

# SEN. WEBB'S NATIONAL CRIMINAL JUSTICE COMMISSION ACT OF 2009

October 2009

## SUMMARY

The **National Criminal Justice Commission Act of 2009**, introduced by Senator Jim Webb on March 26, 2009, creates a blue-ribbon commission charged with undertaking an 18-month, top-to-bottom review of our entire criminal justice system. Its task will be to propose concrete, wide-ranging reforms designed to improve public safety, cost effectiveness, and fairness at all levels of the criminal justice system.

The proposals should include recommendations to reduce the overall incarceration rate; improve federal and local responses to international and domestic gang violence; provide federal, state, and local law enforcement with better resources to combat violent crime; restructure our approach to drug policy; improve the treatment of mental illness; improve prison administration; and establish a system for reintegrating ex-offenders.

## WHY THIS LEGISLATION IS URGENTLY NEEDED

- The United States has by far the world's highest incarceration rate. With five percent of the world's population, our country now houses twenty-five percent of the world's reported prisoners. More than 2.38 million Americans are now in prison, and another 5 million remain on probation or parole.
- While violent crimes have decreased by 32% since 1989, our prison population has skyrocketed over the past two decades as we have incarcerated more people for non-violent crimes and acts driven by mental illness or drug dependence.
- The costs to our federal, state, and local governments of keeping repeat offenders in the criminal justice system continue to grow; at the same time, resources like re-entry programs are haphazard and often nonexistent, only compounding the problem of recidivism.
- Corrections officials and prison and jail administrators face significant challenges in maintaining safe and effective prison and jails where conditions vary due to overcrowding and a lack of funding, resources, and support.
- Existing practices too often incarcerate people who do not belong in prison and bog down law enforcement from locking up the more serious, violent offenders who are a threat to our communities.
- With approximately one million gang members fueling as much as 80 percent of the crime in some locations, it is in the interest of every American that we enable law enforcement to focus on the violent gangs and cartels that now operate in more than 230 communities across the country.
- Mass incarceration of illegal drug users has not curtailed drug usage. The multi-billion dollar illegal drugs industry remains intact, with more dangerous drugs continuing to reach our streets.

- Incarceration policies have had a disproportionate impact on minority communities with a dramatic increase in the incarceration of women in the last 30 years.

## LEGISLATION: REVIEW AND FINDINGS

*The Commission shall conduct a comprehensive review all areas of Federal, State, and Local criminal justice practices and make specific findings, to include an examination of:*

- Reasons for increase in the U.S. incarceration rate compared to historical standards
- Incarceration and other policies in similar democratic, western countries
- Prison administration policies, including the availability of pre-employment training programs and career progression for guards and prison administrators
- Advances in policing and corrections, including best practices in crime-reduction strategies and tactics, staff training, recruitment, and retention
- Costs of current incarceration policies at the federal, state & local level
- The impact of gang activities, including foreign syndicates
- Drug policy and its impact on incarceration, crime and sentencing
- Policies as they relate to the mentally ill
- The historical role of the military in crime prevention and border security
- Any other area that the Commission deems relevant

## LEGISLATION: COMPOSITION OF THE COMMISSION

The Commission will be composed of 13 members appointed by the President in conjunction with leadership from the Senate and House of Representatives and in consultation with the House and Senate Judiciary Committee leadership.

The Commission will be representative of all levels of Federal, State, and Local governments and display expertise and experience in a range of areas including but not limited to law enforcement, criminal justice, prison administration, prisoner reentry, and victims rights.

In making recommendations, the Commission is also charged to take prior relevant commission's work into consideration and to consult with government and nongovernmental leaders as it conducts public hearings in various locations around the United States.

## LEGISLATION: DUTIES OF THE COMMISSION

*The Commission shall make recommendations for policy changes designed to:*

- Re-focus incarceration policies to reduce the overall incarceration rate while preserving public safety, cost-effectiveness, and societal fairness
- Identify effective practices in preventing crime and assisting victims
- Decrease prison and jail violence
- Improve prison administration, including competence & career enhancement of administrators
- Establish meaningful re-entry programs for ex-offenders
- Reform our nation's drug policies, reduce illegal drug use, and improve treatment for addiction
- Improve treatment of the mentally ill
- Improve responses to international & domestic criminal activity by gangs & cartels
- Reform any other aspect of the system the Commission determines necessary

## SENATE COSPONSORS, SUPPORTERS

The **National Criminal Justice Commission Act of 2009** has garnered wide support from Senate leadership, the Senate Judiciary Committee, and the Obama Administration.

