



THE
AMERICAN
CONSERVATIVE
UNION
FOUNDATION

February 7, 2018

Dear Members of Congress:

The mission of the *American Conservative Union Foundation* (ACUF) is to educate voters, office-holders, and opinion leaders as to why conservative principles work to solve the myriad of complex and dynamic problems facing Americans today. In this context, the ACUF's *Center for Criminal Justice Reform* works to apply conservative principles to the justice system with reforms that improve public safety, hold individuals and agencies more accountable, and advance human dignity through criminal justice reform at the state and federal levels.

There is no doubt that the current approach to criminal justice system is failing every American. Between 1980 and 2013, our federal prison population jumped nearly 800 percent, from roughly 24,000 to more than 215,000 inmates. The average length of federal sentences has doubled during the same period. Not surprisingly, prison costs have also skyrocketed; Americans now spend nearly as much on federal prisons—\$6.7 billion—as they spent on the entire Justice Department in 1980, after adjusting for inflation. This spending growth has shortchanged other important crime-fighting priorities, including counterterrorism initiatives, anti-gang activities, violent crime task forces, and victims' services. It is no surprise that the Department of Justice's Inspector General has called these increasing expenditures for prisons "unsustainable."

It is said that when all one has is a hammer, everything looks like a nail. This old adage is particularly true in the field of criminal justice and corrections. Prisons unquestionably play an essential role in punishing dangerous criminals and keeping neighborhoods safe. But not all offenders need to be incarcerated for long periods of time in order to be held accountable for their actions. In many cases, long sentences can make matters worse – particularly for young offenders, those suffering from mental illness, and prisoners with addiction issues. Increased use of shorter, certain sentences, combined with mandatory supervision, can strengthen public safety at a far lower cost to the taxpayers.

The underlying principles contained in the SAFE Justice Act, sponsored by Reps. Bobby Scott and Jason Lewis, take this approach. These principles have been proven to increase public safety while reducing costs borne by the taxpayers. Reducing overall rates of incarceration by reserving expensive prison beds primarily for *violent* offenders can save a lot of money. A portion of these savings can fund recidivism reduction programs that have been proven to reduce the number of people stuck in the revolving door of American jails and prisons. Cutting

down on recidivism rates is a vital aspect of criminal justice reform. Every case of recidivism is another crime, another victim, another court case, and likely, another inmate. By funding anti-recidivism programs, crime rates are reduced and public safety increases.

Texas has demonstrated that these principles are not merely theoretical. The reforms enacted a decade ago have achieved unassailable results. By prioritizing bed space for truly dangerous offenders, Texas did not have to build four new prisons to help with overcrowding, thus, saving \$2 billion in capital expenditures. In addition, Texas has closed four more prisons, saving \$49.5 million in operating costs each year. By funding drug treatment and anti-recidivism programming, the Lone Star State has cut recidivism by 14%, while the crime rate has dropped by 29% - to a level not seen since 1968. By all measures, Texas is safer, even though it is spending much less on corrections.

The SAFE Justice Act is a comprehensive overhaul to the justice system that shares some similarities with the "Texas model." It reserves costly prison space for our most serious criminals, strengthens the probation and post-release supervision systems, and expands the use of programs that have been proven to cut recidivism. It increases mental health services and drug treatment, encourages faith-based and community groups to work with inmates to teach them such important items as job skills, family reconciliation, and making moral decisions. And it encourages our corrections system to better utilize mentoring to help offenders think through the decisions that will confront them when they leave prison.

Some say that these types of reforms will not work in the federal system because the inmate population overseen by the U.S. Bureau of Prisons is different than those of most state departments of corrections. Those skeptics are correct insofar as the federal prison population *is* different from those in the states. State prisons tend to be filled with more violent offenders (who are more prone to recidivate), while nearly half of all federal offenders are incarcerated for non-violent crimes (who tend to have a lower recidivism rate). There is no doubt that applying similar reforms to the federal system that have been proven effective in the states – as the SAFE Justice Act would do – will bring forth positive results.

Should you have any questions about these issues, please feel free to contact me at: 202.347.9388.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Safavian', with a horizontal line extending to the right.

David H. Safavian, Esq.

*Deputy Director, Center for Criminal Justice Reform
American Conservative Union Foundation*