

November 16, 2015

The Honorable Robert Goodlatte
Chairman
House Committee on the Judiciary
United States House of Representatives

The Honorable John Conyers
Ranking Member
House Committee on the Judiciary
United States House of Representatives



Dear Chairman Goodlatte and Ranking Member Conyers,

The Drug Policy Alliance (DPA), the nation's leading organization promoting drug policies grounded in science, compassion, health, and human rights, writes to express its support for the Sentencing Reform Act of 2015. While more work must be done to end mass incarceration and repair its negative effects on individuals and communities, this legislation represents a step in the right direction.

The introduction of this bill signals the Committee's acknowledgement that the nation's incarceration rates have reached an unsustainable level. Over the past several decades the U.S. has become the world's largest jailer and currently holds one quarter of the world's prison population. The majority of federal prisoners are serving time for a drug law violation. This legislation narrows the applicability of some drug-related mandatory minimums, reduces the prison terms for others, and expands the "safety valve" provision to allow judges to sentence below mandatory minimums in certain cases. We are however, disappointed by the inclusion of increased penalties in the bill, notably the sentencing enhancement for fentanyl. As written, this provision will sweep up low-level offenders who are unaware of the presence of the substance, and do nothing to reduce fentanyl-related deaths. On the whole, though, this bill will create a more just sentencing system than the one currently in place. Passage of the bill will help ensure that prosecutorial and correctional resources are used for the crimes that cause the most harm to society and that low-level offenders are not subject to the draconian penalties of the past.

This legislation also contains provisions that will help reverse the harms caused by the overly harsh sentencing regimes instituted in the 1980s and 90s. By applying recent sentencing reforms retroactively, the bill allows individuals currently serving excessively long sentences to petition a judge for a reduction in their sentence. Nevertheless, the limitations on those who qualify for retroactivity are overly harsh and misguided.

Experience has shown that mandatory minimums have contributed to the vast increase in the nation's incarceration rate and exacerbated the levels of racial disparity in the criminal justice and correctional systems. African Americans and Latinos make up about three quarters of the federal prison population while representing only about one third of the nation's population. The USSC has reported that mandatory minimums are applied to people of color at similarly disproportionate rates. This bill offers substantive revisions to the federal sentencing system which will help address the harms caused by misguided policies of the past as well as prevent their reoccurrence in the future.

The Sentencing Reform Act of 2015 offers significant and positive sentencing reforms. We applaud the bipartisan effort that has taken place over the past several months to draft and introduce this legislation. We urge Judiciary Committee members to support its passage and sincerely hope that this is merely the first step towards creating a more just and rational criminal justice system for the nation and its citizens.

Respectfully,

Michael Collins
Deputy Director
Drug Policy Alliance's Office of National Affairs