



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

May 9, 2018

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

Hon. Robert Goodlatte
U.S. House of Representatives
2309 Rayburn House Office Building
Washington, D.C. 20515

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

Hon. Jerry Nadler
U.S. House of Representative
2109 Rayburn House Office Building
Washington, D.C. 20515

Hon. Kevin McCarthy
United States House of Representatives
2421 Rayburn House Office Building
Washington, D.C. 20515

RE: Law Enforcement Perspective on the FIRST STEP Act

Dear Speaker Ryan, Leader Pelosi, Leader McCarthy, Chairman Goodlatte, and Ranking Member Nadler:

I write to represent the views of Law Enforcement Leaders to Reduce Crime & Incarceration, a bipartisan group of more than 200 current and former law enforcement officials. Our mission, and our experience on the front lines of America's fight against crime, both compel us to speak out in support of policies that will keep the public safe, and to share concerns about those that will not.

Toward that end, I urge the House of Representatives and the House Judiciary Committee to continue working toward comprehensive, bipartisan sentencing reform — even as you move closer to passing prison reform legislation.

Today, the Judiciary Committee takes up the FIRST STEP Act. The bill is in many ways an improvement on its predecessor, the Prison Reform and Redemption Act, H.R. 3356.

However, we have the same concerns about the FIRST STEP Act as we did about the previous legislation. Reducing recidivism through programming and other in-prison services is vital, and the FIRST STEP Act marks progress toward that goal. But any such attempt to reduce recidivism will

be incomplete without addressing the rate at which people unnecessarily enter prison in the first place. For that reason, we believe that the FIRST STEP Act should not pass alone, but as a part of a broader push toward comprehensive criminal justice reform — one that includes updating our outdated federal sentencing laws. The Sentencing Reform and Corrections Act (“SRCA”), now pending in the Senate as S.1917, would be a worthy companion to that effort.

Over 60 of our members expressed these views more fully in our previous letter of April 23, 2018. That letter is re-attached for the Committee’s convenience.¹

Passing comprehensive sentencing reform — such as the SRCA — will allow law enforcement officers nationwide to focus their efforts on combatting the most dangerous offenders, and support their work to keep crime at record lows. It is a necessary complement to any effort to reduce recidivism among currently incarcerated offenders.

We respectfully urge Congress to take up and pass both prison reform and the SRCA.

Respectfully yours,

Ronal Serpas

Chairman

Law Enforcement Leaders to Reduce Crime & Incarceration

Former Police Superintendent

New Orleans, Louisiana

Former Police Chief

Nashville, Tennessee

cc: Members of the House Judiciary Committee

Attachment: Law Enforcement Leaders letter of April 23, 2018

¹ Letter from Law Enforcement Leaders to Reduce Crime and Incarceration to Speaker Paul Ryan et al. (Apr. 23, 2018), <http://lawenforcementleaders.org/wp-content/uploads/2018/04/LEL-SRCA-2017-Letter-of-Support.pdf>.



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

April 23, 2018

Hon. Mitch McConnell
United States Senate
317 Russell Senate Office Building
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Hon. Chuck Schumer
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

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

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

Hon. Nancy Pelosi
United States House of Representatives
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Hon. Paul Ryan
United States House of Representatives
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Hon. Bob Goodlatte
United States House of Representatives
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Washington, D.C. 20515

Hon. Jerry Nadler
United States House of Representatives
2109 Rayburn House Office Building
Washington, D.C. 20515

**RE: Law Enforcement Perspective -- Sentencing Reform and Corrections Act (S.1917),
Prison Reform and Redemption Act (H.R. 3356), CORRECTIONS Act (S. 1994)**

Dear Speaker, Chairmen, and Leaders:

We write to you as members of Law Enforcement Leaders to Reduce Crime & Incarceration. As current and former law enforcement officials, our primary responsibility is, first and foremost, to protect the public safety of our country. We have dedicated our careers to fighting crime and keeping our communities safe. That same duty compels us to speak out today about the critical nature of sentencing reform as part of any criminal justice reform effort in Congress.

