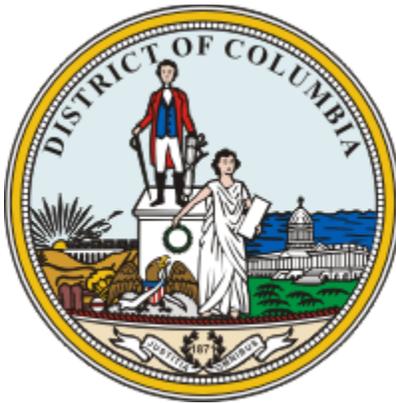




DISTRICT OF COLUMBIA
SENTENCING COMMISSION

2020 ANNUAL REPORT



April 20, 2021

DISTRICT OF COLUMBIA SENTENCING COMMISSION
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Mission Statement

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.



District of Columbia Sentencing Commission

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April 26, 2021

Honorable Phil Mendelson, Chairman
Council of the District of Columbia
John A. Wilson Building, Suite 504
1350 Pennsylvania Avenue NW
Washington, DC 20004

Dear Chairman Mendelson:

In compliance with its statutory obligation, the District of Columbia Sentencing Commission respectfully submits its 2020 Annual Report. During this past year, the Covid-19 pandemic that was experienced, both worldwide and within the District, had a direct impact on sentencing practices. Limited court operations due to health concerns, combined with the sudden shift to virtual hearings, changed the landscape of sentencing in 2020. The data presented in this year's report looks notably different when compared to previous years. However, the substance of this report remains unchanged and provides an overview of felony sentences imposed by the D.C. Superior Court from January 1, 2020, through December 31, 2020.

In 2020, the number of felony cases, offenses, individuals sentenced declined by nearly 66% from the previous year, a decrease never previously experienced. 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 Violent and Weapon offense categories accounting for the majority (76%) of all non-Drug cases sentenced. Prison remained the most frequent sentence type imposed (47.7%), followed by probation and short split sentences.

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. However, caution should be exercised when interpreting this rate due to the sharp decrease in the number of counts sentenced from 2019.

The Commission continues its ongoing efforts to monitor and examine the Guidelines to ensure they are achieving their statutory goals of consistency, certainty, and adequacy of punishment.

Respectfully,

Honorable Milton C. Lee, Chairman

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COMMISSION MEMBERS AND STAFF

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As of APRIL 20, 2021:

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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.

KEY FINDINGS

1. The Superior Court of the District of Columbia reduced its operations significantly in 2020 due to the COVID-19 pandemic (page 17). Consequently, unprecedented decreases were observed in the number of counts, cases, and defendants sentenced from 2019 to 2020 (page 19). The decrease in the number of counts sentenced was observed across all offense severity groups (page 25) and offense categories (pages 41 and 42).
2. Despite the sharp decrease in sentences from 2019 to 2020, the percentage distribution of dispositions (page 21), sentence types (pages 22 and 30), offense severity groups (page 25), offense categories (page 28), and demographics (page 34) remained fairly stable.
3. Following the Commission's re-ranking of Unlawful Possession of a Firearm, Prior Felony from Offense Severity Group M7 to M8, in both 2019 and 2020, Master Grid OSG M8 constituted more than half of all felony cases sentenced (page 25).
4. Of the 216 Weapon offenses sentenced in the District in 2020, 46% were for Carrying a Pistol without a License (CPWL), 33% for Unlawful Possession of a Firearm, Prior Felony (FIP), seven percent for Possession of a Firearm, Prior Crime of Violence (PFCOV), and three percent for Unlawful Possession of a Firearm, Prior Crime of Violence (FIP-PCOV) (page 32).
5. Like 2019, Assault with a Dangerous Weapon (ADW) and Robbery offenses constituted the majority (74%) of the 221 counts sentenced in the Violent offense category (page 33).
6. The proportion of Drug offenses sentenced decreased slightly from 13% in 2019 to 10% in 2020 (page 29).
7. Similar to previous years, the 22-30 age group represented the largest age group, accounting for 37% of all defendants sentenced for felony offenses in 2020 (page 38).
8. At the case level, the proportion of females sentenced to prison increased from 19% in 2019 to 41% in 2020. This was due primarily to the impact of COVID-19 related reductions on the operations of the D.C. Superior Court, the decrease in the already limited number of females sentenced, and the accompanying increase in the proportion of females sentenced to prison for Violent offenses (pages 34 - 37).
9. The 99% Guidelines compliance rate in 2020 was the highest compliance rate observed by the Commission (page 47). All counts sentenced for Homicide, Sex, Property, Drug, Other offenses were compliant with the Guidelines (page 48). However, *due care must be exercised when interpreting this rate* due to the decrease in the number of counts sentenced compared to 2019 (pages 17 and 19).
10. In 2020, there were 15 compliant departures and six non-compliant sentences, constituting two percent and one percent of felony counts sentenced, respectively. The majority of these were downward departures (pages 51 and 52).

TABLE OF ABBREVIATIONS AND ACRONYMS

Term	Definition
ADW	Assault with a Dangerous Weapon
BRA	Bail Reform Act
CDC	Center for Disease Control and Prevention
CH	Criminal History
CJCC	District of Columbia Criminal Justice Coordinating Council
Commission	District of Columbia Sentencing Commission
Council	Council of the District of Columbia
COV(s)	Crime(s) of Violence
COVID-19	Coronavirus Disease 2019
CPWL	Carrying a Pistol Without a License
CSOSA	Court Services and Offender Supervision Agency for the District of Columbia
Dist.	Distribution of a Controlled Substance
District	District of Columbia
Evaluation Project	District of Columbia Sentencing Guidelines Evaluation Project
FIP	Unlawful Possession of a Firearm, Prior Felony (i.e. By a Person With a Prior Conviction > 1 year)
FIP-PCOV	Unlawful Possession of a Firearm, Prior Crime of Violence (i.e. By a Person With a Prior Conviction of a Crime of Violence)
FY	Fiscal Year
GRID system	Guidelines Reporting and Information Data system
GSS	The Commission's GRID Scoring System
Guidelines	District of Columbia Voluntary Sentencing Guidelines
IJIS 12.1	District of Columbia Integrated Justice Information System Outbound Data Feed
JUSTIS	District of Columbia Justice Information System
MPD	D.C. Metropolitan Police Department
OSG	Offense Severity Group
PCP	Phencyclidine
PFCOV	Possession of a Firearm During a Crime of Violence
PSR	Pre-sentence Investigation Report
PWID	Possession with Intent to Distribute a Controlled Substance
Rule 11(c)(1)(C)	Superior Court Rules of Criminal Procedure Rule 11(c)(1)(C)
SARS-CoV-2	Severe Acute Respiratory Syndrome Coronavirus 2
SCR-Crim.	A Superior Court Rule of Criminal Procedure
Title 16	Juveniles Prosecuted as Adults Pursuant to D.C. Code § 16-2301(3)
Superior Court	Superior Court of the District of Columbia
WHO	World Health Organization

CHAPTER ONE: THE COMMISSION AND ITS WORK

I. Commission's Legislative Mandate and Duties

A. Legislative Mandate

The D.C. Sentencing Commission (the Commission) has three primary statutory responsibilities: (1) to monitor the implementation and use of the District of Columbia Voluntary Sentencing Guidelines (Guidelines); (2) to rank newly created felony offenses, and (3) to review and analyze data on sentencing practices and trends in the District of Columbia.¹ As part of its mandate, the Commission is responsible for collecting data from Superior Court of the District of Columbia (Superior Court) and from the Court Services and Offender Supervision Agency (CSOSA) to identify and address sentencing issues, assess compliance with the Guidelines, and monitor historical and emerging sentencing trends. The Commission is also required to incorporate into the Guidelines structure each new felony offense or sentencing provision enacted by the Council of the District of Columbia (the Council).²

B. Commission Duties

In addition to its overarching mandate, the Commission has the following duties under D.C. Code § 3-101(b) (2016):

1. Promulgate, implement, and revise a system of voluntary sentencing guidelines for use in the Superior Court designed to achieve the goals of certainty, consistency, and adequacy of punishment, with due regard for the:
 - a. Seriousness of the offense;
 - b. Dangerousness of the offender;
 - c. Need to protect the safety of the community;
 - d. Offender's potential for rehabilitation; and
 - e. Use of alternatives to prison, where appropriate.
2. Publish a manual containing the instructions for applying the voluntary guidelines, update the manual periodically, and provide ongoing technical assistance to the Superior Court and practitioners on sentencing and sentencing Guidelines issues;
3. Review and analyze pertinent sentencing data and, where the information has not been provided in a particular case, prompt the judge to specify the factors upon which he or she relied upon in departing from the Guidelines recommendations or when imposing what appears to be a non-compliant sentence;
4. Conduct focus groups, community outreach, training, and other activities designed to collect and disseminate information about the guidelines;

¹ The legislation governing the Commission can be found at D.C. Code § 3-101 (2016), *et seq.*

² A complete history of the Commission can be found on the Commission website at <https://scdc.dc.gov/node/1108916>.

5. Review and research sentencing policies and practices locally and nationally, and make recommendations to increase the fairness and effectiveness of sentences in the District of Columbia; and
6. Consult with other District of Columbia, federal, and state agencies that are affected by or that address sentencing issues.

II. Commission's Composition

A. Commission Membership

The Commission is composed of 17 members: 12 voting members and five non-voting members. Its membership includes representatives from a wide range of 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 voting members of the Commission include:

- Three judges of the Superior Court, appointed by the Chief Judge of the Superior Court;
- The United States Attorney for the District of Columbia or his or her designee;
- The Director of the Public Defender Service for the District of Columbia or his or her designee;
- The Attorney General for the District of Columbia or his or her designee;
- The Director of the Court Services and Offender Supervision Agency or his or her designee;
- Two members of the District of Columbia Bar, one who specializes in the private practice of criminal defense in the District of Columbia, and one who does not specialize in the practice of criminal law, appointed by the Chief Judge of the Superior Court in consultation with the President of the District of Columbia Bar;
- A professional from an established organization devoted to research and analysis of sentencing issues and policies, appointed by the Chief Judge of the Superior Court; and
- Two citizens of the District, one nominated by the Mayor subject to confirmation by the Council, and the other appointed by the Council.

The non-voting members of the Commission are:

- The Chairperson of the Council committee that has oversight of the Commission, or their designee;
- The Director of the District of Columbia Department of Corrections or his or her designee;
- The Chief of the Metropolitan Police Department or his or her designee;
- The Director of the United States Bureau of Prisons or his or her designee; and
- The Chairperson of the United States Parole Commission or his or her designee.

B. Commission Staff

1. Commission Staff Members

As of April 20, 2021, the Commission staff consisted of:

Barbara Tombs-Souvey
Executive Director

Basil Evans
IT Specialist

Mehmet Atif Ergun
Statistician

Mia Hebb
Administrative Assistant

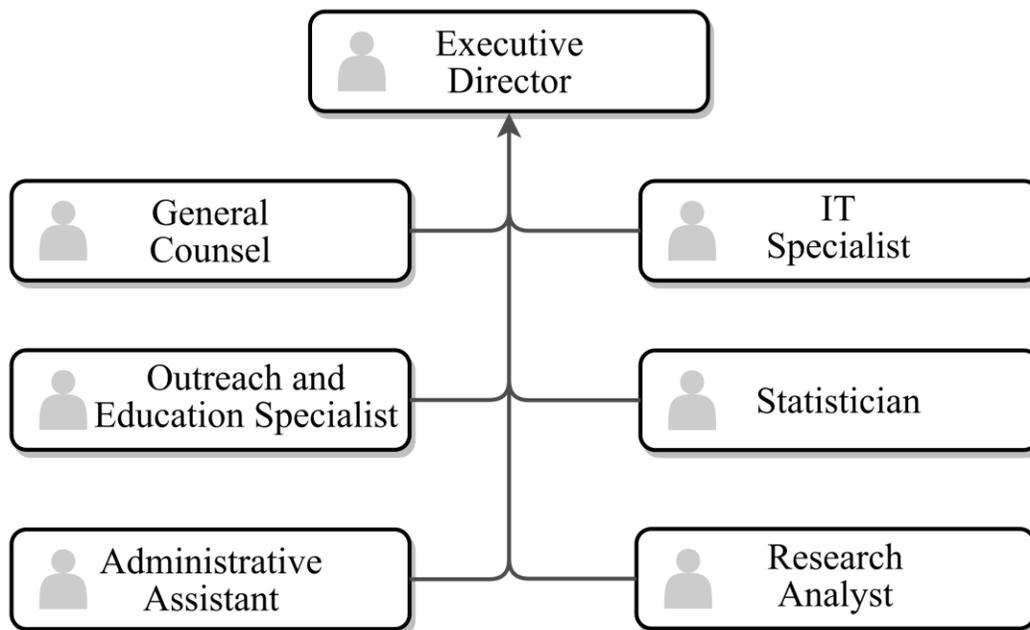
Vacant
General Counsel

Taylor Tarnalicki
Research Analyst

Vacant
Outreach Specialist

2. Organizational Structure

Figure 1: Sentencing Commission Organizational Chart



III. Commission's Budget

In Fiscal Year (FY) 2020 and FY 2021, to date, the Commission's operating budget consisted of District of Columbia local funds and capital funds. The Commission did not receive any grant funds in FY 2020 or FY 2021.

Table 1: The Commission's Total FY 2021 Budget (dollars in thousands)

Personnel Services (Salaries and Benefits)	\$ 829,000
Non-Personnel Services	\$ 429,000
Total Operating Budget	\$ 1,258,000

Capital Funds	\$ 0
Grant Funds	\$ 0
Total Agency Budget	\$ 1,258,000

Table 2: The Commission’s Total FY 2020 Budget (dollars in thousands)

Personnel Services (Salaries and Benefits)	\$ 758,249
Non-Personnel Services	\$ 388,547
Total Operating Budget	\$ 1,146,249
Capital Funds	\$ 765,254
Grant Funds	\$ 0
Total Agency Budget	\$ 1,912,050

The agency’s overall budget Between FY 2020 and FY 2021 decreased by 34.2% as the result of the one-time Capital funds that were allocated for the MPD GRID Enhancement Project in FY 2020. The Commission’s locally funded operating budget increased by 9.7%. The increase in local funds was the result of funding allocated for one new FTE position.

IV. Commission’s Work

A. Commission Activities

The full Commission met seven times in calendar year 2020 to address Guidelines, sentencing policy, criminal justice, and agency related issues. All Commission meetings were open to the public. However, due to the District Health Emergency declared by the Mayor in March 2020, five of the seven Commission meeting were held virtually utilizing the Zoom platform.

The Commission met on the following dates in 2020:

January 20, 2020	February 18, 2020
June 16,2020	July 21, 2020
September 21, 2020	October 20, 2020
November 17, 2020	

The minutes of the Commission’s public meetings are available online at the Commission’s website, located at <http://scdc.dc.gov>.

Over the past year, the Commission continued to monitor the Guidelines and released several publications, including the 2019 Annual Report, the 2020 Guidelines Manual, four Fast Facts, and two Issue Papers. Additionally, the Commission concentrated on three major projects. The first was the completion of the MPD GRID Enhancement data project, which integrated MPD arrest data with Court and Criminal History data contained within the GRID system, allowing for the tracking of a felony case from arrest through sentencing. This project expands the Commission’s ability to undertake more comprehensive sentencing related analysis. The second project focused

on expanding the Commission's outreach and educational activities by utilizing expanded virtual and social media platforms to reach District residents. Finally, the Commission continued to examine the Title 16 sentencing trends and patterns to identify any potential disparities or inconsistencies that may be present under this specific sentencing provision.

Interested parties are always encouraged to attend Commission meetings. The Commission publishes meeting dates in advance in the D.C. Register and on the Commission's website. The Commission's website also includes an agenda for each upcoming meeting. Commission meetings are usually held on the third Tuesday of each month at One Judiciary Square, 441 4th Street, Suite 430 South, NW, Washington, D.C. 20001. If a meeting is scheduled to be held virtually, the website will contain information for interested parties to join the virtual meeting.

B. Committee Activities

In addition to meetings of the full Commission, there are several working committees that meet on either a regular, or ad hoc, basis, to formulate recommendations on specific sentencing issues, for action by the full Commission. Given the restrictions imposed by the District's Health Emergency in 2020, committee activity was limited. The following represents an overview of the Commission's committee structure and recent work.

1. Research Committee

The Research Committee did not meet to address any specific sentencing related research. Staff undertook research related to the frequency and types of sentences imposed under Title 16. This research was presented to full Commission for review and discussion.

2. Guidelines Implementation Committee

The primary goal of the Guidelines Implementation Committee is to develop and submit proposals to the Commission for new or modified criminal offense rankings and other possible Guidelines rule changes. The Committee also evaluates potential policy changes that may affect the Guidelines and oversees all changes to the Guidelines Manual.

In 2020, the Guidelines Implementation Committee did not address any potential changes to the Sentencing Guidelines Manual, nor did it rank any new felony offenses.

C. Supporting Practitioners, Policy Makers, and the Public

The Commission and its staff support criminal justice practitioners, policy makers, and the public on a daily basis. This support is provided in the following manner: 1) releasing print and electronic publications; 2) hosting an interactive website containing current information on the Guidelines, the Commission, and Superior Court sentencing practices; 3) responding to requests for data; 4) providing Guidelines training and education sessions; 5) responding to Guidelines inquiries; and 6) collaborating with other criminal justice partners.

1. Publications

In 2020, the Commission published the following documents:

- The 2019 Annual Report

- The 2020 Voluntary Sentencing Guidelines Manual
- Armed Robbery Fast Facts
- Robbery Fast Facts
- Attempted Robbery Fast Facts
- All Robbery Fast Facts
- Guidelines Compliant Sentences Issue Paper
- Role of Misdemeanor Convictions in DC Sentencing Guidelines Issue Paper

2. Website

The Commission’s website increases transparency and public awareness about the Commission’s activities. The website provides detailed information about the Guidelines and makes current sentencing data and Commission research easily accessible. Visitors can now find a wealth of materials and Guidelines resources at <http://scdc.dc.gov>.

The Commission’s website resources include:

- Sentencing Commission updates, press releases, and news;
- A Data Dictionary with definitions for all publicly available shared data;
- A dataset for all 2020 felony sentences (without case specific identifying information);
- Data and charts displaying information about felony sentences and sentencing trends;
- The date, location, and agenda for the next Commission meeting;
- Guidelines updates and alerts;
- An electronic copy of the current Guidelines Manual, as well as all prior versions of the Manual;
- Fast Facts Sheets;
- Issue Papers;
- Commission Newsletters;
- The Guidelines Master and Drug Grids;
- Minutes from prior Commission meetings;
- A direct link to send questions to the Executive Director;
- Information on how to contact the Commission, request a training session, ask questions about sentencing data, or receive assistance applying the Guidelines;
- A chronology of the Guidelines and the Commission;
- A list of Commission members;
- Sentencing data request forms;
- A frequently asked questions (FAQ) section that provides detailed answers to common Guidelines questions;
- A glossary of Guidelines and sentencing terminology;
- Self-guided Sentencing Guidelines trainings;
- All recent and historic Sentencing Commission publications;
- Employment opportunities with the Commission; and
- Open Government and Freedom of Information Act materials.

Over the course of the past 10 years, the Commission staff has continually expanded the features available on the agency's website. As a result of the additions and improvements made to the website, web traffic has increased³. The Commission's website received 21,153 visits in calendar year 2020. This was an 8.7% increase over the 19,451 visits the website received in calendar year 2019 and a 46% increase since 2017.

3. Data Requests

The Commission's data collection and analysis extends beyond what is presented on its website or contained in the Annual Report. The Commission regularly responds to requests for sentencing related data and analysis from individual Commission members, Council members, the Mayor's Office, other government agencies, organizations, educational institutions, researchers, legal practitioners, and the public. Following the implementation of the Guidelines Reporting and Information Data System (GRID) system, the Commission has experienced a substantial increase in data requests. Information pertaining to how to submit data requests is available on the Commission's website.

Data shared by the Commission is available in two formats: aggregate data and felony data sets void of identifying information about individuals or returning citizens. The Commission does not provide individual case sentencing information or information that would allow for the identification of a defendant.

In 2020, the Commission received 47 substantial data requests, which required 768 staff hours to complete. The agency also responded to requests for 18 individual data sets.

The following are examples of data requests the Commission received and responded to in 2020:

- How many DC Code Violators are incarcerated for sentences of 15 to under 20 years, 20 years to under 25 years, and 25 years and over on a specific date in the following age ranges: 1) 16 and 17 years of age; 2) 18 to under 25 years of age; and 3) 25 years of age and older?
- What is the aggregate of sentences imposed for individuals convicted of multiple counts of First-Degree Murder?
- How many sentences, types, and lengths have been imposed under D.C. Code § 22-3703, the sentencing enhancement for bias related crimes and what were the underlying offenses for which the bias enhancement was applied?
- Analysis of the sentencing trends for violent, while armed, counts that were sentenced in D.C. Superior Court between January 1, 2015 and December 31, 2019.
- Types and length of sentenced imposed for child pornography convictions in the District of Columbia annually from 1980 to 2018.

4. Guidelines Training and Education Sessions

The Commission regularly conducts group and individual Guidelines training sessions throughout the year. In calendar year 2020, Commission staff provided 13 in-person and virtual Guidelines

³ The Commission defines website traffic as unique website visits; it does not count repeat page hits by the same visitor.

training to 121 individuals. This represents a 14% increase from the 106 individuals trained in 2019. Anyone interested in arranging an individual or group-training session should contact the Commission at scdc@dc.gov.

In addition to in-person trainings, the Commission's expanded website has a module devoted to providing self-guided online trainings and resources that are available on demand. Currently, the Commission has the following online trainings and educational references available⁴:

- Basic Voluntary Sentencing Guidelines Training 101; and
- Scoring Out-of-District Offenses.

Additional training sessions are available on request for the following topics:

- Voluntary Sentencing Guidelines Refresher Training;
- Lapse and Revival Rules Training;
- Split Sentencing Training;
- Scoring Prior Adjudications and Misdemeanors Training; and
- Handling Accessory and Attempt Charges Training.

5. Responding to Inquiries

Commission staff is available every business day to provide general and specific information about the substance and application of the Guidelines. Staff responds to a wide variety of questions and inquiries from judges, court personnel, government, defense attorneys, CSOSA, the criminal justice community, and members of the public. The Commission provides information varying from the general purpose and basic structure of the Guidelines to assistance with the application of the Guidelines in specific cases. The majority of inquiries are from criminal law practitioners, including CSOSA Pre-sentence Investigation Report ("PSR") investigators, prosecutors, criminal defense attorneys, and Superior Court personnel. Guidelines support is available by e-mail, phone, or via a direct link on the Commission's website.

Commission staff typically responds to over 300 Guidelines and information inquiries every year (364 in FY 2018, 444 in FY 2019, and 282 in FY 2020). Most inquiries involve assistance determining the score of an out-of-District conviction, calculating a defendant's total criminal history (CH) score, identifying the applicable sentencing range, or reviewing whether a specific sentence is compliant with the Guidelines.⁵

⁴ Online trainings and educational references are available at the Commission's website at <https://scdc.dc.gov/service/training-voluntary-sentencing-guidelines>

⁵ It is important to note that assistance using or applying the Sentencing Guidelines received from Commission staff is not legal advice. Any information provided to or received from Commission staff when seeking assistance is not confidential. Inquiry responses are not intended or expected to form an attorney-client relationship, may be provided by non-attorneys, are not binding on the court, and do not constitute the official opinion of the Sentencing Commission. For example, if a practitioner would like to know how a defendant's prior out-of-District conviction would factor into his or her total CH score, a Commission staff member will review the applicable Guidelines rule with the practitioner and give examples of prior scorings.

6. Inter-Agency Collaboration

On a regular basis, the Commission collaborates with other judicial, criminal justice, and public safety agencies within in the District. This collaboration allows the Commission to share expertise, data, and knowledge among agencies. This effort includes participation in several city-wide workgroups and committees, including:

- Criminal Justice Coordinating Council (CJCC) - This agency serves as the forum for identifying issues and their solutions, proposing actions, and facilitating cooperation to improve public safety in the District.
- Information Technology Advisory Committee (ITAC) - This committee sets the direction, policies, and goals for Justice Information System (JUSTIS) projects in the District.
- Inter-Agency Data Quality Workgroup (IDQ) - This group reviews and analyzes data quality issues for JUSTIS projects in the District.
- Inter-Agency Workgroup (IWG) - This group implements and supports technology projects set by the ITAC.
- Inter-Agency Data Team - This team engages in discussions regarding data collection, application, sharing, classification, and governance in the District.
- Data Science Working Group - Hosted by OCTO and The Lab @ DC, this group is a platform of collaboration and discussion for District government employees on the state of, issues in, and challenges to data science.
- Security Group (ISW) - This group addresses issues and concerns surrounding the security of criminal justice information shared among District agencies.
- Gun Stat - This group supports a city-wide effort to track gun cases as they progress through the criminal justice system while identifying trends, strengths, and weaknesses of the process.
- Sealings, Expungements, and Set Asides Workgroup (SES) – This workgroup develops, and reviews criminal justice agencies policies and practices related to sealing and expunging criminal records ordered by the court.

