

Update on Calculation of First Step Act Time Credits

Recalculation to apply differently for current community placements



Updated 3:45 PM EDT, January 6, 2022

(BOP) -As the BOP continues to make progress in fully implementing the historic First Step Act, there are updates to share regarding the automatic calculation of FSA time credits (FTC). The previous [notification on November 18, 2022](#), announced a grace period, allowing eligible individuals to resolve their non-earning status due to incomplete Needs Assessments or declined programs. That grace period ended on December 31, 2022. The updates being announced today bring automatic FTC calculation into better alignment with our recently implemented FTC policy.

In short, the BOP is recalculating FTC for all eligible individuals. The recalculation is expected to be complete in the coming days. The automatic FTC calculation changes will apply differently in some ways for individuals in BOP secure settings, as compared to those in community placements (Residential Reentry Centers and Home Confinement).

For those in BOP settings:

- Any incomplete Needs Assessments from prior to December 31, 2022 will not impact an individual's ability to earn time credits. However, **beginning January 1, 2023, an incomplete Needs Assessment will preclude an individual from earning FTCs, until the assessment is complete. Individuals may complete the Needs Assessment at any time.** **While FTCs will not be awarded retroactively** for Needs Assessments completed after January 1, 2023, they may be awarded from the date 30 days after the completed assessment moving forward, assuming all other requirements of the FTC federal regulations and FTC policy are satisfied.
- An individual's decision to decline programs prior to December 31, 2022 will not impact their ability to earn FTCs. **However, beginning January 1, 2023, an individual's decision to decline a program recommended to meet an identified need under the FSA will place the individual in non-earning status, in accordance with Bureau FTC policy and FTC regulations.**

For those in community placements:

- Individuals in community placements as of December 31, 2022, will remain, even if their Needs Assessment was not completed or they previously declined a program while in secure custody.
- Individuals in community placements will retain prospectively estimated FTCs despite declined programs prior to implementation of the automatic calculation or any incomplete Needs Assessment prior to community placement.