**The Consequences of Incarceration: Addressing the Need to Reduce the Prison Population**

Police Briefing on the First Step Act of 2018

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**Executive Summary**

The escalating crisis of mass incarceration in the United States has severely strained prison capacity, prompting the implementation of Good Conduct Time (GCT) policies. Originally conceived in the 19th century, GCT allows for sentence reductions as an incentive for positive inmate behavior and participation in rehabilitative programs within the Bureau of Prisons (BOP) (Bureau of Prisons, 2022; Demleitner, 2009; James, 2019). Current GCT policies, including those within the First Step Act (FSA) of 2018, limit sentence reductions to a maximum of 15% for eligible, low-risk, non-violent, first-time offenders (Demleitner, 2009; James, 2019; Carson, 2021). However, this percentage is insufficient to effectively address the persistent issue of overcrowding.

This policy briefing advocates critical reforms to the FSA and GCT implementation to alleviate prison overcrowding and enhance rehabilitation outcomes. Specifically, we recommend: (1) increasing the maximum GCT sentence reduction to 30%, which will provide a more substantial incentive for positive behavior and expedite release; (2) implementing a transparent and accurate credit calculation system, ensuring inmates have clear and consistent access to their earned time, thereby maintaining motivation; and (3) expanding GCT eligibility criteria to include a broader range of non-violent offenders, allowing for wider participation in rehabilitative programs and reducing the overall prison population.

These recommendations are crucial given that 95% of incarcerated individuals ultimately re-enter society (Anderson-Facile, 2009; Gau, 2019). Expanding access to evidence-based recidivism reduction programs is therefore paramount. Additionally, it is important to note that inmate behaviour can be altered by the current GCT system, and that without it, more negative behaviour could become present (Lovell & Jemelka, 1996; Steiner & Cain, 2019). As an alternative policy, we propose significantly increasing the accessibility of these rehabilitation programs to all inmates, regardless of GCT eligibility, to decrease recidivism rates. The reclassification of inmate fighting as a minor infraction, while intended to address inmate safety concerns, requires rigorous examination and careful consideration of its potential impact on overall prison security. Implementing these policy changes will not only alleviate prison overcrowding but also promote a more effective and humane correctional system (Luttrell, 1991).

**Scope of the Problem**

Incarceration, historically employed as a means of societal protection and punishment, is underpinned by theories of incapacitation and deterrence (Gau, 2019; Lynch & Sabol, 2004). Incapacitation emphasizes punishment as a consequence of criminal actions, while deterrence posits that imprisonment prevents recidivism and discourages future criminal behavior. However, policies such as the Anti-Drug Abuse Act of 1986, intended to be "tough on crime," have contributed to a 40-year surge in prison populations (Simpson, Steil, & Mehta, 2020; Wakefield, Lee, & Wildeman, 2016). This mass incarceration crisis has resulted in over 2.2 million individuals being detained in federal, state, and local facilities, costing the nation billions of dollars (Carson, 2021; Chiao, 2017; Simpson et al., 2020).

A critical consequence of this system is the high recidivism rate, with 52% of released inmates returning to prison within three years (Anderson-Facile, 2009). This suggests that prisons, while serving punitive and deterrent functions, fail to adequately prepare inmates for successful reintegration into society. Moreover, prolonged incarceration exacerbates mental and physical health issues, including depression, PTSD, and chronic physical ailments, leaving released individuals more vulnerable (Addison, Richmond, Lewis, & Jacoby, 2022; Pękala-Wojciechowska et al., 2021). The financial burden of treating these health issues within prisons, and the subsequent lack of access to affordable care post-release, contributes to recidivism and societal instability (Pękala-Wojciechowska et al., 2021; Wallace & Wang, 2020).

Furthermore, ex-convicts face significant post-release challenges, including limited employment opportunities and restricted access to education, both of which are critical for successful reintegration (Anderson-Facile, 2009; Porter, 2014). Family reunification is also frequently strained, exacerbating mental health issues and increasing the likelihood of recidivism (Foster & Hagan, 2009; Lynch & Sabol, 2004; Porter, 2014). The substantial financial cost of incarceration, approximately $80 billion annually, underscores the need for policy reforms that reduce prison populations and invest in effective rehabilitation programs (White House, 2016). Overcrowding also increases the risk of hostile interactions, endangering both inmates and correctional officers (Gau, 2019).

The persistent crime rates, despite mass incarceration, necessitate alternative solutions. Successful reforms, such as the California Public Safety Realignment Act of 2011, demonstrate the feasibility of reducing prison populations (Sundt, Salisbury, & Harmon, 2016; Flynn, 2013). However, achieving bipartisan consensus and effective implementation remains challenging, as evidenced by the limited number of impactful reforms, with the First Step Act of 2018 being a notable exception (James, 2019).

**Policy Recommendations**

           To mitigate the detrimental effects of mass incarceration, significant reforms to the First Step Act (FSA) of 2018 are imperative. These reforms should prioritize reducing the prison population and enhancing rehabilitation outcomes, thereby fostering successful reintegration into society. A critical component of this reform is the Good Conduct Time (GCT) program, which currently allows eligible inmates to reduce their sentences by up to 15% (Federal Bureau of Prisons, n.d.). Eligibility requirements include serving a sentence exceeding one year (excluding life without parole), being a first-time, low-risk, non-violent offender (Bureau of Prisons, 2022; Demleitner, 2009; James, 2019).

