DISTRICT OF COLUMBIA
SENTENCING COMMISSION

2018 ANNUAL REPORT

April 25, 2019

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.
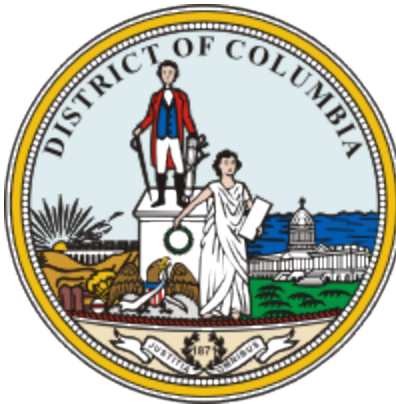
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Katerina Semyonova, Esq.
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Hon. Frederick H. Weisberg

Non-voting members:
Hon. Charles Allen
Maria Amato, Esq.
Robert Contee
Judi Simon-Garrett, Esq.
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Barbara S. Tombs-Souvey
Executive Director

April 26, 2019

Honorable Phil Mendelson, Chairman
Council of the District of Columbia
John A. Wilson Building, Suite 504
1350 Pennsylvania Avenue NW
Washington, DC 20004

Dear Chairman Mendelson:

In compliance with its statutory obligation, the District of Columbia Sentencing Commission respectfully submits its 2018 Annual Report. This year's report provides an overview of felony sentences imposed by the D.C. Superior Court from January 1, 2018, through December 31, 2018, and also highlights certain sentencing trends from 2010 through 2018.

In 2018, the number of felony sentences declined slightly by two percent. This decrease is primarily attributed to fewer sentences imposed for violent and drug offenses. However, there was also a notable increase the number of sentences for weapon and homicide offenses. Sixty seven percent of individuals sentenced received either a prison or a short split sentence, indicating that the majority of sentences imposed involve some period of incarceration.

Judicial compliance with the Sentencing Guidelines reached 97.6%, representing the highest compliance rate since the implementation of the Guidelines. This very high compliance rate demonstrates wide acceptance and use of the Guidelines by the Court, helping to reduced unwarranted disparity and increased certainty in felony sentences imposed in the District.

Finally, the Commission re-ranked Unauthorized Possession of a Firearm, Prior Felony from M7 to M8 to address matters related to criminal history and double counting. This change moved the Guidelines recommended sentence closer to the mandatory minimum sentence set by the Council.

Respectfully Submitted,

Honorable Milton C. Lee, Chairman

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COMMISSION MEMBERS AND STAFF

MEMBERSHIP OF THE DISTRICT OF COLUMBIA SENTENCING COMMISSION

As of April 25, 2019:

The Honorable Milton C. Lee, Chairman
Superior Court of the District of Columbia

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Policy Researcher

Katerina Semyonova, Esq.
Public Defender Service for the District of Columbia

Marvin Turner
Citizen Member

The Honorable Frederick H. Weisberg
Superior Court of the District of Columbia

(n) Non-Voting Member

STAFF OF THE DISTRICT OF COLUMBIA SENTENCING COMMISSION

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Executive Director

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Miatta Sesay
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Administrative Assistant

EXECUTIVE SUMMARY

Throughout 2018, the District of Columbia Sentencing Commission (the Commission) monitored the implementation and use of the District of Columbia Voluntary Sentencing Guidelines (the Guidelines) and focused on improving data quality and data sharing capabilities. The Commission's emphasis on data access and management has provided the agency with the ability to analyze sentencing practices and trends within the District of Columbia (the District), respond to numerous data requests, and share data with other agencies and the public. In addition, this data enables the Commission to make evidence-based policy recommendations.

Over the past year, the Commission made changes to the Guidelines, and released several publications, including the 2017 Annual Report, the 2018 Guidelines Manual, and *Focus Groups of Primary Users of the D.C. Voluntary Sentencing Guidelines: Report and Recommendations*. Additionally, the Commission concentrated its efforts on three major projects. The first was undertaking a survey of primary Guidelines users to obtain input on the use of the Guidelines. The second was a series of focus groups that were based on survey findings and further explored the effectiveness of the Guidelines by examining the perspectives of Guidelines primary users. The third was a newly launched Guidelines training strategy. The Commission also began a project to develop an electronic interface to transfer arrest data from the Metropolitan Police Department (MPD).

In 2018, the number of felony counts, cases, and offenders slightly decreased for the first time since 2015. Compliance with the Guidelines remains very high, with 97.6% of all felony sentences imposed complying with the Guidelines. This continuing high compliance rate indicates that the Guidelines are being consistently applied by the Superior Court of the District of Columbia (Superior Court).

2018 Trends in Sentencing

The Superior Court sentenced 1,546 individuals for felony offenses in 2018. These felony offenders were sentenced in 1,635 cases, consisting of 2,208 individual felony counts. This represents a two percent decrease in the number of counts sentenced from 2017. This decline was primarily due to decreases in Violent and Drug sentences, which were offset by an increase in the number of Weapon offenses sentenced.

Felony counts sentenced on the Master Grid represented 75% of the total number of counts sentenced in 2018. Weapon was the most common offense category, accounting for 29% of all offenses sentenced, and representing an increase of 31% from 2017. This increase is attributable primarily to increases in the number of Carrying a Pistol Without a License (CPWL) and Unauthorized Possession of a Firearm with a Prior Felony (UPF-PF) counts sentenced.

Homicide counts sentenced in 2018 also increased by 94%. Murder I and Murder II sentences increased from 9 to 31 (244%) and from 15 to 28 (87%) respectively, from 2017. These sharp percentage increases reflect the relatively low number of total Homicide sentences that occurred in 2018.

Among Violent offenses, Robbery counts sentenced decreased by 23% (from 321 to 247) between 2017 and 2018. The number of other Violent offenses sentenced, however, remained relatively constant. Drug offenses steadily declined from 2010 through 2015, began to increase from 2015 to 2017, and declined again in 2018 by 20%.

Prison was the most common sentence type imposed (44% of all felony cases). Combining prison and short split sentences, 67% of all District felony offenders were sentenced to at least some period of incarceration in 2018.[1] The vast majority (92%) of felony offenders sentenced in 2018 were male, consistent with previous years. Black males between the ages of 18 and 30 constituted more than half of the offenders sentenced.

Criminal history scores have changed slightly over time, but the fluctuations do not appear to be significant. The median criminal history score in 2010 was 2.0. For the past three years (2016 to 2018), the median criminal history score remained at 1.0.

To summarize, between 2017 and 2018: (1) the overall number of felony counts sentenced decreased by two percent; (2) Weapon offenses sentenced increased by 31%; (3) Homicide offenses sentenced increased sharply, but that increase represents the relatively low number of counts sentenced; (4) Robbery offenses sentenced decreased significantly; (5) other Violent offenses sentenced remained constant; and (6) sentences for Drug offenses declined for the first time since 2015.

Guidelines Compliance

Overall, judicial compliance with the Sentencing Guidelines remains very high. The 97.6% Guidelines compliance rate in 2018 represents the highest compliance rate ever observed by the Commission. The vast majority of compliant and non-compliant departures from the Guidelines were downward, where the Superior Court imposed sentences below the recommended sentencing range and/or options. Among compliant departures, the most common departure factors were (1) because the recommended Guidelines sentence would have been too excessive in relation to the seriousness of the offense, (2) because there was another substantial and compelling basis to mitigate the sentence, and (3) for substantial assistance to law enforcement.

The lowest rates of Guidelines compliance (96%) were in Weapon and Drug offenses; all non-compliant sentences in these categories were the result of downward departures. A compliant in the box sentence indicates that the sentence type and length imposed are within the recommended Guidelines sentencing range and options. The percentage of compliant in the box sentences (as opposed to sentences that were compliant for other reasons) has steadily increased from 86.9% in 2014 to 92.7% in 2017 and slightly decreased to 91% in 2018.

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[1] A compliant short split sentence is defined as follows: The court sentences the offender to a prison term within the recommended Grid box range. The court suspends part of the sentence, such that the time actually served (not suspended) is at least one day and *not more than six months*. The remainder of the sentence is suspended, with a period of probation to follow release from prison (and supervised release suspended).

Modifications to the Guidelines

Since 2012, the Commission has not modified the structure of the Guidelines Master or Drug Grids. In 2018, the Commission re-ranked the offense of UPF-PF from M7 to M8 for any pleas or verdicts entered on or after July 16, 2018. This change has no impact on the mandatory minimum sentence associated with this offense: *the Commission cannot legally reduce or increase mandatory minimum sentences*. The re-ranking of the offense moved recommended Guidelines sentences closer to the mandatory minimum as set by the Council of the District of Columbia (the Council). The Commission also made several technical changes clarifying the rules set forth in the Guidelines Manual and updated the information contained in the Guidelines' appendices.

KEY FINDINGS

1. In 2018, the number of felony counts, cases, and offenders sentenced slightly decreased for the first time since 2015 (page 18). The decrease was primarily due to decreases in Violent and Drug sentences, which were offset by a relatively sharp increase in Weapon sentences (page 40).

2. The percentage of cases sentenced to prison (44%) was at its lowest rate since 2010, while short split sentences reached their highest rate (23%) (page 20).

   a. Sixty seven percent of D.C.'s felony offenders received either a prison or short split sentence, representing a slight decrease from 70% in 2017, indicating that although the percentage of prison sentences decreased slightly, a majority of offenders still received some form of incarceration (page 20).

   b. One in three (33%) offenders between 18 and 21, and half of offenders (50%) between 22 and 30 were sentenced to prison (page 37).

   c. Prison was the most frequent sentence type in all Offense Severity Groups (OSGs) in the Master Grid and D1 in the Drug Grid (page 21). It was also the prominent sentence type for Homicide, Sex, and Violent cases and the least common sentence type in Drug cases (page 27).

3. The Violent and Weapon offense categories accounted for 70% of all non-Drug offenses sentenced at the case level (page 25).

   a. Between 2017 and 2018, the sharpest increases appeared to be in the number of Homicide and Weapon offenses. These increases were offset by relatively sharp decreases in the number of sentences imposed for Violent, Property, and Drug offenses (page 28).

   b. The increase from 2017 in Weapon offenses is attributable primarily to increases in the number of CPWL and UPF-PF offenses sentenced (page 29).

   c. In Homicide offenses, sentences for Murder I and Murder II, increased by 244% and 87% respectively (page 38).

4. The Commission recently re-ranked UPF-PF offenses from M7 to M8 to address issues related to criminal history and double counting. This change moved Guidelines recommended UPF-PF sentences closer to the mandatory minimum as set by the Council (pages 29 to 31).

5. Within the Weapon offense category, at the case level, CPWL was the most frequent offense sentenced (51%), followed by UPF-PF (38%) and UPF-COV (4%) (page 24).

6. At the count level, the number of sentences increased for PFDCV, CPWL, and UPF-PF offenses from 2017, with the largest increase in PFDCV offenses by 57%, followed by CPWL (53% increase) and UPF-PF (21% increase) sentences (page 29).

7. Similar to previous years, Black males (ages 18 to 30) constituted more than half of the offenders sentenced at the count, case, and offender levels (page 37). The average criminal history (CH) score was higher for male offenders compared to female offenders, and for Black offenders compared to White offenders (pages 33 and 35).

8. The rate of judicial compliance with the Sentencing Guidelines has remained at or above 86% since 2010, with the last four years at 95% or higher. The 97.6% Guidelines compliance rate in 2018 was the highest compliance rate observed by the Commission to date (pages 46 and 47). Nine in ten felony sentences were compliant in the box sentences (pages 50 and 51).

9. The lowest rates of Guidelines compliance (96%) were observed in Weapon and Drug offenses (pages 48 and 49).

   a. The vast majority of compliant and non-compliant departures from the Guidelines were downward, where the Superior Court imposed sentences below the recommended sentencing range and/or options (pages 53 and 54).

   b. Downward departures in Distribution (Dist.), Possession with Intent to Distribute (PWID), and UPF-PF (when ranked in M7) sentences appeared to drive non-compliance with the Guidelines (page 54).

TABLE OF ABBREVIATIONS AND ACRONYMS

Term	Definition
BRA	Bail Reform Act
CH	Criminal History
CJCC	District of Columbia Criminal Justice Coordinating Council
Commission	District of Columbia Sentencing Commission
Council	Council of the District of Columbia
COV(s)	Crime(s) of Violence
CPWL	Carrying a Pistol Without a License
CSOSA	Court Services and Offender Supervision Agency for the District of Columbia
Dist.	Distribution of a Controlled Substance
District	District of Columbia
Evaluation Project	District of Columbia Sentencing Guidelines Evaluation Project
FY	Fiscal Year
GRID system	Guidelines Reporting and Information Data system
GSS	The Commission's GRID Scoring System
Guidelines	District of Columbia Voluntary Sentencing Guidelines
IJIS 12.1	District of Columbia Integrated Justice Information System Outbound Data Feed
JUSTIS	District of Columbia Justice Information System
OSG	Offense Severity Group
PCP	Phencyclidine
PFDCV	Possession of a Firearm During a Crime of Violence
PWID	Possession with Intent to Distribute a Controlled Substance
Rule 11(c)(1)(C)	Superior Court Rules of Criminal Procedure Rule 11(c)(1)(C)
SCR-Crim.	A Superior Court Rule of Criminal Procedure
Superior Court	Superior Court of the District of Columbia
UPF-COV	Unlawful Possession of a Firearm, Prior Crime of Violence (i.e. By a Person With a Prior Conviction of a Crime of Violence)
UPF-PF	Unlawful Possession of a Firearm, Prior Felony (i.e. By a Person With a Prior Conviction > 1 year)

CHAPTER ONE: THE COMMISSION AND ITS WORK

I. Commission's Legislative Mandate and Duties

A. Legislative Mandate

The Commission has three primary statutory responsibilities: (1) to monitor the implementation and use of the Guidelines; (2) to rank newly created offenses; and (3) to review and analyze data on sentencing practices and trends in the District.[2] As part of its mandate, the Commission is responsible for collecting data from the Superior Court and from the Court Services and Offender Supervision Agency (CSOSA) to identify and address sentencing issues, assess compliance with the Guidelines, and monitor historical and emerging sentencing trends. The Commission is also required to incorporate into the Guideline structure each new felony offense or sentencing provision enacted by the Council of the District of Columbia (the Council).[3]

B. Commission Duties

In addition to its overarching mandate, the Commission has the following duties under D.C. Code § 3-101(b) (2016):

1. Promulgate, implement, and revise a system of voluntary sentencing guidelines for use in the Superior Court designed to achieve the goals of certainty, consistency, and adequacy of punishment, with due regard for the:

    a. Seriousness of the offense;
    b. Dangerousness of the offender;
    c. Need to protect the safety of the community;
    d. Offender's potential for rehabilitation; and
    e. Use of alternatives to prison, where appropriate.

2. Publish a manual containing the instructions for applying the voluntary guidelines, update the manual periodically, and provide ongoing technical assistance to the Superior Court and practitioners on sentencing and sentencing guideline issues;

3. Review and analyze pertinent sentencing data and, where the information has not been provided in a particular case, prompt the judge to specify the factors upon which he or she relied in departing from the guideline recommendations or for imposing what appears to be a non-compliant sentence;

4. Conduct focus groups, community outreach, training, and other activities designed to collect and disseminate information about the guidelines;

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[2] The legislation governing the Commission can be found at D.C. Code § 3-101 (2016), *et seq*.
[3] A complete history of the Commission can be found on the Commission website at https://scdc.dc.gov/node/1108916.

5. Review and research sentencing policies and practices locally and nationally, and make recommendations to increase the fairness and effectiveness of sentences in the District of Columbia; and

6. Consult with other District of Columbia, federal, and state agencies that are affected by or address sentencing issues.

II. Commission's Composition

A. Commission Membership

The Commission is composed of 17 members: 12 voting members and five non-voting members. Its membership includes representatives from various criminal justice agencies, the judiciary, academic and research institutions, practicing attorneys, and the public. This diverse membership provides a wide range of perspectives in the development of sentencing policy.

The voting members of the Commission include:

- Three judges of the Superior Court, appointed by the Chief Judge of the Superior Court;
- The United States Attorney for the District of Columbia or his or her designee;
- The Director of the Public Defender Service for the District of Columbia or his or her designee;
- The Attorney General for the District of Columbia or his or her designee;
- The Director of the Court Services and Offender Supervision Agency or his or her designee;
- Two members of the District of Columbia Bar, one who specializes in the private practice of criminal defense in the District of Columbia, and one who does not specialize in the practice of criminal law, appointed by the Chief Judge of the Superior Court in consultation with the President of the District of Columbia Bar;
- A professional from an established organization devoted to research and analysis of sentencing issues and policies, appointed by the Chief Judge of the Superior Court; and
- Two citizens of the District, one nominated by the Mayor subject to confirmation by the Council, and the other appointed by the Council.

The non-voting members of the Commission are:

- The Chairperson of the Council committee that has oversight of the Commission or his or her designee;
- The Director of the District of Columbia Department of Corrections or his or her designee;
- The Chief of the Metropolitan Police Department or his or her designee;
- The Director of the United States Bureau of Prisons or his or her designee; and
- The Chairperson of the United States Parole Commission or his or her designee.

B. Commission Staff

1. Commission Staff Members

As of April 25, 2019, the Commission staff consisted of:

Barbara Tombs-Souvey	Kara Dansky	Mehmet Ergun
Executive Director	General Counsel	Senior Statistician
Mia Hebb	Miatta Sesay	Taylor Tarnalicki
Administrative Assistant	Data Manager	Research Analyst

2. Organizational Structure

Figure 1: Sentencing Commission Organizational Chart
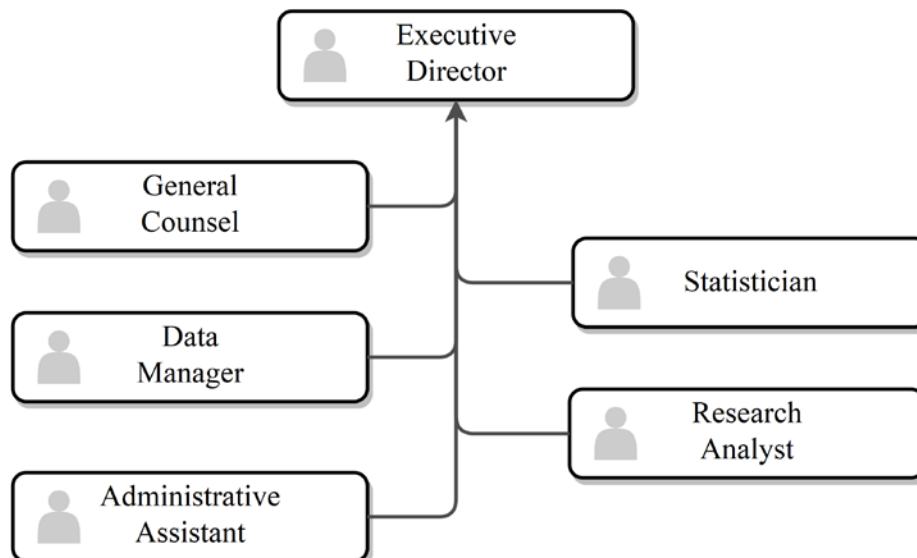
III. Commission's Budget

The Commission's Fiscal Year (FY) 2018 operating budget composed of local funds was $1,178,839, compared to $1,185,927 in FY 2019, representing a slight 0.6% increase. In addition, the agency received $129,566 in capital funds in FY 2018, however, the agency did not receive any capital funding for FY 2019.

Table 1: The Commission's Total FY 2019 Budget (dollars in thousands)

Personnel Services (Salaries and Benefits)	$ 706,844
Non-Personnel Services	$ 479,083
Total Operating Budget	$1,185,927
Capital Funds	$ 0
Total Agency Budget	$1,185,927

Table 2: The Commission's Total FY 2018 Budget (dollars in thousands)

Personnel Services (Salaries and Benefits)	$ 666,770
Non-Personnel Services	$ 512,069
Total Operating Budget	$1,178,839
Capital Funds	$ 129,566
Total Agency Budget	$1,308,405

IV. Commission's Work

A. Commission Activities

The Commission met eight times in 2018 to address Guidelines, sentencing policy, criminal justice, and agency related issues. All 2018 Commission meetings were open to the public.

The Commission met on the following dates in 2018:

February 20th   June 19th
March 20th   September 25th
April 10th   October 16th
May 22nd   December 11th

The minutes of the Commission's public meetings are available online at the Commission's website, located at http://scdc.dc.gov.

Over the past year, the Commission made changes to the Guidelines, and released several publications, including the 2017 Annual Report, the 2018 Guidelines Manual, and *Focus Groups of Primary Users of the DC Voluntary Sentencing Guidelines: Report and Recommendations*. Additionally, the Commission concentrated its efforts on three major projects. The first was a survey of Guidelines users to get input on the use of the Guidelines. The second was a series of focus groups that were based on survey findings and further explored the effectiveness of the Guidelines by examining the perspectives of Guidelines primary users. The third was a newly launched Guideline training strategy.

The Commission also took preliminary steps to embark on a project to develop an electronic interface to transfer arrest related data from the MPD. This data will be integrated with the

agency's current data provided by the Superior Court and criminal history information provided by CSOSA in the Guidelines Reporting and Information Data (GRID) system. Arrest data will be linked to felony case information and offender criminal history data to create a single comprehensive felony case record. This additional arrest related data will enable the agency to analyze felony cases from point of arrest through sentencing. The Commission developed the RFP for this project in 2018 but due to funding issues, the RFP has not yet been released.

The Commission developed a standardized template for the annual report that extracts the necessary data from the GRID system and automatically develops the required charts and graphics, and provides the accompanying text. The template also allows for the addition of new data analyses, as needed. This initiative helped reduce the staff resources necessary to develop the standard graphs and tables included in the annual report, allowing more time for ad hoc data analysis and sentencing related research.

A new process was also implemented to improve departure letter responses. A tracking process was designed to send out the initial departure letter to the court within 30 days of sentencing, with follow-up reminder emails every two weeks for a six-week period before a sentence is deemed non-compliant. In cases where a judge may have several unanswered departure letters, a follow-up phone call by the Executive Director is made to chambers. The closer in time between the sentencing and when a departure letter is sent to the court, the higher the probability of receiving a response from the court, and the fewer non-compliant sentences recorded.[4]

Interested parties are always encouraged to attend Commission meetings. The Commission publishes meeting dates in advance in the D.C. Register and on the Commission's website. The Commission's website also includes an agenda for each upcoming meeting. Commission meetings are usually held on the third Tuesday of each month at One Judiciary Square, 441 4th Street, Suite 430 South NW, Washington, D.C. 20001.

B. Committee Activities

In addition to the meetings of the full Commission, several working committees meet on a regular, or sometimes ad hoc, basis, to formulate recommendations on specific sentencing issues for action by the full Commission. The following represents an overview of the Commission's committee structure and recent work.

1. Research Committee

The Research Committee's 2018 work focused on assisting in the development and finalization of the Guidelines user survey discussed above.

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[4] Common reasons for a compliant sentence to initially appear as non-compliant include: a departure factor not being recorded, information not being entered correctly, or a criminal history score being changed during sentencing. By improving the process of sending letters and receiving responses, the Commission has been able to increase compliance with the Guidelines.

2. Guidelines Implementation Committee

The primary goal of the Guidelines Implementation Committee is to develop and submit proposals to the Commission for new or modified criminal offense rankings and other possible Guidelines rule changes. The Committee also evaluates potential policy changes that may affect the Guidelines and oversees all changes to the Guidelines Manual.

In 2018, the Guidelines Implementation Committee addressed possible changes to the Sentencing Guidelines Manual and ranked four new offenses. The changes to the Guidelines Manual and the new offense rankings are discussed in Chapter Two of this Report.

C. Supporting Practitioners, Policy Makers, and the Public

The Commission and its staff support criminal justice practitioners, policy makers, and the public on a daily basis. This support is provided in the following manner: 1) releasing print and electronic publications; 2) hosting an interactive website containing current information on the Guidelines, the Commission, and Superior Court sentencing practices; 3) responding to requests for data; 4) providing Guidelines training and education sessions; 5) responding to Guidelines inquiries; and 6) collaborating with other criminal justice partners.

1. Publications

In 2018, the Commission published the following documents:

- The 2017 Annual Report;
- The 2018 Voluntary Sentencing Guidelines Manual; and
- *Focus Groups of Primary Users of the DC Voluntary Sentencing Guidelines: Findings and Recommendations* (September 2018).

2. Website

The Commission's website increases transparency and public awareness about the Commission's activities. The website provides detailed information about the Sentencing Guidelines and makes current sentencing data and Commission research easily accessible. Visitors can find a wealth of materials and Guidelines resources at http://scdc.dc.gov.

