

BWSUSA IRR



Black Wall Street USA Inmate Reentry & Recovery
National Committee Review

2018
First Step Act
REVIEW



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2018 Criminal Justice Reform First Step Act

The bill contains prison reform language as well as provisions that would reduce sentences for certain drug offenses, including:

- A. Retroactivity for the Fair Sentencing Act (the 2010 law that reduced the crack/powder cocaine sentencing disparity), allowing the potential release of around 2,600 people.
- B. Expansion of the safety valve allowing judges more discretion to sentence beneath mandatory minimum sentences.
- C. Reform of the three strikes law, reducing the second strike mandatory minimum of 20 years to 15 years, and reducing the third strike mandatory minimum of life-in-prison to 25 years.
- D. Eliminate stacking for firearm offenses, meaning that prosecutors cannot add sentencing enhancements to individuals who may possess a firearm while committing their first federal offense

Willie Simpson, National Director
Black Wall Street USA Inmate Reentry & Recovery

The United States' prison population has reached 2.2 million people and has increased 500 percent over the past 40 years without a corresponding increase in crime. The United States incarcerates more people per capita than any other nation.

Nearly two-thirds of inmates in America's jails are awaiting trial.

Deliberations about criminal justice reform are gaining momentum in Congress in 2018. As state actions over the last decade have lowered prison populations and stabilized corrections budgets, Congress is considering where on the federal level it's feasible to follow suit.

State legislation on the front end of the prison system has focused on adjusting mandatory minimum sentences on drug penalty thresholds and felony thresholds. The goal is to preserve prison space for more dangerous offenders, while redirecting others to diversions programs community supervision or treatment.

States have also considered the back end, aiming in part to reduce recidivism rates by providing offenders with educational and job-training services and the skills to be successful after release.

Given that related cost to families, states and the federal government reached, by some estimates \$182 billion dollars annually, it's no surprise that legislatures in nearly every state have passed laws to reduce prison populations and spending in recent years.

On December 18th 2018, the Criminal Justice Reform Act (First Step Act) was passed. The United States Senate passed it 87-12 and the United States House of Representatives passed it 358-36.

The 2018 Criminal Justice Reform Act (First Step Act) is the most significant effort that the federal government will take to date to reduce federal prison populations after decades and decades of doing the opposite and trying to increase our prison populations. Of course, this bill is not going to end mass incarceration, but it is a significant and large step forward.

The legislation would expand reentry and job training opportunities for federal inmates and require them to be housed within 500 miles of their families. The version passed by the Senate also added four changes to federal sentencing law that would reduce some mandatory minimum sentences, expand judges' discretion under the so-called safety valve, and make the reductions to crack cocaine sentences under Fair Sentencing Act of 2010 apply retroactively. The latter provision will result in reduced sentences for approximately 3,000 crack cocaine offenders in federal prisons.

The 2018 Criminal Justice Reform Act (First Step Act) would also ban the shackling of pregnant female inmates in federal prisons. The Bureau of Prisons amended its policies in 2008 to bar the practice except in cases of flight risks, but there is no federal law against it.

The idea that a woman needs to be shackled in labor and delivery as though she is going to escape while delivering a child is ridiculous, brutal, and a human rights abuse. "Rep. Karen Bass (D-Calif.) said on the House floor prior to the vote.

Sitting in the House gallery above, watching debate over the bill, was Pamela Winn, a Georgia woman who suffered a miscarriage while pregnant and shackled in a federal prison.

The legislation reformed sentencing laws that have wrongly and disproportionately harmed the African-American community. The 2018 Criminal Justice Reform Act (First Step Act) gives nonviolent offenders the chance to reenter society as productive, law-abiding citizens. Essentially, the law allows thousands of people to earn an earlier release from prison and could cut many more prison sentences in the future.

Vernon Key, Vice National Director
Black Wall Street USA Inmate Reentry and Recovery Committee

The United States' prison population has reached 2.2 million people and has increased 500 percent in the last 40 years without increase in crime. Nearly two-third of inmates in jails are awaiting trial. In November 2018, Congress took modest steps to reform the Criminal Justice system and ease very punitive prison sentences at the federal level it would only effect at the federal system with which 181,000 imprisoned people which holds a small but significant fraction of the US jails and prison population of about 2.1 million incarcerated

The House Judiciary Committee's Subcommittee on Crime, Terrorism, and Homeland Security Representative Bobby Scott (D-Va.) introduced HR 4261, the SAFE Justice Act, in November 2017. The aim is to address crime prevention, sentencing alternatives, the growing prison population and recidivism. The comprehensive bill starts at the beginning of the prison life cycle, allocating resources to evidence-based crime prevention and community policing while using transparency measures and outcome performance tracking to curtail overcriminalization - or overly expansive criminal codes in the federal criminal justice system.

