



District of Columbia  
Sentencing Commission

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Hon. Milton C. Lee  
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**SUBJECT: Arrest and Sentencing Trends for Gun Possession Offenses (CPWL and UPF)**

This response contains a comprehensive evaluation of arrest, papering, disposition, and sentencing trends (as applicable) for adult felony arrests made in the District of Columbia between 2018 and 2022 where the individual was arrested for Carrying a Pistol without a License (CPWL), or Unlawful Possession of a Firearm (UPF). Descriptions of these two gun possession offenses are provided below.

| Offense                                    | Code      | Description   | Offense Severity Group | Mandatory Minimum |
|--|-----------|---|------------------------|-------------------|
| Carrying a Pistol Without a License (CPWL) | § 22-4504 | No person shall carry within the District of Columbia either openly or concealed on or about their person, a pistol, without a license issued pursuant to District of Columbia law, or any deadly or dangerous weapon   | M8                     | N/A               |
| Unlawful Possession of a Firearm (UPF)     | § 22-4503 | No person shall own or keep a firearm, or have a firearm in his or her possession or under his or her control, within the District of Columbia, if the person has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year | M8                     | 12 months         |

The arrest data used for this response is sourced from the Metropolitan Police Department (MPD), while the papering, disposition, and sentencing data is sourced from the District of Columbia Superior Court (Superior Court). Please note the following about the felony arrest and papering information included in this analysis:

- The analysis only covers adult felony arrests, it does **not** include juvenile arrests.
- The analysis contains any arrest that included either one, or both, of the gun possession offenses mentioned above. These “gun possession” arrests can also include additional, more severe offense charges; the gun possession offense is not necessarily the most serious offense on a given arrest.<sup>1</sup>
- The term “no papered” means that the prosecuting authority (USAO) elected not to immediately file charges in Superior Court related to the arrest.<sup>2</sup> Arrests sent for prosecution in the United States District Court or charges filed at a later date are not included in this analysis.
- When analyzing papering rates for gun possession arrests, it is important to note:
  - There are occasions when the government will no-paper a gun possession case while it awaits results from DNA testing on the weapon and the arrestee. Once the DNA testing is completed, if there is a match, the government may re-charge the case through a grand jury original indictment. Any cases re-brought following an initial no-paper decision are not part of this analysis.
  - The U.S. Attorney’s Office for the District of Columbia has a policy of charging certain UPF arrests in U.S. District Court. These arrests are classified as “no papered” in this analysis.
- The structure in which arrest data is recorded causes limitations on the Commission’s ability to track case outcomes *back* to arrest charges when multiple court cases originate from a single arrest; for example, when an individual is arrested for a new offense and has an existing arrest warrant or fugitive warrant, or if they are a suspect in an active, unrelated case. Currently the data is organized in a way that prevents the Commission from automatically identifying which case links directly back to the original arrest. While the Commission is able to easily identify and exclude cases where the arrested individual is being prosecuted as a fugitive from justice (“fugitive cases”), the distinction cannot be made when the secondary case(s) are for separate criminal conduct, unless the case is reviewed manually by staff. Therefore, any analysis reporting on arrest-to-case outcomes will include all Superior Court non-fugitive cases that resulted from a felony adult arrest.

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<sup>1</sup> The Commission does not receive information from MPD that identifies the most serious offense on an arrest. This determination would have to be made by manually reviewing each adult felony arrest.

<sup>2</sup> All no papered arrests had an arrest number generated by MPD.

## A. Key Findings and Quick Reference Tables

Between 2018 and 2022 there were a total of 5,558 adult arrests that contained at least one CPWL charge, and 2,149 that contained at least one UPF charge. A table summarizing the overall arrest, papering and sentencing trends for these adult arrests can be found on page 4, while a more detailed analysis for each offense can be found beginning on page 5.

