

# Satellite Camp Marion, Illinois

## Admission and Orientation Booklet



*Revised:* November 8, 2010

Directory of Camp Staff at SCP Marion

Jeff Baney .....Camp Administrator  
Tony Chamness..... Unit Manager  
G. Shadowens.....Case Manager  
Gene Langheld..... Case Manager  
B Wiesel.....Counselor  
M. Mills.....Counselor  
R. Strauss.....Secretary  
L. Duncan.....Physician’s Assistant  
R. Roloff.....Chaplain  
Varies .....Staff Psychologist  
Varies.....R & D Officer  
Varies..... Legal Instruments Examiner  
T. Castellano .....Teacher  
Varies.....Recreation Specialist

*A current listing of Program Statements and Institution Supplements is located in the Law Library.*

## INTRODUCTION

The purpose of this handbook is to provide inmates and others interested in the Federal Bureau of Prisons with general information regarding the satellite camp, Marion, Illinois; the Bureau; its programs; other institutions; and the rules and regulations they will encounter during confinement. It is not a specific guide to detailed policies of the Bureau (which are subject to change) or all the procedures in effect at each Bureau location. Such information will be made available during the Institution's Admission and Orientation (A&O) program. Rather, the material in this handbook will help new inmates more quickly understand what they will be encountering when they enter prison, and hopefully it will assist them in their initial adjustment to institutional life. It should be noted, SCP Marion is a smoke-free institution, and no smoking is permitted anywhere inside or outside the institution.

**Orientation:** Inmates are given a social and medical screening at the time of arrival, and will also be screened by mental health staff. Inmates are required to be seen by a correctional counselor, a case manager, the unit officer, and the unit manager to discuss issues of immediate concern regarding their initial adjustment. It is imperative each inmate receive the Unit Orientation by the unit officer during the officer's shift in which the inmate arrives at SCP Marion. All inmates will be provided a unit orientation checklist and an A&O form which will be turned in during the Institution A&O program. Inmates are immediately provided, via the A&O booklet, a copy of the institution's rules and regulation, which includes information regarding inmate's rights and responsibilities. It is imperative that each inmate review this information closely.

Within the first four weeks of an inmate's arrival at SCP Marion, he will be assigned to participate in the Institution A&O program. While in A&O, he will learn about the programs, services, policies, and procedures at SCP Marion. He will hear lectures from staff regarding their departments and programs. Near completion of the A&O Program, inmates will be assigned to a permanent job after being medically cleared.

Almost all Bureau of Prisons institutions, including SCP Marion are organized into a Unit Management system. Each unit is staffed by a unit team directly responsible for those inmates living in the unit.

The staff compliment at SCP Marion includes a camp administrator, one unit manager, two case managers, two counselors, one secretary, an education advisor, a recreation specialist and a correctional officer. Normally, the unit manager, case manager, counselor, and education advisor will conduct the Team Program Reviews. The staff psychologist, unit officer, unit secretary and other staff are encouraged to attend whenever possible.

Inmates are assigned to a specific unit team caseload (case manager, counselor, and unit secretary). Normally, the resolution of issues or matters of interest is most appropriately initiated within the unit team. Unit team members are available to assist in many areas including parole matters, release planning, personal and family problems, counseling, and assistance in setting and attaining goals while in prison. All SCP Marion staff have an "open door" policy and

are available as needed.

**Town Hall Meetings:** The camp administrator/unit manager may utilize Town Hall meetings at his/her discretion to further improve communications. These meetings are held periodically to make announcements, and to discuss changes in policies and procedures pertaining to the camp. After the orientation, inmates are encouraged to ask pertinent questions of the staff and any guest speakers. These questions should pertain to the camp as a whole, rather than to personal questions or problems. Personal problems will be resolved by the unit team members during the regular working hours which are posted.

### **GENERAL FUNCTIONS OF UNIT STAFF**

**Camp Administrator:** The camp administrator is responsible for the overall operation of the camp. He or she monitors and interprets directives issued by the Central and Regional Offices, initiates changes in local policy, and ensures compliance with national bureau of prisons policy. Additionally, the camp administrator evaluates all phases of camp correctional and operational programs to determine adequacy in meeting requirements and objectives.

