



Major Cities Chiefs Association Major County Sheriffs of America



November 1, 2018

Jared Kushner
Director, Office of American Innovation
Senior Advisor to the President
The White House
Washington DC 20500

Dear Mr. Kushner:

On behalf of the Major County Sheriffs of America (MCSA) and Major Cities Chiefs Association (MCCA), we are grateful for the August White House meeting with law enforcement stakeholders to examine and discuss the outlook and feasibility of criminal justice reform. We are encouraged by your Administration's willingness to hear our views and your steady support of the men and women on the frontlines of law enforcement.

Chiefs and Sheriffs support a wide range of reforms, and we agree with your articulated objectives. Inmates should engage in constructive activities and their transition back into the community should include strong reentry programs. When offenders are returned to the community, Sheriffs and Chiefs support supervision, drug treatment and job placement.

As it currently stands, we are unable to offer our associations' support of the proposed legislation that would marry provisions of the Sentencing Reform and Corrections Act and the FIRST STEP Act. As stewards of our communities entrusted with protecting our communities, we must evaluate all potential consequences of criminal justice reform efforts. The White House has asked law enforcement to support prison and sentencing reform legislation yet, we have not been supplied with bill text. Before we can consider offering our endorsement, we must first be permitted to see the content to examine how it will affect the safety of the communities we are sworn to protect.

Unfortunately, reform efforts on any topic, including criminal justice, can result in tragedy and we have seen many misguided release programs where serious offenders prey upon the public. It is our obligation as community and national leaders to ensure victims of crime receive the protection and justice they deserve and it would be a disservice to our communities to support legislation which allows the early release of habitual and/or violent convicted criminals. For these reasons, we must ensure that the FIRST STEP Act and SRCA do not go beyond reasonable boundaries that protect our communities from harm.

Our Nation now struggles with an epidemic of opioid addiction, a crisis driven by repeat drug traffickers. Loyal to our oath of office, we cannot endorse legislation that would accelerate the release of the repeat offenders who are responsible for trafficking narcotics in the communities we serve and have caused the largest illegal drug related loss of life in history.



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To ensure that the White House stands together with law enforcement in a mutual commitment to protect the public, we respectfully request answers to the following questions:

1. After applying provisions from both SRCA and FIRST STEP, we are told that a repeat offender who would today be sentenced to 20 years for drug trafficking could instead be released from Federal prison in as little as 7 years, 10 months. Is this correct?
2. Is it correct that persons who have been convicted of gun crimes could be eligible for the credits and sentence reductions, including early release to home confinement?
3. Is it correct that persons who have been convicted of serious drug crimes, including heroin and fentanyl trafficking, could be eligible for the time credits and sentence reductions, including early release to home confinement?
4. Upon passage of the legislation, is it correct that some inmates who have not yet earned any time credits under the bill will nonetheless be subject to immediate early release from federal correctional facilities?
5. Is it correct that the bill's new formula for "good conduct" credits will award prisoners for "good conduct" even during time they do not serve?
6. Is it correct that while "safety valve" reductions—resulting in sentences below the mandatory minimums—are now restricted to offenders with no more than one (1) criminal history point, the bill would grant reductions to repeat offenders with significant criminal histories including those with up to four (4) criminal history points?
7. Is it correct that under the bill many criminal history points will not count in the four-point assessment for the new "safety valve"?
8. Is it correct that someone with a prior felony drug trafficking conviction would be eligible for "safety valve" under the bill when convicted of a repeat drug trafficking offense?
9. Will all relevant, derogatory information from federal, state and local law enforcement authorities be included in the government's assessment of each offender prior to their early release?
10. Will repeat criminal aliens be ineligible for all benefits under the bill, including reduced sentences and early release to home confinement or halfway houses?



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11. We are advised that the section in the House bill which permitted BOP to block the releases of persons believed to be a threat to public safety has been removed or altered in the proposed Senate version. Is this correct?
12. The BOP already has a policy encouraging placement of prisoners close to family. What is the purpose of section 401 mandating such placement? Isn't the institutional placement of prisoners best left to corrections officials?
13. A goal of the proposed legislation is to reduce recidivism. Does the BOP or any other Federal agency have data to show that early releases to home confinement programs results in a lower recidivism rate?

It is clear, the demands and challenges faced by the criminal justice system as well as the policing practices, techniques and strategies used to protect our communities have changed dramatically. The MCSA and MCCA appreciate your efforts and we look forward to working with you towards a balanced bill that promotes public safety, is compassionate and feasible.

Sincerely,

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