



# District of Columbia Sentencing Commission

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Honorable Danya A. Dayson  
Chairperson

Linden Fry  
Executive Director

January 27, 2025

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.

Thank you,

Linden Fry  
Executive Director  
D.C. Sentencing 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**

**D.C. SENTENCING COMMISSION ORGANIZATIONAL CHART**

January 24, 2025

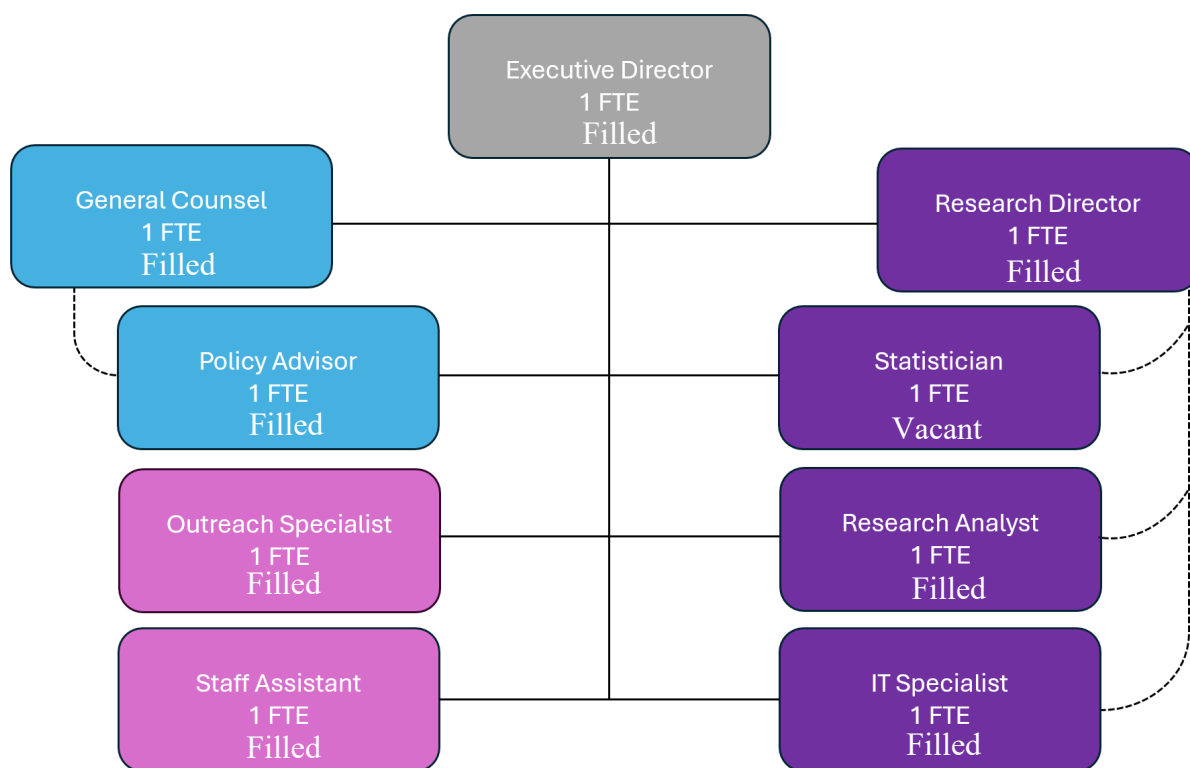
Senior Personnel: Linden Fry, Executive Director

Project Teams: (denoted by colors)

Research Team: **Purple**

Legal and Sentencing Policy Team: **Blue**

General Support Team: **Pink**



**3. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.**

All Commission staff are in one division. That division is divided into three operational teams: the Research Team, the Legal and Sentencing Policy Team, and the General Support Team. Please note that the team designations discussed in response to this question, and reflected in the organizational chart above, are separate from the DCHR subdivisions discussed in response to question four.

The Research Team is responsible for all Commission research, data collection, and analysis. This also includes operating and monitoring the Commission's GRID System (Guidelines Research and Information Data System) and overseeing the work of the agency's data system contractor.

The Legal and Sentencing Policy Team is responsible for maintaining and proposing updates to the D.C. Voluntary Sentencing Guidelines (the Guidelines), researching potential sentencing policy issues, tracking and reviewing the effects of new legislation, and ensuring the Commission complies with all applicable laws, regulations, policies, and mandates. This team develops and conducts Guidelines training programs for practitioners, agency partners and the public activities. It also answers questions about the application of the Guidelines and communicates with the D.C. Superior Court (Superior Court) and partners about Sentencing Guidelines' issues.

The General Support Team is responsible for general agency operations and the Commission's outreach activities.

- 4. Please include a list of the employees (name and title) for each subdivision and the number of vacant, frozen, and filled positions for each subdivision. For vacant positions, please indicate how long the position has been vacant and the date on which the vacant position was posted for re-hiring, if applicable.**

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. The Commission currently has one vacant position that it will begin hiring for in February 2025.

1. SENTENCING GUIDELINES - POLICY REPORTS, PROPOSALS, AND ANALYSIS
  - a. 1 filled position:

Linden Fry – Executive Director
  - b. No vacant or frozen positions.
2. SENTENCING GUIDELINES – TRAINING
  - a. 3 filled positions:
    - i. Maeghan Buckley – General Counsel
    - ii. Brittany Bunch – Outreach Specialist
    - iii. Vacant – Attorney Advisor (DCHR is in the process of reclassifying this position as a Statistician in the Data System subdivision)
  - b. One vacant position (recruitment delayed until February 2025)
3. DATA SYSTEM - DEVELOPMENT & MONITORING
  - a. 4 filled positions:
    - i. Taylor Tarnalicki – Research Director
    - ii. Emily Blume – Research Analyst

iii. Ramleen Kaur – IT Specialist (Data Management)

iv. Keelin Herbst – Policy Advisor

b. No vacant or frozen positions.

**4. HUMAN RESOURCE SERVICES – GENERAL**

a. 1 filled position:

i. Mia Hebb – Staff Assistant

b. No vacant or frozen positions.

**5. Has your agency experienced a hiring freeze at any point in FY 2024 or FY 2025? If yes, please indicate the dates of the freeze.**

The Commission did not experience an official hiring freeze in FY 2024 or FY 2025. However, the Commission postponed filling its vacant attorney advisor (soon to become statistician) position to meet the requested FY 2025 in-year MARC budget reduction. The Commission hopes to begin recruiting to fill the statistician position in February 2025.

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

The Commission made a significant change to its organizational chart in the fall of 2024 to improve agency efficiency, move more resources to data related projects, and better reflect current workflows. This change involved splitting the agency into three teams: the Research Team, the Legal and Sentencing Policy Team, and the General Support Team. To lead their respective teams, the Commission promoted its Attorney Advisor to General Counsel (a position that had not been designated since 2021), and its Statistician to Research Director (a newly created position).

Modifications to the agency's organizational structure did not require any new positions. However, the promotions necessary to implement the restructuring were made possible due to FY 2025 funding from the Council. Part of the restructuring involves reclassifying a vacant Attorney Advisor position to a Statistician position, thus filling the role previously non-designated when the Commission's prior Statistician was promoted. The Attorney Advisor position was originally added to the Commission's organizational structure to work on adjusting the Sentencing Guidelines to account for changes in the Revised Criminal Code Act (RCCA). Since it appears that the RCCA will not go into effect anytime in the near future, the Commission shifted the position to support the data system and data analysis, an area where the Commission could use more resources to work on our ever-expanding data and research projects.

**7. Please list each new program implemented by the agency during FY 2024 and FY 2025, to date. For each initiative please provide:**

- a. A description of the initiative, including when begun and when completed (or expected to be completed) (Question 8);**
- b. The funding required to implement the initiative (Question 9);**
- c. Any documented results of the initiative (Question 10).**

**(1) Reorganize and non-substantively re-structure the Voluntary Sentencing Guidelines Manual**

- a. The Commission implemented and published the first Voluntary Sentencing Guidelines Manual (the Manual) in 2004. Since that time, the Commission has made substantive and non-substantive updates to the Manual, however, the overall structure and format have never changed. In February 2024, based on feedback from Superior Court judges and practitioners, the Commission made non-substantive updates to Chapter Six of the Manual, including rewriting the chapter's examples. During discussions regarding the Chapter Six changes, Commission members requested that, as part of the normal review cycle, staff review the Manual, including the examples and hypotheticals, for language consistency. A review of the entire Manual revealed other areas that could benefit from reorganization or clarification. As a result, beginning in FY 2024 and continuing into FY 2025, the Commission's staff and Guidelines Implementation Committee (GIC) began to work on restructuring and updating the entire Manual. While the result is largely a non-substantive update, the proposed Manual improves the overall organization and ease of understanding by moving discrete concepts into separate chapters and subsections, increasing language consistency throughout the document, and ensuring that all Guideline's rules and examples have distinct citations. Additionally, almost every example or hypothetical was either rewritten or replaced. New examples were added to address common questions the Commission receives.

The Commission anticipates publishing the 2025 Manual in Spring 2025, with an effective date of April 1, 2025, pending a February vote of approval by the full Commission. The new Manual addresses feedback received from Commission members, staff, practitioners, Superior Court judges, presentence report writers, agency partners, and the public. The few substantive changes to the Manual in FY 2025 are solely intended to clarify topics previously unaddressed or under-addressed in prior versions. The new language is consistent with overall Guideline's policy.

The updated Manual is structured similar to a Commission-led Guidelines training. The new structure eases the flow of understanding and breaks down topics that were previously grouped together in single chapters and sections, into separate citable chapters and subsections. The use of visuals and color was also increased throughout the Manual. Both Grids were stylistically updated, with

the Master Grid being renamed the Main Grid to shift away from master-slave terminology. The Commission is shifting lesser-used materials contained in the Guideline's Appendixes to its website to reduce the overall size of the Manual.

Due to the size and effort required of one of the largest projects undertaken since the inception of the Guidelines, the Manual's publication was delayed a year. Commission members and staff have spent hundreds of hours drafting, reviewing, and revising the 2025 Manual to ensure it meets the goals of the project while limiting substantive changes to those identified as necessary to the restructuring. The Commission's GIC, made up of representatives from the D.C. Office of the Attorney General, the D.C. Public Defender's Service, and the U.S. Attorney's Office, have given an incredible amount of time and attention to this project, meticulously reviewing hundreds of edits and meeting nine times to work on the revisions.

- b. This project is being completed by Commission members and staff, led and managed by the Commission's General Counsel. The Commission did not incur any additional costs to complete this initiative. However, staff spent well over a thousand hours working on the project.
- c. The Commission is currently reviewing the final version of the proposed 2025 Manual, which was unanimously approved by the GIC Committee. A final vote on the changes is anticipated to occur during the Commission's meeting on February 18, 2025. If approved by the Commission, the 2025 Manual is expected to be published in Spring 2025, with an expected effective date of April 1, 2025.

(2) Integrate Website, Guidelines Manual, and Annual Report

- a. In connection with the Manual restructuring discussed in the above response, Commission staff began updating the Commission's training materials and publications to make them consistent with the 2025 Manual. Updates include language uniformity, visuals, and citations to the new Manual. Once completed, the Commission's website, Manual, Annual Report, data publications, and other materials will utilize consistent terminology and explanations to improve ease of understanding and uniformity whenever possible.
- b. This project is being completed by Commission staff. The Commission does not anticipate that it will incur any additional costs to complete this initiative.
- c. This project is contingent upon the approval of the 2025 Manual by the Commission. If approved, the updates will then be applied to the relevant Commission materials. The Commission aims to complete this project by the end of FY 2026.

### (3) Staff Education Program

- a. The Commission's staff have a wide variety of skills and backgrounds. In FY 2024, the Commission began a new educational program utilizing the diverse expertise of Commission members to teach agency staff about issues tangential to sentencing and to provide staff with more exposure to the criminal justice system. The first presentation in this series was held in July 2024 with Commission member Dr. Nazgol Ghandnoosh. She led a discussion on the history and effect of race on sentencing and criminal justice policies. The Commission's former representative from the Office of the Attorney General, Dave Rosenthal, conducted the second session, which offered staff an introduction to the District's juvenile justice system. In December the Commission staff spent the day at the Superior Court observing a variety of non-sentencing court hearings. The Commission plans to continue holding at least two similar training courses each year.
- b. This program did not require any funding. Commission members have volunteered their time to increase the Commission staff's knowledge.
- c. Every staff member who attended the programs relayed that they found the new educational sessions useful and provided context for how their work impacts the District.

