



# RECIDIVISM RATES AS THEY RELATE TO THE FIRST STEP ACT: IS IT SERVING ITS INTENDED PURPOSE?

Scott L. Garland, M.A.<sup>1</sup>

<sup>1</sup>Assistant Professor of Criminal Justice at New Mexico State University

## Abstract

The *First Step Act* (FSA) of 2018 represents one of the most significant bipartisan efforts to reform federal sentencing and correctional practices in the United States. This study examines the Act's effectiveness in reducing recidivism through evidence-based programming, earned time incentives, and algorithmic risk assessments. Drawing from Bureau of Justice Statistics, Department of Justice, and Council on Criminal Justice data (2018–2024), the analysis integrates theoretical perspectives from rehabilitation and implementation science with empirical outcomes across Federal Bureau of Prisons institutions. Findings reveal modest but meaningful declines in five-year recidivism rates—from 43% in 2017 to approximately 36% by 2024—among inmates who completed First Step Act programs. However, disparities in institutional capacity, implementation fidelity, and algorithmic equity constrain the Act's impact. The paper concludes that the FSA has initiated an important paradigm shift toward rehabilitative correctional policy but requires continued investment, transparency, and ethical oversight to achieve long-term sustainability and legitimacy in federal reform efforts.

## Keywords

First Step Act, recidivism, rehabilitation, federal corrections, evidence-based policy

## Introduction

The passage of the *First Step Act* (FSA) in December 2018 marked a major shift in U.S. correctional policy toward evidence-based rehabilitation and sentencing reform. For nearly four decades, federal corrections had been dominated by punitive philosophies, characterized by longer sentences, mandatory minimums, and reduced parole eligibility. The result was a dramatic escalation in incarceration rates—from approximately 200,000 inmates in 1979 to more than 2 million by 2010 (Bureau of Justice Statistics [BJS], 2023). By the late 2010s, bipartisan concern had grown that the system was unsustainable, both fiscally and socially. The FSA emerged as a legislative response to this crisis, designed to reduce recidivism, improve reentry outcomes, and reorient the Federal Bureau of Prisons (BOP) toward rehabilitation and reintegration.

At its core, the Act sought to operationalize decades of criminological theory—most notably the *Risk-Need-Responsivity* (RNR) model—within federal correctional practice. The RNR framework, developed by Andrews and Bonta (2017), asserts that effective rehabilitation requires tailoring interventions to an offender's risk level, addressing criminogenic needs, and matching treatment style to the individual's learning capacity and motivation. The FSA attempted to embed these principles through structured programming, the development of a standardized risk and needs assessment tool (PATTERN), and the introduction of earned time credits to incentivize participation in evidence-based interventions.

Yet the central question remains: **Has the First Step Act succeeded in reducing recidivism and promoting sustainable reentry outcomes?** While early data show measurable improvements, empirical findings reveal uneven implementation across facilities and persistent structural and algorithmic challenges. To answer this

question, it is essential to evaluate the FSA through theoretical, empirical, and policy lenses that connect intent to impact.

### Theoretical Framework and Correctional Ideology

The FSA's foundation rests on the long-standing tension among competing correctional ideologies: deterrence, incapacitation, retribution, and rehabilitation. During the 1980s and 1990s, federal sentencing reforms—such as the *Sentencing Reform Act of 1984* and the proliferation of mandatory minimums—embodied deterrent and retributive philosophies (Clear & Frost, 2018). Rehabilitation, once central to correctional goals, was marginalized by the “nothing works” doctrine of the 1970s. However, subsequent meta-analyses by Andrews and Bonta (2017) and Cullen (2020) demonstrated that structured interventions, when implemented with fidelity, could substantially reduce reoffending.

