

OPENING REMARKS FOR
SENTENCING OPTIONS HEARING
JULY 15, 1986

I. This is our fourth hearing

1st hearing: Offense Seriousness (April 15)

2nd hearing: Prior Record (May 22)

3rd hearing: Organizational Sanctions (June 10)

5th and final topical hearing: Plea Negotiations (Sept. 23)

II. Projected Timetable

Plan to publish proposed guidelines in late September

Tentatively plan for hearings in 6 cities in October thru

December: Chicago, New York, Atlanta, Denver, San
Francisco, Washington

Review and revise guidelines with expectation to send to
Congress before April 13, 1987 deadline

Sentencing Options, July 15, 1986

This hearing will address the range of sentencing options available to the court besides imprisonment. Researchers and practitioners with expertise in the range of possible options have been asked to share their knowledge with the Commission.

Testimony will be provided by Douglas Ginsburg, Assistant Attorney General for the Antitrust Division of the Justice Department; Sally Hillsman of the Vera Institute of Justice, who has done substantial research in the use of fines in sentencing; Don Chamlee and a panel of Federal probation officers; representatives of the American Bar Association, the ACLU National Prison Project, the National Association of Criminal Defense Lawyers, the National Center on Institutions and Alternatives, and the American Probation and Parole Association; and experts on the subjects of electronic monitoring and restitution.

Our respondents were asked for their views on the following questions:

Probation: Should some form of intensive supervised probation be imposed on certain types of offenders? If so, what roles should the Commission, the court, and the probation office have in determining which offenders are placed on intensive supervised probation? What kind of conditions not expressly listed in the probation statute should the Commission consider in drafting the guidelines?

Fines: Are there certain crimes for which fines should be the preferred sanction? What elements should be considered in calculating the actual amount of a fine? How should the offender's ability to pay be determined? What sanctions should be imposed if an offender fails to pay the fine?

Restitution: Under what conditions should restitution be ordered? How should a hearing be structured to efficiently determine the appropriate amount of restitution without unduly complicating or prolonging sentencing? Are there ways in which restitution could be effectively combined with imprisonment or community service?

Community Service: How should an effective community service program be structured? What types of offenders would benefit most from this type of sanction? Are there certain types of offenders for whom community service will not serve the goals of sentencing?

House Arrest: Is this a viable alternative to incarceration? If so, under what circumstances?