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

- a. The Commission's internal data system, called the GRID system, was developed in 2013 and has not received a top-to-bottom review since its initial development. Over time, system patches and "band-aids" have been applied to address changes to the Guidelines, new data feeds/data structures, storage and processing issues, and overall updates required to ensure data accuracy. These solutions were always intended to be temporary but must remain in place until a full review of the system's logic flows can occur. In FY 2024, Commission staff and the Commission's data system contractor began a review of the algorithms and logic that the GRID system uses to determine whether individual sentences comply with the Guidelines. This project is intended to improve overall agency operations and improve the system's overall performance and stability. Put simply, this project is aimed at decreasing overall system errors that have increased over time due to the age and the size of the data system. The project will also aid in the Commission's modification of the GRID system to continue to receive data from the Superior Court once the Court implements its new case management system.
- 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. In FY 2024, the Commission began this project by reviewing and adjusting the GRID system's process for addressing non-original sentences (sentences imposed following revocation of a defendant's probation or another post-sentencing event), referred to as the revocation process. Commission staff continue to finalize the revocation process. Staff have also begun reviewing the system's nightly processes for receiving, processing, and classifying data provided by the Superior Court and MPD. The beginning of this review included evaluating the GRID system's algorithm functionality to determine Guidelines compliance. As the staff scrutinized these processes, it became evident that the project was more complicated than initially expected. An overhaul of the order in which the GRID system runs its nightly programs is necessary to stabilize its performance. As a result, Commission staff are still working with its contractor to complete the project. In FY 2025, once the nightly process is fully revised, the Commission will move on to reviewing the logic and algorithms that calculate judicial compliance with the Guidelines.
- d. This project is ongoing and does not yet have documented results.

(5) Monitoring Legislation

- a. In FY 2024, the D.C. Council passed Secure DC (hereafter 'the Act'), which was a wide-ranging piece of criminal justice legislation. The Act impacted a variety of District agencies, including the Commission. The Commission's membership and voting procedures were amended. Additionally, new felony offenses were created, and existing offenses were amended. Historically, the Commission reviewed offenses that may need to be ranked or re-ranked once enacted. Given the volume of new criminal law-related legislation, however, a new initiative was created to track proposed legislation that may impact the Guidelines and/or the Commission before it goes into effect. This initiative has allowed the Commission's staff to spend additional time researching, analyzing, and preparing the Commission for issues that may impact the agency or Guidelines. Once the legislation has been approved by the D.C. Council, and pending before Congress, the Commission then tasks the Guidelines Implementation Committee with reviewing and proposing any necessary changes to the Guidelines.
- b. This project is being completed by Commission staff. The Commission does not expect to incur any additional expenses as a result of this initiative.
- c. This project allowed the Commission to modify the Guidelines prior to anyone being sentenced for an offense created or modified by the Act.

(6) Translating the Sentencing Guidelines Manual into Spanish.

- a. As part of its effort to increase access to the Manual and other Commission materials, in FY 2024, the Commission began investigating the feasibility, cost,

and value of translating and publishing the Manual in Spanish. Commission staff determined that translating the Manual was practicable and would increase the number of individuals with access.

For FY 2025, the Commission received funding to translate the Manual into Spanish. Over the past year, Commission staff have researched vendors who could accomplish this project and worked with the D.C. Office of Contracting and Procurement to put the project out to bid. Once a vendor is selected and the 2025 Manual is approved by the Commission, the translation process will begin. The vendor will create a draft of the translated Manual. In the meantime, the Commission is working to form a subcommittee containing Spanish-speaking Commission members or employees of member organizations. This subcommittee will review a draft of the translated Manual to verify its accuracy and make suggestions, if necessary. The Commission anticipates publishing a Spanish-translated Manual in late 2025.

- b. Based on estimates received, the Commission believes it will cost approximately \$12,000 for the initial Spanish-translated draft. The Commission is still evaluating publication methods and any additional costs that may be associated with publication. The Commission anticipates a small reoccurring annual cost to update the translated Manual after the Commission makes updates to the English Manual. The cost of the translation updates will depend on the extent of the changes each year.
- c. This project is ongoing and does not have documented results yet. The Commission expects to publish the Spanish-translated 2025 Manual in late 2025.

**11. 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 (Question 12);**
- b. Name of employee or statement that the position is vacant, unfunded, or proposed (Question 13);**
- c. Date employee began in position (Question 14);**
- d. Salary and fringe benefits (separately), including the specific grade, series, and step of position (Question 15);**
- e. Job status (continuing/term/temporary/contract) (Question 16);**
- f. Whether the position must be filled to comply with federal or local law (Question 17).**

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

Data Collected 1-15-2025								
<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>
Research Director	Tarnalicki, Taylor	4/3/2017	111,754.88	30,844.35	ES 7	N/A - ES	Continuing FT	No
General Counsel <sup>1</sup>	Buckley, Maeghan	10/12/2021	130,042.19	35,891.64	ES 8	N/A - ES	Continuing FT	No
Executive Director	Fry, Linden	11/8/2021	174,235.13	48,088.90	ES 9	N/A - ES	Continuing FT	No
Staff Assistant	Hebb, Mia	3/15/2010	72,840.17	20,103.89	ES 3	N/A - ES	Continuing FT	No
Outreach and Services Specialist	Bunch, Brittany	5/10/2021	82,905.14	22,881.82	ES 5	N/A - ES	Continuing FT	No
Research Analyst	Blume, Emily	2/28/2022	86,608.88	23,904.05	ES 6	N/A - ES	Continuing FT	No
IT Specialist (Data Mgmt.)	Kaur, Ramleen	11/04/24	108,000.00	29,808.00	ES 7	N/A - ES	Continuing FT	No
Policy Advisor	Herbst, Keelin	4/24/2023	97,500.00	26,910.00	ES 7	N/A - ES	Continuing FT	No
Attorney Advisor <sup>2</sup>	Vacant				ES 7	N/A - ES	Vacant	No

<sup>1</sup> This position is officially classified as a Supervisory Attorney Advisor position.

<sup>2</sup> This position is being reclassified as a Statistician position.

- 18. Please provide a list of all memoranda of understanding (“MOU”) entered into by your agency during FY 2024 and FY 2025, to date, as well as any MOU currently in effect. 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
9	DES Procurement POU	2/1/2024	Ongoing
10	DCHR Services MOU	5/1/2024	Ongoing

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

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

- 20. 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

- 21. 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

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

Not Applicable – No Bargaining Agreements

- 23. Please provide the agency’s FY 2023 Performance Accountability Report.**

See Attachment 1.

## BUDGET AND FINANCE

**24. Please provide a chart showing the agency's approved budget and actual spending, by division, for FY 2024 and FY 2025, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.**

FY 2024						
Program	Program Descriptions	Fund	Initial Budget	Adjusted Budget	Actual Expenditure	Variance (Adjusted v. Actual)
100058	HUMAN RESOURCE SERVICES - GENERAL	1010001	\$138,069.65	\$136,963.41	\$119,600.72	\$17,362.69
100092	Legal Services - General	1010001	\$7,028.00	0	0	0
150012	P-Card Clearing	1010001	0	0	\$2,750.46	(\$2,750.46)
800174	DATA SYSTEM - DEVELOPMENT & MONITORING	1010001	\$899,567.86	\$862,702.10	\$873,476.76	(\$10,774.65)
800176	SENTENCING GUIDELINES - POLICY REPORTS, PROPOSALS, AND ANALYSIS	1010001	\$185,969.12	\$175,969.12	\$173,484.05	\$2,485.07
800177	SENTENCING GUIDELINES - TRAINING	1010001	\$381,151.95	\$366,151.95	\$370,203.92	(\$4,051.97)
0	No Program	-	\$0	\$0	(\$516.12)	\$516.12
<b>Total</b>			<b>\$1,611,786.58</b>	<b>\$1,541,786.58</b>	<b>\$1,538,999.79</b>	<b>\$2,786.80</b>

<b>FY 2025 – As of 1/14/2025</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	\$136,660.97	\$5,837.04	\$23,576.26
100092	LEGAL SERVICES - GENERAL	1010001	\$19,028.00	\$0	\$0
800174	DATA SYSTEM - DEVELOPMENT & MONITORING	1010001	\$1,021,643.51	\$295,506.99	\$320,205.58
800176	SENTENCING GUIDELINES - POLICY REPORTS, PROPOSALS, AND ANALYSIS	1010001	\$211,521.45	\$0	\$49,619.66
800177	SENTENCING GUIDELINES - TRAINING	1010001	\$404,198.06	\$0	\$61,858.24
0	No Program	-	\$0	\$0	\$516.12
<b>Total</b>			<b>\$1,793,051.99</b>	<b>\$301,344.03</b>	<b>\$455,775.86</b>

The primary difference between FY 2024 appropriations and actual expenditures for each program and activity code was the result of vacancy savings, data system modifications, and the Superior Court’s ongoing development and migration to a new case management system. The Superior Court’s transition has been significantly delayed, and the requirements of its new system are still being developed and modified, creating budget planning challenges.

**25. 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 (Question 26);**
- b. The total amount of the reprogramming and the funding source (i.e., local, federal, SPR) (Question 27);**
- c. The sending or receiving agency name, if applicable (Question 28);**
- d. The original purposes for which the funds were dedicated (Question 29);**
- e. The reprogrammed use of funds (Question 30).**

The Sentencing Commission has not reprogrammed any funds in FY 2024 or FY 2025, to date.

**1. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY 2024 and FY 2025, to date, including:**

- a. Buyer agency and Seller agency (Question 32);**
- b. The program and activity codes and names in the sending and receiving agencies' budgets (Question 33);**
- c. Funding source (i.e. local, federal, SPR) (Question 34);**
- d. Description of MOU services (Question 35);**
- e. Total MOU amount, including any modifications (Question 36); and**
- f. The date funds were transferred to the receiving agency (Question 37).**

**FY 2024 Intra-District Transfers:**

Seller Agency (a)	Buyer Agency (a)	Total MOU Amount (e)	Fund (c)	Program (b)	Cost Center (b)	Project (b)	Award (b)	MOU Services (d)	Date of Transfer (f)
DC Department of Human Resources (DCHR)	D.C. Sentencing Commission	\$6,300	Local	800174	80247	402333	1000932	Provide Needed HR Services	5/20/24
DC Department of Small & Local Businesses Development (DSLBD)	D.C. Sentencing Commission	\$168	Local	100058	80248	402107	1000880	Provide Salesforce licenses for access to DSLBD's District Enterprise System.	n/a <sup>3</sup>
OCTO	D.C. Sentencing Commission	\$46,947	Local	800174	80247	400258	1000068	IT Assessment – IT Services and Data System Servers	Various

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<sup>3</sup> No Expenditure

FY 2025 Intra-District Transfers (To Date):

Seller Agency (a)	Buyer Agency (a)	Total MOU Amount (e)	Fund (c)	Program (b)	Cost Center (b)	Project (b)	Award (b)	MOU Services (d)	Date of Transfer (f)
DC Department of Human Resources (DCHR)	D.C. Sentencing Commission	\$5,563	Local	800174	80247	402705	1001224	Provide Needed HR Services	n/a

**38. 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 (Question 39);
- b. The source of funding (Question 40);
- c. A description of the program that generates the funds (Question 41);
- d. The amount of funds generated by each source or program in FY 2024 and FY 2025, to date (Question 42);
- e. Expenditures of funds, including the purpose of each expenditure, for FY 2024 and FY 2025, to date (Question 43).

In FY 2024 and 2025, to date, the Commission has not utilized any special purpose revenue funds or special purpose revenue accounts.

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

The Commission currently has one project with capital funds available: The Enterprise Justice project. More details on this project can be found in the responses to Questions 99-104.

- a. A description of each project, including any projects to replace aging infrastructure (e.g., water mains and pipes) (Question 45);

The Commission is currently utilizing capital funds for the Enterprise Justice project. The goal of this project is to modify the Commission's internal data system (GRID) so that it can continue to function after the Superior Court implements its new case management system (this system was previously referred to as Odyssey, but is now called Enterprise Justice). The Superior Court's progress on this project has been significantly delayed and system requirements continue to be developed and refined based upon project updates. The Commission's GRID system contractor is performing the primary effort on this project.



**b. The amount of capital funds available for each project (Question 46);**

The Commission was initially provided \$350,000 in FY 2024 capital funds for this project. Of those funds, the Commission spent \$73,024.94 in FY 2024 and has spent and/or obligated \$160,391.54 in FY 2025. Currently, \$116,583.52 remains unobligated.

