

**Maryland State Commission on Criminal Sentencing Policy
House Judiciary Committee Room
Lowe Office Building, Room 121
Annapolis, Maryland
May 6, 2002**

Commission Members in Attendance:

Russell P. Butler, Esquire;
Robert Gibson for Stuart O. Simms;
Domenic Iamele, Esquire;
Honorable Delores Kelley;
Patrick Kent, Esquire for Stephen E. Harris, Esquire;
Matthew Lawrence for Colonel David Mitchell;
Honorable Robert Riddle;
Honorable Andrew Sonner;
Honorable John Themelis;
Honorable Joseph Vallario

Staff Members in Attendance:

Michael Connelly, Ph.D.;
Lusungu Kayani;
Phil Laffey;
Haisha Thompson;
Kristi Waits

1. Call to Order

Judge Sonner, Chair, called the meeting to order.

2. Roll Call and Declaration of Quorum

Only nine voting Commission members were in attendance, so quorum could not be declared.

3. Approval of Minutes, December 2001 Meeting

Since quorum was not met, the minutes were not approved.

4. Report from the Executive Director

Dr. Connelly welcomed the Commissioners and thanked them for their attendance. His first item of discussion was an update on worksheet training sessions conducted by Commission staff members. Since the last meeting, staff members conducted four worksheet trainings and have two more set up in Frederick and Washington counties. In addition to worksheet trainings, Dr. Connelly discussed a variety of other events/meetings in which staff has participated. Over the past three months they met with judges in Anne Arundel County, court clerks in Westminster County, and, with Judge Sonner, the criminal law division of the Montgomery County Bar Association. They also conducted presentations about the Commission and sentencing guidelines at several legislative hearings, two deliberative focus groups on corrections options programs, the Justice Research and Statistics Association, and the annual meeting of the Maryland Women's Bar Association.

Dr. Connelly's next item of discussion pertained to the creation of an on-line worksheet database, which would be accessible to all personnel responsible for filling out the guidelines worksheets. Dr. Connelly and Kristi Waits met with Henry Yi at the University of Maryland in the Office of

Academic Computing Services to discuss the possibility of designing a web-based application to enter and compute sentencing data.

Finally, Dr. Connelly discussed recent legislation requiring Commission reporting of statistics on judicial reconsiderations. A discussion ensued about the lack of reconsideration data collected by the Commission and ways in which to improve it. Judge Sonner expressed concern about addressing the problem through the legislature. Rather, he suggested putting an action item on the next agenda to discuss the matter.

5. Budget - Fiscal Year 2003

Dr. Connelly opened the discussion of the Commission's funding with an overview of the past year's budget process. He went over the \$41,000 cut in the Commission's budget for fiscal year 2003, which he explained was primarily due to the 25% reduction in Byrne funding. Due to these budget cuts, the Commission will be forced to cut its staff and expenditures. Neither Phil Laffey nor Greg Jones will be with the Commission next fiscal year, but Dr. Connelly has hired graduate students, Dave Bierie and Gary Locust for the summer as well as unpaid, undergraduate, Jackie Kluchino. In the fall, Kelley interns may be hired with money set aside for the program. Since the Commission will lose one full-time staff position with the budget cuts, Senator Kelley recommended that they pursue additional personnel through a legislative "Rule of 500."

With regard to other budget issues, Kate Wagner will be taking over the COMAR responsibilities from Phil, and Dr. Connelly will be working with Haisha Thompson on guidelines worksheet trainings. The news and research components of Phil's and Greg's work will be terminated indefinitely upon their departure. Yet, Dr. Connelly is researching the possibility of utilizing the resources of the Corrections and Sentencing workgroup overseen by Doris MacKenzie at the University of Maryland. Additionally, Dr. Connelly is trying to link future deliberative focus groups to grants funded by foundations.

6. Sentencing Data Validation

Dr. Connelly discussed his concerns about validating the sentencing information received by the courts. The Administrative Office of the Courts (AOC) is willing to share the data with the Commission, but the office is ill equipped to handle the tapes on which the data is held. A meeting has been set up with staff from the Judicial Information Systems office to discuss alternate means of collecting the AOC data. It is the goal of the Commission to compare the number of worksheets received to number of worksheets completed in an effort to determine the percent of cases not included in the data.

Another data validation concern discussed during the meeting pertained to accurate counts of victim information. The Commission currently receives only a fraction of worksheets with completed victim information. Since State's Attorneys are already responsible for collecting victim data, it was suggested that the Commission contact their office for help in obtaining a baseline figure. Dr. Connelly's primary concern is that, without baselines or thorough knowledge of local contexts, the Commission does not know if the return rates the office is getting are reasonably close to the actual number or the best to be expected.

7. Guidelines Training

SCCSP staff showed attendees the recently completed guidelines training video. After reviewing the video, Commission members recommended that staff pursue developing it as part of a longer training session for judicial training, in conjunction with the Judicial Institute. Judge Themelis suggested creating a training course, including a study guide, where newly appointed judges could watch the film and ask questions pertaining to guidelines worksheets. Also, it was suggested that the video be distributed to law libraries statewide.

In addition, Dr. Connelly discussed in the detail the collaboration between the office and Henry Yi at

the University of Maryland in developing a web-based worksheet process. Although there will be a significant cost up front, Dr. Connelly believes the online system will provide the Commission with many long-term benefits and savings. The first stage of the process is developing a section on the website that will allow automatic guidelines calculation and location of proper seriousness levels of offenses. The second stage will expand on the guidelines calculations by developing a web-based guidelines worksheet form that will eventually replace the current paper form. Practitioners will be allowed to use either system though depending on their preference. The timeline for this project has not yet been determined.

8. Sentencing Guidelines Subcommittee

Dr. Connelly presented issues to be discussed at the next Sentencing Guidelines Subcommittee meeting. Among the items to be discussed at the meeting: new classifications of 2002 offenses; COMAR language regarding changes to code numbering, the worksheet, and the manual; and matrix cell review. Commissioner Butler suggested running a comparison report on departure rates for assault cases prior to the new classifications that went into effect July 2001 and after. Dr. Connelly proposed holding one teleconference to discuss the classification material and a separate meeting in person to discuss the ranges. Senator Kelley volunteered her office for an evening meeting.

9. New Business, Old Business, and Announcements

Once again, the issue of the Commission's role in providing opinions on bills and legislations was brought up. Mr. Kent argued that the Commission does not meet regularly enough during the legislative session to discuss proposed bills in a timely manner. Judge Sonner, Chair, set forth the rule that except for extraordinary cases, the Commission would not support or oppose legislation that does not specifically affect the Commission.

Also, Commissioner Butler expressed concern that the next regularly scheduled meeting in August would conflict with the national sentencing commission meeting. Therefore, the August meeting has been tentatively rescheduled for later in the month. Commissioner Butler also noted that the November meeting may be disrupted by the primaries and general election dates.

Finally, Judge Sonner discussed the possibility of providing more research and evaluation resources to judges through the Commission's website. He asked that the Commission add a link from the website to the Jerry Lee Foundation, which conducted the Cambridge/Somerville Study.

10. Adjournment

The meeting was adjourned at 6:00 p.m. after agreeing to have the next meeting June 3, 2002, assuming the guidelines subcommittee meetings would produce items of discussion for the full Commission.