



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

February 26, 2013
One Judiciary Square, Suite 430S
Washington, DC 20001

Members in Attendance:

Frederick Weisberg	Paul Butler	Ronald Gainer
Julie Samuels	Renata Kendrick Cooper	Dave Rosenthal
Stephen Husk	Molly Gill	Ramsey Johnson Laura
Hankins	Donald Braman	

Staff in Attendance:

Barbara Tombs-Souvey	Mia Hebb	Jessica Peterson
Richard Schmechel	Thurman Sanders	Rachel Redfern
Linden Fry	Anu Shrestha	Michael Serota
Leah Branch		

Commission Contractors in Attendance:

Habib Nasibdar

- I. The meeting was called to order by Chairman Weisberg at 5:00 p.m.
- II. The minutes from the February 26, 2013, meeting were reviewed and approved.
- III. Director's Report – Informational Item, Barbara Tombs-Souvey:

Annual Report Schedule: Barbara Tombs-Souvey discussed the forthcoming Annual Report that is due to the Council by April 30, 2013. Ms. Souvey gave an overview of the reporting schedule as follows:

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|---------------------------------------|----------------|
| • Draft Copy to Commission for Review | March 15, 2013 |
| • Deadline for Comments from Members | March 25, 2013 |
| • Final Edited Copy to Judge Weisberg | April 3, 2013 |
| • Edits from Judge Weisberg | April 15, 2013 |
| • Report to Printer | April 24, 2013 |
| • Report Distributed | April 29, 2013 |

Criminal History Discussion with CSOSA: Barbara Tombs-Souvey gave a brief summary of a meeting with CSOSA that she and Chairman Weisberg recently attended. Ms. Tombs-Souvey stated that focus of the meeting was to discuss the possibility of developing a short and long-term solution to allow the electronic transfer of criminal history information needed as part of the agency's new data system. A potential short-term solution was identified during the meeting that would involve taking the data from the current InfoPath form and transferring it into an XML

format that would interface with the new data system. The technical representatives from both the Commission and CSOSA will meet to implement the technical structure required. Ms. Tombs-Souvey told the Commission that the long-term solution of a direct electronic transfer of criminal history data requires a number of security and technical issues that the two agencies will have to address. The Commission will continue to work with CSOSA throughout the development and implementation of the new data system to ensure that the agency has a direct interface for criminal history data.

Status of Contract Award Protest: Barbara Tombs-Souvey stated that the Contracts Appeals Board has not ruled on the contract award protest filed by Enlightened. However, Enlightened did not challenge or file a timely response to the Agency Report and has not moved to amend their protest. A ruling by the Contracts Appeals Board is expected in mid-to-late April.

IV. FY 2013 Agency Performance Hearing Outcome, Informational Item, Judge Weisberg and Barbara Tomb-Souvey:

FY 2013 Agency Performance Hearing: Chairman Weisberg provided a brief overview of the agency's FY 2013 Performance Hearing before Chairman Wells of the Council's Committee on Judiciary and Public Safety on April 14, 2013. Chairman Weisberg stated that Chairman Wells had expressed some concerns regarding the timeline for the completion of the Criminal Code Revision Project and requested a project plan for his review. Chairman Weisberg stated that the agency will submit a project plan prior to the upcoming Budget Hearing scheduled for April 10, 2013.

**V. Sentencing Guideline Manual Update:
Informational Item, Linden A. Fry**

Sentencing Guideline Manual Update: Linden Fry stated that he is in the initial stages of drafting proposed changes for the 2013 Guidelines Manual. Once a draft is completed, it will be presented to the Ranking Committee and then the full Commission for discussion and approval before being released in June 2013. Mr. Fry asked Commission members to contact him if they have any comments, recommendations, or proposed changes to the Manual.

Mr. Fry also informed the Commission that CSOSA has requested the scoring of Third Degree Sex Abuse While Armed, a previously unranked offense. Mr. Fry indicated that the Ranking Committee met just prior to the Commission meeting and agreed to rank the offense in Master Grid Group 7. Mr. Fry asked for comments or recommendations regarding the Ranking Committee's decision. Chairman Weisberg suggested that the full Commission have more time to review the proposed ranking and a final decision on the issue be postponed until March 19, 2013, Commission meeting.

**VI. Data Systems Project:
Informational Item, Barbara Tombs-Souvey**

Introduction of Habib Nasibdar, Project Lead, Blue Print Consulting: Chairman Weisberg was pleased to introduce Habib Nasibdar the Project Lead for the new data system project. Mr. Nasibdar introduced himself to the Commission and briefly shared his background and professional experiences related to developing and implementing various types of data systems. Mr. Nasibdar stated that he was grateful to be a part of the Sentencing Commission data project and thanked the Commission for the opportunity.

Key Project Activities/Deliverables: Mr. Nasibdar gave an overview of the Project and Engineering Management Plans. Mr. Nasibdar stated that they are currently in the technical requirements development stage of the new data system. They have successfully incorporated the PSA database structure into the new system along with historical PSA data. The database is currently operational. Mr. Nasibdar also informed the Commission that they are in the process of working with CJCC to establish connectivity with JUSTIS in preparation for the transfer of 12.1 data. Ms. Tombs-Souvey reported that the data system project is on schedule and the Steering Committee will probably meet in late April 2013.

VII. Criminal Code Reform Project Update:
Informational Item, Richard Schmechel, Project Director

Project Update: Richard Schmechel stated that the Criminal Code Revision Committee met twice since the last Commission meeting to discuss standard *mens rea* for offenses and to create standardized general definitions.

Project Plan: Richard Schmechel discussed the request made by Chairman Wells at the recent Performance Hearing for additional information regarding the deliverables and timeline for the Criminal Code Revision Project. The Commission has a current statutory deadline for completion of the Criminal Code Revision Project of September 30, 2016. Mr. Schmechel informed the Commission that he has drafted a project plan, which he shared with the Committee when they met earlier today. After discussing the draft project plan, Mr. Schmechel indicated that some revision is necessary and he will present a revised draft of the plan to the Committee when they meet on March 12, 2013. Once the project plan is approved by the Committee, it will be brought before the full Commission for review and action. Laura Hankins stated that she is enthusiastic about the project and she commended the new staff for producing great memos and analysis and she feels that they are off to a really good start.

Adjourn: 6:00 pm

NEXT MEETING:

Tuesday, March 19, 2013, One Judiciary Square (441 4th St., NW), Room 430S.