

Calculations compare reoffending among people released under the FSA and similarly situated individuals released before the Act's implementation

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WASHINGTON, D.C. - People released under the First Step Act (FSA) are estimated to have lower recidivism rates and fewer arrests than similarly situated people released from federal prison prior to the Act's implementation, according to a [new analysis](#) released today by the [Council on Criminal Justice](#).

Previous comparisons between FSA releases and the overall federal prison population have not accounted for differences in the groups, including levels of risk of reoffending, tracking periods, and other characteristics. The CCJ analysis estimates recidivism rates among individuals released from the federal Bureau of Prisons (BOP) prior to the FSA who had similar risk profiles and were tracked for similar periods of time ("similarly situated") as those released under the FSA.

According to data published by the U.S. Department of Justice, 29,946 people were released from BOP facilities under the FSA from 2020 to 2022. The Council's analysis of this data finds that, when compared to similarly situated individuals released from the BOP prior to the Act's implementation, individuals released under the FSA have:

- **An estimated 37% lower recidivism rate.** According to BOP data, the recidivism rate for FSA releases is 12.4%, compared to an estimated recidivism rate of 19.8% for similarly situated pre-FSA releases.

"The First Step Act was adopted with large majorities in both chambers of Congress but recently has become a political punching bag," said Adam Gelb, president and CEO of the Council. "This analysis moves us closer to a comprehensive, honest assessment of the law's impact on public safety."

The analysis was conducted by Avinash Bhati, Ph.D., founder of [Maxarth LLC](#), an econometric

consulting firm. A separate [methodology report](#) details several plausible assumptions that were made to produce estimates using publicly available aggregate data. The brief states that these findings could be due to multiple factors related or not related to the FSA, and it notes that “while this analysis attempts to construct a more valid comparison of people released under the FSA and people released from BOP prior to the FSA, its findings should not be interpreted as an impact assessment of the FSA.” It also says that a more comprehensive comparison between people released under the FSA and those released under other mechanisms is necessary to properly evaluate the impact of the FSA on recidivism and crime.

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About the Council on Criminal Justice

The Council on Criminal Justice (CCJ) is a nonpartisan invitational membership organization and think tank that advances understanding of the criminal justice policy challenges facing the nation and builds consensus for solutions based on facts, evidence, and fundamental principles of justice.

About the Author

Dr. Avinash Bhati is the founder and CEO of Maxarth LLC, a data science company providing creative solutions to real-world problems and opportunities. Bhati earned a Ph.D. in econometrics from American University in 2001. He is interested in all aspects of data science, including predictive modeling, quasi-experimental evaluations, micro-simulation models, and synthetic data tools. Bhati has developed and validated numerous pretrial and post-adjudication risk assessment instruments.