The bill emphasizes probation and problem-solving courts as alternatives to harsher sentencing. It is also designed to reduce the number of probation supervisees who are ultimately sent to prison in each judicial district. It would reduce enhanced penalties for specified nonviolent repeat drug offenders and end the mandatory life sentence of three time drug offenders.

On the other hand, it would allow enhanced penalties to apply to previously convicted violent offenders and drug felons, and apply new mandatory minimums for crimes related to interstate domestic violence violations or weapons sales to blacklisted countries. It also would allow adding five years to sentences involving fentanyl-laced heroin trafficking. The bill provides for reforms on the back end via pre-release prison programming. This would incorporate opportunities for early release or home confinement and span education, job training and drug rehabilitation.

For juveniles, the bill would limit solitary confinement, increase opportunities for parole, and provide for sealing and expungement of criminal records. The bill also contains compassionate release allowances for terminally ill or elderly inmates. State legislation on the front end of the prison system has focused on adjusting mandatory minimum sentences, drug penalty thresholds and felony thresholds. The goal is to preserve expensive prison space for the most dangerous offenders, while redirecting

Others to diversion programs, community supervision or treatment. States have also considered the back end and aiming in part to reduce recidivism rates by providing offenders with educational and job-training services and skills they need to be successful after release. Given that related costs to families, states and the federal government reach, by some estimates, \$182 billion dollars annually, it's no surprise that legislatures in nearly every state have passed laws to reduce prison population and spending in recent years.

The president said he'd like to employ "job training, mentoring and drug addiction treatment" to assist recently released offenders in becoming productive members of society. The administration has hosted roundtable discussions with federal and state officials, prison reform experts and others over the past six months, including at the Camp David presidential retreat in early January.

Between far-reaching legislation in both the House and Senate, and clear interest from the administration, there's reason to believe comprehensive criminal justice reform on the federal level may occur. Only time will tell whether we can expect significant changes to materialize this year, or whether competing priorities will delay federal remedies. As the United States continues to set records for the size and cost of our prison populations, reform will remain a top priority for lawmakers.

Denise Ragland, Administrator
Black Wall Street USA Inmate Reentry and Recovery Committee

The Criminal Justice Act of 2018 (The First Step Act) was created in an effort to reduce recidivism, enhance public safety, and save money for taxpayers by diverting people that would otherwise be sent to prison, to have the opportunity for treatment and/or similar programs alike.

The bill would eliminate a handful of mandatory minimum sentences for what lawmakers described as "low-level drug offenses." This would include first and second offenses for cocaine possession. While the legislative committee did not raise the age of juvenile court jurisdiction from 18 to 19, it did remove juvenile court jurisdiction over minors aged 7 through 11 years old, preventing anyone under the age of 12 from being prosecuted criminally in the courts. Some crimes committed by offenders up to age 21, would be eligible for expungement under the bill.

This legislation reformed sentencing laws that have wrongly and disproportionately harmed the African-American community. The First Step Act gives nonviolent offenders the chance to reenter society as productive, law-abiding citizens. Essentially, the law allows thousands of people to earn an earlier release from prison and could cut many more prison sentences in the future.

Major Provisions of what the First Step Act does:

- The law makes retroactive the reforms enacted by the Fair Sentencing Act of 2010, which reduced the disparity between crack cocaine and powder cocaine sentences at the federal level. This will affect nearly 2,600 federal inmates.
- The law takes several steps to ease mandatory minimum sentences under federal law. It expands the "safety valve" that judges can use to avoid handing down mandatory minimum sentences. It eases a "three strikes" rule so people with three or more convictions, including for drug offenses, automatically get 25 years instead of life, among other changes. It restricts the current practice of stacking gun charges against drug offenders to add possibly decades to prison sentences. All of these changes will lead to shorter prison sentences in the future.
- The law increases "good time credits" that inmates can earn. Inmates who avoid a disciplinary record can currently get credits of up to 47 days per year incarcerated. The law increases the cap to 54, allowing well-behaved inmates to cut their prison sentences by an additional week for each year they're incarcerated. The change applies retroactively, which will allow some prisoners — as many as 4,000, to qualify for an earlier release fairly soon.
- This allows inmates to get "earned time credits" by participating in more vocational and rehabilitative programs. Those credits will allow them to be released early to halfway houses or home confinement. Not only could this mitigate prison overcrowding, but the hope is that the education programs will reduce the likelihood that an inmate will commit another crime once released and, as a result, reduce both crime and incarceration in the long term.
- It has been proven that Educational Programs do reduce recidivism.
- Not every inmate would benefit from the changes. The system will use an algorithm to initially determine who can cash in earned time credits, with inmates deemed higher risk excluded from cashing in, although not from earning the credits (which they could then cash in if their risk level is reduced).
- But algorithms [can perpetuate racial and class disparities](#) that are already deeply embedded in the criminal justice system. For instance, an algorithm that excludes someone from earning credits due to previous criminal history may overlook that black and poor people are more likely to be incarcerated for crimes even

when they're not more likely to actually commit those crimes. The law also excludes certain inmates from earning credits, such as undocumented immigrants and people who are convicted of high-level offenses.