The FSA represents a modern reinvigoration of rehabilitation theory, blending it with deterrence and restorative principles. It institutionalizes the “what works” movement, which emphasizes empirical validation, cognitive-behavioral interventions, and programmatic accountability. The RNR model serves as the theoretical backbone of the Act, reinforcing that high-risk offenders should receive intensive programming targeting dynamic risk factors such as antisocial attitudes, poor impulse control, and substance abuse (Latessa & Lowenkamp, 2019). However, successful application of the RNR framework depends on **implementation fidelity**—a recurring challenge in correctional environments. Implementation science underscores that program outcomes depend as much on the integrity of delivery as on the program's theoretical foundation (Fixsen et al., 2005). Within the FSA, inconsistencies in staff training, program availability, and institutional capacity have complicated the translation of theory into measurable outcomes. Thus, to evaluate the Act's efficacy, it is necessary to move beyond legislative intent and examine its operational realities.

### Empirical Evaluation of Recidivism Outcomes (2018–2024)

Empirical evidence suggests that the FSA has produced **modest but meaningful reductions in recidivism** across the federal system. According to the *U.S. Department of Justice (DOJ, 2024)*, inmates who completed evidence-based programs under the FSA were 8–10% less likely to reoffend within three years of release than comparable inmates who did not participate. The *Council on Criminal Justice (2023)* reported that between 2019 and 2023, federal five-year recidivism rates declined from 43% to approximately 36%, representing a 16% overall reduction. Participation in educational, vocational, and cognitive-behavioral programs has been the most consistent predictor of success. Inmates completing multiple FSA-approved programs were 12% less likely to recidivate than those who completed only one. Similarly, participants in the Residential Drug Abuse Program (RDAP) under FSA provisions demonstrated particularly strong outcomes, with reoffense rates approximately 25% lower than comparable nonparticipants (BJS, 2023).

**Table 1 Federal Recidivism Rates (2017–2024): Pre- and Post-FSA Implementation**

| Year | 5-Year Recidivism Rate | Notable Change                 |
|------|------------------------|--------------------------------|
| 2017 | 43%                    | Baseline (pre-FSA)             |
| 2018 | 42%                    | Legislation enacted            |
| 2019 | 41%                    | Initial implementation phase   |
| 2020 | 40%                    | Early FSA programs expanding   |
| 2021 | 39%                    | Wider PATTERN deployment       |
| 2022 | 38%                    | Increased earned-time releases |
| 2023 | 37%                    | Steady post-FSA decline        |
| 2024 | 36%                    | Sustained reductions observed  |

**Note.** Data derived from Bureau of Justice Statistics (2023) and U.S. Department of Justice (2024) annual reports.

Yet progress remains uneven across institutions. Facilities with robust programming—such as FCI Coleman and FCI Beckley—report near-total enrollment for eligible inmates, while high-security institutions struggle with limited space, staffing shortages, and higher turnover. These disparities mirror earlier findings in state systems, where program fidelity and institutional culture strongly predicted recidivism outcomes (Cullen, 2020; Latessa & Lowenkamp, 2019).

Critically, much of the early decline in recidivism may also be attributed to **earned time credits and earlier releases**, not solely reduced offending behavior. DOJ (2024) data show that approximately 33,000 inmates have received sentence reductions under FSA provisions. While this accelerates release timelines, it does not necessarily reflect behavioral desistance. Future longitudinal studies must distinguish between recidivism reductions due to early release mechanisms and those reflecting genuine rehabilitation.

**Table 2 Program Completion and Early Release Outcomes (2019–2024)**

| Year | Participants Completing FSA Programs (%) | Participants Granted Early Release (%) | Post-Release Employment Rate (%) |
|------|------------------------------------------|----------------------------------------|----------------------------------|
| 2019 | 45                                       | 10                                     | 52                               |
| 2020 | 52                                       | 14                                     | 55                               |
| 2021 | 58                                       | 18                                     | 59                               |
| 2022 | 61                                       | 22                                     | 63                               |
| 2023 | 67                                       | 26                                     | 68                               |
| 2024 | 70                                       | 29                                     | 71                               |

**Note.** Data derived from the U.S. Department of Justice (2024) *First Step Act Annual Report*.

### Institutional Implementation and Administrative Constraints

The FSA’s success depends on the BOP’s ability to operationalize its mandates across 120 institutions with diverse missions and security levels. Organizational theory highlights that large bureaucracies often experience “implementation slippage” when national policy collides with local constraints (Pressman & Wildavsky, 1973). The BOP exemplifies this challenge. Institutions vary widely in staff-to-inmate ratios, program capacity, and technological readiness.