**c. A status report on each project, including a timeframe for completion (Question 47);**

The Odyssey/Enterprise Justice project remains significantly delayed due to factors outside of the Commission or its contractor's control. The Superior Court was initially scheduled to complete this project in September 2022. At the time the Superior Court announced the project, partner agencies - including the Commission - were told that the Superior Court's system upgrade would not include additional data schemas and that any required changes to partner data systems would be minimal. However, that has changed. The Superior Court has made or planned additional changes, including changes to the schema, data structure, and XML that will be transmitted to partner agencies.

Currently, the project is estimated to be completed in Fall 2025; however, development remains ongoing and full partner testing has not yet begun. Ongoing issues, including the handling of historical data, continue to be unresolved. Therefore, further delays and cost increases are expected. The Commission has low confidence Phase II of the Superior Court's new Enterprise Justice system will be implemented in FY 2025.<sup>4</sup>

The Commission's FY 2025 contract with its contractor to work on this project was updated in October 2024 to reflect these delays and account for the work the Commission's contractor has been able to complete to date. The contractor continues to participate in discussions with the Superior Court, test sample XMLs, and report issues with the samples to the Court and CJCC. The Commission will need to enter into a new contract when the final XML is received in order to begin full testing.

**d. Planned remaining spending on the project (Question 48).**

The Commission has spent or obligated \$233,416 in capital funds for the Odyssey/Enterprise Justice project to date, leaving a balance of \$116,583.52 remaining. The Superior Court has not yet finalized its new case management system. Therefore, the Commission's ability to process and analyze data coming from the Superior Court's new and legacy systems together has not yet been resolved. However, the Commission is confident that, given the changes being discussed by the Superior Court, the Commission will exhaust the remaining

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<sup>4</sup> Phase I of the Enterprise Justice project, which has already been implemented and experienced significant issues which have been or are currently being worked on by the Superior Court., Phase I does not involve criminal data or effect the Commission or other criminal justice partners.

funds. Based on the structure of the Superior Court’s new system; in order to successfully adapt the Commission’s system to be able to function after the Court implements the discussed changes, this project will almost certainly require additional funding. However, the amount and timing of additional funding needed is not yet known.

**49. Please provide a complete accounting of all federal grants received for FY 2024 and FY 2025, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2024, the amount of any unspent funds that did not carry over.**

The Sentencing Commission did not receive any federal grants in FY 2024 or FY 2025, to date.

**50. Please list each contract, procurement, lease, and grant (“contract”) awarded, entered into, extended and option years exercised, by your agency during FY 2024 and FY 2025, to date. For each contract, please provide the following information, where applicable:**

- a. The name of the contracting party (Question 51);
- b. The nature of the contract, including the end product or service (Question 52);
- c. The dollar amount of the contract, including budgeted amount and actually spent (Question 53);
- d. The term of the contract (Question 54);
- e. Whether or not the contract was competitively bid (Question 55);
- f. The name of the agency’s contract monitor and the results of any monitoring activity (Question 56);
- g. Funding source (Question 57);

D.C. Sentencing Commission - Contracts and Leases FY 2024 and FY 2025 To Date								
FY 2024 Contracts								
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	24	11/20/23 to 11/19/24	DC Supply Schedule	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LLC	Data System Maintenance – 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 LLC	Data System Maintenance – Base Year	\$261,233.19	\$261,233.19	24	12/21/23 to 9/30/24	Exempt from Compet.	Linden Fry/	Local Funds

						– Base Year	No Issues to Date	
Mindcubed LCC	Odyssey Mod Grid Enhancements – Phase 3	\$243,416.48	\$73,024.94	24	11/19/23 to 11/18/24	Exempt from Compet. - Option Year	Linden Fry/ Project Delays	Capital Funds
Dell	Technology Purchase	\$9,987.34	\$9,987.34	24	9/18/24 to 9/30/24	Small Purchase	Linden Fry/No Issues to Date	Local Funds
Dell	Technology Purchase	\$4,927.33	\$4,927.33	24	9/18/24 to 9/30/24	Small Purchase	Linden Fry/No Issues to Date	Local Funds
Westlaw	Subscription	\$6,491.39	\$6,491.39	24	10/1/24 to 9/30/25	Small Purchase	Mia Hebb/No Issues to Date	Local Funds
Metropolit an Office Products	Chair Purchase	\$7,652.60	\$7,650.60	24	9/13/24 to 9/30/24	DC Supply Schedule	Mia Hebb/No Issues to Date	Local Funds
<b>FY 2025 Contracts</b>								
Mindcubed LLC	Odyssey Mod Grid Enhancements – Base Year	\$160,391.54	\$88,391.54	25	11/19/24 to 9/30/25	Exempt from Compet. – Base Year	Linden Fry/ No Issues to Date	Capital Funds
MVS	Copy Machine Lease and Usage	\$5,837.04	\$0	25	11/20/24 to 11/19/25	D.C. Supply Schedule	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LLC	Data System Maintenance – Option Year 1	\$344,888.04	\$86,222.01	25	10/1/24 to 9/30/25	Exempt from Compet. – Option Year	Linden Fry/ No Issues to Date	Local Funds
Mindcubed LLC	GRID System Employee Training	\$18,826.50	\$0	25	11/5/24 to 9/30/25	Exempt from Compet.	Linden Fry/ No Issues to Date	Local Funds

**58. Whether the contract is available to the public online.**

Neither the D.C. Office of Contracting and Procurement (OCP) or the Commission publishes the agency’s contracts online.

**59. Please provide the details of any surplus in the agency’s budget for FY 2024, including:**

**a. Total amount of the surplus (Question 60);**

The Sentencing Commission had a FY 2024 surplus of \$2,786.80. Additionally, there was an FY 2024 year-end budget adjustment which removed \$70,000 in Commission funds.

**b. All projects and/or initiatives that contributed to the surplus (Question 61).**

The FY 2024 surplus was due to vacancy savings and the Enterprise Justice project. The project involves upgrading the Commission’s data system (“GRID system”) so that it can function after the Superior Court implements a new case management system has been a challenging project.<sup>5</sup> Amongst other issues, it is difficult to budget for the project because the requirements and timeline are controlled by the Superior Court. The Superior Court has delayed the project several times, and it has been unable to articulate a clear schedule to its data partners, including the Commission. The Operations and Management contract price for the Commission’s GRID system will increase once Enterprise Justice is turned on.

As a result, in FY 2024, the Commission needed to be prepared if the Superior Court made further changes to their new system before the Commission had time to account for and adjust the GRID system to the Court’s new data structure. The Commission held back funds to ensure it was prepared if the Superior Court began finalizing or implementing changes in September 2024 and the cost to quickly modify the system went above the available capital funds. Consequently, the Commission was unable to reallocate these funds before the end of the fiscal year because it did not know if it would need the funds in quarter four of FY 2024.

**62. For FY 2024 and FY 2025 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 2024 and FY 2025 to date, the Commission executed 12 contracts and procurements. Of these contracts, 10 were for an amount under \$250,000, two were for an amount between \$250,000 – \$999,999, and zero contracts for an amount over \$1 million.

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<sup>5</sup> The responses to Questions 99-104 contain more details on the project.

## **LAWS, AUDITS, AND STUDIES**

- 63. 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 2024 or FY 2025, 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 2024 or FY 2025 to date.

- 64. 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 Commission published the 2023 Annual Report in April 2024 and published an updated Guidelines Manual in September 2023. The Commission published an updated 2023 Manual on its website containing the new rankings for Secure DC and the updated Chapter Six in 2024.

- 65. 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 different audiences.

- 66. Please list all lawsuits filed in FY 2024 or FY 2025, 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, nor is it involved in any pending lawsuits.

- 67. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 2024 or FY 2025, 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 2024 or FY 2025, to date.

- 68. 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 2024 or FY 2025, to date.

## **WORKPLACE ISSUES AND EQUITY**

- 69. 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 2024 and FY 2025 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 2024 and FY 2025, 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. Commission employees are required to complete mandatory training courses and are kept informed of their rights, responsibilities, and available resources by the agency's General Counsel.

**70. 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 governed by the goal that similarly situated individuals who commit similar offenses in a similar manner receive similar sentences.

The Sentencing Commission continues to evaluate the ways race factors into a defendant’s criminal history score 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.

- a. 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.
- b. The Commission recently gave a training and presentation at the D.C. Jail.
- c. The Commission is in the process of translating the Guidelines Manual into Spanish, increasing access to the information.
- d. The Commission continues to emphasize additional outreach strategies for the public to include hosting Sentencing 101 and Guidelines 101 presentations to ensure that the Guidelines and sentencing system in the District is accessible, including to underserved communities.

**71. In FY 2024 and FY 2025 to date, what are two ways that your agency has addressed racial inequities internally or through the services you provide?**

In FY 2024, the Commission published an issue paper that focused on racial disparities in sentencing for the felony offenses of Carrying a Pistol Without a License (CPWL) and Second Degree Child Sex Abuse for convictions among defendant’s who fell in Guidelines Criminal History Score column A (no or very low criminal history score).<sup>6</sup> The analysis revealed no significant racial disparities in sentencing for both CPWL and Second Degree Child Sex Abuse

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<sup>6</sup> The issue paper can be reviewed in Attachment 3.

among the sample population. However, this finding should not be interpreted as evidence that the District's criminal justice system as a whole is free from racial bias. Instead, the findings should be situated within the broader context of racial disparities throughout the criminal justice system, acknowledging the limitations of focusing solely on race at the sentencing phase.

The Commission invited Dr. Nazgol Ghandnoosh to lead a discussion and training on the history and effect of race on sentencing and criminal justice policies to staff. The discussion and training took place in the summer of 2024.

The Commission continues to emphasize 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 distributes print resources. Additionally, the Commission's Annual Report highlights the racial breakdown of defendants sentenced in the District as part of its research, including based on Ward.



## AGENCY-SPECIFIC QUESTIONS

### 72. Please list all Sentencing Commission Members and indicate any vacancies on the Commission.

<i>Member</i>	<i>Title</i>	<i>Appointment Type</i>
The Honorable Danya Dayson, Chair of the Commission	Associate Judge, Superior Court of the District of Columbia	Appointed by the Chief Judge of the Superior Court Chief pursuant to DC Code 3-102(a)(1)(A)
Renata Cooper, Esq.	Special Counsel, United States Attorney Office for the District of Columbia	United States Attorney for the District of Columbia or their designee pursuant to DC Code 3-102(a)(1)(C)
The Honorable Todd Edelman	Associate Judge, Superior Court of the District of Columbia	Appointed by the Chief Judge of the Superior Court Chief pursuant to DC Code 3-102(a)(1)(A)
Katerina Semyonova, Esq.	Chief Legislative Counsel, Public Defender Service of the District of Columbia	Director of the D.C. Public Defender Service or their designee pursuant to DC Code 3-102(a)(1)(D)
Cedric Hendrick, Esq.	Associate Director, Court Services and Offender Supervision Agency	Director of the Court Services and Offender Supervision Agency for the District of Columbia or their designee pursuant to DC Code 3-102(a)(1)(F)
The Honorable Rainey Brandt	Associate Judge, Superior Court of the District of Columbia	Appointed by the Chief Judge of the Superior Court Chief pursuant to DC Code 3-102(a)(1)(A)
William R. Martin, Esq.	D.C. Bar Member – Experience with Criminal Defense	Appointed by the Chief Judge of the Superior Court Chief pursuant to DC Code 3-102(a)(1)(G)
Brian Schwalb <sup>7</sup>	Attorney General for the District of Columbia	Attorney General for the District of Columbia or their designee pursuant to DC Code 3-102(a)(1)(E)
Nazgol Ghandnoosh, Ph.D.	Co-Director of Research, The Sentencing Project	Appointed by the Chief Judge of the Superior Court Chief pursuant to DC Code 3-102(a)(1)(H)
Vacant	Vacant	Appointed by the Council of the District of Columbia pursuant to DC Code 3-102(a)(1)(I-i)
Joel Castón	D.C. Resident – Returning Citizen	Appointed by the Council of the District of Columbia pursuant to DC Code 3-102(a)(1)(I-i)

<sup>7</sup> The Attorney General does not currently have a designee.

