

was used in the 2014 Annual report be updated with 2015 data and used in this year's report.

IV. The Ranking of Two New Felony Offenses – Action Item, Linden Fry

- a) Felony Injuring/Obstruction a Police Animal
- b) First-Degree Unlawful Publication of Sexual Images

Guidelines Ranking of Two New Felony Offenses: Mr. Fry stated that the Guidelines Implementation Committee met and discussed the ranking of two new offenses enacted by the Council in 2015:

- Felony Injuring/Obstruction a Police Animal
- First-Degree Unlawful Publication of Sexual Images

Mr. Fry described the factors the Committee considered when they discussed where the new offenses should be ranked.

Mr. Fry relayed that the Committee unanimously agreed to recommend ranking Felony Injuring/Obstruction of a Police Dog in Master Group 8. Mr. Fry opened the floor for questions or concerns regarding the proposed ranking of the offense.

Commission Action#1: The Commission unanimously voted to rank Felony Injuring/Obstruction a Police Animal in Master Group 8 by a 10-0 vote.

Mr. Fry stated that the Committee debated the ranking of First-Degree Unlawful Publication of Sexual Images but could not reach an agreement on a specific ranking. The Committee did agree that the offense should be ranked in either Master Group 8 or Master Group 9. Members of the Committee presented their arguments for ranking the offense in each of the respective Master Groups. Their arguments reviewed the maximum statutory penalty and its relation to other offenses, what was known about the legislative intent, the heartland of the offense, the possible harm victim as a result of the offense, and the ranking of similar offenses. The Commission then discussed the ranking of the offense. Commission members unanimously agreed that the offense should be ranked in either Master Group 8 or Master Group 9.

Commission Action#2: The Commission voted on whether to rank First-Degree Unlawful Publication of Sexual Images in Master Group 8 or Master Group 9. Eight Commission members voted to rank the offense in Master Group 9. Two Commission members voted to rank the offense in Master Group 8. As a result of the vote, the Commission will rank the offense in Master Group 9.

V. Proposed Revision to 2016 Sentencing Guidelines Manual – Action Item, Linden Fry

Proposed Non-Substantive Changes to 2016 Guidelines Manual: Mr. Fry gave an overview of the proposed non-substantive changes to the 2016 Guidelines Manual. The Guidelines Implementation Committee previously discussed and modified the proposed changes. The Committee unanimously recommended that the Commission implement the all the proposed changes presented to the Commission. However, the addition of Footnote #16, related to passage of the Near Act, required further Commission discussion due to pending legislation that may affect an example used in the Manual. The pending legislation amends the District's Assault on a Police Officer statute. After a significant discussion of pending legislation, the Commission agreed

that in the 2016 Manual the footnote should provide that “At the time of the publication of this Manual, the NEAR Act, Act No. 21-356, was under Congressional review. If the Act becomes law, this example may require updating.”

Commission Action#3: The Commission unanimously decided to accept the proposed Guidelines Manual changes, including the agreed upon language for footnote 16, by a 10-0 vote. The Commission will publish the 2016 Guidelines Manual in June 2016.

VI. Next Commission Meeting Date

The Commission discussed its next meeting date. The Commission agreed that unless urgent matters arise, the next meeting will be held on June 21, 2016.

Meeting Adjourned at 6:15 p.m.

NEXT MEETING:

June 21, 2016

One Judiciary Square (441 4th St., NW), Room 430S.



District of Columbia
Sentencing and Criminal
Code Revision Commission

441 Fourth Street, NW, Suite 430 South, Washington, D.C. 20001
(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. Gregory E. Jackson
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

June 21, 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 April 5, 2016 Meeting - Action Item, Judge Weisberg
2. Welcome New Commission Member - Honorable Gregory Jackson, Informational Item, Judge Weisberg
3. Data Request Report - Informational Item, Barbara Tombs-Souvey
4. Guideline Evaluation Study Update – Informational Item, Barbara Tombs-Souvey and LaToya Wesley
5. Criminal Code Revision Project Issues – Informational Item, Judge Weisberg and Richard Schmechel
 - a. Status of Legislation
 - b. Project Deliverables to the Commission
6. Status Update of Employee Manual – Informational Item, Linden Fry
7. Schedule Next Meeting
8. Adjourn



