



# **DAISMUN XV**

**Commission On Crime Prevention and  
Criminal Justice**

*Addressing Prison Reform and Prisoner Rights*

## **Chair Report**



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**FORUM:** Commission On Crime Prevention and Criminal Justice (CCPCJ)

**ISSUE OF:** Addressing Prison Reform and Prisoner Rights

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**POSITION:** President

## **Introduction to Committee:**

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Commission on Crime Prevention and Criminal Justice (CCPCJ) was established in 1992 and is a very important body within the UN, contributing much to the strengthening of international cooperation in crime prevention and reform of criminal justice systems. It falls under the Economic and Social Council and is tasked with laying down policies and strategies that combat transnational organized crime, ensure the rule of law, and protect human rights in justice systems worldwide.

The Commission deals with issues ranging from human trafficking, drug trafficking, terrorism, and corruption to the call for fair, transparent, and effective criminal justice systems. The CCPCJ brings member states and experts together through yearly sessions and dialogues to share best practices, propose solutions, and support the implementation of international conventions on reducing crime and strengthening the effectiveness of the justice system.

In an ever-growing global society, the CCPCJ lies at the center of the crusade against crime and for the delivery of justice to all.

## **Introduction to Topic:**

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Prison reform and protection of prisoner rights have been key issues for the justice system for years. For many years, the debate around prison conditions has raised due to concerns about the treatment of those incarcerated. Rehabilitation programs and implications for human rights and social justice. The incarceration gives individuals an opportunity to rehabilitate themselves before returning to society, while serving time in prison punishes an individual. However, the overcrowding in prisons, lack of finance, and ill-prepared health programs turn all that into a number of issues to achieve the purpose of the program.

### **The Necessity for Prison Reform**

Several factors drove the demand for prison reform, including:

**Overcrowding** — Many prisons operate at or above their capacities, resulting in inhumane conditions, for example, limited access to healthcare, education, and adequate living space. A typical example of prison operating at or above their capacities can be traced to England and Wales, where the prison system has been in a state of overcrowding for decades. According to an



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analysis of prison inspection reports in 2018, two in five prisons in England and Wales were overcrowded, while two-thirds had poor conditions.

**Racial and economic disparities** — In many prison populations, Minorities and economically disadvantaged groups are overrepresented, raising questions about inherent bias in the justice system. For example, according to a report by The Sentencing Project in 2018, African Americans are incarcerated at over 5 times the rate of whites in state and federal prisons. For example, African Americans make up about 13% of the US population and around 40% of the prison population. The overrepresentation has been more broadly framed as the result of biases at the levels of policing, sentencing and socioeconomic factors facing Black communities. In addition, people who have poor backgrounds are more likely to be imprisoned since they don't have access to good lawyers due to their financial ability limitations, which often leads to more severe sentences and higher imprisonment.

**Mental and substance abuse** — A significant proportion of the incarcerated population suffers from mental health or substance abuse disorders. In many institutions, the lack of proper mental health care exacerbates these issues, often leading to re-offending or prolonged suffering.

**Recidivism** — the revolving door into and out of the prison system, often comes about due to lack of rehabilitation while incarcerated, no follow-through support afterward, and social stigma attached to ex-convicts.



*Figure 1. Overcrowded Prison*



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## Prisoners' Rights

Prisoners retain certain basic rights despite their imprisonment, including:

**Right to protection against cruel and unusual punishment** — According to international law and national constitutions, for example, the Eighth Amendment of the United States Constitution provides that prisoners must be provided with humane conditions and protection against abuse.

**Right to legal resources** — prisoners have a right to legal counsel and assistance from the courts so that they may contest their convictions, sentences, and treatment custody.

**Right to health care** — While decent medical and mental health care is a fundamental right, too many prisons are either incapable or unwilling to care for the needs of residents, sometimes with devastating results.

**Freedom of religion and right of expression**—Inmates have the right to practice freedom of religion and express themselves reasonably.

**Right to rehabilitation and education** — Education, vocational training, and access to rehabilitation are all critical in reducing recidivism and equipping prisoners with the ability to rejoin society.

These are the basic rights that prisoners retain during incarceration, however, what needs to be addressed is the violation of most prisoners' rights in the given prison system. For example, prisoners have protection against cruel punishment, yet the current state still indicates that many of the prisoners are being subjected to inhumane conditions. Many prisons are not providing adequate legal services of medical care, while the prisoners have the right to access legal resources and medical treatment. What is mentioned above has underlined the gap between what prisoners' rights should be and how they are in real life. More attention needs to be given to prisoners' basic rights while improving the prison system.

