

# U.S. SENTENCING COMMISSION

## YEAR IN REVIEW

### Sentencing Policy

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- In March 1997, the Sentencing Commission held its annual public hearing on proposed guideline amendments. Subsequently, on May 1, the Commission submitted to Congress 26 amendments to the sentencing guidelines. Amendments included: increased penalties for methamphetamine offenses; inclusion of flunitrazepam (the “date rape” drug) in the guidelines’ drug quantity table; and increased penalties for smuggling an unlawful alien. These amendments took effect November 1, 1997.
- Pursuant to a congressional directive, the U.S. Sentencing Commission submitted to Congress on April 29, 1997, a second report on cocaine sentencing policy. The Commission unanimously recommended that the disparity in federal penalties for powder cocaine and crack cocaine be reduced. To this end, the Commission suggested a range of possible options to adjust both powder and crack penalties.
- In response to a congressional directive to comment on the Department of Justice’s report on federal prosecutorial charging and plea practices for money laundering offenses, the Commission in September sent to Congress a report on money laundering sentencing policy. The report found that “broad and inconsistent use of money laundering penalties” is contributing to substantial unwarranted disparity.

### Data and Research

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- In early 1997, the Commission issued results from the first-ever survey of public attitudes towards federal sentences. As part of this study of just punishment, more than 1,700 citizens throughout the United States provided their opinions on punishment and crime seriousness issues. The Commission report compares guideline sentencing ranges with the public’s sentencing opinions for four types of federal crimes: drug trafficking, bank robbery, immigration offenses, and fraud.
- In advancing the Commission’s research and information dissemination agenda, Commission staff in the fall made several presentations at the Annual Meeting of the American Society of Criminology. Topics included: defendant drug use, weapons and crime, and criminal history computation.
- The number of guideline cases submitted to the Commission rose to 48,848 in 1997. The Commission, in 1997, had launched an effort to improve document submission by the courts. The majority of the 1997 increase over 1996 is attributed to this effort. Drug cases continued to account for approximately 40 percent of federal sentencings.

- Crack and powder cocaine together accounted for approximately half of all cases under the primary drug trafficking guideline.
- The vast majority of federal offenders (79.9%) were sentenced to some term of imprisonment, with an average (mean) sentence of 59 months.
- Nearly seventy percent (67.9%) of all offenders were sentenced within their applicable guideline range. The rate of departures for substantial assistance, for the fourth straight year, remained lower than 20 percent.

### **Training, Education, and Public Information**

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- The Commission produced two public service announcements in 1997 to deter youth from becoming involved in drug crimes. The 30-second announcements, distributed in September to more than 5,000 network and cable television stations, received extensive exposure across the country.
- In the fall, the Commission released a 20-minute videotape highlighting the most important amendments to the sentencing guidelines taking effect November 1, 1997. The presentation is hosted by Washington, D.C., newscaster Nathan Roberts, and uses a panel discussion format.
- The Commission-staffed "HelpLine," which provides guideline application assistance, continued to handle numerous requests, averaging 200 calls per month. The *HelpLine* (202-273-4545) is open to callers Monday through Friday between 8:30 a.m. and 5:30 p.m., EST.
- The Commission's training staff continued to provide guideline application assistance to judges, probation officers, prosecutors, defense attorneys, and others. During 1997, Commission staff trained approximately 2,800 individuals at 64 training sessions, including ongoing programs sponsored by the Federal Judicial Center and the Department of Justice.
- During 1997, Commission staff received and responded to thousands of information requests from Congress, attorneys, government agencies, researchers, inmates and their families, and the public. In 1997, Commission staff received more than 6,000 public information telephone calls and approximately 1,300 written inquiries. The Commission's award-winning Internet web site, *USSC OnLine*, was accessed more than 24,000 times during the year. Use of the web site has increased steadily, and the site is currently being accessed more than 7,000 times a month.
- The Commission continued its support of the National Association of Sentencing Commissions, providing it with space on the Commission's web site, and participating in its annual conference in Palm Beach, Florida.

### **Changes in Commission Membership**

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- The Commission dipped to four voting members on May 1 with the departure of Commissioner Wayne A. Budd, who resigned to devote more time to his position as Senior Vice President at NYNEX in Boston, Massachusetts.
- The terms of Vice Chairman Michael Gelacak and Commissioners Michael Goldsmith and Judge Deanell R. Tacha expired in late 1997. The commissioners continue to serve in “hold-over” status for one year or until new appointments are confirmed.