Ramey Kyle	Assistant Chief of the Investigative Service Bureau at the Metropolitan Police Department	Chief of the Metropolitan Police Department or their designee pursuant to DC Code 3-102(a)(1)(I-ii)
Vacant	Vacant	Nominated by the Mayor, subject to approval by the Council of the District of Columbia pursuant to DC Code 3-102(a)(1)(I)
Vacant	Vacant	Nominated by the Mayor, subject to approval by the Council of the District of Columbia pursuant to DC Code 3-102(a)(1)(I)
Frederick D. Cooke, Jr., Esq.	D.C. Bar Member – Experience with Criminal Prosecution	Appointed by the Chief Judge of the Superior Court Chief pursuant to DC Code 3-102(a)(1)(G)
The Honorable Brooke Pinto**	Chairman Committee on Judiciary and Public Safety for the District of Columbia	Chairperson of the Council committee that has oversight of the Commission within its purview pursuant to DC Code 3-102(a)(2)(E)
Erika McJimpsey, Esq.**	Attorney Advisor, Department of Corrections	Director of the District of Columbia Department of Corrections or their designee within its purview pursuant to DC Code 3-102(a)(2)(A)
Deputy Mayor Lindsey Appiah **	Deputy Mayor of Public Safety	Deputy Mayor of Public Safety pursuant to DC Code 3-102(a)(2)(F)
Sonya D. Thompson**	Assistant Director, Federal Bureau of Prisons	Director of the Federal Bureau of Prisons or their designee pursuant to DC Code 3-102(a)(2)(C)
Amanda Urena**	Case Operations Administrator, United States Parole Commission	Chairperson of the United States Parole Commission or their designee pursuant to DC Code 3-102(a)(2)(D)

\*\* Non-Voting Member

**73. For any vacancies, please indicate the date upon which that seat became vacant and describe plans and expected timeline to fill that vacancy.**

Currently, there are three vacancies on the Commission.

- A D.C. citizen member who has been a victim of a crime of violence and who has a background in victim's rights or services appointed by the D.C. Council. This position has been vacant since March 2024.

- Two residents of the District of Columbia, nominated by the Mayor, subject to confirmation by the Council. One position has been open since March 2024, the other since January 2025.

The two positions that have been vacant since March 2024 are membership positions created by the Secure D.C. legislation.

The Commission does not control its membership. The Commission has informed the Council and the Mayor's Office of Talent Acquisition about the vacancies.

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

No Commission member's term ended in calendar year 2024 and no terms end in calendar year 2025.

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

In FY 2024 or FY 2025, to date, the Commission did not have to postpone or cancel any meetings due to failure to achieve a quorum. Changes to the Commission's quorum requirements made in the Secure D.C. legislation have allowed the Commission to proceed without issue even with several vacant positions.

**76. How many times did the Commission meet in FY 2024 and FY 2025 to date? What percentage of members were present at each meeting?**

The Commission met eight times in FY 2024 and met three times in FY 2025, to date.

Meeting Dates	Voting Members Attending	Total Members Attending	% of Voting Members Present <sup>8</sup>	% of Total Members Present <sup>9</sup>
FY 2024 Meetings				
October 17, 2023	8	13	80%	86.7%
January 16, 2024	10	15	100%	100%
February 20, 2024	11	16	91.7%	83%
April 30, 2024	11	15	84.6%	83%
May 21, 2024	11	14	84.6%	77.7%
June 18, 2024	11	14	84.6%	77.7%

<sup>8</sup> Please note that any vacancies on the Commission are not reflected in this percentage.

<sup>9</sup> Please note that any vacancies on the Commission are not reflected in this percentage.

July 16, 2024	11	14	84.6%	77.7%
September 17, 2024	10	14	76.9%	77.7%
FY 2025 Meetings (as of 1/24/25)				
October 15, 2024	11	14	84.6%	77.7%
November 19, 2024	10	13	76.9%	72.2%
January 21, 2024	9	11	75%	64.7%

**77. 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 every potential modification to the Guidelines that the Commission considers.

Further, the Commission continues to prioritize the accessibility of the Guidelines and making the Guidelines easier to understand and apply. In FY 2024, the Commission rewrote the text of Chapter Six (Consecutive and Concurrent Sentences) based on practitioner and judicial feedback. The changes to Chapter Six were not intended to be substantive, rather to increase clarity and improve the examples.

Following the changes to Chapter Six, over the past year Commission members and staff examined the entire Manual for clarity, consistency, and ease of understanding and made significant non-substantive updates (see the response to Question 7(1)(a) for more details on this project). The Commission is currently finalizing an entirely restructured Manual, one of the largest projects undertaken since the Manual was first written. Once finalized the Manual will also be translated into Spanish for the first time, increasing access to readers of the Manual. In conjunction with the production of these two new Manuals in FY 2025, the Commission is planning an increased training curriculum and public outreach program to provide resources regarding these changes and continue to educate individuals about the Guidelines.

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.

**78. 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;
- 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 has experience with criminal defense in the District of Columbia, and one who has experience with criminal prosecution in the District of Columbia, 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;
- Two residents of the District of Columbia, nominated by the Mayor, subject to confirmation by the Council;
- Two residents of the District of Columbia, appointed by the Council, one of whom is a returning citizen, and one of whom has been a victim of a crime of violence and who has a background in victim's rights or services; and
- The Chief of the Metropolitan Police Department or the Chief's designee.

Under the leadership of former Chairperson Lee and current Chairperson Dayson, the Commission prioritizes attempting to reach a consensus amongst the members on all substantive policy issues. This has been successful as the Commission has voted unanimously on all but three substantive policy issues over the past five years. One of the key factors that has enabled the Commission to vote unanimously on a variety of issues is inviting all members to provide their opinions or feedback on any proposed changes to the Sentencing Guidelines or Commission policies. The Commission hears from all members, whether voting or 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. Additionally, all Commission members, whether voting or nonvoting, are invited to participate in Commission committees and to propose ideas for changes to the Manual, or topics of discussion for Commission meetings.

**79. How many data requests did the Commission receive in FY 2024 and FY 2025 to date, disaggregated by fiscal year? For each request, 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.**

The Commission received 30 data requests in FY2024 and five data requests in FY2025, to date. Information pertaining to each request can be found below. All responses were delivered on or before the requested completion date. One of the 30 data requests in FY 2024 was denied. The requesting party sought sentencing information on the prior convictions for those convicted of Unlawful Possession of a Firearm by a Person with a Prior Felony Conviction. However, as discussed in the response to Question 88(a), the data that is made available to the Commission does not allow the Commission to analyze the composition of a defendant's criminal history score, including the specific prior convictions.

It took a total of 1,484 staff hours to respond to data requests. The average response time to complete a data request in FY 2024 was nine workdays. In FY 2025, to date, the average response time to complete a data request was eight workdays.

Summary of Data Request Submitted to Sentencing Commission				
# Data Requests Received	# Data Requests Approved	# Data Request Denied	# Hours Required to Complete Requests	% of Data Requests Completed in 20 Days or Less
<b>FY 2024</b>				
30	29	1	1,284	93%
<b>FY 2025 (to date)</b>				
5	5	0	200	100%
<b>Totals</b>				
<b>35</b>	<b>34</b>	<b>1</b>	<b>1,484</b>	<b>94%</b>

Overview of Completed Data Requests for FY24 and FY25 (to date)		
Requestor	# of Requests	Request Topics
Government Agencies (USAO, PDS, OAG)	7	Life Sentences, Gun Possession Offenses, Sex Offenses, Sentence Type Classification, YRA Eligibility, Mandatory Minimums
Non-Governmental Research and Advocacy Associations	7	Failure to Appear, Unlawful Possession of a Firearm by a Person with a Prior Felony Conviction, Mandatory Minimums, Carrying a Pistol Without a License, Unlawful Possession of a Firearm, Possession of an Illegal Weapon, Probation Sentences, Driving Under the Influence with Injuries

Legislative (Council Members)	5	Theft, Carjacking, Murder, Probation and Short Split Sentences, Uncharged Domestic Violence Offenses
Media (News Outlets)	4	Theft, Carjacking, Unlawful Use of Motor Vehicles, Attorney Types
Private Legal Associations (Private Attorneys, Student Attorneys)	4	Lewd, Indecent, Obscene Acts; Unlawful Entry; Voluntary Manslaughter While Armed, Title 16
Community Organizations (ANC, CAC)	3	Carrying a Pistol Without a License, Assault with a Dangerous Weapon, Threats, Drugs, Illegal Dumping
Students/University Affiliated Research Groups	2	Youthful Defendants, Felony Offenses Dataset
Defendants and Currently Incarcerated Individuals	2	Carjacking, Manslaughter, Robbery
Internal (D.C. Sentencing Commission)	1	Assault With Intent to Murder

**80. What was the compliance rate with the Voluntary Sentencing Guidelines in FY 2024 and FY 2025 to date, disaggregated by fiscal year?**

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

FY 2024

There were 2,025 adult felony counts sentenced in FY 2024. The Compliance status could be determined for 99% (2,011) of these counts. Note that there were 14 counts where the Compliance status could not be determined because the Superior Court did not request a PSI report for sentencing. Compliance calculations are based on the 2,011 counts where the Compliance status could be determined.

- In the box Compliance: 94.6%
- Overall Compliance: 98.1%

Offenses with the highest/lowest Compliance rate (Response to a. and b.):

There were 116 unique felony offenses sentenced in the Superior Court in FY 2024, 88% (n=102) of which had a 100% Compliance rate. Of the 102 offenses with 100% Compliance, only 35 had at least six or more convictions – the majority of offenses with 100% Compliance had very few counts sentenced (5 or less). Fourteen distinct offenses had at least one Non-Compliant sentence

imposed in FY 2024. Distribution of a Controlled Substance had the lowest Compliance rate of 80% (8 of the 10 Distribution of a Controlled Substance Convictions were Guidelines Compliant), followed by Robbery which had an 85% Compliance rate (61 of the 72 Robbery convictions were Guidelines Compliant).

FY 2025 (to date)

There have been 719 adult felony counts sentenced in FY2025, to date (data pulled on 1/24/2025). The Compliance status could be determined for 96% (693) of these counts. Note that there were 26 counts where Compliance could not be determined, either because the Commission has not yet received the criminal history score from CSOSA (n=20) or because the Superior Court did not request a PSI Report for sentencing (n=6). Compliance calculations are based on the 693 counts where the Compliance status could be determined.

- In the box Compliance: 94.6%
- Overall Compliance: 96.2% (18 No-Compliant counts that need to be confirmed by the sentencing judge)

Offenses with the highest/lowest compliance rate (Response to a. and b.):

There were 80 unique offenses that have been sentenced in Superior Court in FY 2025, to date, 79% (n=63) of which had a 100% Compliance rate. Of the 63 offenses with 100% Compliance, only 14 had at least six or more convictions – the majority of offenses with 100% compliance had very few counts sentenced (5 or less). Unlawful Possession of a Firearm (Intrafamily Offense) had the lowest compliance rate of 0%, though there was only one count sentenced during the FY 2025 timeframe. Possession with Intent to Distribute w/a had a Compliance rate of 50%, though there were only two PWID w/a counts sentenced (one of which was Non-Compliant).

**81. What was the departure letter response rate in FY 2024 and FY 2025 to date, disaggregated by fiscal year?**

The departure letter process includes a timeline that starts on the day of sentencing. For counts that do not appear to comply with the Guidelines, 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 Commission 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 there is no response to the Commission staff contact, the Commission's Executive Director attempts to contact the sentencing judge. If no response is received after contact from the Executive Director, the case status is changed from non-compliant to confirmed non-compliant with an internal classification of "no response from court." Listed below are the departure letter response rates from FY 2018 through FY 2025 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 – 89.83%

At this time, the Commission does not have FY 2025 response rate data.

**82. Please discuss any modifications made to the Voluntary Sentencing Guidelines in FY 2024 and FY 2025 to date.**

As discussed, the most recent Manual was released in September 2023. In February 2024, the Commission updated Chapter Six of the Manual. Partners and the public were alerted of this change through a Guidelines Alert.<sup>10</sup>

In May 2024, the Commission modified the Guidelines and ranked or re-ranked offenses following the passage of the Secure DC legislation. These changes were also published via a Guidelines Alert.<sup>11</sup>

The Commission voted to rank the new or amended offenses follows:

- Directing Organized Retail Theft (D.C. Code § 22-3211.01) - Master Group 8;
- Possessing a Firearm with Intent to Sell, Offer for Sale, or Make Available for Sale (D.C. Code § 7-2507.06(a)(5)) - Master Group 8;
- Strangulation (unarmed) (D.C. Code § 22-404.05) - Master Group 8;
- Strangulation While Armed (Strangulation W/A) (D.C. Code § 22-404.05) - Master Group 6;
- Possessing a Firearm with the Importer's or Manufacturer's Serial Number Removed, Obliterated, or Altered (D.C. Code § 22-4503(c-1)(1)) - Master Group 8;
- Receive, Possess, Conceal, Store, Barter, Sell, or Dispose of Any Stolen Firearm or Stolen Ammunition (D.C. Code § 22-4503(c-1)(2)) - Master Group 8;

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<sup>10</sup> See the response to Question 7(1)(a) for more details. The Guidelines Alert can be found at: <https://scdc.dc.gov/page/modification-chapter-6-dc-voluntary-sentencing-guidelines-manual-february-2024>.

