



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001

(202) 442-8715 www.ccrc.dc.gov

February 9, 2017

The Honorable Charles Allen
Chairman of the Committee on the Judiciary and Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W., Suite 109
Washington D.C. 20004

RE: Criminal Code Reform Commission Responses to Performance Oversight Questions.

Dear Chairman Allen:

Thank you for the opportunity to provide responses to the performance oversight questions contained in the Committee on the Judiciary and Public Safety's correspondence dated January 25, 2017. The responses of the Criminal Code Reform Commission (CCRC) are presented below for your review, with four separate attachments. I look forward to providing testimony and answering these and any other questions you might have at the hearing scheduled on February 16, 2017.

Sincerely,

Richard Schmechel
Executive Director

Attachments

Criminal Code Reform Commission (CCRC)
Performance Oversight Hearing Questions
February 9, 2017

General Questions

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

Response: See Appendix A.

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

Response: The CCRC has no divisions or subdivisions.

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

Response: Five employees from the D.C. Sentencing Commission were transferred to the Criminal Code Reform Commission (CCRC) at the start of FY 17, pursuant to provisions in the Budget Support Act of 2017. Upon transfer, the position descriptions, title, and salary of four staff were updated to reflect their new, additional responsibilities in the CCRC. Two former “law clerks” became “attorney advisors,” and two former “attorney advisors” became “senior attorney advisors.” The former Project Director at the D.C. Sentencing Commission became the Executive Director of the Criminal Code Reform Commission, with no change in salary.

2. Please provide a current Schedule A for the agency which identifies all employees by title/position, current salaries, fringe benefits, and program. The Schedule A should also indicate if the positions are continuing/term/temporary/contract and whether they are vacant or frozen positions.

Response: See Appendix B.

- a. For each vacant position, please provide the status of the agency’s efforts to fill the position, as well as the position number, title, program number, activity number, grade, salary, and fringe associated with each position. Separate salary and fringe. Please also indicate whether the position must be filled to comply with federal or local law.

Response: The CCRC has no vacant positions.

- b. For each filled position, please provide the employee’s length of service with the agency.

Response: As of 2/9/17:

Bryson Nitta: 2 years, 4 months

Jinwoo Park: 3 years, 4 months

Rachel Redfern: 4 years, 0 months

Michael Serota: 4 years, 0 months

Richard Schmechel 4 years, 3 months.

3. Please list all employees detailed to or from your agency, if any. 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.

Response: No employees were detailed to or from the CCRC.

4. Please provide the Committee with:

- a. A list of all employees who received or retained cellphones, personal digital assistants, or similar communications devices at agency expense in FY16 and FY17, to date;

Response: No CCRC employees have such communication devices at agency expense.

- b. 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 accidents involving the agency's vehicles in FY16 and FY17, to date;

Response: The CCRC has not owned, leased or other used vehicles.

- c. A list of employee bonuses or special award pay granted in FY16 and FY17, to date;

Response: No CCRC employees have received bonuses or special award pay.

- d. A list of travel expenses, arranged by employee for FY16 and FY17, to date, including the justification for travel; and

Response: The CCRC has no out of town travel expenses to date.

- e. A list of the total overtime and workers' compensation payments paid in FY16 and FY17, to date, including the number of employees who received overtime and workers' compensation payments.

Response: The CCRC has no employee overtime or workers' compensation payments.

5. Regarding the use of communication devices:

- a. What procedures are in place to track which individuals or units are assigned mobile devices (including, but not limited to smartphones, laptops, and tablet computers)? Please include how the usage of these devices is controlled.

Response: The CCRC does not assign mobile devices to individuals or units and has no procedures for doing so. The agency's laptops are for use during business hours for offsite meetings and research. Permission of the Executive Director is required for the use of laptops.

- b. How does your agency limit the costs associated with its mobile devices?

Response: The CCRC does not have any mobile data plans, service plans, or other such ongoing costs associated with its laptops (the only mobile devices).

- c. For FY16 and FY17, to date, what was the total cost including, but not limited to, equipment and service plans for mobile communications and devices?

Response: The CCRC has obtained three laptops to date, but possesses no other mobile devices. Two used laptops were obtained from DGS Surplus for free. One new laptop was purchased for \$839.89. There are no service plans for the laptops.

6. For FY16 and FY17, to date, please list all intra-District transfers to or from the agency.
Response: See chart below.

FY 2016 Intra-District Summary - SELLER			
Agency Name: District of Columbia Criminal Code Reform Commission (CCRC)			
BUYING AGENCY	DESCRIPTION OF SERVICES PROVIDED	FUNDING RECEIVED	FTE
None			
TOTAL		0	
FY 2017 Intra-District Summary - BUYER			
Agency Name: District of Columbia Criminal Code Reform Commission (CCRC)			
SELLING AGENCY	DESCRIPTION OF SERVICES PROVIDED	FUNDING SENT	FTE
Office of the Chief Technology Officer (OCTO) - TO0	Telephone, RTS and related services	6,050	0
Office of Contracting and Procurement (OCP) - PO0	Pcard Payments	9,000	0
TOTAL		15,050	

7. For FY16 and FY17, 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: (1) the revenue source name and code; (2) the source of funding; (3) a description of the program that generates the funds; (4) the amount of funds generated by each source or program; (5) expenditures of funds, including the purpose of each expenditure; and (6) the current fund balance.

Response: No special purpose revenue funds are maintained by, used by, or available for use by the CCRC.

8. For FY16 and FY17, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

Response: See chart below.

FY	TRANSACTION DATE	EMPLOYEE	PURPOSE	AMOUNT
17	10/6/16	Jinwoo Park	Office equipment	\$503.79
17	10/7/16	Jinwoo Park	Law library access	\$270.00
17	10/7/16	Jinwoo Park	Office supplies	\$37.90
17	10/13/16	Jinwoo Park	Office equipment	\$80.00
17	10/13/16	Jinwoo Park	Stamps	\$23.50
17	10/13/16	Jinwoo Park	Office supplies	\$141.80
17	10/13/16	Jinwoo Park	Office supplies	\$218.26
17	10/28/16	Jinwoo Park	Office supplies	\$113.14
17	10/31/16	Jinwoo Park	Office equipment	\$36.89
17	10/31/16	Jinwoo Park	Office equipment	\$9.99
17	11/3/16	Jinwoo Park	Legal research materials	\$73.00
17	11/5/16	Jinwoo Park	Office equipment	\$48.00
17	11/22/16	Jinwoo Park	Office equipment	\$839.89
17	11/29/16	Jinwoo Park	Legal research subscription (Westlaw)	\$2,488.65
17	12/16/16	Jinwoo Park	WMATA Metro benefits	\$500.00
17	1/27/17	Jinwoo Park	WMATA Metro benefits	\$500.00
17	1/30/17	Jinwoo Park	Office equipment	\$275.00
17	1/31/17	Jinwoo Park	Legal research materials	\$146.00

9. Please list all memoranda of understanding (“MOU”) entered into by your agency during FY16 and FY17, 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.

Response: The CCRC has not established any MOU with other agencies. The CCRC expects to establish MOUs for services with OCTO, DCHR, and the Lab located in the Office of the City Administrator.

10. 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 FY16 and FY17, to date.

Response: In FY 17, to date, through the members of its statutorily-designated Advisory Group, the CCRC has regularly consulted with the Office of the United States Attorney for the District of Columbia (USAO), the Public Defender Service for the District of Columbia (PDS), the Office of the Attorney General for the District of Columbia (OAG), the Office of the Deputy Mayor for Public Safety, and the Council's Committee on the Judiciary and Public Safety. In FY 17, to date, the CCRC also has requested and received certain information on charging and sentencing from the D.C. Sentencing Commission.

11. Please list all currently open capital projects, including an update on all capital projects under the agency's purview in FY16 and FY17, to date, and the amount budgeted, actual dollars spent, and any remaining balances. In addition, please provide:

Response: The CCRC does not have any open or closed, past or present, capital projects.

- a. An update on all capital projects begun, in progress, or concluded in FY15, FY16, and FY17, to date, including the amount budgeted, actual dollars spent, and any remaining balances.

Response: Not applicable.

- b. An update on all capital projects planned for FY17, FY18, FY19, FY20, FY21, and FY22.

Response: Not applicable, none planned.

- c. Do the capital projects begun, in progress, or concluded in FY15, FY16, or FY17, to date, have an impact on the operating budget of the agency? If so, please provide an accounting of such impact.

Response: Not applicable.

12. Please provide a list of all budget enhancement requests (including, but not limited to, capital improvement needs) for FY16 and FY17, to date. For each, include a description of the need and the amount of funding requested.

Response: The CCRC has no budget enhancement requests for FY16 and FY17, to date.

13. Please list, in chronological order, every reprogramming in FY16 and FY17, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, and within the agency. Include the revised, final budget for your agency after the reprogrammings for FY16 and FY17. For each reprogramming, list the date, amount, rationale, and reprogramming number.

Response: See chart below.

DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0)					
FY 2016 REPROGRAMMING LIST					
	LOCAL			Starting Budget	\$0
FISCAL YEAR	FUND	DATE	SOAR DOC #	DESCRIPTION	AMOUNT
2016	0100			N/A	0.00
					0.00
				Final Budget	0
DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0)					
FY 2017 REPROGRAMMING LIST					
	LOCAL			Starting Budget	\$700,905
FISCAL YEAR	FUND	DATE	SOAR DOC #	DESCRIPTION	AMOUNT
2017	0100	01/05/17		Reprogram: from "0201" to "0308"	6,050
2017	0100	11/07/16	BJ0MA047	Reprogram: Align budget with expenditures	44,117
				Final Budget	50,167

14. Please list each grant or sub-grant received by your agency in FY16 and FY17, to date. List the date, amount, and purpose of the grant or sub-grant received.

Response: The CCRC has not received any grants or sub-grants to date.

15. 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?

Response: The CCRC has no FTEs dependent on grant funding.

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 of Columbia to significant financial liability and/or will result in a change in agency practices, and 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.

Response: The CCRC has no pending lawsuits.

17. Please provide the total number of administrative complaints or grievances that the agency received in FY16 and FY17, 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.

Response: The CCRC has received no complaints or grievances to date. The CCRC's employees are in the excepted service and bound by E-DPM Chapter 16 policies and procedures for complaints and grievances.

18. 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 FY16 and FY17, to date.

Response: The CCRC has no 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 FY16 and FY17, to date.

19. Please describe any anticipated spending pressures for the remainder of FY17. Include a description of the pressure, the estimated amount, and any proposed solutions.

Response: The CCRC has no anticipated spending pressures for the remainder of FY 17 at this time.

20. Please provide a copy of the agency's FY16 performance plan. Please explain which performance plan objectives were completed in FY16 and whether they were completed on time and within budget. If they were not, please provide an explanation.

Response: The CCRC does not have a FY16 performance plan; the agency did not exist in FY 16.

21. Please provide a copy of your agency's FY17 performance plan as submitted to the Office of the City Administrator.

Response: The CCRC does not have a FY17 performance plan; the Office of the City Administrator has not required the agency to submit a performance plan.

22. Please provide the number of FOIA requests for FY16 and FY17, to date, 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.

Response: The CCRC has not received any FOIA requests for FY16 and FY17, to date.

23. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or contracted for during FY16 and FY17, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee.

Response: Since the CCRC began operation on October 1, 2017, it has prepared one final report, its 2016 Annual Report (which also serves as a report on agency activities for the First Quarter of FY 17). Drafts of additional reports are available on the agency’s website, www.ccrdc.gov.

24. Please separately list each employee whose salary was \$100,000 or more in FY16 and FY17, to date. Provide the name, position number, position title, program number, activity number, salary, and fringe. In addition, state the amount of any overtime or bonus pay received by each employee on the list.

Response: See chart below.

