

Sentencing Letters/Victim Impact Statements Process

Beginning June 20, 2016, all “sentencing letters” (i.e. character letters or victim impact statements) that are not submitted as an exhibit to a pleading/sentencing memorandum shall be docketed in the court’s electronic case docket when received by the court (whether before or immediately following sentencing) and available to the public only at the public terminals in the clerk’s office.

Anyone submitting such a letter to the court either directly and not as an attachment to a sentencing memorandum or other pleading (such as at a hearing), or through the U.S. Probation Office, the U.S. Attorney Office or defense counsel should note the following:

1. Parties submitting any sentencing letter/victim impact statement must comply with Fed. R. Crim. P. 49.1 regarding references to any (a) social security numbers or taxpayer identification numbers; (b) names of minor children; (c) dates of birth; (d) financial account numbers; and (e) home addresses in criminal cases, and with 18 U.S.C. §3509(d) regarding certain information in child victim impact statements.
2. Parties should exercise caution including any other sensitive personal information in any sentencing letter.
3. It is the responsibility of the filing party, not the clerk’s office, to review all sentencing letters to determine if they must be redacted to comply with Fed. R. Crim. P. 49.1 or 18 U.S.C. §3509(d), or if a motion should be filed seeking to seal the submission.
4. To the extent that a party desires that any sentencing letter be sealed in part or in its entirety to protect information other than that listed in paragraph 1 above, the filing party must move to seal the letter in compliance with court local rules. LR 83.12; LCrR 1.1(d); AP 3.3. Regarding motions to seal, to the extent possible, parties should avoid generally requesting that the motion to seal also be sealed where such motions can be drafted without the need to include sensitive information or with minimal redactions.
5. Parties are encouraged to submit sentencing letters as attachments to their sentencing memorandum/pleading, in which circumstance the letters will be processed with the memorandum in the same manner as any other pleading filed with the court. Parties desiring to file sentencing letters they may receive after they have filed a sentencing memorandum, may do so through ECF or in paper as an addendum to their previously filed memoranda.