



District of Columbia Sentencing and Criminal Code Revision Commission

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Frederick J. Weisberg, Chairman

Barbara Tombs-Souvey, Executive Director

February 8, 2016

The Honorable Kenyan McDuffie, Chairman
Committee on Public Safety and the Judiciary
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Chairman McDuffie:

Provided below, respectfully find the D.C. Sentencing and Criminal Code Revision Commission's responses to your Performance Oversight Hearing Questions of January 8, 2016.

General Questions

1. **Please provide, as an attachment to your answers, a current organizational chart for the agency, including the number of vacant, frozen, and filled FTEs in each division or subdivision. Include the names and titles of all senior personnel. Also provide the date that the information was collected on the chart.**

- a. **Please provided the current agency organizational chart.**

The agency's organizational chart as of February 1, 2016 is provided as **Attachment A**.

- b. **Please provide an explanation of the roles and responsibilities for each division and subdivision.**

The DC Sentencing and Criminal Code Revision Commission has two divisions: the Sentencing Guidelines Division and the Criminal Code Revision Division.

The Sentencing Guidelines Divisions oversees the development, maintenance, and application of the District's Voluntary Sentencing Guidelines that apply to all felony offenses sentences imposed by the DC Superior Court. Specific responsibilities include: (1) computing judicial compliance with the Guidelines; (2) collecting, analyzing, and reporting data related to sentencing trends and policy impact; (3) conducting sentencing policy related research; (4) providing assistance to judges and criminal justice professional regarding the use of the guidelines.

The Criminal Code Revision Division focuses on identifying and developing recommendations for revision to the DC Criminal Code that will create a uniform and coherent body of criminal law for the District. The recommendations for revisions focus on identifying overlapping provisions, confusing or outdated language, disproportional penalties, and other inconsistencies that would impede the fair and just administration of the law.

c. Please provide a narrative explanation of any changes made during the previous year.

The agency has not made any changes to the scope of work or responsibilities of either the Sentencing Guideline Division or the Criminal Code Revision Division during the past year.

2. Please provide, as an attachment, a current Schedule A for the agency, which identifies all employees by title/position, current salaries, fringe benefits, and program. This Schedule A should also indicate if the positions are continuing/term/temporary/contract and whether they are vacant or frozen positions.

Please see **Attachment B** for the agency’s Schedule A.

a. For each vacant position, please provide the status of the Agency’s efforts to fill the position, as well as the position number, the title, the program number, the activity number, the grade, the salary, and the fringe associated with each position. Please also indicate whether the position must be filled to comply with Federal or local law.

The agency does not have any vacant positions.

b. For each filled position, please provide the employee’s length of service with the agency.

Employee	Length of Service
Souvey, Barbara S.	6 Years 2 Months
Hebb, Mia A.	5 Years 10 Months
Fry, Linden A.	4 Years 5 Months
Schmechel, Richard S.	3 Years 3 Months
Serota, Michael	3 Years 0 Months
Redfern, Rachel S.	3 Years 0 Months
Park, Jinwoo	2 Year 4 Months
Wesley, LaToya Y.	1 Year 7 Months
Nitta, Bryson K.	1 Year 5 Months
Maru, Robel	0 Years 3 Months
Graham, Matthew A.	0 Years 3 Months

3. Please list all employees detailed to or from your agency, if any. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee’s projected date of return.

The agency does not have any employees detailed to or from another agency.

4. Please provide the Committee with:

- a. A list of all employees who received or retained cellphones, personal digital assistants, or similar communications devices at agency expense in FY15 and FY16, to date;

No agency employee has received a cellphone, personal digital assistants or similar communication devices paid for by the agency in FY15 or FY16 to date.

- b. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle accidents involving the agency's vehicles in FY15 and FY16, to date;

The agency does not own, lease or have assigned any vehicles in FY15 or FY16 to date.

A list of employee bonuses or special award pay granted in FY15 and FY16, to date;

No agency employee received a bonus or special award pay in FY15 or FY16 to date.

- d. A list of travel expenses, arranged by employee for FY15 and FY16, to date, including the justification for travel; and

The only travel expenses incurred by the agency were for three senior staff attending the National Association of Sentencing Commissions Annual meeting. The Executive Director and the General Counsel served as panel participants at the meeting and the Statistician attended several sentencing research panels to enhance the employee's knowledge of sentencing data and analysis related issues.

DC Sentencing and Criminal Code Revision Commission
FY 2015 TRAVEL EXPENSES BY EMPLOYEE

Agency Code	Fiscal Year	Employee Name	Position Title	Description	Justification	Expense Amount
FZ0	15	Linden Fry	General Counsel	Hotel, Airfare, Per Diem, Rental Car	Attend NASC Annual Meeting	2,265.50
FZ0	15	LaToya Wesley	Statistician	Hotel, Airfare, Per Diem	Attend NASC Annual Meeting	1,765.50
FZ0	15	Barbara Souvey	Executive Director	Hotel, Airfare, Per Diem	Attend NASC Annual Meeting	1,598.25
						0.00
AGENCY GRAND TOTAL						\$5,629.25

DC Sentencing and Criminal Code Revision Commission
FY 2016 TRAVEL EXPENSES BY EMPLOYEE

Agency Code	Fiscal Year	Employee Name	Position Title	Description	Justification	Expense Amount
FZ0	16			No travel has occurred in 2016 to date		0.00
						0.00

- c. **A list of the total overtime and workers' compensation payments paid in FY15 and FY16, to date, including the number of employees who received overtime and workers' compensation payments.**

The agency did not have any overtime or workers' compensation payments in FY15 or FY16 to date.

