

TESTIMONY

of

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on

Proposed Retroactivity of the Drug Amendments

**Before the
U.S. Sentencing Commission**

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Good morning, Madam Chairman, distinguished Vice Chairmen, and Commissioners of the U.S. Sentencing Commission. My name is David Hiller, National Vice President of the Fraternal Order of Police, the largest law enforcement labor organization in the United States, representing more than 330,000 rank-and-file police officers in every region of the country.

I want to thank you, Madam Chairman, and the rest of the Commission for inviting me here this morning to share the views of these rank-and-file officers on the issue of retroactive application of the amendments to the federal sentencing guidelines.

The Commission has requested comment on the possible retroactive application of these guidelines. The FOP strongly opposes any retroactive application of the guidelines as it would allow for the release of thousands of convicted drug offenders into communities where State and local law enforcement are already under immense pressure.

According to the data provided by the Commission, more than 12,000 offenders would be eligible to receive reduced sentences.¹ And, within five years, over 7,000 convicted drug offenders could be released back into society.² Half that number would be released within two years of enacting the proposed retroactive reductions. These are significant numbers of offenders that could be released early, placing undue burdens on law enforcement personnel.

It should also be noted that these sentencing reductions would be in addition to any other reductions the offenders received, such as a reduction for cooperation with the United States or "good time" credit in prison. It is important that the Commission recognize that these are not "low-level dealers" or first time offenders. At least 80% of them have previously been convicted of a crime, a majority of them have multiple prior convictions and at least 14% of them also possessed a firearm in connection with their drug dealing operation.³ Further, more than 25% of these offenders are in the highest criminal history category.⁴ Clearly, these inmates are far more likely to reoffend.

Furthermore, the current fiscal climate is such that law enforcement agencies are being forced to lay off officers and reduce community services across the nation. State and local agencies have been forced to make drastic cuts to their law enforcement personnel, as much as 44% in some cases. These cuts have already placed great strain on law enforcement officers who work tirelessly to keep their communities safe. Releasing thousands of convicted drug offenders will only add to that strain, creating a potentially dangerous situation that we can, and must, avoid.

¹ "Analysis of the Impact of Amendment to the Statutory Penalties for Crack Cocaine Offenses Made by the Fair Sentencing Act of 2010 and Corresponding Proposed Permanent Guideline Amendment If the Guideline Amendment Were Applied Retroactively." *United States Sentencing Commission*. 28 Jan. 2011. Web. 01 May 2011. <<http://www.ussc.gov>>.

² Ibid.

³ Ibid.

⁴ Ibid.

These criminals are responsible for creating and feeding the addiction of an estimated 1.4 million Americans.⁵ Early release of these criminals would serve only to further the destruction of our communities from cocaine.

In conclusion, Madam Chairman, I want to thank you and the Commission for your consideration of the view of more than 330,000 members of the Fraternal Order of Police. I would be pleased to answer any questions you may have.

⁵ "Cocaine: Abuse and Addiction - Research Report Series - NIDA." *Cocaine: Abuse and Addiction*. National Institute on Drug Abuse. Web. 19 May 2011. <<http://www.nida.nih.gov/ResearchReports/Cocaine/whatis.html>>.