

National Association of Sentencing Commissions

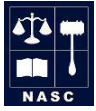
State Updates: 2019

Typically, the NASC Conference includes a State Update session during which each state provides a two to three minute update on its activities or responds to pre-determined question. This sharing session is valuable to NASC members.

Given the full agenda of the 2019 conference, the Executive Committee opted to provide the State Update in advance of the conference. The following summary of responses provide an opportunity for individual follow-up during the conference (and after).

Questions (Responses were limited to 1 page,)

- 1) Do you make your sentencing data publicly available? By request only? Do you charge for this service?
- 2) Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.
- 3) Do you have an official policy to govern the release of your information?
- 4) What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?
- 3) Any challenges or concerns with releasing or not releasing sentencing data?



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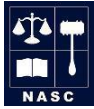
Alabama Sentencing Commission

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Information not available; please contact the Commission directly.



National Association of Sentencing Commissions

State Updates: 2019

Alaska Judicial Council

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Update: Alaska criminal justice reform took three steps back in 2019, with the partial repeal of its landmark criminal justice legislation from 2016. The governor and some legislators campaigned on a “complete repeal” platform, but when the dust settled, only a few pieces of the new laws remained. The pre-trial Division of Dept. of Corrections, which the original legislation created, remains intact, although most of the bail laws have reverted to pre-reform days. Probation officers still have a system for administrative incentives and sanctions, and some limitations on credits for compliance, although on balance it is expected that probation/parole violators will occupy significantly more prison beds and will be spending longer times under supervision.

The other campaign promise was to maintain or improve criminal justice, with more prosecutors, police, and longer court hours. However, because presumptive sentence ranges returned to approximately their pre-reform lengths, and misdemeanor sentences for some common crimes increased, legislators estimated significant costs, an additional \$400 million in this fiscal year. The state does have more prosecutors and Troopers because of the legislation. The final budget for the coming year stripped some rural law enforcement funding, at the same time that US Attorney General Barr visited the state and called the rural situation of high violent crime rates an “emergency.”

The Alaska Criminal Justice Commission published significant work during the year, including a comprehensive review of sex offenses – the people committing the crimes, the people experiencing the crimes, treatment resources, and sentencing. A second small report showed that the 2016 bail revisions resulted in much greater equity of bail release for Native Americans and other minority defendants. Significantly more defendants overall stayed out of incarceration pretrial, with no significant changes in violations of conditions of release, and little increase in failures to appear. The Commission is currently focused on victim listening sessions.

Sentencing Data Practices: By law, the Alaska Criminal Justice Commission receives data from the Dept. of Public Safety, the Dept. of Corrections, and the Courts. It analyses these data to produce several reports required by statute and reports the results annually in its end-of-the-year report to the legislature. The Commission is not free to share the raw data with others because of its confidentiality agreements with the state agencies that provided the information. The Commission reports aggregate data, primarily at the statewide level, although it can break down the aggregate data in any number of ways (for instance, by court location, offense, prior record, etc.)

The legislature is the prime user of the Commission’s data analysis. The media frequently call upon the Commission for background information, as do non-profits and other groups interested in criminal justice. The Commission works closely with the University of Alaska’s Justice Center and the Alaska Justice Information Center (housed at the Justice Center) on a range of data analysis and other projects. The Commission does not charge for data analysis.

The Court no longer provides sentencing information on its public website. Persons interested in information about specific cases must go to the paper files, which are open to the public during regular court hours. The Court also now removes information about cases in which all charges were dismissed or acquitted, 90 days after the final disposition of the case. Again, the information is available in the case files, but not on-line. The Commission remains a primary source of information about both sentencing and the criminal justice system for the state.



National Association of Sentencing Commissions

State Updates: 2019

Arkansas Sentencing Commission

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Do you make your sentencing data publicly available? By request only? Do you charge for this service?

Raw sentencing data is only available upon request. Annual compliance reports are publicly available on the State Library's website. There is no charge for either service. .

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

Data requests usually come from other government agencies and occasionally from researchers .

Do you have an official policy to govern the release of your information?

