

JOIN THE CAMPAIGN FOR #SENTENCINGREFORM IN 2016.

- 1** Join The Leadership Conference for a sentencing reform coalition strategy meeting on **Friday, January 8, at noon** in our office (1629 K St. NW) or via phone. RSVP to kumar@civilrights.org for details. Lunch will be provided.
- 2** Participate in a call-in week of action from **January 11-15**. Ask your action takers to join using the attached sample alert.
- 3** Join us on social media using the hashtag **#SentencingReform**. A toolkit will be distributed on Friday. Contact Patrick McNeil (mcneil@civilrights.org) with questions.
- 4** Plan to have in-district meetings and events and develop op-eds during a week of action from **January 18-22** to urge co-sponsorship of the Sentencing Reform and Corrections Act.
- 5** Send letters of support. A sample state sign-on letter is attached.

For questions or updates, contact Milan Kumar at kumar@civilrights.org or (202) 466-3310.



BILL SUMMARY: Sentencing Reform and Corrections Act of 2015

The ill-conceived “War on Drugs” that began more than 30 years ago has resulted in a system that is unjustly biased. From arrest to release, African Americans, Latinos, and low-income individuals are disproportionately over-represented throughout the system. Today, due in large part to so-called “tough on crime” policies and mandatory minimum sentences, the United States incarcerates more people and a higher percentage of its population than any other country in the world.

On October 1, 2015, a bipartisan group of senators introduced S. 2123, the Sentencing Reform and Corrections Act of 2015, a major criminal justice reform package aimed at reducing some mandatory minimum sentences for nonviolent drug offenders and curbing recidivism. It is the most significant federal legislative initiative on criminal justice reform since the passage of the Fair Sentencing Act of 2010, which the new bill would make retroactive.

The bill would also:

Reform Enhanced Mandatory Minimums for People with Prior Drug Convictions: The bill reduces enhanced penalties that apply to people with prior drug convictions and eliminates the “three-strikes” mandatory life provision. These reductions are retroactive. In addition, the reduced enhanced penalties will only apply to people with prior convictions for serious violent and serious drug felonies.

Broaden the Existing “Safety Valve” and Create a Second Safety Valve: The bill expands exceptions to the application of mandatory minimums (called the “safety valve”) to people with more extensive criminal histories. People with prior felonies and violent or drug trafficking offenses are excluded from these exceptions, unless a court finds those prior offenses substantially overstate the defendant’s criminal history and danger of recidivism. The bill also creates a second safety valve that gives judges discretion to sentence certain people with low-level offenses below the 10-year mandatory minimum. People convicted of serious violent and serious drug felonies cannot benefit from this safety valve.

Reform Enhanced Mandatory Minimums and Sentences for Firearm Offenses: The bill expands the reach of the enhanced mandatory minimum for violent firearm offenders to those with prior federal or state firearm offenses, but reduces that mandatory minimum to provide courts with greater flexibility in sentencing. The bill also raises the statutory maximum for unlawful possession of firearms but lowers the enhanced mandatory minimum for people with prior convictions.

Create New Mandatory Minimums for Interstate Domestic Violence and Certain Export Control Violations: The bill adds new mandatory minimum sentences for certain crimes involving interstate domestic violence and creates a new mandatory minimum for providing weapons and other defense materials to prohibited countries and terrorists.

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Provide Mechanisms for Prison Reform: The bill requires the Department of Justice to conduct risk assessments to classify all federal inmates and to use the results to assign inmates to appropriate recidivism reduction programs, including work and education programs, drug rehabilitation, job training, and religious studies. Eligible prisoners who successfully complete these programs can earn early release and may spend the final portion (up to 25 percent) of their remaining sentence in home confinement or a halfway house. The bill also expands compassionate release of certain older incarcerated people.

Address Treatment of Youth in the Federal System. The bill significantly limits solitary confinement of juveniles in federal custody, eliminates life without parole for juveniles, and permits any person with a life sentence whose offense was committed when they were juvenile and has served 20 years to petition for early release. The bill also permits people tried as juveniles in federal court who've committed nonviolent offenses in certain circumstances to have their records sealed or expunged.

