

Please find attached some feedback for consideration for future priorities.

After retiring from a career in the FBOP, attending your last three national seminars and giving recent BOP related training to attorneys, judges and USPO's ; there is truly a void in the understanding of federal prison policy, culture and nuances which negatively impacts prison populations and misses practical opportunities for reform and population reduction. ( in my humble opinion) .

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**AUTHORITY:** 28 U.S.C. § 994(a), (o); USSC Rules of Practice and Procedure 5.2.

**pubaffairs@ussc.gov.**

**Attention: Public Affairs – Priorities Comment & William H. Pryor, Jr., Acting Chair**

**Re: Tentative priorities** and on any other issues that interested persons believe the Commission should address during the amendment cycle ending May 1, 2018.

(1) a **statement of the issue**, including, where appropriate, the scope and manner of study, particular problem areas and possible solutions, and any other matters relevant to a proposed priority:

It is recommended the commission develop a **Federal Prison Practitioners Advisory Group** to provide seamless education, transparency and communication among the commission, courts practitioners and stakeholders. The inability of everyone to better understand Federal prison policy, culture and nuances inhibits effective policy development, correctional treatment goals, re-entry and inevitably recidivism. It is evident in your annual seminars that attorneys, U.S. Probation Officers, stakeholders and even Judges have a very limited understanding of prison policy and culture which can be addressed by an advisory group. Such a group is within the charter of the USSC as **listed below**. Although there is meaningful, seamless interaction and dialogue with most components of the Federal justice system; prison official involvement is cursory.

**“28 U.S. Code § 994 - Duties of the Commission**

**(g)**

The Commission, in promulgating guidelines pursuant to subsection (a)(1) to meet the purposes of sentencing as set forth in [section 3553\(a\)\(2\) of title 18](#), United States Code, **shall take into account the nature and capacity of the penal, correctional, and other facilities and services available, and shall make recommendations concerning any change or expansion in the nature or capacity of such facilities and services that might become necessary as a result of the guidelines promulgated pursuant to the provisions of this chapter.** The sentencing guidelines prescribed under this chapter shall be formulated to minimize the likelihood that the Federal prison population will exceed the capacity of the Federal prisons, as determined by the Commission.

**(o)**

The Commission periodically shall review and revise, in consideration of comments and data coming to its attention, the guidelines promulgated pursuant to the provisions of this section. In fulfilling its duties and in exercising its powers, the Commission shall consult with authorities on, and individual and institutional representatives of, various aspects of the Federal criminal justice system. The United States Probation System, **the Bureau of Prisons**, the Judicial Conference of the United States, the Criminal Division of the United States Department of Justice, and a representative of the Federal Public Defenders shall submit to the Commission any observations, comments, or questions pertinent to the work of the Commission whenever they believe such communication would be useful, and shall, at least annually, submit to the Commission a written report commenting on the operation of the Commission’s guidelines, suggesting changes in the guidelines that appear to be warranted, and otherwise assessing the Commission’s work.

**(q) The Commission and the Bureau of Prisons shall submit to Congress an analysis and recommendations concerning maximum utilization of resources to deal effectively with the Federal prison population. Such report shall be based upon consideration of a variety of alternatives, including—**

- (1) modernization of existing facilities;**
- (2) inmate classification and periodic review of such classification for use in placing inmates in the least restrictive facility necessary to ensure adequate security; and**
- (3) use of existing Federal facilities, such as those currently within military jurisdiction.”**

**End of quotes**

**Note:** I realize there are probably separation of power issues regarding the judicial vs executive branches of governments, however, the benefits of such a group outweigh the structural issues.

Other potential benefits with such an advisory group might be as follows:

Input on the development of FBOP policy: **Example:** Crimes of violence. The BOP has its own agency policy criteria for what is determined as a crime of violence. In practice, inmates who are sentenced by the court for crimes **NOT considered violent** can not only be deemed violent by the BOP, but can be ineligible for early release under 18 USC 3621(e) which directly impacts population and program incentives to participate in treatment to help reduce recidivism.

Ombudsman like function: Such a group would be a better conduit for issues between the prison system and the judiciary. This would not be an oversight entity function but more of a more formal open line of direct communication with the Assistant Director of the Correctional Programs Division and/or OGC.

Training: Such a group would facilitate better ongoing training opportunities and enhance the annual prison related training offered by the USSC each year.

General communication: Such a group would provide feedback to the FBOP from field practitioners on issues like compassionate release, effective evidenced based programs, threat assessment tools, solitary confinement and commission priorities and guideline changes which directly affect prison populations.

**A direct and concise statement of why the Commission should make the issue a priority.**

Justice Kennedy said it best so I will close with his quote:

*“The corrections system is one of the most overlooked, misunderstood institutions we have in our entire government,” he said. He chastised the legal profession for being focused only on questions of guilt and innocence, and not what comes after. “We have no interest in corrections,” he said. “Nobody looks at it.”*

**I respectfully request the USSC give prison issues the attention that is warranted by an advisory group of practitioners. (Not just academics and lawyers)**

**Jack T. Donson.....**