



# LAW ENFORCEMENT LEADERS

## To Reduce Crime & Incarceration

February 15, 2018

Hon. Chuck Grassley  
United States Senate  
135 Hart Senate Office Building  
Washington, D.C. 20510

Hon. Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

### **RE: Sentencing Reform and Corrections Act of 2017, S. 1917**

Dear Chairman Grassley and Ranking Member Feinstein,

I write in support of the Sentencing Reform and Corrections Act of 2017 (S. 1917). This legislation will vastly improve public safety and strengthen our criminal justice system.

Reducing unnecessary incarceration is vital to the safety of our nation. As current and former leaders of the law enforcement community — police chiefs, U.S. Attorneys, federal law enforcement, and heads of national law enforcement organizations — [Law Enforcement Leaders to Reduce Crime & Incarceration](#) believes we can fight crime while reducing unnecessary incarceration.

Today, our oversized prison population costs taxpayers billions annually and draws law enforcement resources away from apprehending violent offenders. I believe this legislation would free funding and time for officers to focus on targeting and preventing violent crime, making our streets safer.

Broadly, law enforcement supports similar reforms. For example, in 2016, seventy members of Law Enforcement Leaders sent a [letter of support](#) for the Sentencing Reform and Corrections Act of 2015 (S. 2123). I am attaching that letter here in the hope you and the Senate Judiciary Committee consider their concerns and viewpoint from the previous legislation.

Thank you for your leadership on the important criminal justice issues facing the country today.

Respectfully yours,

Ronal Serpas  
Chairman, Law Enforcement Leaders to Reduce Crime & Incarceration  
Former Police Superintendent, New Orleans, Louisiana



# LAW ENFORCEMENT LEADERS

## To Reduce Crime & Incarceration

January 20, 2016

Hon. Mitch McConnell  
United States Senate  
317 Russell Senate Office Building  
Washington, D.C. 20510-1702

Hon. Harry Reid  
United States Senate  
522 Hart Senate Office Building  
Washington, D.C. 20510-2803

Hon. Paul Ryan  
United States House of Representatives  
1233 Longworth House Office Building  
Washington, D.C. 20515-4901

Hon. Nancy Pelosi  
United States House of Representatives  
233 Cannon House Office Building  
Washington, D.C. 20515-0512

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

Dear Leader McConnell, Leader Reid, Speaker Ryan, and Leader Pelosi:

We write to express our support for the Sentencing Reform and Corrections Act of 2015 (S. 2123), similar to the Sentencing Reform Act of 2015 (H.R. 3713). As current and former leaders of the law enforcement community — police chiefs, U.S. Attorneys, federal law enforcement, and heads of national law enforcement organizations — we believe that protecting public safety is a vital goal. Our experience has shown us that the country can reduce crime while also reducing unnecessary arrests, prosecutions, and incarceration. We believe the Sentencing Reform and Corrections Act will accomplish this goal and respectfully urge you to support it. We appreciate your leadership on and concern for the important criminal justice issues facing the country today.

Our group, Law Enforcement Leaders to Reduce Crime and Incarceration, unites more than 160 current and former police chiefs, district attorneys, U.S. Attorneys, and attorneys general from all 50 states. Our mission is to replace ineffective policies with new solutions that both reduce crime and incarceration. To achieve this goal, we focus on four policy priorities — one of which is reforming mandatory minimum sentencing laws.