7. Outreach and Education Activities

Over the last few years, the Commission has focused on improving its presence within the D.C. community, and working to educate the general public on who the Commission is, what the Commission does, and the purpose and function of the D.C. Voluntary Sentencing Guidelines. Disrupted by COVID-19 and its impact on the District, the Commission had to scale back on several outreach activities in 2020, including in-person presentations and community activities. The Commission chose to redirect its outreach efforts to primarily focus on three main areas: social media, newsletters, and brochures.

a. Social Media Activities

In early 2020, the Commission launched its Twitter account to reach a larger audience and become more accessible to the public. The Commission's Twitter account ([@DCCommission](#)) is used to disseminate information, such as recent publications, Guidelines alerts, and Commission updates, as well as to report on a variety of sentencing trends within the District. The Commission launched its Twitter account in March 2020, and has posted over 53 tweets, to date.

b. Newsletter

Released in Summer 2020, the Commission's first bi-annual newsletter provided the public an update on various Commission activities to improve transparency. This first newsletter contained several articles, including the release and key findings of the 2019 Annual Report, an introduction to the MPD Data Enhancement Project, and a discussion addressing the impact of COVID-19 on sentencing in the District. The newsletter has been posted to the Commission's website, Twitter account, and distributed to numerous criminal justice stakeholders via email. The Winter newsletter will be released in early 2021.

c. Brochure

The Commission's first brochure provides a high-level overview of sentencing trends for Robbery offenses that were sentenced between 2016 and 2019. Specifically, this brochure identifies the frequency and type of sentences imposed and various demographic information for individuals sentenced for robbery. It is the Commission's hope that this and future brochures will increase residents' awareness of sentencing trends under the Voluntary Sentencing Guidelines

CHAPTER TWO: VOLUNTARY SENTENCING GUIDELINES

The Commission is required to include in its Annual Report any substantive changes to the Guidelines during the previous year.⁶ This includes any changes to offense severity rankings, the Guidelines recommended sentencing range, or sentencing options, and rules for calculating a defendant's CH score. If the Council enacted legislation during the preceding year that created new offenses or changed penalties for existing offenses, the report must explain how the Commission incorporated those changes into the Guidelines.

Since 2012, the Commission has not modified the Guidelines Master or Drug Grids that set forth the recommended sentencing range and options for any ranked felony offenses. In 2020, the Commission did not rank any new felony offenses enacted by the Council nor did it re-rank any existing felony offenses. Additionally, while the Commission did not make any major substantive policy changes to the Guidelines during 2020, it streamlined the organization of the Guidelines Manual and expanded the use of sentencing examples to assist users in the proper application of the Sentencing Guidelines.

I. New Offense Rankings

In 2020, the Commission did not rank any new felony offenses or re-rank any prior felony offenses.

II. Substantive Changes to the Guidelines Rules and Manual

There were no substantive changes or amendments made to the Sentencing Guidelines Manual in 2020.

III. Technical Changes to the Guidelines Manual

There were no technical changes or amendments made to the 2020 Guidelines Manual.

⁶ D.C. Code § 3-104(d)(2) states that the Commission's Annual Report shall describe "any substantive changes made to the guidelines during the preceding year, including changes in the: (A) Recommended sentencing options or prison ranges; (B) Ranking of particular offenses; or (C) Rules for scoring criminal history." Further, subsection (d)(3) provides that the Annual Report will also inform "the Council how it has ranked any new felony offense or re-ranked any existing felony offense because of a statutory change or for another reason, and the resulting Guidelines sentencing options and prison range for each such an offense."

CHAPTER THREE: OVERVIEW OF AGENCY DATA SOURCES AND COLLECTION PROCEDURES

The Commission’s GRID system enables the Commission to efficiently analyze sentencing trends and determine judicial compliance with the Guidelines. The GRID system uses data from four sources: Superior Court, CSOSA, individual judges, and the D.C. Metropolitan Police Department (“MPD”). Superior Court provides the Commission with all offense, conviction, and sentencing-related data. This data is transmitted from Superior Court to the Commission electronically through the CJCC’s Integrated Justice Information System Outbound Data Feed (IJIS 12.1). CSOSA officers directly input offender criminal history and demographic information into the GRID system via the GRID Scoring System (GSS) module, which automatically calculates an individual’s criminal history score. Individual judges provide case-specific information in response to Departure Letters forwarded by Commission staff regarding perceived non-compliant departures from the Guidelines. Finally, MPD provides arrest data, which enables the Commission to have a more comprehensive view of the lifecycle of an individual criminal case.

I. The GRID System

The GRID system is an independent web-based application platform that was developed and implemented in 2013. It enables the Commission to capture arrest and court information, analyze Guidelines compliance, and perform numerous types of data analyses. The GRID system’s core capabilities include receiving and processing information; storing, displaying, and exporting data; calculating compliance; and performing analytics/analysis.

II. Sentencing Data

Improved data quality and access enables the Commission to identify more precisely the impact of policy changes and to identify and support potential modifications to the Guidelines. The Commission captures more than 500 data elements from Superior Court that are transmitted through the IJIS 12.1 data feed. This data is electronically transferred into the GRID system. Case and defendant information are updated nightly, which ensures that the Commission has the most accurate and up-to-date case information. For example, when a defendant’s charge in a case is updated by Superior Court, the GRID system will maintain a record of both the new and old charge. This data allows for analyses of sentencing data at the count, case, and offender level. The Commission classifies this data as “live data,” since it changes continually.

In addition to capturing live data, the GRID system contains a historic data feature that preserves data captured during each calendar year. This historic data functionality, referred to as an annual “*snapshot*,” ensures consistent and accurate reporting of the sentencing decisions made during a given year. The snapshot data is frozen in time and will not be affected by modifications or updates that may occur in subsequent years. As a result, snapshot data is static, allowing year-to-year data comparisons. For example, the snapshot data allows the Commission to report on a case from 2015 that was modified in the 2016 data. While GRID records the 2016 sentence modification, the annual snapshot data allows the Commission to report case-related activity that occurred only during 2015.

III. Criminal History Data

A defendant's CH score at the time of sentencing is one of the three factors used by the Commission to determine compliance with the Guidelines. CSOSA provides an individual's CH score for most felony counts, which is entered directly into the GRID system by CSOSA through GSS. In addition to an individual's total CH score, CSOSA also provides information related to the Offense Severity Group ("OSG") and the severity of each prior conviction and juvenile adjudication, and calculates the score using the Guidelines rules for lapse and/or revival, if applicable. Criminal history information and compliance calculations are updated daily in the GRID system.

IV. Compliance Data

When a sentence falls within the recommended Guidelines range and sentence options, the sentence is deemed compliant with the Guidelines.⁷ The Guidelines use two grids, the Master Grid and the Drug Grid, to determine an offender's recommended range and available sentencing options based on the offense of conviction and the individual's CH score.⁸ If a felony sentence is initially determined to be non-compliant, the sentence is evaluated further using various factors to assess whether the sentence imposed may be compliant for other reasons. The Commission uses a seven-step process to determine if the sentence imposed is actually compliant with the Guidelines.⁹ The GRID system automatically performs the first five steps of the Commission's seven-step compliance process. The two remaining steps, if necessary, are performed manually by Commission staff.

For every felony count sentenced, this seven-step compliance process reviews and verifies that the sentence is within the appropriate grid box, identifies any special Guidelines sentencing rules or circumstances that may apply, or whether a compliant departure from the Guidelines occurred. If, after this review process is completed, a sentence still appears to be non-compliant, Commission staff contacts the sentencing judge through a Departure Letter to verify the non-compliant sentence imposed.

V. Arrest Data

One of the first phases of the lifecycle of a criminal case is arrest. To further assess the effectiveness of the Guidelines and analyze sentencing practices in the District, the Commission expanded its GRID system in 2020 to receive and analyze the adult arrest data feed from MPD. This Arrest Feed enables the Commission to examine the entire lifecycle of a defendant's individual case from arrest through sentencing, or the court's final disposition.

The Commission captures more than 700 data elements from the MPD Arrest Feed. Similar to sentencing and CH score data, arrest data is electronically transferred into the GRID system, with arrest data updates performed nightly. The Commission classifies this data as part of its live data since it continually changes. Additionally, the GRID system also preserves arrest data received

⁷ See Chapter 4 for more details on calculating Guidelines compliance.

⁸ See Appendix A and B for the Master and Drug Grids.

⁹ See Appendix E for a detailed description of the Commission's seven-step compliance verification process.

each calendar year, beginning in 2020, to ensure consistent reporting of available arrest information in a given year.

CHAPTER FOUR: SENTENCING AND COMPLIANCE TRENDS

This chapter provides an overview of felony sentences imposed by Superior Court judges in 2020, including judicial compliance with the Guidelines. Data used in this chapter include all initial felony convictions sentenced between January 1 and December 31, 2020, without regard to the date of the offense, plea, or verdict. This chapter focuses on felony sentencing patterns by sentence type, offense category, and characteristics of the individuals sentenced. The analyses presented do not include remands, probation revocations, or sentences for misdemeanor offenses, including criminal traffic related offenses, which are beyond the purview of the Guidelines.

In addition to presenting an overview of sentencing in 2020, this chapter also includes a comparison of felony sentencing trends and Guidelines compliance from 2011 through 2020. This broader comparative analysis covering the past 10 years highlights changes in sentencing patterns, as well as the implications of modifications to criminal statutes and the Guidelines during this period.

To analyze the multiple aspects of sentencing, data analysis is performed at three levels: count level, case level, and offender level. Count level analysis provides an overview of sentencing practices that occur for each individual felony offense sentenced. Case level analysis examines sentencing trends based upon the most severe count for a specific case. Lastly, offender level analysis identifies trends related specifically to the felony population sentenced in Superior Court in 2020. Each case may have one or more counts and each offender may have one or more cases in a given calendar year.

The Commission determined that, to compare sentencing trends from year to year effectively, it is necessary to capture or “freeze” the data for each year. This ensures a true comparison of sentencing trends over time. As previously described, this data is referred to as annual “snapshot” data, which captures felony sentences from January 1 through December 31 of a given year. The first annual “snapshot” was taken in 2013 and includes data from 2010 through 2013. Subsequent annual snapshots were taken for each following calendar year.

Previously, the data analysis presented in the Commission’s Annual Report was based on a combination of live and snapshot data, depending on the specific type of analysis completed. Starting in 2016, the Commission began using only snapshot data in its Annual Report. Limiting analyses to the snapshot data ensures the most accurate year-to-year comparisons of sentencing trends and allows the Commission to identify and analyze the impact of any modifications to the Sentencing Guidelines.

The decision made to use snapshot data accounts for discrepancies between the data reported in pre-2016 Annual Reports. Beginning with the 2016 Annual Report, the data are more reflective of actual sentencing trends that occurred during previous years when compared to live data, which continually changes. Moving forward, data presented for prior years will remain unchanged, allowing for a more in-depth analysis of sentencing trends.

The snapshot data used for the Commission’s annual reports is warehoused in the GRID system. The development and maintenance of the GRID system remains a significant undertaking for the Commission since it represents the agency’s first fully automated data system. As with the implementation of any large and complex data system, adjustments and modifications are

necessary to address data classification and data quality issues that were identified after initial implementation. The resolution of these issues changed how data was reported at times, resulting in discrepancies with data presented in earlier reports.

The key adjustments to the data included:

- Prior to calendar year 2013, case level sentencing data was analyzed based on the count with the longest sentence. In 2014, the case level analysis was changed to be based on the most severe count in each case, which is determined by the OSG, sentence type, sentence length, and then offense category.
- Prior to calendar year 2013, the Commission's reporting of split sentences included both short split and long split sentences.¹⁰ In 2013, the Commission decided to categorize long split sentences as prison sentences because a compliant long split sentence requires the offender to serve at least the minimum Guidelines compliant prison sentence. This sentencing option is available in all Grid boxes. For data reporting purposes, all split sentences that do not qualify as a short-split sentence under the Guidelines' rules are classified as prison sentences. By including long split sentences with prison sentences, the Commission now classifies three types of sentences for the purpose of analysis: probation, short split, and prison sentences.
- In 2014, the Commission removed probation revocations from the yearly analysis of sentences imposed since they do not represent an initial sentence imposed by Superior Court.
- In 2015, the Commission determined that sentences following a remand from the D.C. Court of Appeals would not be analyzed with other initial sentences. Sentences imposed following a remand often do not receive a Guidelines compliant sentence because they may occur several years after the initial sentence was imposed. In addition, the data available to the Commission does not indicate why a case was remanded by the Court of Appeals.
- In 2019, the Commission revised its rules algorithms to improve the ability of the GRID system to identify whether a felony sentence was a result of a probation revocation.

After several years of monitoring, use, and adjustments, the GRID system has moved past the initial implementation phase. Initial data consistency and quality issues in sentencing data have been resolved. Moving forward, the Commission can undertake a more robust analysis of sentencing data.

¹⁰ A long split sentence is one where the court imposes a prison sentence and suspends execution of some of the sentence, but requires the offender to serve a Guidelines-compliant sentence in prison, and imposes up to five years of probation to follow the portion of the prison term to be served (after suspending supervised release). A long-split sentence is compliant under the Guidelines in every box if the prison term to be served before release to probation meets the minimum prison term in the grid box. A short split sentence is a prison sentence in which the court suspends execution of *all but six months or less* - but not all - of that sentence, and imposes up to five years of probation to follow the portion of the prison term to be served (after suspending supervised release). A short split is compliant under the Guidelines only if imposed in a short split eligible grid box.

I. Sentencing Structure

Sentences imposed under the Guidelines are based on two grids: the Master Grid for felony non-Drug offenses and the Drug Grid for felony Drug offenses.¹¹ These grids are comprised of two axes: one for the individual’s CH score, and one for the OSG of each offense for which a sentence is imposed. There are five classifications of CH scores (A to E) on the horizontal axis of both the Master and Drug Grids in which an individual’s criminal history may be classified. A CH classification of “A” represents the lowest criminal history classification, while a CH classification of “E” represents the highest.¹² The Master Grid classifies offenses into nine OSGs represented on the vertical axis, which decrease in severity from M1 to M9. The Drug Grid has four OSGs, which decrease in severity from D1 to D4. The Commission ranks each felony offense into one of the OSGs according to the level of seriousness associated with that offense. The intersection of an offender’s CH score classification on the horizontal axis and the OSG on the vertical axis determines both the recommended sentencing options and the sentencing range (in months) for prison sentences.

II. Sentencing, Offense, and Offender Data

A. The Severity and Impact of the COVID-19 Pandemic

Beginning in December 2019, news emerged of a serious pneumonia outbreak of unknown cause, first observed in Hubei Province, People’s Republic of China. In January 2020, the World Health Organization (“WHO”) announced the cause of the outbreak as a novel coronavirus, The underlying virus was named “severe acute respiratory syndrome coronavirus 2” (“SARS-CoV-2”), and the disease it caused “coronavirus disease 2019” (“COVID-19”).¹³

By the end of January 2020, China, recognizing the seriousness of the virus, imposed a lockdown in Wuhan, a city with 11 million residents. Around the same time, the Centers for Disease Control and Prevention (“CDC”) confirmed the first COVID-19 case in the US.¹⁴ Two and a half months later, on March 11, 2020, with already more than 118,000 confirmed cases and more than 4,000 deaths in over 100 countries, WHO announced COVID-19 as a pandemic and called for countries to take urgent and aggressive action.¹⁵ By the end of 2020, the cumulative number of COVID-19 cases had risen to about 83.5 million (approx. 20.1 million in the US), with more than 1.82 million deaths globally (approx. 346,000 in the US).¹⁶

¹¹ See Appendices A and B for the Master Grid and the Drug Grid.

¹² The classifications of CH scores are as follows: A (0 to 0.5), B (0.75 to 1.75), C (2 to 3.75), D (4 to 5.75), and E (6+).

¹³ World Health Organization, “Timeline: WHO's Covid-19 Response”, <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/interactive-timeline> (retrieved January 26, 2021).

¹⁴ Centers for Disease Control and Prevention, “First Travel-related Case of 2019 Novel Coronavirus Detected in United States”, <https://www.cdc.gov/media/releases/2020/p0121-novel-coronavirus-travel-case.html> (retrieved January 26, 2021).

¹⁵ World Health Organization, “Timeline: WHO's Covid-19 Response”, <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/interactive-timeline> (retrieved January 26, 2021).

¹⁶ Johns Hopkins University, “COVID-19 Dashboard by the Center for Systems Science and Engineering (CSSE) at Johns Hopkins University (JHU)”, ArcGIS, <https://coronavirus.jhu.edu/map.html> (retrieved 26 January 2021).

The District of Columbia was not immune to the impact of COVID-19, experiencing its first confirmed cases on March 7, 2020. Mayor Muriel Bowser declared a state of emergency for the District on March 11, 2020 and ordered the closure of all non-essential businesses on March 24, 2020, including non-essential government functions. Despite these emergency actions, by the end of the year, the District reported more than 29,000 COVID-19 cases and 788 deaths (approx. one per thousand people).¹⁷

As with other government agencies in the District, the operations of the Superior Court were impacted severely by the COVID-19 pandemic.¹⁸ In March 2020, Court operations were reduced significantly in order to ensure the safety and well-being of Court staff, counsel, parties, and members of the public:

- On March 18, by the order of the Chief Judge of the Superior Court, all non-priority matters before May 15 were rescheduled, all deadlines for all statutory and rules-based time limits in the D.C. Code and the Superior Court Rules were suspended and extended, and hearings were restricted only to emergency matters.¹⁹
- On March 22, the Court published the requirements for motions to comply with when seeking emergency relief (release) from detention based on the COVID-19 pandemic.²⁰
- The Superior Court continued to operate remotely through May 14, when the types and number of cases it would hear was expanded through June 19.²¹
- The Superior Court continued to slowly expand its reduced operations. The last order of 2020, published on November 5, further expanded Superior Court operations through remote and partial remote courtrooms.²²

Figure 2 shows a comparison of the number of cases sentenced monthly by the court between 2019 and 2020, illustrating the significant decrease beginning in March 2020 because of these operational changes.

¹⁷ The Government of the District of Columbia, “COVID-19 Surveillance”, <https://coronavirus.dc.gov/data> (retrieved January 26, 2021).

¹⁸ The Superior Court of the District of Columbia, “Corona Virus Advisory Page”, <https://www.dccourts.gov/coronavirus> (retrieved January 26, 2021).

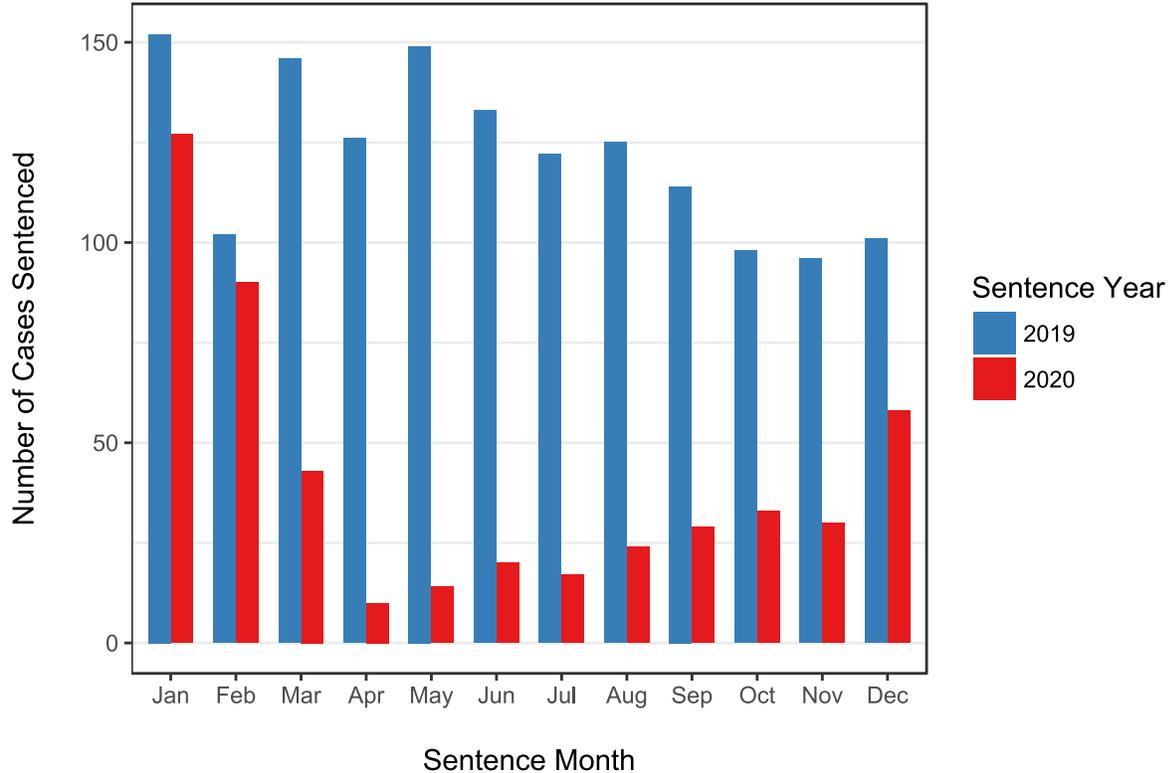
¹⁹ The Superior Court of the District of Columbia, “Order Further Reducing DC Superior Court Operations”, (March 18, 2020; amended March 19, 2020), <https://www.dccourts.gov/sites/default/files/Order-Attachment-PDFs/Order-3-19-20.pdf> (retrieved January 26, 2021).

²⁰ The Superior Court of the District of Columbia, “Order Establishing Procedures, Effective Immediately, for Filing Emergency Motions for Release from Custody due to the COVID-19 Pandemic”, (March 22, 2020), <https://www.dccourts.gov/sites/default/files/Order-Attachment-PDFs/Standing-order-amended.pdf> (retrieved January 26, 2021).

²¹ The Superior Court of the District of Columbia, “DC Superior Court May 14 Order Expanding the Number and Types of Cases that Will be Heard through June 19”, (May 14, 2020), <https://www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/Amended-Order-5-14-20.pdf> (retrieved January 26, 2021).

²² The Superior Court of the District of Columbia, “DC Superior Court Order 11/5/2020”, (November 11, 2020), https://www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/Amended-Order-11-5-20_FINAL.PDF (retrieved January 26, 2021)

Figure 2: Felony Cases Sentenced by Month (2019 vs. 2020)



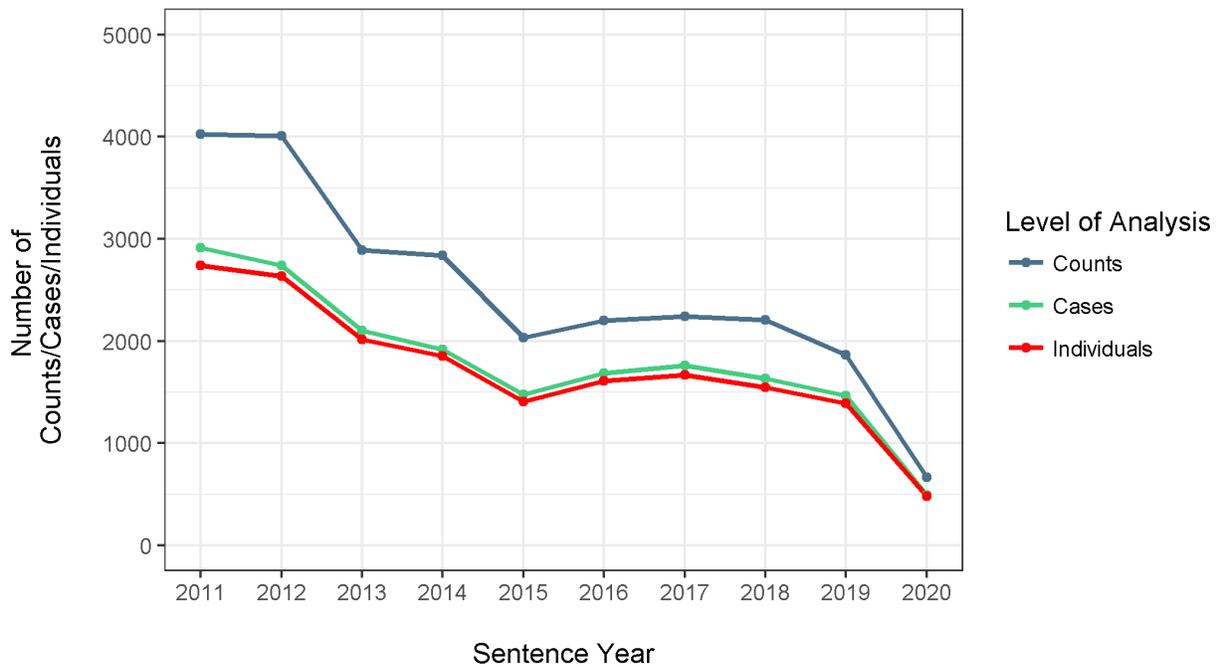
The impact of the COVID-19 pandemic on Superior Court operations is a recurring theme throughout the analyses presented in this report, primarily through the across-the-board decreases in the number of felony cases, counts, and individuals sentenced in 2020. The impact of COVID-19 should be taken into consideration when making any comparison of the number of sentences imposed in 2020 to the number of sentences imposed in previous years.

