



A Comparison of Adult Felony Sentencing Trends Before and After the COVID-19 Pandemic



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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.

Introduction

By March 2020, the onset of the global COVID-19 pandemic began to significantly impact the lives of individuals and disrupt the operations of numerous criminal justice entities, including police, courts, and corrections, across the country and the world. A state of emergency was declared in the District of Columbia, which included an order that all non-essential businesses and government functions cease by March 24, 2020.

In response, the District of Columbia Superior Court (the Court) halted almost all its normal operations, including the cessation of jury trials and hearings, effectively bringing all active cases to a standstill. However, some constitutionally required activities, such as presentment or arraignment following a new arrest, continued. Although the changes in Court procedures were necessary to ensure individual health and safety, they quickly amounted to a backlog of cases, causing significant delays and extending the amount of time it took for cases to reach sentencing. These changes were reflected in both 2020 and 2021 sentencing trends. In 2020, the total number of felony cases sentenced decreased by 66% compared to the previous year. In the following year, the court began expanding its in-person and remote capabilities, allowing some cases to proceed. The number of cases sentenced in 2021 increased by 50% compared to 2020; however, felony sentencings remained well below pre-pandemic levels.

Using data provided by the D.C. Superior Court, the Commission has analyzed adult felony sentences imposed in three distinct time periods: pre-COVID (2017-2019), COVID (2020-2021) and post-COVID (2022-2024), to identify any shifts or emerging trends in sentencing practices that followed the COVID-19 pandemic.

In respect to each of the defined time periods, this Issue Paper will explore :

1. The number of counts, cases, and individuals sentenced
2. The types of offenses that were convicted and sentenced
3. The types of sentences that were imposed
4. Changes in sentencing trends among different regions of the Sentencing Grid
5. Demographic trends

Data Source

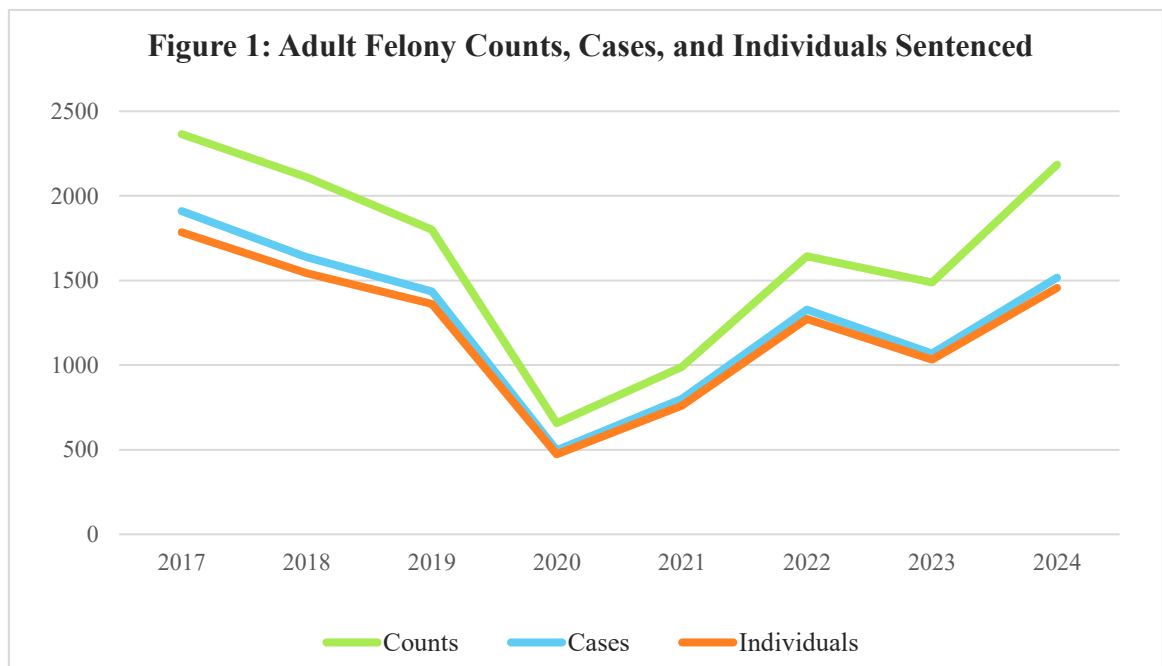
The Court provides the D.C. Sentencing Commission (the Commission) with a wealth of information, including data on case filings, dispositions, convictions, and sentences, as well as demographic variables for defendants. All analyses included in this report are performed at the case level, where each case is represented by the most severe count (MSC) sentenced. This MSC is often what drives the cumulative sentence in a case and, therefore, is generally reflective of the overall sentence type imposed.¹

¹ The MSC is initially determined by the Offense Severity Group (OSG), followed by the offense type, sentence imposed, and lastly the charge number.

