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2ND DISTRICT, LOUISIANA

COMMITTEE ON HOMELAND SECURITY
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TRANSPORTATION SECURITY, *RANKING MEMBER*

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SUBCOMMITTEES:

CRIME, TERRORISM, HOMELAND SECURITY
AND INVESTIGATIONS

COURTS, INTELLECTUAL PROPERTY AND
THE INTERNET

SENIOR WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-1802

July 7, 2014

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Chief Judge Patti B. Saris
U.S. Sentencing Commission
One Columbus Circle, NE
Suite 2-500, South Lobby
Washington, DC 20002-8002

Dear Commissioner Saris,

I write in support of the U.S. Sentencing Commission's proposed amendments to the federal sentencing guidelines which would change guidelines applicable to drug trafficking offenses, which could result in the retroactive reduction of eligible prisoners' sentences. I believe that the war on drugs has been a spectacular failure and that we need to start to rethink our approach as a country to the issue of drug use and prosecution. This effort by the Commission to explore these amendments is consistent with this possible new approach and I stand ready to support these changes and future proposed amendments in this vein as a Member of the House Committee on the Judiciary and a Member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

Research has shown that previous retroactive sentence reductions for drug related sentences have not contributed to recidivism by eligible inmates who were released. This suggests that future retroactive sentence reductions would be in the interests of public safety while also saving the taxpayer further expenses to incarcerate the eligible inmates that could be released. According to the analysis prepared by the Commission's Office of Research and Data (ORD) 51,141 inmates would be eligible to pursue sentence reductions if the Commission moves forward with the proposed 2014 drug guidelines amendment. According to the same research, if the full extent of the retroactive sentence reduction were applied, the Bureau of Prisons would save 83,525 bed years, savings which would preserve taxpayer funds years into the future.

In a post *United States v. Booker* legal system, the amendmended guidelines will serve as powerful persuasive inputs to the analytical framework for judges as they make their sentencing decisions. We must do all that we can do to demonstrate to these judges that Congress and the Commission believe they should be searching for options to reduce sentences for eligible non-violent drug offenders because our prisons have reached their breaking point and the taxpayer has other investments that need attention. We are operating in a constrained budget environment and federal, state and local resources have

been reduced. At the end of fiscal year 2013, the Federal Bureau of Prisons housed over 219,000 inmates, an 800% increase in the Federal prison population since 1980. These crowded facilities, operating at 36% over capacity, can hamper the ability of prison staff to create order and to administer important rehabilitative programming, which thereby increases the chances of recidivism. The fiscal costs of this prison population explosion are tremendous. In 2000, prisons and detention represented only 27% of the overall DOJ budget and has climbed to 31% in the most recent fiscal year. This growth in budget for prisons and detention has meant less funding for rehabilitative programs and skills training for inmates and also decreased amounts available for grants to keep people out of prisons to begin with.

I am hopeful that Congress will follow the Commission's lead by retroactively reducing statutory sentencing ranges for drug related offenses, in addition to the Commission's amendmended guidelines. I believe that the Commission's 2014 proposed amendments should become effective in November so as to continue to provide momentum for these important sentence reduction and fiscal prudence measures. I look forward to working with the Commission and with my colleagues in Congress to further promote more reasonable sentencing practices in the future.

Sincerely,



Cedric L. Richmond
Member of Congress