



District of Columbia Sentencing Commission

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MINUTES OF VIRTUAL COMMISSION MEETING

March 16, 2021

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

Voting Members in Attendance:

Milton Lee	
Juliet McKenna	Dave Rosenthal
Danya Dyson	Katerina Semyonova
Cedric Hendricks	Renata Cooper
Molly Gill	Frederick Cooke
Julie Samuels	Eric Glover

Non-Voting Members in Attendance:

Diane Strote for Sonya Thompson
Leslie Parsons
Steve Husk
Kevin Whitfield for Charles Allen

Staff in Attendance:

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

Guest in Attendance:

Frederick Weisberg

Judge Lee called the meeting to order at 5:05 p.m.

Review and Approval of the Minutes from the November 17, 2020 – Action Item, Judge Lee. Minutes approved without objection.

Presentation and Approval of Sentencing Enhancements Issue Paper – Action Item, Mehmet Ergun, Statistician.

Presentation and Approval of Sentencing Enhancements Issue Paper: Mr. Ergun gave a presentation of the Sentencing Enhancements Issue Paper, which examines statutory sentencing enhancements used in the District and how they are applied under D.C. Voluntary Sentencing Guidelines. Mr. Ergun identified and defined the various types of enhancements, which include:

- Enhancement with Multipliers
- Offense Specific Enhancements
- Enhancements with a Defined Statutory Maximum
- While Armed Enhancements
- Enhancements for offenses Committed during Release (OCDR)

Mr. Ergun presented the data trends of cases sentenced between 2015 and 2020 that involved a statutory enhancement; a total of 8,581 cases were sentenced involving 11,089 felony counts against 7,612 defendants in this timeframe. The data indicated that enhancements were applied in 11% of felony cases sentenced. However, of prison sentences imposed, nearly one in five (19%) involved an enhancement. Mr. Ergun opened the floor for questions or comments. There were some questions raised regarding data trends from Commission members. The Commission asked Mr. Ergun to make revisions and identify which types of enhancement were more frequently applied among specific age groups. Judge Lee stated that approval of the Issue paper will be deferred until the next Commission meeting.

Historical Review of the Guidelines Current Lapse and Revival Provision – Informational Item, Honorable Frederick Weisberg

Historical Review of the Guidelines Current Lapse and Revival Provision: Judge Lee introduced the former Chairman, Judge Weisberg, to provide a historical perspective of the Guidelines Lapse and Revival Provision. Judge Weisberg discussed the historical background relating to lapse and revival that resulted from prior Commission meetings held between 2000 and 2002. The discussion included how criminal history was informally and inconsistently factored into a sentencing decision by individual judges prior to the enactment of the Guidelines. Judge Weisberg explained that the Commission reviewed other jurisdictions to observe how they incorporated an individual’s criminal history into their Guidelines, though ultimately settled on a 10-year “look back” period to be used in conjunction with a “lapse and revival” provision following several discussions and compromise among Commission members.

Judge Lee thanked Judge Weisberg for providing his historical review and the floor was opened for discussion or comments. Several Commission members had comments and questions concerning pre-Guidelines sentencing and the purpose of criminal history scoring. Judge Lee informed the Commission members that the discussion will continue in detail at the next meeting and suggested the members to review the distributed memorandums in preparation for the upcoming meeting.

Impact of COVID-19 Pandemic on Pre-Trial Population, - Discussion Item, Katya Semyonova, PDS

Impact of COVID-19 Pandemic on Pre-Trial Population: Katya Semyonova briefly discussed the impact of Covid-19 on pre-trial population. Ms. Semyonova stated that the Guidelines should consider accounting for any time served for those that have been detained in excess of a year without a trial date being set, due to delays caused by the Covid-19 pandemic. Judge Lee stated that this will be discussed further and will continue at the next Commission meeting.

Next Commission Meeting –Judge Lee

Judge Lee reminded Commission members that the next scheduled virtual Commission meeting will be held April 20, 2021.

Meeting Adjourned at 6:32pm.

NEXT MEETING:
April 20, 2021
Via ZOOM