



U.S. Sentencing Commission
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NEWS RELEASE

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U.S. SENTENCING COMMISSION UNANIMOUSLY VOTES TO ALLOW DELAYED RETROACTIVE REDUCTION IN DRUG TRAFFICKING SENTENCES

*Commission Authorizes Judges to Reduce Drug Sentences for Eligible Prisoners
Beginning November 2015 if Congress Allows Guidelines Change to Stand*

WASHINGTON, D.C. (July 18, 2014) — The United States Sentencing Commission voted unanimously today at a public meeting to apply a reduction in the sentencing guideline levels applicable to most federal drug trafficking offenders retroactively, meaning that many offenders currently in prison could be eligible for reduced sentences beginning November 2015.

The Commission voted unanimously in April to amend the guidelines to lower the base offense levels in the Drug Quantity Table across drug types, which may mean lower sentences for most drug offenders going forward. Today the Commission decided that judges could extend that reduction to offenders currently in prison, but with a requirement that reduced sentences cannot take effect until November 1, 2015. Under the guidelines, no offender would be released unless a judge reviews the case to determine whether a reduced sentence poses a risk to public safety and is otherwise appropriate.

“This amendment received unanimous support from Commissioners because it is a measured approach,” said Judge Patti B. Saris, chair of the Commission. “It reduces prison costs and populations and responds to statutory and guidelines changes since the drug guidelines were initially developed, while safeguarding public safety.”

Congress has until November 1, 2014 to disapprove the amendment to reduce drug guidelines. Should Congress choose to let the guideline reductions stand, courts could then begin considering petitions from prisoners for sentence reductions, but no prisoners could be released pursuant to those reductions before November 1, 2015.

“The delay will help to protect public safety by enabling appropriate consideration of individual petitions by judges, ensuring effective supervision of offenders upon release, and allowing for effective reentry plans,” Saris said.

The Commission is tasked by law with minimizing the likelihood that prison populations exceed capacity. Currently, the Federal Bureau of Prisons population exceeds capacity by around 32%. Under today’s change addressing this problem, the Commission estimates that:

- 46,290 offenders would be eligible to have their cases reviewed by a judge to determine if their sentences should be reduced;

- Offenders eligible for a reduction could have their sentences reduced by an average of 25 months, or 18.8%. They would still serve 108 months, on average.
- Over time, these sentence reductions could result in a savings of up to 79,740 bed years (a bed year is the equivalent of one federal prisoner occupying a prison bed for a year).

The year-long delay in implementation of this change will allow judges more time to consider whether each eligible offender is an appropriate candidate for a sentence reduction and will give the government adequate time to object to sentence reductions when prosecutors believe public safety may be at risk. The delay will also give time for the federal Office of Probation and Pretrial Services to prepare for effective supervision of released offenders in the short term and will enable the Federal Bureau of Prisons to ensure that each prisoner receives transitional services including placement in halfway houses to help increase the chances of successful reentry into society.

“We listened very closely to the law enforcement community, and the amendment we voted for today seeks to address concerns about public safety,” Saris said.

The Commission studied offenders released early after a similar 2007 amendment to the guidelines reducing sentences for crack offenders and found that those offenders were no more likely to reoffend than offenders who had served their original sentences.

The amendment the Commission approved in April, which was supported by the Department of Justice, the Judicial Conference, and many others, generally reduces by two levels the base offense levels for all drug types in the Drug Quantity Table in guideline §2D1.1, which governs drug trafficking cases. The drug guidelines under the amendment would remain linked to statutory mandatory minimum penalties.

The issue of whether to make the change to drug sentences retroactive drew more than 60,000 letters during a public comment period, including letters from members of Congress, judges, advocacy organizations, and individuals. The letters overwhelmingly favored retroactive application of the reduction in drug sentences. The Commission also heard testimony for and against retroactivity from a wide variety of experts at a June public hearing.

“The step the Commission is taking today is an important one,” Saris said, “but only Congress can bring about the more comprehensive reforms needed to reduce disparities, fully address prison costs and populations, and make the federal criminal justice system work better.”

More information about today’s vote and amendments to the federal sentencing guidelines is available on the Commission’s web site at www.ussc.gov.

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The United States Sentencing Commission, an independent agency in the judicial branch of the federal government, was organized in 1985 to develop a national sentencing policy for the federal courts. The resulting sentencing guidelines provide structure for the courts’ sentencing discretion to help ensure that similar offenders who commit similar offenses receive similar sentences.