The Commission's website resources include:

- Sentencing Commission updates, press releases, and news;
- A Data Dictionary with definitions for all publically available shared data;
- A dataset for all 2018 felony sentences (without case specific identifying information);
- Data and charts displaying information about felony sentences and sentencing trends;
- The date, location, and agenda for the next Commission meeting;
- Guidelines updates and alerts;
- An electronic copy of the current Guidelines Manual, as well as all prior versions of the Manual;
- The Guidelines Master and Drug Grids;
- Minutes from prior Commission meetings;

- A direct link to send questions to the Executive Director;
- Information on how to contact the Commission, request a training session, ask questions about sentencing data, or receive assistance applying the Guidelines;
- A chronology of the Guidelines and the Commission;
- A list of Commission members;
- Sentencing data request forms;
- A frequently asked questions (FAQ) section that provides detailed answers to common Guidelines questions;
- A glossary of Guidelines and sentencing terminology;
- Self-guided trainings;
- All recent and historic Sentencing Commission publications;
- Employment opportunities with the Commission; and
- Open government and Freedom of Information Act materials.

Over the course of the past seven years, the Commission staff has continually expanded the features available on the agency's website. The Commission's website received 19,123 visits in calendar year 2018. This was an increase over the 14,171 visits the website received in calendar year 2017 and 796 website visits in calendar year 2011.

3. Data Requests

The Commission's data collection and analysis extends beyond what is presented on its website or contained in the annual report. The Commission regularly responds to requests for sentencing data and analysis from individual Commission members, Council members, the Mayor's Office, other government agencies, organizations, educational institutions, researchers, legal practitioners, and the general public. Following the implementation of the GRID system, the Commission has experienced a substantial increase in data requests. Information pertaining to data requests is available on the Commission's website.

Data shared by the Commission is available in two formats: aggregate data and felony data sets void of identifying information about offenders or returning citizens. The Commission does not provide individual case sentencing information or information that would allow for the identification of defendants.

In calendar year 2018, the Commission received 47 substantial data requests, which required 971 staff hours to complete.

The following are examples of data requests the Commission received and responded to in 2018:

- The percentage of executed prison sentences that result from low or medium severity offenses but an elevated criminal history moves the offender into prison-only Guidelines cells; and the percentage of non-violent offenses sentenced in these cells;

- The number of offenders aged 40 or more sentenced for low or medium severity offenses where an elevated criminal history score moves the offender into prison-only Guidelines cells; and the frequency distribution of types of prior and instant offenses associated with these sentences; and

- A comprehensive data file: Requested a data file (Excel document) that contained sentencing information for all felony cases sentenced between 2013 and February 2018. The data file reported on variables such as the sentence imposed (length and type), sentence date, offense of conviction, criminal history score, compliance status, and demographic variables of the defendant.

4. Guidelines Training and Education Sessions

The Commission regularly conducts group and individual Guidelines training sessions throughout the year. In calendar year 2018, Commission staff provided in-person Guidelines training to more than 131 individuals addressing such topics as Guidelines 101, topic-specific sessions, and agency-specific sessions. Anyone interested in arranging an individual or group-training session should contact the Commission at scdc@dc.gov.

In addition to in-person trainings, the Commission's expanded website has a module devoted to providing self-guided online trainings and resources that are available at all times. Currently, the Commission has the following online trainings and educational references available:[5]

- Basic Voluntary Sentencing Guidelines Training 101; and
- Scoring Out-of-District Offenses.

Additional training sessions are available on the following topics:

- Voluntary Sentencing Guidelines Refresher Training;
- Lapse and Revival Rules Training;
- Split Sentencing Training;
- Scoring Prior Adjudications and Misdemeanors Training; and
- Handling Accessory and Attempt Charges Training.

5. Responding to Inquiries

Commission staff is available every business day to provide general and specific information about the substance and application of the Guidelines. Staff responds to a wide variety of questions and inquiries from judges, court personnel, government and defense attorneys, CSOSA, the criminal justice community, and members of the public. The Commission provides information varying from the general purpose and basic structure of the Guidelines to assistance with the application of the Guidelines in specific cases. The majority of inquiries are from criminal law practitioners, including CSOSA pre-sentence report (PSR) investigators, prosecutors, criminal defense attorneys, and Superior Court personnel. Guidelines support is available by e-mail, phone, or via a direct link on the Commission's website.

Commission staff responds to approximately 600 Guidelines and information inquiries every year (615 in FY 2016, 595 in FY 2017, and 598 in FY 2018). Most inquiries involve assistance

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[5] Online trainings and educational references are available at the Commission's website at https://scdc.dc.gov/service/training-voluntary-sentencing-guidelines.

determining the score of an out-of-District conviction, calculating a defendant's total criminal history (CH) score, identifying the applicable sentencing range, or reviewing whether a specific sentence was compliant with the Guidelines.[6]

6. Inter-Agency Collaboration

On a regular basis, the Commission collaborates with other judicial, criminal justice, and public safety agencies operating in the District. This collaboration allows the Commission to share expertise, data, and knowledge between agencies. This effort includes participation in several city-wide workgroups and committees, including:

- Criminal Justice Coordinating Council (CJCC) - This agency serves as the forum for identifying issues and their solutions, proposing actions, and facilitating cooperation to improve public safety in the District.
- Information Technology Advisory Committee (ITAC) - This committee sets the direction, policies, and goals for Justice Information System (JUSTIS) projects in the District.
- Inter-Agency Data Quality Workgroup (IDQ) - This group reviews and analyzes data quality issues for JUSTIS projects in the District.
- Inter-Agency Workgroup (IWG) - This group implements and supports technology projects set by the ITAC.
- Inter-Agency Data Team - This team engages in discussions regarding data collection, application, sharing, classification, and governance in the District.
- Data Science Working Group - Hosted by OCTO and The Lab @ DC, this group is a platform of collaboration and discussion for District government employees on the state of, issues in, and challenges to data science.
- Security Group (ISW) - This group addresses issues and concerns surrounding the security of criminal justice information shared among District agencies.
- Gun Stat - This group supports a city-wide effort to track gun cases as they progress through the criminal justice system while identifying trends, strengths, and weaknesses of the process.

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[6] It is important to note that assistance using or applying the Sentencing Guidelines received from Commission staff is not legal advice. Any information provided to or received from Commission staff when seeking assistance is not confidential. Inquiry responses are not intended or expected to form an attorney-client relationship, may be provided by non-attorneys, are not binding on the court, and do not constitute the official opinion of the Sentencing Commission. For example, if a practitioner would like to know how a defendant's prior out-of-District conviction would factor into his or her total CH score, a Commission staff member will review the applicable Guidelines rule with the practitioner and give examples of prior scorings.

CHAPTER TWO: VOLUNTARY SENTENCING GUIDELINES

The Commission is required to include in its annual report any substantive changes to the Guidelines during the previous year.[7] This includes any changes to offense severity rankings, the Guidelines recommended sentencing range, or sentencing options, and the rules for calculating a defendant's CH score. If the Council enacted legislation during the preceding year that created new offenses or changed penalties for existing offenses, the report must explain how the Commission incorporated those changes into the Guidelines.

Since 2012, the Commission has modified the Guidelines Master or Drug Grids that set out the recommended sentencing range and options for any ranked felony offenses. In 2018, the Commission ranked four new felony offenses enacted by the Council and re-ranked one felony offense. Additionally, the Commission made both substantive and technical changes to the Guidelines Manual, as set forth below.

I. New Offense Rankings

In 2018 the Commission ranked the following new felony offenses:

A. Financial Exploitation of a Vulnerable Adult - $1,000+ - D.C. Code §§ 22-933.01, 936.01(a)(1)

   Maximum Sentence: 10 years imprisonment
   Guidelines Offense Severity Group Ranking: Master Group 8

B. Financial Exploitation of a Vulnerable Adult – Two+ Prior Convictions - D.C. Code §§ 22-933.01, 936.01(b)

   Maximum Sentence: 15 years imprisonment
   Guidelines Offense Severity Group Ranking: Master Group 8

C. Interception, Disclosure, and Use of Wire or Oral Communication – D.C. Code § 23-542

   Maximum Sentence: 5 years
   Guidelines Offense Severity Group Ranking: Master Group 9

D. Attempt to Evade or Defeat Tax - $10,000+ - D.C. Code § 47-4101(a)

   Maximum Sentence: 10 years imprisonment
   Guidelines Offense Severity Group Ranking: Master Group 9

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[7] D.C. Code § 3-104(d)(2).

II. Substantive Changes to the Guidelines Rules and Manual

The Commission made the following substantive change to the Guidelines in 2018:

The following offense was re-ranked:

- Unlawful Possession of a Firearm: Prior Conviction > 1 Year
  D.C. Code § 22-4503(a)(1)
  Prior Ranking: Master Group 7
  New Ranking: Master Group 8

The Commission made the following substantive changes to the Guidelines Manual in 2018:

<u>Chapter Eight:</u>

- Section 8.7 – What is the Offense Severity Group for Distribution of Synthetic Marijuana or Synthetic Cannabinoid or PWID Synthetic Marijuana or Synthetic Cannabinoid? (New FAQ Section)

The Commission added the following FAQ:

What is the Offense Severity Group for Distribution of or PWID Synthetic Marijuana or Synthetic Cannabinoid?

The term "Synthetic Marijuana" or "Synthetic Cannabinoid" alone does not provide enough information to determine the offense's Drug Group. Distribution of or PWID Synthetic Marijuana/Cannabinoid is ranked according to the drug schedule and classification of the underlying substance(s).

If the underlying substance(s) is classified as a Narcotic or Abusive Drug and is a Schedule I or II controlled substance, then a Distribution or PWID conviction falls into Drug Group 2. Similarly, an attempted Distribution or PWID conviction for the same substance falls into Drug Group 3 (as a general rule, a conviction for attempt or conspiracy to commit a D2 offense always falls into D3).

If the underlying substance(s) is not classified as a Narcotic or Abusive Drug and/or is not a Schedule I or II controlled substance, then a Distribution or PWID conviction falls into Drug Group 3. Similarly, an attempted Distribution or PWID conviction for the same substance falls into Drug Group 4 (as a general rule, a conviction for attempt or conspiracy to commit a D3 offense always falls into D4).

An indictment for Distribution of or PWID Synthetic Marijuana/Cannabinoid should specify if the substance is a Narcotic or Abusive Drug and the applicable drug schedule. Another way to determine the applicable Drug Group is to find the maximum statutory penalty for the offense. If the maximum statutory penalty

is 30 years' incarceration, the offense falls in D2. If the maximum statutory penalty for the offense is less than 30 years' incarceration, the offense falls in D3.

III. Technical Changes to the Guidelines Manual

The Commission made the following technical changes to the Guidelines Manual in 2018:

Chapter Two:

- Section 2.2.6(a)(3) - *Scoring Out-of-District Convictions/Adjudications*

The word "statutory" was removed to account for offenses where a complete list of offense elements is not contained in the statute.

Chapter Three:

- Section 3.6 - *Mandatory Minimums and Statutory Minimums*

The list of offenses requiring a mandatory minimum sentence was updated to indicate that in order for an enhanced while armed crime of violence (COV) conviction to receive a mandatory minimum based upon a prior COV, the prior offense must have been an armed offense.

Chapter Six:

- Sections 6.2 and 6.3 – *Concurrent Sentences / Judicial Discretion*

Sections 6.2 and 6.3 were updated to specify that the Chapter Six concurrent/consecutive sentencing rules only apply to offenses sentenced on the same day. This change matches the language already contained in section 6.1.

Chapter Seven:

- Section 7.26 -- Probation Sentence (New Glossary Section)

The following definition was added:

> ***Probation Sentence*** *-- A sentence where the court imposes a sentence within the applicable Guidelines prison range, suspends execution of the entire sentence, suspends the period of supervised release, and places the defendant on probation for up to five years. Absent a departure, a probation sentence can only be imposed in the light/yellow shaded boxes. Except for time already served, if the judge suspends part, but not all of a sentence, it becomes a split sentence (see 7.29 -- Short Split Sentence and 7.17 -- Compliant Long Split Sentence), and is no longer considered a probation sentence.*

CHAPTER THREE: OVERVIEW OF AGENCY DATA SOURCES AND COLLECTION PROCEDURES

The Commission's GRID system enables the Commission to efficiently analyze sentencing trends and determine judicial compliance with the Guidelines. The GRID system uses data from three sources: Superior Court, CSOSA, and individual judges. Superior Court provides the Commission with all offense, conviction, and sentencing-related data. This data is transmitted from Superior Court to the Commission electronically through the CJCC's Integrated Justice Information System Outbound Data Feed (IJIS 12.1). CSOSA officers directly input offender criminal history and demographic information into the GRID system via the GRID Scoring System (GSS) module. Finally, individual judges provide case-specific information in response to Commission staff inquiries regarding perceived non-compliant departures from the Guidelines.

I. The GRID System

The GRID system is an independent web-based application platform that was developed and implemented in 2013. It enables the Commission to capture sentencing information, analyze Guidelines compliance, and perform numerous types of data analyses. The GRID system's core capabilities include: receiving and processing information; storing, displaying, and exporting data; calculating compliance; and performing analytics/analysis.

II. Sentencing Data

Improved data quality and access enable the Commission to identify more precisely the impact of policy changes and to identify and support potential modifications to the Sentencing Guidelines. The Commission captures more than 500 data elements from Superior Court that are transmitted through the IJIS 12.1 data feed. This data is electronically transferred into the GRID system. Case and defendant information updates are performed nightly, ensuring that the Commission has the most accurate and up to date case information. For example, when a defendant's charge in a case is updated by Superior Court, the GRID system will maintain a record of both the new and old charge. This data allows for analyses of sentencing data at the count, case, and offender level. The Commission classifies this data as "live data," since it changes continually.

In addition to capturing live data, the GRID system contains a historic data feature that preserves data captured during each calendar year. This historic data functionality, referred to as an annual "snap shot," ensures consistent and accurate reporting of the sentencing decisions made during a given year. The snap shot data is frozen in time and will not be affected by modifications or updates that may occur in subsequent years. As a result, snap shot data is static, allowing year-to-year data comparisons. For example, the snap shot data allows the Commission to report on a case from 2015 that was modified in 2016. While GRID records the 2016 sentence modification, the annual snap shot data allows the Commission to report case-related activity that occurred only during 2015.

III. Criminal History Data

A defendant's CH score at the time of sentencing is one of the three factors used by the Commission to determine compliance with the Guidelines. CSOSA provides a defendant's CH score for most felony counts, which is entered directly into the GRID system by CSOSA through GSS. In addition to a defendant's total CH score, CSOSA also provides information related to the OSG and the severity of each prior conviction and juvenile adjudication, and calculates the score using the Guidelines rules for lapse and/or revival, if applicable. Criminal history information and compliance calculations are updated daily in the GRID system.

IV. Compliance Data

When a sentence falls within the recommended Guidelines range and sentence options, the sentence is deemed compliant with the Guidelines.[8] The Guidelines use two grids, the Master Grid and the Drug Grid, to determine an offender's recommended range and available sentencing options based on the offense of conviction and the offender's CH score.[9] If a felony sentence is initially determined to be non-compliant, the sentence is evaluated further, using various factors to assess whether the sentence imposed may be compliant for other reasons. The Commission uses a seven-step process to determine if the sentence imposed is actually compliant with the Guidelines.[10] The GRID system automatically performs the first five steps of the Commission's seven-step compliance process. The two remaining steps, if necessary, are performed manually by Commission staff. For every felony count sentenced, this seven-step compliance process reviews and verifies that the sentence is within the appropriate grid box, identifies any special Guidelines sentencing rules or circumstances that may apply, or whether a compliant departure from the Guidelines occurred. If, after this review process is completed, a sentence still appears to be non-compliant, Commission staff contacts the sentencing judge to verify the non-compliant sentence imposed.

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[8] See Chapter 4 for more details on calculating Guidelines compliance.
[9] See Appendix A and B for the Master and Drug Grids.
[10] See Appendix E for a detailed description of the Commission's seven-step compliance verification process.

CHAPTER FOUR: SENTENCING AND COMPLIANCE TRENDS

This chapter provides an overview of felony sentences imposed by Superior Court judges during 2018, including judicial compliance with the Guidelines. Data used in this chapter include all felony convictions sentenced between January 1, 2018, and December 31, 2018, without regard to the date of the offense, plea, or verdict. This chapter focuses on felony sentencing patterns by sentence type, offense category, and offender characteristics. The analyses presented do not include sentences for misdemeanor offenses, including criminal traffic related offenses, which are currently beyond the purview of the Guidelines.

In addition to presenting an overview of sentencing in 2018, this chapter also includes a comparison of felony sentencing trends and Guidelines compliance from 2010 through 2018. This broader comparative analysis covering the past nine years highlights changes in sentencing patterns, as well as the implications of modifications to criminal statutes and the Guidelines during this period.

In order to analyze the multiple aspects of sentencing, data analysis is performed at three levels: count level, case level, and offender level. Count level analysis provides an overview of sentencing practices that occur for each individual felony offense sentenced. Case level analysis examines sentencing trends based upon the most severe count for a specific case. Lastly, offender level analysis identifies trends related specifically to the felony population sentenced in Superior Court in 2018. Each case may have one or more counts and each offender may have one or more cases in a given calendar year.

The Commission determined that in order to compare sentencing trends from year to year effectively, it is necessary to capture or "freeze" the data for each year. This ensures a true comparison of sentencing trends over time. As previously described, this data is referred to as annual "snap shot" data, which captures felony sentences from January 1 through December 31 of a given year. The first annual "snap shot" was taken in 2013 and includes data from 2010 through 2013. Subsequent annual snap shots were taken for each following calendar year.

Previously, the data analysis presented in the Commission's Annual Report was based on a combination of live and snap shot data, depending on the specific type of analysis completed. Starting in 2016, the Commission began using only snap shot data in its Annual Report. Limiting analyses to the snap shot data ensures the most accurate year to year comparisons of sentencing trends, and allows the Commission to identify and analyze the impact of any modifications to the Sentencing Guidelines.

The decision to use snap shot data accounts for discrepancies between the data reported in pre-2016 Annual Reports. Beginning with the 2016 Annual Report, the data are more reflective of actual sentencing trends that occurred during previous years when compared to live data, which continually changes. Moving forward, data presented for prior years will remain unchanged, allowing for a more in-depth analysis of sentencing trends.

The development of the GRID system was a significant undertaking for the Commission, since it represented the agency's first fully automated data system. As with the implementation of any large and complex data system, adjustments and modifications were necessary to address data

classification and data quality issues that were identified after initial implementation. The resolution of these issues changed how data was reported at times, resulting in discrepancies with data presented in earlier reports.

The key adjustments to the data included:

- Prior to calendar year 2013, case level sentencing data was analyzed based on the count with the longest sentence. In 2014, the case level analysis was changed to be based on the most severe count in each case, which is determined by the OSG, sentence type, sentence length, and then offense category.

- Prior to calendar year 2013, the Commission's reporting of split sentences included both short split and long split sentences.[11] In 2013, the Commission decided to categorize long split sentences as prison sentences because a compliant long split sentence requires the offender to serve at least the minimum Guideline compliant prison sentence. This sentencing option is available in all Grid boxes. For data reporting purposes, all split sentences that do not qualify as a short split sentence under the Guidelines' rules are classified as prison sentences. By including long split sentences with prison sentences, the Commission now classifies three types of sentences for the purpose of analysis: probation, short split, and prison sentences.

- In 2014, the Commission removed probation revocations from the yearly analysis of sentences imposed since they do not represent an initial sentence imposed by the court.

- In 2015, the Commission determined that sentences following a remand from the D.C. Court of Appeals would not be analyzed with other initial sentences. Sentences imposed following a remand often do not receive a Guidelines compliance status because they may occur several years after the initial sentence was imposed. In addition, the data available to the Commission does not indicate why a case was remanded by the Court of Appeals.

As with the development and implementation of any new data system, adjustments and modifications are expected. After several years of monitoring, use, and adjustments, the GRID system has moved past the initial implementation phase and has stabilized. Initial data consistency and quality issues have been resolved. Moving forward, the Commission will be able to undertake a more robust analysis of sentencing data.

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[11] A long split sentence is one where the court imposes a prison sentence and suspends execution of some of the sentence, but requires the offender to serve a Guidelines-compliant sentence in prison, and imposes up to five years of probation to follow the portion of the prison term to be served (after suspending supervised release). A long split sentence is compliant under the Guidelines in every box if the prison term to be served before release to probation meets the minimum prison term in the grid box. A short split sentence is a prison sentence in which the court suspends execution of *all but six months or less* - but not all - of that sentence, and imposes up to five years of probation to follow the portion of the prison term to be served (after suspending supervised release).

I. Sentencing Structure

Sentences imposed under the Guidelines are based on two grids: the Master Grid for felony non-Drug offenses and the Drug Grid for felony Drug offenses.[12] These grids are comprised of two axes: one for the offender's CH score, and one for the OSG of each offense for which a sentence is imposed. There are five classifications of CH scores (A to E) on the horizontal axis of both the Master and Drug Grids in which an offender's criminal history may be classified. A CH classification of "A" represents the lowest criminal history classification, while a CH classification of "E" represents the highest.[13] The Master Grid classifies offenses into nine OSGs represented on the vertical axis, which decrease in severity from M1 to M9. The Drug Grid has four OSGs, which decrease in severity from D1 to D4. The Commission ranks each felony offense into one of the OSGs according to the level of seriousness associated with that offense. The intersection of an offender's CH score classification on the horizontal axis and the OSG on the vertical axis determines both the recommended sentencing options and the sentencing range (in months) for prison sentences.

II. Sentencing, Offense, and Offender Data

A. Felony Sentences Imposed in 2018

There were 1,546 individuals sentenced for felony offenses in 2018. These felony offenders were sentenced in 1,635 cases, consisting of 2,208 individual felony counts. Of the 1,635 felony cases, 526 involved a single felony count and 1,109 involved multiple felony counts.

Overall, the number of felony counts, cases, and offenders steadily decreased between 2010 and 2015. The number of counts, cases, and offenders all experienced an increase in 2016, which continued into 2017. Compared to 2017, however, in 2018 there was a seven percent decrease in the total number of cases (127 fewer), a two percent decrease in the total number of counts (36 fewer), and a seven percent decrease in the total number of offenders sentenced (120 fewer). This is the first time a decrease occurred at the count, case, and offender levels since 2015 (Figure 2).

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[12] See Appendices A and B for the Master Grid and the Drug Grid.
[13] The classifications of CH scores are as follows: A (0 to 0.5), B (0.75 to 1.75), C (2 to 3.75), D (4 to 5.75), and E (6+).

Figure 2: Felony Sentences by Year (2010 - 2018)
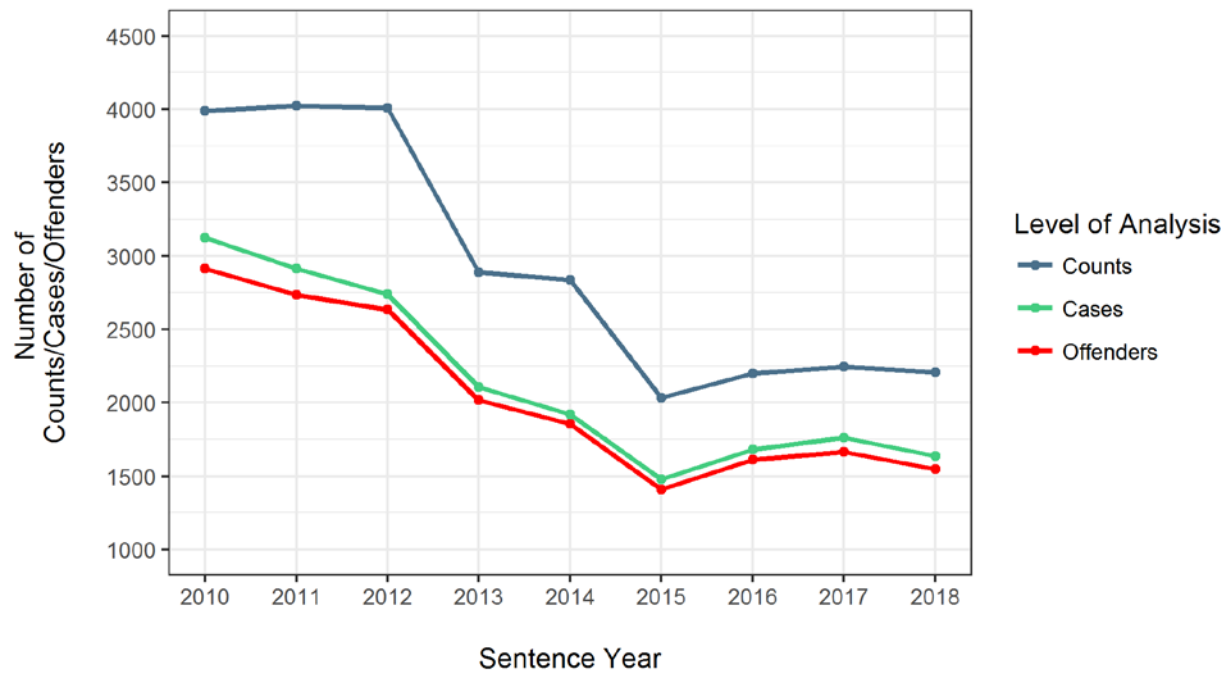
	2010	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**
Counts	3988	4024	4007	2891	2835	2033	2201	2244	2208
Cases	3125	2913	2739	2105	1919	1477	1683	1762	1635
Offenders	2913	2737	2635	2016	1854	1410	1611	1666	1546

Figure 3 presents the disposition of felony cases sentenced in calendar year 2018. Ninety-three percent of cases were disposed through guilty pleas. Jury trials have historically accounted for between five and ten percent of sentenced cases; in 2018, this rate was six percent. Among offense categories, Homicide had the highest percentage of jury trials in 2018 (37%). The percentage of sentences resulting from bench trials has remained at or below one percent between 2010 and 2018.

