

PCRI-1891

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
PROBATION OFFICE

KEITH A. KOENNING
CHIEF PROBATION OFFICER
688 EUCLID AVENUE, ROOM 808
CLEVELAND 44114

September 20, 1990

Communications Director
United States Sentencing Commission
1331 Pennsylvania Avenue, NW, Suite 1400
Washington, D. C. 20004

RE: Request for Comment

In regard to your memorandum of August 9, 1990, I write to advise that the U. S. Probation Officers involved in the preparation of Guideline Presentence Reports for the Northern District of Ohio, have some definite concerns in the areas of guideline application, and the adequacy of current training programs.

Guideline Application:

1. The present guideline manual should include more detailed explanation in the application of departures, especially downward departures, giving the writer more flexibility in recommending departures for reasons other than those stated in the manual.
2. A clearer description is needed in the areas of Uncounseled Convictions, especially felony convictions (Section 4A1.2, Commentary #6), and in the area of career offender. For example, what constitutes a "crime of violence."
3. It would appear some consideration should be given to revising Commentary #3 to 4A1.2, Related Cases. Multiple concurrent sentences are not adequately being taken into consideration due to their consolidation, thus providing a criminal history category which does not truly reflect the defendant's pattern of criminality.
4. Mitigating Role: Section 3B1.2; the Commentary and Application Notes are vague and need clarification.
5. Section 3C1.1 and Application Note 1(c) need to be expanded, in terms of the types of behavior which constitute Obstruction of Justice.
6. The area of multiple count guideline application needs to be expanded to clarify and explain differences in guideline 3D1.2(a), (b) and (c).

TRAINING NEEDS:

1. The compendium of "Questions Most Frequently Asked" is considered valuable. A semi-annual update would be most useful.
2. The Selected Guidelines Application Decision is considered valuable to better understanding the U. S. Sentencing Guidelines. This information should continue to be provided to all who write guideline presentence reports

SUGGESTION:

Portions of the United States Sentencing Commission Guidelines Manual should be typed on to a floppy disc for transfer to a hard drive. Then make this program available to all presentence writers. Writers often use information which is directly quoted from the guideline manual in preparing presentence reports. This program would provide writers with the capability of easy access to guideline statements which could be transferred through WordPerfect and incorporated directly into the presentence report.

Very truly yours,

Keith A. Koenning
Keith A. Koenning
Chief Probation Officer

UNITED STATES SENTENCING COMMISSION
1331 PENNSYLVANIA AVENUE, NW
SUITE 1400
WASHINGTON, D.C. 20004
(202) 626-8500
FAX (202) 662-7631

William W. Wilkins, Jr. Chairman
Julie E. Carnes
Helen G. Corrothers
Michael S. Gelacak
George E. MacKinnon
A. David Mazzone
Ilene H. Nagel
Benjamin F. Baer (ex officio)
Paul L. Maloney (ex officio)



September 24, 1990

Keith A. Koenning
Chief Probation Officer
Northern District of Ohio
668 Euclid Ave, Room 606
Cleveland, OH 44114

Dear Chief Koenning:

On behalf of the Commission, I thank you for your recent comments on proposed areas of study for the next guideline amendment cycle. Your submission has been copied and distributed to the Chairman, Commissioners, and members of the legal and drafting staffs.

We appreciate your interest in our work and look forward to your continued assistance. Rest assured that we plan to keep up regular distribution (twice yearly) of the *Questions Most Frequently Asked About the Sentencing Guidelines* and the *Case Law Update*.

Regards,

A handwritten signature in dark ink, appearing to be "PKM", written over a circular scribble.

Paul K. Martin
Communications Director

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO
PROBATION OFFICE

KEITH A. KOENNING
CHIEF PROBATION OFFICER

868 EUCLID AVENUE, ROOM 808
CLEVELAND 44114

March 13, 1991

Communications Director
U.S. Sentencing Commission
1331 Pennsylvania Avenue, N.W., Suite 1400
Washington, D.C. 20004

Re: Proposed Amendments

I have read the proposed amendments.

I urge the Sentencing Commission to consider expanding the Schedule of Substitute Punishments at 5C1.1 to include day reporting, and intensive supervision. Also, I suggest that a distinction be made between home detention and home detention with electronic monitoring.

I recommend that Application Note 6, to 5C1.1, be enlarged to permit intensive outpatient treatment in addition to residential treatment.

Respectfully submitted,

Keith A. Koenning
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