



District of Columbia Sentencing Commission

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MINUTES OF FULL COMMISSION MEETING

February 7, 2017

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

Voting Members in Attendance:

Frederick Weisberg	Renata Cooper
David Rosenthal	Julie Samuels
Laura Hankins	Molly Gill
Cedric Hendricks	William Martin (via phone)
Marvin Turner	

Non-Voting Members in Attendance:

Stephen Husk
Michael Anzallo
Todd Smith for Maria Amato

Staff in Attendance:

Barbara Souvey	Mia Hebb
Linden Fry	Miatta Sesay

- I. Chairman Weisberg called the meeting to order at 5:10 p.m.
- II. The minutes from January 5, 2017, were reviewed and approved.
- III. Discussion and Final Action on the Guideline Evaluation Study – Action Item, Chairman Weisberg and Barbara Tombs-Souvey.

Discussion and Final Action on the Guideline Evaluation Study: Chairman Weisberg discussed final version the Guideline Evaluation Study that was distributed to Commission members on January 31, 2017. Chairman Weisberg asked the Commission if there were any comments or proposed changes before final approval.

Commission Action: The Commission unanimously voted to approve the Guideline Evaluation Study as written by a vote of 10-0.

Release of the Evaluation Study: Ms. Tombs-Souvey asked the Commission for feedback regarding the release of the Guideline Evaluation Study. Ms. Tombs-Souvey outlined several options for consideration on how best to release of the Guideline Evaluation Study. Several Commission members raised concerns and suggested various approaches to releasing the study. The Commission members reached an agreement to disclose the Guideline Evaluation Study at the upcoming DC Council Sentencing Roundtable.

- IV. Guideline Related Issues – Information Item, Linden Fry
 - 2017 Sentencing Guideline Manual Revisions

- Inquiry – Does Answering the Guideline Questions Constitutes the Practice of Law?
- Imposing Compliant Sentencing

2017 Sentencing Guideline Manual Revisions: Mr. Fry informed the Commission that the 2017 Sentencing Guidelines Manual is scheduled to be distributed in June 2017. Mr. Fry asked Commission members to let him know of any proposed revisions or updates that they would like included in the next version of the Manual. In addition, any Commission member who wishes to participate in the Guidelines Implementation Committee’s discussion of the 2017 Manual should contact him by March 1, 2017.

Inquiry- Does Answering the Guideline Questions Constitutes the Practice of Law? Mr. Fry addressed a question raised previously by a Commission member regarding whether answering the guideline questions constitutes the practice of law. Mr. Fry stated that he had contacted the D.C. Court of Appeals Committee on Unauthorized Practice of Law (CUPL). The CUPL concluded that Commission staff answering guideline questions does not constitute the practice of law such that it could only be done by an attorney. However, the CUPL recommended that Commission staff give a disclaimer before answering any Guidelines inquiry or question. Mr. Fry provided memo to Commission members with language for the disclaimer. After discussion, the Commission agreed on the wording of the disclaimer with a few minor modifications. The disclaimer will also be posted on the Commission’s website and in the next version of the Guidelines Manual.

Imposing Compliant Sentencing: Mr. Fry noted that the agency receives numerous inquiries regarding how to impose Guidelines compliant split sentences. In response, Mr. Fry drafted a Split Sentence Reference to assist practitioners and judges. In addition to sending the Reference to judges and practitioners, Commission members suggested including the Reference on the Commission’s website and in the Guidelines Manual.

The Commission then discussed whether the Reference should indicate that a term of probation following suspension of all or part of a sentence is not required. This issue will be discussed at a future meeting.

V. Director’s Update –Informational Item, Barbara Tombs-Souvey.

- FY 2018 Agency Budget Request
- FY 2018 Capital Budget Request
- D.C. Council Sentencing Roundtable
- Agency Performance Hearing

FY 2018 Agency Budget Request: Ms. Tombs-Souvey reported to the Commission that the agency received \$7,000 increase for FY 2018 that brought the agency a little over \$1,000,000 operating budget. Ms. Tombs-Souvey stated that the operating budget includes \$676,000 personnel, \$417,000 non-personnel, which includes \$300,000 for contracts related to the data system. Ms. Tombs-Souvey reported that the agency requested the following FY 2018 budget enhancements: (1) \$85,000 to support new changes of IJIS 12.1 data feed from the Courts (2) \$110,000 for an active- passive server configuration to ensure adequate data backup for the GRID system. The status of those enhancements is not known at this time.

FY 2018 Capital Budget: Ms. Tombs-Souvey stated that the agency submitted a \$922,000 FY 2018 Capital Budget request to enable the agency to consume the MPD arrest data feed. This data will allow the agency to receive detailed arrest data that is currently not available in the IJIS 12.1 data feed. The

arrest feed data will be matched with IJIS 12.1 data to provide a comprehensive record of an offender from arrest through sentencing.

D.C. Council Roundtable: Ms. Tombs-Souvey informed the Commission that the Council will be conducting a roundtable discussion on Sentencing on February 9, 2017. The Commission was asked to present on the history of the guidelines and felony sentencing trends within the District at the Roundtable.

Performance Hearing: Ms. Tombs-Souvey informed the Commission on the agency performance hearing before the Council is scheduled for February 16, 2018.

VI. Revision of Commission Meeting Agenda – Action Item, Judge Frederick Weisberg.

Judge Weisberg moved that the Commission amend its preliminary meeting agenda to add a discussion of agency staffing issues. The Commission voted unanimously to amend the meeting agenda.

VII. Discussion of Staffing Issues – Informational Item, Judge Frederick Weisberg.

The Commission began to discuss issues relating to employee retention and performance. Judge Weisberg stated that given the discussion deals with personnel issues, he moved that the Commission close the meeting and go into Executive Session under D.C. Code § 2-575(b)(10). The Commission agreed to close the meeting and go into Executive Session. The Commission asked that the agency's Executive Director and General Counsel remain in the meeting.

At 6:24 the Commission returned from Executive Session and Re-opened the meeting.

Meeting Adjourned at 6:25 p.m.

NEXT MEETING:
March 21, 2017
One Judiciary Square (441 4th St., NW), Room 430S.