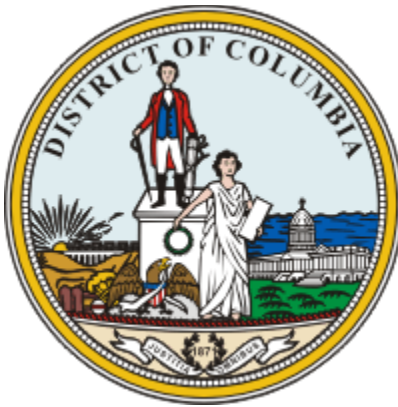




DISTRICT OF COLUMBIA
SENTENCING COMMISSION

2022 ANNUAL REPORT



April 24, 2023

DISTRICT OF COLUMBIA SENTENCING COMMISSION
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Mission Statement

The mission of the District of Columbia Sentencing Commission is to implement, monitor, and support the District's Voluntary Sentencing Guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the Guidelines system in order to recommend changes based on actual sentencing and corrections practice and research.



District of Columbia Sentencing Commission

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April 24, 2023

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 obligations, the District of Columbia Sentencing Commission respectfully submits its 2022 Annual Report. The data analyzed in this year’s report shows that the District’s criminal justice system is emerging from the COVID-19 pandemic. Last year, the D.C. Superior Court’s Criminal Division began to resume pre-pandemic levels of operation. This led to a 58% year-over-year increase in the total number of counts sentenced, a 129% increase from 2020. The number of counts sentenced in 2022 was only 18% less than 2019, the last full year before the pandemic began.

The 2022 Annual Report provides a comprehensive overview of felony sentences imposed by the D.C. Superior Court from January 1, 2022, through December 31, 2022. As in recent years, the vast majority of felony counts sentenced in 2022 were for non-Drug offenses (93%), with the Violent and Weapon offense categories accounting for the majority (74%) of counts sentenced. Prison remained the most frequent sentence type imposed (56%), followed by probation and short split sentences.

Judicial compliance with the Sentencing Guidelines remains very high. In 2022, 97.3% of all felony counts sentenced were compliant with the Guidelines, compared to 99% in 2020 and 98.5% in 2021. A high compliance rate strongly suggests that the D.C. Voluntary Sentencing Guidelines are widely accepted by D.C. Superior Court judges. The Commission continues its ongoing efforts to monitor and examine the Guidelines to ensure they are achieving their statutory goals of consistency, certainty, and adequacy of punishment.

Respectfully,

Honorable Milton C. Lee, Chairman

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COMMISSION MEMBERS AND STAFF

As of APRIL 24, 2023:

MEMBERSHIP OF THE DISTRICT OF COLUMBIA SENTENCING COMMISSION

Chairperson:

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

Voting Members:

The Honorable Rainey Brandt
Superior Court of the District of Columbia

The Honorable Marisa J. Demeo
Superior Court of the District of Columbia

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Nazgol Ghandnoosh, Ph.D.
Sentencing Researcher

Vacant - Mayoral Appointment
Citizen Member

Non-Voting Members:

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Council of the District of Columbia

Sonya D. Thompson
Federal Bureau of Prisons

Eric Glover, Esq.
District of Columbia Department of Corrections

Assistant Chief Leslie A. Parsons
D.C. Metropolitan Police Department

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EXECUTIVE SUMMARY

Throughout 2022, the District of Columbia Sentencing Commission (Commission) monitored the implementation and use of the District of Columbia Voluntary Sentencing Guidelines (Guidelines) and focused on improving 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 (District), respond to numerous data requests, and share data with other agencies, political leaders, and the public. In addition, this data enables the Commission to make evidence-based policy recommendations.

Starting in 2021, the Commission was able to successfully use its Guidelines Reporting and Information Data (GRID) system to respond to data requests with combined arrest and sentencing data. In 2022, four of the nine (44%) data requests responded to by the Commission utilized a combination of MPD arrest and sentencing data. In addition, last year the Commission established a new data sharing agreement with the Criminal Justice Coordinating Council (CJCC), which allows for a more thorough and reliable analysis of sentences imposed under the Youth Rehabilitation Act (YRA).

2022 TRENDS IN SENTENCING

Consistent with 2020 and 2021, the impact of the COVID-19 pandemic on Superior Court operations continues to be a recurring theme throughout the analyses presented in this report. However, as the Court returned to near normal operations in 2022, the number of counts, cases, and defendants sentenced continued to progress closer towards pre-pandemic levels.

Superior Court felony sentencings increased by approximately 56% from 2021. In 2022, there were 1,148 individuals sentenced for felony offenses in 1,202 cases, consisting of 1,521 unique individual counts. An overwhelming majority of felony sentences (97%) were the result of a plea agreement. The percentage of felony cases resolved through a plea bargain decreased from 2021 but remains above pre-pandemic levels. The high rate of felony plea agreements and the corresponding lower rate of sentences following a jury trial (3%) indicates that the Court is still working through a backlog of jury trials. Historically, between 91% and 94% of all felony sentences were the result of a plea agreement, while on average 7% of felony sentences followed jury trials.

Although there were more counts sentenced in 2022 compared to 2021, the composition of counts in each offense category has remained largely stable. Weapon and Violent offenses were the only offense categories that varied by more than 3% from the prior year. The majority of felony counts (93%) sentenced in 2022 were for non-drug offenses, with the Weapon and Violent offense categories accounting for 80% of all non-drug counts sentenced. Overall, the Weapon offense category represented 46% of all felony counts sentenced in 2022.

The impact of COVID-19 should be taken into consideration when making any comparisons between 2020-2022 data and earlier years because Commission data is reflective of counts/cases sentenced rather than arrests and pending matters.

GUIDELINES COMPLIANCE

Judicial compliance with the Sentencing Guidelines continues to remain high, indicating consistent application and use of the Guidelines by Superior Court judges. In 2022, judges imposed a Guidelines compliant sentence in 97.3% of all felony counts sentenced. Of sentences imposed in 2022, 91.6% were classified as compliant in the box sentences, indicating that the sentence imposed reflected both the type and length of the Guidelines recommended sentence. The remaining 8.4% of felony sentences imposed were the result of either compliant departures from the Guidelines, sentences stemming from a Rule 11(c)(1)(C) plea agreement, sentences that were classified as compliant outside the box due to other sentencing provisions, or non-compliant sentences.

The majority (96%) of compliant departures were downward or mitigating departures, in which the sentencing judge imposed a sentence below the recommended sentencing range and/or options. Among compliant departures, the most common departure factor cited was the catch-all departure (M10), which indicates there was a substantial and compelling basis to mitigate the sentence that was not captured by any other departure factor. In response to the impact the COVID-19 pandemic has had on sentencing in the District, the Commission implemented a new Mitigating Departure Factor (M11) in 2021 to account for delays faced by D.C. Superior Court in connection with the invocation of D.C. Code §11-947. The new M11 mitigating departure factor was used by judges in three felony cases in 2022, representing 12.5% of all compliant departures.

MODIFICATIONS TO THE GUIDELINES

Since 2012, the Commission has not modified the structure of the Guidelines Master or Drug Grids. However, in 2022, the Commission made one substantive change to the Guidelines by specifying what information presentence report writers can use to initially score prior out-of-District convictions. The Commission has also made several technical changes to the Guidelines Manual including minor formatting and grammatical corrections, the use of gender-neutral language, and updates to the dates in Chapter 9. The Commission did not rank any new felony offenses or re-rank any felony offenses in 2022.

KEY FINDINGS

1. D.C. Superior Court felony sentencings have increased by approximately 56% from 2021, which is indicative of the Court's Criminal Division resuming to a near-normal operating status throughout 2022. In 2022, there were a total of 1,148 individuals sentenced in 1,202 cases, consisting of 1,521 unique felony counts. *See* page 19.
2. Ninety-seven percent (97%) of all cases sentenced in 2022 were resolved via a plea agreement, representing a two percentage-point decrease from 2021. Superior Court Criminal Rule 11(c)(1)(C) pleas represented 15% (177 cases) of all cases sentenced via a plea agreement in 2022. *See* page 20.
3. In 2022, 56% of all felony counts sentenced received a prison sentence, followed by probation (27%), and short split sentences (17%). Probation sentences increased by 98% from 2021, whereas prison and short split sentences increased by 47% and 51%, respectively. *See* page 23.
4. Sentenced offenses in severity group M8 have been consistently growing since 2018, which can be attributed to the Commission's re-ranking of Unlawful Possession of a Firearm, Prior Felony (UPF-PF) from OSG M7 to M8. In 2022, offenses in severity group M8 accounted for 60% of all felony counts sentenced, a slight increase from 58% in 2021. *See* page 27.
5. Ninety-three percent (93%) of the 1,521 felony counts sentenced in 2022 were for non-drug offenses. Combined, Violent and Weapon offenses made up 74% of all non-drug counts sentenced, and 75% of all felony counts sentenced. *See* page 31.
6. Homicide accounted for 5% of all felony counts sentenced in 2022, representing the greatest proportion of Homicide sentences imposed in the last ten years. Comparatively, the lowest proportion of Drug sentences was also observed in 2022, where Drug offenses represented 7% of all felony sentences. *See* pages 31 and 38.
7. Sentencing trends for Weapon and Violent offenses remained consistent with 2021. Carrying a Pistol without a License (CPWL) and UPF-PF constituted the majority (83%) of the 701 counts sentenced in the Weapon offense category. Combined, Assault with a Dangerous Weapon (ADW) and Robbery represented 70% of the 433 counts sentenced in the Violent offense category. *See* pages 35-37.
8. Males were most frequently sentenced for Weapon offenses (45%) followed by Violent offenses (28%), whereas females were most frequently sentenced for Violent offenses (41%) followed by Weapon offenses (24%). Females were not sentenced for any Sex offenses in 2022. *See* page 41.
9. Eighty-two percent (82%) of all defendants sentenced to prison in 2022 were under the age of 41. *See* page 43.

10. The total number of papered arrests has been gradually decreasing over the last five years. In 2018, 72% of all felony arrests were sent to court for prosecution, compared with 54% in 2022. *See page 48.*
11. The greatest number of felony arrests took place in Ward 8 (1,129 arrests, 23%), followed by Ward 7 (994 arrests, 20%). *See page 50.*
12. Between 52% and 55% of felony arrests were sent to court for prosecution in all but two wards; with Ward 1 having a slightly lower papering rate of 47% and Ward 6 having a slightly greater papering rate of 62%. *See page 50.*
13. Consistent with previous years, the overwhelming majority (97.3%) of all felony counts sentenced were determined to be compliant with the D.C. Voluntary Sentencing Guidelines. *See page 57.*
14. Approximately 92% of all felony sentences imposed in 2022 were ruled compliant *in the box*, meaning that the sentence type and sentence length both fell within the Guidelines recommendation. Compliant in the box sentences exclude compliant departures, compliant outside the box sentences, and sentences following a Rule 11(c)(1)(C) plea that are outside of the Guidelines recommendation. *See page 58.*

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
COVID-19	Coronavirus Disease 2019
CPWL	Carrying a Pistol Without a License
CSOSA	Court Services and Offender Supervision Agency for the District of Columbia
Dist.	Distribution of a Controlled Substance
District	District of Columbia
Evaluation Project	District of Columbia Sentencing Guidelines Evaluation Project
FY	Fiscal Year
GIS	Geographic Information System
GRID system	Guidelines Reporting and Information Data system
GSS	The Commission’s GRID Scoring System
Guidelines	District of Columbia Voluntary Sentencing Guidelines
IJIS 12.1	District of Columbia Integrated Justice Information System Outbound Data Feed (data from the Superior Court sent to the Commission via CJCC)
JUSTIS	District of Columbia Justice Information System
MPD	D.C. Metropolitan Police Department
OAG	Office of the Attorney General for the District of Columbia
OSG	Offense Severity Group
PCP	Phencyclidine
PFCOV	Possession of a Firearm During a Crime of Violence
PSR	Presentence Investigation Report
PWID	Possession with Intent to Distribute a Controlled Substance
Rule 11(c)(1)(C)	Superior Court Rule of Criminal Procedure 11(c)(1)(C)
Superior Court	Superior Court of the District of Columbia
UPF-PF	Unlawful Possession of a Firearm, Prior Felony (often referred to as felon in possession)
UPF-PCOV	Unlawful Possession of a Firearm, Prior Crime of Violence
USAO	The United States Attorney’s Office for the District of Columbia

CHAPTER ONE: THE COMMISSION AND ITS WORK

I. Commission's Legislative Mandate and Duties

A. Legislative Mandate

The D.C. Sentencing Commission (Commission) has three primary statutory responsibilities: (1) to monitor the implementation and use of the District of Columbia Voluntary Sentencing Guidelines (Guidelines); (2) to rank newly created felony offenses; and (3) to review and analyze data on sentencing practices and trends in the District of Columbia.¹ As part of its mandate, the Commission collects data from the Superior Court of the District of Columbia (Superior Court), the D.C. Metropolitan Police Department (MPD), and the Court Services and Offender Supervision Agency (CSOSA) to identify and address sentencing issues, assess judicial compliance with the Guidelines, and monitor historical and emerging sentencing trends. The Commission is also required to incorporate each new sentencing provision enacted by the Council of the District of Columbia (the Council) into the Guidelines structure.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 upon in departing from the guideline recommendations or when imposing what appears to be a non-compliant sentence;

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

² A complete history of the Commission and its mandate 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 that address sentencing issues.

II. Commission's Composition

A. Commission Membership

The Commission is composed of 17 members: 12 voting members and five non-voting members. Its membership includes representatives from a wide range of criminal justice agencies, the judiciary, academic and research institutions, practicing attorneys, and the public. This diverse membership provides a variety of perspectives in the development of sentencing policy.

The voting members of the Commission are:

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

The non-voting members of the Commission are:

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

B. Commission Staff

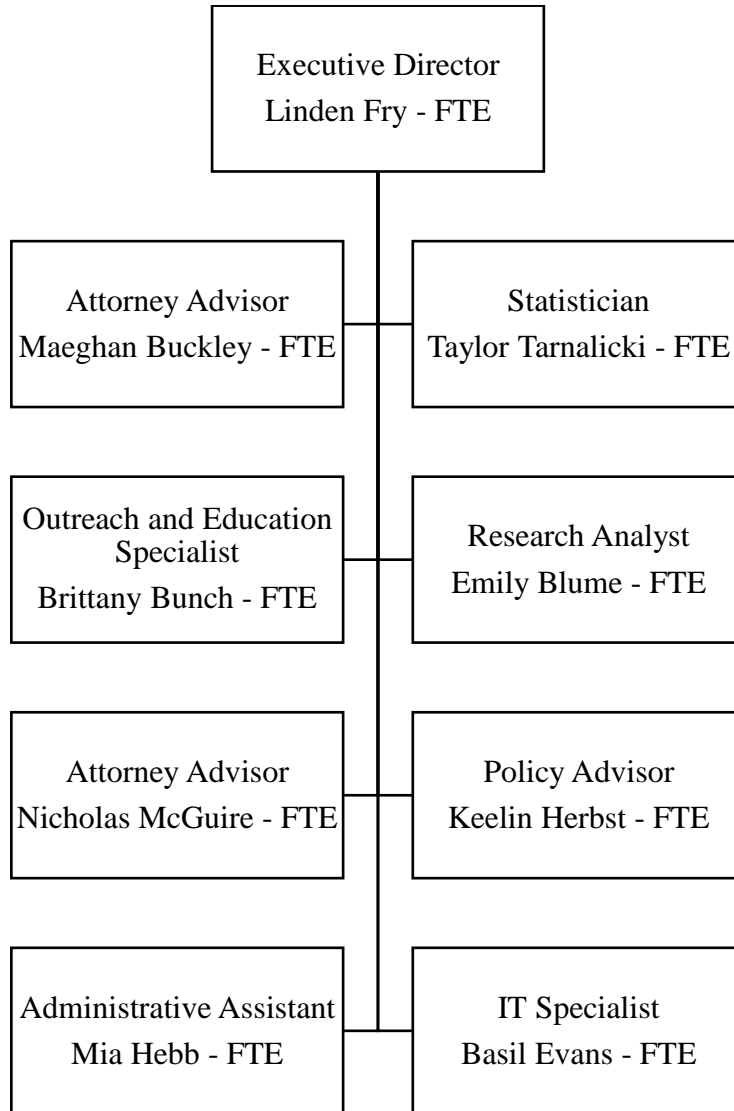
1. Commission Staff Members

As of April 24, 2023, the Commission staff consisted of:

Linden Fry, Esq. Executive Director	Basil Evans IT Specialist	Taylor Tarnalicki Statistician
Mia Hebb Administrative Assistant	Maeghan Buckley, Esq. Attorney Advisor	Emily Blume Research Analyst
Brittany Bunch Outreach Specialist	Keelin Herbst, Esq. Policy Advisor	Nicholas McGuire, Esq. Attorney Advisor

2. Organizational Structure

Figure 1: Sentencing Commission Organizational Chart



III. Commission’s Budget

In Fiscal Year (FY) 2022 and FY 2023, to date, the Commission’s operating budget only consisted of local funds. The Commission did not receive any capital or grant funds in FY 2022 or FY 2023.

Table 1: The Commission's Total FY 2023 Budget

Personnel Services (Salaries and Benefits)	\$ 1,071,212
Non-Personnel Services	\$ 546,990
Total Operating Budget	\$ 1,618,202
Capital Funds	\$ 0
Grant Funds	\$ 0
Total Agency Budget	\$ 1,618,202

Table 2: The Commission's Total FY 2022 Budget

Personnel Services (Salaries and Benefits)	\$ 856,893
Non-Personnel Services	\$ 770,938
Total Operating Budget	\$ 1,627,831
Capital Funds	\$ 0
Grant Funds	\$ 0
Total Agency Budget	\$ 1,627,831

The Commission’s locally funded FY 2023 operating budget increased funding for personnel services for two additional agency positions to work on proposing, evaluating, and implementing substantive changes to the Guidelines. In the event that criminal code reform legislation is implemented in the District, these staff members will also assist the Commission members in adapting the Guidelines to changes in the criminal code. Non-personnel service funding decreased due to the anticipated conclusion of the Superior Court’s Odyssey GRID system enhancement project. However, due to delays and changes in the Odyssey project, outside of the Commission’s control, the agency has requested additional funding to complete the project.

IV. Commission’s Work

A. Commission Meetings

The full Commission met eight times in calendar year 2022 to address Guidelines sentencing policy topics such as Lapse and Revival, the Revised Criminal Code Act of 2022 (RCCA), preparing for the Superior Court’s transition to a new case management system, increasing community outreach, hiring a new Executive Director, and agency operations. All Commission meetings were open to the public. After several years of completely virtual Commission meetings, starting in November 2022, the Commission adopted a hybrid meeting structure that allows members and the public to participate in meetings virtually or in-person consistent with the District of Columbia’s Open Meetings Act.

The Commission met on the following dates in 2022:

January 18, 2022	February 15, 2022
March 15, 2022	April 19, 2022
May 17, 2022	June 21, 2022
September 20, 2022	November 15, 2022

The minutes and video recording of the Commission’s public meetings are available online at the Commission’s website, located at <https://scdc.dc.gov/page/commission-meetings>.

B. Odyssey

Over the past several years the Superior Court has been working to upgrade its legacy case management system, CourtView, to a new case management system, Odyssey. This has been a challenging process for the Court and its partners. The implementation of the Odyssey system has been delayed several times and the Court has had to modify the structure of the data that will be transmitted from the Odyssey system once it is activated. It is anticipated that the transition to the new Odyssey system will be completed in the second half of 2023.

Implementation of the Superior Court’s new Odyssey system upgrade will necessitate major changes to the Commission’s own internal GRID data system, which stores, processes, and analyzes data transmitted by a variety of criminal justice agencies. This includes, but is not limited to, a redesign of the entire data intake process to ensure that data transmitted from the Court can be integrated into the GRID system. The current version of the GRID system will not be able to handle the format and organization of many of the data elements coming from Odyssey. Additionally, the Commission will have to establish a process that maps historic data (formatted under CourtView) to the new data format under Odyssey to ensure that historical data information is not lost and remains available for analysis.

The Commission is actively working with the Court and its vendor to reduce the impact of these changes, however the total level of effort, and complete list of system changes will not be known until the new format of data under Odyssey is fully solidified. The Commission has requested a critically needed budget enhancement to complete the necessary Odyssey related upgrades. The Commission is hopeful that its own system upgrade will be complete in late 2023.

C. Criminal Code Reform

In late 2022, the Council passed the Revised Criminal Code Act of 2022 (RCCA). The RCCA proposed a complete overhaul of the District’s criminal code based primarily on the Model Penal Code. In March 2023, Congress passed a Joint Resolution of Disapproval, signed by the President, that prohibited the RCCA from taking effect. While the future of revising the District’s criminal code is uncertain, the Commission is preparing to adapt the Guidelines and Commission operations in the case of an eventual change. If the RCCA or a similar act eventually becomes law, the impact on the Commission’s changes to the Guidelines may range from a complete revision to modifications of specific rules and/or offense rankings. The Commission continues to monitor any revisions/updates to the legislation.

D. Data Projects

Data Requests

The Commission's data and analysis capabilities enables the agency to analyze sentencing and criminal justice trends from arrest through the conclusion of any related Superior Court Criminal Division case. In addition to the data and analysis presented in this report and on the agency's website, the Commission regularly responds to requests for sentencing related data and analysis from individual Commission members, Council members, the Mayor's Office, government agencies, nonprofit organizations, educational institutions, researchers, legal practitioners, and the public.

Information pertaining to how to submit data requests is available on the Commission's website.³ Data shared by the Commission is available in two formats: aggregate data and felony data sets void of identifying information about individuals or returning citizens. The Commission does not provide individual case sentencing information or information that would allow for the identification of any individual.

The agency received nine data requests in FY22 and four data requests to date in FY23. It took approximately 300 staff hours to respond to the data requests received in FY2022. The average response time to complete a data request in FY22 was 22 days.⁴ One request took approximately two months to complete because it required extensive manual analysis. When this request is removed from the calculation, the average FY22 data request response time drops to 16 days.

In 2022, the Commission established a data sharing agreement with the Criminal Justice Coordinating Council (CJCC) which enables a more thorough and reliable analysis of sentences imposed under the Youth Rehabilitation Act (YRA). This agreement was implemented in response to a specific data request submitted by the CJCC, in which the Commission provided sentencing information for a subset of cases that were confirmed to be sentenced under the YRA, allowing for an analysis of YRA sentencing trends. This data sharing agreement remains in place to aid in fulfilling certain data requests. The Commission is hopeful that the quality and reliability of YRA data will improve with the Superior Court's upgrade to the Odyssey case management system.

Issue Papers

The Commission published two Issue Papers in 2022. Issue Papers are intended to provide criminal justice partners and the general public with an overview of a specific topic related to sentencing or the Guidelines. The first Issue Paper reviewed Compliant Departures that were imposed between 2013 and 2021, providing insight into the factors Superior Court judges consider as they tailor sentences to fit individuals and their offenses. The second Issue Paper analyzed the impact of the 2021 Guidelines Manual changes on felony sentencing in the District, which included the addition of mitigating factor M11 and a modified definition of a short split sentence. All Issue Papers can be found at <https://scdc.dc.gov/node/1109427>.

³ Information detailing how to submit a data request can be found here: <https://scdc.dc.gov/node/1109316>.

⁴ The Commission will attempt to fulfill data requests within 30 business days from the date a data request is approved by the Executive Director. Individuals or entities requesting data will receive a confirmation of the approval and a projected delivery date.

E. Community Outreach and Education

In 2022, the agency made a significant effort to engage and educate the community regarding the purpose and work of the D.C. Sentencing Commission, the felony sentencing process in the District, and how the Guidelines function in actual cases. Commission outreach concentrated on providing virtual presentations as well as attending virtual community events and forums with CSOSA, the United States Attorney's Office of the District of Columbia (USAO), MPD, Advisory Neighborhood Commissions (ANCs), and Citizen Advisory Councils (CACs). Last year, Commission staff completed a total of 17 virtual presentations and attended 38 community meetings.