Source: www.vox.com

-Additional:

1. Fentanyl And Carfentanil Trafficking

While the Legislature is easing up on some drug-related mandatory minimums, they are getting tougher when it comes to [fentanyl](#) and carfentanil trafficking. The synthetic opioids can be lethal, even in small amounts, and are contributing to the recent uptick in opioid overdose deaths. Legislatures are pushing hard for tougher penalties that address this issue. Prosecutors could bring charges against offenders who traffic in any amount of fentanyl and carfentanil. Those convicted of trafficking in the deadly substances would face a much tougher sentences. Tennessee as well as most States have created a Task Force to combat the Opioid crisis here in Tennessee.

- Carfentanil is an analog of fentanyl, which is a potent opioid pain medication. Fentanyl is about 80 times more potent than morphine; Carfentanil is about 10,000 times stronger than morphine. In the United States, Carfentanil is classified as a Schedule II narcotic, meaning it has high potential for abuse and dependency.

- Currently, Carfentanil is marketed as Wildnil, and it's used as a general anesthetic for large animals, such as rhinos and elephants. Though it does have its medical uses in large animals, medical professionals and scientists can mostly agree that the chemical is simply too potent for medical uses in humans, and its use in humans is rare.

- o (Source: Alpine Springs Rehabilitation & Recovery Center- Linesville, Pennsylvania)

- o Founded by Former NFL Player, Doug Datish- Survivor-addictive to painkillers

§2007 –2007 : [ATLANTA FALCONS](#)

§2008 –2008 : [INDIANAPOLIS COLTS](#)

§2008 –2008 : [ATLANTA FALCONS](#)

§2008 –2009 : [TENNESSEE TITANS](#)

Daniel Crooks

Black Wall Street USA Inmate Reentry and Recovery Committee Member

The First Step Act of 2018 has been implemented by the Trump administration as a way to reduce federal recidivism and crime. The policy has been deemed as a refreshing approach to the usual tough on crime, no excuses just lock-them up rhetoric. The law provides for increased prison reform programs that gives incentives for participation in these programs. The new bipartisan federal prison reform law has four key areas that are widely discussed. One being the significant expansion of the safety valve. Another discusses the reduction of mandatory minimum penalties for second and third-strike offenders. A third one deals with the elimination of what is known as stacking, and the fourth one discusses making the Fair Sentencing Act of 2010 retroactive.

The First Step Act of 2018 seems to be a continuation of the Second Chance Act of 2007. For instance, the purpose of the 2007 Second Chance Act was to reduce recidivism, increase public safety, and assist states and communities with the growing number of ex-offenders returning to communities. The Second Chance Act focused on several main areas: jobs, housing, substance abuse/mental health treatment and families.

The new Act continues to focus on rehabilitation and reintegration, but it also puts a particular emphasis on sentencing reduction. The new Act also adds to the Second Chance Act of 2007 as it extends the compassionate elderly release and allows for inmates who meet the requirements to request for their compassionate release.

The Title IV— Sentencing Reform, in section 404 of the Act identifies the changes brought about by the Fair Sentencing Act of 2010 and demonstrates how it becomes retroactive. The purpose of the Fair Sentencing Act sought to reduce the crack and powder cocaine sentencing disparity. Even though, the new law makes FSA fully retroactive, it does not account for inmates who committed offenses prior to the passing of the law in August 3, 2010.

The Title IV— Sentencing Reform, in section 402 of the new Act identifies the safety valve. The purpose of the safety valve is to help, low-level, non-violent drug offenders, obtain a way out of lengthy sentences.

This portion of the law reduces a defendant's offense level by two and allows for judges to disregard the mandatory minimum penalty as long as the defendant meets the criteria discussed in Title I of the Act. Previously defendants could only be eligible for the safety valve if they had no more than a single criminal history point, but section 402 of the Act allows the defendant to attain as many as four, again only if the inmates meet the specific criteria. It's important to mention that the safety valves are not retroactive; therefore, they don't apply to previous convictions, only those committed after the Act was passed in December are considered eligible.