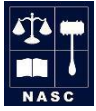
We follow the Arkansas Freedom of Information Act.

What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

Most of our data is subject to the Arkansas Freedom of Information Act. We relay any requests to our assigned deputy at the Attorney General's office. He or she helps us ensure that we are in compliance with specific requests. We do not create anything as part of a data request; we would simply provide data with any necessary redactions. Our data files contain all of the data mentioned above and can be sorted in each of those formats by the recipient. Compliance with the sentencing guidelines is reported by county.

Any challenges or concerns with releasing or not releasing sentencing data?

We have to balance release of Personally Identifiable Information with the Arkansas Freedom of Information Act. We utilize our deputy with the Attorney General's office in making these determinations.



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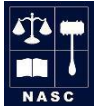
Connecticut Sentencing Commission

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Information not available; please contact the Commission directly.



National Association of Sentencing Commissions

State Updates: 2019

Delaware Sentencing Accountability Commission

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Do you make your sentencing data publicly available? By request only? Do you charge for this service?

No sentencing data has been made available to the public via a report since 2014. The Delaware Statistical Analysis Center (SAC), part of the Criminal Justice Council, provides sentencing information for SENTAC upon request. No charges are levied for this service.

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

Currently all branches of government request sentencing data throughout the Legislative session with the executive and legislative branches being the most interested.

Do you have an official policy to govern the release of your information?

SAC abides by the policies, procedures and rules set forth in Title 1 § 1301 of the Administrative Code (DELJIS). We also filter any requests through the Executive Director of the Criminal Justice Council as well as the SENTAC Chair.

What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

This depends on the agency asking for information. If the agency has DELJIS access we can provide a greater level of detail. If the information is to be used in a public setting, such as a fiscal note for legislation, we use aggregate data typically grouped by event (arrest event=sbi number + arrest date).

Any challenges or concerns with releasing or not releasing sentencing data?

The challenges are more with capturing accurate sentencing data, not so much with the release of such data/analyses.



National Association of Sentencing Commissions

State Updates: 2019

District of Columbia Sentencing Commission

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Do you make your sentencing data publicly available? By request only? Do you charge for this service?

The Commission makes specific data sets and data analysis available on its website for public viewing and use. In addition, specific data sets can be requested with all Personal Identifying (PII) and case identifying information removed. The Commission does not charge for requested data.

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

The Commission has received data requests from all the parties above. The most frequent requests come from the DC Council (legislative), criminal justice agencies, researchers, and media.

Do you have an official policy to govern the release of your information?

The Commission does have an official "Data Sharing Policy" that identifies the types and manner in which data will be provided. In addition, a standardized "Data Request Form" must be completed and approved prior to providing any sentencing related data.

What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

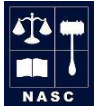
Data is provided in an aggregate form and at the individual record level – with all PII information removed as well as case number (dummy numbers are assigned to replace actual court case numbers). Data is frequently provided at offense, age, gender, race and sentence imposed (type and length) levels. The Commission does not release any sentencing data by judge.

Any challenges or concerns with releasing or not releasing sentencing data?

The Commission has a very strict policy about not releasing any data that could potentially identify an individual or a specific court case – which is why all PII and court case identifying information is removed. The Commission experienced a situation in which a data set was provided (with no PII or court case identifying information) to a newspaper that used the data provided to write a script that enabled them to match our data with another set court data they had access to and identify individuals and their associated cases. Even though we followed the established protocol, with a determined and ingenious newspaper, the information was obtained and became the focus a newspaper series.

The Commission electronically receives data daily from the court that includes new cases filed and updates to any open cases. Since this data can change daily (charges dropped, charges added, corrections to age, sentence modification etc.), it is necessary to clarify to the recipient of the data that it is accurate and complete as of a specific date. This is important since data requested during a fiscal year may not match data reported at the end of a fiscal year.

The Commission has encountered a situation when sentencing data for an obscure offense was requested in which there may have only been five or six cases sentenced. Even with the PII and case identifying information removed the identity of the offender or case could be revealed through a manual search of court data. In those situations, the Commission has denied the request for data.



