

Focus Groups of Primary Users of the DC Voluntary
Sentencing Guidelines:
Findings and Recommendations

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II. Executive Summary

In April 2018, The Moss Group (TMG) submitted a proposal in response to the District of Columbia Sentencing Commission's (the Commission) Statement of Work seeking professional consulting services to develop and moderate a series of focus groups with members of primary user groups of the Voluntary D.C. Sentencing Guidelines (the Guidelines): the Judiciary, United States Attorney's Office (USAO), Public Defender Service (PDS), Court Services and Offender Supervision Agency (CSOSA), and Criminal Justice Act (CJA) Attorneys (collectively, "the agencies"). The focus of this project was to determine how the agencies perceive the Guidelines in terms of their structure and application, and to develop a report identifying components of the Guidelines' structure and application that may warrant further evaluation by the Commission.

Key findings from this project are described in detail in this report. To summarize the findings:

- Focus group participants were in general agreement that the Guidelines are achieving their goals of certainty, consistency, and adequacy of punishment.
- However, because of the breadth of the Guidelines ranges, there may be inconsistency in sentencing among Guidelines-compliant sentences.
- Participants made several suggestions for amending the Grids by adding boxes, and re-ranking certain offenses.
- All agency groups were interested in amending the criminal history scoring rules regarding misdemeanors, lapse and revival, and juvenile adjudications.
- Participants made suggestions for updating the lists of aggravating and mitigating factors.
- In terms of the guidance that the Commission provides, participants requested that the Commission offers: additional guidance in the form of training, a point-of-contact for Guidelines questions, and online resources.

In developing its focus group protocol, TMG relied on the results of a survey – the Criminal Justice Practitioners Survey – that the Commission had previously conducted in the spring of 2018. Details regarding the development of the focus group protocol and its reliance on the survey results are described in this report.

The Commission provided TMG with lists of staff, chosen by their agencies as individuals with a high level of familiarity with the Guidelines, and issued invitations to participate in the focus groups.

Through structured focus group protocols, participants were asked a variety of questions about criminal history scores, offense severity groups, and the Sentencing Guidelines Grids and its accompanying Manual. Though TMG was prepared with formal questions, the format was flexible and allowed for discussion beyond the scope of any particular question. The focus

groups were recorded; however, those recordings and their transcripts have since been destroyed in order to preserve anonymity.

The overall themes center around the Guidelines' success in achieving their stated goals, with some potential need for re-evaluation, such as: the narrowing of ranges; the re-ranking of some offenses; the addition of non-prison (probation-only) sentences; the scoring of criminal history; the lists of aggravating and mitigating factors; and the availability of Commission staff to answer questions, provide formal training, and revise the Voluntary Sentencing Guidelines Manual.

Individual agencies had some particular ideas and suggestions, which are discussed in detail later in the report.

TMG has provided the Commission a set of recommendations, grounded in feedback that TMG received from the focus groups themselves, as well as an analysis of transcripts of the recordings that were made for each focus group.

Appendix I contains the Master and Drug Grids. Appendix II contains the focus group protocol. Appendix III contains a bibliography that TMG used in writing this report. Appendix IV contains biographical sketches of each of the individuals who contributed to the development of the focus group protocol, the focus groups themselves, and the writing of this report.

III. Key Findings

The Commission wanted to seek input from the primary users of the Guidelines regarding the current Guidelines structure and rules to determine whether they are perceived as effective in achieving the goals of certainty, consistency, and adequacy of punishment in sentencing. The purpose of the current project was to gather said input using focus groups.

Below are the key findings drawn from an analysis of the recordings and transcripts of the focus groups. Page numbers are provided to direct readers to the location of more detailed discussions of each finding within this report.

Findings related to changes to the Guidelines themselves:

- Participants generally agreed that the Guidelines are achieving their goals of certainty, consistency, and adequacy of punishment in sentencing. However, participants also generally felt that although the Guidelines brought consistency to sentencing *overall*, there is considerable variation of sentencing *within* Guidelines ranges. The breadth of the ranges may need to be reviewed to determine whether they are indeed bringing about consistency in sentencing. (Pages 9, 11, and 15).
- The Commission may wish to consider adding non-prison (probation-only) boxes to the Master and Drug Grids. (Pages 10 and 14).
- The rankings of the following offenses should be reviewed: car-jacking while armed, carrying a pistol without a license, assault with intent to kill, first degree child sex abuse, and fraud crimes of a more egregious nature and involving larger financial amounts. The Commission may also wish to consider ranking the offense of distribution of a controlled substance when the defendant is more of a “go-between” than a major distributor. (Pages 10 through 15).
- The Commission may wish to revisit the rules on capping misdemeanors. (Pages 10, 13, and 15).
- The lapse and revival rules should be reviewed and additional guidance should be provided. (Pages 10, 16, and 17).
- The methods for scoring juvenile adjudications should be revisited to ensure that defendants are being sentenced fairly. In addition, the rules concerning scoring juvenile adjudications based on end-of-supervision date present challenges. (Pages 10, 13, 15, and 17).
- The lists of aggravating and mitigating factors should be reviewed for consideration of possible additional factors. (Pages 10, 11, 12, 13, and 15).

Findings related to the various ways in which the Commission provides support:

- It is helpful to have someone on staff to answer questions related to the Guidelines. It would also be beneficial to have an intranet FAQ portal or other online or phone resource option. (Page 10, 14, 16, and 17).
- It would be useful for staff to provide:
 - A more formalized training program; (Page 10, 11, 14, and 16).
 - A reference guide for scoring out-of-District offenses; (Page 11, 14, 16, and 17).
 - A revised Sentencing Guidelines Manual. (Page 11, 14, and 17).
- Across all agencies, participants expressed interest in utilizing current sentencing data and relevant research/literature to aid in any modifications to the Guidelines (Pages 10, 11, 15, and 16).

IV. Survey

A Sentencing Guidelines Evaluation Study (“Evaluation Study”) was released in March of 2017, recommending that the Commission collect feedback from the agencies that routinely use the Guidelines to assess overall user perceptions of the Guidelines’ structure and application. The Commission conducted a survey in February of 2018 – the Criminal Justice Practitioners Survey – to collect responses to survey questions posed to the various actors within the system. The Commission’s goal was to collect information surrounding fundamentals of the Sentencing Guidelines by administering a uniform survey to the Judges, Defense Attorneys, Prosecutors, and CSOSA staff. The survey results provided the Commission with a general understanding of how individuals from the select criminal justice agencies perceive the Sentencing Guidelines in terms of use and effectiveness. Respondents were given six weeks to complete the survey. The Commission received a total of 81 completed surveys out of 226 invitations.¹

Upon completion of the survey results’ analysis, the Commission identified key findings for review and discussion. Many of these relate directly to topics that had been previously addressed in the Evaluation Study, including the role of criminal history, the placement of short split and probation boxes, and the ranking of specific offenses on the Master Grid.

Overall, the survey results guided the focus group questions so that the areas most relevant to the focus groups could be probed and better understood, as indicated in the Focus Group Questions (Appendix II).

¹ Not every respondent answered every question.

