



# District of Columbia Sentencing Commission

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Honorable Milton E. Lee  
Chairman

Linden Fry  
Executive Director

January 17, 2024

Honorable Brooke Pinto, Chairwoman  
Committee on Judiciary and Public Safety  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Dear Chairwoman Pinto:

Please find the D.C. Sentencing Commission's (the "Commission" or "the agency") responses to your Performance Oversight Hearing Questions below. If you have any questions about the responses or need any additional information, please do not hesitate to contact the Commission.

## **ORGANIZATION AND OPERATIONS**

### **1. Please provide the agency's mission statement.**

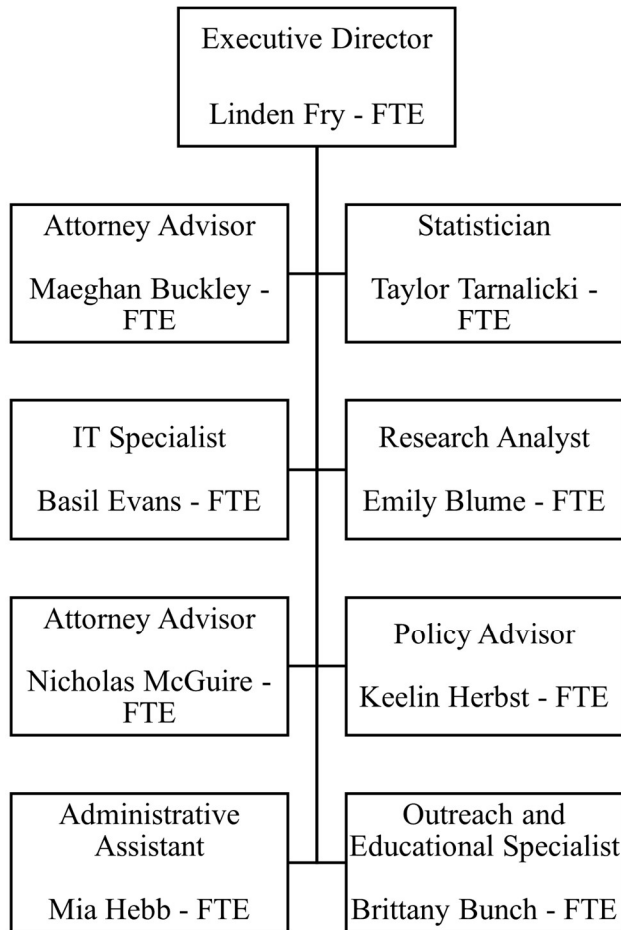
The mission of the District of Columbia Sentencing Commission is to implement, monitor, and support the District's Voluntary Sentencing Guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guidelines system in order to recommend changes based on actual sentencing and corrections practice and research.

2. Please provide a complete, up-to-date organizational chart for the agency and each division within the agency, including the names and titles of all senior personnel. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.

D.C. SENTENCING COMMISSION ORGANIZATIONAL CHART

January 17, 2023

Senior Personnel: Linden Fry, Executive Director



- a. Please include a list of the employees (name and title) for each subdivision and the number of vacant, frozen, and filled positions. For vacant positions, please indicate how long the position has been vacant.

The Commission's staff are all assigned to one division with the following individual programs as listed below. All of the Commission's positions are Excepted Service. All positions are currently filled with no vacant or frozen positions.

- i. SENTENCING GUIDELINES - POLICY REPORTS, PROPOSALS, AND ANALYSIS
  - 1. 1 filled position:
    - Linden Fry – Executive Director
  - 2. No vacant or frozen positions.
- ii. SENTENCING GUIDELINES – TRAINING
  - 1. 3 filled positions:
    - Maeghan Buckley – Attorney Advisor
    - Brittany Bunch – Outreach Specialist
    - Nicholas McGuire – Attorney Advisor
  - 2. No Vacant or frozen positions
- iii. DATA SYSTEM - DEVELOPMENT & MONITORING
  - 1. 4 filled positions:
    - Taylor Tarnalicki – Statistician
    - Emily Blume – Research Analyst
    - Basil Evans Jr. – IT Specialist (Data Management)
    - Keelin Herbst – Policy Advisor
  - 2. No vacant or frozen positions.
- iv. HUMAN RESOURCE SERVICES – GENERAL
  - 1. 1 filled position:
    - Mia Hebb – Staff Assistant
  - 2. No vacant or frozen positions.

**b. Please provide a narrative explanation of any major changes to the organizational chart made during the previous year.**

The Sentencing Commission has not made any major changes to its organizational chart or structure during the previous year.

**3. Please list each new program implemented by the agency during FY 2023 and FY 2024, to date. For each initiative please provide:**

- a. A description of the initiative, including when begun and when completed (or expected to be completed);
- b. The funding required to implement the initiative;

**c. Any documented results of the initiative.**

**(1) Sentencing Guidelines User Support Program**

- a. The Commission has implemented a new program to provide additional resources to the agency's partners that utilize the Sentencing Guidelines the most: Superior Court judges and staff, CSOSA presentence report writers, and criminal law practitioners. Beginning in the second quarter of FY 2023, Commission staff have provided quarterly materials or trainings to each of the listed partners. Resources provided include in-person trainings, pre-taped training videos, virtual trainings, virtual Office Hours for Guidelines questions, and a one-page Annual Report fact sheet. Given its success, the Commission is continuing this program in FY 2024. As part of this program, in FY 2024, the Commission plans to produce and distribute Sentencing Guidelines calculation "decision trees" that walk users through how to determine a defendant's prior criminal history score and recommended Guidelines sentence.
- b. This project was completed by Commission staff. The initiative resulted in modest increases in expenditures for printed materials and displays. That amount did not exceed \$2,000 in FY 2023.
- c. The Commission received positive feedback from partners regarding this initiative. The agency also saw an increase in communication with our partners who received additional resources. As a result, the program will be continued into FY 2024. However, the Commission did not receive regular attendance during the "virtual office hours," therefore, that part of the program was discontinued.

**(2) Publish Data Request Responses**

- a. The Sentencing Commission receives and responds to many individual data requests each year. During FY 2023, the agency began an initiative to publish select data request responses so that anyone with internet access may review and utilize the data. Published data request responses were highlighted in the agency's social media posts and posted on the agency website. The agency also conducted a survey on our other social media channels to determine what additional types of data requests respondents would like to see published.
- b. This project was completed by Commission staff. The Commission did not incur any additional costs to complete this initiative.
- c. This was a highly successful initiative. The Commission published five data responses in 2023 and expects to publish another response this month. This program has allowed the Commission to share a variety of

different analyses with the public at a minimal increase in staff time and resources because the research and analysis were already completed when the agency responded to the initial data request. These publications have a high community interaction rate and have led to partners and members of the public contacting the Commission for more information or additional data. Given its success, this initiative will be continued into FY 2024 and beyond. The Commission hopes to expand this initiative by publishing all data responses it feels members of the public would be interested in reviewing.

(3) Analyze Papered Case Rates based on Race and Offense Location

- a. The Commission published an Issue Paper analyzing arrest papering rates based on arrest location by Ward. This was the first time the Commission has incorporated geographic data into any of its analyses. Therefore, it took the Commission's research staff time to determine how to accurately run and report on the analyses. The resulting research allowed the Commission to assess if there are discrepancies between papering rates (arrests that are moved forward for prosecution) based on a defendant's Ward of arrest.
- b. This project was completed by Commission staff. The Commission did not incur any additional costs to complete this initiative.
- c. The Commission was able to determine that, irrespective of the difference in the total number of arrests made in each ward, the papering rates across wards are very consistent. Between 59% and 64% of felony arrests in each were sent to court for prosecution, with the exception of Ward 6 which had a slightly greater papering rate of 67%. Ward 8 had the lowest papering rate of 59%. The Commission was unable to factor race into this analysis, but that is something Commission staff will continue researching.

(4) Updating the Commission Internal Data System's (GRID) Algorithms and Logic.

- a. To improve agency operations and in anticipation of the Superior Court's eventual transition to a new case management system, in FY 2024, Commission staff will begin a holistic review of the algorithms and logic that the agency's GRID system uses to determine whether individual sentences comply with the Guidelines. The GRID system's logic was developed in 2013 and has not received a top-to-bottom review since its initial development. Over time, system patches and "band-aides" have been applied to ensure our data is accurate. However, these temporary solutions now need to be replaced with a revised logic flow that encompasses all felony sentencing situations and allows Commission

staff to understand what logic is being applied at every step in the process. This will allow the agency to make a smoother transition to receiving court data from a new case management system. It also has the goal of decreasing system errors by simplifying the process.

- b. This initiative has been included as part of the Operations and Management contract with the Commission's data system contractor and will be completed at no additional cost; however, the Commission expects it to be a time-consuming process for the staff involved.
- c. This project is ongoing and does not have documented results yet.

(5) Monitor Proposed Legislation Impacting the Sentencing Guidelines.

