



District of Columbia Sentencing Commission

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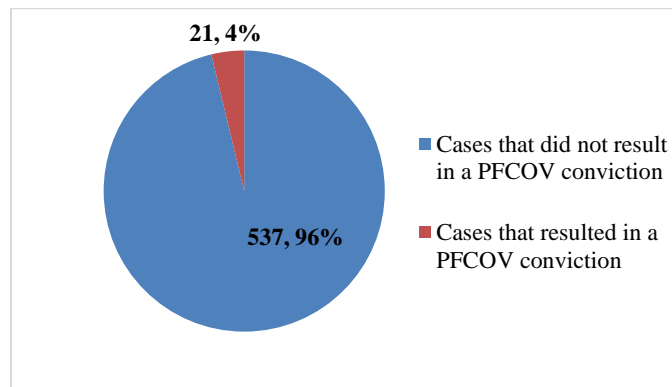
SUBJECT: Possession of a Firearm During a Crime of Violence

Included in this response is a high-level evaluation of sentencing trends using data sourced from the D.C. Superior Court (DCSC).

The data contains information on cases that were filed between 2013 and 2019 that had:

- A Possession of a Firearm During A Crime of Violence (PFCOV) charge filed at the indictment level (hereafter ‘PFCOV cases’)
AND
- A Title 48 offense¹ filed at the indictment level
AND
- Did **not** have a Murder 1, or AWIK w/a charge filed at the indictment level.

The response identifies the proportion of these cases that resulted in a PFCOV conviction and provides an overview of the sentencing trends at both the case and count level. Please note that the data contained in this response is for original felony sentences, only. A list of key findings from this analysis is presented in Section I below.



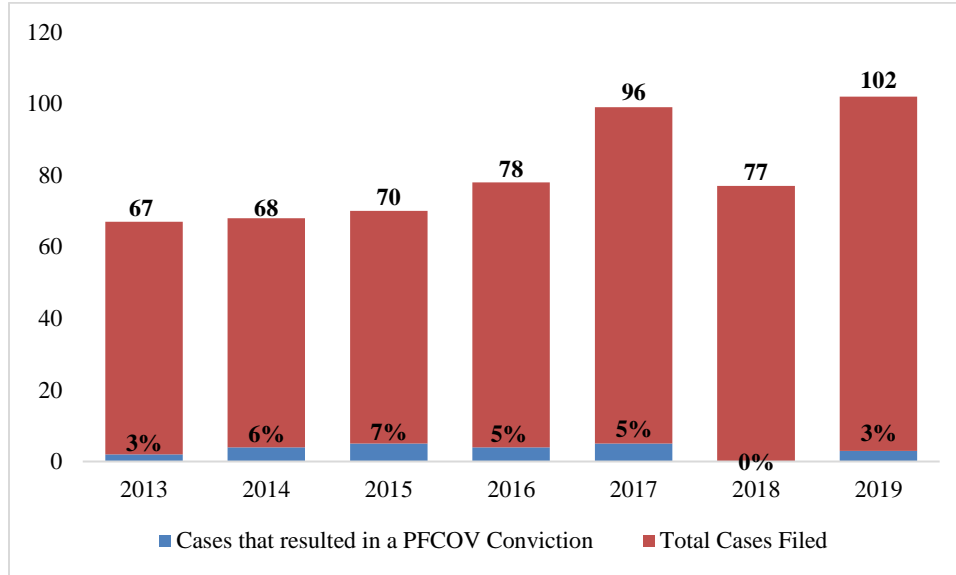
¹ Title 48 is where drug offenses are codified.

I. Key Findings

- There were 558 cases filed at the indictment level between 2013 and 2019 that had a PFCOV and Title 48 charge but did not have a Murder 1 or AWIK w/a charge.
 - o Of this subset of cases, 21 cases (made up of 31 PFCOV counts) resulted in a PFCOV conviction.
- All 31 PFCOV counts had a Sentencing Guidelines recommended eligible sentence type of long split and incarceration.
- The average sentence length imposed for the 31 PFCOV convicted counts was 66 months and the average sentence to initially serve was 63 months.
- In every year except 2018 and 2019, the average sentence imposed for PFCOV convictions matched the average sentence to serve.
- The average sentence for all convictions on the PFCOV case was 86 months.
- In 14 (67%) of the 21 PFCOV cases, the PFCOV sentence equaled the total sentence imposed for all convictions on that case.

II. Cases Filed per Year

The table below shows the total number of PFCOV/Title 48 cases filed each year, as well as the number of cases that resulted in a PFCOV conviction. The chart shows the percentage of cases that resulted in a PFCOV conviction out of the total number of PFCOV/Title 48 cases filed each year.



	2013	2014	2015	2016	2017	2018	2019	Total
Total Cases Filed	67	68	70	78	96	77	102	558
Number of Cases that Resulted in a PFCOV Conviction	2	4	5	4	3	0	3	21

Between 2013 and 2019, there were a total of 558 cases filed where there was a PFCOV charge and a Title 48 offense filed at the indictment level but did not have a Murder 1 or AWIK w/a charge filed. Of this subset of cases, 21 cases resulted in a PFCOV conviction. The total number of cases filed steadily increased from 2013 to 2019, with the greatest number of cases filed in 2019 (representing 18% of the total number). In 2015, the number of cases that resulted in a PFCOV conviction made up the greatest percentage of the cases filed for that year (7%).

III. Sentencing Trends for the PFCOV Conviction

The table below presents sentencing trends for PFCOV counts that resulted in a conviction, organized by sentence year.² PFCOV carries a statutory mandatory minimum sentence of 5 years, meaning that the Court cannot lawfully impose a sentence that is lower than 60 months.

	2013	2014	2015	2016	2017	2018	2019	2021	2022	Overall
Average Sentence Imposed (in months)	72	72	60	65	60	72	55	72	66	66
Average Sentence to Serve (in months)	72	72	60	65	60	56	42	72	66	63
Number of Counts	1	1	4	5	3	6	8	1	2	31

All 31 PFCOV convicted counts had a Sentencing Guidelines recommended eligible sentence type of long split and incarceration. The overall average sentence imposed was slightly greater than the overall average sentence to serve, 66 and 63 months respectively.³ The greatest number of PFCOV counts were sentenced in 2019, and there were no PFCOV counts sentenced in 2020. Lastly, 2018 and 2019 were the only two years in which the average sentence imposed did not match the average sentence to serve.

² These are the same counts as in the table above. However, this table is organized by when the case was sentenced whereas the table above is organized by the year the case was filed. That is why the year ranges are different.

³ The sentence to serve is sometimes less than the sentence imposed because it subtracts the amount of time suspended from the original sentence.

IV. Overall sentence to serve for PFCOV cases

The 21 cases that had a PFCOV conviction were manually reviewed through JUSTIS to determine the total sentence to serve, accounting for all convictions in each case. The data in the table below are pulled from the judgement and commitment orders in the docket for each case. Each case is given an anonymized generic ID to protect personal identification (PI) information. The row labeled PFCOV Conviction contains the sentence imposed for the convicted PFCOV count/s in that case. The Total Sentence to Serve row factors in consecutive and/or concurrent sentences for other convicted counts in the case.

	1	2	3	4	5 ⁴	6	7	8	9	10	11 ⁵	12	13	14	15	16	17	18	19	20	21
PFCOV Conviction (in months)	72	72	60	60	65	60	60	60	66	72	48	60	60	84	84	60	60	78	72	72	60
Total Sentence to Serve (in months)	72	72	60	60	65	60	60	60	66	108	180	72	65	168	84	60	84	78	192	72	60

Sentences for PFCOV counts ranged from 60 to 84 months, with an average of 66 months. The total sentence to serve for all convictions on the PFCOV case ranged from 60 to 192 months, with an average of 86 months.

⁴ There is an active DQA to treat the PFCOV sentence as 65 months. It is currently less than 60 months but all counts in the case run concurrently, and the lead count has a sentence greater than 60 months (65 months), so the illegal part of the sentence does not affect the total time to be served.

⁵ This case contained 6 PFCOV convictions, 5 of which received a 48-month prison sentence. The remaining count received a 60-month probation sentence, to be served consecutively to the 180-month prison sentence.