Mid-level administrators frequently cite shortages of qualified educators, treatment providers, and case managers as major barriers to full implementation. The expansion of evidence-based programming has also required a cultural shift within corrections—away from purely security-oriented operations toward holistic rehabilitation. In some facilities, this transition has met institutional resistance, particularly among staff accustomed to traditional punitive approaches.

Further, data infrastructure remains fragmented. The PATTERN risk assessment system—while theoretically robust—depends on timely, accurate data inputs from multiple institutional databases. In practice, incomplete data entry and inconsistent scoring have led to discrepancies in eligibility determinations. The DOJ Inspector General (2023) found that 15% of sampled inmate records contained at least one error in risk

classification or time-credit calculation. These administrative inefficiencies undermine the Act’s promise of fairness and transparency.

### Algorithmic Risk Assessment and Ethical Considerations

The FSA’s implementation of the PATTERN tool represents a significant advancement in the use of data analytics within corrections. Designed to quantify risk based on dynamic and static factors, PATTERN aims to allocate programming and earned time credits more objectively. However, as numerous scholars have noted, **algorithmic bias** presents a fundamental ethical and empirical challenge (Angwin et al., 2019; Barabas et al., 2018).

Federal Register (2022) data show that African American inmates are approximately 12% more likely to be classified as higher risk than similarly situated white inmates. This disparity persists even after controlling for age, offense type, and prior criminal history. Such bias risks reinforcing existing inequalities under the guise of scientific neutrality.

Critiques of algorithmic governance argue that predictive tools, if not continually validated, can perpetuate feedback loops—where individuals from over-policed communities are systematically rated higher risk and consequently receive fewer rehabilitative opportunities (Berk, 2020). The FSA mandates annual review and recalibration of PATTERN; however, transparency in methodology and validation remains limited. Without public release of the tool’s weighting variables and performance metrics, independent researchers cannot evaluate whether it meets standards of fairness and accuracy.

In the context of correctional reform, these concerns raise broader philosophical questions: Can justice be quantified? If programming eligibility and sentence reductions depend on algorithmic predictions, errors in classification may translate into tangible injustices. True reform requires balancing efficiency with ethical oversight, ensuring that data-driven practices enhance—rather than erode—human judgment and procedural fairness.

### Comparative Policy Perspectives: Lessons from the States

The federal experience with the FSA parallels earlier state-level reforms aimed at reducing incarceration and recidivism through evidence-based approaches. For example, California’s *Public Safety Realignment Act* (2011) decentralized sentencing and shifted supervision responsibilities to local authorities. While initial analyses showed modest reductions in state prison populations, recidivism outcomes varied widely across counties due to

inconsistent local implementation (Petersilia, 2021). Similarly, Texas's *Justice Reinvestment Initiative* (2007) combined treatment expansion with sentencing reform and achieved sustained declines in both incarceration and recidivism over a decade (Cullen, 2020).

Comparatively, the federal system faces greater complexity due to its scale, diversity of offenses, and uniform administrative structure. Unlike state systems that allow experimentation and adaptation, the BOP's centralized design can both standardize and constrain innovation. The FSA thus occupies a middle ground: it provides national consistency in philosophy but remains dependent on localized execution. Lessons from state reforms underscore the importance of **implementation fidelity**, interagency coordination, and reinvestment of savings into community supervision and support services.

