



May 8, 2018

## **Support the FIRST STEP Act, H.R. 5682**

On behalf of FreedomWorks activists nationwide, I urge you to contact your representative and encourage him or her to support the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person (FIRST STEP) Act, H.R. 5682, introduced by Rep. Doug Collins (R-Ga.) and Hakeem Jeffries (D-N.Y.). The bill would require the implementation of evidence-based recidivism reduction programming in federal prisons and allow eligible offenders to earn time credits to serve part of their sentence in home confinement, halfway houses, or community supervision.

For the past three years, FreedomWorks has supported federal and state legislative initiatives to reduce recidivism. These initiatives have included prison reforms and second chance policies, including occupational licensing reform and “ban the box.” More than 30 states have passed and implemented various reforms that focus on reforms to ensure that fewer offenders return to prison. These states include Georgia, Louisiana, South Carolina, and Texas. The reforms in these states have led to fewer people in prison and lower crime rates, alleviating both societal and fiscal costs that result from high recidivism rates.

Although the states have shown that an evidence-based approach to corrections can reduce incarceration and crime, Congress has lagged behind.

On Wednesday, the House Judiciary Committee will markup the FIRST STEP Act. This bill is a revised version of the Prison Reform and Redemption Act, H.R. 3356. Although the bill to be marked up lacks sentencing reforms approved by the committee in the 114th Congress, FreedomWorks remains supportive of the reforms in the bill, including both the time credit incentive and the additional riders that add value to the bill.

The FIRST STEP Act would require the attorney general to develop and release a risk and needs assessment system within 180 days of the bill being signed into law. Each offender who enters the federal corrections system will be assessed and their risk of recidivism determined, classified as low, medium, or high. The director of the Bureau of Prisons would be required to implement and complete the assessment of those offenders in the system prior to enactment within 180 days

of the release of the assessment. The Comptroller General of the United States would conduct an audit of the assessment to ensure that it is fair and effective.

All prisoners will be allowed the opportunity to participate in recidivism reduction programs, which the Bureau of Prisons would have two years to phase in after the completion of the initial risk and needs assessments. The bill would require the attorney general to develop policies for federal prison wardens to enter into partnerships with nonprofit and private organizations (including faith-based entities) to offer recidivism reduction programming, institutions of higher education, private entities for work training programs, and industry-sponsored organizations.

Certain prisoners would be allowed to earn time credits, incentivising them to successfully complete recidivism reduction programming. Prisoners would earn ten (10) days of time credits for every 30 days of successfully completed programming. Prisoners determined to be at a low risk of recidivism over two assessments would earn an additional five (5) days of time credits for every 30 days of successfully completed programming. Prisoners would be periodically reassessed to determine whether their risk level has changed.

The time credits would not be available for productive activities and programming completed before enactment. The time credits would also not be available for prisoners who have committed certain offenses. Such offenses include some that would be considered serious violent felonies, sex offenses, terrorism offenses, and others that result in death. The extensive list of excluded offenses is available in the bill in Title I Section 101.

Prisoners who are eligible and who are low risk over two consecutive assessment periods would be allowed use the time credits earned for the successful completion of programming for placement in pre-release custody, such as home confinement, halfway houses, and community supervision. The director of the Bureau of Prisons would be required to enter into agreements with the U.S. Probation and Pretrial Services for the supervision of prisoners in prerelease custody. The U.S. Immigration and Customs Enforcement would be required to take custody of an illegal immigrant placed in prerelease custody.

Other provisions of the FIRST STEP Act are worthy of support. The text of the Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act, H.R. 613, is included in the bill. This language would require the Bureau of Prisons to provide a secure area outside of the secure parameter of a prison facility for corrections officers to store firearms, allows officers to store firearms in a lockbox inside their vehicle, and allows officers to carry concealed firearms outside of the secure area of a prison facility.

The bill includes language that would prohibit restraints on pregnant prisoners, with certain exceptions, such as if an officer or marshal determines that the prisoner is an immediate and

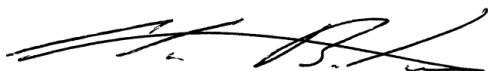
credible flight risk or if the prisoner poses a threat of harm to herself or others or if a healthcare professional determines that the use of restraints is appropriate. It would require that certain hygiene products be made available to prisoners.

The FIRST STEP Act would expand compassionate release for eligible terminally ill and elderly offenders. It includes language that clarifies a misinterpreted provision of the Second Chance Act related to identification for prisoners upon release by requiring that the Bureau of Prisons help prisoners obtain forms of identification (Social Security card, driver's license or other form of photo identification, and a birth certificate) prior to release from a federal prison facility. This ensures that time served in a halfway house, home confinement, or community supervision is used to find housing, educational opportunities, or gainful employment necessary for successful reentry into society, and not wasted on obtaining the identification needed to do so.

FreedomWorks remains supportive of reforms that ensure that sentences are proportional to offenses committed and will continue to work to advance such reforms, which include the stacking of charges under 18 U.S.C. 924(c), retroactivity of the Fair Sentencing Act, and expansion of the federal safety valve exception to mandatory minimum sentences. But Congress must also ensure that recidivism reduction and incentives for offenders to lower their risk of repeat offenses are a vital part of criminal justice reform.

The FIRST STEP Act is true to its name. It is the beginning of this effort, but it is not the end. For these reasons, I urge you to contact your representative and ask him or her to support the FIRST STEP Act, H.R. 5682.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Brandon', with a stylized, flowing script.

Adam Brandon  
President, FreedomWorks