Name	Position	Title	Program	Activity	Salary	Fringe	Overtime or Bonus
Richard Schmechel	00047268	Executive Director	1001	1010	130,559	26,112	0
Michael Serota	00075457	Senior Attorney Advisor	1001	1010	105,000	21,000	0
Rachel Redfern	00075475	Senior Attorney Advisor	1001	1010	105,000	21,000	0

25. Please list in descending order the top 25 overtime earners in your agency in FY16 and FY17, to date, if applicable. For each, state the employee’s name, position number, position title, program number, activity number, salary, fringe, and the aggregate amount of overtime pay earned.

Response: No CCRC employees earned overtime in FY16 and FY17, to date.

26. For FY16 and FY17, to date, please provide a list of employee bonuses or special award pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

Response: No CCRC employees were given employee bonuses or special award pay in FY16 and FY17, to date.

27. 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.

Response: The CCRC has no collective bargaining unit agreement in effect.

28. If there are any boards or commissions associated with your agency, please provide a chart listing the names, confirmation dates, terms, and wards of residence of each

member. Include any vacancies. Please also attach agendas and minutes of each board or commission meeting in FY16 or FY17, to date, if minutes were prepared. Please inform the Committee if the board or commission did not convene during any month.

Response: The Criminal Code Revision Advisory Group (Advisory Group) is a statutorily designated group of stakeholders who review and provide information and suggestions on proposals prepared by the CCRC. The Advisory Group consists of 5 voting members and 2 nonvoting members.

The current voting members of the Advisory Group are:

1. Don Braman, Associate Professor of Law, George Washington University School of Law (Council Appointee).
2. Paul Butler, Professor of Law, Georgetown University Law Center (Council Appointee);
3. Renata Kendrick Cooper, Special Counsel for Policy and Legislative Affairs, United States Attorney’s Office for the District of Columbia (Designee of the United States Attorney for the District of Columbia);
4. Laura Hankins, General Counsel, Public Defender Service for the District of Columbia (Designee of the Director of the Public Defender Service for the District of Columbia); and
5. Dave Rosenthal, Senior Assistant Attorney General, Office of the Attorney General (Designee of the Attorney General for the District of Columbia).

The current non-voting members of the Advisory Group are:

1. Chanell Autrey, Legislative Counsel, Committee on the Judiciary (Designee of the Chairperson of the Council Committee on the Judiciary and Public Safety); and
2. Helder Gil, Legislative and Policy Advisory, Office of the City Administrator (Designee of the Deputy Mayor for Public Safety and Justice).

The two Council appointees in the Advisory Group are:

Name	Confirmation Date	Term	Ward of Residence
Donald Braman	Oct. 18, 2016	Oct. 1, 2016 -	1
Paul Butler	Oct. 18, 2016	Oct. 1, 2016 -	4

There are no Advisory Group vacancies. Agendas and minutes for Advisory Group meetings are attached as Appendix C. The Advisory Group did not meet in October or December 2016.

29. 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.).

Response: The CCRC is statutorily mandated to provide recommendations for comprehensive criminal code reform to the Council and the Mayor in the form of a report (or reports) by October 1, 2018. The CCRC also is statutorily mandated to provide drafts of its recommended reforms to criminal statutes to the Advisory Group in the form of reports. The CCRC is also required to submit quarterly and annual reports on its activities to the Council. The agency currently is in compliance with the deadlines for these reporting requirements.

30. Please list each contract, procurement, lease, and grant awarded, entered into, extended and option years exercised, by your agency during FY16 and FY17, to date. For each contract, please provide the following information, where applicable:

- a. The name of the contracting party;
- b. The nature of the contract, including the end product or service;
- c. The dollar amount of the contract, including budgeted amount and actually spent;
- d. The term of the contract;
- e. Whether the contract was competitively bid;
- f. The name of the agency's contract monitor and the results of any monitoring activity; and
- g. Funding source.

Response: The CCRC has one contract, procurement, lease, or grant awarded, entered into, or extended during FY16 and FY17, to date:

- a. Name of contracting party: Thompson Reuters
- b. Nature of the contract: Westlaw Next Base Product (Online legal research tool)
- c. Dollar amount contracted and spent: \$2,488.65
- d. Term of the Contract: November 1, 2016 - September 30, 2017
- e. Bidding: Contract was under existing District MSA CW33526
- f. Agency's contract monitor: None in agency (District MSA through D.C. Chief Technology Officer).
- g. Funding source: Local

31. 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, as well as the number of agency employees that were trained.

Response: In addition to courses offered through DCHR, in FY 17 CCRC agency employees have been permitted to attend an upcoming academic conference on the principles of criminal code reform hosted by Rutgers Law School, and sessions on criminal law reform at the American Law

Institute's Annual Conference. These additional opportunities have not yet happened and the number of participants has not been finalized.

32. Does the agency conduct annual performance evaluations of all its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?

Response: The Executive Director conducts annual performance evaluations of all other employees except. The Executive Director uses the standard employee evaluation materials provided by DCHR on the Peoplesoft platform. The Executive Director also meets individually with staff, on a biweekly basis, to discuss any issues concerning job performance or assigned work.

Agency Operations

1. Please describe any initiatives that the agency implemented in FY16 or FY17, 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.

Response: Since the agency only began operation on October 1, 2016, the CCRC has worked to establish the internal operations of the agency and the interaction of the agency with outside parties. Among the actions taken by the CCRC were the following:

- Staff consulted with the District's Office of Risk Management about agency security and development of an emergency plan;
- Staff consulted with the District's Office of Public Records about setting up a document retention schedule and designated a Records Management Officer for the agency;
- Staff established office leave and communications policies;
- Staff consulted with the District's Board of Ethics and Government Accountability (BEGA) and, per its recommendations:
 - All agency employees attended an approved ethics training with BEGA;
 - The CCRC established an agency Ethics Officer;
 - CCRC staff with obligations to file annual financial disclosures were identified and notified; and
 - CCRC made arrangements for the agency's statutory Advisory Group to receive an approved ethics training with BEGA.
- Staff contacted the District's Office of Human Rights to set up training for an agency employee to become an Equal Employment Opportunity (EEO) Counselor in the spring of 2017.

See also the responses to question #7, below (regarding steps to establish agency transparency) and question #10a, below (regarding agency compliance and startup challenges) regarding internal operations.

2. What are the agency's top five priorities? Please explain how the agency expects to address these priorities in FY17.

Response: In FY 17, the agency's top five priorities are:

Priority #1: Issue to the Council & Mayor a Report: *Recommendations for Enactment of DC Code Title 22 and Other Changes to Criminal Statutes.* This Report and the accompanying Appendices will consolidate and update prior recommendations and draft bills concerning the District's criminal statutes that were developed by the D.C. Sentencing Commission. The recommendations will directly address several of the CCRC's statutory mandates to reform statutes, which include: "Use clear and plain language;" "Eliminate archaic and unused offenses;" "Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate;" "Organize existing statutes in a logical order;" "Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment;" and "Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code." Completion of a first draft of this Report was a leading priority for CCRC research in the first quarter of FY 17, and, after a round of comments by the Advisory Group, a second draft was issued January 25, 2017. Final recommendations are expected to be approved by the Advisory Group in April or May 2017.

Priority #2: Complete Draft Recommendations for New General Provisions As Specified in Work Plan. These CCRC recommendations for new general provisions will address several matters, including: interaction of reformed statutes with unreformed statutes; establishment of basic requirements for establishing offense liability in reformed statutes; imputation of liability in situations such as voluntary intoxication and willful blindness; and classification of offense penalties. The recommendations will directly address several of the agency's statutory mandates to reform statutes, which include: "Use clear and plain language;" "Apply consistent, clearly articulated definitions;" "Describe all elements, including mental states, that must be proven;" and "Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties." Completion of a first draft of these recommendations has been a leading priority for staff research in the first and second quarters of FY 17, and a first draft of a report on basic requirements for establishing offense liability in reformed statutes was issued December 21, 2016. Additional recommendations will be issued in FY 17 per the CCRC Work Plan & Schedule.

Priority #3: Complete Draft Recommendations for Reformed Property and Drug Offenses Specified in Work Plan. These recommendations will address the reform of dozens of crimes, including: theft, credit card fraud, destruction of property, arson, trespass, distribution of a controlled substance, and possession of a controlled substance. The

recommendations will directly address several of the agency’s statutory mandates to reform statutes, which include: “Use clear and plain language;” “Apply consistent, clearly articulated definitions;” “Describe all elements, including mental states, that must be proven;” and “Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties.” Completion of a first draft of these recommendations will be a leading priority for staff research in the second, third, and fourth quarters of FY 17, per the CCRC Work Plan & Schedule.

Priority #4: Obtain and Perform Preliminary Analysis of Data on Criminal Adjudication Practices. The information and analysis that is sought will show, in part: what offenses in the D.C. Code are charged, how charges may change through the adjudication process, what fines and imprisonment penalties are imposed, and how the presence of multiple counts affects sentencing. This information will directly address the agency’s statutory mandate that its recommendations for code reform include “charging, sentencing, and other relevant statistics regarding the offenses affected by the recommendations,” and to develop recommendations to “Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties.” In October 2017 the CCRC requested relevant data from the D.C. Sentencing Commission and received some data on January 31, 2017. The CCRC will continue to seek relevant data and expects to utilize data analysis expertise of the Lab in the Office of the City Administrator. See the attached CCRC Work Plan & Schedule for more details and the response to question #10a, below, regarding programmatic challenges.

Priority #5: Ensure Compliance with District Laws on Agency Operations. As a new, small, independent District agency, the CCRC seeks to ensure that its operation is fully compliant with District laws. In the first quarter of FY 17 the CCRC met with a wide array of District government entities to proactively work to come into compliance with applicable laws on agency operations. See the response to question #1, above, regarding the agency’s inception at the beginning of FY 17 and actions to setup internal operations. In the remainder of FY 17 the agency will take additional steps to ensure compliance, e.g., developing a document retention within the timeframe set by the Office of the Secretary. See also the response to question #7, below, regarding actions to ensure transparency, and question #10a, below, regarding programmatic challenges.

3. Please list each new program implemented by the agency during FY16 and FY17, to date. For each initiative please provide:
 - a. A description of the initiative;
 - b. The funding required to implement to the initiative; and
 - c. Any documented results of the initiative.

Response: The CCRC is a small agency that consists of only one program—development of criminal code reform recommendations, described further in response to question #10, below. No other programs were implemented by the agency during FY16 and FY17, to date.

4. How does the agency measure programmatic success? Please discuss any changes to outcomes measurement in FY16 and FY17, to date.

Response: The CCRC does not have a FY17 performance plan or performance measures and the Office of the City Administrator has not required the agency to submit a performance plan.

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

Response: The agency is not currently a member of any task forces or organizations.

6. Please explain the impact on your agency of any legislation passed at the federal level during FY16 and FY17, to date, which significantly affected agency operations. If regulations are the shared responsibility of multiple agencies, please note.

Response: No legislation passed at the federal level during FY16 and FY17, to date, has significantly affected agency operations

7. Please describe any steps the agency took in FY16 and FY17, to date, to improve the transparency of agency operations.

Response: Since the agency only began operation on October 1, 2016 (see the response to question #1, above, regarding the agency's inception at the beginning of FY 17), the CCRC has worked to establish the transparency of agency operations, most notably:

- The agency established a website that:
 - Posts all the materials circulated to the CCRC Advisory Group, such as draft reports with recommendations for criminal code reform and legal research memoranda;
 - Solicits public comments on the CCRC's draft reports; and
 - Provides staff names and contact information for the CCRC.
- The agency publishes meeting agendas, minutes, meeting materials, and electronic recordings of meetings for its Advisory Group in the D.C. Register and the District-wide listing of meetings at <http://www.open-dc.gov/>.
- The agency designated a Freedom of Information Act (FOIA) officer.
- The agency established procedures to comply with the District's Open Meetings Act for meetings of its statutorily mandated Advisory Group.
- Key agency staff underwent training by the District's Office of Open Government.

