

EXECUTIVE SUMMARY

Throughout 2023, in addition to the agency's other mandated duties, the District of Columbia Sentencing Commission (the Commission) focused on increasing the public's understanding of the D.C. Sentencing Guidelines (the Guidelines) and the District's felony sentencing process. This was primarily accomplished through a robust community engagement program. As part of this effort, the Commission created and distributed educational resources and data analysis that attempted to demystify the criminal justice system for the broader community and foster informed dialogue. The Commission will continue this effort in 2024, in part by distributing and explaining the data and analysis contained in this Annual Report.

The Commission has also increased its data sharing by responding to data request submissions. As the Commission's data analysis capabilities have become more well known to agency partners, policy makers, and the public, the number and complexity of the data requests received have increased. In 2023, the Commission responded to 19 data requests, which utilized approximately 1,018 staff hours. The average data request response time was 12 business days. The Commission also began publishing noteworthy and informative data request responses on its website so that members of the public could have access to the data and analysis. Notably, the Commission's publications saw a high community interaction rate, prompting increased inquiries for more information, indicating a growing public interest and engagement in sentencing matters.

Moreover, the Commission increased its presence in the community by participating in 55 events and forums in collaboration with various local organizations and institutions. This direct community engagement, enhanced by the launch of the Sentencing 101 training program and resources for D.C. Jail residents, marks a pivotal step towards providing resources to individuals from a wide variety of backgrounds. These initiatives are aimed at diverse audiences, ranging from high school students to the general public, underscoring the Commission's commitment to transparency and educational outreach.

2023 TRENDS IN SENTENCING

Throughout 2023, the Commission observed sentencing trends stabilize as the Superior Court resumed pre-pandemic levels of operation, processing both new cases and the backlog accumulated during 2020 and 2021. In 2023, there were 1,007 adult individuals sentenced for felony offenses in a total of 1,046 cases, which were comprised of 1,473 distinct felony counts. All three metrics reflect a slight decrease from 2022 but align with the downward trend observed from 2017 to 2019.

Plea agreements remained the dominant method of case disposition. Ninety-two percent (92%) of felony cases in 2023 were resolved through a plea agreement, demonstrating a slight reduction from the previous year but consistent with pre-pandemic levels. The decrease in plea agreements was offset by a 3.6% increase in jury trials, which were used to resolve 6.6% of felony cases sentenced. The increased jury trial rate also indicates a return to normal Superior Court Criminal Division operations.

Rule 11(c)(1)(C) plea agreements, which offer certainty in sentencing, showed a 2.5% decrease in 2023, reflecting the first substantial decline in ten years. This change, alongside the gradual increase in jury trials, marks a shift towards the sentencing trends observed pre-pandemic.

Last year, Superior Court Judges increased the percentage of prison sentences imposed for non-Drug felony offenses. Approximately 70% of felony counts received a prison sentence. Probation and short split sentences each constituted around 15.5% of sentences imposed. The data also reveals an increase in the severity of offenses sentenced, with significant proportions in higher severity Master Groups. Notably, Drug offenses reached an all-time low, comprising only 4.7% of all adult felony sentences imposed in 2023.

While the data indicates an overall post-COVID-19 return to normal criminal justice operations in the District, it is crucial to consider the lingering effects of COVID-19 on sentencing trends when interpreting the data, acknowledging both the pandemic’s disruptions and the court’s efforts to return to its standard operations.

GUIDELINES COMPLIANCE

Judicial Compliance with the Sentencing Guidelines in 2023 remained high. Specifically, in 2023, the in the box Compliance rate revealed that 94.3% of sentences aligned with the Guidelines recommendation.

Overall, 98.6% of the felony sentences (1,452 out of 1,473 felony counts sentenced) adhered to the Guidelines. All Non-Compliant counts involved durational departures, with 81% being downward departures—where the sentence length was less than the range specified by the Guidelines—and 19% being upward departures.

MODIFICATIONS TO THE GUIDELINES

In 2023, the D.C. Sentencing Commission updated the Sentencing Guidelines following the enactment of new legislation. The “Prioritizing Public Safety Emergency Amendment Act of 2023” introduced two new felony offenses: “Endangerment with a Firearm” and “Strangulation.” These were ranked by the Commission in September, with Endangerment With a Firearm ranked in Master Group 9, and Strangulation ranked in Master Group 8. The Act also amended the “Unlawful Possession of a Firearm” statute, which did not require a re-ranking due to unchanged penalties. The Commission did not make any other substantive changes to the Sentencing Guidelines.