent that judges responded to.



The Sentencing Commission has increased its outreach and communication with D.C. Superior Court judges. This has allowed the agency to receive more data from judges on cases that initially appear to be non-compliant with the Voluntary Sentencing Guidelines.

3 2023 OBJECTIVES

Strategic Objective

Provide fair, consistent and transparent sentencing policy for felony sentences imposed in the District of Columbia to ensure that similar offenders who are convicted of similar offenses receive similar sentences.

Provide effective education and support to improve understanding and awareness of the District's Voluntary Sentencing Guidelines to ensure citizens of the District have a clear understanding of the sentencing process.

Provide high quality analysis and evaluation of sentencing data to inform the development of effective sentencing policy in the District of Columbia that increases public safety while decreasing unwarranted disparity in sentences.

4 2023 OPERATIONS

Operation Title	Operation Description
Provide fair, consistent and transparent sentencing policy for felony sentences imposed in the District of Columbia to ensure that similar offenders who are convicted of similar offenses receive similar sentences.	
Identify Irregularities and Inconsistencies in Felony Sentences Imposed: Daily Service	Review sentencing data received from the D.C. Superior Court to identify data quality issues to be resolved; identify sentences that are outside the recommended guideline sentence; and identify emerging sentencing trends that may require review by the Commission and potential policy modifications.
Review and Verify All Felony Sentences: Daily Service	Review and verify each felony sentence imposed by the D.C. Superior Court is accurate, legal; and complete. Once the verification process is completed, calculate whether the sentence imposed matches the recommended guideline sentence in an accurate and timely manner.
Review and Verify all Criminal History Scores: Daily Service	A individual's prior convictions are provided by CSOSA and used to calculate a defendant's criminal history scores. If criminal history information is missing or inaccurate, CSOSA is contacted to provide the accurate information so that compliance can be calculated for each felony count sentenced.
Provide effective education and support to improve understanding and awareness of the District's Voluntary Sentencing Guidelines to ensure citizens of the District have a clear understanding of the sentencing process.	
Provide Sentencing Guideline Training: Daily Service	Provide Sentencing Guideline training to criminal justice professional that will increase their understanding of sentencing practices under the Guidelines and ensure proper application of the Guidelines thus reducing potential sentencing errors.
Maintain and Update Agency Website: Daily Service	Update the agency's website with "Guideline Alerts" to ensure the public and criminal justice community are notified of changes to sentencing policy or practices under the sentencing guidelines. Monthly update training and other guideline related materials to ensure public access to accurate and timely information about sentencing in the District of Columbia.
Respond to Guideline Questions: Daily Service	On an ongoing basis the agency responds to questions from a number of sources including, Court Services and Offender Supervision Agency, judges, attorneys, and the public regarding criminal history scoring, sentence options, and offense rankings. Responding to these questions in an accurate and timely manner avoids procedural delays and ensure that the parties understand the sentencing options available under the Sentencing Guidelines.
Increase public outreach and education regarding the Sentencing Guidelines: Daily Service	Prior Guideline training and outreach has previously been focused on criminal justice partners and professionals. An Guideline outreach and education strategy will be developed and implement targeting residents and community based organization to increase their understanding of the purpose, function, and impact of the Guidelines on felony sentences imposed in the District.
Public Access to Sentencing Data: Daily Service	In addition to providing a comprehensive yearly data set of all felony sentences imposed, multiple data sets will be placed on the agency's website to provide residents and researcher more detailed overview and a clearer understanding of felony sentencing trends for specific offense types in the District.
Provide high quality analysis and evaluation of sentencing data to inform the development of effective sentencing policy in the District of Columbia that increases public safety while decreasing unwarranted disparity in sentences.	
Respond to Data Requests: Daily Service	Effectively and efficiently respond to data requests from legislators, criminal justice professionals, and the public by providing accurate and timely sentencing information.

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Operation Title	Operation Description
Monitor and Maintain the Guideline Reporting Information Data (GRID) System: Daily Service	Monitor and maintain the data analysis module of the agency's GRID system used to identify and evaluate sentencing trends throughout the year to inform the development of effective sentencing policy for the District. Technical and operational issues identified will be reported to the vendor for resolution within 14 days.
MPD Arrest Data Processing: Daily Service	In FY2021, the agency will begin receiving and integrating MPD arrest data into the agency's Guideline Information Reporting Data (GRID) system. On an hourly basis arrest data will be transferred to the GRID system where data will be stored, processed and integrated, allowing for analysis of felony cases from arrest through sentencing. Processing will include data validation and reliability checks to ensure the accuracy of the data for analysis purposes.

5 2023 STRATEGIC INITIATIVES

In FY 2023, District of Columbia Sentencing Commission had 5 Strategic Initiatives and completed 80%.