## History of Topic:

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**Early Ancient Punishment System in the 17th century** — Punishment for criminality in ancient cultures was usually of a brutal and public nature so as to act as deterrence. Imprisonment as understood today does not exist in a typical setting; instead, flog



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ging, public executions, and banishments are used as corporal punishments. Examples include:

**Ancient Greece and Rome:** The punishments for crimes were public spectacles such as gladiatorial games or crucifixion. While there were methods of incarceration, such as Roman “carcer”, these were primarily used to house people until they were executed and not necessarily for extended sentences.

**Medieval Europe:** Most of the time, prisons were used to hold people awaiting trial or execution. Medieval prisons were often appalling, with prominent levels of overcrowding, disease, and harsh treatment. Castles and monasteries were often used as makeshift prisons.

**Colonial America:** Early colonies usually used corporal and public punishments, which involved instruments such as the stocks, the flogging post, and hanging. Little consideration was given to rehabilitate or have long-term treatment for offenders.

**The Birth of Modern Prison in the 17<sup>th</sup> and 18<sup>th</sup> Century** — Influenced by Enlightenment ideas, modern prison system stressed out individuals' rights, and possibility of rehabilitation.

**John Howard (1726-1790):** The "father of prison reform," British Sheriff John Howard, published a monumental book, a report titled, “The State of the Prisons in England and Wales”, 1777. He advocated for improved prison conditions, such as hygiene, health care available, and proper food. Howard's work provided a blueprint for prison reform throughout Europe and North America.

**Jeremy Bentham (1749-1832):** Perhaps the most famous of English philosophers and theorists of law, Bentham is credited with designing his "Panorama," in which a single watchman could survey all prisoners while they did not know when under observation. Though his theories never gained acceptance for implementation, modern penal systems borrowed from his thinking on surveillance and punishment.

**Pennsylvania System (1790s):** It was Philadelphia’s Walnut Street Prison, which marked the start of America’s first genuinely modern prison system. It accepted the practice of individual incarceration as a method of both punishment and rehabilitation. This system, which was advanced by people such as Benjamin Rush, was meant to achieve moral reform by isolation and contemplation.



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**The Rise of the Reform Movement and Rehabilitation in the 19<sup>th</sup> century** – Major efforts of prison reform began in the 19<sup>th</sup> century, with the focus on rehabilitation rather than punishment. It introduced a more systematic approach to incarceration, although the results remained highly variable.

**Auburn system:** The counterpart of the Pennsylvania system, solitary confinement, the Auburn system from New York maintained the principle of isolation by night and congregate labor during the day. That is, prisoners had to work, mostly in factories and were subjected to rigid behavior control.

**Progressive Reforms:** In the United States and Europe, the prison reformers are increasingly pressing the idea of rehabilitation of offenders through education, vocational training, and moral reform. Thus, the idea of "reformatory" prisons emerged where the young offenders were sent to learn useful skills rather than being severely punished. In the early 20<sup>th</sup> century, progressive reformers advocated for more humane conditions, health care, and prisoner rehabilitation. Establishment of parole system, probation, and indeterminate sentencing-inmates can be released early based on behavior-designed to provide opportunity for social reintegration.

**The Rise of Mass Incarceration in the late 20<sup>th</sup> century** — The second half of the 20<sup>th</sup> century witnessed a dramatic shift toward punitive policies in many countries, especially in the United States. In fact, even internationally, the then apartheid-era South Africa also had racially-skewed prison system: large-scale incarceration of black South Africans through apartheid laws that criminalized political and social resistance. The prisons were very overcrowded, inhumane with poor living standards, and uncaring about rehabilitation for the majority Black inmate population. This period marked a retreat from prison reform efforts, leading to mass incarceration, especially of marginalized communities.

**War on Drugs:** In the United States, the 1980 War on Drugs initiated mass incarceration with a focus on African Americans and Latinos. There have been overcrowding issues with prisons and an emergence of the private prison industry due to staff sentencing laws in terms of mandatory minimums for crimes related to drug offenses.

**Privatization of Prisons:** an important trend that emerged in the 1980s and 1990s. Private companies were contracted to run the prisons, which created an incentive to keep them full and increase incarceration rates. The growth of for-profit prisons is a major shift in the way prisons operate, which raises concerns about the quality of care and inmates being exploited for cheap



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labor. An instance is CoreCivic, known as CCA, which was initiated in the 1980s and then began its rapid growth in the 1990s. CCA incentivized mass incarceration by contacting state and federal governments for guaranteed high-occupancy rates of their facilities. Critics described it as company maximizing profit at the expense of prisoners and their rehabilitation.

