



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

Hon. Nita M. Lowey
U.S. House of Representatives
2365 Rayburn House Office Bldg.
Washington, D.C. 20510

Hon. Rosa L. DeLauro
U.S. House of Representatives
2413 Rayburn House Office Bldg.
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Hon. Kay Granger
U.S. House of Representatives
1026 Longworth House Office Bldg.
Washington, D.C. 20510

Hon. Tom Cole
U.S. House of Representatives
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December 10, 2020

RE: Law Enforcement Leaders Support for FY 21 Funding for the REAL Act, H.R. 2168

Dear Chairwoman Lowey, Ranking Member Granger, Subcommittee Chairwoman DeLauro, and Ranking Member Cole:

We write on behalf of Law Enforcement Leaders to Reduce Crime & Incarceration, a national coalition including over 200 current and former law enforcement officials, across the political spectrum, dedicated to protecting public safety and reducing unnecessary incarceration. We seek to express our continued support for expanding Pell grant access to all eligible incarcerated people, consistent with H.R. 2168 — the Restoring Education And Learning Act of 2019 (REAL Act). We urge the U.S. House Committee on Appropriations to incorporate the language of the REAL Act in the final appropriations bill for fiscal year 2021.¹

For reasons detailed in the attached letter, signed by 47 members of our coalition, and briefing memorandum, Congress should repeal the ban on federal Pell grants for all eligible incarcerated people.² As research and the events of this past summer have demonstrated, a majority of Americans believe that the criminal justice system is not working well and treats Black people less fairly than white people.³ As a result, more than 66 percent of the American public, including Black and white adults, believe that the criminal justice system needs either a complete overhaul or significant changes.⁴ Further, 85 percent of Americans, across partisan lines, want the criminal justice system to rehabilitate, not punish, incarcerated individuals.⁵

As we strive to create a more fair and effective justice system for all, there is no better way to prioritize rehabilitation than expanding access to education behind bars. Providing access to higher education gives incarcerated people a greater chance of leading productive lives upon release, making them at least 43 percent less likely to recidivate and 13 percent more likely to obtain employment.⁶ Lifting the ban on Pell grants for incarcerated people is key to building a more constructive criminal justice system that prioritizes rehabilitation over reflexively punitive policies.

Restoring Pell grant eligibility for incarcerated people is a widely-supported bipartisan policy change that would offer far-reaching and lasting benefits. For the reasons herein and in our prior letter, we urge the U.S. House Committee on Appropriations to include the REAL Act's language in its appropriations bill for fiscal year 2021.

Respectfully yours,



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



Taryn A. Merkl
Senior Counsel
Law Enforcement Leaders to
Reduce Crime & Incarceration
Former Assistant U.S. Attorney
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¹ See Defense, Commerce, Justice, Science, Energy and Water Development, Financial Services and General Government, Labor, Health and Human Services, Education, Transportation, Housing, and Urban Development Appropriations Act of 2021, H.R. 7617, 116th Congress (2020).

² See Letter to Senators from Law Enforcement Leaders to Reduce Crime & Incarceration, Law Enforcement Perspective and Support for REAL Act (S. 1074), August 12, 2019, <http://lawenforcementleaders.org/wp-content/uploads/2019/08/Letter-of-Support-REAL-Act-S.-1074.pdf>; Briefing Memo: Pell Grant Restoration, Law Enforcement Leaders to Reduce Crime & Incarceration, October 29, 2019, <http://lawenforcementleaders.org/wp-content/uploads/2019/10/LEL-Pell-Grant-Briefing-Memo.pdf>.

³ “Widespread Desire for Policing and Criminal Justice Reform,” *AP-NORC Poll*, June 15, 2020, <https://apnorc.org/projects/widespread-desire-for-policing-and-criminal-justice-reform/>; “More than eight-in-ten black adults say blacks are treated less fairly than whites by police, criminal justice system,” *Pew Research Center*, June 4, 2020, https://www.pewresearch.org/fact-tank/2019/05/21/from-police-to-parole-black-and-white-americans-differ-widely-in-their-views-of-criminal-justice-system/ft_19-05-16_racecriminaljustice_2/.

