



District of Columbia Sentencing Commission

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Hon. Milton Lee
Chairman

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SUBJECT: Violent Offenses: Arrest and Sentencing Trends

This response includes a comprehensive analysis of the arrest and sentencing trends for both armed and unarmed Felony Assault, Carjacking, and Homicide offenses in the District. The complete list of offenses is as follows:

<u>Felony Assault:</u>	Felony Assault with a Dangerous Weapon (ADW), Felony Assault with Intent to Kill (AWIK), Aggravated Felony Assault
<u>Carjacking:</u>	Carjacking, Armed Carjacking
<u>Homicide:</u> ¹	Murder I, Murder I While Armed (WA), Murder II, Murder II WA, Felony Murder

The analysis identifies the total number of arrests that were made by the D.C. Metropolitan Police Department (MPD) for the listed offenses between January 1, 2018, and December 31, 2021, the proportion of those arrests that were filed in D.C. Superior Court, and evaluates the sentencing trends for arrests/cases that ultimately resulted in a conviction.² Convictions for any gradation (armed, unarmed, and attempt) of the arrested offense are classified as the same offense type as the arrested offense. For example, an attempted carjacking conviction that results from an armed carjacking arrest will be counted as a conviction for a Carjacking offense. Dispositions for cases that did not result in a conviction is also included in the analysis. It is important to acknowledge that the analysis contained in this response only reflects *adult* arrest/sentencing trends – juveniles are not included.

¹ Note that there were no arrests made for Voluntary Manslaughter or Involuntary Manslaughter in the 2018-2021 timeframe.

² The Commission has no insight behind the papering decision of a case.

Data Limitations

Completion of the Commission's MPD Data Enhancement project enables the agency to track a case from initial arrest through final disposition. This allows the Commission to better understand how cases progress through D.C.'s criminal justice system. However, due to the manner in which MPD records arrest information, there are limitations on the Commission's ability to track certain case outcomes back to arrest charges. This happens when multiple court cases originate from a single arrest. For example, when an individual is arrested for a new offense and has an outstanding arrest or fugitive warrant, or if they are a suspect in an unrelated active case.

Currently, the arrest data is organized in a way that prevents the Commission from automatically identifying which case links directly back to the original arrest. For the present analysis, the Commission was able to partially overcome this impediment by manually reviewing MPD data for both Homicide and Carjacking arrests for which the above scenario(s) apply. This enabled the Commission to track the arrests through the criminal justice system to the final disposition and sentencing. However, due to the large number of Felony Assault cases effected by this issue, the Commission could not manually check all the arrests. As a result, *all* cases that resulted from a Felony Assault arrest are included in the Felony Assault portion of the analysis, irrespective of if they are related to the underlying Felony Assault arrest. This issue will continue present a challenge for larger data sets, given that the analysis can only be done manually.

Key Findings

- The total number of arrests made each year for all offense categories has been gradually decreasing since 2018. There has been an 54% decrease in Felony Assault arrests, an 36% decrease in Carjacking arrests, and an 47% decrease in Homicide arrests made in 2021 compared to 2018.
 - o Decreases in 2020 and 2021 can be largely attributed to the impact of the Covid-19 pandemic on the D.C. criminal justice system.
- Of the arrests categories analyzed, Homicide had the greatest papering rate, with 91% of all Homicide arrests resulting in a filed D.C. Superior Court case. This is followed by Carjacking and Felony Assault arrests which had papering rates of 80% and 71%, respectively.
 - o Papering rates have remained relatively consistent between 2018 and 2021 for each offense category.
- The majority of papered Homicide cases (87%) resulted in a conviction for a Homicide offense.
 - o Conversely, only 39% of Felony Assault cases resulted in a Felony Assault conviction and 17% of Carjacking cases resulted in a Carjacking conviction.
- Just under half (435 cases, 43%) of papered Felony Assault D.C. Superior Court Cases resulted in convictions of misdemeanor offenses only. Simple assault and possession of a prohibited weapon were the most frequently sentenced misdemeanor offenses.
- Voluntary manslaughter and voluntary manslaughter while armed were the two most frequently sentenced Homicide offenses; combined they represented 66% of all Homicide offenses sentenced. Note that there were no *arrests* made for voluntary or involuntary manslaughter during the 2018-2021 timeframe.
- Approximately 20% of both papered Felony Assault and Carjacking cases are still pending final disposition, however a much greater proportion, 59%, of papered Homicide cases are awaiting disposition.
- After removing cases pending final disposition from the analysis:
 - o 44% of Homicide arrests resulted in a Homicide conviction
 - o 14% of Felony Assault arrests resulted in a Felony Assault conviction
 - o 10% of Carjacking arrests resulted in a Carjacking conviction

