

Policy Analysis Brief'

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Goal Statement

This country, The United States of America, is the only country that has the highest rate of people who are serving their sentence in a state or federal prison. The staggering rise of inmates continues to grow as time keeps going. “In total roughly 1.9 million people are incarcerated in the United States, 803,000 people are on parole and a staggering 2.9 million people are on probation.” (Prison Policy Initiative – Mass Incarceration: The Whole Pie 2023)

This is by far a number that is way too high in our country when other countries don’t have this amount of number that is not even close. What is happening in this country that there are so many individuals being placed into these detention facilities? There are also many women being placed behind bars and the numbers are growing and many of the women incarcerated like men are African Americans and Hispanics who are in poverty. Also, children are suffering the consequences as they’re facing being separated from their parents and placed in the foster care system and are raised by a familiar relative or other individual through the foster care program.

These are the number of how many individuals are being incarcerated; according to the Prison Policy Initiative – A new report on mass incarceration on how many individuals are locked in state prisons report a total of 1,047,000 individuals who are incarcerated across different areas (public order 110,000, drugs 132,000, property 142,000, and violent 656,000) local jails 514,000 (not convicted 427,000 and convicted 88,000), federal prison & jails 209,000 (marshals 60,000 and convicted 148,000), youth 36,000, immigration detention 34,000 involuntary Commitment 22,000, Indian Country 2,000, and Military 1,000. These are the numbers that have been reported of the individuals that are incarcerated in a facility in this country. A major factor in these numbers, is the racial disparities of these federal and state prisons in that African Americans and Hispanics are in these facilities. As said in the report by Prison Policy Project “Black people are

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still overrepresented behind bars, making up about 38% of the prison and jail populations...” The fact that many black people are overrepresented and are the majority in these facilities is seen as they are in prison because of the color skin. As there are many issues with the criminal justice system where there is maltreatment, abuse, racism, and other factors that contribute to what occurs in state and federal prisons. There needs to be more reforming in the current policies that are in place and allow more services and programs to individuals to help people in the judicial system reintegrate back into society and avoid recidivism.

Introduction:

In the United States, there are many issues within the criminal justice system as there are mass incarceration with millions of individuals that are imprisoned in a federal or state prison. Within these prisons there is much more racial disparities as there are many African Americans and Hispanics individuals who are serving time in those facilities, as they are targeted because of their racial ethnicity or their place of environment whether it's in an urban or rural community. There are way too many Blacks and Hispanics that are overpopulating these prisons and there isn't much reforming being provided as these individuals being represented properly because it's more convenient for the system to lock them up for minor crimes or drug related crimes and not giving them services or programs needed to make better life choices. Their families especially the children suffer the consequences of not having their parents around and are placed into the system resulting in them following in the same pattern of behavior. As much as these facilities are filled with men, it is also being filled with young juveniles and the rise in women are also a factor of being in mass incarceration. And once again it's the same common denominator, African Americans and Hispanics are being placed behind bars. Reforming needs to be in place to avoid recidivism as that is also a major factor that the prisons are filled again because inmates that are released are once again recommitting the same offense and are placed back into juvenile facility, jail, or prisons. More needs to be done, such as development of researched evidence-based programs that will enable individuals that are release back into their communities to make better life choices.

Scope of the Problem:

By far this country it is highest in ranking with the amount of people that are imprisoned. According to The Sentencing Project – Mass Incarceration Trends “The United States is

unparalleled historically and ranks among the highest worldwide in its dependence on incarceration. Over five million people in total are under supervision by the criminal legal system. Nearly two million people, disproportionately Black, are living in prisons and jails instead of their communities. Compare this to the figure of the early 1970's when this count was 360,000." (Nellis, 2023 January) The fact that most people that are incarcerated are Blacks is staggering because not much is being done to find or rehabilitate Blacks and Hispanics to avoid recidivism. "Black men are six times as likely to be incarcerated as white men and Latinx men are 2.5 times as likely. Nationally, one in 81 Black adults in the United States is serving time in state prison." (Nellis, 2023 January)

