The Smarter Sentencing Act Is Introduced In The U.S. House And Senate
To Address Racial And Ethnic Disparities In Federal Criminal Mandatory Minimum Sentencing

NEW LEGISLATION ALSO PROMOTES CONSISTENCY WITH THE 2010 FAIR SENTENCING ACT WHICH ADDRESSES RACIAL DISPARITIES IN CRACK COCAINE SENTENCING

THE ISSUE:
The United States has seen a 500 percent increase in the number of inmates in federal custody over the last 30 years, in large part due to the increasing number and length of certain federal mandatory sentences, which force a judge to set aside judicial discretion and impose a one-size-fits-all sentence without taking into account the details of an individual case. Furthermore, as the prison population has increased so has the racial disparity among prisoners. More than 60% of the people in prison are now racial and ethnic minorities. For African American males in their thirties, 1 in every 10 is in prison or jail on any given day. Two-thirds of all persons in prison for drug offenses are people of color, and approximately half of all Americans incarcerated today are for non-violent offenses. The results of these policies include the ruination of lives, the decimation of communities, and a deep distrust of the criminal justice system.

This large increase in prison populations has also put a strain on our prison infrastructure and federal budgets. The Bureau of Prisons is nearly 40 percent over capacity and this severe overcrowding puts inmates and guards at risk. There is more than 50 percent overcrowding at high-security facilities. This focus on incarceration is also diverting increasingly limited funds from law enforcement and crime prevention to housing inmates. It currently costs nearly $30,000 to house just one federal inmate for a year. There are currently more than 219,000 inmates in federal custody, nearly half of them serving sentences for drug offenses.

To address this unacceptable, unnecessary, and harmful problem, Senators Lee (UT) and Durbin (IL), have introduced the Smarter Sentencing Act, S. 502. Companion legislation has also been introduced in the U.S. House of Representatives by Congressmen Labrador (ID) and Scott (VA), H.R. 920. This crucial legislation would:

- Expand the existing federal “safety valve”: The current “safety valve” has been effective in allowing federal judges to appropriately sentence certain non-violent drug offenders below existing mandatory minimums. This safety valve, however, only applies to a narrow subset of cases. The Smarter Sentencing Act would broaden criteria for eligibility, yet still applying it only to certain non-violent drug offenses;
- Promote sentencing consistent with the bipartisan Fair Sentencing Act: The bipartisan Fair Sentencing Act of 2010 – which was signed into law in Aug. 2010 – reduced a decades-long 100:1 sentencing disparity between crack and powder cocaine offenses. Unfortunately, because of the timing of their sentences, some individuals are still serving far-too-long sentences that Congress has already determined are unjust and racially disparate. The Smarter Sentencing Act allows certain inmates sentenced under the pre-Fair Sentencing Act sentencing regime to petition for sentence reductions consistent with the Fair Sentencing Act and current law; and
- Increase individualized review for certain drug sentences: The Smarter Sentencing Act lowers certain drug mandatory minimums, allowing judges to determine, based on individual circumstances, when the harshest penalties should apply.

THE NAACP STRONGLY SUPPORTS THE SMARTER SENTENCING ACT.
THE ACTION WE NEED YOU TO TAKE:
Contact your Representative and both your Senators and URGE THEM TO SUPPORT AND CO-SPONSOR S. 502 / H.R. 920, THE SMARTER SENTENCING ACT. To contact your Senators and Representative, you may:

✓ Make a Phone Call:
Call your Senators and your Representative in Washington by dialing the Capitol Switchboard and asking to be transferred to your Senators'/Congressman’s offices. The switchboard phone number is (202) 224-3121 (see message section, below).

✓ Write a Letter
To write letters to your Senators, send them to:
The Honorable (name of Senator)
U.S. Senate
Washington, D.C. 20510
To write a letter to your Representative, send it to:
The Honorable (name of Representative)
U.S. House of Representatives
Washington, D.C. 20515

✓ Send a Fax
If you would like to send a fax, call your Senators’ or Representative’s offices (through the Capitol switchboard) and ask for their fax numbers (you can use either the attached sample letter or the message box, below).

✓ Send an E-Mail
To send an e-mail to your Senators, go to www.senate.gov; click on “Find Your Senators”. Look up your Senators by state; go to their web sites for e-mail addresses. To send an e-mail to your Representative, go to www.house.gov, and click on “Write Your Representative” (on the left hand side, just under “find your Representative). This will help you identify who your congressman is and how to contact him/her.

REMEMBER TO CONTACT BOTH YOUR SENATORS!!!!!

THE MESSAGE

• The United States has seen a 500% increase in the number of inmates in federal custody over the last 30 years, in large part due to the increasing number and artificially long length of drug-related mandatory minimum sentences, and as the prison population has increased so has the racial disparity among prisoners.

• More than 60% of the people in prison are now racial and ethnic minorities. Two-thirds of all persons in prison for drug offenses are people of color, and approximately half of all incarcerated Americans are locked up today for non-violent offenses.

• The results of these policies include the ruination of lives, the decimation of communities, and a deep distrust of the criminal justice system.

• The “Smarter Sentencing Act” would reduce the federal prison population by decreasing the number of non-violent offenders who are given unnecessarily harsh and lengthy prison sentences by giving judges more discretion when imposing sentences; by applying current law to people who were convicted under the older, harsher law; and by increasing individualized review for certain drug sentences.

THANK YOU FOR YOUR ATTENTION TO THIS IMPORTANT MATTER!!!
If you have any questions, call Hilary Shelton at the Washington Bureau at (202) 463-2940.

MEMBERSHIP IS POWER! JOIN THE NAACP TODAY.
(date)

The Honorable ___________________________
United States Senate / House of Representatives
Washington, D.C.  20510 / 20515


Dear Senator / Representative ______________________________;

As your constituent, I strongly urge you to support and co-sponsor the bi-partisan S. 502 / H.R. 920, the Smarter Sentencing Act. This crucial legislation would help reduce our unacceptable and unnecessarily high prison population and begin to address some of the racial inequalities which are currently entrenched in our criminal justice system. The results of these policies include the ruination of lives, the decimation of communities, and a deep distrust of the criminal justice system.

The United States has seen a 500 percent increase in the number of inmates in federal custody over the last 30 years, in large part due to the increasing number and length of certain federal mandatory sentences, which force a judge to impose a one-size-fits-all sentence without taking into account the details of an individual case. Furthermore, as the prison population has increased so has the racial disparity among prisoners. More than 60% of the people in prison are now racial and ethnic minorities. For African American males in their thirties, 1 in every 10 is in prison or jail on any given day. Two-thirds of all persons in prison for drug offenses are people of color, and approximately half of all Americans incarcerated today are in for non-violent offenses. The results of these policies include the ruination of lives, the decimation of communities, and a deep distrust of the criminal justice system.

This large increase in prison populations has also put a strain on our prison infrastructure and federal budgets. The Bureau of Prisons is nearly 40 percent over capacity and this severe overcrowding puts inmates and guards at risk. There is more than 50 percent overcrowding at high-security facilities. This focus on incarceration is also diverting increasingly limited funds from law enforcement and crime prevention to housing inmates. It currently costs nearly $30,000 to house just one federal inmate for a year. There are currently more than 219,000 inmates in federal custody, nearly half of them serving sentences for drug offenses.

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Again, I urge you in the strongest terms possible to support S. 502 / H.R. 920 and to work toward its speedy enactment. Please contact me in the very near future and let me know what you intend to do and what I can do to assist you.

Sincerely,

(sign and print your name and remember to include your address)

Remember to contact your Representative and BOTH your Senators.