



NEWS RELEASE

August 3, 2015

**U.S. SENTENCING COMMISSION REPORTS ON IMPACT OF
FAIR SENTENCING ACT OF 2010**
Finds Decline in Federal Crack Cocaine Prosecutions

WASHINGTON, D.C. (August 3, 2015) — Today the United States Sentencing Commission submitted to Congress its report assessing the impact of the Fair Sentencing Act of 2010, which among other things reduced the statutory 100-to-1 drug quantity ratio of crack to powder cocaine.

In 2014, approximately half as many crack cocaine offenders were sentenced in the federal system as had been sentenced in 2010.

Chief Judge Patti B. Saris, Chair of the Commission, said: “We found that the Fair Sentencing Act reduced the disparity between crack and powder cocaine sentences, substantially reduced the federal prison population, and resulted in fewer federal prosecutions for crack cocaine. All this occurred while crack cocaine use continued to decline.”

To assess the impact of the FSA, the Commission analyzed external data sources and undertook statistical analyses of its own federal sentencing data spanning before and after the enactment of the FSA. Among other things, the study shows that:

- Many fewer crack cocaine offenders have been prosecuted annually since the FSA, although the number is still substantial;
- Crack cocaine offenders prosecuted after the FSA are, on average, about as serious as those prosecuted before the FSA;
- Rates of crack cocaine offenders cooperating with law enforcement have not changed despite the reduction in penalties; and,
- Average crack cocaine sentences are lower, and are now closer to average powder cocaine sentences.

The Fair Sentencing Act of 2010 (FSA), Pub. L. No. 111-220, signed by the President on August 3, 2010, reduced the statutory penalties for crack cocaine trafficking and eliminated the mandatory minimum sentence for simple possession of crack cocaine. Consistent with the Commission’s recommendations, the FSA reduced the statutory penalties for crack cocaine offenses to produce an 18-to-1 drug quantity ratio of crack to powder cocaine and eliminated the mandatory minimum

sentence for simple possession of crack cocaine. The FSA also contained directives to the Commission to review and amend the federal sentencing guidelines to account for certain aggravating and mitigating circumstances in drug trafficking cases to better account for offender conduct. The FSA also directed the Commission to report on the impact of these changes within five years of its enactment.

Prior to the FSA, the Commission submitted four reports to Congress regarding cocaine sentencing, in 1995, 1997, 2002, and 2007. Since 1995, the Commission consistently took the position that the 100-to-1 drug quantity ratio of crack to powder cocaine significantly undermined the congressional objectives set forth in the Sentencing Reform Act. In 2007, the Commission reduced the crack cocaine guideline by two levels as an interim measure to alleviate some of the problems its reports identified until Congress could act. Offenders released early as a result of retroactivity of this amendment did not show a statistically significant increase in the likelihood of recidivating. The Commission intends to separately study the group of crack cocaine offenders released early as a result of the FSA amendments to determine whether their recidivism rates follow the same pattern.

The FSA report and additional background information are available on the Commission's web site at www.ussc.gov/news/congressional-testimony-and-reports/drug-topics/report-impact-fair-sentencing-act-2010.

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The United States Sentencing Commission, an independent agency in the judicial branch of the federal government, was organized in 1985 to develop a national sentencing policy for the federal courts. The resulting sentencing guidelines structure the courts' sentencing discretion to help ensure that similar offenders who commit similar offenses receive similar sentences.