

The Commission-EXPRESS

The District of Columbia Sentencing Commission

Welcome New Members.

The District of Columbia Sentencing Commission is led by Chairperson, the Honorable Judge Milton Lee, and is composed of 17 members: 12 voting members and five non-voting members. The membership includes representatives from various criminal justice agencies, the judiciary, academic and research institutions, practicing attorneys, and the public. This diverse membership provides a wide range of perspectives in the development of sentencing policy.

The D.C. Sentencing Commission recently welcomed three new Commission members: The Honorable Judge Juliet J. McKenna, representing the Superior Court of the District of Columbia; Eric Glover, representing the District of Columbia Department of Corrections; and Sonya Thompson, representing the Federal Bureau of Prisons.

In April 2002, Judge McKenna was among the first five magistrate judges appointed to the

Superior Court pursuant to the Family Court Act of 2001. Judge McKenna has served on numerous D.C. Superior Court committees tasked with improving court procedures and practices including the Family Court Implementation Committee, the Family Court Panels Committee, and the Training Committee.

Eric S. Glover, Esq., is the Interim General Counsel for the District of Columbia Department of Corrections (DOC), where he serves as chief legal counsel for the agency. Prior to joining the DOC, he was the Chief of the Office of the Attorney General for the District of Columbia's (OAG) Civil Enforcement Section, representing the District, its employees, and its agencies in a variety of affirmative and enforcement actions before administrative boards, the District of Columbia Office of Administrative Hearings, and the Superior Court of the District of Columbia. Before that, Mr. Glover oversaw the District of Columbia Office of Risk

Management's Tort Liability Program and served as an Assistant Attorney General with the OAG's Civil Litigation Division.

Sonya Thompson is the Assistant Director of the Information, Policy, & Public Affairs Division. Ms. Thompson began her career with the Bureau of Prisons in 1992, through the Attorney General's Honors Program. She served in positions of increasing responsibility within the agency including Assistant General Counsel with the Office of General Counsel, Senior Congressional Affairs Specialist in the Office of Congressional Affairs, and Chief of the Information Technology (IT) Planning and Development Branch in the Office of Information Technology. In 2005, Ms. Thompson became Deputy Assistant Director for IPPA, then later Senior Deputy Assistant Director and BOP Chief Information Officer.

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Commission
Chairperson:
Honorable Judge
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Inside this issue:

Welcome New Members	2
COVID-19 and D.C. Sentencing	2
D.C. Sentencing Commission 2019 Annual Report	2
MPD Arrest Data Feed Enhancement Project	4

She officially assumed the position as Assistant Director of the IPPA Division on December 15, 2019.

Along with a tremendous level of commitment, each of the new Commission members will also bring extensive experience and expertise to the District's Sentencing Commission.

The District of Columbia Sentencing Commission is pleased to welcome the new General Counsel, Georgia Pham, to the Commission staff. Ms. Pham brings a wealth of experience and insight that aligns with both the mission and work of the Commission.

Welcome New General Counsel

Ms. Pham is a graduate of the George Washington University Law School with nearly ten years of experience clerking for several Judges and most recently serving as a Deputy Attorney General, prosecuting felony drug dealing offenses at the Delaware Department of Justice.

As a new member of the District of Columbia Sentencing Commission staff, Ms. Pham will be responsible for revising the Guidelines, analyzing case law, responding to Guideline questions, monitoring agency contracts, and much more.

Georgia Pham can be reached via email at Georgia.Pham@dc.gov.

Impact of COVID-19 on Sentencing in the District.

In response to the COVID-19 health emergency, modifications to critical District operations occurred almost immediately. The safety and welfare of members of the public in the court facilities, staff from partner agencies, and court employees are among the D.C. Courts' highest priorities. The area's Courts have taken precautions to maintain a safe and healthy court environment for all in light of the Novel Coronavirus (COVID-19).