The Title IV— Sentencing Reform, in section 401 of the new Act focuses on reduction and restriction of minimum penalties for recidivists. This portion of the Act identifies the reform of the three strikes law. It reduces the second strike mandatory minimum of 20 years to 15 years, and the third strike mandatory minimum of life-in-prison to 25 years. In order for defendants to qualify for these minimum penalties, the policy clearly states that the defendant must have received

more than 12 months on a drug offense crime only, and the sentence must have ended within 15 years of the commencement of the initial offense. This section is also not retroactive, so it will not include any sentence occurring prior to the enactment of the new law.

Finally, the Title IV—Sentencing Reform, in section 403 of the new Act addresses what is known as “stacking.” This section of the Act eliminates stacking for firearm offenses. The law prevents prosecutors from adding sentencing enhancements to individuals who may possess a firearm while committing their first federal offense. The policy mentions that only one 25-year mandatory consecutive penalty can be applied, not multiple accounts as previously done. Section 403 is not retroactive either, so previous offenses before the enactment of the policy will not be entertained by a judge or court.

Damon Taylor

National Life & Skills Director

Black Wall Street USA Inmate Reentry & Recovery

On December 21, 2018, the President signed into law the bipartisan First Step Act of 2018.

I want to be crystal clear about my position and research on this review being an ex offender myself. The FIRST STEP Act is not perfect by any stretch of the imagination. There will be thousands of inmates who are largely ineligible to benefit from many of the reforms contained in this law. But the legislation is, by its name, a FIRST STEP.

Title VI- Miscellaneous Criminal Justice - First Step Act
Section 601. Placement of prisoners close to families.

Under current law, the Federal Bureau of Prisons (BOP) essentially has unlimited discretion to decide which prison to send inmates to for service of their sentence. For instance, criminal defendants sentenced in Miami, Florida are often routinely sent to serve lengthy sentences as far away as California.

The FIRST STEP Act works to address family separation caused by imprisonment. Under the Section 601 of the bill, the BOP will now be required to "place the prisoner in a facility as close as practicable to the prisoner's primary residence," and to the extent possible within 500 driving miles of the inmate's home.

I've personally experienced the inconvenience of being placed in an FCI more than 500 miles from my hometown and not having the opportunity inmates now have to choose to be relocated to a prison close to home. This is true even if the inmate is already within 500 driving miles of their primary residence.

One glaring weakness in the FIRST STEP Act is that although it says BOP "shall" send inmates as close as practicable to their home, it also specifically provides that no court can review BOP's placement decision. I believe this is a significant potential problem since inmates will have no way to challenge BOP's decisions except through the BOP's administrative remedy program.

At rock bottom, however, the FIRST STEP Act will allow thousands of families to be within traveling distance of their loved ones who are in prison. On this point, the FIRST STEP Act is a good initial change in the right direction.

Section 602. Home Confinement For Low-Risk Prisoners

This part of the First Step Act changes current law to make clear that Congress intends for low-risk inmates to spend as much time as possible on home confinement

Under existing law, inmates can spend up to 10% of their sentence or 6 months (whichever amount of time is less) on home confinement.

I currently have loved ones incarcerated so this part of the bill is special to me. So, the FIRST STEP Act instructs BOP to make sure "to the extent practicable" that all lower risk inmates spend as much as 6 months at the end of their sentence in their own home.

Section 603. Elderly Offender Home Detention And Compassionate Release Reform

Section 603 revives and expands the Elderly Home Detention Pilot Program and makes critical changes to how compassionate release requests are considered.

A. The Prior Version Of The Elderly Offender Home Detention Pilot Program

When Congress passed the Second Chance Act of 2007, it authorized an elderly home detention pilot program. 34 U.S.C. 60541(g). The pilot program was only available in a handful of BOP facilities, limited to 2009 and 2010, and eligibility was defined as applying to anyone:

(i) who is not less than 65 years of age;

(ii) who is serving a term of imprisonment that is not life imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16 of title 18), sex offense (as defined in section 20911(5) of this title), offense described in section 2332b(g)(5)(B) of title 18, or offense under chapter 37 of title 18, and has served the greater of 10 years or 75 percent of the term of imprisonment to which the offender was sentenced;

(iii) who has not been convicted in the past of any Federal or State crime of violence, sex offense, or other offense described in clause (ii);

(iv) who has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence, or of engaging in conduct constituting a sex offense or other offense described in clause (ii);

(v) who has not escaped, or attempted to escape, from a Bureau of Prisons institution;

(vi) with respect to whom the Bureau of Prisons has determined that release to home detention under this section will result in a substantial net reduction of costs to the Federal Government; and

(vii) who has been determined by the Bureau of Prisons to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released to home detention.

