



**NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS'
COALITION**

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Statement Before the

U.S. Sentencing Commission

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Madam Chair and members of the Sentencing Commission, thank you for the opportunity to appear before you today. My name is Bob Bushman and I am President of the National Narcotic Officers' Associations' Coalition which represents 40 state associations.

Like me, the men and women of our association have experienced the devastating consequences resulting from illegal drugs that pour into our neighborhoods. Some claim that our efforts to keep drugs off our streets have been fruitless, and that our time, money, and efforts should be spent elsewhere. I strongly disagree and the numbers

support me. Violent crime and drug use rates have declined substantially over the past three decades. I believe much of that success can be attributed to a tough on crime approach, which has included aggressive enforcement, strong prosecution and serious sentencing policies.

Drug dealers prey on their own family members and neighbors, especially young people. Drug traffickers use violence as a tactic of intimidation to ensure success of their illegal business. They don't pay taxes on their earnings, yet their illicit activities cost taxpayers dearly as we pay for the law enforcement, medical and social services that are required to clean up the carnage and destruction left in their wake.

It's true that aggressive enforcement of our nation's drug laws has led to an increase in incarceration numbers. Many of the people we arrest are not strangers to the criminal justice system. They have been arrested before. And, while many argue that recidivism rates have decreased, we know that those rates only reflect criminals who are re-arrested. They do not account for those who continue to commit crimes upon release, but now evade arrest, because, during their previous trips through the criminal justice system, they became

educated about law enforcement tactics and how to insulate themselves to avoid being caught again.

We also know that a small number of people commit a majority of the crimes in many neighborhoods. When we arrest, convict and sentence those offenders to prison, crime rates drop.

There are some who believe we lack fairness in the sentencing process but the facts show a different story. Most offenders plead guilty and most plead to lesser charges than the actual offenses that were committed. And, most defendants have already taken advantage of the provisions in the law that reduce their sentences.

The question that is before us today is whether your recent recommendations to reduce the sentencing guidelines for drug traffickers should be applied retroactively.

According to your own analysis, if these recommendations were made retroactive, more than 51,000 inmates will be eligible for sentence reductions. United States Attorneys' Offices are already inundated with cases and our courts' calendars are full. If they are required to process the myriad of retroactive cases that are sure to be filed for review, how

can you expect them to keep up with current workloads or take on new prosecutions? Crime won't stop. The costs in time and money that will be expended on criminals that have already been given leniency based upon the sentence reduction options that currently exist is offensive to law abiding citizens.

Many of the proponents of sentencing reductions and their retroactive application portray those who have received prison sentences as victims. They are not.

The real victims are the law abiding citizens who live in the neighborhoods that have been ravaged by drug crime and its collateral consequences; the drive-by shootings, assaults, property crimes, and who have also experienced loss of value of their homes and properties located in undesirable, high crime neighborhoods.

Many of us have loved ones or acquaintances who have battled with substance abuse or addiction. But how do you justify to the families of addicts and abusers, or to those who have lost family members and children to drug addiction and drug related violence, that the so called "low level, non-violent" drug trafficker, the one who is profiting off of their pain, deserves more leniency?

It should be our law-abiding citizens that are the focal point of these discussions, not the convicted criminals who, by their own selfish actions have proven that they have little regard for the law or their neighbors.

In the end, these criminals are rarely held accountable for all of their crimes or the damage they have inflicted. Plea bargains and pretrial negotiations already save most defendants from ever being exposed to the maximum penalties allowed by the law. Those who receive the severest sentences have lengthy criminal histories, have committed violent crimes or have been involved with large-scale drug trafficking organizations. They've already had several opportunities to reform, but have decided not to and it is their hard work at a life of crime that has led them to their prison sentence. In my experience, most are sorry that they were caught, not that they committed crimes against their neighbors.

Let me leave you with one final thought. During my 30-year career, I spent several years working undercover, where I was embedded in drug rings and listened to drug dealers and their minions planning their illegal deals. I have also interviewed thousands of suspects and

defendants. I quickly learned one thing - they all fear getting arrested and sent to prison. So, from a very informed point of view, I can tell you that the more you reduce prison sentences, the more incentive you will give drug dealers to continue committing the crimes that help their businesses grow while they poison our young people and destroy our communities.

On behalf of our nation's narcotic officers, who face great risk on the front lines as they respond daily to calls for help from their communities, I want to once again emphasize our association's strong objection to expanding the Commission's proposed drug sentencing reductions retroactively.

Thank you again for allowing me to testify, and I will be more than happy to answer any questions that you may have.