B. Felony Sentences Imposed in 2020

In 2020, 479 individuals were sentenced for felony offenses in D.C. Superior Court. These individuals were sentenced in 495 cases, consisting of 664 felony counts. Of the 495 felony cases, 161 involved a single felony count and 334 involved multiple felony counts.

As shown in Figure 3, the number of felony counts, cases, and individuals sentenced steadily decreased between 2012 and 2015, then showing increases in both 2016 and 2017. These periods of increases were followed by slight decreases in 2018 and 2019. However, in 2020, as mentioned above, the Superior Court operations were reduced significantly due to the COVID-19 pandemic. Compared to 2019, there was an unprecedented 66% decrease in the total number of cases (969 fewer), a 64% decrease in the total number of counts (1,201 fewer), and a 66% decrease in the total number of individuals sentenced (914 fewer).

Figure 3: Felony Sentences by Year (2011 - 2020)

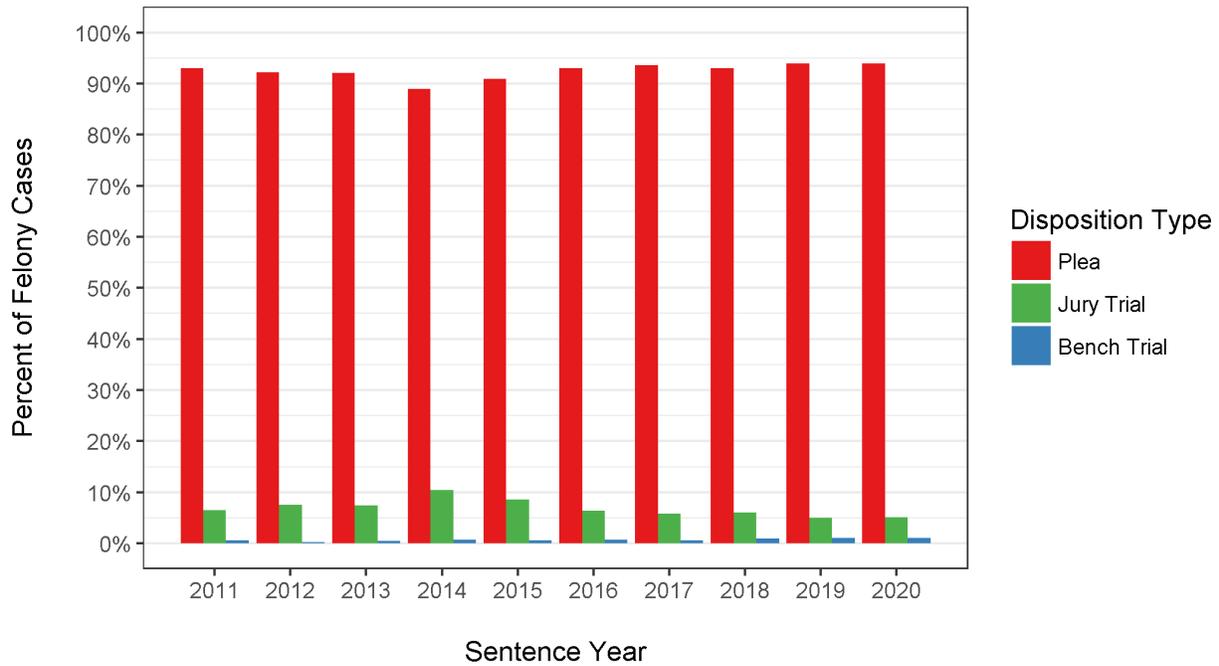


	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Counts	4024	4007	2891	2835	2033	2201	2244	2208	1865	664
Cases	2913	2739	2105	1919	1477	1683	1762	1635	1464	495
Individuals	2737	2635	2016	1854	1410	1611	1666	1546	1393	479

Between 2013 and 2019, the number of felony cases sentenced ranged consistently between 100 to 200 per month. Due to the impact of COVID-19 pandemic on Superior Court operations, the number of cases sentenced decreased suddenly to unprecedented levels in March and April 2020 (to 43 and 10 cases, respectively). By December 2020, court proceedings had increased but still had not returned to previous levels (58 cases sentenced), as the COVID-19 pandemic continued to impact court operations.

Figure 4 presents the disposition of felony cases sentenced in calendar years 2011 through 2020. It should be noted that, despite the sharp decline in the number of cases sentenced, the percentage distribution of dispositions remained stable in 2020. As in previous years, the vast majority (94%) of cases were disposed through guilty pleas. Jury trials have historically accounted for between five and ten percent of cases; in 2020, as was the case in 2019, this rate was five percent. The percentage of sentences resulting from bench trials has remained at or below approximately one percent between 2011 and 2020.

Figure 4: Disposition Type, Case Level (2011 - 2020)

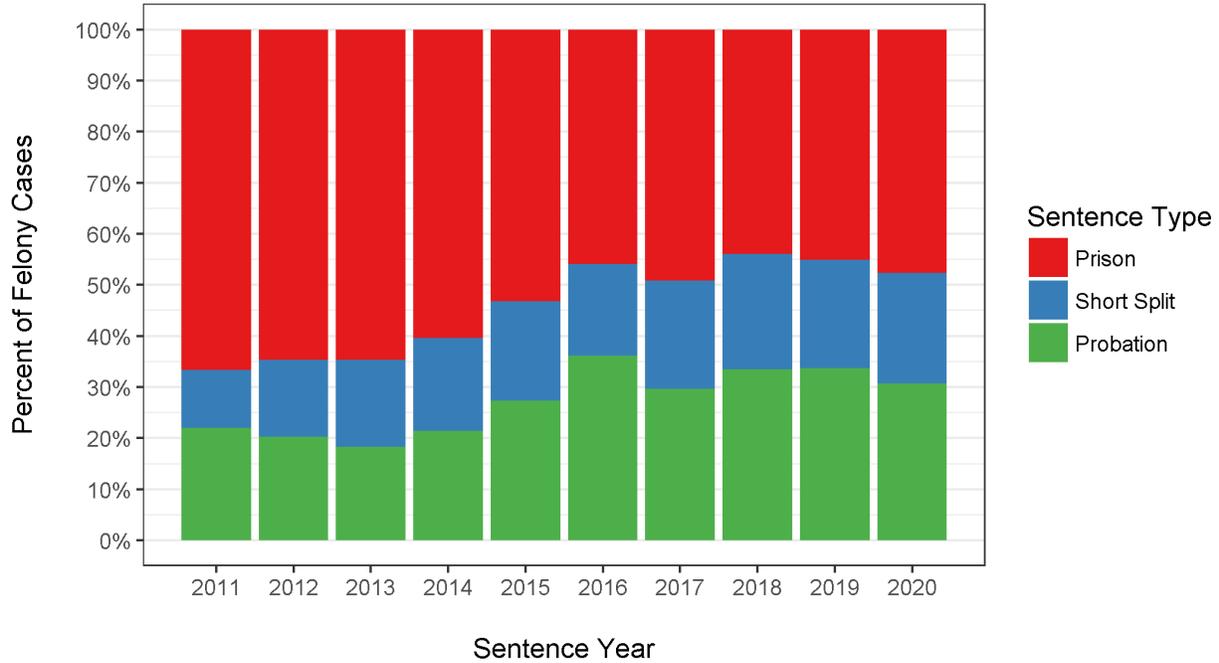


	2011 (N=1868)	2012 (N=1779)	2013 (N=1290)	2014 (N=1918)	2015 (N=1476)	2016 (N=1683)	2017 (N=1762)	2018 (N=1635)	2019 (N=1464)	2020 (N=495)
Plea	93.0%	92.1%	92.1%	88.9%	90.9%	93.0%	93.5%	93.0%	93.9%	93.9%
Jury Trial	6.5%	7.6%	7.4%	10.4%	8.5%	6.4%	5.8%	6.0%	5.0%	5.1%
Bench Trial	0.5%	0.3%	0.5%	0.7%	0.5%	0.7%	0.6%	1.0%	1.1%	1.0%

1. Sentence Type

The Commission classifies sentences into three categories: prison, short split, and probation. Overall, the percentage of cases sentenced to prison declined from 2011 to 2018. In 2020, despite the decrease in the number of cases sentenced from 2019, the percentage of cases resulting in a prison sentence (48%) remained fairly stable compared to 2019 (45%). The percentages of cases that resulted in a short split or probation sentence also remained comparable to the previous year (Figure 5).

Figure 5: Sentence Type, Case Level (2011 - 2020)



	2011 (N=1884)	2012 (N=1781)	2013 (N=1290)	2014 (N=1919)	2015 (N=1477)	2016 (N=1683)	2017 (N=1762)	2018 (N=1635)	2019 (N=1464)	2020 (N=495)
Prison	66.7%	64.6%	64.7%	60.4%	53.2%	45.9%	49.1%	44.0%	45.1%	47.7%
Short Split	11.4%	15.0%	17.1%	18.2%	19.5%	17.9%	21.2%	22.6%	21.2%	21.6%
Probation	22.0%	20.3%	18.3%	21.4%	27.3%	36.2%	29.6%	33.5%	33.7%	30.7%

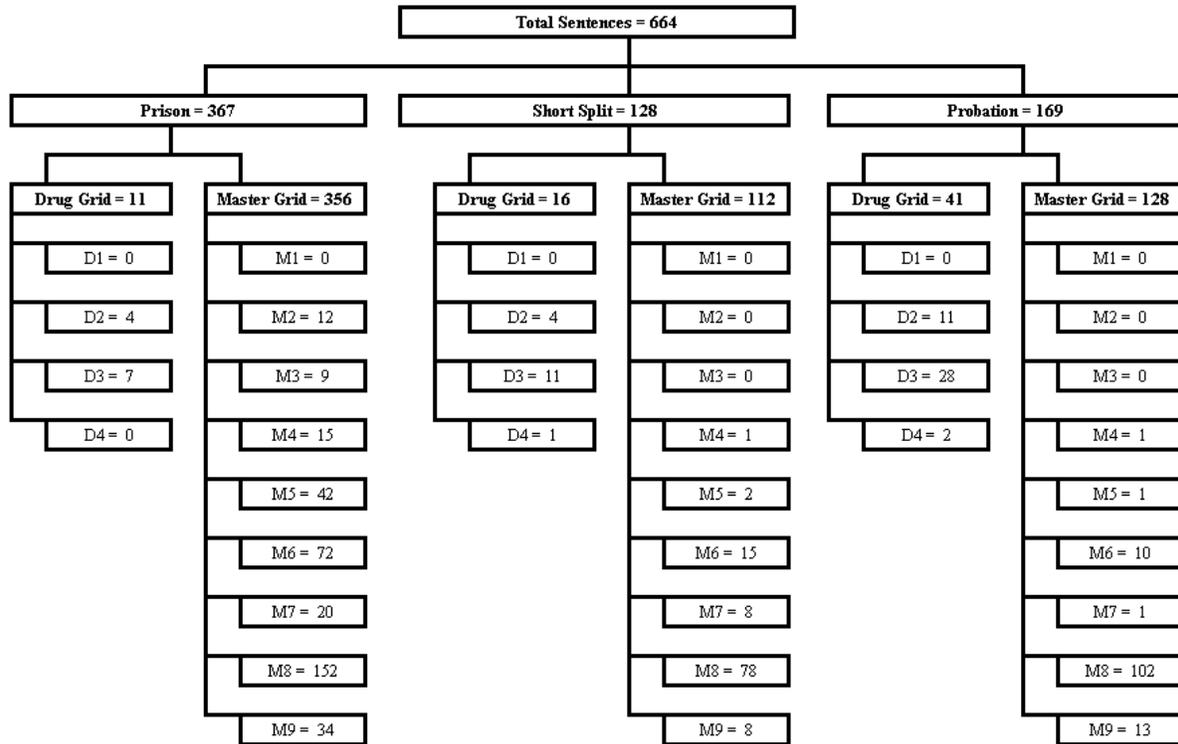
Under the Guidelines, a prison sentence is an available sentencing option in every Grid box. Compliant probation and short split sentences are only available in 22% of the boxes on the Master Grid (10 out of 45) and 70% of the boxes on the Drug Grid (14 out of 20).²³ These types of sentences are typically imposed for less severe offenses and/or individuals with limited criminal histories. However, some offenses are subject to mandatory minimum sentencing provisions, which require the Superior Court to impose a mandatory prison term, the execution of which cannot be suspended, even in a short split or probation eligible box.

2. Offense Severity Group

Figure 6 shows a count-level distribution of sentence types imposed in 2020 for each OSG on the Master and Drug Grids.

²³ See Chapter 4 Section III for a detailed explanation of the Guidelines' structure and Appendices A and B for the Master and Drug Grids.

Figure 6: Counts Sentenced by Offense Severity Group (2020)



Like 2019, prison remained the most frequent sentence type in all OSGs in the Master Grid, while probation remained the most common sentence type in the Drug Grid. The majority (56%) of non-Drug felony counts were sentenced in OSG M8 (332 sentences). On the Drug Grid, counts sentenced in OSG D3 (46 sentences) represented 68% of all felony drug sentences. It should be noted that no sentences were imposed in the most severe OSG in both the Master Grid (M1) and Drug Grid (D1).

Table 3 below presents²⁴ the average CH score by sentence type and OSG for felony counts sentenced in 2020. This table also highlights OSGs, if any, where no probation and/or short split sentences were imposed.

²⁴ Percentages may not always sum to 100% across rows due to rounding.

Table 3: Offense Severity Group by Sentence Type and Average CH Score, Count Level (2020, N=664)

OSG	Prison		Short Split		Probation	
	% of Counts	Average CH Score	% of Counts	Average CH Score	% of Counts	Average CH Score
M1 (N=0)						
M2 (N=12)	100%	2.0				
M3 (N=9)	100%	1.8				
M4 (N=17)	88%	1.7	6%	N/A	6%	0.0
M5 (N=45)	93%	2.3	4%	0.0	2%	1.0
M6 (N=97)	74%	2.6	15%	0.7	10%	0.7
M7 (N=29)	69%	5.0	28%	1.9	3%	1.5
M8 (N=332)	46%	2.7	23%	0.9	31%	0.4
M9 (N=55)	62%	4.0 ²⁵	15%	2.0	24%	1.0
D1 (N=0)						
D2 (N=19)	21%	0.8	21%	1.8	58%	0.8
D3 (N=46)	15%	2.5	24%	2.9	61%	1.5
D4 (N=3)			33%	4.5	67%	2.5

As shown in the table above, in descending order of severity, M4 was the most severe OSG on the Master Grid in which a non-prison sentence was imposed. The proportion of prison sentences remained at or above 50% in all Master Grid OSGs except for M8. Non-prison sentences (short split or probation) represented the dominant sentence type imposed for all four Drug Grid OSGs.

In 2020, the number of cases sentenced declined across all OSGs, with decreases ranging from 46% to 100%. Excluding OSGs M1 and D1, the sharpest percentage decrease in the number of cases sentenced was observed in OSG D4, with a 90% decline in cases sentenced (from 29 cases in 2019 to three in 2020). This is followed by M9 and D2, both of which decreased by 74% from 2019. The number of cases sentenced in OSG M8 decreased by 65% (from 768 cases in 2019 to 267 in 2020). While the decreases observed across both Grids are likely due to the reductions in Superior Court operations, it is important to note that the proportion of cases sentenced in each OSG have remained comparable to that of previous years.

Table 4 below provides the percentage of felony cases sentenced in each OSG from 2011 through 2020.

²⁵ The higher-than-normal average CH score of 4.0 for prison sentences in Master Grid OSG M9 was due to a multi-count case with 20+ counts, in which the individual who was sentenced had a CH score higher than 4.0. Without this case, the average CH score for prison sentences in OSG M9 was 1.9.

Table 4: Felony Sentences Imposed by Offense Severity Group, Case Level (2011 - 2020)

	M1	M2	M3	M4	M5	M6	M7	M8	M9	D1	D2	D3	D4
2011 (N=1876)	1.4%	1.4%	1.6%	0.6%	4.0%	6.0%	2.3%	16.0%	6.8%	0.7%	23.8%	34.2%	1.1%
2012 (N=1771)	1.4%	1.5%	1.8%	0.6%	5.0%	8.2%	3.3%	22.2%	8.8%	0.3%	19.1%	24.5%	3.5%
2013 (N=1290)	1.4%	3.3%	0.6%	1.4%	4.3%	21.6%	8.5%	17.3%	10.1%	0.6%	12.6%	17.2%	1.2%
2014 (N=1919)	1.2%	1.8%	2.2%	1.7%	5.9%	10.9%	9.1%	35.1%	11.2%	0.4%	6.9%	10.7%	2.9%
2015 (N=1476)	0.7%	2.5%	2.2%	2.0%	6.6%	14.4%	10.1%	33.1%	10.4%	0.1%	5.3%	10.1%	2.5%
2016 (N=1683)	0.4%	1.4%	1.7%	1.2%	5.9%	15.2%	11.4%	32.6%	7.0%	0.1%	5.0%	13.7%	4.4%
2017 (N=1762)	0.4%	1.1%	1.4%	1.1%	5.1%	15.2%	11.7%	30.0%	5.1%	0.2%	6.5%	16.3%	6.0%
2018 (N=1635)	1.0%	1.5%	1.8%	1.5%	4.5%	10.7%	11.0%	37.8%	5.4%	0.1%	5.3%	16.3%	3.2%
2019 (N=1464)	0.5%	2.3%	2.0%	1.8%	4.4%	12.4%	3.1%	52.5%	5.6%	0.1%	4.4%	8.8%	2.0%
2020 (N=495)	0.0%	2.2%	1.8%	2.8%	4.4%	13.5%	4.4%	53.9%	4.2%	0.0%	3.4%	8.5%	0.6%

As shown in Table 4 above, there was a substantial decrease in the percentage of cases sentenced in OSG M7, from 11% in 2018 to three percent in 2019. This corresponded to a substantial increase in the percentage of cases sentenced in OSG M8 (38% in 2018 vs. 53% in 2019). These fluctuations were primarily due to the Commission’s re-ranking of Unlawful Possession of a Firearm, Prior Felony (“FIP”) from OSG M7 to OSG M8 in 2018. As mentioned previously, between 2019 and 2020, despite the sharp decrease in the number of cases sentenced due to the impact of COVID-19 on Superior Court operations, the percentage distribution of OSGs remained relatively stable. In both 2019 and 2020, Master Grid OSG M8 represented more than half of all cases sentenced, with Carrying a Pistol without a License (“CPWL”) and FIP being the most frequently sentenced offenses in this OSG.

3. Classification of Offense Categories

Listed below are the Commission’s offense categories and common offenses within each category:²⁶

- Drug Offenses:
 - Drug offenses while armed;
 - Distribution or possession with intent to distribute a controlled substance; and
 - Attempted distribution or attempted possession with intent to distribute a controlled substance.
- Non-Drug Offenses:

²⁶ See Appendix F for additional information regarding sentences by offense type.

- *Homicide*: First Degree Murder, Second Degree Murder, and Voluntary and Involuntary Manslaughter;
- *Violent* offenses: Armed, Unarmed, and Attempted Robbery, Assault with a Dangerous Weapon (“ADW”), Aggravated Assault, Carjacking, and Kidnapping;
- *Sex* offenses: all degrees of Sexual Abuse, Child Sexual Abuse, and Human Trafficking offenses;
- *Property* offenses: Arson, First Degree Burglary, Second Degree Burglary, First Degree Theft, Felony Receiving Stolen Property, Unauthorized Use of a Vehicle, Fraud, and Forgery;
- *Weapon* offenses: Carrying a Pistol without a License (“CPWL”), Unlawful Possession of a Firearm with a Prior Felony (“FIP”)²⁷, Unlawful Possession of a Firearm with a Prior Crime of Violence (“FIP-PCOV”)²⁸, and Possession of a Firearm During a Crime of Violence (“PFCOV”)²⁹; and
- *Other* Offenses: Prison Breach, Fleeing Law Enforcement, Obstruction of Justice, and Bail Reform Act (“BRA”) violations.³⁰

When combining Homicide, Violent, and Sex offenses in a single category, Figure 7 presents historical sentencing trends for violent, non-violent, and Drug sentences. See Figures 11, 12, and 13 below for offense category analyses, and Appendix G for information pertaining to Crimes of Violence, defined by D.C. Code § 23-1331(4).

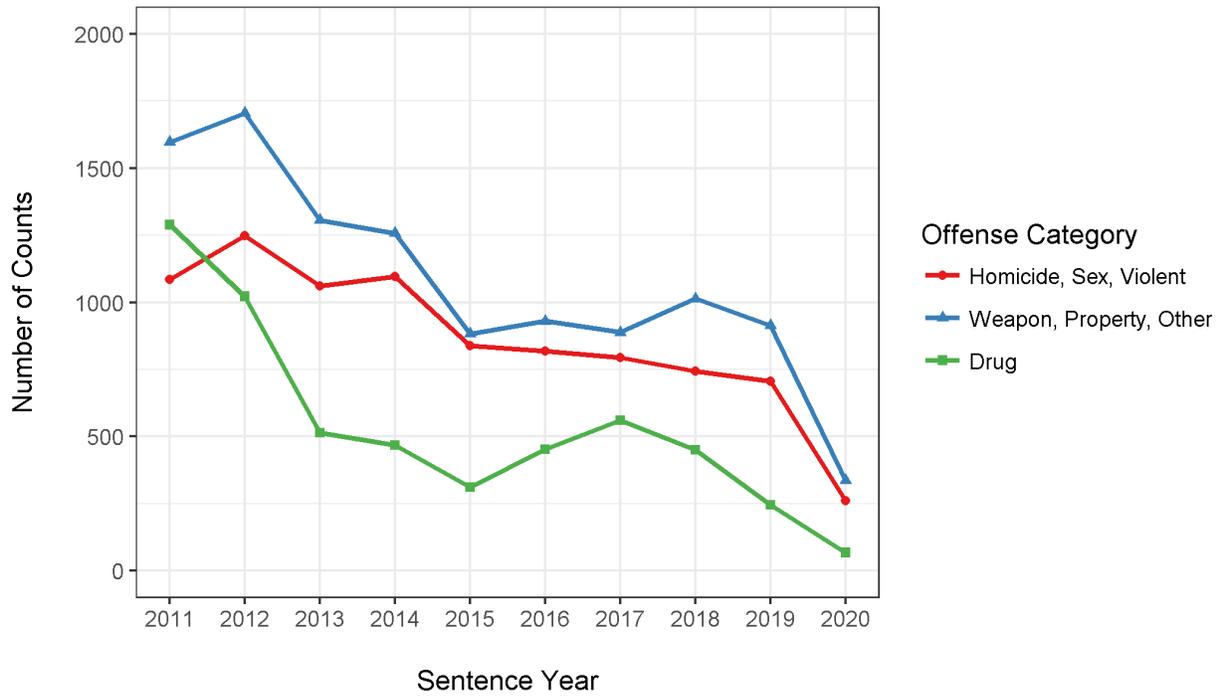
²⁷ An FIP conviction has a 12-month mandatory minimum prison sentence. D.C. Code § 22-4503(a)(1).

²⁸ An FIP-PCOV conviction has a 36-month mandatory minimum prison sentence. D.C. Code § 22-4503(b)(1).

²⁹ A PFCOV conviction has a 60-month mandatory minimum prison sentence. D.C. Code § 22-4501(1), § 22-4504(b).

³⁰ A BRA conviction is the result of an offender failing to return to court as required. D.C. Code § 23-1327(a).

Figure 7: Sentenced Violent (Homicide, Sex, and Violent) and Non-Violent Counts (2011 - 2020)



	2011 (N=3971)	2012 (N=3976)	2013 (N=2880)	2014 (N=2820)	2015 (N=2033)	2016 (N=2201)	2017 (N=2244)	2018 (N=2208)	2019 (N=1865)	2020 (N=664)
Homicide, Sex, Violent	1085	1249	1060	1095	838	819	795	743	705	260
Weapon, Property, Other	1597	1705	1306	1257	883	930	888	1014	914	336
Drug	1289	1022	514	468	312	452	561	451	246	68

As shown in Figure 7 above, the number of sentences for non-violent offenses (blue) consistently surpassed sentences for violent offenses (red). The number of non-violent and violent offenses sentenced followed a similar pattern between 2011 and 2015, diverging from 2016 onwards. When combined, Homicide, Sex, and Violent sentences, demonstrate a slight but steady decrease from 2015 to 2019, while Weapon, Property, and Other sentences (combined) fluctuated between 2015 and 2019. The latter peaked in 2018, and then experienced a 10% decrease in 2019 (from 1,014 counts to 914 counts). Due to reduced Superior Court operations, the number of counts sentenced in 2020 among each of these categories declined substantially by 60% to 70%.