First and foremost, our role as law enforcement leaders is to protect public safety. We have dedicated our careers to fighting crime and have seen firsthand the toll that lawbreaking takes on communities. It is in the interest of the entire country to vigilantly combat criminal activity. We are

proud that our efforts have helped reduce crime to a historic low. Today, the crime rate is about half of what it was at its height in 1991.<sup>1</sup>

Crime is still at an all-time low across the country. Crime rates dropped almost 30 percent from 2000 to 2014. And crime remained roughly the same in 2015 as it was in 2014, in fact decreasing 5.5 percent. Some cities are experiencing an increase in murders and this should be taken seriously. However, the data shows these increases are primarily attributable to a few cities and not evidence of a national crime wave.<sup>2</sup>

Common sense might suggest that more punishment keeps down crime. But research has shown that arbitrarily increasing time served in prison does not necessarily translate into increased public safety gains. Mandatory minimum sentencing laws are one example of laws that often impose excessively long sentences for crimes without a correlating public safety impact. Their consequences are felt throughout the country: The average prison stay has increased 36 percent since 1990.<sup>3</sup> Research studies now show that increasing incarceration has diminishing returns on crime, and played only a modest role in the crime decline the country experienced since 1990.<sup>4</sup> Policing and economic factors played a greater role.<sup>5</sup>

In fact, excessive incarceration can actually increase crime in some cases. Criminologists often call prison “criminogenic,” meaning that it can increase the criminal behavior of prisoners upon release.<sup>6</sup> Studies have shown that this effect is particularly powerful on low-level and nonviolent offenders.<sup>7</sup> Once an individual enters prison, they are surrounded by other prisoners who have often committed more serious and violent offenses. Upon release, these prisoners often have trouble finding employment and reintegrating into society due to legal barriers and social stigma. With limited options available, many ex-prisoners enter a cycle of repeat incarceration, committing more serious and violent offenses after release. Two-thirds of those who leave prison end up back in prison.<sup>8</sup> For this reason, reducing recidivism is key to improving public safety.

Further, the fiscal costs spent imprisoning low-level offenders could be better used to arrest, convict, and incarcerate serious and violent offenders. Today, half of federal prisoners are drug offenders and only 7 percent are convicted of violent crimes.<sup>9</sup> The federal inmate population has grown more than 400 percent since the late 1980s. Now, the Bureau of Prisons is 39 percent beyond capacity and consumes a quarter of the Department of Justice’s budget.<sup>10</sup> These taxpayer dollars should instead target the country’s most dangerous and serious offenders, those who pose the most risk to public safety.

For these reasons, we believe that reforming mandatory minimums will help reduce crime and reduce our prison population and costs. We know from our experience as leaders in law enforcement that we can reduce crime and punish offenders appropriately without relying on these excessive and arbitrary laws.

We urge Congress to act swiftly to reform federal mandatory minimum sentencing laws. In particular, we urge Congress to pass the Sentencing Reform and Corrections Act, which makes modest but important reforms to federal mandatory minimums. Three key provisions of the bill in particular would aid in the goals of reducing crime and reducing unnecessary incarceration. First, the bill would reduce penalties for repeat non-violent drug offenders. Second, it would eliminate “three-strikes-you’re-out” mandatory life sentence and replaces it with 25 years in prison. Lastly, it would grant judges the discretion to take into account an individual’s specific circumstances when deciding his or her sentence length. These provisions, working together, would better protect public safety by targeting finite criminal justice resources on violent and serious criminals. Neither this bill nor the Sentencing Reform Act eliminates any mandatory minimums, which are important tools for law enforcement when used appropriately. Both bills preserve and target mandatory minimum sentences at violent criminals.

This is a unique moment of rare bipartisan consensus on the urgent need for criminal justice reform. As law enforcement leaders, we want to make clear where we stand: Not only is passing federal mandatory minimum reform necessary to reduce incarceration, it is also necessary to help law enforcement continue to keep crime at its historic lows across the country. We urge Congress to pass the Sentencing Reform and Corrections Act. More broadly, we urge Congress to take strong action to reform our criminal justice system, especially to reform mandatory minimums sentences.

We very much hope that we can meet with you to further explain our concerns and viewpoint on this important national issue.

