



DRAFT Minutes

Maryland State Commission on Criminal Sentencing Policy
Videoconference
May 10, 2022

Commission Members in Attendance:

Honorable Brett R. Wilson, Chair
Honorable Shannon E. Avery, Vice-Chair
Richard A. Finci, Esq.
Melinda C. Grenier
Robert H. Harvey, Jr., Esq.
Alex Huggins, Esq., *representing Attorney General Brian E. Frosh*
Brian D. Johnson, Ph.D.
Honorable Patrice E. Lewis
Honorable David Moon
Honorable James P. Salmon
Lisa M. Spicknall-Horner
Honorable Charles E. Sydnor, III
Donald Zaremba, Esq., *representing Public Defender Paul B. DeWolfe*

Staff Members in Attendance:

Sarah Bowles
Stacy Najaka, Ph.D.
Katharine Pembroke
David Soulé, Ph.D.

Visitors: None.

1. Call to order

MSCCSP Chair, Judge Brett R. Wilson, called the meeting to order.

2. Declaration of quorum

The meeting began at 5:30 p.m. when attendance reached a quorum.

3. Approval of minutes from February 22, 2022, MSCCSP meeting

The minutes were approved as submitted.



4. Guidelines Subcommittee Report – Judge Shannon Avery

a. DLS required report on racial biases at sentencing (Status report with request for input)

Dr. Soulé reported that Dr. Najaka would present the memorandum labeled, *Department of Legislative Services (DLS) Required Report on Racial Bias in Sentences*.

Dr. Najaka began by explaining that each legislative session, the General Assembly reviews the proposed budget for the Commission. During the recent review of the FY23 budget, an analyst from DLS recommended, and the budget committees agreed, that the Commission “develop a plan for studying the extent to which racial bias is present in sentences assigned through Maryland courts.”

Dr. Najaka stated that the full recommendation is detailed in the memo provided for today’s meeting. Among other things, the analyst from DLS noted that Maryland’s sentenced population is 72% Black, despite Black individuals composing less than 30% of the State’s population. Further, the analyst’s recommendation notes that the 1999 bill that established the Commission states that “sentencing should be fair and proportional and that sentencing policies should reduce unwarranted disparity, including any racial disparity, in sentences for offenders who have committed similar offenses and have similar criminal histories. Therefore, it is within the Commission’s authority to examine this issue further.” The recommendation indicates that the plan is to be completed by July 15, 2022, and that it should identify a structure for the study, available data, a timeline, potential impediments, and estimated costs and resources needed to complete the evaluation.

Dr. Najaka explained that after consulting with the Governor’s Finance Office, staff provided testimony concurring with the recommendation and agreeing to provide the requested report by the July deadline. The provided testimony noted that the Commission had already begun studying racial disparities at sentencing and had plans to continue that work.

Dr. Najaka reminded Commissioners that in December 2021, staff completed a preliminary review of sentencing disparity using the guidelines data for sentences in 2018 through 2020. Those analyses examined compliance and offender and offense score characteristics, by race/ethnicity and gender. The preliminary results were reviewed by the Commission at its December meeting and were presented to the Judiciary’s Equal Justice Committee (EJC) in January.

Dr. Najaka pointed out that the testimony to the budget committees further explained that based on the results of the preliminary analyses and feedback received, the Commission had identified additional analyses of sentencing factors by race/ethnicity for future review. They include an examination by race/ethnicity of the offenses that account for defendants’ prior record scores; incarceration rates; average sentences; and compliance by disposition type.



Dr. Najaka indicated that as a next step, the staff drafted and included in the memo an outline for the required July report. The outline was reviewed by the Guidelines Subcommittee at its April meeting and is subsequently being provided to the full Commission for feedback. The outline notes the preliminary analyses conducted by staff, as well as the planned analyses that were just briefly noted. Staff expects that the analyses of guidelines data will not require additional resources and that the report summarizing the analyses can feasibly be completed by July 15, 2023.

