



# District of Columbia Sentencing and Criminal Code Revision Commission

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441 4th St, NW, Suite 430 South, Washington, DC 20001  
Telephone (202) 727-8822 Fax (202) 727-7929

## MINUTES OF FULL COMMISSION MEETING

February 16, 2016

One Judiciary Square, Suite 430S, Washington, DC 20001

### Voting Members in Attendance:

Frederick Weisberg  
Robert Morin  
Laura Hankins

Donald Braman  
Julie Samuels  
Molly Gill

Dave Rosenthal  
Harold Cushenberry  
Renata Cooper

### Non-Voting Members in Attendance:

Judi Garrett

Michael Anzallo

Chanell Autrey (for  
Kenyan McDuffie)

### Staff in Attendance:

Barbara Souvey  
Richard Schmechel  
Robel Maru

Michael Serota  
Linden Fry  
Mia Hebb

LaToya Wesley  
Matthew Graham

- I. Chairman Weisberg called the meeting to order at 5:15 p.m.
- II. The minutes from January 16, 2016, meeting were reviewed, amended, and approved.
- III. Director's Report – Informational Item, Barbara Souvey and Chairman Weisberg
  - a) Overview of Agency Performance Hearing
  - b) Status of Agency FY 2017 Budget
  - c) Annual Report Review Schedule.

**Director's Report:** Chairman Weisman gave a summary of the Agency Performance Hearing and stated that Ms. Souvey delivered well prepared testimony to the Council that anticipated and addressed most of Councilmember McDuffie's questions. Chairman Weisberg added that the agency would not have a budget hearing this year because the agency has fulfilled all necessary budget requirements. Chairman Weisberg also informed the Commission members that the Criminal Code Reform Amendment Act of 2015 (Bill B21-0507) is progressing through the legislative process and its outcome is expected to be known by July 2016. He noted that the agency's FY 2017 budget does not include funding for any part of the Criminal Code Revision Project, including staff salaries.

Ms. Souvey was pleased to announce that the Agency was exempt from the Mayor's proposed 2% cut and received funds for a three percent cost of living salary increase in FY 2017.

Ms. Souvey informed the Commission members of the Annual Report schedule and deadlines. She stated that a draft of the 2015 Annual Report draft would be distributed to the Commission on March 15<sup>th</sup> for their review and comments. Commission members are asked to submit their proposed edits by March 28<sup>th</sup>. The Annual Report must be finalized and submitted to the printer by the second week in April to ensure the Commission complies with its April 30<sup>th</sup> the statutory deadline.

- IV. Sentencing Guideline Evaluation Project Update – Informational Item, Barbara Souvey and Latoya Wesley
- a) Evaluation Study Period
  - b) Overview of Phase I Findings

***Evaluation Study Period:*** Ms. Souvey provided an overview of the Guidelines Evaluation Project. She stated that the Research Committee's work has focused on reviewing the preliminary findings of Phase I of the Evaluation Project, which include examining sentencing trends and anomalies from 2010 through 2014. Ms. Souvey stated Commission staff identified some unusual sentencing patterns in the 2014 data and, as a result, the Committee and staff agreed to expand the Evaluation's timeframe to 2010 through 2015. Ms. Souvey stated that the Commission staff would begin Phase II analysis in March 2016. Phase II will compare and analyze sentencing trends within the District before and after the implementation of the Guidelines.

***Overview of Phase I Findings:*** Ms. Wesley gave an overview of the key findings from Phase I of the Evaluation Project. Ms. Wesley stated that the findings presented only include data on felony sentences imposed between 2010 and 2014. The final Evaluation Study will also include data from 2015. Ms. Wesley opened the floor for questions or comments. Commission Members raised several questions about the percentage of probation sentences imposed in the probation eligible grid boxes.

- V. Discussion and Approval of the revised Project Plan for Criminal Code Revision Project – Action Item, Richard Schmechel

***Approval of the revised Project Plan for Criminal Code Revision Project:*** Mr. Schmechel gave an overview of the proposed new Criminal Code Revision project plan. He stated that under the new plan, by September 30, 2016, the Commission would submit recommendations to the Council and Mayor that enable the agency to achieve its FY 2016 performance plan goals. The proposed plan also includes changes to Project activities in the coming months if the Project's mandate is changed or is extended by the Criminal Code Reform Amendment Act.

