POLICY BRIEF: THE FIRST STEP ACT
from the Center for Criminal and Juvenile Justice Priorities

QUICK FACTS ABOUT THE FIRST STEP ACT

April, 2008
Reauthorization of the Second Chance Act, signed into law in April 2008

$100 Million
Appropriates $100 Million per year to establish and improve state and local programs that promote successful reentry for individuals returning to a community after incarceration

KEY ELEMENTS*

• Expansion of grant programs that address the complex problems that can lead recidivism such as housing, substance addictions, childcare, and expands career training programs
• Increased support for programs that target individuals in the reentry population with substance use disorders and mental illnesses
• Incentivizes nonprofits to partner with state and local agencies to create programs that treat substance addiction with individuals re-entering into communities
• Continues the legacy of the original Second Chance Act in researching best practices within corrections and implementing these research-based approaches
• Expands eligibility for grant programs
  • Nonprofits can received SCA funding for career training and addiction services
  • Some faith and community-based nonprofits working with the reentry population are now eligible
• Includes accountability measures including requiring regular reviews of grant recipients
• Works to end family separation in the prison system by requiring prisoners to be placed as close to the prisoner’s home as possible and allowing currently
• Incarcerated individuals to transfer to a facility closer to home – close to home is defined as within 500 miles of their primary residence
• Allows prisoners to petition courts for compassionate release
• Mandatory notification to family members after diagnosis of terminal illness
• Requires de-escalation training
• Requires data collection
• Explore evidence-based treatment for opioid and heroin abuse
• Provide free tampons and sanitary napkins to menstruating inmates
• Significant changes to drug sentencing laws and mandatory minimums
  • Changes mandatory for offenders with one prior qualifying conviction to a minimum of 15 years from the current minimum of 20 years
  • Changes mandatory for offenders with two or more qualifying convictions to 25-year minimum from the current minimum of life imprisonment
  • Ends the ‘three strikes’ law which forced mandatory life sentences on thousands of incarcerated individuals after three qualifying drug offenses
• Significantly restricts the use of restraints on pregnant and postpartum inmates
• Establishes incentives for inmates to participate in recidivism reduction programs

LIMITATIONS & CRITIQUES

Although the act is bipartisan, there is significant criticism that the act does not go far enough and places too much power on the administrative actions taken by the Federal government and Federal Bureau of Prisons, which leaves the potential for the systemic racism and bias that is engrained in the corrections system to continue unchecked
• For example, the bias in the interpretation of the risk assessments. Research was conducted on the use of the risk assessment tool which is meant to predict recidivism, and it was found that sentencing decisions based on these assessments were twice as likely to be wrong when used to evaluate black people as white people
• Lack of sentencing reform measures included besides changes to some mandatory minimum laws
• Vital reforms to mandatory minimums and other sentencing reforms are not retroactive and will not apply to inmates currently incarcerated
• One of the exemptions for not allowing a prisoner to move or be located closer to home is “other security reasons” it is speculated that this will be used as a catch-all for denied requests
• States that the courts cannot review the placement decisions of the Federal Bureau of Prisons
• Sentencing enhancements will no longer be limited to prior drug charges and will apply to serious violent felonies and old violent felony charges could be used to impose higher mandatory minimums on individuals
• Extremely broad range of prisoners are excluded from the list of offenders that can earn the time credits that can apply to a supervised release or pre-release custody

References

*This is an overview and not a completely comprehensive list of what is included in the act. See full bill text here:

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