Dr. Najaka continued that the outline also notes the limitations of the guidelines data and the resources that would be needed, beyond those currently available to the MSCCSP, to conduct a more comprehensive evaluation of racial bias for all sentences and not just for guidelines-eligible cases. Specifically, a comprehensive study would require data for all District Court cases, data for non-guidelines-eligible circuit court cases, and data points preceding the sentencing stage (since racial bias is often cumulative). It would also require the involvement of outside researchers.

Dr. Najaka concluded by noting that per the specified requirements, the report to be provided in July 2022 will simply lay out the plan for examining racial bias in sentences. The actual detailed summary of the results will be provided in a subsequent July 2023 report.

Following the conclusion of her remarks, Dr. Najaka invited discussion and input from Commissioners.

Dr. Soulé reiterated that the plan outlined by staff would be limited to the guidelines data collected by the Commission. He further noted that if the State wishes to examine bias in sentencing in its totality, that is a much more comprehensive undertaking. Dr. Soulé explained that the report will make note of this. He indicated that the report due July 15, 2022, containing the plan for the analysis will be provided to Commissioners for their input at the July Commission meeting.

Judge Avery stated that the Commission is supportive of this type of inquiry; but no matter the value and importance of the request, if it is not clearly within the Commission's stated mission, the Commission needs to proceed cautiously since the response establishes precedence. She added that the Commission has highly trained staff, but that staff is in place to do a job prescribed by the legislature. To the extent that the Commission is repeatedly asked to bring that expertise to bear on other projects, the Commission is taking away from its prescribed mission. Judge Avery reiterated that the inquiry is an incredibly important one, but that it must be done in a way that does not overwhelm the resources of the Commission.

Judge Avery continued that a comprehensive examination of racial bias in sentencing would require data well beyond that collected by the MSCCSP, especially if the examination is to speak to systemic racism. She noted that this inquiry should probably be



conducted by an executive agency like the Governor’s Office of Crime Prevention, Youth, and Victim Services (formerly GOCCP).

Judge Lewis concurred with Judge Avery’s comments. She noted also that it is important to emphasize that the Commission does not collect District Court data. Further, Prince George’s County and Baltimore City have not yet started entering cases into the Maryland Electronic Courts (MDEC) case management system.

Dr. Soulé clarified that the July 2023 report will be limited to what the Commission is able to say about guidelines-eligible sentences. The report will explain that if there is a desire to study the broader criminal justice system, that would require outside efforts beyond the scope of the Sentencing Commission.

Mr. Zaremba recognized the inappropriateness of including the tens of thousands of District Court cases in a study like this one. He suggested as an alternative that the study, in a subsequent analysis, look at violations of probation (VOPs) in circuit courts. He reminded Commissioners that Judge Caroom has on multiple occasions addressed the MSCCSP regarding the importance of VOPs and their impact on sentencing outcomes. Mr. Zaremba noted that 40% of people serving sentences are doing so as a result of a VOP. As such, he recommends that if any one area requiring additional data was to be examined, it would make sense to look at circuit court VOPs. That would provide a more complete picture of the life of a case, for those cases that are within the purview of the Commission.

Hearing no additional feedback, Dr. Soulé thanked the Commissioners for their input.

b. Proposed reclassification of Arson, 1st degree (Action Item)

Dr. Soulé stated that Ms. Bowles would present the second item on the agenda, *Proposed Reclassification of Arson, 1st Degree*. Ms. Bowles referred Commissioners to the corresponding memorandum. Ms. Bowles stated that at the Commission’s November 10, 2021, meeting, Ms. Kathleen Murphy, representative for the Maryland Office of the Attorney General, requested that the Commission review sentences for less common, serious property offenses. This request was made in response to the proposed revisions to the sentencing matrix for property offenses, to go into effect July 1, 2022, which reduce the guidelines for most cells in the property matrix. Ms. Murphy expressed concern that the proposed revisions would be reducing the guidelines for some very serious offenses. Because these offenses are less common, their sentences had less impact on the data used to develop the revised ranges. Therefore, it makes sense for the Commission to separately examine their average sentences and compliance rates to determine if they warrant reclassification.

Ms. Bowles noted that the Guidelines Subcommittee reviewed data for seriousness category III property offenses at its April 25, 2022, meeting.



