



District of Columbia Advisory Commission on Sentencing

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FULL COMMISSION MEETING MINUTES

Wednesday, January 15, 2003
500 Indiana Ave., N.W.
Washington, DC

Attending:	H. Cushenberry	C. Hendricks	J. Stewart
	L. Hankins	F. Weisberg	N. Joyce
	B. Baldwin-White	C. Wellford	A. Seymour
	A. Teal	R. Johnson	R. McPhatter
	T. Kane	R. Scotkin	M. Quick
	K. Hunt	R. Buske	J. Cronin
	C. Chanhatisilpa		

- I. Call to order at 5:05 p.m.
- II. F. Weisberg called the meeting to order and noted that the Commission has a busy schedule for 2003. Minutes were approved pending any last minute revisions sent to K. Hunt by the end of this week.
- III. F. Weisberg introduced the new Commission members:
 - A. Seymour was appointed by the Mayor. She has been a victims' advocate for more than 20 years, specializing in Corrections issues.
 - A. Teale is the Interim Corporation Counsel. She has been with the office for many years and was previously the Principal Deputy Corporation Counsel.
 - R. Scotkin is Special Projects Coordinator for the U.S. Parole Commission.
- IV. F. Weisberg proposed that the meeting start with a sentencing grid exercise, performed for discussion purposes only and to get a sense of the task at hand and to identify general areas of consensus and lack thereof. He reminded members that the rankings (the vertical axis) are not absolute at this time and may change. Also, the actual scoring has not been determined yet, nor has the number of spaces for the Criminal history score (the horizontal axis). Each member then spent some time trying to draw a line to distinguish cells with a presumption of incarceration and a presumption of probation. Diagonal lines through boxes were used to show where either should be an option.

After the exercise was completed, each member shared their in-out line with the group. Although responses were diverse, there were areas of consensus. All members had

prison for all cells in Groups 1 through 3, the most serious crimes. In general, most members had probation as an option for first time offenders in Groups 7 through 9, and several included first time offenders in Group 6 and above. Questionable areas included Group 9, especially the “escape” offense; Groups 6-8 with significant prior records who might be amenable to treatment if available; and Groups 4 and 5 with little or no prior record. Another area for more consideration is the number of cells that would recommend either probation or a sentence to incarceration. C. Wellford noted that the point of ambiguity is usually the cells on either side of the in-out line.

One question was how to address possible public relations problems associated with the grid. C. Wellford noted that data on historical sentences helps to defend decisions, and information on recidivism rates provides another defense. R. Johnson asserted that is important because the Commission has to consider what kind of message they are sending with their guidelines, and what the risks are. He noted that presumptive probation sends a different message than a cell with “Probation to 6 months.” (However, it was noted that “Probation to 240 months” is more problematic, should that be considered an option for more serious crimes.)

N. Joyce mentioned that the actual availability of correctional options is a major concern in an activity like this: If proven options are available, members would likely draw the in-out line differently than a line based on the current limited options.

C. Wellford pointed out that Maryland’s guidelines have drawn a very harsh line but treat a sentence to a “qualifying” Correctional Options or Alternative Sanction program as in compliance with the guidelines. Intermediate Sanctions may work better when diverting from incarceration than when drawing from probation (net-widening problem).

Several members mentioned that it would be important to study how other jurisdictions handle all of these problems.

Members were shown incarceration rates and median sentences for the sample grid. Several members found the incarceration rates for most cells surprisingly high. K. Hunt noted that most offenders are in the “No prior felony” boxes, and most of those in Groups 8 and 9. F. Weisberg noted the clash between this data and a possible grid with more probation boxes. L. Hankins noted that many of the offenders shown as receiving incarceration actually were sentenced to time served or a short split sentence. It was noted that the data collection form may help here. Regarding median sentences, it was noted that sentences rise only slightly as prior record increases, indicating that the grid may need to rise only gradually. It was also noted that in Group 5, given fewer cases with substantial records, sentences actually fell.

K. Hunt then moved the discussion to the remaining activities the Commission needs to undertake and how they should be handled. He asked for feedback on continuing to use Subcommittees and members seemed to be in agreement that subcommittees should continue.

L. Hankins stated that the subcommittees had worked well in the past, but that the Commission should be wary of simply going along with the decisions of the subcommittee without a full discussion. She noted that some tough decisions have already been debated in the Criminal History subcommittee, and more will likely follow. Group dynamics in a smaller group may lead to somewhat different decisions than in the larger group, depending on the composition of each. The full Commission needs to be alert to these differences. H. Cushenberry noted that the split votes have been tallied and reported to the full Commission to alert members to these issues, and that will continue.

R. Johnson suggested that the Research Subcommittee try and devise ranges for a proposed grid, perhaps after the Criminal History subcommittee has had a chance to meet on January 22.

C. Wellford stated that the Commission may need to hold more public meetings before submitting the report, as all other Commissions have done. A. Seymour noted that a successful public outreach campaign requires going out into the community, not simply expecting them to come to you.

R. McPhatter expressed concern at the idea of reporting to the public before the report was submitted to Council – the Council may amend some or all of the Commission’s work so it is not a finished product, by any means, at this phase. What will the public be reacting to? A. Seymour noted that it will help the Commission’s case before the Council if they can demonstrate that they have involved all stakeholders in the process. R. Johnson noted that public suggestions could become part of the Commission’s report, but enough time would be required to incorporate their comments.

K. Hunt noted that the Commission had planned to use focus groups and ANC meetings as a way to outreach. C. Wellford argued that the Commission could be accused of being secretive or selective if they only invite certain people.

F. Weisberg noted that if the Commission is going to seriously attempt to involve the community in the process, they will have to begin now because it is very time consuming. C. Hendricks noted that Council members have monthly meetings in their wards and the Commission might be able to appear at some of these events.

F. Weisberg proposed the idea of a Community Outreach subcommittee. Several outreach methods were suggested, including 1) providing preliminary product to ANC meetings in the Autumn, 2) Council members could host the Commission at community forums, 3) Web-site access to the public and feedback through email, 4) ANC and other newsletters.

Adjourn at 6:45 p.m.

NEXT FULL COMMISSION MEETING:

Wednesday, February 19, 2003 at 5:00 p.m. at 500 Indiana Avenue, N.W.

NEXT CRIMINAL HISTORY SUBCOMMITTEE MEETING:

Wednesday, January 22, 2003 at 5:00 p.m. at 500 Indiana Avenue, N.W.

NEXT RESEARCH SUBCOMMITTEE MEETING:

Wednesday, January 29, 2003 at 5:00 p.m. at 500 Indiana Avenue, N.W.