5. **With regard to the use of communication devices:**

- a. **What procedures are in place to track which individuals or units are assigned mobile devices (including, but not limited to smartphones, laptops, and tablet computers)? Please include how the usage of these devices is controlled.**

The agency has a total of three laptop computers and one tablet computer. All laptops, when not in use, are kept in a locked cabinet within the agency. One laptop computer is used only for trainings and presentations and is maintained by the agency's General Counsel. The remaining two laptops are available for use by staff as needed. An employee must physically sign the computer out by completing a form provided by the Administrative Assistant, which includes recording the serial number for the computer. If an employee has the computer in his/her possession for more than six continuous months, the employee is required to physically bring the computer into the agency for verification by the Administrative Assistant. Any damage or problems related to the laptop computers are to be reported to the Executive Director within 24 hours or the next business day. The agency has only one tablet computer that is used solely by the Executive Director and kept in her possession at all times.

- b. **How does your agency limit the costs associated with its mobile devices?**

The agency has only one tablet computer that is used by the Executive Director. The tablet was purchased based on cost quotes provided by DC Net and the service is provided through a contract with Verizon, also negotiated by DC Net. The agency has the minimal data package available through Verizon.

- c. **For FY15 and FY16, to date, what was the total cost including, but not limited to, equipment and service plans for mobile communications and devices?**

DC Sentencing and Criminal Code Revision Commission FY15 Total Communication Costs			
Expenditure Type	Description	Monthly Cost	Total Cost
Equipment	Laptop Computer		\$1,167.54
Service Plan	Data Plan for Tablet	\$33.01	396.12
Agency Total Expenditure			\$1,563.66

DC Sentencing and Criminal Code Revision Commission FY16 YTD Total Communication Costs			
Expenditure Type	Description	Monthly Cost	Total Cost
Equipment			
Service Plan	Data Plan for Tablet	\$33.01	396.12
Agency Total Expenditure			\$362.12

6. For FY15 and FY16, to date, please list all intra-District transfers to or from the agency.

FY 2015 List of Intra District Transfers -To Date FZO as Buyer (Transfers to Other Agencies)					
Agency Name : DC Sentencing and Criminal Code Revision (FZO)					
SELLING AGENCY	PROJECT CODE	DESCRIPTION OF SERVICES PROVIDED	AMOUNT	Start Date	End Date
OFRM	Various	PURCHASE/TRAVEL CARD - FZO	34,621	10/1/2014	9/30/2015
TOO	Various	Agency Shared IT Assessment	42,225	10/1/2014	9/30/2015
TOO	Various	Agency RTS Voice and Data Services	4,072	10/1/2014	9/30/2015
TOTAL			80,918		

FY 2016 List of Intra District Transfers -To Date FZO as Buyer (Transfers to Other Agencies)					
Agency Name: DC Sentencing and Criminal Code Revision (FZO)					
SELLING AGENCY	PROJECT CODE	DESCRIPTION OF SERVICES PROVIDED	AMOUNT	Start Date	End Date
OFRM	Various	PURCHASE/TRAVEL CARD - FZO	36,200	10/1/2015	9/30/2016
TOO	Various	Agency Shared IT Assessment	42,558	10/1/2015	9/30/2016
TOO	Various	Agency RTS, DC-Net Voice and Data Services	3,922	10/1/2015	9/30/2016
TOTAL			82,680		

The agency did not receive any intra-district transfers from other agencies in FY15 or FY16 to date.

7. For FY15 and FY16, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide: (1) the revenue source name and code; (2) the source of funding; (3) a description of the program that generates the funds; (4) the amount of funds generated by each source or program; and (5) expenditures of funds, including the purpose of each expenditure.

The agency did not maintain use or have available any special purpose revenue funds in either FY15 or FY16 to date.

8. For FY15 and FY16, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

**DC Sentencing and Criminal Code Revision Commission
FY 2015 SMART PAY CARD PURCHASES BY EMPLOYEE - Mia Hebb**

Agency Code	Fiscal Year	Cardholder Name	Purchase Limits			Expense Amount	General Purpose
			Daily	Single Item	Monthly		
FZO	15	Linden Fry	5,000.00	5,000.00	20,000.00	2,242.50	Out of District Travel
FZO	15	Linden Fry	5,000.00	5,000.00	20,000.00	2,297.52	Lodging/Hotel
FZO	15	Linden Fry	5,000.00	5,000.00	20,000.00	885.00	Conference Registration
FZO	15	Linden Fry	5,000.00	5,000.00	20,000.00	31.75	Legal Document/Cert. Mail
AGENCY GRAND TOTAL						\$5,456.77	

**DC Sentencing and Criminal Code Revision Commission
FY 2015 SMART PAY CARD PURCHASES BY EMPLOYEE - Linden Fry**

Agency Code	Fiscal Year	Cardholder Name	Purchase Limits			Expense Amount	General Purpose
			Daily	Single Item	Monthly		
FZO	15	Mia Hebb	5,000.00	5,000.00	20,000.00	6,931.85	Local Training/Travel
FZO	15	Mia Hebb	5,000.00	5,000.00	20,000.00	2,853.24	Westlaw
FZO	15	Mia Hebb	5,000.00	5,000.00	20,000.00	10,170.33	Office Supplies
FZO	15	Mia Hebb	5,000.00	5,000.00	20,000.00	1,622.08	Office Furniture
FZO	15	Mia Hebb	5,000.00	5,000.00	20,000.00	4,161.53	Equipment
AGENCY GRAND TOTAL						\$25,739.03	

