



District of Columbia Sentencing Commission

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FULL COMMISSION MEETING MINUTES

Tuesday, March 21, 2006
500 Indiana Ave., N.W., Room 1500
Washington, DC

Attending	F. Weisberg	N. Joyce	B. Forst
	R. Johnson	L. Hankins	
	D. Rosenthal	P. Quander	
	C. Chanhatasilpa	K. Hunt	

I. Call to order at 5:05 p.m. Due to the low attendance, the approval of the February meeting minutes has been postponed for another time.

II. Compliance update

K. Hunt summarized the latest compliance rates following another audit and retrieval of missing sentences. Compliance rates remain at about 89%. F. Weisberg suggested that September 30 be used for the cutoff date for the data for the November report. He asked how many more cases would this time period add to the data. K. Hunt responded that it would probably increase the current database by a 1000 cases. F. Weisberg then brought up the issue of problems with the Court's new information system and its consequences for delayed PSI initiation, etc. P. Quander stated that there is now a stop gap fix in place that should address the number of cases that have fallen behind the process.

III. Software update

K. Hunt reported that Cross Current is currently testing the application. B. Forst asked if there was a system in place to test the internal validity of data entry. K. Hunt responded that the problem is that the Superior Court Quality Assurance does not have the personnel to do this. F. Weisberg suggested that one member of the Commission staff should assist QA in this process of inputting their sentences on a daily basis. This is to be discussed further.

IV. Focus groups

K. Hunt reported that four focus groups have been set for March 30 and March 31. He added that he will be the one to run the focus groups.

V. Dec. 1 2006 report

K. Hunt stated that staff will start an outline for the report and present it to the Commission at a later meeting. F. Weisberg asked how the Commission should handle the issue of recommending a permanent system in light of having gaps in the sentencing data. He stated that the two options are to ask for another year or report on the offenses that have sufficient data (drugs and lesser offenses). It was agreed upon by the Commission that the Council might not be receptive to an extension. L. Hankins and R. Johnson suggested drafting legislation that approved the structure of the guidelines but exclude detail such as the ranges, and would drop the word "pilot" from the guidelines but would also allow the Commission to make adjustments based on the new data as needed. (It was agreed that the Commission recommends that another year is not going to shed additional light on the guidelines. It will provide additional cases for certain offenses that may require adjustment.) Members agreed that the term "permanent" guideline system is misleading as it implies they are fixed and unchanging. P. Quander suggested that the Commission should work with H. Tseu to set up a one on one meeting between Judge Weisberg (and K Hunt) and Councilmember Mendelson to brief the Councilmember on these issues before the publication of the December 1, 2006 Report. (**Action needed:** Staff will follow-up with H. Tseu at the appropriate time.)

N. Joyce asked about the role of the Executive Branch. D. Rosenthal noted that while each of us representing the Executive Branch could of course not say what position our offices would take at any hearings, it was his guess that all of the agencies would take the position that they should not adopt a "fixed" guideline system. P. Quander and R. Johnson added that the Commission is helping lawmakers by creating a guidelines system.

F. Weisberg stated that it would be good for the Commission to provide the Council with something. Members discussed how the Council can claim some ownership of the guidelines, including whether any legislation was necessary. B. Forst said there were two issues at play here for the Commission – it wants to avoid too much attention or negative attention but at the same time does not want its work to appear secretive and stealthy.

F. Weisberg said that he will start drafting the introduction to the report that will address what the Commission will recommend to the Council. This will be the most important part of the report. He suggested that the Commission will recommend an ongoing sentencing guidelines system on a non-pilot basis, backed up by annual reports to the Council recommending modifications or improvements as the guidelines mature and evolve in practice. P. Quander added that the implemented system should provide the public and community forums for providing feedback about the guidelines.

Adjourn: 5:55 pm

NEXT FULL COMMISSION MEETING:

Tuesday, April 18, 2006