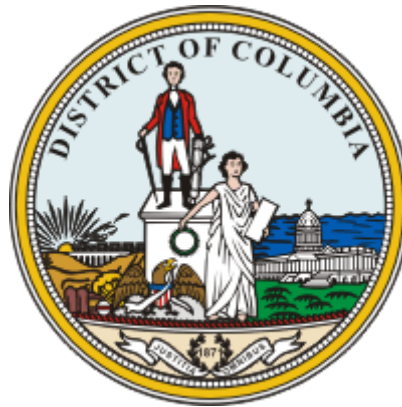




Adult Felony Arrest and Papering Rate Analysis (2019-2022)



2023 Issue Paper Number 1

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Mission Statement

The mission of the District of Columbia Sentencing Commission is to implement, monitor, and support the District's Voluntary Sentencing Guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guidelines system in order to recommend changes based on actual sentencing and corrections practice and research.

I. Introduction

This Issue Paper examines felony arrest and prosecution trends in the District of Columbia between 2019 and 2022, by geographic location. During this timeframe, the Commission received data from a total of 21,725 adult felony arrests. Prosecutors from the United States Attorney’s Office for the District of Columbia (USAO) or the Office of the Attorney General for the District of Columbia (OAG) initiated court cases in D.C. Superior Court in 62% of those arrests (when prosecutors initiate a case, the case is often referred being “papered”). The remaining 38% of arrests were “no papered” meaning that the prosecuting authority (USAO or OAG) elected not to immediately file charges in Superior Court related to the arrest. The analysis presented in the Issue Paper will explore the arrest, papering, and conviction rates within each of the eight District of Columbia neighborhood Wards and will also examine these trends for the most frequently charged (at the arrest level) non-Drug offenses.

It is important to recognize that the D.C. Sentencing Commission (Commission) only analyzes arrest papering rates based on charges initially brought in D.C. Superior Court. This means that charges transferred to U.S. District Court or charges re-brought after an initial decision not to paper the case are not included in the papered case data.¹ Further, the Commission does not receive any information regarding why prosecutors made a papering decision in relation to a specific arrest.²

A. Key Findings

- Just under half of (44%) of all adult felony arrests made between 2019 and 2022 were in Wards 7 or 8.
- 62% of all adult felony arrests were papered.
 - Papering rates were very consistent across all eight wards, ranging between 59% (Ward 8) and 67% (Ward 6).
- Papering and arrest rates were consistent when examined by ward. The distribution of arrests closely mimics the distribution of papered arrests, when broken down by arrest location ward.
- The top three arrested offenses in all 8 wards were: Carrying a Pistol without a License (CPWL), Assault with a Dangerous Weapon (ADW) and Threats to Kidnap or Injure a Person (Threats).
 - **CPWL** was the most frequently arrested offense during this timeframe; 22% of all adult felony arrests contained at least one CPWL charge.
- Arrest, papering, and conviction trends for the top three offenses:
 - **CPWL**: 62% of all CPWL arrests were papered; 39% of all CPWL arrests resulted in a conviction for any criminal offense; 24% of CPWL arrests were ultimately convicted of CPWL or a more serious offense.
 - **ADW**: 66% of all ADW arrests were papered; 35% of all ADW arrests resulted in a conviction for any criminal offense; only 6% of ADW arrests were ultimately convicted of ADW or a more serious offense.

¹ For example, if an individual was arrested for possessing a firearm but prosecutors decided they needed DNA evidence prior to bringing a criminal case against the defendant, they might not initially paper the case. The case could be re-brought after the DNA analysis has been completed. Under the analysis conducted in this paper, based on the data available to the Sentencing Commission, the arrest would be classified as no papered.

² The decision whether to prosecute an arrested individual is made by applicable prosecutorial authority: either USAO or OAG.

- **Threats:** 61% of all Threats arrests were papered; 25% of all Threats arrests resulted in a conviction for any criminal offense; less than 1% of Threats arrests were ultimately convicted of Threats or a more serious offense.
- Over 90% of convicted cases for all three offenses resulted from plea agreements.
 - **CPWL:** 97% of convicted cases were resolved via a plea.
 - **ADW:** 95% of convicted cases were resolved via a plea.
 - **Threats:** 90% of convicted cases were resolved via a plea.

II. Data Sources

The data used for the analyses on arrest and sentencing trends is sourced from the Washington, D.C. Metropolitan Police Department (MPD) and D.C. Superior Court.³ Information pertaining to each adult felony arrest, including the location of the arrest, the arrest charges, and demographics of the arrested individual, is captured in the data shared by MPD. An arrest is classified as “papered” if the arrest number in the MPD arrest data has a corresponding D.C. Superior Court case. Papering decisions are documented at the arrest level; if an arrest results in at least one immediately papered charge, the entire arrest is classified as papered. A papered case can contain charges not included in the initial arrest charges and does not need to include any or all of the initial arrest charges. Felony arrests that only result in papered misdemeanor charges are treated as papered cases under this analysis. For example, a felony arrest for aggravated assault that results in a misdemeanor assault charge being filed in D.C. Superior Court is classified as a papered arrest.

