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To: United States Sentencing Commission.

From: Enrique Enriquez

Legislators, policymakers and regulators struggle today against a broken criminal justice. Corrections facility is crowded and budget overspent, but costs keep growing, while recidivism rate are among the highest in the world.

Federal and States authorities have made incarceration a primary weapon in the war on crime and drugs, resulting in skyrocketing imprisonment rates rising 700 % since the 1970s.

There are 2.2 million men and woman doing time behind bars in a dangerous and inefficient U.S. incarceration system, enduring unjust limits on civil rights, with a very low percent of good chances for a head start on a better life.

The harm done to the families of the incarcerated especially children is a severe consequence of the criminal justice system. There are 1.1 million incarcerated fathers and 120,000 imprisoned mothers in the U.S. report the Pew Charitable Trusts. As a consequence more than 2.7 million U.S. children have incarcerated parents and 10 millions have experience parental incarceration in their young lives. The harms to youth, communities and the nation are incalculable. Parental Incarceration is the "greatest threat to child well- being in the U.S.

It is little known outside the families and the people involved in any way in the prison system that our records are very shameful as a nation. U.S. is the leader in mass incarceration; there is 25 % of the world inmate's population in our prisons, this is the highest incarceration rate anywhere – higher than China, Russia and Iran, U.S. is leading all this countries, some known to be the greatest human right violators in the world. U.S population is less than 5 % of the world population, our rate is the higher. Over 7 million people are doing time, on probation or parole within a dysfunctional U.S. correctional system that has corrected very little, but still costs taxpayers 210 billion yearly.

The criminal system is broken, the problems are huge, very costly and unfair, but not unsolvable. Repairing our criminal justice system is good for America.

Solutions.

The system should look at some important statistic mentioned above and others mention in the following paragraph, it is imperative a different and better approach.

Mass Incarceration is a result of severe sentences and higher recidivism rate.

## Severe sentences

Since the 1980s with the title of "War against Drug" severe and unfair sentences were imposed.

Did these severe sentences reduce drug consumption in significant numbers and deter people to commit crimes related to drugs?

The answer is NO; look at the drug epidemic affecting our society today. Severe sentences are a costly and inefficient answer that only keep increasing our incarcerated population and keep increasing costs. Studies show that crime is not reduced by lengthy imprisonment. Longer mandatory sentences did not reduce recidivism.

There are thousands of offenders that deserve a second chance, inmates with criminal category 1 to 2, also showing excellent conduct and attending course and training provide by the F.B.O.P.

Category I are 31.7 % of the inmates population, and category II are 10.4 % for a total 41.1 %, this inmates has limited, little or no prior criminal history. The safety valve should be more inclusive, not so exclusive. Inmates with fire arms are 24.4% if the fire arm was present but not used and there are not fatal consequences a more lenient approach should be considered too.

The high percent of recidivism is because ex-offenders face job and housing biases, are denied basic government services, the rudimentary rehabilitation programs is not enough, they need minimal assistance programs for society reentry. If ex-offenders become productive citizens, responsible citizens, then population inmates will be reduced, the costs will decrease and society can benefit.

The Drug Conversion drugs to marihuana is very severe, a more lenient table may be reduce the level for the amount of drugs. A more lenient approach will change the levels starting from level 6, to instead less than 1 KG should be less than 2.5 KG, level 8, 2.5 Kg to 10 Kg, level 10, 10 to 40 KG, level 12, 40 to 160 Kg, level 14, 160 to 480 KG, level 16, 480 to 900 KG, level 18, 900 to 1500 KG, level 20, 1500 to 2500 KG, level 22, 2500 to 3500 KG, level 24, 3500 to 5000 KG., level 26 5000 to 7500 KG, level 28 7500 to 15,000 KG, level 30, 15,000 to 30,000 KG, level 32 30,000 to 60,000 KG, level 34 60,000 to 120,000 KG, and level 36 > 120,000 Kg. This is one of the ways to reduce sentencing with a more lenient and more compassion level, making it retroactive, the inmate must show good behavior and discipline, good behavior and good discipline are good elements for a new life outside prison cells. Probation must be stricter and in full enforcement, for those with children they will have the opportunity to enhance their children life. The existing table is very severe with small drug dealers; it has some levels with a large amount in the same level like 1,000 to 3,000, and 3,000 to 10,000, 10,000 to 30,000 and so many others. With a very large range in the same level, it should be more lenient.

