

# District of Columbia Sentencing Commission FY2017

## FY2017 Performance Accountability Report

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, 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.

## FY17 Top Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
Provided felony sentencing datasets and analysis on the Agency's website.	By developing and sharing sentencing datasets for public usage, the agency utilized its GRID system to not only analyze and monitor sentencing related data but to also make that data available to residents, criminal justice professionals and academic institutions as part of a public education effort. In addition, by making this data available on the website, staff resources are able to be used for more complex data analysis rather than responding to routine questions and requests.	DC Residents will have direct access to sentencing data that provides offense related sentencing trends for felony offenses from 2010 through 2016. The datasets can be used for analysis by residents to identify both the types and lengths of sentences imposed for specific felony offenses. In addition, a series of graphs are provided that highlight sentencing and demographic information. This data is intended to promote transparency and educate DC residents on felony sentencing trends in the District.
Developing and implementing a Guideline Training Evaluation Form.	The development and utilization of a Training Evaluation Form enabled the agency to define and tailor Guideline training sessions to the specific needs of various criminal justice practitioners, since the role of court, prosecutors and defense counsel in the sentencing process are different. After each training session evaluation responses are analyzed and training agendas are modified to focus on the specific areas that participants either indicated additional information was needed or where further clarification would be useful. These modifications allow for more detailed trainings that will result in the consistent and accurate application of the Guidelines in all felony sentencing procedures.	The Sentencing Commission is required by statute to provide ongoing training and technical assistance to the court and criminal justice practitioners to ensure the Guidelines are applied appropriately at sentencing, including any new modifications to the Guidelines. By incorporating training evaluations into the training sessions, areas of concern or confusion can be identified and addressed to ensure training participants are receiving the specific type of information needed or required. Comprehensive training will avoid inaccuracies in the application of the Guidelines and ensure that individuals receive the appropriate or recommended Guideline sentence.
The completion of	The Sentencing Guideline Evaluation Study revealed that overall the Guidelines are achieving their statutory goals.	The Guideline Evaluation Study revealed that overall the Sentencing Guidelines have been successful in achieving

a multi-year Evaluation Study of the DC Sentencing Guidelines that

However, the study also indicated specific aspects of the Guidelines that warrant further analysis to determine whether modifications may be warranted. The agency will analyze further these aspects of the Guidelines over the next two years to gain a more comprehensive understanding of the initial results and propose modifications to the Guidelines if appropriate.

their statutory goals of consistency, certainty and adequacy of punishment for felony offenses sentenced within the District of Columbia. Individuals convicted of similar offenses with similar criminal histories received similar sentences under the Guidelines which results in decreased disparity in sentences imposed.

## 2017 Strategic Objectives

Objective Number	Strategic Objective
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	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.
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.
4	Create and maintain a highly efficient, transparent and responsive District government. **

## 2017 Key Performance Indicators

Measure	Freq	Target	Q1	Q2	Q3	Q4	FY 2017	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. (3 Measures)</b>									
Percentage of Compliant Guideline Sentences	Quarterly	96.5%	96.7%	97.8%	94.2%	96.7%	96.4%	Nearly Met	The agency's goal was 96.5% for compliant sentences and the actual compliance rate was 96.4%. The very slight difference is due in part for cases in which a PSI was not ordered by the court and a criminal history score was not available - which is required to calculate compliance.
Compliant In-The-Box Sentences Imposed	Quarterly	86.5%	86.6%	88%	87.4%	89%	87.8%	Met	
Compliant Departures	Quarterly	93%	90%	92.7%	90.9%	90.7%	91.1%	Nearly Met	The agency encountered a lower response rate from departure letters sent to the court which impact the classification of whether a specific departure was compliant or non compliant.
<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	80%	89.5%	88.1%	93.4%	92.4%	90.6%	Met	

Guideline Questions Answered	Quarterly	99.5%	99.4%	99.4%	99.3%	93.6%	98.2%	Nearly Met	The agency's General Counsel was on Family Leave for five months and the Director was required to answer all Guideline Questions. Given the competing responsibilities, there were instances when the responses to guideline questions exceed the 24 hour goal.
<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>									
GRID/GSS tickets resolved within 14 days	Quarterly	60%	66.7%	87.5%	77.8%	72.7%	74.4%	Met	
Data Request Response Time	Quarterly	75%	100%	90%	100%	90.9%	95%	Met	

We've revisited a project to standardize District wide measures for the Objective "Create and maintain a highly efficient, transparent and responsive District government." New measures will be tracked in FY18 and FY19 and published starting in the FY19 Performance Plan.

