

U.S. Department of Justice

First Step Act Annual Report

June 2024



Table of Contents

Introduction.....	4
Executive Summary	4
I. An Assessment of Bureau of Prisons’ Implementation of the Risk and Needs Assessment System and Compliance with 18 U.S.C. § 3621(h)	8
A.Implementation and Validation of Risk and Needs Assessment Tools	8
1. Implementation of the Risk Assessment Tool (PATTERN) and Revalidation Efforts	8
2. Implementation of the Needs Assessment Tool (SPARC-13) and Revalidation Efforts	11
B.Implementation of the Risk and Needs Assessment System Through Scoring, and Time Credits	18
1. PATTERN Risk Assessments.....	18
2.Time Credits Eligibility by PATTERN classification.	18
3.Implementation of the Time Credits Rule	20
4.FSA Audit Activities	20
II. A Summary and Assessment of the Types and Effectiveness of EBRR Programs and PAs in Prisons Operated by the Bureau of Prisons	21
A. Approved EBRR Programs and PAs	21
B.FSA Program Participation	23
C.FSA Program Capacities	26
D. FSA Program Evaluators.....	26
E. Partnerships with Volunteers.....	28
F. Partnerships with Federal, State, Local, and Tribal Agencies	30
III.The Bureau of Prison’s Additional FSA Implementation Activities	32
A.FBOP Efforts to Assist with Identification	32
B. Transfers Closer to Home.....	33
C. Elderly and Terminally Ill Pilot Program.....	34
D. Home Confinement	34
E. Drug Treatment.....	36
F. FSA Staffing Resources.....	38
G. Compassionate Release.....	40
IV. The Rates of Recidivism Among Specific Categories of Individuals Who Have Been Released from Federal Prisons.....	40
A. Recidivism Data Tables for Specific FSA Category Individuals	41

V.The Status of Prison Work Programs at Facilities Operated by the Bureau of Prisons..... 44

VI.The Operational Policies and Guidance Issued 45

VII. An Assessment of the Progress Made Towards Carrying Out the Purposes of the FSA..... 47

VIII. An Assessment of Budgetary Savings 48

A. Cost Avoidance Due to Early Transfers to Prerelease Custody and Supervised Release..... 49

B.Savings Resulting from any Decrease in Recidivism 49

IX.Statistics on Incarcerated Individuals with Dyslexia..... 49

X.Planned Future FSA Implementation Activities 50

Introduction

The First Step Act of 2018 (“First Step Act,” “FSA,” or “Act”) was significant bipartisan legislation to improve criminal justice outcomes and reduce the size of the federal prison population, while maintaining public safety. Under Section 101 of the Act, 18 U.S.C. § 3634, the Attorney General is required to submit a report beginning two years after the date of enactment, and annually thereafter for a period of five years. The report details the activities undertaken, accomplishments reached, and planned future initiatives in carrying out the law. The Department of Justice (the Department) submitted its third such report to Congress in April 2023.¹ This is the fourth Annual Report.

Executive Summary

This Report summarizes the activities and accomplishments of the Department of Justice and the Attorney General in carrying out the First Step Act in the period since the last Annual Report was published in April 2023. This Report reflects the ongoing efforts of the Department, including the Federal Bureau of Prisons (“FBOP”), to realize the goals of the FSA. The Report addresses the following topics, including information responsive to the requirements of Section 3634:

- I. An Assessment of the FBOP’s Implementation of the Risk and Needs Assessment System and Compliance with 18 U.S.C. § 3621(h).
- II. A Summary and Assessment of the Types and Effectiveness of the Evidence-Based Recidivism Reduction Programs and Productive Activities in Prisons Operated by the FBOP.
- III. The FBOP’s Additional FSA Implementation Activities.
- IV. The Rates of Recidivism Among Individuals Who Have Been Released from Federal Prisons.
- V. The Status of Prison Work Programs at Facilities Operated by the FBOP.
- VI. The Operational Policies and Guidance Issued.
- VII. An Assessment of Progress Made Towards Carrying Out the Purposes of the FSA.
- VIII. An Assessment of Budgetary Savings.
- IX. Statistics on Incarcerated Individuals with Dyslexia.
- X. Planned Future FSA Implementation Activities.

Significant activities since the last Report include:

- **Maximizing the availability of time credits.** The FBOP has engaged in several initiatives to better calculate and track First Step Act time credits (“FTC” or “earned time credits”). For example, the FBOP improved training and staffing at the Designation and Sentence Computation Center (“DSCC”), the centralized center for the FBOP’s classification and designation functions. This has allowed employees to receive and respond to multiple inquiries a day regarding application of time credits to release dates. Additionally, the FBOP implemented the FSA Conditional Release Date Calculator. Adults in Custody (AIC) who are eligible to earn and apply FTCs to their release dates, and are Minimum or Low Risk, now

¹ See U.S. Department of Justice, *First Step Act Annual Report* (April 2023), <https://www.ojp.gov/first-step-act-annual-report-april-2023>.

have their Conditional FSA Release date.² This date, based on the AIC's current status, can be used by Unit Management staff to assist the AIC in programming as well as pre-release planning.

- **Enhancing the use of home confinement and prerelease custody.** Consistent with the FSA's emphasis on transitioning individuals to a community setting, the Department has expanded the use of home confinement for individuals who do not pose a danger to the community. As of January 31, 2024, 17,381 individuals have been released from Residential Reentry Centers (RRCs), home confinement (HC), and secure facilities pursuant to credits earned under the First Step Act. On April 4, 2023, the Department also issued a final rule granting discretion to the FBOP Director to allow individuals placed in home confinement under the Coronavirus Aid, Relief, and Economic Security (CARES) Act to remain in home confinement after the expiration of the covered emergency period. Consistent with the final rule, the FBOP Director instructed that any individual placed on home confinement under the CARES Act will remain on home confinement under the CARES Act for the remainder of their sentence, provided that they are compliant with the rules and regulations of community placement. Based on analysis of more than 13,000 individuals released under the CARES Act since March 2020, only a fraction of one percent has been returned to secure custody due to new criminal conduct.
- **Increasing capacity and participation in evidence-based programming to reduce recidivism.** The FBOP's philosophy is that reentry preparation begins on the first day of an individual's incarceration. During 2023, the FBOP recovered from lower programming rates due to COVID-19 and has reached a consistent programming capacity for participation in Evidence-Based Recidivism Reduction (EBRR) programs and Productive Activities (PAs) with those in custody participating in an average of 103,600 programs on any given day (some participate in multiple programs). FBOP continues to explore ways to shift resources to continue to expand program capacity in addition to ongoing efforts to hire additional employees. Moreover, the FBOP takes seriously the need to regularly evaluate the effectiveness of EBRR programs or PAs. Within the last year, the FBOP has added 17 new EBRR programs and advanced many existing initiatives and efforts to expand the quality and quantity of services and program opportunities for the FBOP population. In addition, the FBOP has contracted with external social science researchers and leveraged the resources of its Office of Research and Evaluation to evaluate the outcomes of many of its existing reentry and treatment programs related to adjustment, recidivism reduction, and psychological symptoms and distress.
 - As of January 31, 2024, there were 443,569 program completions for those in custody. The average monthly program completions over the past six months are 12,239.
 - On January 31, 2024, AICs were participating in 108,517 programs, an increase of 12,000 active program participations since last year.

² The calculator cannot and does not otherwise predict if an AIC will commit misconduct, leave the facility on a writ, or decline programming, all of which would affect the release date.

- Expanding mental health and substance use treatment programs.** The mental and physical well-being of those in FBOP custody is a priority. As part of its effort to enhance programming, the FBOP continues to expand treatment opportunities for individuals with mental health and substance use disorders, including expansion of medication-assisted treatment (MAT) for opioid use disorder. Since October 2023, the FBOP has doubled the number of individuals participating in MAT programming. In addition, the FBOP is developing life skills laboratories, with three laboratories already actively hiring staff. The FBOP is also expanding its Bureau Rehabilitation and Values Enhancement (BRAVE) programs for young adults with long sentences, with a new program slated to be activated in FY 2024.

- Enhancing Reentry Programming.** The FBOP strives to equip individuals in custody for success after release. Between October 1, 2022, and September 30, 2023, 4,115 individuals completed an occupational training, job-specific certification program, and another 8,838 individuals earned an industry-recognized credential. To strengthen this programming, the FBOP has cultivated partnerships with external individuals and organizations, including individual volunteers; volunteer-based organizations that provide visitation, mentoring, and other services; and contractors that assist with programming and activities. In FY 2023, the FBOP hosted 249 contractors and 2,798 volunteers, totaling 3,047 individuals providing 140,686 hours of various types of service. Moreover, to improve reporting of recidivism reduction programming, a new volunteer-tracking strategy was developed, and the “Inside Influence” system, which is the public portal that connects potential volunteers to available opportunities in their community, went live on October 1, 2023, with increased accuracy and easier access to current volunteer information at each institution. As potential volunteers continue to visit the Inside Influence resource, volunteer.reentry.gov, they will see updated pictures and videos highlighting opportunities where they can assist with recidivism reduction. 48 of 112 programs in the FSA Approved Programs Guide allow facilitation by volunteers.

Leave a legacy of good.

JOIN OUR MISSION
 As volunteers of the Federal Bureau of Prisons, we believe society is a better place when we offer each other a helping hand. We collaborate with highly trained, passionate staff in a safe environment to share our knowledge and real-life skills with people on the inside. With our help, they can return home to our communities better equipped for success. One person at a time, we will make a difference in people's lives and, ultimately, build safer and stronger communities. Together, we can leave a legacy of good.

Share your knowledge
 The best resources you are offered to create the planning, writing, and completion of prison applications for business licenses, financial literacy, writing, and more.

Feel safe on the inside
 Providing a safe and clean environment is one of our top priorities. To ensure this, safety protocols and training are required, and volunteers are escorted by a staff member.

Change lives and future
 By helping people on the inside build better possibilities on the outside, you can strengthen your local networks, and create a lasting positive impact on your community.

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FIND OPPORTUNITIES NEAR YOU

See a Day in the Life | **Learn how to Apply** | **Meet Volunteer Stories**

Source: Inside Influence, volunteer.reentry.gov

- Assessing and updating the Prisoner Assessment Tool Targeting Estimated Risk and Needs (PATTERN).** In 2023, the National Institute of Justice (NIJ), in consultation with the FBOP, completed the fourth annual revalidation of the FBOP’s risk assessment tool, PATTERN. Over the past year, the FBOP continued to implement PATTERN version 1.3, the current version of the tool. Moving forward, NIJ and its consultants will continue to identify strategies that attempt to reduce the racial disparities associated with the PATTERN tool.
- Improving Standardized Prisoner Assessment for Reduction in Criminality (SPARC-13) needs assessment system.** The FBOP has continued to improve the SPARC-13 needs assessment system and increase participation in the system. In December 2023, 99 percent

of incarcerated individuals participated in the SPARC-13, up from 90 percent in January 2022. The FBOP also increased the efficiency with which assessments are scored and returned to the FBOP's database. In Spring 2024, the NIJ plans to publish a report detailing the annual review and validation of the SPARC-13.

- **Releasing Identification Cards.** Because people often leave incarceration without a state-issued identification, a common pre-requisite to housing, employment, and other basic societal functions, the FBOP has successfully developed a new Release ID Card that provides U.S. citizens leaving FBOP custody with a temporary form of official identification to help obtain state identification. As of January 2024, 17 states are participating in the Release ID program. These states include Alabama, Alaska, Arkansas, Colorado, Florida, Hawaii, Idaho, Illinois, Iowa, Mississippi, Michigan, New York, New Mexico, Pennsylvania, Oregon, South Dakota, and Texas. Since the last Report, the FBOP consulted with the Transportation Security Administration (TSA) and the U.S Immigration and Customs Enforcement (ICE) to ensure that the ID card is accepted for domestic air travel. This temporary form of identification does not replace the need for other critical reentry documents, such as Social Security Cards, Birth Certificates, or State IDs/Driver's Licenses, but it can aid the reentry process for returning U.S. citizens who are unable to obtain an identification while in secure custody.

Additional information about the Department's implementation of the FSA can be found in the following reports and publications released since the enactment of the FSA.

October 2020 – Present

- [2023 First Step Act Annual Report](#), published April 2023
- [2022 Review and Revalidation of the First Step Act Risk Assessment Tool](#), published March 2023.
- [Federal Prisoner Statistics Collected under the First Step Act, 2022](#), published December 2022.
- [2022 First Step Act Annual Report](#), published April 2022
- [First Step Act: Initial Review of the SPARC-13 Needs Assessment System](#), published March 2022.
- [Good Conduct Time Credit Under the First Step Act](#), published February 2022.
- [FSA Time Credits Rule](#), published January 2022.
- [2021 Review and Revalidation of the First Step Act Risk Assessment Tool](#), published December 2021.
- [Federal Prisoner Statistics Collected under the First Step Act, 2021](#), published November 2021.
- [First Step Act: Review and Revalidation of the Bureau of Prisons Needs Assessment System, Fiscal Year 2022](#), published October 2021.
- [First Step Act: Approved Programs Guide](#), published July 2021.
- [First Step Act: Needs Assessment](#), published June 2021.
- [Federal Prisoner Statistics Collected Under the First Step Act, 2020](#), published February 2021.
- [2020 Review and Revalidation of the First Step Act Risk Assessment Tool](#), published January 2021.
- [The First Step Act Section 3634 Annual Report](#), published December 2020.

December 2018 – September 2020

- [Needs Assessment in the Federal Bureau of Prisons](#), published August 2020.
- [First Step Act Implementation: Fiscal Year 2020 90-Day Report](#), published June 2020.
- [Data Collected Under the First Step Act, 2019](#), published March 2020.
- [The First Step Act of 2018: Risk and Needs Assessment System – Update](#), published January 2020.
- [Stakeholder Statements Submitted to NIJ’s September Listening Sessions: Comments on the Department of Justice’s Report, *The First Step Act of 2018: Risk and Needs Assessment System*](#), published September 2019.
- [Key Components of the Federal Bureau of Prisons’ Current Needs Assessment System](#), published August 2019.
- [Stakeholder Statements Submitted in Response to NIJ’s *First Step Act* Listening Sessions](#), published July 2019.
- [First Step Act: Best Practices for Academic and Vocational Education for Offenders](#), published July 2019.
- [The First Step Act of 2018: Risk and Needs Assessment System](#), published July 2019.

FSA Resources Online

In an effort to inform the public about FSA activities, the FBOP has established an FSA Resource Page on its public website: <https://www.bop.gov/inmates/fsa/index.jsp>.

Reports and other pertinent FSA documents released by the Department in support of the implementation of the Act are also located on the NIJ’s public website: <https://nij.ojp.gov/topics/articles/nij-s-role-under-first-step-act>.