Figure 8 below presents the distribution of Drug and non-Drug offense categories at the case level in 2020. Felony non-Drug offenses represented approximately 87% of cases sentenced in 2020. Combined, the Violent and Weapon offense categories accounted for 76% of all non-Drug cases sentenced, with Violent offenses representing the largest offense category (37% of all cases sentenced). Similar to 2019, ADW and Robbery were the most frequently sentenced Violent offenses at the case level, representing 39% and 27% of all Violent offenses, respectfully.

Figure 8: Offense Categories, Case Level (2020, N=495)

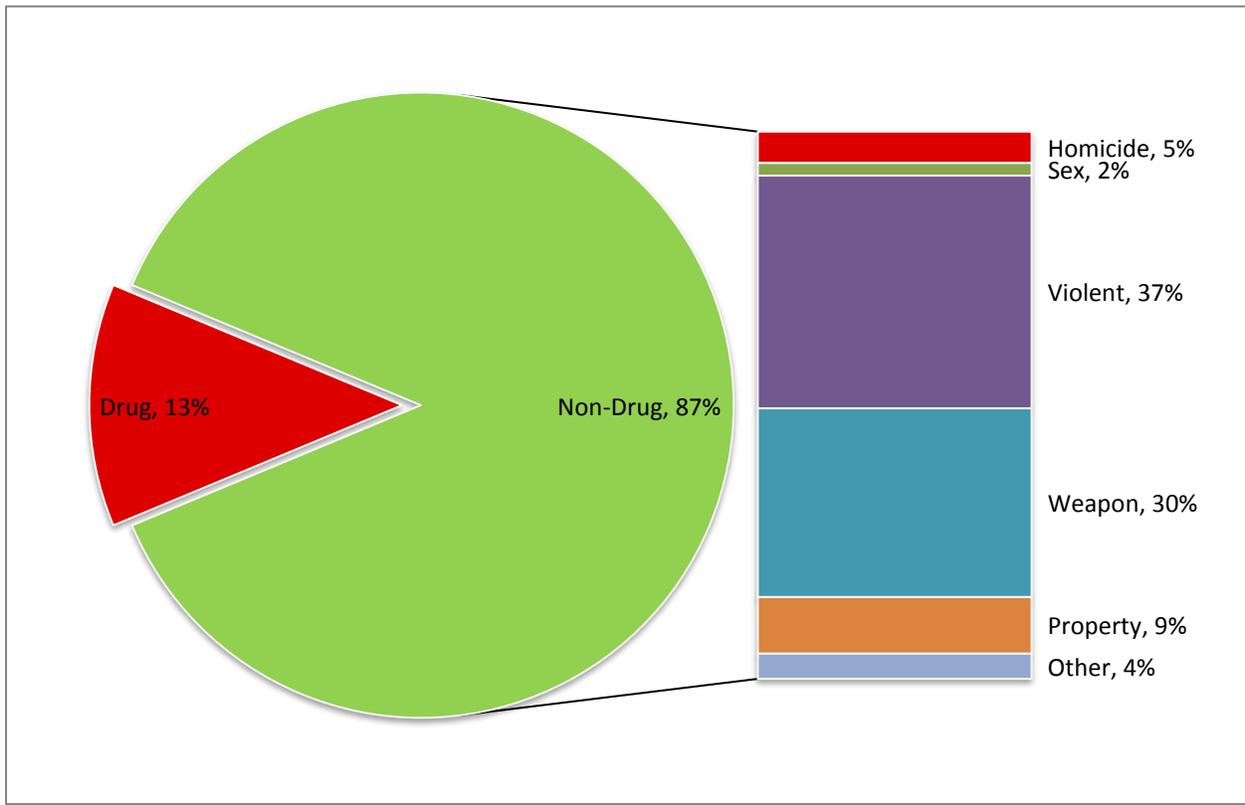
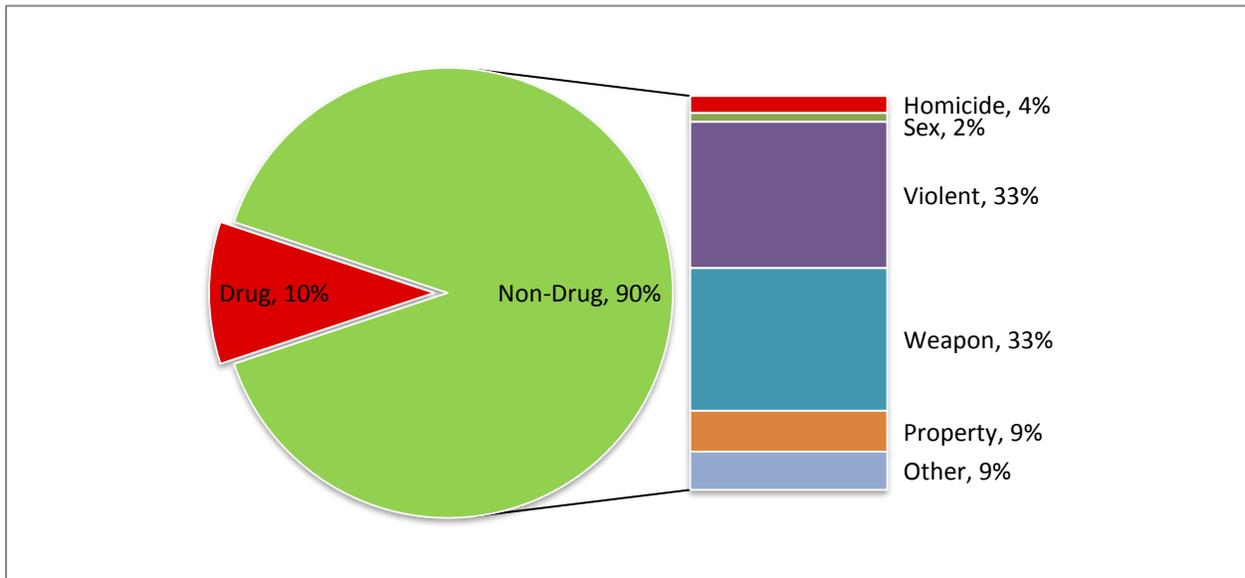


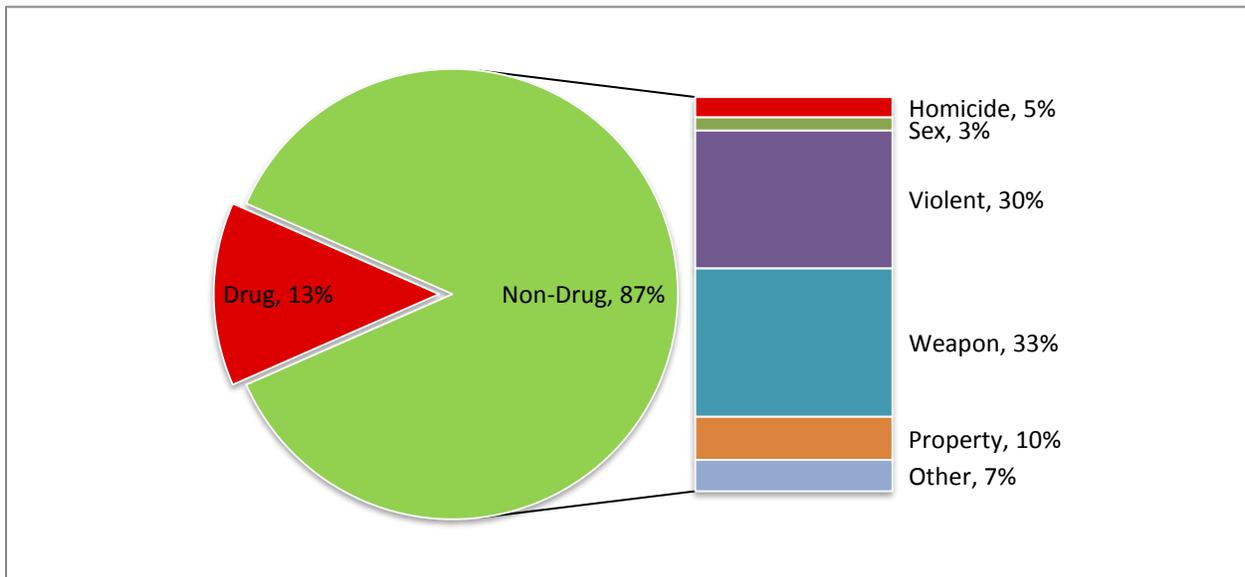
Figure 9 below compares the percentages of the Drug and non-Drug counts sentenced in 2020 and 2019. Felony non-Drug offenses represented the vast majority (90%) of all counts sentenced in 2020, which demonstrates an increase of three percentage points from the 87% in 2019. Considering the unprecedented decrease in the number of counts sentenced in 2020 due to the impact of COVID-19 on Superior Court operations, the composition of counts sentenced by offense category remained stable between 2019 and 2020.

Figure 9: Offense Categories, Count Level (2019 and 2020)

2020 (N=664)

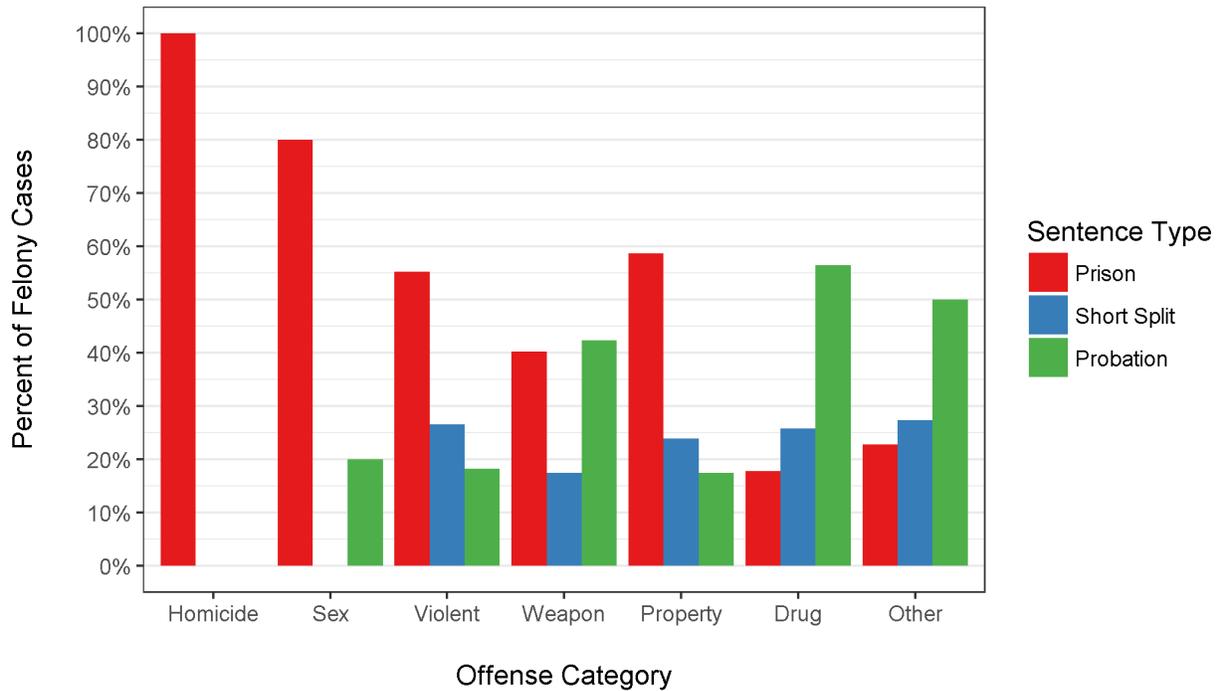


2019 (N=1,865)



The percentage of probation, short split, and prison sentences imposed at the case level for each offense category in 2020 is presented in Figure 10 below. Prison was the prominent sentence type for Homicide, Sex, Violent, and Property cases. Consistent with 2019, for all offense categories except Drug and Other, the majority of cases received either a prison or short split sentence. Probation was more common among Drug cases, where more than half the cases (57%, versus 55% in 2019) were sentenced to probation.

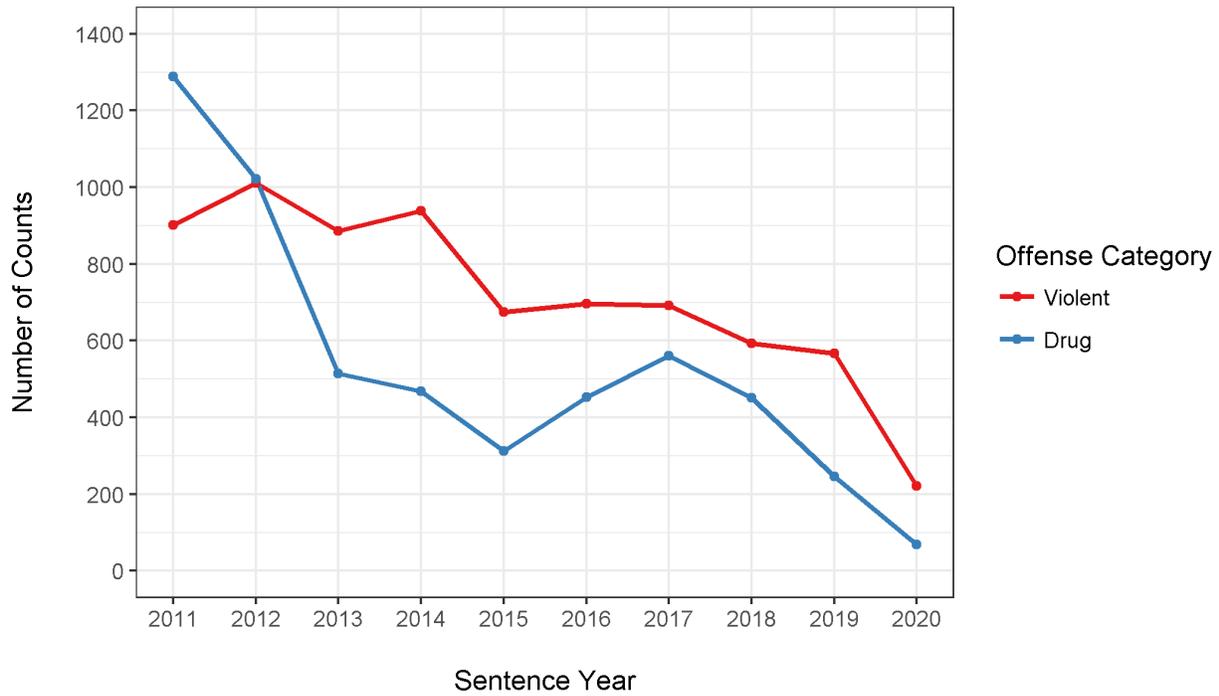
Figure 10: Offense Category by Sentence Type, Case Level (2020)



	Homicide (N=25)	Sex (N=10)	Violent (N=181)	Weapon (N=149)	Property (N=46)	Drug (N=62)	Other (N=22)
Prison	100.0%	80.0%	55.2%	40.3%	58.7%	17.7%	22.7%
Short Split	0.0%	0.0%	26.5%	17.4%	23.9%	25.8%	27.3%
Probation	0.0%	20.0%	18.2%	42.3%	17.4%	56.5%	50.0%

Figure 11 highlights trends in Drug and Violent counts sentenced. There was some volatility in the number of Violent counts sentenced between 2011 and 2015; however, since 2016, Violent offenses have remained stable, with a slight decrease in 2018. Drug offenses, which steadily declined from 2011 through 2015, began to increase until 2017, but have shown a steady decline since that time.

Figure 11: Sentenced Drug and Violent Offense Counts (2011 - 2020)

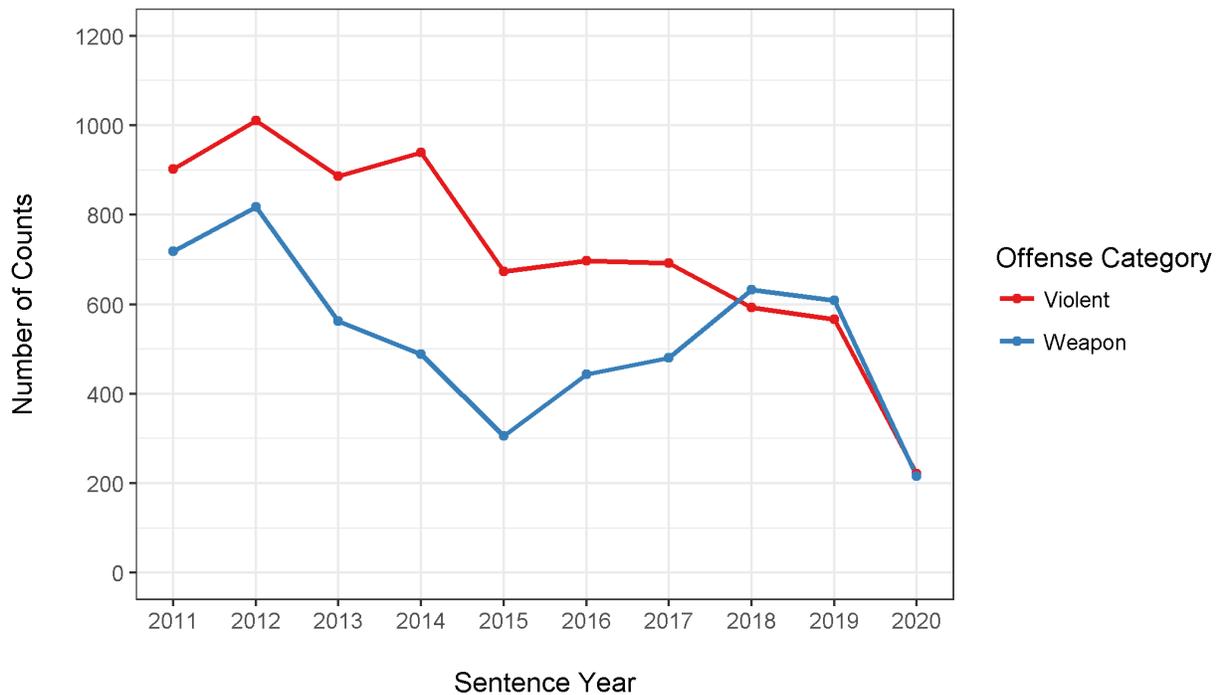


	2011 (N=2191)	2012 (N=2033)	2013 (N=1400)	2014 (N=1407)	2015 (N=986)	2016 (N=1149)	2017 (N=1253)	2018 (N=1044)	2019 (N=813)	2020 (N=289)
Violent	902	1011	886	939	674	697	692	593	567	221
Drug	1289	1022	514	468	312	452	561	451	246	68

Figure 12 illustrates the yearly sentencing trends for Weapon and Violent offenses.³¹ Despite the substantial decrease in the number of counts sentenced, as mentioned above, the proportion of Weapon and Violent counts sentenced in 2020 remained comparable to 2019.

³¹ See Figure 7 above for trends in sentenced violent (Homicide, Sex, and Violent combined) and non-violent counts between 2011 and 2020. Figure 13 below demonstrates trends in Homicide counts sentenced. Figure 19 compares trends in the top five offense categories, which included Violent, Weapon, Property, and Drug counts sentenced.

Figure 12: Sentenced Weapon and Violent Offense Counts (2011 - 2020)



	2011 (N=1620)	2012 (N=1828)	2013 (N=1449)	2014 (N=1427)	2015 (N=980)	2016 (N=1141)	2017 (N=1173)	2018 (N=1225)	2019 (N=1176)	2020 (N=437)
Violent	902	1011	886	939	674	697	692	593	567	221
Weapon	718	817	563	488	306	444	481	632	609	216

The number of Weapon offenses sentenced decreased by 65%, from 609 in 2019 to 216 in 2020.

- As in 2019, the most frequently sentenced Weapon offenses remained CPWL and FIP. These two offenses constituted 79% of all Weapon counts sentenced in 2020.
- Of the 216 Weapon offenses sentenced in the District, 46% were for CPWL, 33% for FIP, seven percent for PFCOV, and three percent for FIP-PCOV. The number of counts sentenced for each of these offenses decreased sharply from 2019 (by 69% for CPWL, 64% for FIP, 70% for FIP-PCOV, and 67% for PFCOV).
- In 2020, the median sentence imposed for CPWL convictions was 12 months, compared to 10 months in 2019.³² More than half (56%) of CPWL convictions were sentenced to probation.
- Most FIP, FIP-PCOV, and PFCOV counts were sentenced to prison (92%, 83%, and 93%, respectively).³³ The high rate of incarceration is due to the mandatory minimum sentences that apply to these offenses. The seemingly low rate of prison sentences for FIP-PCOV was

³² Life and indeterminate sentences and convictions for which sentence length was not available to the Commission (e.g. cases that were sentenced solely to time served) were excluded from sentence length-related analyses.

³³ The mandatory minimum does *not* apply to cases that the Superior Court sentenced under the Youth Rehabilitation Act of 1985, D.C. Code § 24-903(b)(2), D.C. Law 22-197 § 102(c)(2) (2018).

due to the small number of counts sentenced for this offense (n<10): all counts but one was sentenced to prison.

- Among CPWL, FIP, FIP-PCOV, and PFCOV sentences, as in 2019, PFCOV had the highest median sentence imposed (60 months – the same as the mandatory minimum for this offense). Compared to 2019, the median sentences imposed for FIP, FIP-PCOV, and FIP-PCOV did not change (18 months, 36 months, and 60 months, respectively).
- Where weapon information was available, the vast majority (96%) of Weapon counts sentenced in 2020 involved either a pistol or a firearm.³⁴

Violent counts sentenced also decreased sharply, by 61%, from 567 counts in 2019 to 221 counts in 2020.

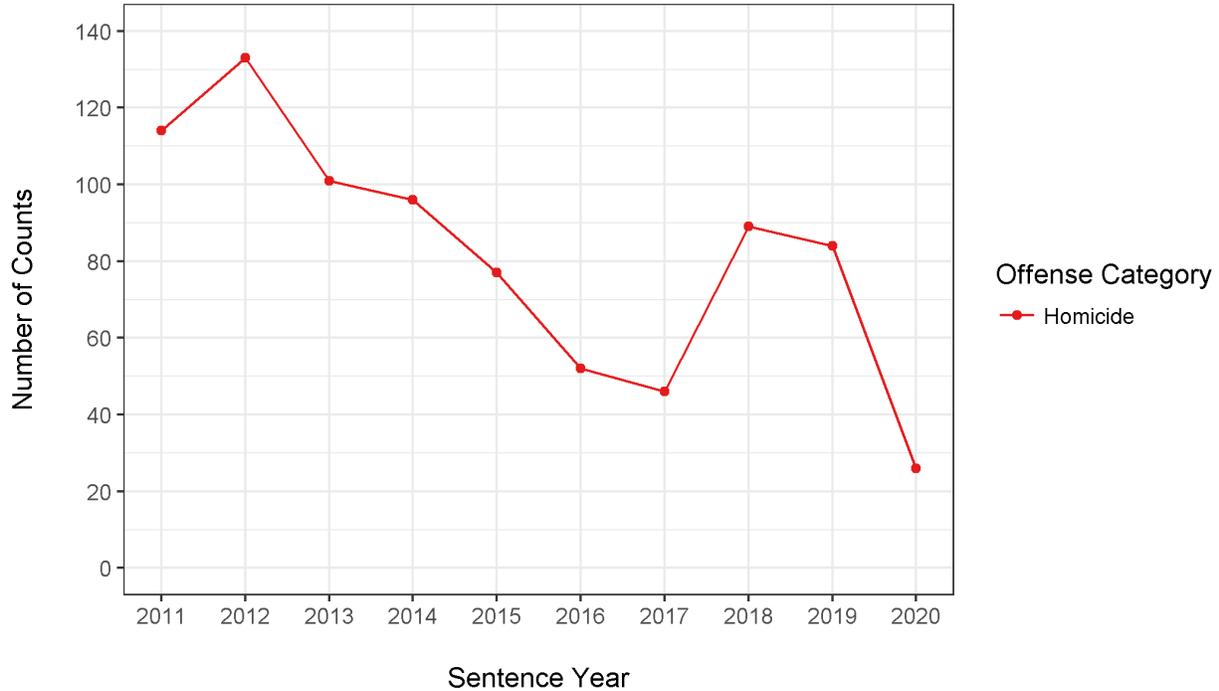
- As in 2019, ADW and Robbery offenses constituted the majority (74%) of the 221 counts sentenced in the Violent offense category. The number of offenses sentenced decreased by 63% (from 225 to 83) for Robbery and 57% (from 186 to 80) for ADW.
- Of these two offenses, the highest median sentence length was imposed for Armed Robbery counts sentenced (60 months), followed by Unarmed Robbery and Completed ADW (36 months each). The median sentence imposed was 18 months for Attempted ADW counts sentenced and 16 months for Attempted Robbery.
- Nine in ten (91%) Armed Robbery counts were sentenced to prison, compared to 74% for Unarmed Robbery and 29% for Attempted Robbery, for which short split was the most common sentence type (45%). More than half of the counts for (completed) ADW were sentenced to prison (65%), compared to 48% for Attempted ADW.
- As in 2019, there were few Armed or Unarmed Carjacking counts sentenced in 2020 (n<5).

