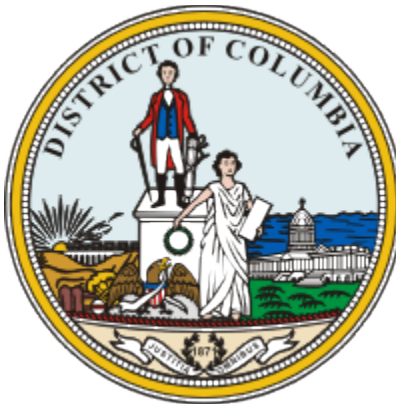




DISTRICT OF COLUMBIA
SENTENCING COMMISSION

2019 ANNUAL REPORT



April 24, 2020

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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Non-voting members:
Hon. Charles Allen
Eric S. Glover, Esq.
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April 24, 2020

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 2019 Annual Report. This year's report provides an overview of felony sentences imposed by the D.C. Superior Court from January 1, 2019, through December 31, 2019, and also highlights certain sentencing trends from 2010 through 2019.

In 2019, the number of felony offenses sentenced declined 16% from the previous year, signifying the lowest number of offenses sentenced since 2010. This decrease is attributed to 46% decline in the number of drug offenses sentenced. Non-drug offenses accounted for 87% of all felony sentences imposed in 2019, with the number of sentences for homicides, weapons, violent and property offenses remaining fairly stable compared to the previous year. Sixty six percent of individuals sentenced received either a prison or a short split sentence, revealing that the majority of sentences imposed involve some period of incarceration.

Judicial compliance with the Sentencing Guidelines continues to remain high this year reaching 98.1%, demonstrating that the Guidelines recommended sentence was not imposed in less than two percent of all sentences last year. This continuing high compliance rate denotes wide acceptance and use of the Guidelines by the Court, helping to reduced unwarranted disparity and increased certainty in felony sentences imposed in the District.

The Commission continues its ongoing evaluation of the Guidelines to ensure they are achieving their statutory goals of consistency, certainty and adequacy of punishment. As a result of this effort, Unauthorized Possession of a Firearm, Prior, Prior Crime of Violence from M6 to M7 to address consistency matters related to criminal history and double counting.

Respectfully,

Honorable Milton C. Lee, Chairman

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COMMISSION MEMBERS AND STAFF

MEMBERSHIP OF THE DISTRICT OF COLUMBIA SENTENCING COMMISSION

As of APRIL 24, 2020:

The Honorable Milton C. Lee, Chairman
Superior Court of the District of Columbia

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Council of the District of Columbia

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The Honorable Juliet J. McKenna
Superior Court of the District of Columbia

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EXECUTIVE SUMMARY

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

Over the past year, the Commission made modifications to the Guidelines and released several publications, including the 2018 Annual Report, the 2019 Guidelines Manual, Fast Facts sheets for Homicide and Assault With Intent to Kill offenses, and an Issue Paper focusing on Long Split sentences. Additionally, the Commission concentrated its efforts on three major projects. The first project involved the re-ranking of Felon in Possession, Prior Crime of Violence. The second focused on developing a comprehensive multi-year outreach and educational strategy. Finally, the Commission examined sentencing trends for juveniles sentenced under Title 16.

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

2019 Trends in Sentencing

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

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

The distribution of the type of sentence imposed at the case level remained comparable to 2018. Slightly more than half of the cases (66%) were sentenced to some period of incarceration by the imposition of either a short-split or prison sentence. However, the percentage of counts sentenced to prison increased with the severity of the offense in both Master and Drug Grids. Prison was the prominent sentence type for Homicide, Sex, and Violent offenses, but the least common for Drug offenses.

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

Comparable to previous years, young Black males ages 18 to 30 at the time of the offense constituted more than half of the individuals sentenced in 2019. Data indicated that the proportion of younger individuals sentenced for felony offenses may be increasing, specifically for the 22-30 age group, which has demonstrated a steady rise in the number of cases sentenced for this age group during the ten year period from 2010 to 2019.

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

Guidelines Compliance

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

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

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

Modifications to the Guidelines

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

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

KEY FINDINGS

1. The total number of counts, cases, and defendants sentenced decreased from 2018 by 16%, 11%, and 10%, respectively (page 17). This was primarily due to the 46% decrease in the number of Drug offenses sentenced (pages 25 and 40).
2. Drug offenses sentenced decreased by 84% from 1,538 sentences in 2010 to 246 in 2019 (page 40).
3. Overall, felony non-Drug offenses represented 85% of cases sentenced in 2019 (page 26).
4. Between 2018 and 2019, the number of robbery offenses sentenced decreased by 8% (page 41).
5. The majority of offenses sentenced in 2019 were in Offense Severity Group (OSG) M8 for the Master Grid and D3 for the Drug Grid (page 21).
6. Cases sentenced in OSG M8 peaked in 2019. This was primarily due to the re-ranking of a previously OSG M7 offense (Felon in Possession) to OSG M8 (page 23).
7. In 2019, the distribution of sentence types at the case level remained comparable to 2018, with prison representing 46%, short split accounting for 21%, and probation comprised 34% of all felony sentences imposed (page 20).
8. Prison was the predominate sentence type in 2019 for Homicide, Sex, and Violent offenses, but least common for Drug offenses (page 28).
9. Young Black males of ages 18 to 30 (at the time of the offense) constituted more than half of the individuals sentenced in 2019 (page 37).
10. Data indicated that the proportion of younger individuals sentenced may be growing, specifically for the 22-30 age group, for which the number of cases sentenced appeared to be steadily increasing from 2010 to 2019 (page 36).
11. Compliance with the Guidelines has remained consistently high since 2010, with its highest rate to date (98.1%) in 2019 (page 47).
12. In 2019, 89.8% felony sentences were compliant in the box (page 50).
13. Rule 11(c)(1)(C) pleas slightly increased by one percentage point from 2018 (page 52).
14. Two percent of the sentences imposed in 2019 represented compliant departures (page 52), with M7 and M10 (catch-all) being the most commonly cited departure factors (page 53).
15. There were 34 non-compliant sentences in 2019, all of which were downward departures (page 54).

TABLE OF ABBREVIATIONS AND ACRONYMS

Term	Definition
BRA	Bail Reform Act
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
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
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 Adult Criminal Outbound 12.1 Data Feed
JUSTIS	District of Columbia Justice Information System
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)
SCR-Crim.	A Superior Court Rule of Criminal Procedure
Superior Court	Superior Court of the District of Columbia
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)
FIP	Unlawful Possession of a Firearm, Prior Felony (i.e. By a Person With a Prior Conviction > 1 year)

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 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 Guideline 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 guideline 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 in departing from the guideline recommendations or for imposing what appears to be a non-compliant sentence;

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>.

4. Conduct focus groups, community outreach, training, and other activities designed to collect and disseminate information about the guidelines;
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 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 various criminal justice agencies, the judiciary, academic and research institutions, practicing attorneys, and the public. This diverse membership provides a wide range of perspectives in the development of sentencing policy.

The 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 his or her 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

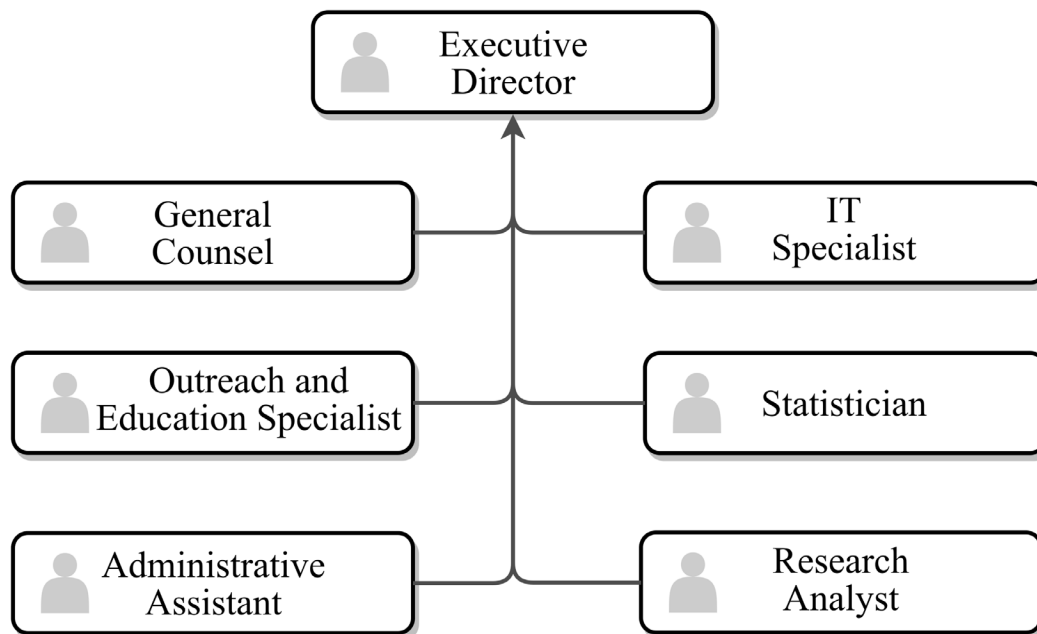
1. Commission Staff Members

As of April 24, 2020, the Commission staff consisted of:

Barbara Tombs-Souvey Executive Director	(Vacant) General Counsel	Mehmet Ergun Statistician
Mia Hebb Administrative Assistant	Miatta Sesay Outreach Specialist	Taylor Tarnalicki Research Analyst
Basil Evans IT Specialist		

2. Organizational Structure

Figure 1: Sentencing Commission Organizational Chart



III. Commission's Budget

In Fiscal Year (FY) 2019 the Commission's operating budget consisted of only District of Columbia local funds in the amount of \$1,185,927. In FY20, the agency's budget totaled \$2,032,586, consisting of \$1,267,332 of local funds and \$765,254 of capital funds.

Table 1: The Commission's Total FY 2020 Budget (dollars in thousands)

Personnel Services (Salaries and Benefits)	\$ 799,977
Non-Personnel Services	\$ 467,355
Total Operating Budget	\$1,267,332
Capital Funds	\$ 765,254
Grant Funds	\$ 0
Total Agency Budget	\$2,032,586
Total Number Agency Employees	7

Table 2: The Commission's Total FY 2019 Budget (dollars in thousands)

Personnel Services (Salaries and Benefits)	\$ 706,844
Non-Personnel Services	\$ 512,069
Total Operating Budget	\$1,218,913
Capital Funds	\$ 0
Grant Funds	\$ 0
Total Agency Budget	\$1,218,913
Total Number Agency Employees	6

Between FY 2019 and FY 2020, the Commission's budget increased by 66.8%. The increase in funding was the result of funding for a new agency position and capital funding provided for the MPD Arrest Data Enhancement Project.

IV. Commission's Work

A. Commission Activities

The full Commission met eight times in 2019 to address Guidelines, sentencing policy, criminal justice, and agency related issues. All 2019 Commission meetings were open to the public.

The Commission met on the following dates in 2019:

February 19, 2019	June 18, 2019
March 19, 2019	September 17, 2019
April 23, 2019	October 15, 2019
May 21, 2019	November 19, 2019

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 made changes to the Guidelines and released several publications, including the 2018 Annual Report, the 2019 Guidelines Manual, Fast Facts sheets

for Homicide and Assault With Intent to Kill offenses, and an Issue Paper focusing on long split sentences. Additionally, the Commission concentrated its efforts on three major projects. The first project involved the re-ranking of Felon in Possession, Prior Crime of Violence. The second focused on developing a comprehensive multi-year outreach and educational strategy. Finally, the Commission examined juvenile sentencing trends under Title 16.

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 Fourth Street NW, Suite 430 South, Washington, D.C. 20001.

B. Committee Activities

In addition to the meetings of the full Commission, several working committees meet on a regular, or sometimes ad hoc basis, to formulate recommendations on specific sentencing issues for action by the full Commission. The following represents an overview of the Commission's committee structure and recent work.

1. Research Committee

The Research Committee's 2019 work focused on examining the various definitions of "violent offenses" to ensure its violent crime data is presented in the most accurate and informative manner. Four different definitions of violent crimes were discussed. The Commission decided to retain the Commission's current violent offense category definition used in the Annual Report, but to also include an analysis on "Crimes of Violence" matching the statutory definition under D.C. Code § 23-1331(4) in a new Appendix of the Annual Report.

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 2019, the Guidelines Implementation Committee addressed possible changes to the Sentencing Guidelines Manual and ranked one new offense and re-ranked one offense. The changes to the Guidelines Manual and the new offense rankings are discussed in Chapter Two of this Report.

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 2019, the Commission published the following documents:

- The 2018 Annual Report
- The 2019 Voluntary Sentencing Guidelines Manual
- Fast Facts (2) on Homicide and Assault With Intent to Kill
- Issue Paper on Long Split Sentences

2. Website

The Commission's website increases transparency and public awareness of the Commission's activities. The website provides detailed information about the Guidelines and makes current sentencing data and Commission research easily accessible. Visitors can 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;
- Data Dictionary with definitions for all publically available shared data;
- Data set for all 2019 felony sentences (without identifying information);
- Data and charts displaying information about felony sentences and sentencing trends;
- Date, location, and agenda for the next Commission meeting;
- Guidelines updates and alerts;
- Electronic copy of the current Guidelines Manual, as well as all prior versions of the Manual;
- Guidelines Master and Drug Grids;
- Minutes from prior Commission meetings;
- 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;
- Chronology of the Guidelines and the Commission;
- List of Commission members;
- Sentencing data request forms;
- Frequently asked questions (FAQ) section that provides detailed answers to common Guidelines questions;
- Glossary of Guidelines and sentencing terminology;
- Self-guided 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 eight years, the Commission staff has continually expanded the features available on the agency's website. In 2019, the Commission added sentencing data sets, access to new publications such as Fast Facts and Issue Papers, and updates to the Guidelines

through its Guideline Alerts. As a result of these additions and improvements, web traffic has continually increased yearly.³ The Commission's website received 19,451 visits in calendar year 2019. This was a slight increase over the 19,123 visits the website received in calendar year 2018, but a significant increase over the 796 website visits in calendar year 2011.

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 data and analysis from individual Commission members, Council members, the Mayor's Office, other government agencies, organizations, educational institutions, researchers, legal practitioners, and the general 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 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 sentenced individuals or returning citizens. The Commission does not provide individual case sentencing information or information that would allow for the identification of defendants.

In calendar year 2019, the Commission received 67 data requests, representing a 42% increase over the number of data requests received in 2018. The agency spent 932 staff hours responding to data requests.

The following are examples of data requests the Commission received and responded to in 2019:

- Distribution of sentence type and lengths imposed for individuals 18-24 years of age for 2017, 2018, and 2019
- Sentences imposed from 2014-2019 for Possession of Drug Paraphernalia for Personal Use
- The number of sentences imposed 2010 -2019 with a period of imprisonment not less than 15 years
- Total number of sentences and types imposed between 2010-2019 for Attempted Distribution of Cocaine and Distribution of Cocaine.

4. Guidelines Training and Education Sessions

The Commission conducts group and individual Guidelines training sessions throughout the year. In calendar year 2019, Commission staff provided 14 in-person Guidelines training sessions to more than 106 individuals. Anyone interested in arranging an individual or group-training session should contact the Commission at scdc@dc.gov.

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

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 at all times. 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 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 and 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 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 responds to approximately 400 Guidelines and information inquiries every year (398 in FY 2017, 409 in FY 2018, and 438 in FY 2019). 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 was compliant with the Guidelines.⁵

6. Inter-Agency Collaboration

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

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.

- Criminal Justice Coordinating Council (CJCC) - This agency serves as the forum for identifying issues and their solutions, proposing actions, and facilitating cooperation between local and federal actors 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.
- Inter-Agency Security Workgroup (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 by identifying trends, strengths, and weaknesses of the process.

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 the 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 modified the Guidelines Master or Drug Grids that set out the recommended sentencing range and options for any ranked felony offenses. In 2019, the Commission ranked one new felony offense enacted by the Council and re-ranked one felony offense. Additionally, while the Commission did not make any major substantive policy changes to the Guidelines in 2019, it did make several technical changes to clarify the rules set forth in the Guidelines Manual.

I. New Offense Rankings

In 2019 the Commission ranked the following new felony offense:

Possession of a Large Capacity Ammunition Feeding Device - D.C. Code § 7-2507.06(a)(4)

Maximum Sentence: three years imprisonment

Guidelines Offense Severity Group Ranking: Master Group 9

In 2019 the Commission re-ranked the following offense:

Unlawful Possession of a Firearm: Prior Conviction > 1 Year, Crime of Violence other than Conspiracy – D.C. Code § 22-4503(b)

Maximum Sentence: 15 years

Previous Guidelines Offense Severity Group Ranking: Master Group 6

New Guidelines Offense Severity Group Ranking: Master Group 7

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 guideline sentencing options and prison range for each such an offense."

II. Substantive Changes to the Guidelines Rules and Manual

The Commission made the following substantive changes to the Guideline Rules in 2019:

Chapter 2:

- Section 2.2 – Criminal History Score

Subsection (f) has been edited to delete the suggestion that the window might start on the day of sentence, so that the subsection now reads:

... the date on which a sentence was completed relative to the commission of the crime in the instant case.

- Section 2.2.3 – Which Prior Adult Convictions Count

The word “lapsed” has been replaced with the word “revived” in the third sentence of the third paragraph, so that the sentence now reads:

Refer to the table in Section 2.2.2 for scoring of revived felony convictions.

III. Technical Changes to the Guidelines Manual

The Commission made the following technical changes to the Guideline Manual in 2019:

Chapter 1:

- Section 1.1 – Statement of Purpose and Principles

The first sentence of paragraph 2 has been updated to capitalize the word Grids, so that the sentence now reads:

Following the lead of other jurisdictions and an earlier effort in the District, the Commission developed two Grids ...

Chapter 3:

- Section 3.3 – Probation (ESS All)

The second paragraph has been moved into a footnote.

Chapter 7:

- Section 7.1 – Box definition

The third sentence has been updated to include a reference to the Drug Grid, so that the sentence now reads:

Boxes are identified by using the number of the offense of conviction group (M1- M9 or D1-D4) and the letter of the criminal history column (A-E).

