

The **First Step Act** offers people incarcerated in federal prison the opportunity to earn credits toward early release. Updated 4/31/2021

Not Eligible:

Military prisoners, state boarders, inmates with a final order of deportation. Or inmates convicted in DC Superior Court, For A Complete List: Summary: [First Step Act, S. 756 \(115th Congress, 2018\)](#)

Good Time Credit: The First Step Act will increase the credit to up to 54 days per year of the sentence imposed.

[Earned Time Credit](#), these can be earned by completing rehabilitative programming and/or engaging in “productive activities” like;

- helping deliver programming to other prisoners
- Depending on a person’s risk level, they could earn up to 15 days of credit for every 30 days of programming or productive activities.
- These time credits can be redeemed by some people for early transfer into a halfway house, home confinement, or supervised release.
- In order to redeem earned time credits for transfer,
  - a prisoner must also be assessed as low- or minimum-risk for two consecutive assessments OR
  - have a petition for transfer approved by a warden after the warden determines the prisoner will not be a risk to public safety and is unlikely to recidivate.
- Offenders who complete rehabilitative programs and who are not eligible to receive earned time credits, are eligible for other incentives. They include increased phone and email time ([at the inmate’s expense](#)), expanded visitation, and more options at the commissary. The incentives made available will be decided by each prison’s warden.

To help determine who is eligible (after [excluding people with certain prior offenses](#)), the US Department of Justice created the [Prisoner Assessment Tool Targeting Estimated Risk and Needs \(PATTERN\)](#), a risk assessment tool that predicts the likelihood that a person who is incarcerated will re-offend. This interactive version of PATTERN shows how each risk factor raises or lowers a person’s risk score and can estimate whether they qualify for early release.

How to use this tool:

The tool defaults to the first answer for every risk factor. Make sure to select your own answer for every risk factor to get the most accurate results.

- Because the risk factors for reoffending can differ between **men** and **women**, scoring varies slightly by gender. Start by selecting a gender. Then select answers for each risk factor.
- Risk factors are divided into two categories: **static** and **dynamic**. People who are incarcerated can take steps to change their dynamic risk scores.
- PATTERN calculates two separate scores: a person’s risk of reoffending in **general** and their risk of reoffending with an act of **violence**. Each answer below shows the point values for both scoring methods.
- The **First Step Act** determines whether someone is in a **minimum-, low-, medium-, or high-risk** category for reoffending.
- For someone to be eligible for early release, their **general** and **violent** risk categories **must both be minimum or low**.

CHOOSE ONE:

Men          Women

**RESULTS:** To be eligible for early release,  
The General risk score must be less than 31  
The Violent risk score must be less than 25.

**General:** 22 (Low)

**Violent:** 15 (Low)

Based on these results, this person **would be eligible** for early release.

## STATIC RISK FACTORS

## DYNAMIC RISK FACTORS

### 1. Infraction convictions (all)

0 (*General: 0 points; Violent: 0 points*)

1 (*General: 1 point; Violent: 1 point*)

2 (*General: 2 points; Violent: 2 points*)

> 2 (*General: 3 points; Violent: 3 points*)

### 2. Infraction convictions (serious and violent only)

0 (*General: 0 points; Violent: 0 points*)

1 (*General: 2 points; Violent: 2 points*)

2 (*General: 4 points; Violent: 4 points*)

> 2 (*General: 6 points; Violent: 6 points*)

### 3. Amount of time since last infraction (any)

No infractions/> 12 months (*General: 0 points; Violent: 0 points*)

7–12 months (*General: 2 points; Violent: 1 point*)

3–6 months (*General: 4 points; Violent: 2 points*)

< 3 months (*General: 6 points; Violent: 3 points*)

### 4. Amount of time since last infraction (serious and violent only)

No infractions/> 12 months (*General: 0 points; Violent: 0 points*)

7–12 months (*General: 1 point; Violent: 1 point*)

3–6 months (*General: 2 points; Violent: 2 points*)

< 3 months (*General: 3 points; Violent: 3 points*)

### 5. Number of programs completed (any)

The [approved programs](#), which [are described here](#), are:

Adult Continuing Education,

The Challenge Program,

The Life Connections Program, the BRAVE program,

The Mental Health Step Down program.

The National Parenting from Prison Program,  
The Sex Offender Treatment Program (residential or non-residential),  
The Skills Program,  
The STAGES program,

- 0 (*General: 0 points; Violent: 0 points*)
- 1 (*General: -2 points; Violent: -1 point*)
- 2–3 (*General: -4 points; Violent: -2 points*)
- 4–10 (*General: -6 points; Violent: -3 points*)
- > 10 (*General: -8 points; Violent: -4 points*)

## **6. Work programming**

The number of programs completed during current incarceration:

Technical,

Vocational, or

Prison-industry (UNICOR)

- 0 (*General: 0 points; Violent: 0 points*)
- 1 (*General: -1 point; Violent: -1 point*)
- > 1 (*General: -2 points; Violent: -2 points*)

## **7. Drug treatment while incarcerated**

- No need indicated (*General: -9 points; Violent: -3 points*)
- Completed residential drug treatment during incarceration (*General: -6 points; Violent: -2 points*)
- Completed drug treatment during incarceration (*General: -3 points; Violent: -1 point*)
- Need indicated but no treatment during incarceration (*General: 0 points; Violent: 0 points*)

## **8. Education**

- Verified high school degree or GED (*General: -4 points; Violent: -2 points*)
- Enrolled and progressing in GED program (*General: -2 points; Violent: -1 point*)
- No verified degree and not participating in GED program (*General: 0 points; Violent: 0 points*)

## **9. Noncompliance with financial responsibility**

Not applying income earned during incarceration toward restitution and dependents, if applicable.

- No (*General: 0 points; Violent: 0 points*)
- Yes (*General: 1 point; Violent: 1 point*)

## **10. History of violence**

- None (*General: 0 points; Violent: 0 points*)
- > 10 years since a minor incident (*General: 1 point; Violent: 1 point*)
- 5–10 years since a minor incident (*General: 3 points; Violent: 3 points*)
- < 5 years since a minor incident (*General: 5 points; Violent: 5 points*)

- > 15 years since a serious incident (*General: 2 points; Violent: 2 points*)
- 10–15 years since a serious incident (*General: 4 points; Violent: 4 points*)
- 5–10 years since a serious incident (*General: 6 points; Violent: 6 points*)
- < 5 years since a serious incident (*General: 7 points; Violent: 7 points*)

**11. History of escape attempts**

- None (*General: 0 points; Violent: 0 points*)
- > 10 years since a minor attempt (*General: 2 points; Violent: 1 point*)
- 5–10 years since a minor attempt (*General: 4 points; Violent: 2 points*)
- < 5 years since a minor or any serious attempt (*General: 6 points; Violent: 3 points*)

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