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“About two-thirds (67.8%) of released prisoners were arrested for a new crime within 3 years, and three-quarters (76.6%) were arrested within 5 years.” (Recidivism of Prisoners Released in 30 States in 2005) These stats are representative of the larger issue in the United States Prison Industrial Complex – the rising recidivism rate. Beyond the ridiculously high United States incarceration rate, we also have a relatively high rate of prisoners who return to prison less than 5 years after being released. According to the Federal Bureau of Prisons, their mission is to “protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.” (Organization, Mission and Functions Manual) This shows that our prisons are not doing their jobs, in addition to detaining and confining prisoners they are also supposed to be focused on helping them rehabilitate and become functioning members of society after their release.

What is the issue?

As aforementioned, one of the biggest issues we are dealing with in the mass incarceration system is the recidivism rate because it shows the system is failing. The recidivism rate adds to the already large federal prison population, which is costly to maintain. This is an issue rarely touched by congress people and state legislatures because of the fact that being “tough on crime” and “keeping the streets safe” is the view that the majority of voters support and rally behind. People like the idea of being safe and rightfully so but keeping human beings locked in cages like animals and not focusing on the rehabilitation so they can be somewhat reformed by the time they get out only adds to the crime in the streets. “Sleep soundly. We'll be up all night. In our institutions located around the country, we work throughout the night to keep you safe.”(Federal Bureau of Prisons) The very fact that this is the first thing you see when you search up the facilities on the Federal Bureau of Prisons website just reiterates the fact that focusing solely on the idea that keeping the criminals off the street and behind bars leads to higher approval ratings. Once people see politicians fighting for incarceration reform and better treatment of prisoners they are less likely to support them because they view them as being soft on crime. For example, the Willie Horton Ad and how it automatically discredited Massachusetts Governor Michael Dukakis in the presidential running against George H.W. Bush in 1988. Not only did he oppose the death penalty but he allowed first degree murderers to have weekend passes from prison and unfortunately Willie Horton committed a crime on one of these weekend passes and Dukakis eventually lost the presidential election.

What are the goals set to solve the issue?

The disproportionate sentencing laws and expanding the federal inmate population created a criminal justice system both liberals and conservatives agree is both expensive and unfair. They want a more equitable criminal justice system that not only benefits society as a whole but also the prisoners in the system. Some potential goals set to solve the problem are to reduce sentence minimums and maximums, give judges more discretion, prohibit the doubling up of mandatory sentences from certain gun and drug offenses, eliminate prison for low level crimes and support community policing efforts, reform monetary bail, make changes retroactive, decriminalize certain activities, eliminate the use of for-profit, private prison companies, establish prison education programs and incentivize inmate participation, provide incentives for employers to hire ex-convicts, and eliminate the school-to-prison pipeline. (JSTOR) Enforcing these solutions is difficult because both sides have different views on how the government should intervene and function, but they were able to agree on a common end goal and pass a bill that implements the majority, if not all, of the goals listed above.

What is the public program aimed at fixing these issues?

“The First Step Act (FSA) is a significant bi-partisan legislation promoting criminal justice reform. The FSA will transform the operations and processes of federal corrections and reentry for many years to come.” (Federal Bureau of Prisons) It includes part of the Sentencing Reform and Corrections Act passed by the House and includes provisions for sentencing reform such as the shortening of mandatory minimums, the easing of the “three strikes rule”, and the correction of good time credits. This is meant to reduce the number and amount of people in prison; address and attempts to correct several laws that increase racial disparities in the federal

prison system and save money. This act also focuses on the rehabilitation of prisoners. Essentially, it serves to reduce crime by helping low- level inmates prepare to successfully reintegrate in society by encouraging participation in the various rehabilitative and recidivism reduction programs offered in many of the facilities around the country. It also ensures that individuals leaving prison have their ID's before their release to allow for a quicker and more seamless reintegration. (Grassley, & Chuck) \$75 million a year, for five years, was granted to the BOP for the development and expansion of programming focused on skill- building, education, and vocational training. Prisoners were moved within at least 500 driving miles away from their homes and families because familial support is one of the biggest contributing factors driving rehabilitation and effective reintegration. Finally, the act required a biannual audit to hold the BOP accountable, the Attorney General was also supposed to report annually to Congress on the activities implemented, the effectiveness of the programming, and recidivism rates and savings.

