**Testimony of:**

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**The Joint Economic Committee of the U.S. Congress**

**"Mass Incarceration in the United States: At What Cost?"**

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Mr. Chairman and members, I am grateful for this opportunity to share with you some thoughts on the cost to our society of the massive increase in incarceration in the United States. Thank you for holding this hearing to address this very important topic. Others have discussed the financial cost of mass imprisonment. I will try to give you some perspective on the human toll it is taking.

My name is Pat Nolan. I am a Vice President of Prison Fellowship and lead their criminal justice reform arm, Justice Fellowship. I also serve on the Prison Rape Elimination Commission and the Commission on Safety and Abuse in America's Prisons. I bring a unique background to this work. I served for 15 years as a member of the California State Assembly, four of those as the Assembly Republican Leader. I was a leader on crime issues, particularly on behalf of victims' rights. I was one of the original sponsors of the Victims' Bill of Rights (Proposition 15) and was awarded the "Victims Advocate Award" by Parents of Murdered Children. I was prosecuted for a campaign contribution I accepted, which turned out to be part of an FBI sting. I pleaded guilty to one count of racketeering, and served 29 months in federal custody.

Now, God has placed me in a position that I can share these observations with criminal justice officials, using my experiences as a lawyer, legislator and prisoner to improve our justice system. Justice Fellowship works with government officials at the federal and state levels, helping them develop policies that repair the harm done to victims, reform the hearts of offenders, and, in doing that, restore peace to communities.

The figures on incarceration are staggering. One in every 32 adult Americans is in prison or on supervised release. Prisons have become one of the fastest growing items in state budgets, siphoning off dollars that that might otherwise be available for schools, roads or hospitals.

In America today, offenders serve their sentences in overcrowded prisons where they are exposed to the horrors of violence including rape, isolation from family and friends, and despair. The best way to I can describe how it felt to be imprisoned is that I was like an amputee. I was cut off from my family, my friends, my work, my church and my community. Then, with my stumps still bleeding, I was tossed into a roiling cauldron of anger, bitterness, despair and often violence.

Most inmates are idle in prison, warehoused with little preparation to make better choices when they return to the free world. Just one-third of all released prisoners will have received vocational or educational training in prison. While approximately three of every four inmates have a substance abuse problem, less than 20 percent will have had any substance abuse treatment before they are released. The number of returning inmates is now four times what it was 20 years ago, yet there are fewer programs to prepare them return to their communities. They get little preparation to make better choices when they return to the free world. On leaving prison they will have great difficulty finding employment. The odds are great that their first incarceration will not be their last.

Our large investment in our prisons might be justified if the inmates released from them were reformed in hearts as well as habits. However, most inmates do not leave prison transformed into law-abiding citizens. In fact, the very skills inmates develop to survive inside prison make them anti-social when they are released.

More than 700,000 inmates will be released from America's prisons next year. To put this in perspective, that is more than three times the size of the United States Marine Corps. Even more will be released the following year, and even more every year thereafter. Each day, over 1,900 offenders leave prison and return to neighborhoods across the country.

What has been done to prepare these returning inmates to live healthy, productive, law-abiding lives? What kind of neighbors will they be? Each of us has a stake in seeing that these men and women make a safe and successful return to their communities. Yet, very little is being done to help them make that transition successfully.

The fact of the matter is most of the inmates we have released do commit more crimes. Over the last thirty years, the rate of rearrest has hovered stubbornly around sixty-seven percent. If two-thirds of the patients leaving a hospital had to be readmitted, we would quickly find a new hospital. So also, we must find a better way to prepare inmates for their release if we are to have safer communities. One way is through the Second Chance Act which is now before the Senate. It will provide the states and our communities help in developing better ways to do that.

However, we must also examine sentencing laws that put so many non-violent offenders in prison. Certainly we need prisons to separate violent and dangerous people from the rest of society. But given the overcrowding and violence in our prisons, why on earth would we put people convicted of non-violent crimes in prison? Prisons are for people we are afraid of, but our sentencing laws have filled them with people we are merely angry at. Changing our sentences so that low risk offenders are punished in the community under strict supervision would reduce overcrowding in prisons and help control violence. It would hold low-risk offenders accountable without exposing them to the violence and the great difficulties of transition back to the community after their sentence.