The analyses presented in this Issue Paper rely heavily on the location, identified by Ward, in which the arrest was made. Ward information is available for 21,204 (97.6%) of the 21,728 felony arrests made between 2019 and 2022; 524 felony arrests were omitted from this analysis because the arrest location ward either does not exist or could not be verified.⁴ All analyses contained in this Issue Paper will be based on the 21,204 adult felony arrests where Ward information is available.

³ This Issue Paper highlights some of the capabilities of the Commission’s enhanced internal Guideline Reporting Information Data (GRID) system. In 2020, the Commission completed the MPD Data Enhancement Project, which integrated MPD arrest data into the GRID system and merged it with existing D.C. Superior Court sentencing data and defendant criminal history information. This undertaking has expanded the Commission’s current research abilities and allows for the tracking of a felony case from arrest through final disposition and sentencing, thus increasing the Commission’s ability to perform more comprehensive analyses.

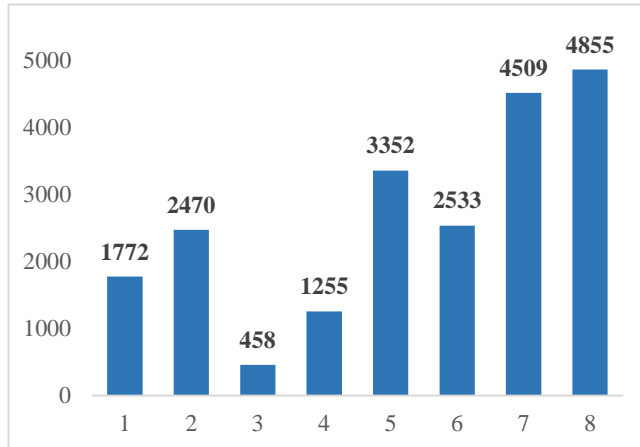
⁴ Arrests that are made outside of the District of Columbia will not have an associated ward. Additionally, ward information is not available for arrests where the arrest location address cannot be recognized due to data entry errors (e.g., incomplete addresses, missing/excess punctuation).

III. Analysis

A. Arrest Location

Between 2019 and 2022 there were 21,204 adult felony arrests made in the District of Columbia, 62% of which were papered.⁵ The distribution of arrests by Ward is presented in Figure 1 below.

Figure 1

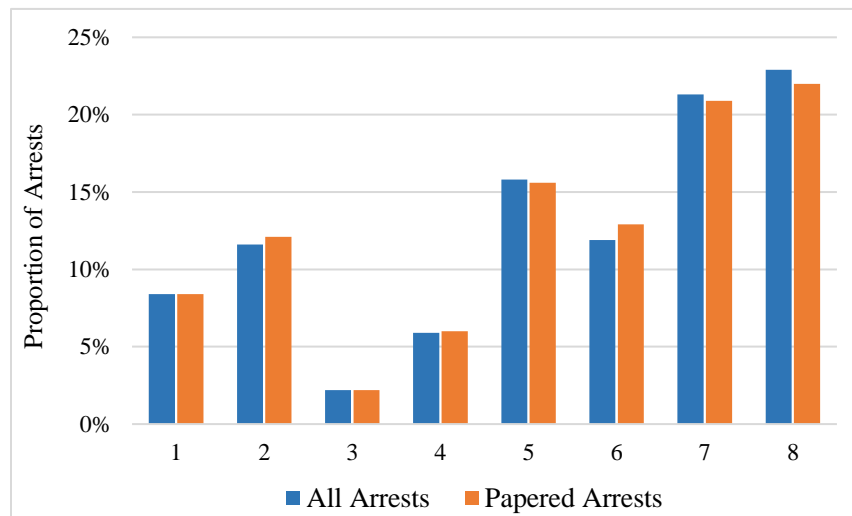


Wards 7 and 8 had the most arrests; combined these two areas represented 44% of all arrests made during this timeframe. Similarly, 43% of all *papered* arrests were from Wards 7 and 8.

As illustrated in Figure 2 below, the distribution of papered arrests resembles the distribution of overall arrests, indicating that papering rates are consistent with overall arrest trends in respect to arrest location.

For example, approximately 16% of all adult felony arrests made in the District between 2019 and 2022 occurred in Ward 5. Likewise, 16% of all papered arrests were made in Ward 5. This similarity is true for all eight wards.