Respectfully yours,

**Ronal Serpas**

Co-Chairman  
Law Enforcement Leaders to Reduce Crime and Incarceration  
Former Police Superintendent  
New Orleans, Louisiana  
Former Police Chief  
Nashville, Tennessee

**Cedric Alexander**

Former President  
National Organization of Black Law Enforcement Executives  
Police Chief  
DeKalb County, Georgia

**Zachary Carter**

Corporation Counsel  
New York City, New York  
Former U.S. Attorney

Eastern District of New York

**John Chisholm**

District Attorney  
Milwaukee County, Wisconsin

**William Citty**

Police Chief  
Oklahoma City, Oklahoma

**Tristram J. Coffin\***

Former U.S. Attorney  
Vermont

**Paul E. Coggins\***

Former U.S. Attorney  
Northern District of Texas

**Brendan Cox**

Police Chief  
Albany, New York

**Thomas Dart**

Sheriff  
Cook County, Illinois

**Benjamin David**

District Attorney  
5th Prosecutorial District, New Hanover County & Pender County, North Carolina

**Kevin Davis**

Police Commissioner  
Baltimore, Maryland

**Richard Deane, Jr.**

Former President  
National Association of Former United States Attorneys  
Former U.S. Attorney  
Northern District of Georgia

**Allison DeFoor**

Former Sheriff  
Monroe County, Florida

---

\* Not a Law Enforcement Leaders to Reduce Crime and Incarceration member.

**Donald J. DeGabrielle\***  
Former U.S. Attorney  
Southern District of Texas

**Richard Doran**  
Former Attorney General  
Florida

**Edward Dowd, Jr.**  
Former President  
National Association of Former United States Attorneys  
Former U.S. Attorney  
Eastern District of Missouri

**Col. Alfred Durham**  
Police Chief  
Richmond, Virginia

**Dean M. Esserman**  
Police Chief  
New Haven, Connecticut  
Former Police Chief  
Providence, Rhode Island

**Robert Fiske, Jr.**  
Former U.S. Attorney  
Southern District of New York

**George Gascón**  
District Attorney  
San Francisco County, California  
Former Police Chief  
San Francisco, California

**Greg Hamilton**  
Sheriff  
Travis County, Texas

**Hal Hardin**  
Board of Directors Member  
National Association of Former United States Attorneys  
Former U.S. Attorney  
Middle District of Tennessee

**Janeé Harteau**  
Police Chief  
Minneapolis, Minnesota

**Walter Holton**

Former U.S. Attorney  
Middle District of North Carolina

**Brendan V. Johnson**

Former U.S. Attorney  
South Dakota

**James E. Johnson**

Former Undersecretary for Enforcement  
Department of the Treasury

**Will Johnson**

Police Chief  
Arlington, Texas

**B. Todd Jones**

Former Director  
U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives  
Former U.S. Attorney  
Minnesota

