

CHAPTER FOUR

Guideline Training and Education

In 2004, the Commission continued to provide guideline application assistance, education, and public information using a variety of different means.

Internet Website

The Commission's award-winning Internet website (*USSC Online*) provides the public with 24-hour access to information about the agency and federal and state sentencing practices.

Users can elect to read or download documents from numerous categories, including general information about the Commission and its activities, publications and reports to Congress, *Guidelines Manuals* and amendments, federal sentencing statistics, guideline training and educational materials, organizational guidelines, Commission meeting information, hearing transcripts and testimony, and *Federal Register* notices. The website also provides information supplied by state sentencing commissions.

The home page is updated frequently to keep the public abreast of Commission meetings, hearings, legislative developments, training, and employment opportunities. During 2004, the home page was visited approximately 18,000 times per month. Users visiting the Commission's website at *www.ussc.gov* can browse as well as download many of the documents in either .HTML or .PDF formats. The Commission uses its USSC Listserve e-mail service to alert subscribers to new postings on its website.

Public Information

In 2004, Commission staff responded to thousands of information requests from Congress, attorneys, government agencies, academics, inmates and their families, the media, and the public.

Telephone Inquiries. In 2004, Commission staff responded to approximately 4,000 public information telephone calls. Staff were able to respond by providing verbal information, sending the caller Commission publications, or referring the caller to the Commission's *HelpLine*.

Written Requests. In 2004, Commission staff responded to approximately 2,300 written inquiries (*i.e.*, letters, e-mails), the majority of which were from inmates or their families. Other written inquiries came from members of Congress, attorneys, libraries, government agencies, and the research community. While some letters requested Commission publications, others posed questions on such topics as "time off for good behavior," new legislation, or the application of the guidelines to specific cases.

Presentations. During 2004, Commission staff made numerous presentations about the guidelines to university groups, visiting foreign dignitaries, and criminal justice practitioners.

Publications and Training Materials

The Commission issues numerous publications each year in addition to its *Annual Report* and *Sourcebook of Federal Sentencing Statistics*. In 2004, publications included— *Report to the Congress: Downward Departures from the Federal Sentencing Guidelines*; *2004 United States Sentencing Commission Guidelines Manual*; *Measuring Recidivism: The Criminal History Computation of the Federal Sentencing Guidelines*; and *Recidivism and the “First Offender.”* The Commission also continued publication of its periodic newsletter, *GuideLines*, which presents information on current Commission activities, research findings, proposed guideline amendments, training opportunities, and guideline application and legal issues.

The agency also issued *Supreme Court Cases on Sentencing Issues* and *Selected Guideline Application Decisions by Circuit*, which summarize selected court decisions that involve application of the guidelines. In addition, the Commission continues to develop its collection of guideline training materials that includes –

- guideline application scenarios on issues related to firearms, immigration, relevant conduct, the calculation of loss, and other sentencing-related matters;
- quizzes and checklists;
- articles on numerous guideline sentencing-related topics; and
- case law outlines on selected topics.

Under an arrangement with the U.S. Government Printing Office (GPO), copies of all Sentencing Commission publications are made available in hard copy or on microfiche to patrons using the GPO Regional Depository Libraries across the nation. The location of the nearest Depository Library⁸⁷ can be determined by (1) requesting a free copy of the Directory of Depository Libraries from GPO; (2) checking with local libraries; or (3) using the Internet at <http://www.gpoaccess.gov/libraries.html>. Many of these publications are also available on the Commission’s web site at <http://www.ussc.gov>.

Training

In 28 U.S.C. § 995(a)(17) and (18), Congress authorized the Sentencing Commission to “devise and conduct periodic training programs of instruction in sentencing techniques for judicial and probation personnel and other persons connected with the sentencing process.” The Commission recognizes that an evolving guideline system, together with the steady influx of new practitioners, creates a continuing need for effective training programs and materials. In 2004, the Commission provided training on the guidelines and related sentencing issues to more than 6,600 individuals at 74 different training programs across the country, including ongoing programs sponsored by the Federal Judicial Center (FJC) and other agencies. Compared to 2003, this represents approximately a 15-percent increase in the number of individuals trained on the sentencing guidelines.

Participants included circuit and district court judges, probation officers, prosecuting and defense attorneys, congressional staff members, law clerks, and other government agency personnel.

⁸⁷ There are 600 Depository Libraries nationwide.

At the sessions, commissioners and staff provided training on guideline application, developing case law, guideline amendments, statutory changes, and other sentencing issues.