I. An Assessment of Bureau of Prisons’ Implementation of the Risk and Needs Assessment System and Compliance with 18 U.S.C. § 3621(h)

A. Implementation and Validation of Risk and Needs Assessment Tools

The FBOP has developed both a risk assessment tool, the Prisoner Assessment Tool Targeting Estimated Risk and Needs (PATTERN), and a needs assessment tool, the Standardized Prisoner Assessment for Reduction in Criminality (SPARC-13) system. The Department has continued to improve these tools to make the benefits of the FSA as widely available as possible without compromising predictive reliability.

1. Implementation of the Risk Assessment Tool (PATTERN) and Revalidation Efforts

The FSA requires the Department to review, validate, and publicly release its risk assessment tool – PATTERN – annually.³ Paragraphs 18 U.S.C. §§ 3631(b)(4)(D)-(E) require that the risk assessment tool be assessed annually for (1) predictive validity, (2) dynamic validity, and (3) racial and ethnic neutrality.

Consistent with the FSA, the Department has continued to revalidate and refine PATTERN since it first developed the tool in July 2019.⁴ In May 2022, the Department implemented its current version of the risk assessment tool—PATTERN 1.3. The Department made this switch following the discovery of several discrepancies in the scoring, coding, and specification from the initial development of the tool.⁵ PATTERN 1.3 adjusted the risk assessment items and weights based on the results of the updated data.⁶

When PATTERN 1.3 was implemented, the Department also introduced revisions to the risk level category (RLC) cut points with the intent of (1) enhancing opportunities for eligible individuals to earn additional time credits toward early release, (2) helping mitigate the racial and ethnic disparities in the previous risk groupings, and (3) continuing to ensure the risk level designations promote public safety.⁷

In a forthcoming report, the Department presents the review and revalidation results of PATTERN 1.3 with a cohort of FY 2019 FBOP releasees ($N = 40,293$).⁸ As mandated by the FSA, this investigation continued to evaluate the risk assessment tool for its predictive validity, dynamic validity, and racial and ethnic neutrality. The forthcoming report found:

- **Predictive Validity.** Study findings continue to demonstrate that the PATTERN tool is a strong and robust predictor of general and violent recidivism across one-, two-, and three-year follow-up periods, with Area Under the Curve (AUC) statistics ranging from .745 to .776. Comparisons of recidivism rates across minimum-, low-, medium-, and high-risk level designations and predictive value analyses between lower- and higher-risk level groups also continue to indicate that PATTERN's risk designations provide meaningful distinctions of recidivism risk. In the general male recidivism tool, for instance, 9.6 percent of those rated as minimum-risk recidivated during the three-year follow-up period—a sharp difference compared to the 77.5 percent in the high-risk group. Likewise,

³ For more information on the development of PATTERN, see USDOJ, *The First Step Act of 2018: Risk and Needs Assessment System* (July 2019), https://nij.ojp.gov/sites/g/files/xyckuh171/files/media/document/the-first-step-act-of-2018-risk-and-needs-assessment-system_1.pdf.

⁴ See FBOP, *The First Step Act of 2018: Risk and needs assessment system – Update* (January 2020), <https://www.bop.gov/inmates/fsa/docs/the-first-step-act-of-2018-risk-and-needs-assessment-system-updated.pdf>; USDOJ, *2020 review and revalidation of the First Step Act risk assessment tool* (January 2021), <https://www.ojp.gov/pdffiles1/nij/256084.pdf>; USDOJ, *2021 review and revalidation of the First Step Act risk assessment tool* (December 2021), <https://www.ojp.gov/pdffiles1/nij/303859.pdf>; and USDOJ, *2022 review and revalidation of the First Step Act risk assessment tool* (March 2023), <https://www.ojp.gov/pdffiles1/nij/305720.pdf>.

⁵ USDOJ, *First Step Act annual report* (April 2022), <https://www.ojp.gov/first-step-act-annual-report-april-2022>.

⁶ USDOJ, *2021 review and revalidation of the First Step Act risk assessment tool* (December 2021), <https://www.ojp.gov/pdffiles1/nij/303859.pdf>.

⁷ USDOJ, *First Step Act annual report* (April 2022), <https://www.ojp.gov/first-step-act-annual-report-april-2022>.

⁸ USDOJ, *2023 review and revalidation of the First Step Act risk assessment tool* (Forthcoming 2024).

for the male violent recidivism tool, only 1.5 percent of those with minimum risk level scores recidivated within 3 years, compared to 38.7 percent of those with high risk level scores.

- **Dynamic Validity.** Results continue to suggest that individuals can change their risk scores and levels during their period of confinement. Furthermore, those who reduced their RLC from first to last assessment were shown to have the lowest recidivism rates, followed by those who maintained the same risk level at both time points, and those who increased their risk level from first to last assessment, respectively.
- **Race and Ethnic Neutrality.** Racial and ethnic neutrality were assessed through comparisons of AUC statistics and differential prediction regression analyses. Although the study findings continue to demonstrate that the PATTERN tool has relatively high AUC accuracy across the five racial and ethnic groups examined, there remains evidence that the male and female general tools overpredict the risk of recidivism for Black, Hispanic, and Asian individuals relative to White individuals – that is, the tools have high AUC accuracy for all groups, but prediction does differ across race and ethnic groups, and further that the overprediction for Black males and females worsened relative to the previous reviews. This disparity remains the Department’s leading concern related to the PATTERN tool.

The Department remains committed to revising the PATTERN tool in ways that will improve its equity, efficiency, and predictive validity. As such, NIJ and its consultants continue efforts to identify methodological strategies that can reduce differential prediction using advanced statistical techniques. In September of 2023, the FBOP announced a partnership with the Data Science Discovery Program at the University of California, Berkeley, aimed at operationalizing a reconviction (rather than rearrest) recidivism measure.⁹ If successful, the reconviction outcome could be used in future revalidation analyses of the PATTERN tool, and may mitigate some portion of its differential prediction by race and ethnicity. Given the complicated nature of extracting and verifying conviction data, it will take time to assess the viability of reconviction data and, if viable, its eventual training and validation for the PATTERN tool.

In next year’s review and revalidation report, the study sample will include a cohort of individuals released between October 1, 2019, and September 30, 2020. This timeframe is significant for two reasons. First, the review and revalidation analyses conducted to date have all been conducted on pre-deployment cohorts of individuals, which was necessary to obtain three-year recidivism follow-up periods. PATTERN, and the FSA additional earned time rules, went into place in January of 2020, meaning the upcoming cohort will be the first for which individuals were scored on the PATTERN tool and may have earned additional time credit prior to release based on their scores. Second, early 2020 also marked the onset of the COVID-19 pandemic which may have affected early release decisions apart from the new FSA rules. In addition, the combination of COVID-19 precautions and the civil unrest that marked the summer of 2020 may have had an impact on policing and arrest patterns, which could directly or indirectly affect the recidivism outcomes for the revalidation analyses. Thus, the upcoming review and revalidation will be of particular interest as the first partially prospective PATTERN cohort but will also be tempered with caution due to the potential confounding effects of the follow-up period.

⁹ FBOP, *FBOP Partners with UC Berkeley* (September 2023), https://www.bop.gov/resources/news/20230927_fbop-partners-with-uc-berkeley.jsp.

2. Implementation of the Needs Assessment Tool (SPARC-13) and Revalidation Efforts

a. SPARC-13 Overview

Since launching the SPARC-13 in January 2020, the FBOP has continued to improve its needs assessment process. The following sections describe how the FBOP assesses incarcerated individuals' critical reentry and criminogenic needs, as required by the FSA, see 18 U.S.C. § 3632(a)(3), and the FBOP's continuing efforts to improve its need assessment system.

In accordance with the FSA, the FBOP has formalized and enhanced its longstanding process for assessing and addressing individuals' needs, collectively known as the SPARC-13. As the name signals, the SPARC-13 assesses every incarcerated sentenced individual across thirteen needs. The FBOP identified twelve needs through extensive consultations with expert scholars and practitioners, including from the Independent Review Committee: Anger/Hostility; Antisocial Peers; Antisocial Cognitions; Education; Family/Parenting; Finance/Poverty; Medical; Mental Health; Recreation/Leisure/Fitness; Substance Use; Trauma; and Work. A thirteenth need, Dyslexia, was statutorily required by the FSA. Each need is assessed individually in a way that corresponds to its complexity and definition as described further below, as well as in a comprehensive report recently published by the FBOP about its needs assessment system.¹⁰

The FBOP has adopted or formalized measures and data sources for the assessment of each need. For needs that rely on historical data, the FBOP draws information from the comprehensive legal and social history in the Presentence Investigation Report (PSR) completed by United States Probation Officers. The PSR is a structured report conducted by a U.S. Probation Officer prior to a defendant's sentencing, as required by law.¹¹ The goal of the report is to enable the sentencing court to make "a fair sentencing decision and to assist corrections and community corrections officials in managing offenders under their supervision."¹² This narrative document contains information from existing criminal history records, educational systems, hospitals and counseling centers, family members, associates, and others who corroborate records and reports.

Other needs require psychological or educational assessments, and the tools used to assess them are delineated below. The FBOP has selected each of these tools based on a thorough review of the research literature and in consultation with both the FBOP's internal experts and university-based external experts consulted in September 2019. More specifically:

- **The Anger/Hostility need** is assessed by the Brief Anger-Aggression Questionnaire (BAAQ). The BAAQ is a six-item questionnaire that yields a score between 0 and 24. The reliability and validity of the BAAQ have been tested and confirmed through four studies completed on a clinical outpatient population and on a nonviolent control sample. Results from the four studies suggested an appropriate level of consistency over time, and the BAAQ was found to measure levels of overt anger and aggression as intended.

¹⁰ See FBOP, *First Step Act: Initial Review of the SPARC-13 Needs Assessment System* (March 2022), https://www.bop.gov/inmates/fsa/docs/bop_fsa_needs_validation_report_2021.pdf.

¹¹ See 18 U.S.C. § 3552.

¹² Office of Probation and Pretrial Services, Administrative Office of the United States Courts, "The Presentence Investigation Report," Publication 107 (March 2006), at I-1. http://cdn.ca9.uscourts.gov/datastore/library/2013/02/26/Horvath_presentence.pdf.

- **The Antisocial Peers and Cognitions needs** are assessed by the Measures of Criminal Attitudes and Associates (MCAA) tool. The MCAA is a two-part self-report questionnaire designed to measure criminal thinking style and antisocial associates. Part A is a quantified self-report measure of antisocial associates. Part B contains four attitude scales: Violence, Entitlement, Antisocial Intent, and Associates. The MCAA has demonstrated significant associations with other measures of criminal thinking style and predictive validity for the outcomes of general and violent recidivism.
- **The Dyslexia need** must be assessed using measures that meet certain specifications required by the FSA. The FBOP instituted a two-phase screening process to assess dyslexia. First, all adults in custody must complete a screening instrument to examine symptoms across statutorily defined functional domains. Individuals who reach the threshold for possible dyslexia are then administered the Woodcock-Johnson IV Tests of Achievement and Oral Language, a psychometrically robust test capable of a standardized, formal assessment of dyslexia.
- **The Education need** is assessed by first looking for the presence or absence of a high school diploma or its equivalent. Next, this need is assessed by measuring achievement on core content areas through the use of the Test of Adult Basic Education (TABE) and Comprehensive Adult Student Assessments System (CASAS), of which the latter is used exclusively for English as a Second Language learners.
- **The Family/Parenting need** is assessed by the Family Assessment Device (FAD-12). FAD-12 is a twelve-item questionnaire on a Likert scale (from strongly agree to strongly disagree) that elicits the respondents' perception of their family relationships. This measure has been used in a variety of settings to determine the individuals' beliefs about their families' reliability, supportiveness, and acceptance. FAD-12 is considered a dynamic measurement and can be re-administered at various points throughout the course of treatment to assess improvements in the nature of the individuals' family relationships and to evaluate the efficacy of selected interventions.
- **The Finance/Poverty need** is assessed through a series of questions on personal history and circumstances and information drawn from the PSR.
- **The Medical need** is assessed through completion of a medical history and a physical examination performed by a medical practitioner at a FBOP institution. The intake screening serves as an assessment of acute medical concerns; the initial physical examination consists of, but is not limited to, the following components: medical and mental health, dental care, and ordering of appropriate laboratory and diagnostic tests.
- **The Mental Health need** is assessed in the course of mental health intake screening conducted by a psychologist. Individuals complete the Psychology Services Inmate Questionnaire (PSIQ), which elicits information about mental health and substance use history and current psychological symptoms in support of effective triage and long-term care. Individuals are then interviewed, and a determination is made regarding a need for crisis care (e.g., suicide ideation), acute care (e.g., anxiety, distress), and specialized treatment programs.

- **The Recreation/Leisure/Fitness need** is assessed through participation in a Chronic Care Clinic (CCC), which is available agency wide. CCCs function as a means for individuals with ongoing medical needs to be tracked and seen by a health care provider at clinically appropriate intervals. In this way, individuals can be assigned to recreational and leisure activities, which assist the individuals in managing their chronic conditions.
- **The Substance Use need** is assessed by a review of substance use information presented in the PSR. Substance use occupies its own section in the PSR, and that section provides an overview of an individual’s lifelong substance use history up to the present, if any.
- **The Trauma need** is assessed by the Adverse Childhood Experiences Scale (ACES). ACES is a widely used and reliable tool that measures childhood exposure to different types of trauma: psychological, physical, or sexual abuse; neglect; mental illness; domestic violence; divorce; and having an incarcerated parent. Adverse childhood experiences were found to be associated with significant increases in a number of negative social, behavioral health, and physical health outcomes.
- **The Work need** is assessed through a series of questions and information drawn from the PSR.

b. Needs Assessment Process

ASSESSMENT AND REASSESSMENT PROCESS:



The FBOP’s First Step Act Needs Assessment policy ([PS 5400.01](#)) directs employees to follow the new needs assessment process, outlines their responsibilities, and provides timeframes for initial needs assessment and reassessment. Sentenced individuals in custody are initially reviewed at the FBOP’s DSCC¹³ and receive an institution designation that addresses their security level and basic needs. Once an individual arrives at the assigned designated facility, he or she attends Admission & Orientation to be informed of and become acquainted with the programs the institution offers and the assessment processes.

In many cases, FBOP employees work directly with individuals in custody to complete needs assessments. The Health Services Department is responsible for the assessment of the Medical and Recreation/Leisure/Fitness needs as part of the intake process. The Education Department

¹³ See FBOP, “Designations,” https://www.bop.gov/inmates/custody_and_care/designations.jsp.

similarly assesses Dyslexia, Education, and Work needs as part of the intake process. Unit Management assesses Substance Use needs during the initial intake and the Finance/Poverty need at the first team meeting. Psychology Services, which is responsible for Trauma and Mental Health, administers these assessments as part of the intake process.

