



September 11, 2015

The Honorable Jim Sensenbrenner
2449 Rayburn H.O.B.
Washington, DC 20515

The Honorable Bobby Scott
1201 Longworth H.O.B.
Washington, DC 20515

Dear Chairman Sensenbrenner and Ranking Member Scott:

The undersigned public safety organizations oppose H.R. 2944, the Safe, Accountable, Fair, and Effective (SAFE) Act of 2015. In its present form, this bill contains many provisions that undermine law enforcement and threaten public safety. While we support reforms and appreciate aspects of the propose legislation, the bill contains a number of features that are harmful.

Law enforcement was not consulted during the drafting of the bill nor were we asked to participate in an event described as “Law Enforcement Support” for the proposed legislation. We are aware of widespread opposition to the bill by law enforcement, not support.

It is critical that Congress address sentencing reform, recidivism reduction, and ensuring cost-reductions for American taxpayers. But such measures must be guided and subordinated by public safety and the prevention of crime and violence. We have serious concerns about certain provisions of this bill because they fail to achieve an appropriate balance between sentencing reform and public safety. These include:

- **Section 101:** This sweeping language effectively repeals all previous legislation granting regulatory powers with criminal penalties to Federal agencies such as the DEA. Without further review of impact, law enforcement cannot support a reversal of authorities granted by countless previous Acts of Congress.
- **Section 105:** This measure directs judges to disregard criminal behavior if it is not explicitly charged, thus ignoring plea bargains and disregarding the facts in a case at the time of sentencing. It further seeks to legislate certain law enforcement tactics that have heretofore been the purview of the Attorney General and the Courts.
- **Section 106:** This provision bars Federal law enforcement from enforcing Federal drug possession laws, except on Federal property. A dangerous precedent that contradicts any number of Federal drug laws, this section would have devastating impact on joint task forces in high crime drug trafficking areas.
- **Section 301:** Without any clear definition of “low level”, this section explicitly provides for probation only in cases of repeat offenders with multiple convictions for dealing drugs.



- **Section 402:** In addition to current early releases, this section creates a second and third “safety valve” to release drug offenders, including repeat dealers with up to three criminal history points.
- **Section 405:** While the bill professes concern about the Federal budget, this section permits *all previously convicted defendants* to petition the courts for a reduced sentence and apply its provisions retroactively. The volume of petitions to be generated by this section would be enormous and costly.
- **Sections 532, 541 and 542:** These sections seek to restrict the Courts power to revoke probation and establish a quota system for judicial districts with financial rewards for districts that send fewer persons to prison. Paying judicial districts for their sentences is not in the interests of justice and use of prison must be based on the facts of each case, not financial incentives.

While we commend the authors for their work to reform Federal sentencing, we cannot endorse measures that may lead to increased crime and drug trafficking. Should these concerns be addressed we would be happy to work with you on a path forward.

Please accept our thanks for your leadership and know that we stand ready to work with you on comprehensive criminal justice reforms.

Respectfully,

The Major Cities Chiefs Association
The Major County Sheriffs Association
The National Sheriffs Association
The National Association of Police Organizations