A. Counts, Cases, and Individuals

Prior to the COVID-19 pandemic, the District had been experiencing a gradual decline in the number of counts, cases, and adult individuals sentenced for felony offenses in D.C. Superior Court. Between 2017 and 2019 all three metrics decreased by an average of 13% each year, until reaching an all-time low in 2019, marking the lowest number of felony sentences in the preceding decade (2010-2019). In 2020, the court experienced an unprecedented 65% decline in counts, cases, and individuals sentenced compared to the previous year. This sharp reduction reflects the court's severely limited operations throughout most of the year, during which the vast majority of hearings were postponed or conducted virtually.

The Court progressively resumed its normal operations in 2021 and 2022, as evidenced by a steady rise in counts, cases, and individuals sentenced. Throughout both years, the Court continued to address the backlog of cases that had accumulated during the COVID-19 pandemic, as well as newly filed cases. Of note, the 2022 data reflect an 18% decline in sentences compared to 2019, the last full year before the pandemic. This signals a significant step toward stabilization in court activity as well as a continuation of the general decline in sentences that was observed before the pandemic. However, data from 2024 shows a significant increase in all three metrics where the total number of counts, cases, and individuals sentenced increased by approximately 50% when compared to 2023, surpassing pre-Covid trends.²

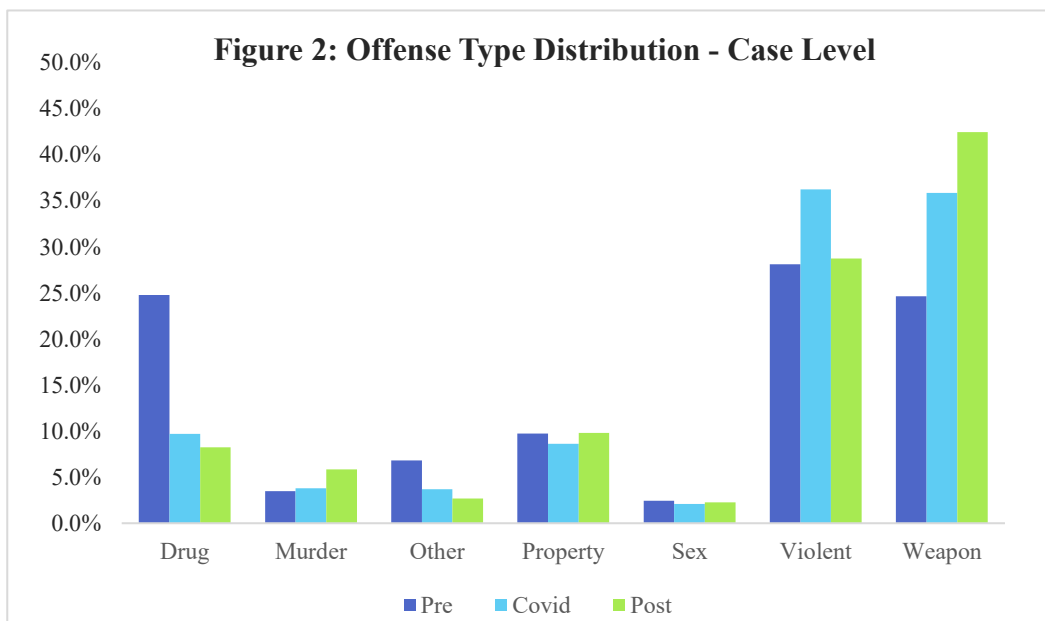


² Due to the time felony cases require to proceed through the District's criminal justice system, sentencing events typically occur months or even years after the offense was committed. Therefore, sentencing trends are not always reflective of current crime trends; however, they do correlate to recent crime and arrest patterns.

B. Offense Type

Figure 2 illustrates the distribution of offense type sentenced for each of the three time periods covered in this paper. Most notable were the shifts in the proportion of Drug cases sentenced. Prior to the COVID-19 pandemic, Drug cases accounted for approximately 25% of all felony sentences imposed. Felony drug cases experienced a sharp decline during Covid, where they represented just under 10% of all felony cases sentenced. This lessened rate remained constant in the two years following the pandemic, where on average Drug offenses represented 8% of all felony cases (2020-2023).³ However, in 2024, the proportion of Drug sentences increased to 11.5%, marking the first significant increase in Drug sentences since 2017.

The decrease in Drug sentences was primarily offset by an increase in Weapons sentences; when comparing pre and post-COVID rates, both Drug and Weapons offenses fluctuated by a margin of about 17%. Notably, the proportion of Violent offenses sentenced increased during the COVID-19 pandemic and became the dominant offense type, accounting for 36% of all cases sentenced. This may be indicative of the Court prioritizing higher-severity cases during the pandemic.