### Key Findings

- Approximately two-thirds (66%) of CPWL arrests were sent to D.C. Superior Court for prosecution. The papering rate for UPF was slightly lower; 61% of UPF arrests were sent to court for prosecution.
  - o The proportion of papered arrests has been gradually decreasing between 2018 and 2022. 85% of arrests (for both offenses) were papered in 2018, compared to 54% of CPWL arrests and 56% of UPF arrests in 2022.
- When accounting for both the arrests that were no papered and the papered arrests that were closed without a conviction, over half (56.6%) of CPWL arrests and 60% of UPF arrests did not result in a finding of guilt, for any criminal offense.
- Approximately 60% of papered CPWL arrests resulted in a conviction for some criminal offense, compared to 53% of papered UPF arrests.
  - o When examining the total number of arrests made (not just those that were papered), 40% of all CPWL arrests and 33% of all UPF arrests resulted in a conviction for some criminal offense.
- CPWL and UPF were the most serious counts (MSC) sentenced in approximately half of the convicted cases for each offense.
  - o CPWL was the most serious count sentenced on 49% of papered CPWL arrests that resulted in a conviction, while UPF was the MSC on 52% of papered/convicted arrests.
- The vast majority of UPF convictions resulted in a prison sentence, where the average sentence imposed was 20 months. Comparatively, only 12% of CPWL convictions resulted in a prison sentence. The average CPWL sentence was 17 months.
  - o Over half (58%) of CPWL convictions resulted in a probation sentence.

**Quick Reference Table**

|  | <b>CPWL</b>                   | <b>UPF</b>                    |
|--|-------------------------------|-------------------------------|
| <b>Total Arrests</b>                                       | <b>5,558</b>                  | <b>2,149</b>                  |
| No Papered   | 34.2%<br>1,933                | 38.6%<br>829                  |
| Sent to Court for Prosecution                              | 65.8%<br>3,625                | 61.4%<br>1,320                |
| <i>Total Non-Fugitive Cases Filed</i>                      | <i>3,710</i>                  | <i>1,353</i>                  |
| <b>Case Disposition – Papered Arrests</b>                  |                               |                               |
| Closed Without Conviction                                  | 32.7%<br>1,213                | 38.2%<br>517                  |
| Pending  | 7.5%<br>279                   | 9.0%<br>122                   |
| Conviction ( <i>for any criminal offense</i> )             | 59.8%<br>2,218                | 52.8%<br>714                  |
| <b>Conviction Trends - Convicted Cases</b>                 |                               |                               |
| Misdemeanor Convictions Only                               | 29.5%<br>654                  | 17%<br>122                    |
| Felony Conviction(s)                                       | 70.5%<br>1,564                | 83%<br>592                    |
| <i>CPWL / UPF Conviction</i>                               | <i>866 cases</i>              | <i>343 cases</i>              |
| <b>Sentencing Trends (CPWL and UPF Counts)<sup>3</sup></b> |                               |                               |
|  | <b>820 counts / 819 cases</b> | <b>331 counts / 329 cases</b> |
| Probation  | 57.7%<br>473                  | 3.3%<br>11                    |
| Short Split  | 30.5%<br>250                  | 2.4%<br>8                     |
| Prison   | 11.8%<br>97                   | 94.3%<br>312                  |
| <i>Average Prison Sentence Imposed</i>                     | <i>16.7 months</i>            | <i>20 months</i>              |

<sup>3</sup> 47 CPWL Cases and 14 UPF cases have not yet been sentenced and are therefore excluded from the sentencing portion of this analysis.

## B. Carrying a Pistol without a License (CPWL) Analysis

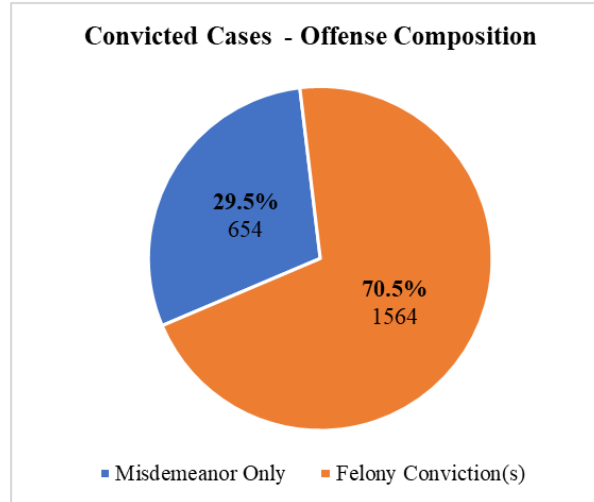
### Arrest and Papering Trends

Between 2018 and 2022 a total of 5,558 adult felony arrests contained at least one CPWL charge. The papering trends and case disposition of arrests that were sent to court for prosecution are presented in the following table. Note that 139 arrests resulted in *multiple* non-fugitive cases. Additionally, 65 of the papered CPWL arrests resulted in fugitive cases only; these cases are not included in the below analysis. During this timeframe:

