



011-96

International Community Corrections Association

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March 5, 1996

The Honorable Richard P. Conoboy, Chairman
United States Sentencing Commission
One Columbus Circle, NE
Suite 2-500, South Lobby
Washington, DC 20002-8002

Dear Chairman Conoboy:

Enclosed please find for your review copies of testimony on behalf of the International Community Corrections Association, formerly known as the International Association of Residential and Community Alternatives on the most recent Notice for Comment. We are particularly interested in any simplification of the Guidelines that pertains to probation, split sentences and alternatives. If the Community Corrections Association can provide you with additional information, please contact me at 703. 836. 0279. Thank you for this opportunity to comment.

Sincerely,

Mary K. Shilton
ICCA Washington Representative

enclosure

Dedicated to Promoting and Enhancing Community Corrections
Formerly International Association of Residential & Community Alternatives

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TESTIMONY CONCERNING PROPOSED UNITED STATES SENTENCING COMMISSION NOTICE FOR PUBLIC COMMENT

March 5, 1996

Submitted by:

The International Community Corrections Association

I am Mary Shilton, Washington D.C. Representative for the International Community Corrections Association (ICCA). ICCA is a professional and educational organization dedicated to promoting and enhancing community-based corrections services and to improving professional development for its members.

My comments relate to two issues that are to be considered by the Commission this year: simplification of sentencing guidelines with respect to the use of probation, split sentences and other alternatives; and cocaine offenses.

Simplification of the sentencing guidelines

We are pleased that the Commission is reviewing the Guidelines in an effort to make them more accessible. The following principles should be considered with respect to simplification: 1) developing improved policies that fit the statutory purposes of restitution, rehabilitation and sentencing equity noted in 18 U.S.C. Sec. 3553(a) (1988); 2) providing clear guidance to judges on what offenders are eligible for alternatives; 3) increasing the full utilization of alternatives to increase restitution, and offender accountability; 4) providing equivalencies between community sentences and term length that satisfy fundamental principles of justice; and 5) addressing the underlying problems of a growing number of low level Federal offenders by sentences including a component of community treatment.

1) Simplify to meet the purposes of the statute.

The Guidelines should expand the opportunities for sentencing a variety of first time offenders to

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probation or split sentences. This would enable the purposes of rehabilitation and restitution to be more fully developed under the Guidelines. At the present time, relatively few persons are sentenced to alternatives.

2) Clarify who is eligible.

We believe that the Guidelines should include a non-incarcerative option for all nonviolent first time offenders and for many with low-level priors. A simplification will make it possible for judges to select who will go to community corrections. Judicial discretion is needed to recommend conditions of supervision related to restraining risk, and managing offender compliance. Judges could select appropriate conditions of supervision for the majority of such offenders who are ranked at the lowest and second lowest security levels and are not classified as dangerous. However, the present Guidelines and mandatory minimums often preclude this possibility because most receive prison terms.

3) Increase full utilization of alternatives.

The utilization of community sentencing could be increased if the Guidelines presented judges with a wider range of options including a variety of intermediate sanctions such as means based fines and day reporting centers. Such sanctions should be used for a majority of Federal sentences where there is no violent offense. Options to be considered would be: victim offender reconciliation and reparation, residential facilities, intensive supervision, public service work, boot camps, day reporting and other substitutes for imprisonment.

4) Define equivalencies between community sentences and incarcerative terms.

Equity and fairness can be served by alternatives that are both punitive and that have other elements such as restitution or rehabilitation. The simplification process should expand the notion of various types of punishments as equivalent to prison. The use of equivalencies will allow sentences to be constructed that are proportionate. In addition, the potential number of persons who could be sentenced to probation and split sentences would be increased by reclassifying and consolidating levels and equivalencies. The

equivalencies could also permit a change in transitional release programs for up to twelve months prior to end of prison terms.

5) Address the underlying problems of a growing number of low level Federal offenders by sentences including a component of community treatment.

Making alternative sentences more accessible to a number of low level offenders is supported by the growing research that rehabilitation is more likely to occur with use of halfway houses or other alternatives in lieu of confinement. ICCA has completed three research conferences on this subject. The papers delivered by researchers support the notion that community corrections is an effective and appropriate approach to punishment.

Although the public is increasingly punitive toward violent crime, there is widespread support for intermediate sanctions. Public opinion polls by the Wirthlin Group, the Public Agenda Foundation, Figgie International, Gallup, and Harris polls found that the public wants tough but rehabilitative programs for nonviolent offenders.

Cocaine offenses

We urge the Commission to continue in its efforts to eliminate unnecessary disparity with respect to cocaine. Inequitable sentencing practices for similar drug offenses raise grave issues about the fairness of our present Federal cocaine sentences. We applaud the Commission for its *Special Report to the Congress on Cocaine and Federal Sentencing Policy* and urge the Commission to continue to evaluate the issues set forth therein. We hope the Commission re-evaluates the impact of the Guideline's emphasis on quantity of drug involved rather than other factors such as whether a weapon was involved, whether there was violence or injury to another.

Additionally, ICCA is opposed to the use of mandatory minimum sentences. We believe that mandatory incarceration of drug offenders has little incapacitation or deterrence value. Furthermore, many of these individuals are addicted and in need of detoxification and stabilization treatment. It is about seven times more costly to incarcerate these drug offenders than it is to

supervise, treat and monitor them in a community corrections setting.

In conclusion, we note that ICCA represents more than 250 private and public agencies operating over 1500 programs. Founded in 1964, ICCA has over 600 individual members working to provide community supervision and residential programs. Our members are employed by courts, departments of corrections, probation, the Federal Bureau of Prisons, counties, cities and states. Approximately eighty percent of the adult community-based corrections facilities in the United States are represented by ICCA and its members. Such facilities and services include: community-based centers, educational and vocational services, drug testing and treatment, tutoring services, day treatment, crisis intervention, family or individual counseling, victim services, community service, bail supervision, home detention, neighborhood outreach, and aftercare.

I thank the Commission for this opportunity to comment on proposed policy changes. The Commission's interest in opposing sentencing disparity and more appropriate sentencing options is commendable. We would be happy to provide copies of the papers from our research conferences on the subject of sentencing and community corrections upon request.