Title	Description	Update
Publish Data Request Responses	<p>The Sentencing Commission receives and responds to many individual data requests each year. During FY23, the agency will develop a plan to begin publishing select, relevant data request responses so that anyone may access and utilize the data. By December 31, 2022, Commission staff will develop a plan for how data requests will be selected and formatted for publication on the agency's website. Commission staff will publish two prior data request responses by June 15, 2023, and three additional responses by August 30, 2023. Published data request responses will be highlighted in the agency's social media posts. In quarter four of 2023, the agency will disseminate a survey on its website and social media accounts to determine if users want to see more data requests published.</p>	<p>Completed to date: Complete</p> <p>The Commission published past data responses regarding murder offenses, violent offenses, possession of a firearm during a crime of violence offenses, arrest and sentencing trends for gun offenses, and an analysis of defendants who received a greater than 15 years of incarceration offenses.</p>

Develop a Revised Criminal Code Act of 2021 Project Approach Plan

In FY 2023 the D.C. Council is anticipated to pass a version of the Revised Criminal Code Act of 2021 which will overhaul the District's criminal statutes and criminal code scheme. The Sentencing Guidelines will need to be significantly modified as a result. By April 15, 2023, Commission staff will develop an approach for the Commission to use in deciding how to adjust the Guidelines following the passage of the RCCA. The plan will present a potential strategy (or strategies) that the Commission can use to begin the process of evaluating and modifying the Sentencing Guidelines to adapt to the District's new criminal code. By June 30, 2023, agency staff will present the plan to the Commission.

Completed to date: 25-49%

This initiative is on hold unless or until the revised criminal code act is passed.

Sentencing Guidelines User Support Program

The Commission will implement a new program to provide more resources to the agency's partners that utilize the Sentencing Guidelines the most: the Superior Court, CSOSA presentence report writers, and criminal law practitioners. By December 31, 2022, Commission staff will create a plan to provide quarterly materials or trainings to each of the listed partners. Support materials or training will then be provided to each listed partner by March 30, June 30, and September 15, 2023.

Completed to date: Complete

The Commission created, released, and received feedback on resources provided to our criminal justice partners.

Analyze
Papered
Case Rates
based on
Race and
Offense
Location

The Commission will publish an issues paper analyzing arrest papering rates based on racial and geographic variables. This will allow the Commission to assess if there are discrepancies between papering rates (arrests that are moved forward for prosecution) based on a defendant's race or the location of the incident. The paper will analyze any potential disparities in the papering in Wards 7 or 8 compared to other parts of the city. A draft of this paper will be completed by May 1, 2023, and will be published by June 30, 2023.

Completed to date: Complete Paper has been published.

Sentencing
Guideline
Presentations to
District
Residents

During FY2023, the agency will craft four short video presentations. These videos will show community members how to access and utilize agency resources. The videos will also define the duties of the Commission in the District's criminal justice system. The videos will cover; (1) the agency's research capabilities and how to request data from the Commission, (2) outreach, education, and how to schedule an informational session, (3) the Commission's role in providing sentencing policy recommendations, as well as answering frequently asked questions, and (4) how the agency monitors the application of the Guidelines. The first video will be completed and uploaded to the agency's website and social media accounts by December 2022, the second video by March 2023, the third video by June 2023, and the final video by September 30, 2023. The Commission will target outreach promoting the videos in the communities most impacted by felony offenses and sentencings, particularly in Wards 7 and 8.

Completed to date: Complete
The Commission has released the videos on its website and social media platforms.

6 2023 KEY PERFORMANCE INDICATORS AND WORKLOAD MEASURES

Key Performance Indicators

Measure	Directionality	FY 2021	FY 2022	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	FY 2023	FY 2023 Target	Was 2023 KPI Met?	Explanation of Unmet KPI
Provide fair, consistent and transparent sentencing policy for felony sentences imposed in the District of Columbia to ensure that similar offenders who are convicted of similar offenses receive similar sentences.											
Percent of all sentences imposed that fall outside of the recommended Sentencing Guidelines range that are still compliant due to a departure factor or other rule.	Up is Better	92.1%	58.4%	69.6%	58.3%	83.3%	53.8%	68.9%	55%	Met	
Percent of all counts sentenced that are deemed compliant with the Guidelines.	Up is Better	97%	95.1%	98.1%	97.4%	98.5%	98.6%	98.1%	93%	Met	
Percent of all counts sentenced that are within the recommended Sentencing Guidelines range/options.	Up is Better	90.9%	88.4%	93.7%	93.9%	90.8%	96.1%	93.7%	85%	Met	
Percent of all sentences for weapon offenses that are compliant with the Sentencing Guidelines.	Up is Better	83%	95%	98.8%	97%	98.7%	98.1%	98.1%	90%	Met	
Percent of all sentences for violent offenses that are compliant with the Sentencing Guidelines.	Up is Better	89.4%	95.2%	95.5%	99.2%	98.1%	99.1%	97.9%	90%	Met	
Percent of all judicial compliance letters sent that judges responded to.	Up is Better	90%	73.6%	92.9%	100%	89.5%	100%	94.3%	85%	Met	
Percent of all Guidelines compliant sentences that were the result of an accepted Rule 11(c)(1)(C) plea bargain.	Up is Better	15.6%	14%	16.4%	15.2%	12.7%	14.8%	14.9%	13%	Met	
Provide effective education and support to improve understanding and awareness of the District's Voluntary Sentencing Guidelines to ensure citizens of the District have a clear understanding of the sentencing process.											
Percent of all Guidelines questions submitted to the Commission that were answered within 24 hours/next business day (NBD) or by time response was requested.	Up is Better	98.9%	98.8%	98.4%	100%	99.1%	100%	99.3%	98.5%	Met	