**G. Douglas Jones**

Former U.S. Attorney  
Northern District of Alabama

**Bernard Kerik**

Former Police Commissioner  
New York City, New York

**Brian N. Kozak**

Police Chief  
Cheyenne, Wyoming

**George Kral**

Police Chief  
Toledo, Ohio

**David LaBahn**

President and CEO  
Association of Prosecuting Attorneys

**Jody Lay**

Police Chief  
Terrell, Texas

**Leon Lott**  
Sheriff  
Richland County, South Carolina

**Ronald C. Machen, Jr.\***  
Former U.S. Attorney  
District of Columbia

**Christopher Magnus**  
Police Chief  
Tucson, Arizona  
Former Police Chief  
Richmond, California

**David Mahoney**  
Sheriff  
Dane County, Wisconsin

**J. Thomas Manger**  
President  
Major Cities Chiefs' Association  
Police Chief  
Montgomery County, Maryland

**Salvatore R. Martoche**  
Former U.S. Attorney  
Western District of New York

**Sherry Matteucci**  
Former U.S. Attorney  
Montana

**Charles McClelland**  
Police Chief  
Houston, Texas

**William McManus**  
Police Chief  
San Antonio, Texas

**Matthew Orwig**  
Former U.S. Attorney  
Eastern District of Texas

**Kathleen O'Toole**  
Police Chief  
Seattle, Washington



Former Police Commissioner  
Boston, Massachusetts

**Andrew Peralta**  
President  
National Latino Peace Officers Association

**James Peschong**  
Police Chief  
Lincoln, Nebraska

**James Petro**  
Former Attorney General  
Ohio

**Brad Pigott**  
Former U.S. Attorney  
Southern District of Mississippi

**Richard J. Pocker**  
Former U.S. Attorney  
Nevada

**Timothy Purdon**  
Former U.S. Attorney  
North Dakota

**Richard Raemisch**  
Former Sheriff  
Dane County, Wisconsin

**A.C. Roper**  
Police Chief  
Birmingham, Alabama

**Richard Rossman**  
Executive Director  
National Association of Former United States Attorneys  
Former U.S. Attorney  
Eastern District of Michigan

**Michael Sauschuck**  
Police Chief  
Portland, Maine

**Eric Schneiderman**

Attorney General  
New York

**Jiles Ship**

Former President  
National Organization of Black Law Enforcement Executives

**David Steingraber**

Former Police Chief  
Menomonee Falls, Wisconsin

**Donald Stern**

Former President  
National Association of Former United States Attorneys  
Former U.S. Attorney  
Massachusetts

**Greg Suhr**

Police Chief  
San Francisco, California

**Gregory A. Thomas**

President  
National Organization of Black Law Enforcement Executives

**Todd L. Thomas**

Police Chief  
Appleton, Wisconsin

**Richard Thornburgh\***

Former Attorney General  
United States  
Former Governor  
Pennsylvania  
Former U.S. Attorney  
Western District of Pennsylvania

**Brett Tolman**

Former U.S. Attorney  
District of Utah

**John Urquhart**

Sheriff  
King County, Washington

**Gregory Vega**  
Former U.S. Attorney  
Southern District of California

**Roberto Villaseñor**  
Former Police Chief  
Tucson, Arizona

**Edward G. Warin**  
Former U.S. Attorney  
Nebraska

**Donald Washington**  
Board of Directors Member  
National Association of Former United States Attorneys  
Former U.S. Attorney  
Western District of Louisiana

**Donnell White**  
Board Member of Police Commissioners  
Detroit, Michigan

**Robert White**  
Police Chief  
Denver, Colorado

**William Wilmoth**  
Former U.S. Attorney  
Northern District of West Virginia

---

<sup>1</sup> In the twenty years from its peak in 1991, the violent crime rate has fallen from an annual 759 crimes per 100,000 people to 387 crimes per 100,000 people. Property crime has fallen from 5140 to 2905 crimes per 100,000 people. See *UCR Data Online*, UNIFORM CRIME REPORTING STATISTICS, <http://www.ucrdatatool.gov/index.cfm> (providing crime statistics from 1960 to 2012, when the latest available data for the tool is available).

<sup>2</sup> See MATTHEW FRIEDMAN, ET AL., BRENNAN CTR. FOR JUSTICE, *CRIME IN 2015: A PRELIMINARY ANALYSIS* (2015), update available at [https://www.brennancenter.org/sites/default/files/publications/Crime\\_Data\\_Dec2015.pdf](https://www.brennancenter.org/sites/default/files/publications/Crime_Data_Dec2015.pdf) (updated Dec. 23, 2015); see also FEDERAL BUREAU OF INVESTIGATION, *Crime in the United States, 2014* tbl. 1 (2014), available at <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-1>. Based on latest available data and projections, in 2015 there were 469 additional murders in the 25 largest cities, compared to 2014. More than half (247) of that increase occurred in Baltimore, Washington D.C., and Chicago. Other cities have also seen increases although on a much smaller scale, such as 1 additional murder in Seattle, 10 in San Antonio, and 20 in New York City. See *id.*

<sup>3</sup> PEW CTR. ON THE STATES, *TIME SERVED 2* (2012), available at <http://www.pewtrusts.org/en/research-and-analysis/reports/2012/06/06/time-served-the-high-cost-low-return-of-longer-prison-terms> (finding that offenders released in 2009 served an average of almost 3 years in custody, 36% longer than offenders released in 1990).

