

Aug 1, 2018

U.S. Sentencing Commission

Dear Commission,

Dear Judge Pryor:

I am a 73-year old retired public servant (teacher, and an employee of the Department of Defense) and have been a long-time volunteer in several local public service activities. I have a very close family, every single one of whom is kind, caring, civic-minded, public-service oriented, and highly educated. Yet, one member of our family is now in federal prison, and another is facing an unrelated felony charge that may result in a state prison term. Both of these charges are for non-malicious, non-violent acts.

We ask, how could this possibly happen? TWO good people, members of a gentle and socially responsible family, for crimes of poor judgment but for where there was no intended or identified victim? This to me is another shocking example of the widespread degree to which the justice system has become over-zealous in imprisoning too many people, many for non-violent crimes, while also harming their families and wasting tax dollars.

With that background, I would like to offer the following comments on the USSC's Proposed Priorities for 2019.

A. I strongly support:

- The Commission's intent to include reduction of costs of incarceration and reduced overcrowding of prisons as priority factors where relevant to any of the other identified priorities.

- The Commission's continued work to improve the guidelines so they promote proportionality, reduce sentencing disparities, and give appropriate consideration to the defendant's role, culpability and relevant conduct (Priority 1).

- The Commission's continued work with Congress and others to implement the recommendations of the Commission's 2011 report to Congress, Mandatory Minimum Penalties in the Federal Criminal Justice System (Priority 4).

B. A few missing items which I hope the Commission will add into the priority list:

1. Under Priority 1, please consider addressing and recommending solutions for disproportionate sentencing of impoverished people, African-Americans, and Latinos.

2. Alternatives to Incarceration. This was a key item in last year's proposals. Please revisit this important issue! In addition to helping eligible prisoners where appropriate as well as their families, alternatives to incarceration will in many cases reduce costs, and

reduce prison overcrowding.

(a) As part of this effort, I hope you will study and attempt to ensure that compassionate release, as has been encouraged by the Commission, is actually being implemented by the Bureau of Prisons.

(b) Please consider adding reduced prison sentences for first offenders under this category.

3. Re-evaluation of how to recognize and apply distinctions between offenses in the same category but of varying degrees of seriousness so as to avoid an unfair one-size-fits-all label and sentence.

One example affects my family. The USSC study of 2013 on Child Pornography stated that the current sentencing structure does not "...adequately distinguish among offenders based on their degree of culpability or sexually dangerous behavior."

In our loved one's case involving downloaded internet pornography on a home computer, some downloaded material contained images of children. There was no malice intended. My family member was 62 years old when arrested, a wonderful person and a model citizen, but is 65 and in prison now. He had never once in his life had any inappropriate sexual contact or conversations with children and wouldn't ever have dreamed of doing so. Yet today he is labeled with a "Public Safety Factor" and was sentenced to 45 months of federal prison, which will be followed by a 15 year probation including registration as a "Sex Offender". Senseless!

Thank you for allowing me to submit these comments. I am very grateful for the fine work you have been doing to improve our sentencing guidelines and in turn to help our society!

Sincerely,



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