

Year In Review

United States Sentencing Commission – Fiscal Year 2011

On December 22, 2010, the United States Senate confirmed United States District Judge Patti B. Saris as the chair of the United States Sentencing Commission (Commission). The Senate also confirmed Commissioner Dabney L. Friedrich to serve a second term on the Commission.

On February 16, 2011, the Commission held a public hearing on fraud and illegal reentry offenses, as well as issues associated with supervised release.

On March 17, 2011, the Commission held a public hearing on issues associated with prison capacity, firearms offenses, and implementation of the Fair Sentencing Act of 2010.

On April 6, 2011, the Commission promulgated its permanent amendment to the federal sentencing guidelines implementing the Fair Sentencing Act of 2010, which, among other things, reduced the statutory mandatory minimum penalties for crack cocaine trafficking and eliminated the mandatory minimum sentence for simple possession of crack cocaine, and directed the Commission to review and amend the federal sentencing guidelines to account for certain aggravating and mitigating circumstances in drug trafficking cases to better account for offender culpability. The Commission also promulgated amendments to the guidelines covering certain firearms offenses, including straw purchases. The Commission also promulgated guidelines in response to congressional directives set forth in the Patient Protection and Affordable Care Act of 2010 (Pub. L. No. 111–148) and the Secure and Responsible Drug Disposal Act of 2010 (Pub. L. No. 111–273). This package of amendments became effective on November 1, 2011.

On May 18–20, 2011, the Commission held the Annual National Seminar on the Federal Sentencing Guidelines in San Diego, California. The Commission invited all new federal judges to attend the event. More than 1,000 federal judges, probation officers, prosecutors, defense attorneys, and other

professionals from across the country attended the event.

On June 1, 2011, the Commission held a hearing on the possible retroactive application of its permanent amendment implementing the Fair Sentencing Act of 2010. During that hearing, the Commission heard testimony from federal sentencing experts and practitioners, including the United States Attorney General, other representatives of the Department of Justice, the defense bar, law enforcement, and community interest groups.

On June 30, 2011, the Commission voted to give retroactive effect to its permanent amendment implementing the Fair Sentencing Act of 2010. Retroactivity of this amendment took effect on November 1, 2011. The Commission estimates that approximately 12,000 federal offenders will be eligible to seek a reduced sentence pursuant to retroactivity of this amendment.

Throughout 2011, Commission staff trained approximately 7,000 thousand judges, probation officers, prosecutors, defense attorneys, and others at more than 100 training sessions across the country (including ongoing programs sponsored by the Federal Judicial Center and other agencies).

The Commission received documentation on more than 84,000 cases sentenced and 4,000 cases resentenced under the guidelines in fiscal year 2011.

The year 2011, as used in this report, refers to the fiscal year 2011 (October 1, 2010, through September 30, 2011).