National Association of Sentencing Commissions

State Updates: 2019

Illinois Sentencing Policy Advisory Council (SPAC)

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Do you make your sentencing data publicly available? By request only? Do you charge for this service?

Case-level sentencing data is not publicly available in Illinois. SPAC reports and analyses are distributed to our Councilmembers, stakeholders, the public, and posted to our website (<http://ilspac.illinois.gov>).

Some anonymized data are available, however:

- Chicago Police Department releases incident-level crimes (<http://data.cityofchicago.org>)
- Cook County (Chicago) State's Attorney releases felony case records (<https://www.cookcountystatesattorney.org/about/case-level-data>)
- Illinois Department of Corrections releases prison population data and parole data (<https://www2.illinois.gov/idoc/reportsandstatistics/Pages/DepartmentData.aspx>)
- Researcher requests may be sent and responded to the Illinois Criminal Justice Information Authority, including identified data with IRB approval (<http://www.icjia.org/>)

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

Because SPAC does not gather, possess, or disseminate any unique data, we receive few questions or requests. We do analyze administrative data from other state and local entities and redirect any requests to those entities.

Executive and legislative branches of government have been active audiences for our reports, including using SPAC analyses in arguments for and against different legislation and policy changes (SPAC itself does not support or oppose any policies). The judicial branch's interest in SPAC analyses and approaches has been growing in recent years.

Do you have an official policy to govern the release of your information?

SPAC does not disseminate any individual-level data. We answer questions and can provide analysis of administrative data, but we do not release data.

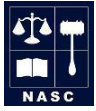
What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

For criminal history records information, we follow the policies of the State Police and the Illinois Criminal Justice Information Authority, which prohibits the release of any data with fewer than 10 people. For prison data, we follow release analysis with fewer than 10 records but that are not identifiable.

The anonymized and public datasets published by an agency (listed above in answer 1) do have records by individual, judge, and by record.

Any challenges or concerns with releasing or not releasing sentencing data?

We are in the process of completing a written security and data protection policy that takes into consideration the privacy concerns and other potential statutory limits on releasing individual data.



National Association of Sentencing Commissions

State Updates: 2019

Kansas Sentencing Commission

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Do you make your sentencing data publicly available? By request only? Do you charge for this service?

Yes. We have annual reports that we provide and legislative bed space impacts on proposed criminal justice bills during the legislative session. We also provide data for stakeholder requests, normally for universities throughout the country. Our website www.sentencing.ks.gov has a form to collect the data request. Private research requests are billed at \$150/hour. This charge includes staff time, including associated computer connect and processing time, for providing copies of records in available electronic format or for production of special computer-generated reports.

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

We have provided data to all of the entities listed in the example above as well as law firms. University professors or graduate students are our normal private research recipients.

Do you have an official policy to govern the release of your information?

The Kansas Open Records Act governs the release of our data. It provides exceptions to full release of information.

What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

The majority of the data we collect is available on sentencing journal entries that are public documents and are readily available for public consumption at the county level. However, the presentence investigation reports that also we enter into our database contains some PII that we do not provide to requestors due to privacy concerns. Most, if not all of those requesting data, only want information in the aggregate. We have a unique identifier that is not PII that allows for satisfactory data analysis.

Any challenges or concerns with releasing or not releasing sentencing data?

Cost is sometimes an issue for requestors. Years of data can cost thousands of dollars.



National Association of Sentencing Commissions

State Updates: 2019

Maryland State Commission on Sentencing Policy

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Do you make your sentencing data publicly available? By request only? Do you charge for this service?

Maryland's sentencing data are available upon request. Requests for routine data and information which are already available and/or accessible without substantial cost to the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) and its staff are provided without charge upon request. Special requests for data and information requiring substantial staff time to produce may result in a fee. The person(s) and/or institution(s) requesting the information may be required to pay for the materials, processing, and staff time if more than two hours (under state law). Requests may be submitted electronically using the official Information Request Form on the Commission's website at <http://msccsp.org/Data/Infoform.aspx>.