Over the past year, the Commission made major strides in improving the dispersal of information on its website and social media platforms. To increase awareness, the agency produced over 790 social media posts and made 97 website updates. By the end of 2022, the Commission increased its social media following from 117 to 236 Twitter followers and from 20 to 34 followers on Facebook. The Commission also posted four videos on its new YouTube channel, each of which highlights a different Guidelines and sentencing topic.

The agency has implemented a monthly email blast to further engage partners. The Commission has also released two biannual newsletters. The Commission will continue to educate the public regarding felony sentencing in the District. If you would like the Commission to host a community informational session, please email the Commission's Outreach Specialist at brittany.bunch@dc.gov.

F. Guidelines Trainings, Inquires, and Website

Trainings

Following the COVID-19 pandemic, the Commission shifted to offering web-based remote Guidelines trainings. During 2022, Commission staff provided over fifteen group training sessions, with a concentration on its partners including: The Office of the Attorney General (OAG), CSOSA, Superior Court judges, and law clerks. In 2022, Commission staff also began offering monthly 'Office Hours', a web-based forum for partners to reach out and ask Commission staff questions regarding the Guidelines. In 2023, the Commission will continue to offer remote trainings and will resume in-person trainings.

Anyone interested in arranging an individual or group-training session should contact the Commission at scdc@dc.gov.

Responding to Guidelines Inquiries

Commission staff are available every business day to provide information about the Guidelines and to assist users with applying the Guidelines in specific cases. Staff respond to a wide variety of questions and inquiries from judges, court personnel, government attorneys, defense attorneys, CSOSA, the criminal justice community, and members of the public. Many of the inquiries are from criminal law practitioners, including CSOSA presentence investigation report (PSR) writers, prosecutors, defense attorneys, and Superior Court personnel. Guidelines support is available via e-mail, phone, or a direct link on the Commission's website.

Commission staff typically respond to hundreds of Guidelines and information inquiries every year (444 in FY 2019, 282 in FY 2020, 212 in FY 2021, and 420 in FY 2022). Most inquiries involve assistance determining how to score an out-of-District conviction, calculating an individual's total criminal history (CH) score, identifying the applicable Guidelines range, or reviewing whether a specific sentence is compliant with the Guidelines.⁵

Commission Website

Through regular updates to the Commission's website, the agency has been able to increase transparency and awareness regarding the Commission's activities. The website provides viewers with a plethora of information concerning the Guidelines and Commission research. Website visitors can retrieve the agency's educational materials and Guidelines resources at www.sentencing.dc.gov.

The Commission's website resources include:

- Agency updates, press releases, and news;
- A data dictionary with definitions for all publicly available shared data;
- A dataset for all 2022 felony sentences (not including case specific identifying information);
- Data and charts presenting information about felony sentences and sentencing trends;
- The date, link, and agenda for the next Commission meeting;
- Guidelines revisions and alerts;
- A digital copy of the current Guidelines Manual, as well as all previous versions of the Manual;
- Fast Facts sheets;
- Issue Papers;
- YouTube video releases;
- "The Commission Chronicle" newsletters;
- The Guidelines Master and Drug Grids;
- Minutes for Commission meetings;
- A link to send queries to the Executive Director;
- Resources on how to contact the Commission, ask for a training session, submit queries regarding sentencing data, or receive assistance applying the Guidelines;
- Link to sign up to the Commission's email subscriber list;
- Community focused brochures;
- Links to engage with the Commission via its social media platforms;
- A history of the Guidelines and the Commission;
- A list of current Commission members and staff;
- Sentencing data request forms;
- Link to view Facebook posts;

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.

- Digital forms for Guideline Assistance and Data Requests;
- A frequently asked questions (FAQ) section that offers thorough answers to customary Guidelines questions;
- A glossary of Guidelines and sentencing language;
- Self-guided Sentencing Guidelines educational training material;
- All recent and historic Sentencing Commission publications;
- Employment opportunities with the Commission;
- Virtual training modules; and
- Open Government and Freedom of Information Act materials.

The Commission staff continues to seek different ways to further the capabilities of the agency's website. The Commission's website received 36,408 visits in calendar year 2022. This was a 43.06% increase over the 25,450 visits the website garnered in 2021.

CHAPTER TWO: VOLUNTARY SENTENCING GUIDELINES

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

Since 2012, the Commission has not modified the structure of the Guidelines Master or Drug Grids that set forth the recommended sentencing range and options for felony offenses. However, in 2022, the Commission made one substantive change to the Guidelines by specifying what information presentence report writers may use to initially score prior out-of-District convictions. Additional non-substantive changes to the 2022 Manual included minor formatting and grammatical corrections, the use of gender-neutral language, and updates to the dates in Chapter 9. These non-substantive clarifying changes were made based upon practitioner feedback and to ensure consistency.

I. New Offense Rankings

In 2022, the Commission did not rank or re-rank any felony offenses.

II. Substantive Changes to the Guidelines Rules and Manual

The Commission made the following substantive changes to the Guidelines Rules in 2022:

Chapter 2:

- Updated Section 2.2.5 – Scoring Out-of-District Convictions/Adjudications
 - General rules for scoring out-of-District convictions were expanded upon to provide additional guidance to presentence report writers.
 - The section was restructured for clarity and consistency within the Manual.

The updated rule reads as follows:

General Rules for Scoring

Convictions and adjudications for out-of-District offenses (including federal offenses) are initially scored like the closest comparable D.C. Code offense. To determine the closest comparable D.C. Official Code offense:

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."

1. *Look at the name of the offense of the out-of-District conviction as listed on the criminal records check or final order (e.g., NCIC or PRISM);*
2. *Look at the notated out-of-District offense as listed on the criminal records check or final order;*
3. *Look at the title of the offense of the out-of-District offense; and*
4. *Examine the elements of the offense of the out-of-District offense; if the statute/code does not define the elements of the offense, additional resources may be considered such as caselaw and/or jury instructions to determine the elements of the offense.*
5. *Consider whether there is more than one D.C. offense that “closely matches” the out-of-District offense and make note of all matches. Score the least severe D.C. statute that closely matches, whether that statute is a misdemeanor or a less severe felony. Importantly, do not look to the underlying conduct of the prior offense to select the offense that most closely matches; instead, compare the elements of the D.C. and out-of-District offenses.*

III. Technical Changes to the Guidelines Manual

The Commission made the following technical changes to the Guidelines Manual in 2022:

Chapter 2:

- Section 2.2 – A note was added to the Multiple Offenses from a Single Event section to clarify the process for determining whether multiple offenses are related to the same event.

Chapter 3:

- Section 3.1 –Additional language was added to describe factors that may be considered when sentencing an individual for hate crimes or crimes where the victim or sentenced individual was targeted in a potentially discriminatory manner.

Chapter 7:

- Section 7.26 – Definitional language describing a compliant prison sentence was added for consistency.
 - The remainder of the section was renumbered due to the addition.

CHAPTER THREE: OVERVIEW OF AGENCY DATA SOURCES AND COLLECTION PROCEDURES

The Commission's GRID system enables the agency to efficiently analyze sentencing trends and determine judicial compliance with the Guidelines. The GRID system uses data from four sources: the Superior Court, CSOSA, individual Superior Court judges, and MPD. The Superior Court provides the Commission with all offense, conviction, and sentencing-related data. This data is transmitted from the Superior Court to the Commission electronically through the CJCC's Integrated Justice Information System Outbound Data Feed (IJIS 12.1). CSOSA officers directly input basic individual CH score and demographic information into the GRID system via the GRID Scoring System (GSS) module. The GSS module then automatically calculates an individual's total CH score. Individual judges provide case-specific information in response to departure letters sent by Commission staff regarding perceived non-compliant departures from the Guidelines. Finally, MPD provides arrest data through CJCC's MPD_AFE data feed. The MPD data enables the Commission to have a more comprehensive view of the lifecycle of an individual criminal case starting with an arrest.

I. The GRID System

The GRID system is a custom developed web-based application platform that was implemented by the Commission in 2013. Since its initial deployment, the GRID system has been significantly updated and expanded. Most recently, the GRID system was enhanced to bring in and analyze arrest data from MPD. With this most recent enhancement, the system enables the Commission to capture arrest and court information, analyze Guidelines compliance, and perform numerous types of data analyses. The GRID system's core capabilities include receiving and processing information; storing, displaying, and exporting data; calculating compliance with the Guidelines; and performing analyses.

The development and maintenance of the GRID system remains a significant undertaking for the Commission since it represents the agency's first fully automated data system. As with the implementation of any large and complex data system, adjustments and modifications 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. A description of key adjustments made over the past decade is included in Appendix C.

II. Sentencing Data

Improved data quality and access enables the Commission to evaluate both current and historic arrest, prosecution, and sentencing trends, as well as to measure compliance with the Guidelines. The Commission captures more than 500 data elements from Superior Court that are transmitted from the Court's case management system to the Commission via CJCC's IJIS 12.1 data feed. This data is electronically transferred into the GRID system updating case and sentenced individual information nightly. For example, when an individual's charge in a case is updated by the Superior Court (e.g., following an indictment or plea), the GRID system will maintain a record of both the new and old charge. This allows for analyses of sentencing data at the count, case, and sentenced individual level. The Commission classifies this data as "live data," since it is continually updated.

In addition to capturing live data, the GRID system contains a historic data feature that preserves data captured during each calendar year. The historic data, referred to as an annual “*snapshot*,” ensures consistent and accurate reporting of the sentencing decisions made during a prior year. The snapshot data is frozen in time and will not be affected by modifications or updates that may occur in subsequent years. As a result, snapshot data is static, allowing year-to-year data comparisons. For example, the snapshot data allows the Commission to report on a case from 2020 that was modified in 2022. While the GRID system records the 2022 modification, the annual snapshot data allows the Commission to report case-related activity that occurred only before or during 2020.

III. Criminal History Data

An individual’s CH score at the time of sentencing is one of the three primary factors used by the Commission to determine compliance with the Guidelines.⁷ CSOSA presentence report writer provides an individual’s total CH score by entering basic CH score information directly into the GRID system through the web based GSS interface.⁸ Criminal history information and compliance calculations are updated daily in the GRID system.

IV. Compliance Data

Once all the necessary information is received by the GRID system, the system uses a series of algorithms to make an initial determination if a felony sentence complies with the Guidelines. When a sentence falls within the recommended Guidelines range and sentence options, the sentence is deemed compliant with the Guidelines.⁹ The Guidelines use two Grids, the Master Grid and the Drug Grid, to determine an individual’s recommended range and available sentencing options based primarily on the offense of conviction and the individual’s CH score.¹⁰ If the GRID system initially determines that a sentence is non-compliant, the sentence is then manually reviewed by Commission staff to assess whether the sentence imposed is compliant with the Guidelines because of an exception to the normal Guidelines rules. The Commission uses a seven-step process to determine if the sentence imposed is compliant with the Guidelines.¹¹ The GRID system automatically performs the first five steps in that process; the two remaining steps, if necessary, are performed 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 by sending a departure letter form to verify that the Court imposed a non-compliant sentence or to correct any errors in the data that made a compliant sentence appear to be non-compliant.

⁷ The other two primary factors are the offense of conviction and the sentence imposed.

⁸ A detailed breakdown of each felony individual’s criminal history score is provided to the Court before sentencing. However, the Commission only receives basic criminal history information from CSOSA.

⁹ See Chapter 4 for more details on calculating Guidelines compliance.

¹⁰ See Appendix A and B for the Master and Drug Grids.

¹¹ See Appendix F for a detailed description of the Commission’s seven-step compliance verification process.

V. Arrest Data

The first phase in a criminal case is usually an arrest. To further assess the effectiveness of the Guidelines and analyze sentencing practices in the District, the Commission expanded the GRID system to receive and analyze data from MPD's adult arrest data feed. This enables the Commission to examine the entire lifecycle of an individual case from arrest through sentencing or alternative final disposition of the case.

The Commission captures more than 700 data elements for each arrest coming from MPD's arrest feed, however not all of the data elements are present in each MPD arrest record. Similar to sentencing and CH score data, arrest data is electronically transferred into the GRID system every 30 minutes. The Commission classifies this data as "live data" because it continually changes. Additionally, the GRID system preserves arrest data received each calendar year as part of the annual data snapshot to ensure consistent reporting of available arrest information.

The Commission began consuming live MPD arrest data on January 16, 2020. It has also received a retroactive "data dump" of records for arrests that were made between November 2, 2017, and January 15, 2020. As a result, the GRID system houses arrest data going back to November of 2017.

Data Alert

The arrest data transmitted from MPD includes information on all parties involved in the arrest, including the arrested individual(s), witnesses, and/or victims. The specific role a person has in an arrest is recorded by MPD as their "person role", which is the data field that records an individual's role in the arrest (e.g. "defendant in arrest", "witness", "victim"). Earlier this year the Commission found that a subset of arrests involving multiple parties were not being properly processed into the analysis portion of the GRID system. Having multiple parties causes a single arrest to show up multiple times in the data, as there is a new entry created for each unique "person role". For example, an arrest involving a defendant and a victim would appear twice; once where the value for "person role" was "defendant in arrest", and a second time where the value was "victim". The duplicate arrest data caused an error in the GRID system and resulted in a subset of arrests not being analyzed, as the system did not know which entry to process for analysis.

The Commission resolved this issue by updating the GRID system's logic to select for analysis the entry where the "person role" value is "defendant in arrest."¹² After this update was made, there was a backlog of old arrests that were processed into the GRID system – the majority of these arrests were made in 2021. Due to the error, these arrests were not available for analysis at the time of the 2021 data freeze and, consequently, were not included in the arrest analysis presented in the 2021 Annual Report. As such, the number of 2021 felony adult arrests reported in the 2021 Annual Report is different than the number that is reported in the current 2022 Annual Report.¹³

¹² Note that the Commission maintains information on all parties, however only certain components are available for analysis.

¹³ The data used in the 2021 Annual Report contained 3,082 adult felony arrests, however after the backlog of data had been processed, this number increased to 5,122 adult felony arrests. After accounting for this increase, the proportion of arrests that were filed in Superior Court remained very similar to the amount reported in 2021 (57% vs. 58%).

The Commission continues to work with MPD to ensure that all valid adult felony arrests are processed into the GRID system's analysis tables.

CHAPTER FOUR: SENTENCING AND COMPLIANCE TRENDS

This chapter provides an overview of felony sentences imposed by Superior Court judges in 2022, including judicial compliance with the Guidelines. Data used in this chapter includes all initial felony convictions sentenced between January 1 and December 31, 2022, without regard to the date of the offense, case initiation, plea, or verdict. The analysis focuses on the day of sentencing, therefore the information presented does not include felony sentences following a remand from the Court of Appeals, a probation revocation, the granting of an Incarceration Reduction Amendment Act motion, or other post-sentencing modification. Federal, misdemeanor, and juvenile convictions/adjudications are not analyzed because the Guidelines only apply to adult felony offenses sentenced in the Criminal Division of the Superior Court.

In addition to presenting an overview of sentencing in 2022, this chapter includes a comparison of felony sentencing trends and Guidelines compliance from 2013 through 2022. This broader comparative analysis highlights changes in sentencing patterns over the past decade, as well as the implications of modifications to criminal statutes and the Guidelines during this period.

To analyze the multiple features of sentencing, data analysis is performed at three levels: count level, case level, and individual offender level. Count level analysis provides an overview of sentencing practices that occur for each individual felony offense sentenced. Case level analysis examines sentencing trends based upon the most severe count for a specific case. Lastly, individual offender level analysis identifies trends related specifically to the felony population sentenced in Superior Court in 2022. Each case may have one or more counts sentenced and each sentenced individual may be convicted in one or more cases in a given calendar year. The 2022 sentencing data has been primarily analyzed on the count level, except where noted.

To allow for year-to-year comparison of sentencing trends, the Commission determined that it is necessary to capture or “freeze” the data after the end of each calendar year. As previously described, this is referred to as an annual data “snapshot.” The snapshot captures felony sentences from January 1 through December 31 of a given year. The first annual snapshot was taken in 2013 and includes data from 2010 through 2013. Annual snapshots have been taken for each subsequent calendar year. The Commission took the 2022 data snapshot on January 6, 2023.

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

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.¹⁴ These Grids are comprised of two axes: one for the sentenced individual’s CH score on the horizontal axis and one for the offense severity group (OSG) of each offense for which a sentence is imposed on the vertical axis. CH scores are broken into five classification groups (A to E) on the horizontal axis of both the Master and Drug Grids. A CH classification of “A” represents the lowest CH classification, while a CH classification of “E” represents the highest.¹⁵ The Master Grid classifies offenses into nine OSGs 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 individual’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).¹⁶

II. Sentencing, Offense, and Sentenced Individual Data

The impact of the COVID-19 pandemic on Superior Court operations is a recurring theme throughout the analyses presented in this report as it caused major deviations in sentencing trends, primarily through the decreased number of felony cases, counts, and individuals sentenced in 2020 and 2021. The impact of COVID-19 should be taken into consideration when making any comparison between 2020-2021 data and earlier years. Additionally, the dramatic increases in sentences observed in 2022, compared to 2021 and 2020, are reflective of the Superior Court returning to its normal operating status. In 2022 the Court was not only processing new cases, but also the backlog of cases that had accumulated over the 2020-2021 timeframe. The Court continues to work towards regaining normal operations and caseloads.

The Commission’s data is reflective of counts/cases sentenced rather than arrests and pending matters. Therefore, increases in the number of counts, cases, and individuals sentenced in 2022 does not directly correlate to the volume or type of felony offenses or arrests that occurred in 2022.

¹⁴ See Appendices A and B for the Master Grid and the Drug Grid.

¹⁵ 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+).

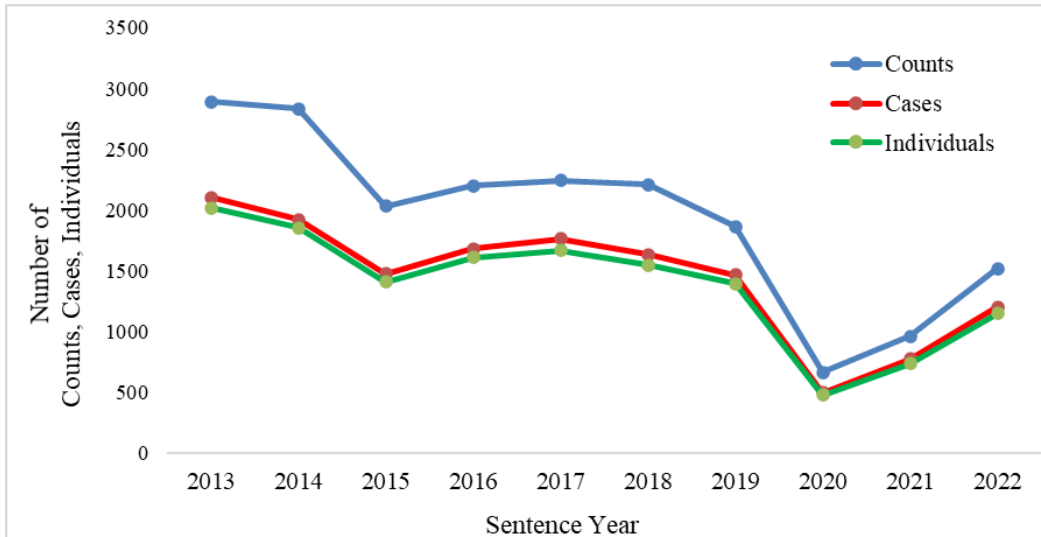
¹⁶ See Appendices A and B for the Master Grid and the Drug Grid.

A. Felony Sentences Imposed in 2022

In 2022 there were a total of 1,148 individuals sentenced for felony offenses in Superior Court. These individuals were sentenced in a total of 1,202 cases and convicted of 1,521 unique felony counts. Of the 1,202 felony cases sentenced, 935 involved a single felony count and 267 involved convictions for multiple felony counts.

Figure 2 below illustrates the historical trends for the number of counts, cases, and individuals sentenced each year. The numbers reported in 2022 represent approximately a 56% increase from 2021, which is indicative of the court resuming a near-normal operating status throughout 2022. When compared to 2019, the most recent year in which the court was operating at full capacity, the 2022 trends show an 18% decrease in the counts, cases, and individuals sentenced; this follows the trajectory of a gradual decline in felony sentences between 2017 and 2019. However, that trend will need to be evaluated again in 2023 and 2024 as the Court operations continue to normalize.

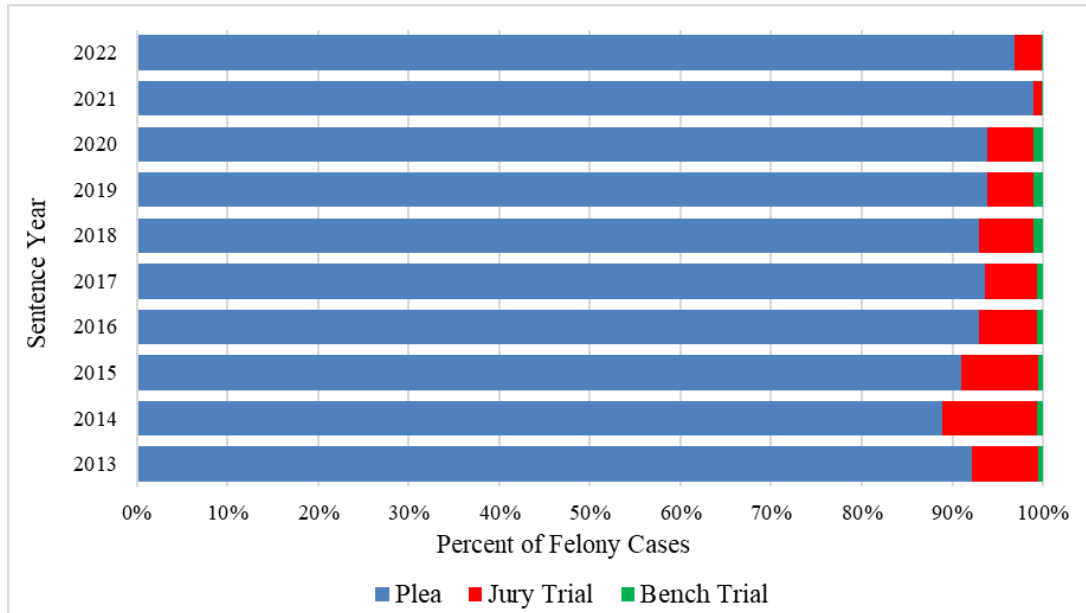
Figure 2: Felony Sentences by Year (2013-2022)



	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Counts	2891	2835	2033	2201	2244	2208	1865	664	960	1521
Cases	2105	1919	1477	1683	1762	1635	1464	495	774	1202
Individuals	2016	1854	1410	1611	1666	1546	1393	479	736	1148

Figure 3 presents the disposition of felony cases sentenced in calendar years 2013 through 2022. In 2022, an overwhelming majority of cases (1,164, 97%) were disposed of through a plea agreement, representing a two percentage-point decrease from the previous year. This slight decrease was offset by an increase in jury trials of a similar magnitude; of the 1,202 cases sentenced in 2022, only 36 were tried before a jury. Additionally, the increase in jury trials is also the result of the Court’s gradual return to normal operations. The proportion of cases disposed of via a bench trial have consistently represented around 1% each year, though decreased in recent years only accounting for 0.1% of cases in 2021 and 0.2% of cases in 2022.