I. Quick Reference Tables

A. Arrest and Papering Trends

Arrest Year	2018	2019	2020	2021	Total
Felony Assault					
Total Arrests	1030	932	822	469	3,253
Papered	72% (742)	72% (672)	70% (575)	67% (313)	71% (2,302)
No Papered	28% (288)	28% (260)	30% (247)	33% (156)	29% (951)
Carjacking					
Total Arrests	42	40	45	27	154
Papered	83% (35)	87.5% (35)	67% (30)	85% (23)	80% (123)
No Papered	17% (7)	12.5% (5)	33% (15)	15% (4)	20% (31)
Homicide					
Total Arrests	112	102	124	59	397
Papered	(90%) (101)	90% (92)	91% (113)	93% (55)	91% (361)
No Papered	10% (11)	10% (10)	9% (11)	7% (4)	9% (36)

B. Disposition and Sentencing Trends

The table below identifies the case disposition of papered arrests in each offense category. The ‘*Convicted Offense Type*’ row represents the total number and proportion of convicted cases that resulted in a conviction of the same offense type as the arrested offense.

	Arrested Offense		
	Felony Assault	Carjacking	Homicide
Papered Arrests: 2018-2021	2,395	123	361
Case Disposition			
<i>Closed without Conviction</i>	36.3% 869	21.1% 26	15.5% 56
<i>Pending</i>	21.3% 511	22.8% 28	58.7% 212
<i>Conviction</i>	42.4% 1,015	56.1% 69	25.8% 93
Convicted Cases: 2018-2022			
Convicted Offense Type	39% 396 Felony Assault Conviction	17% 12 Carjacking Conviction	87% 81 Homicide Conviction

