

EXECUTIVE SUMMARY

Throughout 2019, the District of Columbia Sentencing Commission monitored the implementation and use of the District of Columbia Voluntary Sentencing Guidelines and focused on improving its data quality and data sharing capabilities. The Commission's emphasis on data access and management has provided the agency with the ability to analyze sentencing practices and trends within the District of Columbia, respond to numerous data requests, and share data with other agencies and citizens of the District. In addition, this data enables the Commission to develop data driven sentencing policy recommendations.

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. Additionally, the Commission 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 and educational strategy. Finally, the Commission examined sentencing trends for juveniles sentenced under Title 16.

In 2019, the number of felony offenses sentenced decreased 16% from the previous year, which demonstrates a 53% decline from 2010. Compliance with the Guidelines continues to remain very high, with 98.1% of all felonies receiving the recommended Guideline sentence. This high compliance rate indicates that the Guidelines are being consistently applied by the Superior Court of the District of Columbia.

2019 Trends in Sentencing

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

Overall, felony non-Drug offenses represented 85% of all felony offenses sentenced in 2019. There were very slight declines 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 type of sentence imposed at the case level remained comparable to 2018. Slightly more than half of the cases (66%) were sentenced to some period of incarceration by the imposition of either a short-split or 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, slightly declining 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.

Comparable to 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 indicated that the proportion of younger individuals sentenced for felony offenses may be increasing, specifically for the 22-30 age group, which has demonstrated a steady rise in the number of cases sentenced for this age group 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 shown a steady decline over the past ten years from 14.4% in 2010 to 5.8% in 2019. This decline can partially be attributed to the notable decline in Drug offenses.

Guidelines Compliance

Judicial compliance with the Sentencing Guidelines continues to remain very high. The 98.1% Guidelines compliance rate in 2019 represents the highest compliance rate observed by the Commission since the implementation of the Voluntary Sentencing Guidelines. Of compliant sentences imposed in 2019, 91.5% were classified as compliant in the box sentences, meaning the sentence imposed reflected both the type and length of Guideline recommended sentence. The remaining 8.5% were the result of either compliant departures, 11(c)1(C) pleas, or were compliant outside the box due to other sentencing provisions.

The vast majority of compliant and non-compliant departures from the Guidelines were downward or mitigated, in which the Superior Court imposed sentences below the recommended sentencing range and/or options. Among compliant departures, the most common departure factor cited was the catch-all (M10), which indicates there was a substantial and compelling basis to mitigate the sentence that was not captured by any other departure factor.

The lowest rate of Guidelines compliance (97%) was observed in Drug and Other offenses, whereas, the highest rate of Guideline compliance (100%) was found for Homicide and Sex offenses. All non-compliant sentences were the result of downward departures and indicate a sentence on average of one to four months below the recommended Guideline sentence.

Modifications to the Guidelines

As the result of the findings and recommendations from the prior Sentencing Guidelines Evaluation Study, the Commission continues to evaluate the Guidelines in relation to the goals of certainty, consistency, and adequacy of punishment. Concerns regarding criminal history calculations and double counting of prior offenses resulted in the Commission's re-ranking of Unlawful Possession of a Firearm with a Prior Conviction of a Crime of Violence from Offense Severity Group M6 to M7 for any pleas or verdicts entered on or after July 15, 2019. The re-ranking of this offense has no impact on the mandatory minimum sentence associated with this offense: *the Commission cannot legally reduce or increase mandatory minimum sentences.* The

Commission also made several technical changes clarifying the rules set forth in the Guidelines Manual and updated the information contained in the Guidelines' appendices.