



DUE PROCESS

INSTITUTE

Due Process Institute Commends the United States Sentencing Commission’s Promulgation of an Amendment to Prohibit Acquitted Conduct Sentencing

WASHINGTON, D.C. – April 17, 2024

Statement by Shana-Tara O’Toole, Founder and President of the Due Process Institute, on the United States Sentencing Commission’s Promulgating an Amendment to Prohibit Acquitted Conduct Sentencing:

“We commend the United States Sentencing Commission (USSC) for unanimously promulgating an amendment today that prohibits the use of acquitted conduct when applying the Federal Sentencing Guidelines. This is undoubtedly a step in the right direction as acquitted conduct sentencing is a fundamentally unfair and unconstitutional practice that punishes defendants with lengthier sentences based on crimes they were never convicted of. We now hope Congress will adopt the amendment. If Congress chooses not to act, we look forward to the amendment’s effective date in November 2024.

However, the USSC’s amendment still does not prevent the courts from increasing sentences based on acquitted conduct under 18 USC § 3661. We urge Congress to pass the Prohibiting Punishment of Acquitted Conduct Act in order to rectify the dissonance between the USSC’s amendment and the broad federal statute that still allows for acquitted conduct sentencing.”

Learn more about the Due Process Institute’s work to end acquitted conduct sentencing by visiting our [website](#) and following us on Twitter at [@iDueProcess](#).

The mission of the Due Process Institute is to honor, preserve, and restore those constitutional rights intended to protect individuals and organizations against the arbitrary exercise of government power. This mission of procedural fairness is a vital one given the erosion of these rights in recent decades. Due process concerns transcend liberal/conservative labels and therefore we focus on achievable results based on core principles and values that are shared by all Americans.