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*the* **PROMISE**  
*of* **JUSTICE**  
**INITIATIVE**

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EXECUTIVE DIRECTOR  
MERCEDES MONTAGNES

May 7, 2018

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The Honorable Bob Goodlatte  
Chairman  
House Judiciary Committee  
2138 Rayburn House Office Bldg.  
Washington, DC 20515

Congressman Jerrold Nadler  
Ranking Member  
House Judiciary Committee  
2138 Rayburn House Office Bldg.  
Washington, DC 20515

**Re: Support for HR 3356 The First Step Act**

Dear Chairman Goodlatte and Ranking Member Nadler:

This letter is written on behalf of the Promise of Justice Initiative in support of the FIRST STEP Act, which would improve the condition and opportunities for incarcerated individuals, reduce the risk of recidivism upon release from prison, and promote public safety.

The Promise of Justice Initiative is a private, non-profit organization that advocates for humane, fair and equal treatment of individuals in the criminal justice system. We envision a criminal justice system that recognizes the humanity of the 2.2 million people currently behind bars in America and moves toward compassion and treatment rather than punishment and incarceration. HR 3356 falls in line with our mission by improving the conditions for incarcerated individuals, reducing the amount of time people spend in prison, and provide meaningful opportunities to successfully transition into their communities.

We are thankful for the efforts of Congressman Hakeem Jeffries and Congressman Doug Collins to work in a bipartisan fashion that greatly improves this bill with meaningful reform. They worked together with groups of advocates, fellow Members of Congress, and heard directly from formerly incarcerated individuals with lived experiences through the federal prison system.

In 2015, 3 out of 10 federal prisoners and 6 out of 10 state prisoners released to a term of community supervision returned to prison within 5 years.<sup>1</sup> Far too many struggle with unemployment, housing instability, and substance addiction when they come home. Many have

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<sup>1</sup> Markman, J.A., M.R. Durose, R.R. Rantala, and A.D. Tiedt (2016). Recidivism of Offenders Placed on Federal Community Supervision in 2005: Patterns from 2005 to 2010. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

difficulty overcoming the trauma they experienced during their incarceration and reestablishing ties to family and community that were damaged by their incarceration. We strongly believe that the provisions of HR 3356 will lead to better outcomes for individuals reintegrating back into their communities. Establishing a system that provides guidance and intensity of evidenced-based recidivism reduction programming will provide the necessary resources for individuals to prepare for release.

This bill works to improve the lives of the incarcerated men and women, their children, and their families by:

### **Reducing the number of people incarcerated in federal prisons**

This bill will immediately make over four thousand people in federal prison eligible for early release - by fixing a good time credit calculation retroactively. Men and women in incarcerated federal prison will earn nearly 8 weeks (54 days) per year off of their sentence for good time. Thousands more will soon become eligible to move from Bureau of Prisons facilities into home detention as a result of the expansion of the elderly prisoner pilot program - which gives people 60 years or older who have served more than 2/3 of their sentence an opportunity to serve the remainder of their sentence on home confinement.

The bill will expand the capacity of prison programming to ensure that individuals inside can benefit from counseling, drug treatment, training and education. By participating in programming, individuals will earn credits (at a rate of 10 days for every 30 of participating in programming) that allow them to shorten the amount of time they spend in prison and release back to their communities and families sooner - via expanded use of home confinement. It provides a pathway to prerelease for even those deemed “high” or “medium” risk.

### **Increasing opportunities for programming and work within the walls**

Currently, there is a significant lack of programming inside the federal prisons. HR 3356 authorizes \$50,000,000 each year for FY 2019 through 2023 (quarter of a billion), which can be used for programming. This bill also allows more outside nonprofits, volunteers and faith-based groups to go into federal prisons to provide programming. These volunteers will not only provide critical programming, but also will serve as mentors to those inside and be a valuable asset in changing the culture within the institutions and bringing hope and compassion to those inside.

The bill also expands work programs so that those inside have an opportunity to work and save money in escrow accounts that they can use as they return home to get back on their feet. HR 3556 also creates an ID program so that men and women returning to society have identification necessary to gain benefits, housing, and employment.

### **Protecting Women and Facilitating Family Connections**

Currently, men and women can be housed thousands of miles away from their loved ones, left with little opportunity to maintain familial relationships that are critical to both their well being while inside and successful reentry. HR 3556 will require that people living in federal prisons be housed within 500 driving miles of their families. Allowing individuals to

serve their sentences in facilities closer to their family support system, maintains a healthy bond and strong ties to the community.

In the last two decades, the women's prison population has risen by 700%. Our prisons and policies were not designed to meet women's needs and the result has been a system that traumatizes and endangers women. The FIRST STEP Act will end the shackling of women in labor and post partum. Shackling pregnant women is dangerous and inhumane. The shackling of pregnant women endangers the lives of the mother and fetus. HR 3356 sends a clear message of responsibility for the health and safety of both the mother and the fetus during pregnancy by banning the use of shackles. It will also provide hygiene items to women in prison at no charge and expand phone and visitation time that are vital to the rehabilitation process and to allowing the 80% of women who are mothers in prison stay connected to their children. The bill also contains a fix to Prison Rape Elimination Act, which will improve how the audits of prison rape incidents are conducted.

**Providing Meaningful Oversight to Help Ensure Proper Implementation**

HR 3556 will also place additional layers of accountability and oversight within the Federal Bureau of Prisons. Additionally, there will be an annual accountability report to ensure that the risk assessment tool is being administered in an unbiased way. This is crucial as we continue to face vast racial disparities that negatively impact African American and Latino communities.

These are meaningful reforms. This is our best chance to pass this bill into law and dramatically change the lives of people inside - and expand accountability and oversight of the federal prison system. The passage of HR 3356 will truly be the first step towards further progress that we hope will eventually include sentencing reform. The Promise of Justice Initiative respectfully urges the passage of this bill.

Sincerely,



Mercedes Montagnes  
Executive Director

cc: Congressman Hakeem Jeffries  
Congressman Doug Collins