



May 8, 2018

TO: Representative Doug Collins
Representative Hakeem Jeffries
FR: Kevin Ring, FAMM President
RE: FAMM support for passage of FIRST STEP Act

Over the past several months, FAMM has worked with you, your staffs, other advocates, and the White House to make improvements to the prison reform bill you sponsored. We made numerous recommendations on how the bill could be strengthened and we were grateful to you for working with us.

While we did not get everything we asked for, and though we believe additional changes could make the bill stronger, we think this bill deserves the Judiciary Committee's support. FAMM is in contact with nearly 40,000 federal prisoners every week. Far too many of them are serving excessive sentences. This bill might be the only opportunity we have in the next few years to get them some overdue relief and justice.

The bill achieves many of FAMM's objectives:

- (1) **Increased good time.** FAMM has fought for years to increase the amount of time prisoners could shave off their sentence for good behavior. We also believe that prisoners who complete recidivism-reducing programs should get real time off their sentence. We understand there is agreement to increase the amount of "good time" prisoners can earn from 47 to 54 days per year. Committee leaders also agreed to make this change retroactive. This long overdue change would benefit every federal prisoner not serving a life sentence.
- (2) **Compassionate release reform.** FAMM has sought improvements to the federal compassionate release process, including language authorizing prisoners to appeal release denials in federal court. We are grateful to you for adding that language and other reforms we recommended.
- (3) **Keeping families together.** FAMM has urged the Bureau of Prisons to incarcerate individuals closer to their families so that they could maintain family ties. In our 2017 federal prison reform report, "Using Time to Reduce Crime," we recommended that Congress direct the BOP to place prisoners within 500 driving miles of home. Current policy is 500 air miles. We also recommended that BOP transfer prisoners closer to home when space allows. The new bill includes both of these recommendations.

- (4) **Expand use of home confinement.** We have long believed that low-risk individuals should be sent directly to home confinement at the end of their sentences, rather than taking up expensive space in a prison or halfway house. We are glad to see that the bill has been amended to include new language directing the BOP to use home confinement for low-risk individuals.
- (5) **Critical funding for priorities.** FAMM has raised concerns about the BOP's recent proposals to cut staff and, in particular, how those cuts would negatively affect programming and visitation. We also have shared our concerns about the closure of more than a dozen halfway houses and the elimination of certain reentry services. We urged Congress to provide funding for all of these purposes, but we worried that appropriators would not fully fund the programs and activities established in the bill. The expansion of good time credit mentioned above, however, should immediately save the BOP millions of dollars that can be directed to staff and programming, as well as halfway houses.

The FIRST STEP Act, however, still has some limitations that we hope to address before the bill becomes law.

First, the bill unwisely reserves its incentivized programming for those individuals who already pose little threat of re-offending. The best evidence we have about prison programming is that it should be targeted at individuals who need it the most and that incentives should be used to encourage participation. We fear that the bill's failure to direct incentivized programming to this group will result in little or no reduction in the federal recidivism rate, and, worse, that that failure will be blamed on prisoners and not the bill's mistaken design.

Second, we believe that sentencing reform should be included in any final justice reform package. We are mindful of the Justice Department's opposition to sentencing reform, but we believe there is sufficient bipartisan support for modest, but long overdue reforms to our federal mandatory minimum sentencing laws.

While we will fight for these improvements and additions, we think the bill as drafted merits the committee's support. Thank you again for your leadership on this issue, and please let me know if you have any questions.