



**Written Testimony of Joseph Fierros
On Behalf of Prisology Before the
Charles Colson Task Force on Federal Corrections**

On behalf of Prisology, I would like to thank the Task Force for the opportunity to provide testimony concerning the current state of the federal correctional system, and to offer our ideas on how the system can be improved.

While Prisology supports an array of proposals that would work to reduce the federal prison population—including the reintroduction of parole and increased good time earning opportunities—we would like to focus our testimony on a legislative proposal created by Prisology called the Renewing Each Affected Community Holistically Act, or REACH Act for short.

The REACH Act creates a revenue neutral mechanism for funding federal prisoner educational programs. Modeled after the Crime Victims Fund¹, the REACH Act imposes a series of assessments and surcharges on individuals convicted of federal crimes. All monies collected are deposited into the REACH Fund. The REACH Fund in turn provides grants to non-profits, community colleges, and other post-secondary educational institutions to fund vocational training programs and college courses that lead to a terminal undergraduate degree. The effectiveness of prisoner educational programs on recidivism is widely recognized.²

The REACH Fund would be administered by a newly created office within the DOJ's Office of Justice Programs—the Office for Restorative Justice. The Director of the

¹ 42 U.S.C. Chapter 112

² Rand Corporation. (2012). *Evaluating the effectiveness of correctional education, a meta-analysis of programs that provide education to incarcerated adults*. Santa Monica, CA: Davis, Lois, et al.



Office for Restorative Justice (“the Director”) would work closely with the Director of the Bureau of Prisons to ensure the appropriate award and monitoring of all REACH grants. In addition, the Director would conduct routine, random audits of the effectiveness of all Bureau of Prisons rehabilitation and re-entry programs.

KEY POINTS ABOUT THE REACH ACT

- Creates a revenue neutral mechanism for funding vocational and educational programs exclusively for federal prisoners.
- Contributions to the REACH Fund only come from those who choose to break the law.
- Potentially will generate tens of millions of dollars a year for re-entry and rehabilitation programs for federal prisoners. The Crime Victims Fund—which is funded through similar mechanisms—had nearly \$9 billion in fiscal year 2013.³
- Does not displace existing funding for the Crime Victims Fund.
- Embraces restorative justice concepts.
- Promotes offender accountability.
- Protects REACH Funds by requiring offenders who fail, withdraw or are expelled from REACH funded programs to reimburse the REACH Fund for their cost of participation.

CONCLUSION

Successfully addressing over-incarceration within America’s federal prisons requires more than just accelerated release. Federal offenders must be provided with the tools to help them become productive citizens. The REACH Act does just that.

³ <http://www.ovc.gov/about/victimsfund.html>

EXAMPLE PROVISIONS OF THE REACH ACT

18 U.S. Code § 3014 – REACH Act assessment on convicted persons

- (a) The court shall assess on any person convicted of an offense against the United States—
- (1) if the person is an individual—
 - (A) the amount of \$50 in the case of an infraction or a class C misdemeanor;
 - (B) the amount of \$100 in the case of a class B misdemeanor; and
 - (C) the amount of \$250 in the case of a class A misdemeanor; and
 - (D) the amount of \$500 in the case of a felony;
 - (2) if the person is an organization or other corporate entity—
 - (A) the amount of \$1,000 in the case of a misdemeanor;
 - (B) the amount of \$5,000 in the case of a felony;
- (b) The court shall also assess an amount equal to 25 percent of any criminal fine that may be imposed.
- (c) The court shall also impose a monthly supervision fee of \$25 a month for the duration of any period of probation or supervised release.
- (c) All amounts assessed shall be collected in the manner that fines are collected in criminal cases, and deposited into the REACH Fund.
- (d) The obligation to pay any assessment or fee under this section expires 20 years after the entry of the judgment, or upon release from incarceration, whichever is later.
- (e) “Person” means any corporation, company, association, firm, partnership, or other organization, as well as individuals.
- (f) “Offense” means any criminal violation of the laws of the United States.

(g) “Criminal fine” means any fine covered by section 3571 of title 18.

(h) REACH Act or REACH Fund means the fund described in Chapter 160 of title 42.

42 U.S. Code § 184XX -- REACH Surcharges On United States Prisoners

(a) The Director of the Bureau of Prisons shall collect from United States prisoners—

(1) at the point of sale, an amount equal to ten percent of each purchase from institution commissaries;

(2) five cents for each minute of time spent drafting, reading, or sending electronic communications with the general public via the Trust Fund Limited Inmate Communication System (“TRULINCS”);

(3) five cents for each page printed through TRULINCS, regardless of the nature of the material printed;

(4) one dollar for each music download through TRULINCS;

(5) one dollar for each photo taken through the inmate photo program;

(6) appropriate charges, as determined by the Director of the Bureau of Prisons, for other services administered by the Trust Fund Branch of the Bureau of Prisons.

(b) The Director of the Bureau of Prisons shall, from time to time, revise by regulation the amounts collected under subsection (a)(1)-(6) consistent with the Consumer Price Index.

(c) All funds collected pursuant to this section shall be deposited into the REACH Fund. The Director of the Bureau of Prisons shall also deposit into the REACH Fund all funds collected as a result of fines imposed for violations of the Bureau’s inmate discipline program.

(d) The provisions of this section shall continue to apply to any successor system to TRULINCS that may be adopted by the Bureau of Prisons.

(e) “United States prisoners” means an individual convicted of violating the laws of the United States who is incarcerated in a privately contracted or government owned federal prison.