

--These minutes were amended by vote during the Commission's October 15, 2024, meeting--

★ ★ ★ District of Columbia Sentencing Commission
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September 17, 2024
Hybrid Meeting Held at 441 4th St. NW, Suite 430S,
Washington, DC and via Zoom

Voting Members in Attendance:

Hon. Milton Lee	Hon. Rainey Brandt	Hon. Marisa Demeo
Frederick Cooke, Jr.	Renata Cooper	Joel Castón
Nazgol Ghandnoosh	Laura Hankins <i>for Katerina</i>	Leslie Parsons ¹
Dave Rosenthal ²	<i>Semyonova</i>	

Non-Voting Members in Attendance:

Cristina Hillyer	Eloy Rodriguez La Brada	Stephen Husk
<i>for Sonya Thompson</i>	<i>for Councilmember Brooke</i>	
Erika McJimpsey	<i>Pinto</i>	

Staff in Attendance:

Linden Fry	Taylor Tarnalicki	Keelin Herbst
Maeghan Buckley	Mia Hebb	Brittany Bunch
Emily Blume		

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

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

1. Review and Approval of the Minutes from the July 16, 2024, Commission Meeting – Action Item, Judge Milton Lee, Chairman.

Members reviewed the draft minutes from the July 2024 meeting. A roll call vote was taken, resulting in the approval of the minutes (eight votes in favor, one abstention, and zero opposed).

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

a. Commission Staff Organizational Changes and Promotions – Update

As previously discussed, the Commission is changing its internal staff organizational structure. Maeghan Buckley will move from her current position as Attorney Advisor to become the agency's General Counsel, and Taylor Tarnalicki will move from her current position as Statistician to become the agency's Research Director. The changes have been sent to District of

¹ Patrol Operations Chief Andre Wright and Assistant Chief Ramey Kyle for the Metropolitan Police Department were also present.

² Sarah Comeau, Senior Counsel to the Attorney General, was also present.

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Columbia Human Resources (DCHR) for processing. The agency looks to have the positions solidified by start of fiscal year on October 1st. Changes are pending the DCHR process.

b. Recruiting a New Staff IT Specialist – Update

The agency has recently completed second round interviews with multiple qualified candidates for the IT Specialist position. Director Fry is hopeful that the Commission can make offers in next couple of weeks, but he highlighted that the salary may pose an issue for some candidates.

c. Shifting an Attorney Advisor Position to a Statistician Position

The agency currently has a vacant Attorney Advisor position after Nicholas McGuire left the Commission in August. To address the current needs of the Commission, the position will be shifted to a Statistician position. Agency staff will be working to post this position soon and will alert Commission members when it has been posted. This organizational change also frees up funding to make the salary for the IT Specialist position more competitive.

d. 2025 Guidelines Manual GIC Meetings – In Progress

The Guidelines Implementation Committee (GIC) has started its work on the proposed changes for the 2025 D.C. Voluntary Sentencing Guidelines Manual. The proposed changes in the Manual include modifying and adding to the examples throughout the document, and a large overall, but non-substantive, reorganization. Staff thanks the GIC for their help and work throughout this process.

e. GRID System and Enterprise Justice (Odyssey) – Update

The agency continues to work with its contractor to implement necessary changes in anticipation of the D.C. Superior Court's new case management system, Enterprise Justice. This continues to be a work in progress. A firm implementation date has not been set by the Court.

f. Fall Outreach Events

Staff have eight events scheduled throughout September and October. Notably, staff are taking part in the D.C. Public Library's Teen Day on September 30th and presenting to the D.C. Jail Young Men Emerging Unit on October 17th. Director Fry expressed his thanks to Commission member Erika McJimpsey in her help in arranging the presentation at the D.C. Jail.

3. Discussion regarding Chairman Lee's anticipated resignation from the Commission – Informational Item, Judge Lee.

On October 1st, Judge Lee will become the new Chief Judge of the D.C. Superior Court. Judge Lee will begin transitioning out of his role as Chairman of the Commission. Judge Lee will do his best to assist in appointing a new Chairman, but he will not make any decisions on substantive Commission actions after October 1st. Those decisions will primarily go to Director Fry during this time. During the October Commission meeting, Judge Lee anticipates the Commission will

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appoint a new Chairman, and he plans to attend the meeting in order to transition to the new Chairman. Judge Lee gave remarks on his time on the Commission and as Chairman.

4. Brief Review of 2024 National Association of Sentencing Commissions Conference – Information Item, Taylor Tarnalicki, Statistician; Brittany Bunch, Outreach Specialist; Emily Blume, Research Analyst.

Judge Lee began the discussion by highlighting the impact and importance of the Commission's work as illustrated by the fact that the Commission had three presenters at the National Association of Sentencing Commissions' (NASC) Conference. Judge Lee then provided attendees of the conference an opportunity to share their experience with the Commission. Ms. Tarnalicki began by noting that this is her fifth time attending the NASC Conference, but her first time attending as a panelist, moderator, and member of the NASC executive board. During the conference, Ms. Tarnalicki was reelected to her position on the NASC executive board, and she will serve as the secretary for NASC. As a panelist, Ms. Tarnalicki discussed the Commission's data system and capabilities, which was well received by attendees. Many other jurisdictions were impressed with the Commission's GRID system as it is one of the more developed sentencing research systems. Ms. Tarnalicki also served as a moderator for a panel on sentencing commission community outreach, which Ms. Bunch participated in.

