

Improvements Needed to the System Used to Assess and Mitigate Incarcerated People's Recidivism Risk

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A report to congressional committees.

For more information, contact: Gretta Goodwin at goodwin@gao.gov.

What GAO Found

The First Step Act of 2018 (FSA) required the Federal Bureau of Prisons (BOP) to assess incarcerated people's risk of recidivism and their needs, that if addressed, may reduce that risk. BOP did not conduct all assessments within required time frames (28 days for initial and 90 or 180 days for reassessments) for various reasons, including technology issues. For example, BOP conducted initial risk assessments within required time frames for about 75 percent of the 57,902 incarcerated people who entered a BOP facility from June 1, 2022, to March 30, 2024. For the needs it is responsible for assessing, BOP conducted 69 to 95 percent of this cohort's assessments within required time frames. BOP plans to enhance an existing application to ensure assessments are conducted as required, in response to a 2023 GAO recommendation.

BOP officials said they offer FSA programs and activities that address all 13 needs (e.g., substance use). However, BOP does not have accurate program data because, for example, staff used different methods to record when an incarcerated person declined to participate in a recommended program. GAO also found inaccuracies in program participation data, which BOP officials attributed to data entry errors. Without accurate data, BOP cannot determine if it offers sufficient programming to meet the needs of its incarcerated population.

Eligible incarcerated people who agree to participate in programs, among other things, may earn time credits toward early transfer to supervised release and prerelease custody (i.e., home confinement or residential reentry center). GAO found that BOP generally applied all time credits toward supervised release but not for prerelease custody. BOP implemented new planning tools in 2024 and 2025 to help staff anticipate upcoming transfers to prerelease custody and ensure incarcerated people receive their FSA time credits. GAO has ongoing work examining BOP's efforts to forecast capacity needs and provide sufficient residential reentry center resources.

People Incarcerated in a BOP Facility on March 30, 2024 that Transferred or Could Have Transferred to Prerelease Custody From March 31, 2024–December 31, 2024

29.2%

Percent of people who BOP applied all earned FSA time credits for prerelease custody

17.1%

Percent of people who BOP applied some of their earned FSA time credits for prerelease custody

53.7%

Percent of people who BOP did not apply their earned FSA time credits and never transferred them to prerelease custody

Source: GAO analysis of Federal Bureau of Prisons (BOP) data related to the First Step Act of 2018 (FSA). | GAO-26-107268

The Department of Justice (DOJ) has not been able to fully address all FSA annual reporting requirements because not enough time has passed since the agency implemented FSA to determine certain things, such as recidivism rates. This requirement expired in 2025, and absent congressional actions, DOJ no longer has to submit a report to Congress. Without such information, Congress may be hindered in its decision making regarding the FSA.

Why GAO Did This Study

In 2024, BOP released approximately 42,000 people from federal prisons. Approximately 45 percent of people released from federal prison recidivate (are re-arrested or return within 3 years of their release), according to BOP. Under the FSA, BOP is to help reduce recidivism by assessing a person's recidivism risk and needs and providing programs and activities to address their needs. The FSA allows eligible people to earn time credits that may reduce their time in prison.

The FSA includes a provision for GAO to assess certain FSA requirements. This report examines the extent to which BOP conducted risk and needs assessments; offered programs and activities; and applied FSA time credits. This report also examines the extent to which DOJ met FSA reporting requirements, among other objectives.

GAO analyzed BOP data from January 2022 through December 2024 for people in BOP custody as of March 30, 2024. GAO analyzed DOJ and BOP policies, guidance, and reports and interviewed officials at BOP's Central Office and three regional offices. GAO also interviewed staff and incarcerated persons at four facilities. GAO selected facilities based on factors such as geographic location and security level.

What GAO Recommends

GAO recommends that Congress consider extending the reporting requirement for DOJ's annual FSA report. Additionally, GAO is making six recommendations to BOP, including several recommendations to improve its data collection. BOP concurred with all six recommendations and plans to take action to address them.