

COMMISSION CHRONICLE

DC SENTENCING COMMISSION SEASONAL NEWSLETTER



DC SENTENCING COMMISSION



DCCOMMISSION



Spring Commission Meetings Recap

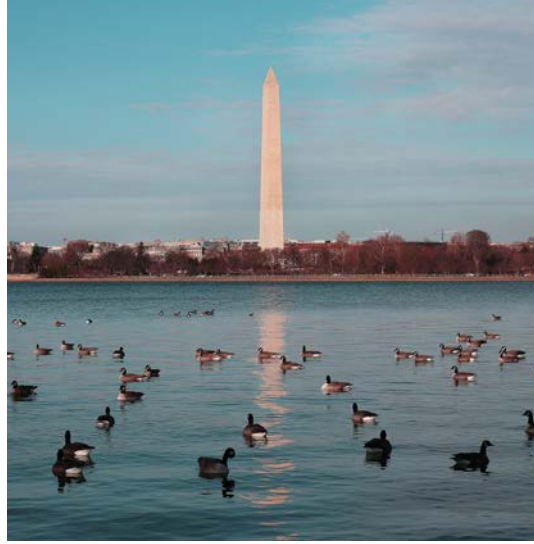
During the spring months, the Commission held three meetings. Throughout these sessions, the Commission discussed an array of topics including: Fast Facts for Possession of a Firearm During a Crime of Violence, the recent Issue Paper on Sentencing Enhancements and reviewed the Guidelines' Lapse and Revival Provisions. The Commission also welcomed its new Outreach Specialist, Brittany Bunch, to the team.

One of the main discussion topics of the Commission over the past months was potential modifications to the Guidelines that may be appropriate to address the impact of Covid-19 on court operation and sentencing.

In the coming months, the Commission will continue to discuss the Guideline's Revival and Lapse Provision as well as what actions the Commission may consider to address Covid-19's impact on the sentencing.

To view the meeting details visit
www.scdc.dc.gov/page/commission-meetings

- SPRING COMMISSION RECAP..... 1
- ANNUAL REPORT...2
- ISSUE PAPER.....3
- FAST FACTS,,,,,,,,,3
- COMMISSION MEMBER HIGHLIGHT.....4
- NEW OUTREACH SPECIALIST.....5
- DID YOU KNOW,,,,,,5



99% of sentences imposed by judges complied with the Voluntary Sentencing Guidelines in 2021.

Annual Report Overview

The COVID-19 pandemic has changed the lives of many people across the world. The pandemic has also restricted the work of many criminal justice entities including the police, courts, and corrections. These operational changes have had a direct impact on sentencing. There was a **66%** decline in the number of felony cases sentenced in the District during 2020.

Eighty seven percent of cases sentenced in 2020 were for non-Drug offenses. Weapon and Violent offense categories accounted for **76%** of all non-Drug cases sentenced. Carrying a Pistol without a License and Felon in Possession represented **79%** of all Weapon offenses sentenced. Like 2019, the 2020 median sentence for Carrying a Pistol without a License was 10 months and probation represented more than half the sentences imposed. However, a prison sentence was imposed in **92%** of the Felon in Possession offenses due to the mandatory minimum sentencing provision.

Among Violent offenses, ADW and Robbery accounted for **74%** of the felony counts sentenced. The average sentence imposed was for Armed Robbery with 60 months. However, the average sentencing was 36 months for Unarmed Robbery and 16 months for Attempted Robbery. At the end of 2020, the Commission completed the development of the MPD Arrest Data Feed **GRID Enhancement Project**. This project allowed for the merging of arrest data with court and criminal history data within the GRID system, enabling an analysis of the complete criminal justice life cycle of a felony case. Compliance with the guidelines continued to remain very high with **99%** of all felonies receiving the recommended Guidelines sentence.

For more details on the annual report visit www.scdc.dc.gov/node/1535161

Issue Paper: Sentencing Enhancements

Though uncommon, statutory enhancements effect incarceration rates in the District. **One in five** prison sentences that received an enhancement resulted in a longer sentence . Data shows that younger black male defendants received enhanced sentences most frequently. Most enhanced sentences involved " While Armed" enhancements. Jury trials and Rule 11(c)(1)(C) pleas resulted in enhanced sentences more frequently when compared to other plea agreements.

For more details on the effects of Sentencing Enhancements visit <https://scdc.dc.gov/node/1534526>



Fast Facts: Possession of a Firearm During a Crime of Violence (PF-COV)

Between January 1, 2016 and December 31, 2020 there were a total of:

- **273 PF-COV counts sentenced 132 PF-COV cases sentenced**
- **132 PF-COV individuals sentenced**
- **About 80% of individuals sentenced for PF-COV had a prior conviction**
- **The average prison sentence imposed for PF-COV was 71 months; while the median sentence imposed was 60 months**

For more facts on PF-COV statistics visit <https://scdc.dc.gov/node/1534531>

Want to learn about the Voluntary Sentencing Guidelines?