**Unit Manager:** The unit manager is the administrative head of the unit and is responsible for providing direction and supervision for unit staff. The unit manager provides a program of monitoring inmates' activities, program involvement and liaisons with other departments and personnel in matters pertinent to the unit. The unit manager serves as the chairman of your unit team at your program reviews. The unit manager directly supervises the case managers, counselors, unit secretaries, and camp officers. The unit manager oversees all unit programs and activities, is the "chairperson" of the team, reviews all team decisions, and chairs the Unit Discipline Committee.

**Case Manager:** The case manager is responsible for all casework services and prepares classification material, progress reports, release plans, correspondence and other materials relating to the inmate's commitment. He/She is responsible to the unit manager on a daily basis. The case manager serves as a liaison between the inmate, the administration, and the community. The case manager is a frequent member of the Unit Discipline Committee.

**Counselor:** The counselor provides counseling and guidance for the inmates of the unit in areas of institutional adjustment, personal difficulties, and plans for the future. He/She plays a leading role in all segments of the unit programs and is a voting member of the unit team. The counselor will visit inmate work details regularly and is the individual to approach for daily problems. The counselor will handle all inspections, visiting privileges, special mail, and bed assignments. As a senior staff member, the counselor provides leadership and guidance to other staff in the unit. The counselor is a frequent member of the Unit Discipline Committee.

**Unit Secretary:** The unit secretary performs clerical and administrative duties and plays an important role in unit activities. The unit secretary makes all arrangements prior to an inmate's release, and is the contact person for questions regarding the actual release paperwork. He or she is a valuable asset to the unit and works best undisturbed. Any questions that an inmate may

have are to be referred to other unit staff (i.e. counselor, case manager, or unit manager).

**Unit Officer:** The unit officer(s) have direct responsibility for the day to day supervision of inmates and the enforcement of rules and regulations. They have safety, security, and sanitation responsibilities in the unit. Unit officers are in regular contact with inmates in the unit and are encouraged to establish a professional rapport with them. The interaction must not interfere with their primary duties.

All unassigned inmates shall report to the unit officer daily, at 8:00 a.m., and 12:00 noon for accountability purposes and "light duty" job assignments. Those inmates with medical conditions must not be assigned to a job that will adversely affect their medical condition. Unit officers are the inmates' direct supervisor. Unit officers are jointly supervised by the unit manager and the operations lieutenant during his/her unit assignment.

## **INTAKE CLASSIFICATION AND THE UNIT TEAM**

**Intake Screening:** The camp administrative building hallway, is strictly "off limits" to all inmates during the intake screening process of newly assigned inmates at SCP Marion. The confusion connected with having the regular inmate population moving through this area during the intake process of newly assigned inmates creates security problems. Any inmate violating this policy may face immediate disciplinary action.

**Initial Classification:** New inmates (Judgement and Commitment inmates) and transferring inmates are scheduled to meet with their unit team within 28 days of arrival for an initial classification or program review. Inmates being readmitted to the custody of the Bureau will be seen by their unit team within 14 days of their arrival. Attendance is mandatory for all team meetings and failure to attend will result in disciplinary action. The unit team will have reviewed your PSI (Presentence Investigation) and central file and provide/suggest a program plan which addresses your apparent needs.

**Program Reviews (frequently referred to as "Team"):** Program Reviews will be held every 90 days for inmates with less than one year remaining to serve. Inmates having more than one year remaining to serve will see the team every 180 days for their program review. It is mandatory that you attend the 90 and 180 day program reviews or be subject to disciplinary action. These meetings are held by the unit team to review programs, work assignments, quarters assignments, transfers, custody, and institutional adjustment. Concerns in these areas should be discussed at this time.

**Team Participation in Parole Hearings:** The case manager prepares Progress Reports with input from the unit team and compiles other information in the central file for presentation to the U.S. Parole Commission or other appropriate agencies. The case manager will ordinarily be present at the parole hearing. His or her function at the hearing is to assist the parole examiners, not as a staff representative.

