



District of Columbia

Advisory Commission on Sentencing

800 K Street, N.W., Suite 450 South, Washington, DC 20001
Fax (202) 353-7831

DRAFT MINUTES

Wednesday, February 2, 2000
500 Indiana Avenue, N.W., Room 1500

Attending:

F. Weisberg	P. Hyde
T. Kane	S. Gervasoni
E. Silbert	K. Hunt
C. Wellford	M. Sedgewick
R. Johnson	C. Chanhatasilipa
R. Wilkins	R. Rigsby
J. Garrett	J. Sassman
N. Joyce	J. Abely
H. Cushenberry	M. G. Terrell
E. Lotke	
B. Erhardt	

I. Call to order at 5:15 p.m.

II. Proposal by Mr. Robert Wilkins

Attached is a copy of the proposal by Mr. Wilkins (Attachment).

III. Comments and Questions

Charles Wellford: In addition to being responsive to the legislation, how will the proposed framework improve sentencing in D.C.?

Answer: Assures that the change will be impact neutral, no small accomplishment. Also serves to encourage intermediate sanctions. Also provides a framework for future progress, even sentencing guidelines.

Earl Silbert: Life terms with cap on years to serve make sense. Beyond that, isn't capping all other offenses indicate a distrust of judges? How will it be viewed by

other actors in the system, prosecutors, police, Council, etc.?

Answer: Attempts to return the system to the status quo that existed before offenders required to serve 85% of a determinate sentence.

Judge Weisberg: Not greatly concerned with the accuracy of the values for caps. I believe it does reflect high end sentences. Problems are 3-fold:

1. Maximum numbers do not allow for atypically severe cases that should fall above them.
2. Exchanges a soft cap for a hard cap.
3. Supervised release values are too high.

Suggests that departures be allowed for a list of aggravating factors.

Ramsey Johnson: Caps the upper end of sentences but not the bottom end. Guidelines (perhaps voluntary) would reduce recommend soft caps on both lower and upper ends. Guidelines inform discretion without eliminating it. Nola Joyce echoed Mr. Johnson's concerns.

Tom Kane: Hypothetical sentencing guidelines system could use much the same logic.

Patrick Hyde: Compatible with sentencing guidelines.

Several members: Reliance on time served data that is still imperfect.