What are the politics in establishing and administering the existing policy to meet the goals?

The act was introduced and referred to the U.S. Senate Committee on the Judiciary on May 7, 2018. Senate Judiciary Committee Chairman Chuck Grassley and Senate Democratic Whip Dick Durbin introduced the bill to the Senate on December 12, 2018. On December 13, 2018, it was read again and placed on the calendar. The First Step Act bill was approved by a vote of 87-12 in the Senate and by a vote of 360 to 59 in the House of Representatives in the 115th United States Congress. President Trump signed the First Step Act into law on December 21, 2018.

This act requires the participation of various government agencies. For example, the Department of Justice has to develop a risk and needs assessment system that would be used by the Bureau of Prisons to assess the recidivism risk of all federal prisoners and to place prisoners in programs and productive activities to reduce the risk. To measure the success of these implementations, the United States Government Accountability Office has to submit biannual audits to Congress. (Federal Bureau of Prisons) The Office of Management and Budget appropriated the funds for the law in President Trump's 2020 budget and delivered it to the House Budget Committee. They only allocated \$14 million annually to this law despite the \$75 million per year ask. (White House)

Multiple interest groups such as the Marshall Project and The Leadership Conference on Civil & Human Rights voiced their opinions and concerns regarding this bill before it became law. The Marshall Project is a nonprofit news organization focused on the U.S. criminal justice system and it played a role in oversaturating the market with articles related to the First Step Act and all that it would entail. They critiqued the feeble budget granted to the FSA and wondered where the remainder of the funds would come from to assist the law in achieving its full, intended purpose. (George, J.) The Leadership Conference on Civil & Human Rights is one of the oldest and largest groups of civil rights interest groups and them along with their 74 partners urged voters to vote no on the early version of the bill because it did not include any of the provisions dealing with sentence reform and increase in rehabilitative programming and they believed without these the bill would not be as effective or as impactful as it was intended to be. (Vote "No" on The FIRST STEP Act) By the time the bill made it to the Senate it included many more of the provisions these interest groups and others fought for and it is visible in the final version of the law we see today. The New York Times, The Washington Post, and other large

media outlets were also largely responsible for producing news articles relating to the First Step Act. Because of the existence of interest groups, media, and other forms of citizen participation, Democracy can function as close to perfect as any regime can be. Without freedom of speech and other amendments protecting civil rights, none of these groups would have an outlet to speak out against the shortcomings of the government to improve them.

What is the impact of the government program? Does it meet the goals?

This act was successful in meeting the majority of the goals set out by the government in regards to the issue at hand. “The United States Sentencing Commission, an independent agency that advises federal judges on carrying out changes to sentencing policy, reported that in the four months after the law went into effect, more than 1,000 federal inmates were granted a sentence reduction for offenses involving crack cocaine.” (Board, T. E.) This is extremely important because it is clear that it is achieving its goal of decreasing race disparities in sentencing especially related to drug offenses. Also, 3,100 inmates will be released as a result of the increase in good conduct time under the act. President Trump did not waste any time bragging about the early success of this law in his press release where he stated that, “721 defendants have received sentence reductions, 573 of which have resulted in inmates being released.” (White House) This law operates in very tumultuous territory because dismantling broken systems that have been in place for centuries does not happen overnight but despite this, it has still been able to make some real change in the very short time it has been in effect.

In conclusion, the First Step Act is a catalyst for change in the mass incarceration system because it focuses on the rehabilitation of prisoners, includes provisions for sentencing reform, addresses and attempts to correct several laws that increase racial disparities in the federal prison

system and saves money. This law was passed with the overwhelming support from Congress, the President, and the citizens who took part in interest groups lobbying to make it the best possible version.

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