



District of Columbia

Advisory Commission on Sentencing

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DRAFT MINUTES

Wednesday, March 1, 2000

D.C. Superior Court, 500 Indiana Avenue, N.W., Room 1500

Attending:	F. Weisberg	H. Cushenberry	H. Brazil
	R. Wilkins	R. Johnson	S. Gervasoni
	M.G. Terrell	L. Hankins	K. Severy
	T. Kane	J. Garrett	P. Hoffman
	B. Erhardt	M. Ragghanti	J. Carver
	J. Ormond	R. Harris	E. Lotke
	K. Hunt	M. Sedgewick	C. Chanhatsilipa

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

II. Supervised Release

Judge Weisberg asked Ms. Sedgewick to walk the Commission through the memorandum on time served. Ms. Sedgewick noted three areas, beginning on the second page of the memo, in which the Council appears to have no authority: (1) impositions of the conditions of supervised release, (2) Modifications of the terms of supervised release, and (3) re-release under supervised release. Judge Weisberg asked if there was any disagreement on these points. Mr. Johnson said he would review with USPC the provisions for (2) modification of terms.

Ms. Sedgewick next turned to miscellaneous provisions, beginning on page 5. Supervised release would start on the day of release from incarceration. Further, a term of supervised release would run concurrent to any federal, state, or local terms. Mr. Carver noted that CSOSA has agreement with federal probation to supervise D.C. offenders released to live in other jurisdictions. Hearing no objections, the Commission turned to split sentences.

Ms. Sedgewick took up the question of whether an offender's term still runs under various circumstances relating to incarceration on other charges. A discussion ensued regarding incarceration following either convictions or pre-trial detention, and following either the start of supervision or incarceration from detainer without a formal start to supervision. Judge Weisberg suggested that staff draft two approaches.

Ms. Sedgewick then introduced the maximum term of supervised release and its relationship to the statutory maximum sentence. In addition to the Options 1-3, an Option 4 was noted. Option 4 would allow judges to exceed the allowable term of supervised release under certain conditions to be established.

Mr. Carver presented an overview of CSOSA plans in the area of supervised release and intermediate sanctions. First, an in-depth assessment would be conducted. Based on the resulting risk and need profiles from the assessment, the offender would be presented with a behavioral contract outlining the conditions of supervised release. Mr. Carver noted that high levels of risk among D.C. offenders argue for longer rather than shorter terms of supervised release. Mr. Carver noted that programming begins within BOP prior to release, and continues upon release. Mr. Carver noted that CSOSA plans expansion of treatment resources in areas such as substance abuse, mental health, sex offender treatment, and education services. He notes that re-assessment occurs every six months to consider early termination for offenders where dynamic risk and need factors document individual improvement and success in treatment.

Mr. Johnson presented his memorandum outlining a supervised release plan that included a five-year term for all felonies with a sentence of one year or more incarceration, with longer terms applicable for selected serious violent crimes.

Commission members discussed the merits of Options A, B, and D. No support was mentioned for Option C. Judges Terrell and Weisberg objected to Mr. Johnson's proposed five-year fixed terms as inconsistent with the primary goal of re-entry. Mr. Johnson reiterated the early termination provision.

III. Retreat plans

Mr. Wilkins noted the need for careful planning for the upcoming March 8 retreat at Gallaudet University. An agenda will be circulated prior to the meeting with specific times for discussion and concrete proposals to elicit Commissioner reactions and straw votes. In the area of supervised release, Commission members are asked to fill in the chart on the supervised release memo on pages 10-11, select Options A-D, and select their preferred imposition procedure.

IV. Time served

After a brief discussion of the progress on time served data and quality control efforts was reviewed. Urban Institute will present their findings at the March 8 retreat.

II. Adjourn at approx. 7:15 p.m.