



# District of Columbia Advisory Commission on Sentencing

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## MINUTES

Wednesday, March 15, 2000

D.C. Superior Court, 500 Indiana Avenue, N.W., Room 3300

Attending:

F. Weisberg	H. Cushenberry	N. Joyce
R. Wilkins	R. Johnson	S. Gervasoni
M.G. Terrell	L. Hankins	K. Severy
J. Garrett	B. Erhardt	R. Harris
C. Wellford	M. Ragghanti	J. Carver
P. Riley	L. Harllee	E. Lotke
Neely Tucker		
K. Hunt	M. Sedgewick	C. Chanhatasilipa

I. Call to order at approx. 5:20 p.m.

II. Preliminary recommendations and Public Hearing

K. Hunt announced that a draft of the Commission's preliminary recommendations would be distributed to the public on Friday, March 17, 2000. Commission members or staff must submit any comments to Commission staff no later than Thursday, March 16, 2000 at 12:00 noon.

L. Harllee requested that the staff prepare a one-page flyer both to announce the Public Hearing and to summarize the Commission's recommendations in plain language. K. Hunt agreed that staff would prepare and distribute a flyer on Friday, March 17, 2000.

The Commission's Public Hearing takes place on Wednesday, March 22, 2000 at 6:00 p.m. in the Council Chamber, 441 Fourth Street, N.W., Washington, DC.

III. Youth Rehabilitation Act

M. Sedgewick distributed a memorandum in preparation for this meeting that suggested several possible amendments to the Youth Rehabilitation Act ("YRA"). F. Weisberg began the discussion by asking whether there was strong sentiment to repeal the Youth Act in its entirety. Hearing none, he opened the floor to discussion of various options.

R. Wilkins favored the option that preserves as much of the YRA as possible, in light of its inconsistency with Revitalization Act provisions.

H. Cushenberry was prepared to preserve the YRA as much as possible, and preserve set aside for all age eligible offenders convicted of crimes other than murder. If he were a legislator, though, he would start with a clean slate and design a youth act differently.

F. Weisberg agreed with Cushenberry's position.

M. G. Terrell favored the retention of the YRA.

R. Johnson remarked that the YRA offers indeterminate sentencing with a treatment plan, and release after having worked through the treatment plan. He then stated that determinate sentencing guts this key component of the YRA. For this reason, he favored retention of the YRA for non-subsection (h) offenders, as an exception to the determinate sentencing system for youthful offenders.

B. Erhardt asked whether a judge could avoid imposing a mandatory minimum sentence by finding an offender eligible for YRA sentencing and imposing a YRA sentence. Staff was directed to research the issue.

The group agreed that the preliminary recommendation of the Commission would be to abolish parole for all offenders, including youth offenders, and to retain set aside for those young offenders who successfully complete their terms of incarceration and supervised release. Voting in favor of the majority position were H. Cushenberry, C. Wellford, M. Terrell, N. Joyce, F. Weisberg, R. Rigsby (later by fax), and E. Silbert (later by fax). Voting for other alternatives were R. Johnson, H. Brazil, R. Wilkins, L. Harllee, and B. Erhardt.

#### IV. Intermediate Sanctions

F. Weisberg recommended the Commission propose legislation to allow judges to impose a short period of shock incarceration, perhaps up to six months, as a condition of probation to be followed by intermediate sanctions.

J. Garrett pointed out that a split sentence, which might appear to serve the same purpose, would instead place the offender under BOP responsibility.

N. Joyce asked if the proposal would produce net widening. F. Weisberg responded that it would draw offenders currently receiving probation as well as some currently receiving prison, thus producing some net widening.

F. Weisberg requested that Eric Lotke receive the first copy of the Commission's preliminary recommendations.

V. Adjourn at approx. 6:25 p.m.