UV4SOR Advocates!

We are sending this letter to oppose the fact that those who are incarcerated due to a sex offense are excluded for the First Step Act (FSA). See Information below.

**INSTRUCTIONS:
Download the letter template titled "First Step Act Individual Letter" from the UV4SOR website HERE . Download the template and edit it with your personal information and current date, print and mail it to the name and address on the letter (US Attorney General Merrick Garland).

Note: If you cannot edit the letter in PDF format, copy and paste it into a new Word document. For help, you can CONTACT US with any questions – thank you!

If you can mail more than one letter, you can send it to both the original addressee, the Senate Committee on the Judiciary, the House Committee on the Judiciary, and/or your elected state representatives.

You can find the legislative leaders for your state here:

-US Senate
 https://www.senate.gov/senators/senators-contact.htm

-US Congress
 https://www.house.gov/representatives/find-your-representative

Information regarding the FSA and the list of exclusions:
FAMM-FIRST-STEP-Act-Summary-Senate-version.pdf

The First Step Act (S. 756) was passed out of Congress on December 20, 2018. The bill is a revised version of the prison-reform only FIRST STEP Act (H.R.5682), which passed the House of Representatives in May of 2018. While not perfect, the First Step Act brings many long overdue reforms to our nation's federal prison system as well as some of our most ineffective federal mandatory minimum sentencing laws.

The bill excludes many people from earning and using time credits. Any person who will return to our communities from prison someday should get time credit incentives for doing the hard work of rehabilitation.
Earned time credits are earned for participation in the recidivism reducing programs and are used in exchange for more time in a halfway house or on home confinement at the end of a person's sentence.

People who committed the following offenses cannot earn time credits under the First Step Act: Disqualifying Offenses (See specifically U.S. Code; Title 18 - Chapters 109 and 110.)

https://www.bop.gov/resources/fsa/time_credits_disqualifying_offenses.jsp?fbclid=IwAR0KP1Xlrc-0fr1RMMl-ZS-FQxSJyKH4sSN42YebABP7dZ-bZ8We9b5VDuU

-More Information from FAMM:

-Information from Prison Professors:

The First Step Act of 2018 is an ambitious and meaningful step towards criminal justice reform, the most significant one in decades. It seeks to increase the BOP's level of treatment for each prisoner, which can only be achieved when there are specific tools in place to help BOP understand their individual needs.

In particular, the First Step Act wants to improve the delivery of programming needs to people incarcerated in federal prisons. A key area for programming is to offer programs and productive activities designed to address the recidivism risks prisoners present.

The first step is to determine each person's recidivism risk levels accurately. Together with assessing a person's risk levels, the BOP must assess their individualized needs.

As people in the federal system work on programs proven to reduce recidivism or re-offending risks, the BOP must offer eligible prisoners incentives like early release, sentence reductions, pre-release custody, and job placement programs.

Under the First Step Act, Congress mandated that the Federal Bureau of Prisons (BOP) develop and implement a new PATTERN risk and needs assessment tool.

The goal of PATTERN, which stands for Prisoner Assessment Tool Targeting Estimated Risk and Needs, is to help the BOP meet an incarcerated person's individual needs to the BOP programs and activities that can best address those needs.

What is a federal prisoner's PATTERN score?

The BOP calculates a prisoner's PATTERN score as 2 separate scores: a person's risk of re-offending in general and their risk of re-offending with an act of violence. These scores determine whether someone is in a minimum-, low-, medium-, or high-risk category for re-offending.

Specifically, PATTERN consists of two different assessments. One predicts the risk of any re-arrest within 3 years of release from prison, and another focuses on re-arrest for a violent offense.

Both assessments have the same four-level risk scale: minimum, low, medium, and high. The models share a standard set of input factors but weigh the factors differently. If a person receives two different scores and risk classifications, their final classification of risk will be the higher of the two.

Click HERE to see The First Step Act Risk Assessment Tool

Specific goals and purposes of PATTERN

Under the First Step Act, the specific purposes and goals of PATTERN include:

- Classify all federal prisoners as having a minimum, low, medium, or high risk of recidivism or re-offending using an accurate tool.

- Assess each federal prisoner for risk of violence or severe misconduct.

- Based on the above, determine what programs and productive activities will help each federal prisoner address their needs and reduce their risk of recidivism or violence.

