

WHY LAW ENFORCEMENT SUPPORT THE SMARTER SENTENCING ACT (SSA), S. 1410/H.R. 3382

The bill protects full funding for law enforcement and programs that keep the public safe.

- In FY 2014, federal prisons and detention will consume 28.8% of the DOJ's budget.¹
- Absent significant budget increases (which are unlikely) or sentencing reforms, prison populations and costs will only grow.²
- **The SSA will reduce federal prison populations and save at least \$2.7 billion.**³ These savings could be spent on funding programs law enforcement support, including:
 - Hiring police through COPS grants (cut by 44% since 2010)⁴
 - Byrne-JAG grants for innovative crime prevention (cut by 34% since 2010)⁵
 - State Criminal Alien Assistance Program, which reimburses states for housing immigration offenders (reduced in FY2014 budget and cut completely in the proposed FY2015 budget)⁶
 - Bulletproof Vest Grant Program, to provide tools that keep police safe⁷
 - Creating a "National Blue Alert" to help capture those who harm officers.⁸

The SSA is a modest reform that keeps the public safe.

The SSA is a limited, incremental reform that

- Does **not** eliminate **any** federal mandatory minimum sentences or strip this tool from prosecutors and law enforcement;
- Does **not** allow drug offenders to "get off easy" with no prison time – under this bill, all drug offenders receiving mandatory minimum sentences will still go to prison for at least two, five, or 10 years or more;
- Applies **only** to mandatory minimum sentences for federal nonviolent drug offenses;
- Impacts **only** federal drug offenders, **not** those convicted of violent, sex, child exploitation, white collar, or terrorism crimes;
- Does **not** eliminate or limit any prosecutorial charging discretion;
- Does **not** give judges increased ability to sentence below the mandatory minimum term except in extremely narrow circumstances based on objective criteria (the "safety valve"); and
- Holds the Attorney General accountable for ensuring that the bill's cost savings are **reinvested** in law enforcement, crime prevention, recidivism reduction programs.

The SSA will not undo the gains in crime reduction we've earned over the last 30 years.

- 17 states have reformed their mandatory minimum sentencing laws, and crime has continued to decline in those states.⁹

Many prosecutors, law enforcement groups, and victims' advocates support the SSA:

- Major Cities Chiefs Police Association¹⁰
- International Union of Police Associations, AFL-CIO¹¹
- The U.S. Department of Justice¹²

- Association of Prosecuting Attorneys¹³
- More than 100 former federal prosecutors and judges¹⁴
- National Task Force to End Sexual and Domestic Violence Against Women¹⁵
- Council of Prison Locals 33¹⁶ and American Federation of Government Employees¹⁷ (represent 38,000 federal correctional officers).

For more information, contact Molly Gill, Government Affairs Counsel, mgill@famm.org

¹ U.S. Senate Committee on Appropriations, Summary: Fiscal Year 2014 Omnibus Appropriations Bill 5-7 (Jan. 13, 2014), at <http://www.appropriations.senate.gov/news.cfm?method=news.view&id=5aa8e660-f52e-4074-945f-9618eb963ae9>.

² Michael E. Horowitz, Inspector General, Top Management and Performance Challenges Facing the Dep’t of Justice – 2013, at <http://www.justice.gov/oig/challenges/2013.htm>.

³ Urban Institute, Stemming the Tide: Strategies to Reduce the Growth and Cut the Cost of the Federal Prison System 24-25 (Nov. 2013), available at <http://www.urban.org/UploadedPDF/412932-stemming-the-tide.pdf>.

⁴ Nat’l Criminal Justice Ass’n & Vera Institute of Justice, The Impact of Federal Budget Cuts from FY10-FY13 on State and Local Public Safety: Results from a Survey of Criminal Justice Practitioners, at 2, available at <http://www.vera.org/sites/default/files/resources/downloads/impact-federal-budget-cuts-public-safety.pdf>.

⁵ *Id.*

⁶ Office of Management and Budget, FY2015 Budget of the U.S. Government 156 (2014), available at <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2015/assets/budget.pdf>.

⁷ See S. 933, H.R. 988, Bulletproof Vest Partnership Grant Program Reauthorization Act (113th Cong.).

⁸ See S. 357, National Blue Alert Act (113th Cong.).

⁹ PEW CENTER ON THE STATES, TIME SERVED: THE HIGH COST, LOW RETURN OF LONGER PRISON TERMS 7 (June 2012), available at http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/Pew_Time_Served_report.pdf. The states are Alaska, California, Connecticut, Delaware, Georgia, Maryland, Massachusetts, Michigan, Mississippi, Nevada, New Jersey, New York, Oklahoma, South Carolina, Texas, Utah, and Wisconsin.

¹⁰ Major Cities Chiefs Association, <https://www.majorcitieschiefs.com/>.

¹¹ IUPA, <http://iupa.org/>. See letter at <http://famm.org/wp-content/uploads/2013/07/IUPA-SSA-letter.pdf>.

¹² U.S. Dep’t of Justice, U.S. Attorney General Eric Holder Urges Congress to Pass Bipartisan “Smarter Sentencing Act” to Reform Mandatory Minimum Sentences, Jan. 23, 2014, at <http://www.justice.gov/opa/pr/2014/January/14-ag-068.html>.

¹³ Association of Prosecuting Attorneys, <http://www.apainc.org/>. See letter at <http://famm.org/wp-content/uploads/2013/07/APA-SSA-Letter.pdf>.

¹⁴ See letter at <http://famm.org/wp-content/uploads/2013/07/Fmr-Pros-SSA-letter.pdf>.

¹⁵ See letter at <http://famm.org/wp-content/uploads/2013/07/NTF-SSA-letter.pdf>.

¹⁶ CPL-33, <http://www.cpl33.info/>. See letter at <http://famm.org/wp-content/uploads/2013/07/CPL-AFGE-SSA-letter.pdf>.

¹⁷ AFGE, <http://www.afge.org/>. See letter at <http://famm.org/wp-content/uploads/2014/02/AFGE-SSA-Bill.pdf>.