



September 22, 2011

Dear Senator:

RE: ACLU Urges Support for S. 306, the National Criminal Justice Commission Act

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million members, countless additional activists and supporters, and 53 affiliates nationwide, we urge you to support S. 306, the National Criminal Justice Commission Act of 2011, which was introduced by Senator Jim Webb (D-VA) and has the bipartisan support of 21 cosponsors. The measure would create a bipartisan commission tasked with examining the nation's criminal justice system and offering reform recommendations in a number of important areas including sentencing policy, rates of incarceration, law enforcement, crime prevention, substance abuse, mental health treatment, corrections and re-entry.

Far too many of our precious public dollars currently go toward maintaining an expensive and ineffective prison system. According to the Bureau of Justice Statistics, our government spends nearly \$69 billion on our correctional system alone, and for the first time in U.S. history, more than one in every 100 adults in America is either in prison or jail.¹ While everyone agrees that government must not compromise when it comes to preserving public safety, the fact remains that many people are incarcerated for non-violent, low level offenses and could be held accountable using alternatives that are not only less costly, but also more effective.²

At the state level, recent reforms have already begun to demonstrate the enormous potential for cutting costs, providing an initial blueprint for large scale reform. In Ohio, where spending on adult and juvenile corrections amounted to \$1.8 billion, community supervision programs *alone* produced an estimated savings of \$46 million.³ Moreover, participants in diversion programs actually generated over \$41 million in revenue through community

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¹ Pew Center on the States, Public Safety Performance Project, *One in 100: Behind Bars in America 2008* (February 28, 2008), available at http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS_Prison08_FINAL_2-1-1_FORWEB.pdf.

² West, Heather C.; Sabol, William J.; and Greenman, Sarah J., "Prisoners in 2009," Bureau of Justice Statistics, (Washington, DC: US Department of Justice, December 2010), NCJ 231675, Appendix Table 18, p. 33. <http://bjs.ojp.usdoj.gov/content/pub/pdf/p09.pdf>

³ *Reform Cannot Wait: A Comprehensive Examination of the Cost of Incarceration in Ohio from 1991-2010*, American Civil Liberties Union of Ohio, August 17, 2010, http://www.acluohio.org/issues/CriminalJustice/ReformCannotWait2010_08.pdf.

service, and these funds were used to pay for victim restitution, court costs, and child support. In Kansas, the implementation of graduated sanctions for those who commit minor parole violations cut parole revocation rates in half, saving millions of dollars in averted construction costs and maintenance of prison facilities, while also dramatically reducing the number of parolees who commit new crimes.⁴ In other words, providing appropriate, proportional sanctions has saved money *and* reduced crime. By giving people opportunities to pay their debts to society with dignity, and thereby helping them on the path to becoming productive, law abiding citizens, such reforms not only save us money but they make us a better, safer society.

The current economic crisis has placed enormous strain on all levels of government. However, in the case of criminal justice reform, it has also presented us with a unique opportunity to rethink our approach to crime and safety. A national consensus is emerging that the current system is unsustainable. Prison populations are too large; re-entry challenges are too severe; recidivism rates are too high. While adequate grounds exist right now to implement substantive reform, we recognize the value in conducting a comprehensive review of existing and alternative practices in an attempt to achieve bipartisan consensus on the best course for true reform. Passage of S. 306 is an important step toward this goal and we urge your support of this important bill.

If you have any questions, please contact Jennifer Bellamy, Legislative Counsel, at jbellamy@dcaclu.org or (202) 715-0828.

Sincerely,



Laura W. Murphy
Director, Washington Legislative Office



Jennifer Bellamy
Legislative Counsel

⁴ Kansas Community Corrections, *Statewide Risk Reduction Initiative: Annual Report*, January 12, 2009, http://www.doc.ks.gov/publications/the-senate-bill-14-risk-reduction-initiative/SB_14_Risk_Reduction_Initiative_Report_2009.pdf/.