

*The District of Columbia
Sentencing Commission*



*Sentencing Guidelines
Data Dictionary
January 1, 2017*

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Introduction

The D.C. Sentencing Commission (“the Commission”) is an independent agency within the District of Columbia. The mission of the Commission is to implement, monitor, and support the District's Voluntary Sentencing Guidelines (“the Guidelines”), to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guideline system and recommend changes based on actual sentencing and corrections practice and research.

Understanding the Guidelines is imperative to properly using the Commission’s data. To learn more about the Commission and the Guidelines, please visit the Commission’s website at <http://scdc.dc.gov/>. Also available at the Commission’s website are discussions of sentencing practices prior to the implementation of the Guidelines, Issue Papers, and Annual Reports, which contain a considerable amount of analysis and discussion of sentencing trends in the District (<http://scdc.dc.gov/node/1108677>).

This sentencing data dictionary contains sentencing related variables that are provided to the Commission by the DC Superior Court (“the Court”), the Court Services and Offender Supervision Agency (“CSOSA”), and other criminal justice institutions. While sentencing related data is available for a number of years dating back to the late 1990s, the data from 2010 onward is the only data that the Commission has verified and determined to be complete. Data from years prior to 2010 are not provided by the Commission.

How to Use the Sentencing Commission Data Dictionary

The data dictionary is comprised of two sections. The first section presents the Data Dictionary, which includes definitions for all publically shared variables available from the Sentencing Commission. Variables in this section are the most complete and accurate variables the Commission collects.

The second section contains the Appendices. Appendix A provides clarification regarding the possible values, purpose, or application of certain variables. If a variable is discussed in Appendix A, it will be noted as such at the end of the variable description in the Data Dictionary. Appendix B contains the Guidelines Master Grid and Appendix C contains the Guidelines Drug Grid. Both Grids show the Guidelines-recommended sentence types and sentence lengths based on the severity of the offense of conviction and the offender’s Criminal History score.

Overview of the Guidelines

In 1998 the Commission was charged with determining whether a comprehensive structured sentencing system for the District was needed. After examining the system then in effect, the Commission concluded that the District could benefit from a comprehensive structured sentencing system. Thereafter, the Commission embarked upon the challenging task of creating sentencing guidelines for felony offenses.

Following the lead of other jurisdictions and an earlier effort in the District, the Commission developed two grids: one for felony drug offenses and one for all other felony offenses. The offense of conviction is displayed on the vertical axis and the offender's criminal history score is displayed on the horizontal axis. The box where these two factors intersect on the grids contains the sentencing options and prison ranges for that particular combination of the offense of conviction and criminal history score of an offender. In general, as the seriousness of the offense and the criminal history score of the offender increase, the length of the prison sentences increase and the alternatives to incarceration decrease.

For information on how the Guidelines were developed, please see the Guidelines Manual, available at: <http://scdc.dc.gov/page/sentencing-guidelines-manual-sccrc>. For more information on sentencing trends and judicial compliance with the Guidelines, please see the Commission's Annual Report, available at <http://scdc.dc.gov/page/published-scdc-annual-reports>.

There are three types of boxes on the Guideline Master and Drug Grids. Boxes for which incarceration is the only Guidelines compliant sentence type are colored white. These represent the majority (41 out of 65) of the boxes on the Master and Drug Grids. The green or dark grey boxes allow for either incarceration or short split sentences. Short split sentences involve a prison term of up to six months, followed by a period of probation. When a sentence of this type is imposed, the portion of the sentence not initially served is referred to as the suspended sentence. For split or probation sentences, if the terms of the probation are violated, the suspended portion of the sentence, or any part thereof, may be imposed. In the yellow or light grey boxes, sentences of incarceration, short split, and probation are considered Guidelines compliant.

The Commission monitors sentencing compliance through an automated system that compares Guideline recommended sentence for the offense of conviction and criminal history of an offender in a given case with the sentence type and sentence length imposed by the Court. If the sentence type is not available in a given box on the Grids, or the length of the sentence is outside of the recommended sentence range for a given box, the sentence is considered noncompliant.

