



District of Columbia Sentencing Commission

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MINUTES OF FULL COMMISSION MEETING

June 19, 2018

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

Voting Members in Attendance:

Milton Lee	Julie Samuels (via phone)
Frederick Weisberg	Renata Kendrick Cooper
Katerina Semyonova	Danya Dyson
Molly Gill	William Martin
Marvin Turner	David Rosenthal

Non-Voting Members in Attendance:

Stephen Husk

Staff in Attendance:

Barbara Tombs-Souvey	Linden Fry	Taylor Tarnalicki
Miatta Sesay	Mehmet Ergun	

- I. Chairman Lee called the meeting to order at 5:05 p.m.
- II. The minutes from May 22, 2018 were briefly discussed. They were approved pending any changes submitted to Barbara Tombs-Souvey.
- III. Focus Group Discussion - Information Item, Taylor Tarnalicki

Focus Group Status Update: Taylor Tarnalicki informed the Commission members that the Moss Group is making significant progress with the focus group project. The Moss Group has contacted representatives from each agency participating in the focus groups including CJA attorneys. A total of five focus groups have been scheduled and currently two are tentatively scheduled. The Moss Group has discussed conducting two separate focus groups for CJA and PDS, which is dependent upon the schedule and availability of CJA attorneys. Commission member William “Billy” Martin agreed to assist Taylor and the Moss Group if needed by providing contact information for CJA attorneys who may be able to participate in the focus group.

- IV. Double Counting Unlawful Possession of a Firearm, Prior Conviction – Action Item, Chairman Lee and Linden Fry

Continued Discussion of Double Counting Issue: Mr. Fry gave a brief overview of the double counting issue related to Unlawful Possession of a Firearm, Prior Felony convictions. Mr. Fry focused on the solution discussed during the May Commission meeting: re-ranking Unlawful Possession of a Firearm, Prior Conviction (UPF-Prior Felony) from Master Group 7 to Master Group 8.

Chairman Lee discussed how the change would negate the double counting of prior offenses, and would move UPF-Prior Felony into the same group as offense severity groups as felony Carrying a Pistol Without a License/Carrying a Dangerous Weapon. He also reiterated that the one year Mandatory Minimum sentence for this offense would remain unchanged regardless of whether the offense was ranked in OSG 7 or OSG 8 since Mandatory Minimum sentences supersede any recommended Guideline sentences.

Chairman Lee opened the floor for Commission members to continue discussing re-ranking the offense. After members were given an opportunity to further discuss the change, the Commission moved for a vote on the issue.

Commission Action: The Commission voted to re-rank of Unlawful Possession of a Firearm, Prior Conviction (UPF-Prior Felony) from Master Group 7 to Master Group 8 by a 9-1 vote.

V. Prioritization of Criminal History Related Issues – Action Item, Barbara Tombs-Souvey

Results from Prioritization of Criminal History Related Issues: Barbara Tombs-Souvey provided a brief overview summarizing the Criminal History Prioritization findings. The Commission members were asked to rank their top five criminal history related issues from the prior Criminal History Retreat that the Commission should focus on over the next few months. The criminal history issues that received the highest ranking were the Impact of Criminal History and Inclusion of Misdemeanors in criminal history scores. The Distribution of Sentences in Grid Cells by Criminal History score and Inclusion of Juvenile Adjudications received the highest number of responses as the number two priority.

Chairman Lee opened the floor to the Commission to discuss and identify the top two priority criminal history related issues that the Commission should focus on over the next few months. The Commission unanimously agreed to focus on the Classification of Criminal History Scores and Restructuring the current Guideline point system. Commission Staff will undertake data analysis on this topic and prepare a research memo for the September Commission meeting. The second issue that will be addressed is Offense Patterning. Barbara Tombs-Souvey stated that the Commission staff will provide Commission members with a literature review of Offense Patterning related issues that will help facilitate further discussion on this topic.

VI. The Commission's July Meeting – Action Item, Chairman Lee

Chairman Lee asked the Commission whether a July Commission meeting was necessary. Commission members indicated that a meeting was not necessary unless a specific issue arose. The Commission July meeting was tentatively canceled. Following precedent, the Commission will not meet in August.

VII. Meeting Adjourned at 6:30 p.m.

NEXT MEETING:

September 25, 2018
One Judiciary Square (441 4th Street, NW) Suite 430S.