The remaining needs areas are completed through self-assessments, and the FBOP has worked to increase completion rates for these needs assessments. The FBOP's AIC computer system (TRULINCS) has an electronic bulletin board that displays and details the availability of the assessments. AICs complete the assessments for Anger/Hostility, Antisocial Peers, Cognitions, and Family/Parenting on TRULINCS.

Once needs are assessed and recorded, Unit Management employees, in consultation with other departments and the AIC, make targeted program recommendations for the AIC's identified needs areas. The needs assessment process is standardized across AICs and designed to be dynamic and flexible to incorporate individualized planning. To further promote standardization, the FBOP has automated the SPARC-13 needs assessment system to ensure that recommended programming is tied to the assessed needs. Because such programs are identified to address the needs of AICs, in accordance with the FSA, individuals are reassessed a minimum of every 180 calendar days by Unit Management during the routine program review (team meeting) process to account for any change of circumstances, e.g., receipt of an incident report or completion of an EBRR program. The results are provided to the individual and recorded in the individual's electronic central file.

Throughout 2023, the FBOP focused on increasing the number of individuals who complete self-assessments by identifying and engaging those who have refused and facilitating their completions on paper. Through these efforts, the average completion rate of the four self-assessments is now 98 percent.

c. Needs Assessment Revalidation

Title I of the FSA required the Attorney General, in consultation with the FBOP and NIJ, to develop and implement a risk and needs assessment system. In response, the Prisoner Assessment Tool Targeting Estimated Risk and Needs (PATTERN) was designed to assess recidivism risk and the Standardized Prisoner Assessment for Reduction in Criminality (SPARC-13) was created to assess criminogenic needs. Implemented by the FBOP in 2020, the SPARC-13 consists of 13 domains (or areas): Anger/Hostility, Antisocial Peers, Antisocial Cognition, Education, Family/Parenting, Finance/Poverty, Medical, Mental Health, Recreation/Leisure/Fitness, Substance Use, Trauma, Work, and Dyslexia.

The FBOP used the same assessment processes that existed prior to the FSA for the Education, Medical, Mental Health and Substance Use domains. Similarly, the FBOP used existing assessment processes for the Work, Finance/Poverty, Recreation/Leisure/Fitness, and Dyslexia domains, although it made some modifications to these processes for the SPARC-13. For the Anger/Hostility, Antisocial Peers, Antisocial Cognition, Family/Parenting and Trauma domains, the FBOP used validated, psychometric assessments that were publicly available. For example, the FBOP selected the Brief Anger-Aggression Questionnaire (BAAQ) to measure Anger/Hostility, the Measures of Criminal Attitudes and Associates (MCAA) to assess Antisocial Peers and Cognition, the McMaster Family Assessment Device (FAD-12) to measure Family/Parenting, and the adverse childhood experiences (ACEs) scale to assess for Trauma.

Section 3631 of Title 1 of the 2018 First Step Act also requires an annual review and validation of the needs assessment system implemented by the FBOP. The FSA statute specifies the review and validation shall include: 1) a description of any changes to the assessment system after the enactment of the FSA, 2) recommendations to improve its use and performance, 3) an evaluation of its ability to capture progression and regression while people are in prison, 4) a statistical validation, and 5) the identification of any unwarranted recidivism disparities. The 2023 review and validation of the SPARC-13 addressed each of these requirements except for the examination of unwarranted disparities in recidivism rates, which was not possible for this report because there were significant delays in obtaining the data for analysis purposes. This lack of rearrest data also precluded an evaluation of the SPARC-13's predictive validity. These data will be analyzed in the 2024 and subsequent review and revalidation reports.

To achieve a better understanding of the SPARC-13's development and implementation, the 2023 review and validation process included an examination of internal FBOP documents and interviews with key FBOP staff. The findings from the process evaluation revealed the FBOP encountered a number of challenges when it first began using the SPARC-13, which is relatively common when agencies implement a new assessment. The challenges the FBOP experienced relating to staff workload, resources, training, and communication were likely exacerbated by the accelerated pace at which the agency was required to develop and deploy the needs assessment system. Moreover, implementation of the SPARC-13 coincided with the onset of the COVID-19 pandemic, which significantly disrupted the operation of the federal prison system.

The new, and largely unfamiliar, tasks and responsibilities associated with using the SPARC-13 resulted in an increased workload and need for additional training for existing staff. Further, completing SPARC-13 assessments required staff to review files and case management notes, applying many assessment responses retrospectively. As a result of limitations in available resources, the FBOP is not readministering the SPARC-13 to determine if an individual's needs have been met. Instead, the FBOP is determining whether needs have been met by reviewing records regarding behavior in prison and monitoring the completion of relevant programs and interventions. During the initial implementation of the SPARC-13, senior-level FBOP staff provided training to facility staff, much of which was delivered virtually. The implementation of the SPARC-13 also led to changes in FBOP policies, practices, and processes. These changes required multiple updates, a burden exacerbated by the lack of clear guidance and communication, according to FBOP staff who were interviewed as a part of the SPARC-13 review process.

Despite the challenges involved with implementing the SPARC-13, staff reported that the FSA and, in particular, its mandated risk and needs assessment process, brought about some clear benefits. While there was subjectivity in the formation of reentry plans and program referrals prior to the FSA, the implementation of the PATTERN tool and the SPARC-13 has given the FBOP a more standardized assessment process. Providing training on risk and needs assessment and, more broadly, the risk-needs-responsivity (RNR) model, has also equipped staff with knowledge about who should be prioritized for programming and what areas should be targeted to minimize recidivism risk. FBOP staff have also observed an increased interest in program participation among individuals in prison, which they believe is a direct byproduct of the FSA's early release incentive.

Statistical Validation of the SPARC-13

To meet the FSA statutory requirement for a statistical validation of the needs assessment system, the forthcoming 2023 revalidation report assessed several elements of construct validity, which involves examining whether an assessment measures the concept it was designed to evaluate. Needs assessments often consist of scales that are thought to represent key (latent) indicators of criminal behavior. To assess latent constructs, the forthcoming 2023 revalidation report focused on several elements of construct validity, including convergent/divergent, internal structure (i.e., dimensionality, internal reliability, and measurement invariance), and concurrent validity. The sample used to evaluate the SPARC-13's construct validity consisted of 142,359 incarcerated individuals who had been assessed by the end of FY 2021.

Convergent/divergent validity examines the relationship among a domain's items to one another and to other domains. Only five (Anger/Hostility, Antisocial Peers, Antisocial Cognition, Family/Parenting and Trauma) of the 13 domains on the SPARC-13 represent latent scales with the ability to be evaluated using psychometric standards. When scales are designed to be part of a unified assessment system, it is more likely that domains will not overlap with one another and that items within a domain will correlate with one another. Given that the assessments for these five domains were adopted 'off-the-shelf' from existing scales that were developed independently from one another, it was unlikely these five domains would achieve the industry standards for convergent/divergent validity. Accordingly, tests of convergent/divergent validity did not meet established psychometric standards.

The forthcoming 2023 revalidation report examined the internal structure validity of the five domains to determine whether item content within a given domain is measuring the construct consistently, as intended, and similarly across key sub-groups. The findings revealed the assessments for the Anger/Hostility domain (BAAQ) and the Trauma domain (ACEs) exceeded industry standard thresholds, and the results indicated relatively equal measurement across gender and racial subgroups. Conversely, the assessments for the Family/Parenting (FAD-12) and Antisocial Peers and Cognition (MCAA) domains did not meet industry psychometric standards, which suggests that, at least for the FBOP population, the assessment scales are not accurately measuring the programmatic needs as intended. The observed lack of invariance further suggests these scales measure needs differently across race and gender subgroups, representing a potential source of bias and over-classification. Additional testing will be needed to assess the predictive accuracy of the scales and the extent to which over-classification may be present.

Concurrent validity assesses the agreement between two different, yet similar, outcomes. To evaluate the SPARC-13's concurrent validity, the forthcoming 2023 revalidation report examined whether its domains are measures of criminogenic needs by assessing their association with the PATTERN tool, which has been shown to provide an accurate assessment of recidivism risk for the FBOP population. The results from the concurrent validity analyses provide mixed support for the domains on the SPARC-13. Small effect sizes were found for the Anger/Hostility, Antisocial Cognition, Education, Substance Use, and Work domains, while the remaining eight domains did not have a substantive association with assessed recidivism risk. There was relatively little variation overall by gender and race/ethnicity, although a notable difference was observed between men and women for the Education domain. The results also suggest the 'yes/no' need rating threshold may need to be

adjusted for the Anger/Hostility, Antisocial Peers, Antisocial Cognition, Family/Parenting, and Trauma domains. When the full range of scores were used for these domains, as opposed to the binary rating, the results showed a stronger association with recidivism risk.

The forthcoming 2023 revalidation report also assessed the use of interventions and programming in addressing identified needs. The results showed that most individuals in FBOP custody were not currently enrolled in programming that targeted their assessed needs. This finding is explained, in part, by the sequencing of program referrals, participant waitlists, and the duration of an individual's sentence. Further, some programs (e.g., Residential Drug Abuse Treatment), are designed to be delivered at the end of an individual's sentence to better support post-release recovery and sober living practices. With that said, 11 percent of the incarcerated individuals with a Substance Use need were involved in programming that addressed this need, which was the highest rate among the 13 domains. The results also show that Dyslexia had the lowest rate, with 0.2 percent of incarcerated individuals involved in programming that addressed this need. More detailed data and analyses will be needed to determine whether the FBOP has sufficient programming to address identified needs and if the programming provided reduces criminogenic needs and recidivism following release from prison.

Recommendations from the Review and Validation of the SPARC-13

As part of the FSA statutory requirement for the review and validation of the needs assessment system, recommendations were offered to improve the FBOP's use of the SPARC-13 and the future development and implementation of a unified risk and needs assessment system that is consistent with the FSA.

The recommendations include:

- Conducting an analysis of inter-rater reliability of the SPARC-13 domains to examine the consistency of staff ratings and inform the need for additional training.
- Upgrading the FBOP's management information system (i.e., SENTRY) to integrate the needs assessment platform more fully.
- Shifting from a binary yes/no needs rating scheme to an ordinal framework that consists of at least three categories (e.g., high, medium, and low) to provide greater clarity on which needs should be prioritized for programming as well as the appropriate intensity of programming.
- Using validated, off-the-shelf assessments for some of the domains currently rated by FBOP staff.
- Conducting reassessments by readministering the assessment for key domains to better determine whether criminogenic needs are being addressed through programming and, ultimately, the impact that a reduction in needs may have on recidivism following release from prison.
- Increasing staffing levels to optimize the SPARC-13's assessment capacity.
- Increasing programmatic resources to better align the SPARC-13 with the availability and delivery of programming.
- Providing additional training to staff to facilitate the use of RNR principles and skills.
- Operating the SPARC-13 and PATTERN tool in tandem.

The FBOP currently has the foundation for a unified risk and needs assessment system that meets its needs and provides a model that is consistent with the FSA's intent and correctional best practices. Following further refinement, testing, and validation of the SPARC-13 and PATTERN, it will be beneficial to combine the elements of the SPARC-13 and the PATTERN to form a cooperative risk and needs assessment system.

B. Implementation of the Risk and Needs Assessment System Through Scoring, and Time Credits

The Department is making ongoing efforts to provide every individual both an initial and periodically updated PATTERN score and ensure that every individual's participation in those programs is systematically tracked so that eligible individuals can earn and apply time credits in accordance with the final FTC rule. The subsections below provide updates and statistical measures reflecting these efforts.

1. PATTERN Risk Assessments

On May 5, 2022, the FBOP shifted to using PATTERN 1.3 and the revised cut points for the general risk assessment tool, as explained above. The table below provides an overview of PATTERN risk levels across the FBOP population as of January 31, 2024, and reflects PATTERN 1.3 and the revised cut points.

Recidivism Risk Level	Frequency	Percentage
Minimum	16,942	12.06
Low	59,932	42.67
Medium	26,837	19.11
High	36,740	26.16
Total	140,451	100

Note: 4,931 individuals currently in custody have no PATTERN assignment.

2. Time Credits Eligibility by PATTERN classification

While all individuals in FBOP custody are eligible to receive various in-prison incentives and rewards by successfully participating in EBRR programs and PAs, the FSA excludes certain categories of individuals from receiving or applying time credits. Those categories are:

- (1) individuals serving a sentence for a conviction under one of the statutory provisions listed in 18 U.S.C. § 3632(d)(4)(D); or

(2) individuals who are the subject of a final order of removal from the United States under U.S. immigration laws. 18 U.S.C. §§ 3632(d)(4)(B), (D), (E).¹⁴

Likewise, individuals who have a Medium or High PATTERN risk level may only apply time credits towards prerelease custody if approved by their facility’s warden.

Other than time credits, any individual who successfully participates in an EBRR program is entitled to receive certain additional phone or, if available, video conferencing privileges and may also receive additional visitation privileges at the warden’s discretion. In addition, an individual who requests transfer to a facility closer to his or her residence upon release and is successfully participating in an EBRR program must be considered for requested placement, subject to bed availability, the individual’s security designation, and a variety of factors including the current warden’s recommendation. All individuals who successfully complete EBRR programming are also eligible to receive additional incentives that the FBOP may establish, such as increased commissary spending limits and product offerings, extended email access opportunities, consideration for transfer to preferred housing units, and/or other incentives that the FBOP may approve.

The data presented below shows, as of January 28, 2024, the number of individuals in FBOP custody deemed eligible and ineligible for earning time credits, as well as those whose eligibility has not yet been determined. The Unit Team has 28 days from the individual’s arrival to determine his or her eligibility and risk score. Therefore, the “FTC Unassigned” column shows the numbers of individuals who have received PATTERN classifications but had not been in FBOP custody for 28 days, as of January 28, 2024, and had not received a determination of FTC eligibility. The percentages in parentheses show the relative share of the numbers of incarcerated individuals within each column.

Risk Recidivism Level	FTC Eligible	FTC Ineligible	FTC Unassigned	DC Code Offenders*
High	22,315 (25.37%)	13,072 (25.77%)	156 (3.72%)	1,197 (47.88%)
Medium	16,917 (19.23%)	9,243 (18.22%)	102 (2.43%)	575 (23.00%)
Low	37,757 (42.93%)	21,343 (42.07%)	217 (5.18%)	615 (24.60%)
Minimum	10,137 (11.52%)	6,701 (13.21%)	38 (0.91%)	66 (2.64%)
Unassigned	831 (0.94%)	373 (0.74%)	3,680 (87.77%)	47 (1.88%)
Total	87,957	50,732	4,193	2,500

*The number of District of Columbia (D.C.) Code offenders includes all who had either a concurrent or a consecutive D.C. Code conviction.