For more information on how the Guidelines were developed, how criminal histories are scored, and how Guidelines compliance is determined, please see the 2016 Voluntary Sentencing Guidelines Manual (<http://scdc.dc.gov/page/sentencing-guidelines-manual-sccrc>).

Key Points About the Data

The Guidelines only apply to felony sentences. The Commission tracks and analyzes every felony offense sentenced in the Court. The Commission does not monitor misdemeanors; traffic offenses; cases disposed of through specialty courts such as drug court or family court; or cases disposed of through federal courts, given that the Guidelines do not apply to these types of cases.

The Commission's sentencing data is updated daily with information received from the Court and CSOSA. These updates include adding new cases, adding new details to cases already in the Commission's database, and updating or correcting sentencing data already in the Commission's database. The data therefore continually changes.

The Commission also stores its data in annual Historic Datasets. The Historic Datasets are captured at the end of every calendar year and store all the Commission's sentencing data collected to that point in a frozen format that is not updated. Because the Historic Datasets are never altered or updated, using them for analyses is the most effective manner to maintain a consistent dataset and to produce verifiable, replicable analyses.

Sentencing data can be analyzed at three levels: the count level, the case level, and the offender level. Each count represents a single offense. A single offender can have multiple cases, and each case may contain multiple counts. Provided below is brief description of the three levels of analysis.

Level of Analysis

- Count
- Case
- Offender

Count level

Counts represent individual offenses. When an individual is convicted, he or she may be convicted of a single count or multiple counts within a single case. For example, an individual may be convicted of and sentenced for one count of robbery and one count of carrying a pistol without a license. Each of these two offenses represents a single count, though both counts are part of the same case. Data at the count level will contain one entry or row for each convicted

count. Therefore, count level datasets may contain numerous entries for a single offender and a single case.

Case level

Cases represent a single offense or a collection of offenses that have been charged together. Data at the case level will contain only one entry per case, regardless of the number of counts convicted within that case. All of the data fields relating to sentencing will be based on the most severe count within a given case.¹ In the example above, robbery is a more severe offense than carrying a pistol without a license, thus the charge of conviction, sentence type, sentence length, and other sentencing variables will be based on the sentence imposed for the robbery offense, regardless of the sentence for the less severe offense. Offenders may be convicted in numerous cases over time, and so a case-level dataset may contain numerous entries for a single offender.

Offender level

Offenders represent a single individual who has been convicted in at least one felony case in the District. Data at the offender level will contain one entry per offender. All of the data fields relating to sentencing will be based on the most severe count for which the offender has ever been convicted. For example, if an offender was convicted of robbery and carrying a pistol without a license in one case, and convicted of carjacking while armed in a separate case, all of the sentencing information would be based on the sentence for carjacking while armed, since it represents the most severe count of which the offender has ever been convicted.

For datasets provided upon request to members of the public, certain variables are removed before dissemination. This includes any variables that contain personally identifiable information (PII) such as names, birth dates, driver's license information, and social security numbers, and variables that could be used to identify an individual, such as case number or Police Department Identification Number (PDID).

¹ For a description of how the most severe count is determined, see the *Severity* entry in Appendix A.

