

--These minutes were amended by vote during the Commission's February 20, 2024, meeting--



## District of Columbia Sentencing Commission

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### MINUTES OF VIRTUAL COMMISSION MEETING

January 16, 2024

Via WebEx

#### Voting Members in Attendance:

Hon. Milton Lee  
Renata Cooper  
Cedric Hendricks  
Katerina Semyonova

Hon. Rainey Brandt  
Hon. Marisa Demeo  
William Martin

Fred Cooke  
Nazgol Ghandnoosh  
Dave Rosenthal

#### Non-Voting Members in Attendance:

Cristina Hillyer *for Sonya Thompson*  
Leslie Parsons *for Carlos Heraud*

Stephen Husk  
Erika McJimpsey

Councilmember Brooke  
Pinto

#### Staff in Attendance:

Linden Fry  
Maeghan Buckley  
Brittany Bunch

Basil Evans  
Taylor Tarnalicki  
Mia Hebb

Keelin Herbst  
Nicholas McGuire

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

Judge Lee called the January monthly meeting to order at 5:03 p.m. A roll call was completed, and a quorum was established.

#### 1. Introduction and Statements from Councilmember Brooke Pinto

Councilmember Brooke Pinto began by introducing Eloy Rodriguez LaBrada, who will appear at future Commission meetings on her behalf. Councilmember Pinto then provided an overview of her “Secure DC Plan,” which was introduced to the D.C. Council on January 10, 2024. In particular, Councilmember Pinto addressed the proposed changes to the Commission’s membership. Following Councilmember Pinto’s presentation, Judge Lee opened up the floor to questions for Councilmember Pinto. Of note, Judge Lee asked Councilmember Pinto if there was a timeline for the appointment of new members to the Commission. Councilmember Pinto responded that the positions could be filled once the bill has been passed and signed by the Mayor.

#### 2. Review and Approval of the Minutes from the October 17, 2023, Commission Meeting - Action Item, Judge Lee, Chairman

The Commission reviewed the draft minutes from the October 2023 meeting. A roll call vote was taken, resulting in approval of the minutes (nine votes in favor, zero opposed, one abstention).

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### **3. Director's Report - Information Item, Linden Fry, Executive Director**

#### *a. Annual Report Timeline*

Director Fry provided the timeline for the Commission's 2023 Annual Report. A draft of the report will be sent to the Commission for review on March 12, 2024. The deadline for feedback from Commission members on the draft report will be March 20, 2024. The Commission's staff anticipates the final draft will be sent to the printer on April 10, 2024, and copies will be available for distribution on April 26, 2024.

#### *b. GRID Data System Logic Review*

During the fall of 2023, the agency's data system, referred to as the GRID system, experienced some operational issues. To avoid future issues and strengthen the system, staff and the Commission's IT vendor will conduct a system-wide review of all logic rules within the source code to ensure it is correct.

#### *c. Odyssey/Enterprise Justice Update*

The Superior Court's implementation of its new Enterprise Justice (formerly called Odyssey) case management system continues to experience delays. The Commission received funding from the D.C. Council to adapt the Commission's data system to fit the new data format of Enterprise Justice. As updates and changes are made to Enterprise Justice, the Commission continues to work to ensure that the data provided by Enterprise Justice is compatible with data from the Court's current system and the Commission's GRID data management system. This compatibility is necessary to ensure that the Commission can compare new data with historical data. The Commission staff continues to work to update its system to ensure compatibility. Commission staff anticipate further cost increases as a result of changes made by the Court.

#### *d. Providing Guidelines Resources to DOC Residents*

The Commission continues to expand its outreach and educational resources. The Commission staff has crafted a Sentencing Guidelines Overview training video which is now available on all Department of Corrections residents' tablets. The Commission staff hopes to continue working with the Department of Corrections to provide training and resources to residents at the D.C. Jail.

#### *e. Translating the Guidelines Manual into Spanish*

The Commission's staff is currently examining the cost and practicality of translating the Guidelines Manual into Spanish. If feasible, the staff hopes to begin publishing the Guidelines Manual in Spanish late next year.

