**Statement of Senator Patrick Leahy (D-Vt.),**
**Chairman, Senate Judiciary Committee,**
**Hearing on "Oversight of the Bureau of Prisons & Cost-Effective**
**Strategies for Reducing Recidivism"**
**November 6, 2013**

This is the second hearing this fall in which the Judiciary Committee turns its attention to the unsustainable growth in the federal prison population. In the last 30 years, the Bureau of Prisons has seen a 700 percent increase in its population, which now accounts for a full quarter of the Justice Department's operating budget.

This dramatic increase in the prison population threatens public safety and critical funding for victim services. As BOP's budget diverts more and more resources from the basic law enforcement functions of the Department of Justice, we are losing the prosecutors and agents necessary to investigate and charge the crimes that threaten our communities. We are cutting support for the critical work of our state and local law enforcement partners and the victim services providers that help rebuild lives. And we are placing the men and women who work and live in our prison facilities at ever greater risk. It is urgent that we act to reverse these trends.

Overcrowding in the high security facilities which house some of the most dangerous inmates in the Federal system is at 55 percent. That level of crowding is unacceptable and its risks are real, as evidenced by the tragic murder of Correctional Officer Eric Williams at USP Canaan in Pennsylvania earlier this year. Our hearts go out to his family and it is time we take action.

As we discussed at the Committee's hearing in September, the main drivers of prison growth are front-end sentencing laws enacted by Congress, like the proliferation of mandatory minimum sentences that send more and more people to prison for longer and longer periods of time, often completely devoid of evidence suggesting they are necessary or appropriate. I am committed to addressing sentencing reform this year - as I know other Senators are from both sides of the aisle. It is a problem that Congress created and it is time that we fix it. Public safety demands it.

But it is also true that there are important steps that can be taken to reduce the prison population already in custody. For example, the first and easiest thing we could do is to clarify how good time credit is calculated to ensure that prisoners may earn the 54 days a year for appropriate behavior that Congress intended, rather than the 47 days BOP actually credits them. This was a change I included in the Second Chance Reauthorization Act of 2011 and a reform I understand Senator Whitehouse will champion in a bill he plans to introduce soon. This very modest change would save BOP tens of millions of dollars a year, a savings that we can reinvest in our law enforcement efforts.

We must also look at reducing recidivism. More than 90 percent of Federal inmates will be released from prison at some point and return to our communities. Public safety demands that we do all we can to ensure that when they are released they are prepared to become productive members of society. That is why I have led efforts to reauthorize the Second Chance Act and other initiatives to improve reentry. I look forward to hearing what efforts are underway at the

Bureau to improve evidence-based programing to reduce recidivism. I know this is an interest shared by many members of this Committee, including Senators Whitehouse and Cornyn.

There are also several existing programs that the Bureau of Prisons could make better use of to reduce overcrowding, including fully utilizing the residential drug abuse program.  This program is an important component of BOPs efforts to reduce recidivism. According to a recent GAO report, less than 19 percent of the inmates who successfully completed the program in 2009 to 2011 received the full 12-month reduction in sentence the law allows. Instead they received an average 8-month reduction, costing BOP over $100 million in unnecessary expenses over that time.  Additionally, the GAO found that the BOP did not fully utilize its authority under the Second Chance Act to allow inmates to serve the last 12 months of their sentence in pre-release community corrections.  Instead, inmates serve an average of less than 4 months in community corrections; again, costing the Bureau significant unnecessary expense.

In addition to these pressing budget and public safety questions, I look forward to hearing from the director on other critical issues, including steps the Bureau is taking to reduce its use of solitary confinement, how BOP conducts oversight of conditions in its contract detention facilities or private prisons, the status of BOPs compliance with the Prison Rape Elimination Act regulations, and efforts by the Bureau to reduce interstate phone rates in response to the new rule issued by the FCC.

Lastly, I want to commend Director Samuels and his staff for their prompt attention to concerns I raised along with other Senators, including Senator Blumenthal, regarding the proposed closing of the only secure facility for female inmates in the Northeast.  We were very pleased to learn earlier this week that the Bureau took our concerns to heart and have drafted an alternative plan that will allow those prisoners from the Northeast to remain closer to their families.  There is no question that maintaining family ties is a critical element in easing reentry to the community and I applaud the Bureau's efforts in this instance. I also want to note the Bureau's establishment of a working group to look at the specific needs of incarcerated women. For far too long, the specific needs of women inmates have been simply an afterthought within the larger prison system. I look forward to hearing about the Bureau's efforts to meet the unique needs of this population in our prison system.

I look forward to hearing from Director Samuels today about steps we here in Congress can take to address these and other important issues in the area of prison management and recidivism reduction. I ask that my full statement be placed in the record.

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