

House Oversight and Government Reform Committee
Tuesday, July 14, 2015, 10:00 am
Written Testimony of Rep. F. James Sensenbrenner, Jr.

Good morning Chairman Chaffetz, Ranking Member Cummings, and Members of the Committee. Thank you for the opportunity to testify in support of criminal justice reform and thank you Mr. Chairman for holding these discussions and for your extensive work on prison reform.

I am proud to be joined by Representative Bobby Scott, whom I had the pleasure of working with on the House Judiciary Committee's Overcriminalization Task Force. Beginning in the Spring of 2013, Representative Scott and I thoroughly examined issues related to the scope of mass incarceration, the dramatic growth of the federal criminal code and evidence-based programs for reform. We heard from groups and organizations as diverse as Families Against Mandatory Minimums, Right on Crime, Heritage Foundation and the ACLU— all of whom recognize the need to respond to reduce the size and cost of federal corrections policies.

Over the past three decades, America's federal prison population has more than quadrupled – from 500,000 in 1980 to more than 2.3 million today. Prison spending has increased by 595 percent, a staggering figure that is both irresponsible and unsustainable.

And yet, this increased spending has not yielded results. More than 40 percent of released offenders return to prison within three years of release, and in some states, recidivism rates are closer to 60 percent. Several studies have found that, past a certain point, high incarceration rates are counterproductive and actually cause the crime rate to go up.

Especially among low risk offenders, long prison sentences increase the risk of recidivism because they sever the ties between the inmate and his family and community. These are the ties we need to help reintegrate offenders as productive members of society.

These severed ties are also at the heart of the moral case for reform. It's not just the people in prison who are paying the punishment for their crimes. Mass incarceration tears families apart and deprives children of their fathers and mothers. It likely means a loss of job, possibly home, and any support he or she had within the community.

And that's where we are with our sentencing policy – we're spending more, getting less, and destroying communities in the process. The system is broke, and it's our job to fix it.

Fortunately, there is a better way. In recent years 27 states, particularly conservative states, have enacted substantial reforms to their criminal justice systems. Cumulative cost savings exceed \$4.6 billion. Many of the states have also seen a corresponding drop in crime. Their experience proves that we can reform the criminal justice system without compromising public safety.

This brings me to the SAFE Justice Act. The SAFE Justice Act brings together some of the best ideas from the states and of current proposals. It addresses both the front and back-ends of our criminal justice system. But it does so in a targeted way, rather than with across the board cuts. It is an evidence-based approach that draws heavily from the successes of numerous states, which have led the federal government in adopting comprehensive reforms.

Among other things, the SAFE Justice Act will:

1. Rein in rampant over-regulation by federal agencies by forcing reviews of regulations with criminal penalties;
2. Focus drug mandatory minimums on leaders, managers, supervisors and organizers of drug trafficking organizations rather than low-level offenders;
3. Incentivize completion of evidence-based prison programming and activities through the use of earned time credit;
4. Improve government accountability by charging the Department of Justice and the Bureau of Prisons with collecting key outcome performance measures; and
5. Provide law enforcement with critical tools to keep communities safe by expanding access to training safety equipment and health and wellness.

Our system cannot continue on its current trajectory. It's not only fiscally unsustainable, but morally irresponsible. Now is the time for criminal justice reform, and the SAFE Justice Act delivers the change necessary to enact fairness in sentencing, reduce the taxpayer burden, and ensure the increased safety and prosperity of communities across the country.

As a critical first step in this direction, I hope the Committee will appreciate the thoughtful, evidence-based policy options we put forward and it is my hope that Congress can continue to work in a bipartisan manner to advance this comprehensive legislation.