



## First Step Act Risk and Needs Assessment FAQ

**Background:** The First Step Act, signed into law on December 21, 2018, required the Department of Justice (DOJ) to create a new risk and needs assessment tool. The tool is to be used within the Bureau of Prisons (BOP) to periodically assess prisoners' risk of recidivism and categorize them as having a minimum, low, medium, or high risk of recidivism. Their assessment outcome will determine the rehabilitative programming that individuals are assigned, as well as the incentives they will be offered to complete programs. On July 20, 2019, the DOJ released its tool, named the Prisoner Assessment Tool Targeting Estimated Risk and Needs (PATTERN).

**Q:** What does the PATTERN tool measure?

**A:** The PATTERN tool determines two separate categories. The first is the risk of general recidivism, defined as a new arrest or return to BOP custody. The second is the risk of violent recidivism, defined as a new arrest or return to BOP custody due to a violent offense. Each individual is given a score for both general and violent recidivism. These scores help determine whether an individual is at a minimum, low, medium, or high risk of recidivism.

If an individual is found to be at minimum risk of both general and violent recidivism, he or she is classified as having an overall minimum risk of recidivism. An individual who is at a lower than medium risk in both general and violent recidivism (but not minimum in both) is determined to be at a low risk of recidivism overall. Those who receive a high risk score in either general or violent recidivism are given a designation of high risk of recidivism. Finally, those who are found to be at neither minimum, low, or high risk are classified as at medium risk.

**Q:** How does the PATTERN tool determine an individual's risk score?

**A:** The PATTERN tool assesses 17 individual factors. Six of these factors are static, meaning they do not change over time -- for example, "age at first arrest." The remaining 11 factors are dynamic, meaning they can change over the course of incarceration. The factors are as follows:

**Static:**

- Age at first arrest;
- Instant offense (violent or nonviolent);
- Sex offender;
- Criminal history score;
- History of violence; and
- Voluntary surrender

**Dynamic:**

- Age at time of assessment;
- Infraction convictions while incarcerated (any);



Infraction convictions while incarcerated (serious and violent);  
Number of programs completed (any);  
Number of technical or vocational courses;  
UNICOR employment;  
Drug treatment while incarcerated;  
Non-compliance with financial restitution;  
History of escapes; and  
Education (GED or HS Degree)

**Q:** How is each factor weighted and how are points tallied?

**A:** Each factor is weighted differently, with some factors raising an individual's scores and others decreasing an individual's score. A full chart detailing the point totals for each factor can be found at the end of this document.

**Q:** How often are individuals assessed?

**A:** Each individual incarcerated in a BOP facility will be assessed no less than once a year. Per the First Step Act, an individual "determined to be at a medium or high risk of recidivating and who has less than 5 years until his or her projected release date shall receive more frequent risk reassessments."

**Q:** Does an individual's PATTERN score determine where an individual is incarcerated?

**A:** Not necessarily. A person's security classification is determined by a separate assessment tool called the Bureau Risk Assessment Verification and Observation (BRAVO) tool. However, the First Step Act states that an individual's PATTERN score shall help the BOP determine program groupings and housing assignments.

**Q:** What incentives are available for programming?

**A:** Eligible individuals can receive up to 15 earned time credits per month (depending on their risk level), which can be redeemed for added time in pre-release custody (halfway house or home confinement). [You can read more about eligibility here](#). Those ineligible for earned time credits can receive alternative incentives, such as an additional 30 minutes per day of phone privileges and more options at the commissary.

**Q:** When can I start receiving earned time credits?

**A:** The First Step Act allows for people to start receiving earned time credits now. However, earned time credits require the presence of evidence-based recidivism reduction programming. As of now, it is unclear how many programs have been designated as evidence-based recidivism reduction programming and when more will be put in to begin the accumulation of earned time credits. The First Step Act includes a phase-in period of two years from the date that the PATTERN tool was released (July 20, 2019) to provide evidence-based recidivism reduction programming and productive activity to everyone within a BOP facility.

**Q:** Is the PATTERN tool final?

**A:** Not necessarily. The tool is currently under a 45-day review period after which the DOJ will solicit comments from the public. Additionally, the bill allows the Attorney General to revise the PATTERN tool annually to address issues in the tool including racial disparities.

