

Date: October 21, 2019

To: Maddie Colaiezzi

From: Tiffany Gilligan

Subject: Oversight Hearing on the Federal Bureau of Prisons and Implementation of the First Step Act

This hearing highlighted the risk assessment program required by the First Step Act. The Federal Bureau of Prisons already has an inmate assessment system called Bravo, but they are working in collaboration with the Department of Justice to implement a risk and needs assessment to identify the shortcomings of correctional facilities and the threat levels of inmates to assess their ability to reenter society. This is the main focus of the BOP and DOJ in their attempt to implement the First Step Act.

The Director of the Federal Bureau of Prisons, Kathleen Hawk Sawyer, raised key points regarding how the Bureau of Prisons has implemented the First Step Act:

- Worked directly with Department of Justice to meet key deadlines, specifically the release of a risk and needs assessment for inmates and facilities
- BOP has been plagued by staff shortages, grant reductions, security threats, and aging infrastructure and they need all the resources possible to be successful in the implementation of the act
- Ensured all inmates will receive a coat and warm clothing for cold temperatures
- Every 1 to 3 years institutions will be required to be reviewed
- Designated an individual to enact their emergency plan if the need arises in a facility
- Requested funding to expand educational, recidivism reduction, and re-entry programs
- Hired more employees and speed up process to fill correctional officer shortage
- The act incentivizes inmates to complete educational programs

The Associate Deputy Attorney General Office of the Deputy Attorney General, Antoinette Bacon, discussed how the Department of Justice has worked to implement the act:

- Met the July 19th deadline to publish risk and needs assessment called “pattern” and opened it to a 45 day study period
- 3,100 inmates have been released from federal prison and 2, 139 inmates have received reduced sentences due to the act
- Focused on re-entry programming- connecting inmates to private companies looking to hire
- Need 75 million to fully fund First Step Act- this would include job readiness advancement, expanding educational resources such as having English as second language work books, and helping the female population

The Director of the Federal BOP was then asked to discuss what has changed in the BOP for pregnant women:

- BOP has instituted a reporting system for when a correctional officer has to restrain a pregnant inmate although that rarely happens
- Has defined explicitly in policy how pregnant women should be treated/ they always check for pregnancy when females enter the facility

Issues raised regarding the risk and needs assessment:

- Racial bias in pattern instrument
- Does not include the input of formerly incarcerated individuals

Overall, the BOP and DOJ suggested that they have done their role in implementing the First Step Act by enabling the risk assessment. They are urging for more funding in order to fulfill all the requirements of the act and grow their programs. The risk assessment is not complete and its development process was criticized by members of the panel. They suggested that it be modified to avoid unfairly assessing inmates based on race of the crime they committed.