II. Homicide

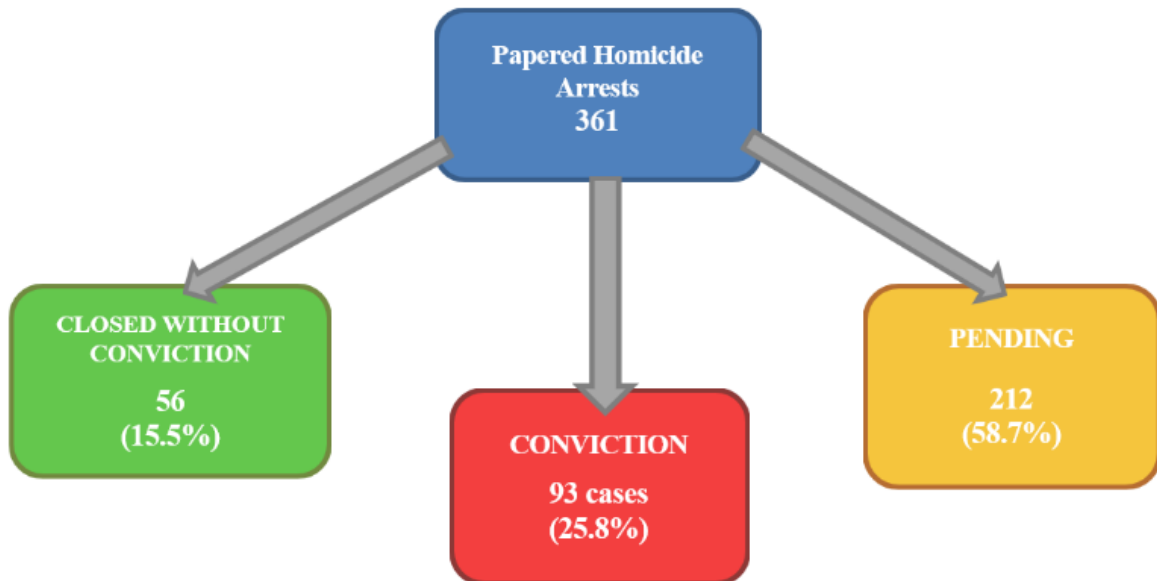
A. Arrest and Papering Trends

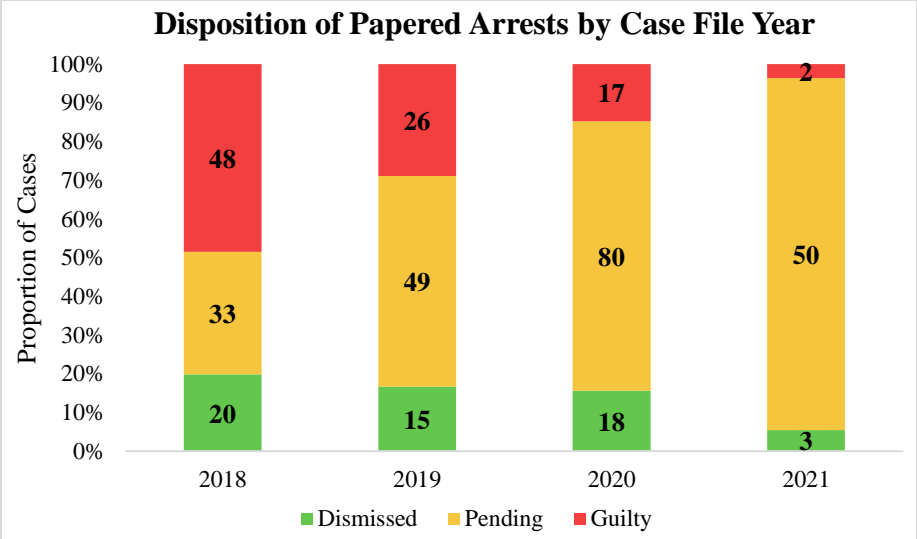
Between 2018 and 2021 there were a total of 397 arrests made for a Homicide offense in the District of Columbia. The vast majority, (361 arrests, 91%), were filed in D.C. Superior Court. The yearly papering rates for Homicide arrests presented in the table below.

Arrest Year	2018	2019	2020	2021	Total
Homicide					
Total Arrests	112	102	124	59	397
No Papered	10% (11)	10% (10)	9% (11)	7% (4)	9% (36)
Papered	(90%) (101)	90% (92)	91% (113)	93% (55)	91% (361)

B. Case Disposition of Papered Arrests

The following diagram depicts the disposition of the 361 Homicide arrests that were filed in D.C. Superior Court. It is important to acknowledge that over half of the papered arrests (212 arrests, 59%) remain pending, meaning that they have not yet reached a final disposition.

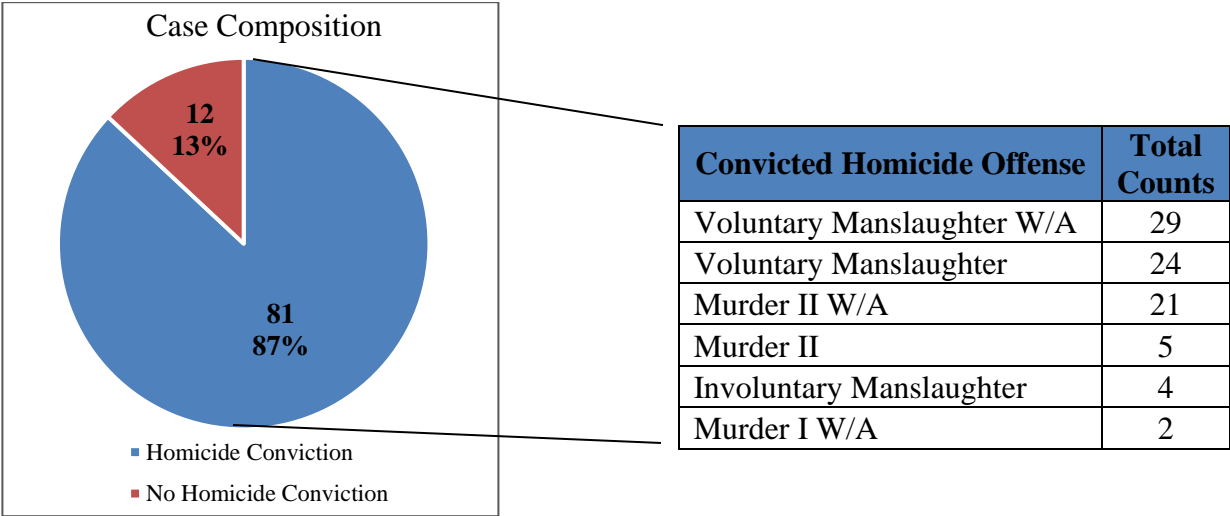




C. Sentencing Trends

Approximately one quarter of all papered Homicide cases (93 cases, 26%) resulted in a finding of guilt, representing 62% of all Homicide cases that have reached a disposition.³ Eighty-one (87%) of these cases contained a Homicide conviction; the remaining 12 cases did not result in a Homicide conviction, but rather convictions for other, non-Homicide offenses.