¹⁴ These individuals are eligible to earn time credits but may not apply them. Individuals are also not eligible to receive time credits for programs completed before the enactment of the FSA on December 21, 2018, or before the start of the individual’s current imprisonment sentence as defined in 18 U.S.C. § 3585(a).

3. Implementation of the Time Credits Rule

To encourage participation in EBRR programming, the FSA directs that all eligible individuals shall receive time credits for successful completion of EBRR programs and PAs. In particular, the FSA provides that an individual who successfully completes an EBRR program or PA assigned based on the individual's risk and needs assessment—and is determined to be eligible under the criteria set forth in 18 U.S.C. § 3632— shall earn time credits to be applied toward prerelease custody (i.e., transfer to a Residential Reentry Center or home confinement for service of a portion of the individual's sentence) or, at the FBOP Director's discretion, toward supervised release (i.e., early satisfaction of the individual's term of imprisonment).¹⁵

- Following the Department's 2022 published final rule on FSA time credits, the FBOP began immediately implementing the Time Credits program consistent with that rule.¹⁶ As explained in the 2023 FSA annual report, the FBOP adopted a new Program Statement (5410.10) to implement the new rule.¹⁷

As of January 31, 2024, 17,381 individuals have been released from RRCs, home confinement, and secure facilities under an FSA release code. As of January 27, 2024, an estimated 6,875 individuals have been placed in an RRC or home confinement and have a projected release method based the application of earned time credits. In addition, approximately 32,508 individuals currently in secured custody are expected to receive an earlier release date or transfer to pre-release custody based on the application of earned time credits. These immediate releases were for individuals who, as of the retroactive date of applicability, had earned time credits in an amount that exceeded their days remaining to serve, who were less than 12 months from release, and who had a supervised release term as part of their sentences, such that they could be moved directly to supervised release.¹⁸

4. FSA Audit Activities

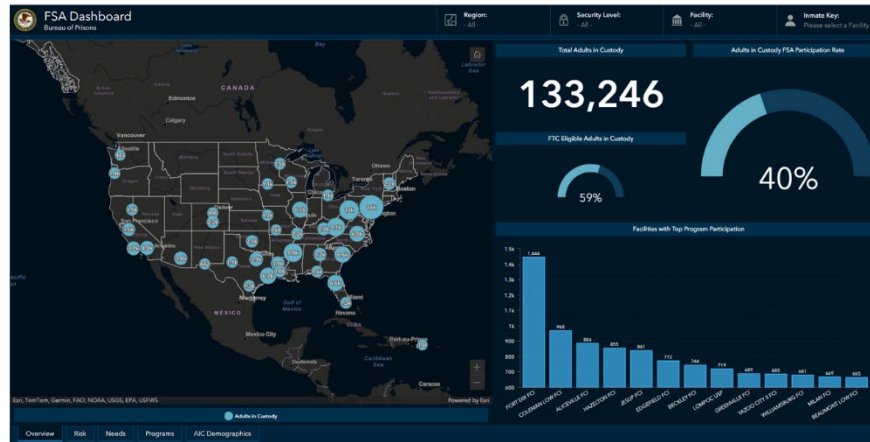
The FBOP is engaging in ongoing efforts to monitor participation in its programs. The FBOP previously established a partnership with the Advanced Data Analysis and Mining Lab of the Department's Civil Division to develop prototype dashboards as part of a proof-of-concept to analyze and present FBOP data using geospatial software. The FBOP has engaged engineering resources to establish a geospatial technology infrastructure to gauge participation in programming and the availability of programs (EBRR programs and PAs) across FBOP facilities.

¹⁵ The FSA applies to a "prisoner," defined as "a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons." 18 U.S.C. § 3635(4).

¹⁶ See FSA Time Credits Rule, <https://www.federalregister.gov/documents/2022/01/19/2022-00918/fsatime-credits>.

¹⁷ https://www.bop.gov/policy/progstat/5410_01.pdf.

¹⁸ On February 11, 2022, the FBOP published the final rule on GCT credit in the *Federal Register*. See Good Conduct Time Credit Under the First Step Act, <https://www.federalregister.gov/documents/2022/02/11/2022-02876/good-conduct-time-credit-under-the-first-step-act>.



FSA Dashboard Prototype

The FBOP also awarded a contract in FY 2022 to outside consultants to perform a review of the FBOP’s use of both PATTERN and SPARC-13. This audit will review the FBOP’s use of these tools for quality assurance purposes. The audit will be performed annually by appropriate external experts via an approved contracting process. The first year of the audit resulted in feedback from employees and adults in custody that allowed the FBOP to focus its training and education efforts for both employees and AICs, streamline communications from Central Office to the field, particularly around FSA policy changes and initiatives, improve technology platforms to allow employees to complete their tasks more efficiently, and increase staffing to alleviate the additional workload and programming required to implement the FSA.

II. A Summary and Assessment of the Types and Effectiveness of EBRR Programs and PAs in Prisons Operated by the Bureau of Prisons

A. Approved EBRR Programs and PAs

Since the last Report, the Department has expanded its programming capacity by adding additional professional staff for program delivery and creating additional specialized programs. Seventeen programs were added. The number of active participants in programs leveled off since the last report, indicating that the FBOP has returned to a normal operating program capacity since the removal of COVID-19 protocols. While many factors determine programming capacities at any given institution, primary factors include staffing levels, available programming space/infrastructure, and prioritization of program quality (smaller class sizes) over program quantity (large class sizes for shorter time). Additionally, the FBOP has established clear procedures for adopting new programming for individuals in custody moving forward. As part of this process, the FBOP’s research consultant reviews all external proposals for new

programming.¹⁹ Proposals for programs by internal FBOP staff are submitted to the FBOP's Reentry Services Division (RSD) with supporting materials that include, at a minimum, a facilitator's guide, complete curriculum, supporting research, and any handouts that would be provided to AICs. All internal program proposals are evaluated for evidence of recidivism reduction – i.e., whether the program meets or fails to meet the FSA's requirement that an EBRR program “has been shown by empirical evidence to reduce recidivism” or “is likely to be effective in reducing recidivism.” RSD ultimately determines whether a program will be approved as an EBRR program for use within the FBOP.

The FBOP regularly updates the [First Step Act Approved Programs Guide \(FSA Approved Programs Guide\)](#) on its public website, in accordance with the FSA requirement that the FBOP

develop a list of programs meeting the statutory definitions of EBRR programs and PAs. The FSA Approved Programs Guide²⁰ is a collection of the FBOP's reentry programs designed to ensure that all sentenced individuals have the skills necessary to succeed upon their return to the community. As of January 2024, the FBOP has 112 EBRR programs and PAs in the FSA Programs Guide. Examples of EBRR programs are the Challenge Program, Social Skills Training, BE-ACTIV



and Women's Career Exploration Series. Moreover, while structured EBRR programs and PAs with a facilitator-led curriculum are listed in the FSA Approved Programs Guide, other activities, such as work assignments may also be recommended by staff to address individual needs as well as qualify for time credits for eligible individuals in custody.

In addition to the efforts described above to expand the number of EBRR programs and PAs, the FBOP has also focused on building capacity in existing programs. The BOP is currently in its first option year with an outside consultant to effectively determine and research programming, not currently offered, to test its fidelity and possible inclusion into the FSA Approved Programs Guide. The FBOP continues to participate with this outside consultant to enhance implementation of the agency's FSA recidivism reduction efforts. First, the consulting group established and employed a methodical process whereby existing evidenced-based recidivism reduction correctional programs outside the FBOP (e.g., in state departments of corrections, juvenile facilities, and military prisons) are identified, reviewed, and evaluated based on whether they would add value to the FBOP and have evidence of empirical support. Secondly, the outside consultant visited five State Department of Corrections facilities to determine if any of the programming would be beneficial to the BOP. Additionally, the consulting group has continued to review external program submissions that have been submitted by outside entities

¹⁹ The external programs were reviewed for evidence demonstrating effectiveness in reducing recidivism and for use by an established framework, particularly in a correctional setting. Using the information from the independent reviews, the FBOP assigned final evidence ratings to each proposal based on program design and outcome standards; after which summaries were created to help determine whether and how the proposed program would be used in FBOP institutions. Of the five possible ratings, only the programs rated as “Effective” and “Promising” were considered for adoption and inclusion in the First Step Act Approved Programs Guide.

²⁰ See FBOP, *First Step Act Approved Programs Guide*, <https://www.bop.gov/inmates/fsa/docs/fsa-approved-program-guides-en.pdf>.

to determine their effectiveness and possible addition within the FSA Approved Programs Guide. The consultant has reviewed eight outside EBRR program and PA submissions and has provided feedback on each to the BOP. Finally, during FY 2024, the consulting group will visit two FBOP facilities to reference how different programs are being facilitated.

Further, since the last Annual Report, the FBOP has completed a literature review of all programs listed within the FSA Programs Guide. For each of the FBOP's identified EBRR programs and PAs, a contractor reviewed the research on the program's efficacy and summarized the findings in the written report. The report was received by the FBOP in November 2023.

There were twenty recommendations from the contractor on how the FBOP can improve FSA programming. A few of these outcomes of interest are: Strengthening Program Referrals, Increasing Program Availability, Incorporating Programs into Policy, and Monitoring Program Fidelity. The recommendations include adding more staff to facilitate programming, conducting regularly scheduled program evaluations of each EBRR program and PA, and ensuring that all programs are classified appropriately so that the adults in custody needs are being met. Another recommendation is to create an Expert Advisory and Accreditation panel to review and classify any future proposed programming that is submitted both internally and externally. Additional recommendations include streamlining FBOP programming to eliminate ineffective programs, programs with underdeveloped curriculums, low dosage programs, and programs with limited demand. The report also recommends that the FBOP improve systems to track program fidelity.

The FBOP is currently evaluating plans to implement these recommendations.

B. FSA Program Participation

Reflecting the view that reentry preparation begins on the first day of incarceration, the FBOP encourages individuals in its custody to begin preparing for reintegration into the community from the start, and throughout their confinement. The FBOP offers specialized treatment programs for particular populations including, but not limited to sex offenders, women, transgender offenders, aging offenders, and individuals with multiple co-occurring disorders. The FBOP also provides accommodations to people with disabilities to ensure equitable access to FSA programs.

Since the last Report, the FBOP has added an additional 17 new EBRR programs and PAs for a total of 112. It has also taken steps to expand the quality and quantity of services and program opportunities, including:

- **Development and implementation of a new fully scripted recreational curriculum.** In FY 2023, the FBOP fully implemented a new Bureau-wide recreational curriculum in English and Spanish. This program stems from an evaluation of the FBOP's prior recreational programs. The new curriculum is built upon the *Eight Dimensions of Wellness* and addresses five key areas -- assessment of needs, social inclusion, interaction, self-assessments and services upon release, and identified coping mechanisms.
- **Development of a new assessment methodology for career interest and exploration.** In FY 2024, the FBOP plans to deploy a career guidance program in

institutions with a School Counselor. The FBOP is developing this program with a company that specializes in developing career guidance tools to assist AICs in determining their ideal job interests, abilities, knowledge, skills, and work styles. The career interest inventories are derived from the extensive research used in the U.S. Department of Labor's O*NET occupational database. The inventories offer metrics-driven research outcomes to empower individuals in their career exploration, selection of training, and job placement upon reentry.

- **Development of Enhanced Vocational Counseling.** The FBOP has been developing an initiative to train and assist FBOP school counselors in the design and delivery of a comprehensive counseling program for their respective Education Departments that improves educational and career outcomes. The FBOP is developing this program with a consultancy group that specializes in vocational counseling, educational programming, social emotional-behavioral assists related to learning, and development of accommodations to support academic achievement. Training of staff is scheduled for FY 2024.
- **Hydroponics Leisure Skills Program.** The FBOP awarded a contract for a comprehensive hydroponics leisure skills program which would teach AICs the skills needed to operate a hydroponics system and grow food. The system and curriculum are being developed to meet the diverse learning needs of AICs. Seven sites have been selected to test the program with the hopes to replicate it across all institutions. The program will be implemented at seven institutions during FY 2024.
- **Implementation of a doula training program for pregnant and post-partum women.** In FY 2023, the FBOP, working with a contractor, began the roll out of a Doula Training Program. The program provides incarcerated women with the work opportunity to earn a certification for birth, antepartum and/or postpartum doulas, and addresses cultural gaps in pregnancy care in underserved communities. Upon completion of approximately 120-130 training hours, participants earn a certificate from Childbirth International and a Prison Doula certificate from Ostara Initiative.

The Doula Training Program has a five-part curriculum. Section One: Physiology of Labor and Birth; Section Two: Becoming a Birth Doula; Section Three: Communication Skills; Section Four: Prison Birth Work and Section Five: Mentorship. The Doula Training Program is offered once a year at five locations with up to 10 participants at each location. The first Doula Training cohort began at FCI Waseca in November 2023, with a completion date of January 19, 2024. The next program is slated to begin at FCI Aliceville on January 23, 2024. Additionally, SPC Greenville is tentatively scheduled for April 2024, FMC Carswell is tentatively scheduled for July 2024, and FCI Dublin is tentatively scheduled for October 2024. The program will follow a quarterly cycle throughout the four option years of the contract.

- **Addition of three new EBRR programs and two new PAs for incarcerated women.** These include programming targeting Women's Sexual Safety; Women's Life Skills; Women's Career Skills; Reach Out, Stay Strong, Essentials for Mothers of Newborns rose; and Your Guide to Labor and Birth.

