

--These minutes were amended by vote during the Commission's May 16, 2023, meeting--



District of Columbia Sentencing Commission

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MINUTES OF VIRTUAL COMMISSION MEETING

April 18, 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
Nazgol Ghandnoosh	Cedric Hendrick

Non-Voting Members in Attendance:

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

Staff in Attendance:

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

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

Judge Lee called the April monthly meeting to order at 5:05 p.m. A roll call was completed, and a quorum was established.

Review and approval of the minutes from February 27, 2022, Commission meeting – Action Item, Judge Lee, Chairman.

The Commission received the draft February meeting minutes for final review prior to the April meeting. Members voted by roll call to approve the minutes (ten votes in favor, none opposed).

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

The meeting began with a briefing on the Commission's recent activities.

The Commission has filled its two open staff positions. Keelin Herbst and Nicholas McGuire will start on Monday, April 24, 2023.

Commission staff members have received the first printer proof of the 2022 D.C. Sentencing Commission Annual Report for review and are on schedule to submit it to the D.C. Council during the week of April 24, 2023. Commission members will also be sent a copy via email. Members who would like a physical copy of the report were encouraged to email the staff. Both Judge Lee and Mr. Fry thanked the members and staff for their help on crafting the report.

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The Mayor recently sent her proposed fiscal year 2024 budget to the Council. In the proposal, The Commission's overall budget was decreased by under one percent but non-personnel services funding for everything other than employee pay and benefits, was cut by seven percent. The increase in personnel service funding goes towards cost-of-living increases and increased costs related to employee benefits. The proposed budget included a small increase in funding to support increased costs in operating and maintaining the Commission's Guidelines Reporting and Information Database (GRID) system.

The proposed budget did not include funding necessary for the Commission to upgrade the GRID system so that it can receive data from the D.C. Superior Court once the Court's new Odyssey data system is implemented. The agency has identified approximately \$150,000 in fiscal year 2023 funds that can be reprogrammed to support the Odyssey upgrade project. After the reprogramming is completed, the project will still require approximately \$350,000 in additional funding to complete. Additionally, the proposed budget did not contain funding for staff performance raises. No Commission staff member has received a performance-based salary increase since 2018. Mr. Fry will prioritize obtaining the funding needed for the Odyssey upgrade project, but will also look for opportunities to acquire funding for staff raises. However, that may not occur until fiscal year 2025. Mr. Fry thanked Michael Porcello, who appeared on behalf of Councilwomen Brooke Pinto, for his continued help with the Commission's budget.

The Commission staff is working with representatives of the United States Attorney's Office for the District of Columbia (USAO) and the Office of the Attorney General's Office of the District of Columbia (OAG) to gain access to the Criminal Justice Coordinating Council's IJIS 8.1 data feed. This feed contains data on whether prosecutors will bring charges following an initial arrest. Access to this feed will allow the staff to verify papering rate data the Commission receives. Members will continue to receive access updates.

The Commission's Attorney Advisor, Maeghan Buckley, has begun preparing the 2023 D.C. Voluntary Sentencing Guidelines Manual. Members who are interested in joining the Guidelines Implementation Committee are encouraged to contact Ms. Buckley.

Moving forward after the Revised Criminal Code Act of 2022 - Discussion Item, Judge Lee and Linden Fry

Since the Commission's previous meeting, the Revised Criminal Code Act of 2022's (RCCA) was blocked by a Joint Resolution of Congress, which was signed by the President. Therefore, the Commission is shifting its focus and priorities to exploring substantive changes to the Guidelines that can be made independent of the RCCA but would work with the RCCA if a version of the bill is passed in the future.

Mr. Fry suggested that the Commission start off with revisiting its discussion of the Guidelines Lapse and Revival rules and timeframes. Judge Lee then opened the floor for members to provide their feedback and thoughts, including what other areas of the Guidelines members would like to review for potential revisions. Members made the follow suggestions:

- exploring the number of criminal history points associated with offenses in Master Groups 1 – 5;
- determining whether there should be a separate Grid for Title 16 cases; and
- investigating the effects of a defendant's criminal history scores on sentence length.

Lastly, Commission members were asked about their thoughts on continuing to plan for a Commission retreat. Initially, the retreat was put in place to foster dialogue amongst members regarding what changes could be made in response to the potential RCCA passage. Members agreed that they would still like to hold retreat type sessions. Each session would focus on a different subject or Guidelines rule. In upcoming meetings, members will work to specify topics and research questions that should be discussed during these meetings. Once the topics are finalized, the date for the retreat(s) will be set.

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Meeting Adjourned at 5:54 pm.

NEXT MEETING:
May 16, 2023
Via WebEx

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