For many people that are serving time in prison there are emotional problems they face as there in these facilities, for instance physical, psychological, and economic hardship as these are challenges, they are facing as their families are feeling such emotions as well as not having them around to provide such needs. Also, how inmates are treated while incarcerated isn't a way a human should be treated as that is abuse, "Mass incarceration instigates numerous poor physical, psychological, and economic outcomes for the people who experience imprisonment, for their families, as well as for the broader community." (Nellis, 2023 January) This also contributes to a child's life being affected by parents who are incarcerated. For example, their emotional stability and how it contributes to children developing lack of academic progress and can lead the child to not having an education where the child will end up in the streets and eventually into the criminal justice system. "Children of incarcerated parents suffer tremendously; imprisonment of parent leads significant declines in academic and health outcomes for children." (Nellis, 2023 January) This is an important matter that needs to be addressed and considered significantly

regarding how children are affected in having a parent incarcerated. What programs or services provided for these children?

In addition to the number of inmates being incarcerated, women are being placed in federal and state prisons and the numbers are an ultimate high as well. As stated in The Sentencing Project – Mass Incarceration Trends “At the start of the era of mass incarceration, fewer than 6,000 women were in state or federal prisons. This figure reached a high of 105,000- more than 17 times the 1970 level-by 2015, followed by marginal but steady declines since. Still, 2021’s population figures are far above those of the pre-ass incarceration era – nearly 79,000 women were in imprisoned in state or federal prison.” (Nellis, 2023 January)

Another reason why there is mass incarceration is due the crimes that being committed by juveniles who are also being placed in detentions. As they become young offenders, this constitutes to juveniles’ recidivism as they get older and are being placed later into a state or federal system. “Young deviants are good candidates for becoming adult deviants, which case they become subject to the adult criminal justice system. Because the majority of adult offenders were also known to the juvenile justice system, it stands to reason that diverting youngsters from juvenile crime may well keep them out of the adult criminal system.” (Karger and Stoesz, Pg. 303) What is needed to help prevent such young offenders commit crimes at such a young age is more funding into the education system instead of the prisons. As stated in the American Social Welfare Policy, A Pluralist Approach it says that “prison is an expensive way to manage deviants...” (Pg. 301) More investing should be placed into the education system rather than into these facilities that will educate and provide a better outcome of the choices that many young minorities will make in their lives. “More than half of all Black men without a high school diploma go to prison at some time in their lives...” (Karger and Stoesz, Pg. 307)

And last, another reason why there is mass incarceration is mostly the offenses that are being committed such as violent, drug, property, and public order. It seems that the highest offenses are violent and drug crimes that many people are being locked into a facility. “More than three in five people (62%) sentenced to the state prison have been convicted of a violent crime, as compared with the 1970 figures which show that 30% of people in prison had been convicted of violence.” (The Sentencing Project – Mass Incarceration Trends, Pg, 5)

Past Policy:

In past policies there is the Omnibus Crime Control and Safe Streets Acts of 1968 which was enacted during President Lyndon Johnson presidency. The policy was “designed to assist State and local governments in reducing the incidence of crime and increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government – the act also deals with criminal penalties, public safety officer death benefits, and grants for drug law enforcement programs.” (U.S. Department of Justice Office of Justice - Programs Omnibus Crime Control and Safe Streets Act of 1968) This act was more for the funding of law enforcement officials to keep the streets a safe environment for all citizens. As stated in the Brennan Center for Justice “The Federal Funding that Fuels Mass Incarceration” “\$400 million for law enforcement purposes.” (Elsen, 2021 June)

There is the Anti-Drug Abuse Act of 1986 which was “to strengthen Federal efforts to promote international drug law enforcement cooperation, to improve enforcement of U.S. drug laws and to enhance interdiction efforts, to provide leadership in developing drug abuse prevention programs, and to expand Federal support for drug treatment programs.” (U.S. Department of Justice Office of Justice Programs)

1994 Violent Crime Control and Law Enforcement Act was signed by President Bill Clinton, and it is considered “the largest-ever crime bill in the country’s history, providing for 100,000 new police officers and allocating \$9.7 billion for prisons and \$6.1 billion for prevention programs.” (U.S. Department of Justice Office of Justice Programs) Again, in this act there was a tremendous amount of funding that was over 9 billion dollars invested into prisons and not into the education system. This act also included the Violence Against Women Act and it was helping many offices that would aid women who went through some abuse or act of violence towards them.

