



DISTRICT OF COLUMBIA SENTENCING COMMISSION

FY 2022 PERFORMANCE AND ACCOUNTABILITY REPORT

JANUARY 15, 2023

CONTENTS

Contents	2
1 District of Columbia Sentencing Commission	3
2 2022 Objectives	4
3 2022 Operations	5
4 2022 Strategic Initiatives	7
5 2022 Key Performance Indicators and Workload Measures	10

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 2022 OBJECTIVES

Strategic Objective	Number of Measures	Number of Operations
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.	7	3
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	5
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	3

3 2022 OPERATIONS

Operation Title	Operation Description	Type of Operation
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	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
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
Review and Verify all Criminal History Scores	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.	Daily Service
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	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
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
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

(continued)

Operation Title	Operation Description	Type of Operation
Increase public outreach and education regarding the Sentencing Guidelines	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.	Daily Service
Public Access to Sentencing Data	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.	Daily Service
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	Effectively and efficiently respond to data requests from legislators, criminal justice professionals, and the public by providing accurate and timely sentencing information.	Daily Service
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
MPD Arrest Data Processing	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.	Daily Service

4 2022 STRATEGIC INITIATIVES

In FY 2022, District of Columbia Sentencing Commission had 4 Strategic Initiatives and completed 75%.

Title	Description	Completion to Date	Update	Explanation for Incomplete Initiative
Analysis of Rule 11(c)(1)(C) Plea	This analysis expands on the initial analysis for 11(c)(1)(C) pleas initiated in FY21, by examining the type and length of sentence imposed by both race and age to identify whether there are differences in the sentences (either type or length) by race and age. The agency will develop a quarterly report that includes the sentences imposed resulting from an 11(c)(1)(C) plea by offense type, sentence type and length, race and age of the individual, type of legal representation, and the recommended Guideline sentence. The analysis would be completed at the overall 11(c)(1)(C) plea level; at the offense category level, and if a sufficient number of individual offenses are available, at the offense level. The first report will be released by January 15, 2022, the second report by April 15, 2022, the third report by July 15, 2022, and the final report completed by September 30, 2022.	Complete	All of the reports were delivered and published on the Commission's website by the set initiative deadlines.	

Community Outreach	<p>During FY 2022, the agency will design four 15-minute in-house quarterly multimedia video presentations. These recordings will demonstrate how the Sentencing Guidelines operate in the District and the factors impacting sentences imposed. The videos will cover; (1) a brief history of the DC Sentencing Commission, (2) how the Guidelines function, (3) factors considered when developing the recommended guideline sentence, and (4) the types of recommended guideline sentences. The first video will be completed and uploaded to the agency's social media accounts (Twitter, Facebook, and YouTube) by November 2021, the second video by February 15, 2022, the third video by June 15, 2022 and the final video by September 15, 2022.</p>	Complete	<p>All videos were developed and published on the agency's website by the deadline.</p>	
GRID System Modifications - Enhancement	<p>In FY2022, the DC Superior Court will be implementing Odyssey, a new case management system. The agency will need to make modifications to its GRID data system to continue to receive IJIS 21.1 data. This multi-stage project will include: (1) identifying the technical requirements and business rules modifications necessary to receive data from the new Odyssey system to be completed by December 30, 2021; (2) design, implement, test, integrate and deploy updated data feed within existing GRID system without downgrading the system and analytic capabilities of the current GRID by April 15, 2022; (3) design and implement a comprehensive testing strategy that includes adequate rework, debugging, retest and regression testing through the change control process by June 15, 2022 and (3) complete inter-agency testing and deploy into production by September 30, 2022</p>	75-99%	<p>Completion of this initiative has been delayed due to factors outside of the agency's control. Specifically, the D.C. Superior Court has delayed the implementation of their new Odyssey system. Therefore, the agency cannot complete its own related enhancement until the Court finishes and deploys their own upgrade.</p>	<p>Completion of this initiative has been delayed due to factors outside of the agency's control. Specifically, the D.C. Superior Court has delayed the implementation of their new Odyssey system. Therefore, the agency cannot complete its own related enhancement until the Court finishes and deploys their own upgrade.</p>

Impact of
Guideline
Modifica-
tions

As a result of the impact that COVID-19 had on limited court operations, significant delays in sentencing occurred. The Commission enacted two Guideline modifications to address these delays. First was a modification to the definition of a short-split sentence and the second was the creation of a new mitigated departure factor. The agency will develop an annual report that will provide data on the frequency these two sentencing modifications were applied, the types of offenses to which they were applied, the modified sentence that was imposed, defendant demographics, and finally the percentage the modified sentences represented compared to all sentences imposed during the same time period.