Note that the sharp decrease in the number of sentences observed in 2020 were a direct byproduct of the impact of the COVID-19 pandemic on Superior Court operations. Due to the lifecycle of cases moving through the criminal justice system, the number of sentences reported in this document are not representative of any actual crime or arrest rates in the District.

³⁴ Specific armament information was not available to the Commission in a third of Weapon counts sentenced.

Figure 13 highlights yearly trends in Homicide sentences. Homicide counts sentenced represented only 4% (n=26) of the 664 counts sentenced in 2020, compared to 5% in 2019. The number of Homicide sentences decreased sharply by 69% from the 84 counts sentenced in 2019.

Figure 13: Sentenced Homicide Counts (2011 - 2020)



	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Homicide	114	133	101	96	77	52	46	89	84	26

C. Felony Sentencing Demographics: Gender, Race, and Age of Offenders

1. Gender

An individual’s gender³⁵ was recorded for 478 of the 479 individuals³⁶ sentenced in 2020. As in previous years, the majority (439, 92%) of individuals sentenced were male. Females represented eight percent of the sentenced population in 2020, which is a slight increase from 2019, when they represented six percent of individuals sentenced. However, the eight percent observed in 2020 is more consistent with previous years; historically (2013 – 2018) females have represented approximately eight to nine percent of individuals sentenced each year (Figure 14).

³⁵ The data received by the Commission regarding a defendant’s gender is a limited binary categorization (i.e. only male or female).

³⁶ Each case may have one or more counts, and each individual may have one or more cases in a given calendar year.

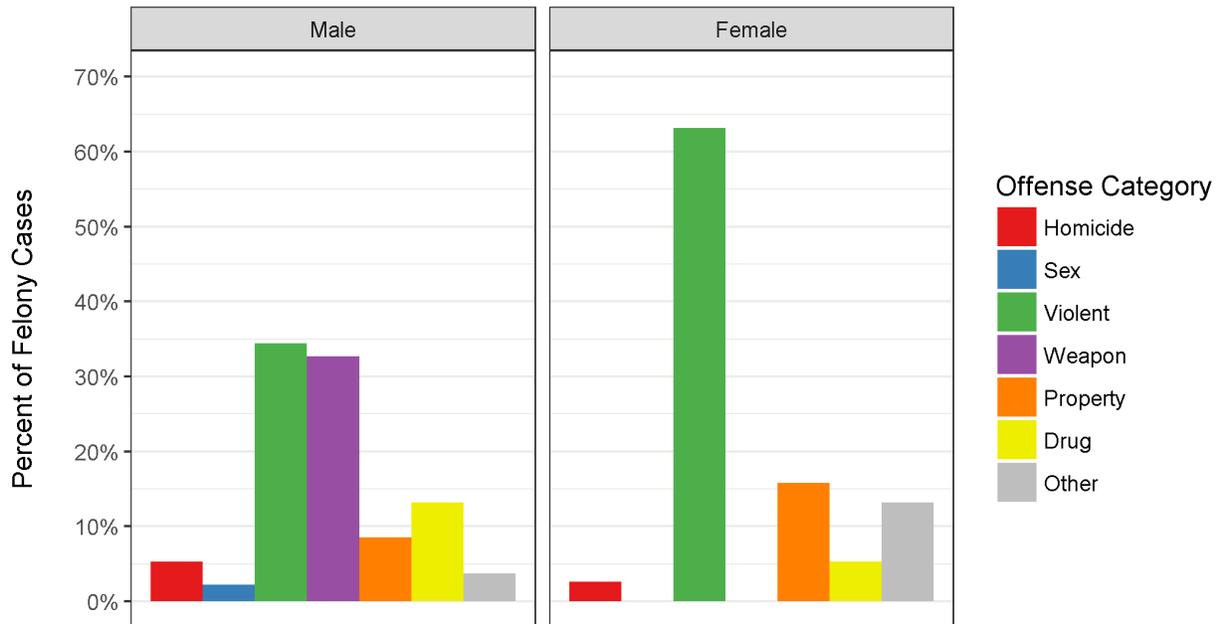
Figure 14: Felony Offenders by Gender (2011 - 2020)



	2011 (N=2737)	2012 (N=2635)	2013 (N=2016)	2014 (N=1854)	2015 (N=1410)	2016 (N=1611)	2017 (N=1666)	2018 (N=1546)	2019 (N=1393)	2020 (N=479)
Male	85.1%	85.9%	91.5%	89.4%	90.9%	91.6%	89.9%	91.7%	93.8%	91.6%
Female	11.9%	11.5%	7.2%	8.7%	8.5%	7.8%	9.8%	8.1%	5.8%	8.1%
Unknown	3.0%	2.5%	1.2%	1.9%	0.6%	0.6%	0.4%	0.3%	0.4%	0.2%

Figure 15 shows the distribution of sentences imposed by offense category, for each gender. This analysis is done at the case level. Similar to 2019, males were most frequently sentenced for Violent (34%) and Weapon (33%) offenses. In 2020, 63% of females were sentenced for Violent offenses, which represents a 22-percentage point increase from 41% in 2019. This seemingly substantial increase from 2019 is explained by the decreases in the already relatively low number of cases sentenced involving female defendants in almost all offense categories. The decrease in the number of Violent cases sentenced against females (from 34 to 24) was offset by sharper decreases in the number of Drug (from 19 to less than 5) and Other (16 to 5) cases. These decreases were likely due to the impact of COVID-19 on Superior Court operations.

Figure 15: Gender by Offense Category, Case Level (2020)



	Homicide (N=25)	Sex (N=10)	Violent (N=181)	Weapon (N=149)	Property (N=45)	Drug (N=62)	Other (N=22)
Male (N=456)	5.3%	2.2%	34.4%	32.7%	8.6%	13.2%	3.7%
Female (N=38)	2.6%	0.0%	63.2%	0.0%	15.8%	5.3%	13.2%

CH scores and sentences by gender are provided below in Tables 5a and 5b, at the case level.³⁷ In 2020, the average CH score of 1.7 for males (n=405) was higher than the average CH score of 1.1 for females (n=34).

Table 5a: CH Score and Sentence Length by Gender, Case Level (2011 - 2020)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
	Male	Female	Male	Female	Mean		Median	
					Male	Female	Male	Female
2011	895	136	2	1.3	34	23	18	12
2012	1,324	206	1.9	1.1	34	16	18	12
2013	1,111	98	1.8	0.8	38	24	18	12
2014	1,637	155	1.7	0.8	35	17	18	12
2015	1,305	115	1.9	1	35	18	20	12
2016	1,490	118	1.7	1	29	19	18	13
2017	1,550	169	1.8	1.1	29	18	18	12

³⁷ Cases for which gender or CH score information was unavailable and cases with life or indeterminate sentences were excluded from these two tables. Percentages may not add up to 100% due to rounding.

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2018	1,407	127	1.8	1.2	30	21	18	12
2019	1,305	78	1.6	0.8	31	18	18	12
2020	405	34	1.7	1.1	31	21	18	13

Table 5b: Sentence Type by Gender, Case Level (2011 - 2020)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2011	20%	37%	11%	13%	69%	50%
2012	17%	36%	15%	19%	68%	45%
2013	16%	38%	17%	23%	67%	39%
2014	19%	42%	18%	21%	63%	37%
2015	25%	50%	19%	24%	55%	26%
2016	35%	53%	18%	21%	47%	26%
2017	28%	49%	21%	28%	52%	23%
2018	33%	46%	22%	35%	45%	19%
2019	33%	49%	21%	32%	46%	19%
2020	31%	26%	21%	32%	47%	41%

For a case-level breakdown of recent sentences and CH Scores by gender and offense categories, see Appendix F.³⁸

As shown in Table 5b above, the proportion of females who received a prison sentence increased for the first time since 2011, by 22 percentage points, from 19% in 2019 to 41% in 2020. This may be explained by four interconnected factors: (1) the impact of COVID-19 on Superior Court operations, which may have prompted the Superior Court to prioritize the sentencing of most serious criminal cases, (2) the ensuing decrease in the already low number of females sentenced, (3) the previously mentioned increase in the proportion of females sentenced for Violent offenses, and (4) the increase in the proportion of prison sentences for females sentenced in Violent cases from 24% in 2019 (8 of 34 cases) to 46% (11 of 24 cases) in 2020.

Some of the differences between sentence type and sentence length for males and females prior to 2020 can be attributed to the types of offenses for which each gender is typically sentenced. Such differences can also be explained, in part, to limited criminal history, parental responsibilities, level of cooperativeness, role in the offense, and mental health, abuse, addiction, and other life circumstances of female offenders.³⁹

³⁸ Appendix F contains detailed information regarding sentence length (mean), sentence type (percentage of prison, short split, and probation), and CH scores (median and mean) by offense category and gender.

³⁹ Sonja B. Starr, "Estimating Federal Disparities in Federal Criminal Cases," *Law and Economics Research Paper Series*, University of Michigan Law School, no. 12-018 (2012): 12-16.

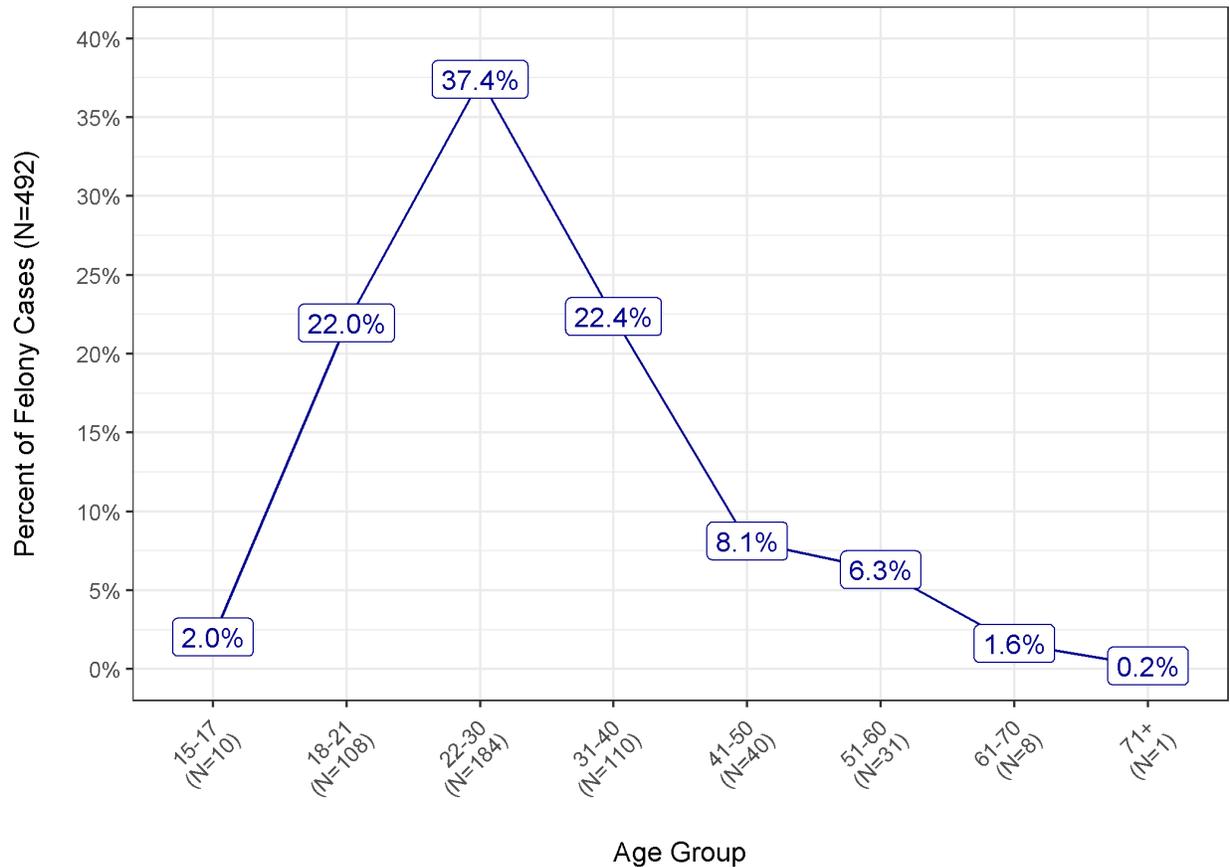
2. Race

In 2020, an individual's race⁴⁰ was reported for 474 of the 479 offenders sentenced. As reported in previous years, almost all individuals sentenced for felony offenses were Black (94%, n = 450). The remaining individuals sentenced were categorized as White (4%, n=21), Unknown (1%, n=5), Hispanic (<1%, n<5), and Asian (<1%, n<5).

3. Age

Age was calculated for individuals in 492 of the 495 cases sentenced in 2020.⁴¹ The Commission examines age using the following age groups: 15-17, 18-21, 22-30, 31-40, 41-50, 51-60, 61-70, and 71+. Offenders between the ages of 18 and 30 accounted for 59% of all offenders sentenced (Figure 16). The 22-30 age group was the most prevalent age group, accounting for 37% of all defendants sentenced while the 71+ age group was the least represented age group at less than one percent.

Figure 16: Sentences Imposed by Age Group, Case Level (2020)



⁴⁰ Race category data used by the Commission does not capture ethnicity, thus Black offenders of Hispanic origin or White offenders of Hispanic origin are not presented.

⁴¹ The age of each offender refers to his or her age at the time the offense was committed. In infrequent cases where an offense date is not provided, the arrest date is used instead.

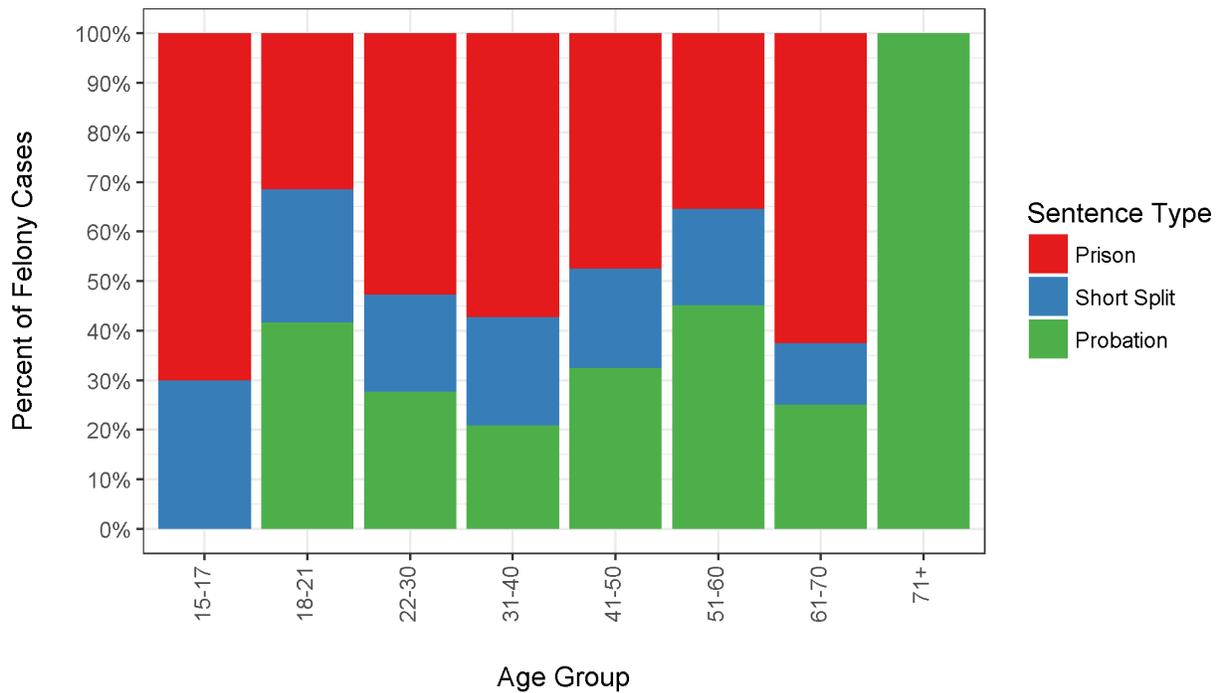
As shown in Table 6, despite the sharp decrease in the number of cases sentenced, the composition of age groups did not change drastically. The number of cases sentenced for individuals between 31 and 50 years of age steadily declined from 41% in 2011 to 31% in 2020. By contrast, the percentage of cases sentenced in the 22-30 age group has steadily increased since 2011, with a 10-percentage point increase from 27% in 2011 to 37% in 2020, having peaked in 2019 at 40%.

Table 6: Sentences by Age Group, Case Level (2011 - 2020)

	2011 (N=1823)	2012 (N=1719)	2013 (N=1258)	2014 (N=1894)	2015 (N=1476)	2016 (N=1669)	2017 (N=1753)	2018 (N=1628)	2019 (N=1459)	2020 (N=492)
15-17	1.5%	1.3%	2.9%	2.6%	2.3%	3.6%	2.5%	2.1%	2.1%	2.0%
18-21	19.8%	23.3%	29.1%	31.8%	27.8%	26.0%	20.9%	19.3%	21.1%	22.0%
22-30	26.8%	28.3%	29.5%	28.8%	32.7%	32.5%	36.9%	37.8%	40.2%	37.4%
31-40	20.3%	19.7%	17.1%	17.4%	18.1%	17.7%	17.5%	19.8%	18.2%	22.4%
41-50	20.5%	17.4%	12.9%	11.0%	10.3%	10.7%	9.6%	10.7%	9.7%	8.1%
51-60	10.0%	8.6%	6.8%	7.1%	7.7%	7.7%	10.0%	7.6%	7.2%	6.3%
61-70	1.2%	1.3%	1.6%	1.2%	0.9%	1.8%	2.5%	2.3%	1.2%	1.6%
71+	0.0%	0.1%	0.2%	0.1%	0.2%	0.1%	0.1%	0.2%	0.3%	0.2%

Without controlling for offense category, 85% of all offenders sentenced to prison were under the age of 41. In 2020, as in 2019, one in three (32%) individuals between 18 and 21 and half (53%) of those between 22 and 30 were sentenced to prison (Figure 17).

Figure 17: Age Group by Sentence Type, Case Level (2020)



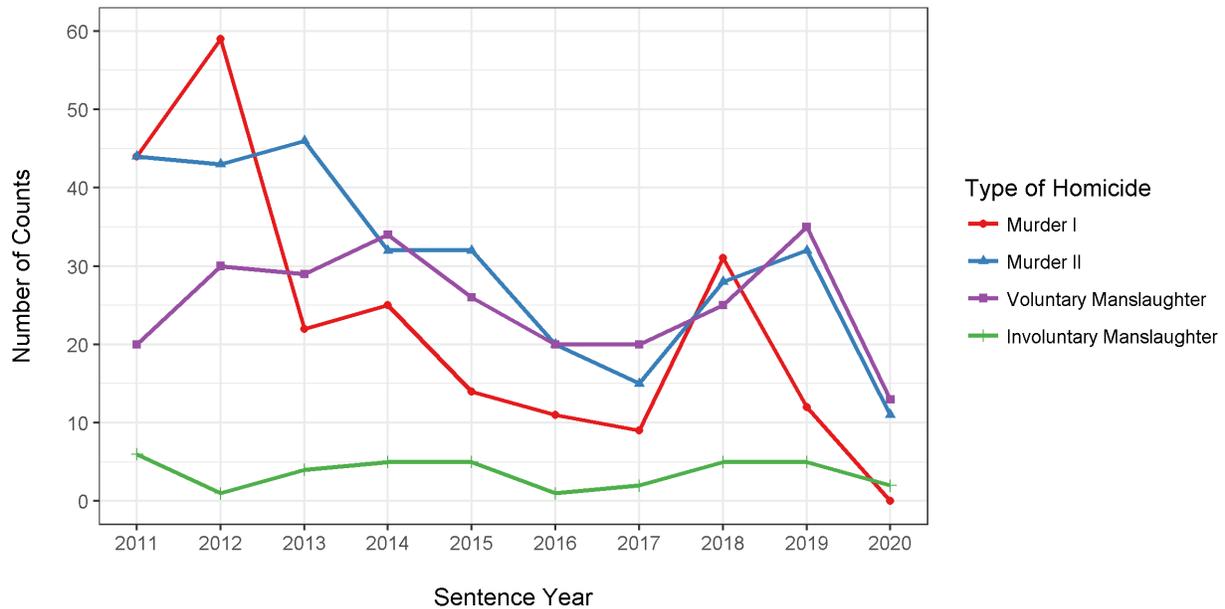
	15-17	18-21	22-30	31-40	41-50	51-60	61-70	71+
Prison	7	34	97	63	19	11	5	0
Short Split	3	29	36	24	8	6	1	0
Probation	0	45	51	23	13	14	2	1

Following the trend seen in previous years, young Black males 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.

D. Homicide Analysis

There were 26 Homicide⁴² counts sentenced in 2020. As shown in Figure 18, the number of Homicide counts sentenced in 2020 (n=26) represents the lowest number of Homicide sentences imposed in the 2011-2020 timeframe. There were no sentences imposed for Murder I, with Voluntary Manslaughter (50%, n=13). Murder II (42%, n=11) accounting for almost all Homicide counts sentenced in 2020. Decreases for all types of Homicide counts sentenced in 2020 are the result of reduced court operations and the life cycle of serious felony cases moving through the criminal justice systems, and are not representative of crime and arrest rates in the District.

Figure 18: Homicide Sentences by Year, Count Level (2011 - 2020)



	2011 (N=114)	2012 (N=133)	2013 (N=101)	2014 (N=96)	2015 (N=77)	2016 (N=52)	2017 (N=46)	2018 (N=89)	2019 (N=84)	2020 (N=26)
Murder I	44	59	22	25	14	11	9	31	12	0
Murder II	44	43	46	32	32	20	15	28	32	11
Voluntary Manslaughter	20	30	29	34	26	20	20	25	35	13
Involuntary Manslaughter	6	1	4	5	5	1	2	5	5	2

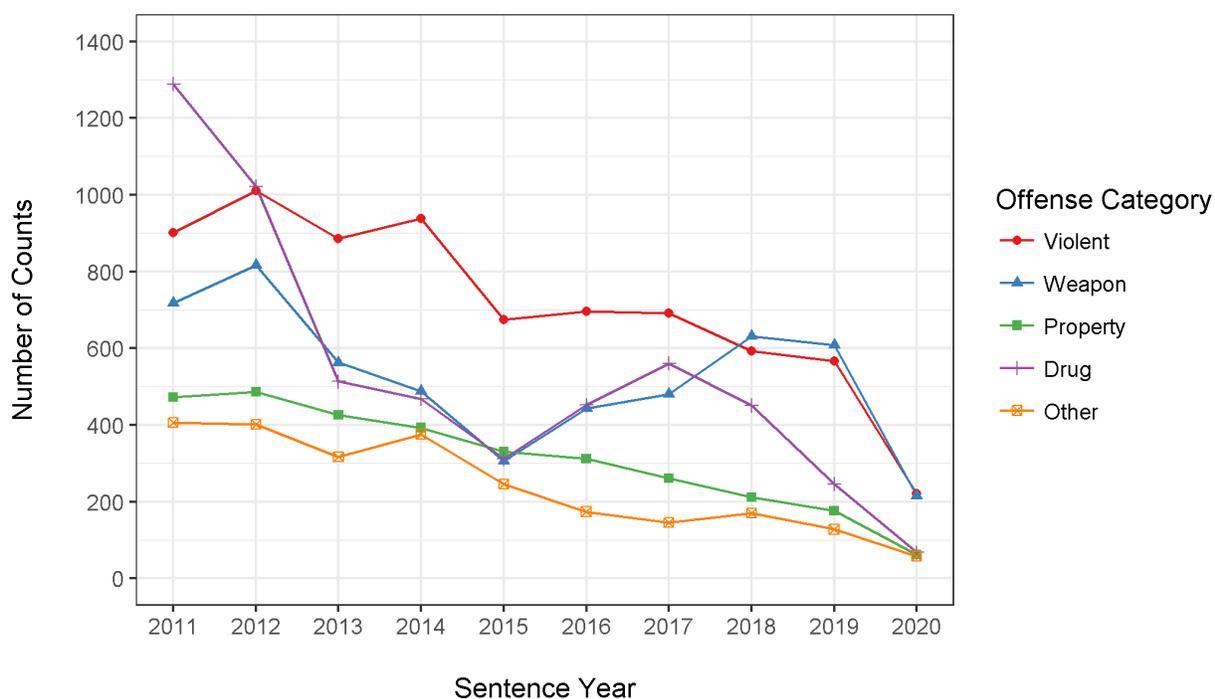
⁴² Negligent homicide is included in the Other rather than the Homicide offense category.