⁴ “Widespread Desire for Policing and Criminal Justice Reform,” *AP-NORC Poll*, June 15, 2020, <https://apnorc.org/projects/widespread-desire-for-policing-and-criminal-justice-reform/>.

⁵ Memorandum from Robert Blizzard of Public Opinion Strategies to Interested Parties, January 25, 2018, National Poll Results, <https://www.politico.com/f/?id=00000161-2ccc-da2c-a963-efff82be0001>.

⁶ Lois M. Davis et al., *Evaluating the Effectiveness of Correctional Education*, RAND Corporation, 2013, https://www.rand.org/pubs/research_reports/RR266.html.



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

Chairman Bobby Scott
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Hon. Barbara Lee
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Hon. J. French Hill
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Hon. Cedric Richmond
506 Cannon House Office Building
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Hon. Ayanna Pressley
1108 Longworth House Office Building
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August 12, 2019

RE: Law Enforcement Perspective and Support for REAL Act (H.R. 2168)

Dear Chairman Scott, Ranking Member Foxx, Rep. Davis, Rep. Banks, Rep. Lee, Rep. Hill, Rep. Richmond, and Rep. Pressley:

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 H.R. 2168, also known as 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.ⁱ 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.ⁱⁱ In light of research showing that approximately two-thirds of offenders who leave prison are rearrested within three years,ⁱⁱⁱ we believe that prison education is essential to stopping the revolving door of prison.^{iv}

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.^v 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.^{vi} 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.^{vii} 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.^{viii}

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.^{ix} Accordingly, if passed, the REAL Act would lead to much-needed investment in prison education programs.^x 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.^{xi}

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 House Committee on Education and Labor to swiftly pass the REAL Act out of committee and to continue to support the bill on the House floor.

Respectfully yours,



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Sheriff
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U.S. Customs and Border Protection
Former Director
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Former Police Chief
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ⁱ See generally LOIS M. DAVIS ET AL., RAND CORP., EVALUATING THE EFFECTIVENESS OF CORRECTIONAL EDUCATION: A META-ANALYSIS OF PROGRAMS THAT PROVIDE EDUCATION TO INCARCERATED ADULTS (2013), https://www.rand.org/pubs/research_reports/RR266.html; see also PATRICK OAKFORD ET AL., VERA INST. OF JUSTICE, INVESTING IN FUTURES: ECONOMIC AND FISCAL BENEFITS OF POSTSECONDARY EFFECTS OF EDUCATION IN PRISON (2019), <https://www.vera.org/publications/investing-in-futures-education-in-prison>; DANIEL KARPOWITZ & MAX KENNER, EDUCATION AS CRIME PREVENTION: THE CASE FOR REINSTATING PELL GRANT ELIGIBILITY FOR THE INCARCERATED (Bard Prison Initiative 2003), https://www.prisonpolicy.org/scans/crime_report.pdf (analyzing federally-published data).

ⁱⁱ DAVIS ET AL., *supra* note i, at 39; see also OAKFORD ET AL., *supra* note i.

ⁱⁱⁱ MARIEL ALPER, MATTHEW R. DUROSE & JOSHUA MARKMAN, BUREAU OF JUSTICE STATISTICS, 2018 UPDATE ON PRISONER RECIDIVISM: A 9-YEAR FOLLOW-UP PERIOD (2005-2014) (May 23, 2018), <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6266> (observing that that approximately two-thirds of offenders who leave prison end up rearrested within three years).

^{iv} See generally Newt Gingrich & Van Jones, *Forward*, in EDUCATION FOR LIBERATION (Gerard Robinson & Elizabeth English Smith eds., Rowman & Littlefield 2019).

^v See Max Kenner, *The Long History of College in Prison*, in EDUCATION FOR LIBERATION 19 (describing the history of prison education and Pell grants for prisoners).

^{vi} *Id.*; see also ELLEN CONDLIFFE LAGEMANN, LIBERATING MINDS 9 (New Press 2016).

