



# District of Columbia Sentencing and Criminal Code Revision Commission

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## FULL COMMISSION MEETING MINUTES

September 20, 2011  
Judiciary Square, Room 1117  
Washington, DC

### Attendance:

Frederick Weisberg	Dave Rosenthal	Ronald Gainer
Brian Moore	Michael Anzallo	Courtnei Burleson
Ramsey Johnson	Jennifer Seltzer-Stitt	Thurman Sanders
Adele Harrell	Donald Braman	Linden Fry
Steve Husk	Harold Cushenberry	Mia Hebb
Julie Samuels	Earl Silbert	
Laura Hankins	Patricia Riley	
Barbara Tombs-Souvey	Meghan Murphy	

- I. Call to order by Chairman Weisberg at 5:00 p.m.
- II. The Minutes from September 20, 2011 meeting were reviewed and approved.
- III. Director's Report-Informational Item, Barbara Tombs-Souvey

**Introduction of New Employee:** Barbara Tombs-Souvey introduced Linden Fry, Staff Counsel, Criminal Law Policy. Mr. Fry will be working closely with Ken Cowgill on Criminal Code Revision. Mr. Fry assisted Judge Mott for three years at the District of Columbia Superior Court. Mr. Fry is a graduate of Catholic Law and GW University.

**Research Analyst Position:** Barbara Tombs-Souvey informed the Commission that since our last meeting Megan Collins, Research Analyst left the agency for a position in the private sector. Ms. Tombs-Souvey praised Ms. Collins on her job performance while with the agency. Ms. Tombs-Souvey stated that numerous interviews were conducted for the Research Analyst position and she was pleased to announce that Anu Shrestha will be joining the agency on October 17th. Barbara Tombs-Souvey also stated that Ms. Shrestha is well qualified and has extensive experience in data management.

**IV. Public Outreach Committee–Informational Item, Courtni Burleson**

**Survey Results:** Courtni Burleson gave a brief overview of the Public Outreach Survey results which consisted of nine questions that focused on the core concerns of the Commission’s outreach efforts. Ms. Burleson stated that overall she received a modest numbers of responses from various groups including Victims, Offenders, Health Groups and Neighborhood Associations. Many of the respondents indicated that they either had not received Guideline training or respondents were not aware of the Guidelines. The survey responses indicated that there was limited public knowledge about the Commission and its work. Judge Weisberg stated that majority of our information is now located on our website. He suggested that the Commission should provide onsite informational sessions to groups who request it but also encourage them to use our website for general information.

**V. Automated CSOSA Sentencing Guideline Form – Informational Item, Thurman Sanders**

**Automated Sentencing Guideline Form:** Thurman Sanders gave an overview and status report on the Automated Sentencing Guideline Form. He discussed two primary goals for the form: (1) to automatically compute criminal history scores and (2) to implement a process to electronically extract data from the form into the agency’s database. Mr. Sanders discussed the form’s various design and final testing stages. Mr. Sanders stated that the new form will benefit the Commission and CSOSA by increasing work efficiency and data quality, enforcing security regulations and protocols and by decreasing time required to collect criminal history data.

**VI. Criminal Code Revision Project – Action Item, Barbara Tombs-Souvey and Linden Fry**

**Project Discussion:** Chairman Weisberg discussed the challenges the Commission has faced with the Criminal Code Revision project including the scope of the project and the limited staffing and resources available. Although the Code Revision Committee met throughout the summer, Chairman Weisberg noted that limited progress has been made and if the Commission is not going to be able to undertake code revision in any meaningful manner that the Council should be notified immediately. Chairman Weisberg asked the Committee for their feedback and ideas concerning the future direction of the project.

Laura Hankins, speaking as a member of the Code Revision Committee, outlined the challenges the Committee has faced when trying to identify the scope of the project. Given the staffing limitations, the committee determined that comprehensive code revision was just not feasible. As a result, the Committee agreed to undertake a code clean-up approach that would result in revisions that promoted uniformity, clarity and consistency throughout the code, without making substantive changes to the current law. Using this approach, the Committee made progress in proposing a standardized format for use throughout the code. However, challenges arose when the Committee tried to address revisions that necessitated making substantive changes to the code. Specifically,

the Committee struggled whenever it encountered antiquated language or phrases, undefined or ambiguous terms, or inconsistent sections of the code.

A majority of the Committee members expressed reluctance to undertake any substantive changes to the current law because of potential litigation and the difficulty in reaching consensus. Pat Riley questioned whether code revision is actually necessary. Brian Moore, on behalf of Councilmember Mendelson, stated that he believed that the Council expected more than just format and stylistic changes to the criminal code and that substantive changes should be made when appropriate. The Commission members then discussed possible approaches to the revision process that would address the concerns of the Committee members.

Ms. Hankins made a motion for the Commission to vote whether to move forward with the Code Revision project or to notify the Council that Commission that is unable to complete the project. The motion was seconded by Ms Riley. Adele Harrell then suggested that Chairman Weisberg and Barb Tombs-Souvey meet with Councilmember Mendelson to receive clarification on the Council's expectations regarding Code Reform before the Commission voted on the matter. Judge Cushenberry also stated that the vote should be delayed until the next meeting. The Commission decided to hold the vote in abeyance until after the meeting with Councilmember Mendelson. The matter will be taken up at the October meeting.

Adjourn: 6:30 pm

NEXT MEETING:

Tuesday, October 18, 2011, One Judiciary Square (441 4<sup>th</sup> St., NW), 11<sup>th</sup> Floor.