



D.C. Criminal Code Reform Commission
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Advisory Group Memorandum No. 10

Appendix D

To: Code Revision Advisory Group (Advisory Group)
From: Criminal Code Reform Commission (CCRC)
Date: June 7, 2017
Re: First Draft of Report No. 6, Penalty Enhancements

***Disclaimer:** The sentencing data provided is a statistical representation of information related to the D.C. Voluntary Sentencing Guidelines. Further interpretation of the data by the Criminal Code Reform Commission does not reflect the opinions or advisement of the D.C. Sentencing Commission, or its members.

Table with columns: Offense, Charge Code, Enhancement Code, Sentence Type, N, Min., Max., Mean, Median, Std. Dev., No Grid Range, Below Range, Lower 25% of Range, Middle 50% of Range, Upper 25% of Range, Above Range. Rows list various offenses such as Accessory After the Fact - Murder I - Armed, Aggravated Assault, etc.

Summary columns for various offense codes: 22-1804 (A11), 22-1804A, 22-3701, 22-4328, 22-3601, 22-3611, 22-3920, 22-4120, 22-4502, 22-4501, 22-3212, 22-2104, 22-2104A, 22-3920A, 22-4120A, 22-4502A, 48-904.07A, 48-904.07A, Unspecified. Includes a column for Multiple Enhancements to Applied (Including White-Armed).

Sentencing Data on Penalty Enhancements to Felony Offenses Convicted from 2010 through 2015

Offense	Charge Code	Enhancement Code	Sentence Type	N	Min.	Max.	Mean	Median	Std. Dev.	No Grid Range	Below Range	Lower 25% of Range	Middle 50% of Range	Upper 25% of Range	Above Range				
Total			Prison	134	6.0	64.0	22.0	18.0	12.9	25	5	29	29	26	20				
			Short Sentence	13	0.0	6.0	1.8	1.0	2.1	3.2	0	0	0	0	0	0			
			Probation	19	6.0	24.0	16.1	12.0	5.7	19	0	0	0	0	0	0			
			Indeterminate	0	-	-	-	-	-	-	-	-	-	-	-	-			
			22DC4502(A)AB.Y	Prison	1	14.0	64.0	44.7	56.0	26.9	0	0	0	0	0	2			
			Total			Prison	137	6.0	64.0	22.5	18.0	12.6	25	5	30	29	26	22	
						Short Sentence	13	0.0	6.0	1.8	1.0	2.1	3.2	0	0	0	0	0	
						Probation	19	6.0	24.0	16.1	12.0	5.7	19	0	0	0	0	0	
						Indeterminate	0	-	-	-	-	-	-	-	-	-	-	-	-
						22DC1180(A)AU.U	Prison	1	14.0	64.0	44.7	56.0	26.9	0	0	0	0	0	2

Multiple Enhancement to Applied (Including White-Armed)	Sentence Unenhanced Statutory Max. (if countable from data)	22-1894 (A)1 Repeat Offender Enhancem ent	22-1894a Repeat Offender Enhancem ent	22-3791 Bias-Related Crime Enhancem ent	22-1328 Offense Committed On Release Enhancem ent	22-3601 Senior Citizen Victim Enhancem ent	22-5611 Minor Victim Enhancem ent	22-4592 Crime of Violence White Armed Enhancem ent	22-3212 Repeat Theft Enhancem ent	22-2104 Agg. Murder Enhancem ent	22-2104a Agg. Murder Enhancem ent	22-3920 Agg. Sexual Abuse Enhancem ent	22-4120 Agg. Sexual Abuse Enhancem ent	22-4502 Gun Free Zone Enhancem ent	48-904.07A Drug Free Zone Enhancem ent	"Unspecif ic"

