UNITED STATES SENTENCING COMMISSION

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PUBLIC HEARING

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THURSDAY
MARCH 13, 2025

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The U.S. Sentencing Commission met in Suite 2-500 of the Thurgood Marshall Federal Judiciary Building, One Columbus Circle, NE, Washington, DC, at 9:30 a.m. EST, the Honorable Carlton W. Reeves, Chair, presiding

PRESENT:

CARLTON W. REEVES, Chair
LUIS FELIPE RESTREPO, Vice Chair
LAURA E. MATE, Vice Chair
CLAIRE MURRAY, Vice Chair
CANDICE C. WONG, Commissioner
SCOTT A.C. MEISLER, *Ex-Officio* Commissioner

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P-R-O-C-E-E-D-I-N-G-S

9:30 a.m.

CHAIR REEVES: Good morning. I'm the Chairman of the United States Sentencing Commission, Carlton W. Reeves, and I welcome you all to this hearing this morning. I thank each of you for joining us, again, whether you're in this room or you're attending via livestream.

I have the honor of opening this hearing with my fellow Commissioners. To my left is Vice-Chair Claire Murray, to her left is Vice-Chair Laura Mate, and to Ms. Mate's left is DOJ ex-officio Scott Meisler. To my right is Vice-Chair Luis Felipe Restrepo, and to his right is Commissioner Candice Wong.

We're also joined by Commission employees, our dedicated staff, some of whom are -- most of whom are not in this room, but some are, and we appreciate everything that they've done to help us prepare for this hearing. These are our dedicated public service -- servants, and we can't thank them enough for everything that

they do.

They draft the policies that we work with, they set up this room that we're in, and they have done so much more and will do so much more on behalf of our Commissioners, and we appreciate them. So I thank all of our amazing staff every day, and thank you so much for the work that you do.

Today, we are here to receive testimony on proposed amendments to the Guidelines Manual concerning supervised release.

Panelists, thank you for being here. We've read your written submissions. We appreciate those written submissions. Your time will begin when the light turns green. You'll have one minute when it turns yellow, and unfortunately, no time left when it turns red. If I cut you off, please understand I'm not being rude, I can't be rude, right, as we've had so much to cover today. And we'll have limited time to hear from everyone, and we do want to hear from everyone.

For our audio system to work, you'll need to speak closely into the microphones. Make sure you see your green light. And if you'll -- and if you're not speaking, I'll ask that you keep your -- make sure your light is red, because these mics are hot.

After you -- after the panelists have completed their opening statements, the Commissioners may ask you questions. I'm pretty sure we will. So thank you for joining us, and I look forward to a very productive hearing today.

Our first panel that I would like to introduce to the public, these are persons who are representing our Advisory Groups. Those groups are so very dedicated and so much of a part of the work that we have to do, and our Advisory Groups provide the best information for us and help us in all that we do, and we cannot thank enough our Advisory Groups.

First, we have David Patton, a member of the Practitioners Advisory Group. He is currently a partner at Hecker Fink, LLP in New

York City.

Second, we have Joshua Luria, the Chair of the Commission's Probation Officers Advisory Group, and an Assistant Deputy Chief Probation Officer from the Middle District of Florida. The Probation Office Advisory Group is called, internally, POAG, so you may hear that from time to time.

Third, we have the Honorable Ralph Erickson, who serves as Chair of the Commission's Tribal Issues Advisory Group, TIAG. And Judge Erickson is a United States Circuit Court Judge on the Eighth Circuit Court of Appeals.

Finally, we have Christopher Quasebarth, who is the Chair of the Commission's Victims Advisory Group. You got it, VAG. And he is a Senior Staff Attorney for the Maryland Crime Victims Resource Center.

Mr. Patton, who represents PAG, you are free to start. We're ready to hear from you, sir, whenever you are.

MR. PATTON: Thank you so much, Chair

Reeves and Commissioners, for having us here to speak with you about these issues today. On behalf of the Practitioner's Advisory Group, I just want to say we are grateful for the thoughtful proposals particularly put forth on supervised release, and we very much support them.

In my experience, at the time of sentencing, the imposition of supervised release is too often an afterthought for those in the courtroom. Understandably so, the big-ticket item and the -- focus is typically on whether and how much imprisonment may be imposed.

But as we all know, supervised release is anything but an afterthought to someone who is actually serving a term. To state the obvious, it can be a very serious restriction on liberty, governing everything from where a person can live, to who they can and cannot associate with, to a host of sometimes-burdensome testing reporting and notice requirements.

And while supervised release can

sometimes be a source of needed support and transition, too often it is not, and sometimes just the opposite. The conditions may impose barriers and hurdles that make successful reentry more difficult, not less.

The Commission's proposals would rightly steer things in the direction of greater intentionality when it comes to the imposition of supervised release and its terms, and greater intentionality and individual -- individually-tailored terms can only help improve efforts at rehabilitation and, ultimately, public safety.

I have reviewed some of the many public comments you have received. I was able to watch some of yesterday's testimony, and I just wanted to respond to one general line of criticism that I've heard of some of your proposals. And it goes something like, some of these proposals are not necessary, because judges are already aware of their discretion in this area. There's no need to muck things up by

creating additional tasks, or encouraging additional scrutiny or revised scrutiny of terms; in essence, that you might just be creating unnecessary busywork.

I couldn't disagree with that view more strongly. In my experience, inertia is a very powerful force in the courts. Once judges and practitioners, and I very intentionally include practitioners in this comment, get used to a certain way of doing things, it's very hard to move us off of them.

So if you want judges and practitioners to truly give more thought to things like early termination when it's called for, it is, in fact, very helpful for you to use direct, strong language, as your proposals do. If you want judges to truly consider individual circumstances rather than just checking boxes of what are now called standard conditions, it is helpful to be clear about that and to be explicit about that.

When I say I very much include

practitioners here, I just want to point out that the Commission -- the language that the Commission uses in the guidelines is not just a guide for the courts. It can very much impact advocacy and be a guide for advocates to point us to things that we might otherwise overlook. And I think a lot of the language in these proposals will very much help on that front for areas that practitioners sometimes do overlook and don't give enough thought to.

So with that, again, I thank you. We are very grateful for the work you've been doing in this area.

CHAIR REEVES: Thank you, Mr. Patton.

Mr. Luria?

MR. LURIA: Thank you to the Commission for the opportunity to provide POAG's perspective on the proposed amendments related to supervision.

The proposed amendments, if adopted as written, could have a significant impact on the way probation officers do their work. Our

mission as probation officers is to protect the public, promote fair and impartial administration of justice, and facilitate meaningful positive change in the lives of others.

Probation officers provide a lot of assistance to people under supervision, from helping them get their driver's license, to helping them navigate interpersonal issues, to connecting them with various treatment or vocational programs. We work with individuals under supervision to help them live a productive life in society.

Probation officers engage in individualized assessments of persons under supervision on an ongoing basis, balancing the needs of the individual against the protection of the public. With that mission in mind, POAG is supportive of some of the proposed amendments, but also has some concerns about others.

While we've covered these areas in detail in our written submission, we will only address a few of them here today. POAG

unanimously supports the Commission's proposed amendments related to the removal of minimum supervised release terms under §5D1.2.

The entire investigation and authorship of a pre-sentence report is a form of individual assessment, and the probation officer works closely with the courts to provide information that is valuable in making the determinations that are part of sentencing.

However, POAG observes that judges already provide a record for why they are sentencing -- that they're imposing a sentence, and therefore, we do not support the proposed §5D1.2(c). That would require the court to state the reasons for the length of the term of supervision imposed on the record. We believe that a requirement of this nature could invite litigation and cause unintended consequences.

POAG supports the Commission's amendment to include language related to modifications, early termination, and extensions of supervised release. POAG observes that early

termination could be an incredible motivation for some individuals. We encourage the Commission to look at the Guide to Judiciary Policy and work with other stakeholders to ensure that the approach and guidance towards early termination is consistent.

Probation officers are engaged in work to help the courts determine when a person under supervision is ready for early termination. We also understand that the Criminal Law Committee and the Administrative Office are looking at the workload formulas related to early termination. POAG believes that this amendment is an important step towards creating a higher consistency of utilization of early termination.

POAG also notes that success may look different for each individual on supervision. Sometimes, people need the full term of supervised release available. Many of the successes experienced by the individuals -- individual aren't captured in statistical analysis. Those successes can look like a longer

period of sobriety or remembering to take necessary mental health medication in the morning.

POAG does have some concerns about the language in the proposed modification of conditions section. We support the use of "may" and suggest removing the last sentence in that paragraph that encourages courts to conduct an assessment as soon as practicable after the defendant's release. We do not think that hearings on these -- on these are necessary in every case.

The probation office has a long history of working with the courts early in the individual's supervision to modify conditions as needed. Under this language, we have the flexibility to achieve the same outcome without impeding on the defendant's adjustment or the court's time.

As noted in our written submission, POAG is also concerned about the amendments related to the standard conditions. POAG does

not believe that the standard conditions should be adjusted, or that the language, quote, "may modify, expand, or omit," end quote, should be adopted. The standard conditions provide a basic continuity of appropriate supervision tools. We understand that judges have the power to amend them or omit them, but POAG observes that that type of adjustment is currently rare in most jurisdictions.

POAG was not in favor of the creation of a Grade D violation. Technical violations can often be addressed informally. When they are brought to the court for violation, the probation officer has often exhausted a variety of other investigation or intervention strategies.

POAG also observes that there are technical violations that would be viewed as being more serious than conduct that could constitute a Grade C violation. For example, a sex offender having contact with a minor would probably be viewed as a more serious violation than a defendant sustaining a misdemeanor driving

offense.

Lastly, POAG is not in favor of re-scoring a defendant's criminal history category as part of a violation of proceeding. Supervision officers generally have no experience with scoring criminal history, and it is an extremely complicated skill to learn. Re-scoring would create additional practical application problems.

The probation officer is a stabilizing force in a person's under supervision's life. We really appreciate the Commission's effort to revitalize the guidelines that help us to do this important work. Thank you for this opportunity to share our thoughts.

And I stand ready to answer any questions.

CHAIR REEVES: Thank you, Mr. Luria.

Judge Erickson.

JUDGE ERICKSON: Thank you, Chairman Reeves, members of the Commission.

TIAG generally supports supervised

release. And I think that it would be -- it's important to bear in mind a couple of things.

Supervised release is hard. Supervised release is hard for the people being supervised. It's hard for their families and friends. It's hard for the probation officers who are trying to supervise them. It's hard for the victims who live in the same communities. And yes, it's hard for judges, but bear in mind it's less hard for us as judges than it is for everybody else in that process, okay.

And it's important for us to bear in mind that a lot of what happens -- when I was reading the comments from other judges, when I was reading the comments just generally, and I read all of them, as I went through them, I said this is a big country and there are a lot of different things going on in this country all over the place, but a lot of these comments are based on a world that is not the world that I practiced law in, not the world that I was a district court judge in, and not the world that

I'm a judge in now, right.

And if you think about what goes on in Indian Country, we have what's called the too problem, T-O-O. That is too remote, too few people, too many governmental needs, and then not enough money, right. And so if you think about what's going on -- I'm reading about these judges who are saying, well, there's, you know, all these resources available in the community, and they say, well, that's not the community where most the people in Indian Country live, right.

And I get kind of -- kind of, I guess, worked up about it. More, probably, than I should. Because I grew up in a little rural town nestled between two Indian reservations, and I have some idea of what those communities look like, right.

The other thing is, is that there seems to be an indication on a lot of part -- a lot of judges' part that their role isn't really as active as I believe it ought to be because they think the probation officers can handle most

of this and they'll just bring them to us when we've got troubles. And I think that what they're doing when they make those kinds of observations is that they perceive all of the people on supervision as being normal people. And I'm not saying that -- and I don't mean -- normal is such a bad word to use, but listen, I'm a person who has undiagnosed ADHD as a kid. I was always in trouble. At my first investiture as a state judge, my dad stood up in front of a whole room full of people and said, "We always knew Ralph was going to spend a lot of time in courts, we just didn't know in what capacity."

Right. Now, he meant that. Because I was always in trouble as a kid. I couldn't play -- pay attention. I didn't stay on task. I did not see cause and effect very well. And so because I lived in a little tiny town where everybody knew me and my family, I was afforded a lot of breaks, right. I mean, I spent a lot of time in a principal's office having people explain to me that that is just not how people

operate, okay.

That didn't deter me. I mean, by the time I was 30 years old, I was suicidal and a full-blown alcoholic and my life was a mess, right. And then I found sobriety and my life changed entirely. And I don't usually talk about this, but I talk about it with people I supervised -- that were on supervised release when they appeared in my court. Because a lot of times I felt like, man, I'm the only person in this courtroom that knows what those folks are living, all right. Because they've got learning disabilities. They've got cognitive dissonance problems. They've got cognitive behavioral problems.

