

UNITED STATES SENTENCING COMMISSION

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PUBLIC MEETING

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THURSDAY
AUGUST 8, 2024

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The U.S. Sentencing Commission met in the FJC Classroom, One Columbus Circle, N.E., Washington, D.C., at 3:00 p.m. EDT, the Honorable Carlton W. Reeves, Chair, presiding.

PRESENT

CARLTON W. REEVES, Chair
LUIS FELIPE RESTREPO, Vice Chair
LAURA E. MATE, Vice Chair
CLAIRE MURRAY, Vice Chair
CLARIA HORN BOOM, Commissioner
CANDICE C. WONG, Commissioner
SCOTT A.C. MEISLER, Ex-Officio Commissioner

NOT PRESENT

JOHN GLEESON, Commissioner

ALSO PRESENT

KATHLEEN C. GRILLI, General Counsel
KENNETH P. COHEN, Staff Director

P-R-O-C-E-E-D-I-N-G-S

(3:02 p.m.)

CHAIR REEVES: The meeting is called to order. Good afternoon. I am Chair of the United States Sentencing Commission, Carlton W. Reeves, and I welcome you all to this hearing.

I thank each of you for joining us, whether you're in this room with us or attending via livestream. I have the honor of opening this meeting with my fellow Commissioners.

To my left, we have Vice Chair Claire Murray; to her left, Vice Chair Laura Mate; and to her left, Commissioner Candice Wong.

To my right, we have Vice Chair Luis Felipe Restrepo, Commissioner Claria Horn Boom, and ex-officio Commissioner Scott Meisler.

Commissioner John Gleeson could not be with us today. And on behalf of him, I send his regrets and apologies.

We are also joined by Commission employees, some of whom are in this room, many of whom are not. They have done the research. They

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have drafted the priorities. They have set up this room. Speaking of setting up this room, ladies and gentlemen, I don't know if you all have heard, but there was a flood in this building, and we had real damage at the Commission and throughout most of the building.

But our dedicated staff made sure that our meetings could go forward, that our work could continue. The Commissioners came in town, did their jobs, and we are here today to have this meeting.

And we apologize to the public because typically you do have an opportunity to bring yourselves into this room, but because of the flood, we decided it would be best if we just have a livestream for the general public. We do apologize for that. But the staff worked and labored hard to make sure that this could get done, and I appreciate you on behalf of my fellow Commissioners so very much.

So, on behalf of the Commissioners and the public, I want to say thank you to all our

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amazing staff for the amazing work that you do every single day.

So, the first order of business is to adopt the April 17th, 2024, public meeting minutes. Is there a motion to do so?

VICE CHAIR RESTREPO: So moved.

CHAIR REEVES: Is there a second?

VICE CHAIR MURRAY: Second.

CHAIR REEVES: Is there any discussion on the motion?

Hearing no further discussion, please vote on the motion by saying aye.

(Chorus of ayes.)

CHAIR REEVES: Any nays?

(No response.)

CHAIR REEVES: Hearing no nays, the motion is adopted by voice vote.

The next item of business is the Report of the Chair. My report today, ladies and gentlemen, is very brief. Each year, the Commission votes to adopt priorities that will guide its annual policymaking process. This

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summer we solicited priorities from the public asking how the agency can improve federal sentencing.

In response, the Commission received more than 1,200 pages of insightful comments from judges, members of Congress, executive branch officials, probation officers, advisory groups, attorneys, professors, advocates, organizations, incarcerated individuals, and others.

I cannot express how thankful the Commission is for this overwhelming amount of public feedback. From the halls of the Senate to the desk of prison libraries, countless people took the time to give us ideas about how to make our criminal justice system fairer. Those ideas are thoughtful, those ideas are well researched, and those ideas illuminate the path forward for the Commission. To each and every person who commented, thank you.

I want to give a special note of thanks to my colleagues -- judges -- who found the time in their very busy schedules to follow

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our work and take the extra step of offering their comments. Our justice system and criminal sentencing system works best when people make these sacrifices. I can't thank you enough.