- Make a federal prisoner's PATTERN assessment dynamic, not static. Reassess periodically for progress.

- Tailor each federal prisoner's programs and productive activities to their needs, based on periodic risk reassessments. Provide people a chance to chart progress and reduce their classifications.

- Provide people incentives and rewards for participation in programs or productive activities.

- Help determine a federal prisoner's readiness to transfer to pre-release custody, home confinement, or supervised release.

In mandating the PATTERN tool under the First Step Act, Congress believed that the BOP could not make individualized determinations about people without investing in getting to know the risks and needs of each federal prisoner individually.

Four keys to an effective PATTERN tool

As conceived by Congress, the PATTERN tool can only be effective throughout the federal prison system if it meets the following four criteria:

- Racially and ethnically neutral.

- Dynamic.

- Subject to regular reassessment.

- Targeted to criminogenic needs.

Racially or ethnically neutral: this is essential because, historically, the criminal justice system's risk and needs assessment tools have been accused of racial and ethnic bias. Racially or ethnically neutral means that race and ethnicity play no role in the process of assessing people's risks of re-offending or programming needs.

Dynamic or changeable: this means people should be able to influence their PATTERN scores for the better. People in federal prison cannot change certain static factors like prior criminal history, age, criminal offense, etc. But there are dynamic factors that can change with treatment and programming, and PATTERN must measure them. For example, prisoners can control their prosocial behavior and good conduct over a given timeframe. Thus, PATTERN must include and periodically measure dynamic factors that show a person's improvements. One example that can be measured and reassessed is the time since a person's last infraction for violating prison rules. Participation or lack of participation in education, mental health, or drug treatment programs is another dynamic factor.

Regular reassessments: each federal prisoner's needs and risks should be reassessed and recalculated on a regular basis. A prisoner who initially scored as a high risk to re-offend or for risk of future violence under PATTERN may be able to influence their score on those factors. People's needs change over time, including the most helpful programs and productive activities.

Address criminogenic needs, which are the individual characteristics or traits that relate directly to a person's likelihood to commit another crime. Many criminogenic needs are subject to improvement with treatment and evidence-based recidivism-reducing programs.

For example, drugs and substance abuse often contribute to criminal behavior and can be addressed with drug treatment. Lack of employment skills or literacy skills often contributes to criminality, and the BOP offers programs that can help people gain employment and literacy.

Annual PATTERN review

The BOP has recently taken steps to reassure Congress and the public that PATTERN meets the goals and purposes of the First Step Act.

Still, PATTERN is a work in progress. The BOP will conduct an annual review and publish a report to ensure transparency. The most recent report is the December 2021 Annual Review and Revalidation of the First Step Act Risk Assessment Tool, available in full here:

[2021 Review and Revalidation of the First Step Act Risk Assessment Tool](#)

While the BOP asserts that PATTERN is a reliable and accurate predictive tool, it also says that concerns remain that racial and ethnic differences affect PATTERN's predictions of risk for recidivism.

The First Step Act requires that the DOJ/BOP "review, validate, and release publicly on the Department of Justice website the risk and needs assessment system," and ". . .to identify any unwarranted disparities, including disparities among similarly classified prisoners of different

demographic groups . . ." 18 USC 3631(b)(4)(E).

To ensure the government takes all necessary steps to address and mitigate against racial bias or other disparities from PATTERN, the DOJ/BOP has to publish statistics in several categories each year.

Most relevant to PATTERN implementation, Congress wants to see how many individuals from each racial and ethnic group received risk and needs assessment score classifications of "high," "medium," "low," and "minimum" based on their most recent PATTERN assessment.

 PATTERN will continue to get refined and updated annually. The BOP staff will receive ongoing training regarding implementing the PATTERN system.

Conclusion

The PATTERN assessment tool helps the BOP comply with the goals of the First Step Act. PATTERN is a step towards *eligible* prisoners getting earned time credits and earning early release.

The PATTERN tool provides the BOP with guidance on the type, amount, and intensity of recidivism reduction programming and productive activities for each person in their custody.

PATTERN also provides BOP with guidance on grouping people with similar risk levels together in recidivism reduction programming and housing assignments.

We continue to monitor the development of PATTERN and its impact on the people going through the federal criminal justice system.

https://prisonprofessors.com/pattern-first-step-act/