



October 21, 2015

Vote Yes on S. 2123, the Sentencing Reform and Corrections Act of 2015

Dear Senator,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States, we write to urge you to vote yes in favor of S. 2123, the Sentencing Reform and Corrections Act of 2015. Our country faces complex, systemic issues regarding current sentencing laws and the criminal justice system as a whole. This legislation is an important first step toward addressing some of the causes of the unsustainable and unnecessary growth in the federal system as well as the racial disparities that have persisted.

The Leadership Conference believes that 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.

Today, nearly 1 in 100 American adults is incarcerated. America's prison population, which has increased by 500 per cent 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 1990s. 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 toward 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

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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.uscc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Quick_Facts_Mand_Mins_FY14.pdf

This bill will make several positive reforms to the federal sentencing system. 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 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 draconian sentencing approaches have failed. While we are concerned about the inclusion of several new 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 individuals 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 will be able to petition a judge for redress. Similarly, the reforms instituted by the Fair Sentencing Act, which 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. 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 are all important reforms to the federal system that will result in more people having a second chance in life.

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. The bipartisan effort that has been developed 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 you to vote yes in favor of this important bill. If you have any questions, please feel free to contact Sakira Cook at cook@civilrights.org or (202) 263-2894. Thank you for your consideration of this critical legislation.

Sincerely,



Wade Henderson
President & CEO



Nahcy Zirkin
Executive Vice President

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