



FACT SHEET

Trump Says One Thing and Does Another on Criminal Justice

By Lea Hunter, Ed Chung, and Akua Amaning

This factsheet contains an update.

Note: *An earlier version of this list appeared in American Progress's Infographic: [President Trump is Falsely Claiming He is a Criminal Justice Reformer.](#)*

President Donald Trump has repeatedly claimed ownership of criminal reform because he signed the FIRST STEP Act—a bipartisan federal sentencing and prison reform bill. A month after signing the bill, he proclaimed, “I did criminal justice reform, nobody else. I did it. Without me, you don’t have criminal justice reform.” In fall 2019, he again declared, “I did criminal justice reform, which President Obama could not get approved—which the media never talks about. If President Obama got criminal justice reform done, it would be front-page stories all over the place. I got it done.”¹ But these claims fly in the face of nearly every action this administration has taken, most of which are antithetical to reform efforts.

Too often, the full context of the Trump administration’s record on criminal justice reform is obscured by celebrities visiting the White House and award ceremonies.² However, behind the scenes, the U.S. Department of Justice (DOJ) regularly contravenes the efforts of the criminal justice reform movement. Collected here are a list of those anti-reform actions to date:

1. Restricted clemency to only those who are celebrities, well-connected individuals, or have a personal affiliation with the president^{3*}
2. Encouraged the use of excessive police force on peaceful Black Lives Matter protestors^{4*}
3. Threatened maximum sentences for vandalism of monuments^{5*}
4. Restarted federal executions after a 17-year informal moratorium on federal capital punishment^{6*}

5. Secretly altered the risk assessment authorized in the FIRST Step Act to drastically reduce the number of federally incarcerated people eligible to be released to subdue the spread of COVID-19^{7*}
6. Denied federal coronavirus relief funding to small business owners with a criminal record^{8*}
7. Argued in court against people eligible for sentence reductions under the FIRST STEP Act⁹
8. Jeopardized the FIRST STEP Act by underfunding its programs¹⁰
9. Reinstated DOJ contracts with private prisons¹¹
10. Left director of the Bureau of Prisons position vacant for more than a year¹²
11. Disbanded a program to create federal prison education systems¹³
12. Closed halfway houses that help those incarcerated transition back to the community¹⁴
13. Prohibited federal investigations of patterns of unconstitutional policing¹⁵
14. Stopped assistance to police departments that voluntarily wanted reform¹⁶
15. Eliminated restrictions preventing police departments from obtaining military equipment¹⁷
16. Eliminated community-based violence prevention programs¹⁸
17. Condemned public criticism of police by threatening that protestors “might find themselves without the protection they need”¹⁹
18. Eliminated DOJ community policing program grants in proposed executive budget²⁰
19. Attacked prosecutors who are pursuing criminal justice reform in their communities²¹
20. Proposed to eliminate a DOJ office dedicated to help communities reduce racial conflict²²
21. Rescinded federal guidance meant to stem the flow of the school to prison pipeline²³

22. Ordered federal prosecutors to pursue the harshest punishments possible²⁴
23. Threatened federal prosecutions for marijuana in states where it is legal²⁵
24. Attempted to resume use of the federal death penalty and encouraged expansion of the death penalty in drug cases²⁶
25. Waged the same failed war on drugs from the 80s²⁷
26. Attempted to force federal job candidates to disclose participation in diversion programs²⁸
27. Expanded the federal use of civil asset forfeiture²⁹
28. Suspended the national forensic science commission³⁰
29. Failed to report on deaths in police custody as required by Congress³¹
30. Disbanded the DOJ Science Advisory Board that provided evidence-based rigor to DOJ policies³²
31. Rescinded DOJ guidance that warned courts against excessive fees and fines³³

Lea Hunter is a former research associate for Criminal Justice Reform at the Center for American Progress. Ed Chung is the vice president for Criminal Justice Reform at the Center. Akua Amaning is an associate director for Criminal Justice Reform at the Center.

***Update, August 14, 2020:** *This fact sheet has been updated in an effort to address the Trump administration's actions related to the COVID-19 pandemic and national unrest in response to incidents of police brutality.*

Endnotes

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