

United States Senate

WASHINGTON, D.C. 20510

Dear Fellow New Yorker:

Last month, New York City released 610 persons accused of serious crimes from its jails. The City acted pursuant to orders by a federal district court judge. He had ruled that jail overcrowding was so severe as to constitute cruel and unusual punishment forbidden by the Constitution.

It is regrettable that the judge's order did not give equal weight to another provision of the Constitution, the Preamble's stated purpose of insuring domestic tranquility.

The average inmate released by the City pursuant to this federal court order has been convicted five times for rape, larceny, robbery, burglary, or weapons and drug offenses. These career criminals are now back on the street, endangering all New Yorkers. At least one of those released has already been charged with raping a 21-year-old Bronx woman.

New York's experience is not unique. Prisoners have been released in recent months to relieve overcrowding in New Jersey, Pennsylvania, Illinois, and Michigan. Prisons in thirty-nine states are now under court order or in litigation involving charges of overcrowding.

The only responsible answer to this crisis is to expand jail and prison space. The alternatives of reducing the number of arrests and convictions or allowing more prisoner releases are unacceptable. Either of these alternatives would make the phrase, "crime doesn't pay" even more of a joke than it already is.

The sad fact of the matter is that our jails and prisons do not hold enough culprits. New York City's jails, for example, hold only one-third of all felony defendants.

Only 6 percent of burglaries, 21 percent of business robberies, 5 percent of forgeries, and less than 1 percent of drug sales ever result in an arrest. Only a small minority of these arrests ever lead to a conviction. Worse still, only a minority of convictions lead to time served in prison. For example, of 143,035 felony arrests in New York State last year, there were only 32,025 convictions. Of these, only 10,409 felons actually went to prison.

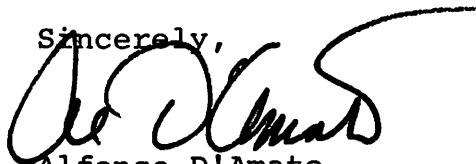
There is some evidence, however, that the need to expand our correctional facilities is being appreciated. The National Institute of Corrections estimates that, as of last July, prison construction projects totalling almost \$2 billion were underway in at least 39 states.

I would like to see even this level of commitment increased. Legislation I have introduced, S. 1005, would provide \$1 billion per year for three years to states on a matching basis to supplement their prison construction and rehabilitation efforts. If this bill were to become law, we would soon experience a 50 percent increase in our prison construction efforts.

We would also be able to put an end to the practice of placing state prisoners in local jails, which is part of the reason jail release programs are now becoming more common. Last year, jails in 17 states were holding 8,217 inmates who would, and should, have been in prison, except for lack of bedspace.

As the criminal records of those in our jails and prisons make clear, neither a slowdown in the rate at which we arrest and convict the dangerous nor another prisoner release program is compatible with community safety. The unavoidable responsibility of government is to provide adequate facilities to hold those we arrest and convict. Community safety and the Constitution's promise of domestic tranquility demand no less.

Sincerely,



Alfonse D'Amato
United States Senator

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