

October 3, 2011

The Honorable Barbara Mikulski
Subcommittee on Commerce, Justice,
Science and Related Agencies
U.S. Senate Committee on Appropriations
Washington, DC 20510

The Honorable Kay Bailey Hutchison
Subcommittee on Commerce, Justice,
Science and Related Agencies
U.S. Senate Committee on Appropriations
Washington, DC 20510

RE: Eliminate Funding for Prison Expansion and Reinvest in Justice Programs that Divert People from Incarceration

Dear Chairwoman Mikulski and Ranking Member Hutchison:

The undersigned organizations are concerned about legislation approved by the Senate Committee on Appropriations in September to fund Commerce, Justice, Science and Related Agencies. Specifically, the legislation increases funds for federal prisons, including new prison expansion, while cutting and/or eliminating programs proven to reduce incarceration and recidivism, support at-risk youth in leading law abiding lives, as well as save money on corrections. As you work to finalize the legislation with House appropriators, rather than spending scarce federal funds on prison expansion we urge you to invest resources in programs that prevent crime and help keep people out of prison. Programs already authorized under the *Second Chance Act* are but one example of reforms which would help keep people out of prison.

We share your concerns about the severe overcrowding that plagues BOP facilities and agree prompt action must be taken to address dangerous overcrowding and staff shortages. However, we believe building more prisons is not the answer. Rather, it is simply a continuation of a costly and failed criminal justice strategy that states and local governments around the country have already rejected in favor of sentencing reform and alternative approaches to incarceration. Congress should implement sound sentencing reform policies that relieve overcrowding, ensure fairness and reduce costs.

Over the last 30 years, the size of the federal prison system has exploded largely due to excessive mandatory minimum sentences and the war on drugs. Today 217,000 people are in federal prisons and over half are there for drug offenses as their most serious offense. The prison population has increased 800% in 30 years and the cost to run it has grown by 1760%. Continuing this wasteful and counterproductive prison build-up contradicts criminological research about what works to prevent crime, and ignores the successful reforms happening in corrections at the state level that have allowed systems facing similar crowding and fiscal pressures to reduce costs, reduce incarceration and protect public safety.

Indeed, the *Second Chance Act*, signed by President George W. Bush with bipartisan support in 2008, supports exactly the kind of programming that reform-minded states across the country have embraced. It helps individuals transition from prison to communities by providing drug treatment services, job training and mentoring services, among other assistance. The federal investment goes to evidence-based programs that are proven to reduce recidivism and can lead to a reduction in the prison population. Thus, while we continue to advocate for the *Second Chance*

Act to be fully funded, we were nevertheless pleased with the strong support its programs received from House appropriators.

There are also many practical, cost-saving measures that Congress could and should take to reduce the existing prison population as well. In a report to Congress drafted by the National Institute of Corrections, “Estimated Effects of Potential Prison Reform,” and shared with your Committee last year, the BOP outlined several alternatives to prison building that would address prison overcrowding. We support these cost saving proposals and ask that they be incorporated into the final FY2012 CJS Appropriations bill. Here are just a few examples:

- **Good Time Conduct Credits** – Federal law could be modified to allow a prisoner who is serving a term of imprisonment of more than one year, but not a term of life imprisonment, to receive credit toward the service of the prisoner’s sentence of up to 54 days for each year of the sentence imposed. This change would extend good time credits for federal prisoners by 7 days per year, enhance incentives for good behavior and provide an immediate reduction in the population growth by 4,000, saving \$41 million in the first year alone.
- **Elderly Offender Pilot Expansion** – The Second Chance Act of 2007 directed the BOP to pilot a program to place eligible elderly offenders on home detention for those at least 65 years old who have served 10 years or 75 % of their imposed sentence. Given the low recidivism risk of elderly prisoners, the home confinement provision should be made permanent and the eligibility criteria should be modified by lowering both the age and sentence-length requirements.
- **Expanded Early Release for Program Completion** – Legislation should be enacted to provide early release credit for successful participation in recidivism-reducing programs such as Federal Prison Industries, vocational training, and education. This expansion would likely increase participation in reentry programs, decrease prison misconduct and thereby increase safety for staff and inmates and lower costs.