Figure 2

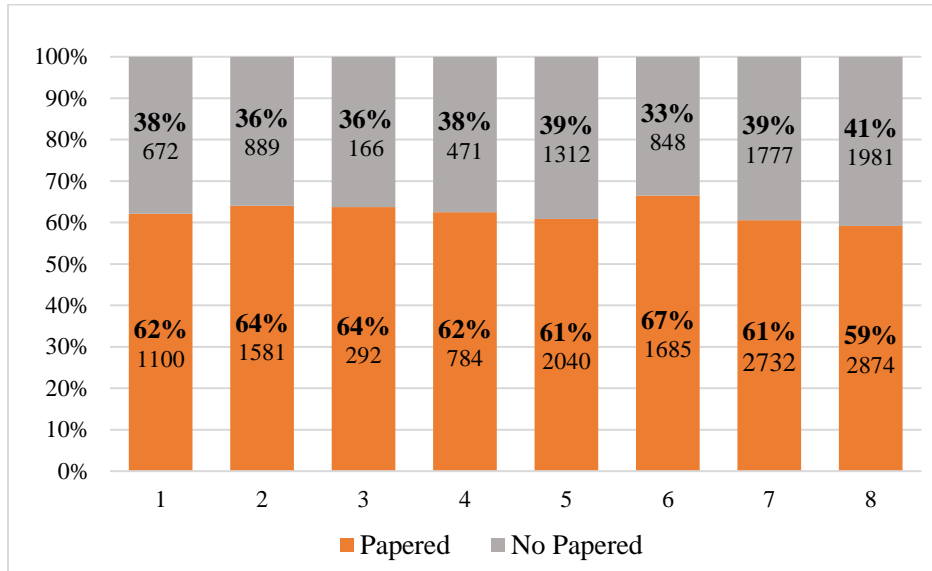


| Ward | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------------------------------|------|-------|------|------|-------|--------|-------|-------|
| Proportion of All Arrests | 8.4% | 11.6% | 2.2% | 5.9% | 15.8% | 11.9% | 21.3% | 22.9% |
| Proportion of Papered Arrests | 8.4% | 12.0% | 2.2% | 6.0% | 15.6% | 12.90% | 20.9% | 22.0% |

⁵ The 21,204 arrests represent the 97.5% of adult felony arrests made between 2019 and 2022 where Ward information is available.

Irrespective of the difference in the total *number of arrests* made in each ward, the papering rates across wards are very consistent. Between 59% and 64% of felony arrests in each were sent to court for prosecution, with the exception of Ward 6 which had a slightly greater papering rate of 67%. Ward 8 had the lowest papering rate of 59%.

Figure 3



When interpreted in conjunction with the overall arrest trends, this finding suggests that there is a discrepancy in the number and proportion of arrests made within each ward (historically, an expected result), as opposed to a discrepancy in arrest papering rates. The remainder of this Issue Paper will explore the relationship between arrest location, papering rate, and sentencing outcomes for the most frequently arrested felony non-drug offenses.

B. Three Most Frequently Arrested Offenses

The following analysis showcases the arrest, papering, and sentencing trends for the three most commonly arrested non-drug felony offenses (at the arrest level) in each of the eight neighborhood wards. **Carrying a Pistol without a License (CPWL)**, **Assault with a Dangerous Weapon (ADW)** and felony **Threats to Kidnap or Injure a Person (Threats)**⁶ were the most frequently charged offenses across all wards.⁷

A description of each offense contained in this analysis is outlined below, accompanied by the total number of arrests made for each offense, and the proportion of all adult felony arrests made in D.C. that contained at least one charge of the specified offense.

| Offense | Code | Description | Total Arrests | Proportion of all Adult Felony Arrests |
|--|-----------|--|---------------|--|
| 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. | 4,682 | 22% |
| Assault with a Dangerous Weapon (ADW) | § 22–402 | Every person convicted of an assault with intent to commit mayhem, or of an assault with a dangerous weapon, shall be sentenced to imprisonment for not more than 10 years | 2,758 | 13% |
| Threats to Kidnap or Injure a Person (Threats) | § 22–1810 | [threatens within the District of Columbia to kidnap any person or to injure the person of another or physically damage the property of any person or of another person, in whole or in part] | 2,112 | 10% |

Between 36% and 50% of all felony arrests in each ward contained at least one of the three aforementioned offenses. CPWL was the dominant offense between 2019 and 2022; 22% of all arrests made during this timeframe contained at least one CPWL charge.

The graph and table presented Figure 4 show the total number of arrests in each Ward that contained at least one charge for each of the primary offenses. Please note that the offense is necessarily the most serious charge in a given arrest.⁸ Additionally, an arrest may be counted twice if it contains a combination of charges; for example, an arrest made in Ward 4 where the individual was charged with both CPWL and

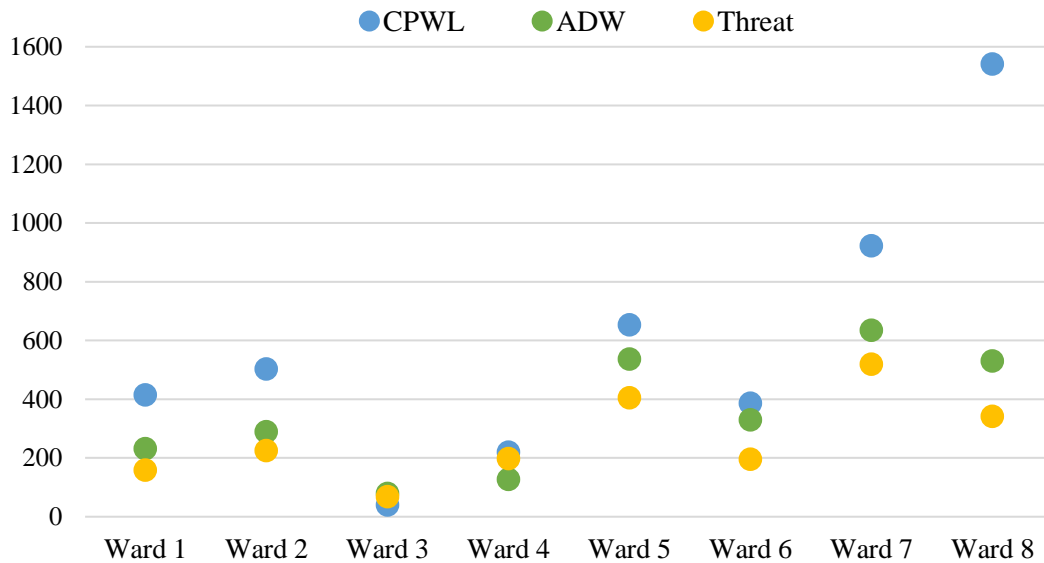
⁶ The District’s criminal code contains separate misdemeanor and felony threats offenses. In this paper, all references to “Threats” or “Threats to Kidnap or Injure a Person” are referring to the felony offense under D.C. Code § 22–1810, not the misdemeanor offense of Threats to do Bodily Harm under D.C. Code § 22–407.

