



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

October 18, 2017

Hon. Donald Trump
The White House
1600 Pennsylvania Avenue, NW
Washington DC 20500

Hon. Jeff Sessions
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

RE: Law Enforcement Leaders Recommendations to the Administration

Dear President Trump and Attorney General Sessions:

We write on behalf of Law Enforcement Leaders to Reduce Crime and Incarceration. Our group represents over 200 current and former police chiefs, sheriffs, district attorneys, federal and state prosecutors, and attorneys general, from all fifty states.

As law enforcement officials, we are grateful that you have prioritized the cause of fighting crime and violence. No task is more important than keeping our citizens safe. We have devoted our careers to the charge of upholding the law, and vigorously pursued those who violate it. We stand ready to work with you on constructive policies to advance public safety in the coming months and years.

We greatly appreciate your unwavering support for law enforcement – the men and women who work each day to protect the citizens of this country. You have consistently supported our mission, and acknowledged the difficulties and dangers of our profession. A White House that advocates for law enforcement is crucial to our success.

Today, our nation faces new public safety challenges, including an increase in opioid abuse, an uptick in homicides in some cities, and strained police-community relations. We believe that these challenges are best answered with modern strategies, innovative solutions, and a reliance on confirmed data. Local law enforcement have pioneered such strategies, and we believe the best of these solutions should be applied nationally. In recent years, a robust bipartisan movement across the country has advanced criminal justice reform based on these strategies — which would reduce crime and incarceration together. It is vital to public safety that momentum for reform continue.

We do not believe that public safety is served by a return to tactics that are overly punitive without strong purpose. From decades of experience on the front lines, we have learned first-hand that these

responses are ineffective to reduce crime. We cannot incarcerate our way to safety. Recent federal policy shifts seem to move away from this consensus, and risk repeating mistakes of the past. These include: restraining prosecutorial discretion by directing higher charges; limiting police accountability and oversight; and encouraging local police to expend limited resources on nonviolent crimes. We believe these changes are misguided and move crime and justice policy in a less effective direction.

Today, we gather in Washington, D.C., along with other prominent law enforcement officials, to express our support for policies aimed at reducing both crime and incarceration. The left, right, and law enforcement have come to agree on this goal for a 21st century justice system.

We write today to respectfully request that the Administration join the bipartisan effort for criminal justice reform, and align its policy agenda with that mission. We also ask for recognition for the work we have done to reduce crime to historic lows across the country. This would greatly help us continue the progress made to promote public safety. Specifically, Law Enforcement Leaders recommends five steps, detailed below, that the Administration can take to help law enforcement better protect this country. Attached is a report laying out these recommendations.¹

1. Prioritize Federal Resources to Fight Violent Crime

First, we ask you to target federal resources toward preventing violent crime specifically, which poses the greatest threat to communities across the nation.

President Trump has made this a priority campaign issue. We support the Administration's commitment to combating violent crime, evidenced most clearly when the President established the Task Force on Crime Reduction and Public Safety.² However, this effort is undercut by a diffuse focus. Attorney General Sessions' regular statements encouraging law enforcement to focus on drug and nonviolent offenders divert officers away from that vital mission.³ Law enforcement resources are limited. Focusing on low-level non-violent offenders means less time to stop and bring to justice the most dangerous offenders.

We have made great progress in reducing crime overall. Since 1990, the crime rate has declined by 51 percent.⁴ However, the Administration has indicated we are in the midst of a national crime wave. While certain cities are experiencing an increase in violence – which we must address, we believe it is important to acknowledge that the country continues to experience historically low crime levels.

We request the Administration direct federal agencies to allocate manpower and resources to fighting violent and serious crime. Specifically, we ask Attorney General Sessions to direct law enforcement agencies and the Justice Department's 93 U.S. Attorneys' Offices to prioritize their resources toward investigating, arresting, and prosecuting violent and serious offenders. Additionally, we encourage more precision when discussing national crime rates, and to send federal resources to areas where data has confirmed that violent crime is rising.

2. Urge Congress to Enact Federal Sentencing Reform

Earlier this month, Senate Judiciary Committee Chair Charles Grassley (R-IA) and Minority Whip Dick Durbin (D-IL) introduced a bipartisan criminal justice reform bill, the Sentencing Reform and Corrections Act of 2017 (SRCA), which draws largely from the 2015 bill of the same name.^[i] The Act would introduce proportionality into federal sentencing by reducing mandatory minimums for nonviolent offenders, and granting judges greater discretion when sentencing lower-level offenders. Reducing unnecessary incarceration will free funding and time for law enforcement to focus on targeting and preventing violent crime.