8. Please identify all electronic databases maintained by your agency, including the following:
- A detailed description of the information tracked within each system;
 - The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and
 - Whether the public can be granted access to all or part of each system.

Response: The CCRC does not maintain any electronic databases.

9. Please provide a detailed description about any new technology acquired in FY16 and FY17, to date, including the cost, where it is used, and what it does. Please explain if there have there been any issues with implementation.

Response: Since beginning operation in FY 17, the CCRC has acquired the following technology:

- External hard drive; \$80; used in office as a secondary backup for electronic files;
- Laser printer/scanner; \$503.79; used in office as main device for printing and scanning;
- Used laptop computers (2); no cost (from DGS Surplus); used in out of office meetings to take notes and for legal research at offsite law library;
- New laptop computer; \$839.89; used in out of office meetings for presentations and for legal research at offsite law library;
- Portable audio recorder; \$36.89; used in out of office meetings to record proceedings;
- Microphone; \$9.99; used in out of office meetings as backup to record proceedings to laptop;
- Computer monitor; \$275; used in office to display information for staff meetings.

10. Please provide a detailed description of how the CCRC plans to meet the statutory mandate of providing criminal code reform recommendations by October 1, 2018. Please include the agency's current work plan and schedule.

Response: The CCRC's development of code reform recommendations will follow four sequential (though overlapping) phases, which can be summarized as follows:

- Phase 1. Facilitate enactment of Title 22 of the D.C. Code, which contains most District offenses, and propose other minor amendments to District criminal statutes. Phase 1 recommendations are intended to ease the administrative burden of future amendments to District criminal laws.
- Phase 2. Develop key general definitions, essential interpretive rules, and the most important culpability principles applicable to all reformed offenses. Phase 2 recommendations are intended to facilitate the clear and comprehensive drafting of reformed offenses, which will be consistently interpreted and applied by the courts.

- Phase 3. Develop reformed individual offenses consistent with general provisions using language that is accessible, intuitive, and complete. Phase 3 recommendations are intended to facilitate the clear articulation and consistent interpretation of District offenses.
- Phase 4. Review all reformed offenses together as a whole, creating an ordinal ranking of offense severity and establishing the classification of all individual offenses. Phase 4 recommendations are intended to facilitate proportionate penalties for all reformed District offenses.

These four phases follow an overarching logic: prepare Title 22 for reform, create a general framework applicable to all reformed offenses, reform offenses using that general framework, and then reform the penalties for all offenses to be proportionate.

In preparing its reform recommendations, the CCRC will consult with its Advisory Group, a statutorily designated group of stakeholders who review and provide information and suggestions on proposals prepared by the CCRC. The CCRC also will review criminal code reforms in other jurisdictions, changes to criminal offenses recommended by the American Law Institute, and best practices recommended by criminal law experts.

For more details of how the CCRC plans to meet the statutory mandate of providing criminal code reform recommendations by October 1, 2018, please see the agency's current work plan and schedule, attached as Appendix D.

- a. Has the agency encountered any programmatic or implementation challenges since its inception? If so, please discuss how the agency plans to resolve these challenges.

Response: Since its inception on October 1, 2016, the agency has encountered three main programmatic or implementation challenges:

- Agency Compliance & Start-up. As a new, small independent agency, the CCRC has had to identify and come into compliance with a wide range of District-wide statutes and regulations on agency operations, as well as develop working relationships with various District agencies that provide agency support (DGS, DCHR, OCTO, OCFO, OBP, etc.).
 - The CCRC has been diligent in proactively seeking to come into compliance with applicable laws on agency operations and, to the best of its knowledge, is in compliance at present. In FY 17 the agency will take the additional steps to ensure compliance, e.g., providing ethics training to its Advisory Group. Also, in FY 17 the agency will take additional steps to solidify working relationships with District agencies, e.g., seeking a standing MOU with DCHR regarding its provision of services.

- Acquisition and Analysis of Charging, Sentencing, and Other Relevant Statistics. The CCRC’s statutory mandate specifically requires it to provide statistical information with its recommendations for code reform. The CCRC’s statute also requires the agency to develop recommendations to improve the proportionality of criminal penalties and the gradation of offenses, tasks which depend heavily on statistical information about current District charging and sentencing practices. However, the CCRC does not itself have access to the necessary statistical information, nor does its staff include experts in data analysis.
 - In October 2017 the CCRC requested relevant data from the D.C. Sentencing Commission and received some data on January 31, 2017. The CCRC will continue to seek relevant data and expects to utilize data analysis expertise of the Lab in the Office of the City Administrator. The CCRC will seek the information from other sources as necessary. In FY 17, the CCRC will finalize a MOU with the Lab and work with it to produce necessary statistical information and analysis from available data.
- Prioritizing Criminal Statutes for Reform. The CCRC’s statutory mandate refers generally to the development of comprehensive criminal code reform recommendations for District criminal statutes. However, the D.C. Code contains, by CCRC estimates, at least 700 distinct criminal offenses and reform of all these statutes is not feasible within the agency’s two-year timeframe with current staffing levels.
 - The CCRC has prioritized reform of statutes that describe the most serious and frequently sentenced District crimes. As described more fully in the agency Work Plan, the CCRC expects to develop reform recommendations for the offenses that constitute over 95% of annual adult felony convictions and over 60% of annual adult misdemeanor convictions, weapon possession crimes excluded. This approach will yield a logically coherent set of reforms and will be a model for further work. At the end of FY 17, the CCRC will reassess the feasibility of the scope of its Work Plan and make adjustments as necessary.

11. Please discuss the work of the Code Revision Advisory Group, including the number of meetings that have occurred in FY17, to date.

Response: The Code Revision Advisory Group (Advisory Group) reviews and provides information and suggestions on the CCRC’s draft recommendations for comprehensive criminal code reform. CCRC interaction with the Advisory Group takes two main forms. First, the CCRC provides copies of its draft recommendations to the full Advisory Group for written comments, reviews any written comments received from

the Advisory Group, and updates its recommendations so they are based on the Advisory Group comments. Second, the CCRC consults with individual Advisory Group members as needed to answer questions about the draft recommendations, discuss concerns about existing District criminal statutes that may need reform, and inquire about how District criminal practice might be affected by draft recommendations. To date in FY 17 the full Advisory Group has held three meetings: on November 10, 2016; January 11, 2017; and February 1, 2017.

- a. How many additional Advisory Group meetings does the CCRC anticipate holding in FY17?

Response: The CCRC anticipates holding an additional seven (7) Advisory Group meetings in FY 17, one per month, March through September.

- b. How does the CCRC plan to incorporate Advisory Group member comments into its final recommendations to be sent to the Council and the Mayor?

Response: The CCRC plans to incorporate Advisory Group member comments into its final recommendations to the Council and Mayor in two ways. First, the CCRC's final recommendations will themselves be based on Advisory Group members' comments written comments on draft recommendations. Second, the CCRC's final recommendations will include an appendix with all the Advisory Group members' comments written comments.

12. Please list any reports or analyses that the CCRC plans to release in FY17.

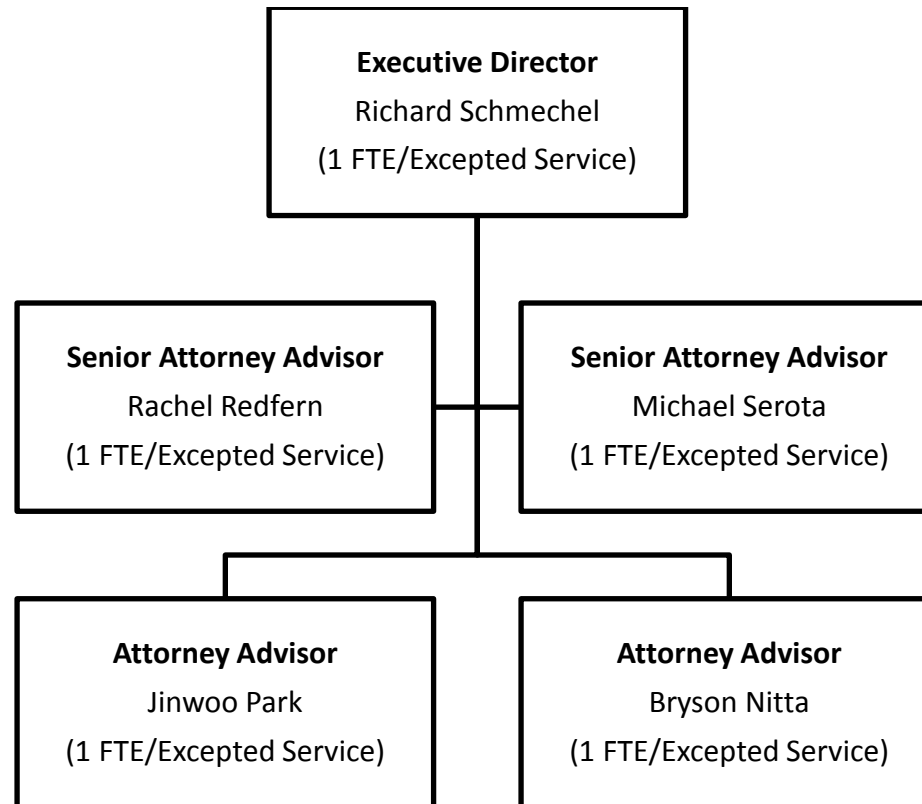
Response: In FY 17, the CCRC plans to release four final reports:

- 2016 Annual Report (which also serves as a report on agency activities for the First Quarter of Fiscal Year 2017)
- Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes
- Second Quarter of Fiscal Year 2017 Report
- Third Quarter of Fiscal Year 2017 Report

D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES
APPENDIX A: ORGANIZATIONAL CHART

Criminal Code Reform Commission Organizational Chart

(As of 2/9/17)



D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES
APPENDIX B: SCHEDULE A

Appendix B: Schedule A (As of 2/9/17)

DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MAO)																	
FY 2017 SCHEDULE A																	
																Vacancy Status	FTE
																Filled	5.00
																Vacant	0.00
																Total	5.00
Agency Code	Fiscal Year	Program Code	Activity Code	Vacancy Status	Position Number	Position Title	Employee Name	Hire Date	Grade	Step	Salary	Fringe	FTE	Reg/Temp /Term	Hiring Status	Length of Service	
CRIMINAL CODE REFORM COMMISSION - 1001																	
MAO	17	1001	1010	F	00001748	Attorney Advisor	Nitta,Bryson Keaokaalelewa	9/8/2014	7	0	85,000	17,000	1.00	Reg			
MAO	17	1001	1010	F	00047268	Executive Director	Schmechel,Richard S	11/5/2012	9	0	130,559	26,112	1.00	Reg			
MAO	17	1001	1010	F	00075456	Attorney Advisor	Park,Jinwoo	9/9/2013	7	0	95,000	19,000	1.00	Reg			
MAO	17	1001	1010	F	00075457	Sr. Attorney Advisor	Serota,Michael Eli	1/14/2013	8	0	105,000	21,000	1.00	Reg			
MAO	17	1001	1010	F	00075475	Sr. Attorney Advisor	Redfern,Rachel S	1/14/2013	8	0	105,000	21,000	1.00	Reg			
AGENCY GRAND TOTAL											520,559	104,112	5.00				

DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MAO)															
FY 2016 SCHEDULE A															
Agency Code	Fiscal Year	Program Code	Activity Code	Vacancy Status	Position Number	Position Title	Employee Name	Hire Date	Grade	Step	Salary	Fringe	FTE	Reg/Temp /Term	Hiring Status
CRIMINAL CODE REFORM COMMISSION - 1001															
MAO	16					N/A									
MAO	16														
MAO	16														
MAO	16														
MAO	16														
AGENCY GRAND TOTAL												0	0	0	

**D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES
APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES**

APPENDIX C: AGENDAS AND MINUTES FOR ADVISORY GROUP MEETINGS

The Criminal Code Reform Commission held meetings with its Criminal Code Revision Advisory Group on November 10, 2016, January 11, 2017, and February 1, 2017. There was no meeting in December 2016.

