

UNITED STATES SENTENCING COMMISSION
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JULY 14TH, 1986

MEMORANDUM:

TO: Commissioners and Interested Staff
From: Paul K. Martin
Subject: Washington Post story

The attached news story appeared in the Sunday, July 13th edition of the POST and was brought to my attention in light of the Commission's Tuesday hearing on Sentencing Options. The Prince George's County corrections official quoted in the story, Samuel Saxton, will testify on house arrest and electronic monitoring at Tuesday's hearing.

House Arrest Off to a Rough Felon, First in Program for Nonviolent Offenders

By Matthew Daly
Washington Post Staff Writer

Prince George's County's house arrest program—introduced by officials in April as a possible solution to crowding in the county jail for nonviolent, minor offenses such as shoplifting and nonpayment of child support—is off to a rough start.

The first of five people assigned to house arrest was a convicted felon who was found to be away from home without authorization, a violation of the program. The four

others were placed in the new program while they awaited trial and included a man charged with assault and two men who were denied bond because of previous arrests on theft or drug charges.

That record has raised concerns among prosecutors and the judge who helped establish the program.

Circuit Judge Howard S. Chasanow, who worked with corrections department officials to develop the plan for house arrest and is a strong supporter of the program, said he was concerned about the

THE WASHINGTON POST

Program for Nonviolent Offenders Of

HOUSE ARREST, From C1

breaking the rules—said that Clayborne was the first person to inaugurate the program.

"I told [the judge] in court that if he [Clayborne] was the first one in the program, I could almost guarantee he'd be the first one to flunk out," Harvey said. "I thought he had an attitude problem."

Corrections Director Samuel Saxton, however, said he did not see any reason to revamp the system. "The criteria are solid," he said, adding that "misdemeanor or low-grade felony thefts are not inappropriate for the program."

Prince George's County, which has a court-ordered cap on the number of prisoners in the detention center in Upper Marlboro, is the first area jurisdiction seek-

ing to alleviate crowding problems with house arrests. The relatively new concept, law enforcement officials say, is also being used by more than a dozen jurisdictions across the country, including Norfolk. Fairfax County has a similar program that is awaiting its first participant.

Clayborne, of Glenarden, pleaded guilty in April to stealing more than \$300 worth of tennis shoes, athletic equipment and jewelry from two Hyattsville teen-agers last August. Police said that four men were involved in the robbery and that at least one of the assailants had a gun. But investigators could not determine who had the gun, and weapons charges against Clayborne and another defendant were dropped.

Circuit Judge Audrey E. Melbourne sentenced Clayborne, now 19, to five years in prison, but suspended all but 90 days, which

she ordered him to serve in the new arrest program.

Clayborne is scheduled to appear before Melbourne for a hearing to determine if he should be expelled from house arrest program and jailed for five years.

Melbourne said in an interview last that she placed Clayborne in the program cause corrections department officials recommended it and because "his crime not a violent crime. More importantly was very young and was living at home his mother."

"It was obvious from his background he was not used to following any rule," Melbourne said, citing reports of frequent fights and truancy from school. "I thought [the program] would be a mechanism teaching him responsibility. He needed