

Testimony of Charles Sullivan, Co-Director of CURE, 9/18/08

Department of Justice, Office of Justice Programs Oversight

For the past 35 years I have co-directed a grassroots criminal justice reform organization, Citizens United for Rehabilitation of Errants or CURE. CURE's members are families of people in prison, people in prison, people formerly in prison and other concerned individuals.

When CURE began in Texas in the 70s, I attended meetings of the Texas state criminal justice planning agency which was funded by the Law Enforcement Assistance Administration (LEAA). As you know, LEAA was the forerunner of the Office of Justice Programs.

When I had the opportunity to testify at these Texas meetings, I always pointed out that LEAA funding neglected rehabilitation. Even LEAA nationally recognized this omission by creating a new grant funding section called Part E. I remember then the well-known Dallas County prosecutor Henry Wade pointed this out to me at a hearing. This Part E in LEAA funding helped somewhat. But, 30 years later, I still believe that its successor, OJP, places too little emphasis in supporting evidenced-based adult corrections.

Politics Must Be Removed From Policy-Making

Let me explain. In 1985, CURE expanded to a national organization and we moved to Washington. Since being here, I have been extremely upset by the politics within OJP in regard to two major initiatives. These are The Truth in Sentencing Prison Grants and the Adam Walsh Act.

I believe that policy initiatives of this sort occur when members of Congress are near elections and a sure vote-getter is being perceived as "hard on crime". Another contributing factor is that the OJP does not encourage the involvement of grassroots or nonprofit agencies. At least in our case, we tried but we had no input with the sponsors during the congressional debate on both these landmark bills.

Parole Was Abolished and Prisons Became Pork

From 1996 until 2001, almost three billion dollars was given by the Bureau of Justice Assistance of OJP to states to build or expand prisons

and jails. This was the result of a Democratic Administration and Democratic Congress passing the Violent Offender Incarceration and Truth-in-Sentencing Incentive Program in the Crime Bill of 1994.

Half of the funding was formula grants but a condition of the other half was that states were encouraged to abolish parole. A strong case can be made that this program is one of the reasons why the United States with only 5% of the world's population now has 25% of the people in prison in the world. Also, by removing the flexibility of parole, violent offenders would actually be released earlier under this new no-parole system.

Neither during the Crime Bill debate nor in the six-year implementation of this massive prison building program, did I see much information communicated to Congress by OJP regarding how this would dramatically increase our national incarceration rate.

In my opinion, OJP basically went along to get along! Only after intense criticism by a few members of both parties in Congress did this prison grant program open up the funds to alternatives and other correctional needs. By then, however, the damage had been done! Many states were willing to build prisons even if they were not needed and OJP knew this was wrong. Sadly, they kept quiet.

Adam Walsh Act: Using a Sledgehammer when a Hammer is needed

The VOI/TIS grant program came about when the Democrats controlled the executive and Congress. In the same way, the recently passed Adam Walsh Act (AWA) also became law when the White House and leadership on Capitol Hill were of the same party. But this time, it was in Republican hands. And similar to what happened a dozen years earlier in the Crime Bill, AWA, in my opinion, can be characterized as the political tail wagging the policy dog.

Basically, AWA perpetuates three myths 1) The recidivism rate for sex offenders is high. In fact, a study by OJP's Bureau of Justice Statistics shows that recidivism rates for sex offenses are among the lowest of all types of crimes.

2) Most sex offenses are committed by strangers. Again, a BJS report states that most sex offenses occur in families and a 2000 study points out

that 93% of victims of child sexual abuse knew the perpetrator.

3) Treatment does not work. On the contrary, nationally respected programs like Dr. Fred Berlin's in Baltimore have a success rate of near 90%. Although there are token mentions of treatment in AWA, the SMART Office created in OJP by AWA doesn't even include treatment, rehabilitation or management in its acronym.

OJP again failed to communicate this most important information in the AWA debate in Congress and now in its implementation of the Act. Because of these failures and because of the violation of civil liberties, AWA has been described as falling apart at its seams. Daily we read about the courts ruling against it.

Like the prison grant program, there will probably be an amelioration down the road. In the meantime, the country is spending precious resources and many people, especially the young, will have already been ruined for life by having criminal records based on sin not crime.

Solution 1: Bipartisan Leadership and Advisory Committee

In both these examples, OJP staff knew these policy decisions were wrong. But, no one spoke up. I suspect that was because of staff allegiance to those who hired or appointed them. I would suggest that there be bipartisan leadership at the top of OJP similar to the Federal Communications Commission or the Equal Economic Opportunity Commission.

In fact, LEAA had a bipartisan structure. Although this will not completely eliminate politics from OJP decisions, it will go a long way toward reducing the extremism that occurred in the prison grant program and is going on now in the Adam Walsh Act.

In addition, there must be an independent advisory committee that is also bipartisan. In my opinion, the Reporting of Deaths in Custody legislation is a model of what OJP can do. This bill has always had strong bipartisan leadership. Staff of the Bureau of Justice Statistics, which implements this reporting bill, has met with myself and even made a presentation at a national CURE convention.

In effect, they have reached out to a grassroots organization like us and

I can say we have a real partnership. This is somewhat true too with a few past and present staffers of the National Institute of Justice, the research arm of OJP. But, being on a first name basis with OJP is an exception not the rule. Thus, most organizations like ours have no idea what OJP is and what it is doing with its 3 billion dollar budget.

Solution 2: Utilize Pilot Programs

Criminal justice policy is much more complicated than many people realize. It tends to be an emotion-charged subject involving millions of unique people, millions of unique crimes, and thousands of unique communities. Many communities are fiscally strapped.

It seems obvious to me that, before we rush to implement a new policy on a national scale, we should pilot the program. Any pilot should begin with clear expectations and should include an appraisal of problems and successes conducted by an impartial party which must not in any way have a conflict of interest. This means an absolute prohibition on receiving any money from OJP in the future or in the past. In my opinion, this did not happen before Congress passed the Truth in Sentencing Prison Grant Program in '94 nor in the Adam Walsh Act two years ago.

In summary, I strongly recommend bipartisanship in decision-making, an advisory committee where liberal and conservative organizations provide advice that is taken seriously, and the creation of robust pilot programs. If this is done, I think that the Office of Justice Programs will substantially improve its most important evidence-based crime-reduction policies and be in a much better position to communicate objective information to legislative and executive decision-makers.