# First Step Act of 2018



**Unit Management Training** 

### **OBJECTIVES**

 Understand the First Step Act (FSA)Explain the PATTERN Risk Assessment ToolAccurately enter FSA SENTRY Assignments for PATTERNAssess FSA Federal Time Credits (FTC) EligibilityAccurately enter FSA SENTRY Assignments for EligibilityUnderstand the Concept of FTC

# **First Step Act**

 Enacted December 21, 2018 Designed to:Increase reentry opportunitiesReduce 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 FSASeparate assessment for Male and Female OffendersReassessments conducted in conjunction with regularly scheduled Program ReviewsAll 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

PATTERN predicts risk of recidivism

### **PATTERN**

"General" and "Violent" recidivism risk scores "General" and "Violent" recidivism risk levelsGeneral Risk Level predicts risk of re-incarceration for any offenseViolent Risk Level predicts risk of reincarceration for violent offense"Overall" recidivism risk level = greater of "General" or "Violent" recidivism risk levelsUpdate Risk Level in SENTRY

### PATTERN RISK LEVELS

### Male Risk LevelsFemale Risk Levels

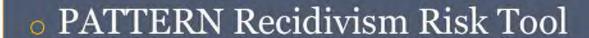
Recidivism Risk Level	Male	
	General	Violent
Minimum	10 or Less	21 or Less
Low	11-33	22-35
Medium	34-45	36-40
High	46+	41+

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**



(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 inmatesExcludes:Military State BoardersDC Superior CourtFinal 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), ANDSentenced to More than One Year of ImprisonmentAND, there is a Prior Offense ...Federal or State ConvictionServed of Term of Imprisonment greater than one yearOnly 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**

o 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 convictionsServed of term of imprisonment greater than one yearIf disqualifying offense is identified, refer to CLC for final eligibility determinationReferral should be made via email from Unit Resource BoxSubject: FSA Review/XXX Inmate Name and Reg. No.Notate disqualifying offense(s) in the email body and attach PSRUpdate SENTRYNotate on Activity LogUpon final eligibility determination from CLCUpdate SENTRYNotate 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: INMATE NAME:	UNIT: EG 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 evidencebased recidivism reduction programming or productive activities.

#### FTC

 FTCs applied to prerelease custody (RRC/HC)Does not affect PRD10 days of time credits for every 30 days of successful participation8 hours = 1 day participationAdditional 5 days for minimum or low risk inmates 2 consecutive assessments at this risk level

### **FTC Calculation**

• EXAMPLE: RDAP Completion500 hour program8 hours = 1 day500/8 = 62.5 days of programming62.5 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