C. The First Step Act Allows Prisoners To Petition Courts For Compassionate Release

1) Incarcerated Individuals Can Now Bring Their Own Compassionate Release Motion

2) Mandatory Notification to Family Members After Diagnosis Of Terminal Illness

3) Mandatory 7-day In-Person Visit

4) BOP Employees MUST assist Terminally Ill Inmates in Requesting a Sentence Reduction

5) BOP has 14 days to process a Compassionate Release Request

6) BOP Must Provide Education on Compassionate Release Law

7) Annual Report to Congress Required

Section 604. BOP Required to Help Inmates Obtain ID's Prior to Release

One of the most commonly overlooked portions of the FIRST STEP Act is the new requirement listed under the innocuous title "Identification for Returning Citizens." As an ex offender trying to re-enter society after a prison sentence, I know first hand that a lack of proper identification such as driver's license or birth certificate can pose a huge obstacle

The FIRST STEP ACT requires BOP to assist inmates in obtaining identification including social security cards, driver's licenses, and a birth certificate before inmates leave prison or the halfway house.

Section 605. Expanding Inmate Employment Through Federal Prisons Industries.

The First Step Act also makes changes to the way Federal Prison Industries or "UNICOR" is allowed to operate and who they can sell products to. In addition, inmates working in UNICOR will be required to put 15 percent of all monies earned in UNICOR into a release fund. The funds may then be used by the prisoner "to assist the inmate with costs associated with release from prison."

Section 606. Required De-Escalation Training.

Section 607. Evidence Based Treatment for Opioid and Heroin Abuse.

Section 608. Pilot Programs

BOP is required to establish two different types of pilot programs for 5 years in at least 20 facilities and report on them to Congress. The first type of program is a mentorship program which connects volunteers from community organizations and inmates. The second is a program to provide inmates with skills to provide training to animals seized by law enforcement or otherwise rescued. We are currently working on a pilot program at FCC Hazelton P.O. Box 450 Bruceton Mills WV. 26525

The program is mainly inmate operated with the help of essential staff sponsors. The Senator of the state of West Virginia, Joe Manchin plans to come to that facility to visit and take a look at the program.

The inmates who run the pilot program asked Black Wall Street USA Inmate Re-Entry and Recovery Committee to come to the prison and mentor to the inmates as well as provide stabilization and after care for inmates released that graduated the program.

National Re-Entry week is From April 24 -30 The National Director of BWSUSAIRR will be speaking at USP Hazelton as well.

Section 609. Ensuring Supervision of Released Sexually Dangerous Persons.

This is simply a small textual change to make clear that Probation officers also must provide additional information to the court about people on supervised release for sex offenses but under civil commitment orders. This is not much of a change to existing law.

Section 610. Data Collection.

One of the biggest challenges to passing meaningful sentencing and criminal justice reform is a lack of good information about how BOP operates and the people who are locked away in its prisons. The FIRST STEP Act has a lot of new requirements on the types of information that BOP has to provide to the National Prisoner Statistics Program.

There are 26 different types of new information that BOP will be required to provide each year, so I won't go through each of them. But here are the highlights:

- > Number of veterans incarcerated
- > Number of prisoners placed in solitary confinement each year
- > Number of pregnant female prisoners and certain other information about births
- > Number of prisoners who volunteered for substance abuse programs
- > Number of prisoners who receive medication-assisted treatment for substance abuse

- > Number of prisoners who are a parent or guardian of a minor child
- > Number of prisoners who are single, married, or otherwise in committed relationships
- > Number of prisoners without GED or high school diploma before prison
- > Number of prisoners who received GED each year
- > Vacancy rate for BOP medical and healthcare staff positions

For each BOP facility, the total number of violations that resulted in reductions in rewards, incentives, or time credits, the number of such violations for each category of violation type, and a demographic breakdown of prisoners who received such violations

Section 611. Healthcare Products.

The FIRST STEP Act requires the BOP to provide female inmates with tampons or sanitary napkins for free instead of forcing women to buy these from the commissary.

Section 612. Adult and Juvenile Collaboration Programs.

This provision of the First Step Act requires the Attorney General to use more of their funding towards giving assistance to state and local programs. It also requires the A.G. to use a minimum of 8% of funds appropriated towards mental illness offender programs at the state level.

Section 613. Juvenile Solitary Confinement.

This provision restricts the use of juvenile solitary confinement.

