



# District of Columbia Sentencing and Criminal Code Revision Commission

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## FULL COMMISSION MEETING MINUTES

January 17, 2012  
One Judiciary Square, Room 1117  
Washington, DC

### Attendance:

Frederick Weisberg	Dave Rosenthal	Anne Seymour
Ramsey Johnson	Jennifer Seltzer Stitt	Courtnei Burleson
Julie Samuels	Patricia Riley	Linden Fry
Thomas Kane	Meghan Murphy	Mia Hebb
Harold Cushenberry	Cedric Hendricks	Thurman Sanders
Michael Anzallo	Renata Kendrick Cooper	
Barbara Tombs-Souvey	Donald Braman	

- I. Call to order by Chairman Weisberg at 5:00 p.m.
- II. Minutes from the December 13, 2011 meeting were reviewed and approved with minor corrections noted.
- III. Director's Report – Informational Item, Barbara Tombs-Souvey

***Redesign of Agency Data System:*** Barbara Tombs-Souvey gave an overview of the current data transfer process and the changes that will occur with new data transfer process. Ms. Souvey stated that the Court is changing the way it will share data with its criminal justice partners through the implantation of the IJIS Outbound 12.1 system. Ms. Souvey stated that compatibility with the Court's 12.1 system will be required to maintain current sentencing data transfer capabilities. Ms. Souvey indicated that the Superior Court agency database will be discontinued and each agency will be pulling data from JUSTIS rather than the court's agency database. Ms. Souvey shared that the agency is currently undergoing a Needs Assessment to determine cost/benefit to enhance, buy or build a new data system. Ms. Souvey expects the assessment to be completed by sometime in April, so the findings can be incorporated into the agency's FY 2013 budget request.

***FY 2013 Budget Review Outcome:*** Barbara Tombs-Souvey discussed the FY 2013 Budget Review Hearing held on January 3<sup>rd</sup>. Ms. Souvey stated that the agency received an increase in the amount of \$55,000 above what was approved last year, and the agency requested funding for a full time Project Director for the Code Revision Project. Ms. Souvey said there were some concerns raised about changing the Project Director's part time position to a full time position during FY 2012, since the current fiscal year has already started. Ms. Souvey suggested that the position could be placed as a Contractor's position until the end of FY 2012, then convert to a full time position with benefits in FY 2013. Ms. Souvey also informed the Commission that the agency had submitted a \$800,000 Capital Budget request to cover the costs of designing and implementing a new data system.

***Staff Vacancy:*** Barbara Tombs-Souvey announced that Courtnei Burleson, Staff Attorney will be leaving the agency at the end of the month. Ms. Burleson shared with the Commission members that she was leaving the agency for family reasons. She thanked Commission members for the opportunity to work with them, as well as the staff.

***Time Line for Annual Report:*** Barbara Tombs-Souvey discussed the timeline for the review of the Annual Report. Ms. Souvey indicated that the Data Analysis portion of the Annual Report will be distributed to the Research Committee on March 12<sup>th</sup> for review and comments. The first complete draft of the report will be distributed to the Commission on March 20<sup>th</sup> for review and comments are due back by April 3<sup>rd</sup>. Ms. Souvey stated that the final draft will be submitted to Chairman Weisberg on April 11<sup>th</sup> for review and the deadline for submission to the Council is April 20<sup>th</sup>.

**IV. Revised Criminal Code Revision Scope and Process Document – Action Item Chairman Weisberg and Linden Fry**

***Code Revision Scope and Process:*** Chairman Weisberg discussed the standardized procedures to undertake the Criminal Code Reform project that will ensure that each code section is clear and consistent. The Committee incorporated revisions discussed at the last meeting for the Commission for review. Ms. Riley stated that revisions should also be made to the section requiring submission of periodic reports to the Council. The Commission discussed Ms. Riley's concerns and agreed to modify that section. Ms. Riley was asked to draft the appropriate language to be added. These revisions would be incorporated into the document and action taken at the next meeting.

***Discussion on Expanding Code Revision Committee Membership:*** Chairman Weisberg reopened the discussion about expanding committee membership. The Commission articulated their views and decided to wait until the new Project Director is in place to take action on expanding the committee membership.

**V. Update on Project Director Search for Criminal Code Revision Project – Action Item, Judge Weisberg and Barbara Tombs-Souvey**

***Reposting and Identifying Potential Candidates:*** Chairman Weisberg briefly discussed the reposting of the Project Director position. Chairman Weisberg stated that the agency received very few applicants for the position and the two most qualified candidates withdrew their application for different reasons. Ms. Souvey stated that the agency reposted the job announcement internal and external websites. Ms. Souvey also added that Linden Fry posted the job announcement at several law schools, bar association, DC WBA, USAO and other various websites. Chairman Weisberg and Ms. Souvey asked the Commission to assist in circulating the job announcement or submit their job posting ideas to Mr. Fry. Ms. Souvey discussed the Project Director's position requirements and stated that the agency is looking for an applicant with at least five years of experience working with the D.C. Criminal Code.

**VI. Monitoring Compliance with Probation Revocation and ISS Sentences, Discussion Item-Barbara Tombs-Souvey and Linden Fry**

***Probation Revocation and ISS Sentences:*** Linden Fry discussed the improvements to the way sentencing data is received, cleaned and reviewed to determine if a sentence is compliant, a compliant departure or is a non-compliant departure. Mr. Fry stated that during this process, the question of how the Commission should review and classify probation revocation sentences and imposition of suspended ISS revocation sentences has been raised repeatedly. Mr. Fry indicated that the Guidelines state that "the District of Columbia Sentencing Guidelines do not have guidelines governing probation revocations". The Guidelines, however, are silent as to whether sentences imposed once a probation revocation occurs be analyzed for compliance. Mr. Fry provided examples of sentences imposed as a result of probation revocations that appear to be non-compliant sentences. The Commission discussed that although there are no guidelines governing when probation revocations should occur, the sentence imposed as the result of the revocation should be within the recommended guideline range. The Commission decided to continue this discussion at the next meeting.

Adjourn: 6:30 pm

NEXT MEETING:

Tuesday, March 20, 2012, One Judiciary Square (441 4<sup>th</sup> St., NW), 11<sup>th</sup> Floor.