**DC Sentencing and Criminal Code Revision Commission
FY 2016 YTD SMART PAY CARD PURCHASES BY EMPLOYEE - Linden Fry**

Agency Code	Fiscal Year	Cardholder Name	Purchase Limits			Expense Amount	General Purpose
			Daily	Single Item	Monthly		
FZO	16	Linden Fry	5,000.00	5,000.00	20,000.00	12.04	Cert. Mail/Legal Document
FZO	16		0.00	0.00	0.00	0.00	
AGENCY GRAND TOTAL						\$12.04	

**DC Sentencing and Criminal Code Revision Commission
FY 2016 YTD SMART PAY CARD PURCHASES BY EMPLOYEE - Mia Hebb**

Agency Code	Fiscal Year	Cardholder Name	Purchase Limits			Expense Amount	General Purpose
			Daily	Single Item	Monthly		
FZO	16	Mia Hebb	5,000.00	5,000.00	20,000.00	2,104.15	Local Training/Travel
FZO	16	Mia Hebb	5,000.00	5,000.00	20,000.00	1,015.56	Westlaw
FZO	16	Mia Hebb	5,000.00	5,000.00	20,000.00	1,577.87	Supplies
AGENCY GRAND TOTAL						\$4,697.58	

9. Please list all memoranda of understanding (MOU) entered into by your agency during FY15 and FY16, to date, as well as any memoranda of understanding currently in force. For each, indicate the date entered and the termination date.

FY 2015 MEMORANDA OF UNDERSTANDING (MOU) - BUYER SUMMARY				
DC Sentencing and Criminal Code Revision Commission (FZ0)				
SELLING AGENCY	DESCRIPTION OF SERVICES PROVIDED	AMOUNT	Start Date	End Date
Office of the Chief Technology Officer (OCTO)	Printing Services	3,000	10/1/2014	9/30/2015
TOTAL		3,000		

FY 2016 MEMORANDA OF UNDERSTANDING (MOU) - BUYER SUMMARY				
DC Sentencing and Criminal Code Revision Commission (FZ0)				
SELLING AGENCY	DESCRIPTION OF SERVICES PROVIDED	AMOUNT	Start Date	End Date
	The agency has no MOU's for FY16			
TOTAL		0		

10. Please list the ways, other than memoranda of understanding, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY15 and FY16, to date.

During FY15 and FY16 to date, the agency has collaborated with Court Services and Offender Supervision Agency (CSOSA) by sharing data related to offender criminal history scores. The Commission receives an offender's criminal history score calculated by CSOSA and the Commission provides CSOSA any changes that are made to the criminal history score by the court at the time of sentencing. This collaboration has increased the accuracy and timeliness of sentencing information for both agencies.

11. Please list all currently open capital projects, including an update on all capital projects under the agency's purview in FY15 and FY16, to date, including the amount budgeted, actual dollars spent, and any remaining balances. In addition, please provide:
- a. An update on all capital projects begun, in progress, or concluded in FY14, FY15, and FY16, to date, including the amount budgeted, actual dollars spent, and any remaining balances.

DC Sentencing and Criminal Code Revision Commission - FY 2014 - FY 2016 CAPITAL PROJECT STATUS - DC IT/UIS Intergration									
PROJECT NUMBER	Fiscal Year	PURPOSE	STATUS	AMOUNT	COMMITTED	FUNDS AVAILABLE	START DATE	COMPLETION DATE	PLANNED SPENDING FOR FUNDS AVAILABLE
FZ037C	FY 2014	Development and Implementation of GRID Data System	Completed	214,952.00	210,413.00	4,539.00	10/2012	12/2013	Funds will be used for any required modifications to the
FZ037C	FY 2015	Development of Bi-Directional XML Interface with CSOSA	Completed	347,690.00	347,690.00	0.00	10/2014	06/2016	All Capital Funds Expended
FZ083C	FY 2015	Modifications to Interface	Completed	21,562.00	21,562.00	0.00	06/2015	09/2015	All Capital Funds
TOTAL CAPITAL FUNDING				584,204.00	579,665.00	\$4,539.00			

- b. An update on all capital projects planned for FY16, FY17, FY18, FY19, FY20, and FY21.

The agency does not have any current Capital Projects planned for FY16 or FY17. The agency is currently exploring the possibility of expanding the GRID system in FY18 to include a direct arrest feed from MPD. Although

IJIS 12.1 contains some arrest related data, it does not provide the detailed location, arrest and demographic information contained in the MPD arrest feed. By merging the data in the MPD arrest feed with the IJIS 12.1 data from the DC Superior Court, the agency would create a much more comprehensive and robust data system to analyze sentencing patterns by geographic and offense characteristics. The agency is currently exploring the technical and business requirements that would be necessary to include this additional data feed.

- c. **Do the capital projects begun, in progress, or concluded in FY14, FY15, or FY16 to date have an impact on the operating budget of the agency? If so, please provide an accounting of such impact.**

The Guideline Reporting Information Data System (GRID) and the bi-directional interface with CSOSA, which is named the GRID Scoring System (GSS), require an annual Operations and Maintenance contract. The Year I contract was for a partial year of GRID operation. The Year II contract included a full year of GRID and a partial year of GSS. The current contract Year III represents a full year of both GRID and GSS.

Operations and Maintenance Costs for GRID and GSS		
Contract Option Year	System Coverage	Amount
Year I	GRID – Partial Year	\$123,807.82
Year II	GRID – Full Year, GSS Partial Year	\$184,136.91
Year III	GRID and GSS – Full Year	\$212,139.49

- 12. **Please provide, as an attachment, a list of all budget enhancement requests (including, but not limited to, capital improvement needs), for FY15 and FY16, to date. For each, include a description of the need and the amount of funding requested.**

Please See **Attachment C**

In FY15 the agency submitted a budget enhancement in the amount of \$55,000 to assist with a partial year of operations and maintenance cost for the agency’s new data system. However, the agency withdrew the enhancement request due to funding being made available through Deputy Mayor of Public Safety’s office.