- **Development of new gender-responsive, trauma informed EBRR programs for transgender individuals.** The FSA Approved Programs Guide now includes Resource Tools for Reentry for Transgender Individuals; Stronger Together, Emerging Proud; and Transition Acceptance.
- **Development of two new PA programs designed to explore civilian careers and unique reentry needs.** The Veterans Career Exploration Program and Redefining the Mission: Veteran's Reentry Program explore career identification, translating military skills in the civilian workforce, finding meaning and purpose in civilian careers, workplace communication, and the unique experiences of returning to civilian life. The FBOP's new Veteran Tier II programs (Career Exploration and Redefining the Mission) are available at 51 institutions.
- **Implementation of a Faith-Based Conflict Management program.** In FY 2023, the FBOP began offering a program building upon evidence-based practices and cognitive behavioral treatment including interactive journaling, motivational interviews, and the use of a therapeutic community. Through active participation in ten one-hour sessions, students will strengthen their anger and conflict management, interpersonal communication, and conflict resolution techniques using spiritual principles and practices. This nonresidential program is open to individuals of all faiths and those with no specific religious affiliation. Since the initiation of this program in FY 2023, it is now being offered at 30 institutions.
- **Implementation of the Community Reentry Network (CRN).** The CRN is an electronic informational clearinghouse of faith-based organizations used as reentry referrals and mentoring support for individuals upon their release. This exciting new initiative is dedicated to building relational bridges, nationwide, that ensure the spiritual values individuals have learned and utilized inside the walls are easily accessible upon their return to the community. The CRN provides access to reentry information, agencywide, where individuals, unit management employees, mentor coordinators, and other FBOP subject matter experts can begin planning for release by linking resources to concepts which are taught and reinforced in EBRR/PA courses. Currently, there are more than 3,000 community and mentoring organizations in the CRN and new ones are being added daily.
- **Expansion of higher education classes and programs.** The FBOP contracted with two colleges to address a growing skill gap in industry and the demand of skilled workers. For example, the FBOP established a Mechatronics College Program to provide AICs skills necessary for the advanced automated manufacturing industry. On January 25, 2024, the program held its first graduation, with eight students receiving certifications in Industrial Automation. The Industrial Automation certificate program focuses on automating industrial mechatronics, which combines mechanical and electronic systems. Further, with AICs now eligible to receive Pell Grants, the FBOP is also working with the US Department of Education (ED) and Vera Institute of Justice to expand its Prison Education Programs (PEP). Sixteen programs were established under the Second Chance Pell Grant Experiment and the FBOP expects to offer more in FY 2024. Currently 15 colleges have indicated their intent to apply for a PEP with the ED.

C. FSA Program Capacities

FBOP employees are the agency's greatest resource for delivering critical FSA programs. The FBOP is one of the largest civilian employers of doctoral level psychologists in the United States and also employs chaplains and teachers. These positions have long provided treatment, training, and self-improvement services across FBOP facilities. In addition, the FBOP has:

- **Expanded the use of the Special Populations Coordinator (SPC).** The FBOP now employs 32 SPCs in its facilities, across all populations. SPCs deliver programs and services and work to ensure that the FBOP's offerings are gender responsive, trauma-informed, culturally sensitive, and address the unique needs of all special populations in the FBOP. The FBOP hired 15 SPCs during the past year and expects to expand the use of SPCs in FY 2024.
- **Literacy and Career and Technical Education Programs.** The FBOP allotted additional positions to enhance literacy and career and technical education programs. To support hiring efforts of additional Special Education Teachers, Teachers, Vocational Instructors, and School Counselors, the FBOP entered into a contract engagement to develop and implement a digital marketing campaign to optimize efforts in hiring these positions. This campaign seeks to grow awareness and increase positive perception of working in a correctional setting, using engaging content in effort to build a pipeline of talent.

Ordinarily, each FBOP institution monitors the needs assessed within its population to determine which programs to offer. Some large residential programs, such as the Residential Drug Abuse Program, target a subset of the population for intensive services. For programs such as these, the FBOP monitors program completions and determines when and where more staffing is needed. For most programs, however, the institutions can add cohorts and increase participant capacity, as needed. If a facility is already offering Anger Management but has more AICs who need the program, it can add an additional section to meet the population needs.

D. FSA Program Evaluators

The FBOP works with external, credentialed social science researchers and its own clinical researchers to evaluate the outcomes of some of its largest and most robust reentry programs. As noted previously, outcome studies are lengthy endeavors; to conduct the analysis, individuals in custody must first complete programs, and then be released from prison for a period of time. Additionally, while programs are designed to promote successful reentry, many of these programs have other priorities, such as symptom reduction or behavioral modification. Evaluation studies for the following programs are currently in progress:

- **Drug Treatment Programs.** The FBOP has contracted with Texas Christian University (TCU) for a five-year evaluation of its drug treatment programs, which consist of a residential unit-based program, a non-residential program, a psychoeducational drug program, and a medication assisted program. The project is in its third year, and the retrospective study, one part of the larger evaluation, is estimated to be completed in Fall 2024. The FBOP has shared data with TCU and hosted multiple visits to facility

programs. More visits are scheduled to occur throughout calendar year 2024. A follow-up prospective study is planned upon completion of the retrospective study.

- **Anger Management.** The FBOP has contracted with TCU for a three-year evaluation of its Anger Management program. TCU is currently in the third year of that contract. Currently, as part of its work, TCU is reviewing the data provided by the FBOP as part of a retrospective study. Additionally, facility program visits are being conducted in conjunction with the Drug Treatment Program visits described previously. The FBOP estimates that the retrospective study will be complete in 2024. A follow-up prospective study is planned upon its completion.
- **BRAVE.** The FBOP contracted with an outside consultant for a five-year evaluation of its Bureau Rehabilitation and Values Enhancement (BRAVE) program, an intensive cognitive-behavioral program targeting younger offenders. However, following the second year of the contract, the FBOP declined to renew for the remaining options years due to a lack of demonstrable progress by the contractor. The FBOP's Office of Research and Evaluation (ORE) will continue the evaluation internally, both for the retrospective and prospective portions of the evaluation.
- **Resolve Program.** The FBOP's ORE is collaborating with the Psychology Services Branch to conduct an outcome evaluation of the Resolve Program, which is the FBOP's cognitive-behavioral program designed to address the trauma-related mental health needs of AICs. A retrospective analysis was published in 2023. The results indicate statistically significant decreases for time in Special Housing Units and major psychological events. A prospective follow-up study has been started, with results expected in FY 2026.

Moreover, in another independent program evaluation effort, the FBOP provided almost \$11.5 million to the NIJ for evaluation of seven additional FBOP EBRR programs. Through a competitive solicitation process, the NIJ has awarded funds to qualified researchers to study outcomes (e.g., symptom reduction, institutional adjustment, recidivism). The researchers have met with program coordinators in each area, received approval from the FBOP's institutional review board, and gathered preliminary retrospective data for each of these seven programs. Additionally, initial data collection site visits are scheduled to begin in Spring 2024. The researchers are evaluating each of these seven programs:

- **Steps Toward Awareness, Growth, and Personal Strength (STAGES) Program.** The STAGES Program is a cognitive-behavioral residential treatment program for incarcerated individuals with significant mental health and self-harm histories.
- **Skills Program.** The Skills Program is a residential treatment program designed to improve the institutional adjustment for incarcerated individuals with intellectual and social impairments.
- **Non-Residential Sex Offender Treatment Program.** The program is a moderate intensity cognitive-behavioral treatment program designed for sex offenders determined to be of low to moderate risk of re-offending.
- **Female Integrated Treatment (FIT) Program.** The FIT Program is a residential gender-responsive program designed to meet the vocational, mental health, trauma, and substance use treatment needs of women in FBOP custody.

- **Foundation Program.** The Foundation Program is a strengths-based program designed to help women in FBOP custody identify their treatment and reentry needs.
- **Threshold Program.** The Threshold Program is a non-residential spiritual and values-based program facilitated by Religious Services staff with assistance from community volunteers designed to support incarcerated individuals in their spiritual development and formation.
- **Life Connections Program (LCP).** LCP is a faith-based residential program designed to assist participants in developing their personal/spiritual transformation and learning practical life skills for successful transition back to the community.

At the end of FY 2023, the FBOP initiated contracts for three additional programs:

- **Criminal Thinking.** The FBOP awarded a five-year contract to researchers at Rutgers University to evaluate the Criminal Thinking program, a cognitive behaviorally based group to address how criminal thinking errors impact decisions in daily life. Researchers are currently completing background check requirements and preparing submissions for the institutional review boards at Rutgers and the FBOP.

The FBOP requested NIJ evaluate the remaining two programs. Similar to other ongoing evaluations, they will be conducted over a period of five years:

- **Challenge.** The Challenge program is a cognitive behavioral, residential treatment program developed for male offenders in the United States Penitentiary settings. The Challenge Program provides treatment to high-security offenders with substance use problems and/or mental illnesses.
- **Basic Cognitive Skills.** Basic Cognitive Skills is a cognitive behavioral therapy protocol that is used primarily for group treatment but may be used for individual treatment, in some cases. It is a psychology program designed to address irrational thinking and coping.

The FBOP plans to initiate additional evaluations of EBRR programs starting in FY 2024 and FY 2025. Division staff and subject matter experts are currently reviewing which programs will be reviewed in each time period based on available staffing and other resources.

Finally, as part of this overall evaluative effort, the FBOP contracted with criminal justice consultants to review all FBOP EBRR programs to determine their strengths through their evidentiary findings. That final report from the contractor was delivered November 2023, as described in Section II.A above.

E. Partnerships with Volunteers

Community partners play a vital role in providing mentorship, support, and educational opportunities to incarcerated persons. The FBOP has a long history of working with external organizations to recruit community volunteers. The FBOP engages in partnerships to instill

hope, help individuals in custody make meaningful connections, and provide encouragement to individuals that assists in their personal growth and in their ability to return to their communities as law-abiding citizens. These partnerships have included such areas as faith-based, academic, vocational, wellness, mental health, and interpersonal skills services.

In 2023, 3,047 volunteers and contractors were able to assist with programming and provided 140,326 hours of service to FBOP institutions. This represents an increase from the previous year by over 1,000 additional volunteers and contractors and nearly 30,000 additional hours of service.

As that growth reflects, the FBOP is continuing to improve the volunteer recruitment and application process to further increase the number of skilled volunteers for the agency and to ensure the availability of essential reentry programming at all FBOP institutions. The goals of this initiative are:

- **Recruit Skilled Volunteers.** Through digital marketing, the FBOP finds volunteers who have the right skills, in the right locations, and at the right volume to support priority initiatives.
- **Make Volunteer Management Simple.** As the volunteer pool grows, so does the need for an intuitive tracking system. A new technology system allows FBOP Reentry Affairs Coordinators (RACs) to easily post volunteer opportunities and track applications.
- **Report Progress with Data.** The new technological system enables automatic generation of reports to allow RACs and the FBOP's Community Reentry Branch to make data-driven decisions that influence volunteer programs.

To support these goals, the FBOP developed a multi-pronged solution that involves a digital marketing campaign, an online public portal, and a volunteer recruitment management system. Together, these strategies engage a new generation of FBOP volunteers and encourage them to apply to support the institution's most critical programming needs. To date, the implementation strategy has included the following:

- **Digital Marketing Campaign (the Inside Influence Campaign).**²¹ To drive additional volunteer applications, the FBOP began sending automated lead emails from VIOS to encourage potential volunteers to begin applications after they have created an account or submitted an interest form. New marketing ads launched in January 2024. New postings were created for volunteer opportunities and the marketing ads were updated to draw attention to these postings. By making these updates, there was an increase in volunteer consideration (up 110 percent in page views) and interest forms (up 26.7 percent).
- **Public Volunteer Portal (the Inside Influence Portal).** The public volunteer portal on the FBOP's website (volunteer.reentry.gov) allows prospective volunteers to navigate and learn more about the FBOP, view "Day in the Life" stories from current volunteers, review FAQs and initiate contact through a "Contact Us" feature. More importantly, community

²¹ FBOP, "Leave a Legacy of Good—Volunteer," <https://www.bop.gov/jobs/volunteer.jsp>.

members are able to search for volunteer opportunities by reviewing relevant postings near them and submit a digital application to express their interest.

- **Volunteers Influencing Inmate Outcomes System (VIOS).** The FBOP dramatically expanded the use of this system over the past year. By using the VIOS, FBOP employees can complete digital Annual Needs Assessments, run statistical reports to determine recruitment status and institution needs, and enter postings to advertise their volunteer vacancies. Once a prospective volunteer applies to a posting, the RAC of the institution that posted the vacancy is able to review and manage the application and engage with applicants through VIOS. The VIOS system is currently deployed nationwide, and as a result, 2,798 volunteers are currently providing services to individuals in FBOP custody—up from around 50 volunteers last year. The FBOP is now analyzing the VIOS data and making informed modifications to increase the percentage of those individuals who become active volunteers.

Visitation plays such a critical role in enabling incarcerated individuals to maintain community ties. Thus, the FBOP maintains ongoing partnerships with two organizations that provide visitation services to individuals who normally do not have connections with family and friends outside prison. The first and largest visitation volunteer organization of its kind is the Prisoner Visitation and Support (PVS) program. PVS volunteers visit incarcerated individuals who need friendship and mentoring. Their mission is to “provide prisoners with regular, face to face contact from the world outside of prison to help them cope with prison life, encourage personal growth, and prepare for successful reentry into society.” PVS provides supportive service to federal and military prisoners. A second FBOP-partner organization is Aleph Visitation Circle, which provides similar services to individuals.

Additionally, the FBOP has continued to expand the Community Reentry Network (CRN), an electronic clearinghouse of faith-based organizations (FBOs) that the Bureau developed for reentry referrals and mentoring support for AICs upon their release. The CRN seeks to be a centralized rallying point for wider faith communities to meet the needs of returning citizens. The CRN's guiding principles include ensuring reliability of the FBOs; the FBOs and the CRN's accessibility to individuals, Bureau employees, returning citizens, and stakeholders; assuring sustainability to meet reentry needs now and in the future; promoting inclusion of the diversity of religious affiliations and the variety of needed community services offered to returning citizens; developing unity in vision and cooperative spirit; and implementing decision making that is grounded in data and research. As of December 2023, more than 3,000 FBOs had been added into the CRN listing—nearly doubling since the last Report. And new ones are being added every day. The CRN is accessible to the public at www.crn.reentry.gov with an interactive map of searchable resources.

F. Partnerships with Federal, State, Local, and Tribal Agencies

The FBOP also engages with Federal, State, local, and Tribal partners on a wide range of efforts to facilitate reentry. Since the last Report, the Bureau has continued to foster and expand these partnerships:

a. Federal partnerships

The FBOP continues its work with the Executive Office for United States Attorney's Offices, the

Court Services and Offender Supervision Agency (CSOSA), and United States Probation Offices (USPO) to host virtual reentry resource fairs and workshops. These events educate incarcerated individuals on community resources and post-release services. Both United States Attorneys' Offices and USPOs participate in annual mock job fairs, reentry resource fairs, Release Preparation Programs/Release Orientation Programs, and other reentry related events. To help ensure individuals are aware of services available upon release, the FBOP partnered with CSOSA to hold a virtual resource event in March 2023. Approximately 147 individuals enrolled in CSOSA's virtual community resource day event.