A total of 85 Homicide counts were sentenced as part of the 81 cases that contained a Homicide conviction. The distribution of Homicide counts by convicted offense is displayed below. It is important to acknowledge that the low number of convictions for Murder I is likely attributable to the restrictions on court operations, specifically conducting jury trials, starting in March 2020. All but two of the Homicide convictions were disposed via a plea agreement.



³ As of May 2022.

The remaining 12 cases did not result in a Homicide conviction, but rather convictions for other, non-Homicide offenses. The distribution of these convictions, as reported by the most serious count on the case is presented below.

Convicted Offense	Total Counts
Aggravated Assault Knowingly	4
Negligent Homicide	3
Robbery	1
Assault W/I to Commit Robbery W/A	1
Second Degree Cruelty to Children – Grave Risk	1
Misdemeanor Offense	2

The total number of counts sentenced and the average sentence imposed for each offense is presented in the table below. Note that the average sentence imposed is only reported for cells with a total of three or more convictions. Additionally, 10 of the 85 Homicide counts have not yet been sentenced; these 10 counts have been omitted from the table below.

Convicted Offense	Sentence Year				
	2019	2020	2021	2022	Total
Murder I W/A	1	-	-	1	2 <i>450 months</i>
Murder II	1	1	1	-	3 <i>172 months</i>
Murder II W/A	8 <i>218 months</i>	3 <i>271 months</i>	6 <i>166 months</i>	2	19 <i>204 months</i>
Voluntary Manslaughter	8 <i>82 months</i>	5 <i>72 months</i>	5 <i>82 months</i>	4 <i>105 months</i>	22 <i>84 months</i>
Voluntary Manslaughter W/A	9 <i>148 months</i>	5 <i>128 months</i>	6 <i>119 months</i>	5 <i>115 months</i>	25 <i>130 months</i>
Involuntary Manslaughter	1	2	1	-	4 <i>48 months</i>

