



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

July 13, 2018

Hon. Mitch McConnell
United States Senate
317 Russell Senate Office Building
Washington, DC 20510

Hon. Charles E. Schumer
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

RE: FIRST STEP Act (S. 2795) & Sentencing Reform and Corrections Act (S.1917)

Dear Leader McConnell and Senator Schumer:

I write today to express Law Enforcement Leaders' continued support for bipartisan federal criminal justice reform and urge Congress to swiftly pass the Sentencing Reform and Corrections Act of 2017 (S. 1917, "SRCA") and the FIRST STEP Act (S. 2795) together.

The SRCA contains key sentencing provisions that will fix unproductive mandatory minimum sentences that drain finite law enforcement, prosecutorial, and prison resources away from fighting violent crime. The FIRST STEP Act will improve prison conditions and reentry programs thereby increasing opportunities for men and women to successfully reenter society

Too often, ineffective and outdated federal mandatory minimum sentencing laws send offenders to prison for far too long. Many such prisoners are struggling with addiction or mental health issues, which prison does not address. As police and prosecutors are forced to spend their time on low-level, non-violent offenses, we miss the opportunity to go after the most dangerous threats to public safety — and taxpayers foot the bill for that unnecessary incarceration. To be serious about public safety, we must recalibrate how long offenders spend in prison and break the cycle of recidivism.

I have attached a letter from more than 60 members of Law Enforcement Leaders detailing law enforcement's support of federal sentencing and prison reform. Both are required to correct the inefficiencies in our justice system and better serve the public. That letter explained our concerns that the Prison Reform and Redemption Act (H.R. 3356) and the CORRECTIONS Act (S. 1994) were both insufficient, as they lacked any sentencing reform component. That same concern applies to the FIRST STEP Act.

I urge Congress to take this opportunity to pass substantive changes that strengthen our criminal justice system. Thank you for your leadership on the important criminal justice issues facing the country today.

Respectfully yours,

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

Cc: Senate Judiciary Committee



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

April 23, 2018

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

Hon. Chuck Schumer
United States Senate
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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
233 Cannon House Office Building
Washington, D.C. 20515

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

Hon. Bob Goodlatte
United States House of Representatives
2309 Rayburn House Office Building
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

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Police Chief
Houston, Texas

Hassan Aden

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

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Timothy Heaphy
Former U.S. Attorney
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Peter Holmes
City Attorney
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Walter Holton
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John Hummel
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Former Undersecretary for Enforcement
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Kevin Joyce
Sheriff
Cumberland County, Maine

Gil Kerlikowske
Former Commissioner
U.S. Customs and Border Protection
Former Director
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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>.