The meeting notices and minutes are below.

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING**

**THURSDAY, NOVEMBER 10, 2016 AT 1:00 PM
441 4TH STREET N.W., ROOM 1116, WASHINGTON, D.C., 20001**

On Thursday, November 10, 2016 at 1:00 pm, the D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (CRAG). The meeting will be held in Room 1116 at 441 Fourth St., N.W., Washington, DC. The meeting agenda is below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome.
- II. Introductions of CRAG Members & CCRC Staff.
- III. Discussion of CCRC Mandate, Draft Work Plan, and Draft Schedule.
- IV. Discussion of CRAG Review Process.
- V. Scheduling of Future CRAG Meetings.
- VI. Discussion of First Draft of Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes.
- VII. Adjournment.

**D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES
APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES**



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrc.dc.gov

MINUTES OF PUBLIC MEETING

**THURSDAY, NOVEMBER 10, 2016 AT 1:00 PM
441 4TH STREET N.W., ROOM 1114, WASHINGTON, D.C., 20001**

On Thursday, November 10, 2016 at 1:00 pm, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Revision Advisory Group (Advisory Group). The meeting was held in Room 1114 at 441 Fourth St., N.W., Washington, DC. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Bryson Nitta (Attorney Advisor)

Rachel Redfern (Chief Counsel for
Management & Legislation)

Jinwoo Park (Attorney Advisor)

Michael Serota (Chief Counsel for Policy &
Planning)

Advisory Group Members in Attendance:

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

Donald Braman (Council Appointee) (By
Phone)

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

Helder Gil (Designee of the D.C. Deputy
Mayor for Public Safety and Justice) (By
Phone)

Chanell Autrey (Designee of the
Chairperson of the Council Committee on
the Judiciary)

D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES
APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES

I. Welcome.

- a. The Executive Director called the meeting to order at 1:05.
- b. The Executive Director informed the Advisory Group members that this and other meetings would be recorded in accordance with the Open Meetings Act.

II. Introductions of Advisory Group Members & CCRC Staff.

- a. Commission staff and Advisory Group members introduced themselves.

III. Discussion of CCRC Mandate, Draft Work Plan, and Draft Schedule.

- a. The Executive Director discussed the CCRC statutory mandate using the Advisory Group Memorandum #1, which was distributed prior to the meeting.
 - i. The Executive Director noted that the CCRC staff previously had been housed within the D.C. Sentencing Commission under a different statutory mandate. Because some of the Advisory Group members had worked with CCRC staff while the project was at the D.C. Sentencing Commission, he noted that the CCRC mandate differed in important ways from the D.C. Sentencing Commission's mandate.
 - ii. The Executive Director emphasized that the new mandate includes all District criminal statutes - including hundreds and hundreds of regulatory-type misdemeanors outside of Title 22. Due to the statutory two-year deadline for the project and resource limitations, the focus of the CCRC will be on felonies and commonly-used misdemeanors within Title 22, as well as some outside of Title 22.
 - iii. The Executive Director noted that the new mandate includes examining overlap and gaps between offenses, adjusting penalties for proportionality, and creating gradations where necessary. The prior iteration of the project had not addressed these and other aspects of code reform that are part of the new mandate.
 - iv. The Executive Director said the ultimate goal of the CCRC is to provide draft legislation, commentary addressing changes to criminal law, and relevant statistics to the D.C. Council.
 - v. Finally, the Executive Director said that the sources for code reform will include current District law, Advisory Group member input, and code reforms in other jurisdictions.
- b. The Executive Director discussed the CCRC draft work plan and schedule using the description in Advisory Group Memorandum #1 which was distributed prior to the meeting.
 - i. The draft work plan outlined the projected sequence of work for the next two years, the length of the agency's statutory mandate. There are four phases in the Work Plan.

D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES
APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES

- ii. Phase I is very similar to prior “enactment plus” recommendations completed at the D.C. Sentencing Commission. Because the CCRC mandate contains some of the same duties that the project had at the D.C. Sentencing Commission, Phase I updates the prior work. The goal is to deliver the Phase I materials to the Council and Mayor by January 2017.
 1. Mr. Rosenthal suggested moving the agency review date to a week later than January 4th.
 2. The Executive Director said he would consider the need to extend the date for written comments on Phase I beyond the current two months if an agency needed extra time. The Executive Director said an extension of time for Phase I should not affect comment due dates for subsequent Phases and therefore was possible. However, extensions of comment due dates for subsequent Phases could jeopardize the overall success of developing comprehensive reform within two years and likely will not be feasible. He noted that agencies who do not submit written comments in time to be considered as part of the staff’s final recommendations may still have their comments included with the final recommendations that go to the Council and Mayor.
- iii. Phase II develops the draft General Part. Most of the General Part provisions are going to be substantially similar to the General Part provisions developed at the D.C. Sentencing Commission, but new provisions will be added that the Advisory Group members will need to address for the first time. Some provisions in the General Part (e.g. conspiracy) will be addressed after Phase II. New parts in Phase II will include statutes on subjects such as willful blindness and attempt. Also included in the Phase II General Part will be penalty classifications and statutory enhancements (e.g., senior citizens, bias-related crime). Phase II will not involve the actual setting of penalties for offenses, but will involve setting up the penalty classes’ various maximum imprisonment and fines. Phase II will be delivered in at least two pieces to the Advisory Group. The first piece will be delivered in December, and then a second piece in February.
- iv. Phase III will develop reform recommendations for specific offenses. Reform recommendations will go out in groups: property, person, etc. The Executive Director said that there are no set time periods at this moment.
- v. Phase IV will develop reform recommendations for setting penalties for offenses that were revised in Phase III. This will involve ordinal ranking of crimes’ seriousness, then placing offenses in the penalty classifications.

D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES

APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES

- vi. The Executive Director said that recommendations developed in Phases II - IV will all go to the Council and Mayor together before September 30, 2018. The package will include a bill, commentary, individual comments from Advisory Group members, and statistics. It will include a cover report from the CCRC asking the Council to pass the bill.

IV. Discussion of CRAG Review Process.

- a. The Executive Director discussed the expected process for Advisory Group members' consultation.
- b. Step 0 would be early consultation between staff and any Advisory Group member that wishes to preliminarily discuss an offense before formal work commences on the offense.
- c. Step 1 would be the CCRC providing the Advisory Group with first drafts consisting of offense language and commentary.
- d. Step 2 would be the submission of Advisory Group members' written comments on the first draft of recommendations - the statutory deadline for this commentary is a minimum of one month. The Executive Director said that it is possible to give more time, and he will endeavor to do so, but there is a hard time crunch given the statutory deadline. The Executive Director emphasized that CCRC staff will meet individual Advisory Group members to go over issues or comments - he noted this is particularly important given the difficulty of scheduling full Advisory Group meetings.
 - i. Mr. Rosenthal asked whether there would be additional time for an agency review.
 - ii. The Executive Director said that the Advisory Group process does not provide for separate times for members to provide comments and then for the members' agencies to review material and provide additional comments. There will be just one period for written comments from all members on the CCRC first draft of recommendations.
 - iii. Mr. Rosenthal also asked whether the agency's written comments would need to be more formal than were sometimes provided while at the D.C. Sentencing Commission. For example, what if OAG wished to note that some offenses related to, but not in, the CCRC recommendations could be reformed? Strictly speaking, such comments may not be apt since they are not about the draft recommendations.
 - iv. The Executive Director said that it is part of the CCRC statutory mandate that the agency must make public all written comments on draft recommendations. Regarding the example Mr. Rosenthal provided, the Executive Director said that this sort of note about closely related offenses would be appropriate for inclusion in Advisory Group member's formal

D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES

APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES

written comments because it builds a better record for the Council about relevant considerations. Even if an agency hasn't fully reviewed or committed to a position, raising a possible issue in the formal written comments is desirable so long as appropriate caveats and qualifiers are provided about the comment.

- e. Step 3 would be the CCRC providing the Advisory Group with a second draft of the recommended reforms to statutes and commentary, based on the Advisory Group members' initial comments. This second draft will also include a copy of each Advisory Group members' written comments.
- f. Step 4 would be an Advisory Group vote on the second draft of recommendations.
 - i. Mr. Rosenthal asked about the granularity of votes. He noted the possibility that an Advisory Group member agrees with 95% of a set of recommendations but cannot approve the remaining 5%. Could a separate vote be taken on that 5%?
 - ii. The Executive Director said that votes preferably would be as broad as possible, including many recommendations on like subject matter rather than piecemeal voting. He said that it was impossible to predict in advance what degree of agreement the Advisor Group may have and what granularity of voting may be necessary. However, he recognized that more granular voting may be necessary. He also noted that granular voting may not be necessary if the vote is phrased to be not on whether a member agrees as to every part of the draft recommendations, but whether a member agrees that the draft recommendations are an appropriate basis for legislative consideration notwithstanding a member's disagreements with some parts of the recommendations.
 - iii. Ms. Hankins asked how proxy voting works. The Executive Director said that Advisory Group members can either give their proxy to another Advisory Group voting member, or send another duly-authorized person from the Advisory Group member's agency.
 - iv. Mr. Rosenthal asked whether current members could send someone else from their office to vote in their place. The Executive Director said that, in such an instance, he would prefer a letter designating a new representative from the principal named in the CCRC statute.
- g. Step 5 would be an opportunity, after approval by a majority vote per Step 4, for Advisory Group members to submit additional comments on the final recommendations.
- h. The Executive Director said that the CCRC hopes to receive every Advisory Group members' thoughts on the recommendations. The CCRC would like to synthesize members' perspectives as much as possible before the final product is delivered to the Council.

D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES

APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES

- i. The Executive Director said that compared to the prior process at the D.C. Sentencing Commission, a big shift will be reliance on providing and reviewing written comments, rather than oral comments at full Advisory Group meetings. He said the new process of consultation with the Advisory Group is necessary to meet the statutory deadline. He noted that there will still be a number of in-person full Advisory Group meetings, and CCRC staff welcomes the opportunity to discuss matters with individual or smaller groups of Advisory Group members on request.
- j. The Executive Director emphasized that CRAG members can submit their own draft statutory language to the CCRC as part of their written comments, and that would be helpful to the CCRC and welcomed.
- k. The Executive Director said that staff will generally only propose one recommendation for reforming a given statute, to ensure the recommendations are cohesive and the Council and Mayor aren't overwhelmed with variants. However, he noted that some recommendations for reform (e.g., setting penalties) may require staff to present alternatives to the Advisory Group (and, on approval, to the Council and Mayor). But staff will not routinely recommend alternative recommendations for reform of a statute.

V. Scheduling of Future Advisory Group Meetings.

- a. The Executive Director said that since not all members were present at the current Advisory Group meeting he would email members to set up a meeting in the second week of January. He said he would also poll members about a standing monthly meeting time in 2017.
- b. Additionally, the Executive Director also briefly stated that Advisory Group members may need to undergo DC Board of Ethics and Government Accountability (BEGA) ethics training.

VI. Discussion of First Draft of Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes.

- a. Staff stated that the recommendations in the CCRC First Draft of Report #1, "Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes," update the recommendations that the D.C. Sentencing Commission had unanimously approved in September 2015. The Report was distributed prior to the Advisory Group meeting.
- b. The Executive Director reminded Advisory Group members that January 4th is the deadline for comments on the first draft of the report and appendices.
- c. Staff explained that one major way the draft legislation differs from the previous project at the D.C. Sentencing Commission is that all recommended additions, amendments and repeals are packaged in one bill. As part of this restructuring of

D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES

APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES

the bill, the portion of the bill that enacts Title 22 makes the recommended changes directly to the text of Title 22. Staff noted that the enactment portion of the draft legislation includes language that specifically states the bill is not intended to change the law, except for the changes listed in the “Statement of Legislative Intent for the Enactment of Title 22” contained in the bill.

