August 12, 2019

RE: Law Enforcement Perspective and Support for REAL Act (S. 1074)

Dear Chairman Alexander, Ranking Member Murray, Senator Schatz, Senator Lee, and Senator Durbin:

We write to you today as members of Law Enforcement Leaders to Reduce Crime & Incarceration, a national coalition of approximately 200 current and former law enforcement officials from all 50 states, across the political spectrum. We have dedicated our careers to fighting crime and keeping our communities safe. That same duty compels us to speak in support of S. 1074, the Restoring Education and Learning Act (REAL) Act of 2019.

Informed by our experience serving as police chiefs, prosecutors, and sheriffs across multiple states, we are in agreement that higher education in prisons is one of the most effective ways to combat recidivism to keep our communities safe. Reinstating federal Pell grant eligibility for more incarcerated individuals will help provide the funding for increased access to education in our prisons.

This bill represents an opportunity for continued bipartisan success in criminal justice reform through federal legislation following the passage of the First Step Act. As with the First Step Act, we believe that a commitment to recidivism reduction programming, which the REAL Act will encourage, will have a significant positive impact on our incarcerated population and public safety.
Many studies have shown that prison education is an effective tool for lowering recidivism.¹ According to a 2013 study commissioned by the Department of Justice, incarcerated individuals who participate in education programs in prison are 43% less likely to recidivate compared to those who do not have the benefit of prison educational opportunities.² In light of research showing that approximately two-thirds of offenders who leave prison are rearrested within three years,³ we believe that prison education is essential to stopping the revolving door of prison.⁴

A lift of the ban on federal Pell grants imposed by the 1994 Violent Crime Control and Law Enforcement Act of 1994 is a promising path forward.⁵ Prior to the ban, the United States had approximately 772 college-in-prison programs operating in over 1,200 correctional facilities, almost all of which closed after passage of the 1994 Crime Bill.⁶ Although the federal government started a pilot program in 2016 to test the reintroduction of access to Pell grants in prison, that program does not go far enough to reduce recidivism more broadly. To date, the Second Chance Pell pilot program has resulted in the awarding of Pell grants to approximately 8,800 students in its first two years with 954 individuals receiving credentials thus far.⁷ The success of that program has led the Department of Education to recently announce an expansion of the pilot program, which would add additional programs for inmates.⁸

While we applaud the success of the pilot program, we believe that we can and should go further. If the ban on Pell grants were lifted altogether, an estimated 64 percent of America’s prison population would likely be eligible for a grant.⁹ Accordingly, if passed, the REAL Act would lead to much-needed investment in prison education programs.⁹ In turn, inmates who benefit from new higher education opportunities in prison will be much more likely to successfully reenter society following release, ultimately promoting public safety.

In addition, a federal investment in prison education will save money. Indeed, the data suggest that every dollar spent on prison education saves $4 to $5 by reducing incarceration due to recidivism.¹⁰

Expanded educational opportunity for inmates would be a boon to public safety that also provides a substantial cost savings for communities. For these reasons, the REAL Act is a worthwhile investment in our criminal justice system. We urge the Senate Committee on Health, Education, Labor, and Pensions to swiftly pass the REAL Act out of committee and to continue to support the bill on the Senate floor.
Respectfully yours,

Ronal W. Serpas  
Executive Director  
Law Enforcement Leaders to Reduce Crime & Incarceration  
Former Police Superintendent  
New Orleans, Louisiana

Taryn Merkl  
Senior Counsel  
Law Enforcement Leaders to Reduce Crime & Incarceration  
Former Assistant U.S. Attorney  
Eastern District of New York

Art Acevedo  
Police Chief  
Houston, Texas

Hassan Aden  
Executive Fellow  
Police Foundation  
Former Police Chief  
Greenville, North Carolina

Eric Atkinson  
Police Chief  
Menomonie, Wisconsin

Michael Brown  
Police Chief  
Alexandria, Virginia

Jim Bueermann  
Former President  
Police Foundation  
Former Police Chief  
Redlands, California

