

Chapter Four

Guideline Training, Education, and Public Affairs

In fiscal year 2009, the Commission continued to provide guideline application assistance, education, and public information using a variety of different means.

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 fiscal year 2009, the Commission provided training on the guidelines and related sentencing issues to more than 6,500 individuals at 156 different training programs across the United States, including ongoing programs sponsored by the Federal Judicial Center (“FJC”) and other agencies.

Participants included circuit and district court judges, probation officers, prosecuting and defense attorneys, congressional staff members, law clerks, and other government agency personnel. At the sessions, commissioners and staff provided training on guideline application, developing case law, guideline amendments, statutory changes, and other sentencing issues.

Working with the FJC and the Administrative Office of the U.S. Courts (“AOUSC”), the Commission plays an active role in training newly appointed judges and probation officers. For example, the Commission continued in 2009 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 approximately 60 newly appointed judges at three orientation programs.

In 2009, the Commission continued to present workshops on guideline application training to approximately 400 newly appointed probation officers during ten orientation programs at the Federal Law Enforcement Training Center (“FLETC”) in Charleston, South Carolina. The workshops concentrated on guideline topics, including introduction to the guidelines, relevant conduct, and criminal history.

The Commission also works with DOJ and the federal defenders to provide training to federal prosecutors and defense attorneys.

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 from Monday through Friday between 8:30 a.m. and 5:00 p.m., EST at (202) 502-4545.

Calls Received in 2009

Since the *HelpLine*’s inception in 1987, the Commission staff has responded to more than 25,000 questions from probation officers, judges, prosecutors, defense attorneys and law clerks. It is estimated that in 2009, 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/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.

Organizational Guidelines Training

Throughout the year, the commissioners and staff participated in a variety of symposia and programs on compliance and business ethics. In several seminars, many with more than 400 participants, the commissioners and staff discussed the operation and 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 technologies such as multi-media programs, video conferencing, satellite broadcasting, and online conferencing can be utilized to supplement its existing training efforts. In 2009, the Commission worked in collaboration with the FJC to develop and air two broadcasts on the Federal Judicial Television Network (“FJTN”); *Advanced Guideline Issues: Criminal History*, and *Sentencing and Guidelines: 2008 Amendments*. 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. Approximately 1,000 individuals from more than 100 locations registered to watch the initial airing of these two FJTN broadcasts.

Annual National Seminar on Federal Sentencing Guidelines

In June 2009, the Commission sponsored the Annual National Seminar on the Federal Sentencing Guidelines in New Orleans, Louisiana. 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, a view from the bench, departures and variances under section 3553(a), sentencing appeals in the post-*Booker* era, supervised release: conditions and revocations, advanced guideline issues, federal sentencing from a research perspective, and Bureau of Prisons issues. This seminar was attended by approximately 1,100 registrants who consisted of federal judges, probation

officers, prosecutors, defense attorneys, and other professionals from across the United States.

Temporary Assignment Programs

The Commission’s temporary assignment program for assistant U.S. attorneys and assistant federal defenders continued through 2009. Two assistant U.S. attorneys and two federal defenders worked with the Commission during 2009. The Commission also continued its temporary assignment program for U.S. probation officers. In 2009, four U.S. probation officers participated in the program.

Public Information

In fiscal year 2009, 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 2009, Commission staff responded to thousands of public information telephone calls.

Written Requests. In 2009, Commission staff responded to hundreds of 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.

Presentations. During 2009, Commission staff made numerous presentations about the guidelines and federal sentencing policy 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 2009, publications included the following: *2009 United States Sentencing Commission Guidelines Manual*; *Symposium on Alternatives to Incarceration*; *Changing Face of Federal Criminal Sentencing: Seventeen Years of Growth in the Federal Sentencing Caseload*; and

Introduction to the Collection of Individual Offender Data by the United States Sentencing Commission.

The agency also compiles and makes available several editions of *Selected Guideline Application Decisions by Circuit*, which summarize selected court decisions that involve application of the guidelines.

In addition, the Commission continued in 2009 to develop its collection of guideline training materials on new guideline amendments and guideline sentencing issues related to drugs, economic crimes, immigration, relevant conduct, and sex crimes. These materials and publications and numerous others are frequently disseminated at guideline training sessions across the country and are available on the Commission's web site at www.ussc.gov.

Internet Website

The Commission's Internet website (www.ussc.gov) provides information to the public about the agency and federal and state sentencing practices.

Users can read and download documents (in either .HTML or .PDF formats) 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, and training and employment opportunities. During 2009, approximately 104,000 visitors per month visited the Commission's home page.

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