

Final

Minutes of the January 28, 1994,  
United States Sentencing Commission Business Meeting

The meeting was called to order at 9:11 a.m. by Chairman William W. Wilkins, Jr., in the conference room of the Sentencing Commission. The following Commissioners and staff participated:

- William W. Wilkins, Jr., Chairman
- Julie E. Carnes, Commissioner
- Michael S. Gelacak, Commissioner
- A. David Mazzone, Commissioner
- Irene H. Nagel, Commissioner
- Gary Katzmman, Ex Officio Commissioner
- Edward S. Reilly, Ex Officio Commissioner
- Phyllis J. Newton, Staff Director
- Paul K. Martin, Deputy Staff Director
- John R. Steer, General Counsel
- Rosann Greenspan, Judicial Fellow
- Sharon Henegan, Director, Training and Technical Assistance

Chairman Wilkins, on behalf of the Commission, extended best wishes to Commissioner Carnes for her recent marriage.

Chairman Wilkins introduced Probation Officers Avery P. Bossier (M.D. La), Carl C. Hays, II (E.D. Ky), and AUSA Peter Ossorio (W.D. Mo), all on temporary assignment to the Commission.

Motion made by Commissioner Mazzone to adopt the minutes of the November 30, 1993, meeting. Passed unanimously.

Staff Director Newton reported that the draft crack cocaine report has been submitted to the Commission and that staff is currently working on a discussion and conclusions chapter and an executive summary. She requested that Commissioners submit comments within the next couple of weeks, if possible, because a few congressmen, such as Representatives Scott and Watt, are very anxious to see the report. Chairman Wilkins stated that this is a very worthwhile report, especially in light of our statutory mandate to gather and provide accurate information for Congress and other interested parties. Commissioner Mazzone stated that Congressman Watt was specifically interested in the 100-to-one ratio of powder cocaine to crack cocaine.

The Commission viewed the new training video developed to highlight amendments that went into effect November 1, 1993. Sharon Henegan stated that a copy of the video was distributed to all probation and federal public defenders offices, as well as the Federal Judicial Center, the Parole Commission, the Department of Justice, and the probation division. She said comments have been extremely favorable.

Rosann Greenspan, reporting on the purpose statement of the Alternatives to Incarceration study group, stated that the group aims to develop expertise within the Commission so that the Commission is prepared to fulfill a role as expert in this area of sentencing. She stated that the group's goal is to provide a comprehensive analysis of the literature, theory, programs, law, and the efficacy of alternative penal sanctions, as they relate to the sentencing of individuals.

Staff Director Newton stated that she would like the group to visit the women's boot camp in Bryant, Texas, in order to review the programs for women to see how they are different from programs for men. Chairman Wilkins also requested that the group review boot camps, especially in terms of effectiveness and cost. Commissioner Nagel requested that the group focus on (1) what kinds of offenders convicted of what kinds of offenses have been or might be given alternatives while still satisfying the purposes of sentencing articulated in the Sentencing Reform Act; 2) empirical data on careers in crime (not career criminal offenders but Blumstein data), and to compare, for example, what happens to persons who have similar criminal histories, are convicted of the same offense, and one is sentenced to imprisonment and the other is sentenced to a non-imprisonment alternative. That is, reanalyzing the data in terms of the rate of return, time elapsed to return, nature of the offense committed on return, etc.; and (3) data relating to the differential value of different alternatives, such as home confinement, community treatment centers, and halfway houses. Commissioner Mazzone requested that the group explore the issue of criteria for eligibility for alternatives.

Gary Katzmann reported that the draft crack cocaine report has been reviewed by DEA and the drug component within the criminal division for comments. He stated that the Department has some observations, most technical in nature.

Staff Director Newton, reporting on an American Bar Association summit on drugs and violence, stated that it focused on local solutions to the crime problem. She stated that there was much discussion on innovative programs and guns.

Chairman Wilkins reported that Congressmen Edwards and Hughes, both who have worked closely with the Commission, will retire at the end of this congressional session. Staff Director Newton stated that their wealth of knowledge and expertise will be hard to replace.

General Counsel Steer reported that Chairman Brooks of the House Judiciary Committee has indicated that there will be further hearings on the various crime proposals.

Commissioner Mazzone commented that the Congressional Black Caucus's crime bill parallels many of the same concerns of the Commission, especially on the issue of mandatory minimum sentencing. He urged the Commission to work with this group.

Chairman Wilkins announced that the next Commission meeting would be held on February 24, 1994, at 9:00 a.m. Following that meeting, the Commission will meet with the Probation Officers' Advisory Group, and the Advisory Group on Environmental Guidelines for Organizations. Chairman Wilkins also announced that a public hearing on proposed amendments would be held on March 24, 1994, and a Commission meeting on March 25. Following the March 25 Commission meeting, the Commission will hold a working session with judges from the Criminal Law Committee to discuss Judicial Conference concerns regarding potential amendments.

Chairman Wilkins adjourned the meeting into executive session at 10:09 a.m.