In FY16, the agency submitted two budget enhancements: (1) a technical enhancement in the amount of \$87,723 to fund a partial year of operations and maintenance for GSS since the agency’s FY15 Capital Budget request for GSS funding had not been approved at the time of the agency’s FY15 budget submission; (2) a budget enhancement in of \$83,433 was requested to fund a new research analyst in the position to assist with the increased number of data requests received by the agency due to the implementation of the GRID system.

- 13. **Please list, in chronological order, every reprogramming in FY15 and FY16, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, and within the agency. Include the revised, final budget for your agency after the reprogramming for FY15 and FY16. For each reprogramming, list the date, the amount, the rationale, and the reprogramming number.**

**DC Sentencing and Criminal Code Revision Commission (FZ0)
FY 2015 REPROGRAMMING LIST**

LOCAL				Starting Budget	\$1,401,315
FISCAL YEAR	FUND	DATE	SOAR DOC #	DESCRIPTION	AMOUNT
2015	0100	09/31/15	BJPAFZ11	Reprogrammed - Pay-As-You (IJIS) contract	11,760.00
2015	0100	12/19/14	BJREFAFZ	REPROGRAM FROM FA0 TO FZ0 - IJIS	53,000.00
				Final Budget	1,466,075

**DC Sentencing and Criminal Code Revision Commission (FZ0)
FY 2016YTD REPROGRAMMING LIST**

LOCAL				Starting Budget	\$1,609,771
FISCAL YEAR	FUND	DATE	SOAR DOC #	DESCRIPTION	AMOUNT
2016	0100			None	0.00
				Final Budget	1,609,771

14. **Please list each grant or sub-grant received by your agency in FY15 and FY16, to date. List the date, amount, and purpose of the grant or sub-grant received.**

The agency did not receive any grants or sub-grants in FY15 or FY16 to date.

15. **How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans (if any) are in place to continue funding?**

The agency has no FTE's that are dependent on grant funding.

16. **Please list all pending lawsuits that name the agency as a party. Please identify which cases on the list are lawsuits that potentially expose the city to significant financial liability and/or will result in a change in agency practices, and the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.**

The agency has no pending lawsuits.

17. **Please provide the total number of administrative complaints or grievances that the agency received in FY15 and FY16, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received.**

The agency had no administrative complaints or grievances filed during FY15 or FY16 to date.

18. **Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during FY15 and FY16, to date.**

Neither the agency nor any employee of the agency is involved in any ongoing investigations, audits or reports that were completed during FY15 or FY16 to date.

1. **Please describe any anticipated spending pressures for FY16. Include a description of the pressure, the estimated amount, and any proposed solutions.**

At the current time, the agency does not anticipate any specific spending pressures in FY16.

2. **Please provide, as an attachment, a copy of the agency's FY15 performance plan. Please explain which performance plan objectives were completed in FY15 and whether or not they were completed on time and within budget. If they were not, please provide an explanation.**

Please See **Attachment D** the FY15 Performance Plan.

The agency's FY15 Performance Plan contained three objectives listed below:

- Objective #1 – Promulgate the accurate, timely, and effective use of the sentencing guidelines in every felony case.

This objective, which contained two initiatives, was completed on time and within budget.

- Objective #2 – Promulgate compliance with the sentencing guidelines in at least 93% of all felony cases.

This objective, which contained two initiatives, was completed on time and within budget.

- Objective #3 – Analyze the District of Columbia's current criminal code and propose reforms to the criminal code to create a uniform and coherent body of criminal law in the District of Columbia

Objective #3 contained three initiatives that were revised in March 2015 due to a change in the focus of the Criminal Code Revision project. The three revised initiatives focused on activities related to the Enactment of Title 22. The revised initiatives enabled the objective to be completed on time and within budget.

Please provide, as an attachment, a copy of your agency's FY16 performance plan as submitted to the Office of the City Administrator.

Please see **Attachment E** for the FY16 Performance Plan.

3. **Please provide the number of FOIA requests for FY15 and FY16, to date. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time; the estimated number of FTEs required to process requests, and the estimated number of hours spent responding to these requests.**

The agency did not have any FOIA requests in FY15 or FY16 to date.

4. **Please provide a list of all studies, research papers, reports, and analyses that the agency prepared, or contracted for, during FY15 and FY16, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee.**

1. DC Sentencing and Criminal Code Revision Commission 2014 Annual Report.

The agency's Annual Report contains an overview of the Sentencing Guidelines, agency data sources, sentencing trends, compliance rates and criminal code revision activities for 2014. The report was submitted to the Council on April 25, 2015.

2. DC Sentencing and Criminal Code Revision Commission 2015 Annual Report (4/30/16).

The agency's Annual Report contains an overview of the Sentencing Guidelines, agency data sources, sentencing trends, compliance rates and criminal code revision activities for 2015. The report was submitted to the Council on or before April 30, 2016.

3. DC Sentencing and Criminal Code Revision Commission 2015 Voluntary Sentencing Guideline Manual.

The Sentencing Guideline Manual describes in detail how the Voluntary Guidelines operate and includes any guideline policy changes, new offenses ranked, or guideline application rules. The Guideline Manual was submitted to the Council on June 29, 2015.

4. DC Sentencing and Criminal Code Revision Commission 2016 Voluntary Sentencing Guideline Manual (6/30/16).

The Sentencing Guideline Manual describes in detail how the Voluntary Guidelines operate and includes any guideline policy changes, new offenses ranked, or guideline application rules. The Guideline Manual will be submitted to the Council by June 30, 2016.

