June 25, 2019

Hon. Philip E. Berger  
16 West Jones Street, Rm. 2007  
Raleigh, NC 27601

Hon. Daniel Forest  
20401 Mail Service Center  
Raleigh, NC 27699

Hon. Harry Brown  
300 N. Salisbury Street, Rm. 300-B  
Raleigh, NC 27603

Hon. Daniel Blue  
16 West Jones Street, Rm. 1129  
Raleigh, NC 27601

Re: North Carolina First Step Act (H.B. 511)

Dear Senate President, President pro tempore, and Leaders,

We write to you on behalf of Law Enforcement Leaders to Reduce Crime & Incarceration—a coalition of over 200 former and current U.S. Attorneys, district attorneys, state attorneys general, police chiefs, and sheriffs—in support of the latest iteration of the North Carolina First Step Act. We applaud the bill’s recent passage through the Senate Judiciary Committee and encourage you to support its passage on the Senate floor.

Please see the attached letter previously submitted in support of the bill and signed by 24 of our members who have led law enforcement offices in jurisdictions that employ sentencing safety valves. We continue to stand behind the North Carolina First Step Act. Thank you for your consideration and please do not hesitate to reach out if we can be of any service.

Sincerely,

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

Taryn Merkl  
Senior Counsel  
Law Enforcement Leaders to Reduce Crime & Incarceration  
Former Assistant U.S. Attorney  
Eastern District of New York
April 30, 2019

Hon. Philip E. Berger
16 West Jones Street, Rm. 2007
Raleigh, NC 27601

Hon. Daniel Forest
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Hon. Harry Brown
300 N. Salisbury Street, Rm. 300-B
Raleigh, NC 27603

Hon. Daniel Blue
16 West Jones Street, Rm. 1129
Raleigh, NC 27601

Re: North Carolina First Step Act (S.B. 404)

Dear Senate President, President pro tempore, and Leaders,

We write to you as members of Law Enforcement Leaders to Reduce Crime and Incarceration—a coalition of over 200 former and current U.S. Attorneys, district attorneys, state attorneys general, police chiefs, and sheriffs—in support of the North Carolina First Step Act. Each signatory to this letter has served the public in a jurisdiction that has a sentencing safety valve in place. Drawing on this collective experience, we believe safety valves (laws that give judges limited discretion to depart from mandatory minimums) are an effective tool to reduce incarceration and promote public safety.

For decades, unchecked mandatory minimums have swelled the national prison population with little return on public safety. As you are well aware, North Carolina is no exception, with $1.55 billion spent on corrections in 2016 and a prison population that has more than doubled since 1980. The North Carolina First Step Act would give judges discretion to depart from certain drug mandatory minimums if doing so would be consistent with public safety.

Drug mandatory minimums often yield the appropriate sentence for the crime. But their rigidity also produces disproportionate sentences that keep people behind bars for far too long. Overly long sentences waste taxpayer dollars, erode trust in our justice systems, and often make us less safe. In fact, studies show that individuals who are low risk—just the individuals that might qualify for a safety valve reduction—are more likely to recidivate if incarcerated for longer periods of time.

Law enforcement and legislators across the country are starting to realize that we cannot incarcerate our way out of the opioid epidemic. We know today that long mandatory minimums do little to reduce drug use. And studies show that dollar for dollar, treatment is more effective at curing addiction than incarceration. A safety valve would give judges discretion to choose treatment, probation, or a shorter sentence over a mandatory minimum when appropriate.

Safety valves have a proven success record. The federal safety valve went into effect in 1994 and has been applied to 80,000 nonviolent drug offenders since. Many of us have served as federal attorneys who have worked on cases involving mandatory minimums, and we are aware of the difficulties that arise when courts are constrained to enforce these strict limits.

Sincerely,

[Signatories]
prosecutors and seen firsthand the benefits of this law. Congress recognized as much with the overwhelming bipartisan passage of the federal FIRST STEP Act. The bill reduced mandatory minimums for certain drug crimes and also greatly expanded the existing federal safety valve.

States across the country are also using safety valves without compromising public safety, including Georgia, Virginia, Maryland, and Louisiana to name only a few. North Carolina can call on the experience of these states as it implements its own law.

As law enforcement, we understand your duty to protect the health and safety of your constituents. This is especially true in the face of rising opioid deaths, a crisis that is in all our backyards. With hundreds of years of collective experience protecting public safety, we believe the North Carolina First Step Act would do just that, and we urge you to pass it into law.

Sincerely,

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

John Choi  
County Attorney  
Ramsey County, Minnesota

Richard Deane, Jr.  
Former President  
National Association of Former United States Attorneys  
Former U.S. Attorney  
Northern District of Georgia

Rev. Allison DeFoor  
Former Sheriff  
Monroe County, Florida

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
Neill Franklin
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Law Enforcement Action Partnership
Former Police Commander
Baltimore, Maryland

Mike Freeman
County Attorney
Hennepin County, Minnesota

Doug Gansler
Former Attorney General
Maryland
Former States Attorney
Montgomery County, Maryland

Barry Grissom
Former U.S. Attorney
District of Kansas

Greg Hamilton
Former Sheriff
Travis County, Texas

Hal Hardin
Former U.S. Attorney
Middle District of Tennessee
Former Judge
Davidson County, Second Circuit Court

Timothy Heaphy
Former U.S. Attorney
Western District of Virginia

John Hummel
District Attorney
Deschutes County, Oregon

Justin Kollar
Prosecuting Attorney
Kauai County, Hawaii

Cameron Mc Lay
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Charles McClelland
Former Police Chief
Houston, Texas

Matt Orwig
Former U.S. Attorney
Eastern District of Texas

Richard J. Pocker
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District of Nevada

Rick Raemisch
Former Executive Director
Colorado Department of Corrections
Former Sheriff
Dane County, Wisconsin

Richard Rossman
Former U.S. Attorney
Eastern District of Michigan

Susan Segal
City Attorney
Minneapolis, Minnesota

J. Scott Thomson
Police Chief
Camden County, New Jersey

Joyce Vance
Former U.S. Attorney
Northern District of Alabama

Gupta et al., The Heavy Cost of High Bail, 45 J. LEGAL STUD. 471 (2016),
4 PEW CHARITABLE TRUSTS, MORE IMPRISONMENT DOES NOT REDUCE STATE DRUG PROBLEMS (2018),
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6 FAMILIES AGAINST MANDATORY MINIMIMS, EXCEPTION #1 TO MANDATORY MINIMUM SENTENCES (2013),
7 See Roll Call Vote 115th Congress – 2nd Session, S. 756, (Dec. 18, 2018),
https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_voter_cfm.cfm?congress=115&session=2&vote=0
0271 (showing 87 YEAS and 12 NAYS); Final Vote Results for Roll Call 448, S. 756 (Dec. 20, 2018),
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