Complete

This report was published in September 2022.

5 2022 KEY PERFORMANCE INDICATORS AND WORKLOAD MEASURES

Key Performance Indicators

Measure	Directionality	FY 2020	FY 2021	FY 2022 Target	FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2022	Was 2022 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.											
Compliant Departures	Up is Better	94.3%	92.1%	92%	63.4%	51.4%	62.5%	54.8%	58.4%	Unmet	In FY22 the agency changed how it calculated this KPI. It is now calculated by taking the number of compliant outside of the box sentences (numerator) divided by the total number of outside the box sentences (denominator). Due to this change, the prior FY2022 target is no longer a reasonable target (in fact such a high percentage under the new calculation would be problematic and indicate an issue with the judicial application of the Sentencing Guidelines).

Key Performance Indicators (continued)

Measure	Directionality	FY 2020	FY 2021	FY 2022 Target	FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2022	Was 2022 KPI Met?	Explanation of Unmet KPI
Percent of Compliant Guideline Sentences	Up is Better	94%	97%	97%	94.7%	93.5%	96%	95.7%	95.1%	Nearly Met	The Sentencing Guidelines are completely voluntary. Judges have discretion to impose any legal sentence. The slight reduction in compliant sentence may be the result of the sentencing changes as the Court emerges from the COVID-19 emergency. The Guidelines continues to enjoy a very high compliance rate.
Compliant In-The-Box Sentences Imposed	Up is Better	90.6%	90.9%	89%	85.5%	87%	89.4%	90.9%	88.4%	Nearly Met	The Sentencing Guidelines are completely voluntary. Judges have discretion to impose any legal sentence. The slight reduction in compliant in the box sentences may be the result of the sentencing changes as the Court emerges from the COVID-19 emergency. The Guidelines continues to enjoy a very high compliance rate.
Percentage of Sentences for Weapon Offenses Compliant with Guidelines	Up is Better	New in 2021	83%	90%	93.8%	94.9%	96.3%	94.5%	95%	Met	
Percentage of Sentences for Violent offenses that are compliant with the Guidelines	Up is Better	New in 2021	89.4%	92%	95.7%	94.4%	94.1%	96.7%	95.2%	Met	

Key Performance Indicators (continued)

Measure	Directionality	FY 2020	FY 2021	FY 2022 Target	FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2022	Was 2022 KPI Met?	Explanation of Unmet KPI
Percent of judicial departure letter responses received	Up is Better	82.1%	90%	80%	No applicable incidents	100%	70.6%	Waiting on Data	73.6%	Nearly Met	It is taking judges longer to respond to judicial letters. Therefore, the percent of responses is expected to increase over the next 90 days (there is some lag due to the time it takes judges to respond).
Percent of compliant sentences that represent 11(C)(1)(c) pleas	Up is Better	15%	15.6%	13%	17.4%	16.6%	10.3%	13.4%	14%	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.											
Guideline Questions Answered	Up is Better	98.9%	98.9%	98.5%	94.8%	100%	99.2%	100%	98.8%	Met	
Effective Guideline Trainings	Up is Better	90.2%	94.4%	89%	No applicable incidents	100%	100%	100%	100%	Met	
Number of Social Media Postings	Up is Better	New in 2021	264	65	233	189	189	179	790	Met	

Key Performance Indicators (continued)