V. Focus Groups

A. Structure and Methodology

The Commission provided TMG with lists of staff, chosen by their agencies as individuals with a high level of familiarity with the Guidelines, and issued invitations to participate.²

TMG developed a structured focus group question protocol for each stakeholder group to allow for more in-depth discussion of key themes identified in survey responses.

Two focus groups were completed with each of the agencies, with the exception of the CJA attorneys. This is primarily due to the decentralized structure of the CJA organization, which presented challenges when scheduling focus groups. Specifically, it was difficult to find a date/time where multiple independent attorneys were available; therefore, only one CJA focus group was completed, with a limited number of participants.

The focus groups were held on the following dates:

Focus Group Session	Session Date and Time
Focus Group #1 – Judges	July 11, 2018; 12:34 p.m. – 2:00 p.m.
Focus Group #1 – PDS	July 12, 2018; 1:11 p.m. – 2:54 p.m.
Focus Group #2 – PDS	July 13, 2018; 1:06 p.m. – 2:58 p.m.
Focus Group #1 – CSOSA	July 17, 2018; 1:12 p.m. – 2:07 p.m.
Focus Group #2 – CSOSA	July 18, 2018; 10:04 a.m. – 11:18 a.m.
Focus Group #1 – USAO	July 18, 2018; 1:03 p.m. – 2:06 p.m.
Focus Group #2 – USAO	Aug. 1, 2018; 10:05 a.m. – 11:20 a.m.
Focus Group #2 – Judges	Aug. 1, 2018; 12:33 p.m. – 1:34 p.m.
Focus Group #1 – CJA	Aug. 2, 2018; 12:37 p.m. – 2:00 p.m.

² Although random sampling is ideal in a focus group setting, random sampling was not possible in this context because of scheduling and other barriers. In addition, random sampling in this instance would not have been useful in that it would have included a number of individuals within each agency who, because of their assignments, would have had little or no exposure to the Guidelines.

Through structured focus group protocols (see Appendix II), participants were asked a variety of questions about criminal history scores, offense severity groups, the Master and Drug Grids, and accompanying Sentencing Guideline Manual. Though TMG was prepared with formal questions, the format was flexible, and allowed for discussion beyond the scope of any particular question.

Due to time limitations of the groups themselves, TMG worked with the Commission to prioritize the discussion topics to ensure the opportunity to address critical questions. The protocol outline guided the focus group conversations in order to gather strengths, challenges, and recommendations from the participants about the Guidelines, and included two activities that provided an opportunity to gather anonymous responses.

Focus group participants were actively engaged and appeared to appreciate the opportunity to be asked about their experiences with and opinions of the Guidelines, including how well the Guidelines support and guide their work. Most focus groups lasted between one and two hours, as designed, and most participants were present for the entire focus group.

The focus groups were recorded, with the written consent of all participants. In addition to notes taken contemporaneously during the focus group by the TMG facilitators, the recordings were made into transcripts, which were then coded in NVivo 12, a qualitative analysis software tool that allows for streamlined data coding and pattern analysis within and across the transcripts. The data was not identified through a particular focus group but synthesized within all focus groups. Patterns were also generated across stakeholders to develop a more global view of some of the topics addressed in the focus groups.

The table below displays the total number of participants from each agency, and the percentage that each agency made up of total focus group participation.

Agency	Total Number of Participants	Total Percentage of Participants
Judges	18	23%
PDS	14	18%
CSOSA	20	26%
USAO	19	25%
CJA	6	8%
Total	77	100%

Participants were informed that, following completion of the analysis, all recordings and transcripts would be destroyed. All recordings and transcripts have since been destroyed.

B. Potential Limitations

For all groups, there were some potential limitations, primarily due to the non-randomized sampling, which is a challenge to generalizability. Some of the potential limitations that can have an impact on the groups are listed below, though none appeared to have a significant effect on the outcomes of the groups.

- All groups were recorded. This was important to ensure all information was captured accurately; in some cases, recording conversations can affect group dynamics and feedback, though that did not seem to be the case here.
- In a handful of the groups, a Commission staff member was present. This did not appear to have a limiting impact on the conversation.
- In some of the groups, attendance sheets were taken by the agency, so the identity of some of the participants is known to the agency in question.
- An agency supervisor was present for at least some of the groups. The participants did not appear to be affected or limited by their supervisor's presence.
- A limitation to the CJA group was ensuring that TMG was able to have an appropriate number of participants.

C. Overall Themes and Findings

The agencies had a variety of experiences and opinions concerning the Guidelines, whether they meet their stated purposes, and how they might be strengthened. Many participants had specific suggestions, which are noted throughout this report.

1. When asked about the purpose of the Guidelines, the most common response was limiting inconsistency in sentencing. Predictability, fairness, and uniformity were also common answers. However, it is important to note that while the overwhelming majority of participants were of the view that the Guidelines have brought more consistency in the sense that there is a high level of compliance with the Guidelines, there may be inconsistency among Guidelines-compliant sentences because of the wide Grid ranges. For example, participants believed that not all similarly-situated defendants receive similar sentences because of the breadth of the ranges. Most participants agree with the current number of offense severity groups (OSG) and criminal history (CH) categories. When asked about the ranking of specific offenses on the Master Grid, the highest level of satisfaction focused on lower level offenses in OSG eight and nine, specifically, failure to appear and escape/prison breach. There is general satisfaction with the ranking of offenses on the Drug Grid.

2. There is an open question about whether to add non-prison (probation-only) boxes. Defense attorneys (both PDS and CJA) generally thought there should be such boxes; other agencies disagreed. The agencies that disagreed stated that all currently ranked felonies necessitate prison time or that there are already many options for judges to impose probation rather than prison. The point was also made that having probation-only boxes may limit judicial discretion, though many judges would likely be more open to probation-only boxes if local data validated the need for them.
3. Regarding criminal history, participants raised questions about: capping misdemeanors, lapse and revival rules, and scoring juvenile adjudications. The Commission may wish to review these rules.
4. Roughly half of participants believe that there should be more probation and short split eligible boxes. Participants were evenly divided between reducing the current number of prison-only boxes and keeping the existing number of prison-only boxes.
5. There was discussion about the current lists of aggravating and mitigating departure factors. It was suggested that the list of mitigating factors be amended to include mental illness, age (youth), and socioeconomic status as potential departure factors.
6. There are questions about the advisability of re-ranking the following offenses: car-jacking while armed, carrying a pistol without a license, assault with intent to kill, first degree child sex abuse, and fraud crimes of a more egregious nature and involving larger financial amounts. The Commission may also wish to consider ranking the offense of distribution of a controlled substance when the defendant is more of a “go-between” than a major distributor.
7. It is helpful to have staff at the Commission who can answer questions about scoring. The new General Counsel will continue to serve in this role.
8. There is a need for more training. The most effective training has been interactive, either in person or via webinars. The use of case scenarios or quizzes may be particularly helpful for people new to the Guidelines, as well as those who need a refresher on the application of the Guidelines.
9. The Guideline Manual, though often helpful, is somewhat cumbersome, difficult to use, and disorganized. The Commission’s website has a section titled “Guideline Alerts,” which contains notifications about changes to the Guidelines, but participants did not

mention this as a resource, which may indicate a need for additional advertising of its existence and/or changes to its content.