There's a lot of people that have -- I don't know. They -- they're on the spectrum. There's a word we're supposed to use it, like neural something or other that I don't remember anymore. But that's kind of the story, right.

And I think that a lot of times judges have such a normal background, they come from

really supportive places, and they didn't suffer through these things themselves, that they fail to realize what the difference a judge makes in this process, right.

Because here's what I know, is that I told probation officers all the time from the first day I became a judge, bring to me anyone you think is at moderate or high risk to re-offend early on so we can talk. So we can talk through their conditions, and I can tell them these conditions are important. I'll explain to you why they are important. I can explain to you what the problems are.

And it made a difference, right. Because when the probation officer -- listen, these people all think these rules are just penny-ante rules trying to ruin my life. And you're on me all the time with a bunch of stuff I can't do. And no normal person has to live this way. And you tell me I've paid my debt to society and now here I am. Right?

And the probation officer tries to

talk them off the cliff, off the edge, over and over and over again. And by the time they get around to filing a petition, they're right, you know. They've done this dance a bunch of different times and it could be a Grade D violation at that point, but they've done what they could.

Now all I know is that my people under supervision, if I was hands on early on, they did better. And that's because they understood that somebody cared, right.

You know, I have a nephew who's in prison. And when my nephew got out of prison the last time, he came to me and he said, "Uncle Ralph, I want you to know that inside the prison that you're one of the most respected people there because you treat us like people."

You know, if the idea is the judges aren't treating people who go to prison and people on supervision like they're people, we are doing things wrong. Because there are no throwaway people.

I'm sorry I went long. I just kind of couldn't help myself.

CHAIR REEVES: Thank you, Judge Erickson.

Mr. Quasebarth.

MR. QUASEBARTH: Good morning. And thank you, Chair Reeves and Commissioners for the opportunity to speak to you about how your proposed amendments might affect victims.

Just to summarize three points from yesterday. Of course, victim survivors are harmed and want that harm righted through the process. They're important stakeholders with rights under the Crime Victim Rights Act, and they need that finality that sentencing brings.

As to Part A: Supervised Release, that is such an important aspect of sentencing and should always be considered where there are crimes where victims are involved. Victims have a heightened risk of safety when a defendant is released from prison. And the Crime Victim Rights Act gives them rights to safety, to

notification of hearings, the right to be heard on release and sentencing, the right to restitution, and, of course, just to be treated with fairness and respect.

I -- you know, I want to try to give an example. I'll try to keep it short. But a young woman breaks up with her boyfriend and he doesn't take it well. But to show his dedicated love, he shows up at her house with his rifle and he ends up murdering two family members and a neighbor. He's convicted in state court. But because he's a young man, after a couple of decades he's released on parole. And a dozen years later, he finds her in a far distant state where she now lives under her married name, so he went through a lot of work to track her down. And he sends her communication expressing his dedicated love to her and how he forgives her for her responsibility in her family members being killed. And they should get back together.

When she rebuffs him, she sends photographs, recent photographs, of her adult

children and her home. When he is convicted in federal court of stalking and for possession of firearms that are found under the search warrant, he's sentenced, and he's given supervised release.

Under your proposed amendments, when somebody is released from prison, you're asking that as soon as practicable an individual assessment be done. Should this victim be contacted because an individual assessment is going to be done? We believe that she should. And we believe that that individualized assessment, if you're going to adopt that, should apply on the front end as well as far as supervised release.

And we provided a proposal for you. Your individualized assessment is kind of narrowed to Application Note 1 and you exclude the current factors from individualized assessment. It's all in the same place, but there are different application notes. And we think that all of those should be included, and

that you include an Application Note 7, which we propose would ask our good friend, Mr. Luria, and his colleagues to contact victims as part of the individualized assessment to determine their safety. They may even have information on the defendant, if it's someone that they knew. And we believe that would prevent -- protect their crime victim rights and give the court better information.

We also ask for you -- from you that you put no contact provisions in the standard conditions of supervised release under §5D1.3(b)(2)(L). If the probation officer determines risk to the victim or the victim wants no contact, you could add that in.

In special conditions under §5D1.3(b)(3)(G) for sex offenses, no contact. And for the special conditions of probation, just because it popped up in the proposals under §5B1.3(d)(7), adding no contact. Because that's going to protect victims.

As to §5D1.4 (Modification and Early

Termination or Extension), we certainly agree with the §5D1.4(b) factors that you're proposing. We agree with Application Note 2 regarding notification of victims and the right to be heard. And the bracketed clause regarding notification on any violation of supervision, also. That's going to be important for victims and protect their rights.

As to Part B, we ask that you include notification and the right to be heard as you're proposing in §5D1.4. That -- it was kind of quiet under Part B about notifying victims, and I think there's an opportunity to add that in.

We also ask you to approve Option 2 as to Section §7C1.3 and Option 1 as to Section §7C1.4. So thank you. And if you have any questions, I'm happy to answer them.

CHAIR REEVES: Thank you, Mr. Quasebarth. I turn to my colleague, V.C. Restrepo.

VICE CHAIR RESTREPO: Thank you, Mr. Chairman.

Mr. Patton, thanks for being here. And the letter you folks submitted had some discussion on the intersection between the First Step Act and supervised release.

Could you tell us -- expand on that a little bit here and -- how can judges make sure folks get those First Step Act credits in the context of supervised release?

MR. PATTON: Yeah, it's a tricky area, and an area where I think the law is still evolving about what is necessary to trigger the pre-release credits or the use of those credits.

You know, I did listen to Ms. Barrett testify yesterday. I think that the defender's proposal of having a nominal term makes a lot of sense. There's at least one case out there, and I think some discussion by other judges, of including a very short period of supervised release. It seems consistent with the statute, and no reason not to do it.

It would be a shame for people not to be incentivized while they're in the Bureau of

Prisons to engage in pro-social, pro-rehabilitative programming with the incentive to make use of pre-release credits because a judge felt that they didn't need supervised release. And so finding a way to balance those interests I think is important.

VICE CHAIR RESTREPO: How do we -- do we include that in the guidelines?

MR. PATTON: I think -- I think you could.

VICE CHAIR RESTREPO: But how?

MR. PATTON: I -- forgive me because it wasn't our recommendation. But I think the language that was suggested about including a nominal term flagging its consequences for step back credits makes sense.

CHAIR REEVES: Thanks.

Commissioner Wong.

COMMISSIONER WONG: Mr. Luria, yesterday we heard some comments about some of the standard conditions of supervised release, and specifically the felony association condition

and the travel restrictions.

I was wondering if you could talk a little bit about practically on the ground to what extent you have found those conditions to serve valuable purposes for supervision?

MR. LURIA: Certainly. Travel is one of those ones that probation officers use a lot of their discretion to help achieve an ends. So simply having that condition doesn't necessarily mean the person's not going to travel, simply that there needs to be some kind of mechanism of request and understanding of what the purpose is, where they're going, when they're coming back. Of the 94 districts, a lot of them have certain requirements for -- if you're traveling to that district, they want to know who's coming, or they might have things happening in that district that pose a specific risk.

For example, Bike Week in Daytona, where you have motorcyclists coming from all over the place to this specific location at a specific time, might be a very enticing environment for

biker gang members to try and come down there. And if you don't connect with that district to find out what's going on during this time frame, you might not realize if you're in West Virginia or Connecticut or Maine or something like that, that that's a thing that might be a risk to that defendant in terms of -- that might be the purpose for it.

When it comes to employment, we certainly do a lot to try and make sure that individuals have an opportunity to travel for employment, using that discretion to make sure they can go for interviews, using that discretion to make sure they have a good foothold into that job, approaching the court later if that job works out so that they can make that travel without having to ask permission. So we try to keep that flexibility within that.

As to the other one related to contact with convicted felons, so much of what we do is trying to adjust criminogenic thinking towards a pro-social way of thinking. You know, you've all

heard the adage show me your friends, I'll show you your future. You know having individuals who have maybe this criminogenic thinking in different measure, connecting and amplifying that -- it's not to say that they can't have contact with those individuals, but give us their name. Give us their information. Let us run a background check on them, their NCIC. Let us take a look and see if this is somebody who might still pose a risk of increasing your criminogenic thinking, or they might be somebody who creates a pro-social connection. That's great, in which case it would be approved.

But we'd at least like to have that opportunity to try and steer that individual towards more pro-social connections if that person does pose a risk of increasing that criminogenic thinking. So those are the two kind of thought processes with those two conditions.

CHAIR REEVES: Yes?

VICE CHAIR MURRAY: Could you speak a little bit to -- I realize this is not your home

district, but districts, for example, around here, where there are many districts close together? So I mean, I came from my house this morning, and I crossed judicial districts. How does that -- how does that condition usually play out in --

MR. LURIA: Interestingly, having done some work in Eastern District, New York, I definitely understand the close proximity these things can have. Certainly, there's been memos of understanding. You can travel across the bridge into Manhattan without any notice. Certainly working in there is not a problem. You know, if you're going further into New Jersey, there's probably discussions. If you're going to work in New Jersey, there might be -- even be authorizations where you're saying for work, by all means, you don't need to ask. You have blanket permission, if it's for work purposes, to go there, or something along those lines, oftentimes even approaching the judge about that kind of structure.

Other members of POAG have expressed a similar thing crossing, especially in the New England area, where the states are a little bit smaller. You know, that's where the flexibility comes in. That's where the discretion comes in. And I don't think it necessarily impedes anything in terms of getting employment or preventing them from pursuing things that create stability.

CHAIR REEVES: Can I follow up just on that? But that -- the announcement of what those supervision terms are done in open court --

MR. LURIA: Sure.

CHAIR REEVES: -- at the time that the person is sentenced. Are you telling me that probation as a -- has a policy of, when they get out, that they automatically sort of reevaluate what those terms are at that point? And if -- you know, as that person is looking for a job, is that -- you know, I'm trying to -- you know, they're -- the supervision terms are announced, again, 240 months ago. Now they're out. So with this travel thing and trying to find a job or

whatever from district to district, is there a reevaluation? Is there an individual assessment or something done on the back end?

MR. LURIA: My understanding is that there's constantly discussion about this kind of thing. So certainly at -- within 30 to 60 days, you have that initial case plan authored. You're looking at a lot of those factors to see if anything needs to change in terms of conditions. That is then revisited at the six-month mark, revisited again at the 18-month mark. But that's not the whole story. That -- those discussions are ongoing. If somebody comes in and says, hey, I finally finished my CDL; I'd like to work as a truck driver; I'm -- I'd like to start applying for that kind of work, and we can see that they have their CDL, their stability, there's no concern that they're going someplace they shouldn't in terms of kind of what I discussed earlier, and that this is for work purposes, we're going to do whatever we can. We want them employed, too. We're going to do whatever we can

to help them achieve that end.

And it's not going to -- we're not going to wait till the six-month mark We're not going to wait till the 18 -- 18-month mark to say, okay, now that we've hit 18 months, let's have a conversation about you being a -- you know, a truck driver. If you're expressing interest, we're going to work with you to try and make that happen, because that's stability. That's what is going to help them in terms of their pro-social connection.

CHAIR REEVES: So is it incumbent upon the probation officer that -- because when a person gets out you do your plan, you -- from BOP to Probation, and then the person is halfway house and back home.

MR. LURIA: Right.

CHAIR REEVES: And all these conversations are happening with the probation officer.

MR. LURIA: Certainly.

CHAIR REEVES: Is that the time that

the probation officer approaches the court and tell the court, these terms need to be modified?

MR. LURIA: Certainly at the front end, that is something that's being looked at very closely, especially at the beginning point, because that's the point where we're really getting a sense of where they're at. They've been in prison for a long time frame. How they went in isn't how they look when they come out in terms of their risks, their needs. Things happen in prison, in terms of their life that they're coming back to, the changes in technology. They went in and there weren't cell phones, and you come out, and here's a cell phone. Wow. Like, when I -- when they went in, you had computers, perhaps, and now you have a computer in your pocket. That's mind-blowing for some individuals, and that's a lot to get your arms around. There's a lot that goes into that assessment, essentially.

CHAIR REEVES: Thank you.

VICE CHAIR MATE: Just to -- first of

all, thank you all very much for your work and the work of the entire Advisory Group. It's very much appreciated. Just to follow up on that there's -- it sounds like there's really important work going on between the probation officer and the individual that's returning to the community at that point. And this proposal that we have of kind of doing a check-in with the court at that stage -- I -- I'm curious, Judge Erickson and Mr. Patton, whether from your perspectives there's value add or kind of additional burden with involving the court in this kind of -- this thing that's already happening with probation and the individual at that stage.