<sup>11</sup> The Guidelines Alert can be found at: <https://scdc.dc.gov/node/1722576>.

- Endangerment with a Firearm (D.C. Code § 22-4503.03) - Master Group 8;
- Endangerment with a Firearm – 5 or more projectiles or prior felony – Master Group 8;
- Unlawful Discarding of Firearms and Ammunition (D.C. Code § 22-4503.04) -Master Group 8;
- Unlawful Discarding of Firearms and Ammunition – prior felony - Master Group 8;
- Possession of a Sawed-off Shotgun or Ghost Gun (D.C. Code § 22-4514(c)(2)) - Master Group 8;
- Possession of a Machine Gun (D.C. Code § 22-4514(c)(2)) - Master Group 8;
- Possession of a Sawed-off Shotgun, Ghost Gun, or Machine Gun– 2nd+ offense or prior felony (D.C. Code § 22-4514(c)(3)– Master Group 8;
- Misdemeanor Sexual Abuse, 3 or More Prior Convictions (D.C. Code § 22-3006(b)(1)) - Master Group 8;
- Misdemeanor Child Sexual Abuse, 3 or More Prior Convictions (D.C. Code § 22-3010.01(a-1)(1)) - Master Group 8;
- Unlawful Discharge of a Weapon (D.C. Code § 22-4503.01) - Master Group 9;

Secure DC added an element for disqualifying a person from having a firearm in their possession; however, it did not amend the penalty for (Unlawful Possession of a Firearm (D.C. Code § 22-4503). Therefore, the offense ranking remained the same.

Secure DC also adds the following enhancements that may increase the fine and/or the maximum penalties by 1 ½ times for the below offenses:

- Crime of Violence Against Another Person While on Department of Parks and Recreation Property (D.C. Code § 22-3603);
- Crime of Violence Against Vulnerable Adult (D.C. Code § 22-3604);
- Strangulation (D.C. Code § 22-404.04);
- Transportation Provider Enhancement (D.C. Code § 22-3751);
- Transit Operator Enhancement (D.C. Code § 22-3751.01(a)); and
- Mass Transit Passenger Enhancement (D.C. Code § 22-3751.01(a-1)).

The Commission applied its standard enhancement rule to these offense whereby the top of the Guidelines range is increased by the same percentage as the enhancement increases the statutory maximum punishment.

**a. What, if any, modifications to the Voluntary Sentencing Guidelines does the Commission anticipate making in the remainder of FY 2025?**

At the Commission's November 2024 meeting, the new felony offense of Prohibited Female Genital Mutilation, was ranked as a Master Group 6 offense if the legislation goes into effect. The legislation is currently pending before Congress. If the legislation goes into effect, a Guidelines Alert will be issued.

As discussed in detail in response 7(a), The next edition of the Guidelines Manual is expected to be published and go into effect on April 1, 2025. The 2025 Manual will have limited substantive changes; however, it will be completely restructured to make the Guidelines rules easier to understand and apply. The proposed changes have been unanimously approved by the Guidelines Implementation Committee and will be voted on by the full Commission at the February meeting.

**83. What trainings did the Commission conduct on the Voluntary Sentencing Guidelines in FY 2024 and FY 2025 to date and for which organizations or entities?**

FY 2024 and FY 2025 Sentencing Commission Guidelines Trainings

<b>Group/Organization Trained</b>	<b>Number of Trainings Provided</b>	<b>Number of Individuals Trained</b>
CJA Panel	4	133
D.C. Superior Law Clerks	5	57
DC Bar CLE	1	13
Mindcubed (Commission IT Vendor)	1	6
Sentencing Commission Members	5	26*
D.C. Council	1	30
D.C. Superior Court Judges	2	22
CSOSA	2	2
Federal Probation	1	25
Superior Court Staff	1	20
U.S. Attorney's Office	1	1

Connecticut Sentencing Commission	1	30
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\*Individual and new members were given additional training, beyond the full Commission training provided.

**84. Please briefly describe any reports or analyses that the Commission released in FY 2024 and FY 2025 to date. Please include any reports and analyses in the attachments.**

In FY 2024, the Commission released its 2023 Annual Report; two Fast Facts sheets; four Rule 11(c)(1)(C) Quarterly Reports and an FY 2024 Rule 11(c)(1)(C) Yearly Report; five prior data request responses that showcase relevant and interesting sentencing trends; and two Issue Papers. In FY 2025 to date, the Commission has released two Issue Papers. Information pertaining to the Fast Facts, prior data responses, and issue papers can be found below.

Publication	Number Published in FY24 and FY25 (to date)	Topics
Fast Facts	2	<ul style="list-style-type: none"> <li>- FY2023 Rule 11(c)(1)(C) Pleas</li> <li>- Robbery Arrest to Sentencing Trends</li> </ul>
Issue Papers	4	<ul style="list-style-type: none"> <li>- Variance in Criminal History Scores and Sentencing Decisions</li> <li>- Sentencing Trends by Defendant Race</li> <li>- Short Split Sentences and Time Served</li> <li>- Domestic Violence Arrest to Sentencing Trends</li> </ul>
Past Data Responses	5	<ul style="list-style-type: none"> <li>- Carjacking and Murder Arrest to Sentencing Trends</li> <li>- Unauthorized Use of a Motor Vehicle Arrest to Sentencing Trends</li> <li>- D.C. Gun Registry Eligibility</li> <li>- Robbery Sentencing Trends</li> <li>- Title 16 Sentencing Trends</li> </ul>
Rule 11(c)(1)(C) Report	5	<ul style="list-style-type: none"> <li>- Reviews Sentences Imposed as a Result of a Rule 11(c)(1)(C) plea agreement</li> </ul>

**85. Please list any reports or analyses that the Commission plans to release in the remainder of FY 2025 and include the expected timeline for release.**

- 2024 Annual Report – April 2025
- Issue Paper: Probation Sentencing Trends – Summer/Fall 2025
- Issue Paper: Comparison of Sentencing Trends Pre and Post Pandemic – Fall 2025
- Issue Paper: Time Between Case Filing and Disposition/Sentencing broken down by Case Type – Fall 2025
- Minimum of Five Data Request Responses – Published intermittently between now and September 30, 2025
- A summary of cases sentenced pursuant to a Rule 11(c)(1)(C) plea agreement – Fall 2025

**86. Please provide an evaluation of the Commission’s completed three-year outreach and educational strategy (2021-2024) and detail plans for the next strategic period.**

The Commission’s three-year outreach and educational strategy (FY 2021-2024) proved to be highly successful. Over its three-year implementation, the Commission’s outreach program increased the public and agency partners’ understanding of the Guidelines while also providing more visibility and transparency regarding the Commission’s role and actions.

The strategic plan utilized various communication methods to engage the public. These methods included:

1. Creating informational videos and infographics;
2. Participating in community tabling events;
3. Hosting public presentations;
4. Engaging in discussions at in-person and virtual community meetings;
5. Developing an agency e-mail distribution list and sending consistent email communications;
6. Strengthening relationships with partner agencies and organizations;
7. Updating the Commission’s website; and
8. Using social media to maximize Commission visibility.

**a. Key Accomplishments and metrics from the completed strategic period please include:**

- i. Number and types of community events held
- ii. Social media engagement statistics
- iii. Website traffic and resource utilization
- iv. Training program and participation rates
- v. Partnership outcomes

Between FY 2021 and FY 2024, the Commission accomplished the following:

1. Hosted two community focused events that garnered a total of 40 attendees (20 attendees per event);
2. Participated in and/or attended 187 community focused events;
3. Created and published 3,015 social media posts;
4. Obtained 131,987 website views;
5. Gained 1,155 social media followers over four platforms (X, Instagram, Facebook, and LinkedIn);
6. Captured 1,548 social media engagements on four platforms (X, Instagram, Facebook, and LinkedIn);
7. Crafted 55 outreach materials;
8. Dispersed 44 monthly emails;
9. Produced 16 informational videos;
10. Executed two Facebook Boosted posts; and
11. Garnered 590 YouTube video views.

The Commission has focused a lot of its efforts on engaging with the public through a variety of community-based events. The event types include:

1. In-person data focused presentations;
2. In-person information tables;
3. In-person and virtual Guidelines 101 presentations;
4. Virtual events in collaboration with agency partners; and
5. In-person and virtual presentations on how the D.C. adult felony sentencing process..

The Commission has maximized its relationship with partner agencies and community organizations to further its outreach and engagement efforts. The Commission has developed and maintained partnerships with:

1. USAO DC Leadership Academy;
2. First Friday Breakfast Group (Concerned Residents Against Violence/ CRAV);
3. D.C. Superior Court;
4. Friends of Anacostia Park;
5. Dunbar High School Law and Policy Program;
6. T.R.I.G.G.E.R Project;
7. D.C. Department of Corrections;
8. American University;
9. Howard University Law Library;
10. University of the District of Columbia's Library;
11. Georgetown University Law Library;
12. George Washington University Law School;

13. Metropolitan Police Department's Victim Service Branch;
14. D.C. Public Library;
15. Court Services and Offender Supervision Agency (CSOSA);
16. Metropolitan Police Department's Citizen Advisory Councils (1D, 2D, 3D, 4D, 5D, 6D, and 7D);
17. Metropolitan Police Department's PSA 702 Outreach Committee; and
18. Various ANC's.

Some of the most notable outcomes of partnerships ventures include:

1. Partnering with CSOSA annually to host the "The More You Know" community meeting;
2. Attending and participating in PSA, ANC, and CAC monthly meetings;
3. Taking part in "National Night Out" and "Beat the Streets" events with MPD;
4. Ongoing engagement with D.C. Jail residents through pre-recorded and in-person presentations;
5. Presenting "Adult Felony Sentencing 101" to USAO's DC Leadership Academy, American University students, D.C. Public Library's Teen Council, and Dunbar High School's Law and Policy Program;
6. Providing local public and law libraries with access to D.C. Voluntary Sentencing Guidelines Manuals and Annual Reports; and
7. Participating in youth-focused events with D.C. Public Library's "Teens' Day of Wellness" and T.R.I.G.G.E.R Project's "2024 End Gun Violence Festival."

Information on training programs can be found in the response to question 83.

These efforts led to national recognition of the Commission's outreach work by the National Association of Sentencing Commissions (NASC). During the 2024 NASC Conference, the agency was invited to join a panel, alongside Pennsylvania and Virginia's Sentencing Commissions, to discuss outreach efforts. The Commission received significant praise for its work and was established as a leader in community outreach among all commissions, . It was also noted that the District is the only commission with a dedicated position that focuses on public engagement.

**b. Lessons learned and areas for improvement identified during the strategic period**

While the three-year strategic plan achieved great success, the Commission learned several valuable lessons. One key takeaway was the need to improve

its video production quality. At times, the Commission's computer devices struggled to manage the storage requirements for videos longer than 10 minutes. As highlighted in the Commission's previous Performance Hearing, there was also a need to optimize the use of Facebook/Instagram boosted<sup>12</sup> posts to enhance their effectiveness. Although boosted posts increased website views, it was important to ensure the right type of advertising was used. The Commission found the best use of boosted posts is for promoting events and competitions. Currently, the Commission is using boosted posts on Instagram to advertise the Commission's Logo Competition.<sup>13</sup>

**c. Goals and objectives for the next strategic period**

Over the next three years, through comprehensive outreach strategies, the Commission looks to ensure that the public continues to be informed and educated about the function of the D.C. Sentencing Commission, sentencing in the District, the Guidelines, and mediums for engaging with the Commission.

Strategic Objective #1: Improve educational public outreach programs focused on the Guidelines

Commission staff will revise the current education and awareness curriculum for the public and practitioners in order to enhance their understanding of the District's adult felony sentencing process and the D.C. Voluntary Sentencing Guidelines. The agency will continue to focus on explaining how the adult felony sentencing process functions in the District and provide details on the various components of the Guidelines.

Examples of initiatives under this objective include:

1. Participate in monthly community-based meetings, where agency staff will deliver 10-minute presentations to update community members on the agency's mission, ongoing initiatives, upcoming events, new publications, and educational resources;
2. Initiate meetings aimed at educating the public about the adult felony sentencing process and/or the Guidelines;
3. Collaborate with local high schools, universities, law schools, and youth groups to organize presentations on the adult felony sentencing process in the District. These sessions will engage participants actively, providing them with an interactive understanding of how the adult felony sentencing process operates;

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<sup>12</sup> A boosted post on Instagram or Facebook is a paid advertisement created by promoting an existing post on a user's profile to reach a wider audience beyond their followers. The post is targeted to specific demographics based on criteria like location, interests, and behaviors, allowing businesses or individuals to increase visibility and engagement.