The most respected national law enforcement groups — including the Major Cities Chiefs Association, Major County Sheriffs Association, National District Attorneys Association, International Association of Chiefs of Police, and Law Enforcement Leaders — all supported the 2015 version of the SRCA and federal sentencing reform. Together, these groups represent 58,000 law enforcement officials and officers.^[ii]

We understand that Attorney General Sessions opposed the SRCA as a Senator, and as Attorney General has continued his opposition to sentencing reform.^[iii]

From our experience, we do not believe that always seeking the longest possible sentence will make our country safer. More than 25 percent of the Justice Department's budget is consumed by federal prisons.^[iv] Every unnecessary dollar spent on prisons is a dollar not spent on policing. And often, the best way to prevent recidivism is through treatment, not prison. Responsibly reducing incarceration will free funding and time for our officers to focus on targeting and preventing violent crime, making our streets safer.^[v]

We request that the Administration champion the SRCA, and the President swiftly sign it into law. Federal sentencing reform is one of the only issues that Republicans and Democrats agree on. We hope you will encourage our lawmakers to work together and enact this critical policy that represents one of the few areas of genuine consensus in a polarized political environment, and will advance public safety and the effectiveness of our government.

3. Increase Resources for Mental Health and Drug Treatment

Incarceration is not a cure for the disease of addiction or for mental health problems. We ask you to emphasize prevention and treatment across the board in federal criminal justice policies.

Opioid abuse is wreaking havoc across the nation. Last year, 52,000 people died from drug overdoses, with 63 percent involving opioids.⁵ Meanwhile, the mental health system is chronically underfunded and unable to meet the demand for treatment and services. Last year, 57 percent of adults with a mental illness did not receive adequate treatment.⁶ Law enforcement officers are frequently the first to respond when an individual is experiencing a mental health or drug-induced crisis. But we are not mental health professionals.

Republican governors have made treatment programs a centerpiece of their public safety efforts. For example, in the early 2000s, Texas Governor Rick Perry expanded access to alternative sanctions for nonviolent addicts.⁷ Greater federal support for these programs will help address the key underlying causes of crime, prevent future offenses, and remove an undue burden on police.

The Administration's proposed 2018 budget cuts nearly \$400 million in funding to the Substance Abuse and Mental Health Services Administration (SAMHSA), a key agency that collects data on and provides funding to reduce the impact of substance abuse and mental illness on America's communities.⁸ Attorney General Sessions recently announced \$59 million in grants for law enforcement and public health agencies to address prescription and opioid addiction.⁹ If the proposed budget is passed, the net loss in funding is \$341 million – a tremendous cut at a time of critical need.

We were encouraged by the President's decision to launch a Task Force on Combating Drug Addiction and Opioid Crisis.¹⁰ We support the Administration's intent to increase treatment for opioids. Attorney General Sessions' statements that imply the need to prioritize enforcement over treatment and prevention for drug offenders, however, seems contrary to that intent.¹¹

We request that the Administration help us combat drug addiction by addressing it as a public health issue, not a criminal one. First, we ask that the Administration support treatment instead of incarceration for all drug addiction, rather than focusing on opioids. We also request increased funding for federal grants that provide addiction and treatment services to offenders. Moreover, we ask that the Justice Department prioritize federal grants to state and city agencies that divert nonviolent individuals with mental illness and addiction toward treatment and away from the criminal justice system.

4. Increase Support for Local Community Policing

Community policing aims to enhance collaboration between police and the citizens we serve, forming a strong partnership to battle crime together. Without citizen cooperation, enhancing public safety is next to impossible. A mistrustful community not only decreases public safety but also puts police officers' lives at risk.

The Justice Department's Office of Community Oriented Policing Services (COPS Office) provides vital support to state and local law enforcement to fund community policing. We were relieved to see that the proposed 2018 budget contained a \$35.5 million increase in funding for COPS grants.¹² However, this year's allocation is significantly smaller than past years. From 1995 to 2001, the COPS Office received about \$1 billion annually compared to about \$200 million annually in the last three years.¹³

Attorney General Sessions recently announced major changes to the COPS Collaborative Reform Initiative for Technical Assistance.¹⁴ The Initiative was restricted to an advisory role and eliminated more involved investigations of police-community relations. The Collaborative Reform Initiative

allowed cities with particularly strained relations to request much-needed assistance to repair community ties. While respecting the autonomy of local law enforcement is crucial, these programs were voluntary and very helpful to many jurisdictions.

We urge you to restore funding for COPS grants to its original levels, and allow the Collaborative Reform Initiative to continue assisting local police departments.