- d.** Staff said the list of archaic and unused offenses recommended for repeal was the same as the Sentencing Commission had approved, except that one offense, D.C. Code § 22-3306, was removed from list of offenses recommended for repeal due to potential Home Rule Act questions. In addition, the current draft legislation contained two conforming amendments to accommodate the repeal of two of the archaic and unused provisions recommended for repeal.
- e.** Staff said that technical amendments to statutes were essentially the same as the D.C. Sentencing Commission had approved, but that the set of statutes addressed was smaller. This time, only statutes or offenses outside of Title 22 that were charged were considered, in addition to all of Title 22. Additional instances of gendered language were identified and corrected in the current draft legislation.
- f.** Staff said that the recommendations concerning unconstitutional statutes were the same as the D.C. Sentencing Commission had approved.
- g.** Staff said the CCRC had identified two additional common law offenses since the D.C. Sentencing Commission’s vote on the previous project. The two additional pure common law offenses are: being a common scold and disturbing public worship. There was no change in the recommendation to revise the District’s reception statute so that these and any other common law offenses are abolished.
 - i.** Mr. Rosenthal asked whether common law disturbing public worship is covered under 22-1321. Staff said the conduct might be covered, but probably not. Mr. Rosenthal suggested adding a footnote to specify that 22-1321 is not affected by abolishing the common law offense.
- h.** Staff said that its recommendations concerning relocation of offenses are slightly different compared to what the D.C. Sentencing Commission had approved. Three new sections in Title 22 are recommended for relocation from Title 22: Section 22-4251, which had been inadvertently omitted from the materials the D.C. Sentencing Commission voted on, and § 22-1842 and § 22-1843, civil provisions pertaining to human trafficking that were passed after the D.C. Sentencing Commission’s vote. In addition, § 22-4331 is no longer recommended for relocation because it contains a criminal penalty, whereas it had been recommended for removal previously.
- i.** Staff said that its recommendations concerning enactment of Title 22 are different compared to what the D.C. Sentencing Commission had approved. The text of Title 22 in the enactment portion of the bill resolves discrepancies between the code language and the organic and amendatory act language that the D.C.

D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES

APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES

Sentencing Commission had left unresolved. These discrepancies and their resolution are discussed in detail in Appendix VI, and staff briefly summarized them for the Advisory Group.

- i. Mr. Rosenthal asked whether statutes recommended for relocation are moved into an enacted title because, if so, new legislation would be required to move the statutes into those titles.
- ii. The Executive Director said that determining which specific titles to move relocated statutes to was the responsibility of the Council's Codification Counsel. The CCRC would be in touch with the Codification Counsel once the package was delivered to the Council.
- j. Staff noted that the CCRC had checked for relevant statistics on the offenses affected by the report's recommendations, but that it was awaiting information from the D.C. Sentencing Commission. The D.C. Sentencing Commission initially responded to the CCRC request for data with a blanket denial. However, the Executive Director said he was following up and was hopeful that the D.C. Sentencing Commission would provide the requested data, per the CCRC statute. He said that he would keep the Advisory Group apprised.

VII. Adjournment.

- a. The meeting adjourned at 2:45p

**D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES
APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES**



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrc.dc.gov

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING**

**TUESDAY, JANUARY 11, 2017 AT 2:00 PM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Tuesday, January 11, 2017 at 2pm. The meeting will be held in Room 1112 of 441 Fourth St., N.W., Washington, DC. The meeting agenda is below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome
- II. Discussion Items:
 - a. First Draft of Report No. 1, Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes;
 - b. Advisory Group Memorandum No. 1, Overview of CCRC and CRAG Draft Work Plan (with Appendices)
- III. Discussion Items:
 - a. First Draft of Report No. 2, Recommendations for Chapter 2 of the Revised Criminal Code: Basic Requirements of Offense Liability;
 - b. Advisory Group Memorandum No. 2, Adoption of a Comprehensive General Part in the Revised Criminal Code
- IV. Adjournment.

**D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES
APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES**



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrc.dc.gov

**MINUTES OF PUBLIC MEETING
WEDNESDAY, JANUARY 11, 2017 AT 2:00 PM**

**CITYWIDE CONFERENCE CENTER, 11TH FLOOR OF 441 4TH STREET N.W.,
WASHINGTON, D.C., 20001**

On Wednesday, January 11, 2016 at 2:00 pm, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Revision Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Bryson Nitta (Attorney Advisor)

Rachel Redfern (Chief Counsel for
Management & Legislation)

Jinwoo Park (Attorney Advisor)

Michael Serota (Chief Counsel for Policy &
Planning)

Advisory Group Members in Attendance:

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

Donald Braman (Council Appointee)

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

Renata Kendrick Cooper (Designee of the
United States Attorney for the District of
Columbia)

I. Welcome

- a. The Executive Director called the meeting to order at 2:00 PM.
- b. The Executive Director notified the Advisory Group of several matters:

D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES

APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES

- i. The CCRC website is operational, and the meeting schedule and documents for each meeting are posted on the website. Advisory Group comments on draft recommendations will also be posted to the website.
- ii. A training session for the Advisory Group will be scheduled with the Board of Ethics and Government Accountability during one of the scheduled 2017 meetings.
- iii. The CCRC still has received no data in response to its request to the D.C. Sentencing Commission, now over two months old. The last response from the Sentencing Commission was from Chairman Weisberg in early December, stating that the Commission was seeking the views of the Superior Court on the CCRC request. The Executive Director recently discussed this matter with the Chief Judge of the Superior Court.
- iv. Advisory Group written comments on the First Draft of Report No. 1 are due 1/13/17, and written comments on the First Draft of Report No. 2 are due 2/16/17. To date, no comments had been received.
- v. The CCRC is available to discuss draft recommendations with individual Advisory Group members at any time, upon request.

II. Discussion of First Draft of Report No. 1, Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes; and Advisory Group Memorandum No. 1, Overview of CCRC and CRAG Draft Work Plan (with Appendices).

- a. The Executive Director asked if there were questions or discussion from the Advisory Group about the First Draft of Report No. 1.
- b. Ms. Kendrick Cooper distributed a copy of written comments for the United States Attorney's Office for the District of Columbia (USAO) on the First Draft of Report No. 1 and highlighted the following:
 - i. She said that there remained the possibility that the draft enactment legislation could lead to litigation over the extent to which enactment constituted a legislative endorsement of case law at the time of enactment.
 - ii. She said that language in the report endorsing the use of legislative history in statutory interpretation reflected older case law, and that the current approach relies first on the plain text of statutes.
 - iii. She recommended that when the CCRC develops full offense definitions for common law (penalty only) offenses, it do so initially by using the District's jury instructions.
 - iv. She recommended care in the placement of evidentiary provisions removed from Title 22 and that that explicit cross references be used for any provisions that are moved out of the enacted Title 22.
- c. Mr. Rosenthal said that he expected the Office of the Attorney General for the District of Columbia (OAG) would submit comments by the end of the week and noted that there would be a request to put in the enacted Title 22 statute, not just in the bill to enact, certain language regarding the effect of enactment.

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APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES

III. Discussion of First Draft of Report No. 2, Recommendations for Chapter 2 of the Revised Criminal Code: Basic Requirements of Offense Liability; and Advisory Group Memorandum No. 2, Adoption of a Comprehensive General Part in the Revised Criminal Code.

- a. CCRC staff provided a brief overview of the content of the documents.
- b. The Executive Director asked if there were any questions or comments on the documents at this time.
- c. Ms. Kendrick Cooper and Mr. Rosenthal asked how the draft statutory language in Report No. 2 differed from language on similar topics that was considered by the D.C. Sentencing Commission's sub-committee on Criminal Code Revision. They said that it would facilitate their review of the new material to see the language developed by the Sentencing Commission.
 - i. The Executive Director said that staff would issue a memorandum for the Advisory Group that copies the draft statutory language in Report No. 2 alongside analogous draft provisions previously considered by the D.C. Sentencing Commission's Subcommittee on Criminal Code Revision. However, he noted that Report No. 2 is the document that has submitted for Advisory Group review, and it is self-sufficient in describing the bases for its recommendations.

IV. Adjournment.

- a. The meeting adjourned at 3:00 PM.

**D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES
APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES**



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrc.dc.gov

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING**

**WEDNESDAY, FEBRUARY 1, 2017 AT 2:00 PM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, February 1, 2017 at 2pm. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The meeting agenda is below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements
- II. Discussion Items:
 - a. Second Draft of Report No. 1, Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes;
 - b. Advisory Group Memorandum No. 4, Changes for Second Draft of Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes;
- III. Discussion Items:
 - a. First Draft of Report No. 2, Recommendations for Chapter 2 of the Revised Criminal Code: Basic Requirements of Offense Liability;
 - b. Advisory Group Memorandum No. 2, Adoption of a Comprehensive General Part in the Revised Criminal Code
- IV. Adjournment.

**D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES
APPENDIX C: ADVISORY GROUP AGENDAS & MINUTES**



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrc.dc.gov

MINUTES OF PUBLIC MEETING

**WEDNESDAY, FEBRUARY 1, 2017 at 2:00PM
CITYWIDE CONFERENCE CENTER, 11th Floor of 441 4th STREET NW
WASHINGTON, D.C. 20001**

On Wednesday, February 01, 2017 at 2:00pm, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1107 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Bryson Nitta (Attorney Advisor)

Rachel Redfern (Chief Counsel for
Management & Legislation)

Jinwoo Park (Attorney Advisor)

Michael Serota (Chief Counsel for Policy &
Planning)

Advisory Group Members in Attendance:

Paul Butler (Council Appointee)

Donald Braman (Council Appointee)

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

Renata Kendrick Cooper (Designee of the
United States Attorney)

Chanell Autrey (Council Representative) *via
telephone*

I. Welcome.

- a. The Executive Director called the meeting to order.

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- b. The Executive Director gave the Advisory Group an update on the status of the Commission's data request to the D.C. Sentencing Commission. The Executive Director said that the Commission's October request had been fulfilled in part on Tuesday, January 31. He said that staff was still evaluating the data set that was provided; however, he said it was clear some major portions of the data are missing and no explanation for the omission was provided in the Sentencing Commission's transmittal letter. He said the Commission would continue to seek the missing data.

II. Discussion of the Second Draft of Report No. 1.

- a. The Executive Director said that the Office of the Attorney General (OAG) representative, Mr. Rosenthal, had, through the office's submitted comments and through personal communication, expressed a desire to codify in enacted Title 22 a short statement of legislative intent. In response to an Advisory Group member question, he said he could not speak to the Mr. Rosenthal's motivating concern; however, he did offer a sample provision in the staff memorandum that would seem to address the Mr. Rosenthal's request.
- b. The Executive Director noted, however, that such a codification would be against the Commission's preference, given the Council's Legislative Drafting Manual and its strong guidance against codifying statements of legislative intent. Commission staff also said that there was no precedent in past District enactment efforts for codifying such a statement of legislative intent.
- c. Professor Braman suggested that the matter should not hold up advancing the report and bill. He said that, by default, the codification language should go in the Commission's bill, but with an explanation in the report flagging the matter for the Council's Office of General Counsel to review.
- d. The Public Defender Service (PDS) representative, Ms. Hankins, suggested that codifying a statement of legislative intent may have some unintended consequences, such as confusion as to the meaning of past or future enacted titles of the D.C. Code lacking such a special codification of legislative intent. She suggested that, by default, the codification language should not go in the Commission's bill, but with an explanation in the report flagging the matter for the Council's Office of General Counsel to review.
- e. Professor Butler agreed with the Ms. Hankins' concerns and said it appeared the Council's Office of General Counsel should address the matter.
- f. The Advisory Group members present all agreed that it would be best to defer action on the Report until Mr. Rosenthal has been consulted and had an opportunity to explain the request further if he wished.
- g. The Executive Director said that he would speak with Mr. Rosenthal about whether he wished to address the group on the matter at the next meeting. He

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said that he would inquire, whether a new provision is or not added as requested by the OAG, if it would be acceptable to flag the matter in the report for further review by the Council's Office of General Counsel. He said that, if this matter can be speedily resolved, and there are no other comments, there can be a vote in the next month or two by the Advisory Group to move the recommendations on to the Council. He reminded the Advisory Group that written comments on the Second Draft of Report No. 1 are due February 27, 2017.

