

## **EXECUTIVE SUMMARY**

Throughout 2017, the District of Columbia Sentencing Commission monitored the implementation and use of the District of Columbia Voluntary Sentencing Guidelines and focused on improving data quality and data sharing capabilities. The Commission's emphasis on data access and management has provided the agency with the ability to analyze sentencing practices and trends within the District of Columbia, respond to numerous data requests, and increase the amount of data the Commission shares with other agencies and the public. In addition, this data enables the Commission to make evidence based policy recommendations.

Over the past year, the Commission completed a comprehensive ten-year evaluation of the Sentencing Guidelines to determine whether the Guidelines have achieved their statutory goals of certainty, consistency, and adequacy of punishment. The evaluation determined that the Guidelines are operating in practice as they were intended, with over 90% of all felony sentences imposed complying with the Guidelines recommended sentence type and length. Given the design of the Guidelines, offenders with extensive criminal records and those who have committed serious and violent crimes are predominately going to prison. Judges are frequently using non-incarceration sentences, including short split sentences and suspended prison terms with probation, for lower level offenders, who are viewed as good candidates for rehabilitation. The Guidelines have made sentencing more consistent, reducing unwarranted disparity and increasing the certainty and adequacy of punishment, while at the same time making the sentencing process more transparent for persons charged with a crime, crime victims, and the general public.

In 2017, the total number of felony cases and offenders sentenced increased for a second consecutive year, after showing a steady decline since 2010. Although the number of cases sentenced increased, compliance with the Guidelines remains very high, with 97.2% of all felony sentences imposed complying with the Guidelines. The high compliance rate indicates that the Guidelines are being consistently applied by the judiciary.

### **2017 Trends in Sentencing**

D.C. Superior Court sentenced 1,666 offenders in 1,762 felony cases, consisting of 2,244 individual felony counts. This represents a two percent increase in the number of sentences from 2016. Felony non-drug offenses represented 75% of the total number of sentences imposed in 2017, with Violent and Weapons offenses accounting for half (52%) of the non-drug offenses. Violent offenses remain the most common offense category sentenced, accounting for 31% of all offenses sentenced. Homicide counts sentenced in 2017 decreased by 12% from 2016 and represent the lowest number of Homicide sentences imposed since 2010. Overall, Robbery offenses sentenced also slightly decreased between 2016 and 2017, with declines in armed robbery and attempted robbery, 22% and 15% respectively. However, that decline was offset by a 5% increase in completed unarmed robbery offenses.

Felony Drug offenses sentenced in 2017 increased by 24% over 2016 and 80% since 2015. This increase is primarily due to the number of attempted distribution of controlled substance

convictions. The increase in Drug offenses sentenced accounts for a large part of the overall increase in total counts sentenced.

Prison was the most common sentence type imposed (49% of all felony cases) and the percentage of cases sentenced to prison increased by 3%. Notably, this was the first increase in the percentage of prison sentences imposed since 2010. Combining prison and short split sentences revealed that 70% of D.C.'s felony offenders were sentenced to at least some period of incarceration in 2017. Compared to 2016, the proportion of probation sentences imposed decreased within each offense category. This marks the first time since 2013 that the percentage of Property, Drug, and Other felony offenses sentenced to probation has declined. This decrease can partially be attributed to increases in the proportion of Weapon offenses sentenced to prison and increases in the proportion of Property, Drug, and Other offenses receiving short split sentences.

The vast majority of felony offenders sentenced in 2017 were male, consistent with the previous years. However, the percentage of female offenders did increase by two percentage points from 2016. Among both male and female offenders, Violent and Drug offenses were the most common offense categories sentenced for both genders at the case level. The average criminal history score for males was 1.8 compared to 1.1 for females. Offenders between the ages of 18 and 30 accounted for 58% of all offenders sentenced in 2017.

### **Guidelines Compliances**

Overall, judicial compliance with the Sentencing Guidelines remains very high. The 97.5% Guidelines compliance rate reported in 2016 was the highest compliance rate ever observed by the Commission. In 2017, the compliance rate decreased very slightly to 97.2%. Highest compliance rates were observed for Sex and Violent offenses, while the highest rates of non-compliant sentences were for Weapon and Drug offense categories.

A compliant in the box sentence indicates that the sentence type and length imposed is within the recommended Guidelines sentencing range and options. The percentage of compliant in the box sentences has steadily increased from 86.9% in 2014 to 92.7% in 2017. Departures occurred in 33 counts sentenced in 2017. Each compliant departure sentence is assigned a departure factor by the sentencing judge. The majority of compliant departure sentences were mitigating departures (the sentence was less severe than initially recommended by the Guidelines). There was a 46% decrease in the number of compliant departures reported in 2017 compared to 2016. This is primarily attributed to specific sentencing issues related to the offense of Unlawful Possession of a Firearm By a Person With a Prior Conviction >1 year, which carries a mandatory prison sentence of not less than 12 months.

### **Modifications to the Guidelines**

Since 2012, the Commission has not modified the recommended sentencing range or sentencing options on the Guideline Master or Drug Grids. In 2017, the Commission did not rank any new felony offenses enacted or modified by the Council. Although the Commission did not make any substantive policy changes to the Guidelines in 2017, it did make several technical changes clarifying the rules set forth in the Guidelines Manual. The Commission also made substantial improvements to the information contained in the Guidelines' appendices.