

COMMISSION MEETING

AGENDA

May 12, 1987

The following persons attended the U.S. Sentencing Commission Meeting on May 12, 1987.

COMMISSIONERS

William W. Wilkins, Chairman
Michael K. Block
Stephen G. Breyer
George E. MacKinnon
Ilene H. Nagel
Paul H. Robinson

Staff

Alan Chaset
Paul Martin
William Rhodes
John Steer
Sharon Turner

Commission Meeting Minutes - May 12, 1987

Chairman Wilkins called the meeting to order at 8:45 a.m., on Tuesday, May 12, 1987.

The Chairman informed the Commission that Paul Martin had submitted the Guidelines to the Federal Register and they would appear in the Wednesday, May 13 edition.

Judge Wilkins stated that the printed version of the Guidelines would be delivered to the Commission and ready for distribution Wednesday or Thursday of the week.

Judge Wilkins suggested the Commission prepare to start field testing, which would be preliminary to a training program. The Commission can take two approaches on this. The first phase would be "in-house" testing and should begin as soon as possible. This should be used to collect data, discover problems, and develop a training workbook. This testing should be limited to USSC personnel, and the workbook should include step-by-step instructions, with examples of "typical" cases.

The second phase of testing would be to develop a field testing operation. This will be designed to collect data and identify additional problems. The second phase should also begin as soon as there is a sense of Congress' response to the guidelines.

Judge Wilkins asked the Commission to place Commissioner Nagel in charge of the field testing and the field

data collection effort. Commissioner Nagel stated her willingness to organize these projects and briefly described her views on field testing outside the office.

Commissioner Nagel stated that the coordination of training programs with the Federal Judicial Center and others was discussed.

Judge Wilkins asked the Commission to agree to devote resources to the in-house testing operation and that Suzanne Conlon coordinate the in-house testing. The Commission agreed. (Commissioner Robinson abstained).

Judge Breyer stated that the Commission needs to find a staff director to replace Suzanne Conlon, upon her confirmation for the federal bench. Commissioner Nagel responded that she was checking references and was willing to make a recommendation to the Commission.

Commissioner MacKinnon asked if the worksheets were included in the Guidelines book. Judge Wilkins stated no. Rusty Burress has prepared worksheets and within the week the Commission will mail them out with instructions.

Judge Wilkins updated the Commission on the status and due date of the sections of the report. The sections are as follows:

Impact on Prisons - first of week

Disparity - middle of week

Criminal History - end of week

Professor Schulhofer's discussion of Chapter 6 has been submitted but is being edited by Judge Breyer, Suzanne Conlon, and David Lombardero.

Commissioner Nagel suggested that the staff distribute parts of the report as soon as possible since there are distinct sections. John Steer will coordinate the project.

The Commission agreed that this report will have the same distribution as the guidelines.

Judge Breyer mentioned that he received an invitation to appear before the Conyers Subcommittee (Subcommittee on Criminal Justice of the House Judiciary Committee) and he accepted. He will be testifying on the Constitutionality of the Sentencing Commission today and intends to make it clear that he is only speaking for himself. He briefly summarized the major points he intended to cover in his testimony.

There being no further business to come before the Commission, the meeting was adjourned.