

CHAPTER FOUR

Guideline Training and Education

In 2005, the Commission continued to provide guideline application assistance, education, and public information using a variety of different means.

Internet Website

The Commission's Internet website (*www.ussc.gov*) 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 2005, the home page was visited approximately 20,000 times per month. Users visiting the Commission's website 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 2005, 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 2005, 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 2005, Commission staff responded to approximately 2,000 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 2005, Commission staff made numerous presentations about the guidelines to university groups, visiting foreign dignitaries, and criminal justice practitioners.

Publications and Training Materials

The Commission issues numerous publications each year in addition to its *Annual Report* and *Sourcebook of Federal Sentencing Statistics*. In 2005, publications included the following: *2005 United States Sentencing Commission Guidelines Manual*; *2005-2006 Guide to Publications & Resources*; *Fifteen Years of Guidelines Sentencing: An Assessment of How Well the Federal Criminal Justice System is Achieving the Goals of Sentencing Reform*; and *A Comparison of the Federal Sentencing Guidelines Criminal History Category and the U.S. Parole Commission Salient Factor Score*. 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 editions of *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 United States 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 2005, the Commission provided training and outreach activities to more than 10,000 individuals at 151 different training programs across the country, including ongoing programs sponsored by the Federal Judicial Center (FJC) and other agencies. Compared to 2004, this represents approximately a 47-percent increase. Participants included circuit and district court judges, probation officers, prosecuting and defense attorneys, congressional staff members, law clerks, other government agency personnel, and judges from numerous countries in Europe, Asia, Africa, and the Middle East.

In 2005, the Commission also began a series of training programs on the impact of *U.S. v. Booker* on federal sentencing. These three-hour seminars highlighted (1) the activities of the U.S. Sentencing Commission in the aftermath of the Supreme Court's decision in *U.S. v. Booker*, (2) federal sentencing post-*Booker*, and (3) sentencing data regarding judicial reporting requirements.

Circuit and District-Based Guideline Education

In 2005, the Commission provided training for probation officers, judges, defense attorneys, and prosecutors by conducting guideline education programs in 44 districts. To maximize resources, when the Commission traveled to a district, the Commission typically contacted other practitioners in the criminal justice system and invited them to participate in the program as well. The Commission staff also lectured widely on sentencing issues at academic seminars, judges' meetings, and professional conferences.

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 2005 to participate in the FJC's orientation program for newly appointed district court judges by providing training on guideline application and sentencing-related topics to 28 new judges at two orientation programs.

In 2005, the Commission presented workshops on guideline application training to approximately 210 newly appointed probation officers during three orientation programs at the "New Officers Orientation" sessions in Washington, D.C. The workshops concentrated on guideline topics including relevant conduct, multiple counts, and criminal history.

Fourteenth Annual National Seminar on Federal Sentencing Guidelines

In May 2005, the Commission and the Federal Bar Association – San Francisco Chapter, jointly sponsored the Fourteenth Annual National Seminar on the Federal Sentencing Guidelines in San Francisco, California. Topics included basic individual guidelines training; recent Supreme Court jurisprudence: *Blakely*, *Booker*, *Fanfan* and their aftermath; fraud and theft guidelines; relevant conduct; drug, sex, firearms, and immigration offenses; criminal history; sentencing practice and procedure in the post-*Booker* era; plea bargaining in the post-*Booker* era; a view from the bench; departures and sentences outside the range under section 3553(a); sentencing appeals in the post-*Booker* era; organizational guidelines; supervised release: conditions and revocations; federal sentencing from a research perspective; advanced guideline issues; and Bureau of Prisons issues. This seminar was attended by more than 530 registrants from across the country.

Organizational Guidelines Training

In 2005, commissioners and staff made numerous keynote addresses and presentations regarding the recently amended organizational sentencing guidelines at more than 21 programs and seminars attended by more than 3,600 participants. These discussions focused on the more rigorous standards for effective ethics and compliance programs promulgated by the Commission in 2004.

Commissioners and staff organized and participated in programs and symposia with representatives of the private business sector, the Department of Justice, and other federal enforcement agencies to discuss the effect of these guidelines in deterring corporate crime and improving corporate governance.

“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 2005, the Commission continued to work closely with the FJC to plan and develop educational and informational 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. The Sentencing Commission, in partnership with the FJC, was featured in a FJTN broadcast on “Federal Sentencing After *Booker/Fanfan*.” 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 2005

Since the *HelpLine*’s inception in 1987, the staff have responded to more than 23,000 questions from probation officers, judges, prosecutors, defense attorneys, and law clerks. In 2005, *HelpLine* staff responded to approximately 1,200 calls. Frequently asked questions related to application issues concerning relevant conduct, the criminal history guidelines, drug and firearms offenses, theft/fraud, immigration offenses, the grouping of multiple counts of conviction, and post-*Booker* issues.

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 2005. Two assistant federal defenders (Alan DuBois, Eastern District of North Carolina and Fredilyn Sison, District of Nevada) worked with the Commission during 2005. Since the visiting attorney program began in 1988, 35 assistant federal defenders and 22 assistant U.S. attorneys have participated.

