

First Step Act of 2018



Unit Management Training

OBJECTIVES



- Understand the First Step Act (FSA) Explain the PATTERN Risk Assessment Tool Accurately enter FSA SENTRY Assignments for PATTERN Assess FSA Federal Time Credits (FTC) Eligibility Accurately enter FSA SENTRY Assignments for Eligibility Understand the Concept of FTC

First Step Act



- Enacted December 21, 2018 Designed to: Increase reentry opportunities Reduce recidivism Provide an incentive for inmate participation in programming and good conduct “No later than 180 days after the Attorney General completes and releases the Risk and Needs Assessment system (PATTERN, July 19, 2019), the BOP will implement and complete the initial intake Risk and Needs Assessment for each prisoner.”

PATTERN



- Prisoner Assessment Tool Targeting Estimated Risk and Needs (PATTERN) Researchers created PATTERN to fulfill requirements of FSA Separate assessment for Male and Female Offenders Reassessments conducted in conjunction with regularly scheduled Program Reviews All assessment items refer to current term of incarceration, with exception of “Incident Reports” and “Serious Incident Reports”

PATTERN RISK ASSESSMENT TOOL

- Predicts risk of Recidivism ALL sentenced inmates require Risk Assessment

Custody
Classification
determines
Security Level

The diagram consists of two large, stylized arrows pointing in opposite directions. The left arrow is blue and points left, containing the text 'Custody Classification determines Security Level'. The right arrow is yellow and points right, containing the text 'PATTERN predicts risk of recidivism'. The arrows are positioned horizontally and overlap slightly in the center.

PATTERN
predicts risk of
recidivism

PATTERN



- “General” and “Violent” recidivism risk scores
“General” and “Violent” recidivism risk levels
General Risk Level predicts risk of re-incarceration for any offense
Violent Risk Level predicts risk of re-incarceration for violent offense
“Overall” recidivism risk level = greater of “General” or “Violent”
recidivism risk levels
Update Risk Level in SENTRY

PATTERN RISK LEVELS



Male Risk Levels Female Risk Levels

Recidivism Risk Level	Male	
	General	Violent
Minimum	10 or Less	21 or Less
Low	11-33	22-35
Medium	34-45	36-40
High	46+	41+

Recidivism Risk Level	Female	
	General	Violent
Minimum	9 or Less	22 or Less
Low	10-29	23-30
Medium	30-45	31-35
High	46+	36+

PATTERN SENTRY Assignments



- UNASSG RSKDefault SENTRY CodeReplace with appropriate risk level following initial assessmentR-MINR-LWR-MEDR-HI

ACTIVITY



- PATTERN Recidivism Risk Tool

(b)(7)(E)

Time Credits Eligibility Overview



- The First Step Act of 2018 provides that eligible inmates may earn Federal Time Credits (FTC) for successfully completing approved Evidence-Based Recidivism-Reduction (EBRR) programs and Productive Activities (PA). An inmate cannot earn FTCs if he/she is serving a sentence for a disqualifying offense or has a disqualifying prior conviction.

Time Credits Eligibility Overview



- FTC Eligibility applies ONLY to convicted Federal District Court inmates
Excludes: Military State Boards DC Superior Court Final order of deportation

Disqualifying Offense - Current



- Refer to First Step Act Offense CodesActivity: Review FSA Offense Code

(b)(7)(E)

Disqualifying Offense, Con't

- Current Conviction does not Initially Exclude, BUT has ...Offense Element(s) include Physical Force or Risk of Physical Force (use, attempted, or threatened), AND Sentenced to More than One Year of Imprisonment AND, there is a Prior Offense ...Federal or State Conviction Served of Term of Imprisonment greater than one year Only applies to specific PRIOR convictions

Disqualifying Offenses – Prior Offenses

- Offenses: murder voluntary manslaughter assault with intent to commit murder aggravated sexual abuse and sexual abuse abusive sexual contact kidnapping carjacking arson terrorism

Disqualifying Offenses – Review Process

- Review J&C for current offense statuteRefer to FSA Offense Code chartIf current offense is disqualifying, inmate is IneligibleUpdate SENTRY*Notate on Activity Log Include disqualifying offense and overall risk levelNo further review requiredNote: If discrepancy is noted between PSCD and J&C, notify DSCC Team

Disqualifying Offenses – Review Process



- If the CURRENT Offense does not initially exclude the inmate, and The CURRENT offense has an element of Physical Force or Risk of Physical Force, and Use, Attempted, or Threatened Sentenced to More than One Year of Imprisonment, then Review PSR for PRIOR Offenses Note: CLC can provide guidance to case manager regarding “force” element.

Disqualifying Offenses – Review Process

- Review PSR for prior federal & state convictions
Served of term of imprisonment greater than one year
If disqualifying offense is identified, refer to CLC for final eligibility determination
Referral should be made via email from Unit Resource Box
Subject: FSA Review/XXX – Inmate Name and Reg. No.
Note disqualifying offense(s) in the email body and attach PSR
Update SENTRY
Note on Activity Log
Upon final eligibility determination from CLC
Update SENTRY
Note on the Activity Log

FSA Eligibility SENTRY Codes

- INELIG AUT Determined Ineligible based on PSCD
Offense Code/StatuteRequires verification with
J&CUNREVW HISDefault SENTRY CodeRequires
Review and Replace with FTC CodeFTC ELIGFTC
INELIGREV LEGALReplace after legal decision

FSA Review



○ FSA Review provided to inmate

DATE REVIEWED: _____

INSTITUTION: _____ UNIT: _____

INMATE NAME: _____ REG NO: _____

FIRST STEP ACT (Circle One): ELIGIBLE / INELIGIBLE

RECIDIVISM RISK LEVEL (Circle One): MINIMUM LOW MEDIUM HIGH

Activity



- Eligibility Review Exercise

Federal Time Credits



- A prisoner shall earn 10 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.
- (ii) A prisoner determined by the Bureau of Prisons to be at a minimum or low risk for recidivating, who, over 2 consecutive assessments, has not increased their risk of recidivism, shall earn an additional 5 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

FTC



- **FTCs applied to prerelease custody (RRC/HC) Does not affect PRD 10 days of time credits for every 30 days of successful participation 8 hours = 1 day participation Additional 5 days for minimum or low risk inmates 2 consecutive assessments at this risk level**

FTC Calculation



- EXAMPLE: RDAP Completion 500 hour program 8 hours = 1 day
 $500 / 8 = 62.5$ days of programming
62.5 days = 60 days successful programming = 20 days FTC (if Medium/High risk) or 30 days FTC (if Minimum/Low risk)
2.5 days' programming remain to be added to additional programming completion

Questions?

