

QUESTIONS FOR WITNESSES

Douglas Ginsburg
Assistant Attorney General
Antitrust Division

(Submitted no prepared statement)

The statutory sentencing provisions to take effect with the guidelines differ from present law in that they do not authorize a court to fine an offender in an amount equal to double the gain or loss resulting from the offense. Is that a significant omission from the law? Absent a provision like that, how should we gauge the appropriate size of a fine?

John Greacen
American Bar Association Criminal Justice Section

In your prepared statement, you suggested the possibility of equivalencies between certain types of sanctions. Has the ABA considered equivalency rates between sanctions, e.g., between prison time and probation time, or prison time and fine amount? Do you have any suggestions for us in this regard?

Herb Hoelter, Marcia Shein
National Association of Criminal Defense Lawyers

Do you consider probation a punitive type of sentence? What sorts of conditions or restrictions make probation an effective form of punishment?

Jerry Miller
National Center on Institutions and Alternatives

(No prepared statement)

What sanctions should be imposed against a probationer who fails to comply with the terms of his probation? Or against an offender who fails to perform community service?

Alvin Bronstein
American Civil Liberties Union National Prison Project

On the basis of your long experience in this field, can you recommend any particular sentencing option as having particularly strong rehabilitative value?

BREAK

Harvey Goldstein
Chief of Probation, State of New Jersey, and current Chairman,
American Probation and Parole Association

Under a guidelines system, how could we give the sentencing judge the authority to place an offender on Intensive Supervised Probation without "widening the net" to include offenders not truly suitable for ISP?

Anne Schmidt, National Institute of Justice and Samuel Saxton,
Director, Prince George's County, Md. Department of Corrections

Apart from the actual cost of the electronic hardware itself, what other up-front costs, like training and computer equipment, are involved with an electronic surveillance program?

What types of offenders are typically placed under electronic surveillance?

Burt Galaway, Director of Graduate Studies, University of
Minnesota School of Social Work

In your experience, what arguments, if any, have the courts accepted as legitimate defenses to the payment of restitution?

Sally Hillsman
Research Director, Vera Institute of Justice

What objections are typically raised to the day-fine system? Should there be time limits on installment plans?

Don Chamlee, Director of Federal Probation; William Graves, Chief Probation Officer, Federal District of Colorado; and Newt Scott, Chief Probation Officer, Northern District of Oklahoma
Chief Probation Officer, Northern District of Oklahoma

What sort of "admissions" criteria or restrictions would be the most important in determining whether a probationer should be placed in an Intensive Supervised Probation program?

Do Federal probation officers frequently have problems obtaining reliable financial information about an offender for use in a presentence report?