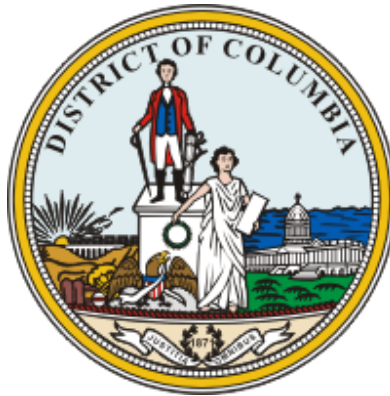




An Examination of the Sentencing of Adults for Unauthorized Use of a Motor Vehicle in the District of Columbia



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DISTRICT OF COLUMBIA SENTENCING AND CRIMINAL CODE REVISION
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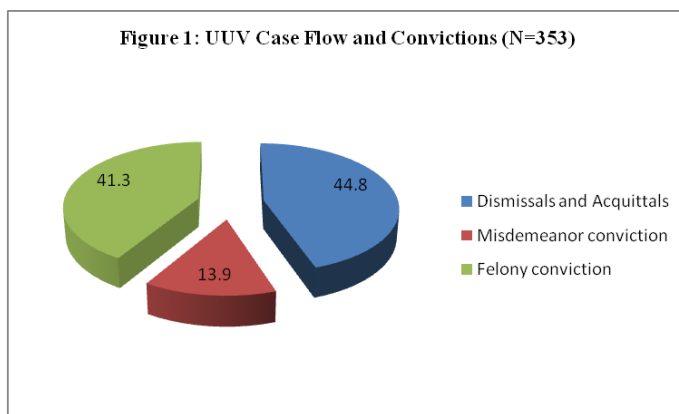
In 2009, 146 defendants were sentenced in D.C. Superior Court on a conviction of Unauthorized Use of a Motor Vehicle (UUV).ⁱ This offense is one of the top ten most frequently sentenced felonies in the past five years. It represents a potential threat to public safety due to possible links to violent crimes (e.g. use of the vehicle during the commission of other crimes) and loss of life and destruction of property during high speed police chases that can occur with the commission of this offense. This paper draws on sentencing data from the District of Columbia Superior Court and criminal history and demographic information from the Court Services and Offender Supervision Agency (CSOSA) to examine the characteristics of UUV offenders and the sentencing of UUV offenses in the District of Columbia.

WHAT IS UUV?

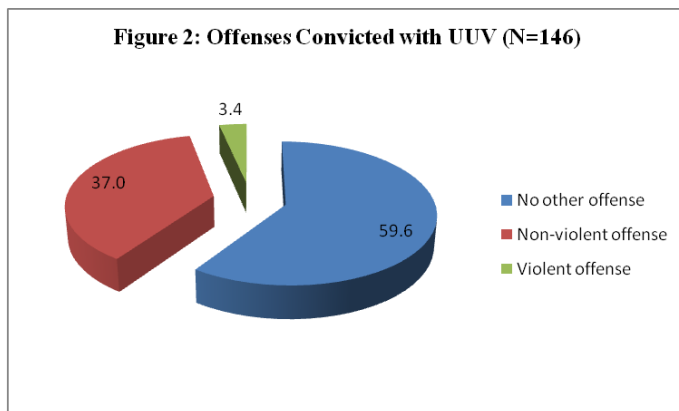
D.C. Code § 22-3215 defines Unauthorized Use of a Motor Vehicle as follows: A person commits the offense of Unauthorized Use of a Motor Vehicle if, without the consent of the owner, the person takes, uses, or operates a motor vehicle, or causes a motor vehicle to be taken, used, or operated, for his or her own profit, use, or purpose. In the District of Columbia, UUV may be charged as a separate count from the property offenses of first or second degree theft or from the “crimes against persons” offenses of robbery or carjackingⁱⁱ

UUV AND OTHER OFFENSES

Figure 1 shows that 353 UUV felony counts were charged by indictment in 2009 and that 195 resulted in convictions during 2009. Of these, 146 were convictions of UUV and 49 were convictions of the lesser included misdemeanor offense of Attempt UUV. The majority (139 or 95.2%) of the 146 convictions for UUV were the result of a guilty plea while 7 or 4.8% were sentenced after a jury trial. Of these 139 convictions by plea, UUV was the most serious charge in 125 convictions.ⁱⁱⁱ



The majority (60%) of these UUV convictions were not accompanied by a conviction for any other offense, while the remaining 40% were accompanied by convictions for other offenses (See Figure 2).



In general, as shown in Figure 2, the convictions accompanying UUV convictions did not involve more serious or violent offenses. Figure 2 shows that only 5 (3.4%) of the accompanying convictions were for violent offenses – three convictions for Robbery and two convictions for Assault with a Deadly Weapon.

The most common accompanying charges were Receiving Stolen Property, Destruction of Property over \$200, Fleeing Law Enforcement Officer and First Degree Theft. The offenses of Destruction of Property and Fleeing Law Enforcement Officer seem to indicate that some UUV incidents do indeed result in police chases and possibly property damage if a collision occurs in the process.^{iv}

WHO ARE THE UUV OFFENDERS?

