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Prison terms for crack cocaine offenses reduced

The U.S. Sentencing Commission brings such sentences in line with the shorter terms given to powder cocaine offenders.

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About 12,000 federal prisoners nationwide may soon be going home, some as much as three years early, under a U.S. Sentencing Commission decision to allow retroactive reductions in prison terms for inmates convicted of crack cocaine offenses.

The commission voted unanimously Thursday to bring "unfairly long sentences" for crack offenders, mostly African Americans, more in line with the shorter terms given to powder cocaine offenders, often white and sometimes affluent.

Patti B. Saris, the panel's chairwoman, said that when Congress passed the Fair Sentencing Act last year, it "recognized the fundamental unfairness of federal cocaine sentencing policy," and the commission sought to bridge the disparity between the two prison sentences.

"Justice demands this result," added Ketanji Brown Jackson, the commission's vice chairman.

When the reductions go into effect in November, the average crack sentence will be cut by about 37 months, and the federal Bureau of Prisoners said the reductions could save more than \$200 million in the next five years. Nearly 6% of the federal inmate population would be released.

The reductions are not automatic. Prisoners must file a petition, and will be required to show they are no longer a risk to society. Inmates who used weapons in their crimes or have lengthy criminal histories may not be eligible.

The commission's mail, about 43,500 letters and emails, ran overwhelmingly in favor of the reductions. The Sentencing Project, a Washington group that pushes for reform in sentencing laws, also strongly encouraged approval of the reductions.

Kara Gotsch, director of advocacy for the Sentencing Project, said the panel's vote "confirms that fairness and equal treatment under the law are fundamental principles of our criminal justice system."

But Republicans, most notably Rep. Lamar Smith of Texas, chairman of the House Judiciary Committee, opposed the reductions. He had lobbied the commission not to grant the early releases, warning it "merely gets criminals back into action faster."

The vote came after a divided U.S. Supreme Court ordered California to reduce its prison population by more than 30,000 inmates, a ruling that also drew criticism from many prominent conservatives. But California may not see that many prison term reductions for crack offenders, as officials said only 138 inmates would be eligible for relief in the seven counties in the Los Angeles area.

The harsher punishments for crack offenders began in the mid-1980s, when the epidemic swept much of the nation. Legislation was rushed through to try to stop the trend by enacting tough prison sentences. When Congress changed the sentencing law last year, it did not address the fate of thousands of prisoners sentenced under the old system or those arrested just before the law was changed.