5. Expand Reentry Programs to Reduce Recidivism

We believe that programs to help prisoners returning to society will help them stay away from future crime and out of prison. Research shows that inmates who participate in recidivism reduction programs are 43 percent less likely to return to prison.¹⁵ That means fewer crimes being committed and increased public safety.

In 2015, Senators John Cornyn (R-TX) and Sheldon Whitehouse (D-RI) introduced the Corrections Oversight, Recidivism Reduction, and Eliminating Costs for Taxpayers in our National System Act (“the Corrections Act”).¹⁶ The bill would require federal prisons to provide inmates nearing parole with programming, such as drug treatment and vocational training, aimed at reducing the chances of them committing future crimes. We ask that the Administration support the Corrections Act, if and when it is reintroduced in Congress, in addition to supporting the SRCA.

Further, the Administration’s 2018 budget proposal decreases the funding necessary to provide these programs. For example, it proposes to deflate Bureau of Prisons (BOP) staff funding by nearly 2,000 correctional officers and 6,000 program and administrative staff.¹⁷ This will put corrections officers at risk and decrease public safety overall. Rather than forfeiting essential BOP staff, we ask that the Administration place them in positions that would more effectively reduce recidivism and future crime: running and advancing reentry programs.

The FY 2018 proposed budget would also reduce Second Chance Act (SCA) grants by \$20 million.¹⁸ The SCA — signed into law in 2008 by President George W. Bush with wide bipartisan support — authorized federal grants to states and cities to improve reentry and reduce recidivism.¹⁹ It is an important tool to help those leaving prison stay out of prison. We urge the Administration to increase SCA grants.

Law Enforcement Leaders is grateful for the President’s outspoken commitment to public safety and reducing violence. We respectfully request that the Administration reconsider the ways in which its policies have diverged from our perspective. By implementing the recommendations above, the Administration can support and augment our efforts at systemic change. This will aid law enforcement, strengthen the justice system, and better protect Americans.

Sincerely,

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Founding Chairman, Law Enforcement Leaders
Former Police Superintendent, New Orleans, Louisiana
Former Police Chief, Nashville, Tennessee

David Brown
Co-Chairman, Law Enforcement Leaders
Former Police Chief, Dallas Texas

Hassan Aden
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Walter Holton
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Former U.S. Attorney, Middle District of North Carolina

James E. Johnson
Steering Committee Member, Law Enforcement Leaders
Former Undersecretary for Enforcement, U.S. Department of the Treasury

Kathleen O'Toole
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Brett Tolman
Steering Committee Member, Law Enforcement Leaders
Former U.S. Attorney, District of Utah

Cyrus Vance
Steering Committee Member, Law Enforcement Leaders
District Attorney, New York County, New York

¹ See LAW ENFORCEMENT LEADERS TO REDUCE CRIME AND INCARCERATION, FIGHTING CRIME AND STRENGTHENING JUSTICE: AN AGENDA FOR THE NEW ADMINISTRATION (2017), http://lawenforcementleaders.org/wp-content/uploads/2017/02/LEL_An_Agenda_for_the_New_Administration.pdf.

² Exec. Order No. 13,776, 82 F.R. 10699 (Feb. 14, 2017), <https://www.whitehouse.gov/the-press-office/2017/02/09/p-residential-executive-order-task-force-crime-reduction-and-public>.

³ See e.g., Att'y General Jeff Sessions, Remarks at 30th DARE Training Conference, (July 11, 2017), <https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-30th-dare-training-conference> (praising the widely discredited policies of the war-on-drugs as responsible for reducing crime and drug use); Matt Ford, *Jeff Sessions Reinvigorates the Drug War*, THE ATLANTIC (May 12, 2017), <https://www.theatlantic.com/politics/archive/2017/05/jeff-sessions-reinvigorates-the-drug-war/524441/>.

7/05/sessions-sentencing-memo/526029/ (contrasting AG Sessions' strategy to combat drug use with Holder-era policies); Josh Gerstein, *Sessions Pushes Tougher Line on Marijuana*, POLITICO (Feb. 2, 2017), <http://www.politico.com/blogs/under-the-radar/2017/02/jeff-sessions-marijuana-235461> (reporting on AG Sessions' comments linking violence and marijuana).

