

Guideline Training and Education

In 1995, the Commission continued to provide guideline application assistance and education in a variety of forms:

- **Training.** The Commission coordinated and participated in training sessions across the country on guideline application and sentencing-related matters for judges, probation officers, prosecutors, defense attorneys, and others.
- **Hotlines.** Commission staff responded to telephone inquiries about application of the sentencing guidelines from judges and their staffs, probation officers, assistant U.S. attorneys, and defense attorneys.
- **Public Information/Clearinghouse.** Commission staff responded to general information queries, both oral and written, from Congress, attorneys, government agencies, researchers, inmates and their families, and the public.
- **Publications and Training Materials.** The Commission developed and utilized numerous resources to support its guideline training and education efforts. The Commission remains committed to the continued use and exploration of technological advancements so that it may provide training and education in the most efficient and cost-effective manner.

Training

Congress authorized the Commission to “devise and conduct periodic training programs of instruction in sentencing techniques for judicial and probation personnel and other persons connected with the sentencing process.” 28 U.S.C. § 995(a)(17)

and (18). The Commission recognizes that an evolving guideline system, together with the steady influx of new practitioners, creates a continuing need for effective training programs and materials. In 1995, the Commission provided training to approximately 4,300 individuals at 84 training sessions across the country. Participants included circuit and district court judges, probation officers, prosecuting and defense attorneys, congressional staff members, law clerks, and other government agency personnel. The Commission continued its collaborative training efforts with the Federal Judicial Center (FJC) and the Department of Justice (DOJ) to develop and refine permanent, academy-based guideline education programs.

At the seminars, Commission faculty provided intensive training on guideline application and sentencing-related topics. Participants also received instruction on developing case law and related sentencing issues, ASSYST (*see* discussion below), guideline amendments, and statutory changes.

Training New Appointees

The Commission, working with the FJC and DOJ, plays an active role in the training of newly appointed judges, probation officers, and prosecutors. The Commission continued in 1995 to participate in the FJC’s orientation program for newly appointed district and appellate court judges, providing three days of training on guideline application and sentencing-related issues to 47 “new” judges. The Commission and the FJC also collaborated in training 332 federal judges at numerous workshops and seminars including national workshops for district court judges in Atlanta, Boston, and Seattle.

In 1995, the Commission presented four days of guideline application training to approximately 230 newly appointed probation officers during five orientation programs at the National Probation and Pretrial Services Academy near Baltimore, Maryland. In addition to presenting the basics of guideline application to new officers, these programs included a half-day workshop, specifically designed for new officers, on Chapter Seven of the Guidelines Manual (Violations of Probation and Supervised Release).

In conjunction with the DOJ's Office of Legal Education, the Commission provided guideline training to approximately 200 newly appointed assistant U.S. attorneys at the Federal Practice Skills Seminars held in various cities across the country.

The Commission increased the amount of training it provides defense attorneys by organizing numerous guideline education programs across the nation, training more than 1,000 defense attorneys during 1995. These programs reflect the Commission's continued commitment to advance the guideline knowledge of court-appointed and private defense attorneys. In addition, the Commission continued to work with the Sentencing Guidelines Group (Washington, DC-based federal defenders) to produce training programs for defense attorneys.

District-Based Guideline Education

In 1995, the Commission responded to training requests from probation officers, judges, defense attorneys, and prosecutors by conducting continuing guideline education programs in 47 localities. To maximize resources, when a district office requested training, the Commission typically contacted other members of the court family and invited them to participate. The chairman and commissioners actively participated in panel discussions and various other speaking engagements across the country on more than 40 occasions. The Commission staff also lectured widely on sentenc-

ing issues at training sessions, academic seminars, judges' meetings, and professional conferences.

Hotlines

The Commission's two hotlines – one servicing judges and probation officers, the other prosecuting and defense attorneys – continued to assist callers with specific guideline application questions and promote guideline and sentencing education generally. The hotlines are open to callers Monday through Friday between 8:30 a.m. and 5:30 p.m., EST.