MR. PATTON: I think the Commission's focus on individual assessments -- I know maybe some other term probation might prefer, but -- is really key here. I don't know that everyone really does need judge involvement directly out of prison. Some may benefit from it. You know, I think the important part is, absent some

particular reason on the front end of the imposition of the terms -- and I think what's so great about the proposals is that they focus on, these terms should have a reason particular to this individual.

And travel, I think, is a really good example here. I have -- I'm sure that many probation officers are in fact reasonable, and there can be blanket approvals for jobs or families who are in different districts. Again, I'm in the Southern District of New York. It is very easy to have your life in four different districts immediately adjacent, and we have run into trouble with probation officers authorizing -- you know, we have delivery workers who have to cross districts on a regular basis, family members in different districts in the area where -- you know, all of these things. All of that travel would promote pro-social rehabilitative activity, and yet we do run into barriers there. We do run into resistance, or at -- or at the very least required individual permissions that

can be quite onerous.

And so I think the -- that a lot can be done at that front end that doesn't necessarily require the immediate pre-release reevaluation. I can see how that might be beneficial in some cases, but to me, the more significant point is just making sure that there's a reason and that the terms are tailored to those reasons.

JUDGE ERICKSON: I think that, as we go down the path of more and greater individualized assessment as to what terms and conditions are going to be imposed and who's going to be on supervision and who isn't, or who will be on just nominal supervision and then release, it's going to -- it -- it's going to shift how things play out, and it's going to shift how important it is for the judge to be involved early on.

You know, I've always taken the position that I wanted to see people who were at moderate to high risk to re-offend, because I

think that it was important for the judge to look those folks in the eye, to hear what they had to say, right? I mean, they're coming out of a long, very traumatic experience, and they're confronted with a world that has changed immensely for them. The conditions are different. Their families have changed. The -- their employment prospects have changed. They're in a tough spot, and having somebody who can just listen to them, who is a -- who is in a position of authority, matters, right?

And I think it's powerful for the probationer to sit down with the judge and the probation officer. And if the U.S. attorney or federal defender are there as well, that all makes sense, too. But that -- to -- just to go through and say, okay, here's where we're at; these are the conditions; these are the problems I think I'm having; what should I do, right? And really, it's an opportunity for the judge to just say, I hear you; I understand. These are more important conditions than you think, because what

we're looking for is for transformative change. It doesn't come easy, right?

And so a lot of lessons you should have learned when you were in the second grade or when you were two years old, you missed. And I get it, because I missed them, too. But if you learn them, you can find your way out. And I think that's just really an important message to send. And, I mean, there's no one that can do it the way the judge can, because in the end, the judge is the person that holds the key, right? And so they're going to listen to you differently than they do their probation officer, right? I mean, they always underestimate the influence the probation officer has on the judge. I mean, that's the number one rule of people who are being supervised if they're suffering from those sort of cognitive behavioral problems we talked about.

VICE CHAIR MURRAY: Thank you.

CHAIR REEVES: Mr. Meisler, and then --

COMMISSIONER MEISLER: I had a couple just kind of granular questions.

First, for Mr. Quasebarth, you mentioned in your opening -- I saw in your written comments as well -- the VAG's position on Proposed Application Note 2 to §5D1.4. This is on early termination of supervised release. We also received some stakeholder comments that maybe this process should stay somewhat informal and not be formalized. I'm just trying to figure out practically how you think a victim notification provision would play out in the context of a -- of a proposal by probation or the parties to do an early termination of supervised release.

MR. QUASEBARTH: Well, that kind of runs into a problem that we've tried to address before. How does notification practically and effectively get to victims, especially when they're -- you know, a prison term may be maybe 20 years? And I don't know that we ever gave a great response to Vice Chair Restrepo's question

about this when we were at the conference earlier. How can we effectively do that? Certainly, there -- there's the electronic notification process, but that's going to require, in part, victims keeping that information updated, which could be a challenge.

I'm sorry. I didn't have my mic on. And it also requires some institutional memory of having people, especially the victim person, at the U.S. Attorney's Office, who may have knowledge to keep that going on. You know, in our proposal on individualized assessment we suggested that the probation office could do that, because they're doing a pre-sentence report, and that could be part of it, much like it's part of a pre-sentence report in state court that the probation officer might do. So there are challenges, yeah. Do I have great answers, especially when we have long periods of time? I -- I'm sorry, I don't.

COMMISSIONER MEISLER: Just one more question for Mr. Luria. I noticed in your

written submissions, POAG was, I'll say cautious. I think he used the term neutral or no position on some of the provisions in a proposed (7)(C), kind of about the steps and the responses to violations of supervised release. I'm just wondering if you could kind of unpack that a bit for us and maybe just explain a bit about the downsides you might see to the proposed language that's actually out there right now.

MR. LURIA: So the thought process there ended up with -- because of our position on Grade D violations, it did not seem like there was a strong reason to separate probation and supervised release into separate sections. But we had mixed feelings about it, because we also recognize that probation and supervised release, they are different. They serve different purposes. We understand that entirely. But they look very similar in terms of the way that they are approached in terms of supervision.

COMMISSIONER MEISLER: Right. So is it a concern there that the move kind of -- the

move away from a breach of trust model in the supervised release space?

MR. LURIA: It's not necessarily that, so much as we want -- we support whatever you choose on that, because we understand that you can approach it by recognizing that these are supervised in a very similar way. You can approach it by saying, these are separate. And maybe there's additional changes that might be coming that you guys are contemplating that we don't know about that there would be a substantial benefit to keeping them separate and allowing them to develop and evolve in their own way on -- in that separate path. We just didn't know enough about what that future holds. And we had enough competing thought processes that we thought it best to remain neutral on the issue.

COMMISSIONER MEISLER: Right. One last about that. But you don't see practical problems for supervision process from the way that -- from being more prescriptive about the steps that the court should take in response to

violations -- led to violations supervised release?

MR. LURIA: I don't think so. And there was certainly some statement about updating certain policies and processes to reflect the adjustment. But I don't think anybody was strongly against it, if that's what you mean.

CHAIR REEVES: You sure?

I have a couple of follow-ups and I apologize for going over. I'm very interested in hear from you, Mr. Quasebarth. I think you said a standard condition ought to be that there should be no contact with victims if the defendant had -- if they are notified -- if they are victims that this defendant is tied to, that should be a standard condition. And it is not currently a standard condition on the sheet?

MR. QUASEBARTH: I don't find it listed, no contact anywhere, at least in the proposals. If there's somewhere else in the guidelines that it showed up, our research didn't show that. So that's why we're asking for that

to be specified in those conditions. It doesn't show up in any of the conditions that are listed in these proposed amendments.

CHAIR REEVES: And it -- and back to what that suggestion is that geographic area contact can be by communications through electronic media, phone, and all the (audio interference.)

MR. QUASEBARTH: The state court is a (audio interference) lawyer (audio interference) you know, within 1,000 feet, you have to provide the address where the victim lives, and that presents its own risks. So that might just have to be on an individual basis of what applies. You know, no contact would cover things like electronic or direct contact or indirect contact. You know, having your brother contact the person, if you're the defendant. That would be a violation as well. I think that those things could be covered in a no contact requirement.

CHAIR REEVES: And Judge Erickson, with respect to supervised release conditions

that might require persons to come to the probation office for testing for whatever reason to meet with the probation officer. I don't -- in your experience in the rural area, I don't know how many U.S. attorney's offices, for example, or probation officers are located on reservations. Could you tell us about South Dakota? North Dakota, South Dakota is a huge state. How far does one have to travel?

JUDGE ERICKSON: We have a probation office presence on the larger reservations in the Dakotas. And so going there to test is not a problem. But treatment provisions oftentimes require people to travel two and three hours one way. And so it takes a whole day to get to a -- to a treatment session. And given the poverty that exists in Indian country and the lack of transportation -- I mean, the story always goes that all the roads were built away from the reservation to the main cities so that native people would spend money. But you can't really get anywhere else very easily, right? So you

know, literally, to cross the reservation in places in the Dakotas a place can be 20 miles away, but you'll have to drive 45 miles down the road, turn around, drive 45 miles back to get to it, right? Because it all went to the commercial center. And on the reservation, there are no roads, just trails. And in the winter, in North Dakota, it's, like, really not very passable, you know?

And so that's a real problem. And so that's one of the reasons why we think judges have to be cognizant of who they're sentencing and who they're putting on supervision and what the conditions are. Because there are things like -- none of these conditions are culturally normed. And that's -- that could be problematic. And then the resources aren't there. And we get a lot of people that literally, they'll show up in court and they say, "Yeah, I missed my treatment because my friend was going to take me. The car broke down. I didn't get there. Then my friend didn't have a car. I didn't have anywhere

else to get there. And so I just didn't go to two different treatment sessions." And, of course, my answer is, well, what -- you know, couldn't find a phone? Couldn't call us and tell us you were having this problem? I said it's a whole lot easier for me to deal with it if you tell me in advance, right? And I've gone on and on. But the reality is, is that remoteness is a huge problem in rural districts, right? And it's very different than if you're in the Southern District of New York, resources are just a block away. You can crawl there if you need to, right?

CHAIR REEVES: Okay. Thank you. Had another question for you, but I'm not going to go that far. Thank you so much. I'm sorry. I wanted to yield to my other colleagues. Okay. Thank you all so much for your testimony and your written testimony. We appreciate you so very much. Thank you.

I'm sorry, our -- I guess I apologize to those in the livestream again, I didn't have

my mic on, for that delay.

Our second panel will provide us with perspectives from individuals who have been on federal supervision. First, we will hear from Rita Gray. Ms. Gray currently serves as the Director of Operations at Life After Release. She obtained her Bachelor of Arts in business management from the Catholic University of America. Second, we will hear from Eric Hicks, who runs his own paralegal business after having graduated from Georgetown University School of Law's paralegal program. And third, we will hear from Daniel Varley, who works as a clinical psychiatric therapist at Yale University. He operates his own counseling and consultation business and volunteers with the Federal Reentry Court in the District of Connecticut. Thank you all for being here.

Ms. Gray, we're ready when you are, ma'am.

MS. GRAY: Good morning. Thank you very much for having me. Again, my name is Rita

Gray. Dear members of the U.S. Sentencing Commission, thank you for the opportunity to provide testimony regarding the proposed amendment related to supervised release. My name again is Rita Gray, and I'm currently the Director of Operations with Life After Release, a grassroots, formerly incarcerated, women-led organization based in Prince George's County. I'm also a proud member of the National Council for Incarcerated and Formerly Incarcerated Women and Girls. Also, the Executive Director and founder of FOCUS, Females of Color United for Success, which is a transitional housing. We work directly with individuals and families impacted by the criminal legal system, and much of our work focuses on long term harm caused by overly restricted supervised release conditions and the ways these conditions undermine successful reentry.

As a formerly incarcerated black woman, I do not come to you today as a policy expert sitting in a think tank. I come to you as

someone who has lived experience of trying to rebuild my life while entangled in the web of post-incarceration supervision. Supervised release is often framed as a tool support -- a tool of support and accountability, but for many people in our communities, it functions as an extension of punishment, creating revolving door back into society for minor technical violations rather than actual new offenses.

During my time on supervised release, I faced various setbacks that hindered my efforts to rebuild my life. Despite demonstrating a commitment to education, employment, and family reunification, I encountered numerous setbacks because of excessive and unfair restrictions. I was denied to travel to South Carolina to visit my daughter for her graduation. This -- she's the first graduate in my family, and so she actually pushed me through with finishing my bachelor's degree with Catholic University in December. And they denied me not once, but twice. And the reasons they denied me was

because they said, "Oh, if someone is not dying, you're not able to go, right?" So if you want us to reintegrate back into society and reunification with our families, that's hindering the bonding sessions. And so that was a setback. That could have caused a relationship with me and my daughter to not flourish and actually diminish it, more likely.

I lost several jobs due to the halfway house and their restrictions and policies directly impacting my ability to maintain stable employment, a key factor to successful reentry as well. I was also denied permission to attend my fellowship graduation with the National Council until we had to get legal involved, a program that was specifically designed to support reentry efforts and personal development. Additionally, I was misled regarding housing opportunities. I was repeatedly given permission to search for housing only to be told that I could not secure a place in my name after being approved. I was also approved for transitional housing, but was

informed that if I remain on home confinement when my transitional period ended, I would have to return to the halfway house or back to my mom's, neither of which supported my independence or stability.

