



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

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

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

Hon. Richard J. Durbin
United States Senate
711 Hart Senate Office Bldg.
Washington, D.C. 20510

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

May 17, 2021

RE: Law Enforcement Leaders Support for the First Step Implementation Act of 2021 (S.1014)

Dear Senators Schumer, McConnell, Durbin, and Grassley:

We write on behalf of Law Enforcement Leaders to Reduce Crime & Incarceration to express our support for S.1014, the First Step Implementation Act of 2021 (“the Act”). Our national coalition includes over 200 current and former law enforcement officials from across the political spectrum, dedicated to protecting public safety and reducing arrests, prosecutions, and incarceration.

The bipartisan First Step Implementation Act would recalibrate excessive adult and juvenile sentences, improve opportunities for people returning home from prison, and build on the success of the First Step Act of 2018, which we also proudly supported.¹

This new legislation would extend the First Step Act in two ways. First, it would ensure that some existing sentencing reforms are applied retroactively. Second, it would take additional steps toward restoring judicial discretion in sentencing. Mandatory minimum penalties, common in drug cases, amount to a rigid, one-size-fits-all solution to criminal offending and often lead to lengthy prison sentences with questionable deterrent effect.² The Act acknowledges this problem and, in cases involving adult nonviolent drug offenders, would allow judges to impose a reduced sentence after having considered a defendant’s criminal history and likelihood of recidivism.³

The Act also contains new provisions targeting the juvenile justice system. For one, it would allow judges to reduce the sentences of people who received lengthy prison terms while still under the age of eighteen — once they have served more than 20 years. This novel provision aligns with extensive research on youth cognitive development. Studies show that as adolescents mature, they tend to age out of crime, undermining the public safety rationale for lengthy imprisonment in some cases.⁴

If passed, the legislation would also help improve reentry outcomes for juveniles leaving prison. The Act would ensure the sealing of criminal records for juveniles who have committed nonviolent offenses — provided that they have fulfilled the terms of their community supervision, have not been convicted of additional crimes, and are not currently engaged in criminal court or juvenile delinquency proceedings. Additionally, the Act would require the Attorney General to establish procedures ensuring that only accurate federal criminal records are shared with employers — a provision that would benefit adults and juveniles alike.

Together, the Act's reentry provisions could cut recidivism by reducing barriers to employment and improving the financial security of individuals with criminal justice involvement — important goals, considering that one in five Americans have a criminal record.⁵ Given that formerly imprisoned individuals experience an approximate 52 percent drop in average annual earnings and those with felony and misdemeanor convictions (without incarceration) experience a 22 and 16 percent loss, respectively, the Act could potentially help thousands become self-sufficient and contribute meaningfully to their communities.⁶

Our criminal justice system works better when judges can exercise discretion, and individuals with criminal convictions are given a chance to find gainful employment and start anew in their communities. The First Step Implementation Act works to achieve these aims, and we urge the Senate to pass this bipartisan legislation and continue to support it in the House.

Respectfully yours,



Ronal W. Serpas, Ph.D.

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

Art Acevedo

Police Chief
Miami, Florida
Former Police Chief
Houston, Texas
President
Major Cities Chiefs Association

Hassan Aden

Federal Consent Decree Monitor
Cleveland, Ohio and Baltimore, Maryland
Former Executive Fellow
Police Foundation

Former Police Chief
Greenville, North Carolina

Eric M. Atkinson

Police Chief
Menomonie, Wisconsin

James Baker

Commissioner
Vermont Department of Corrections

Bill Bratton

Former Police Commissioner
New York, New York
Former Police Chief
Los Angeles, California
Former Police Commissioner
Boston, Massachusetts

Michael Brown

Police Chief
Alexandria, Virginia

Kenton Buckner

Police Chief
Syracuse, New York
Former Police Chief
Little Rock, Arkansas

Jim Bueermann

Former President
Police Foundation
Former Police
Chief Redlands, California

Zachary Carter

Former Corporation Counsel
New York City, New York
Former U.S. Attorney
Eastern District of New York

Kami Chavis

Former Assistant U.S. Attorney
District of Columbia

John Chisholm

District Attorney
Milwaukee County, Wisconsin

John Choi
County Attorney
Ramsey County, Minnesota

Jerry Clayton
Sheriff
Washtenaw County, Michigan

Brendan Cox
Director of Policing Strategies
LEAD National Support Bureau
Former Police Chief
Albany, New York

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

Richard E. Doran
Former Attorney General
Florida

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

Dean M. Esserman
Senior Counselor
Police Foundation
Former Police Chief
New Haven, Connecticut

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

Paul H. Fitzgerald
Sheriff
Story County, Iowa
Former President
National Sheriffs' Association

Michael Freeman
County Attorney
Hennepin County, Minnesota

Doug Gansler
Former Attorney General
Maryland
Former State's Attorney
Montgomery County, Maryland

Barry Grissom
Former U.S. Attorney
District of Kansas

Ronald Hampton
Former Chair
National Black Police Association
Former Executive Director
National Black Police Association

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

Janeé Harteau
Former Police Chief
Minneapolis, Minnesota

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

Peter Holmes
City Attorney
Seattle, Washington

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

John Hummel
District Attorney
Deschutes County, Oregon

Joseph Jaffe
Former District Attorney
Sullivan County, New York

James E. Johnson
Corporation Counsel
New York City, New York
Former Undersecretary for Enforcement
U.S. Department of the Treasury

Gil Kerlikowske
Former Commissioner
U.S. Customs and Border Protection
Former Director
Office of National Drug Control Policy
Former Police Chief
Seattle, Washington
Former Police Commissioner
Buffalo, New York

