



# ECUMENICAL ADVOCACY DAYS

FOR GLOBAL PEACE WITH JUSTICE

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- World Council of Churches
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## Congressional Advocacy Day April 20, 2015

*We call on Congress to reform federal criminal justice and immigrant detention policies toward the goal of ending unfair, unnecessary, costly and racially biased mass incarceration:*

- *Adopt criminal justice and sentencing reform policies that incorporate an end to mandatory minimum sentencing;*
- *Eliminate the detention bed quota for immigrants and implement alternatives to immigrant detention.*

## Our Faith Conviction

As people of faith and conscience, we call for respect to be shown to all people as bearers of God's image. Jesus tells us to act humanely toward those we might consider "least" among God's children. We are therefore concerned for the millions of men, women and children arrested, sentenced, incarcerated and returned home from incarceration throughout this country. The federal justice system should lead the nation in ensuring proportional and equitable accountability, not arbitrary and inhumane treatment. Unjust criminal justice practices and unnecessary immigrant detention run contrary to our faith and to our nation's fundamental values of basic dignity, due process and human rights.

## End Mandatory Minimum Sentencing

*We urge Congress to support federal criminal justice reform legislation that would:*

- *Allow judges the discretion to fully consider the circumstances of individual cases to arrive at the most appropriate sentencing decision.*
- *Strike or reduce mandatory minimum sentences.*
- *Shrink the size of the federal prison system, particularly among people convicted of nonviolent and low-level offenses.*
- *Eliminate racial disparity and racial bias in sentencing.*
- *Prioritize alternatives to incarceration for individuals who pose little threat to public safety, and ensure accountability without the use of excessive punishment.*



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We support legislation like the *Smarter Sentencing Act of 2015 (S. 502/H. 920)*, sponsored by Senators Mike Lee (R-UT) and Richard Durbin (D-IL) and Representatives Raúl Labrador (R-ID) and Robert (Bobby) Scott (D-VA), and the *Justice Safety Valve Act of 2015 (S. 353/H.R. 706)*, sponsored by Senators Rand Paul (R-KY) and Patrick Leahy (R-VT) and Representatives Thomas Massie (R-KY) and Bobby Scott (D-VA), as intermediate legislative approaches to advancing these recommendations.

- **Over three decades of unchecked growth in the federal prison population has burdened the federal criminal justice system, created dangerous overcrowding and produced increasing costs that are unsustainable.** The size of the federal prison population has increased 750% in 35 years. In 1980 the federal prison population was approximately 25,000 and cost about \$330 million. By fiscal year 2014 the population had grown to 216,000 people and received an appropriation from Congress of \$6.874 billion. The per capita cost of incarcerating an individual in the federal system is \$29,000 annually.
- **Mandatory minimum penalties – sentences prescribed by Congress – are arbitrary, disproportional and often grossly unjust.** We concur with the bipartisan U.S. Sentencing Commission's 2011 report on mandatory minimum penalties that states, "certain mandatory minimum provisions apply too broadly, are set too high, or both, to warrant the prescribed minimum penalty... This has led to inconsistencies in application of certain mandatory minimum penalties...."
- **Overall federal sentences are excessive, given the level of culpability of federal prisoners.** Half of the federal prison population were sentenced to more than 10 years in prison and 25% were sentenced to between 5 and 10 years in prison. Twenty-six percent of prisoners are serving sentences for violent offenses and about half are serving sentences for drug offenses. U.S. Sentencing Commission research indicates that nearly one-third of federal prisoners have little or no criminal history.
- **Mandatory minimum sentences for drug offenses have created significant racial disparities within the federal prison system.** The U.S. Sentencing Commission has also found that Black and Hispanic defendants constitute the majority of people subject to mandatory minimum sentences and existing opportunities for relief from them are less often available to African American defendants. In 2011, the U.S. Sentencing Commission found Black defendants were more likely to receive mandatory minimum penalties in 60.6% of drug cases carrying such a penalty. Hispanic defendants were sentenced to a mandatory minimum in 41% of such cases and whites in 36.3%.
- **Excessive sentencing practices, exacerbated by mandatory minimums, created an overcrowding crisis within the federal Bureau of Prisons.** During fiscal year 2013, the federal prison system was 36% over its rated capacity. For high and medium security male facilities, capacity exceeded 50% and 45%, respectively. This overcrowding creates a dangerous environment for prisoners and staff because of an increase in misconduct caused by the strain of the deteriorating prison conditions. Prisoners now face triple or quadruple bunking in cells and many recreational areas have transitioned into dormitory space.



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- **At a time of significant government belt tightening, the high cost of prison limits allocations for other important justice programs such as services for victims, crime prevention, and re-entry programs.** The Bureau of Prisons consumes over 25% of the Department of Justice's budget and this proportion will continue to grow if significant reforms designed to curtail growth and reduce the prison population are not enacted.
- **Passage of the *Smarter Sentencing Act* would advance several sentencing reform priorities of the faith community.** The legislation's provisions would limit the long mandatory minimum sentences for drug offenses, create an immediate reduction in the federal prison population due to the retroactive application of sentencing reforms passed under the *Fair Sentencing Act* in 2010 for crack cocaine offenses, and expand judicial discretion in cases involving the lowest level drug offenses.
- **Passage of the *Justice Safety Valve Act* comes closest to realizing the sentencing goals of the faith community.** The legislation would restore judicial discretion in all federal criminal cases by allowing the broadest departure from mandatory minimum sentences.

### **Eliminate the Detention Bed Quota for Immigrants and Implement Alternatives to Detention**

*In the House, Representatives Ted Deutch (D-FL) and Bill Foster (D-IL) will introduce an amendment to strike the quota language in the appropriations bill. We ask you to:*

- *Vote in favor of the Deutch-Foster amendment.*
- *Contact other offices to gain support for the elimination of the quota.*
- *Express your opposition to the bed quota in public statements.*

The United States has the largest immigration detention infrastructure in the world. The expansion of this system in recent years is partly due to the immigration detention bed quota, policy passed by Congress under which 34,000 immigrants are held in ICE detention at any given time: "... funding made available under this heading shall maintain a level of not less than 34,000 detention beds." This policy is unprecedented; no other law enforcement agency operates on a quota system. Many detained people are seeking protection from persecution, sexual assault, trafficking, and violence. The bed quota is a particularly egregious element of the immigrant detention system.

- **Immigrants are held in facilities in which innumerable human rights abuses and dozens of deaths have occurred.** Immigrants are often held with no access to outdoor space, served rotten food, and subjected to wholly inadequate medical and mental health care. Most immigrants are held in facilities hundreds of miles from their families and without access to counsel.



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- **The quota feeds into a larger system characterized by mass deportation and lack of due process.** It incentivizes targeting immigrants for deportation in order to fill jail cells to the profit of corporations and localities.
- **Immigrant detention can be replaced by other proven and effective methods**—including parole, release under supervision, and bond. All of these alternatives, when needed, can help ensure people participate in their court proceedings, are more humane and cost taxpayers far less than detention.
- **Detention is expensive – there is a human cost to our communities and a monetary cost to taxpayers.**
  - The Administration’s rampant detention and deportation policies mean each year nearly half a million people are torn apart from their families and communities.
  - The most recent budget request for ICE’s Custody Operations is just over \$2 billion. During a time of fiscal challenge, it is unacceptable to be spending billions of taxpayer dollars to needlessly detain immigrants.
  - Private prison corporations lobby for policies like the bed quota which keep immigrants in detention. Nearly 60% of detention beds are in facilities run by private prison corporations, which rake in profits from the incarceration of immigrants.

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