⁴ For crime data through 1996, see FEDERAL BUREAU OF INVESTIGATION, UNIFORM CRIME REPORTING STATISTICS, REPORTED CRIME BY LOCALITY (CITY, COUNTY), STATE, AND NATION (1960-2014), <https://www.ucrdatatool.gov/Search/Crime/Crime.cfm> (select "All states and U.S. total" under "State and national estimates," and on the next page, select "State by state and national estimates." Then select "United States-Total" from the first list, "Violent crime rates" and "Property crime rates" from the second, and "1990" to "1996" from the third). For crime data from 1997 to 2016, see UNITED STATES DEP'T OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, CRIME IN THE UNITED STATES, 2016 tbl. 1 (2017), <https://ucr.fbi.gov/crime-in-the-u.s/2016/crim-e-in-the-u.s.-2016/topic-pages/tables/table-1>.

⁵ Sentencing Reform and Corrections Act of 2017, S. 1917, 115th Cong. (2017), <https://www.congress.gov/bill/115th-congress/senate-bill/1917/text>.

⁶ Letter from Nat' Dist. Attorneys Ass'n to Mitch McConnell, Majority Leader, U.S. Senate & Harry Reid, Democratic Leader, U.S. Senate (Apr. 26, 2016), <http://www.ndaajustice.org/pdf/NDAA%20Support%20Letter%20on%20Sentencing%20Reform%20and%20Corrections%20Act.pdf>; Letter from Major Cities Chiefs Ass'n to Chuck Grassley, Chairman, Senate Comm. on the Judiciary & Patrick Leahy, Ranking Member, Senate Comm. on the Judiciary (Oct. 13, 2015) <https://www.judiciary.senate.gov/imo/media/doc/2015-10-13%20Major%20Cities%20Chiefs%20Association%20to%20Judiciary%20-%20Sentencing%20Reform%20and%20Corrections%20Act.pdf>; Press Release, Major Cty. Sheriffs' Ass'n, MCSA Supports Revised Sentencing Reform and Corrections Act (May 2016), <https://www.judiciary.senate.gov/imo/media/doc/2016-05-11%20MCSA%20to%20Grassley%20-%20Sentencing%20Reform%20and%20Corrections%20Act.pdf>; Letter from Int'l Ass'n of Chiefs of Police to Mitch McConnell, Majority Leader, U.S. Senate & Harry Reid, Democratic Leader, U.S. Senate (May 11, 2016), <http://www.theiacp.org/portals/0/documents/pdfs/LetterofSupportforS2123.pdf>.

⁷ See Memorandum from Att'y General Jeff Sessions to All Federal Prosecutors (May 10, 2017), <https://www.justice.gov/opa/press-release/file/965896/download> (directing all federal prosecutors to "charge and pursue the most serious, readily provable offense).

⁸ NATHAN JAMES, CONG. RESEARCH SERV., THE BUREAU OF PRISONS (BOP): OPERATIONS AND BUDGET 11 (Mar. 4, 2014), <https://www.fas.org/sgp/crs/misc/R42486.pdf> (BOP's appropriations in 1990 were \$2,650.7 million); FED. BUREAU OF PRISONS, FY 2017 BUDGET REQUEST AT A GLANCE 1, <https://www.justice.gov/jmd/file/822106/download> (BOP's appropriations in 2016 were \$7,478.5 million); NATHAN JAMES, CONG. RESEARCH SERV., THE FEDERAL PRISON POPULATION BUILDUP: OPTIONS FOR CONGRESS 1-3, 19 (2016), <http://www.fas.org/sgp/crs/misc/R42937.pdf>; (the federal prison population increased from approximately 64,936 in 1990 to over 205,000 in 2015; and 2016 appropriations to the BOP accounted for 26 percent of the total amount appropriated for DOJ).

⁹ To learn more, please see LAW ENFORCEMENT LEADERS TO REDUCE CRIME AND INCARCERATION, STATEMENT OF PRINCIPLES (2015), http://lawenforcementleaders.org/wp-content/uploads/2015/10/Statement_of_Principles.pdf.

¹⁰ Rose A. Rudd et al., *Increases in Drug and Opioid-Involved Overdose Deaths – United States, 2010–2015*, 65 MORBIDITY & MORTAL WKL. REP. 1445-1452 (2016), <http://dx.doi.org/10.15585/mmwr.mm65051e1>.

¹¹ SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMIN., KEY SUBSTANCE USE AND MENTAL HEALTH INDICATORS IN THE UNITED STATES: RESULTS FROM THE 2015 NATIONAL SURVEY ON DRUG USE AND HEALTH: MENTAL HEALTH FINDINGS 30 FIG.44 (2016), <https://www.samhsa.gov/data/sites/default/files/NSDUH-FFR1-2015/NSDUH-FFR1-2015/NSDUH-FFR1-2015.pdf> (finding 43.1% of adults aged 18 and older with any mental illness received mental health care in 2015).

