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U.S. Sentencing Commission
1331 Pennsylvania Avenue, N.W.
Suite 1400
Washington, D. C. 20004

Attention: Michael Courlander

Dear Sir:

In the June 28th issue of the FEDERAL REGISTER you requested comments on some of the things currently being addressed by the Sentencing Commission. Will you please accept the following remarks in your consideration of these focused items:

Regarding a 2 point reduction for "acceptance of responsibility", this is too low. First of all, it's not an option to people who are not guilty, but because of co-defendants who are, they are sentenced in a conspiracy action. The resulting 2 points equate to less than six months reduction in sentence. When faced with long-term sentences as a co-conspirator, the defendant is encouraged not to cooperate until after sentencing, when they may receive an offer of considerably more time from the overall sentence. Also, comments here suggest that with such a small offering, many have stated that it is not "better to tell the truth". This is encouraging people not to plead, but rather to go through the expense of a lengthy trial.

Regarding alternatives to imprisonment, there are a number of ways that are more effective in the prevention of criminal activity. Shock incarceration (six months) is more than adequate, based on what I have observed among the women inmates. This does not completely demoralize the individual, but is distasteful enough to make the person not want to be in the prison setting, but not too long to completely obliterate any potential future the individual might have. One of the greatest problems is the "overkill"--wherein an inmate loses every material thing, often children are displaced, the reputation is tarnished to the point that a job is difficult (particularly in the current job marketplace), and with fines and restitution, the person is left without certain basic abilities to support themselves. I am enclosing a copy of alternatives presented to Senator Joseph Biden recently which you might find of interest.

Criminal history - crimes committed as a juvenile should not comprise the whole picture, however, this should strongly evaluated since many of the women facing several years imprisonment have never been in trouble before and then find themselves facing years of incarceration under these guidelines. If the individual has a base offense level of 20 or above, half should be deducted for first time offenders.

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Currently the judges feel that they are unnecessary and the entire burden of sentencing seems to be in the hands of the prosecutors. This is akin to having the wolf guard the henhouse. Giving the judiciary more latitude in departures--both upward and downward--will return the responsibility for sentencing to the judges, where it rightfully belongs. This is one of the single greatest areas that have resulted in the vast overpopulating of the prisons with no hope to those incarcerated. And, quite frankly, there are currently thousands of people serving unjust sentences at great public expense who really should not be in prison. They are being taught to have an intense distaste for the government and are returning to society with vastly altered attitudes about our government and this country, in general. Some are returning with an education in crime that they did not possess when they entered the system which will put further burdens on the system in the future.

Regarding the role in the offense in drug cases is probably the current most unfair aspect of the sentencing guidelines. We have one woman here who has received over two years for one trip involving drugs. Her co-defendants, who were involved for ten years or more, got less time and are currently no longer incarcerated. There are many such cases.

Obviously, regarding a 4-year mandate, this is an absolute must. It is a means to check on the system and bring disparities to the attention of the lawmakers in order that a system of checks and balances remain in place.

The "mandatory-minimum" is just too broad and all encompassing. Each case must be judged on it's own merit and states, such as Michigan, need to brought more in line with federal sentencing.

I appreciate the opportunity to respond and respectfully request that my comments be made a permanent part of the record regarding testimony in these matters. You have a difficult job and I'm sure you are doing everything possible to create equity within the system. You have my prayers and carry the hopes on your shoulders of many who are currently in the system under unfair sentencing. Thank you for caring.

Very sincerely,

Marilyn Harrell
Marilyn Harrell

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Enclosures

PROPOSALS TO ASSIST IN REINTEGRATING EX-OFFENDERS

Based on what I have seen in housing ex-offenders in the past is a lack of self-esteem on the part of the prior inmate. I provided jobs in construction, cleaning, driving, security, childcare, bulk mailing, moving, automotive repair, and clerical. Most of the positions offered opportunity for unskilled people with some training. They were given housing and food free. No money was taken from the ex-offenders and savings accounts were opened for each one. They were paid \$6 per hour up to \$10. Few went beyond that, however, with the housing and clothing and food already taken care of, they were able to save enough to move on to their own care in a short time and the salaries were periodically increased to assist them once they became independent. They had access to company transportation or were given opportunities to save with the company matching their savings if they found a suitable car/truck. If the vehicle they wanted to purchase required repairs, it is taken to the automotive repair shop and the repairs are done and payroll deducted on a small weekly sum.

Health care and life insurance was offered as a benefit package.

