

Talking Points

First Step Act Time Credits Calculation

- As the FSA Time Credits policy nears publication, the Bureau continues to adhere to the published Federal Regulations in calculating inmate time credits.
- In January 2022, the federal regulations were published describing how First Step Act time credits (FTCs) are earned and applied. BOP used this guidance to calculate FTCs, and more recently an automated calculator was implemented.
- When this automation happened, some inmates noticed their time credit balance decreased. The primary reasons for this change are because inmates did not complete needs assessments and/or declined programs.
- To assist inmates in addressing these issues, Unit Team staff will receive rosters identifying the individuals who lost credit.
- **A grace period will be available until December 31, 2022, so that inmates who had not completed all needs assessments or who had declined programs may try to address this status.** During this period, the agency will work to assist all inmates in completing their needs assessments, and if completed by December 31, 2022, they will earn available FTCs.
- Needs assessments will be reissued during this time period to inmates with unassessed needs. In addition, any decline codes in place up to December 31, 2022, will not result in an inmate being placed in non-earning status. The BOP will work with inmates to develop a new plan if they have program decline codes and will only withhold if an inmate again declines to participate in a recommended program.
- **Beginning January 1, 2023, full automation will begin, and any incomplete needs assessments or any declined to participate codes will lead to the inmate not earning FTCs in accordance with the federal regulations.**
- Staff should advise inmates to correct any issue which currently impacts the earning of time credits. Failure to resolve these issues by the deadline will result in inmates being ineligible to earn or apply the time credits earned when the full auto-calculation resumes (and accounts for program declines and missing needs assessments).
- While this information will be posted to inmates on TRULINCS, Unit Managers are primarily responsible for communications with the inmate population regarding FSA

time credit implementation information via town halls, open-house hours, etc.

- Three additional changes are being made to how credits are calculated:
 - First, inmates will soon be able to see all potential FTC they may earn over the course of their sentence at their first Unit Team meeting. This number is only an estimate; it is not a guarantee and may change depending on the inmate's successful participation in programming or non-participation.
 - Second, inmates will be able to earn credit while in administrative detention. In doing so, it is expected that inmates will continue participating in available programming opportunities provided to them.
 - Finally, inmates will be able to continue earning credit while in the community, so long as they continue to successfully comply with all the rules and procedures of pre-release custody.
- While this information will be posted to inmates on TRULINCS, Unit Managers are primarily responsible for communications with the inmate population regarding FSA time credit implementation information via town halls, open-house hours, etc.