- a. In FY 2023 and FY 2024, the Council proposed emergency legislation containing new or amended felony offenses. Traditionally, the Sentencing Commission began analyzing new or modified offenses after they had been enacted. However, given the volume of new criminal law-related legislation, in FY 2024 the Commission began a new initiative to track proposed legislation that may require modifications to the Sentencing Guidelines or the ranking/re-ranking of offenses. This initiative is designed to give the Commission staff more time to analyze legislation and alert the Commission members to issues that may need to be addressed. After the legislation has been approved, the Commission can then task the Guidelines Implementation Committee with proposing necessary changes to the Guidelines.
- b. This project will be completed by Commission staff. The Commission does not expect to incur any additional expenses as a result of this initiative.
- c. This project is ongoing and does not have documented results yet.

(6) Translating the Sentencing Guidelines Manual into Spanish.

- a. In FY 2024, the Commission began a new initiative to investigate the feasibility, cost, and value of publishing a Sentencing Guidelines Manual translated into Spanish, to ensure that more individuals have access to the Sentencing Guidelines. Translating the Manual into Spanish should help accomplish this goal. If the Commission determines that it is feasible, valuable, and cost-effective to translate the Manual into Spanish, it will do so in FY25. If a translated Manual is published, the Commission will evaluate translations into additional languages or if other agency publications should be translated.

b. Investigating the value and feasibility of translating the Manual into Spanish will have minimal costs. However, if the Commission goes forward with the translation and publication of the Manual in Spanish the agency has initially estimated the cost to be around \$12,000 per year.

c. This project is ongoing and does not have documented results yet.

**4. Please provide a complete, up-to-date position listing for your agency, ordered by program and activity, and including the following information for each position:**

- a. Title of position;**
- b. Name of employee or statement that the position is vacant, unfunded, or proposed;**
- c. Date employee began in position;**
- d. Salary and fringe benefits (separately), including the specific grade, series, and step of position;**
- e. Job status (continuing/term/temporary/contract);**
- f. Whether the position must be filled to comply with federal or local law.**

*Please note the date that the information was collected.*

Data Collected 1-10-2024								
<b>Position Title (a)</b>	<b>Name (b)</b>	<b>Date Hired (c)</b>	<b>Salary (d)(1)</b>	<b>Fringe (d)(2)</b>	<b>Grade (d)(3)</b>	<b>Steps (d)(4)</b>	<b>Status(e)</b>	<b>Required Position (f)</b>
Statistician	Tarnalicki, Taylor	4/3/2017	96,754.88	25,156.27	ES 7	N/A - ES	Continuing FT	No
Attorney Advisor	Buckley, Maeghan	10/12/2021	117,042.19	30,430.97	ES 7	N/A - ES	Continuing FT	No
Executive Director	Fry, Linden	11/8/2021	152,935.13	39,763.13	ES 9	N/A - ES	Continuing FT	No
Staff Assistant	Hebb, Mia	3/15/2010	69,840.17	18,158.44	ES 3	N/A - ES	Continuing FT	No
Outreach and Services Specialist	Bunch, Brittany	5/10/2021	76,405.14	19,865.34	ES 5	N/A - ES	Continuing FT	No
Research Analyst	Blume, Emily	2/28/2022	80,108.88	20,828.31	ES 6	N/A - ES	Continuing FT	No
IT Specialist (Data Mgmt.)	Evans Jr., Basil	12/23/2019	95,506.43	24,831.67	ES 7	N/A - ES	Continuing FT	No
Policy Advisor	Herbst, Keelin	4/24/2023	94,000.00	24,440.00	ES 7	N/A - ES	Continuing FT	No
Attorney Advisor	McGuire, Nicholas	4/24/2023	118,000.00	30,680.00	ES 7	N/A - ES	Continuing FT	No

5. Please provide a list of all memoranda of understanding (“MOU”) entered into by your agency during FY 2023 and FY 2024, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date (if applicable).

Sentencing Commission MOUs:

MOU #	Title	Date Entered	End Date
1	Data Access IJIS 12.1 DC Superior Court	9/5/2006	Ongoing
2	JUSTIS Data Access – DC Jail, USAO, Pre-Trial, MPD, CSOSA, and DC Superior Court	5/15/2012	Ongoing
3	MPD Arrest Feed Data Access	10/26/2016	Ongoing
4	CJCC Data Access MOU (Amended)	12/22/2016	Ongoing
5	BOP – D.C. Offender Yearly Snapshot Data	3/12/2018	Ongoing
6	JSAT Data Sharing MOU - CJCC	10/7/2020	Ongoing
7	YRA Data Sharing MOU – CJCC	4/22/2022	Ongoing
8	DSLBD Procurement MOU	3/16/2023	Ongoing

Please note, the Sentencing Commission is in the process of negotiating an update to the JSAT MOU to provide CJCC with live quarterly data in accordance with § D.C. Act 25-295.

6. Please provide a list of each collective bargaining agreement that is currently in effect for agency employees.

The agency does not have any collective bargaining agreements that are currently in effect for agency employees. The agency is not currently in bargaining and does not anticipate any agreements in the near future.

- a. Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.

Not Applicable – No Bargaining Agreements

- b. Please provide, for each union, the union leader’s name, title, and his or her contact information, including e-mail, phone, and address if available.

Not Applicable – No Bargaining Agreements

*Please note if the agency is currently in bargaining and its anticipated completion date.*

7. Please provide the agency’s FY 2023 Performance Accountability Report.

See Attachment A.



**BUDGET AND FINANCE**

- 8. Please provide a chart showing the agency’s approved budget and actual spending, by division, for FY 2023 and FY 2024, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.**

<b>FY 2023</b>					
<b>Program</b>	<b>Program Descriptions</b>	<b>Fund</b>	<b>Total Budget</b>	<b>Actual Expenditure</b>	<b>Variance</b>
100058	HUMAN RESOURCE SERVICES - GENERAL	1010001	\$111,797	\$118,187	(\$6,390)
100092	LEGAL SERVICES - GENERAL	1010001	\$1,922	\$1,922	-
100113	PROPERTY, ASSET, AND LOGISTICS MANAGEMENT - GENERAL	1010001	\$6,055	\$6,055	-
800174	DATA SYSTEM - DEVELOPMENT & MONITORING	1010001	\$700,206	\$809,653	(\$109,448)
800176	SENTENCING GUIDELINES - POLICY REPORTS, PROPOSALS, AND ANALYSIS	1010001	\$177,576	\$177,576	0
800177	SENTENCING GUIDELINES - TRAINING	1010001	\$582,555	\$465,747	\$116,809
<b>Total</b>			<b>\$1,580,111</b>	<b>\$1,579,140</b>	<b>\$971</b>

The primary difference between FY 2023 appropriations and actual expenditures for each program and activity code was the result of the Superior Court’s ongoing development and migration to a new case management system. The Court’s transition has been significantly delayed and the requirements of its new system are still being developed and modified. As a result, the Commission had to raise approximately \$500,000 in additional funding to pay their vendor to modify the agency’s internal data system in order to communicate with and receive data from the Court’s new system once it comes online. Of the raised funding, \$150,000 came from cuts to other programs and spending reductions. The remaining \$350,000 was provided to the agency in FY 2024 capital funds.

<b>FY 2024 – As of 1/10/2024</b>					
<b>Program</b>	<b>Program Descriptions</b>	<b>Fund</b>	<b>Total Budget</b>	<b>Obligations</b>	<b>Actual Expenditures</b>
100058	HUMAN RESOURCE SERVICES - GENERAL	1010001	\$138,070	\$5,837	\$23,673
100092	LEGAL SERVICES - GENERAL	1010001	\$7,028	-	-
800174	DATA SYSTEM - DEVELOPMENT & MONITORING	1010001	\$899,568	\$261,104	\$183,324
800176	SENTENCING GUIDELINES - POLICY REPORTS, PROPOSALS, AND ANALYSIS	1010001	\$185,969	-	\$36,519
800177	SENTENCING GUIDELINES - TRAINING	1010001	\$381,152	-	\$90,339
<b>Total</b>			<b>\$1,611,787</b>	<b>\$266,941</b>	<b>\$333,855</b>

The delays and issues facing the Court are ongoing. As a result, it is highly likely the Commission will need additional funding in the future to complete this project.

9. Please list any reprogramming's, in, out, or within, related to FY 2023 or FY 2024 funds. For each reprogramming, please list:
- a. The reprogramming number;
  - b. The total amount of the reprogramming and the funding source (i.e., local, federal, SPR);
  - c. The sending or receiving agency name, if applicable;
  - d. The original purposes for which the funds were dedicated;
  - e. The reprogrammed use of funds.

Reprogramming # (a)	Amount (b)	Fund (b)	Sending/ Receiving Agency (c)	Original Purpose (d)	Use of the fund (e)
1 (FY 2023)	\$110,000	Local	Internal Reprogramming	Funds were dedicated to variety of activities	Continue to Adapt the Commission's Data System to the Court's New Case Management System

The Sentencing Commission has not reprogrammed any funds in FY 2024, to date.

