

September 23, 2010

Dear Senator:

On behalf of the American Bar Association and its nearly 400,000 members nationwide, I am writing to urge you to support H.R. 5143, the National Criminal Justice Commission Act of 2010. This legislation passed the House of Representatives on July 27, 2010, and the companion bill, S. 714, was approved by the Senate Judiciary Committee on May 6, 2010. The legislation establishes an independent Commission charged with the responsibility of initiating a comprehensive examination of America's criminal justice system and making recommendations for responsible and effective reforms.

The need for a comprehensive review is clear. At every stage of the criminal justice process – from the events preceding arrest to the challenges facing those reentering the community after incarceration – serious problems undermine basic tenets of fairness and equity, as well as the public's expectations for safety. The result is an overburdened, expensive, and often ineffective criminal justice system.

Today, the machinery responsible for criminal justice is larger and more complex than ever, and the overlap between federal and state law is greater. The United States imprisons 2.3 million of its people, a greater percentage than any other nation in the world. When the number of Americans on probation or parole is included, the total number of people under criminal justice supervision exceeds 7,300,000, 1 in every 31 adults, costing taxpayers over \$57 billion annually. Over-reliance on incarceration and long sentences is expensive, unsafe for inmates and corrections employees alike, and unlikely to achieve the goal of rehabilitation. There are inadequate community resources for the addicted and mentally ill who often end up in jail and prison. And, despite unprecedented numbers of people incarcerated, there are also unprecedented numbers of ex-offenders who, after being incarcerated for lengthy periods, are released without job skills or without treatment for substance abuse, thus facing increased collateral consequences of conviction. It is not surprising that recidivism rates are so high.

States and localities can do – and some have done – a lot to institute cost-effective reforms, but there is little discussion at the federal level about what is wrong with our criminal justice system and how it could be improved. It has been nearly four decades

since the last comprehensive study of our nation's criminal justice system, and it is well past time for another re-examination of our criminal justice priorities: to determine accurately the measures that hold the promise of reducing the number of future victims, to assist those who break the law to avoid the downward cycle of recidivism and become contributing members of their communities, and to assure that taxpayer dollars are spent wisely. This discussion must include state, local, and federal law enforcement officers, prosecutors, defense attorneys, judges, corrections officials, treatment providers, victims, probation and parole officers, academics, victim advocacy groups, other public interest organizations, ex-offenders, and ordinary citizens – all of whom have a tremendous stake in the justice system.

The National Criminal Justice Commission Act of 2010 creates a commission whose members would be appointed by the legislative and executive branch. The Commission would be charged with making findings and recommendations regarding crime prevention and deterrence strategies, improving cost-effectiveness, and ensuring the interests of justice at every step of the criminal justice system.

The Commission study itself would be expected to:

- Put into perspective the various components of the criminal justice system;
- Allow concerned citizens and organizations to present well-grounded criminal justice improvement policies in a forum that will consider them in the context of the criminal justice system as a whole;
- Allow national, state, and local criminal justice programs to showcase their successful policies and programs that might be adaptable in other jurisdictions;
- Encourage criminal justice professionals to define their own goals and consider how these may be integrated into the overall goals of the criminal justice system;
- Promote the adoption of new laws and policies that will facilitate all facets of the criminal justice system working together instead of at cross-purposes; and
- Bring an appropriate balance to the criminal justice system that will maximize public safety and minimize unnecessary adverse effects on offenders, their families and communities.

This is a tall order, but our nation cannot afford to continue down the same path we have been traveling on criminal justice issues. We urge you to vote for H.R. 5143. Passage of this legislation is an important first step in developing evidence-based and cost-effective solutions to improve our criminal justice system and increase public safety.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman