



National Task Force  
to End Sexual and  
Domestic Violence Against Women

December 11, 2013

Chairman Patrick Leahy Committee on the Judiciary 224 Dirksen Washington, DC 20510	Senator Richard Durbin 711 Hart Washington, DC 20510	Senator Mike Lee 316 Hart Washington, DC 20510
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Dear Senators Leahy, Durbin, and Lee:

The Steering Committee of the National Task Force to End Sexual and Domestic Violence, comprised of national leadership organizations advocating on behalf of sexual and domestic violence victims and women's rights, write in support of the Smarter Sentencing Act of 2013, a bill that would provide for meaningful federal prison sentencing reform by making incremental changes to certain mandatory minimum sentences for drug offenses.

Mandatory minimum sentences without judicial flexibility have the potential to adversely affect victims in our field, some of whom end up entangled in non-violent drug crimes through the coercive and abusive actions of others (including abusive partners, pimps, traffickers, and others).

Equally importantly, excessive mandatory minimum sentences have an adverse impact on Communities of Color: while African-Americans make up 13% of the U.S. population, they comprise 37% of all federal prisoners, and 35% of drug offenders subject to mandatory minimums at sentencing. Similarly, although Hispanics make up only 16.9% of the general population, they constitute 34.9% of the federal prison population, and 45% of offenders subject to mandatory minimums at sentencing. White prisoners are subject to mandatory minimums at half the rate of communities of color; only 18% of offenders sentenced to mandatory minimums are White. Federal policies that worsen the impacts of racism on Communities of Color must change.

Additionally, the federal prison system is strained to the breaking point: the Bureau of Prisons (BOP) consumes one quarter to one third of the U.S. Department of Justice's total budget. This budgetary burden will only increase in future years, requiring an additional \$200 million to \$300 million dollars annually just to keep pace with the basic costs of incarcerating so many non-violent prisoners for long mandatory sentences. Furthermore, these sentences are often irrationally out of proportion with sentences for serious violent offenses that are years, and in some cases, decades shorter. Shockingly, some mandatory minimums for drug offenses can result in life sentences, when sentencing for sexual assault and other violent

crimes is capped at twenty years. Given the costs, we need to reserve expensive incarceration for those offenders who cannot be effectively managed in the community or whose serious offenses truly require long terms of imprisonment.

For lower-level, non-violent drug offenders, we support a re-examination of mandatory sentencing. We urge the Committee to ensure that all of these changes are implemented as robustly in federal women's prisons as in federal men's prisons.

The annual funding increases for incarceration come at the expense of other core functions of the Department of Justice. Victims of violent crime in Indian Country, for example, suffer the impact of strained DOJ resources because they rely on the FBI and United States Attorneys to investigate and prosecute domestic violence, sexual assault, stalking, and trafficking cases. More agents and prosecutors working in Indian Country will benefit Native victims far more than long periods of detention for non-violent offenders.

Not only does the increasing BOP budget burden the Department's ability to carry out its investigative and prosecutorial functions, it will drain desperately needed funding from the Department's grant programs crucial to the safety and stability of victims of domestic violence, dating violence, sexual assault, and stalking. This includes programs authorized under the Violence Against Women Act, the Byrne Act, the COPS program, the Juvenile Justice and Delinquency Prevention Act, and the Victims of Child Abuse Act.

The Smarter Sentencing Act (SSA) is key to addressing the disproportionate incarceration of persons from Communities of Color, the weak prosecutorial response to crimes of domestic and sexual violence on Tribal lands, and the restoration of funding to victim services programs. But the SSA can only address the latter two concerns if BOP savings are reinvested directly into critical areas of need: the hiring of federal prosecutors to fill currently empty positions in order to ensure robust prosecution of domestic violence, sexual assault crimes, and stalking on Tribal lands and the restoration of funding to the programs that serve victims of domestic violence, dating violence, sexual assault, and stalking. Additionally, we would like to see more funding reinvested in the reduction of custodial sexual assault, and prosecution of those responsible. The laudable focus of this bill on working with offenders to reduce recidivism must also acknowledge the reality that when offenders are preyed upon in prison, the likelihood and scope of re-offense is adversely affected.

Moreover, the needs of victims of domestic and sexual violence are growing. As demonstrated in a national survey of service providers conducted by the National Network to End Domestic Violence, in just one 24 hour period in 2012, domestic violence programs served 64,362 victims and answered 20,821 hotline calls. On that same day, however, there were 10,471 unmet requests for services. And importantly, during the same two year period in which the Department lost 3,500 employees due to financial constraints imposed by burgeoning BOP costs, domestic

violence programs lost grant funding for more than 2,000 staff. Lack of available grant funding is having additionally devastating impacts on victims of sexual assault, the vast majority of whom do not report the crime to law enforcement, but still need supportive services. According to a 2013 survey by the National Alliance to End Sexual Violence, half of the nation's 1300 rape crisis centers, already struggling to provide a frontline response to rape on shoestring budgets, lost staff during the past year, and one third have waiting lists for crisis services. This leaves countless victims of sexual assault without the support they need to heal and regain their lives.

We are also concerned that among the fastest growing segments of the federal prison population of non-violent offenders are those sentenced for immigration offenses. We see the negative impact of this expanded detention on immigrant victims of violence and their families, who are driven further into the shadows and are more vulnerable to abuse and exploitation. While these bills do not seek to address this growing segment of the federal prison and detention population, we hope that future efforts to focus on smarter sentencing reform will also address these critical issues.

The National Task Force to End Sexual and Domestic Violence believes public safety would be improved through the passage of the Smarter Sentencing Act. The legislation would free up scarce resources currently directed at unnecessarily long mandatory minimum sentences to be used for re-entry programs, crime prevention, and more robust law enforcement efforts. Additionally, we see the passage of the SSA as an effective mechanism for supplementing the woefully insufficient resources to address domestic violence, sexual assault, dating violence and stalking.

Reducing prison costs by reducing incarceration of non-violent drug offenders will address both the overrepresentation of Communities of Color in the federal prison system and the need to free resources at the U.S. Department of Justice to better serve victims. Achieving both of these goals will improve the broader criminal justice system response to crime. For these reasons, we support the Smarter Sentencing Act and urge all member of the Senate Judiciary Committee to work vigorously for its swift passage.

Sincerely,

The member organizations of the  
National Task Force to End Sexual and Domestic Violence  
[www.4vawa.org](http://www.4vawa.org)