E. Overview of Top Five Offense Categories and Sub-Categories

The Commission classifies all felony offenses into one of seven offense categories: Homicide, Sex, Violent, Weapon, Property, Drug, and Other. These seven offense categories are further divided into 13 sub-categories.⁴³ This section provides an overview of sentencing trends for the top five offense categories and top five sub-categories at the count level. The top five offense categories and sub-categories are determined by the number of felony counts sentenced within each offense category and sub-category.

Figure 19 shows the distribution of the 2020 top five offenses categories over the past 10 years.

Figure 19: Top Five Offense Categories, Count Level (2011 - 2020)



	2011 (N=3788)	2012 (N=3738)	2013 (N=2706)	2014 (N=2664)	2015 (N=1869)	2016 (N=2079)	2017 (N=2141)	2018 (N=2058)	2019 (N=1727)	2020 (N=625)
Violent	902	1011	886	939	674	697	692	593	567	221
Weapon	718	817	563	488	306	444	481	632	609	216
Property	473	486	426	393	331	312	261	212	177	62
Drug	1289	1022	514	468	312	452	561	451	246	68
Other	406	402	317	376	246	174	146	170	128	58

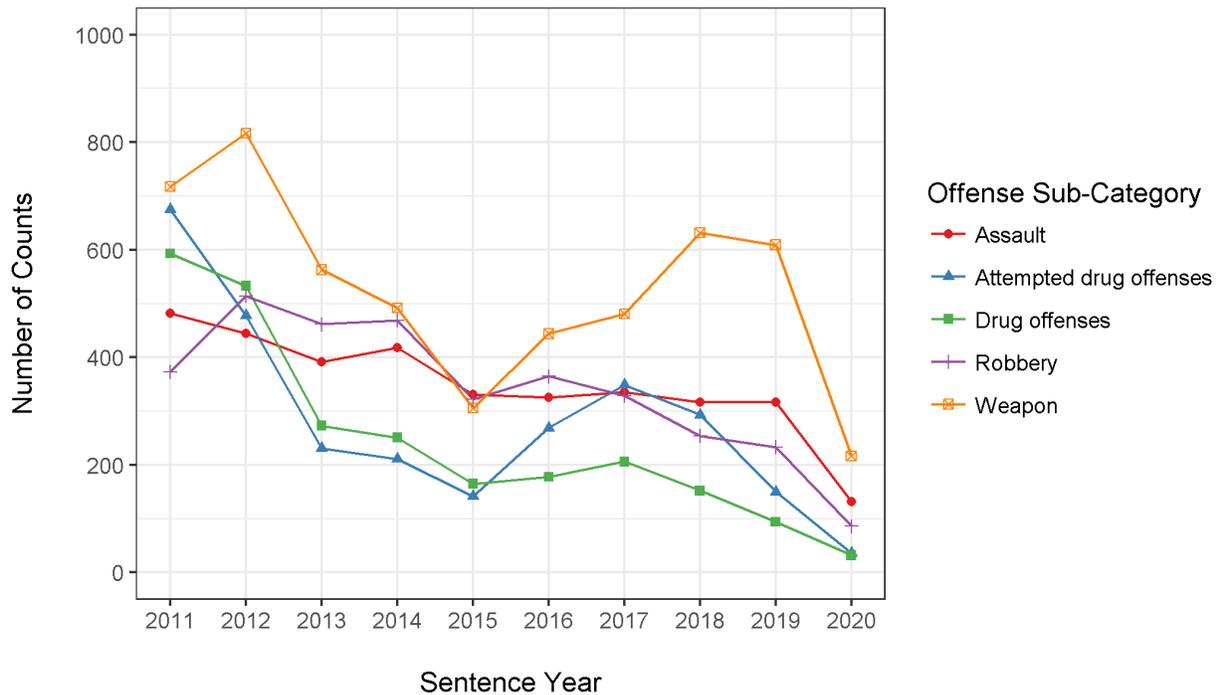
As shown above, the total number of counts sentenced in each category decreased in 2020; decreases ranged between approximately 55% and 70% for each of these offense categories

⁴³ These offense sub-categories are: Assault, Attempted Drug offenses, Burglary, Completed Drug offenses, Kidnapping, Murder, Other-Non-Property, Other-Property, Robbery, Sex, Theft, Weapon, and While Armed Drug offenses. See also Appendix C.

compared to 2019. The sharpest decrease was observed in the Drug category by 72% (246 counts in 2019 vs. 68 counts in 2020), followed by decreases in Weapon and Property (by 65% each), Violent (by 61%), and Other counts sentenced (by 55%), which reflects the impact of the District’s health emergency on Superior Court operations.

Each of the seven offense categories are divided into sub-categories to allow for more in-depth analysis of specific offenses that significantly contribute to the larger offense categories. Figure 20 presents sentencing trends for the top five offense sub-categories, which include: Assault, Attempted Drug offenses, Drug offenses, Robbery, and Weapon offenses. In 2019, these five offense sub-categories also accounted for 76% of all felony offenses sentenced in 2020.

Figure 20: Top Five Offense Sub-Categories, Count Level (2011 - 2020)



	2011 (N=2841)	2012 (N=2786)	2013 (N=1921)	2014 (N=1841)	2015 (N=1266)	2016 (N=1581)	2017 (N=1700)	2018 (N=1648)	2019 (N=1403)	2020 (N=502)
Assault	482	444	392	418	331	325	335	317	317	132
Attempted drug offenses	675	478	231	211	142	269	349	293	150	36
Drug offenses	593	533	273	251	165	178	206	152	94	32
Robbery	373	514	462	469	322	365	329	254	233	86
Weapon	718	817	563	492	306	444	481	632	609	216

Among the sub-categories shown above, the largest decreases in the number of counts sentenced between 2019 and 2020 were in the Attempted drug offenses sub-category (by 76%), followed by Drug (by 66%) and Weapon sub-categories (by 65%).

The District’s normal sentencing practices experienced a pause in 2020 due to the impact of the COVID-19 pandemic: jury and bench trials were postponed, speedy trial rules suspended, and

court actions were prioritized. These actions resulted in a 64% decrease in the number of felony counts sentenced in 2020. Similar decreases were observed for counts sentenced in each of the offense categories. Although the number of felony offenses sentenced decreased, the composition of the felony sentences remained relatively stable compared to 2019. For instance, similar to previous years, the vast majority (94%) of cases were disposed through guilty pleas; about half the cases resulted in a prison sentence; nine in ten felony counts were sentenced for a non-Drug offense; and more than half (56%) of non-Drug felony counts were sentenced in OSG M8.

III. Compliance with the D.C. Voluntary Sentencing Guidelines

The Commission monitors judicial compliance with the Guidelines⁴⁴ as part of its statutory mandate. This allows the Commission to assess how well the Guidelines are achieving the goals of promoting fair and consistent sentencing and highlights sentencing patterns that may suggest a need to modify the Guidelines.

Judicial compliance with the Guidelines, as used in this section, means that the sentence imposed:

- Satisfied both the type and length of sentence recommended by the applicable Guidelines grid box;
- Was a compliant departure where the judge relied on one of the aggravating or mitigating factors identified in the Guidelines;
- Was imposed to run concurrently with an equal or longer compliant sentence;
- Was compliant due to a sentencing enhancement; or
- Was imposed pursuant to Superior Court Criminal Procedure Rule 11(c)(1)(C) plea agreement.⁴⁵

Judicial compliance with the Guidelines has been at or above 86% since the implementation of the Guidelines in 2004. The highest compliance rate to date was observed in 2020 at 99%.

A. How the Commission Defines Compliance with the Sentencing Guidelines

The Commission determines compliance with the Guidelines by examining whether the sentence imposed is within the sentencing options and sentencing range recommended by the Guidelines. The options and range are determined by the OSG of the sentenced offense and the offender's CH score. The Guidelines rank every non-Drug felony offense into one of nine OSGs (M1 to M9) on the Master Grid based on its predetermined severity level (M1 offenses being the most serious and

⁴⁴ The District's Guidelines are voluntary. Therefore, a judge can impose any legal sentence, whether or not it is compliant with the Guidelines.

⁴⁵ Under Superior Court Rule of Criminal Procedure 11(c)(1)(C), the parties can agree on a guilty plea with a specific sentence, or sentence range, or cap. If the judge accepts the plea, the judge is also bound by the parties' agreement. All counts sentenced as a result of a Rule 11(c)(1)(C) plea are classified as compliant Rule 11(c)(1)(C) sentences, regardless of whether the agreed sentence imposed would have otherwise been compliant with the applicable Guidelines range and/or sentencing options.

M9 being the least serious), and rank every felony drug offense into one of four OSGs (D1 to D4) on the Drug Grid (D1 offenses being the most serious and D4 being the least serious).

Before sentencing, a CSOSA PSR writer researches an offender's complete criminal history, applies a series of Guidelines scoring rules, and calculates each offender's numerical CH score.⁴⁶ The sentencing judge finalizes this score at sentencing, resolving any disputes raised by the parties. The CH scoring rules account for the type, number, and severity of the offender's prior convictions, including out-of-District convictions and the length of time between the end of the offender's prior sentence(s) and the commission of the instant offense. Once the CH score is calculated, the Guidelines place the CH score into one of five CH score categories, A through E, with A representing the lowest CH score category and E representing the highest.

The intersection of an offender's OSG on the vertical axis and CH score category on the horizontal axis on either the Master or the Drug Grid identifies the Grid box containing the offender's recommended sentence type and sentence range.⁴⁷ To be considered a Guidelines compliant in the box sentence, the sentence imposed for each felony count must be compliant in length (*durational compliance*⁴⁸) and sentence type (*dispositional compliance*⁴⁹).

Dispositional compliance is based on the Guidelines sentencing options available in each grid box. There are 45 boxes on the Master Grid and 20 boxes on the Drug Grid. Each Grid box has one, two, or three sentencing options available:

- Prison and long split sentences: Available in all boxes.
- Short split sentences: Available in colored (green and yellow) or shaded boxes (light and dark gray).
- Probation sentences: Available in yellow or light gray shaded boxes.

Sentence options are defined as:

- Prison sentence: The court sentences the offender to a prison term within the Grid box range. None of the time imposed is suspended. The prison term is followed by a period of supervised release.
- Long split sentence: The court sentences the offender to a prison term within the Grid box range. The court suspends part of the sentence; however, the time actually served in prison (not suspended) is still equal to or above the bottom of the recommended grid box range. There is a period of probation to follow release from prison. Supervised release is suspended.
- Short split sentence: The court sentences the offender to a prison term within the recommended Grid box range. The court suspends part of the sentence, such that the time to

⁴⁶ On rare occasions, such as when Superior Court sentences the offender immediately after a plea or verdict, CSOSA may not be requested to complete a criminal history score for an offender. In 2020, this was the case for 37 of 495 cases.

⁴⁷ See Appendices A and B for the Master Grid and Drug Grid.

⁴⁸ Durational compliance means the total sentence falls within the specific Guidelines range for the defendant's grid box.

⁴⁹ Dispositional compliance means the type of sentence imposed is an available option in the defendant's grid box.

actually serve (not suspended) is at least one day and *not more than six months*. There is a period of probation to follow release from prison. Supervised release is suspended.

- Probation sentence: The court sentences the offender to a prison term within the recommended Grid box range, suspends the entire sentence, and places the offender on a period of probation.

If the type of sentence imposed is not one of the available sentencing options, and/or if the duration of the sentence is not within the range recommended for a specific Grid box, then the sentence is deemed to be an outside the box sentence. An outside the box sentence can still be compliant with the Guidelines if it falls into one of the other compliant sentence classifications listed below.

B. Guidelines Sentence Classifications

The Commission assigns all sentences to one of the following five classifications:

- **Compliant In the Box Sentences:** Sentences that fall within the Guidelines recommended sentence type (prison, long split, short split, or probation) and Grid box range based on the offender's offense of conviction and CH score.
- **Compliant Outside the Box Sentences:** Sentences that either are not of a compliant type or fall above or below the Grid box range based on the offender's offense of conviction and CH score but are compliant with the Guidelines due to other sentencing factors. Examples include sentences that run concurrently with a compliant greater or equal sentence and sentences based on a statutory enhancement.⁵⁰
- **Rule 11(c)(1)(C) Sentences:** Sentences that are based upon a Rule 11(c)(1)(C) guilty plea, where the parties agree upon a sentence at the time the plea is entered and the judge accepts the plea, including the agreed upon sentence. Sentences following a Rule 11(c)(1)(C) plea are analyzed as compliant in the box sentences.
- **Compliant Departures:** Sentences that either are not of a compliant type or fall above or below the Grid box range based on the offender's offense of conviction and CH score, but the judge cites one of the applicable aggravating or mitigating departure principles as a basis for the sentence.⁵¹
- **Non-Compliant Departures:** Sentences that either are not of a compliant type or fall above or below the Grid box range based on the offender's offense of conviction and CH score, and the judge does not cite an aggravating or mitigating departure principle. The District's Guidelines are voluntary. Therefore, a judge can impose any legal sentence, whether or not it is compliant with the Guidelines. If, after three attempts to contact a judge regarding a

⁵⁰ Statutory enhancements raise the maximum sentence in the Guidelines range for the applicable box in proportion to the effect of the enhancement on the statutory maximum sentence, but do not affect the bottom of the in the box range.

⁵¹ To address atypical cases or offenders, the Guidelines allow judges to depart from the recommended sentencing range and options. Departures are classified as either aggravating or mitigating departures depending on whether they depart higher or lower than the sentence type or prison range called for by the Grid box. There are 11 aggravating departure principles that may be used when the sentence imposed by the judge is more severe than the sentence recommended by the Guidelines and 10 mitigating departure principles that may be applied when the sentence imposed by the judge is less severe than the Guidelines recommended sentence. When one of the 21 departure principles is cited by a judge as a reason for departing from the applicable guidelines, the sentence is considered a "compliant departure."

sentence that appears to be non-compliant, the Commission does not receive a departure letter response, the Commission classifies the sentence as a Non-Compliant Departure.

The classification of compliance into five distinct categories enables the Commission to examine instances when a sentence falls within the recommended range, falls outside the range but is compliant for another reason, such as an applicable statutory enhancement, is compliant because of an applicable departure principle, or is not compliant with the Guidelines.

C. Data Reporting

The first step in measuring judicial compliance with the Guidelines is to identify the recommended sentencing type and prison ranges for every felony count sentenced, and then compare the recommended sentence to the sentence imposed by the judge. Superior Court provides offense and sentencing information to the Commission through the IJIS 12.1 interface. CSOSA enters criminal history information for each offender directly into the GRID system through GSS. The GRID system uses this data to initially determine compliance with the Guidelines, which is reported at the count level. Cases found to be non-compliant are categorized as such.

If, after a multi-step validation process,⁵² a sentence still appears to be non-compliant, a Departure Form is forwarded to the judge to verify the offense, offender, and sentence information in the case. Departure Forms also provide the sentencing judge the opportunity to identify inaccuracies in the data, such as an incorrectly recorded sentence, a modified CH score, a departure principle the judge relied on but did not record, or an explanation of why he or she elected not to use the Guidelines. In 2020, the Commission contacted the Superior Court and/or sent Departure Forms to judges for all counts that initially appeared to be non-compliant. The Commission received replies to all 15 Departure Forms sent to judges in calendar year 2020. This high response rate improves the quality of the Commission's data and partially accounts for a decrease in non-compliant sentences (Figure 21).⁵³

Superior Court judges ordered a PSR or requested an offender's CH score in 93% of all felony counts sentenced in 2020. The Commission received complete sentencing data for all cases for which CSOSA calculated the offender's CH score (consisting of a CH score, a conviction charge, and a sentence, in addition to many other data points). Seven percent of felony counts sentenced involved cases where Superior Court did not request the offender's CH score, or the judge sentenced the offender without a PSR. Without the benefit of a CH score, compliance cannot be calculated.

Prior to 2010, Guidelines compliant departure information was collected and categorized in a manner different from the current classification process. The compliance analysis contained in this section applies only to data from 2010 onwards. This allows the Commission to provide an accurate assessment of trends related to compliant departures and overall judicial compliance.

⁵² For a more detailed explanation of the process, see Appendix E.

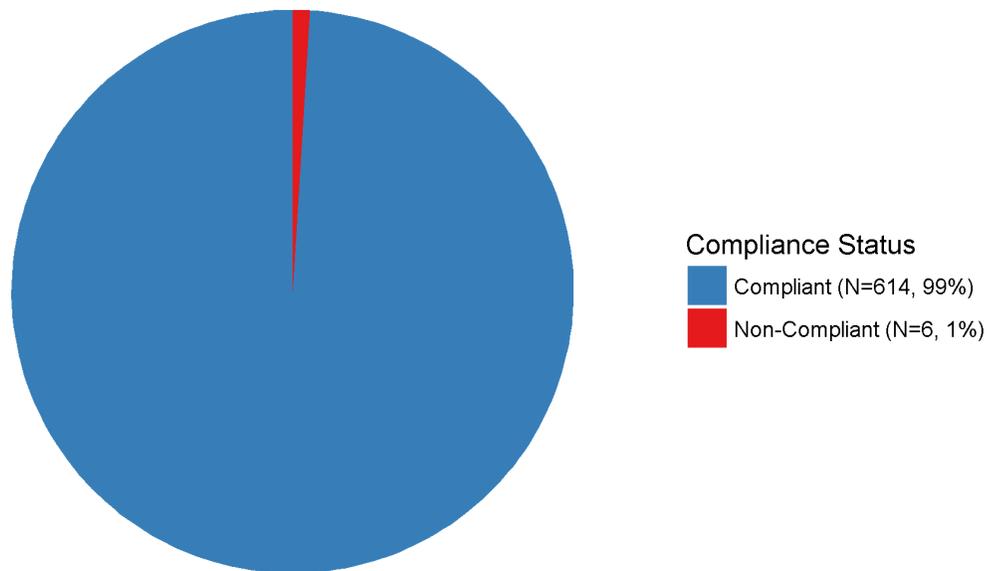
⁵³ If a judge does not respond to a Departure Form or Commission follow-up, the sentence is deemed non-compliant.

D. Compliance Analysis

1. Overall Compliance

In 2020, Superior Court judges imposed sentences for 664 felony counts.⁵⁴ The Commission calculated Guidelines compliance for 620 of the 664 counts sentenced. The remaining 44 counts occurred in cases where the Guidelines did not apply⁵⁵ and for sentences where the Superior Court did not request a PSR or a CH score calculation. Counts sentenced without a CH score (except for Rule 11(c)(1)(C) sentences) have also been removed from the historical data used throughout this chapter.

Figure 21: Overall Judicial Compliance (2020)

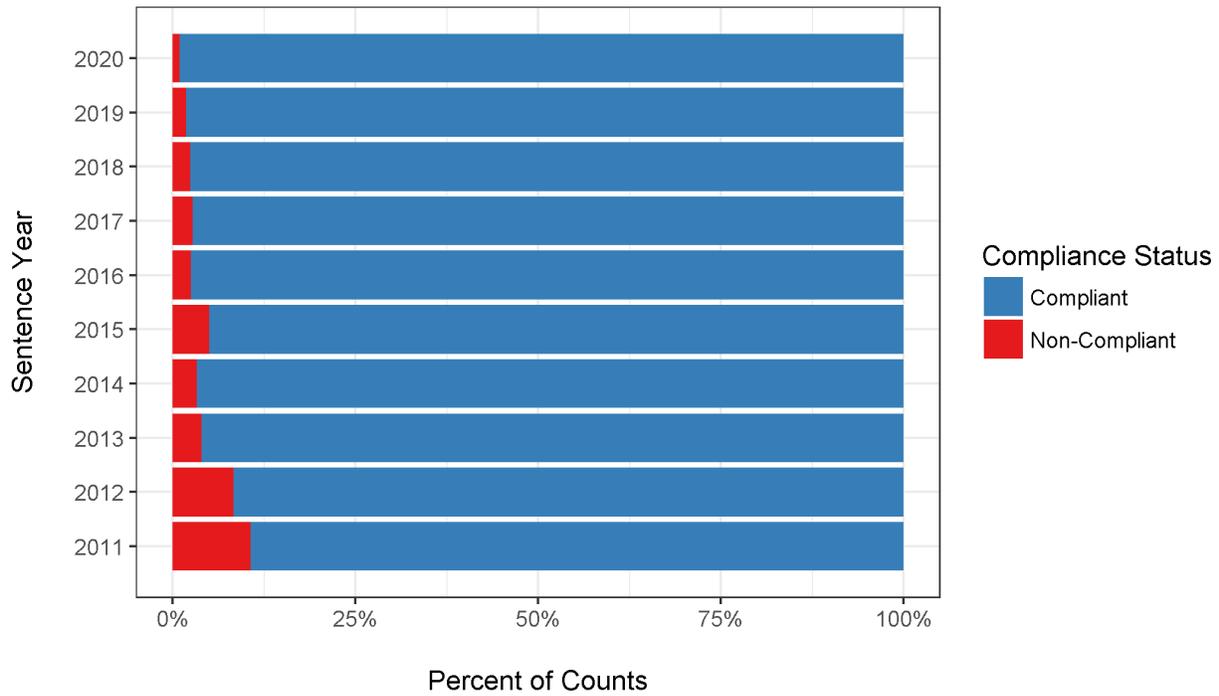


Between 2011 and 2020, the rate of judicial compliance with the Guidelines remained above 89% (Figure 22). The 99% Guidelines compliance rate in 2020 represents the highest compliance rate observed by the Commission. However, *due care must be exercised when interpreting this rate* given the unprecedented decrease in the number of counts sentenced compared to 2019. A high compliance rate reflects the consistent application and strong acceptance of the Guidelines by Superior Court judges, as well as the fact that broad Grid box ranges provide judges a considerable amount of judicial discretion in sentencing.

⁵⁴ As noted previously, this number represents counts sentenced; it does not include sentences following revocation of probation or remand from the Court of Appeals.

⁵⁵ The Guidelines do not apply to indeterminate sentences and sentences where a defendant's guilt was determined prior to June 14, 2004.

Figure 22: Trends in Judicial Guidelines Compliance (2011 - 2020)

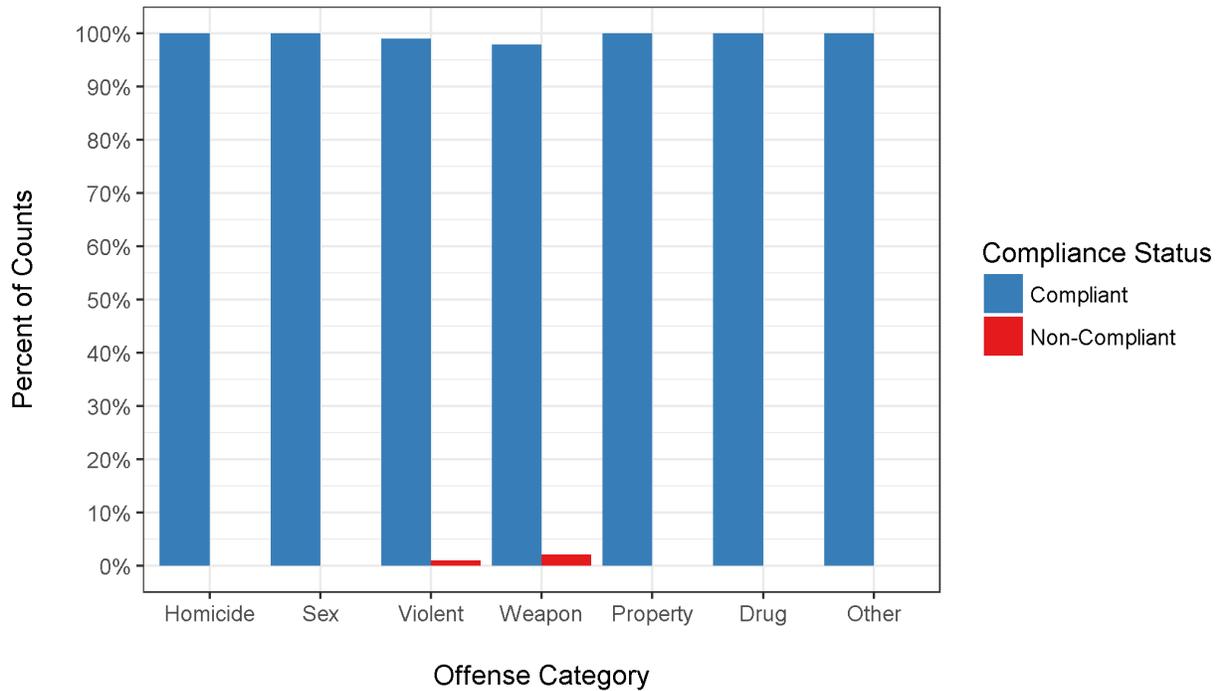


	2011 (N=1636)	2012 (N=2703)	2013 (N=2295)	2014 (N=2278)	2015 (N=1949)	2016 (N=2110)	2017 (N=2218)	2018 (N=2126)	2019 (N=1811)	2020 (N=620)
Compliant	89.4%	91.7%	96.1%	96.7%	95.0%	97.5%	97.2%	97.6%	98.1%	99.0%
Non-Compliant	10.6%	8.3%	3.9%	3.3%	5.0%	2.5%	2.8%	2.4%	1.9%	1.0%

2. Compliance by Offense Category

Figure 23 shows the percentage of compliant and non-compliant sentences imposed by offense category. All counts sentenced for Homicide, Sex, Property, Drug, and Other offenses were compliant with the Guidelines. Like 2019, only two percent of Weapon offenses sentenced were non-compliant.

