

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

October 17, 2022

KATHLEEN M. WILLIAMS
DISTRICT JUDGE

Honorable Carlton W. Reeves, Chair
United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, D.C. 20002-8002

Re: USSC's tentative priorities for current amendment cycle

Dear Judge Reeves:

We, as judges for the Southern District of Florida who supervise our court's reentry program (CARE Court), respectfully submit the following comments on the Commission's tentative priorities for the amendment cycle ending May 1, 2023.

Our reentry court's ultimate goal is to develop and maintain an effective supervision model that allows those who graduate from the program to remain drug and crime free in the community. After a review of our program, independent researchers have preliminarily found that returning citizens who participate in CARE Court—even if they do not complete the program—are less likely to recidivate.

Because front-end alternatives to incarceration serve similar goals—giving sentencing courts more options, saving taxpayer money, strengthening families and communities, and protecting the public by reducing crime—we were pleased to see the Commission has identified the following as a tentative priority:

(12) Multiyear study of court-sponsored diversion and alternatives-to-incarceration programs (e.g., Pretrial Opportunity Program, Conviction And Sentence Alternatives (CASA) Program, Special Options Services (SOS) Program), including consideration of possible amendments to the Guidelines Manual that might be appropriate.

As you know, in passing the Sentencing Reform Act, Congress recognized that there had been "too much reliance on terms of imprisonment when other types of sentences would serve the purpose of sentencing equally well." Consequently, Congress sought to increase the "range of [sentencing] options from which to fashion an appropriate sentence." Congress specifically instructed judges to consider "the kinds of sentences available" before determining a sentence sufficient but not greater than necessary. Congress also directed the Commission to "insure that the guidelines reflect the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense."

Hon. Carlton W. Reeves
October 17, 2022
Page 2

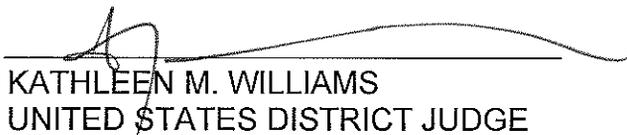
Since the passage of the SRA, however, the use of probation has dramatically decreased. Before the guidelines, almost 50% of federal sentences were straight probation. Under the initial guidelines, that figure dropped to around 15%." Last year, courts imposed straight probation in only 6.2% of cases. And while the Commission has set alternatives to incarceration as a priority issue several times in the past, only modest changes have been made.

Based on the intent of Congress, the mission of the USSC, and our experience, we respectfully submit that the Commission adopt Priority 12.

Very truly yours,



PATRICIA A. SEITZ
SENIOR UNITED STATES DISTRICT JUDGE



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE



LISETTE M. REID
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Luis Felipe Restrepo, Vice Chair
Laura E. Mate, Vice Chair
Claire Murray, Vice Chair
Hon. Claria Horn Boom, Commissioner
Hon. John Gleeson, Commissioner
Candice C. Wong, Commissioner
Patricia K. Cushwa, Commissioner *Ex Officio*
Jonathan J. Wroblewski, Commissioner *Ex Officio*
Kenneth Cohen, Staff Director
Kathleen Cooper Grilli, General Counsel