



Department of Justice

STATEMENT OF
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DEPARTMENT OF JUSTICE

BEFORE THE
COMMITTEE ON THE JUDICIARY
OVER-CRIMINALIZATION TASK FORCE
UNITED STATES HOUSE OF REPRESENTATIVES

AT A HEARING ENTITLED
“AGENCY PERSPECTIVES”

JULY 11, 2014

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Timothy J. Heaphy
United States Attorney, Western District of Virginia
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Chairman Sensenbrenner, Ranking Member Scott and Members of the Task Force –
Thank you for providing the Department of Justice the opportunity to appear at today’s hearing.

Last August, in remarks at the Annual Meeting of the American Bar Association’s House of Delegates, the Attorney General spoke of his desire to forge a “more just society,” and “to reform and strengthen America’s criminal justice system.” He said it was “our duty” to “identify those areas we can improve in order to better advance the cause of justice for all Americans.” You have been leaders in precisely that endeavor – leading an important conversation about our justice system.

This Task Force has examined many critical issues and raised many important questions, for example: Has Congress enacted too many Federal crimes? What are the proper roles of the criminal and civil justice systems in protecting our health, safety and environment? Do particular criminal laws contain sufficient *mens rea* requirements to ensure that defendants are held responsible for their offenses?

However, we urge the Task Force to be careful as it considers changes to criminal statutes. Each statute must be examined in light of its specific purpose; its specific and general deterrence goals; the particular conduct it seeks to penalize; and the harm it is meant to prevent.

In addition, the Task Force held several hearings critical of so-called “regulatory crimes.” Again, we strongly encourage the Task Force to proceed cautiously. The “regulatory” laws the Government enforces are critical to protect the health and safety of our citizens. In enacting the Clean Air Act, the Clean Water Act, the Federal Food, Drug, and Cosmetics Act, the Mine Safety and Health Act, and the Occupational Safety and Health Act – to name just a few – Congress rightly determined that it is in our national interest to ensure our families, our neighbors and our communities can breathe clean air and drink clean water, our children consume safe food and medicine, and workers are safe at their plants, mines, factories and offices.

The Task Force has also raised concerns about laws that impose strict liability for certain crimes. Although the vast majority of criminal statutes require the government to prove some level of *mens rea*, or criminal intent, strict liability statutes, such as those aimed at preventing drunk driving, have long been a part of our criminal justice system. They play an important role in protecting the public welfare, including protecting consumers from unsafe food and medicine. In such situations, the law places the burden of compliance on those who are in the best position to ensure that their products and activities are safe, rather than on the people who cannot protect themselves from the harms that those products and activities can cause.

Some witnesses before the Task Force have criticized the enforcement of some health, safety, and environmental laws. They have tended to focus on a handful of cases that have raised

concerns – some legitimate, some not. But, we also urge the Committee to consider the enormous difference these laws have made in the lives of the American people.

The Department of Justice has prosecuted some of the most egregious violators of our Nation's regulatory laws. Those cases have involved illegal pesticide applications that resulted in the deaths of innocent children, hazardous materials violations that caused explosions that killed workers, failure to comply with worker safety rules that caused employees to die from exposures to deadly gases, and Clean Air Act violations that caused explosions killing and injuring company employees. These laws also make it possible to determine responsibility for major disasters, like the BP oil spill and the Upper Big Branch Mine Disaster, and to hold accountable those who endanger the public and the environment through their illegal conduct.

Criminal violations of these laws and regulations that are designed to protect people and our environment can and do have serious consequences.

Congress should think very carefully before weakening these laws.

The Department has an interest in these issues that the Task Force has explored, and we look forward to working with you and to answering your questions about them. For today's purposes, however, we want to focus on a number of initiatives the Department has undertaken to improve Federal sentencing and corrections policies and to urge Congress to enact legislative reforms.

Over the last 20 years, the combined work of Congress, Federal law enforcement, prosecutors, judges, and our State and local partners has been part of a dramatic and unprecedented reductions in violent crime rates across the country to their current, generational lows. As a result of these efforts, communities from coast to coast are safer and more

prosperous. This is a phenomenal achievement of government, and as we look to make further improvements in public safety and justice, we should recognize these achievements.

