

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/common-ground-collaborative-solutions-and-containing-costs-elements-for-comprehensive-criminal-justice-reform>

Public Facing Advocacy Writing

The current moment of government shut-down might seem the antithesis to bipartisanship. But one area in which bipartisanship is in evidence might offer some hope: criminal justice reform. As demonstrated in a speech last August by Attorney General Eric Holder to the American Bar Association, there is real and growing bipartisan support for justice reform at the state and federal level.

As General Holder observed, 17 states are already leading the charge as part of the Justice Reinvestment Initiative. Led by the U.S. Department of Justice (DOJ), this dynamic collaboration includes the Vera Institute of Justice as well as the Public Safety Performance Project of the Pew Charitable Trusts, the Council of State Governments, and the Urban Institute, along with other partners working at the state and local level. Together, there has been real success advancing data-driven approaches to improve public safety, reduce correctional spending, and reinvest savings to decrease crime and strengthen communities in a growing number of states and localities.

It is time to take this successful approach to the federal level—all three branches of the federal government need to come together to implement substantial reforms in a number of areas across the justice system. Significantly, bipartisan legislation has already been introduced in both chambers of Congress. The U.S. Senate has two bills relating to federal sentencing reform and, in the U.S. House of Representatives, there is legislation pending to improve the federal prison system.

Even before the government shutdown, the Third Branch was calling for reform given the devastating impact of current federal budget cuts. On September 17th, the Judicial Conference of the United States Courts announced that the current federal budget crisis constitutes an emergency requiring immediate action. This policy-making body of the federal judicial system, led by Chief Justice Roberts, further stated that sequester has put public safety at risk, noting that any further cuts could affect the ability of the courts to carry out statutory and constitutional responsibilities.

Even more significant, the Judicial Conference of the United States took a rare step in expressing public support for bipartisan legislation introduced by Senators Patrick Leahy (D-VT) and Rand Paul (R-KY) that would reduce the costs associated with mandatory minimum sentences. The Conference pointed to data from the U.S. Sentencing Commission that shows increased costs related to mandatory minimum sentencing even after a mandatory sentence is served, noting that the average term of supervised release for these offenders is 17 months longer compared to an offender who was not subject to a mandatory minimum.

Beyond these important issues, the federal government is long overdue in engaging in comprehensive criminal justice reform that addresses the front-end and back-end drivers of the increasing societal and budget toll of the growing federal prison population. As General Holder observed, sequestration has imposed untenable and irresponsible cuts on already tight budgets. At the same time, the federal Bureau of Prisons (BOP) faces the dual challenge of an increasing population and rising costs. The federal prison population has increased from approximately 25,000 in FY1980 to nearly 219,000 in FY2012. The BOP's budget has also doubled over the past decade, reaching its current level of over \$6 billion in FY12, representing 25 percent of DOJ's overall budget. Notwithstanding these budget increases, current BOP Director Charles Samuels has acknowledged that, under current conditions, the system is 36 percent over capacity, jeopardizing the safety of staff and inmates. Now, during the shutdown, federal correctional officers must carry out their intense duties even while their paychecks are in limbo.

The Justice Department's annual report to the U.S. Sentencing Commission notes that the explosive growth of the U.S. prison population has already impacted our communities, including the erosion of trust and confidence in criminal justice among many citizens, particularly in disadvantaged communities and communities of color. It also acknowledged that [n]ow with the sequester, the challenges for federal criminal justice have increased dramatically and the choices we all face—Congress, the Judiciary, the Executive Branch—are that much clearer and more stark: control federal prison spending or see significant reductions in the resources available for all non-prison criminal justice areas.

As Attorney General Holder noted, together we must declare that we will no longer settle for such an unjust and unsustainable status quo. His words build upon one of the few areas right now where bipartisanship exists. In both the U.S. Senate and the U.S. House of Representatives, there is the growing consensus to tackle these pressing issues. Congress has a huge challenge but also a huge opportunity to improve our nation's systems of justice across the country. We can't afford to wait any longer.

This post concludes a series in which Vera experts responded to Attorney General Eric Holder's recent address to the American Bar Association calling for comprehensive criminal justice reform. Share your thoughts in the comments section below and search for the hashtag #VeraResponds on Twitter to join the conversation.

Footnotes

1 September 10, 2013 letter from the Secretary of the Judicial Conference of the United States to the President of the United States

Barack Obama.

2 The cost of supervising a federal offender for one month is approximately \$279. Ibid.

3 Charles E. Samuels, Jr. (Director, Federal Bureau of Prisons). Testimony on Oversight of the Federal Prison System before the Judiciary Committee of the U.S. House of Representatives Subcommittee on Crime. (September 19, 2013).

4 Ibid.

5 J. Wroblewski to The Honorable Patti B. Saris, United States Sentencing Commission, July 11, 2013. Last accessed:<http://www.justice.gov/criminal/foia/docs/2013annual-letter-final-071113...>

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