<sup>13</sup> The logo competition gives D.C. youth the opportunity to design a new logo for the Commission.



4. Strengthen the outreach program to practitioners. To support this initiative, the agency plans to conduct annual trainings focusing on topics such as Lapse and Revival, Out of District Scoring of Convictions, and the Fundamentals of the D.C. Voluntary Sentencing Guidelines, among others; and
5. Distribute quarterly mass emails focused on practitioner resources. These emails will be exclusively sent to the Commission's practitioner contact list and will provide an array of resources tailored for professionals who utilize the Guidelines regularly.

Strategic Objective #2: Enhance public feedback mechanisms

Agency staff will solicit direct feedback from the public and practitioners regarding their opinions, comments, and concerns about current sentencing policies, potential impacts on specific populations, or proposed changes to the Sentencing Guidelines. Staff members will also address any misinformation or concerns about the Commission's actions to enhance transparency in the development or modification of District sentencing policies. All public feedback will be compiled into a report and shared with the Commission on a yearly basis.

Strategic Objective #3: Continue crafting informative outreach materials to promote services and information offered by the Commission

The agency will continue to share information with the general public to enhance their understanding of the Commission's mission, responsibilities, and activities. This effort will elevate the Commission's profile as a vital District resource in developing sentencing policy, sentencing practices, and analyzing sentencing data.

**d. Specific initiatives planned for 2025 to continue expanding community engagement and education about the Sentencing guidelines**

In FY 2025, the Commission will continue with many of its outlined outreach methods such as:

1. Posting on its social media channels;
2. Hosting public and practitioner trainings and presentations;
3. Participating and attending ANC, CAC, PSA community meetings, and community safety events;
4. Crafting and dispersing informational videos; and
5. Creating easy to follow infographics.

In FY 2025, the agency will focus on enhancing its public and practitioner feedback system to better understand interest in publications, outreach methods, topics discussed at meetings, and general views on sentencing. In FY

2024, the agency had several successful presentations that informed the public about how offenses are ranked in the D.C. Voluntary Sentencing Guidelines. Based on the success the Commission experienced in FY 2024, the Commission will release a two-part YouTube video series to inform the public about how offenses are ranked in the D.C. Voluntary Sentencing Guidelines. Additionally, the agency is hosting a logo competition for youth and emerging adults aged 13 through 22. This initiative offers a great opportunity to engage the youth and the young adult population in an impactful way that can improve their college and/or art program application process while helping them learn more about the Commission and its work. The deadline for submission is March 17, 2025, and staff have already begun receiving submissions.

**e. Please provide data comparing outreach metrics between 2024 and 2025 where available**

FY 2024 was another successful year for the Commission. Some of the milestones accomplished include:

1. Accumulating 39,459 website views;
2. Capturing 73 community contacts;
3. Amassing 1,122 social media followers over four platforms;
4. Cultivating and sending out 1,225 social media posts;
5. Attending and/or participating in 56 community-oriented events; and
6. Producing 13 information materials.

Keeping the pace with FY 2024, in the first quarter of FY 2025, the agency has accomplished the following:

1. Acquired 7,638 website views;
2. Collected 18 community contacts;
3. Sustained 957 social media followers over four platforms (observed a decrease of 165 followers on the agency X account);
4. Curated and dispersed 322 social media posts;
5. Engaged and took part in eight community focused events; and
6. Produced a flyer for the agency logo competition.

**87. Please provide an update on the Commission's Fast Facts series, including a link to or copy of 2024 briefings and 2025 briefings, if any.**

The most recent Fast Facts was published in October of 2023. Since that time, numerous other projects have taken up the Commission's limited data resources, including preparing for and producing the Annual Report, developing four Issue Papers, the publication of five reports pertaining to Rule 11(c)(1)(C) sentencing trends, and responding to an influx of data requests, five of which have been published to the Commission's website (35 data requests were received between October 2023 and December 2024). Additionally, the Commission's data team has devoted a significant amount of time preparing for D.C. Superior Court's

transition to the Enterprise Justice (formerly Odyssey) case management system and evaluating the internal processes of the GRID system.

The Commission hopes to resume publication of Fast Fact sheets later in 2025; however, this likely will be dependent on the hiring of a statistician and other factors.

**88. Are there any barriers, statutory or otherwise, that the Commission believes unnecessarily slow or hamper the Commission's work? Please explain.**

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

The Guidelines' recommended sentences are based on two primary factors: the severity of the convicted offense and the criminal history score of the defendant. In order to calculate a defendant's total criminal history, the Guidelines take into consideration a variety of factors, including but not limited to, the age of the offense, the offense severity, and if the defendant committed multiple offenses as part of the same prior event. Criminal justice policy experts recommend sentencing commissions routinely evaluate whether their criminal history schema aligns with the goals of sentencing.

Unfortunately, the data currently made available to the Commission does not allow for such criminal history centric analysis. The Commission does not have access to a defendant's entire criminal record or even the prior convictions that make up a defendant's criminal history score. The Commission only has access to a defendant's total criminal history score, captured as a static number (e.g. defendant X has a total criminal history score of Y). This standalone metric allows the Commission to determine if a sentence complies with the Guidelines but is insufficient to conduct any meaningful analysis of the Guidelines and/or to determine if a potential modification to the Guidelines' rules would have an impact on criminal history scores.

As a result, the Guidelines' criminal history formula has not been evaluated since the Guidelines were implemented two decades ago. Over the past several years, the Commission has researched and outlined proposals, including potential changes to the lapse and revival policy.<sup>14</sup> However, the lack of criminal history data prevents the Commission from further developing or updating these policies and limits the Commission's ability to conduct and publish research on the criminal histories of defendants prosecuted and sentenced in the D.C. Superior Court. For example, researching the criminal history, specifically any prior firearm convictions, of defendants who were recently convicted of crimes of violence is among the data that the D.C. Council has expressed interest in receiving. Until the

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<sup>14</sup> This policy allows for any adult felony conviction to be revived, no matter its age, if the defendant has an adult felony conviction within the ten years preceding the commission of the offense they are being sentenced for.

Commission receives the full breakdown of a defendant's criminal history, this and other types of data analysis are impossible for the Commission to perform.

The Court Services and Offender Supervision Agency (CSOSA) provides the Superior Court with a comprehensive presentence investigation report (PSI Report) for almost every defendant sentenced for a felony offense. A significant part of the report is a matrix breaking down all the defendant's prior known criminal contacts with law enforcement. The report writers then apply the Guidelines' rules to determine which of the defendant's prior convictions should be scored, often in consultation with the Commission. This score and criminal record are utilized by the parties at the sentencing hearing.

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 static criminal history score and limited related data, CSOSA does not provide the Commission with detailed criminal history information. CSOSA cites provisions of the Privacy Act of 1974, codified at 5 U.S.C. § 552a, as prohibiting the sharing of this information with the Commission. The Commission has attempted to work with CSOSA to create an MOU that would allow for the sharing of this data, or a limited transfer of criminal history data, but CSOSA has not been able to accommodate this request. CSOSA disagrees with the Commission's position that they could provide such information to the Commission by utilizing one of the listed exceptions in the Privacy Act.

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, whether positive or negative. 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.

b. Access to Time Served Data

The Guidelines recommend both a Guidelines Recommended Sentencing Range as well as a recommended sentencing type. To impose an "in-the-box" Guidelines compliant sentence, a judge must ensure the sentence is within the applicable Guidelines range and that the sentence type (i.e. prison, long split, short split, or a probation sentence) is available in the applicable Grid box. Sentence type is not a data point that the Commission directly receives from the Superior Court. Instead, it is a determination that the

Commission's internal data system (GRID) makes from three key variables: (1) the total sentence imposed, (2) the amount, if any, of the sentence that is suspended, and (3) time the defendant has already served. The sentence imposed and sentence suspended are numeric values taken directly from Superior Court data (IJIS 12.1), while time served is a binary value (yes/no). The GRID system determines the time served binary value by performing a search of the sentencing docket text. If the phrase "time served" is found, then time served is set to "yes"; if it is not found, then time served is set to "no". This computation has remained consistent since the GRID system went live in 2013.

The Sentencing Commission does not have access to data regarding the actual amount of time a defendant served prior to sentencing. As a result, a manual review of the docket entries is the only method currently available to the Commission to evaluate this data point, and even that data may be incomplete. Official time served calculations are completed by the DOC and/or BOP after the defendant has been sentenced. Often, judges do not know the actual amount of time served at the sentencing hearing.

Due to the large number of cases sentenced in the Superior Court every year and the Commission's limited resources, a manual review of all cases with time served notated in a docket entry is not attainable. Additionally, a manual calculation of time served is a notable data limitation as there is potential for data entry errors in the dockets, and/or discrepancies in the dates reported of when the confinement/release occurred. The Commission is working with agency partners in an effort to secure access to this data.

Time served data is necessary to determine if certain sentences comply with the Guidelines. For example, a defendant with no prior criminal record is convicted of First-Degree Theft. The defendant's Guidelines Recommended Sentencing Range is 6 – 24 months. The judge imposes a time-served sentence. Based on the information currently available, the Commission cannot determine if the defendant received a Guidelines compliant sentence because it cannot determine whether the defendant served six months (or more) incarcerated prior to sentencing. This data is also vital for the Commission to fully evaluate making any changes to the recommended sentence types, specifically split sentences, and in-the-box sentencing ranges.

c. Agency Funding

The Commission operates on a very lean budget. In FY 2025, the Commission's total local budget is \$1,793,051.99. Of that total, \$1,179,270.89 supports personnel services. The Commission has \$613,781.10 for non-personnel services (NPS). However, \$547,734.10 of the agency's NPS funding goes to support the Commission's internal data

system. The cost of operating the data system increases each year and cannot be reduced without jeopardizing performance. Therefore, only \$66,047 remains for Commission operations (3.7% of the agency's total budget). After previous reductions to the Commission's general operations funding, further cuts are problematic. As a result, it is difficult for the Commission to develop a budget that meets a reduced budget target (MARC) without eliminating necessary employees or jeopardizing our data system.

Even without reducing the budget, it is difficult for the Commission to offer competitive pay, in comparison to similar D.C. or federal agency positions, or ensure staff have the necessary resources to accomplish their assignments. Over the past few years, the Commission's workload has significantly increased. This Committee has been an excellent partner in ensuring that the Commission's budget is not reduced in a manner that will limit the agency's abilities to accomplish its mandates. However, the Commission will likely need to ask the Counsel to increase its budget again in future budget cycles.

## **GRID System Modernization**

**89. Please provide an update on the implementation of the Commission's revised data system logic review that began in FY 2024. What changes were made to improve the accuracy of Guidelines compliance calculations?**

Beginning in October 2023, Commission staff routinely met with the agency's data system contractor, who built and developed the Commission's internal GRID system in 2013. These meetings were to review the internal structure of the GRID system. Over the past decade numerous modifications have been made to the GRID system to either enhance system performance or to resolve data processing issues. The initial plan for the logic review project was to evaluate and clean up the system's internal business rules and algorithms, and to ensure that system documentation aligned with actual processes. Through a very comprehensive system review, the Commission identified data processing inconsistencies that needed to be resolved ahead of algorithm adjustments and document revisions. Two of the primary issues have been addressed and resolved, work which took approximately one year to complete. As a result, the Commission's data and therefore its compliance calculations have improved in accuracy.

Brief descriptions of the two issues are provided below:

- a. Data discrepancies with D.C. Superior Court - When certain data elements were modified by the Court, the Commission's GRID data system was capturing most, but not all of these updates. The GRID system required modification so that any and all data changes (additions, replacements, deletions) made by the court were

accurately reflected in the Commission's data. Previously, only data additions and data replacements were being captured, but not data deletions. However, it was not immediately clear that the data system was not capturing deletions, which led to a very time-consuming project. The Commission underwent lots of trial and error attempts to diagnose the issue and *then* had to identify all instances (structural locations within GRID) where the deletions were not being captured. This also required an extensive amount of testing and validation before the fixes could be made permanent. Accuracy was improved because the Commission was now reporting on data that exactly matched what D.C. Superior Court had entered into their own data system. Note that data deletions are not common, and are typically due to the resolution of a data quality issue. As such, the overall trends reported by the Commission in its various publications have not been inaccurate, rather the aggregate numbers may have only been off by a small number of counts/cases.

