

Minutes of the September 26, 1989 U.S. Sentencing Commission
Business Meeting

The meeting was called to order at 8:42 A.M. by Chairman William W. Wilkins, Jr.

The meeting was held in the library at the U.S. Sentencing Commission. The following Commissioners, staff and guests participated.

William W. Wilkins, Jr., Chairman
Stephen G. Breyer, Commissioner
Helen G. Corrothers, Commissioner
Ilene H. Nagel, Commissioner
George E. MacKinnon, Commissioner
Stephen Saltzburg, Ex Officio Member
John R. Steer, Staff Director/General Counsel
David Anderson, Deputy General Counsel
Nolan Clark, Deputy Chief Counsel
Peter Hoffman, Principal Technical Director
Candace Johnson, Director of Monitoring
Jeff Lawrence, Special Counsel
Phyllis Newton, Associate Research Director
Jeff Standen, Consultant
Roger Pauley, Criminal Division, DOJ
Vicki Portney, Criminal Division, DOJ
Victoria Toensing, Attorney Working Group on Organizational Sanctions

Chairman Wilkins commended the corporate sanction working group for their significant progress toward developing a final set of corporate sanctions proposals. Hoffman summarized the issues of fine structure, DOJ's proposed corporate sanctions draft, and specific changes from the previous staff draft. A discussion ensued. Chairman Wilkins outlined the following process for these guidelines: publication of the options in the Federal Register this fall; a 60-to 90-day public comment period; a possible public hearing in the winter; and adoption of guidelines for presentation to Congress in the spring. Various drafting changes and development of an introduction explaining the approach were suggested to the corporate sanctions working group for incorporation into the proposal to be submitted to the Commission by October 10, 1989.

Chairman Wilkins announced that the next Commission meeting would be held on October 17, 1989, at 8:30 A.M.

The Commission commended John Steer for his wonderful job as interim staff director.

Jeff Standen gave an interim report on the Penalties Review project and a proposed schedule for completion. Commissioners Corrothers

and Nagel expressed concern about rushing to complete a set of proposals which have not yet been fully examined or considered. A discussion ensued on the areas of homicide, robbery, sex offenses, kidnapping, and assault. The Commission directed the working group to state clear rationale for each specific change recommended and to designate a shelf in the Commission library specifically for legislative history and other materials related to the Penalties Review project.

Candace Johnson, in her monitoring report, stated that the Technical Advisory group was working with the Commission to develop a more efficient data-gathering process and use of sampling to do the work within the confines of the budget. Commissioner Nagel stated that the Chairman of the Technical Advisory committee, Dr. Berk, on behalf of the committee, praised the monitoring and evaluation staff for its outstanding work in preparation for their meeting and also commented that the research staff was stronger than ever. Phyllis Newton reported that the advisory committee will provide the Commission with a written report on their suggestions.

Chairman Wilkins stated that the first Alternative Sentencing Advisory Committee meeting would be held September 27, 1989.

Chairman Wilkins stated that John Steer would be making assignments to working groups for the priority areas contained in his recent memorandum. Commissioner Nagel requested that "hate crimes" be included in one of the areas.

Commissioner Nagel requested that John Steer circulate advice on a procedure to handle adverse court decisions.

Commissioner Corrothers requested a plan to ensure equitable district training.

Commissioner Corrothers requested that the proposed regional Commission meetings be placed on the agenda for an upcoming meeting.

Chairman Wilkins adjourned the meeting at 2:17 P.M.