The Fair Sentencing Act of 2010 (FSA), this act “reduced the statutory penalties for crack cocaine offenses to produce an 18-1 crack-to-powder drug quantity ration. The FSA eliminated the mandatory minimum sentence for simple possession of crack cocaine and increased statutory fines.” (2015 Report to the Congress – FSA of 2010) This act was to minimize the sentencing for individuals that were caught with drug possession such as crack cocaine. Depending on the amount, individuals of possession of crack cocaine would not serve the minimum of five years instead have a less sentence. “The number of crack cocaine simple possession offenders has been small, and, following the enactment the FSA, the generally declining continued.” (Report to the Congress – FSA 2010)

Current Policies:

There have been changes in some policies that have benefited many individuals that were incarcerated. For example, people in social welfare policy engage in advocating, and lawmakers work to promote change that have made it possible for there to be some reforming as said in The Sentencing Project “Top Trends in Criminal Justice Reform, 2022” “change in policy and practice may help counter the impact of tough on crime rhetoric that reinforce mass incarceration

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policies. State lawmakers in at least 15 states and Washington D.C. adopted policy reforms in 2022 that may contribute to decarceration and addressing collateral consequences while promoting effective approaches to public safety.” (Porter, N.D., 2022 December) First, in Washington D.C. the members of the council “unanimously approved B24-0416, the Revised Criminal Code Act of 2022 (RCCA). Through this act it “eliminated most mandatory minimum sentences, lowered the maximum sentences to 45 years, eliminated accomplice liability for felony murder, and expanded judicial reconsideration for all persons serving long prison terms.” (Porter, N.D., 2022 December) In California because of the racial disparities that is constantly occurring in the state it was adopted the “Assembly Bill 256, the Racial Justice Act for All. The measure allows persons with convictions or judgements prior to January 1, 2021, to petition the court and seek relief if racial bias was proven to be present in their case.” (Porter, N.D., 2022 December) This bill allows individuals to challenge if they experienced racial bias during their criminal charge. Many individuals are being incarcerated due to violating their probation or parole and in two states such as Florida it “enacted Senate Bill 752 which allows residents on probations to receive education and workforce credits to reduce their probation terms. (Porter, N.D., 2022 December) And in the state of Oklahoma “lawmakers adopted House Bill 4369. The law modifies the administrative parole process by allowing consideration of early termination of probation and parole for persons within one calendar year of their discharge date. (Porter, N.D., 2022 December) As for the juvenile justice in states like in Indiana, Maryland, and Tennessee there have been some policies that have been adopted as a means to reform the juvenile crime justice system. In Indiana it the “House Bill 1359, raising the age of detention to 12, instituting risk assessment to divert youth away from court involvement – in Maryland, Senate Bill 691, raising the minimum age of juvenile court jurisdiction to 13 (with some rare exceptions). The

measure also largely prohibits the use of secure detention or commitment to the Department of Juvenile Services for technical violations of probation and misdemeanor offenses (with exceptions for handgun violations and repeated misdemeanor offenses) – and in Tennessee, Supreme Court declared mandatory 51-life sentences for youth unconstitutional in Tennessee v. Booker. The state supreme court ruling impacts all persons who were under 18 at the time of their offense and sentenced to mandatory life and de facto life sentences.” (Porter, N.D., 2022 December)

Proposed Solutions:

There are many proposed solutions that would be beneficial in reforming the criminal justice system and would be effective if the changes were enacted as it would help reduce the number of individuals being criminally charged. This would help Blacks, Hispanics, young minorities, and women that are mainly targeted. Most of the policies that effect the most offenders are those such as Exorbitant Bail, Mandatory Minimum Sentencing, Three Strikes Laws, Harsh Punishment for Non-Violent Crimes, and many others. In Transforming the System there are interesting solutions that can be applied the first, **“Create Fair and Effective Policing Practices”** where law enforcement should work along with the community to provide a safe and secure environment for its citizens and build relationship with community, this will allow the people to trust law enforcement officials and at the same time people will feel safe in their community. “Police departments should rely upon collaborative approaches that respect the dignity of individuals within the community; focus on problem-solving; and are generally more community-centered and build community trust.” (Transforming the System – Policing Practices)

Second proposed solution, **“Encourage equitable Sentencing”** a system that will address people fairly and not sentence someone without the procedural facts and evidence unless there is proven circumstantial evidence that proves the individual is guilty of such crime.

