

# GAO Highlights

Highlights of [GAO-23-105139](#), a report to congressional committees

## Why GAO Did This Study

Approximately 45 percent of people released from a federal prison are re-arrested or return within 3 years of their release. The First Step Act included certain requirements for DOJ and BOP aimed to reduce recidivism, including requiring the development of a system to assess the recidivism risk and needs of incarcerated people. It also required BOP to provide incarcerated people with programs and activities to address their needs and if eligible, earn time credits.

The First Step Act required GAO to assess the DOJ and BOP's implementation of certain requirements. This report addresses the extent to which DOJ and BOP implemented certain First Step Act requirements related to the (1) risk and needs assessment system, (2) identification and evaluation of programs and activities, and (3) application of time credits.

GAO reviewed legislation and DOJ and BOP documents; analyzed 2022 BOP data; and interviewed DOJ and BOP headquarters officials and BOP's employee union. GAO also conducted non-generalizable interviews with officials from four BOP regional offices facilities, selected to ensure a mix of different facility characteristics.

## What GAO Recommends

GAO is making eight recommendations for BOP to improve its implementation of the First Step Act, including collecting data, ensuring its evaluation plan has goals and milestones, having monitoring mechanisms, and tracking unstructured productive activities. BOP concurred with six recommendations, but did not concur with two. GAO continues to believe these are valid.

View [GAO-23-105139](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or [GoodwinG@gao.gov](mailto:GoodwinG@gao.gov)

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## FEDERAL PRISONS

### Bureau of Prisons Should Improve Efforts to Implement its Risk and Needs Assessment System

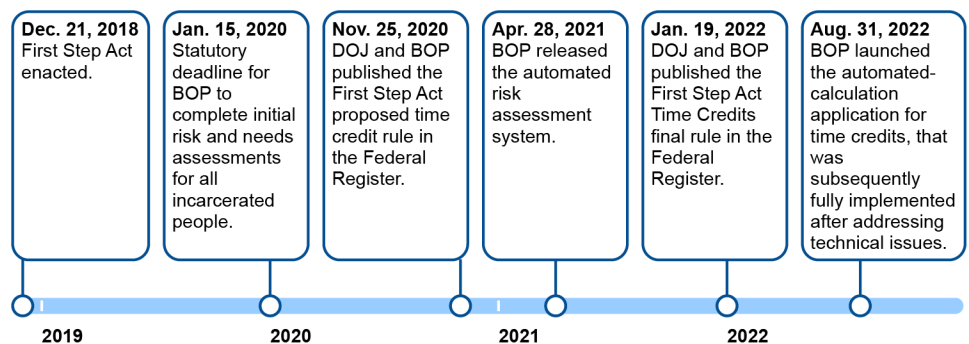
## What GAO Found

Since the enactment of the First Step Act of 2018, the Department of Justice (DOJ) developed a risk assessment tool to measure an incarcerated person's risk of recidivism. In addition, the Bureau of Prisons (BOP) modified its existing needs assessment system to identify incarcerated people's needs, that if addressed may reduce their recidivism risk. However, BOP does not have readily-available, complete, and accurate data to determine if assessments were conducted within required First Step Act and internal timeframes. As of October 2022, BOP plans to implement monitoring efforts to assess First Step Act requirements, but has not determined if these efforts will measure whether assessments are completed on time. Without such data and monitoring, BOP is not in a position to determine if staff complete assessments on time, which are necessary for earning First Step Act time credits. These time credits may allow incarcerated people to reduce the amount of time they spend in a BOP facility.

BOP created a plan to evaluate its evidence-based programs, as required by the First Step Act. However, the plan did not include quantifiable goals that align with certain First Step Act requirements, or have clear milestone dates. By including such elements in its plan, BOP will be better positioned to ensure its evaluations are conducted in a timely manner, and align with the First Step Act. BOP has some data on who participates in its programs and activities, but does not have a mechanism to monitor if it offers a sufficient amount. Without such a mechanism, BOP cannot ensure it is meeting the incarcerated population's needs. Further, while BOP offers unstructured productive activities for which incarcerated people may earn time credits, BOP has not documented a complete list or monitored them. Without doing so, BOP cannot ensure it provides transparent information.

BOP's procedure for applying time credits has evolved over time (see figure). Initially, BOP did not have data necessary to track time credits and developed an interim approach in January 2022. Subsequently, BOP implemented an automated-calculation application for time credits that took into account factors the interim procedure did not. As a result, some incarcerated people may have had their time credits reduced. In November 2022, BOP issued its First Step Act Time Credits program statement, with new procedures.

#### Timeline of the Department of Justice (DOJ) and Federal Bureau of Prisons (BOP) Implementation of the First Step Act Time Credit Procedure



Source: GAO analysis of DOJ and BOP documentation. | [GAO-23-105139](#)