

# CHAPTER ONE

## Commission Overview

### Introduction

---

The United States Sentencing Commission is an independent agency in the judicial branch of government. Its principal purpose is to establish sentencing policies and practices for the federal courts, including detailed guidelines prescribing the appropriate form and severity of punishment for offenders convicted of federal crimes. The development, monitoring, and implementation of the sentencing guidelines is the centerpiece of the agency's work. Further, the Commission utilizes its highly respected sentencing dataset to conduct research on sentencing-related issues and serve as an information resource for Congress, criminal justice practitioners, and the public.

The Sentencing Commission was created by the Sentencing Reform Act provisions of the Comprehensive Crime Control Act of 1984, and its authority and duties are specified in chapter 58 of title 28, United States Code. Procedures for implementing guideline sentencing are prescribed in chapter 227 of title 18.

The sentencing guidelines established by the Commission are designed to take into account the classic purposes of sentencing: just punishment, rehabilitation, deterrence, and incapacitation. The guidelines provide certainty and fairness in meeting the purposes of sentencing by avoiding unwarranted disparity among offenders with similar characteristics convicted of similar criminal conduct. At the same time, the guidelines permit judicial flexibility to account for relevant aggravating and mitigating factors. The guidelines are constructed to reflect, to the extent practicable, advancement in the knowledge of human behavior as it relates to the criminal justice process.

### A Brief History of Federal Sentencing Reform

---

Disparity in sentencing has long been a concern for Congress, the criminal justice community, and the public. After decades of research and debate, Congress created the Commission as a permanent agency charged with formulating national sentencing standards to guide federal trial judges in their sentencing decisions.

Organized in October 1985, the Commission submitted to Congress on April 13, 1987, its original sentencing guidelines and policy statements. Prior to this submission, the Commission held 13 public hearings, published two drafts for public comment, and received more than 1,000 letters and position papers from hundreds of individuals and organizations. The guidelines became effective November 1, 1987, following the requisite period of congressional review, and apply to all offenses committed on or after that date.

Shortly after implementation of the guidelines, defendants throughout the country challenged the constitutionality of the Sentencing Reform Act and the Commission on the basis of improper legislative delegation and violation of the separation of powers doctrine. The U.S. Supreme Court rejected these challenges January 18, 1989, in *Mistretta v. United States*, and upheld

the constitutionality of the Commission as an independent judicial branch agency. This decision cleared the way for nationwide implementation of the guidelines. Since January 1989, federal judges have sentenced nearly 300,000 defendants under the guidelines.

## **Agency Overview**

---

### **Commissioners**

The Sentencing Commission's seven voting members are appointed to staggered six-year terms by the President with the advice and consent of the Senate. At least three of the commissioners must be federal judges, and no more than four can be members of the same political party. By statute, the chair and vice chairs hold full-time positions, while other commissioners have part-time status.

**Judge Richard P. Conaboy** of Scranton, PA, was sworn in as Commission Chairman on October 11, 1994. In addition to his duties as Chairman, he serves as a United States District Judge for the Middle District of Pennsylvania. The Commission's three Vice Chairmen during 1996 were **Commissioner Michael S. Gelacak** of Centreville, Virginia, **Commissioner Michael Goldsmith** of Salt Lake City, Utah, and **Judge A. David Mazzone** of Boston, Massachusetts. Prior to his appointment as Commissioner, Vice Chairman Gelacak was a practicing attorney in Washington, D.C. and Buffalo, New York. Vice Chairman Goldsmith is currently on leave from Brigham Young University where he is a Professor of Law. Vice Chairman Mazzone is a United States District Judge for the District of Massachusetts.

Other Commission members serving during 1996 were: **Commissioner Wayne A. Budd**, **Judge Julie E. Carnes**, and **Judge Deanell R. Tacha**. Commissioner Budd of Boston, Massachusetts, is Senior Vice President of NYNEX; Judge Carnes of Atlanta, Georgia, is a United States District Judge for the Northern District of Georgia; and Judge Tacha of Lawrence, Kansas, is a United States Circuit Judge for the Tenth Circuit. Judge Mazzone and Judge Carnes served until October 4, 1996.

