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October 22, 2015

Via E-Mail and UPS

The Honorable John Boehner  
Speaker of the House  
U.S. House of Representatives  
H-232, The Capitol  
Washington, DC 20515

The Honorable Mitch McConnell  
Majority Leader  
U.S. Senate  
317 Russell Senate Office Building  
Washington, DC 20510

**Re: Criminal Justice Reform**

Dear Speaker Boehner and Leader McConnell:

As former United States Attorneys, we have served as the chief federal law enforcement officers in districts throughout the country, charged with ensuring that the laws are faithfully executed. Though we come from diverse backgrounds, it is with this common experience that we write to you today about a matter that deserves Congress' immediate attention: meaningful, comprehensive, federal criminal justice reform.

Since 1980, the federal prison system has grown exponentially, from fewer than 25,000 inmates to more than 205,000. This expansion has led to equally dramatic growth in costs: Taxpayers now spend more than \$6.7 billion on federal prisons, or about a quarter of all Justice Department outlays—roughly the same amount needed to fund the entire department in 1980, after adjusting for inflation.

Several factors, including tougher penalties for drug offenders, have driven these trends. According to research conducted by The Pew Charitable Trusts, the average amount of time served by drug offenders surged more than 150 percent between 1988 and 2012—from about two years to about five—after Congress lengthened sentence ranges and mandatory

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minimums, and abolished federal parole. Drug offenders now make up roughly half of the federal prison population.

The increase in incarceration of drug offenders has not led to a decrease in drug use, and it has not made our communities safer. The use of illicit drugs has actually risen in recent decades. Street prices for many narcotics—including cocaine and heroin—have fallen while purity has increased, indicating that these substances are still widely available. Moreover, the money spent on incarceration has made fewer dollars available for essential functions like aid to state and local law enforcement and effective prevention programs. The result is that we have more people in prison, but we are all less safe than we would be if funds had been directed to stopping crime in the first place.

States have seen the folly of this approach and begun to change directions. Starting with Texas in 2007, more than 30 states from South Carolina to Oregon have adopted sentencing and corrections reforms that focus prison space on serious, violent offenders and reduce re-offense rates by using some of the prison savings to bolster evidence-based community supervision and treatment programs. Most of the state reforms have passed with wide bipartisan majorities. Estimates of cost savings are in the billions of dollars.

Most importantly, crime rates continue to fall. Since 2009 the nation's crime rate has dropped 15 percent while the imprisonment rate has declined by 7 percent. These trends provide clear evidence that it is possible reduce incarceration and crime at the same time.

We urge you to consider reforms to the federal criminal justice system that build on progress in the states by making substantive changes in three critical areas:

- **Tailored drug sentencing:** Long mandatory minimum sentences should be reserved for the most dangerous, high-level drug traffickers. The offender's role in a drug trafficking organization should be considered at the time of sentencing, with longer mandatory sentences based on leadership, violence, and serious criminal history rather than simply drug quantity.
- **Substantial earned time:** Prison too often is a place where criminals are hardened, not rehabilitated, partially because of a lack of relevant programming and incentives. Encouragement for offenders to participate in programs such as drug treatment and job

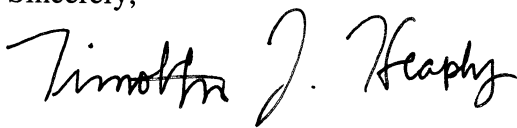
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training can reduce their risk of reoffending while offering significant time off their sentences as a reward. This is an effective strategy that many states have employed.

- **Meaningful community supervision:** Offenders in post-prison supervision require more accountability in order to increase their chances of succeeding outside the prison walls. Sanctions for violating the terms of release should be swift and certain in application and graduated in severity. Offenders should be incentivized to remain crime- and drug-free by being able to earn time off the terms of their supervision for compliant behavior.

We appreciate the attention that the issue of criminal justice reform has recently gotten from politicians and practitioners from many different perspectives. There are a variety of pending proposals that, if enacted, would make changes to different components of the federal system. While reducing prison populations and saving taxpayer dollars are certainly important goals, ultimately a more just system is one that keeps communities safe, holds offenders accountable and reduces criminal behavior. As former top law enforcement officials, we believe that the policies outlined above will do exactly that.

Sincerely,



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