**10. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY 2023 and FY 2024, to date, including:**

- a. Buyer agency and Seller agency;**
- b. The program and activity codes and names in the sending and receiving agencies' budgets;**
- c. Funding source (i.e. local, federal, SPR);**
- d. Description of MOU services;**
- e. Total MOU amount, including any modifications;**
- f. The date funds were transferred to the receiving agency.**

FY 2023 Intra-District Transfers:

Seller Agency (a)		D.C. Department of Small & Local Business Development
Buyer Agency (a)		D.C. Sentencing Commission
Program (b)	100058	HUMAN RESOURCE SERVICES - GENERAL
Cost Center (b)	80248	OFFICE OF THE DIRECTOR - FZ0
Fund (c)	1010001	Local Fund
Fund (c)	1010001	Local Fund
Description of MOU (d)	Provide Salesforce licenses for access to DSLBD's District Enterprise System	
Amount (e)	\$320.00	
Date Funds Transferred (f)	Seller Never Posted Expenditures	

Seller Agency (a)	D.C. OCTO	
Buyer Agency (a)	D.C. Sentencing Commission	
Program (b)	800174	DATA SYSTEM - DEVELOPMENT & MONITORING
Cost Center (b)	80248	OFFICE OF THE DIRECTOR - FZ0
Fund (c)	1010001	Local Fund
Description of MOU (d)	Agency IT Assessment	
Amount (e)	\$775.80	
Date Funds Transferred (f)	1/31/2023	

Seller Agency (a)	D.C. OCTO	
Buyer Agency (a)	D.C. Sentencing Commission	
Program (b)	800174	DATA SYSTEM - DEVELOPMENT & MONITORING
Cost Center (b)	80248	OFFICE OF THE DIRECTOR - FZ0
Fund (c)	1010001	Local Fund
Description of MOU (d)	Agency IT Assessment – GRID Data System Servers	
Amount (e)	\$40,628.99	
Date Funds Transferred (f)	1/31/2023	

Seller Agency (a)	D.C. OCTO	
Buyer Agency (a)	D.C. Sentencing Commission	
Program (b)	800174	DATA SYSTEM - DEVELOPMENT & MONITORING
Cost Center (b)	80248	OFFICE OF THE DIRECTOR - FZ0
Fund (c)	1010001	Local Fund
Description of MOU (d)	Agency IT Assessment	
Amount (e)	\$1,553.38	
Date Funds Transferred (f)	9/25/2023	

Seller Agency (a)	D.C. OCTO	
Buyer Agency (a)	D.C. Sentencing Commission	
Program (b)	800174	DATA SYSTEM - DEVELOPMENT & MONITORING
Cost Center (b)	80248	OFFICE OF THE DIRECTOR - FZ0
Fund (c)	1010001	Local Fund
Description of MOU (d)	Agency IT Assessment	
Amount (e)	\$177.02	
Date Funds Transferred (f)	9/30/2023	

FY 2024 Intra-District Transfers:

Seller Agency (a)	D.C OCTO	
Buyer Agency (a)	D.C. Sentencing Commission	
Program (b)	800174	DATA SYSTEM - DEVELOPMENT & MONITORING
Cost Center (b)	80248	OFFICE OF THE DIRECTOR - FZ0
Fund (c)	1010001	Local Fund
Description of MOU (d)	Agency IT Assessment	
Amount (e)	\$144.00	
Date Funds Transferred (f)	Ongoing	

Seller Agency (a)	D.C. OCTO	
Buyer Agency (a)	D.C. Sentencing Commission	
Program (b)	800174	DATA SYSTEM - DEVELOPMENT & MONITORING
Cost Center (b)	80248	OFFICE OF THE DIRECTOR - FZ0
Fund (c)	1010001	Local Fund
Description of MOU (d)	Agency IT Assessment	
Amount (e)	\$900.00	
Date Funds Transferred (f)	Ongoing	

Seller Agency (a)	D.C. OCTO	
Buyer Agency (a)	D.C. Sentencing Commission	
Program (b)	800174	DATA SYSTEM - DEVELOPMENT & MONITORING
Cost Center (b)	80248	OFFICE OF THE DIRECTOR - FZ0
Fund (c)	1010001	Local Fund
Description of MOU (d)	Agency IT Assessment – GRID Data System Servers	
Amount (e)	\$43,878.79	
Date Funds Transferred (f)	Ongoing	

Seller Agency (a)	D.C. OCTO	
Buyer Agency (a)	D.C. Sentencing Commission	
Program (b)	800174	DATA SYSTEM - DEVELOPMENT & MONITORING
Cost Center (b)	80248	OFFICE OF THE DIRECTOR - FZ0
Fund (c)	1010001	Local Fund
Description of MOU (d)	Agency IT Assessment	
Amount (e)	\$2,168.92	
Date Funds Transferred (f)	Ongoing	

11. Please provide a list of all MOUs in place during FY 2023 and FY 2024, to date, that are not listed in response to the question above.

MOU #	Title	Date Entered	End Date
1	Data Access IJIS 12.1 D.C. Superior Court	9/5/2006	Ongoing
2	JUSTIS Data Access – D.C. Jail, USAO, Pre-Trial, MPD, CSOSA, and D.C. Superior Court	5/15/2012	Ongoing
3	MPD Arrest Feed Data Access	10/26/2016	Ongoing
4	CJCC Data Access MOU (Amended)	12/22/2016	Ongoing
5	BOP – D.C. Offender Yearly Snapshot Data	3/12/2018	Ongoing
6	JSAT Data Sharing MOU - CJCC	10/7/2020	Ongoing
7	YRA Data Sharing MOU – CJCC	4/22/2022	Ongoing

Last year, DCHR notified the Commission that as an independent agency, the agency would need to enter into an MOU to continue to receive HR services. However, DCHR has not followed through on developing this MOU. The estimated cost is \$10,000 per year.

**12. Please identify any special purpose revenue accounts maintained by, used by, or available for use by your agency during FY 2023 and FY 2024, to date. For each account, please list the following:**

- a. The revenue source name and code;**
- b. The source of funding;**
- c. A description of the program that generates the funds;**
- d. The amount of funds generated by each source or program in FY 2023 and FY 2024, to date;**
- e. Expenditures of funds, including the purpose of each expenditure, for FY 2023 and FY 2024, to date.**

In FY 2023 and 2024, to date, the Commission has not utilized any special purpose revenue funds or special purpose revenue accounts.

**13. Please provide a list of all projects for which your agency currently has capital funds available. Please include the following:**

- a. A description of each project, including any projects to replace aging infrastructure (e.g., water mains and pipes);**

The Commission is currently utilizing capital funds for the Odyssey/Enterprise Justice project which updates the Commission's internal data system (GRID) to accept data from the D.C. Superior Court's new case management system, which is currently under development. The Court's progress on this project has been significantly delayed and system requirements are still being developed and refined.

- b. The amount of capital funds available for each project;**

The Commission received a total grant of \$350,000 in available capital funds for this project in FY 2024.

- c. A status report on each project, including a timeframe for completion;**

The Odyssey/Enterprise Justice project has experienced significant delays due to third parties unrelated to the Commission or its contractor's performance. The Superior Court was initially scheduled to complete this project in September 2022. Currently, the project is estimated to be completed in Fall 2024; however, development remains ongoing and testing has not yet begun. Therefore, further delays and cost increases are expected. Initially, the Court's proposal did not include additional schemas; however, since the beginning of the project, additional updates have been made, including to the schema and XML.

- d. Planned remaining spending on the project.**

The Odyssey project is currently funded for \$243,416.48, leaving a remaining budget of \$108,583.52. Because of additional delays and modifications to ensure the Commission can continue to access and analyze both live and historical data,



the Commission is projected to exhaust the available capital funds. The ability to analyze data coming from the Court’s new and legacy systems together is a complex issue that cannot be resolved until the Court has completed development and testing.

**14. Please provide a complete accounting of all federal grants received for FY 2023 and FY 2024, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2023, the amount of any unspent funds that did not carry over.**

The Sentencing Commission did not receive any federal grants in FY 2023 or FY 2024, to date.

**15. Please list each contract, procurement, lease, and grant (“contract”) awarded, entered into, extended and option years exercised, by your agency during FY 2023 and FY 2024, to date. For each contract, please provide the following information, where applicable:**

- a. The name of the contracting party;
- b. The nature of the contract, including the end product or service;
- c. The dollar amount of the contract, including budgeted amount and actually spent;
- d. The term of the contract;
- e. Whether the contract was competitively bid or not;
- f. The name of the agency’s contract monitor and the results of any monitoring activity;
- g. Funding source;
- h. Whether the contract is available to the public online.

