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MARK L. EARLEY

February 4, 2014

Hon. Eric Holder
Attorney General
United States Department of Justice
J. Edgar Hoover Building
935 Pennsylvania Avenue, N.W.
Washington, DC 20535-0001

Cecilia Munoz
Director
White House Domestic Policy Council
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Sylvia Mathews Burwell
Director
White House Office of Management and Budget
725 17th Street, N. W.
Washington, DC 20503

Dear Attorney General Holder, Director Munoz, and Director Burwell:

I am writing to voice support for the efforts to revision and improve the Edward Byrne Justice Assistance Grant (JAG) program by implementing Success-Oriented Funding. One of the tools of any government is to tie measurable outcomes to funding. Success-Oriented Funding and its new proposed performance measures for JAG emphasize the dual goals of reducing crime and reducing the correctional population, have the potential to vastly increase public safety and the public good.

Having served for 10 years as a Virginia Senator, 4 years as Virginia's Attorney General, and 10 years as the President of Prison Fellowship, I believe there is a rare opportunity for public consensus and bi-partisan support for Success-Oriented Funding for JAG grants. Individuals and interest groups across the political and ideological spectrum can and will support these reforms.

As a Virginia State Senator and Attorney General, I believed that it was in the best public interest to get offenders off the streets and behind bars. With that mindset, I voted for policies that helped increase the prison population such as bills to abolish parole and lowering the age at which juveniles can be tried as adults. Over time, however, I began to understand that public safety is not guaranteed by keeping millions of people in prison. It is important now to create efficient criminal justice policy – one that reduces the size of our correctional population while increasing public safety.

JAG is the nation's largest criminal justice grant program. The federal government sends hundreds of millions of dollars each year through JAG to all fifty states and thousands of cities. Grant dollars are given to police, prosecutors, public defenders, and reentry programs. The JAG program has an outsize impact on nationwide criminal justice activity. It is critical for this program to effectively use funding to improve the criminal justice system.

Improving JAG's performance measures are in line with the Administration's efforts to make federal funding more efficient and goal-oriented, the Justice Department's efforts to reduce the national prison population, and the Office of Justice Programs' ongoing efforts to reform JAG. More robust JAG measures can help create a nationwide shift in criminal justice policy, which can help reduce the number of people caught in the country's criminal justice system.

Implementing Success-Oriented Funding to all federal criminal justice grants would incentivize more policies that produce results, fight crime more effectively, and reduce the incarceration epidemic. It would help make government work better, and more efficiently. Under this funding model, the goals for state and local agencies would be geared toward a system that reduces crime and reduces our correctional population, while making more efficient use of taxpayer money.

I fully support the recommendations of the Brennan Center's report, *Reforming Funding to Reduce Mass Incarceration*. While there are a number of reforms that should be considered, three stand out:

- *Replace current performance measures with new, more robust measures.* These new measures would provide clear objectives to drive toward the twin goals of reducing crime and reducing unnecessary punishment and incarceration.
- *Make all data in recipient reports publicly available.* Lawmakers, advocates, and the public should have access to an online database that aggregates and analyzes performance reports. Access to this information will also assist law enforcement, states, and other recipients to learn from each other and improve best practices.
- *Provide more technical assistance dollars to states to achieve these new measures of success.*

The Justice Department has complete authority to implement these changes. Further, a regulation or formal guidance is not necessary to implement new performance measures; however, such action would cement these improvements by codifying it as a requirement. These sensible improvements only build on the important progress already made, and would go a long way toward enhancing the program and helping reduce the correctional population and associated costs.

Sincerely Yours,


Mark L. Earley Sr.

Former Attorney General of Virginia (1998-2001) and President of the Prison Fellowship (2002-2011)