After release from prison, offenders face many barriers, often called "invisible punishments": They are frequently denied parental rights, driver's licenses, student loans, the right to vote, and residency in public housing—which is often the only housing that they can afford.

Further, little is done to change the moral perspective of offenders. Most inmates do not leave prison transformed into law-abiding citizens; in fact, the very skills inmates develop to survive inside prison make them anti-social when they are released. Most are given a bus ticket to their hometown, gate money of between $10 and $200, and infrequently a new set of clothes. Upon leaving prison virtually all will have great difficulty finding employment.

The moment offenders step off the bus they face several critical decisions: Where will they live, where will they be able to find a meal, where should they look for a job, how will they get to a job interview, and where can they earn enough money to pay for necessities? These returning inmates are also confronted with many details of personal business, such as obtaining identification cards and documents, making medical appointments, and working through the many everyday bureaucratic problems that occur during any transition. These choices prompt feelings of intense stress and worry over the logistics of their return to the outside world. To someone who has had no control over any aspect of their lives for many years, each of these problems can be difficult. In accumulation, they can be overwhelming.

My own experience provides a good example. Shortly after my release from prison to the halfway house, some friends took me to lunch at a local deli. The waiter came over to take our orders. Everyone else told him what they wanted, but I kept poring over the menu. My eyes raced over the columns of choices. I knew that I was supposed to order, but the number of options overwhelmed me. My friends sat in embarrassed silence. I was paralyzed. The waiter looked at me impatiently. I began to panic. How ridiculous that I wasn't able to do such a simple thing as order lunch. Finally, in desperation I ordered the next item my eyes landed on, a turkey sandwich. I didn't even want it, but at least it put an end to this embarrassing incident.

For two years I hadn't been allowed to make any choices about what I ate. Now I was having a hard time making a simple choice that most people face every day. If I had this much difficulty after only a couple of years in prison, think how hard it is for those inmates who haven't made any choices for five, ten, or fifteen years. And what about those who

didn't have the wonderful home, the loving family, the strong faith and the good education that I had? They face a baffling array of options and little preparation. Is it any surprise that so many newly released prisoners make some bad choices and end up back in prison?

The choices offenders make immediately after release are extremely important. Of the ex-prisoners who fail, over half will be arrested within the first six months. That is not much time to turn their lives around. One study of rearrests in New York City found that the rate was especially high during the first hours and days following release. This early window of time is the most intense period for ex-prisoners, when they may be overwhelmed by the accumulation of large and small decisions facing them. On average, ex-offenders have only a one-in-three chance of getting through their first three years without being arrested.

As the number of people released from prison and jail increases steadily, we cannot afford to continue to send them home with little preparation. These policies have harmed too many victims, destroyed too many families, overwhelmed too many communities, and wasted too many lives as they repeat the cycle of arrest, incarceration, release and rearrest. The toll this system takes is not measured merely in human lives: The strain on taxpayers has been tremendous. As jail and prison populations have soared, so have corrections budgets, creating fiscal crises in virtually every state and squeezing money for schools, health care, and roads from state budgets.

It does not have to be this way. Fortunately, there are many things that the government in partnership with the community, and in particular our churches, can do that increase the likelihood that inmates will return safely to our communities.

One of the most important provisions of the Second Chance Act will provide grants to community and faith-based non-profits to link offenders and their families with mentors. Let me tell you why this is so important.

It is essential that returning inmates have a friend they can turn to as they take their difficult first steps in freedom. A loving mentor can help them think through their decisions and hold them accountable for making the right moral choices.

The importance of mentors to returning prisoners was stressed by Dr. Byron Johnson in his recent study of the Texas InnerChange Freedom Initiative (IFI), the reentry program operated by Prison Fellowship under contract with the state. Dr. Johnson's study found that IFI graduates were two and a half times less likely to be reincarcerated than inmates in a matched comparison group. The two-year post-release reincarceration rate among IFI graduates in Texas was 8 percent, compared with 20.3 percent of the matched group.

Dr. Johnson emphasized that mentors were "absolutely critical" to the impressive results. The support and accountability provided by mentors often make the difference between a successful return to society and re-offending. As these offenders make the difficult transition back into the community, they need relationships with caring, moral adults. The greater the density of good people we pack around them, the greater the chance that they will be successfully replanted into the community.

