

May 21, 2018

Dear Member of Congress,

On behalf of the Union for Reform Judaism, whose 900 congregations across North America include 1.5 million Reform Jews, and the Central Conference of American Rabbis, whose membership includes more than 2,000 Reform rabbis, **I urge you to oppose the FIRST STEP Act.**

The Reform Jewish Movement is dedicated to the pursuit of racial justice, recognizing that our vision of dignity, equity and safety for all people is fundamental to our identity as a multiracial Reform Jewish community. This includes a deep commitment to advancing public policy that will dismantle the mass incarceration of people of color and eliminate racial disparities within the criminal justice system. Demonstrating our resolve, the Reform Jewish Movement launched a nationwide “Urgency of Now” campaign last year. We are working with Reform clergy and lay leaders across the country to mobilize congregations to reform our nation’s criminal justice system across all levels of government.

We are inspired by the book of Deuteronomy, in which we are commanded, ‘Tzedek Tzedek Tirdof – justice, justice you shall pursue.’ As long as, on average, one in three black men in America will serve time in prison at some point in their life, it is clear that our justice system is deeply broken.

Pursuing prison reform without sentencing reform will not stem the tide of mass incarceration, a phenomenon that is devastating American families and communities and perpetuating racial inequality. “Tough on crime” law enforcement and sentencing policy adopted in the 1980s has exploded incarceration rates in the U.S., particularly among African Americans. Over 2 million people are behind bars in the United States today, an increase of 1.9 million since 1972. People of color make up 37% of the U.S. population but 67% of the prison population. Comprehensive criminal justice reform, which must include meaningful sentencing reform, is the only way to begin dismantling this systemic wrong.

Although the FIRST STEP Act seeks to implement limited reforms in the prison system, this legislation alone will not achieve meaningful change. The new “earned time” credit system included in the bill will exclude a significant portion of the federal prison population and disproportionately exclude racial minorities. The credits will only count towards time spent in halfway houses and home confinement, instead of actually reducing prison sentences for inmates. The legislation will also create a risk-based assessment system to assign inmates to rehabilitative programming based on their determined level of risk. These types of tools have been shown to produce disparately negative impacts for people of color, falsely determining that they are more likely to recidivate than their white counterparts. The FIRST STEP Act would render the “highest risk” inmates ineligible to use credits towards early release unless they receive approval from the prison warden, despite needing rehabilitation programming the most. Finally, the FIRST STEP Act seeks to expand programming and increase the utilization of halfway houses and



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home confinement, yet the bill contains no dedicated funding mechanism to support these already grossly underfunded services.

Any serious effort to repair our nation's broken criminal justice system must include robust sentencing reforms. I urge you to oppose the FIRST STEP Act because this legislation will not achieve meaningful prison reform, and it will not begin the hard work of dismantling mass incarceration and eliminating racial disparities in the criminal justice system.

Sincerely,

Rabbi Jonah Dov Pesner