



District of Columbia Sentencing Commission

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Honorable Milton E. Lee, Chairman

Barbara Tombs-Souvey, Executive Director

February 7, 2020

Honorable Charles Allen, Chairman
Committee on Judiciary and Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Chairman Allen:

Respectfully provided below, please find the D.C. Sentencing Commission's responses to your Performance Oversight Hearing Questions of December 23, 2019.

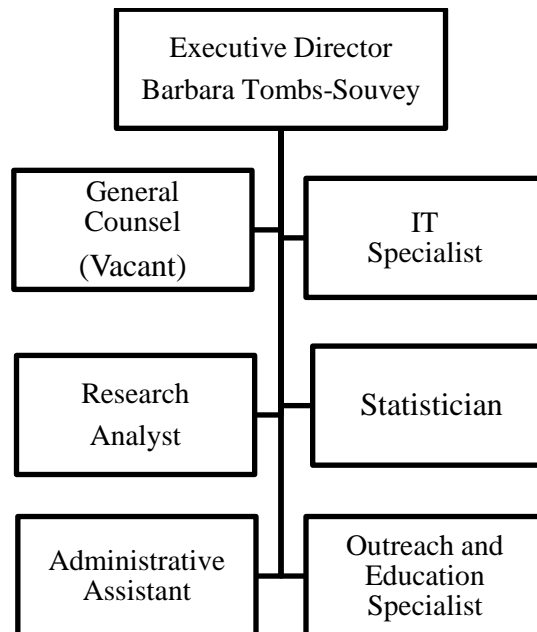
General Questions

1. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel, and note the date that the information was collected on the chart.

D.C. SENTENCING COMMISSION ORGANIZATIONAL CHART

February 1, 2020

Senior Personnel: Barbara Tombs-Souvey, Executive Director



- a. Please provide an explanation of the roles and responsibilities of each division and subdivision.

The D.C. Sentencing Commission is a single division agency, consisting of only the Sentencing Guideline Division. The Sentencing Guidelines Division oversees the development, monitoring, and application of the District's Voluntary Sentencing Guidelines, which apply to all felony sentences imposed by the D.C. Superior Court. Specific responsibilities include: (1) computing judicial compliance with the Guidelines; (2) collecting, analyzing, and reporting data related to sentencing trends and policy impact; (3) conducting sentencing policy related research; (4) responding to sentencing related data requests; and (5) providing assistance and training to judges and criminal justice professional regarding the use of the Guidelines.

- b. Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

In late FY19, the Commission discussed the need to expand its community outreach efforts in order to both educate and inform D.C. residents about sentencing practices and trends under the Guidelines. To ensure this initiative received the staffing required to be successful, the agency decided to reallocate the agency's current Data Manager position to an Outreach and Educational Specialist position, which will focus on developing and delivering community based activities.

In FY 20, the agency was given a new IT Specialist – Database Management, FTE position. This position will oversee the GRID, GSS, and MPD databases and assume the data management duties identified in the previous Data Manager position. This position will also assume some of the routine and ongoing data system maintenance that is currently being provided through contract services.

2. Please provide a current Schedule A for the agency which identifies each **position by program and activity, with the employee's title/position, salary, fringe benefits, and length of time with the agency.** Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please separate salary and fringe and indicate whether the position must be filled to comply with federal or local law.

Please see Attachment 1 for the agency's Schedule A.

No agency position is required to be filled by federal or local law.

3. Please list all employees detailed to or from your agency during FY19 and FY20, to date. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

The agency does not have any employees detailed to or from another agency.

4. Please provide the Committee with:

- a. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle collisions involving the agency's vehicles in FY19 and FY20, to date; and

The agency does not own, lease, or have assigned any vehicles during FY19 or FY20 to date.

- b. A list of travel expenses, arranged by employee for FY19 and FY20, to date, including the justification for travel.

Employee: Kara Dansky, General Counsel

Event	Date	Expenses	Description	Justification
National Association of Sentencing Commissions 2019 Conference (Alexandria, VA)	8/5/19 to 8/7/19	\$300	Conference Registration Fee	Discuss and increase knowledge regarding the legal issues and challenges of Sentencing Guidelines at the federal, state, and local level.

Employee: Mehmet Ergun, Statistician

Event	Date	Expenses	Description	Justification
National Association of Sentencing Commissions 2019 Conference (Alexandria, VA)	8/5/19 to 8/7/19	\$300	Conference Registration Fee	Learn about the different types of sentencing data analysis used by various states to assess the effectiveness of Sentencing Guidelines.

Employee: Taylor Tarnalicki, Research Analyst

Event	Date	Expenses	Description	Justification
National Association of Sentencing Commissions 2019 Conference (Alexandria, VA)	8/5/19 to 8/7/19	\$300	Conference Registration Fee	Acquire new ideas relating to the various research approaches that have been successful in analyzing sentence lengths, recidivism, and deterrence.
Total Agency Travel FY19 and FY20 To Date:		\$900.00		

5. Please list all memoranda of understanding (“MOU”) entered into by the agency during FY19 and FY20, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date.

Ongoing Agency MOU’s			
		Start Date	End Date
#1	Data Access IJIS 12.1 DC Superior Court	9/5/2006	No End Date
#2	Data Viewing Access via JUSTIS – DC Jail, USAO, Pre-Trial, MPD, CSOSA, and DC Superior Court	5/15/2012	No End Date
#3	Arrest Feed Data Access with MPD	10/26/2016	No End Date
#4	Amended Data Access MOU - CJCC	12/22/2016	No End Date
#5	BOP – DC Offender Yearly Snap Shot Data	3/12/2018	No End Date

6. Please list the ways, other than MOU, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY19 and FY20, to date.

The primary manner in which the agency collaborates and works with agencies from other jurisdictions, federal agencies and non-governmental agencies is through information and data sharing. The agency is often contacted by groups or individuals who have a sentencing policy concern or policy question which, when possible, the agency provides data to respond to the concern/question. For instance, if another jurisdiction is considering enacting a split sentence provision, the agency would provide a definition of split sentences in the District, along with the frequency of split sentences imposed for specific offenses. If a community group is concerned about an increase in a specific offense in their neighborhood, the agency may be contacted to provide sentencing trends for that offense. The agency tries to serve as an information resource to help agencies and organizations make sound data driven policy.

7. For FY19 and FY20, to date, please list all intra-District transfers to or from the agency, and include a narrative description of the purpose of each transfer.

FY 2019 List of Intra District Transfer – FZ0 as Buyer (Transfer to Other Agencies)					
Agency Name: DC Sentencing Commission (FZ0)					
Selling Agency	Project Code	Description	Amount	Start Date	End Date
OFRM	Various	Purchase/Travel Card – FZ0	\$32,335.00	10/1/2018	9/30/2019
T00	Various	Agency Shared IT Assessment - OCTO	\$43,675.66	10/1/2018	9/30/2019
T00	Various	Agency RTS, DC-Net, Data Services	\$ 288.00	10/21/2018	9/30/2019
Total			\$ 76,298.66		
FY 2020 to date Intra District Transfer – FZ0 as Buyer (Transfer to other agencies)					
Agency Name: DC Sentencing Commission (FZ0)					
Selling Agency	Project Code	Description	Amount	Start Date	End Date
OFRM	Various	Purchase/Travel Card – FZ0	\$28,550.00	10/1/2019	9/30/2020
T00	Various	Agency Shared IT Assessment - OCTO	\$41,875.66	10/1/2019	9/30/2020
T00	Various	Agency RTS, DC-Net, Data Services	\$ 344.78	10/21/2019	9/30/2020
Total			\$70,770.44		

The agency has received no intra-District transfers in either FY19 or FY20 to date.

8. For FY19 and FY20 to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:
- a. The revenue source name and code;
 - b. The source of funding;
 - c. A description of the program that generates the funds;
 - d. The amount of funds generated by each source or program;
 - e. Expenditures of funds, including the purpose of each expenditure;
 - f. Whether expenditures from the fund are regulated by statute or policy; and
 - g. The current fund balance.

The agency did not have any special purpose revenue funds maintained, used, or available for use in FY19 or FY20 to date.

9. For FY19 and FY20, to date, please list all purchase card spending by the agency, the employee making each expenditure, and the general purpose of each expenditure.

Agency FY2019 Agency P-Card Expenditures					
Cardholder	Purchase Purpose				Total Spent
Mia Hebb	Transportation/WMATA				\$ 4,446.60
Mia Hebb	Office Supplies/Serv				\$ 27,831.68
Mia Hebb	Printing				\$ 8,731.00
Mia Hebb	Westlaw				\$ 2,616.00
Cardholder	Purchase Purpose				
Kara Dansky	Travel				\$ 16.09
Kara Dansky	NASC Conference Fees				\$ 900.00
Sub Total					\$ 916.92
Cardholder	Purchase Purpose				
Taylor Tarnalicki	Postage				\$ 8.60
Taylor Tarnalicki	Office supplies				\$ 11.70
Sub Total					\$ 20.30
Agency Total Expenditures for FY 2019					\$44,607.50

Agency FY2020 P-Card Expenditure: To date (January 15, 2020)					
Cardholder	Purchase Purpose				Total Spent
Mia Hebb	Transportation/WMATA				\$ 942.65
Mia Hebb	Office Supplies/Serv				\$ 2,208.00
Mia Hebb	Printing				\$ 1,612.00
Mia Hebb	Recruitment				\$ 473.10
Agency Total Spent for FY 2020 to date					\$ 5,235.75

10. Please list all capital projects in the financial plan for the agency or under the agency's purview in FY19 and FY20, to date, and provide an update on each project, including the amount budgeted, actual dollars spent, and any remaining balances. In addition, please provide:
- a. An update on all capital projects begun, in progress, or concluded in FY18, FY19, and FY20, to date, including the amount budgeted, actual dollars spent, and any remaining balances;

Distribution of Capital Funds					
Fiscal Year	Project Name	Project Start Date	Project Budget	Project Expenditures	Balance to Date
FY 18	N/A	N/A	N/A	N/A	N/A
FY 19	N/A	N/A	N/A	N/A	N/A
FY 20	MPD Arrest Data Feed Enhancement Project – FZ00389C	10/1/2019	\$ 765,254	\$672,689.04	\$92,564.96

- b. An update on all capital projects begun, in progress, or concluded in FY18, FY19, and FY20, to date, including the amount budgeted, actual dollars spent, and any remaining balances;

At the beginning of FY20, the agency completed the contract procurement process through OCP and awarded a Firm Fixed Price Contract in the amount of \$480,315.04 to Mindcubed, LLC on November 18, 2019 to develop and implement the MPD Arrest Data Feed Enhancement Project. A contract was initiated through OCTO's Pipeline program for the services of a Senior Master Project Director for 1,300 hours at \$147.98 per hour for a total contract price of \$192,374. Project funds expended to date total \$672,689.04 – leaving a project balance of \$92,564.96 to cover additional information technology related needs or unintended system development issues.

- c. An update on all capital projects planned for the four-year financial plan;

The MPD Arrest Data Feed Enhancement Project is a one year capital funded project with a projected completion date of November 17, 2020.

- d. A description of whether the capital projects begun, in progress, or concluded in FY18, FY19, and FY20, to date, had an impact on the operating budget of the agency. If so, please provide an accounting of such impact; and

The MPD Arrest Data Feed Enhancement Project will have an impact on the agency's ongoing operating budget due to an increase in the yearly Operations and Maintenance Contract for the GRID system and the agency's yearly OCTO assessment fee.

The industry standard for projecting operations and maintenance costs of a new system build is typically 15% to 20% of the build cost. For the MPD Arrest Data Feed, the build cost is \$480,315.04. Sixteen percent of the build cost would result in a yearly O&M increase of approximately \$76,850. In addition, as the Arrest Data Feed project progresses; the agency will need to increase server capacity, storage space, and back up services provided by OCTO given the increase in the volume of data that will be processed. To date, the development of the system has not progressed enough to be able to identify the specific amount of increase will be required though it is estimated to result in a \$15,000 - \$20,000 increase in the agency's current OCTO FY21 yearly assessment of \$ 41,875.

- e. A description and the fund balance for each existing allotment in each capital project under the agency's purview.

The agency has only the single capital budget allotment described above.

11. Please provide a list of all budget enhancement requests (including capital improvement needs) for FY19 and FY20, to date. For each, include a description of the need and the amount of funding requested.

FY 2019 Budget Enhancement Requests		
Request	Description	Amount
Restructuring of Guidelines/Criminal History	Reprinting of material, modifications to GRID system, and training	\$71,500
FY 2019 Total		\$71,500
FY 2020 Budget Enhancement Requests		
FTE - IT Specialist	To assume expanded database tasks and control O&M costs	Salary and Benefits - \$108,027
MPD Arrest Data Feed Enhancement Project (Capital)	To integrate MPD arrest date into the GRID system to develop complete offender/case record	\$765,254
Increase in Non-Personnel Operating Costs	For increased printing, copying, and other operational related costs	\$35,000
FY 2020 Total		\$908,281

12. Please list, in chronological order, each reprogramming in FY19 and FY20, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, or within the agency. Include known, anticipated reprogramming, as well as the revised, final budget for your agency after the reprogramming. For each reprogramming, list the date, amount, rationale, and reprogramming number.

The agency did not initiate any reprogramming in FY19 or FY20 to date.

13. Please list each grant or sub-grant **received by** your agency in FY19 and FY20, to date. List the date, amount, source, purpose of the grant or sub-grant received, and amount expended.

The agency did not receive any grants for sub-grants in FY19 or FY20 to date.

(a) How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans, if any, are in place to continue funding the FTEs?

The agency does not have any FTEs that are dependent on grant funding.

14. Please list each grant or sub-grant **granted by** your agency in FY19 and FY20, to date. List the date, amount, source, and purpose of the grant or sub-grant granted.

The agency did provide any grants or sub-grants in FY19 or FY20.

15. Please list each contract, procurement, and lease, entered into or extended and option years exercised by your agency during FY19 and FY20, to date. For each contract, procurement, or lease, please provide the following information, where applicable:
- The name of the party;
 - The nature of the contract, procurement, or lease, including the end product or service;
 - The dollar amount of the contract, procurement, or lease, including amount budgeted and amount actually spent;
 - The term of the contract, procurement, or lease;
 - Whether it was competitively bid;
 - The name of the agency's contract monitor(s) and the results of any monitoring activity; and
 - The funding source.

DC Sentencing Commission - Contracts and Leases FY19 and FY20 To Date								
FY 2019 Contracts and Leases								
Vendor	Product/ Service	Amount Budgeted	Amount Spent	FY	Term of Contract	Competitively Bid?	Contract Monitor/ Any Issues	Funding Source
BCS*	Data System Maintenance Remainder Option Year 5	\$47,223	\$47,223	19	10/1/18 to 12/20/18	Underlying Contract Competitively Bid	Barb Tombs- Souvey/ No Issues	Local Funds
MVS, Inc.	Copy Machine Lease and Usage	\$5,837	\$5,837	19	11/ 20/18 to 11/19/19	DC Supply Schedule	Barb Tombs- Souvey/ No Issues	Local Funds
CAI Pipeline	Contract Program Manager Master for MPD Arrest Feed Data Project	29,489	29,489	19	1/16/19 to 9/30/19	DC City Wide Contract	Barb Tombs- Souvey/ No Issues	Local Funds
Mindcubed	Data System O&M (FY 19 Base Year)	\$208,568	\$208,568	19	12/21/18 to 9/30/19	Sole Source	Barb Tombs- Souvey/ No Issues	Local Funds
FY 2020 Contracts and Leases – To date								
Mindcubed	Data System Maintenance (FY 20 Remainder Base Year)	\$69,523	\$69,523	20	10/1/19 to 12/20/19	Sole Source	Barb Tombs- Souvey/ No Issues to Date	Local Funds
MVS	Copy Machine Lease and Usage	\$5,837	\$5,837	20	11/20/19 to 11/19/20	DC Supply Schedule	Barb Tombs- Souvey/ No Issues to Date	Local Funds

CAI Pipeline	Contract Program Manager Master for MPD Arrest Data Feed Enhancement Project Development	\$192,374	\$192,374	20	10/1/19 to 11/17/20	DC City Wide Contract	Barb Tombs-Souvey/ No Issues to Date	Capital Funds
Mindcubed LLC.	Data System Maintenance – Option Year 1	\$208,568	\$208,568	20	12/21/19 to 9/30/20	Exempt from Competitive Bid	Barb Tombs-Souvey/ No Issues to Date	Local Funds
Mindcubed, LLC	MPD Arrest Data Feed Enhancement	\$480,315	\$480,315	20	11/18/19 To 11/17/20	Sole Source	Barb Tombs-Souvey/No Issues to Date	Capital Funds

16. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to significant financial liability or will result in a change in agency practices, and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.

The agency is not named as a party in any pending lawsuits.

17. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY19 or FY20, to date, and provide the parties' names, the date the settlement was entered into, the amount of the settlement, and if related to litigation, the case name, docket number, and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, excessive use of force, etc.).

The agency has not been involved in any settlements in FY 19 or FY 20 to date.

18. Please list the administrative complaints or grievances that the agency received in FY19 and FY20, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY19 or FY20, to date, describe the resolution.

The agency has not had any administrative complaints or grievances filed or resolved in FY19 or FY20 to date.

19. Please describe the agency's procedures for investigating allegations of sexual harassment, sexual misconduct, or discrimination committed by or against agency employees. List and describe any allegations relating to the agency or its

employees in FY19 and FY20, to date, and whether and how those allegations were resolved (e.g. a specific disciplinary action, such as re-training, employee transfer, suspension, or termination).

The Sentencing Commission has not been the subject of any investigation into allegations of sexual harassment, sexual misconduct, or discrimination. If it were to become the subject of such an investigation, the Commission would follow the policies and procedures outlined by the D.C. Office of Human Rights (<https://ohr.dc.gov/publication/dc-sexual-harassment-policy>) and the procedures set forth in the Mayor's 2017-313 Order on Sexual Harassment and employees are protected under the Human Rights Act of 1977. Agency employees are required to complete mandatory training and are kept informed on their rights, responsibilities, and available resources by the agency's General Counsel.

- a. Please also identify whether the agency became aware of any similar matters in FY19 or FY20, to date, through means other than an allegation, and if so, how the matter was resolved (e.g. sexual harassment was reported to the agency, but not by the victim).

The agency did not become aware of any similar matters or incidents in FY19 or FY20 to date.

20. Please provide the Committee with a list of the total workers' compensation payments paid by the agency or on the agency's behalf in FY19 and FY20, to date, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.

The agency has had no workers' compensation claims or payment in FY19 or FY20 to date.

21. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during FY19 and FY20, to date.

Neither the agency nor any employee of the agency is involved in any ongoing or completed investigations, audits, or reports during FY19 or FY20 to date.

22. Please describe any spending pressures the agency experienced in FY19 and any anticipated spending pressures for the remainder of FY20. Include a description of the pressure and the estimated amount. If the spending pressure was in FY19, describe how it was resolved, and if the spending pressure is in FY20, describe any proposed solutions.