The Department held three reentry simulations in 2023 to increase awareness of the many challenges and struggles faced by justice-involved individuals upon their return to the community. In January 2023, the FBOP hosted a reentry simulation with Accenture, Army Parole, CSOSA, and the D.C. Mayor's Office of Returning Citizens (MORCA). In April 2023, the United States Attorney's Office for the Eastern District of Pennsylvania held a reentry simulation at the National Constitution Center in Philadelphia. In July 2023, a reentry simulation was held with CSOSA at their Washington D.C. office. Approximately 40 CSOSA officers that were in the process of completing their Academy training, and those who are already working with returning citizens, were among the participants.

b. State and local partnerships

FBOP institutions maintain local partnerships with child support agencies, motor vehicle departments, libraries, local colleges and universities, tribal communities, workforce development agencies, Veterans Administration offices, faith-based organizations, and other stakeholders to help further assist individuals with successful reentry into their communities. Recent highlights include:

- **FBOP Efforts to Assist with Identification.** As of January 2024, 17 states have agreed to accept the FBOP's Release ID Cards to establish the identity of returning citizens (Alabama, Alaska, Arkansas, Colorado, Florida, Hawaii, Idaho, Illinois, Iowa, Mississippi, Michigan, New York, New Mexico, Pennsylvania, Oregon, South Dakota, and Texas). The FBOP is continuing to work diligently to improve the extent that AICs can utilize the Release ID Card upon return to their community. More on the FBOP's Release ID Cards appears below, in Section III.A of this Report.
- **FBOP Partnership with the D.C. Board of Elections (DCBOE).** The FBOP continues to partner with the DCBOE to educate incarcerated individuals on their voting rights. The District of Columbia passed legislation in 2020 allowing incarcerated citizens to vote. The partnership provided registration and voting material to the FBOP's D.C. incarcerated citizens and permitted absentee voting. As a result, the FBOP initiated similar efforts in Maine, Vermont, and Puerto Rico where incarcerated residents are also allowed to vote while serving their sentences. To facilitate voter awareness for the incarcerated population, the FBOP updated its Admissions and Orientation Program and its Release Preparation Programs/Release Orientation Programs to provide enhanced information about voting for incarcerated and released individuals. In addition, the FBOP created, printed, and distributed posters to all institutions to promote voting awareness. The FBOP also updates TRULINCS to provide current voting information for every state. The FBOP encourages individuals from jurisdictions that allow those in custody to vote, including Maine, Vermont, D.C., and Puerto Rico, to register and vote.

- **FBOP Partnership with the League of Women Voters (LWV).** The FBOP has partnered with the LWV and the DCBOE to offer an educational class for voting; and a voter registration drive will be offered to institutions with the highest number of D.C. residents. The FBOP is also working with LWV to offer an educational voting class and voter registration drive. This initiative was launched on February 8, 2024, at a SFF Hazelton, with plans to sequentially offer virtual registration throughout all FBOP facilities.

c. Tribal partnerships

The FBOP continues to collaborate with Native American and Alaskan Native communities to provide reentry services. In December 2022, the FBOP held a Violence Against Women Act (VAWA) virtual event to provide an overview of reentry programs and initiatives for individuals re-entering the community. The White House Council on Native American Affairs and United States Probation Office provided an overview about support for Indigenous Women. The FBOP also works with the National Indian Council on Aging, the U.S. Department of Labor and Women’s Bureau to direct reentry resources for the aging Native American population and to help secure post-release employment.

III. The Bureau of Prison’s Additional FSA Implementation Activities

A. FBOP Efforts to Assist with Identification

The FBOP is committed to helping individuals obtain identification prior to release. The FBOP has partnered with the GPO to produce FBOP Release ID Cards, which can be used for interstate travel, employment eligibility verification, and obtaining state and local photo IDs. Between September and December 2023, GPO and the FBOP completed the field trials, initiated the national roll out beginning with the Western Region, activated the Release ID Card in all six regions, and distributed 2,100 FBOP Release ID Cards. As noted above, as of January 2024, 17 states have agreed to accept FBOP Release ID Cards to establish the identity of returning citizens.

Additionally, the FBOP continues to work with the U.S. Marshal Service (USMS) on an effort to provide the FBOP with any government issued identification in an individual’s possession when the person is transported to a BOP facility.



B. Transfers Closer to Home

Individuals in custody benefit from maintaining ties with their families and communities during their terms of imprisonment. Incarcerating individuals close to home can help promote that connection. Prior to the passage of the FSA, the FBOP sought to place AICs within 500 miles of their release residence, as available and as appropriate. The FSA further refined this effort by requiring nearer release transfers, even if the AIC is already within 500 miles of their release residence if another facility is closer.²²

As of January 31, 2024, 79,509 individuals were placed within 500 miles of their residence. The following table shows the number of individuals within 500 miles of their release residence, as of January 31, 2024.

Facility Security Level	Within 500 Miles of Legal Residence	Greater Than 500 Miles from Legal Residence	AIC's Legal Residence Unavailable	Total
Administrative	7,827	3,380	178	11,385
High	7,735	9,521	178	17,434
Medium	36,626	14,213	473	51,312
Low	24,593	9,154	387	34,134
Minimum	2,728	1,049	32	3,809
Total	79,509 (67%)	37,317 (32%)	1,248 (1%)	118,074

From 2019 to 2023, the FBOP approved 9,138 nearer release transfers to place adults in custody in facilities nearer to their intended communities of release. The following table shows the number of releases each year, along with the average number of releases per month.

Calendar Year	Nearer Release Transfers	Monthly Average
2019	2,073	173
2020	1,410	118
2021	2,525	210
2022	1,348	112
2023	1,782	149

²² The FBOP considers a variety of factors in designating AICs to specific institutions, including the individual's security designation, programmatic needs, mental and medical health needs, faith-based needs, and recommendations of the sentencing court. The FBOP's decision-making as to designations is not judicially reviewable. See 18 U.S.C. § 3621(b).

C. Elderly and Terminally Ill Pilot Program

The FBOP’s authority to make referrals for the Elderly Offender and Terminally Ill program under 34 U.S.C. § 60541 expired at the end of fiscal year 2023. No legislation has been enacted to re-authorize this program. From January 2023 through September 2023, there were 31 individuals placed in the program. The FBOP has placed approximately 1,250 individuals in this program since April 2019.

D. Home Confinement

The FBOP is committed to reintroducing individuals into the community commensurate with their needs and public safety. As of January 3, 2024, the FBOP has continued to increase the use of home confinement, transferring 129,616 AICs to RRCs/home confinement through all authorities since April 2019.

The FBOP’s home confinement program has expanded in part due to the application of time credits, discussed above. The FSA provides the FBOP discretion as to the appropriate type of prerelease custody, including home confinement. This authority has resulted in individuals transitioning to home confinement sooner and for longer period times than under the Second Chance Act, which limits placement to 10 percent of an individual’s sentence or six months, whichever is less.

The following graph and table show the number of FBOP individuals transferred to RRC/home confinement each month under the “traditional” program (based on existing prerelease custody policies), CARES Act authority (March 2020 through May 2023), and the Pilot Program for Eligible Elderly Offenders and Terminally Ill Offenders (October 2018 through September 2023).

Number of Placements from April 1, 2019, to January 27, 2024.

	CARES Act	Elderly Offender Pilot	Other (“Traditional”)	Total
Apr-19	-	30	2,390	2,420
May-19	-	54	2,360	2,414
Jun-19	-	54	2,108	2,162
Jul-19	-	67	2,867	2,934
Aug-19	-	76	2,559	2,635
Sep-19	-	66	2,324	2,390
Oct-19	-	63	2,618	2,681
Nov-19	-	57	2,059	2,116
Dec-19	-	53	2,455	2,508
Jan-20	-	84	2,461	2,545
Feb-20	-	85	2,065	2,150
Mar-20	13	89	2,216	2,318
Apr-20	584	108	1,840	2,532

May-20	1,785	83	1,998	3,866
Jun-20	1,271	50	2,125	3,446
Jul-20	638	14	1,826	2,478
Aug-20	454	16	1,794	2,264
Sep-20	431	14	2,089	2,534
Oct-20	331	12	1,669	2,012
Nov-20	233	6	1,480	1,719
Dec-20	290	6	1,652	1,948
Jan-21	202	7	1,745	1,954
Feb-21	140	9	1,456	1,605
Mar-21	191	3	1,802	1,996
Apr-21	146	1	1,679	1,826
May-21	193	8	1,660	1,861
Jun-21	434	7	2,043	2,484
Jul-21	373	9	1,692	2,074
Aug-21	361	6	1,703	2,070
Sep-21	316	3	1,698	2,017
Oct-21	273	8	1,758	2,039
Nov-21	264	7	1,830	2,101
Dec-21	297	7	1,820	2,124
Jan-22	218	9	1,588	1,815
Feb-22	259	4	2,097	2,360
Mar-22	309	4	2,173	2,486
Apr-22	232	4	1,824	2,060
May-22	215	7	1,899	2,121
Jun-22	248	4	1,912	2,164
Jul-22	225	3	1,668	1,896
Aug-22	235	2	2,130	2,367
Sep-22	194	4	1,821	2,019
Oct-22	197	3	1,786	1,986
Nov-22	199	4	1,886	2,089
Dec-22	219	5	1,607	1,831
Jan-23	242	-	1,918	2,160
Feb-23	188	4	1,828	2,020
Mar-23	216	1	2,103	2,320
Apr-23	267	6	2,118	2,391
May-23	303	5	2,366	2,674
Jun-23	-	8	2,494	2,502
Jul-23	-	2	2,024	2,026
Aug-23	-	3	2,321	2,324
Sep-23	-	2	1,993	1,995
Oct-23	-	3	2,052	2,055

Nov-23	-	-	1,935	1,935
Dec-23	-	1	1,853	1,854
Jan-24	-	-	1,943	1,943
Total	13,186	1,250	115,180	129,616

Following guidance from the Attorney General, the FBOP Director exercised her discretion under the CARES Act to place thousands of incarcerated individuals in home confinement during the pandemic emergency. These actions removed vulnerable individuals from congregate settings where COVID-19 spreads easily and quickly and reduced crowding in FBOP facilities. Individuals placed in home confinement remain in FBOP custody and are subject to ongoing supervision, including monitoring, drug and alcohol testing, and check-in requirements. They are not permitted to leave their residences except for work or other preapproved activities such as counseling or medical appointments. Individuals who violate these conditions or commit new crimes while in home confinement may be disciplined and returned to secure custody.

On April 4, 2023, the Department issued a final rule granting discretion to the Director of the FBOP to allow individuals placed in home confinement under the Coronavirus Aid, Relief, and Economic Security (CARES) Act to remain in home confinement after the expiration of the covered emergency period. The final rule provides the FBOP the discretion and flexibility to impose proportional and escalating sanctions for individuals who commit infractions, including returning them to prison. Consistent with that final rule, the FBOP Director also instructed that any individual placed on home confinement under the CARES Act will remain on home confinement under the CARES Act for the remainder of their sentence, provided that they are compliant with the rules and regulations of community placement. Since the enactment of the CARES Act on March 26, 2020, the FBOP has placed more than 13,000 individuals in home confinement under CARES Act authority. Of those, only a fraction of one percent has been returned to secure custody due to new criminal conduct.

E. Drug Treatment

The FBOP continues to offer incarcerated adults a variety of evidence-based drug treatment programs with demonstrated efficacy. Once an individual has an identified substance abuse treatment need, they may participate in program options to satisfy the need. If found qualified, they have the opportunity to participate in an intensive treatment program called the Residential Drug Abuse Program (RDAP). This program typically lasts nine to twelve months in duration.

The FBOP has expanded participation in these programs. During FY 2023, more than 68,217 individuals participated in drug treatment, an increase of more than 9,000 individuals since FY 2022. They participated in programs such as:

- Drug Education: 27,267 participants
- Non-Residential Drug Abuse Program: 21,421 participants
- RDAP: 12,429 participants

In FY 2023, individuals participated in an additional 13,156 types of community-based treatment. 5,362 individuals began in substance use disorder treatment, 4,969 began mental health

treatment, and 485 began sex offender treatment upon transfer to the community. Additionally, 2,340 began medication-assisted treatment in the community throughout FY 2023.

Access to Medication-Assisted Treatment (MAT) for individuals diagnosed with OUD continues to grow across the FBOP. The FBOP continues to provide three Food and Drug Administration (FDA)-approved medications in conjunction with individualized psychosocial interventions for those individuals participating in the MAT program. In FY 2023, 7,100 individuals participated; including those individuals who were in FBOP institutions and in community custody. In addition to receiving medication, these individuals were offered psychosocial treatment and services to address individual treatment needs, including referrals to other programs (e.g. vocational training and trauma treatment). In the first three months of FY 2024, 3,038 individuals have participated in MAT (2,090 in institution-based treatment and 948 in community-based treatment), with anticipated continued growth of the MAT program moving forward.

The FBOP's community-based treatment service providers ensure continuity of care during an individual's transfer to the RRC. Oversight of individuals at RRCs is conducted collaboratively between the FBOP and its treatment and residential contractors. Both groups work together to identify drug treatment issues early in the process, ensuring referrals and continued access to needed counseling services and psychotropic medications. The FBOP works to ensure that all individuals who initiate or have an identified need for MAT services while incarcerated will continue or begin treatment upon transfer to community custody. Those who did not start the MAT screening process while incarcerated may also choose to be evaluated for MAT in the community.

The FBOP is also working with the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Drug Enforcement Administration (DEA) to complete the implementation of Opioid Treatment Programs (OTP) within all FBOP institutions, thereby avoiding the need to rely on community resources for the provision of methadone. Upon OTP certification, FBOP-managed institutions are able to provide all three FDA-approved medications for opioid use disorder (methadone, buprenorphine, and naltrexone). Currently, 89 FBOP facilities are provisionally accredited, and eight FBOP facilities are fully certified and accredited.

The FBOP developed a framework to provide clinical and logistical support through the FBOP's Health Services Division (HSD) and regionally assigned health services staff. For institutions not yet provisionally certified, incarcerated individuals requiring methadone for opioid use disorder receive medication through community OTP clinics with which their FBOP institution contracts/partners. Buprenorphine is prescribed by FBOP practitioners with approved training. As the FBOP continues training staff on the treatment of opioid use disorder, FBOP technical and clinical guidance is available for health care providers. This guidance standardizes treatment approaches on an individualized basis.

In support of these efforts, in FY 2023, the FBOP hired a Chief of Addiction Medicine to further support the provision of Opioid Use Disorder (OUD) treatment within the FBOP. To assist FBOP providers with medication management for OUD, the FBOP has also established a resource email box in which FBOP providers can submit questions to subject-matter-experts, Substance Use Disorder Clinical Pharmacy Consultants assigned to each institution to provide clinical support, and an OUD Taskforce to help coordinate efforts to manage the multiple facets of OUD management across branches and divisions. The FBOP is also in the process of hiring twelve

telehealth physicians who will support institutions in providing telehealth visits to patients with OUD.

