



Sentence Information Access and Dissemination Policy

RIGHT OF ACCESS

Maryland's Public Information Act, Title 10, Subtitle 6, Part III of the State Government Article, grants the public a broad right of access to records that are in the possession of State and local government agencies.¹ This includes access to court sentencing data collected and maintained by the Maryland State Commission on Criminal Sentencing Policy. Under this Act, the Commission is required to fulfill all public requests for records unless an exception to the Public Information Act applies to the information. The Commission does not have an obligation to create records to satisfy a request, only to provide information available within its current system.

TYPE OF INFORMATION

Commission Data

The State of Maryland has been collecting sentencing information using the Maryland Sentencing Guidelines Worksheet since 1983. Since its creation, the primary objective of the worksheet has been to collect information on judicial compliance and sentencing guidelines departure rates for criminal cases originating in Maryland circuit courts. To achieve this goal, judges are asked to provide information on the sentence as well as its departure (if applicable). In addition to these items, the Commission also collects information on offender characteristics, case identification, guidelines scores, and victim rights information.

Maryland's sentencing guidelines are voluntary. Judges may, at their discretion, impose a sentence outside the guidelines. Sentencing data provided by the Commission are based exclusively on information extracted from guidelines worksheets submitted to the Commission. As a result, the accuracy and completeness of the data are directly related to the quality of the information entered onto each guidelines worksheet. Although the Commission maintains data dating back to 1983, incompatibilities between the original database and the current database result in only partial data being available for data prior to 1996. In addition, data for 1996 and 1998 are incomplete. Nearly half of the 1996 data are contained within the original database, while 1998 data have not been nor ever will be available due to lost data entries.

Complete Data Set

The Commission will make available the complete data set for each sentencing year. This includes all fields contained in the current database maintained by the Commission, excluding offender name and components of the offender score that would identify aspects of a juvenile record, if one existed.

Commission Publications

Official Commission publications are available to the public through our website at www.msccsp.org. These include, but are not limited to, Annual Reports, Guidelines E-News, topical reports, and research reports. Members of the public are encouraged to view and download these publications online, but may order hard copies through the Commission.

¹ Office of Maryland Attorney General. Public Information Act Manual, Ninth Ed., Rev. June 2004.



Annual Report

As mandated by CP, §6-209, the Commission produces an Annual Report which reviews the activities of the Commission, changes made to the guidelines in the past year, and judicial compliance with the guidelines. The annual report is available to the public and may be accessed on the Commission's website at www.msccsp.org.

Topical Reports

Topical reports are periodically generated by the Commission and are available to the public through our website at www.msccsp.org. Topical reports are brief reviews of select topics of interest as identified by the Commission or its staff.

Custom Reports

Any information request not available in the annual report or in a Commission approved topical report is considered a custom report. Due to limited staff resources, the Commission is unable to generate custom reports. However, the Commission will provide the complete dataset (as described above) to requesters who wish to generate custom reports on their own.

Request Procedures

Requests may be submitted electronically using the official Information Request Form on the Commission's website at www.msccsp.org/data/irform.html. Once a request has been received, the Commission will determine the feasibility of the request based on the amount of information requested, the time and resources needed to successfully complete the report, and the available staff resources. As noted above, the Commission does not have an obligation to create records to satisfy a request, only to provide information available within its current system. If a request is denied, the Commission will provide a written statement of the reasons for the denial, legal authority for the denial, and notice of its remedies for review of denial. If a request requires substantial staff time and resources, the person(s) or institution(s) requesting the information may be required to pay for the materials, processing, and, if more than two hours, staff time. The Commission will fulfill requests no later than 30 days upon receipt unless an extension is granted. The Commission will notify the requester in 10 days if the Commission is the wrong agency for the request. In responding to requests for information, the Commission reserves the right to establish priorities based on staff resources.