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DATE: February 23, 2023

**TITLE: Public Hearing on Proposed Amendments to the Federal
Sentencing Guidelines (Compassionate Release)**

Testimony

National Organization of Black Law Enforcement Executives (NOBLE)

Before the United States Sentencing Commission

Public Hearing Public Hearing on Proposed Amendments to the

Federal Sentencing Guidelines (Compassionate Release)

Thursday, February 23, 2023

United States Sentencing Commission Chair, Judge Carlton W. Reeves, and commission, I bring you greetings on behalf of the Executive Board, members, and constituents of the National Organization of Black Law Enforcement Executives – NOBLE.

My name is Brenda Goss Andrews, and I am the National President.

NOBLE serves as the conscience of law enforcement by being committed to Justice by Action. NOBLE has fifty-one chapters and represents over 3,800 members worldwide that consist of chief executive officers and command-level law enforcement officials from federal,

state, county, municipal law enforcement agencies, and criminal justice practitioners.

In full transparency, our organization supported the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person (FIRST STEP) Act of 2018. NOBLE felt the FIRST STEP Act struck a balance between maintaining public safety while improving re-entry, rehabilitation, workforce training programs, and sentencing. It is NOBLE's continued hope that FIRST STEP Act will strengthen bipartisan efforts in reforming this nation's criminal justice system to ensure equity in the administration of justice. Our organization joins many law enforcement leaders in the belief that America can reduce incarceration levels while also reducing crime.

To this aim, we applaud the efforts of this esteemed body in amending policies to ensure the implementation and execution of the FIRST STEP Act. NOBLE's testimony reflects its response to the U.S. Sentencing

Commission's changes to policy statement §1B1.13 concerning compassionate release.

NOBLE supports the revision to the policy statement that reflects that 18 U.S.C. § 3582(c)(1)(A), was amended by the First Step Act, authorizing a defendant to file a motion seeking a sentence reduction.

NOBLE supports the proposed amendment that revises the list of "extraordinary and compelling reasons". In particular, we support subsection (b) that list the following sub-categories for the category - Medical Circumstances of the Defendant:

- Terminal Illness
- The inability to provide self-care due to suffering from a serious physical or medical condition, or functional or cognitive impairment, or age-related deterioration of physical or mental health.
- The defendant suffers from a long-term medical condition and cannot receive timely or adequate specialized medical care.

- The defendant is negatively impacted by the ongoing outbreak of infectious disease, or an ongoing public health emergency due to the resident correctional facility or the exposure to said disease and/or public health emergency. The said risk cannot be addressed in a reasonable timeframe.

NOBLE supports the proposed amendment that revises the list of “extraordinary and compelling reasons”. In particular, we support subsection (b) that list the following sub-categories for the category - Family Circumstances of the Defendant.

- The death or incapacitation of the caregiver of the defendant’s minor child or defendant’s child who is 18 years of age or older who is not capable of self-care due to a physical or mental disability.
- The incapacitation of the defendant’s spouse or registered partner where the defendant is the only available caregiver.
- The incapacitation of the defendant’s parent where the defendant is the only available caregiver.

- The defendant presents circumstances similar to those listed above concerning other family members or individuals with similar relationships.

NOBLE supports the proposed amendment that revises the list of “extraordinary and compelling reasons”. In particular, we support subsection (b) that adds two new categories – Victim of Assault (Defendant is seriously injured due to sexual assault or physical abuse by an employee or contractor of the Bureau of Prisons.) and Changes in Law (Defendant sentence is inequitable due to changes in the law.)

Additionally, NOBLE supports the proposed amendment (three options) that revises the provision currently found in Application Note 1(D) of §1B1.13. All three options redesignate this category as “Other Circumstances” and expand the scope of the category to apply to all motions filed under 18 U.S.C. § 3582(c)(1)(A), regardless of whether such motion is filed by the Director of the BOP or the defendant.

The overall support by NOBLE for U.S. Sentencing Commission changes to the policy statement §1B1.13 center on our support for the FIRST STEP Act. However, this support is also based on historical data that suggest that a high-quality compassionate release program can expand the pool of eligible candidates while reducing overcrowding in the federal prison system. These measures can result in cost savings to the Bureau of Prisons. Lastly, the court will assess whether the circumstances exist, whether the defendant is a danger to society, and is a reduction warranted.

On behalf of the law enforcement leaders of NOBLE, thank you for supporting law enforcement and our ability to maintain public safety. Our members stand ready to meet the needs of our communities and nation. Thank you again for this opportunity to provide testimony.