Data Dictionary

AccessoryAfterTheFact:	A binary variable indicating whether there was a charge modifier of Accessory After the Fact (in the form true/false). See discussion in Appendix A.
Actual_DSP_CD_DSCR	The type of disposition, or how a given case was decided. Possible values are: <ul style="list-style-type: none">○ Guilty – Plea Judgment Guilty○ 904 – Guilty Plea○ Guilty – Jury Trial○ Guilty – Court Trial There is no difference in the two types of guilty pleas listed.
AgeAtOffense	The age of the offender on the date of the commission of the offense being sentenced.
AgeGroup	The age group of the Offender on the date of the commission of the offense being sentenced. Possible values are: 15 – 17; 18 – 21; 22 – 30; 31 – 40; 41 – 50; 51 – 60; 61 – 70; 71+.
AMENDED_ACT_CD	The numeric code identifying the offense for which the offender was convicted.
AMENDED_ACT_CD_DSCR	The name of the offense for which the offender was convicted. This variable represents the Commission’s primary data element for the description of the offense of conviction. Values for this data element may not always include an indicator of whether the charge of conviction was an armed, attempted, or attempted armed offense. This variable must be combined with the Armed and Attempt variables for the full and accurate charge of conviction.
Armed	Binary variable indicating whether the offense was sentenced as “while armed” (in the form true/false).
Attempt	Binary variable indicating whether the offense was sentenced as an attempt (in the form true/false).
ATTY_CD_DSCR	Description of the type of attorney representing the offender. Possible values are: Appointed, CJA, CJA initial, CJA

Replacement, Primary Attorney, ProBono, Public Defender Services, and Retained.

CalculatedMax	The upper limit of the Guidelines sentence range of the box for a given offense. The maximum sentence for a given offense and Criminal History Score intersect that would be considered Guidelines compliant.
CalculatedMin	The lower limit of the Guidelines sentence range of the box for a given offense. The minimum sentence for a given offense and Criminal History Score intersect that would be considered Guidelines compliant.
CASE_DSCR	The case number for a particular case. Note: this variable will only be provided in an anonymized generic case number form so as to prevent the disclosure of personally identifying information.
CASE_FILE_DT	Date the criminal arrest was received electronically by the Court.
CaseType	The type of case for a given offense. Possible values are Felony, Miscellaneous, Misdemeanor, and Traffic. Note: The Guidelines only apply to Felony cases.
CaseYear	Year in which the case was filed.
CHRG_NBR	The charge number of a given offense within a case. For cases/dockets in which multiple offenses are charged, the charges will be numbered. For cases in which a single offense is charged, the charge number is 1.
ComplianceStatus	Indicates whether a given sentence was compliant with the Guidelines. See Appendix A for detailed discussion of each possible value. Possible values are: <ul style="list-style-type: none">○ 11(c)(1)(C)○ Awaiting DQA○ CHS never requested/No PSI○ Compliance in the box○ Compliance outside the box○ Compliant departure○ Confirmed non-compliant departure

- Indeterminate
- No CH Score
- No Conviction
- Non-Compliant
- Non Guideline
- Remand
- Revocation

CONFIN_CD_DSCR	Indicates the type of confinement for a given offense. Possible values are Confinement, Null, Time Served, and YRA. This is the most accurate variable indicating whether a case received a sentence under the YRA. SentenceType is the most complete and accurate variable for determining the type of sentence imposed (incarceration, long split, probation, or short split).
Conspiracy	Binary variable indicating whether the offense involved conspiracy to commit the offense of conviction (in the form true/false).
Conviction	A binary variable indicating whether a given offense was convicted or not. Guidelines sentences only apply to convicted offenses (in the form true/false).
Crim_History_Total	A given offender's Criminal History score. This is a score given to the offender based on a particular scoring system accounting for all eligible previous offense committed by the offender. The Criminal History score is calculated and provided by CSOSA. It is one of the necessary elements, along with the offense of conviction and the sentence, for computing Guidelines compliance. For a full discussion of how offenses are scored and which sentences are eligible, please see the Voluntary Sentencing Guidelines Manual (http://scdc.dc.gov/page/sentencing-guidelines-manual-sccrc).
CrimeOfViolence	Binary variable indicating whether the offense involved a Crime of Violence (in the form true/false).
CSOSASentence Recommendation	Indicates the type of sentence recommended by CSOSA. Possible values are Incarceration, Long Split, Probation, and Short Split.
DATE_IMPOSED	The date of sentencing for a given case, in the form MM/DD/YYYY.