<b>D.C. Sentencing Commission - Contracts and Leases FY 2023 and FY 2024 To Date</b>								
<b>FY 2023 Contracts</b>								
Party (a)	Nature of Contract (b)	Amount of Contract – Budgeted (c)	Amount of Contract – Spent (c)	FY	Contract Term (d)	Bid Type (e)	Contract Monitor/ Issues (f)	Funding Source (g)
MVS	Copy Machine Lease and Usage	\$5,837.04	\$5,837.04	23	11/20/22 to 11/19/23	DC Supply Schedule	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LLC	Data System Maintenance - OY3 (Oct – Dec)	\$81,272.50	\$81,272.50	23	10/1/22 to 12/20/22	Exempt from Compet. – Option Year	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LLC	Data System Maintenance – OY4	\$243,817.50	\$243,817.50	23	12/21/22 to 9/30/23	Exempt from Compet.	Linden Fry/ No Issues to Date	Local Funds

						- Option Year		
Mindcubed LLC	Odyssey Pre-Contract Activities*	\$10,000	\$10,000	23	6/1/23 to 6/30/23	Exempt from Compet. - Option Year	Linden Fry/ Project Delays	Local Funds
Mindcubed LCC	Odyssey Mod Grid Enhancements – Phase 1	\$34,549.92	\$34,549.92	23	6/1/23 to 9/3/23	Exempt from Compet. - Option Year	Linden Fry/ Project Delays	Local Funds
Mindcubed LCC	Odyssey Mod Grid Enhancements – Phase 1	\$34,549.92	\$34,549.92	23	6/1/23 to 9/30/23	Exempt from Compet. - Option Year	Linden Fry/ Project Delays	Local Funds
Mindcubed LCC	Odyssey Mod Grid Enhancements – Phase 2	\$155,449.48	\$155,449.48	23	6/16/23 to 9/30/23	Exempt from Compet. - Option Year	Linden Fry/ Project Delays	Local Funds
Dell	Technology Purchase	\$8,304.25	\$8,304.25	23	6/30/23 to 7/30/23	Small Purchase	Linden Fry/No Issues to Date	Local Funds
Westlaw	Subscription	\$6,182.28	\$6,182.28	23	7/30/23 to 7/29/24	Small Purchase	Mia Hebb/No Issues to Date	Local Funds
<b>FY 2024 Contracts</b>								
Mindcubed LLC	Data System Maintenance - FY 24 OY4 (Oct – Dec)	\$81,272.50	\$81,272.50	24	10/1/23 to 12/20/23	Exempt from Compet. – Option Year	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LCC	Odyssey Mod Grid Enhancements – Phase 3	\$243,416.48	\$243,416.48	24	10/1/23 to 9/30/24	Exempt from Compet. - Option Year	Linden Fry/ Project Delays	Capital Funds
MVS	Copy Machine Lease and Usage	\$5,837.04	\$5,837.04	24	11/20/23 to 11/19/24	D.C. Supply Schedule	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LLC	Data System Maintenance – Base year	\$261,233.19	\$261,233.19	23	12/21/22 to 9/30/23	Exempt from Compet.	Linden Fry/ No Issues to Date	Local Funds

\* - denotes a publicly available contract

**16. Please provide the details of any surplus in the agency’s budget for FY 2023, including:**

**a. Total amount of the surplus;**

The Sentencing Commission had a FY 2023 surplus of \$971.

**b. All projects and/or initiatives that contributed to the surplus.**

Given the small amount of the surplus, no specific projects and/or initiatives made a significant contribution to the surplus.

**17. For FY 2023 and FY 2024 to date, please provide the number of contracts and procurements executed by your agency. Please indicate how many contracts and procurements were for an amount under \$250,000, how many were for an amount between \$250,000-\$999,999, and how many were for an amount over \$1 million.**

In FY 2023 and FY 2024 to date, the Commission executed 13 contracts and procurements. Of these contracts, 12 were for an amount under \$250,000, one was for an amount between \$250,000 – \$999,999, and zero contracts for an amount over \$1 million.

**LAWS, AUDITS, AND STUDIES**

**18. Please list and describe any ongoing investigations, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during FY 2023 or FY 2024, to date.**

Neither the Commission nor any employee of the agency was involved in any ongoing or completed internal or external investigations, audits, or reports during FY 2023 or FY 2024 to date.

**19. Please list any reports the agency is required by Council legislation to prepare and whether the agency has met these requirements.**

The Commission is required by statute to:

- Publish an Annual Report on or before April 30<sup>th</sup> of each calendar year. D.C. Code § 3-104(d).
- Publish and make periodic updates to “a manual containing the instructions for applying the voluntary guidelines.” D.C. Code § 3-101(b)(2).

The Commission complies with both requirements. The agency published the 2022 Annual Report in April 2023 and published an updated Guidelines Manual in September 2023.

- a. **Are there any required regular reports that the agency believes are unduly burdensome and/or underutilized by the Council or the public? If so, please provide details on each such report and, to the extent feasible, an estimate of the budget and/or person-hours required to prepare each report.**

Neither of the Commission's required publications are unduly burdensome. The Commission spends hundreds of staff hours each year preparing the Annual Report. However, preparing the Annual Report involves cleaning, processing, and analyzing the prior year's sentencing data. Regardless of the Annual Report, data cleaning, processing, and analyzing are necessary before the Commission can utilize its data for other projects, including data requests.

The Commission is constantly soliciting feedback on ways it can make the Annual Report more useful or interesting for its audiences.

- 20. Please list all lawsuits filed in FY 2023 or FY 2024, to date that name the agency as a party, and provide the case name, court where claim was filed, case docket number, and a brief description of the case.**

The Commission is not a named party in, nor involved in, any pending lawsuits.

- 21. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 2023 or FY 2024, to date, including any covered by D.C. Code § 2-402(a)(3), and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).**

Neither the Commission, nor the District on the agency's behalf, has entered into any settlements in FY 2023 or FY 2024, to date.

- 22. Please list any administrative complaints or grievances that the agency received in FY 2023 and FY 2024, 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. For any complaints or grievances that were resolved in FY 2023 or FY 2024, to date, describe the resolution.**

The Commission has not had any administrative complaints or grievances filed or resolved in FY 2023 or FY 2024, to date.

#### **WORKPLACE ISSUES AND EQUITY**

- 23. Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY 2023 and FY 2024, to date, and whether and how those allegations were resolved.**

The Sentencing Commission and its employees have not been the subject of any investigation into allegations of sexual harassment, sexual misconduct, or discrimination in FY 2023 and FY 2024, to date. If the Commission or one of its members or employees were to become the subject of such an investigation or if an employee were to make a complaint or grievance, the Commission would follow the policies and procedures set forth by the D.C. Office of Human Rights and Mayoral Orders 2017-313 and 2023-131 on Sexual Harassment. Employees are protected under the Human Rights Act of 1977. Agency employees are required to complete mandatory trainings, and are kept informed of their rights, responsibilities, and available resources by the agency's Attorney Advisor.

**24. The District defines racial equity as “the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents.” What are three areas, programs, or initiatives within your agency where you see the most opportunity to make progress toward racial equity?**

One of the Sentencing Commission's primary goals is to eliminate disparities in sentencing. The Sentencing Guidelines are set up and routinely adjusted so that similarly situated individuals who commit similar offenses in a similar manner receive similar sentences.

The Sentencing Commission is beginning to look at the way race factors into defendants' criminal history scores and whether the Guidelines use of prior criminal history in determining the sentencing recommendation should be adjusted to help reduce racial disparities.

Historically, the vast majority of defendants in the District's criminal justice system are Black. The Commission has been providing additional resources to the D.C. Jail system as part of the initiatives to address racial disparities in the District.

1. The Commission has recorded and distributed a video training of the Guidelines as well as provided copies of the Guidelines Manual to the D.C. Jail.
2. The Commission is in the process of investigating if translating the Guidelines Manual into Spanish will increase access to the information.
3. The Commission has begun additional outreach strategies hosting presentations for the public to include Sentencing 101 and Guidelines 101 to ensure that the Guidelines and sentencing system in the District is accessible to the public, including underserved communities.

**25. In FY 2023 and FY 2024, to date, what are two ways that your agency has addressed racial inequities internally or through the services you provide?**

The Commission has exponentially increased its community outreach via CACs, ANCs, and local community events. Recognizing the limited access some communities have to the internet and other resources, the Commission continues to

print and distribute print resources. Additionally, the Commission highlights the racial breakdown of defendants sentenced in the District as part of its research. This information is presented in the Commission’s Annual Report.

#### AGENCY-SPECIFIC QUESTIONS

**26. To what extent is the Commission guided to follow the federal Sentencing Commission Guidelines?**

The Sentencing Commission is not guided by and does not follow the United States Sentencing Commission’s (USSC) Guidelines. However, the Commission and its staff continually review the activities of the USSC and of state sentencing commissions to learn ways that the guidelines or agency operations can be improved. For example, the Commission’s Fast Facts publications were inspired by similar publications put out by the USSC.