However, once the Court resumed its normal operating status, Violent cases reduced to pre-COVID levels, whereas the number Weapons offenses sentenced continued to increase. The rise in Weapons cases can be attributed to an increase in the number and proportion of sentences imposed for Carrying a Pistol without a License (CPWL) and Unlawful Possession of a Firearm – Prior Felony (FIP-1).⁴

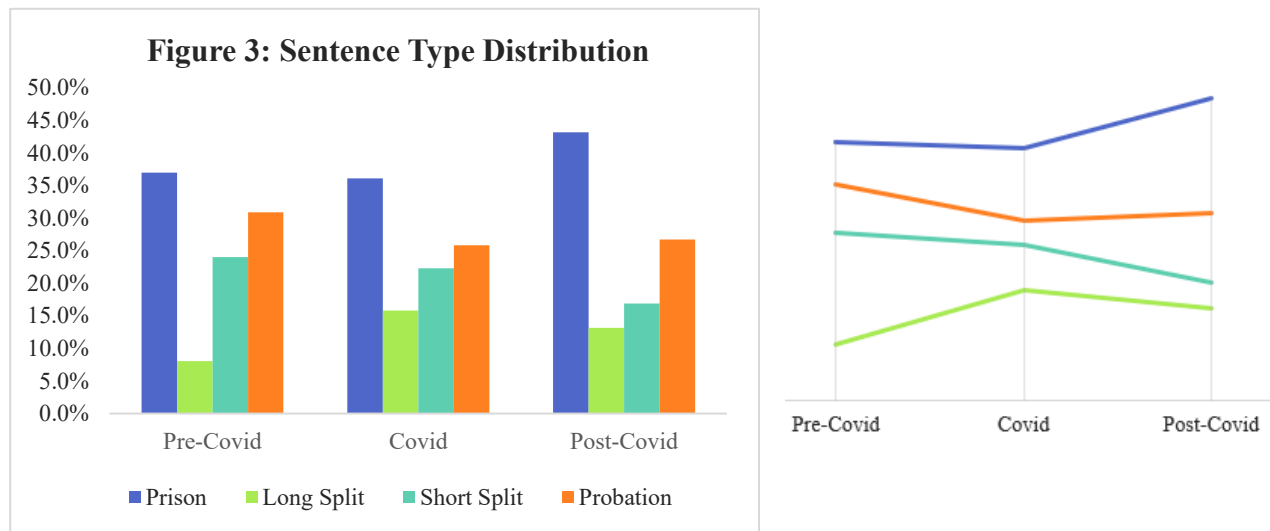
³The decline in Drug cases is primarily attributed to the D.C. Department of Forensic Sciences Lab losing its accreditation in April 2021. The loss of accreditation forced the closure of the lab's essential functions, including DNA, drug, and firearms testing, leading to a significant backlog of cases and affecting the ability to prosecute drug possession offenses.

⁴ The number of cases sentenced for CPWL and FIP-1 dropped drastically during COVID, though both offenses experienced an increase in their *overall representation*. Pre-COVID, CPWL and FIP-1 represented 12.6% and 9.4% of all cases, respectively, compared to 17.9% and 13.3% during COVID, and 23.4% and 14.3% post-COVID.

The number of cases sentenced for CPWL increased by 45% following the pandemic (+286), whereas that of FIP-1 increased by 19% (+91). Historically, both offenses have been the top two most frequently sentenced in any given year. Sentencing trends for both offenses, as well as a continued discussion of offense type, begins on page 5.

C. Sentence Type

The Commission classifies Guidelines Compliant sentences into four distinct sentence types: Prison, Long Split, Short Split, and Probation.⁵ Figure 3 shows the sentence type distribution for each time period, with the trajectory of each sentence type displayed to the right. While the rate of Prison sentences remained unchanged during the pandemic, the utilization of Long Split sentences doubled, increasing from 8% to 16% of all sentences. This increase was predominantly offset by a decrease in Probation sentences (31% to 26%), followed by a decrease in Short Split sentences (24% to 22%).

