



MAJOR CITIES CHIEFS ASSOCIATION

Testimony of Tom Manger Chief of Police, Montgomery County, Maryland

Chairwoman Saris and Commissioners of the United States Sentencing Commission:

I am Tom Manger, Chief of Police for Montgomery County, Maryland. I am here today on behalf of the Major Cities Chiefs Association, representing the 66 largest police urban agencies in the United States, the 7 largest cities in Canada and 2 largest cities in the United Kingdom. It is my privilege to serve as the Chairman of the Legislative Committee and a member of the Board of Directors.

We are grateful to the United States Sentencing Commission for this invitation to be part of the dialogue on Sentencing Reform. You have reached out to law enforcement and you are here today to consider our views – we commend you for this gesture because it demonstrates a concern for public safety. While I was unable to testify at your previous hearing on this matter, and I am pleased to be here today to set forth our position on these measures and the question of retroactivity.

As the officials who police metropolitan areas, we are deeply concerned about the release of felons back into the communities we are sworn to protect. For this reason, Major Cities Chiefs support sentencing reform only when it strikes a balance between public safety and fiscal constraint. There is no doubt that the vast majority of arrests, prosecutions and convictions originate in the major cities of our Nation – the communities I am here to represent. When felons with drug convictions are released from prison and return to the cities – to put it bluntly – they will live productive lives or they will become our problem. Whether it's a violent crime, a theft to support a drug habit, or an overdose - We will answer the 9-1-1 calls and we will make the arrests.

That means we can only support sentencing reform when it is thoughtful, sensitive to public safety and focused on constructive transition back into our

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communities. While we acknowledge that other law enforcement groups have publically opposed sentencing reform, Major Cities Chiefs are on record supporting the reduction of mandatory minimum sentences when such action serves this common public interest.

The United States Sentencing Commission has approved an amendment to reduce the federal drug guidelines, primarily by changing how the base offense levels in the Drug Quantity Table incorporate the statutory mandatory minimum penalties for such offenses. Now you are considering whether to make these provisions retroactive. The amendment adjusts the Drug Quantity Table so that base offense levels 24 and 30 correspond with the mandatory minimums for all drugs, thus making sentencing guidelines match statutory minimum penalties instead of exceeding them. While there is widespread concern that such actions will diminish the opportunities for prosecutors to encourage cooperation, we trust that sufficient incentives can be applied through charging practices. For the record, we recognize and appreciate that the Sentencing Commission has not altered guidelines relating to firearms, violence and repeat or career offenders.

Whether retroactive or going forward with further reforms, let me articulate the principles that comprise our position:

Individual Review: Sentencing reform must never be a “one size fits all” approach. Chiefs and Sheriffs believe that each case must be reviewed before a determination can be made to release a prisoner any earlier than current minimums. Actions to simply cut sentences “across the board” because prison costs have soared is irresponsible policy that threatens the safety of the communities we are sworn to protect.

Excluded Offenders: It is our view that the current mandatory minimums should remain in place for offenders who have demonstrated by their actions that an early release is unwarranted, undeserved and a potential threat to public safety. Our strong opposition includes professional drug traffickers, dealers who target sales towards minors, violent offenders, and repeat offenders.

Re Entry Services: To release felons back into our neighborhoods without support is misguided and in our view, irresponsible. That’s why Major Cities Chiefs call upon the Federal Government to ensure that prisoners transition into communities with the support of reentry services that include drug treatment.



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We are on the record for support of reentry funding and programs, and believe that this is the only path forward that will allow released offenders to become effective members of the community and not part of the “revolving door” of our criminal justice system. As you consider whether to make provisions retroactive, this is a critical concern.

Repeat Offenders: Many years of solid research show that the vast majority of crimes are committed by repeat offenders. For this reason we urge the Commission to give careful consideration to provisions that apply to repeat offenders and use all your influence to join us in urging Congress and Executive agencies to provide for needed supervision for this most serious category of offender.

Recent actions in Congress are illustrative of both good and bad policy. We strongly support legislation such as **Second Chance**, because we know from experience that inmates cannot become effective members of the community without help and support. Legislation of this type can provide reentry services, drug treatment and the supervision required to get inmates back into a safe, healthy and productive lifestyle.

We commend the Senate Judiciary Committee for the language contained in the **Smarter Sentencing Act**, and we have thanked Senator Durbin for his leadership. While this legislation does indeed reduce sentences for drug offenses, it provides for individual review and it directs the Sentencing Commission to ensure that current mandatory minimum sentences shall remain in place for those offenders who pose a threat to public safety. Let me read that language aloud and call upon you to ensure that current mandatory minimums will remain for these offenders. **“..the intent of Congress that severe sentences for violent, repeat, and serious drug traffickers who present public safety risks remain in place..”**

Surely the Commissioners agree that success will be realized through a comprehensive approach. While this amendment is a step in the right direction, the Sentencing Commission must not act in isolation. Provisions of the Smarter Sentencing Act, Second Chance and other legislation are essential elements of a comprehensive approach. We encourage you to work in close coordination with Congress and Executive branch agencies to achieve our common goal – the safety and well-being of the public we serve.