Appendix A:

- Master Grid

The designation for Possession of a Firearm During a Crime of Violence in Master Group 5 now reads:

PFCOV

The offense of Possession of a Firearm – Prior Crime of Violence was added to the list of offenses in M7:

FIP – PCOV

The designation for Possession of a Firearm – Prior Felony in Master Group 8 now reads as follows, with a footnote to clarify that the offense includes both possession by convicted felons and possession by people who have been convicted of an intra-family offense within the past five years:

FIP

Appendices C and C1:

The Supervised Release column has been updated to accurately reflect the amount of supervised release that must be imposed, depending on the sentence imposed, so that the header row now reads:

Supervised Release

If > 1 year, years

If ≤ 1 year, up to years

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 three sources: Superior Court, CSOSA, and individual judges. 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. Finally, individual judges provide case-specific information in response to Commission staff inquiries regarding perceived non-compliant departures from the Guidelines.

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 sentencing 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.

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 updates are performed nightly, ensuring 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 "*snap shot*," ensures consistent and accurate reporting of the sentencing decisions made during a given year. The snap shot data is frozen in time and will not be affected by modifications or updates that may occur in subsequent years. As a result, snap shot data is static, allowing year-to-year data comparisons. For example, the snap shot data allows the Commission to report on a case from 2015 that was modified in 2016. While GRID records the 2016 sentence modification, the annual snap shot 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 a defendant's CH score for most felony counts, which is entered directly into the GRID system by CSOSA through GSS. In addition to a defendant'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 Grid⁸, to determine an offender's recommended range and available sentencing options based on the offense of conviction and the offender's CH score. 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 process⁹ to determine if the sentence imposed is actually compliant with the Guidelines. 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 to verify the non-compliant sentence imposed.

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.

CHAPTER FOUR: SENTENCING AND COMPLIANCE TRENDS

This chapter provides an overview of felony sentences imposed by Superior Court judges during 2019, including judicial compliance with the Guidelines. Data used in this chapter includes all felony convictions initially sentenced between January 1, 2019, and December 31, 2019, without regard to the date of the offense, plea, or verdict. This chapter focuses on felony sentencing patterns by sentence type, offense category, and offender characteristics. The analyses presented do not include sentences for misdemeanor offenses, including criminal traffic related offenses, which are currently beyond the purview of the Guidelines.

In addition to presenting an overview of sentencing in 2019, this chapter also includes a comparison of felony sentencing trends and Guidelines compliance from 2010 through 2019. This broader comparative analysis covering the past ten years highlights changes in sentencing patterns, as well as the implications of modifications to criminal statutes and the Guidelines during this timeframe.

In order to analyze the multiple aspects of sentencing, data analysis is performed at three levels: count level, case level, and person 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, person level analysis identifies trends related specifically to the felony population sentenced in Superior Court in 2019. Each case may have one or more counts and each defendant may have one or more cases in a given calendar year.

The Commission determined that in order to effectively compare sentencing trends from year to year, it is necessary to capture or “freeze” the data for each calendar year. This ensures a true comparison of sentencing trends over time. As previously described, this data is referred to as annual “snap shot” data, which captures felony sentences from January 1 through December 31 of a given year. The first annual “snap shot” was taken in 2013 and includes data from 2010 through 2013. Subsequent annual snap shots 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 snap shot data, depending on the specific type of analysis completed. Starting in 2016, the Commission began using only snap shot data in its Annual Report. Limiting analyses to the snap shot 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 to use snap shot data accounts for discrepancies between the data reported in pre-2016 Annual Reports. Beginning with the 2016 Annual Report, the data is 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 of the GRID system was a significant undertaking for the Commission, since it represented the agency’s first fully automated data system. As with the implementation of any

large and complex data system, adjustments and modifications were 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 Guideline 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 compliance status 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 in order to improve the ability of its 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 have been resolved. Moving forward, the Commission is able to 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).

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 offender'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 that identify an offender's criminal history group. 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. Felony Sentences Imposed in 2019

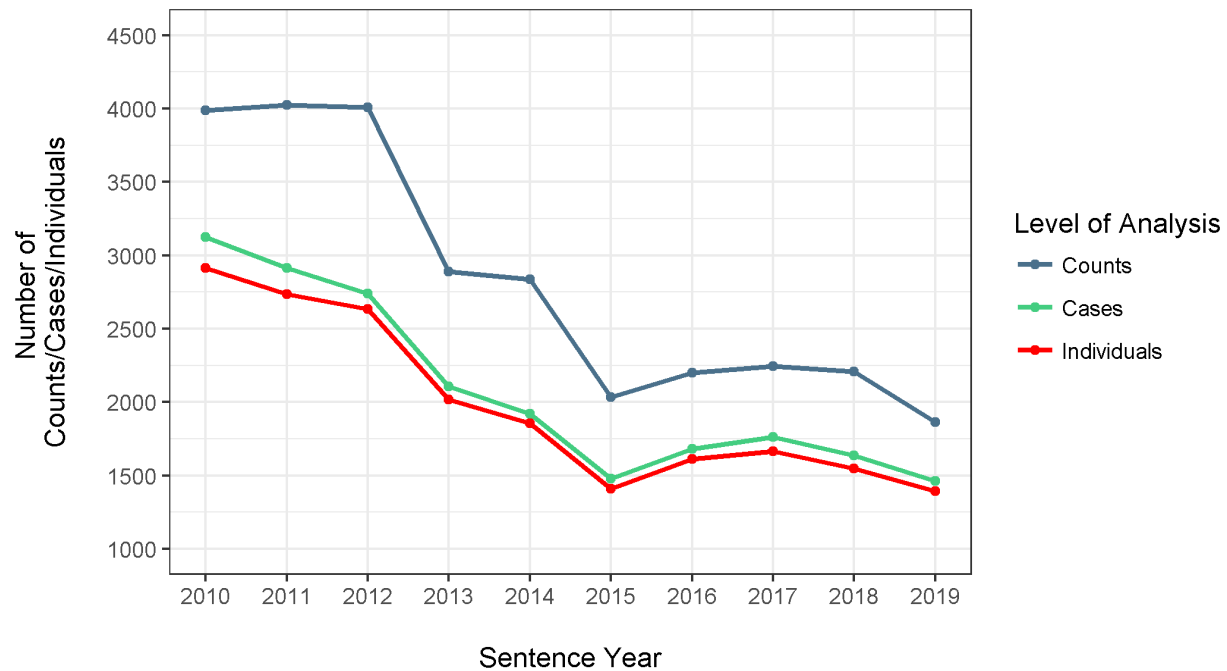
There were 1,393 individuals sentenced for felony offenses in 2019. These individual convicted of felony offenses were sentenced in 1,464 cases, consisting of 1,865 individual felony counts. Of the 1,464 felony cases, 472 involved a single felony count and 992 involved multiple felony counts.

As shown in Figure 2, the number of felony counts, cases, and individuals sentenced steadily decreased between 2010 and 2015, and experienced an increase in 2016, which continued into 2017. This was followed by a slight decrease in 2018, which was the first time a decrease occurred at the count, case, and offender levels since 2015. In 2019, this decrease continued at a higher rate. Compared to 2018, in 2019 there was a 16% decrease in the total number of counts (343 fewer), an 11% decrease in the total number of cases (171 fewer), and a 10% decrease in the total number of individuals sentenced (153 fewer).

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+).

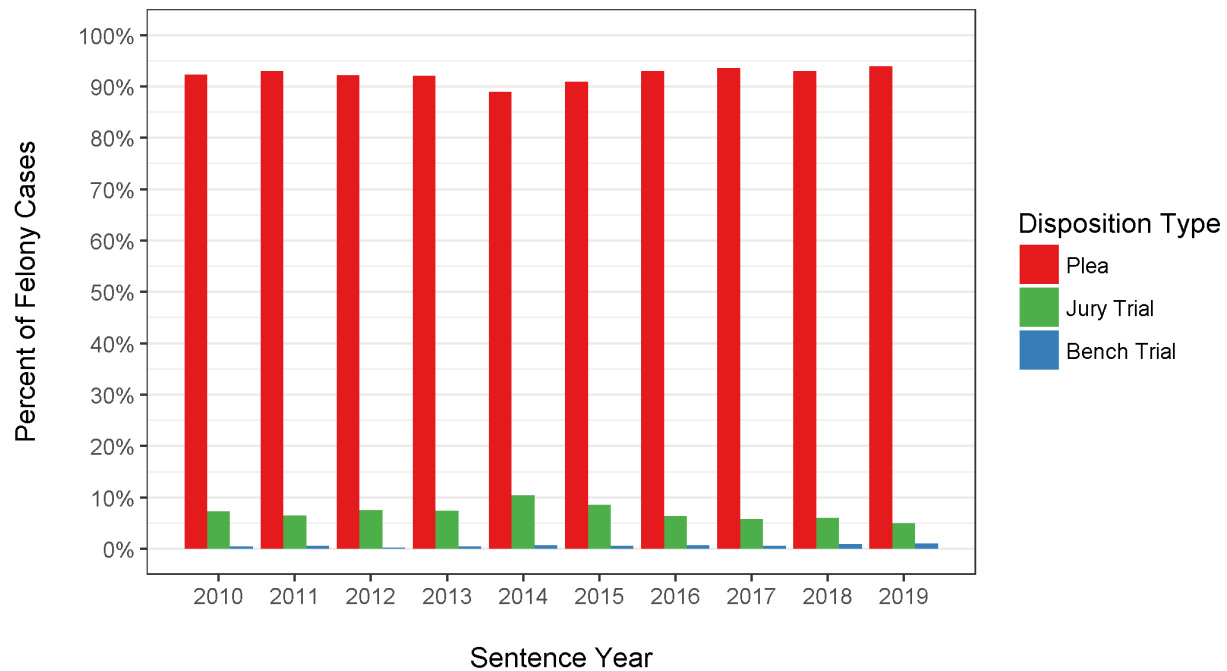
Figure 2: Felony Sentences by Year (2010 - 2019)



	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Counts	3988	4024	4007	2891	2835	2033	2201	2244	2208	1865
Cases	3125	2913	2739	2105	1919	1477	1683	1762	1635	1464
Individuals	2913	2737	2635	2016	1854	1410	1611	1666	1546	1393

Figure 3 presents the disposition of felony cases sentenced in calendar years 2010 through 2019. Similar to 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 2019, this rate was five percent, representing the lowest percentage of cases disposed through a jury trial since 2010. This decrease is offset by slight increases in both guilty pleas and bench trials. The percentage of sentences resulting from bench trials has remained at or below approximately one percent between 2010 and 2019.

Figure 3: Disposition Type, Case Level (2010 - 2019)

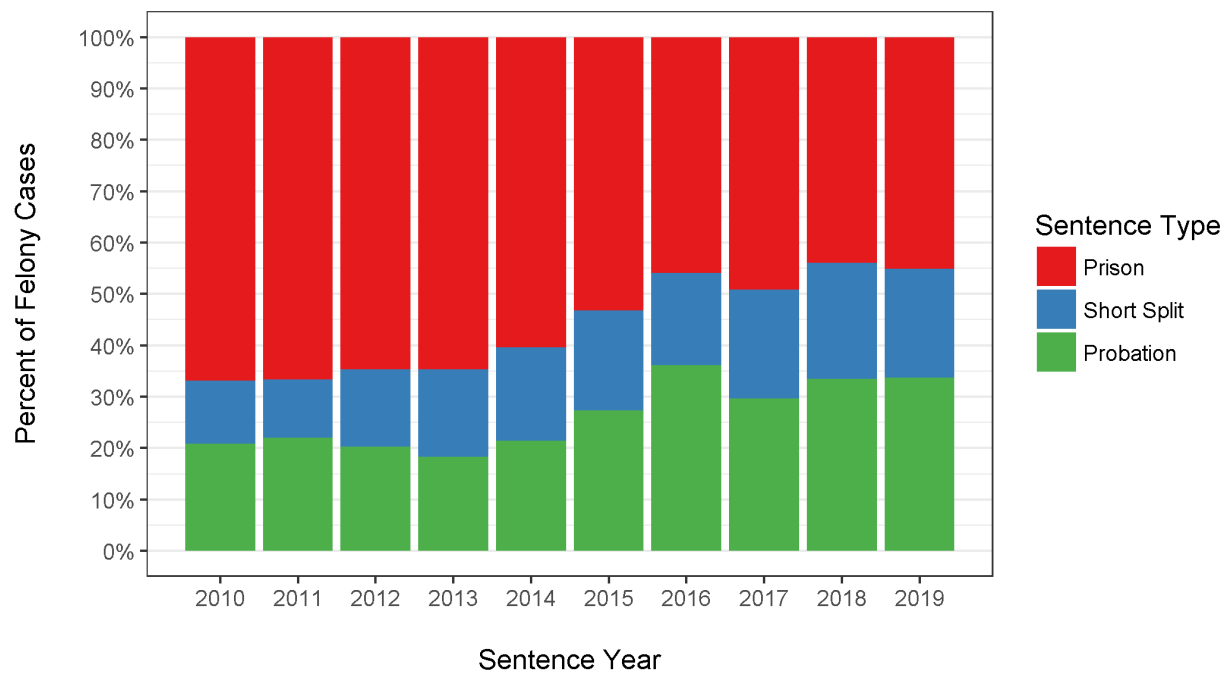


	2010 (N=2118)	2011 (N=1868)	2012 (N=1779)	2013 (N=1290)	2014 (N=1918)	2015 (N=1476)	2016 (N=1683)	2017 (N=1762)	2018 (N=1635)	2019 (N=1464)
Plea	92.3%	93.0%	92.1%	92.1%	88.9%	90.9%	93.0%	93.5%	93%	93.9%
Jury Trial	7.3%	6.5%	7.6%	7.4%	10.4%	8.5%	6.4%	5.8%	6.0%	5.0%
Bench Trial	0.5%	0.5%	0.3%	0.5%	0.7%	0.5%	0.7%	0.6%	1.0%	1.1%

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 2010 to 2018. In 2019, the percentage of cases that received a prison sentence (45%) remained consistent to 2018 (44%). The percentages of cases receiving short split or probation sentences also remained comparable to the previous year (Figure 4).

Figure 4: Sentence Type, Case Level (2010 - 2019)



	2010 (N=2158)	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)
Prison	66.8%	66.7%	64.6%	64.7%	60.4%	53.2%	45.9%	49.1%	44.0%	45.1%
Short Split	12.3%	11.4%	15.0%	17.1%	18.2%	19.5%	17.9%	21.2%	22.6%	21.2%
Probation	20.9%	22.0%	20.3%	18.3%	21.4%	27.3%	36.2%	29.6%	33.5%	33.7%

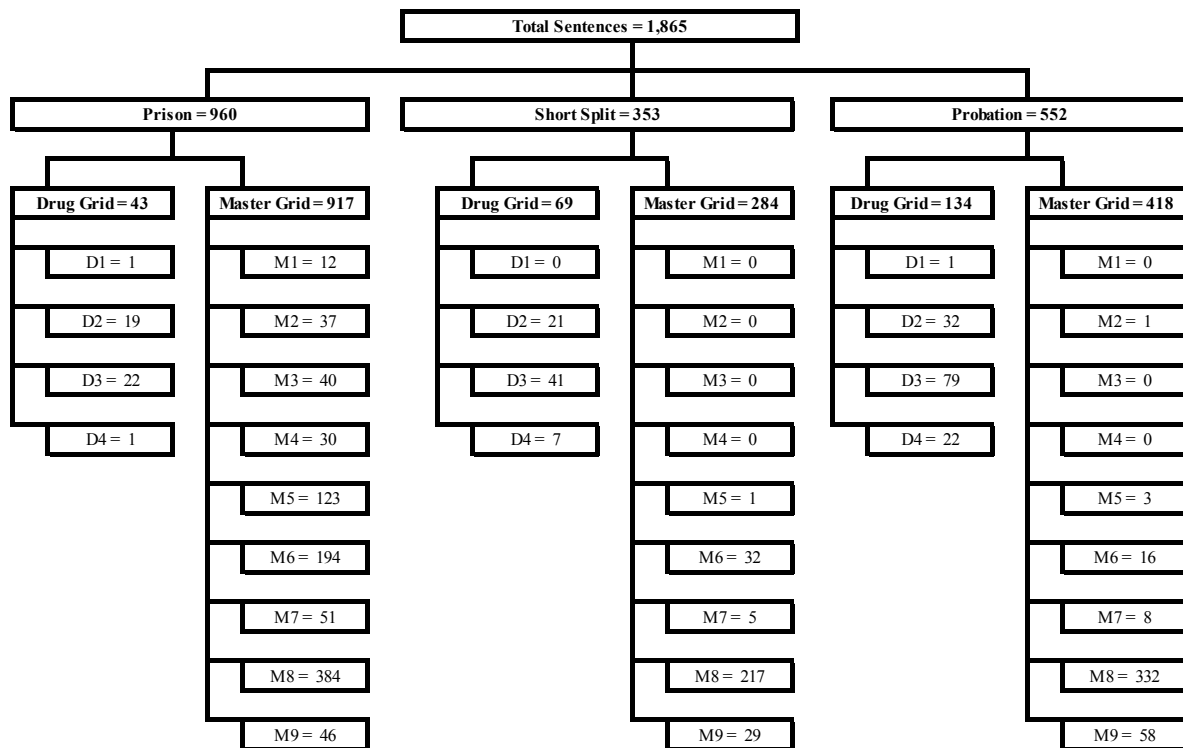
Under the Guidelines, a prison sentence is an available sentencing option in every Grid box. Compliant probation and short split sentences are only available in 22% of the boxes on the Master Grid (10 out of 45) and 70% of the boxes on the Drug Grid (14 out of 20).¹³ These types of sentences are typically imposed for less severe offenses and/or offenders with limited criminal histories. However, some offenses are subject to mandatory minimum sentencing provisions, which require judges 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 5 shows a count-level distribution of sentence types imposed in 2019 for each OSG on the Master and Drug Grids.

¹³ 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 5: Counts Sentenced by Offense Severity Group (2019)



As shown above, prison was the most frequent sentence type in all OSGs, except M9 in the Master Grid and D2, D3, and D4 in the Drug Grid. In these latter OSGs, probation was the most frequent sentence type imposed. The majority (58%) of felony Drug counts sentenced was in OSG D3 (142 sentences). In the Master Grid, counts sentenced in OSG M8 (933 sentences) constituted 58% of felony non-Drug sentences. In 2018, this rate was 45%.

Table 3 below presents¹⁴ the average CH score by sentence type and OSG for felony counts sentenced in 2019. This table also highlights OSGs where no probation and/or short split sentences were imposed.