### 34 Current Cosponsors Include (As of October 29, 2009):

- |  |                                       |
|--|---------------------------------------|
| 1. Sen. Mark Begich, [D-AK]            | 18. Sen. Patrick J. Leahy, [D-VT] *   |
| 2. Sen. Jeff Bingaman, [D-NM]          | 19. Sen. Carl Levin, [D-MI]           |
| 3. Sen. Sherrod Brown, [D-OH]          | 20. Sen. Blanche L. Lincoln, [D-AR]   |
| 4. Sen. Roland Burris, [D-IL]          | 21. Sen. Claire McCaskill, [D-MO]     |
| 5. Sen. Benjamin L. Cardin, [D-MD] *   | 22. Sen. Jeff Merkley, [D-OR]         |
| 6. Sen. Thomas R. Carper, [D-DE]       | 23. Sen. Patty Murray, [D-WA]         |
| 7. Sen. Robert P. Casey, Jr. [D-PA]    | 24. Sen. Bill Nelson, [D-FL]          |
| 8. Sen. Richard Durbin, [D-IL] *       | 25. Sen. Harry Reid, [D-NV]           |
| 9. Sen. Al Franken, [D-MN] *           | 26. Sen. Bernard Sanders, [I-VT]      |
| 10. Sen. Kirsten E. Gillibrand, [D-NY] | 27. Sen. Charles E. Schumer, [D-NY] * |
| 11. Sen. Lindsey Graham, [R-SC] *      | 28. Sen. Olympia J. Snowe, [R-ME]     |
| 12. Sen. Kay Hagan, [D-NC]             | 29. Sen. Arlen Specter, [D-PA] *      |
| 13. Sen. Tom Harkin, [D-IA]            | 30. Sen. Jon Tester, [D-MT]           |
| 14. Sen. Orrin G. Hatch, [R-UT] *      | 31. Sen. Mark Udall, [D-CO]           |
| 15. Sen. John F. Kerry, [D-MA]         | 32. Sen. Mark R. Warner, [D-VA]       |
| 16. Sen. Mary L. Landrieu, [D-LA]      | 33. Sen. Sheldon Whitehouse, [D-RI] * |
| 17. Sen. Frank R. Lautenberg, [D-NJ]   | 34. Sen. Ron Wyden, [D-OR]            |

\* Indicates Member of the Senate Judiciary Committee

## NATIONAL ORGANIZATIONS AND BUSINESS ENDORSEMENTS

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|---|--|
| - AdvoCare  | - Corporation for Supportive Housing                                 |
| - American Academy of Child and Adolescent Psychiatry   | - The Correctional Association of New York                           |
| - American Civil Liberties Union  | - Correctional Education Association                                 |
| - Americans for Democratic Action   | - Council of Juvenile Correctional Administrators                    |
| - American Humanist Association   | - Criminon International   |
| - American Jail Association   | - Citizens United for Rehabilitation of Errants                      |
| - The Association for Behavior Analysis International, Special Interest Group in Crime, Delinquency, and Forensic Behavior Analysis | - Chapter for Veterans   |
| - American Probation and Parole Association   | - Disciples Justice Action Network                                   |
| - Attention Deficit Disorder Association  | - Drug Policy Alliance   |
| - Biomass Coordinating Council of the American Council On Renewable Energy  | - Drug Reform Coordination Network                                   |
| - Carnevale Foundation  | - Families Against Mandatory Minimums                                |
| - Church of Scientology   | - FedCURE  |
| - The Coalition for Juvenile Justice  | - Friends Committee on National Legislation                          |
| - College Parents of America  | - The Fortune Society, The David Rothenberg Center for Public Policy |
| - Community Action Partnership  | - Goodwill Industries  |
| - The Convict Criminology Group   | - Haymarket Center   |
|   | - Human Rights Watch   |
|   | - The Innocence Project  |
|   | - The Inner Voices   |

- Interfaith Drug Policy Initiative
- International Community Corrections Association
- International CURE -- Citizens United for Rehabilitation of Errants
- Just Detention International
- Law Enforcement Against Prohibition
- Leaders in Community Alternatives, Inc. (national headquarters, CA)
- Legal Action Center
- Marijuana Policy Project
- Methadone Support Organization
- The National Association for the Advancement of Colored People
- The National Advocacy Center of the Sisters of the Good Shepherd
- National African American Drug Policy Coalition
- National Alliance of Faith and Justice
- National Association of Blacks in Criminal Justice
- National Association of Criminal Defense Lawyers
- National Association of Social Workers
- National Black Police Association
- National Center on Institutions and Alternatives, Inc.
- National Congress of Black Women, Inc.
- National Correctional Industries Association
- National Council of the Churches of Christ in the USA
- National Council on Crime and Delinquency, NCCD Center for Girls and Young Women
- National Criminal Justice Association
- National Disability Rights Network
- National Employment Law Project
- National HIRE Network
- National Institute for the Study, Prevention and Treatment of Sexual Trauma
- National Legal Aid & Defender Association
- National Organization for the Reform of Marijuana Laws
- NETWORK, A National Catholic Social Justice Lobby
- North American Family Institute
- November Coalition
- Presbyterian Church (U.S.A), Washington Office
- Providence Service Corporation (national headquarters, AZ)
- Safe Streets Arts Foundation
- The Safer Foundation
- The Sentencing Project
- Sex Abuse Treatment Alliance and CURE-SORT
- Students for Sensible Drug Policy
- Therapeutic Communities of America
- Union for Reform Judaism
- Unitarian Universalist Association of Congregations
- United Church of Christ, Justice and Witness Ministries
- United Methodist Church, General Board of Church and Society
- The WestCare Foundation
- Women of Reform Judaism