



District of Columbia Sentencing Commission

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MINUTES OF COMMISSION MEETING

May 21, 2019

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

Voting Members in Attendance:

Milton Lee	Julie Samuels
Renata K. Cooper	Molly Gill
Katerina Semyonova	Dave Rosenthal
Danya Dyson (via phone)	Frederick Cook, Jr.
Marvin Turner	Cedric Hendricks (via phone)

Non-Voting Members in Attendance:

Kevin Whitfield
Robert Contee
Stephen Husk

Guest in Attendance:

Elana Suttnerberg

Staff in Attendance:

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

- I. Judge Lee called the meeting to order at 5:10 p.m.
- II. The minutes from April 23, 2019, were approved pending any changes submitted to Barbara Tombs-Souvey.
- III. Agency FY 2020 Budget Overview – Informational Item, Barbara Tombs-Souvey, Executive Director

Agency Budget Overview: Ms. Tombs-Souvey gave an overview of the Agency Fiscal Year 2020 Operating Budget and recommendations from the Council’s Committee on Judiciary and Public Safety. Ms. Tombs-Souvey informed the Commission members that the Agency FY20 Operating Budget included the following:

- New IT Specialist Position to support the GRID system and MPD Data Project
- Additional \$35,000 for non-personal services
- \$765,254 for the MPD Arrest Feed Enhancement Project

Judge Lee and the Commission members acknowledged Ms. Tombs-Souvey for her efforts on the Agency’s budget.

IV. Proposed Changes to the 2019 Sentencing Guideline Manual and Ranking One Felony Offense – Action Item, Kara Dansky, General Counsel.

Proposed changes to 2019 Sentencing Guideline Manual/Ranking One Felony Offense: Ms. Dansky briefly discussed the memorandum provided to the Commission members outlining proposed revisions to the 2018 Voluntary Sentencing Guidelines Manual and Offense Ranking.

Ms. Dansky stated that the Guideline Implementation Committee met on April 29, 2019, to discuss the proposed changes to the Manual and Offense Ranking and the Committee had reached agreement on the proposed revisions and offense ranking. Ms. Dansky stated that the Manual changes were minor formatting and grammatical corrections as discussed in the memorandum. Commission members provided feedback regarding the recommended changes.

Judge Lee raised the issue of whether the recommended offense ranking of Master Grid 9 for Possession of a Large Capacity Ammunition Feeding Device (D.C. Code § 7-2506.01(b)) be reconsidered as ranked in Master Grid 8. Judge Lee opened the floor for further discussion from Commission members. There were questions and comments from Commission members and the proposed ranking of Master Grid 9 was retained.

Commission Action#1: The Commission voted to approve the proposed revisions to the 2018 Voluntary Sentencing Guidelines set forth in the memorandum and the ranking Possession of a large capacity ammunition feeding device (D.C. Code § 7-2506.01(b)) in the default ranking of Master Grid 9 by a vote of 10-0 vote.

V. Review and approval of “Homicide – Fast Fact Sheet” – Action Item, Taylor Tarnalicki, Research Analyst

Review and approval of “Homicide – Fast Fact Sheet”: Ms. Tarnalicki gave a brief overview of the “Homicide Fast Fact Sheet” presented to Commission members for their review and approval. Ms. Tarnalicki stated that this is the first “Fast Fact Sheet,” providing the following facts on Homicide in the District:

- Sentencing Trends
- Criminal History
- Compliance Information
- Offender Demographics

Ms. Tarnalicki informed Commission members that the Fast Facts will be released semi-annually with different offenses highlighted to provide interested parties and the general public with a quick overview of sentences trends for felony offenses. Judge Lee asked the Commission members if there were any questions or suggestions. There was some discussion among Commission members regarding the type of information to be included on Fast Fact Sheets.

VI. Continued Discussion and Possible Action on Double Counting Issue, Unlawful Possession of a Firearm, Prior Conviction for Crime of Violence – Judge Lee

Continued Discussion and Possible Action on Double Counting Issue, Unlawful Possession of a Firearm with a Prior Conviction for Crime of Violence: Judge Lee continued discussion of

the Double Counting Issues for Unlawful Possession of a Firearm, Prior Crime of Violence (“UPF-COV”) and provided an overview of the possible approaches to address this issue.

Judge Lee then opened the floor for further discussion on the various options to address the Double Counting. USAO indicated that although they did not recommend, they would support, adjusting the criminal history score by moving it one box to the left when sentencing UPF-COV.

PDS indicated the preference to re-rank the UPF-COV offense from M6 to M7, since it mirrored the same approach previously approved by the Commission to address the Double Counting issue for Unlawful Possession of Firearm – Prior Felony.

Commission members engaged in a discussion regarding their positions, concerns, and suggestions on the best option to address the Double Counting issue. At the end of the discussion, Judge Lee informed the Commission members to be prepared to vote on the issue at the next Commission meeting.

VII. Continued Discussion and Possible Action on Modification to Current Lapse and Revival Policy - Judge Lee

Continued Discussion and Possible Action on Modification to Current Lapse and Revival Policy: The discussion was tabled until a future Commission meeting.

Meeting Adjourned at 6:10pm.

NEXT MEETING:

June 18, 2019

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