

Attn: Colson Task Force

Thank You for allowing me to provide a very important topic for criminal Justice Reform.

Research shows CP, non-production offenders are typically of a higher SES than other types of offenders, do not violate probation and do very well in the community. Diversion programs will be very successful for this population and less costly to tax payers, as well as be less stress on the prison system. The current state of restrictions on all SO's are extreme and do not set up a former offender to be successful upon re-entry. As human beings we all have basic needs for survival; housing, food, employment and connection to community and support from families. The current state of how we treat this population not only stresses these basics needs, but out and out denies many these fundamentally required things for survival. How can we expect someone to focus on changing behaviors, get rehabilitated and make better choices in the future, when they are simply concerned with how to survive? Research is also clear these restrictions actually increase risk and lower public safety.

Here are a number of issues we have identified with the current state of federal law and the federal justice system:

- 1) There is a distinction made in current law between "possession" and "receipt" offenses. Receipt carries a 5 year mandatory minimum sentence. Of course, one cannot be in possession of illegal material without having received it. Given that most CP is obtained through peer-to-peer file sharing software, "distribution", which also carries a 5 year mandatory minimum sentence, is a third charge applicable in nearly all cases pursued by federal prosecutors. The overlap of these three charges allows prosecutors to "shop" charges and tailor the sentence they deem appropriate, thereby tying the hands of our federal judges in their most crucial role - handing down criminal sentences.

- 2) The federal sentencing guidelines and mandatory minimum sentences are based upon false assumptions about the nature of these crimes and public opinion. While sentences have continued to grow more severe, the FBI has reported internet offenses to be growing at 2501%. Sex offenses are the fastest growing segment of the US prison system. Either there is an inverse effect between sentences and criminal behavior, or this behavior is more complex than our legislators appreciate. Recent polls have also suggested that the informed public believes current sentences to be far more drastic than necessary - notably, U.S. District Judge James, a Federal Judge in Cleveland recently polled jurors on the appropriate sentence for a man receiving, possessing and distributing Child Pornography. The federal jury recommended a 14 month sentence in a case where guidelines suggested 27 years and prosecutors sought 20 years.

- 3) The Bureau of Prisons is not handling this group of offenders correctly. They are not provided with real opportunities for reform or rehabilitation, as compared to drug offenders. All sex offenders, regardless of the nature of their crime, are issued a management variable by the BOP which precludes them from all camp-level facilities. This despite their incredibly low re-offense rate of 0-4%, with 2% being the average across studies. The sex offender programs that exist within the BOP are overwhelmed and ineffective, largely because they pose the potential of being punitive in nature. The primary reason inmates request participation is for their own personal safety, as sex offenders are in danger at so many other facilities simply due the many false perceptions

and assumptions made by other inmates about their crimes.

Suggestions for Reform

1) A Pretrial Diversion program for first time non production CP offenders. This diverts them from the traditional criminal justice system to a supervised treatment program. Texas has implemented one very similar with non-violent drug offenders. Once they have successfully completed the program the charges will be dropped or dismissed. Those that do not complete the program successfully will be charged with the applicable crime. We are spending billions of dollars to house these non-violent, low risk individuals.

2) Removal from the Sex offender registry.

The Sex Offender Registry. Time, experience and research have demonstrated that the assumptions behind the sex offender registry, in most cases, are not accurate.

- Most sex crimes (95%) are committed by individuals who have never been convicted of a sex crime and therefore are NOT registered sex offenders.
- 93% of sex crimes against children are committed by a family member or friend.
- An RSO is less likely to reoffend the longer he/she is offense free in the community.
- The sex offender registry has demonstrated no impact on a decrease in sex Offenses
- The most important assumption that has been debunked over the years is that a

convicted sex offender is likely to commit a new sex offense. Data published by the California Department of Corrections and Rehabilitation demonstrates that sex offenders are less likely to reoffend than any category of crime except murder.

The rate at which a California sex offender on parole commits another crime was 1.9% in 2013 and 1.8% in 2014.

- Non Production CP offenders have not committed a hands on offense. The myth is that these are future predators. The vast majority of them are law abiding highly intelligent individuals. This crime has increased almost 2500% due to the anonymity of using a computer in your home. These are one of the lowest risk individuals that have to register. We are wasting not only money but precious time resources for our police agencies to have monitor them. They do not have the time to watch the violent predators. CA alone is said to spend over \$100 million to monitor over 100,000 registered sex offenders.

Thank You for allowing me this opportunity.

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