III. Carjacking

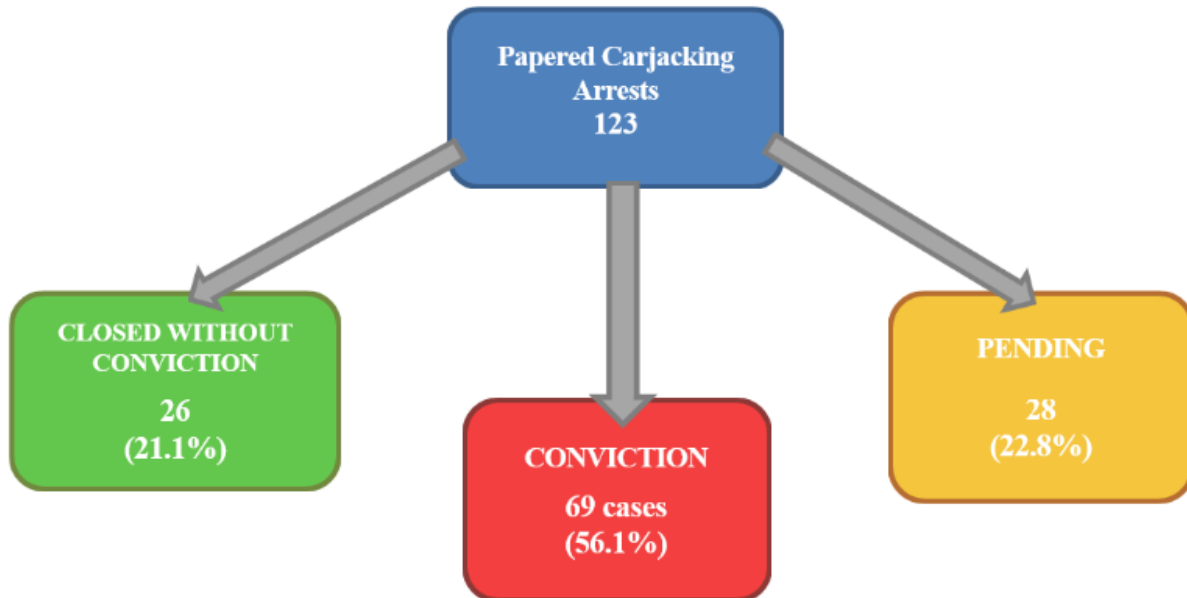
A. Arrest and Papering Trends

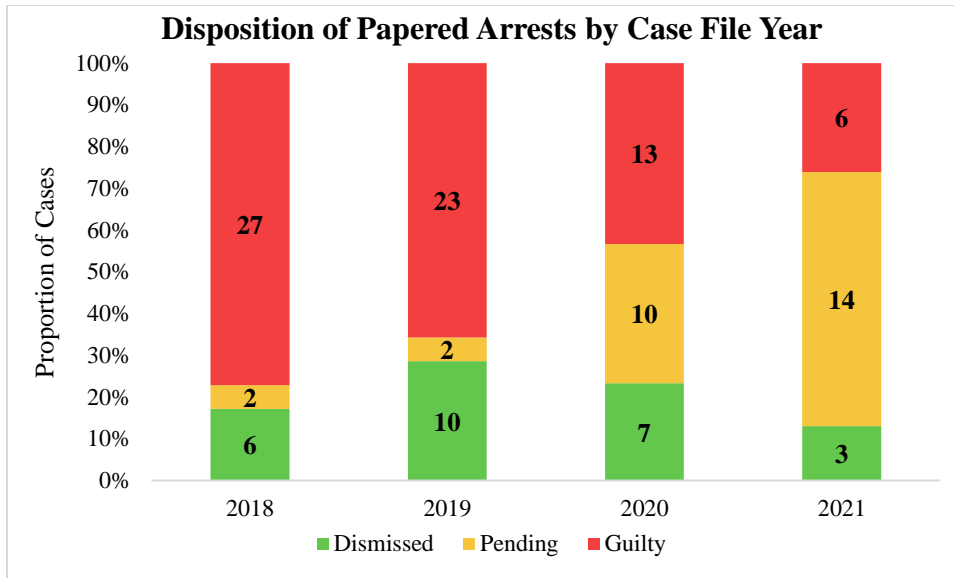
Between 2018 and 2021 there were a total of 154 arrests made for a Carjacking offense in the District of Columbia. The majority, (123 arrests, 80%), were filed in D.C. Superior Court. The yearly papering rates for Carjacking arrests is presented in the table below.

Carjacking					
Arrest Year	2018	2019	2020	2021	Total
Total Arrests	112	102	124	59	154
No Papered	17% (7)	12.5% (5)	33% (15)	15% (4)	20% (31)
Papered	83% (35)	87.5% (35)	67% (30)	85% (23)	80% (123)

B. Case Disposition of Papered Arrests

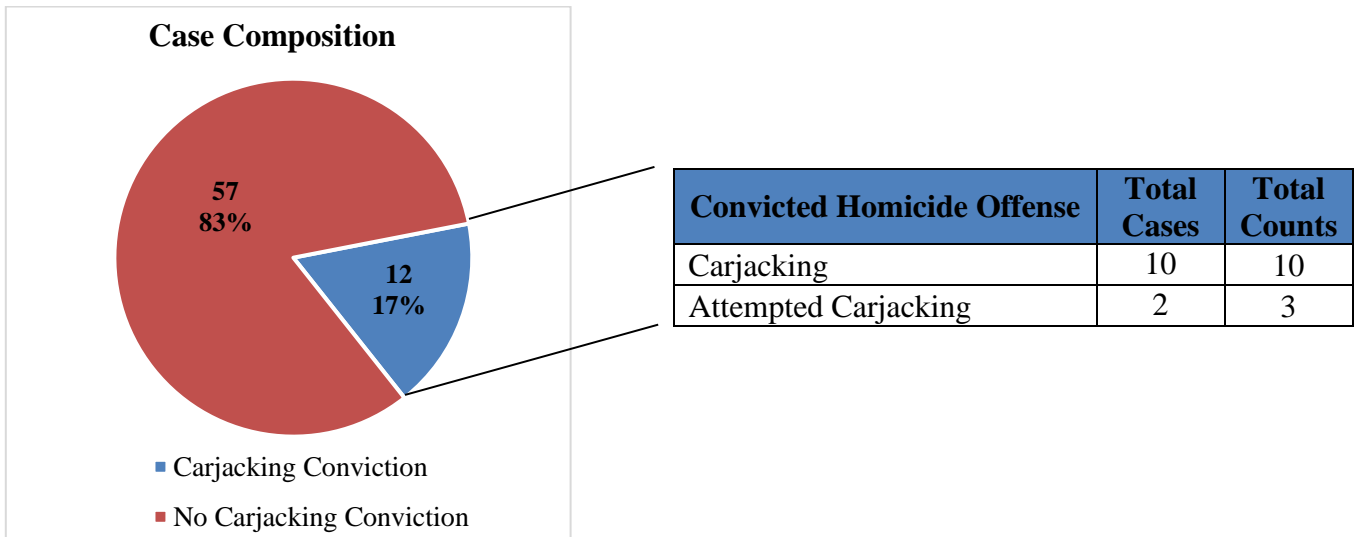
The following diagram depicts the disposition of the 123 Carjacking arrests that were filed in D.C. Superior Court. It is important to note that over just under a quarter of the papered arrests (28 arrests, 23%) are pending, meaning that they have not yet reached a disposition.





