



# District of Columbia Sentencing Commission

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## MINUTES OF FULL COMMISSION MEETING

December 11, 2018

One Judiciary Square, Suite 430S, Washington, DC 20001

### Voting Members in Attendance:

Milton Lee	Julie Samuels (via phone)
Frederick Weisberg	Molly Gill (via phone)
Katerina Semyonova	Frederick D. Cooke, Jr.
Danya Dyson	William Martin
Marvin Turner (via phone)	

### Non-Voting Members in Attendance:

Robert Contee

### Staff in Attendance:

Barbara Tombs-Souvey	Kara Dansky	Taylor Tarnalicki
Miatta Sesay	Mehmet Ergun	Mia Hebb

- I. Chairman Lee called the meeting to order at 5:10 p.m.
- II. The minutes from October 16, 2018, were briefly discussed. The minutes were approved pending any changes submitted to Barbara Tombs-Souvey.
- III. Literature Review for Offense Patterning - Informational Item, Mehmet Ergun.

***Literature Review for Offense Patterning:*** Mr. Ergun presented an overview of the literature review surrounding offense patterning, and highlighted the justifications, strengths, and weaknesses of using offense patterning as a method of assessing an offender's risk to re-offend in sentencing decisions.

Commission members discussed the factors presented on offense patterning and assessed whether the existing literature validates offense patterning as a beneficial sentencing guidelines policy. The overall consensus of Commission members was that changes in sentencing policy to include an offense patterning provision would not support the overall goals of the Sentencing Guidelines at this time.

- IV. Sentencing Guideline Training Strategy – Informational Item, Kara Dansky.

***Sentencing Guideline Training Strategy:*** Ms. Dansky was pleased to report to the Commission members that a revised training strategy has been developed to include overview sessions, topic-specific sessions, refresher courses, and agency-specific courses. All training courses and corresponding registration links are found on the agency website. Ms. Dansky stated that training sessions have been scheduled through June 2019. Training sessions include:

- Scoring Adjudications and Misdemeanors
- How to Split a Sentence
- Determining Offense Severity in Unusual Cases
- Handling Accessory and Attempt Charges
- Mandatories, Enhancements, and Rule 11(C)(1)(c) Pleas

Ms. Dansky stated that additional training sessions will be scheduled for the remainder of 2019. Ms. Dansky informed Commission members that she welcomes suggestions on topic specific Guideline issues and is available for offsite Sentencing Guideline training.

**V. Continued Discussion of Criminal History Scenario Memo - Informational Item, Mehmet Ergun and Barbara Tombs-Souvey**

***Continued Discussion of Criminal History Scenario:*** Mehmet Ergun continued the previous discussion on the impact that various hypothetical Criminal History (CH) scoring modification scenarios would have on an individual's CH score. Mr. Ergun gave a brief overview of the three additional scenarios of CH scoring changes suggested by Commission members at the previous Commission meeting.

Commission members discussed the different scenarios presented and the varying impact each had on CH scores. Ms. Tombs-Souvey asked Commission members if additional analysis scenarios are needed on CH scoring. Judge Lee concluded that the information presented addressed the previous questions that were raised and that no further analysis is needed at this time.

**VI. Discussion of Post Release Issue – Discussion Item, Kara Dansky**

***Discussion of Post Release Issue:*** Discussion of Post Release Issue was postponed until a future meeting.

**VII. Research/ Data Analysis Recommendations Update: – Discussion Item, Barbara Tombs-Souvey**

***Research/Data Analysis Recommendations Update:*** Ms. Tombs-Souvey briefly discussed responses received from Commission members, who provided their top three recommendations from the recommendations list that was included in the Focus Group final report. Commission Members suggested research/data analysis related to the Criminal History look-back period, lapse and revival issues and impact of juvenile adjudications on CH scores. Specific topics included:

- Summary of how these issues are addressed by other Commissions
- Analysis of how often lapse and revival of offenses occurs in CH scores-what percentage of cases
- When does the look back period begin in other jurisdictions- pertaining to Juvenile adjudications-end of incarcerations, end of supervision, end of sentence? What will be the impact of changing to one of these other options?
- What impact would removal of juvenile adjudications have on CH scores?
- What impact would scoring juvenile adjudications as adult convictions have on criminal history scores?
- What does the current research show about the age break line in the age crime curve?

In preparation for the January 2019 meeting, the Commission requested that agency staff research how other Commissions address the lapse and revival of prior offenses, specifically when the “look-back” period begins and how prior juvenile adjudications are counted/scored. Additionally, Commission staff will identify the percentage of felony cases in the District where a prior offense has been revived.

Meeting Adjourned at 6:30pm.

NEXT MEETING:

January 15, 2019  
One Judiciary Square (441 4<sup>th</sup> Street, NW) Suite 430S.