DEPART_TYPE	Indicates whether the sentence is a mitigating departure (below the Guidelines minimum sentence range) or an aggravating departure (above the Guidelines maximum sentence range). Also see variable RSN_CD_DSCR.
DSP_DT	The date of the Court's disposition for a given charge. Note: DATE_IMPOSED is the most complete and accurate variable for tracking the date of sentencing. The case disposition and case sentencing do not necessarily occur on the same date.
Drugs	Indicates the type of drug involved in a particular offense. The complete list of drug types fluctuates by year, but a comprehensive list of drugs involved in offenses sentenced in the 2010 through 2015 period can be found in Appendix A.
EligibleSentenceType	Sentence type for which the offender is eligible, based on the Master and Drug Grids. The eligible sentence is determined by the offense of conviction and an offender's Criminal History Score. The Guidelines apply to felonies only; this variable does not apply to other types of convictions. Possible values are incarceration, life, long split, probation, short split, and combinations of these. See introductory notes for discussion of what each sentence type means.
Enhancement	Binary variable indicating whether a charge was convicted with an enhancement (in the form true/false). For a list of common enhancements, please see Appendix A.
GNDR_CD	Indicates the gender of the offender. Possible values are Male and Female.
ISS_FLAG	Binary variable indicating whether the imposition of the sentence was suspended for a given case (F = False, T = True).
MostSevereCount	Indicates which count in a given case is the most severe. For a description of how severity is determined please see the "Severity" entry in Appendix A.

MostSevereCountFlag	Binary variable indicating whether a given count was the most severe count sentenced in a given case (0 = False, 1 = True). For a description of how severity is determined please see the “Severity” entry in Appendix A.
MostSeverePDIDCount CountFlag	Binary variable indicating whether a given count was the most severe count for which an offender has ever been convicted (0 = False, 1 = True). For a description of how severity is determined please see the “Severity” entry in Appendix A.
Murder	Indicates whether a given charge was an offense in the Homicide category (in the form true/false). Offenses in this category include: first degree murder, second degree murder, felony murder, voluntary manslaughter, and involuntary manslaughter.
OFFENSE_DT	The date the offense occurred, in the form MM/DD/YYYY.
OffenseType	Indicates the category of offense for a given charge. The Commission categorizes felony offenses into the following categories: Drug, Homicide, Other, Property, Sex, Violent, and Weapon.
PDID	A unique ID number assigned to an offender by the Metropolitan Police Department (MPD). This number is created in the arrest phase. Once assigned, the number stays with the offender through all criminal justice interactions in the District throughout the offender’s life. It is the primary ID for tracking individual offenders, and can be used to track an individual offender across multiple cases. Note: this variable will only be provided in an anonymized generic offender ID form so as to prevent the disclosure of personally identifying information.
PLEA_CD_DSCR	Indicates whether an offender plead guilty or not guilty. Note: Actual_DSP_CD_DSCR is the most complete and accurate variable indicating the disposition type in a given case.
PROB_REV_DATE	Date on which a given offender’s probation was revoked.
PROS_ACTN_CD_DSCR	Description of the prosecutor charge code. The prosecution charge and the offense of conviction are not necessarily the same.

AMENDED_ACT_CD is the Commission's primary variable indicating the charge of conviction in a given case.

RACE_CD_DSCR	Indicates the offender's race. Possible values include: American Indian, Asian, Black, Hispanic, Other, Pacific Islander, Unknown, and White.
RevocationStatus	Indicates whether probation has been revoked in a given case. Possible values include Null, Original, and Revocation.
RSN_CD_DSCR	Indicates the reason for a departure. Reasons are not always provided. Possible values include: 11(c)(1)(C), A1 through A11, and M1 through M10. For a more detailed discussion of each departure reason, see Appendix A.
SentenceImposedMonths	The length of an offender's sentence, in months, including any portion of the sentence that is suspended.
SentenceMonths	Length of an offender's sentence, in months, minus any time suspended. Indicates the actual time an offender is sentenced to serve. This is the Commission's primary variable for tracking and analyzing sentence lengths.
SentenceProbationMonths	Length of an offender's probation sentence, in months. This is the Commission's primary variable for tracking and analyzing probation sentence lengths. Any offender receiving a sentence of probation, long split, or short split can have a period of probation as all or part of their sentence.
SentenceSuspendedMonths	The length of the portion of an offender's sentence that is suspended, in months. This is the Commission's primary variable for tracking and analyzing suspended sentence lengths. Offenders receiving a sentence of probation, long split, or short split will often also receive an incarceration sentence. The judge can suspend all or part of that sentence. If the offender violates the terms of their probation, the offender may be ordered to serve all or part of the portion of the sentence that was suspended.
SentenceType	Indicates the type of sentence imposed. Possible values include incarceration, life, long split, probation, and short split. The