^{vii} U.S. DEP'T OF EDUC., *Secretary DeVos Builds on 'Rethink Higher Education' Agenda, Expands Opportunities for Students Through Innovative Experimental Sites* (May 20, 2019), <https://www.ed.gov/news/press-releases/secretary-devos-builds-rethink-higher-education-agenda-expands-opportunities-students-through-innovative-experimental-sites> (last visited June 12, 2019).

^{viii} *Id.*

^{ix} OAKFORD ET AL., *supra* note i at 1.

^x U.S. DEP'T 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).

^{xi} DAVIS ET AL., *supra* note 1.



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

Briefing Memo: PELL GRANT RESTORATION

As part of our continued commitment to promote sensible criminal justice reform and reduce recidivism, Law Enforcement Leaders to Reduce Crime & Incarceration supports the restoration of Pell Grant funding to incarcerated individuals. With decades of collective experience, we believe that higher education in prisons is one of the most effective ways to combat recidivism. We support access to in-prison educational opportunities for many reasons:

Public Safety

- Over two-thirds of people who are released from prison are rearrested within three years and more than 75 percent of people are rearrested within six years.¹
- According to peer reviewed studies, participating in education programs while incarcerated reduces an individual's likelihood of recidivating by 43 percent.²

Effective Reentry

- At least 95 percent of incarcerated people will eventually return to their communities from prison, including over 600,000 individuals each year.³
- There are significant economic barriers to reentry, such as employment, housing, and a supportive social network, causing many to revert to violating the law.
- Postsecondary education helps equip incarcerated individuals with the skills necessary in our modern economy, increasing their economic potential and improving their ability to successfully reenter society.⁴
- Stable high-quality employment decreases an individual's likelihood of recidivating.⁵

Prison Safety & Prison Culture

- Prisons that are rampant with gangs, drugs, and violence put prisoners and correctional staff at risk.⁶
- Postsecondary education in prisons can improve safety within prisons by incentivizing good behavior and self-improvement.⁷
 - Good behavior is typically a requirement of participating in educational programming.
- Education programs make corrections jobs safer by providing a structured routine for incarcerated people.

¹ MARIEL ALPER, MATTHEW R. DUROSE & JOSHUA MARKMAN, U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, 2018 UPDATE ON PRISONER RECIDIVISM: A 9-YEAR FOLLOW-UP PERIOD (2005-2014) 1 (2018), <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6266>.

² See generally LOIS M. DAVIS ET AL., RAND CORP., EVALUATING THE EFFECTIVENESS OF CORRECTIONAL EDUCATION: A META-ANALYSIS OF PROGRAMS THAT PROVIDE EDUCATION TO INCARCERATED ADULTS 57 (2013), https://www.rand.org/pubs/research_reports/RR266.html.

³ See, e.g., JENNIFER BRONSON & E. ANN CARSON, U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2017 11 (April 2019), <https://www.bjs.gov/content/pub/pdf/p17.pdf> (detailing that in 2016, 626,019 individuals were released from prison including 52,035 who were released from federal custody, and that in 2017, 622,377 individuals were released from prison including 49,461 who were released from federal custody).

⁴ See generally Daniel Shoag & Stan Veuger, *The Economics of Prisoner Reentry*, in EDUCATION FOR LIBERATION 31–40 (Gerard Robinson & Elizabeth English Smith eds., Rowman & Littlefield 2019); ANTHONY P. CARNEVALE ET AL., THE CENTURY FOUNDATION, EDUCATIONAL ADEQUACY IN THE TWENTY-FIRST CENTURY 2 (2018), https://cew.georgetown.edu/wp-content/uploads/TCF_EducationalAdequacyReport.pdf.

⁵ See Jennifer Doleac, *Can Employment-Focused Programs Reduce Reincarceration Rates?*, ECONOFACT (Jun. 29, 2018), <https://econofact.org/can-employment-focused-reentry-programs-keep-former-prisoners-from-being-reincarcerated/>; Anke Ramakers et al., *Not Just Any Job Will Do: A Study on Employment Characteristics and Recidivism Risks After Release*, 61 INT'L JOURNAL OF OFFENDER THERAPY AND COMPARATIVE CRIMINOLOGY 1795, 1796–1814 (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5669259/>.

