

The Honorable Senator Richard Durbin  
Assistant Majority Leader  
711 Senate Hart Office Building  
Washington, DC 20510-1804



Dear Senator Durbin,

I am the National President of the Council of Prison Locals, American Federation of Government Employees, AFL-CIO.

On behalf of the men and women of the Council of Prison Locals C-33 I come before you today first to thank you for drafting what we consider to be the most appropriately titled legislation, "The Smarter Sentencing Act of 2013" (S.1410, H.R. 3382). I offer wholehearted support of this bill on behalf of the men and women of the Council of Prison Locals. We believe this is legislation that is long overdue and we urge the Members of the 113<sup>th</sup> Congress to also support this bill and help protect those sworn to "protect and serve."

The Council of Prison Locals represents 28,000 correctional workers nationwide in the Federal Bureau of Prisons, the Nation's largest federal law enforcement agency. Our Members are the rank and file law enforcement professionals who walk this great nation's toughest beat, the Federal Bureau of Prisons correctional facilities. Our members live and work in as many different geographic locations as imaginable. Our facilities are divided into six regions nationally. Each region is very diverse and has institutions in metropolitan areas, such as Chicago, and New York, as well. Every region also has institutions in "small town America," such as Leavenworth, KS, or Big Sandy, KY. Our members perform in all facets in the day-to-day running of the Federal Bureau of Prisons. Our largest group is the Correctional Officers. We are also the Teachers, Medical Staff, Drug Treatment Specialists, and Food Service Foremen. Our number one priority is public safety and security, bar none. We take pride in operating the safest, most humane correctional facilities in the world. We are all Correctional Workers first. We are ordinary citizens who work extraordinary jobs. We see things routinely that no one should ever have to witness, but are prevented from turning away. We run into places that most people run away from because it is our duty and because our very lives and our coworkers' lives depend on it.

Nearly 219,000 prison inmates are now confined in BOP prisons, an increase from 25,000 in 1980, 58,000 in 1990, and 145,000 in 2000. It is expected that by the end of FY 2014 about 224,000 inmates will be incarcerated in BOP prisons. This explosive growth in the BOP inmate population is the direct result of Congress approving stricter anti-drug enforcement laws with mandatory minimum sentences in the 1980s, including the Anti-Drug Abuse Act of 1986 (P.L. 99-570) and the Anti-Drug Abuse Act of 1988 (P.L. 100-690). Of the 219,000 inmates in BOP prisons, about 50% are serving sentences for drug-related offenses. The average sentence length for inmates in BOP custody is over 9 years. Prison inmate overcrowding is an increasing problem at BOP prisons, despite the activation of new prisons over the past few years. The BOP system today is overcrowded by 37%, up from 31.7% in 2000. Inmate overcrowding is of special concern at higher security prisons, with 54% overcrowding at high security prisons and 44% overcrowding at medium security prisons. As overcrowding reaches a crisis level, and understaffing gets worse, it creates a perfect storm for certain disaster. These eroding conditions affect the safety of our staff, the inmates we supervise, and the general public at large. These serious correctional worker understaffing and prison inmate overcrowding problems are resulting in significant increases in inmate assaults against correctional workers. Illustrations of this dangerous reality include the brutal stabbing murders of Correctional Officer Jose Rivera on June 20, 2008 at the United States Penitentiary in Atwater, CA and Correctional Officer Eric Williams on February 25, 2013 at the United States Penitentiary in Canaan, PA. An additional illustration is the murder of Lieutenant Osvaldo Albarati on February 26, 2013 while driving home from the Metropolitan Detention Center in Guaynabo, Puerto Rico.

BOP has performed a rigorous analysis of the effects of prison inmate overcrowding and correctional worker understaffing on inmate-on-worker rates of violence - and found that increases in both the inmate-to-worker ratio and the rate of overcrowding at an institution are directly related to increases in the rate of serious inmate assaults on correctional workers. An increase of one in a BOP prison's inmate-to-worker ratio increases the prison's annual serious assault rate by about 4.5 per 5,000 inmates. These statistics demonstrate the need to move away from the "tough on crime" laws of the 1980s and focus more on "smart on crime" policies. The Smarter Sentencing Act of 2013 does just that by taking an

incremental approach to modernizing drug sentencing policy. We endorse the Smarter Sentencing Act (S.1410, H.R.3382) because it reduces certain mandatory minimum sentences for nonviolent drug offenses, modestly expands the federal safety valve, and allows current inmates who were sentenced prior to the Fair Sentencing Act to petition judges for sentence reductions consistent with current law. The Smarter Sentencing Act is narrow and tailored to non-violent drug offenses to help substantially alleviate prison overcrowding, while not making changes that could adversely affect violent offenders and create public safety risks. Unlike many other proposals, it offers the combination of high-impact results and respect for public safety. While backend reforms could be a helpful component, it is only frontend sentencing reform that can provide the relief that our members, and the federal prisons, need. Overall, we need to reduce overcrowding and free up finances so that money can be redirected to allow us to better allocate our resources to staff safety, inmate safety, and prison programming to reduce recidivism and increase public safety when inmates are released.

We are the men and women who see, firsthand, these inmates and the results of mandatory minimum sentences. We believe we are uniquely qualified to speak on this issue. We are the only individuals with these inmates 24 hours every day. We are certain that there are violent inmates who absolutely need lengthy incarceration to keep the public safe. At the same time, there are inmates who no longer pose a threat to public safety and are sentenced for too long. Many of these offenders are drug offenders (who comprise 50 percent of the federal prison population overall). Judges should have the limited discretion to allow these defendants to serve shorter sentences in the federal system, which will benefit them and their ability to become productive members of society, their families, our membership, and society overall. We all can attest to this, and I am willing to speak to any Committee or member to express our opinions.

Please feel free to contact me in the following ways:

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Thank you for your time and consideration.

Yours sincerely,



*“Gain Strength Through Unity”*