The agency did not experience any spending pressures in FY 2019. There is a potential for spending pressure in FY 2020 due to any unanticipated costs associated with the MPD Arrest Data Enhancement Project. The agency chose to partition its current server to allow for production and development on the same server rather than incur the costs of an

additional server. It is believed that this partitioning will not impact GRID's current operations and analysis capabilities. It is not known at this time whether using a single server for both production and development may result in a decrease in GRID processing time. If this does occur and the decrease is significant, the agency may have to reconsider investing in a separate sequel server to complete the MPD Arrest Data Enhancement Project at an estimated cost of about \$14,000. At the current time there is sufficient capital funding to cover this cost.

23. Please provide a copy of the agency's FY19 performance plan. Please explain which performance plan objectives were completed in FY19, and whether they were completed on time and within budget. If they were not, please provide an explanation.

Please see Attachment 2 for a copy of the agency's FY19 Performance Plan.

In FY 2019, the agency successfully met all its stated objectives and initiatives including:

- Enact two modifications to Sentencing Guidelines related to criminal history score calculation or application of the Guidelines. The Commission re-ranked the offenses of Felon in Possession and Felon in Possession Prior Crime of Violence.
- Provide public access to sentencing data. A yearly data set with all PII removed is available on the agency's website for the public, researchers or policy makers to access and use for analysis purposes.
- Three new sets of FAQs were developed and placed on the agency's website including: (1) Sentencing Commission FAQs, (2) Sentencing Commission Data FAQs, and Voluntary Sentencing Guidelines FAQs.
- Identify and analyze the impact that 11(C)(1)(c) pleas have on compliance rates. The agency tracked the total number of compliant sentences resulting from 11(C)(1)(c) pleas and whether those pleas resulted in sentences outside the recommended Guideline sentence type/range.

24. Please provide a copy of your agency's FY20 performance plan as submitted to the Office of the City Administrator.

Please see Attachment 3 for a copy of the agency's FY20 Performance Plan

25. Please describe any regulations promulgated by the agency in FY19 or FY20, to date, and the status of each.

The agency did not promulgate any regulations in FY19 or FY20 to date.

26. Please provide the number of FOIA requests for FY19 and FY20, to date, that were submitted to your agency. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.

The agency did not receive any FOIA requests in FY19 or FY20 to date.

27. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or contracted for during FY19 and FY20, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee if the study, research paper, report, or analysis is complete.
- a. 2018 Sentencing Commission Annual Report – Completed. Provides an overview of felony sentencing trends and practices under the Sentencing Guidelines in 2018.
 - b. 2019 Sentencing Commission Annual Report – In progress. The report will be completed in April 2020. Provides an overview of felony sentencing trends and practices under the Sentencing Guidelines in 2019.
 - c. Issue Paper – Compliant in the Box Sentences – Completed. The Issue Paper provides an explanation and examples of compliant in the box sentences under the Guidelines and presented data on compliance rates for this type of sentence.
 - d. Issue Paper – Long Split Sentences - Completed. The paper describes what constitutes a long split sentence and what is required for a long split sentence to be considered compliant.
 - e. Issue Paper – What is a Compliant Guideline Sentence – In Progress. This paper will explain what constitutes a compliant Guidelines sentence and the various types of compliance recognized under the Guidelines.
 - f. Fast Facts – Homicide – Completed. This document provides an overview of the frequency and sentences imposed for the various type of homicide in the District.
 - g. Fast Facts – AWIK – Completed. This document examines the frequency and length of sentences imposed for Assault with Intent to Kill in the District.
 - h. Fast Facts – Adult Sex Offenses – Completed. Sentencing information is provided on the types, frequency, and offender relationship for adult sex offense sentences imposed in the District.
 - i. Fast Facts – Four Part Series on Robbery – In Progress. This series of Fast Fact sheets will examine attempted robbery, robbery, armed robbery offenses individually and the final issue paper will provide a comparative analysis of the three types of robbery which will be completed in the first quarter of FY21.
 - j. 11(C)1(c) Plea Quarterly Report – FY2019 – Completed. Analysis of the impact of 11(C)1(c) Pleas on Guideline compliance.

Copies of completed reports and analysis can be found in Attachment 5

28. Please list in descending order the top 25 overtime earners in your agency in FY19 and FY20, to date, if applicable. For each, state the employee's name, position

number, position title, program, activity, salary, fringe, and the aggregate amount of overtime pay earned. Please describe the process the agency uses to determine which employees are granted overtime.

No employee of the agency has received overtime in either FY19 or FY20 to date.

29. For FY19 and FY20, to date, please provide a list of employee bonuses or special pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

In FY 2019, no employees received bonuses or special pay. In FY 2020, the following employees received a one-time bonus for exemplary work on assigned projects:

FY 2020 One Time Employee Bonuses			
Employee	Position	Amount	Reason
Mehmet Ergun	Statistician	\$1,500	Automated Annual Portions of Annual Report
Taylor Tarnalicki	Research Analyst	\$1,000	Responded to an 61% increase in Data Requests
Miatta Sesay	Outreach Specialist	\$ 500	Assumed the Outreach Initiative
Mia Hebb	Staff Assistance	\$ 500	Assumed Responsibility for processing Sealed Cases
Total Agency Amount		\$3,000	

30. For FY19 and FY20, to date, please list each employee separated from the agency with separation pay. State the amount and number of weeks of pay. Also, for each, state the reason for the separation.

No employee received separation pay from the agency in FY19 or FY20 to date.

31. Please provide the name of each employee who was or is on administrative leave in FY19 and FY20, to date. In addition, for each employee identified, please provide: (1) their position; (2) a brief description of the reason they were placed on leave; (3) the dates they were/are on administrative leave; (4) whether the leave was/is paid or unpaid; and (5) their current status.

No employee was placed on administrative leave in FY19 or FY20 to date.

32. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement. Please note if the agency is currently in bargaining and its anticipated completion.

The agency is not subject to any collective bargaining agreement. All agency employees are classified as non-union Excepted Service employees.

33. If there are any boards, commissions, or task forces associated with your agency, please provide a chart listing the names, number of years served, agency affiliation, and attendance of each member. Include any vacancies. Please also attach agendas and minutes of each board, commission, or task force meeting in FY19 or FY20, to date, if minutes were prepared. Please inform the Committee if the board, commission, or task force did not convene during any month.

Commission Member	Agency Affiliation	# Years' Service	Meeting Attendance FY 19	Meeting Attendance FY 20*
Hon. Milton C. Lee (Chairperson)	DC Superior Court	2 years	100%	100%
Hon. Danya Dayson	DC Superior Court	2 years	100%	50%
Hon. Juliet McKenna**	DC Superior Court	0 Years	0%	100%
Hon. Frederick Weisberg***	DC Superior Court	20+ Years	75%	67%
Katerina Semyonova, Esq.	Public Defenders Service	3 years	100%	100%
Cedric Hendricks	Court Services and Offender Supervision	10 Years	75%	67%
Renata Cooper, Esq.	United States Attorney's Office	7.5 Years	87.5%	33%
Dave Rosenthal, Esq.	DC Attorney General	16 Years	75%	100%
William R. Martin, Esq.	Defense Attorney	5.5 Years	25%	33%
Frederick D. Cooke, Jr. Esq.	Private Attorney	2 Years	50%	33%
Julie Samuels	Researcher	9 Years	100%	67%
Molly Gill, Esq.	Citizen Member	7 Years	75%	67%
Marvin Turner	Community Representative	7 Years	87.5%	33%
Maria Amato, Esq.***	DC Department of Corrections	11+ Years	0%	0%
Eric Glover, Esq.**	DC Department of Corrections	0 Years	N/A	N/A
Robert Conti	DC Metropolitan Police Department	2 Years	75%	67%
Stephen Husk	US Parole Commission	8 Years	37.5%	67%
Judi Simon Garrett, Esq.***	Federal Bureau of Prisons	6.5 Years	37.5%	100%
Sonya D, Thompson**	Federal Bureau of Prisons	0	N/A	NA
Hon. Charles Allen	DC Council – Chairman of Committee on Judiciary	3 Years	50%	76%

**New Member as of January 2020

***Left Commission in January 2020

- (a) The DC Sentencing Commission has no member vacancies at this time.

(b) The Sentencing Commission held eight meetings in FY19 and three meeting to date in FY20. The Commission did not meet during November, January, July and August of FY19. In FY20 to date, the Commission did not meet in December 2019.

(c) Meeting agenda and minutes are included in Attachment 4.

34. Please list all reports or reporting currently required of the agency in the District of Columbia Code or Municipal Regulations. Provide a description of whether the agency is in compliance with these requirements, and if not, why not (e.g. the purpose behind the requirement is moot, etc.).

The Sentencing Commission is in compliance with the reporting requirements listed below:

- (a) Required by Statute:
D.C. Sentencing Commission Annual Report
D.C. Voluntary Sentencing Guideline Manual

35. Please provide a list of any additional training or continuing education opportunities made available to agency employees. For each additional training or continuing education program, please provide the subject of the training, the names of the trainers, and the number of agency employees that were trained.

Employees are encouraged to take full advantage of both technical and professional trainings offered by DCHR or through Skill Port to improve their skill sets. To date employees have taken classes in Project Management, Time Management, PASS, Effective Statements of Work, Excel, Visio, Strategic Thinking, and Multi-Generational Work Places.

In addition, sentencing related training is made available through participation in the National Association of Sentencing Commissions annual meeting and various Bureau of Justice Assistance and/or Bureau of Justice Statistic trainings held locally by our federal partners. The agency also utilizes trainings through [Data Camp](#), an online learning platform that offers interactive courses, practice modules, and educational projects in Python, R, and SQL in order for staff to acquire and maintain data fluency and for companies to make better use of data. Trainings have focused on Intermediate SQL Server, building web applications in R with Shiny and visualization best practices in R.

In February 2020, the agency will begin a financial education series for employees provided by The Foundation for Financial Education, a 501(C)(3) Nonprofit Organization, at no cost to the agency. The series will examine topics such as financial fitness, planning for retirement, financial pitfalls, and social security 101. These seminars will give employees the skills required to be financially sound in life.

36. Please describe any initiatives that the agency implemented in FY19 or FY20 to date, to improve the internal operations of the agency or the interaction of the agency with outside parties. Please describe the results, or expected results, of each initiative.

The agency implemented several new initiatives in the past two fiscal years to improve efficiencies and collaboration with outside parties. A brief description of those initiatives is provided below:

- a. In FY19, the agency has developed a standardized list of 28 Data Quality Assurance (DQA) queries to improve the quality of sentencing data used for analysis purposes. These standardized queries are used for every data set or analysis undertaken by the Commission and identify key data quality issues that need to be addressed, such as sentence date before date of birth, sentence type is null, or age at offense is less than 15 years of age etc. By identifying and addressing data quality issues, the Commission ensures that its analysis and research results are accurate and valid.
- b. Automated database queries to calculate KPIs and Work Load Measures that are included in the agency's annual Performance Plan were implemented in the first quarter of FY19. These figures are calculated quarterly and reported through Quickbase. By automating the queries necessary to calculate these figures, (1) the agency reduces staff time required for this task, (2) ensures the reliability of the results/figures, and (3) ensures that data is reported in a timely manner.
- c. In FY20, the agency developed a Quarterly Data Quality Assurance (DQA) Report that tracks the type, frequency, owner agency, and resolution time for data quality issues discovered in the GRID system. This report will allow the agency to identify re-occurring data quality issues and collaborate with the owner agency to correct the data in a timely manner to ensure analyses completed by the Commission are accurate.

37. What are the agency's top five priorities? Please explain how the agency expects to address these priorities in FY20. How did the agency address its top priorities listed for this question last year?

A. The agency has identified the following top five priorities for FY20:

1. Complete the development and implementation of the MPD Arrest Data Feed.

The agency entered into a 12 month firm fixed price contract with Mindcubed, LLC on November 18, 2019 to develop and implement the MPD arrest data interface that will allow for the XML transfer of arrest data into the agency's current GRID system. Arrest data will then be integrated with court and offender criminal history data, which is currently available within the GRID system. This enhancement will allow the Commission to capture, track, and analyze the life-cycle of a felony case, from the time of arrest, through indictment, court phase, disposition and sentencing.

Once the development of the XML interface for the arrest data is completed, the integration of arrest data into the GRID system will require substantial modifications to current system databases, systemic data processing algorithms, analytical data queries, screen displays, and reporting capabilities. The felony arrest data feed will provide

information for arrests resulting in felony charges that are filed in DC Superior Court. In addition, data on arrests which are resolved without being filed with DC Superior Court, such as fine and forfeiture or charges that are no papered or dismissed will be included.

The project development and integration schedule includes has three major releases:

- (1) **Release One** includes arrest data capture, database and system design and testing to be completed by February 27, 2020;
- (2) **Release Two** includes development and testing of enhanced GRID design, data query, and user interfaces to be completed by May 7, 2020; and
- (3) **Release Three** which includes completion of the GRID integration with system and integration testing will be completed by August 9, 2020.

Final user testing which will include testing of typical data queries, business rules verification, final user acceptance testing, system pre-production and go-live testing with a targeted “Go Live” date of November 3, 2020, which will allow for post go-live performance monitoring until the end of the contract on November 17, 2020.

2. Review sentencing polices and patterns for Title 16 offenses.

The Commission has undertaken a review of sentencing trends for juveniles convicted of Title 16 offenses. Title 16 statutory provisions apply to juveniles 15 to 18 years of age who are convicted and sentenced in adult court for specific charged offenses including: murder, first degree sexual abuse, burglary in the first degree, robbery while armed, or assault with intent to commit any such offense, and any other offense properly joinable with such an offense or traffic offense. It should be noted that the District does not have any 15 year olds sentenced under Title 16.

The Commission is interested in reviewing Title 16 sentencing patterns by age, sentence type, sentence year, specific offense, and criminal history classification to analyze whether any special Guideline Sentencing provisions should be enacted for this specific population. In addition, Title 16 sentences will be compared to sentences imposed for the same offenses committed by youthful offenders (YRA) and adult offenders to determine if there is any unwarranted disparity or inconsistency in sentences imposed for Title 16 offenders. The Commission believes this is an important issue to examine given that fairness, consistency, and adequacy of punishments are identified as the objectives of the Guidelines. Once the analysis is completed and findings are available for review, the Commission will discuss any appropriate action necessary.

3. Identify and review additional offenses that may be subject to “double counting” provisions.

The Commission spent a considerable amount of time reviewing data and discussing the various aspects of good sentencing policy before arriving at the decision to re-rank the offenses of Felon in Possession and Felon in Possession-Prior Crime of Violence. The primary underlying principle on which the Commission based its decision was one of equity and fairness given that an individual’s prior criminal conviction was counting twice

for these specific offenses – once to increase the Offense Severity Group of the offense and then a second time to increase the individual’s criminal history score. Given that this situation only applied to specific offenses, there was an equity issue the Commission believed needed to be addressed.

After review, the Commission has identified additional offenses in which the elevation from a misdemeanor to a felony offense involves a similar double counting and equity issue. In FY 2020, the Commission will examine these offenses and analyze sentencing trends to determine if a modification to the Guidelines is warranted.

4. Develop and implement a comprehensive multi-year Sentencing Guideline outreach and educational strategy.

In the FY19, the Commission undertook a limited number of Sentencing Guidelines public awareness and educational activities for at-risk youth in the District. These pilot presentations provided an opportunity for the agency to identify specific issues, areas of interests, and challenges associated with undertaking a public awareness initiative. Specifically, to be effective, the approach needs to be multi-dimensional in order to successfully convey various topics to different types of audiences.

From this experience, the Commission decided that it was necessary to develop a comprehensive multi-year outreach and educational strategy that contained clearly defined goals and objectives, identified specific activities, incorporated various delivery mechanisms, and included a timeline for implementation. The Commission reviewed and discussed several versions of the plan and adopted a final strategy in December 2019, which focused on developing an educational outreach curriculum, improving upward and downward communication, and undertaking outreach activities that focus sharing the work of the Commission.

For the remainder of FY20, the Commission will concentrate on a developing social media campaign, providing educational presentations in Ward 7 or 8, and designing educational material focused on sentencing trends in the District.

5. Develop a four part series Fast Facts related to Robbery Offenses.

In FY19, the Commission piloted its Fast Facts as a public education initiative focused on providing the DC residents with a quick and easy-to-read overview of sentencing related information for a single felony offense. Fast Facts is a one page document that presents sentencing trends, offender related information and other pertinent offense related information using a combination of graphics, charts, and accompanying text. The initial response to the Fast Facts has been very positive.

In FY20, the Commission will develop its first Fast Facts Series focused on robbery offenses. The series will highlight four individual Fast Facts sheets – one each for Attempted Robbery, Robbery, Armed Robbery offenses, and one Fast Facts that will provide a comparison all three of the robbery offenses. Given that robbery is one of the most frequently sentenced felony offenses sentenced in the District, this series will provide the public a very solid overview of the frequency and sentences imposed for the various types of robbery.

B. Status of FY 2019 Top Five Priorities

1. Review the manner in which criminal history is calculated and identify potential modifications.

In addition to the “double counting” issue related to criminal history scores, the Commission has continued discussions regarding a number of issues related to the manner in which criminal history scores are currently calculated under the Guidelines, including look back periods and lapse and revival procedures. Given that these are very complex issues, the Commission is still exploring options and carefully considering both the intended and unintended impact of any potential policy changes.

2. Development of the MPD Arrest Data Enhancement Feed.

The agency was able to secure the funding necessary to move forward with this capital project in FY 2020. A contract for the development and implementation of the Arrest Data Enhancement Feed was signed on November 18, 2019, with a projected completion date of November 17, 2020. To date, the project is on schedule with the completion of the XML interface required to receive and store MPD arrest data. As of January 10, 2020, the agency began receiving and storing arrest data from MPD and is beginning to develop the architecture required to integrate the MPD data into the GRID system.

3. Develop and implement a comprehensive Sentencing Guideline Training Strategy.

After completing the pilot public outreach presentations, it became very apparent that in order to increase awareness and understanding of the Guideline that the Commission would need to adopt a multi-prong approach to outreach activities that included printed material, public presentations, and social media to successfully reach all District residents. In November 2019, the Commission adopted a comprehensive multi-year Outreach and Education Strategy that contains clearly defined goals and objectives, a three year project timeline, and deliverables.

4. Establish Fast Fact sheets for felony offenses.

The Commission discussed the benefits and challenges associated with developing and distributing Fast Fact sheets, given the need for clear concise data findings to be presented in a single page format with the general public identified as the target audience. The Commission agreed that a publication of this nature could help to provide residents with factual information regarding sentencing trends for specific offenses. The first Fast Facts targeted Homicide offenses; the second focused on Assault with Intent to Kill (AWIK). The most recent Fast Facts examined adult Sex offenses. There has been a positive reaction to the Fast Facts sheets and the

Commission intends to continue releasing a different Fast Fact sheet each quarter of FY 20.

5. Design and produce a Sentencing Guideline “Issue Paper”.

Issue Papers are designed to help practitioners and the public understand some of the more complex and confusing aspects of the Guidelines. In a two to three page document a specific Guideline issue, such as compliance or split sentences, is described and sentencing data related to the issue provided. Issue papers are intended to increase an overall understanding of the purpose and functions of the Guidelines. To date two Issue Papers have been released and feedback has been positive.

