

--These minutes were amended by vote during the Commission's January 16, 2024, meeting--



## 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

October 17, 2023

Via WebEx

#### Voting Members in Attendance:

Hon. Milton Lee

Hon. Marisa Demeo

Hon. Rainey Brandt

William Martin

Cedrick Hendricks

Katerina Semyonova

Nazgol Ghandnoosh

Dave Rosenthal

#### Non-Voting Members in Attendance:

Cristina Hillyer *for Sonya Thompson*

Carlos Heraud

Stephen Husk

Erika McJimpsey

Anaiah Mitchell *for*

*Councilwoman Brooke Pinto*

#### Staff in Attendance:

Linden Fry

Maeghan Buckley

Brittany Bunch

Basil Evans

Emily Blume

Taylor Tarnalicki

Keelin Herbst

Nicholas McGuire

Mia Hebb

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

Judge Lee called the October monthly meeting to order at 5:02 p.m. A roll call was completed, and a quorum was established.

#### 1. Review and Approval of the Minutes from the September 19, 2023, Commission Meeting - Action Item, Judge Lee, Chairman

The Commission reviewed the draft minutes from the September meeting. A roll call vote was taken, resulting in unanimous approval of the minutes (eight votes in favor, zero opposed).

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

##### *a. Odyssey/Enterprise Justice and GRID System Update*

Mr. Fry explained that the Commission is optimally positioned to prepare for D.C. Superior Court's transition to a new case management system and there are no significant challenges at this time. However, there is no assurance against potential issues in the future as the Court and partner agencies are still working to develop the system and address issues. The team, including the contractor, has shown commendable dedication.

##### *b. Fiscal Year 2025 Budget Formulation Process*

The fiscal year (FY) 2025 budget proposal process has commenced. A presentation to the Mayor is scheduled for mid to late November. Anticipating potential budget cuts, the Commission

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will strategize accordingly, and is considering potential budget adjustments in outreach, publications, technology, and other areas.

*c. Correction to Guidelines Appendix C/C-1 Listing for Theft II, Two or More Prior Theft Convictions*

A minor correction was made to the online version of Appendix C/C-1. The correction was due to a partially incorrect offense listing for repeated theft offenses. There is also some offense repetition, however the repeated content was retained to maintain pagination consistency. These arose from a comprehensive reformatting of the manual.

*d. Partnering with the D.C. Bar to Expand our Training Network*

Maeghan Buckley is collaborating with the DC Bar to organize Continuing Legal Education (CLE) courses, aiming to attract a broader audience and enhance exposure.

**3. Overview of the Commission’s Social Media Activities – Information Item, Brittany Bunch, Outreach Specialist**

Brittany Bunch provided an overview of the Commission’s social media initiatives. The Commission is active on five platforms: Instagram, Twitter, Facebook, LinkedIn, and YouTube. These platforms, excluding YouTube, are primarily used to announce upcoming events, such as Commission Meetings, Community Engagement Events, and Guidelines Trainings. They also feature photos of Commission staff engaging with the community to promote further community involvement. Additionally, the platforms are utilized to disseminate new publications, data request procedures, and resources like the Guidelines Resources Page and Sentencing Guidelines Assistance digital form. Ms. Bunch emphasized the role of these platforms in updating the public on Guidelines modifications, sharing adult felony sentencing facts, Commission history, and promoting awareness topics through initiatives like #FactFridays.

The Commission also leverages these platforms to advertise open positions, internships, and solicit feedback on topics for future publications and Guidelines applications. Facebook is used to post monthly meeting videos, with links shared across other platforms to drive traffic to the videos. LinkedIn is tailored towards sharing practitioner resources, training, and employment opportunities. The YouTube channel is dedicated to informational videos that educate the public about the Commission, its services, the Guidelines, and the intricacies of adult felony sentencing in the District.

Judge Lee and Mr. Fry commended Ms. Bunch for surpassing 1000 social media posts last year.

**4. Criminal Rule 11(c)(1)(C) Fiscal Year 2023 Report – Information Item, Emily Blume, Research Analyst**

Emily Blume discussed the findings from the recently released “Rule 11(c)(1)(C) Plea Yearly Report” for FY2023. The quarterly sentencing trends for counts under Rule 11(c)(1)(C) pleas remained stable, representing 11 to 14 percent of total counts sentenced each quarter. Most sentences were “Compliant in the Box,” and among those “Compliant outside the Box,” the

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majority received sentences below the Guidelines recommendation. Only one count in FY2023 lacked a criminal history score due to the absence of a court-requested presentence report.

The distribution of sentence types and offenses was consistent throughout the year, with prison sentences and violent offenses predominating. Most individuals sentenced under this rule fell into Criminal History Groups A and B, and there was a slight quarterly increase in the average criminal history score. Demographically, the majority of those sentenced were Black males aged 22 to 30, mirroring trends seen in non-Rule 11(c)(1)(C) plea cases.

A discussion ensued regarding the reasons behind compliant Rule 11(c)(1)(C) pleas, with Mr. Fry suggesting a deeper exploration of the topic.

## **5. Issue Paper Presentation – Adult Felony Arrest, Papering, and Conviction Rate Analysis (2019-2022) – Information Item, Taylor Tarnalicki, Statistician.**

Judge Lee introduced Taylor Tarnalicki's presentation and commended the quality of the Issue Paper. Ms. Tarnalicki presented findings from the "Adult Felony Arrest and Papering Rate Analysis (2019-2022)" Issue Paper. The Issue Paper detailed an analysis of felony arrest and prosecution trends in the District of Columbia over a four-year span. Of the 21,725 adult felony arrests documented, 62% progressed to court cases, while the remaining 38% did not result in immediate charges.

The emphasis of the Issue Paper was on the arrest, papering, and conviction rates across the eight D.C. neighborhood Wards, particularly spotlighting non-drug offenses. Ms. Tarnalicki explained that the data encapsulated only those charges initially presented to the D.C. Superior Court. Key takeaways highlighted that 44% of the adult felony arrests took place in Wards 7 or 8. Papering rates showcased consistency across the wards, oscillating between 59% and 67%.

The three most prevalent offenses were Carrying a Pistol without a License (CPWL), Assault with a Dangerous Weapon (ADW), and Threats to Kidnap or Injure a Person, with CPWL accounting for a significant 22% of all arrests. A notable point was the dominance of plea deals in the resolution process, with over 90% of convictions for these top offenses resulting from such agreements.

A query was raised regarding the inclusion of misdemeanor CPWL, which Judge Lee confirmed was not part of the analysis. Data discrepancies due to manual data entry were acknowledged and addressed.

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The next meeting, initially scheduled for November 21, 2023, has been postponed by Judge Lee. The Commission typically does not convene in December, so the meeting is scheduled for January 16th.

Meeting Adjourned at 6:20 p.m.

NEXT MEETING:  
January 2024  
Via WebEx

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