



# District of Columbia Sentencing and Criminal Code Revision Commission

441 4th St, NW, Suite 430 South, Washington, DC 20001  
Telephone (202) 727-8822 Fax (202) 727-7929

## MINUTES OF FULL COMMISSION MEETING

November 19, 2013  
One Judiciary Square, Suite 430S  
Washington, DC 20001

### Members in Attendance:

Frederick Weisberg  
Julie Samuels  
Thomas Kane  
Laura Hankins  
Cedric Hendricks

Paul Butler  
Harold Cushenberry  
Molly Gill  
Donald Braman

Dave Rosenthal  
Ramsey Johnson  
Michael Anzallo

### Staff in Attendance:

Barbara Tombs-Souvey  
Richard Schmechel  
Linden Fry  
Anu Shrestha

Mia Hebb  
Thurman Sanders  
Jinwoo Park

Eleanor Schaffer  
Rachel Redfern  
Michael Serota

- I. The meeting was called to order by Chairman Weisberg at 5:00 p.m.
- II. The minutes from the November 19, 2013, meeting were reviewed, amended, and approved.
- III. Ranking of Terrorism Offenses – Action Item, Linden Fry:

***Discussion of Ranking Committee's Recommendations:*** Linden Fry gave an overview of the recommended rankings for 38 district terrorism offenses contained in Title 22, Chapter 31B of the D.C. Code (Terrorism Offenses). The Commission has never ranked these offenses before. Mr. Fry stated that on October 30, 2013, the Ranking Committee was able to reach unanimous agreement on proposed rankings for all Terrorism Offenses, including offenses where there was previously disagreement between members. The proposed rankings set forth in the distributed memorandum are before the Commission for final approval.

***Commission Action #1:*** The Commission approved all of the proposed Terrorism Offense rankings by a 10-0 vote.

***Selection of the next Ranking Committee issue:*** Linden Fry provided an overview of September's meeting, at which the Commission voted to select future Ranking Committee topics in advance and to invite all interested Commission members to participate in the discussion of each specific topic. Mr. Fry discussed the following selection of topics set forth in the memorandum.

- Proposed Amendment to Mitigating Factor #4
- Closely Matched Issue for Out-of-District Offenses
- Peugh v. US-Ex Post Factor Analysis
- Default Rankings for While Armed and Drug Offenses
- Common Out-of-District Offenses –Initial Ten
- Publish a list of Common Out-of-District Offenses

Mr. Fry asked if there were any questions regarding the topics identified or if anyone would like to add to the current list of topics. The Commission discussed the various topics and selected the "Proposed Amendment to Mitigating Factor#4" as the initial topic to be addressed. Mr. Fry stated that he will send out an email to all Commission members requesting that any member who is interested in participating in the Committee discussion to contact him.

**IV.** Data Sharing Policy and Procedures – Discussion Item, Barbara Tombs-Souvey and Chairman Weisberg.

***Review and Discussion of Survey Responses:*** Chairman Weisberg reviewed the discussion of data sharing policies and procedures at October meeting Chairman Weisberg also discussed the survey results from other Sentencing Commission and determined that they face more or less of the same issues related to data sharing. Chairman Weisberg asked the Commission for their feedback concerning the findings. Ms. Tombs-Souvey suggested that the Commission should consider three major factors concerning sharing data: (1) Individual/agency data requests, (2) Request for data sets and (3) Data provided through the agency's webpage. Ms. Tombs-Souvey also stated that all data will need to be cleaned and verified before making it available for sharing. The Commission members raised several questions including: FOIA concerns, impact on staff resources, potential fees to be charged and prioritizing data requests.

***Identify Next Steps:*** Chairman Weisberg stated that further discussion is needed for the Commission to develop comprehensive data sharing policies and procedures.

Meeting Adjourned: 6:10 pm

\*The December 17, 2013 meeting was cancelled.

NEXT MEETING:

Tuesday, January 21, 2013, One Judiciary Square (441 4<sup>th</sup> St., NW), Room 430S.