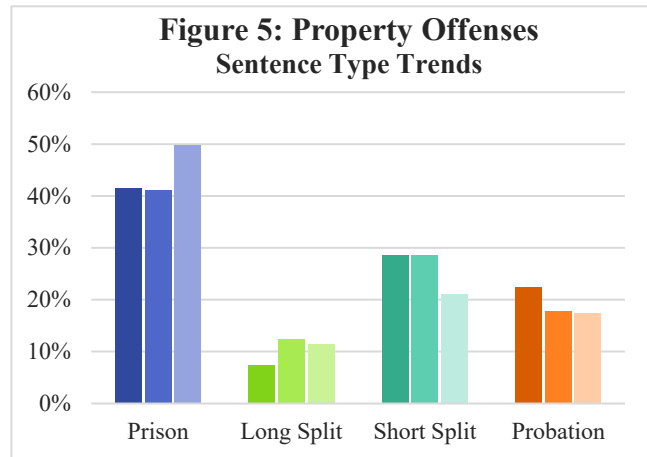
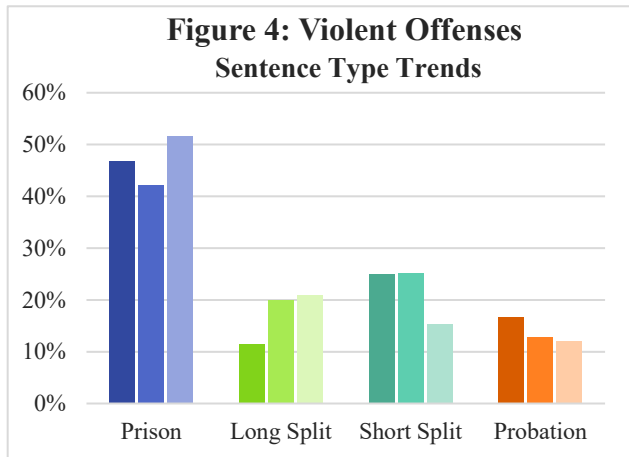


The reduced rate of Probation sentences held constant at 27% in the years following the pandemic, while the frequency of Short Split sentences only continued to decrease (22% to 17%). Of note, in 2024 only 14% of cases resulted in a Short Split sentence, which marks the lowest proportion of Short Split sentences ever recorded by the Commission. In contrast, Prison sentences experienced a significant increase in the years following the pandemic and hit all-time highs in 2023 and 2024, accounting for approximately 47% of all sentence types in both years.⁶

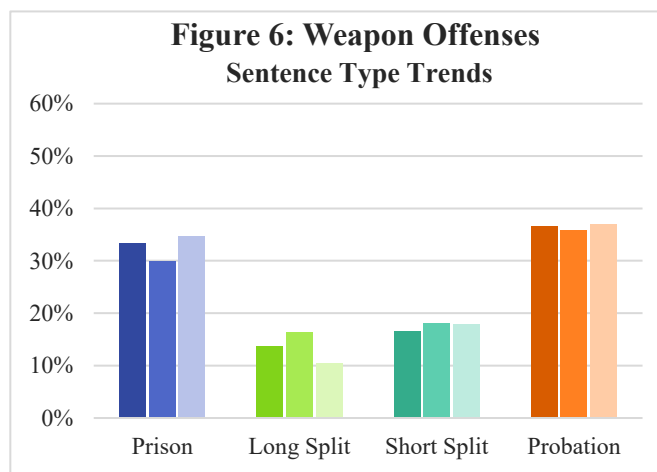
⁵ The definition of each sentence type can be found in Appendix B.

⁶ Historically, Prison accounted for an average of 36% of all cases sentenced each year (2017-2022).

When examining these changes in the context of offense type, it was found that the shift in sentence type trends was most prominent for Violent and Property offenses.⁷ As shown in Figures 4 and 5, both offense types experienced an approximate 10% increase in the rate of Prison sentences following the pandemic, contrasted by decreases in Short Split sentences of the same magnitude. Changes in Probation and Long Split rates were most prominent during the pandemic, though persisted post-COVID, solidifying an overall shift in sentence type trends: an increase in felony Prison and Long Split sentences, offset by a decrease in Short Split and Probation sentences.



Despite the overall increase in the frequency of Weapons offenses sentenced (page 3) and it being the dominant offense category, the sentence *type* trends for Weapons cases remained largely unchanged between 2017 and 2024, with the rate of Probation and Short Split sentences only fluctuating by a margin of no more than 1.5% across each time period. Interestingly, Probation and Short split sentences experienced a slight uptick following pandemic, which is disparate to the broader downward trend in the use of these two sentence types.

