

CHAPTER FOUR

Guideline Training and Education

In 2006, the Commission continued to provide guideline application assistance, education, and public information using a variety of different means.

Internet Website

The Commission's Internet website (*www.ussc.gov*) 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 fiscal year 2006, the home page was visited approximately 22,000 times per month. Users visiting the Commission's website 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 fiscal year 2006, 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 2006, Commission staff responded to approximately 3,500 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 2006, Commission staff responded to approximately 1,000 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 2006, 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 2006, publications included the following: *2006 United States Sentencing Commission Guidelines Manual*; *Report on the Impact of United States v. Booker on Federal Sentencing*; *Intellectual Property Amendments – 2006 Policy Development Team Report*; and *2006 Steroids Report – Policy Development Team Report*. 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 editions of *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 –

- articles on numerous guideline sentencing-related topics (*e.g.*, firearms, relevant conduct, multiple counts);
- case law outlines on selected topics;
- quizzes and checklists; and
- bibliographies on selected guideline topics.

These materials and publications and numerous others are available on the Commission's web site at <http://www.usc.gov>.

Training

In 28 U.S.C. § 995(a)(17) and (18), Congress authorized the 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 2006, the Commission provided training on the guidelines and related sentencing issues to more than 10,800 individuals at 145 different training programs across the United States, including ongoing programs sponsored by the Federal Judicial Center (FJC) and other agencies. Compared to 2005, this represents approximately an 11 percent increase in individuals trained on the sentencing guidelines.

Participants included circuit and district court judges, probation officers, prosecuting and defense attorneys, congressional staff members, law clerks, appellate staff attorneys, other government agency personnel, and judges from several countries in Europe, Asia, Africa, the Middle East and the Caribbean.

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 2006 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 27 newly appointed judges at two orientation programs. The Commission also participated in training more than 500 district judges at three national "mega" workshops sponsored by the FJC.

In 2006, the Commission also presented workshops on guideline application training to approximately 192 newly appointed probation officers during eight orientation programs at the new Federal Law Enforcement Training Center (FLETC) in Charleston, SC. The workshops concentrated on guideline topics, including introduction to the guidelines, relevant conduct and criminal history.

Fifteenth Annual National Seminar on Federal Sentencing Guidelines

In May 2006, the Commission and the Federal Bar Association's Tampa Bay Chapter jointly sponsored the Fifteenth Annual National Seminar on the Federal Sentencing Guidelines in Miami Beach, Florida. Topics included basic individual guidelines training, the evolving role and work of the Commission, fraud and theft offenses, relevant conduct, drug offenses, sexual offenses, firearms, immigration offenses, criminal history, plea bargaining in the post-*Booker* era, a view from the bench, departures and variances under 18 U.S.C. § 3553(a), sentencing appeals in the post-*Booker* era, supervised release, advanced guideline issues, federal sentencing from a research perspective, and Bureau of Prisons issues. This seminar was attended by 587 registrants consisting of probation officers, attorneys, federal judges, and other professionals from across the United States.

Circuit and District-Based Guideline Education

In fiscal year 2006, the Commission conducted training programs for probation officers, judges, defense attorneys, and prosecutors in more than 105 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 an additional 40 training programs, academic seminars, judges' meetings, and professional conferences.

Organizational Guidelines Training

Throughout fiscal year 2006, commissioners and staff participated in a variety of symposia and programs on compliance and business ethics. In more than 22 seminars and briefings, with 4,286 participants, commissioners and staff discussed the 2005 amendments to Chapter Eight of the sentencing guidelines 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 teleconferencing, satellite broadcasting, and online conferencing) can be used to supplement its existing training efforts. In fiscal year 2006, the Commission worked 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 also continued to work with the FJTN in planning broadcasts on new and pertinent topics for the coming year.

HelpLine

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

Since the *HelpLine*’s inception in 1987, Commission staff have responded to more than 24,000 questions from probation officers, judges, prosecutors, defense attorneys and law clerks. In fiscal year 2006, the *HelpLine* staff responded to approximately 1,200 calls. Frequently asked questions related to application issues concerning relevant conduct, the criminal history guidelines, drug and firearms offenses, theft and fraud offenses, 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.

Temporary Assignment Programs

The Commission’s temporary assignment program for assistant federal defenders continued through fiscal year 2006. Two assistant federal defenders (Eric Voss, Eastern District of Pennsylvania, and Steven Jacobson, District of Oregon) worked with the Commission during 2006. Since the visiting attorney program began in 1988, 37 assistant federal defenders and 22 assistant U.S. attorneys have participated.