November 13, 2018

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Chuck Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

Re: Prison and Sentencing Legislation

Dear Leader McConnell and Leader Schumer:

As representatives of national associations representing federal, state and local law enforcement personnel, we urge the Senate to reject the latest version of prison and sentencing legislation unveiled by proponents. Our review of the bill reflects no improvements that would reduce our multiple and serious concerns about its deadly and destructive impact upon public safety and our capacity to deter and prosecute crime throughout the country. While a few serious offenders are excluded from one section of the bill, the bill still offers early release to the same offenders - including fentanyl traffickers, violent criminals, and sex offenders – in other sections.

While we support true second chances that bring about the productive return of prisoners to their communities, we also know that many offenders that will benefit from provisions of this legislation have long criminal histories that far exceed the "second chance" that this legislation is designed to provide. By ignoring that fact alone, this legislation falls far short of those goals and is little more than a sentence leniency measure. The legislation is based upon state prison programs with track records that have failed to produce any significant reduction in recidivism rates and that are less successful than current education and job training programs already being used in our federal prisons.

The bill will threaten public safety and erode truth-in-sentencing, reduce the sentences of incarcerated violent felons, and endanger the safety of law-abiding citizens and faithful law enforcement officers. While the legislation is focused solely upon offenders, we encourage you to also consider the victims of the crimes that these offenders are committing even after their release from incarceration in the many instances where rehabilitation programs are failing. Our citizens expect and deserve laws that protect them from becoming victims of those who have demonstrated they cannot live within the law.

The legislation's expansion and retroactivity of "good time" credit (for good behavior) to the majority of the 180,000 offenders in federal prison will trigger the immediate release of an estimated 4,000 federal offenders, most of whom have been convicted of serious federal felonies, including the trafficking of deadly drugs like heroin and fentanyl. There is no exclusion for violent offenders, sex offenders, or gang members from this instant release. The release of such a significant number of federal prisoners at one time, regardless of their security classification by the federal Bureau of Prisons, will have serious consequences upon public safety and the capacity of law enforcement to effectively respond. The releases will involve twice as many federal prisoners as those whose sentences were selectively commuted by President Obama throughout the entirety of his presidency.

The bill provides significant early release benefits to *all* federal offenders, with the greatest benefits given to high-recidivism offenders -- most notably, drug traffickers, the most serious of whom also receive reduced mandatory minimum sentences under the bill. Virtually all BOP inmates already participate in activities that would qualify them for the bill's time credit program. In other words, virtually all BOP inmates eligible for time credits would receive credits without having to change anything about their current behavior or program participation. Further, the bill provides a blanket reduction in sentences to the most serious drug traffickers (repeat traffickers with a high risk of recidivism), which will likely create more crime in our communities and impose a greater resource burden on law enforcement. With drug poisonings claiming over 72,000 American lives last year, the drug traffickers responsible for those deaths should not be given the consideration this legislation proposes to provide to offenders. This legislation is simply too lenient on offenders who commit crimes that result in such tragedy.

Since the bill does not require BOP inmates to change anything about their current behavior or program participation to receive time credits, it will incentivize and result in offenders actually spending *less* time in recidivism reduction programming, and will let the worst drug traffickers out of prison even earlier. This will make our streets and neighborhoods more dangerous, because it will allow early release without improving offender rehabilitation. Moreover, it will reduce mandatory minimum sentences for the most serious drug traffickers regardless of their significant and/or violent criminal histories.

As representatives of federal, state and local law enforcement personnel with front-line responsibility for public safety, we remain supportive of pilot-tested and validated criminal justice initiatives that reduce recidivism and assure public safety. Smart recidivism reduction strategies should reduce crime, not increase it. You should not put our communities at risk by rushing this legislation through Congress without thoroughly analyzing all of its provisions to ensure that it will not result in serious, unintended consequences that further jeopardize public safety.

Thank you for your leadership and your consideration of our concerns.

Sincerely yours,

John A. Costanzo
President
Association of Federal Narcotics Agents

Lawrence J. Leiser
President
National Association of Assistant United States Attorneys

William J. Johnson
Executive Director
National Association of Police Organizations, Inc.

Bob Bushman
President
National Narcotics Officers' Associations' Coalition