

# District of Columbia Sentencing Commission FY2019

**Agency** District of Columbia Sentencing Commission

**Agency Code** FZO

**Fiscal Year** 2019

**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.

## 2019 Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
Re-Ranked two felony offenses to address a "double counting" issue related to how prior convictions counted. For these two specific felony offenses, an individual's prior convictions were used to enhance the Guideline offense severity level and at the same time used to increase the individuals criminal history score which created an fairness issue in sentencing.	The agency was required to reprint guideline reference materials to reflect the offense re-rankings and additional trainings were provided to ensure that all partners understood how the change impacts the recommended guideline sentence.	The Sentencing Guidelines were developed to reduce disparity and promote fair and just sentencing for the District. By resolving the double counting issue, the Commission directly addressed a sentencing fairness issue by ensuring that the impact of prior convictions is consistent across all recommended guideline sentences.
The number of data requests the agency complete increased by 70% in FY 2019. In addition, 91% of the data requests were completed within 20 days from the submission date.	The agency improved the response time to data requests by communicating with the requestors to ensure there was a clear understanding of the data requested and how the data was to be provided. The improved skill set of the agency's research staff also contributed to the improved response time.	The agency's ability to respond in a timely manner with requested information enabled requestors to use the information in developing legislation, reviewing sentencing practices and understanding sentencing trends for the District.
Development of a sentencing data set available to the public on the agency's website.	By providing a data set on the website, the agency was able to reduce the time required to response to basic sentencing inquiries by directing the individual to the website. It also provided more staff resources to undertake some of the more complex data analysis. The data set also provided a layer of transparency for the agency.	Citizens of the District now have direct access to a data set in which they can review and analyze data directly. In addition, a number of charts and graphs of the most frequent offenses and sentences imposed are available. By providing the data on the agency's website, individuals have 24/7 access to information

## 2019 Key Performance Indicators

Measure	Frequency	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Q1	FY 2019 Q2	FY 2019 Q3	FY 2019 Q4	FY 2019 Actual	KPI Status	Explanation
<b>1 - 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. (4 Measures)</b>											
Percent of Compliant Guideline Sentences	Quarterly	96.4%	96.8%	96.5%	96.9%	96.2%	96.7%	98.7%	97.1%	Met	
Compliant Departures	Quarterly	91.1%	94.1%	93%	94.1%	87.5%	94.7%	97%	93.8%	Met	
Compliant In-The-Box Sentences Imposed	Quarterly	87.8%	89.9%	87.5%	91%	87.9%	88.2%	93.7%	90.1%	Met	
Percent of compliant sentences that represent 11(C)(1)(c) pleas	Quarterly	New in 2019	New in 2019	12%	11.5%	15.5%	15.1%	13.8%	13.9%	Met	
<b>2 - 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. (2 Measures)</b>											
Effective Guideline Trainings	Quarterly	90.6%	90.7%	83%	100%	80%	100%	100%	92.9%	Met	

Measure	Frequency	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Q1	FY 2019 Q2	FY 2019 Q3	FY 2019 Q4	FY 2019 Actual	KPI Status	Explanation
Guideline Questions Answered	Quarterly	98.2%	99.5%	98.5%	99.2%	98.8%	100%	96.4%	98.6%	Met	
<b>3 - 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. (2 Measures)</b>											
Data Request Response Time	Quarterly	95%	90.9%	76%	81.8%	80%	100%	93.8%	91%	Met	
GRID/GSS tickets resolved within 14 days	Quarterly	74.4%	75.8%	68%	60%	66.7%	72.4%	69.2%	69.6%	Met	

## 2019 Workload Measures

Measure	FY 2017 Actual	FY 2018 Actual	FY 2019 Q1	FY 2019 Q2	FY 2019 Q3	FY 2019 Q4	FY 2019 Actual
<b>1 - Identify Irregularities and Inconsistencies in Felony Sentences Imposed (1 Measure)</b>							
Number of Sealed Cases	2144	3026	884	484	492	625	2485
<b>1 - Review and Verify All Felony Sentences (7 Measures)</b>							
Number of CSOSA Criminal History Scores Submitted	2004	2833	462	637	678	542	2319
Number of Felony Cases Sentenced	2182	1813	410	394	415	368	1587
Number of Felony Counts Sentenced	2658	2316	545	509	539	477	2070
Number of Departure Letters Sent	124	114	52	12	45	53	162
Departure Letter Responses	79.1%	85.1%	78.8%	100%	86.7%	90.6%	86.4%
Number of Probation Revocations Sentenced	New in 2019	355	84	75	110	106	375
Number of sentences imposed as the result of 11(C)(1)(c) pleas	New in 2019	New in 2019	Annual Measure	Annual Measure	Annual Measure	Annual Measure	277
<b>2 - Maintain and Update Agency Website (1 Measure)</b>							
Number of Agency Website Hits	14,495	19,151	4874	4729	4884	4964	19,451
<b>2 - Provide Sentencing Guideline Training (3 Measures)</b>							
Number of Sentencing Guideline Trainings Provided	15	19	2	5	4	3	14
Agency Website Updates Completed	64	43	9	7	13	17	46
Number of individuals receiving Sentencing Guideline Training	New in 2019	New in 2019	17	26	24	29	96
<b>3 - Monitor and Maintain the Guideline Reporting Information Data (GRID) System (3 Measures)</b>							
Number Hours required to complete data requests	1688	971	Annual Measure	Annual Measure	Annual Measure	Annual Measure	932
Number of GRID Tickets Entered	45	69	15	9	29	13	66
Number of new charge codes mapped in GRID	Waiting on Data	21	5	72	78	10	165
<b>3 - Respond to Data Requests (1 Measure)</b>							
Number of Data Requests Received	38	47	11	10	14	32	67