It is important to also recognize, though, that our crime reduction strategies have included a greatly expanded use of the criminal sanction. As a result, incarceration rates in the country have skyrocketed. Our nation now has the greatest number of prisoners of any country in the world: with just five percent of the world's population, the United States holds nearly a quarter of the world's inmate population.¹ About 1 in 100 U.S. adult residents is currently incarcerated in a state or federal prison, a local jail, or a privately operated correctional facility.² While the number of persons in state prison decreased by almost 55,000 prisoners between 2009 and 2012 (almost 4%), the federal prison population continued to increase.³ The Federal prison population alone has more than doubled since 1994.⁴

The large proportion of our citizens behind bars has had serious budget implications that, unless addressed, will negatively affect public safety. The fact is such extensive use of prison is expensive and unsustainable. Currently, State and Federal governments spend about \$74 billion a year on incarceration. At the Department of Justice, spending on prisons and detention now amounts to almost a third of our budget, compared to 27% in 2000.⁵ As a result, prison spending

¹ INTERNATIONAL CENTRE FOR PRISON STUDIES, WORLD PRISONER POPULATION LIST (2010), *available at* <http://www.idcr.org.uk/wp-content/uploads/2010/09/WPPL-9-22.pdf>.

² LAREN E. GLAZE AND ERINN J. HEBERMAN, CORRECTIONAL POPULATIONS IN THE UNITED STATES, 2012, Bureau of Justice Statistics (2013), p. 2, *available at* <http://www.bjs.gov/content/pub/pdf/cpus12.pdf>.

³ E. ANN CARSON AND DANIELA GOLINELLI, PRISONERS IN 2012 - ADVANCE COUNTS, BUREAU OF JUSTICE STATISTICS (2013; NCJ 242467); Table 1, *available at* <http://www.bjs.gov/content/pub/pdf/p12ac.pdf>.

⁴ HEATHER C. WEST, ET AL., PRISONERS IN 2009, BUREAU OF JUSTICE STATISTICS (2010), Fig. 3, p. 3, *available at* <http://www.bjs.gov/content/pub/pdf/p09.pdf>; *see also* STATISTICS, FEDERAL BUREAU OF PRISONS (updated weekly) *available at* http://www.bop.gov/about/statistics/population_statistics.jsp.

⁵ Statement of Michael E. Horowitz, Inspector General, U.S. Dept. of Justice, before the U.S. House of Representatives, Comm. on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies, concerning oversight of the Dept. of Justice (Mar. 14, 2013), *available at*

has increasingly displaced other crucial justice and public safety investments, including resources for investigation, prosecution, prevention, intervention, assistance to State and local law enforcement agencies, and victims' support.⁶

At the same time that spending on prisons and detention has drastically increased, the Budget Control Act of 2011 sent an unmistakable message that the steady growth in the budgets of the Department of Justice, other Federal enforcement agencies, and the Federal courts that we experienced over the previous 15 years has come to an end. Sequestration imposed further spending cuts, making it even more evident that a rebalancing of Federal criminal justice spending is needed to effectively ensure public safety and protect our families and communities.

As the budgetary threats to criminal justice operations have increased dramatically at all levels, the choices we all face – Congress, the Judiciary, the Executive Branch – are clearer and more stark: control Federal prison spending or see significant reductions in the resources available for all non-prison public safety initiatives. If we fail to reduce our prison population and related prison spending, there will continue to be fewer agents to investigate Federal crimes; fewer prosecutors to bring charges; less support to State and local law enforcement, criminal justice partners and crime victims; less support for treatment, prevention and intervention programs; and cuts in other public safety priorities.

In addition to being expensive, our excessive reliance on incarceration and insufficient investment in prisoner reentry has undermined our ability to effectively address recidivism,

<http://www.cepr.net/documents/publications/incarceration-2010-06.pdf>.

<http://appropriations.house.gov/uploadedfiles/hhr-113-ap19-wstate-horowitzm-20130314.pdf>, at 8 (DOJ requests \$6.9 billion for Bureau of Prisons in FY2013, approximately 26 percent of DOJ's total budget request for the year).