Sign up for our 101 training below!

Visit

www.scdc.dc.gov/service/request-training-voluntary-sentencing-guidelines

Commission Member Highlight:

Dave Rosenthal

How many years have you served on the Commission?

I was appointed by Robert Spagnoletti in November 2003 to represent the Office of the Attorney General for the District of Columbia (OAG), then Office of the Corporation Counsel (OCC). My extensive knowledge of the juvenile justice system and my background as both a prosecutor and a defense attorney were a few of the reasons behind the decision. My strong push to reach a compromise has also helped over the years to bring about change.

What is one of the most difficult criminal justice issues you have faced in your career?

This question is difficult for me to answer. As a defense attorney, I served as President of the Family Division Trial Lawyers Association in 1988 and 1989. I helped create the Neglect and Delinquency Practice Institute to help train lawyers who worked in the delinquency and neglect systems. I also host office wide OAG trainings focused on topics such as public safety and juvenile confidentiality. I argued a number of appeals, including one win as an appellate defense attorney of which I am particularly proud. The case was **Boyd v. United States**, 586 A.2d 670 (DC 1991), which held that (1) the decision to testify belonged only to the defendant and not their defense counsel, and (2) a defendant's right to testify is a constitutional right in which a colloquy procedure (a "Boyd Inquiry") should be done when determining whether the defendant has waived that right and whether the waiver was voluntary, knowing, and intentional. This case was special to me because **Boyd inquiries** are still done in court today.

As a prosecutor, I ran the OAG/OCC Juvenile Section in various capacities for 10 years and was specially selected to prosecute a much-publicized case for the OCC Criminal Section. The case involved a slum landlord who owned 23 properties in the District of Columbia and was charged with 2100 counts. The defendant claimed that he did not own several of the properties that were the subject of the charges. Using some of my experience as a defense attorney, I went to look at the landlord tenant cases and found that the defendant was suing tenants based on properties that he said he did not own. The defendant was found guilty and was the first slum landlord in the District to be sent to prison.

I also have worked on countless pieces of legislation including substantial roles in establishing victim's rights in juvenile cases and overhauling the District's impaired driving law.

What made you want to get into law? What led to your decision to pursue a career with the Office of the Attorney General for the District of Columbia?

I initially wanted to go into politics. At the age of 12 I worked on my first campaign. As the President of my Community College, I co-led two large rallies; one at the Capitol and one in Albany. I clerked on the Hill for two Congressmen and realized that while I enjoyed working with the law, I did not want a career in politics. I felt that I was at my best working behind the scenes for creating change. I realized in law school that I loved litigating. I was a defense attorney for about 10 years specializing in Criminal and Juvenile trial and appellate work. When my law firm disbanded, I met with the then Chief of the OCC Juvenile Section who asked me what I planned on doing, and as a joke, I told him that I was thinking of becoming a prosecutor. He set up an interview 2 days later, and they hired me the following week. About a year later, I was made Assistant Chief of the Juvenile Section.



Commission Member Highlight Continued

If you could wave a magic wand, what change (if any) would you like to see in the criminal justice community?

I would like to see that people who commit white collar crimes receive sentences that truly reflect the harm that they do to society. Crimes such as these are dangerous to livelihoods, retirements, and effect working conditions. Reasonable deterrent based sentences would help in stopping these crimes from happening.

What is your favorite memory from your time with the Commission?

I do not have just one favorite memory. I will say that I have really enjoyed getting to know the Commissioners and the agency staff. I loved working with J. Weisberg. The Commissioners and the staff have diverse and impressive subject matter expertise that I've come to rely on.

What do you like to do in your free time?

I have a life-long love for cooking that I got from my mother. . She was an amazing cook. I bake breads, make homemade pizza, grow herbs, smoke all kinds of meats, fish, and vegetables, and generally love to entertain family and friends. I love cooking as it allows me to decompress after a long day. I love walking my dog with my wife and biking. For the past two years, I have been doing standup comedy at a club in Adams Morgan – though only virtually since the pandemic. I was introduced by one of my colleagues and have been performing ever since.

SCDC Welcomes Our New Outreach Specialist Brittany Bunch

Brittany Bunch joined the DC Sentencing Commission staff in May. We are excited about the experience and skill set she brings to the Outreach Specialist position. As a DC native, Brittany will use her diverse background to work with community members and help educate the public regarding sentencing policy and practices in the District.

Welcome Brittany!!

Did you know?

First Quarter of the 2021 Calendar Year Facts

- **There were a total of 216 felony counts sentenced.**
- **There were 172 individuals sentenced.**
- **Unlawful Possession of a Firearm was the most frequently sentenced offense, representing 18.5% of all counts sentenced.**
- **Weapons offenses and Violent offenses combined represented approximately three-quarters of all counts sentenced.**
- **Slightly less than 60% of all sentences imposed received a prison sentence.**
- **Probation and short split sentences were imposed at similar rates, each representing about 20% of all counts sentenced.**