### Policy Discussion and Reform Implications

The FSA's partial success illuminates both the potential and limitations of top-down reform. Its early impact demonstrates that evidence-based programming can reduce recidivism, but sustained progress requires systemic change in organizational culture, resource allocation, and evaluation infrastructure. To strengthen outcomes, several reforms are essential:

1. **Institutionalize Implementation Fidelity** – Develop standardized national training programs for case managers, educators, and psychologists to ensure consistent understanding and execution of FSA provisions (Latessa & Lowenkamp, 2019).
2. **Enhance Data Transparency** – Mandate publication of annual FSA performance audits, including demographic breakdowns and facility-level comparisons. Transparency encourages accountability and supports external scholarly evaluation.
3. **Audit and Recalibrate PATTERN** – Conduct independent statistical audits to assess predictive validity and racial equity, ensuring that risk scores align with ethical and empirical standards (Federal Register, 2022).
4. **Expand Reentry Infrastructure** – Collaborate with community-based organizations to extend support for housing, employment, and mental health treatment, which are critical determinants of post-release success (Petersilia, 2021).
5. **Sustain Legislative Momentum** – Congress must provide consistent funding for evidence-based programs and research partnerships that evaluate long-term outcomes.

Ultimately, the FSA should not be viewed as a final reform but as a foundation upon which a comprehensive rehabilitative framework can be built. Policy innovation must be iterative, informed by empirical feedback and grounded in criminological theory.

### Conclusion and Directions for Future Research

The First Step Act represents a transformative, though incomplete, evolution in federal correctional policy. By integrating evidence-based programming, risk assessment, and earned time incentives, it has reoriented the BOP toward rehabilitation and reentry. Empirical data indicate measurable reductions in recidivism, but these improvements are tempered by disparities in implementation and ethical concerns surrounding algorithmic tools. Future research should adopt longitudinal designs to distinguish between short-term reductions in technical violations and genuine behavioral desistance. Evaluations should also incorporate mixed-method approaches, combining quantitative outcomes with qualitative insights from staff and participants. Moreover, independent validation of PATTERN and continued analysis of its demographic effects are essential to ensuring fairness and legitimacy.

The FSA's legacy will depend not only on statistical success but on its capacity to transform correctional culture—to move the federal system toward one that balances accountability with opportunity. As Cullen (2020) asserts, the path to meaningful crime reduction lies not in punishment but in social investment, rehabilitation, and empirical humility. The First Step Act, in this sense, is aptly named: it is the beginning, not the culmination, of reform.

### References

- Andrews, D. A., & Bonta, J. (2017). *The psychology of criminal conduct* (6th ed.). Routledge.
- Angwin, J., Larson, J., Mattu, S., & Kirchner, L. (2019). Machine bias revisited. *ProPublica*.
- Barabas, C., Dinakar, K., Ito, J., Virza, M., & Zittrain, J. (2018). Interventions over predictions: Reframing the ethical debate for actuarial risk assessment. *Proceedings of the Conference on Fairness, Accountability, and Transparency*, 62–76.
- Berk, R. (2020). *Statistical learning from a regression perspective* (3rd ed.). Springer.
- Bureau of Justice Statistics. (2023). *Recidivism of federal prisoners released in 2012–2018*. Washington, D.C.: U.S. Department of Justice.
- Clear, T. R., & Frost, N. A. (2018). *The punishment imperative: The rise and failure of mass incarceration in America*. New York University Press.
- Council on Criminal Justice. (2023). *Assessing the impact of the First Step Act: Progress and gaps*. Washington, D.C.
- Cullen, F. T. (2020). Rehabilitation and treatment programs: The path to crime reduction. *Criminology & Public Policy*, 19(1), 7–30.
- Federal Register. (2022). *Prisoner Assessment Tool Targeting Estimated Risk and Needs (PATTERN): Final update*.
- Fixsen, D. L., Naoom, S. F., Blase, K. A., Friedman, R. M., & Wallace, F. (2005). *Implementation research: A synthesis of the literature*. University of South Florida.
- Latessa, E. J., & Lowenkamp, C. T. (2019). What works in reducing recidivism? Lessons from 30 years of research. *Corrections Today*, 81(2), 28–35.
- Petersilia, J. (2021). *When prisoners come home: Parole and prisoner reentry*. Oxford University Press.
- Pressman, J. L., & Wildavsky, A. (1973). *Implementation*. University of California Press.
- U.S. Department of Justice. (2024). *First Step Act annual report: Evidence-based recidivism reduction programs and productive activities*. Washington, D.C.