Commission considers life and long split sentences incarceration sentences.

SentenceYear	The calendar year in which the offender was sentenced.
SeverityGroup	The Drug and Master Grid offense severity level for a given offense. Categories for drug offenses are D1 through D4, with D1 being the most severe. Categories for non-drug offenses are M1 through M9, with M1 being the most severe.
SingleOrMultiFelonyCount	Indicates whether the case involved a single count of conviction or multiple counts of conviction, and whether the counts were felonies, misdemeanors, or a combination of felonies and misdemeanors. Possible values are: <ul style="list-style-type: none">○ MCMF (Multiple Count Multiple Felony)○ MCNF (Multiple Count No Felony)○ MCSF (Multiple Count Single Felony)○ SCNF (Single Count No Felony)○ SCSF (Single Count Single Felony)
SubCategoryType	Denotes the offense subcategory for a particular offense. The Commission categorizes offenses into 13 subcategories: Assault, Attempted Drug Offenses, Burglary, Kidnapping, Homicide, Other, Other-Property, PWID + Dist, ² Robbery, Sex, Theft, Weapon, and While Armed Drug Offenses. See Appendix A for a list of the individual offenses in each subcategory.
TotalCaseCounts	The total number of counts charged in a given case. This may include counts that do not result in a conviction.
TotalFelonyCaseCounts	The total number of felony counts charged in a given case. This may include felony counts that do not result in a conviction.

² PWID stands for Possession with Intent to Distribute. Dist is short for Distribution.

APPENDIX A

Data element

Discussion

AccessoryAftertheFact

This is a particular charge modifier. For a conviction of Accessory After the Fact, use the grid box applicable to the underlying offense and multiply the top and bottom recommended sentence lengths by $\frac{1}{2}$. To determine whether the defendant is eligible for probation or a short split sentence, go to the offense severity group immediately below that for the underlying offense and then to the appropriate criminal history column for the defendant. For example, for a charge in box 6B on the Master Grid, the recommended sentence range is 24 to 66 months, prison only. If an accessory after the fact modifier was imposed, the recommended sentence range would be 12 to 33 months (top and bottom multiplied by $\frac{1}{2}$), and the sentence would be eligible for a prison sentence or a short split sentence, because box 7B directly below it is eligible for prison or short split sentences.

Actual_DSP_CD_DSCR

- *Found guilty – plea*
A defendant pleads guilty to the offense with which he or she is charged.
- *Jury trial*
A jury made up of District residents listens to evidence and arguments of defense and prosecution before determining whether a defendant is guilty or not guilty.
- *Trial by court (or bench trial)*
A judge or panel of judges listens to the evidence and arguments of defense and prosecution before determining whether a defendant is guilty or not guilty.

Armed/Attempt

The variable AMENDED_ACT_CD_DSCR provides the charge of conviction, but may not include an indication of whether the charge of conviction was an armed, attempted, or armed attempted offense. That variable must be combined with the Armed and Attempted variables for the full and accurate charge of conviction. For example, if the AMENDED_ACT_CD_DSCR variable says Burglary I, the Armed variable is equal to 1, and the Attempt variable is equal to 0, then the charge of conviction is Armed

Burglary I. If the Attempt flag is also equal to 1, then the charge of conviction is Attempted Armed Burglary I.