Inmates who qualify must adhere to prison regulations, maintain exemplary behavior, and actively participate in rehabilitation programs. Misconduct, ranging from minor infractions (e.g., stealing, lying) to major offenses (e.g., violence, arson), results in disciplinary actions, including potential GCT reduction (Lovell & Jemelka, 1996).

**Recommendation 1: Increase GCT Sentence Reduction:**

The current 15% GCT sentence reduction should be increased to 30%. This adjustment would provide a more substantial incentive for positive behavior and expedite the release of eligible inmates, thereby reducing prison overcrowding. Furthermore, to ensure accountability, inmates could be required to participate in prison work programs, demonstrating responsibility and enhancing their employability post-release (Anderson-Facile, 2009; Emshoff & Davidson, 1987).

**Recommendation 2: Enhance GCT Credit Calculation Transparency:**

The implementation of a transparent and accessible GCT credit calculation system is crucial. Inmates must have clear and consistent access to their earned time, including projected release dates. This transparency would enhance motivation and reinforce positive behavior. The absence of immediate and consistent feedback undermines the deterrent effect of GCT, as incentives and punishments are most effective when applied promptly (Lee, 2017; O’Hear, 2012).

**Recommendation 3: Expand GCT Eligibility Criteria:**

The current eligibility criteria, which exclude individuals convicted of certain non-violent offenses (e.g., motor vehicle theft, drug possession), should be revised. Risk assessments should be used to determine eligibility, rather than categorical exclusions. This approach would allow more inmates to benefit from GCT and rehabilitation programs, reducing the prison population and promoting successful reintegration. A nuanced approach to crime classification is essential, considering the circumstances surrounding each offense rather than applying blanket exclusions (Federal Bureau of Prisons, n.d.).

**Policy Alternatives**

Acknowledging the complexities of mass incarceration and the public's concern about potential increases in crime rates, alternative policy reforms are essential. Successful models, such as the California Public Safety Realignment Act of 2011, demonstrate that prison population reduction can be achieved without compromising public safety (Flynn, 2013; Gau, 2019). Therefore, the following alternatives are proposed:

**Alternative 1: Enhanced Access to Rehabilitation Programs:**

A significant investment in expanding access to comprehensive rehabilitation programs is crucial. Given that 95% of incarcerated individuals are eventually released, these programs are vital for reducing recidivism (Anderson-Facile, 2009). Prisons should transition from purely punitive institutions to centers for rehabilitation, equipping inmates with the tools necessary for successful reintegration. However, funding remains a significant obstacle.

To address this, a reallocation of funds saved from prison population reduction, as demonstrated by the California Public Safety Realignment Act, is recommended. These funds should be allocated to support longitudinal research evaluating the effectiveness of rehabilitation programs. This research would involve collecting quantitative data on ex-offenders who have completed varying levels of rehabilitation, assessing their ability to manage post-release stressors and avoid recidivism. The findings would provide valuable insights into program efficacy, identify areas for improvement, and inform the development of more effective rehabilitation strategies.

**Alternative 2: Reclassification of Inmate Fighting as a Minor Infraction:**

The current classification of inmate fighting as a major infraction warrants reconsideration. The inherently dangerous environment within prisons necessitates that inmates possess the means to defend themselves. Reclassifying fighting as a minor infraction would grant correctional officers the discretion to address incidents on a case-by-case basis (Lovell & Jemelka, 1996; Steiner & Cain, 2019). This would mitigate the risk of inmates losing substantial GCT credits (up to 540 days), particularly in instances of self-defense (James, 2019).

This policy alternative recognizes the nuanced nature of prison violence and acknowledges that not all fights are indicative of malicious intent. Allowing discretionary judgment would protect inmates from disproportionate punishment while maintaining prison safety. It also recognizes that prison crime, much like crime in society, is not always a black and white situation.

**Conclusion**

Mass incarceration in the United States presents a complex and multifaceted challenge, demanding effective policy solutions to reduce prison populations without compromising public safety. As this analysis has demonstrated, incarceration carries significant consequences for inmates, their families, communities, and the government. Inmates face heightened risks of mental and physical health deterioration, coupled with formidable post-release obstacles, including limited employment and educational opportunities, and strained family relationships (Addison et al., 2022; Anderson-Facile, 2009; Foster & Hagan, 2009; Pękala-Wojciechowska et al., 2021). These factors contribute to high recidivism rates, perpetuating a cycle of incarceration. Furthermore, the financial burden of maintaining the current system, costing approximately $80 billion annually, underscores the urgent need for reform (White House, 2016).

Policies such as the First Step Act (FSA) of 2018 and the California Public Safety Realignment Act of 2011 represent crucial steps toward addressing this crisis. However, to maximize their impact, targeted revisions are essential. Implementing the proposed policy recommendations—increasing Good Conduct Time (GCT) sentence reductions, enhancing credit calculation transparency, and expanding GCT eligibility—will significantly reduce prison overcrowding and promote successful inmate reintegration. Additionally, investing in comprehensive rehabilitation programs and reconsidering the classification of inmate fighting would further contribute to a more just and effective correctional system. By adopting these evidence-based reforms, the United States can mitigate the detrimental effects of mass incarceration and foster a more equitable and safe society.

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