Figure 3: Disposition Type, Case Level (2013-2022)

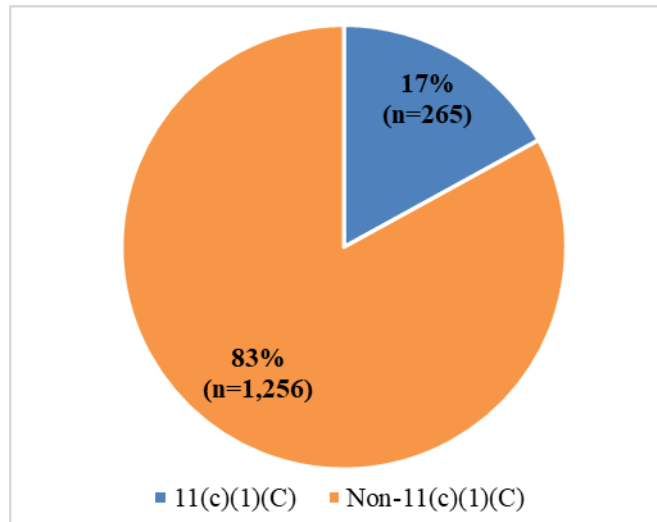


	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Plea	92.1%	88.9%	90.9%	93.0%	93.5%	93.0%	93.9%	93.9%	98.8%	96.8%
Jury Trial	7.4%	10.4%	8.5%	6.4%	5.8%	6.0%	5.0%	5.1%	1.0%	3.0%
Bench Trial	0.5%	0.7%	0.5%	0.7%	0.6%	1.0%	1.1%	1.0%	0.1%	0.2%
Total Felony Cases	1290	1918	1476	1683	1762	1635	1464	495	774	1202

In 2022 there were 1,164 cases sentenced following a plea agreement, 177 (15%) of which were the result of a Superior Court Criminal Rule 11(c)(1)(C) plea. Rule 11(c)(1)(C) pleas occur when the prosecution and the defense agree upon a specified sentence or sentence range. This agreed upon sentence is presented to the court, which can either accept or reject the plea. If accepted, the plea agreement becomes binding on the court. Under Guidelines rules, all Rule 11(c)(1)(C) plea sentences are deemed compliant with the Guidelines, even if the agreed upon sentence is outside of the Guidelines recommended sentencing range or type.

The 177 cases sentenced under a Rule 11(c)(1)(C) consisted of 265 counts; approximately one in every five sentences imposed in 2022 were the result of a Rule 11(c)(1)(C) plea, representing 17.4% of all felony counts sentenced, and 18.4% of all pleas (*see* Figure 4 below). Note that the number of counts sentenced pursuant to a Rule 11(c)(1)(C) pleas in 2022 increased by approximately 88% from 2021.¹⁷

Figure 4: 2022 Rule 11(c)(1)(C) Pleas, Count Level (2022)



A majority of the felony counts sentenced under a Rule 11(c)(1)(C) plea resulted in a compliant in the box sentence (205 counts, 77%). Of the Rule 11(c)(1)(C) pleas that were compliant outside of the box, the majority were given a sentence below the recommended Guidelines sentence (43 counts, 81%). This breakdown is shown in Table 3 below.

Table 3: Distribution of Rule 11(c)(1)(C) Pleas (2022)

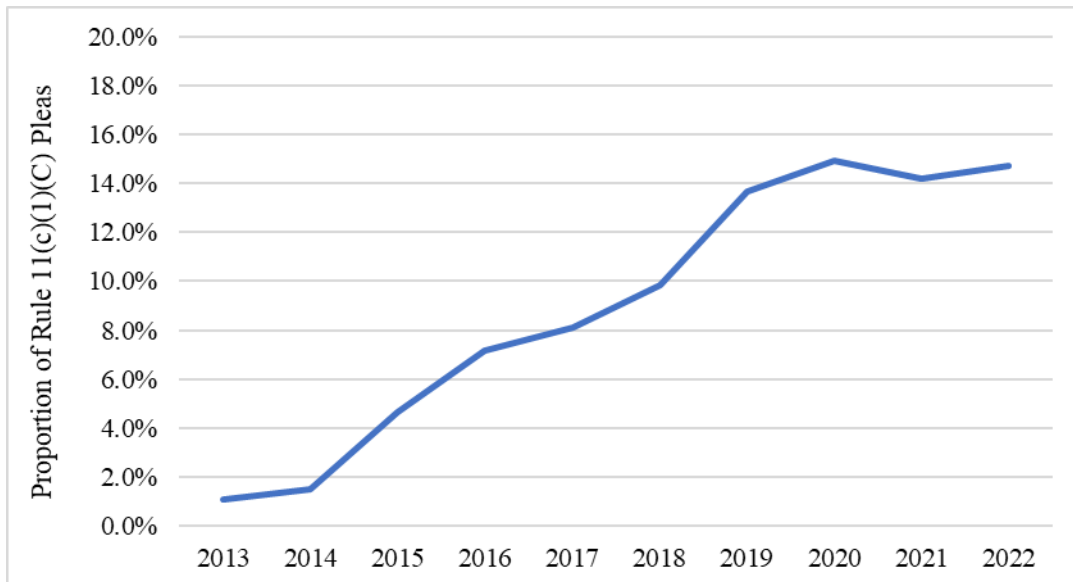
11(c)(1)(C) Plea Type		
Compliant In the Box		205 (77%)
Compliant out of the Box	<i>Above Box</i>	10 (4%)
	<i>Below Box</i>	43 (16%)
No CH Score		7 (3%)

¹⁷ In 2021 there were 141 felony counts sentenced under a Rule 11(c)(1)(C) plea.

The majority of sentences following a Rule 11(c)(1)(C) plea were prison sentences (194 counts, 73%). Violent offenses accounted for the greatest percentage (38.1%) of offenses sentenced pursuant to a Rule 11(c)(1)(C) plea, followed by Weapon offenses (25.2%). Combined, Violent and Weapon offenses represented approximately 63% of all sentences imposed in 2022 that were the result of a Rule 11(c)(1)(C) plea.

As shown in Figure 5, the proportion of cases sentenced following a Rule 11(c)(1)(C) plea has been gradually increasing each year, from 1.1% in 2013 to 14.7% in 2022. The highest 11(c)(1)(C) rate of 14.9% was observed in 2020 and has remained constant since, only experiencing minor fluctuations over the last three years.

Figure 5: Proportion of Rule 11(c)(1)(C) Pleas, Case Level (2013-2022)



	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
11(c)(1)(C) Pleas	23	29	69	121	143	161	200	74	110	177
Proportion of all Felony Cases	1.1%	1.5%	4.7%	7.2%	8.1%	9.8%	13.7%	14.9%	14.2%	14.7%

1. Sentence Type

The Commission classifies sentences into three categories: prison, short split, and probation.¹⁸ The proportion of counts that receive a prison sentence has been fluctuating since 2015, ranging between 53 and 61 percent per year. Just over half (55.7%) of all felony counts received a prison sentence in 2022. This demonstrates a decrease of five percentage points from 2021, which is offset by an increase in probation sentences; 27% of all counts received probation sentences in

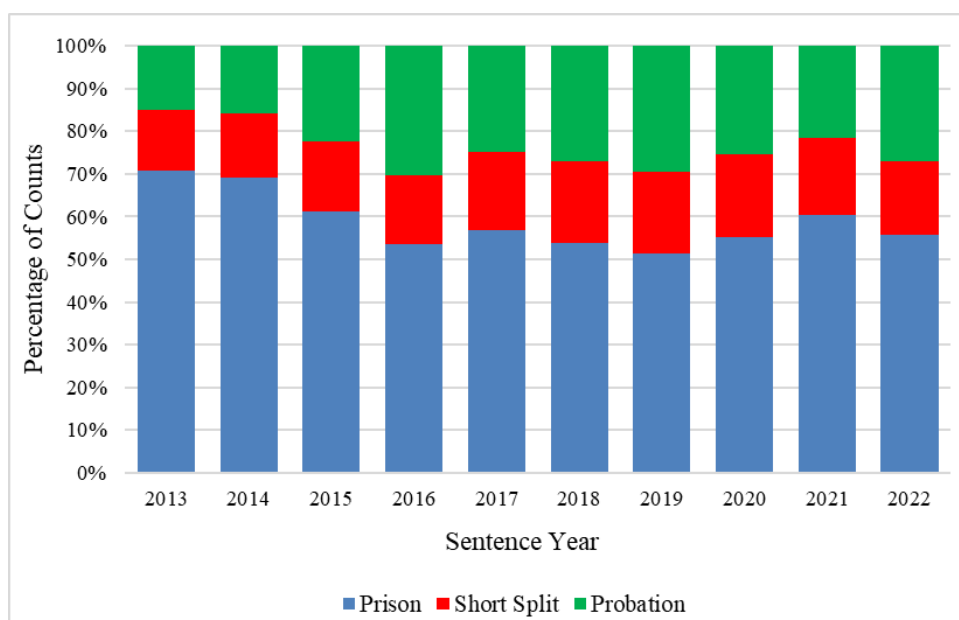
¹⁸ Prison sentence includes long split and life sentences; one life sentence was imposed in 2022. See p. 54 for further discussion and definitions of each type of sentence.

2022, compared to only 21.6% in 2021.¹⁹ The proportion of short split sentences imposed each year has remained relatively unchanged since 2017; 17% of all felony convictions received a short split sentence in 2022. Overall, the trends reported in 2022 are consistent with previous years.

There was a disproportionate increase in the number of probation sentences imposed from 2021 to 2022. In 2022, 410 counts received probation sentences, demonstrating a 98% increase from 2021 where only 207 counts received probation sentences. Conversely, the change in prison and short split sentences was more gradual, only increasing by 47% and 51%, respectively. This discrepancy is reflective of the court’s prioritization of serious offenses and matters involving detained individuals during the pandemic.

Throughout 2022, Superior Court began returning to its pre-pandemic operating status while simultaneously processing the backlog of cases that have accumulated. The backlog was heavily comprised of lower severity cases in which a probation sentence is permissible based on the Guidelines recommendations; just under half (46%) of the non-drug felony counts sentenced in 2022 were in probation permissible boxes, however probation is only recommended in 13% of the boxes on the Master Grid.

Figure 6: Sentence Type, Count Level (2013-2022)



	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Prison	70.8%	69.0%	61.0%	53.6%	56.9%	53.8%	51.5%	55.3%	60.3%	55.7%
Short Split	14.4%	15.1%	16.5%	15.9%	18.4%	19.2%	18.9%	19.3%	18.1%	17.3%
Probation	14.9%	15.8%	22.4%	30.3%	24.7%	27.0%	29.6%	25.5%	21.6%	27.0%
Total Counts	2,891	2,835	2,033	2,201	2,244	2,208	1,865	664	960	1,521

¹⁹ This change may be attributed to the impact of COVID-19 and the Superior Court’s progress in resuming normal operations. The Commission will continue to monitor these trends as the District’s criminal justice system returns to its pre-COVID operating status.

Under the Guidelines a prison sentence is an available sentencing option in every Grid box. Collectively, 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).²⁰ These types of sentences are typically imposed for less severe offenses and/or individuals with a limited CH score. However, some offenses are subject to mandatory minimum sentencing provisions, which requires that a judge impose a prison term, even if the individual was otherwise eligible for a short split or probation sentence under the Guidelines.

2. Offense Severity Group

There were 1,521 felony counts sentenced in 2022, the vast majority (93%) of which were felony non-drug offenses. Only 7% of felony counts sentenced in 2022 were Drug offenses. Figure 7 shows the distribution of sentences, based on the OSG of the convicted offense and the sentence type imposed for each felony count. The data is presented at the count level.

Dark red shaded cells correspond to the more prominent OSGs and sentence types, while the light red and white shaded cells represent OSG's that had very few or no counts sentenced.

Master Grid (left)

Prison was the most frequently imposed sentence type for all OSGs on the Master Grid except for convictions ranked in M9, the least severe non-drug felony offense group. As indicated by the dark red shaded cells, the majority (64%, 904 counts) of non-drug counts were offenses ranked in M8; this Master Group contains offenses such as CPWL, Unlawful Possession of a Firearm-Prior Felony (UPF-PF), and Assault with Significant Bodily Injury. Just under half (47%) of these convictions resulted in a prison sentence, the remaining 53% received either a probation (33%) or short split sentence (20%).

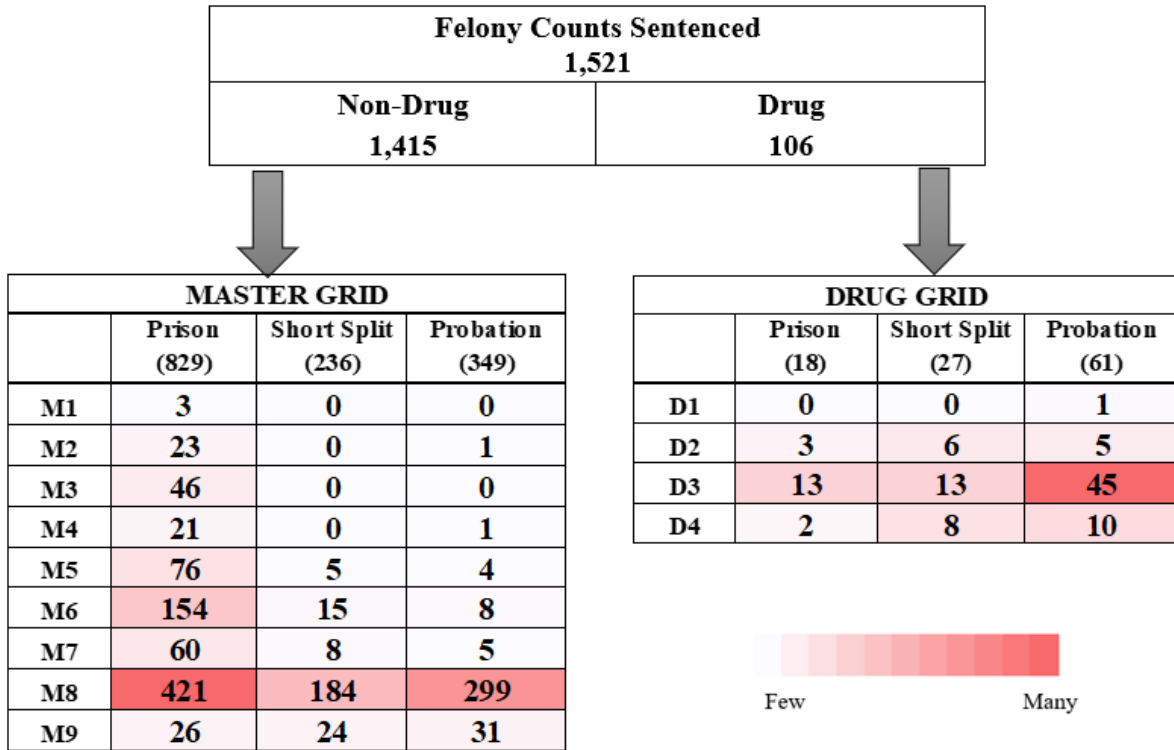
Note that the single M2 count that received a probation sentence was for a Murder II Accessory after the Fact conviction that was sentenced under the Youth Rehabilitation Act.

Drug Grid (right)

Probation was the most frequently imposed sentence type for Drug offenses, representing over half (58%) of all Drug sentences. Conversely, probation represented 25% of non-drug offenses. Two-thirds (67%) of all Drug counts were offenses ranked in Group D3, where probation and short split are eligible sentence types in four of the five Drug Grid boxes.

²⁰ See Chapter 4 Section I for a detailed explanation of the Guidelines' structure and Appendices A and B for the Master and Drug Grids.

Figure 7: Counts Sentenced by Offense Severity Group (2022)



The charts in Figure 8 show the average CH score for each OSG, broken down by sentence type. The yellow and green shading mimics the color coding that is used on the Master and Drug Grids to differentiate between the available sentencing options. This information is presented at the count level.

Figure 8: Offense Severity Group by Sentence Type and Average CH Score, Count Level (2022)

MASTER GRID			
Proportion of Sentence Type by OSG			
Average CH Score			
	Prison (830)	Short Split (236)	Probation (349)
M1	100% 2.1	-	-
M2	96% 2.8	-	4% 0.0
M3	100% 1.5	-	-
M4	95% 2.6	-	5% 0.0
M5	89% 1.9	6% 0.7	5% 1.9
M6	87% 1.9	8% 0.7	5% 0.1
M7	82% 2.6	11% 0.4	7% 0.3
M8	47% 2.6	20% 1.0	33% 0.8
M9	32% 2.1	30% 1.3	38% 0.7

DRUG GRID			
Proportion of Sentence Type by OSG			
Average CH Score			
	Prison (18)	Short Split (27)	Probation (61)
D1	-	-	100% 0.0
D2	21% 2.3	43% 2.0	36% 1.6
D3	18% 4.2	18% 2.4	63% 2.1
D4	10% 4.9	40% 1.9	50% 2.4

Figure 9 presents the distribution of counts sentenced in each severity group over the last 10 years; each cell represents the proportion of all felony counts sentenced for that given calendar year. The gradient colors indicate which Offense Severity Groups had the most felony counts sentenced in each given year (white/pale red = few, dark red = many).

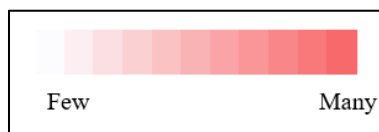
2019 showed a prominent increase in the proportion of M8 offenses sentenced, which can be attributed to the Commission’s re-ranking of UPF-PF from OSG M7 to OSG M8. The change took effect in the second half of 2018. Sentences for M8 offenses increased by 15 percentage points between 2018 and 2019 and have continued to increase, hitting an all-time high in 2022 where they represented 59.5% of all felony counts sentenced.

This shift has been offset by decreases in sentences for both M7 offenses and Drug offenses. M7 offenses experienced an approximate six percentage-point decrease in 2019 and have consistently represented between three and five percent of all sentences since. Drug offenses also experienced a sharp decline in 2019, and have continued to decrease, representing only seven percent of all felony counts sentenced in 2022. Note that two-thirds of all Drug sentences in 2022 were for convictions that fall into offense group D3.

When combined, offenses categorized in offense severity groups M1 through M4 have consistently represented less than 5.5% of all counts sentenced each year.

Figure 9: Felony Sentences Imposed by Offense Severity Group, Count Level (2013-2022)

OSG	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
M1	0.8%	0.9%	0.7%	0.5%	0.4%	1.4%	0.6%	0.0%	0.3%	0.2%
M2	2.1%	1.6%	2.1%	1.5%	1.1%	1.4%	2.0%	1.8%	1.3%	1.6%
M3	0.8%	2.9%	2.7%	1.5%	1.8%	2.2%	2.1%	1.4%	1.0%	3.0%
M4	1.0%	1.7%	1.8%	1.2%	0.9%	1.2%	1.6%	2.6%	1.5%	1.4%
M5	8.4%	13.6%	10.1%	9.1%	8.3%	9.4%	6.8%	6.8%	5.8%	5.6%
M6	19.4%	10.2%	13.7%	15.1%	16.2%	12.9%	13.0%	14.6%	14.8%	11.6%
M7	10.5%	8.1%	11.4%	11.4%	12.0%	9.8%	3.4%	4.4%	5.2%	4.8%
M8	28.1%	33.6%	31.9%	32.1%	29.1%	35.6%	50.0%	50.0%	58.0%	59.5%
M9	11.1%	10.8%	10.2%	7.0%	5.1%	5.7%	7.1%	8.3%	4.6%	5.3%
NON-DRUG	82.2%	83.4%	84.6%	79.5%	75.0%	79.6%	86.8%	89.8%	92.5%	93.0%
D1	0.3%	0.3%	0.1%	0.2%	0.2%	0.2%	0.1%	0.0%	0.3%	0.1%
D2	6.2%	5.7%	5.3%	5.1%	6.1%	4.6%	3.9%	2.9%	1.0%	0.9%
D3	10.8%	8.6%	7.9%	11.7%	13.9%	13.1%	7.6%	6.9%	5.2%	4.7%
D4	0.6%	2.0%	2.0%	3.5%	4.8%	2.5%	1.6%	0.5%	0.9%	1.3%
DRUG	17.8%	16.6%	15.3%	20.5%	25.0%	20.4%	13.2%	10.2%	7.5%	7.0%



3. Offense Type

Listed below are the Commission's offense categories and common offenses within each category:²¹

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

- Non-Drug Offenses:
 - Homicide: First Degree Murder, Second Degree Murder, Voluntary and Involuntary Manslaughter;²²
 - Violent offenses: Armed, Unarmed, and Attempted Robbery, Assault with a Dangerous Weapon, Aggravated Assault, Carjacking, and Kidnapping;
 - Sex offenses: all degrees of Sexual Abuse, Child Sexual Abuse, and Human Trafficking offenses;
 - Property offenses: Arson, First Degree Burglary, Second Degree Burglary, First Degree Theft, Felony Receiving Stolen Property, Unauthorized Use of a Vehicle, Fraud, and Forgery;
 - Weapon offenses: Carrying a Pistol without a License (CPWL), Unlawful Possession of a Firearm with a Prior Felony (UPF-PF),²³ Unlawful Possession of a Firearm with a Prior Crime of Violence (UPF-PF-PCOV),²⁴ and Possession of a Firearm During a Crime of Violence (PFCOV);²⁵ and
 - Other offenses: Prison Breach, Fleeing Law Enforcement, Obstruction of Justice, and Bail Reform Act (“BRA”) violations.²⁶

²¹ See Appendix D for additional information regarding sentences by offense type.

²² Negligent Homicide (Vehicular) is not included in this offense group because it is not a common offense and has different elements from Murder I, Murder II, and Manslaughter. See Appendix D.

²³ A UPF-PF conviction has a 12-month mandatory minimum prison sentence. D.C. Code § 22-4503(a)(1).

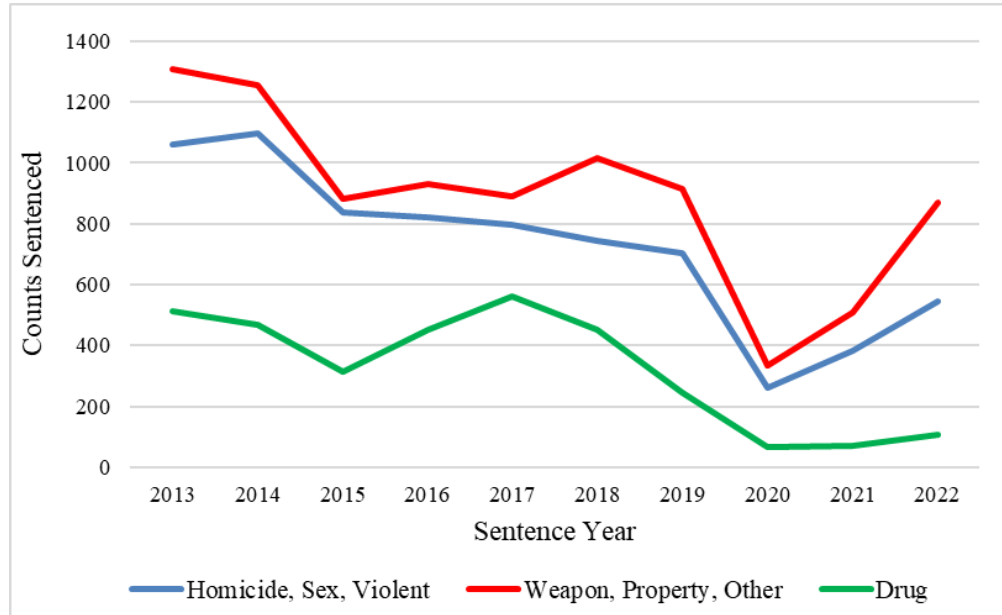
²⁴ A UPF-PCOV conviction has a 36-month mandatory minimum prison sentence. D.C. Code § 22-4503(b)(1).

²⁵ A PFCOV conviction has a 60-month mandatory minimum prison sentence. D.C. Code § 22-4501(1), § 22-4504(b).

²⁶ A BRA conviction is the result of an individual failing to return to court as required. D.C. Code § 23-1327(a).

Figure 10 presents historical sentencing trends for Violent offenses (comprised of Homicide, Violent, and Sex offenses), Non-Violent offenses (comprised of Property, Weapon, and Other offenses), and Drug offenses.