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

A variety of individuals, including legislators, circuit court judges, law clerks, prosecutors, defense attorneys, Parole and Probation agents, victims and their family members, defendants and their family members, faculty/students of law and criminal justice, government agencies, and media personnel, submit requests for information.

Do you have an official policy to govern the release of your information?

The MSCCSP has an official policy for the release of sentence information. The policy is posted on the Commission's website at http://msccsp.org/Files/Data/MSCCSP_Info_Request_Policy.pdf.

What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

Data are typically provided at the offense level. The data are based on both single and multiple offense sentencing events, with one record for each convicted offense. There is a unique identifier which links offenses within the same sentencing event.

Any challenges or concerns with releasing or not releasing sentencing data?

There are no challenges or concerns with releasing or not releasing the sentencing data presently collected. That said, the electronic sentencing data do not contain judge identifiers. Members of the Commission and members of the Judiciary have expressed concern that providing and/or reporting data by judge has the potential to undermine the MSCCSP's mandate that "sentencing policies should preserve meaningful judicial discretion and sufficient flexibility to allow individualized sentences" (Criminal Procedure Article, § 6-202(3), Annotated Code of Maryland). Judge-specific data reporting may compel judges to "standardize" their sentences out of concern that the data and corresponding published reports will not provide proper context to explain legitimate reasons for a sentence outside of the guidelines.



National Association of Sentencing Commissions

State Updates: 2019

Massachusetts Sentencing Commission

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Information not available; please contact the Commission directly.

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National Association of Sentencing Commissions

State Updates: 2019

Minnesota Sentencing Guidelines Commission

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Activities update:

After extended study of Minnesota's criminal history score (CHS)—including a review of the Robina Institute's two-phase study of Minnesota's CHS—and the sentencing of repeated severe, violent offenses, the Minnesota Sentencing Guidelines Commission, at the end of 2018, unanimously adopted a proposal to modify the Guidelines. The modifications change CHS calculation by, among other things, revising when prior, non-executed felonies begin to decay, and permitting judges to waive the custody status point in some cases. The modifications also add a sentencing enhancement for second or subsequent severe violent offenses. The modifications received no legislative opposition and are effective August 1, 2019.

Do you make your sentencing data publicly available? By request only? Do you charge for this service?

Unless otherwise classified, all data collected and maintained by a government entity are deemed public by the Minnesota Data Practices Act. MSGC discloses public data to comply with lawful requests. To comply with Data Practices Act requirements, sentencing records containing juvenile history are redacted. Requests are submitted via our website, but we do not decline requests made by other means. There is no charge to fulfill a data request.

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

In 2018, MSGC fulfilled 375 individual data requests, which is a rate of about 1 request per 50 felony cases sentenced. Most requests were made by defense attorneys, prosecutors, judges, state agencies (such as the State Public Defender), and probation. We also receive requests from members of academia, the Legislature, and the public (including victims and defendants).

Do you have an official policy to govern the release of your information?

MSGC has created an internal document that summarizes to what degree MSGC information, and information gathered by MSGC from other entities, may (or must) be disclosed to the public under the Data Practices Act and other applicable legal authority.

What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

MSGC provides a wide variety of information, from general sentencing statistics to detailed case-level information. Demographic, regional, and departure information is often requested. If information by judge is specifically requested, it is given, accompanied by caveats regarding the limitations of the use of such data.

Any challenges or concerns with releasing or not releasing sentencing data?

The data are sometimes used (or misused) against incumbents in contested judicial elections. A more recent concern is the potential that our data sets, once disclosed, may be incorporated into external websites that allow users to automatically generate data reports, which may enable manipulation of the data in potentially incomplete or misleading ways.



National Association of Sentencing Commissions

State Updates: 2019

New Mexico Sentencing Commission

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Do you make your sentencing data publicly available? By request only? Do you charge for this service?

As of now, we don't make our sentencing data publicly available. It is not currently put together in a format that would allow for it. Additionally, we would need to further verify the accuracy of the electronic data before we would make it available.

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

Legislative committees, researchers, media and advocacy groups.

Do you have an official policy to govern the release of your information?

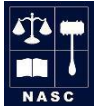
We consider the agencies who provide us the data to be the custodians of any given record. Generally, if we receive a request for information under our state's public records law (the Inspection of Public Records Act), we will consult with the agency who holds that record before releasing the record or will forward the request to the agency that holds the record. Informal requests for data are handled in the same manner. All reports we publish are posted on the Commission's website, but we provide hard copies for those who wish it.

What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

We consider the agencies who provide us data to be the custodian of record. We may assist with the release of the information, but we group it at the level we are instructed to by the custodian of record.

Any challenges or concerns with releasing or not releasing sentencing data?

Currently the main concern would be the accuracy of the electronic information compared to the printed Judgment and Sentence.



National Association of Sentencing Commissions

State Updates: 2019

North Carolina Sentencing and Policy Advisory Commission

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Do you make your sentencing data publicly available? By request only? Do you charge for this service?

Our deidentified data is publicly available upon request. There is no cost associated with this service.

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

Our publications are primarily used by our Commissioners, judges, legislators, the Department of Public Safety, the Fiscal Research Division of the General Assembly, and the University of North Carolina School of Government. Requests for data come from researchers (including graduate students), court officials seeking grants, and reporters.

Do you have an official policy to govern the release of your information?

Yes, we have standard procedures in place.

What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

Although the sentencing data is based on information that is publicly available from the court system, the Commission is a secondary information source; therefore, all personal identifiers are removed and all information is to be used in the aggregate for research purposes only. The data may be aggregated based on numerous variables of interest (e.g., demographic, geographic, offense, and sentence information). Our statistical report datasets do not include data by judge.

Any challenges or concerns with releasing or not releasing sentencing data?

No.



National Association of Sentencing Commissions

State Updates: 2019

Ohio Criminal Sentencing Commission

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Do you make your sentencing data publicly available? By request only? Do you charge for this service?

Currently, Ohio criminal justice data is fragmented, disparate, mismatched, and complex. There is not a comprehensive, shared repository that connects criminal justice or sentencing data in Ohio. Although there is some interagency data sharing, it is fairly isolated and oftentimes those efforts do not filter to a wide audience or rise to the level of statewide policy implications and debate. Furthermore, the work only begins when agencies execute data sharing agreements, as Ohio does not have standardized parameters for how criminal justice data is collected and reported, resulting in disparity in similar types of data.

Unfortunately, this means that the Ohio Criminal Sentencing Commission doesn't have sentencing data. Therefore, we do not have data to make publicly available or provide upon request. We do however collect data and conduct original research on smaller scale projects related to sentencing in Ohio, but the data is secondary in nature, publicly available and specific to the topics we are currently studying.

When individuals contact us looking for data, depending on their needs we try to refer them to a source for some of their data needs (for example, a county agency or the Ohio Department of Rehabilitation and Correction), but because the system is fractured and disconnected, basic questions about criminal justice populations, outcomes, resources and patterns remain unanswered. On the upside, there is a recent surge in interest and leadership regarding statewide data collection and repository – by all three branches of government and within our own office here at the Commission, which leaves us optimistic that Ohio will turn the corner on this issue soon.

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

Those who have contacted us include researchers, media, advocacy groups, students working on projects, judges and more.

Do you have an official policy to govern the release of your information?

Since we do not own or house any data for public use, we don't have a policy.

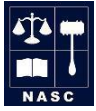
What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

N/A.

Any challenges or concerns with releasing or not releasing sentencing data?

N/A

Although we aren't well-positioned to answer the aforementioned questions, we are mindful that as Ohio moves forward in the development and implementation of a statewide criminal justice data repository, the questions are ones we need to address and be prepared to answer, so this exercise is helpful.



National Association of Sentencing Commissions

State Updates: 2019

Oregon Criminal Justice Commission

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Do you make your sentencing data publicly available? By request only? Do you charge for this service?