IFI recruits members of local churches to give at least one hour a week to mentor the IFI inmates, both while they are still incarcerated and after they return to their community. In his interviews with the IFI participants, Dr. Johnson found that the mentors' weekly visits were very important to the inmates. "Without exception, IFI participants have indicated the critical impact volunteers have made in their lives. The sincerity and time commitment of volunteers has simply overwhelmed program participants." The benefit of these relationships with their mentors derives not only from the things discussed, but also for the love conveyed. By faithfully keeping their commitment to the weekly mentoring sessions, the mentors show a commitment to the inmates that many have never experienced before in their lives. As Dr. Martin Luther King, Jr., said, "To change someone, you must first love them, and they must know that you love them."

While many people would never associate the word "love" with prisoners, love is precisely what has been lacking in the lives of many of these men and women. They have gone through life without anyone caring about them or what they do, nor caring enough about them to coach them as they confront life. Many inmates are emotionally overdrawn

checkbooks. We must make deposit, after deposit, after deposit before we will see any positive balance.

A mentor can help the ex-offenders think through employment options and tell them what their employer will expect of them on the job. Many offenders have never had someone in their lives who has held a steady job. They have no model for being a good employee. A mentor can teach them that they need to get up on time, go to work each day, and call their supervisor if they must be late or absent. Offenders may find it difficult to take direction or may lack skills to cope with a difficult boss or fellow employees. A mentor can help them with these and other everyday difficulties of the workplace and teach them the importance of punctuality, politeness, and diplomacy on the job.

Mentors help returning inmates deal with many of the personal problems they typically encounter upon leaving prison: no reliable friends outside their former gang network, marital problems, and no easy way to get on with life.

Mentors can also help the offenders learn decision-making skills and teach them how to keep track of bills and pay them on time. In prison, inmates do not have to deal with any of this. On the street such details may quickly overwhelm them. In short, offenders need to be taught how to make good choices, handle responsibility, and be accountable —to make the right choice even when no one is looking.

Corrections staff can't make this kind of commitment to help each individual prisoner. But volunteer mentors can, and, in fact are, making this commitment in programs throughout the country.

Most of us can remember a teacher, coach, or neighbor who believed in us and helped us believe in ourselves. That is exactly what returning offenders need, yet most have never had someone like that in their lives. Mentors can fill that void. A loving mentor lets returning inmates know that the community is invested in their success. And the Second Chance Act will provide concrete assistance to community and faith-based groups to recruit and train mentors for this essential work.

As you work to improve our criminal justice programs, I suggest you keep several concepts in mind:

The purpose of our criminal justice system is to create safer communities and reduce the number of victims. There is a tendency to focus on institutional safety, rather than community safety. Under this narrow, institutional focus, the surest way to avoid escapes and riots would be to keep prisoners in their cells 24 hours a day, seven days a week. However, the public would be in far greater danger after those prisoners were released. Instead of focusing on institutional convenience, correctional policy must be judged by whether it makes the public safer.

Reentry planning should start at intake. Planning for the release of inmates should start as soon as they are sentenced. Assignment to a prison should include factors such as the proximity of the prison to the inmate's family and the availability of needed programs.

Prison policies should strengthen families. Crime not only has a devastating impact on the direct victims, but also on the families of offenders. Incarceration puts tremendous stress on the spouses and children of offenders. These family members have committed no crime. The stress on the family is exacerbated by policies such as placing inmates far from their families, frequently treating visiting families with disrespect, and charging exorbitant fees for telephone calls.

In addition, there are often preexisting issues of drug abuse, physical abuse, and marital conflict. If these issues are not resolved during incarceration, reentry will be much more difficult. Programs such as La Bodega de la Familia in New York, work with the entire family to strengthen their relationships. A healthy, functioning family is one of the most important predictors for successful reentry. Our prison policies must be changed to strengthen families rather than destabilize them.

Prisons are for people we're afraid of, but many of those filling our prisons are there because we are merely mad at them. The response to a technical violation should not

automatically result in return to prison. Obviously, it is important for offenders to learn to live by the rules. However, if an offender is making good progress it makes little sense to throw that all away because he didn't file his paperwork on time or missed a meeting with his probation officer. One judge told me, "Right now, I can either send him back to prison or let him go to the beach. Give me something in between."

