



# District of Columbia Sentencing Commission

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## MINUTES OF VIRTUAL COMMISSION MEETING

March 15, 2022

Via WebEx

### **Voting Members in Attendance:**

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

### **Non-Voting Members in Attendance:**

Eric Glover  
Cristina Hillyer for Sonya Thompson  
Steve Husk  
Kevin Whitfield for Charles Allen

### **Staff in Attendance:**

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

### **Guests:**

Richard Schmechel (CCRC)    Jinwoo Park (CCRC)    Rachel Redfern (CCRC)

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

Judge Lee called the March monthly meeting to order at 5:06 p.m. and completed a membership roll call. The meeting proceeded with a quorum of voting members present.

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

The Commission was sent the draft February meeting minutes for final review prior to the March meeting. The Commission voted to approve the minutes (10 votes in favor and no votes opposed).

### **Introduction of the Commission’s New Research Analyst: Emily Blume - Information Item, Linden Fry, Interim Executive Director**

Linden Fry introduced Emily Blume, the Commission’s new Research Analyst. Ms. Blume is a Boston native and recent graduate of the University of Maryland with a double major in Psychology and Criminology/Criminal Justice. Before joining the Commission, she worked as a Research Assistant for the Applied Research Laboratory for Intelligence and Security. Ms. Blume expressed her excitement about joining the Commission. Judge Lee noted that, with the hiring of Ms. Blume, the Commission is now fully staffed.

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

Linden Fry greeted the Commission members and staff. He proceeded to give a brief overview of the staff's current activities. A draft of the 2021 Annual Report was sent to Commission members for review prior to the meeting. Mr. Fry asked that members send any proposed edits, revisions, or questions to him by Friday, March 18<sup>th</sup>, 2022. Mr. Fry thanked the Commission's Statistician, Taylor Tarnalicki, for her work leading the Annual Report project.

Mr. Fry informed the Commission that CSOSA has agreed to provide the Commission with redacted criminal history data from 100 presentencing reports (PSR) sent to the Court prior to the onset of the pandemic and data from 100 PSRs from after the onset of the pandemic. Mr. Fry stated that the Commission would not have been able to receive this data without the work and support of Mr. Hendricks. Mr. Fry proposed asking for PSR data from May 2019 and October 2021. Members were encouraged to reach out if they believed different time periods were more representative. Mr. Fry noted that CSOSA's FOIA office will send the redacted data to the Commission in batches as they are completed. Judge Lee and Mr. Fry thanked Mr. Hendricks and Mr. Fry for their work in getting this request fulfilled.

The next topic discussed was the Commission's Annual Performance Hearing before the Committee on Judiciary and Public Safety. During the Hearing, the benefits of the GRID system were highlighted, including its capabilities to answer various types of data requests. Additional questions from the Committee focused on data from the upcoming 2021 Annual Report.

Lastly, Mr. Fry discussed revisions to the 2022 Sentencing Guidelines Manual. As mentioned in the previous meeting, the Commission's Attorney Advisor, Maeghan Buckley, is in the process of editing the Guidelines Manual. The Commission's Guidelines Implementation Committee will meet soon to begin discussing potential edits and modification to the Guidelines Manual. The Committee is open to any member who would like to participate. Members interested in joining the committee or suggesting possible edits were encouraged to contact Ms. Buckley by March 21, 2022. Mr. Fry also reviewed the 2022 Guidelines Manual publication timeline.

## **The Revised Criminal Code Act of 2021 – Presentation, Richard Schmechel, Executive Director, D.C. Criminal Code Reform Commission**

Judge Lee welcomed Richard Schmechel, Executive Director of the Criminal Code Reform Commission (CCRC). Mr. Schmechel was joined by two CJCC staff members; Rachel Redfern and Jinwoo Park. Mr. Schmechel provided a brief history of the CCRC, its formation and its mission. He then gave a presentation on the CCRC drafted Revised Criminal Code Act of 2021 (RCCA). The RCCA is currently pending before the Council. If passed, the RCCA would move the District to a Model Penal Code statutory scheme and rewrite most of the District's criminal code. Importantly, the proposed bill grades all criminal offenses into one of nine felony classes (1-9) or one of five misdemeanor classes (A-E).

Other major changes from the current criminal code include: the elimination of mandatory minimums, elimination of life without parole, and misdemeanor jury trials. If passed, the RCCA will also necessitate extensive modifications to the Sentencing Guidelines. The RCCA, it is expected to be voted on by the Council this calendar year. However, the RCCA is not expected to be implemented immediately after passage.

Following the presentation, Commission members were encouraged to ask questions of Director Schmechel. Commission members discussed the timeline for passing the implementing the RCCA.

Members also asked about the proposed offenses compared to the offenses in the current criminal code. Mr. Schmechel directed the Commission to the CCRC website where all of the proposed statutes are listed (<https://ccrc.dc.gov/page/recommendations>). Dave Rosenthal questioned whether any other Sentencing Commissions had revised their sentencing system after changing to a Model Penal Code system. Mr. Schmechel indicated that most criminal codes had had been updated prior to the creation of sentencing commission and/or sentencing guidelines. Following the presentation, Judge Lee asked Mr. Schmechel to return for another Commission meeting to further discuss RCCA implementation and sentencing guidelines questions.

Due to time constraints, the Commission was unable to discuss all items on the meeting's agenda. Mr. Fry will follow up with Commission members via e-mail regarding potential Commission funding requests to the Council that will allow the Commission to begin preparing for the RCCA's enactment.

Meeting Adjourned at 6:39 pm.

NEXT MEETING:  
April 19, 2022  
Via WebEx