In an advisory capacity, the hotline staffs assist callers in applying the sentencing guidelines. Subject to the caution given all callers that hotline advice is neither binding on the court nor to be represented as the official position of the Sentencing Commission, the staff answers questions not involving subjective judgments. Those questions involving a subjective determination by the judge, such as whether a defendant should receive an adjustment for acceptance of responsibility, are addressed by reference to pertinent guidelines, commentary, or policy statements. For debatable questions or interpretations of correct application, the staff assists the caller in understanding alternative approaches, emphasizing that such decisions are left to the courts.

Calls Received in 1995

The judge and probation officer hotline staff responded to 1,502 questions in 1995, an average of 125 questions per month. Since its inception in 1987, the hotline staff has responded to more than 15,000 questions from probation officers, judges, and law clerks. During 1995, the attorney hotline staff responded to approximately 600 calls from assistant U.S. attorneys and defense attorneys.

Table 7 organizes by guideline section the questions received through the hotlines in 1995. The greatest number of questions related to drug guide-

lines (196). Inquiries relating to criminal history ranked second (183), followed by imprisonment/sentencing options (128), violations of probation and supervised release (116), and offenses involving firearms (109).

In the process of responding to hotline questions, Commission training and legal staffs regularly consult with each other to ensure that questions are researched fully and answered accurately. To assist with quality control, staff maintains a log of the calls received and responses provided. The Commission began its log in 1988 using a computer program specifically developed to document hotline calls. The program provides an easily accessible database that allows staff to check whether a similar question has been asked previously, thereby speeding research efforts and enabling more consistent and accurate responses.

In response to requests from probation officers, the Commission developed a similar computer program for use in probation offices across the nation. Distributed initially in 1992, "SC_HELP" (Sentencing Commission Hotline Extended Library Program) has been updated periodically. SC_HELP allows probation officers to develop their own databases of questions and answers on a variety of topics (*e.g.*, guideline application, procedural issues, local rules). In 1995, the Commission posted the most recent version of SC_HELP on the Commission's electronic bulletin board.

Temporary Assignment Program

The Commission's temporary assignment program for probation officers, assistant U.S. attorneys, and assistant federal defenders continued through 1995. These temporary duty assignments lasted an average of six weeks for probation officers and six months for attorneys. While at the Commission, participants helped staff the hotlines, became involved in the amendment process, and assisted with various projects.

Nineteen probation officers participated in the

program this year. They represented a diverse geographical constituency from 19 districts and provided the Commission with broad insight into sentencing practices across the nation. Since the program's inception, 133 officers representing 62 districts have participated.

Unfortunately, the Commission in 1995 decided to suspend the Visiting U.S. Probation Officers program after a thorough review of the Commission's current limitations on fiscal and staff resources. With the suspension of the temporary assignment program, the hotline will be handled exclusively by Commission staff. The Commission hopes to reinstate the temporary assignment program in the future if resource issues can be addressed satisfactorily.

Two assistant federal defenders and three assistant U.S. attorneys worked with the Commission during 1995. Since the visiting attorney program began in 1988, 11 assistant federal defenders and 14 assistant U.S. attorneys have participated.

During their tenure at the Commission, visiting probation officers and attorneys become proficient in guideline application and gain exposure to the many types of cases sentenced in the federal system. They also broaden their perspectives of the criminal justice system through observation of Commission operations and guideline development and refinement. These probation officers and attorneys return to their districts as valuable resources to their colleagues and the court. The Commission benefits from interaction with visiting officers and attorneys who apply the guidelines on a regular basis. They provide the Commission with a better understanding of the practical concerns confronting practitioners and share their perspectives on the operation of the guidelines and other sentencing-related matters.

Probation Officers Participating in the 1995 Temporary Assignment Program

<u>Probation Officer</u>	<u>District</u>
Joan B. McNamara	Eastern District, NY
Carolee A. Grazioso	New Jersey
Mark J. Walker	Oregon
Daniel E. Fritz	Western District, VA
Michael W. Hudson	Western District, AZ
Leroy B. Washington	Western District, WA
Steven E. Horne	Eastern District, NC
Donald M. Osborne	Southern District, TX
Rodney R. Huebner	Western District, WI
Sheila F. Lally	Northern District, IL
Suzanne Squires	Arizona
Theresa L. Brown	Nevada
Barbara L. Henderson	Western District, PA
G. Renee Herriott	Southern District, CA
Karen A. Meusling	Eastern District, CA
Rex S. Morgan	Eastern District, WI
Patricia Jackson	Northern District, IN
Jamison Reed	Western District, TX
Pamela D. Lassiter	Northern District, FL