⁶ In Fiscal Year 2000, prisons and detention comprised 27% of the total DOJ budget, 19% for the FBI, 26% for grants, and 28% for all other Department functions, including U.S. Attorneys. In Fiscal Year 2013, prisons and detention comprised 31% of the budget, compared to 30% for the FBI, 31% for other Department functions, and just 8% for grants.

which is a significant part of our crime problem. Prison overcrowding has contributed significantly to the diminished inability of correctional facilities to accomplish two of their primary goals: deterrence and rehabilitation.⁷ In an April 2014 publication, the Bureau of Justice Statistics reports that “Overall, 67.8% of the 404,638 state prisoners released in 2005 in 30 states were arrested within 3 years of release, and 76.6% were arrested within 5 years of release.” Although recidivism rates are lower in the Federal system, they are still unacceptably high. Unreasonably high recidivism rates may cause many Americans to lose confidence in the criminal justice system. The NAACP suggests that the cycle of poverty, criminality, and incarceration has deprived already marginalized individuals of the opportunity to escape poverty.⁸ Such failures of our current approach to criminal justice highlight a need for considerable changes.

Ultimately, our remarkable public safety achievements of the last 20 years would be threatened unless reforms are instituted to make our public safety expenditures smarter and more productive. The Department of Justice already has begun to prioritize and implement key improvements. At the direction of the Attorney General, we have extensively studied all phases of the criminal justice system – including charging, sentencing, incarceration and reentry – to identify which practices are most successful at preventing crime and deterring, incapacitating, treating, and rehabilitating criminals. Our findings indicate a need for significant changes in our approach to enforcing the Nation’s laws, and through the Attorney General’s Smart on Crime

⁷ ALEXIA D. COOPER, ET AL., RECIDIVISM OF PRISONERS RELEASED IN 30 STATES IN 2005: PATTERNS FROM 2005 TO 2010, BUREAU OF JUSTICE STATISTICS (2014), 1, available at <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4986>.

⁸ See *NAACP Supports Passage of Comprehensive Ex-Offender Reentry Legislation*, NAT’L ASSOC. FOR THE ADVANCEMENT OF COLORED PEOPLE, <http://www.naacp.org/action-alerts/entry/naacp-supports-passage-of-comprehensive-ex-offender-reentry-legislation>.

Initiative, we are making those changes. While the aggressive enforcement of Federal criminal statutes remains essential – and we U.S. Attorneys take a back seat to no one in our vigorous enforcement of these laws – many of our current practices, including most notably long incarceration sentences, are financially unsustainable. The Department has identified a set of initial reforms that we hope this Task Force will embrace and help to bring about, including – changing statutory drug penalties; improving reentry programming; reforming prison credits and other incentives to promote more efficient use of prison resources while simultaneously reducing reoffending; investing in evidence-based diversion programs – for example, drug treatment initiatives and veterans courts – that can serve as alternatives to incarceration in some cases; and reducing unnecessary collateral consequences for formerly incarcerated individuals seeking to rejoin their communities.

In August 2013, the Attorney General announced the Department’s commitment to addressing these priority policy areas when he announced the Smart on Crime Initiative, which, in part, prioritizes reforming sentencing practices for low-level drug offenders. Of the 217,000 individuals in the Bureau of Prisons’ custody, nearly half are serving time for drug-related offenses.⁹ The Justice Department is committed to modifying charging and sentencing policies for these offenses both to help control Federal prison spending and to ensure that people convicted of certain low-level, nonviolent Federal drug crimes will face sentences appropriate to their individual conduct. While we continue to support mandatory minimum sentencing statutes, we believe they should be applied only to the most serious criminals. By reserving the harshest

⁹ FEDERAL BUREAU OF PRISONS, INMATE STATISTICS, OFFENSES, *available at* http://www.bop.gov/about/statistics/statistics_inmate_offenses.jsp. *See also* Press Release, Department of Justice, Attorney General Holder Urges Changes in Federal Sentencing Guidelines to Reserve Harshest Penalties for Most Serious Drug Traffickers (Mar. 13, 2014) *available at* <http://www.justice.gov/opa/pr/2014/March/14-ag-263.html>.

penalties for dangerous and violent offenders, we can better promote public safety, deterrence, and rehabilitation by saving billions of taxpayer dollars and reinvesting the savings to strengthen communities. .

