

Congress of the United States
Washington, DC 20515

July 14, 2022

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland:

We write to request clarification on how the Department of Justice plans to address the delay in releasing thousands of nonviolent federal inmates under the First Step Act.

As you know, the First Step Act, which passed in 2018, was created to address the over population of individuals incarcerated in the federal prison system, and work to reform sentencing laws that would decrease this population, reduce recidivism, and help provide more support in making the transition back into society. Despite the legislation being enacted for over three years, there still seems to be a disconnect between the law's intent and its implementation. In a recent article from NBC News¹, thousands of individuals remain locked for months, if not years later than they should be due to "inadequate implementation, confusion, and bureaucratic delays."

We are aware of the final rule that the Justice Department issued in January on how incarcerated individuals can earn time credits and how it can be calculated as part of the process of an earlier release. Individuals and advocates have raised concerns that these time credits are not being properly applied. Consequently, these individuals deemed "minimal or low risk" and participating in this program for early release are finding their release dates delayed significantly. There are further concerns with timely information sharing, communication, and transparency with the Bureau of Prisons. Despite the announcement of Director Michael Carvajal's departure amidst turmoil at the Bureau, no successor has been named over six months later to facilitate a smooth and necessary transition of leadership. It is more important than ever that DOJ ensures the BOP is capable of implementing the First Step Act to fully envision its intended criminal justice reforms. We ask the Department to review the concerns raised regarding the early release program and provide a response to the questions below:

¹ <https://www.nbcnews.com/news/us-news/thousands-federal-inmates-still-await-early-release-trump-era-first-st-rcna35162>

- What is the Department of Justice doing to address the issues currently facing the Bureau of Prisons and facilitate a timely transition to new leadership?
- Please provide an update on your work with the Bureau pertaining to implementation of the First Step Act and specifically the time credits rule including any coordination and communication between the Department and the Bureau to implement the rule.
- Following reports of discrepancies on which activities qualify for time credit, what is the process used to determine qualified activities and properly communicate these eligible activities to incarcerated individuals?
- How is the Department and the Bureau working to ensure that retroactive time credits are properly accounted for, as required by the First Step Act? How are they addressing those who serve time beyond their First Step Act out date to ensure that time credit gets applied to their supervised release preferably on the front end?
- Please clarify the current process to identify how an individual currently incarcerated in federal prison can earn time credit, how that credit is counted, and how to ensure that they are given a fair chance in getting as much as possible toward their time credit. Please also explain if all federal inmates who meet the nonviolent classification are able to participate and if not, who are left out and why.
- According to Data provided by the Bureau of Prisons from June of this year, more than 8,600 inmates have had their sentences recalculated and are slated for early release with the application of their time credits. But this data also identifies about 66,000 inmates who are eligible to earn time credits. Can you explain why there is a huge gap between those who have had sentences recalculated and those who are eligible?
- Will you be able to provide a report to Congress and the appropriate committees on the status of the implementation of the First Step Act as it regards to early release and time credits?

We respectfully request a response to these questions no later than July 31st, 2022 and look forward to continuing this discussion. We thank you for your time and consideration.

Sincerely,



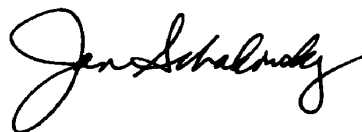
BONNIE WATSON COLEMAN
Member of Congress



ADRIANO ESPAILLAT
Member of Congress



DAVID TRONE
Member of Congress



JAN SCHAKOWSKY
Member of Congress



KAREN BASS
Member of Congress



SHEILA CHERFILUS-MCCORMICK
Member of Congress



MADELEINE DEAN
Member of Congress



GWEN S. MOORE
Member of Congress



MONDAIRE JONES
Member of Congress



AYANNA PRESSLEY
Member of Congress

/s/

DONALD M. PAYNE, JR.
Member of Congress

/s/

BENNIE THOMPSON
Member of Congress