Figure 10: Sentenced Violent and Non-Violent Counts (2013-2022)



	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
<u>Violent</u>										
Homicide										
Sex	1,060	1,095	838	819	795	743	705	260	381	547
Violent										
<u>Non-Violent</u>										
Weapon										
Property	1,306	1,257	883	930	888	1,014	914	336	507	868
Other										
<u>Drug</u>	514	468	312	452	561	451	246	68	72	106
<i>Total Counts</i>	2,891	2,835	2,033	2,201	2,244	2,208	1,865	664	960	1,521

As illustrated in the chart above, sentences for both Violent and Non-Violent offenses have been increasing since 2020, where effects of the COVID-19 pandemic on the District’s criminal justice system led to a substantial decline in sentences across all offense categories. The increases observed in 2022 are most prominent for Non-Violent offenses, which have experienced a 71% increase from 2021, and are now consistent with pre-pandemic trends, representing only a 5% decline (46 counts) from the number of Non-Violent sentences imposed in 2019.

Violent offenses have also continued to increase since 2020, though at a slower rate compared to Non-Violent offenses. Violent offenses increased by 44% in 2022 and remain below pre-pandemic levels. This discrepancy is due to the increase in Weapon offenses (categorized as a Non-Violent offense); more information pertaining to sentencing trends among Violent and Weapon offenses, can be found beginning on page 34.

In 2022, there was only a slight increase in the number of Drug sentences imposed compared to 2020 and 2021. The 106 Drug counts represented only 7% of all felony sentences in 2022, which is the lowest proportion of Drug sentences observed within the last decade.

Figure 11 below presents the distribution of sentences in 2022 by offense category, at the count level. Overall, felony non-drug offenses represented approximately 93% of counts sentenced in 2022, with Violent and Weapon offenses accounting for approximately 75% of all felony counts sentenced. The Weapon offense category was the largest offense category, representing just under half (46%) of all counts sentenced. When combined, Homicide and Sex offenses only represented 8% of all felony sentences imposed in 2022.

Figure 11: Offense Categories, Count Level (2022)

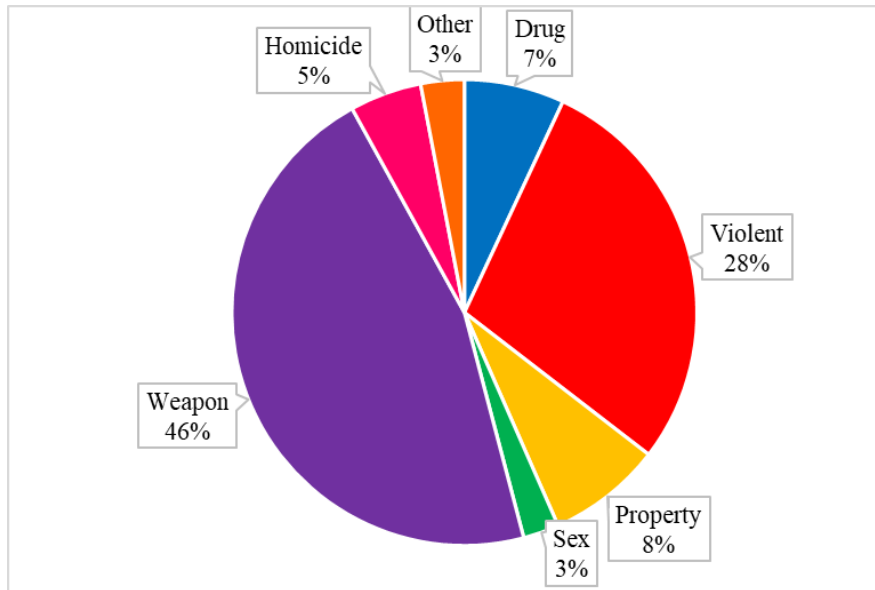
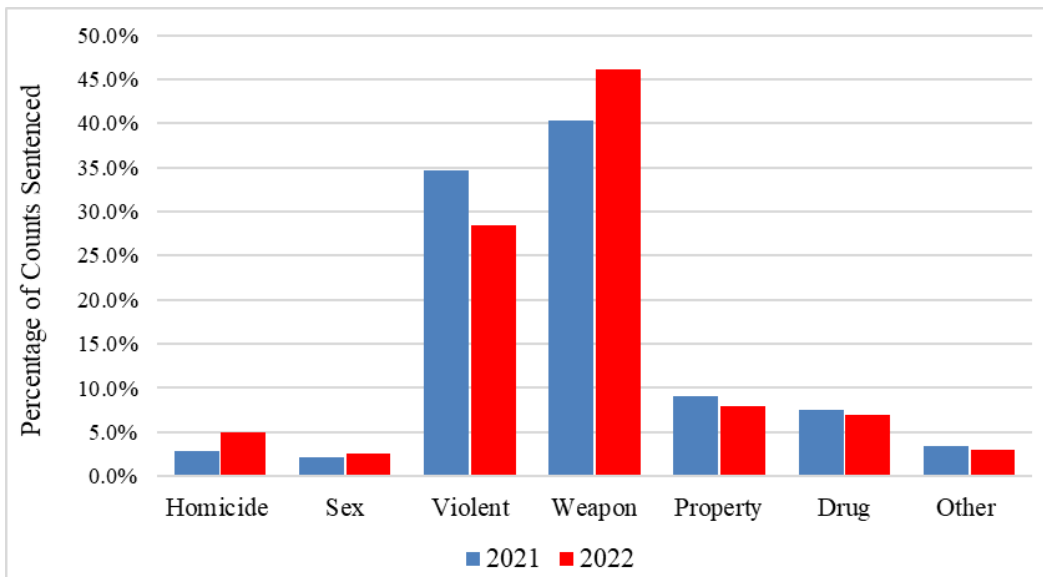


Figure 12 compares the offense category trends observed in 2021 and 2022. The most noteworthy observation is the shift in the proportion of Violent and Weapon offenses sentenced. Violent offenses accounted for a smaller proportion of felony sentences in 2022, declining from 35% to 29% of all felony counts sentenced. Weapon sentences increased by the same magnitude, increasing from 40% in 2021 to 46% in 2022. The only other notable increase was for Homicide sentences, which more than doubled to represent five percent of all felony counts sentenced in 2022; this is the greatest reported rate increase for Homicide sentences in the last 10 years.²⁷

The total number of sentences imposed increased for all offense categories in 2022, however the distribution of sentences across these categories has remained largely unchanged. The proportion of Sex, Property, Drug, and Other offenses sentenced did not fluctuate from the previous year. Although there were shifts in the rate of Violent and Weapon sentences imposed, these two categories have consistently represented the majority of all felony counts sentenced in a given year.

Figure 12: Offense Categories, Count Level (2021 and 2022)



	Homicide	Sex	Violent	Weapon	Property	Drug	Other	Total
2021	27 2.8%	21 2.2%	333 34.7%	387 40.3%	87 9.1%	72 7.5%	33 3.4%	960
2022	76 5%	38 2.5%	433 28.5%	701 46.1%	121 8%	106 7%	46 3%	1,521

Figure 13 illustrates the distribution of sentence types among each offense category. A prison sentence was imposed for 56% of all felony counts sentenced in 2022, and was the prominent sentence type for Homicide, Sex, Violent, and Property offenses, representing over 68% of all sentences imposed within each of the aforementioned offense categories. Conversely, less than

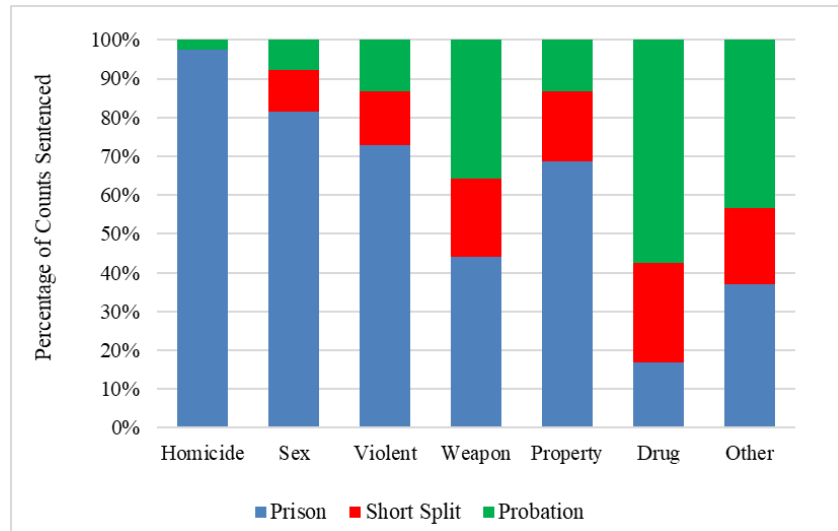
²⁷ Sentencing trends for Homicide offenses are discussed in more detail on page 38.

half of all Weapon counts received a prison sentence. Short split sentences were the least imposed sentence type, representing 17% of all felony counts sentenced.

Forty-four percent of Weapon offenses (309 counts) resulted in a prison sentence in 2022, demonstrating a 13-percentage-point decrease from the previous year.²⁸ This decrease is offset by increases in probation and short split sentences, which accounted for 36% and 20% of Weapon sentences, respectively. Sentencing trends for Weapon offenses are discussed in more detail on page 34. Sixty percent of Drug convictions resulted in a probation sentence; this was the only offense category in which more than half of the counts sentenced received a probation sentence.

Two Homicide counts received probation sentences. The first was a conviction for Involuntary Manslaughter, where the sentence was imposed following an accepted Rule 11(c)(1)(C) plea, thus making it compliant with the Guidelines, while the second was a Murder II Accessory After the Fact conviction sentenced under the Youth Rehabilitation Act.²⁹ Additionally, of the three Sex offense counts that received probation sentences; two were for offenses ranked in either M8 or M9, where the probation sentence was deemed compliant with the Guidelines given the CH scores of the sentenced individuals. The third was for an M6 offense that was sentenced following a Rule 11(c)(1)(C) plea.

Figure 13: Offense Category by Sentence Type: Count Level (2022)



	Homicide	Sex	Violent	Weapon	Property	Drug	Other	Total
Prison	74	31	316	309	83	18	17	848
Short Split	0	4	60	141	22	27	9	263
Probation	2	3	57	251	16	61	20	410
<i>Total</i>	<i>76</i>	<i>38</i>	<i>433</i>	<i>701</i>	<i>121</i>	<i>106</i>	<i>46</i>	<i>1,521</i>

²⁸ In 2021, 57% (220 counts) of all felony Weapons counts received prison sentences.

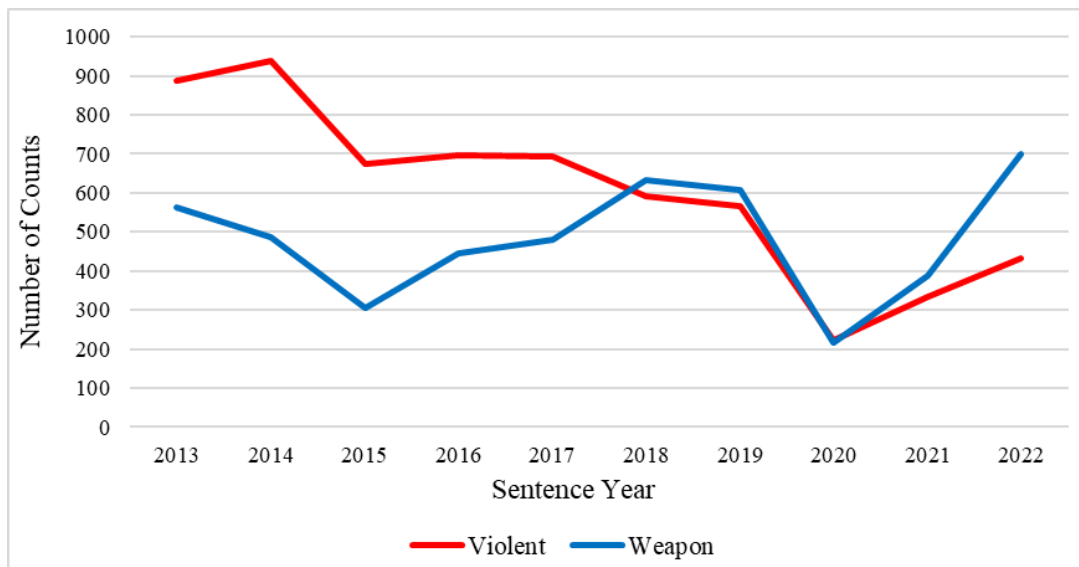
²⁹ Under Superior Court Rule of Criminal Procedure 11(c)(1)(C), the parties can agree on a guilty plea with a specific sentence, or sentence range, or cap. If the judge accepts the plea, the judge is also bound by the parties' agreement. All counts sentenced as a result of a Rule 11(c)(1)(C) plea are classified as compliant Rule 11(c)(1)(C) sentences, regardless of whether the agreed upon sentence imposed would have otherwise been compliant with the applicable Guidelines range and/or sentencing options.

Figure 14 depicts the historic sentencing trends for Violent and Weapon offenses. The number of sentences fluctuated for both categories between 2013 and 2019, before drastically declining in 2020 due to the impact of COVID-19. Since then, Weapon sentences have substantially increased, surpassing pre-pandemic levels. The 701 Weapon sentences imposed in 2022 demonstrate an 81% increase from 2021 and a 225% increase from 2020, indicating that the number of Weapon counts sentenced has more than tripled within three years. Violent sentences have also increased, though at a much slower rate, experiencing only a 30% increase from 2021, and a 96% increase from 2020. It is important to acknowledge that these increases do not directly correlate to the number of felony arrests made in 2022, but rather are reflective of the court returning to a full operating status and addressing the backlog of cases that accumulated in 2020 and 2021. Note that 63% of Violent offenses and 60% of Weapon offenses sentenced in 2022 belonged to cases that were filed between 2020 and 2021.

Combined, Violent and Weapon offenses represented approximately 75% of all felony counts sentenced in 2022. Although this is consistent with the 2021 trends, the numbers reported in 2021 and 2022 are much greater than previous years where, on average, Violent and Weapon sentences represented 55% of all counts sentenced (years 2013-2020).

The analysis presented on pages 34-37 further examines sentencing trends for these two prominent offense categories.

Figure 14: Sentenced Violent and Weapon Offense Counts (2013-2022)



	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Violent	886	939	674	697	692	593	567	221	333	433
Weapon	563	488	306	444	481	632	609	216	387	701
<i>Combined Percentage of all Felony Counts</i>	50.1%	50.3%	48.2%	51.8%	52.3%	55.5%	63.1%	65.8%	75.0%	74.6%

Weapon Offenses:

Just under half (46%) of all felony sentences imposed in 2022 were for Weapon offenses. There were 644 unique individuals convicted of a Weapon offense, sentenced in a total of 648 cases, comprised of 701 distinct Weapon counts. Note that a Weapon offense was the most serious count sentenced in 533 of the 648 cases (82%) that contained a Weapon offense. This is important to acknowledge given that the sentence imposed for the most serious count on a case often drives the overall sentence for that case.

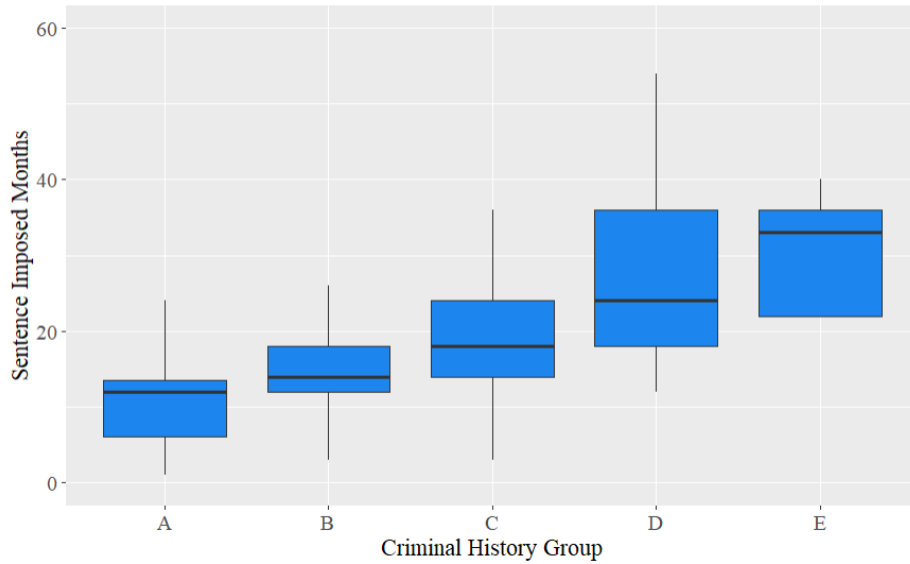
The following analysis showcases the sentencing trends for Weapon offenses by criminal history score. The series of box-and-whisker plots on page 35 illustrate the range of sentences imposed for Weapon offenses, within each criminal history group. The blue shaded boxes represent the middle 50% of the sentences imposed. For example, half of all Weapon sentences imposed among sentenced individuals whose prior criminal history score placed them in column A, were between 6 and 14 months, compared to 12 and 18 months for those within criminal history score column B. The black horizontal line indicates the median sentence imposed for each criminal history group. The endpoints of the straight lines extending from the top and bottom of the shaded boxes represent the minimum and maximum sentences imposed within each criminal history group. The figure *excludes* 22 statistical outlier sentences, as well as eight sentences where the court did not request a criminal history score.³⁰

Figure 15 shows that as the criminal history score column of the sentenced individual increases from A to E, so does the median sentence imposed, and the sentencing range for the middle 50% of sentences.

³⁰ Outliers are identified as any sentence imposed that is *greater than* $Q3 + (1.5 * IQR)$, where Q3 is the upper bound of the blue shaded box and IQR is the Inter-Quartile Range. The IQR is computed as the upper bound of the blue shaded box (Q3) minus the lower bound of the blue shaded box (Q1); $IQR = Q3 - Q1$. For example, in CH Group B, a sentence is considered an outlier if it is greater than 27 months.

- CH B: $Q1 = 12, Q3 = 18, IQR = 6$
- $Q3 + (1.5 * IQR) \rightarrow 18 + (1.5 * 6) = 27$ months

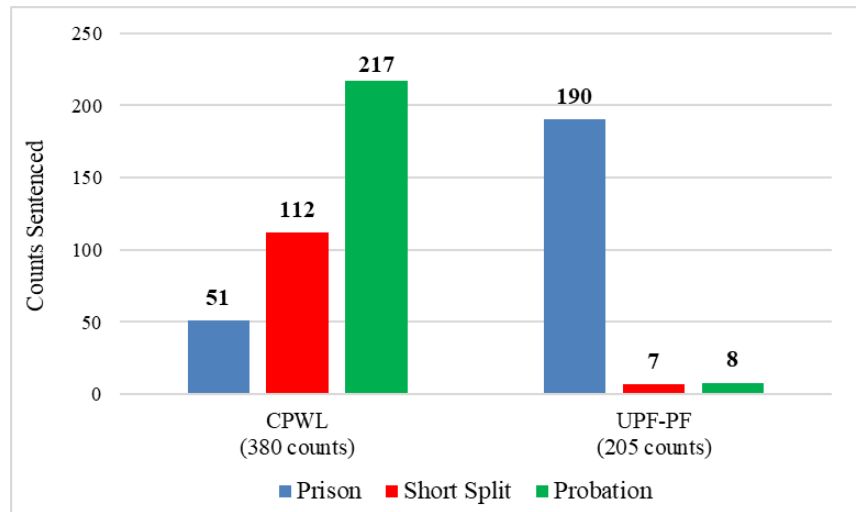
Figure 15: Distribution of Weapon Sentences by CH Score, Count Level (2022)



Criminal History Score	A	B	C	D	E
Median Sentence Imposed (months) (black horizontal line)	12	14	18	24	27
Middle 50% of Sentences (months) (blue shaded box)	6-13.5	12-18	14-24	18-36	22-36

Consistent with previous years, CPWL and UPF-PF were the most frequently sentenced Weapon offenses. Combined, these two offenses represented 83% of all Weapon sentences, with CPWL and UPF-PF accounting for 54% and 29%, respectively. Sentencing trends for CPWL and UPF-PF are discussed in detail on page 36.

Figure 16: CPWL and UPF-PF Sentence Type Distribution, Count Level (2022)



CPWL

- There were 380 CPWL counts sentenced in 2022; CPWL accounted for 25% of all felony sentences imposed in 2022.
- Over half (57%) of CPWL sentences received a probation sentence, while only 51 counts, representing 13% of all CPWL convictions, received a prison sentence.
 - o In 2021, 20% of CPWL counts received a prison sentence.
- The 51 CPWL counts that received prison sentences belonged to 51 cases. The CPWL charge was sentenced alongside a more serious offense in 61% of the CPWL cases where a prison sentence was imposed.
- The median prison sentence imposed for CPWL was 18 months. This is an increase from 2021, where the median CPWL prison sentence was 12 months.

UPF-PF

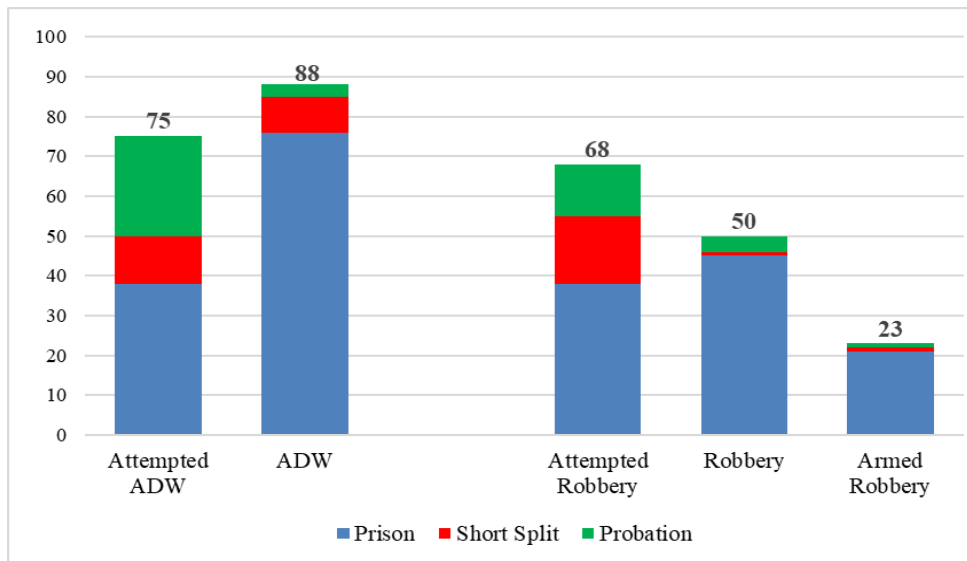
- In 2022, there were 205 UPF-PF counts sentenced, representing 29% of all Weapon sentences and 13.5% of all felony sentences imposed.
- An overwhelming majority (93%) of UPF-PF counts received prison sentences. This high incarceration rate is, in part, due to the one-year mandatory minimum prison sentence that applies to the offense. It is important to note that the sentencing judge may disregard most mandatory minimum sentencing requirements, including the mandatory minimum for UPF-PF, for individuals who were under the age of 25 years old at the time of the offense, when the individual is sentenced pursuant to the YRA.³¹
- The median prison sentence for UPF-PF in 2022 was 18 months, which was consistent with 2021.

³¹ D.C. Code § 24-903(b)(2).

Violent Offenses:

Violent offenses represented 28% of all felony counts sentenced in 2022. There were a total of 433 Violent counts sentenced, belonging to 371 cases and 360 individuals. Similar to 2021, Assault with a Dangerous Weapon (ADW) and Robbery were the two most frequently sentenced Violent offenses, representing 70% of all Violent offenses, when combined. ADW sentences represented 38% of all Violent offenses, and 11% of all felony counts sentenced in 2022, while Robbery represented 33% and 9%, respectively. The distribution of sentence types for both offenses, broken down by gradation (i.e. armed vs. unarmed) is shown below.

