

Year In Review

U.S. Sentencing Commission – Fiscal Year 2009

As of October 2008, all 94 federal districts were participating in the United States Sentencing Commission's ("Commission") Electronic Submission System ("ESS"), which enables districts electronically to submit sentencing documents to the Commission across the courts' network.

In November 2008, the Commission published its comprehensive 800-page proceedings book titled *Symposium on Alternatives to Incarceration*, which contains transcripts, written testimony, and materials from the Commission's summer 2008 symposium held in Washington, D.C.

In December 2008, the Commission launched its series of new research publications. Throughout the fiscal year, the Commission published reports titled –

- *Overview of Federal Criminal Cases 2007*;
- *Changing Face of Federal Criminal Sentencing: Seventeen Years of Growth in the Federal Sentencing Caseload*;
- *Alternative Sentencing in the Federal Criminal Justice System*;
- *Impact of Prior Minor Offenses on Eligibility for Safety Valve*; and
- *Introduction to the Collection of Individual Offender Data by the United States Sentencing Commission*.

In February 2009, the Commission launched a series of regional public hearings on federal sentencing policy to mark the 25th anniversary of the Sentencing Reform Act of 1984 ("SRA"). The first hearing was held in Atlanta, Georgia, and subsequent hearings throughout the fiscal year were held in Stanford, California; New York, New York; and Chicago, Illinois. The Commission held these public hearings to engage federal sentencing experts about issues related to federal sentencing policy and the implementation of the SRA over the past 25 years. Witnesses included federal circuit and district court

judges, representatives from the U.S. Department of Justice, defense attorneys, probation officers, law enforcement, and members of the academic community and community interest groups.

At the March and September 2009 meetings of the Judicial Conference of the United States, Acting Commission Chair Ricardo H. Hinojosa updated the Conference on the activities of the Commission.

In March 2009, the Commission published its *2008 Annual Report* and *2008 Sourcebook of Federal Sentencing Statistics* and posted the volumes on its website at <http://www.usc.gov/annrpts.htm>. Throughout the year, the Commission continued processing real-time data and publishing on its website quarterly reports of its sentencing data, as well as data on the retroactive application of the 2007 amendment for crack cocaine offenses. Also in March, the Commission held a public hearing on its proposed amendments.

On April 28, 2009, Acting Chair Ricardo H. Hinojosa testified before the Senate Judiciary Committee's Crime and Drugs Subcommittee regarding federal cocaine sentencing policy.

On May 1, 2009, the Commission sent to Congress a package of guideline amendments that addressed, among other things, identity theft, counterfeiting, court security, and the Drug Trafficking Vessel Interdiction Act of 2008. The amendments went into effect November 1, 2009.

On May 21, 2009, Acting Chair Ricardo H. Hinojosa testified regarding federal cocaine sentencing policy before the House Judiciary Committee's Crime, Terrorism, and Homeland Security Subcommittee.

On June 10–12, 2009, more than 1,100 attendees participated in the Commission's Annual National

Seminar on the Federal Sentencing Guidelines in New Orleans, Louisiana.

On October 21, 2009, Chief United States District Judge William K. Sessions III was confirmed by the Senate as chair of the Commission.

During fiscal year 2009, Commission staff trained thousands of judges, probation officers, prosecutors, defense attorneys, and others at approximately 150 training sessions across the country (including ongoing programs sponsored by the Federal Judicial Center and other agencies).

The Commission received documentation on more than 81,000 cases sentenced and more than 7,400 cases in which there was a resentencing or other modification of sentence in fiscal year 2009 from which hundreds of data elements were coded and assimilated into the Commission's data system.

Through its "HelpLine," the Commission continued to provide guideline application assistance to more than 150 callers each month.

During 2009, the Commission continued its temporary duty program for probation officers, assistant U.S. attorneys, and assistant federal public defenders, with the following individuals and districts participating:

Probation Representatives

Juliana Moore – Northern District of Texas
Anthony Merolla – Eastern District of Michigan
Lisa Pence – District of Colorado
Carlos Cancio Lugo – District of Puerto Rico

U.S. Attorney Representatives

Harriett Galvin – Southern District of Florida
Daniel Tvedt – Northern District of Iowa

Federal Public Defender Representatives

Molly Roth – Western District of Texas
Leo Latella – Middle District of Pennsylvania

The year 2009, as used in this report, refers to the fiscal year 2009 (October 1, 2008, through September 30, 2009).