

December 29, 2011

Lanny A. Breuer
Assistant Attorney General
U.S. Department of Justice, Criminal Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: Federal Sentencing Policy

Dear Mr. Breuer:

We are writing to you in response to your recent speech on federal sentencing policy before the *American Lawyer/National Law Journal* Summit. Our organizations are actively engaged in promoting federal sentencing reforms and we welcome your invitation to examine and address costly federal criminal justice policies that have contributed to unsustainable growth in the federal prison population. We would like to meet with you in the coming weeks to discuss these important matters further.

Over the last 30 years, the size of the federal prison system has exploded largely due to excessive mandatory minimum sentences and the war on drugs. Today over 218,000 people are in federal prisons and over half are there for drug offenses as their most serious offense. Indeed, a recent report from the U.S. Sentencing Commission found in 2010, 77% of defendants convicted of violating a statute carrying a mandatory minimum penalty had been convicted of a drug offense. As a result, the prison population has increased 800% in 30 years and the cost to run it has grown by 1700%.

Continuing this wasteful and counterproductive prison build-up contradicts criminological research about what works to prevent crime, and ignores the successful reforms happening in corrections at the state level that have allowed systems facing similar overcrowding issues and fiscal pressures to reduce costs, reduce their prison population and protect public safety. For example, in New York state changes to sentencing and corrections policy have resulted in a decrease of 15,000 prisoners in the last 10 years. As the prison population has declined there has been no adverse effect on public safety, with a 25% decline in the state's crime rate over the same time period. Moreover, due to the reduction in the prison population, 7 prisons have closed, resulting in significant cost savings.

Our organizations believe similar opportunities to address sentencing fairness, prison overcrowding and expense, and public safety exists at the federal level. In previous letters to Congress we have endorsed:

- Expanding time credits for good behavior;
- Making congressional reforms to crack cocaine sentencing retroactive; and
- Eliminating mandatory minimum sentences for drug offenses.

Additional sentencing reforms are also necessary to ensure the federal criminal justice system is a national example of justice, efficiency and protection.

We appreciate your interest in a dialogue about the current status of the Bureau of Prisons and other issues related to federal sentencing policy, and we look forward to speaking with you in the near future. Please contact Kara Gotsch of The Sentencing Project at (202)628-0871 or kgotsch@sentencingproject.org to schedule a meeting time.

Sincerely,

Marc Mauer
Executive Director
The Sentencing Project

Bill Mefford
Director, Civil and Human Rights
General Board of Church and Society
The United Methodist Church

Laura Murphy
Director, Washington Legislative Office
American Civil Liberties Union

Kyle O'Dowd
Assoc. Executive Director for Policy
National Association of Criminal Defense Lawyers

Bill Piper
Director, Office of National Affairs
Drug Policy Alliance

Mary Price
Vice President and Counsel
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Hilary O. Shelton
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Nkechi Taifa
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