Figure 3: Disposition Type, Case Level (2010 - 2018)
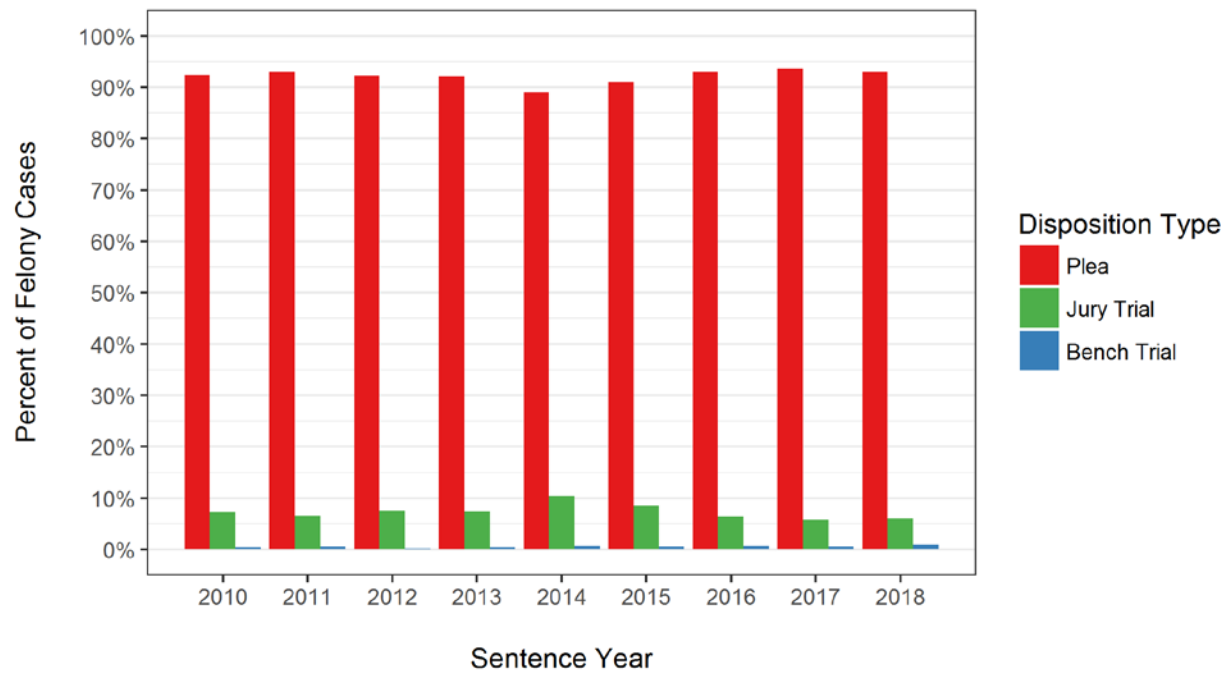
	2010 (N=2118)	2011 (N=1868)	2012 (N=1779)	2013 (N=1290)	2014 (N=1918)	2015 (N=1476)	2016 (N=1683)	2017 (N=1762)	2018 (N=1635)
Plea	92.3%	93.0%	92.1%	92.1%	88.9%	90.9%	93.0%	93.5%	93.0%
Jury Trial	7.3%	6.5%	7.6%	7.4%	10.4%	8.5%	6.4%	5.8%	6.0%
Bench Trial	0.5%	0.5%	0.3%	0.5%	0.7%	0.5%	0.7%	0.6%	1.0%

1. Sentence Type

The Commission classifies sentences into three categories: prison, short split, and probation. Historically, the percentage of cases sentenced to prison declined from 2010 to 2016, although there was a slight increase in 2017. In 2018, the percentage of cases with a prison sentence (44%) was at its lowest rate since 2010. Conversely, cases receiving short split or probation sentences have increased by one and four percentage points, respectively (Figure 4).

Figure 4: Sentence Type, Case Level (2010 - 2018)
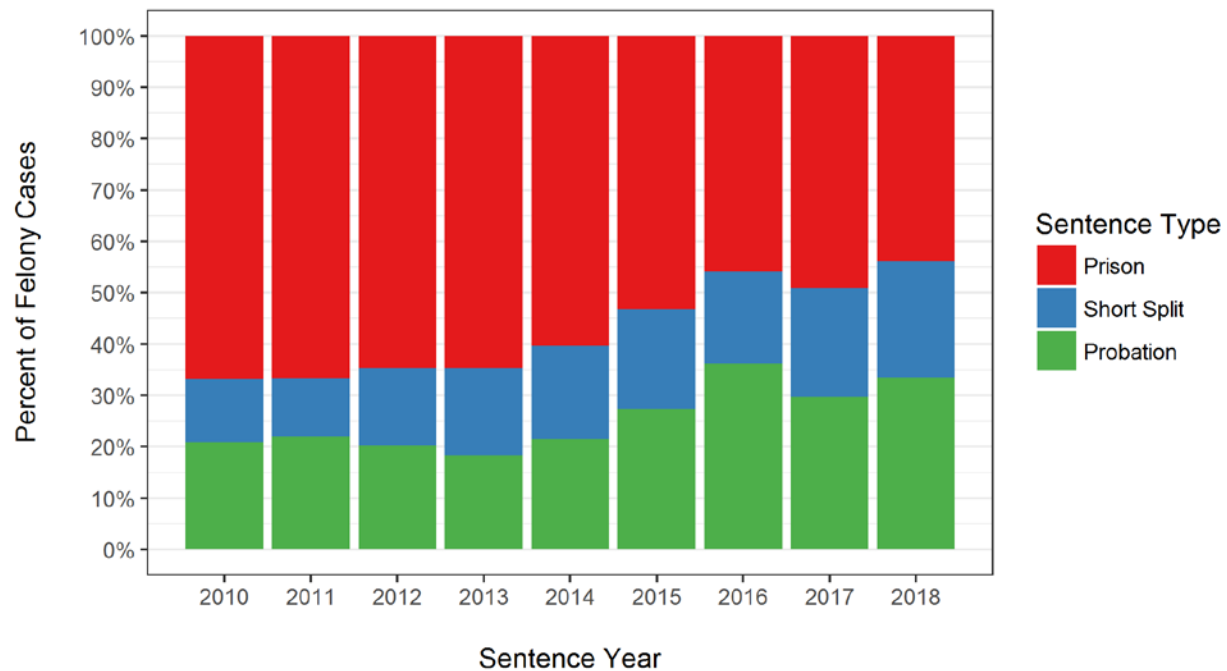
	2010 (N=2158)	2011 (N=1884)	2012 (N=1781)	2013 (N=1290)	2014 (N=1919)	2015 (N=1477)	2016 (N=1683)	2017 (N=1762)	2018 (N=1635)
Prison	66.8%	66.7%	64.6%	64.7%	60.4%	53.2%	45.9%	49.1%	44.0%
Short Split	12.3%	11.4%	15.0%	17.1%	18.2%	19.5%	17.9%	21.2%	22.6%
Probation	20.9%	22.0%	20.3%	18.3%	21.4%	27.3%	36.2%	29.6%	33.5%

Under the Guidelines, a prison sentence is an available sentencing option in every Grid box. Compliant probation and short split sentences are only available in 22% of the boxes on the Master Grid (10 out of 45) and 70% of the boxes on the Drug Grid (14 out of 20).[14] These types of sentences are typically imposed for less severe offenses and/or offenders with limited criminal histories. However, some offenses are subject to mandatory minimum sentencing provisions, which require the Superior Court to impose a mandatory prison term, the execution of which cannot be suspended, even in a short split or probation eligible box.

2. Offense Severity Group

Figure 5 shows a count-level distribution of sentence types imposed in 2018 for each OSG on the Master and Drug Grids.

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[14] *See* Chapter 4 Section III for a detailed explanation of the Sentencing Guidelines' structure and Appendices A and B for the Master and Drug Grids.

Figure 5: Counts Sentenced by Offense Severity Group (2018)

Total Sentences = 2,208		

Prison = 1,189	Short Split = 423	Probation = 596

Drug Grid = 81	Master Grid = 1108	Drug Grid = 131	Master Grid = 292	Drug Grid = 239	Master Grid = 357
D1 = 5	M1 = 31	D1 = 0	M1 = 0	D1 = 0	M1 = 0
D2 = 28	M2 = 30	D2 = 34	M2 = 0	D2 = 40	M2 = 1
D3 = 42	M3 = 46	D3 = 89	M3 = 0	D3 = 158	M3 = 2
D4 = 6	M4 = 26	D4 = 8	M4 = 0	D4 = 41	M4 = 0
	M5 = 200		M5 = 4		M5 = 3
	M6 = 230		M6 = 40		M6 = 15
	M7 = 192		M7 = 21		M7 = 4
	M8 = 301		M8 = 196		M8 = 289
	M9 = 52		M9 = 31		M9 = 43
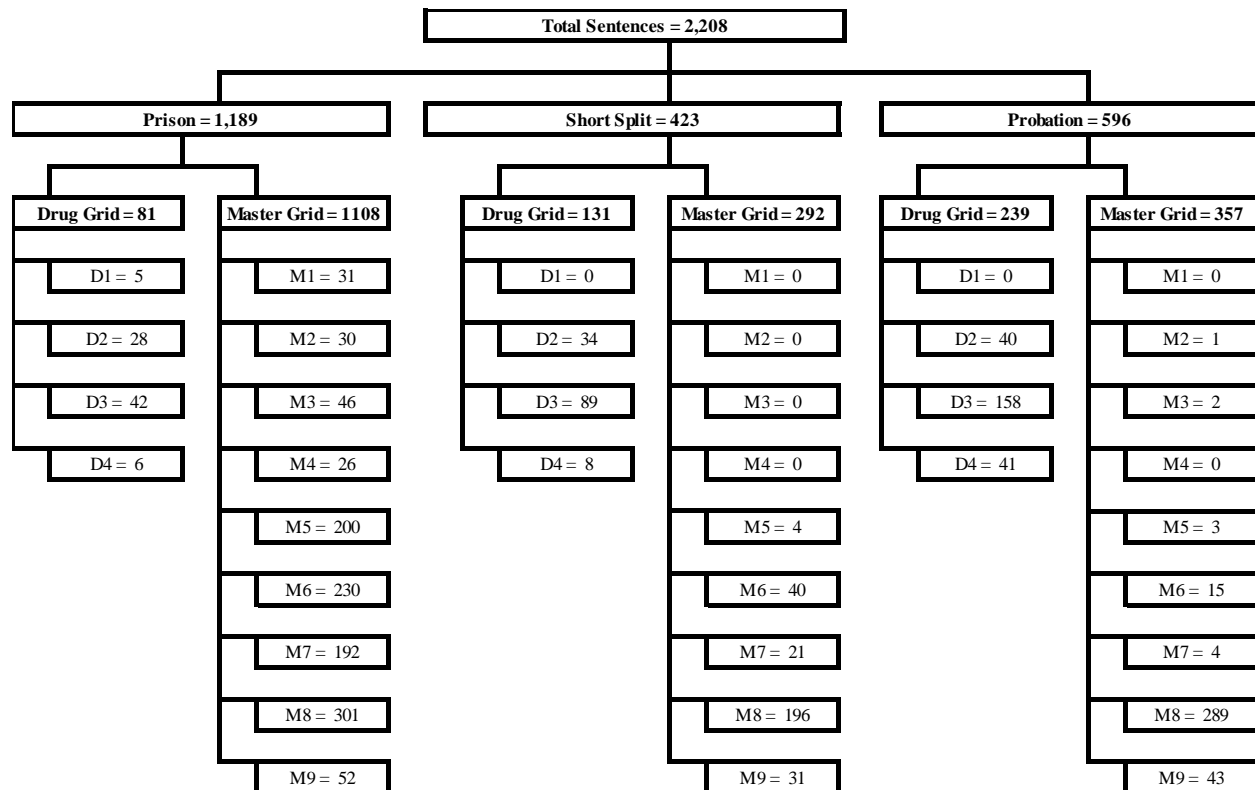
As shown above in Figure 5, prison was the most frequent sentence type in all OSGs on the Master Grid and D1 on the Drug Grid. In contrast, counts sentenced in D2 to D4 received probation sentences more frequently than both short split and prison sentences; 75% of sentences in D4 received a probation sentence. D3 (289 sentences) contained the largest number of felony Drug counts sentenced in 2018, representing 64% of felony Drug sentences.

The largest number of non-Drug felony offenses sentenced were in M8 (786 sentences), representing 45% of all felony non-Drug offenses sentenced, and 37% of M8 offenses received probation.

Table 3 below presents[15] the average CH score by sentence type and OSG for felony counts sentenced in 2018. This table also highlights OSGs where no probation or short split sentences were imposed.

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[15] Percentages may not always sum to 100% across rows due to rounding.

Table 3: Offense Severity Group by Sentence Type and Average CH Score, Count Level (2018, N=2208)

OSG	Prison		Short Split		Probation	
	% of Counts	Average CH Score	% of Counts	Average CH Score	% of Counts	Average CH Score
M1 (N=31)	100%	2.5	0%		0%	
M2 (N=31)	97%	2.2	0%		3%	2.2
M3 (N=48)	96%	1.7	0%		4%	N/A[16]
M4 (N=26)	100%	1.8	0%		0%	
M5 (N=207)	97%	2.0	2%	0.4	1%	0.5
M6 (N=285)	81%	2.3	14%	0.1	5%	0.2
M7 (N=217)	89%	2.5	10%	1.0	2%	0
M8 (N=786)	38%	2.7	25%	0.9	37%	0.5
M9 (N=126)	41%	2.5	25%	1.6	34%	0.7
D1 (N=5)	100%	2.6	0%		0%	
D2 (N=102)	28%	3.5	33%	1.8	39%	1.6
D3 (N=289)	15%	3.5	31%	2.3	55%	1.5
D4 (N=55)	11%	1.8	15%	1.6	75%	2.0

Historically, M5 has been the most severe OSG on the Master Grid in which a non-prison sentence was imposed.[17] Of the 207 counts sentenced in M5 in 2018, four counts were sentenced to short split and three to probation. On the Master Grid, M8 is the highest OSG in which prison represented fewer than half of the sentences imposed (38%). On the Drug Grid, non-prison sentences represented the dominant sentence type imposed for all OSGs but D1.

Some Sex offenses, such as First Degree Sex Abuse, are ranked in M2. The number of cases sentenced for Sex offenses in M2 decreased, while the number of Sex offenses sentenced in M3 increased, compared to 2017.

Since 2010, the percentage of prison sentences has been very high (90+%) for offenses sentenced in M1 to M5 and high (80+%) for offenses in M6 and M7. In M8 and M9, percentages of prison sentences have fluctuated. In M8, prison comprised 68% of sentences imposed in 2010, decreasing steadily to 34% in 2016, and increasing slightly to 38% in 2018. M9 counts sentenced to prison steadily declined from 80% in 2010 to 41% in 2018.

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[16] Guidelines were not applicable for these sentences because CH scores were not available.

[17] In 2018, a non-prison sentence was imposed in M2 for a Murder II count that was sentenced to probation through a compliant departure.

D1 and D4 sentences have been marked by relatively high fluctuations. For instance, 82% of D1 counts were sentenced to prison in 2010, compared to 33% in 2015 and 100% in 2018 (though it should be noted that there were only five D1 sentences in 2018). The percentage of prison sentences in D2 and D3 showed a relatively steady decline from 2010 to 2016, followed by a slight increase in 2017, and a slight decrease in 2018.[18]

Table 4 below provides the percentage of felony cases sentenced in each OSG from 2010 through 2018. The percentage of M1 cases has gradually decreased since 2013, though it increased in 2018 for the first time since 2011 to one percent. Similarly, the percentage of M2, M3, and M4 cases increased in 2018 for the first time since 2015, while that of M5 cases continued to decline.

Table 4: Felony Sentences Imposed by Offense Severity Group, Case Level (2010 - 2018)

	M1	M2	M3	M4	M5	M6	M7	M8	M9	D1	D2	D3	D4
2010 (N=2149)	0.7%	0.9%	1.0%	0.4%	3.1%	6.0%	1.4%	11.3%	9.0%	0.7%	27.3%	38.2%	0.0%
2011 (N=1876)	1.4%	1.4%	1.6%	0.6%	4.0%	6.0%	2.3%	16.1%	6.8%	0.7%	23.8%	34.2%	1.1%
2012 (N=1771)	1.4%	1.5%	1.8%	0.6%	5.0%	8.2%	3.3%	22.2%	8.8%	0.3%	19.1%	24.5%	3.5%
2013 (N=1290)	1.4%	3.3%	0.6%	1.4%	4.3%	21.6%	8.5%	17.3%	10.1%	0.6%	12.6%	17.2%	1.2%
2014 (N=1919)	1.2%	1.8%	2.2%	1.7%	5.9%	10.9%	9.1%	35.1%	11.2%	0.4%	6.9%	10.7%	2.9%
2015 (N=1476)	0.7%	2.5%	2.2%	1.9%	6.6%	14.4%	10.1%	33.1%	10.4%	0.1%	5.3%	10.1%	2.5%
2016 (N=1683)	0.4%	1.4%	1.7%	1.2%	5.9%	15.2%	11.4%	32.6%	7.0%	0.1%	5.0%	13.6%	4.4%
2017 (N=1762)	0.4%	1.1%	1.4%	1.1%	5.1%	15.2%	11.7%	30.0%	5.1%	0.2%	6.5%	16.2%	6.0%
2018 (N=1635)	1.0%	1.5%	1.8%	1.5%	4.5%	10.7%	11.0%	37.8%	5.4%	0.1%	5.3%	16.3%	3.2%

As noted previously, a slight decline was observed in the total number of cases sentenced from 2017. This is because the number of cases sentenced in M5, M6, and M7 on the Master Grid and D2, D3 and D4 in the Drug Grid declined, though the decline was somewhat offset by increases in the number of cases sentenced in the remaining OSGs.

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[18] It should be noted that declines in percentages of prison sentences do not necessarily translate to increases in probation sentences only. Trends in prison rates are often offset by fluctuations in both short split and probation sentences combined.

3. Classification of Offense Categories

Listed below are the Commission's offense categories and common offenses within each category:[19]

- Drug Offenses:

  – Drug offenses while armed;
  – Dist. Or PWID; and
  – Attempted Dist. or Attempted PWID.

- Non-Drug Offenses:

  – Homicide: First Degree Murder, Second Degree Murder, and Voluntary and Involuntary Manslaughter;
  – Violent offenses: Armed, Unarmed, and Attempted Robbery, Assault with a Dangerous Weapon, Aggravated Assault, Carjacking, and Kidnapping;
  – Sex offenses: all degrees of Sexual Abuse, Child Sexual Abuse, and Human Trafficking offenses;
  – Property offenses: Arson, First Degree Burglary, Second Degree Burglary, First Degree Theft, Felony Receiving Stolen Property, Unauthorized Use of a Vehicle, Fraud, and Forgery;
  – Weapon offenses: CPWL, UPF-PF, Unlawful Possession of a Firearm, Prior Crime of Violence (UPF-COV), and PFDCV; and
  – Other Offenses: Prison Breach, Fleeing Law Enforcement, Obstruction of Justice, and Bail Reform Act (BRA) violations.[20]

Figure 6 below presents the distribution of Drug and non-Drug offense categories at the case level in 2018. Overall, felony non-Drug offenses represented approximately 75% of cases sentenced in 2018. The Violent and Weapon offense categories account for 70% of all non-Drug offenses sentenced at the case level.

The Weapon offense category was the largest offense category (27% of all cases sentenced). Within the Weapon offense category, at the case level, CPWL was the most frequent offense sentenced (51% of cases in this category), followed by UPF-PF (38%) and UPF-COV (4%). In comparison, UPF-PF was the most frequent offense in this category in 2017 (39% of the cases in this category). For more information on Weapon offenses, see page 29.

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[19] See Appendix F for additional information regarding sentences by offense type.
[20] A BRA conviction is the result of an offender failing to return to court as required. D.C. Code § 23-1327(a).

Figure 6: Offense Categories, Case Level (2018, N=1635)
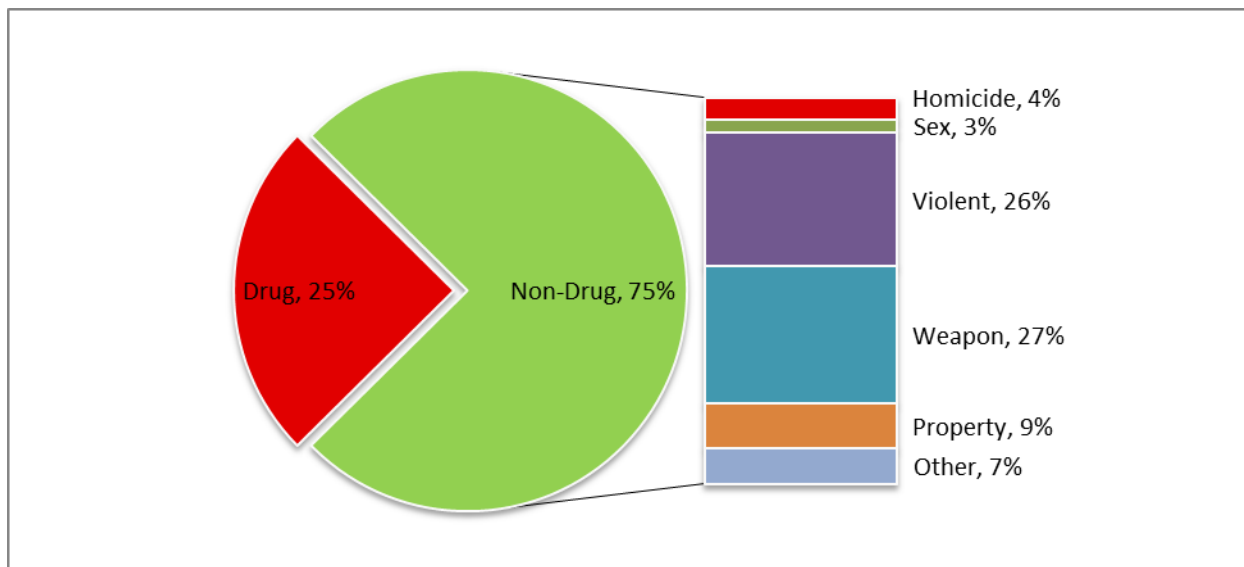
Figure 7 below compares the percentages of the Drug and non-Drug counts sentenced in 2018 and 2017. Felony non-Drug offenses represented approximately 80% of all counts sentenced in 2018, which demonstrates an increase of five percentage points from 75% in 2017 (Figure 7). Among non-Drug offense categories, the 2018 data showed an increase in the proportion of Weapon offenses by seven percentage points and a decrease in Violent offenses by four percentage points compared to 2017.

On the other hand, the proportion of Drug counts experienced a decrease of five percentage points from 25% in 2017 to 20% in 2018.

As shown below, Sex offenses comprised only 3% of all sentences (n=61). In 2018, 43% of Sex offenses were Second Degree Child Sexual Abuse and 25% were First Degree Child Sexual Abuse. First Degree Child Sexual Abuse increased by 120% from 2017 (five in 2017 and 11 in 2018).