38. Please list each new program implemented by the agency during FY19 and FY20, to date. For each initiative, please provide:

1. Develop a Comprehensive Sentencing Guideline Training Strategy

In FY 2019, the agency initiated the implementation of a comprehensive Sentencing Guideline training strategy that focuses on both training availability and content. This new program was developed in direct response to a recommendation contained in the Sentencing Guideline Focus Group Report. The new training program builds on the agency’s previous training materials by adding more in-person training opportunities, along with interactive activities including case scenarios, practice calculations, and quizzes. One of the goals of the new training strategy is to ensure all users are trained in a similar manner to lessen the likelihood of errors and the need for double checking and/or corrective action. Individuals can now access training schedules and enroll in training online through the agency’s webpage.

The new training curriculum includes: (1) overview sessions (for individuals who are new to the Guidelines), (2) topic-specific sessions (which focus on specific aspects of the Guidelines that can occasionally be difficult to implement), (3) refresher courses (for individuals who may be familiar with the Guidelines and want a brief overview of how the Guidelines operate), and (4) agency-specific courses (where the training focuses on the specific needs or interest of a single agency).

(a) The funding required to implement to the initiative; and

No additional funding was required to implement this initiative.

(b) Any documented results of the initiative.

This initiative has been operational for approximately a year now, and the number of individuals attending targeted trainings has increased steadily over the year. In addition access to the online trainings has provided immediate access to information related to more complicate or confusing Guideline topics such as lapse and revival or long split sentences. There has been a slight decrease (2.3%) in the number of Guideline questions received by the agency related to criminal history score calculations during the past fiscal year. It is hopeful that through information provided

at the various trainings that there will be an increase in the consistent application of the Guidelines by various criminal justice agencies.

2. Comprehensive Outreach and Sentencing Guideline Education Program

In FY20, the agency adopted a strategic outreach and education strategy that will focus on public education regarding the purpose and function of the District's Voluntary Sentencing Guidelines. The goal is help citizens understand the sentencing trends in their neighborhood and what factors are taken into consideration in determining the recommended Guideline sentence. The agency intends to use various outreach tools including social media, printed materials, and presentations to ensure all residents will have access to the information, especially in Wards 7 and 8 where criminal activity is the highest. This program will also provide the Commission the opportunity to have direct feedback and input from the public as to their greatest areas of concern. This program will allow for two way dialogue with citizens who are faced with real life public safety issues and situations.

(a) The funding required to implement to the initiative; and

The additional funding required to implement this initiative is limited to printing costs and equipment costs related to delivering presentations – estimated to be between \$7,000 and \$10,000.

(b) Any documented results of the initiative.

This initiative just began in January 2020 and there has not been sufficient time elapsed to document any results.

39. How does the agency measure programmatic success? Please discuss any changes to outcomes measurement in FY19 and FY20, to date.

The agency utilizes three primary measures to determine programmatic success. The first measure focuses on whether the participants have increased their understanding or knowledge about the Sentencing Guidelines. Whether the delivery of information is through trainings, presentations, or webpage postings, the intent is to increase an individual's understanding of the purpose of the Guidelines and how they impact felony sentencing in the District.

The second measure is compliance rates with the Guidelines. Compliance rates demonstrate the degree to which the recommend Guidelines sentence is viewed by the court and practitioners as a just and appropriate sentence. Given that the Guidelines in the District are voluntary, imposition of the recommended sentence is not mandated. However, the high compliance rate of approximately 98% over the past few years is a strong indicator of their acceptance by both the court and practitioners. The Guidelines allow for discretion in cases where it is warranted while providing for consistency in sentencing.

The final measure of programmatic success is the ability to be responsive to our criminal justice partners and the public at large. The Commission has developed an extensive

amount of sentencing data over the past five to ten years. It now has the capability to examine sentencing data and trends prior to enacting sentencing policy changes. This allows the Commission to use data to inform the public of realities versus speculation on sentencing activities in the District, and to address inaccurate information when necessary. The ability to be able to respond to inquiries in a timely and accurate manner is one of the Commission's most valuable measures of success.

40. What are the top metrics and KPIs regularly used by the agency to evaluate its operations? Please be specific about which data points are monitored by the agency.

The agency utilizes the following data points to evaluate its operations:

- a. Number of felony cases, counts, and offenders sentenced
- b. Percentage of Guideline compliant sentences imposed
- c. Percentage of Guideline compliant "in-the-box" sentences imposed
- d. Percentage of Compliant Departures
- e. Percentage of "in-the-box" 11(c)(1)(c) Pleas
- f. Percentage of effective Guideline Trainings
- g. Number of Guideline Questions answered within 24 hours
- h. Percentage of GRID/GSS tickets resolved within 14 days
- i. Percentage of responses to data requests provided within 20 days
- j. Number of agency website updates completed
- k. Number of agency website hits

41. Please identify whether, and if so, in what way, the agency engaged The Lab @ DC in FY19 or FY20, to date.

The agency has not engaged with The Lab @ DC in either FY 19 or FY 20 to date.

42. Please list the task forces and organizations of which the agency is a member.

- | | | |
|----|-------|--|
| a. | NASC | National Association of Sentencing Commissions |
| b. | NAJIS | National Association for Justice Information Systems |
| c. | IWG | Inter-agency Information Work Group |
| d. | ITAC | Information Technology Advisory Committee |
| e. | ISW | Inter-agency Security Work Group |
| f. | IDQ | Inter-agency Data Quality Work Group |
| g. | MPD | Gun STAT |
| h. | OCTO | Data Science Work Group |
| i. | OCTO | Interagency Data Team |
| j. | OCTO | Information Security Officer Team |
| k. | SES | Sealings, Expungements and Set Asides Working Group |

43. Please explain the impact on your agency of any legislation passed at the federal level during FY19 and FY20, to date, which significantly affected agency operations.

There was no legislation passed at the federal level during FY19 or FY20 to date that has significantly affected the agency's operations.

44. Please describe any steps the agency took in FY19 and FY20, to date, to improve the transparency of agency operations, including any website upgrades or major revisions.

The agency took the following steps in FY19 to improve the transparency of the agency's operations. There were a total of 34 website updates in FY 19, which included complete data sets, data graphs and charts, Guideline related updates including a specific revised Guideline FAQ section, online registration for Guideline training, as well as Guideline revision notifications. These new updates and modifications resulted in 19,451 website hits in FY19, a 34% increase over the number of agency website hits in FY17. In FY20, the agency plans to continue to expand its website to include additional information such as Fast Facts, Issue Papers, and a Newsletter, with the goal of ensuring sentencing related information is easily accessible to any interested party in the District.

45. Please identify all electronic databases maintained by your agency, including the following:

- (a) A detailed description of the information tracked within each system;

The GRID System is an independent web-based application platform, with an electronic database system backend. It enables the Commission to capture sentencing information, analyze Guidelines compliance, and perform numerous types of data analysis. Its core capabilities include: receiving and processing information storing, displaying, and exporting data; calculating compliance; and performing analytics/analysis. It utilizes data from three sources: the Superior Court, CSOSA, and individual judges.

The Superior Court provides the Commission with all offense, conviction, and sentencing-related data. This data is transmitted from the Superior Court to the Commission electronically through the CJCC's Integrated Justice Information System Outbound Data Feed (IJIS 12.1). CSOSA officers directly input offender criminal history and demographic information into the GRID system via the GRID Scoring System (GSS) module. Finally, individual judges provide specific case information in response to Commission staff inquiries regarding perceived non-compliant departures from the Guidelines.

Using the data received from the Superior Court and CSOSA, the GRID system can determine judicial compliance with the sentencing Guidelines for felony convictions sentenced in Superior Court, identify sentencing trends, and perform numerous sentencing related data analyses required to respond to data requests.

GSS also provides a bi-direction exchange of sentencing information between the Commission and CSOSA. After a judge sentences an offender, GSS electronically informs CSOSA if the judge followed the CSOSA recommended sentence and notes any changes made to the offender's criminal history score.

- (b) The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and

The GRID system was fully implemented in December 2013. Commission staff and CSOSA officers began to fully utilize the GSS module in March 2015. Since implementation, modifications have been made to both the GRID system and the GSS module to better capture data, improve usability, add new functionality, ensure correct Guidelines compliance calculations, and improve system reliability and security.

The agency updated the GRID system archival procedures in FY19 to ensure that all transferred data was received and processed even when server connectivity issue arise. In FY20 the agency will undertake a substantial upgrade to the GRID system that will enable the Commission to access, consume and analyze MPD arrest data. Such an upgrade will allow the Commission to conduct “entry to exit” analysis of felony offenses, offenders, and cases in the District. This project will include the development of an XML interface to consume the arrest data, data base development, integration of arrest data into the current GRID system, including business rules, algorithms, analysis tables, and user screens. The additional 500+ arrest related data elements will significantly enhance the agency’s analytic capabilities.

(c) Whether the public can be granted access to all or part of each system.

The public does not have direct access to the GRID system due to the personal identifying information (PII) contained in data system. The agency does make available several sentencing related data sets with all PII information removed to the public via the agency’s website.

46. Please provide a detailed description of any new technology acquired in FY19 and FY20, to date, including the cost, where it is used, and what it does. Please explain if there have there been any issues with implementation.

The agency had not acquired any other new technology other than what has been described above.

Agency Operations

47. The Committee allocated \$765,254 to the Commission for the MPD Arrest Data Feed Project. What is the status of the project?

On October 1, 2019, the agency secured the services of an IT Project Manager through CAI to develop the statement of work and oversee the OCP procurement process for the MPD Arrest Data Feed contract and the development of the MPD GRID enhancement. A Firm Fixed Price Contract in the amount of \$480,315 was awarded to Mindcubed, LLC on November 18, 2019.

The integration of the MPD Arrest Feed into the agency’s GRID system will allow the Commission to capture, track, and analyze the life-cycle of a criminal encounter, from the time of arrest, through indictment, court phase, disposition and sentencing. The

development of the GRID system XML interface for the MPD data will allow for the transfer of data into the GRID system. The integration of the arrest data into GRID will require substantial modifications to system databases, systemic data processing algorithms, analytical data queries, screen displays, and reporting capabilities. The system development and integration schedule consists of the following major timeline milestones:

- XML interface and live Arrest Feed Data Received by GRID beginning January 10th
- Requirements definition, verification, and review – Schedule Completion January 30th
- System Design and Development will be done in Three Releases as follow:
 - Release I – Arrest data capture, database and system design and test
 - *Completion February 27th*
 - Release II – Development and test of enhanced GRID design, data query, and user interfaces
 - *Completion May 7th*
 - Release III – Completed enhanced GRID integration, system and integration testing
 - *Completion August 9th*
- Final User Testing including extensive testing of typical data queries, business rule verification, final user acceptance testing, system pre-production and go-live testing
 - *Completion November 2nd*
- System Go-Live Target
 - *Completion November 3rd*
- Post Go-Live System Burn in and performance observation
 - *Completion November 17, 2020*

The Commission will retain full access to all materials pertaining to arrests, criminal histories, indictments, convictions, and sentencing in a fully integrated system and associated databases in a security enhanced environment. All the applications and databases in the GRID Project Suite are maintained and operated inside the secure District Firewall, with all transmissions enabled by OCTO and maintained in a secure fashion by District-cleared personnel through an annually renewable, comprehensive Operations and Maintenance contract.

(a) When does the Commission expect the project will be completed?

The project is scheduled to be completed on November 17, 2020.

48. How many data requests did the agency receive in FY19 and FY20, to date? Please provide a detailed explanation of the data requested, whether it was approved or denied, and the average response time.

The agency received 71 data request in FY19 (67) and FY20 (4) to date. Of the 71 data requests received, 68 were approved. The three date requests that were denied, involved two requests for juvenile sentencing data for which the agency does not have access and one requests for sentencing information by Ward, which the agency also does not have access. The agency spent 1,455 hours responding to data requests in FY19 and 338 hours in FY20 to date. In FY19, 91% of all data requests were completed in 20 days or less.

Provided below is an overview of types of data requests received by the Commission along with the source of the request in FY19 and FY20 to date.

Overview of Data Requests for FY19 and FY20 (to date)		
Type of Request	# of Requests	Requestor
Drug Offenses	8	Criminal Justice Agency, Citizen, Council, Academic, Sentencing Commission
Weapon Offense	10	Criminal Justice Agency, Community Group, Academic, Research Agency
Title 16 Offenders	4	Criminal Justice Agency, CJ Policy Agency Academic
Felon In Possession	12	Press, Council, Criminal Justice Agency, Research Agency
Violent Offenses	15	Sentencing Commission, Criminal Justice Agency Community Group, Research Agency
IRA Related Legislation	4	Criminal Justice Agency, Council
Pornography/Sex Trafficking	2	Council, Research Agency
Property Offenses	6	Community Group, Council, Press, Academic, Citizen
Bias Related Crimes	1	Council
Homicide/AWIK	6	Judge, Community Group, CJ Policy Group Criminal Justice Agency
Total	68	

49. Please discuss any modifications made to the Voluntary Sentencing Guidelines in FY19 and FY20, to date, including a description of the modification.
- a. For any offense modified in the Voluntary Sentencing Guidelines, please summarize sentencing trends in the 12-month period before modifications were made and sentencing trends since that modification.

In FY 18 the Commission re-ranked the offense of Felon in Possession (FIP) from OSG 7 to OSG 8 to address the double counting issue resulting from the individual's prior conviction of any felony being counted twice – first to elevate the OSG and second – to increase the individual's CH score category. Given that this double counting does not occur for other offenses, it raises a fair, just, and equitable sentencing issue under the Guidelines.

In FY19, the Commission identified that the same double counting issue that was occurring in FIP was also occurring with Felon in Possession – Prior Crime of Violence (FIP-PCOV). The prior felony was increasing the OSG and also being counted in the individual's criminal history score. The Commission spent five months examining data and discussing the various policy issues related to the re-ranking of this offense. The Commission finally voted to re-rank the FIP-PCOV from OSG 6 to OSG 7 to ensure fair, just and equitable sentencing under the Guidelines.

Unlike the sentencing frequency for FIP, only slightly more than 1% of all felony sentences imposed in FY19 was the result of a conviction for FIP-PCOV. The re-ranking

took effect on July 14, 2019. The agency will monitor the impact of the change by comparing sentencing patterns one year prior to the re-ranking to one year post re-ranking to identify any significant changes in sentencing patterns. Provided below is a summary comparison of the impact of the re-ranking for OSG 6 to OSG 7.

FY 2019 IMPACT OF RE-RANKING UPF-COV FROM OSG 6 TO OSG 7		
Counts, Cases, Offenders	Pre Change – M6 July 14, 2018- July 14, 2019	Post Change – M7 July 15, 2019- December 31, 2019
Counts	29 <i>1.4% of all counts sentenced this timeframe</i>	3 <i><1% of all counts sentenced this timeframe</i>
Cases	28	3
Offenders	28	3
Sentence Length (to Serve)		
Average Sentence	45.4 months	36 months
Median Sentence	36 months	36 months
Single vs. Multi-count Cases		
Single Count Cases	3	0
Multi Count Cases	25	3
<i>Total multi-count cases where UPF-COV was only count sentenced</i>	2	1
<i>Total multi-count cases with multiple counts sentenced</i>	23	2
Consecutive vs. Concurrent – cases with multiple counts sentenced		
Consecutive	1	0
Concurrent	18	2
Consecutive / Concurrent	4	0
Compliance Status		
Compliant	20	0
Non-Compliant	0	0
11(c)(1)(c) Pleas	8	1

*PRE-CHANGE: Please note that 7 of the 29 counts were sentenced after July 14, 2019. However, these 7 counts received a sentence disposition prior to July 15, 2019 meaning that they were not affected by the re-ranking of UPF-COV and consequently, were sentenced as M6's instead of M7's.

*Pre-change, one case did not have criminal history information available; compliance status could not be determined.

**Post-change, two cases did not have criminal history information available; compliance status could not be determined.

- b. What changes to the Voluntary Sentencing Guidelines, if any, is the agency considering for the remainder of FY20?

The Commission is currently examining Title 16 sentencing patterns to determine if there are any sentencing disparity issues for this specific offender population and if any modifications to the Guidelines maybe warranted. In addition, any remaining offenses

that maybe subject to a double counting provision may be reviewed by the Commission for possible action.

50. Please describe any training or educational components located on the Sentencing Commission's website.

The D.C. Sentencing Commission provides the following training and educational components on its website.

- Power Point slides for Guidelines Training 101: <https://sdc.dc.gov/service/basic-voluntary-sentencing-guidelines-training%20A0101>.
- A way to request training sessions, including Power Point slides for several topic-specific training sessions: <https://sdc.dc.gov/service/request-training-voluntary-sentencing-guidelines>.
- Several FAQs related to sentencing policy in the District: <https://sdc.dc.gov/service/frequently-asked-questions>.
- Up-to-date Sentencing Guidelines Alerts: <https://sdc.dc.gov/node/759622>.
- Up-to-date and publicly available sentencing data: <https://sdc.dc.gov/page/sentencing-data>.
- A series of "fast facts" on discrete sentencing topics: <https://sdc.dc.gov/page/fast-facts>.
- Every current and previous version of the D.C. Voluntary Sentencing Guidelines Manual: <https://sdc.dc.gov/page/sentencing-guidelines-manual-sccrc>.

51. What was the departure letter response rate in FY19 and FY20, to date?

In FY16, the Commission only had a departure letter response rate of 71.7%, which meant that over 25% of request for departure clarifications were going unanswered by the court. To improve the departure letter response rate, in FY18, the agency implemented a structured manual review process for any sentence initially designated as "non-compliant" by the GRID system that checks for data quality issues and the sentence imposed is also verified using JUSTIS. The new six week timeline starts the day that the original Departure Letter is sent which is within 30 days of sentencing. The second notice letter is sent two weeks later and the third letter sent two weeks after the second notice. By week six, the Executive Director contacts the judge's chambers directly if no response has been received. If no response is received after contact from the Executive Director, the case status is changed from Non-compliant to Confirmed Non-compliant with a justification of "No response from court" entered in the GRID system. The goal of this initiative is to improve the response rates from the court by at least 10%. Listed below are the departure letter response rates from FY18 through FY20 to date:

- FY18 - 85.1%
- FY19 - 86.2%
- FY20 - 86.1% (To Date)

52. How much training did the Sentencing Commission conduct on the Voluntary Sentencing Guidelines in FY19 and FY20, to date, and to which organizations or entities?

