

U.S. SENTENCING COMMISSION

YEAR IN REVIEW

— Fiscal Year 2006 —

On October 31, 2005, the terms of United States Sentencing Commission Vice Chair John Steer and Commissioner Beryl Howell expired, but the commissioners continued to serve in a hold-over capacity. (Both commissioners and new commissioner, Ms. Dabney Langhorne Friedrich, were recess appointed in December 2006.)

The Commission announced on January 10, 2006, the appointment of Judith W. Sheon as its new staff director. Ms. Sheon had served as the Commission's interim staff director for the seven months preceding her appointment and as the Commission's principal guidelines drafter and special counsel since December 1995.

On February 21, 2006, in San Antonio, Texas, and on March 6, 2006, in San Diego, California, the Commission sponsored public hearings to gather testimony from invited witnesses regarding immigration and federal sentencing policy.

On March 9, 2006, the President signed into law the USA PATRIOT Improvement and Reauthorization Act, Pub. L. No. 109-177, which mandates that sentencing courts use a standardized statement of reasons form issued by the Judicial Conference and approved by the Commission. This form was issued and approved in June 2006, and at that time, the Commission and the Judicial Conference jointly sent notice to the courts of this new requirement.

In March 2006, the Commission issued its comprehensive report on federal sentencing practices after the United States Supreme Court's decision in *United States v. Booker*,¹ entitled *Final Report on the Impact of United States v. Booker on Federal Sentencing*.

On March 15, 2006, the Commission held a public hearing in Washington, D.C., on proposed amendments to the sentencing guidelines. In March 2006, the Commission promulgated an emergency amendment increasing penalties for offenses involving anabolic steroids, in response to a congressional directive. On May 1, 2006, the Commission sent to Congress for its review a package of sentencing guideline amendments that made the emergency steroid amendment permanent and that addressed topics such as terrorism, immigration, firearms, and intellectual property offenses. The amendments took effect November 1, 2006.

On March 16, 2006, Commission chair, Judge Ricardo H. Hinojosa, testified before the House Subcommittee on Crime, Terrorism, and Homeland Security, House Committee on the Judiciary, regarding the impact of the Supreme Court's decision in *United States v. Booker* on federal sentencing.

¹ 543 U.S. 220 (2005). See Chapter One, page 2, for a discussion of the *Booker* decision.

On May 31–June 2, 2006, the Commission and the Tampa Bay Chapter of the Federal Bar Association co-sponsored the Fifteenth Annual National Seminar on the Federal Sentencing Guidelines in Miami, Florida. Nearly 600 attendees participated in the seminar.

On September 21, 2006, the Commission adopted its policy priorities for the guideline amendment cycle ending May 1, 2007. In addition to implementing crime legislation enacted during the 109th Congress in areas that include sex offenses, intellectual property, and terrorism, the Commission voted to continue its work with all three branches of the federal government with regard to federal cocaine sentencing policy and with regard to *Booker*. The Commission also voted to begin to consider and develop options to simplify the guidelines, to improve the overall operation of the criminal history guidelines, and to continue its policy work in the area of immigration.

In October and November 2006, the Commission held a series of roundtable discussions about guideline simplification and criminal history. Participants included federal judges, representatives of the Department of Justice, federal defenders, probation officers, and members of the academic community.

In fiscal year 2006, the Commission received documentation on more than 72,000 cases sentenced under the guidelines. During 2006, the Commission continued implementation of its Electronic Submission System (ESS) which enables federal districts to submit major court documents to the Commission across the courts' network, thereby improving efficiencies and avoiding delays in the mailing process. Seventy-three districts are submitting their case files electronically, and 17 others are working with the Commission towards joining ESS.

To better identify emerging trends over time, the Commission in 2006 began publishing on its website quarterly reports of its sentencing data.

In fiscal year 2006, the Commission's training staff continued to provide guideline application and sentencing-related training to judges, probation officers, prosecutors, defense attorneys, and others. Commission staff trained more than 10,800 individuals at 145 training sessions across the country (including ongoing programs sponsored by the Federal Judicial Center and other agencies) during fiscal year 2006.

During the year, the Commission's "HelpLine" provided guideline application assistance to more than 100 callers each month. The Commission continues to use its Internet site (www.ussc.gov) as a means of providing information about the agency and its work. The Commission continues to develop its online collection of guideline training materials.