I currently hold a CDL and faced further hardship when I was penalized for minor actions. And they stemmed from demanding work schedules. After a ten-hour shift in a location without Wi-Fi, I missed an important exam. On my way home, I briefly stopped to pick up food, a necessary act after working long hours. The next day, I was informed that I faced disciplinary actions and had received a shot. As punishment, I was prevented from attending church services and denied access to personal hygiene supplies, both critical aspects of my wellbeing and faith practice.

Despite these challenges, I remained committed, resilient to maintaining my goals. I came home in 2021 and immediately enrolled in Catholic University as a full-time student. Over

the next two years, I earned a Bachelor's Degree in business management with a 3.83 GPA while working two jobs to sustain myself. I received a 10-year minimum mandatory sentence for a conspiracy drug charge, which was my first and only felon. I had never been arrested or incarcerated before. Out of a 10-year sentence, I served four years, six months, and 28 days in prison, followed by three years and two months and four days on home confinement.

My story reflects the harsh reality that overly restricted supervised release conditions do not promote successful reentry. They create unnecessary obstacles that prevent individuals from moving forward. I urge the Commission to adopt amendments that prioritize access to community-based support, employment assistance, and mental health resources over punitive measures that undermine stability. Real public safety comes from empowering individuals to rebuild their lives, not from excessive surveillance and punishment. I stand before you

as a living proof that resilience and determinations can break through these barriers, but not -- but no one should have to fight this hard to reclaim their future. Thank you again for your time and consideration.

CHAIR REEVES: Thank you, Ms. Gray.

Mr. Hicks.

MR. HICKS: Good morning, Commissioners. And thank you for allowing me to speak here today. My name is Eric Hicks. I'm the grandson of Marian Beatty. I'm a graduate of Georgetown University School of Law paralegal program. I'm a former student of Archbishop John Carroll High School. And I'm a graduate of Dunbar Senior High School. A footnote to my story is that I spent 30 years in federal prison and I'm current -- and I'm currently on five years of supervised release. I say footnote not to minimize my past mistakes, but because the mistakes of my youth do not define who I am today. It is however what brings me before this esteemed panel.

In May of 1994 at the age of 24, I was sentenced to life in prison for federal drug offenses. That's a very young age for you to learn that you're going to die behind bars. And there is no blueprint to serving a life sentence. Federal prison is a place that is devoid of hope under normal circumstances. And with a life sentence, it's even worse. But I refused to let my circumstances dictate my character. I leaned into the values that my grandmother instilled in me, which were being one who was respectful, reliable, accountable, and one who cared about others. I chose to live my life with integrity even with no prospect of release. Instead of resigning myself to a hopeless fate, I paved my way through a two-year college, finishing with an A-plus average and earning my paralegal certificate. I co-founded Project Dad, which used our prison wages to donate to various women's group and at-risk children in different communities. I served as a law clerk for the prison population, successfully assisting

multiple individuals in reducing or overturning their sentences. I also served as a volunteer tutor for GED students. And even though I had a life sentence, the BOP considered me a minimum recidivism risk.

After the First Step Act was passed in August of 2022, the Honorable Beryl Howell reduced my sentence to 33 years, and I was released from prison. Since then, I have continued on a positive path. I enrolled in Georgetown Law paralegal program and graduated near the top of my class with an A average. I now have my own business. I'm married with a supportive family and have a stable living arrangement. My probation officers have been outstanding, and I commend them both for always lending a listening ear. But the truth is that -- is that these successes have been my own. At 13 months, I filed a motion to terminate my supervision early. My probation officer at the time supported my early termination, but nevertheless, the motion was denied. I greatly

respect the jurist who denied it, but it raises an important question: What more could I have done? I was an A-plus student in prison, and I'm an A-plus citizen now on supervised release. And again, my probation officer at the time supported terminating my supervised release.

But this isn't just about me. There are people who aren't A-plus students on supervision who should have this supervision terminated. To me, the bar is being set too high, and the default appears to be continued supervision rather than assessing whether or not it's truly necessary. There needs to be a shift. Supervision should be more individualized to the person's needs. When someone has proven they can thrive without supervision, they shouldn't be on it. Otherwise, it's just a waste of resources for those who need it, and worse, it can be counterproductive to those who don't need it.

The last 33 years of my life have been spent under some form of supervision. Even to be here today, I had to notify my probation officer.

And again, I have to reiterate that my probation officers have been outstanding and I deeply -- and I deeply respect both of them. But the nature of supervision can create a feeling of unease. They have to visit my home, not because I've done anything wrong and not because they're anything but professional and respectful, but because that is what the process requires. And even for someone like me, who has nothing to hide, those visits can feel intrusive to me and my family. Supervision is a powerful and a necessary tool, but like any tool, it must be used wisely or else it can make things worse. I thank the Commission for listening to me today and considering this important issue.

CHAIR REEVES: Thank you, Mr. Hicks.

MR. HICKS: You're welcome.

CHAIR REEVES: Mr. Varley.

MR. VARLEY: Good morning, ladies and gentlemen. And thank you for the opportunity to be here this morning to share what you my experience and my hope. I struggled for most of

my life with substance use addiction. And it led me to make a lot of really bad decisions. Culminated in a 10-year federal drug conspiracy charge and a felony possession of a firearm. I was also sentenced to five years of supervised release at the time. While I was incarcerated, I decided to reenter recovery. And I made a decision to use that experience to come home and help people. So I came home and I pursued an education and I would get my bachelor's degree and a master's degree in social work. I'm a -- today I'm a licensed clinical social worker. I work at Yale University for an amazing program called the Forensic Drug Diversion Program. We help people with criminal federal and state charges. We try to divert them from the program when they're struggling from -- struggling from substance use.

When I came home, I sought out communities that were doing this type of work to help people that were coming home from prison not only because I needed that help, but also because

I knew that this was something I wanted to do professionally. And I was lucky very early into my supervision, while I was working with Goodwill, to be able to go down to Bridgeport, Connecticut, and observe Judge Stefan Underhill's support court, where he helps individuals with federal pretrial that are struggling with substance use. I was so impressed at that time that this stuff was happening and more so honored that years later, I would be asked to go down and present at Judge Underhill's court. And I've gone back a few times. And I work and collaborate with a number of participants from his program. I've also done that for Judge Janet Arterton in New Haven and for Judge Shea in Hartford.

You know, when I came home -- I'd like to mention my probation officer, Patrick Norton. When I started on probation, it was very much a supervisor-supervisee relationship. He was my PO. I was that guy on probation. Very early into my supervision, two months in, my father

would pass away. And four months later, my mother would die. I remember a defining moment in my relationship with Patrick. He called me up and he said -- he had a deep voice -- "Mr. Varley, I need you to be home. We're coming over to do a home inspection."

And I said, "Patrick, you can go there, but I'm not going to be there." I said, "My mother was just readmitted to Smilow Cancer Hospital and I'm going to be with her."

And I was honestly expecting pushback. I was expecting him to say, "You know, Mr. Varley, I need you to turn the car back around. We're going to be at the house." And what he said was, "Mr. Varley, go be with your family."

And I just want to say, thank you, Patrick for seeing me that day as an individual and offering me the dignity and worth to do that.

I'd also like to talk about a guy I met in 2015, I think it was, 2014. His name is Charlie Grady. Charlie is a retired police officer from Hamden, Connecticut, and he does

media relations with the FBI. He was starting a community organization at the time called Hang Time. He was getting individuals that were being released, in the Bridgeport area. Getting everybody together in a room, having some food, and what's called real talk, talking about things that are going on in the community. I've seen him develop that community and that organization to develop into a program called Her Time for Women, choices where they mentor individuals in high school, college -- high school athletes. And in 2020, he started an organization called The Connecticut Hall of Change. They induct eight individuals each year that are formerly incarcerated released in the community, but that are giving back substantially their community. I would -- I would implore everybody to check out the Connecticut Hall of Change website, see some of the great work that some individuals are doing. And it's actually a model that's being replicated around the country.

In 2016, I was asked to go speak at

the Federal Reentry Court for, as Ms. Barrett said yesterday, the late great Judge Jeffrey Meyers. And I'll never forget. I was sitting there getting ready to present on employment. I was working in Goodwill, helping people coming home to find employment. And there was a guy that came home from incarceration, and he was sitting there at a table like this. The judge was in front of him, and he was just there to observe. He went to reach for the water cooler and the cup, and Judge Meyers jumped up out of his chair, like his butt was on fire, and said, "No. No. I'll get it." And he poured the water for that man. And I'll never forget the look on that guy's face at that action, but I'll never forget the way that made me feel. Judge Meyers would invite me back. He said, "Dan, you know, this is an open court. You're welcome to come back whenever you want." And I went back two weeks later, two weeks after that, two weeks after that, and I continued to go back and volunteer. Judge Spector's taking over now and

he's doing a phenomenal job with it.

You know, I've seen these reentry and support court programs work. They create communities where people feel supported and they get the resources they truly need. They take an individualized approach. When people feel like they're a part of the community, they're more likely to succeed and less likely to recidivate. And it's going to keep our community safer. As you think about improving these supervised release guidelines, I'd urge you to empower and encourage the courts to focus on the individuals in front of them. Thank you.

CHAIR REEVES: Thank you. Thank you all. For your very powerful opening statements. I'm going to turn to my colleagues. They might have questions for you.

VICE CHAIR RESTREPO: Good morning, Mr. Hicks. Mr. Hicks, what markers should judges look at in terms of determining whether early termination is appropriate?

MR. HICKS: Well, I think there are --

I think it depends on the individual first. I think that for individuals who have done, whether it is substantial time or whether it's minimal time, I think that some of the tools used by the BOP should be considered by the court. Because I think that a court should, A, be able to look to the -- a person's adjustment in that environment, and then they should also consider the person's adjustment once they've been home. I think they should be able to pair the two. And I also think that more deference should be given to what the probation officer suggests. I know it's true that oftentimes a probation officer may not think a person warrants supervised release termination, but there are some instances where they do. So I just think that it's a mixture of information that the court should consider, but I think they should be able to consider more of how the person adjusted while they were in prison and then how the person adjusted while they were out and just be able to consider those factors.

VICE CHAIR RESTREPO: Thank you.

MR. HICKS: You're welcome.

CHAIR REEVES: V.C. Mate.

VICE CHAIR MATE: Thank you all so much for being here today and for your testimony, we appreciate it. Just a follow-up on that question for you, Mr. Hicks, in terms of the markers. And I'm wondering whether if there -- if there were clear markers articulated, would that be kind of a helpful incentive to folks and kind of taking the steps and doing the hard work of the readjusting back into the community? Is that kind of markers about what early termination would look like, would that be helpful?

MR. HICKS: I think it would. I mean, I think that judges are very wise. So I think that the -- they are able to process like the information and if they are more clearly identified markers, I think that they could look at those markers and be able to apply them to the individual. And that's why I think it's so important for a judge to be able to look at how a person adjusted while they were in prison and

that not only, you know -- that not be the only factor, but it'd be one of them. And then pair that with how that person has adjusted when they leave and if there are markers put in place for a judge to consider, then I think it would make the -- you know, the process, more fluid and it would make it easier.

VICE CHAIR MATE: And would it be helpful for you in kind of going through the process of coming back for individuals who are, in addition to the judges? Like, is that something?

MR. HICKS: Well, for me, yes. You know, and I'm -- and I'm sure for others too, because I think that they would know more too you know, what's required what it is that they need to do. And so I think it gives them more incentive to -- you know, to make sure that they complete certain tasks. You know, even though you already have to comply with probation, but if they -- you know if there are clear marker as to where a person can satisfy those things and at

least that play a role, a greater role in them having their supervision terminated, then I think that will be good, too.

VICE CHAIR MATE: Thank you.

CHAIR REEVES: V.C. Murray.

VICE CHAIR MURRAY: Thanks so much to all of you for your testimony and for everything you've done, both while incarcerated and afterwards, to give back to the community. It's very inspiring. The -- for -- I have two questions. My first question is for Ms. Gray. You mentioned that while you were in the halfway house that there were policies that inhibited your ability to obtain and keep employment. Would you mind telling us a little bit more about that?

MS. GRAY: Yeah. So I had asked -- so I had found a job through Project Empowerment, so DC Project Empowerment. I'm pretty sure the area is familiar with. It is a reentry program where you go through a series of workforce development and then you go into applying for jobs. I

applied for -- I actually applied for a job with Ken -- Kenyan McDuffie, Council member, and it was -- it was virtual. So it was two days in the office, the rest was hybrid to work in the atmosphere. And I was going to accept it, but then I found one that was a strictly work from home position. I started doing that after I went through the process of submitting all my documents to the halfway house. And then they came back and said, you can't work from home. We need to have accountability for you. I'm like, how much more counted can I be in my house?

