



August 6, 2018

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

On behalf of the Committee on Domestic Justice and Human Development, of the U.S. Conference of Catholic Bishops (USCCB) and Catholic Charities USA (CCUSA), we write to share this analysis of the FIRST STEP Act (S. 2795) and express our encouragement in its effort to improve upon the criminal justice system of our country.

As the Church has advocated for many years, and as Pope Francis has affirmed, the criminal justice system needs to recover its rehabilitative aspect in order to promote true justice:

It is necessary to do justice, but true justice is not satisfied by simply punishing criminals. It is essential to go further and do everything possible to reform, improve and educate the person, so that he matures from every point of view, does not become discouraged, addresses the damage he caused, and can reestablish his life without being crushed under the weight of his hardships.¹

The criminal justice system in the United States, however, comes up short of this goal, resulting in persons cycling through the system without addressing root causes, making communities less safe and delaying the healing needed for both victims and offenders.

It is good that the overarching aim of the FIRST STEP Act is to orient the prison system towards programming that will help prisoners succeed once they leave prison. The centerpiece of the FIRST STEP Act is a risk assessment system that will be paired with rehabilitative programming such that prisoners will have opportunities to prepare for eventual release and reduce recidivism, while also earning time in transitional housing towards the end of their sentence.

¹ Pope Francis, Letter to Participants in the 19th International Congress of the International Association of Penal Law and of the 3rd Congress of the Latin-American Association of Penal Law and Criminology, (May 31, 2014). https://w2.vatican.va/content/francesco/en/letters/2014/documents/papa-francesco_20140530_lettera-diritto-penale-criminologia.html

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Catholic Charities agencies serve over twenty-four thousand ex-offenders each year and witness firsthand the challenges they face attempting to return to their communities and positively contribute to society. This bill is truly only a first step for the further programming and support necessary to give returning citizens the support they need. Congress should continue exploring further funding and programming to avoid the long waiting lists that characterize some current prison programs.

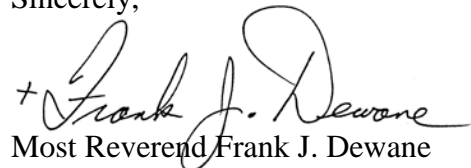
In addition, prisoners need to be treated humanely. This bill makes some meaningful progress on this front. It requires that pregnant women not be restrained while in prison, establishes a maximum geographical distance between prisoners and families, enhances compassionate release for terminally ill and elderly prisoners, assists returning citizens with obtaining government ID documents that will be essential in finding employment and housing, and fixes the time credit system.

This bill does not, however, include much needed sentencing reform, also a necessary component for meaningful criminal justice reform. Members of Congress should consider amending this legislation or passing other legislation to reform our nation's sentencing laws that have contributed to the present state of mass incarceration.

Issues of racial justice are a priority for the Church in the United States. It has been reported and suspected by some that risk assessment tools may have inherent elements that exacerbate racial bias, while others lack the transparency necessary to allow the assessed persons to know and challenge the methodology of their assessment. Additional language should be added to this legislation that requires regular reports on whether there is racial bias in the risk assessment tool itself, and requires that its methodology be made public to ensure the integrity of the system.

A justice system that reestablishes relationships and promotes rehabilitation is key to mending the harms of criminal offenses, and "[t]he Church, therefore, proposes a humanizing, genuinely reconciling justice, a justice that leads the criminal, through educational development and brave atonement, to rehabilitation and reintegration into the community."² To better achieve this aim, deep systemic reforms of our criminal justice system will be required. The First Step Act represents just a beginning in the important process to reform our nation's broken criminal justice system.

Sincerely,



Most Reverend Frank J. Dewane
Bishop of Venice
Chairman, Committee on Domestic Justice
and Human Development



Sister Donna Markham, OP, Ph.D.
President & CEO
Catholic Charities USA

² Pope Francis, Letter to Participants in the 19th International Congress of the International Association of Penal Law, *supra*