

FEDERAL BUREAU OF PRISONS



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Life of a BOP Sentence



BOP SENTENCE

Institution Time

RRC

HC

Can be impacted by:

Prior Custody Credit

Good Conduct Time

FSA Time Credits

Reduction In Sentence (Compassionate Release)



SENTENCE COMPUTATION



COMMENCEMENT OF SENTENCE

- 18 U.S.C. § 3585(a): a federal sentence “commences on the date the defendant is received in custody awaiting transportation to, or arrives voluntarily to commence service of sentence at, the official detention facility at which the sentence is to be served.”
- Date of imposition is the earliest a sentence can begin



SENTENCE COMPUTATION

PRIOR CUSTODY CREDIT

- 18 U.S.C. § 3585(b): credit for time spent in official detention before the sentence commences due to the offense or any other charges the inmate was arrested for after committing the instant federal offense ... that has not been credited against another sentence.
- Generally NO DOUBLE CREDIT (will look at judicial intent if ordered)
- 2 exceptions (*Willis & Kayfez*) where state/fed concurrent sentences
- U.S.S.G. § 5G1.3(b)(1): courts can adjust sentence for related prior custody credit the BOP won't grant toward federal term



SENTENCE COMPUTATION

Interaction with State Sentence



MUST DETERMINE PRIMARY JURISDICTION

- Ponzi v. Fessenden, 258 U.S. 254, 262 (1922) — Supreme Court held the question of who exercises custodial jurisdiction over an individual charged with crimes against two sovereigns was a matter of comity between the two sovereigns
- Remains vested in the sovereign that first arrests a defendant until that sovereign relinquishes its priority through operation of law (bail release, dismissal of charges, parole, sentence expiration) or mutual agreement
- Concurrent versus consecutive sentences



Good Conduct Time

18 USC § 3624 and 28 CFR § 523.20



- **54 DAYS PER YEAR IMPOSED**
 - (SOME EXCEPTIONS)
 - AWARDED UP FRONT
 - (SUBJECT TO LOSS BY DHO)
- **AUTOMATED IN SENTRY SO RELEASE DATE ACCOUNTS FOR ALL PROJECTED GCT**



First Step Act COMPONENTS



RISK ASSESSMENT

NEEDS ASSESSMENT

PROGRAMS AND ACTIVITIES TO ADDRESS NEEDS

INCENTIVES



First Step Act RISK



PRISONER ASSESSMENT TOOL TARGETING ESTIMATED RISK AND NEED (PATTERN)

(HIGH-MEDIUM-LOW-MINIMUM)

ON VERSION 1.3 (AS OF MAY 2022)

AUTOMATED

REASSESSMENTS



First Step Act NEEDS



STANDARDIZED PRISONER ASSESSMENT FOR REDUCTION IN CRIMINALITY (SPARC-13)

13 CATEGORIES

(EDUCATION-PSYCHOLOGY-HEALTH SERVICES-UNIT TEAM)

4 REQUIRE INMATES COMPLETE ON COMPUTER
(IF FAIL, DEEMED REFUSED)

INITIAL ASSESSMENT VS. REASSESSMENT

REASSESSED EVERY 180 DAYS (PROGRAM REVIEW)
PROGRAM STATEMENT 5400.01



First Step Act ADDRESSING NEEDS



**EVIDENCE BASED RECIDIVISM REDUCTION PROGRAMS
(EBRR)
AND
PRODUCTIVE ACTIVITIES
(PA)**

**FSA APPROVED PROGRAM GUIDE
(MAY 2022)**

WWW.BOP.GOV



First Step Act

TIME CREDITS



18 USC § 3632

18 USC § 3624

28 CFR § 523.40 – 523.44

NO PROGRAM STATEMENT YET



First Step Act Eligible to Earn Time Credits



18 USC § 3632

DISQUALIFYING OFFENSES

10 DAYS PER 30 DAYS OF SUCCESS PARTICIPATION

**15 DAYS PER 30 DAYS OF SUCCESSFUL PARTICIPATION
(LOW/MINIMUM OVER LAST 2 ASSESSMENTS)**

DECEMBER 21, 2018



First Step Act Eligible to Earn Time Credits



SUCCESSFUL PARTICIPATION
PARTICIPATING OR WAITLIST

ANY PART OF A DAY = A DAY

**REFUSAL/OPT OUT OR VIOLATES RULES = PAUSE
OF ACCRUAL OF TIME CREDITS**

**WILL NOT EARN WHEN:
ON WRIT-IN SHU-OUT OF INSTITUTION-FURLOUGH**



First Step Act

Eligible to Apply Time Credits



18 U.S.C. § 3632 & § 3624

28 C.F.R. § 523.44

-NO REMOVAL ORDER

-NO DETAINER

-CREDITS THAT EQUAL REMAINDER OF SENTENCE

-LOW/MINIMUM OR SHOWN REDUCTION IN PATTERN



First Step Act

Time Credit Benefits



TRANSFER TO SUPERVISED RELEASE

MUST HAVE A TERM OF SUPERVISED RELEASE

MUST BE LOW/MINIMUM ON LAST PATTERN

MAXIMUM OF 365 DAYS CREDIT

18 U.S.C. § 3624 (NOT TO EXCEED 12 MONTHS)

PLACEMENT IN PRERELEASE CUSTODY

LOW/MINIMUM ON LAST 2 PATTERN ASSESSMENTS

OR

HAD TRANSFER TO RRC OR SR APPROVED BY WARDEN

-NOT A DANGER TO SOCIETY

-GOOD FAITH EFFORT TO REDUCE PATTERN

-UNLIKELY TO RECIDIVATE



First Step Act

Eligible to Earn
BUT
Ineligible to Apply



INCENTIVES

PHONE/VISITATION PRIVILEGES
NEARER RELEASE TRANSFER
ACHIEVEMENT AWARDS
PREFERRED HOUSING
INCENTIVE EVENTS

PROGRAM STATEMENT 5220.01



First Step Act Time Credits + 3621(e)



INTERACTION WITH 3621(E) EARLY RELEASE

- 1) DETERMINE STATUTORY RELEASE DATE**
- 2) APPLY 3621(E) EARLY RELEASE FIRST**
- 3) THEN APPLY FSA TIME CREDITS(UP TO 365)**

**FOR 3621(E) COMPLETION, MUST DO 120 DAYS IN
COMMUNITY BASED TREATMENT
(RRC OR HC)**



First Step Act Time Credits



**BOP'S OFFICE OF RESEARCH AND EVALUATION
(ORE) CURRENTLY CALCULATING TIME CREDITS**

**DEVELOPING AN FSA TIME CREDIT CALCULATOR
THAT WILL RUN IN SENTRY**

**ONCE THE SENTRY CALCULATOR IS RUNNING,
ORE WILL NO LONGER CALCULATE TIME
CREDITS**



RESOURCES



FIRST STEP ACT

WWW.BOP.GOV/INMATES/FSA/

JUNE 2021 – FSA NEEDS ASSESSMENT

JANUARY 2022 – APPROVED PROGRAM GUIDE

MARCH 2022 – REVIEW OF THE NEEDS ASSESSMENT

APRIL 2022 – A.G. ANNUAL REPORT



RESOURCES



WWW.BOP.GOV

INMATE LOCATOR

INMATES TAB THEN "FIND AN INMATE"
(WHEN IN TRANSIT WILL SHOW NOT IN BOP CUSTODY)

PROGRAM STATEMENTS

RESOURCES TAB THEN "POLICY & FORMS"

BOP LEGAL RESOURCE GUIDE

(RESOURCES TAB THEN PUBLICATIONS)



QUESTIONS?