And so I had to leave that job. I found another job making about $80,000 working from home. They told me I had two weeks to find a job to work in the office or I'll be unemployed again. Then I started programming. So I was like, well, let me go to school. Right. I went to school, continued to work, ended up getting my CDL, worked for the company for about seven months. And then they came back and said, you have to quit that job. At this point, what else

do you all want me to do? Right. I've achieved, overachieved, and was able to secure so many employments even with WMATA Metro. I started with them, got my CDL. They said, "Oh, well, your hours are hours that we cannot track you." I have a whole ankle monitor on. How are you not tracking me? I've had one on for 37 months. They told me I had to leave that job. So it just went from employment to employment to employment. But I'm a very resilient person. I was not going to let them shadow me out or have me in a position that I cannot earn any income to support my family. So I continue to just prevail.

VICE CHAIR MURRAY: I'm so glad. Thank you. That's a lot to have to endure, but --

CHAIR REEVES: Go ahead. Go ahead.

VICE CHAIR MURRAY: Sorry. I have a question for Mr. Varley, too.

CHAIR REEVES: Go ahead.

VICE CHAIR MURRAY: Is that okay?

CHAIR REEVES: No. No. Go ahead.

VICE CHAIR MURRAY: I don't want to hog all the --

Mr. Varley, I had a question primarily for you, but maybe others have thoughts, too. That you spoke about the need for sort of like support within the community to aid and reentry. And I wondered in your experience and in what you've seen, what probation practices you find are helping that support and which ones are getting in the way of that support?

MR. VARLEY: Thank you. That's a great question. I think what I've seen that's most helpful really is the support in the reentry courts. When we talk about community, right, it's not just the people that we're living next to and next door. In New Haven, when you go to support court, you go to reentry court, that's a community, right? And I've seen a lot of the participants that go there and they're just coming home and they're starting out, like I did, very much within us them mentality, right? They're sitting in front of a federal judge and a

prosecutor, maybe the one that prosecuted them, and someone from the U.S. Attorney's office, right, and then the probation department. And then their -- and then their public defender, right. And so how does how does that feel like a community to them, right?

But the more they go and the more they really see the individualized approach, right. Where folks are -- they're checking in with folks. Each week, what do you need? What do you need? It's not just get a job, get this, get that, do that. It's what do you need? And can we connect you with it? That starts to build that community. You know, I'd like to mention there's someone that works for the U.S. Attorney's Office in New Haven, her name is Holly Wasilewski, and she works with the U.S. Attorney's Office as a Reentry Coordinator. She's a retired New Haven Police officer. She knows these people's families. She goes back years with them. They write to her before they're released. "Holly, I'm about to be home,

I'm going to need your help." Right.

So these types of communities can be helpful and probation could play a huge part in that. So I think those courts do a very good job doing that. You know, some of what's hurtful is some of the issues with technical violations sometimes. You know, some of the things that we face with the employment issues. You know, I was at the halfway house, and I was working a job. I was a supervisor in the store and I was the only supervisor. And I get a call from the halfway house, hey, you have to come to Waterbury in 45 minutes for a urine test, and it's 30 minutes away. You know? So now I have to scramble. So these are things that are like setting people up for failure. You know, so really looking more at that individualized approach and a supportive approach and not just -- we'll be honest, not just looking at the individual, but looking at everything in the individual's life as well.

CHAIR REEVES: Ms. Gray, I have a -- I'm sorry. I have a question for you. And I

probably have one for you too, Mr. Hicks. But the ankle monitoring that you were on, were you required to pay for the cost?

MS. GRAY: No.

CHAIR REEVES: You were -- you were not? That was borne by --

MS. GRAY: That was during I guess it was during the COVID time when I came out under the CARES Act, so we were not required to make any payments.

CHAIR REEVES: Okay.

And which -- what district were you convicted in? I'm sorry.

MS. GRAY: Middle District, Orlando.

CHAIR REEVES: Middle District of Orlando?

MS. GRAY: Yes.

CHAIR REEVES: Okay. And you wanted to attend the graduation of your daughter in South Carolina?

MS. GRAY: Yes.

CHAIR REEVES: And was refused?

MS. GRAY: And they denied me, which is crazy because they allowed me to travel five times prior to that graduation. I had been to Puerto Rico for a week. I had been to Alabama for four days. I had been to Mineral, Virginia for four days. And I had been to Atlanta for five days. And then my daughter graduation came up and they denied me.

CHAIR REEVES: Did they did they tell you could petition to the Court?

MS. GRAY: No.

CHAIR REEVES: Not necessarily. I mean, I assume you took the --

MS. GRAY: By the time we were able to do that, the graduation was already going to take place.

CHAIR REEVES: Thank you. Now, Mr. Hicks, I -- you said you served 30 years in prison?

MR. HICKS: Yes, sir.

CHAIR REEVES: Okay. So you were young when you went in?

MR. HICKS: Yes.

CHAIR REEVES: What crime were you convicted of?

MR. HICKS: RICO drug conspiracy.

CHAIR REEVES: Conspiracy?

MR. HICKS: Yes. And racketeering conspiracy as well.

CHAIR REEVES: Okay. And you got a life sentence though?

MR. HICKS: Yes, sir.

CHAIR REEVES: At the time that your sentence was imposed, I presume the judge gave you what your supervised release conditions were at that time?

MR. HICKS: Actually, no. To my recollection, I think the judge said that it would be preposterous to impose conditions of release because it was a life sentence.

CHAIR REEVES: Oh, so you didn't even get those then?

MR. HICKS: No.

CHAIR REEVES: All right. So what is

it that you think we can do as a body to help people who are in your shoes, who are in your shoes, somebody who's facing a life sentence, somebody who's facing a long sentence at a very young age? What is it that you think we could do to help you, a person like you?

MR. HICKS: I think that if that person's going to enter the federal prison system, I think that there has to be more emphasis on programs because I had a life sentence and because I had a life sentence, I actually was ineligible for a lot of programs. So you know -- and it's frustrating because you would apply for programs and they would tell you, well, sir, you have a life sentence so you can't participate in this program, so.

And I've seen so many individuals when I got to the federal system, I was -- I was one of the youngest people that were in that prison. So as I began to see more younger guys come that had more time when they found out that they weren't eligible for these programs, then they

begin to just drift off. And -- you know, and they begin -- you know, become more immersed in the prison culture.

So I think that if there's more of an emphasis placed on programs and -- not only programs, but programs with real incentives that are tied to possibly giving them additional good time. But just mainly programs to instill a better like a more firm sense of self.

Because in prison it's easy to lose your sense of self-worth. You know, you have a debt to pay to society, but you're also walking a fine line in not becoming dehumanized. And I think that the more hands-on approach with more programs will keep them emotionally invested, and it will also allow them to pay their debt to society.

CHAIR REEVES: And Mr. Varley, I know I didn't pre-announce that I had something for you. But you often talk about the collateral consequences and the stigma associated with, I guess, supervised release and post-release from

prison.

Could you tell us a little bit about those collateral consequences that you talk -- that you're doing?

MR. VARLEY: Thank you. I know there's a website we can look at, the -- I think it's the Council of State Governments, right? There's a collateral consequences of a conviction -- collateral Consequences of a Criminal Conviction website. Something like 57,000 or 70,000 collateral consequences.

You know, when I was pursuing my education, I was at an open house at Southern Connecticut State University, and I was already admitted, and I was already into the program. And I was speaking with a couple of professors, and I was very upfront about my criminal background.

And one of them pulled me aside and she said -- she said you probably won't be able to get a license because of your conviction, right? And so like right then and there, if I

wasn't like Ms. Gray over here with resilience and persistent and kind of, I don't think you know me. But if I was someone else, I could have just thrown in the towel in right then and there and said, why am I going to do this, right? What's the point?

But I did pursue it, and I and I did have to apply for an individual license and I did have to answer that question, and I still have to answer that question a lot of times today. You know, have you ever been convicted? Yes, I have. You know, so we need to reduce that stigma.

And I think one of the -- you know, I just want to mention too something else that's really important when it comes to the stigma is the dehumanizing language that we use sometimes. I know that when I was incarcerated, I was an inmate, right? And I offended, I broke the law, right? I take responsibility.

I think as people are starting to come home, the word offender should be eliminated, right? We're - we offended, but now we're

reentering. Now we're human. We need to look at the person as they are. And I just think being called an offender when you're -- when you're on your rehabilitative journey, it kind of continues to pigeonhole you in that box. I feel it personally anyway, so. Thank you.

COMMISSIONER WONG: Mr. Hicks, Mr. Varley, you both had very positive experiences, it sounds like, with probation officers. And I was wondering if you could talk about some of the ways in which you felt like they may have helped you in that immediate transition period?

MR. HICKS: Well, for me, I was fortunate to come home to a nice support system, so. But the role that my probation officer played in that was that she wasn't overbearing. And she listened whenever I would come to see her. Or even the couple of times that she had to come to my residence she -- even though I was like uncomfortable with it, she had a very professional approach.

And just for someone to see you as a

whole person and offer their assistance even if you don't need it, just the fact that it's being offered.

My initial probation officer and the probation officer that I have now they both listen and they always leave the door open. If it's something that I can do please let us know.

So just taking that simple act it humanizes the person and that goes a long way to making someone that's coming home whole again. So I would just -- that's why I said, I commend both of them for that.

MR. VARLEY: Thank you. Yeah. I think I was I was also very lucky when I came home, I was -- you know, I had a very supportive environment, very supportive family. Even when my mother and father passed away, my brother and sister were there.

When I met my PO, I -- you know, I'll never forget the first day. He -- was sitting on the couch with him and my mother was with me and he came and he read the standard guidelines and

my three special supervision stipulations.

And I don't know if it's changed in Connecticut since, it sounds like how he was saying yesterday, maybe they've reduced a little bit. But by the time he got to the bottom, I was like trying to stay awake. And it was no disrespect to him and again, it was great.

You know, and I'll never forget my first question to Patrick at the end of it. He said, "Mr. Varley, do you have any questions for me?"

And I said, yeah, how quick can I get off supervision? You know, because I made all the changes I needed to make. Young, ignorant me, that's what I said.

You know, my first question should have been, how can I get employment? You know, how do I get my ID, how do I get my driver's license, how do I obtain treatment? But I still had that us them thing, you know?

As I started on supervision with Patrick though, the thing that did help the most

was like I mentioned, as I went through that stuff with my parents, his ability to provide me the opportunity to be with my family.

And the encouragement he gave me and I -- and I think, again, I was lucky to have those supports. And by the time I really started with them when I was done with my halfway house time, I was already very involved with a reentry community. I was very -- I was already employed. So I already had a lot of the supports and things that people need. So it probably made it a little bit easier on him. But I do think it's -- again, it's that individualized approach. You know, that could be most beneficial, so.

CHAIR REEVES: Thank you so very much again for your stark and very powerful testimony. So thank you all. We are going to move to our next panel. We certainly appreciate all your written and your testimony you've given today. Good luck. Thank you.

The next panel will provide us with perspectives from a range of professionals.

First, we will hear from Alison Guernsey, who teaches and directs the Federal Criminal Defense Clinic at the University of Iowa College of Law.

Second, we will hear from Kito Bess who serves as Director of Justice Services in charge of the St. Louis County Jail.

And finally, we will hear from Michael Santucci, who is a retired federal probation officer who works as a federal sentencing consultant, primarily in the Southern and Middle Districts of Florida.

Professor Guernsey, we are ready when you are, ma'am.

MS. GUERNSEY: Good morning. And thank you for inviting me to testify here today. I want to start with a simple vision for the future, and that's that we impose supervision in fewer cases with more restrictive -- with less restrictive conditions to terminate more -- early more often and revoke less.

For the 109,000 people on supervision and the more than 50,000 who receive a term

annually, these amendments are of the utmost importance. They're about liberty. They're about public safety. They're about us recognizing that our community members deserve an individualized and effective sentence that reflects who they are at the present moment.

The Commission's proposals go a very long way in refocusing supervised release on rehabilitation and not on the fact that it's to exact punishment. They remind us that we should look at the individual, what the individual needs. And they remind us that by terminating or modifying supervision, we aren't somehow disrespecting the court's original judgment that imposed the term. Just because it was imposed doesn't mean that it's appropriate for the person to serve it.

I want to first applaud the elimination of the default that we impose supervision in most cases. The data supports that we don't need supervision to protect the community and promote rehabilitation.

There's a recent empirical piece by a colleague of mine at Iowa Law, Ryan Sakoda. And Professor Sakoda looked at what happened when Kansas eliminated post-release supervision for a category of people entirely.