**27. What policy goals or priorities are centered in the Commission’s guidelines efforts?**

The Commission continues to strive to make sentencing in the District fair and consistent. That goal permeates into every potential Guidelines modification the Commission considers. Further, the Commission continues to prioritize its efforts to educate the public about sentencing and the Sentencing Guidelines along with providing resources to the District’s criminal justice community. The Commission began providing a training program titled Sentencing 101 explaining the basics of the criminal justice system in the District and how a case proceeds from arrest to sentencing. This presentation has been given to high school students, college students, and the general public. This program will be continued into FY 2024.

In FY 2023, the Commission continued to train criminal law practitioners and added individualized training sessions as an additional resource to our partners. A Guidelines Resource Page was established on the Commission’s website to provide resources and references for criminal law practitioners.<sup>1</sup> The Commission prioritizes practitioner feedback regarding the Guidelines and Manual and continues to maintain a data-driven approach when considering any changes to the Guidelines.

**28. Who has a vote on the Commission and how are dissenting views taken into account?**

Per D.C. Code § 3-102 the voting members of the Commission are:

- Three judges of the Superior Court of the District of Columbia, appointed by the Chief Judge of the Superior Court;
- The United States Attorney for the District of Columbia or their designee;
- The Director of the D.C. Public Defender or their designee;
- The Attorney General for the District of Columbia or their designee;

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<sup>1</sup>Available at: [sdc.dc.gov/page/guidelines-resource-page](https://sdc.dc.gov/page/guidelines-resource-page)

- The Director of the Court Services and Offender Supervision Agency of the District of Columbia or their designee;
- Two members of the District of Columbia Bar, one who specializes in the private practice of criminal defense in the District of Columbia, and who does not specialize in the practice of criminal law, appointed by the Chief Judge of the Superior Court in consultation with the President of the District of Columbia Bar;
- A professional from an established organization devoted to research and analysis of sentencing issues and policies, appointed by the Chief Judge of the Superior Court of the District of Columbia; and
- Two citizens of the District of Columbia, one of whom is nominated by the Mayor subject to confirmation by the Council, and another who is appointed by the Council.

The Commission, whenever possible, under the leadership of Chairman Lee, works with a consensus of the members and a majority of the Commission's votes on substantive policy issues are unanimous. All members are invited to provide their opinions or feedback on any proposed changes to the Sentencing Guidelines or Commission policies. The Commission hears from all members, voting, and non-voting, who wish to speak on an issue before it is called to a vote. Not all issues that come before the Commission can be unanimously agreed upon. When there are opposing viewpoints, all sides are given an opportunity to present a proposed solution or amendment and are given time to explain why other members should support their proposal.

**29. How many data requests did the Commission receive in FY 2023 and FY 2024, to date?**

The agency received 12 data requests in FY 2023 and ten data requests in FY 2024, as of January 1, 2024. Information pertaining to each data request can be found below.

**a. Please provide a detailed explanation of the data requested (e.g. related to the Voluntary Sentencing Guidelines or the MPD Arrest Data Feed), whether it was approved or denied, and the average response time.**

In FY 2023 and FY 2024, to date, all data request responses were delivered on or before the requested completion date. One of the 12 data requests in FY 2023 was denied. This was an informal data request, where the requesting party was interested in self-surrender statistics, specifically how frequently the D.C. Superior Court allows defendants to self-surrender to the U.S. Bureau of Prisons (BOP). While the Sentencing Commission receives data on D.C. inmates from the BOP, that data is not specific enough to answer the requestor's question. Therefore, the request was denied due to lack of data.

The average response time to complete a data request in FY 2023 was ten workdays. One request took 25 days to complete due to the extensive

analyses required. When this data request is removed from the analysis, the average FY 2023 data request response time drops to nine workdays. Responding to these data requests took a total of 793 staff hours (approximately 100 workdays).

In FY 2024, to date, nine data requests have been completed; the response time average was 14 days. One of the 10 data requests received in FY 2024 was denied. The requesting party asked for data on prior convictions related to the offense of Unlawful Possession of a Firearm by a Person with a Prior Felony Conviction. The structure of the data that is made available to the Commission does not allow for the level of visibility; the agency cannot look at the composition of an individual criminal history score, including the specific prior convictions because the agency does not have access to Presentence Reports or detailed criminal history data (the agency only receives a defendant’s static total criminal history score from CSOSA presentence report writers).

Summary of Data Request Submitted to Sentencing Commission				
FY 2023				
# Data Requests Received	# Data Requests Approved	# Data Request Denied	# Hours Required to Complete Requests	% of Data Requests Completed in 20 Days or Less
12	11	1	793	91%
FY 2024 (to date)				
10	9	1	457	78%
<b>Totals</b>				
<b>22</b>	<b>20</b>	<b>2</b>	<b>1,250</b>	<b>85%</b>

Overview of Completed Data Requests for FY 2023 and FY 2024 (as of January 1, 2024)		
Type of Request	# of Requests	Requestor
Murder Sentencing Trends	2	Advocacy Group, Legal Practitioner
Vending Offense Trends	1	Nonprofit Organization
Title 16	2	Advocacy Group, Government
Illegal Dumping Charges – Arrest and Final Disposition Trends	2	Advocacy Group
15-year-olds sentenced as adults	1	Legal Practitioner
Gun Possession Offenses	2	Criminal Justice Agency, Legal
Misdemeanor Conviction Trends	2	Legal Practitioner



Carjacking and Manslaughter	1	Defendant
Sentence Type Classification	1	Criminal Justice Agency
Failure to Appear	1	Advocacy Group
CPWL, ADW, Threat, Drugs – Arrest and Sentencing Trends	1	Outreach Organization
Unlawful Entry	1	Legal Practitioner
Voluntary Manslaughter w/a	1	Student
Mandatory Minimums	1	Advocacy Group
Sex Offenses	1	Legal Practitioner
<b>Total</b>	<b>20</b>	

**30. What was the compliance rate with the Voluntary Sentencing Guidelines in FY 2023 and FY 2024, to date?**

The overall FY 2023 Voluntary Sentencing Guidelines compliance rate was 98.6%, representing a slight increase from the 97.2% compliance rate reported in the previous year.<sup>2</sup> The in-the-box compliance rate for FY 2023 was 93.9%.<sup>3</sup>

As of January 1, 2024, the overall compliance rate is 97.4%. The in-the-box compliance rate remains 93.9%.<sup>4</sup>

Overall compliance represents any sentence that is within the Guidelines recommended sentencing range and sentence type as well as any sentence that is outside of the Guidelines range or sentence type but is deemed compliant with the Guidelines due to the Court’s use of a valid departure factor, a sentence pursuant to a Rule 11(c)(1)(C) plea, or another Guidelines exemption. In-the-box compliance represents sentences that are within the Guidelines recommended sentence range and type.

**a. For which offense was the compliance rate the highest?**

In FY 2023, Murder, Drug, and Other offenses had a compliance rate of 100%. In FY 2024, to date, Drug, Murder, Other, and Sex offenses have a compliance rate of 100%.

<sup>2</sup> Guidelines compliance could not be calculated for 23 of the 1,473 (1.6%) original felony counts sentenced in FY 2023 because the Court did not request a PSR for these counts. These counts have been omitted from the compliance analysis.

<sup>3</sup> The in-the-box compliance rate refers to sentences that fall within the Guidelines recommended sentencing range and sentencing type options regardless of any departure factor or exception.

<sup>4</sup> Guidelines compliance could not be calculated for 6 of the 385 (1.6%) original felony counts sentenced in FY 2024, to date, because the Commission is still awaiting a criminal history score or the Court did not request a PSR for these counts. These counts have been omitted from the following compliance analysis.

**b. For which offense was the compliance rate the lowest?**

In FY 2023, there were 80 unique offenses sentenced; of these unique offenses, 91.3% had 100% compliance. Only seven offenses did not have a 100% compliance rate. The offense with the lowest compliance rate in FY 2023 was Second Degree Child Sex Abuse, where 91.7% of all counts sentenced (11 out of 12) of counts sentenced for that offense were deemed compliant with the Guidelines. This was followed by Unauthorized Use of a Vehicle, where 94.6% of all counts sentenced (35 out of 37) were compliant with the Guidelines.

In FY 2024, as of January 1, 2024, there have been 55 unique offenses sentenced. Non-compliant sentences have only been imposed in six of these 55 offenses, meaning that 89.1% of all offenses sentenced in FY 2024, to date, have a 100% compliance rate. Due to the low number of non-compliant sentences in FY 2024, there is not enough data to provide a statistically relevant response.