10. There is general confusion about how to calculate long and short split sentencing options and the difference between probation and supervised release, which could be alleviated with more training.
11. There is general confusion about methods for scoring out-of-District convictions. It was suggested that a reference guide would be helpful.

D. Key Findings from Specific Agencies

Judiciary

Overall, participating judges seemed very satisfied with the current structure and application of the Guidelines. They expressed that they consistently use and welcome the Guidelines and believed that the Guidelines limit inconsistency, preserve discretion, and enhance the community view of fairness in sentencing.

When discussing the application of the Guidelines, the primary themes and topics of discussion in both judiciary focus groups tended to overlap with those in other agencies. Many participant judges shared similar concerns as other groups, such as the possibility of adding mental illness as a mitigating factor, and the relevance of the ten-year lookback period.

However there were some topics that stood out and were dominant in the judiciary focus groups. First, the judges suggested a set of guiding principles to accompany and provide context to the Guidelines to include ideals, such as parsimony, public safety, and recidivism reduction, which relate back to the overall purposes of sentencing. Judges were also interested in the historical context of the original Guideline ranges and criminal history scoring system. Judges agreed that the wide sentencing ranges help maintain their discretion, however, they also thought it would be useful to analyze current data to determine the distribution of sentences within each Grid cell, and then utilize these findings to evaluate the current sentencing ranges.

USAO

Participants raised several topics and concerns that were unique to USAO focus groups, particularly the current ranking of certain offenses, such as violent and sex crimes.

Group discussion and the anonymous notecard activity revealed that many USAO participants felt strongly about re-ranking sex offenses to more severe OSGs. They suggested that attempted sex offenses should be placed in more severe OSGs, indicating that an attempted act is not far from a completed act and can cause substantial emotional trauma to the victim. Furthermore,

participants believed that the offense severity levels for child sex abuse offenses should align with adult sex abuse offenses, as the conduct can be just as serious.

While USAO participants agreed that violent offenses in general should be re-ranked to more severe OSGs, two specific offenses received significant attention. First, participants indicated that conduct pertaining to assault with intent to kill (AWIK – OSG five) does not align with other offenses in the same OSG. Rather, it better matches the behavioral severity of offenses in OSG four (aggravated assault while armed and voluntary manslaughter), and therefore should be re-ranked accordingly. Second, assault with significant bodily injury was suggested to be in a higher incarceration range than the current range of six to 24 months, as many of the victims deal with long-term therapy and hospital stays. As a comparison, participants referenced the drug offense possession with intent to distribute (PWID), which carries six to 18 months and involving no violent injury to victims.

USAO participants generally thought that mitigating departures are used more frequently than aggravating departures. Many participants thought that the Commission should revise the Guidelines to resemble the Federal Sentencing Guidelines with regard to offense severity rankings and the defendant's acceptance of responsibility.

Participants encouraged the Commission to incorporate more community and victim input into the Guidelines, noting that District residents have a stake in sentences applied and that the feedback received by the USAO suggested that the ranges are too low. Lastly, participants suggested that the Commission make representatives from the Metropolitan Police Department, the Department of Corrections, and the U.S. Parole Commission voting members of the Commission.

PDS

One of the primary discussion topics among PDS participants was whether to increase the current number of probation and short split eligible boxes on both the Master and Drug Grids. Participants felt there is an opportunity to increase probation options throughout the Drug Grid and in the criminal history boxes A to C in the OSGs five to nine on the Master Grid, which are least impacted by mandatory minimum sentences.

There was also a desire for the option to use a more generalized split sentence rather than an explicit short or long split. PDS participants suggested offering middle-split options that would allow judges to use their discretion in giving splits in lieu of prison-only sentences when they are uncomfortable imposing short split penalties. The specific recommendation from PDS was that “general” splits should be an option for at least all OSGs lower than OSG five. Additionally, it was proposed that all non-“while armed” boxes on the Drug Grid should be made probation and short split eligible.

Focus group discussions also included re-ranking the crimes of carjacking while armed and carrying a pistol without a license (CPWL). PDS participants indicated that when applied by today's justice standards, the severity of the sentencing range for carjacking while armed is, in their opinion, too high. The groups discussed that the crime was not on par with the severity of the other crimes within that group (OSG three). Similarly, they considered CPWL as more appropriate in OSG nine instead of OSG eight because it is a non-assaultive possessory offense that does not fit with other crimes in OSG eight, which involve primarily assaultive conduct. Other reasons discussed for moving CPWL to a less severe OSG included the prevalence and cultural attitudes of firearms within society and the lack of strict firearm laws in jurisdictions outside of D.C. Others also indicated that placing this crime in OSG eight with a higher sentence forces plea bargaining in the hopes of gaining leniency toward the bottom of the Guidelines. This, in turn, masks any policing disparities in how CPWL arrests are made and runs counter to the overall goal of the criminal justice system to provide procedural fairness. Lastly, participants expressed concerns about the scoring of prior murder convictions. The argument was that murder should not receive the same number of points as other less serious crimes, such as armed robbery, as the conduct of these offenses differs significantly.

Much of the PDS discussion focused on criminal history and the current rules for scoring juvenile adjudications and prior misdemeanor convictions. Participants believed that juvenile adjudications should not be counted at all for a number of reasons: (1) the conduct was committed by a juvenile; (2) no jury trial was afforded; (3) the primary goal of the juvenile justice system is to rehabilitate offenders; and (4) youth often struggle to comprehend the long term consequences of pleas. Some PDS participants also believed that misdemeanors should not be counted, as defendants are not entitled to jury trials on most misdemeanor counts. Furthermore, there was strong agreement that drug misdemeanors should not be scored, given the race-based disparity in drug law enforcement. In terms of the 10-year look back period for prior offenses, PDS participants believed that the time period is too long. They elaborated that the 10-year time period only began to run after the completion of supervised release. They noted that this creates a 15-year look back period in many instances, and in some instances, an even longer one. There was a suggestion that any look back period should start at the time of the prior offense or from release from incarceration and also that it should be shorter, in light of data about the risk of recidivism equalizing after a shorter amount of time.

Participants noted that mitigating factors are rarely used because the language of most plea agreements prevents the defense from asking for downward departures, though there is nothing that prohibits the defense from discussing mitigating factors for Guidelines-compliant sentences.

CJA

While the CJA group was considerably smaller in size, participants had insights around the Guidelines, most voicing that the Guidelines have been a valuable resource in reducing the arbitrariness from the previously broad ranges of sentences that defendants received.

Several of their comments and attitudes towards the Guidelines, specifically on the role of juvenile criminal history and the need for improved Guidelines resources, are captured in the overall themes section of this report. However, CJA participants also recommended gathering community input regarding Guidelines decisions. With regard to the inclusion of non-prison boxes, CJA participants felt that victim input would be beneficial when evaluating the pros and cons of this structural decision.

CSOSA

Much of the focus group discussion with CSOSA staff members centered on the need for improved Guidelines resources. As mentioned in the overall findings, this includes a simplified Guideline Manual, an out-of-District offense conversion “cheat sheet,” and specific to CSOSA, a more frequent training program that is tailored to the roles and responsibilities of CSOSA staff.

