

COMMISSION MEETING

OCTOBER 29, 1987

The following persons attended the U.S. Sentencing Commission Meeting on Wednesday, October 29, 1987.

Commissioners

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

Staff

David Anderson
Paul Martin
Phyllis Newton
William Rhodes
John Steer
Sharon Turner

Chairman Wilkins called the meeting to order at 11:30 a. on Wednesday, October 29, 1987.

The Chairman reported to the Commission that prior to the meeting he talked with Thomas Hutchinson of Congressman Conyers' staff concerning the Commission's legislative proposals. The House was willing to go along with all but three of the proposed changes, with the understanding that the three "deleted" provisions will be addressed in separate legislation. The Chairman asked the Commission if they would be willing to support this compromise with the Senate-passed version of the legislation. Commissioner Corrothers stated that the three items (increase in the Staff Director's salary; deletion of the requirement of formal response to prisoners' petitions; and change from one to four years the time when the Commission must report to Congress on offense levels) were the least urgent for the Commission and made a motion that the Commission agree. Judge MacKinnon seconded. The motion passed unanimously. Judge Breyer was not present.

Chairman Wilkins suggested that the Commission discuss the operation of the new hot line. He recommended: 1) that Phyllis Newton be in charge of the hot line; 2) that the Commission adopt policies for all staff when answering hot line inquiries; and 3) that the Commission write a letter to the Chief Judge and Chief Probation Officer for each district, explaining the Commission's policy/procedure for the hot line. Commissioner Corrothers expressed concern about litigation and recommended that the Commission's legal staff review proposed hot line procedures. Commissioner Nagel stated that a disclaimer would be read each time the hot line staff responded to a call. The Chairman stressed that the hot line was for probation officers (and, in the exceptional instance, judges) not U.S. Attorneys, defense counsel or others.

The Commission agreed that Phyllis Newton and David Anderson would work on the policy statement, hot line procedures and the hot line telephone log sheet. These items would be circulated to all Commissioners for review. Judge MacKinnon so moved, and Commissioner Block amended the motion to authorize the expenditure of funds needed to put the hot line into operation. Commissioner Corrothers repeated her concern that the legal staff fully address the issues raised by the operation of the hot line and that the Commissioners be kept fully informed of plans to operate and staff the hot line. The motion passed with a vote of 6-0. Judge Breyer was not present.

Chairman Wilkins stated that the next Commission meeting would be held on November 12, 1987 at 11:15 a.m.

The meeting was then adjourned.