

TESTIMONY
Adam Gelb – Director, Public Safety Performance Project
The Pew Center on the States
Committee on the Judiciary | Subcommittee on Crime, Terrorism, and Homeland Security
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Chairman Scott and members of the subcommittee:

Thank you for the opportunity to testify today.

My name is Adam Gelb, and I am director of the Public Safety Performance Project of the Pew Center on the States, a division of the Pew Charitable Trusts that helps states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections costs.

All of us at Pew applaud you, along with bill sponsors Representatives Schiff, Poe and Lungren, for your leadership in drawing attention to two extremely promising strategies for reducing crime and victimization in America.

The two bills before you today—the Honest Opportunity Probation with Enforcement Initiative Act (HOPE) and the Criminal Justice Reinvestment Act—take aim at a common challenge: How can our nation get a better return on our massive investment in public safety?

One in 100 Behind Bars

Over the past three decades, the United States has built a prison system larger and more expensive than any other on the planet. Violent and career criminals need to be locked up, and for a long time. But, as the Pew Center on the States reported in 2008, we now have 1 in 100 adults in America behind bars. That’s the equivalent of locking up every single adult in Miami, Florida; San Jose, California; Beaumont, Texas; Richmond, Virginia; Memphis, Tennessee; and Detroit, Michigan—combined.

High Costs

The cost of this has been consuming state budgets. At more than \$50 billion per year, corrections has been the second fastest growing budget category, behind only Medicaid, and now accounts for one in every 14 general fund dollars, twice its share in the mid-1980s. Five states now spend more on corrections than higher education. Add in the federal and local incarceration costs, and the tab surpasses \$70 billion.

Low Public Safety Return

What have we gotten for our money? Crime rates have fallen since the mid-1990s, and research shows that increased incarceration can claim a modest part of the credit. But crime still is well above the levels we had through the late 1960s, and violent crime, especially in our most disadvantaged communities, remains intolerably high.

On top of that, recidivism rates do not appear to have come down. The average inmate released today has spent several months longer behind bars than he would have 25 years ago, but he is

just as likely to return to crime. And over the past 10 years, seven states have reduced both their crime rates and incarceration rates, firmly debunking the notion that if imprisonment goes down, crime will go up.

The good news is that we now have solutions—new strategies revealed by research that both cut crime and lower costs for taxpayers.

Justice Reinvestment

The first is Justice Reinvestment. JR is an overarching approach to state policy reform aimed at increasing public safety by cutting prison costs and reinvesting the savings into mandatory supervision and other alternatives that produce superior results. It was pioneered by the Council of State Governments Justice Center and has now been applied in a dozen states across the nation.

In states that take on Justice Reinvestment, policy makers working with researchers identify the state and local policies that are driving prison growth, and then use sophisticated modeling techniques to forecast the impact of various policy changes on the prison population and on the costs. This science-based approach allows state leaders to ask a critical question: “By reallocating funds from our most expensive correctional tool (prisons) to a portfolio of alternatives (mandatory community supervision, drug courts, HOPE Probation), can we get more public safety with fewer dollars?” States have come up with very different ways of getting to “yes,” but the answer, in every case, with a strong bipartisan consensus, has been “yes.”

Texas provides probably the best example of the power of the Justice Reinvestment strategy. Texas is the very symbol of law and order in this country, and three years ago, Texas leaders just said “no” to building eight more prisons at a cost of nearly a billion dollars. Instead, they invested about a quarter of that into a network of community-based and residential programs. Since 2007, Texas has reduced its prison population, reduced its corrections spending and, most importantly, reduced its crime rate—all at the same time. Texas has proven that we can have less crime at a lower cost.

Justice Reinvestment works because it is a bipartisan, inter-branch approach, because it is driven by data, and because its premise is that prisons are a government spending program, and just like any other government program, they should be put to the cost-benefit test.

HOPE

Justice Reinvestment provides a *policy* framework for reallocating correctional funding to achieve more public safety. The second strategy, HOPE Probation, offers perhaps the most promising *program* model for achieving the same ends.

More than 5 million people are on probation or parole in the United States, twice the number behind bars. They consume as much as half of the nation’s cocaine, heroin and methamphetamine, and when they fail drug tests or break other rules of community supervision, they land in prison. In fact, probation and parole violators are a leading driver of prison growth, reaching nearly two-thirds of prison admissions in some states. So if we have even a small

success with them, we could make a profound impact on crime and drug abuse, and on correctional costs.