III. Discussion of the First Draft of Report No. 2.

- a. The Executive Director asked whether Advisory Group members had questions on any of the provisions contained in the first draft of Report No. 2, Recommendations for Chapter 2 of the Revised Criminal Code.
- b. None of the Advisory Group members had any questions or comments.
- c. The Executive Director reminded the Advisory Group that comments are due February 15th. The United States Attorney's Office (USAO) representative, Ms. Kendrick-Cooper, said that her agency needed an extension of the deadline for comments to February 22. The Executive Director said that delays in review of the general part provisions in Report No. 2 would have ripple effects in coming months because those topics must be addressed before work on specific offenses. However, he said he was in the process of reexamining the overall agency work schedule and would take the matter under advisement and update the Advisory Committee about the request.

IV. Adjournment.

- a. The meeting was adjourned at 3:00pm. Audio recording of the meeting will be made available online for the public.

D.C. CRIMINAL CODE REFORM COMMISSION PERFORMANCE HEARING RESPONSES

APPENDIX D: WORK PLAN AND SCHEDULE

CCRC Work Plan & Schedule (Issued 2-9-17)

This combined Work Plan & Schedule presents the planned activities of the D.C. Criminal Code Reform Commission (CCRC) during its two-year statutory authorization (October 1, 2016 through September 30, 2018). The Work Plan & Schedule guides agency operations, subject to changes by the CCRC Executive Director to better meet the CCRC's statutory mandate with available resources. Notice of any significant changes to the Work Plan & Schedule will be given to the CCRC's Criminal Code Revision Advisory Group (Advisory Group), and described in the CCRC's quarterly and annual reports to the Council.

This document consists of the following parts:

- I. Overview.
- II. Limitations & Assumptions.
- III. Sequence of Code Reform Recommendations.
- IV. Ongoing Activities Supporting the Development of Recommendations.
- V. Schedule.

I. Overview.

The Work Plan addresses all aspects of the CCRC's core statutory mandate to develop comprehensive criminal code reform recommendations that revise the language of the District's criminal statutes to:

- (1) Use clear and plain language;
- (2) Apply consistent, clearly articulated definitions;
- (3) Describe all elements, including mental states, that must be proven;
- (4) Reduce unnecessary overlap and gaps between criminal offenses;
- (5) Eliminate archaic and unused offenses;
- (6) Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties;
- (7) Organize existing criminal statutes in a logical order;
- (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate;
- (9) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment;
- (10) Propose such other amendments as the Commission believes are necessary; and
- (11) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.¹

¹ D.C. Code § 3-151 *et seq.*

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Under the Work Plan, the CCRC will produce two major reports for the Council and Mayor that provide recommendations for criminal code reform.

The CCRC's first major report, to be issued mid-2017, will provide recommendations for enactment of D.C. Code Title 22 and other, mostly technical, changes to criminal statutes. It will also include draft legislation for implementing the CCRC's recommendations.

The CCRC's second major report, to be issued by the statutory deadline of September 30, 2018, will provide recommendations for reform of the most serious, routinely sentenced District offenses currently in use.² The report will recommend that reformed offenses be enacted chiefly in a new Title 22A, with unreformed offenses remaining in their current locations in other titles.

Consistent with the past six decades of modern American criminal code reform efforts, the new Title 22A will consist of two distinct components.³ First, Title 22A will contain a "General Part," which provides a legislative statement of the key general definitions, essential interpretive rules, and most important culpability principles applicable to all reformed offenses, as well as a coherent classification scheme for grading reformed offenses. Second, Title 22A will contain a "Special Part," which codifies clearly articulated reformed versions of individual offenses. When viewed collectively, the new Title 22A will provide a full and accurate statutory description of the elements for every reformed offense.

The second report will also include draft legislation for implementing the CCRC's recommendations, as well as a concise commentary (suitable for adoption as legislative history) that explains how and why the reformed statutes change existing District law, and charging, sentencing, and other relevant statistics regarding affected offenses.

In preparing its reform recommendations for both major reports, the CCRC will consult with its statutorily-created Advisory Group. The Advisory Group will review, comment, and ultimately vote on all CCRC recommendations that go to the Council and Mayor. The final recommendations in both major reports will be based on the Advisory Group's comments, and a copy of those comments will be appended to the reports. In preparing its reform recommendations, the CCRC also will review criminal code reforms in other jurisdictions, recommend changes to criminal offenses by the American Law Institute, and survey best practices recommended by criminal law experts.

² The offenses that will be reformed, per this Work Plan, constitute over 95% of annual adult felony convictions and over 60% of annual adult misdemeanor convictions, weapon possession crimes excluded.

³ For a brief summary of the history of modern American criminal code reform efforts, see CCRC Memorandum No. 2, *Adoption of a Comprehensive General Part in the Revised Criminal Code* (December 21, 2016).

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The “Sequence of Code Reform Recommendations” section of the Work Plan provides details of the components and steps involved in producing these two major reports to the Council and Mayor. The “Other Ongoing Activities” section of the Work Plan describes CCRC activities that support the development of specific code reform recommendations.

The Schedule for agency work tracks the work plan, focusing on key points in the production of the agency’s two major reports. Because there may be multiple drafts of any CCRC recommendation, depending on the nature and extent of the Advisory Group’s comments, the Schedule reflects only the overall sequence and key deadlines for issuing draft recommendations to the Advisory Group and final recommendations to the Council and Mayor.

II. Limitations & Assumptions.

The scope of the Work Plan is limited in two major ways, both of which are a product of current time and resource constraints. First, the Work Plan excludes reform recommendations for many of the more than 700 criminal statutes scattered throughout the D.C. Code.⁴ The vast majority of the criminal statutes not addressed in the Work Plan are of a regulatory nature, impose misdemeanor penalties, or do not appear to have been sentenced in recent years (or ever). However, there are also some serious, frequently-sentenced District offenses currently in use that are excluded, such as firearm registration and firearm possession crimes. Second, the Work Plan does not cover reform recommendations for codifying, clarifying, or filling in District case law governing general defenses. Codification of general defenses—e.g., self-defense—is a standard component of modern criminal codes, and greatly affects how criminal statutes are used. Nevertheless, given the current two-year window and staffing levels of the CCRC, codification of general defenses or key weapons offenses is not practically achievable.

The feasibility of the Work Plan & Schedule assumes that CCRC assessments are approximately correct regarding the following variables:

- The difficulty of researching and drafting reform recommendations for District statutes;
- The nature and extent of Advisory Group comments on draft reform recommendations;
- The ability to secure at least majority approval from the Advisory Group to issue draft reform recommendations;
- The possibility of new court rulings or legislation that require reworking of research or draft reform recommendations;
- The ability to obtain and analyze charging, sentencing, and other relevant statistics regarding offenses affected by the draft reform recommendations;

⁴ This estimate is based on an internal review by CCRC staff of the D.C. Code.

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- The possibility of a major shift in other jurisdictions' criminal code reforms or best practices that require reworking of research or draft reform recommendations;
- The possibility of a Council request that the agency perform legal analysis of proposed legislation concerning criminal offenses; and
- Retention of the CCRC's experienced staff.

The CCRC has assessed these variables to the best of its ability based on its prior experience working on code reform. However, unexpected changes in any of these variables could significantly hinder the agency's ability to complete the Work Plan & Schedule.

III. Sequence of Code Reform Recommendations.

The CCRC's development of code reform recommendations will follow four sequential (though overlapping) phases, which can be summarized as follows:

- *Phase 1.* Facilitate enactment of Title 22 of the D.C. Code, which contains most District offenses, and propose other minor amendments to District criminal statutes. Phase 1 recommendations are intended to ease the administrative burden of future amendments to District criminal laws.
- *Phase 2.* Develop key general definitions, essential interpretive rules, and the most important culpability principles applicable to all reformed offenses. Phase 2 recommendations are intended to facilitate the clear and comprehensive drafting of reformed offenses, which will be consistently interpreted and applied by the courts.
- *Phase 3.* Develop reformed individual offenses consistent with general provisions using language that is accessible, intuitive, and complete. Phase 3 recommendations are intended to facilitate the clear articulation and consistent interpretation of District offenses.
- *Phase 4.* Review all reformed offenses together as a whole, creating an ordinal ranking of offense severity and establishing the classification of all individual offenses. Phase 4 recommendations are intended to facilitate proportionate penalties for all reformed District offenses.

These four phases follow an overarching logic: prepare Title 22 for reform, create a general framework applicable to all reformed offenses, reform offenses using that general framework, and then reform the penalties for all offenses to be proportionate. It is important to note, however, that it is neither possible nor desirable for the CCRC to issue or finalize all the recommendations for each phase before starting the next. For example, the development of some

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of the Phase 2 recommendations will take significant time, such that, in order to meet the CCRC's two-year deadline, work on Phase 3 recommendations must commence before completion of Phase 2. It is also expected, however, that work on later phases may reveal the need to rework aspects of earlier phases. Consequently, while the general sequence of code reform work is fixed, some overlap in the completion of Phases is necessary. With that in mind, the CCRC has structured the planned release of individual recommendations to ensure that members of the Advisory have the information necessary to provide informed comments and feedback on distributed materials.

The work of Phase 1 will be presented to the Council in mid-2017 as its first major report containing reform recommendations. The work of Phases 2, 3, and 4, in contrast, cumulatively builds recommendations for a second report to the Council at the end of FY 2018. It will consist of text for a single, cohesive set of reformed criminal statutes that comprise a new Title 22A and a concise commentary (suitable for adoption as legislative history) explaining how and why the reformed criminal statutes change existing District law. Appendices to the latter report will include: A) Advisory Group comments; and B) relevant crime statistics.

Below is a more detailed overview of how Phases 1, 2, 3, and 4 are expected to operate.

Phase 1. Enactment of Title 22 and technical clean-up of criminal statutes.

During Phase 1, the CCRC will address several of the agency's statutory mandates⁵ that involve minor, often technical changes to District criminal statutes. The offenses recommended for change in this phase will not be fully revised and will need additional changes (in subsequent phases) to meet the statutory mandates for reform. However, Council adoption of the Phase 1 recommendations should significantly ease future reforms by "enacting" Title 22—a process of formally adopting into law the entirety of that title, separate and apart from the hundreds of bills and amendments passed in the last century that set out the language for various statutes within the title.

The recommendations developed in Phase 1 will comprise the CCRC's first major report to the Council and Mayor. Appendices to the report will include: A) detailed information on affected statutes; B) Advisory Group comments; C) relevant crime statistics; and D) an appendix containing a draft bill that would enact the proposed changes into law.

⁵ D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; (5) Eliminate archaic and unused offenses; (7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate; (9) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment; (10) Propose such other amendments as the Commission believes are necessary . . .”).

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- *Phase 1 Recommendations* (for a list of specific statutes, see the Schedule, below):
 - Repeal of archaic and unused statutes.
 - Technical amendments to outdated language.
 - Amendment of provisions held to be unconstitutional.
 - Repeal of common law offenses.
 - Relocation of Title 22 statutes.
 - Enactment of Title 22.

- *Phase 1 Key Dates:*
 - The Advisory Group was given a first draft of the CCRC Report on *Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes* on November 2, 2016, with a request for comments on or by January 13, 2017. Three members submitted comments on the first draft, which were reviewed and used as the basis for a second draft that was given to the Advisory Group on January 25, 2017, with a request for comments on or by February 27, 2017.
 - A final draft and vote on the report containing Phase 1 recommendations is expected in April or May 2017.