## SECURITY PROCEDURES

**Counts:** One of the first realities of institution life is counts. It is necessary for staff to count inmates on a regular basis. When a count is announced, each inmate must return to his cubicle, and remain there quietly until it is announced that the count is clear. Official counts will be taken daily at or about 12:00 midnight, 3:00 a.m., 5:00 a.m., 4:00 p.m., and 10:00 p.m. There is also a 10:00 a.m. count on weekends and holidays only. Other counts will be conducted on a random basis. During a count, inmates are expected to remain quietly in their cubicles until count is announced clear. The 4:00 p.m. and 10:00 p.m. count are a "stand-up" count. In addition, the 10:00 a.m. count on weekends and federal holidays is considered a "stand-up" count. Inmates must stand in their cubicle during this count.

Each work day, a census count will be conducted in the morning and afternoon at the camp. When the count is announced on the public address system, inmates are to remain in their present place.

Staff may take disciplinary action if an inmate is not in his assigned area during a count. Disciplinary action will also be taken if an inmate leaves his assigned area prior to the count being announced clear. The inmate must actually be seen at all times even if the inmate must be awake.

**Boundaries:** All Inmates must become familiar with the map of SCP Marion, which defines boundaries of the camp. Also, loitering is NOT permitted in the upper parking lot and the Administration Building on visiting days.

**Call outs:** Call outs are a scheduling system for appointments (which include Hospital, Dental, Educational, Team Meetings, and other activities) and are posted each day on the bulletin board located in the administration building on the day preceding the appointment. It is the inmate's responsibility to check for appointments on a daily basis and all scheduled appointments are to be kept.

**Contraband:** Contraband is defined as any item not authorized or issued by the institution, received through approved channels, or purchased through the commissary. All staff are alert to the subject of contraband and make an effort to locate, confiscate, and report contraband in the institution.

Each inmate is responsible for the items found in his living area and should immediately report any unauthorized items to the unit officer. Any item in an inmate's personal possession must be authorized, and a report of the receipt of the item should be kept in the inmate's possession.

Inmates may not purchase radios or any other items from another inmate; items purchased in this manner are considered contraband and will be confiscated. An altered item, even if an approved or issued item, may be considered contraband. Altering or damaging government property is a violation of institution rules and the cost of the damage will be levied against the violator.

**Property/Personal Searches:** Any staff member may search an inmate's cubicle to retrieve contraband or stolen property. It is not necessary for the inmate to be present when his cubicle is inspected. The property and living area will be left in the same general condition as found. These inspections will also be unannounced and random. An inmate may be searched by staff at any time, based on security of the institution.

**Drug Surveillance:** SCP Marion operates a drug surveillance program that includes mandatory random testing as well as testing for certain other categories of inmates. If a staff member orders an inmate to provide a urine sample for this program, and he refuses to do so, he will be subject to a disciplinary report.

**Alcohol Detection:** A program for alcoholic surveillance is also in effect at SCP Marion. Random samples of the inmate population are tested on a routine basis, as well as those suspected of alcohol use. A positive test will result in an incident report. Refusal to submit to the test will also result in an incident report.

**Fire Prevention and Control:** Fire prevention and control are everyone's responsibility. Inmates are required to report fires to the nearest staff member, so property and lives can be protected. Piles of trash or rags in closed areas, combustible material, items hanging from fixtures or electrical receptacles, or other hazards cannot and will not be tolerated. Regular fire inspections are made in each institution by qualified professionals.

Inmates found to be in violation of fire or health safety codes are subject to disciplinary action.

## **DAILY INMATE LIFE**

**Communications:** All inmates should check all bulletin boards located in the Administration Building and new dormitory on a daily basis. Unit staff utilize the bulletin boards to disseminate important information, such as written communication notifications regarding call-outs, procedural and/or policy changes, legal mail lists, questions, assignments and work, general information and staff schedules.

The BP-70, Inmate Request to Staff Member Form, more commonly called a "cop-out", is used to make a written request to a staff member. Any type of request can be made with this form. Cop-outs may be obtained from the inmate camp clerk in the Camp Administration Building, the correctional officer on duty, or in the living units. When completed, place the cop-out in the outgoing mail box. Staff members who receive cop-outs will answer the requests in a reasonable amount of time. The responses are generally written or typed on the bottom of the cop-out. They may be returned to you in person or via institution mail.