- The proportion of arrests containing a CPWL charge and a Possession of a Large Capacity Ammunition Feeding Device (PLCA) charge have been increasing; in 2018 25% of CPWL arrests also contained a PLCA compared to 58% in 2022.
- Papering rates for arrests containing a CPWL charge have declined from 85% in 2018 to 54% in 2022.
  - o This is consistent with overall adult felony arrest trends; across all offenses the papering rates have declined from 71% in 2018 to 54% in 2022.
- 34.2% of all CPWL arrests (1,933) were no papered. When also accounting for the 1,213 papered arrests that were closed without conviction, it can be concluded that over half (56.6%) of CPWL arrests made between 2018 and 2022 did not result in a finding of guilt for any criminal offense.
- As of April 19, 2023 (the date in which the data was retrieved for this analysis), 7.5% of papered CPWL arrests are pending disposition.
- Approximately 60% of all papered arrests (and 40% of all arrests containing a CPWL charge) resulted in a finding of guilt.

| Arrest Year                                | 2018           | 2019           | 2020           | 2021           | 2022           | Total                          |
|--|----------------|----------------|----------------|----------------|----------------|--------------------------------|
| <b>Carrying a Pistol Without a License</b> |                |                |                |                |                |                                |
| <b>Total Arrests</b>                       | <b>792</b>     | <b>902</b>     | <b>1,071</b>   | <b>1,173</b>   | <b>1,620</b>   | <b>5,558</b>                   |
| <i>Proportion Containing a PLCA charge</i> | 25%            | 38%            | 49%            | 50%            | 58%            | <b>47%</b>                     |
| No Papered                                 | 14.8%<br>(117) | 29.0%<br>(262) | 33.5%<br>(359) | 38.7%<br>(454) | 45.7%<br>(741) | <b>34.2%</b><br><b>(1,933)</b> |
| Sent to Court for Prosecution              | 85.2%<br>(675) | 71.0%<br>(640) | 66.5%<br>(712) | 61.3%<br>(719) | 54.3%<br>(879) | <b>65.8%</b><br><b>(3,625)</b> |
| <b>Disposition of Filed Cases</b>          |                |                |                |                |                |                                |
| <i>Total Cases Filed</i>                   | <b>701</b>     | <b>646</b>     | <b>734</b>     | <b>745</b>     | <b>884</b>     | <b>3,710</b>                   |
| Closed without Conviction                  | 39.7%<br>(278) | 33.6%<br>(217) | 35.7%<br>(262) | 28.7%<br>(214) | 27.4%<br>(242) | <b>32.7%</b><br><b>(1,213)</b> |
| Pending                                    | 1.1%<br>(8)    | 2.5%<br>(16)   | 7.8%<br>(57)   | 9.4%<br>(70)   | 14.5%<br>(128) | <b>7.5%</b><br><b>(279)</b>    |
| Conviction                                 | 59.2%<br>(415) | 63.9%<br>(413) | 56.5%<br>(415) | 61.9%<br>(461) | 58.1%<br>(514) | <b>59.8%</b><br><b>(2,218)</b> |

The sentencing trends for the 2,218 D.C. Superior Court cases that resulted in a finding of guilt are presented below. Approximately 30% of cases resulted in convictions for misdemeanor offenses, only. The remaining 70% of cases (1,564 cases) resulted in at least one felony conviction. The remainder of the analysis will focus on this subset of felony cases.