Sentencing Guideline Trainings (FY19 and FY20 to date by Quarter)

Quarter	Number of Trainings	Number of Individuals Trained	Agency
FY19 Q1 (Oct.-Dec.)	3	23	Court, CSOSA, US Probation
FY19 Q2 (Jan.-March)	2	25	Defense Bar, CSOSA, DOC
FY19 Q3 (April-June)	3	31	Clerks, CSOSA
FY19 Q4 (July-Sept.)	1	17	Defense Bar, DOC CSOSA
FY 19 Total	9	96	
FY20 Q1 (Oct.-Dec.)	3	19	US Probation, Clerks
FY20 Q2 (Jan-March)	1	38	Court
FY 20 Total to Date	4	57	

53. Please list any reports or analyses that the Sentencing Commission plans to release in the remainder of FY20.

- a. 2019 D.C. Sentencing Commission Annual Report
- b. 2020 Voluntary Sentencing Guideline Manual
- c. Issue Paper (2)
- d. Quick Facts (4)

54. How does the Sentencing Commission stay up-to-date on changes or trends in sentencing policy across the country? How does the Commission then communicate these changes or trends to its stakeholders, such as the Council?

Agency staff attends the annual meeting of the National Association of Sentencing Commission, which provides an excellent opportunity to learn about new and emerging sentencing issue from across the nation. In addition, there are presentations on innovative research and data related topics, sentencing disparity, effective non-prison sanctions, use of risk assessment at sentencing, and evaluation of sentencing and criminal justice policies. Staff follows state and Supreme Court decisions related to sentencing issues and participate in Bureau of Justice Assistance (BJA) and Bureau of Justice Statistics (BJS) trainings that are held locally. Finally, publications from Sentencing Project, National Council of State Legislatures, and National Criminal Justice Reference Service are provided to staff to increase their exposure and knowledge of key and emerging sentencing issues.

The Commission communicates emerging trends and policy issues to stakeholders, including the Council, in a number of ways. The agency’s Annual Report presents sentencing trends and analysis that are compared to or reference sentencing policy nationwide. In addition, the agency participates in roundtables, public meetings and hearings related to sentencing policy related issues. The recent development of Fast Facts and Issue Papers allow the Commission to provide information in a timely manner to stakeholders and policy makers.

The agency also has a robust webpage that enables the sentencing policy issues to be shared to a large audience in a very timely manner through its Guideline Alerts section. Specifically, “Guideline Alerts” are used to highlight any new or important Sentencing Guideline issue or action by the Commission that both local and federal partners need to know.

55. Describe any community outreach efforts undertaken by the agency in FY19 and FY20, to date. How does the Sentencing Commission solicit feedback from residents and stakeholders and help them understand the sentencing process?

In FY19 the agency piloted a public education outreach initiative aimed at helping the general public gain a better understanding of the factors that are used in determining a sentence under the Sentencing Guidelines. This initiative was designed to help District residents become aware of the multiple factors that are considered during sentencing and why sentences imposed may differ for similar crimes.

The piloted interactive sessions were presented through Sasha Bruce Youthwork and were approximately 30 minutes long and allowed for a question and answer period at the end of each presentation. The presentations were targeted for young adults in D.C who wished to increase their understanding of both sentencing and the District’s criminal justice system. The agency conducted three presentations to a total of 27 youth.

In FY20 the agency incorporated the feedback and lessons learned from the pilot outreach presentations in the development of a comprehensive strategy regarding public outreach and educational training with District residents and stakeholders. The agency will focus on ensuring all District residents understand the purpose and functions of the Sentencing Guidelines, through a variety of approaches including written material, websites, social media, and in-person presentations. To date, a well-defined and diverse three-year outreach and educational strategy that includes clearly defined goals, objectives, and strategic initiatives to reach those objectives has been created and approved by the Commission and will serve as the guide for future outreach activities.

ATTACHMENT A

DISTRICT OF COLUMBIA SENTENCING COMMISSION (FZO)
FY 2020 SCHEDULE A (as of January 27, 2020)

Vacant Status	FTE
Filled	6
Vacant	1
Total	7

Agency Code	Fiscal Year	Position#	Program Code	Activity Code	Filled, Vacant or Frozen	Position Title	Hire Date	Grade	Step	Salary	Fringe Benefits	FTE	Reg/Temp/ Term	Hiring Status	Filled By Law Y/N
FZO	2020	00004048	2000	2010	Filled	Statistician	4/10/2017	7	0	111,535	23,088	1	Reg		
FZO	2020	00005771	2000	2050	Vacant	Gen Counsel	Vacant	8	0	125,447	25,968	1	Reg		
FZO	2020	00013485	2000	2040	Filled	Executive Director	12/7/2009	9	0	166,516	34,469	1	Reg		
FZO	2020	00027231	1000	1010	Filled	Staff Assistant	3/15/2010	3	0	65,814	13,623	1	Reg		
FZO	2020	00035394	2000	2060	Filled	Outreach/Education Specialist	9/6/2016	5	0	66,492	13,764	1	Reg		
FZO	2020	00087491	2000	2010	Filled	Research Analyst	4/3/2017	6	0	79,396	16,435	1	Reg		
FZO	2020	00100091	2000	2010	Filled	IT Specialist (Database Mgmt)	12/23/2019	7	0	90,000	18,630	1	Reg		
Agency Grand Total										705,200	145,976	7			

District of Columbia Sentencing Commission FY2019

Agency District of Columbia Sentencing Commission

Agency Code FZ0

Fiscal Year 2019

Mission The mission of the District of Columbia Sentencing Commission is to implement, monitor, and support the District's voluntary sentencing guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guidelines system in order to recommend changes based on actual sentencing and corrections practice and research.

Summary of Services The Commission advises the District of Columbia on policy matters related to criminal law, sentencing and corrections policy. The Sentencing and Criminal Code Revision Commission Amendment Act of 2007 established a permanent voluntary felony sentencing guidelines and requires the Commission to monitor and make adjustments as needed to promote sentencing policies that limit unwarranted disparity while allowing adequate judicial discretion and proportionality. The sentencing guidelines provide recommended sentences that enhance fairness so that offenders, victims, the community, and all parties will understand the sentence, and sentences will be both more predictable and consistent. The commission provides analysis of sentencing trends and guideline compliance to the public and its representatives to assist in identifying sentencing patterns for felony convictions.

2019 Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
Re-Ranked two felony offenses to address a "double counting" issue related to how prior convictions counted. For these two specific felony offenses, an individual's prior convictions were used to enhance the Guideline offense severity level and at the same time used to increase the individuals criminal history score which created an fairness issue in sentencing.	The agency was required to reprint guideline reference materials to reflect the offense re-rankings and additional trainings were provided to ensure that all partners understood how the change impacts the recommended guideline sentence.	The Sentencing Guidelines were developed to reduce disparity and promote fair and just sentencing for the District. By resolving the double counting issue, the Commission directly addressed a sentencing fairness issue by ensuring that the impact of prior convictions is consistent across all recommended guideline sentences.
The number of data requests the agency complete increased by 70% in FY 2019. In addition, 91% of the data requests were completed within 20 days from the submission date.	The agency improved the response time to data requests by communicating with the requestors to ensure there was a clear understanding of the data requested and how the data was to be provided. The improved skill set of the agency's research staff also contributed to the improved response time.	The agency's ability to respond in a timely manner with requested information enabled requestors to use the information in developing legislation, reviewing sentencing practices and understanding sentencing trends for the District.
Development of a sentencing data set available to the public on the agency's website.	By providing a data set on the website, the agency was able to reduce the time required to response to basic sentencing inquiries by directing the individual to the website. It also provided more staff resources to undertake some of the more complex data analysis. The data set also provided a layer of transparency for the agency.	Citizens of the District now have direct access to a data set in which they can review and analyze data directly. In addition, a number of charts and graphs of the most frequent offenses and sentences imposed are available. By providing the data on the agency's website, individuals have 24/7 access to information

2019 Key Performance Indicators

Measure	Frequency	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Q1	FY 2019 Q2	FY 2019 Q3	FY 2019 Q4	FY 2019 Actual	KPI Status	Explanation
1 - Provide fair, consistent and transparent sentencing policy for felony sentences imposed in the District of Columbia to ensure that similar offenders who are convicted of similar offenses receive similar sentences. (4 Measures)											
Percent of Compliant Guideline Sentences	Quarterly	96.4%	96.8%	96.5%	96.9%	96.2%	96.7%	98.7%	97.1%	Met	
Compliant Departures	Quarterly	91.1%	94.1%	93%	94.1%	87.5%	94.7%	97%	93.8%	Met	
Compliant In-The-Box Sentences Imposed	Quarterly	87.8%	89.9%	87.5%	91%	87.9%	88.2%	93.7%	90.1%	Met	
Percent of compliant sentences that represent 11(C)(1)(c) pleas	Quarterly	New in 2019	New in 2019	12%	11.5%	15.5%	15.1%	13.8%	13.9%	Met	
2 - Provide effective education and support to improve understanding and awareness of the District's Voluntary Sentencing Guidelines to ensure citizens of the District have a clear understanding of the sentencing process. (2 Measures)											
Effective Guideline Trainings	Quarterly	90.6%	90.7%	83%	100%	80%	100%	100%	92.9%	Met	

Measure	Frequency	FY 2017 Actual	FY 2018 Actual	FY 2019 Target	FY 2019 Q1	FY 2019 Q2	FY 2019 Q3	FY 2019 Q4	FY 2019 Actual	KPI Status	Explanation
Guideline Questions Answered	Quarterly	98.2%	99.5%	98.5%	99.2%	98.8%	100%	96.4%	98.6%	Met	
3 - Provide high quality analysis and evaluation of sentencing data to inform the development of effective sentencing policy in the District of Columbia that increases public safety while decreasing unwarranted disparity in sentences. (2 Measures)											
Data Request Response Time	Quarterly	95%	90.9%	76%	81.8%	80%	100%	93.8%	91%	Met	
GRID/GSS tickets resolved within 14 days	Quarterly	74.4%	75.8%	68%	60%	66.7%	72.4%	69.2%	69.6%	Met	

2019 Workload Measures

Measure	FY 2017 Actual	FY 2018 Actual	FY 2019 Q1	FY 2019 Q2	FY 2019 Q3	FY 2019 Q4	FY 2019 Actual
1 - Identify Irregularities and Inconsistencies in Felony Sentences Imposed (1 Measure)							
Number of Sealed Cases	2144	3026	884	484	492	625	2485
1 - Review and Verify All Felony Sentences (7 Measures)							
Number of CSOSA Criminal History Scores Submitted	2004	2833	462	637	678	542	2319
Number of Felony Cases Sentenced	2182	1813	410	394	415	368	1587
Number of Felony Counts Sentenced	2658	2316	545	509	539	477	2070
Number of Departure Letters Sent	124	114	52	12	45	53	162
Departure Letter Responses	79.1%	85.1%	78.8%	100%	86.7%	90.6%	86.4%
Number of Probation Revocations Sentenced	New in 2019	355	84	75	110	106	375
Number of sentences imposed as the result of 11(C)(1)(c) pleas	New in 2019	New in 2019	Annual Measure	Annual Measure	Annual Measure	Annual Measure	277
2 - Maintain and Update Agency Website (1 Measure)							
Number of Agency Website Hits	14,495	19,151	4874	4729	4884	4964	19,451
2 - Provide Sentencing Guideline Training (3 Measures)							
Number of Sentencing Guideline Trainings Provided	15	19	2	5	4	3	14
Agency Website Updates Completed	64	43	9	7	13	17	46
Number of individuals receiving Sentencing Guideline Training	New in 2019	New in 2019	17	26	24	29	96
3 - Monitor and Maintain the Guideline Reporting Information Data (GRID) System (3 Measures)							
Number Hours required to complete data requests	1688	971	Annual Measure	Annual Measure	Annual Measure	Annual Measure	932
Number of GRID Tickets Entered	45	69	15	9	29	13	66
Number of new charge codes mapped in GRID	Waiting on Data	21	5	72	78	10	165
3 - Respond to Data Requests (1 Measure)							
Number of Data Requests Received	38	47	11	10	14	32	67

2019 Operations

Operations Header	Operations Title	Operations Description	Type of Operations
1 - Provide fair, consistent and transparent sentencing policy for felony sentences imposed in the District of Columbia to ensure that similar offenders who are convicted of similar offenses receive similar sentences. (2 Activities)			
SENTENCING GUIDELINE MONITORING	Identify Irregularities and Inconsistencies in Felony Sentences Imposed	Review sentencing data received from the D.C. Superior Court to identify data quality issues to be resolved; identify sentences that are outside the recommended guideline sentence; and identify emerging sentencing trends that may require review by the Commission and potential policy modifications.	Daily Service
SENTENCING GUIDELINE MONITORING	Review and Verify All Felony Sentences	Review and verify each felony sentence imposed by the D.C. Superior Court is accurate, legal; and complete. Once the verification process is completed, calculate whether the sentence imposed matches the recommended guideline sentence in an accurate and timely manner.	Daily Service
2 - Provide effective education and support to improve understanding and awareness of the District's Voluntary Sentencing Guidelines to ensure citizens of the District have a clear understanding of the sentencing process. (4 Activities)			
SENTENCING GUIDELINES TRAINING	Maintain and Update Agency Website	Update the agency's website with "Guideline Alerts" to ensure the public and criminal justice community are notified of changes to sentencing policy or practices under the sentencing guidelines. Monthly update training and other guideline related materials to ensure public access to accurate and timely information about sentencing in the District of Columbia.	Daily Service
SENTENCING GUIDELINES TRAINING	Provide Sentencing Guideline Training	Provide Sentencing Guideline training to criminal justice professional that will increase their understanding of sentencing practices under the Guidelines and ensure proper application of the Guidelines thus reducing potential sentencing errors.	Daily Service
SENTENCING GUIDELINES TRAINING	Respond to Guideline Questions	On an ongoing basis the agency responds to questions from a number of sources including, Court Services and Offender Supervision Agency, judges, attorneys, and the public regarding criminal history scoring, sentence options, and offense rankings. Responding to these questions in an accurate and timely manner avoids procedural delays and ensure that the parties understand the sentencing options available under the Sentencing Guidelines.	Daily Service
SENTENCING GUIDELINE MONITORING	Public Access to Sentencing Data	Provide a yearly data set on the agency's website to allow researchers and the public direct access to felony sentencing related data in the District.	Key Project
3 - Provide high quality analysis and evaluation of sentencing data to inform the development of effective sentencing policy in the District of Columbia that increases public safety while decreasing unwarranted disparity in sentences. (2 Activities)			
POLICY REPORTS AND PROPOSALS	Respond to Data Requests	Effectively and efficiently respond to data requests from legislators, criminal justice professionals, and the public by providing accurate and timely sentencing information.	Daily Service
SENTENCING GUIDELINE MONITORING	Monitor and Maintain the Guideline Reporting Information Data (GRID) System	Monitor and maintain the data analysis module of the agency's GRID system used to identify and evaluate sentencing trends throughout the year to inform the development of effective sentencing policy for the District. Technical and operational issues identified will be reported to the vendor for resolution within 14 days.	Daily Service

2019 Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
Provide Sentencing Guideline Training (1 Strategic Initiative)				
Modifications to Guideline Trainings	The Evaluation Study of the Sentencing Guidelines contained several recommendations regarding modifications to criminal history calculations and application of the Guidelines. As the Commission implements these modifications, there will need to be specific trainings to ensure regular users of the Guidelines understand the changes and properly apply the Guidelines. At a minimum, the Commission will enact two Guideline Policy related changes by September 30, 2019. For each modification, two trainings will be completed within 30 days of the enactment of the policy change and a Guideline Alert will be developed and placed on the agency's webpage within 10 days of the policy change. In addition any required modifications to Guideline Reference material will be developed semi-annually and distributed electronically and in hard copy format when requested.	Complete	The two sentencing policy changes addressing the double counting issue related to criminal history were enacted by the end of June. Two trainings were provided to criminal justice professional to explain the impact of the change and the re-ranking of the two offenses on the sentencing grid. An email blast and Guideline Alert were completed to ensure judges, attorneys and other primary users of the Guidelines were aware of the policy change. Update guideline materials were distributed by September 1, 2019.	

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
Public Access to Sentencing Data (1 Strategic Initiative)				
Annual Public Data Set	Provide a yearly data set on the agency's website to allow researchers and the public direct access to felony sentencing related data in the District. All felony sentences imposed during calendar year 2018 will be downloaded from the Guideline Information Reporting Data (GRID) system will be downloaded on January 1, 2019. The all personal identifying information will be removed from the data set and the data set will be cleaned by March 15, 2019, and posted on the agency's website by April 30, 2019.	Complete	This Initiative was completed by the end of the second quarter of FY19	
Respond to Guideline Questions (1 Strategic Initiative)				
Classification of Guideline Questions	The agency responds to Sentencing Guideline related questions from practitioners and policy makers on a daily basis. To streamline the response time to Guideline related questions, the agency will categorize questions into three specific categories: (1) Criminal history related, (2) Guideline application, and (3) Other. These groupings will be monitored and will serve as the basis for a minimum of two new FAQs that will be added to the agency's website by the end of each quarter. These FAQs will provide guidance to the most frequently asked Guideline questions and identify specific areas that should be highlighted in future Guideline Trainings.	Complete	Of the XXX Guideline questions answered by the agency in FY 2019, XX % were related to criminal history score calculation. By developing a set of FAQs based on the subject matter of the questions, the number of incorrect criminal history scores will be reduced and staff resources can also be shifted to other sentencing related issues.	
Review and Verify All Felony Sentences (1 Strategic Initiative)				
11(c)(1)(c) Pleas	An 11(c)(1)(c) plea represents an agreement between a prosecutor, defense counsel, and the judge to a sentence that is considered compliant regardless of whether it falls within the recommended Guideline Sentence range. This initiative will identify and track quarterly the percentage of the total number of compliant Guideline Sentences that are the result of 11(c)(1)(c) pleas.	Complete	The agency tracked and reported 277 compliant 11(C)(1)(c) pleas in FY 2019, representing 14.8% of all sentences imposed. Analysis of the 277 pleas did not indicate that a trend for any specific offense or offender demographics.	

District of Columbia Sentencing Commission FY2019

Agency District of Columbia Sentencing Commission

Agency Code FZO

Fiscal Year 2019

Mission The mission of the District of Columbia Sentencing Commission is to implement, monitor, and support the District's voluntary sentencing guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guidelines system in order to recommend changes based on actual sentencing and corrections practice and research.

2019 Strategic Objectives

Objective Number	Strategic Objective
1	Provide fair, consistent and transparent sentencing policy for felony sentences imposed in the District of Columbia to ensure that similar offenders who are convicted of similar offenses receive similar sentences.
2	Provide effective education and support to improve understanding and awareness of the District's Voluntary Sentencing Guidelines to ensure citizens of the District have a clear understanding of the sentencing process.
3	Provide high quality analysis and evaluation of sentencing data to inform the development of effective sentencing policy in the District of Columbia that increases public safety while decreasing unwarranted disparity in sentences.

