

June 25, 1997

MEMORANDUM

TO: Chairman Conaboy
Commissioners

FROM: Pamela O. Barron
Chair, Manslaughter Working Group

THROUGH: John R. Steer
General Counsel

SUBJECT: Statement of Purpose and Procedure, Review of Manslaughter Guidelines

The Staff Director and General Counsel asked that I coordinate a staff working group to review the manslaughter guidelines, as directed by the Commission. Our group consists of Raymond Dummett, Monitoring; Jerry Jones, TAS; Arthur Meltzer, OPA; and myself, with assistance from Alan Dorhoffer and Rachel Singer, OGC. The group has had several meetings and has begun gathering and analyzing information. We would welcome any feedback from Commissioners regarding our purpose statement and planned procedure.

Purpose

The purpose of this group is to examine the voluntary and involuntary manslaughter guidelines at §§2A1.3 and 2A1.4 to determine whether the current guideline penalties are appropriate. We will consider whether the variety, severity, and ranges of offense behaviors are accounted for in the current base offense levels, and whether specific offense characteristics are needed to capture certain behaviors. We will also consider whether the Commission should recommend any changes to the statutory penalties.

Methods

We will:

- begin by examining the 54 case files from the 1996 monitoring data where the primary guideline was §2A1.3 or §2A1.4. We plan to examine cases from 1994 to the present.
- carefully read these files to determine the plea, the charges, the real offense conduct, whether acceptance of responsibility was granted, and look for similar prior offenses or any past patterns of this type of behavior.
- analyze the judge's statement of reasons and any opinion for guidance.
- analyze any appellate decisions on these guidelines and their application.
- review any relevant law review and journal articles.
- compare the state statutes and state guidelines and the types of sentences imposed and served by state defendants.
- compare the manslaughter offenses and guidelines to other violent offenses and their guidelines to provide some context.
- provide a profile of the typical manslaughter defendant and case, and examine the impact of these cases on Native American populations.

Timetable

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| Preliminary findings | — | September meeting |
| Final report and descriptive recommendations | — | October meeting |
| Proposed amendment language and any statutory changes | — | November meeting |