⁶ See generally Newt Gingrich & Van Jones, *Forward to EDUCATION FOR LIBERATION*, *supra* note 4, at vii.

⁷ See Karen F. Lahm, *Educational Participation and Inmate Misconduct*, 48 J. OF OFFENDER REHABILITATION 37, 47–49 (2009), <https://www.tandfonline.com/doi/abs/10.1080/10509670802572235?journalCode=wjor20>.

- Individuals who are serving a life sentence wield significant influence over prison culture and, through rehabilitation, they can positively influence their peers and help create a safer prison environment.

Purpose of Prison

- To be effective, prisons should be rehabilitative, but an overly punitive culture has caused prisons to become criminogenic.
- A recent poll found that 92% of Democrats and 79% of Republicans agree that the criminal justice system should be rehabilitative and should be preparing individuals to successfully reenter their communities.⁸

Wasted Tax Dollars

- States and the federal government spend billions of dollars annually to maintain prison populations.⁹
- Incarceration costs are compounded by the high costs of reincarceration.
- The data suggest that every dollar spent on prison education saves four to five dollars by reducing reincarceration due to recidivism.¹⁰
- Expanding Pell grant eligibility to incarcerated individuals could save states as much as \$365.8 million a year in incarceration costs if 50 percent of the Pell-eligible individuals participated in post-secondary education.¹¹

“Being truly tough on crime is preventing it from happening in the first place or happening again. Preventing recidivism is tough and we need to get smart on being tough on crime. Reducing recidivism is key to public safety, and in-prison education is key to reducing recidivism.” – **Ronal Serpas, Former Police Superintendent, New Orleans, Louisiana**

“People are sent to prison as punishment, not to be punished when they get there. If we, as a society, want to be serious about reducing crime, we have to look at how time during incarceration can play a role in increasing success for second chances.” – **Rick Raemisch, Former Executive Director of Colorado Department of Corrections**

“Reentry planning should start on day one of incarceration. Education is a key foundational component to reducing recidivism, improving outcomes for those in the justice system and enhancing safety for our communities.” – **Peter J. Koutoujian, Sheriff, Middlesex County, Massachusetts**

“I worked with a lot of survivors of violence and sex crimes as a federal prosecutor, and one of the things that gives many of them the courage to come forward and see a case through is the hope that they can prevent someone else from being hurt in the future. We need to provide defendants with appropriate opportunities for rehabilitation to reduce the possibility that they will reoffend upon release. We owe it to the victims.” – **Taryn Merkl, Former Assistant U.S. Attorney, Eastern District of New York**

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Law Enforcement Leaders unites nearly 200 current and former police chiefs, sheriffs, federal and state prosecutors, and attorneys general from all 50 states and across the political spectrum, who are committed to identifying and implementing solutions to simultaneously reduce crime and incarceration. With the goal of building a smarter, stronger, and fairer criminal justice system, our national coalition joined together in 2015 to develop smart solutions on crime and to change laws and practices in order to reduce recidivism and continue keeping our communities safe.

⁸ Robert Blizzard, *Key Findings from a National Survey of 800 Registered Voters, January 11-14, 2018*, at 10, JUSTICE ACTION NETWORK (2018), <http://www.justiceactionnetwork.org/wp-content/uploads/2018/01/JAN-Poll-PPT-Jan25.2018.pdf>.

⁹ CHRIS MAI & RAM SUBRAMANIAN, VERA INST. OF JUSTICE, *THE PRICE OF PRISONS: EXAMINING STATE SPENDING TRENDS, 2010-2015* 7 (2017), <https://www.vera.org/publications/price-of-prisons-2015-state-spending-trends> (detailing that 45 states spent just under \$43 billion on prisons in 2015).

¹⁰ DAVIS, *supra* note 2 at 59.

¹¹ PATRICK OAKFORD ET AL., VERA INST. OF JUSTICE, *INVESTING IN FUTURES: ECONOMIC AND FISCAL BENEFITS OF POSTSECONDARY EDUCATION IN PRISON* 50 (2019), <https://www.vera.org/publications/investing-in-futures-education-in-prison>.