**Wake-up:** General wake-up for all inmates is 6:00 a.m. Work call is at precisely 7:30 a.m. It is the inmate's responsibility to leave the camp for work. Late sleepers who are unable to maintain cubes or fail to arrive at work on time, are subject to disciplinary action.

**ALL INMATES ARE TO BE CONSIDERATE OF INDIVIDUALS WORKING SWING-SHIFTS BY KEEPING NOISE LEVELS IN THE HOUSING UNITS TO A MINIMUM. THIS POLICY WILL BE STRICTLY ENFORCED.**

Inmates are **not** permitted to wear shorts or athletic/sports clothing in the Camp Administration Building at any time. The only exception to this is shorts and sweat suits may be worn in the Camp Food Service only after 4:00 p.m. and on weekends and holidays. No head gear may be worn at any time in any camp building, with the exception of religious head gear. "Do rags" may be worn only in individual cubes.

**Food Service/Meals:** The Food Service Department provides three meal choices; regular, no-meat, and Common Fare. We also provide medical diets but only when prescribed by the Medical Department.

Our Common Fare menu is a national menu which meets all religious requirements and can only be approved by the chaplain.

The "no-meat" or no-flesh meal selection will be approved by the food service administrator only upon written request. The addition or removal from the no meat meals starts/stops on the first Sunday of each month.

In addition to these menu selections a self-select salad bar is provided daily. Meal schedules are as follows and a "last call" will be announced 10 minutes prior to closing the dining room:

Monday - Friday

Breakfast: 5:30 a.m. - 6:30 a.m.

Lunch: 10:45 a.m. - 11:45 noon

Dinner will be served after the 4:00 p.m. count clears.

Weekends and Holidays

Coffee Hour: 6:15 a.m. - 7:15 a.m.

Brunch: After count clears

Dinner will be served After the 4:00 p.m. count clears.

**Sanitation:** It is the inmate's responsibility to check his living area immediately after assignment, and to report any damage to the unit officer. An inmate may be held financially responsible for any damage to his personal living area.

Each inmate is responsible for making his bed in accordance with regulations (see pictures posted on bulletin board outside of the unit secretary's office) prior to the 7:30 a.m. work call (including weekends and holidays) when he leaves the area. Each inmate is also responsible for sweeping, mopping his personal living area, and removal of all garbage to ensure it is clean and sanitary. Lockers must be neatly arranged inside and out, and all shelving must be neat and

clean. Cardboard boxes and other paper containers are not to be used for storage due to their combustible nature. All members of the unit team will make formal inspections of the living quarters between 7:30 a.m. and 4:00 p.m., Monday through Friday.

Toothpaste, toothbrushes, combs, razors and soap are initially issued by the institution and are available from the inmate clerk. Inmates may purchase name brand items through the commissary.

**Quarters Rules:** In order to minimize maintenance costs, permit uniform inspections, search procedures, and maintain orderly congregate living, SCP Marion imposes regulations on inmate conduct in the dormitories. Additionally, the amount and type of furnishings permitted in the dormitories is strictly controlled. To this end, unit staff and/or officers inspect cubes on a daily basis, to ensure compliance.

Dorm lights are turned on at 6:00 a.m. and will remain on until 10:00 p.m.

Each inmate is responsible for the cleanliness and sanitation of his cubicle. Additionally, inmates are assigned cleaning tasks in the unit during off hours.

Everyone is responsible to clean up after themselves. Trash and wastebaskets are to be emptied prior to 7:30 a.m. each day.

Beds will be made each weekday by 7:30 a.m. On weekends, beds will be made whenever inmates are awake or gone from the cubicle. At no time will a mattress or blanket be removed from a bunk and placed on the floor, nor will two or more mattresses or pillows be permitted on one bed. Blankets are not permitted to be used as rugs on the floor or hung from the upper bunk as a screen for the lower bunk.