Based on its review, the Guidelines Subcommittee voted to recommend to the Commission that *Arson, 1st degree*, be reclassified from a property to a person offense. Ms. Bowles noted that the corresponding memorandum presents to the Commission the Guidelines Subcommittee's review of *Arson, 1st degree*.

Per Criminal Law Article (CR), § 6-102, *Arson, 1st degree*, prohibits an individual from willfully and maliciously setting fire to or burning (1) a dwelling or (2) a structure in or on which an individual who is not a participant is present. The latter act, by definition, involves a person, while the former may or may not involve a person.

Ms. Bowles stated that *Arson, 1st degree*, is currently classified as a seriousness category III property offense. It carries a statutory maximum of 30 years and/or a fine of up to \$50,000. Presently, it is the only crime of violence not classified by the Commission as a person offense.

Ms. Bowles noted that the Guidelines Subcommittee engaged in a robust discussion of *Arson, 1st degree*, at its April 25 meeting. For three reasons, the Guidelines Subcommittee voted to recommend to the full Commission that *Arson, 1st degree*, be reclassified as a seriousness category III person offense. One, *Arson, 1st degree*, is a crime of violence, and it is the only crime of violence not presently classified as a person offense. Two, *Arson, 1st degree*, poses substantial risk of harm to any inhabitants as well as first responders. Three, the statutory distinction between *Arson, 1st degree*, and *Arson, 2nd degree*, clearly contemplates the greater risk to humans involved in *Arson, 1st degree*, versus *Arson, 2nd degree*.

Ms. Bowles noted that Table 1 (on page 3 of the memorandum) illustrates the mean guidelines-applicable sentence, by offender score, for *Arson, 1st degree*, and the sentencing guidelines for this offense under various scenarios. The fourth and fifth columns of Table 1 illustrate the current and revised guidelines ranges, by offender score. The sixth and seventh columns of Table 1 illustrate the guidelines ranges if *Arson, 1st degree*, is revised to be a person offense. The eighth column of Table 1 illustrates the guidelines ranges if *Arson, 1st degree*, were revised to be a seriousness category II property offense. Ms. Bowles stated that, most notably, the guidelines ranges for a first-time defendant would not include probation under any of the revised scenarios.

Finally, Ms. Bowles noted that Table 2 (on page 3 of the memorandum) provides a list of comparable seriousness category III person offenses.

Ms. Bowles turned the discussion over to the Commission.

Judge Avery noted that this is an action item, and the Commission needs to vote on the recommendation of the Guidelines Subcommittee to reclassify *Arson, 1st degree*, as a person offense. Ms. Spicknall-Horner made a motion to accept the recommendation of the Guidelines Subcommittee. Judge Avery called for any questions or comments.



Mr. Zaremba noted that common law arson was not considered a crime against a person, but rather a crime against security of habitation, similar to burglary. Mr. Zaremba observed that the comparable person offenses provided in the memorandum involve crimes of violence against a person, whereas arson does not require a crime against a person. *Arson, 1st degree*, involves the slightest burning of a dwelling structure.

Judge Avery clarified that the Subcommittee's recommendation refers to *Arson, 1st degree*. Mr. Zaremba stated that he understood. Mr. Zaremba noted that if you look at the pattern jury instructions for *Arson, 1st degree*, there is no requirement that a person be present, just that a person reside in the structure. The pattern jury instructions further state that the dwelling can be that of the defendant. Mr. Zaremba noted that in his personal experience practicing as public defender in Baltimore County for over 30 years, 10 of which he served as the District Public Defender, most of the *Arson, 1st degree*, cases he encountered involved the defendant residing at the dwelling that was the subject of the arson. Mr. Zaremba further noted that he can think of only one case in which a dwelling burned down, and firefighters were put at risk. Mr. Zaremba suggested that it would be more appropriate to reclassify *Arson, 1st degree*, as a seriousness category II property offense versus a seriousness category III person offense.

Judge Wilson stated that he was a prosecutor for 15 years. Contrary to Mr. Zaremba's experience, Judge Wilson stated that in his experience, in many cases involving an arson committed against a defendant's own residence, there were other people who resided in the residence too. These cases generally involve acts of domestic violence.