Sentencing Trends

Over half of all Carjacking arrests (69 cases, 56%) resulted in a finding of guilt. These 69 cases represented 73% of all papered Carjacking cases (123 total papered cases).⁴ Only 12 of these 69 cases (17%) resulted a Carjacking conviction; these convictions comprised a total of 13 carjacking counts (one case had two Attempted Carjacking convictions). Three of the 13 Carjacking convictions were for attempted carjacking, the remaining 10 convictions were for unarmed carjacking; none of the disposed carjacking cases resulted in conviction of armed carjacking. Note that all 13 carjacking convictions were the result of a plea agreement.



The remaining 57 cases did not result in a Carjacking conviction, but rather convictions for other, non-Carjacking offenses. The distribution of these convictions, which is reported based on the most serious count in each case, is presented below.

⁴ As of May 2022.

Convicted Offense	Total Counts
Robbery	18
Armed Robbery	14
Assault With a Dangerous Weapon	5
Attempt to Commit Robbery	5
Theft First Degree	2
Unauthorized Use of a Vehicle	2
Assault W/I to Commit Robbery	1
Conspiracy to Commit a Crime of Violence	1
Poss Firearm During Crime of Violence	1
Receiving Stolen Property \$1000 or More	1
Unlawful Possession of a Firearm	1
Unknown (not Carjacking)	1
Misdemeanor	5

The total number of counts sentenced and the average sentence imposed for each offense is presented in the table below. Note that the average sentence imposed is only reported across all years for offenses with a total of three or fewer convictions. Additionally, two of the 13 Carjacking counts have not yet been sentenced; these two counts have been omitted from the below analysis.

Convicted Offense	Sentence Year					Total
	2018	2019	2020	2021	2022	
Carjacking	4	2	-	3	1	10 <i>81 months</i>
Attempted Carjacking	-	1	-	-	-	1

IV. Felony Assault

This portion of the analysis reports on arrest and sentencing trends for the three Felony Assault offenses that were specified in the data request. The three offenses are: Assault with a Dangerous Weapon (ADW), Assault with Intent to Kill (AWIK), Aggravated Assault. Other assault charges, such as misdemeanor (simple) assault and Assault with Significant Bodily Injury, are not categorized as a ‘Felony Assault’ offense in this analysis.