Figure 7: Offense Categories, Count Level (2017 and 2018)

2018 (N=2208)
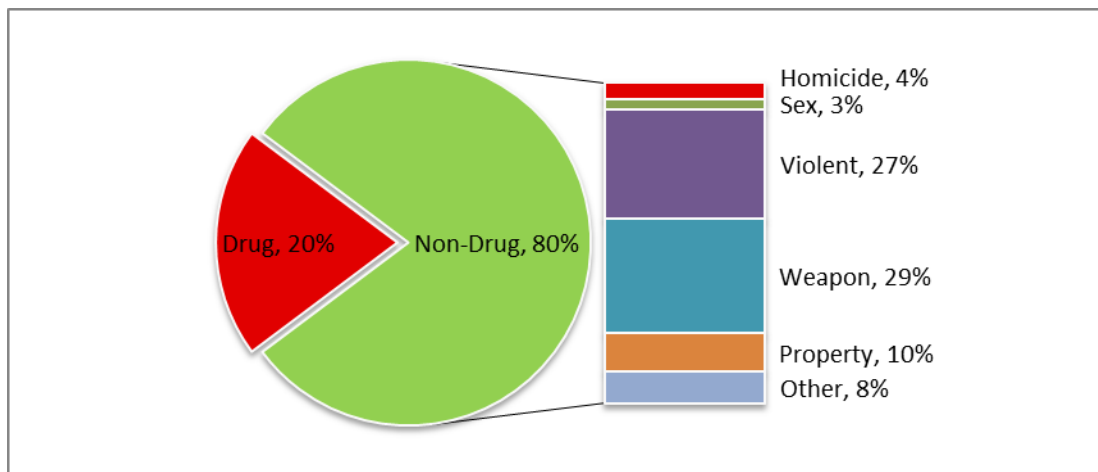
2017 (N=2244)
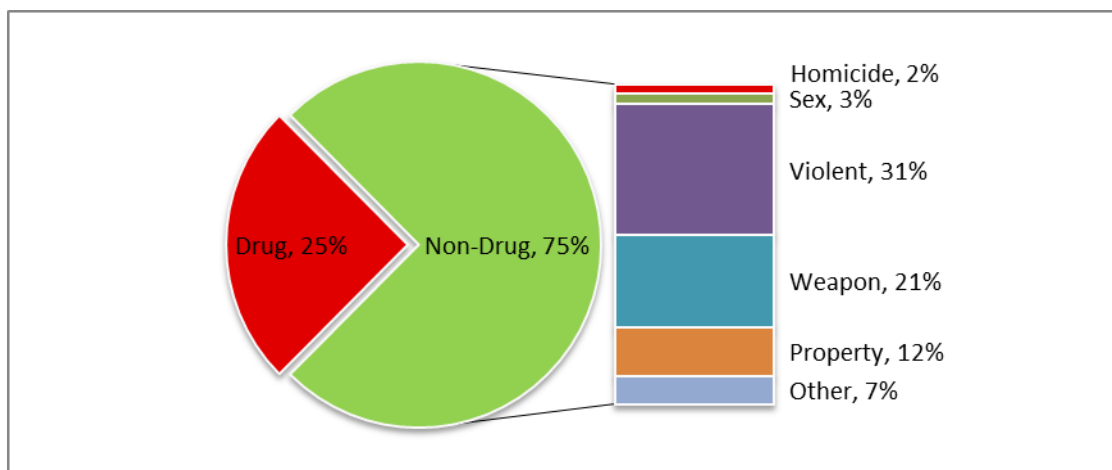
Historically, the proportion of prison sentences remained above 70% for Homicide and Sex cases and above 50% for Violent cases. Compared to 2017, at the case level, the proportion of 2018 prison sentences slightly decreased and probation sentences slightly increased within each offense category.

The percentage of probation, short split, and prison sentences imposed at the case level for each offense category in 2018 is presented in Figure 8 below. Prison was the prominent sentence type for Homicide, Sex, and Violent cases, but the least common sentence for Drug cases. For all offense categories but Drug, the majority of cases were sentenced to either prison or short split. More than half of Drug cases (55%) were sentenced to probation. UPF-PF cases sentenced to prison comprised 23% of all cases sentenced to prison in 2018, compared to 16% in 2017.

Figure 8: Offense Category by Sentence Type, Case Level (2018)
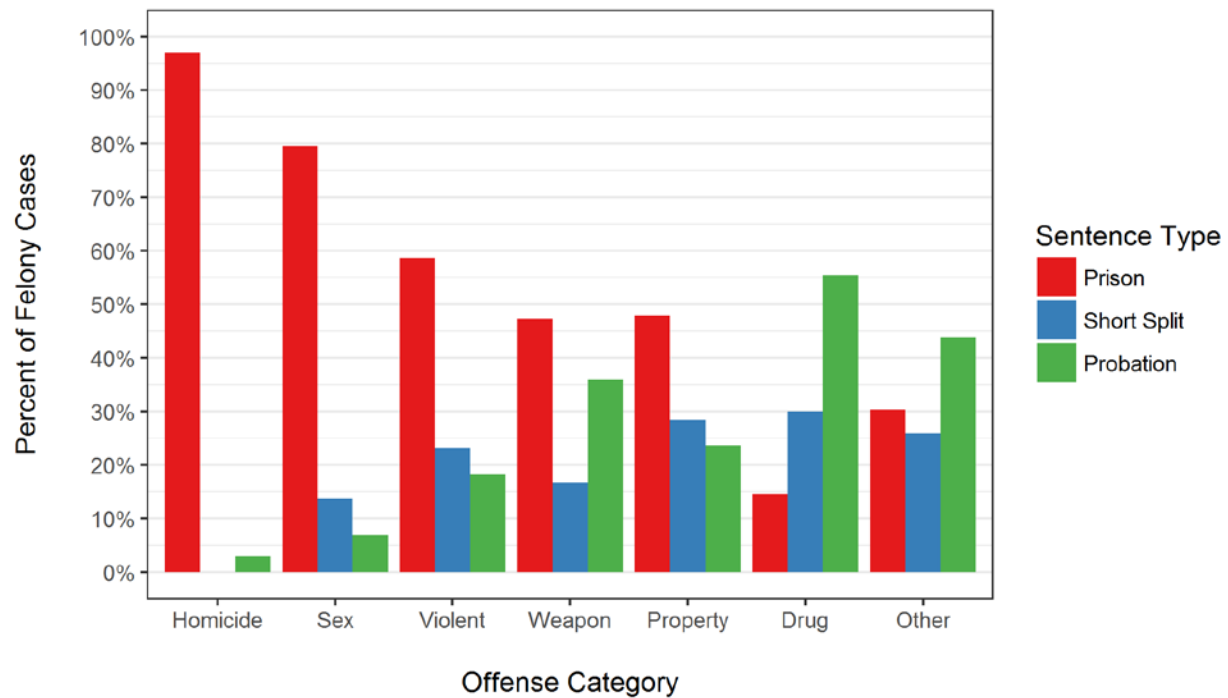
	Homicide (N=68)	Sex (N=44)	Violent (N=424)	Weapon (N=437)	Property (N=144)	Drug (N=406)	Other (N=112)
Prison	97.1%	79.5%	58.7%	47.4%	47.9%	14.5%	30.4%
Short Split	0.0%	13.6%	23.1%	16.7%	28.5%	30.0%	25.9%
Probation	2.9%	6.8%	18.2%	35.9%	23.6%	55.4%	43.8%

Figure 9 highlights trends in Drug and Violent counts sentenced. The number of Violent counts sentenced showed some volatility between 2010 and 2015; however, since 2016, Violent offenses have remained fairly stable, with a slight decrease in 2018. Drug offenses, which steadily declined from 2010 through 2015, began to increase until 2017, and then declined in 2018 by 20%.

Figure 9: Sentenced Drug and Violent Offense Counts (2010 - 2018)
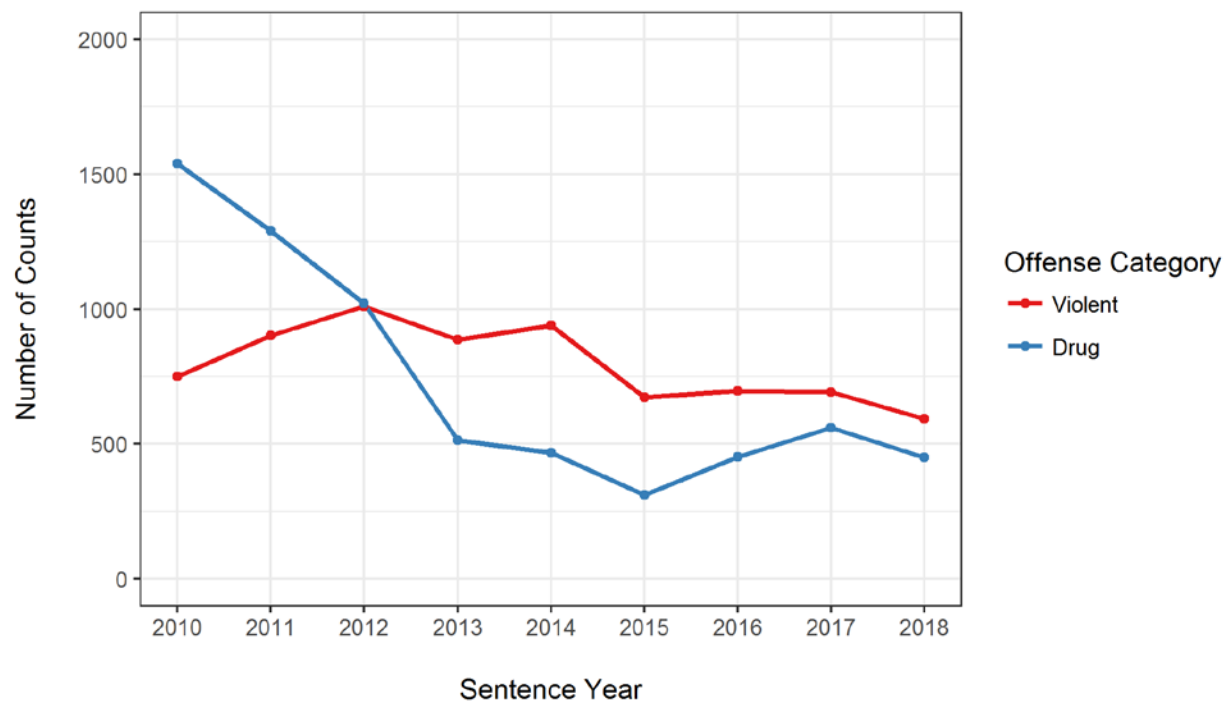
	2010 (N=2287)	2011 (N=2191)	2012 (N=2033)	2013 (N=1400)	2014 (N=1407)	2015 (N=986)	2016 (N=1149)	2017 (N=1253)	2018 (N=1044)
Violent	749	902	1011	886	939	674	697	692	593
Drug	1538	1289	1022	514	468	312	452	561	451

Figure 10 provides data on Weapon and Violent offenses. In 2018, the number of Weapon offenses increased sharply by 31% from 481 to 632 and Violent offenses[21] decreased by 14% from 692 to 593 from 2017. Weapons offenses have been gradually increasing since 2015. This increase continued into 2018, representing the first time since 2010 that the number of Weapons counts sentenced has surpassed that of Violent counts. Violent counts, however, have been gradually declining since 2010, and reached an all-time low in 2018.

In this category, Robbery counts decreased by 23% (from 321 to 247) between 2017 and 2018, while the number of other offenses remained relatively constant. The increase in Weapon offenses from 2017 is attributable primarily to the increases in the number of CPWL and UPF-PF sentences.

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[21] Violent offenses include, for example: Armed and Unarmed Robbery, Assault with a Dangerous Weapon, Aggravated Assault, Carjacking, and Kidnapping.

Figure 10: Sentenced Weapon and Violent Offense Counts (2010 - 2018)
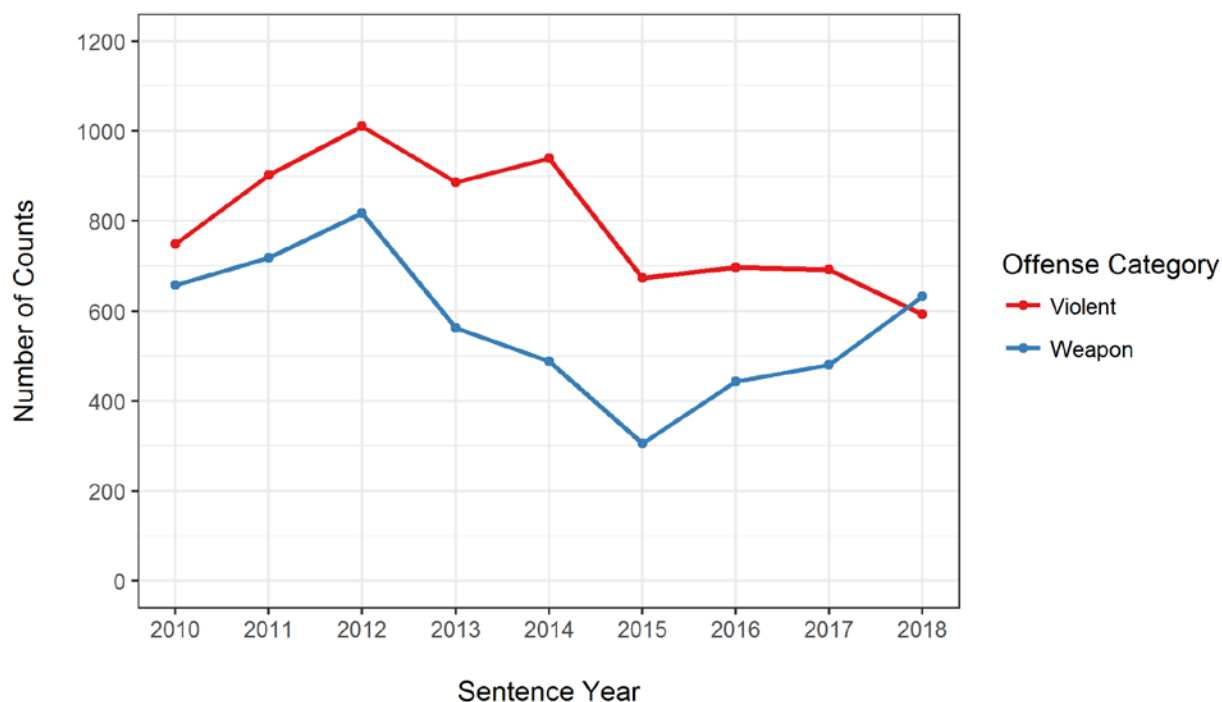
	2010 (N=1407)	2011 (N=1620)	2012 (N=1828)	2013 (N=1449)	2014 (N=1427)	2015 (N=980)	2016 (N=1141)	2017 (N=1173)	2018 (N=1225)
Violent	749	902	1011	886	939	674	697	692	593
Weapon	658	718	817	563	488	306	444	481	632

The following paragraphs examine some 2018 trends in Weapon offenses.

The mandatory minimum prison sentence is *one year* for UPF-PF[22] convictions, *three years* for UPF-COV[23] convictions, and *five years* for PFDCV[24] convictions.[25] Similar to 2017, CPWL, UPF-PF, and PFDCV offenses represented the majority of Weapon offenses sentenced in 2018.

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[22] D.C. Code § 22-4503(a)(1). Note that the OSG for UPF-PF offenses was recently changed by the Commission from M7 to M8. Changes in Guidelines rules do not affect mandatory minimum sentences (see pages 27 to 30).

[23] D.C. Code § 22-4503(b)(1).

[24] D.C. Code § 22–4501(1), § 22–4504(b).

[25] Judges are bound by mandatory minimum sentencing laws, which are enacted by the Council, for certain crimes of conviction. Where a mandatory minimum applies, judges have the discretion to sentence to a guidelines-compliant term of imprisonment in excess of the mandatory minimum, including imposing a sentence up to the statutory maximum. Mandatory minimum sentencing applies only to an offense of conviction. Offenses, for which a defendant may have been arrested, prosecuted, or indicted, but not convicted, do not create any obligation to sentence to a mandatory minimum term of incarceration. For instance, an offender who was arrested for UPF-PF but who pleads guilty to CPWL would not be subject to the mandatory minimum sentencing law that applies to UPF-PF. The mandatory minimum does not apply to cases that the Superior Court sentenced under the Youth Rehabilitation Act of 1985, D.C. Code § 24–903(b)(2), D.C. Law 22-197 § 102(c)(2) (2018).

Of the 632 Weapon offenses sentenced in the District, 44% were for CPWL, 31% for UPF-PF, and 17% for PFDCV offenses. The number of sentences increased for each of these offenses from 2017, with the largest increase in PFDCV offenses (57% increase), followed by CPWL (53% increase) and UPF-PF (21% increase).

In 2018, the median sentence imposed for CPWL convictions was 10 months.[26] More than half (59%) of these convictions were sentenced to probation. The majority of UPF-PF counts were sentenced to prison (97%),[27] and the median sentence imposed was 24 months. Among CPWL, UPF-PF, and PFDCV convictions, PFDCV convictions had the highest median sentence imposed (72 months). Compared to 2017, median sentences imposed increased by 12 months for PFDCV convictions, remained the same for UPF-PF convictions at 24 months, and decreased for CPWL convictions by two months.

As mentioned previously, the Commission re-ranked UPF-PF from M7 to M8 to address criminal history related issues. Prior to this change, in cases involving UPF-PF convictions, an offender's prior felony conviction had the potential to increase the Guidelines recommended sentence for that offender *twice*: once by moving the offender to a higher OSG (i.e. from M8, where the similar CPWL offense is ranked, to M7) and once more by moving the offender to a higher criminal history group (due to the prior felony, if scored). Furthermore, as an M7 offense, in the Criminal History Group B (e.g. bearing a scored prior felony conviction), the minimum Guidelines recommended compliant sentence for the offense was 18 months, which was six months higher than the mandatory minimum sentence for the offense (12 months).

This change went into effect for any pleas or verdicts on or after July 16, 2018, impacting some UPF-PF offenses sentenced in 2018.[28] Note that *the Guidelines cannot legally reduce or increase the mandatory minimum sentence*, which is set by statute by the Council. Both the median and the mean sentences imposed remained greater than the mandatory minimum sentence in higher CH Groups.[29]

The re-ranking of UPF-PF appears to have moved UPF-PF sentences closer to the mandatory minimum. However, *due care must be exercised when interpreting these results* due to the low number of UPF-PF offenses ranked in M8 (n=46). The majority (77%) of the UPF-PF counts sentenced in 2018 were ranked in M7, rather than M8.

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[26] Life and indeterminate sentences and convictions for which sentence length was not available to the Commission (e.g. cases that were sentenced solely to time served) were excluded from sentence length-related analyses.

[27] The mandatory minimum does *not* apply to cases that the Superior Court sentenced under the Youth Rehabilitation Act of 1985, D.C. Code § 24–903(b)(2), D.C. Law 22-197 § 102(c)(2) (2018).

[28] The Commission approved the new ranking at its June 19, 2018, meeting, and the new ranking is reflected in the 2018 Guidelines Manual. This change affected not only the in-the-box sentencing range but also the scoring of prior convictions for this offense. When calculating a defendant's criminal history score, a non-lapsed/revived UPF-PF conviction is now worth one point (.5 if lapsed and revived). Previously, as a M7 felony, it counted as two points in a CH score. District of Columbia Sentencing Commission. "Sentencing Guidelines Alert- June 2018," June 28, 2018. https://scdc.dc.gov/page/sentencing-guidelines-alert-june-2018.

[29] The median sentence imposed was the same as the mandatory minimum among UPF-PF counts sentenced in 2018 in Grid boxes M7:A (i.e. M7 in CH Group A) and M8:B.

Figure 11 below highlights trends in Homicide sentences. Homicide counts represented 792 of the 26,431 felonies sentenced (3%) across all years between 2010 and 2018, and 89 of the 2,208 counts (4%) in 2018. The lowest number of Homicide sentences was observed in 2017. As shown below, for the first time since 2012, Homicide counts sentenced have shown a sharp increase by 94% from 46 in 2017 to 89 in 2018. Further information on Homicide sentences is provided in Section II.C (page 37).

Figure 11: Sentenced Homicide Counts (2010 - 2018)
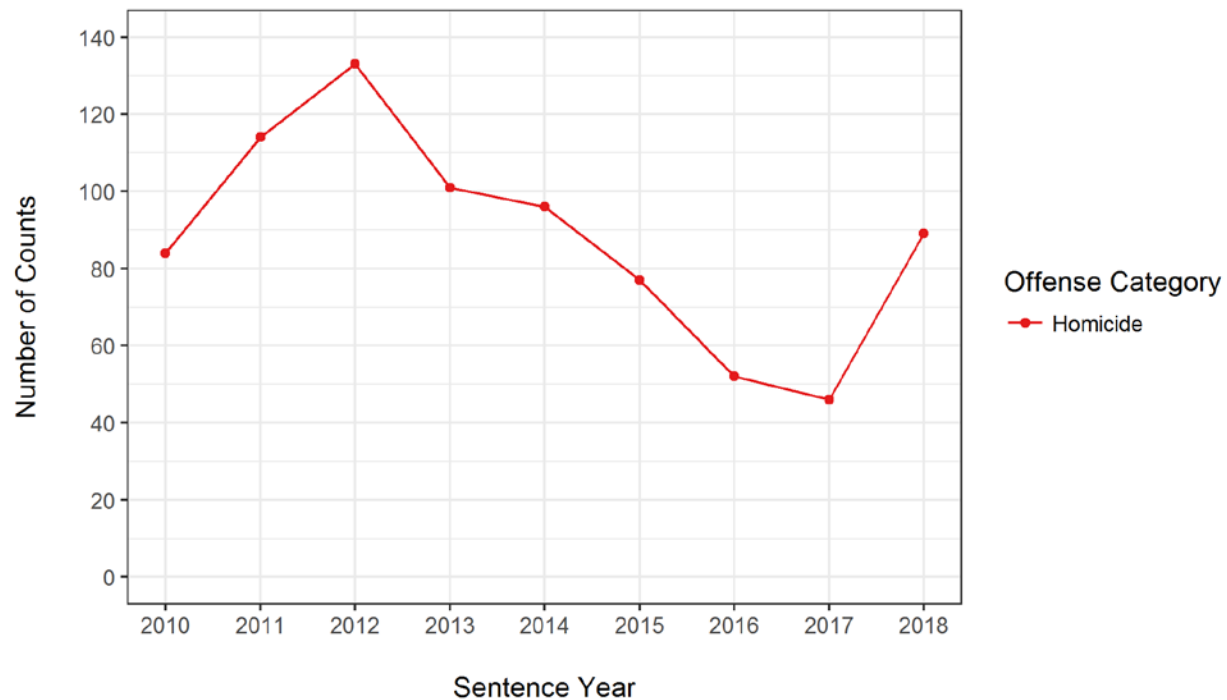
	2010	2011	2012	2013	2014	2015	2016	2017	2018
Homicide	84	114	133	101	96	77	52	46	89

B. Felony Sentencing Demographics: Gender, Race, and Age of Offenders

1. Gender

An offender's gender[30] was recorded for 1,542 of the 1,546 offenders[31] sentenced in 2018 (Figure 12). The number of male offenders sentenced was 1,417 (92%), compared to 125 female offenders (8%) in 2018. There has been a two percent point decrease from 2017 to 2018 in the percentage of females sentenced. In comparison, the highest percentage of females sentenced was 14% in 2010.

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[30] The Commission's data on offender gender is a limited binary categorization (i.e. only male or female).
[31] Each case may have one or more counts, and each offender may have one or more cases in a given calendar year.

Figure 12: Felony Offenders by Gender (2010 - 2018)
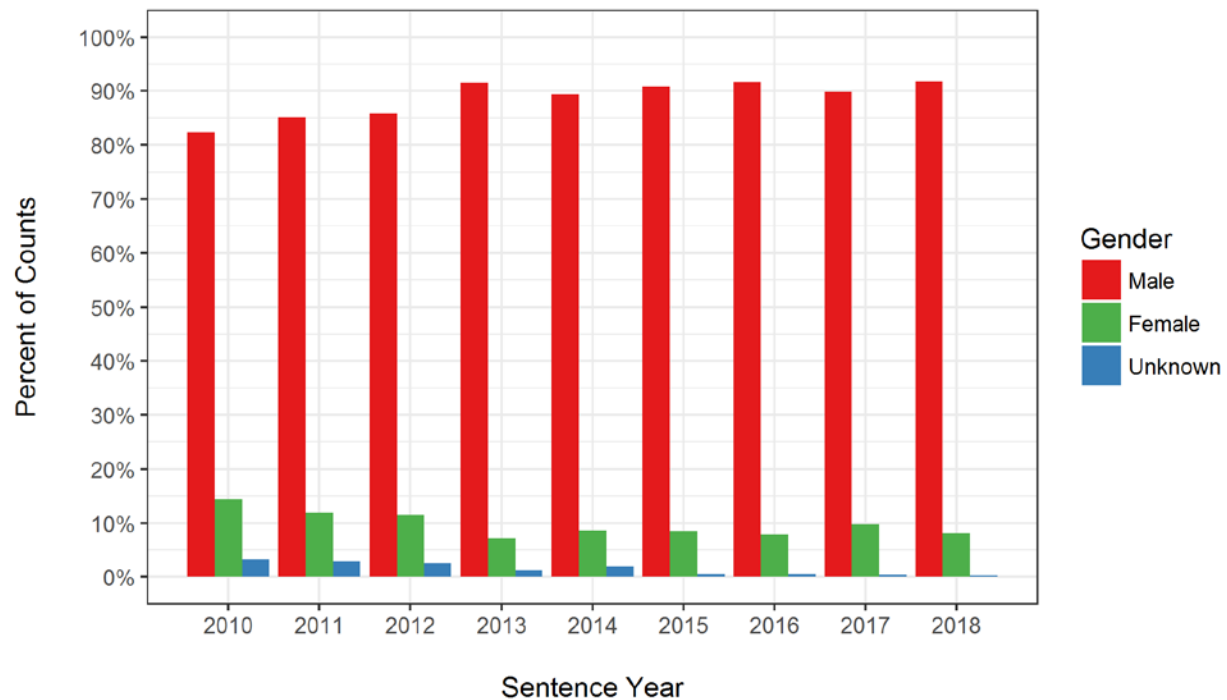
	2010 (N=2913)	2011 (N=2737)	2012 (N=2635)	2013 (N=2016)	2014 (N=1854)	2015 (N=1410)	2016 (N=1611)	2017 (N=1666)	2018 (N=1546)
Male	82.4%	85.1%	85.9%	91.5%	89.4%	90.9%	91.6%	89.9%	91.7%
Female	14.4%	11.9%	11.5%	7.2%	8.7%	8.5%	7.8%	9.8%	8.1%
Unknown	3.2%	3.0%	2.5%	1.2%	1.9%	0.6%	0.6%	0.4%	0.3%

Figure 13 shows the percentage distribution of sentences imposed by offense category for each gender. Violent and Drug were common offenses for both genders. Males were more frequently sentenced for Weapon (29%), Violent (25%), and Drug (24%) offenses. For females, the most common offense categories were Drug (35%), Violent (31%), and Other (16%) offenses.

