



December 17, 2018

The Honorable Charles Grassley
Chairman
U.S. Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
U.S. Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein:

On behalf of the Peace Officers Research Association of California (“PORAC”), representing over 70,000 public safety professionals across California, I appreciate this opportunity to share our views on the First Step Act. We applaud the changes that have been made to address some concerns raised by law enforcement. However, significant deficiencies remain and PORAC is not in a position to support this bill.

America’s criminal justice system needs reforming. However, the First Step Act’s swift and sweeping overhaul of the criminal code should give lawmakers pause. We fear, based on our experiences with criminal justice reform here in California, that the First Step Act will negatively impact public safety and impede law enforcement officers from serving their communities.

Congress should look no further than California for an example of what happens when far-reaching, criminal justice measures, once in effect, exacerbate the very problems they were intended to fix. In 2014 and 2016, Californians approved Propositions 47 and 57 respectively. Since enactment of these Propositions, violent crime has nearly doubled in California.¹ While numerous factors underlie this dramatic increase, this trend suggests the concepts embodied in criminal justice reform are not the key to promoting public safety.

Both initiatives granted early release to certain “non-violent” offenders. The measures were intended to reduce over-crowding of California’s prisons, but they failed to properly distinguish between which prisoners should qualify as “non-violent” offenders – opening the door for early release of dangerous criminals. For example, earlier this year, the Sacramento County Superior Court found that Proposition 57’s definition of “non-violent” offenders does not exclude sex offenders from being eligible for early parole. In addition to sex offenders,

¹ Jim Miller, *California Violent Crime Ticked Up Again in 2016*, SACRAMENTO BEE (Aug. 17, 2017), <https://www.sacbee.com/news/politics-government/capitol-alert/article167879952.html>.



convicted rapists, drug traffickers, and peace officer assaulters also are allowed to participate in programs for early release.

The First Step Act adopts this same approach by broadening the scope of criminals eligible for early release and permitting these “non-violent” offenders to earn “good time” credits that would reduce the remaining time on their sentences. While the universe of which offenders are considered “non-violent” and eligible to earn these credits under the First Step Act has seemingly changed with each version, we understand the bill in its current form would permit early release of categories of dangerous felons.

Similar to California’s Proposition 47, the First Step Act also would reduce the mandatory minimum sentences imposed on certain drug offenders. Putting these criminals back on the streets sooner will compel law enforcement across this country to spend more of their limited resources on these felons.

If our experiences in California are any guide, criminal justice reform, by reducing the prison population, will impose more burdens on law enforcement. With all of the responsibilities being imposed on modern law enforcement – from the use of expensive and time-consuming technology, to dealing with the impacts of illegal immigration and drug trafficking, to serving as first responders, to a seemingly growing population impaired by mental illness – our resources are already over-stretched. As such, any federal legislation facilitating the release of felons should be accompanied by additional funding for local law enforcement agencies to assist us in managing the additional burdens these policies are bound to impose on us.

PORAC recognizes the need for criminal justice reform, and would be eager to work with Congress to come up with a coordinated, constructive approach for prison and sentencing reform. We do not believe, though, the First Step Act embodies this approach – rather, it will place an undue burden on law enforcement and complicate further our mission of protecting the public.

As opposed to rushing such wide-sweeping legislation through the waning hours of this Congress, we would prefer the issue be kicked over to the 116th Congress, and that the new Congress would take a broader view of law enforcement issues facing this nation – including the challenges faced on a daily basis by those sworn to protect the public.

We would hope such an effort would include substantive hearings on the wide range of issues facing the criminal justice system, and that such an examination would include bringing in diverse perspectives of peace officers and other stakeholders within and outside the state of California. We want to help Congress construct bipartisan legislation that incorporates best practices and lessons learned in order to proactively and effectively reform our criminal justice system.



We appreciate your consideration of our views. We would look forward to working with you in the coming year to craft criminal justice reform legislation that fixes our broken system while keeping all Americans safe. If you have any questions, or need more information, please do not hesitate to call me at the PORAC Headquarters at (916) 928-3777 or contact our federal legislative advocates at Steptoe & Johnson LLP at (202) 429-6457.

Sincerely,

BOARD OF DIRECTORS
Peace Officers Research Association of California

Brian R. Marvel
President