



# Florida's Modest First Step Act Should Consider Racial Impact

For decades, Florida – like the rest of the United States – has relied primarily on incarceration as the so-called solution to criminal justice issues. However, this has created an extraordinarily harsh system that drives too many people into jails and prisons – and costs taxpayers millions – without meaningfully increasing public safety. What's more, mass incarceration disproportionately affects people of color, particularly black people.<sup>1</sup>

More than 30 states and the federal government have recognized that these “tough-on-crime” policies are counterproductive, and they have responded by adopting data-driven, evidence-based reforms.<sup>2</sup>

Florida lawmakers are finally recognizing that our state's over-reliance on mass incarceration is unsustainable, ineffective and a threat to public safety. The Legislature is poised to push for some modest reforms in the Florida First Step Act. As currently drafted, the Florida First Step Act is less likely to benefit black and brown people and may exacerbate racial disparities in our prison population.

Reforms that overlook the outsized impact of the criminal justice system on communities of color are not ones that our Legislature should support. Every person deserves a second chance.

## THE PROBLEM

### Proposals in Florida's First Step Act are modest

- In a time of divisive politics, criminal justice reform has been a bipartisan issue. Congress overwhelmingly adopted the First Step Act – which was sponsored by both Republican and Democratic members. President Trump endorsed and signed it.<sup>3</sup> Since 2007, 35 states – including Alabama, Georgia, Louisiana, Mississippi and Texas – have adopted successful bipartisan criminal justice reform.<sup>4</sup>
- Unlike the federal First Step Act, the Florida version doesn't include any investment in mental health services, substance abuse treatment, educational programs or job training, much less get anyone out of prison.
- Floridians overwhelmingly support criminal justice reform, as demonstrated most recently by the bipartisan support for restoring voting rights to formerly incarcerated people who have paid their debt to society.

### Reforms would worsen justice system's racial disparities

- Racial disparities permeate our criminal justice system, from juvenile transfers to adult court to sentence lengths to placement in solitary confinement. People of color make up 59.4 percent of Florida's incarcerated population, but only 42.5 percent of our general population. The numbers are even worse for black people who make up 47 percent of those in prison, but only 16.9 percent of Florida's population.
- The Florida First Step Act has many exclusions for people with past convictions, making them ineligible for discretionary sentencing and opportunities to earn an earlier release date.
- Due to longstanding racial bias in our criminal justice system and the disproportionate impact of policing on communities of color the proposed reforms are less likely to

### Join the Campaign for Criminal Justice Reform

Sign up at  
[www.BetterJusticeFL.com](http://www.BetterJusticeFL.com)  
CCJR will send you information  
about ways to participate in local  
and statewide coalition efforts.

General requests can be made at  
[contact@betterjusticefl.com](mailto:contact@betterjusticefl.com)

Media requests can be made at  
[media@betterjusticefl.com](mailto:media@betterjusticefl.com)

# FLORIDA CAMPAIGN FOR CRIMINAL JUSTICE REFORM

benefit communities of color. In fact, black and brown people will continue to suffer under excessive sentences with fewer opportunities for early release, which would worsen the racial disparities in Florida's prison population.

## Florida's criminal justice system is expensive and ineffective

- Florida spends more than \$2.4 billion each year to incarcerate nearly 100,000 people in its state prison system.<sup>5</sup>
- In 2018, under then-Gov. Rick Scott, the Florida Department of Corrections cut \$28 million in substance abuse and re-entry programming because of a budget shortfall.<sup>6</sup> These are the kinds of programs that prevent crime, help formerly incarcerated people find success and keep all of us safe.
- Over the last decade, violent and property crime in Florida have decreased by 30 percent to a 50-year low, but sentence lengths have increased 22 percent.<sup>7</sup>

## THE SOLUTION

### The Florida First Step Act should be amended to include the following changes:

- Require a racial impact assessment six months after the Florida First Step Act goes into effect and mandate a racial impact statement for future criminal justice bills.
- Eliminate carve-outs so people with a previous conviction who have already served their time can be eligible for judicial discretion in sentencing and have the same opportunities to earn gain time toward an earlier release date.
- Remove the current cap of 15 percent on gain time to incentivize good behavior and rehabilitation.
- Fully fund the Department of Corrections, including previously cut mental health and substance abuse treatment funding and an additional \$25 million to create opportunities for rehabilitation.
- Ensure that technical violations of probation or parole do not result in returning to jail or prison.

---

<sup>1</sup> <http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>

<sup>2</sup> <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2018/07/35-states-reform-criminal-justice-policies-through-justice-reinvestment>

<sup>3</sup> <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-secures-landmark-legislation-to-make-our-federal-justice-system-fairer-and-our-communities-safer/>

<sup>4</sup> [https://www.pewtrusts.org/-/media/assets/2018/07/pspp\\_reform\\_matrix.pdf](https://www.pewtrusts.org/-/media/assets/2018/07/pspp_reform_matrix.pdf)

<sup>5</sup> [http://www.dc.state.fl.us/pub/annual/1718/FDC\\_AR2017-18.pdf](http://www.dc.state.fl.us/pub/annual/1718/FDC_AR2017-18.pdf)

<sup>6</sup> <https://www.tampabay.com/florida-politics/buzz/2018/05/06/florida-prisons-cut-programs-to-cover-28-million-deficit/>

<sup>7</sup> <http://www.crij.org/assets/2017/08/FL-state-report.pdf>