EXECUTIVE SUMMARY

Throughout 2016, the District of Columbia Sentencing Commission continued its ongoing effort to improve data quality and data access. This work has enhanced the agency's capacity to both monitor and analyze sentencing trends, and determine judicial compliance with the District's Voluntary Sentencing Guidelines. The Commission's improved analytic capabilities allow for more in-depth analysis of the Guidelines and enable data-driven policy recommendations.

In 2016, the District experienced the first increase in the number of felony cases and offenders sentenced in the Superior Court since 2010. While the number of cases sentenced increased, compliance with the Guidelines remained very high. Over 97% of all felony sentences imposed this year were compliant with the Guidelines, demonstrating the highest rate of compliance the Commission has observed since the implementation of the Guidelines. This high compliance rate also indicates wide spread acceptance of the Guidelines by criminal justice practitioners and the judiciary.

Over the past year, the Commission also focused on completing its first multi-year Guidelines Evaluation Report. The report contains an in-depth analysis of the impact of the Guidelines on sentencing in the District and identifies areas for further research by the Commission. Released in March 2017, the Commission's Evaluation Report can be found at https://scdc.dc.gov/service/guidelines-evaluation-report.

Changes in Data Reporting

Previously, the various data analyses presented in the Commission's Annual Report were based on a combination of "live" and annual "snap shot" data, which represents data that is frozen at the end of each calendar year. Beginning in 2016, the Commission will only use annual "snap shot" data for analysis and reporting purposes in the Annual Report, given that this data allows for the most accurate year to year comparison of sentencing data, as well as identifying the impact of any modifications to the Sentencing Guidelines.

This decision means that there may be some discrepancies between the data reported in the 2016 Annual Report and data presented in the Commission's previous Annual Reports. However, the data in the 2016 Annual Report is more reflective of actual sentencing trends that occurred during previous years when compared to live data, which is continually updated.

2016 Sentencing Trends

In 2016, the D.C. Superior Court sentenced 1,611 individuals in 1,683 felony cases, consisting of 2,201 felony counts. This represents an 8% increase in the number felony counts sentenced compared to 2015. The increase is driven primarily by an increase in the number of Weapon and Drug offenses sentenced. In 2016, both felony Drug offenses and Weapon offenses sentenced

show a 45% increase when compared to the number of felony Drug and Weapon offenses sentenced in 2015. Consistent with 2014 and 2015, Offense Severity Group M8 accounted for the highest percentage (32.6%) of offenses sentenced by Offense Severity Group in 2016.

Overall, Violent offenses remained the most common offense type sentenced in 2016, representing 31% of all cases sentenced. The number of sentences in the Violent offense category peaked in 2012, but have demonstrated a gradual decline from 2013 through 2015, before increasing by 3.4 % in 2016. Within the Violent offense category, Robbery was the most frequent offense sentenced; representing 39.7% of all offenses sentenced in the Violent offense category.

In contrast to previous years, a prison sentence was not imposed for the majority of cases sentenced, with only 46% of cases receiving a prison sentence. This decline is partially due to the significant increase in the number of drug offenses for which probation or a short split sentence is an available sentencing option in the vast majority of grid boxes on the Drug Grid. However, a prison sentence was still imposed more often than any other specific sentence type, with a short split sentence imposed in 18% of cases and a probation sentence imposed in 36% of cases.

Offender demographics remained consistent with previous years, with males representing 91.6% of offenders sentenced. Despite the large difference in the gender of offenders sentenced, the data indicates that there are some offense types in which male and female offenders share similar proportionality in sentencing. Approximately 25% of both males and females were sentenced for Drug offenses. For both male and females, violent offenses represented the highest proportion of offenses sentenced in 2016. Females were more likely to be sentenced for a Violent offense or an Other offense; males were more likely to be sentenced for a Weapon offense. Similar to prior years, the average Criminal History score for males (1.7) was higher than for females (1.0).

Offenders age 18 to 30 account for 58.5% of all offenders sentenced in 2016, almost 16% more than the 42.7% they represented in 2010. Over the same time period, the percentage of offenders sentenced aged 41-50 has decreased from 23.8% to 10.7%. Similar to previous years, very few felony cases sentenced involved offenders over the age of 60, representing only 1.9% of offenders sentenced in 2016.

Guideline Compliance

As noted earlier, in 2016, over 97% of all counts sentenced were compliant with the Guidelines, representing the highest compliance rate observed by the Commission since the inception of the Guidelines in 2004. This percentage is consistent with yearly compliance rates, which have been near or above 90% since the implementation of the Guidelines. The current high compliance rate is attributable to a combination of factors including: (1) the length of time the Guidelines have

been in place; (2) modifications to the Guidelines to ensure the recommended sentence is appropriate; and (3) improved data collection and compliance validation practices.

In 2016, compliant in-the-box sentences accounted for 90.3% of all sentences imposed, meaning that the sentence imposed was within both the Guidelines recommended range and sentence type(s). In addition, the Commission recorded only 53 non-compliant sentences in 2016, with all but two of those sentences representing a sentence less than the recommended Guideline sentence. This represents a 2.5% decrease in the percentage of non-compliant sentences from 2015 to 2016. Compliant departures occurred in 2.4% (50 counts) of all felony counts sentenced in 2016, in which the sentencing judge departed from the recommended Guideline sentence by using one of the available departure factors.