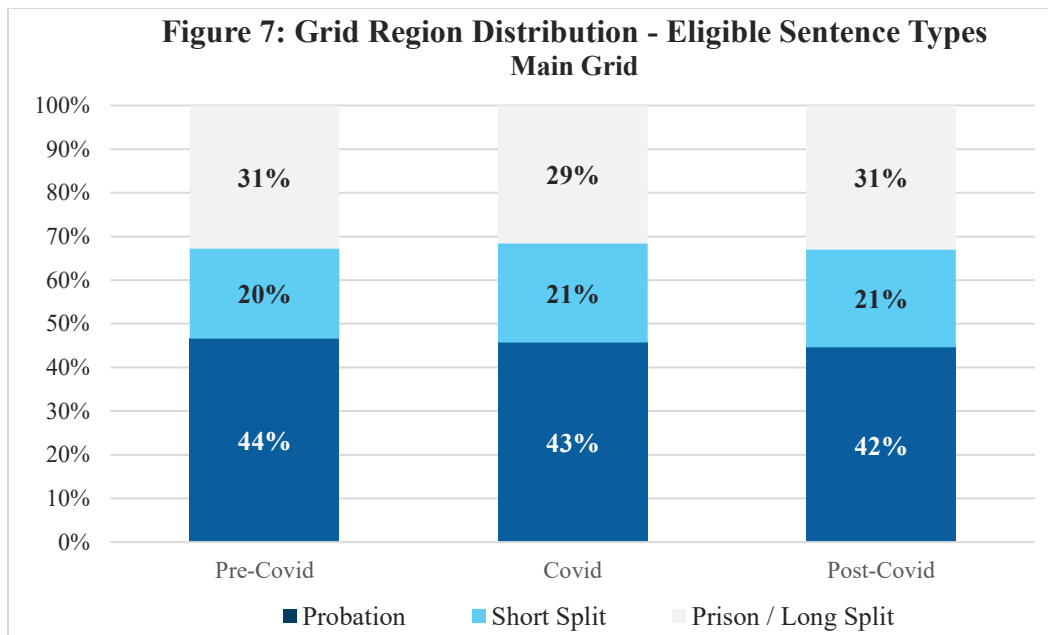


⁷ There were also notable shifts in the sentence type trends for Sex offenses: an increased rate of Long Split offset by a decrease in Prison sentences. Drug offenses also demonstrated a prominent change, though the oscillations were between Short Split (increase) and Probation (decrease). As such, neither offense is contributing to the overall change in sentence type trends (increase in Prison/Long Split and decrease in Short Split/Probation).

D. Main Grid Region – Sentencing Trends

To better understand the overall decline in Probation and Short Split sentences, the following analysis explores the distribution of cases within each of the three color-coded regions of the Main Grid, where the grid box color is indicative of the available recommended sentence types for a Guidelines Compliant sentence. Within the sentencing Grids, light blue boxes indicate that Probation, Short Split, Long Split and Prison are all available sentence types. Dark blue boxes indicate that Short Split, Long Split, and Prison sentences are available, while white corresponds to Prison and Long Split, only.

A decrease in Probation and Short Split sentences may suggest that post-Covid there were *fewer* cases falling into light blue and dark blue sections of the Main Grid, i.e. fewer cases where Probation and Short Split were among the recommended sentencing options, however as exemplified in Figure 7, the distribution of cases across each of the three regions has remained largely unchanged for all three time periods. The largest fluctuation was a two-percentage point decline in the proportion of cases being sentenced for offenses in Probation eligible boxes, which dropped from 44% pre-COVID to 42% post-COVID.

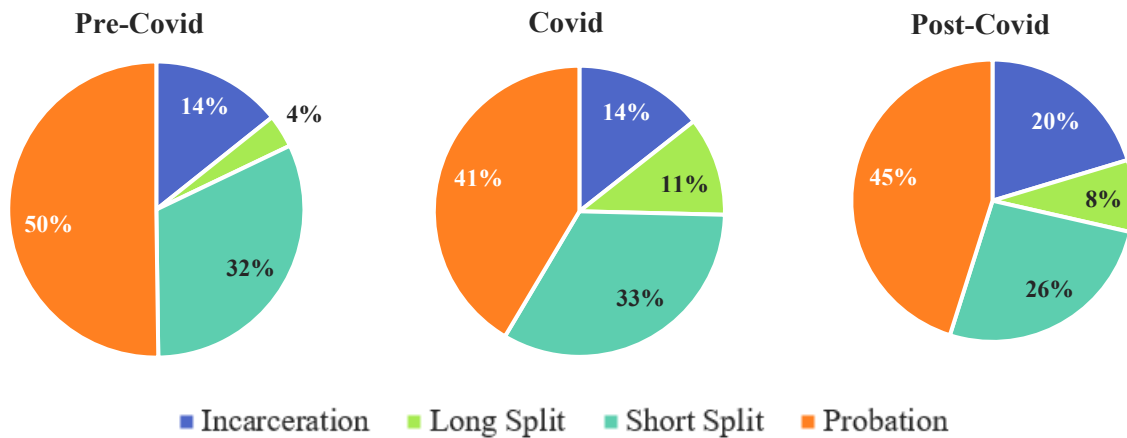


The limited changes in the Grid region distribution indicate an overall shift in sentencing decisions within certain box colors. Sentence type trends within both Probation and Short Split eligible boxes are further explored below.

