

UNITED STATES SENTENCING COMMISSION
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OPENING REMARKS

William W. Wilkins, Jr., Chairman
United States Sentencing Commission
Public Hearing on the Treatment of Prior Criminal Record
May 22, 1986

Welcome
Good morning, ladies and gentlemen. As Chairman of the United States Sentencing Commission, I am pleased to welcome you, on behalf of all the members of our Commission, to this second public hearing of the Commission, today focusing on the subject of an offender's prior criminal record.

Our hearing this morning is a continuation of our work to develop a national sentencing policy and pursuant to that, workable sentencing guidelines. I am pleased to report this morning that the Commission is making substantial progress toward our goal of constructing sentencing guidelines which we believe will provide greater certainty and fairness in the federal sentencing system. *unwarranted disparity* Under our rigorous timetable, we expect to publish the guidelines in draft form for public review and comment this fall, with the aim of submitting the guidelines to Congress no later than the April 13, 1987 statutory deadline.

As the Commission proceeds with its work, we intend to continue seeking public input and advice from a wide range of

individuals and interested groups. We began this series of public hearings on April 15 with oral and written testimony on the subject of offense seriousness. The Commission plans future hearings on June 10 relating to organizational sanctions, on July 15 relating to sentencing options, and on September 9, relating to plea negotiations. In addition to these public hearings, the Commission has been and will continue meeting both here in Washington and around the country with experts in various facets of sentencing and corrections, in order to receive the benefit of diverse views and the most current information and research on matters relating to the Commission's work.

Our hearing today focuses on the offender characteristic widely agreed to be very relevant to sentencing decisions and the construction of meaningful sentencing guidelines -- prior criminal record. The scope and accurate measurement of this important factor are of great concern to this Commission as we seek to promulgate sentencing guidelines which will give appropriate weight to the criminal history of each offender brought before a federal court for sentencing. Ideally, before sentencing an offender, a judge should be aware of the entire history of a defendant's previous involvement with law enforcement, prosecutorial, and courts systems. The sentence should then be appropriately adjusted for past criminal conduct or the absence thereof. How close can we come to that ideal in the real world, however, and what decisions should this Commission make to ensure that this critical offender

Agree that prior
conviction is
relevant - How
much is it
relevant - How
should it be
measured
the sentence

→ What should count
→ How long
→ How should we
determine it
→ plain & simple
→ Should count
if so how far
how long

characteristic is most thoroughly illuminated and appropriately considered? Those are some of the basic issues about which we seek guidance today.

Received written testimony
In conjunction with this hearing, the Commission has sought and received written ^{testimony} ~~comment~~ from judges, probation officers, defense attorneys, prosecutors, and other interested organizations and individuals throughout the nation. We appreciate the quantity and quality of the written responses, all of which have been circulated for review by each Commissioner and principal staff.

This morning we will hear from a distinguished group of ~~government~~ officials who represent various aspects of the federal criminal justice system most concerned with the treatment of prior criminal record in sentencing proceedings. The Commission sincerely appreciates the presence and participation of each of you at today's hearing, as well as any written testimony you have previously submitted.

To the extent possible, we ask that each witness summarize his written testimony, as your full written statement will be made a part of the hearing record.

As was done following our first hearing, in order to accommodate additional and/or supplemental views the record of today's proceedings will remain open for 30 days.