¹⁴ 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 (2019, N=1,865)

	Prison		Short Split		Probation	
OSG	% of Counts	Average CH Score	% of Counts	Average CH Score	% of Counts	Average CH Score
M1 (N=12)	100%	3.2				
M2 (N=38)	97%	2.3			3%	7.8
M3 (N=40)	100%	2.1				
M4 (N=30)	100%	1.7				
M5 (N=127)	97%	1.9	1%	2.5	2%	0.0
M6 (N=242)	80%	2.2	13%	0.1	7%	0.3
M7 (N=64)	80%	2.5	8%	0.4	12%	0.4
M8 (N=933)	41%	2.4	23%	0.7	36%	0.5
M9 (N=133)	35%	2.6	22%	1.9	44%	1.2
D1 (N=2)	50%	1.5			50%	0.0
D2 (N=72)	26%	3.1	29%	1.9	44%	0.9
D3 (N=142)	15%	3.4	29%	2.4	56%	1.6
D4 (N=30)	3%	1.8	23%	3.1	73%	1.9

As shown in the table above, the percentage of counts sentenced to prison increased in accordance with the severity of the offense in both Master and Drug Grids. For all Master Grid OSGs except M8 and M9, the proportion of prison sentences remained at or above 80%. In descending order of severity, M2 was the most severe OSG on the Master Grid in which a non-prison sentence was imposed,¹⁵ followed by M5. By comparison, M8 in the Master Grid and D2 in the Drug Grid were the first OSGs in which prison represented less than half of the sentences imposed (41% and 26%, respectively).

In previous years, the percentage of counts sentenced to prison in OSG M7 had remained at or above 87%. In 2019, however, the percentage of prison sentences in this group decreased to 80%. This was offset by an increase of short split and probation sentences; specifically OSG M7 probation sentences increased from 2% in 2018 to 12% in 2019.

The percentage of prison sentences in OSG M9 has continued to decrease from 2010 forward. In 2010, 80% of counts sentenced in this OSG received a prison sentence. This rate has consistently decreased from 60% in 2014, 44% in 2017, and 35% in 2019.

Table 4 below provides the percentage of felony cases sentenced in each OSG from 2010 through 2019. Cases sentenced in OSG M7 increased from one percent in 2010 to a high of 12%

¹⁵ In 2019, one non-prison sentence was imposed in M2 for a Murder II (Accessory After The Fact) offense that was sentenced to probation through a compliant departure.

in 2017, decreasing substantially to only three percent in 2019. This decrease was primarily due to re-ranking Unlawful Possession of a Firearm, Prior Felony (“FIP”) from OSG M7 to OSG M8. In turn, the percentage of cases sentenced in OSG M8, which had remained between 30% to 40% of cases sentenced between 2014 and 2018. In 2019, the percentage reached 53%, the highest percentage over the ten year period.

Table 4: Felony Sentences Imposed by Offense Severity Group, Case Level (2010 - 2019)

	M1	M2	M3	M4	M5	M6	M7	M8	M9	D1	D2	D3	D4
2010 (N=2149)	0.7%	0.9%	1.0%	0.4%	3.1%	6.0%	1.4%	11.3%	9.0%	0.7%	27.3%	38.2%	0.0%
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%

3. Classification of Offense Categories

Listed below are the Commission’s offense categories and common offenses within each category:¹⁶

- 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:
 - Homicide: First Degree Murder, Second Degree Murder, and Voluntary and Involuntary Manslaughter;
 - Violent offenses: Armed, Unarmed, and Attempted Robbery, Assault with a Dangerous Weapon, Aggravated Assault, Carjacking, and Kidnapping;

¹⁶ See Appendix F for additional information regarding sentences by offense type.

- 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”)¹⁷, Unlawful Possession of a Firearm with a Prior Crime of Violence (“FIP-PCOV”)¹⁸, and Possession of a Firearm During a Crime of Violence (“PFCOV”)¹⁹; and
- Other Offenses: Prison Breach, Fleeing Law Enforcement, Obstruction of Justice, and Bail Reform Act (“BRA”) violations.²⁰

When combining Homicide, Violent, and Sex offenses in a single category, Figure 6 presents historical sentencing trends for violent, non-violent, and Drug sentences. See Figures 10, 11, and 12 below for offense category analyses, and Appendix G for information pertaining specifically to Crimes of Violence, defined by D.C. Code § 23-1331(4).

As shown in Figure 6, beginning in 2012, the number of sentences for non-violent offenses consistently surpassed sentences for violent offenses. The number of non-violent and violent offenses sentenced followed a similar pattern between 2010 and 2015, diverging however from 2016 onwards. Homicide, Sex, and Violent sentences, when combined, demonstrated a slight but steady decrease from 2015 onwards, declining from 838 sentences in 2015 to 705 in 2019, which represented a 16% decrease over this time period. Weapon, Property, and Other sentences (combined) fluctuated between 2015 and 2019, peaking at 1,014 sentences in 2018 and decreasing by 10% (to 914 sentences) in 2019.

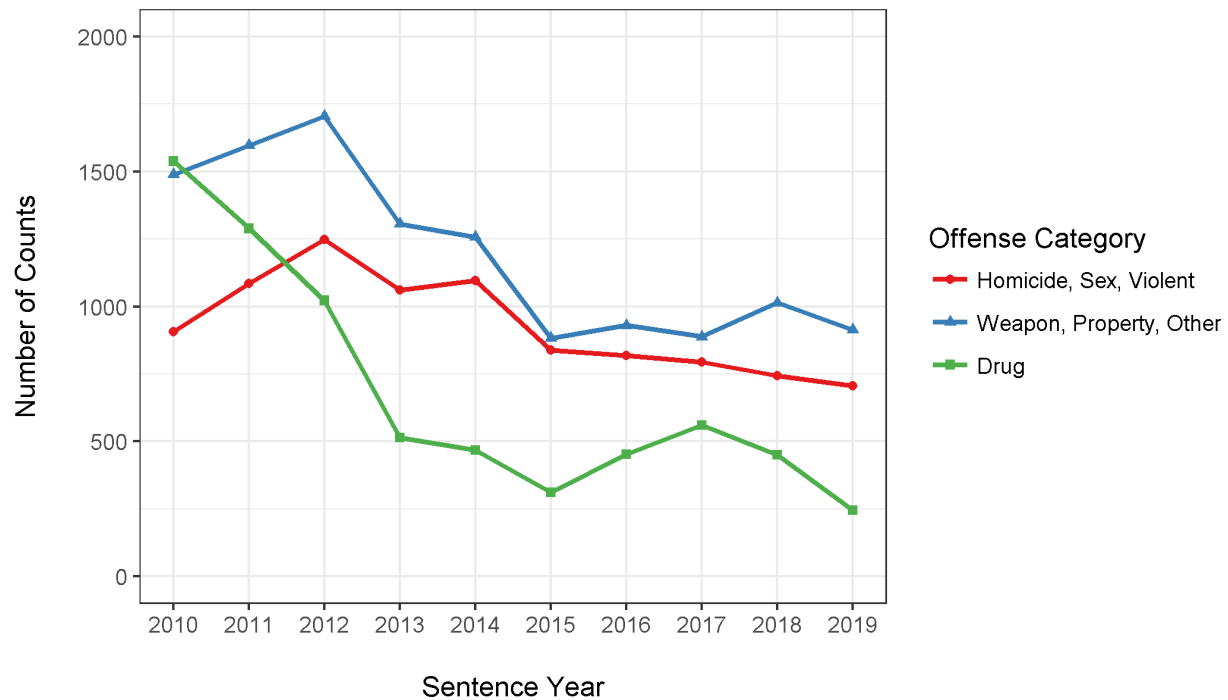
¹⁷ An FIP conviction has a 12-month mandatory minimum prison sentence. D.C. Code § 22-4503(a)(1).

¹⁸ An FIP-PCOV conviction has a 36-month mandatory minimum prison sentence. D.C. Code § 22-4503(b)(1).

¹⁹ A PFCOV conviction has a 60-month mandatory minimum prison sentence. D.C. Code § 22-4501(1), § 22-4504(b).

²⁰ A BRA conviction is the result of an offender failing to return to court as required. D.C. Code § 23-1327(a).

Figure 6: Sentenced Violent (Homicide, Sex, and Violent) and Non-Violent Counts (2010 - 2019)



	2010 (N=3934)	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)
Homicide, Sex, Violent	907	1085	1249	1060	1095	838	819	795	743	705
Weapon, Property, Other	1489	1597	1705	1306	1257	883	930	888	1014	914
Drug	1538	1289	1022	514	468	312	452	561	451	246

Figure 7 below presents the distribution of Drug and non-Drug offense categories at the case level in 2019. Overall, felony non-Drug offenses represented 85% of cases sentenced. Combined, the Violent and Weapon offense categories accounted for 63% of all sentences imposed, and 74% of all non-Drug sentences, at the case level. The Violent offense category represented the largest offense category (32% of all cases sentenced).

Figure 7: Offense Categories, Case Level (2019, N=1464)

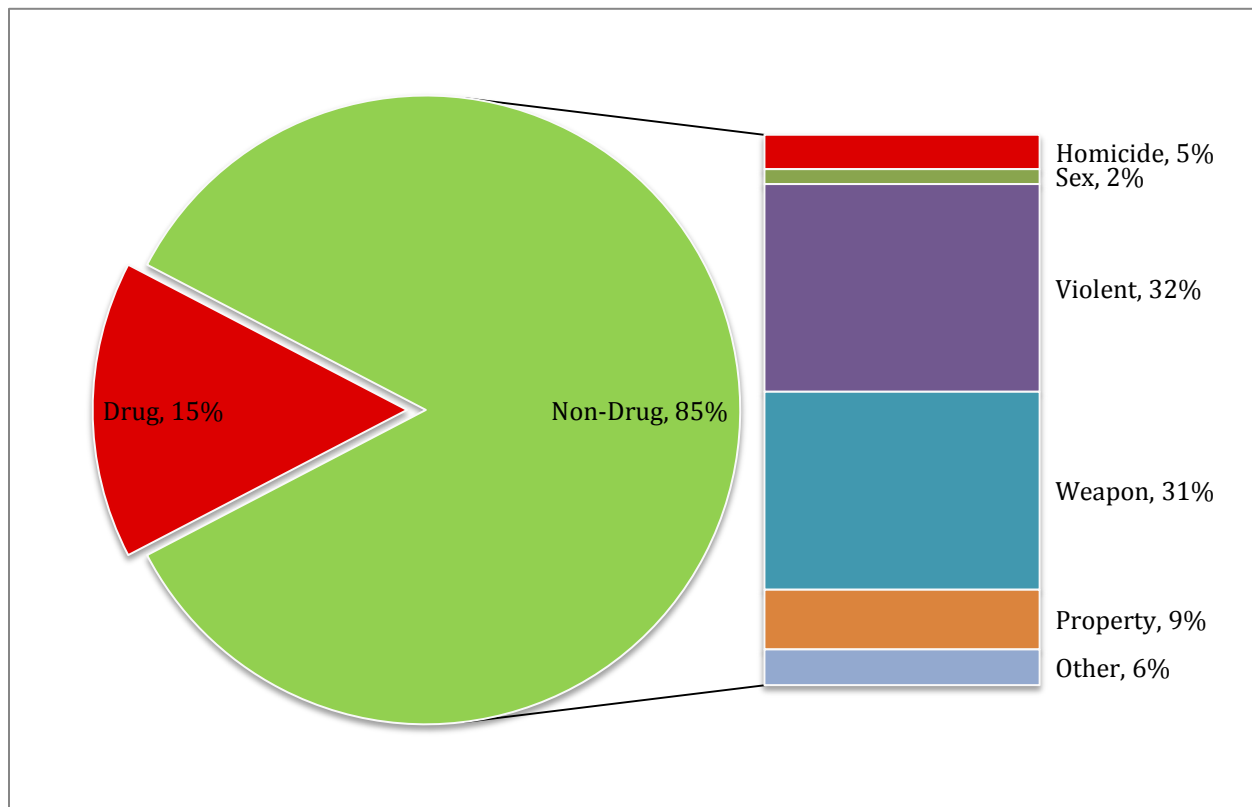
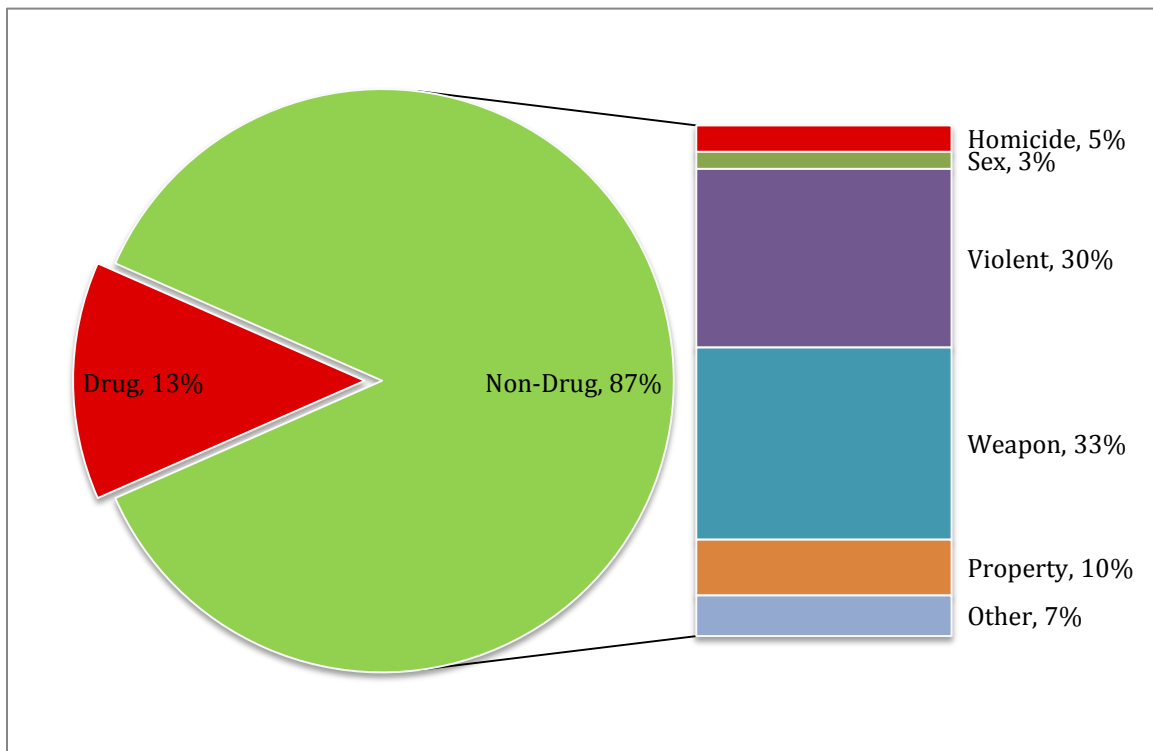


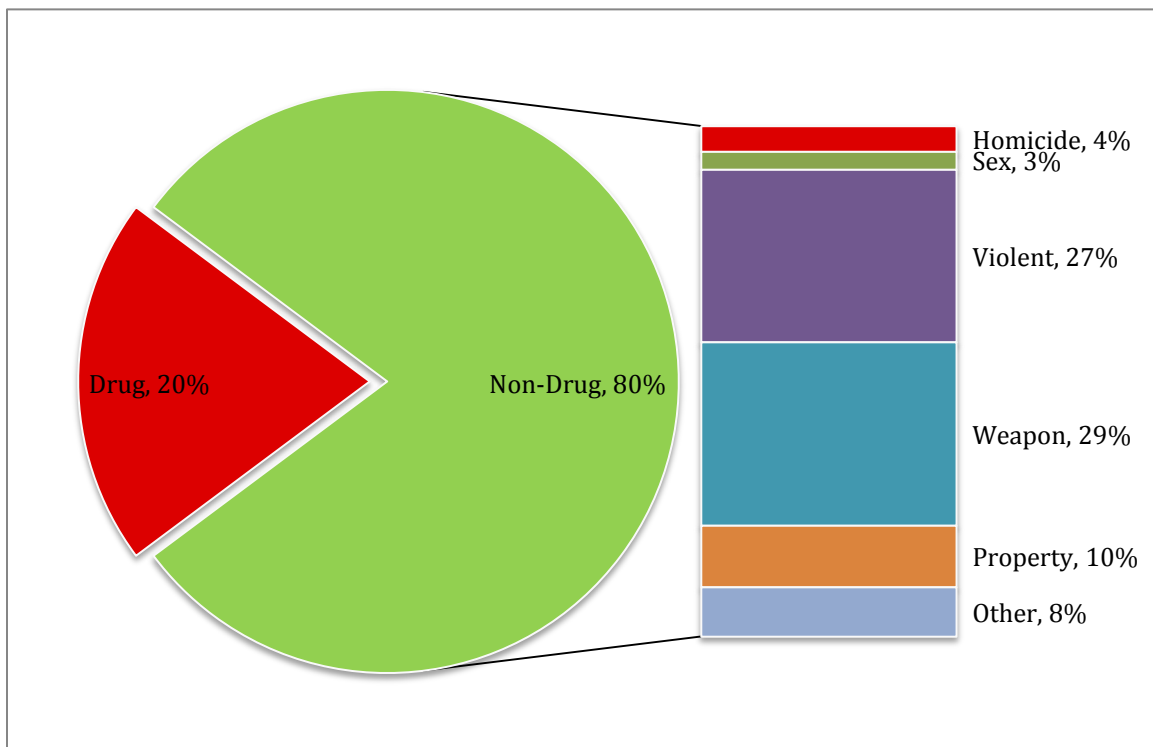
Figure 8 below compares the percentages of the Drug and non-Drug counts sentenced in 2018 and 2019. Felony non-Drug offenses represented 87% of all counts sentenced in 2019, which demonstrates an increase of seven percentage points from the 80% in 2018. The proportion of Drug counts has decreased by seven percentage points (20% in 2018 vs. 13% in 2019). Among non-Drug offense categories, between 2018 and 2019, Weapon offenses increased by four percentage points and Violent offenses by three percentage points compared to 2018.

