



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

Chairman Lamar Alexander
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Washington, D.C. 20510

Senator Mike Lee
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Washington, D.C. 20510

Ranking Member Patty Murray
154 Russell Senate Office Building
Washington, D.C. 20510

Senator Dick Durbin
711 Hart Senate Office Building
Washington, D.C. 20510

Senator Brian Schatz
722 Hart Senate Office Building
Washington, D.C. 20510

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.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 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,



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Law Enforcement Leaders to
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Kevin Joyce
Sheriff
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Gil Kerlikowske
Former Commissioner
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Former Director
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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.