F. FSA Staffing Resources

Both the Department and the FBOP are committed to fully staffing FBOP institutions. Appropriate staffing, along with training and funding, is key to full implementation of the FSA. In the last three years, the FBOP has made progress in hiring for correctional services positions as well as for positions designed to prioritize FSA program delivery, including sometimes difficult to find professionals in education, physical and mental health, and religious services. The FBOP continues to fill positions that support FSA implementation. As of December 22, 2023, the FBOP has hired 385 dedicated FSA positions. Examples of positions and recruitment efforts include:

- **Psychologist hiring.** The recruitment of staff in certain FBOP locations is always challenging, but the recruitment and hiring of professional staff (e.g., clinical psychologists) is even more difficult due to competing industries and employers. As a first step to address this challenge, the FBOP has added six new doctoral internship programs for psychology students, a proven recruitment strategy for the FBOP. In FY 2024 the FBOP will add two additional internship programs. In FY 2023 the FBOP added 5 post-doctoral training positions and will add five more in FY 2024; these positions are retaining doctoral interns who might have otherwise gone elsewhere for specialized training. Due to the highly specialized nature of the work performed by psychologists, the FBOP is utilizing the services of a consulting firm to improve hiring strategies for treatment specialists, psychology doctoral interns, and psychologists. The firm is assisting with streamlining information including increased social media and web-based presence, rebranding ad campaigns, enhancing user experience of FBOP webpages, and marketing to targeted audiences through increased presence in academic and professional communities. Additionally, through consultation, analytics, research, and focus groups, the consulting firm is working in tandem with the Psychology Services Branch to understand and then reduce barriers and increase the efficiency of hiring processes. The initial marketing campaign began in April 2022 with continued improvements released since launch. In addition to ongoing recruitment activities, the consulting firm is assisting the FBOP with retention of experienced psychologists.
- **Teacher hiring.** With a critical teacher shortage nation-wide, the FBOP has difficulty hiring Teachers, Special Education Teachers, and Vocational Trades Instructors in certain FBOP locations due to competing with industries and school districts. Finding professionals who meet the qualifications, specifically the age requirement, and want to work in a prison setting is often difficult. The FBOP has contracted to develop a marketing and recruitment campaign that will target highly qualified teachers. This engagement has been comprised of organized focus groups to acquire a better understanding of applicant perceptions of the FBOP, and data informed strategies to develop an effective brand strategy. Further, the FBOP conducted an employee value assessment to gather input on key benefits, challenges, and value proposition elements to shape messaging themes for Teacher/Special Education position. Through the utilization of proven digital mark channels, the FBOP has utilized targeted advertising for each role, highlighting the positive and beneficial elements of a FBOP career. The FBOP National Recruitment Office has a team of recruiters that support regional recruitment

effort through various hiring recruitment platforms to identify highly qualified applicants and assist them in navigating the application process.

- **Targeted hiring campaigns.** The FBOP has also engaged a consulting firm to create a positive employer brand that drives awareness and attracts quality candidates to apply for priority, hard-to-fill positions. Through this engagement, the FBOP has launched a successful social media recruitment campaign on various platforms, including but not limited to LinkedIn, Facebook, and YouTube, aimed at rebranding the FBOP as a potential employer. One such example includes the FBOP feature on the Military Makeover episode titled Veterans in Demand, [BOP: Military Makeover Highlights FBOP](#), whose primary goal is to assist veterans in their transition to civilian careers post military. The FBOP has diligently worked to enhance its employer brand and develop an employee value proposition that focuses on safety, unique benefits, demystifying the negative perception of the organization, and relating to individuals' higher purpose – called Work on the Inside – available at [BOP: Jobs](#).

Further, the FBOP's recruitment video, "Opportunity is knocking," was nominated as one of the "best recruitment videos of the year" by Corrections1, an online community and resource for corrections worldwide. In FY 2024, the FBOP will remain dedicated to innovative, result-driven recruitment decisions dedicated to furthering recruitment for mission-critical FBOP positions, to include FSA positions, Correctional Officers, Registered Nurses, Medical Officers, and other positions in hard-to-fill locations. This campaign continues the successes and foundations slated in the past that have resulted in staffing and hiring increases. This targeted recruitment effort also included advertisement for a Mass Hiring Event in October 2023 in Dallas, Texas.

- **Incentives.** The FBOP has used recruitment incentives to hire good candidates, and retention incentives to encourage experienced staff to remain with the agency. For example, March 2023, the FBOP began a hiring initiative focused on increasing external applicants, with an emphasis on correctional officers. In an effort to incentivize applicants, the FBOP offered a recruitment incentive of \$10,000 or 25 percent of the initial salary (whichever was greater). Additionally, the FBOP has continue to offer incentives to all employees eligible to retire as of December 2022. These incentives are in addition to individual recruitment and relocation incentives for specific hard to fill locations and/or professions. In FY 2023, the FBOP offered and approved more than 6,100 individual incentives, a 71.6 percent increase over the prior fiscal year. The FBOP also uses several other types of incentives, including student loan repayment, annual leave credit (credits prior work experience towards an applicant's annual leave accrual rate), and above minimum rate (allows the agency to offer and appoint a superior candidate at a salary rate above the minimum step of the qualifying grade). Utilization of these and overall recruitment efforts have resulted in a 40 percent increase in new hires, and a 19 percent decrease in separations as of December 2023. By hiring and retaining correctional services staff, the FBOP relies less upon augmentation by programs staff.

G. Compassionate Release

Section 603(b) of the First Step Act amended 18 U.S.C. § 3582(c)(1)(A), commonly referred to as the “compassionate release” provision, permits district courts to reduce a defendant’s sentence when “extraordinary and compelling” reasons warrant such a reduction. Section 603(b) amended the provision to permit inmates to file motions in court seeking such relief.

From the enactment of the First Step Act through January 2024, the FBOP’s Director has approved 127 requests for compassionate release based on the individual’s terminal illness; 39 requests based on the individual’s debilitated medical condition; 2 requests from “elderly inmates with medical conditions;” and 4 requests based on sexual abuse experienced while in custody. FBOP Program Statement No. 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582 and 4205(g)²³ sets forth the FBOP’s compassionate release criteria.

IV. The Rates of Recidivism Among Specific Categories of Individuals Who Have Been Released from Federal Prisons

The FSA’s report requirements include a request for information about recidivism among persons released after the passage of the Act. 18 U.S.C. § 3634(3). (This section discusses statistical information of recidivism rates only for specific FSA categories of individuals and is not reflective of the FBOP’s recidivism rates for its full population. For that information, please see Section VIII below.)

The FBOP collects information on specific categories of AICs released from federal prison under the FSA. As of January 28, 2024, the five non-mutually exclusive categories of incarcerated individuals released to U.S. communities under the FSA total 44,673 and include:

- a) Individuals released due to a reduced sentence under the Fair Sentencing Act;
- b) Individuals who receive a compassionate release, also known as a Reduction in Sentence, based on a diagnosis of a terminal illness, or based on age and completion of a qualifying percentage of the sentence;
- c) Individuals who were released because of the expansion of good conduct time under the FSA as of July 19, 2019, when the FBOP applied the new good conduct time calculation retroactively;
- d) Individuals transferred to community custody under the FSA’s reauthorization of the Elderly Offender pilot program; and
- e) Individuals released to supervised release, without first being placed in prerelease custody, based on accrual of time credits from successful participation in EBRR programs and/or PAs. The FBOP is monitoring individual time credit accruals and referring individuals to prerelease custody accordingly.

Recidivism rates presented in this Report are lower than average rates in the United States, though higher than the rates in last year’s Report. This is unavoidable. First, the analysis here is

²³ See Program Statement No. 5050.50 https://www.bop.gov/policy/progstat/5050_050_EN.pdf.

not comparable to traditional recidivism analyses found in other forums, as this represents recidivism of all persons released under the FSA, regardless of how much time they have been released. Second, the rate will continue to increase year over year as the total persons released begin to have longer release time than is seen in traditional recidivism analyses of up to three years. In coming years, the FBOP will plan for separate, comprehensive, and comparable analyses of recidivism for those released under the FSA.

Recidivism is defined as either a return to FBOP custody or an arrest by Federal, State, or local authorities.

Traditionally, the observation period for FBOP recidivism studies begins when the individual has satisfied the sentence and is released from FBOP custody. An AIC can release from a secure institution, an RRC, or home confinement. If an individual commits a crime while in community custody (RRC or home confinement), the FBOP does not count it as recidivism because the individual has not yet fully satisfied the sentence or been released from FBOP custody. If authorities ultimately pursue the criminal conduct that occurred during community custody, then the FBOP records it as recidivism. The FBOP does not believe this method of calculating recidivism impacts the FBOP's overall recidivism rates because (1) community custody placements are relatively brief for most individuals and (2) the individual's release from the FBOP is imminent. While this approach has worked well for the FBOP in the past, individuals released via the Elderly Offender pilot program may remain in community custody for many years before they satisfy their sentences. Therefore, for that group, the FBOP uses the date they arrive in community custody as the release date for measuring recidivism.

A. Recidivism Data Tables for Specific FSA Category Individuals

1. Recidivism by Primary Offense of Conviction for 44,671* FSA Category Individuals Released from FBOP Custody

Primary Offense of Conviction	Percent Not Recidivating	Percent Recidivating	AICs
Drugs	89.8%	10.2%	25,615
Weapons/Explosives	82.5%	17.5%	3,981
Homicide/Aggravated Assault	80.8%	19.2%	376
Burglary/Larceny	93.3%	6.7%	2,381
Counterfeit/Embezzlement	95.8%	4.2%	262
Court/Corrections	92.4%	7.6%	237
Immigration	91.8%	8.2%	1,626
Fraud/Bribery/Extortion	96.8%	3.2%	8,212
Sex Offenses	79.3%	20.7%	837
National Security	95.2%	4.8%	21
Robbery	76.1%	23.9%	673
Miscellaneous	94.5%	5.5%	384
Continuing Criminal Enterprise	95.4%	4.6%	66
Number of Individuals	40,343 (90.3%)	4,328 (9.7%)	44,671

*Two individuals were missing an offense category.

2. Recidivism by Length of Sentence Imposed for 44,642* FSA Category Individuals Released from FBOP Custody

Length of Sentence Imposed	Percent Not Recidivating	Percent Recidivating	AICs
Up to 5 Years	92.9%	7.1%	23,569
6-10 Years	91.0%	9.0%	10,734
11-15 Years	83.2%	16.8%	5,222
More Than 15 Years comp	84.2%	15.8%	5,116
Number of Individuals	40,315 (90.3%)	4,326 (9.7%)	44,641

*32 individuals are missing a length of sentence imposed.

3. Recidivism by Length of Sentence Served for 44,640* FSA Category Individuals Released from FBOP Custody

Length of Sentence Served	Percent Not Recidivating	Percent Recidivating	AICs
Up to 5 Years	93.0%	7.0%	28,014
6-10 Years	89.5%	10.5%	8,984
11-15 Years	79.6%	20.4%	4,534
More Than 15 Years	84.4%	15.6%	3,108
Number of Individuals	40,315 (90.3%)	4,325 (9.7%)	44,640

*33 individuals are missing a length of sentence imposed.

4. Recidivism by FBOP Facility for 44,643* FSA Category Individuals Released from FBOP Custody*

Institution Classified Security Level	Percent Not Recidivating	Percent Recidivating	AICs
Minimum	95.5%	2.8%	26,328
Low	88.6%	11.4%	12,751
Medium	72.0%	28.0%	4,865
High	55.2%	44.8%	699
Number of Individuals	40,324 (90.3%)	4,319 (9.7%)	44,643

*30 individuals do not have a classified security level because they served their federal sentences in state prisons.

5. Recidivism by EBRR Programs Completed for 44,673 FSA Category Individuals Released from FBOP Custody

Number of Completed EBRR Programs	Percent Not Recidivating	Percent Recidivating	AICs
0*	90.4%	9.6%	20,512
1	90.6%	9.4%	11,465
2	91.1%	8.9%	6,115
3	89.5%	10.5%	3,212
4	88.4%	11.6%	1,609
5-6	88.7%	11.3%	1,268
7-9	87.5%	12.5%	385
10+	88.8%	11.2%	107
Number of Individuals	40,345 (90.3%)	4,328 (9.7%)	44,673

Note that many individuals with 0 completed programs were in fact persons with very short-term sentences who were never designated to a FBOP institution but rather served their sentence at a jail or pre-trial facility or were released due to time-served sentences. Thus, those individuals did not have the time or opportunity to participate in programs but were minimum security and low-risk offenders.

6. Recidivism by PATTERN Level for 39,794* FSA Category Individuals Released from FBOP Custody

Most Recent PATTERN Assessment (before Release)	Percent Not Recidivating	Percent Recidivating	AICs
Minimum	97.2%	2.8%	19,589
Low	94.4%	5.6%	17,975
Medium	78.1%	21.9%	4,334
High	61.8%	38.2%	2,775
Number of Individuals	37,160 (93.4%)	2,634 (6.6%)	39,794

*This excludes 4,879 individuals with no PATTERN risk level; many of these persons were released before the development of PATTERN.

7. Recidivism by PAs Completed for 44,673 FSA Category Individuals Released from FBOP Custody

Number of Completed PAs	Percent Not Recidivating	Percent Recidivating	AICs
0	90.7%	9.3%	19,589
1	87.6%	12.4%	17,975
2	95.4%	4.6%	4,334
3+	97.2%	2.8%	2,775
Number of Individuals	40,345 (90.3%)	4,328 (9.7%)	44,673

V. The Status of Prison Work Programs at Facilities Operated by the Bureau of Prisons

Each sentenced person in custody who is physically and mentally able to work is assigned to an institutional, industrial, or commissary work program. In making work and/or program assignments, employees consider the individual’s learning capacity, interests, needs, eligibility, and availability of assignments. The specific assignment is made with consideration of the institution’s security and operational needs. Each assignment must be consistent with the safe and humane treatment of the individual, as well as the protection of the public.

Beyond job assignments, the FBOP has three levels of work or vocational programs:

- **Apprenticeship Training** prepares the individuals for employment in various fields through structured programs; under this program, participants are overseen by journey persons and may be paid.
- **Certification Course Training** is a series of shorter course sessions (typically 99 hours or less) which lead to an industry-recognized credential. Examples of these certification courses include Forklift Certification, Serve Safe Certification, and OSHA 30 Certification.
- **Vocational Training** is a certification program that leads to, at a minimum, an entry-level position in a particular field.

AICs can choose a vocation, through instruction, work experiences, and career orientation; acquire or improve productive work skills and habits; and gain practical knowledge essential to working and functioning in a complex industrial technical world of work.