Figure 8: Offense Categories, Count Level (2018 and 2019)

2019 (N=1865)

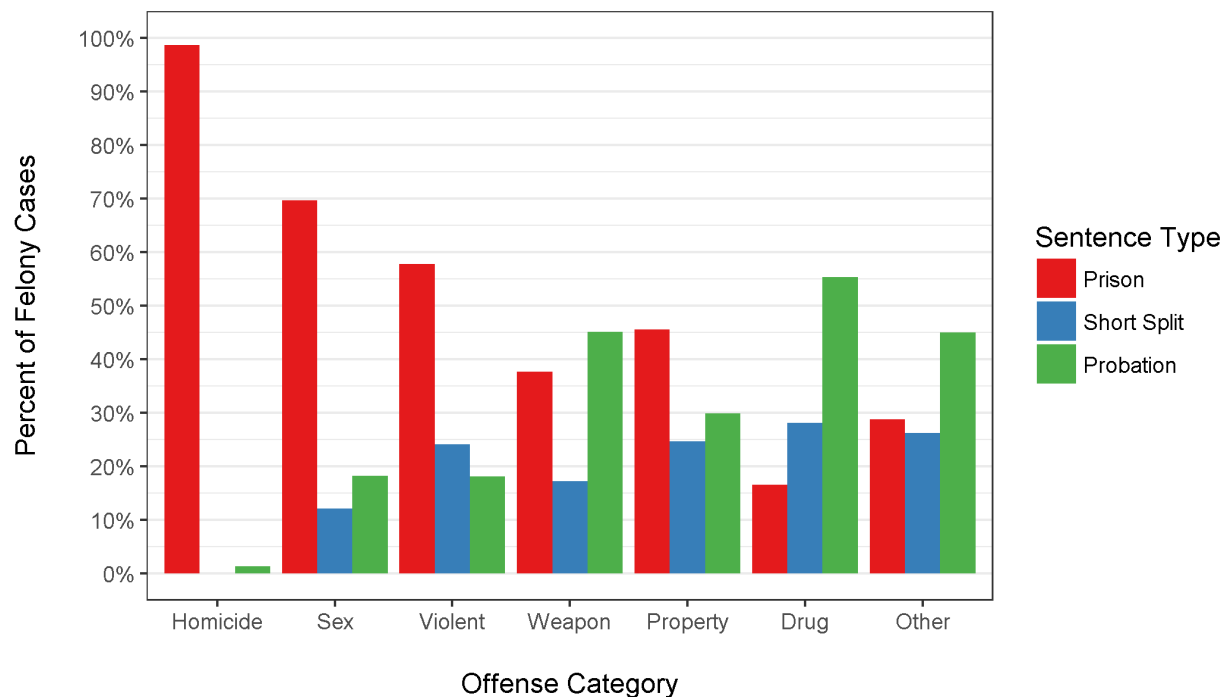


2018 (N=2208)



The percentage of probation, short split, and prison sentences imposed at the case level for each offense category in 2019 is presented in Figure 9 below. Prison is the predominate sentence type for Homicide, Sex, and Violent cases, but the least common for Drug cases. Similar to 2018, for all offense categories except Drug, the majority of cases received either a prison or short split sentence. More than half of Drug cases (55%) were sentenced to probation. Weapon and Sex cases sentenced to prison each decreased by approximately 10 percentage points between 2018 and 2019 – from 47% to 38% for Weapon cases and 80% to 70% for Sex cases.

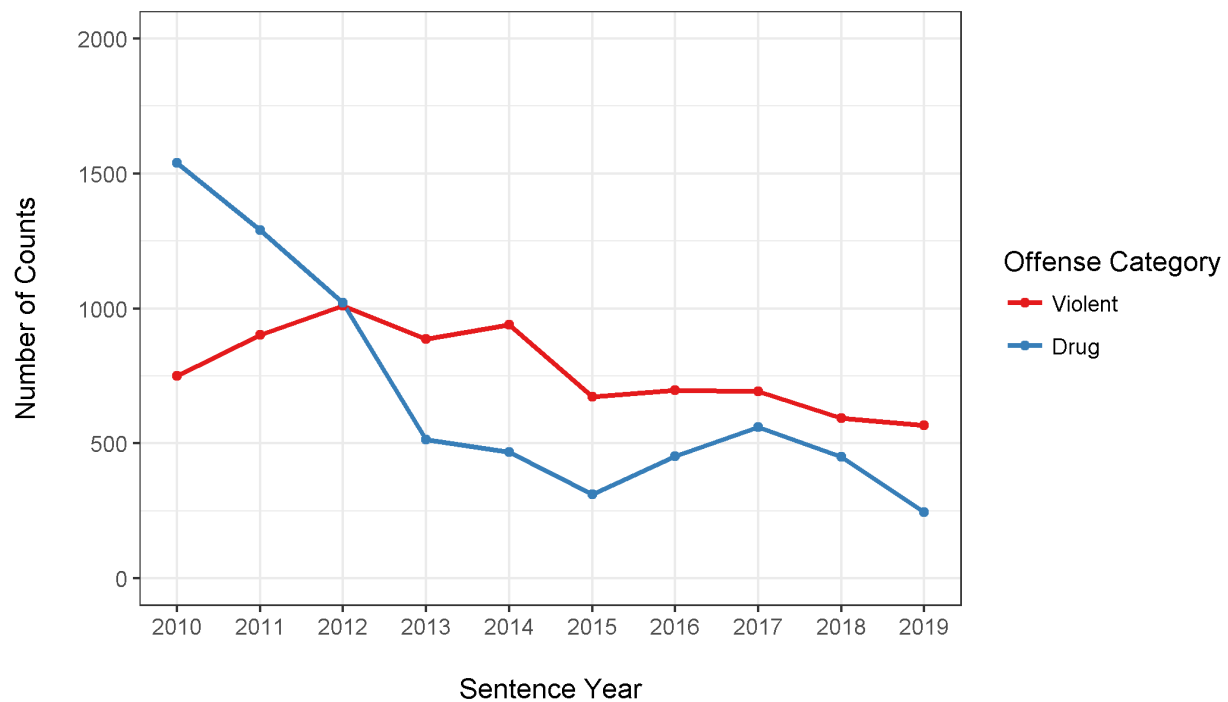
Figure 9: Offense Category by Sentence Type, Case Level (2019)



	Homicide (N=78)	Sex (N=33)	Violent (N=469)	Weapon (N=446)	Property (N=134)	Drug (N=224)	Other (N=80)
Prison	98.7%	69.7%	57.8%	37.7%	45.5%	16.5%	28.8%
Short Split	0.0%	12.1%	24.1%	17.3%	24.6%	28.1%	26.2%
Probation	1.3%	18.2%	18.1%	45.1%	29.9%	55.4%	45.0%

Figure 10 highlights trends in Drug and Violent counts sentenced. There is some volatility in the number of Violent counts sentenced between 2010 and 2015; however, since 2016, Violent offenses have remained fairly stable, with a slight decrease in 2018. Drug offenses, which steadily declined from 2010 through 2015, began to increase until 2017, and continued to decline into 2019 reaching their lowest level during the 10 year period.

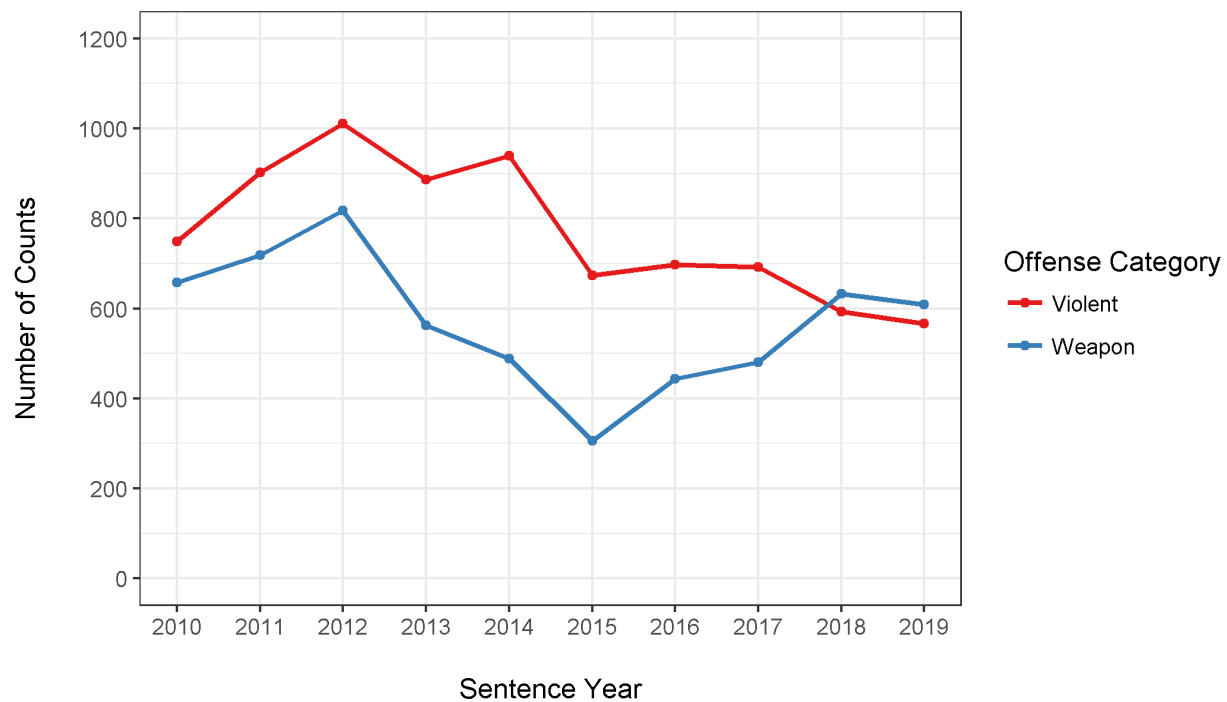
Figure 10: Sentenced Drug and Violent Offense Counts (2010 - 2019)



	2010 (N=2287)	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)
Violent	749	902	1011	886	939	674	697	692	593	567
Drug	1538	1289	1022	514	468	312	452	561	451	246

Figure 11 provides data on Weapon and Violent offenses. In 2019, the number of Weapon and Violent offenses sentenced both decreased slightly by four percent from 2018. Weapon offenses continued to surpass Violent offenses from 2018 to 2019. Violent offenses reached their low number since 2010, with 567 counts sentenced in 2019. Similar to 2018, Robbery (225 counts) and Assault with a Dangerous Weapon (186 counts) constituted 73% of all offenses sentenced in the Violent offense category.

Figure 11: Sentenced Weapon and Violent Offense Counts (2010 - 2019)



	2010 (N=1407)	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)
Violent	749	902	1011	886	939	674	697	692	593	567
Weapon	658	718	817	563	488	306	444	481	632	609

Some of the 2019 trends in Weapon offenses included the following:

- The number of Weapon offenses sentenced did not change drastically between 2018 and 2019 (632 vs. 609 counts, respectively).
- Similar to 2018, CPWL and FIP were the most commonly sentenced Weapon offenses, followed by PFCOV. Combined, these three offenses constituted 92% of all Weapon offenses sentenced in 2019.
- Of the 609 Weapon offenses sentenced in the District, 52% were for CPWL, 32% for FIP, eight percent for PFCOV, and three percent for FIP-PCOV offenses. The number of CPWL counts sentenced increased by 15% from 2018, while the number of FIP and FIP-PCOV remained approximately the same. PFCOV experienced a sharp decline by 57%.
- In 2019, similar to 2018, the median sentence imposed for CPWL convictions was 10 months.²¹ More than half (61%) of these convictions were sentenced to probation.

²¹ 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.

- The majority of FIP, FIP-PCOV, and PFCOV counts were sentenced to prison (92%, 95%, and 98%, respectively).²² The high rate of incarceration is due to the mandatory minimum sentences that apply to these offenses.
- Among CPWL, FIP, FIP-PCOV, and PFCOV sentences, those for PFCOV had the highest median sentence imposed (60 months – the same as the mandatory minimum for this offense). Compared to 2018, the median sentence imposed for FIP-COV counts sentenced remained at 36 months, while that of FIP and PFCOV showed a slight decrease (from 24 to 18 months and from 72 to 60 months, respectively).

The Commission re-ranked FIP and FIP-PCOV offenses to address criminal history related issues. For both of these offenses, prior to this change, an offender’s prior felony conviction had the potential to increase the Guidelines recommended sentence for that offender twice: once by moving the offender to a higher OSG, and once again by moving the offender to a higher criminal history group (due to the prior felony conviction being scored).

FIP was re-ranked from OSG M7 to M8, which is the same OSG as CPWL, effective for any pleas or verdicts entered on or after July 16, 2018. FIP-PCOV was re-ranked from OSG M6 to M7, effective for any pleas or verdicts entered on or after July 15, 2019.

Note that *the Guidelines cannot legally reduce or increase the mandatory minimum sentence*, which is set in statute by the Council.²³ The mandatory minimum prison sentence is *one year* for FIP²⁴ convictions, *three years* for FIP-PCOV²⁵ convictions, and *five years* for PFCOV²⁶ convictions.

- The majority (91%) of the 195 FIP counts sentenced in 2019 were ranked in OSG M8. The median sentence imposed for these 178 counts was 18 months, which was six months less than the median sentence imposed for the remaining 17 counts (24 months) that were ranked in OSG M7 and sentenced in the same year. In both 2018 and 2019, both the median and the mean lengths of sentences imposed remained greater than the mandatory minimum sentence across CH Groups. However, as was noted in the Commission’s 2018 Annual Report, the re-ranking of FIP appears to have moved FIP sentences closer to the mandatory minimum.

²² 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).

²³ Judges are bound by mandatory minimum sentencing laws, which are enacted by the Council, for certain crimes of conviction. Where a mandatory minimum applies, judges have the discretion to sentence to a guidelines-compliant term of imprisonment in excess of the mandatory minimum, including imposing a sentence up to the statutory maximum. Mandatory minimum sentencing applies only to an offense of conviction. Offenses, for which a defendant may have been arrested, prosecuted, or indicted, but not convicted, do not create any obligation to sentence to a mandatory minimum term of incarceration. For instance, an offender who was arrested for FIP but who plead guilty to CPWL would not be subject to the mandatory minimum sentencing law that applies to FIP. 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).

²⁴ D.C. Code § 22-4503(a)(1).

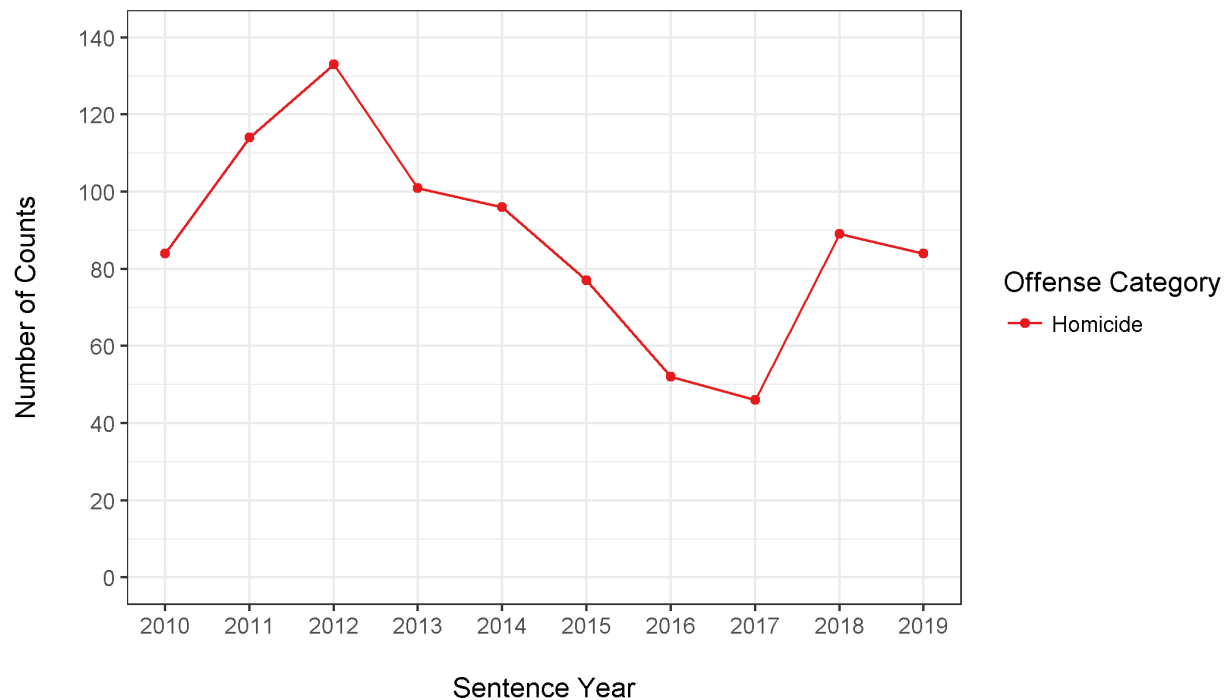
²⁵ D.C. Code § 22-4503(b)(1).

²⁶ D.C. Code § 22–4501(1), § 22–4504(b).

- Only 15% of the 20 FIP-PCOV counts sentenced in 2019 were ranked in OSG M7. Between 2018 and 2019, the median sentence imposed remained the same as the mandatory minimum for this offense (36 months), regardless of OSG and sentence year. However, *due care must be exercised when interpreting these results* due to the limited number of FIP-PCOV offenses ranked in M7 (n=3).

Figure 12 highlights trends in Homicide sentences. Homicide counts represented 876 (3%) of 28,296 felonies sentenced across all years between 2010 and 2019, and 84 of 1,865 counts (5%) in 2019 alone. Homicide counts sentenced increased by 94%, from 2017 (46 counts) to 2018 (89 counts). As shown below, Homicide counts sentenced experienced a slight decrease of six percent from 89 counts in 2018 to 84 counts in 2019. The lowest number of homicide counts was observed in 2017 (n=46), with the highest number in 2012 (n=133).

