



NATIONAL FRATERNAL ORDER OF POLICE®

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JAMES O. PASCO, JR.
EXECUTIVE DIRECTOR

15 February 2018

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President,

I am writing on behalf of the members of the Fraternal Order of Police to ask for your help to prevent S.1917, the “Sentencing Reform and Corrections Act,” from advancing in Congress. The legislation is scheduled to be considered soon by the Senate Committee on the Judiciary and it is expected to be favorably reported despite strong opposition from every major law enforcement organization in the United States. The FOP will be working to prevent the bill’s passage and we believe your leadership is instrumental in defeating this misguided attempt to cut costs by jeopardizing public safety.

At a time when our nation is being ravaged by an epidemic of overdoses from the use of heroin and opioids, it seems at variance with common sense and sound policy to drastically reduce sentences for drug traffickers and then apply these reduced sentences retroactively. This same troubling approach was taken by the previous Administration and thousands of offenders benefitted from early release without any consideration to the impact on public safety. We cannot explain why proponents of this bill seek to repeat this same error.

In addition, the previous Administration mounted an aggressive clemency program which released thousands of offenders well before they reached the end of their sentences. If there are inmates in the Federal system who are still serving sentences that this legislation would deem “too long” because they were “nonviolent” then why were these criminals ineligible for early release under the retroactive sentencing guidelines or the sweeping clemency program? Exactly who are these inmates that were justly convicted and sentenced who deserve to be released before serving their time?

The FOP also rejects the flawed premise that our Federal institutions are housing drug offenders for “nonviolent” offenses. This is a pernicious myth. Drug trafficking is inherently violent, causing addiction and death among users and exacting a terrible toll on their families and communities. More than 64,000 people lost their lives in 2016 to heroin and opioids alone. Drug traffickers are in constant competition with one another and cannot use any lawful mediation services to resolve disputes. They use terror, violence and the threat of violence to protect their trade, their turf and their power.

The legislation advancing through the Republican-controlled committee also seems to contradict your Executive Order #13733, "Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking." By weakening Federal anti-drug trafficking laws, we cannot provide an appropriate punishment or a deterrent for these exploitative criminals.

Passage of this legislation as introduced also challenges your Administration's policy with respect to our U.S. Attorneys being directed to "charge and pursue the most serious, provable offense." The entire law enforcement community welcomed this return to a sensible crime-fighting strategy and undid the previous Administration's directives allowing prosecutors to "go easy" on traffickers. Now that we have Federal prosecutors who can fully investigate and charge these offenders, why does Congress seek to weaken the laws that would send them to prison?

Your Administration also correctly reversed another miscarriage of justice perpetrated by the previous Administration by reversing the "Cole Memo" prohibiting Federal prosecutors from exercising its own discretion with respect to investigations into violations of Federal drug laws involving marijuana. Under the Controlled Substances Act, marijuana is a Schedule I drug and is classified as such because of the high potential for abuse, and because there is no accepted medical use for marijuana that is recognized by the Federal government, so it should be enforced fairly and equally in every State. At our most recent National Conference in Nashville, Tennessee, the Fraternal Order of Police adopted a resolution recognizing the fact that marijuana is a dangerous drug that poses a real threat to public safety and public health. Our resolution is attached to this letter.

The FOP is truly perplexed as to why the Republican-led Committee on the Judiciary would seek to thwart the strides your Administration has already made in protecting the public and increasing the safety of our nation. You and your Administration have identified the dangers and threats posed by drug traffickers and other criminals and are providing the tools law enforcement needs to protect public safety, but Congress seems determined to rob our anti-trafficking laws of any teeth. The law enforcement community stands ready to follow where you lead, but Congress seems to have become more truculent and is sending a very different message to the American public.

We would also like to emphasize that no law enforcement officer or other servant of justice wants to see anyone unjustly incarcerated, or incarcerated for a period far in excess of what suits the crime. To the extent that such cases exist, we are ready and willing to play an active role in developing a remedy for past, present and future wrongs.

The FOP also believes that the motivation for reform should be to make our system better and more just—not to cut costs. We are very concerned that some of the reforms proposed are driven, not by public safety needs, but by fiscal burdens. We fight seemingly interminable wars, spending billions, to keep America safe. We spend billions and trillions on Medicare and Social Security to keep our elderly and infirm healthy and marginally solvent. Some things are just worth the money – and public safety is first among equally important priorities.

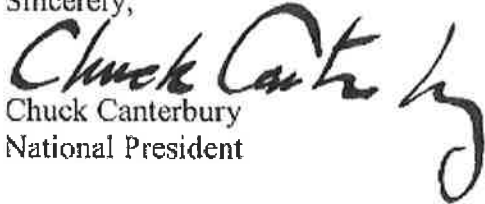
This legislation does include the language of H.R. 1886/S. 573, the “National Criminal Justice Commission Act,” which the FOP strongly supports. Title III of S. 1917 as introduced would establish a commission to study our nation’s criminal justice systems in the mold of the Johnson Commission of 1965. The Johnson Commission’s report and recommendation significantly professionalized law enforcement in the United States and greatly improved our criminal justice system. It is time for us to do this again. We feel strongly that the commission must be created and allowed to do its work before we proceed to reform. It makes no sense to administer a cure without a proper diagnosis and we would urge the Committee on the Judiciary to consider S. 573 instead of S. 1917.

Finally, any reform efforts which ignore the fact that a huge number of those currently incarcerated are mentally ill is insufficient, especially if one of the motivating factors for reform is the cost of the criminal justice system to the American taxpayer. These individuals are in penal institutions because governments at every level have failed them – we have a crippled, if not ruined, mental health system in this country. Those who need doctors end up getting jailers, and this is unconscionable. What is far worse is the prospect of turning them loose, with no prospect of treatment, to commit whatever offenses their imbalanced minds conjure up. This legislation causes us to ponder a true Hobson’s choice: should the mentally ill be wards of the court or wards of the street?

The FOP is ready to work with you, with your Administration or any Member of Congress on efforts to improve our nation’s criminal justice system, provided they serve the interest of public safety first. We cannot, however, accept so called “reforms” that would trigger mass early releases for current offenders simply to save on operating costs.

On behalf of our more than 335,000 members, I urge you to bring your influence and leadership to bear on this important issue. We are grateful, as always, for your continued and unwavering support for our nation’s law enforcement officers. If we can provide any additional information on this or any other issue, please do not hesitate to contact me or my Senior Advisor, Jim Pasco, in my Washington, D.C. office.

Sincerely,

A handwritten signature in black ink that reads "Chuck Canterbury". The signature is written in a cursive, flowing style with a large, prominent "C" at the beginning and a long, sweeping tail that loops back under the name.

Chuck Canterbury
National President