

TO: Federal Bureau of Prisons First Step Act Task Force Members

When the First Step Act was enacted, it allowed inmates to earn Federal Time Credits for participating in Evidence Based Recidivism Reduction programming and Productive Activities. The BOP created an "Auto" Calculator that crunches the numbers and determines how many Programming Days should be divided into 30 calendar days and then calculates the total number of "Earned" Federal Time Credits an inmate has earned. The only problem, there is nothing "Auto" about the auto-calculator.

With the First Step Act, an inmate can earn a maximum of 365 days off their sentence if they meet all the right criteria. The BOP is presently awarding only 10 days per 30 calendar days of FTCs based on their interpretation of the law for the first 6 months and then bumps that number to 15 FTCs per 30 calendar programming days thereafter.

One function of the Auto-Calculator is the ability to account for "Carry Over" days. A Carry Over Day is simply the number of days in excess of 30 programming days but less than another 30 days. Inmates earn FTCs on every 30 programming days only. Any excess days not dividable by 30 programming days are "Carry Over Days".

Carry Over days are becoming an issue with Federal Time Credits being "auto-calculated" with the BOPs only running the calculator once per month. Assume an inmate arrives at a designated location on July 15, 2024. The auto-calculator is run on the last weekend of the month, therefore, on July 31, that inmate would have zero (0) Federal Time Credits on the last weekend of the month for the month of July and would have 17 Carry Over Days. After the whole month of August, the auto-calculator would run on the weekend of August 31, 2024. The inmate would have a total of 48 Programming Days in which he/she would be credited with 10 total Federal Time Credits being earned and 18 Carry Over Days that are basically stored for the next Auto-Calculator run.

The real problem with the auto-calculator is that it is only run once per month. While there are some individuals who claim to be "Experts" and "Foremost Authorities" in the First Step Act and Federal Time Credits, these individuals blame the complexities of the Auto-Calculator against the outdated, dilapidated IT infrastructure, the size and differences in the BOP Sentry System and finally politics.

There is nothing complex when determining earned FSA Federal Time Credits, you are either eligible or not, a Minimum or Low in earning status able to capitalize on using the Time Credits towards an early release or in the case of being deemed a Medium and High in recidivism, you have the ability to petition the warden for early release, etc. It is basic math. It is as simple as, Date of Surrender/Commitment, subtracting any Prior Time and then calculating releases on GCT, RDAP, FSA Release to Supervised Release and any additional time earned in FSA Credits are used towards early release to an RRCs HWH or HC.

Because the auto-calculator is only run once per month, the inmate could be held in custody beyond his Federal First Step Act release date. Taking the example above, a surrender date of July 15, 2024 on a 20 month sentence, the individual could earn a maximum of 150 days of Federal Time Credits towards a reduction in his sentence to Supervised Release. His "Projected FSA Release Date" would be July 18, 2025. However, the individual will have to wait until the last weekend of the month of July to receive the 150 days FTCs because of the decision to run the auto-calculator only once per month and not daily.

On June 30, 2025, the auto-calculator would show that the individual has earned 135 FSA FTCs. The FSA PRD based on the auto-calculator Run would show a PRD of August 2, 2025 and that he/she would have 21 Carry Over days. However, just 9 days later, the individual will have another 30 programming days banked, bringing the 21 Carry Over Days PLUS the 9 programming calendar days together to a total of thirteen (13) 30 day units to be calculated and thus bring the Projected Release Date to July 18, 2025. Yet, because the individual will have to wait for the auto-calculator to run on the last weekend of the month of July 2025, that individual is incarcerated beyond his/her release date, effectively being detained approximately 13 days beyond the release date.

In addition to fixing the Auto-Calculator and running the system daily, the results should be able to show the actual, live running "Break-Even Date" that is, the amount of time an individual has earned that is equal to the total time remaining on the sentence, including FSA Release To Supervised Release, RDAP Releases, earned Extra GCT, etc.

A typical calculation of a normal Sentence Computation shows the following:

The Full Term Date (minus any Prior Time)

The Statutory Release Date (deducting the fully front loaded GCT against the Full Term Date)

The RDAP 3621(e) Release Date (deducted from the Statutory Release Date, if applicable)

The FSA Release Date (deducted from either the RDAP Release Date, if applicable) or the Statutory Release Date. By adding the Break-Even Date, BOP Staff, RRM's, RRC's and inmates can plan accordingly on when they have maxed out on earning FSA-FTCs and be prepared for a release to either an RRC Halfway House or Direct Home Confinement. In most cases, the Break-Even Date will be well in advance of any Second Chance Act eligible time for individuals with longer term sentences. (See attachment on a 10 Year term).

In Closing, fixing the Auto-Calculator requires transitioning to daily processing, implementing real-time Break-Even Date tracking, and automating notifications to stakeholders. These changes are technically feasible and align with the FSA's goal of fair, timely release for eligible inmates. While the BOP's IT infrastructure may pose challenges, the math behind FTCs is straightforward, and delays are unjustifiable. The financial and human costs of inaction underscore the urgency of reform.

Fixing The Auto-Calculator Is A Must!

Carey M. Bilyeu  
President  
USA First Step

On behalf of the 1,079 individuals who signed the "Fix The Auto-Calculator" petition, I would like to thank you personally for taking the time to read the petition and sign it. Hopefully your beliefs align with that of the First Step Act Task Force and we begin to see change real soon.