⁷ Possession with Intent to Distribute (PWID) is among the top three arrested offenses for the eight Wards. However, this offense is omitted from the analysis as the research pertains to arrest and sentencing trends for non-drug offenses.

⁸ The Commission does not receive MPD data that identify the most serious offense in an arrest.

ADW will be counted twice, once for each offense category. CPWL was the most frequently arrested offense in all Wards except Ward 3, where the dominant offense was ADW.

Figure 4



| | Ward 1 | Ward 2 | Ward 3 | Ward 4 | Ward 5 | Ward 6 | Ward 7 | Ward 8 | Total |
|--------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| CPWL | 415 | 503 | 40 | 220 | 653 | 388 | 921 | 1,542 | 4,682 |
| ADW | 231 | 290 | 79 | 127 | 537 | 330 | 634 | 530 | 2,758 |
| Threats | 159 | 225 | 68 | 198 | 405 | 196 | 519 | 342 | 2,112 |
| Total Arrests: Top 3 Offenses | 805 | 225 | 187 | 545 | 1,595 | 914 | 2,074 | 2,414 | 9,552 |
| Total Arrests: 2019-2022 | 1,772 | 2,470 | 458 | 1,255 | 3,351 | 2,530 | 4,512 | 4,856 | 21,204 |

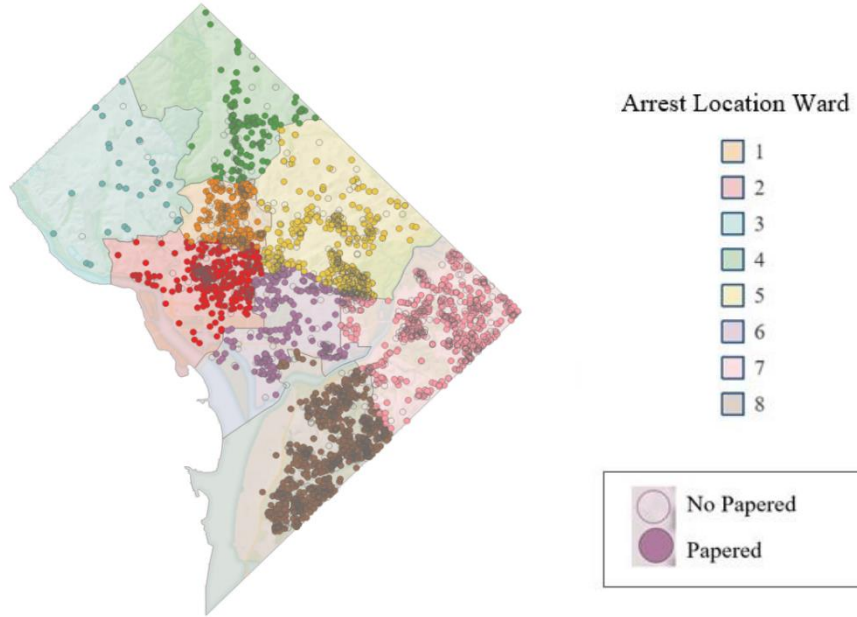
C. Arrest-to-Sentencing Analysis – Top Three Arrested Offenses

The subsequent analysis showcases the arrest, papering, case disposition, and sentencing trends for the analyzed offenses, where each offense is examined individually to allow for a meaningful comparison of arrest-to-sentencing trends across wards. Each analysis features a map of D.C., which illustrates the exact location where each adult felony arrest occurred, broken down by Ward. Opaque circles represent arrests that were sent to court for prosecution, while translucent circles represent the arrests that were no papered. Larger maps showing the same data in more detail are available in the Appendix.

The accompanying tables report on the total number of arrests, the proportion of arrests that were papered, those that resulted in a finding of guilt (for any criminal offense), and information pertaining to the most severe count convicted (MSCC), in relation to the arrested offense, broken down by ward.