**31. What was the departure letter response rate in FY 2023 and FY 2024, to date?**

To provide context to this answer, in FY 2016, the Commission’s departure letter response rate was 71.7%, which meant that over 25% of requests for departure clarifications that Commission staff made to judges went unanswered. To improve the departure letter response rate, the agency implemented a standardized review process for any sentence initially designated as “non-compliant” by the GRID system. This process includes a timeline that starts on the day of sentencing. For counts that appear non-compliant, Commission staff sends an initial departure letter to the sentencing judge within 30 days of sentencing. If there is no response to the initial letter within two weeks, a second letter is sent. A third letter is sent two weeks after the second letter if the agency has not received a reply. If there is no response to the third letter, a Commission staff member contacts the judge’s chambers directly. If no response is received after contact from the Executive Director, the case status is changed from non-compliant to confirmed non-compliant with a justification of “no response from court,” and entered in the GRID system.

The goal of this initiative was to improve the response rates from the court by at least 10%. The Commission has accomplished that goal. Listed below are the departure letter response rates from FY 2018 through FY 2024 to date:

- FY 2018 - 85.1%
- FY 2019 - 86.2%
- FY 2020 - 82.1%
- FY 2021 - 95.5%
- FY 2022 - 95.4%
- FY 2023 – 100%
- FY 2024 – 100%

**32. Please discuss any modifications made to the Voluntary Sentencing Guidelines in FY 2023 and FY 2024, to date.**

In FY 2023 and FY 2024, to date, the Commission has not modified the overall structure of the Sentencing Guidelines’ Master or Drug Grids which set forth the recommended sentencing range and options for felony offenses. In FY 2023 the Commission made stylistic and non-substantive revisions to the Guidelines Manual.

In September 2023, the Commission ranked the new felony offenses created in the Prioritizing Public Safety Emergency Amendment Act of 2023. Endangerment With a Firearm (D.C. Code § 22-4501(3c)) was ranked in Master Group 9. Strangulation (D.C. Code § 22-806d) was ranked in Master Group 8. The Strangulation offense also includes an enhancement that, if applied, raises the maximum fine and incarceration term by 1 ½ times. If the enhancement applies, the top of the applicable Sentencing Guidelines range will also increase by 1 ½ times (this is standard for all enhancements with a 1 ½ multiplier). Lastly, Possession of a Firearm (D.C. § 22-4503) was amended, however it did not require reranking.

**a. What, if any, modifications to the Voluntary Sentencing Guidelines does the Commission anticipate making in the remainder of FY 2024?**

The Commission is currently considering changes to Chapter Six of the Guidelines Manual, which covers when offenses run consecutive or current to other offenses. This issue will be discussed during the Commission’s January meeting. The Commission staff continue to monitor new proposed legislation and the Commission will rank/re-rank any new or modified felony offenses.

**33. What trainings did the Commission conduct on the Voluntary Sentencing Guidelines in FY 2023 and FY 2024, to date, and to which organizations or entities?**

**FY 2023 and FY 2024 Sentencing Commission Guidelines Trainings**

<b>Group/Organization Trained</b>	<b>Number of Trainings Provided</b>	<b>Number of Individuals Trained</b>
D.C. Superior Court Judges	1	20
D.C. Superior Court Law Clerks	3	42
CSOSA Presentence Report Writers	4	45
General Criminal Practitioners	1	35
Individual Trainings	4	4

Criminal Justice Act Attorney Training	1	29
New Commission Member Training	2	2
D.C. Council J&PS Committee Training	1	10

**34. Please briefly describe any reports or analyses that the Commission released in FY 2023 or FY 2024, to date.**

In FY 2023, the Commission released the following publications:

- 2022 Annual Report;
- Five published data request responses
  - Murder Offenses
  - Violent Offenses
  - Possession of a Firearm During a Crime of Violence Offenses
  - Arrest and Sentencing Trends for Gun Possession Offenses
  - 15+ Year Sentences
- Adult Felony Arrest and Papering Rate Issue Paper
- Fast Fact Sheets
  - Felony Sex Offenses
  - Assault with a Dangerous Weapon
  - Felony Drug Offenses
  - Rule 11(c)(1)(C) Quarterly Reports
  - FY 2022 Rule 11(c)(1)(C) Summary Report

In FY 2024, to date, the Commission released the following publications:

- Two Fast Fact Sheets
  - Robbery Offense Arrest to Sentencing Trends
  - FY 2023 Rule 11(c)(1)(C) Summary Report

Publishing past data responses was a new initiative by the Commission in FY 2023, providing readers with a better understanding of sentencing policies and practices in the District, as well as demonstrating the Commission’s data capabilities. When

publishing data responses, the Commission does not release identifying information about who requested the data.

Of note, the Commission's 2022 Annual Report contained an arrest to sentencing analysis for the offense of Carrying a Pistol Without a License. This topic was chosen by community members' votes via a Twitter poll.

**35. Please list any reports or analyses that the Commission plans to release in the remainder of FY 2024.**

- The 2023 Sentencing Commission Annual Report;
- Two Issue Papers including Criminal History Scores Impact on Sentencing Issue paper;
- Three Fast Fact Sheets;
- Five or more data request responses that showcase relevant and interesting; sentencing trends; and
- Four Rule 11(c)(1)(C) Quarterly Reports.

**36. Please provide an update on the Commission's implementation of its three-year outreach and educational strategy.**

The Commission is approaching the final months of implementing the agency's first three-year outreach and educational strategy plan. This has been a successful initiative. It is important to note that the Commission revised the strategy in FY 2021 and began implementation of the updated strategy shortly thereafter in FY 2022. The current plan is centered around the dispersal of various informational materials that are related to:

- The Commission's current work;
- The adult felony sentencing process and history; and
- Expanding educational opportunities to agencies, organizations, and the public.

As outlined in last year's write up, the plan contains defined goals and objectives, brings attention to community-based outreach through various outreach avenues, and includes a timeline for deliverables. In FY 2023, the Commission focused its community video content on providing information on the Commission's resources which include topics such as:

- How to complete a data request and the Commission's current data capabilities;
- Details on presentation and training options and how to book a session;
- A tour of the agency's website; and
- An overview of the creation and capabilities of the Commission's data system, Guidelines Reporting Information Database (GRID).

The Commission has also made strides to engage with the inmate population at D.C. Jail. The agency produced a D.C. Voluntary Sentencing Guidelines training course that is

included on D.C. Jail inmate tablets. The agency remains focused on providing resources to all District residents.

From FY 2023 to the first quarter of FY 2024, the agency has participated in and attended 69 community focused events (both in person and virtual).

The Commission has partnered with:

- USAODC (Presentation to Leadership Academy students on the adult felony sentencing process);
- ANCs (Monthly Community Meetings);
- MPD (through CAC, PSA 702 Outreach team, and community outreach events such as “National Night Out” and “Beat the Streets”);
- D.C. Public Library (Youth Wellness Event);
- CSOSA (“The More You Know Event” which outlined USAO, CSOSA, and The Commission’s role in criminal justice);
- American University (Adult Felony Sentencing Process Presentation); and
- Dunbar High School’s Law and Policy Program (Adult Felony Sentencing Process Presentation).

The Commission has also hosted its first community focused presentation that educated community members on the adult felony sentencing process in the District. This event hosted 20 community members who were also able to ask the Commission’s Attorney Advisor questions. The Commission looks to continue these events in the future.

The agency participated in events ranging from tabled events focused on gathering community feedback and providing informational material, to informational presentations focused on the work of the Commission and shared adult felony sentencing data.

Staff members also participated in 29 outreach strategy meetings and five partnership conference calls. During these meetings, the Commission discussed updates on current outreach initiatives and potential partnership opportunities.

The Commission continues to maximize its usage of monthly email blasts to engage with the public. The Commission’s monthly subscriber list houses over 500 individuals. These email blasts offer updates on the recent activity of the Commission and the D.C. Voluntary Sentencing Guidelines. Between FY 2023 and the first quarter of FY 2024, the agency has also released biannual “Commission Chronicle” newsletters. From FY 2023 to date, the Commission released two brochures focused on outlining the Commission’s role in sentencing and providing community members with criminal justice resources. The brochures have been a welcome addition to the Commission’s in-person engagement.

The Commission has placed an emphasis on maintaining the efficiency of the Commission’s website and social platforms, focused on providing additional resources and clarity to practitioners on the D.C. Voluntary Sentencing Guidelines and other Commission resources. Specifically, in FY 2023, the Commission created a [Guidelines Resource Page](#)

geared towards criminal justice practitioners. To date, the Commission has completed 146 website modifications.

The agency has also made major strides in increasing its social media visibility. In FY 2023, the agency added Instagram and LinkedIn to its social media lineup. To date, the Commission has a total of 809 social media followers over its four social media accounts (Facebook, LinkedIn, X (formerly Twitter), and Instagram). The Commission also produced 1,263 social posts, focusing on:

- Training opportunities;
- Community events;
- Felony sentencing facts;
- Guidelines updates; and
- The Commission services and history.

During the Commission’s previous Performance Hearing, the agency made mention of its implementation of a Facebook boosted post campaign. The Commission has since halted its use of Facebook boosted post to explore the effectiveness of this advertising style in providing return website viewers.