Figure 13: Gender by Offense Category, Case Level (2018)
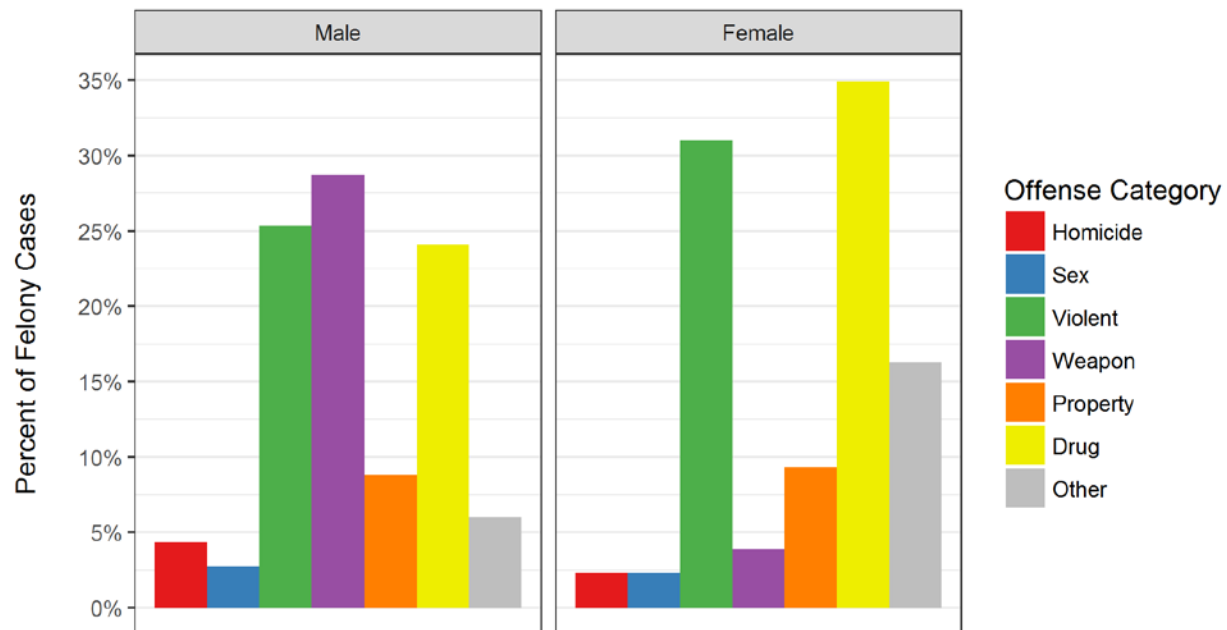
	Homicide (N=68)	Sex (N=44)	Violent (N=420)	Weapon (N=436)	Property (N=144)	Drug (N=406)	Other (N=111)
Male (N=1500)	4.3%	2.7%	25.3%	28.7%	8.8%	24.1%	6.0%
Female (N=129)	2.3%	2.3%	31.0%	3.9%	9.3%	34.9%	16.3%

CH scores and sentences by gender are provided in Tables 5a and 5b below, at the case level.[32] Similar to previous years, in 2018, the average CH score of 1.8 for males (n=1,407) was higher than the average CH score of 1.2 for females (n=127). Males received longer sentences on average and were sentenced to prison more frequently than were females.

Table 5a: CH Score and Sentence Length by Gender, Case Level (2010 - 2018)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2010	1,043	194	2.1	1.3	29	14	18	12
2011	895	136	2.0	1.3	34	23	18	12
2012	1,324	206	1.9	1.1	34	16	18	12
2013	1,111	98	1.8	0.8	38	24	18	12

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[32] Cases for which gender or CH score information was unavailable and cases with life or indeterminate sentences were excluded from these two tables. Percentages may not add up to 100% due to rounding.

| Sentence Year | Number of Cases | | Mean CH Score | | Sentence Length Imposed (Months) | | | |
| | | | | | Mean | | Median | |
	Male	Female	Male	Female	Male	Female	Male	Female
2014	1,637	155	1.7	0.8	35	17	18	12
2015	1,305	115	1.9	1.0	35	18	20	12
2016	1,490	118	1.7	1.0	29	19	18	13
2017	1,550	169	1.8	1.1	29	18	18	12
2018	1,407	127	1.8	1.2	30	21	18	12

Table 5b: Sentence Type by Gender, Case Level (2010 - 2018)

| Sentence Year | Sentence Type | | | | | |
| | Percent Probation | | Percent Short Split | | Percent Prison | |
	Male	Female	Male	Female	Male	Female
2010	18%	38%	12%	22%	70%	40%
2011	20%	37%	11%	13%	69%	50%
2012	17%	36%	15%	19%	68%	45%
2013	16%	38%	17%	23%	67%	39%
2014	19%	42%	18%	21%	63%	37%
2015	25%	50%	19%	24%	55%	26%
2016	35%	53%	18%	21%	47%	26%
2017	28%	49%	21%	28%	52%	23%
2018	33%	46%	22%	35%	45%	19%

For a case-level breakdown of recent sentences and CH Scores by gender and offense categories please see Appendix F (page 65).[33]

Some of the differences between sentence type and sentence length for males and females can be explained by the types of offenses for which each gender is typically sentenced. Such differences can also be attributed, in part, to limited criminal history, parental responsibilities, level of cooperativeness, role in the offense, and mental health, abuse, addiction, and other life circumstances of female offenders.[34]

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[33] Appendix F contains detailed information regarding sentence length (mean), sentence type (percentage of prison, short split, and probation), and CH scores (median and mean) by offense category and gender.

[34] Sonja B. Starr, "Estimating Federal Disparities in Federal Criminal Cases," *Law and Economics Research Paper Series, University of Michigan Law School,* no. 12-018 (2012): 12-16.

2. Race

In 2018, an offender's race[35] was reported for 1,527 of the 1,546 offenders sentenced.[36] As with previous years, the vast majority (96%) of offenders were Black (n=1,464). The remaining offender race categories included White (4%, n=62), Unknown[37] (1%, n=19), and Hispanic (0.1%, n<5).

Weapon (29%, n=610) and Violent (27%, n=556) offenses were more commonly sentenced among Black offenders, while White offenders were sentenced more frequently for Violent (29%, n=27) and Sex (25%, n=23) offenses, the latter being the least common offense category for which Black offenders were sentenced (2%, n=38).

The average CH score for Black offenders was three times higher (1.8, n=1,464) compared to that for White offenders (0.6, n=62). About half of White offenders had a CH score of zero. This rate was 23% for Black offenders. Consequently, more than 60% of White offenders were sentenced in CH Group A, compared to Black offenders, one third of whom were sentenced in CH Group A. Within both race categories, the proportion of offenders in CH Group B was approximately 25%.

Offenders in other race categories were not included in the above comparisons due to the low number of offenders in each.

3. Age

Age was calculated for offenders in 1,628 of the 1,635 cases[38] sentenced in 2018.[39] The Commission examined age using the following age groups: 15-17, 18-21, 22-30, 31-40, 41-50, 51-60, 61-70, and 71+. Offenders between the ages of 18 and 30 accounted for 57% of all offenders sentenced (Figure 14). The 22-30 age group was the most prevalent age group, accounting for 38% of all offenders sentenced. The 71+ age group was the least represented age group at less than one percent.

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[35] Race category data used by the Commission does not capture ethnicity, thus Black offenders of Hispanic origin or White offenders of Hispanic origin are not presented.

[36] Each case may have one or more counts. Each offender may have one or more cases in a given calendar year.

[37] The Other category for race, when present, includes all individuals not identified or reported as Asian, Black, Hispanic, Native American, Pacific Islander, and white.
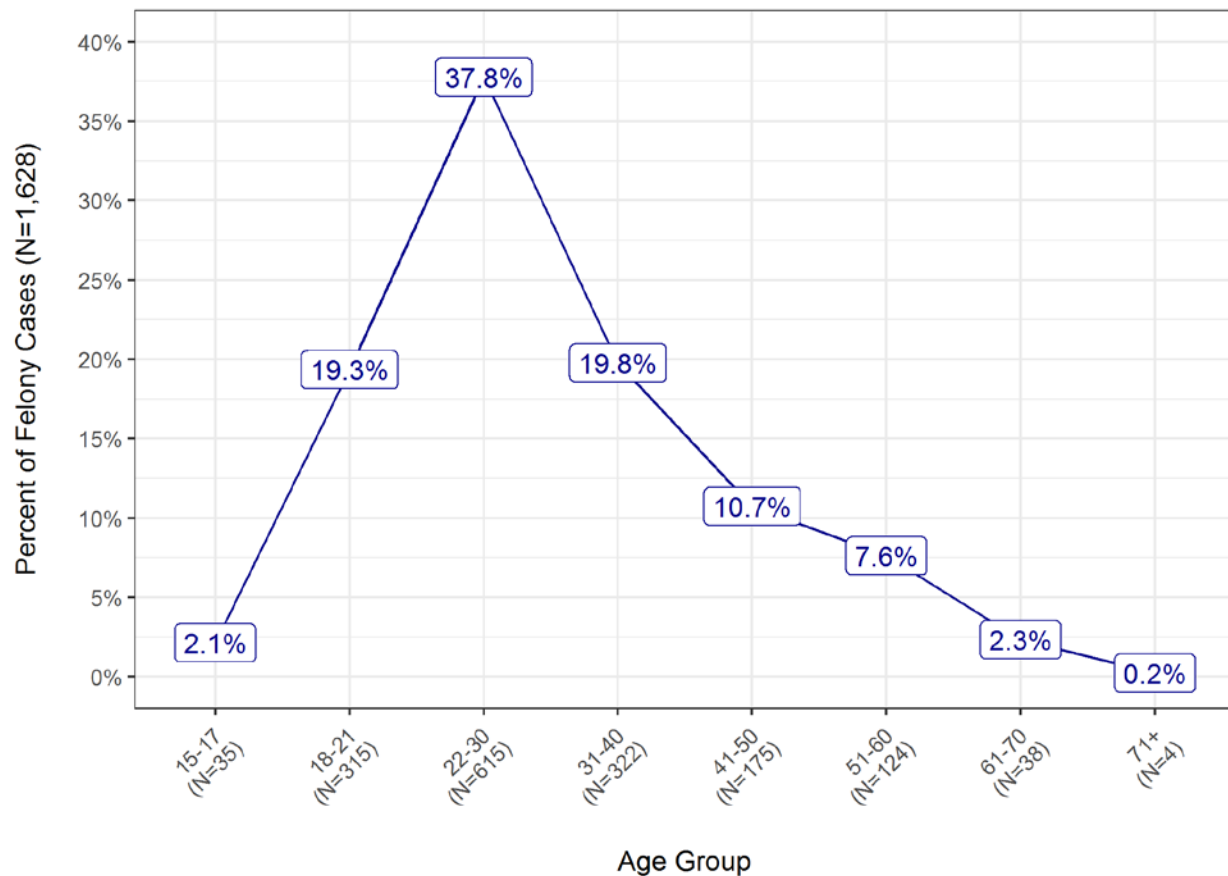
[38] Each case may have one or more counts. Each offender may have one or more cases in a given calendar year.

[39] The age of each offender refers to his or her age at the time the offense was committed. In infrequent cases where an offense date is not provided, the arrest date is used instead.

Figure 14: Sentences Imposed by Age Group, Case Level (2018)

The largest increase in percentage points between 2010 and 2018 was in the 22-30 age group with a 12 percentage point increase from 26% to 38%. In contrast, the largest decrease was in the 41-50 age group, with a 13 percentage point decrease from 24% to 11%. In addition, there has been a noticeable steady decrease in the percent of sentences in the 18-21 age group, declining from 32% in 2014 to 19% in 2018. The overall trends in the age crime curve depicted above remained fairly stable since 2015.

Table 6: Sentences by Age Group, Case Level (2010 - 2018)

	2010 (N=2090)	2011 (N=1823)	2012 (N=1719)	2013 (N=1258)	2014 (N=1894)	2015 (N=1476)	2016 (N=1669)	2017 (N=1753)	2018 (N=1628)
15-17	1.2%	1.5%	1.3%	2.9%	2.6%	2.3%	3.6%	2.5%	2.1%
18-21	16.5%	19.8%	23.3%	29.1%	31.8%	27.8%	26.0%	20.9%	19.3%
22-30	26.2%	26.8%	28.3%	29.5%	28.8%	32.7%	32.5%	36.9%	37.8%
31-40	19.2%	20.3%	19.7%	17.1%	17.4%	18.1%	17.7%	17.5%	19.8%
41-50	23.8%	20.5%	17.4%	12.9%	11.0%	10.3%	10.7%	9.6%	10.7%
51-60	11.2%	10.0%	8.6%	6.8%	7.1%	7.7%	7.7%	10.0%	7.6%
61-70	1.8%	1.2%	1.3%	1.6%	1.2%	0.9%	1.8%	2.5%	2.3%
71+	0.1%	0.0%	0.1%	0.2%	0.1%	0.2%	0.1%	0.1%	0.2%

Without controlling for offense category, 81% of all offenders sentenced to prison were under the age of 41 (Figure 15). One in three (33%) offenders between 18 and 21 and half of those between 22 and 30 were sentenced to prison (Figure 15).[40]

Figure 15: Age Group by Sentence Type, Case Level (2018)
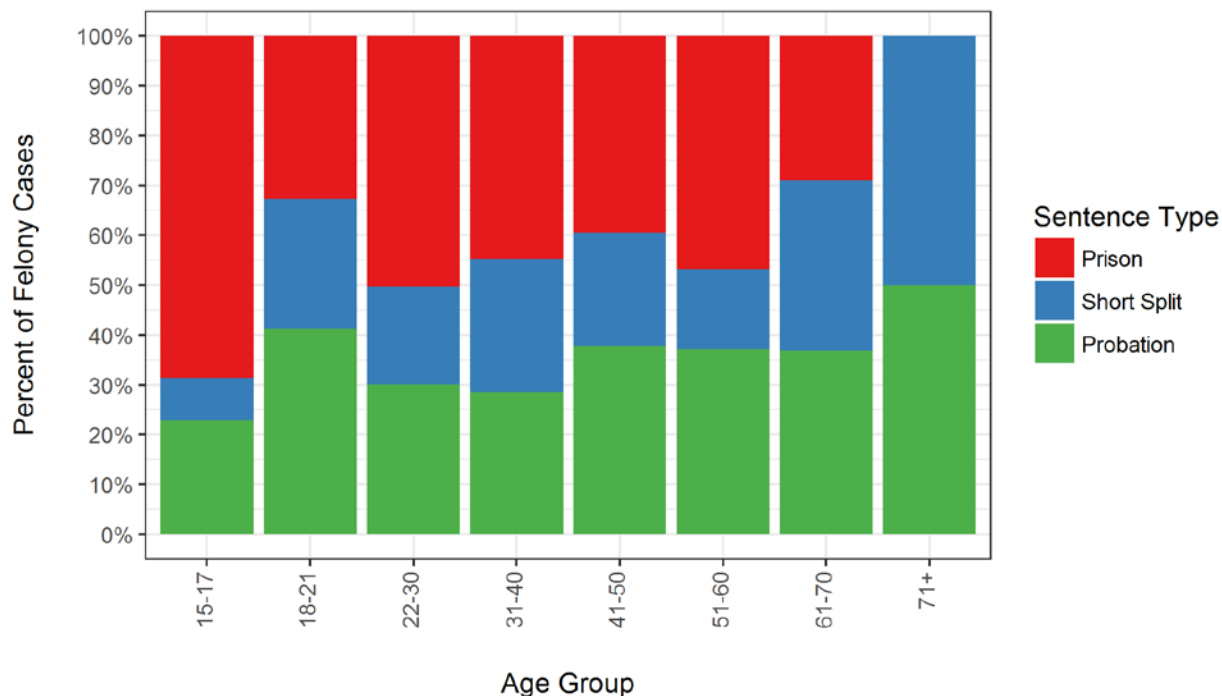
	15-17	18-21	22-30	31-40	41-50	51-60	61-70	71+
Prison	24	103	310	144	69	58	11	0
Short Split	3	82	120	86	40	20	13	2
Probation	8	130	185	92	66	46	14	2

In 2018, as was the case in 2017, Black males (ages 18 to 30) constituted more than half of the offenders sentenced at the count, case, and offender levels, and 45% of these offenders received a prison sentence, at the case level.

C. Homicide Analysis

There were 89 Homicide[41] counts sentenced in 2018, showing a 94% increase from 2017 (this dramatic increase reflects the relatively low number of homicides overall). As shown in Figure 16, the number of Homicide counts sentenced in 2017 (n=46) represents the lowest number of Homicide sentences imposed in the 2010 - 2018 time period, while the number of Homicide counts sentenced in 2012 (n=133) represents the highest.

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[40] No 15 year old defendants were sentenced during this time frame. The relatively high rate of prison sentences for 16 and 17 year olds is explained by the fact that these individuals can be charged as adults only for the most serious and violent offenses under D.C. Code §16-2301.

[41] Negligent homicide is included in the Other rather than the Homicide offense category.

Voluntary Manslaughter was the most frequently sentenced Homicide in 2017. In comparison, for the first time since 2012, the number of Murder I sentences surpassed that of other Homicide types in 2018. Murder I (35%, n=31) and Murder II (32%, n=28) counts accounted for the majority of Homicides sentenced this year. While the number of all Homicide types sentenced almost doubled from 2017 to 2018, sentences for Murder I increased 244% (from 1-31) and sentences for Murder II increased 87% (from 15 to 28) (Figure 16). In particular, the number of sentences imposed for murder was the highest that it has been since 2012.

Figure 16: Homicide Sentences by Year, Count Level (2010 - 2018)
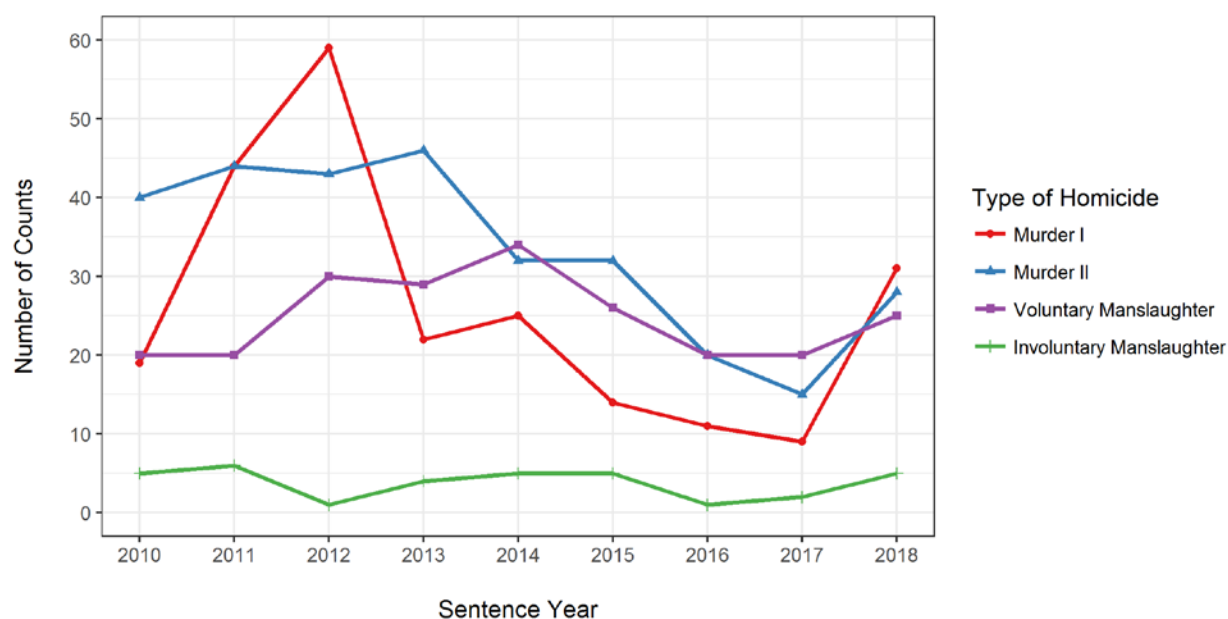
	2010 (N=84)	2011 (N=114)	2012 (N=133)	2013 (N=101)	2014 (N=96)	2015 (N=77)	2016 (N=52)	2017 (N=46)	2018 (N=89)
Murder I	19	44	59	22	25	14	11	9	31
Murder II	40	44	43	46	32	32	20	15	28
Voluntary Manslaughter	20	20	30	29	34	26	20	20	25
Involuntary Manslaughter	5	6	1	4	5	5	1	2	5

The median sentence imposed was 420 months (35 years) for Murder I, 240 months (20 years) for Murder II, 108 months (nine years) for Voluntary Manslaughter, and 72 months (six years) for Involuntary Manslaughter.[42] Compared to 2017, median sentence imposed decreased by 18 months (one and a half years) for Voluntary Manslaughter offenses and increased by 60 months (five years) for Murder I, 36 months (three years) for Murder II, and six months for Involuntary Manslaughter offenses.

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[42] Life and indeterminate sentences and convictions for which sentence length was not available to the Commission (e.g. against offenders sentenced to time served) were excluded from sentence length-related analyses.

D. Overview of Top Five Offense Categories and Sub-Categories

The Commission classifies all felony offenses into one of seven offense categories: Homicide, Sex, Violent, Weapon, Property, Drug, and Other. These seven offense categories are further broken down into 13 sub-categories.[43] This section provides an overview of sentencing trends for the top five offense categories and top five sub-categories at the count level. The top five offense categories and sub-categories are determined by the number of felony counts sentenced within each offense category and sub-category.

Figure 17 shows the distribution of the 2018 top five offense categories over the past nine years.

Figure 17: Top Five Offense Categories, Count Level (2010 - 2018)
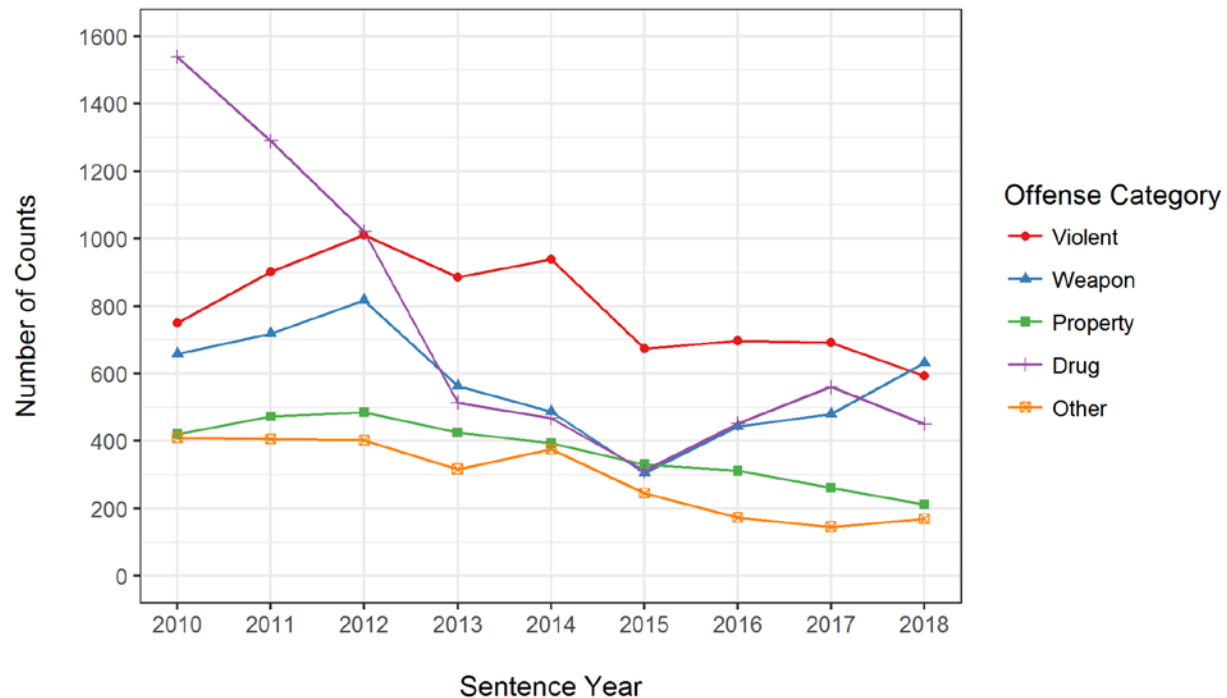
	2010 (N=3776)	2011 (N=3788)	2012 (N=3738)	2013 (N=2706)	2014 (N=2664)	2015 (N=1869)	2016 (N=2079)	2017 (N=2141)	2018 (N=2058)
Violent	749	902	1011	886	939	674	697	692	593
Weapon	658	718	817	563	488	306	444	481	632
Property	421	473	486	426	393	331	312	261	212
Drug	1538	1289	1022	514	468	312	452	561	451
Other	410	406	402	317	376	246	174	146	170

In 2018, Weapon offenses (n=632), which peaked in 2012 (n=817), experienced a 31% increase in sentences imposed from 2017. Sentences in the Violent offense category peaked in 2012

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[43] These offense sub-categories are: Assault, Attempted drug offenses, Burglary, (Completed) Drug offenses, Kidnapping, Murder, Other-Non-Property, Other-Property, Robbery, Sex, Theft, Weapon, and While armed Drug offenses. See also Appendix C.