Showers are available every day, but inmates may **not** be in the shower during an official count. Food Service workers and others with irregular work shifts may shower during the day as long as showering does not interfere with the cleaning of the unit.

Personal radios may be played in an inmate's cubicle, but headphones must be properly used.

Inmates are not permitted to sit on the stairs or place chairs on the upper landing in the New Dorm.

Inmates desiring bunk reassignments must make their requests to the counselor via cop-outs (a written request to staff member).

The rear stairwell in the new dormitory is an emergency exit only. No inmates are permitted to use this area except during an emergency situation.

The cubicle storage locker contains a book case and desk. The bookcase shall contain only

books. The desk may contain a picture frame, or trophy (institution). Shoes will be placed in a straight row under the bed. All other property must be stored within the locker, nothing else is permitted under, behind or hung from the bed with the exception of the grey tub assigned to each inmate.

**Clothing:** Civilian clothing of any type is **not** authorized. Inmates must wear government issue clothing anytime they leave the camp compound, i.e., when reporting to work, hospital appointments, etc.

Inmates are **not** permitted to wear shorts or athletic/sports clothing in the Camp Administration Building at any time. Shorts and sweat suits may be worn in the Camp Food Service only after 4:00 p.m. and on weekends and holidays. No head gear may be worn at any time in any camp building, with the exception of religious head gear. "Do rags" may be worn only in individual cubes.

All clothing, except socks, are stamped with a bin number and must be neatly stored in the individual lockers. Individual wash cloths and towels are issued to inmates.

Authorized footwear: one pair of steel-toed safety shoes, one pair of shower shoes, and two pair of athletic shoes will be placed under the bed.

Sunbathing is only authorized in the areas behind the new dorm and the tennis courts. All other areas around the camp are strictly off limits to sunbathing and going shirtless. Shirts must be worn when around or going to the administration building, east recreation area, visiting area, track and baseball fields, education area, and bocci and handball courts.

**Clothing Issue and Laundry:** Inmate clothing will be furnished from the institution clothing issue/laundry. Inmates are responsible for laundering their clothes on a regular basis and have free access to washers and dryers. Laundry detergent will be issued the last full week of every month by the commissary staff during commissary hours of operation. In addition, commissary will also sell laundry detergent.

Any clothing items needing repaired or exchanged may be given to the laundry officer on Wednesday from 7:00 a.m to 7:30 a.m. in the new dorm lobby area.

**Personal Property Limits:** Items which may be retained are limited for sanitation and security reasons, and to ensure that excess property is not accumulated which would constitute a fire hazard or impair staff searches of the living area. A current copy of the Institution Supplement on Authorized Property Items can be located outside the camp secretary's office.

**Storage Space:** Storage space in most dormitories consists of an individual locker, desk, or cabinet. Locks may be purchased in the institution commissary. Limited space may also be available under the bed for approved items (shoes and legal materials). The amount of personal property allowed each inmate is limited to those items which can be neatly and safely placed in the space designated.

Under no circumstances will any material be accumulated to the point where it will become a

fire, sanitation, security, or housekeeping hazard.

**Legal Materials:** Inmates are allowed to maintain legal materials and supplies in their locker, and, if necessary, neatly stored under their beds. Those inmates who require additional storage space for personal legal materials should contact their counselor for assistance.

**Commissary Items:** The total value of an inmate's accumulated commissary items (excluding special purchase) will be limited to the monthly spending limitation.

**Food Storage:** Food items that are left open create a health hazard. These items must be properly sealed at all times. Empty jars may not be used as drinking containers and are to be disposed of properly. Food items will be confiscated if found to be in excess of allowed limits, or are left unsealed. Only those food items purchased through the commissary are permitted in the inmate's living area. The food which is served in the dining hall must be consumed in the food service area and may not be taken to other areas of the camp.

**Letters, Books, Newspapers, and Magazines:** An inmate will be limited to the number of magazines, newspapers and books indicated in the institution supplement. These items must be neatly stored in the locker or on the shelf provided in each cubicle. At no time will anything be tacked, stapled, or scotch-taped to any surface other than bulletin boards.

