

Prison Fellowship Agenda for the 116th Congress

Each year, Prison Fellowship reaches more than 375,000 prisoners through our in-prison and Angel Tree programs. Our staff and network of volunteers guide incarcerated men and women as they confront negative patterns of thinking and behavior and pursue moral formation and good citizenship. From its beginnings in 1976, our late founder Chuck Colson understood how Prison Fellowship must not only bring hope to those behind prison walls, but challenge policymakers and the public in their approach to crime and incarceration.

Informed by our direct ministry work, Prison Fellowship is a catalyst for justice that restores in our nation's capital. Our advocacy played a crucial role in the passage of the Prison Rape Elimination Act (2003), Second Chance Act (2007), Fair Sentencing Act (2010), the First Step Act (2018), and the Fair Chance Act (2019). Inspired by this progress but convicted by the persistent challenges facing our criminal justice system, Prison Fellowship continues to prioritize reforms that advance proportional punishment, constructive prison culture, and second chances in the 116th Congress.

I. Proportional Punishment

Prison Fellowship recognizes incarceration as a necessary tool of a just society, but one that is grossly overused in our country. We seek due process and proportional punishment for the crime committed. We believe reductions in—or alternatives to—prison sentences are often compatible with both justice and public safety.

First Step Implementation and Fair Sentencing: The historic, bipartisan First Step Act (FSA) passed in December 2018 and featured important sentencing reforms, including changes to mandatory minimums for certain drug crimes. In order for these statutory changes to be implemented, the U.S. Sentencing Commission must incorporate these adjustments into advisory guidelines used by federal judges. We encourage the White House to nominate—and Congress to approve—Commission nominees committed to the spirit and letter of the First Step Act. Further, while the First Step Act was a “first step,” further reforms are needed to bring about just and proportional sentencing for federal defendants. Prison Fellowship continues to explore and support legislative proposals that will allow us to take a next step toward this goal and is wary of sentencing enhancements that would lead to even greater disproportional penalties.

Attorney-Client Privilege: Confidential, open communication between individuals facing criminal charges and their defense counsel is an essential precondition for the rule of law. Bureau of Prisons (BOP) policies respect attorney-client privilege in mail, in-person visits, and phone conversations—but not email correspondences—between incarcerated individuals in the federal system and their legal representatives. Prison Fellowship supports legislation that requires the BOP apply due process to technological advancements and protect a crucial element of robust defense counsel (e.g. [Effective Assistance of Counsel in the Digital Era Act](#)).

Congressional staff: Please contact Federal Legislative Strategist David Jimenez (David_Jimenez@pfm.org) to learn more about Prison Fellowship's federal legislative priorities.

Bail Reform: Cash bail's ineffective and disproportional use frequently leads to local detention practices undermining public safety and needlessly disrupting the lives of individuals awaiting trial. Prison Fellowship recognizes criminal justice primarily is—and should remain—a question left to state and local governments. We nevertheless encourage Congress to consider proposals by which the federal government can encourage more effective uses of cash and non-monetary forms of bail.

II. Constructive Prison Culture

Prison Fellowship believes humane treatment and evidence-based correctional programming can make prisons sites of restoration. These investments allow incarcerated men and women to pursue transformation and good citizenship.

First Step Implementation: The First Step Act authorized \$75 million in annual spending until FY2023 to address programming gaps within the BOP. Prison Fellowship asks Congress and the White House to honor this commitment during upcoming appropriations processes. Further, Prison Fellowship urges ongoing oversight of the BOP's progress in expanding meaningful and effective programs, including faith-based programs like the Prison Fellowship Academy, which is resourced entirely by private donations (FSA clarifies that faith-based prison programs may serve as reentry programs outside the chaplaincy).

The First Step Act also charged the Department of Justice with the creation of a risk and needs assessment to evaluate all incarcerated individuals and assign them to the most effective rehabilitative programming. Through successful completion of programming and productive activities, federal prisoners may earn certain in-prison benefits (e.g. increased phone call time), and, depending on risk level and conviction, the opportunity to complete more of their sentence in pre-release custody. Prison Fellowship urges the new federal risk and needs assessment (PATTERN) be continually refined in light of new data, and that the BOP's ability to provide meaningful earned time credit opportunities be fully utilized.

Pell Grant Restoration: Between 1965 and 1994, Pell Grant eligibility for incarcerated individuals made postsecondary education a consistent feature of American prison culture. An amendment to the 1994 omnibus crime bill excluded all state and federal prisoners from access to the Pell Grant program. Subsequent enrollment in college-in-prison declined considerably—even as rigorous social science confirmed the promise of correctional education for reducing recidivism and transforming prison culture. Prison Fellowship advocates for the full restoration of Pell Grant eligibility for incarcerated students regardless of conviction type or sentence length (e.g. [the REAL Act](#)). We promote the inclusion of this proposal into larger legislative vehicles, specifically potential bipartisan higher education reform packages, in 2020.

III. Unlocking Second Chances

Barriers to employment, safety net programs, and civil liberties—often with little rationale in public safety—make reentry a challenging for those seeking a productive and law-abiding life post-release. As a Christian organization, we recognize that we are all recipients of second chances. Prison Fellowship advocates for policies that honor the dignity and potential of the formerly incarcerated.

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Second Chance Month and Removing Collateral Consequences: Every person has dignity and potential. But approximately 1 in 3 American adults has a criminal record, which limits their access to education, jobs, housing, and other things they need to reach that potential. Since launching the first Second Chance® Month in April 2017, Prison Fellowship has spearheaded the nationwide effort to raise awareness about these barriers and unlock brighter futures for people with a criminal record through press, policy briefings, Second Chances 5Ks, "Second Chance Sunday" services held by churches, social media campaigns, and annual resolutions and proclamations (In April 2019, 23 state governors and the White House issued Second Chance Month proclamations).

Second Chance Month is a cultural catalyst, growing support for limiting or removing the 44,000 collateral consequences that exist for people with a criminal conviction. For example, individuals with a state or federal drug felony conviction, are not eligible for American Opportunity Tax Credit. Prison Fellowship asks Congress to remove this collateral sanction that makes it more difficult for formerly incarcerated individuals, who have already paid their debt to society, to pursue higher education and provide for their families (e.g. [ED ACCESS Act](#)).

Federal Certificate of Rehabilitation and Entrepreneurship Funding: Returning citizens in at least sixteen states and the District of Columbia can apply for a certificate of rehabilitation to better access employment and housing opportunities and obtain waivers for collateral sanctions. Congress should likewise create a pathway for obtaining a certificate of rehabilitation for individuals with federal convictions who seek to demonstrate their commitment to law-abiding citizenship and successful reentry (e.g. [RE-ENTER Act](#)). Prison Fellowship also supports legislation that would expand access for current and former federal prisoners to small business mentor and training programs (e.g. [Prison to Proprietorship for Formerly Incarcerated Act](#); [Prison to Proprietorship Act](#)).

Conclusion

Recent victories in criminal justice reform demonstrate an unprecedented bipartisan rethinking about issues of crime and incarceration. In a landscape where disproportional sentencing, a lack of rehabilitative opportunities, and barriers to reentry still pervade our justice system, Prison Fellowship offers a unique voice—grounded in a timeless Christian worldview, forty decades of direct ministry to the incarcerated and their families, and a proven record of changing minds and laws. We welcome the opportunity to work with any and all federal policymakers to advance the goals in this agenda.

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