Members of Congress have significant staff to assist them. Judges have just a few law clerks and perhaps a judicial assistant. To use their limited resources and take their time away from your dockets to provide input is admirable.

There are a number of clear themes, though, that have emerged from the comments we received. People told us: simplify the sentencing guidelines and clarify their role in sentencing. Reduce the costs of unnecessary incarceration. Promote public safety. Improve community supervision. Expand the Commission's use of expertise, evidence, and best practices. And promote evidence-based approaches to offense and individual characteristics.

These are just some of the themes we have heard and the comments we have received.

The priorities that we are voting on

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today prove one thing, at least one thing: When you speak to the Commission, you will be heard. These priorities will allow us to give each public comment the attention it deserves. This is our first step in translating the public's priorities into policies that improve federal sentencing.

As we move forward, we will continue to seek out and obtain guidance from the public and stakeholders across the criminal justice system.

The next item of business is a vote on the final policy priorities for the 2024-2025 amendment cycle. The General Counsel, Ms. Grilli, will now advise the Commission on that matter.

MS. GRILLI: Thank you, Chair Reeves.

A notice of possible policy priorities was published by the Commission in the Federal Register on June 4th, and the Commission received and reviewed the public comment pursuant to that notice.

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A motion to adopt and publish in the Federal Register the final notice of policy priorities for the Commission's 2024-2025 amendment cycle would be in order at this time.

CHAIR REEVES: Is there a motion to adopt and publish in the Federal Register the final notice of policy priorities for the Commission's 2024-2025 amendment cycle as suggested by the General Counsel?

VICE CHAIR MURRAY: So moved.

CHAIR REEVES: Is there a second?

VICE CHAIR MATE: Second.

CHAIR REEVES: Is there any discussion on the motion?

Hearing no further discussion, we shall vote on this motion by saying aye. Any ayes?

(Chorus of ayes.)

CHAIR REEVES: Any nays?

(No response.)

CHAIR REEVES: The motion is adopted, and let the record reflect that at least four

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Commissioners voted in favor of the motion.

The next item of business is a possible vote on the retroactivity of the acquitted conduct, circuit conflict, and Part D of the miscellaneous amendments. The General Counsel will now advise the Commission on that matter.

MS. GRILLI: The Commission was considering whether to add the acquitted conduct amendment, the circuit conflict amendment, and Part D of the miscellaneous amendment to the list of amendments in the Guideline §1B1.10 that may be applied retroactively.

In accordance with Rule 4.1(a) of the Commission's Rules of Practice and Procedure, the Commission solicited public comment on the issue, instructed staff to prepare a retroactivity impact report, which was released to the public during the comment period, and held a public hearing on the issue.

A motion to promulgate the proposed amendment to §1B1.10, with an effective date of

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November 1st, 2024, and with technical and conforming amendment authority to staff is appropriate at this time.

CHAIR REEVES: Is there a motion to promulgate the proposed amendment as suggested by the General Counsel?

(No response.)

CHAIR REEVES: The matter fails for lack of a motion.

The public tuned in today to hear not only about the Commission's final priorities but also our decision about retroactivity. Our final priorities made clear that we are listening closely to the public's recommendations about how to do our work.

Many have called for the Commission to identify clear principles that will guide its approach to retroactivity. After deep deliberation, we have decided to heed those calls. For that reason, we will not be voting on retroactivity today.

Nevertheless, I want to thank all of

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those who submitted comments and testimony regarding retroactivity for these amendments. Please know that your input has been heard and will continue to be heard as the Commission moves forward.

Is there any further business before the Commission?

Hearing none, is there a motion to adjourn?

VICE CHAIR RESTREPO: So moved.

CHAIR REEVES: Is there a second?

COMMISSIONER BOOM: Second.

CHAIR REEVES: Hearing a motion and a second, let's vote on the motion. All those in favor, say aye.

(Chorus of ayes.)

CHAIR REEVES: Any nays?

(No response.)

CHAIR REEVES: Ladies and gentlemen, this concludes our meeting today. The motion is adopted by voice vote, and this meeting is now adjourned.

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Thank you so much.

(Whereupon the above-entitled matter
went off the record at 3:13 p.m.)