ComplianceStatus

- *11(c)(1)(C)*³

This status indicates that the government, defendant and judge agreed to a binding plea agreement. This agreement is often reached before a defendant's Criminal History score is calculated. All 11(c)(1)(C) sentences are considered compliant, even if the sentence agreed to and imposed would otherwise be a non-compliant sentence.
- *Awaiting DQA*

Indicates that the Commission (or CSOSA) is waiting on the resolution of a data quality issue from the originator of the data (e.g., the Court). The data issue may concern an offender's sentence, offense of conviction, or Criminal History score, hindering the Commission's ability to accurately place the offender on the Master or Drug Grid.
- *CH score never requested/No PSI*

This occurs when the Court sentences a defendant without requesting a Criminal History score from CSOSA. The parties to a case, along with the Court, can agree to waive the calculation of the defendant's Criminal History score.
- *Compliance in the box*

Sentences that fall within the appropriate sentence type (prison only, short split, or probation) and sentence range based on the offender's offense of conviction and CH score.
- *Compliance outside the box*

There are two situations in which a sentence is considered compliant outside the box. It can occur when an offender is sentenced for multiple offenses, with at least two of the sentences running concurrent with each other. For instance, there are two charges, A and B, and charge B has the longer sentence. B receives a compliant in the box sentence. Charge A receives a non-compliant sentence. If charge A is eligible to run concurrent with charge under Guidelines rules and the sentence length is equal or less than the sentence imposed for charge B, it is deemed compliant outside the box. The second

³ 11(c)(1)(C) was previously referred to as 11(e)(1)(C). Both appear in the data, but represent the same compliance status.

reason an offense may be compliant outside the box is if an applicable sentencing enhancement changes the range of compliant sentences. Certain enhancements increase the maximum of the Guidelines recommended range. In these cases the sentence would appear to be above the normal recommended maximum, but would actually be compliant.

- *Compliant departure*

If the sentence is outside of the Guidelines-recommended sentence range or is not one of the Guidelines recommended sentence types for a particular offense but the judge has selected one of the 21 departure reason codes (M1-M10, A1-A11), the charge is considered a compliant departure. For a list of the reason codes see the discussion of the variable RSN_CD_DSCR in this section.

- *Confirmed non-compliant departure*

When a sentence appears to be non-compliant, the Commission undertakes a process to verify the sentence. It examines the docket to ensure the data is accurate. If the sentence still appears to be non-compliant, a departure letter is sent to the sentencing judge to verify the case and sentence information. If the judge responds that he or she imposed a sentence outside the Guidelines range without a departure factor, the sentence is marked as a confirmed non-compliant sentence.

- *Indeterminate*

If an offense was committed before August 5, 2000, it was sentenced under the old indeterminate sentencing structure.

- *No CH Score*

This occurs when the data indicates that a Criminal History score should exist, but the Commission has not received a criminal history score from CSOSA.

- *No Conviction*

This indicates that there is no conviction for the count in question.

- *Non-Compliant*

When a sentence appears to be non-compliant, the Commission undertakes a process to verify the sentence. It examines the docket to ensure there is no data quality issue or other confounding factor. If the sentence still appears to be non-compliant, a departure letter is sent to the judge. The

judge may reply and indicate that (1) the sentence received is incorrect and should be updated; (2) an aggravating or mitigating factor was used, making the sentence a compliant departure; or (3) the Guidelines were not used. If the Commission has not yet received a response from the judge, the sentence is considered non-compliant.

- *Non-Guideline*

The Guidelines were initially implemented on June 14, 2004. The Guidelines do not apply to cases for which a plea or verdict was entered before June 14, 2004.

- *Remand*

A remand sentence occurs when a case is sent back to the Court from the DC Court of Appeals for further consideration and/or resentencing.

- *Revocation*

A revocation occurs when an offender was released on probation and subsequently has his or her probation revoked. The case is then typically brought before a judge for resentencing.

