

Minutes of the April 24, 1990 United States Sentencing Commission
Business Meeting

The meeting was called to order at 9:40 A.M. by Chairman William W. Wilkins, Jr.

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

William W. Wilkins, Jr., Chairman
Helen G. Corrothers, Commissioner
George E. MacKinnon, Commissioner
Ilene H. Nagel, Commissioner
Paul Maloney, Deputy Assistant Attorney General
Phyllis Newton, Staff Director
John R. Steer, General Counsel
Charles Betsey, Associate Research Director
Sharon Henegan, Director of Training and Technical Assistance
Peter Hoffman, Principal Technical Advisor
Fred Bennett, Representative, Practitioners' Advisory Group
Roger Pauley, Criminal Division, DOJ
Vicki Portney, Criminal Division, DOJ

Chairman Wilkins introduced Susan Winarsky, Senior Training Specialist at the Commission.

Commissioner MacKinnon moved to approve the minutes of the April 17 and 18, 1990, Commission meetings; seconded by Commissioner Corrothers. Passed unanimously.

Amendments

-- Chapter Two, Part B (Offenses Involving Property)

Motion made by Commissioner MacKinnon to incorporate editorial and conforming changes; seconded by Commissioner Corrothers. Passed unanimously.

-- Chairman Wilkins moved to formally approve all previously adopted amendments for submission to Congress; seconded by Commissioners Corrothers and MacKinnon. Passed unanimously.

-- Chairman Wilkins moved to make all amendments previously passed or to be passed today, effective November 1, 1990; seconded by Commissioner MacKinnon. Passed unanimously.

Prison Impact

Charles Betsey reported on the April 6, 1990, memorandum that discussed the preliminary prison impact estimates of the major amendments the Commission published for comment. He also reported that the preliminary estimates are being refined and that final estimates would be available soon for the amendments adopted by the Commission. The preliminary results indicate that the guideline amendments adopted will have little or no impact on prison population over the 15-year forecast period. The final results are not expected to change significantly from the preliminary findings.

Amendments

-- Commentary on §3C1.2 Reckless Endangerment During Flight

Motion made by Commissioner Nagel to incorporate language changes in the commentary; seconded by Commissioner Corrothers. Passed unanimously.

-- Staff Director Newton reported that a summary of all amendments passed that had a substantive impact on the guidelines would be distributed to the Commission.

-- Probation and Supervised Release Revocation

The Commission reviewed the schedule for preparation and review of probation and supervised release revocation policy statements. Staff Director Newton reported that a group of probation officers have been identified to assist the Commission with review of proposed probation and supervised release revocation policy statements. Commissioner Corrothers requested a list of the people who will participate and the agencies they represent.

Motion made by Commissioner Nagel to adopt the schedule for preparation and review of the probation and supervised release revocation policy statements; seconded by Commissioners Corrothers and MacKinnon. Passed unanimously.

Chairman Wilkins announced that the next Commission meeting would be held on May 4, 1990.

Chairman Wilkins announced that an employee luncheon in honor of Public Service Recognition Week would be held at 1:00 p.m. on Friday, May 4, 1990, in the Commission library.

Commissioner Corrothers distributed proposed changes to the revocation draft for staff review and testing by applying changes to actual revocation cases and comparing the results with the latest revocation draft proposal results.

Chairman Wilkins commended the Commissioners and staff for their spirit of cooperation in the tedious and labor-intensive amendment process.

Fred Bennett, on behalf of the Federal Defenders and the Practitioners' Advisory Group, thanked the Commission for the opportunity to participate in the amendment process; he was pleased with the contribution they were able to make. Chairman Wilkins stated that the Commission would continue the working relationship that had been established.

Staff Director Newton stated that a tentative Commission project schedule, as well as possibly a 2-3 year forecast, will be submitted at the June 12, 1990, Commission meeting. Commissioner Corrothers reiterated her request, made at the time she agreed to act on only 1 amendment and defer the remaining 2 in the civil rights area, that the Hate Crimes Working Group continue in existence with David Anderson's and Dean Stowers' participation. Paul Maloney requested that the Commission consider those questions asked during the amendment cycle that were not prepared in executed form.

Chairman Wilkins adjourned the meeting at 10:31 A.M.