



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

November 13, 2018

Hon. Donald J. Trump
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

RE: Police Perspective: FIRST STEP Act (S. 2795) & Sentencing Reform

Dear President Trump:

I write to you today as Executive Director of Law Enforcement Leaders to Reduce Crime & Incarceration, a bipartisan group of more than 200 current and former law enforcement officials.

Today, our nation faces new criminal justice challenges, including a rise in opioid overdoses, an uptick in homicides in some cities, and strained police-community relations. While there is no one-size-fits-all solution, we as leaders in law enforcement feel compelled to share our views on how passing prison and sentencing reform together is vital to keeping our nation safe.

First, I wanted to share our briefing memo explaining how the FIRST STEP Act and sentencing reform will improve public safety. Americans trust us, as law enforcement officers, to both secure the safety of their communities and advise policymakers on how to advance that goal. We hope this information helps ease any concerns surrounding the bill. Our position is also in line with that of the Fraternal Order of Police, which recently endorsed bipartisan efforts toward justice reform.

Second, I wanted to share our previous [letter](#) supporting the FIRST STEP Act and sentencing reform sent to leaders in Congress, explaining the necessity of passing sentencing and prison reform together to reduce recidivism and increase fairness. Over 60 of our members signed onto this letter, writing everywhere from [Virginia](#) to [New Orleans](#) to [Iowa](#), to share their views. I have expressed similar views in the [The Hill](#), with Washington Police Chief Peter Newsham.

We are grateful for your unwavering leadership in prioritizing public safety and the critical issues facing law enforcement. I hope we can work together toward bipartisan reforms.

Respectfully yours,

Ronal Serpas

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



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BRIEFING MEMO: **FIRST STEP Act & Sentencing Reform**

Law Enforcement Leaders to Reduce Crime & Incarceration (“Law Enforcement Leaders”) supports sensible reforms to reduce recidivism and unnecessary incarceration while enhancing public safety. We support the compromise that would amend the FIRST STEP Act (S. 2795 “FIRST STEP”) to include portions of the Sentencing Reform and Corrections Act (S. 1917 “SRCA”).

This fact sheet analyzes key provisions of the combined bill that will enhance both public safety and efficiency for law enforcement. The combined bill:

Incentivizes Good Behavior Through Time Credits and Other Privileges:

- Allows prisoners to earn an additional seven days per year off their sentence based on good behavior. Congress intended prisoners to be able to earn up to 54 days off their sentences per year, based on good behavior (“good time credit”). But due to a drafting oversight, prisoners can currently only earn 47 days per year. FIRST STEP would correct this error, allowing prisoners to earn what Congress intended.
- Creates evidence-based recidivism reduction programming, which prisoners can use to earn eligibility toward potential prerelease. Qualifying prisoners could spend part of their sentences in halfway houses or home confinement — [an effective means](#) of transitioning prisoners back to civilian life. This benefit would only be available to prisoners who:
 - Are not excluded due to the nature of their offense or immigration status (aliens awaiting deportation, national security threats, people convicted of repeat firearm crimes or crimes involving fentanyl, and others are all ineligible);
 - Participate in activities proven to reduce recidivism;
 - Reduce their estimated risk of recidivism to “minimum” or “low” or receive the warden’s approval; and
 - In the case of home confinement, submit to 24-hour electronic monitoring.
- Provides other incentives for good behavior, such as: phone time, visits, transfers to prisons closer to home, and other privileges — many of which are at the warden’s discretion.

Improves Conditions of Confinement:

- Authorizes \$75 million per year for anti-recidivism programming, which will reduce crime.
- Requires that prisoners be placed within 500 driving miles of their families *if possible*.
- Prevents the shackling of women while in labor and giving birth.
- Requires that sanitary napkins and tampons are provided to incarcerated women for free.
- Allows qualifying elderly prisoners to be released from prison, while preserving public safety.

These are proven methods to [help reduce recidivism](#) and increase rehabilitation.

Incorporates Key Sentencing Reforms from SRCA:

Reducing unnecessary incarceration is vital to the safety of our nation. [Research shows](#) that longer prison stays for less serious offenses do not necessarily decrease rates of recidivism, and sometimes make prisoners *more* likely to reoffend upon release. Ensuring that the sentence is proportional to the crime committed also prioritizes prison space for the most violent and serious offenders — which must remain law enforcement’s priority.

Toward that end, Law Enforcement Leaders supports key sentencing reform provisions that would achieve the following:

- For certain non-violent repeat drug offenders: reduces three-strike mandatory life sentences to 25 years and reduces 20-year mandatory minimums to 15 years, while taking a tougher approach to violent crime by expanding current law to include past serious violent felonies as triggers for longer mandatory minimums.
- For certain low-level non-violent drug offenders: broadens the “safety valve” provision, which gives judges more discretion to sentence below statutory mandatory minimums only when consistent with public safety. This would allow offenders with prior convictions for simple drug possession and nonviolent drug offenders with minor criminal history to qualify for the safety valve. Offenders would continue to serve significant prison time: the safety valve [would reduce](#) qualifying offenders’ sentences by an average of 12 months.
- Applies the bipartisan Fair Sentencing Act (FSA) retroactively. In 2010, Congress reduced the sentencing disparity between crack crimes and powder cocaine crimes based on research that both drugs were scientifically equivalent. This change was not applied to people who were already incarcerated when the law passed. Extending the FSA simply applies the current law to those sentenced under the older laws.
- Ends a rule that imposes unnecessarily long sentences by clarifying that consecutive 25-year mandatory minimum enhancements for repeat offenders only apply to offenders who have previously been convicted, and not to offenders facing multiple charges in the same trial, who could be first-time offenders. This change ensures that these severe enhancements target only recidivist crimes. Former Attorney General Sessions has [expressed support](#) for this change.

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Our members have dedicated their lives to upholding the law and fighting on the frontlines of crime. From experience, we know that these provisions will enhance public safety while ensuring that only those who are unlikely to recidivate will receive an earlier release. These measures will ensure that finite law enforcement and corrections resources are used to combat the most dangerous threats to public safety.