2019 Key Performance Indicators

Measure	Directionality	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target
1 - Provide fair, consistent and transparent sentencing policy for felony sentences imposed in the District of Columbia to ensure that similar offenders who are convicted of similar offenses receive similar sentences. (4 Measures)					
Percent of Compliant Guideline Sentences	Up is Better	95.8%	96.4%	96.8%	96.5%
Compliant Departures	Up is Better	88.7%	91.1%	94.1%	93%
Compliant In-The-Box Sentences Imposed	Up is Better	89.3%	87.8%	89.9%	87.5%
Percent of compliant sentences that represent 11(C) (1)(c) pleas	Up is Better	Not Available	Not Available	Not Available	New Measure
2 - Provide effective education and support to improve understanding and awareness of the District's Voluntary Sentencing Guidelines to ensure citizens of the District have a clear understanding of the sentencing process. (2 Measures)					
Effective Guideline Trainings	Up is Better	Not Available	90.6%	90.7%	83%
Guideline Questions Answered	Up is Better	99.5%	98.2%	99.5%	98.5%
3 - Provide high quality analysis and evaluation of sentencing data to inform the development of effective sentencing policy in the District of Columbia that increases public safety while decreasing unwarranted disparity in sentences. (2 Measures)					
Data Request Response Time	Up is Better	Not Available	95%	90.9%	76%

Measure	Directionality	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target
GRID/GSS tickets resolved within 14 days	Up is Better	Not Available	74.4%	75.8%	68%

▼ 2019 Operations

Operations Header	Operations Title	Operations Description	Type of Operations
1 - Provide fair, consistent and transparent sentencing policy for felony sentences imposed in the District of Columbia to ensure that similar offenders who are convicted of similar offenses receive similar sentences. (2 Activities)			
SENTENCING GUIDELINE MONITORING	Identify Irregularities and Inconsistencies in Felony Sentences Imposed	Review sentencing data received from the D.C. Superior Court to identify data quality issues to be resolved; identify sentences that are outside the recommended guideline sentence; and identify emerging sentencing trends that may require review by the Commission and potential policy modifications.	Daily Service
SENTENCING GUIDELINE MONITORING	Review and Verify All Felony Sentences	Review and verify each felony sentence imposed by the D.C. Superior Court is accurate, legal; and complete. Once the verification process is completed, calculate whether the sentence imposed matches the recommended guideline sentence in an accurate and timely manner.	Daily Service
2 - Provide effective education and support to improve understanding and awareness of the District's Voluntary Sentencing Guidelines to ensure citizens of the District have a clear understanding of the sentencing process. (4 Activities)			
SENTENCING GUIDELINES TRAINING	Maintain and Update Agency Website	Update the agency's website with "Guideline Alerts" to ensure the public and criminal justice community are notified of changes to sentencing policy or practices under the sentencing guidelines. Monthly update training and other guideline related materials to ensure public access to accurate and timely information about sentencing in the District of Columbia.	Daily Service
SENTENCING GUIDELINES TRAINING	Provide Sentencing Guideline Training	Provide Sentencing Guideline training to criminal justice professional that will increase their understanding of sentencing practices under the Guidelines and ensure proper application of the Guidelines thus reducing potential sentencing errors.	Daily Service
SENTENCING GUIDELINES TRAINING	Respond to Guideline Questions	On an ongoing basis the agency responds to questions from a number of sources including, Court Services and Offender Supervision Agency, judges, attorneys, and the public regarding criminal history scoring, sentence options, and offense rankings. Responding to these questions in an accurate and timely manner avoids procedural delays and ensure that the parties understand the sentencing options available under the Sentencing Guidelines.	Daily Service
SENTENCING GUIDELINE MONITORING	Public Access to Sentencing Data	Provide a yearly data set on the agency's website to allow researchers and the public direct access to felony sentencing related data in the District.	Key Project
3 - Provide high quality analysis and evaluation of sentencing data to inform the development of effective sentencing policy in the District of Columbia that increases public safety while decreasing unwarranted disparity in sentences. (2 Activities)			
POLICY REPORTS AND PROPOSALS	Respond to Data Requests	Effectively and efficiently respond to data requests from legislators, criminal justice professionals, and the public by providing accurate and timely sentencing information.	Daily Service
			Daily Service

Operations Header	Operations Title	Operations Description	Type of Operations
SENTENCING GUIDELINE MONITORING	Monitor and Maintain the Guideline Reporting Information Data (GRID) System	Monitor and maintain the data analysis module of the agency's GRID system used to identify and evaluate sentencing trends throughout the year to inform the development of effective sentencing policy for the District. Technical and operational issues identified will be reported to the vendor for resolution within 14 days.	

2019 Workload Measures

Measure	FY 2016	FY 2017	FY 2018
1 - Identify Irregularities and Inconsistencies in Felony Sentences Imposed (1 Measure)			
Number of Sealed Cases	1690	2144	3026
1 - Review and Verify All Felony Sentences (6 Measures)			
Number of CSOSA Criminal History Scores Submitted	1656	2004	2833
Number of Felony Cases Sentenced	1843	2182	1813
Number of Felony Counts Sentenced	2388	2658	2316
Number of Departure Letters Sent	60	124	114
Departure Letter Responses	71.7%	79.1%	85.1%
Number of Probation Revocations Sentenced	Not Available	Not Available	355
2 - Maintain and Update Agency Website (1 Measure)			
Number of Agency Website Hits	23,424	14,495	19,151
2 - Provide Sentencing Guideline Training (3 Measures)			
Number of Sentencing Guideline Trainings Provided	20	15	19
Agency Website Updates Completed	42	64	43
Number of individuals receiving Sentencing Guideline Training	Not Available	Not Available	Not Available
3 - Monitor and Maintain the Guideline Reporting Information Data (GRID) System (3 Measures)			
Number Hours required to complete data requests	826	1688	971
Number of GRID Tickets Entered	67	45	69
Number of new charge codes mapped in GRID	Not Available	Not Available	21

Measure	FY 2016	FY 2017	FY 2018
3 - Respond to Data Requests (1 Measure)			
Number of Data Requests Received	47	38	47

▼ 2019 Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Proposed Completion Date
Provide Sentencing Guideline Training (1 Strategic Initiative)		
Modifications to Guideline Trainings	The Evaluation Study of the Sentencing Guidelines contained several recommendations regarding modifications to criminal history calculations and application of the Guidelines. As the Commission implements these modifications, there will need to be specific trainings to ensure regular users of the Guidelines understand the changes and properly apply the Guidelines. At a minimum, the Commission will enact two Guideline Policy related changes by September 30, 2019. For each modification, two trainings will be completed within 30 days of the enactment of the policy change and a Guideline Alert will be developed and placed on the agency's webpage within 10 days of the policy change. In addition any required modifications to Guideline Reference material will be developed semi-annually and distributed electronically and in hard copy format when requested.	09-30-2019
Public Access to Sentencing Data (1 Strategic Initiative)		
Annual Public Data Set	Provide a yearly data set on the agency's website to allow researchers and the public direct access to felony sentencing related data in the District. All felony sentences imposed during calendar year 2018 will be downloaded from the Guideline Information Reporting Data (GRID) system will be downloaded on January 1, 2019. The all personal identifying information will be removed from the data set and the data set will be cleaned by March 15, 2019, and posted on the agency's website by April 30, 2019.	04-30-2019
Respond to Guideline Questions (1 Strategic Initiative)		
Classification of Guideline Questions	The agency responds to Sentencing Guideline related questions from practitioners and policy makers on a daily basis. To streamline the response time to Guideline related questions, the agency will categorize questions into three specific categories: (1) Criminal history related, (2) Guideline application, and (3) Other. These groupings will be monitored and will serve as the basis for a minimum of two new FAQs that will be added to the agency's website by the end of each quarter. These FAQs will provide guidance to the most frequently asked Guideline questions and identify specific areas that should be highlighted in future Guideline Trainings.	09-30-2019
Review and Verify All Felony Sentences (1 Strategic Initiative)		
11(c)(1)(c) Pleas	An 11(c)(1)(c) plea represents an agreement between a prosecutor, defense counsel, and the judge to a sentence that is considered compliant regardless of whether it falls within the recommended Guideline Sentence range. This initiative will identify and track quarterly the percentage of the total number of compliant Guideline Sentences that are the result of 11(c)(1)(c) pleas.	09-27-2019

District of Columbia Sentencing Commission FY2020

Agency District of Columbia Sentencing Commission

Agency Code FZO

Fiscal Year 2020

Mission The mission of the District of Columbia Sentencing Commission is to implement, monitor, and support the District's voluntary sentencing guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guidelines system in order to recommend changes based on actual sentencing and corrections practice and research.

Strategic Objectives

Objective Number	Strategic Objective
1	Provide fair, consistent and transparent sentencing policy for felony sentences imposed in the District of Columbia to ensure that similar offenders who are convicted of similar offenses receive similar sentences.
2	Provide effective education and support to improve understanding and awareness of the District's Voluntary Sentencing Guidelines to ensure citizens of the District have a clear understanding of the sentencing process.
3	Provide high quality analysis and evaluation of sentencing data to inform the development of effective sentencing policy in the District of Columbia that increases public safety while decreasing unwarranted disparity in sentences.

Key Performance Indicators

Measure	Directionality	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Target
1 - Provide fair, consistent and transparent sentencing policy for felony sentences imposed in the District of Columbia to ensure that similar offenders who are convicted of similar offenses receive similar sentences. (5 Measures)					
Compliant Departures	Up is Better	91.1%	94.1%	93.8%	93%
Percent of compliant sentences that represent 11(C)(1)(c) pleas	Up is Better	New in 2019	New in 2019	13.9%	12%
Percent of Compliant Guideline Sentences	Up is Better	96.4%	96.8%	97.1%	96.5%
Compliant In-The-Box Sentences Imposed	Up is Better	87.8%	89.9%	90.1%	87.5%
Percent of judicial departure letter responses received	Up is Better	New in 2020	New in 2020	New in 2020	New in 2020
2 - Provide effective education and support to improve understanding and awareness of the District's Voluntary Sentencing Guidelines to ensure citizens of the District have a clear understanding of the sentencing process. (2 Measures)					
Effective Guideline Trainings	Up is Better	90.6%	90.7%	92.9%	83%
Guideline Questions Answered	Up is Better	98.2%	99.5%	98.6%	98.5%
3 - Provide high quality analysis and evaluation of sentencing data to inform the development of effective sentencing policy in the District of Columbia that increases public safety while decreasing unwarranted disparity in sentences. (2 Measures)					
GRID/GSS tickets resolved within 14 days	Up is Better	74.4%	75.8%	69.6%	68%
Data Request Response Time	Up is Better	95%	90.9%	91%	76%

Operations

Operations Header	Operations Title	Operations Description	Type of Operations

Operations Header	Operations Title	Operations Description	Type of Operations
1 - Provide fair, consistent and transparent sentencing policy for felony sentences imposed in the District of Columbia to ensure that similar offenders who are convicted of similar offenses receive similar sentences. (3 Activities)			
SENTENCING GUIDELINE MONITORING	Identify Irregularities and Inconsistencies in Felony Sentences Imposed	Review sentencing data received from the D.C. Superior Court to identify data quality issues to be resolved; identify sentences that are outside the recommended guideline sentence; and identify emerging sentencing trends that may require review by the Commission and potential policy modifications.	Daily Service
SENTENCING GUIDELINE MONITORING	Review and Verify All Felony Sentences	Review and verify each felony sentence imposed by the D.C. Superior Court is accurate, legal; and complete. Once the verification process is completed, calculate whether the sentence imposed matches the recommended guideline sentence in an accurate and timely manner.	Daily Service
SENTENCING GUIDELINE MONITORING	Review and Verify all Criminal History Scores	A individual's prior convictions are provided by CSOSA and used to calculate a defendant's criminal history scores. If criminal history information is missing or inaccurate, CSOSA is contacted to provide the accurate information so that compliance can be calculated for each felony count sentenced.	Daily Service
2 - Provide effective education and support to improve understanding and awareness of the District's Voluntary Sentencing Guidelines to ensure citizens of the District have a clear understanding of the sentencing process. (5 Activities)			
SENTENCING GUIDELINES TRAINING	Provide Sentencing Guideline Training	Provide Sentencing Guideline training to criminal justice professional that will increase their understanding of sentencing practices under the Guidelines and ensure proper application of the Guidelines thus reducing potential sentencing errors.	Daily Service
SENTENCING GUIDELINES TRAINING	Maintain and Update Agency Website	Update the agency's website with "Guideline Alerts" to ensure the public and criminal justice community are notified of changes to sentencing policy or practices under the sentencing guidelines. Monthly update training and other guideline related materials to ensure public access to accurate and timely information about sentencing in the District of Columbia.	Daily Service
SENTENCING GUIDELINES TRAINING	Respond to Guideline Questions	On an ongoing basis the agency responds to questions from a number of sources including, Court Services and Offender Supervision Agency, judges, attorneys, and the public regarding criminal history scoring, sentence options, and offense rankings. Responding to these questions in an accurate and timely manner avoids procedural delays and ensure that the parties understand the sentencing options available under the Sentencing Guidelines.	Daily Service
SENTENCING GUIDELINE MONITORING	Public Access to Sentencing Data	Provide a yearly data set on the agency's website to allow researchers and the public direct access to felony sentencing related data in the District.	Key Project
SENTENCING GUIDELINES TRAINING	Increase public outreach and education regarding the Sentencing Guidelines	Prior Guideline training and outreach has previously been focused on criminal justice partners and professionals. An Guideline outreach and education strategy will be developed and implement targeting residents and community based organization to increase their understanding of the purpose, function, and impact of the Guidelines on felony sentences imposed in the District.	Key Project
3 - Provide high quality analysis and evaluation of sentencing data to inform the development of effective sentencing policy in the District of Columbia that increases public safety while decreasing unwarranted disparity in sentences. (3 Activities)			
POLICY REPORTS AND PROPOSALS	Respond to Data Requests	Effectively and efficiently respond to data requests from legislators, criminal justice professionals, and the public by providing accurate and timely sentencing information.	Daily Service
SENTENCING GUIDELINE MONITORING	Monitor and Maintain the Guideline Reporting Information Data (GRID) System	Monitor and maintain the data analysis module of the agency's GRID system used to identify and evaluate sentencing trends throughout the year to inform the development of effective sentencing policy for the District. Technical and operational issues identified will be reported to the vendor for resolution within 14 days.	Daily Service

Operations Header	Operations Title	Operations Description	Type of Operations
Sentencing Guideline Monitoring	MPD Arrest Data Enhancement Project	GRID, the agency's data system, will be enhanced to consume MPD arrest data in addition to the court and criminal history data for all felony offenders sentenced in the District. With the inclusion of electronically transferred arrest data, the agency will be able to follow an individual from time of arrest through sentencing. This enhancement will expand analysis capabilities related to sentencing trends by geographic areas, offense type, and other variables.	Key Project

Workload Measures

Measure	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual
1 - Identify Irregularities and Inconsistencies in Felony Sentences Imposed (2 Measures)			
Number of Sealed Cases	2144	3026	2485
Number of DQA's Identified and Submitted	New in 2020	New in 2020	New in 2020
1 - Review and Verify all Criminal History Scores (1 Measure)			
Requests for Missing Criminal History Scores	New in 2020	New in 2020	New in 2020
1 - Review and Verify All Felony Sentences (6 Measures)			
Number of CSOSA Criminal History Scores Submitted	2004	2833	2319
Number of Felony Cases Sentenced	2182	1813	1587
Number of Felony Counts Sentenced	2658	2316	2070
Number of Departure Letters Sent	124	114	165
Number of Probation Revocations Sentenced	New in 2019	355	375
Number of sentences imposed as the result of 11(C)(1)(c) pleas	New in 2019	New in 2019	277
2 - Maintain and Update Agency Website (1 Measure)			
Number of Agency Website Hits	14,495	19,151	19,451
2 - Provide Sentencing Guideline Training (3 Measures)			
Number of Sentencing Guideline Trainings Provided	15	19	15
Agency Website Updates Completed	64	43	46
Number of individuals receiving Sentencing Guideline Training	New in 2019	New in 2019	96
3 - Monitor and Maintain the Guideline Reporting Information Data (GRID) System (4 Measures)			
Number of GRID Tickets Entered	45	69	66
Number of new charge codes mapped in GRID	New in 2018	21	165
Number Hours required to complete data requests	1688	971	1455
Number of Critical GRID Tickets Submitted	New in 2020	New in 2020	New in 2020
3 - Respond to Data Requests (2 Measures)			
Number of Data Requests Received	38	47	67
Data Sets Provided	New in 2020	New in 2020	New in 2020

▼ Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Proposed Completion Date
Increase public outreach and education regarding the Sentencing Guidelines (2 Strategic initiatives)		
Fast Facts - DC Felony Offenses	The agency will develop quarterly Fast Fact sheets focused on a single felony offense. The Fast Fact sheets will be one page in length and provide an overview of the frequency of sentences imposed, types and lengths of sentences, offender demographic information, and any significant sentencing trends indicated for a specific offense. By developing a very concise and quickly reviewed offense analysis, the public is able to learn about the how frequently certain offenses are sentenced in the District; the types of sentence imposed, and any emerging trends. Issue papers will be completed in December, March, June, and September of FY 2020	09-30-2020
Guideline Outreach and Educational Strategy	Information regarding the purpose, structure, and outcome of felony sentences imposed has previously been provided to criminal justice practitioners. This initiative will develop a specific strategy to inform the general public about how the Sentencing Guidelines operate and the factors impacting sentences imposed to create a better understanding of why sentences can vary for single offense. The Commission will identify the key objectives of the strategy by December 1, 2019. A strategy utilizing a multi faceted approach including print, social media, and presentations will be developed and approved by the Commission by February 1, 2020, focusing on sentencing for violent and gun-related offenses. Implementation of the strategy to citizens and community organizations will occur between February 15, 2020 and September 30, 2020 and will include at a minimum two public presentations about the Sentencing Guidelines. One of the presentation will be in Ward 7 or Ward 8.	02-03-2020
MPD Arrest Data Enhancement Project (1 Strategic Initiative)		
MPD Arrest Data Feed Enhancement Project	The agency will enhance the current GRID system by developing an XML arrest data interface that will transfer arrest data from the Metropolitan Police Department to the Commission, which will be then integrated with felony case information provided by the DC Superior Court and CSOSA to create a complete comprehensive felony case record from arrest through sentencing. This multi-stage project will include: (1) identifying the data system technical requirements and business needs to be completed by December 1, 2019; (2) developing and implementing an XML interface to transfer arrest data into GRID by January 30, 2020; (3) integrating arrest data into the GRID system by July 1, 2020; and (4) testing and move to full production by September 20, 2020.	09-30-2020
Provide Sentencing Guideline Training (1 Strategic Initiative)		
Sentencing Guideline Issue Papers	Issue Papers will focus on identifying, explaining or clarifying a single complex or confusing aspect of the Sentencing Guidelines for professionals and practitioners. Issue paper topics will be selected from Guideline questions which the Commission are asked to address most frequently. In a three -four page document, the issue will be identified and explained in detail, using examples to help the reader better understand the complexity of the issue. Issue papers are aimed at reducing errors in the application of the Guidelines and can also serve as a quick reference to practitioners, reducing staff resources required to answer questions. Issue papers will be completed semi-annually in March and September and posted on the agency's website	09-30-2020
Review and Verify All Felony Sentences (1 Strategic Initiative)		
Quarterly Data Quality Assurance Report	Develop a Data Quality Assurance (DQA) quarterly report that includes the (1) the type of data quality issue; (2) the frequency of the data quality error; (3) the data owner agency; (4) date DQA was submitted, and (5) the date the DQA was resolved. The DQA report will enable the agency to identify re-occurring data quality issues and work with the data owner agency to correct the data in a timely manner to ensure analysis completed by the Commission is accurate. The report format will be completed and approved by November 1, 2019. DQA reports will be completed at the end of each quarter of the fiscal year, with a cumulative yearly report completed by September 30, 2020.	09-25-2020



District of Columbia
Sentencing Commission

441 Fourth Street, NW, Suite 430 South, Washington, D.C. 20001
(202) 727-8822 – Fax (202) 727-7929

Hon. Milton C. Lee
Chairperson

Barbara S. Tombs-Souvey
Executive Director

Frederick D. Cooke Jr., Esq.
Renata Cooper, Esq.
Hon. Danya A. Dayson
Molly Gill, Esq.
Cedric Hendricks, Esq.
William "Billy" Martin, Esq.
Dave Rosenthal, Esq.
Julie E. Samuels
Katerina Semyonova, Esq.
Marvin Turner
Hon. Frederick H. Weisberg

Non-voting members:
Hon. Charles Allen
Maria Amato, Esq.
Robert Contee
Judi Simon-Garrett, Esq.
Stephen J. Husk

D.C. Sentencing Commission Meeting
October 16, 2018
5:00 to 6:30 PM
One Judiciary Square - 441 Fourth Street, N.W.
Room 430S
Washington, DC 20001

Agenda

1. Review and Approval of the Minutes from the September 25, 2018 Meeting - Action Item, Judge Lee.
2. Indonesian Delegation Presentation – Barbara Tombs-Souvey, Informational Item.
 - a. November 5, 2018 from 2-4 pm
3. Discussion of Focus Group Report and Findings – Discussion Item, Judge Lee and Barbara Tombs-Souvey.
 - a. Recommended Report Edits
 - b. Discussion of Recommendations
 - c. Prioritization of Recommendations for Further Commission Action
4. Overview of Criminal History Scenario Memo – Informational Item, Mehmet Ergun and Barbara Tombs-Souvey.
5. Literature Review for Offense Patterning - Informational Item, Mehmet Ergun.
6. Schedule Next Meeting – November 13, 2018.
7. Adjourn.



