

**TESTIMONY**  
**Adam Gelb – Director, Public Safety Performance Project**  
**The Pew Center on the States**  
**Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related**  
**Agencies**  
**February 11, 2011**

Chairman Wolf, Ranking Member Fattah and members of the subcommittee:

Thank you for the opportunity to testify today.

My name is Adam Gelb, and I am director of the Public Safety Performance Project of the Pew Center on the States, a division of the Pew Charitable Trusts that helps states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections costs.

All of us at Pew applaud you for your leadership in drawing attention to promising strategies for reducing crime and victimization in America. States are increasingly moving toward the adoption of cost-effective solutions to pressing corrections issues, and the federal government has an incredible opportunity to support and bolster these efforts.

Data-driven decision-making and programming can provide better returns on what has become a massive investment in public safety. As policymakers charged with allocating federal resources, you have the unique opportunity to encourage and promote the adoption of smart approaches proven to control corrections expenses and keep communities safe.

### **One in 100 Behind Bars**

Over the past three decades, the United States has built a prison system larger and more expensive than any other on the planet. Violent and career criminals need to be locked up, and for a long time. But, as the Pew Center on the States reported in 2008, we now have 1 in 100 adults in America behind bars. That's the equivalent of locking up every single person in: Virginia Beach, Virginia; Louisville, Kentucky; Pittsburgh, Pennsylvania; Seattle, Washington and Cincinnati, Ohio combined.

### **High Costs**

The cost of this incarceration has been consuming state budgets. At more than \$50 billion per year, corrections has been the second fastest growing budget category, behind only Medicaid, and now accounts for one in every 14 general fund dollars, twice its share in the mid-1980s. Nearly 90 percent of the spending goes to prisons, even though two-thirds of the offender population is on probation or parole in the community. Five states now spend more on corrections than higher education. When you add in the federal and local incarceration costs, the tab surpasses \$70 billion.

### **Low Public Safety Return**

What have we gotten for our money? Crime rates have fallen since the mid-1990s, and research shows that increased incarceration can claim a modest part of the credit. But crime still is well

above the levels we had through the late 1960s, and violent crime, especially in our most disadvantaged communities, remains intolerably high.

On top of that, recidivism rates do not appear to have come down. The average inmate released today has spent several months longer behind bars than he would have 25 years ago, but he may be just as likely to return to crime. And over the past 10 years, seven states have reduced both their crime rates and incarceration rates, firmly debunking the notion that if imprisonment goes down, crime will go up.

### **Changing Directions**

The good news is that we now have solutions—new strategies revealed by research that both cut crime and lower costs for taxpayers. More than a dozen states have now engaged in the comprehensive data analysis and planning process we call “Justice Reinvestment.” With this assistance, states are making significant shifts in policy – who goes to prison, how long they stay, and how they can do a better job cutting the recidivism rate.

The Public Safety Performance Project at Pew and our partners at the Council of State Governments’ Justice Center and the Vera Institute of Justice have played a part in this change of direction, as has Bureau of Justice Assistance at the Department of Justice, thanks to the work that this Committee has done in supporting Justice Reinvestment. We are providing technical assistance to states which are taking a bipartisan, inter-branch and data-driven approach to their criminal justice system. We work with them to analyze the key drivers of their prison population and costs and identify policies to control corrections spending, hold offenders accountable, and reinvest savings in strategies that can decrease crime and reduce recidivism. The appropriations for the Justice Reinvestment Initiative at BJA support these same efforts, and we collaborate very closely. Michael Thompson will describe some of the successful efforts that have been undertaken.

There is a presumption that states are pursuing changes in their sentencing and corrections policies because their budgets are forcing their hands. There’s no question that fiscal pressure is partly responsible for the interest. But there’s much more to the story. States, particularly tough-on-crime states like Texas and South Carolina, would not be engaged in Justice Reinvestment just to save money. They simply won’t balance their budgets on the back of public safety. And we started down this road with a number of states in 2007, well before the recession of 2008-2009.

Instead, states have realized that they can deliver taxpayers a better public safety return on their corrections dollars. And they can do it because we know so much more today than we did 30 years ago, when prisons became our weapon of choice in the fight against crime, about how to stop the cycle of recidivism.

**Development of more accurate risk assessments.** Analyses of huge volumes of data have helped isolate the specific factors that predict criminal behavior, such as antisocial values and thinking patterns. While no risk assessment tools are foolproof, today’s “third generation” tools do a good job of distinguishing high-, medium- and low-risk offenders and of pointing the way toward case management plans that will cut the chances of re-offense.

**Advances in supervision technology.** Global positioning system (GPS) monitors, rapid-result drug tests and ATM-like reporting kiosks offer authorities new technologies to monitor the whereabouts and activities of offenders in the community. These capabilities are giving lawmakers, judges and prosecutors greater confidence that they can protect public safety and hold offenders accountable with sanctions other than prison.

**Advances in the science of behavior change.** Research has identified several strategies that can make significant dents in recidivism rates, including cognitive-behavioral therapy, motivational interviewing and the use of swift and certain but proportional sanctions for violations of the rules of probation and parole.

## **HOPE**

An example of a program that brings together many of these advances is found in Hawaii, where the Honest Opportunity Probation with Enforcement (HOPE) program is showing dramatic results with large numbers of offenders, including users of methamphetamine.

The brainchild of Judge Steven Alm, a former United States Attorney, HOPE deters drug use and crime through the credible threat of swift, certain and short jail stays. At the start of the program, probationers get a warning: they'll be tested for drug use twice each week and if they test positive, they'll go to jail immediately but only for a couple of days. No if's, and's or but's. Probation officers are trained to use motivational interviewing skills, and offenders who don't or can't stop using drugs without professional treatment services are referred for treatment.

