



District of Columbia Sentencing and Criminal Code Revision Commission

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MINUTES OF FULL COMMISSION MEETING

May 21, 2013

One Judiciary Square, Suite 430S
Washington, DC 20001

Members in Attendance:

Frederick Weisberg
Julie Samuels
Thomas Kane
Laura Hankins
Melanie Bates
Ronald Gainer

Paul Butler
Renata Kendrick Cooper
Molly Gill
Donald Braman
Cedric Hendricks
Harold Cushenberry

Dave Rosenthal
Ramsey Johnson
Michael Anzallo
Stephen Husk
Meghan Murphy

Staff in Attendance:

Barbara Tombs-Souvey
Richard Schmechel
Linden Fry
Leah Branch

Mia Hebb
Thurman Sanders
Anu Shrestha

Jessica Peterson
Rachel Redfern
Zachery Britton

Guest Speakers:

Habib Nasibdar
Prasad Indla
Gerry Roth

- I. The meeting was called to order by Chairman Weisberg at 5:00 p.m.
- II. The minutes from the May 21, 2013, meeting were reviewed, amended, and approved.
- III. Director's Report – Informational Item, Barbara Tombs-Souvey:

Resolution of Contract Protest: Barbara Tombs-Souvey stated that the contract protest filed by Enlightened Inc. was dismissed by the Contract Appeals Board on April 10, 2013.

FY 2014 Budget Hearing Outcome: Barbara Tombs-Souvey discussed the outcome of the agency's FY 2014 Budget Hearing held April 17, 2013. She was pleased to report that the agency was spared any budget reductions and received a 1.3% overall budget increase. Ms. Tombs-Souvey stated that the agency will have sufficient funds to operate and maintain the new data system in FY 2014.

- IV. Demonstration of New Data System- Informational Item, Habib Nasibdar, Prasad Indla (Blue Print Consulting) and Barbara Tombs-Souvey:

Demonstration of New Data System: Barbara Tombs-Souvey gave an overview of the developmental phases of the new data system. Ms. Tombs-Souvey thanked Linden Fry and Gerry Roth for their efforts throughout the planning and contract phase of the new data system. Ms. Tombs-Souvey stated that she was pleased with the system's progress to date. She then introduced Habib Nasibdar and Prasad Indla from Blue Print Consulting to brief the Commission on the system.

Habib Nasibdar gave an overview of the capability and basic functionality of the first release of the four releases of the new data base system. He explained that Release One is intended to provide the base functionality of the system that the remaining releases will build upon, Mr. Nasibdar provided a demonstration of the functionality contained in Release One, including case search by various data elements, while Ms. Tombs-Souvey pointed out how the new data system allows the user to view case details at various stages, including disposition, sentencing and departure information. Mr. Nasibdar explained the new data base system has the capacity to do a variety of statistical analyses, as well as, notify users of specific actions, such as dismissed cases or cases involving specific offenses. Mr. Nasibdar stated that the Release One is ahead of the schedule and will actually go into Production Pilot on May 22, 2013. Judge Weisberg commended Blue Print Consulting for providing an outstanding overview of the Release One data system functionality.

V. Data System Project Update:
Informational Item, Gerry Roth, Project Manager

Key Project Activities: Gerry Roth reported that the data system project is on schedule and moving forward as planned. Mr. Roth confirmed that the Release One is complete and will move to the production pilot stage on May 22, 2013, ahead of June 1, 2013 target date. Mr. Roth stated that he was pleased with the progress of the new data system. He explained that functional and scenario testing with CJCC will be ongoing. Mr. Roth reported that the target date for Release Two delivery is August 30, 2013.

Status of Interim CSOSA Solution: Mr. Roth stated that a CSOSA interim criminal history transfer solution has been agreed upon, and is scheduled for integration with the new data system in Release Three, scheduled to occur in October, 2013. Ms. Tombs-Souvey commended Mr. Cedric Hendricks for his continued involvement and efforts ensure the joint effort between CSOSA and the Commission to integrate criminal history into the new data system moved forward in a timely manner.

VI. Approval of Changes to the Voluntary Sentencing Guidelines Manual:
Action Item, Linden Fry

Approval of Changes to the 2013 Voluntary Sentencing Guidelines: Linden Fry gave an overview of the proposed changes to the 2013 Guidelines Manual that were reviewed and recommended by the Ranking Committee at their May 6, 2013, meeting. In addition to several non-substantive revisions, Mr. Fry discussed the following proposed changes:

- (a) A proposal to add a subsection to the out-of-District scoring rules explaining how CSOSA presentence report writers should note when an out-of-District offense could match multiple D.C. offenses;
- (b) A proposal to add a new default ranking rule for while armed offenses not previously ranked by the Commission;
- (c) A proposal to change the procedure parties use to challenge Out-of-District Criminal History Scores; and

- (d) A proposal to add a footnote specifying how felon in possession convictions falling in Master Grid box 7:B should be treated.

The Commission discussed the merits of the various proposed changes. Several Commission members raised concerns regarding various proposed changes. Judge Weisberg proposed the following alternative language for felon in possession footnote:

If the court determines that a split sentence of 12 months incarceration or more, but less than 18 months, is appropriate, it may sentence the defendant accordingly, but this would constitute a departure from the Guidelines. The court should note the reason for the departure on the docket.

Commission Action #1: The Commission voted on whether to accept Judge Weisberg's proposed language to the felon in possession footnote. The change was accepted by an 8 to 3 Commission vote with (1) abstention.

Commission Action #2: The Commission voted whether to delay changing the default for scoring rule for while armed offenses until after the Commission ranking third degree sex abuse while armed. The vote was 7 to 3 with (2) abstained. The proposed default scoring rule will be addressed at a future meeting but not included in the 2013 Manual.

Commission Action #3: The Commission voted to accept all other proposed amendments to the Guidelines and include them into 2013 Sentence Guidelines Manual. The vote passed with 12 to 0.

The Commission agreed to defer the ranking of third degree sex abuse while armed until the June 18, 2013, Commission meeting.

Meeting Adjourned: 7:15 pm

NEXT MEETING:

Tuesday, June 18, 2013, One Judiciary Square (441 4th St., NW), Room 430S.