

## D.C. Sentencing & Criminal Code Revision Commission

### Data Sharing Policy<sup>1</sup>

- 1. Data Sources:** The District of Columbia Sentencing and Criminal Code Revision Commission (the Commission) receives sentencing data from the D.C. Superior Court (DCSC) through the Integrated Justice Information System's outbound portal (IJIS 12.1), a web-based application created by the D.C. Criminal Justice Coordinating Council (CJCC). The CJCC uses IJIS 12.1 as a portal for the exchange of criminal justice information among agencies in the District. The Commission obtains sentencing data through IJIS 12.1 to monitor the sentences imposed by the court in felony cases, and assess compliance with the Sentencing Guidelines. DCSC retains ownership of the sentencing data.

The Court Services and Offender Supervision Agency (CSOSA) provides criminal history scores for most felony offenders. The Commission uses data received from the Superior Court and CSOSA to assess compliance with the D.C. Voluntary Sentencing Guidelines. In cases involving departures from the guidelines, the Commission may contact the sentencing judge to request more information regarding aggravating or mitigating factors influencing sentencing which resulted in the judge to departing from the recommended sentence under the Sentencing Guidelines. CSOSA retains ownership of the criminal history score data, while the Commission retains ownership of Sentencing Guidelines compliance data.

- 2. Types of Data Shared:** Data shared by the Commission is available in two formats: aggregate data and requested data sets void of identifying information about offenders or ex-offenders. The Commission does not provide individual sentencing information, or information that would allow for offenders or ex-offenders to be identified. Individual sentencing information may be obtained from the DCSC website ([www.dccourts.gov](http://www.dccourts.gov)).
  - Aggregate data distributed by the Commission displays in graphs and tables depicting the information made available by DCSC and CSOSA, as well as guidelines compliance data variables generated by the Commission. This data can be found on the Commission's website, or through data requests made directly to the Commission.
  - Requested data sets, which have been purged of all identifying information about offenders, offer the ability to complete an analysis of sentencing data. These data sets contain data elements received from DCSC and CSOSA, as well as compliance data generated by the Commission. This type of data may be directly requested from the Commission.

It is important to be aware that sentencing data is often updated due to new events within a case, appeals, or other adjustments made by DCSC. Each agency providing sentencing data retains ownership of that data, and the responsibility of monitoring data quality. Aggregate data and data sets distributed by the Commission reflect the most current data available to the Commission at the date and time of dissemination.

- 3. Requesting Data:** Data requests for both aggregate data and requested data sets must be completed using the Commission's data request form after the requester has determined that the data is not currently available on the Commission's [Data and Charts](#) webpage. Individuals or entities requesting data must

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<sup>1</sup> This policy does not control D.C Freedom of Information Act (FOIA) requests. More information regarding FOIA information is available on the Commission's website at <http://sdc.dc.gov/page/freedom-information-act-foia-requests>)

provide a detailed description of the data requested. This should include a listing of the data elements to be compared for aggregate data requests, or to be included in a requested data set. Upon request, the Commission's Statistician may provide assistance with clarifying the submission of data requests.

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

#### **A. Data Request Approval**

Data request forms are to be submitted to the Commission's Statistician. The Statistician will assess whether the data request can be completed based on whether:

1. A completed data request form,
2. Data is available, and
3. Data verification has been completed for the requested data elements.

The Statistician will develop a feasible timeline for the project given the other data requests and research projects that are underway at the time of the request.

Following assessment by the Statistician, the Executive Director will review the request. The Executive Director may, amongst other reasons, deny data requests because:

1. The data requested has already been published by the Commission. Requestors will be directed to documents where the requested data has already been reported on the Commission's website ([scdc.dc.gov](http://scdc.dc.gov));
2. The data requested is unavailable to the Commission;
3. The data requested has not yet been verified; or
4. The data requested is overly complex and/or the Commission does not have the resources to complete the data request.

#### **B. Data Request Timeline**

The Commission will attempt to fulfill data requests within 20 business days from the date a data request is approved by the Executive Director. Individuals or entities requesting data will also receive a confirmation of the approval, and will be provided a projected delivery date. Requests will then be processed based on the other priorities of the Commission. In instances where the Commission denies or is unable to fulfill a request, the requestor will receive notification including a brief explanation as to why the request could not be fulfilled.

In the event that there are a disproportionate number of data requests, the Executive Director may extend the timeline for request completion. An extension of the timeline may also occur when there

are pressing internal research projects that take precedence. Finally, a request may be delayed because of the complexity of the data request. If an extension is required, the Commission will provide a notification to the requester that will include a modified completion date.

### **C. Expedited Processing**

In certain instances, expedited processing may be necessary for a particular data request. These requests will be examined on a case-by-case basis, and will require an additional explanation regarding the need for acceleration of the timeline for analysis. Expedited processing will only be initiated at the discretion of the Executive Director and will be dependent on:

1. A detailed explanation of the need for expediting the analysis
2. The availability of the variables and/or parameters to be analyzed, and
3. The research staff's availability to meet the proposed expedited timeline.

### **D. Acceptable Requests for Data**

In most cases, an acceptable request submitted to the Commission may involve descriptive statistics. For example, a requester may ask for the percentage of female offenders under the age of 25 who were sentenced to incarceration. However, the Commission is unlikely to approve any external projects requiring the use of advanced statistical analysis. For example, the Commission will not approve a request regarding the extent to which an extralegal factor significantly predicts sentence length.

- 4. Format of Data Shared:** Responses to requests for aggregate data will be in the form of PDF documents unless otherwise specified in the initial notice of approval by the Executive Director, and will include a brief synopsis of the figures presented. Requests for a dataset will be completed by providing the data set as a Microsoft Excel document. While a data request seeking a data set may be approved, no personal identifying information will be provided regarding individuals involved in any court case (i.e., offender, judge, attorney, or police officer).
- 5. Method for Examining Data:** The Commission will use the internal Guidelines Reporting and Information Data (GRID) system and the Guidelines Scoring System (GSS) to retrieve data, and to assist in data analysis. More information regarding the development of the GRID system and GSS may be found in the 2014 Annual Sentencing Commission Report. Unless otherwise stated, data reported will include the most current case and offender information available at the time of analysis. Analysis involving sentencing trends will include the data captured at the end of the calendar year. This allows for the completion of data entry and verification.
- 6. Obligations of the Individual/Entity Requesting Data:** Once a data request has been submitted, it cannot be modified. Any requested modifications will be handled as a new data request. Multiple data requests are not subject to the 20 day timeline; however, they will be addressed in a timely manner.

Any dissemination of statistical information regarding sentencing that is provided by the Commission should be accompanied by the following disclaimer:

- **\*Disclaimer:** The sentencing data provided is a statistical representation of information related to the D.C. Voluntary Sentencing Guidelines. Further interpretation of the data by [*insert requesting entity*] does not reflect the opinions or advisement of the D.C. Sentencing & Criminal Code Revision Commission, or its members.