

Dylan and the DoJ? The times they are a-changin'

BY DENISE WELCH
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In 1963, Bob Dylan wrote his famous ballad "The Times They are A-Changin'" to capture the spirit of the social and political upheaval that characterized the 1960s. The song is a call for people to come

together in a movement for social progress and became something of an anthem for many working for civil rights, women's rights and more. For 50 years, its lyrics have been quoted as a reflection of changing and shifting

ideologies.

It appears that the United States is in the midst of changing times once again. After decades of tough-on-crime approaches to public safety — lengthy mandatory minimum sentences, harsh drug sentences and three-strike laws — the country found itself warehousing massive numbers of people in prison, at extraordinary cost. The economic crisis of 2008 seems to have been the proverbial straw that broke the camel's back, and many states began implementing smart cost-saving approaches to public safety, including sentencing reform and other alternatives to incarceration.

In August, Attorney General Eric Holder put a national voice to the budding movement to reform our criminal justice system. Many states, including Oregon (see "Oregon's Public Safety Destiny" in the Winter 2013 issue of the Partnership for Safety and Justice newsletter, Justice Matters, available on our website at www.safetyandjustice.org), have begun implementing reforms that are seeing positive results. States such as Texas, with

reputations for having particularly harsh justice systems, expanded their drug court system, allocated substantial funding to create parole and probation treatment programs and alternatives to incarceration for technical violations, and expanded access to halfway house re-entry services. Texas's success was impressive. It saw a 20 percent reduction in the need for prison beds and saved millions of dollars while seeing its crime rate continue to drop (see "Some 'Smart on Crime' Reforms that are Working" in the Winter 2011 issue of Justice Matters).

The U.S. Department of Justice has just published "Smart on Crime: Reforming the Criminal Justice System for the 21st Century." The report outlines the preliminary results of a comprehensive review of the federal criminal justice system, which looked to identify reforms that "ensure federal laws are enforced more fairly and — in an era of reduced budgets — more efficiently." The report found "a need for a significant change in our approach to enforcing the nation's laws. Today, a vicious cycle of poverty, criminality and incarceration traps too many Americans and weakens too many communities."

The publication of this federal report coincided with Holder's speech at the annual meeting of the American Bar Association's House of Delegates. The speech was covered widely in the press because it marked such a significant revolution in tone: for the first time in over 40 years, tough-on-crime rhetoric was being replaced with a call to reduce over-incarceration and racial disparities in our criminal justice system — and by someone with the political standing to make headlines across the country.

For those of us who have been working to reform a criminal justice system that doesn't

serve anyone well, it is music to our ears to hear the nation's top law enforcement official have the courage to speak so candidly about the flaws in our system and to propose so much reform. Saying that "we simply cannot prosecute or incarcerate our way to becoming a safer nation," Holder's argument that we must pursue "new ways to promote safety, deterrence, efficiency and fairness" echoes the "smarter-not-tougher" position that we here at PSJ have been working for since our founding in 1999.

It's taken a long time, but it seems there is finally a nationwide movement to shift the political landscape away from a harsh system driven by fear and prejudice — of bushy-haired strangers, drug-crazed thugs, and streets full of roaming young superpredators — to a thoughtful consideration of what works to keep our communities safe. Holder is right. We tried the "incarcerating our way to safety" route — and look where that got us.

The United States has the highest incarceration rate in the world: 50 percent higher than Russia's and 320 percent higher than China's. According to the Pew Center on the States, there are more than 2.2 million people behind bars in the U.S., and another 4.6 million under some form of correctional control. This is not because the U.S. has a higher crime rate than other countries, but because we imprison more types of people, including non-violent and drug offenders, and we keep them in prison longer.

Dozens of states and now the federal government are looking for and implementing changes, many with considerable success. We feel encouraged. And find ourselves humming a little Dylan tune from time to time.

The U.S. Department of Justice has just published "Smart on Crime: Reforming the Criminal Justice System for the 21st Century" (available online at www.justice.gov/ag/smart-on-crime.pdf).

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