(n=1,011) and displayed a 14% decrease from 692 to 593 counts sentenced between 2017 and 2018. The Drug offense category, which peaked in 2010 (n=1,538), has demonstrated a 20% decrease between 2017 and 2018, back to the level seen in 2016 (Figure 17).

Each of the seven offense categories are divided into sub-categories to allow for more in-depth analysis of specific offenses that significantly contribute to the larger offense categories. Figure 18 presents sentencing trends for the top five offense sub-categories, which include: Assault, Attempted Drug offenses, Drug offenses, Robbery, and Weapon offenses. These five offense sub-categories accounted for 75% of all felony offenses sentenced in 2018.

Figure 18: Top Five Offense Sub-Categories, Count Level (2010 - 2018)
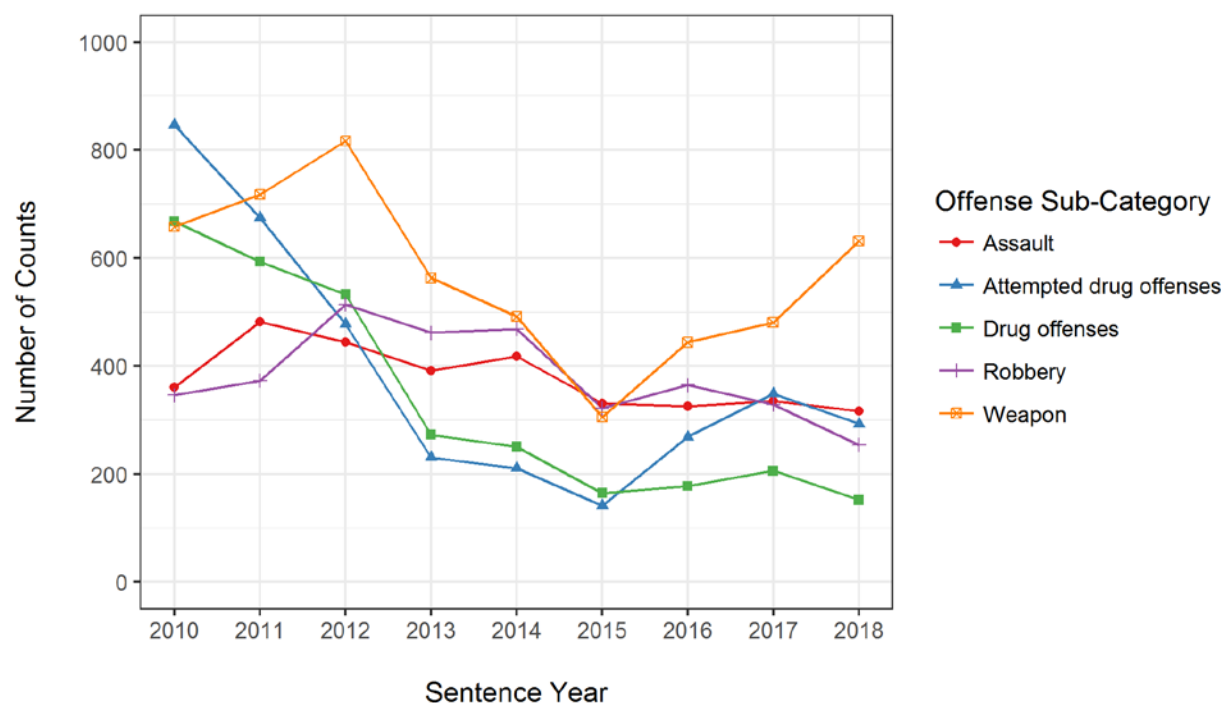
	2010 (N=2880)	2011 (N=2841)	2012 (N=2786)	2013 (N=1921)	2014 (N=1841)	2015 (N=1266)	2016 (N=1581)	2017 (N=1700)	2018 (N=1648)
Assault	361	482	444	392	418	331	325	335	317
Attempted Drug offenses	847	675	478	231	211	142	269	349	293
Drug offenses	668	593	533	273	251	165	178	206	152
Robbery	346	373	514	462	469	322	365	329	254
Weapon	658	718	817	563	492	306	444	481	632

The only increase in counts sentenced was observed in the Weapon sub-category (31%), while the remaining sub-categories decreased. For instance, sentences in the Drug sub-category decreased by 26% and those in the Robbery sub-category by 23%.

Although the number of Weapon offenses peaked in 2012 at 817, there has been a steady increase in weapon offenses since 2015. The number of Weapon offenses sentenced in 2018

closely mirrors the number of offenses sentenced in 2010. Assaults show a slight decrease from 2011, but the number of assaults sentenced has remained fairly stable since 2015. Drug offenses have decreased nearly every year since 2010, and Robbery offenses in 2018 were the lowest they have been since before 2010.

In summary, the number of counts, cases, and offenders sentenced decreased slightly from 2017. This decrease was primarily due to decreases in Violent and Drug sentences, and it was offset by a relatively sharp increase in Weapon sentences. Overall, the number of counts sentenced for Homicide, Sex, Weapon, and Other offenses increased, while that for Violent, Property, and Drug offenses decreased. The sharpest increases were in Homicide and Weapon sentences. Homicide sentences increased for the first time since 2012 by 94%, due primarily to increases in Murder I and Murder II sentences. The increase in Weapon offenses is primarily attributable to the increases in the number of CPWL and UPF-PF sentences.

Non-Drug offenses represented approximately 75% of cases sentenced in 2018. Overall, 67% of D.C.'s felony offenders received either a prison or short split sentence at the case level. Prison was the most frequent sentence type in all OSGs on the Master Grid and in D1 on the Drug Grid at the count level.

The largest number of non-Drug felony counts sentenced appeared in M8, representing 45% of all felony non-Drug offenses sentenced.[44] Thirty eight percent of counts in M8 received a prison sentence, 25% received a short split sentence, and 37% received probation. M8 is also the highest OSG on the Master Grid in which prison represented fewer than half of the sentences imposed. Within M8, while slight decreases were observed in the number of Property and Violent cases sentenced, a sharp increase in Weapon cases accounted for the overall increase of cases sentenced.

III. Compliance with the D.C. Voluntary Sentencing Guidelines

The Commission monitors judicial compliance with the Sentencing Guidelines[45] as part of its statutory mandate. This allows the Commission to assess how well the Sentencing Guidelines are achieving the goals of promoting fair and consistent sentencing and highlights sentencing patterns that may suggest a need to modify the Guidelines.

Judicial compliance with the Sentencing Guidelines, as used in this section, means that the sentence imposed:

- Satisfied both the type and length of sentence recommended by the applicable Guidelines grid box;
- Was a compliant departure where the judge relied on one of the aggravating or mitigating factors identified in the Guidelines;
- Was imposed to run concurrently with an equal or longer compliant sentence;

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[44] Some of the offenses that are ranked in M8 include Attempted Robbery, UPF-PF, CPWL, Theft I, and Assault I.
[45] The District's Guidelines are voluntary. Therefore, a judge can impose any legal sentence, whether or not it is compliant with the Guidelines.

- Was compliant due to a sentencing enhancement; or
- Was imposed pursuant to Superior Court Criminal Procedure Rule 11(c)(1)(C) plea agreement.[46]

Judicial compliance with the Sentencing Guidelines has been at or above 86% since 2010. The highest compliance rate was observed in 2018 (97.6%) and the lowest rate in 2010 (86%).

A. How the Commission Defines Compliance with the Sentencing Guidelines

The Commission determines compliance with the Sentencing Guidelines by examining whether the sentence imposed is within the sentencing options and sentencing range recommended by the Guidelines. The options and range are determined by the OSG of the sentenced offense and the offender's CH score. The Guidelines rank every non-Drug felony offense into one of nine OSGs (M1 to M9) on the Master Grid based on its predetermined severity level (M1 offenses being the most serious and M9 being the least serious), and rank every felony Drug offense into one of four OSGs (D1 to D4) on the Drug Grid (D1 offenses being the most serious and D4 being the least serious).

Before sentencing, a CSOSA PSR writer researches an offender's complete criminal history, applies a series of Guidelines scoring rules, and calculates each offender's numerical CH score.[47] The sentencing judge finalizes this score at sentencing, resolving any disputes raised by the parties. The CH scoring rules account for the type, number, and severity of the offender's prior convictions, including out-of-District convictions, and the length of time between the end of the offender's prior sentences and the commission of the instant offense. Once the CH score is calculated, the Guidelines place the CH score into one of five CH score categories, A through E, with A representing the lowest CH score category and E representing the highest.

The intersection of an offender's OSG on the vertical axis and CH score category on the horizontal axis on either the Master or the Drug Grid identifies the Grid box containing the offender's recommended sentence type and sentence range.[48] To be considered a Guideline compliant in the box sentence, the sentence imposed for each felony count must be compliant in length (*durational compliance*[49]) and sentence type (*dispositional compliance*[50]).

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[46] Under Federal Rule of Criminal Procedure 11(c)(1)(C), the parties can agree on a guilty plea with a specific sentence, or sentence range, or cap. If the judge accepts the plea, the judge is also bound by the parties' agreement. All counts sentenced as a result of a Rule 11(c)(1)(C) plea are classified as compliant Rule 11(c)(1)(C) sentences regardless of whether the agreed sentence imposed would have otherwise been compliant with the applicable Guidelines range and/or sentencing options.

[47] On rare occasions, such as when the court sentences the offender immediately after a plea or verdict, CSOSA may not be requested to complete a criminal history score for an offender. In 2018, this was the case for 47 of 1,635 cases.

[48] See Appendices A and B for the Master Grid and Drug Grid.

[49] Durational compliance means the total sentence falls within the specific Guidelines range for the defendant's grid box.

[50] Dispositional compliance means the type of sentence imposed is an available option in the defendant's grid box.

Dispositional compliance is based on the Guidelines sentencing options available in each grid box. There are 45 boxes on the Master Grid and 20 boxes on the Drug Grid. Each Grid box has one, two, or three sentencing options available:

- Prison and long split sentences: Available in all boxes.
- Short split sentences: Available in colored (green and yellow) or shaded boxes (light and dark).
- Probation sentences: Available in yellow or light shaded boxes.

Sentence options are defined as:

- Prison sentence: The court sentences the offender to a prison term within the Grid box range. None of the time imposed is suspended. The prison term is followed by a period of supervised release.
- Long split sentence: The court sentences the offender to a prison term within the Grid box range. The court suspends part of the sentence; however the time actually served (not suspended) is still equal to or above the bottom of the recommended Grid box range. There is a period of probation to follow release from prison (and supervised release is suspended).
- Short split sentence: The court sentences the offender to a prison term within the recommended Grid box range. The court suspends part of the sentence, such that the time actually served (not suspended) is at least one day and *not more than six months*. There is a period of probation to follow release from prison (and supervised release suspended).
- Probation sentence: The court sentences the offender to a prison term within the recommended Grid box range, suspends the entire sentence, and places the offender on a period of probation.

If the type of sentence imposed is not one of the available sentencing options, and/or if the duration of the sentence is not within the range recommended for a specific Grid box, then the sentence is deemed to be an outside the box sentence. An outside the box sentence can still be compliant with the Guidelines if it falls into one of the other compliant sentence classifications listed below.

B. Guidelines Sentence Classifications

The Commission assigns all sentences to one of the following five classifications:

- Compliant In the Box Sentences: Sentences that fall within the Guidelines recommended sentence type (prison, short split, or probation) and Grid box range based on the offender's offense of conviction and CH score.
- Compliant Outside the Box Sentences: Sentences that either are not of an appropriate type or fall above or below the Grid box range based on the offender's offense of conviction and CH score, but are compliant with the Guidelines due to other sentencing factors. Examples

include sentences that run concurrently with a compliant greater or equal sentence and sentences based on a statutory enhancement.[51]

- Rule 11(c)(1)(C) Sentences: Sentences that are based on a Rule 11(c)(1)(C) guilty plea, where the parties agree on a sentence at the time the plea is entered and the judge accepts the plea, including the agreed upon sentence. Sentences following a Rule 11(c)(1)(C) plea are analyzed as compliant in the box sentences.

- Compliant Departures: Sentences that either are not of an appropriate type or fall above or below the Grid box range based on the offender's offense of conviction and CH score, but the judge cites one of the applicable aggravating or mitigating departure principles as a basis for the sentence.[52]

- Non-Compliant Departures: Sentences that either are not of an appropriate type or fall above or below the Grid box range based on the offender's offense of conviction and CH score, and the judge does not cite an aggravating or mitigating departure principle. The District's Guidelines are voluntary. Therefore, a judge can impose any legal sentence, whether or not it is compliant with the Guidelines. If, after three attempts to contact a judge regarding a sentence that appears to be non-compliant, the Commission does not receive a departure letter response, the Commission classifies the sentence as a Non-Compliant Departure.

The classification of compliance analysis into five distinct categories enables the Commission to examine instances when a sentence falls within the recommended range, falls outside the range but is compliant for another reason, such as an applicable statutory enhancement, is compliant because of an applicable departure principle, or is non-compliant with the Guidelines.

C. Data Reporting

The first step in measuring judicial compliance with the Sentencing Guidelines is to identify the recommended sentencing type and prison ranges for every felony count sentenced, and then compare the recommended sentence to the sentence imposed by the judge. The Superior Court provides offense and sentencing information to the Commission through the IJIS 12.1 interface. CSOSA enters criminal history information for each offender directly into the GRID system through GSS. The GRID system uses this data to initially determine compliance with the Sentencing Guidelines, which is reported at the count level. Cases found to be non-compliant are categorized as such.

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[51] Statutory enhancements raise the maximum sentence in the Guidelines range for the applicable box in proportion to the effect of the enhancement on the statutory maximum sentence, but do not affect the bottom of the in the box range.

[52] In order to address atypical cases or offenders, the Guidelines allow judges to depart from the recommended sentencing range and options. Departures are classified as either aggravating or mitigating departures depending on whether they depart higher or lower than the sentence type or prison range called for by the Grid box. There are 11 aggravating departure principles that may be used when the sentence imposed by the judge is more severe than the sentence recommended by the Guidelines and 10 mitigating departure principles that may be applied when the sentence imposed by the judge is less severe than the Guideline recommended sentence. When one of the 21 departure principles is cited by a judge as a reason for departing from the applicable guidelines, the sentence is considered a "compliant departure."

If, after a multi-step validation process,[53] a sentence still appears to be non-compliant, a Departure Form is forwarded to the judge to verify the offense, offender, and sentence information in the case. Departure Forms provide the sentencing judge the opportunity to identify inaccuracies in the data, such as an incorrectly recorded sentence, a modified CH score, a departure principle the judge relied on but did not record, or an explanation as to why he or she elected not to utilize the Sentencing Guidelines. In 2018, the Commission contacted the Court and/or sent Departure Forms to judges for all counts that initially appeared to be non-compliant. Of the 80 Departure Forms sent to judges, the Commission received 74 replies. The 93% response rate represents an improvement over previous years. This high response rate improves the quality of the Commission's data and partially accounts for decreases in non-compliant sentences (Figure 19).[54]

Superior Court judges ordered a PSR or requested an offender's CH score in 98% of all felony counts sentenced in 2018. The Commission received complete sentencing data for all cases for which CSOSA calculated the offender's CH score (consisting of a CH score, a conviction charge, and a sentence, in addition to many other data points). Two percent of felony counts sentenced involved cases where the court did not request the offender's CH score or the judge sentenced the offender without a PSR. Without the benefit of a CH score, compliance cannot be calculated.

Prior to 2010, Guidelines compliant departure information was collected and categorized in a manner different from the current classification process. The compliance analysis contained in this section applies only to data from 2010 through 2018. This allows the Commission to provide an accurate assessment of trends related to compliant departures and overall judicial compliance.

D. Compliance Analysis

1. Overall Compliance

In 2018, Superior Court judges imposed sentences for 2,208 felony counts.[55] The Commission calculated Guidelines compliance for 2,126 of the 2,208 counts sentenced. The remaining 82 counts occurred in cases where the Guidelines did not apply[56] (n=34) and sentences for which the Court did not request a PSR or a CH score calculation (n=48). Counts sentenced without a CH score (except for Rule 11(c)(1)(C) sentences) have also been removed from the historical data used throughout this chapter.

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[53] For a more detailed explanation of the process, see Appendix E.

[54] If a judge does not respond to a Departure Form or Commission follow-up, the sentence is deemed non-compliant.

[55] As noted previously, this number represents counts sentenced; it does not include sentences following revocation of probation or remand from the Court of Appeals.

[56] The Guidelines do not apply to indeterminate sentences and sentences where a defendant's guilt was determined prior to June 14, 2004.

Figure 19: Overall Judicial Compliance (2018)

Compliance Status
- Compliant (N=2075, 97.6%)
- Non-Compliant (N=51, 2.4%)
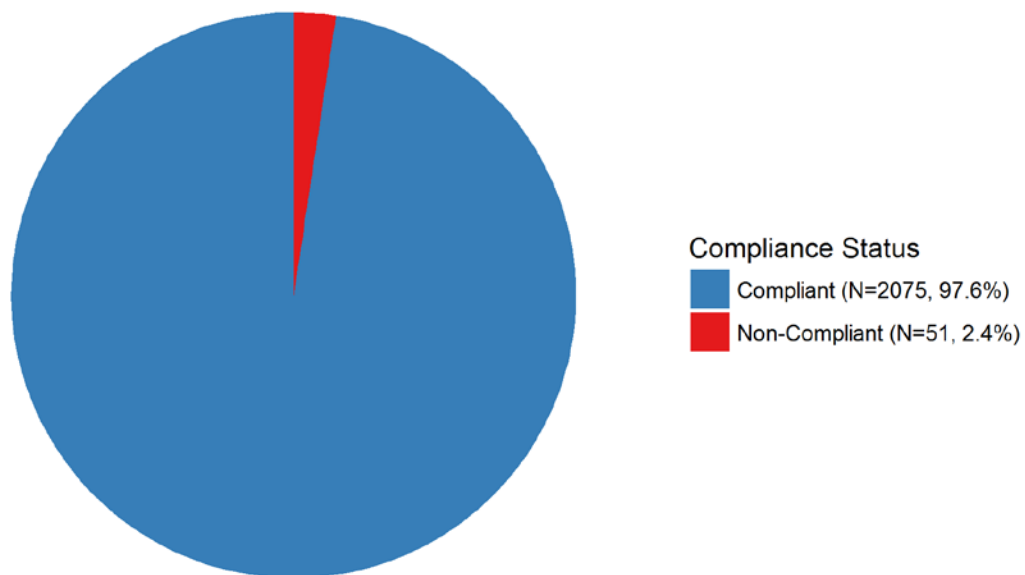
Overall, the rate of judicial compliance with the Sentencing Guidelines remains at or above 86%, with the last four years at 95% or higher. The 97.6% Guidelines compliance rate in 2018 was the highest compliance rate observed by the Commission. This significantly high compliance rate reflects the consistent application and strong acceptance of the Guidelines by Superior Court judges (Figure 20), as well as the fact that broad ranges give judges a high amount of discretion.

Figure 20: Trends in Judicial Guidelines Compliance (2010 - 2018)
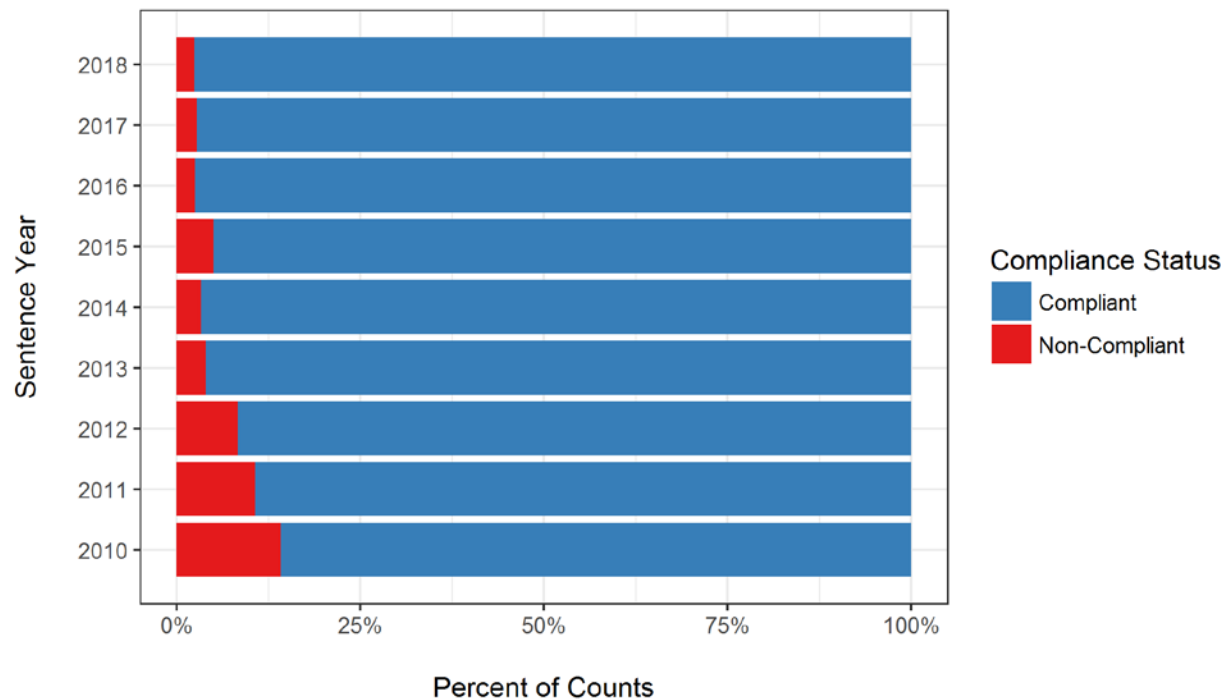
	2010 (N=1900)	2011 (N=1636)	2012 (N=2703)	2013 (N=2295)	2014 (N=2278)	2015 (N=1949)	2016 (N=2110)	2017 (N=2218)	2018 (N=2126)
Compliant	85.8%	89.4%	91.7%	96.1%	96.7%	95.0%	97.5%	97.2%	97.6%
Non-Compliant	14.2%	10.6%	8.3%	3.9%	3.3%	5.0%	2.5%	2.8%	2.4%

2. Compliance by Offense Category

Figure 21 shows the percentage of compliant and non-compliant sentences imposed by offense category. The highest rates of compliance were observed for Sex (100%), Homicide (99%), Violent (99%), Property (99%), and Other offenses (99%), while Weapon (96%) and Drug offenses (96%) each had a four percent rate of non-compliance.

