

CHAPTER FOUR

Guideline Training and Education

In 2003, the Commission continued to provide guideline application assistance, education, and public information using a variety of different means.

Internet Website

The Commission's award-winning Internet website (*USSC Online*) provides the public with 24-hour access to information about the agency and federal and state sentencing practices.

Users can elect to read or download documents from numerous categories, including general information about the Commission and its activities, publications and reports to Congress, *Guidelines Manuals* and amendments, federal sentencing statistics, guideline training and educational materials, organizational guidelines, Commission meeting information, hearing transcripts and testimony, and *Federal Register* notices. The website also provides information supplied by state sentencing commissions.

The home page is updated frequently to keep the public abreast of Commission meetings, hearings, legislative developments, training, and employment opportunities. During 2003, the home page was visited approximately 15,000 times per month. Users visiting the Commission's website at *www.ussc.gov* can browse as well as download many of the documents in either .HTML or .PDF formats. The Commission uses its USSC Listserve e-mail service to alert subscribers to new postings on its website.

Public Information

In 2003, Commission staff responded to thousands of information requests from Congress, attorneys, government agencies, academics, inmates and their families, the media, and the public.

Telephone Inquiries. In 2003, Commission staff responded to approximately 4,000 public information telephone calls. Staff were able to respond by providing verbal information, sending the caller Commission publications, or referring the caller to the Commission's *HelpLine*.

Written Requests. In 2003, Commission staff responded to approximately 2,300 written inquiries (*i.e.*, letters, e-mails), the majority of which were from inmates or their families. Other written inquiries came from members of Congress, attorneys, libraries, government agencies, and the research community. While some letters requested Commission publications, others posed questions on such topics as "time off for good behavior," new legislation, or the application of the guidelines to specific cases.

Presentations. During 2003, Commission staff made numerous presentations about the guidelines to university groups, visiting foreign dignitaries, and criminal justice practitioners (*e.g.*,

students from American University, the University of Delaware, and Duke University; State Department visitors; and the Practising Law Institute).

Publications and Training Materials

The Commission issues numerous publications each year in addition to its *Annual Report* and *Sourcebook of Federal Sentencing Statistics*. In 2003, publications included the following: *2003 United States Sentencing Commission Guidelines Manual*; *United States Sentencing Commission Publications and Resource Guide 2003-2004*; and *U.S. Sentencing Commission's Survey of Article III Judges*. The Commission also continued publication of its periodic newsletter, *GuideLines*, which presents information on current Commission activities, research findings, proposed guideline amendments, training opportunities, and guideline application and legal issues.

The agency also issued *Supreme Court Case Law* and *Selected Guideline Application Decisions by Circuit*, which summarize selected court decisions that involve application of the guidelines.

In addition, the Commission continues to develop its collection of guideline training materials that includes –

- guideline application scenarios on issues related to firearms, immigration, relevant conduct, the calculation of loss, and other sentencing-related matters;
- quizzes and checklists;
- articles on numerous guideline sentencing-related topics; and
- case law outlines on selected topics.

Under an arrangement with the U.S. Government Printing Office (GPO), copies of all Sentencing Commission publications are made available in hard copy or on microfiche to patrons using the GPO Regional Depository Libraries across the nation. The location of the nearest Depository Library – there are 600 nationwide – can be determined in several ways: (1) by requesting a free copy of the Directory of Depository Libraries from GPO; (2) by checking with local libraries; or (3) by using the Internet at <http://www.gpoaccess.gov/libraries.html>. Many of these publications are also available on the Commission's web site at <http://www.ussc.gov>.

Training

In 28 U.S.C. § 995(a)(17) and (18), Congress authorized the Sentencing Commission to “devise and conduct periodic training programs of instruction in sentencing techniques for judicial and probation personnel and other persons connected with the sentencing process.” The Commission recognizes that an evolving guideline system, together with the steady influx of new practitioners, creates a continuing need for effective training programs and materials. In 2003, the Commission provided training on the guidelines and related sentencing issues to more than 5,600 individuals at 62 different training programs across the country, including ongoing programs sponsored by the Federal Judicial Center (FJC) and other agencies. Compared to 2002, this represents approximately a 17-percent increase in individuals trained on the sentencing guidelines.

Participants included circuit and district court judges, probation officers, prosecuting and defense attorneys, congressional staff members, law clerks, and other government agency personnel. At the sessions, commissioners and staff provided training on guideline application, developing case law, guideline amendments, statutory changes, and other sentencing issues.

Training New Appointees

The Commission continued its collaborative training efforts with the FJC and the Department of Justice (DOJ) to develop and refine permanent, academy-based guideline education programs. Working with the FJC and DOJ, the Commission plays an active role in training newly appointed judges, probation officers, and prosecutors. For example, the Commission continued in 2003 to participate in the FJC's orientation program for newly appointed district and appellate court judges by providing training on guideline application and sentencing-related topics to 63 new judges at five orientation programs.