1. Probation Eligible Boxes

Within Probation eligible boxes, (the light blue region of the Main Grid), the frequency of cases that received a Probation sentence gradually decreased during COVID, though experienced a slight uptick following the pandemic, as illustrated by the size of the orange wedges in Figure 8. The proportion of Short Split sentences also decreased, offset by increases in the rate at which both Prison and Long Split sentences were imposed in Probation eligible boxes.

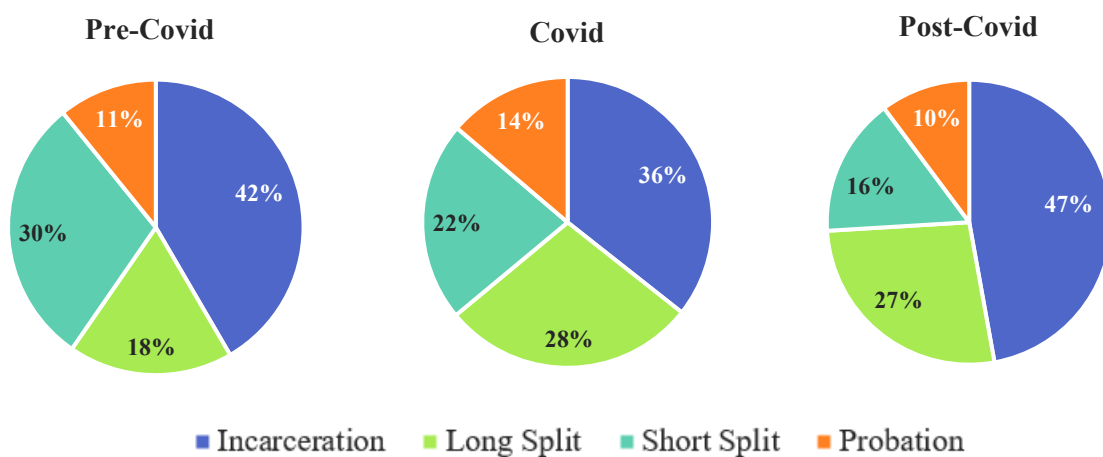
Figure 8: Distribution of Sentence Type Imposed within Probation Eligible Boxes



2. Short Split Eligible Boxes

Similarly, the proportion of cases that received a Short Split sentence within a Short Split eligible box also decreased during covid. These declines continued into the years following the pandemic, as indicated by the gradual reduction of the teal wedge in Figure 9. Short Split sentences were imposed nearly twice as frequently pre-COVID compared to post-COVID (30% vs. 16%). This decrease was most prominently offset by increases in Long Split sentences (18% vs. 27%), followed by slight increases in Prison sentences (42% vs. 47%). Note that the rate of Probation sentences in Short Split boxes remained largely unchanged across all three time periods. This is expected given the historically high compliance rate of the Guidelines (97%, or greater).⁸

Figure 9: Distribution of Sentence Type Imposed within Short Split Eligible Boxes



⁸ The imposition of a Probation sentence in a Short Split (light blue) box would result in a non-Compliant sentence.

3. Specific Offense Analysis – Violent and Property Offenses

Within the felony Violent and Property offense categories, it is prudent to further explore specific offense trends to recognize the drivers behind the overall shift in sentence type trends. The following analysis examines the sentence type fluctuations among the top Violent and Property offenses within Probation and Short Split eligible boxes, as listed below.

Violent	Property
Attempted Robbery	Unauthorized Use of a Vehicle (UUV)
Attempted Assault w/ a Dangerous Weapon	Attempted Burglary II
Assault with Significant Bodily Injury	Burglary II
Assault w/ a Dangerous Weapon	
Robbery	

The five Violent offenses collectively represent 50% of all felony Violent offenses sentenced and 28% of all felony convictions in Probation and Short Split eligible boxes on the Main Grid. Similarly, the three Property offenses account for 48% of all felony Property offenses and 9% of all felony convictions in Short Split/Probation eligible boxes.

Sentences for Carrying a Pistol without a License (CPWL) and Felon in Possession (FIP-1) will also be included in this analysis. Although the distribution of sentence types for Weapons offenses remained largely unchanged pre- and post-COVID, and therefore, are not contributing to the overall decrease in Probation and Short Split sentences, CPWL and FIP-1 are the two most frequently convicted and sentenced felony offenses in the District. CPWL represents 29% of all convictions in Short Split and Probation eligible boxes, while FIP-1 accounts for 15%.

Combined, this group of 10 offenses represented 80% of all cases in Probation and Short Split eligible boxes on the Main Grid. Consequently, shifts in sentencing patterns for these offenses serve as a strong proxy to understand broader post-pandemic sentencing trends.

