

# CHAPTER FOUR

## Guideline Training and Education

In 1996, the Commission continued to provide guideline application assistance and education through a variety of different means.

### Internet Web Site and Electronic Bulletin Board

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The Commission joined the Internet community in 1996 by inaugurating a home page on the World Wide Web. The Commission's web site (*USSC Online*) allows anyone with a computer, a modem, and an account with an Internet service provider to have 24-hour access to information about the agency and federal and state sentencing practices.

Users can choose from seven main informational categories that allow documents to be read on-screen before a user elects to down-load or print the material. The categories are: General Information about the Commission and its Activities, Publications, Guidelines Manuals and Amendments, Federal Sentencing Statistics by State, Reports to Congress, Guideline Training and Education, and State Sentencing Commissions.

The home page is updated frequently to keep the public abreast of Commission meetings, hearings, legislative developments, and training and employment opportunities. Since its inception, the home page has been accessed by approximately 2,000 individuals per month. Each month has seen an increased rate of access.

Users visiting the Commission's web site at the address *http://www.usc.gov* can browse as well as download documents in either HTML or .PDF formats. In August, the Commission's Internet site was honored with *USA TODAY Online's* "Hot Site Award."

The content of the Commission's Internet home page generally mirrors that available on its electronic bulletin board. In early 1997, the Commission anticipates discontinuing the electronic bulletin board and relying exclusively on the web site.

### Public Information

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In 1996, Commission staff responded to thousands of information requests from Congress, attorneys, government agencies, researchers, inmates and their families, and the public.

**Telephone Inquiries.** In 1996, Commission staff 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; in other instances, staff orally provided answers to the callers' questions. When appropriate, callers were referred to one of the Commission's hotlines (see discussion below).

**Written Requests.** The Commission also receives thousands of letters, 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 pose questions on such topics as “time off for good behavior,” new legislation, or the application of the guidelines to their cases. In 1996, Commission staff responded to approximately 2,000 written inquiries.

**Public Comment.** During the Commission’s guideline amendment cycle, the public is invited to comment on proposed amendments. Even though the Commission declared an informal hiatus on new guideline amendments, it received approximately 600 comment letters in 1996.

## **Publications and Training Materials**

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The Commission issues numerous publications each year in addition to its *Annual Report*. The Commission’s voluminous *Corporate Crime in America: Strengthening the “Good Citizen” Corporation* details the proceedings of the Commission’s second symposium on crime and punishment, held in September of 1995. In 1996, the Commission published two issues of its 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 1996, the Commission also completed work on three special reports to Congress on the topics of sex offenses against children, the deterrent effect of the computer fraud guidelines, and the penalty provisions of pending immigration legislation. In June 1996, the Commission published a revised edition of its *Guide to Publications & Resources*, which describes all available Commission publications and datasets. In the fall, the Commission published *Amendments to the Sentencing Guidelines*, an interim publication to be used in conjunction with the 1995 *Guidelines Manual*, which contains the official guidelines, policy statements, and commentary issued by the Sentencing Commission.

In 1996, the Commission also published its *Ongoing Circuit Conflicts*, which presents guidelines issues that have been resolved by the courts differently in different jurisdictions. The Commission also published its annual summary entitled *Amendment Highlights* which describes the new amendments to the sentencing guidelines. Another publication, *Supreme Court Cases*, summarizes selected Supreme Court decisions that involve application of the guidelines.

Under an agreement with the U.S. Government Printing Office (GPO), copies of all Sentencing Commission publications are made available in hard copy or on microfiche to patrons using the GPO Regional Depository Libraries across the nation. The location of the nearest Depository Library – there are 600 nationwide – can be determined in several ways: (1) requesting a free copy of the Directory of Depository Libraries from GPO; (2) checking with local libraries; or (3) using the Internet at [http://www.access.gpo.gov/su\\_docs](http://www.access.gpo.gov/su_docs), selecting “Information Available for Free Public Use in Federal Depository Libraries.”

## **Training**

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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 1996, the Commission provided training on the guidelines and sentencing issues to approximately 3,150 individuals at 63 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. At the sessions, Commission faculty provided intensive training on guideline application, developing case law, guideline amendments, statutory changes, and other sentencing issues.

### ***Training New Appointees***

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. Working with the FJC and DOJ, the Commission plays an active role in the training of newly appointed judges, probation officers, and prosecutors. The Commission continued in 1996 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 topics to 32 new judges. The Commission and the FJC also collaborated in training 233 federal judges at numerous workshops and seminars including national workshops for district court judges in Sea Isle, New Jersey; Grand Trevor City, Michigan; Point Clear, Alabama; and Williamsburg, Virginia.

