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First Step Act Incentives Procedures Under the CARES Act Covered Period

/s/
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The First Step Act of 2018 (FSA) requires the offering of incentives for inmates who participate in or complete certain programs. The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), signed into law March 27, 2020, authorized the Attorney General to exercise certain authorities during the covered emergency period. This Operations Memorandum provides clarification and guidance on interim modifications to the procedures described in Program Statement **First Step Act Program Incentives** during the covered emergency period.

1. PHONE MINUTES

Currently, the Bureau of Prisons (Bureau) is exercising the authority authorized by the Attorney General under the CARES Act and is affording inmates access to free phone calls during the covered emergency period. See CARES Act, **Pub. L. 116-136, § 12003(c)(1), 134 Stat 281, 618 (2020).** In addition, the Bureau increased inmate telephone system minutes to 510 minutes per month to ensure inmates can maintain community ties while social visits are suspended/limited. Therefore, FSA phone incentives will not be awarded during the emergency period, as inmates have access to 510 free telephone minutes per month.

2. VISITATION

Under the FSA, the Bureau may offer inmates additional visitation, as determined by the Warden of the prison. While the Bureau resumed in-person visitation in October 2020, such visitation must occur in consideration of health and safety by ensuring appropriate measures are undertaken to reduce the introduction or risk of transmission of COVID-19. During the covered period, each individual institution must have plans consistent with their institutional resources

(including physical space) to conduct visits, and Wardens must continuously monitor their visiting plan, and make prompt modifications, as necessary, to effectively manage COVID-19. Such modification may include limiting or postponing visitation, providing visitation by appointment, or other adjustments as appropriate.

All visits will be non-contact and social distancing between inmates and visitors will be enforced, either via the use of plexiglass, or similar barriers, or physical distancing (i.e., 6 feet apart). Inmates in quarantine or isolation will not participate in social visiting. The number of visitors allowed in the visiting room will be based on available space when utilizing social distancing. The frequency and length of visits will be established to ensure all inmates have an opportunity to visit at least twice a month. Visitors will adhere to local screening protocols established by the Warden and negotiated locally.

Both inmates and visitors must wear approved Centers for Disease Control (CDC) face coverings at all times and perform hand hygiene just before and after the visit. Tables, chairs and other high-touch surfaces will be disinfected between visitation groups; all areas, to include lobbies, will be cleaned following the completion of visiting each day.

3. FSA ACHIEVEMENT AWARDS

Section 7 of Program Statement **First Step Act Program Incentives** dictates inmates may receive an award incentive for completion of Evidence-Based Recidivism Reduction Programs of 100 hours or more. The Central Office Systems Development Branch will create a monthly roster of inmates who completed qualifying programs. This roster will be provided through the Correctional Programs Branch to Correctional Programs Regional Administrators, and Case Management Coordinators, who will verify if funds are available for the month. Unit Managers will ensure it is documented in INSIGHT as part of Program Review whether the inmate chose an achievement award or preferred housing. If the inmate chose the achievement award, Unit Managers or their designee will key the award into TRUPAID. Institutions are responsible for tracking and managing preferred housing awards locally, as per policy.