**Tell your senator to vote for the
Sentencing Reform and Corrections Act of 2015 (S. 2123)!**

Take Action: Join advocates across the country for a call-in week urging Congress to pass much-needed sentencing reforms to the American justice system. Call (202-224-3121) and urge senators who have not yet cosponsored the Sentencing Reform and Corrections Act (S. 2123) and urge them to cosponsor today.

The time is now. Reform the American justice system.

Last year, the U.S. Senate Judiciary Committee passed bipartisan legislation to address much-needed sentencing and prison reform ([Sentencing Reform and Corrections Act -- S.2123](#)). This history-making legislation represents the most robust, bipartisan effort in years to reform the American justice system. Although there is much more to be done, it is an **important first step** toward addressing some of the causes of the racially disparate, unsustainable growth in the federal system.

The high incarceration rates among communities of color are staggering. This must change.

Currently, the American justice system imprisons Black, Latino, and low-income individuals at a disproportionately high rate due in part to 30 years of “tough on crime” sentencing. Mass incarceration has affected individuals and families across the nation, and it has had a markedly disproportionate impact on communities of color. Decades of evidence and experience tell us that these harsh sentencing regimes have done much more harm than good.

What’s the hold up?

It is now time for Senate Majority Leader Mitch McConnell (R-Ky.) to support S. 2123 and schedule a vote on this important bill. After the Senate votes, and passes, S. 2123, we can turn our attention to getting the final version through the House and to the President’s desk for his signature.

We are almost there.

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Majority Leader McConnell:

**Be on the right side of history.
Support the Sentencing Reform
and Corrections Act.**

#SentencingReform

Tweet Senate Majority Leader McConnell [@SenateMajLdr](#) and tell him to support #SentencingReform today.

*To add your organization's name to this letter in support of the Sentencing Reform and Corrections Act of 2015, send organization name as it should appear on the letter and contact information (email and phone) to Jordyn Bussey (jbussey@civilrights.org) **no later than January 12, 2016**. After that date, please edit and send this letter directly to your member.*

January XX, 2016

Support the Sentencing Reform and Corrections Act of 2015

Dear Senator [NAME],

On behalf of the undersigned [STATE] leaders, organizations, advocates, and formerly incarcerated individuals, we urge you to co-sponsor and vote for S. 2123, the Sentencing Reform and Corrections Act of 2015. Recent decades have made it clear that our nation's costly criminal justice system is in dire need of comprehensive reform. Today, nearly 1 in 100 American adults is incarcerated. America's prison population, which has increased by 500 percent over the past thirty years, is the largest in the world. This growth is both unnecessary, and economically unsustainable. Mass incarceration has hurt individuals and families in [STATE], and across the nation and it has had a disproportionate impact on communities of color. We believe that the Sentencing Reform and Corrections Act offers the chance to begin making meaningful changes and moving toward a system that is both fiscally responsible and 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.¹

The Sentencing Reform and Corrections Act will enact several much needed changes to our justice system. By helping to reduce lengthy prison sentences for certain non-violent drug offenses and providing those currently incarcerated with the opportunity to petition the court for a reduction in their sentence, this bill will serve as a powerful tool to right the wrongs of the past, ensure justice and equality moving forward, and become a launching pad for other necessary reforms in the future.

Other positive measures in the bill include that the "three strikes" penalty that mandated life sentences for certain individuals has been reduced to a term of 25 years. A similar provision that mandated 20-year sentences for certain individuals has been reduced to 15. 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 toward ensuring that strict mandatory minimums

¹ http://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Quick_Facts_Mand_Mins_FY14.pdf

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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.

However, we are concerned about provisions in the bill that would add new mandatory minimum sentences for certain crimes involving interstate domestic violence. This proposal wouldn't prevent or address the very real issues of domestic violence, harming not helping the epidemic. Our country would be better served not by including this provision, but by making investments to strengthen community health and prevent crime.

America is a nation of second chances. With this bill, 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. Provisions of this bill also provide for the expansion of pre-release 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.

The Sentencing Reform and Corrections Act is a much needed first step to creating a fairer criminal justice system, while also addressing the serious safety and budgetary problems that exist in the Bureau of Prisons. Senator [NAME], we urge you to co-sponsor this crucial legislation, and vote in favor of it.

Signed,

GROUP NAMES