Figure 12: Sentenced Homicide Counts (2010 - 2019)



	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Homicide	84	114	133	101	96	77	52	46	89	84

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

1. Gender

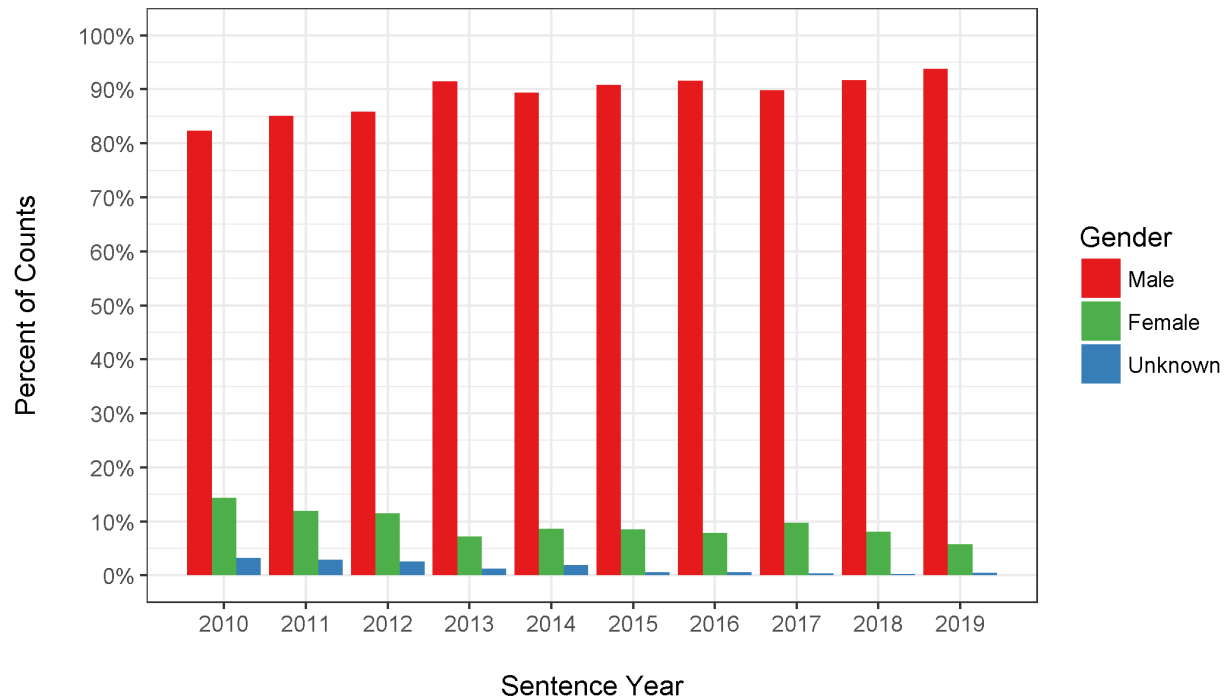
An offender's gender²⁷ was recorded for 1,387 of the 1,393 individuals²⁸ sentenced in 2019 (Figure 13). There were a total of 1,306 males and 81 females sentenced, representing 94% and

²⁷ The Commission's data on offender gender is a limited binary categorization (i.e. only male or female).

²⁸ Each case may have one or more counts, and each offender may have one or more cases in a given calendar year.

6% of the 2019 offender population, respectively. There was a two percentage point increase from 2018 to 2019 in the percentage of males sentenced, representing the highest percentage of males sentenced since 2010.

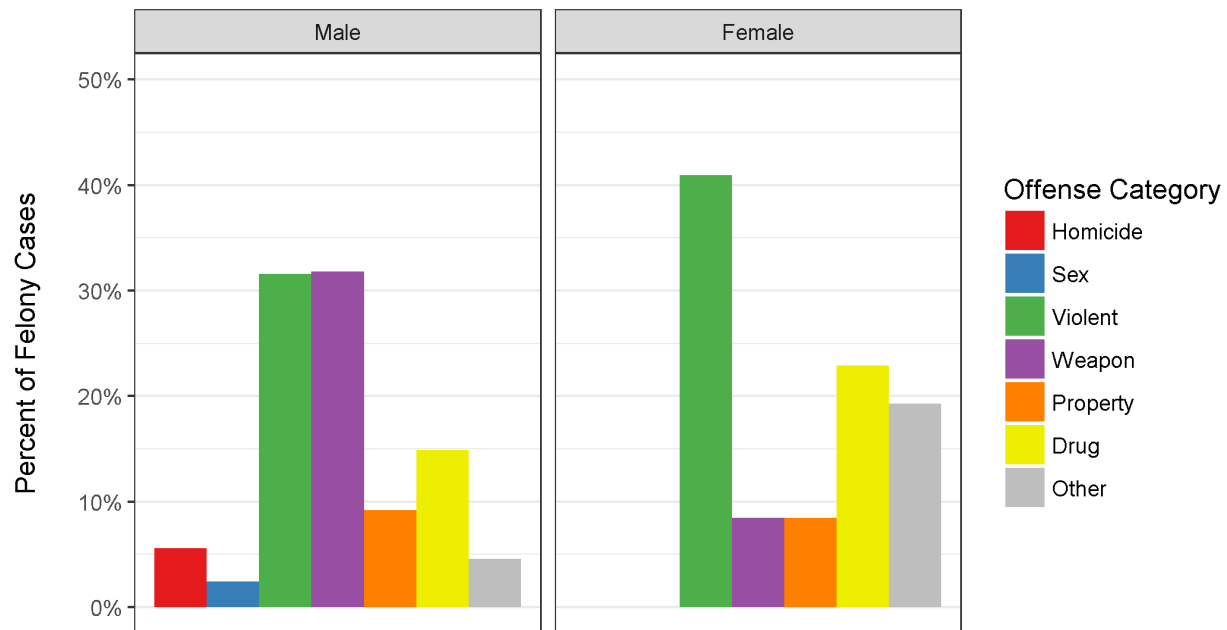
Figure 13: Felony Offenders by Gender (2010 - 2019)



	2010 (N=2913)	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)
Male	82.4%	85.1%	85.9%	91.5%	89.4%	90.9%	91.6%	89.9%	91.7%	93.8%
Female	14.4%	11.9%	11.5%	7.2%	8.7%	8.5%	7.8%	9.8%	8.1%	5.8%
Unknown	3.2%	3.0%	2.5%	1.2%	1.9%	0.6%	0.6%	0.4%	0.3%	0.4%

Figure 14 shows the distribution of offense categories by gender at the case level. Males were most frequently sentenced for Weapon (32%), Violent (32%), and Drug (15%) offenses. Among females, the most common offense categories sentenced were Violent (41%) and Drug (23%) offenses. The data indicated that no females were sentenced for Homicide or Sex offenses in 2019.

Figure 14: Gender by Offense Category, Case Level (2019)



	Homicide (N=77)	Sex (N=33)	Violent (N=468)	Weapon (N=444)	Property (N=133)	Drug (N=224)	Other (N=79)
Male (N=1375)	5.6%	2.4%	31.6%	31.8%	9.2%	14.9%	4.6%
Female (N=83)	0%	0%	41.0%	8.4%	8.4%	22.9%	19.3%

CH scores and sentences by gender are provided below in Tables 5a and 5b, at the case level.²⁹ In 2019, the average CH score for males was 1.6 (n=1,305) was twice that for females at 0.8 (n=78).

Table 5a: CH Score and Sentence Length by Gender, Case Level (2010 - 2019)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months) ³⁰			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2010	1,043	194	2.1	1.3	29	14	18	12
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	1.0	35	18	20	12

²⁹ 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.

³⁰ Sentence length imposed includes prison, short split and probation sentences.

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months) ³⁰			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2016	1,490	118	1.7	1.0	29	19	18	13
2017	1,550	169	1.8	1.1	29	18	18	12
2018	1,407	127	1.8	1.2	30	21	18	12
2019	1,305	78	1.6	0.8	31	18	18	12

Table 5b: Sentence Type by Gender, Case Level (2010 - 2019)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2010	18%	38%	12%	22%	70%	40%
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%

For a case-level breakdown of recent sentences and CH Scores by gender and offense categories, see Appendix F.³¹ Some of the differences between sentence type and sentence length for males and females can be explained by the types of offenses for which each gender is typically sentenced. Such differences can also be attributed, in part, to limited criminal history, parental responsibilities, level of cooperativeness, role in the offense, mental health, abuse, addiction, and other life circumstances of female offenders.³²

2. Race

In 2019, an offender's race³³ was reported for 1,371 of the 1,393 offenders sentenced. Ninety three percent of offenders were Black (n=1,292). The remaining offender race categories included White (6%, n=76), Unknown (2%, n=22), and Asian (<1%, n<5).³⁴

³¹ 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.

³² 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.

³³ 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.

³⁴ The Other category for race, when present, includes all individuals not identified or reported as Asian, Black, Hispanic, Native American, Pacific Islander, or White.

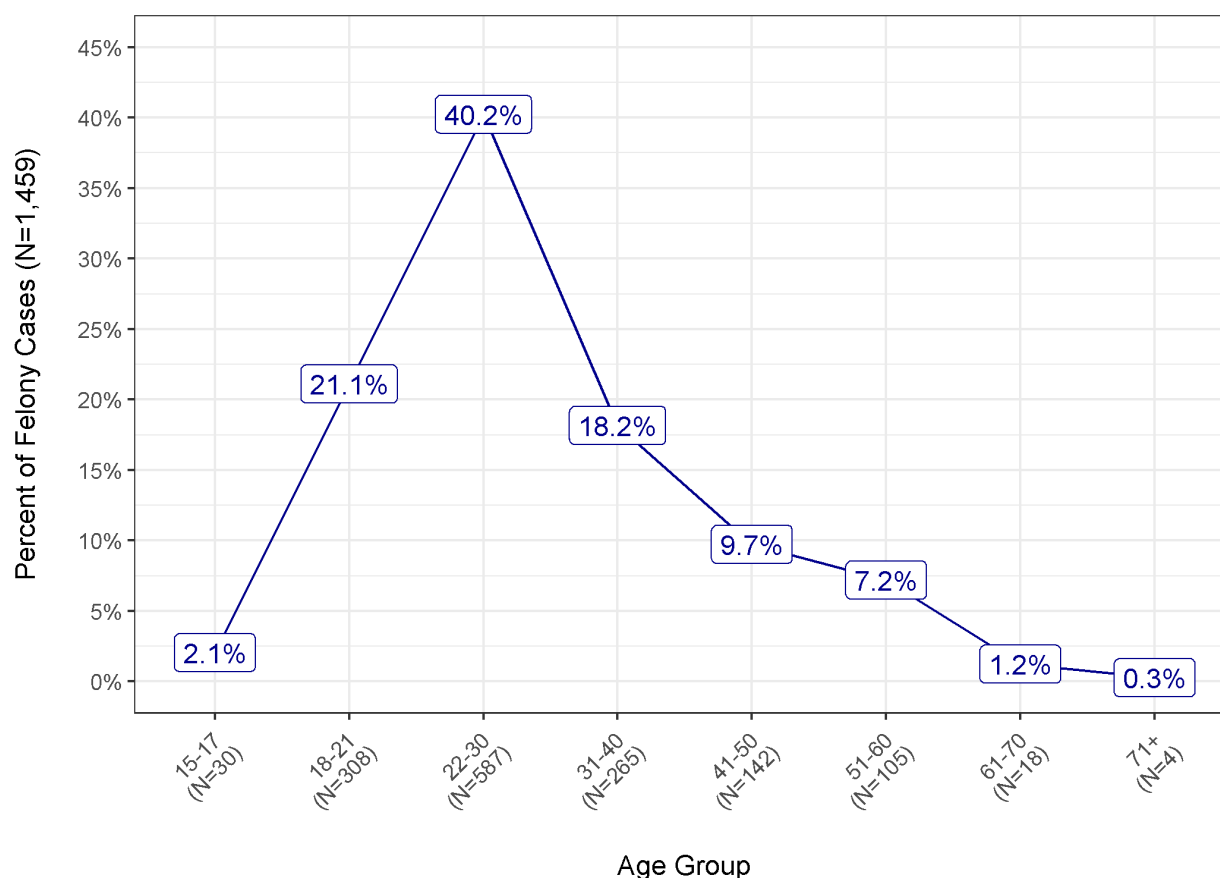
Similar to 2018, Weapon (34%, n=581) and Violent (30%, n=524) offenses were the most commonly sentenced offenses among Black offenders. In comparison, White offenders were sentenced most frequently for Violent (31%, n=27) and Sex (26%, n=23) offenses, the latter being the least common offense category for which Black offenders were sentenced (1%, n=25). Violent offenses constituted a third of counts sentenced among both Black and White offenders.

Offenders in other race categories were not included in the above comparisons due to the limited number of offenders.

3. Age

Age was calculated for offenders in 1,459 of the 1,464 cases sentenced in 2019.³⁵ The Commission examined 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 61% of all offenders sentenced (Figure 15). The 22-30 age group was the most prevalent age group, accounting for 40% of offenders. The 71+ age group was the least represented group, accounting for less than one percent.

Figure 15: Sentences Imposed by Age Group, Case Level (2019)



³⁵ The age of each offender refers to his or her age at the time the offense was committed. In a limited number of cases where an offense date is not provided, the arrest date is used instead.

Data indicated that the proportion of younger offenders may be growing. Although the shape of the crime curve depicted above remained somewhat stable since 2015, the percentage of offenders in the 22-30 age group appeared to be steadily increasing over the ten year period.

As shown in Table 6, the number of cases sentenced for offenders between 31 and 50 years of age steadily declined from 43% in 2010 to 28% in 2019. In turn, the percentage of cases sentenced in the 22-30 age group has been steadily increasing since 2010, with a 14 percentage point increase from 26% in 2010 to 40% in 2019. Between 2018 and 2019, largest increase in percentage points was observed in this age group (22-30), representing a two percentage point increase from 38% to 40%.

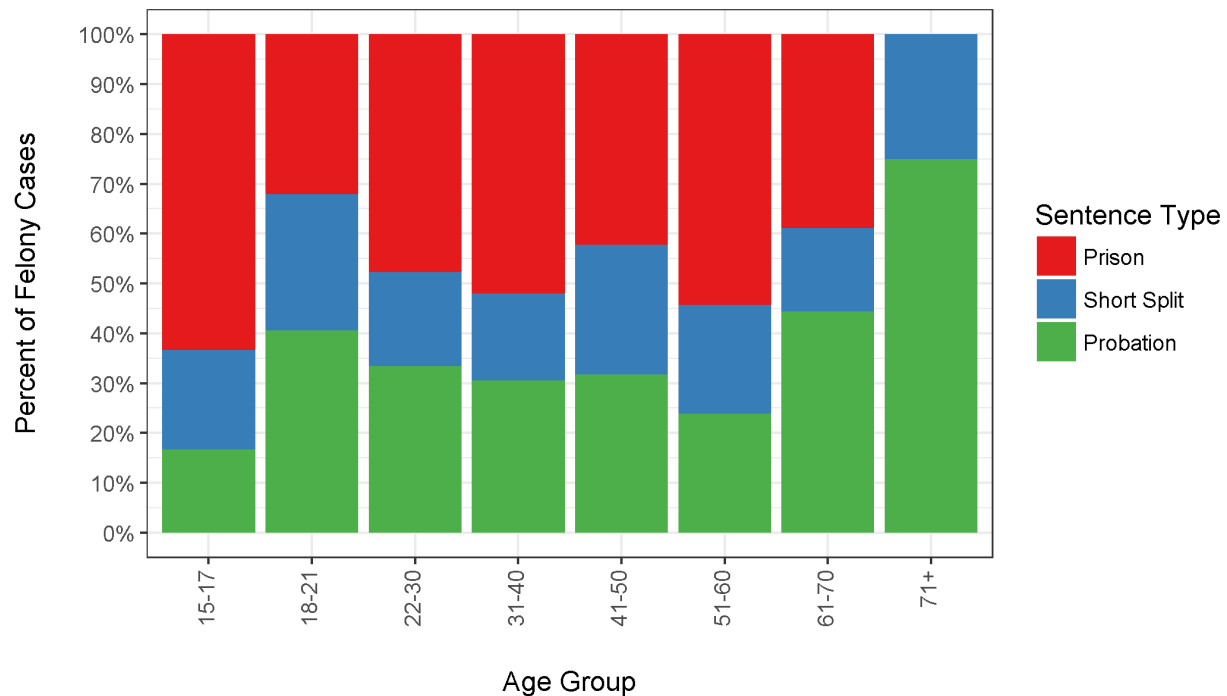
Table 6: Sentences by Age Group, Case Level (2010 - 2019)

	2010 (N=2090)	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)
15-17	1.2%	1.5%	1.3%	2.9%	2.6%	2.3%	3.6%	2.5%	2.1%	2.1%
18-21	16.5%	19.8%	23.3%	29.1%	31.8%	27.8%	26.0%	20.9%	19.3%	21.1%
22-30	26.2%	26.8%	28.3%	29.5%	28.8%	32.7%	32.5%	36.9%	37.8%	40.2%
31-40	19.2%	20.3%	19.7%	17.1%	17.4%	18.1%	17.7%	17.5%	19.8%	18.2%
41-50	23.8%	20.5%	17.4%	12.9%	11.0%	10.3%	10.7%	9.6%	10.7%	9.7%
51-60	11.2%	10.0%	8.6%	6.8%	7.1%	7.7%	7.7%	10.0%	7.6%	7.2%
61-70	1.8%	1.2%	1.3%	1.6%	1.2%	0.9%	1.8%	2.5%	2.3%	1.2%
71+	0.1%	0%	0.1%	0.2%	0.1%	0.2%	0.1%	0.1%	0.2%	0.3%

Without controlling for offense category, 81% of all offenders sentenced to prison were under the age of 41.³⁶ In 2019, similar to 2018, one in three (32%) offenders between 18 and 21 and half (48%) of those between 22 and 30 were sentenced to prison (Figure 16).

³⁶ No 15 year old defendants were sentenced in 2019. The relatively high rate of prison sentences for 16 and 17 year olds is explained by the fact that these individuals may be prosecuted as adults in the District only for the most serious and violent offenses (Murder, First Degree Sexual Abuse, Burglary in the First Degree, Armed Robbery, or Assault with Intent to Commit any of these offenses) under D.C. Code § 16-2301(3).

