

Testimony of David H. Safavian, Esq.

Chief Operating Officer

Unify.US

Mr. Chairman, Members of the Committee, thank you so much for holding this interim study on the various bills before you. As someone who has worked in politics and public policy for more than three decades, I take great pleasure in seeing up close our democracy at work. Public service is an honorable calling; I appreciate the sacrifices you all make to represent your communities and individual constituents.

By way of background, I am an attorney and a conservative grassroots activist. Presently, I am the Chief Operating Officer of Unify.US. Unify is a tax-exempt nonprofit that seeks to bridge the policy gap within the Conservative movement between faith-driven conservatives and those who are more economically-focused and libertarian-leaning.

I also serve in a number of non-profit advisory positions. I am a member of the United States Sentencing Commission's Sentence Impact Advisory Group, a member of the Board of Advisors of the Council on Criminal Justice, a board member and officer of the Clean Slate Initiative, a board member of the A.I. in Justice Consortium, and a board member and officer of the Virginia Hurricanes Sports Club, a youth-sports organization.

My career has spanned across the Federal government and grass roots politics. I have clerked for a U.S. Magistrate Judge, was a chief of staff for a Member of Congress, and held a Senate-confirmed position in the Executive Office of President George W. Bush's White House.

I also have a criminal record. Two decades ago, I was caught up in a political prosecution. After fighting through two trials and two appeals, I found myself in prison. It is where I realized how ineffective our system was, and how it failed to either make communities safer or facilitate rehabilitation. After completing my sentence, I received a pardon from President Donald J. Trump. Today, improving our corrections system is my passion. We can do things better and in a way that improves safety, costs less, preserves families, and breaks the intergenerational cycle of crime and poverty.

For more than a decade, I worked at the Conservative Political Action Coalition, better known as CPAC, where I became Executive Vice President and General Counsel. At CPAC, I was fortunate to work closely with President Trump and his policy team on criminal justice legislation that became the First Step Act. This is relevant for two reasons: (1) The concepts you are considering today are not unlike some of the core provisions of the President's signature legislation; and (2) In signing the First Step Act and continuing to

support its objectives, President Trump has set the standard for conservative criminal justice legislation. The Trump approach is to advance both accountability and a pathway to rehabilitation for those who break the law.

To be clear, everyone must be held accountable for their actions. All too often, this means incarceration. For those who find themselves behind bars or on supervision, the system must incentivize good behavior and encourage anti-recidivism programming. The latter is particularly important. Prisons must function as more than human warehouses. They must prepare inmates to be productive and law-abiding citizens. Why is that important? Because every case of recidivism means another crime, another victim, and another costly prison cell. Since a significant portion of criminal activities – particularly crimes of violence – are committed by people who already have a criminal record, reducing recidivism can break the cycle and substantially improve public safety.

The counterfactual is also true. Corrections systems that do not provide and incentivize good behavior and anti-recidivism programming fail deliver the safety we all deserve and pay for. The same is true for systems that make it more difficult for those re-entering to find safe housing, meaningful work, or opportunities to complete their education. If someone walks out of prison without a place to live, a job to go to, and no way to improve their education, we should not be surprised when they re-offend. It is just that simple.

Through the lens of recidivism, opportunity costs have to be considered. Unlike the Federal government, which seems to spend without abandon, you all have to live withing your means. If Arkansas overspends on incarcerating people who are no longer public safety threats, it likely means the state is underspending on anti-recidivism measures.

These should be the guide stars for legislators seeking to improve the criminal justice system in the United States. And I believe the proposals you are considering meet these goals.

This is the context for more detailed oral testimony on the proposals you are considering today. Again, thank you for holding this interim study. I look forward to our more detailed discussions.

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