

The following persons attended the U.S. Sentencing Commission Meeting on June 30, 1987.

Commissioners

William W. Wilkins, Chairman
Michael K. Block
Stephen G. Breyer
Helen G. Corrothers
Ronald L. Gainer
George E. MacKinnon
Ilene H. Nagel
Paul H. Robinson

Staff

Suzanne Conlon, Executive Director
Russell Burress
Alan Chaset
Doug Cox
Paul Martin
Phyllis Newton
Sharon Turner
Ronnie Scotkin
Camille Williams
Michael Zoeller

Guests

Mr. Anthony P. Travisono
CEO of the American Correctional Association

Mr. W. Hardy Rauch
Director of Standards and Accreditation

Mr. Wayne Huggins
Chairman of the Commission on Accreditation
for Corrections and Sheriff of
Fairfax County, Virginia

Ann Smitt, Research Analyst
National Institute of Justice

Commission Meeting Minutes - June 30, 1987

Chairman Wilkins called the meeting to order at 10:10 a.m., on Tuesday, June 30, 1987.

The Chairman stated that the Commission had visitors present to discuss national standards of correctional facilities, primarily in the area of classification and physical plant. Commissioner Corrothers mentioned her memorandum of June 30, 1987 that introduced the representatives from the American Correctional Association and the Commission on Accreditation for Corrections. She called upon Mr. Anthony Travisono to discuss the standards created for correctional facilities by the American Correctional Association (ACA). (See attached)

Mr. Travisono distributed a statement on national standards for adult correctional institutions. He briefly described the makeup and purpose of the ACA. He outlined the purpose and creation of standards for correctional facilities. Mr. Travisono stated that the ACA standards have gained widespread acceptance throughout the country and expressed a desire that the Commission consider and promote these standards when creating sentencing guidelines. In response to a question by Commissioner Block, Mr. Travisono described the development of the standard for minimum cell size. (See attached)

Mr. Rauch agreed with Judge Breyer that the sentencing guidelines would only increase prison population slightly in comparison with the new federal drug law and the special offender provision. He stated that the Commission was primarily responsible for addressing the effect of the new criminal laws on future prison population.

The Commission discussed with the guests the costs and benefits of incarceration and the alternatives to imprisonment. In response to a question by Commissioner Gainer, Mr. Travisono stated that he believed that humane penal colonies were a workable alternative, but noted that no jurisdiction in the country has expressed interest in the idea.

Judge Breyer suggested that the ACA investigate and gather research on alternatives to imprisonment in preparation for the imminent debate in Congress over appropriations for new prisons. Commissioner Corrothers suggested that the Commission may help coordinate the study.

Judge Wilkins stated that he had received positive comments on the guidelines from the chief probation officers currently meeting to discuss the effects of the guidelines, as well as Judge Jon Newman and Judge Edward Becker. He also stated that the circuit courts have discussed the proposal for a stay of

The Commission discussed and clarified their involvement with the training program being prepared by the Federal Judicial Center.

Commissioner Corrothers stated for the record that she would oppose any proposal to have staff personnel provide technical input into training programs without Commission review. Judge Wilkins assured the Commission that this would not be done.

Judge Wilkins stated that corporate sanctions for organizational offenses should be an addition to the guidelines submitted to Congress after the first of the year. He suggested that preliminary planning begin for such an addition. He stated that proposed guidelines should be published in the Federal Register in the fall. The Commission should have a public hearing on the topic and be prepared to have the final document soon after the first of the year. Commissioner Block agreed to begin the initial planning.

Commissioner Block suggested that the fine tables be reviewed in time for the Commission's first submission of amendments to Congress. Commissioner Corrothers suggested also reviewing prison capacity at that time.

Judge Wilkins stated that the target date for publishing proposed additions to the guidelines in the Federal Register should be as soon after November 1 as possible.

Judge Wilkins stated that the Commission is looking for attorneys to fill vacant staff positions.

Judge MacKinnon stated that Professor Paul Bator was the only attorney suggested to him as a consultant to supply a legal opinion on the constitutionality of the statute creating the Commission. He briefly described Mr. Bator's credentials and asked if there were any other suggestions. Judge Wilkins asked Judge MacKinnon to contact Mr. Bator to discuss the possibility of writing such an opinion for the Commission.

Judge Breyer moved that the Commission gather and publish all written testimony submitted in the public hearings, as well as any working papers of the Commissioners, drafts of the guidelines and other relevant written materials. Suzanne Conlon is to coordinate the work with a similar project already begun by Linda Clemons. Commissioner Block seconded the motion. The motion passed 6-0. (Commissioner Robinson abstained.)

Commissioner Robinson suggested adopting a policy concerning executive sessions and circulating agenda. Judge Wilkins discussed the policy currently used by the Commission. Judge Breyer discussed the procedures for executive session and agenda used by several other commissions. Commissioner Robinson moved

that: (1) the Commission adopt a policy of circulating the agenda three days in advance of each meeting and that topics not on the agenda require a unanimous vote of the Commission in order to be discussed, and (2) executive sessions be tape recorded and such recordings maintained by the chairman for security. The motion failed for lack of a second.

Judge Wilkins encouraged the Commission in the future to give as much notice as possible concerning topics they wish to discuss at the meetings. Commissioner Robinson noted that as of 4:00 p.m., Monday, June 29, the only item on the agenda was the presentation by the ACA.

Commissioner Block suggested that the Commission explore the practices of the Office of Personnel Management and the Executive Branch concerning incentive and performance awards and bonuses in the SES system. Judge Wilkins stated that he would ask John Steer to investigate the Commission's legal ability to do this.

Judge Wilkins stated that the last item to be discussed dealt with personnel matters and asked if any commissioner objected to going into executive session. The staff was excused at this time and the meeting was adjourned for executive session.