Phase 2. General Provisions for a New Title 22A.

During Phase 2, the CCRC will develop a standard toolkit of rules, definitions, and principles for establishing criminal liability that will apply to all reformed offenses. The CCRC will also develop a coherent classification scheme for grading offenses and setting penalties, as well as penalty enhancements that apply to many or all offenses. Note, however, that the development of draft recommendations for penalty classes and general penalty enhancements during this phase will describe the penalty classes and differentiate gradations in penalty enhancements, but will not propose specific penalties or fines for any offenses. Recommendations for specific penalties or fines, including for penalty enhancements, will be addressed in Phase 4. Phase 2 work addresses several of the agency’s statutory mandates.⁶

- *Phase 2 Recommendations* (for a list of specific statutes, see the Schedule, below):
 - Preliminary provisions.
 - Basic requirements of offense liability.
 - Inchoate crimes.
 - Standardized penalty classes.

⁶ D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; . . . (7) Organize existing criminal statutes in a logical order; . . . (10) Propose such other amendments as the Commission believes are necessary . . .”).

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- Generally applicable penalty enhancements.
- Handling multiple counts at sentencing.
- *Key Dates:*
 - To maximize the Advisory Group's time for review, the CCRC will issue recommendations developed in Phase 2 as they become available. The Advisory Group was given a first draft of the CCRC Report on *Recommendations for Chapter 2 of the Revised Criminal Code: Basic Requirements of Offense Liability* on December 21, 2016, with a request for comments on or by February 22, 2017. Draft recommendations for several other general provisions, such as voluntary intoxication and attempts to commit crimes, will be issued by the end of March, 2017. A final set of general provisions, concerning accomplice liability, conspiracy, solicitation, and multiple counts at sentencing will be proposed later, in the fourth quarter of FY 17.
 - In the third quarter of FY 17, the CCRC and the Advisory Group will discuss the suitability of using general provisions reviewed by that date for subsequent use in conjunction with Phase 3 and 4 reforms.
 - A final draft and vote on the combined report containing Phase 2, 3, and 4 recommendations will be held in the fourth quarter of FY 18.

Phase 3. Reformed Offenses for a New Title 22A.

During Phase 3, the CCRC will develop recommendations for modernizing the structure and language of the most serious, frequently-sentenced District offenses, consistent with the general definitions, rules, and principles for establishing liability established by the General Part. Draft recommendations for specific offenses will differentiate gradations in liability but will not propose specific penalties or fines, which will be addressed in Phase 4. Work for this phase addresses several of the agency's statutory mandates.⁷

- *Phase 3 Recommendations* (for a list of specific statutes, see the Schedule, below):
 - Offenses against property.
 - Drug offenses.
 - Offenses against persons.
 - Offenses against government operations.
 - Offenses against public order.

⁷ D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; (4) Reduce unnecessary overlap and gaps between criminal offenses; (5) Eliminate archaic and unused offenses . . . (7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate . . . (10) Propose such other amendments as the Commission believes are necessary . . .”).

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- *Advisory Group Review:*
 - To allow the Advisory Group to evaluate similar offenses together, the CCRC will distribute recommendations developed in Phase 3 in five staggered, draft reports: property offenses; drug offenses; offenses against persons; offenses against government operations; and offenses against public order.
 - A final draft and vote on the Phase 3 recommendations will be part of the combined report containing Phase 2, 3, and 4 recommendations, held before the statutory deadline of September 30, 2018.

Phase 4. Proportionate Penalties for Title 22A Offenses.

During Phase 4, the CCRC will evaluate the relative seriousness of reformed District offenses, and accordingly recommend proportionate penalties and fines in a manner that fulfills several CCRC mandates.⁸ Draft recommendations regarding the ranking of offense severity and classification of offenses may be comprised of alternatives for Council consideration.

- *Phase 4 Recommendations* (for a list of specific statutes, see the Schedule, below):
 - Ordinal ranking of offense severity.
 - Classification of offenses according to ordinal ranking.
- *Advisory Group Review:*
 - The release to the Advisory Group of the CCRC’s ordinal ranking of offense severity and classification of offenses is planned for April 2018. However, to facilitate Advisory Group review, the CCRC may distribute recommendations on offense severity before submitting recommendations on classification of offenses.
 - A final draft and vote on the Phase 4 recommendations will be part of the combined report containing Phase 2, 3, and 4 recommendations, held before the statutory deadline of September 30, 2018.

IV. Ongoing Activities Supporting the Development of Recommendations.

The CCRC’s development of specific code reform recommendations is supported by a variety of ongoing agency work.

⁸ D.C. Code § 3-152(a)(6) (“Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties.”).

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APPENDIX D: WORK PLAN AND SCHEDULE

Monitoring District Criminal Legislation & Case Law.

The starting place for criminal code reform is existing District law, whether legislative or judicial. A sound understanding of current District law is critical to providing commentary to the Council on how CCRC recommendations affect District law, a statutory mandate.⁹ Since the inception of the CCRC, staff has conducted a weekly review of legislative and judicial developments in the District and will continue to do so until all recommendations are finalized.

Monitoring Best Practices & Other Jurisdictions' Criminal Code Reforms.

By statute,¹⁰ the process the CCRC uses to review District statutes also involves review of reforms in other jurisdictions' code reforms and the recommendations of criminal law experts. In recent years there has been a major surge in state-level criminal justice reforms, often through Justice Reinvestment Initiatives (JRIs) that seek to improve public safety and reduce costs. There also has been progress on new model recommendations for Sentencing and Sexual Assault through the American Law Institute (ALI). Recognizing that the public safety needs, norms and history of each jurisdiction are unique, the CCRC staff conducts a monthly review of new national developments that may be useful to the District's reform efforts.

Outreach & Collaboration.

To examine best practices and models of reform in other jurisdictions, and to better understand public perspectives on topics like penalty proportionality, the CCRC must conduct outreach to other organizations and individuals. In the first quarter of FY 17 the agency sought to establish contacts at local courts and national subject matter experts in criminal code reform. Additional outreach to legal experts, criminal justice stakeholders, and the public are being planned.

Data Acquisition & Analysis.

The CCRC statute requires the agency to provide "charging, sentencing, and other relevant statistics" with its final recommendations to the Council and Mayor. However, such statistical information is also critical to the initial development of recommendations. For example, the sentences for a specific offense may show what District judges believe to be a proportionate penalty for that offense. To acquire data, the CCRC is statutorily authorized to request information from other District agencies, and a major data request was made of the D.C. Sentencing Commission in the first quarter of FY 17. The CCRC plans to work with social scientists in the Office of the City Administrator to analyze the data it acquires, beginning in February 2017.

⁹ D.C. Code § 3-152(b)(3).

¹⁰ D.C. Code § 3-152(c)(2).

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Agency Legal Compliance.

The CCRC is a new independent agency in the District government, and has both agency-specific¹¹ and District-wide responsibilities to operate efficiently, transparently, and lawfully. Since its inception on October 1, 2016, the CCRC has worked with a number of District agencies to set up appropriate financial, budgetary, human relations, facilities, ethics and other operations. To the best of its knowledge, the agency is fully in compliance with District rules and regulations. However, oversight of spending and the long-term development of a document retention system (within the statutory timeframe) remain work activities for the CCRC through FY 18.

Staff Development & Training.

The legal challenges of criminal code reform are unique, and the CCRC has been fortunate to retain a staff with significant experience working on such challenges. Employee development and training is critical to maintaining the staff's unique skills and motivation. In the third quarter of FY 17 staff will be able to attend a law school conference on criminal code reform, and hear discussion of new, nationwide recommendations for Sentencing and Sexual Assault laws issued by the American Law Institute.

V. Schedule.

The below chart provides details on the specific topics of CCRC recommendations during Phases 2 and 3, and the target date of their release for review by the agency's Advisory Group. Because the nature and extent of the Advisory Group's comments cannot be fairly anticipated, the schedule does not place an end date for work on particular reform recommendations. However, all recommendations must be completed by the agency's statutory deadline of September 30, 2018.

Phase 1 scheduling information is not included because the CCRC already issued its draft recommendations for that phase to the Advisory Group. Detailed scheduling information for Phase 4 is not provided because the topics and statutes involved are identical to those listed for Phases 3 and 4. The Phase 4 release to the Advisory Group of the CCRC's ordinal ranking of offense severity and classification of offenses is planned for April 2018. However, to facilitate

¹¹ D.C. Code § 3-151(d)(4) ("Develop and institute internal policies, procedures, and processes to ensure efficient operations;"); D.C. Code § 3-154(a) ("The Commission shall file quarterly reports with the Council that provide a summary of activities during the prior quarter."); D.C. Code § 3-154(b) ("The Commission shall file an annual report with the Council before March 31 of each year . . .").

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Advisory Group review, the CCRC may distribute recommendations on offense severity before submitting recommendations on classification of offenses.

Please note that the target dates of release for Advisory Group review are estimates, subject to the limitations and assumptions listed in Part II, above. When feasible, the CCRC will issue draft recommendations before the target date.

The Schedule begins on the next page.

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Subtitle	General Topic/Chapter	Current DC Code Section	Specific Topic of Reform Recommendation	First Draft Complete
General Part	Basic Requirements of Offense Liability	NA	Proof of Offense Elements Beyond a Reasonable Doubt	Dec. 2016
General Part	Basic Requirements of Offense Liability	NA	Conduct Requirement	Dec. 2016
General Part	Basic Requirements of Offense Liability	NA	Voluntariness Requirement	Dec. 2016
General Part	Basic Requirements of Offense Liability	NA	Causation Requirement	Dec. 2016
General Part	Basic Requirements of Offense Liability	NA	Culpable Mental State Requirement	Dec. 2016
General Part	Basic Requirements of Offense Liability	NA	Hierarchy of Culpable Mental States	Dec. 2016
General Part	Basic Requirements of Offense Liability	NA	Rules of Interpretation Applicable to Culpable Mental State Requirement	Dec. 2016
General Part	Preliminary Provisions	NA	Short Title & Effective Date	Mar. 2017
General Part	Preliminary Provisions	NA	Effect of Headings and Captions	Mar. 2017
General Part	Preliminary Provisions	NA	Interaction with Other Code Provisions	Mar. 2017
General Part	Preliminary Provisions	NA	General Rules of Interpretation and Construction	Mar. 2017
General Part	Imputation of Offense Elements	NA	Willful Blindness	Mar. 2017
General Part	Imputation of Offense Elements	NA	Voluntary Intoxication	Mar. 2017

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Subtitle	General Topic/Chapter	Current DC Code Section	Specific Topic of Reform Recommendation	First Draft Complete
General Part	Inchoate Liability	22-1803	Attempts	Mar. 2017
General Part	Offense Classes	NA	Classes & Authorized Terms of Imprisonment	Apr. 2017
General Part	Offense Classes	NA	Classes & Authorized Fines	Apr. 2017
General Part	Penalty Enhancements	22-3601	Crimes against senior citizen victims	Apr. 2017
General Part	Penalty Enhancements	22-3602	Crimes against a citizen patrol member	Apr. 2017
General Part	Penalty Enhancements	22-3611	Crime of violence against minors	Apr. 2017
General Part	Penalty Enhancements	22-3703	Bias-related crime	Apr. 2017
General Part	Penalty Enhancements	22-3751	Crimes against taxicab drivers	Apr. 2017
General Part	Penalty Enhancements	22-3751.01	Crimes against transit operators and Metrorail station managers	Apr. 2017
General Part	Penalty Enhancements	22-4502	Crime committed when armed	Apr. 2017
General Part	Penalty Enhancements	22-1804	Second Conviction	Apr. 2017
General Part	Penalty Enhancements	22-1804a	2 Prior Felonies	Apr. 2017
Property	Fraud	22-3221	Fraud	May 2017
Property	Fraud	22-3223	Credit Card Fraud	May 2017
Property	Fraud	22-3241	Forgery	May 2017
Property	Fraud	22-1510	Making, drawing, or uttering check, draft, or order with intent to defraud; proof of intent; "credit" defined	May 2017
Property	Fraud	22-3227.02	Identity Theft	May 2017
Property	Theft	22-3211	Theft	May 2017
Property	Theft	22-3212	Theft Penalty	May 2017
Property	Theft	22-3216	Taking Property Without Right	May 2017
Property	Theft	22-3215	Unauthorized Use of a Vehicle	May 2017
Property	Theft	22-3213	Shoplifting	May 2017
Property	Theft	22-3214	Commercial Piracy	May 2017
Property	Theft	22-3214.01	Deceptive Labeling	May 2017