Personnel

1. **Please separately list each employee whose salary was \$110,000 or more in FY15 and FY16, to date. Provide the name, position number, position title, program number, activity number, salary, and fringe. In addition, state the amount of any overtime or bonus pay received by each employee on the list.**

DC Sentencing and Criminal Code Revision Commission
FY 2015 LIST OF EMPLOYEE(S) SALARY OF \$100,000 OR MORE

Agency Code	Fiscal Year	Program Number	Activity Number	Employee Name	Position Number	Position Title	Salary	Fringe	Overtime Pay	Bonus Pay
FZ0	15	2000	2040	Barbara Souvey	13485	Executive Director	\$138,140.00	\$24,865.20	\$0.00	\$0.00
FZ0	15	1000	1060	Richard Schmechel	47268	Project Director	\$123,064.00	\$22,151.52	\$0.00	\$0.00
AGENCY GRAND TOTAL							\$261,204.00	\$47,016.72	\$0.00	\$0.00

DC Sentencing and Criminal Code Revision Commission
FY 2016 LIST OF EMPLOYEE(S) SALARY OF \$100,000 OR MORE

Agency Code	Fiscal Year	Program Number	Activity Number	Employee Name	Position Number	Position Title	Salary	Fringe	Overtime Pay	Bonus Pay
FZ0	15	2000	2040	Barbara Souvey	13485	Executive Director	\$142,283.98	\$25,611.12	\$0.00	\$0.00
FZ0	15	1000	1060	Richard Schmechel	47268	Project Director	\$126,756.33	\$22,816.14	\$0.00	\$0.00
AGENCY GRAND TOTAL							\$269,040.31	\$48,427.26	\$0.00	\$0.00

2. **Please list in descending order the top 25 overtime earners in your agency in FY15 and FY16, to date. For each, state the employee’s name, position number, position title, program number, activity number, salary, fringe, and the aggregate amount of overtime pay earned.**

No agency employee received overtime during FY 2015 and FY 2016 to date.

3. **For FY15 and FY16, to date, please provide a list of employee bonuses or special award pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.**

No agency employee received a bonus or special award pay during FY15 or FY16 to date.

4. **Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement.**

All agency employees are designated Excepted Service Employees and are not subject to any collective bargaining agreement.

Agency Operations

1. **What are your top five priorities for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in FY16 and FY17.**

Priority #1 – Complete the Phase I of Sentencing Guidelines Evaluation Study.

The District’s Voluntary Sentencing Guidelines were designed and enacted in 2006 with the goals of ensuring certainty, consistency, and adequacy of punishment in relation to the seriousness of the offense, dangerousness of the offenders, and the protection of public safety. In addition, the guidelines were developed to reduce disparity and ensure proportionality in felony sentences imposed. The Commission has concluded 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 assess whether these goals have been achieved.

The research design for the Five Year Evaluation Study of the Sentencing Guidelines was approved by the full Commission in April 2015. The Guideline Evaluation Project involves three distinct phases: (1) Evaluation of whether the statutory goals of the Sentencing Guidelines have been achieved; (2) Completion of a comparative of analysis of sentences pre and post guideline implementation; and (3) Development of data driven

recommendations for potential modifications to the guidelines and to identify areas for further research.

After a comprehensive data quality verification process, the Commission has completed Phase I of the evaluation, which involve 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. These analyses focused on predictability of sentences imposed; consistency of sentences imposed by Offense Severity Group and Criminal History Score; impact of mandatory minimum sentencing provisions; and the distribution of sentences within individual grid cells. Phase I results will provide an overview of current sentencing patterns and identify the extent to which the Guidelines are achieving their statutory goals.

Priority #2 – Complete the Phase II of Sentencing Guidelines Evaluation Study.

Phase II of the Five Year Evaluation Study of the Guidelines, includes a comparative analysis of felony sentences imposed prior to the implementation of the Sentencing Guidelines with similar felony sentences imposed under the Sentencing Guidelines to determine whether sentencing patterns have changed either by the type or length of sentence type imposed.

The Sentencing Guidelines recommend both the type of sentence (incarceration, split or probation) and a corresponding sentence range for each felony offense with in the District based on an adequacy of punishment principle. Phase II of the evaluation study will analyze approximately 19 equivalent variables from a pre-guideline dataset (1993 to 1998) with the guideline data set (2010 to 2014) to assess whether, and to what extent, sentencing patterns have changed. This phase will also identify whether sentences are normally distributed within each ranking group for the two data sets. This analysis will enable the Commission to determine whether the goals of consistency and adequacy of punishment have been achieved under the guidelines.

Priority #3 -Review and Identify Data Risk Issues to include in Agency Data Security Plan.

The agency intends 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). These data systems contain sensitive and confidential offender and offense related information that is used by the agency to analyze sentencing related data, and develop sentencing policy. Ensuring that the data is received, stored, and analyzed in an appropriate, secure manner is critical to the agency's mission, and requires both knowledge and understanding of the potential risks faced by the agency.

Risk can never be eliminated but it can be managed through a well-designed and implemented data security system. The foundation of an effective Data Security plan is assessing the four primary risk factors: (1) threats, (2) vulnerabilities, (3) likelihoods, and (4) impact. The agency will undertake an assessment of these four risk factors on the technical, business, and organizational components of the agency's data system using both quantitative and qualitative measures to identify weaknesses in the current system's access and design. 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.

Priority #4 – Develop Five New Statistical Compliance Graphs or Charts for the Agency Website.

The agency intends to expand the Data Section of the its website to include five new graphs and charts analyzing judicial compliance with the Sentencing Guidelines.

As part of its statutory mandate, the Commission continually monitors and analyzes judicial compliance with the Guidelines to review sentencing practices in the District and to enable the Commission to identify specific areas of the Guidelines that may need modification or revision. 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.