During FY 2023 to date, the Commission’s website has garnered 39,941 views.

**37. Please provide an update on the Commission’s Fast Facts series, including a link to or copy of 2023 briefings and 2024 briefings, if any.**

In last year’s performance oversight responses, the Commission noted that it planned to expand the Fast Facts publications to cover general sentencing topics.

In FY 2023, the Commission simplified its Fast Fact template for ease of comprehension for members of the public. The Commission has released six Fast Fact sheets since the update: Felony Sex Offenses, FY 2022 and FY 2023 Rule 11(c)(1)(C) Pleas, Assault with a Dangerous Weapon, Felony Drug Offenses, and arrest to sentencing trends for Robbery offenses.<sup>5</sup>

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<sup>5</sup> <https://scdc.dc.gov/page/fast-facts>

**38. How many times did the Commission meet in FY 2023 and FY 2024, to date?  
What percentage of members were present at each meeting?**

FY 2023 and 2024 Meeting Dates	Voting Members Attending	Total Members Attending	% of Voting Members Present <sup>6</sup>	% of Total Members Present <sup>7</sup>
November 15, 2022	7	11	64%	69%
January 17, 2023	9	14	82%	88%
February 27, 2023	9	14	82%	88%
April 18, 2023	10	15	90%	94%
May 16, 2023	9	14	82%	88%
June 20, 2023	10	13	90%	82%
July 18, 2023	8	13	80%	87%
September 19, 2023	8	12	80%	80%
October 17, 2023	8	13	80%	87%
January 16, 2024	10	15	100%	100%

**a. Are there currently any vacancies on the Commission? What is the status of filling those vacancies?**

Currently, there are two vacancies on the Commission. The first is a D.C. citizen member appointed by the Mayor. This position has been vacant since June 2020. The second is a citizen member appointed by the D.C. Council. This position has been vacant since May 2022. Nominations for both positions are currently pending before the Council.

**b. Which Commission members, if any, will have their term end during calendar year 2024?**

No Commission member's term ends in calendar year 2024.

<sup>6</sup> Please note that any vacancies on the Commission are not reflected in this percentage.

<sup>7</sup> Please note that any vacancies on the Commission are not reflected in this percentage.



**c. Did the Commission ever have to postpone or cancel a meeting due to failing to meet quorum?**

In FY 2023 or FY 2024, to date, the Commission did not have to postpone or cancel any meetings due to failure to achieve a quorum.

**39. Are there any barriers, statutory or otherwise, that unnecessarily slow or hamper the Commission’s work?**

**a. Access to Presentence Report Criminal History Data**

The Guidelines’ recommended sentence is based on two primary factors: the severity of the convicted offense and the criminal history score of the convicted individual. In respect to criminal history, it is necessary to explicitly define which prior convictions should be factored into the score, and at what magnitude those prior offenses should be given. Criminal justice policy experts recommend that sentencing commissions utilize data to routinely evaluate whether their criminal history schema aligns with the goals of sentencing. However, the data currently made available to the D.C. Sentencing Commission does not allow for such analysis, as it only captures the numeric static criminal history score of an individual. This standalone metric is insufficient to conduct any meaningful criminal history-centric analysis.

The Commission requires access to the full composition of each criminal history score to propose any reliable, data-driven policy changes regarding how criminal history is calculated and evaluate the potential impact of such changes, including the lapse and revival policy. Without this data, the Commission cannot determine how its criminal history formula is translated into practice.

The D.C. Sentencing Commission’s criminal history formula has not been evaluated since the Guidelines’ implementation nearly two decades ago, though there has not been a lack of effort to do so. In 2018, the Commission was fortunate enough to have Richard S. Frase, founder of the Robina Institute’s Sentencing Guidelines Resource Center and co-author of their Criminal History Sourcebook, attend a day-long “criminal history retreat” where Commission members and staff participated in lengthy discussions about the goals of criminal history, and its impact on sentencing under D.C.’s current Guidelines system. These robust conversations prompted the Commission to assess its criminal history schema beginning with the Guidelines’ unique “lapse and revival” policy which, under certain circumstances, allows for decades-old felony convictions to potentially impact a defendant’s criminal history score. Unfortunately, this research could not be completed due to the lack of data required to conduct any type of meaningful criminal history-centric analysis. The lack of criminal history data also prevents the Commission from conducting and publishing research

on the criminal histories of defendants prosecuted and sentenced in Superior Court.

The Court Services and Offender Supervision Agency (CSOSA) provides the Court with a comprehensive presentence investigation report (PSR) that reviews the characteristics of the offense(s) and the defendant for the majority of felony cases. A significant part of the report is a matrix breaking down all of the defendant's prior known criminal contacts with law enforcement. The report writers then apply Sentencing Guidelines rules to determine which of the defendant's prior convictions should be scored.

The Sentencing Commission has requested access to presentence reports and/or defendant criminal history data from CSOSA. However, other than providing the Commission with the defendant's total criminal history score, CSOSA cites provisions of the Privacy Act of 1974, codified at 5 U.S.C. § 552a prohibit the sharing of this information with the Commission. The Commission has tried to work with CSOSA to create an MOU that would allow for the sharing of this data or for a more limited transfer of criminal history data, but CSOSA has not been able to accommodate this request.

Without access to the information contained in the PSR, the Commission is unable to conduct any comprehensive criminal history analysis. The Commission cannot evaluate components of its criminal history schema to ensure that they are operating as intended, nor can it simulate potential changes to the criminal history formula to gauge the real-world impact of such proposed changes. Any hypothetical analysis with the data currently available to the Commission would involve multiple estimated data points, and when presented in its entirety, the majority of the analysis would be based on significant assumptions.

The optimal solution is to establish a Data Sharing Agreement with CSOSA that would permit the Commission to become a recipient party of PSRs. This is the most direct and efficient way to obtain the required data, as it would be a one-time effort that would minimize the work of external parties in the long term. Such a solution would increase the workload of Commission staff, but that added value would justify the increased effort. The Commission's legal assessment of the Privacy Act has determined that such an agreement could meet the Act's Routine Use Exception. However, as discussed at a recent CJCC Principals Meeting, CSOSA has not utilized this exception for any non-law enforcement purpose.

b. Increased Personnel Services Funding

The Commission has been without a General Council for over two years. One of the Commission's current Attorney Advisors has progressively assumed greater responsibilities and is now qualified, capable, and ready to

officially step into the role of General Counsel. This promotion is critical to strengthen the operations of the Commission. Similarly, the Commission's Statistician has expanded their role, taking on leadership in data system development and research staff oversight. Elevating the Statistician to Research Director is a strategic move that will bolster the Commission's research and analysis capabilities. Unfortunately, the Commission does not currently have the funding to make these necessary promotions.

Additionally, the Commission's 100% Excepted Service (ES) nine-member staff is comprised of dedicated professionals who possess specialized expertise in criminal justice policy and data analysis. Their expertise is crucial to the Commission's operational success and to delivering high-caliber services to the District at a relatively low cost. Despite their valuable contributions, the Commission has been unable to authorize merit-based salary increases since 2018 due to budgetary constraints. This stagnation in compensation poses a significant risk of losing talented employees to other employment opportunities that provide more attractive compensation without the requirement that they reside in the District. Additionally, salaries have fallen behind other similarly positioned and experienced employees at other District agencies, for example, the Criminal Justice Coordinating Council and the Criminal Code Reform Commission.

Finally, the Commission has seen a dramatic increase in the number and complexity of the data and research requests made to the Commission. Therefore, the Commission will either need to hire an additional research analyst or begin limiting our ability to respond to data and research requests. However, like the issues discussed above, the Commission is unable to fund this position under its current budget.

# Attachment A



# **DISTRICT OF COLUMBIA SENTENCING COMMISSION**

## **FY 2023 PERFORMANCE ACCOUNTABILITY REPORT**

**JANUARY 8, 2024**

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# 1 DISTRICT OF COLUMBIA SENTENCING COMMISSION

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*Mission:* The mission of the District of Columbia Sentencing Commission is to implement, monitor, and support the District's voluntary sentencing guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guidelines system in order to recommend changes based on actual sentencing and corrections practice and research.

*Services:* The Commission advises the District of Columbia on policy matters related to criminal law, sentencing and corrections policy. The Sentencing and Criminal Code Revision Commission Amendment Act of 2007 established a permanent voluntary felony sentencing guidelines and requires the Commission to monitor and make adjustments as needed to promote sentencing policies that limit unwarranted disparity while allowing adequate judicial discretion and proportionality. The sentencing guidelines provide recommended sentences that enhance fairness so that offenders, victims, the community, and all parties will understand the sentence, and sentences will be both more predictable and consistent. The commission provides analysis of sentencing trends and guideline compliance to the public and its representatives to assist in identifying sentencing patterns for felony convictions.

