



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: RSD/RSD
NUMBER: 5220.01
DATE: July 14, 2021

First Step Act Program Incentives

/s/

Approved: M.D. Carvajal
Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

To ensure the Bureau of Prisons (Bureau) properly implements provisions of the First Step Act of 2018 (FSA) requiring the establishment of incentives for successful participation in recommended programs.

a. **Program Objectives.** Expected results of this program are:

- Program completion incentives will be clearly defined and standardized across the agency. The Directory of approved programs is available on the agency's intranet and public website.
- Staff will be provided information on which programs are associated with which incentives and how to apply them to individual inmates.
- Resources will be allocated for institutions to deliver incentives in accordance with the law.

b. **Institution Supplement.** None required. Should local facilities make any changes outside those required in national policy or establish any additional local procedures to implement national policy, the local Union may invoke to negotiate procedures or appropriate arrangements.

2. BACKGROUND

The FSA, codified in part in Title 18 U.S.C. § 3632, provides that eligible inmates may earn time credits (FSA Time Credits; FTC) for successfully participating in and completing approved Evidence-Based Recidivism Reduction (EBRR) programs or Productive Activities (PAs). Eligibility is based on offense history. As required by the FSA, 18 U.S.C § 3632 (d)(4)(D), an inmate cannot earn FTC if he or she is serving a sentence for a disqualifying offense or has a disqualifying prior conviction.

The FSA further provides for additional incentives beyond FTC for inmates who participate in and successfully complete EBRR programs. This Program Statement describes the process for earning and awarding of those incentives.

3. DEFINITIONS

Incentive: A tangible reward available to any inmates who participate in EBRR Programs in areas identified as needs through the Risk and Need Assessment process.

Evidence Based Recidivism Reduction Program (EBRR): A category of programs defined by the FSA. A list of approved EBRR Programs is maintained on the agency's intranet and public website.

Successful Participation: To be successfully participating in programming, inmates must (a) attend all sessions with only excused absences; (b) complete all assigned activities/homework; and (c) comply with the rules and instructions set forth by the program instructor.

4. AGENCY RESPONSIBILITIES

The following BOP components are responsible for the establishment and implementation of incentives systems. All incentives are contingent upon availability of staff and funding resources.

a. Central Office

(1) The **Reentry Services Division** develops and defines incentives. This includes:

- Providing accessible information for all staff on the division's website regarding available incentives.
- Approving new incentives.
- Providing guidance and direction to Regional staff and institution leadership on questions related to incentives.

(2) The **Administration Division** allocates dedicated Congressionally-appropriated FSA funding.

b. Regional Offices

- Distribute funds to purchase and fund incentives.
- Assign the Senior Deputy Regional Director as the staff member providing oversight of incentives. He/She will ensure all questions from the facilities are answered, trends are tracked regarding which incentives are most effective at incentivizing program participation.

c. Institutions

- Ensure inmates have access to information about incentives associated with program participation.
- Load program completions in SENTRY and award the appropriate incentives.

5. AWARDING OF INCENTIVES

Incentives are only available to inmates who have a complete risk and needs assessment. Incentives are awarded when inmates successfully complete, enroll, or participate in recommended programs or activities. No incentives are available for partial completion, failure, or program withdrawal.

Each EBRR program has a set of unique SENTRY assignments that are available on the RSD intranet. Staff delivering the program load enrollment and completion status assignments. Inmates are able to receive incentives for those programs that were recommended by Unit Team based upon an identified need in any of the following 13 areas: anger/hostility, antisocial peers, cognitions, dyslexia, education, family/parenting, finance/poverty, medical, mental health, recreation/leisure/fitness, substance abuse, trauma, and work.

6. MATCHING INCENTIVES WITH PROGRAMS

Any confirmed EBRR program participation results in additional phone and visitation privileges and consideration for a nearer release transfer as specified in 18 U.S.C. § 3632(d)(2) (see Section 7, below).

In addition, inmates will be eligible for an additional incentive based on the duration of the EBRR program. Inmates completing EBRR programs identified on the RSD Sallyport page and the BOP public website as being under 100 hours are eligible for access to FSA incentive events.

Inmates who have completed EBRR programs of 100 hours or more, will select either an FSA achievement award or access to placement in a preferred housing unit at their regularly scheduled Program Review. This request will be made to the inmate's Unit Team.

7. TYPES OF INCENTIVES

Title 18 of the United States Code, Section 3632(d), provides in relevant part that the risk and needs system:

shall provide incentives and rewards for prisoners to participate in and complete evidence-based recidivism reduction programs as follows:

(1) PHONE AND VISITATION PRIVILEGES.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall receive—

(A) phone privileges, or, if available, video conferencing privileges, for up to 30 minutes per day, and up to 510 minutes per month; and

(B) additional time for visitation at the prison, as determined by the warden of the prison.