- b. Volatile Data Elements – Certain data elements required for the Guidelines Compliance determination were not remaining constant in the GRID system. That is, if certain nightly data processing jobs failed, some data would change from the correct value to an incorrect value, thus impacting the Commission's analytical capabilities. Essentially, the GRID system was not usable on days that experienced data processing errors due to the known data inaccuracies. As with the data discrepancy issue described above, the resolution of this problem required lots of trial and error, and extensive testing and validation. The root cause was that the same set of data was not being fed into all data processing jobs, which caused certain data points to revert to an incorrect value of one of the processing jobs failed (given that it had not been processed correctly). Additionally, the timing of these jobs had to be modified so that processing jobs that were dependent on one another did not overlap. This solution has been tested, implemented, and resolved, thus increasing the Commission's usability of its data system as the number of daily processing errors has decreased. Note that the Commission still experiences processing failures from time to time, though these failures are primarily attributed to server overload and the size/age of the system. The Commission is hoping to resolve the server related issues in FY2026.

Following the resolution of these issues, the Commission resumed its review of the data system logic in the Fall of 2024. This was due in part to the priority given to resolving the system issues discussed above, and also to align the start of the logic review phase with the hiring of a new IT Specialist. The system review is approximately 30% complete and will resume in the Spring of 2025 after the 2024 Annual Report and 2025 Guidelines Manual have been published.

**90. The Commission discussed archiving older GRID system data in 2024.  
Please provide:**

**a. Status of the archiving project**

In collaboration with its contractor, the Commission has developed a plan for offloading certain historic data from its current server configuration onto a new server. The Commission has determined estimated costs for both the new server and the required disc space. This project is becoming part of the Commission's push to adjust the location and overall structure of the data system's servers. This is referred to as the server enhancement project or cloud transition. More information on the project is available in the response to Question 91. The Commission made a budget enhancement request to fund the server enhancement project as part of its FY 2026 Budget Review Team submission to the Mayor's office.

The Commission has also developed a contingency plan in the event that the budget enhancement request does not get approved. This involves converting the Commission's development and testing server to a backup server for historic data. However, this is only a contingency option because it would affect GRID system operations and significantly impact the Commission's data system development and testing abilities.

**b. Criteria for determining which data to archive**

Every year on or soon after January first, the Commission takes a historic data snapshot that preserves nearly all of the Commission's data as-is on that date. The snapshot allows for appropriate year-to-year data comparisons. Historic data snapshots will be archived onto the new server. Currently, there are 12 historic data snapshots. The Commission plans to move all but the most recent snapshot to the new server, though this may change depending on the outcome of the aforementioned budget enhancement request. Historic snapshots will still be accessible by Commission staff, as needed.

**c. Impact on system performance**

Over the past 12 years the Commission's database has grown significantly due to an accumulation of raw data, changing historical data, and cleaned sentencing data along with an increase in the size of storage the system needs available to run its nightly analytics and processes. Storing and managing this vast amount of data within a single database has become unfeasible, leading to performance bottlenecks, prolonged data processing jobs, and an increase in processing failures due to the lack of memory and disk space currently available on the server. Further, additional database jobs have been added to the existing infrastructure in order to sustain the evolving nature of the Commission's analytical capabilities; these additional jobs have overwhelmed the current system and routinely impact system performance.



If completed, the server enhancement project will significantly improve the efficiency and reliability of the Commission's data system by reorganizing and streamlining data into various silos for better management and reliability. Segregating historical data from current data into dedicated databases will reduce the load on our servers, resulting in faster data processing and shorter execution times for database tasks. This optimization minimizes system failures and downtimes, ensuring that our data exchange services and applications like GRID (the agency's internal data research system) and GSS (the system that allows criminal history scores to be received by the Commission), operate smoothly without interruptions. It also improves data management by cleaning up redundant information, which frees up storage space and enhances data integrity and security.

**d. Cost savings achieved**

If implemented, in addition to improving data system performance and reliability, archiving data snapshots will reduce the data system storage costs in the long term because the Commission will be able to reduce its server load. This has lowered the projected cost of the server transition project.

**91. What progress has been made in transitioning the GRID server to the cloud, as discussed in the November 2024 meeting? Please provide:**

The Commission's data system server needs have increased as the system has aged because both the amount of data stored, and the complexity of analysis and computations requested from the system, have increased. In the second half of 2024, Commission staff worked with its data system contractor and OCTO to develop and evaluate proposed server configuration changes necessary to maintain or improve data system security, stability, and performance. As a result, the Commission made a budget enhancement request to fund the server enhancement project as part of its FY 2026 Budget Review Team submission to the Mayor's office.

The server enhancement project will significantly enhance the efficiency and reliability of the Commission's data system by reorganizing and streamlining data into various silos for better management and reliability. Segregating historical data from current data into dedicated databases will reduce the load on our servers, resulting in faster data processing and shorter execution times for database tasks. This optimization minimizes system failures and downtimes, ensuring that our data exchange services and applications like GRID (the agency's internal data research system) and GSS (the system that allows criminal history scores to be received by the Commission), operate smoothly without interruptions. It also improves data management by cleaning up redundant information, which frees up storage space and enhances data integrity and security.

**a. Timeline for completion**

Assuming approval of the budget enhancement request, the Commission plans to transition its GRID data system to the cloud in FY 2026. Once begun, the project should not take more than several months to develop and implement.

**b. Total cost**

The total estimated year one initial cost of this project is \$655,503.90. After the initial year, the project is expected to add just under \$200,000.00 in additional annual costs.

The cost is broken into three parts:

- The cloud migration services. This is a onetime cost for planning and adjusting the system to the new server location and configuration along with actually transitioning the system and its data to the new system.
  - The work will be performed by a third-party contractor.
  - The Commission's IT contractor has estimated that the cloud migration services will cost \$299,796.60.
- Yearly infrastructure services. This is the cost of hosting, monitoring, and maintaining the servers on which the Commission's system will operate.
  - Infrastructure services will be purchased from OCTO, Microsoft Azure, and Amazon AWS.
  - The least expensive service configuration estimate that met the Commission's requirements was \$169,400.34 using Microsoft Azure cloud servers.
- Yearly operations and maintenance. This is the additional operations and maintenance costs associated with the cloud transition.
  - The work will be performed by a third-party contractor.
  - The Commission's IT contractor has estimated this will add an additional \$27,577.69 to the Commission annual operations and maintenance costs.

Note that the Commission evaluated three options for cloud migration: remaining with OCTO, moving to Amazon AWS, or moving to Microsoft Azure.

**c. Expected benefits**

Migrating the Commission's GRID and GSS applications to a cloud environment using a "Lift and Shift" approach offers substantial benefits directly aligned with the Commission's mission. Firstly, it significantly enhances the security posture of the Commission. Cloud providers like AWS and Azure provide advanced security features, including robust encryption, identity and access management and will also enable the Commission to comply with Federal

regulatory standards as its collecting data from federal agencies like CSOSA.<sup>15</sup> Moving to cloud for security and privacy compliance is crucial.

Secondly, moving to the cloud provides significant scalability and flexibility for the Commission's operations; in fact, it makes the server enhancement project easier to manage due to the architectural and infrastructure flexibility and elasticity that cloud services offer. The cloud infrastructure will allow us to scale resources up or down based on demand, ensuring optimal performance during peak periods without incurring unnecessary costs during slower periods. This scalability is crucial for accommodating future growth and increasing data volumes without compromising the performance of the GRID and GSS applications that are vital to the Commission's functions.

Thirdly, migration to the cloud sets a solid foundation for the future modernization of the Commission's applications. By being in a cloud environment, the Commission can more readily adopt modern technologies such as microservices, serverless computing, and containerization. This facilitates the development and deployment of new features and services within GRID and GSS, enhancing their functionality and efficiency and better serving the needs of the stakeholders, including the mayor and DC Council, along with the community.

Additionally, while this is an additional cost for the Commission, it is less than non-cloud-based solutions. The cloud offers cost efficiencies, the pay-as-you-go model reduces capital expenditure on physical hardware and maintenance, as the Commission only pays for the computing resources it uses. Over time, this can lead to significant savings and a more predictable budgeting process, allowing the Commission to allocate funds to other mission-critical areas such as data research and sentencing compliance.

Lastly, migrating the Commission's data system to the cloud will enhance the reliability and disaster recovery capabilities of GRID and GSS. Cloud providers offer high availability with automatic failover options and multiple availability zones, ensuring that GRID and GSS remain accessible even in the event of hardware failures or other disruptions or disasters. Built-in backup and recovery services protect our sentencing data against loss, enabling rapid restoration and minimizing downtime in case of emergencies, thus maintaining the continuity of the SCDC's operations and services.

#### **d. Any challenges encountered**

Securing funding for this project is the primary challenge. The Commission has asked for a FY 2026 budget enhancement for the project; however, it does not know if the Mayor will approve the enhancement.

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<sup>15</sup> The Commission may need to meet these standards if it is ever able to receive presentence report data from CSOSA.

## **Guidelines Accessibility and Equity**

### **92. The Commission planned to translate the Guidelines Manual into Spanish in FY 2024-2025. (Source: November 2024 Meeting Minutes). Please Provide:**

#### **a. The current status of this initiative**

As part of its effort to increase access to the Manual and other Commission materials, in FY 2024, the Commission began investigating the feasibility, cost, and value of translating and publishing the Manual into Spanish. Commission staff determined that translating the Manual was feasible and would increase the number of individuals with access to the Guidelines.

In FY 2025, the Commission received funding to translate the Manual into Spanish. Over the past year, Commission staff have researched and spoken with potential vendors on the best way to accomplish this project. In early January OCP put the project out for competitive bidding. The Commission is currently evaluating the one bid received.

#### **b. The total cost of translation services**

The Commission has estimated that it will cost \$10,000-12,000 to initially translate the Guidelines Manual into Spanish. The Commission has budgeted for that cost in FY 2025. The Commission is still assessing the best way to distribute the translated Manual, therefore additional printing costs may be incurred. The Commission will also incur a yearly cost to update the translated Manual after any updates to the English Manual. This cost will vary dependant on the size and scope because translation services are primarily billed at a per-word rate.

#### **c. Timeline for completion**

Once a vendor is selected and the 2025 English Manual is approved by the Commission, the translation process will begin. The vendor will create a draft of the translated Manual. Simultaneously, the Commission will form a subcommittee containing Spanish-speaking Commission members or employees of member organizations. This subcommittee will review a draft of the translated Manual to verify its accuracy and make edits as necessary. The Commission anticipates publishing a Spanish-translated Manual in late 2025.

#### **d. Any challenges encountered**

The Commission has heard from several potential vendors that OCTO/ORMs insurance requirements are unreasonable for a project of this nature, and have

prevented potential vendors from bidding. The potential vendors informed the Commission that this type of work is most often performed by individuals or small businesses who cannot meet the requirements.

**93. What progress has been made in implementing the Commission's new Guidelines training program for DC Jail residents, as discussed in 2024? (Source: January 2024 Meeting Minutes)**

The Commission has continued its efforts to engage with D.C. Jail residents. Some of the Commission's efforts include:

- Ensuring that residents have access to the recorded D.C. Voluntary Sentencing Guidelines training via tablets distributed by the D.C. Department of Corrections (DOC);
- Sharing relevant community outreach events with DOC staff to ensure that residents can attend these events virtually; and
- Adding D.C. Jail staff to the Commission's email list to ensure that major publications, such as the agency's Annual Report and the yearly D.C. Voluntary Sentencing Guidelines Manual, are distributed to residents.

Due to scheduling conflicts and unanticipated lockdowns, the Commission's plans to host a presentation were postponed to the second quarter of fiscal year 2025. On Friday, January 10, 2025, the Commission hosted its first in-person "Guidelines 101" presentations for D.C. Jail residents in the Young Men Emerging Unit and a general population women's unit. These two presentations provided attendees with an overview of how the Guidelines work in the District, allowing participants to ask general questions about the Commission's role and the Guidelines. The Commission received positive feedback on these presentations. DOC staff indicated that they would like to conduct more in-person Commission presentations. Moving forward, the Commission plans to make at least one presentation to DOC inmates each year.

The Commission would like to thank Erika McJimpsey, the DOC's Commission representative, and Commission member Joel Castón, for their efforts in ensuring the Commission has a successful partnership with the DOC.

