



# District of Columbia Sentencing Commission

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Chairperson

Linden Fry  
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**DATE: Response provided in August 2024**

**SUBJECT: Title 16 Sentencing Trends: 2013 – 2023**

This data response includes a high-level evaluation of sentencing trends using data sourced from the D.C. Superior Court (DCSC). The analysis presents an overview of sentencing trends for persons who are 16 or 17 years of age and charged by the United States Attorney’s Office (USAO) as adults with a listed Title 16 offense<sup>1</sup> in the D.C. Superior Court Criminal Division (Title 16 adults). The data includes all Title 16 adults who were charged in D.C. Superior Court between December 31, 2013, and December 31, 2023. The data used in this response is from the Commission’s most recent annual data “snapshot,” which was taken on January 10, 2024; the data reflects the status of Title 16 charges as of that date.

Under Title 16, specifically District of Columbia Code § 16-2301(3), a child can be charged in the DCSC Criminal Division as an adult if they are charged by USAO with any of the following offenses:

- Murder (Murder I, Murder II)
- First Degree Sexual Abuse
- Burglary in the First Degree
- Robbery While Armed (W/A)
- Assault with Intent to Commit any of these Enumerated Offenses<sup>2</sup>

Between December 31, 2013, and December 31, 2023, there were a total of 176 Title 16 adults charged in the DCSC Criminal Division with 289 counts of one of the Title 16 offenses listed above. The Commission determines the initially charged offense based on available indictment and/or prosecution data. The initially charged offense most accurately represents the charges on a case prior to disposition and sentencing. Note that data filed at the initial charging phase is often incomplete. The distribution of Title 16 adults charged with enumerated Title 16 offenses are presented in the table below. Please note Title 16 adults may be double counted in the table if they were charged with multiple counts for different offenses.

Offense	Counts Filed	Juveniles Charged
Robbery W/A	206	126

<sup>1</sup> See: [§ 16-2301\(3\). Definitions. | D.C. Law Library \(dccouncil.gov\)](#).

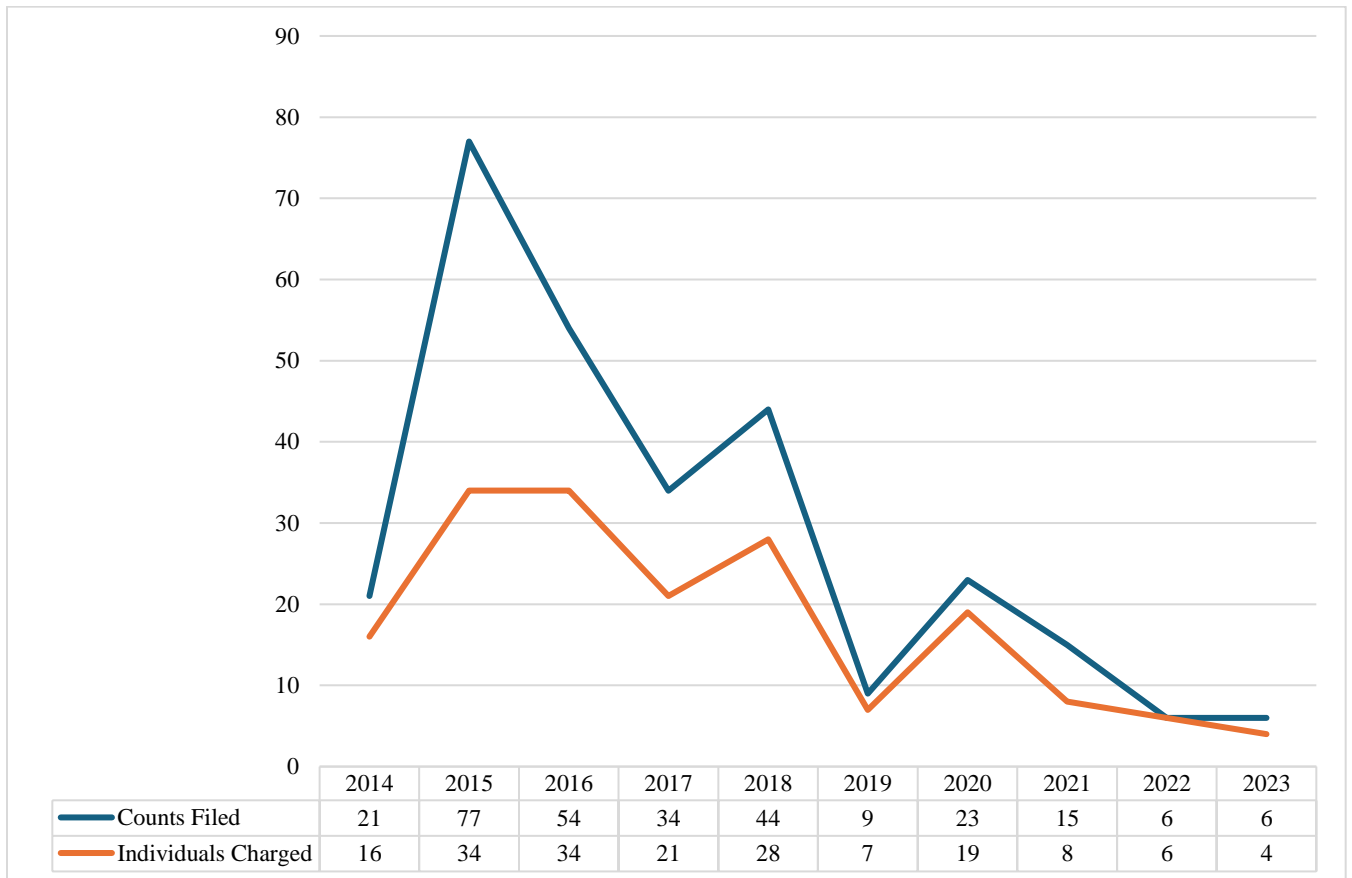
<sup>2</sup> This includes Assault with Intent to Murder, Assault with Intent to Commit First Degree Sexual Abuse, Assault with Intent to Commit Burglary in the First Degree, and Assault with Intent to Commit Robbery while Armed. Intent to Kill is different from Intent to Murder and is therefore not a qualifying Title 16 offense; See: [Logan v. United States](#), 483 A.2d 664, 666 (D.C. 1984).