In addition to Guidelines resources, CSOSA participants also had an insightful discussion about the purposes of sentencing in D.C. Overall, CSOSA participants indicated that today’s culture embodies different attitudes (compared to previous years) surrounding drug offenses, treatment, and recovery. They believed that the Commission should re-evaluate the sentencing ranges and options on the Drug Grid to ensure that they are reflective of today’s understanding of the typical drug user. More specific to sentencing, participants felt strongly that a defendant’s pattern of behavior on and compliance with prior probation or parole supervision is as important as their current offense and criminal history. Participants indicated that, without this additional information included in the PSR, there would not be an accurate reflection of the defendant’s likelihood of success on a subsequent probation sentence.

Continuing the discussion about available sentence types, CSOSA participants discussed the sentencing Grids with respect to short split sentence eligibility. Participants felt the Guidelines should include a “general” split sentencing option rather than the current options of long or short split only, as the Guidelines make it difficult for CSOSA officers to identify short split eligibility. Furthermore, the topic of adding non-prison boxes was also addressed. Participants commented that if the crime was serious enough to be a felony, a non-prison box should never be an option, with the exception of certain property offenses, though only in rare cases.

VI. Recommendations

The following recommendations for the Commission stem from the survey and focus group feedback of the various agencies.

1. **Consider adjusting wide sentencing ranges.** Broad sentencing ranges allow for judicial discretion and high Guidelines compliance rates, but may lead to inconsistency in sentencing practices. Suggestions included narrowing the sentencing ranges or giving formal guidance about how to consider aggravating and mitigating circumstances when

sentencing defendants at the higher or lower ends of the ranges. This might make some plea bargaining easier for both the prosecution and the defense because it would enhance predictability in sentencing.

2. **Consider re-ranking various offenses within offense severity groups.** The Commission may wish to consider re-ranking the following offenses to ensure fairness in sentencing, while also enhancing public safety: car-jacking while armed, carrying a pistol without a license, assault with intent to kill, first degree child sex abuse, and fraud crimes of a more egregious nature and involving larger financial amounts. The Commission may also consider ranking the offense of distribution of a controlled substance when the defendant is a “go-between” than a major distributor.
3. **Examine methods for scoring juvenile adjudications.** Suggestions included: giving greater weight to more serious juvenile adjudications for young adult offenders, especially those with multiple serious juvenile felony histories; offering more guidance about how to assess and use the end of commitment date in juvenile records through the D.C. Department of Youth Rehabilitation Services and surrounding jurisdictions for accuracy in calculating juvenile history; and reconsidering the scoring of juvenile adjudications at all, given the available literature/research on brain development and the fact that adjudications are not convictions.
4. **Examine methods for scoring misdemeanors.** The cap on misdemeanor offenses spurred a great deal of conversation and, perhaps not surprisingly, agencies were at odds in terms of how they are counted. Suggestions for adjusting the scoring of misdemeanors included: not scoring misdemeanors at all; giving greater weight to more serious misdemeanors (e.g. person crimes over property crimes or treating more serious assaultive misdemeanors over simple trespassing more seriously); not having a cap on misdemeanors at all; moving the cap from one point to two points; having graduated caps (e.g. having fewer than eight misdemeanors receiving one point, eight to 12 misdemeanors receiving more points, and so on); and considering the jurisdictional differences in misdemeanor convictions, with a Maryland or Virginia misdemeanor being treated more seriously when its D.C. equivalent is a felony.
5. **Examine outcome data.** The Commission currently reports on some outcomes in the Commission’s Annual Report. It may also wish to consider exploring further data-driven analyses that result in an outcomes-based assessment of the Guideline ranges and sentencing options. Many participants expressed interest in knowing how the current Guidelines ranges and sentencing options square with contemporary data and the cultural climate. The analysis could be on multiple levels to intersect with recidivism outcomes and analyze data around sentence lengths, use of split sentences, decisions on probation

and supervised release violations, pleas, sentences at the low and high ends of the Guidelines, departures, etc. One judge reported anonymously that he/she would like to know how sentences vary between judges. Others reported that the use of local data could support or refute the perception that most sentences imposed are probation, which may influence their views on whether to amend the Guidelines in many ways.

6. **Offer guidance regarding the rules pertaining to lapse and revival.** Virtually all participants expressed concern about inconsistency in criminal history scores with respect to older convictions. Many did not disagree with the ten-year look-back period, but several participants offered suggestions to enhance consistency and fairness: have no ten-year break point at all (so as not to treat someone with an older murder conviction the same as someone with no history); focus on the most serious crimes or crimes similar to the current charge(s) only; re-evaluate the utility of multiple look-backs; or create a firm stop point where older crimes could never be revived. The Commission could implement any of these suggestions without affecting judges' discretion to consider an older crime when sentencing within the applicable range.
7. **Provide a reference guide for scoring out-of-District offenses.** Most participants discussed the need for more resources for scoring out-of-District offenses. The Commission may wish to annually publish a list of offenses (especially from neighboring Maryland and Virginia, potentially with additional common jurisdictions) that are frequently seen in criminal histories in D.C. felony cases. This would be a useful resource for all actors within the system. It would likely reduce errors, reduce calls to Commission staff, and improve consistency.
8. **Provide formal and informal training opportunities.** Training should be effective, thorough, and consistent in content. While most actors within the system receive some form of training, all participants pointed to the usefulness of in-person and interactive training opportunities provided by Commission staff and wanted more of it. Ensuring that all users are guided in the same way would lessen the likelihood of errors and lower the degree of duplicative double checking and correction. Participants encouraged the Commission to include common and not-so-common scenarios, and to include opportunities to practice calculations and ask questions.
9. **Provide a responsive and knowledgeable liaison and other assistance.** All noted the helpfulness and responsiveness of the former General Counsel and his prompt guidance regarding the Guidelines. The Commission has hired a new General Counsel who will continue in this role, and agencies have been notified and provided with contact information for that person. The Commission may also wish to consider an intranet that acts as an information hub for agency staff members who have questions or concerns

around application of the Guidelines. This could include an FAQ link organized by topic that is updated as new questions arise.

10. **Revise the Voluntary Sentencing Guidelines Manual.** The Manual should be updated and consolidated so that it can serve as a more meaningful resource for the agencies. These updates could include a set of guiding principles to accompany and provide context to the Guidelines to include ideals such as parsimony, public safety, and recidivism reduction, which relate back to the overall purposes of sentencing.

VII. Conclusion

Overall, the participants in the focus groups expressed confidence in the Sentencing Guidelines operating in the District of Columbia. All felt that the Guidelines have helped to improve consistency in sentencing, preserve judicial discretion, and generally promote greater fairness in the justice system.

When considering how the Guidelines could potentially be improved, the Commission should focus on the following: reviewing the breadth of the current sentencing ranges to determine if they can be narrowed; reviewing particular offenses to determine if they should be re-ranked; re-evaluating criminal history scoring as it relates to juvenile adjudications and misdemeanor scores; offering more guidance about lapse and revival; providing additional training to those using the Guidelines; and developing a quick reference guide for scoring out-of-District convictions.