Table 1 displays the most prominent sentence type fluctuations for each offense. Offenses are ordered based on their representation within the Probation and Short Split eligible of boxes. The largest fluctuations (between pre- and post-COVID) are also reported, where the percentages indicate the proportion of cases sentenced that received the specified sentence type.

For example, Attempted ADW accounted for 6.7% of all cases sentenced in Short Split and Probation eligible boxes. The rate of Prison sentences for this offense increased by 10% between pre- and post-COVID (15% vs. 25%), offset by a 13% decrease in Short Split sentences (43% vs. 29%).

Table 1: Most Prominent Sentence Type Fluctuations – Top Offenses

WEAPON	Pre	Covid	Post
CPWL, 28.9%			
↑ Incarceration: +4%	4.3%	7.0%	8.6%
↓ Probation: -9%	66.4%	58.3%	57.7%
FIP-1, 14.9%			
↑ Incarceration: +12%	57.1%	50.4%	68.8%
↓ Long Split: -10%	37.0%	42.4%	26.8%
VIOLENT	Pre	Covid	Post
Attempted Robbery, 9.3%			
↑ Long Split: +10%	7.6%	10.5%	17.3%
↓ Probation: -10%	29.4%	21.1%	19.4%
Attempted ADW, 6.7%			
↑ Incarceration: +10%	15.5%	19.0%	25.2%
↓ Short Split: -13%	42.6%	42.9%	29.0%
Assault with Significant Bodily Injury, 4.1%			
↑ Incarceration: +15%	20.2%	25.7%	35.2%
↓ Probation: -16%	37.4%	11.4%	21.6%
Assault With a Dangerous Weapon, 3.9%			
↑ Long Split: +27%	12.5%	26.9%	39.6%
↓ Short Split: -22%	47.7%	46.2%	26.0%
Robbery, 3.6%			
↑ Long Split: +33%	13.7%	24.0%	46.3%
↓ Short Split: -30%	48.0%	28.0%	17.9%
PROPERTY	Pre	Covid	Post
UUV, 3.4%			
↑ Incarceration: +5%	26.7%	28.6%	31.4%
↓ Probation: -6%	33.7%	14.3%	27.9%
Attempted Burglary II, 3.2%			
↑ Incarceration: +13%	25.3%	38.5%	37.9%
↓ Short Split: -14%	42.9%	26.9%	29.3%
Burglary II, 2%			
↑ Incarceration: +12%	27.5%	12.5%	39.0%
↓ Short Split: -18%	45.1%	43.8%	26.8%

Apart from CPWL and UUV, the data shows significant shifts in sentencing outcomes for all offenses.⁹ Robbery experienced the greatest variation, where Long Split sentences increased by 33% post-pandemic, offset by a 30% decrease in Short Split sentences. The decline of Short Split

⁹ While the percentages reported for FIP-1 suggest a prominent shift in sentencing practices for this offense, fluctuations were between Prison and Long Split, which does not account for the overall reduction in Probation and Short Split sentences.

sentences, though of varying magnitudes, is seen for most other offenses included in the table. This supports the broader shift in sentencing trends: a move away from Short Split and Probation sentences, and suggests that sentencing practices may have become more severe for Violent and Property offenses in the years following the pandemic.

E. Demographic Trends

Trends for gender, race, and age at offense for sentenced individuals are reported below. Overall, there were no notable changes in defendant characteristics during the reported time periods.

1. Gender

The vast majority of sentenced defendants were male, averaging 92% across all three time periods. Conversely, 8% of defendants were female. Any fluctuations between time periods were approximately 1%.

2. Race

Between 2017 and 2024, an overwhelming majority (94%) of defendants were Black. Black individuals accounted for 95% of cases pre-COVID, 95% during COVID, and 92% post-COVID. This slight decline following the pandemic is offset by a minor increase in Hispanic defendants, whose representation increased from 0.2% pre-COVID to 1.0% post-COVID. All other reported categories (White, Asian, and American Indian) remained largely unchanged since 2017.

3. Age at Offense

There were very minimal fluctuations in the average age at offense for defendants sentenced in each of the three time periods, all with an average age of around 31 years. However, there were more prominent shifts in defendant age when examined by offense type, specifically for Property, Violent, and Weapon offenses.

The average age at offense increased from 32 to 35 for individuals convicted of Property offenses, and from 27 to 30 for those convicted of Weapon offenses. The increase was more subtle for Violent defendants (from 29 to 31), though collectively, these trends point to growing prevalence of older individuals being convicted in these three prominent offense categories. Defendant age remained very stable for all other offense categories (Murder: 29, Sex: 34, Drug: 38, Other: 34).

