



District of Columbia Sentencing Commission

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MINUTES OF VIRTUAL COMMISSION MEETING

June 21, 2022

Via WebEx

Voting Members in Attendance:

Hon. Milton Lee

Hon. Marisa Demeo

Dave Rosenthal

Cedric Hendricks

Molly Gill

Katerina Semyonova

Renata Cooper

Frederick Cooke, Jr.

William Martin

Non-Voting Members in Attendance:

Steve Husk

Leslie Parsons

Eric Glover

Staff in Attendance:

Linden Fry

Mia Hebb

Taylor Tarnalicki

Brittany Bunch

Maeghan Buckley

Emily Blume

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

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

Review and approval of the minutes from May 17, 2022, Commission meeting – Action Item, Judge Lee, Chairman.

The Commission was sent the draft May meeting minutes for final review prior to the June meeting. A voting quorum was established, and the Commission voted to approve the minutes (eight votes in favor and two abstentions).

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.

The first topic discussed was the next steps regarding the acquisition of two staff positions for the anticipated Revised Criminal Code Act of 2021's (RCCA) passage. Though the Mayor has not signed the 2023 budget, the Commission remains optimistic because of the Council's inclusion of the funds in the budget that they approved. In anticipation of the start of the fiscal year on October 1, 2022, steps are being taken to ensure that the positions are filled as soon as possible. The Commission staff is in the process of

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drafting duties and requirements. Commission members were encouraged by both Mr. Fry and Judge Lee to submit suggestions on roles, responsibilities, and qualified individuals.

Next, an update was given regarding the status of the upcoming Court Odyssey case management system transition. The system transition has been delayed from its initial start date of July 2022. The Commission, the Commission's contractor, and D.C. Superior Courts are working through system and data requirements. Commission members will be kept abreast of updates to this project.

It was announced that five Commission staff members will be attending the National Association of Sentencing Commission Conference in Portland, Oregon. This unique conference brings together Sentencing Commissions and individuals working in sentencing to discuss policy and data issues. Mr. Fry specifically noted that his goal for the conference was to network with Sentencing Commissions that are under a model penal code system for guidance on the proposed RCCA legislation. The conference will occur the second week of August, however, the office will remain staffed to answer emails and calls.

The Commission's Statistician, Taylor Tarnalicki, will be presenting at Criminal Justice Coordinating Council's (CJCC) upcoming community meeting, highlighting data captured using the Commission's arrest to sentencing data. The figures are representative of adult felony arrests. Ms. Tarnalicki's presentation will center around the arrest outcomes for homicide offenses, carjacking offenses, and assault offenses from 2018 – 2021. Some of the report's interesting facts include:

- 47% decrease in homicide arrest
- 45% decrease in felony assault arrest
- 36% decrease in carjacking arrest

Interested Commission members were encouraged to contact Mr. Fry or Ms. Tarnalicki to receive the report.

2022 Voluntary Sentencing Guidelines Manual – Suggested Revisions – Action Item, Judge Lee and Maeghan Buckley, Attorney Advisor.

The Commission's Attorney Advisor, Maeghan Buckley, highlighted the proposed changes to the 2022 Voluntary Guidelines Manual proposed during the Commission's Guideline Implementation Committee (GIC) Meetings. The GIC is composed of the Commission members representing the United States Attorney's Office, District of Columbia Office of the Attorney General, as well as the Public Defenders Service of the District of Columbia. The bulk of the edits to the Guidelines Manual encompassed grammatical changes, updating dates, as well as ensuring that pronouns are gender neutral.

A memo highlighting the substantive and larger grammatical changes was prepared by Ms. Buckley and sent to Commission members prior to the meeting for their consideration and comment. The sole substantive change was to Section 2.2.5 regarding Scoring of Out of State Convictions. Under the proposed change, the language and/or statutory citation in a defendant's criminal record (e.g. NCIC or PRISM) can also be used when determining how an out-of-District prior conviction should be scored. Ms. Buckley gave two examples of how this modification could affect how an out-of-District offense is scored: 1. If the criminal record specifies a controlled substance (e.g. cocaine or heroin) but the statute covers many different controlled substances, the drug specified in the criminal history report can be considered as part of information used to calculate the matching District offense. 2. Certain out-of-District statutes encompass both attempt and completed offenses, in those situations the criminal record report can be part of the information used to determine if it was an attempted or completed offense. For example, while part of the same statutory subsection, MD criminal records list a conviction for robbery as "robbery" and a conviction

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for attempted robbery as "attempted robbery," therefore a criminal record listing a conviction for Maryland "robbery" would be initially scored as robbery.

During the Commission's discussion, clarification to the section regarding Scoring of Out of State Juvenile Convictions/Adjudications was also proffered. After a discussion amongst members of the Commission, it was agreed that additional language would aid practitioners. The adopted language was:

"A prior conviction comparable to murder, first degree sexual abuse, burglary in the first degree, robbery while armed (firearm), or assault with intent to commit any of these offenses where the defendant was 16 years of age or older at the time the offense was committed is scored as an adult conviction, unless the offense was adjudicated in a juvenile proceeding."

Renata Cooper, of the United States Attorney's Office, proposed to add clarifying language to the definition of a long-split sentence. After a discussion, the Commission agreed that the definition should clarify that a compliant sentence is greater than six months to distinguish from a short-split sentence. The below language was approved:

"Long split sentence: In a compliant long split sentence, the court imposes a sentence within the applicable prison range, suspends execution of all but a term that also falls within the applicable prison range, such that the time initially served (not suspended) is more than six months, and places the defendant on probation for a period up to five years."

After discussing the memorandum and changes proposed by Commission members, the Commission voted unanimously to adopt the suggested changes for the 2022 Voluntary Guidelines Manual pending a review of the final version of the Memo and Manual based on the changes approved will be circulated amongst the members.

Update of Commission Outreach Activities – Information Item, Brittany Bunch, Outreach Specialist

The Commission's Outreach Specialist, Brittany Bunch, gave a brief overview of the Commission's community outreach activities between 2021 and 2022. Ms. Bunch highlighted the Commission's focus on increasing engagement with the community through:

- Presentations
- Partner Strategy Meetings
- Educational videos
- Social Media Posts / Facebook boosted posts
- Monthly Email Blasts
- Biannual Newsletter Titled "The Commission Chronicle"
- Creation of educational materials and training flyers

Through these methods, the Commission was able to increase its email subscriber list by 30 individuals, expand its reach to over 5,000 D.C. Residents, and garner over 39,000 website views.

The Commission will continue to host presentations as well as engage via social media posts. Outreach will also be expanded to future and current practitioners through partnerships with local criminal justice agencies as well as schools. During the month of July 2022, the Commission will be hosting a Guidelines 101 presentation for D.C. Jail residents who are a part of the Young Emerging Men Unit Program as well as ensure that all D.C. Jail residents have access to up-to-date D.C. Voluntary Sentencing Guideline

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material. The Commission will be participating in a community event hosted by the District of Columbia's Office of the Attorney General's Cure the Streets program.

Before ending the meeting, Judge Lee announced that the Commission will not host meetings during the months of July and August 2022.

Meeting Adjourned at 6:31 pm.

NEXT MEETING:
September 20, 2022
Via WebEx