

Federal Bureau of Investigation
Agents Association

October 16, 2015

The Honorable Charles E. Grassley
Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Patrick J. Leahy
Ranking Member
Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, DC 20510

Re: S. 2123—*Sentencing Reform and Corrections Act of 2015*

Dear Chairman Grassley and Ranking Member Leahy:

On behalf of the FBI Agents Association (FBIAA), a voluntary professional association currently representing over 12,000 active duty and retired FBI Special Agents, I write to express the FBIAA's concerns regarding S. 2123, the *Sentencing Reform and Corrections Act of 2015*. The FBIAA believes that S. 2123 should not be advanced by the Senate Committee on the Judiciary at this time.

Given the current environment, Congress should be very careful about making sweeping changes to the sentencing options available to investigators and prosecutors who combat criminals and terrorists. As has been widely reported, major cities across the country have experienced sharp increases in violent crimes in recent years. FBI Director James Comey has been quoted as describing the spike as a "nationwide phenomenon" that "is very, very worrisome."

At the same time, significant changes to current federal sentencing policies are only at the early stages of implementation. As a result of retroactive sentencing policies adopted by the U.S. Sentencing Commission in 2014, the Department of Justice is preparing to release thousands of federal inmates, in what the *New York Times* has described as "one of the largest discharges of inmates in American history." The 6,000 prisoners expected to be released at the end of this month are only the beginning—the changes adopted by the Sentencing Commission will potentially affect as many 46,000 prisoners. We are only at the threshold of these releases and it is not yet possible to determine the recidivism risks posed

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by the releases. It is also not possible to ascertain the consequences of these releases for the communities that will absorb these prisoners and be required to provide them with the services and support they will need to return to normal lives.

Given the spike in violent crimes in U.S. cities and the pending release of tens of thousands of federal prisoners, the FBIAA believes that now is not the time for Congress to rush into significant changes to sentencing policy. S. 2123 would make a wide variety of changes to sentencing policy—some of which may be reasonable, and others of which could limit the options available to prosecutors and investigators seeking to build successful prosecutions against violent criminals and criminal enterprises.

It will take time and thorough analysis to sort through the wide variety of implications S.2123 could have for criminal investigations and prosecutions. Until such an analysis is completed, Congress should not make broad and retroactive changes to sentencing policy that could imperil successful investigations and prosecutions. Additionally, Congress should be very wary about adopting retroactive sentencing changes that will result in many thousands of prisoners being released into communities that will already be confronting the costs and inevitable recidivism associated with the releases resulting from recent sentencing changes.

The FBIAA understands that sentencing policy should be carefully analyzed by Congress, and hopes to participate in careful deliberation that can identify common-sense reforms and avoid changes that create unnecessary risks for already vulnerable communities. Unfortunately, the FBIAA believes that swift action by your committee to approve S. 2123, which was only made public very recently and was not the product of this sort of inclusive deliberation, would not be consistent with this goal.

We appreciate your consideration of our views and look forward to continuing to work with your committee as you explore the impact of sentencing reform on federal law enforcement activities.

Sincerely,



Reynaldo Tariche
President

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