TMG's reports are grounded in the value of providing feedback to agency leadership that supports implementation of efficiency and effectiveness for the various agencies who use the Guidelines via helpful and actionable recommendations. We hope this report, and its corresponding recommendations, can be used to strengthen what is a valuable component of the District's criminal justice system.

VIII. Appendix I – DC Sentencing Guidelines Master and Drug Grids

MASTER GRID

August 7, 2017

Sentencing Ranges Listed in Months

		Criminal History Score				
Ranking Group Most Common Offenses		0 to ½ A	¾ to 1¼ B	2 to 3¾ C	4 to 5¾ D	6 + E
3 Points*	Group 1 1st degree murder w/armed 1st degree murder	360 - 720	360 - 720	360 - 720	360 - 720	360 +
	Group 2 2nd degree murder w/armed 2nd degree murder 1st degree sex abuse 1st degree sex abuse w/armed	144 - 288	156 - 300	168 - 312	180 - 324	192 +
	Group 3 Voluntary manslaughter w/armed 1st degree child sex abuse Carjacking while armed Assault with intent to kill w/armed Armed burglary I	90 - 180	102 - 192	114 - 204	126 - 216	138 +
	Group 4 Aggravated assault w/armed Voluntary manslaughter	48 - 120	60 - 132	72 - 144	84 - 156	96 +
	Group 5 Possession of firearm /CV Armed robbery Burglary I Obstruction of justice Assault with intent to kill	36 - 84	48 - 96	60 - 108	72 - 120	84 +
	Group 6 ADW Robbery Aggravated assault 2nd degree child sex abuse Assault with intent to rob	18 - 60	24 - 66	30 - 72	36 - 78	42 +
2 Points*	Group 7 Burglary II 3rd degree sex abuse Negligent homicide Attempt 2nd degree sex abuse Unlawful poss. of a firearm (prior fel.)	12 - 36	18 - 42	24 - 48	30 - 54	36 +
1 Point*	Group 8 Carrying a pistol (formerly CPWL) UUV Attempt robbery Attempt burglary 1st degree theft Assault w/significant bodily injury	6 - 24	10 - 28	14 - 32	18 - 36	22 +
	Group 9 Escape/prison breach BRA Receiving stolen property Forgery/uttering Fraud	1 - 12	3 - 16	5 - 20	7 - 24	9 +

*Criminal History Points for prior convictions in these groups.

White/unshaded boxes – prison or compliant long split only.
Dark shaded boxes – prison, compliant long split, or short split permissible.
Light shaded boxes – prison, compliant long split, short split, or probation permissible.

DRUG GRID

August 7, 2017

Sentencing Ranges Listed in Months

		Criminal History Score				
	Ranking Group Most common offenses	0 to ½ A	¾ to 1¼ B	2 to 3¾ C	4 to 5¾ D	6 + E
2 Points*	Group 1 Distribution w/a (any drug) PWID w/a (any drug)	30-72	36-78	42-84	48-90	54+
1 Point*	Group 2 Distribution or PWID (schedule I or II narcotic/ abusive drugs)	12-30	16-36	20-42	24-48	28+
	Group 3 Distribution or PWID (except schedule I or II narcotic or abusive drugs) Attempt distribution or attempt PWID (schedule I or II narcotic/ abusive drugs) Possession of Liquid PCP	6-18	10-24	14-30	18-36	22+
¾ Point*	Group 4 Attempt distribution or attempt PWID (except schedule I or II narcotic or abusive drugs) Attempt possession of liquid PCP	3-12	5-16	7-20	9-24	11+

*Criminal History Points for prior convictions in these groups.

White/unshaded boxes – prison or compliant long split only.
Dark shaded boxes – prison, compliant long split, or short split permissible.
Light shaded boxes – prison, compliant long split, short split, or probation permissible.

IX. Appendix II – Focus Group Protocol

Introduction and Context Setting

1. Welcome participants and introduce The Moss Group, Inc. (TMG) and the assessors in the room.
 - Discuss what TMG is and the work that TMG does.
 - TMG has facilitated numerous focus groups across the country, gathering strengths and challenges from criminal justice stakeholders that include uniform and non-uniform correctional staff, inmates, executive leaders, and community service providers over a range of areas such as inmate reentry efforts, sexual safety assessments in facilities, and mock PREA (Prison Rape Elimination Act) audits. As a committed community partner, we value our work with District’s agencies, including
 - Criminal Justice Coordinating Council,
 - DC DOC and Training Academy,
 - DC Fire, and
 - DC Forensic Science.
 - Introduce the subject matter experts on the team:
 - Tina Waldron, Project Director
 - Reggie Wilkinson, Senior Advisor
 - Wendy Leach, Senior Consultant
 - Jeff Shorba, Senior Consultant
 - Shannon Murphy, Project Manager
 - *[etc, ONSITE team members]*
2. Discuss the purpose of the work.
 - TMG is here because the District of Columbia Sentencing Commission (SCDC) engaged us to seek feedback on the DC Voluntary Sentencing Guidelines to learn about your perspective on the strengths and challenges of the guidelines, as well as to provide recommendations.
 - We have planned a discussion to last approximately an hour and a half; there are no right or wrong answers to the questions we have, we just want to know what you think. We are going to cover five areas including: the guidelines use and purpose, sentence type, criminal history structure of grids, and sentencing practices and decision drivers.
3. Discuss the process of assessment
 - We reviewed key documents including the Voluntary Sentencing Guidelines Manual and Evaluation of the Guidelines Report. We also analyzed the Guidelines Survey conducted by the SCDC earlier this year, which involved responses describing perceptions of the Guidelines from the following agencies:
 - Public Defender’s Office
 - DC Superior Court
 - Court Services and Offender Supervision Agency (CSOSA)

- United States Attorney’s Office
 - Private Practice, Criminal Justice Act (CJA) Attorneys, and Other
 - Based on the document review and discussions with the SCDC, we developed focus group questions to allow for more in-depth discussion of key identified themes in survey responses and we will conduct at least eight total focus groups.
4. So, are you wondering how you were selected to be here?
- a. [Judges, USAO, PDS, CSOSA]
 - TMG received a list of staff from your office who are familiar with and use the Guidelines on a routine basis.
 - [CJA]
 - TMG received a roster of CJA attorneys in private practice in advance and we randomly selected staff for these focus groups, ensuring diversity and representation amongst the participants for each focus group.
5. Explain confidentiality and limits to confidentiality.
- Any information that is shared will be confidential in that your names, or other identifying characteristics, are never included in any notes, reports, or discussions.
 - Explain that we will report out on the themes we hear, but no statement will be associated with an individual.
 - Explain that we will be recording and transcribing to make sure we don’t forget the important points, but we will not be documenting the names or other identifiers to indicate who says what.
 - Explain that:
 - The TMG project team are the only people who will hear recordings and see transcripts.
 - Recordings will be used to develop transcripts and that once transcripts are completed, recordings will be destroyed.
 - Transcripts will undergo computerized analysis, and once the report is finalized, transcripts will be destroyed.
 - The only exceptions to confidentiality include the following:
 - If we learn of, or suspect, any type of abuse, sexual harassment, risk of harm to self, risk of harm to another, or specific criminal activity we must report.
 - That means that if you tell me you’re going to hurt yourself or someone else, I have to report that. And if you tell me about a reportable incident or crime or abuse, I have to report that.
6. At the end of our assessment, we will be writing a final report to include analysis of the data from all focus groups that describes themes and overall perceptions for each of the five groups and overall, and recommendations to address policy issues identified across all the groups. The focus on themes is important, it means that we don’t rely on – or identify - what any one person says but, on those themes, or issues that come up consistently.
7. Ask if there are any questions before getting started.

