

## **D.C. Sentencing Commission Data Sharing Policy<sup>1</sup>**

The Commission will only share data in a manner consistent with this Data Sharing Policy. Additionally, any data or analysis distributed must also comply with any agreement the Commission signed with the data source agency (e.g. Superior Court, CSOSA, or MPD). These agreements detail what and how the Commission is authorized to share data. If the data requested cannot be shared by the Commission, it is recommended that the requestor contact the source agency directly to make the data request.

### **1. Data Sources:**

The District of Columbia Sentencing Commission (the Commission) receives data from three distinct sources: the D.C. Superior Court (DCSC), Court Services and Offender Supervision Agency (CSOSA), and the Metropolitan Police Department (MPD). Additionally, the Commission uses data from D.C. Superior Court and CSOSA to create its own compliance data.

D.C. Superior Court: 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.

Metropolitan Police Department: The Commission receives arrest related data, sourced by the Metropolitan Police Department, through the MPD arrest data XML feed. This information is received in real time, every 30 minutes. Arrest related data is validated, processed, and stored in an MPD arrest database, then transferred and integrated into the GRID system once an arrest results in a case filing in Superior Court, allowing for the analysis of a felony case from arrest through sentencing.

Court Services and Offender Supervision Agency: The Court Services and Offender Supervision Agency (CSOSA) provides criminal history scores for most felony offenders. Criminal history scores are based on: 1) each prior conviction an individual has received, 2) the type of prior conviction, and 3) how long ago each conviction occurred. CSOSA retains ownership of the criminal history data.

D.C. Sentencing Commission: 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, which resulted in a sentence different than what was recommended by the Guidelines, the Commission may contact the sentencing judge to request more information regarding any aggravating or mitigating factors that influenced the sentencing decision. The Commission retains ownership of Sentencing Guidelines compliance data.

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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://scdc.dc.gov/page/freedom-information-act-foia-requests>)

## 2. Types of Data Shared:

Data shared by the Commission is available in two formats: aggregate data and felony data sets, which are devoid of identifying information about offenders or ex-offenders.

- Felony datasets, which have been purged of all personal identifying information (PII), offer the ability to complete an analysis of felony sentencing data in response to specific research questions. These data sets may include any of the data elements contained in the agency's Data Dictionary, which is posted on the agency's website. The Data Dictionary identifies the data elements approved by the Commission for inclusion in any datasets requested.
- Aggregate data distributed by the Commission displays graphs and tables depicting the information made available by DCSC, CSOSA and MPD, 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.

Requests for felony data sets will be approved on a case-by-case basis, given the nature of the request and the extent of information that is requested to be included in the data set. Additionally, the Commission does not provide arrest or sentencing information for a specific case, any data that would allow for the identification of offenders or ex-offenders, arresting officers, or any sentencing information by individual judges. This includes, but is not limited to names, birthdates, social security numbers, and specific arrest or sentencing dates. No data that could potentially link an individual to an arrest or court case will be provided. Case specific information may be obtained from the DCSC website ([www.dccourts.gov](http://www.dccourts.gov)).

Further, the Commission will not provide any data or analysis for requests that utilize arrest data as the sole/primary data source. MPD data will only be used in conjunction with sentencing and criminal history data. Detailed arrest information should be obtained directly from the Metropolitan Police Department.

In the event that the requested analysis results in a "small number", of counts/cases/offenders, it is at the Commission's discretion to deny a data set as part of a data request response. Specifically, any analysis that results in five records, or fewer, will not be presented in the form of a data set. Note that this threshold (five records) can vary based on the nature of the request. This pertains to analyses derived from both sentencing and/or arrest data:

## 3. Live Data:

The Commission utilizes live data when completing a data request. It is important to be aware that this up-to-date sentencing data that changes day to day due to new events, appeals, individual case updates or adjustments made by DCSC, CSOSA, and/or MPD. Each agency providing sentencing data retains ownership of that data, and the responsibility for monitoring data quality.

Aggregate data and felony data sets distributed by the Commission are populated using live data and reflect the most current data available to the Commission at the date and time of analysis. Some volatility is normal when working with dynamic data. Consequently, the same analysis conducted at different points in time may produce different results. In addition to capturing live data, the Commission has the

ability to preserve data that was captured at the end of each calendar year. Referred to as an annual “snap shot,” this data is frozen in time, is not affected by subsequent updates or modifications. Snapshot data is used for the Commission’s [Annual Reports](#).

#### **4. Requesting Data:**

Prior to submitting a data request, parties must determine that the requested data is not currently available on the Commission’s Sentencing Data [webpage](#), which houses a variety of public data sets for all calendar years from 2014 onward. If the desired data is not available in these public data sets, a data request may be submitted using the Commission’s data request form. However, if the Commission deems that the data request can be completed using the publicly available data, the request may be denied at the Commission’s discretion. It is strongly suggested that any interested parties review the public data sets before submitting a formal data request.

##### **a. Submitting a Data Request Form**

A completed data request form must address three key components to be approved.