“Sentences should consider a range of factors and reflect the severity of the crime.”

Transforming the System – Equitable Sentencing) As it mentioned in the Transforming the System “Repeal “Truth-in-Sentencing” and “Three Strikes” Law - Congress, and state legislatures, should repeal Truth-in-Sentencing which limit access to parole and reductions in the amount of time that a person convicted of an offense serves and eliminate habitual offender laws, including three-strikes laws that often result in overly harsh sentence.” Also mentioned “Use Alternatives to Incarceration – Legislatures should pass laws that encourage the use of alternatives to incarceration such as diversion programs, community service, and/or probation...”

This would be a good solution for minor offenses that necessarily wouldn’t have to require to incarcerate individuals. Furthermore, providing such services and programs would help rehabilitate and make better life choices. The third, proposed solution **“Ensure Decent Detention Conditions”** where the condition of the prisons should be a suitable detention for the many that are incarcerated instead of making it into a confinement where all the inmates are in confined walls and cells, it should be more a rehabilitative environment where the inmates can have services or programs that once release back into the community there is recidivism. “The conditions in some prisons, jails, and immigration detention facilities are so abysmal and abusive that incarcerated people leave the facilities in far worse physical and emotional shape than they entered.” (Transforming the System – Detention Conditions) The fourth proposed solutions **“Promote Community Safety through Alternatives to Incarceration.”** There needs to be more alternatives that would help people in their communities have better resources that will

avoid individuals from committing crimes and eventually resulting into being incarcerated. “To promote pragmatic law enforcement that support communities, the government should prioritize communities over incarceration. Criminal justice policies should incentivize the reduction of the incarceration rate, work to eliminate racial discrimination, and aim to heal communities that have been harmed by the high rates of incarceration through the incorporation of restorative justice practices and the creation of community healing spaces.” (Transforming The System Alternatives to Incarceration) As mentioned before there needs to be services that invest into communities and into the education system to help children and youth that are growing up to have proper educational incentives that will give children a better outlook in making better choices in their life’s journey as they grow up and become adults. And last, **“Foster Successful Reintegration.”** Programs should be available to inmates that will help them in transitioning back into their communal environment. Upon inmates reintegrating back into the community, the individual can be guided through a program that will help facilitate with reentering but with a different mindset of finding work or going to school. It’s difficult for many individuals that were incarcerated to find work after having a record and should be given a second chance. “Everyone is entitled to a second chance to become a productive member of society. However, recently released individuals face a series of obstacles to successful reintegration.” (Transforming The System – Successful Reintegration) Another example in this section that is proposed is the “Ban the Box” where state, local, and federal governments should repeal pos-conviction consequences that hamper successful re-entry, including barriers to voting, employment, housing, serving on juries, and social services...” (Transforming the System – Successful Reintegration)

Involvement of Local Community:

Through the involvement of local communities for individuals that are or have been incarcerated there are many that have served these individuals in restoring what they once lost which was their freedom. In these involved local communities, many that have been incarcerated have joined forces with them in the advocacy and reforming policies. First, The Prisoner's Rights Project, and in their involvement, they focus on how inmates are treated within the state prisons in New York City. "Some of the problems we address include violence by correctional staff; protection from harm, denial of medical and mental health care, discrimination, denial of education" (Projects, Units & Initiatives – The Prisoners' Rights Project) Second, is The Fortune Society who help people in building themselves after being incarcerated, and they are located in Long Island City, NY. Their model is to help formerly incarcerated individuals reenter back into the community with some assistance. "Since 1967, we have helped tens of thousands of formerly incarcerated people successfully reenter the community. Our holistic range services have helped our participants transform and rebuild their lives after incarceration." (The Fortune Society – Our Results) This organization has helped many individuals after being released from prison and with job placement.

