

Approved

Minutes of the June 26, 1989 United States Sentencing Commission Business Meeting

The meeting was called to order at 10:10 A.M. by Chairman William W. Wilkins, Jr.

The meeting was held in the library at the U.S. Sentencing Commission. The following Commissioners, staff members and guests participated:

William W. Wilkins, Jr., Chairman
Michael K. Block, Commissioner
Stephen G. Breyer, Commissioner
Helen G. Corrothers, Commissioner
Ilene H. Nagel, Commissioner
Steve Saltzburg, Ex Officio Member
Winston S. Moore, Staff Director
John R. Steer, General Counsel
Charles Betsey, Associate Research Director
Julie Carnes, Special Counsel
Nolan Clark, Deputy Chief Counsel
Peter Hoffman, Principal Technical Advisor
Phyllis Newton, Associate Research Director
Jeffrey Standen, Consultant
Vicki Portney, Criminal Division, DOJ

Chairman Wilkins recognized the summer interns and Dennis Merritt, a Probation Officer from the District of South Dakota on temporary assignment to the Commission.

Julie Carnes presented issues regarding organizational sanctions discussed in the outline circulated to the Commission prior to the meeting, including fines and mitigating factors. Feedback from the Commission was requested.

The Criminal Division of DOJ is scheduled to give a presentation to the Commission on July 11, 1989.

Chairman Wilkins recessed the Commission for a break at 12:06 P.M. and reconvened the meeting at 12:30 P.M.

Jeff Standen discussed the memorandum on the Penalties Review Project, including proposed research areas. Commissioner Corrothers commended the Penalties Review Project staff for including all proposals in the study memorandum, including those not adopted.

A question arose over the continuation of research in the area of reputation or income loss suffered by incarcerated persons. Commissioner Nagel stated for the record that it was her understanding that the researcher was informed months ago not to continue this research and that only recently was it discovered

that the researcher proceeded despite the Staff Director's instructions. Commissioner Nagel strongly urged the Commission not to consider this type of research in the Penalties Review Project or any other project(s) undertaken by the Commission since she finds it contradictory to the statute. Commissioner Breyer requested that the record reflect that the Commission never voted to approve the "reputation" research. Commissioner Corrothers, for the record, also expressed opposition to the Commission using a study for the Penalties Review Project that would penalize those defenders who did not have a high socio-economic status.

Phyllis Newton submitted a recommended list of people for the Technical Advisory Group. She was directed to draft a letter on behalf of Chairman Wilkins outlining the purposes of the group and requesting their services. This letter will be followed by a telephone call from Commissioner Nagel encouraging the individuals to participate.

Charles Betsey outlined the sources of change observed in the prison impact simulation, as discussed in his memorandum to the Commission. A discussion ensued. Commissioner Block moved to make this memorandum a part of the public record, which was agreed to without opposition.

Chairman Wilkins adjourned the meeting into Executive session at 1:00 P.M.