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*f. Annual Commission Performance Hearing*

The date and time for the agency's Judiciary Committee Performance Oversight Hearing was announced. The hearing was set for January 24, 2024 at 9:30 a.m. Additionally, the D.C. Council asked Director Fry and Judge Lee to provide a training on the Sentencing Guidelines and Commission functions to councilmembers. This presentation and training will take place on January 23, 2024 at 8:30 a.m.

**4. Update on New Proposed Legislation Impacting the Commission – Information Item, Linden Fry.**

Director Fry provided an overview of the proposed Evidence-Based Gun Violence Reduction and Prevention Act, proposed by Chairman Phil Mendelson. As currently drafted, the Act would require the Commission to produce a bi-annual report on repeat violent offenders. The Commission will work with Chairman Mendelson and the D.C. Council regarding the proposal because the Commission does not currently have access to data points required for such an analysis, specifically data from Presentence Investigation Reports. The Commission discussed prior attempts to obtain Presentence Investigation Report data and the feasibility of possible workarounds.

Councilmember Pinto clarified that the bill proposed by Chairman Mendelson is not part of the Secure DC Plan. The Public Safety Committee plans to hold hearings on Chairman Mendelson's bill later in the Spring. The committee will work with the Commission and other partners to ensure that agencies who are required to report data have access to such data.

If the proposed legislation is passed, the Commission anticipates the staff workload will be heavily impacted. Director Fry said that additional staff may be necessary to assist with the Commission's data reporting requirements. Judge Lee further explained the Commission's past unsuccessful attempts to obtain access to Presentence Investigation Report data.

**5. Proposed Revisions to Voluntary Sentencing Guidelines Manual Chapter Six – Discussion and Action Item, Judge Lee and Maeghan Buckley, Attorney Advisor.**

Maeghan Buckley provided an overview of non-substantive changes to Chapter Six of the D.C. Voluntary Sentencing Guidelines Manual. Chapter Six contains the Guidelines' rules for consecutive and concurrent sentences. After an inadvertent error in Section 6.2 was brought to the Commission's attention in September 2023, Commission staff began assessing the need for non-substantive amendments to Chapter Six to ensure the rule is easy to understand and apply.

Members were provided with a summary memorandum and a redlined draft Guidelines Manual update that reviewed the proposed changes. Prior to the full Commission meeting, the Guidelines Implementation Committee (GIC), made up of Erika McJimpsey, Dave Rosenthal, Renata Cooper, Katerina Semyonova, Judge Demeo, and Judge Lee, met and reached a consensus on the new language for Chapter Six.

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After a review and discussion on the proposed language, the Commission voted by roll call on whether to approve the changes. Nine Commission members voted in favor of the change; no members voted against the change. Katerina Semyonova, of the Public Defenders Service, did not initially vote on the proposed language. She requested additional time to review the changes further before submitting a final vote. Judge Lee permitted Ms. Semyonova to submit her final vote by January 26, 2024. On January 26, 2024, Ms. Semyonova notified Commission staff that she votes in favor of the proposed language. The new Chapter Six language will be released via a Guidelines Alert. The online version of the 2023 Sentencing Guidelines Manual will also be updated to reflect the new language.

**6. Changing the Annual Voluntary Sentencing Guidelines Manual Publication Date – Discussion Item, Judge Lee and Linden Fry.**

Director Fry proposed that the Commission move the annual publication date of the D.C. Voluntary Sentencing Guidelines Manual to January 1 of each year. Changing the date of publication would help balance the Commission's workflow, offer increased consistency for practitioners, and align with annual judicial assignment changes. Director Fry noted that the publication of Guidelines Alerts will allow the Commission to make changes to the Guidelines throughout the year without having to wait for the annual publication of the Manual.

**7. Next Scheduled Meeting – February 20, 2024.**

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Meeting adjourned at 6:20 p.m.

NEXT MEETING:  
February 20, 2024  
Via WebEx

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