Murder I W/A	33	26
Assault W/I to Commit Robbery W/A	18	18
Murder II W/A	8	7
Assault W/I to Murder W/A	7	6
First Degree Sex Abuse	6	6
First Degree Sex Abuse W/A	5	2
Burglary in the First Degree W/A	4	4
Murder I	2	2
<i>Total</i>	<i>289</i>	<i>176</i>

## **Case File Information**

### *A) Title 16 Counts Filed and Individuals Charged by Case Year, Count Level*

The chart below shows the number of Title 16 counts filed in D.C. Superior Court, as well as the number of Title 16 adults charged each year in the analyzed timeframe. It is important to note that the number of counts will not equal the number of individuals charged each year since an individual could be charged with multiple counts. There was one individual who was charged as a 16-year-old in 2016 and as a 17-year-old in 2017 in separate cases; this individual is double counted in the chart below. The greatest number of Title 16 counts filed (n=77) and Title 16 adults charged (n=34) was observed in 2015.



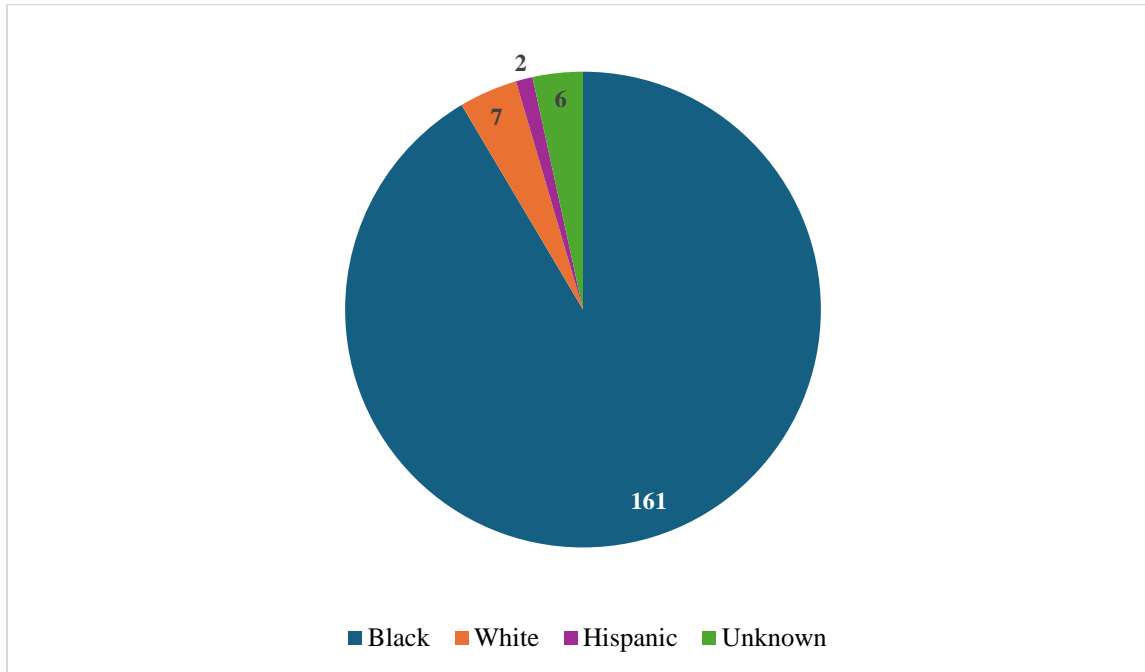
*B) Title 16 Offenses Filed by Case Year, Count Level*

