BUREAU OF PRISONS

FEDERAL TIME CREDIT APPLICATION | FIRST STEP ACT

The calculation of First Step Act (FSA) time credits by the Bureau of Prisons (BOP) plays a critical role in determining how quickly eligible inmates can transition from incarceration to community-based programs or supervised release. These calculations directly influence inmate placement and the overall effectiveness of the First Step Act's goal to incentivize rehabilitation and reduce recidivism.

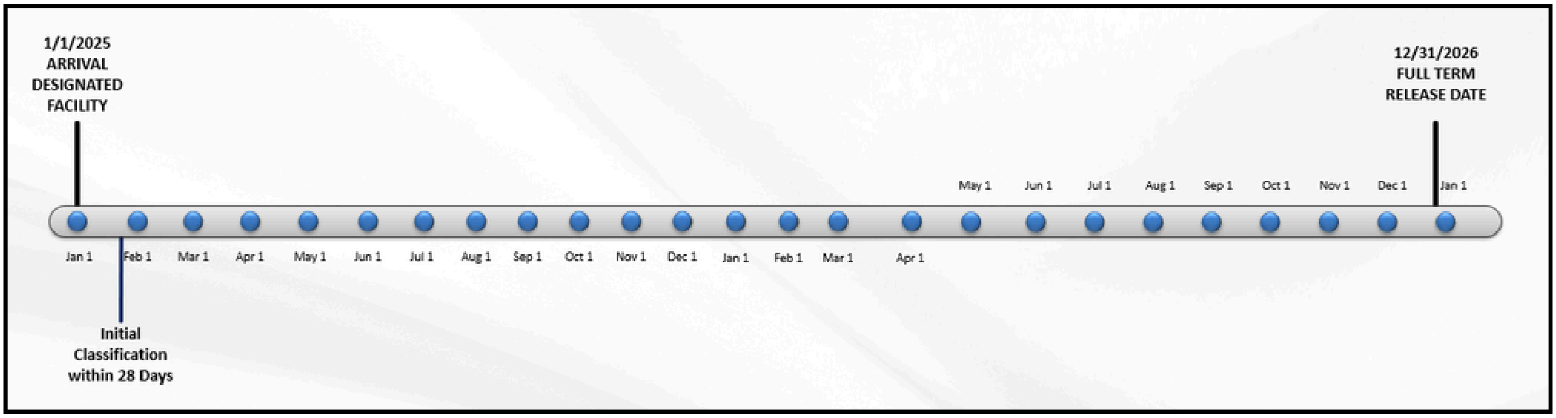
The following examples will illustrate the Bureau's model to calculate FSA time credits. These examples of varying sentence lengths will provide staff, inmates, and the public an accurate overview of the calculation process. These timelines will show how the First Step Act time credits are calculated, earned and applied. These examples are used to show how the time credit model works.

It is important to note that individuals have to ***serve the time to earn the credits***, and they ***cannot earn additional credits*** while in the community on time credits.

FOR THIS REASON, THE EXAMPLES ARE SIMPLIFIED AND **DO NOT REFLECT**:

- Jail credit,
- Holdover time prior to arrival at the designated facility,
- Second Chance Act reviews, or any periods of "opt-out" time

EXAMPLE 1: 24-MONTH SENTENCE



STEP 1: ARRIVAL AND DESIGNATION

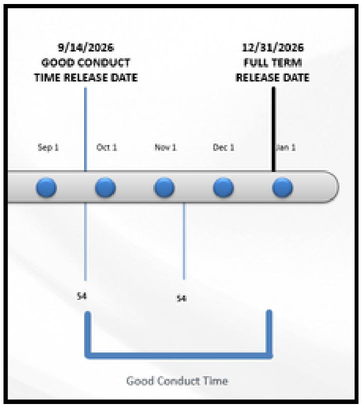
- *The timeline begins when the inmate arrives at their designated BOP facility.*