The results have been powerful. In a gold-standard, randomized controlled evaluation, HOPE probationers were 55 percent less likely than the control group to be arrested for a new crime; 72 percent less likely to use drugs; and they use 48 percent fewer jail and prison beds. Just imagine the impact, or even half the impact—on crime, on drug abuse, and on the cost of incarceration—if HOPE Probation was brought to scale across the country.

The good news is that states across the country are beginning to adopt and experiment with the HOPE model. Pilots are up-and-running in Alaska and Arizona, and under consideration in Virginia, Kentucky, Arkansas, California and Alabama. But in order to realize the fiscal benefits from HOPE—tentatively estimated at \$4,000 to \$8,000 per probationer—states need the technical assistance and start-up funds that are currently in short supply.

More than 5 million people are on probation or parole in the United States, twice the number behind bars. They consume as much as half of the nation's cocaine, heroin and methamphetamine, and when they fail drug tests or break other rules of community supervision, they eventually land in prison. In fact, probation and parole violators are a leading driver of prison growth, reaching nearly two-thirds of prison admissions in some states. So if we have even a modest success with them, we could make a profound impact on crime and drug abuse, and on correctional costs.

There are a couple more important reasons why states are eager to pursue alternate strategies.

**Increasing focus on cost-benefit analysis.** Across all areas of government, policy makers are demanding to know what results programs are producing, not just what funding levels are or how many people are being served. The economic downturn certainly has accelerated this trend.

**Polls show support for prison alternatives.** Finally, the public is supportive of using community corrections rather than prison for nonviolent offenders. Last year, we worked with Public Opinion Strategies and the Benenson Strategy Group to conduct comprehensive research on public attitudes toward crime and punishment. The survey found that without question voters want a strong public safety system that holds criminals accountable and metes out consequences for illegal activities. At the same time, voters believe a strong public safety system is possible while reducing the size and cost of the prison system.

One of the poll questions was particularly revealing. It asked voters whether they agreed with the following statement: “It does not matter whether a nonviolent offender is in prison for 21 or 24 or 27 months. What really matters is the system does a better job of making sure that when an offender does get out, he is less likely to commit another crime.” Ninety-one percent of the respondents agreed, and 75 percent agreed strongly. With that kind of support, it is clear to us that the American public is ready for a shift from simply building more and more prisons to smarter strategies that actually make them safer.

In sum, the economic crisis is helping bring states to the table, but it’s not the meal. The demand we’re seeing for justice reinvestment and better recidivism reduction is happening because policy makers from both sides of the aisle increasingly are aware of research-based strategies for nonviolent offenders that produce less crime at less cost than prison.

### **Federal Role**

Successful strategies such as HOPE Probation and Justice Reinvestment create savings for states and localities, so no doubt you’re wondering, “What role can Congress play?”

Pew’s work and funding of these proven, innovative approaches spans four years, and we along with other private funders have been carrying much of the load. The demand for these approaches has now outstripped supply. Governors, state legislators, judges, corrections executives—entire states are requesting assistance and struggling to maintain services in the face of dire budget cuts. They know that if they continue with business as usual, there will be more crime, more victims, more arrests, more prosecutions and still more incarceration.

Congress has long supported state and local crime control initiatives, and has a unique role in promoting the replication of innovative policies and programs. You can help reduce recidivism rates and promote successful offender re-entry by using data to inform your policy decisions, and investing increasingly scarce public resources in proven public safety strategies. Most states simply don’t have the research capacity to crunch the numbers, or the limited funds it takes to start up alternative programs so that offenders can be adequately supervised in the short run, until the reduction in prison population translates into actual savings that can be reinvested into those programs. The federal government needs to prime the pump. But then it should be able to step away.

## **Less Crime, Lower Cost**

Nearly 40 years ago, prisons became America's weapon of choice in the fight against crime. There is no question that more prisons have helped cut crime, but that's no longer the question at hand. The right question, the one that more and more states are asking, is "What policies and programs would do a better job cutting crime and do it at a lower cost?"

Programs and strategies supported by rigorous research offer potent answers. Congress should use this pivotal moment in our nation's history to invest in what actually works.

Thank you again for the opportunity to speak with the subcommittee today.

### ***The Pew Charitable Trusts***

*The Pew Charitable Trusts was founded 61 years ago by the sons and daughters of Joseph N. Pew., the founder of Sun Oil Company. Pew has three primary areas of interest: improving public policy, informing the public and stimulating civic life. Pew partners with a diverse range of donors, public and private organizations.*

*The Pew Center on the States (PCS), a division of The Pew Charitable Trusts, identifies and advances effective policy approaches to critical issues facing states. It researches emerging topics, develops 50-state comparisons, and highlights innovative approaches among states to complex problems. When the facts are clear, PCS advocates for nonpartisan, pragmatic solutions.*

*With a staff that includes researchers, policy analysts, journalists, campaign strategists and issue experts, PCS works across a range of topics to ensure states have what they need to make smart, data-driven investments and adopt fiscally sound policies. PCS focuses principally on three areas of interest: (1) investing in human capital, with campaigns addressing early education, children's dental health and home visiting; (2) maximizing government performance, with an elections project, a sentencing and corrections initiative, and work on government management; and (3) ensuring states' fiscal health. To learn more about the Pew Center on the States, please visit [www.pewcenteronthestates.org](http://www.pewcenteronthestates.org).*