The table below shows the distribution of Title 16 offenses filed each year between 2014 and 2023; the data is presented on the count level. The gradient colors indicate which Title 16 offenses had the most counts filed in a given year. A darker red signifies a higher volume of counts filed each year, whereas white or pale red indicates fewer counts filed. Robbery W/A counts represented over half (71%, n=206) of all initially filed Title 16 charges. There were 61 Robbery W/A counts filed in 2015, representing 78% of all counts filed that year.

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Robbery W/A	12	61	42	26	19	7	18	12	3	6
Murder I W/A	1	5	5	5	10	0	3	2	2	0
Assault W/I to Commit Robbery W/A	1	8	2	2	2	0	2	1	0	0
Murder II W/A	1	1	1	0	5	0	0	0	0	0
Assault W/I to Murder W/A	1	1	1	0	5	0	0	0	0	0
First Degree Sexual Abuse	1	2	1	0	2	0	0	0	0	0
First Degree Sexual Abuse W/A	0	0	3	0	2	0	0	0	0	0
Burglary in the First Degree W/A	0	0	0	0	3	1	0	0	0	0
Murder I	1	0	0	1	0	0	0	0	0	0

### C) Race of Individuals, Individual Level

The chart below presents a race distribution of Title 16 adults charged during the analyzed timeframe.<sup>3</sup> Most of the individuals were Black (91.5%, n=161).



### **Sentencing Trends**

The following analysis reports on sentencing trends at the case level. In a case level analysis, cases with multiple felony convictions are represented by the most serious count (MSC) sentenced. The MSC often drives the overall sentence in a case, and therefore can be reflective of the overall sentence imposed. Please note that not all MSC offenses in this analysis are among the list of Title 16 qualifying offenses because other non-qualifying offenses can be charged together with a qualifying offense and/or the ultimate resolution of a Title 16 adults case may be for a non-qualifying offense.<sup>4</sup> For example, if an individual initially charged with Robbery W/A was ultimately convicted of Attempted Robbery and the Attempted Robbery charge was determined to be the MSC on the case, then the analysis will include the sentencing trends for the Attempted Robbery conviction. Alternatively, if the individual was initially charged with one count of Robbery W/A and one count of Armed Carjacking, and was ultimately convicted of both offenses, the Armed Carjacking would be marked as the MSC.<sup>5</sup>

Note that the analysis reports on trends for initial sentences, only. Therefore, the information does not include felony sentences following a remand from the Court of Appeals, a probation revocation, the granting of an Incarceration Reduction Amendment Act motion, or other post-sentencing modification.

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<sup>3</sup> Race category data used by the Commission does not capture ethnicity, thus Black individuals of Hispanic origin or White individuals of Hispanic origin are not separately presented.

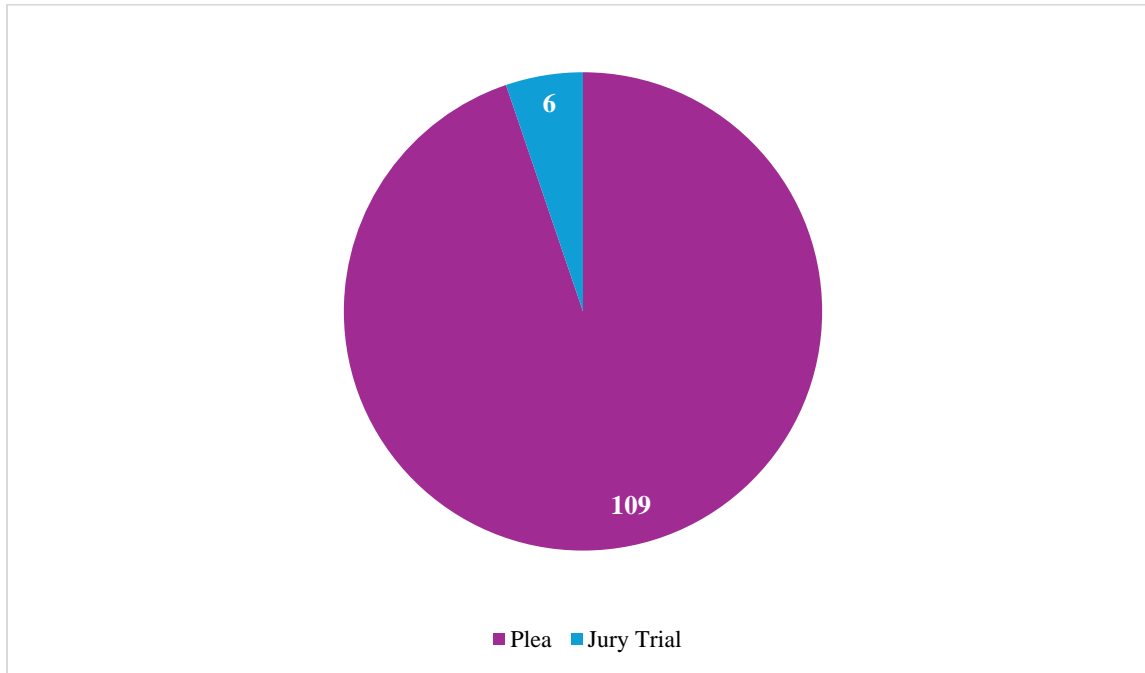
<sup>4</sup> D.C. Code § 16-2301(3)(B) provides that Title 16 adults may also be charged with an offense properly joined with a Title 16 listed offense “and convicted by plea or verdict of a lesser included offense ...”