Zachary Carter  
Former U.S. Attorney  
Eastern District of New York
John Choi
County Attorney
Ramsey County, St. Paul, Minnesota

Jerry Clayton
Sheriff
Washtenaw County, Michigan

Brendan Cox
Director of Policing Strategies
LEAD Support Bureau
Former Police Chief
Albany, New York

Richard Doran
Former Attorney General
Florida

John Flynn
District Attorney
Erie County, New York

Neill Franklin
Executive Director
Law Enforcement Action Partnership
Former Police Commander
Baltimore, Maryland

Michael Freeman
County Attorney
Hennepin County, Minnesota

Sim Gill
District Attorney
Salt Lake City, Utah

Greg Hamilton
Former Sheriff
Travis County, Texas

Brent Harris
City Prosecutor
Flagstaff, Arizona
Timothy Heaphy  
Former U.S. Attorney  
Western District of Virginia

Peter Holmes  
City Attorney  
Seattle, Washington

John Hummel  
District Attorney  
Deschutes County, Oregon

James E. Johnson  
Former Under Secretary for Enforcement  
U.S. Department of the Treasury

Kevin Joyce  
Sheriff  
Cumberland County, Maine

Gil Kerlikowske  
Former Commissioner  
U.S. Customs and Border Protection  
Former Director  
Office of National Drug Control Policy  
Former Police Chief  
Seattle, Washington

Peter Koutoujian  
Sheriff  
Middlesex County, Massachusetts

George Kral  
Police Chief  
Toledo, Ohio

David LaBahn  
President and CEO  
Association of Prosecuting Attorneys  
Former Deputy District Attorney  
Humboldt County, California
Cameron McLay
Former Police Chief
Pittsburgh, Pennsylvania

Joel Merry
Sheriff
Sagadahoc County, Maine
Former President
Maine Sheriffs’ Association

Stephanie Morales
Commonwealth’s Attorney
Portsmouth, Virginia

Peter Newsham
Police Chief
Washington, District of Columbia

Matthew Orwig
Former U.S. Attorney
Eastern District of Texas

Mark Osler
Professor and Robert and Marion Short Distinguished Chair in Law
University of St. Thomas School of Law
Former Assistant U.S. Attorney
Eastern District of Michigan

Brad Pigott
Former U.S. Attorney
Southern District of Mississippi

Bryan Porter
Commonwealth’s Attorney
Alexandria City, Virginia

Timothy Purdon
Former U.S. Attorney
District of North Dakota
**Rick Raemisch**  
Former Executive Director  
Colorado Department of Corrections  
Former Sheriff  
Dane County, Wisconsin

**Richard Rossman**  
Executive Director  
National Association of Former United States Attorneys  
Former U.S. Attorney  
Eastern District of Michigan

**Dan Satterberg**  
Prosecuting Attorney  
King County, Washington

**Susan Segal**  
City Attorney  
Minneapolis, Minnesota

**Kami Chavis Simmons**  
Professor of Law and Director of the Criminal Justice Program  
Wake Forest University School of Law  
Former Assistant U.S. Attorney  
District of Columbia

**David Soares**  
District Attorney  
Albany County, New York

**Rich Stanek**  
Former Director  
National Sheriffs’ Association  
Former Sheriff  
Hennepin County, Minnesota

**David Steingraber**  
Former Police Chief  
Menomonee Falls, Wisconsin
Darrel Stephens
Former Executive Director
Major Cities Chiefs’ Association
Former Police Chief
Charlotte-Mecklenburg, North Carolina

Thomas Wine
Commonwealth’s Attorney
Jefferson County, Kentucky

Stephen Zappala
District Attorney
Allegheny County, Pennsylvania

---


5 Id.; see also Ellen condiffe lagemann, Liberating Minds 9 (New Press 2016).


7 Id.

8 OAKFORD ET AL., supra note i at 1.

9 U.S. DEPT OF EDUC., supra note vii (observing that over 200 schools submitted applications to participate in the Second Chance Pell program, resulting in selection of 64 schools in 26 states for the initial pilot program).

10 DAVIS ET AL., supra note 1.