1. Carrying a Pistol Without a License (CPWL)

The below map depicts the arrest location for all felony arrests that contained at least one CPWL charge. A high-level overview of arrest-to-sentencing trends is presented in the following table. The listed percentages are based on the total number of arrests made in each Ward.⁹



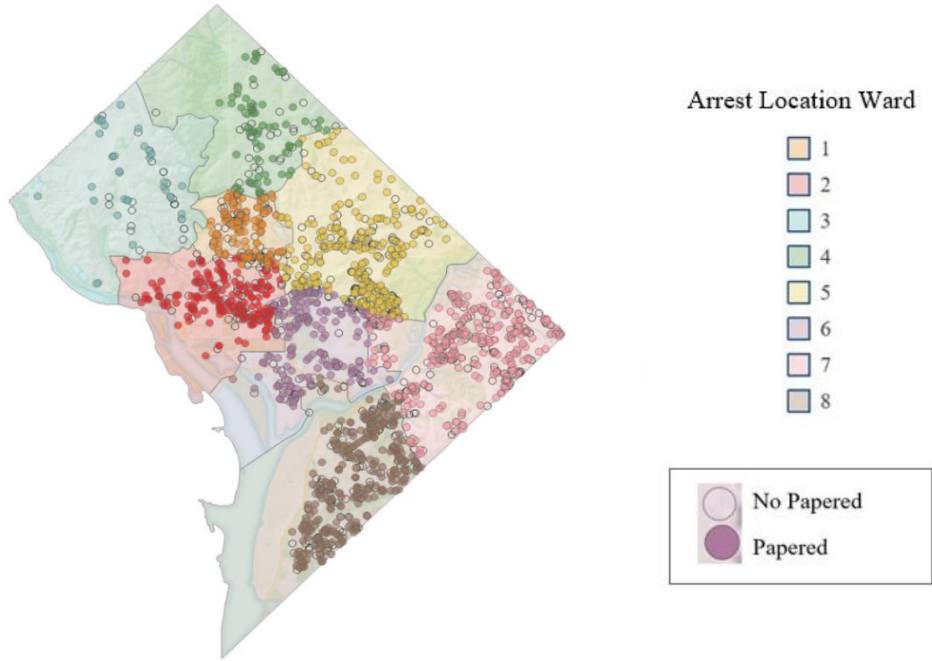
| | Ward 1 | Ward 2 | Ward 3 | Ward 4 | Ward 5 | Ward 6 | Ward 7 | Ward 8 | Total |
|----------------------|--------------|--------------|-------------|--------------|--------------|--------------|--------------|--------------|------------------------------|
| Total Arrests | 415 | 503 | 40 | 220 | 653 | 388 | 921 | 1,542 | 4,682 |
| Papered Arrests | 60.5% 251 | 68.0% 342 | 77.5% 31 | 70.0% 154 | 59.4% 388 | 69.1% 268 | 58.7% 541 | 59.1% 912 | 61.7% 2,887 |
| Convicted Cases | 39.0% 162 | 37.6% 189 | 30.0% 12 | 48.6% 107 | 38.7% 253 | 45.1% 175 | 38.5% 355 | 35.9% 554 | 38.6% 1,807 |
| MSCC: CPWL or Higher | 24.3% 101 | 16.9% 85 | 15.0% 6 | 31.8% 70 | 25.0% 163 | 26.8% 104 | 25.8% 238 | 23.7% 366 | 24.2% 1,113 |

- 4,682 arrests made between 2019 and 2022 contained at least one CPWL charge, representing 22% of all arrests made during this timeframe.
- Over half (61.7%) of these arrests were papered, with papering rates ranging between 59% and 78% across all eight wards. Ward 3 had the greatest papering rate of 78%, compared to Wards 7 and 8 which both had the lowest papering rate of 59%.
- Approximately 40% of all arrests resulted in a conviction for a criminal offense. Conviction rates ranged between 30% (Ward 3) and 49% (Ward 4).
 - 61.5% of all *papered* arrests resulted in a finding of guilt. Papered arrests that did not result in a conviction were either closed without conviction (32.4%), or are pending disposition (6.1%)
- 24% of all individuals arrested for CPWL were ultimately convicted of CPWL or a more severe offense relating to that arrest.

⁹ Using Ward 1 as an example: 415 arrests made in Ward 1 contained a CPWL charge; 60.5% (251 arrests) of these arrests were sent to court for prosecution, 39% (162 arrests) of all arrests resulted in a conviction (for any criminal offense), and 24.3% of the arrests were convicted of an offense equivalent to, or more severe than CPWL.

2. Assault with a Dangerous Weapon (ADW)

The below map depicts the arrest location for all felony arrests that contained at least one ADW charge. The listed percentages are based on the total number of arrests made in each Ward.