STEP 2: INITIAL ASSESSMENT

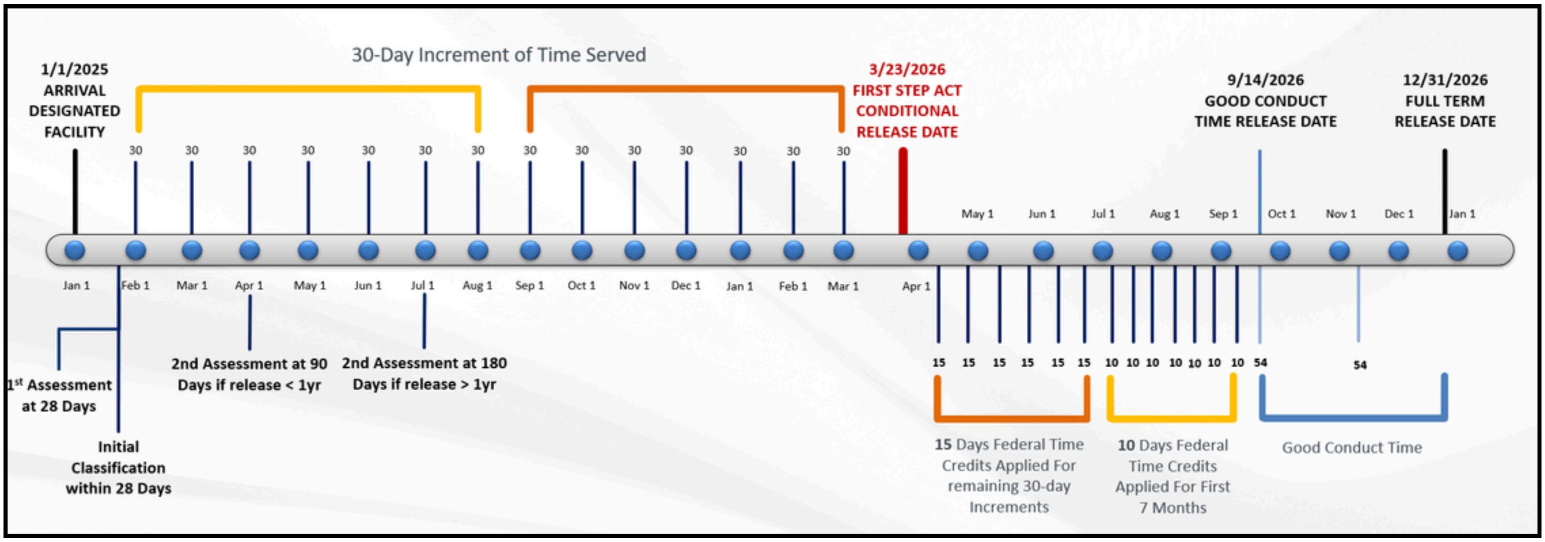
- Within the first 28 days, the inmate meets with their Unit Team for an initial assessment (2nd at 90 days, if release is less than 1 year **OR** at 180 days if release is more than 1 year).
- During these meetings, staff generate a formal Risk and Needs Assessment. This determines if the inmate is eligible to earn First Step Act (FSA) credits.

STEP 3: EARNING AND APPLYING CREDITS

- The inmate begins earning credits by participating in programs. Credits of *up to 365 days* are applied to the sentence to speed up the transition to a halfway house or supervised release.
- Of note, the First Step Act changed language to reflect Good Conduct Time calculations from 54 days per year served to 54 days per year sentenced. In this case, the inmate would receive 108 days of Good Conduct Time, showing a good conduct time release date of September 14, 2026.