Ms. Bunch then shared her experience as a second time attendee of the NASC conference and first-time panelist. During the outreach panel, Ms. Bunch explained how the agency connects with community members and practitioners and highlighted the benefits and considerations for other jurisdictions interested in beginning or furthering community outreach. Judge Lee asked whether it was common for other sentencing commissions to have outreach positions. Ms. Bunch explained that it is not common, and that other commission's outreach positions are tailored towards practitioners. To further illustrate this point, Ms. Tarnalicki noted that the NASC executive board had difficulty finding individuals for the panel as Ms. Bunch appears to be one of the only individuals working for a sentencing commission who does community engagement. Judge Lee highlighted that he hopes other jurisdictions will look to the District as the standard and see the benefit of community engagement.

Mr. Castón then shared his experience presenting on a panel focused on the role of returning citizens on sentencing commissions. Mr. Castón noted that it was very humbling, and he was honored to be recognized and welcomed by the North Carolina Sentencing Commission. Mr. Castón further noted that his position on D.C.'s Commission has inspired other jurisdictions to follow suit.

Judge Lee also noted that last week Mr. Fry and Mr. Rosenthal gave a presentation to the Connecticut Sentencing Commission on the various functions of D.C.'s Commission. Connecticut is currently working on legislation that would change the bail system and pretrial release, and they were in D.C. to learn more about D.C.'s systems.

5. 2024 Issue Paper #2 Presentation – An Examination of Sentencing Trends by Defendant Race – Informational Item, Taylor Tarnalicki, Statistician.

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Ms. Tarnalicki presented the Commission's most recent Issue Paper, *An Examination of Sentencing Trends by Defendant Race*. This report examines disparities in sentencing across different racial groups by comparing sentencing trends for similarly situated Black and White defendants. Ms. Tarnalicki began by highlighting the data limitations relevant to this analysis, including the racial distribution of defendants sentenced in Superior Court, 92% of which are Black while only 4% are White. To conduct the analysis, Ms. Tarnalicki examined the sentences of individuals with the same most serious offense of conviction and Criminal History Column (CHC).

The first analysis looked at defendants whose most serious offense of conviction was Carrying a Pistol without a License (CPWL) and who fell in CHC A (1,048 Black defendants and 43 White defendants). Ms. Tarnalicki concluded that the statistical tests showed that there were no significant differences in sentencing trends between this subset of Black and White defendants. The second analysis looked at defendants whose most serious offense of conviction was Second Degree Child Sexual Abuse and who fell in CHC A (20 Black defendants and 17 White defendants). Ms. Tarnalicki concluded that the statistical tests showed that there were no significant differences in sentencing trends between this subset of Black and White defendants.

Ms. Hankins asked what the difference is between "sentence imposed" and "sentenced to serve." Ms. Tarnalicki explained that the sentence imposed is the total sentence inclusive of any suspended time, and the sentence to serve is the portion of the sentence that is not suspended. Ms. Hankins highlighted that it appears the Guidelines are accomplishing the goal of reducing disparate sentences for similarly situated defendants, but that she found the report concerning. Particularly, Ms. Hankins found that the racial distribution of defendants sentenced for CPWL to be staggering. Ms. Hankins inquired as to the purpose of the report, aside from ensuring the Guidelines are working, and whether the report could be used to discuss racial bias in the system prior to the sentencing phase. Ms. Hankins expressed fear that the report would be misused, but she hopes it will be used to force discussions on other parts of the system.

Judge Lee responded that the Commission's role is to make the information available, not to dictate how such information is used. Judge Lee expressed that there is value in the report as the information provides transparency and can allow others to have discussions, ss, such as reporting and/or arrest.

Dr. Ghandnoosh then asked Ms. Tarnalicki why the report chose to focus on the lowest CHC. Dr. Ghandnoosh proffered that criminal history is considered a warranted source of disparity in sentencing. She noted that it would be interesting to see if any disparities are present and if the conclusions are the same in higher CHCs. Ms. Tarnalicki explained that both the CHC and most severe convictions were chosen to generate enough of a sample to make meaningful comparisons. Some of the higher CHCs did not provide enough data to make meaningful comparisons.

Mr. Castón asked Ms. Tarnalicki to further explain the process of filtering the cases. Ms. Tarnalicki explained that the paper sought to compare Black and White defendants in the most equal way possible; therefore, the data was filtered first by the most severe count (either CPWL or Second Degree Sexual Abuse) and then by CHC A.

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6. Next Scheduled Meeting: October 15th, 2024

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Meeting adjourned at 6:05 p.m.

NEXT MEETING:
October 15, 2024
Via Zoom

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