Key Performance Indicators (continued)

Measure	Directionality	FY 2021	FY 2022	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	FY 2023	FY 2023 Target	Was 2023 KPI Met?	Explanation of Unmet KPI
Percent of post-training surveys that gave the Commission an 80% or higher satisfaction rating.	Up is Better	94.4%	100%	100%	100%	100%	No applicable incidents	100%	85%	Met	
Number of Social Media Postings.	Up is Better	264	790	181	208	311	300	1000	200	Met	
Percent of all Commission website hits on web pages related to outreach and education material.	Up is Better	46%	13.8%	26%	38.5%	35.3%	29.9%	32.7%	13%	Met	
Provide high quality analysis and evaluation of sentencing data to inform the development of effective sentencing policy in the District of Columbia that increases public safety while decreasing unwarranted disparity in sentences.											
Percent of data request responses delivered within 20 days or by the requested response date.	Up is Better	95.2%	100%	100%	100%	100%	100%	100%	85%	Met	
Percent of Commission data system error tickets resolved within 45 days.	Up is Better	New in 2023	0%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	31.8%	70%	Unmet	Tickets took longer to resolve in FY23 due to the complexity of the issues effecting the data system - many involved the rules for how the system determines when certain sentences a non-compliant with the Sentencing Guidelines. Additionally, resources were also allocated to preparing to transition to a new D.C. Superior Court case management system.
Percent of Unique Arrests from MPD that are verified and processed by the Commission's data system.	Up is Better	83.7%	100%	100%	100%	100%	100%	100%	85%	Met	
Percent of MPD Arrest Charges received that are verified and processed by the Commission's data system.	Up is Better	93.2%	100%	100%	100%	100%	100%	100%	76%	Met	

Workload Measures

Measure	FY 2021	FY 2022	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	FY 2023
Identify Irregularities and Inconsistencies in Felony Sentences Imposed							
Number of Sealed Cases	3,596	1,826	527	378	692	679	2276
Number of Data Quality Assurance (DQA) Issues Identified and Submitted to the Appropriate Agency	54	24	Annual Measure	Annual Measure	Annual Measure	Annual Measure	52
Review and Verify All Felony Sentences							
Number of Felony Counts Sentenced	913	1,538	385	405	356	378	1524
Number of Felony Cases Sentenced	673	1,227	294	287	247	282	1110
Number of Departure Letters Sent	16	73	14	10	19	10	53
Number of Probation Revocations Sentenced	117	165	41	53	45	37	176
Number of sentences imposed as the result of an accepted Rule 11(C)(1)(c) plea bargain	97	249	Annual Measure	Annual Measure	Annual Measure	Annual Measure	210
Number of Court Services and Offender Supervision Agency (CSOSA) Criminal History Scores Submitted to the Commission	728	1,093	177	335	290	316	1118
Review and Verify all Criminal History Scores							
Number of Requests for Missing Criminal History Scores Made to the Court Services and Offender Supervision Agency (CSOSA)	64	171	12	8	1	7	28
Maintain and Update Agency Website							
Number of Agency Website Hits	25,554	35,350	8,372	9,754	7,904	8,117	34,147
Provide Sentencing Guideline Training							
Number of individuals receiving Sentencing Guideline Training	123	335	45	12	11	55	123
Number of Sentencing Guideline Trainings Provided	8	27	2	4	5	9	20
Number of Agency Website Updates Completed	414	97	23	18	26	40	107
MPD Arrest Data Processing							
Number of Unique MPD Arrests Received	19,483	70,061	9,864	11,385	12,598	10,525	44,372
Number of MPD Arrest Charges Received by Commission's Data System	35,602	79,115	12,355	14,509	19,239	18,712	64,815

Workload Measures (continued)

Measure	FY 2021	FY 2022	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	FY 2023
Monitor and Maintain the Guideline Reporting Information Data (GRID) System							
Number of Commission Data System Tickets Entered	33	19	8	5	5	4	22
Number of new charge codes mapped in the Commission's data system	31	0	0	0	0	0	0
Number of Critical Commission Data System Tickets Submitted	12	0	Annual Measure	Annual Measure	Annual Measure	Annual Measure	No applicable incidents
Number of hours required to complete data requests	677	370	232	112	129	320	793
Respond to Data Requests							
Number of Data Requests Received	42	11	3	2	3	3	11
Number of Data Sets Distributed or Published by the Commission	14	2	1	1	1	2	5