Figure 21: Compliance by Offense Category (2018)
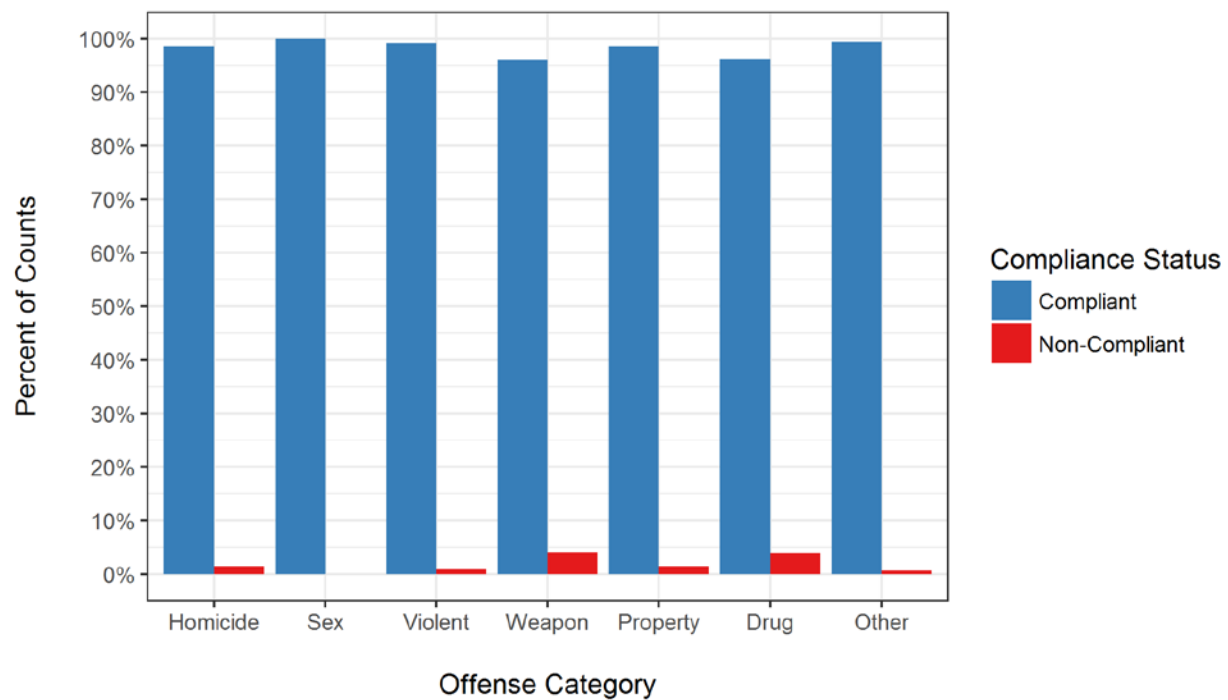
	Homicide	Sex	Violent	Weapon	Property	Drug	Other
Compliant	99%	100%	99%	96%	99%	96%	99%
Non-Compliant	1%	0%	1%	4%	1%	4%	1%

Figures 22 and 23 show the distribution of sentences by offense category within each of the compliance categories (i.e. compliant or non-compliant). Weapon (28%) and Violent (28%) offenses accounted for more than half of the compliant sentences. Of the 51 non-compliant sentences, Weapon (47%, n=24) and Drug (33%, n=17) offenses comprised the vast majority. One hundred percent of the non-compliant sentences were downward departures.

Figure 22: Distribution of Compliant Sentences by Offense Categories (2018)
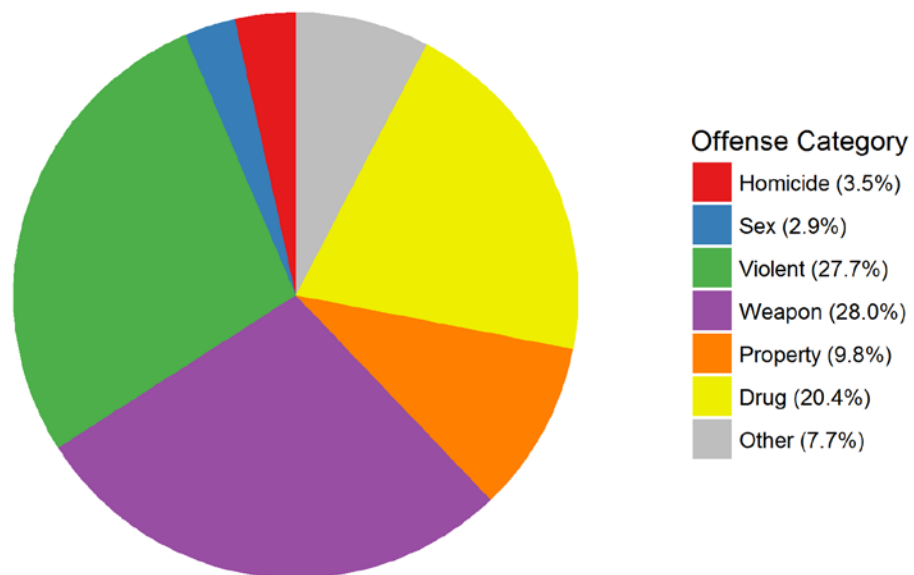
Figure 23: Distribution of Non-Compliant Sentences by Offense Categories (2018)
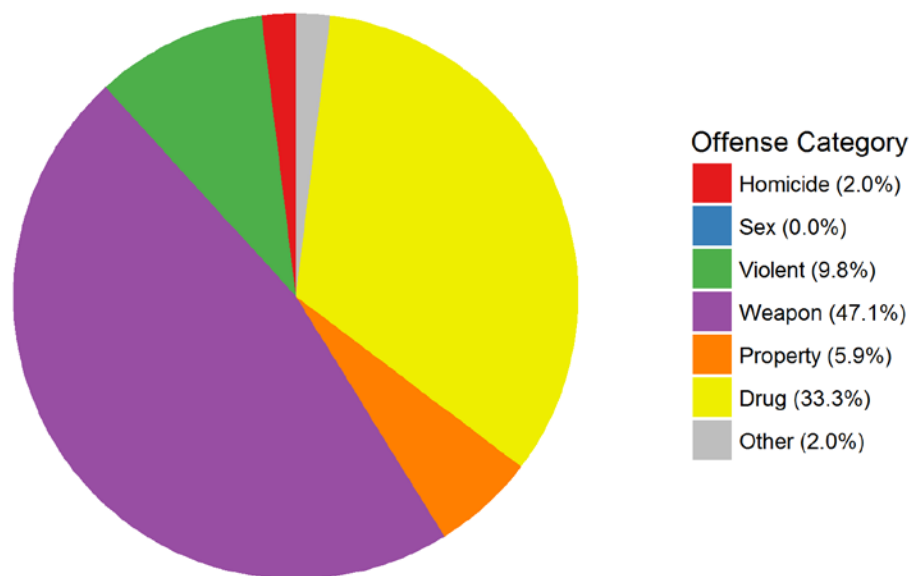
3. Judicial Compliance Sub-Categories

Judicial compliance with the Guidelines can be further divided into sub-categories based on the different types of compliant sentences: Rule 11(c)(1)(C) plea, compliant in the box, compliant outside the box, compliant departure, and non-compliant sentences (Figure 24).

Figure 24: Compliance Sub-Categories (2018)

Compliance Sub-Categories
- Rule 11(c)(1)(C) Plea (4.2%, n=90)
- Compliant in the box (91.0%, n=1934)
- Compliant outside the box (0.5%, n=10)
- Compliant departure (1.9%, n=41)
- Non-Compliant (2.4%, n=51)
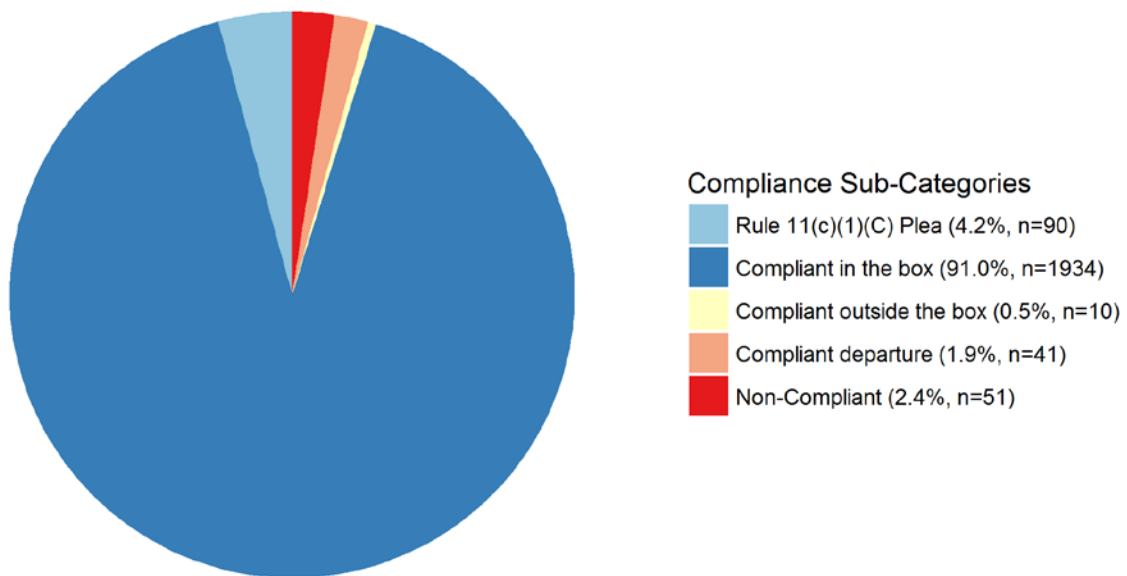
As shown in Figure 25, the proportion of compliant in the box sentences steadily increased between 2010 and 2013 from 86% to 92%, decreased to 87% in 2014, and has continued to increase since to 93% in 2017. In 2018, this rate decreased slightly to 91%.

Figure 25: Trends in Compliant in the Box Sentencing (2010 - 2018)
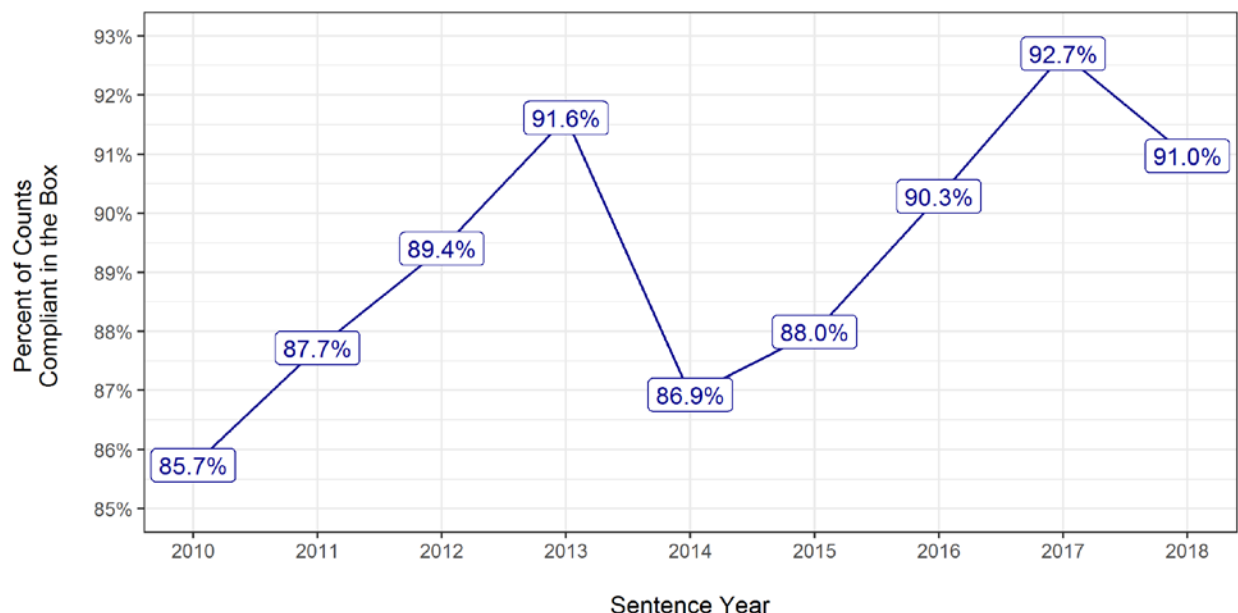
Figure 26 shows the trends in sentences that are not compliant in the box. Among these, the sharpest increase from 2017 was in Rule 11(c)(1)(C) pleas by 70%, from 53 sentences in 2017 to 90 in 2018. This was in part due to increases in Rule 11(c)(1)(C) pleas in Weapon sentences in M8 (e.g. CPWL and UPF-PF), Violent sentences in M6 (e.g. Assault with a Dangerous Weapon), and Property sentences in M7 (e.g. Burglary II).

Figure 26: Trends in Sentencing not Compliant in the Box (2010 - 2018)
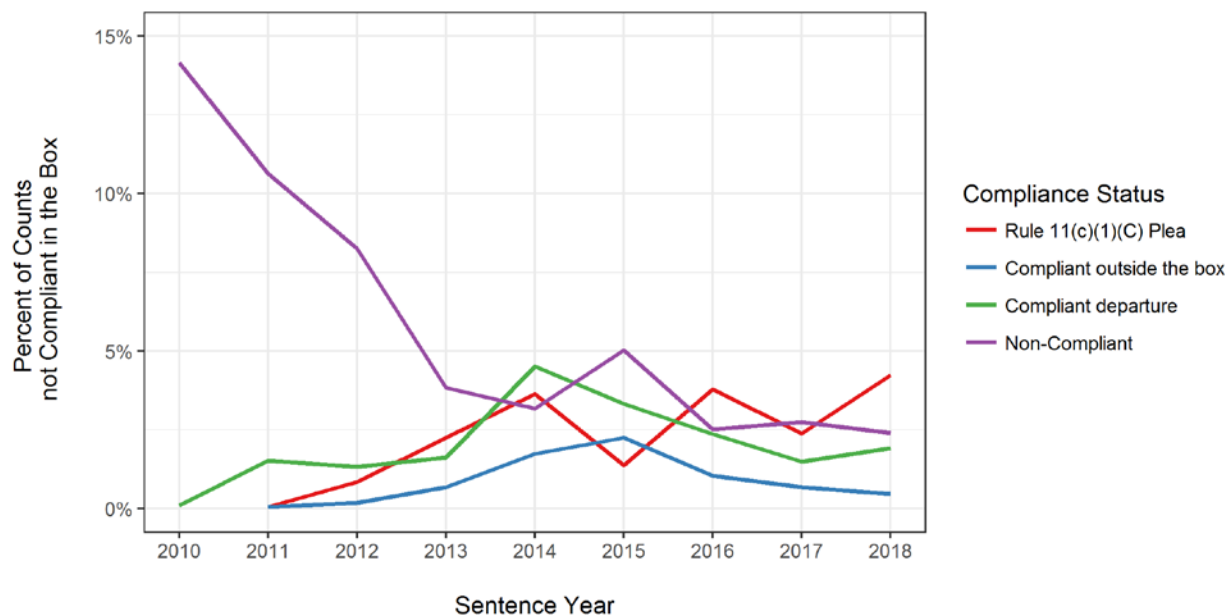
Table 7 below provides a summary of the compliance rates shown in the above Figures 24 through 26.

Table 7: Trends in Compliance Sub-Categories (2010 - 2018)

	2010 (N=1900)	2011 (N=1637)	2012 (N=2726)	2013 (N=2348)	2014 (N=2364)	2015 (N=1949)	2016 (N=2110)	2017 (N=2218)	2018 (N=2126)
Rule 11(c)(1)(C) Plea	0.0%	0.1%	0.8%	2.3%	3.6%	1.4%	3.8%	2.4%	4.2%
Compliant in the box	85.7%	87.7%	89.4%	91.6%	86.9%	88.0%	90.3%	92.7%	91.0%
Compliant outside the box	0.0%	0.1%	0.2%	0.7%	1.7%	2.3%	1.0%	0.7%	0.5%
Compliant departure	0.1%	1.5%	1.3%	1.6%	4.5%	3.3%	2.4%	1.5%	1.9%
Non-Compliant	14.2%	10.6%	8.3%	3.8%	3.2%	5.0%	2.5%	2.8%	2.4%

E. Compliant Departures

Compliant departures occurred in two percent (41) of all felony counts sentenced in 2018, with each assigned a departure factor.[57] These departures offer insight into why judges may choose to impose a sentence outside of the Guidelines Grid boxes in particular cases. Judges cited the following aggravating (A) and mitigating (M) factors for departures in 2018:

- *A2*: A victim was particularly vulnerable due to age or reduced physical or mental capacity, which was known or should have been known to the offender, unless that vulnerability constituted an element of the offense of conviction.
- *A4*: The crime committed or attempted was substantially premeditated, as evidenced by a high degree of planning or sophistication or planning over an extended period of time.
- *A11*: There is any other substantial and compelling basis, as articulated by the sentencing judge, comparable in gravity to those listed in 1 to 10 above, which aggravates substantially the seriousness of the offense or the defendant's culpability. Note: Going to trial is not an aggravating factor and should not be used to go outside of the box.
- *M4*: The offense was principally accomplished by another, and the defendant manifested extreme caution or sincere concern for the safety and well-being of a victim.
- *M6*: The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law was impaired significantly, though not sufficiently to constitute a complete defense. Voluntary use of alcohol or other drugs should not be considered in relation to this mitigating factor.
- *M7*: The defendant has provided substantial assistance to law enforcement in the detection or prosecution of other offenders, and departure for this reason does not demean the seriousness of the defendant's crime or create an unacceptable risk to the safety of the community.
- *M9*: The consecutive/concurrent sentencing policy results in a Guideline sentence that is so excessive in relation to the seriousness of the offense and history of the defendant that

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[57] Appendix D lists all available Aggravating and Mitigating Departure Factors.

imposition of the Guideline sentence would result in manifest injustice. A departure based solely on this factor shall not result in a sentence that is less than the sentence that would result if all guideline sentences were concurrent.

- *M10*: There is any other substantial and compelling basis, as articulated by the sentencing judge, comparable in gravity to those listed in mitigating factors 1 to 9, which does not amount to a defense but which substantially mitigates the seriousness of the offense or the defendant's culpability.

Table 8 displays the compliant departure factors cited by judges for sentences in 2018. In these cases, the sentencing judge imposed an outside the box sentence and utilized an appropriate departure factor. There was a 24% increase in the number of compliant departures reported in 2018 (N=41) compared to 2017 (N=33). Compared to last year, no compliant departures occurred in M6 (e.g. Robbery and Assault with a Dangerous Weapon) in 2018. However, this was offset by increased compliant departures in D2 (Dist. and PWID), M7 (UPF-PF), M2 (Murder II), and M5 (Obstructing Justice). It should be noted that there were no compliant departures in M2 in 2017.

Table 8: Compliant Departure Reasons by Severity Group (2018)

Departure Factors	Offense Severity Groups								
	M2	M3	M4	M5	M7	M8	D2	D3	(all)
A2	2								2
A4				1					1
A11					1				1
M4								1	1
M6				1		1			2
M7	1		1	4	1	1	1		9
M9					2	1	3	2	8
M10		1		2	6	3	4	1	17
(all)	3	1	1	8	10	6	8	4	41

There were 37 reported mitigating departures, where the Superior Court imposed sentences below the recommended sentencing range and/or options. The most common mitigating departure principle cited was M10 (17 of 37 counts), followed by M7 (nine of 37 counts). Of the 37 mitigating departure sentences imposed in 2018, 16 were dispositional departures where the total length of the sentence was within the in the box range, but the sentence type was not recommended in the defendant's Grid box.

Aggravating factors were recorded in four felony counts for offenses in the M2, M5, and M7 severity groups. A2 was the most often cited aggravating departure factor in 2018. Both counts for which A2 was cited were in OSG M2. All four aggravating departure sentences imposed in 2018 were the result of durational departures, rather than dispositional departures.

Figure 27 shows the lengths of the 25 durational departure sentences imposed in 2018. The mean durational departure length was 17 months. The mean durational departure, after excluding five outliers (i.e. 24 to 84 months), was nine months.

Figure 27: Compliant Departures - Months Sentenced Above/Below Guidelines Range (2018)
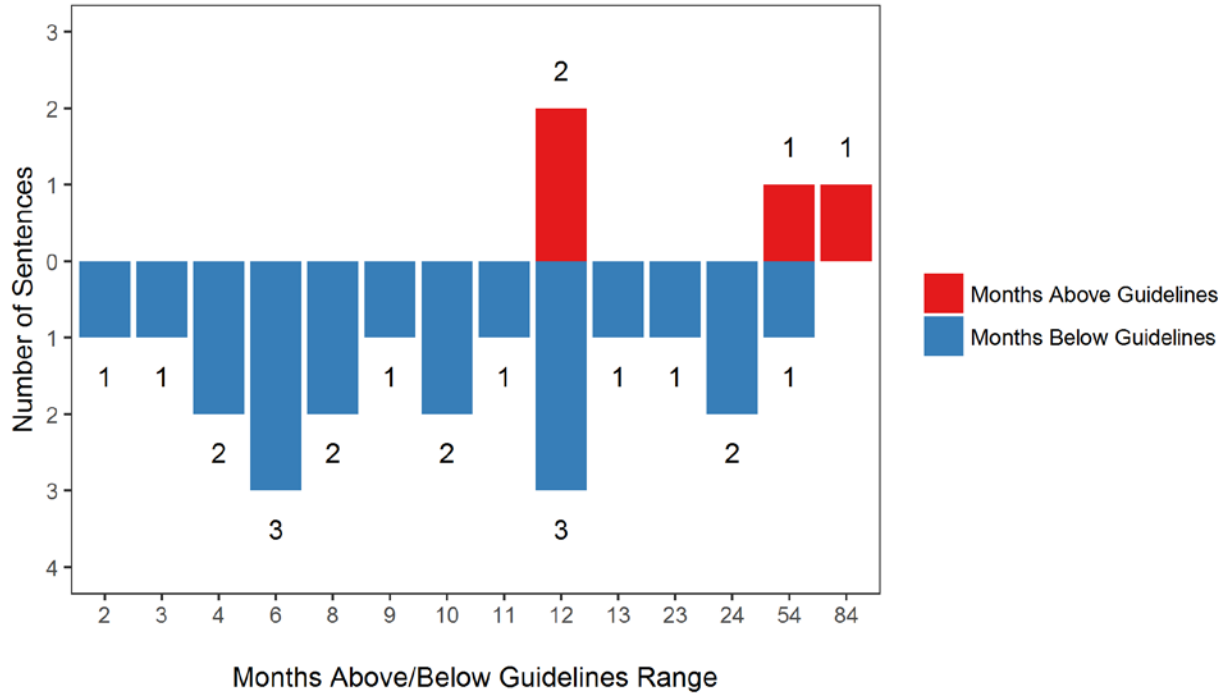
F. Non-Compliant Departures

A sentence is considered a non-compliant departure when the judge imposes an outside the box sentence without citing a departure principle, or where no enhancement applies and the sentence was not the result of a Rule 11(c)(1)(C) plea. In 2018, there were 51 non-compliant departures representing 2% of the 2,208 initial felony counts sentenced, a 16% decrease from 61 sentences in 2017. Table 9 shows the frequency with which non-compliant sentences were imposed in each OSG. In 2018, two percent of non-compliant sentences were imposed in the most severe Grid boxes (Master Group 4 and higher), with the overwhelming majority (98%) of non-compliant sentences imposed in Master Groups 4-9).

Table 9: Non-Compliant Sentences by Severity Group (2018)

Severity Group	N
M2	1
M5	2
M6	4
M7	12
M8	15
D2	8
D3	9
Total Non-Compliant Sentences	**51**

Dist. and PWID offenses in D2 and D3 represented 33% of non-compliant Drug-related sentences. One in five non-compliant sentences were UPF-PF offenses that were ranked in M7 (n=12).

All 51 of the non-compliant sentences in 2018 were non-compliant downward departures. Of these, 31 were durational downward departures, where the defendant received a sentence length less than the range specified in the Guidelines. The remaining 20 non-compliant departures were dispositional downward departures, where the defendant received a sentence type less severe than the Guidelines advised.

Figure 28 depicts durational downward non-compliant departures in terms of sentence length below the Guidelines sentence range.

