



# District of Columbia Sentencing Commission

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## DRAFT MINUTES OF VIRTUAL COMMISSION MEETING

September 15, 2020

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

### **Voting Members in Attendance:**

Milton Lee

Juliet McKenna

Danya Dyson

Renata Cooper

Molly Gill

Julie Samuels

Dave Rosenthal

Katerina Semyonova

Cedric Hendricks

### **Non-Voting Members in Attendance:**

Eric Glover

Diane Strote for Sonya Thompson

Kevin Whitfield for Charles Allen

### **Staff in Attendance:**

Barbara Tombs-Souvey

Mia Hebb

Basil Evans

Mehmet Ergun

Taylor Tarnalicki

Georgia Pham

- I. Judge Lee called the meeting to order at 5:05 p.m.
- II. Review and Approval of the Minutes from the July 21, 2020 – Action Item, Judge Lee.
- III. Director Report and Update – Information Item, Barbara Tombs-Souvey, Executive Director.

**Director Report and Update:** Ms. Tombs-Souvey reported on the following informational items:

**Commission’s Participation/Contribution CJCC’s Justice Statistical Analysis Tool:** Ms. Tombs-Souvey gave an overview of JSAT, a tool designed to enhance and automate the sharing of criminal justice data/information within the District. JSAT’s purpose is to improve the transparency of the District’s criminal justice system among both criminal justice agencies and the public, through the distribution of aggregate data which can be used for research and analysis. JSAT has two distinct portals: 1) public aggregate data access and (2) enterprise record level access, which is limited to District criminal justice agencies only. Personal Identifying Information is removed for both portals. Ms. Tombs-Souvey stated that the Commission will have the ability to determine what data will be shared with JSAT, as well as, which District criminal justice agencies will have access to record level data.

Ms. Tombs-Souvey informed Commission members that the information shared with JSAT is going to closely mirror what is currently available on the agency website: various data sets, graphs/charts, reports, and sentencing related publications such as Fast Facts/ Issue Papers. Ms. Tombs-Souvey asked members if there were any questions or concerns about providing data for JSAT and no member expressed an objection.

**Agency Return to Work Plan:** Ms. Tombs Souvey provided an overview of the agency's "Return to Work Plan" to the Commission members. Ms. Tombs-Souvey stated that dependent upon the expiration of the Mayor's Health Emergency Order, scheduled to expire on October 9, 2020, that agency staff will return to work on October 13, 2020 on a staggered weekly work schedule. The agency will adhere to the District's overall return to work policy and safety protocols. If the Mayor's Health Emergency Order is extended, then the agency return to work date would be modified accordingly.

Ms. Tombs-Souvey informed Commission members that a draft plan has been shared with agency staff for feedback and will be forwarded to City Administrator Office for final approval. Ms. Tombs-Souvey asked if there were any questions or concerns and none were expressed.

**MPD Arrest Data Enhancement Project Update:** Ms. Tombs-Souvey gave an overview of MPD Enhancement Project and the accomplishments to date. Ms. Tombs-Souvey informed Commission members of the upcoming testing phases and subsequent timelines:

- Use Case Testing: 9/9/20 – 9/30/ 2020
- Pre-production testing (includes UAT): 10/8/2020 – 11/2-/2020
- Move to Production Environment: 11/2/20
- System Monitored in Production: 11/3/20 to 11/17/2020
- Go-Live in production: 11/17/2020

Ms. Tombs-Souvey informed Commission members that a tentative demonstration of the MPD Arrest Data GRID Enhancement is scheduled for the next Commission meeting on October 20, 2020. Judge Lee commended the agency staff for their time and efforts working on the MPD Arrest Data project and asked Commission members if there were any questions.

**IV. Overview of Community Outreach Activities – Information Item, – Barbara Tombs-Souvey, Executive Director.**

**Overview of Community Outreach Activities:** Ms. Tombs-Souvey informed Commission members of the Community Outreach current status. Ms. Tombs stated that the agency Outreach Specialist resigned in May 2020 to pursue another job opportunity, and due to the Mayor's FY 2020 hiring freeze, the position will remain vacant until FY 2021. Ms. Tombs-Souvey reported that the recruitment process will begin in October 2020. The Commission's Outreach and Educational Strategy was revised in June 2020 to reflect changes required due to the District's Covid -19 health emergency. Ms. Tombs-Souvey presented an overview of the following community outreach activities completed to date:

- Completed Three Fast Facts sheets- Four Part Robbery
- Completed Two Issues Papers
- Expanded Agency Distribution List
- Developed a Spring/Summer Newsletter

- Completed Robbery Brochure
- Established Social Media Accounts

Ms. Tombs-Souvey also informed Commission members of the FY 2021 planned outreach activities that will focus on District residents will include:

- Multi-Part YouTube Series: Guidelines 101
- Virtual Panel Presentation targeting Wards 7 or 8

Ms. Tombs-Souvey stated that the Commission anticipates virtual meetings/presentations to continue throughout the first half of FY 2021; at the current time in-person presentations and meetings will not occur. Ms. Tombs-Souvey asked for participation from the Commission members in virtual panel presentations for Ward 7 or 8. Ms. Tombs-Souvey asked if there were any questions. Judge Lee encouraged Commission members to participate in the virtual panels when requested.

**V. Update and Overview of Title 16 Sentences Resulting from 11(c)(1)(C) Pleas – Discussion Item, Taylor Tarnalicki, Research Analyst**

**Update and Overview of Title 16 Sentences Resulting from (11)(c)(C) pleas:** Ms. Tarnalicki continued the discussion of Title 16 sentencing trends, responding to the Commission’s request for an examination of the impact of 11(c)(1)(C) pleas on the type and length of sentences imposed for Title 16 offenders. Ms. Tarnalicki presented research findings of sentences imposed between January 1, 2013 and July 31, 2020 for individuals who were 16 or 17 years of age at the time of the offense, with a focus on the disposition type (plea vs. trial) for each count sentenced. Ms. Tarnalicki also presented data analysis on disposition by sentencing type and sentence to serve by offense. Ms. Tarnalicki opened the floor for questions or discussions. The Public Defender Service expressed several concerns surrounding the impact of sentencing youthful offenders (16 or 17 year old’s) to prison. PDS requested that they be permitted to submit the following three proposals for the Commission to consider related to sentencing of Title 16 Offenders:

- Move Title 16 offenses down one offense severity level than the current GRID level
- Make Short Split and Probation sentences eligible in every GRID box for Title 16 offenses
- Implement a new “medium split” sentencing option for Title 16 Offenses (that allows judges to impose a split sentence that is greater than 6 months but less than the bottom number on a given grid box)

Judge Lee briefly addressed the issues raised by PDS and granted their request to provide their three proposals in writing to be presented and discussed during the next scheduled Commission Meeting.

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

**Schedule Next Meeting:** Judge Lee informed the Commission members that the Commission meetings will continue to be held virtually until the end of the 2020 calendar year under the Mayor’s Order. The next scheduled virtual meeting will be held October 20, 2020.

Meeting Adjourned at 6:21pm.

NEXT MEETING:  
October 20, 2020  
Via ZOOM