



September 13, 2016

Members of the United States House of Representatives  
Members of the United States Senate  
Washington, DC

Dear Member of Congress,

As law enforcement professionals tasked with enforcing our nation's drug laws and protecting our communities from the impact of drug abuse, trafficking and violent crime, the National Narcotic Officers' Associations' Coalition (NNOAC) continues to have serious concerns about the impact of pending sentencing and criminal justice reform initiatives on the safety of American citizens.

We have been vocal in our concerns about the negative impact many of the current proposals will have if they are adopted. During the discussions and debates, we have been willing to share the successful strategies we have learned from our years of investigating and prosecuting drug trafficking and violent criminals, hoping they will result in effective laws and policies. Unfortunately, our input and concerns are often dismissed by elected leaders and their staff who do not possess the valuable insight or practical experience we have gained through our front row seat to many of our nation's biggest crime problems.

Most offenders who find themselves in prison have worked hard to get there. They are not "low level, non-violent offenders" as many would have you believe, but are drug traffickers, predators and violent criminals who have engaged in behavior that has resulted in devastating consequences for many of our communities in every state. Contrary to popular belief, drug addicts and marijuana users rarely go to prison and are instead diverted to Drug Courts, treatment programs, or other alternative programs. The few users that end up in prison are there as a result of their repeated failure to obey the law or terms of their probation.

It is insulting to our NNOAC members, the women and men who protect our communities and our young people by enforcing drug laws, to see the hard work they put into investigating, prosecuting and convicting dangerous traffickers and violent criminals nullified by early releases because of whimsical sentencing reductions. We are also tired of hearing elected officials constantly spew mythical rhetoric about the "failure of the drug war" and "discriminatory sentences" for drug offenders. No matter how many times they repeat these lies, the facts don't change.

The current discussions about sentencing and criminal justice reform appear to be aimed at satisfying a vocal minority of people who do not have their facts straight, rather than protecting the majority of law abiding citizens who deserve to have safe, peaceful neighborhoods for themselves and their families. Even more unsettling, many members of our own US Congress, the body responsible for keeping our

citizens and communities safe, seem willing, even anxious, to sacrifice the safety of the majority of our citizens to quell the selfish demands of some who think our justice system is unfair.

I don't think it is too much to expect that our elected officials should really examine how our current system works and how people end up serving long prison sentences, before they dramatically change the current system. I say that because so many of our elected leaders criticize the system without mention of the impact it has had on driving down crime rates. Many of our sentencing laws were passed as a result of the drug-fueled criminal behavior and violent crime that were devastating communities across our nation and ruining, even prematurely ending, the lives of thousands of our citizens. The tough sentencing laws brought peace to many communities.

Drug sentences are based upon the amount of drugs a person sold or possessed, the size and scope of the trafficking activity, the level of violence that was involved and the number of prior convictions on the person's criminal record. The more drugs you sell or help to traffic, the more violence you perpetrate and the more convictions you ring up, the more time you receive. As a result of getting the most prolific, violence prone and repeat offenders off of our streets, violent crime and drug use rates were driven down to some of the lowest levels in decades.

Yet, during all of the discussions and debate I have heard and been a part of, I seldom hear any credit given to law enforcement for the critical role they have played in achieving those results. Most of the time, law enforcement is mentioned with only negative criticism. Those convicted of drug and violent crimes are not victims. Their situations are the result of a series of bad, conscious decisions and greed that have left innumerable, real victims in their wake. They are responsible for the addictions and deaths of thousands of people. Yet, through the current system of plea bargaining, sentencing reductions and good time, our courts already give criminals time off of their hard-earned sentences.

Most offenders plead guilty. When they do that, other pending charges are often dropped and their sentences are reduced. If they have no criminal convictions or a low level record, they often get another reduction under the "Safety Valve" provision. And, if they give a statement to law enforcement, they are eligible for other sentence reductions. They are already being given substantial rewards that result in lower sentences.

It is also important to remember that the vast majority of persons convicted under our federal laws are seldom exposed to the maximum penalties they could actually face. Few, if any, are ever charged with every crime they have committed and are never held accountable for the other times they broke the law - each time they sold drugs, illegally possessed a firearm or committed an assault or maybe even a murder and got away with it. And, keep in mind, every time they break the law there are more victims, often innocent bystanders who just get caught up in the criminal activity that they are powerless to prevent. Our laws should protect those victims, not the criminals.

Recidivism rates are high. You only need to review criminal history records to see that is true. And many others, by virtue of the education they get when they go through our criminal justice system, learn how to insulate themselves from re-arrest and prosecution. They continue to commit crimes and prey upon more victims, often undetected.

During the current administration, little has been done by our leaders or Congress to support drug law enforcement and the work our members do. To the contrary, the decision by our Attorney General not

to enforce federal marijuana laws has resulted in the explosive abuse and trafficking of marijuana throughout our country, especially in the regions around Colorado and Washington.

Rates of marijuana use by young people have skyrocketed. Arbitrary administrative decisions to revise prosecution and sentencing guidelines reduce the deterrent effect of our laws. Congress tries to restrict DEA from expending resources on marijuana enforcement in states that openly defy federal law by permitting the production, sale and use of marijuana. There are also attempts by members of Congress to diminish one of the most effective tools law enforcement has in the fight against drug cartels and organized crime by curbing, even eliminating asset forfeiture.

And while legislative gridlock continues, drugs, firearms, and illegal immigrants – some of whom intend to do us harm - flood across our borders in waves in spite of existing laws and policies that can protect us, but that some of our leaders simply ignore and refuse to enforce. What is really being done to protect our citizens and their communities?

Congress and our leaders have done very little to help law enforcement be more effective in protecting our citizens and communities from the destructive consequences of drug trafficking and violent crime. We know that some of the current laws and sentences, and law enforcement in particular, are not popular with some people in our country. As the anti-cop rhetoric increases and unprovoked attacks on police officers increase, it is disturbing to see our leaders unwilling to denounce the catalysts for those unprovoked attacks, or to hold anyone accountable for the provocative activities that encourage such attacks on the police. We also see the results of attempts to punish law enforcement through legislation. The reality is that the ones who will suffer are not the cops, but rather those who live in the communities we serve.

We know that incarceration costs are a concern for many. Prisons, staff and programs require a lot of money. We also know that good, effective public safety services require funding, and lots of it. Yet, as we look at the toll drug abuse is taking on our country – 47,055 lives alone in 2014 – how many more lives and generations are you willing to sacrifice? Crime rates are rising and drug fueled violence is another problem that leads to many deaths and serious injuries each day. What is the cost of that?

We believe that, given the choice, most law abiding Americans are willing to have their tax dollars spent to keep violent criminals, drug traffickers and recidivists locked up. For most people, the lives and futures of their families are worth more than the costs of keeping drug traffickers, violent criminals and predators away from them.

Finally, why is so much time and legislative attention focused on benefiting the small percentage of our population - the criminals who cannot and will not obey and respect our laws? Many of the current sentencing and criminal justice reform discussions are focused on the wrong set of “victims”. Your discussions and debates should focus on the real victims - the honest, hard-working citizens that respect our laws and make positive contributions to our society.

Protecting those folks, their families and their futures are the priority and focus of our nation’s drug law enforcement officers and our NNOAC members, who daily put themselves at risk to remove drugs and violent criminals from our communities. The focus of your debates about laws and criminal justice policies should be about how to help us do just that.

Sincerely,

*Bob Bushman*

Bob Bushman  
President  
National Narcotic Officers' Associations' Coalition