



# District of Columbia Sentencing and Criminal Code Revision Commission

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## **FULL COMMISSION MEETING MINUTES**

Tuesday, February 23, 2010  
Judiciary Square, Room 1114  
Washington, DC

### Attendance:

Frederick. Weisberg	Laura Hankins	
Ramsey Johnson	Cedric Hendricks	Barbara Tombs
Don Braman	Brian Forst	Courtnei Burleson
Ron Gainer	Pat Riley	Ken Cowgill
Jennifer Seltzer-Stitt	Megan Orsagh (DOC)	Chan Chanhathasilpa
Dave Rosenthal		

- I. Call to order at 5:10 p.m.
- II. New Staff Attorney Courtnei Burleson gave a brief introduction of herself.
- III. Minutes were approved pending the correction of Jennifer Seltzer-Stitt's name.
- IV. Update on Sentencing Guidelines Application by Barbara Tombs

In 2004, the Superior Court, Court Supervision and Offender Services Agency (CSOSA) and Commission reached an understanding at the beginning of project concerning the data compatibility requirements. Because each of the parties' data systems speak a different language, the system created by the Commission would need to transfer and deliver the various types of information into a format that can be analyzed and stored by the Commission. The project with Cross Current was initially scheduled to be completed in 8 months starting in June 2004 at the cost of \$310,000.

Several developments occurred throughout course of the project. In 2007, the court changed its data system from the Court Information Systems (CIS) to the Integrated Case Management System (IJIS). The decision was made to adjust the project to coincide with these changes at an additional cost. CSOSA also modified its data system, SMART and discontinued the automation of criminal history data with Cross Current. Meanwhile, the Commission decided to make some additions to the

types of sentencing information to be gathered (i.e., plea information) which resulted in additional costs to the project.

In 2008, the first data system test occurred. There were several problems with the program, notably difficulties conforming the program to the business rules and practices of the Court. This required several modifications to the program including the addition of a mechanism for the Commission to add offenses and enhancements to the system as they arise rather than relying on Cross Current to make such alterations. The system also needed to allow for an exchange of data with the court through DC Web. All of these modifications and fixes required additional costs and time.

A second round of tests were conducted in January 2010, with some minor issues occurring most notably screening out misdemeanor offenses which the Sentencing Guidelines do not accommodate and some difficulty categorizing certain drug offenses. All of these issues are in the process of being resolved. The third round of tests will occur towards the end of February.

Questions that arise now focus on ensuring that all sentencing data is transferred from the court and ownership of the data. Of greater concern is the fact that the sentencing data currently being transferred to the Commission will not contain criminal history information from CSOSA. Dave Rosenthal asked several questions to clarify where the criminal history information is located and how it is currently entered into the Commission's database.

Obtaining criminal history is critical for the Commission since the SGS Web Application cannot calculate the recommended guideline sentence without criminal history. The most appropriate long term option is for the Commission to seek membership in CJCC and utilize JUSTIS to obtain this information. A short term option is to explore possible ways to obtain criminal history data directly from CSOSA. Don Braman asked if we could get the data directly from CSOSA on disc. Barbara Tombs is scheduled to meet with Bill Kirkendale and Cedric Hendricks from CSOSA on 2/24/10 to discuss various approaches to getting criminal history information from their agency.

To date, \$583,000 has been expended on this project. Currently there is a pending PO in the amount of \$58,000 and approximately 37,000 in outstanding invoices, bringing the total cost of this project to \$678,000 for a system that still has not reached full functionality. There have been some difficult budgetary questions regarding the scope and cost of this project. In addition, potential issues that may arise in September if the Court discontinues operation of its RAM server which would result in further modifications to the SGS web application.

Barbara Tombs noted that the Commission is not a member of JUSTIS and questions have been raised as to why we did not pursue membership in JUSTIS from the inception of this project, especially in light of the project costs. Laura

Hankins asked whether we can even access JUSTIS since PDS is restricted (she clarifies later that PDS has access to public information through JUSTIS). Dave Rosenthal replied that every agency, including the Commission, has unique restrictions on the nature of data they can access and their access to JUSTIS is created around these specific parameters.

Jennifer Seltzer-Stitt and Pat Riley both expressed a desire to explore the most cost effective approach to address the data needs of the Commission. If Cross Current is not the most cost effective, then, the Commission needs to cut its losses now. Jennifer Seltzer-Stitt suggested that it may be a good idea to have other vendors take a look at the current project and provide feedback on how to move forward.

Barbara Tombs will provide an update to the Commission on the outcome of the criminal history meeting with CSOSA and the completion of the SGS Web Application project with Cross Current.

- V. Ken Cowgill will give an update on Item 4 on the agenda at the next Commission meeting

#### VI. Annual Report

Chan Chanhata Silpa distributed an outline of the Sentencing and Compliance sections of the annual report. The goal is to change the style and content of the report to be more engaging, dynamic and informative. The report will still provide compliance rates and information but with incorporating more dynamic charts and graphics. There will be additional information about departures and response rates from judges, with a separate section on the demographics of offenders sentenced during the last fiscal year with comparison to previous fiscal years identifying any trends within the district. Dave Rosenthal asked about the report due date and whether the Commission will be adequate opportunity to review the draft. The report is due on April 30<sup>th</sup> and a draft will be forwarded to Commission members no later than April 1<sup>st</sup>. Brian Forst suggested that the report show pre-2006 information and there is agreement that this would be useful and has been included in earlier reports.

#### VII. Budget Update

Barbara Tombs explained that the FY 11 budget represents a 10% reduction from the FY 10 approved budget. The Office of the City Administrator (OCA) is recommending an additional 3% reduction for a total of 13% in FY11. In addition, Ken Cowgill's part-time position will be discontinued after March 30, 2010 and is not included in the FY 11 budget, even though the Criminal Code Revision project deadline was extended to 2012. A request will be made during the agency's budget hearing before the City Council to have Mr. Cowgill's position reinstated.

In addition, there were some diligence issues regarding outstanding agency invoices from FY 09 that will need to be addressed in the current fiscal year. This will

impact the agency's current operational resources. Dave Rosenthal noted that all agencies received a 10% cut in 2009 and that if the Commission did not experience, a cut, he wondered if current cuts are a result of that action.

She also stated that resources for the Guidelines Web Application project may be affected by this reduced funding. Most of the outstanding invoices have been paid with the exception of Cross Current. Resources from the FY 10 were intended to be used to pay the remaining Cross Current invoices.

Judge Weisberg noted that the Criminal Code Revision project discussion needs to be significantly included in the annual report. He also stated that there may be some difficult issues to address in the annual report and we should be prepared to deal with those issues in a direct manner.

Judge Ramsey Johnson asked what kind of data does BOP have and should we reach out to them to be involved with our criminal history data collection efforts. There is a suggestion to discuss this with Tom Kane as an option. Laura Hankins noted that their criminal history information may be limited since it would only provide information on individuals who are incarcerated and not sentenced to some form of community punishment.

Adjourn: 6:30 pm

NEXT MEETING:

Tuesday, March 30, 2010, One Judiciary Square (441 4<sup>th</sup> St., NW), 11<sup>th</sup> Floor.