D.C. Superior Court Chief Judge Morin has further reduced the number of courtrooms that will be operational in the Moultrie Courthouse. The Chief Judge's order provides details on the

limited operations, which include: adult arraignments and presentments (courtroom C-10); juvenile, neglect and abuse initial hearings (courtroom JM-15); one courtroom for emergency criminal matters and a second for emergency civil and probate cases; extraditions; and a judge in chambers. All show cause hearings will come before the judge hearing criminal emergency matters.

As the District continues to fight the spread of COVID-19, Mayor Muriel Bowser issued a Mayor's Order 2020-063 extending the state of emergency and public health

emergency for Washington, D.C. through June 8th, 2020.

As a result, the D.C. Sentencing Commission has made operational modifications. Commission staff is currently on a teleworking status.

The Agency's services including answering Guideline questions, responding to data requests, and the development of the MPD Data Feed Enhancement Project will continue and remain unchanged. The Commission remains available to address all questions, comments and concerns and may be reached via email at scdc@dc.gov or phone at (202) 727-8822.

Did you know?

The number of Drug offenses sentenced decreased by 84% from 1,538 sentences in 2010 to 246 in 2019

Compliance with the Guidelines has remained consistently high since 2010, with the highest rate to date (98.1%) in 2019

In 2019, the distribution of sentence types at the case level remained comparable to 2018, with prison representing 46%, short split accounting for 21%, and probation comprised 34% of all felony sentences imposed

D.C. Sentencing Commission 2019 Annual Report.

Throughout 2019, the District of Columbia Sentencing Commission monitored the implementation and use of the District of Columbia Voluntary Sentencing Guidelines, as well as analyzed felony sentencing trends.

Over the past year, the Commission made modifications to the Guidelines and released several publications, including the 2018 Annual Report, the 2019 Guidelines Manual, Fast Facts Sheets for Homicide and Assault with Intent to Kill offenses, and an Issue Paper focusing on long split sentences. In addition, the Commission has also concentrated its efforts on three major projects. The first project involved the re-ranking of Felon in Possession, Prior Crime of Violence. The second focused on developing a comprehensive multi-year outreach

In 2019, 66% of felony cases sentenced resulted in some period of incarceration.

and educational strategy. Third, the Commission has also spent substantial time and effort to examine sentencing trends for juveniles sentenced under Title 16.

In 2019, the number of felony offenses sentenced decreased 16% from the previous year. This change is primarily due to a decrease in the overall number of Drug offenses sentenced in 2019. Compliance with the Guidelines continues to remain very high, with 98.1% of all felony convictions receiving the recommended Guideline sentence. This high compliance rate indicates that the Guidelines are being applied

consistently by the D.C. Superior Court.

During 2019, the Commission continued to focus on improving data quality and data sharing capabilities. The Commission's emphasis on data quality, access, and management provided the agency with the ability to analyze sentencing practices and trends within the District of Columbia; to respond to numerous data requests; and to share data with other agencies and the citizens of the District. The Commission's data capabilities also enable the development of data driven recommendations with respect to sentencing policy.

2019 Trends in Sentencing

The Superior Court sentenced 1,393 individuals for felony offenses in 2019. These individuals were sentenced in 1,464 felony cases, consisting of 1,865 individual felony counts. This represents a 16% decrease in the total number of counts sentenced from 2018. This decline corresponds to a 46% decrease in Drug offenses sentenced.

Overall, felony non-Drug offenses represented 85% of all felony offenses sentenced in 2019.

Overall, felony non-Drug offenses represented 85% of all felony offenses sentenced in 2019. There were very slight declines observed in the combined number of sentences imposed for Homicide Violent, Weapon, and Property offenses. The most frequently sentenced offenses were in Offense Severity Group (OSG) M8 for the Master Grid and OSG D3 for the Drug Grid. Cases sentenced in OSG M8 increased from 38% in 2018 to 53% in 2019. This notable increase was primarily due to the re-ranking of an Unlawful Possession of a Firearm, Prior Felony from OSG M7 to OSG M8.