As an incentive for successful participation or completion of an assigned EBRR program, inmates may be afforded additional phone and visitation privileges in accordance with existing policies (Inmate Telephone Regulations and Visiting Regulations) as follows:

1. 510 minutes of phone minutes at no charge to the inmate for one month's validation cycle with a limit of 30 minutes per day; and
2. Additional time for social visitation at the institution, as determined appropriate by the Warden.

Trust Fund staff will receive a monthly roster of inmates who are eligible for the 510 minute telephone incentive award from Central Office Systems Development Branch to update individual inmate phone/visiting limits. Ordinarily, the 510 minutes will take effect at the beginning of the inmate's monthly revalidation cycle.

(2) TRANSFER TO INSTITUTION CLOSER TO RELEASE RESIDENCE.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall be considered by the Bureau of Prisons for placement in a facility closer to the prisoner's release residence upon request from the prisoner and subject to—

(A) bed availability at the transfer facility;

(B) the prisoner's security designation; and

(C) the recommendation from the warden of the prison at which the prisoner is incarcerated at the time of making the request.

As an incentive for successful participation or completion of an assigned EBRR program, an inmate may be considered for placement at a facility closer to the inmate's release residence upon request of the inmate, subject to:

1. The recommendation of the Warden at the inmate's current institution;

2. A determination by the Designation and Sentence Computation Center that the proposed receiving institution is an appropriate facility for the inmate, following a review of the relevant designation criteria; and
3. Bed availability at the proposed receiving institution.

(3) ADDITIONAL POLICIES.—The Director of the Bureau of Prisons shall develop additional policies to provide appropriate incentives for successful participation and completion of evidence-based recidivism reduction programming.

In addition to additional phone/visitation privileges and nearer release transfer consideration, the Bureau has approved achievement awards, placement in preferred housing units, and access to FSA incentive events will be available to inmates who complete the appropriate programs. All five types of incentives must be available at every facility housing sentenced inmates.

FSA achievement awards. Inmates may earn a limited financial award to offset time lost from work as an additional incentive for successfully completing particularly intensive EBRRs in areas where they have identified needs.

Trust Fund staff will receive a monthly roster of inmates who have completed a single EBRR program worth 100 hours or more from Central Office Systems Development Branch for this incentive. Specific information about FSA achievement awards is available on the Reentry Services Division intranet page.

Preferred housing. Wardens may establish preferred housing units with the approval of the Assistant Directors of the Reentry Services and Correctional Programs Divisions and their respective Regional Director. The Getting Ready for the Outside World (GROW) special mission unit may be used as a preferred housing unit incentive. This unit promotes the acquisition of reentry skills by directing participants towards the reentry areas and programs most critical for them, and is likely to be quieter, well maintained, and include a cohort of inmates focused on personal wellbeing and growth. No other special mission unit placement may be used as an FSA program incentive. Wardens may also allow inmates to request a specific unit on the compound as preferred housing, but this unit may not include a locally developed special program.

Residential programs within the Bureau (e.g., the Residential Drug Abuse Program) are established by Executive Staff and are not considered preferred housing. This Program Statement does not change admission procedures for any residential programs.

Incentive events. Institutions must host at least one FSA incentive event quarterly. Events may include movie nights, special visit sessions, or parent-child events.

8. LOSS OR REMOVAL OF INCENTIVES

Inmates who refuse to participate in the Inmate Financial Responsibility Program (IFRP) shall not receive incentive awards for participation/completion in EBRR's while on refuse status.

Inmates who are found guilty of misconduct may not earn incentives for the time periods listed below. The below time periods will begin the day after the Unit Disciplinary Committee or the Disciplinary Hearing Officer has found that the inmate has committed the prohibited act(s).

120 days for a 100 Series incident report.

90 days for a 200 series incident report.

60 days for a 300 series incident report.

30 days for a 400 series incident report.

REFERENCES

Statutes

18 U.S.C. § 3632

Program Statements

P2310.03	Use of Appropriations (7/13/2000)
P4500.12	Trust Fund/Deposit Fund Manual (3/14/2018)
P5251.06	Inmate Work and Performance Pay (10/01/2008)
P5264.08	Inmate Telephone Regulations (1/24/2008)
P5267.09	Visiting Regulations (12/10/2015)
P5270.09	Inmate Discipline Program
P5380.08	Inmate Financial Responsibility Program (1/27/2000)

ACA Standards (see Program Statement Directives Management Manual, Section 2.5 and 10.3)

Records Retention

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.