District of Columbia Sentencing Commission

441 4th St, NW, Suite 430 South, Washington, DC 20001

Telephone (202) 727-8822 Fax (202) 727-7929

MINUTES OF FULL COMMISSION MEETING

October 16, 2018

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

Voting Members in Attendance:

Milton Lee	Julie Samuels
Frederick Weisberg	Cedric Hendricks
Katerina Semyonova	Renata K. Cooper
Dave Rosenthal	Danya Dyson
Marvin Turner	

Non-Voting Members in Attendance:

Kevin Whitfield
Leslie Parson for Robert Contee

Staff in Attendance:

Barbara Tombs-Souvey	Kara Dansky	Taylor Tarnalicki
Miatta Sesay	Mehmet Ergun	Mia Hebb

- I. Chairman Lee called the meeting to order at 5:10 p.m.
- II. The minutes from September 25, 2018, were briefly discussed. The minutes were approved pending any changes submitted to Barbara Tombs-Souvey.
- III. Director's Report - Information Item, Barbara Tombs-Souvey.

Indonesian Delegation Presentation: Ms. Tombs-Souvey discussed the presentation to the Indonesian Delegation that will be held on November 5, 2018, from 2pm-4pm. The Commission staff will provide an overview of the history and purpose of the D.C. Sentencing Commission and Guidelines. Ms. Tombs-Souvey encouraged participation from the Commission members to allow the Indonesian delegates the opportunity to ask questions concerning the roles of Commission members.

- IV. Discussion of Focus Group Report Recommendations and Findings – Discussion Item, Judge Lee and Barbara Tombs-Souvey.

Recommended Report Edits: Judge Lee discussed the recommended final edits to the Focus Group Report that was distributed to the Commission members for review on September 26, 2018. Judge Lee asked Commission members if there were any questions or changes that still need to be addressed. The floor was opened for comments or concerns from the Commission members. Commission members noted the following recommendations that the Commission should consider from the Focus Group feedback:

- Revising of the Voluntary Sentencing Guidelines Manual
- Developing a Reference Guide for scoring out-of-District offenses (cheat sheet)
- Revisiting the rules for lapse and revival
- Developing informal and formal training opportunities

Judge Lee requested that Commission members contact Ms. Tombs-Souvey and provide a list of their top three priorities from among the recommendations presented in the Focus Group Report.

V. Overview of Criminal History Scenario Memo - Informational Item, Mehmet Ergun.

Overview of Criminal History Scenario: Mehmet Ergun gave an overview of the impact various hypothetical Criminal History (CH) scoring modification scenarios would have on an individual's CH score. Mr. Ergun discussed the analyses, data limitations, and provided a brief overview of CH group changes resulting from the various scenarios.

Members discussed the different scenarios presented and the varying impact they had on CH scores. Commission members suggested that several additional scenarios be analyzed and discussed at the next meeting.

VI. Discussion of Washington Post – Editorial Board (October 11, 2018) - Discussion Item, Judge Lee.

Washington Post –Editorial: Judge Lee discussed the recent Editorial that was published in the Washington Post regarding the 2018 spike in the D.C. homicides. Judge Lee gave an overview of the discussion from the previous Commission meeting concerning how to respond collectively, as a Commission, to the media. Judge Lee opened the floor for further discussion. Several comments and suggestions were offered by Commission members. Judge Lee suggested that the Commission should try to reach a consensus on what is the most appropriate course of action to take when inaccurate information is reported by the media. He asked member to give this issue some serious thought and the Commission will discuss this topic further at the next meeting.

Judge Lee stated that agenda item regarding Literature Review for Offense Patterning would be tabled until the next Commission Meeting.

Meeting Adjourned at 6:40pm.

NEXT MEETING:

November 13, 2018
One Judiciary Square (441 4th Street, NW) Suite 430S.



District of Columbia
Sentencing Commission

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Cedric Hendricks, Esq.
William "Billy" Martin, Esq.
Dave Rosenthal, Esq.
Julie E. Samuels
Katerina Semyonova, Esq.
Marvin Turner
Hon. Frederick H. Weisberg

Non-voting members:
Hon. Charles Allen
Maria Amato, Esq.
Robert Contee
Judi Simon-Garrett, Esq.
Stephen J. Husk

D.C. Sentencing Commission Meeting
December 11, 2018
5:00 to 6:30 PM
One Judiciary Square - 441 Fourth Street, N.W.
Room 430S
Washington, DC 20001

Agenda

1. Review and Approval of the Minutes from the October 16, 2018 Meeting - Action Item, Judge Lee.
2. Literature Review for Offense Patterning - Informational Item, Mehmet Ergun.
3. Sentencing Guideline Training Strategy – Informational Item, Kara Dansky.
4. Continued Discussion of Criminal History Scenarios – Discussion Item, Mehmet Ergun and Barbara Tombs-Souvey.
 - a. Additional CH Scenarios
5. Discussion of Post Release Issue - Discussion Item, Kara Dansky.
6. Schedule Next Meeting – January 15, 2019.
7. Adjourn.



District of Columbia Sentencing Commission

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

MINUTES OF FULL COMMISSION MEETING

December 11, 2018

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

Voting Members in Attendance:

Milton Lee	Julie Samuels (via phone)
Frederick Weisberg	Molly Gill (via phone)
Katerina Semyonova	Frederick D. Cooke, Jr.
Danya Dyson	William Martin
Marvin Turner (via phone)	

Non-Voting Members in Attendance:

Robert Contee

Staff in Attendance:

Barbara Tombs-Souvey	Kara Dansky	Taylor Tarnalicki
Miatta Sesay	Mehmet Ergun	Mia Hebb

- I. Chairman Lee called the meeting to order at 5:10 p.m.
- II. The minutes from October 16, 2018, were briefly discussed. The minutes were approved pending any changes submitted to Barbara Tombs-Souvey.
- III. Literature Review for Offense Patterning - Informational Item, Mehmet Ergun.

Literature Review for Offense Patterning: Mr. Ergun presented an overview of the literature review surrounding offense patterning, and highlighted the justifications, strengths, and weaknesses of using offense patterning as a method of assessing an offender's risk to re-offend in sentencing decisions.

Commission members discussed the factors presented on offense patterning and assessed whether the existing literature validates offense patterning as a beneficial sentencing guidelines policy. The overall consensus of Commission members was that changes in sentencing policy to include an offense patterning provision would not support the overall goals of the Sentencing Guidelines at this time.

- IV. Sentencing Guideline Training Strategy – Informational Item, Kara Dansky.

Sentencing Guideline Training Strategy: Ms. Dansky was pleased to report to the Commission members that a revised training strategy has been developed to include overview sessions, topic-specific sessions, refresher courses, and agency-specific courses. All training courses and corresponding registration links are found on the agency website. Ms. Dansky stated that training sessions have been scheduled through June 2019. Training sessions include:

- Scoring Adjudications and Misdemeanors
- How to Split a Sentence
- Determining Offense Severity in Unusual Cases
- Handling Accessory and Attempt Charges
- Mandatories, Enhancements, and Rule 11(C)(1)(c) Pleas

Ms. Dansky stated that additional training sessions will be scheduled for the remainder of 2019. Ms. Dansky informed Commission members that she welcomes suggestions on topic specific Guideline issues and is available for offsite Sentencing Guideline training.

V. Continued Discussion of Criminal History Scenario Memo - Informational Item, Mehmet Ergun and Barbara Tombs-Souvey

Continued Discussion of Criminal History Scenario: Mehmet Ergun continued the previous discussion on the impact that various hypothetical Criminal History (CH) scoring modification scenarios would have on an individual's CH score. Mr. Ergun gave a brief overview of the three additional scenarios of CH scoring changes suggested by Commission members at the previous Commission meeting.

Commission members discussed the different scenarios presented and the varying impact each had on CH scores. Ms. Tombs-Souvey asked Commission members if additional analysis scenarios are needed on CH scoring. Judge Lee concluded that the information presented addressed the previous questions that were raised and that no further analysis is needed at this time.

VI. Discussion of Post Release Issue – Discussion Item, Kara Dansky

Discussion of Post Release Issue: Discussion of Post Release Issue was postponed until a future meeting.

VII. Research/ Data Analysis Recommendations Update: – Discussion Item, Barbara Tombs-Souvey

Research/Data Analysis Recommendations Update: Ms. Tombs-Souvey briefly discussed responses received from Commission members, who provided their top three recommendations from the recommendations list that was included in the Focus Group final report. Commission Members suggested research/data analysis related to the Criminal History look-back period, lapse and revival issues and impact of juvenile adjudications on CH scores. Specific topics included:

- Summary of how these issues are addressed by other Commissions
- Analysis of how often lapse and revival of offenses occurs in CH scores-what percentage of cases
- When does the look back period begin in other jurisdictions- pertaining to Juvenile adjudications-end of incarcerations, end of supervision, end of sentence? What will be the impact of changing to one of these other options?
- What impact would removal of juvenile adjudications have on CH scores?
- What impact would scoring juvenile adjudications as adult convictions have on criminal history scores?
- What does the current research show about the age break line in the age crime curve?

In preparation for the January 2019 meeting, the Commission requested that agency staff research how other Commissions address the lapse and revival of prior offenses, specifically when the “look-back” period begins and how prior juvenile adjudications are counted/scored. Additionally, Commission staff will identify the percentage of felony cases in the District where a prior offense has been revived.

Meeting Adjourned at 6:30pm.

NEXT MEETING:

January 15, 2019
One Judiciary Square (441 4th Street, NW) Suite 430S.



District of Columbia
Sentencing Commission

441 Fourth Street, NW, Suite 430 South, Washington, D.C. 20001
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Katerina Semyonova, Esq.
Marvin Turner
Hon. Frederick H. Weisberg

Non-voting members:
Hon. Charles Allen
Maria Amato, Esq.
Robert Contee
Judi Simon-Garrett, Esq.
Stephen J. Husk

D.C. Sentencing Commission Meeting
February 19, 2019
5:00 to 6:30 PM
One Judiciary Square - 441 Fourth Street, N.W.
Room 430S
Washington, DC 20001

Agenda

1. Review and Approval of the Minutes from the December 11, 2018 Meeting - Action Item, Judge Lee.
2. Annual Report Timeline – Informational Item, Barbara Tombs-Souvey.
3. Survey of Lapse and Revival Procedures in Other Jurisdictions – Informational Item, Kara Dansky.
4. Presentation of Requested Research Findings – Informational Item, Mehmet Ergun.
 - a. Lapsed and Revived Convictions
 - b. Impact of Juvenile Adjudications on CH Scores
5. Discussion of Post Release Issue - Discussion Item, Kara Dansky.
6. Schedule Next Meeting – March 19, 2019.
7. Adjourn.



District of Columbia Sentencing Commission

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Telephone (202) 727-8822 Fax (202) 727-7929

MINUTES OF FULL COMMISSION MEETING

February 19, 2019

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

Voting Members in Attendance:

Milton Lee	Julie Samuels
Renata K. Cooper	Molly Gill
Katerina Semyonova	Frederick D. Cooke, Jr.
Danya Dyson	William Martin
Marvin Turner (via phone)	Cedric Hendricks

Non-Voting Members in Attendance:

Stephen Husk
James Wills for Judi Garrett

Staff in Attendance:

Barbara Tombs-Souvey	Kara Dansky	Taylor Tarnalicki
Mia Hebb	Mehmet Ergun	

- I. Chairman Lee called the meeting to order at 5:10 p.m.
- II. Introduction and Welcome for new representative from Bureau of Prisons – Informational Item, Judge Lee.

Welcome: Judge Lee and the Commission members welcomed James Wills, Deputy General Counsel from the Bureau of Prisons to the Commission. Mr. Wills was representing Judi Garrett at the meeting.

- III. The minutes from December 11, 2018, were briefly discussed. The minutes were approved pending any changes submitted to Barbara Tombs-Souvey.
- IV. Annual Report Timeline - Informational Item, Barbara Tombs-Souvey.

Annual Report Timeline: Ms. Tombs-Souvey briefly discussed the timeline for upcoming annual report. She stated that a draft of the annual report will be distributed to Commission members for review and edits on March 5, 2019. Commission members were asked to provide their comments and edits by March 15, 2019 to allow sufficient time to incorporate any changes before the report is finalized and distributed.

- V. Overview of Agency Performance Hearing – Informational Item, Judge Lee and Barbara Tombs-Souvey.

Overview of Agency Performance Hearing: Judge Lee briefly discussed the February 8, 2019, Agency Performance Hearing that took place before the Council. Judge Lee reported that he and Ms. Tombs-Souvey attended the hearing and it went well, with no major issues or concerns raised by the Council. Judge Lee commended Ms. Tombs-Souvey and the staff for their efforts of preparing materials for the hearing.

Ms. Tombs-Souvey briefly discussed the FY2020 funding request submitted to the Mayor for the MPD Arrest Data Enhancement Project. Additionally, Commission members were informed of the progress made regarding the community outreach initiative. Ms. Tombs-Souvey was pleased to report that the agency completed its first Guideline information session with District youth (ages 14-24), which is one of the target populations of this initiative. Several additional youth presentations have been scheduled throughout March 2019. Ms. Tombs-Souvey stated that additional information sessions will be offered to the general public, community groups and returning citizens. Several Commission members offered suggestions on additional groups and populations that may be interested in Sentencing Guidelines information sessions. Commission members were encouraged to participate in the community presentations when possible.

Ms. Tombs-Souvey also informed Commission members that the staff will be developing Fast Facts Sheets for individual offenses and Issue Papers which will focus on highlighting a specific aspect of the Sentencing Guidelines in the upcoming months.

VI. Overview of Felony In Possession Sentencing Trends - Informational Item, Judge Lee and Barbara Tombs-Souvey

Overview of Felony In Possession Sentencing Trends: Judge Lee briefly discussed the memorandum provided to Commission member relating to the re-ranking of Felon in Possession. The memo provided Commission members with an overview of sentencing patterns for the six (6) months pre and post re-ranking of the offense. Judge Lee informed Commission members that this information was also presented to the Council during the recent performance hearing. Judge Lee asked Commission members if there were any comments or questions regarding the data provided and a brief discussion regarding the impact of the re-ranking followed.

VII. Lapse and Revival Procedures in Other Jurisdiction – Informational Item, Kara Dansky

Survey of Lapse and Revival Procedures in Other Jurisdiction: Ms. Dansky addressed the Commission members request for information related to the criminal history look-back period and how other jurisdictions handle the lapse and revival of prior offenses. Ms. Dansky presented an overview of the memorandum outlining how various states addressed these issues, which was followed by a lengthy discussion from Commission members.

VIII. Presentation of Requested Research Findings: – Discussion Item, Mehmet Ergun

Presentation of Requested Research Findings: This item Discussion was deferred until the next Commission meeting.

IX. Discussion of Post Release Issue – Discussion Item – Kara Dansky

Discussion of Post Release Issue: Ms. Dansky stated that the supervised release provision of the D.C. Code §24-403.01 addressed in the Voluntary Guidelines Manual creates some confusion and the Commission staff recommend that the Guideline Implementation Committee consider changing Appendices C and C-I in the Manual to include a footnote clarifying the statute

requiring the court to impose up to three to five years of supervised release, depending on the severity of the offense, when it imposes a sentence of one year or less. Judge Lee asked for feedback from Commission members. Commission members agreed to have the Guideline Implementation Committee review this issue and recommends the appropriate language.

Meeting Adjourned at 6:40pm.

NEXT MEETING:

March 19, 2019
One Judiciary Square (441 4th Street, NW) Suite 430S.



District of Columbia
Sentencing Commission

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(202) 727-8822 – Fax (202) 727-7929

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Hon. Frederick H. Weisberg

Non-voting members:
Hon. Charles Allen
Maria Amato, Esq.
Robert Contee
Judi Simon-Garrett, Esq.
Stephen J. Husk

D.C. Sentencing Commission Meeting
March 19, 2019
5:00 to 6:30 PM
One Judiciary Square - 441 Fourth Street, N.W.
Room 430S
Washington, DC 20001

Agenda

1. Review and Approval of the Minutes from the February 19, 2019 Meeting - Action Item, Judge Lee.
2. Annual Report Overview – Informational Item, Barbara Tombs-Souvey, Executive Director.
 - a. Key Findings
 - b. Sentencing Trends
3. Presentation of Requested Research Findings – Discussion Item, Mehmet Ergun, Statistician.
 - a. Lapsed and Revived Convictions
 - b. Impact of Juvenile Adjudications on CH Scores
4. Presentation of Crime Curve Analysis - Discussion Item, Taylor Tarnalicki, Research Analysis.
5. Schedule Next Meeting – April 23, 2019.
6. Adjourn.