Mr. Schmechel noted that under the proposed plan the timeline for CCR Committee and staff activities for the remaining eight months of the Project would include proposed revisions to sexual abuse offenses and homicide offenses as well as an initial assessment of how to address penalty proportionality. Mr. Schmechel opened the floor to address any concerns or questions. Several questions were raised regarding proportionality and offense classification noted in the new proposed project plan.

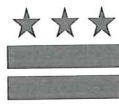
**Commission Action #1:** The Commission voted to approve and submit the proposed new Project Management Plan to the Council and Mayor by 9-0 vote.

Meeting Adjourned at 6:45 p.m.

NEXT MEETING:

March 15, 2016

One Judiciary Square (441 4<sup>th</sup> St., NW), Room 430S.



District of Columbia  
Sentencing and Criminal  
*Code Revision Commission*

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(202) 727-8822 – Fax (202) 727-7929

*Hon. Frederick H. Weisberg,  
Chairperson*

*Barbara S. Tombs-Souvey  
Executive Director*

*Donald Braman, Esq.  
Renata Cooper, Esq.  
Hon. Harold L. Cushenberry  
Ronald Gainer, Esq.  
Laura E. Hankins, Esq.  
Cedric Hendricks, Esq.  
William "Billy" Martin, Esq.  
Hon. Robert E. Morin.  
Dave Rosenthal, Esq.  
Julie E. Samuels  
Marvin Turner  
Molly Gill, Esq.  
Paul Butler, Esq.  
Earl J. Silbert, Esq.*

*Non-voting members:  
Maria Amato, Esq.  
Michael Anzallo  
Judi Simon-Garrett, Esq.  
Hon. Kenyan McDuffie  
Stephen J. Husk*

**D.C. Sentencing and Criminal Code Revision Commission Meeting**

**April 5, 2016**

**5:00 to 6:30 PM**

**Room 430S**

**441 Fourth Street, N.W. (One Judiciary Square)  
Washington, DC 20001**

**Agenda**

1. Review and Approval of the Meeting Minutes from February 16, 2016 Meeting - Action Item, Judge Weisberg
2. Data Request Report - Informational Item, Barbara Tombs-Souvey
3. 2015 Annual Report Discussion – Informational Item, Judge Weisberg and Barbara Tombs-Souvey
4. Guideline Ranking of Two New Felony Offenses – Action Item, Linden Fry
  - a. Felony Injuring/Obstructing a Police Animal
  - b. First –Degree Unlawful Publication of Sexual Images
5. Proposed Revision to 2016 the Sentencing Guideline Manual, Action Item, Linden Fry
6. Schedule Next Meeting
7. Adjourn





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Robert Morin  
Laura Hankins  
Paul Butler

Donald Braman  
Julie Samuels  
Molly Gill

Dave Rosenthal  
Marvin Turner  
Renata Cooper

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Stephen Husk

Michael Anzallo

### Staff in Attendance:

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Richard Schmechel  
Robel Maru  
Rachel Redfern

Michael Serota  
Linden Fry  
Mia Hebb  
Bryson Nitta

LaToya Wesley  
Matthew Graham  
Jinwoo Park

- I. Chairman Weisberg called the meeting to order at 5:15 p.m.
- II. The minutes from February 16, 2016, meeting were reviewed, amended, and approved.
- III. Director's Report – Informational Item, Barbara Souvey and Chairman Weisberg
  - a) Data Request Report
  - b) Annual Report Discussion

**Director's Report:** Barbara Souvey provided a summary of the data requests the agency received and completed for the first and second quarters of FY 2016. A Commission member asked if future data request summaries could also include any data requests that were in progress at the end of each quarter. Ms. Souvey stated she would include that information in future data request summaries. Additionally, Ms. Souvey noted that two sentencing related data sets will be posted on the Commission's website by the end of FY 2016.

Chairman Weisberg encouraged the Commission members to provide their comments and edits to the Annual report before the April 8<sup>th</sup> deadline. A Commission member requested that a chart displaying offender race data that