TITLE V- SECOND CHANCE ACT OF 2007 REAUTHORIZATION

Section five of the First Step Act is largely devoted to providing grant monies for Second Chance Act programs at the state level. There are few technical changes to the law discussed in this portion of the bill, but those changes are discussed elsewhere in our comprehensive analysis.

TITLE IV- SENTENCING REFORM - FIRST STEP ACT

Section 401. Reduce and Restrict Enhanced Sentencing for Prior Drug Felonies.

Section 402. Broadening of Existing Safety Valve.

18 U.S.C. 3553 is commonly referred to as the "safety valve" because it allows a court to avoid otherwise applicable mandatory minimums for certain non-violent drug offenders with no prior criminal history who meet other conditions. This sounds fantastic on paper, but in reality, it applies to very few people and only to a small set of criminal offenses.

The biggest issue with the safety valve has always been that it is only available to defendants with no more than 1 criminal history point under the Sentencing Guidelines. The FIRST STEP Act addresses this problem. The First Step Act changes the "safety valve" to make relief available to people with:

no more than 4 total criminal history points [without counting prior 1-point convictions for sentences less than 60 days long including fines only, probation, and deferred sentences]

no prior 3-point sentences [(sentences served over 1-year +1 month)]

no prior 2-point "violent" offense ["crime of violence" sentence more than 60 days long but less than 1-year+1 month]

These specific changes allow courts to apply safety valve relief to a wide range of offenders who were previously ineligible because they had more than 1 criminal history point. How criminal history points are calculated is set out by the Sentencing Guidelines and is beyond this primer.

The expansion of the "safety-valve" is an important change, but it only applies going forward and cannot help out people already serving their time.

Section 403. Clarification of Section 924(c).

Section 404. Application of Fair Sentencing Act.

TITLE III- RESTRAINTS ON PREGNANT PRISONERS PROHIBITED - FIRST STEP ACT

Section 301. Use of Restraints on Prisoners During the Period of Pregnancy and Postpartum Recovery Prohibited.

Generally speaking, this section of the First Step Act prohibits the use of restraints on pregnant and postpartum prisoners except under limited conditions. The FIRST STEP Act also provides that even if restraints may be used, BOP must only utilize the "least restrictive means" to restrain females during and after pregnancy.

This section of the First Step Act also imposes a number of reporting requirements on BOP related to the use of restraints during and after pregnancy. BOP is directed to conduct training regarding the use of restraints during these periods and develop guidelines for their use in consultation with healthcare officials.

TITLE II- BOP SECURE FIREARMS STORAGE

TITLE I- RECIDIVISM REDUCTION - FIRST STEP ACT

Section 101. Risk and Needs Assessment Program.

Within 210 days after the First Step Act became law, the Attorney General was required to develop a "Risk and Needs Assessment System."

<https://sentencing.net>, this system will determine individual prisoner "recidivism risk," and help BOP staff decide which programs individual prisoners should participate in.

The First Step Act does allow the BOP to use existing tools as appropriate to satisfy this requirement under the new law. This new system will also be used to provide guidance on housing decisions in BOP.

A. Inmates Can Receive Incentives for Participating in Recidivism Reduction Programs.

The First Step Act offers significant incentives to inmates for participating in recidivism reduction programs offered at BOP institutions. These potentially include:

Phone privileges, or, if available, video conferencing privileges for up to 30 minutes per day, and up to 510 minutes per month;

Additional time for visitation at the prison as determined by the Warden;

Placement in a facility closer to the prisoner's release residence, subject to bed availability, security level, and Warden support of request;

Increased commissary spending limits and product offerings;

Extended opportunities to access the email system;

Consideration of transfer to preferred housing units (including transfer to different prison facilities);

Other incentives solicited from prisoners and determined appropriate by the BOP Director.

Of all the incentives on this list, only the additional phone minutes appear to be non-discretionary. The language of the Act specifically provides that "A prisoner who is successfully participating in an evidence-based recidivism reduction program SHALL RECEIVE" the additional phone minutes.

B. Prisoners Can Accumulate Time Credits Toward More Halfway House or Home Confinement Time.

There are a lot of ineligible prisoners who cannot earn "time credits,"

Programs taken prior to the First Step Act becoming law will not count towards any "time credit." Here is how the time credits will work:

All eligible prisoners will earn 10 days of time credit for every 30 days of successful program participation;

Prisoners who BOP determines are at a "minimum" or "low risk" for recidivating and have not increased their risk over 2 consecutive assessments, will earn an additional 5 days of time credit for every 30 days of successful program participation.

C. The First Step Act Allows Time Credits to Apply Towards Up to One Year of Supervised Release.

The First Step Act provides that "the Director of the Bureau of Prisons may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under section 3632." In other words, up to one year of the time credits earned under this Act may be used to reduce the post-confinement period of supervised release.