Assessor Notes:

- In some focus groups, you will hit on a topic that is important to explore that takes more time than planned. At a minimum, ensure that the Index Card Exercises are completed and that at least one question for each topic is explored.

Participant Introductions

Ask each participant his or her first name, title, and how long he or she has worked with the sentencing guidelines.

Index Card Activity 1

I am going to hand you an index card and then say some words. Please write a word or brief sentence to describe the first thing you thought of when I said each word. As you write your responses please number them with the same number I use before each word.

1. Sentencing Guidelines Grids
2. Offense Severity Groups
3. Criminal History
4. Sentencing Guidelines Manual

Focus Group Questions

1. Guidelines Use and Purpose [All]

- What is your experience with using the sentencing guidelines? (BRIEF introductory question)
 - How familiar are you with the guidelines?
 - What training have you had on the guidelines?
 - What other training do you think would be useful to help you or others use the guidelines effectively?
 - What format do you think would be most effective (i.e., online, in-person, written)?
- What do you believe is the primary purpose of the DC Sentencing Guidelines?
 - How well do you think the guidelines are working to achieve this purpose?
- Under the current guidelines, do you think that people with similar criminal histories, and similar crimes, will receive similar sentences under these guidelines? Why or why not?
 - How could the guidelines be enhanced to support those with similar criminal histories and crimes receiving similar sentences?

2. Sentence Type

- Survey data demonstrated differences among agency groups in the degree to which there was agreement about the inclusion of “non-prison boxes” (boxes where prison is not

among the recommended sentence types) in the Master and Drug Grids. **__1__ Priority Ranking**

- [Judges]
 - What do you think made your agency fall between agree and neutral with adding non-prison boxes to both the Master and Drug Grids?
 - In your opinion, what factors contributed to members of your agency being split between wanting more probation and short split boxes on the Master Grid and keeping the number of these boxes the same on the Master Grid.
- [USAO]
 - What do you think made your agency strongly disagree with adding non-prison boxes to the Master Grid, and disagree with adding non-prison boxes to the Drug Grid?
 - In your opinion, what factors contributed to members of your agency stating that the number of probation and short split boxes on the Master grid should remain the same?
- [PDS]
 - What do you think made your agency strongly agree with adding non-prison boxes to both the Master and Drug Grids?
 - In your opinion, what factors contributed to members of your agency stating that there should be more probation and short split boxes on the Master grid?
- [CJA]
 - What do you think made those in private practice firms fall between agree and neutral with adding non-prison boxes to both the Master and Drug Grids?
 - In your opinion, what factors contributed to those in private practice firms stating that there should be more probation and short split boxes on the Master Grid?
- [CSOSA]
 - In your opinion, what factors contributed to members of your agency being evenly split between wanting the same number, and fewer probation boxes on the Master Grid?
 - In your opinion, what factors contributed to members of your agency stating that the number of short split boxes on the Master Grid should remain the same?

3. Structure of Grids

- In the survey data that we analyzed, respondents from your agency disagreed on the categorization of offenses. Specifically: **__4__ Priority Ranking**
 - [Judges]
 - Disagreed with assault with Intent to kill in OSG five
 - What are the reasons for disagreement?
 - What would you suggest as a new Offense Severity Group?
 - [USAO]
 - Disagreed with assault with Intent to kill in OSG five

- What are the reasons for disagreement?
 - What would you suggest as a new Offense Severity Group?
 - Disagreed with the assignment carrying a pistol without a license in OSG eight
 - What are the reasons for disagreement?
 - What would you suggest as a new Offense Severity Group?
 - [PDS]
 - Disagreed with listing carjacking while armed as OSG three
 - What are the reasons for disagreement?
 - What would you suggest as a new Offense Severity Group?
 - Disagreed with all the drug offense categories listed in the survey
 - What are the reasons for disagreement?
 - What would you suggest as a new Offense Severity Group?
 - Disagreed with the assignment of OSG eight to carrying a pistol without a license
 - What are the reasons for disagreement?
 - What would you suggest as a new Offense Severity Group?
- OSG and CH Groups
 - [PDS]
 - Survey data indicated that respondents from your organization believed that neither the Master nor Drug Grids contained enough offense severity or criminal history groups. **_10_ Priority Ranking**
 - In what way is this problematic?

4. Criminal History [All]

- There were a variety of perspectives on prior convictions either counting or lapsing after ten years.
 - Overall, do you think that the way DC calculates a defendant's criminal history score is appropriate/effective? **_2_ Priority Ranking**
- Should a defendant's criminal history score **only** include prior convictions that are within ten years of the commission of the current offense? **_3_ Priority Ranking**
 - Are you in favor of the "look back" period being ten years?
 - If no, what would you change it to?
 - Should older convictions that fall outside of this ten-year period be scored, **only** if there is a prior conviction within the ten-year window? Why?
 - Time permitting: To those not in favor of the current lapse and revive rules, what would you suggest as an alternative?
- Should prior misdemeanor convictions be counted in a defendant's criminal history score? Why? **_5_ Priority Ranking**
 - If yes, are there any limitations or restrictions on how they should be counted and why?
 - Should there be a limit to the number of criminal history points that are derived from prior misdemeanor convictions?
 - What is that limit?
 - What is your reasoning for that limit?
- Should juvenile adjudications be scored? Why? **_9_ Priority Ranking**

- Should there be limitations on what types of juvenile adjudications should be counted

5. Sentencing Practices and Decision Drivers 6 Priority Ranking

- Departure Principles
 - [Judges]
 1. Using your best estimate, what percentage of the time do you **agree** to a proposed aggravating or mitigating departure factor?
 2. How often is a departure factor cited in a plea agreement?
 - [USAO, PDS, CJA]
 3. Using your best guess, in what percent of cases do you seek/request the use of a departure factor?
 - [PDS, CJA, Judges]
 4. Survey data suggested adding additional mitigating factors to allow for departures from the sentencing guidelines by respondents from your agency – specifically, mental health factors and socioeconomic and environmental issues. 7 Priority Ranking
 5. Let's discuss to whom these factors would apply, and what factors led your agency to believe that these topics should be included in the list of mitigating factors under the guidelines
 - a. Mental health factors
 - i. In your opinion, do the departure factors under the guidelines adequately or inadequately address a defendant's mental health? Why?
 - ii. In your opinion, what factors led your agency to believe that the guidelines need to include a mitigating departure factor that addresses mental health?
 - b. Socioeconomic factors
 - i. In your opinion, do the departure factors under the guidelines adequately or inadequately address a defendant's socioeconomic status? Why?
 - ii. In your opinion, what factors led your agency to believe that the guidelines need to include a mitigating departure factor that addresses socioeconomic status?
- Factors Considered at Sentencing
 - [PDS]
 1. Survey data indicated that respondents from your agency views factors such as recidivism, use of a weapon, and degree of physical harm to the victim as less important than other agencies in determining the sentence. 8 Priority Ranking
 - a. What do you think contributed to the difference between your agency and other respondents?
 - b. How could the guidelines be modified to balance the level of consideration of these factors from your perspective?