*Ex-officio* members during 1996 were **Commissioner Mary Frances Harkenrider**, Counsel to the Assistant Attorney General for the Criminal Division, U.S. Department of Justice, and **Commissioner Edward F. Reilly, Jr.**, Chairman of the U.S. Parole Commission. In early 1997, **Commissioner Michael J. Gaines**, the new Chairman of the U.S. Parole Commission, replaced Commissioner Reilly as an *ex-officio* member.

### **Organization**

The Commission staff (approximately 100 employees) is headed by a staff director who oversees five offices: General Counsel, Monitoring, Policy Analysis, Training and Technical Assistance, and Administration (*see organization chart, Figure A*). The **Office of the Staff Director** supervises, supports, and coordinates all agency functions. The five office directors report to the staff director. The staff director's office, in addition, houses the communications and computer support units. The communications unit coordinates all public information matters as well as principal editing, graphic design, and printing for published Commission materials. The

computer support unit maintains and services the Commission's computer hardware and software. In 1997, the Commission's Office of Administration will join the Office of the Staff Director.

The **Office of General Counsel** provides support to the Commission on a variety of legal issues, including the formulation and application of guidelines and guideline amendments, legislative proposals, and statutory interpretations. Legal staff members monitor district and circuit court application and interpretation of the guidelines and advise commissioners about statutes and legislation affecting the Commission's work. The legal staff provides training support in conjunction with the Office of Training and Technical Assistance.

The **Office of Monitoring** maintains a comprehensive computerized data collection system to report on federal sentencing practices and to track application of the guidelines for individual cases. The staff receives and enters case data and produces periodic reports about guideline application, providing significant information for Commission review as it monitors the national implementation process or considers amending individual guidelines. In addition to information related to individual offenders, the Commission collects data on appeals, indictments, and organizational guideline sentences. The office maintains a master file of guideline sentencing data, available to the public through the Inter-University Consortium for Political and Social Research at the University of Michigan.

The **Office of Policy Analysis**, working with the Commission's comprehensive sentencing database, provides short- and long-term guideline and sentencing-related research and analyses. The office studies a variety of research topics including just punishment, sentencing disparity, substantial assistance to authorities, the effect of proposed guideline amendments on projections of the federal prison population, sentencing practices related to organizational defendants, and appeals. In addition, the office provides data and analyses on specific criminal justice issues at the request of Congress and the courts.

The **Office of Training and Technical Assistance** teaches guideline application to judges, probation officers, prosecuting and defense attorneys, and other criminal justice professionals. The staff develops training materials, participates in the sentencing guideline segments of training programs sponsored by other agencies, and informs the Commission of current guideline application practices. The office also operates a "hotline" to respond to guideline application questions from members of the court family.

The **Office of Administration** provides general administrative support to commissioners and staff regarding budget and finance, contracting, personnel management, library reference services, facilities, and a variety of other office activities. The office provides support to the staff director and senior managers in accomplishing project planning and budget forecasting on a short- and long-term basis.

## ***Staffing***

During fiscal year 1996, the Commission used staff resources totaling 103 workyears. Approximately 32 percent of staff resources was spent in various aspects of sentence monitoring efforts, 13 percent in research and analysis, ten percent in technical assistance and training,

16 percent in legal activities, seven percent in the commissioners' offices, 13 percent in the Office of the Staff Director, and nine percent in the Office of Administration.

***Budget and Expenditures***

For fiscal year 1996, Public Law 104-134 provided an appropriation of \$8,500,000 for the Commission's salaries and expenses. For fiscal year 1997, Public Law 104-208 granted the Commission an appropriation of \$8,490,000 (see Table 1).

**Table 1**  
**BUDGET AUTHORITY AND OBLIGATIONS**  
**(dollar amounts in thousands)**

<b>New Budget Authority</b>	<b><u>FY 1996</u></b> <b>\$8,500</b>	<b><u>FY 1997</u></b> <b>\$8,490</b>
Personnel Compensation	\$5,474	\$5,652
Personnel Benefits	1,190	1,595
Travel and Transportation	325	350
Communications, Utilities and Other Rent	157	160
Printing and Reproduction	187	125
Other Services	945	862
Supplies and Equipment	343	301
<b>Total Obligations*</b>	<b>\$8,621</b>	<b>\$ 9,045</b>

\*Total obligation amounts include funds carried forward from previous "no-year" appropriations.