Third, is the Community Justice Reentry Network, and this program assists people who have been in prison with obtaining employment. "In April 2018, the City launched Jails to Jobs, a citywide reentry initiative focused on providing paid transitional employment, job training, access to higher education, and supportive services to approximately 5,000 justice system-involved individuals." (NYC Mayor's Office of Criminal Justice – Community Justice Reentry Network) This program also helps many individuals from recidivism and the people that are receiving the services have a better future outcome for themselves.

Involvement of Faith Community:

Many of the faith community organizations have been successful in aiding many individuals that have served time in prisons. It has been proven that religious groups have made a difference in the life of a person who has been incarcerated. “Religious groups were often the most effective in treating delinquents and became an advocate of charitable choice.” (Karger and Stoesz, Pg. 309) 1. Interfaith Prison Partnership, an organization that “increased awareness of the challenges and experiences of those incarcerated, formerly incarcerated and those working in the correction system. Second, find and create ways to help those that are incarcerated, formerly incarcerated and working in the correction system to feel more *seen, valued and connected.*” (Interfaith Prison Partnership – Who We Are) This organization meets the needs of the individuals as they transition from incarceration to being back into the community and works to finding other faith-based communities that want to help people that are in prison.

2. Interfaith Center of New York is an organization that helps young adults that are on parole and works with the families and with parole officers to build support for individuals that is released from prison. “The Interfaith Center of New York and the Harlem Community Justice Center are partnering with Harlem faith communities to support parolees between the ages of 18-26, and their families, before and after release from New York correctional facilities. Harlem congregations and houses of worship have been invited to offer family-oriented activities, services, and referrals to provide the parolees with a smoother return to society, and to support family reintegration.” (Interfaith Center of New York – Reentry Family and Faith Circles of Support – A Joint Project of the Harlem Community Justice Center and The Interfaith Center of New York)

3. Faith of New York – this organization works at getting the community involved in protest to minimize people of being targeted by police officers. They created a “Live Free

Campaign committed to dismantling the mass-criminalization of people of color by mobilizing the faith community to action using the voices of those closest to the pain in order to build communities where all of God's children can live free." (Faith New York – Our Vision) 4. The Ministerial Services in the Department of Corrections and Community Supervision, allows religious groups and members of a congregation to visit the prisons and provide religious practices to the inmates in the state prisons. "Religious programs include various worship services, religious education classes and study groups, and a variety of special events programs such as family day ceremonies. Department Chaplains are also expected to provide pastoral care to individuals of all faith groups at each facility." (NYS Dept. of Corrections and Community Supervision – Ministerial Services)

Conclusion:

It's been an ongoing issue with the racial disparities of individuals being incarcerated in the state and federal prisons. It's time that laws and policies are reformed and offer better opportunities for inmates that have served time in such facilities. The fact that most of the prisons are much rather filled with more African Americans and people of color calls for immediate policy reformation and why such individuals are targeted in our society today. Also, help facilitate inmates that have served time behind bars reenter back into society. Young juveniles should be placed into programs that will teach and influence these young individuals about making better choices in their lives. Another point is bringing awareness into society and communities that the rise of women being incarcerated have increased throughout time, and more resources such be implemented to help women make better choices with education of their rights. There needs to be more reforming with policies that are putting more and more individuals away for minor crimes such as substance abuse or drug use.

As far as policing, more policies on reforming regarding how law enforcement approach individuals and how they should get to know their community to help better facilitate engagement and help better serve and protect citizens. In addition, more resources and programs are needed for children who suffer the consequences for their guardian's decision. Many children suffer as either one or both parents are placed into prison, and it can be detrimental to their developmental as they're growing up. And last, it has been beneficial to the many individuals that have received services through many local and faith organizations within the community as it has helped people that are in state and federal prisons throughout this country to have better and equal opportunities. Lawmakers, advocates, social workers need to continue in the fight in reforming the criminal justice system so that the individuals that are reintegrating back into society so that recidivism of incarceration is eliminated.

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