EXAMPLE 1: 24-MONTH SENTENCE



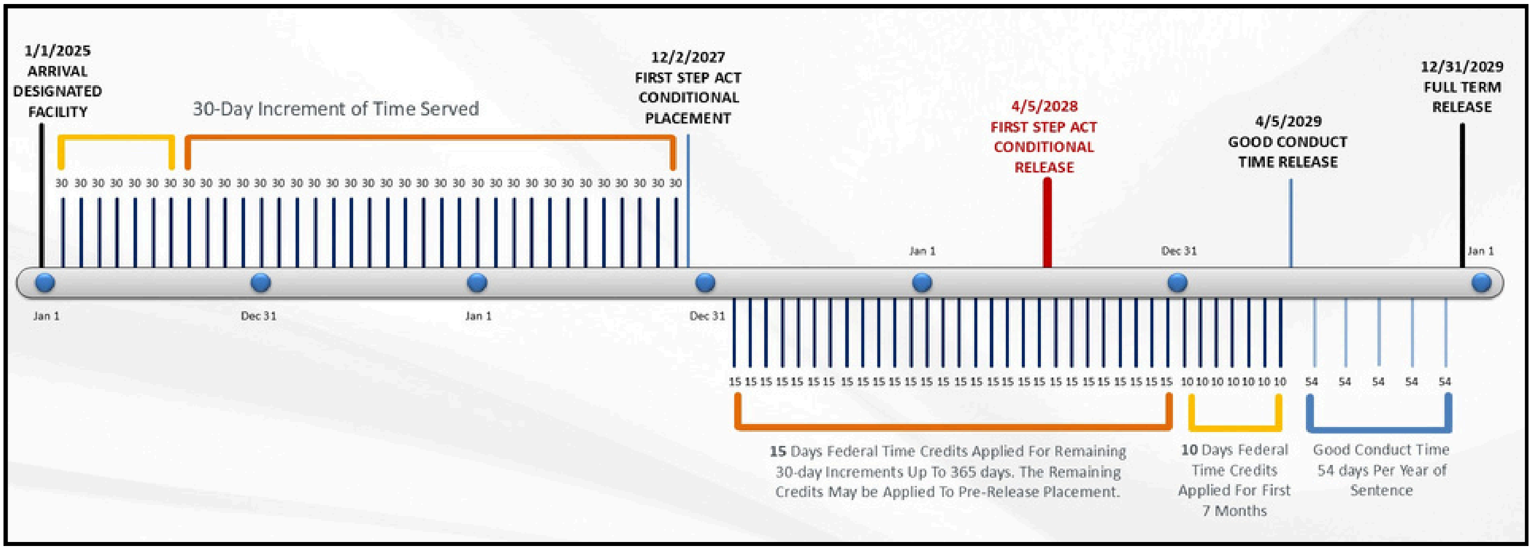
STEP 3: EARNING AND APPLYING CREDITS - CONT'D

- First step act time credits are earned every 30 days of programming.
- They are earned at two different rates: if they're a **Medium** or a **High** PATTERN score, they earn at a rate of **10 time credits per 30 days**, and if they are a **Minimum** or **Low** PATTERN score and *have been for more than two assessments*, they will then earn at a rate of **15 time credits per 30 days**.
- All inmates come in earning at a rate of ten days per thirty days of programming. The rate at which they earn is dictated by assessment periods.
- Every inmate has their first assessment at 28 days and the second assessment is either 90 days, if their release date is under 1 year from the date of their first assessment or 180 days if their release date is over a year from the date of their first assessment.

ARRIVING AT THE FIRST STEP ACT CONDITIONAL RELEASE DATE

- For this example, the inmate was a Minimum or Low PATTERN at the time of their initial classification, and their second assessment was 180 days from their first assessment. For every 30 days of served time, they will earn 10 days, and these days are taken off the back end of their release date. 30 days served 10 days off, until we hit that 7th 30-day increment.
- At that point the inmate switches to a rate of 15, so every 30 days served, 15 days off, until those 30-day increments meet up with the time credits coming off of their sentence, and for this example that equates to **March 23, 2026**.
- This is called the First Step Act Conditional Release Date.
- For this perfect scenario example of a 24-month sentence, this inmate would serve approximately **14.5 months** after earning **175 time credits.**
- Release dates and Federal Time Credit amounts are subject to change with the incarceration individual's behavior and programming assessment.

