

BRENNAN
CENTER
FOR JUSTICE

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October 19, 2015

The Honorable Chuck Grassley
U.S. Senate
135 Hart Senate Office Building
Washington D.C. 20510

The Honorable Patrick Leahy
U.S. Senate
437 Russell Senate Office Building
Washington D.C. 20510

Re: The Sentencing Reform and Corrections Act of 2015 (S.2123)

Dear Chairman Grassley and Ranking Member Leahy:

The Brennan Center for Justice at New York University School of Law writes to express our support for the Sentencing Reform and Corrections Act of 2015 (S. 2123). At a time when meaningful action is needed to combat our flawed criminal justice system, this legislation takes a critical first step.

The Brennan Center for Justice is a non-partisan public policy and law institute that focuses on improving the systems of democracy and justice. The Brennan Center's Justice Program seeks to ensure a rational, efficient, effective, and fair criminal justice system. The Justice program's number one priority is to protect public safety while reducing mass incarceration. We applaud the Committee for holding a hearing on this legislation and bringing awareness to the importance of reducing mass incarceration in the federal corrections system.

The United States incarcerates more people than any other nation in the world. Since 1980, the federal prison population has increased by almost 800 percent. Nearly half of the current federal prison population is made up of drug offenders. Taxpayers are spending close to \$7 billion dollars each year to house federal prisoners. There is little indication that the federal prison population will decrease in coming years unless action is taken.

We believe the Sentencing Reform and Corrections Act is the first step to reducing the federal prison population while ensuring public safety is maintained. This bill takes a thoughtful and targeted approach to improving the system. The bill makes modest changes to some of the most egregious drug mandatory minimums, while also better focusing remaining mandatory minimums on actual kingpins and violent offenders. The bill also ensures fairness by making many provisions retroactive. This action is significant and should be commended. While we applaud many of the bill's provisions, we do not support the creation of two new mandatory minimums. We believe that these provisions are counter to the overall effort to lower incarceration numbers in the United States.

In addition to some of the sentencing reforms, we are pleased to see that the bill also focuses on prison reform by ensuring that all currently incarcerated individuals have access to rehabilitative programs. It is important to remember that the majority of those sitting in our jails and prisons will return to our communities. It is in the best interest of all if these individuals return to the community better prepared to be productive, tax paying, law abiding citizens. By providing rehabilitative programs, the authors of the bill make meaningful efforts to remove barriers to successful reentry. While we have some concern about the Bureau of Prisons' ability to create and institute the risk assessment tool in a timely manner, we are hopeful they will be successful in this effort.

The Sentencing Reform and Corrections Act takes a crucial and meaningful step forward in unraveling decades long policies that had a devastating effect on our society as a whole. As you take up this legislation in Committee, we urge you to support the bill in an effort to significantly improve our nation's criminal justice system. Your leadership on this issue is greatly appreciated.

Thank you,

A handwritten signature in blue ink, appearing to read "Nicole Austin-Hillery". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nicole Austin-Hillery
Director and Counsel, DC Office