Training New Appointees

The Commission continued its collaborative training efforts with the FJC and the Department of Justice (DOJ) to develop and refine permanent, academy-based guideline education programs. Working with the FJC and DOJ, the Commission plays an active role in training newly appointed judges, probation officers, and prosecutors. For example, the Commission continued in 2004 to participate in the FJC's orientation program for newly appointed district and appellate court judges by providing training on guideline application and sentencing-related topics to 42 new judges at three orientation programs.

In 2004, the Commission presented workshops on guideline application training to approximately 195 newly appointed probation officers during three orientation programs at the "New Officers Training" in Washington, D.C. The workshops concentrated on guideline topics including relevant conduct, multiple counts, and criminal history.

Thirteenth Annual National Seminar on Federal Sentencing Guidelines

In May 2004, the U.S. Sentencing Commission and the Federal Bar Association – Tampa Bay Chapter jointly sponsored the Thirteenth Annual National Seminar on the Federal Sentencing Guidelines in Miami Beach, Florida. Topics included — basic individual guidelines training, fraud and theft guidelines, restitution, relevant conduct, drug offenses, multiple counts, sexual offenses, firearms, immigration offenses, criminal history, tax offenses, sentencing practice and procedure, plea bargaining, a view from the bench, Chapter Three adjustments, terrorism offenses, grouping, departures after the PROTECT Act, corporate compliance programs, healthcare fraud offenses, supervised release, "The Guidelines from a Broader Perspective," advanced guideline issues, and Bureau of Prisons issues. This seminar was attended by 467 registrants who consisted of probation officers, attorneys, federal judges and other professionals from across the United States.

Circuit and District-Based Guideline Education

In 2004, the Commission responded to training requests from probation officers, judges, defense attorneys, and prosecutors by conducting guideline education programs in 47 localities. To maximize resources, when a district office requested training, the Commission typically contacted other practitioners in the criminal justice system and invited them to participate. The Commission staff also lectured widely on sentencing issues at training programs, academic seminars, judges' meetings, and professional conferences.

Organizational Guidelines Training

During the year, Commission staff conducted several presentations and participated in panel discussions (with representatives from the Department of Justice and the private business sector at 15 seminars with more than 1550 participants) on effective strategies for compliance,

“Understanding the White Collar Crime Guidelines,” proposed amendments, the 2004 Ethics Institute, the “Best Practices Forum,” and corporate responsibility.

Throughout the year, the Commission and staff also participated in a variety of other symposia and programs on compliance and business ethics, discussing the proposed amendments to Chapter Eight and the significance of their application to corporations and other organizations.

“High-Tech” Approaches to Training

The Commission continues to explore ways in which new technologies (*e.g.*, multi-media programs, video conferencing, satellite broadcasting, and online conferencing) can be utilized to supplement its existing training efforts. In 2004, the Commission continued to work closely with the FJC to plan and develop education and information programming for the Federal Judicial Television Network (FJTN). The Commission’s involvement in programming on the FJTN affords the Commission the opportunity to expand the reach of its training efforts to the federal judiciary. The Commission, in partnership with the FJC, was featured or participated in programs on new amendments, the PROTECT Act, and *Blakely v. Washington*. Commissioners and staff also participate in other FJC programming on the FJTN when broadcasts address sentencing-related issues.

HelpLine

The *HelpLine* — serving judges, probation officers, prosecuting and defense attorneys, and law clerks — assists callers with specific guideline application questions and promotes guideline and sentencing education. *USSC HelpLine* is open to callers Monday through Friday between 8:30 a.m. and 5:00 p.m., EST at (202) 502-4545.

Calls Received in 2004

Since the *HelpLine*’s inception in 1987, the staff have responded to more than 22,000 questions from probation officers, judges, prosecutors, defense attorneys, and law clerks. In 2004, the *HelpLine* staff responded to approximately 1,600 calls. Frequently asked questions related to application issues concerning relevant conduct, the criminal history guidelines, drug and firearms offenses, theft/fraud, immigration offenses, and the grouping of multiple counts of conviction.

In the process of responding to *HelpLine* questions, the Commission’s training and legal staffs regularly consult with each other to ensure that questions are researched fully and answered accurately. A newly enhanced Commission database of *HelpLine* calls allows staff to check whether a similar question has been asked previously, thereby speeding research efforts and enabling more consistent and accurate responses.

Temporary Assignment Programs

The Commission’s temporary assignment program for assistant U.S. attorneys and assistant federal defenders continued through 2004. Two assistant federal defenders (Larry Kupers,

Northern District of California; Jane McClellan, District of Arizona) worked with the Commission during 2004. Since the visiting attorney program began in 1988, 33 assistant federal defenders and 22 assistant U.S. attorneys have participated.