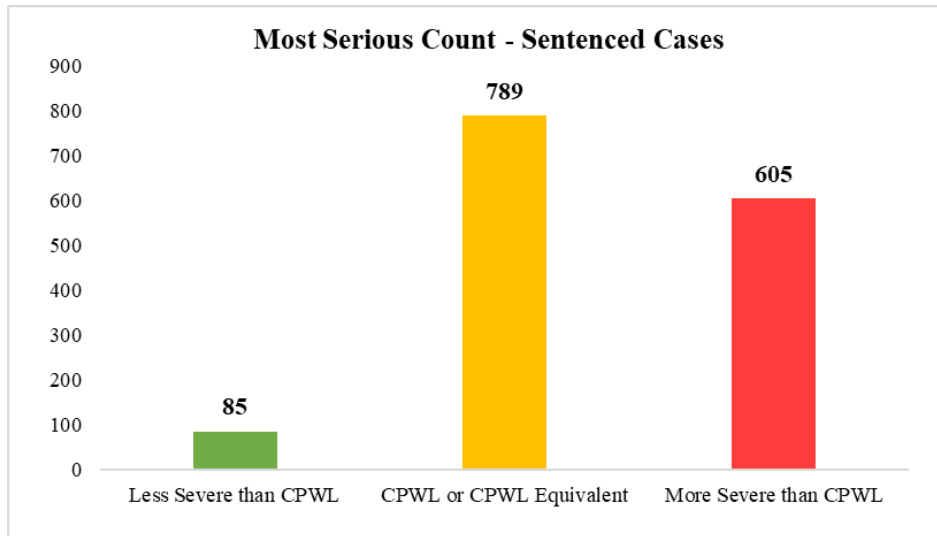
#### Conviction Trends – Papered CPWL Arrests

The following analysis identifies the most serious offense sentenced on each case with a felony conviction and determines its severity in relation to CPWL. CPWL is ranked in Offense Severity Group 8 on the Sentencing Guidelines Master Grid. Offenses in groups M1-M7 and D1-D2 are considered more severe, while those belonging in groups M9 and D3-D4 are considered less severe.<sup>4</sup> Offenses convicted in group M8 are considered “CPWL equivalent” because the recommended Guidelines sentence is the same. Note that the most serious count cannot be determined if the case has not yet been sentenced; 85 of the 1,564 felony cases have been omitted from the following analysis as they are pending sentencing.

CPWL was the most serious sentenced offense in 48.9% (723 cases) of the 1,479 sentenced cases containing at least one felony conviction, while 66 cases (4.5%) were convicted of offenses that are equivalent to CPWL in terms of offense severity; both are represented in the yellow bar in the chart on page 7. Comparatively, 605 cases (41.0%) containing felony convictions were sentenced for offenses that were more severe than CPWL, while 85 (5.7%) had convictions for offenses less severe than CPWL. It is important to acknowledge that during the lifespan of a case, the prosecutor may offer a lesser charge as part of a plea agreement or may choose to indict on a more serious offense. These decisions are based on a variety of factors and are based on prosecutorial discretion.

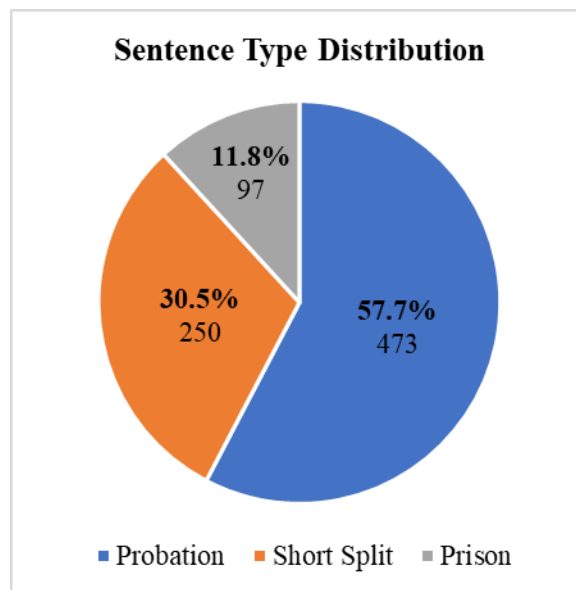
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<sup>4</sup> Offense severity comparisons are based on the following offense severity group order: M1, M2, M3, M4, M5, D1, M6, M7, D2, M8, M9 D3, D4. Note that although UPF-PF and CPWL are both in Master Group 8 (M8), UPF-PF is considered more severe for this analysis as the offense implies that the sentenced individual has a prior felony conviction.



### CPWL Sentencing Trends

Of the 1,564 convicted cases that contained felony convictions, a total of 819 contained a CPWL conviction (820 total CPWL counts). The distribution of sentence type and sentence length is presented below, at the count level. Over half (57.7%) of CPWL convictions resulted in a probation sentence, 30% received a short split sentence, and one in ten (11.8%) resulted in a prison sentence.



