

Senator John Cornyn

Testimony before the House Oversight and Government Reform Committee Hearing Entitled: “*Criminal Justice Reform*”

Mr. Chairman, I thank you for holding this hearing to discuss an issue of great national importance—reforming the federal criminal justice system to increase public safety and reduce costs.

Over the past 25 years, we have seen unprecedented reductions in crime in the United States. The nationwide crime wave of the late 80’s and early 90’s is no more—and we should take a moment to recognize the efforts of law enforcement to bring about this achievement. But that does not mean our criminal justice system is perfect, or that it shouldn’t be reformed. Like anything else, the criminal justice system requires continual improvements and reforms to ensure it is working to efficiently achieve its goals. And right now, the federal government spends billions of dollars incarcerating individuals while doing little to address the underlying causes of crime. We need to change that.

As the former Attorney General of Texas, I am proud to say that my home state provides a great model for Congress as we consider changes to the federal criminal justice system. In 2007, Texas lawmakers confronted a problem similar to the one facing us today: They had a major budget shortfall, an overcrowded prison system, and high rates of criminal recidivism. Instead of just building more prisons and hoping that would somehow fix the problem, they decided to try a different approach: scrapping construction plans and instead funding recidivism-reduction programs aimed at helping lower-risk offenders turn their lives around and become productive members of society. Texas also gave low-risk inmates the option of earning time credits to spend a portion of the end of their sentence at home or in alternatives to incarceration. The results speak for themselves: Between 2007 and 2012, our state’s overall rate of incarceration fell by 9.4 percent; our total crime rate dropped by 16 percent; and we saved more than \$2 billion dollars’ worth of Texas taxpayers’ money.

Because of the success of this “Texas Model,” I am proud to join Senator Whitehouse of Rhode Island – where similar state-level reforms were made in sponsoring the CORRECTIONS Act in the Senate. This bipartisan legislation that

would take many of the lessons learned in Texas and apply them to the federal prison. I will also note that Chairman Chaffetz, Congressman Gowdy, Congressman Richmond, and Congressman Jeffries are the sponsors of similar bipartisan legislation in the House. The CORRECTIONS Act will help restore an important part of our criminal justice system that is too often forgotten: Rehabilitation. The average federal prisoner will spend less than three years behind bars—meaning that almost every offender will one day be released from prison. By helping these prisoners change their ways, improve their lives and become productive members of society, we can make our streets safer. And by breaking the vicious cycle of criminal recidivism, we can repair broken families and communities, while saving the taxpayers billions of dollars. To this end, the CORRECTIONS Act would require every single federal prisoner to successfully complete recidivism reduction programming and productive activities throughout the term of their incarceration.

These programs would include things like: prison jobs, industry programs, drug rehabilitation, general education, vocational training, life skills management, technical education, mental health treatment, faith-based programs, and victim-impact courses. What we have learned from states like Texas is that, when tailored appropriately, successful completion of programs like these can reduce a prisoner’s risk of recidivism by more than 25%. And in a federal prison system of more than 200,000 inmates, the savings generated by reducing recidivism levels through programming will be substantial.

To make sure that these programs are designed to succeed and to provide accountability for the Bureau of Prisons, the CORRECTIONS Act will also require every federal prisoner to participate in regular risk and needs assessments. These types of assessments will help prison officials to understand the probability of each prisoner re-offending, as well as the best way to reduce that prisoner’s recidivism level through programming. And in order to make sure as many federal prisoners as possible have a stake in their own rehabilitation, the CORRECTIONS Act adopts an “incentives at every level approach” to encourage prisoners to continually work to improve themselves and restore their lives. Prisoners who are classified as lower-risk of reoffending and who are successfully completing recommended programming will be eligible to earn up to 25% of their sentence in home confinement, a halfway house, or community supervision. Research shows that incarcerating lower-risk offenders in prison for long periods of time can actually make them more likely to re-offend after they are released.

The CORRECTIONS Act focuses on increasing public safety by finding alternative ways for these offenders to serve the end of their sentence while re-integrating

themselves into society. Because it costs nearly \$30,000 per year to incarcerate an individual in prison, and less than \$8,000 to keep them in pre-release custody like home confinement, this legislation could save taxpayers a substantial amount of money for every year of earned time credit awarded under the bill. And because prisoners with earned time credits will immediately begin transitioning to pre-release custody near the end of their sentences, my legislation will work to cap and reduce the federal prison population immediately. In other words, the CORRECTIONS Act is exactly the type of reform we need for the federal criminal justice system. It will increase public safety, reduce crime rates, cut taxpayer costs, reintegrate offenders into society, and work to repair broken families and communities.

Mr. Chairman, there are a number of thoughtful bipartisan ideas for reforming our federal criminal justice system. We should give all of these ideas the attention and consideration that they deserve. I will note that Senator Grassley, the Chairman of the Senate Judiciary Committee, has convened a working group which is currently in negotiations on a consensus bipartisan framework that includes many of these ideas. I am glad to be a member of that working group, and I am hopeful that we will soon be able to introduce a piece of legislation that can win the support of a broad bipartisan coalition in Congress. I hope that this Committee and members on both sides of the aisle will continue their efforts to find consensus solutions on this issue, and to continue the respectful and constructive dialogue that we have engaged in so far. Mr. Chairman, I thank you for allowing me to testify today, and for your partnership on these important issues.