



July 29, 2017

The Honorable William Pryor, Acting Chair
United States Sentencing Commission
One Columbus Circle, NE, Suite 2-500
South Lobby, Washington, DC 20002-8002

Re: Prisology 2018 Guideline Priorities Comment

Dear Mr. Pryor:

On behalf of Prisology, and our tens of thousands of supporters, I would like to urge the Commission to adopt structural changes to the current Sentencing Table.

The Commission is tasked by statute with ensuring that the Sentencing Guidelines are "formulated to minimize the likelihood that the Federal prison population will exceed the capacity of the Federal prisons." 28 U.S.C. § 994(g). While the federal prison population has declined in recent years, every federal prison in the nation continues to operate at levels in excess of original design capacity.

Overpopulated prisons are less safe for staff and inmates, make the delivery of medical care and other essential services more difficult, and impede the ability of the Federal Bureau of Prisons to provide meaningful rehabilitation programs to inmates who genuinely want to make a better future for themselves.

In 2014 the Commission adopted, and made retroactive, Amendment 782 to the Guidelines. Commonly known as "drugs minus 2," this Amendment allowed thousands of federal prisoners to apply for sentence reductions in a way that has not negatively affected public safety. Tax payers have saved billions of dollars as a result of this change. It is time for the Commission to make another similar bold move.

The current Guideline Sentencing Table is overly punitive and should be amended consistent with the below proposed new Sentencing Table. Prisology's proposed sentencing table would replace current Guideline ranges, across all criminal history categories, with the Guideline range called for by the offense level two levels lower. For example, the current Guideline ranges for offense level 43 would be replaced with the Guideline ranges for offense level 41.



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Further, under the revised new sentencing table, the maximum of each sentencing range is set not to exceed more than 15 percent of the bottom of the range. Statute instructs the Commission, "[i]f a sentence specified by the guidelines includes a term of imprisonment, the maximum of the range established for such a term shall not exceed the minimum of that range by more than the greater of 25 percent or 6 months, except that, if the minimum term of the range is 30 years or more, the maximum may be life imprisonment." 28 U.S.C. § 994(b)(2).

When the Sentencing Table was originally created, the Commission chose 25 percent from the bottom of each range as the default maximum for most sentencing ranges. A 15 percent difference between the bottom of the range and top of the range is more than sufficient to achieve the purposes of sentencing.

Prisology's proposed changes to the Sentencing Table are simple and easily administrable. In addition, this change would eliminate from the Guidelines a sentencing range of life imprisonment for first time offenders. It would also eliminate "life life" Guideline ranges.

While the Guidelines should continue to allow for life sentences in appropriate cases, the Guidelines should never dictate that the only sentence in a given case should be life imprisonment.

Thank you for the work that the Commission does, and for your consideration of our organization's comments.

Sincerely,

A handwritten signature in cursive script that reads "Brandon Sample".

Brandon Sample
Executive Director

PROPOSED NEW SENTENCING TABLE

	I	II	III	IV	V	VI
1	0-6	0-6	0-6	0-6	0-6	0-6
2	0-6	0-6	0-6	0-6	0-6	1-7
3	0-6	0-6	0-6	0-6	1-7	2-8
4	0-6	0-6	0-6	1-7	2-8	3-9
5	0-6	0-6	0-6	2-8	4-10	6-12
6	0-6	0-6	1-7	2-8	4-10	6-12
7	0-6	1-7	1-7	4-10	6-12	9-15
8	0-6	1-7	2-8	6-12	9-15	12-18
9	1-7	2-8	4-10	8-14	12-18	15-21
10	2-8	4-10	6-12	10-16	15-21	18-24
11	4-10	6-12	8-14	12-18	18-24	21-27
12	6-12	8-14	10-16	15-21	21-27	24-30
13	8-14	10-16	12-18	18-24	24-30	27-33
14	10-16	12-18	15-21	21-27	27-33	30-36
15	12-18	15-21	18-24	24-30	30-36	33-39
16	15-21	18-24	21-27	27-33	33-39	37-43
17	18-24	21-27	24-30	30-36	37-43	41-47
18	21-27	24-30	27-33	33-39	41-47	46-53
19	24-30	27-33	30-36	37-43	46-53	51-58
20	27-33	30-36	33-39	41-47	51-58	57-65
21	30-36	33-39	37-43	46-53	57-65	63-72
22	33-39	37-43	41-47	51-58	63-72	70-80
23	37-43	41-47	46-53	57-65	70-80	77-88
24	41-47	46-53	51-58	63-72	77-88	84-96
25	46-53	51-58	57-65	70-80	84-96	92-105
26	51-58	57-65	63-72	77-88	92-105	100-115
27	57-65	63-72	70-80	84-96	100-115	110-126
28	63-72	70-80	78-89	92-105	110-126	120-138
29	70-80	78-89	87-100	100-115	120-138	130-149
30	78-89	87-100	97-111	110-126	138-149	140-161
31	87-100	97-111	108-124	121-139	140-161	151-173
32	97-111	108-124	121-139	135-155	151-173	168-193
33	108-124	121-139	135-155	151-173	168-193	188-216
34	121-139	135-155	151-173	168-193	188-216	210-241
35	135-155	151-173	168-193	188-216	210-241	235-270
36	151-173	168-193	188-216	210-241	235-270	262-301
37	168-193	188-216	210-241	235-270	262-301	292-335
38	188-216	210-241	235-270	262-301	292-335	324-372
39	210-241	235-270	262-301	292-335	324-372	360-life
40	235-270	262-301	292-335	324-372	360-life	360-life
41	262-301	292-335	324-372	360-life	360-life	360-life
42	292-335	324-372	360-life	360-life	360-life	360-life
43	324-372	360-life	360-life	360-life	360-life	360-life