EXAMPLE 2: 60-MONTH SENTENCE



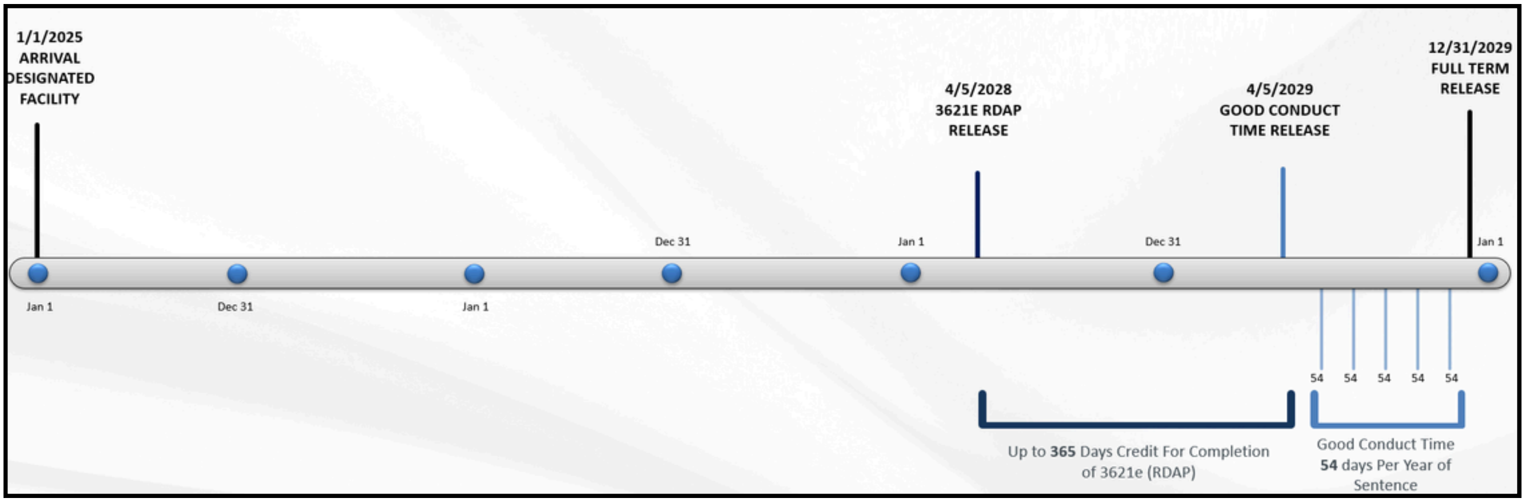
EARNING AND APPLYING CREDITS

- This is a similar type of example and in this one the inmate arrived at his first designated facility on January 1, 2025. With a 60-month sentence, the inmate would have a full-term release date of December 31, 2029. In this case the inmate would receive 270 days of Good Conduct Time, showing a *Good Conduct Time release date* of April 5th 2029.
- This is similar to the example that we looked at previously in that we're assuming the inmate comes in as a Low or Minimum pattern from day 1, which means during their first 2 assessments they will earn at a rate of 10, so after that 7th 30 day increment they will start earning at a rate of 15 for every 30 days served all the way up until the *First Step Act Conditional Placement Date* of **December 2, 2027**.

