

White Collar Insight | Monthly Newsletter



Issue: August 2025

Topic: The First Step Act—Legal Updates & BOP Developments

1. Headline Feature: Supreme Court Reinforces FSA for Resentencing

On **June 26, 2025**, the *Supreme Court* ruled that sentencing reductions under the First Step Act **apply retroactively**—even for individuals whose pre-Act sentences were vacated and who were **resentenced after** the law took effect. This decision is a major win, expanding relief opportunities for many with pre-FSA sentences. ([American Civil Liberties Union](#))

2. Bureau of Prisons (BOP): Conflicting Policies—Now Clarified

- In **May 2025**, the BOP issued a memo limiting use of the **Second Chance Act**, effectively blocking stacking of prerelease time for many inmates. This unexpectedly resulted in longer prison stays for those expecting both FSA and SCA credits. ([Forbes](#))
 - Quickly recalibrating, the BOP issued a **new directive** promoting stacking of FSA and SCA credits, aiming to “realize the full potential” of both Acts. Also prioritized was **home confinement** for those not needing halfway house services, and clear guidance that **RRC capacity won’t block eligibility**. ([Davis Vanguard](#), [Lootpress](#))
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3. Legal Pressure Continues

The **ACLU** has filed a lawsuit alleging the BOP is treating FSA-earned credits as **optional**, rather than mandatory—leaving thousands incarcerated beyond their earned release dates. The lawsuit claims this contradicts clear Congressional intent under the law. ([Prison Legal News](#))

4. Data & Long-Term Impact

Since 2019, the FSA has led to **over 44,000** releases, with recidivism rates among this group around **9.7%**, compared to **46.2%** for the general federal population. ([Brennan Center for Justice](#))

However, implementation has been uneven—halfway house shortages and calculation errors continue to delay community placement for eligible inmates. ([Brennan Center for Justice](#), [Forbes](#))

5. Strategy Snapshot: What This Means for Clients & Counsel

Implication	What You Should Know
Retroactivity Expandable	Clients resentenced after FSA enactment may now qualify for reductions.
Stacking Clarified	New BOP memo allows FSA and SCA benefits to be combined—when correctly applied.
Policy Volatility	Ongoing lawsuits and BOP memos make implementation unpredictable. Attorneys must stay vigilant.
Operational Gaps	Even eligible individuals face delays due to half-house bed shortages and process mismanagement—necessitating proactive planning.

6. Spotlight: What's Next

- If your client's resentencing occurred post-2018, FSA relief may now be on the table.
 - Keep an eye on court interpretations as the **ACLU challenge** unfolds—this could set nationwide implementation pressure.
 - With BOP fluctuations, procedural advocacy—such as deadline monitoring, credit audits, and ensuring accurate conditional placement dates—is more critical than ever.
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Closing Thoughts

Recent developments around the **FSA**—legal rulings, policy shifts, and implementation challenges—highlight why expert consulting is crucial. If you're unsure where you stand, or if your clients need navigational support to access earned credits and prerelease benefits...

— **Book a confidential strategy session now.**

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Until next month,

— **White Collar Prison Advocates**

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