



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO
AND
AFGE BUREAU OF PRISON LOCALS COUNCIL, C-33



The Honorable Chuck Grassley
Chairman, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Dick Durbin
Democratic Whip
711 Hart Senate Office Building
Washington, DC 20510

December 13, 2018

Dear Chairman Grassley and Whip Durbin:

The American Federation of Government Employees, AFL-CIO, Council of Prison Locals represents 33,000 federal correctional workers in the Bureau of Prisons (BOP), the largest federal law enforcement agency within the Department of Justice. These men and women do an extremely dangerous job every day inside 122 federal prisons in order to keep the communities outside the prison walls safe.

The Council of Prison Locals has fought for meaningful criminal justice and sentencing reform for the last five years that will reduce the number of inmates that are in federal prisons, reform the system that keeps certain types of low-level, non-violent offenders in prison longer, and put more resources into programming that has been proven to reduce recidivism rates. We are pleased to see that the revised version of the First Step Act released today meets all of these important tests.

After voicing our concerns with the House-passed version of the First Step Act (H.R. 5682) and working behind the scenes with you and your colleagues this year, we are pleased to see meaningful changes made to the First Step Act which the Council of Prison Locals can now fully endorse. We would like to personally thank you for your steadfast determination and perseverance to get this bill to its current form. Federal correctional workers will be on the front lines implementing the First Step Act, and we truly appreciate your collaboration with us to fine tune the bill into something we are proud to support.

There are a few specific provisions of this bill that the Council of Prison Locals has vociferously advocated for, and it is their inclusion that has garnered our endorsement. First, the bill includes the text of S. 1084, The Lieutenant Osvaldo Albarati Correctional Officer Self Protection Act, which would require the director of BOP to ensure that each warden of a BOP institution provides a secure storage area located outside of the secure perimeter of each institution for personal firearms carried to and from work by our law enforcement correctional workers. Many correctional workers, particularly those who work in or near large cities, want to carry their personal firearms because they have real worries that former prison inmates and others may attempt to harm them. This proved to be a reality when Lieutenant Albarati was murdered as a result of his work in Metropolitan Detention Center Guaynabo, Puerto Rico in 2013.

Second, the Council of Prison Locals has long advocated for meaningful sentencing reform to address the primary cause of the explosive growth in the BOP prison inmate population. In no way do we advocate for the release of career criminals or those convicted of violent crimes. Instead we believe there is a better way to do sentencing for certain types of low-level offenders. That specifically includes expanding the safety valve to give more discretion to judges to make sure the sentence handed





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down matches the crime committed. We believe that the expansion of the safety valve now included in the First Step Act, coupled with the retroactive application of the Fair Sentencing Act, is the most meaningful way to reduce the prison population, which will make federal prisons safer places to work. We also worked with you to expand the categories of offenses making inmates ineligible for time credits to include the assault of a federal employee, including federal correctional workers, while engaged in their official duties. This will serve as a powerful reminder that Congress takes seriously assaults on our federal workers while they are trying to do their jobs.

The Council of Prison Locals previously expressed concerns with parts of the House-passed version of the First Step Act (H.R. 5682), and we are pleased that many of those concerns have been addressed in this revised bill. Specifically, we expressed concern with the requirement that the Attorney General create a new recidivism risk assessment system, and do so within 180 days. The current risk assessment system in use by the BOP has been developed and refined over many years, and hastily creating a new system that is untested could put the safety of correctional officers at risk. We are pleased to see that this new version allows the Attorney General to use our existing risk and needs assessment tools in developing the new system.

We also expressed concern that H.R. 5682 only authorized the appropriation of \$50 million a year for five years to implement this new system, an amount that we believe is inadequate given the current state of funding and staffing shortages at federal prisons. We are pleased that the First Step Act now authorizes \$75 million a year for five years to implement the risk and needs assessment system.

We believe this new more comprehensive sentencing and criminal justice reform bill will help meaningfully reduce our prison population and in turn make prisons safer for correctional workers and inmates. Three federal correctional officers have been killed in the line of duty in the last decade, including two in the last five years. Congress must do everything in its power protect the federal correctional workers who protect communities across America and ensure that a murder like those that took the lives of Jose Rivera, Eric Williams and Osvaldo Albarati never happens again. Passing the First Step Act will help reduce the federal inmate population, better concentrate already scarce resources, and take a big step in helping better protect the federal correctional workers who help keep our communities safe. The Council of Prison Locals is proud to offer our full support to the First Step Act, and we urge its swift passage.

Sincerely,

E.O. Young
National President
AFGE, CPL C-33

