



District of Columbia Sentencing Commission

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MINUTES OF FULL COMMISSION MEETING

September 25, 2018

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

Voting Members in Attendance:

Milton Lee

Frederick Weisberg

Katerina Semyonova

Dave Rosenthal

Marvin Turner

Julie Samuels

Frederick D. Cooke, Jr.

Non-Voting Members in Attendance:

Stephen Husk

Robert Contee

Staff in Attendance:

Barbara Tombs-Souvey

Miatta Sesay

Kara Dansky

Mehmet Ergun

Taylor Tarnalicki

Mia Hebb

Guests:

Andie Moss, Shannon Murphy, and Reggie Wilkerson, The Moss Group

- I.** Chairman Lee called the meeting to order at 5:10 p.m.
- II.** The minutes from June 19, 2018 were briefly discussed. The minutes were approved pending any changes submitted to Barbara Tombs-Souvey.
- III.** Director's Report - Information Item, Barbara Tombs-Souvey

Welcome new General Counsel: Barbara Tombs-Souvey introduced the Commission's newest Staff Member, Kara Dansky, General Counsel, to Commission members. Ms. Dansky briefly spoke about her background and professional experiences. Chairman Lee and the Commission welcomed Ms. Dansky.

Status of Community Outreach Activities: Barbara Tombs-Souvey briefly gave an overview of the Community Outreach Activities that were discussed at the last Commission meeting. Ms. Tombs-Souvey stated that the Outreach Committee met over the summer with Commission member, Marvin Turner, to identify groups that may benefit from receiving a general overview presentation of the Sentencing Guidelines. The initial groups identified include ANC's, Boys & Girls Club; Faith Based Organizations and the D.C. Jail. Ms. Tombs-Souvey stated that the first presentation is anticipated to take place in November 2018. Ms. Souvey commended Taylor Tarnalicki and Miatta Sesay for their efforts on the project.

IV. Presentation of Focus Group Findings – Informational Item, Moss Group

Focus Group Findings: During summer 2018, The Moss Group conducted a series of focus groups with the primary users of the D.C. Voluntary Sentencing Guidelines. The primary users include Judges (D.C. Superior Court), the United States Attorney’s Office (USAO), Public Defender Service (PDS), Criminal Justice Attorney (CJA), and Court Services and Offender Supervision Agency Staff (CSOSA). Participants from these agencies were asked a series of Guidelines related questions, such as their perceptions about the structure of the sentencing grids, criminal history calculations, ranking of offenses and the availability of various sentencing, to determine if the Guidelines are achieving their goals of certainty, consistency, and adequacy of punishment.

The Moss Group moderated a total of nine focus groups, one with CJA, and two with each of the remaining four agencies. The overall findings and a list of proposed recommendations to the Guidelines (based on the focus group feedback) were presented to Commission members.

Key Findings:

- There is an overall acceptance of the Guidelines among participants
- Belief that there is an inconsistency in sentencing among Guidelines-compliant sentences, which may be attributed to the wide sentencing ranges.
- Several suggestions for amending the grids by re-ranking certain offenses.
- Amending the criminal history scoring rules regarding misdemeanors, juvenile adjudications, and lapse and revival.
- Updating the lists of aggravating and mitigating factors.
- Provide more structured training programs and continue to provide a point of contact to assist with Guidelines questions.

Recommendations:

- Consider adjusting the wide sentencing ranges.
- Re-ranking various offenses within offense severity groups
- Revisit methods of scoring juvenile adjudications
- Revisit how misdemeanors are scored in criminal history
- Utilize data driven outcomes
- Develop formal and informal training opportunities
- Develop a reference guide for scoring out of the District offense
- Provide guidance regarding the rules pertaining to lapse and revival
- Revise the Voluntary Sentencing Guidelines Manual

The Moss Group opened up the floor for questions and discussion, which allowed Commission members to express any concerns or questions following the presentation. Chairman Lee thanked the Moss Group for their hard work. Ms. Souvey also informed the Commission members that the final draft of the Moss Group report will be sent out on September 26, 2018, for their review and feedback before the report is finalized and posted on the agency website.

- V. Discussion of Washington Post – Letter to the Editor (August 6, 2018) – Discussion Item, Chairman Lee

Washington Post – Letter to the Editor: Chairman Lee discussed the Washington Post - Letter to the Editor, and the comments made regarding the Commission's vote to re-rank Unlawful Possession of a firearm, Prior Conviction to Offense Severity Group 8, which went into effect on July 16, 2018. Chairman Lee stated that the Commission received several calls requesting comment regarding the Commission vote. The Chairman asked for feedback from the Commission members on how to respond collectively to the media. Several comments and suggestions were offered by Commission members. The Commission will continue the discussion further at the next meeting.

- VI. Meeting Adjourned at 6:30 p.m.

NEXT MEETING:

October 16, 2018
One Judiciary Square (441 4th Street, NW) Suite 430S.