District of Columbia Sentencing Commission

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MINUTES OF FULL COMMISSION MEETING

March 19, 2019

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

Voting Members in Attendance:

Milton Lee	Julie Samuels
Renata K. Cooper	Molly Gill
Katerina Semyonova	Dave Rosenthal
Danya Dyson	Frederick Weisberg
Marvin Turner	Cedric Hendricks (via phone)

Non-Voting Members in Attendance:

Kevin Whitfield
Diane Strote for Judi Garrett

Staff in Attendance:

Barbara Tombs-Souvey	Kara Dansky	Taylor Tarnalicki
Mia Hebb	Mehmet Ergun	Miatta Sesay

- I. Judge Weisberg called the meeting to order at 5:36 p.m. for Chairman Lee.
- II. The minutes from February 19, 2019, were briefly discussed. The minutes were approved pending any changes submitted to Barbara Tombs-Souvey.
- III. Annual Report Overview – Informational Item, Barbara Tombs-Souvey.

Annual Report Overview: Ms. Tombs-Souvey thanked Commission members for their review of the Annual Report and the edits/suggestions provided. Ms. Tombs-Souvey then gave an overview of the 2018 Annual Report's key findings and sentencing trends, which included:

- Slight decrease in number of counts, cases, and offenders sentenced compared to 2017
- Decrease in violent and drug sentences but increase in weapon and homicide sentences
- Individuals age 18 to 30 represented 57% of all individuals sentenced
- 67% of sentences involved some period of incarceration
- Violent and weapon offenses accounted for 53% of all sentences imposed
- CPWL, UPF-PF, and PFDCV accounted for 92% of all weapon offenses sentenced
- The most frequent homicide offenses sentenced included Murder I and Murder II
- Judicial compliance with the Guidelines was 97.6%; highest percentage to date
- Lowest rate of compliance was observed in weapon and drug offenses
- Sex offenses had the highest rate of compliance

The Annual Report overview also included a comparison of felony sentencing trends and compliance from 2010 to 2018. Commission members discussed the findings presented and provided feedback.

IV. Presentation of Requested Research Findings – Discussion Item, Mehmet Ergun, Statistician.

Presentation of Requested Research Findings: Mr. Ergun presented an overview of data findings addressing the Commission’s research questions on the impact of prior lapsed/revived convictions and juvenile adjudications on defendants’ Criminal History scores.

The key findings from the research presented in the memo distributed to Commission members indicated that overall, 18% of felony cases sentenced between 2015 and 2018 had one or more prior lapsed and revived convictions included in criminal history (CH) scores. Lapse and revived convictions were most prominent in CH scores for individuals sentenced for drug offenses. In 54% of the CH scores where a lapsed and revived offense occurred, an individual moved to a higher CH category and in 9% the individual was moved to a recommended prison-only box.

The impact of the inclusion of juvenile adjudications in criminal history scores was also presented by Mr. Ergun. The data indicated that 13% of individuals sentenced had a prior juvenile adjudication in their CH score; for violent offenses sentenced that percentage increased to 49%. The inclusion of a juvenile adjudication resulted in a higher criminal history category in 65% of cases sentenced and resulted in a prison-only recommended sentence in 7% of the cases.

A brief discussion among Commission members followed the presentation.

V. Presentation of Crime Curve Analysis – Informational Item, Taylor Tarnalicki, Research Analyst.

Presentation of Crime Curve Analysis: Ms. Tarnalicki gave an overview of the literature related to the age-crime curve and several developmental theories that either support or challenge the age-crime curve theory presented in the memorandum to Commission members.

Ms. Tarnalicki discussed the relationship between age and crime in D.C., and compared these findings to the relationship presented in the literature. Overall, the trends observed in D.C. are similar to the age-crime curve, though with a few discrepancies, specifically when examining Drug crime. However, it was noted that the findings presented were not the result of a longitudinal study or analysis, thus the findings have significant limitations. The presentation was followed by a discussion among Commission members. Commission members requested additional age-crime analysis for specific offenses and a list of offenses included in the violent offense category to be discussed at the next meeting.

Meeting Adjourned at 6:40pm.

NEXT MEETING:

April 23, 2019
One Judiciary Square (441 4th Street, NW) Suite 430S.



District of Columbia
Sentencing Commission

441 Fourth Street, NW, Suite 430 South, Washington, D.C. 20001
(202) 727-8822 – Fax (202) 727-7929

Hon. Milton C. Lee
Chairperson

Barbara S. Tombs-Souwey
Executive Director

Frederick D. Cooke Jr., Esq.
Renata Cooper, Esq.
Hon. Danya A. Dayson
Molly Gill, Esq.
Cedric Hendricks, Esq.
William "Billy" Martin, Esq.
Dave Rosenthal, Esq.
Julie E. Samuels
Katerina Semyonova, Esq.
Marvin Turner
Hon. Frederick H. Weisberg

Non-voting members:
Hon. Charles Allen
Maria Amato, Esq.
Robert Contee
Judi Simon-Garrett, Esq.
Stephen J. Husk

D.C. Sentencing Commission Meeting
April 23, 2019
5:00 to 6:30 PM
One Judiciary Square - 441 Fourth Street, N.W.
Room 430S
Washington, DC 20001

Agenda

1. Review and Approval of the Minutes from the March 19, 2019 Meeting - Action Item, Judge Lee.
2. Guideline Implementation Committee – Informational Item, Kara Dansky, General Counsel.
3. Continued Discussion on Current Lapse and Revival Policy – Discussion Item, Judge Lee.
 - a. Revival Issue
 - b. Lapse Period
 - c. End of Sentence
4. Continued Discussion of Double Counting Issue, Unlawful Possession of a Firearm, Prior Conviction for Crime of Violence – Discussion Item, Judge Lee, and Mehmet Ergun, Statistician.
 - a. Offense Data Overview – Mehmet Ergun, Statistician
 - b. Double Counting Discussion – Judge Lee
5. Schedule Next Meeting – May 21, 2019.
6. Adjourn.



District of Columbia Sentencing Commission

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

DRAFT MINUTES OF COMMISSION MEETING

April 23, 2019

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

Voting Members in Attendance:

Milton Lee	Julie Samuels
Renata K. Cooper	Molly Gill
Katerina Semyonova	Dave Rosenthal
Danya Dyson	Frederick Weisberg
Marvin Turner	Cedric Hendricks

Non-Voting Members in Attendance:

Robert Contee
Diane Strote for Judi Garrett

Staff in Attendance:

Barbara Tombs-Souvey	Kara Dansky	Taylor Tarnalicki
Mia Hebb	Mehmet Ergun	Miatta Sesay

- I. Judge Lee called the meeting to order at 5:10 p.m.
- II. The minutes from March 19, 2019, were approved pending any changes to be submitted to Barbara Tombs-Souvey.
- III. Guideline Implementation Committee – Informational Item, Kara Dansky, General Counsel

Guideline Implementation Committee: Ms. Dansky gave a brief overview of the Guideline Implementation Committee and informed the Commission members of the meeting scheduled for April 29, 2019 at 10:00 am. Ms. Dansky encouraged interested Commission members to attend and participate in the meeting.

- IV. Continued Discussion on Current Lapse and Revival Policy- Discussion Item, Judge Lee, Chairman

Continued Discussion on Current Lapse and Revival Policy: Judge Lee continued the previous discussion related to the current lapse and revival rules that were identified during the Commission Retreat and the Focus Group survey recommendations to the Commission. Judge Lee turned the floor over to Judge Weisberg to give a historical overview of how the 10-year rule window was initially created and adopted as part of the D.C. Guidelines lapse and revival rules relating to adult felony convictions and juvenile adjudications. Judge Lee discussed the memorandum that the General Counsel

provided on the current lapse and revival rules and the following policy considerations towards revising of the D.C. lapse and revival rules:

- Expanding the look back window to 15 years and allowing permanent lapsing
- Establishing a category of offenses that can never lapse while allowing less serious felonies to lapse after five years.
- Eliminating revival altogether, but imposing a specific crime-free period.

Judge Lee opened up the floor to receive feedback from Commission members. There were several suggestions and comments from the Commission members relating to the lapse and revival issue. The discussion will be continued at the next Commission meeting.

V. Discussion of Double Counting Issue, Unlawful Possession of a Firearm, Prior Conviction for Crime of Violence – Continued Discussion Item, Judge Lee and Mehmet Ergun, Statistician

Continued Discussion of Double Counting Issue, Unlawful Possession of a Firearm with a Prior Conviction for Crime of Violence: Judge Lee gave an overview of the continued discussion of the Double Counting Issue for Unlawful Possession of a Firearm, Prior Crime of Violence (“UPF-COV”).

Judge Lee briefly discussed the memorandum provided to the Commission members on “Double Counting”. Following the discussion, Mr. Ergun delivered a presentation outlining the double counting issue related to Unlawful Possession of a Firearm, Prior Crime of Violence.

In his presentation, Mr. Ergun explained that the Double Counting Issue occurs when a prior conviction increases not only the criminal history group of an offender, but also the severity group of the instant offense. After a brief sentencing data overview pertaining to UPF-COV cases, Mr. Ergun identified several potential approaches the Commission could consider to address the Double Counting Issue in UPF-COV offenses. These approaches included:

1. Not scoring the prior conviction that satisfies the “Prior Crime of Violence” element of the instant offense,
2. When sentencing a defendant for UPF-COV, moving the defendant one CH Group to the left, or
3. Re-ranking UPF-COV convictions from M6 to M7 or M8.

Judge Lee briefly discussed the option to re-rank the offense in M7 or M8 and suggested that Commission members may wish to consider re-ranking the offense to severity group M7. Further discussion will be at the next Commission meeting.

Meeting Adjourned at 6:35pm.

NEXT MEETING:

May 21, 2019

One Judiciary Square (441 4th Street, NW) Suite 430S



District of Columbia
Sentencing Commission

441 Fourth Street, NW, Suite 430 South, Washington, D.C. 20001
(202) 727-8822 – Fax (202) 727-7929

Hon. Milton C. Lee
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Molly Gill, Esq.
Cedric Hendricks, Esq.
William "Billy" Martin, Esq.
Dave Rosenthal, Esq.
Julie E. Samuels
Katerina Semyonova, Esq.
Marvin Turner
Hon. Frederick H. Weisberg

Non-voting members:
Hon. Charles Allen
Maria Amato, Esq.
Robert Contee
Judi Simon-Garrett, Esq.
Stephen J. Husk

D.C. Sentencing Commission Meeting
May 21, 2019
5:00 to 6:30 PM
One Judiciary Square - 441 Fourth Street, N.W.
Room 430S
Washington, DC 20001

Agenda

1. Review and Approval of the Minutes from the April 23, 2019 Meeting - Action Item, Judge Lee.
2. Agency FY 2020 Budget Overview – Informational Item, Barbara Tombs-Souvey, Executive Director.
3. Review and approval of “Homicide – Fast Fact Sheet” – Action Item, Taylor Tarnalicki, Research Analyst.
4. Continued Discussion and Possible Action on Modification to Current Lapse and Revival Policy – Judge Lee.
 - a. Revival Issue
 - b. Lapse Period
 - c. End of Sentence
5. Continued Discussion and Possible Action on Double Counting Issue, Unlawful Possession of a Firearm, Prior Conviction for Crime of Violence – Judge Lee.
6. Proposed Changes to the 2019 Sentencing Guideline Manual, Action Item, Kara Dansky, General Counsel.
7. Schedule Next Meeting – June 18, 2019.
8. Adjourn.



District of Columbia Sentencing Commission

441 4th St, NW, Suite 430 South, Washington, DC 20001

Telephone (202) 727-8822 Fax (202) 727-7929

MINUTES OF COMMISSION MEETING

May 21, 2019

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

Voting Members in Attendance:

Milton Lee	Julie Samuels
Renata K. Cooper	Molly Gill
Katerina Semyonova	Dave Rosenthal
Danya Dyson (via phone)	Frederick Cook, Jr.
Marvin Turner	Cedric Hendricks (via phone)

Non-Voting Members in Attendance:

Kevin Whitfield
Robert Contee
Stephen Husk

Guest in Attendance:

Elana Suttentberg

Staff in Attendance:

Barbara Tombs-Souvey	Kara Dansky	Taylor Tarnalicki
Mia Hebb	Mehmet Ergun	Miatta Sesay

- I. Judge Lee called the meeting to order at 5:10 p.m.
- II. The minutes from April 23, 2019, were approved pending any changes submitted to Barbara Tombs-Souvey.
- III. Agency FY 2020 Budget Overview – Informational Item, Barbara Tombs-Souvey, Executive Director

Agency Budget Overview: Ms. Tombs-Souvey gave an overview of the Agency Fiscal Year 2020 Operating Budget and recommendations from the Council’s Committee on Judiciary and Public Safety. Ms. Tombs-Souvey informed the Commission members that the Agency FY20 Operating Budget included the following:

- New IT Specialist Position to support the GRID system and MPD Data Project
- Additional \$35,000 for non-personal services
- \$765,254 for the MPD Arrest Feed Enhancement Project

Judge Lee and the Commission members acknowledged Ms. Tombs-Souvey for her efforts on the Agency’s budget.

IV. Proposed Changes to the 2019 Sentencing Guideline Manual and Ranking One Felony Offense – Action Item, Kara Dansky, General Counsel.

Proposed changes to 2019 Sentencing Guideline Manual/Ranking One Felony Offense: Ms. Dansky briefly discussed the memorandum provided to the Commission members outlining proposed revisions to the 2018 Voluntary Sentencing Guidelines Manual and Offense Ranking.

Ms. Dansky stated that the Guideline Implementation Committee met on April 29, 2019, to discuss the proposed changes to the Manual and Offense Ranking and the Committee had reached agreement on the proposed revisions and offense ranking. Ms. Dansky stated that the Manual changes were minor formatting and grammatical corrections as discussed in the memorandum. Commission members provided feedback regarding the recommended changes.

Judge Lee raised the issue of whether the recommended offense ranking of Master Grid 9 for Possession of a Large Capacity Ammunition Feeding Device (D.C. Code § 7-2506.01(b)) be reconsidered as ranked in Master Grid 8. Judge Lee opened the floor for further discussion from Commission members. There were questions and comments from Commission members and the proposed ranking of Master Grid 9 was retained.

Commission Action#1: The Commission voted to approve the proposed revisions to the 2018 Voluntary Sentencing Guidelines set forth in the memorandum and the ranking Possession of a large capacity ammunition feeding device (D.C. Code § 7-2506.01(b)) in the default ranking of Master Grid 9 by a vote of 10-0 vote.

V. Review and approval of “Homicide – Fast Fact Sheet” – Action Item, Taylor Tarnalicki, Research Analyst

Review and approval of “Homicide – Fast Fact Sheet”: Ms. Tarnalicki gave a brief overview of the “Homicide Fast Fact Sheet” presented to Commission members for their review and approval. Ms. Tarnalicki stated that this is the first “Fast Fact Sheet,” providing the following facts on Homicide in the District:

- Sentencing Trends
- Criminal History
- Compliance Information
- Offender Demographics

Ms. Tarnalicki informed Commission members that the Fast Facts will be released semi-annually with different offenses highlighted to provide interested parties and the general public with a quick overview of sentences trends for felony offenses. Judge Lee asked the Commission members if there were any questions or suggestions. There was some discussion among Commission members regarding the type of information to be included on Fast Fact Sheets.

VI. Continued Discussion and Possible Action on Double Counting Issue, Unlawful Possession of a Firearm, Prior Conviction for Crime of Violence – Judge Lee

Continued Discussion and Possible Action on Double Counting Issue, Unlawful Possession of a Firearm with a Prior Conviction for Crime of Violence: Judge Lee continued discussion of

the Double Counting Issues for Unlawful Possession of a Firearm, Prior Crime of Violence (“UPF-COV”) and provided an overview of the possible approaches to address this issue.

Judge Lee then opened the floor for further discussion on the various options to address the Double Counting. USAO indicated that although they did not recommend, they would support, adjusting the criminal history score by moving it one box to the left when sentencing UPF-COV.

PDS indicated the preference to re-rank the UPF-COV offense from M6 to M7, since it mirrored the same approach previously approved by the Commission to address the Double Counting issue for Unlawful Possession of Firearm – Prior Felony.

Commission members engaged in a discussion regarding their positions, concerns, and suggestions on the best option to address the Double Counting issue. At the end of the discussion, Judge Lee informed the Commission members to be prepared to vote on the issue at the next Commission meeting.

VII. Continued Discussion and Possible Action on Modification to Current Lapse and Revival Policy - Judge Lee

Continued Discussion and Possible Action on Modification to Current Lapse and Revival Policy: The discussion was tabled until a future Commission meeting.

Meeting Adjourned at 6:10pm.

NEXT MEETING:

June 18, 2019

One Judiciary Square (441 4th Street, NW) Suite 430S.



District of Columbia
Sentencing Commission

441 Fourth Street, NW, Suite 430 South, Washington, D.C. 20001
(202) 727-8822 – Fax (202) 727-7929

Hon. Milton C. Lee
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Cedric Hendricks, Esq.
William "Billy" Martin, Esq.
Dave Rosenthal, Esq.
Julie E. Samuels
Katerina Semyonova, Esq.
Marvin Turner
Hon. Frederick H. Weisberg

Non-voting members:
Hon. Charles Allen
Maria Amato, Esq.
Robert Contee
Judi Simon-Garrett, Esq.
Stephen J. Husk

D.C. Sentencing Commission Meeting
June 18, 2019
5:00 to 6:30 PM
One Judiciary Square - 441 Fourth Street, N.W.
Room 430S
Washington, DC 20001

Agenda

1. Review and Approval of the Minutes from the May 21, 2019 Meeting - Action Item, Judge Lee.
2. Overview of Impact of Felon in Possession Re-Ranking – Informational Item, Taylor Tarnalicki, Research Analyst and Barbara Tombs-Souvey, Executive Director.
3. Continued Discussion and Action on Double Counting Issue, Unlawful Possession of a Firearm, Prior Conviction for Crime of Violence – Judge Lee.
4. Schedule Next Meeting – July 16, 2019??
5. Adjourn.



District of Columbia Sentencing Commission

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

DRAFT MINUTES OF COMMISSION MEETING

June 18, 2019

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

Voting Members in Attendance:

Milton Lee	Julie Samuels (via phone)
Molly Gill	US Attorney Jessie K. Liu; Designee Renata K. Cooper
Katerina Semyonova	Alicia Washington for Dave Rosenthal
Danya Dyson	Frederick Cook, Jr.
Marvin Turner	Richard Tischner for Cedric Hendricks
Frederick Weisberg	

Non-Voting Members in Attendance:

Kevin Whitfield
MPD Chief Peter Newsham; Designee Robert Contee
Stephen Husk

Guest in Attendance:

Elana Suttentberg

Staff in Attendance:

Barbara Tombs-Souvey	Kara Dansky	Taylor Tarnalicki
Mia Hebb	Mehmet Ergun	Miatta Sesay

- I. Judge Lee called the meeting to order at 5:10 p.m.
- II. The minutes from May 21, 2019, were approved pending any changes submitted to Barbara Tombs-Souvey.
- III. Overview of Impact of Felon in Possession Re-Ranking – Informational Item, Taylor Tarnalicki, Research Analyst and Barbara Tombs-Souvey, Executive Director

Overview of Impact of Felon in Possession Re-Ranking: Ms. Tarnalicki provided an update of sentencing trends for Unlawful Possession of a Firearm-Prior Felony (FIP). In July 2018, FIP was re-ranked from Offense Severity Group 7 to Offense Severity Group 8. The update reflected sentences imposed for a time period of 11 months before the re-ranking of FIP, and for 11 months after the re-ranking. Ms. Tarnalicki discussed the memorandum presented to the Commission members which outlined key findings as well as a comparison of FIP sentences imposed pre and post re-ranking. The following key findings were presented:

- Felon in Possession represented 10.8% of all felony counts sentenced pre re-ranking and 7.8% of all felony counts sentenced post re-ranking
- Between pre and post re-ranking, the average sentence imposed for Felon in Possession decreased by 5 months
- Both pre and post re-ranking under half (47.5) of FIP counts belonged to multi count cases, where all other charges were dismissed except Felon in Possession
- The percentage of FIP counts resolved via 11(c)(1)(c) plea almost double between the pre and post ranking period
- All non-compliant sentences in “problem” cells on the Master Grid (pre re-ranking: 7B, post-change: 8C) received a sentence of 12 months
- Both pre and post re-ranking, just over one-third of FIP counts that belonged to multi-count cases were sentenced concurrently to other counts on the case. (Pre-change: 38%, Post-change: 36%)
- Both pre and post re-ranking, the majority of FIP offenders had a criminal history score of C.