For arrests that resulted in a prison sentence, the average sentence imposed and to serve (after accounting for time suspended in long split sentences) across all years is as follows:<sup>5</sup> Sentence lengths are reported in months.

| Sentence Year | CPWL Counts | Average Sentence Imposed | Average Sentence to Serve |
|---------------|-------------|--------------------------|---------------------------|
| 2018          | 7           | 18                       | 16.3                      |
| 2019          | 13          | 14.2                     | 11.4                      |
| 2020          | 11          | 12.4                     | 11.3                      |
| 2021          | 17          | 18.5                     | 15.5                      |
| 2022          | 33          | 17.6                     | 14.3                      |
| 2023          | 16          | 17.4                     | 16                        |

Note that on average, the sentence imposed and to serve was *greater* when the CPWL count was not the most serious on a given case, which suggests that a more serious offense is driving the overall sentence on those cases.

| Most Serious Count (MSC) Status | CPWL Counts | Average Sentence Imposed | Average Sentence to Serve |
|---------------------------------|-------------|--------------------------|---------------------------|
| MSC                             | 51          | 15.6                     | 12.5                      |
| Not MSC                         | 46          | 18                       | 16                        |

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<sup>5</sup> A long split sentence is one where the court imposes a sentence within the applicable prison range, suspends execution of all but a term that also falls within the applicable prison range, such that the time initially served (not suspended) is more than six months, and places the defendant on probation for a period up to five years. For the long split sentence to be compliant with the D.C. Voluntary Sentencing Guidelines, both the sentence imposed and the term to be served initially falls within the applicable prison range.



## C. Unlawful Possession of a Firearm (UPF) Analysis

### Arrest and Papering Trends

Between 2018 and 2022 a total of 2,149 adult felony arrests contained at least one UPF or UPF – Prior Crime of Violence (UPF-PCOV) charge.<sup>6</sup> The papering trends and case disposition of arrests that were sent to court for prosecution are presented in the following table. Note that 62 arrests resulted in *multiple* non-fugitive cases. Additionally, 29 of the papered UPF arrests resulted in fugitive cases only; these cases are not included in the below analysis.

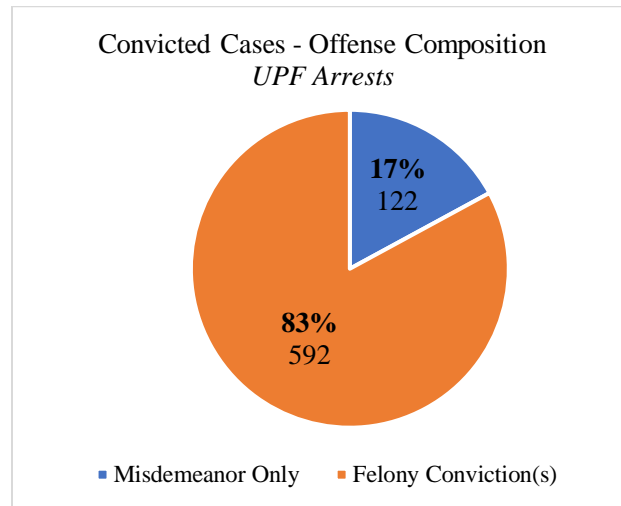
- There were two dramatic spikes in the number of UPF arrests made between 2018 and 2022, one in 2019 and another in 2022.
  - o In 2019, the number of adult arrests containing a UPF charge increased by approximately 50%, jumping from 289 to 437 (compared to the previous year). In 2022, there was a 21% increase in 2021, from 444 to 538 arrests.
- After experiencing a sharp decline in 2019, the proportion of UPF arrests that were sentenced to D.C. Superior Court for prosecution has remained stable, ranging between 56 and 59 percent.
  - o Overall, 61.4% of arrests containing a UPF charge were papered.
- Between the 829 arrests that were no papered and the 517 cases that were papered but closed without conviction, approximately 60% of all UPF arrests did not result in a finding of guilt, for any criminal offense.
- The 1,320 papered arrests generated a total of 1,353 adult non-fugitive cases that were filed in D.C. Superior Court.
- Just over half (52.8%, 714 cases) of all papered arrests resulted in a finding of guilt. These 714 cases accounted for roughly one-third of all arrests containing a UPF charge.