[https://actionnetwork.org/petitions/fix-the-bop-auto-calculator?source=direct\\_link&](https://actionnetwork.org/petitions/fix-the-bop-auto-calculator?source=direct_link&)

Carey

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2020	31	60	91	121	152	182	213	244	274	305	335	366
FSA Earned	10	20	30	40	50	60	75	90	105	120	135	150
Carryover	1	0	1	1	2	2	3	4	4	5	5	6
% Time Served	0.8%	1.6%	2.5%	3.3%	4.2%	5.0%	5.8%	6.7%	7.5%	8.4%	9.2%	10.0%
Location	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC
2021	397	425	456	486	517	547	578	609	639	670	700	731
FSA Earned	165	180	195	210	225	240	255	270	285	300	315	330
Carryover	7	5	6	6	7	7	8	9	9	10	10	11
% Time Served	10.9%	11.6%	12.5%	13.3%	14.2%	15.0%	15.8%	16.7%	17.5%	18.3%	19.2%	20.0%
Location	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC
2022	762	790	821	851	882	912	943	974	1004	1035	1065	1096
FSA Earned	345	360	10	25	40	55	70	85	100	115	130	145
Carryover	12	10	11	11	12	12	13	14	14	15	15	16
% Time Served	20.9%	21.6%	22.5%	23.3%	24.2%	25.0%	25.8%	26.7%	27.5%	28.3%	29.2%	30.0%
Location	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC
2023	1127	1155	1186	1216	1247	1277	1308	1339	1369	1400	1430	1461
FSA Earned	160	175	190	205	220	235	250	265	280	295	310	325
Carryover	17	15	16	16	17	17	18	19	19	20	20	21
% Time Served	30.9%	31.6%	32.5%	33.3%	34.1%	35.0%	35.8%	36.7%	37.5%	38.3%	39.2%	40.0%
Location	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC
2024	1492	1521	1552	1582	1613	1643	1674	1705	1735	1766	1796	1827
FSA Earned	340	355	370	385	400	415	430	445	460	475	490	505
Carryover	22	21	22	22	23	23	24	25	25	26	26	27
% Time Served	40.9%	41.6%	42.5%	43.3%	44.2%	45.0%	45.8%	46.7%	47.5%	48.4%	49.2%	50.0%
Location	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC	IC
2025	1858	1886	1917	1947	1978	2008	2039	2070	2100	2131	2161	2192
FSA Earned	520	535	550	565	580	595	610	640	655	670	685	700
Carryover	28	26	27	27	28	28	29	0	0	1	1	2
% Time Served	50.9%	51.6%	52.5%	53.3%	54.2%	55.0%	55.8%	56.7%	57.5%	N/A	N/A	N/A
Location	IC	IC	IC	IC	IC	IC	IC	IC	IC	RRC	RRC	RRC
2026	2223	2251	2282	2312	2343	2373	2404	2435	2465	2496	2526	2557
FSA Earned	715	730	745	760	775	790	805	820	835	850	865	880
Carryover	3	1	2	2	3	3	4	5	5	6	6	7
% Time Served	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Location	RRC	RRC	RRC	RRC	RRC	RRC	RRC	RRC	RRC	RRC	RRC	RRC
2027	2588	2616	2647	2677	2708	2738	2769	2800	2830	2861	2891	2922
FSA Earned	895	910	925	940	955	970	N/A	N/A	N/A	N/A	N/A	N/A
Carryover	8	6	7	7	8	8	N/A	N/A	N/A	N/A	N/A	N/A
% Time Served	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Location	RRC	RRC	RRC	RRC	RRC	RRC	SR	SR	SR	SR	SR	SR
2028	2953	2982	3013	3043	3074	3104	3112					
FSA Earned	N/A	N/A	N/A	N/A	N/A	N/A	N/A					
Carryover	N/A	N/A	N/A	N/A	N/A	N/A	N/A					
% Time Served	N/A	N/A	N/A	N/A	N/A	N/A	N/A					
Location	SR	SR	SR	SR	SR	SR	SR					

#### Sentence Details

Date Sentenced	1/1/2020	
Date Committed	1/1/2020	
Sentence Length Months	120	
Good Conduct Time	540	
Total Prior Time	0	
Date Length Days	3652	12/31/2029
Total Statutory Time	3112	7/9/2028
FSA Projected Days	365	7/10/2027
COMMIT	1/1/2020	
FULL	12/31/2029	3652 Days
STAT	7/9/2028	3112 Days
FSA	7/10/2027	365 Days
BRK Even	10/1/2025	655 Days FSA HWH/HC Credit
SCA Elig.	7/10/2026	

Breakeven Date = 282 Days prior to SCA Eligible Date of 12 months BEFORE FSA Release Date to SR.

SCA Eligibility Date limited to maximum of the last 12 months of the sentence which is FSA Release Date to SR.

% Time Served based on Full Term Sentence.

IC = In Custody at a BOP Facility.

RRC = In Custody under control of BOP/Residential Reentry Center, be it Home Confinement or Halfway House.

NOTE: Carryover Correction after August 2025 Autorun.



## 10 Years FSA Analysis