

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ALABAMA

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Mr. William W. Wilkins, Jr.
Chairman, U.S. Sentencing Commission
1331 Pennsylvania Ave., N.W. Suite 1400
Washington, D.C. 20004

Dear Mr. Wilkins:

The following is in response to your letter of June 17, 1986:

PROBATION

There should be intensive supervision for those who commit violent crimes, involved in selling drugs, sex offenders, drug and alcohol abusers, and second offenders who are involved in fraud. This supervision in many cases would follow a period of custody.

The intensive supervision should be in the form of frequent personal contacts, but equally important is collateral contacts with significant others. Special conditions limiting activities also should be imposed to fit the crime or the conduct that is to be prevented.

The Commission should establish some basic guidelines for offenses that should have intensive supervision with the court imposing special conditions on the recommendation of the probation officer.

The special condition of submitting to reasonable search by the probation officer should be included. The imposition of this condition should be based on the offense or background information contained in the presentence report.

FINES

Fines should be the sentence of choice in first offense misdemeanors and in embezzlement cases of less than \$5000.00 where restitution has been made. The alternative fines (18 USC 3623) and factors relating to imposition of fines (18 USC 3622) sets out adequately the things to be considered in imposing fines.

The sanctions in 18 USC 3621 is appropriate for failure to pay.

RESTITUTION

Restitution should be considered in all cases where there is a financial loss to any individual, group, business, organization, or agency. Also, restitution for compensation for physical and emotional harm and death should be considered.

The probation officer should, to the extent possible, resolve any disputes relative restitution prior to final sentencing. If there are unresolved elements, the probation officer should report to the court the areas of dispute and the attempts that have been made to resolve the controversy. The court should make a final determination through an appropriate hearing prior to sentencing so defendant can be aware of the maximum limits of punishment.

The making of the victim whole should be of primary concern in any sentencing. If the defendant is void of financial resources, in some cases services provided to the victim might be imposed to help compensate the victim. Also, moneys received from prison industries, during work release, or government checks received by the inmate might be payed to the victim.

COMMUNITY SERVICE

For community service to be effective the probation department will have to establish a list of basic agency resources. The agency and specific hours needs to be spelled out in the Judgment and Commitment. If possible, the service should be related to the crime. However, before this can be truly successful the issue of liability needs to be settled.

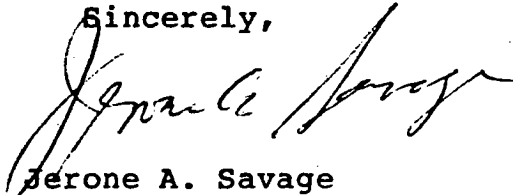
This type of special condition would have more impact on a white collar offender. It should not be used on violent and sex

offenders. Third party risk should always be a consideration. Also, present occupation can interfere with scheduling. For example a long distance truck driver who is away 60 to 80 hours a week.

HOUSE ARREST

House arrest may be appropriate in some unique situation. However, this type of sanction is very difficult to monitor and is subject to abuse. Nevertheless, this could be very cost effective when someone requires extensive medical treatment and the individual keeps the responsibility for their care.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerone A. Savage". The signature is fluid and cursive, with a large initial "J" and "S".

Jerone A. Savage
Chief U.S. Probation Officer

JAS/jd