The Smart on Crime Initiative is already allowing the Justice Department to make critical improvements; to hold offenders accountable; to conserve precious public safety resources; to improve outcomes; and to disrupt the destructive cycle of poverty, incarceration, and crime that traps too many Americans and weakens entire neighborhoods. However, to most effectively address the issue, congressional action is necessary. The fact that several members of this task force – Congressmen Scott, Labrador, and Bachus – plus Congressmen Chaffetz as well as Senators Durbin, Lee, Leahy and Paul have introduced sentencing reform bills – shows an emerging bipartisan consensus that reform is urgently needed. We strongly urge this Task Force and the House Judiciary Committee to take up this issue this year. Advancing commonsense reforms to make the Federal criminal justice system more effective, more efficient and more just will help us to enhance justice and battle crime more effectively.

The Department strongly supports the legislation introduced by Congressmen Scott and Labrador: the Smarter Sentencing Act. By modestly reducing statutory penalties for certain non-violent drug offenders, the bill could allow billions of dollars to be reallocated to other critical public safety priorities while enhancing the effectiveness of our Federal sentencing system. Enactment of the Smarter Sentencing Act will ensure that law enforcement continues to have the tools needed to protect national security, combat violent crime and drugs, fight financial fraud, and safeguard the most vulnerable members of our society. Enactment of the Smarter Sentencing Act also would address a basic issue of fair treatment for similar offenders: drug

offenders with mandatory minimum sentences imposed before the Fair Sentencing Act would receive the same benefit as those convicted afterwards.

In addition to front-end reforms to the Federal sentencing system, the Department believes that we need “back-end” reforms to enhance the prospects that Federal prisoners will successfully return to their communities. Although enhanced reentry programs alone will not be sufficient to address the Department’s budgetary challenges, they can make an important contribution. Although the Department has some technical concerns, we share the overall goals of legislation introduced by Congressmen Chaffetz and Scott: to improve Federal prisoner reentry, better control the Federal prison population, and reward prisoners who successfully participate in evidence-based programs that assist prisoners with successful reentry.

The kinds of reforms the Department supports are not unprecedented. Indeed, they build on innovative, data-driven reinvestment strategies that have been pioneered at the State level. State leaders – Republicans and Democrats – have begun to transform sentencing and corrections policy across the country. Their efforts have been driven more by practical, on-the-ground knowledge and data than by ideology. In fact, in recent years, at least 18 States – supported by the Department’s Justice Reinvestment Initiative and led by governors, legislators and law enforcement officials from both parties – have directed significant funding away from prison construction and toward evidence-based programs and services – such as community supervision and drug treatment – that are proven to reduce recidivism while improving public safety. The States that have implemented these reinvestment reforms include: Arkansas, Delaware, Georgia, Hawaii, Kansas, Kentucky, Missouri, Louisiana, Mississippi, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, and West Virginia.

Three additional States that are pursuing Justice Reinvestment but have not yet implemented legislation are, Michigan, Nebraska, and Washington. Rather than increasing costs, a new report funded by the Bureau of Justice Assistance projects that these States will actually save \$4.6 billion over an 11-year period.¹⁰ Many have already seen drops in recidivism and overall crime rates even as their prison populations have declined. Although the full impact of our Justice Reinvestment policies and other reforms remains to be seen, it is clear these efforts have achieved important milestones and are continuing to show significant promise across the country.

While the content of Justice Reinvestment legislation differs according to the specific needs and challenges of different jurisdictions, State reforms commonly include two elements that we believe are needed at the Federal level: (1) redirected funding and incentives to reduce reoffending and (2) adjustments to sentencing for non-violent drug offenders. Recent advancements in these areas suggest policymakers and law enforcement agencies at the Federal level can learn a lot from these State initiatives. For example, the reforms in States such as Texas—an early pioneer in the justice reinvestment approach—and the more recent examples of North Carolina and Georgia have already produced tangible results in corrections spending and prison population management, and have coincided with improvements in public safety.

In Texas, the State prison population increased by 300 percent between 1985 and 2005.¹¹ Between 1997 and 2006, probation revocations to prison increased by 18 percent.¹² In 2007 the

¹⁰ URBAN INSTITUTE, ET AL., JUSTICE REINVESTMENT INITIATIVE STATE ASSESSMENT REPORT 3 (2014), *available at* <http://www.urban.org/uploadedpdf/412994-Justice-Reinvestment-Initiative-State-Assessment-Report.pdf>.