Dave LaBahn
President and CEO
Association of Prosecuting Attorneys

Chris Magnus
Police Chief
Tucson, Arizona
Former Police Chief
Richmond, California

Beth McCann
District Attorney
Denver, Colorado

Cameron McLay
Former Police Chief
Pittsburgh, Pennsylvania

Risco Mention-Lewis
Deputy Police Commissioner
Suffolk County, New York

Joel Merry

Sheriff
Sagadahoc County, Maine
Former President
Maine Sheriffs Association

Stephanie Morales

Commonwealth's Attorney
Portsmouth, Virginia

Steven O'Donnell

Former Superintendent
Rhode Island State Police
Former Commissioner
Rhode Island Department of Public Safety

Matthew D. Orwig

Former U.S. Attorney
Eastern District of Texas

Mark Osler

Former Assistant U.S. Attorney
Eastern District of Michigan

Kathleen O'Toole

Former Police Chief
Seattle, Washington
Former Police Commissioner
Boston, Massachusetts

Angela Pacheco

Former District Attorney
Santa Fe, Rio Arriba, and Los Alamos Counties
New Mexico

Melba Pearson

Former President
National Black Prosecutors Association
Former Assistant State Attorney
Miami-Dade County, Florida

Andrew Peralta

Former President
National Latino Peace Officers Association
Former Corrections Captain (LVMPD)
Las Vegas, Nevada

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

Richard J. Pocker
Former U.S. Attorney
District of Nevada

Bryan Porter
Commonwealth's Attorney
Alexandria City, Virginia

Karl Racine
Attorney General
Washington, District of Columbia

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

Gordon Ramsay
Police Chief
Wichita, Kansas

Charles H. Ramsey
Former Police Commissioner
Philadelphia, Pennsylvania

Gary Raney
Former Sheriff
Ada County, Idaho

Jill Ravitch
District Attorney
Sonoma County, California

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

David Steingraber
Former Police Chief
Menomonee Falls, Wisconsin

Darrel Stephens

Former Executive Director
Major Cities Chiefs Association
Former Police Chief
Charlotte Mecklenburg, North Carolina

Gregory A. Thomas

Senior Executive for Law Enforcement Operations
Office of the District Attorney
Kings County, New York
Former President
National Organization of Black Law Enforcement Executives

Cyrus Vance Jr.

District Attorney
New York County, New York

Roberto Villaseñor

Former Police Chief
Tucson, Arizona

John Walsh

Former U.S. Attorney
District of Colorado
Former Chair
Attorney General's Advisory Committee

Thomas B. Wine

Commonwealth's Attorney
Jefferson County, Kentucky

¹ First Step Act, S. 756, 115th Congress (2018)(enacted); *Law Enforcement Leaders to Reduce Crime & Incarceration to Senator Mitch McConnell et al.*, Letter, July 13, 2018, <http://lawenforceldrs.wpengine.com/wp-content/uploads/2018/07/LEL-Cover-Letter-for-SRCA-2017.pdf>; *Briefing Memo: First Step Act & Sentencing Reform*, Law Enforcement Leaders to Reduce Crime & Incarceration, 2018, <http://lawenforcementleaders.org/wp-content/uploads/2018/11/LEL-Briefing-Memo.pdf>; See article from Law Enforcement Leaders' Executive Director Ronal Serpas and member Peter Newsham, Peter Newsham and Ronal Serpas, "Too many Americans go to prison but Congress can fix this problem," *The Hill*, September 17, 2018, <https://thehill.com/opinion/criminal-justice/397507-too-many-americans-go-to-prison-but-congress-can-fix-this-problem>.

² Jonathan P. Caulkins, *Are Mandatory Minimum Drug Sentences Cost-Effective?*, RAND Corporation, 1997, https://www.rand.org/pubs/research_briefs/RB6003.html; Marc Mauer, *Long-Term Sentences: Time to Reconsider the Scale of Punishment*, The Sentencing Project, 2018, 121, <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scale-punishment/>.

³ One study finds that approximately 39 percent of state and federal prison populations (approximately 576,000 people) are incarcerated with "little public safety rationale." Lauren-Brooke Eisen et al., *How Many Americans Are Unnecessarily Incarcerated?*, Brennan Center for Justice, 2016, 7, 9, <https://www.brennancenter.org/our-work/research-reports/how-many-americans-are-unnecessarily-incarcerated>.

⁴ *Juvenile Justice Reform Principles*, Law Enforcement Leaders to Reduce Crime & Incarceration, 2021, http://lawenforcementleaders.org/wp-content/uploads/2021/04/2021.4.27_LEL-Juvenile-Justice-Reform-Brief.pdf; *Sentencing Reform Principles*, Law Enforcement Leaders to Reduce Crime & Incarceration, 2021, http://lawenforcementleaders.org/wp-content/uploads/2021/04/2021.4.27_LEL-Sentencing-Reform-Brief.pdf; Marc Mauer, *Long-Term Sentences: Time to Reconsider the Scale of Punishment*, The Sentencing Project, 2018, 122, <https://www.sentencingproject.org/publications/long-term->

[sentences-time-reconsider-scale-punishment/](#); “From Juvenile Delinquency to Young Adult Offending,” National Institute of Justice, March 10, 2014, <https://nij.ojp.gov/topics/articles/juvenile-delinquency-young-adult-offending#age>.

⁵ Terry-Ann Craigie, Ames Grawert, and Cameron Kimble, *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*, Brennan Center for Justice, 2020, 15, <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.

⁶ Craigie, Grawert, and Kimble, *supra* note 6, at 15.