Law Enforcement Leaders unites more than 200 current and former police chiefs, sheriffs, district attorneys, U.S. Attorneys, and attorneys general from all 50 states and across the political spectrum. Our mission is to work to reduce crime and incarceration together. To achieve this goal, we focus

on four policy priorities — two of which call for reforming mandatory minimum sentencing laws and improving efforts to assist prisoners reenter society.

Legislation like the Prison Reform and Redemption Act (H.R.3356) and the CORRECTIONS Act (S. 1994) are useful efforts to improve the lives of those in prison. But such efforts should be coupled with efforts to reduce unnecessary incarceration, as it is in the Sentencing Reform and Corrections Act.

Today, our oversized prison population costs taxpayers \$80 billion annually and draws resources away from law enforcement efforts to fight violent crime.ⁱ To refocus our resources and enhance public safety, we urge Congress to pass legislation including both comprehensive sentencing reform and reentry programs to reduce recidivism rates.

Lawmakers and Presidents of both parties have taken great strides to reform prison systems and develop more effective reentry programs. We are grateful to the White House for allocating resources towards reducing recidivism, through the creation of the Federal Interagency Council on Crime Prevention and Improving Reentry, and for its support of similar legislative efforts. This concerted effort acknowledges the importance of setting an example of criminal justice reform on the federal level, and the impact federal policies have on state and local criminal justice practice.

However, improving prison conditions and reentry services, on their own, will not adequately solve our high rates of incarceration and recidivism. It will not stop the overuse of incarceration for minor drug-related and low-level, non-violent offenses. To have meaningful reform, we must also address our sentencing laws. As those fighting crime on the frontlines, we know from firsthand experience that it is ineffective to exhaust resources on reducing the rate of recidivism if there is no accompanying effort to reduce the rate at which people unnecessarily enter prison in the first place. For this reason, 67 of our members [wrote in support](#) of a previous version of the Sentencing Reform and Corrections Act in early 2016.ⁱⁱ

We ask the Senate, House, and White House to work together to pass the Sentencing Reform and Corrections Act in addition to any reentry legislation. The Act would shorten unnecessarily long sentences for lower-level offenders, a solution that has been shown in other parts of the country to successfully reduce crime and incarceration together.ⁱⁱⁱ

States have already had much success in such efforts. Following the elimination of prison sentences for certain low-level and non-violent felonies in 2009, Florida's imprisonment rate fell by 10.4 percent in five years, and its violent and property crime rate by 20 percent.^{iv} Similarly, South Carolina eliminated mandatory minimums for drug possession in 2010. By 2014, the state's imprisonment rate fell by 13 percent and the violent crime rate dropped 17 percent.^v By 2013, the state's three-year recidivism rate also decreased by 13 percent.^{vi} California also enacted a number of policies that significantly reduced the state's incarceration rate, including Proposition 47, which reclassified petty theft and simple, low-level drug possession as misdemeanors.^{vii} With the savings from reduced incarceration, the state invested it into community-based crime prevention

programs.^{viii} These are promising results, which can be replicated at the federal level. If Congress offers national leadership on sentencing reform, other states will also follow suit.

As law enforcement leaders, we want to make clear where we stand: Not only is passing federal mandatory minimum and reentry reform necessary to reduce incarceration, it is also necessary to help police and prosecutors continue to keep crime at its historic lows across the country. We believe the Sentencing Reform and Corrections Act will accomplish this goal and respectfully urge Congress to swiftly pass it.