<sup>4</sup> See, e.g., STEVEN RAPHAEL & MICHAEL STOLL, THE HAMILTON PROJECT, *A NEW APPROACH TO REDUCING INCARCERATION WHILE MAINTAINING LOW RATES OF CRIME* (2014), available at <http://www.brookings.edu/research/papers/2014/05/01-reduce-incarceration-maintain-low-crime-rates-raphael-stoll>; NAT'L RESEARCH COUNCIL, *THE GROWTH IN OF INCARCERATION IN THE UNITED STATES: EXPLORING CAUSES AND CONSEQUENCES* 155 (Jeremy Travis et al. eds., 2014); OLIVER ROEDER ET AL., BRENNAN CTR. FOR JUSTICE, *WHAT CAUSED THE CRIME DECLINE?* (2015), available at <https://www.brennancenter.org/publication/what-caused-crime-decline>. See also Vikrant P Reddy & Marc A. Levin, *The Conservative Case Against More Prisons*, THE AMERICAN CONSERVATIVE, Mar. 6, 2013, available at <http://www.theamericanconservative.com/articles/the-conservative-case-against-more-prisons>.

<sup>5</sup> See, e.g., Jeff Godown, *The CompStat Process: Four Principles for Managing Crime Reduction*, POLICE CHIEF, Dec. 2014, <http://bit.ly/15vPx6k> (associating Compstat with “the positive outcome of recurring incremental reductions in crime”); FRANKLIN E. ZIMRING, *THE CITY THAT BECAME SAFE: NEW YORK’S LESSONS FOR URBAN CRIME AND ITS CONTROL* 113, fig.5.5 (2011) (crediting the decreasing crime in New York City to changing policing tactics); *Where Have All the Burglars Gone*, THE ECONOMIST, July, 20, 2013, available at <http://www.economist.com/news/briefing/21582041-rich-world-seeing-less-and-less-crime-even-face-high-unemployment-and-economic>.

<sup>6</sup> See, e.g., BRUCE WESTERN, *PUNISHMENT AND INEQUALITY IN AMERICA* 161 (2006).

<sup>7</sup> See, e.g., Lynne M. Vieraitis et al., *The Criminogenic Effects of Imprisonment: Evidence from State Panel Data, 1974–2002*, 6 CRIMINOLOGY & PUB. POL'Y 589, 593 (2007).

<sup>8</sup> MATTHEW DUROSE, ET AL., BUREAU OF JUSTICE STATISTICS, *RECIDIVISM OF PRISONERS RELEASED IN 30 STATES IN 2005: PATTERNS FROM 2005 TO 2010* 31 (2014), available at <http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>.

<sup>9</sup> E. ANN CARSON, BUREAU OF JUSTICE STAT., *PRISONERS IN 2014* 17, tbl. 12 (2015), available at <http://www.bjs.gov/content/pub/pdf/p14.pdf>.

<sup>10</sup> 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>; compare U.S. DEP'T OF JUSTICE, *FY 2016 BUDGET REQUEST: PRISONS AND DETENTION* (2015), available at [http://www.justice.gov/sites/default/files/jmd/pages/attachments/2015/01/30/4\\_prisons\\_and\\_detention\\_fact\\_sheet.pdf](http://www.justice.gov/sites/default/files/jmd/pages/attachments/2015/01/30/4_prisons_and_detention_fact_sheet.pdf) with U.S. DEP'T OF JUSTICE, *FY 2016 BUDGET REQUEST AT A GLANCE* (2015), available at [http://www.justice.gov/sites/default/files/jmd/pages/attachments/2015/02/02/2016\\_budget\\_summary\\_pages\\_2-4.pdf](http://www.justice.gov/sites/default/files/jmd/pages/attachments/2015/02/02/2016_budget_summary_pages_2-4.pdf).