

# Criminal Justice Reform

## The First Step Act of 2018

On December 21, 2018, President Trump signed into law the First Step Act of 2018 (FSA, or “the Act”), the most significant, bipartisan criminal justice reform legislation in more than a decade. The Act is designed to reduce certain criminal penalties and the risk of recidivism by former inmates. In 2019 alone, 2,387 Federal inmates received sentence reductions averaging 71 months, or 26 percent, under the FSA’s retroactive application of the Fair Sentencing Act of 2010. The Act also includes numerous recidivism-reducing provisions, such as increasing inmate access to pre-release custody so that they can finish portions of their sentences in the community; expanding the Medication-Assisted Treatment (MAT) program to assist and treat inmates with opioid use disorders; and increasing the availability of evidence-based, recidivism-reducing programs, such as vocational training, life skills development, and mental health treatment.

For 2021, the Budget provides \$409 million to Department of Justice’s Bureau of Prisons (BOP) to implement the FSA, an increase of \$319 million over 2020 enacted budget. Major new investments in 2021 include:

- **Residential Reentry Center (RRC) Expansion (\$244 million):** The FSA requires BOP to have pre-release custody available for all eligible inmates. The FSA also greatly expands inmate eligibility for pre-release custody by allowing inmates to earn 10 days of pre-release custody time credits for every 30 days of successful participation in an evidence-based, recidivism-reduction program or productive activity. Pre-release custody usually occurs in an RRC, commonly called a “halfway house.” BOP currently has about 14,000 RRC beds under contract, and funding provided in 2020 will add 300 more. The 2021 Budget supports an additional 8,700 beds, bringing the total to 23,000 RRC beds – a level that is expected to meet the pre-release custody demand under the FSA.
- **Medication-Assisted Treatment (MAT) – Complete Nationwide Expansion (\$37 million):** MAT combines behavioral therapy and medication to treat inmates with opioid use disorder. BOP estimates that 10 percent of its population may be eligible for MAT treatment. BOP is investing sufficient funding in 2020 to expand MAT treatment from a small pilot program to half of all eligible BOP facilities. The 2021 Budget continues this funding and provides an additional \$37 million to complete MAT expansion to all eligible BOP facilities.
- **Recidivism-Reduction Program Expansion (\$23 million):** As required by the FSA, BOP will increase access to evidence-based, recidivism-reduction programs. BOP’s focus will be to add capacity to existing mental health, life skills, special needs, educational, vocational programs, and add new programs as they are identified and evaluated.
- **FSA Staff Support (\$15 million):** These funds provide for the pay and benefits of additional FSA staff hired to support 2020 investments in MAT and Recidivism-Reduction Programs.

The Budget also recurs \$90 million provided in 2020 to support FSA implementation, including:

- \$38 million to expand MAT to the first half of BOP’s institutions in 2020;
- \$19 million to expand evidence-based, recidivism-reduction programs;
- \$14 million for the Innovations in Corrections program to incentivize the development of innovative, evidence-based pilot projects in reentry and recidivism-reduction approaches;
- \$9 million for the initial expansion of 300 RRC beds added in 2020;
- \$6 million for inmate-focused IT, such as upgrading the BOP’s computer-based education network; and,
- \$4 million to evaluate BOP’s recidivism-reduction programs and tools for assessing recidivism risk.