



District of Columbia Sentencing and Criminal Code Revision Commission

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MINUTES OF FULL COMMISSION MEETING

September 17, 2013
One Judiciary Square, Suite 430S
Washington, DC 20001

Members in Attendance:

Frederick Weisberg
Julie Samuels
Thomas Kane
Laura Hankins
Cedric Hendricks

Paul Butler
Renata Kendrick Cooper
Molly Gill
Donald Braman
Harold Cushenberry

Dave Rosenthal
Ramsey Johnson

Staff in Attendance:

Barbara Tombs-Souvey
Richard Schmechel
Anu Shrestha
Linden Fry

Mia Hebb
Thurman Sanders
Jinwoo Park
Michael Serota

Eleanor Schaffer
Rachel Redfern

Guests:

Gerry Roth, Data System Project Manager

- I. The meeting was called to order by Chairman Weisberg at 5:00 p.m.
- II. The minutes from the June 18, 2013, meeting were reviewed, amended, and approved.
- III. Director's Report – Informational Item, Barbara Souvey:

Introduce New Staff: Barbara Souvey introduced Eleanor Schaffer and Jinwoo Park as the new law clerks for the Criminal Code Revision Project. Ms. Schaffer and Mr. Park each introduced themselves before the Commission and discussed their educational history and professional experiences. Chairman Weisberg welcomed them both and looks forward to their contribution to the Criminal Code Revision Project.

Bureau of Prisons Tour: Ms. Souvey thanked Thomas Kane from the Federal Bureau of Prisons for arranging the tour at Hazelton Correctional Facility for SCCRC. Ms. Souvey gave an overview of the medium and maximum security facilities for the men and woman at Hazelton. Ms. Souvey discussed the various outreach, educational and work related programs that were available at the facilities.

Overview of the National Association of the Sentencing Commission Conference (NASC):

Ms. Souvey gave an overview of the NASC Conference and reported that there were three major topics of interest that were discussed at the conference: (1) Use of risk assessment at sentencing; (2) Role of criminal history enhancements and sentencing; and (3) Whether and on what conditions the federal guidelines should be "Blakelyized" in the same manner as several states have adopted with their guidelines. Ms. Souvey stated there were very interesting debates and views regarding these topics.

National Criminal Justice Information System Conference: Barbara Souvey gave a brief overview of the National Criminal Justice Information System Conference. Ms. Souvey stated that the conference provided insight on where the agency data system stands compared to data systems in other states. Ms. Souvey was pleased to report that the agency data system incorporates a solid architecture and functionality when compared to many other states. Ms. Souvey shared some of the data system topics of interest at the conference which included data sharing, data quality, and creative project management.

FY 15 Budget Issues: Barbara Souvey discussed the FY 15 Budget Issues and stated that she will request an additional Capital Budget expenditure for \$500,000 to develop the bi-directional XML interface to allow the agency to share sentencing related data with CSOSA. Ms. Souvey stated that the bi-directional XML will be able to update criminal history scores and compare CSOSA's recommended sentence with the actual sentence imposed by the Court. Criminal history related data will now be able to be updated and monitored on an ongoing basis. Ms. Souvey thanked CSOSA staff for their collaborative efforts on this project.

Issue Paper: Barbara Souvey discussed the issue paper sent out to the Commission for final review titled "The Impact of the D.C. Voluntary Sentencing Guidelines on the Length of Sentence Imposed." Ms. Souvey asked the Commission for final feedback or questions regarding the issue paper.

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

Third Quarter Key Project Deliverables and Activities: Gerry Roth reported that the data system project is going well and is ahead of schedule with performance and functionality.

Mr. Roth gave an overview update of the Data System Status:

- Release One in Production - June 1 (Completed)
- Release Two in Production - August 30 (Completed)
- Release Three Development and statistical analysis testing and CSOSA Implementation- October 23, 2013
- Release Four (Final) will include bug fixing and training- December 5, 2013.

Status of CSOSA Interface: Mr. Roth stated that the CSOSA criminal history solution testing phase will be completed by the end of September 2013.

Contract Modifications: Mr. Roth gave an overview of the data system timeline comparison and discussed changes to system requirements and modifications.

V. Criminal Code Revision Project Report to the D.C. Council - Action Item, Richard Schmechel, Project Director:

Discussion of Report to Council: Richard Schmechel discussed the Semi-Annual Report that will be submitted to the Council by September 30, 2013, to report the progress of the Criminal Code Project upon Commission approval. Mr. Schmechel reported that the project is on track with the schedule set forth in the Project Plan and the Committee has reached tentative agreement regarding mental state definitions and other general provisions in Title 22. Mr. Schmechel stated that the next step will focus on proposed reorganization of offenses in Title 22 of the D.C. Code, and revision of specific property and drug offenses. Mr. Schmechel stated that the next report to the Council will be due April 2013 and will be included as part of the Annual Report.

Questions from Commission Members: A Commission member asked about using legislative history as part of criminal code revision. Mr. Schmechel stated that he will consider the legislative history to be brought forth before the Committee for examination.

Commission Action: The Commission voted to submit the Semi-Annual Report to the Council by September 30, 2013. The vote passed unanimously 11 to 0.

VI. Discussion and Approval of Proposed Rankings-Action Item- Linden Fry, General Counsel

Terrorism Offenses: Mr. Fry gave an overview of the rankings of terrorism offenses contained in Title 22, Chapter 31B of the D.C. Code. Mr. Fry stated that the Committee met in June to discuss the terrorism rankings and was able to reach agreement on all of the Terrorism Offenses except for armed and unarmed attempt/conspiracy to commit first degree murder and murder of law enforcement as an act of terrorism. Mr. Fry stated that the ranking Committee considered several factors in the ranking of the Terrorism Offenses and they agreed to the Proposed Rankings as a complete package. The Commission and the Ranking Committee discussed and reviewed the proposed rankings of Terrorism Offenses.

Discussion on Composition and Procedures of Ranking Committee: Mr. Fry suggested several approaches to the Commission regarding the proposed rankings, and asked for participation from other Commission members that may be interested to join any Committee meeting to share their valuable insight on a particular ranking issue.

Commission Action: The Commission agreed to defer the ranking of Acts of Terrorism for further discussion and will present their proposed ranking at a future Commission meeting.

Meeting Adjourned: 6:45 pm

NEXT MEETING:

Tuesday, October 22, 2013, One Judiciary Square (441 4th St., NW), Room 430S.