**The Prison Reform Movement of the 21st Century** — The 21st century has seen the rejuvenation of efforts for prison reform, especially in the face of humanitarian crises such as mass incarceration, prison overcrowding, and racial disparities in the criminal justice system.

**Racial disparities and social movements:** The highly disproportionate incarceration of African Americans and other minority groups, especially in the United States, has inspired such movements as Black Lives Matter and the movement to end mass incarceration. Such movements postulate that the criminal justice system is highly flawed and is considerably biased against certain racial and socioeconomic elements.

**Sentencing Reform:** In the United States, there have been attempts at reforms to the laws about sentencing, including decreasing the size of mandatory minimums for nonviolent drug offences, providing "second chances" for inmates, and promoting more restorative justice practices. Reforms on sentencing have also been on the agenda in Canada through the avenue of restorative justice principles. For example, some courts have more easily been resorting to alternative sentencing options, those based on community involvement and offender-victim reconciliation.

**Alternatives to imprisonment:** Many countries are seeking alternatives to traditional imprisonment, such as restorative justice programs, community service, house arrest, and rehabilitation programs focusing on education, mental health care, and substance abuse treatment.

**Prison conditions:** Overcrowding, poor health care, and violence in prisons increasingly come to light with vociferous calls for reform. The human rights movement worldwide, organizations has argued for the improvement of prison conditions and the recognition of prisoners' rights.

A good example is El Salvador, which has suffered from serious violence related to gangs. The government has responded with a hardline approach against crime. In the early 2020s, one of Latin America's largest prisons was built in the country as part of the campaign to fight gangs using mass incarcerations of suspected gang members; about 1.7% of the male population has



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received sentences to prison. However, this has raised several concerns: the overcrowding of prisons is a major issue, which may violate prisoner rights and cause poor living conditions; there are questions of due process and lack of rehabilitation that may affect long-term social stability.

## Key Terms:

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**Custody** — Refers to the legal right to take care of and control a person, which can be translated into someone being detained in prison or jail, for example. Custody can also imply the care by parents or legal guardians in non-criminal contexts.

**Inmates** — Individuals who are incarcerated in prisons or jails. They are those serving sentences after being convicted of a crime.

**Recidivism** — The tendency of previously incarcerated individuals to reoffend and return to prison. It's a major concern in criminal justice reform, with efforts being made to reduce recidivism rates through rehabilitation programs, better reintegration strategies, and restorative justice approaches.

**Triage** — A term borrowed from medical and emergency contexts. It refers to the process of determining the priority of patients' treatments based on the severity of their condition. In a criminal justice context, it could be applied metaphorically to situations where cases or offenders are prioritized based on the seriousness of the crime or the risk they pose.

**Incarceration** — The state of being confined in a prison or jail as a result of being convicted of a crime. This form of punishment is used to remove individuals from society to ensure public safety and to serve as a deterrent for others.

**Banishment** — A punishment in which an individual is expelled from a community or country. Historically, it was sometimes used as an alternative to imprisonment or execution. In modern times, it could be used as a form of exile or restriction of movement.

**Crucifixion** — A form of execution, historically associated with ancient Rome, in which an individual was nailed or tied to a large wooden cross and left to die. It is most famously known as the method of execution for Jesus Christ in Christian tradition.





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**Trial** — A legal process in which a court examines the facts and evidence of a case to determine whether an individual is guilty or innocent of a crime. Trials are central to the justice system in ensuring fairness and accountability in the determination of guilt and sentencing.

## Major Parties Involved:

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### 1. Supranational Organizations

**United Nations Office of the High Commissioner for Human Rights (OHCHR):** The OHCHR is committed to promotion and protection in the field of human rights, including those of prisoners. Its mandate is to ensure that international human rights standards are implemented in all member states and include arrest, detention, and incarceration.

**United Nations Standard Minimum Rules for the Treatment of Prisoners:** These are rules adopted by the UN in 1955, laying down how prisoners should be treated to protect their dignity and fundamental rights. They range from conditions of detention and access to healthcare and safety to the treatment of juveniles and women prisoners.

**United Nations Human Rights Committee:** It monitors the International Covenant on Civil and Political Rights, to which also belong the prohibitions of torture, inhuman or degrading treatment, and arbitrary detention.

### 2. National Governments and Government Agencies

**United States Supreme Court:** Some of the landmark decisions concerning prison conditions and prisoner rights were given by U.S. Supreme Court and the lower federal courts. These decisions include provisions on overcrowding and medical care. In one of such landmark decisions made in 2011, the *Brown v. Plata* ruling ordered California to lower its prison population due to overcrowding, citing the violation of inmates' constitutional rights.