The distribution of the types of sentence imposed at the case level in 2019 remained comparable to sentencing in 2018.

Slightly more than half of the cases (66%) included a sentence with some period of incarceration, either by the imposition of a short-split or a prison sentence. However, the percentage of counts sentenced to prison increased with the severity of the offense in both Master and Drug Grids. Prison was the prominent sentence type for Homicide, Sex, and Violent offenses, but the least common for Drug offenses.

The number of Weapon offenses sentenced did not change drastically between 2018 and 2019, declining slightly from 632 to 609. Carrying a Pistol without a License and Felon in Possession accounted for 84% of all Weapon offenses sentenced this year. Similar to 2018, the median sentence for Carrying a Pistol without a License was 10 months and probation was imposed in more than half the sentences, whereas a prison sentence was imposed in 92% of the Felon in Possession offenses

due to the mandatory minimum sentencing provision.

As in previous years, young Black males ages 18 to 30 at the time of the offense constituted more than half of the individuals sentenced in 2019. Data indicates that the proportion of younger individuals sentenced for felony offenses may be increasing, specifically within the 22-30 age group, which has demonstrated a steady rise in the number of cases

sentenced during the ten-year period from 2010 to 2019.

The number of females sentenced declined from 8.1% in 2018 to 5.8% in 2019. Overall, the number of females sentenced has continuously shown a steady decline over the past ten years from 14.4% in 2010 to 5.8% in 2019. This decline can be attributed in part to the notable decline in Drug offenses.

GRID - MPD Arrest Data Enhancement Project.

The Commission is often asked the following type of question: “The defendant committed a violent offense while armed but was only sentenced to a period of probation - are the Guidelines too lenient?” The answer always depends on the specific facts of each case. For violent offenses while armed, the Guidelines recommend a prison sentence. If the recommended Guidelines sentence type is not probation, how is it possible for a defendant to receive probation? Although it is feasible that the judge may have imposed a sentence below the recommended Guidelines sentence, it is unlikely that this is the reason the defendant received a probation sentence.

Since 2010, only one tenth of one percent of defendants convicted of a violent offense while armed received a probation sentence. Therefore, sentencing data alone cannot answer this question. The more likely explanation is that though the defendant was arrested for a violent offense while armed – he or she was not convicted of that same specific offense.

Through its work with national research, the Commission understands that a defendant’s offense of conviction often differs from the offense for which he or she was arrested. This difference may be due to one or more factors, including: a change to the initial charges, the defendant being indicted on another charge, or the defendant pleading guilty to a less severe crime. The Arrest Data Enhancement Project will allow the Commission’s GRID system to follow a case from arrest through sentencing, allowing for analysis and identification of changes to the charged offense(s) throughout the life cycle of a case.

In November 2019, the D.C. Sentencing Commission began its initial work on the MPD Arrest Data Enhancement Project, which will expand the current data available to the Sentencing Commission, allowing for more in-depth and comprehensive sentencing data and trend analysis. Along with this expanded research capability, the Agency will be able to utilize arrest, court and criminal history information to directly

assess the effectiveness and appropriateness of the current Sentencing Guidelines. The Commission currently owns and operates an advanced data system, allowing it to consume, monitor, and analyze felony related data throughout the District. However, use of the current system is restricted given that the system does not receive case related data prior to its filing in D.C. Superior Court. Enhancing the current system to consume, preserve, and analyze arrest related data will allow the Commission to follow a defendant’s entire felony case through the District’s criminal justice system, substantially increasing the variables available for analysis. The enhancement will also increase the Commission’s ability to report accurately on sentencing trends, assess the effectiveness of the Voluntary Sentencing Guidelines, and to propose effective sentencing policy.

The data enhancement project has a projected completion date of November 2020.



**The District of Columbia
Sentencing Commission**

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The mission of the District of Columbia Sentencing Commission is to implement, monitor, and support the District's Voluntary Sentencing Guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the Guidelines system in order to recommend changes based on actual sentencing and corrections practice and research.