And the results are incredible. There was an 80 percent decrease in reimprisonment one year out. And there was no impact on public safety measured by whether people reoffended. But then when they reimposed supervision, the percentage of reimprisonment almost doubled. But there was no decrease in the -- in the rate of reimprisonment.

So the data shows us that we don't need supervision in many cases. That said, I understand that there are situations in which supervision is appropriate. And so I applaud the Commission's attempt to more individualize the conditions that are imposed by focusing on common examples as opposed to standard conditions.

The terminology matters because terminology drives substance. We know that when

people come home from prison, they are not the same as they were when they went in and we need to have a mechanism that reflects those changes. Fidelity to the original term of imprisonment because of ease or efficiency sacrifices both fairness and efficacy. And we need to think about what it is we need to do to promote that.

People are working towards liberty on supervision. We should tell them candidly what they can do to achieve success. And we should urge courts to adhere to the statutory mandate, never to impose a sentence that is greater than necessary.

If we look at the data in terms of early termination from supervision, last fiscal year, 27 percent of the people who were successfully taken off of post-conviction supervision were through early termination. What that tells us is that we're simply not using it enough.

And to that point, I want to highlight two of my former clients, Geoff Gaffney and

Lacrecia White. Mr. Gaffney was a client out of the Northern District of Iowa and Lacrecia White was a client out of the Southern District of Iowa.

When my clinic represented Mr. Gaffney, he had been on supervision for 14 months without a single problem, but he was dying. And so we filed a motion for early termination and the court candidly stated on the record, it wouldn't have even considered early termination if it wasn't for the fact that Mr. Gaffney was terminal. But impending death was enough. And so when Mr. Gaffney passed away just last week, he was in fact free.

Ms. White, by the BOP's own admission over served her custodial sentence in the Bureau of Prisons by a year. Not only that, but she was on CARES Act home confinement for three years. It took her having to find a lawyer, coming to us to explain that she had the option of early termination and what that looks like. And when Ms. White was terminated from supervision, after

18 months on SR, she had been out of prison for four and a half years, yet she was still laboring under the conditions that were imposed almost a decade before.

We spend a lot of time talking about the need to impose an individualized sentence when we're talking about prison. The rule is the same for supervision, as it should be. And I think the Commission's proposals are a great start to refocusing, and I welcome your questions.

CHAIR REEVES: Thank you. Mr. Bess?

MR. BESS: Good morning. And admittedly, I don't know how to come after that, but -- so to the Honorable Chair, Judge Reeves, Vice Chair Judge Restrepo and Commissioners, thank you for this opportunity to appear before each of you today.

I come before this body with 23 years' experience, 14 years as Chief U.S. Probation Officer representing Eastern Louisiana and District of Minnesota. My earlier years spent in

Southern Florida and Southern Iowa. All in the pre-sentence investigations unit involving where we assessed, reviewed and approved pre-sentence reports related to the application of U.S. citizen guidelines.

As Chief, I was and remain a believer in that U.S. probation officers shall engage in a practice which yields a balance of sanctions and rewards. The level of energy spent notifying the court of non-compliance resulting in sanctions should also be applied to those who demonstrate years of compliance warranting a petition requesting early termination. This reflects in my view a spirit of justice where a one-sided approach is not applied.

However, just saying it is not enough. In my prior districts as Chief, we targeted low risk persons under supervision as part of our administrative case load program for review of early termination. But we also monitored the progress of others. Whereas those with lowered risk levels transitioned to this administrative

case load program and ultimately terminated from supervision early.

We developed customized reports highlighting early termination percentages of U.S. probation officers and how they compare to their revocation rates. And the intent was to routinely assess U.S. probation officers in their efforts concerning this area of expectation. And also it gave leaders an opportunity to continue to take a glance at caseloads, identifying persons under supervision warranting early termination.

These are examples of how we initiated early termination requests for supervised release through utilization of the actuarial risk assessments and probation, as you all know, referred to as PCRA, Post Conviction Risk Assessment instrument. We frequently learned of and developed strategies designed to achieve successful supervision.

However, success for many occurred over a period exceeding one year. Those enrolled

in substance abuse and of mental health treatment programming, for example, required time to successfully reintegrate into the community, as well as address their rehabilitative needs. One may draw inference of how this is recognized by way of federal reentry, drug court programming, as the duration for most extend beyond one year.

Participant's compliance and completion levels vary, whereas some remain in the program beyond the maximum time allotted to ensure success.

While I am an advocate for early termination, I do not believe success can be fast tracked when considering public safety. If supervised releasees were terminated immediately after one year, I would question whether they should have been placed on supervised release from the onset, specifically when considering the proposed introductory commentary by the Commission.

During my last year as Chief, the District of Minnesota's early termination rate

based on our in-house data was between 30 to 37 percent. Justice is not achieved by seeing one complete their term of supervised release to the very end. It is visible through the hard work and guidance of U.S. probation officers, staff, and contracted vendors, but also by supervised releasees who have acquired and applied the skill sets over time for the betterment of themselves, their families, and the communities.

Once the goals of supervised release have been achieved and consistently on display for a period, early termination is appropriate, giving people the opportunity to move on with their lives.

In probation, we also talk about the business case. And as to the business case impacting U.S. probation offices, I understand my present and former colleagues' concerns regarding the financial impact of early termination with respect to authorized work units. Probation's workload is tied to funding, which has the propensity to impact the workforce and services

offered to the court and community.

However, justice, or doing what is just, should not be contingent upon business finances. To address this concern, probation officials should explore a change in how probation officers are funded, as such concern is separate and distinct from the issue concerning the duration of supervised release.

People who have met and surpassed expectations of supervised release should not remain under community supervision.

We also -- I do want to add, we also heard from the last panel earlier about how judicial philosophy can impact. Where in one case the individual was -- you know, received support from the probation office but was denied their early termination. So judicial philosophy does play a role in this as well.

Finally, supervised release should be given the same attention and thorough analysis as the term of imprisonment at the time of sentencing. If more information is required

beyond the pre-sentence report and sentencing recommendation, which in many instances have considered the § 3553 factors, a broader definition may need to be proposed defining the term individualized assessments.

Courts should have discretion regarding early termination of supervised release after one year. However, again, it is my belief this should not be fast tracked and supervised releasees who achieve and surpass the goals over a period of supervised release should be subjected to early termination, so.

Excuse me for going over.

CHAIR REEVES: Thank you, Mr. Bess. Mr. Santucci.

MR. SANTUCCI: As the last speaker of the day, I'm just going to say what everybody else said.

CHAIR REEVES: Make sure your microphone is on, sir. There you go.

MR. SANTUCCI: How's that? I just want to thank you for having me. I appreciate

the opportunity to give some input. I've been retired for about two years, but I'm working as a sentencing consultant, so I'm looking at it. I also have more of a defense angle. But when we say we in here, we and us, it's about everybody. It's not about the us and them. Our predecessors up here talked about that -- about that dynamic, and that's not what it's about. It's about achieving justice.

So one of the things that growing up in a guideline system, being supervised by supervisors who grew up in a guideline system, the supervisor release recommendation at the time of sentencing was almost reflexive. It was -- it was, wait, we have to do that. As an officer it's like, I better -- I better do that or my supervisor is not going to sign my report.

And with all due respect to the court, it appeared that it may have been almost an afterthought at sentencing. We got the -- we got the -- like -- as Ben said before, we've got the important part out of the way, how many months is

this defendant going to serve.

And what Booker -- when Booker came along in 2005, what it -- what it taught us is, hey, let's look at § 3553 again. Oh, my God, that's there. It's got some purposes for sentencing. And, as we know, supervised release is part of the sentence. It's not in addition to the sentence, it is part of the sentence and it's there to serve a purpose and it should be considered under § 3553.

One of our most -- two of the most important factors under § 3553 are most -- I mean, the obvious ones are treatment. Supervised release allows us to put a mechanism in for a defendant or offender or a person under supervision to get treatment. And then restitution.

We need that time for the victim just to be made whole. We need that time for the person under supervision to get their -- get their life in order. To get a job. To pay restitution. So what I don't think that a set

period of time prescribed by the guidelines necessarily is -- necessarily provides some sort of order to that. But, once again, the court does have that discretion to use the statute and the time that is allowed to personalize that.

We need to be careful with regard to early terminations. We cannot let them become simply an administrative case management tool. There's 94 districts with 94 different sets of funding, 94 different sets of personnel issues, and used in the wrong -- or in the -- in the case where caseloads are high, we do not want to be putting probation officers in a position where an early term is a safety valve to make their job easier.

The other part of early termination that we need to focus on is when the person under supervision accomplishes these tasks, whatever they are, whatever is prescribed for their success on supervision, complete treatment, complete community service, maintain employment, report in at a certain time. When they've

completed them, we should not treat them simply as tasks. We need to remember what they learned along the way while they were completing them, and we need to emphasize the journey over the destination or we've not done our job. Because just because they completed treatment now, if they don't remember why they completed treatment, they may be in a position where they're going to have to complete treatment again.

Thank you very much.

CHAIR REEVES: Thank you, panel members. I turn to my colleagues. Any questions of this panel? Mr. Meisler.

COMMISSIONER MEISLER: This is -- could be for anyone, but I was just going to direct it to Professor Guernsey and Mr. Bess, based on your opening statement. I think Professor Guernsey, you said 27 percent early termination too low, Mr. Bess was mentioning 30 to 37 percent was the number in Minnesota during his time there.

And I'm just trying to figure out if

we -- if the Commission adopts some of these changes, including the early termination criteria, and does a study a couple of years from now, what's the right number? Like, how will -- how will the Commission know that it's gotten this if it's trying to look at a percentage of the cases a couple years from now? What should it be and why?

MS. GUERNSEY: I think that we can't actually settle on a particular number because people change and the people in the criminal legal system change and the people we are prosecuting or defending change. And so it shouldn't be a sort of numerical threshold. But we have to imagine that if we have someone like Ms. Barrett, who testified yesterday that -- their early termination rates are up in the 90s, that 27 seems particularly low if Minnesota was at around 30. So I don't think we can peg it to a particular number.

But to increase transparency so that people understand what the exercise should look

like, we need to provide criteria and then do a study to see if those criteria are actually resulting in an increased rate of early termination. And if not, the great thing about the sentencing guidelines is it's an iterative process. And so we can revisit and determine whether or not we need new criteria.

MR. BESS: I would just add -- first, I'll say -- I'll echo what was just said. But my belief is perhaps taking a look at whether there is a growing trend within those early termination rates over time. You know, when I look at the data published by the Office of Probation and Pretrial Services and you look at December 31st of 2022, supervised release rate was 16.2 percent. And again, this is ending December 31st, 2022.

December 31st, 2023, the early termination, 16.7 percent. And then as of June of -- 30th of 2024, 17.7 percent of early terminate. The question to me is, is there a growing trend? So therefore are your policies

that are being provided, is it -- what is the impact from those policies? Do we have a growing trend?

So I would not be stuck on a number per se, but for me, it was important to review our data within both districts where I served as Chief to understand whether or not are we -- do we have a -- do we have a balance. Because I don't want us to be revocation heavy, and then early termination is all the way down here.

Now, granted early termination will be down too, a bit, but I wanted to make sure that we were at least monitoring to strike a balance.

CHAIR REEVES: Commissioner Wong?

COMMISSIONER WONG: Thank you all. I wonder when we talk about promoting individualization in sentencing, and particularly in the supervised release conditions and decisions, if there -- if you all have any concerns that in promoting judicial discretion to make that individualized assessment, that at -- that could create a trade-off in terms of

disparities. And whether or not you are concerned about uniformity sort of nationwide when we're looking at 94 districts in terms of supervised release with whether or not -- how we should address that.

Because if you want to promote individualization through discretion, do we still need to put certain guardrails or general guidelines in there that will ensure that people with similar individual characteristics are not being treated dramatically different based on which district they happen to be in?

MR. SANTUCCI: First of all, when someone is sentenced, one of the things that the probation office deeply considers is what special conditions are needed by this individual. So in terms of -- in terms of individuality, shall we call it, that's their right of way. That's -- and one of the things that should be avoided is throwing too many special conditions -- imposing too many special conditions on a defendant if they're not needed. The special conditions

should be addressing a specific risk or a specific need, you know. No sense in putting someone on home confinement if they don't need it. No sense in -- no sense in giving somebody a lot of community service to do if they've got restitution to pay and they need to go get a job. In terms of -- in terms of standard conditions, I -- I'd suggest that if the Court has determined the need for a -- if we're -- if we're going to be in this world where -- or this scenario where supervised release is optional. If the Court has determined a need to impose a period of supervised release, there probably should be a set of standard conditions just as a -- as a starting point.

CHAIR REEVES: Any follow-up -- any additional comments from the panel?