**The U.S. Congress:** U.S. Congress plays a very crucial role in enacting laws that shape the prison system. For instance, past legislation enacted, like the 2018 First Step Act that reduced mandatory minimum sentences for non-violent offenders and expanded rehabilitation programs, is deemed insufficient by critics.



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**Department Of Justice (DOJ):** The DOJ is at the heart of prison reform. Firstly, the DOJ administers the **Federal Bureau of Prisons (BOP)**, which runs federal prisons. Secondly, the DOJ implements criminal justice policies and works in coordination with local and state agencies on overcrowding, recidivism, and mistreatment of prisoners.

**European Union Agency for Criminal Justice Cooperation (Eurojust):** Eurojust supports EU member states in the fight against cross-border crime, including organized crime and terrorism, in accordance with CCPCJ objectives. Facilitating judicial cooperation, coordinating investigations, and effective prosecution of transnational crimes.

### 3. Independent Entities and Non-Government Organizations (NGOs)

**American Civil Liberties Union (ACLU):** Some of the notable civil rights organizations include the American Civil Liberties Union, which actively advocates for prisoners' rights in terms of challenges against inhumane conditions and pushes for alternatives to mass incarceration. Among these issues brought into focus are solitary confinement, health care in prisons, and the criminalization of mental illness.

**Human Rights Watch (HRW):** HRW conducts international investigations and produces detailed reports about the conditions of prisons in the U.S. and abroad and campaigns for compliance with international human rights laws. The work done by the organization has highlighted and exposed the pervasive abuse of prisoners in U.S. prisons and advocated changes in sentencing laws and prison conditions.

**Amnesty International:** Amnesty International is an international human rights organization. It also takes up some crime prevention and criminal justice-related issues including the abolition of the death penalty, protection of the rights of prisoners, and fair trials. It sometimes provides reports and recommendations to the CCPCJ and other UN bodies.

### Problems Raised:

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**The Impact of Overcrowding on Prison condition:** Often, jails are overcrowded, contributing to such vices as insufficient healthcare, mental health care, or the ability to join educational or rehabilitative programs. Overcrowding in prisons can also lead to an increase in violence between and towards the inmates themselves and the workers within those places. Most prisons are old, designed for lesser numbers of people, thus turning them into unsanitary environments.

**Basic Human Rights:** Inmates have basic human rights that include the right to health care, protection from cruel and unusual punishment, and proper treatment. Overcrowding and poor conditions have often led to cases filed against states and appeals for reform.



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**Racial Disparities in Incarceration:** The prison system in the US is particularly influenced by racial disparity, which reflects a larger issue in policing, sentencing, and incarceration practices. Black Americans are jailed at a rate of more than five times that of white Americans, while composing a far smaller proportion of the population.

**Prisoner Rights Concern:** Discrimination and racial profiling in arrest and sentencing are contributing factors to mass incarceration. Many calls for reforms such as the abolition of mandatory minimum sentences and changes in policies that target minority communities disproportionately.

**Privatization of Prisons:** Whereas the personal prison has transformed into a company that profits from the service of housing inmates, what this translates to is a system wherein the goal of profit can sometimes be opposed to the goals of justice and rehabilitation. They tend to be under-regulated with cost-cutting measures that prejudice the welfare of the inmates. The private prison companies will have all the reasons to keep the rate of incarceration high, hence advocating for tougher sentencing laws and policies that guarantee longer sentences. This results in a "for-profit" justice system where inmate welfare and rehabilitation are secondary in nature to the profit motive. This also creates abuses such as denied medical care and poor living conditions, thus violating basic human rights.

In Australia, private prisons such as the Melbourne Custody Center, where overcrowding, poor conditions and inadequate healthcare are the main concerns that have been raised. Critics state that the profit motive drives to cost-cutting at the expense of inmate welfare and rehabilitation. This example shows constant debate on whether privatization puts over the well-being of inmates.

## **Previous Attempts to Resolve the Issue:**

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**Sentencing Reform Act of 1984:** The Sentencing Reform Act standardized sentencing in an effort to eradicate racial disparities within federal sentencing. The U.S. Sentencing Commission was created and developed guidelines that reined in extreme and/or inconsistent sentencing by federal judges. It provided for determining sentencing, lessening the probability of parole for federal prisoners. While it reduced some racial disparities in sentencing, it contributed to the upsurge of mandatory minimum sentences, especially in drug-related cases. As the Act enhanced fairness at sentencing, it brought forth unintended sentences for longer terms on nonviolent offenders. It has remained a significant legislation that shapes the evolution of federal sentencing practices.



