

October 22, 2015

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate

The Honorable Patrick Leahy
Ranking Member
Committee on the Judiciary
United States Senate

Re: Supporting S. 2123, the Sentencing Reform and Corrections Act of 2015

Dear Chairman Grassley and Ranking Member Leahy,

On behalf of the forty-one (41) undersigned organizations, representing faith leaders, criminal justice, civil and human rights organizations and unions, we wish to express our support for S.2123, the Sentencing Reform and Corrections Act of 2015 (SRCA). Our country faces complex, systemic issues regarding our current sentencing laws and our criminal justice system as a whole. This legislation is an important first step to addressing some of the problems in the federal system and we hope it will serve as a launching pad for other necessary reforms in the future.

Today, almost one in one hundred American adults are incarcerated. America's prison population, which has increased by five hundred percent over the past thirty years, is the largest in the world.¹ Mass incarceration has affected individuals and families across the nation, but has had a markedly disproportionate impact on communities of color. The Federal Bureau of Prisons reports that thirty-seven percent of its current prison population is African American¹ and that thirty-four percent is Latino.² These appalling numbers are the legacy of the misguided and overly punitive sentencing policies that were instituted beginning in the 1980s and 90s. Comprehensive criminal justice and sentencing reform is needed to address these systemic problems and inequities affecting American citizens and society. This bill offers the chance to begin making meaningful changes and moving towards a system that truly ensures equal justice for all.

Decades of evidence and experience tell us that harsh sentencing regimes have done much more harm than good. The strict penalties designed to combat the distribution of illegal drugs did little to stem the drug trade, and swept low-level non-violent drug offenders into our ever-expanding criminal justice system. Furthermore, mandatory minimums have been used against minority defendants at a staggeringly disproportionate rate. Over the past several years, the U.S. Sentencing Commission has reported that about seventy percent of mandatory minimums are imposed on African American and Latino individuals.³

This bill will make several positive reforms to the federal sentencing system with regards to mandatory minimum sentences. The "three-strike" penalty which mandated life sentences for certain individuals has been reduced to a term of twenty-five years. A similar provision which mandated twenty year sentences for certain individuals has been reduced to fifteen. Judges are given more discretion to sentence below prescribed mandatory minimums by the expansion of the existing "safety valve" and the creation of a new authority for judges to depart from certain mandatory minimums. These measures work towards ensuring that strict mandatory minimums are not imposed on individuals who have little or no criminal history and whose alleged conduct was not the sort envisioned by these strict penalties.

These reforms to the federal mandatory minimum sentencing scheme represent an acknowledgement that the draconian sentencing approaches have failed. While we are concerned with the inclusion of several new

¹ https://www.bop.gov/about/statistics/statistics_inmate_race.jsp

² https://www.bop.gov/about/statistics/statistics_inmate_ethnicity.jsp

³ http://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Quick_Facts_Mand_Mins_FY14.pdf

mandatory minimums in this bill, the overall effect of its passage will be to focus our resources on incarcerating and treating people who present the greatest risk to public safety. .

Some of those persons who were previously subjected to excessive sentences are given relief under the bill as well. Individuals who were given life sentences under the old “three strikes” penalties are able to petition a judge for redress. Similarly, the reforms instituted by the Fair Sentencing Act that reduced the disparity between individuals convicted of offenses involving crack cocaine versus powdered cocaine are made retroactive in this bill. With these reforms many more individuals who had no hope of leaving prison will be given release dates and can look forward to returning home and rejoining their families and communities. Retroactivity would not result in immediate release. A person must go before the judge to determine whether he or she is eligible for retroactivity resentencing.

Provisions of this bill also provide for the expansion of prerelease and reentry programming. These programs will assist incarcerated persons as they prepare for life after release and will help lower the chances that they will reoffend.

S. 2123 would also give judges discretion to reduce juvenile life without parole sentences after 20 years, allow compassionate release of more people over the age of 60 and essentially ban juvenile solitary confinement in the federal system. These all are important reforms to the federal system that will result in more people having a second chance in life.

We commend the Chairman, Ranking Member, and the other co-sponsors for their leadership and hard work towards addressing harsh sentencing and the harms it causes to individuals, families, and communities. The bipartisan effort that has been put forth over the past several months should serve as a model for further efforts to solve the problems that have become pervasive in America’s justice system. We urge the other members of the Senate Judiciary Committee to support this bill and join its sponsors in their laudable efforts towards guaranteeing a fairer criminal justice system for all.

Sincerely,

AFL-CIO
Aleph Institute
American Civil Liberties Union
Arab American Institute
Bend the Arc Jewish Action
Brennan Center for Justice
Campaign for the Fair Sentencing of Youth
Church of Scientology National Affairs Office
Church of the Brethren Office of Public Witness
Coalition for Juvenile Justice
Council on American-Islamic Relations
Drug Policy Alliance
Human Rights Project for Girls
Interfaith Criminal Justice Coalition
Juvenile Law Center
Lawyers' Committee for Civil Rights Under Law
Leadership Conference on Civil and Human Rights
League of Women Voters of the United States
Life for Pot
Metropolitan Community Churches
NAACP

National Black Justice Coalition
National Center for Transgender Equality
National Council of Churches, USA
National Disability Rights Network
National Juvenile Justice Network
National LGBTQ Task Force Action Fund
National Religious Campaign Against Torture
Network, A National Catholic Social Justice Lobby
OneAmerica
Philip Randolph Institute
Project Vote
Sisters of Mercy of the Americas – Institute Justice Team
StoptheDrugWar.org
Student Peace Alliance
T'ruah: The Rabbinic Call for Human Rights
The Peace Alliance
The Sentencing Project
United Church of Christ, Justice and Witness
W. Haywood Burns Institute
Women Who Never Give Up

cc: Senate Judiciary Members

ⁱ <http://www.sentencingproject.org/template/page.cfm?id=107>