Judge Lee opened the floor for questions on the Felon in Possession update summary report. There were issues raised by Chief Newsome and US Attorney Jessie Liu regarding the July 2018, re-ranking of Unlawful Possession of a Firearm – Prior Felony from Master Group 7 (M7) to Master Group 8 (M8). Judge Lee responded to the concerns raised and briefly provided an overview and rationale of the action taken by the Commission. Commission members also provided feedback regarding the issues.

IV. Continued Discussion and Action on Double Counting Issue, Unlawful Possession of a Firearm, Prior Conviction for Crime of Violence – Action Item, Judge Lee, Chairperson.

Continued Discussion and Action on Double Counting Issue, Unlawful Possession of a Firearm with a Prior Conviction for Crime of Violence: Judge Lee continued the discussion on the Double Counting Issue, Unlawful Possession of Firearm with a Prior Conviction for Crime of Violence (“UPF-COV”) memo. Judge Lee gave an overview of the memorandum that was provided to the Commission members for the April 2019 Commission meeting that summarized the potential approaches the Commission could consider to address this issue.

Judge Lee opened the floor for further discussion from Commission members on the various approaches to address double counting issue related to UPF-COV. Commission members discussed the various options and voiced their positions and concerns related to each of the best options.

USAO supported adjusting the criminal history scoring by moving one criminal history box to the left when sentencing a defendant for UPF-COV. PDS supported re-ranking UPF-COV offense from a M6 to M7 since it mirrored the same approach previously approved by the Commission to address the double counting issue for unlawful possession of firearm – prior felony (FIP).

Commission Action#1: The Commission voted to address the double counting issue related to UPF-COV by re-ranking the offense of UPF-COV from Master Grid 6 (M6) to Master Grid 7 (M7) by a vote of 6-5.

V. Review and approval of “Compliant in the Box Sentencing” Issue Paper - Action Item, Miatta Sesay-Wood, Data Manager and Barbara Tombs-Souvey, Executive Director

Review and approval of “Compliant in the Box Sentencing” – Issue Paper: The review and approval of “Compliant in the Box Sentencing” issue was deferred until a later date.
Meeting Adjourned at 6:25pm.

NEXT MEETING:

July 16, 2019

One Judiciary Square (441 4th Street, NW) Suite 430S.



District of Columbia
Sentencing Commission

441 Fourth Street, NW, Suite 430 South, Washington, D.C. 20001
(202) 727-8822 – Fax (202) 727-7929

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William "Billy" Martin, Esq.
Dave Rosenthal, Esq.
Julie E. Samuels
Katerina Semyonova, Esq.
Marvin Turner
Hon. Frederick H. Weisberg

Non-voting members:

Hon. Charles Allen
Maria Amato, Esq.
Robert Contee
Judi Simon-Garrett, Esq.
Stephen J. Husk

D.C. Sentencing Commission Meeting
September 17, 2019
5:00 to 6:30 PM
One Judiciary Square - 441 Fourth Street, N.W.
Room 430S
Washington, DC 20001

Agenda

1. Review and Approval of the Minutes from the June 18, 2019 Meeting - Action Item, Judge Lee.
2. Research Committee Recommendations Regarding Crimes of Violence – Action Item, Barbara Tombs-Souvey, Executive Director.
3. Review and Approval of Fast Facts “Assault with Intent to Kill,” - Action Item, Taylor Tarnalicki, Research Analyst.
4. Discussion Regarding Commission Priorities for FY 2020 – Discussion Item, Judge Lee, Chairman.
5. Schedule Next Meeting – October 15, 2019.
6. Adjourn.



District of Columbia Sentencing Commission

441 4th St, NW, Suite 430 South, Washington, DC 20001

Telephone (202) 727-8822 Fax (202) 727-7929

MINUTES OF FULL COMMISSION MEETING

September 17, 2019

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

Voting Members in Attendance:

Milton Lee	Julie Samuels
Renata K. Cooper	Molly Gill
Katerina Semyonova	Dave Rosenthal
Danya Dyson	Frederick Weisberg

Non-Voting Members in Attendance:

Robert Contee
Diane Strote for Judi Garrett

Staff in Attendance:

Barbara Tombs-Souvey	Kara Dansky	Taylor Tarnalicki
Mehmet Ergun	Miatta Sesay	

- I. Judge Lee called the meeting to order at 5:06 p.m.
- II. The minutes from June 18, 2019, were briefly discussed. Commission members proposed removing the “Guest in Attendance” section given that the individuals listed are members of the Commission, though they typically send a designee, rather than attend in person. It was suggested to refer to these individuals as members in attendance, with their designee included in parenthesis. Further, these individuals will be referred to as “members” rather than “guests” throughout the minutes. These changes will be incorporated into the approved minutes for the June 2019 meeting.
- III. Research Committee Recommendations Regarding Crimes of Violence – Action Item, Barbara Tombs-Souvey.

Research Committee Recommendations Regarding Crimes of Violence: Ms. Tombs-Souvey provided an overview of the issues surrounding the Commission’s current definition of “Violent” crime and possible approaches to redefining it. Ms. Tombs-Souvey explained that the Commission’s current definition does not perfectly align with the local statutory definition of “crime of violence” or the UCR Part 1 Index Offenses. The main differences are that: (1) the Commission classifies burglary as a property crime; and (2) the Commission includes homicide offenses and sex abuse offenses in their own unique categories (the statutory definition includes most versions of these offenses as “crimes of violence”).

Ms. Tombs-Souvey stated that the Research Committee met twice to discuss this issue. The Committee discussed the possibility of re-defining “Violent crime” to more closely align with either the statutory definition or the UCR Part 1 definition. However, the Committee noted that changing the current definition would have implications for anyone researching the history of crime and sentencing in D.C.

The Research Committee recommended that the Commission:

- 1) Not change the Commission's current definition of violent crime;
- 2) Explicitly state the Commission's current definition of violent crime, and the offenses included in the definition, in future versions of the Commission's Annual Report; and
- 3) Add a section to the Annual Report Appendix that provides additional data analyses on sentences imposed for "crimes of violence" as defined in the D.C. Code § 23-1331(4).

There was brief discussion among Commission members concerning these recommendations.

Commission Action #1: The Commission voted unanimously to accept the recommendations proposed by the Research Committee.

IV. Review and Approval of Fast Facts "Assault with Intent to Kill," – Action Item, Taylor Tarnalicki, Research Analyst.

Review and Approval of Fast Facts "Assault with Intent to Kill:" Ms. Tarnalicki provided an overview of the second Fast Facts sheet, which highlights sentencing trends for Assault with Intent to Kill (AWIK). Ms. Tarnalicki opened the floor for discussion, and welcomed suggestions/edits from Commission members. Among the suggested revisions were to:

- 1) Include a publication date, and adopt this into the Fast Facts template; and
- 2) Revise the definition of 11(c)(1)(C) pleas to match that used in the Annual Report.

These changes will be incorporated into the final version of the AWIK Fast Facts document before publication.

V. Discussion Regarding Commission Priorities for FY 2021 – Discussion Item, Judge Lee, Chairman.


Discussion Regarding Commission Priorities for FY 2020: Judge Lee opened up the floor for discussion regarding what issues the Commission should focus on in FY 2020. Among the suggestions proposed were to:

- 1) Consider the impact of the Guidelines on juveniles convicted of Title 16 offenses, and possibly incorporate a set of rules into the Guidelines to address this unique population;
- 2) Consider conducting research on the population of offenders housed in the Federal Bureau of Prisons who were sentenced by the D.C. Superior Court.
- 3) Identify the components necessary to conduct a study on recidivism, take preliminary steps to design the study, and explore the possibility of having an expert in the area of recidivism research address the Commission
- 4) Consider changing the look back period for calculating criminal history.

Meeting Adjourned at 6:23pm.

NEXT MEETING:

October 15, 2019
One Judiciary Square (441 4th Street, NW) Suite 430S.



District of Columbia
Sentencing Commission

441 Fourth Street, NW, Suite 430 South, Washington, D.C. 20001
(202) 727-8822 – Fax (202) 727-7929

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Dave Rosenthal, Esq.
Julie E. Samuels
Katerina Semyonova, Esq.
Marvin Turner
Hon. Frederick H. Weisberg

Non-voting members:
Hon. Charles Allen
Maria Amato, Esq.
Robert Contee
Judi Simon-Garrett, Esq.
Stephen J. Husk

D.C. Sentencing Commission Meeting
October 15, 2019
5:00 to 6:30 PM
One Judiciary Square - 441 Fourth Street, N.W.
Room 430S
Washington, DC 20001

Agenda

1. Review and Approval of the Minutes from the September 17, 2019 Meeting - Action Item, Judge Lee.
2. Review and Approval of Issue Paper "Long Split Sentences," - Action Item, Mehmet Ergun, Statistician.
3. Three-Year Outreach Strategy– Discussion Item, Miatta Sesay, Outreach Specialist, Barbara Tombs-Souvey, and Judge Lee.
4. Presentation and Discussion of Title 16 Sentences:
 - a. Overview of court cases related to Title 16 Offenders – Kara Dansky, General Council.
 - b. Presentation of Title 16 Sentencing Data – Taylor Tarnalicki, Research Analyst.
5. Schedule Next Meeting – November 19, 2019
6. Adjourn.



District of Columbia Sentencing Commission

441 4th St, NW, Suite 430 South, Washington, DC 20001

Telephone (202) 727-8822 Fax (202) 727-7929

DRAFT MINUTES OF COMMISSION MEETING

October 15, 2019

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

Voting Members in Attendance:

Milton Lee
Frederick Weisberg
Katerina Semyonova
Cedric Hendricks

Molly Gill
Dave Rosenthal

Non-Voting Members in Attendance:

Diane Strote
Robert Contee
Stephen Husk

Staff in Attendance:

Barbara Tombs-Souvey
Mia Hebb

Kara Dansky
Mehmet Ergun

Taylor Tarnalicki
Miatta Sesay

- I. Judge Lee called the meeting to order at 5:10 p.m.
- II. The minutes from September 17, 2019 were approved, pending any changes submitted to Barbara Tombs-Souvey.
- III. Review and Approval of Issue Paper “Long Split Sentences” – Action Item, Mehmet Ergun, Statistician

Review and Approval of Issue Paper: Mr. Ergun provided an overview of issue paper #2 “Long Split Sentences” to the Commission members. This paper explains felony long split sentencing practices, in an effort to increase the public’s understanding and application of the Voluntary Sentencing Guidelines. Mr. Ergun opened the floor for discussion, suggestions, and edits from Commission members. There were some suggestions:

- 1) Include examples of long split sentences – both compliant in the box and compliant out of the box.
- 2) Possibly do an additional issue paper on what compliance means, generally.

Ms. Tombs-Souvey asked Commission members to provide their edits or additional feedback.

- IV. Three -Year Outreach Strategy – Discussion Item, Miatta Sesay-Wood, Outreach Specialist, Barbara Tombs-Souvey, and Judge Lee.

Three – Year Outreach Strategy: Ms. Tombs-Souvey gave an overview of the Council’s recommendations to increase community outreach and Guideline educational activities provided by the Commission in FY20. Ms. Sesay-Wood provided an overview of preliminary goals and strategic objectives to serve as the initial step in developing a comprehensive Outreach and Education Strategy.

To achieve this goal, Ms. Sesay-Wood discussed the following three proposed objectives:

- Develop an educational outreach curriculum related to the Sentencing Guidelines.
- Improve upward and downward communication.
- Develop informative outreach related to work of the DC Sentencing Commission.

Ms. Sesay-Wood opened the floor for questions or suggestions. Commission members raised some questions and gave suggestive feedback. Judge Lee suggested that Commission members participate with some of the outreach activities and provide points of contact of specific groups that may express interest in Guideline Outreach and forward them to Ms. Sesay-Wood. Ms. Tombs-Sesay stated that the next steps will be to take the feedback from the Commission members and develop a set of initiatives to implement the plan for final approval from the Commission.

V. Presentation and Discussion of Title 16 Sentences:

a: Overview of court cases related to Title 16 Offenders – Kara Dansky, General Counsel: Ms. Dansky gave an brief overview of court cases related to the sentencing of juveniles convicted as adults. Ms. Dansky highlighted relevant cases, to provide the Commission members with a legal background to inform its consideration of its approach to sentencing juveniles who were convicted and sentenced in D.C. Superior court.

b: Presentation of Title 16 Sentencing Data – Taylor Tarnalicki, Research Analyst: In the September 2019 Commission meeting, Commission members expressed interest in sentencing trends for juveniles convicted of Title 16 offenses. Ms. Tarnalicki gave a presentation on the sentencing trends of original felony sentences imposed for 15-17 year-old offenders. The presentation included an examination of sentencing trends by the offender’s age, the convicted offense, the average sentence imposed for each offense, by age, and by criminal history information.


Ms. Tarnalicki opened the floor for questions or comments from the Commission members. Commission members discussed the key findings included in the memo on sentencing trends for juveniles convicted of Title 16 offenses, and requested that Commission staff compare the sentencing trends of Title 16 offenders to those of adult offenders. The Commission will continue the discussion further at the next meeting.

Meeting Adjourned at 6:25pm.

NEXT MEETING:

November 19, 2019

One Judiciary Square (441 4th Street, NW) Suite 430S.



District of Columbia
Sentencing Commission

441 Fourth Street, NW, Suite 430 South, Washington, D.C. 20001
(202) 727-8822 – Fax (202) 727-7929

Hon. Milton C. Lee
Chairperson

Barbara S. Tombs-Souvey
Executive Director

Frederick D. Cooke Jr., Esq.
Renata Cooper, Esq.
Hon. Danya A. Dayson
Molly Gill, Esq.
Cedric Hendricks, Esq.
William "Billy" Martin, Esq.
Dave Rosenthal, Esq.
Julie E. Samuels
Katerina Semyonova, Esq.
Marvin Turner
Hon. Frederick H. Weisberg

Non-voting members:

Hon. Charles Allen
Maria Amato, Esq.
Robert Contee
Judi Simon-Garrett, Esq.
Stephen J. Husk

D.C. Sentencing Commission Meeting
November 19, 2019
5:00 to 6:30 PM
One Judiciary Square - 441 Fourth Street, N.W.
Room 430S
Washington, DC 20001

Agenda

1. Review and Approval of the Minutes from the October 15, 2019 Meeting - Action Item, Judge Lee.
2. Three-Year Outreach Strategy Initiatives – Discussion Item, Miatta Sesay, Outreach Specialist, Barbara Tombs-Souvey, and Judge Lee.
3. Continued Discussion of Title 16 Sentences:
 - a. Overview of court cases related to Title 16 Offenders – Kara Dansky, General Council.
 - b. Presentation of Title 16 Sentencing Data – Taylor Tarnalicki, Research Analyst.
4. December 17th Meeting is cancelled.
Next Scheduled Meeting – January 21, 2020.
5. Adjourn.



District of Columbia Sentencing Commission

441 4th St, NW, Suite 430 South, Washington, DC 20001

Telephone (202) 727-8822 Fax (202) 727-7929

MINUTES OF COMMISSION MEETING

November 19, 2019

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

Voting Members in Attendance:

Milton Lee	Molly Gill
Frederick Weisberg	Dave Rosenthal
Katerina Semyonova	Renata K. Cooper
Danya Dyson	Julie Samuels

Non-Voting Members in Attendance:

Diane Strote
Robert Contee
Kevin Whitfield

Staff in Attendance:

Barbara Tombs-Souvey	Kara Dansky	Taylor Tarnalicki
Mia Hebb	Mehmet Ergun	Miatta Sesay-Wood

- I. Judge Lee called the meeting to order at 5:10 p.m.
- II. The minutes from October 15, 2019 were approved pending any changes submitted to Barbara Tombs-Souvey.
- III. Three -Year Outreach and Education Strategy – Discussion Item, Miatta Sesay-Wood, Outreach Specialist, Barbara Tombs-Souvey, and Judge Lee.

Three-Year Outreach Initiatives: Ms. Sesay-Wood gave an overview of the strategic objectives outlined in the Commission’s three-year Comprehensive Outreach and Education Strategy, which aims to inform and educate the public about the factors impacting sentencing under the DC Sentencing Guidelines. Ms. Sesay-Wood presented the following strategic objectives:

- Develop educational outreach curriculum related to the Sentencing Guidelines
- Improve upward and downward communication
- Develop informative outreach related to work of the D.C. Sentencing Commission

Each objective was followed by a discussion of the strategic initiatives that would be under taken to achieve these goals. Ms. Sesay-Wood opened the floor for questions, comments, or edits from the Commission members. Commission members discussed specific audiences to target, as well as the various methods of disseminating the information to increase public awareness of the Sentencing

Commission and its work. Commission members recommended that staff develop a Social Media policy for creating/using any social media platforms.

IV. Continued Discussion of Title 16 Sentences:

a: Presentation of Title 16 Sentencing Data – Taylor Tarnalicki, Research Analyst: Ms. Tarnalicki continued the discussion from October 2019 Commission meeting on Title 16 sentencing trends. Ms. Tarnalicki presented additional information on sentencing trends for juveniles sentenced under Title 16, and compared these trends to that of youthful and adult offenders who were sentenced for the same offenses, and who had similar criminal histories. The data included in the presentation reflected sentences imposed between January 1, 2012 and September 30, 2019.

Ms. Tarnalicki opened the floor for questions and comments from the Commission members. Commission members discussed key findings from the analysis set forth in the memorandum on 1) Juveniles convicted of Title 16 offenses, and 2) a Comparison of Juvenile, Youthful, and Adult Offenders. The Commission members suggested further analysis on sentencing trends related to juvenile offenders.

b: Grid Box Analysis – Mehmet Ergun, Statistician – Will be discussed at the next Commission meeting.

V. The December 17, 2019 Commission Meeting is cancelled due to upcoming holidays.

Meeting Adjourned at 6:25pm.

NEXT MEETING:

January 21, 2020

One Judiciary Square (441 4th Street, NW) Suite 430S.