



District of Columbia Sentencing Commission

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MINUTES OF VIRTUAL COMMISSION MEETING

January 17, 2023

Via WebEx

Voting Members in Attendance:

Hon. Milton Lee	Renata Cooper
Hon. Marisa Demeo	Katerina Semyonova
Hon. Rainey Brandt	Frederick Cooke
Dave Rosenthal	Molly Gill
Cedric Hendricks	Katerina Semyonova
William Martin	

Non-Voting Members in Attendance:

Cristina Hillyer for Sonya Thompson	Leslie Parson
Michael Porcello for Brooke Pinto	Eric Glover
Stephen J. Husk	

Staff in Attendance:

Linden Fry	Basil Evans	Maeghan Buckley	Emily Blume
Brittany Bunch	Taylor Tarnalicki		

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

Judge Lee called the November monthly meeting to order at 5:07 p.m. A roll call was completed, and a quorum was established.

Review and approval of the minutes from November 15, 2022, Commission meeting – Action Item, Judge Lee, Chairman.

The Commission was sent the draft November meeting minutes for final review prior to the January meeting. Dave Rosenthal, of the District of Columbia Office of the Attorney General, asked for one non-substantiative change to the verbiage to ensure clarity around when the November meeting quorum was reached. The Commission voted by roll call to approve the minutes and this amendment (10 votes in favor and one abstained).

Director’s Report - Information Item, Linden Fry, Executive Director

Linden Fry greeted the Commission members and staff. He proceeded to give a brief overview of the Commission’s recent activities since the previous monthly meeting.

The overview proceeded with the announcement of the recent changes in agency oversight and membership. Councilmember Brooke Pinto will now be leading the Judiciary and Public Safety Committee and will be replacing Councilmember Charles Allen and his representative Kevin Whitfield on the Commission. Councilmember Pinto’s Committee Director, Michael Porcello was present during the meeting and spoke of his excitement of representing Councilmember Pinto on the Commission. The Commission also

---These minutes were amended by vote during the Commission's February 27 , 2023, meeting--

welcomed the Honorable Rainey Brandt, a representative of District of Columbia Superior Courts, who replaced the Honorable Juliet McKenna seat on the Commission. Though not a Commission member, it was also announced that Lindsey Appiah was appointed as the new Deputy Mayor of Public Safety in the District.

A brief update was given regarding the status of the Revised Criminal Code Act of 2022 (RCCA). It was noted that the Council voted to override the Mayor's veto by voting 12 in favor and one not in favor. The bill will be sent to Congress for review. If approved the clock for implementation would start.

Next, a synopsis was given concerning the Commission's recent recruitment efforts for the two new positions acquired to assist with the potential RCCA transition. It was noted that there were 40 resumes submitted for the Policy Advisor position and seven resumes submitted for the Attorney Advisor position. The Commission staff used various avenues to build awareness about the positions. Some of the methods included:

- connecting with local Law Bars and Bar Associations;
- posting on job recruitment forums such as Indeed and LinkedIn;
- alerting the Commission's current contact list and following through email and social media posting.

Though the Commission has received a wealth of interest, members were encouraged to still spread the word to eligible candidates about the position.

Following the discussion on the RCCA, the next topic discussed was the proposed 2022 Annual Report timeline. Members were alerted that the first draft of the report would be sent to them for review on Tuesday, March 14th, 2023 for 10 days. Once reviewed by members, the Annual Report will be sent to Judge Lee for final review. The 2022 Annual Report is scheduled to be released in April 2023. The Commission is currently experiencing one data issue that will be addressed during the February monthly meeting.

Before concluding the Executive Report, the members were made aware of the Commission's Yearly Agency Performance Review in front of the Council. During the review, the Commission will have to address questions, both written and orally, that will provide the Council with an overview of the Commission recent activity. The hearing is scheduled for Tuesday, February 14, 2023, and members were encouraged to attend if their schedule allotted. Members were asked to submit any comments or questions that they have in regard to the performance before the review date.

The Commission's Transition to Data from the Court's Odyssey Case Management System – Discussion Item, Judge Lee and Linden Fry.

The Commission was briefed regarding the current state of D.C. Superior Court's transition in case management systems. There has been a partial transition from CourtView case management system to Odyssey case management system amongst the Court's smaller divisions and the civil division. However, the criminal divisions implementation has been delayed. The primary issue is that the structure of the Courts data system has changed significantly.

Though the Commission's data will remain the same, the current data system, Guidelines Reporting Information Data (GRID), can not handle the system change and will require a major modification to the system's algorithm. The Commission's historic data will also be effected by this transition. This major modification was not anticipated and differs from what the Commission budgeted for in FY 2023. The Commission's data system contractor, MindCubed, estimated that the system transition cost will be \$430,000 and will take five to six months to complete. Since the Commission did not anticipate this cost, a

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request for funds will need to be submitted. The Commission staff has already connected with D.C. Office of Budget and Planning and the Mayor's Office regarding the upcoming request.

Though the final implementation date is not known, once live, there will be a time where the Commission will be unable to use data from the Court. Though the data will be stored for later use, during that time period, compliance and the Commission's data analysis capabilities will be greatly impacted or stopped completely. While trying to figure out the next steps the Commission can consider two options:

- Working with the Commission's data system vendor to expedite the transition process (which will lead to an increase in cost);
- Finding ways to give up some system performance capabilities for a quicker and cheaper process (this is the option that the Commission will likely take if the budget request does not go through).

Following the update, Commission members were given the floor to ask questions as well as voice concerns. Dave Rosenthal had questions regarding the Commission's ability to test the system before implementation. It was confirmed that testing of the new system will start with smaller agencies in February and the Commission's testing period will follow. Judge Lee asked the Superior Court Judges on the call if they had any additional information to offer the members regarding the transition in systems. Judge Demeo noted that though she is not a part of the court's Odyssey working group, she had heard that there would be additional delays due to issues being raised by the criminal and civil division of the Courts. Judge Brandt estimated that the new system could potentially go live after August 2023. The Commission will continue to work with the Courts and its vendors during this process. Members will be kept abreast of updates.

Preparing for the Revised Criminal Code Act of 2022 – Discussion Item, Judge Lee and Linden Fry.

The final topic discussed was centered around continuing the topic on what next steps the Commission should take in preparation for the potential RCCA Passage. In previous meetings, the Commission discussed potentially creating a Sentencing Guidelines Criminal Code Act Committee within the Commission. Commission members were given floor to express their thoughts and questions on what the next should be as well as areas to focus on. Outlined below, are a few of the points discussed:

- Creating subcommittees specific to the various offense subject matters;
- Forming a subcommittee focused on criminal history score and its calculation;
- Crafting a subcommittee that will assist with creating Guiding Principles for ethical decision making during this process;
- Constructing separate and independent grids for multiple offenses (i.e. Sexual Assault Grid);

Judge Lee stressed that he wanted to ensure members did not feel overwhelmed during this process and he also assured members that though subcommittees will be created, all Commission members will be given the right to provide feedback and changes to proposals sent.

Members had additional questions regarding:

- Potential guidance offered by the Criminal Code Reform Commission regarding a framework for which the Commission would start;
- Members thoughts on whether to focus on ranking individual offenses or rank offense classifications.

To view the video recording of the full discussion, visit, <https://scdc.dc.gov/page/commission-meetings>.

Meeting Adjourned at 6:20 pm.

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NEXT MEETING:
February 21, 2022
Via WebEx