F. Conclusion

The COVID-19 pandemic necessitated a dramatic, though temporary, reduction in Court operations, which ultimately resulted in an unprecedented 65% decrease in the number of counts, cases, and individuals sentenced in 2020.

The Court gradually began to recover throughout 2021 and 2022 as it worked through the backlog of cases that had accumulated during the pandemic, in addition to resolving newly filed cases. The number of felony sentences imposed increased in both years, with signs of stabilization continuing into 2023. Although 2023 marked the first decline in sentences following the post-pandemic recovery period, this decrease continued the downward trajectory observed between 2017 and 2019. However, 2024 demonstrated a sharp reversal of this trend, with adult felony sentences increasing by roughly 50% and surpassing pre-pandemic levels.

Post-pandemic data reveal a notable increase in the number of felony Weapons cases sentenced, although the sentencing patterns for these cases have remained largely unchanged. More significantly, it appears that there has been a movement toward more severe sentencing outcomes, in respect to sentence type, as demonstrated by the increased imposition of Prison and Long Split sentences which are offset by declines in Probation and Short Split sentences. This shift is most pronounced for Violent and Property offenses, despite no corresponding rise in case volume for either offense category following the pandemic.

APPENDIX A – GUIDELINES MAIN GRID

CH Points	OSG	Most Common Offenses	Criminal History Score				
			0-0.5 A	0.75-1.75 B	2-3.75 C	4-5.75 D	6+ E
3 Points*	1	1st Degree Murder w/a 1st Degree Murder	360 - 720	360 - 720	360 - 720	360 - 720	360 +
	2	2nd Degree Murder w/a 2nd Degree Murder 1st Degree Sex Abuse w/a 1st Degree Sex Abuse	144 - 288	156 - 300	168 - 312	180 - 324	192 +
	3	Voluntary Manslaughter w/a 1st Degree Child Sex Abuse Carjacking w/ Armed Assault With Intent to Kill w/a Burglary I w/ Armed	90 - 180	102 - 192	114 - 204	126 - 216	138 +
	4	Aggravated Assault w/a Voluntary Manslaughter	48 - 120	60 - 132	72 - 144	84 - 156	96 +
	5	PFCOV Robbery w/a Burglary I Obstruction of Justice Assault With Intent to Kill	36 - 84	48 - 96	60 - 108	72 - 120	84 +
2 Points*	6	ADW Robbery Aggravated Assault 2nd Degree Child Sex Abuse Assault with Intent to Rob	18 - 60	24 - 66	30 - 72	36 - 78	42 +
	7	Burglary II 3rd Degree Sex Abuse FIP-3 Negligent Homicide Attempt 2nd Degree Sex Abuse	12 - 36	18 - 42	24 - 48	30 - 54	36 +
1 Point*	8	Carrying a Pistol (CPWL) UUV Attempt Robbery/Burglary FIP-1 1st Degree Theft Assault w/ Sig. Bodily Injury	6 - 24	10 - 28	14 - 32	18 - 36	22 +
	9	Escape/Prison Breach BRA Receiving Stolen Property Forgery/Uttering Fraud	1 - 12	3 - 16	5 - 20	7 - 24	9 +
*Criminal History Points for prior convictions in these groups.							
White/unshaded boxes – Prison or Long Split only.							
Dark-shaded boxes – Prison, Long Split, or Short Split permissible.							
Light-shaded boxes – Prison, Long Split, Short Split, or Probation permissible.							

APPENDIX B – SENTENCE TYPE DEFINITIONS

For analytical purposes, the Commission classifies sentences into four categories: Prison (including Life), Long Split, Short Split, and Probation. A compliant sentence type refers to a sentence that adheres to the recommended Guidelines. Compliant sentence types are defined as:

- **Prison Sentence:** In a Compliant Prison sentence, the court sentences the defendant to a term of incarceration within the applicable Guidelines Recommended Sentencing Range (GRSR). None of the time imposed is suspended. The term of incarceration may be followed by a period of supervised release as governed by D.C. Code § 24-403.01(b).
- **Long Split Sentence:** In a Compliant Long Split sentence, the court imposes a sentence within the applicable GRSR, such that the time initially served (not suspended) is more than six months and places the defendant on probation for a period of up to five years.
- **Short Split Sentence:** In a Compliant Short Split sentence, the court imposes a sentence within the applicable GRSR, suspends execution of all but six months or less (but not all) of the incarceration component of the sentence (specifying the period of incarceration that is *not* suspended, if known), and places the defendant on probation for a period up to five years.
- **Probation Sentence:** In a Compliant Probation sentence, the court imposes a sentence within the applicable GRSR, suspends execution of the entire sentence, suspends the supervised release, and places the defendant on probation for up to five years.