Measure	Directionality	FY 2020	FY 2021	FY 2022 Target	FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2022	Was 2022 KPI Met?	Explanation of Unmet KPI
Percentage of Website Hits Related to Outreach and Education Material	Up is Better	New in 2021	46%	35%	9.3%	11.4%	16.8%	16.6%	13.8%	Unmet	The reason for the decrease in percentage of hits for educational materials is likely due to the increase in other materials (such as the publishing a new Guidelines manual - the Guidelines Manual regularly receives the most website hits - sharing of Commission data and Guidelines rules updates) we have also published on the site in FY22. Additionally, educational materials are also available on our Facebook page. Those numbers are not recorded here.
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.											
Data Request Response Time	Up is Better	92.5%	95.2%	85%	100%	100%	100%	100%	100%	Met	

Key Performance Indicators (continued)

Measure	Directionality	FY 2020	FY 2021	FY 2022 Target	FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2022	Was 2022 KPI Met?	Explanation of Unmet KPI
GRID/GSS tickets resolved within 14 days	Up is Better	76.3%	84.8%	70%	0%	0%	0%	0%	0%	Unmet	In FY 2022 the agency prioritized work on other time sensitive data system projects above resolving non-critical ticket issues (non-critical tickets do not impact the data system's general operations or capabilities). The agency also extended the average length of time it expects to resolve tickets by focusing on staff testing of the fixes before the ticket is deemed resolved. Due to this change, the measure has been modified for FY23. In FY22 there were no critical tickets reported. As such, while the tickets were resolved in a timely manner, it took longer than 20 days for each of the tickets to be fixed, tested, and accepted by the agency.
Percentage of Unique Arrests from MPD that are verified and processed in the GRID system	Up is Better	New in 2021	83.7%	85%	100%	100%	100%	100%	100%	Met	
Percentage of MPD Arrest Charges received that are Verified and Processed in GRID System	Up is Better	New in 2021	93.2%	76%	100%	100%	100%	100%	100%	Met	

Workload Measures

Measure	FY 2020	FY 2021	FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2022
Identify Irregularities and Inconsistencies in Felony Sentences Imposed							
Number of Sealed Cases	1310	7192	483	498	430	415	1826
Number of DQA's Identified and Submitted	97	54	Annual Measure	Annual Measure	Annual Measure	Annual Measure	24
Review and Verify all Criminal History Scores							
Requests for Missing Criminal History Scores	144	64	16	40	52	63	171
Review and Verify All Felony Sentences							
Number of CSOSA Criminal History Scores Submitted	794	728	289	291	259	254	1093
Number of Felony Counts Sentenced	910	913	310	378	479	371	1538
Number of Felony Cases Sentenced	706	673	243	307	378	299	1227
Number of Departure Letters Sent	55	16	0	12	27	34	73
Number of Probation Revocations Sentenced	363	117	40	44	29	52	165
Number of sentences imposed as the result of 11(C)(1)(c) pleas	122	97	Annual Measure	Annual Measure	Annual Measure	Annual Measure	249
Maintain and Update Agency Website							
Number of Agency Website Hits	21,153	25,554	7314	9443	10,064	8529	35,350
Provide Sentencing Guideline Training							
Number of individuals receiving Sentencing Guideline Training	212	123	45	25	100	165	335
Number of Sentencing Guideline Trainings Provided	13	8	1	2	6	18	27
Agency Website Updates Completed	72	414	21	20	37	19	97
Monitor and Maintain the Guideline Reporting Information Data (GRID) System							
Number of GRID Tickets Entered	29	33	2	5	4	8	19
Number Hours required to complete data requests	1286	2031	Semi-Annual Measure	Semi-Annual Measure	Semi-Annual Measure	Semi-Annual Measure	370
Number of new charge codes mapped in GRID	34	31	0	0	0	No applicable incidents	No applicable incidents
Number of Critical GRID Tickets Submitted	14	12	Annual Measure	Annual Measure	Annual Measure	Annual Measure	No applicable incidents
MPD Arrest Data Processing							
Total Number of MPD Arrest Charges Received	New in 2021	35,602	18,325	18,128	21,652	21,010	79,115

Workload Measures (continued)

Measure	FY 2020	FY 2021	FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2022
Number of Unique MPD Arrests Received	New in 2021	19,483	17,689	15,458	15,971	20,943	70,061
Respond to Data Requests							
Data Sets Provided	18	14	1	0	1	0	2
Number of Data Requests Received	47	42	2	4	2	3	11