I found that if we got a house that was structually unsound and gravely in need of repair, the cost of the house plus \$25,000 could completely renovate it to above-standard condition. It took an average of \$5,000 to outfit each house with complete furnishings and necessities such as dishes, pots and pans, initial food stock (condiments, etc.) and the miscellaney that accompany setting up a new household. The average cost per residence is based upon \$900/monthly in either rent or debt reduction. The average cost per resident in the houses was \$1,000 monthly. This included the rent/debt reduction on the house, salary for

one house manager at \$200/week, utilities--including telephone and cable television, food, clothing, health insurance (individual plan), and miscellaneous expenses for clothing and dental. Transportation was run through the corporation. This was an average cost in an expensive area (Metropolitan Washington, D.C.) and could be trimmed considerably in less costly areas. It would be more advantageous if these homes were in more rural areas to prevent the enticements of drugs. All housed were expected to acquire GED (which was provided free of charge two nights a week) and to attend church (of their choice) on Sunday mornings. They were expected to keep their particular houses clean and shared in the cooking and meal planning as well. The house manager assigned special nights for the selection of television viewing. Each house was equipped with washer and dryer and each person was outfitted with clothing to fit their individual needs. Approximately \$100 per week was given to each house for "entertainment", such as movies, sports events, etc. and the majority would select the activity for the week and the house manager would be responsible for acquiring tickets and transporting them to the event and back home. People in various fields, such as psychology and theology, would make frequent trips to the houses and counsel with the people in an attempt to raise the level of their self-esteem and assist them in working through any problems they may have.

There are many problems with Half-way houses, however, the most serious is the fact that people are unable to prepare themselves for their departures from those circumstances. This usually leads to the recidivism and is not really necessary since there are alternatives. Home confinement is also not an answer because it involves the entire

family in circumstances of incarceration and will be too costly for the average ex-offender.

Using the concept mentioned above, housing could be set up--not specifically for the ex-offenders, but rather as jobs for ex-offenders. The housing could be set up (using the President's Points of Light Foundation, for example) to care for the following social-types of situations:

1. Housing for elderly (or daycare for elderly as a place for loved ones to drop off their elderly parents, for example, to be cared for during the day by people in the houses.
2. Foster homes for children (those with AIDS or abused situation).
3. Contracting for the restoration of homes and buildings by people who cannot afford to make the repairs themselves or that have local municipal code violations.
4. Shopping for elderly and infirm.
5. Meal preparation for homeless as well as delivery.
6. Restoration of vehicles or repairs.

There are a number of social services that can be accomplished which not only provide underprivileged with much needed care, but leave the ex-offender with a feeling of being useful rather than a "drain on society". In this way, they are housed and able to get back on their feet. The root cause of recidivism, in my opinion, is the inability of the ex-offender to re-integrate successfully into society.

Housing can be secured from the stock of vacant foreclosed properties. Vehicles and household goods can be taken from seized, government property and then supplemented with new.

Also, though this is not at issue here, the government should reinstitute the "emergency fund" at HUD to keep people from losing their homes. Every bit as effective as HUD's S.R.O.'s, federally owned land could be converted to Trailer Parks and require that all trailers have sprinkler-systems installed. The government should participate in the sales of these trailers and monitor the parks, once opened to curtail drug activities, etc. through the National Park Services. This would significantly dent the numbers of homeless and give those that are marginally homeless an option.)

In conclusion, the foregoing suggestions have been implemented and proven to work. I have no recidivism that I am aware of from the people taken into my housing with one exception--Wilfredo Diaz. He had a problem with stealing automobiles and it was more a compulsion than a need. He was doing very well with that one small exception. Drug use was found in our houses, however, constant urine monitoring and more care in the selection of house managers would probably stem this greatly. We used ex-offenders as managers and this is a little too much responsibility initially. I don't say that they can't be trusted for future management responsibility, however, there needs to be at least a two year track record to be able to trust someone with that type of problem.

I really believe that the concept worked and could solve a lot of our crime problems and create the atmosphere for individuals to succeed under the most difficult social stigma. Please give this matter some serious consideration since, though I was very wrong to use government money to conduct this experiment without authorization, I did, in fact,

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create the model for this type of program and I believe it will be greatly beneficial both the government and the individuals participating.

Using the President's current Non-Profit budget of \$9.25 Million and taking each representative to apoint one from their district to handle the administration of this program, they could be paid approximately \$21,100 annual income to start and private citizens could be encouraged to donate the balance of their annual income. The final cost would be less than half the current cost to incarcerate a prisoner and would be an invaluable service to the community, reduce greatly the recividism and truly create the "gentler, kinder nation" that this President stated he wanted to achieve. Thank you for your consideration.