Figure 16: Age Group by Sentence Type, Case Level (2019)



	15-17	18-21	22-30	31-40	41-50	51-60	61-70	71+
Prison	19	99	280	138	60	57	7	0
Short Split	6	84	111	46	37	23	3	1
Probation	5	125	196	81	45	25	8	3

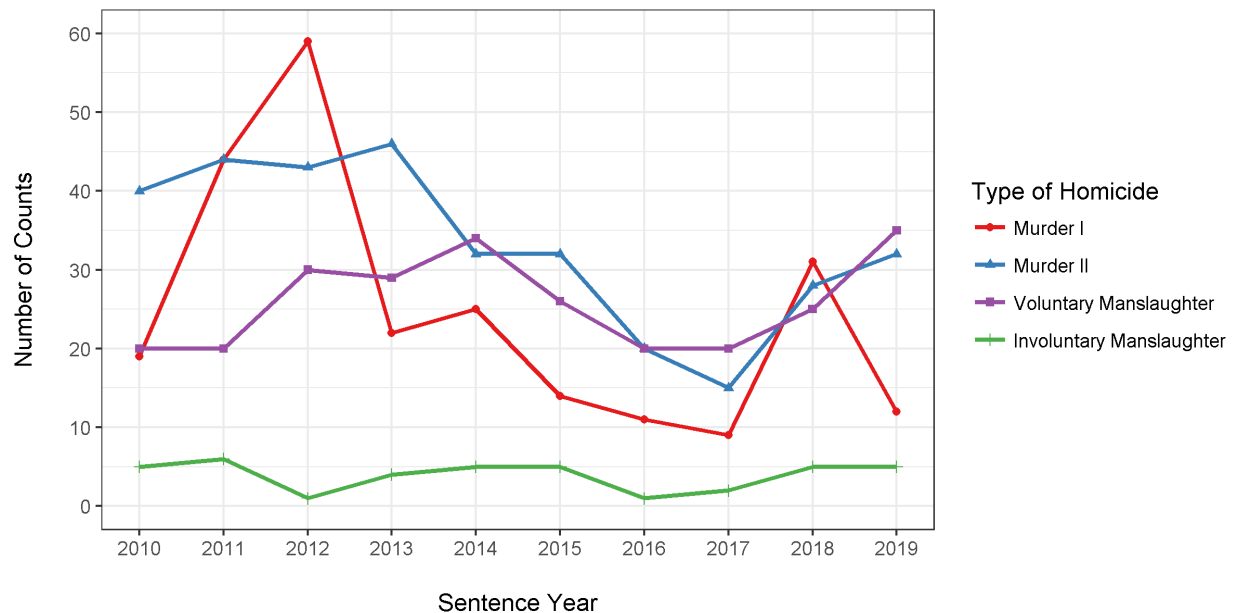
Similar to previous years, young Black males of ages 18 to 30 constituted more than half of the offenders sentenced at the count, case, and offender levels. At the case level, 44% of this offender group received a prison sentence.

C. Homicide Analysis

There were 84 Homicide³⁷ counts sentenced in 2019, showing a six percent decrease from 2018. As shown in Figure 17, the number of Homicide counts sentenced in 2017 (n=46) represents the lowest number of Homicide sentences imposed in the 2010 - 2019 time period, while the number of Homicide counts sentenced in 2012 (n=133) represents the highest. The most frequent types of Homicide sentenced in 2019 were Voluntary Manslaughter (42%, n=35) and Murder II (38%, n=32). The number of sentences imposed for Voluntary Manslaughter reached its highest level during this ten year period.

³⁷ Negligent homicide is included in the Other rather than the Homicide offense category.

Figure 17: Homicide Sentences by Year, Count Level (2010 - 2019)



	2010 (N=84)	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)
Murder I	19	44	59	22	25	14	11	9	31	12
Murder II	40	44	43	46	32	32	20	15	28	32
Voluntary Manslaughter	20	20	30	29	34	26	20	20	25	35
Involuntary Manslaughter	5	6	1	4	5	5	1	2	5	5

D. 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 broken down into 13 sub-categories.³⁸ 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 18 shows the distribution of the 2019 top five offense categories over the past 10 years.

³⁸ 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.

Figure 18: Top Five Offense Categories, Count Level (2010 - 2019)

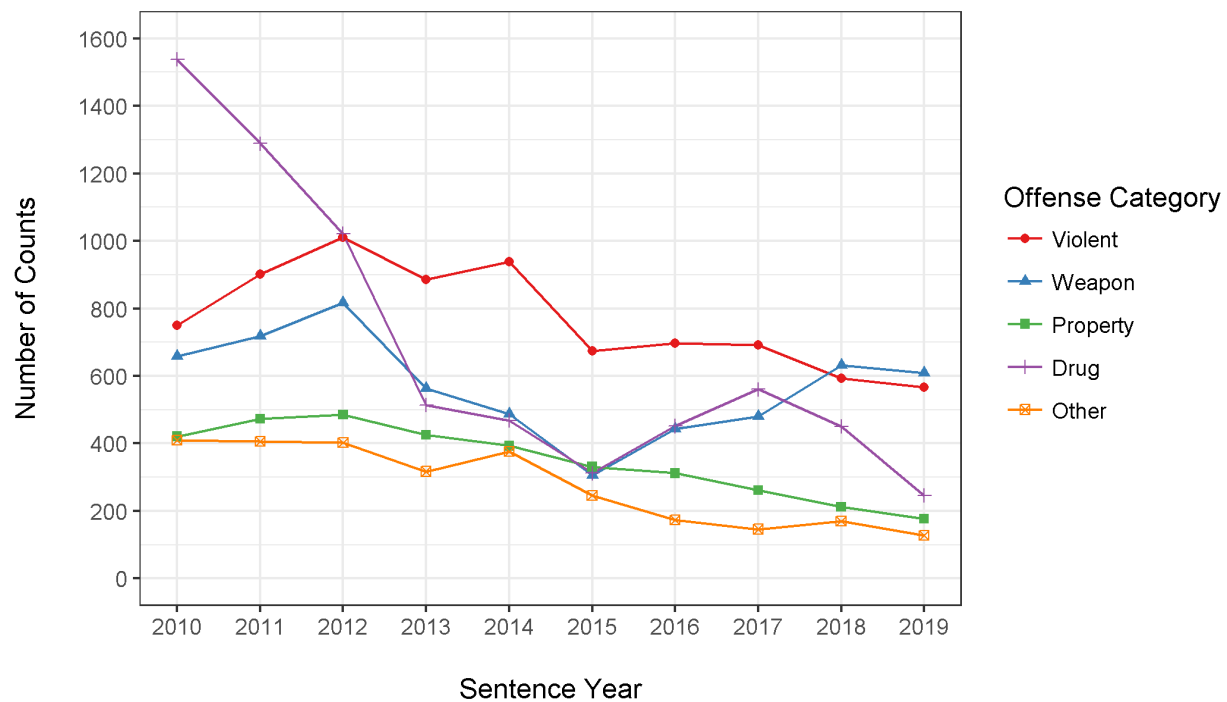
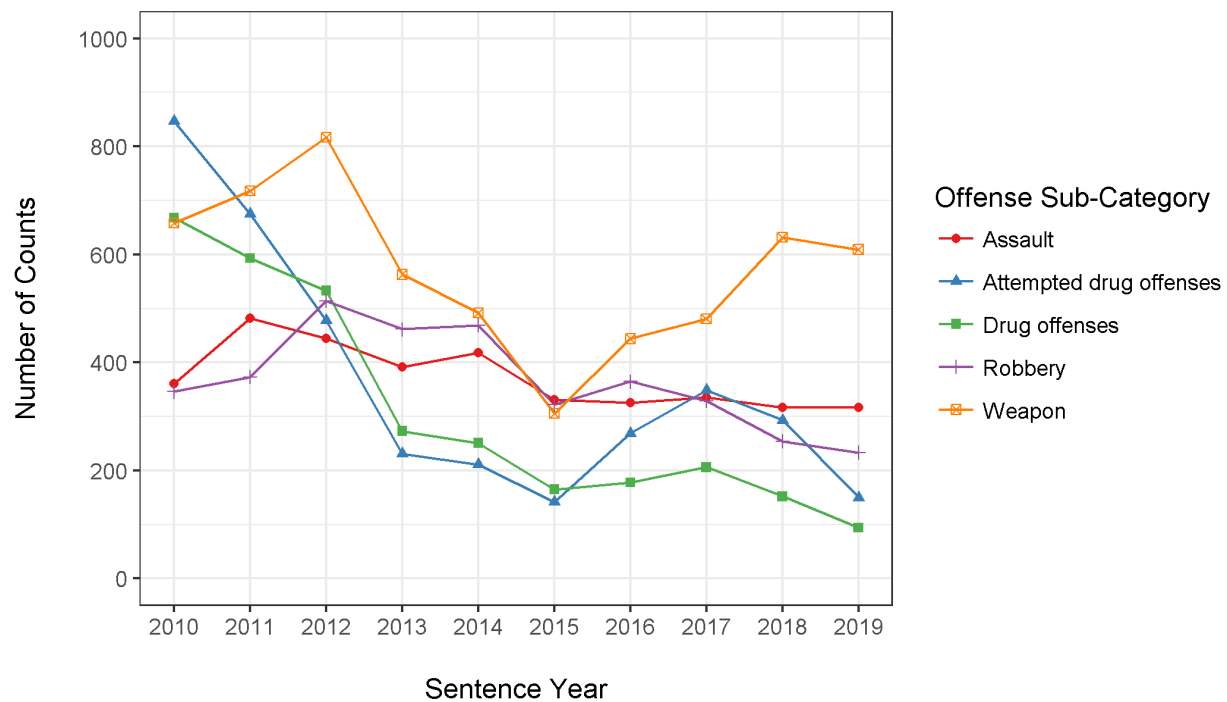


Figure 18 indicates that sentences in the Violent offense category peaked in 2012 (n=1,011) and indicate a four percent decrease from 593 counts to 567 counts between 2018 and 2019. Similarly, Weapon offenses also reached a high in 2012 (n=817), and there was also a four percent decrease in sentences imposed for Weapon offenses between 2018 and 2019. The Drug offense category, which peaked in 2010 (n=1,538), demonstrated a 46% decrease between 2018 and 2019 (Figure 18).

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 19 presents sentencing trends for the top five offense sub-categories, which include: Assault, Attempted Drug offenses, Drug offenses, Robbery, and Weapon offenses. These five offense sub-categories accounted for 75% of all felony offenses sentenced in 2019.

Figure 19: Top Five Offense Sub-Categories, Count Level (2010 - 2019)



	2010 (N=2880)	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)
Assault	361	482	444	392	418	331	325	335	317	317
Attempted drug offenses	847	675	478	231	211	142	269	349	293	150
Drug offenses	668	593	533	273	251	165	178	206	152	94
Robbery	346	373	514	462	469	322	365	329	254	233
Weapon	658	718	817	563	492	306	444	481	632	609

The largest decreases in sentences between 2018 and 2019 are found in the Attempted Drug (49% decrease) followed by Completed Drug (38% decrease) and Robbery sub-categories (8% decrease). As mentioned previously, compared to 2018, in 2019, there was an overall decrease of 16% in the total number of counts sentenced. Figure 18 indicates that this was due primarily to the decrease in the number of Drug sentences. Figure 19, shows a larger decrease in sentences for Attempted Drug offenses compared to sentences for completed Drug offenses.

In summary, the decrease in the total number of counts, cases, and offenders sentenced in 2019 was primarily due to the decrease in the number of Drug offenses sentenced. Overall, felony non-Drug offenses represented 85% of felony cases sentenced in 2019. The most frequently sentenced offenses were found in OSG M8 on the Master Grid and D3 on the Drug Grid. Cases sentenced in OSG M8 reached an all-time high over the ten year period in 2019, primarily due to the re-ranking of FIP from an OSG M7 offense to an OSG M8 offense.

The distribution of sentence types at the case level remained comparable to 2018. Slightly less than half of the cases were sentenced to prison. However, prison was the more prominent sentence type for higher severity offenses in both the Master and Drug Grids.

Similar to previous years, young Black males of ages 18 to 30 constituted more than half of the offenders sentenced at the count, case, and defendant levels. Data indicated that the proportion of the younger offender population appears to be increasing, specifically for the 22-30 age group. The number of cases sentenced in this age group has steadily increased from 2010 to 2019.

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

The Commission monitors judicial compliance with the Guidelines³⁹ 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 to identify 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.⁴⁰

Judicial compliance with the Guidelines has been at or above 86% since the implementation of the Guidelines. The highest compliance rate was observed in 2019 (98.1%) and the lowest rate in 2010 (86%).

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

³⁹ The District's Guidelines are voluntary. Therefore, a judge can impose any legal sentence, whether or not it is compliant with the Guidelines.

⁴⁰ Under Federal 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) on the Master Grid based on its predetermined severity level (M1 offenses being the most serious and 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.⁴¹ 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 sentences 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.⁴² To be considered a Guideline compliant in the box sentence, the sentence imposed for each felony count must be compliant in length (*durational compliance*⁴³) and sentence type (*dispositional compliance*⁴⁴).

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).
- Probation sentences: Available in yellow or light 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 (not suspended) remains 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.

⁴¹ 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 2019, this appeared to be the case for 43 of 1,464 cases.

⁴² See Appendices A and B for the Master Grid and Drug Grid.

⁴³ Durational compliance means the total sentence falls within the specific Guidelines range for the defendant's grid box.

⁴⁴ Dispositional compliance means the type of sentence imposed is an available option in the defendant's grid box.

- **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 actually served (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, 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 Guidelines recommended sentence 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.⁴⁵
- **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 considered compliant with the Guidelines.
- **Compliant Departures:** Sentences that either are not of a Guidelines recommended sentence 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.⁴⁶
- **Non-Compliant Departures:** Sentences that either are not of a Guidelines recommended sentence type or fall above or below the Grid box range based on the offender's offense of

⁴⁵ 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.

⁴⁶ In order 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 Guideline 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."

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 the Commission does not receive a departure letter response after three attempts to contact a judge regarding a sentence that appears to be non-compliant, 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 at the count level. Cases found to be non-compliant are categorized as such.

If, after a multi-step validation process,⁴⁷ 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 2019, the Commission contacted Superior Court and/or sent Departure Forms to judges for all counts that initially appeared to be non-compliant. Of the 73 Departure Forms sent to judges, the Commission received 68 replies. The 2019 response rate of 93% was similar to that in 2018. The high response rate improves the quality of the Commission's data and partially accounts for a decrease in non-compliant sentences (Figure 20).⁴⁸

Superior Court judges ordered a PSR or requested an offender's CH score in 97% of all felony counts sentenced in 2019. 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 numerous other data points). Three 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

⁴⁷ For a more detailed explanation of the process, see Appendix E.

⁴⁸ If a judge does not respond to a Departure Form or Commission follow-up, the sentence is deemed non-compliant.

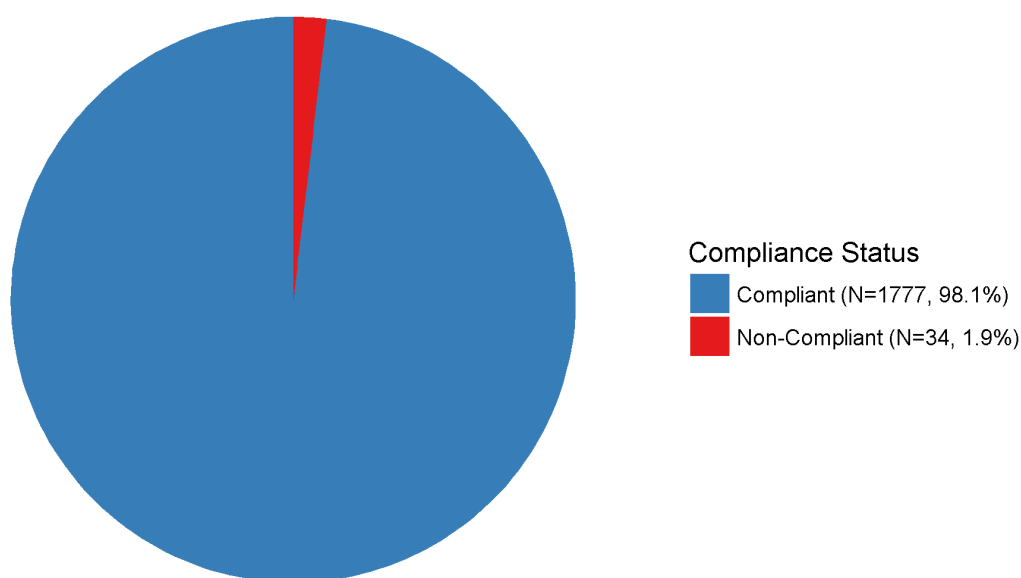
this section applies only to data from 2010 through 2019. This allows the Commission to provide an accurate assessment of trends related to compliant departures and overall judicial compliance.

D. Compliance Analysis

1. Overall Compliance

In 2019, Superior Court judges imposed sentences for 1,865 felony counts.⁴⁹ The Commission calculated Guidelines compliance for 1,811 of the 1,865 counts sentenced. The remaining 54 counts occurred in cases where the Guidelines did not apply⁵⁰ and sentences for which 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 section.

Figure 20: Overall Judicial Compliance (2019)

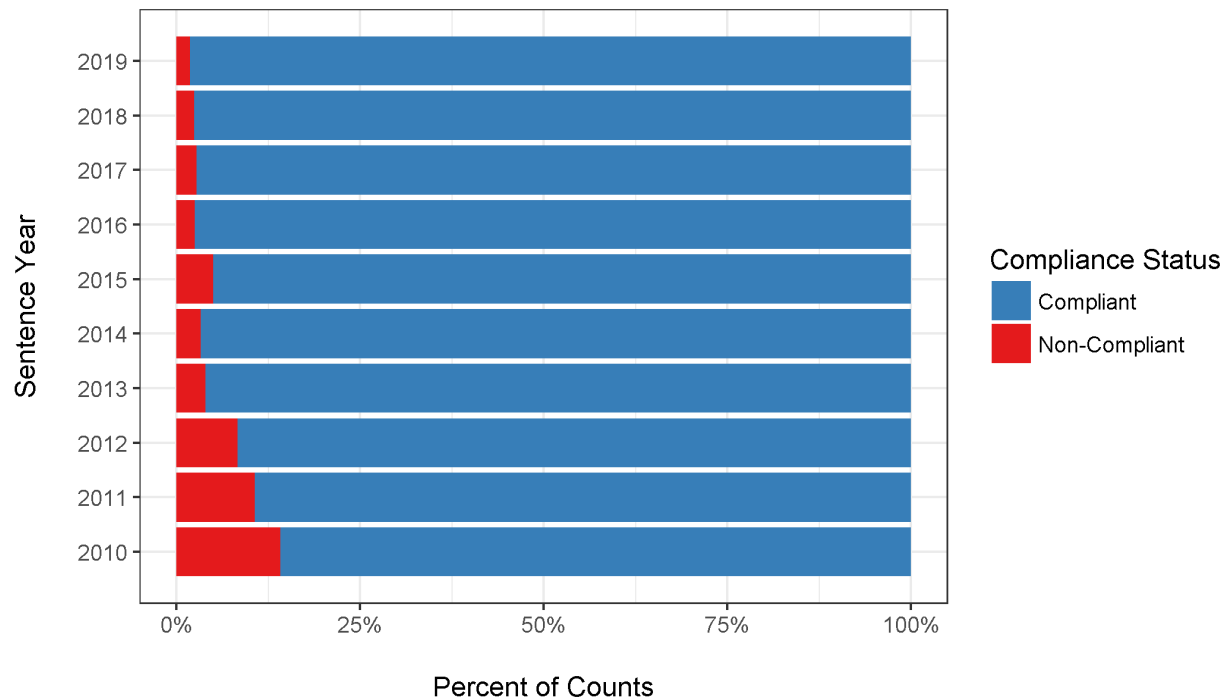


Overall, the rate of judicial compliance with the Guidelines remains at or above 86% (Figure 21). The 98.1% Guidelines compliance rate in 2019 was the highest compliance rate observed by the Commission (97.6% for 2018). A high compliance rate reflects the consistent application and strong acceptance of the Guidelines by Superior Court judges, as well as the fact that broad Grid box ranges give judges an appropriate amount of judicial discretion.

