



BY WILLIAM F. FELICE  
*Guest Columnist*

## Here's how Gov. DeSantis is trashing criminal justice reform

The bipartisan First Step Act, passed under Trump, is a major success, despite DeSantis' claims to the contrary.



From left, Sens. Dick Durbin, D-Ill., Chuck Grassley, R-Iowa, Cory Booker, D-N.J., and Mike Lee, R-Utah, answer questions during a news conference about the First Step Act on Capitol Hill in December 2018, right after the Senate passed the act, which is considered the most substantial change in a generation to federal prison and sentencing laws.

One of former President Donald Trump's most prominent achievements was gaining a bipartisan consensus to enact modest reforms to our dysfunctional criminal justice system. The "First Step Act" was a product of collaboration between not only Democrats and Republicans, but also between victims' rights organizations, police and public service agencies. During his 2019 State of the Union address, Trump declared that this legislation was proof of "astonishing strides for our country" when Democrats and Republicans work together.

Trump continued: "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."

To achieve these goals, the act improved sentencing rules by limiting mandatory minimum sentences for nonviolent crimes and expanding compassionate release for low-level drug offenses. In addition, the bill banned solitary confinement for children and prohibited restraints on pregnant women. The Bureau of Prisons was charged with prioritizing rehabilitation and reducing recidivism, which is a person's relapse into criminal behavior after serving prison time. Furthermore, the goal for liberals and conservatives supporting the bill was to achieve a reduction in racial disparities in federal sentencing.

The bill was approved with overwhelming bipartisan support. The bill passed 87-12 in the Senate and 358-36 in the House. As a member of Congress, DeSantis voted for an early version of this bill.

However, DeSantis recently reversed himself and declared the First Step Act a "jailbreak bill" that benefited "dangerous people who have reoffended and really, really hurt a number of people." He believes nonviolent, low-level drug offenders should be denied early release and serve their full prison sentence. DeSantis declared: "So one of the things I want to do when I'm president is go to Congress and seek the repeal of the First Step Act."

DeSantis' "tough on crime" rhetoric is a transparent political attempt to gain votes in his presidential campaign. His charges against this modest criminal justice reform are false.

In fact, the First Step Act has been a major success. The Republican architect of the First Step Act, former U.S. Rep. Doug Collins, summarized it this way: "We sought to increase public safety, reduce recidivism, and provide a pathway to opportunity for those who had made mistakes but were willing to reform their lives and behaviors. In doing so, taxpayer money could be more efficiently used to support our law enforcement officers and reduce violent crime."

The First Step Act is achieving these laudable goals. Conservative organizations, like the Koch-funded Americans for Prosperity, document how "the law already has helped thousands of people take the first step toward their second chance." After three years in effect, the law helped 14,000 individuals either be released or have their sentences reduced in our federal prison system. In addition, more than 61,000 individuals now qualify for credits toward a reduction in their sentences. Thanks to the new law, more than 660 individuals received treatment for addiction to opioids, and almost 3,000 families were able to visit and support their family members trying to rebuild their lives.

And, perhaps of most significance, the overall recidivism rate of people who went through the First Step Program was just 12.4%, compared with a 43% rate for others released from federal facilities.

DeSantis' lies about the First Step Act cloud the shame of the United States, and in particular Florida's, mass incarceration. According to the Prison Policy Initiative, a nonpartisan research and policy organization, compared with 170 countries, the U.S. in 2021 had the highest incarceration rate in the world, imprisoning 664 people per 100,000 citizens. Florida's individual rate was worse than the national average, with an imprisonment rate of 795 per 100,000 citizens. For comparison, consider the incarceration rates per 100,000 population for other NATO allies: United Kingdom 129, France 93, Denmark 72, Norway 54.

As documented in my book "The Ethics of Interdependence," the rise in incarceration in the U.S. and Florida was often the result of white America's fears and perceptions about crime and violence. Race, to a large degree, determined

who got arrested and who didn't. While the population of African Americans in Florida is around 16%, Blacks make up 46% of the state's prison/jail population. Florida's ugly racial history contributed to punitive policies toward people of color and increased the severity and cruelty of our criminal justice system. As a result, there is disproportionate policing and punitive measures directed at the poor African American community.

The racial dimension to our mass incarceration can't be ignored. According to Michelle Alexander, no country in the world imprisons so many of its racial or ethnic minorities: "The United States imprisons a larger percentage of its Black population than South Africa did at the height of apartheid." Many of these arrests are the result of nonviolent, low-level drug offences ensnaring young African American males. The First Step Act gives some of these prisoners a chance for rehabilitation and rebuilding their shattered lives.

In his policies and actions on abortion rights, the LGBTQ+ community, academic freedom, African-American history and criminal justice reform, presidential candidate DeSantis has staked out positions far to the right of Trump. Any Republican moderate considering voting for DeSantis should examine this record and reconsider.



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