District of Columbia Sentencing and Criminal Code Revision Commission

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

MINUTES OF FULL COMMISSION MEETING

June 21, 2016

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

Voting Members in Attendance:

Hon. Frederick Weisberg	Judi Garrett	Dave Rosenthal
Hon. Robert Morin	Julie Samuels	Marvin Turner
Laura Hankins	Molly Gill	Renata Cooper
Hon. Gregory Jackson		

Non-Voting Members in Attendance:

Stephen Husk	Michael Anzallo	Chanell Autrey
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Staff in Attendance:

Barbara Souvey	Michael Serota	LaToya Wesley
Richard Schmechel	Linden Fry	Matthew Graham
Rachel Redfern	Jinwoo Park	
Bryson Nitta	Mia Hebb	

- I. Chairman Weisberg called the meeting to order at 5:05 p.m.
- II. *New Commission Member:* Chairman Weisberg introduced the Commission's newest member, Judge Gregory Jackson to the Commission. The Commission welcomed Judge Jackson.
- III. The minutes from April 5, 2016 were reviewed, amended and approved.
- IV. Guideline Evaluation Study Update-Informational Item, Barbara Souvey and Latoya Wesley

Guideline Evaluation Study Update: Barbara Souvey informed Commission members that in March of 2016, Phase I of the Guideline Evaluation Study was completed. Phase I of the study analyzed sentencing practices under the Sentencing Guidelines in relation to sentencing consistency, certainty, and adequacy of punishment. Key findings included:

- Sentence type imposed was relatively consistent across all grid boxes, with prison sentences representing the overwhelming majority of sentences imposed;
- In 60% of the grid boxes, sentences lengths were normally distributed;
- In two specific Offense Severity Levels, M3 and M4, sentence lengths demonstrated a bi-modal distribution; and

- Average sentence imposed for offenses subject to a mandatory minimum sentence was near the statutorily required mandatory minimum with the exception of murder, possession of a firearm during a crime of violence, and unlawful possession of a firearm (felony prior conviction or prior crime of violence).

Ms. Souvey stated that the Research Committee has begun examining sentencing practices before and after Guidelines implementation. The pre-guideline sentencing data that was originally intended to complete this analysis was determined to be inadequate due to a number of issues related to determining sentence length and time served. Staff identified alternative data sets representing pre-guideline indeterminate and determinate sentences that will be used to analyze sentencing patterns from 1999 to 2002. The datasets include the sentence type (prison, split or probation) and the overall sentence length. The data will allow for a comparison of sentencing trends pre-and-post guidelines to identify any significant changes that may have occurred.

The descriptive analysis of the pre-and-post Guidelines data completed indicates that demographics regarding race and gender are very similar. However comparative analysis of the age of each defendant demonstrates some variation, which in part, is attributed to the fact that pre-guideline data includes age at sentencing and post-guideline data reports age at offense. A comparison of offenses across offense categories is also fairly consistent, with the most variation shown in the violent and “other offense” categories. Further in-depth analysis will be completed to determine if any of the differences indicated are statistically significant. Ms. Souvey commended Stephen Husk for assisting with the evaluation study.

V. Data Request Report – Informational Item, Barbara Tombs-Souvey

Data Request Report: Ms. Souvey briefly gave an overview of the Quarterly Data Request Summary, which is a summary of all data requests received and Completed by the Commission during the third quarter. The quarterly data request summary includes:

- Requestor’s Name
- Description of the Requested Data
- Date Tracking
- Staff Time to Complete the Request (In Hours)

Ms. Souvey commended Latoya Wesley and Matthew Graham for quickly compiling, validating and providing the data requested, some of which was very complex.

VI. Criminal Code Revision Project Issues- Informational Item, Richard Schmechel

- a) Status of Legislation
- b) Project Deliverables to the Commission

Criminal Code Revision Project Issues: Mr. Schmechel discussed the status of the new criminal code legislation and planned activities for the Criminal Code Revision