⁴⁹ As noted previously, this number represents counts sentenced; it does not include sentences following revocation of probation or remand from the Court of Appeals.

⁵⁰ The Guidelines do not apply to indeterminate sentences and sentences where a defendant's guilt was determined prior to June 14, 2004.

Figure 21: Trends in Judicial Guidelines Compliance (2010 - 2019)

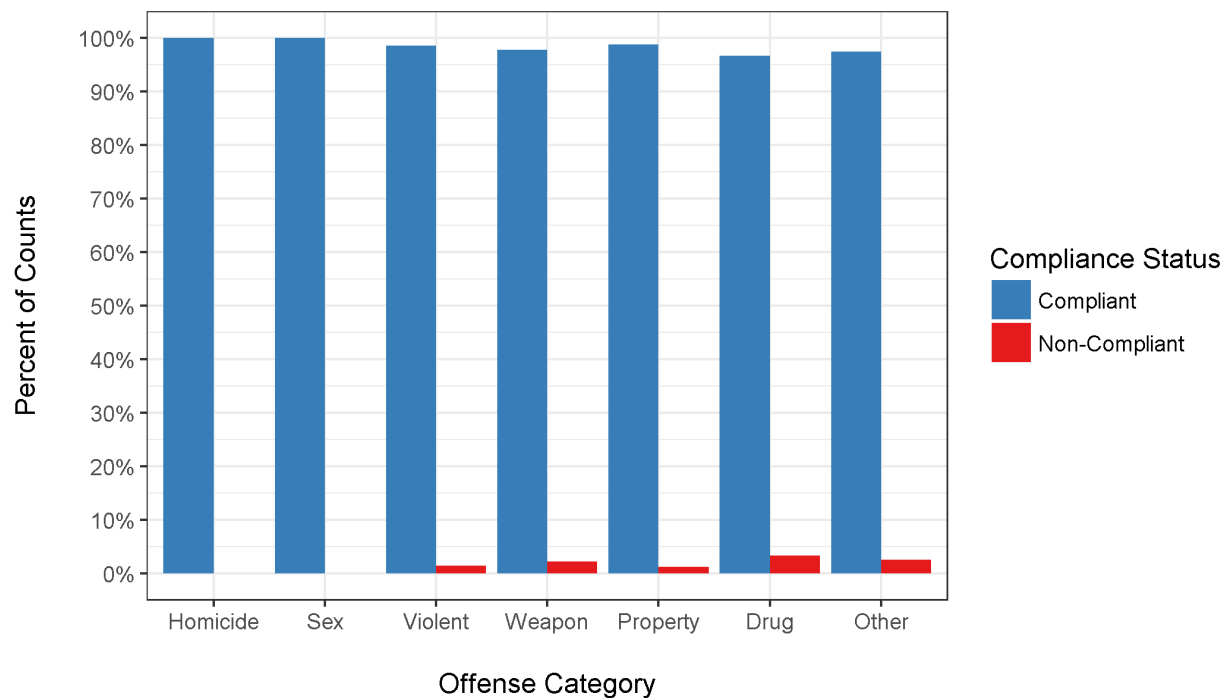


	2010 (N=1900)	2011 (N=1636)	2012 (N=2703)	2013 (N=2295)	2014 (N=2278)	2015 (N=1949)	2016 (N=2110)	2017 (N=2218)	2018 (N=2126)	2019 (N=1811)
Compliant	85.8%	89.4%	91.7%	96.1%	96.7%	95.0%	97.5%	97.2%	97.6%	98.1%
Non-Compliant	14.2%	10.6%	8.3%	3.9%	3.3%	5.0%	2.5%	2.8%	2.4%	1.9%

2. Compliance by Offense Category

Figure 22 shows the percentage of compliant and non-compliant sentences imposed by offense category. The highest rates of compliance were observed for Homicide and Sex offenses (100% each), while highest rates of non-compliance was found among Drug offenses (3%).

Figure 22: Compliance by Offense Category (2019)



	Homicide	Sex	Violent	Weapon	Property	Drug	Other
Compliant	100%	100%	99%	98%	99%	97%	97%
Non-Compliant	0%	0%	1%	2%	1%	3%	3%

Figures 23 and 24 show the distribution of sentences by offense category within each of the compliance categories (i.e. compliant or non-compliant). Weapon (33%) and Violent (31%) offenses accounted for 64% of the compliant sentences. However, the same offense categories accounted for the majority of the non-compliant sentences as well. Weapon offenses constituted 38% and Violent offenses 24% of the 34 non-compliant sentences. Additionally, Drug offenses accounted for 24% of non-compliant sentences.

Figure 23: Distribution of Compliant Sentences by Offense Categories (2019)

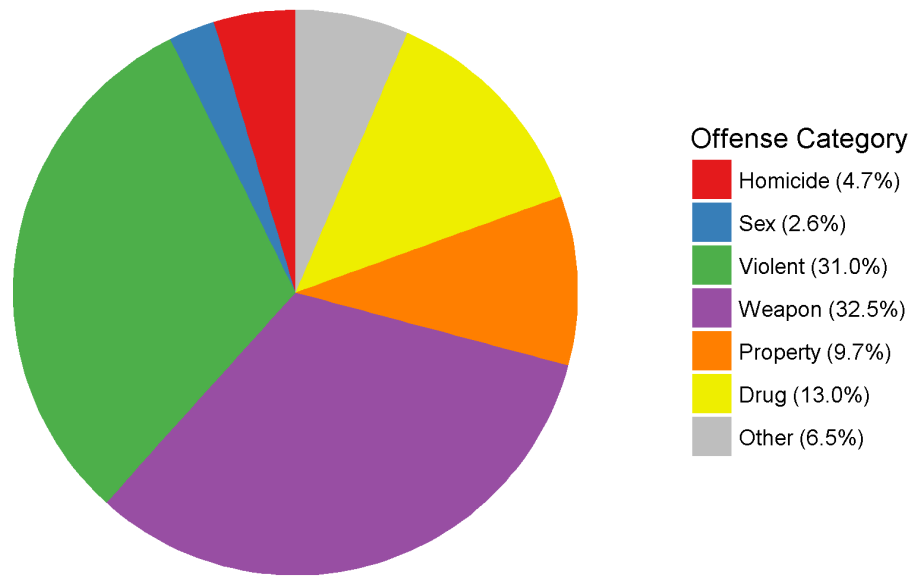
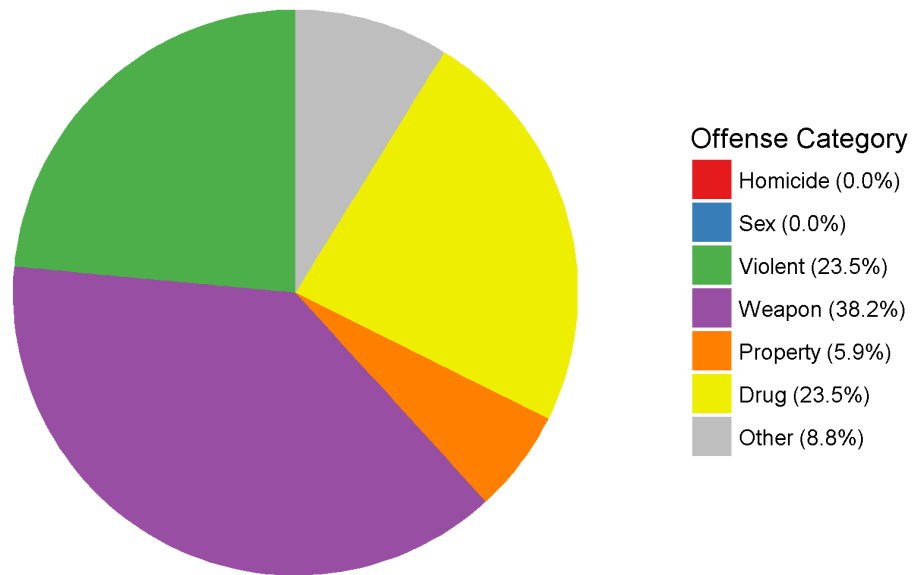


Figure 24: Distribution of Non-Compliant Sentences by Offense Categories (2019)



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 25).

Figure 25: Compliance Sub-Categories (2019)

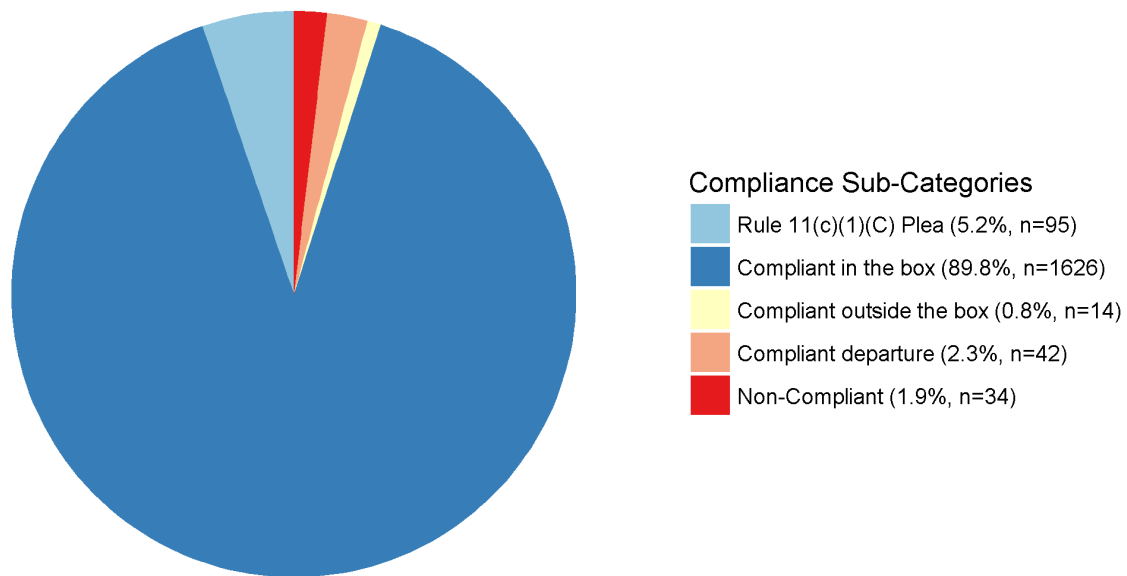


Figure 26 shows the trends for compliant in the box sentences over time. The proportion of compliant in the box sentences has fluctuated over time: steadily increasing between 2010 (86%) and 2013 (92%), decreasing to 87% in 2014, then reaching an all-time high, since 2010, of 93% in 2017. Since 2017, the proportion of compliant in the box sentences has indicated a slight decline to the current rate of 90%.

Figure 26: Trends in Compliant in the Box Sentencing (2010 - 2019)

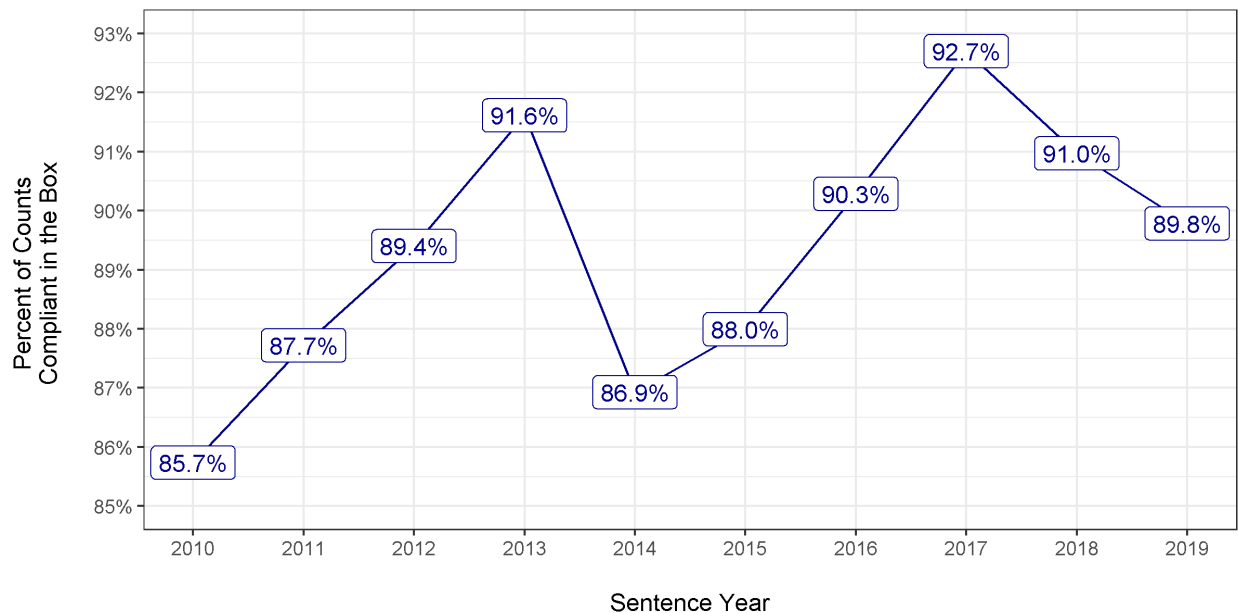


Figure 27 shows the trends in sentences that are not compliant in the box. Among these, the only decrease observed was for non-compliant sentences. The proportion of Rule 11(c)(1)(C), compliant outside the box, and compliant departure sentences each have increased from 2018.

Figure 27: Trends in Sentencing not Compliant in the Box (2010 - 2019)

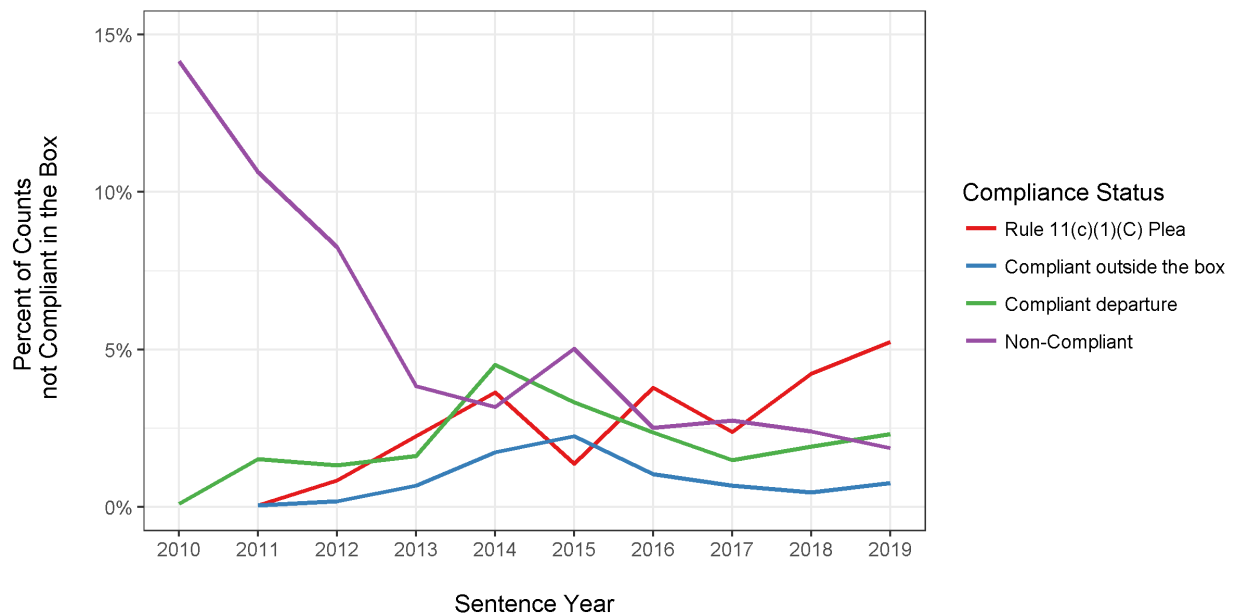


Table 7 below provides a summary of the compliance rates shown in the above Figures 25 through 27.

Table 7: Trends in Compliance Sub-Categories (2010 - 2019)

	2010 (N=1900)	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)
Rule 11(c)(1)(C) Plea	0.0%	0.1%	0.8%	2.3%	3.6%	1.4%	3.8%	2.4%	4.2%	5.2%
Compliant in the box	85.7%	87.7%	89.4%	91.6%	86.9%	88.0%	90.3%	92.7%	91.0%	89.8%
Compliant outside the box	0.0%	0.1%	0.2%	0.7%	1.7%	2.3%	1.0%	0.7%	0.5%	0.8%
Compliant departure	0.1%	1.5%	1.3%	1.6%	4.5%	3.3%	2.4%	1.5%	1.9%	2.3%
Non-Compliant	14.2%	10.6%	8.3%	3.8%	3.2%	5.0%	2.5%	2.8%	2.4%	1.9%

E. Compliant Departures

Compliant departures occurred in two percent (N=42) of all felony counts sentenced in 2019, with each assigned a departure factor.⁵¹ 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 2019:

- *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).
- *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.
- *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.

⁵¹ Appendix D lists all available Aggravating and Mitigating Departure Factors.

- *M9*: The consecutive/concurrent sentencing policy results in a guideline sentence that is so excessive in relation to the seriousness of the offense and history of the defendant that imposition of the guideline 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 guideline 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.

Table 8 displays the compliant departure factors cited by judges for sentences in 2019. In these cases, the sentencing judge imposed an outside the box sentence and used an appropriate departure factor. There was a two percent increase in the number of compliant departures reported in 2019 (N=42) compared to 2018 (N=41).

