

Hearing before the  
Senate Committee on the Judiciary

On

“Rising Prison Costs: Restricting Budgets and Crime Prevention Options”

Wednesday, August 1, 2012  
Dirksen Senate Office Building, Room 226  
10:00 a.m.

My name is Edward F. Davis, Police Commissioner in Boston, Massachusetts.

Drug abuse plagues our nation. In 2010, an estimated 22.6 million Americans aged 12 or older reported being current (within the past month) illicit drug users.<sup>1</sup> And drug-related crime continues to rise at a strong and steady pace.

From a criminal justice standpoint, we know that arresting our way out of this is not the solution. And incarceration alone is not enough to prevent recidivism.

In Boston, we use a strategic approach to decrease overall crime. In all of our urban communities across the United States, there are a small number of people committing a disproportionate amount of crime.

Starting in 2006, we carefully targeted these individuals and our overall crime rate dropped 30% at the end of 2011, with a projection of an even greater decrease in 2012. Not only did our crime rate decrease, so did our arrest rate by 35% during the same time period...contradicting the old theory that you can arrest your way out of the problem.

I have been a police officer for 33 years. I come from a family of police officers. For many years, I was very fortunate to lead a regional unit that investigated organized crime and narcotics while working closely with our partners from the Massachusetts State Police and Drug Enforcement Agency.

I did this during a time while harsh penalties were being fully implemented during the Nation's War on Drugs. I, along with every narcotics officer during those years, faithfully arrested and assisted in the prosecution of thousands of drug users and suppliers.

I witnessed the terrible price of drug abuse and what it does to individuals, families and society. And I learned that this method of mass arrest and strict prosecution will not work.

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<sup>1</sup> Substance Abuse and Mental Health Services Administration, *Results from the 2010 National Survey on Drug Use and Health: Summary of National Findings*, NSDUH Series H-41, HHS Publication No. (SMA) 11-4658. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2011.

Arrest is a vital tool but not the key... incarceration temporarily keeps drug users and dealers off of our streets, but does little to impact recidivism, as evidenced in a Georgia study that found that the “two-year recidivism rate among drug-court participants was 7%, compared with 15% for those on probation alone and 29% for drug-users who served time in state prison.”<sup>2</sup>

To be successful in reducing the crimes that are fueled by drug abuse, a very strategic, very thoughtful approach is needed. Our focus must be on the right people, those who are committing the large number of drug offenses.

This is an effort that requires rich partnerships, including other law enforcement agencies, health and human service agencies, and community stakeholders.

In Boston, we have a long history of valuing partnerships. We work closely with the Department of Probation to monitor Boston’s most violent probationers with GPS ankle bracelets. GPS have proven valuable in helping our investigators identify suspects and witnesses as well as rule them out. GPS mandated post release for drug offenders can be critical in reducing the recidivism rate by allowing enforcement of stay away orders, as well as helping to alleviate the financial burden of incarceration.

We have come to realize that arrest can be more than an enforcement component of this problem. It can also be useful in encouraging treatment alternatives. Programs, like HOPE (Hawaii’s Opportunity Probation with Enforcement) in Hawaii, make it clear that a public health response to drug abuse will free up beds in our nation’s prisons—beds that can be better utilized for those who are serving time for violent criminal activity. Results from a one-year follow-up evaluation of probationer outcomes found that only 21% of HOPE participants had been re-arrested versus 47% of those who did not participate in this program.<sup>3</sup>

As a Police Commissioner of a large city in the country, I along with my colleagues must focus our resources and those of the judicial system on those individuals who commit violent crime.

Punishment should target those who cause injury to others and to those who commit crimes with weapons of any kind.

Last year individuals randomly sprayed a Boston neighborhood with fire from an AK47. Our laws currently are not equipped to deal with this type of mayhem.

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<sup>22</sup> Drug Courts: Stay out of jail clean. *The Economist*, February 24th, 2011.

<sup>3</sup> Hawken, A. and Kleiman, M. (2009). *Managing drug-involved probationers with swift and certain sanctions: Evaluating Hawaii’s HOPE*. Washington DC: U.S. Department of Justice.

And, certainly, the example foremost on all our minds is the recent tragedy in Aurora, Colorado.

A stricter focus on violent offenders is critical to drive down unacceptable levels of homicides in our cities. These are the people that we should be incarcerating. Strong laws on those who use weapons of any sort in perpetrating crime should also be the priority of our government.

It is not a secret that our prisons are overcrowded and cost us billions of dollars per year. The U.S. incarcerates some 2.3 million people<sup>4</sup> at an estimated annual price tag of about \$70 billion.<sup>5</sup>

We need to continue our focus on taking violent offenders off our streets while creating a comprehensive response to drug offenders – one that encourages treatment and effective supervision when they are released.

By creating a balanced pragmatic approach between enforcement and prevention, we can effectively impact recidivism rates and reduce the unwieldy costs of incarceration.

Thank you.

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<sup>4</sup> Glaze, L. E. (2011). *Correctional population in the United States, 2010*. Washington DC: U.S. Department of Justice, Bureau of Justice Statistics. Appendix Table 2.

<sup>5</sup> Schmitt, J., Warner, K. & Gupta, S. (2010). *The high budgetary cost of incarceration*. Washington DC: Center for Economic and Policy Research.