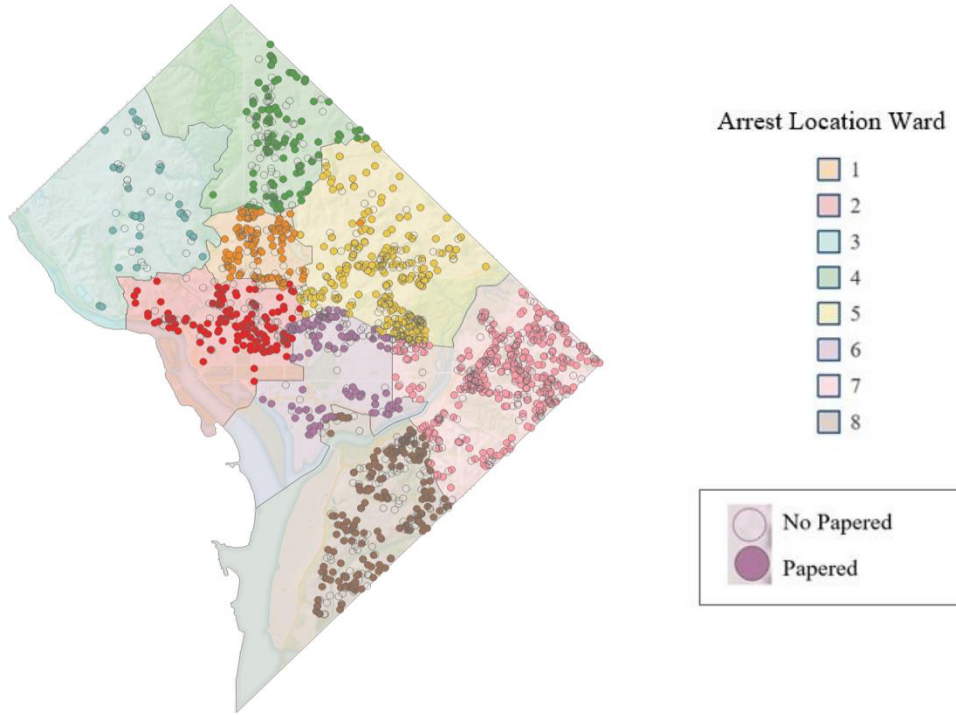


| | Ward 1 | Ward 2 | Ward 3 | Ward 4 | Ward 5 | Ward 6 | Ward 7 | Ward 8 | Total |
|----------------------|------------|------------|-----------|------------|------------|------------|------------|------------|--------------|
| Total Arrests | 231 | 290 | 79 | 127 | 537 | 330 | 634 | 530 | 2,758 |
| Papered Arrests | 66.7% | 68.3% | 60.8% | 61.4% | 64.1% | 69.7% | 62.9% | 68.5% | 65.8% |
| | 154 | 198 | 48 | 78 | 344 | 230 | 399 | 363 | 1,814 |
| Convicted Cases | 35.9% | 35.9% | 39.2% | 31.5% | 33.0% | 35.2% | 34.2% | 39.1% | 35.4% |
| | 83 | 104 | 31 | 40 | 177 | 116 | 217 | 207 | 975 |
| MSCC: ADW or Higher | 4.8% | 2.8% | 3.8% | 3.9% | 4.1% | 6.7% | 7.1% | 8.9% | 5.9% |
| | 11 | 8 | 3 | 5 | 22 | 22 | 45 | 47 | 163 |

- 2,758 arrests made between 2019 and 2022 contained at least one ADW charge, representing 13% of all arrests made during this timeframe.
- Roughly two-thirds (65.8%) of these arrests were papered, with papering rates showing very consistent across all eight wards. Ward 3 had the lowest papering rate of 61% while Ward 6 had the highest papering rate of 70%.
- Approximately one-third (35%, 975 cases) of all arrests resulted in a conviction for a criminal offense. Conviction rates were also consistent across wards, ranging between 31.5% and 39.2%. Note that conviction rates will appear lower for ADW compared to other offenses because ADW cases often take longer to progress through the justice system; the lower conviction rates are offset by a greater proportion of cases that are still pending disposition.
 - 51.3% of all *papered* arrests resulted in a finding of guilt. Papered arrests that did not result in a conviction were either closed without conviction (40%) or are pending disposition (8.7%).
- Only 5.9% of all individuals arrested for ADW were ultimately convicted of ADW, or a more severe offense, relating to that arrest.
 - Over 90% of convicted ADW cases were resolved via a plea agreement.
 - 7.4% of all individuals were convicted of Attempted ADW, a lesser offense.

3. Threats to Kidnap or Injure a Person (Threats)

The below map depicts the arrest location for all felony arrests that contained at least one Threats charge. The listed percentages are based on the total number of arrests made in each Ward.

