



# District of Columbia Sentencing Commission

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Chairperson

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**DATE:** Response provided in April 2024

**SUBJECT:** Unauthorized Use of a Motor Vehicle – Arrest to Sentencing Trends

Presented below is a response that includes a high-level overview of arrest, prosecution, and sentencing trends for adult arrests made between 2018 and 2023 in the District of Columbia that contained at least one Unauthorized Use of a Motor Vehicle (UUV) offense. D.C. Code §22-3215 defines Unauthorized Use of a Motor Vehicle as follows: A person commits the offense of Unauthorized Use of a Motor Vehicle if, without the consent of the owner, the person takes, uses, or operates a motor vehicle, or causes a motor vehicle to be taken, used, or operated, for his or her own profit, use or purpose. The term “motor vehicle” means any automobile, self-propelled mobile home, motorcycle, truck, truck tractor, truck tractor with semitrailer or trailer, or bus. In the District, UUV may be charged as a separate count from the property offenses of first or second degree theft or from the “crimes against persons” offenses of robbery or carjacking. This data response is an update on the analysis that was completed in the Commission’s 2010 Issue Paper “An Examination of the Sentencing of Adults for Unauthorized Use of a Motor Vehicle in the District of Columbia”, which can be found here: [Issues Paper %28UUV%29 final draft 8-31-2010.pdf \(dc.gov\)](#).

Arrest statutes are based on the offense codes filed by MPD at the time of the arrest. The table below outlines the different categories and their corresponding statutes that are used in this analysis.

Offense	Statute
Unauthorized Use of a Motor Vehicle	22DC3215
Unauthorized Use of a Motor Vehicle – Crime of Violence	22DC3215(D)(2)(A)
Unauthorized Use of a Motor Vehicle – Prior Conviction <sup>1</sup>	22DC3215(D)(3)(A)

<sup>1</sup> “Prior conviction” means that the person convicted of unauthorized use of a motor vehicle has two or more prior convictions for unauthorized use of a motor vehicle or theft in the first degree, not committed on the same occasion.

## **Arrest to Sentencing Analysis: Arrest Level**

The following analysis showcases the arrest-to-sentencing trends for UUV arrests made between 2018 and 2023. This analysis is presented at the arrest level, where a single arrest with multiple UUV charges is only counted once. Note that this analysis does not consider the number of individuals arrested for UUV offenses, instead it focuses on the number of arrests made between 2018 and 2023 that contained at least one UUV charge.

The data used for the analyses on arrest and sentencing trends is sourced from the Washington, D.C. Metropolitan Police Department (MPD) and D.C. Superior Court.

An arrest is classified as “papered” if the arrest number in the MPD arrest data has a corresponding D.C. Superior Court case. Papering decisions are documented at the arrest level; if an arrest results in at least one immediately papered charge, the entire arrest is classified as papered. A papered case can contain charges not included in the initial arrest charges and does not need to include any, or all of, the initial arrest charges. Felony arrests that only result in papered misdemeanor charges are treated as papered cases under this analysis. For example, a felony arrest for aggravated assault that results in a misdemeanor assault charge being filed in D.C. Superior Court is classified as a papered arrest.

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

- The analysis only covers adult felony UUV arrests, it does not include juvenile arrests or arrests for misdemeanor and/or miscellaneous offenses.
- 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.<sup>2</sup> The Commission only analyzes arrest papering rates based on charges initially brought in D.C. Superior Court. This means that charges transferred to U.S. District Court or charges re-brought after an initial decision not to paper the case are not included in the papered case data.<sup>3</sup> Further, the Commission does not receive any information regarding why prosecutors made a papering decision in relation to a specific arrest or case.
- All non-fugitive Superior Court cases that resulted from an adult felony arrest are represented in the case disposition portions of the analysis.<sup>4</sup> This includes cases that contained initial charges for felony offenses only, a combination of felony and misdemeanor charges, and cases that contained misdemeanor charges only.

## **Arrest-to-Sentencing Analysis**

The table below reports on the arrest, papering, disposition, and sentencing trends for adult arrests that contained at least one UUV offense. Note that the blue shaded sections of the table report on the total number of cases filed, which differs from the number of papered arrests. The total number of filed cases will rarely equal the total number of papered arrests given that a single papered arrest

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<sup>2</sup> All no papered arrests had an arrest number generated by MPD.

<sup>3</sup> For example, if an individual was arrested for possessing a firearm but prosecutors decided they needed DNA evidence prior to bringing a criminal case against the defendant, they might not initially paper the case. The case could be re-brought after the DNA analysis has been completed. Under the analysis conducted in this paper, based on the data available to the Sentencing Commission, the arrest would be classified as no papered.

<sup>4</sup> Fugitive from justice cases are not reported because they do not result in a new arrest.

can generate multiple D.C. Superior Court cases or can generate fugitive from justice cases, only. Any filed cases where the arrested individual is only being prosecuted as a fugitive from justice are excluded from the analysis.

For example, in 2019, there were a total of 401 adult arrests made that contained at least one UUV charge. Just over half (51%, 205 arrests) were papered, which generated a total of 180 cases filed in D.C. Superior Court. As of April 2024, 59% (107) of these 180 cases were closed without conviction, 38% resulted in a finding of guilt (for any criminal offense), and 3% are still pending disposition.