Index Card Activity 2

Turn over the index card you used earlier and answer this question:

- If you could do anything you wanted to enhance the sentencing guidelines, what three things would you do? If you are stuck with that, think about what you would do if we gave you a magic wand to bring about a realistic change (i.e., you can't end crime, but what would look or be different about the guidelines or their implementation).

X. Appendix III – Bibliography

The District of Columbia Sentencing Commission. *Voluntary Sentencing Guidelines Manual*. Washington, DC, August 7, 2017.

<https://scdc.dc.gov/sites/default/files/dc/sites/scdc/publication/attachments/FINAL%202017%20Voluntary%20Sentencing%20Guidelines%20Manual%20%28Printer%20Proof%208-1-17%29.pdf>.

The District of Columbia Sentencing Commission. *An evaluation of the D.C. Voluntary Sentencing Guidelines*. Washington, DC, 2017.

https://scdc.dc.gov/sites/default/files/dc/sites/scdc/page_content/attachments/Final%20Evaluation%20Report%203-21-17.pdf.

The District of Columbia Sentencing Commission. *2017 Annual Report*. Washington, DC, 2017.

https://scdc.dc.gov/sites/default/files/dc/sites/scdc/page_content/attachments/Sentencing%20Commission%202017%20Annual%20Report.pdf

United States Sentencing Commission. *The Past Predicts the Future: Criminal History and Recidivism of Federal Offenders*. Washington, DC, March 2017.

https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170309_Recidivism-CH.pdf

Kelli Stevens-Martin, Olusegun Oyewole, Cynthia Hipolito. “Technical Revocations of Probation in One Jurisdiction: Uncovering the Hidden Realities.” *Federal Probation*, December 2014. http://www.uscourts.gov/sites/default/files/78_3_3_0.pdf.

XI. Appendix IV – Biographical Sketches

Andie Moss, Founder and President

Andie Moss is founder and president of TMG. Through her organization, Ms. Moss manages multiple strategies to assist the field, including implementing the Prison Rape Elimination Act (PREA), working effectively with woman offenders, providing executive leadership training, assessing and supporting mission change and transition strategies, developing and leading culture change initiatives, delivering investigative trainings, and facilitating strategic planning.

In 2003, TMG was awarded a multi-year cooperative agreement with NIC to manage its PREA initiative by providing training and technical assistance to the field, as well as present at professional conferences. Ms. Moss managed this cooperative agreement for seven years, providing technical assistance to nearly all 50 states, developing video toolkits for adult and juvenile corrections, developing an online e-learning training program, and publishing brochures and articles to assist the field with operational and policy issues related to PREA. Additionally, Ms. Moss served as subject matter expert to the National Prison Rape Elimination Commission and the PREA Review Panel.

Ms. Moss is published in professional periodicals and authored a chapter in a correctional administrator's textbook on staff sexual misconduct. She is active in professional organizations, is the former chair for the ACA Women Working in Corrections Committee and is past president of the Association of Women Executives in Corrections. Additionally, Ms. Moss served on the U.S. Immigration and Customs Enforcement Advisory Committee on Family Residential Centers. She also chaired the NIC Institute initiative on women offenders for five years. Ms. Moss has received numerous honors for her work, including the NIC Executive Director's Award and the Association of Women Executive's in Correction's Susan M. Hunter Award.

Jeff Shorba, Consultant

Jeff Shorba has worked with The Moss Group since its inception in 2002. Mr. Shorba is a lead consultant in sexual abuse and sexual harassment investigations. He has assisted correctional agencies in developing policies and procedures to facilitate compliance with the Prison Rape Elimination Act. Mr. Shorba conducts training, policy reviews, audit preparation, and facility assessments related to the promotion of sexual safety within correctional facilities. His work has involved prisons, jails, and community confinement facilities across the country.

Mr. Shorba serves as the state court administrator for the Minnesota Judicial Branch, overseeing administrative operations for the Minnesota court system. Mr. Shorba has also served as assistant commissioner and legal counsel for the Minnesota Department of Corrections, and associate general counsel for the Federal Bureau of Prisons.

Mr. Shorba's legal experience also includes work in private practice and as a law clerk to the chief justice of the Minnesota Supreme Court. Mr. Shorba served as a consultant to the National Prison Rape Elimination Act Commission, assisting in developing the community confinement standards.

Mr. Shorba has a bachelor's degree from Carleton College and a Juris Doctorate degree from Harvard Law School. Mr. Shorba has served as co-chair of the American Bar Association's Corrections and Sentencing Committee and as vice-chair of the American Correctional Association's Legal Issues Committee. Mr. Shorba has published numerous articles and training materials related to the implementation of PREA and other legal issues in correctional settings. Mr. Shorba is a certified PREA auditor.

Shawn M. Flower, Ph.D., Consultant

Shawn M. Flower, Ph.D., has been a consultant with The Moss Group (TMG) since 2018. In her work with TMG, Dr. Flower conducts quantitative data analysis and report writing targeted toward the practitioner audience.

Dr. Flower is the principal researcher of Choice Research Associates, providing criminal justice research services employing rigorous methodologies that focus on issues of prisoner re-entry, female offenders, community corrections, and program evaluation. Dr. Flower provides research services and policy and strategic planning support to state, local, and national criminal justice agencies. In 2013, funded by the Baltimore City Mayor's office, Dr. Flower completed a comprehensive data-driven review of the Baltimore City jail to provide reentry strategies based on evidence-based practices and offender length of stay and risk level, including stakeholder considerations. She has worked as a program evaluator in the field of criminal justice research since 2002 and has a solid foundation working with program administrators, direct service providers, and funding agencies.

As a research associate with the Justice Research and Statistics Association, Dr. Flower was the principal investigator of the "Seeking Alignment between Evidence-based Practices and Jail-based Reentry Services" in the District of Columbia, a joint project with The Moss Group. Dr. Flower is also a senior research associate with the University of Maryland Institute for Governmental Service and Research and is the co-principal investigator of the Violent Gang and Gun Crime Reduction Program in Prince George's County, a Project Safe Neighborhoods grantee.

In addition to research, Dr. Flower was a lecturer for the Department of Criminology and Criminal Justice at the University of Maryland, College Park from 2008 to 2012. Dr. Flower taught an upper-level undergraduate class in corrections every spring, and in March 2010, she taught criminal justice system planning and policy for the joint University of Maryland, Nanjing Normal University master's program in Nanjing China.

Dr. Flower graduated from the University of Maryland, Department of Criminology and Criminal Justice, College Park in August 2007.

