



District of Columbia Sentencing and Criminal Code Revision Commission

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FULL COMMISSION MEETING MINUTES

October 18, 2011

Judiciary Square, Room 1117

Washington, DC

Attendance:

Frederick Weisberg	Dave Rosenthal	Courtnei Burleson
Brian Moore	Michael Anzallo	Thurman Sanders
Ramsey Johnson	Nancy Ware	Linden Fry
Adele Harrell	Donald Braman	Mia Hebb
Steve Husk	Harold Cushenberry	Anu Shrestha
Julie Samuels	Patricia Riley	
Laura Hankins	Meghan Murphy	
Barbara Tombs-Souvey	Thomas Kane	
Cedric Hendricks	Ronald Gainer	

- I. Call to order by Chairman Weisberg at 5:00 p.m.
- II. Minutes from the October 18, 2011 meeting were reviewed and approved.
- III. Director's Report – Informational Item, Barbara Tombs-Souvey

Introduction of New Employee: Chairman Weisberg introduced Anu Shrestha, Research Analyst. Anu Shrestha is a graduate from Adelphi University. Ms. Shrestha holds degrees in both Economics and Sociology.

Research Committee Update – Informational Item, Barbara Tombs-Souvey:

Barbara Tombs-Souvey discussed the five year evaluation of the sentencing guidelines and its purpose to improve how the Commission develops, implements and monitors the District's Voluntary Sentencing Guidelines. Ms. Tombs-Souvey stated that the evaluation will focus initially on measuring consistency in sentencing since one of the major goals of the guidelines is to reduce unexplained variation in sentences. The analysis will look at consistency: (1) across cases by sentence imposed; (2) across time, and (3) across judges. The evaluation will look at sentencing data from 2007 through

2011. Ms. Tombs-Souvey discussed several evaluation variables (1) count versus case, (2) longest sentence imposed, (3) concurrent and consecutive sentencing patterns, (4) total sentence imposed, (5) initial charge versus charge of conviction, (6) time served, and (7) race and gender. Chairman Weisberg asked if there is a time frame of when we could expect completion of the evaluation. Adele Harrell stated that the committee had not set up a time of completion to date because they are still cleaning and reviewing the data sets before creating a larger plan.

IV. Offense Ranking Committee Update – Action Item, Courtni Burleson

Outstanding Offenses for Commission Ranking: Courtni Burleson discussed the two outstanding offenses for the Commission to rank: (1) sexual abuse in the third degree while armed, and (2) attempt sexual abuse in the third degree while armed. These offenses were originally discussed at the Commission’s June meeting. Laura Hankins suggested an alternate proposal for these two offenses and the matter was sent to the Ranking Committee for further consideration.

Below are the Committee’s proposed rankings for the Commission consideration.

- Sex Abuse in the Third Degree While Armed (§§ 22-3004, 22-4502)
30 year maximum imprisonment
\$100,000 maximum fine

Proposed Ranking: Master Group 5

- Attempt Sex Abuse in the Third Degree While Armed (§§ 22-3004, 22-3018, 22-4502)
30 year maximum imprisonment
\$50,000 maximum fine

Proposed Ranking: Master Group 7

Commission Action: The Commission approved the two rankings set forth in the memo. The vote was 11-0 in favor of the proposed rankings (F. Weisberg, L. Hankins, P. Riley, D. Rosenthal, R. Gainer, D. Braman, J. Samuels, A. Harrell, C. Hendricks, H. Cushenberry, R. Johnson).

V. Criminal Code Revision Project – Action Item Chairman Weisberg

Project Discussion Continued: Chairman Weisberg presented the Commission with a letter written to him from Councilmember Mendelson regarding his expectation, as Chair of Committee on the Judiciary, that the Criminal Code Revision project proceed under the mandate given by the Council. Chairman Weisberg also summarized a meeting he had had with the Councilman concerning the difficulties the project faced. The Commission then reopened the discussion from the September meeting concerning the challenges Criminal Code Revision presents. These challenges include the scope of

the project, the limited staffing and resources available and whether the position of Project Director should be filled following Kenneth Cowgill's retirement in December.

Commission Membership: Chairman Weisberg suggested that the Commission consider modifying the membership of the committee to include additional academics or non-institutional agency members. Under this proposal, the Committee would draft revisions and reports that would be presented to the full Commission. Institutional members would have the opportunity to provide feedback and argument on the drafts once they reached the Commission. The Commission members also discussed keeping the current committee structure in place but altering the approach currently used by the Committee. For example, several Committee members proposed focusing on the Theft and White Collar Crime Act instead of Assault may be an opportunity for the Committee to produce such a deliverable. The Commission agreed that when the Committee resumed its work on the Criminal Code Revision project, it would begin by proposing revisions to the White Collar Crime Act.

Project Director Search: Judge Weisberg discussed the hiring of a new Criminal Code Revision Project Director and asked the Commission for feedback concerning the time frame. Harold Cushenberry stated that the position needs to be filled as soon as possible because we are mandated to fulfill obligations set forth by the Council. The Commission agreed to move forward on hiring a new Project Director as soon as possible.

Adjourn: 6:30 pm

NEXT MEETING:

Tuesday, November 15, 2011, One Judiciary Square (441 4th St., NW), 11th Floor.