Figure 28: Non-Compliant Departures - Months Sentenced Above/Below Guidelines Range (2018)
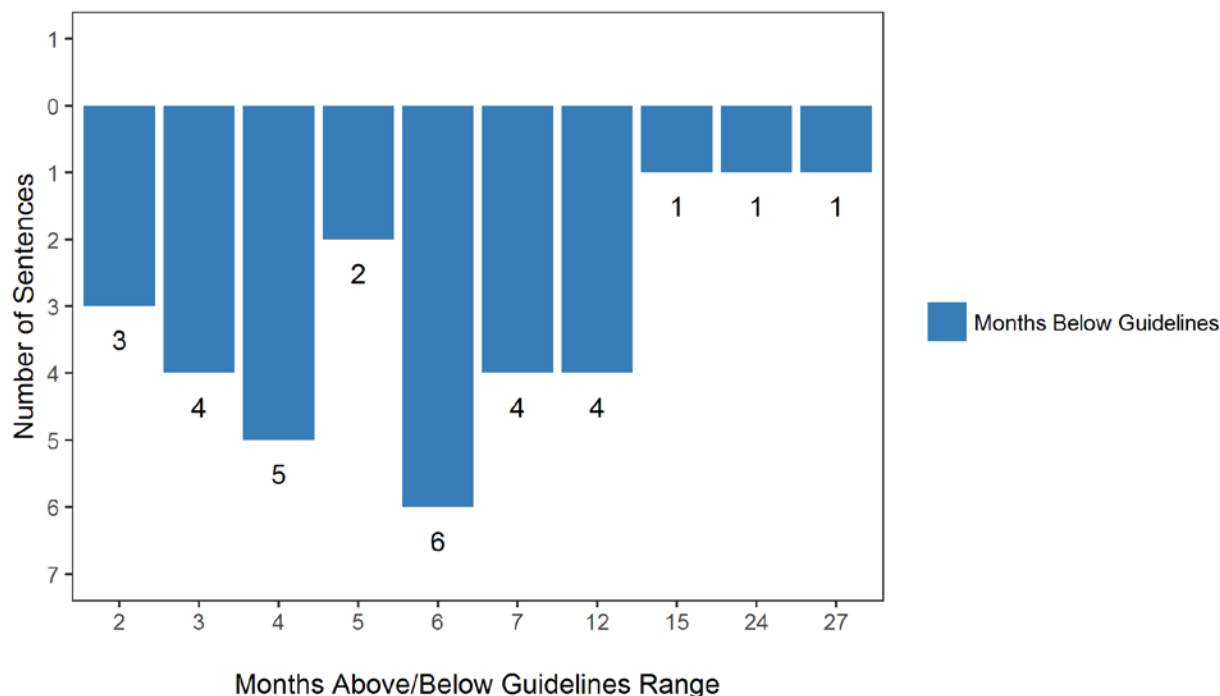
In summary, compliance with the Guidelines has remained consistently high since 2010, with its highest rate to date (97.6%) in 2018, indicating the consistent application and strong acceptance of the Guidelines by Superior Court judges. Similar to 2017, nine in ten felony sentences were compliant in the box. Rule 11(c)(1)(C) pleas increased by 70% from 2017. Two percent of the sentences imposed represented compliant departures, with M7, M9, and M10 being the most common departure factors. The lowest rates of compliance were observed in Weapon and Drug offenses, where the compliance rate was 96%. Non-compliant downward departures in Dist., PWID, and UPF-PF (when ranked in M7) sentences appeared to be the primary driver of non-compliance with the Guidelines. There were 51 non-compliant sentences in 2018, all representing downward departures.

APPENDIX A - GUIDELINES MASTER GRID

	Ranking Group Most Common Offenses	Criminal History Score				
		0 to ½ A	¾ to 1¾ B	2 to 3¾ C	4 to 5¾ D	6 + E
3 Points*	**Group 1** 1st degree murder w/armed 1st degree murder	360 - 720	360 - 720	360 - 720	360 - 720	360 +
	Group 2 2nd degree murder w/armed 2nd degree murder 1st degree sex abuse 1st degree sex abuse w/armed	144 - 288	156 - 300	168 - 312	180 - 324	192 +
	Group 3 Voluntary manslaughter w/armed 1st degree child sex abuse Carjacking while armed Assault with intent to kill w/armed Armed burglary I	90 - 180	102 - 192	114 - 204	126 - 216	138 +
	Group 4 Aggravated assault w/armed Voluntary manslaughter	48 - 120	60 - 132	72 - 144	84 - 156	96 +
	Group 5 Possession of firearm /CV Armed robbery Burglary I Obstruction of justice Assault with intent to kill	36 - 84	48 - 96	60 - 108	72 - 120	84 +
2 Points*	**Group 6** ADW Robbery Aggravated assault 2nd degree child sex abuse Assault with intent to rob	18 - 60	24 - 66	30 - 72	36 - 78	42 +
	Group 7 Burglary II 3rd degree sex abuse Negligent homicide Attempt 2nd degree sex abuse	12 - 36	18 - 42	24 - 48	30 - 54	36 +
1 Point*	**Group 8** Carrying a pistol (CPWL) UUV Attempt robbery/burglary Unlawful poss. of a firearm (prior fel.) 1st degree theft Assault w/significant bodily injury	6 - 24	10 - 28	14 - 32	18 - 36	22 +
	Group 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 compliant long split only.

Green shaded boxes – prison, compliant long split, or short split permissible.

Yellow shaded boxes – prison, compliant long split, short split, or probation permissible.

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APPENDIX B - GUIDELINES DRUG GRID

		Criminal History Score				
	Ranking Group Most common offenses	0 to ½ A	¾ to 1¾ B	2 to 3¾ C	4 to 5¾ D	6 + E
2 Points*	Group 1 Distribution w/a (any drug) PWID w/a (any drug)	30-72	36-78	42-84	48-90	54+

1 Point*	Group 2
	Distribution or PWID
	  (schedule I or II narcotic/
	  abusive drugs)
		12-30	16-36	20-42	24-48	28+

1 Point*	Group 3
	Distribution or PWID
	  (except schedule I or II
	  narcotic or abusive drugs)
	Attempt distribution or
	  attempt PWID
	  (schedule I or II narcotic/
	  abusive drugs)
	Possession of Liquid PCP
		6-18	10-24	14-30	18-36	22+

3/4 Point*	Group 4
	Attempt distribution or
	  attempt PWID
	  (except schedule I or II
	  narcotic or abusive drugs)
	Attempt possession of
	  liquid PCP
		3-12	5-16	7-20	9-24	11+

*Criminal History Points for prior convictions in these groups.						
White/unshaded boxes – prison or compliant long split only.						
Green shaded boxes – prison, compliant long split, or short split permissible.						
Yellow shaded boxes – prison, compliant long split, short split, or probation permissible.						

APPENDIX C - GROUP OFFENSE LISTINGS

The top five grouped offense sub-categories are comprised of the following crimes:

Robbery:

    A.   Robbery -- while armed (W/A)
    B.   Robbery
    C.   Robbery -- Attempt while armed (W/A)
    D.   Robbery -- Attempt
    E.   Armed carjacking
    F.   Unarmed carjacking

Drug, PWID + Dist. and Attempted drug offenses:

    A.   Drug -- Dist. or PWID: Schedule I, II Narcotic and abusive drugs (heroin, cocaine, PCP, methamphetamine, etc.)
    B.   Drug -- Dist. or PWID: Schedule I, II, III Non-narcotic and non-abusive drugs (including marijuana -- 2nd offense or > ½ pound)
    C.   Drug -- Dist. or PWID: Schedule IV
    D.   Drug -- Possession of Liquid PCP
    E.   Drug -- Dist. to Minors
    F.   Dist. of a Controlled Substance -- Attempt
    G.   Dist. of a Controlled Substance to Minors -- Attempt
    H.   PWID -- Attempt
    I.   Unlawful Possession of Liquid PCP -- Attempt

Assault:

    A.   Aggravated Assault while armed (W/A)
    B.   Aggravated Assault
    C.   Aggravated Assault -- Attempt
    D.   Aggravated Assault Knowingly -- Grave Risk
    E.   Assault with a Dangerous Weapon (ADW)
    F.   Assault with a Dangerous Weapon (ADW) -- Gun
    G.   Assault on Police Officer (APO) while armed (W/A)
    H.   Assault on Police Officer (APO)
    I.   Assault on Police Officer (APO) w/ deadly weapon -- 2nd+ offense or prior felony
    J.   Assault with Intent to Kill or Poison while armed (W/A)
    K.   Assault with Intent to Kill or Poison

L.   Assault with Intent to Rob while armed (W/A)
M.   Assault with Intent to Rob
N.   Assault with Intent to 1° or 2° Sex or Child Sex Abuse while armed (W/A)
O.   Assault with Intent to 1° or 2° Sex or Child Sex Abuse
P.   Assault with Intent to Commit any other Felony while armed (W/A)
Q.   Assault with Intent to Commit any other Felony
R.   Assault with Intent to Commit any other Offense
S.   Assault with Intent to Commit Mayhem while armed (W/A)
T.   Assault with Intent to Commit Mayhem
U.   Assault with Significant Injury
V.   Mayhem
W.   Threat to Kidnap or Injure a Person

Weapon:

A.   Carrying Pistol Without License (CPWL), Carrying Dangerous Weapon (CDW)
B.   Carrying Pistol Without License (CPWL), Carrying Dangerous Weapon (CDW)
C. 2nd+ offense or after felony conviction
D.   Firearm, Presence in a Motor Vehicle Containing: Prior gun conviction or felony
E.   Firearm, Presence in a Motor Vehicle Containing
F.   Firearm, Unlawful Possession of by a person with a prior conviction > 1 yr
G.   Firearm, Unlawful Possession of by a person with a prior conviction > 1 yr and COV other than Conspiracy
H.   Firearm, Unlawful Possession of by others
I.   Possession of a Firearm During a Crime of Violence or Dangerous Offense
J.   Possession of a Prohibited Weapon
K.   Unlawful Possession of a Firearm
            - Prior Crime of Violence
            - Intrafamily Offense
            - Order to Relinquish
            - Prior Conviction (Felon in Possession)

APPENDIX D - GUIDELINES DEPARTURE FACTORS

Aggravating Factors

- A1: There was deliberate cruelty to a victim or there was gratuitous violence inflicted upon a victim in a manner substantially beyond that normally associated with this offense.

- A2: A victim was particularly vulnerable due to age or reduced physical or mental capacity, which was known or should have been known to the offender, unless that vulnerability constituted an element of the offense of conviction.

- A3: A victim sustained a "devastating injury." Devastating injury is defined as a physical or mental injury that results in one or more of the following: (a) Permanent and substantial impairment of the person's employment opportunity and/or lifestyle; (b) Permanent, gross disfigurement; or (c) Medical confinement and/or immobilization for a period of more than three months.

- A4: The crime committed or attempted was substantially premeditated, as evidenced by a high degree of planning or sophistication or planning over an extended period of time.

- A5: The defendant committed for hire or hired another to commit any one of the following offenses: Murder; Manslaughter; First-Degree Sexual Abuse; Kidnapping; Mayhem/Malicious Disfigurement; Aggravated Assault; Assault with intent to commit any of the foregoing; Assault with intent to kill; Assault with a Deadly Weapon; or Arson.

- A6: The offense was part of an enterprise significantly related to organized crime or high-level drug trafficking. This aggravating factor does not apply in cases charging only distribution or possession with intent to distribute a controlled substance where the defendant's only connection to organized crime or high-level drug trafficking is street- level drug trafficking.

- A7: The defendant threatened, bribed, attempted to bribe, induced, or attempted to induce a victim, a member of the victim's family, or a potential witness, or any other person to withhold truthful testimony or provide false testimony, or otherwise attempted to obstruct justice, unless the defendant is separately convicted of an offense that arises out of the same conduct.

- A8: The offense is a violation of Chapter 32 of Title 22 of the D.C. Official Code, which involves an intended or actual monetary loss substantially greater than what would normally be associated with the offense or any one or more of the following: (a) The offense(s) involved multiple victims or multiple incidents per victim; (b) The defendant has been involved in other conduct similar to the current offense(s) as evidenced by the findings of criminal, civil or administrative law proceedings or the imposition of professional sanctions; and/or (c) The defendant used his or her position of confidence or fiduciary responsibility to facilitate the commission of the offense(s).

- A9: The offender, in attempting to gain or while holding public office by appointment or election, betrayed the public trust by his or her unlawful conduct.

- A10: The consecutive/concurrent sentencing policy results in a guideline sentence so lenient in relation to the seriousness of the offense and the history of the defendant that imposition of the guideline sentence would result in manifest injustice. A departure based solely on this

factor shall not result in a sentence that exceeds the sentence that would result if all guideline sentences were consecutive.

- A11: There is any other substantial and compelling basis, as articulated by the sentencing judge, comparable in gravity to those listed in 1 to 10 above, which aggravates substantially the seriousness of the offense or the defendant's culpability. Note: Going to trial is not an aggravating factor and should not be used to go outside of the box.

Mitigating Factors

- M1: A victim was an aggressor, initiator, willing participant in, or provoker of the incident to such a degree that the defendant's culpability is substantially less than that typically associated with the offense.
- M2: Before detection in a crime other than a crime of violence, the defendant compensated or made a good faith effort to compensate the victim(s) for any damage or injury sustained.
- M3: The defendant participated under duress, coercion, threat or compulsion insufficient to constitute a complete defense, but which significantly reduces the defendant's culpability.
- M4: The offense was principally accomplished by another, and the defendant manifested extreme caution or sincere concern for the safety and well-being of a victim.
- M5: The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
- M6: The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law was impaired significantly, though not sufficiently to constitute a complete defense. Voluntary use of alcohol or other drugs should not be considered in relation to this mitigating factor.
- M7: The defendant has provided substantial assistance to law enforcement in the detection or prosecution of other offenders, and departure for this reason does not demean the seriousness of the defendant's crime or create an unacceptable risk to the safety of the community.
- M8: The guideline sentence calls for a prison sentence but, after consultation with corrections authorities, the court determines that the defendant, by reason of obvious and substantial mental or physical impairment or infirmity, cannot be adequately protected or treated in any available prison facility.
- M9: The consecutive/concurrent sentencing policy results in a guideline sentence that is so excessive in relation to the seriousness of the offense and history of the defendant that imposition of the guideline sentence would result in manifest injustice. A departure based solely on this factor shall not result in a sentence that is less than the sentence that would result if all guideline sentences were concurrent.
- M10: There is any other substantial and compelling basis, as articulated by the sentencing judge, comparable in gravity to those listed in mitigating factors 1 to 9, which does not amount to a defense but which substantially mitigates the seriousness of the offense or the defendant's culpability.

APPENDIX E - THE SEVEN-STEP PROCESS TO DETERMINE AND VERIFY JUDICIAL COMPLIANCE

Step 1 - Identify Felony Offenses

The Sentencing Guidelines only apply to felony convictions; therefore, compliance is not calculated for misdemeanor offenses. The offense charge code within the GRID system is associated with each count in a case and can determine if the count is a felony or misdemeanor offense. If the GRID system does not recognize a charge code, the system will automatically generate a notification. Staff then reviews the offense and updates the system with the new charge code information. If the case contains at least one felony count, the process then proceeds to step 2.

Step 2 - Determine the Appropriate Grid Box

The GRID system computes compliance for every felony count sentenced. Compliance is determined automatically, based on the sentencing option available in the appropriate grid box. If a sentence falls within the recommended sentence type and range available in the applicable grid box, the GRID system calculates the sentence as compliant with the Guidelines. If the sentence does not fall within the recommended sentence type and range, the process then proceeds to step 3.

Step 3 - Determine if the Sentence Runs Concurrently with another Count

An otherwise non-compliant sentence may still be compliant with the Guidelines if it runs concurrent with a longer or equal compliant sentence for a count within the same case. For this to occur, both sentences must be eligible to run concurrently under the Guidelines.[58] In an eligible case containing multiple counts, if the non-compliant sentence runs concurrently to a longer or equal compliant sentence, then the otherwise non-compliant sentence is deemed to be a compliant outside the box sentence. The GRID system reclassifies the sentence as compliant because the longest sentence among concurrent counts determines the length of time a defendant will actually serve in prison. If the sentence does not run concurrent to another sentence or if the longest sentence is non-compliant, the process then proceeds to step 4.

Step 4 - Determine if the Sentence is the Result of an Appropriate Departure Factor or a Statutory Enhancement

There are several instances when an otherwise non-compliant sentence is nonetheless compliant with the Guidelines due to recorded departure factors or statutory enhancements. When a sentencing judge imposes a non-compliant sentence but selects an enumerated departure

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[58] Chapter Six of the Guidelines Manual discusses which sentences must, may, and may not run concurrently. For example, two crimes of violence committed against two separate people cannot run concurrent to each other. Similarly, two crimes of violence against one person but occurring as part of two separate events cannot run concurrent to each other.

principle, the sentence is deemed a compliant departure.[59] If the court records a departure factor, the GRID system will automatically mark the sentence as a compliant departure and record the reason for the departure. Sentences above the recommended Guidelines range due to a statutory enhancement are also deemed to be complaint if the sentence falls within the expanded range.[60] The GRID system incorporates enhancements into its calculations when they are reported by the Superior Court in the IJIS 12.1 feed. Non-reported enhancements are verified and manually entered into the GRID system by Commission staff. If a departure cannot be identified, and no enhancement applies, the process then proceeds to step 5.

Step 5 - Determine if the Sentence is the Result of a Special Circumstance or is Non-Guideline Applicable

Certain special factors can change how a sentence is treated under the Guidelines:

Rule 11(c)(1)(C) plea bargains: The Guidelines and the GRID system classify all sentences following a Rule (11(c)(1)(C) plea compliant, regardless of whether the actual agreed upon sentence falls within the in the box sentence range and/or options. This is done because Rule 11(c)(1)(C) pleas are agreed to by the parties before the defendant's CH score is calculated.

Pleas and verdicts entered before June 14, 2004: The Guidelines do not apply to sentences from a plea or verdict before June 14, 2004. Therefore, the GRID system automatically deems these sentences as "non-guideline applicable" sentences.

Indeterminate sentences: The Guidelines do not apply to most indeterminate sentences because the District changed from an indeterminate to a determinate system of sentencing[61] on August 5, 2000,[62] and the Guidelines were designed primarily for the new determinate system. However, a small number of pleas or verdicts entered after June 14, 2004, are cases in which an indeterminate sentence must be imposed because the offense was committed before August 5, 2000. If the plea or verdict was entered on or after June 14, 2004, the Guidelines apply regardless of when the offense was committed - i.e., whether the offense was committed before or after August 5, 2000. Commission staff manually evaluates compliance for indeterminate sentences.

Remanded sentences: Remand sentences are labeled "Remand" by the GRID system and are not evaluated for initial Guidelines compliance. A remand is a case sent back to the sentencing court for re-sentencing from the Court of Appeals.

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[59] See Appendix D for a complete list of departure factors.

[60] Chapter Four and Appendix H of the Guidelines Manual address expanding the Guidelines range based on a statutory enhancement. For example, if a gun offense is committed in a designated "gun-free zone," the upper limit of the Guidelines range is doubled.

[61] Determinate sentences are sentences with a definitive release date. For example, an offender sentenced to 35 months knows that he is going to be released in 35 months (minus any administrative good time credit). An indeterminate sentence is a sentence given in a range, where release could occur at any time within that range. For example, a sentence of 30 to 40 months incarceration is an indeterminate sentence, where the offender cannot predict at what point within that range he will be released.

[62] See D.C. Code § 24-403.01 (sentencing, supervised release, and good time credit for felonies committed on or after August 5, 2000) (Formerly § 24-203.1).

The GRID system also checks the compliance status of sentences following a probation revocation. However, for data analysis purposes, these sentences are separate and not used to calculate the overall initial compliance rate.[63]

If none of the above conditions apply, the process then proceeds to step 6.

Step 6 - Verification of Non-Compliance

If, after completion of the five initial steps outlined above, the sentence still appears to be non-compliant, the count(s) and CH score information are manually reviewed by Commission staff to verify that the data on which the GRID system performed its evaluation are valid and that there are no data quality issues present. Simultaneously, Commission staff confirms relevant information using data from an alternate source: the CJCC JUSTIS System. If the sentence still appears to be non-compliant after the relevant information is verified, a departure form is sent to the sentencing judge.

Step 7 - Departure Forms

For sentences that still appear to be non-compliant after the previous six steps are completed, the Commission sends an electronic Departure Form to the sentencing judge to verify the sentencing data and to inquire as to whether the judge intended to impose a non-compliant sentence. The Departure Form allows the judge to easily update or correct any information regarding the case. For example, if the defendant's CH score was changed during the sentencing hearing, the judge may provide the updated CH score. The sentencing judge may also provide a reason for intentionally imposing a non-compliant sentence. The Commission has a follow-up process for all Departure Forms sent, allowing for a six week response period, with regular follow-up attempts by Commission staff. If no response is received, the Commission then proceeds with the initial sentence and updates the GRID system accordingly by recording the applicable compliance classification.

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[63] Probation revocation sentences are not included in the overall Guidelines compliance rate because they would result in compliance being calculated twice for the same case and count, once when the sentence was initially imposed, and once again when probation is revoked.

APPENDIX F - ANALYSIS OF CH SCORES AND SENTENCES BY OFFENSE TYPE AND GENDER

Homicide Offenses[64]

CH Score and Sentence Length by Gender, Case Level (2014 - 2018)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2014	69	(<10)	2.1	0	264	49	210	48
2015	54	(<10)	1.8	0	205	156	180	156
2016	33	(<10)	1.8	0.6	168	90	144	91
2017	37	(<10)	1.8	0	198	84	180	72
2018	53	(<10)	2.0	0.1	212	196	180	84

Sentence Type by Gender, Case Level (2014 - 2018)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2014	0%	0%	0%	0%	100%	100%
2015	0%	0%	0%	0%	100%	100%
2016	0%	0%	3%	0%	97%	100%
2017	0%	0%	0%	0%	100%	100%
2018	2%	0%	0%	0%	98%	100%

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[64] Cases for which gender or CH score information was unavailable and cases with life or indeterminate sentences were excluded from the following tables. Percentages may not add up to 100% due to rounding.

Sex Offenses

CH Score and Sentence Length by Gender, Case Level (2014 - 2018)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2014	35	(<10)	1.4	0	92	18	24	18
2015	56	(<10)	1.4	0.2	75	6	42	6
2016	46	(<10)	0.8	0	72	42	42	42
2017	40	(<10)	0.9	0	82	30	36	30
2018	40	(<10)	1.3	0.2	68	39	37	40

Sentence Type by Gender, Case Level (2014 - 2018)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2014	11%	100%	9%	0%	80%	0%
2015	11%	0%	11%	100%	79%	0%
2016	9%	50%	17%	0%	74%	50%
2017	2%	0%	12%	100%	85%	0%
2018	5%	33%	10%	67%	85%	0%

Violent Offenses

CH Score and Sentence Length by Gender, Case Level (2014 - 2018)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2014	555	47	1.5	0.8	34	25	24	18
2015	452	33	1.7	0.7	35	20	24	18
2016	461	49	1.5	0.8	35	21	24	18
2017	456	49	1.6	0.6	34	28	24	18
2018	356	40	1.8	1.2	35	24	24	18

Sentence Type by Gender, Case Level (2014 - 2018)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2014	12%	23%	16%	26%	72%	51%
2015	18%	42%	21%	36%	61%	21%
2016	20%	41%	22%	29%	58%	31%
2017	16%	39%	20%	35%	64%	27%
2018	16%	40%	23%	38%	62%	22%

Weapon Offenses

CH Score and Sentence Length by Gender, Case Level (2014 - 2018)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2014	234	(<10)	1.5	0.8	21	16	18	6
2015	189	(<10)	1.8	0.7	26	10	24	9
2016	318	(<10)	1.4	0.6	22	11	18	9
2017	343	(<10)	1.5	1.3	23	18	18	15
2018	404	(<10)	1.4	0.6	18	9.8	14	6

Sentence Type by Gender, Case Level (2014 - 2018)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2014	23%	67%	13%	0%	64%	33%
2015	21%	50%	13%	25%	66%	25%
2016	37%	67%	10%	0%	53%	33%
2017	29%	50%	10%	0%	61%	50%
2018	37%	40%	16%	40%	47%	20%

Property Offenses

CH Score and Sentence Length by Gender, Case Level (2014 - 2018)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2014	232	25	2.0	0.8	23	14	16	12
2015	190	17	2.3	2.1	23	16	18	12
2016	199	11	2.4	1.0	24	20	18	24
2017	166	13	2.4	1.0	25	13	18	10
2018	124	12	2.5	2.2	25	18	18	13

Sentence Type by Gender, Case Level (2014 - 2018)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2014	18%	52%	25%	28%	57%	20%
2015	28%	41%	24%	29%	48%	29%
2016	32%	64%	20%	9%	48%	27%
2017	17%	46%	29%	23%	54%	31%
2018	23%	33%	30%	25%	47%	42%

Drug Offenses

CH Score and Sentence Length by Gender, Case Level (2014 - 2018)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2014	343	31	2.0	1.3	16	12	14	12
2015	238	22	2.2	1.2	16	14	14	12
2016	346	29	2.0	1.4	15	12	14	12
2017	431	71	2.1	1.4	15	11	14	10
2018	350	43	2.1	1.3	14	12	14	14

Sentence Type by Gender, Case Level (2014 - 2018)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2014	33%	45%	23%	23%	44%	32%
2015	50%	73%	24%	14%	25%	14%
2016	60%	62%	20%	24%	20%	14%
2017	46%	61%	28%	25%	26%	14%
2018	56%	51%	30%	40%	14%	9%

Other Offenses

CH Score and Sentence Length by Gender, Case Level (2014 - 2018)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2014	162	43	2.0	0.7	12	11	9	6
2015	126	36	2.0	0.8	13	12	10	8
2016	87	17	2.0	0.8	13	10	12	12
2017	77	27	2.2	1.5	14	11	12	12
2018	80	21	1.7	0.6	15	9.3	12	12

Sentence Type by Gender, Case Level (2014 - 2018)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2014	20%	56%	21%	16%	59%	28%
2015	24%	50%	17%	17%	59%	33%
2016	39%	71%	20%	18%	41%	12%
2017	36%	44%	25%	33%	39%	22%
2018	39%	67%	25%	24%	36%	10%