July 12, 2011

The Honorable Patrick Leahy
Chair, Committee on Judiciary
224 Dirksen Office Building
Washington, DC  20510

The Honorable Chuck Grassley
Ranking Member, Committee on Judiciary
152 Dirksen Office Building
Washington, DC  20510

Dear Chairman Leahy and Ranking Member Grassley:

We understand that the Committee may soon consider S. 1231, the Second Chance Reauthorization Act of 2011, legislation recently introduced by the Chair and Senator Rob Portman (R-OH). I write on behalf of the American Bar Association to express our strong support for S. 1231 and to urge its prompt approval by the Judiciary Committee.

S. 1231 is a carefully drawn proposal for reauthorizing the Second Chance Act, which passed with overwhelming bipartisan support and was signed into law in April 2008. The Act is itself a common sense, evidence-based approach to reducing recidivism and improving public safety. It authorized $165 million for programs to assist prisoners to successfully reenter their communities, providing a critical opportunity for a modest investment in “back-end” crime prevention that represents a tiny fraction of federal spending on the criminal justice system. S. 1231 builds on what has been learned since enactment, consolidating eligible programs and reducing the authorization level in view of current budget constraints to $115 million in the Fiscal Year 2013, rising to $155 million in Fiscal Year 2017.

We are particularly enthusiastic about a provision to be included in the Manager’s Amendment that would help offset federal spending on reentry programs while also addressing the dangerous overcrowding that currently exists within the Bureau of Prisons. We urge all members of the Senate Judiciary Committee to support this Manager’s Amendment during Committee consideration of the bill this week.

The federal budget for FY 2010 contained $6 billion for the Bureau of Prisons, an increase of 1,700% since 1980. Over the same time period, the federal prison population has grown from 24,252 in 1980 to 216,902 today,
an increase of over 700%. A provision within the Manager’s Amendment would help address the growing cost of the federal Bureau of Prison by recalculating time credits for prisoners’ good behavior in a manner that conforms with federal law requiring prisoners to serve at least 85% of their sentence.

The Bureau of Prisons estimates that the recalculation, maximizing good time credits at 54 days per year, would save an estimated $41 million in the first year alone and would ease stress on a troubled federal prisons system currently operating at 37% above capacity. The Director of the BOP has testified that overcrowding has created a crisis situation in federal prison facilities that threatens the safety of staff and prisoners.

Reauthorization of the Second Chance Act will authorize crucial resources at a time when they are desperately needed. In 2008, federal and state prisons held over 1.6 million inmates – one in every 198 U.S. residents – and released 735,000 individuals back to their communities. More than 9 million individuals are released from jail each year. Unfortunately, most individuals face numerous challenges when returning to the community from prison or jail, and research indicates that over half are reincarcerated within three years of their release. In a recent report, The Pew Charitable Trusts estimated that, if current growth rates continue, state and federal prisons will grow by 13 percent by 2013, adding more than 192,000 prisoners at a cost of $27.5 billion. According to the Department of Justice’s Bureau of Justice Statistics, jails are growing at an even faster pace. However, research confirms that comprehensive, coordinated services can help formerly incarcerated individuals find stable employment and housing, thereby reducing recidivism.

By providing the resources needed to coordinate reentry services and policies, the Second Chance Act ensures that the tax dollars spent on corrections no longer support a revolving door in and out of prison and jail. State, tribal and local governments, and nonprofit organizations around the country are eager to launch and expand innovative reentry programs, and families and communities are desperate to access the services the Second Chance Act will continue to provide.

We believe the reauthorization of the Second Chance Act deserves the same broad bipartisan support that led to enactment of the Act in 2008. We strongly urge the Members of the Judiciary Committee to favorably report S. 1231 so that it may soon be considered by the full Senate.

Sincerely

[Signature]

Thomas M. Susman

cc: Members of the Committee