



Guide for Scoring Criminal Record

To be used for all convictions on or after June 15, 2004

1. *If the Instant Offense is a MISDEMEANOR, then sentencing guidelines DO NOT apply.*
2. *Obtain criminal records from all available sources and complete the criminal record section to include out-of-state and juvenile offenses. (CSO must obtain all dispositions for charges listed.)*
3. *Identify your ten year window from the date of each Instant Offense. (Example: If the Instant Offense date is May 20, 2004, then your ten year window is May 20, 1994 to May 20, 2004.) (Use offense dates, not arrest or file dates)*
 - a. *If your offender has a juvenile record that falls within the ten year window, then proceed to step #4.*
 - b. *If your offender does not have a juvenile record that falls within the ten year window, then proceed to step #5.*
4. *Identify **AND** Score all adjudications (convictions) that occurred within five years of the Instant Offense. (Example: If your Instant offense date is May 20, 2004, then your five year window is May 20, 1999 to May 20, 2004). The following point system is to be used:*

****NOTE**:** Juvenile adjudications are capped at 1 ½ points *unless* there is more than one adjudication for an offense in Master Grid Groups 1-5. In that case, each of the offenses in Master Grid Groups 1-5 counts for 1 ½ points and other adjudications in Master Grid Groups 6-9 and Drug Grid Groups 1-3 are not counted in the criminal history score.

JUVENILE MASTER GRID

Offenses in Master Grid Groups 1 thru 5	1 ½ points
Offenses in Master Grid Groups 6 and 7	1 point
Offenses in Master Grid Groups 8 and 9	½ point

All Misdemeanors	0 points
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JUVENILE DRUG GRID

Drug Grid Group 1	1 point
Drug Grid Groups 2 and 3	½ point
All Misdemeanors	0 points

5. *Identify and score all adult felony and misdemeanor convictions that occur inside the ten year window using the following point system:*

ADULT MASTER GRID

Offenses in Master Grid Groups 1 through 5	3 points
Offenses in Master Grid Groups 6 and 7	2 points
Offenses in Master Grid Groups 8 and 9	1 point
All misdemeanor offenses, but not to exceed a total of 6. (Misdemeanors have a cap of 1 ½ points, that is, only up to six misdemeanor convictions count toward the criminal history score).	¼ point

ADULT DRUG GRID

Drug Grid Group 1	2 point
Drug Grid Groups 2 and 3	1 point
All misdemeanor offenses, but not to exceed a total of 6. (Misdemeanors have a cap of 1 ½ points, that is, only up to six misdemeanor convictions count toward the criminal history score).	¼ point

6. *Identify **AND** Score all overflow (meaning an incarceration, parole or probation period that ENDS or is still ACTIVE in*

the ten year window) convictions. These convictions are to be scored using the Adult Master and/or Drug Grid(s).

7. Add your points.

a. If the **Total** criminal history score is 6 or more points, then proceed to step #10.

b. If the **Total** criminal history score is less than 6 points, then proceed to step #8.

8. If there is a felony conviction within the ten year window **OR** a felony conviction outside the window in which the sentence ends **OR** is still active within the ten year window, it **revives ALL felony convictions** with the following scoring system:

**** NOTE **: Misdemeanor and juvenile offenses are NEVER revived!**

REVIVAL MASTER GRID

Offenses in Master Grid Groups 1 through 5	3 points
Offenses in Master Grid Groups 6 and 7	1 points
Offenses in Master Grid Groups 8 and 9	½ point
All Misdemeanors	0 points

REVIVAL DRUG GRID

Drug Grid Group 1	1 point
Drug Grid Groups 2 and 3	½ point
All Misdemeanors	0 points

9. Add all of your points.

The defendant's criminal record score is : _____.

10. Using your total score, find the appropriate column (A - E) that correlates with your score and the Instant Offense (Group number) on the Master or Drug Grid.

a. You have now determined the defendant's sentencing options for the Instant Offense.



Facts to Remember

- If the PSI you are preparing has multiple Instant Offenses with separate offense dates, then you must establish your ten-year window based on each offense date and score accordingly. It is possible to have different criminal history scores for each Instant Offense.
- Juvenile adjudications that are in group 1 through 5 and overflow into the five year window are to be determined based on the date of disposition; date of release from Oak Hill or date of release from a secured facility. (A list of the most commonly used secured facilities will be forthcoming.)
- If the person being sentenced is 26 years or older, then the juvenile record will not count.
- If there is any felony conviction in the ten-year window, then all other felony convictions outside the ten-year window are revived using the revival point system. Remember that if no felony convictions occur in the ten-year window, but a felony conviction occurs outside of the ten-year window and it has a sentence that overflows into the window, then this conviction is scored according to the Adult Master or Drug Grid. This felony conviction then allows you to revive all other felony convictions.
- STET docket, Consent Decrees and Probation without Judgment are not convictions and therefore are not scored. Anything prosecuted by Corporation Counsel is also not scored.

- *Although traffic matters are considered misdemeanor charges, they are not scored. They are not criminal offenses.*
- *Sentences under the Youth Rehabilitation Act (YRA) are counted like any other adult convictions for scoring purposes.*



Facts to Remember (continued)

- *When scoring out-of-state convictions, you must match the elements of the offense as close as possible to D.C. offense codes. (EX: CPWOL is a felony in D.C., but if it is a misdemeanor in New York, you would still score it as a felony.) The Commission is in the process of looking up all the commonly prosecuted charges in Maryland and Virginia to score them.*
- *Sentencing that occurs in another case on the same date as sentencing for the Instant Offense is not considered to be a prior offense and therefore is **not** scored. (A prior conviction is any conviction sentenced before the sentencing date of the Instant Offense)*
- *If an offense is committed after the Instant Offense, but is sentenced **BEFORE** the day of sentencing for the Instant Offense, then it is considered a prior conviction and it should be scored appropriately. The order in which the offenses were committed is irrelevant.*
- *If past convictions have several counts in which the defendant was convicted, then only the most serious of those offenses is scored as long as the counts arose out of the same event. (EX: Offender robs Mary on 5-1-04; Judy on 5-2-04 and Joe on 5-6-04. These are different events and they are scored individually as three robberies. If your offender, however, robbed and kidnapped Judy and held her for 4 days, then it is one event and only the most serious offense is scored.) **Note:** “Most serious” is based on scoring, not the elements of the offense. For example: If Armed Robbery (Count A) and*

Kidnapping (count B) fall into the same group, then you can choose either one because they are both worth the same amount of points. But if the charges are Armed Robbery (Count A) and Aggravated Assault (Count B), while they both sound "serious", you would score Armed Robbery because it carries 3 points while Aggravated Assault only carries 2 points.