



The Conservative Case for Reform

1. Public Safety

Although crime has declined in recent years, more than 10 million violent and property crimes were reported in 2012. Because government exists to secure liberties that can only be enjoyed to the extent there is public safety, state and local policymakers must make fighting crime their top priority, including utilizing prisons to incapacitate violent offenders and career criminals. Prisons are overused, however, when nonviolent offenders who may be safely supervised in the community are given lengthy sentences. Prisons provide diminishing returns when such offenders emerge more disposed to re-offend than when they entered prison.

2. Right-Sizing Government

Nearly 1 in every 100 American adults is in prison or jail. When you add in those on probation or parole, almost 1 in 33 adults is under some type of control by the criminal justice system. When Ronald Reagan was president, the total correctional control rate was 1 in every 77 adults. This represents a significant expansion of government power. By reducing excessive sentence lengths and holding nonviolent offenders accountable through prison alternatives, public safety can often be achieved consistent with a legitimate, but more limited, role for government.

3. Fiscal Discipline

The prison system now costs states more than \$50 billion per year, up from \$11 billion in the mid-1980s. It has been the second-fastest growing area of state budgets, trailing only Medicaid, and consumes one in every 14 general fund dollars. Conservatives must address runaway spending on prisons just as they do with education and health care, subjecting the same level of skepticism and scrutiny to all expenditures of taxpayers' funds.

4. Victim Restoration

In 2008, Texas probationers paid \$45 million in restitution to victims, but prisoners paid less than \$500,000 in restitution, fines, and fees. Making victims whole must be prioritized when determining appropriate punishments for offenders. The criminal justice system should be structured to ensure that victims are treated with dignity and respect and that they may participate in the criminal justice process and receive restitution.

5. Personal Responsibility

With some 5 million offenders on probation or parole, it's critical that the corrections system hold these offenders accountable for their actions by holding a job or performing community service, attending required treatment programs, and staying crime- and drug-free. When the system has real teeth, the results can be dramatic: offenders subject to swift, certain and commensurate sanctions for rule violations in Hawaii's HOPE program are less than half as likely to be arrested or fail a drug test.

6. Government Accountability

More than 40 percent of released offenders return to prison within three years of release, and in some states, recidivism rates are closer to 60 percent. As Newt Gingrich and Mark Earley have asked, "[i]f two-thirds of public school students dropped out, or two-thirds of all bridges built collapsed within three years, would citizens tolerate it?" Corrections funding should be partly linked to outcomes and should implement proven strategies along the spectrum between basic probation and prison.

7. Family Preservation

According to *National Review*, "40 percent of low-income men who father a child out of wedlock have already been in jail or prison by the time their first son or daughter is born." The family unit is the foundation of society. In a society in which too many young men are incarcerated, marriage rates are depressed and far too many children grow up in single-parent homes. Instead of harming families, the corrections system must harness the power of charities, faith-based groups, and communities to reform offenders and preserve families.

8. Free Enterprise

The Constitution lists only three federal crimes, but the number of statutory federal crimes has now swelled to around 4,500. This is to say nothing of the thousands of bizarre state-level crimes, such as the 11 felonies in Texas related to the harvesting of oysters. The explosion of non-traditional criminal laws grows government and undermines economic freedom. Criminal law should be reserved for conduct that is blameworthy or threatens public safety, not wielded to regulate non-fraudulent economic activity involving legal products.