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<sup>6</sup> A person can be charged with UPF-PCOV when it has been determined that they were previously convicted of a crime of violence, as defined by § 23-1331

| Arrest Year                                | 2018           | 2019           | 2020           | 2021           | 2022           | Total                          |
|--|----------------|----------------|----------------|----------------|----------------|--------------------------------|
| <b>Unlawful Possession of a Firearm</b>    |                |                |                |                |                |                                |
| <b>Total Arrests</b>                       | <b>289</b>     | <b>437</b>     | <b>441</b>     | <b>444</b>     | <b>538</b>     | <b>2,149</b>                   |
| <i>Proportion Containing a PLCA charge</i> | 28%            | 39%            | 52%            | 48%            | 59%            | <b>47%</b>                     |
| No Papered                                 | 15.2%<br>(44)  | 42.1%<br>(184) | 41.7%<br>(184) | 41.0%<br>(182) | 43.7%<br>(235) | <b>38.6%</b><br><b>(829)</b>   |
| Sent to Court for Prosecution              | 84.8%<br>(245) | 57.9%<br>(253) | 58.3%<br>(257) | 59.0%<br>(262) | 56.3%<br>(303) | <b>61.4%</b><br><b>(1,320)</b> |
| <b>Disposition of Filed Cases</b>          |                |                |                |                |                |                                |
| <i>Total Cases Filed</i>                   | <b>257</b>     | <b>257</b>     | <b>260</b>     | <b>270</b>     | <b>309</b>     | <b>1,353</b>                   |
| Closed without Conviction                  | 51.8%<br>(133) | 40.5%<br>(104) | 38.8%<br>(101) | 31.5%<br>(85)  | 30.4%<br>(94)  | <b>38.2%</b><br><b>(517)</b>   |
| Pending                                    | < 0.5%<br>(1)  | 4.3%<br>(11)   | 8.1%<br>(21)   | 11.9%<br>(32)  | 18.4%<br>(57)  | <b>9.0%</b><br><b>(122)</b>    |
| Conviction                                 | 47.9%<br>(123) | 55.2%<br>(142) | 53.1%<br>(138) | 56.7%<br>(153) | 51.1%<br>(158) | <b>52.8%</b><br><b>(714)</b>   |

The sentencing trends for the 714 D.C. Superior Court cases that resulted in a finding of guilt are presented below. Approximately 17% of cases resulted in convictions for misdemeanor offenses, only. The remaining 83% of cases (592 cases) resulted in at least one felony conviction. The remainder of the analysis will focus on this subset of felony cases.

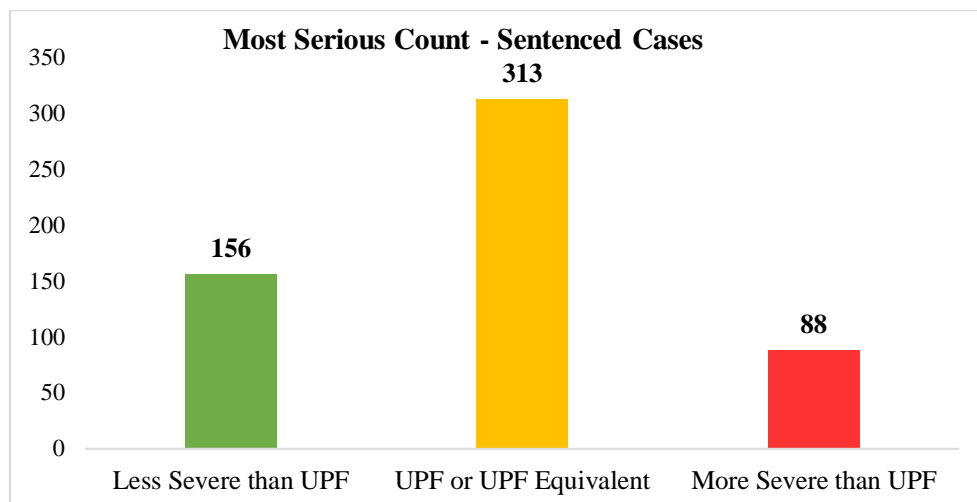


### Conviction Trends – Papered UPF Arrests

The following analysis identifies the most serious offense sentenced on each case with a felony conviction and determines its severity in relation to UPF. UPF is ranked in Offense Severity Group 8 on the Master Grid. Offenses in groups M1-M7 and D1-D2 are considered more severe, while those belonging in groups M9 and D3-D4 are considered less severe.<sup>7</sup> With the exception of CPWL, offenses convicted in group M8 are considered “UPF equivalent”, because the recommended Guidelines sentence is the same. Note that the most serious count cannot be determined if the case has not yet been sentenced; 35 of the 592 felony cases have been omitted from the following analysis as they are pending sentencing.