Inmates should be encouraged to participate in faith based programs. To deal effectively with crime, we must first understand it. At its root, crime is a moral problem. Offenders make bad moral choices that result in harm to their victims. To break the cycle of crime, we must address this immoral behavior. There aren't enough police officers to stop everyone tempted to do something bad from doing it; inmates must rely on inner restraint to keep from harming others.

Job training and education alone won't transform an inmate from a criminal into a law-abiding citizen. For some inmates such programs merely make them smarter, more sophisticated criminals. It is a changed heart that can transform a prisoner. Unfortunately, many prison programs ignore the moral aspect of crime and avoid all discussion of faith and morality. In doing so, they are missing a significant factor that has proven very effective at changing criminals' behavior: faith. If inmates are to live healthy, productive, law-abiding lives when they return to their communities, we must equip them with moral standards to live up to and a worldview that explains why they should do so.

The community should "own" reentry. There is a tendency to view reentry as a program of corrections departments. While our prison systems are certainly central to the reentry process, it is the community that has the most at stake. Many corrections policies make it difficult for community and church groups to be involved in preparing inmates for release. Many systems "keep their options open" on release dates, often right up to the day of release, making it impossible to recruit, match and train mentors, locate appropriate housing, arrange for jobs or welcome the inmates at the bus. For reentry programs to be a success, community groups and churches should be viewed as important partners with the state, not as mere auxiliaries.

An important example of a corrections policy that makes reentry much more difficult is the so-called "non-fraternization" rule. I am sure you will be shocked to learn that the Federal Bureau of Prisons and many states DOC's prohibit religious volunteers from being in contact with inmates after they are released. This policy cuts the inmates off from the very people most likely to be able to help them make a successful transition. Corrections policies must be rewritten to encourage mentoring relationships to begin inside prison and continue after release. These healthy relationships should be encouraged, not prohibited. I am told the BOP is considering changes to this policy, but to make sure the Second Chance Act will overturn this counterproductive policy.

Programs are important, but healthy relationships are even more important. The support and accountability provided by mentors often make the difference between a successful return to society and re-offending. As offenders make the difficult transition back into the community, they need relationships with caring, moral adults. The greater the density of good people we pack around them, the greater the chance that they will be successfully replanted back into the community.

I have written a book, When Prisoners Return, which covers all these issues and is being used by departments of corrections, churches and community organizations to coordinate their efforts to help offenders during the difficult transition from prison to the community. If you and your staff would like copies, I will gladly provide them to you.

I mentioned that I serve on the Commission on Safety and Abuse in America's Prisons. Last year we released our report "Confronting Confinement". It concluded that our prisons are breeding grounds for future crime. The overcrowding and lack of educational and rehabilitative programming are spawning violence behind bars that spills over into our neighborhoods once prisoners are released.

The Commission made several recommendations based on a clear consensus among the experts that to prevent violence in prison we must:

- Reduce crowding.
- Increase access to meaningful programs and activities.

• Encourage a climate of mutual respect between staff and inmates.

• Increase the transparency of the institutions by increasing accessibility to outside agencies and volunteers.

• Identify at-risk prisoners and potential predators, and classify them accordingly.

• Make better use of surveillance technology.

• Strengthen family relationships by placing inmates close to their families, encouraging family visits, and lowering the cost of phone calls.

At Prison Fellowship, an outreach founded by Chuck Colson, we have had 31 years of experience in seeking the transformation of prisoners' lives. We have identified six "best practices" that we believe are applicable in almost any prison setting to achieve transformation in the lives of prisoners resulting in lower recidivism and greater public safety.

a. Community- men or women living together on a floor, wing, or building with the intentional purpose of transforming their lives.

b. Consistency- being able to work with prisoners on a frequent and consistent basis – daily if possible

c. Character—a focus on the moral and personal issues that led to criminal behavior

d. Comprehensive – holistic in nature and includes spiritual formation, education, vocational training, substance abuse treatment, life skills training, parenting training, etc.

e. Continuous – it begins in prison and continues in as they are released from prison into the community.

f. Collaborative— it is a collaborative process that must involve many individuals, government agencies, the business community, faith based institutions, and non-profits.

As a state legislator I made the mistake of thinking that locking people up made our communities safer. Only when I was in prison did I realize that most inmates will be released someday, and locking so many of our people in prison while doing nothing to prepare them for their release is very dangerous. I commend this committee and your staff for calling attention to the horrible toll that overincarceration is taking on American society.