Congress must act to change the course of unchecked incarceration and its enormous human and fiscal costs. Instead of funding new prisons while cutting proven programs that divert people from prison and produce better community outcomes, Congress should take the sensible steps BOP itself has highlighted and provide adequate funding for programs that can lead to a reduction in the number of people in prison overall. We applaud the wise words of your Committee, when you said “the Committee is gravely concerned that the current upward trend in prison inmate population is unsustainable and, if unchecked, will eventually engulf the Justice Department’s budgetary resources.” We believe the Committee must address the federal prison crisis now through programs intended to stop crime before it happens and sentencing reform instead of simply building more prisons.

In any final bill that is negotiated and voted on by Congress, we urge you to fund the *Second Chance Act* and other justice programs designed to keep people out of prisons, jails and juvenile facilities and eliminate any new funding to expand prison capacity. More sound alternatives are available to address federal prison crowding.

Sincerely,

African Methodist Episcopal Church
Alabama-CURE
American Civil Liberties Union
American Humanist Association
Bazelon Center for Mental Health Law
Berkeley Needle Exchange Emergency Distribution
A Better Way Foundation - Hartford, CT
Californians United for a Responsible Budget
Carolina Justice Policy Center
Church of the Brethren
Church of Scientology
Civic Trust Public Lobbying Company - Plainville, CT
Colorado Criminal Justice Reform Coalition
Community Partners in Action
Contact Center, Inc.
Council on Crime and Justice
Defender Association of Philadelphia
Disciples Justice Action Network
Drug Policy Alliance
The Episcopal Church
Excel Family Intervention Program
Fair Shake Reentry Resource Center, Westby WI
Families to Amend California's Three Strikes
Friends Committee on National Legislation
The Fortune Society's David Rothenberg Center for Public Policy
Full Victory Ministry
Head to the Sky, Inc., Orlando, FL
Healing Communities
Human Rights Watch
Illinois Consortium on Drug Policy
International CURE
Iowa Coalition 4 Juvenile Justice
Law Enforcement Against Prohibition
Legal Rights Center
Lockdown Progressive Service's Group, Mt. Vernon, NY
Los Angeles Community Action Network
Mennonite Central Committee U.S., Washington Office
Missouri CURE
National African American Drug Policy Coalition, Inc.
National Alliance of Faith and Justice
NAACP
National Association of Criminal Defense Lawyers
NAMI New York State (Criminal Justice Committee)
NETWORK, A National Catholic Social Justice Lobby
A New PATH (Parents for Addiction Treatment & Healing)

North Carolina Harm Reduction Coalition
Oakland Education Association Peace & Justice Caucus
Offender Aid and Restoration
OneACCORD of Westchester, Inc
Open Prison Doors, Los Angeles, CA
Open Society Policy Center
Partnership for Safety and Justice, Portland, OR
Prison Action Milwaukee, Inc
Prisoners' Legal Services of New York
St. Ambrose University Department of Sociology and Criminal Justice
The Second Chance Fd., NYC
The Sentencing Project
Shalom Makers
Sidetracked Productions, Inc
Southeastern Prison Education Advocacy & Reformation
Span, Inc., Boston, MA
Sponsors, Inc.
Stop Abuse Campaign
Towards Achieving Milestones, Inc
Union for Reform Judaism
United Methodist Church, General Board of Church and Society
Up Front Programs, San Diego, CA
Virginia CURE
VOCAL-NY (Voices Of Community Activists & Leaders)
Washington Association of Criminal Defense Lawyers
Washington Defender Association
W. Haywood Burns Institute
Women With a Vision, Inc. New Orleans, LA
Youth Advocate Programs, Inc.

Cc: Chairman Frank Wolf and Ranking Member Chaka Fattah, House Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies
Members of the Senate Appropriations Subcommittee on Commerce, Justice, Science and
Related Agencies