Displaying and making compliance data available to criminal justice professionals, academics, defendants, and the general public, will serve as both an educational and public awareness component of the Sentencing Guidelines for the District. The five new statistical graphs and charts will include: overall compliance rates, compliance rates by offense category, percentage of compliant departures, and percentage of non-compliant departures. The Commission intends to have this data available on its webpage by the end of FY16.

Priority #5 – Develop a Comprehensive Data Dictionary for GRID and GSS.

With the development of the GSS and GRID data systems, the agency now has the capability to develop specific datasets that can be posted on the agency webpage, as well as, shared through individual data requests. The agency is currently working towards developing these data sets. One of the specific tasks necessary for sharing datasets is developing a comprehensive data dictionary to ensure individuals can identify and understand the specific data elements included in a data set.

The objective of developing a data dictionary is to provide a single, central document containing the definitions, format, and other important details of all data elements the Sentencing Commission captures and uses in its analyses. The document will not only define each data element so users truly understand the analyses they wish to conduct but will also provide necessary information about how the Guidelines operate such as how Criminal History Scores are determined, what determines a compliant sentence, and other useful information.

The data dictionary will serve both an internal and external purpose. Internally it will increase efficiency by serving as a reference to consult on most data questions and serve as a training tool for new agency staff. Externally this document will assist policy makers, researchers, or members of the public seeking to understand the Sentencing Commission's analyses. It will also allow individuals to produce their own original analyses using Commission data. The data dictionary will define each element in the dataset, possible values for each data element, appropriate use of the data element, and identify the limitations of the data, thus increasing transparency and reducing staff resources required to address individual data related questions.

Once a preliminary draft document has been developed, it will be reviewed by the agency's General Counsel and Executive Director to ensure all representations are accurate, and all the necessary information is included in the data dictionary. Once approved, the publication will be posted on the Commission's website. The development of a Data dictionary will increase efficiency, transparency, and understanding of sentencing data for the District.

2. **Please describe the status of the Criminal Code Revision project. Has the Criminal Code Revision Committee completed any proposed revision recommendations? If so, please detail the specific offense categories completed.**

The Criminal Code Revision Project is currently in the process of updating the Project Management Plan that guides code revision activities. The Commission approved the current Project Management Plan on March 17, 2015 and provided it to the Council as part of the agency's 2014 Annual Report. The current updated Project Management Plan will focus on maximizing the agency's progress toward meeting its statutory mandates prior to the September 30, 2016 deadline, and will include a contingency plan should Council legislation concerning criminal code reform be passed in FY 2016.

Project work in 2015 focused on preparing recommendations for the enactment of Title 22 and codification of other criminal code revisions, such as identifying statutes that are obsolete or held to be unconstitutional (collectively called "Enactment Plus Materials").

The Commission's Criminal Code Revision Committee (CCRC) developed draft recommendations and the Commission subsequently reviewed and adopted the CCRC's draft Enactment Plus Materials. In September 2015, the Commission presented its recommendations to the Council and Mayor in its *Report on Enactment of D.C. Code Title 22 and Other Criminal Code Revisions* and accompanying *Appendices*, which included draft legislation.

In recent months, the Commission and the CCRC have returned to reviewing draft revision recommendations that the CCRC developed over the past two years. Draft revisions have been improved by incorporating feedback from agency reviews conducted by the three criminal justice agencies represented on the CCRC (the United States Attorney's Office for the District of Columbia, the Public Defender Service for the District of Columbia, and the Office of the Attorney General for the District of Columbia). The Project has worked towards finalizing a set of general provisions that would apply to all revised offenses, including the 14 property and 9 drug offenses currently under consideration.

At its November 2015 and January 2016 meetings, the Commission approved the approach of applying the general provisions to the revision process, including the recommended approach to revising property offenses. However, CCRC recommendations to date are in draft form remain subject to further consideration and change until the completion of the Project in September 2016.

3. **Please describe any and all effects that the Ranking Committee has had on the SCCRC's work for FY15 and FY16, to date.**

The Ranking Committee was renamed the Guidelines Implementation Committee in FY14 to more accurately reflect the role of the Committee. This change was necessary because, in addition to ranking new offenses, the Committee also evaluates potential policy changes that may affect the Guidelines, and oversees modifications to the D.C. Voluntary Sentencing Guidelines Manual.

In 2015 the Council did not enact any legislation that necessitated the Commission ranking or re-ranking any felony offenses. Thus, Committee focused its efforts on how the Guidelines address and score prior marijuana convictions following the District's decriminalization and legalization of possession, growing, and sharing of small amounts of marijuana.

Following an extensive review of the changes to the District's marijuana laws, along with the historic scoring of marijuana offenses, the Committee developed, and the Commission approved, a policy regarding the scoring of prior marijuana convictions. In summary, the new rule provides that prior convictions for possession or possession with intent to distribute (PWID) marijuana are not initially scored. Prior convictions for distribution of marijuana are initially scored. If the court finds that, based on the specific facts of the underlining prior possession or PWID marijuana conviction, that the prior conduct remains illegal after decriminalization/legalization, the initial scoring is changed and the conviction is scored as part of a defendant's prior criminal history. Similarly, if the court finds that, based on the specific facts of the underlining prior distribution of marijuana conviction that the conduct has been decriminalized/legalized, the initial scoring is changed and the conviction is not scored.

Given to the complexity of the new policy, following its implementation, the Commission provided trainings to attorneys, judges, and CSOSA officers on how to accurately apply the new rule. Additionally, a training specific to the scoring of prior marijuana offenses was posted on the Commission's website.