UUV offenders are younger than average when compared to offenders convicted of other crimes in D.C. in 2009. The median age of adult offenders at the time of the offense was 22 years while the mean age of offenders was 25 years. Notably, this median age for UUV offenders was ten years younger than the age of all felony offenders sentenced (Table 1; See Chapter 3 in 2010 Annual Report).

Table 1: Offender Demographics, Criminal History, and Criminal Justice Supervision (N=146)

Race		Criminal History Scores	
Black	95.9%	0 to .5 pts. (A)	39.0%
Hispanic	1.4%	.75 to 1.75 pts. (B)	26.0%
Unknown	2.7%	2 to 3.75 pts (C)	18.5%
		4 to 5.75 pts. (D)	7.5%
		6+ pts. (E)	8.9%
Gender			
Male	97.3%		
Female	2.7%		
Age		Criminal Justice Supervision at Time of Offense	
Median	22 years	None	49.3%
Mean	25 years	Probation	31.5%
		Supervised Release	9.6%
		Pretrial Release	4.8%
		Parole	2.1%
		Escape	0.7%
		Other	2.1%
Residence			
DC	84.2%		
MD	11.0%		
VA	2.7%		
PA	1.4%		
Other	0.7%		

Over 15% of the UUV offenders in 2009 were not DC residents and included residents of neighboring states of Maryland, Virginia, and Pennsylvania. One offender had a listed address of Las Vegas, Nevada.

Slightly over half (51.7%) of the UUV offenders were under some form of criminal justice supervision at the time of the commission of the offense.^v One question for further consideration is how the UUV conviction affected the terms of their supervision.

Most (79%) of the UUV offenders had prior convictions, although most did not have extensive criminal histories. Table 1 shows the criminal history scores for UUV felony offenders. The criminal history score is calculated by adding points representing prior adult convictions and some prior juvenile adjudications. Points are weighted based on the seriousness of the offense. Criminal History scores range from zero points to six or more points and are grouped for purposes of the Voluntary Sentencing Guidelines into five categories of increasing seriousness (A through E). Nearly two-thirds of the UUV felony offenders were in Categories A and B, the lowest criminal history categories. The UUV offenders with a prior criminal history had a total of 332 prior convictions. In Figure 3, these prior convictions are grouped into four categories of severity:

- “Most Serious Felonies” represents the most serious violent offenses such as First Degree Murder, Voluntary Manslaughter, First and Second Degree Sex Abuse, Carjacking, and Armed Robbery.
- “Moderately Serious Felonies” includes less serious violent offenses such as Assault with a Deadly Weapon, Aggravated Assault, Robbery, and armed drug felonies.
- “Least Serious Felonies” contains non-violent offenses such as Carrying a Pistol Without a License, Unauthorized Use of a Motor Vehicle, Attempted Burglary, First Degree Theft, Forgery, Receiving Stolen Property, and Drug Distribution and Possession With Intent to Distribute.
- Misdemeanors

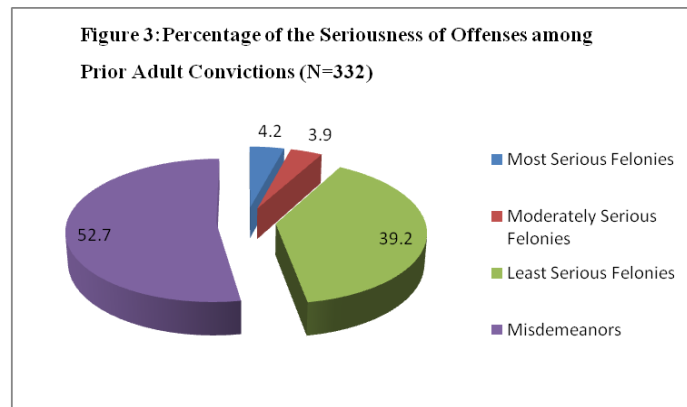


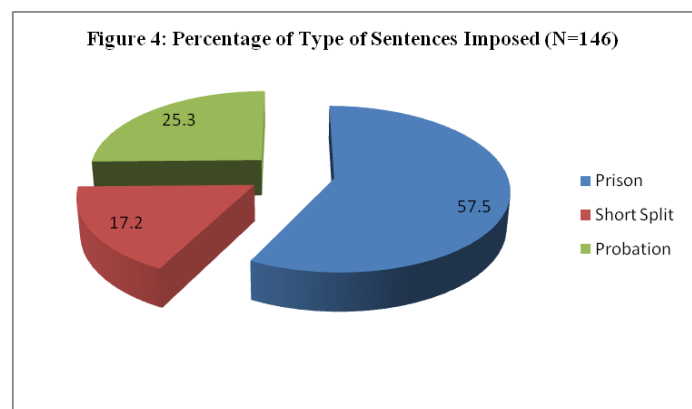
Figure 3 show that the large majority (91.9%) of the 332 prior convictions were misdemeanors or relatively minor felonies. Only 8.1% of the prior convictions involved serious or violent felonies. Furthermore, 14 or 9.6% of offenders sentenced for UUV had prior juvenile adjudications that were scored, also mostly for non-violent offenses. Of the 47 prior juvenile adjudications for the offenders sentenced to UUV, the majority were for offenses that would be misdemeanors if committed by an adult.