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**The Second Chance Act (2007):** The Second Chance Act allowed federal funding in reentry programs for when convicted felons needed to be placed back into society. It covers programs of education, housing, employment assistance, substance abuse treatment, and mentoring.

The law has helped thousands of people make successful transitions from prison and has begun to lower recidivism rates to improve the odds of long-term success for the formerly incarcerated. Although funding for these programs has been spotty, the Second Chance Act has been crucial in a movement that shifts the focus from purely punitive measures to one of reintegration and rehabilitation.

**The Fair Sentencing Act (2010):** The Fair Sentencing Act reduced the sentencing gap between crack and powder cocaine from 100-to-1 to 18-to-1. That means, prior to the passage of the act, those convicted with crack cocaine offenses received tougher sentences compared to offenses involving powder cocaine associated with wealthier and whiter demographics.

Due to this law, there was a meaningful step toward racial disparities in the criminal justice system, as it softened the racial inequalities built into the drug sentencing laws. Although incomplete, this went a step further in narrowing the gap fully; the law marked an important step toward fairness in drug sentencing and laid the groundwork for future reform efforts, including the First Step Act.

**The First Step Act (2018):** The First Step Act is considered one of the most impactful criminal justice reforms in recent times. This act was supposed to reduce the population in federal prisons, improve conditions within the prisons, and provide inmates with more rehabilitation opportunities. Key provisions include:

1. Reducing mandatory minimum sentences for selecting nonviolent drug offenses.
2. Expansion of rehabilitative programs: education, vocational training, and mental health treatment.
3. Retroactivity of the Fair Sentencing Act-the legislation that reduced the disparity in sentencing between crack and powder cocaine.

Early release for some prisoners who behave well and participate in rehabilitation programs. While the First Step Act applies only to federal prisons, its effect has been the dramatic reduction of sentences, improvement of conditions, and early release of thousands of nonviolent offenders. It started a national conversation about the need for further reforms at the state level, though limitations- such as not taking care of state systems and not fully eradicating mandatory minimums-persist.



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## Timeline:

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Date	Event
500 BCE-476 BCE	Ancient Greece and Rome punishment system
5th-15th century	Medieval Europe Prison System
1777	The State of The Prisons (John Howard)
Late 18 <sup>th</sup> century	Panopticon (Jeremy Bentham)
1790s	Pennsylvania System
1816-1820s	Auburn System
Early 20 <sup>th</sup> century	Progressive Reform
1980s	War On Drugs
1980s-1990s	Privatization Of Prisons
1984/10/12	Sentencing Reform Act Of 1984
2007/04/11	The Second Chance Act
2010/08/03	The Fair Sentencing Act
2018/12/21	The First Step Act

## Possible Solutions:

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The following are several solutions that the president recommends to be considered in the draft resolution. However, she would want to recommend that all the delegates do extra research through reliable sources such as the UN, governmental organizations and international news media.

**1. Expand Access to Health Care and Mental Health System:** More access to improve prison Health Care, especially to Mental Health and Drug Abuse.

Better health conditions, including mental health, would meet the needs for the root cause of the criminal behaviors; it would prevent harm from occurring to the incarcerated individuals. Better inmate healthcare would result in improved well-being, reduced self-harm and suicide, with rehabilitative effect to function well in society after release.

**2. Prison Overcrowding Reduction:** Expand Alternative to Sentencing and Invest in Community-Based Reentry Programs.

A way to alleviate overcrowding is to expand alternatives to incarceration, for example, community service, electronic monitoring and diversion to substance abuse treatment. More offenders can serve their sentences outside prisons, which exploits the burden of the prison system and makes more resources free on more serious prisoners.



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**3. Focus on Rehabilitation over Punishment:** Increase Access to Education, job training, and mental health services.

Providing Prisoners with education resources and job training programs will enable them to better reenter society and function without recidivism. What's more, it is also important to let mental health and substance abuse problems treated while the person is in prison break a self-perpetuating cycle of reoffending. Rehabilitation would reduce recidivism rates and better prepare individuals for their release into society as normal citizens.

**4. Address Racial Disparities in the Criminal Justice System:** Anti-Racial Profiling and Bias Training for Law Enforcement

Comprehensive police bias training, aligned with the collection of data on racial disparities, may be what is needed to reduce discrimination in policing, arrest, and sentencing. The result will be a reduction of racial disparity in the treatment of people by the criminal justice system, an increase in public confidence in law enforcement, and a beginning toward dismantling systemic racism feeding into mass incarceration.

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