

EXECUTIVE SUMMARY

By March of 2020, the global COVID-19 pandemic had changed the everyday lives of individuals throughout the world, threatened the existence of numerous businesses, and restricted the functions of many criminal justice entities including the police, courts, and corrections. To contain the spread of the virus, criminal justice agencies and departments were forced to respond quickly and business as usual suddenly changed. Priorities were established, virtual modes of communication implemented, and operational policies modified. These changes, which were necessary to protect lives, had a direct impact on a 66% decline in the number of felony cases sentenced in the District during 2020. Caution should be exercised when completing any year to year comparisons using 2020 data. Sentencing practices were different in 2020 just as were so many other aspects of life.

Throughout 2020, 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.

Towards the end of 2020, the Commission completed the development of the MPD Arrest Data Feed GRID Enhancement Project, which integrates arrest data into the GRID system, thus enabling analysis of the complete criminal justice life cycle of a felony case. Analysis incorporating this additional data is not included in the 2020 Annual Report but will be included in future Annual Reports.

Even with the operational constraints due to the District's ongoing health emergency, the Commission continued to respond to data requests, to conduct social media outreach activities, and to release publications, including the 2019 Annual Report; the 2020 Guidelines Manual; Fast Facts sheets on Attempted, Completed, and Armed Robbery; Issue Papers on Guidelines compliance and misdemeanor convictions; and a Commission Newsletter. The Commission also undertook an extensive examination of sentencing trends for juveniles aged 16 and 17 prosecuted and sentenced as adults pursuant to D.C. Code § 16-2301(3) (Title 16).

In 2020, the number of felony cases sentenced decreased 66% from the previous year due to the impact of the COVID-19 pandemic on Superior Court operations. However, compliance with the Guidelines continued to remain very high, with 99% of all felonies receiving the recommended Guidelines sentence. This high compliance rate indicates that the Guidelines are being consistently applied by the Superior Court of the District of Columbia.

2020 Trends in Sentencing

Felony sentences imposed during 2020 were significantly reduced by the impact of the COVID-19 pandemic due to the limited operations of the Superior Court, especially from March through June. In 2020, 479 individuals were sentenced for felony offenses in 495 cases consisting of 664 felony counts. This represented an unprecedented 64% decrease in the total number of felony counts sentenced from 2019.

The number of counts sentenced decreased for all offense severity groups and offense categories; however, the proportion of case dispositions, sentence types, offense severity groups, offense categories, and demographics remained stable when compared to 2019. The majority (87%) cases sentenced in 2020 were for non-Drug offenses, with the Weapon and Violent offense categories accounting for the majority (76%) of all non-Drug cases sentenced.

The number of Weapon and Violent offenses sentenced decreased drastically between 2019 and 2020, by 65% and 61%, respectively. Carrying a Pistol without a License and Felon in Possession accounted for 79% of all Weapon offenses sentenced this year. Similar to 2020, 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.

Among Violent offenses, ADW and Robbery constituted the majority (74%) of the counts sentenced. The median sentence imposed was greatest for Armed Robbery with 60 months, compared to 36 months for (unarmed) Robbery and 16 months for Attempted Robbery. Defendants sentenced for ADW received a median sentence of 36 months, compared to 18 months for Attempted ADW, at the count level.

While no cases were sentenced in offense severity groups M1 and D1; offense severity group M8 accounted for more than half of the cases sentenced in 2020. One in nine cases were disposed through guilty pleas. Almost half of the cases sentenced resulted in a prison sentence. The proportion of females who were sentenced to prison at the case level increased by 22 percentage points from 19% in 2019 to 41% in 2020. This was due partly to the decrease in the already limited number of females sentenced and the increase in the proportion of females sentenced to prison for Violent offenses. Young Black males of ages 18 to 30 constituted more than half of the offenders sentenced at the case level, with 46% of this group receiving a prison sentence, compared to 44% in 2019.

Guidelines Compliance

Judicial compliance with the Sentencing Guidelines continues to remain very high. The 99% Guidelines compliance rate in 2020 represents the highest compliance rate observed by the Commission since the implementation of the Voluntary Sentencing Guidelines. Due care must be exercised interpreting this rate due to the sharp decrease in the number of counts sentenced when compared to 2019. Of sentences imposed in 2020, 85% were classified as compliant in the box sentences, indicating the sentence imposed reflected both the type and length of Guidelines recommended sentence. The remaining 14% were the result of either compliant departures, 11(c)1(C) pleas, or were compliant outside the box due to other sentencing provisions.

Most 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.