¹¹ Statement of Jerry Madden, Texas House of Representatives, U.S. Dept. of Justice, before the U.S. House of Representatives, Comm. on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies, (2009).

Texas legislature enacted Justice Reinvestment legislation reforming corrections by reducing sentencing terms for drug and property offenders from a maximum of ten years to a maximum of five years and by increasing prison capacity for drug and mental health treatment. The law also invests in progressive sanctioning models; social and behavioral intervention programs; and expansion of drug and other specialty courts. The new legislation immediately reduced the anticipated corrections spending from \$523 million to \$241 million.¹³ Moreover, from December 2008 to August 2010, the prison population decreased by 1,125 individuals.¹⁴ There has also been a 25 percent decrease in parole revocations. According to the FBI Uniform Crime Reports, the violent crime rate in Texas peaked in 1991, at 840 violent crimes per 100,000 persons (the violent crime rate for the nation also peaked in 1991).¹⁵ After Texas implemented its sentencing reforms in 2007, the violent crime rate continued to decline, from 510 offenses per 100,000 people in 2007 to 409 per 100,000 in 2011.¹⁶

North Carolina has had similar success. Before Justice Reinvestment, North Carolina's prison population was projected to grow by 10 percent over the next 10 years.¹⁷ It was expected to cost the State \$378 million to build and staff new prison facilities.¹⁸ Probation revocations accounted for 53 percent of prison admissions while only 15 percent of those released from

¹² TEXAS, THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER (2014), <http://csgjusticecenter.org/jr/tx/>.

¹³ THE JUSTICE CENTER, COUNCIL OF STATE GOVERNMENTS, JUSTICE REINVESTMENT IN TEXAS 2 (2009), *available at* <http://www.ncsl.org/portals/1/Documents/cj/texas.pdf>.

¹⁴ MARSHALL CLEMENT, ET AL., THE NATIONAL SUMMIT ON JUSTICE REINVESTMENT AND PUBLIC SAFETY: ADDRESSING RECIDIVISM, CRIME, AND CORRECTIONS SPENDING 58 (2011).

¹⁵ See FBI Uniform Crime Reporting Statistics database: <http://www.ucrdatatool.gov/>.

¹⁶ FEDERAL BUREAU OF INVESTIGATION, UNIFORM CRIME REPORTS, <http://www.fbi.gov/about-us/cjis/ucr/ucr-publications#Crime>.

¹⁷ URBAN INSTITUTE, ET AL., JUSTICE REINVESTMENT INITIATIVE STATE ASSESSMENT REPORT, NORTH CAROLINA 1 (2014), *available at* http://www.urban.org/uploadedpdf/JRI_CaseStudy_North_Carolina.pdf.

¹⁸ *Id.*

prison received post-release community supervision.¹⁹ In 2011, North Carolina passed the Justice Reinvestment Act, which, among other things, requires mandatory supervision of felony parolees; empowers probation officers to recommend the use of swift and certain jail sanctions; and diverts nonviolent, first-time felony drug offenders from prison using second-chance incentives, saving both prison bed space and tax dollars.²⁰ As a result of this legislation, North Carolina now has its lowest prison population since 2007.²¹ The probation revocation rate is down by nearly 15 percent and now accounts for far less than half of new entries to prison.²² These policies are projected to save the State up to an estimated \$346 million over six years in reduced and averted spending on operations and \$214 million in averted construction costs.²³

Georgia is another of the many Justice Reinvestment States that have been able to bring about impressive improvements in incarceration spending and public safety. During the two decades prior to making these criminal justice reforms, the State's prison population more than doubled to nearly 56,000 inmates.²⁴ This caused Georgia to have one of the Nation's highest proportions of adult residents under correctional control.²⁵ Such an explosion in the number of incarcerated individuals placed a substantial burden on Georgia's taxpayers. The State was spending more than \$1 billion annually on corrections, up from \$492 million in 1990.²⁶ Yet

¹⁹ *Id.*

²⁰ *Id.* at 2.

²¹ *Id.* at 3.