Offense	Charge Code	Enhancement Code	Sentence Type	N	Min.	Max.	Mean	Median	Std. Dev.	No Grid Range	Below Range	Lower 25% of Range	Middle 50% of Range	Upper 25% of Range	Above Range							
Carry Dangerous Weapon - Prior Felony			Prison	4	18.0	24.0	21.0	21.0	3.5	4	0	0	0	0	0							
			Short Sentence	1	3.0	3.0	3.0	3.0	0	1	0	0	0	0	0							
			Probation	4	18.0	24.0	21.0	21.0	3.5	4	0	0	0	0	0							
			Indeterminate	0	-	-	-	-	-	-	-	-	-	-	-	-						
			22DC1804(A)U.U	Prison	1	18.0	18.0	18.0	18.0	0	0	0	0	0	0	0						
			CPWL			Prison	8	10.0	10.0	10.0	10.0	0	0	1	0	0	0	0				
						Short Sentence	3	0.0	2.0	0.7	0.0	1.2	3	0	0	0	0	0				
						Probation	6	12.0	24.0	17.0	15.0	5.9	6	0	0	0	0	0				
						Indeterminate	1	10.0	10.0	10.0	10.0	0	0	1	0	0	0					
						22DC1328A1	Prison	1	6.0	6.0	6.0	6.0	0	1	0	0	0	0				
						CPWL - Prior Felony			Prison	48	1.0	168.0	18.6	18.0	11.6	148	16	140	141	104	23	
									Short Sentence	63	0.0	63.0	2.4	2.0	2.5	153	0	0	0	0	0	
									Probation	223	0.0	60.0	16.5	12.0	7.5	223	0	0	0	0	0	
									Indeterminate	0	-	-	-	-	-	-	-	-	-	-	-	-
									22DC1804(A)U.U	Prison	1	18.0	18.0	18.0	18.0	0	0	0	0	0	0	0
Carry Rifle or Shotgun Outside Home or Business									Prison	1	12.0	12.0	12.0	12.0	0	0	0	0	0	0	0	
									Short Sentence	3	0.0	6.0	2.0	0.0	3.5	3	0	0	0	0	0	
									Probation	4	9.0	18.0	14.3	15.0	4.5	4	0	0	0	0	0	
									Indeterminate	0	-	-	-	-	-	-	-	-	-	-	-	
									22DC1328A1	Prison	1	12.0	12.0	12.0	12.0	0	0	0	0	0	0	0
			Conspiracy						Prison	1	12.0	12.0	12.0	12.0	0	0	0	0	0	0	0	
									Short Sentence	1	3.0	3.0	3.0	3.0	0	1	0	0	0	0	0	
									Probation	4	9.0	18.0	14.3	15.0	4.5	4	0	0	0	0	0	
									Indeterminate	0	-	-	-	-	-	-	-	-	-	-	-	

Possible that

Sentencing Data on Penalty Enhancements to Felony Offenses Convicted from 2010 through 2015

Main data table with columns: Offense, Charge Code, Enhancement Code, Sentence Type, N, Min., Max., Mean, Median, Std. Dev., No Grid Range, Below Range, Lower 25% of Range, Middle 50% of Range, Upper 25% of Range, Above Range. Rows include offenses like Receiving Stolen Property \$1000 or More, Robbery, Robbery - Armed, Robbery - Attempt, and Second Degree Child Sexual Abuse.

Multiple Enhancement to Applied (Including White-Armed) Sentences Exceeds Unenhanced Statutory Max. (from provided data) 22-1894 Repeat Offender Enhanc 22-1894A Repeat Offender Enhanc 22-3791 Bias-Related Crime Enhanc 22-1328 Offense Committed On Release Enhanc 22-3601 Senior Citizen Victim Enhanc 22-3611 Minor Victim Enhanc 22-4592 Crime of Violence White Armed Enhanc 22-3212 Repeat Offense Enhanc 22-2104 Agg. Murder Enhanc 22-2104A Agg. Murder Enhanc 22-3920 Agg. Sexual Abuse Enhanc 22-4120 Agg. Sexual Abuse Enhanc 22-4502 Gun Free Zone Enhanc 48-904.07A Drug Free Zone Enhanc "Unspecif ied"

Summary statistics table with columns corresponding to the rows in the main table. Contains counts for various categories like Total, No Enhancement, and specific offense codes.

Sentencing Data on Penalty Enhancements to Felony Offenses Convicted from 2010 through 2015

Table with 14 columns: Offense, Charge Code, Enhancement Code, Sentence Type, N, Min., Max., Mean, Median, Std. Dev., No Grid Range, Below Range, Lower 25% of Range, Middle 50% of Range, Upper 25% of Range, Above Range. Rows include offenses like Unlawful Possession of a Firearm, Unlawful Possession of a Firearm - Intrafamily Offense, and Unlawful Possession of a Firearm - Prior Conviction.

Table with 12 columns: Multiple Enhancements to Applied (Including White-Armed), Sentence Exceeds Unenhanced Statutory Max. (if countable from data), 22-1894 (A)(1) Repeat Offender Enhancement, 22-1894(A)(1) Repeat Offender Enhancement, 22-3791 Bias-Related Crime Enhancement, 23-1328 Offense Committed On Release Enhancement, 22-3601 Senior Citizen Victim Enhancement, 22-3611 Minor Victim Enhancement, 22-4592 Crime of Violence White Armed Enhancement, 22-3212 Repeat Theft Enhancement, 22-2104 Agg. Murder Enhancement, 22-2104(01) Murder Enhancement, 23-3020 Agg. Sexual Abuse Enhancement, 22-4120 Agg. Sexual Abuse (Old statute), 22-4501/2 Gun Free Zone Enhancement, 48-904.07A Drug Free Zone Enhancement, and "Unspecified" column.

