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Blurb: Major prison-reform movements influence release dates and quality of life for millions of people serving sentences. Let's work together to bring reforms that improve outcomes for people in the system.

The Slow, Methodical Path to Prison Reform

Major prison-reform movements influence release dates and quality of life for millions of people serving sentences. Let's work together to bring reforms that improve outcomes for people in the system.

The Bureau of Prisons has been slow to implement all the benefits of the First Step Act. Our team at Prison Professors will continue our advocacy efforts to help leaders see the value of this critical legislation. We need help from people inside.

Congress passed the First Step Act legislation several years ago. Many people wonder why it takes so long for the Bureau of Prisons to begin issuing time credits regularly. They question commitment when they see memorandums that block the will of Congress—such as stopping people from receiving the time cuts once they advance to within 18 months of their release dates.

The slow rollout of the First Step Act doesn't surprise me. But I have a different perspective. I'm always optimistic when I see incremental changes that benefit people in federal prison. The First Step Act changed the federal prison in significant ways that will help all people in prison. For example:

- The Act incentivizes people to prepare for success upon release,
- The Act mandates that the BOP change its mission to include preparing people for success upon release,
- The Act allows people to self-advocate in ways that can potentially lead to compassionate release.

The First Step Act is not a get-out-of-jail-free card. People should prepare themselves well to reap all the benefits of the First Step Act. If they understand all the benefits of the Act, they will have more reason to use all their critical-thinking skills while going through the journey.

When the BOP is slow to roll out all the benefits of the First Step Act, they should remember that every piece of prison reform legislation has required massive amounts of advocacy and litigation. The more attention we bring to the Act and how it can improve outcomes of America's criminal justice system, the more we work to move the needle, bending the arc of justice to favor those who use the time inside to prepare for law-abiding, contributing lives upon release.

Below, I include a historical perspective on reform acts that influenced the lives of people in federal prison.

Sentence Reform Act of 1984 (SRA):

When I began serving my sentence in 1987, the federal criminal justice system was going through significant reform. For decades, the country relied upon an "indeterminate sentencing system."

With an indeterminate sentencing system, a judge imposes a sentence. Later, parole board members would assess the person's behavior in prison. They could allow the person to transition from prison to the community if he had an acceptable record and a plausible plan to succeed upon release.

Members of Congress voted to change the law because they wanted "truth in sentencing." They did not like that a person in one jurisdiction could spend more time in prison than another, despite both people having similar offenses, backgrounds, and prison records.

With the SRA, members of Congress established the US Sentencing Commission (USSC). The Sentencing Commission established guidelines for judges to rely upon when sentencing people. The policies required judges to consider the criminal offense and the person's criminal history. Judges would then use the guidelines to select a sentence within a relatively narrow range. Further, the SRA made all offenses committed after November 1, 1987, as being part of the new sentencing law.

Besides mandating a sentencing range for judges to impose, the new law also abolished the US Parole Board and lowered the number of days people could earn through good-time credits.

Although Congress passed the SRA in 1984, it took many years of litigation and advocacy to change how judges used the law and how the Bureau of Prisons calculated the time that people had to serve. In the beginning, the judges considered the guidelines to be mandatory. Effective advocacy led to a change that made the guidelines "advisory" a massive victory for people. That change opened opportunities to work toward persuading the judge on reasons for mercy or leniency at sentencing. After longer than 30 years, advocacy led the Bureau of Prisons to begin applying all the good time credits that Congress intended.

People that served time before those advocacy efforts succeeded did not receive the benefit that people receive today.

The Second Chance Act:

The president signed the Second Chance Act in 2008. Among other benefits for people in federal prison, the Second Chance Act opened opportunities for administrators to transition people in federal prison to Residential Reentry Centers for the final 12 months of their time in prison. If people had 60-month sentences, the BOP could also send them to home confinement for the last six months; if they had sentences of less than 60 months, they could serve the final 10 percent of their sentences in home confinement.

People have invested thousands of hours in advocating for the full implementation of the Second Chance Act. Despite those efforts, few people receive the full benefit. According to what we learned from an interview we conducted with Jon Gustin, who retired after a long career with the Bureau of Prisons, the agency doesn't control enough beds in halfway houses to maximize the use of placement in halfway houses.

For that reason, we strive to learn more about steps people can take to put themselves in a better position to get the highest level of liberty at the soonest possible time. The more people understand the system, the better they position themselves for self-advocacy, which will lead to increasing levels of freedom.

We need more programs to incentivize people to earn freedom through merit rather than simply with time in prison.

People in prison before the Second Chance Act did not receive the benefit of advocacy that has taken place since the president signed the legislation.

The First Step Act:

The First Step Act opens many more benefits for people in federal prison. Yet I anticipate that advocates will need to invest thousands of hours pushing the BOP to provide all the benefits. Again, there are many reasons for the slow rollout.

As a person that served multiple decades in prison, I grew accustomed to accepting the slow rollout of major prison reforms. Yet, I see benefits that others do not see with the First Step Act. My expectations are different, of course, because I am no longer standing up for the count.

I am home and leading the career that I chose. Despite those efforts, I stand committed to working for change and improvements that will lead more people in federal prison to higher levels of liberty at the soonest possible time and more opportunities for success and fulfillment upon release.

While I work with our team at Prison Professors to bring about this change, I urge people in federal prison to assist us. Despite the slow rollout of Earned Time Credit, we encourage people to continue doing their best to:

1. Participate in programs or courses,
2. Avoid disciplinary infractions,

3. Remain current with participation in the Financial Responsibility Program (FRP).

We are working with senior leadership at the Federal Bureau of Prisons to introduce our Preparing for Success after Prison course as an approved program that will allow people to work toward Earned Time Credits regardless of where they're confined.

Persuading the BOP to include our program as a First Step Act course requires thousands of hours of work, travel, and advocacy efforts. Yet the investment of time opens opportunities to visit several federal prisons and to make presentations. I begin those presentations in November with trips to federal prisons in Illinois, Indiana, and Missouri. Once the federal budget passes, I anticipate visiting several more federal prisons. I hope to meet members of our community when I present.

During those visits, I anticipate getting more insight from senior leadership in the BOP. Through conversations with wardens, I will work to bring them closer to seeing the value of the full implementation of the First Step Act. Suppose they advocate for changes within the system, such as monthly calculations of Earned Time Credits and maximum use of home confinement. In that case, the advocacy effort will yield results for tens of thousands of people. When we persuade wardens to see the benefit of change, other leaders in DC listen.

As a formerly incarcerated person, I cannot change the BOP alone. But suppose I can influence senior leaders to see the benefit of full implementation of the First Step Act. In that case, we will advance the ball toward the goal line that will lead to better outcomes for every stakeholder in the system—including people serving time and their family members.

When we succeed in this effort, we will have accomplished a tactic in our long-term strategy of working to improve outcomes for people in prison. I'm grateful to every person who helps us along the way.

If opportunities open to promote the use of Prison Professors in your institution, such as advocating for the introduction of our courses and books, that is a small step that helps us influence better outcomes.