Drugs

Denotes the type of drug involved in a given case or count. Since 2010 offenders have been convicted for offenses involving the following drugs: Alprazolam, Amphetamine, BZP, Clonazepam, cocaine, ecstasy, Heroin, Hydrocodone, LSD, marijuana, MDMA, Methadone, Methamphetamine, Methylone, Morphine, Oxycodone, OxyContin, PCP, Percocet, Psilocybin, synthetic marijuana, Tetrahydrocannabinol, Vicodin, and Xanax.

Enhancement

Common enhancements include:

- Accessory after the fact
- Status of the victim (senior citizen victims or bias-related offenses)
- Repeat offenders
- Third-strike laws
- Statutory aggravating factors for murder and sex offenses
- Drug-free zones
- Gun-free zones
- Selling drugs to minors
- Committing a felony while on release

For a full list of enhancements and their effects on sentencing, please see Appendix H of the 2016 Voluntary Sentencing Guidelines Manual at <http://scdc.dc.gov/node/1167239>.

RSN_CD_DSCR

There are 10 mitigating (M1 – M10) and 11 aggravating (A1 – A11) factors that judges can reference when utilizing a compliant departure from the recommended sentence range. They are:

Mitigating Departure Factors:

1. 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.
2. 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.
3. The defendant participated under duress, coercion, threat or compulsion insufficient to constitute a complete defense, but which significantly reduces the defendant's culpability.
4. 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.
5. The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
6. 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.
7. 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.
8. The guideline sentence calls for incarceration 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.

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

Aggravating Departure Factors:

1. 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.
2. A victim was particularly vulnerable due to age or reduced physical or mental capacity, which was known or should have been known to the defendant, unless that vulnerability constituted an element of the offense of conviction.
3. 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.
4. 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.
5. 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.

6. 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.
7. 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.
8. 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).
9. 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.
10. 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.
11. 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.

Severity (determining most severe count) The most severe count is determined by the following criteria:

1. Imposition of a life sentence.
2. Severity Group, in the following order: M1, M2, M3, M4, M5, D1, M6, M7, D2, M8, M9, D3, D4.
3. Sentence length (SentenceImposedDays)
4. Offense category in the following order: Homicide, Sex, Violent, Weapon, Property, Drug, Other, Miscellaneous.
5. Whether the offense of conviction was a while-armed offense.
6. The number of the counts, as ordered by the Court.

SubCategoryType

There are 13 offense subcategories:

○ *Assault*

Includes aggravated assault while armed, aggravated assault, attempted aggravated assault, aggravated assault knowingly – grave risk, assault with a dangerous weapon (ADW), ADW – gun, assault on a police officer (APO) while armed, APO, APO with deadly weapon, assault with intent to kill (AWIK) while armed, AWIK, assault with intent to rob while armed, assault with intent to rob, assault with intent to commit first or second degree sex or child sex abuse while armed, assault with intent to commit first or second degree sex or child sex abuse, assault with intent to commit any other felony while armed, assault with intent to commit any other felony, assault with intent to commit any other offense, assault with intent to commit mayhem while armed, assault with intent to commit mayhem, assault with significant bodily injury, mayhem, and threat to kidnap or injure a person.

○ *Attempted Drug Offenses*

Includes attempted distribution or attempted PWID of a schedule I, II, III, or IV narcotic, and attempted possession of liquid PCP.

○ *Burglary*

Includes armed first degree burglary, armed second degree burglary, burglary, first degree burglary, and second degree burglary.

○ *Kidnapping*

Includes kidnapping, attempted kidnapping, and armed kidnapping.

○ *Homicide*

Includes first degree murder, first degree murder while armed, second degree murder, second degree murder while armed, felony murder, felony murder while armed, involuntary manslaughter, murder of a law enforcement officer, soliciting murder, voluntary manslaughter, voluntary manslaughter while armed, and accessory after the fact – first degree murder.