A more inclusive Safety Valve, a more lenient level for the Drug Conversion Table, a more realistic drug comparison and not the unfair used now, will help reduce our record of been the "incarcerator in chief"

Severe sentences, excessive sentences and lengthy sentences had been proving a very wrong society answer to our drugs and crimes problems and a very costly one.

## Synthetic Drugs

Your commitment to review and make corrections to this matter is another way to reduce mass incarceration. The synthetic drugs had been wrongly evaluated, wrongly compare to more powerful drugs, the best example is Ethylone, a drug not in the table, but compare to MDMA a substance evaluated 1:500 in schedule 1, MAPS clearly and with irrefutable scientific data is in full disagreement with the evaluation of 1: 500 for MDMA.

If MDMA is wrongly evaluated, it was 1:35 before 2001, but using the wrong approach to deter consumption was exponential increase to 1:500 in 2001, and since 2001 no more updates in the table. The idea of severe and lengthy sentences will solve the problem is totally wrong. The idea of increasing from 1:35 to 1:500 with the purpose of imposes lengthy sentences in courts, obviously has the wrong result, its increase mass incarceration, instead other expected results. The overreacted and hysterical increase of 2001 with the purpose to deter consumption accomplished a significant criminal drug related cases reductions? The answer is no: more powerful synthetic drugs are in our streets than before, the synthetic heroin is producing more overdoses, more medical emergencies and unfortunately more deaths than before, last year more than 19,000 of our sons and daughters , just for synthetic heroin, but the overdoses total amount of deaths was more than 48,000.

Is this terrible? Yes it is, Does the government is doing the right thing with excessive sentences to prevent drugs overdoses? The answer is not at all.

## Drug Ethylone

Ethylone is a synthetic drug like Buthylone, there are cathinones.

The effect of MDMA, methylone and ethylone are not identical. In comparison to Methylone, it has approximately over 3x lower affinity for the serotonin transporter (which itself has 3x lower affinity than MDMA) The results of these differences in Pharmacology relative to methylone is that ethylone is less potent in terms of dose, and MDMA is more powerful than Methylone. Recently Dr. Dudley stated that Ethylone should 1:100, instead 1:500, Maps stated that some synthetic drugs are wrongly compared to MDMA 1:500, MAPS stated that MDMA is wrongly exaggerated. Dr. Halpern in US vs Holmes testified that cocaine produce more medical emergencies, more violence, more addiction and is it more dangerous than Ethylone and cocaine is 1:200, he testified with laboratory animals experiment, the expert DEA witness DR. Prioleau testified she has no opinion about Ethylone Potency.

The scientific community is testifying that ethylone is less potent than methylone and methylone is less potent than MDMA. In a recent Federal court case in Tampa Florida the court evaluate Ethylone as 1:200, the defendant produce an expert witness with sufficient scientific data, however some courts go with 1:500 the wrong comparison to MDMA. If the defendant can bring an expert, the chances are much higher than a defendant without experts witness, not everyone can afford financially a professional pharmacology Dr. Ph. D expert witness.

Basically there is several ways to reduce mass incarceration, sentencing disparity and others factors increasing prison population.

The process of starting the study of synthetic drugs is very positive; there are families and inmates waiting for your final result. A lot of hope for peoples, who need it badly, it is very important to thousand of peoples your dedication and your prompt solution to this unfair comparison of synthetic drug specially ethylone and buthylone.

Make retroactive all sentencing corrections.

Respectfyllly



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