Figure 17: ADW and Robbery Sentence Type Distribution, Count Level (2022)³²



	Attempted ADW	ADW	Attempted Robbery	Robbery	Armed Robbery
Prison	38	76	38	45	21
Short Split	12	9	17	1	1
Probation	25	3	13	4	1
<i>Total Counts</i>	75	87	68	50	23
	ADW: 163		Robbery: 141		

As reported in the chart above, the majority (218 counts, 72%) of all ADW and Robbery convictions resulted in a prison sentence. Of the 46 counts (15%) that received a probation sentence, 83% were for either Attempted ADW or Attempted Robbery; only seven Violent non-attempt convictions received probation sentences in 2022.

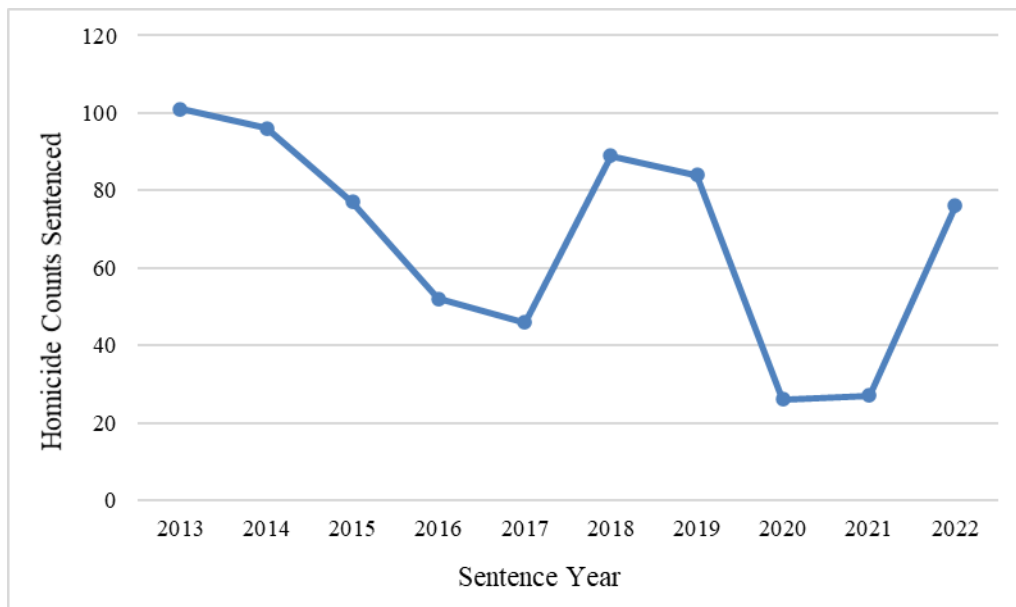
³² There is no ADW while armed offense because committing the offense while armed is already a required element of the underlying offense.

Homicide Offenses:

Yearly Homicide sentencing trends are presented in Figures 18 and 19. The number of Homicide counts sentenced each year gradually decreased between 2013 and 2017, before experiencing a 93% increase in 2018. Like other offenses, the drastic decrease observed in 2020 and 2021 is largely attributed to the impact of COVID-19 on Superior Court operations. In 2022 the number of Homicide counts sentenced nearly tripled, jumping from 27 counts in 2021 to 76 counts in 2022; this demonstrates an 181% increase.

The 76 Homicide sentences imposed in 2022 are consistent with pre-pandemic trends, as the number of Homicide counts sentenced each year has ranged between 52 and 101 (2013-2019). The 76 counts represent five percent of all felony sentences imposed last year, which is the greatest proportion observed in the last ten years. Historically, Homicide has represented between two and four and a half percent of all felony sentences in a given year.

Figure 18: Sentenced Homicide Counts (2013-2022)

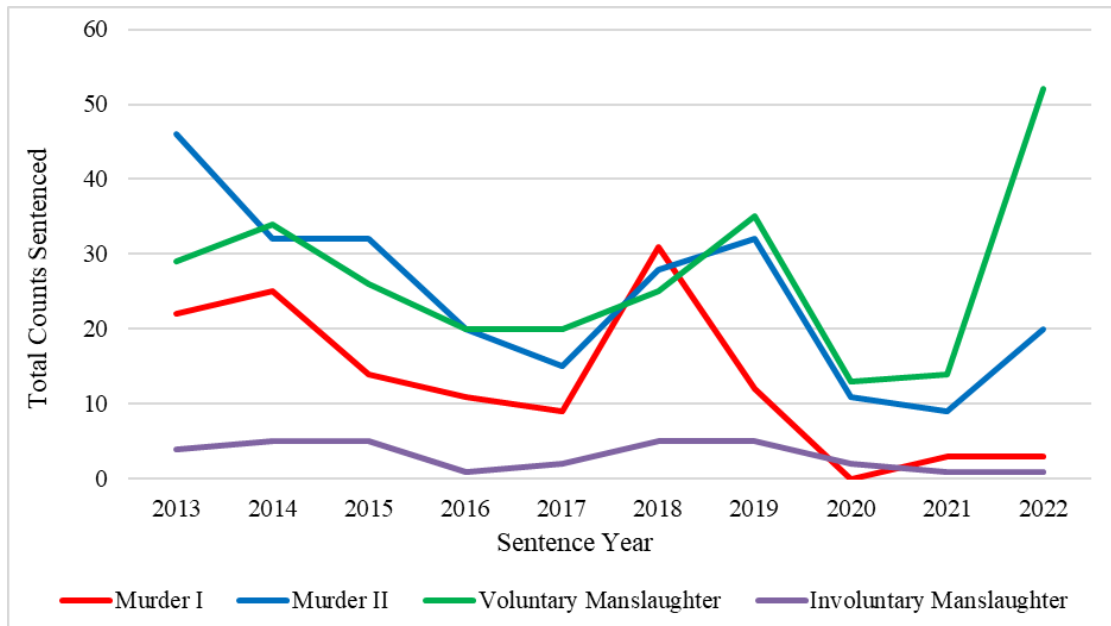


	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Homicide Counts Sentenced	101	96	77	52	46	89	84	26	27	76
<i>Proportion of all Felony Counts</i>	3.5%	3.4%	3.8%	2.4%	2.0%	4.0%	4.5%	3.9%	2.8%	5.0%

A majority of the Homicide counts sentenced in 2022 were for Voluntary Manslaughter, accounting for just over two-thirds (68%) of all Homicide sentences, followed by Second Degree Murder, which represented a quarter (26%) of all Homicide sentences. Both offenses experienced significant increases from 2021, with Voluntary Manslaughter increasing by 271% and Second Degree Murder increasing by 122%. The 52 Voluntary Manslaughter sentences imposed in 2022 were the greatest number reported in 10 years, exceeding pre-pandemic levels. However, like other increases discussed, this can be primarily attributed to the court returning to its full operating status in 2022 and its ability to process the backlog of cases that accumulated over the course of the COVID-19 pandemic; 80% of Homicide counts sentenced in 2022 were for cases filed between 2018 and 2021.

The increase in Second Degree Murder sentences is consistent with pre-pandemic trends. First Degree Murder and Involuntary Manslaughter sentences remain largely unchanged compared to 2021, though the former is still below historic levels. This is primarily because most Murder I sentences are the result of a jury trial guilty verdict. The Court is still working through a backlog of Murder I jury trials. Note that the Commission classifies Negligent Homicide convictions in the ‘Other’ offense category; a total of two Negligent Homicide counts were sentenced in 2022.

Figure 19: Homicide Sentences by Year, Count Level (2013-2022)



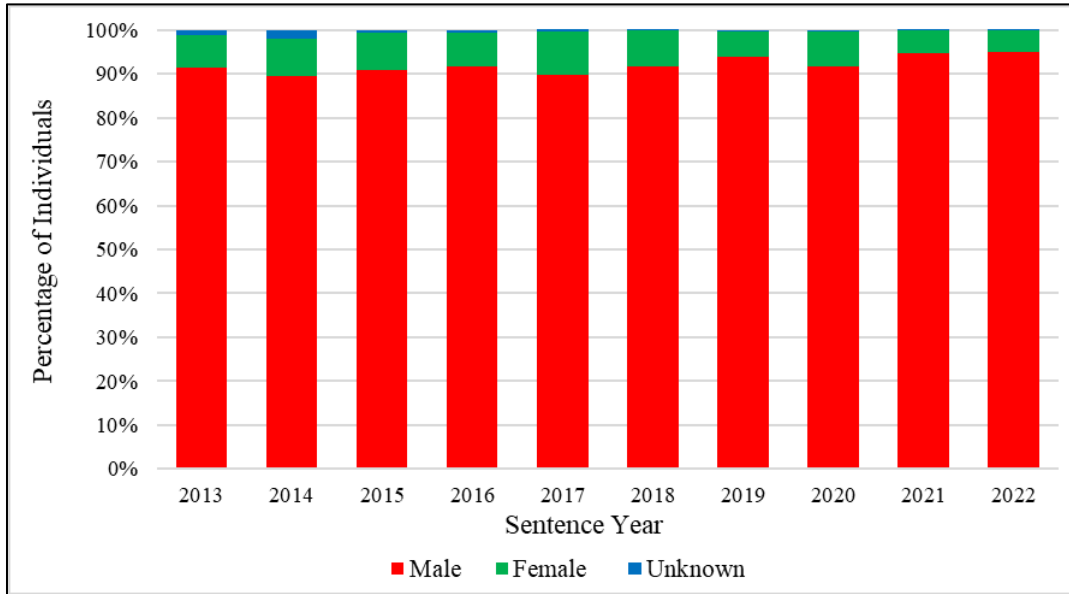
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Murder I	22	25	14	11	9	31	12	0	3	3
Murder II	46	32	32	20	15	28	32	11	9	20
Voluntary Manslaughter	29	34	26	20	20	25	35	13	14	52
Involuntary Manslaughter	4	5	5	1	2	5	5	2	1	1
<i>Total Counts</i>	<i>101</i>	<i>96</i>	<i>77</i>	<i>52</i>	<i>46</i>	<i>89</i>	<i>84</i>	<i>26</i>	<i>27</i>	<i>76</i>

B. Felony Sentencing Demographics: Gender, Race & Age

1. Gender

Gender³³ was recorded for 1,146 of the 1,148 sentenced individuals in 2022 (Figure 20).³⁴ Consistent with previous years, the majority of sentenced individuals in 2022 were male; 1,089 males were sentenced, representing 94.9% of the sentenced population. Females only represented 5.0% of sentenced individuals, which is the lowest observed rate over the last ten years.

Figure 20: Felony Sentenced Individuals by Gender (2013-2022)



	2013 (N=2016)	2014 (N=1854)	2015 (N=1410)	2016 (N=1611)	2017 (N=1666)	2018 (N=1546)	2019 (N=1393)	2020 (N=479)	2021 (N=736)	2022 (N=1148)
Male	91.5%	89.4%	90.9%	91.6%	89.9%	91.7%	93.8%	91.6%	94.6%	94.9%
Female	7.2%	8.7%	8.5%	7.8%	9.8%	8.1%	5.8%	8.1%	5.3%	5.0%
Unknown	1.2%	1.9%	0.6%	0.6%	0.4%	0.3%	0.4%	0.2%	0.1%	0.1%

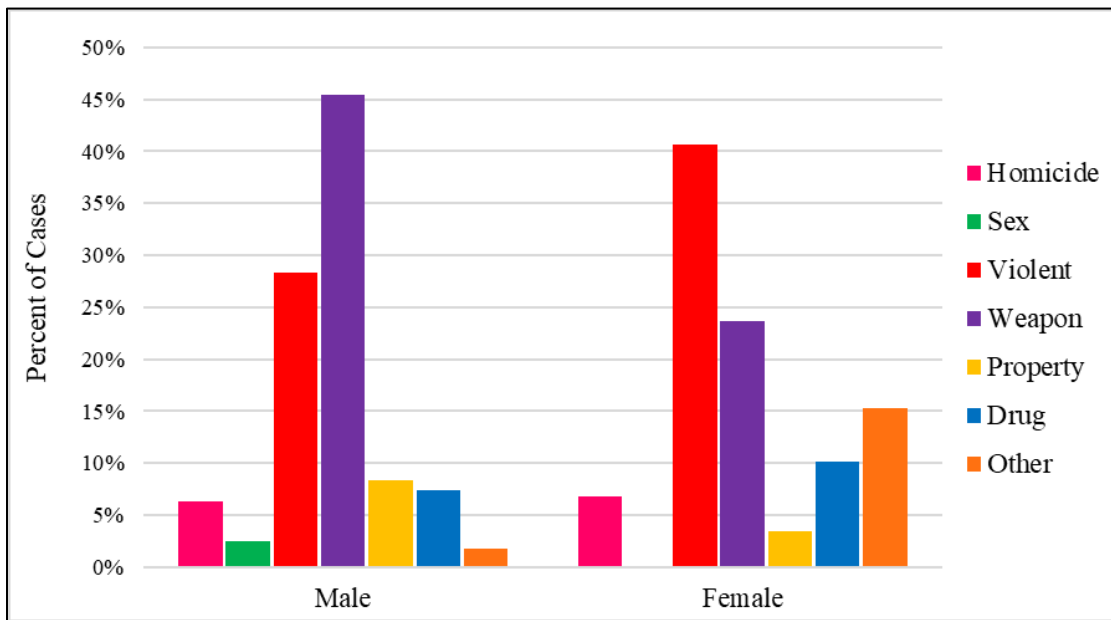
³³ The Commission's data on gender is a limited binary categorization (i.e. only male or female). Gender information is obtained from Superior Court records.

³⁴ Each case may have one or more counts, and each individual may have one or more cases in a given calendar year.

Figure 21 shows the distribution of sentences imposed by offense category for each gender. This analysis is performed at the case level, where the offense categorization is determined by the most serious count sentenced on a given case.

The distribution of offense type among males is consistent with previous years. Males were most frequently sentenced for Weapon offenses (45.4%) followed by Violent offenses (28.3%). Combined, these two offense categories constituted approximately 74% of all male sentences. Comparatively, females were most frequently sentenced for Violent offenses (40.7%) followed by Weapon offenses (23.7%). Weapon offenses replaced Property offenses as the second most prominent offense type sentenced for females increasing from 5.1% in 2021 to 23.7% , offset by a decrease in Property offenses (25.6% v. 3.4%). Females were not sentenced for any Sex offenses in 2022.

Figure 21: Gender by Offense Category, Case Level (2022)



	Homicide	Sex	Violent	Weapon	Property	Drug	Other
Male (1,089)	6.3%	2.5%	28.3%	45.4%	8.3%	7.4%	1.8%
Female (57)	6.8%	0.0%	40.7%	23.7%	3.4%	10.2%	15.3%

CH scores and sentences by gender at the case level are provided below in Figure 22.³⁵ In 2022, males had a 1.8 average CH score (n=1,089) which was higher than the 0.7 average CH score for females (n=59).

Figure 22: CH Score and Sentence Length by Gender, Case Level (2013-2022)

Sentence Year	Number of Cases		Mean CH Score	
	Male	Female	Male	Female
2013	1,111	98	1.8	0.8
2014	1,637	155	1.7	0.8
2015	1,305	115	1.9	1
2016	1,490	118	1.7	1
2017	1,550	169	1.8	1.1
2018	1,407	127	1.8	1.2
2019	1,305	78	1.6	0.8
2020	405	34	1.7	1.1
2021	698	39	1.8	1.3
2022	1,141	59	1.8	0.7

2. Race

In 2022, race was reported for 1,139 of the 1,148 individuals sentenced. Consistent with previous years, almost all individuals sentenced for felony offenses were Black (96%, n=1090).³⁶ The remaining individuals sentenced were categorized as follows: White (2.8%, n=32), Hispanic (<1%, n=6), Unknown (<1%, n=6), American Indian (<1%, n<5) and Asian (<1%, n<5).³⁷

3. Age

The sentenced individual's age was calculated in 1,199 of the 1,202 cases sentenced in 2022.³⁸ The Commission examines age using the following age groups: 15-17, 18-21, 22-30, 31-40, 41-50, 51-60, 61-70, and 71+.³⁹ Individuals who were between the ages of 22 and 40 at the time of the offense accounted for 63.7% of all sentences in 2022 (Figure 23). The 22-30 age group was the most prevalent age group, representing 42.7% of all individuals sentenced. In 2022, the percentage of convicted individuals between the ages of 18 and 21 at the time of the offense

³⁵ 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.

³⁶ Race category data used by the Commission does not capture ethnicity, thus Black individuals of Hispanic origin or White individuals of Hispanic origin are not separately presented.

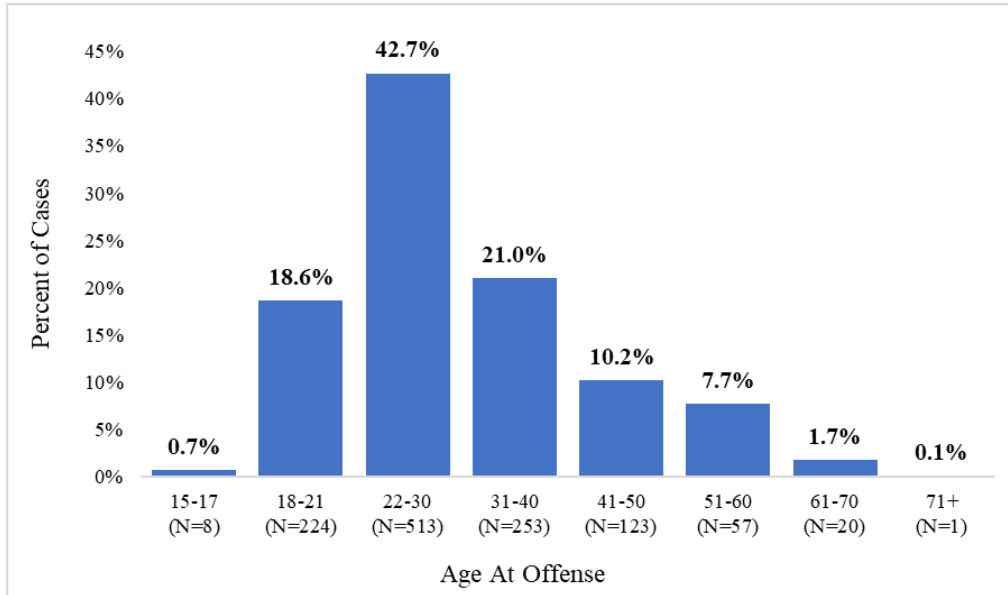
³⁷ The Other category for race, when present, includes all individuals not identified or reported as Asian, Black, Hispanic, Native American, Pacific Islander, or White.

³⁸ The age of each individual refers to his or her age at the time the offense was committed. In infrequent cases where an offense date is not provided, the arrest date is used instead.

³⁹ Although the age group includes individuals who were between the ages of 15 and 17 at the time of the offense, no 15-year-olds were charged or sentenced during 2022.

decreased from 24.1% in 2021 to 18.6%, making the 31-40 age group the second most prevalent age group.

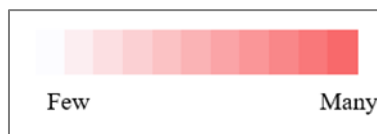
Figure 23: Sentences Imposed by Age Group, Case Level (2022)



The age group composition has remained relatively stable over the last 10 years. Those aged between 22 and 30 years old at the time of the offense have continued to represent the plurality of individuals sentenced, constituting 42.7% of all felony cases sentenced in 2022. The proportion of individuals in this age category has been gradually increasing since 2013, which is primarily offset by gradual decreases in the 18-21 age group.

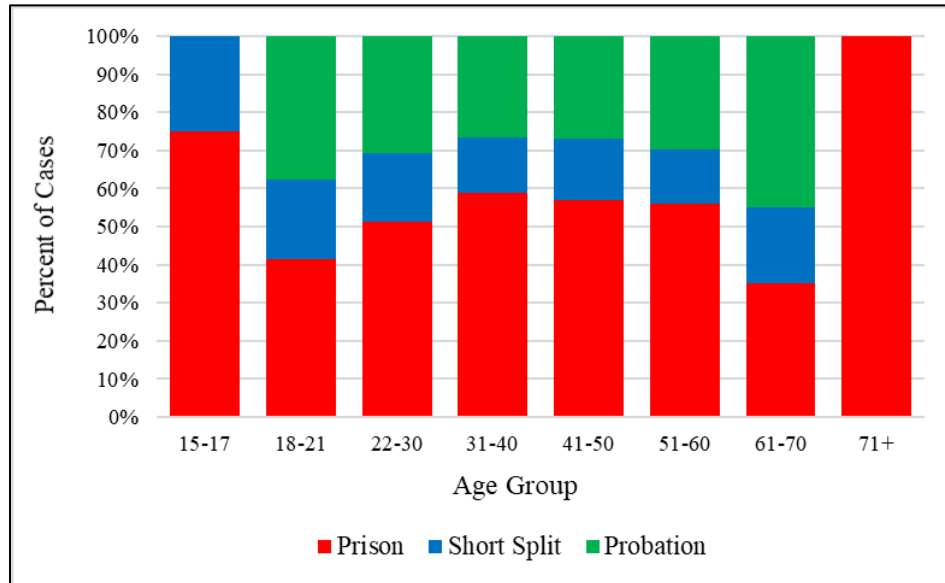
Figure 24: Sentences By Age Group, Case Level (2013-2022)

	2013 (N=1,258)	2014 (N=1,894)	2015 (N=1,476)	2016 (N=1,669)	2017 (N=1,753)	2018 (N=1,628)	2019 (N=1,459)	2020 (N=492)	2021 (N=771)	2022 (N=1,199)
15-17	2.9%	2.6%	2.3%	3.6%	2.5%	2.1%	2.1%	2.0%	1.8%	0.7%
18-21	29.1%	31.8%	27.8%	26.0%	20.9%	19.3%	21.1%	22.0%	24.1%	18.6%
22-30	29.5%	28.8%	32.7%	32.5%	36.9%	37.8%	40.2%	37.4%	38.0%	42.7%
31-40	17.1%	17.4%	18.1%	17.7%	17.5%	19.8%	18.2%	22.4%	20.4%	21.0%
41-50	12.9%	11.0%	10.3%	10.7%	9.6%	10.7%	9.7%	8.1%	9.1%	10.2%
51-60	6.8%	7.1%	7.7%	7.7%	10.0%	7.6%	7.2%	6.3%	6.1%	4.7%
61-70	1.6%	1.2%	0.9%	1.8%	2.5%	2.3%	1.2%	1.6%	0.3%	1.7%
71+	0.2%	0.1%	0.2%	0.1%	0.1%	0.2%	0.3%	0.2%	0.3%	0.1%



Without controlling for the offense category, 82.3% of all individuals sentenced to prison in 2022 were under the age of 41 (Figure 25). Prison sentences were most frequently imposed for all age categories, except for those who were between the ages of 61 and 70 at the time of the offense. The majority of individuals in this age group received a probation sentence.⁴⁰ Thirty-eight percent (38%) of all cases sentenced among the 18-21 age group resulted in a probation sentence, a slight increase from the previous year where probation accounted for 34% of sentences imposed for this age category.

Figure 25: Age Group by Sentence Type, Case Level (2022)



	15-17	18-21	22-30	31-40	41-50	51-60	61-70	71+
Prison	6	93	263	149	70	32	7	1
Short Split	2	47	93	37	20	8	4	0
Probation	0	84	157	67	33	17	9	0

⁴⁰ No (0) 15-year-old individuals were charged or sentenced as adults in 2022. The relatively high rate of prison sentences for 16 and 17-year-olds is due to the fact that individuals in this age range may be prosecuted as adults 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). D.C. Code § 16-2301(3).

III. Metropolitan Police Department (MPD) Data – Arrest Analysis

The Commission’s completion of the MPD Data Enhancement project and its related system enhancements has enabled the agency to track the lifecycle of a felony case, beginning with the initial arrest, through final disposition and/or sentencing. This allows the Commission to undertake more comprehensive sentencing analyses of offenses and sentenced individuals. The following analyses highlight historic and 2022 arrest trends and demonstrate the capabilities of the GRID system.