ARRIVING AT THE FIRST STEP ACT CONDITIONAL RELEASE DATE

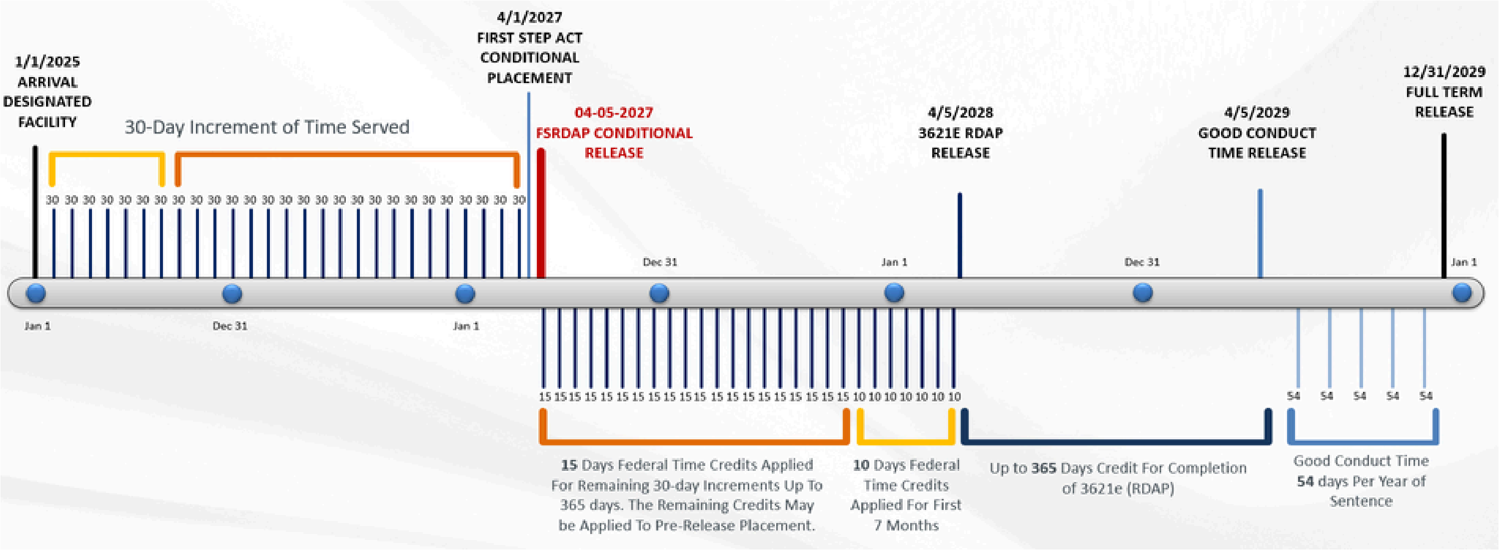
- The FSA Conditional Placement Date is the date at which the inmate can go to halfway house or home confinement placement.
- In this example, the *first 365 days* goes towards early supervised release, showing a *First Step Act Conditional release date* of **April 5, 2028**.
- The *remaining 125 time credits* go toward halfway house/home confinement to generate the *First Step Act Conditional Placement Date*.
- For this example of a 60-month sentence, this inmate would serve approximately **35 months** after earning **490 time credits** before going to a **community placement.**
- Release dates and Federal Time Credit amounts are subject to change with the incarceration individual's behavior and programming assessment.

EXAMPLE 3: 60-MONTH SENTENCE WITH 3621E (RDAP)



EARNING AND APPLYING CREDITS

- This is the same example of a 60-month sentence but this time for an inmate that is eligible for the time off for completion of the Residential Drug Abuse Program.
- They were designated to their first facility on January 1, 2025, so their full-term release date would be December 31, 2029, and when you take away 270 days of Good Conduct Time that creates a *Good Conduct Time Release* of **April 5, 2029**.
- In this example, the inmate is eligible for the time off under 3621E which would give them a **3621E RDAP Release Date** of **April 5, 2028.**



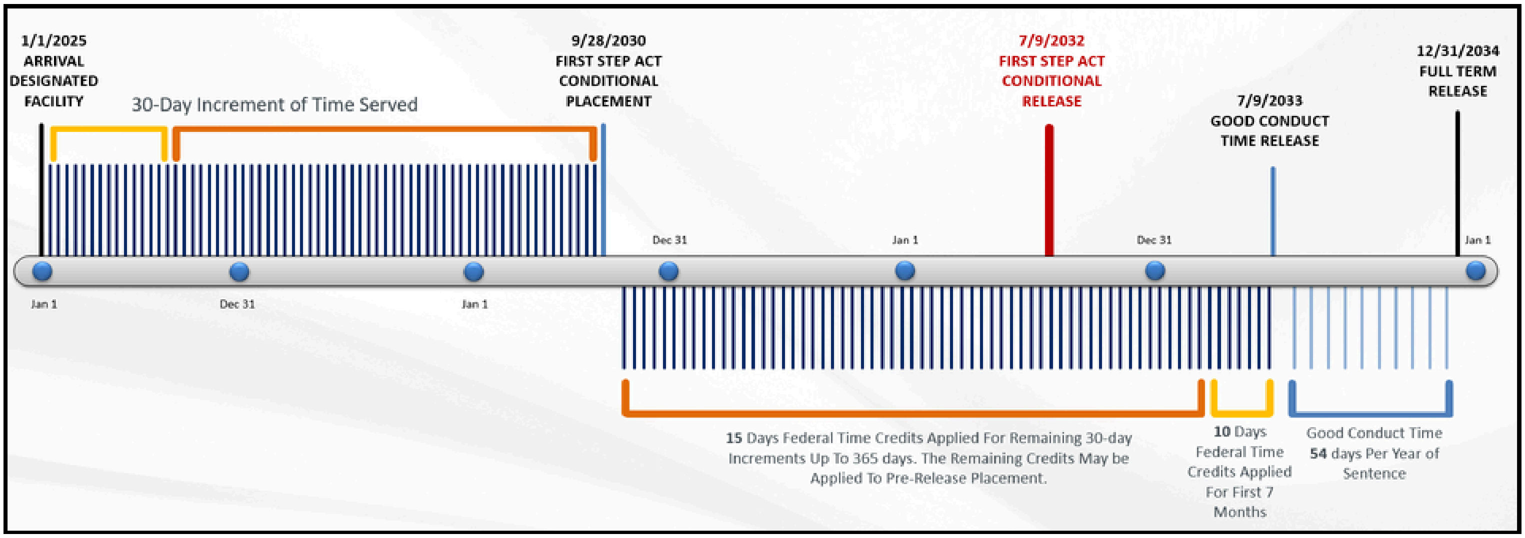
ARRIVING AT THE FIRST STEP ACT CONDITIONAL RELEASE DATE