## 2017 Workload Measures

Measure	Freq	Q1	Q2	Q3	Q4	FY 2017
<b>1 - Identify Irregularities and Inconsistencies in Felony Sentences Imposed. (1 Measure)</b>						
Sealed Cases	Quarterly	292	386	459	1007	2144
<b>1 - Review and Verify All Felony Sentences. (5 Measures)</b>						
Number of Felony Counts Sentenced	Quarterly	612	642	747	657	2658
Number of CSOSA Criminal History Scores Submitted	Quarterly	469	446	556	533	2004
Number of Felony Cases Sentenced	Quarterly	491	591	565	535	2182
Number of Departure Letters Sent	Quarterly	44	21	27	32	124
Departure Letter Responses	Quarterly	68.2%	83.3%	81.5%	87.5%	79.1%
<b>2 - Maintain and Update Agency Website. (1 Measure)</b>						
Agency Website Hits	Quarterly	1960	2704	4613	5218	14495
<b>2 - Provide Sentencing Guideline Training. (2 Measures)</b>						
Number of Sentencing Guideline Trainings Provided	Quarterly	7	3	3	2	15
Agency Website Updates Completed	Quarterly	11	21	17	15	64
<b>3 - Monitor and Maintain the GRID System. (2 Measures)</b>						
# Hours required to complete data requests.	Quarterly	196	495	478	519	1688
GRID Tickets Entered	Quarterly	15	8	9	13	45

### 3 - Respond to Data Requests. (1 Measure)

Data Requests Received	Quarterly	7	10	12	9	38
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## 2017 Strategic Initiatives

Title	Description	Complete to Date	Status Update	Explanation
<b>POLICY REPORTS AND PROPOSALS (3 Strategic initiatives)</b>				
Identify the necessary components to be included in a Continuity of Operations Plan	COOP planning is an effort to assure that capability exists to continue essential or functions that are mission critical across a wide range of potential emergencies. Given the time and resources the agency has expended over the past three years in developing a comprehensive and complex data system, developing a COOP plan is essential to ensure continued performance of essential functions during an emergency, protect records and data files, reduce or mitigate disruptions to operations and achieve a timely and orderly recovery for an emergency situation. This initiative will focus on identifying the necessary components to be included in a comprehensive COOP plan and will serve as the basis for the agency's development of a COOP plan.	Complete	The agency has identified the specific components that will be necessary to include in the agency's COOP Plan. The key components include: prioritization of agency functions, COOP requirements, emergency categories, activation plan and procedures, termination of COOP operations and maintenance of COOP plan. These components will serve as the building block for the development of a comprehensive COOP plan for the agency.	
Provide Sentencing Data Sets on WebSite	The agency will develop and post on its website, at a minimum, two data sets that include: (1) all felony counts sentenced between 2010 - 2016, and (2) all homicide counts sentenced between 2010 and 2016. These data sets will include both demographic and sentencing related data elements that will enable the public, students, and criminal justice professional to easily access and conduct their own analysis on this data increasing transparency, efficiency and public awareness of sentencing trends within the District of Columbia. This initiative will begin October 1, 2016 and be completed by April 3, 2017.	Complete	A dataset with all felony counts sentenced in the District of Columbia between 2010 and 2016 has been posted on the agency's website. In addition four graphs showing Age Group by Offense, Homicide by Sentence Year, Offense Types by Year, and Sentence Length by Offense Type.	
Evaluation Study	Phase II and III of the sentencing guideline evaluation study which analyzes sentencing patterns pre-and-post guideline implementation will be completed by November 30, 2016. The Guideline Evaluation Study, which focuses on the effectiveness of the guidelines in achieving their stated goals of certainty, consistency, and adequacy of punishment in sentencing will be completed and distributed in February 2017. The study will inform citizens, policy makers and criminal justice professionals of the impact the implementation of the guidelines have had on sentencing in the District.	Complete	The Guideline Evaluation study was completed and released in Mid-March 2017. The study examined the impact of the Guidelines on sentencing in the District and presented sentencing trends before and after the implementation of the Guidelines	
<b>SENTENCING GUIDELINE MONITORING (4 Strategic initiatives)</b>				
Judicial Compliance Verification Procedure	Develop and implement a standardized manual review process for sentences initially designated as "non-compliant" by the GRID system. All sentences initially identified as non-compliant will be reviewed for data quality issues and the data will be verified using JUSTIS within four weeks. This will enable departure letters to be sent to the court within 60 days	Complete	A standardized procedure has been developed and implemented that designates a series of checks to be completed within 4 weeks of sending a Departure Letter to the court. By sending the Departure Letters in a	