## 2 2023 ACCOMPLISHMENTS

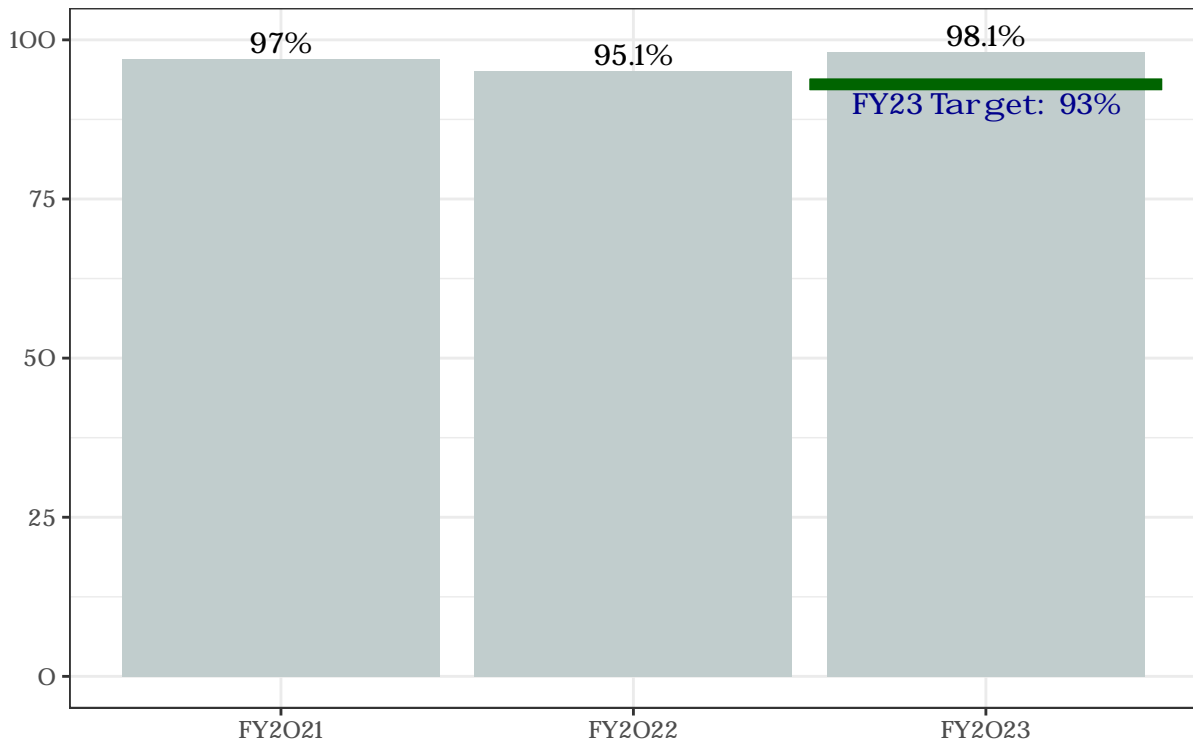
Accomplishment	Impact on Agency	Impact on Residents
<p>Publishing individual data request responses. In fiscal year 2023 (FY23), the Sentencing Commission began formatting relevant individual data request responses so that they could be made available to the public. The agency formatted and published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



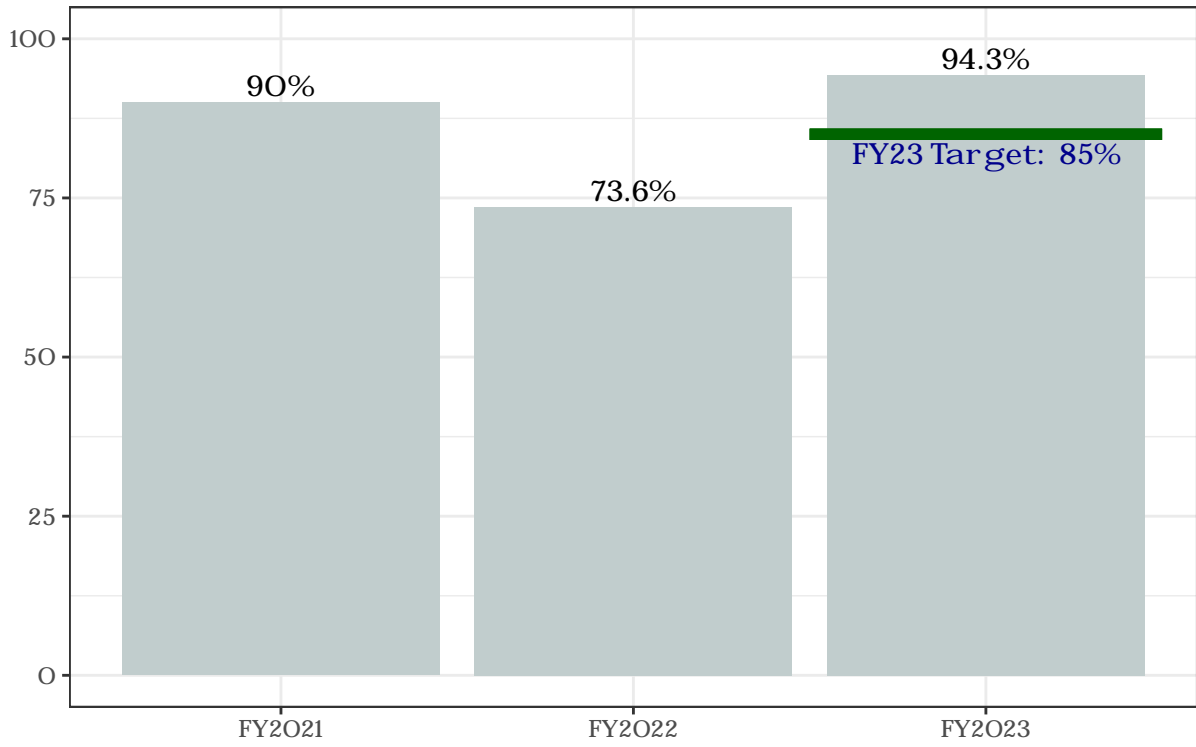
(continued)

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

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



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



### 3 2023 OBJECTIVES

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#### Strategic Objective

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

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

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

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## 4 2023 OPERATIONS

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

(continued)

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

## 5 2023 STRATEGIC INITIATIVES

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

Title	Description	Update
Publish Data Request Responses	The Sentencing Commission receives and responds to many individual data requests each year. During FY23, the agency will develop a plan to begin publishing select, relevant data request responses so that anyone may access and utilize the data. By December 31, 2022, Commission staff will develop a plan for how data requests will be selected and formatted for publication on the agency's website. Commission staff will publish two prior data request responses by June 15, 2023, and three additional responses by August 30, 2023. Published data request responses will be highlighted in the agency's social media posts. In quarter four of 2023, the agency will disseminate a survey on its website and social media accounts to determine if users want to see more data requests published.	Completed to date: Complete The Commission published past data responses regarding murder offenses, violent offenses, possession of a firearm during a crime of violence offenses, arrest and sentencing trends for gun offenses, and an analysis of defendants who received a greater than 15 years of incarceration offenses.
Develop a Revised Criminal Code Act of 2021 Project Approach Plan	In FY 2023 the D.C. Council is anticipated to pass a version of the Revised Criminal Code Act of 2021 which will overhaul the District's criminal statutes and criminal code scheme. The Sentencing Guidelines will need to be significantly modified as a result. By April 15, 2023, Commission staff will develop an approach for the Commission to use in deciding how to adjust the Guidelines following the passage of the RCCA. The plan will present a potential strategy (or strategies) that the Commission can use to begin the process of evaluating and modifying the Sentencing Guidelines to adapt to the District's new criminal code. By June 30, 2023, agency staff will present the plan to the Commission.	Completed to date: 25-49% This initiative is on hold unless or until the revised criminal code act is passed.

Sentencing Guidelines User Support Program

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

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

Analyze Papered Case Rates based on Race and Offense Location

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

Completed to date: Complete  
Paper has been published.

<p>Sentencing Guideline Presentations to District Residents</p>	<p>During FY2023, the agency will craft four short video presentations. These videos will show community members how to access and utilize agency resources. The videos will also define the duties of the Commission in the District's criminal justice system. The videos will cover; (1) the agency's research capabilities and how to request data from the Commission, (2) outreach, education, and how to schedule an informational session, (3) the Commission's role in providing sentencing policy recommendations, as well as answering frequently asked questions, and (4) how the agency monitors the application of the Guidelines. The first video will be completed and uploaded to the agency's website and social media accounts by December 2022, the second video by March 2023, the third video by June 2023, and the final video by September 30, 2023. The Commission will target outreach promoting the videos in the communities most impacted by felony offenses and sentencings, particularly in Wards 7 and 8.</p>	<p>Completed to date: Complete The Commission has released the videos on its website and social media platforms.</p>
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## 6 2023 KEY PERFORMANCE INDICATORS AND WORKLOAD MEASURES

### Key Performance Indicators

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

Key Performance Indicators (continued)

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

Workload Measures

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

Workload Measures (continued)

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