



July 3, 2014

Honorable Patti B. Saris  
Chair  
U.S. Sentencing Commission  
One Columbus Circle NE, Suite 2-500  
Washington, DC 20002-8002

Attn: Public Affairs-Retroactivity Public Comment

Dear Chair Saris and Commissioners,

We at the Coalition to Reduce Spending are writing to express our support of retroactively applying Amendment 3, the “drug minus two” amendment.

As the only national group dedicated exclusively to spending reduction, we lead a national coalition of grassroots activists, elected officials, and candidates from around the country who are concerned with the country’s fiscal state and committed to bringing it back on track. Annual federal budget deficits and corresponding public debt have caused growing concerns among citizens and public officials alike, and we share the public’s concern.

In order to continue to progress towards such reforms, spending cuts and savings must be applied whenever possible. The Commission is presented here with a clear opportunity to take such actions.

Retroactively applying the “drug minus two” amendment would save American taxpayers billions of dollars over the coming decades. The Commission has reported that retroactivity would eliminate **83,525 prison bed years over a period of 30 years**. Given that the current annual cost of incarceration exceeds **\$29,000**, coupled with an average sentence reduction of 23 months per inmate, the total cost savings over that time period equal **\$2.42 billion**, or \$80.74 million a year.

Further, a retroactive application could drive down both the population and costs of federal prisons. Currently, **prison populations are at 132% of their capacity**. This overpopulation drives costs up because of the need to employ more correctional officers, care for an increasing number of elderly prisoners, and build or expand facilities. Currently, the Department of Justice allocates more than **25% of its discretionary budget** to the Federal Prison System.

While we focus on reducing government spending, we understand that large-scale changes in sentencing guidelines must account for public safety. The fiscal benefits are clear, and fortunately, retroactivity does not endanger public safety. For instance, **approximately 51,000 federal inmates will be eligible for sentence reductions, but no person receives a reduction automatically.** Each eligible individual must have his or her request reviewed and approved by the court – leaving the court the authority to deny requests if the inmate is deemed a danger to the public. More importantly, career offenders and persons involved in cases with very large quantities of illicit drugs will not be eligible for sentence reductions. These facts and others inform our belief that retroactivity comes with clear benefits and few costs.

Cross-partisan support for sentencing reform is growing. State governments nationwide are taking initiative to reform their mandatory minimum sentences ahead of the federal government, and earlier this year, the Senate Judiciary Committee moved forward with the *Smarter Sentencing Act*, which aims to reform mandatory minimum sentences and save at least \$2.7 billion over 10 years. The Commission has the opportunity to act upon the public will as well. Making the “drug minus two” amendment retroactive is a valuable step in the right direction toward responsible criminal justice policy.

It is for these reasons the Coalition to Reduce Spending strongly encourages the Committee to make Amendment 3 fully retroactive. In order to maintain the credibility of our budgetary process and justice system, it is imperative we find cost savings wherever feasible. The Coalition would like to thank the Commission for its leadership on this issue, and we hope to see it continue. It is clear that while this action would not be a “cure-all” for the nation’s fiscal woes, it would be a solid step toward sound budgeting in the nation’s criminal justice system.

Sincerely,



Jonathan Bydlak  
President  
Coalition to Reduce Spending