A. Data Limitations

One of the biggest accomplishments of the MPD Data Enhancement project was successfully merging two independent sources of data into a single comprehensive system. However, merging the data sets presents challenges for certain types of analysis. For example:

- The Commission began consuming live MPD Arrest data in January of 2020 and has received a retroactive “data dump” for arrests that occurred between November 2, 2017 and January 15, 2020. Therefore, the Commission only has access to MPD data for arrests that occurred on or after November 2, 2017; any arrest that was made prior to this date is not available in the Commission’s data system. Due to the extended lifespan of certain serious criminal cases, not all cases sentenced in 2022 can be linked back to an arrest.
- The structure in which arrest data is recorded causes limitations on the Commission’s ability to track case outcomes *back* to arrest charges when multiple court cases originate from a single arrest. For example, when an individual is arrested for a new offense and has an existing arrest warrant or fugitive warrant, or if they are a suspect in an active, unrelated case. Currently the data is organized in a way that prevents the Commission from automatically identifying which case links directly back to the original arrest, in respect to offense conduct. While the Commission is able to easily identify and exclude cases where the arrested individual is being prosecuted as a fugitive from justice (“fugitive cases”), the distinction cannot be made when the secondary case(s) are for separate criminal conduct, unless the case is reviewed manually by staff. Therefore, any analysis reporting on arrest-to-case outcomes will include all Superior Court non-fugitive cases that resulted from a felony adult arrest.
- Due to the inherent nature of the criminal justice system, there is a delay between an arrest, when a case reaches its final disposition, and when a case is sentenced. Therefore, it is impossible to present a complete and comprehensive analysis of the sentencing trends for arrests that occurred within the past 18 months because many cases are still pending.⁴¹ More data will become available for these arrests over time.

⁴¹ As of January 6, 2023, the date the 2022 data was frozen for this report.

B. 2022 Felony Arrests

In 2022, there were a total of 5,122 adult felony arrests made in the District of Columbia. The disposition of these arrests is presented in the following analysis.

Please note the following about the felony arrest information included in this analysis:

- The analysis only covers adult felony arrests, it does **not** include juvenile arrests or arrests for misdemeanor and/or miscellaneous offenses.⁴²
- The term “no papered” means that the prosecuting authority (USAO or OAG) elected not to immediately file charges in Superior Court related to the arrest.⁴³ Arrests sent for prosecution in the United States District Court or charges that were filed later are not included in the cases sent to court for prosecution analysis.
- All non-fugitive Superior Court cases that resulted from an adult felony arrest are represented in the case disposition portions of the analysis.

Last year’s arrest, papering, and case disposition trends are presented in Figure 26. Just over half, 54%, of all felony arrests made in 2022 were papered, meaning that they were filed in Superior Court. Of this subset of arrests, 36% resulted in a finding of guilt, 21% were closed without conviction, and 44% are still pending final disposition. Note that the percentages in the second row of the diagram (Figure 26) represent the proportion of all felony arrests made in 2022, while the percentages in the third row represent the proportion of the 2,721 non-fugitive cases that were filed as a result of the arrest being papered.⁴⁴ As of January 6, 2023, approximately 57% of felony arrests made in 2022 did not result in a finding of guilt (no papered or disposed without conviction) and 20% resulted in a finding of guilt; the remaining 23% are awaiting disposition.⁴⁵

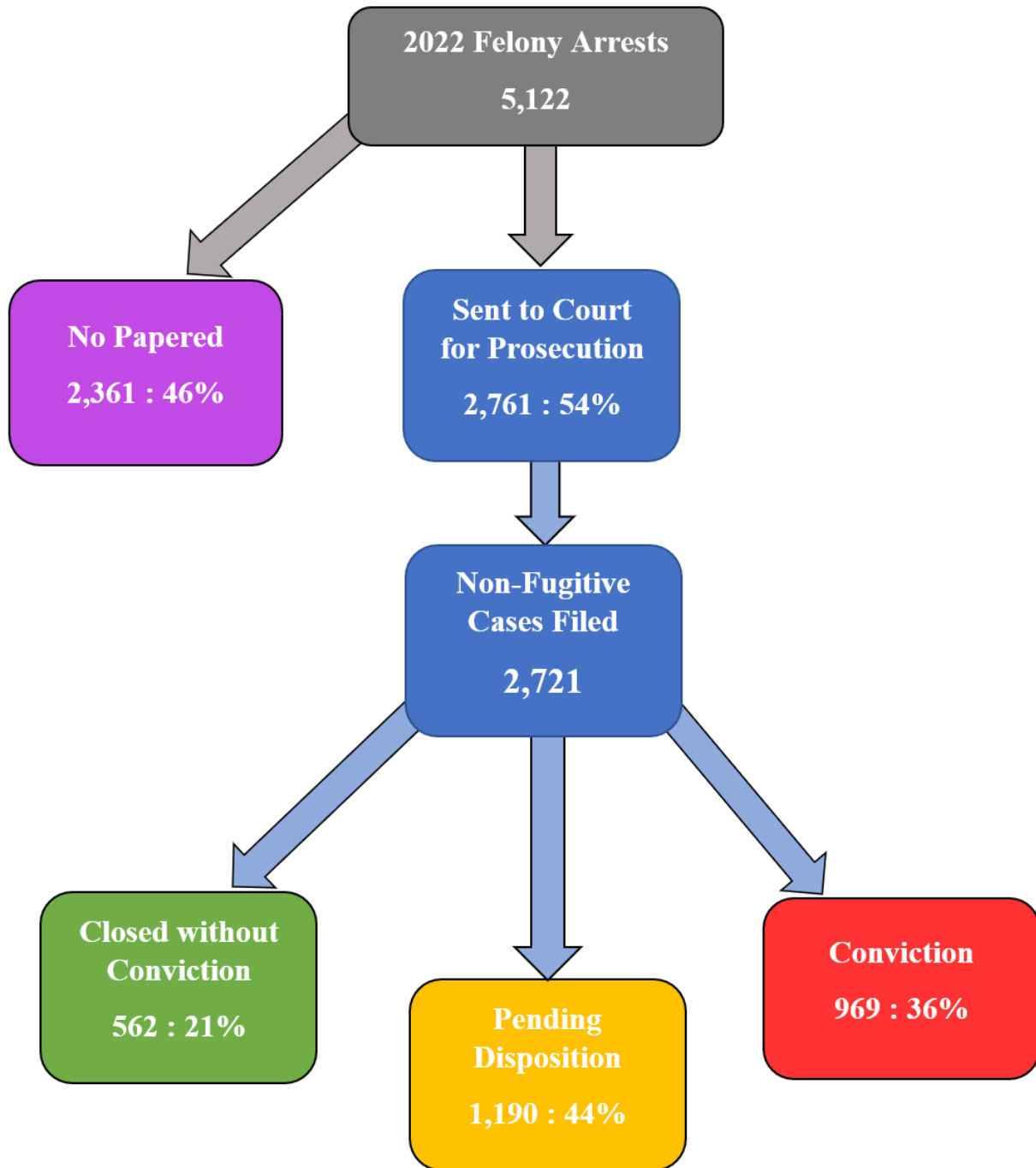
⁴² Miscellaneous is a classification created by MPD. The Commission has verified that there are no felony arrests contained in this category.

⁴³ All no papered arrests had an arrest number generated by MPD.

⁴⁴ Percentages may exceed 100% due to rounding.

⁴⁵ January 6, 2022 is the date the 2022 data was frozen.

Figure 26: 2022 Adult Felony Arrests - Court Disposition



C. Historic Felony Arrests – Disposition Trends

The court disposition analysis was repeated for the previous four calendar years, the findings of which are presented in Figures 27 and 28. Note that this analysis was updated using the 2022 snapshot arrest data which is more reflective of the overall disposition rates, especially for arrests that were sent to court for prosecution in previous years. For example, the 2021 Annual Report indicated that 36% of the 2020 papered arrests were pending disposition.⁴⁶ The current data shows that by January 6, 2023, this proportion has dropped to 11%, which is offset by increases in both the number of cases that resulted in a finding of guilt and were closed without conviction. In the year between the 2021 data freeze and the 2022 data freeze approximately 70% of the 2020 papered arrests that were pending disposition have been resolved. Please refer to the Data Alert in Chapter 3 to better understand the challenges associated with this analysis.

The total number of papered arrests has been gradually decreasing over the last five years. In 2018, 72% of all felony arrests were sent to court for prosecution, compared with 54% in 2022, which is the lowest observed rate during this timeframe.

Figure 27: Case Disposition of Felony Arrests, Historic Trends (2018-2022)⁴⁷

	2018	2019	2020	2021	2022	Total
Total Felony Arrests	6,354	6,200	5,402	5,003	5,122	28,081
Arrest Disposition						
Arrests Not Papered	28% (1,790)	31% (1,918)	35% (1,879)	43% (2,143)	46% (2,361)	36% (10,091)
Sent to Court for Prosecution	72% (4,564)	69% (4,282)	65% (3,523)	57% (2,860)	54% (2,761)	64% (17,990)
<i>Total Cases Filed</i>	4,732	4,485	3,668	2,923	2,721	18,529
Disposition of Filed Cases						
<i>Closed without Conviction</i>	46% (2,162)	45% (2,003)	45% (1,642)	36% (1,051)	21% (562)	40% (7,420)
<i>Pending</i>	2% (83)	5% (233)	11% (420)	16% (477)	44% (1,190)	13% (2,403)
<i>Conviction</i>	52% (2,487)	50% (2,249)	44% (1,606)	48% (1,395)	35% (969)	47% (8,706)

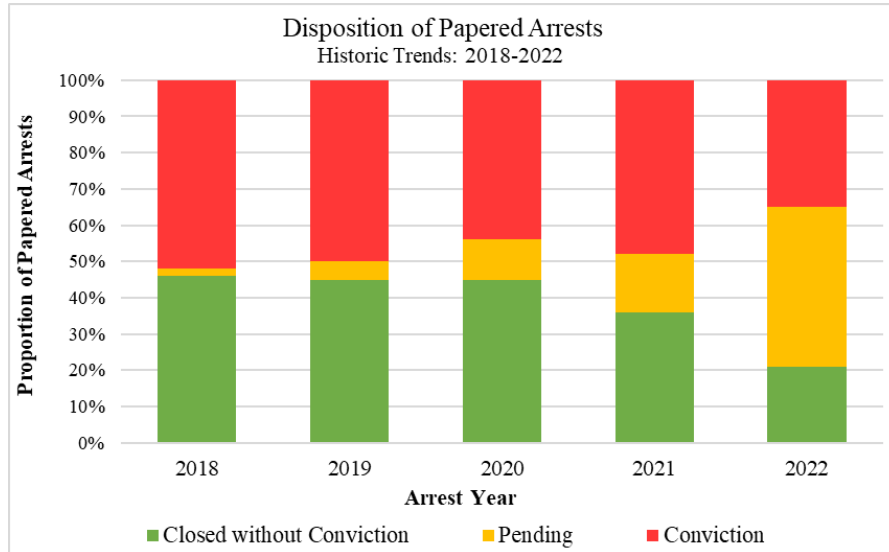
While it appears as though the proportion of papered arrests that either result in a conviction or are closed without a conviction have been decreasing since 2018, it is important to acknowledge that these decreases are offset by the increasing proportion of papered arrests that are still pending a final disposition. This gradual increase of pending arrests is directly related to the delay in time between arrest, case disposition, and sentencing.

⁴⁶ Pending disposition at the time of the 2021 data freeze.

⁴⁷ See page 15 for a discussion of why the number of arrests and papering rates in 2021 were updated by the Commission after the 2021 Annual Report was published.

Across all years, there is a relatively equal distribution of the proportion of arrests that result in a conviction and those that are closed without a conviction. This is illustrated by the similar size of the green and red bars for each year in Figure 28, which presents the sentencing disposition of all papered arrests.

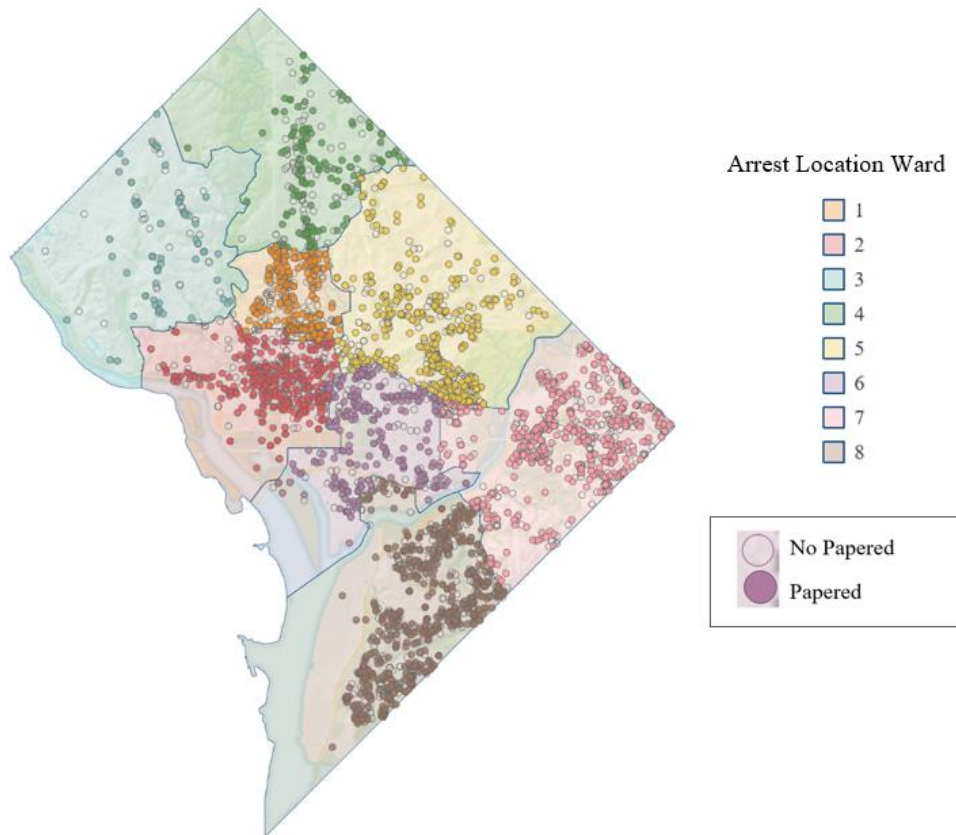
Figure 28: Sentencing Disposition of 2022 Papered Arrests



D. Arrest Papering Rate Analysis

In 2022, there were a total of 5,122 adult felony arrests made in the District. The following analysis showcases the papering rates for these arrests, broken down by the ward in which the arrest was made. Ward information was available for 4,924 (96%) of the 5,122 felony arrests in 2022; 198 felony arrests were omitted from this analysis because the arrest location ward either does not exist or could not be verified.⁴⁸ Figure 29 below presents a map of 2022 felony offense arrests broken down by ward, showing the exact location where each adult felony arrest occurred. Opaque circles represent arrests that were sent to court for prosecution, while translucent circles represent the arrests that were no papered.

Figure 29: Papering Rate by Ward, 2022



	1	2	3	4	5	6	7	8	Total
No Papered	53% (237)	45% (307)	45% (54)	47% (135)	48% (340)	38% (211)	47% (467)	47% (535)	2,638
Papered	47% (207)	55% (381)	55% (67)	53% (152)	52% (362)	62% (348)	53% (527)	53% (594)	2,286
<i>Total Arrests</i>	<i>444</i>	<i>688</i>	<i>121</i>	<i>287</i>	<i>702</i>	<i>559</i>	<i>994</i>	<i>1,129</i>	4,924

⁴⁸ Arrests that are made outside of the District of Columbia will not have an associated ward. Additionally, ward information is not available for arrests where the arrest location address cannot be recognized due to data entry errors (e.g. incomplete addresses, missing/excess punctuation).

The greatest number of felony arrests occurred in Ward 8 (1,129 arrests, 23%), followed by Ward 7 (994 arrests, 20%). When combined, Ward 7 and Ward 8 represented 43% of all adult felony arrests made in 2022. Comparatively, the 121 felony arrests made in Ward 3 represented only 2% of felony arrests. Irrespective of the difference in the total number of arrests made in each ward, the papering rates are very consistent. Between 52 and 55 percent of felony arrests were sent to court for prosecution for all but two wards; with Ward 1 having a slightly lower papering rate of 47% and Ward 6 having a slightly greater papering rate of 62%. The Commission does not receive any information regarding how papering decisions are made for any arrest.⁴⁹

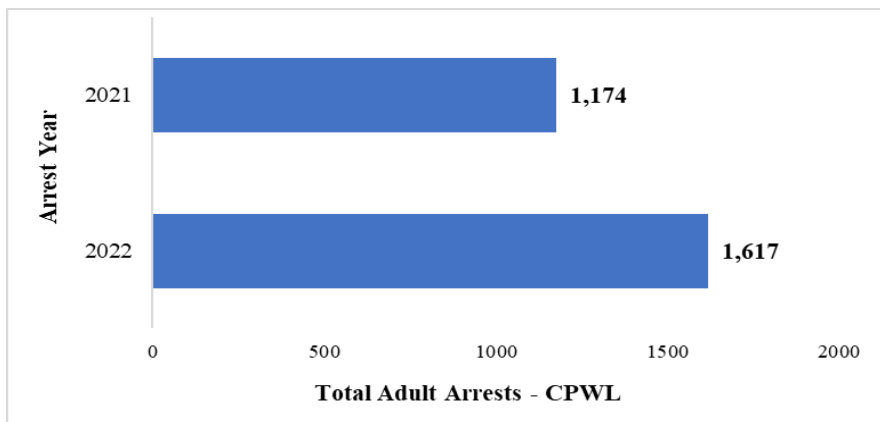
E. Hot Topic Offense Analysis – Carrying a Pistol without a License

The Commission recruited the help of community members to select the felony offense that would be featured in this report’s “Hot Topic” analysis. This analysis showcases the arrest and sentencing trends for the offense of felony Carrying a Pistol without a License (CPWL), which is one of two offenses that tied for the most votes in a recent Twitter poll.^{50,51}

The following analysis will examine all adult felony arrests made between 2021 and 2022 where the individual was charged with felony Carrying a Pistol without a License. Note that the case disposition and sentencing analysis represents all adult, non-fugitive cases that were filed in Superior Court.

Between 2021 and 2022, there were a total of 2,791 adult felony arrests where the arrested individual was charged with at least one count of CPWL. There was a 38% increase in CPWL arrests made in 2022 compared to 2021.

Figure 30: Adult CPWL Arrests, 2021 and 2022



⁴⁹ The decision whether to prosecute an arrested individual is made by the United States Attorney’s Office.

⁵⁰ See D.C. § 22-4515.

⁵¹ The Commission launched a Twitter poll in February 2023 asking its followers to vote for the offense that they would like featured in the 2022 Annual Report. The results are as follows: CPWL: 10 votes, ADW: 10 votes, Robbery: 6 votes. Given the tie, the same analysis for ADW will be featured in an upcoming Fast Facts.

Figure 31 shows the papering decision and court disposition of all non-fugitive cases that were filed as a result of a CPWL arrest. Note that of the 1,596 CPWL arrests that were sent to court for prosecution, 31 arrests, representing approximately 2% of all CPWL arrests, resulted in fugitive cases only, meaning the prosecuting authority did not pursue any new District of Columbia charges. The disposition portion of the table represents the outcomes of the 1,620 non-fugitive cases that were filed in Superior Court, as of January 6, 2022, the date of the 2022 data freeze.

*Figure 31: Case Disposition of CPWL Arrests (2021 and 2022)*⁵²

	2021	2022	Total
Total CPWL Arrests	1,174	1,617	2,791
Arrest Disposition			
Arrests Not Papered	39% 454	46% 741	42% 1,195
Sent to Court for Prosecution	61% 720	54% 876	57% 1,596
<i>Total Cases Filed</i>	744	876	1,620
Disposition of Filed Cases			
<i>Closed without Conviction</i>	27% 197	22% 189	24% 386
<i>Pending</i>	14% 102	34% 301	25% 403
<i>Conviction</i>	60% 445	44% 386	51% 831

The papering rate of adult CPWL arrests decreased from 61% in 2021 to 54% in 2022. Over half (57%, 1,596 arrests) of all adult CPWL arrests made in this timeframe were sent to court for prosecution, resulting in 1,620 adult felony cases. Approximately 25% of all papered cases were closed without conviction. When combined with the 42% of CPWL arrests that were not papered, 57% of all CPWL arrests did not result in a finding of guilt.⁵³ As of January 6, 2022, 25% of papered arrests are still pending disposition while just over half, 51% (831 cases), of all papered arrests resulted in a finding of guilt. It is important to note when analyzing CPWL papering rates, that there are occasions when the government will no-paper a gun possession case while it awaits results from DNA testing on the weapon and the arrestee. Once the DNA testing is completed, the government may re-charge the case through a Grand Jury Original indictment. Cases reintroduced following an initial no-paper decision are not part of this analysis.

⁵² The total number of CPWL cases filed is greater than the number of cases sent to court for prosecution due to instances where only a fugitive case was filed.

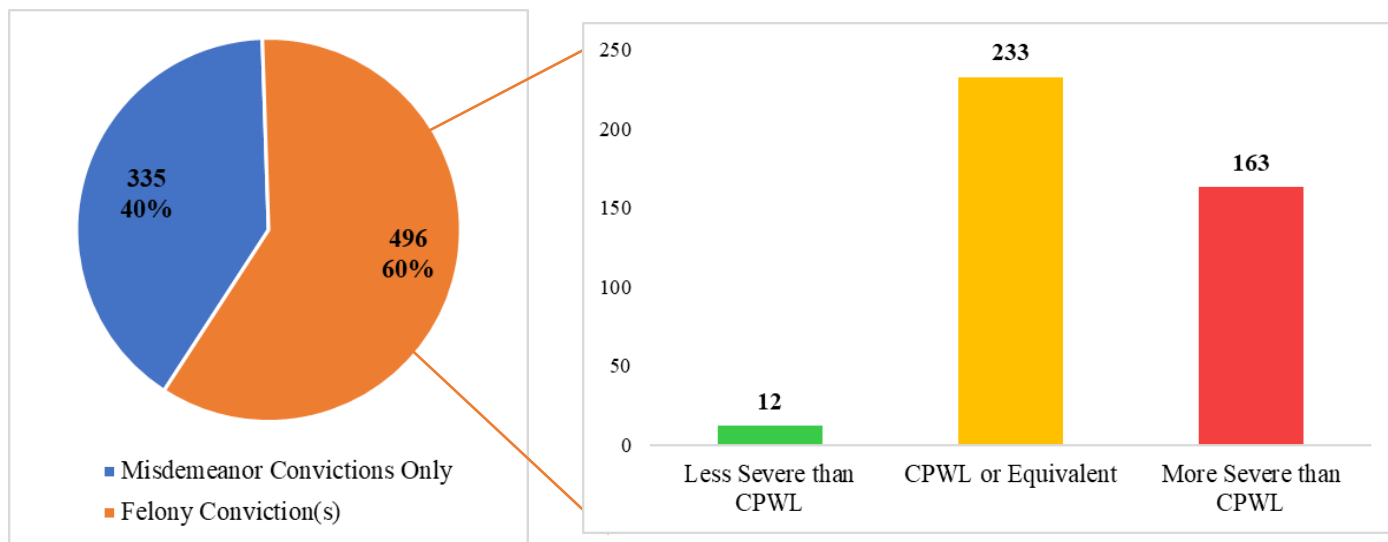
⁵³ Percentages may exceed 100% due to rounding.

The following analysis compares the proportion of convicted cases that resulted in only misdemeanor convictions to those that resulted in at least one felony conviction. Additionally, it identifies the most serious offense sentenced on each case with a felony conviction, and determines its severity in relation to CPWL. CPWL is ranked in Offense Severity Group 8 on the Master Grid. Offenses in groups M1-M7 and D1-D2 are considered more severe, those belonging in groups M9 and D3-D4 are considered less severe.⁵⁴ Offenses convicted in group M8 are considered “CPWL equivalent”, because the recommended Guidelines sentence is the same.

