

**Statement By
Congressman Robert C. “Bobby” Scott
Chairman
Subcommittee on Crime, Terrorism, and Homeland Security**

“Mass Incarceration in the United States: At What Cost?”

Thank you, Mr. Chairman. And thank you, Chairman Webb and Vice Chairwoman Maloney for the opportunity to be with you today as we discuss this very important subject of the cost of the mass incarceration we have in the United States. Today, the U.S. is the world’s leading incarcerator, by far, with an average incarceration rate over 7 times the international average. The average incarceration rate in the rest of the world is about 100 per 100,000 citizens. The rate in the U.S. is over 700 per 100,000 residents, and in some inner-city communities, the rate goes over 4,000 per 100,000. Russia is the next closest in rate of incarceration with 611 per 100,000 citizens. Everybody else is much below, such as India, the world’s largest Democracy, with 30 per 100,000 and China, the world’s largest country by population, with a rate 118 per 100,000.

We didn’t get to this position overnight. I have learned that when it comes to crime policy, you have a choice – you can reduce crime or you can play politics. The politics of crime call for so-called “tough on crime” approaches such as more life without parole, mandatory minimum sentences, and treating more juveniles as adults or gang members. Under the get tough approach, no matter how tough you were last year, you have to get tougher this year. We have been getting tougher year-by-year for over 30

years now. Since 1970, we have gone from around 300,000 persons incarcerated in the U.S. to over 2 million, and annual prison costs now are over \$65 billion this year.

And the U.S. has some of the world's most severe punishments for crime, including for juveniles. Of the more than 2200 juveniles sentenced to life without parole, all but 12 are in the U.S.

Research and analysis, as well as common sense, tell us that no matter how tough you are on the people you prosecute for crime today, unless you are addressing the reasons they got to the point to commit the crimes in the first place, the next wave developing in the system will simply replace the ones you take out and crime continues. This is not to say that we shouldn't prosecute crimes or that imprisonment has no impact. The problem is that you reach the point of diminishing returns in a particular case with no appreciable benefit. In fact, you run the risk of it diminishing returns to the point of actually being counterproductive, such as when you have so many in a neighborhood with criminal records that a criminal record no longer represents a stigma or provides an effective deterrent to crime.

A corollary cost of the mass incarceration resulting from "tough on crime" politics is the fact that it falls in a grossly disproportionate manner on minorities, particularly Black and Hispanic youth. The sad reality is that many children born in minority communities today are, from birth, without an appropriate intervention, on a "cradle to prison pipeline". When we see how simple it is to get them on a "cradle to *college*

pipeline”, it is tragic, and much more costly to society, economically and socially, if we don’t do so. There are also other costs to consider when crime rates are high, such as the medical costs associated with gun crimes. One study estimated the annual cost of gun violence in the U.S. to be \$100 billion.

Fortunately, we have a choice. All the credible research and evidence shows that a continuum of evidenced-based programs for youth identified as being at risk of involvement in delinquent behavior, and those already involved, will not only put kids on an appropriate “pipeline”, but will save much more than they cost when compared to the avoided law enforcement, prison and other costs. Washington State did an extensive study showing that evidenced-based prevention and rehabilitation programs reduce crime and save money when compared to waiting for crimes to be committed and sending offenders to prison. Washington State adopted many of these initiatives and consequently has avoided the necessity of building new, expensive prisons. The question is whether we have the political will to make that choice. Washington made that choice, adopted the policy, avoided building more prisons, and reduced crime at the same time.

There is also a huge opportunity cost to not doing what research and evidence says will reduce crime. To illustrate, let’s examine the impact in Virginia of the lost opportunities associated with the tough on crime sound byte “abolish parole”. Rather than invest in proven crime reduction measures that work, Virginia chose to go down the costly and wasteful path of abolishing parole. Despite the proponents claim, even if it worked perfectly, the reduction in violent crime would be a statistically insignificant 3%,

and even that would be without considering the counterproductive effects of no parole, such as the fact that you can't hold hardened criminals longer and the loss of an incentive for prisoners to get an education and job training while in prison. They estimated the cost of abolishing parole was \$2.2 billion to build new prisons and about a billion in annual operating costs. Doing some back of the envelope arithmetics, let's see what we can do with that kind of money. There are 11 Congressional districts in Virginia, so that's about \$200 million for construction and about \$90 million for operations per Congressional district of 600,000 people. So for a city of around 100,000, you're talking about more than \$30 million for construction and \$15 million operating.

Alternatively, here's what you could do with that kind of money in a small city:

Construction:

10 - \$3 million Boys and Girls Clubs or family resource center30M

Operating:

10 clubs or centers @\$600,000/yr 6M

1,000 summer jobs @ \$1,000.....1M

1,000 summer camp scholarships @\$1,000.....1M

4,000 after school programs @\$250.....1M

2,000 college scholarships @\$2,000..... 4M

Services for 200 juveniles @\$10,000/year..... 2M

So you can spend money codifying a slogan without knowing whether you are reducing or increasing crime or you can spend the same amount of money, or even less,

on evidenced-based prevention programs and rehabilitation programs proven to reduce crime.

Of course, having so many people locked up, we are now seeing a huge number returning to our communities, in most cases no better off than when they left and, in all to many cases, much worse. This year, more than 650,000 people will be released from State and Federal prisons, along with more than 9 million people leaving local jails. According to the Department of Justice's Bureau of Justice Statistics, some 67% of offenders leaving state and federal prison are rearrested within 3 years. Most offenders go into prison unskilled, poorly educated, and poorly motivated and over one-third of all jail inmates have some physical or mental disability. With no parole, no good conduct credits or other self-development incentives, limited vocational or other development programs in prison, and all the disqualifications that result from a felony record, it is not hard to see why the recidivism rate is so high.

One program in the federal prison system that has proven to be a huge incentive program for not only good conduct and safer, easier to manage prisons, and getting an education required to qualify for it, but has also for developing work skills proven to increase employment after release and reduce crime, is the Federal Prison Industries, or FPI. program. Unfortunately, a provision in the just passed Senate Defense Authorization bill essentially guts the FPI program.

The Second Chance Act now pending before the Congress provides a host of evidenced-based approaches designed to reduce the high rate of recidivism now occurring. If we are going to continue to send more and more people to prison with longer and longer sentences, we should do as much as we reasonably can to assure that when they do return they don't go back to prison due to new crimes. The primary reason for doing so is not to benefit offenders, although it does – the primary reason for doing so is to better assure that all of us and other members of the public will not be victims of crime due to recidivism and to save the high cost of law enforcement and incarceration .

Again, Mr. Chairman, I would like to thank you for holding this very important hearing and for inviting me to sit with you for it. Thank you.