We have multiple dashboards displaying sentence outcome information for felonies across Oregon. The data is aggregate level, but the user is able to drill down to the county level to see how criminal justice resources are being used. It is a free service and is publicly available.

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

All of the above. The data is most utilized by staff of the commission in working with local jurisdictions on criminal justice grants that the agency administers. The data is also widely used by the legislature and county level public safety officials in order to determine answers to outcome questions (i.e. recidivism rates / sentence lengths / conviction disparity).

Do you have an official policy to govern the release of your information?

If data is requested that is not available on the dashboards, but that we do have access to and that we are allowed to disburse (not protected information by a specific federal or state statute), we require the requestor to fill out an online FOIA form. This puts the request in queue and allows the public to see what data reports we have prepared. We typically will not charge for this service.

What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

The dashboards display data at the aggregate level. FOIA requests typically are fulfilled at the offender or crime level. We do not have the data to share sentencing information by Judge.

Any challenges or concerns with releasing or not releasing sentencing data?

We are limited by the data we have. Misdemeanor conviction data is unreliable and missing in some significant places. Arrest data for misdemeanors is also typically unavailable and unreliable. Releasing sentencing data at the county level, or by the charged conduct, has not raised any concerns for the agency, and in fact has significantly improved our ability to monitor outcomes of grants that require a recipient to decrease utilization of correctional resources. It has also dramatically improved local knowledge about what is happening in the county and state criminal justice system.



National Association of Sentencing Commissions

State Updates: 2019

Pennsylvania Commission on Sentencing

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Do you make your sentencing data publicly available? By request only? Do you charge for this service?

The Commission makes data available in a number of ways. Anyone may create ad hoc data tables based on aggregate data using a data portal on the Commission's website. Static tables and Annual Reports are also available on the website. Customized data reports are available upon request. Additionally, the Commission will provide data sets upon request. Charges are often waived for academic, media, and government request. Data sets including sensitive information, such as certain PII (personally identifiable information, such as state identification number) may require Commission authorization and IRB approval of the project before release of the data.

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

All of the above. Typically, data sets are requested by academic researchers. The media and advocacy groups more often request targeted reports prepared by staff. State and local government agencies utilize the ad hoc and static data tables. The Commission works closely with and provides data to Legislative and Executive staff, particularly to inform the formulation of policies and the introduction and drafting of legislation. Impact analyses may be formally requested by the Legislature. Data are also used in population projections, a joint initiative between the branches of government.

Do you have an official policy to govern the release of your information?

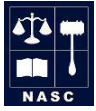
The Commission developed a Release of Information Policy in 1999 and has subsequently revised it on numerous occasions. <http://pcs.la.psu.edu/about-the-commission/governance/release-of-information-policy-rev-3-8-2018>.

What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

Individual and aggregate data are available from the Commission, with most information collected by the Commission available for release. Aggregate data reports are available through the data portal or by request by geographic level (statewide, county) and by judge. Reports may be generated based on various units of analysis, including: all offenses reported; the most serious offense in a criminal incident or in a judicial proceeding; or the most serious offense reported for a unique offender. These data reports are available for specific offenses and offense categories, with specialized reports including greater detail (e.g., prior record score, conformity to the guidelines, application of sentencing enhancements, etc.) available upon request. Individual information is available for any conviction offense resulting in a reported sentence, and both general release and contracted release data sets which include selected cases or all reported cases are available for release.

Any challenges or concerns with releasing or not releasing sentencing data?

The Commission initially restricted release of judge-specific sentencing data. However, following numerous requests and subpoenas for such data, and subsequent public hearings to obtain comments, the Commission adopted a Release of Information Policy (1999) which permitted release of offender-specific and judge-specific data. The Policy has been amended several times to provide safeguards related to the collection or dissemination of PII (e.g., eliminating the collection or dissemination of social security numbers) and to promote data security through the adoption of a Data Management Plan.



National Association of Sentencing Commissions

State Updates: 2019

Utah Sentencing Commission

Marshall Thompson, Director

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Information not available; please contact the Commission directly.



