



District of Columbia Sentencing and Criminal Code Revision Commission

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MINUTES OF FULL COMMISSION MEETING

June 21, 2016

One Judiciary Square, Suite 430S, Washington, DC 20001

Voting Members in Attendance:

Hon. Frederick Weisberg	Judi Garrett	Dave Rosenthal
Hon. Robert Morin	Julie Samuels	Marvin Turner
Laura Hankins	Molly Gill	Renata Cooper
Hon. Gregory Jackson		

Non-Voting Members in Attendance:

Stephen Husk	Michael Anzallo	Chanell Autrey
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Staff in Attendance:

Barbara Souvey	Michael Serota	LaToya Wesley
Richard Schmechel	Linden Fry	Matthew Graham
Rachel Redfern	Jinwoo Park	
Bryson Nitta	Mia Hebb	

- I. Chairman Weisberg called the meeting to order at 5:05 p.m.
- II. *New Commission Member:* Chairman Weisberg introduced the Commission's newest member, Judge Gregory Jackson to the Commission. The Commission welcomed Judge Jackson.
- III. The minutes from April 5, 2016 were reviewed, amended and approved.
- IV. Guideline Evaluation Study Update-Informational Item, Barbara Souvey and Latoya Wesley

Guideline Evaluation Study Update: Barbara Souvey informed Commission members that in March of 2016, Phase I of the Guideline Evaluation Study was completed. Phase I of the study analyzed sentencing practices under the Sentencing Guidelines in relation to sentencing consistency, certainty, and adequacy of punishment. Key findings included:

- Sentence type imposed was relatively consistent across all grid boxes, with prison sentences representing the overwhelming majority of sentences imposed;
- In 60% of the grid boxes, sentences lengths were normally distributed;
- In two specific Offense Severity Levels, M3 and M4, sentence lengths demonstrated a bi-modal distribution; and

- Average sentence imposed for offenses subject to a mandatory minimum sentence was near the statutorily required mandatory minimum with the exception of murder, possession of a firearm during a crime of violence, and unlawful possession of a firearm (felony prior conviction or prior crime of violence).

Ms. Souvey stated that the Research Committee has begun examining sentencing practices before and after Guidelines implementation. The pre-guideline sentencing data that was originally intended to complete this analysis was determined to be inadequate due to a number of issues related to determining sentence length and time served. Staff identified alternative data sets representing pre-guideline indeterminate and determinate sentences that will be used to analyze sentencing patterns from 1999 to 2002. The datasets include the sentence type (prison, split or probation) and the overall sentence length. The data will allow for a comparison of sentencing trends pre-and-post guidelines to identify any significant changes that may have occurred.

The descriptive analysis of the pre-and-post Guidelines data completed indicates that demographics regarding race and gender are very similar. However comparative analysis of the age of each defendant demonstrates some variation, which in part, is attributed to the fact that pre-guideline data includes age at sentencing and post-guideline data reports age at offense. A comparison of offenses across offense categories is also fairly consistent, with the most variation shown in the violent and “other offense” categories. Further in-depth analysis will be completed to determine if any of the differences indicated are statistically significant. Ms. Souvey commended Stephen Husk for assisting with the evaluation study.

V. Data Request Report – Informational Item, Barbara Tombs-Souvey

Data Request Report: Ms. Souvey briefly gave an overview of the Quarterly Data Request Summary, which is a summary of all data requests received and Completed by the Commission during the third quarter. The quarterly data request summary includes:

- Requestor’s Name
- Description of the Requested Data
- Date Tracking
- Staff Time to Complete the Request (In Hours)

Ms. Souvey commended Latoya Wesley and Matthew Graham for quickly compiling, validating and providing the data requested, some of which was very complex.

VI. Criminal Code Revision Project Issues- Informational Item, Richard Schmechel

- a) Status of Legislation
- b) Project Deliverables to the Commission

Criminal Code Revision Project Issues: Mr. Schmechel discussed the status of the new criminal code legislation and planned activities for the Criminal Code Revision

Project. As drafted the criminal code legislation would change the name and membership of the Commission, create a new District agency to handle criminal code revision. The legislation would transfer the Commission's Criminal Code Project staff and functions to the new agency on October 1, 2016. Mr. Schmechel stated that the Council vote was finalized on June 21, 2016, and the pending legislation was approved as part of the District Budget for FY 2017.

Mr. Schmechel stated that the existing Project Management Plan does not require a change and described project deliverables for the remainder of FY 2016. Per the Management Plan, Commissioner's will receive project related materials for review in August and the Commission will take action on materials prepared by the Criminal Code Revision Committee (CCR) and agency staff at the Commission's September 20, 2016 meeting. Following Commission approval, those materials would be submitted to the Council and Mayor.

VII. Status Update of Employee Manual – Information Item, Linden Fry

Status Update of Employee Manual: Mr. Fry provided an update on the status of the Agency Employee Manual submitted to DCHR for approval. Mr. Fry stated that the agency employee manual approval has been delayed due to significant upcoming DCHR modifications of the District Personnel Manual (DPM) which specifically relate to Excepted Service Employees and the agency employee manual. Once the DPM is updated, the Commission may need to revisit some sections of the employee manual.

Commission members raised several questions and concerns regarding the modification process, employee evaluation process, the role of Commission members in the process, and the effect of the new criminal code legislation on the agency. Judge Weisberg stated that he has obtained a list of the Executive Director's duties and responsibilities which can serve as the basis for developing a performance evaluation for the position and will share this information with members. The Commission recommended further discussion after October 1, 2016.

Meeting Adjourned at 6:25 p.m.

NEXT MEETING:

July 19, 2016

One Judiciary Square (441 4th St., NW), Room 430S.