During FY 2023, the FBOP expanded its Partners for Reentry Opportunities in Workforce Development (PROWD) partnership with the DOL. Eleven states and the District of Columbia received grant awards including Alabama, Colorado, Kansas, Mississippi, Montana, New York, Tennessee, Texas, Washington, and West Virginia. These newly awarded grantees are in addition to the FY 2022 grantees (Arizona, California, Illinois, Michigan, Minnesota, North Carolina, and Pennsylvania). Grantees provide mentoring, coaching, employment and training programs, and supportive services to returning citizens before and after their release from prison, enabling them to integrate into their communities and reducing the possibility of recidivism.

Additionally, since AICs are now eligible for Pell Grants, the FBOP is actively seeking partnerships with colleges and universities to apply for Prison Education Programs. These programs will allow AICs the opportunity to earn an associate or bachelor's degree while incarcerated. Through an agreement with the DOL, the FBOP offers 115 nationally standardized DOL Apprenticeships, 60 of which are supported by approximately 50 marketable programs operating in FBOP institutions. During FY 2023, the FBOP collaborated with DOL to continue improving the apprenticeship program. Examples of current DOL approved apprenticeships include automobile mechanic, barber, carpenter, cook electrician, and landscape gardener.

In addition to these programs, the FBOP provides job training and work experience through Federal Prison Industries (FPI).²⁴ FPI employment helps encourage AIC activity by providing a diversified work program that improves prison safety and security. From FY 2022 through FY 2024, the FPI projects that it will employ 12,644 incarcerated individuals. FPI factories manufacture such items as furniture, clothing, electronics, and metal products, and provide such services as vehicle retrofit, printing, data processing, call centers, laundry, farming, and electronics recycling. While in the FPI program, workers obtain certifications and skills in a variety of areas such as garment construction, metal working, truck driving, and welding. These diverse types of employment enable AICs to seek and obtain employment in relevant fields after their release into the community.

Pursuant to the FSA, the Department is conducting ongoing research and data analysis on products purchased by Federal agencies that are manufactured overseas and could be manufactured by prisoners participating in a prison work program without reducing job opportunities for other workers in the United States. The FPI has solicited for an external contractor to conduct the required research, and the procurement was finalized in September 2022.

VI. The Operational Policies and Guidance Issued

To implement the FSA successfully, the FBOP has issued the following policies and guidance since the Act became law:

- The Program Statement (PS) 5267.09 CN-1 Visiting Regulations, published on August 1, 2023.
- The PS 5410.01 First Step Act of 2018 -Time Credits: Procedures for the Implementation of 18 U.S.C. § 3632 (d) (4), published on November 18, 2022. Please note, the current version is a second Change Notice (CN) published on March 3, 2023.
- The PS 5335.01 Secure Mental Health Units, published on January 23, 2023.
- The PS 5240.01 Female Integrated Treatment (FIT), published on August 11, 2022.
- The PS 5241.01 Management of Aging Offenders, published on April 14, 2022.
- The PS 5355.04 Parenting, Children, and Families, published on April 14, 2022.
- The PS 5242.01 Management of Inmate Veterans, published on April 14, 2022.
- The Operations Memorandum (OM) 001-2022 First Step Act Incentives Procedures under the CARES Act Covered Period, published on April 1, 2022.
- The PS 5220.01 First Step Act Program Incentives, published on July 14, 2021.
- The PS 5400.01 First Step Act Needs Assessment, published on June 25, 2021. This provides policy guidance regarding the SPARC-13 Needs Assessment.

²⁴ FBOP, "About our Agency: Federal Prison Industries," https://www.bop.gov/about/agency/org_fpi.jsp.

- The PS 5200.07 Female Offender Manual, published on May 12, 2021. This provides policy guidance on federal prison facilities housing women in custody, regarding the Act's requirements prohibiting the use of restraints on pregnant individuals absent extreme circumstances. Please note, the FBOP has prohibited this conduct since August of 2014. In concert, the USMS issued similar updated procedures and forms for the USMS and its contracted private detention facilities.
- The OM 001-2019 Home Confinement under the First Step Act, published on May 3, 2021. This provides policy guidance for the Elderly Offender Home Confinement pilot program.
- The PS 6360.02 Pharmacy Services, published on October 24, 2022. This provides policy guidance on the provision of controlled substances for substance use disorders.
- The PS 1610.01 Naloxone Procedures and Protocol for Reversal of Opioid Overdose, published on December 17, 2020. This provides policy guidance on harm reduction strategies.
- The OM 003-2019 Provision of Feminine Hygiene Products, published on July 29, 2020. This provides policy guidance and contracting initiatives that supply sanitary products and ensure that they are available and accessible to women in custody. Please note, this OM was incorporated into PS 5200.07 Female Offender Manual, published on May 12, 2021.
- The PS 5200.06 Management of Inmates with Disabilities, published on November 22, 2019. This provides procedures to implement the dyslexia-screening requirement, which will enable the FBOP to identify those individuals within the FBOP inmate population who have this learning disorder. The FBOP also developed specific tracking codes for dyslexia to ensure that required reporting can occur.
- The PS 5100.08 CN-1 Inmate Security Designation and Custody Classification, published on September 4, 2019. This provides policy guidance on inmate security designation documenting changes in the law with regard to placing individuals in custody within 500 driving miles of their release residence, as well as processing nearer release transfers.
- The PS 5325.07 CN-1 Release Preparation Program, published on August 15, 2019. This provides policy guidance regarding release preparation and assisting inmates with obtaining identification.
- On June 25, 2019, guidance was provided to Wardens about entering into partnerships with nonprofits and other private organizations, including faith-based, art, and community-based organizations; institutions of higher education; private vocational training entities; and industry sponsored organizations. These partnerships enable the FBOP to expand the opportunities for EBRR programs and PAs.
- The PS 5216.06 Juvenile Delinquents, published on April 26, 2019, to reflect FSA language. Please note, the FBOP does not house juveniles in its facilities and policies comply with the FSA requirements that prohibit certain room confinement for juvenile offenders.
- The PS 5575.01 CN-1 Staff Personal Weapons Storage, published on January 18, 2019. This provides policy guidance to enable the FBOP's employees to carry and store personal weapons under 18 U.S.C. § 4050.
- The PS 5050.50 Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582 and 4205(g), published on January 17, 2019.
- Specialized and comprehensive de-escalation training was provided to FBOP employees in accordance with Section 606 of the FSA. The training included psychoeducation to

increase awareness regarding inmates with psychiatric disorders. More than 31,000 FBOP employees have already received this specialized training.

In addition, as of January 2024, the following policies are in various stages of the policy development process:

- The Unit Management and Inmate Program Review PS that includes procedures for utilizing the PATTERN recidivism risk and needs assessment system.
- The Release Preparation Program PS.
- The Medication Assisted Treatment Program: Psychology Services PS.
- The Suicide Prevention Program, Prisoner Transportation Manual, Escorted Trips, and Use of Force and Application of Restraints policies that include guidance regarding the restraint of pregnant and post-partum inmates.
- The Work Programs for Inmates, FPI and Inmate Work and Performance Pay policies that provide information regarding deferred compensation.
- The Community Based Programs, Utilization and Transfer Procedures PS that provides guidance regarding RRC placement, monitoring, and home confinement.
- The Inmate Security Designation and Custody Classification PS that provides policy guidance pertaining to inmate risk for prison misconduct. Of note, this PS significantly informed the development of PATTERN.

VII. An Assessment of the Progress Made Towards Carrying Out the Purposes of the FSA

Since the passage of the FSA in December 2018, the Department has worked to carry out the purposes of the FSA, including in the ways described above. Recent progress includes the following:

- **Maximizing the availability of time credits.** The FBOP has engaged in several initiatives to better calculate and track First Step Act earned time credits. This has allowed employees to receive and respond to multiple inquiries a day regarding application of time credits to release dates.
- **Enhancing the use of home confinement and prerelease custody.** As of January 31, 2024, 17,381 individuals have been released from Residential Reentry Centers (RRCs), home confinement (HC), and secure facilities pursuant to credits earned under the First Step Act.
- **Increasing capacity and participation in evidence-based programming to reduce recidivism.** During 2023, the FBOP recovered from lower programming rates due to COVID-19 and has reached a consistent programming capacity for participation in EBRR programs and PAs with those in custody participating in an average of 103,600 programs on any given day (some participate in multiple programs).
- **Expanding mental health and substance use treatment programs.** As part of its effort to enhance programming, the FBOP continues to expand treatment opportunities for

individuals with mental health and substance use disorders, including expansion of medication-assisted treatment (MAT) for opioid use disorder.

- **Enhancing Reentry Programming.** To strengthen this programming, the FBOP has cultivated partnerships with external individuals and organizations, including individual volunteers; volunteer-based organizations that provide visitation, mentoring, and other services; and contractors that assist with programming and activities. In FY 2023, the FBOP hosted 249 contractors and 2,798 volunteers, totaling 3,047 individuals providing 140,686 hours of various types of service.
- **Assessing and updating the Prisoner Assessment Tool Targeting Estimated Risk and Needs (PATTERN).** In 2023, the National Institute of Justice (NIJ), in consultation with the FBOP, completed the fourth annual revalidation of the FBOP's risk assessment tool, PATTERN. Over the past year, the FBOP continued to implement PATTERN version 1.3. Moving forward, NIJ and its consultants will continue to identify strategies that attempt to reduce the racial disparities associated with the PATTERN tool.
- **Improving Standardized Prisoner Assessment for Reduction in Criminality (SPARC-13) needs assessment system.** The FBOP has continued to improve the SPARC-13 needs assessment system and increase participation in the system. In December 2023, 99 percent of incarcerated individuals participated in the SPARC-13, up from 90 percent in January 2022. The FBOP also increased the efficiency with which assessments are scored and returned to the FBOP's database.
- **Releasing Identification Cards.** As of January 2024, 17 states are participating in the Release ID program that allows U.S. citizens leaving custody to use their Release ID Card to help obtain state identification. These states include Alabama, Alaska, Arkansas, Colorado, Florida, Hawaii, Idaho, Illinois, Iowa, Mississippi, Michigan, New York, New Mexico, Pennsylvania, Oregon, South Dakota, and Texas.

VIII. An Assessment of Budgetary Savings

The FSA directs the FBOP to determine how much, if any, savings have resulted from the First Step Act including:

- savings resulting from the transfer of incarcerated persons into prerelease custody or supervised release under section 3624(g), including savings resulting from the avoidance or deferral of future construction, acquisition, or operations costs;
- savings resulting from any decrease in recidivism that may be attributed to the implementation of the risk and needs assessment system or the increase in EBRR programs and PAs;
- a strategy to reinvest the savings in law enforcement activities; and expansions of EBRR programs and PAs; and
- how any reduced expenditures are currently being used and will be used for various law enforcement and crime reduction efforts.

A. Cost Avoidance Due to Early Transfers to Prerelease Custody and Supervised Release

As was the case in the last Report, it is too soon to assess cost savings resulting from the implementation of the FSA. The FBOP began releasing individuals from FBOP custody to supervised release due to the application of time credits in January 2022, and significantly updated its policy for calculating time credits in November 2022. The FBOP performed new time credit calculations for every individual in its custody in January 2023.

To date, the FBOP has not realized cost savings based on early transfer to prerelease custody. The FBOP is still responsible for the costs for individuals being moved from an institution to home confinement or an RRC. Further, the FBOP is still responsible for certain fixed costs necessary to operate institutions, such as food and medical contracts. Should any budgetary savings occur in future years, they will be addressed in a subsequent Annual Report.

B. Savings Resulting from any Decrease in Recidivism

The FBOP’s most recent Second Chance Act report captures recidivism by fiscal year for a rolling three-year period of recently released individuals. The FY 2023 report uses releases from FY 2016 through FY 2018. The recidivism rate is 45 percent. This rate is not markedly different than the prior year’s report, but this rate is still tied to a population released before the First Step Act of 2018. A true recidivism analysis should reflect full implementation of revised PATTERN 1.3 and SPARC-13, which would indicate review of the AIC release cohort for FY 2023 and tracking those individuals after release for three years. Once the applicable and appropriate data is collected, the FBOP will be able to perform a comprehensive assessment of recidivism rate impacts. In the interim, based on the data available, we have seen no appreciable savings.

IX. Statistics on Incarcerated Individuals with Dyslexia

As part of the needs assessment system, all incarcerated individuals are required to complete screening for dyslexia. As of January 30, 2024, 129,285 incarcerated individuals currently in custody have been screened for dyslexia. Based on the results of the screenings, 1,223 individuals in custody were referred to Special Education Teachers for further assessment, which includes the administration of standardized, norm-referenced assessments.

As of January 30, 2024, 463 incarcerated individuals have been determined to display characteristics of dyslexia and referred for intensive, individualized instruction in a reading and spelling program.

Dyslexia Needs Assessment	Total Incarcerated Individuals	Male	Female	White	Black	Native American	Asian	Hispanic
Dyslexia Yes	801	741	60	424	336	36	5	223
Dyslexia No	128,405	120,210	8,190	73,662	49,606	3,418	1,719	37,590

Incarcerated individuals who refused either the screening or standardized testing are designated as “Dyslexia Refused.”

X. Planned Future FSA Implementation Activities

In FY 2024, the Department will continue to invest in FSA implementation activities. In addition to continuing prior-year initiatives, the FBOP plans to fund new and expanded programs. The FBOP is always exploring new, effective ways to support FSA directives. As such, the FBOP has created a dedicated FSA Office to oversee and manage the progress of FSA implementation activities, as well as provide improved reporting of FSA-related accomplishments.

As of January 2024, the FBOP is planning to further implement FSA-directed Medication-Assisted Treatment (MAT) Programs. These programs will directly support evidence-based treatment for opioid and heroin abuse, including, but not limited to:

- MAT Medication for Opioid Use Disorder;
- MAT Psychologists within high-need institutions;
- Physicians, Nurses, and Pharmacist in high-need institutions; and
- A Telehealth Coordinator provided in each institution to support MAT service delivery.

Further, the FBOP plans to continue to invest in EBRR programs and PAs. Supported vocational training includes culinary programs, HVAC programs, horticulture programs, and doula services and training. This funding will also support Special Population Coordinators to service members of special populations and address needs specific to the special populations. Mental health treatment as a SPARC-13 need will be provided to the most vulnerable populations in institutions with the greatest need.



Culinary Program Space at FCI Bastrop

To effectively execute the FBOP's implementation goals, the FY 2024 FSA plan includes administrative support to provide oversight of new and continuing activities, expansion of program evaluation, and necessary buildings and facilities funding to provide adequate programming space. Lastly, FY 2024 will continue investing in incentives, such as free inmate phone calls, and the expansion of Residential Reentry Centers and home confinement.