National Association of Sentencing Commissions

State Updates: 2019

Virginia Criminal Sentencing Commission

Meredith Farrar-Owens, Director

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Phone: 804.371.7626

Do you make your sentencing data publicly available? By request only? Do you charge for this service?

Pursuant to § 19.2-298.01 of the *Code of Virginia*, Virginia's guidelines worksheets become part of the record of the case and must be open for inspection. Likewise, the automated sentencing guidelines data is public record and is subject to release through the Freedom of Information Act. Sentencing guidelines data is made available by request. Under Virginia's Freedom of Information Act (§ 2.2-3704(F)), a public body may make reasonable charges, not to exceed its actual cost, for the work necessary to compile the records or information needed to fulfill the request. The Commission does not charge government agencies or public employees but does charge other requesters.

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

Most often, requesters of sentencing guidelines data are members of the media or defense attorneys. A number of academic researchers have also requested data. Virginia Department of Corrections requests data sets periodically.

Do you have an official policy to govern the release of your information?

The Commission does have an official policy to govern the release of information. The policy complies with all statutory requirements of Virginia's Freedom of Information Act.

What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

Virginia's sentencing guidelines data are based upon sentencing events. All offenses sentenced in the same court by the same judge at the same time are included in one sentencing event. The data include codes for each sentencing event that identify the locality in which the sentence event occurred and the circuit to which that locality belongs. The data include offense codes, known as Virginia Crime Codes (VCCs), to identify the specific crimes encompassed within the sentencing event. Individual identifiers include the defendant's name, month and year of birth (not day), and the last four digits of the defendant's social security number. The sentencing judge is identified in the data by a five-character code and a requester is given documentation with judge codes and corresponding names. Criminal record details are not captured in the guidelines data; however, the data contain the defendant's scores for each factor on the guidelines worksheets, including prior record factors. Sentencing outcomes are also recorded in the system.

Any challenges or concerns with releasing or not releasing sentencing data?

No challenges or legal concerns have arisen regarding the release of sentencing guidelines data .



National Association of Sentencing Commissions

State Updates: 2019

Washington State Sentencing Guidelines Commission

Ed Vukich, Senior Criminal Justice Policy Analyst

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Phone: 360.664.9374

Do you make your sentencing data publicly available? By request only? Do you charge for this service?

The Washington State Caseload Forecast Council publishes annual statistical summaries of both adult felony sentencing data and juvenile disposition data. It is available on the agency's web site. Data requests are dealt with on an individual basis and are generally met. The agency does not charge for data requests.

Who typically is interested in your data? Executive, judicial, and/or executive branches of government, researchers, media, advocacy groups, etc.

All of the above. The agency responds to data requests from anyone who contacts us. The agency also provides prison and jail bed impact estimates for the Governor and Legislature (as well as Juvenile Rehabilitation and local juvenile detention bed impact estimates). Most bed impact requests are from the Legislature prior to and during the annual legislative session. The agency also receives many request from researchers, the media and advocacy groups, as well as attorneys, offenders and individual citizens.

Do you have an official policy to govern the release of your information?

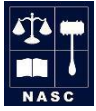
Yes. For agencies we share data with regularly, we have data sharing agreements, which are update annually. The agency's adult felony sentencing data is not confidential. The agency's juvenile disposition data is confidential – the agency provides only non-identifiable data, mainly at the aggregate level, unless there is a very specific data sharing agreement in place.

What level of detail can be shared? Aggregated at geographic/district levels? By offenses? By individual? By judge? By record?

The agency's adult felony sentencing data can be shared in full, without issue, at any level, including by judge and by record. The agency's juvenile disposition data is confidential and only can be shared at the aggregate level, unless there is a specific data sharing agreement in place.

Any challenges or concerns with releasing or not releasing sentencing data?

See the above. Our adult felony sentencing data is not confidential. Juvenile disposition data is absolutely confidential and requires specific steps to share anything beyond the aggregate level.



National Association of Sentencing Commissions

State Updates: 2019

United States Sentencing Commission

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Information not available; please contact the Commission directly.