Of the 831 cases that resulted in a finding of guilt, 40% (335 cases) were sentenced for misdemeanor offenses, only. The remaining 496 cases contained at least one felony conviction. Note that the most serious count cannot be determined if the case has not yet been sentenced. Therefore, 88 of the 496 cases are excluded from the right-hand chart in Figure 32 as they are pending sentencing.

CPWL was the most serious sentenced offense in 41.3% (205 cases) of the cases containing at least one felony conviction, while 28 cases (6.9%) were convicted of offenses that are equivalent to CPWL in terms of offense severity; both are represented in the yellow bar in Figure 32, below. Comparatively, 163 cases (32.9%) containing felony convictions were sentenced for offenses that were more severe than CPWL, while 12 (3.0%) had convictions for offenses less severe than CPWL. It is important to acknowledge that during the lifespan of a case, the prosecutor may offer a lesser charge as part of a plea agreement or may choose to indict on a more serious offense. These decisions are based on a variety of factors and are made entirely based on prosecutorial discretion.

Figure 32: Papered CPWL Cases, Most Serious Convicted Offense



⁵⁴ Offense severity comparisons are based on the following offense severity group order: M1, M2, M3, M4, M5, D1, M6, M7, D2, M8, M9 D3, D4. Note that although UPF-PF and CPWL are both in Master Group 8 (M8), UPF-PF is considered more severe for this analysis as the offense implies that the sentenced individual has a prior felony conviction.

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

The Commission monitors judicial compliance with the Guidelines as part of its statutory mandate.⁵⁵ This allows the Commission to assess how well the Guidelines are achieving the goals of promoting fair and consistent sentencing, and highlights sentencing patterns that may suggest a need to modify the Guidelines.

Judicial compliance with the Guidelines, as used in this section, means that the sentence imposed either complied with the type and length of sentence recommended by the Guidelines or was a sentence outside of the recommended type/length but complied with the Guidelines rules.

Judicial compliance with the Guidelines has been at or above 91.7% since the implementation of the Guidelines. The highest compliance rate was observed in 2020 (99%) and the lowest rate in 2012 (91.7%). In 2022, 97.3% of all felony counts sentenced were determined to be compliant with the Guidelines.

A. How the Commission Defines Compliance with the Sentencing Guidelines

The Commission determines overall 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 individual's total CH score. The Guidelines rank every non-drug felony offense into one of nine OSGs (M1 to M9) on the Master Grid based on its predetermined severity level (M1 offenses being the most serious and M9 being the least serious). Every felony drug offense is ranked into one of four OSGs (D1 to D4) on the Drug Grid (D1 offenses being the most serious and D4 being the least serious).

The intersection of an individual'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 recommended sentence type and sentence range.⁵⁶ To be considered a Guidelines compliant in the box sentence, the sentence imposed for each felony count must be compliant in length (durational compliance)⁵⁷ and sentence type (dispositional compliance).⁵⁸

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 (light and dark) boxes.

⁵⁵ The Sentencing Guidelines are voluntary. Therefore, a judge can impose any legal sentence, whether or not it is compliant with the Guidelines.

⁵⁶ See Appendices A and B for the Master Grid and Drug Grid.

⁵⁷ Durational compliance means the total sentence falls within the specific Guidelines range for the individual's Grid box.

⁵⁸ Dispositional compliance means the type of sentence imposed is an available option in the individual's Grid box.

- Probation Sentences: available in yellow or light shaded boxes.

Sentence options are defined as:

- **Prison Sentence:** The court sentences the individual to a prison term within the applicable Grid box range. None of the time imposed is suspended. The prison term may be followed by a period of supervised release.
- **Long Split Sentence:** The court sentences the individual to a prison term within the applicable Grid box range. The court suspends execution of all but a term that also falls within the applicable prison range, such that the time initially served (not suspended) is more than six months. There is a period of probation for a period up to five years to follow release from prison. Supervised release is suspended.
- **Short Split Sentence:** The court sentences the individual to a prison term within the applicable Grid box range. The court suspends execution of all but six months or less (but not all) of it. There is a period of probation for a period up to five years to follow release from prison.
- **Probation Sentence:** The court sentences the individual to a prison term within the applicable Grid box range, suspends execution of the entire sentence, and places the individual on a period of probation for up to five years. Supervised release is suspended.

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, compliant long split, short split, or probation) and Grid box durational sentencing range based on the individual's offense of conviction and CH score.
- **Compliant Outside the Box Sentences:** Sentences that fall outside of the sentence type and range recommended by the Guidelines but are otherwise deemed compliant with the Guidelines due to other factors. Even if the sentences does not follow the recommended Guidelines range or sentence type, the following are deemed compliant outside of the box sentences:
 - Sentences that run concurrently with a compliant greater or equal sentence;
 - Sentences based on a statutory enhancement;⁵⁹
 - Sentences where a statutory maximum or minimum requires a sentence outside of the in the box sentencing range/options;
 - Rule 11(c)(1)(C) Sentences; and
 - Compliant Departures.

⁵⁹ 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. Statutory enhancements do not affect the bottom of the in the box range or the available sentencing options.

- **Rule 11(c)(1)(C) Sentences:** Sentences that follow from a Rule 11(c)(1)(C) guilty plea, where the parties agree upon a sentence or sentencing range at the time the plea is entered. The sentencing judge has the authority to accept or reject a proposed Rule 11(c)(1)(C) sentence. Once accepted, the sentencing range becomes binding on the Court. Sentences following a Rule 11(c)(1)(C) plea are analyzed as compliant in the box sentences if the sentence falls within the Guidelines range and sentencing options. Sentences following a Rule 11(c)(1)(C) plea are analyzed as compliant outside the box sentences if the sentence falls outside the recommended Guidelines range and sentencing options.
- **Compliant Departures:** Sentences that are either not of a compliant sentence type or fall above or below the Grid box recommended sentence range where the judge utilizes one of the 22 aggravating or mitigating departure factors.⁶⁰
- **Non-Compliant Departures:** Sentences that either are not of a compliant type or fall above or below the Grid box range based on the individual’s offense of conviction and CH score, and the judge does not cite an aggravating or mitigating departure principle and no other exception applies. The District’s Guidelines are voluntary. Therefore, a judge can impose any legal sentence, whether or not it is compliant with the Guidelines.⁶¹ A non-compliant departure means the judge elected not to follow the Guidelines’ recommendation.

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, is compliant because of an applicable departure principle, or is not compliant with the Guidelines.

C. Compliance Analysis

Compliance is used to evaluate the rate at which sentences are imposed within the recommendations provided by the D.C. Voluntary Sentencing Guidelines.

The Commission measures compliance in two ways: 1) Overall compliance and 2) Inside the box compliance. Overall compliance captures all instances where a sentence falls within the recommended sentence type and range, falls outside the type or range but is compliant for another reason or is compliant because of an applicable departure principle. Inside the box compliance refers to any sentence that falls within the Guidelines recommended sentencing range and sentencing options as set forth in the Guidelines’ Master or Drug Grid, regardless of any other Guidelines rule. This includes sentences imposed under a Rule 11(c)(1)(C) plea that are within the Guidelines recommendations.

⁶⁰ In order to address atypical cases or individuals, 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 11 mitigating departure principles that may be applied when the sentence imposed by the judge is less severe than the Guidelines’ recommended sentence. When one of the 22 departure principles is cited by a judge as a reason for departing from the applicable guidelines, the sentence is considered a “compliant departure.”

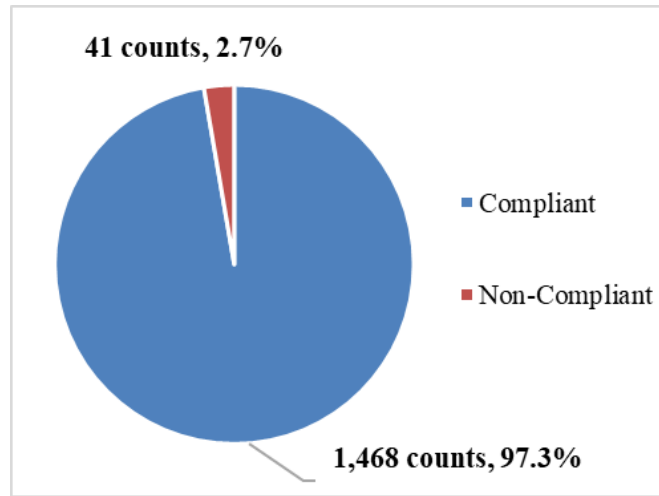
⁶¹ If, after three attempts to contact a judge regarding a sentence that appears to be non-compliant, the Commission does not receive a departure letter response, the Commission classifies the sentence as a non-compliant Departure.

1. Overall Compliance

In 2022, overall compliance was calculated for 1,509 of the 1,521 felony counts sentenced. The remaining 12 counts occurred in cases where Superior Court did not request a PSR or a CH score calculation (n=12). The overall compliance analysis is based on the 1,509 felony counts where Guidelines compliance was calculated.

Consistent with previous years, the overwhelming majority (97.3%) of felony sentences were compliant with the Guidelines in 2022, based upon the five conditions mentioned in the previous section.

Figure 33: Overall Judicial Compliance (2022)



As shown in Table 4, the overall rate of judicial compliance has remained at or above 91.7% since 2012, and above 97% since 2016. A high compliance rate reflects the consistent application and strong acceptance of the Guidelines by Superior Court judges. The high compliance rate is related to: 1) the Guidelines' broad in-the-box sentencing ranges, which gives judges a high amount of discretion, and 2) because most Superior Court non-11(c)(1)(C) felony plea agreements include a clause prohibiting a party from asking for a sentence outside of the applicable in the box sentencing range.⁶²

Table 4: Overall Compliance - Historic Trends (2013-2022)

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Compliant	96.1%	96.7%	95.0%	97.5%	97.2%	97.6%	98.1%	99.0%	98.5%	97.3%
Non-Compliant	3.9%	3.3%	5.0%	2.5%	2.8%	2.5%	1.9%	1.0%	1.5%	2.7%

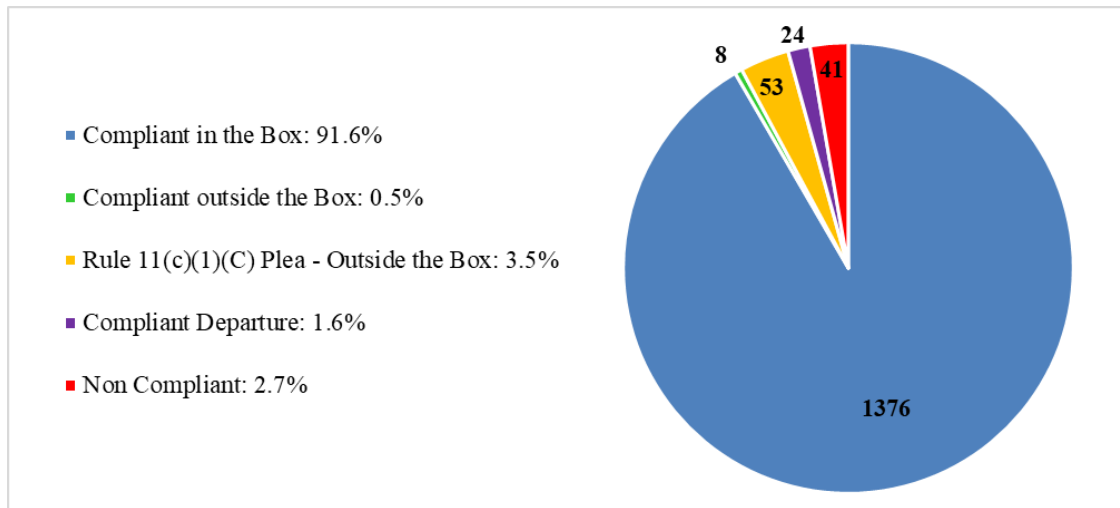
⁶² This clause only applies to the parties, it does not prohibit the sentencing judge from imposing an outside the box sentence.

2. Inside the Box Compliance

Inside the box compliance was calculated for 1,502 of the 1,521 felony counts sentenced in 2022. In addition to the 12 counts omitted from the overall compliance analysis where a PSR/CH score calculation was not requested by Superior Court, there were also seven (7) sentences imposed under a Rule 11(c)(1)(C) plea where a CH score was not requested. Given that a CH score is required to calculate inside the box compliance, a total of 19 counts were omitted from the subsequent analysis; the inside the box analysis is based on the 1,502 felony counts where inside the box compliance was calculated.⁶³

In 2022, 1,376 of the 1,502 felony sentences were inside the Guidelines recommended sentencing range and type. The inside the box compliance rate of 91.6% is comprised of 1,171 compliant in the box sentences, and 205 Rule 11(c)(1)(C) plea sentences with an in the box sentence. The remaining 126 sentences (8.5%) were outside of the Guidelines recommendation, consisting of 53 Rule 11(c)(1)(C) plea sentences, 24 compliant departures, eight outside the box compliant sentences, and 41 non-compliant sentences. The 126 sentences that were outside of the Guidelines recommendations are further examined in the following analysis.

Figure 34: Compliance Sub-Categories (2022)



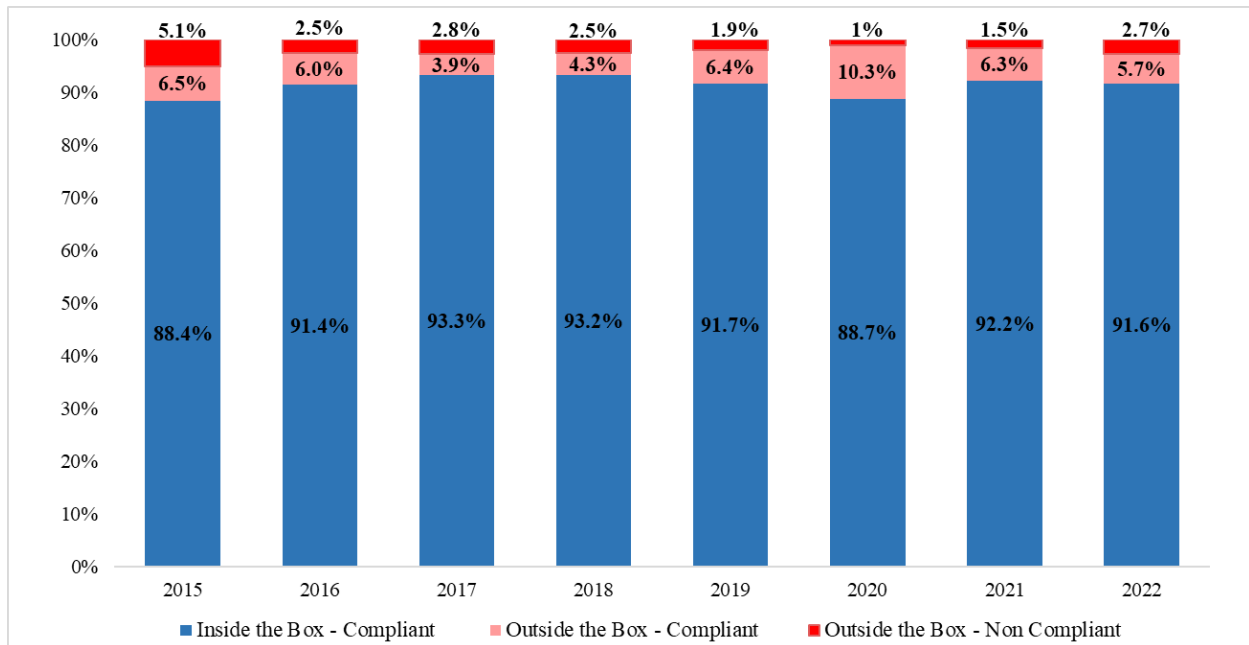
⁶³ Sentences imposed under a Rule 11(c)(1)(C) plea are calculated in overall compliance given that they will always be ruled compliant with the Guidelines.

Figures 35 and 36 show historical trends for inside the box and outside the box sentences. Note that this historical analysis only dates back to 2015 as the Rule 11(c)(1)(C) data reported in prior years did not identify whether Rule 11(c)(1)(C) pleas were inside or outside of the box.

Figure 35 compares the proportion of sentences each year that are outside of the box to those that are inside of the box, where outside the box sentences are further differentiated based on whether they were otherwise compliant with the Guidelines.⁶⁴ In previous editions of the Annual Report, the Rule 11(c)(1)(C) category in this analysis included Rule 11(c)(1)(C) pleas that were sentenced without a CH score. The analysis has been updated to exclude these sentences given that a CH score is required to determine if a sentence is inside the box or outside the box. As such, the numbers and proportions reported for each outside the box sub-category will differ slightly from previous iterations of the Annual Report.

Since 2015, on average, 91.3% of the felony sentences imposed each year were within the Guidelines recommended sentencing range and sentence type.

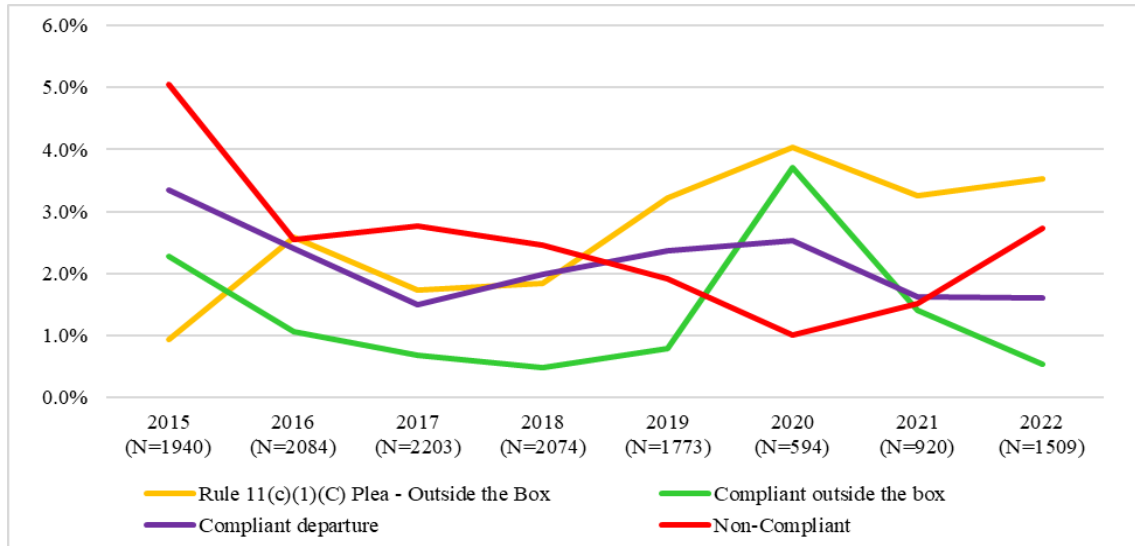
Figure 35: Historic Distribution of Inside vs. Outside the Box Sentences (2015-2022)



	2015	2016	2017	2018	2019	2020	2021	2022
In the Box	88.4%	91.4%	93.3%	93.2%	91.7%	88.7%	92.2%	91.5%
Outside the Box	11.6%	8.50%	6.7%	6.8%	8.3%	11.3%	7.8%	8.5%

⁶⁴ Outside of the box compliant sentences include Rule 11(c)(1)(C) pleas, compliant departures and compliant outside the box sentences.

Figure 36: Trends in Sentencing, Sub-Categories (2013-2022)



Since 2019, Rule 11(c)(1)(C) plea - outside the box sentences have represented the plurality of outside the box sentences, accounting for between 3% and 4% of all felony counts sentenced each year. Previously, the plurality was held by non-compliant sentences, however non-compliant sentences have been gradually decreasing since 2015, before experiencing an uptick in 2021 which continued into 2022. These most recent increases were offset by decreases in compliant outside the box sentences. The proportion of compliant departures remained unchanged compared to 2021.

3. Compliant Departures

In 1.7% (n =25) of all felony counts sentenced in 2022, the judge departed from the in the box range and/or sentencing type by utilizing a compliant departure factor.⁶⁵ These departures offer insight into why judges may choose to impose a sentence outside of the Guidelines Grid boxes in particular cases. Judges used the following aggravating (A) and mitigating (M) factors for departures in 2022:

- **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.
- **M3:** The defendant participated under duress, coercion, threat, or compulsion insufficient to constitute a complete defense, but which significantly reduces the defendant’s culpability.
- **M7:** The defendant has provided substantial assistance to law enforcement in the detection or prosecution of other offenders, and departure for this reason does not demean the seriousness of the defendant’s crime or create an unacceptable risk to the safety of the community.
- **M9:** The consecutive/concurrent sentencing policy results in a 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

⁶⁵ Appendix E lists all available aggravating and mitigating departure factors.

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.
- *M11*: There is a substantial and compelling basis, as articulated by the sentencing judge, to reduce the defendant’s applicable guideline sentence due to the invocation of D.C. Code § 11-947 or the circumstances that warranted the invocation of D.C. Code § 11-947.

Figure 37 displays the compliant departure factors cited by judges for sentences in 2022.

Figure 37: Compliant Departure Reasons by Severity Group (2022)

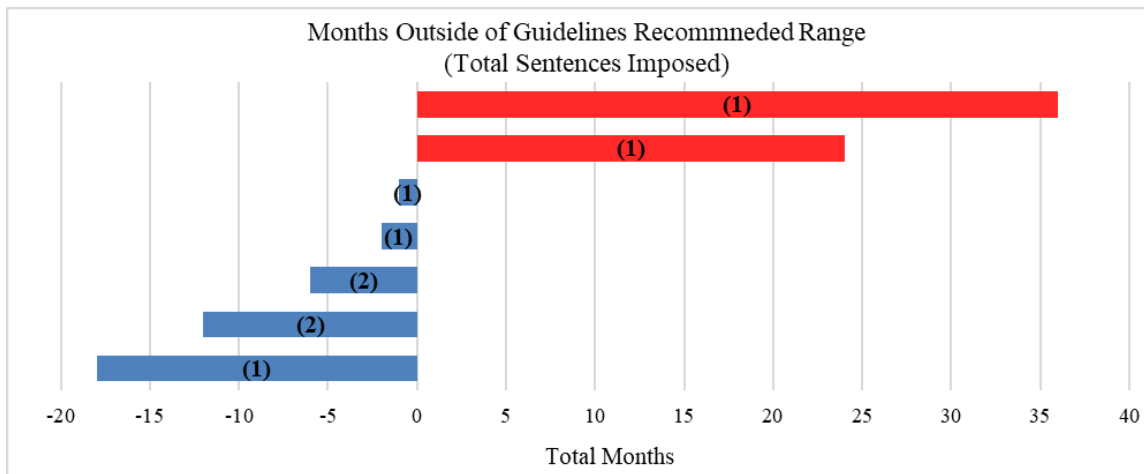
Departure Factor	Offense Severity Group										Total
	M2	M4	M5	M6	M7	M8	M9	D2	D3	D4	
A2						1					1
M3						1					1
M7	2	1	1		1		1				6
M9				1		2			1		4
M10			1	2		2		1	2	1	9
M11			1		2						3
Total	2	1	3	3	3	6	1	1	3	1	24

An overwhelming majority (23 counts, 96%) of compliant departures were mitigating departures, with M10 (9 counts, 38%) being the most frequently cited departure factor, followed by M7 (6 counts, 25%). The new M11 mitigating departure factor was used three times in 2022, representing 12.5% of all compliant departures. Approximately 20% of all departures were imposed for Drug offenses. Only one felony count cited an aggravating departure principle; this count was a durational departure, meaning that sentence imposed was greater than the recommended sentencing range.

Comparatively, 78% (18 counts) of 2022 mitigating departures were durational. Just under half (8 counts, 44%) of these durational departures were the result of a “non-compliant split sentence,” where the sentence imposed was within the recommended Guidelines range, but the amount of time suspended resulted in a sentence to serve that is below that Guidelines range. The remaining five mitigating counts (22%) were dispositional departures.