Mr. Zaremba stated that he did not disagree with Judge Wilson's characterization of arson cases, in that acts of arson committed against a defendant's own home also involve other residents. Similar to Judge Wilson's experience, Mr. Zaremba stated that most arson cases he has seen involve a defendant's dwelling, though there are no charges to indicate that there was intent to harm another human being.

Mr. Finci noted that he abstained from the vote to reclassify *Arson, 1st degree*, during the Guidelines Subcommittee meeting because he wanted to do more legal research on the common law and the historical basis for why the judges who originally developed the sentencing guidelines classified arson a property offense versus a person offense. Mr. Finci was unable to find an answer to the latter question. However, Mr. Finci stated that he found case law (*Brown v. State*) that supports the Guidelines Subcommittee's recommendation to reclassify *Arson, 1st degree* as a person offense because it provides that *Arson, 1st degree*, requires proof of malice, whereas *Arson, 2nd degree*, does not require proof of malice. Mr. Finci expressed concern, however, over the secondary effects of making *Arson, 1st degree*, a person offense, which enhance the recommended guidelines range based on offense score characteristics. Mr. Finci expressed concern that in reclassifying *Arson, 1st degree*, as a person offense, the Commission would be increasing the guidelines for the offense in a prescriptive, rather than a descriptive, manner. Mr. Finci expressed particular concern about the application of weapon presence points.



Judge Avery noted that there has been some question as to why *Arson, 1st degree*, was initially classified as a property offense. Judge Avery stated that the majority opinion of the Guidelines Subcommittee is that its classification was simply an error from the start. Part of the reason why it was an error is because *Arson, 1st degree*, was labeled by the publisher of Maryland statutes as a property offense. The way in which publishers classify offenses is not a statement by the Legislature. Rather, the classification is put forth by the publisher of the laws. This is likely the reason as to why *Arson, 1st degree*, was originally classified in the sentencing guidelines as a property offense. Otherwise, Judge Avery asserted, it is clear that there is a legislative intent that *Arson, 1st degree*, contemplates the presence and risk of harm to humans, whether those humans are occupants or first responders.

Dr. Soulé noted that Mr. Harvey had wanted to comment on the issue, however he was having technical difficulties. Judge Avery confirmed that there was still a quorum to proceed with the vote.

Judge Salmon seconded the motion to adopt the Guidelines Subcommittee's recommendation. The motion to reclassify *Arson, 1st degree*, as a seriousness category III person offense passed 9 to 1, with 1 abstention.

c. Proposed plan for review of the sentencing matrix for person offenses (Status Report)

Dr. Soulé indicated that he would present the next agenda item, namely the proposed plan for review of the sentencing matrix for person offenses. He reminded Commissioners that at the Commission's December 2021 meeting, the MSCCSP adopted revisions to the sentencing matrices for drug and property offenses following a thorough review. These revisions will take effect July 1, 2022. The Commission agreed to address the drug and property matrices first and then consider whether to review the person offense matrix.

The Guidelines Subcommittee discussed developing a plan for reviewing the person matrix at its recent April meeting. It was noted that a review of the person matrix would be more complex than the primarily descriptive analysis that guided the decisions to revise the drug and property matrices. Whereas the drug and property matrices base offense severity on the offense seriousness category, the person matrix factors in the additional elements of victim injury, weapon presence, and victim vulnerability. Accordingly, each intersecting cell of the person matrix does not always correspond to the same offense or the same offense-related elements. For example, the same cell within a person matrix could represent two very different scenarios. One could include a more serious offense with no victim injury, no weapon, and no vulnerable victim, whereas the same cell might also include a scenario with a less serious offense that involved permanent injury to a vulnerable victim with the presence of a firearm.

Dr. Soulé explained that for these reasons, the Guidelines Subcommittee agreed that the complexity of the person offense matrix warranted further review and to hold off on



considering any amendments to the matrix at this time. The Subcommittee agreed with the staff observation that an evaluation of person offenses is a more deeply complex process that will take a longer time than the evaluations of the drug and property matrices. It was noted that it will also be helpful to allow time to revisit potential revisions after the MSCCSP has collected sufficient data to observe the impact of the guidelines revisions for drug and property crimes. Accordingly, the Subcommittee recommends no specific action currently with respect to the sentencing matrix for person offenses. Instead, the Subcommittee will work with the staff to develop a plan to review the person offense matrix.