Figure 23: Compliance by Offense Category (2020)



	Homicide	Sex	Violent	Weapon	Property	Drug	Other
Compliant	100%	100%	99%	98%	100%	100%	100%
Non-Compliant	0%	0%	1%	2%	0%	0%	0%

3. Judicial Compliance Sub-Categories

Judicial compliance with the Guidelines can be further divided into sub-categories based on the different types of compliant sentences: Rule 11(c)(1)(C) Plea, compliant in the box, compliant outside the box, compliant departure, and non-compliant sentences (Figure 24).

Figure 24: Compliance Sub-Categories (2020)

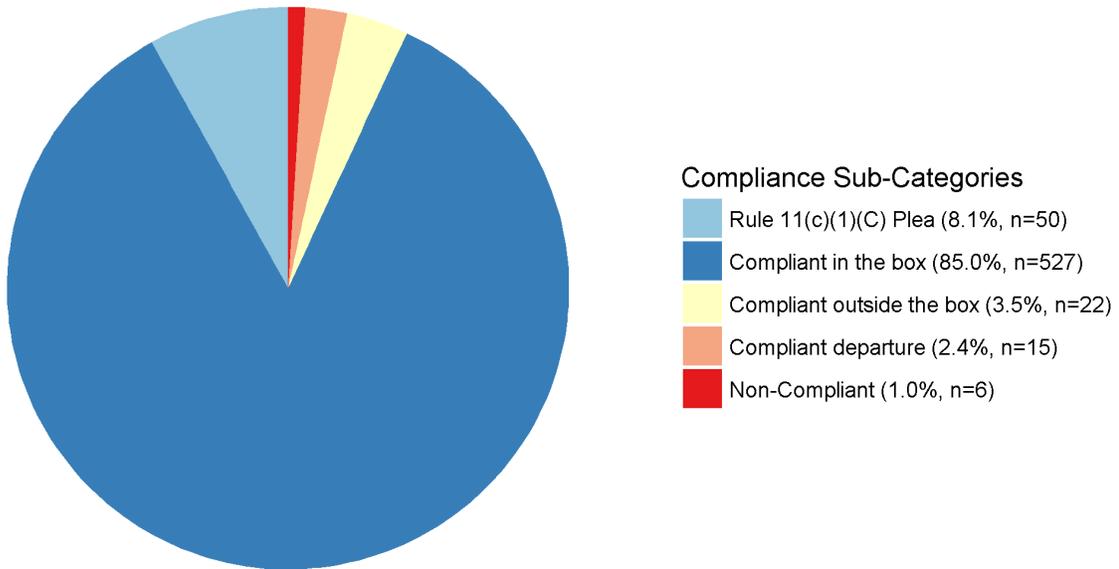


Figure 25 shows the trends in sentences that are not compliant in the box. Compared to previous years, the proportion of Rule 11(c)(1)(c) Pleas and Compliant outside the Box sentences increased sharply in 2020, accounting for the lowest rate of Compliant in the Box sentences observed (85%) since 2011.

Figure 25: Trends in Sentencing not Compliant in the Box (2011 - 2020)

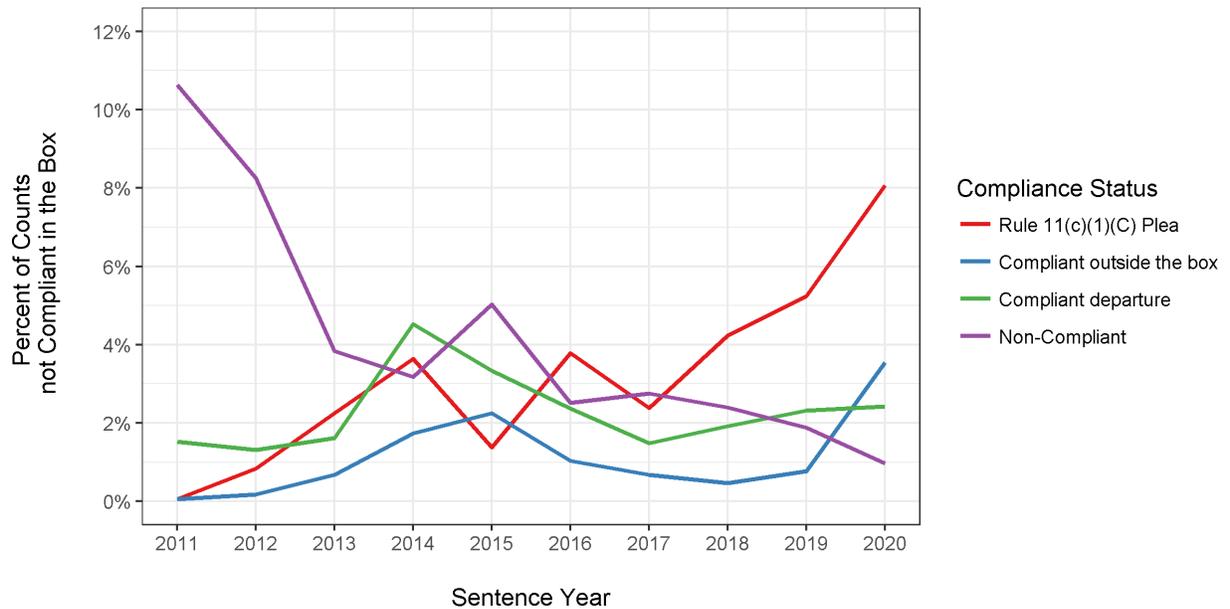


Table 7 below provides a summary of the compliance rates by each of the compliance sub-categories, also shown above in Figure 25.

Table 7: Trends in Compliance Sub-Categories (2011 - 2020)

	2011 (N=1637)	2012 (N=2726)	2013 (N=2348)	2014 (N=2364)	2015 (N=1949)	2016 (N=2110)	2017 (N=2218)	2018 (N=2126)	2019 (N=1811)	2020 (N=620)
Rule 11(c)(1)(C) Plea	0.1%	0.8%	2.3%	3.6%	1.4%	3.8%	2.4%	4.2%	5.2%	8.1%
Compliant in the box	87.7%	89.4%	91.6%	86.9%	88.0%	90.3%	92.7%	91.0%	89.8%	85.0%
Compliant outside the box	0.1%	0.2%	0.7%	1.7%	2.3%	1.0%	0.7%	0.5%	0.8%	3.5%
Compliant departure	1.5%	1.3%	1.6%	4.5%	3.3%	2.4%	1.5%	1.9%	2.3%	2.4%
Non-Compliant	10.6%	8.3%	3.8%	3.2%	5.0%	2.5%	2.8%	2.4%	1.9%	1.0%

E. Compliant Departures

Compliant departures occurred in 2% (15) of all felony counts sentenced in 2020, with each assigned a departure factor.⁵⁶ These departures offer insight into why judges may choose to impose a sentence outside of the Guidelines Grid boxes in particular cases. Judges cited the following aggravating (A) and mitigating (M) factors for departures in 2020:

- **A3:** A victim sustained a “devastating injury.” Devastating injury is defined as a physical or mental injury that results in one or more of the following: (a) Permanent and substantial impairment of the person’s employment opportunity and/or lifestyle; (b) Permanent, gross disfigurement; or (c) Medical confinement and/or immobilization for a period of more than three months.
- **A11:** There is any other substantial and compelling basis, as articulated by the sentencing judge, comparable in gravity to those listed in A1 to A10, which aggravates substantially the seriousness of the offense or the defendant’s culpability. Note: Going to trial is not an aggravating factor and should not be used to go outside of the box.
- **M6:** The defendant’s capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law was impaired significantly, though not sufficiently to constitute a complete defense. Voluntary use of alcohol or other drugs should not be considered in relation to this mitigating factor.
- **M7:** The defendant has provided substantial assistance to law enforcement in the detection or prosecution of other offenders, and departure for this reason does not demean the seriousness of the defendant’s crime or create an unacceptable risk to the safety of the community.
- **M9:** The consecutive/concurrent sentencing policy results in a Guidelines sentence that is so excessive in relation to the seriousness of the offense and history of the defendant that imposition of the Guidelines sentence would result in manifest injustice. A departure based solely on this factor shall not result in a sentence that is less than the sentence that would result if all Guidelines sentences were concurrent.

⁵⁶ Appendix D lists all available Aggravating and Mitigating Departure Factors.

- *M10*: There is any other substantial and compelling basis, as articulated by the sentencing judge, comparable in gravity to those listed in mitigating factors M1 to M9, which does not amount to a defense but which substantially mitigates the seriousness of the offense or the defendant’s culpability.

Table 8 displays the compliant departure factors cited by judges for sentences in 2020. In these cases, the sentencing judge imposed an outside the box sentence and used an appropriate departure factor. There was a 64% decrease in the number of compliant departures reported in 2020 (N=15) compared to 2019 (N=42).

Table 8: Compliant Departure Reasons by Severity Group (2020)

Departure Factors (rows) / Severity Group (columns)	M2	M4	M5	M6	M7	M8	(all)
A3				1			1
A11						1	1
M6				1	1		2
M7	2		1			1	4
M9		1		1			2
M10			1			4	5
(all)	2	1	2	3	1	6	15

Of the 15 departures, 13 were mitigating departures, where Superior Court imposed sentences below the recommended sentencing range and/or options. The most common mitigating departure principle cited was M10 (5/13 counts), followed by M7 (4/13 counts).

F. Non-Compliant Departures

A sentence is considered a non-compliant departure when the judge imposes an outside the box sentence without citing a departure principle, or where no enhancement applies, and the sentence was not the result of a Rule 11(c)(1)(C) plea. In 2020, there were six non-compliant departures representing one percent of the 664 initial felony counts sentenced, an 82% decrease from 34 non-compliant departures in 2019. Table 9 shows the frequency with which non-compliant sentences were imposed in each OSG. Half of the six non-compliant sentences were imposed for FIP in Grid Box M8:C. No non-compliant sentences were imposed in the most severe grid boxes (Master Group 4 and higher). All but one of the non-compliant sentences were downward departures.

Table 9: Non-Compliant Sentences by Severity Group (2020)

Severity Group	N
M6	2
M8	4
Total Non-Compliant Sentences	6

In summary, compliance with the Guidelines has remained consistently high since 2011, with its highest rate to date (99%) in 2020, indicating the consistent application and strong acceptance of the Guidelines by Superior Court judges. Two percent of the sentences imposed represented compliant departures, with mitigating factors M10 and M7 being the most common departure

factors. There were six non-compliant sentences in 2020, five of which were non-compliant downward departures.

APPENDIX A - GUIDELINES MASTER GRID

		Criminal History Score				
Ranking Group Most Common Offenses		0 to ½ A	¾ to 1¼ B	2 to 3¾ C	4 to 5¾ D	6 + E
3 Points*	Group 1 1st degree murder w/armed 1st degree murder	360 - 720	360 - 720	360 - 720	360 - 720	360 +
	Group 2 2nd degree murder w/armed 2nd degree murder 1st degree sex abuse 1st degree sex abuse w/armed	144 - 288	156 - 300	168 - 312	180 - 324	192 +
	Group 3 Voluntary manslaughter w/armed 1st degree child sex abuse Carjacking while armed Assault with intent to kill w/armed Armed burglary I	90 - 180	102 - 192	114 - 204	126 - 216	138 +
	Group 4 Aggravated assault w/armed Voluntary manslaughter	48 - 120	60 - 132	72 - 144	84 - 156	96 +
	Group 5 PFCOV Armed robbery Burglary I Obstruction of justice Assault with intent to kill	36 - 84	48 - 96	60 - 108	72 - 120	84 +
	Group 6 ADW Robbery Aggravated assault 2nd degree child sex abuse Assault with intent to rob	18 - 60	24 - 66	30 - 72	36 - 78	42 +
2 Points*	Group 7 Burglary II 3rd degree sex abuse FIP-PCOV Negligent homicide Attempt 2nd degree sex abuse	12 - 36	18 - 42	24 - 48	30 - 54	36 +
	Group 8 Carrying a pistol (CPWL) UUV Attempt robbery/burglary FIP ¹ 1st degree theft Assault w/significant bodily injury	6 - 24	10 - 28	14 - 32	18 - 36	22 +
1 Point*	Group 9 Escape/prison breach BRA Receiving stolen property Forgery/uttering Fraud	1 - 12	3 - 16	5 - 20	7 - 24	9 +
	*Criminal History Points for prior convictions in these groups.					
White/unshaded boxes – prison or compliant long split only.						
Green shaded boxes – prison, compliant long split, or short split permissible.						
Yellow shaded boxes – prison, compliant long split, short split, or probation permissible.						

APPENDIX B - GUIDELINES DRUG GRID

		Criminal History Score				
	Ranking Group Most common offenses	0 to ½ A	¾ to 1¼ B	2 to 3¾ C	4 to 5¾ D	6 + E
2 Points*	Group 1 Distribution w/a (any drug) PWID w/a (any drug)	30-72	36-78	42-84	48-90	54+
1 Point*	Group 2 Distribution or PWID (schedule I or II narcotic/ abusive drugs)	12-30	16-36	20-42	24-48	28+
	Group 3 Distribution or PWID (except schedule I or II narcotic or abusive drugs) Attempt distribution or attempt PWID (schedule I or II narcotic/ abusive drugs) Possession of Liquid PCP	6-18	10-24	14-30	18-36	22+
¾ Point*	Group 4 Attempt distribution or attempt PWID (except schedule I or II narcotic or abusive drugs) Attempt possession of liquid PCP	3-12	5-16	7-20	9-24	11+
*Criminal History Points for prior convictions in these groups.						
White/unshaded boxes – prison or compliant long split only.						
Dark shaded boxes – prison, compliant long split, or short split permissible.						
Light shaded boxes – prison, split, or probation permissible.						

APPENDIX C - GROUP OFFENSE LISTINGS

The top five grouped offense sub-categories are comprised of the following crimes:

Robbery:

- A. Robbery -- while armed (W/A)
- B. Robbery
- C. Robbery -- Attempt while armed (W/A)
- D. Robbery -- Attempt
- E. Armed carjacking
- F. Unarmed carjacking

Drug, PWID + Dist. and Attempted drug offenses:

- A. Drug -- Dist. or PWID: Schedule I, II Narcotic and abusive drugs (heroin, cocaine, PCP, methamphetamine, etc.)
- B. Drug -- Dist. or PWID: Schedule I, II, III Non-narcotic and non-abusive drugs (including marijuana -- 2nd offense or > ½ pound)
- C. Drug -- Dist. or PWID: Schedule IV
- D. Drug -- Possession of Liquid PCP
- E. Drug -- Dist. to Minors
- F. Dist. of a Controlled Substance -- Attempt
- G. Dist. of a Controlled Substance to Minors -- Attempt
- H. PWID -- Attempt
- I. Unlawful Possession of Liquid PCP -- Attempt

Assault:

- A. Aggravated Assault while armed (W/A)
- B. Aggravated Assault
- C. Aggravated Assault -- Attempt
- D. Aggravated Assault Knowingly -- Grave Risk
- E. Assault with a Dangerous Weapon (ADW)
- F. Assault with a Dangerous Weapon (ADW) -- Gun
- G. Assault on Police Officer (APO) while armed (W/A)
- H. Assault on Police Officer (APO)
- I. Assault on Police Officer (APO) w/ deadly weapon -- 2nd+ offense or prior felony
- J. Assault with Intent to Kill or Poison while armed (W/A)
- K. Assault with Intent to Kill or Poison
- L. Assault with Intent to Rob while armed (W/A)
- M. Assault with Intent to Rob
- N. Assault with Intent to 1^o or 2^o Sex or Child Sex Abuse while armed (W/A)
- O. Assault with Intent to 1^o or 2^o Sex or Child Sex Abuse
- P. Assault with Intent to Commit any other Felony while armed (W/A)

- Q. Assault with Intent to Commit any other Felony
- R. Assault with Intent to Commit any other Offense
- S. Assault with Intent to Commit Mayhem while armed (W/A)
- T. Assault with Intent to Commit Mayhem
- U. Assault with Significant Injury
- V. Mayhem
- W. Threat to Kidnap or Injure a Person

Weapon:

- A. Carrying Pistol Without License (CPWL), Carrying Dangerous Weapon (CDW)
- B. Carrying Pistol Without License (CPWL), Carrying Dangerous Weapon (CDW), 2nd+ offense or after felony conviction
- C. Firearm, Presence in a Motor Vehicle Containing: Prior gun conviction or felony
- D. Firearm, Presence in a Motor Vehicle Containing
- E. Firearm, Unlawful Possession of by a person with a prior conviction > 1 year
- F. Firearm, Unlawful Possession of by a person with a prior conviction > 1 year and Crime of Violence other than Conspiracy
- G. Firearm, Unlawful Possession of by others
- H. Possession of a Firearm During a Crime of Violence or Dangerous Offense
- I. Possession of a Prohibited Weapon
- J. Unlawful Possession of a Firearm
 - i. Prior Crime of Violence
 - ii. Intrafamily Offense
 - iii. Order to Relinquish
 - iv. Prior Conviction (Felon in Possession)

APPENDIX D - GUIDELINES DEPARTURE FACTORS

Aggravating Factors

- A1: There was deliberate cruelty to a victim or there was gratuitous violence inflicted upon a victim in a manner substantially beyond that normally associated with this offense.
- A2: A victim was particularly vulnerable due to age or reduced physical or mental capacity, which was known or should have been known to the offender, unless that vulnerability constituted an element of the offense of conviction.
- A3: A victim sustained a “devastating injury.” Devastating injury is defined as a physical or mental injury that results in one or more of the following: (a) Permanent and substantial impairment of the person’s employment opportunity and/or lifestyle; (b) Permanent, gross disfigurement; or (c) Medical confinement and/or immobilization for a period of more than three months.
- A4: The crime committed or attempted was substantially premeditated, as evidenced by a high degree of planning or sophistication, or planning over an extended period of time.
- A5: The defendant committed for hire or hired another to commit any one of the following offenses: Murder; Manslaughter; First-Degree Sexual Abuse; Kidnapping; Mayhem/Malicious Disfigurement; Aggravated Assault; Assault with intent to commit any of the foregoing; Assault with intent to kill; Assault with a Deadly Weapon; or Arson.
- A6: The offense was part of an enterprise significantly related to organized crime or high-level drug trafficking. This aggravating factor does not apply in cases charging only distribution or possession with intent to distribute a controlled substance where the defendant’s only connection to organized crime or high-level drug trafficking is street-level drug trafficking.
- A7: The defendant threatened, bribed, attempted to bribe, induced, or attempted to induce a victim, a member of the victim’s family, or a potential witness, or any other person to withhold truthful testimony or provide false testimony, or otherwise attempted to obstruct justice, unless the defendant is separately convicted of an offense that arises out of the same conduct.
- A8: The offense is a violation of Chapter 32 of Title 22 of the D.C. Official Code, which involves an intended or actual monetary loss substantially greater than what would normally be associated with the offense or any one or more of the following: (a) The offense(s) involved multiple victims or multiple incidents per victim; (b) The defendant has been involved in other conduct similar to the current offense(s) as evidenced by the findings of criminal, civil or administrative law proceedings or the imposition of professional sanctions; and/or (c) The defendant used his or her position of confidence or fiduciary responsibility to facilitate the commission of the offense(s).
- A9: The offender, in attempting to gain or while holding public office by appointment or election, betrayed the public trust by his or her unlawful conduct.
- A10: The consecutive/concurrent sentencing policy results in a Guidelines sentence so lenient in relation to the seriousness of the offense and the history of the defendant that imposition of the Guidelines sentence would result in manifest injustice. A departure based solely on this factor shall not result in a sentence that exceeds the sentence that would result if all Guidelines sentences were consecutive.

- A11: There is any other substantial and compelling basis, as articulated by the sentencing judge, comparable in gravity to those listed in 1 to 10 above, which aggravates substantially the seriousness of the offense or the defendant's culpability. Note: Going to trial is not an aggravating factor and should not be used to go outside of the box.

Mitigating Factors

- M1: A victim was an aggressor, initiator, willing participant in, or provoker of the incident to such a degree that the defendant's culpability is substantially less than that typically associated with the offense.
- M2: Before detection in a crime other than a crime of violence, the defendant compensated or made a good faith effort to compensate the victim(s) for any damage or injury sustained.
- M3: The defendant participated under duress, coercion, threat or compulsion insufficient to constitute a complete defense, but which significantly reduces the defendant's culpability.
- M4: The offense was principally accomplished by another, and the defendant manifested extreme caution or sincere concern for the safety and well-being of a victim.
- M5: The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
- M6: The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law was impaired significantly, though not sufficiently to constitute a complete defense. Voluntary use of alcohol or other drugs should not be considered in relation to this mitigating factor.
- M7: The defendant has provided substantial assistance to law enforcement in the detection or prosecution of other offenders, and departure for this reason does not demean the seriousness of the defendant's crime or create an unacceptable risk to the safety of the community.
- M8: The Guidelines sentence calls for a prison sentence but, after consultation with corrections authorities, the court determines that the defendant, by reason of obvious and substantial mental or physical impairment or infirmity, cannot be adequately protected or treated in any available prison facility.
- M9: The consecutive/concurrent sentencing policy results in a Guidelines sentence that is so excessive in relation to the seriousness of the offense and history of the defendant that imposition of the Guidelines sentence would result in manifest injustice. A departure based solely on this factor shall not result in a sentence that is less than the sentence that would result if all Guidelines sentences were concurrent.
- M10: There is any other substantial and compelling basis, as articulated by the sentencing judge, comparable in gravity to those listed in mitigating factors 1 to 9, which does not amount to a defense but which substantially mitigates the seriousness of the offense or the defendant's culpability.

APPENDIX E - THE SEVEN-STEP PROCESS TO DETERMINE AND VERIFY JUDICIAL COMPLIANCE

Step 1 - Identify Felony Offenses

The Guidelines only apply to felony convictions; therefore, compliance is not calculated for misdemeanor offenses. The offense charge code within the GRID system is associated with each count in a case and can determine if the count is a felony or misdemeanor offense. If the GRID system does not recognize a charge code, the system will automatically generate a notification. Staff then reviews the offense and updates the system with the new charge code information. If the case contains at least one felony count, the process then proceeds to step 2.

Step 2 - Determine the Appropriate Grid Box

The GRID system computes compliance for every felony count sentenced. Compliance is determined automatically based upon the sentencing option available in the appropriate grid box. If a sentence falls within the recommended sentence type and range available in the applicable grid box, the GRID system calculates the sentence as compliant with the Guidelines. If the sentence does not fall within the recommended sentence type and range, the process then proceeds to step 3.

Step 3 - Determine if the Sentence Runs Concurrently with another Count

An otherwise non-compliant sentence may still be compliant with the Guidelines if it runs concurrent with a longer or equal compliant sentence for a count within the same case. For this to occur, both sentences must be eligible to run concurrently under the Guidelines.⁵⁷ In an eligible case containing multiple counts, if the non-compliant sentence runs concurrently with an equal or longer compliant sentence, then the otherwise non-compliant sentence is deemed to be a compliant outside- the-box sentence. The GRID system reclassifies the sentence as compliant because the longest sentence among concurrent counts determines the length of time a defendant will actually serve in prison. If the sentence does not run concurrent to another sentence or if the longest sentence is non-compliant, the process then proceeds to step 4.

Step 4 - Determine if the Sentence is the Result of an Appropriate Departure Factor or a Statutory Enhancement

There are several instances when an otherwise non-compliant sentence is nonetheless compliant with the Guidelines due to recorded departure factors or statutory enhancements. When a sentencing judge imposes a non-compliant sentence but selects an enumerated departure reason, the sentence is deemed a compliant departure.⁵⁸ If Superior Court records a departure factor, the GRID system will automatically mark the sentence as a compliant departure and record the reason for the departure. Sentences above the recommended Guidelines range due to a statutory

⁵⁷ Chapter Six of the Guidelines Manual discusses which sentences must, may, and may not run concurrently. For example, two crimes of violence committed against two separate people cannot run concurrent to each other. Similarly, two crimes of violence against one person but occurring as part of two separate events cannot run concurrent to each other.

⁵⁸ See Appendix D for a complete list of departure factors.

enhancement are also deemed to be complaint if the sentence falls within the expanded range.⁵⁹ The GRID system incorporates enhancements into its calculations when they are reported by Superior Court in the IJIS 12.1 feed. Non-reported enhancements are verified and manually entered into the GRID system by Commission staff. If a departure cannot be identified, and no enhancement applies, the process then proceeds to step 5.