The length of the durational compliant departures *not* classified as “non-compliant split sentences” are presented in Figure 38, below. The number displayed in each bar represents the total number of sentences that resulted in a departure of that magnitude, either above or below the Guidelines range (i.e., one sentence was 36 months above the Guidelines recommended range). Please note that two sentences were 84 months below the Guidelines recommendation and have been omitted from the following chart. Additionally, although there was only one aggravating departure factor cited in 2022, two counts received sentences above the recommended Guidelines range. The sentence that was 36 months above the recommended range was cited as an M7 mitigating departure. This count was sentenced concurrently to another count (on the same case) that received a mitigating sentence; both counts were sentenced to 84 months incarceration.

Figure 38: Durational Compliant Departures, Sentence Imposed



4. Non-Compliant Sentences

A sentence is considered a non-compliant departure when the judge imposes an outside the box sentence: 1) without citing a departure principle, 2) where no enhancement or exception applies, and 3) the sentence was not the result of a Rule 11(c)(1)(C) plea. A total of 41 felony counts received a non-compliant sentence, representing 2.7% of all felony sentences imposed in 2022.

Non-compliant sentences were most frequently imposed for Weapon offenses (24, 59%), followed by Violent (12, 29%), and Drug offenses (5, 12%). Note that all Homicide, Sex, Property, and Other counts received Guidelines compliant sentences.

The majority of non-compliant sentences (37, 90%) were downward departures. Twenty-seven were durational downward departures, where the length of the sentence was less than the range specified by the Guidelines, and seven were dispositional downward departures, where the individual received a sentence type less severe than the Guidelines' recommendation. There were three downward departures that were both dispositional and durational, whereas all upward departures were dispositional.

Figure 39: Non-Compliant Departures – Departure Type

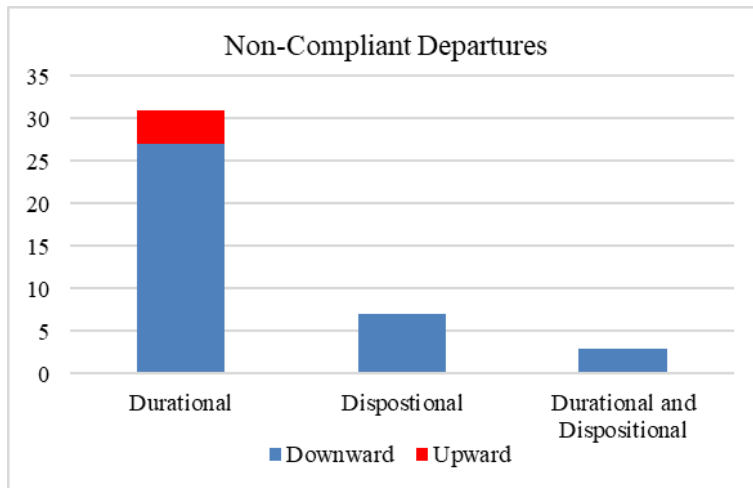
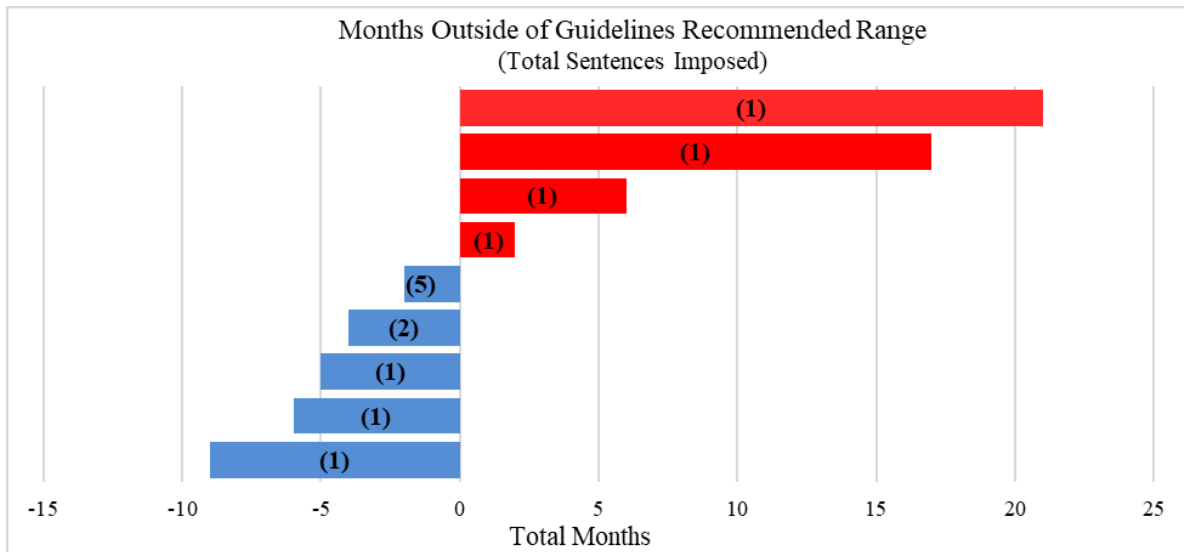


Figure 40 depicts the sentencing trends for durational departures imposed in 2022, in terms of sentence length imposed compared to the recommended Guidelines range. Red shaded bars represent instances where the sentence imposed was above the Guidelines recommended range; blue shaded bars represent sentences that were below the Guidelines recommendation. The number displayed in each bar represents the total number of sentences that resulted in a departure of that magnitude, either above or below the Guidelines range (i.e., one sentence was 6 months above the Guidelines recommended range, while five counts received sentences that were two months below the Guidelines recommended range).

Note that over half (20 counts, 59%) of all durational departures were the result of non-compliant split sentences. This subset of durational departures is analyzed separately given that the total sentence imposed (time served + time suspended) for these counts is within the Guidelines recommendation.

In 2022, upward durational departures were of a greater magnitude than downward durational departures. The average upward departure was 11.5 months greater than the top end of the recommended range, compared to downward departures, which averaged four months below the lower bound of the recommended range.

Figure 40: Durational Non-Compliant Sentences, Sentence Imposed



Non-compliant Split Sentences

A non-compliant split sentence is when the sentence imposed is within the recommended Guidelines range, but the amount of time suspended results in a sentence to serve that is below the lower boundary of that range. In short split eligible boxes, the resulting sentence to serve is also greater than six months, thus making it non-compliant with the Guidelines.⁶⁶ In 2022, there were 20 non-compliant split sentences imposed.

- Non-compliant split sentences were most frequently imposed for M8 offenses, which accounted for 70% of all non-compliant splits. The remaining 30% were for M6 offenses.
- 65% of the non-compliant split sentences were imposed for UPF-PF counts – in all of which the individual had a CH score in Box C or greater. Note that UPF-PF has a mandatory minimum sentence of 12 months making these sentences ineligible for a compliant short split sentence. However, the lower boundary of the recommended sentencing range for individuals convicted of UPF-PF with a CH score of C or higher is greater than 12 months. Therefore, in order to impose only the mandatory minimum sentence of 12 months the judge would have to depart from the Guidelines.
- Across all 20 non-compliant split sentences, the average sentence to serve was 5 months below the lower boundary of the recommended range.

⁶⁶ Short split sentences are ones in which the sentence imposed is within the Guidelines recommended range, and time suspended results in a sentence to serve that is one day or more but less than 6 months.

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 Possession of firearm /CV Armed robbery Burglary I Obstruction of justice Assault with intent to kill	36 - 84	48 - 96	60 - 108	72 - 120	84 +
	2 Points*	Group 6 ADW Robbery Aggravated assault 2nd degree child sex abuse Assault with intent to rob	18 - 60	24 - 66	30 - 72	36 - 78
Group 7 Burglary II 3rd degree sex abuse UPF-PCOV Negligent homicide Attempt 2nd degree sex abuse		12 - 36	18 - 42	24 - 48	30 - 54	36 +
1 Point*	Group 8 Carrying a pistol (CPWL) UUV Attempt robbery/burglary Unlawful poss. of a firearm (prior fel.) 1st degree theft Assault w/significant bodily injury	6 - 24	10 - 28	14 - 32	18 - 36	22 +
	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 1¾ 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.						
Green shaded boxes – prison, compliant long split, or short split permissible.						
Yellow shaded boxes – prison, compliant long split, short split, or probation permissible.						

APPENDIX C – DATA REPORTING ADJUSTMENTS: HISTORIC CHANGES

The key adjustments to the data include:

- 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.⁶⁷ In 2013, the Commission decided to categorize long split sentences as prison sentences because a compliant long split sentence requires the offender to serve at least the minimum Guidelines compliant prison sentence. This sentencing option is available in all Grid boxes. For data reporting purposes, all split sentences that do not qualify as a short split sentence under the Guidelines’ rules are classified as prison sentences. By including long split sentences with prison sentences, the Commission now classifies three types of sentences for the purpose of analysis: probation, short split, and prison sentences.
- In 2014, the Commission removed probation revocations from the yearly analysis of sentences imposed since they do not represent an initial sentence imposed by the Superior Court.
- In 2015, the Commission determined that sentences following a remand from the D.C. Court of Appeals would not be analyzed with other initial sentences. Sentences imposed following a remand often do not receive a Guidelines compliant sentence because they may occur several years after the initial sentence was imposed. In addition, the data available to the Commission does not indicate why a case was remanded by the Court of Appeals.
- In 2019, the Commission revised its rules algorithms to improve the ability of the GRID system to identify whether a felony sentence was a result of a probation revocation.
- In 2022 the Commission updated its GRID system to more accurately capture adult felony arrests that involved multiple parties. The arrest data transmitted from MPD includes information on all parties involved in the arrest, including the arrested individual, witnesses, and victims. The specific role a person has in an arrest is documented as their “Person Role”, which is the data field that records an individual’s role in the arrest (e.g. “Defendant in Arrest”, “Witness”). An arrest involving multiple parties will have multiple, competing values for the “Person Role”. Prior to this update, a subset of arrests involving multiple parties

⁶⁷ A long split sentence is one where the court imposes a prison sentence and suspends execution of some of the sentence but requires the individual 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). In 2021, the Commission slightly modified the definition of a short split sentence. See Chapter 2, Section 2 for an explanation of this change.

were not available in the analysis portion of the GRID system, given that the system did not know which entry to select for analysis. The Commission resolved this issue by updating the GRID system's logic to select for analysis the entry where the "Person Role" value is "Defendant in Arrest." The Commission continues to work with MPD to ensure that all valid adult felony arrests are processed by the GRID system.

APPENDIX D - GROUP OFFENSE LISTINGS

1. Assault
 1. Assault with a Dangerous Weapon (ADW)
 2. Assault with a Dangerous Weapon (ADW) -- Gun
 3. Aggravated Assault while armed (W/A) -- Grave Risk
 4. Aggravated Assault -- Grave Risk
 5. Aggravated Assault Knowingly -- Grave Risk
 6. Aggravated Assault Knowingly
 7. Armed Assault with Intent
 8. Assault with Intent to Kill while armed (W/A)
 9. Assault with Intent to Commit Third Degree Sexual Abuse
 10. Assault – Felony
 11. Assault on a Police Officer (APO)
 12. Assault with Intent to Commit Any Other Offense
 13. Assault with Intent to Commit Robbery
 14. Assault with Intent to Kill
 15. Assault with Intent to Commit First Degree Sexual Abuse
 16. Assault with Intent to Commit First Degree Sexual Abuse -- Force
 17. Assault with Intent to Commit First Degree Sexual Abuse – Threatening
 18. Assault with Significant Bodily Injury
 19. Malicious Disfigurement
 20. Mayhem
 21. Mayhem While Armed (W/A)
 22. Resisting Arrest
 23. Threat to Kidnap or Injure a Person

2. Attempted drug offenses
 1. Attempted Distribution of Heroin
 2. Distribution of a Controlled Substance
 3. Distribution of Counterfeit Substance
 4. Manufacture or Possessing with Intent to Manufacture a Controlled Substance
 5. Obtain Controlled Substance by Fraud
 6. Possession of a Controlled Substance -- Misdemeanor
 7. Possession with Intent to Distribute a Controlled Substance
 8. Possession with Intent to Distribute Marijuana -- Felony
 9. Unlawful Possession of Liquid PCP

3. Burglary
 1. Armed Burglary One
 2. Armed Burglary Two

3. Burglary
4. Burglary One
5. Burglary Two

4. Drug offenses
 1. Distribution of a Controlled Substance
 2. Distribution of a Counterfeit Substance
 3. Possession of a Controlled Substance -- Misdemeanor
 4. Possession with Intent to Distribute a Controlled Substance
 5. Possession with Intent to Distribute Marijuana -- Felony
 6. Possession with Intent to Distribute Marijuana -- Misdemeanor
 7. Uniform Controlled Substances Act (UCSA) Distribution of Cocaine
 8. Uniform Controlled Substances Act (UCSA) Possession with Intent to Distribute Cocaine
 9. Uniform Controlled Substances Act (UCSA) Possession with Intent to Distribute Heroin
 10. Unlawful Possession of Liquid PCP

5. Kidnapping
 1. Armed Kidnapping
 2. Kidnapping

6. Murder
 1. First Degree Murder While Armed (W/A)
 1. Second Degree Murder While Armed (W/A)
 2. Felony Murder
 3. Felony Murder While Armed (W/A)
 4. Involuntary Manslaughter
 5. Murder I -- Premeditated
 6. Murder I
 7. Murder II
 8. Soliciting Murder
 9. Voluntary Manslaughter While Armed (W/A)
 10. Voluntary Manslaughter

7. Other
 1. First Degree Cruelty to Children
 2. First Degree Cruelty to Children -- Grave Risk
 3. Any Other Felony
 4. Armed Carjacking
 5. Arson
 6. Assault with Intent to Kill

7. Bail Reform Act -- Felony
8. Blackmail
9. Bribery
10. Conspiracy
11. Conspiracy to Commit a Crime of Violence
12. Contempt -- Felony
13. Contributing to the Delinquency of a Minor by a Person while armed (W/A) -- Prior Conviction
14. Contribution Limitations
15. Corrupt Election Practices
16. Credit Card Fraud -- Felony
17. Criminal Street Gang Affiliation -- Felony or Violent Misdemeanor
18. Cruelty To Animals
19. Escape from Department of Youth Rehabilitation Services (DYRS)
20. Escape from Officer
21. Extortion
22. Felony Stalking
23. First Degree Identity Theft
24. Flee Law Enforcement Officer
25. Fraud First Degree \$1000 Or More
26. Fraud Second Degree \$1000 Or More -- Felony
27. Identity Theft First Degree
28. Intimidating, Impeding, Interfering, Retaliating Against a Government Official or Employee of DC
29. Maintaining a Crack House
30. Manufacture or Possession of a Weapon of Mass Destruction
31. Negligent Homicide -- Felony
32. Negligent Homicide -- Pedestrian
33. Obstruction of Justice
34. Obstruction of Justice -- Harassment, Reporting
35. Obstruction of Justice -- Witness or Officer - Influence, Delay
36. Obstruction of Justice -- Due Administration
37. Obstruction of Justice -- Harassment - Arrest
38. Obstruction of Justice -- Harassment - Institution of Prosecution
39. Obstruction of Justice -- Injury/Property Damage - Giving Information
40. Obstruction of Justice -- Injury/Property Damage - Official Duty
41. Obstruction of Justice -- Witness or Officer - Cause Absence
42. Obstruction of Justice -- Witness or Officer - Withholding
43. Obtain Controlled Substance by Fraud
44. Offenses Committed During Release
45. Perjury

46. Prison Breach
 47. Prisoner Escape
 48. Riot Act -- Felony
 49. Second Degree Cruelty to Children
 50. Second Degree Cruelty to Children -- Grave Risk
 51. Second Degree Insurance Fraud
 52. Stalking -- Felony
 53. Stalking (seriously alarmed, disturbed, frightened & emotional distress)
 54. Tampering with Physical Evidence
 55. Unarmed Carjacking
 56. Unlawful Introduction of Contraband into Penal Institution
 57. Unlawful Possession of Contraband into Penal Institution
8. Other-Property
 1. Breaking and Entering Vending Machine
 2. Deceptive Labeling -- Felony
 3. Destruction Of Property -- \$1000 Or More
 4. Destruction Of Property -- Over \$200
 5. Forgery
 6. Receiving Stolen Property -- Misdemeanor
 7. Receiving Stolen Property -- \$1000 Or More
 8. Trafficking Stolen Property
 9. Uttering
 10. Vandalizing, Damaging, Destroying, Taking Property of a Government Official
9. Robbery
 1. Armed Carjacking
 2. Armed Robbery
 3. Assault with Intent to Commit Robbery
 4. Attempted Robbery
 5. Carjacking
 6. Robbery
 7. Unarmed Carjacking
10. Sex
 1. First Degree Sexual Abuse of Patient or Client (during course of treatment)
 2. First Degree Unlawful Publication
 3. Arranging For Sexual Contact with a Real or Fictitious Child
 4. Assault with Intent to Commit First Degree Sexual Abuse
 5. Enticing A Child -- Felony
 6. First Degree Child Sexual Abuse
 7. First Degree Sexual Abuse -- Force

8. First Degree Sexual Abuse -- Threatening
9. First Degree Sexual Abuse
10. First Degree Sexual Abuse of a Minor
11. First Degree Sexual Abuse of a Ward
12. Fourth Degree Sexual Abuse -- Intoxicant
13. Fourth Degree Sexual Abuse -- Other
14. Incest
15. Operating a House of Prostitution
16. Pandering
17. Procuring
18. Prostitution
19. Second Degree Child Sexual Abuse
20. Second Degree Sexual Abuse -- Incompetent
21. Second Degree Sexual Abuse -- Threats
22. Second Degree Sexual Abuse of a Minor
23. Second Degree Sexual Abuse of a Patient or Client
24. Sex Trafficking of Children
25. Sexual Abuse of a Secondary Education Student
26. Sexual Performance Using Minors
27. Third Degree Sexy Abuse -- Force
28. Third Degree Sex Abuse -- Threats
29. Third Degree Sexual Abuse

11. Theft

1. Theft First Degree
2. Theft Second Degree
3. Theft Second Degree -- Felony
4. Unauthorized Use of a Vehicle
5. Unauthorized Use of a Vehicle -- Crime of Violence
6. Unauthorized Use of a Vehicle -- Prior Conviction

12. Weapon

1. Carrying Dangerous Weapon -- Outside Home/Business
2. Carrying Dangerous Weapon -- Outside Home/Business -- Prior Felony
3. Carrying Dangerous Weapon -- Felony
4. Carrying Pistol -- Prior Gun Conviction or Felony
5. Carrying Pistol Outside Home/Business
6. Carrying Pistol Without License (CPWL) -- Outside Home/Business
7. Carrying Pistol Without a License (CPWL) -- Prior Gun Conviction or Felony
8. Carrying Pistol Without a License (CPWL) -- Inside Home -- Prior Felony (2015)
9. Carrying Rifle or Shotgun Outside Home or Business -- Violation of Inoperable Pistol Emergency Act of 2008

10. Carrying Pistol Without a License (CPWL)
11. Carrying Pistol Without a License (CPWL) -- Outside Home or Place of Business (2014)
12. Carrying Pistol Without a License (CPWL) -- Outside Home or Place of Business (2015)
13. Carrying Pistol Without a License (CPWL) -- Outside Home or Place of Business (2014)
14. Carrying A Pistol Without a License -- Outside Home or Place of Business/Prior Felony (2015)
15. Carrying a Rifle or Shotgun Outside Home or Place of Business
16. Carrying a Rifle or Shotgun Outside Home or Place of Business -- Prior Conviction
17. Carrying Dangerous Weapon Outside Home or Place of Business (2014)
18. Carrying Dangerous Weapon Outside Home or Place of Business (2015)
19. Carrying Dangerous Weapon Outside Home or Place of Business /Prior Felony (2014)
20. Carrying Dangerous Weapon Outside Home or Place of Business/Prior Felony (2015)
21. Carrying Dangerous Weapon Outside Home or Place of Business (2015)
22. Carrying Dangerous Weapon -- Felony
23. Carrying a Pistol Without a License (CPWL) Outside Home or Place of Business -- in Violation Of Second Emergency Act of 2014
24. Distribution of Firearm, Destructive Device, Ammunition
25. Felon in Possession
26. Possession of Firearm During Crime of Violence
27. Possession of Firearm During Crime of Violence or Dangerous Offense (PFCOV)
28. Possession of a Prohibited Weapon -- Felony
29. Possession of a Destructive Device
30. Possession of a Large Capacity Ammunition Feeding Device
31. Possession of a Large Capacity Ammunition Feeding Device
32. Possession of Unregistered Firearm/Unlawful Possession of a Firearm or Destructive Device
33. Presence in a Motor Vehicle Containing a Firearm
34. Presence in Motor Vehicle Containing Firearm
35. Unlawful Possession of a Firearm (UPF)
36. Unlawful Possession of a Firearm -- Prior Crime of Violence (UPF-PCOV)
37. Unlawful Possession of a Firearm -- Crime of Violence (UPF-PCOV)
38. Unlawful Possession of a Firearm -- Fugitive from Justice
39. Unlawful Possession of a Firearm -- Intrafamily Offense
40. Unlawful Possession of a Firearm -- Order to Relinquish
41. Unlawful Possession of a Firearm -- Prior Conviction > 1 year (UPF-PF)
42. Unlawful Possession of a Firearm -- Prior Conviction Under Chapter 45

43. Unlawful Possession of a Firearm – Prior Conviction (UPF-PF)
-
13. While armed drug offenses
 1. Distribution of a Controlled Substance
 2. Possession with Intent to Distribute a Controlled Substance
 3. Possession with Intent to Distribute Marijuana -- Felony

APPENDIX E - 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.
- M11: There is a substantial and compelling basis, as articulated by the sentencing judge, to reduce the defendant's applicable guideline sentence due to the invocation of D.C. Code § 11-947 or the circumstances that warranted the invocation of D.C. Code § 11-947.

APPENDIX F - 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 review 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.⁶⁸ 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 sentenced individual will 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.⁶⁹ If Superior Court records a departure factor, the GRID system will automatically mark the sentence as a compliant departure and record the reason for the departure. Sentences above the recommended Guidelines range due to a statutory

⁶⁸ 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.

⁶⁹ See Appendix E for a complete list of departure factors.

enhancement are also deemed to be compliant if the sentence falls within the expanded range.⁷⁰ 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 individual'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 sentencing on August 5, 2000, and the Guidelines were designed primarily for the new determinate system.⁷¹ However, a small number of pleas, verdicts, or sentences entered after June 14, 2004, are cases in which an indeterminate sentence must be imposed because the offense was committed before August 5, 2000. If the plea or verdict was entered on or after June 14, 2004, the Guidelines apply regardless of when the offense was committed - i.e., whether the offense was committed before or after August 5, 2000. Commission staff manually evaluates compliance for indeterminate sentences.

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

The GRID system also checks the compliance status of sentences following a probation revocation. However, for data analysis purposes, these sentences are separated and not used to calculate the overall initial compliance rate.⁷²

⁷⁰ 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.

⁷¹ 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). Determinate sentences are sentences with a definitive release date. For example, an individual sentenced to 360 months knows that they will be released in 360 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 years to life incarceration is an indeterminate sentence, where the individual cannot predict at what point within that range they will be released.

⁷² Probation revocation sentences are not included in the overall Guidelines compliance rate because they would result in compliance being calculated twice for the same case and count, once when the sentence was initially imposed, and once again when probation is revoked.

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

Step 6 - Verification of Non-Compliance

If, after completion of the five initial steps outlined above, the sentence still appears to be non-compliant, the count(s) and CH score information are manually reviewed by Commission staff to verify that the data on which the GRID system performed its evaluation are valid and that there are no data quality issues present. Simultaneously, Commission staff confirm 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 individual'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.