<sup>5</sup> The convicted offense with the highest Offense Severity Group (OSG) is marked as the most serious. If there are multiple offenses with the same OSG, then the sentence type and lengths are compared for those sentences. Offense severity comparisons are based on the following offense severity group order: M1, M2, M3, M4, M5, D1, M6, M7, D2, M8, D3, D4.

Between December 31, 2013, and December 31, 2023, there were 289 counts filed in D.C. Superior Court for the enumerated Title 16 offenses. Just over half of these counts (51%, n=146) resulted in a conviction, and were sentenced in a total of 117 cases. Two of these cases followed a remand from the Court of Appeals and therefore have been excluded from the following analysis; the sentencing analysis is based on 115 cases. The accompanying dataset included with this response provides additional details regarding the sentencing outcomes for the MSC sentenced on each case.

*A) Disposition Type, Case Level*

An overwhelming majority of the cases were resolved via a plea agreement (95%, n=109). Only six cases (5%) were disposed of via a jury trial, though most of which were for Murder I W/A cases (67%, n=4).



*B) Sentence Length Imposed, Case Level*

The table below identifies the total number of convictions (on the case level, as defined by the MSC), and the average sentence imposed (in months) for each convicted offense.<sup>6</sup> Note that long split sentences are categorized as prison sentences.<sup>7</sup> There were six cases that had not been sentenced yet as of January 10, 2024, when the snapshot data was taken; these cases are not included in the table below. A majority (80%, n=87) of the cases received a prison sentence. There were 13 cases (12%) that received a short split sentence and nine cases (8%) that received a probation sentence.

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<sup>6</sup> The Commission does not have information as to whether multiple counts are sentenced consecutively or concurrently, therefore the Commission focuses on the MSC in any given case.

<sup>7</sup> In 2013, the Commission decided to categorize long split sentences as prison sentences because a Compliant long split sentence requires the defendant to serve at least the minimum Guidelines 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.

	<b>PRISON</b>	<b>SHORT SPLIT</b>	<b>PROBATION</b>
Robbery W/A	38 <i>58.2 mos.</i>	1 <i>60 mos.</i>	1 <i>60 mos.</i>
Robbery	14 <i>37.7 mos.</i>	8 <i>24.8 mos.</i>	4 <i>22.5 mos.</i>
Robbery (Attempt)	6 <i>21.8 mos.</i>	3 <i>12.7 mos.</i>	2 <i>9 mos.</i>
Murder II W/A	7 <i>176.6 mos.</i>	-	-
Murder I W/A	4 <i>405 mos.</i>	-	-
Assault W/I to Commit Robbery W/A	4 <i>61.5 mos.</i>	-	-
Voluntary Manslaughter W/A	2 <i>141 mos.</i>	-	-
First Degree Sexual Abuse W/A	2 <i>198 mos.</i>	-	-
Murder II	1 <i>216 mos.</i>	-	1 <i>144 mos.</i>
Unarmed Carjacking	2 <i>84 mos.</i>	-	-
Voluntary Manslaughter	1 <i>102 mos.</i>	-	1 <i>72 mos.</i>
Armed Carjacking	1 <i>180 mos.</i>	-	-
Assault W/I to Commit Robbery	1 <i>48 mos.</i>	-	-
Assault W/I to Kill	1 <i>60 mos.</i>	-	-
Conspiracy	1 <i>72 mos.</i>	-	-
First Degree Sexual Abuse (Attempt)	1 <i>192 mos.</i>	-	-
Third Degree Sexual Abuse	1 <i>14 mos.</i>	-	-
Assault With A Dangerous Weapon	-	1 <i>18 mos.</i>	-