Assistant U.S. Attorneys and Assistant Federal Public Defenders Participating in the 1995 Commission Temporary Assignment Program

<u>Assistant U.S. Attorney</u>	<u>District</u>
Roger Haines	Southern District, CA
Kelly Shackelford	South Carolina
Frank Bowman	Southern District, FL

<u>Assistant Federal Defender</u>	<u>District</u>
Felicia Sarner	Eastern District, PA
Shari Greenstein	Eastern District, CA

Public Information/Clearinghouse

In 1995, Commission staff responded to thousands of information requests from Congress, attorneys, government agencies, researchers, inmates and their families, and the public.

Telephone Inquiries. In 1995, Commission staff received and responded to more than 9,000 public information telephone calls. Some of these information requests were fulfilled by providing callers with copies of Commission publications or materials. In other instances, staff orally provided answers to the callers' questions. When appropriate, callers were referred to one of the Commission's hotlines.

Written Requests. The Commission also receives hundreds of letters each week, most of which are from inmates or their families. Other letters come from members of Congress, attorneys, libraries, government agencies, and the research community. While some letters request Commission publications, others seek answers to general or technical questions. In 1995, Commission staff responded to approximately 3,000 written inquiries.

Public Comment. During the Commission's amendment cycle, the public is invited to comment on proposed amendments to the sentencing guidelines. The Commission received more than 16,500 letters of comment during its 1995 public comment period. Of these, 9,435 were letters about the Commission's proposed amendment to the crack/powder cocaine penalty ratio. The Commission received 3,375 letters about its proposed amendment regarding the marijuana plant equivalencies.

Publications and Training Materials

In addition to its Annual Report, the Commission issues numerous publications each year. In February 1995, the Commission began publication of a periodic newsletter, *Guide Lines*, which presents information on current Commission activities, research findings, proposed guideline amendments, training opportunities, and guideline application and legal issues. In early 1995, the Commission also completed work on four special reports to Congress: (1) Cocaine and Federal

Sentencing Policy; (2) Adequacy of Penalties for the Intentional Exposure of Others, through Sexual Activity, to the Human Immunodeficiency Virus; (3) Adequacy of Penalties for Fraud Offenses Involving Elderly Victims; and (4) Analysis of Penalties for Federal Rape Cases (see Chapter Two, Working Groups, for a description of these studies). In May 1995, the Commission published a revised edition of its Research Reference Catalog, which describes all available Commission publications and datasets. In September, the Commission published Amendments to the Sentencing Guidelines, an interim publication to be used in conjunction with the 1994 Guidelines Manual, which contains the official guidelines, policy statements, and commentary issued by the Sentencing Commission. The Commission issued its 1995 Guidelines Manual shortly thereafter.

In 1995, the Commission also published its annual summary entitled Amendment Highlights, which describes the 25 new amendments to the sentencing guidelines. The Commission's biannual Selected Guideline Application Decisions, organized by guideline section and judicial circuit, summarizes selected cases involving application of the guidelines or related sentencing issues. Another biannual publication, Supreme Court Cases, summarizes selected Supreme Court decisions that involve application of the guidelines.

Under an agreement with the Government Printing Office, copies of all basic Sentencing Commission publications are made available in hard copy or in microfiche to patrons using the GPO Regional Depository Libraries across the nation.

In late 1995, the Commission produced and distributed a training video that examines the most important of the guideline amendments that took effect November 1, 1995. This 35-minute video was distributed to each Chief District Court Judge, U.S. Attorney, Federal Public Defender, and Chief U.S. Probation Officer. The Commission developed numerous sets of training materials (case scenarios, worksheets, and instructional handouts such as resource guides and checklists) and docu-

ments describing developing case law for use at training seminars across the country.

Internet Web Site and Electronic Bulletin Board

In July 1995, the Commission merged onto the "information superhighway" with *USSC OnLine*, its new public access electronic bulletin board. *USSC OnLine* users can download a variety of Commission materials via modem by dialing (202) 273-4709. Downloaded documents are stored in WordPerfect 5.1 or 6.1 formats.