4. **Please describe the progress of the SCCRC's new data system.**

The agency's new data system, Guideline Reporting Information Data (GRID) system, was completed and deployed into full production in early FY 2014. The GRID system utilizes IJIS 12.1 offender, offense and sentencing related data from the D.C. Superior Court received through JUSTIS to monitor the application of the sentencing guidelines and to analyze sentencing trends in the District. The development of the GRID system began in January 2013 and was completed within both the original contract period and approved budget.

One of the key components of the new data system is the inclusion of a "rules engine" which allows for modifications to the system from the users rather than requiring changes

to be implemented through a contractor. This feature of the system enables changes to the guideline structure, addition of new offenses, or calculation of criminal history to be made by Commission staff, rather than a contractor, thus providing both flexibility and notable cost containment. During FY 2015, the agency staff completed a comprehensive review of the rules engine and implemented several modifications to enable the data system to further refine the level of analysis and compliance calculations possible. This modification enhances both the validity and reliability of the data reported by the agency.

The GRID system is designed to analyze sentencing data by offender, case, count, or offense type. The system also capable of automatically calculating judicial compliance based on offense severity group, criminal history score, and sentencing guideline rules, thus reducing both human error and staff resources. The analysis capability of the system allows for both programmed and ad hoc queries, which enables a wide range of analytical research capabilities. The increased analytic functionality of GRID has also enabled the Commission to respond to 49 data requests in FY2015 in a timely manner.

The calculation of judicial compliance with the guidelines requires the determination of an offender's criminal history score and the offense severity level of the crime being sentenced. Court Services Offender Supervision Agency (CSOSA) calculates the offender's criminal history score and provides it to both the Court and the Commission. During the initial development of GRID, specific functional and security issues surrounding the transfer of criminal history scores from CSOSA were identified. To ensure the GRID project followed the completion timeline and remained within budget, a short-term/temporary one-directional XML was implemented that allowed for the basic criminal history information from CSOSA to be transferred to the Commission. However, the XML interface did not provide for a two-way transmission of data between the agencies nor did it allow for sentencing and criminal history updates to be shared via the interface. Implementation of a bi-directional transmission of data between the two agencies was necessary to fully utilize the multiple functions of the GRID system and to provide the most timely and accurate sentencing information available, thus reducing criminal history score errors identified at sentencing.

In FY14, the agency began the development of the GRID Scoring System (GSS) as an enhancement to GRID. GSS was designed to provide a long-term permanent and secure automated bi-directional transactional XML interface between the SCCRC and CSOSA that complies with both District and Federal requirements. This interface will securely and automatically share criminal history and criminal score related information with CSOSA's SMART System. This enhancement project electronically transfers criminal history scores from CSOSA to GRID, where they are matched to the appropriate felony case and judicial compliance is automatically calculated. Any change to the criminal history score that occurs at sentencing are electronically transferred back to CSOSA and the appropriate adjustment is made to the offender's record, thus reducing future criminal history score errors.

The design and development of GSS was completed in December of FY15 and the system went into pilot testing for two months to ensure all technical and business processes were operating

correctly. GSS was successfully deployed into full production on March 1, 2015. In late FY 2015, GSS was modified to allow GRID to generate a message directly to an assigned CSOSA officer requesting a missing criminal history score. This new functionality has significantly decreased the number of cases missing a criminal history scores. In since FY15, every eligible felony case sentenced had a criminal history score assigned. Since GRID and GSS are now fully operational, the agency and the District will benefit from improved data quality and availability of criminal history scores.

5. **Please describe any training or educational components located on the SCCRC's website.**

The Commission continues use its website as an integral part of its ongoing effort to increase transparency and public awareness of the Commission's activities. As part of this effort, the Commission has dedicated an entire section of the website to providing visitors with a variety of training and educational materials. A link to the training section is prominently featured on the Commission's homepage.

The training section of the website allows those unfamiliar with the Guidelines to gain a basic understanding of their history, purpose, and scope. This includes two newly added self-guided trainings. At the same time, resources such as Guidelines Alerts, Manuals, and meeting minutes allow practitioners to find the most current detailed information on the Guidelines, along with a complete historical index of Guidelines Manuals.

The Commission currently has four separate online trainings available to the public:

1. An Introduction to Sentencing: This is an introductory training that focuses on the sentencing process in the District of Columbia Superior Court. It was created solely for people who are unfamiliar with sentencing or the legal process, especially those who are interacting with the process for the first time (victim, defendant, family members, etc.). The training does not focus on the Sentencing Guidelines, but shows users how the Guidelines fit into the sentencing process.
2. Basic Voluntary Sentencing Guidelines Training: This is an introductory training for individuals with limited or no exposure to the D.C. Voluntary Sentencing Guidelines. It is designed so that legal practitioners and members of the public can learn the basic information about the application of the Sentencing Guidelines in the District. The training also provides an overview of how the Sentencing Guidelines are used by practitioners and judges.
3. Calculating Prior Criminal History: This is an advanced training focusing on how a defendant's prior criminal history score is calculated. Criminal history score calculations are one of the more complex aspects of the Sentencing Guidelines, and a majority of the questions the Commission receives from practitioners involve the calculation of a defendant's prior criminal history score. The training was developed to help those working with the Guidelines better understand how a defendant's criminal history score is calculated and what can be done to challenge a criminal history score.

4. The Scoring of Prior Marijuana Convictions: This training is designed for practitioners. It focuses on the recent changes the Commission made to scoring prior marijuana convictions under the Guidelines. Following marijuana legalization, the Commission created a new rule on how the Guidelines treat and score prior marijuana convictions because the conduct underlying those convictions may have been decriminalized and/or legalized. This training provides a step-by-step explanation of how to apply the new rule. Moving forward, the Commission will produce a specific training for every major Guidelines rule change.