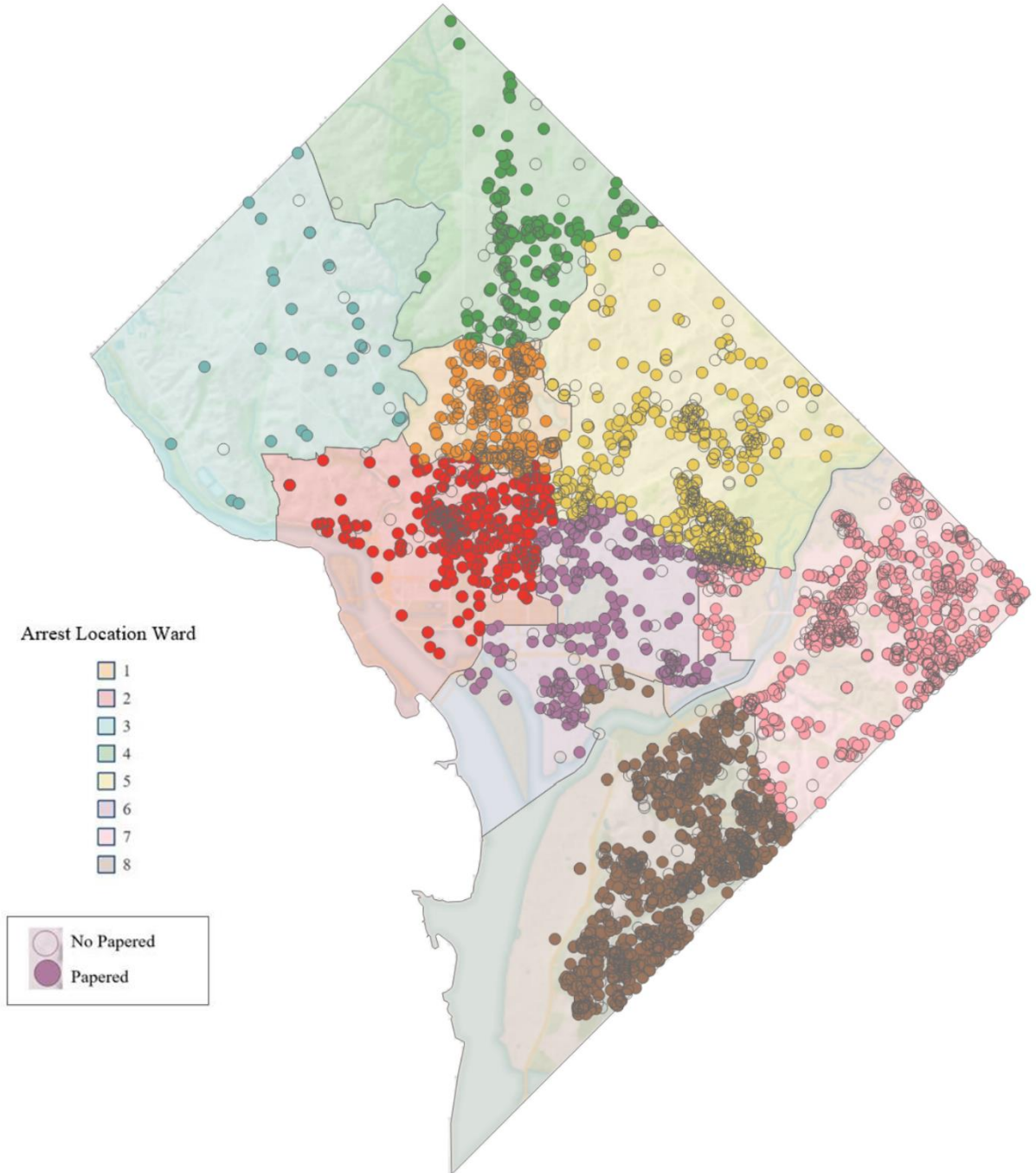


| | Ward 1 | Ward 2 | Ward 3 | Ward 4 | Ward 5 | Ward 6 | Ward 7 | Ward 8 | Total |
|-------------------------|---------------------|---------------------|--------------------|---------------------|---------------------|---------------------|---------------------|---------------------|------------------------------|
| Total Arrests | 159 | 225 | 68 | 198 | 405 | 196 | 519 | 342 | 2,112 |
| Papered Arrests | 62.9% <i>100</i> | 67.6% <i>152</i> | 57.4% <i>39</i> | 58.1% <i>115</i> | 62.5% <i>253</i> | 67.9% <i>133</i> | 59.7% <i>310</i> | 55.0% <i>188</i> | 61.1% 1,290 |
| Convicted Cases | 28.3% <i>45</i> | 24.89% <i>56</i> | 20.6% <i>14</i> | 20.7% <i>41</i> | 26.2% <i>106</i> | 34.7% <i>68</i> | 21.6% <i>112</i> | 23.4% <i>80</i> | 24.7% 522 |
| MSCC: Threats or Higher | 0.0% <i>0</i> | 0.4% <i>1</i> | 0.0% <i>0</i> | 1.0% <i>2</i> | 1.0% <i>4</i> | 1.0% <i>2</i> | 0.2% <i>1</i> | 1.5% <i>5</i> | 0.7% 15 |

- 2,112 arrests made between 2019 and 2022 contained at least one Threats to Kidnap or Injure a Person charge, representing 10% of all arrests made during this timeframe.
- Sixty-one percent of all arrests containing a Threats charge were sent to court for prosecution, with papering rates ranging between 55% and 68%. Ward 8 had the lowest papering rate of 55% while Ward 6 had the greatest papering rate of 68%.
- Roughly one in every four arrests (24.7%, 522 cases) resulted in a conviction for a criminal offense. These 522 convicted cases represent approximately 40% of all papered Threats arrests.
 - Papered arrests that did not result in a conviction were either closed without conviction (54%) or are pending disposition (7.8%).
- Less than 1% of all individuals arrested for Threats were ultimately convicted of Threats, or a more severe offense, relating to that arrest. This offense has a high misdemeanor conviction rate; over 80% of the 522 convicted cases contained misdemeanor offenses, only.
 - Approximately 90% of convicted Threats cases were resolved via a plea agreement.

