



District of Columbia Sentencing and Criminal Code Revision Commission

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MINUTES OF FULL COMMISSION MEETING

September 18, 2012
One Judiciary Square, Room 1112
Washington, DC

Members in Attendance:

Frederick Weisberg	Ramsey Johnson	Mia Hebb
Barbara Tombs-Souvey	Ronald Gainer	Anu Shrestha
Cedric Hendricks	Julie Samuels	Ariel Lacey
Laura Hankins	Michael Anzallo	Gerry Roth
Harold Cushenberry	Thurman Sanders	
Renata Kendrick Cooper	Linden A. Fry	

- I. The meeting was called to order by Chairman Weisberg at 5:00 p.m.
- II. The minutes from the June 12, 2012, meeting were reviewed and approved.
- III. Director's Report – Informational Item, Barbara Tombs-Souvey

Commission Meeting Schedule: Barbara Tombs-Souvey shared with the Commission the scheduled meetings and location change for the upcoming meetings.

Office Relocation: Barbara Tombs-Souvey announced that the agency will relocate to their new office on October 1st at Suite 430S located in the same building as the current office space. Ms. Souvey stated that the agency's new office will accommodate the additional staff for the Code Revision Project and will include a conference room large enough to hold future Commission meetings.

Commission Appointments: Barbara Tombs-Souvey informed the Commission of the expired terms and vacancy appointments of Commission members. Ms. Souvey stated that the confirmation hearings for Ronald Gainer and Donald Braman are scheduled for September 28th at 1:30pm. Ms. Souvey stated that Molly Gill, a recommendation from Jennifer Seltzer-Stitt, is also scheduled for a confirmation hearing on the same date. Ms. Tombs-Souvey informed the Commission that the appointment to fill the remaining vacancy is still pending while the Council finalizes its search process.

Issue Paper Comments and Edits: Barbara Tombs-Souvey discussed the draft issue paper on Probation Terms under the DC Voluntary Sentencing Guidelines. Ms. Souvey stated that this is the agency's first attempt to analyze probation terms because the Guidelines do not dictate the length of probation. The analysis indicates that generally the length of the probation term increases with the severity of the offense; similar to the term of incarceration, which is governed by the Guidelines. However, criminal history did not appear to impact the length of probation terms with the same consistency found with periods of incarceration recommended under the Guidelines. Ms. Souvey asked the Commission to review and submit all edits or comments by the close of business on Friday.

Fine Proportionality Act- Amendments: Barbara Tombs-Souvey gave an overview the Fine Proportionality Act that was submitted to the Council last year. Ms. Souvey stated that Council staff worked over the summer drafting conforming amendments for the Act. A draft of the conforming amendments was sent to the Code Revision Committee for review and comment. Ms. Souvey stated that a hearing before the Council will be scheduled later this fall. Ms. Souvey commended Linden Fry for working tirelessly on this project.

IV. Offense Ranking Committee Report- Action Item, Linden A. Fry

Offense Committed During Release (OCDR): Linden A. Fry discussed the feedback from judges and practitioners regarding the Guidelines Manual description of the Offenses Committed During Release enhancement, D.C. Code §23-1328(a)(1). Mr. Fry stated upon review of the language of the statute, relevant Court Appeals' opinions and the current language of the Manual, the Ranking Committee recommended the following changes to the Manual by adding Offenses Committed During Release (Felony) to Appendix C and C1 and list the enhancements as an offense in Master Group 9. Mr. Fry stated that footnotes will indicate that "OCDR" (felony) is an enhancement, not a separate offense and will also specify that OCDR (felony) is not considered a separate offense when calculating a defendant's prior criminal history score. Mr. Fry gave an overview of the additional recommendations from the Ranking Committee including Chapter 4 of the 2012 Guidelines Manual adding a footnote following the last sentence of the second paragraph stating that "this rule does not apply to the Offense Committed During Release enhancement (D.C. Code §23-1328), and enhancements to Appendix H: Identity Theft-against senior citizen, Firearm, Presence in a Motor Vehicle and UUV—two or more UUV or theft.

The Commission Vote: The vote was 8-0 in favor to approve the Offense Committed During Release changes in the Guidelines Manual and Appendix H enhancements set forth in the memo. (D. Braman, H. Cushenberry, L. Hankins, R. Cooper, J. Samuels, R. Johnson, C. Hendricks and F. Weisberg)

V. CSOSA Criminal History Scores Update-Informational Item, Barbara Tombs-Souvey

Criminal History Scores Request to Date: Barbara Tombs-Souvey gave an overview of criminal history scores requests submitted to CSOSA over the past six months. Ms. Souvey stated that since the implementation of the automated Sentencing Guideline Form, the numbers of missing criminal history scores has decreased significantly. In addition, the Commission now completes a monthly review of missing criminal history scores to verify whether a PSI has been ordered by the court before contacting CSOSA. Ms. Souvey commended Thurman Sanders for working diligently on the design and implementation of the automated form and CSOSA for their collaborative efforts working with the Commission to ensure all criminal history scores are provided.

VI. Update on IJIS 12.1 Data Project- Informational Item, Gerry Roth and Barbara Tombs-Souvey

Introduction of Project Director: Barbara Tombs-Souvey introduced Gerry Roth, Project Director for the IJIS 12.1 Project. Mr. Roth gave an overview of the role of a Project Manager and discussed the major objectives for planning, organization, developing and integrating the Data System project. Mr. Roth discussed the key functions of the system and identified the potential risks of some functions that may exceed proposed cost benefit or budget. Mr. Roth gave an overview of the scope of the Project Control/Risk Remediation and the status of the RFP proposal. He then discussed the Master Schedule and target dates prior to the final release scheduled for December 2013. Mr. Roth stated that the first basic functionality testing will be done on June 1, 2013 to capture IJIS 12.1 and pull preliminary criminal history data. Ms. Souvey informed the Commission that the basic functionality work must be completed prior to June 1, 2013 since that is the projected date that the court will discontinue the Agency Database and IJIS Outbound 12.1 will become the source of court related data to recipient agencies. Mr. Roth also discussed the organization of reporting flow chart for the project. Ms. Souvey thanked Gerry Roth and Linden Fry for doing a great job moving forward on this project.

Project Overview and Status Report:

VII. Update on Staffing for Criminal Code Revision Project – Discussion Item-Chairman Weisberg and Barbara Tombs-Souvey

Status of Project Director Search: Chairman Weisberg discussed the status of the recruitment process for the Criminal Code Revision Project Director position. Chairman Weisberg stated that the Search Committee selected two candidates to interview with him and that he will meet with the Search Committee to finalize the candidate selection after the close of the meeting.

Adjourn: 6:30 pm

NEXT MEETING:

Tuesday, October 16, 2012, One Judiciary Square (441 4th St., NW), Room 430S.