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Subtitle	General Topic/Chapter	Current DC Code Section	Specific Topic of Reform Recommendation	First Draft Complete
Property	Damage to Property	22-303	Malicious Destruction of Property	May 2017
Property	Damage to Property	22-301	Arson	May 2017
Property	Damage to Property	22-302	Burning to Defraud	May 2017
Property	Damage to Property	22-3312.01 through 22-3312.05	Graffiti abatement	May 2017
Property	Damage to Property	22-3303 through 22-3312, 22-3313 through 22-3318	Miscellaneous property damage offenses	May 2017
Property	Damage to Property	22-3319	Obstructing railway	May 2017
Property	Burglary	22-801	Burglary	May 2017
Property	Trespass	22-3301	Forcible Unauthorized Entry	May 2017
Property	Trespass	22-3302	Unauthorized Entry	May 2017
Property	Trespass	22-1341	Unauthorized Entry vehicle	May 2017
Property	Trespass	22-601	Breaking and Entering Vending Machine	May 2017
Property	Trespass	22-1307	Blocking passage	May 2017
Property	Trespass	22-1323	Obstructing bridges	May 2017
Property	Trespass	22-1321	Disorderly Conduct (obstructing)	May 2017
Property	Stolen Property	22-3232	Receipt of Stolen Property (RSP)	May 2017
Property	Stolen Property	22-3231	Trafficking in Stolen Property (TSP)	May 2017
Property	Stolen Property	22-2501	Implements of Crime	May 2017
Property	Stolen Property	22-3233	Alteration Motor VIN	May 2017
Property	Stolen Property	22-3234	Alteration Bike ID	May 2017
General Part	Inchoate Liability	22-1805a	Conspiracy	Jul. 2017
Drugs	Paraphernalia	48-1102	Factors to be considered in determining whether object is paraphernalia	Aug. 2017

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Subtitle	General Topic/Chapter	Current DC Code Section	Specific Topic of Reform Recommendation	First Draft Complete
Drugs	Paraphernalia	48-1103	Prohibited Acts (Paraphernalia)	Aug. 2017
Drugs	Paraphernalia	48-904.10	Possession of Paraphernalia	Aug. 2017
Drugs	Drugs	48-904.01(a)	Manufacture, Distribute, and Possess with Intent to Distribute a Controlled Substance	Aug. 2017
Drugs	Drugs	48-904.01(b)	Create, Distribute, and Possess with Intent to Distribute Counterfeit Substances	Aug. 2017
Drugs	Drugs	48-904.01(d)	Possession of a Controlled Substance	Aug. 2017
Drugs	Drugs	48-904.01(e)	Conditional Discharge for Possession as First Offense	Aug. 2017
Drugs	Drugs	48-904.01(f)	Charging Provision	Aug. 2017
Drugs	Drugs	48-904.01(g)	Definition of "Offense"	Aug. 2017
Drugs	Drugs	48-904.06	Distribution to Minors	Aug. 2017
Drugs	Drugs	48-904.07	Enlistment of Minors	Aug. 2017
Drugs	Drugs	48-904.07	Drug Free Zones	Aug. 2017
Drugs	Drugs	48-904.08	Second or subsequent offenses	Aug. 2017
Drugs	Drugs	48-904.09	Attempt; Conspiracy	Aug. 2017
Drugs	Drugs	48-1101	Definitions of Paraphernalia	Aug. 2017
General Part	Inchoate Liability	NA	Accomplice Liability	Sept. 2017
General Part	Multi-Count Liability	NA	Merger of Offenses	Sept. 2017
General Part	Multi-Count Liability	22-3203	Consecutive & Concurrent Sentencing	Sept. 2017
General Part	Inchoate Liability	22-2107	Solicitation	Oct. 2017
General Part	Inchoate Liability	NA	Renunciation	Nov. 2017

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Subtitle	General Topic/Chapter	Current DC Code Section	Specific Topic of Reform Recommendation	First Draft Complete
Persons	Threats	22-1810	Felony Threats	Jan. 2018
Persons	Threats	22-407	Misdemeanor Threats	Jan. 2018
Persons	Threats	22-3133	Stalking	Jan. 2018
Persons	Threats	22-3251	Extortion	Jan. 2018
Persons	Threats	22-3252	Blackmail	Jan. 2018
Persons	Threats	22-1402	Recordation of Deed to extort	Jan. 2018
Persons	Threats	22-1321	Disorderly Conduct (threats, loud and abusive language)	Jan. 2018
Persons	Reckless Endangerment	22-1321	Disorderly Conduct (reckless endangerment)	Jan. 2018
Persons	Reckless Endangerment	22-1322	Rioting	Jan. 2018
Persons	Assault	22-401	Assault with Intent to Kill	Jan. 2018
Persons	Assault	22-402	Assault with Deadly Weapon	Jan. 2018
Persons	Assault	22-403	Assault With Intent to Commit Other felony	Jan. 2018
Persons	Assault	22-404	Simple assault	Jan. 2018
Persons	Assault	22-404(a)	Felony assault	Jan. 2018
Persons	Assault	22-404.01	Aggravated Assault	Jan. 2018
Persons	Assault	22-405	Assault of Police Officer	Jan. 2018
Persons	Assault	22-406	Mayhem	Jan. 2018
Persons	Assault	22-1301	Affrays	Jan. 2018
Persons	Assault	22-1321	Disorderly Conduct (incitement)	Jan. 2018
Persons	Assault	22-1321	Disorderly Conduct (simple assault)	Jan. 2018
Persons	Robbery	22-2801	Robbery	Jan. 2018
Persons	Robbery	22-2801	Attempted Robbery	Jan. 2018
Persons	Robbery	22-2803	Carjacking	Jan. 2018

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Subtitle	General Topic/Chapter	Current DC Code Section	Specific Topic of Reform Recommendation	First Draft Complete
Persons	Kidnapping	22-2001	Kidnapping	Jan. 2018
Persons	Sexual Offenses	22-1312	Lewd acts	Jan. 2018
Persons	Sexual Offenses	22-3001	Definitions	Jan. 2018
Persons	Sexual Offenses	22-3002	First Degree Sexual Abuse	Jan. 2018
Persons	Sexual Offenses	22-3003	Second Degree Sexual Abuse	Jan. 2018
Persons	Sexual Offenses	22-3004	Third Degree Sexual Abuse	Jan. 2018
Persons	Sexual Offenses	22-3005	Fourth Degree Sexual Abuse	Jan. 2018
Persons	Sexual Offenses	22-3006	Misdemeanor Sexual Abuse	Jan. 2018
Persons	Sexual Offenses	22-3007	Defense to Sexual Abuse	Jan. 2018
Persons	Sexual Offenses	22-3008	First Degree Child Sexual Abuse	Jan. 2018
Persons	Sexual Offenses	22-3009	Second Degree Child Sexual Abuse	Jan. 2018
Persons	Sexual Offenses	22-3009.01	First degree sexual abuse of a minor	Jan. 2018
Persons	Sexual Offenses	22-3009.02	Second degree sexual abuse of a minor	Jan. 2018
Persons	Sexual Offenses	22-3009.03	First degree sexual abuse of a secondary education student	Jan. 2018
Persons	Sexual Offenses	22-3009.04	Second degree sexual abuse of a secondary education student	Jan. 2018
Persons	Sexual Offenses	22-3010	Enticing a child or minor	Jan. 2018
Persons	Sexual Offenses	22-3010.01	Misdemeanor sexual abuse of a child or minor	Jan. 2018
Persons	Sexual Offenses	22-3010.02	Arranging for a sexual contact with a real or fictitious child	Jan. 2018
Persons	Sexual Offenses	22-3013	First degree sexual abuse of a ward, patient, client, or prisoner	Jan. 2018
Persons	Sexual Offenses	22-3014	Second degree sexual abuse of a ward, patient, client, or prisoner	Jan. 2018
Persons	Sexual Offenses	22-3015	First degree sexual abuse of a patient or client	Jan. 2018

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Subtitle	General Topic/Chapter	Current DC Code Section	Specific Topic of Reform Recommendation	First Draft Complete
Persons	Sexual Offenses	22-3016	Second Degree Sexual Abuse of a Patient or Client	Jan. 2018
Persons	Sexual Offenses	22-3101	Sex performance using minors	Jan. 2018
Persons	Cruelty & Neglect	22-1101	Cruelty to Children	Jan. 2018
Persons	Cruelty & Neglect	22-2202	Neglect of Children	Jan. 2018
Persons	Homicide	22-2101	First degree Murder	Feb. 2018
Persons	Homicide	22-2102	First Degree Murder Railroads	Feb. 2018
Persons	Homicide	22-2103	Second degree Murder	Feb. 2018
Persons	Homicide	22-2105	Manslaughter	Feb. 2018
Persons	Homicide	22-2106	Murder Law Enforcement Officer	Feb. 2018
Persons	Homicide	22-2107a	Solicitation	Feb. 2018
Government Operations	Prison Operation	22-2601	Escape	Mar. 2018
Government Operations	Prison Operation	22-2603.01	Definitions	Mar. 2018
Government Operations	Prison Operation	22-2603.02	Unlawful possession of contraband	Mar. 2018
Government Operations	Prison Operation	22-2603.03	Penalties Unlawful possession of contraband	Mar. 2018
Government Operations	Obstruction of Justice	22-722	Obstruction of Justice	Mar. 2018
Government Operations	Obstruction of Justice	22-2402	Perjury	Mar. 2018
Government Operations	Contempt	11-0944	Judicial contempt	Mar. 2018
Government Operations	Contempt	16-1005	Violation of Civil Protection Order	Mar. 2018

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Government Operations	Contempt	23-1110	Failure to Appear for Citation Release	Mar. 2018
Government Operations	Contempt	23-1327	Failure to Appear (BRA)	Mar. 2018
Government Operations	Contempt	23-1328	Offenses While on Release	Mar. 2018
Government Operations	Contempt	23-1329	Conditions of Release Contempt	Mar. 2018
Government Operations	Contempt	50-2201.05b	Fleeing Law Enforcement Officer	Mar. 2018
Government Operations	Other	22-4015	Failure to Register as Sex Offender	Mar. 2018
Government Operations	Other	22-1211	Tampering with a Detection Device	Mar. 2018
Government Operations	Other	22-723	Tampering with Physical Evidence	Mar. 2018
Government Operations	Other	4-218.01	Fraud in Obtaining Public Assistance	Mar. 2018
Government Operations	Other	22-712	Bribery	Mar. 2018
Public Order	Disturbance of Peace	22-1312	Lewd Indecent Obscene Acts	Mar. 2018
Public Order	Disturbance of Peace	22-1321	Disorderly Conduct (public urination)	Mar. 2018
Public Order	Disturbance of Peace	22-2302	Panhandling	Mar. 2018

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Public Order	Disturbance of Peace	25-1001	Possession Open Container of Alcohol/Public Intoxication	Mar. 2018
Public Order	Prostitution/Solicitation	22-2701	Prostitution/Sexual Solicitation	Mar. 2018
Public Order	Prostitution/Solicitation	22-2701.01	Definitions Prostitution/Sexual Solicitation	Mar. 2018
Public Order	Prostitution/Solicitation	22-2705	Pandering	Mar. 2018
Public Order	Prostitution/Solicitation	22-2712	Operating a House of Prostitution	Mar. 2018