



District of Columbia Sentencing Commission

441 4th St, NW, Suite 430 South, Washington, DC 20001
Telephone (202) 727-8822 Fax (202) 727-7929

MINUTES OF VIRTUAL COMMISSION MEETING

January 18, 2022

Via WebEx

Voting Members in Attendance:

Milton Lee	Renata Cooper
Juliet McKenna	Katerina Semyonova
Marisa Demeo	Frederick Cooke, Jr.
Cedric Hendricks	Dave Rosenthal
Molly Gill	
Julie Samuels	

Non-Voting Members in Attendance:

Cristina Hillyer for Sonya Thompson
Leslie Parsons
Steve Husks
Eric Glover
Kevin Whitfield for Charles Allen

Staff in Attendance:

Linden Fry	Taylor Tarnalicki	Maeghan Buckley
Mia Hebb	Brittany Bunch	Basil Evans

Judge Lee called the meeting to order at 5:08 p.m.

Chairman Monthly Meeting Introduction – Action Item, Judge Lee, Chairman

Judge Lee called the January monthly meeting to order and completed a membership roll call. The meeting proceeded with a quorum of voting members present. Judge Lee announced that Superior Court Chief Judge Anita Josey-Herring had appointed Criminal Division Presiding Judge Marisa Demeo to the Commission to replace Judge Dayson. The Commission welcomed Judge Demeo.

Review and approval of the minutes from the November 16, 2021, Commission meeting – Action Item, Judge Lee, Chairman.

The Commission was sent the November Monthly Meeting draft minutes for final review prior to the January meeting. The Commission voted to approve the minutes (7 votes in favor, no votes opposed, Judge Demeo abstained).

Director's Report - Information Item, Linden Fry, Interim Executive Director.

Linden Fry greeted the Commission members and Commission staff. He proceeded to give a brief overview of the current activities of the Commission's staff beginning with the 2021 Annual Report plan and timeline. The schedule is very similar to past annual reports. The Commission's new Statistician, Taylor Tarnalicki, will be primary responsible for ensuring the 2021 Annual Report is completed on time.

After staff has completed the report, Commission members will have 10 days to review the report and provide feedback. All feedback and edits should be submitted to both Taylor Tarnalicki and Linden Fry.

Mr. Fry went on to discuss the GRID System Odyssey Enhancement project. Due to the D.C. Superior Court changing its data system from CourtView to Odyssey, the Commission will have to upgrade its own data system to account for changes to the data received from the Court. In preparation for the Court's data system change, the Commission has entered into a contract with the current GRID System vendor, MindCube, to make the necessary changes and ensure the system will function properly following the Odyssey transition. While factoring in possible delays, Mr. Fry hopes to complete this project before October 1st, 2022. Though Commission staff has not received a final list of new data elements that will be available once the Court upgrades its system, Mr. Fry is cautiously optimistic that the Commission will be able to increase its data analysis capabilities as a result of the new data available from the Court.

Mr. Fry updated the Commission on the process of hiring of a new Research Assistant. Commission staff has completed the final round of interviews with candidates. Mr. Fry hopes to have a candidate selected within the next two weeks.

Open Meetings Act Compliance – Informational Item, Maeghan Buckley, Attorney Advisor

Maeghan Buckley gave a brief refresher on the steps the Commission needs to take so that all Commission meetings comply with the Open Meetings Act (OMA). The OMA controls how public meetings are noticed and run when a quorum of voting members gather to discuss or act on Commission business. The OMA ensures the public has sufficient notice of and can attend the meetings. It was also noted that informational materials such as the meeting's agenda must be dispersed to the public at least 48 hours prior to the meeting.

Ms. Buckley also mentioned that meetings can be closed for a limited number of statutory reasons such as the hiring of a new Commission staff member. However, the beginning portion of the closed meeting still needs to be recorded and open to the public. Meeting videos will be reposted to the Commission's website and preserved there for at least three years.

After receiving questions from Commission members, Ms. Buckley clarified that subcommittee meetings are not governed by the OMA unless a quorum of voting members are present. She also let the Commission know that it could meet without a quorum of members but would be unable to take any official action, including the approval of past meeting minutes. Ms. Buckley let Commission members know that she is always available if they have questions about the OMA.

Continued discussion of possible modifications to the Guidelines Lapse and Revival provision – Discussion and Action Item, Judge Lee, Chairman.

Judge Lee started off the continuation of the Guideline Lapse and Revival Provision discussion by highlighting important parts of the memo completed by Commission staff members, Taylor Tarnalicki and Maeghan Buckley which was sent to the Commission members prior to the meeting. Ms. Tarnalicki and Ms. Buckley then summarized the key points in the memo. Ms. Tarnalicki noted that two studies published by the Bureau of Justice, found that there was a correlation between an individual's criminal history score and the likelihood of recidivism. The studies found that as an individual's criminal history increased so did the individual's likelihood to recidivate. Ms. Tarnalicki also noted that the various definitions of recidivism and its impact on the research. Judge Lee noted how recidivism decreased as time passed.

Ms. Buckley presented three possible options for amending the Guidelines' ten-year lapse and revival rule. She explained that under the current rule, a prior offense is counted towards a defendant's prior criminal history score if any part of the sentence, including any period of supervision, occurred in the ten-years before the instant offense. She then gave a breakdown of three options for amending the current rule. The possible amendments involve changing the rule so that the:

- Ten-year window begins at the defendant's last release from a locked facility in the instant offense;
- Ten-year window begins at the defendant's initial release from a locked facility in the instant offense; or
- Ten-year window begins on the day of sentencing.

During the overview, Commission members asked clarifying questions. Other members suggested exploring the effects of longer post release supervision and the impact of technical violations on when the ten-year window starts.

Judge Lee and Mr. Fry also discussed that the Commission is in the process of negotiating with Court Services and Offender Supervision Agency (CSOSA) to receive a month's worth of presentence investigation reports (PSI reports). If obtained, the PSI reports would be used to test the effects of each proposed rule change on prior cases. Commission members agreed such an analysis would be useful. However, it was recommended that Commission staff study PSI reports from before and after the beginning of the COVID-19 pandemic.

Judge Lee informed the Commission members that the next virtual Commission meeting will be February 15, 2022. During the next meeting the Commission will continue this dialogue. Judge Lee also noted that in the near future the Commission would discuss possible effects of the Criminal Code Revision proposal currently being discussed by the Council.

Meeting Adjourned at 6:37pm.

NEXT MEETING:
February 15, 2022
Via WebEx