**94. Please provide an update on the Commission's efforts to work with MPD and Community Safety Ambassadors to increase community outreach and education about sentencing guidelines. (Source: July 2024 Meeting Minutes)**

The Commission has continued to engage with MPD and Community Safety Ambassadors to enhance the understanding of District residents and practitioners regarding how the Guidelines operate. In FY 2024 and the first quarter of FY 2025, the Commission attended and/or participated in 64 community-focused

events. Many of these events aimed to educate the public on how the Commission ranks felony sentences under the Guidelines, while also providing resources for community members to learn more about the Commission. The following are examples of events the Commission participated in with MPD and/or Community Safety Ambassadors:

- Presented at four CAC meetings;
- Joined monthly scheduled meetings for USAO DC Violent Crime Working Group, USAO DC Leadership Academy, and USAO DC Women’s Diversity Working Group;
- Hosted a presentation at a PSA 702 Community Meeting;
- Attended monthly First Friday Breakfast Group Meetings; and
- Participated in in-person tabling events, including MPD’s “National Night Out” and the T.R.I.G.G.E.R. Project’s “End Gun Violence Festival,” where it shared information and resources about the Commission, and gathered community feedback on sentencing in the District.

The Commission plans to continue engaging with these groups in FY 2025 and beyond.

## **Data Requests and Analysis**

**95. In last year’s oversight responses, the Commission identified significant challenges in accessing presentence report data from CSOSA and indicated this has limited its ability to analyze and evaluate the criminal history scoring system. In FY 2024 and FY 2025 to date**

**a. What specific steps has the Commission taken to address this data access barrier with CSOSA?**

The Commission has explored receiving a limited number of redacted defendant criminal histories from CSOSA. Unfortunately, after estimating the effort required by the project, CSOSA concluded that they did not have the manpower to make the extensive redactions they deemed necessary to share the information. CSOSA compiles criminal history data and presentence reports in a Word document rather than as data files, making redactions difficult and time-consuming. Additionally, based on CSOSA’s response, it is not clear that the limited amount of de-identified redacted data they initially offered to provide would allow the Commission to perform any analysis beyond its current capabilities. While the Commission continues to discuss options with CSOSA, these conversations have not yielded any alternatives.

**b. Has the Commission made any progress in establishing a Data Sharing Agreement under the Privacy Act's Routine Use Exception?**

No. The Commission previously tried to gain access to presentence reports from CSOSA by developing a MOU. While the Commission concluded that the Routine Use Exception to the Privacy Act would apply to sharing presentence reports with the Commission, CSOSA's General Counsel's Office disagreed. Other CJCC members have run into similar difficulties trying to receive data from CSOSA.

Ultimately as the holder of the information, CSOSA can determine if the Routine Use Exception applies, unilaterally. As the Commission receives each defendant's total criminal history score from CSOSA, the Commission is hesitant to seek additional measures that could endanger that relationship and potentially risk what data is currently shared. Until their position on the exception changes, CSOSA does not appear to be a likely source of this information.

**c. What alternative methods, if any, has the Commission developed to evaluate the effectiveness of its criminal history scoring system?**

To date, the Commission has not developed an alternative method to evaluate the effectiveness of its criminal history scoring system. While voluntary, the Guidelines are consistently utilized by judges to impose felony sentences. As noted in response to Question 80, in FY 2024 the Commission determined that judges utilized the Guidelines in 98.1% of all felony sentences imposed and that 94.6% of felony sentences were within the Guidelines sentencing range and sentence type options. This indicates that judges find the recommended sentencing ranges, based in part on a defendant's prior convictions, appropriate. However, this finding alone does not provide enough data for the Commission to determine that the criminal history scoring system meets its goal.

Due to difficulty obtaining presentence report data, last year the Commission prioritized other necessary projects, including the Enterprise Justice transition, as well as updating the GRID system's algorithms. Once the data system and algorithm review are completed, the Commission can begin to explore alternative methods with the data it is in possession of to evaluate the accuracy of its criminal history scoring system.

A potential alternative to receiving presentence reports would be an update to the GSS module of the GRID system. CSOSA uses the GSS module to transmit each defendant's total criminal history score to the Commission. The Commission could enhance the module so that CSOSA presentence report writers could input the full breakdown of criminal history data directly into GSS. However, implementing this system would still require CSOSA to

enter into a MOU with the Commission to share the data. It would also increase the workload of presentence report writers.

**96. Which, if any, stakeholders has the Commission engaged to help resolve this ongoing barrier to conducting comprehensive criminal history analysis?**

In addition to CSOSA, the Commission has spoken with other partners, to help access criminal history data and/or the entire Presentence Report. The Commission has participated in discussions regarding access to data and the use of the Privacy Act's exceptions with the CJCC Principals. It has also engaged Superior Court leadership. Due to recent leadership changes in both the Superior Court and the Commission, discussions are only in the preliminary stages.

**97. What support, if any, do you need from the Council or the Executive to access presentencing data and evaluate the criminal history scoring system?**

One way the Council or Executive could assist the Commission in accessing presentence report data is by helping us determine if it is worthwhile pursuing an amendment to the Privacy Act. And, if such an amendment is worth pursuing, how to go about requesting and lobbying for it.

Thinking ahead, if the Commission can gain access to criminal history data, it will require a significant upgrade to the GRID system in order to receive, process, and analyze the data. Similarly, if the Commission is given access to the data through presentence reports, it will need additional funding for staff and/or technology to input the information into the system and modify the system so that it can process and store this data to be available for analysis.

## **Personnel and Staffing**

**98. In last year's oversight responses, you identified significant challenges regarding personnel services funding, including the inability to promote key staff members and provide merit-based increases. Does the Commission face any continuing personnel challenges? Please describe and provide:**

**a. Current status of merit-based salary increases for staff, which were reported as frozen since 2018.**

As a direct result of the Council's increase of the Commission's FY 2025 Personnel Services budget, the Commission was able to make necessary promotions in FY 2025 and provided all qualifying staff with merit-based raises.

However, given the Commission's budget constraints and because all Commission staff members are classified as Excepted Service employees, future merit-based raises will require another increase in the Commission's budget.



**b. Analysis of any wage disparities between Commission staff and comparable positions at other District agencies**

An analysis of Commission (labeled as SCDC in the chart below) staff compensation compared to similar positions in similar agencies, such as CCRC, CJCC, ONSE, has revealed that Commission staff salaries are closer but still below their counterparts at other agencies. Examples are provided in the chart below:

Salary Comparisons in Thousands of Dollars Per Year

SCDC Role	SCDC Salary	CJCC Role	CJCC Salary	ONSE Role	ONSE Salary	CCRC Role	CCRC Salary
General Counsel	\$130	Attorney Advisor (non-supervisory)	\$131	General Counsel	\$174	Sr. Attorney Advisor	\$144-145
Research Director	\$112	Director of Research and Policy	\$160	n/a	n/a	n/a	n/a
Research Analyst	\$87	Data Scientist	\$99	n/a	n/a	Social Scientist	\$103
IT Specialist (Data Mgmt.)	\$108	IT Specialist (Data Mgmt.)	\$110	n/a	n/a	n/a	n/a
Outreach Specialist	\$83	Public Affairs Specialist	\$96	Outreach Specialist	\$72-86k	n/a	n/a

**c. Impact of increased data requests on current staffing levels**

Due to an increase in the volume and complexity of data requests and data related projects the Commission is completing, in FY 2025 the Commission plans to reclassify a recently vacated Guidelines policy position to a data position (Attorney Advisor to Statistician). Once this position is filled (See the response to Question 5 for more details), it should help make the workload of other members of the research team more manageable.

**d. Whether the Commission has had to limit its responses to data requests due to staffing constraints.**

To date, the Commission has not had to limit its responses to data requests due to staffing constraints. However, at times it has had to delay

responses and/or prioritize requests from agency partners over other requests. If the number and/or complexity of data requests continues to increase, the Commission may need to limit its ability to respond to all data requests.

The primary reason the Commission has not had to limit data request responses is because of the abilities and commitment of members of the Commission's data team.

In 2025 the Commission intends to change its data policy regarding requests for misdemeanor offense data. The Commission reviews, monitors, and cleans all felony offense data it receives. It does not have the resources to review, monitor, and clean misdemeanor data at the same level. Therefore, the Commission will limit its data responses to requests for felony offense data. An exception will be made for agency partners, such as the Council or CJCC. However, those exceptions will include a disclaimer regarding the data quality.

**e. Staff retention rates for 2024 and whether compensation levels have affected retention**

The Commission has an approved staff of nine full-time employees. In 2024 one staff member was terminated due to poor performance and one staff member left the Commission for another opportunity in a foreign country. It does not appear that compensation levels have affected staff retention. However, several Commission employees have expressed their concern with current compensation levels.

## **Case Management System**

**99. The Superior Court is in the process of transitioning from CourtView to Odyssey/Enterprise Justice. To support this, the Committee allocated \$350,000 in FY 2024 for the IT Upgrade - DC IJIS Integration project to support GRID system updates for Odyssey integration. Please provide:**

**a. A detailed accounting of how these funds have been used to date (Question 100)**

The Superior Court continues to face significant challenges and delays in finalizing and implementing its new case management system. While the final parameters of the Superior Court's system remain under development, the Commission has begun working to modify its own system in areas where the scope of the necessary changes is known. The Commission could not wait for the Court to finalize the Enterprise Justice system before beginning its own work because it risked having no or limited access to data if the Superior Court went live before the Commission was ready.

In FY 2024, \$73,024.94 was paid out for work performed by the Commission's contractor to participate in discussions with the Superior Court and CJCC and to develop system updates based the overarching

Enterprise Justice structure that is already known. In FY 2025, to date, the Commission obligated \$160,391.54 in capital funds to continue preparing to adjust the system in response to the Superior Court's changes. Of that total, \$88,391.54 in contractor work has been completed and invoiced. This included work on draft structures and sample XMLs. Notably, most of the FY 2025 funding has gone toward attending technical meetings with the Superior Court and CJCC, accessing and responding to project risks associated with the Court's articulated approach, and testing sample XML updates. Of the \$350,000 capital funds awarded to the Commission in FY 2024, \$116,583.52 remains unobligated.

**b. Whether additional funding will be needed in FY 2025 to complete the integration (Question 101)**

This project will require additional funding to complete because the final scope of the changes the Commission will need to make to its own data system remain unknown. Based on the approaches currently being discussed by the Superior Court, significant additional changes will need to be made to the Commission's system (and to a large extent the scope of the changes remains unknown). This information will not be determined until the Superior Court finalizes the parameters of its own system and full partner data testing begins. Given the current status of the project, it seems more likely that additional funding will be needed in FY 2026 or FY 2027 rather than in the remainder of FY 2025.

**c. If additional funding is needed, the estimated amount and specific purposes (Question 102)**

Unfortunately, given the non-finalized status of the project, the Commission is unable to give an accurate estimate as to future funding needed to complete integration.

**d. Specific technical, operational, or resource challenges that need to be addressed before implementation (Question 103)**

The structure of the data coming from the Superior Court after Enterprise Justice is implemented has not been finalized. Therefore, the Commission cannot begin to finalize the changes it must make to its internal system. Additionally, one of the major reasons why the future funding amount cannot be estimated is because the process for how historic data from the Superior Court will be converted to match data from cases that began in Enterprise Justice has not been finalized. If the Commission must convert all of its historic data to match data from Enterprise Justice on its own, the cost will be significantly higher than if the Superior Court is able to provide CJCC and agency partners with converted historic data. The Superior Court is working with partners to make this process as easy as possible on agency partners, but the end result is not yet known.

It is likely that there will also be post-go-live changes that need to be made to the Commission's system to maintain current performance levels after the system begins to receive Enterprise Justice data. One advantage of completing the several enhancement projects discussed in the response to Question 91 is that it will give the Commission more flexibility in making server adjustments should unexpected changes occur when Enterprise Justice is implemented. This includes additional storage needs, which the Commission will be prepared for if it receives funding for and completes its server enhancement project.

The likelihood of Odyssey/Enterprise Justice being completed in FY 2025 is low, which will require additional funding for the Commission's contractor to continue to monitor developments until the final XML is sent. The Commission's current contract for monitoring project risks and testing XML, excluding development costs, is \$99,537.42.

**e. What support, if any, is needed from the Council or the Executive to ensure a successful transition (Question 104)**

This has been an incredibly difficult project to plan and budget for because there are many factors outside of the Commission's control. At this time, the Commission does not have any specific requests for support from the Council or Executive related to the Enterprise Justice project. As soon as more information is known about what resources will be needed to complete the project, the Commission will inform the Council and the Executive.

The Commission will continue to work with the Superior Court, CJCC, and partners agencies to address challenges related to the Court's transition to Enterprise Justice. The responses to questions in this document about the project note the many challenges the Commission and its partners have faced working with the Superior Court on this project. However, it is critical to note that these challenges are not due to the Superior Court being delinquent or non-responsive in addressing the concerns and needs of its criminal justice data partners. On the contrary, the Superior Court has tried to accommodate its partners as best it can while working within their own operational, budgetary and technological constraints. The Commission thanks the Superior Court and CJCC for being such open partners during this process.