Dr. Soulé asked if there was any discussion from Commissioners. Hearing none, he indicated that the Subcommittee and staff will proceed with developing the plan.

d. Proposed amendment to juvenile delinquency score instructions (Action Item)

Dr. Soulé stated that the final item on the Guidelines Subcommittee report is a recommendation to amend an inconsistency between instructions for scoring the adult prior criminal record and the juvenile record. Dr. Soulé referred Commissioners to the memorandum titled, *Proposed Revisions Regarding Juvenile Delinquency Scoring*.

Dr. Soulé stated that according to the Maryland Sentencing Guidelines Manual (MSGM), a prior adult criminal record shall not include "adjudications based on acts that are no longer crimes." (Chapter 7.1.C.iv). The same exclusion does not apply to the scoring of juvenile delinquency. (See Chapter 7.1.B). Thus, a defendant who committed a delinquent act involving a subsequently legalized offense (e.g., the possession of marijuana paraphernalia) would have the offense scored against them, while a defendant who committed the same decriminalized offense as an adult would not have the offense scored against them.

Dr. Soulé noted that the Guidelines Subcommittee agreed with the staff's observation that there is no reason for treating the scoring of juvenile delinquency differently from the scoring of prior adult criminal record with respect to adjudications based on acts that have been subsequently legalized. Accordingly, the Guidelines Subcommittee recommends to the full Commission revisions to the MSGM and the Code of Maryland Regulations (COMAR). These revisions are noted starting on page 2 of the memorandum and they would eliminate the inconsistency between the adult and juvenile scoring instructions.

On behalf of the Guidelines Subcommittee, Dr. Soulé presented these recommendations for the Commission's consideration.

Judge Avery made a motion to accept the recommendation of the Guidelines Subcommittee. Mr. Finci seconded motion. The Commission voted unanimously to adopt the Subcommittee's recommendation to eliminate the inconsistency in the adult and



juvenile prior record scores and instruct that adjudications based on acts that are no longer crimes shall not be included in the scoring of the prior juvenile criminal record.

5. Executive Director Report – Dr. David Soulé

Dr. Soulé stated that he had four items to report as part of the Executive Director Report.

a. Pending revisions to the sentencing matrices for drug and property offenses (Status report)

Dr. Soulé began by reminding Commissioners that the sentencing matrices for drug and property offenses will be updated effective July 1, 2022. To account for the July 1, 2022, effective date, the Maryland Automated Guidelines System (MAGS) and Guidelines Calculator Tool (GLCT) will also be reprogrammed to reflect the revisions to the drug and property offense matrices.

He further noted that the guidelines worksheets are often initiated in MAGS several weeks in advance of sentencing. As such, effective June 1, 2022, an alert message will populate when calculating guidelines for an offense seriousness category and offender score combination whose guidelines range will be revised effective July 1. Practitioners will select whether the sentence date will take place on or after July 1, 2022, and the guidelines will be calculated accordingly. If the date of sentencing is postponed or moved up, the guidelines will be automatically updated to correspond to those in effect based on the sentencing date entered on the *GLS/Overall Sentence* tab.

Dr. Soulé then advised that a Guidelines E-News will be distributed to criminal justice practitioners on or about June 1, 2022, to highlight the pending revisions and to provide information regarding how to account for these revisions in MAGS and in the GLCT. Practitioners will receive a follow-up email notice on June 30, 2022, containing a reminder of the changes to the matrices taking place the following day and a link to the revised MSGM.

b. Planned sentencing guidelines trainings (Status report)

Dr. Soulé reported that the staff recently completed online webinar trainings on February 9, 2022, and April 27, 2022. The February training was intended primarily for court staff and judicial law clerks, while the April training was a sentencing guidelines 101 training intended for all criminal justice practitioners. He noted that the April training was the most attended webinar to date, and that the Commission's shift to more online training has enabled staff to reach a broader audience. Dr. Soulé further reported that there are four additional webinars planned for June that focus on the pending updates to the sentencing matrices for drug and property offenses. These sessions will be held on June 1st, June 10th, June 13th, and June 29th. Interested participants may register for these sessions via links provided on the MSCCSP website training page.