Katie Zafft, Consultant

Katie Zafft is a consultant with The Moss Group, Inc., providing a criminological lens to study crime and criminal justice policy. Her areas of expertise include courts and criminal justice

sentencing, alternatives to incarceration, drugs and crime, criminal justice policy, prevention science, and evaluation research.

Dr. Zafft teaches Research Methods at the University of Maryland – College Park and serves as a research consultant and senior research public safety performance project associate with The Pew Charitable Trusts. Since 2016, she has conducted research on Justice Reinvestment Initiatives, criminal justice sentencing and corrections, and drug court programs and opioid use. Prior to her employment with The Pew Charitable Trusts, Dr. Zafft conducted research and evaluations on behalf of a variety of criminal justice organizations. She is currently working on research papers addressing felony theft thresholds and impacts on jails in South Carolina, as well as drug courts and public safety.

Dr. Zafft earned her Ph.D. in Criminology and Criminal Justice from the University of Maryland – College Park in 2014. In 2009, she received a master's degree in Criminology from the University of Minnesota – Duluth and in 2004, she earned a bachelor's degree in Psychology (cum laude) from St. Catherine University.

Reggie Wilkinson, Senior Advisor

Dr. Reginald Wilkinson is a senior advisor to TMG and is recognized as a leading expert in the field of corrections with specific expertise in the areas of prison health care reform, prison re-entry, and correctional management.

Dr. Wilkinson began his career in corrections with the state of Ohio Department of Rehabilitation and Correction. He served in a variety of positions, including superintendent of the Corrections Training Academy, warden of the Dayton Correctional Institution, and deputy director of prisons - south region. In 1991, he was appointed director of the Ohio Department of Rehabilitation and Correction, a position he held until his retirement in 2006. Dr. Wilkinson chairs the U.S. Department of Justice's Review Panel on Prison Rape. He is also a member and the immediate past chairperson of the National Institute of Corrections advisory board. Dr. Wilkinson served as president of the American Correctional Association (ACA) and the Association of State Correctional Administrators (ASCA).

Dr. Wilkinson has authored numerous articles on a variety of correctional topics. He has received awards from many organizations including the National Governor's Association, ACA, ASCA, the International Community Corrections Association, the National Association of Blacks in Criminal Justice, and the Volunteers of America.

Dr. Wilkinson received his bachelor's degree in Political Science and a master's degree in Higher Education Administration, both from Ohio State University. He earned his doctorate degree in Education from the University of Cincinnati.

Tina Waldron, Project Director

Tina Waldron joined TMG in 2012. In her role as a project director, Ms. Waldron provides leadership and expertise in areas such as evidence-based correctional practice, leadership development, gender-responsive practice, reentry, mental health, agency and facility assessments, and strategic planning.

Prior to her work with TMG, Ms. Waldron served as the reentry and women's services manager for the Missouri Department of Corrections (MDOC). In this role, she worked closely with representatives from MDOC, partnering state agencies, and community partners to research, plan, and evaluate Missouri's Reentry Process (MRP). MRP strategies were designed to advance the ability of the system to assist offenders leaving prison in preparing to reenter and successfully re-integrate into the community with the goal of enhancing public safety throughout the state. She has also served as a program consultant with the Kansas Department of Corrections (KDOC) where she acted in a leadership role in implementing evidence-based practice in community corrections and provided oversight, technical guidance, and training to Community Corrections Act agencies across the state. Ms. Waldron has served as a research analyst at KDOC, is an advanced communication and motivational strategies master trainer, has published articles on state specific risk reduction and reentry, and has taught as an adjunct professor of psychology at Washburn University in Topeka, Kansas.

She received her bachelor's degree in Psychology and master's degree in Clinical Psychology from Washburn University.

Wendy Leach, Senior Consultant

Wendy Leach joined TMG in 2014 as a senior consultant. Ms. Leach provides expertise in inmate physical and sexual safety, conditions of confinement, and the Prison Rape Elimination Act. Ms. Leach works in numerous jurisdictions providing training and assistance in PREA compliance, including conducting mock audits, assessing facility operations, and performing policy reviews.

Prior to joining TMG, Ms. Leach was a prosecutor in Baltimore, MD, managed a federal settlement agreement regarding conditions of confinement, and later served as the statewide director of quality improvement. Ms. Leach was an assistant state's attorney in Baltimore and chief handgun prosecutor for the juvenile court. She prosecuted both juveniles and juveniles charged as adults with handgun-related crimes and later adults charged with gun and other criminal offenses. She was tasked with assisting the State of Maryland in complying with and exiting a U.S. Department of Justice settlement agreement involving the conditions of confinement in three detention facilities. Due largely to her efforts, all three facilities reached full compliance and exited federal oversight on time over a four-year period, earning her a Governor's Citation. Afterwards, Ms. Leach was promoted to the state's director of quality improvement where she was directly responsible for creating a system of facility quality assurance metrics.

Ms. Leach is a certified PREA auditor and was the first to audit the first PREA compliant juvenile facility in the United States. She is a graduate of Albany Law School in Albany, NY.

Stevyn Fogg, Project Manager

Stevyn Fogg joined TMG in 2015 as a project manager. In this capacity, she coordinates and facilitates the work of project teams to ensure the successful completion and delivery of all assigned projects. She is responsible for planning, monitoring, and execution of various aspects of the projects she manages. Ms. Fogg works in close collaboration and partnership with consultants and clients to guarantee that client expectations are met or exceeded.

Prior to joining TMG, Ms. Fogg was senior associate with the Center for Effective Public Policy where she collaborated with TMG and other public and private sector agencies on issues related to gender-informed policies and practices, local and state-level justice reinvestment initiatives, and evidence-based correctional practices. Her background includes having held positions in criminal justice, nonprofit mental health, for-profit consulting, and public sector legal application and enforcement. Ms. Fogg's expertise includes having directed national training and technical assistance projects focusing on juvenile justice; law enforcement partnerships to manage sex offenders in the community; building offender reentry collaboratives; and strategies to improve the outcomes for vulnerable populations, such as children, the elderly, and victims of crime.

Ms. Fogg holds a Bachelor of Science degree in Administration of Justice from Virginia Commonwealth University and a Master of Arts degree in Sociology from the George Mason University.

Shannon Murphy, Project Manager

Shannon Murphy joined TMG in 2016 as the onsite project manager for the New York City Department of Correction (NYC DOC). She leads and coordinates TMG's project support for NYC DOC's PREA compliance efforts, including coordinating leadership symposiums, implementation workgroups, and training of DOC's uniformed and civilian staff in the prevention, detection, and response to incidents of sexual abuse and sexual harassment against inmates of the operated facilities.

Ms. Murphy brings with her over 20 years of experience working in county community correctional environments, developing and implementing assessment protocols, programming, and sentencing initiatives to improve offender outcomes in the community. She led NIC's Transition from Jail to Community project with the Douglas County (Kansas) Sheriff's Office and was responsible for resident service development and outcome evaluation as deputy chief of programs with Montgomery County's Pre-Release and Reentry Services (Maryland).

Ms. Murphy holds a Master of Public Administration, with a focus on local sector government, and bachelor's degree in Sociology and Crime and Delinquency Studies from the University of Kansas. She completed the DOJ's PREA implementation training program in 2017.