A. Arrest and Papering Trends

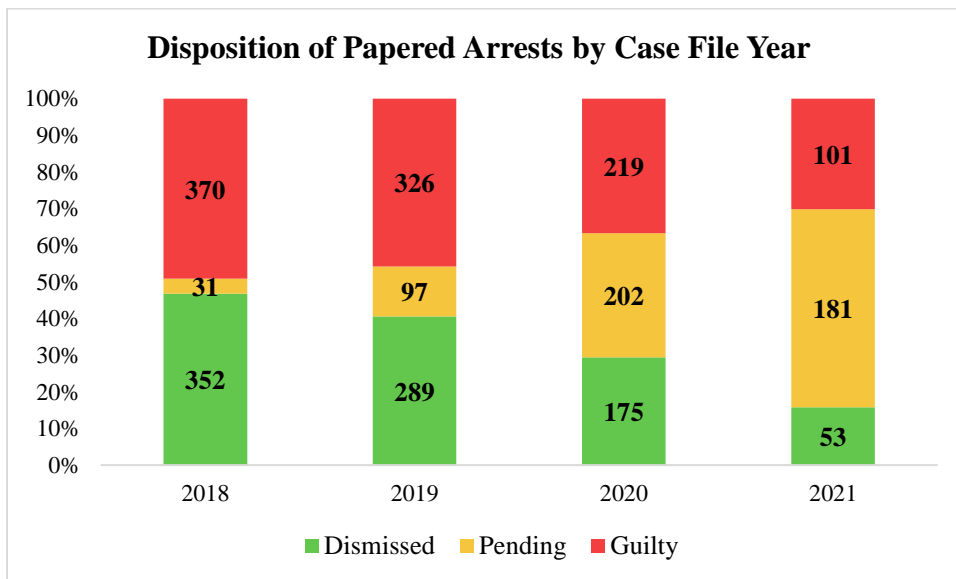
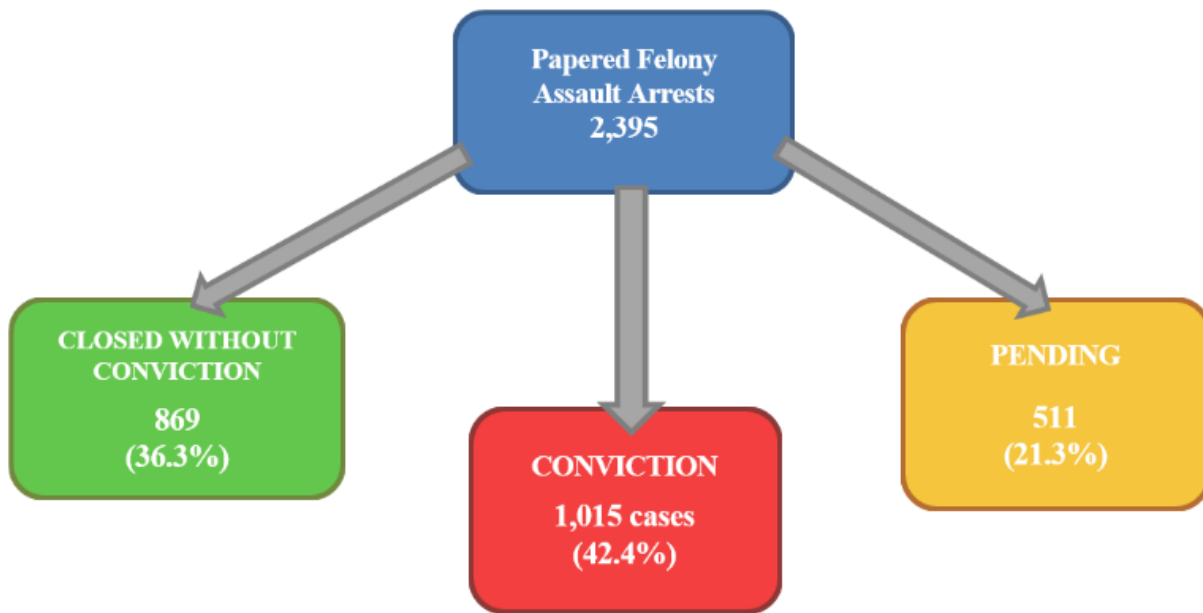
Between 2018 and 2021 there were a total of 3,253 arrests made for one of the listed Felony Assault offenses in the District of Columbia. Most of these arrests (2,302 arrests, 71%) were filed in D.C. Superior Court. The yearly papering rates for Felony Assault arrests are presented in the table below.

Felony Assault					
Arrest Year	2018	2019	2020	2021	Total
Total Arrests	1030	932	822	469	3,253
No Papered	28% (288)	28% (260)	30% (247)	33% (156)	29% (951)
Papered	72% (742)	72% (672)	70% (575)	67% (313)	71% (2,302)

B. Case Disposition of Papered Arrests

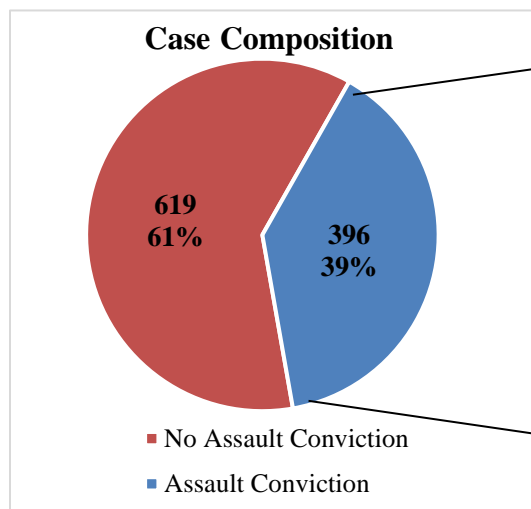
Please note that the current structure of the MPD arrest data prevented the Commission from being able to definitively identify the D.C. Superior court case that is directly linked to the Felony Assault arrest. Consequently, the dispositions of all D.C. Superior Court cases that have been filed as a result of the Felony Assault arrest, including those that are associated with a prior or unrelated offense/incident, are included in the following analysis.