UPF was the most serious sentenced offense in 51.5% (287 cases) of the 557 sentenced cases containing at least one felony conviction, while 26 cases (4.7%) were convicted of offenses that are equivalent to UPF in terms of offense severity. Comparatively, 88 cases (15.8%) containing felony convictions were sentenced for offenses that were more severe than UPF, while 156 (28%) had convictions for offenses less severe than UPF. The vast majority (89%, 139 counts) of these lesser convictions were for CPWL.

Again, note that during the lifespan of a case the prosecutor may offer a lesser charge as part of a plea agreement or may choose to indict on a more serious offense; these decisions are based on a variety of factors and are made entirely based on prosecutorial discretion.



### UPF Sentencing Trends

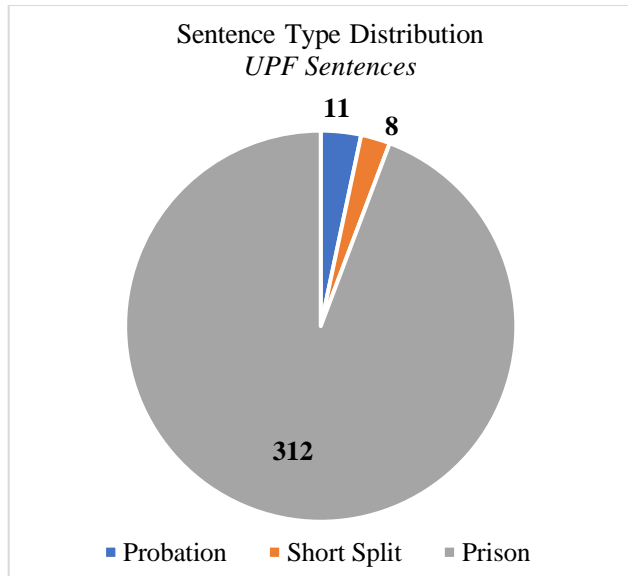
There were a total of 331 UPF counts sentenced, belonging to 329 cases. An overwhelming majority (94%) of convictions resulted in a prison sentence. This high incarceration rate is, in part, due to the one-year mandatory minimum prison sentence that applies to UPF, however this mandatory minimum can be suspended if the convicted individual is sentenced under the Youth Rehabilitation Act (YRA).

The remaining 6% of convictions resulted in either a probation (3.3%) or short split sentence (2.4%).

- Five of these non-prison sentences were sentenced under the YRA, nine received credit for time served (as indicated on the Judgement and Commitment Order filed in D.C. Superior Court) and five were convicted of UPF-Intrafamily Offense, where the one year mandatory minimum does not apply.<sup>8</sup>

<sup>7</sup> Offense severity comparisons are based on the following offense severity group order: M1, M2, M3, M4, M5, D1, M6, M7, D2, M8, M9 D3, D4. Note that although UPF-PF and CPWL are both in Master Group 8 (M8), CPWL is considered less severe for this analysis as UPF-PF implies that the sentenced individual has a prior felony conviction.

<sup>8</sup> The Commission does not receive any data as to the exact amount of time served.



For arrests that resulted in a prison sentence, the average prison sentence imposed, and to serve (after accounting for time suspended in long split sentences) across all years is as follows: Sentence lengths are reported in months.

| Sentence Year | UPF Counts | Average Sentence Imposed | Average Sentence to Serve |
|---------------|------------|--------------------------|---------------------------|
| 2018          | 28         | 22.2                     | 20.4                      |
| 2019          | 54         | 20.0                     | 15.7                      |
| 2020          | 28         | 17.9                     | 15.0                      |
| 2021          | 69         | 20.4                     | 16.0                      |
| 2022          | 105        | 19.3                     | 16.8                      |
| 2023          | 28         | 20.8                     | 17.8                      |

Like CPWL, on average, the sentence imposed and to serve was *greater* when the UPF conviction was not the most serious on a given case. UPF sentences were approximately 4 months shorter when the UPF charge was deemed the most serious count.

| Most Serious Count (MSC) Status | UPF Counts | Average Sentence Imposed | Average Sentence to Serve |
|---------------------------------|------------|--------------------------|---------------------------|
| MSC                             | 270        | 19.4                     | 16.1                      |
| Not MSC                         | 42         | 23.1                     | 20.4                      |