Additionally, Dr. Soulé mentioned that he will be meeting with judges and court staff from multiple judicial circuits in May and June. Meetings are scheduled with the First Judicial Circuit judges on May 19th, the Second Judicial Circuit on May 23rd, Allegany County on May 31st, and then the Fifth Judicial Circuit on June 3rd. He noted that these meetings provide an opportunity to speak with the various circuit courts throughout the State to ensure everyone is aware of the matrix revisions, as well as other sentencing guidelines related updates.

c. Update on new trial judges' orientation (Status report)

Dr. Soulé reported that he, Judge Shannon Avery, and Judge James Green from the District Court in Baltimore City will be participating in the New Trial Judges Orientation Update Session on Friday, May 20, 2022. He will be speaking primarily on the goals and purpose of the sentencing guidelines and how guidelines may be used to help inform sentencing decisions. Dr. Soulé explained that Judge Avery will speak about some of the finer details of the sentencing process, and Judge Green will help answer some of the frequent questions about the application of the Justice Reinvestment Act, including questions about technical versus non-technical probation violations.

Dr. Soulé expressed his appreciation for the invitation to speak at the New Trial Judges Orientation, as it is a great opportunity to introduce himself to new judges and to inform them about the work of the Commission and to highlight the resources the Commission provides.

Judge Avery stated that they are very fortunate to have Dr. Soulé present, and thanked him for his participation.

d. Update on SB 392 and SB 763 (Status report)

Dr. Soulé explained that two bills were introduced during the 2022 Legislative Session that had the potential to directly affect the operations of the MSCCSP, Senate Bill (SB) 392 and SB 763. He reminded Commissioners that the Commission met on February 7, 2022, to discuss the first of these two bills, House Bill (HB) 412 and the cross-filed SB 392, named the Judicial Transparency Act of 2022. This legislation combined separate legislation previously introduced during the 2020 Session, specifically, HB 355 (Judicial Transparency Act of 2020) and HB 1458 (The Truth in Plea Deals Act of 2020).

HB 412/SB 392 (2022) included two distinct requirements:

1. Require the MSCCSP to provide in its annual report case-specific information for sentences for crimes of violence, including information identifying the sentencing judge; and



2. Revise the definition of a guidelines-compliant sentence, such that a sentence imposed under a binding plea agreement that is above or below the recommended guidelines range would no longer be considered compliant.

The MSCCSP voted at its February 7, 2022, meeting to oppose this legislation and submitted testimony in opposition.

Dr. Soulé continued by noting that the Commission then met on February 22, 2022, to discuss the second bill. Senate Bill 763 would have required the Administrative Office of the Courts, with the cooperation of each State's Attorney, to collect and provide to the Commission approximately 75 prosecution-related data points. The original version of SB 763 also required the MSCCSP to publish online the data collected relating to prosecutions in a modern, open, electronic, readily accessible format on the Commission's website. Additionally, the original version of SB 763 required the Commission to report on the data received from the State's Attorneys, comparing and contrasting the practices and trends among jurisdictions. Finally, Dr. Soulé reported that the original version also required that at least twice per year, the MSCCSP must publish issue-specific reports that provide in-depth analysis of one or more areas of prosecutorial decision making, and at least one report must focus on racial disparities.

The MSCCSP voted at its February 22, 2022, meeting to oppose SB 763 and again submitted testimony in opposition to remain consistent with the prior bill.

In the time after the respective hearings for SB 392 and SB 763, Dr. Soulé explained that both bills were amended multiple times. The Senate passed an amended version of SB 392 that removed the judge-specific reporting requirement and eliminated any revisions regarding guidelines-compliant pleas. The House of Delegates chose not to act on the amended version of SB 392, but instead chose to amend SB 763 to mostly include the Senate amended version of SB 392. SB 763 was then amended multiple times before a conference committee negotiated the final version that was adopted by both chambers. On the last day of the 2022 Legislative Session, the Maryland General Assembly passed a heavily amended version of SB 763.