- The same premise applies, every 30 days served they get 10 days off until they reach that second assessment, at which time they start earning at a rate of 15. The 30-day increments and time credited off meet in the middle to create their *First Step Act Conditional Placement Date* of **April 1, 2027**.
- The *first 365 days* of time credits go toward early supervised release, showing an *FSRDAP Conditional Release Date* of **April 5, 2027**. For this example of a 60-month sentence, this inmate would serve approximately 27.5 months after earning 370 time credits before going to a community placement.

EXAMPLE 3: 120-MONTH SENTENCE

EARNING AND APPLYING CREDITS

- Just like our previous examples, this inmate arrives at their first designated facility on January 1st 2025. With a 120-month sentence, the inmate would have a full-term release date of December 31, 2034. In this case the inmate would receive 540 days of Good Conduct Time, showing a *Good Conduct Time Release* date of **July 9, 2033**.



ARRIVING AT THE FIRST STEP ACT CONDITIONAL RELEASE DATE

- Still assuming the inmate comes in as a Low or Minimum PATTERN from day 1 which means during his first 2 assessments he will earn at a rate of 10. After that 7th 30 day increment he will start earning at a rate of 15 for every 30 days served up until the *First Step Act Conditional Placement Date* of **September 28th, 2030**.
- In this example, the *first 365 days* goes toward early supervised release, showing a **First Step Act Conditional Release Date** of **July 9, 2032**.
- The remaining 650-time credits go toward halfway house/home confinement to generate the *First Step Act Conditional Placement Date.*
- For this example of a 120-month sentence, this inmate would serve approximately 70 months after earning 1,015 time credits before going to a community placement.

KEY TAKEAWAYS

- FSA Federal Time Credits begin to accrue when the individual arrives at their designated facility.
- 1st Unit Team Assessment - within 28 days. This assessment generates a formal Risk and Needs Assessment.
- 2nd Unit Team Assessment - either 90 days, if their release date is under 1 year from the date of their first assessment or 180 days if their release date is over a year from the date of their first assessment
- The individual begins earning credits by participating in programs. Credits are applied to the sentence to speed up the transition to a halfway house or supervised release.
- Once enough credits are earned and applied, the individual transitions out of the facility.
- Earning Rule: Inmates must physically serve time to earn credits; you cannot earn "future" credits in advance and credits cannot be earned while the individual is already serving time in the community with time credits.
- Things that can affect your dates; jail credit, holdover time, Second Chance Act reviews, or “Opt-Out” periods.
- The first 365 days of earned FSA Credits can be applied toward an early release to Supervised Release. Any credits earned beyond that first year are applied toward an earlier transfer to a Halfway House or Home Confinement.
- Release dates and Federal Time Credit amounts are subject to change with the incarceration individual's behavior and programming assessment.
- If you feel your First Step Act Credits have been incorrectly applied, contact your Unit Team and request a review of your case.