All but one of the 68 cases that resulted in a finding of guilt have been sentenced. Of these 67 sentenced cases, 70% resulted in convictions for misdemeanor offenses, only. The remaining 30% of cases contained at least one felony conviction. The most severe count (MSC) sentenced for cases that resulted in felony convictions is reported in the bottom section of the table, where severity comparisons are determined using the offense severity group (OSG) rankings on the D.C. Voluntary Sentencing Guidelines Master and Drug Grids.<sup>5</sup> UUV is ranked as an M8 offense; offenses ranked in greater OSG's (M1-M7, D1-D2), are considered more severe than UUV, and offenses ranked in lesser OSG's (M9, D3-D4) are considered less severe than UUV.

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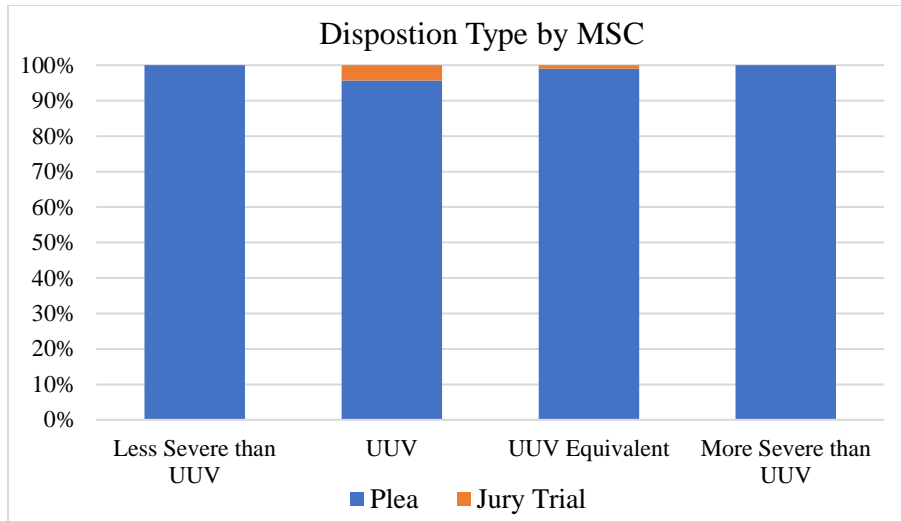
<sup>5</sup> The Master and Drug Sentencing Grids can be found on the Commission's website: <https://scdc.dc.gov/page/sentencing-guideline-grid-charts>.

	2018	2019	2020	2021	2022	2023	Total
<b>Total Felony UUV Arrests</b>	<b>469</b>	<b>401</b>	<b>492</b>	<b>430</b>	<b>398</b>	<b>559</b>	<b>2,749</b>
<b>Arrest Disposition</b>							
Arrests Not Papered	53% (274)	49% (196)	56% (275)	58% (249)	59% (234)	41% (229)	52% (1,430)
Sent to Superior Court for Prosecution	47% (222)	51% (205)	44% (217)	42% (181)	41% (164)	59% (330)	48% (1,319)
<i>Total Cases Filed</i>	<b>222</b>	<b>180</b>	<b>197</b>	<b>162</b>	<b>132</b>	<b>305</b>	<b>1,198</b>
<b>Disposition of Filed Cases</b>							
Closed without Conviction	43% (95)	59% (107)	49% (97)	44% (71)	30% (39)	17% (53)	39% (462)
Pending	1% (2)	3% (5)	6% (12)	9% (14)	17% (22)	35% (106)	13% (161)
Finding of Guilt ( <i>for any criminal offense</i> )	56% (125)	38% (68)	45% (88)	48% (77)	54% (71)	48% (146)	48% (575)
<b>Conviction and Sentencing Trends</b>							
Total Sentenced Cases	125	67	88	75	70	117	<b>542</b>
<i>Misdemeanor Convictions Only</i>	56% (70)	70% (47)	50% (44)	52% (39)	64% (45)	61% (71)	58% (316)
<i>Felony Conviction(s)</i>	44% (55)	30% (20)	50% (44)	48% (36)	36% (25)	39% (46)	42% (226)
<b>Most Severe Count Sentenced on Felony Conviction Cases</b>							
UUV	44% (24)	25% (5)	16% (7)	19% (7)	20% (6)	43% (20)	30% (69)
UUV Equivalent (OSG M8)	25% (14)	45% (9)	64% (28)	53% (19)	60% (14)	33% (15)	44% (99)
More Severe than UUV	13% (7)	10% (2)	18% (8)	28% (10)	16% (4)	20% (9)	18% (40)
Less Severe than UUV	18% (10)	20% (4)	2% (1)	-	4% (1)	4% (2)	8% (18)

### **Disposition Type – Most Severe Count**

The vast majority (98%) of felony convictions stemming from UUV arrests were the result of a plea agreement. Jury trials were only used in cases where the most serious count sentenced was UUV (3 cases) or another M8 (UUV equivalent) offense (1 case). The remaining 222 cases were all disposed via a plea agreement, 24 of which were the result of a Rule 11(c)(1)(C) plea.<sup>6</sup>

<sup>6</sup> A Rule 11(c)(1)(C) plea bargain is a specific type of plea wherein the prosecution and the defense agree upon a specified sentence or sentence range as part of the plea agreement. This agreement is presented to the court, which can either accept or reject the plea. If accepted, the plea agreement becomes binding on the court.



### Sentencing Trends – UUV Convictions

Approximately one in every three (30%, 69 cases) felony cases sentenced following from a UUV arrest contained a conviction for UUV. Thirty-nine percent (39%) of these cases resulted in a prison or long split sentence, where the average sentence imposed was 18 months. Thirty-eight percent (38%) of UUV convictions resulted in a short split sentence, and the remaining 23% received a probation sentence.

