



D.C. Criminal Code Reform Commission
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MINUTES OF PUBLIC MEETING

WEDNESDAY, MARCH 24, 2021, at 10:00 AM

On Wednesday, March 24, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held telephonically at (650) 479-3208 (access code: 180 216 5030). The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or ccrc@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Rachel Redfern (Senior Attorney Advisor)

Jinwoo Park (Senior Attorney Advisor)

Margarita Bronshteyn (Social Scientist)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of the Public Defender Service for the District of Columbia)

Nishant Keerikkatte (Visiting Attendee of the Office of the Deputy Mayor for Public Safety and Justice)

Katerina Semyonova (Visiting Attendee of the Public Defender Service for the District of Columbia)

Paul Butler (Council Appointee)

Dave Rosenthal (Designee of the Attorney General of the District of Columbia)

Elana Suttenger (Designee of the Acting United States Attorney's Office for the District Columbia)

Kate Mitchell (Visiting Attendee of the Council Committee on the Judiciary and Public Safety)

Kevin Whitfield (Representative of the D.C. Council Committee on the Judiciary and Public Safety)

Don Braman (Council Appointee)

I. Welcome and Announcements.

- a. The Executive Director stated that although the vote to be held at this meeting formally ends the statutory role of the Advisory Group, the Director hopes that members continue to play a role in advising the CCRC in forming additional recommendations and revisions to the criminal code.
- b. The Executive Director noted that the CCRC is planning a public event in June of this year that will highlight the need for code reform and the CCRC's work. As planning for the event continues, the Executive Director will keep the Advisory Group members informed.

II. Discussion and Vote to Approve for Submission to the Council and Mayor:

- a. The Executive Director noted that the CCRC made one technical correction to the voting draft. In February 2020, the CCRC had intended to incorporate a recommendation made by the United States Attorney's office regarding RCC § 22E-214. Under paragraph (b)(2), the words "has been decided" should have been replaced with "has become final." Due to a clerical error the change had not been made to the draft code included in Report #70. The Executive Director noted that, if approved, the final documents transmitted to the Mayor and D.C. Council will include this change.
- b. The Executive Director requested that if any Advisory Group members identify any technical errors prior to transmission to the Council, that they contact the CCRC so changes can be made.
 - i. The representative from the Office of the Attorney General asked when exactly the final version will be transmitted to the Council. The Executive Director said that the CCRC plans to transmit the package sometime between March 29 and March 31.
- b. The Executive Director summarized the voting procedures, noting that votes of "yes," "no," and "abstain" were possible, then asked each of the five voting members of the Advisory Group whether they "approve for submission to the Council and Mayor the submitted criminal code reform recommendations and background materials, subject to any final typographic changes recommended by agency staff."
- c. The five voting members of the Advisory Group voted as follows:
 - i. Donald Braman: **Yes**
 - ii. Paul Butler: **Yes**
 - iii. Laura Hankins (PDS): **Yes**
 - iv. Dave Rosenthal (OAG): **Yes**
 - v. Elana Suttentberg (USAO-DC): **Yes** (stating that the vote was subject to the letter circulated to Advisory Group members just before the meeting)
- d. The Executive Member confirmed that the CCRC recommendations are approved for submission to the Mayor and Council by a unanimous vote of 5-0. The Executive Director stated that the CCRC will transmit the recommendations to the Council and Mayor in electronic form on or by March 31, 2021.
- e. The Executive Director stated that the Advisory Group's statutory duties are fulfilled. The Executive Director thanked the Advisory Group members for their work and assistance, and noted that despite disagreement on specific issues, the

members maintained a civil tone and, in the opinion of the Director, there is broad consensus on most aspects of the revised code. The Executive Director said that the proposed recommendations will improve the clarity, completeness, consistency, and proportionality of the criminal code in the District.

- f. The Executive Director asked if there were any last comments before closing the meeting and formally ending the Advisory Group's statutory duties.
 - i. The PDS Representative thanked the Executive Director for his leadership in this project, and to the CCRC staff for its work.
 - ii. The USAO-DC Representative also thanked the CCRC staff for all its work.
 - iii. Donald Braman congratulated the CCRC and stated that revising a criminal code is an immense project, and the difficulty involved may have deterred other jurisdictions from undertaking similar reforms. He noted that the CCRC work not only benefits the District but may serve as a model for other jurisdictions around the country.
 - iv. The OAG Representative thanked the Advisory Group for its camaraderie and ability to work together and form consensus despite members having disagreements on specific issues.
 - v. Paul Butler also thanked the CCRC staff and the fellow Advisory Group members.

III. Adjournment.

- a. The Executive Director adjourned the meeting at 10:30 a.m.