**Specific Research Question:** Individuals or entities requesting data must provide a detailed description of the data requested, which should include the specific research question to be addressed. The research question should be clear and concise, yet thorough enough so that the Commission can accurately comprehend what the requestor is seeking to learn from the data and corresponding analysis. Vague data requests, such as “What are the trends for robbery sentences in the last five years?”, or requests asking for “all data”, i.e. “all sentences imposed in 2019”, will be denied.

*Sample research questions include: “What is the average sentence imposed for females convicted of armed robbery, who were under the age of 25 at the time of the offense?”, “How many offenders were sentenced each year between 2015 and 2019 for CPWL, and what is the average sentence by age group for each year?”, or “What is the most frequently sentenced offense among individuals who were between the ages of 22 and 25 at the time of the offense, with a criminal history score of B?”.*

**Variables of Interest:** The data request should include a list of variables that are of interest to the requesting party, as well as any measures of analysis that should be included in the data request response.<sup>2</sup> For example, the requestor can state that they are interested in the “average sentence by criminal history score”, where the average sentence is a measure of analysis, and criminal history score is an example of a variable. A complete list of variables available for analysis can be found in the data dictionary documents which are located on the Commission’s website. Please note that the data dictionary list is exhaustive and any data variable that is not listed in the data dictionary is not available for analysis.

**Data Request Purpose:** The data request must also include a detailed description of the purpose for the data requested, so the Commission can provide an accurately tailored response to the request. Data

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<sup>2</sup> Measures of analysis refers to calculations of the mean, median, mode, min/max, etc.

requests may include examination of sentencing data involving felony offenders, felony cases, and/or felony counts; and the requestor is responsible for identifying which level is pertinent to their request.

Data request forms submitted that are incomplete or 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 prior to the start of any analysis. Commission staff is available to answer any questions concerning the data and/or the data request process. If you need assistance with filling out the data request form, please contact us at [scdc@dc.gov](mailto:scdc@dc.gov).

#### **b. Data Request Limitations**

The structure of the Commission's data system currently does not allow for certain types of analysis. This is in part due to the structure/format of certain data elements provided by each source agency, as well as the availability of certain data elements within the data system itself: not all variables are available for automatic analysis. Data requests that involve manual analysis will be approved on a case by case basis and may require an extended response time. This includes requests for consecutive/concurrent sentencing information, criminal history composition data, and data pertaining to credit for time served.

#### **c. Data Request Approval**

Data request forms are to be submitted to the Commission's Executive Director/Research Analyst. After reviewing the request, Commission staff will assess whether the data request can be completed based on the following factors:

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

The Commission will develop a feasible timeline for the completion of the request given the other data requests and research projects that are currently underway at the time the request is received. Following assessment by the Staff, 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 ([www.scdc.dc.gov](http://www.scdc.dc.gov));
2. The data requested is unavailable to the Commission; or
3. The data requested is overly complex and/or the Commission does not have the resources to complete the data request.

#### **d. Data Request Timeline**

The Commission will attempt to fulfill data requests within 30 business days from the date a data request is approved by the Executive Director. Individuals or entities requesting data will receive a confirmation of the approval and a projected delivery date. In instances where the Commission denies

or is unable to fulfill a request, the requestor will receive notification that includes a brief explanation as to why the request could not be completed.

In the event that there are a high number of data requests received by the Commission, 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 must take precedence. Finally, a request may be delayed because of the complexity of the data request. If an extension is necessary, the Commission will provide a notification to the requester that will include a modified completion date. In the rare occasion that the Commission needs to modify an already agreed upon completion date, the Commission will make every effort to notify all parties of the delay no less than 10 business days from the original projected completion date as stated on the approved data request form.

#### **e. 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 the accelerated 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.

#### **f. Obligations of the Individual/Entity Requesting Data**

Once a data request has been submitted, it cannot be modified. Any modifications, changes, or updates will need to be submitted and processed as a new data request. Multiple data requests are not subject to the 30-day timeline; however, every attempt will be made to address them in a timely manner.

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

**\*Disclaimer:** The data provided is a statistical representation of information from the D.C. Sentencing Commission. Further interpretation of the data by [*insert requesting entity*] does not reflect the opinions or advisement of the D.C. Sentencing Commission, or its members.

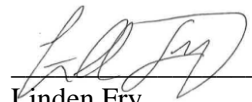
### **5. Format of Data Shared:**

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. The response will include a brief synopsis of the information presented. Requests for a felony dataset will be completed by providing the data set as a Microsoft Excel document. While a request seeking a specific 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).

**6. Method for Examining Data:**

The Commission will use its internal Guidelines Reporting and Information Data (GRID) system and the Guidelines Scoring System (GSS) to retrieve data, and to assist in data analysis. These systems work together to integrate arrest, court, and criminal history data. More information regarding the development of the GRID system, including the GSS module and the MPD Arrest Data Feed may be found in the D.C. Sentencing Commission's Annual Reports. Unless otherwise stated, data reported will include the most current case and offender information available at the specific day and time of analysis.

Policy Approval:

  
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Linden Fry  
Interim Executive Director

3-14-2022  
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Date