



March 31, 2017

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Re: Coalition Urges Preservation of Department of Justice Smart on Crime Guidance and related Policies

Dear Attorney General Sessions:

As partners in the Justice Roundtable, a national coalition of legal, civil rights, criminal justice and faith-based organizations dedicated to advancing a fairer federal criminal justice system, we write to urge you to maintain the Smart on Crime Initiative. We are troubled by reports that you plan to issue new prosecutorial guidance that would toughen drug charging policies for nonviolent offenses. The country has made great strides towards a more proportional and cost-effective criminal justice system at the federal level through the Smart on Crime Initiative. We urge you not to change or rescind the guidance associated with this initiative by pushing Department of Justice prosecutors to pursue harsher penalties for drug offenses.

There is broad bipartisan consensus across the country that harsh mandatory minimum sentences for low-level drug offenses are disproportionate, expensive and cruel. States across the country have taken steps to reform their drug laws by reducing sentences, diverting people to treatment instead of incarceration and reclassifying certain felony drug offenses to misdemeanors. Indeed, as a senator, you also championed critical mandatory minimum sentencing reforms for crack cocaine that have contributed to more fairness in the criminal justice system. We applaud this national trend and are pleased by the additional actions taken during the previous administration to limit the application of excessive mandatory minimum sentences in low-level drug cases.

As noted in the President's budget blueprint, the Bureau of Prisons has achieved a substantial population reduction in its overcrowded prison system, providing the Department of Justice significant cost savings and flexibility in its funding choices. The population decrease was due to a number of factors, including the Smart on Crime initiative which helped to focus prosecutors on the most serious crimes and shift federal prosecutions away from low-level drug offenses to allow state prosecutors take those cases, if they so choose.¹ Reversing this directive would surely require a steep increase in spending, exacerbate overcrowding and jeopardize the safety of staff and prisoners.

¹ <https://www.justice.gov/opa/pr/new-smart-crime-data-reveals-federal-prosecutors-are-focused-more-significant-drug-cases-and>

Despite the recent reduction, we still have a federal prison population that is vastly expanded since 1980, replete with overcrowding issues mentioned in the President's budget. Mandatory minimum sentences for drug offenses significantly contributed to many of these problems. They have overwhelmingly impacted people of color, contributing to the appalling racial disparities we see in our federal prison system. Fundamentally, these harsh sentences produce diminishing returns for public safety, deny people a second chance to rectify their past mistakes and harm the record number of children growing up with a parent behind bars.

Research over many decades has demonstrated that the deterrent effect of the criminal justice system is a function of the certainty of punishment, not its severity. Your new proposed policy shift would have little impact on public safety, while adding exorbitant costs to an already bloated prison system.

In the last few years, our country has taken important steps to reorient enforcement priorities to address pressing public safety concerns and alleviate the disparate impacts of the criminal justice system. The Justice Roundtable asserts that it would be a grave mistake to go backward. Accordingly, we strongly urge you to maintain the guidance and policies associated with the Smart on Crime Initiative.

We look forward to your response. Please direct follow up inquiries to this letter to Jesselyn McCurdy, American Civil Liberties Union, at (202)675-2307 or jmccurdy@aclu.org.

Sincerely,

African American Ministers In Action
Aleph Institute
American Civil Liberties Union
American-Arab Anti-Discrimination Committee
Asian Pacific American Labor Alliance
Bread for the World
Brennan Center for Justice
CAN-DO Foundation
Catholics in Alliance for the Common Good
Center for Law and Social Policy
Christian Churches Together
Church of Scientology, National Affairs Office
Citizens United for Rehabilitation of Errants
Drug Policy Alliance
Faith Action Network - WA State
Families Against Mandatory Minimums
FedCURE
Federal Defenders Public and Community Defenders
Friends Committee on National Legislation
Harm Reduction Coalition
Interfaith Action for Human Rights
Jewish Council for Public Affairs
Justice Roundtable
Justice Strategies
Kemba Smith Foundation

The Leadership Conference on Civil and Human Rights
Life for Pot
NAACP
NAACP Legal Defense & Educational Fund, Inc.
National Action Network
National African American Drug Policy Coalition Inc.
National Association of Criminal Defense Lawyers
National Association of Public Defense
National Association of Social Workers
National Center for Lesbian Rights
National Center for Transgender Equality
National Council For Incarcerated and Formerly Incarcerated Women and Girls
National Council of Churches
National Council of Churches of Christ
National Council of Jewish Women
National Immigration Law Center.
National Religious Campaign Against Torture
People For the American Way
Religious Action Center of Reform Judaism
The Sentencing Project
Southeast Asia Resource Action Center
StoptheDrugWar.org
Students for Sensible Drug Policy
Treatment Communities of America
United Church of Christ, Justice and Witness Ministries
United Methodist Church
Unitarian Universalist Association
WE GOT US NOW
YWCA USA