



February 14, 2018

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Justice Roundtable Coalition Supports the Sentencing Reform and Corrections Act of 2017

Dear Chairman Grassley and Ranking Member Feinstein,

On behalf of the **59 undersigned organizations** representing the Justice Roundtable, we write in support of S.1917, the Sentencing Reform and Corrections Act of 2017. The Justice Roundtable is a national coalition of legal, civil rights, criminal justice, human rights and faith-based organizations dedicated to advancing a fairer federal criminal justice system. This legislation exemplifies bipartisan consensus around the need to increase fairness in federal sentencing and improve access to rehabilitation in prisons. We applaud your leadership on these issues and look forward to working with you to advance the legislation through the Judiciary Committee and on the Senate floor.

Decades of research revealed 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, but swept thousands of people convicted of low-level, non-violent drug offenses into prison, separating them from their children and families. Moreover, the U.S. Sentencing Commission has reported that about 70 percent of mandatory minimums are imposed on African American and Latino individuals.¹ Federal mandatory minimums bring unjust results because prosecutors use them to coerce defendants into giving up their right to trial by pleading guilty. Those with similar criminal histories who take their cases to trial receive federal sentences that are on average three times as long as those who plead.² Comprehensive criminal justice and sentencing reform is needed to address these systemic problems and inequities. This bill offers the chance to begin making meaningful changes and moving towards a system that truly ensures equal justice for all.

¹ https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Quick_Facts_Mand_Mins_FY16.pdf

² <https://www.hrw.org/report/2013/12/05/offer-you-cant-refuse/how-us-federal-prosecutors-force-drug-defendants-plead>

The Sentencing Reform and Corrections Act of 2017 would make several positive reforms to the federal sentencing system, particularly related to harsh mandatory minimum sentences. Judges would be 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. Also, the “three-strikes” penalty which mandates life sentences for certain individuals would be reduced to a term of 25 years. These measures would work towards ensuring that harsh mandatory minimums are not imposed on individuals who have little or no criminal history and whose alleged conduct was not the sort envisioned by Congress.

Despite these positive reforms to mandatory sentencing schemes, we remain concerned by the inclusion of several new mandatory minimums in this bill, as well as a newly included provision to create an enhancement for drug offenses involving fentanyl. By their very nature, mandatory minimums take critical discretion away from judges and exclude the opportunity at sentencing to consider all the factors contributing to a defendant’s case. Moreover, research demonstrates that increasing the penalties for drug offenses “has a limited deterrent effect since most people do not expect to be apprehended for a crime, are not familiar with relevant legal penalties, or criminally offend with their judgment compromised by substance abuse or mental health problems.”³ Even though we have these concerns, we believe the overall impact of the bill would reduce reliance on long sentences and ultimately reduce the numbers of people incarcerated for low-level offenses.

The bill would also provide long-awaited and much-needed relief to those currently incarcerated under the existing, excessive sentencing regime. Bureau of Prisons data indicates nearly half the people serving a life without parole sentence in the federal prison system were convicted of a drug offense, a stark contrast with state lifer populations that are composed predominately of people convicted of homicide.⁴ For the thousands of people serving life for nonviolent drug offenses, this legislation would provide people in prison with an incentive to work towards a second chance. Similarly, the reforms instituted by the Fair Sentencing Act would be made retroactive under this legislation, allowing many more individuals, sentenced under an outdated and unjust law, an opportunity to return home and rejoin their families and communities. Each eligible person would be able to petition the sentencing judge who would make the determination based on the circumstances and merit of each individual case.

The Sentencing Reform and Corrections Act of 2017 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. In addition, the bill would provide for the expansion of prerelease and reentry programming, programming that assists incarcerated persons as they prepare for life after release and helps to lower the chances that they will reoffend. These all are important reforms to the federal system that embrace the reality that costly and harmful incarceration serves no purpose once individuals have attained rehabilitation and can safely return to their families and communities.

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. We think the bill, in its current form, strikes the right balance between much need

³ <http://www.sentencingproject.org/publications/federal-prisons-crossroads/>

⁴ <http://www.sentencingproject.org/publications/still-life-americas-increasing-use-life-long-term-sentences/>

sentencing reform and concerns about public safety. However, if there are changes to the legislation that undermine sentencing reform efforts, our coalition will have to reconsider our support.

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. If you have any additional questions, please feel free to contact Jesselyn McCurdy, ACLU Washington Legislative Office, Deputy Director at jmccurdy@aclu.org or (202) 675-2307 or Kara Gotsch, Director of Strategic Initiatives, The Sentencing Project at kgotsch@sentencingproject.org or (202)628-0871.

Sincerely,

African American Ministers In Action
Aleph Institute
American Baptist Home Mission Societies
American Civil Liberties Union
Bend the Arc Jewish Action
Brennan Center for Justice at NYU School of Law
Buried Alive Project
Campaign for the Fair Sentencing of Youth
CAN-DO Foundation
Celebrities For Justice
Center for American Progress
Center for Children's Law and Policy
Church of Scientology National Affairs Office
Crack Open The Door
CURE (Citizens United for Rehabilitation of Errants)
#cut50
The Daniel Initiative
The Decarceration Collective
Defending Rights & Dissent
Drug Policy Alliance
FedCURE
Friends Committee on National Legislation
GLBTQ Legal Advocates & Defenders (GLAD)
Human Rights Campaign
Human Rights Watch
Interfaith Action for Human Rights
Jewish Council for Public Affairs
Justice Strategies
Kentucky Council of Churches
The Leadership Conference on Civil and Human Rights
LatinoJustice
League of Women Voters of the United States
Life for Pot
MomsRising
NAACP
National African American Drug Policy Coalition

National Association of Social Workers
National Center for Lesbian Rights
National Center for Transgender Equality
National Council on Alcoholism and Drug Dependence of Maryland
The National Council for Incarcerated and Formerly Incarcerated Women and Girls
National Disability Rights Network
National Education Association
National Employment Law Project
National LGBTQ Task Force Action Fund
National Religious Campaign Against Torture
NETWORK Lobby for Catholic Social Justice
People For the American Way
PFLAG National
Project New Opportunity
Queeri
Safer Foundation
The Sentencing Project
Sister Survivor Network
The Southern Poverty Law Center
StoptheDrugWar.org
Students for Sensible Drug Policy
T'ruah: The Rabbinic Call for Human Rights
Union for Reform Judaism

cc: Senate Judiciary Members