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DISTRICT OF MINNESOTA
TESTIMONY OUTLINE BEFORE U.S. SENTENCING COMMISSION
REGIONAL HEARING, DENVER COLORADO

OCTOBER 20, 2009

I would like thank the U.S. Sentencing Commission for the great honor and opportunity to provide testimony on behalf of the District of Minnesota Probation Office regarding sentencing policies and practices in the federal judiciary. My testimony is derived from the input of the District's Probation Officers who work daily in the sentencing process. The main issues to be discussed in my testimony and recommendations from the Probation Office are as follows:

- 1) It is recommended that the Sentencing Commission continue to pursue the elimination of the disparity between powder cocaine and cocaine base (crack) within the Sentencing Guidelines Drug Quantity table.
- 2) It is recommended that the Sentencing Commission continue to pursue the elimination of mandatory minimums to remove the conflict that exists between the statutory goals of sentencing contained in 18 U.S.C. § 3553, and the mandatory minimum sentences that exclude the consideration of many offense and offender characteristics, which limits the ability to reach the combined goals of appropriately tailored punishment, deterrence, protection of the community, and corrective treatment.
- 3) It is recommended that the Sentencing Commission go further to lower the specific offense characteristic levels for the non-violent aggravating felonies in Illegal Reentry cases due to the lengthy prison sentences that currently often surpass sentences for a violent offense such as bank robbery. These Illegal Reentry enhanced sentences overcrowd our justice system and prisons and fail to deter illegal reentry with great expense to the public.
- 4) It is recommended that the Sentencing Commission more narrowly define what constitutes a crime of violence as it applies to Career Offenders and make a recommendation to Congress to similarly redefine the violent felony definition for the purposes of Armed Career Criminal determinations.
- 5) The Probation Officer's perspective on post-Booker sentencing is that the Sentencing Guidelines are a systematic structure that identifies similar offenses committed by similar offenders. It is believed that the Guidelines being advisory allow the Court to appropriately weigh other relevant factors and characteristics for imposition of a just sentence tailored specifically to fit the characteristics of the offense and the offender.

On behalf of the District of Minnesota U.S. Probation Office, we thank the Commission for taking the time to consider our input and recommendations from the view of the Probation Office.