Respectfully yours,

Ronal Serpas

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

Art Acevedo

Police Chief
Houston, Texas

Hassan Aden

Executive Fellow
Police Foundation
Former Police Chief
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Gregory Hamilton
Former Sheriff
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Hal Hardin
Former U.S. Attorney
Middle District of Tennessee
Former Judge
Davidson County, Second Circuit Court

Brent D. Harris
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Timothy Heaphy
Former U.S. Attorney
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Peter Holmes
City Attorney
Seattle, Washington

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

John Hummel
District Attorney
Deschutes County, Oregon

Keith Humphrey
Chief of Police
Norman, Oklahoma

Joseph Jaffe
Former District Attorney
Sullivan County, New York

James E. Johnson
Former Undersecretary for Enforcement
U.S. Department of the Treasury

Kevin Joyce
Sheriff
Cumberland County, Maine

Gil Kerlikowske
Former Commissioner
U.S. Customs and Border Protection
Former Director
Office of National Drug Control Policy

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Former Police Chief
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Brett Tolman
Former U.S. Attorney
District of Utah

Cyrus Vance
District Attorney
New York County, New York

John Walsh
Former U.S. Attorney
District of Colorado

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- ⁱ Eduardo Porter, *In U.S. Punishment Comes Before the Crimes*, N.Y. TIMES, Apr. 29, 2014, <https://www.nytimes.com/2014/04/30/business/economy/in-the-us-punishment-comes-before-the-crimes.html>.
- ⁱⁱ Letter from Law Enforcement Leaders to Reduce Crime and Incarceration to U.S. Senator Mitch McConnell et al. (Jan. 20, 2016), <http://lawenforcementleaders.org/wp-content/uploads/2016/01/Law-Enforcement-Leaders-SCRA-Letter-of-Support.pdf>.
- ⁱⁱⁱ Sentencing Reform and Corrections Act, S. 1917 115th Cong. (2017), <https://www.congress.gov/bill/115th-congress/senate-bill/1917/text>.
- ^{iv} PEW CHARITABLE TRUSTS, NATIONAL IMPRISONMENT AND CRIME CONTINUE TO FALL (2016), http://www.pewtrusts.org/~media/assets/2017/03/pspp_national_imprisonment_and_crime_rates_fall.pdf.
- ^v For change in the imprisonment rate *see* CORRECTIONS STATISTICAL ANALYSIS TOOL, BUREAU OF JUSTICE STATISTICS, IMPRISONMENT RATES, 1978-2016, <https://www.bjs.gov/index.cfm?ty=nps> (showing a 2010 imprisonment rate of 492 and 2014 rate of 428); For change in the violent crime rate *compare* UCR Data Online, UNIF. CRIME REPORTING STATISTICS, <http://www.ucrdatatool.gov/index.cfm> (providing crime statistics from 1960 to 2012 and showing the South Carolina violent crime rate was 602.2 per 100,000 people in 2010) *with* UCR Data Online, CRIME IN THE UNITED STATES, 2014 tbl.5 (2015), <https://ucr.fbi.gov/crime-in-the-u.s/2014/crime-in-the-u.s.-2014> (showing the South Carolina violent crime rate was 497.7 per 100,000 people in 2014).
- ^{vi} THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER, REDUCING RECIDIVISM: STATES DELIVER RESULTS, 14 (2017), https://csgjusticecenter.org/wp-content/uploads/2018/03/Reducing-Recidivism_State-Deliver-Results_2017.pdf.
- ^{vii} Safe Neighborhoods and Schools Act, CAL. PROPOSITION 47 (2014) (codified as CAL. GOV'T CODE §§ 7599-7599.2; CAL. PENAL CODE § 1170.1; and codified as amended PENAL §§ 459.5, 473, 476a, 490.2, 496, 666; CAL. HEALTH & SAFETY CODE §§ 11350, 11357, 11377 (West Supp. 2014)). For the full text of Prop 47, see Official Voter Information Guide for 2014 General Election, UC HASTINGS SCHOLARSHIP REPOSITORY 70 (2014), http://repository.uchastings.edu/cgi/viewcontent.cgi?article=2328&context=ca_ballot_props.
- ^{viii} Jazmine Ulloa, *Prop. 47 got thousands out of prison. Now, \$103 million in savings will go towards keeping them out*, L.A. TIMES, Mar. 29, 2017, <http://www.latimes.com/politics/la-pol-sac-prop-47-grant-awards-20170329-htmistory.html>.