In 2003, the Commission presented workshops on guideline application training to approximately 440 newly appointed probation officers during seven orientation programs at the "New Officers Training" in Washington, D.C. The workshops concentrated on guideline topics including relevant conduct, multiple counts, and criminal history.

Twelfth Annual National Seminar on Federal Sentencing Guidelines

In May 2003, the U.S. Sentencing Commission and the Federal Bar Association – Tampa Bay Chapter jointly sponsored the Twelfth Annual National Seminar on the Federal Sentencing Guidelines in Miami Beach, Florida. Topics included — basic individual guidelines training, fraud and theft guidelines, restitution, relevant conduct, drug offenses, multiple counts, sexual offenses, organizational guidelines, firearms, immigration offenses, criminal history, tax offenses, money laundering offenses, sentencing practice and procedure, plea bargaining, technology offenses, a view from the bench, Chapter Three adjustments, departure advocacy, cultural heritage offenses, Campaign Finance Reform Act, terrorism offenses, *Apprendi* update, grouping, a research perspective on "Are the Guidelines Working?" and Bureau of Prisons issues. This seminar was attended by 488 registrants who consisted of probation officers, attorneys, federal judges and other professionals from across the United States.

Circuit and District-Based Guideline Education

In 2003, the Commission responded to training requests from probation officers, judges, defense attorneys, and prosecutors by conducting guideline education programs in 16 localities. To maximize resources, when a district office requested training, the Commission typically contacted other practitioners in the criminal justice system and invited them to participate. The Commission staff also lectured widely on sentencing issues at training programs, academic seminars, judges' meetings, and professional conferences.

Organizational Guidelines Training

During the year, the Commission co-sponsored with the Ethics Officer Association (EOA), the ninth regional workshop on the implications of the organizational sentencing guidelines for business ethics and compliance. The EOA is a nonprofit organization that comprises more than 1,000 ethics and compliance officers who have as their designated mission the sharing of “best practices” for compliance and ethics within organizations.

The daylong event, with more than 100 participants, featured a keynote luncheon address by Vice Chair John Steer on the role of the organizational sentencing guidelines in influencing corporate conduct and governance. Commission staff delivered several presentations and participated in panel discussions (with representatives from the Department of Justice and the private business sector) on effective strategies for compliance, the regulatory response to the organizational sentencing guidelines, and the roles of internal auditors and boards of directors in shaping corporate compliance.

Throughout the year, the Commission and staff also participated in a variety of other symposia and programs on compliance and business ethics, discussing the proposed amendments to Chapter Eight and the significance of their application to corporations and other organizations.

“High-Tech” Approaches to Training

The Commission continues to explore ways in which new technologies (*e.g.*, multi-media programs, video teleconferencing, satellite broadcasting, and online conferencing) can be utilized to supplement its existing training efforts. In 2003, the Commission continued to work closely with the FJC to plan and develop education and information programming for the Federal Judicial Television Network (FJTN). The Commission’s involvement in programming on the FJTN affords the Commission the opportunity to expand the reach of its training efforts to the federal judiciary. In March 2003, the Sentencing Commission, in partnership with the FJC, featured a program on new amendments, money laundering, and economic crimes. Commissioners and staff also participate in other FJC programming on the FJTN when broadcasts address sentencing-related issues.

HelpLine

The *HelpLine* – serving judges, probation officers, prosecuting and defense attorneys, and law clerks – assists callers with specific guideline application questions and promotes guideline and sentencing education. *USSC HelpLine* is open to callers Monday through Friday between 8:30 a.m. and 5:00 p.m., EST at (202) 502-4545.

Calls Received in 2003

Since the *HelpLine*’s inception in 1987, the staff have responded to more than 20,000 questions from probation officers, judges, prosecutors, defense attorneys, and law clerks. In 2003, it is estimated that the *HelpLine* staff responded to approximately 2,400 calls. Frequently asked

questions related to application issues concerning relevant conduct, the criminal history guidelines, drug and firearms offenses, theft/fraud, immigration offenses, and the grouping of multiple counts of conviction.

In the process of responding to *HelpLine* questions, the Commission's training and legal staffs regularly consult with each other to ensure that questions are researched fully and answered accurately. A newly enhanced Commission database of *Helpline* calls allows staff to check whether a similar question has been asked previously, thereby speeding research efforts and enabling more consistent and accurate responses.

Temporary Assignment Programs

The Commission's temporary assignment program for assistant U.S. attorneys and assistant federal defenders continued through 2003. Two assistant federal defenders (John Rhodes, District of Montana; Davina Chen, Central District of California) and one assistant U.S. attorney (Delonia Watson, Northern District of Texas) worked with the Commission during 2003. Since the visiting attorney program began in 1988, 31 assistant federal defenders and 22 assistant U.S. attorneys have participated.

