



District of Columbia Sentencing Commission

441 4th St, NW, Suite 430 South, Washington, DC 20001
Telephone (202) 727-8822 Fax (202) 727-7929

MINUTES OF VIRTUAL COMMISSION MEETING

July 21, 2020

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

Voting Members in Attendance:

Milton Lee	Frederick Cooke, Jr.
Juliet McKenna	Dave Rosenthal
Danya Dyson	Katerina Semyonova
Renata Cooper	Cedric Hendricks
Molly Gill	William”Billy” Martin
Julie Samuels	

Non-Voting Members in Attendance:

Eric Glover
Diane Strote for Sonya Thompson
Steve Husk
Kevin Whitfield for Charles Allen

Staff in Attendance:

Barbara Tombs-Souvey	Basil Evans	Taylor Tarnalicki
Mia Hebb	Mehmet Ergun	Georgia Pham

- I. Judge Lee called the meeting to order at 5:05 p.m.
- II. Review and Approval of the Minutes from the June 16, 2020 – Action Item, Judge Lee.
- III. Review and Approval of 2020 Sentencing Guideline Manual - Action Item, Georgia Pham, General Counsel

Review and Approval of 2020 Sentencing Guideline Manual: Ms. Pham briefly gave an overview of the revisions of the Sentencing Guidelines Manual 2020. Ms. Pham informed the Commission members that the primary goal is to increase “User Friendliness” which included the following:

- Formatting charts and tables within text
- Adding new examples to sections on sentence types
- Beginning to reorganize and break up certain information in lengthy chapters
- Breaking up text blocks with headings
- Moving certain info to footnotes
- Enhancing FAQ’s and Examples (Chapter 8 & 9)

Ms. Pham asked Commission members if there were any questions or concerns. A question was raised concerning the distribution timeline and method of the Guidelines Manual. Ms. Tombs-Souvey stated that the Guidelines Manual will be distributed electronically upon completion of the revisions at the end of July or early August; she also mentioned that hard copies will be provided, as well. Judge Lee thanked Ms. Pham for her efforts.

Commission Vote: The Commission members unanimously voted in favor of the revisions to the Sentencing Guidelines Manual 2020.

IV. Overview of Title 16 Analysis to Date and Analysis of Indicted Title 16 Offenses – Discussion Item, Taylor Tarnalicki, Research Analyst.

Overview of Title 16 Analysis to Date and Analysis of Indicted Title 16 Offenses: Judge Lee briefly discussed the Title 16 materials that were distributed as a part of the meeting materials. He then asked Commission members to identify any follow-up research questions so that staff has sufficient time to complete any requested analysis before the next Commission meeting.

Ms. Tarnalicki provided an overview of prior discussions and research findings presented surrounding sentencing issues related to Title 16 sentencing trends. She then presented data requested by Commission members requested focusing on an examination of the indicted offense for cases where, on average, Juveniles (16-17) offenders were receiving greater sentences compared to Youthful (18-24) and Adult (25+) offenders. Ms. Tarnalicki presented key findings for six offenses where Juveniles received longer sentences, on average. These offenses included:

- Robbery
- Unarmed Carjacking
- Carry Pistol w/o a License
- Voluntary Manslaughter
- Aggravated Assault Knowingly
- Conspiracy

Ms. Tarnalicki opened the floor for questions or discussions. There were a few questions and discussion by Commission members concerning criminal history comparisons and the potential impact of 11(c)(1)(C) pleas. The Commission members requested additional analysis on indicted offenses to determine how many sentences were the result of a plea vs a trial, as well as an analysis identifying the proportion of 11(c)(1)(C) pleas. Judge Lee asked Commission members to reach out to Ms. Tombs-Souvey to request additional information/analysis regarding this discussion.

V. Overview of Title 16 Analysis to Date and Placement of Title 16 Sentences within Specific GRID boxes - – Discussion Item, Mehmet Ergun, Statistician..

Overview of Title 16 Analysis to Date and Placement of Title 16 Sentences within Specific GRID boxes: Mr. Ergun gave an overview of two prior research memorandums dated November 19, 2019, and March 17, 2020, which focused on the distribution of juvenile sentences within Master Grid boxes. These memorandums were prompted by the Commission’s research question as to whether the bottom number of Grid box ranges functioned as an unintended mandatory minimum sentencing mechanism

against defendants sentenced for Title 16 offenses. Mr. Ergun then presented additional analysis findings that examined the distribution of Title 16 Sentences within GRID boxes M8:A and M8:B by sentence type including:

- Prison
- Short Split
- Probation

Data indicated that “time served” prior to sentencing had no impact on the distribution of Prison sentences and only a minor impact on that of Short Split and Probation sentences in Grid boxes M8:A and M8:B. Mr. Ergun concluded that even after accounting for the length of time served prior to sentencing, for the majority of sentences in Grid boxes M8: A and M8: B, time imposed to serve in prison did not correspond to the bottom number of the Grid box, which is 6 months for M8: A and 10 months for M8: B. Mr. Ergun asked Commission members if there were any comments or questions. There were no comments or questions from Commission members. Judge Lee commended Mr. Ergun on his presentation and asked Commission members if any there were any additional request for analysis regarding this discussion. Judge Lee added that the Commission members will continue discussion at a later date.

VI. Schedule Next Meeting – Action Item, Judge Lee, Chairman

Schedule Next Meeting: Judge Lee informed the Commission members that the August meeting is cancelled and the next Commission meeting will be held in September to provide an overview of the requested additional analysis on indicted offenses and identifying the proportion of 11(c)(1)(C) pleas.

Meeting Adjourned at 6:21pm.

NEXT MEETING:
September 15, 2020
Via ZOOM