

Statement of
The Honorable Patrick Leahy

United States Senator
United States Senate
August 1, 2012

Today the Judiciary Committee considers the important issue of prison costs. As more and more people are incarcerated for longer and longer, the resulting costs have placed an enormous strain on Federal, state and local budgets and have at the same time severely limited our ability to enact policies that prevent crimes effectively and efficiently.

At a time when our economy has been struggling to recover from the worst recession in the last 75 years and governments' budgets are limited, we must look at the wasteful spending that occurs with over-incarceration on the Federal and state levels. There is mounting evidence that building more prisons and locking people up for longer and longer -- especially nonviolent offenders -- is not the best use of taxpayer money, and is in fact an ineffective means of keeping our communities safe.

Between 1970 and 2010, the number of people incarcerated grew by 700 percent. The United States incarcerates almost a quarter of the prisoners in the entire world, even though we only have 5 percent of the world's population. There are currently more than 1.6 million people in state and Federal prisons and more than 700,000 more in local jails. That means we incarcerate roughly one in every 100 adults.

At the Federal level, over the last five years, our prison budget has grown by nearly \$2 billion. In 2007, we spent approximately \$5.1 billion on Federal prisons. This year, the Federal Bureau of Prisons requested over \$6.8 billion. That means less money for Federal law enforcement, less aid to state and local law enforcement, less funding for crime prevention programs and prisoner reentry programs. As we spend more to keep people locked up, we have less to spend on the kinds of programs that evidence has shown works best to keep crime rates down.

In the states, the problem is also acute. We have seen the United States Supreme Court affirm a mandate that California release thousands of prisoners to alleviate unconstitutional overcrowding. We have seen police departments reduce the rolls of officers on the beat and witnessed successful crime prevention programs shutting their doors.

In my state of Vermont, massive increases in prison costs prompted action. Between 1998 and 2008, the prison population had grown by 86 percent and was projected to continue growing. From 1996 to 2008, spending on prisons almost tripled, from \$48 million a year to \$130 million. With massive additional increases projected, the state instituted sentencing reforms that reduced the number of prisoners and saved \$18.3 million in corrections costs -- \$6.4 million of which was reinvested in programs to keep offenders out of trouble. Significantly, recidivism also dropped by 9 percent. According to the Council of State Governments Justice Center, Vermont's violent crime rate dropped 5 percent between 2008 and 2010 while these changes were taking place, and the property crime rate dropped 10 percent over the same period of time. These reforms not only save money, they keep communities safer.

Several other states, including very conservative states, have adopted sentencing reforms and other policy changes to address rising prison costs and to more effectively prevent crime. Texas

has reduced its prison population by steering nonviolent drug offenders to treatment, rather than prison, among other policy shifts. Researchers estimate that Texas has saved over \$2 billion while seeing its crime rates fall by more than 8 percent.

This is a bipartisan issue. Sentencing reform works. Taxpayer dollars can be used more efficiently to better prevent crime than simply building more prisons.

The United States Justice Department seems to finally be recognizing the perils of continuing the current trend. The Assistant Attorney General in charge of the Criminal Division said in a recent speech: "The combination of flat budgets, and ever increasing prison and detention spending, is at odds with achieving further gains in our nation's crime-fighting efforts. ... [A] criminal justice system that spends disproportionately on prisons -- at the expense of policing, prosecutions and recidivism-reducing programs -- is unlikely to be maximizing public safety." Congress has too often moved in the wrong direction by imposing new mandatory minimum sentences unsupported by evidence while failing to reauthorize crucial programs like the Second Chance Act to rehabilitate prisoners who will be released to rejoin our communities.

We should be focusing on this important policy concern and could save billions of dollars. I hope we can work together to reform our criminal justice system to make it more efficient and effective. I look forward to hearing from today's witnesses who, whose testimony will demonstrate the breadth of support for rethinking our focus on incarceration.

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