HOPE success, though, has been huge. In a gold-standard, randomized controlled evaluation, HOPE probationers were 55 percent less likely than the control group to be arrested for a new crime; 72 percent less likely to use drugs; 61 percent less likely to skip probation appointments; and they use 48 percent less jail and prison space. Just imagine the impact, or even half the impact—on crime, on drug abuse, and on the cost of prisons and jails—if HOPE Probation was brought to scale across the country.

Judge Alm will describe in detail how he’s achieved these spectacular results, but the essence of it is that HOPE actually puts what we know about deterrence into action, and combines that with treatment and other practices proven to reduce recidivism. We know from research that if we want to shape behavior, penalties (and rewards) need to be applied swiftly and certainly. The severity is of less importance. Those who need treatment get it, but at the same time, HOPE sends a clear, unmistakable message: if you violate, you go to jail, no ifs, ands or buts. This strict accountability approach helps move us past the paralyzing debates between rehabilitation and punishment to the research-backed, policy and political middle ground of the carrot and the stick.

Common Themes

The solutions proposed by the two bills have much in common. First, they reflect the most innovative practices emerging from states. Second, they prove that we can have more public safety at less taxpayer expense. These are non-ideological, pragmatic approaches to criminal justice issues that are too often mired in empty slogans and posturing.

Third, they recognize that while prisons are an effective tool for society’s most violent and recalcitrant criminal offenders, they are also the most expensive arrow in our correctional quiver and should be used as frugally as any other public resource. Finally, they demonstrate that managing crime is not just about managing offenders – it’s about governmental management and leadership. Sentencing and corrections systems will reduce crime if they are exposed to the right information, provided appropriate resources and held accountable for results.

Federal Role

Both HOPE Probation and Justice Reinvestment create savings for states and localities, so no doubt you’re wondering, “Why is Congress being asked to get involved?”

Pew’s work and funding of these innovative approaches spans four years, and we along with other private funders have been carrying most of the load. We’re here today because the demand for these approaches has now outstripped supply. Governors, state legislators, judges, corrections executives—entire states are requesting assistance and struggling to maintain services in the face of dire budget cuts. They know that if they continue with business as usual, there will be more crime, more victims, more arrests, more prosecutions and still more incarceration.

In addition, Congress has long supported state and local crime control initiatives, and has a unique role in supporting the replication of innovative policies and programs. Most states simply don't have the research capacity to crunch the numbers, or the limited funds it takes to start up alternative programs so that offenders can be adequately supervised in the short run, until the reduction in prison population translates into actual savings that can be reinvested into those programs. The federal government needs to prime the pump. But then it should be able to step away.

Less Crime, Lower Cost

Nearly 40 years ago, prisons became America's weapon of choice in the fight against crime. There is no question that more prisons have helped cut crime, but that's no longer the question at hand. The right question, the one that more and more states are asking, is "What policies and programs would do a better job cutting crime and do it at a lower cost?"

HOPE Probation and Justice Reinvestment offer potent answers. Dollar for dollar, Congress couldn't make two better investments in public safety.

Thank you again for the opportunity to speak with the subcommittee today.

The Pew Charitable Trusts

The Pew Charitable Trusts was founded 61 years ago by the sons and daughters of Joseph N. Pew., the founder of Sun Oil Company. Pew has three primary areas of interest: improving public policy, informing the public and stimulating civic life. Pew partners with a diverse range of donors, public and private organizations.

The Pew Center on the States (PCS), a division of The Pew Charitable Trusts, identifies and advances effective policy approaches to critical issues facing states. It researches emerging topics, develops 50-state comparisons, and highlights innovative approaches among states to complex problems. When the facts are clear, PCS advocates for nonpartisan, pragmatic solutions.

With a staff that includes researchers, policy analysts, journalists, campaign strategists and issue experts, PCS works across a range of topics to ensure states have what they need to make smart, data-driven investments and adopt fiscally sound policies. PCS focuses principally on three areas of interest: (1) investing in human capital, with campaigns addressing early education, children's dental health and home visiting; (2) maximizing government performance, with an elections project, a sentencing and corrections initiative and work on government management; and (3) ensuring states' fiscal health. To learn more about the Pew Center on the States, please visit www.pewcenteronthestates.org.