Step 5 - Determine if the Sentence is the Result of a Special Circumstance or is Non-Guidelines Applicable

Certain special factors can change how a sentence is treated under the Guidelines:

Rule 11(c)(1)(C) plea bargains: The Guidelines and the GRID system classify all sentences following a Rule 11(c)(1)(C) plea compliant, regardless of whether the actual agreed upon sentence falls within the in the box sentence range and/or options. This is done because Rule 11(c)(1)(C) pleas are agreed to by the parties before the defendant's CH score is calculated.

Pleas and verdicts entered before June 14, 2004: The Guidelines do not apply to sentences from a plea or verdict before June 14, 2004. Therefore, the GRID system automatically deems these sentences as "non-Guidelines applicable" sentences.

Indeterminate sentences: The Guidelines do not apply to most indeterminate sentences because the District changed from an indeterminate to a determinate system of sentencing⁶⁰ on August 5, 2000⁶¹ and the Guidelines were designed primarily for the new determinate system. However, a small number of pleas or verdicts entered after June 14, 2004, are cases in which an indeterminate sentence must be imposed because the offense was committed before August 5, 2000. If the plea or verdict was entered on or after June 14, 2004, the Guidelines apply regardless of when the offense was committed - i.e., whether the offense was committed before or after August 5, 2000. Commission staff manually evaluates compliance for indeterminate sentences.

Remanded sentences: Remand sentences are labeled "Remand" by the GRID system and are not evaluated for initial Guidelines compliance. A remand is a case sent back to the sentencing court for re-sentencing from the Court of Appeals.

The GRID system also checks the compliance status of sentences following a probation revocation. However, for data analysis purposes, these sentences are separated and not used to calculate the overall initial compliance rate.⁶²

⁵⁹ Chapter Four and Appendix H of the Guidelines Manual address expanding the Guidelines range based upon a statutory enhancement. For example, if a gun offense is committed in a designated "gun-free zone," the upper limit of the Guidelines range is doubled.

⁶⁰ Determinate sentences are sentences with a definitive release date. For example, an offender sentenced to 35 months knows that s/he will be released in 35 months (minus any administrative good time credit). An indeterminate sentence is a sentence given in a range, where release could occur at any time within that range. For example, a sentence of 30 to 40 months incarceration is an indeterminate sentence, where the offender cannot predict at what point within that range s/he will be released.

⁶¹ See D.C. Code § 24-403.01 (sentencing, supervised release, and good time credit for felonies committed on or after August 5, 2000) (Formerly § 24-203.1).

⁶² Probation revocation sentences are not included in the overall Guidelines compliance rate because they would result in compliance being calculated twice for the same case and count, once when the sentence was initially imposed, and once again when probation is revoked.

If none of the above conditions apply, the process then proceeds to step 6.

Step 6 - Verification of Non-Compliance

If, after completion of the five initial steps outlined above, the sentence still appears to be non-compliant, the count(s) and CH score information are manually reviewed by Commission staff to verify that the data on which the GRID system performed its evaluation are valid and that there are no data quality issues present. Simultaneously, Commission staff confirms relevant information using data from an alternate source: the CJCC JUSTIS System. If the sentence still appears to be non-compliant after the relevant information is verified, a departure form is sent to the sentencing judge (Step 7).

Step 7 - Departure Forms

For sentences that still appear to be non-compliant after the previous six steps are completed, the Commission sends an electronic Departure Form to the sentencing judge to verify the sentencing data and to inquire as to whether the judge intended to impose a non-compliant sentence. The Departure Form allows the judge to easily update or correct any information regarding the case. For example, if the defendant's CH score was changed during the sentencing hearing, the judge may provide the updated CH score. The sentencing judge may also provide a reason for intentionally imposing a non-compliant sentence. The Commission has a follow-up process for all Departure Forms sent, allowing for a six-week response period, with regular follow-up attempts by Commission staff. If no response is received, the Commission then proceeds with the initial sentence and updates the GRID system accordingly by recording the applicable compliance classification.

APPENDIX F - ANALYSIS OF CRIMINAL HISTORY (CH) SCORES AND SENTENCES BY OFFENSE TYPE AND GENDER

Homicide Offenses⁶³

CH Score and Sentence Length by Gender, Case Level (2016 - 2020)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
	Male	Female	Male	Female	Mean		Median	
					Male	Female	Male	Female
2016	33	(<10)	1.8	0.6	168	90	144	91
2017	37	(<10)	1.8	0	198	84	180	72
2018	53	(<10)	2	0.1	212	196	180	84
2019	70	-	2.1	-	161	-	132	-
2020	21	(<10)	1.7	0	152	1	132	1

Sentence Type by Gender, Case Level (2016 - 2020)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2016	0%	0%	3%	0%	97%	100%
2017	0%	0%	0%	0%	100%	100%
2018	2%	0%	0%	0%	98%	100%
2019	1%	-	0%	-	99%	-
2020	0%	0%	0%	0%	100%	100%

Sex Offenses

CH Score and Sentence Length by Gender, Case Level (2016 - 2020)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
	Male	Female	Male	Female	Mean		Median	
					Male	Female	Male	Female
2016	46	(<10)	0.8	0	72	42	42	42
2017	40	(<10)	0.9	0	82	30	36	30
2018	40	(<10)	1.3	0.2	68	39	37	40
2019	30	-	0.8	-	76	-	39	-
2020	(<10)	-	0.9	-	106	-	48	-

⁶³ Cases for which gender or CH score information was unavailable and cases with life or indeterminate sentences were excluded from the following tables. Percentages may not add up to 100% due to rounding.

Sentence Type by Gender, Case Level (2016 - 2020)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2016	9%	50%	17%	0%	74%	50%
2017	2%	0%	12%	100%	85%	0%
2018	5%	33%	10%	67%	85%	0%
2019	17%	-	13%	-	70%	-
2020	22%	-	0%	-	78%	-

Violent Offenses

CH Score and Sentence Length by Gender, Case Level (2016 - 2020)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
	Male	Female	Male	Female	Mean		Median	
					Male	Female	Male	Female
2016	461	49	1.5	0.8	35	21	24	18
2017	456	49	1.6	0.6	34	28	24	18
2018	356	40	1.8	1.2	35	24	24	18
2019	417	33	1.7	0.5	34	22	24	18
2020	140	21	1.7	1.2	32	26	24	18

Sentence Type by Gender, Case Level (2016 - 2020)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2016	20%	41%	22%	29%	58%	31%
2017	16%	39%	20%	35%	64%	27%
2018	16%	40%	23%	38%	62%	22%
2019	17%	42%	24%	36%	60%	21%
2020	19%	19%	27%	29%	54%	52%

Weapon Offenses

CH Score and Sentence Length by Gender, Case Level (2016 - 2020)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
	Male	Female	Male	Female	Mean		Median	
					Male	Female	Male	Female
2016	318	(<10)	1.4	0.6	22	11	18	8.5
2017	343	(<10)	1.5	1.3	23	18	18	15
2018	404	(<10)	1.4	0.6	18	9.8	14	6
2019	420	(<10)	1	0.6	14	12	12	8
2020	130	-	1.3	-	16	-	12	-

Sentence Type by Gender, Case Level (2016 - 2020)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2016	37%	67%	10%	0%	53%	33%
2017	29%	50%	10%	0%	61%	50%
2018	37%	40%	16%	40%	47%	20%
2019	45%	60%	18%	20%	37%	20%
2020	42%	-	18%	-	40%	-

Property Offenses

CH Score and Sentence Length by Gender, Case Level (2016 - 2020)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
	Male	Female	Male	Female	Mean		Median	
					Male	Female	Male	Female
2016	199	11	2.4	1	24	20	18	24
2017	166	13	2.4	1	25	13	18	10
2018	124	12	2.5	2.2	25	18	18	13
2019	119	(<10)	2.7	1.4	23	28	18	28
2020	37	(<10)	3.2	1.3	24	21	24	15

Sentence Type by Gender, Case Level (2016 - 2020)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2016	32%	64%	20%	9%	48%	27%
2017	17%	46%	29%	23%	54%	31%
2018	23%	33%	30%	25%	47%	42%
2019	32%	14%	24%	57%	44%	29%
2020	16%	33%	24%	33%	59%	33%

Drug Offenses

CH Score and Sentence Length by Gender, Case Level (2016 - 2020)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
	Male	Female	Male	Female	Mean		Median	
					Male	Female	Male	Female
2016	346	29	2	1.4	15	12	14	12
2017	431	71	2.1	1.4	15	11	14	10
2018	350	43	2.1	1.3	14	12	14	14
2019	196	19	2.1	1.3	16	12	14	12

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2020	54	(<10)	1.9	0.2	15	6	14	6

Sentence Type by Gender, Case Level (2016 - 2020)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2016	60%	62%	20%	24%	20%	14%
2017	46%	61%	28%	25%	26%	14%
2018	56%	51%	30%	40%	14%	9%
2019	57%	47%	28%	37%	15%	16%
2020	56%	100%	28%	0%	17%	0%

Other Offenses

CH Score and Sentence Length by Gender, Case Level (2016 - 2020)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2016	87	17	2	0.8	13	10	12	12
2017	77	27	2.2	1.5	14	11	12	12
2018	80	21	1.7	0.6	15	9.3	12	12
2019	53	14	2.2	0.5	14	11	12	10
2020	14	(<10)	1.8	0.8	20	9.2	14	10

Sentence Type by Gender, Case Level (2016 - 2020)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2016	39%	71%	20%	18%	41%	12%
2017	36%	44%	25%	33%	39%	22%
2018	39%	67%	25%	24%	36%	10%
2019	34%	79%	30%	7%	36%	14%
2020	57%	25%	14%	75%	29%	0%

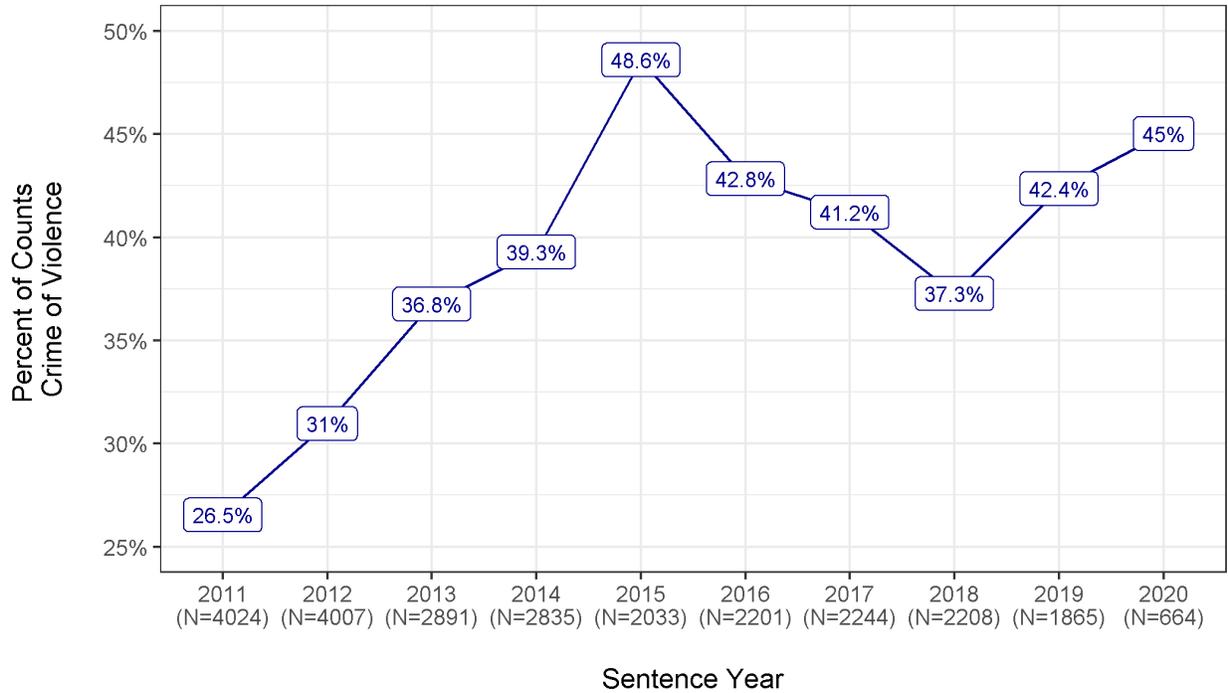
APPENDIX G - ANALYSIS OF CRIMES OF VIOLENCE

Crimes of Violence are defined pursuant to D.C. Code § 23-1331(4). The statute identifies the following offenses in this category:

- Aggravated assault;
- Act of terrorism;
- Arson;
- Felony assault on a police officer;
- Assault with a dangerous weapon;
- Assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, or commit child sexual abuse;
- Assault with significant bodily injury;
- Assault with intent to commit any other offense;
- Burglary;
- Carjacking;
- Armed carjacking;
- Child sexual abuse;
- Cruelty to children in the first degree;
- Extortion or blackmail accompanied by threats of violence;
- Gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation;
- Kidnapping;
- Malicious disfigurement;
- Manslaughter;
- Manufacture or possession of a weapon of mass destruction;
- Mayhem;
- Murder;
- Robbery;
- Sexual abuse in the first, second, or third degrees;
- Use, dissemination, or detonation of a weapon of mass destruction; or
- An attempt, solicitation, or conspiracy to commit any of the foregoing offenses.

The term “Crimes of Violence” should not be confused with the “Violent” offense category used by the Commission for data analysis purposes (see the Section on *Classification of Offense Categories* above). The latter intersects with, but does not correspond to, the offenses identified in D.C. Code § 23-1331(4) and listed above.

The following figure displays the percentage of Crimes of Violence sentenced between 2011 and 2020.



Trends in Crimes of Violence, D.C. Code 23-1331(4), Count Level (2011 - 2020)

The following table provides summary statistics, at the count level, on the length of sentence imposed (in months) and offender age at offense (in years) for Crimes of Violence sentenced between 2011 and 2020.

Crimes of Violence Sentenced, Age and Length of Sentence Imposed, Count Level (2011 - 2020)

Sentence Year	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
2011	1068	75.5	36	27.1	23
2012	1241	70.9	36	27.3	22
2013	1063	61.5	30	27.4	23
2014	1114	71.4	30	27.1	23
2015	988	53.5	30	27.9	23
2016	943	46.9	30	27.2	23
2017	925	49.9	30	28.6	25
2018	823	71.0	30	29.6	26
2019	790	52.0	30	29.5	26
2020	299	44.4	28	30.5	27

The following tables show the same summary statistics as above for individual Crime of Violence offenses sentenced between 2011 and 2020. Note that offenses for which less than 10 counts were sentenced in a given year are not included in the tables below.

Crimes of Violence Sentenced in 2011

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
Aggravated Assault Knowingly	65	78.2	62	28.8	25.0
Assault On A Police Officer	26	24.2	18	36.0	37.0
Assault W/I to Commit Robbery	27	51.4	48	21.7	22.0
Assault W/I to Kill	35	142.9	156	27.4	25.0
Assault With A Dangerous Weapon	177	40.0	36	29.4	27.0
Attempt to Commit Robbery	78	17.3	15	25.9	21.0
Burglary One	38	79.0	60	23.2	20.0
Burglary Two	136	24.3	20	33.4	29.0
Felony Murder	10	612.0	600	24.3	25.0
First Degree Child Sex Abuse	21	124.2	108	30.3	29.0
First Degree Sex Abuse-Force	11	140.2	144	31.3	27.0
Kidnapping	22	100.8	90	24.5	22.0
Murder I	33	446.9	444	23.9	22.0
Murder II	43	245.2	240	25.3	23.5
Robbery	266	36.5	24	23.1	20.0
Second Degree Child Sex Abuse	10	34.6	24	27.0	26.0
Unarmed Carjacking	14	89.1	84	24.7	22.0
Voluntary Manslaughter	20	108.8	105	27.2	28.0

Crimes of Violence Sentenced in 2012

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
Aggravated Assault Knowingly	40	79.2	84	27.9	24.0
Assault On A Police Officer	22	45.2	36	28.4	27.0
Assault W/I to Commit Robbery	20	59.0	50	24.2	20.5
Assault W/I to Kill	74	144.0	150	22.1	21.0
Assault With A Dangerous Weapon	136	41.4	36	34.0	29.0
Attempt to Commit Robbery	113	16.1	14	23.8	20.0
Burglary One	53	90.3	84	28.1	23.0
Burglary Two	116	26.4	23	30.3	23.0

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
First Degree Child Sex Abuse	25	102.1	66	32.2	32.0
First Degree Sex Abuse-Force	22	117.1	90	28.8	26.0
Kidnapping	35	74.7	72	27.3	25.0
Murder I	46	301.6	360	24.5	21.0
Murder II	41	233.0	240	25.4	23.0
Robbery	377	36.2	24	25.5	21.0
Second Degree Child Sex Abuse	27	66.5	48	37.6	33.0
Third Degree Sex Abuse-Force	12	24.4	21	30.4	33.0
Unarmed Carjacking	14	86.6	84	20.9	19.5
Voluntary Manslaughter	29	129.9	132	24.0	21.0

Crimes of Violence Sentenced in 2013

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
Aggravated Assault Knowingly	46	69.1	60	28.6	24.0
Assault On A Police Officer	12	30.0	24	30.8	29.0
Assault W/I to Commit Robbery	30	47.6	40	25.2	21.0
Assault W/I to Kill	36	111.6	108	23.7	24.0
Assault With A Dangerous Weapon	164	33.5	26	31.4	28.0
Attempt to Commit Robbery	131	16.3	15	24.3	20.0
Burglary One	17	68.2	60	30.9	27.0
Burglary Two	131	25.4	24	31.8	27.0
First Degree Child Sex Abuse	18	108.8	138	33.2	33.5
First Degree Sex Abuse-Force	15	128.4	168	31.7	27.0
Kidnapping	19	94.2	84	30.1	28.0
Murder I	17	465.9	420	24.3	24.0
Murder II	45	246.1	240	26.5	22.0
Robbery	298	35.0	30	23.7	20.0
Second Degree Child Sex Abuse	13	35.7	30	28.6	28.5
Voluntary Manslaughter	29	122.4	120	24.9	18.5

Crimes of Violence Sentenced in 2014

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
Aggravated Assault Knowingly	46	80.8	72	30.3	25.0
Assault On A Police Officer	14	35.7	28	25.2	22.5
Assault W/I to Commit Robbery	24	42.2	33	25.1	23.0
Assault W/I to Kill	73	59.8	16	21.9	20.0
Assault With A Dangerous Weapon	153	30.7	24	30.7	26.0
Attempt to Commit Robbery	130	15.4	14	22.3	20.0
Burglary One	20	72.8	60	32.3	31.0
Burglary Two	150	23.3	24	30.2	25.0
First Degree Sex Abuse-Force	14	222.0	213	36.9	34.0
Kidnapping	34	89.9	60	34.2	33.5
Murder I	20	436.4	414	26.2	21.0
Murder II	32	609.9	240	23.7	23.0
Robbery	314	42.8	30	25.1	21.0
Second Degree Child Sex Abuse	15	29.7	24	36.9	36.0
Voluntary Manslaughter	34	101.9	108	24.8	21.0

Crimes of Violence Sentenced in 2015

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
Aggravated Assault Knowingly	39	75.7	72.0	31.4	27.0
Assault On A Police Officer	12	47.8	36.0	29.6	27.5
Assault W/I to Commit Robbery	13	72.0	60.0	30.8	27.0
Assault W/I to Kill	32	97.4	84.0	26.6	20.0
Assault With A Dangerous Weapon	139	29.2	24.0	30.5	25.0
Assault with Significant Bodily Injury	68	18.6	19.0	30.8	26.5
Attempt to Commit Robbery	120	17.9	16.0	26.6	21.0
Burglary One	34	62.0	60.0	29.9	24.0
Burglary Two	129	23.6	24.0	27.9	22.0
Conspiracy	15	32.9	36.0	25.9	21.0
First Degree Child Sex Abuse	27	116.4	120.0	36.4	37.0

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
First Degree Sexual Abuse	20	140.7	144.0	31.5	30.0
Kidnapping	16	76.7	48.0	31.2	30.0
Murder I	11	349.1	360.0	24.4	22.0
Murder II	31	198.3	204.0	24.9	24.0
Robbery	194	42.8	31.5	24.8	21.0
Second Degree Child Sex Abuse	19	38.2	32.0	28.5	24.0
Voluntary Manslaughter	25	142.0	136.0	27.0	21.0

Crimes of Violence Sentenced in 2016

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
Aggravated Assault Knowingly	26	63.2	60.0	28.5	25.0
Assault W/I to Commit Robbery	20	52.5	45.0	29.1	23.5
Assault W/I to Kill	17	123.2	120.0	25.6	22.0
Assault With A Dangerous Weapon	168	30.9	24.0	28.7	25.0
Assault with Significant Bodily Injury	59	23.7	18.0	30.3	26.0
Attempt to Commit Robbery	106	16.5	15.0	24.6	21.0
Burglary One	23	69.1	60.0	24.2	21.0
Burglary Two	116	30.1	24.0	33.8	29.0
Conspiracy to Commit a Crime of Violence	14	39.1	36.0	19.0	19.0
First Degree Child Sex Abuse	16	86.6	60.0	32.4	32.0
First Degree Sexual Abuse	19	168.7	180.0	26.8	26.0
Murder II	20	198.2	216.0	28.0	26.0
Robbery	246	40.9	36.0	22.9	20.0
Second Degree Child Sex Abuse	14	43.0	44.5	37.2	35.0
Voluntary Manslaughter	20	103.2	96.0	28.0	25.5

Crimes of Violence Sentenced in 2017

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
Aggravated Assault Knowingly	25	66.0	72.0	30.2	26.0
Assault On A Police Officer	16	46.1	33.0	30.4	27.5
Assault W/I to Commit Robbery	22	52.0	42.0	29.8	27.0

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
Assault W/I to Kill	12	113.5	123.0	26.9	24.0
Assault With A Dangerous Weapon	188	31.4	27.5	30.2	26.0
Assault with Significant Bodily Injury	45	17.6	16.0	33.3	30.0
Attempt to Commit Robbery	85	15.5	14.0	24.2	22.0
Burglary One	22	71.9	72.0	30.3	25.0
Burglary Two	126	28.4	24.0	31.7	25.0
First Degree Child Sex Abuse	11	93.0	60.0	34.5	33.0
First Degree Sexual Abuse	11	249.3	252.0	29.2	28.0
Kidnapping	22	95.8	73.0	27.3	27.0
Murder II	15	195.7	192.0	31.4	29.0
Robbery	234	44.1	36.0	24.5	22.0
Second Degree Child Sex Abuse	18	32.6	29.0	39.6	40.0
Voluntary Manslaughter	20	118.6	120.0	30.9	25.5

Crimes of Violence Sentenced in 2018

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
Aggravated Assault Knowingly	20	73.9	60	32.0	29.5
Assault W/I to Commit Robbery	11	78.5	72	32.1	30.0
Assault With A Dangerous Weapon	182	32.6	24	30.0	27.0
Assault with Significant Bodily Injury	58	23.8	18	30.4	27.0
Attempt to Commit Robbery	73	22.5	18	27.1	23.5
Burglary One	22	82.6	78	32.4	27.5
Burglary Two	90	26.3	24	36.1	36.0
First Degree Child Sex Abuse	15	102.9	117	31.0	34.0
Kidnapping	14	75.0	66	33.7	36.5
Murder I	10	426.0	480	30.3	25.0
Murder II	26	224.3	228	27.0	24.0
Robbery	174	40.8	36	26.0	23.0
Second Degree Child Sex Abuse	26	36.0	32	35.3	34.0
Voluntary Manslaughter	24	106.5	102	26.2	24.5

Crimes of Violence Sentenced in 2019

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
Aggravated Assault Knowingly	24	75.8	72	28.4	27.0
Assault W/I to Commit Robbery	14	45.0	48	23.1	22.0
Assault W/I to Kill	16	115.9	105	29.8	25.5
Assault With A Dangerous Weapon	186	29.1	24	30.7	27.0
Assault with Significant Bodily Injury	54	27.3	18	33.2	32.0
Attempt to Commit Robbery	83	15.8	14	27.5	22.0
Burglary One	19	75.5	60	30.3	27.0
Burglary Two	78	23.9	21	33.3	28.0
First Degree Sexual Abuse	10	164.0	168	28.8	29.0
Kidnapping	13	92.2	48	31.8	29.0
Murder II	31	197.8	204	29.1	26.0
Robbery	142	39.1	30	24.6	22.0
Second Degree Child Sex Abuse	22	46.7	45	39.2	39.5
Voluntary Manslaughter	35	106.7	102	29.2	25.0

Crimes of Violence Sentenced in 2020

Offense	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
Aggravated Assault Knowingly	10	59.0	54	28.3	26.5
Assault With A Dangerous Weapon	80	27.9	24	30.5	29.0
Assault with Significant Bodily Injury	23	18.0	20	30.2	29.0
Attempt to Commit Robbery	23	20.6	18	26.6	22.0
Burglary Two	39	27.4	24	36.7	39.0
Murder II	11	217.3	236	26.5	26.0
Robbery	61	38.1	36	26.6	23.0
Voluntary Manslaughter	13	92.4	96	30.1	26.0