Sentencing Data on Penalty Enhancements to Felony Offenses Convicted from 2010 through 2015

Sentencing Data on Penalty Enhancements to Felony Offenses Convicted from 2010 through 2015															Multiple Enhancements Applied (Including White-Armed)	Sentence Exceeds Unenhanced Statutory Max. (if countable from provided data)	22-1804 (A)(1) Repeat Offender Enhancement	22-1804 Repeat Offender Enhancement	22-3701 Bias-Related Crime Enhancement	23-1328 Offense Committed On Release Enhancement	22-3601 Senior Citizen Victim Enhancement	22-3611 Minor Victim Enhancement	22-4502 Crime of Violence White Armed Enhancement	22-3212 Repeat Theft Enhancement	22-2104 Agg. Murder Enhancement	22-2104.01 Agg. Murder Enhancement	22-3020 Agg. Sexual Abuse Enhancement	22-4120 Agg. Sexual Abuse Enhancement (Old statute)	22-4501.01 Gun Free Zone Enhancement	48-904.07A Drug Free Zone Enhancement	"Unspecified"
Offense	Charge Code	Enhancement Code	Sentence Type	N	Min.	Max.	Mean	Median	Std. Dev.	No Grid Range	Below Range	Lower 25% of Range	Middle 50% of Range	Upper 25% of Range																	
Voluntary Manslaughter		Total	Prison	62	33.0	185.0	94.2	96.0	36.7	10	5	10	20	10	7																
		Indeterminate	1	--	--	--	--	--	1	0	0	0	0	0	0																
		No Enhancement	Prison	63	33.0	185.0	95.0	96.0	36.9	11	5	10	20	10	7																
		Indeterminate	1	--	--	--	--	--	1	0	0	0	0	0	0																
1831		Total	Prison	63	33.0	185.0	95.0	96.0	36.9	11	5	10	20	10	7																
		Indeterminate	1	--	--	--	--	--	1	0	0	0	0	0	0																
		No Enhancement	Prison	1	--	--	--	--	--	1	0	0	0	0	0																
		Indeterminate	1	--	--	--	--	--	1	0	0	0	0	0	0																
Voluntary Manslaughter - Armed	22DC2105-V	Total	Prison	86	12.0	216.0	140.2	144.0	41.4	15	6	13	32	14	5																
		Indeterminate	4	--	--	--	--	--	4	0	0	0	0	0	0																
		No Enhancement	Prison	3	120.0	120.0	120.0	120.0	--	0	0	0	1	0	0																
		Indeterminate	1	--	--	--	--	--	1	0	0	0	0	0	0																
		1831		Total	Prison	86	12.0	216.0	140.0	144.0	41.3	15	6	13	33	14	5														
				Indeterminate	4	--	--	--	--	0.0	4	0	0	0	0	0	0														
				No Enhancement	Prison	1	156.0	156.0	156.0	--	1	0	0	0	0	0	0														
				Indeterminate	1	156.0	156.0	156.0	--	1	0	0	0	0	0	0	0														
		Total		Total	Prison	86	12.0	216.0	140.4	144.0	41.3	16	6	13	32	14	5														
				Indeterminate	5	--	--	--	--	0.0	5	0	0	0	0	0	0														
				No Enhancement	Prison	1	120.0	120.0	120.0	--	0	0	0	1	0	0	0														
				Indeterminate	1	120.0	120.0	120.0	--	0	0	0	1	0	0	0	0														
Total		Total	Prison	87	12.0	216.0	140.1	144.0	41.4	16	6	13	33	14	5																
		Indeterminate	5	--	--	--	--	0.0	5	0	0	0	0	0	0																
		No Enhancement	Prison	1	120.0	120.0	120.0	--	0	0	0	1	0	0	0																
		Indeterminate	1	120.0	120.0	120.0	--	0	0	0	1	0	0	0	0																
Total # Enhanced Sentences By Type															0	42	5	1	12	135	64	22	1574	3	2	8	133	14	12	74	3
Total # Enhanced Sentences Exceeded Unenhanced Statutory Max. By Type (if Countable from Provided Data)															NA	NA	2	3	0	2	0	2									
Avg. Annual # Enhanced Sentences By Type															>11	>7	>18	>18	28	>22	>108	>88	>202	>18	>18	>18	>22	>2	28	>12	>18