



District of Columbia Sentencing and Criminal Code Revision Commission

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Telephone (202) 727-8822 Fax (202) 727-7929

MINUTES OF FULL COMMISSION MEETING

June 10, 2014

One Judiciary Square, Suite 430S
Washington, DC 20001

Members in Attendance:

Frederick Weisberg
Julie Samuels
Molly Gill
Donald Braman
Laura Hankins

Paul Butler
Ramsey Johnson
Michael Anzallo
Renata K. Cooper
Stephen Husk

Dave Rosenthal
Marvin Turner
Harold Cushenberry

Staff in Attendance:

Barbara Tombs-Souvey
Richard Schmechel
Linden Fry
Matthew Haskell

Mia Hebb
Thurman Sanders
Jinwoo Park

Rachel Redfern
Michael Serota
Jennifer Bazzell

- I. The meeting was called to order by Chairman Weisberg at 5:00 p.m.
- II. The minutes from the April 15, 2014, meeting were reviewed, amended and approved.
- III. Director's Report, Informational Item, Barbara Tombs-Souvey

Introduction of Summer Interns: Barbara Tombs-Souvey introduced the summer interns, Jennifer Bazzell and Matthew Haskell to the Commission. Ms. Souvey informed the Commission that they both attended Georgetown University of Law and will assist with the Sentencing Guidelines and Criminal Code Revision projects. Ms. Bazzell and Mr. Haskell briefly introduced themselves to the Commission and discussed their educational and professional experiences. Chairman Weisberg and the Commission welcomed both interns.

Hiring Status for New Statistician Position: Barbara Tombs-Souvey gave a brief overview of the hiring process for the statistician position. Ms. Souvey stated that she received many qualified candidates for the position and was pleased to inform the Commission that the agency made an employment offer to LaToya Wesley. Ms. Souvey stated that Ms. Wesley received a PhD from Howard University and currently works as an Assistant Professor at Stephen Austin State University in Texas. Prior to becoming a professor, Ms. Wesley worked for six years as a Statistician for the Criminal Justice Coordinating Council (CJCC). Ms. Souvey stated that Ms. Wesley will join the agency on June 30, 2014.

Status Report on Bi-Directional Interface with CSOSA-Grid Score System (GSS): Barbara Tombs-Souvey gave a brief overview of the Bi-Directional Interface with CSOSA. Ms. Souvey stated that the Requirement Phase of the project has been completed. The current work of the project is focused on the System Design and Security Framework. Ms. Souvey stated that the project is on schedule and projected to be completed and in production by December 2014.

Update on Agency Personnel Manual: Barbara Tombs-Souvey discussed the ongoing progress of the proposed Agency Personnel Manual. Ms. Souvey stated that a draft will be sent to all Commission members for review by August 15, 2014. Chairman Weisberg encouraged the Commission members to review the draft prior to the next scheduled meeting in September and to be prepared to discuss any issues or concerns.

IV. Review and Discussion of Proposed Changes to the Sentencing Guideline Manual, – Action Items, Linden Fry

Proposed Changes to the Sentencing Guidelines: Linden Fry stated that on May 13, 2014, the Ranking Committee met and discussed the potential changes to 2014 Guidelines Manual. Proposed modifications included alterations intended to clarify and/or streamline the information in the Guidelines Manual as well as to address policy changes previously approved by the Commission over the past year. Mr. Fry stated that the Ranking Committee was able to reach unanimous agreement on all the proposed Manual changes except for possible changes to section 7.4, the list of the Commission’s crimes of violence. Mr. Fry gave an overview of the Proposed Changes to the 2014 Sentencing Guideline Manual as explained in a previously distributed memorandum. The Commission reviewed and discussed the proposed modifications including additions and deletions before final approval.

Commission Action #1: The Commission unanimously approved, by a 12-0 vote, the proposal to clarify portions of Chapter 2. The clarifications included:

- Noting how out-of-District juvenile adjudications are scored when there is no comparable D.C. offense.
- Adding that “cases that are dismissed before a judgment of guilt or a sentence is imposed are not scored.”
- Specifying how to calculate the date of an offense if the offense took place over a period of time; the Manual now states that “if the instant offense took place over several dates, calculate the ten-year window based on the date the criminal activity began.”
- Explaining that the five-year window for a juvenile who is not committed to a locked runs from “the date of initial disposition,” even if probation is later revoked. Two additional examples were added to assist practitioners with the application of Guidelines rule 2.2.4.

Commission Action #2: The Commission voted to adopt the list of Crimes of Violence contained in D.C. Code § 23-1331(4) by 11-1 vote. The Sentencing Guidelines will no longer contain a separate and distinct list of Crimes of Violence.

V. Quarterly Update on Criminal Code Revision Project, Informational Item, Richard Schmechel

Criminal Code Revision Project Update: Richard Schmechel provided an overview of the Criminal Code Revision Project quarterly progress report. Mr. Schmechel stated that during the previous quarter, revisions for eight types of property offenses were drafted and initial revisions to Drug Offenses were started. Mr. Schmechel informed the Commission that Committee is currently on track with scheduled completion dates set forth in the Project Management Plan.

Mr. Schmechel stated that draft revisions to Weapon Offenses are scheduled for August 2014 through mid-November 2014. Revision to Offenses Against Person will begin in late 2014. Mr. Schmechel informed the Commission that the Committee will re-evaluate the overall Project Management Plan in September/October 2014. Chairman Weisberg stated that he has concerns regarding the Committee presenting a huge code revision package to the Commission without prior review and would like view the completed drafts of code revisions to date. Mr. Schmechel stated that all Commission members are encouraged to attend Committee meetings to become more involved in the revision process.

VI. 2014-2015 Meeting Schedule, Informational Item, Barbara Tombs-Souvey

2014-2015 Meeting Schedules: Barbara Tombs-Souvey informed the Commission of the 2014-2015 Meeting Schedule dates. Ms. Souvey reminded the Commission of the next meeting scheduled for September 16, 2014.

VII. Review and Discussion of Proposed Changes to the Sentencing Guideline Manual, – Action Items, Linden Fry (Cont'd)

Commission Action#3: The Commission voted to modify Guidelines Manual section 2.2.9. by a 12-0 vote. The agreed upon modifications indicate how to score prior convictions or adjudications that are sealed or expunged.

Commission Action#4: The Commission voted to approve all other proposed Guidelines Manual changes set forth in the memorandum by 12-0 vote.

Meeting Adjourned: 6:50 pm

NEXT MEETING:

Tuesday, September 16, 2014, One Judiciary Square (441 4th St., NW), Room 430S.