

The following persons attended the U.S. Sentencing Commission Meeting on February 18, 1987.

Commissioners

William W. Wilkins, Chairman
Benjamin F. Baer
Michael K. Block
Stephen G. Breyer
Helen G. Corrothers
Ronald L. Gainer
George E. MacKinnon
Ilene H. Nagel
Paul H. Robinson

Staff

Suzanne Conlon, Executive Director
Charles Betsey
Alan Chaset
Dave Lombardero
Paul Martin
Phyllis Newton
William Rhodes
John Steer
Sharon Turner
Camille Williams
Elizabeth Williams

Commission Meeting Minutes - February 18, 1987

Chairman Wilkins called the meeting to order at 10:00 a.m., on Wednesday, February 18, 1987. The meeting was held in the U.S. Sentencing Commission offices at 1331 Pennsylvania Avenue, NW, Washington, DC. The Commission had three major topics to discuss:

First Topic: Report from Judicial Conference
Criminal Law Committee and
Probation Committee.

The Chairman asked Judge MacKinnon to briefly summarize the discussion with the Criminal Law Committee concerning the Revised Draft.

Judge MacKinnon reported the Criminal Law Committee was generally favorable towards the Revised Draft. The Committee discussed several areas that needed to be revised. Their revisions and comments were noted by Judge MacKinnon and will be distributed to the Commission.

Judge Wilkins stated that he and Rusty Burress met for two days with the Probation Committee reviewing the Revised Draft. The results were generally positive. The Chairman stated he would distribute the Probation Committee's suggestions to the Commission.

Second Topic: Prison Impact.

The Chairman called on Commissioner Block to summarize the Commission's work on the Prison Impact Study.

Commissioner Block presented a six step procedure to analyze Prison Impact. The Chairman recommended that Commissioner Block consult with Suzanne Conlon and Bill Rhodes to organize the staff on this top priority project.

Judge Breyer suggested a seventh step which was incorporated into the procedure for a Prison Impact Study.

Third Topic: Discussion of Modifications of Revised Draft.

Chairman Wilkins stated that a procedure for organizing the suggested changes and amendments to the guidelines should be formulated. Suzanne Conlon proposed the following system: Present each suggestion in a format that identifies the suggested change by Chapter, Section, and Number. Suzanne would maintain each proposed suggestion in a master notebook and would distribute proposals to all Commissioners and appropriate staff members. The Commission would then discuss each proposed change.

Suzanne Conlon stated she believed Linda Clemons could develop a header for each proposed change with the date, the name

of the editor, etc. Chairman Wilkins asked Suzanne to develop such a format quickly. The Commission will use the same format for each proposed amendment.

John Steer stated he wanted to underscore that this kind of system was important to ensure a systematic consideration of all public comments. His impression was that GAO expected the Commission to follow a systematic process with respect to the public comment.

Suzanne Conlon stated Charles Betsey will continue to coordinate and make sure public comments are distributed to all the Commissioners and staff members involved.

A discussion ensued regarding the Commission's Congressional mandate to draft guidelines which avoid unwarranted sentencing disparity. The discussion focused on the appropriateness of the sentencing range format in the Revised Draft. The Commission generally decided to analyze the system of ranges in the current draft and try to accumulate data that would assist the Commission's judgment in narrowing the ranges where possible.

The Commission discussed alternative methods of obtaining estimates of current sentencing practices in a fashion that would correspond with each sentencing guideline.

The Chairman adjourned the meeting.