In 1995, the Commission began development of a web site on the World Wide Web. The content of the Commission's home page on the Internet will mirror that available on the bulletin board. Users visiting the Commission's web site at the address <http://www.ussc.gov> can browse as well as download documents in either WordPerfect 5.1 or 6.1 formats.

Materials on both *USSC OnLine* and the web site are organized into six categories for easy access and retrieval: (1) general information, (2) research/reports, (3) guidelines, (4) legislative information, (5) training materials, and (6) state sentencing commissions. These technologies, presented in user-friendly formats, are designed to increase the accessibility of Commission materials and enhance their speed of delivery.

ASSYST

The Commission continues to examine and employ technological advances to: (1) enhance and improve its educational efforts, and (2) to maximize its resources. To this end, the Commission coordinated improvements and modifications to the ASSYST software used by probation officers and others as an aid to guideline application. Enhancements to the most recent version (ASSYST 2.1) include the incorporation of all 1995 amendments, Chapters Seven and Eight from the Guide-

lines Manual (Violations of Probation and Supervised Release, Sentencing of Organizations), and improvements to the user interface such as refinements to the print selection function and color change when a cross reference is selected.

Equipped with all of the features of its predecessor version, ASSYST 2.1 provides increased flexibility to move through the guideline application process, allows for multi-user access on a local area network, and offers pull-down menus that have a “Windows™-like” appearance.

The updated software was made available to U.S. probation offices, the Executive Office for U.S. Attorneys, federal public defenders, the American Bar Association, the Federal Bar Association, the Internal Revenue Service, and the National Association of Criminal Defense Lawyers. The non-judiciary version of ASSYST, which excludes PSR generation, can be downloaded from *USSC On-Line*, the Commission’s electronic bulletin board, at (202) 273-4709 or its web page, <http://www.ussc.gov>.

Table 7

**HOTLINE QUESTIONS RECEIVED BY GUIDELINE SECTION
(October 1, 1994, through September 30, 1995)**

Chapter 1: Introduction and Application Principles		Chapter 4: Criminal History and Criminal Livelihood	
Application	29	Criminal History	183
Relevant Conduct	82	Career Offender and Armed Career Criminal	88
Other Information to be Used	2	Criminal Livelihood	0
Interpretation of Cross References	3		
Use of Certain Information	4	Chapter 5: Determining the Sentence	
Misdemeanors and Infractions	4	Sentencing Table	3
Retroactivity of Amended Guideline Range	11	Probation	6
Use of Guidelines Manual in Effect on Date of Sentencing	14	Imprisonment/Sentencing Options	128
		Supervised Release	12
Chapter 2: Offense Conduct		Restitution, Fines, Assessments, Forfeitures	24
Offenses Against the Person	37	Sentencing Options	7
Offenses Involving Property	64	Implementing the Total Sentence of Imprisonment	107
Offenses Involving Public Officials	15	Specific Offender Characteristics	5
Offenses Involving Drugs	196	Relief from Disability	1
Offenses Involving Criminal Enterprise and Racketeering	10	Departures	40
Offenses Involving Fraud or Deceit	99		
Offenses Involving Prostitution, Sexual Exploitation of Minors, and Obscenity	14	Chapter 6: Sentencing Procedures and Plea Agreements	
Offenses Involving Individual Rights	6	Sentencing Procedures	5
Offenses Involving Administration of Justice	33	Plea Agreements	2
Offenses Involving Public Safety	109		
Offenses Involving Immigration, Naturalization, and Passports	46	Chapter 7: Violations of Probation and Supervised Release	116
Offenses Involving National Defense	2		
Offenses Involving Food, Drugs, Agricultural Products	3	Chapter 8: Sentencing of Organizations	24
Offenses Involving Prisons and Correctional Facilities	14		
Offenses Involving the Environment	26	Other Questions	
Antitrust Offenses	0	Amendments	19
Money Laundering and Monetary Transaction Reporting	48	Miscellaneous	11
Offenses Involving Taxation	41	Old Law/New Law	2
Other Offenses	51	PSR	2
		Statutory/Legal	22
Chapter 3: Adjustments		Juvenile	0
Victim-Related Adjustments	17	Monitoring	6
Role in the Offense	43	Statement of Reasons	1
Obstruction	33	Other Questions	105
Multiple Counts	90		
Acceptance of Responsibility	39	Total Questions	2104