HOW IS UUV SENTENCED?

In 2004, the District of Columbia implemented the Voluntary Sentencing Guidelines. Their purpose is to ensure consistency and proportionality in sentencing. The Guidelines focus on two of the primary considerations at sentencing: the offense of conviction and criminal history of the offender.

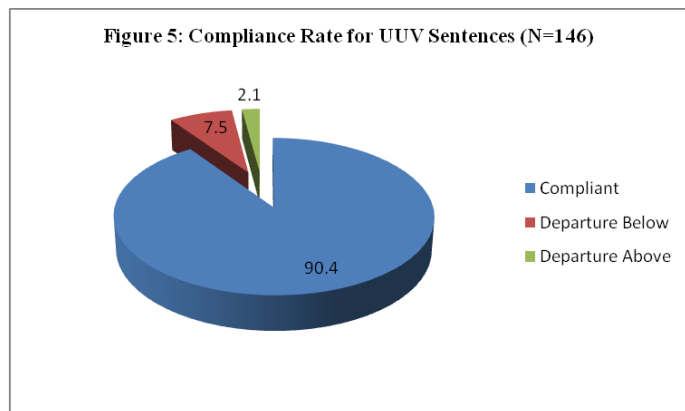
UUV is ranked in a group with lower level felony offenses that include Carrying a Pistol without a License, Attempted Burglary, First Degree Theft, Forgery, and Destruction of Property over \$200. The recommended prison sentences for this group of offenses across the five criminal history categories are:

- Category A: 6 to 24 months (Prison, Short Split^{vi} and Probation Sentence Permissible)
- Category B: 10 to 28 months (Prison, Short Split and Probation Sentence Permissible)
- Category C: 14 to 32 months (Prison and Short Split Sentence Permissible)
- Category D: 18 to 36 months (Prison Sentence Only)
- Category E: 22 or more” months (Prison Sentence Only)



Over half of the convictions for felony UUV in 2009 were sentenced to prison; 17.2% were sentenced to short split sentences, and 25.3% received probation sentences (See Figure 4). The median sentence length imposed on prison sentences was 12 months, while the mean sentence was 14 months.^{vii} Compared to two similarly ranked offenses, this sentence was shorter than the median sentence of 14 months for First Degree Theft and longer than the median sentence of 10 months for Carrying a Pistol without License. It was similar to the median sentence of 12 months for drug offenses.

Judges complied with the recommended sentencing guidelines in more than 90% of the cases (132 of 146 sentences as shown in Figure 5). Of the 14 non-compliant sentences, 11 were less severe than those recommended by the Guidelines and four were more severe than those recommended by the Guidelines. While this represents a very high level of agreement between sentences imposed and sentences recommended, it is beyond the scope of this report to analyze departures fully to understand why the recommended Guidelines sentences were not imposed.



UUV IN SUMMARY

The analyses conducted in this paper revealed some notable findings about the offense of Unauthorized Use of a Motor Vehicle. Demographic and criminal history information showed that UUV offenders are younger than the average felony offender in D.C. and tend to have relatively minor criminal histories, mostly consisting of non-violent crimes. Sentencing data revealed that when the conviction of UUV was accompanied by other crimes, the other crimes were generally non-violent offenses such as Receiving Stolen Property, Destruction of Property, and Fleeing Law Enforcement. Lastly, when imposing a sentence for UUV, judges almost always complied with the corresponding Voluntary Sentencing Guidelines recommendations.

ⁱ The unit of analysis for this paper is any convicted felony count for UUV. A felony count is part of a case. A case can be comprised of a single count or multiple counts. For example, a case can contain two or more counts of UUV. Each of these counts would be included in the analysis. It is possible for an individual offender to be sentenced more than once on separate counts during calendar year 2009, which would result in that individual being counted twice in the data used for this report.

ⁱⁱ Because the definition of UUV includes when a “person takes, uses, or operates a motor vehicle,” UUV could be charged along with a charge of theft or instead of it.

ⁱⁱⁱ The “most serious charge” was selected primarily based on the seriousness of the offense as ranked by the Voluntary Sentencing Guidelines and secondly on the severity of the sentence. In cases where UUV was determined to be the most serious charge, it was selected because it was ranked as a more serious offense compared to the other charges or, in cases where the seriousness of the charges were similar, it received the more severe sentence.

^{iv} Some destruction of property could be the result of damage to the vehicle that occurs when the offender breaks into the car or could be damage to the stolen vehicle or other property that results from the operator’s handling of the vehicle in situations prior to a police chase.

^v The data did not allow for the distinction between adult supervision and juvenile supervision to be made.

^{vi} In a short split sentence, the judge imposes a sentence within the applicable prison range, suspends execution of all but six months or less of the prison sentence, and imposes a period of probation to follow the offender’s release from prison.

^{vii} The median is often the preferred measure of a statistical average because the mean is sensitive to extreme values. In the case of the sentence length, the mean sentence is longer than the median sentence due to the skewing of some outlying longer sentences.