○ *Other*

Includes any other felony, arson, Bail Reform Act – felony, blackmail, bribery, conspiracy, contempt – felony, contributing to the delinquency of a minor by a person with a prior conviction, credit card fraud – felony, criminal street gang affiliation, felony or violent misdemeanor, cruelty to animals, cruelty to children first degree, cruelty to children second degree, destruction of property over \$200, escape from DYRS, escape (from officer), extortion, felony stalking, flee law enforcement officer, fraud first degree \$1,000 or more, fraud second degree \$1,000 or more, identity theft first degree, insurance fraud second degree, intimidating, impeding, interfering, retaliating against a government official or employee of D.C., maintaining a crack house, maintaining a place for storage and distribution of narcotic and abusive drugs, manufacture or possession of a weapon of mass destruction, negligent homicide – felony, obstructing justice (harassment – reporting, witness or officer, due administration, harassment – arrest, harassment – institution of prosecution, injury/property damage – giving information, injury/property damage – official duty, witness or officer – cause absence), obtain controlled substance by fraud, offense committed during release, perjury, prison breach, prisoner escape, stalking – felony, tampering with physical evidence, and unlawful possession of contraband into penal institution.

○ *Other - Property*

Includes deceptive labeling – felony, destruction of property \$1,000 or more, destruction of property over \$200,

forgery, grand larceny, receiving stolen property - \$1,000 or more, trafficking stolen property, uttering, and vandalizing, damaging, destroying, or taking property of a government official.

○ *PWID + Dist*

Possession with intent to distribute and distribution. Includes distribution or PWID of a schedule I, II, III, or IV narcotic, possession of liquid PCP, and distribution to minors.

○ *Robbery*

Includes Robbery, robbery while armed, robbery attempt while armed, robbery attempt, armed carjacking, unarmed carjacking.

○ *Sex*

Includes arranging for sexual contact with a real or fictitious child, enticing a child – felony, first degree sex abuse, first degree child sex abuse, first degree sex abuse – force, first degree sex abuse – threatening, first degree sex abuse of a minor, first degree sex abuse of a patient/client, first degree sex abuse of a ward, keeping disorderly house (bawdy), operating a house of prostitution, pandering, pandering a minor, procuring, prostitution, second degree sex abuse, second degree child sex abuse, second degree sex abuse – incompetent, second degree sex abuse of a minor, second degree sex abuse – threats, second degree sex abuse of a patient/client, sex abuse of a secondary education student, third degree sex abuse, third degree sex abuse – force, fourth degree sex abuse - intoxicant, and fourth degree sex abuse – other.

○ *Theft*

Includes making, drawing, or uttering check with the intention to defraud, theft first degree, theft second degree – felony, unauthorized use of a vehicle (UUV), UUV crime of violence, UUV prior conviction.

○ *Weapon*

Includes carrying a pistol without a license (CPWL), carrying a dangerous weapon (CDW), firearm, presence in a motor vehicle containing firearm (prior gun conviction or felony), unlawful possession of a firearm by a person with a prior conviction, unlawful possession by others,

possession of a firearm during a crime of violence or dangerous offense (PFDCV), Possession of a prohibited weapon (PPW), and unlawful possession of a firearm (prior crime of violence, interfamily offense, order to relinquish, or prior conviction (felon in possession)).

- *While-armed drug offenses*

Includes any felony drug offense committed while armed.

Appendix B: Master Grid

		Criminal History Score				
Ranking Group		0 to ½	¾ to 1¾	2 to 3¾	4 to 5¾	6 +
Most Common Offenses		A	B	C	D	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 Unlawful Poss. of a Firearm (prior fel.)	12 - 36	18 - 42	24 - 48	30 - 54	36 +
1 Point*	Group 8 Carrying a Pistol (formerly CPWL) UUV Attempt robbery Attempt burglary 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 Fraud	1 - 12	3 - 16	5 - 20	7 - 24	9 +
*Criminal History Points for prior convictions in these groups.						
White/unshaded boxes – prison or long split only.						
Dark shaded/green boxes – prison, long split, or short split permissible.						
Light shaded/yellow boxes – prison, split, or probation permissible.						

Appendix C: 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+
	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+
¾ 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 long split only.						
Dark shaded/green boxes – prison, long split, or short split permissible.						
Light shaded/yellow boxes – prison, split, or probation permissible.						