

June 1, 2016

Hon. Ron Johnson
United States Senate
328 Hart Senate Office Building
Washington, DC 20510

RE: Sentencing Reform and Corrections Act of 2015, S. 2123

Dear Senator Johnson:

As current and former leaders of Wisconsin's law enforcement community, we ask you to join us in supporting the Sentencing Reform and Corrections Act of 2015 (S. 2123). We believe targeted and appropriate criminal law reform is critical to enhance public safety and cure outdated criminal justice policies.

As the District Attorney for Milwaukee County, the Dane County Sheriff, the Police Chief of Appleton, and the former Police Chief for Menomonee Falls and Middleton, we represent decades of Wisconsin law enforcement experience. We have dedicated our lives to public safety and have seen firsthand the toll that crime takes on our communities. We have no problem locking up violent individuals who truly threaten the safety of our communities.

However, much has been learned during our tenures about what it means to protect the public. Public safety does not come from locking up every offender. Rather, it comes from smart, targeted policies that respond to the unique challenges of our individual communities, for example, by curbing overcrowding in jails through diversion programs for individuals with drug and mental health issues. While we initiated reforms within our communities that both ensured public safety and resulted in an overall decrease in the Wisconsin state prison population, Congress allowed the federal inmate population to reach staggering heights.

Ensuring public safety does not require every inmate to be incarcerated for great lengths. Less than half of all federal inmates convicted of drug crimes have a history of violence. In fact, over a quarter of prisoners serving time for drug crimes have no prior criminal convictions at all. Instead of drug kingpins, the majority of prisoners convicted of drug crimes are low-level dealers.¹ While these individuals should and are being held accountable for their crimes, incarcerating them for decades at a time, under current mandatory minimums, is not the most effective means of reigning in the illicit drug trade.

Current mandatory minimums also waste hard-earned taxpayer dollars. Federal prisons are severely over capacity, consuming a quarter of the Justice Department's \$26 billion budget.² These dollars would be better spent on crime-fighting priorities such as investigating, arresting, prosecuting, and punishing violent criminals.

But, the most important lesson we have learned is that locking up these low-level offenders for long prison sentences has adverse effects. Research shows that longer sentences often increase recidivism, especially for low-level offenders. Additionally, incarceration can act as a “crime school” for nonviolent offenders who in prison are surrounded by people with serious and violent backgrounds.³

The Sentencing Reform and Corrections Act recalibrates sentencing policy to correct the wrongs that have resulted in overcrowded federal prisons. The bill would modestly reduce mandatory minimum sentences for repeat nonviolent drug offenders. And, it would allow judges more discretion to depart from mandatory minimums for low-level offenders if — after hearing specific circumstances of the crime — they feel it is appropriate.

Furthermore, the new reduced mandatory minimum sentences will not be available to serious offenders with prior convictions for violent crimes. Rather, the bill will keep those most dangerous where they belong: behind bars.

Lowering mandatory minimum sentences for non-violent crimes will reduce unnecessary incarceration, allowing the law enforcement leaders of Wisconsin to better direct resources toward arresting, prosecuting, and punishing the most serious and violent criminals.

That is why we joined the more than 165 police chiefs, prosecutors and sheriffs from across the country to form Law Enforcement Leaders to Reduce Crime and Incarceration. Together we are putting a spotlight on how unnecessary incarceration negatively impacts public safety. Now is the critical time to pass federal legislation to reform mandatory minimum sentences, reduce incarceration, and help us keep crime at its historic low.

In our capacities as sheriff, district attorney, and current and former police chiefs, we have taken great strides to make Wisconsin safer by implementing criminal law reform at the city- and county-levels. Now, it is time for our federal representatives to join the bipartisan coalition in Washington and support the Sentencing Reform Corrections Act. We strongly urge you, Senator Johnson, to support this bill.

Respectfully,

John Chisholm
District Attorney, Milwaukee County

David Mahoney
Sheriff, Dane County

David Steingraber
Former Police Chief, Menomonee Falls

Todd L. Thomas
Police Chief, Appleton

¹ See CHARLES COLSON TASK FORCE ON FEDERAL CORRECTIONS, TRANSFORMING PRISONS, RESTORING LIVES: FINAL RECOMMENDATIONS OF THE CHARLES COLSON TASK FORCE ON FEDERAL CORRECTIONS 47, 10-12 (Jan. 2016), available at <http://colsontaskforce.org/final-recommendations/Colson-Task-Force-Final-Recommendations-January-2016.pdf>.

² U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-12-743, GROWING INMATE CROWDING NEGATIVELY AFFECTS INMATES, STAFF, AND INFRASTRUCTURE 2, 39 (2012), available at <http://www.gao.gov/products/GAO-12-743>; see UNITED STATES DEPARTMENT OF JUSTICE FISCAL YEAR 2016 BUDGET SUMMARY 5, 5-6 (Feb. 2, 2016) available at https://www.justice.gov/sites/default/files/jmd/pages/attachments/2015/02/02/2016_budget_summary_pages_5-12.pdf.

³ See, e.g. BRUCE WESTERN, PUNISHMENT AND INEQUALITY IN AMERICA 161 (2006); Cassia Spohn & David Holleran, *The Effect of Imprisonment on Recidivism Rates of Felony Offenders: A Focus on Drug Offenders*, 40 CRIMINOLOGY 327, 347 fig.1 (2002); CHRISTOPHER T. LOWENKAMP ET AL., THE ARNOLD FOUND., THE HIDDEN COSTS OF PRETRIAL DETENTION 4 (2013), available at http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF_Report_hidden-costs_FNL.pdf; CHRISTY VISHER, ET AL., URBAN INST., LIFE AFTER PRISON: TRACKING THE EXPERIENCES OF MALE PRISONERS RETURNING TO CHICAGO, CLEVELAND, AND HOUSTON 4 (2010), available at <http://www.urban.org/research/publication/life-after-prison-tracking-experiences-male-prisoners-returning-chicago-cleveland-and-houston>.