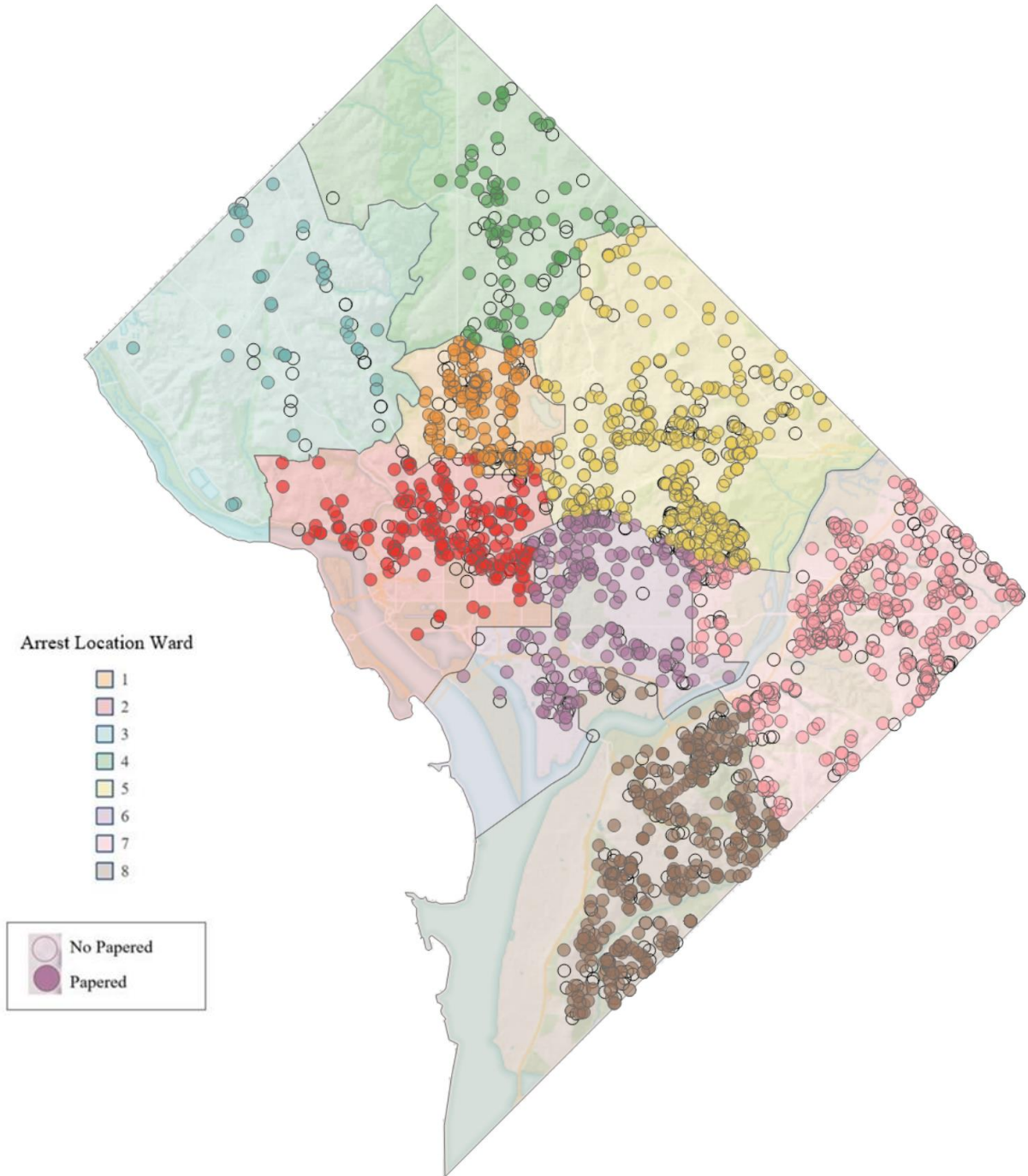
Appendix A: CPWL Arrest Location Map

| | Ward 1 | Ward 2 | Ward 3 | Ward 4 | Ward 5 | Ward 6 | Ward 7 | Ward 8 | Total |
|----------------------|------------|------------|-----------|------------|------------|------------|------------|--------------|--------------|
| Total Arrests | 415 | 503 | 40 | 220 | 653 | 388 | 921 | 1,542 | 4,682 |
| Papered Arrests | 60.5% | 68.0% | 77.5% | 70.0% | 59.4% | 69.1% | 58.7% | 59.1% | 61.7% |
| Arrests | 251 | 342 | 31 | 154 | 388 | 268 | 541 | 912 | 2,887 |



Appendix B: ADW Arrest Location Map

| | Ward 1 | Ward 2 | Ward 3 | Ward 4 | Ward 5 | Ward 6 | Ward 7 | Ward 8 | Total |
|-----------------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
| Total Arrests | 231 | 290 | 79 | 127 | 537 | 330 | 634 | 530 | 2,758 |
| Papered Arrests | 66.7% | 68.3% | 60.8% | 61.4% | 64.1% | 69.7% | 62.9% | 68.5% | 65.8% |
| Arrests | 154 | 198 | 48 | 78 | 344 | 230 | 399 | 363 | 1,814 |



Appendix C: Threats Arrest Location Map

| | Ward 1 | Ward 2 | Ward 3 | Ward 4 | Ward 5 | Ward 6 | Ward 7 | Ward 8 | Total |
|----------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------------|
| Total Arrests | 159 | 225 | 68 | 198 | 405 | 196 | 519 | 342 | 2,112 |
| Papered Arrests | 62.9% | 67.6% | 57.4% | 58.1% | 62.5% | 67.9% | 59.7% | 55.0% | 61.1% |
| Arrests | 100 | 152 | 39 | 115 | 253 | 133 | 310 | 188 | 1,290 |