	of sentencing, with the goal of increasing departure letter response rates by 10%, and enable the agency to achieve its projected 96.5% compliant Guideline sentences. This initiative will begin on October 1, 2016 and be completed by September 30, 2017.		timely manner, response rates have improved and information received via the letters is more complete and comprehensive thus increasing the overall Guideline compliance rate.
11(c)1(c) Pleas	The Guidelines classifies certain sentences imposed outside the recommended guideline sentence range as "compliant departures" due to special sentencing rules or 11(c)(1)(c) pleas, which represent a sentence that has been agreed upon by both the prosecutor and defense counsel. Although these sentences are outside the recommended guideline sentence, they represent a specific type of sentence given that both parties are in agreement. The percentage of compliant departures that are classified as 11(c)(1)(c) will be calculated each quarter to identify the impact they have on the total number of compliant departure sentences imposed under the guidelines and to identify any sentencing trends that may occur.	Complete	Departures from the Guidelines are analyzed to determine if there is a need to modify or revise the recommended sentence under the Guidelines. 11(c)(1)(c) pleas are a specific type of departure that is considered a compliant departure since both the prosecution and defenses agree to the sentence to be imposed, rather than the court actually initiating the departure. By analyzing this specific departure type, the Commission will be able to identify what percentage 11(c)(1)(c) pleas represent of the total number of departures reported.
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Identify the necessary components to be included in a Continuity of Operations Plan	COOP planning is an effort to assure that capability exists to continue essential or functions that are mission critical across a wide range of potential emergencies. Given the time and resources the agency has expended over the past three years in developing a comprehensive and complex data system, developing a COOP plan is essential to ensure continued performance of essential functions during an emergency, protect records and data files, reduce or mitigate disruptions to operations and achieve a timely and orderly recovery for an emergency situation. This initiative will focus on identifying the necessary components to be included in a comprehensive COOP plan and will serve as the basis for the agency's development of a COOP plan.	Complete	The agency has identified the specific components that will be necessary to include in the agency's COOP Plan. The key components include: prioritization of agency functions, COOP requirements, emergency categories, activation plan and procedures, termination of COOP operations and maintenance of COOP plan. These components will serve as the building block for the development of a comprehensive COOP plan for the agency.
<b>SENTENCING GUIDELINES TRAINING (2 Strategic initiatives)</b>			
Improve Effectiveness of Guideline Training	Develop a Guideline Training Evaluation Form to be distributed and completed by participants at the end of each training that identifies the most and least effective areas of training by December 30, 2016. Data from the evaluation form will be recorded and analyzed by training staff quarterly and changes to the training syllabus will be implemented to achieve an effectiveness rating of 80% or higher by September 30, 2017.	Complete	The training evaluation form was developed and implemented with all trainings completed from January 1, 2017 through September 30, 2017. Feedback from the evaluations were used to modify the training syllabus to focus on the specific

			areas of importance to participants.	
Guideline Training FAQ's	<p>This initiative will develop a FAQ section for the Guideline Training portion of the agency's website and include the most frequent questions addressed during training sessions. Expanding the training portion of the website to include the FAQ's will complement the website trainings available and provide responses in a very quick and easy to access format to commonly asked questions, while increasing both citizens and criminal justice professionals understanding and applications of the Sentencing Guidelines. An initial set of FAQ's will be developed and posted by December 30, 2016, with updates to the list completed quarterly as needed.</p>	Complete	<p>The agency had a slight delay in posting the new FAQ's to the website given that the individual staff member assigned this task was on Paid Family Leave, However, the FAQ's have been developed and were posted on the agency's website in May 2017.</p>	