

February 4, 2013

The Honorable Patrick Leahy
224 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Mike Crapo
239 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

Dear Senator Leahy and Senator Crapo:

We, the undersigned sentencing and criminal justice reform organizations, are writing to express our opposition to the inclusion of any mandatory minimum sentencing provisions in S. 47, the Violence Against Women Reauthorization Act of 2013 (VAWA).

We acknowledge that reducing the level of sexual, domestic, and dating violence and stalking directed at victims of violence is a worthwhile objective and an issue of national concern. We recognize and appreciate that many of the proposals contained in S. 47 enjoy broad bipartisan support, as well as the support of the American public. In its current form, S. 47 does not include any mandatory minimum sentences. We think it should remain that way through passage.

We do not believe that including mandatory minimum sentencing provisions for the domestic violence, sexual assault, and stalking offenses in S. 47 would be necessary, appropriate, or cost-effective. In fact, such provisions could be counterproductive in combatting violence. According to the National Task Force to End Sexual and Domestic Violence Against Women, the threat of a lengthy, mandatory prison sentence for an intimate partner abuser could deter a victim from reporting a crime. Because the victim and offender are often related or in an intimate relationship, many of the crimes included in VAWA will involve complex facts and unique circumstances. Such complicated crimes demand that courts have flexibility to ensure that the sentence fits the crime and the offender, protects victims, and best meets the needs of the family or couple impacted.

Finally, more mandatory minimum sentences would only increase the burdens on and high costs of our already overcrowded federal prison system. A recent Congressional Research Service report¹ shows that mandatory minimums are the primary driver of high prison populations and increasing prison costs. Mandatory minimum sentences are unfair, ineffective, and result in extraordinary costs to American taxpayers.

Accordingly, as the Senate considers S. 47, we strongly urge you to oppose the adoption of any mandatory minimums. Thank you for your leadership on this important issue and for considering our views. Please do not hesitate to contact any of us if you should have any questions.

Sincerely,

American Civil Liberties Union
Drug Policy Alliance
Families Against Mandatory Minimums
Human Rights Watch

Justice Fellowship
Lawyers' Committee for Civil Rights Under Law
National Association of Criminal Defense Lawyers
National Legal Aid & Defender Association
The Sentencing Project
United Methodist Church, General Board of Church and Society

¹ CONGRESSIONAL RESEARCH SERVICE, THE FEDERAL PRISON POPULATION BUILDUP: OVERVIEW, POLICY CHANGES, ISSUES, AND OPTIONS (Jan. 22, 2013), *available at* <http://www.fas.org/sgp/crs/mis>.