D. Wide Array of Prisoners Excluded from Earning Time Credits.

E. Non-Citizens Ineligible for Applying Time Credits.

F. Prisoners Reassessed at Least Every Year.

G. BOP to Establish Penalties for Loss of Incentives.

H. Evidence-Based Recidivism Reduction Program Evaluations.

I. 5 Years of Detailed Reporting to Congress on First Step Act.

J. Definitions of Terms Used.

Section 102. Implementation of System and BOP Recommendations.

A. 180 Days to Implement Risk and Needs Assessment.

B. Two-Year Phase-In Period.

C. Preliminary Expansion of Existing BOP Programs.

D. Rules for Outside Partnerships.

E. BOP Required to Provide Programs to All Prisoners.

F. Fixing the "54 Day" Problem with Good Conduct Time Credit.

G. Pre-release Custody or Supervised Release Transfer for "Time Credits."

H. Pre-Release Terms.

I. Supervised Release Transfer.

J. BOP to Work with Probation and Pretrial Services.

K. BOP Must Ensure Enough Pre-Release Space Is Available.

Section 103. GAO Report.

The Government Accountability Office is required to conduct an audit every two years of the BOP's use of the risk and needs assessment system created by the First Step Act.

Section 104. Authorization of Appropriations.

In the past, Congress has often passed laws stating high ideals but with little money to back them up in the real world. That is not the case for the First Step Act. This bill authorizes \$75 million dollars annually from 2019-2023 to carry out the First Step Act.

Section 105. Rule of Construction.

Nothing in the First Step Act can be read to create any authority to place a prisoner into pre-release custody who are not serving a sentence for a federal crime only.

Section 106. Faith-Based Considerations.

In evaluating the use or implementation of any program under the First Step Act, the BOP cannot discriminate against any program on the ground that it is faith-based in any way.

Section 107. Independent Review Committee.

Under the First Step Act, an Independent Review Committee is established to assist the Attorney General in developing the risk and needs assessment tool. The Committee is directed to conduct a review of existing tools used by BOP, develop recommendations regarding programming for prisoners, and conduct research on the effectiveness of programs used by BOP. The Committee will terminate two years after the risk and needs assessment system is released.

Prison Industrial Complex is a \$1 Trillion Slave Industry

Courtesy:
Matt Ferner
Senior Reporter, HuffPost

The Full Cost Of Incarceration In The U.S. Is Over \$1 Trillion, Study Finds. And about half of that falls upon the families, children and communities of the incarcerated.

A new study examining the economic toll of mass incarceration in the United States concludes that the full cost exceeds \$1 trillion — with about half of that burden falling on the families, children and communities of people who have been locked up.

The United States is the biggest jailer on the planet, with less than 5 percent of the world's population but nearly 25 percent of its prisoners. Another 7 million Americans are either on probation or on parole. Operating all those federal and state prisons, plus running local jails, is generally said to cost the U.S. government about \$80 billion a year.

But in a first-of-its-kind study, researchers at Washington University in St. Louis found that the \$80 billion price tag is likely a gross underestimation, because it does not factor in the social costs of incarceration.

"We find that for every dollar in corrections costs, incarceration generates an additional \$10 in social costs," Carrie Pettus-Davis, director of the university's Concordance Institute for Advancing Social Justice and a co-author of the study, said last week.

At \$1 trillion, the broader costs of incarceration dwarf the operational costs of the U.S. government. And disturbingly, more than half of that cost, researchers say, is borne by the families, children and communities of incarcerated people.

A growing body of research has established that formerly incarcerated people who get jobs tend to have significantly diminished incomes, even long after they leave prison. Researchers at Washington University found that incarcerated people lose about \$70 billion in wages they would have otherwise earned as part of the workforce. And people who do find employment after incarceration miss out on an estimated \$230 billion in reduced earnings over the course of their lifetime.

Formerly incarcerated persons earn lower wages because they face occupational restrictions, encounter discrimination in the hiring process, and have weaker social networks and less human capital due to their incarceration," the researchers note.

The formerly incarcerated also have a mortality rate 3.5 times higher than that of people who have never been incarcerated. Their shortened life spans collectively add a cost of almost \$63 billion.

How will Trump's administration impact you?

But the single greatest cost the researchers found has to do with the fact that high levels of incarceration may actually increase crime, not deter it, by reinforcing behavior and survival strategies that are maladaptive outside the prison environment. "

INCARCERATION VS EDUCATION IN THE UNITED STATES OF AMERICA



The researchers note that there may be an additional destabilizing effect on communities where many people have been jailed, imprisoned or otherwise detained, thereby “weakening the social controls that bind neighborhoods together.”

