

The Honorable Dick Durbin  
Chair  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

The Honorable Chuck Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

June 7, 2022

Dear Chairman Durbin and Ranking Member Grassley:

As current and former local, state, and federal law enforcement leaders and prosecutors, we write to urge the Judiciary Committee to advance the slate of nominees to the United States Sentencing Commission that President Biden announced on May 11, 2022. The Sentencing Commission has lacked a quorum for three years and has been unable to fulfill its vital mandate to ensure that the sentencing guidelines reflect evolving research and data on recidivism, equity, and fairness. Evidence-based sentencing guidelines are essential to protecting the integrity and efficacy of the justice system. As public safety leaders, we urge the Judiciary Committee to swiftly advance this slate of nominees.

The Sentencing Commission is an independent, bipartisan body that is uniquely positioned to inform sentencing policy through empirical data and feedback from key stakeholders in the federal legal system, including judges, prosecutors, defense attorneys and victims. The commission promulgates sentencing policies and practices to assure that the statutory purposes of sentencing are met, “provide certainty and fairness in meeting the purposes of the sentencing,” avoid “unwarranted sentencing disparities, and to “maintain sufficient flexibility to permit individualized sentences.”<sup>1</sup>

By law, federal judges must calculate the guideline sentence, and must consider that calculation when imposing the sentence.<sup>2</sup> The sentencing guidelines promulgated by the Commission and the research collected and reported by the Commission help Congress shape federal sentencing policy. Absent a quorum, the Commission has been unable to perform its critical role of promulgating guidelines that are consistent with the most current research and data, feedback from stakeholders in the criminal legal system, and responsive to growing bipartisan concerns regarding over-incarceration. That failure has implications beyond the federal criminal justice system – the Commission has the potential to be the standard-bearer on evidence-based sentencing policy for state commissions. Confirming this slate of nominees will empower the Commission to both complete the tasks required of it by Congress and become a national model for evidence-based sentencing policy.

Confirming this diverse slate of nominees will also strengthen the legitimacy of the Sentencing Commission. This slate of accomplished nominees reflects Congress’s founding guidance that

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<sup>1</sup> See 28 U.S.C. 991(b)(1).

<sup>2</sup> 3 See, e.g., *Peugh v. United States*, 569 U.S. 530, 542-43 (2013) (“Sentencing Guidelines have the intended effect of influencing the sentences imposed by judges”); see also *Molina-Martinez v. United States*, 136 S. Ct. 1338, 1346 (2016) (“the Guidelines are not only the starting point for most federal sentencing proceedings but also the lodestar.”).

the Commission should possess “a broadly represented membership” so that the sentencing policies developed by the commission represent “a wide spectrum of views.”<sup>3</sup> The slate includes current and former federal judges, prosecutors, and defenders – all of whom bring deep expertise in federal sentencing and meet Congress’s imperative that nominees be based on merit, not politics.<sup>4</sup> Our perspectives and position on sentencing policy differ as individuals and differ from some nominees, but we agree that a balanced and bipartisan Sentencing Commission is vital to protect the fairness of the justice system and our communities. We urge you to swiftly advance this slate of nominees to advance justice and safety.

Respectfully,

**Diana Becton**

District Attorney  
Contra Costa County, California  
Former Presiding Judge  
Superior Court of California  
Contra Costa County, California

**Zachary Carter**

Former Corporation Counsel  
New York City, New York  
Former U.S. Attorney  
Eastern District of New York

**Kami Chavis**

Former Assistant U.S. Attorney  
District of Columbia

**Brendan Cox**

Director of Policing Strategies  
LEAD National Support Bureau  
Former Police Chief  
Albany, New York

**Inge Fryklund**

Former Assistant State's Attorney  
Cook County, Illinois

**Diane Goldstein**

Executive Director  
Law Enforcement Action Partnership  
Former Police Lieutenant  
Redondo Beach, California

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<sup>3</sup> S. Rep. 98-225, 1983 WL 25404. (Aug. 4, 1983).

<sup>4</sup> Ibid.

**James Gray**

Former Judge  
Superior Court of California  
Orange County, California

**Ronald Hampton**

Former Executive Director  
National Black Police Association

**Michael Hilliard**

Former Police Major  
Baltimore, Maryland

**John Hummel**

District Attorney  
Deschutes County, Oregon

**James Manfre**

Former Sheriff  
Flagler County, Florida

**Matthew McCally**

Former Probation Officer  
King County, Washington

**Beth McCann**

District Attorney  
Denver, Colorado

**Charles McClelland**

Former Police Chief  
Houston, Texas

**Theodore Nelson**

Former Detective Sergeant  
State Police, Michigan

**Kathleen O'Toole**

Former Police Chief  
Seattle, Washington  
Former Police Commissioner  
Boston, Massachusetts

**Titus Peterson**

Former Lead Felony Prosecutor  
Clear Creek County, Colorado

**Richard J. Pocker**

Former United States Attorney  
District of Nevada

**Karl Racine**

Attorney General  
District of Columbia

**Rick Raemisch**

Former Executive Director  
Colorado Department of Corrections  
Former Sheriff  
Dane County, Wisconsin

**Jill Ravitch**

District Attorney  
Sonoma County, California

**Ronal W. Serpas**

Executive Director  
Law Enforcement Leaders to Reduce Crime & Incarceration  
Former Police Superintendent  
New Orleans, Louisiana  
Former Police Chief  
Nashville Tennessee  
Former Police Chief  
State Patrol, Washington

**Norm Stamper**

Former Police Chief  
Seattle, Washington

**J. Scott Thomson**

Former Police Chief  
Camden County, New Jersey  
Former President  
Police Executive Research Forum

**Thomas Thompson**

Former Assistant Police Chief  
Miamisburg, Ohio

**Jack Wilborn**

Former Police Officer  
Glendale, Arizona