In 1996, the Commission presented four days of guideline application training to approximately 135 newly appointed probation officers during three orientation programs at the National Probation and Pretrial Services Academy near Baltimore, Maryland. In addition to presenting the basics of guideline application, these programs included two half-day workshops and a panel discussion specifically designed for new officers. The first workshop concentrated on Chapter Seven of the *Guidelines Manual* (Violations of Probation and Supervised Release) and the second on advanced guideline topics including multiple counts and relevant conduct. Staff also participated in a panel discussion to help new officers better understand the functions of the key judicial agencies.

In conjunction with the DOJ's Office of Legal Education, the Commission provided guideline training to approximately 170 newly appointed assistant U.S. attorneys at the Federal Practice Skills Seminars held in Los Angeles, California and Salt Lake City, Utah.

The Commission continues its efforts to provide training to defense attorneys across the nation. During 1996, more than 328 defense attorneys attended Commission training seminars. In April 1996, the Sentencing Commission jointly sponsored the Fifth Annual National Seminar on the Federal Sentencing Guidelines with the Federal Bar Association. Topics included: drug and money laundering guidelines; environmental guidelines; the calculation of loss; substantial assistance and other downward departures; and strategies and tactics of guideline advocacy. In addition, the Commission continued to work with the Sentencing Guidelines Group (Washington, DC-based federal defenders) to produce training programs for defense attorneys. These programs reflect the Commission's continued commitment to advance the guideline knowledge of court-appointed and private defense attorneys.

Also in 1996, Commission staff made presentations to 450 participants across the country at five different speaking engagements on the topic of sentencing guidelines for organizations.

### ***District-Based Guideline Education***

In 1996, the Commission responded to training requests from probation officers, judges, defense attorneys, and prosecutors by conducting guideline education programs in 27 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. In addition, the Chairman and commissioners actively participated in panel discussions and various other speaking engagements across the country on approximately 23 occasions. The Commission staff also lectured widely on sentencing issues at training sessions, academic seminars, judges' meetings, and professional conferences.

### ***“High-Tech” Approaches to Training***

During the year, the Commission explored the use of new technologies such as multi-media programs, video teleconferencing, satellite broadcasting, and online conferencing. To maximize resources, this exploration was conducted in cooperation with the Federal Judicial Center and other federal agencies. In the future, the Commission plans to supplement its existing training programs with some or all of these new technologies.

### ***Hotlines***

The Commission's two hotlines – one serving 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. 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 staff assists 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 1996**

The judge and probation officer hotline staff responded to 1,341 questions in 1996, an average of 111 questions per month. Since its inception in 1987, the hotline staff has responded to more than 16,000 questions from probation officers, judges, and law clerks. During 1996, the attorney hotline staff responded to approximately 520 calls from assistant U.S. attorneys and defense

attorneys. In January 1997, the two hotlines will merge into one to maximize operational efficiency. The telephone number for the combined service will be (202) 273-4545.

In 1996, the greatest number of hotline questions related to criminal history (182). Inquiries relating to drug guidelines ranked second (152), followed by firearm guidelines (81), violations of probation and supervised release (65), and multiple counts (62).

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's database allows staff to check whether a similar question has been asked previously, thereby speeding research efforts and enabling more consistent and accurate responses.

### ***Temporary Assignment Programs***

The Commission's temporary assignment program for assistant U.S. attorneys and assistant federal defenders continued through 1996. Two assistant federal defenders (Daniel I. Siegel, Eastern District, PA; and Gustavo A. Gelpi, District of Puerto Rico) and two assistant U.S. attorneys (Frank Bowman, Southern District, FL; and Delonia A. Watson, Northern District, TX) worked with the Commission during 1996. Since the visiting attorney program began in 1988, 13 assistant federal defenders and 15 assistant U.S. attorneys have participated.

The visiting U.S. probation officer program, however, was suspended due to limitations on the Commission's fiscal and staff resources. With the suspension of this program, the hotline will be handled exclusively by Commission staff. Two probation officers (James M. Patterson, Western District, NC; and C. Warren Maxwell, District of Connecticut) participated during the remaining months of the program in 1996. They represented districts that were participating for the first time. Since the program's inception, a total of 135 probation officers, representing 64 districts, have participated.

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.

### **ASSYST**

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ASSYST (Applied Sentencing System) is a software package developed by the Sentencing Commission as an aid to guideline application. This software helps users calculate the guideline sentencing range and contains applicable case law and other help functions. In January 1996, the Commission released its most recent version of the package, ASSYST 2.1. This new version's enhancements include the incorporation of 1995 guideline amendments, Chapters Seven and Eight from the *Guidelines 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 also 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 the Commission’s web page, <http://www.usc.gov>. Because of resource considerations, the Commission anticipates that ASSYST 2.1 will be the last version of the program.