Altogether, researchers put those costs of the criminogenic nature of prison at a whopping \$285 billion.

The children of incarcerated people pay enormous costs. They are five times more likely to go to prison than their peers. They’re likely to be stigmatized and suffer long-term emotional and behavioral challenges. They

also have a greater chance of living in poverty or general instability at home or becoming homeless themselves.

Ten percent of children of incarcerated parents are unable to finish high school or attend college. Many teenage children of incarcerated parents forego their education and enter the labor force early in order to make up for lost family income. And incarcerated people have triple the divorce rate of people who are convicted of a crime but not placed behind bars. Altogether, costs involving the children of the incarcerated reach over \$185 billion.

In the researchers' estimation, the full economic burden of mass incarceration in the U.S. comes to about 6 percent of the country's gross domestic product. It's also over 11 times larger than the operational costs of correctional facilities.

Recent reports highlighting the costs to incarcerated persons, families, and communities have made it possible to estimate the true cost of incarceration," Pettus-Davis said. "This is important because it suggests that the true cost has been grossly underestimated, perhaps resulting in a level of incarceration beyond that which is socially optimal."

ABOUT BWSUSAIRR

An effective Holistic Re-entry and Rehabilitation System begins with a Cognitive-Behavioral Therapy Program in the inmate's pre-release program. This is to provide clients with the skills to recognize and change the thoughts and behaviors that led them to incarceration. This process provides them with emotional self-management skills and as well as a life plan upon release.

Upon release, their other needs:

Cognitive Behavioral Therapy
 Health & Wellness,
 Housing,
 Education,
 Life Skills
 Employment & Entrepreneurship
 Restoration of Civil Rights.

Woven into their home setting is a continuation of the Cognitive-Behavioral Therapy that provides them with a supportive peer group and the life skills to be successful in living in the outside world.

Seven Key Areas Met By BWSUSAIRR and Network Partners

The following are the seven key areas that have been identified as needed by clients that clients concurrently as a system obtain their release from prison.

- Cognitive Behavioral Therapy –meeting the emotional-social-behavioral needs at pre- and post-release
 See: blackwallstreet.org/bwsusairr1
- Employment & Entrepreneurship –obtaining employment or entrepreneurial opps for those released
 See: blackwallstreet.org/bwsusairr2
- Housing –meeting housing needs of those released
 See: blackwallstreet.org/bwsusairr3
- Health & Wellness – meeting medical care needs to those released
 See: blackwallstreet.org/bwsusairr4
- Education –meeting education needs of those released
 See: blackwallstreet.org/bwsusairr5
- Life Skills & Employability Skills –meeting the life and employability skills of those releases
 See: blackwallstreet.org/bwsusairr6
- Restoration of Civil Rights –assisting those released obtain the restoration of their civil rights
 See: blackwallstreet.org/bwsusairr7

This process provides them with emotional self-management skills and as well as a life plan upon release. Upon release, their other needs: Health & Wellness, Housing, Education, Life Skills & Employability Skills, Employment & Entrepreneurship, and Restoration of Civil Rights are addressed. Woven into their home setting is a continuation of the Cognitive-Behavioral Therapy that provides them with a supportive peer group and the life skills to be successful in living in the outside world.

BWSUSAIRR National Director's 3-Fold Vision and Implementation

Preparation: Beginning 6 to 12 months prior to release, volunteers focus on equipping the prisoners with skills, education, and resources needed to make a successful transition to the outside world.

Transition: When the ex-prisoner leaves the prison gates, reentry volunteers make sure he or she has safe housing, food, clothing, and many other key supports. During the early days of release, most ex-prisoners need daily encouragement and assistance until the initial crisis-levels needed are resolved. Then they need continued weekly contact, spiritual guidance, and emotional support for 6 to 24 months as they find employment, begin to rebuild relationships, and adapt to their new life outside of prison.

Stabilization: Volunteers continue to disciple and assist the ex-prisoner forward establishing consistent personal habits, healthy relationships, spiritual growth, and church commitment. One very important sign of stabilization is when the ex-prisoner become involved in serving others in the community instead of expecting to be served. This phase is an ongoing aftercare process.

Source: Outreach Reentry Ministry, Inc. West Muscle Shoals, AL

BWSUSAIRR Recovery Weekly Open Forum

Every Thursday at 8pm EST

Host: Willie Simpson, BWSUSAIRR National Director or designee.

Status: Conference call is open to all Black Wall Street USA National members.

The BWSUSAIRR are in close meeting on the 11th of every month.

Conference#: 712.451.0683 Conference Code: 614060

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