

COMMISSION MEETING

AGENDA

JULY 22, 1987

The following persons attended the U.S. Sentencing Commission Meeting on July 22, 1987.

Commissioners

William W. Wilkins, Chairman
Stephen G. Breyer
Helen G. Corrothers
Ronald L. Gainer
Paul H. Robinson

Staff

Suzanne Conlon, Executive Director
Charles Betsey
David Lombardero
Paul Martin
William Rhodes
Eric Simon
Sharon Turner
Camille Williams

Guests

J. Michael Quinlan, Director, Bureau of Prisons
Gilbert L. Ingram, Bureau of Prisons

Commission Meeting Minutes - July 22, 1987

Chairman Wilkins called the meeting to order at 10:15 a.m. on Wednesday, July 22, 1987.

The Chairman called on Mr. Michael Quinlan and Mr. Gilbert Ingram to discuss the classification system used by the Bureau of Prisons to assign offenders to institutions.

Mr. Quinlan discussed the purposes sought in classifying prison inmates and introduced Mr. Ingram, the Assistant Director of the Correctional Programs Division who has been closely involved in the development of this classification system.

Mr. Ingram stated that the system of classifying prison inmates was for purposes of administrative efficiency as well as cost-effectiveness and safety. He noted that the underlying philosophy of the system was to place inmates in the lowest security classification consistent with their behavior and with both institutional and community safety.

Mr. Ingram explained that a task force, created in 1977 within the Bureau of Prisons, was directed to categorize penal institutions and inmates, and match the inmates with their respective institutions. The criteria deemed relevant by the task force in categorizing inmates included: severity of current offense, type of detainers, expected length of incarceration, type of prior commitments, history of escapes or attempts, history of violence, and pre-commitment status.

Mr. Quinlan stated that he will forward to Judge Wilkins a legal opinion from the Bureau's counsel. The opinion suggests that the Bureau of Prisons was not authorized by law to spend money on prisoners sentenced to community confinement as a condition of probation. Judge Breyer stated that this problem may be solved either by legislation or by expressly sentencing an offender to the custody of the attorney general if sentences are based upon levels with minimum terms of imprisonment of six to ten months.

Mr. Ingram explained the specific scoring methods for each criteria. He also discussed the characteristics of each institutional security classification and the percentage of inmates in each.

Mr. Ingram stated that the security classification for each inmate is largely an objective determination based on pre-incarceration information used to determine the security level of the institution required. The level of custody within the institution is often a subjective determination used to determine the amount of supervision the inmate requires. He explained the

factors involved in the custody level decision and discussed the percentage of inmates in each custody classification as well as projections for those levels under the sentencing guidelines.

The Commission and staff discussed the marketing restrictions on prison-made goods and the possibility of offsetting the cost of increased prison population with the profits from sales of such goods. Judge Breyer discussed the effect of legislation repealing the current prohibition on the sale of prison-made goods that adversely affect the local economy. Commissioner Gainer stated that a legislative proposal had been considered to reverse the burden of proving economic adversity. He discussed the effect of legislation that would require the Secretaries of Labor and Commerce to affirmatively determine that the sale of prison-made goods would adversely affect the local economy before they could be stopped.

The Chairman discussed the hearing before the House Subcommittee on Criminal Justice scheduled for Thursday, July 23. He stated that a time would be provided for each Commissioner wishing to address the Subcommittee.

The Chairman stated that the Commission would not meet the following Tuesday due to the absence of several Commissioners. He suggested that a personnel matter scheduled for discussion be postponed until the next meeting in order to give Judge MacKinnon and Commissioners Block and Nagel an opportunity to attend.

Commissioner Robinson stated that he believed the Commission was not providing adequate agenda information to the Commissioners for meetings. He stated that no other government agency has as lax an agenda policy.

The Chairman stated that he keeps Commissioner Robinson advised to the extent possible, and gives all Commissioners information insofar as it is available before meetings. He also noted that during July and August it is difficult to have all Commissioners present at meetings.

The Chairman requested that no vote be taken on any personnel matters due to the absence of three Commissioners.

Judge Breyer asked for an executive session to briefly discuss a personnel matter.

All staff members were excused and the Commission went into executive session to discuss a personnel matter.