Dr. Soulé reported that the original SB 763 was amended in the House whereby multiple bills were combined into a new version of SB 763 now titled "Public Safety and Criminal Procedure – Collection, Reporting, and Publication of Criminal Case and Prosecutorial Information (Maryland Criminal Justice Data Transparency Act)." Dr. Soulé stated that the amendments removed the reporting requirements that were initially required of the MSCCSP by SB 763 and instead, incorporated the reporting requirements for crimes of violence from the Senate amended version of SB 392. He further explained that the Commission will also be required to add a data dashboard to the MSCCSP website to report the additional sentencing details about crimes of violence. This report will be disaggregated by judicial circuit and not by individual judge as was originally proposed in SB 392. Dr. Soulé explained that the reporting requirements are consistent with the data that are already collected by the Commission and are publicly available. What is new is that the Commission is now



required to complete a specific report on crimes of violence in the annual report and also to publish that data to a data dashboard on its website.

Finally, Dr. Soulé reported that SB 763 also includes the creation of a Task Force to study criminal justice data transparency that will be staffed by DLS. The Task Force is to: (1) develop processes by which prosecutors can collect information and determine what information should be made public and what information may be kept private; and (2) examine any existing policies of State's Attorneys' offices across the State relating to the transparency of data, the charging of crimes, and sentencing. He noted that the MSCCSP Executive Director is appointed as one of the members of the task force.

Dr. Soulé continued and reported that the Governor's supplemental budget included funding for the Commission to complete the new crimes of violence report and the corresponding data dashboard. The 2022 annual report due by January 31, 2023, will include the new required report by crimes of violence. He concluded by noting that the staff will work to implement the data dashboard on the MSCCSP website to correspond with the publication date for the 2022 annual report.

Judge Avery stated that she appreciated the comprehensive history of these bills and expressed that it has been a complicated legislative session with amendments and changes. She thanked Dr. Soulé and the rest of the staff for their attention to detail and for keeping Commissioners up-to-date throughout this process.

Dr. Soulé responded by acknowledging the work of the staff, and specifically thanked Senator Sydnor and Delegate Moon for participating in separate meetings during the session, and for helping to look out for the interests of the Commission. Dr. Soulé also expressed that he was thankful for the additional funding that will enable the Commission to complete the additional activities that will now be required. Senator Sydnor thanked Dr. Soulé for his assistance with this legislation and noted that he wanted to ensure the Commission would get the necessary funding to complete these requirements.

Judge Wilson reiterated Judge Avery's earlier sentiments and thanked Dr. Soulé and the staff for their willingness to take on new tasks, and the confidence in which they complete the tasks that are assigned. Referring to the legislators present in the meeting, he continued by sending a word of caution as they work towards issues in the next legislative session. That is, to remember cause and effect. He noted that what one sees in the Commission's data are effects. The Commission tallies what has happened. Using the Commission's data to try to root out causes can be very difficult, as it is known that the causes that lead to disparate outcomes start very early in life, and unfortunately started decades ago. He referenced prior criminal histories, disparities, socioeconomic status, and racial causes that have led people to where they are now in the criminal justice system. With regards to any additional statistical analyses that may be desired, he asked for some forbearance, keeping in mind that the factors that influence the Commission's sentencing data started many years ago and cannot be measured by this Commission. He concluded by noting that he appreciates



that the legislators are always willing to work with the Commission, and praised their work hard to address issues that make Maryland a better place.

6. Remaining 2022 Meetings

Judge Wilson reminded Commissioners of the remaining meeting dates for 2022:

Tuesday, July 12, 2022, 5:30 pm

Tuesday, September 13, 2022, 5:30 pm

Tuesday, December 6, 2022, public comments hearing and business meeting, 5:00 pm

Dr. Soulé noted that the July meeting will be held via videoconference but that the hope is to meet in-person for the September meeting.

7. Old Business

None.

8. New Business and Announcements

None.

The meeting adjourned at 6:35 p.m.