## 2019 Operations

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Operations Header	Operations Title	Operations Description	Type of Operations
<b>1 - 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. (2 Activities)</b>			
SENTENCING GUIDELINE MONITORING	Identify Irregularities and Inconsistencies in Felony Sentences Imposed	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.	Daily Service
SENTENCING GUIDELINE MONITORING	Review and Verify All Felony Sentences	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.	Daily Service
<b>2 - 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. (4 Activities)</b>			
SENTENCING GUIDELINES TRAINING	Maintain and Update Agency Website	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.	Daily Service
SENTENCING GUIDELINES TRAINING	Provide Sentencing Guideline Training	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.	Daily Service
SENTENCING GUIDELINES TRAINING	Respond to Guideline Questions	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.	Daily Service
SENTENCING GUIDELINE MONITORING	Public Access to Sentencing Data	Provide a yearly data set on the agency's website to allow researchers and the public direct access to felony sentencing related data in the District.	Key Project
<b>3 - 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. (2 Activities)</b>			
POLICY REPORTS AND PROPOSALS	Respond to Data Requests	Effectively and efficiently respond to data requests from legislators, criminal justice professionals, and the public by providing accurate and timely sentencing information.	Daily Service
SENTENCING GUIDELINE MONITORING	Monitor and Maintain the Guideline Reporting Information Data (GRID) System	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.	Daily Service

## 2019 Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
<b>Provide Sentencing Guideline Training (1 Strategic Initiative)</b>				
Modifications to Guideline Trainings	The Evaluation Study of the Sentencing Guidelines contained several recommendations regarding modifications to criminal history calculations and application of the Guidelines. As the Commission implements these modifications, there will need to be specific trainings to ensure regular users of the Guidelines understand the changes and properly apply the Guidelines. At a minimum, the Commission will enact two Guideline Policy related changes by September 30, 2019. For each modification, two trainings will be completed within 30 days of the enactment of the policy change and a Guideline Alert will be developed and placed on the agency's webpage within 10 days of the policy change. In addition any required modifications to Guideline Reference material will be developed semi-annually and distributed electronically and in hard copy format when requested.	Complete	The two sentencing policy changes addressing the double counting issue related to criminal history were enacted by the end of June. Two trainings were provided to criminal justice professional to explain the impact of the change and the re-ranking of the two offenses on the sentencing grid. An email blast and Guideline Alert were completed to ensure judges, attorneys and other primary users of the Guidelines were aware of the policy change. Update guideline materials were distributed by September 1, 2019.	

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
<b>Public Access to Sentencing Data (1 Strategic Initiative)</b>				
Annual Public Data Set	Provide a yearly data set on the agency's website to allow researchers and the public direct access to felony sentencing related data in the District. All felony sentences imposed during calendar year 2018 will be downloaded from the Guideline Information Reporting Data (GRID) system will be downloaded on January 1, 2019. The all personal identifying information will be removed from the data set and the data set will be cleaned by March 15, 2019, and posted on the agency's website by April 30, 2019.	Complete	This Initiative was completed by the end of the second quarter of FY19	
<b>Respond to Guideline Questions (1 Strategic Initiative)</b>				
Classification of Guideline Questions	The agency responds to Sentencing Guideline related questions from practitioners and policy makers on a daily basis. To streamline the response time to Guideline related questions, the agency will categorize questions into three specific categories: (1) Criminal history related, (2) Guideline application, and (3) Other. These groupings will be monitored and will serve as the basis for a minimum of two new FAQs that will be added to the agency's website by the end of each quarter. These FAQs will provide guidance to the most frequently asked Guideline questions and identify specific areas that should be highlighted in future Guideline Trainings.	Complete	Of the XXX Guideline questions answered by the agency in FY 2019, XX % were related to criminal history score calculation. By developing a set of FAQs based on the subject matter of the questions, the number of incorrect criminal history scores will be reduced and staff resources can also be shifted to other sentencing related issues.	
<b>Review and Verify All Felony Sentences (1 Strategic Initiative)</b>				
11(c)(1)(c) Pleas	An 11(c)(1)(c) plea represents an agreement between a prosecutor, defense counsel, and the judge to a sentence that is considered compliant regardless of whether it falls within the recommended Guideline Sentence range. This initiative will identify and track quarterly the percentage of the total number of compliant Guideline Sentences that are the result of 11(c)(1)(c) pleas.	Complete	The agency tracked and reported 277 compliant 11(C)(1)(c) pleas in FY 2019, representing 14.8% of all sentences imposed. Analysis of the 277 pleas did not indicate that a trend for any specific offense or offender demographics.	