

# Chapter Four

## Guideline Training and Education, Public Affairs

In fiscal year 2012, the Commission continued to provide guideline application assistance, education, and public information using a variety of different means.

### Training

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.” 28 U.S.C. § 995(a)(17), § 995(a)(18). 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 2012, the Commission provided training on the guidelines and related sentencing issues to more than 8,000 individuals at 130 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 2012 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 48 newly appointed judges at three orientation programs.

In 2012, the Commission continued to present workshops on guideline application training to approximately 150 newly appointed probation officers during six 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 the Department of Justice and the federal defenders to provide training to federal prosecutors and defense attorneys.

### Annual National Seminar on Federal Sentencing Guidelines

In June 2012, the Commission held its 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, departures and variances under section 3553(a), sentencing appeals in the post-*Booker* era, supervised release: conditions and revocations, advanced guideline issues, and Bureau of Prisons issues. This seminar was attended by approximately 900 registrants who consisted of federal judges, probation officers, prosecutors, defense attorneys, and other professionals from across the United States.

### Organizational Guidelines Training

Throughout 2012, the commissioners and staff participated in a variety of symposia and programs on compliance and business ethics. In five seminars, with more than 2,500 participants, 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 teleconferencing, satellite broadcasting, and online conferencing can be utilized to supplement its existing training efforts. For example, in 2012, the Commission worked in collaboration with the FJC to develop and air a broadcast on the Federal Judicial Television Network (FJTN) — Sentencing and Guidelines: New Amendments for 2011. Such work on the part of the Commission affords the agency the opportunity to expand the reach of its training efforts to the federal judiciary. Approximately 635 individuals from more than 60 locations registered to watch the initial airing of this broadcast.

The Commission has increased the number of training videos offered on its website. Available videos include a three-part series “Introduction to the Federal Sentencing Guidelines,” and cover topics such as highlights of new amendments, and the “Statement of Reasons Form.” Advanced guideline videos offer training on topics of immigration, relevant conduct, firearms, multiple counts, and criminal history.

## 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.

Since the *HelpLine*'s inception in 1987, the Commission staff has responded to more than 27,000 questions from probation officers, judges, prosecutors, defense attorneys and law clerks. It is estimated that in 2012, 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.

## Temporary Assignment Programs

The Commission's temporary assignment program for assistant federal defenders continued through 2012. Two assistant federal defenders worked with the Commission during 2012. The Commission also continued its temporary assignment program for U.S. probation officers. In 2012, one U.S. probation officer participated in the program.

## Internet Website

In fiscal year 2012, the Commission continued to refine the reformatted website it introduced in fiscal year 2010. The user-friendly site provides information to the public about the agency, its activities, and developments in federal sentencing practices. In fiscal year 2012, the Office of Research and Data began making sentencing data available directly to the public through the website. Also in fiscal year 2012, the office developed and the Commission launched an Interactive Sourcebook available to the public. Through this interactive website, users can view all of the data reported by the Commission in its annual *Sourcebook of Federal Sentencing Statistics* as well data from additional analyses, and can tailor all of these analyses by year, judicial district, and judicial circuit.

In addition, users can read and download documents on numerous topics, including general information about the Commission and its activities, publications and reports to Congress, *Guidelines Manuals* and amendments, federal sentencing data, *Federal Register* notices, Commission meeting information, hearing transcripts and testimony, organizational guidelines materials, and information on the standing advisory groups to the Commission. The website also provides guidelines training materials, including offense-type primers and exclusive web-based training videos on key sentencing topics.

The home page is updated frequently to keep the public abreast of Commission meetings, hearings, news releases, legislative developments, training

events, and sentencing guideline issues (*e.g.*, proposed amendments and issues for comment). During fiscal year 2012, the Commission's website received an estimated 600,000 unique visitors. Visitors to the Commission's website can view the content online or download available .PDF files. The Commission uses RSS (Really Simple Syndication) feeds and its USSC Listserv e-mail service to alert subscribers to new postings on its website.

## Public Information

In fiscal year 2012, Commission staff responded to approximately 7,000 information requests from Congress, attorneys, government agencies, academics, inmates and their families, the media, and the public.

**Telephone Inquiries.** In 2012, Commission staff responded to more than 6,000 public information telephone calls.

**Written Requests.** In 2012, 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.

**Presentations.** During 2012, 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 a number of publications each year in addition to the *Guidelines Manual* and the agency's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*. For example, in fiscal year 2012, the Commission published its extensive report to Congress assessing the impact of mandatory minimum penalties on federal sentencing. The Commission also published several editions of *Selected Guideline Application Decisions by Circuit*, which summarize court decisions involving application of the guidelines. Also published were data on the impact of making the Commission's permanent amendment implementing the Fair

Sentencing Act of 2010 retroactive, a crack retroactivity primer which discusses procedural issues, and a recidivism analysis of crack cocaine offenders.

In addition, the Commission continued in fiscal year 2012 to provide its collection of guideline training materials (both in hard copy and electronically on the Commission's website) on new guideline amendments and guideline sentencing issues related to drugs, economic crimes, Chapter Three adjustments, 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](http://www.ussc.gov).

The year 2012, as used in this report, refers to the fiscal year 2012 (October 1, 2011, through September 30, 2012).