In January 2015, the Commission also published a Sentencing Quick Reference Guide for practitioners to print out and take with them to sentencing hearings. The reference contains sentencing and Guidelines information that is useful to have during a hearing (such as Guidelines aggravating and mitigating departure factors, any applicable mandatory minimum sentences, and periods of supervised release for different offenses). The Commission hopes the reference is beneficial to attorneys and judges.

6. **Please describe the extent to which the SCCRC has developed the evaluation study of the sentencing guidelines.**

The Commission initiated an evaluation of felony sentencing under the Sentencing Guidelines from 2010 to 2014 to accurately illustrate sentencing practices in the District. Specifically, the Commission set out to determine whether the Sentencing Guidelines were meeting the statutory goals of consistency, certainty, and adequacy of punishment. An empirical research study evaluating the use of the Sentencing Guidelines was proposed to provide reliable evidence about felony sentencing trends, and allow the Commission to determine whether and/or where modifications may be necessary. Therefore, the Commission developed an evaluation study with three phases: 1.) an examination of current determinate sentencing practices in relation to the statutory goals [Phase I], 2.) a comparative analysis of indeterminate versus determinate sentence trends [Phase II], and 3.) recommendations related to the Sentencing Guidelines and future research [Phase III].

The Commission's Research Committee identified six research questions related to consistency, certainty, and adequacy of punishment to examine current felony sentencing trends in the District. Following a period of comprehensive data quality assurance, the Commission has nearly completed the first phase of the evaluation, which includes an extensive examination of sentencing trends and anomalies occurring between 2010 to 2014. Phase I results will provide an overview of current sentencing patterns, and identify the extent to which the Sentencing Guidelines are meeting the statutory goals.

In March 2016, the Research Committee will begin Phase II, examining felony sentences for offenders sentenced under the indeterminate sentencing system. The Commission has secured sentencing data from the U.S. Parole Commission for offenders released in 2000 and 2001, which will allow for a comparative analysis of previous sentences served under the indeterminate sentencing system. The District used an indeterminate sentencing system for offenders sentenced prior to August 2000.

Results from Phases I and II will allow the Research Committee to develop data driven and research-based recommendations related to the Sentencing Guidelines for presentation to the Commission in Phase III.

7. Please describe the progress of SCCRC's development of data request policy and procedure.

During FY 2015, the Commission developed a standardized Data Request Form and implemented procedures for reviewing and approving data requests submitted to the agency. Data is available from the Commission in two forms:

(1) Aggregate data distributed by the Commission displayed in graphs and tables depicting the information made available by DCSC and CSOSA, as well as guidelines compliance data variables generated by the Commission. This data can be found on the Commission's website, or through data requests made directly to the Commission.

(2) Requested data sets which have been purged of all identifying information about offenders, offer the ability to complete an analysis of sentencing data. These data sets contain data elements received from DCSC and CSOSA, as well as compliance data generated by the Commission. This type of data may be directly requested from the Commission.

The Commission does not provide individual sentencing information, or data that would allow for offenders or ex-offenders to be identified. Information on specific cases or defendants is available from the Superior Court Aggregate data and data sets distributed by the Commission reflect the most current data available to the Commission at the date and time of dissemination. It will not reflect any updates or adjustments made after the data request has been fulfilled.

All data requests must be completed using the Commission's Data Request Form after the requester has determined that the data is not currently available on the Commission's Data and Charts webpage. Individuals or entities requesting data must provide a detailed description of the data requested. This should include a listing of the data elements to be compared for aggregate data requests, or to be included in a requested data set. Upon request, the Commission's Statistician may provide assistance to individual submitting data requests.

The requestor of aggregate data and/or data sets should also provide a detailed description of the purpose for the data requested. Data requests may include examination of sentencing data involving offenders, cases, and/or counts; and the requestor is responsible for identifying which level is pertinent to his or her request. Data request forms that are not complete, or that are unclear, will be returned for further clarification. Only when the data request form is fully completed, will the Commission be able to process a data request. The data request must be approved by the Executive Director of the Commission prior to the start of any analysis

The Commission will attempt to fulfill data requests within 20 business days from the date a data request is approved by the Executive Director. Individuals or entities requesting data

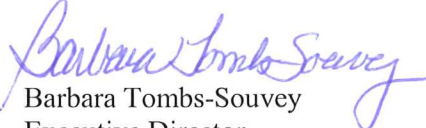
will also receive a confirmation of the approval, and will be provided a projected delivery date. Requests will then be processed based on the other priorities of the Commission. In instances where the Commission denies or is unable to fulfill a request, the requestor will receive notification including a brief explanation as to why the request could not be fulfilled. Once a data request has been submitted, it cannot be modified. Any requested modifications will be handled as a new data request. Multiple data requests are not subject to the 20-day timeline; however, they will be addressed in a timely manner.

Responses to requests for aggregate data will be provided in the form of PDF documents unless otherwise specified in the initial notice of approval by the Executive Director, and will include a brief synopsis of the data presented. Requests for a dataset will be completed by providing the data set as a Microsoft Excel document. While a data request seeking a data set may be approved, no personal identifying information will ever be provided regarding individuals involved in any court case (i.e., offender, witness, judge, attorney, or police officer).

A draft of the Data Request Policies and Procedures was presented to the Commission for review in November 2014. The policies and procedures were revised and modified after discussion and feedback from Commission members. The final version of the Data Request Policies and Procedures was approved by the full Commission at its March 17, 2015 meeting.

Please feel free to contact me if any additional information or clarification to any of the responses provided.

Respectfully Submitted,


Barbara Tombs-Souvey
Executive Director

Attachments