MS. GUERNSEY: Sure. So I think one of the things that's been so striking about listening to the testimony that we've heard today and yesterday, is that the disparity already exists. And so one of the things about the

Commission's proposal, is it creates some sort of baseline from which individual districts can build up their practices in a way that's much more transparent, so that we can track and see whether the disparity is unwarranted, right? Because we're going to have disparity. And sometimes disparity is okay, because people are individuals. But I don't think that by importing the standards that we use in sentencing, generally, we're creating any sort of fear or concern over disparity in the supervised release context that doesn't exist in the sentencing context from the first instance. But I do think that transparency is what allows us to evaluate whether that disparity is appropriate or not.

MR. BESS: I won't be repetitive to what has just been said. I would just add though that in my opinion, defining individualized assessments and what is that -- what does that actually consist of, I think is important as well. You know, I've talked about when we -- when we look at the individualized assessment

term and relying on those § 3553 factors. Is that sufficient? Should we be looking at other things? We heard earlier today about including victim feedback into that as part of an assessment. We -- I also brought up -- not to say that I'm 100 percent supportive of it. But when we're talking about actuarial risk assessments. And when I say supportive; is it -- is it -- is when to actually implement actuarial risk assessments. Right now, probation and pretrial services officers or probation officers specifically introduced actuary risk assessments as part of the supervision front, not necessarily as part of the sentencing piece in helping the court to determine what a term of supervised release is. So I think kind of defining what individualized assessments consist of. Because right now, based on current guidelines, we already rely on 18 U.S.C. § 3553 factors.

CHAIR REEVES: V.C. Restrepo?

VICE CHAIR RESTREPO: Yep. Mr. Bess and Professor Guernsey, take a scenario where

somebody is sentenced to a long period of imprisonment and they come home. Conditions were imposed on day one. Fast-forward 20 years later. Should those conditions be revisited when they come home? Who should do the revisiting? Should a judge be involved or is it on probation?

MS. GUERNSEY: Certainly. So the short answer is yes, we should have a revisiting. We need a second look for supervised release conditions. That's because the obligation under the statute is that the sentence reflect who the person is today. The data supports that when we over supervise or inappropriately supervise people, we're actually increasing the risk of recidivism. Now, who should do that assessment? We've heard a lot of testimony about how probation officers are already doing this and we don't needlessly need to involve the courts. And I think that that's not the case across the country. I don't doubt that probation doesn't meet with people in pre-release custody and talk about their conditions. But what we talk about

needing is not just a revisiting in terms of, let's read you what was there, almost put you to sleep, as the previous panelists said, and then ensure you understand. But rather, let's look at what happened in your past 15 years and reevaluate whether we are wasting time, energy, and resources for all parties to keep you on the same conditions. So there's the individualized need for an assessment.

But we also have to understand that the world has changed in those 15 years. So for example, I've represented many clients who are laboring under conditions that have since been deemed unconstitutionally vague, that are absolutely positively not enforceable in a modern technological world. And so probation cannot do that type of review without court intervention. That's not probation's job. And so we need to have a systematized way to look at both what the individual needs are of the person and then to make sure that the conditions as they were opposed ten, 15, 20, 30 years ago actually

reflect good wisdom and practice in terms of criminal sentencing policy. So the court needs to be involved for sure because this falls outside of what probation is allowed to do. And as Judge Erickson testified, sometimes having a court involved is the sort of reset or the framing for the beginning of supervision that people need.

MR. BESS: I do think all parties should be involved, in short, in that process. And this issue was also addressed in some of the research that I've presented by Scott Hayward in his review of another probation district. You know, I would say, again, on the back end, certainly with the implementation of actuarial risk assessments, the PCRA, it would give you the courts the opportunity to have more up-to-date information about this individual because the probation office would've completed that. So therefore, when you're trying to structure special conditions or even take a look at anything else for that matter, certainly, by

having that information in front of you is a possibility.

Keep in mind, when folks are being released, typically, it doesn't always -- frequently it does, but there's sometimes a slip in the cracks where you have individuals released from the Bureau of Prisons within that 120-day time frame. And that may be the time frame when you look at this process. Because during that 120-day time frame, it's been my understanding, when I've served as Chief, that's when we can place on the books to have and receive the workload credit where that's concerned. So if that's the case, then that's work that we could be doing because we're getting workload credit for it during that 120-day time frame. So you know, I think it is a possibility.

You know, one of the workload concerns would obviously be a con that I would -- that I'm sure my former colleagues will say who's going to be tracking this and who's going to be responsible for placing this on the court docket

to re-review this? And, of course, I'm sure what would be said is on top of all the other work that we're already as probation and pretrial service officers are doing. So I think that's something that would need to be sorted out. But again do I think that utilizing those actuarial risk assessments to really address and have conditions that address those risk and needs of the individual for successful supervision at that time, I think is -- certainly a would be a plus

CHAIR REEVES: Any questions?

I have one last question for you, Mr. Bess. And you worked in multiple different offices as a probation officer and even as a supervisor in chief: Florida, Louisiana, Iowa, Minnesota. How much did culture play in how those offices operated, either with the courts or on their own? Because I suspect these rates of early termination or rates of type of who goes back before the court, when that happens, I suspect it differed from the various districts you were in. Is that an accurate assumption?

MR. BESS: That would be accurate. You know, the culture certainly differed in how we did our work. For example, in the Southern District of Florida when we put together those citizen recommendations before the court, we tried to keep it as brief as possible. Versus when I joined the District of Minnesota, our recommendation pages -- I jokingly say this. Our recommendation pages almost resembled that of the PSR. But here's the thing about the recommendation pages in the District of Minnesota that I've come to love and respect. It's because we literally took the time to address those 3553 factors that focus on not just the term of imprisonment, but also supervised release. Now it may not -- we may not specifically address the duration of supervised release, but definitely in trying to provide justification for those sentencing conditions as part of the supervised release. We definitely wanted to explain that and help the court in making decisions where that's concerned.

We also looked at doing something similar, but not to the extent, again, that we did in the District of Minnesota and Eastern Louisiana and in the Southern District of Iowa. I will -- I will say, that was the first time as a -- as a supervisor then, at that time, that we -- actually, I came into contact where we were actually putting in -- using the Sentencing Commission's from your source data book and putting in the statistical information within the recommendation pages, so at least judges can be well-informed on what this -- and this is before JSIN came out. You know, just trying to provide some information on what is going on in sentencing, rounding individuals of similar circumstances, the same offense characteristics, et cetera. So that would be one of many examples of how the culture did certainly change.

But I will say, again I have to say that I do love the remarks of the honorable Judge retired Nancy Gertner. Where she always has said, you have to tell a story in helping the

sentencing judges get to the sentencing decision. And I heard her say this at a Sentencing Commission training in Orlando once. And since I've served as Chief, that's what I have impressed upon U.S. probation officers, to tell that story so that we can assist the court in reaching a decisions that impact terms of imprisonment, supervised release, and et cetera. We do it for fines. We make a justification as to why somebody does not have the ability to pay a fine. So why not do the same for terms of supervised release?

CHAIR REEVES: Did you find that you all did similar things with respect to the recommendation on early release or the termination of supervision?

MR. BESS: I wouldn't -- I wouldn't say necessarily with early terms. I think it was probably the same process. But admittedly, I will say my specialization has always been in the investigation side, on the front end. But I will say the processes, I think, from general, was

pretty much the same across the board. We would contact; get the opinion of the government. And consult with -- and then consult with the court; give our recommendation. Again, as Chief, I believe my approach was still, though, is to monitor and make sure my supervisors and my deputy chiefs was monitoring to make sure, can we strike a balance by being involved in the process and reviewing cases to make sure that just as many cases we're sending for revocation, that we're also reviewing to make sure that if people deserve to be -- you know, a request for early termination, that was occurring as well.

CHAIR REEVES: Thank you so much.

Any further questions?

Thank you so much for your written testimony and your oral testimony today. We certainly appreciate you all. Thank you.

We have with us -- I'm looking at my notes. Mr. Tolman was able to return to us, right? But I understand that he wasn't able to come, now he's here. So we have Mr. Tolman with

the Right on Crime, I believe, National Policy Director. Well, he's the Executive Director. Excuse me. Second, we have Erin Haney, who is the Chief Policy Officer at Reform Alliance. And again, we have Mr. Eric Sterling, who was with us yesterday, I think. Who serves as counselor to the executive directors of the Law Enforcement Action Partnership, LEAP.

Mr. Tolman, we certainly appreciate you. And you can start whenever you're ready.

MR. TOLMAN: Thank you very much. Chairman Reeves, Commission members. Thank you for the opportunity to testify on this proposed amendment. This panel and sitting next to -- next to Ms. Haney proves that it is a -- still a very bipartisan issue as is the Commission. And the focus on this is one that I would hope that the interests in reaching the right result and identifying policies that work as opposed to policies that we want is the focus. I spent ten years as a federal prosecutor. I spent four years as the United States Attorney. The last

case I did in the courtroom as the U.S. Attorney was the prosecuting the kidnappers of Elizabeth Smart. Very proud of a lot of the work that I did as a federal prosecutor. I then became a defense attorney and worked as an advocate to fix what I believe are broken parts of the justice system. And there are many. There are many things that work and there are many things that are broken. Supervision is one that is broken.

I had prepared testimony, I'll let you read that. But I wanted to address a few things that was raised, I think by this good panel and the thoughtfulness over the last couple of panels that I've observed.

Nearly every conversation I had with a fellow prosecutor where we discussed supervision was within a mentality and a culture of punishment. Meaning our conversations were like this, don't worry, there's no way this guy is going to be able to survive five years of supervision. And the average is four years of supervision. And in nearly every single case, we

impose that.

My favorite sentence, my favorite absolute sentence was an individual sentenced to two life sentences plus 40 years and given lifetime supervision by a judge. So it's not just the culture of the federal prosecutors and the DOJ. It is the culture also of the judiciary that believes that it is instilling another mechanism of punishment on the defendant.

I would argue that the most important role of the judiciary and of the prosecution is to adjust and change that culture to identify that we want them -- as 95 percent will get out of prison, we want them to actually have the ability and to have fashioned for them supervision that allows them the best ability to be successful and to reintegrate into society. That is not what it is now.

This amendment I applaud you. I applaud you for coming up with it. I would never have been as attuned to this if it weren't for several probation officers. My father was a

probation officer for over a decade, but he didn't raise it with me. It was several current probation officers who came to me and said, it needs to change and I'll tell you why. We're doing the same supervision for everyone that we supervise. Public safety has no bearing on it.

And the kidnappers of Elizabeth Smart who need incredible amounts of supervision. When Wanda Barzee got out, the first call I received was from Elizabeth Smart, who said, I'm afraid. I'm afraid for my community. I'm afraid for where she is. That supervision has to be different than other individuals. But there's no ability to tailor that.

The probation officers were the one that came to me and said, will you work on something or see if you can't change something legislatively or through other means in which we could identify those that need the most focus. And we could divert resources to the most dangerous. And we could incentivize those that are not to be able to early terminate or in the

first instance to be given a supervision that actually applies to them as an individual.

That would change the culture. What you are proposing, while it might seem like it's one of many and it's just the rule changes, I think is one of the most important pieces to change the culture. You will do that through this proposal. And how you will do it is because those in positions of power will be thinking about supervision differently.

There is a bill on the hill right now, the Safer Supervision Act, that is for the most part, there are multiple complimentary components with what you're proposing and this bill. It is a bipartisan bill in both the Senate and in the House. And that is a bill that will incentivize those that are low risk of recidivism to actually do things to early terminate their supervision. But it gives judges the discretion that you all are outlining that will allow them to reach a decision that is based on thoughtful analysis and not on a culture of punishment.

So in closing, I will tell you that I had defendants I prosecuted that I knew the supervision was too long. I was powerless to do anything about it. I also had a defendant that I prosecuted who committed suicide while on supervision, because he could not satisfy his probation officer. That's not an indictment on probation officers. It's not an indictment on prosecutors. Although the impact hit me, it hit the probation officer. It hit everyone in that realm and the family included.

But it's now that I see that aha moment of we were actually trying to all live in a culture that was wrong. And that culture that was wrong developed policies that were wrong. And I'm asking you to please implement this proposal. Thank you.

CHAIR REEVES: Thank you, Mr. Tolman.

Ms. Haney?

MS. HANEY: Wow. Impossible to follow that, Brett. So I appreciate that. And thank you, Judge Reeves and Commissioners for allowing

me, the honor of testifying today on behalf of Reform Alliance.