PATTERN Point Totals

<b>Measure</b>	<b>Male General Recidivism</b>	<b>Female General Recidivism</b>	<b>Male Violent Recidivism</b>	<b>Female Violent Recidivism</b>
Age at conviction	Less than 18: 12 18 – less than 25: 8 25 – less than 35: 4 35 or older: 0	Less than 18: 15 18 – less than 25: 10 25 – less than 35: 5 35 or older: 0	Less than 18: 6 18 – less than 25: 4 25 – less than 35: 2 35 or older: 0	Less than 18: 3 18 – less than 25: 2 25 – less than 35: 1 35 or older: 0
Age at assessment	Less than 18 – 25: 30 26 – 29: 24 30 – 40: 18 41 – 50 : 12 51 – 60: 6 60 +: 0	Less than 18 – 25: 15 26 – 29: 12 30 – 40: 9 41 – 50 : 6 51 – 60: 3 60 +: 0	Less than 18 – 25: 15 26 – 29: 12 30 – 40: 9 41 – 50 : 6 51 – 60: 3 60 +: 0	Less than 18 – 25: 5 26 – 29: 4 30 – 40: 3 41 – 50 : 2 51 – 60: 1 60 +: 0
Infraction convictions (any)	More than 2: 9 2 convictions: 6 1 conviction: 3 0 convictions: 0	More than 2: 6 2 convictions: 4 1 conviction: 2 0 convictions: 0	More than 2: 6 2 convictions: 4 1 conviction: 2 0 convictions: 0	More than 2: 6 2 convictions: 4 1 conviction: 2 0 convictions: 0
Infraction convictions (violent and serious)	More than 2: 6 2 convictions: 4 1 conviction: 2 0 convictions: 0	More than 2: 6 2 convictions: 4 1 conviction: 2 0 convictions: 0	More than 2: 6 2 convictions: 4 1 conviction: 2 0 convictions: 0	More than 2: 6 2 convictions: 4 1 conviction: 2 0 convictions: 0
Number of programs completed (any)	More than 10: -12 4 - 10: -9 1 – 3: -6 1: -3 0: 0	More than 10: -8 4 - 10: -6 1 – 3: -4 1: -2 0: 0	More than 10: -4 4 - 10: -3 1 – 3: -2 1: -1 0: 0	More than 10: -4 4 - 10: -3 1 – 3: -2 1: -1 0: 0
Number of technical or vocational courses	More than one: 0 1 course: -1 0 courses: -2	More than one: 0 1 course: -2 0 courses: -4		
Federal industry employment (UNICOR)		Yes: -1 No: 0		Yes: -1 No: 0
Drug treatment	No need indicated: -6	No need indicated: -9	No need indicated: -3	No need indicated: -3

while incarcerated	Completed RDAP: -4  Completed drug treatment during incarceration: -2  Need indicated but no treatment during incarceration: 0	Completed RDAP: -6  Completed drug treatment during incarceration: -3  Need indicated but no treatment during incarceration: 0	Completed RDAP: -2  Completed drug treatment during incarceration: -1  Need indicated but no treatment during incarceration: 0	Completed RDAP: -2  Completed drug treatment during incarceration: -1  Need indicated but no treatment during incarceration: 0
Drug education while incarcerated	No: 0 Yes: -1		No: 0 Yes: -1	No: 0 Yes: -1
Non-compliance with financial responsibility		No: 0 Yes: 3		
Instant offense violent	No: 0 Yes: 4		No: 0 Yes: 5	No: 0 Yes: 3
Sex offender	No: 0 Yes: 1		No: 0 Yes: 1	
Criminal history points	0 – 1 points: 0 2 – 3 points: 6 4 – 6 points: 12 7 – 9 points: 18 10 – 12 points: 24 13+ points: 30	0 – 1 points: 0 2 – 3 points: 6 4 – 6 points: 12 7 – 9 points: 18 10 – 12 points: 24 13+ points: 30	0 – 1 points: 0 2 – 3 points: 2 4 – 6 points: 4 7 – 9 points: 6 10 – 12 points: 8 13+ points: 10	0 – 1 points: 0 2 – 3 points: 6 4 – 6 points: 12 7 – 9 points: 18 10 – 12 points: 24 13+ points: 30
History of violence	None: 0 >10 years minor: 1 >15 years serious: 2 5-10 years minor: 3 10-15 years serious: 4 <5 years minor: 5 5-10 years serious: 6 <5 years serious: 7	None: 0 >10 years minor: 1 >15 years serious: 2 5-10 years minor: 3 10-15 years serious: 4 <5 years minor: 5 5-10 years serious: 6 <5 years serious: 7	None: 0 >10 years minor: 1 >15 years serious: 2 5-10 years minor: 3 10-15 years serious: 4 <5 years minor: 5 5-10 years serious: 6 <5 years serious: 7	None: 0 >10 years minor: 1 >15 years serious: 2 5-10 years minor: 3 10-15 years serious: 4 <5 years minor: 5 5-10 years serious: 6 <5 years serious: 7

History of escapes	None: 0 >10 years minor: 2 5-10 years minor: 4 <5 years minor or any serious: 6	None: 0 >10 years minor: 2 5-10 years minor: 4 <5 years minor or any serious: 6	None: 0 >10 years minor: 1 5-10 years minor: 2 <5 years minor or any serious: 3	None: 0 >10 years minor: 1 5-10 years minor: 2 <5 years minor or any serious: 3
Voluntary surrender	Yes: -12 No: 0	Yes: -9 No: 0	Yes: -1 No: 0	Yes: -2 No: 0