

Testimony Submitted by John P. Walters, Member of the First Step Act Independent Review Committee and Chief Operating Officer of Hudson Institute to the U.S. House of Representatives, The Committee on the Judiciary, The Subcommittee on Crime, Terrorism and Homeland Security

October 17, 2019

In April 2019, the National Institute of Justice awarded Hudson Institute a contract to serve as host organization for the Independent Review Committee specified by Title I of the First Step Act of 2018. As its 501(c)(3) status requires, Hudson took no institutional position on the First Step Act at any time, and as host organization for the Independent Review Committee its role has been exactly that: to select, and host, the most qualified group of criminal justice experts—satisfying the First Step Act’s criteria—to advise the Attorney General on the development of a risk and needs assessment and on the implementation of the Act. Hudson supports the efforts of IRC experts; facilitates analysis and reviews by committee members; and serves as liaison between the IRC and the Department of Justice.

The Independent Review Committee

The Independent Review Committee is composed of six experts from a range of fields and with extensive expertise in both research and operations. Dr. Faye S. Taxman is University Professor in the Criminology, Law and Society Program at George Mason University and a Director at the Center for Advancing Correctional Excellence. She is recognized for her work developing care systems that link the criminal justice system with other service delivery systems. Dr. James Byrne is Professor and Associate Chair of Criminology and Justice Studies at the University of Massachusetts, Lowell. His work focuses on the effectiveness of institutional and community-based corrections, the nexus of technology with crime and the criminal justice

response, and social ecology and criminal justice policy. Dr. Patti Butterfield is an Adjunct Professor at Southern New Hampshire University, teaching courses on Forensic Psychology, Abnormal Psychology, and Foundations of Addiction, and a former Senior Deputy Assistant Director at the Central Office at the Bureau of Prisons in the Reentry Services Division. During her time at BOP, she was responsible for overseeing the following components: psychology, residential reentry management, reentry affairs, chaplaincy, female offenders, and other special populations. George J. Terwilliger III is Partner and co-head of the white-collar practice at McGuire Woods LLP, following fifteen years in the US Department of Justice, including as Acting Attorney General. He still provides counsel for and advises government officials, Congress, and private organizations on public policy and legal issues. John E. Wetzel is Secretary of Corrections for the Commonwealth of Pennsylvania, first appointed in 2011 and overseeing the first population reduction in Pennsylvania Corrections in over four decades. He has guided the Department through restructuring Community Corrections, their mental health systems, and the implementation of security enhancements, while simultaneously reducing departmental spending. I am the sixth member of the committee and serve as Chief Operating Officer of Hudson Institute. I was the Director of National Drug Control Policy from 2001 to 2009, helping manage all aspects of federal drug policy and programs, including prevention education, treatment expansion throughout the criminal justice system, screening in the healthcare system.

Since its formation, the IRC has offered a range of expert advice to Department of Justice as it developed and refined its new risk and needs assessment instruments; reviewed and selected programs to designate as evidence-based recidivism-reduction programs and productive activities; and offered suggestions regarding implementation oversight and improvement. The

foundational committee activity from its inception has been weekly conference calls, in which members discuss their views regarding materials and questions forwarded by DOJ. These conference sessions have resulted in detailed statistical and substantive analysis by individual IRC members that has been supplied to DOJ.

In addition, last June, the IRC solicited recommendations, concerns, and priorities for further research from nearly eighty-five expert, external organizations and individuals concerned with criminal justice, victims' rights, and law enforcement. These groups included such diverse organizations as the American Civil Liberties Union; the American Bar Association; and the National Sheriffs Association. Representatives from the IRC also attended National Institute of Justice listening sessions designed to give concerned organizations or experts the opportunity to comment on the initial draft of DOJ's new Prisoner Assessment Tool Targeting Estimated Risk and Needs, or simply "PATTERN" and other components of the Act. Finally, NIJ contractors Zachary Hamilton and Grant Duwe, PATTERN's designers have spent nearly 200 hours working on statistical tests and variations of the original model at the IRC's request. This analysis was intended to correct errors, test the reliability of the model, and remove bias.

Members of IRC have also conducted site visits. These include Grand Prairie, Texas to tour the Bureau of Prison's Designation and Sentence Computation Center, where the Bureau collects and processes inmate data. And last month, an IRC member accompanied a delegation of DOJ officials to Ottawa to hear presentations from Canadian corrections officials on program delivery and to see how those programs were developed and implemented.

Prior to the release of the National Institute of Justice's July 19, 2019 report on the Risk and Needs Assessment, IRC members participated in several direct discussions with DOJ officials, including the Deputy Attorney General and the Attorney General. These presentations

were an honest assessment of the state of PATTERN, including major concerns, areas that were necessary to improve, and recommendations about how to proceed. The IRC also recently participated in a workshop with key DOJ officials, offering final recommendations on possible refinements PATTERN before it is implemented for the first time later this year and discussing next steps regarding the implementation of needs programming.

To supplement and drive its discussions with the Department, the Committee also submitted several written analyses, each drawn from the expertise of individual IRC members and substantial discussion within the IRC.

The Committee's future work centers on three objectives. First, as the January implementation deadline approaches, we will continue to advise the Department of Justice on implementation matters, including program selection, evaluation, and quality control. Second, we will begin research and discussion about those inmates excluded from earning time credits by their offense type, as the Act requires, determining their relative risk of recidivism and weighing that alongside other considerations that led to their exclusions. And, finally, the IRC will deliver a report to the four committees specified by the act, describing current progress towards the Act's faithful implementation and indicating next steps or additional measures that will ensure its objectives are met.

Hudson Institute

Hudson Institute was founded in 1961 and is dedicated to promoting American leadership and global engagement for a secure, free, and prosperous future. Hudson is a 501(c)(3), nonpartisan, nonprofit organization and as such takes no institutional stance on specific legislation, candidacies, or issues. For nearly sixty years, the Institute has striven to challenge

conventional thinking, and to help manage strategic transitions to the future through interdisciplinary studies in defense, international relations, economics, health care, technology, culture, and law.

Thank you.