I'm the Chief Policy Officer at Reform Alliance, which is an organization -- a bipartisan organization that focuses on evidence-based practices to improve public safety through modernizing community supervision. So we're one of the only national organizations that focus exclusively on supervision and the impact on public safety it has through its practices.

You know, Brett Tolman just mentioned the Safer Supervision Act. And one of the reasons why we're so honored to testify here today is because of the complimentary nature of the recommendations to the proposed guidelines and the Safer Supervision Act.

And it's not because I'm here to talk about the legislation, but I -- you know, as Brett talked about, I think what's important to note is the consensus. We are in a time where it's -- it can feel hard to find consensus on anything. And this is an Act that for years now,

as we've been working on it has the supportive groups that exist, oftentimes solely to oppose one another, it feels like, right?

And so you have the National Association of Federal Defenders and the National Association of District Attorneys both support that Act, right? Which has provisions that are very similar to what's being proposed here. You have groups on opposite political sides that support it. You have law enforcement groups, crime survivors' groups, right?

And it's because of what so many experts and folks who have testified before me have said better than I can, right? Which is there is so much that is clearly broken with a system that was intended to do good.

And so all of us working in it and through it can come together to say, what are the things that we all agree on no matter what side we are on that we know can be made better? And I really, really applaud the Commission for zeroing in on those exact provisions that do have the

most agreement on what can be made better.

You know, as folks have said throughout the hearing, supervised release is one of the only times when the court is ordering something that cannot be used for punishment. It's sort of a unique piece of a sentence where it's the only time that the court is not being asked to look at punishment and make a decision based on that, but is actually explicitly prohibited from doing that. And instead, looking at really, what does this do in terms of supportive reentry and what does this do for crime deterrence?

And what we've seen, I think when we look at that, especially when we think about some of the studies that got brought up in the last panel, is that at its very best right now, supervised release has basically no impact on that. And at its worst, it can increase recidivism. It can drive incarceration. And really the way that it ends up doing this is through some of the errors and the provisions

that you've sought out to fix.

So first and foremost, I think in looking at the individualized nature of conditions, which been -- has been addressed many, many times, but there's one thing that I would want to add to testimony that's come before mine, which is a recent study that looked specifically at federal supervised release conditions. And looked at conditions that range from one all the way through 18 standard conditions. And found that each time you add a condition, you decrease the rate of somebody successfully completing supervision by 19 percent. Which is a pretty striking number given that we have an average of 12 to 16 conditions for people.

So if every time we are adding those conditions, we are decreasing the likelihood of somebody succeeding just so that we can add a standard condition, that's something that we should be extraordinarily focused on and concerned about. Particularly again, when the

focus is really on reentry and crime deterrence. Again, not on punishment, not on jumping through those hoops.

You know, reform has worked in dozens of states, we have passed 18 bills in 11 different states, all focused on supervision and public safety. All focused on ensuring that conditions are individualized, both for people who are on supervision, but also for supervision officers, so that they are also overseeing caseloads where they are making a difference, where they're imposing conditions, where they are seeing public safety increase. They're seeing reentry support increase. And when people aren't doing well, there is a mechanism to step in and to actually intervene and make some corrections in the name of public safety.

And within those shifts in the states where we've seen positive developments there, we've also seen at least 10 states that are now requiring periodic early discharge reviews. So beyond sort of a basic early termination process,

we've seen 10 states that do consistent and incremental early termination. And what they found is that it not only increases compliance in terms of conditions, but it also saves money. And on top of that, it is the most powerful incentive for people to do well, while they're on supervision.

I think it was Daniel Varley in the earlier panel who said when he was first on supervision and he was asked, right, did he have any questions? And he said, his first question was, how do I get off of this as fast as possible? When the question should have been, how do I get a job, right?

States that are doing early termination well, that have clear criteria developed, the question sort of ends up being the same no matter where you're at, right? Because what they've done is they've created some clear guidelines so that people understand what's expected of them. And so that the most important motivator for people for employment, for housing,

for compliance, for all of that, which is early termination, that that is sort of developed into the system with those incentives.

It's not to make it a checklist. And it's certainly not as the Court did in United States v. Wesley to require extraordinary circumstances. So I also want to sort of fold in and comment on that as well. Which is the idea there, I think what we've seen work well in states is when you are recognizing what people are doing and you are giving them incentives to continue compliance, but you're also giving them a pathway forward for when they do take opportunities.

The idea that people have to go above and beyond, particularly in potentially rural environments where there may not be a lot of opportunities in terms of programming and education is obviously concerning. So I think ensuring that early termination is something that is offered frequently and that there are clear expectations is important.

And then the very last thing I'll say is around the proposed guidelines for supervision violations and mandatory revocations. You know, annually around 10,000 people on supervised release are incarcerated for supervision violations. And for the 12-month period ending in March of 2022, technical violations were the most common cause for revocations. It was a staggering two-thirds of people who had their supervision revocated for a technical violation and not for new crimes. This is why --

CHAIR REEVES: Thank you. Thank you, Ms. Haney --

MS. HANEY: Yes.

CHAIR REEVES: -- we have to --

MS. HANEY: I'm sorry. Of course. Of course. Of course.

CHAIR REEVES: I'm so sorry.

MS. HANEY: Yep.

CHAIR REEVES: I want to hear from Mr. Sterling and then I do apologize, but we are operating on a very tight schedule. I'm sorry,

we -- and we want to ask you questions.

MS. HANEY: Sure.

CHAIR REEVES: All right. Thank you.

MR. STERLING: Thank you, Mr. Chairman. Thank you, Commissioners.

As the last speaker of the day, I think I can speak on behalf of all of the panelists of the two days how much we appreciate your very careful attention and your really excellent questions. The outstanding staff work in supporting us coming and supporting and structuring a very well-designed hearing with very good questions and very good proposals.

I'm Eric Sterling. I'm the Counselor to the -- to Diane Goldstein, the Executive Director of the Law Enforcement Action Partnership. We're a nonprofit of police, prosecutors, judges, and other criminal justice professionals. We are also very much a bipartisan group in our -- in our background.

And we are in strong support of the proposals that the Commission has put forward to

modify supervised relief -- we -- supervised release. We think that probation officers need manageable caseloads. We support the individualized assessment. We support ending early supervision when public safety can be maintained. We support the greater discretion for deciding how to impose violations when necessary and support the Grade D violation proposal.

My experience in important respect, echoes what Mr. Tolman told you about the culture of punishment in 1986 when I was counsel to the House Judiciary Committee and we were working on the drug sentencing. In addition to the infamous mandatory minimums were the minimum terms that were provided, the minimum terms of supervised release of five years, three years, and so on for various offenses. And it was certainly in the minds of members of Congress, this is punishment. This supervised release will be after people get out of these long terms. They're then going to be further punished by this supervised release.

I think that supervised release as we've heard yesterday, has -- and this is the experience of members of LEAP, can be extremely constructive. I've met in Hawaii with the judge who ran their Hawaii probation program, HOPE probation, which was a very effective way of sort of combining sanctions in the state system to help the hardest core offenders stay off drugs and avoid recidivism. And it goes to the point that I think that Judge Erickson made.

I was asked to speak at the Scalia Law School a few years ago to judges from Beijing's High People's Court. And I was thinking now, what can I say to them about the American justice system that's not going to sound patronizing or flag waving? And I reflected upon the fact that they probably, like most American judges in their criminal cases, are focused on the punishment. They're focused on the sentence. And that what we have developed very much in the last 40 years are these concepts of drug courts in which what's unique then is that the judge is committed to the

recovery and success of the defendant in front of them, that they -- that even with the screw-ups and the relapses, the judge is not saying, "You're out of here." It's, well, you're going to -- we're going to need more intensive treatment. We're going to need more intensive supervision. We're going to figure out how you're going to succeed. And having gone to numerous drug court graduations in Montgomery County, Maryland, where I live, you see the joy that the men and women have when they are -- when they know they've succeeded in the drug court experience. And so the supervised release is -- presents this kind of opportunity.

I just want to sort of conclude by saying that as I was listening to the discussion about travel conditions and I was thinking about sort of a probation officer sort of saying, "Yes, you can travel," wondering about sort of the question of the interplay between the permissions granted by a probation officer and what the actual formal conditions are that the Court has

imposed and to what extent a -- and a -- someone on supervision can be at risk because they think they're getting permission to do something that they don't have in writing. And I don't know how much your recommendations deal with that, but that was -- you know, the question in my mind is, is the court being notified when there is travel, when there's a condition that says you're not supposed to travel?

But thank you very, very much. My time has expired.

CHAIR REEVES: Thank you. Mr. Sterling, I turn to my colleagues to ask the questions, if you have any. Okay, V.C. Murray?

VICE CHAIR MURRAY: I have a question for Ms. Haney. Thanks so much for drawing my -- our attention to the Wesley, et cetera, line of cases. I have not reviewed them, although I will do so. Is your sense that they are statutory interpretation cases such that there may be conflicts between our amendment and cases that we would not be able to overturn?

MS. HANEY: It's a good question. And I mean, I think that the main question when it's come up so far and especially when we think of the Wesley case is more that what they found there was that, even though this person was doing really everything that they should be doing, and I think that there was even in that case, which made it a little bit more difficult, a sense that the person was going above and beyond, it was that they found that because there weren't extraordinary circumstances.

And so I think our concern is that without that specific guidance of actually saying that we are not requiring something extraordinary for somebody to be given early termination, that there may be additional courts that continue to interpret that mean so that the idea would be that really when supervised release is no longer holding its purpose and the person has proven that they can do well without it, that we make clear that that's what's required and that we don't need people to go above and beyond that

since it isn't a punishment sentence.

CHAIR REEVES: V.C. Mate?

VICE CHAIR MATE: Thank you. Thank you all for your testimony today and for your work in preparation for today as well. Ms. Haney, I have a question for you, too. Based on your experience with the states and the -- and the work with -- your work with the states and the states that have moved towards more -- taking more individualized approach to conditions on supervision, we've heard concerns about sort of lack of uniformity, about the time it would take to individualize, about the possible difficulties in supervising people with different conditions. And I'm curious, have -- how, you know -- how has that played out in the states that have made changes toward a more individualized approach?

MS. HANEY: Phenomenal question. So you know, in the -- in terms of the supervision officers that we've spoken to -- and so we were just recently at the American Probation and Parole Association and were able to talk to some

of the officers there who are overseeing these very changes, what we've heard by and large from the officers overseeing them is that it's been incredibly positive. And that actually really part of the supervision officer's job, when they're doing it well, is to be evaluating risks and needs and changes, right? It is to be supporting that reentry. So while they may not be doing it through as-individualized conditions before because of the standard conditions, it's still something that they were supposed to be doing and that, when their caseloads allowed for it, that they were doing. And so most of them have said that it actually better reflects sort of what they understood their role and their job to be prior to coming in and having to abide by all of the conditions.

In terms of the folks that we speak to who have individualized conditions, I think one of the biggest differences is that they seem to be very, very aware of exactly what the conditions are in a way that's different than

people who the generalized conditions. I think because it's tied to the underlying behavior and because it's tied to the history, people also tend to be more conscious of what the conditions are and why they're being asked to abide by them, which also increased compliance.

MR. TOLMAN: Can I --

VICE CHAIR MATE: Yes.

MR. TOLMAN: -- say -- just mention real quickly, the federal system starts at a position that is quite substantially longer in supervision than even some of our most conservative states, where they have analyzed that a year to 18 months seems to be that sweet spot on those that need supervision were well beyond all of that. So the starting point is so different and drastic that I think you would see incredible benefits by even some closure of that gap through individualized analysis.

VICE CHAIR MATE: Thank you. That's helpful.

CHAIR REEVES: Thank you. Any other

questions from this panel?

Thank you so much. We've received your written testimony. And your verbal testimony today is spot on and we appreciate you so very much. Before you step away, I'm going to close out this thing. Not that any of you would run out.

MS. HANEY: We're ready.

CHAIR REEVES: Because this panel has taken us out with a bang as I said on the front end. This brings our two days of hearings to an end. And on behalf of the Commissioners, I want to thank everyone, every panel member, every person who prepared the panel member to come before us today, and of course, one last shout out to the real public servants in this matter, our staff. We appreciate you so very much for all that you've done.

And we will continue to begin to discuss these matters among our Commissioners. We'll begin our deliberations and we hope to be able to come to agreement on a lot of these terms

and conditions -- terms and conditions, not just about supervision, but on all these things we have before us. But with this -- again, with this panel closing the door on this excellent two days of hearing, I so very much appreciated everything that everyone has done.

And to the public, www.ussc.gov. That's where -- that is where you can find all the information on the work that we're doing. The hearing is now adjourned. Thank you.

(Whereupon, the above-entitled matter went off the record at 12:11 p.m.)