Half (21) of compliant departures were sentenced for various offenses in OSG M8, the majority of which were mitigating. Judges cited a catch-all departure factor (A11 or M10) for two-thirds (n=14) of all OSG M8 offenses (12 of the 17 mitigating and two of the four aggravating departures).

Table 8: Compliant Departure Reasons by Severity Group (2019)

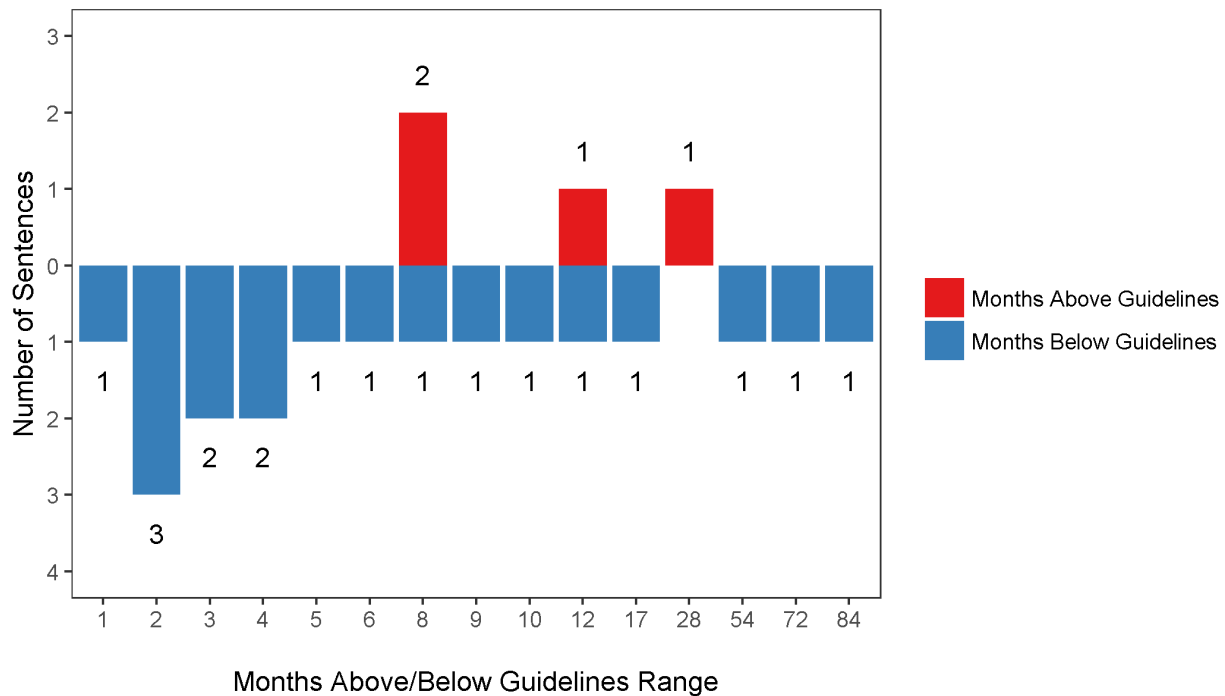
Departure Factors	Offense Severity Groups								
	M2	M5	M6	M7	M8	M9	D2	D3	(all)
A8					2				2
A11					2				2
M5				1					1
M6					2	1			3
M7	3	1	3		1	1		1	10
M9	1	1			2		1	1	6
M10			2	1	12	1	1	1	18
(all)	4	2	5	2	21	3	2	3	42

In total, there were 38 reported mitigating departures, where Superior Court imposed sentences below the recommended sentencing range and/or options. The most common mitigating departure principle cited was M10 (18 of 38 counts), followed by M7 (10 of 38 counts). Of the 38 mitigating departure sentences imposed in 2019, 20 were dispositional departures where the total length of the sentence imposed was within the in the box range, but the sentence type was not recommended in the defendant's Grid box.

Aggravating factors A8 and A11 were recorded in four felony counts for offenses in the M8 severity group. All four aggravating departure sentences in 2019 were the result of durational departures, rather than dispositional departures.

Figure 28 shows the lengths of the 22 durational departure sentences imposed in 2019. The mean durational departure length was 16 months. The mean durational departure, after excluding four outliers (i.e. 84, 72, 54, and 28 months), was six months (n=18).

Figure 28: Compliant Departures - Months Sentenced Above/Below Guidelines Range (2019)



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 2019, there were 34 non-compliant departures representing two percent of the 1,865 initial felony counts sentenced, a 33% decrease from 51 non-compliant departures in 2018.

Table 9 shows the frequency with which non-compliant sentences were imposed in each OSG. In 2019, non-compliant sentences were not imposed in the more severe offense severity groups (Master Group 4 and higher). The majority of non-compliant sentences (18 of 34) were imposed in OSG M8, where 12 non-compliant sentences were imposed for Weapon offenses (seven for FIP and five for CPWL).

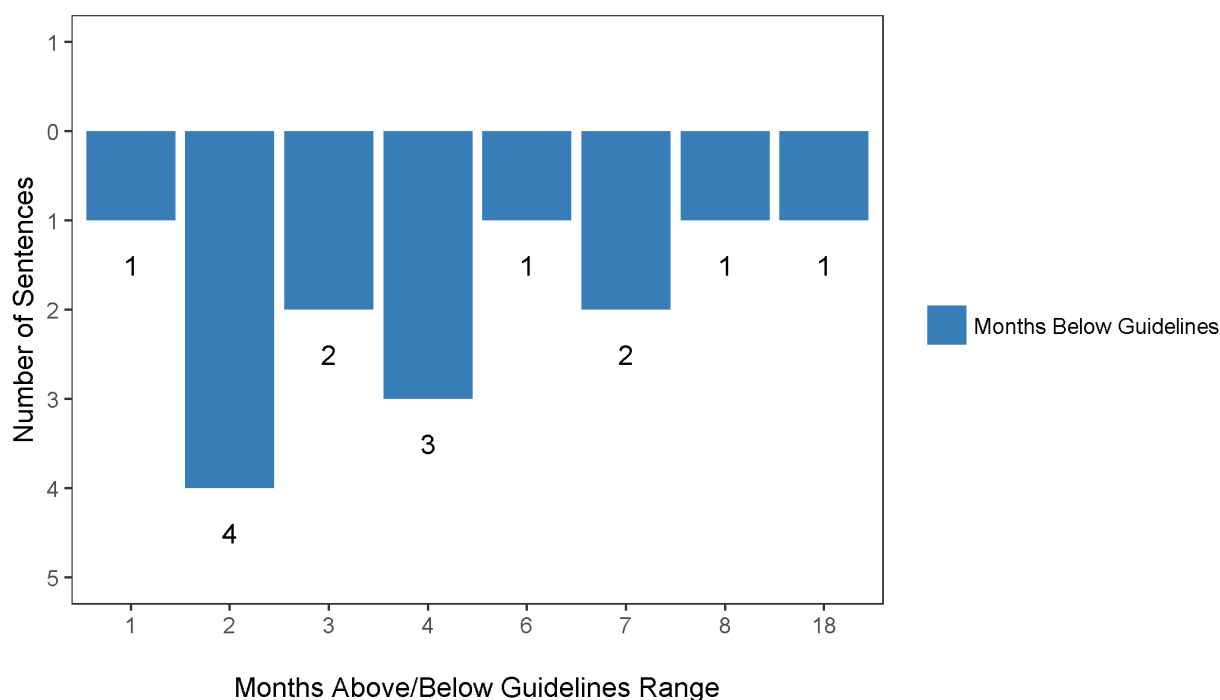
Table 9: Non-Compliant Sentences by Severity Group (2019)

Severity Group	N
M5	2
M6	3
M7	2
M8	18
M9	1
D2	2
D3	6
Total Non-Compliant Sentences	34

All 34 non-compliant sentences in 2019 represented downward departures, 15 of which were durational downward departures, in which the defendant received a sentence length less than the range specified in the Guidelines. The remaining 19 non-complaint sentences were the result of dispositional downward departures, in which the defendant received a less severe sentence type than recommended by the Guidelines. Data indicated that there were no upward non-compliant departures in 2019.

Figure 29 depicts durational upward and downward non-compliant departures in terms of sentence length in relation to the Guidelines recommended sentence range. Two and four months represented the most common below the recommended range departures lengths.

Figure 29: Non-Compliant Departures - Months Sentenced Above/Below Guidelines Range (2019)



In summary, compliance with the Guidelines has remained consistently high since 2010, with its highest rate to date (98.1%) in 2019. This indicates the consistent application and use of the Guidelines by Superior Court judges. In 2019, 89.8% of felony sentences were compliant in the box. Rule 11(c)(1)(C) pleas increased slightly by one percentage point from 2018. Two percent of the sentences imposed represented compliant departures, with M7 and M10 (catch-all) being the most common departure factor cited. The lowest rate of compliance was observed in the Drug and Other offense categories, where the compliance rate was still 97%. There were 34 non-compliant sentences in 2019, all of which involved 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° or 2° Sex or Child Sex Abuse while armed (W/A)
- O. Assault with Intent to 1° or 2° 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)
- C. 2nd+ offense or after felony conviction
- D. Firearm, Presence in a Motor Vehicle Containing: Prior gun conviction or felony
- E. Firearm, Presence in a Motor Vehicle Containing
- F. Firearm, Unlawful Possession of by a person with a prior conviction > 1 yr
- G. Firearm, Unlawful Possession of by a person with a prior conviction > 1 yr and COV other than Conspiracy
- H. Firearm, Unlawful Possession of by others
- I. Possession of a Firearm During a Crime of Violence or Dangerous Offense
- J. Possession of a Prohibited Weapon
- K. 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 guideline sentence so lenient in relation to the seriousness of the offense and the history of the defendant that imposition of the guideline 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 guideline 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 guideline 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 guideline sentence that is so excessive in relation to the seriousness of the offense and history of the defendant that imposition of the guideline 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 guideline 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.⁵² 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.⁵³ If Superior Court records a departure factor, the GRID system will automatically mark the sentence as a compliant departure and record the

⁵² 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.

⁵³ See Appendix D for a complete list of departure factors.

reason for the departure. Sentences above the recommended Guidelines range due to a statutory enhancement are also deemed to be compliant if the sentence falls within the expanded range.⁵⁴ 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-Guideline 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-guideline 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 sentencing⁵⁵ on August 5, 2000⁵⁶ 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.

⁵⁴ 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.

⁵⁵ 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.

⁵⁶ 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).

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.⁵⁷

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.

⁵⁷ 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.

APPENDIX F - ANALYSIS OF CH SCORES AND SENTENCES BY OFFENSE TYPE AND GENDER⁵⁸

Homicide Offenses

CH Score and Sentence Length by Gender, Case Level (2015 - 2019)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2015	54	(<10)	1.8	0.0	205	156	180	156
2016	33	(<10)	1.8	0.6	168	90	144	91
2017	37	(<10)	1.8	0.0	198	84	180	72
2018	53	(<10)	2.0	0.1	212	196	180	84
2019	70	-	2.1	-	161	-	132	-

Sentence Type by Gender, Case Level (2015 - 2019)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2015	0%	0%	0%	0%	100%	100%
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%	-

Sex Offenses

CH Score and Sentence Length by Gender, Case Level (2015 - 2019)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2015	56	(<10)	1.4	0.2	75	6	42	6
2016	46	(<10)	0.8	0.0	72	42	42	42
2017	40	(<10)	0.9	0.0	82	30	36	30
2018	40	(<10)	1.3	0.2	68	39	37	40
2019	30	-	0.8	-	76	-	39	-

⁵⁸ 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 (2015 - 2019)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2015	11%	0%	11%	100%	79%	0%
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%	-

Violent Offenses

CH Score and Sentence Length by Gender, Case Level (2015 - 2019)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2015	452	33	1.7	0.7	35	20	24	18
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

Sentence Type by Gender, Case Level (2015 - 2019)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2015	18%	42%	21%	36%	61%	21%
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%

Weapon Offenses

CH Score and Sentence Length by Gender, Case Level (2015 - 2019)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2015	189	(<10)	1.8	0.7	26	10	24	9
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

Sentence Type by Gender, Case Level (2015 - 2019)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2015	21%	50%	13%	25%	66%	25%
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%

Property Offenses

CH Score and Sentence Length by Gender, Case Level (2015 - 2019)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2015	190	17	2.3	2.1	23	16	18	12
2016	199	11	2.4	1.0	24	20	18	24
2017	166	13	2.4	1.0	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

Sentence Type by Gender, Case Level (2015 - 2019)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2015	28%	41%	24%	29%	48%	29%
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%

Drug Offenses

CH Score and Sentence Length by Gender, Case Level (2015 - 2019)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2015	238	22	2.2	1.2	16	14	14	12
2016	346	29	2.0	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 Type by Gender, Case Level (2015 - 2019)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2015	50%	73%	24%	14%	25%	14%
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%

Other Offenses

CH Score and Sentence Length by Gender, Case Level (2015 - 2019)

Sentence Year	Number of Cases		Mean CH Score		Sentence Length Imposed (Months)			
					Mean		Median	
	Male	Female	Male	Female	Male	Female	Male	Female
2015	126	36	2.0	0.8	13	12	10	8
2016	87	17	2.0	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

Sentence Type by Gender, Case Level (2015 - 2019)

Sentence Year	Sentence Type					
	Percent Probation		Percent Short Split		Percent Prison	
	Male	Female	Male	Female	Male	Female
2015	24%	50%	17%	17%	59%	33%
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%

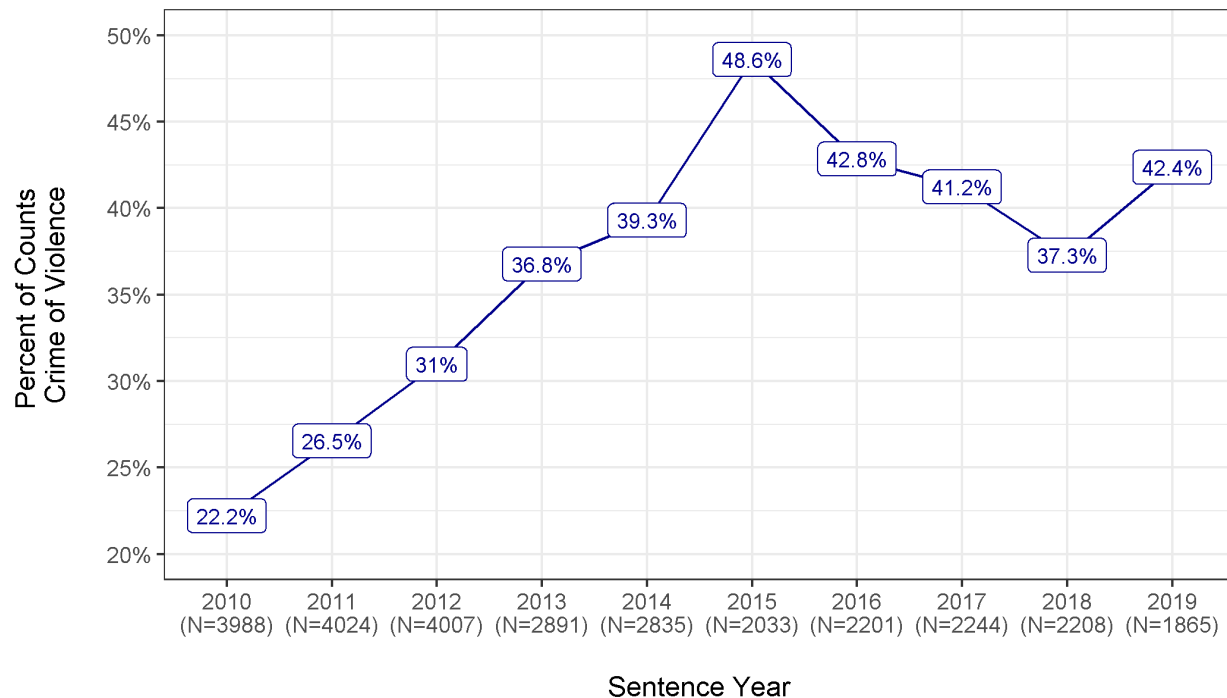
APPENDIX G - ANALYSIS OF CRIMES OF VIOLENCE

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, p. 23). 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 2010 and 2019.



Trends in Crimes of Violence, D.C. Code 23-1331(4), Count Level (2010 - 2019)

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 2010 and 2019.

Crimes of Violence Sentenced, Age and Length of Sentence Imposed, Count Level (2010 - 2019)

Sentence Year	Number of Counts	Avg Sentence Imposed	Median Sentence Imposed	Avg Age at Offense	Median Age at Offense
2010	886	64.3	35	27.3	23
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

The following tables present the same summary statistics identified above for individual Crime of Violence offenses sentenced between 2010 and 2019. Please 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 2010

Offense	Number of Counts	Avg. Sentence Imposed	Median Sentence Imposed	Avg. Age at Offense	Median Age at Offense
Aggravated Assault Knowingly	28	86.2	96	29.5	26.5
Assault On A Police Officer	36	17.6	6	29.6	29.0
Assault W/I to Commit Robbery	22	59.3	36	23.5	20.0
Assault W/I to Kill	23	126.3	120	22.9	20.0
Assault With A Dangerous Weapon	139	35.6	30	29.5	26.0
Attempt to Commit Robbery	42	16.4	14	26.8	22.5
Burglary One	19	90.9	78	28.4	27.0
Burglary Two	109	23.9	24	35.0	36.0
First Degree Child Sex Abuse	13	57.0	36	29.9	31.0
First Degree Sex Abuse-Force	21	192.7	240	28.3	23.0
Kidnapping	12	92.3	81	29.5	24.0
Murder I	12	403.3	410	26.3	21.0
Murder II	39	203.5	216	24.5	22.0
Robbery	281	38.8	24	23.4	20.0
Second Degree Child Sex Abuse	10	51.0	36	29.7	31.0
Unarmed Carjacking	24	116.0	84	21.3	18.0
Voluntary Manslaughter	20	121.0	120	31.9	31.5

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

Offense	Number of Counts	Avg. Sentence Imposed	Median Sentence Imposed	Avg. Age at Offense	Median Age at Offense
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
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

Offense	Number of Counts	Avg. Sentence Imposed	Median Sentence Imposed	Avg. Age at Offense	Median Age at Offense
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
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
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

Offense	Number of Counts	Avg. Sentence Imposed	Median Sentence Imposed	Avg. Age at Offense	Median Age at Offense
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