¹² Chris Deutsch, National Ass'n of Drug Court Professionals, *Texas Governor Rick Perry Receives National Award for Criminal Justice Reform*, GLOBE NEWSWIRE, Apr. 2, 2014, <https://globenewswire.com/news-release/2014/04/02/624008/10075266/en/Texas-Governor-Rick-Perry-Receives-National-Award-for-Criminal-Justice-Reform.html>.

¹³ SUBSTANCE ABUSE AND MENTAL HEALTH ADMIN., ALL PURPOSE TABLE, FY 2018 JUSTIFICATION OF ESTIMATES FOR APPROPRIATIONS COMMITTEES 6 (2017), <https://www.samhsa.gov/sites/default/files/samhsa-fy-2018-congressional-justification.pdf> (showing a decrease in overall budget by \$373,692,000).

⁹ Press Release, Dep't of Justice, Department of Justice Awards Nearly \$59 Million to Combat Opioid Epidemic, Fund Drug Courts (Sep. 22, 2017), <https://www.justice.gov/opa/pr/departments-justice-awards-nearly-59-million-combat-opioid-epidemic-fund-drug-courts>.

¹⁰ Exec. Order No. 13,784, 82 F.R. 16283 (Mar. 29, 2017), <https://www.whitehouse.gov/the-press-office/2017/03/30/presidential-executive-order-establishing-presidents-commission>.

¹¹ See Jeff Sessions, *Being Soft on Sentencing Means More Violent Crime. It's Time to Get Tough Again.*, WASH. POST, June 16, 2017, https://www.washingtonpost.com/opinions/jeff-sessions-being-soft-on-sentencing-means-more-violent-crime-its-time-to-get-tough-again/2017/06/16/618ef1fe-4a19-11e7-9669-250d0b15f83b_print.html (arguing that less harsh sentencing of drug offenders is causing an uptick in violence crime with no statistical evidence whatsoever).

¹² While the President's 2018 proposal states there is an increase of \$17.4 million, that figure was based on estimates of the 2017 Appropriations Act. See DEP'T OF JUSTICE, COMMUNITY POLICING (COPS), FY 2018 BUDGET REQUEST AT A GLANCE (2017), <https://www.justice.gov/jmd/page/file/968286/download>. The \$35.5 million figure reflects the final COPS budget in the 2017 Appropriations Act compared with the President's 2018 budget request. Our calculation removes funding that will not actually be available to the COPS office for community policing (e.g. funding for DEA anti-methamphetamine efforts, cancellation of unobligated debts, etc.). Compare OFFICE OF MGMT. & BUDGET, EXEC. OFFICE OF THE PRESIDENT, BUDGET OF THE UNITED STATES GOVERNMENT FISCAL YEAR 2018, Appendix 717 (2017) with Consolidated Appropriations Act, 2017, PL 115-31, 131 Stat 135, 207-208 (May 5, 2017).

¹³ CONG. RESEARCH SERV., COMMUNITY ORIENTED POLICING SERVICES (COPS): IN BRIEF 3 (Feb. 2, 2016), https://www.everycrsreport.com/files/20160202_RL33308_c7ba19f9d7d5c3820db-99d5b8271bb9cc0011d55.pdf.

¹⁴ Press Release, Dep't of Justice, Justice Department Announces Changes to the Collaborative Reform Initiative (Sept. 15, 2017), <https://www.justice.gov/opa/pr/departments-justice-announces-changes-collaborative-reform-initiative>.

¹⁵ LOIS M. DAVIS ET AL., RAND CORP., EVALUATING THE EFFECTIVENESS OF CORRECTIONAL EDUCATION: A META-ANALYSIS OF PROGRAMS THAT PROVIDE EDUCATION TO INCARCERATED ADULTS xvi (2013), http://www.rand.org/content/dam/rand/pubs/research_reports/RR200/RR266/RAND_RR266.sum.pdf.

¹⁶ CORRECTIONS Act, S. 467, 114th Cong. (2015), <https://www.congress.gov/bill/114th-congress/senate-bill/467>.

¹⁷ FEDERAL BUREAU OF PRISONS, FY 2018 BUDGET AT A GLANCE (2017), <https://www.justice.gov/jmd/page/file/968276/download> (showing a decrease in 1,848 correctional officers and 5,946 other positions).

¹⁸ OFFICE OF JUSTICE PROGRAMS, FY 2018 BUDGET AT A GLANCE (2017), <https://www.justice.gov/jmd/page/file/968281/download>.

¹⁹ See Second Chance Act of 2007: Community Safety Act Through Recidivism Prevention, Pub. L. No. 110-199, 122 Stat, 657 (2008).