²² NORTH CAROLINA, THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER (2014), <http://csgjusticecenter.org/jr/nc/>.

²³ URBAN INSTITUTE, ET AL., JUSTICE REINVESTMENT INITIATIVE STATE ASSESSMENT REPORT, NORTH CAROLINA 2 (2014) available at http://www.urban.org/uploadedpdf/JRI_CaseStudy_North_Carolina.pdf.

²⁴ ²⁴ URBAN INSTITUTE, ET AL., JUSTICE REINVESTMENT INITIATIVE STATE ASSESSMENT REPORT, GEORGIA 1 (2014) available at http://www.urban.org/uploadedpdf/JRI_CaseStudy_Georgia.pdf.

²⁵ *Id.*

²⁶ *Id.*

despite this growth in prison costs, the recidivism rate remained unchanged at nearly 30 percent throughout the past decade.²⁷ In 2012, Georgia's General Assembly enacted a law focused on providing prison space for serious offenders and strengthening probation and court supervision. It also created graduated degrees of penalties for burglary and forgery; raised felony theft thresholds; relaxed mandatory sentences for some drug trafficking; expanded the use of electronic monitoring; required evidence-based corrections practices; and established procedures for risk and needs assessments.²⁸ The legislation is expected to avert the projected prison population growth of about 5,000 inmates during the next five years and reduce the population from current levels.²⁹ Furthermore, policy makers were able to reinvest \$17 million in accountability courts and residential programs for fiscal year 2013.³⁰

In addition to increasing adoption of Justice Reinvestment practices and legislation, several States have also taken the initiative to reform their drug laws and related sentencing policies. For instance, in New York, a 2009 bill revised New York's Rockefeller drug laws by eliminating mandatory minimums for first time offenders convicted of a Class B, C, D, or E drug felony and second time drug offenders convicted of a Class C, D, or E drug felony.³¹ The law also eliminated mandatory minimums for second time offenders convicted of a Class B drug felony who are drug dependent.³² Mandatory minimum sentences for second time Class B and C drug felony offenders with a prior nonviolent conviction were reduced from 3.5 to two years and

²⁷ *Id.*

²⁸ *Id.* at 2.

²⁹ *Id.*

³⁰ *Id.* at 1.

³¹ RAM SUBRAMANIAN & REBECCA MORENO, *DRUG WAR DÉTENTE? A REVIEW OF STATE LEVEL DRUG LAW REFORM, 2009–2013*, VERA INSTITUTE OF JUSTICE 6 (Apr. 2014).

³² *Id.*

from two to 1.5 years, respectively. Similarly, Arkansas' legislature passed reforms in 2011 that shortened mandatory minimum sentences for certain drug offenders.³³

In 2011, Idaho and Kentucky also amended their treatment of certain drug offenses. Idaho expanded eligibility for drug courts to defendants charged with certain violent crimes.³⁴ Kentucky repealed the automatic sentence enhancement for certain subsequent drug offenses, including possession and some offenses involving prescription drugs.³⁵ Additionally, the Kentucky law changed the way drug possession offenses interact with the State's persistent felony offender statute. Under this new law, for example, a first degree drug possession conviction no longer leads to second degree persistent felony offender status upon another non-drug conviction.³⁶

All of these evidence- and results-based efforts across the country have demonstrated that there is much to be learned from the experience of the States. It is time to apply these lessons at the Federal level. Our Smart on Crime initiative and the various legislative proposals are derived from, and complement these State efforts. By controlling prison spending and shifting away from an over-reliance on incarceration, we can focus our limited resources on the most important law enforcement priorities, such as violence prevention and protection of vulnerable populations. Our ongoing initiative is only the beginning of our efforts to modernize the criminal justice system. In the months ahead, the Department will continue to hone an approach that is not only more efficient and more effective at deterring crime and reducing recidivism, but also more consistent with our nation's commitment to treating all Americans as equal under the law. We

³³ *Id.* at 8

³⁴ *Id.* at 20

³⁵ *Id.* at 21.

³⁶ *Id.*

cannot achieve these critical goals, however, without the support of Congress. We urge you to seize this opportunity to make our criminal justice system fairer and to keep the American people safer.

Thank you, once again, for the opportunity to appear before you today. I would be happy to answer your questions.