2,302 of the 3,253 (71%) Felony Assault arrests were papered, resulting in a total of 2,403 cases that were filed and prosecuted in D.C. Superior Court. The D.C. Sentencing Commission has data for 2,395 of these cases. The disposition outcomes of these 2,395 cases is presented in the diagram below. It is important to acknowledge that approximately 20% of the papered arrests remain pending, meaning that they have not yet reached a disposition.



C. Sentencing Trends

Only 42% (1,015 cases) of the 2,395 papered Felony Assault cases resulted in a finding of guilt; 396 of which (39%) contained at least one Felony Assault conviction. These 396 cases contained a total of 421 convicted Felony Assault offenses; the distribution of these offenses is presented in the table below. Attempted Assault with a Dangerous Weapon was the most frequently sentenced Felony Assault offense, representing just over half (53%) of all Felony Assault convictions.



Convicted Felony Assault Offense	Total Counts
Assault With a Dangerous Weapon (Attempt)	224
Assault With a Dangerous Weapon	147
Aggravated Assault Knowingly W/A	17
Aggravated Assault Knowingly	13
Assault W/I to Kill	12
Assault W/I to Kill W/A	4
Assault With a Dangerous Weapon W/A	2
Aggravated Assault Knowingly-Grave Risk W/A	1
Aggravated Assault Knowingly (Attempt)	1

The remaining 619 cases did not result in a Felony Assault conviction, but rather convictions for other, non-Felony Assault offenses. The majority of these cases (435 cases, 70%) contained only misdemeanor offenses. Misdemeanor (simple) Assault was the most frequently convicted misdemeanor offense. The misdemeanor only cases were comprised of 688 total counts, half of which were for misdemeanor (simple) Assault (350, 51%). This is followed by Possession of a Prohibited Weapon, which represented 28% of all counts (195 counts) on misdemeanor only cases. Note that 89% of the misdemeanor (Simple) Assault and 85% of the Possession of a Prohibited Weapon convictions were the result of a plea agreement.

The most severe count sentenced is not calculated for misdemeanor convictions. Consequently, the most severe count sentenced for 'No Felony Assault Conviction' cases can only be determined for 184 of the 619 cases; these 184 cases contained at least one felony conviction. A total of 36 unique offenses were categorized as the most severe count sentenced. The top 10 offenses, as well as the total number of misdemeanor only cases are displayed in the table below.

Convicted Offense	Total Counts
Felony Assault with Significant Bodily Injury	48
CPWL	30
Unlawful Possession of a Firearm	26
Robbery	12
Attempt to Commit Robbery	11
Threat to Kidnap or Injure a Person	8
Contempt - Felony	5
Felony Assault with Significant Bodily Injury W/A	4
Armed Robbery	3
Possession Firearm During a Crime of Violence	3
Misdemeanor Only	435

The total number of counts sentenced, and the average sentence imposed for each offense is presented in the table below. Note that the table only includes Felony Assault counts that resulted in a Prison sentence; 265 (63%) of the 421 Felony Assault convictions. The remaining 156 counts either have not yet been sentenced (16 counts) or resulted in a probation or short split sentence (140 counts), all of which were imposed for ADW (including attempted ADW). Exactly half (50%, 112 counts) of all Attempted ADW convictions received either a probation or short split sentence, compared to only 18% of all ADW convictions (27 counts). One Aggravated Felony Assault While Armed count received a probation sentence.

Note that the yearly average sentence imposed is only reported for years where there are three or more counts sentenced. Additionally, 15 of the 421 Felony Assault counts have not yet been sentenced; these 15 counts have been omitted from the below analysis.

Convicted Offense	Sentence Year					
	2018	2019	2020	2021	2022	Total
Attempted ADW	16 <i>21 months</i>	34 <i>20 months</i>	22 <i>20 months</i>	29 <i>21 months</i>	7 <i>23 months</i>	108 <i>21 months</i>
ADW While Armed	1	-	-	1	-	2 <i>46 months</i>
ADW	12 <i>40 months</i>	39 <i>43.2 months</i>	12 <i>45 months</i>	43 <i>51 months</i>	7 <i>43 months</i>	113 <i>46 months</i>
Aggravated Felony Assault	-	6 <i>47 months</i>	1	4 <i>48 months</i>	1	12 <i>50 months</i>
Aggravated Felony Assault While Armed	1	4 <i>108 months</i>	4 <i>72 months</i>	3 <i>82 months</i>	2	14 <i>89 months</i>
AWIK	-	4 <i>78 months</i>	1	4 <i>60 months</i>	3 <i>56 months</i>	12 <i>65 months</i>
AWIK While Armed	-	-	2	2	-	4 <i>138 months</i>