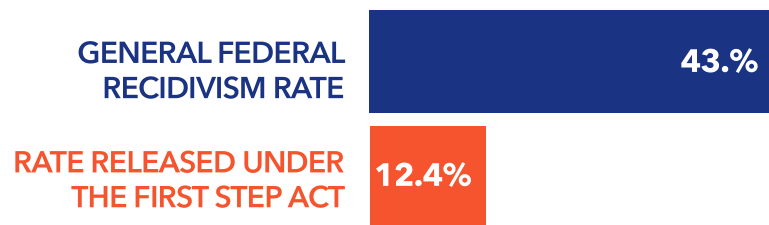




FIRST STEP AT FIVE: THE SUCCESS AND SAFETY OF THE FIRST STEP ACT AFTER FIVE YEARS IN EFFECT

Congress passed the landmark First Step Act with bipartisan support, and President Donald Trump signed the law on December 21, 2018. Now, almost five years later, it is clear that this important criminal justice reform legislation is an overwhelming success. Passage of the First Step Act has not led to increased crime. **Of the nearly 30,000 people released under the First Step Act, only 12.4% have been re-arrested or returned to federal custody. This is far lower than the general federal recidivism rate of 43%.**



Below are descriptions of the First Step Act's sentencing and prison reforms, why they matter, and who they benefitted.

SENTENCING REFORMS

- **Reducing excessive drug mandatory minimums** such as mandatory life without parole sentences for certain people with three drug offense convictions to a mandatory minimum of 25 years. **Prospective only.**
- **Making the 2010 Fair Sentencing Act retroactive**, giving people serving unfair crack sentences a chance to petition courts for a fairer sentence.
- **Ending the practice of giving first-time offenders firearm enhancements designed for repeat offenders.** This practice had resulted in some first-time offenders receiving decades, if not hundreds, of years in prison. **Prospective only.**
- **Expanding the existing "safety valve"** – a mechanism that allows judges to depart from mandatory minimum sentences under narrowly defined circumstances. **Prospective only.**
- **Allowing incarcerated people to petition courts for compassionate release**, a duty the Bureau of Prisons was neglecting. Compassionate release allows courts to release someone for certain defined "extraordinary and compelling reasons" – such as terminal illness – if they aren't a threat to public safety.

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- **Fixing a long-standing misreading of the law** so that all incarcerated people get 54 days of good time credit per year of their sentence, rather than 47. Everyone in federal prison except lifers gets this good time credit deducted from their sentence when they go to prison. Good time credit incentivizes good behavior in prison and can be lost if the person breaks the rules. **This change was made retroactive.**

PRISON REFORMS

- **Creating incentives to get people to participate in rehabilitative programs:** more minutes for phone calls, and – for nonviolent and non-sex offenders only – the ability to serve “earned time” on home confinement or supervised release rather than in a prison, near the end of their sentences
- **Requiring that people be incarcerated no more than 500 driving miles from their home,** and moved even closer if possible, so they can maintain the family ties they will need to succeed after prison
- **Banning the use of restraints during pregnancy, labor, and postpartum recovery** to protect the health of both mother and child.
- **Investing money into creating more evidence-based recidivism reduction programming in federal prisons,** including drug and mental health treatment, job training, and education to help people succeed when they come home
- **Ending the use of solitary confinement for juveniles** incarcerated in federal prison under most circumstances, to protect their mental health
- **Investing money into deescalation training for correctional officers,** so that conflicts can be resolved peacefully with less danger for staff and incarcerated people.

The First Step Act’s reforms have made the federal justice system fairer without endangering public safety. Congress should consider expanding on these reforms in the future.