**Sports and Recreation Items:** Reference the Institution Supplement for type and quantity of items allowed. All items must be neatly stored and maintained.

**Radios and Watches:** An inmate may not own or possess more than one approved radio or watch. Proof of ownership, through appropriate property receipts, will be required. Radios with a tape player are not authorized.

Radios and watches may not have a value exceeding \$50. Radios and watches must be inscribed with the inmate's name and registration number. Only Walkman-type radios are permitted, and headphones are required at all times. Inmates may not give items of value to another inmate, i.e., radio, watch, sneakers, and/or commissary items. Any item not properly marked with proof of ownership will be confiscated. Inmates requesting to have property inscribed should see their respective counselor.

**Jewelry:** Inmates may possess a plain wedding band (without stones) and with prior approval, a religious medal, (without stones). (See Institution Supplement 5580.07, Personal Property of Inmate, Personal Property List).

## **CORRESPONDENCE, VISITING, TELEPHONE PROCEDURES**

**Correspondence:** In most cases inmates are permitted to correspond with the public, family members, and others without prior approval or the maintenance of a correspondence list. Outgoing mail may be sealed in accordance with the Bureau's open correspondence privileges. The outgoing envelope must have a printed label affixed to the upper left hand corner with the

inmate's name, register number, institution, (Satellite Camp, Marion)and return address (P.O. Box 1000, Marion, IL 62959).

Inmates will assume responsibility for the contents of all their letters. Correspondence containing threats, extortion, etc., may result in prosecution for violation of Federal laws. Inmates may be placed on restricted correspondence status based on misconduct or as a matter of classification. The inmate is notified of this placement and has the opportunity to respond.

There is no mail service at SCP Marion on weekends or holidays.

**Incoming Correspondence:** First class mail is distributed Monday through Friday (except holidays) at approximately 6:00 p.m. Newspapers and magazines may also be delivered at this time. Legal and special mail is delivered by the counselor as soon as possible after it is received. The number of incoming letters an inmate may receive will not be limited unless the number places an unreasonable burden on the institution.

All inmate packages received at SCP Marion must have prior authorization. Authorization forms may be obtained from the counselor. Problems of this type should be addressed to the counselor.

**Incoming Publications:** The Bureau permits inmates to subscribe to and receive publications without prior approval. The term "publication" means a book, single issue of a magazine or newspaper, or materials addressed to a specific inmate, such as advertising brochures, flyers, and catalogs.

An inmate may receive hardcover publications from a publisher or book store **only**. Accumulation of publications will be limited to six magazines (not to be older than three month old editions) and ten books, exclusive of a bible and dictionary. The camp administrator may allow more space for legal publications on request.

The warden will reject a publication if it is determined to be detrimental to the security, good order, or the discipline of the institution, or if it might facilitate criminal activity. Publications which may be rejected by the warden include, but are not limited to, publications which meet the following criteria:

- It depicts or describes procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices.
- It depicts, encourages, or describes methods of escape from correctional facilities, or contains blueprints, or similar descriptions of Bureau of Prisons' institutions.
- It depicts or describes procedures for the brewing of alcoholic beverages or the manufacturing of drugs.
- It is written in code.

- It depicts, describes, or encourages activities which may lead to the use of physical violence or group disruption.
- It is sexually explicit or features nudity.

**Special Mail:** "Special Mail" is a category of correspondence which may be sent out of the institution unopened and unread by staff, which includes correspondence to: the President and Vice President of the United States, U.S. Department of Justice, (including the Bureau of Prisons) U.S. Attorneys' offices, Surgeon General, U.S. Public Health Service, Secretary of the Army, Navy, or Air Force, U.S. Courts, members of the U.S. Congress, embassies and consulates, governors, state attorneys general, prosecuting attorneys, directors of State Departments of Corrections, state parole commissioners, state legislators, state courts, state probation officers, other federal and state law enforcement officers, attorneys and representatives of the news media.

Special Mail also includes mail received from the following: All of those persons mentioned above, inclusive of letters from an inmate's attorney. Special Mail from an attorney must state the name of the attorney, the law firm, and **must** have the following statement "Special Legal Mail, Open Only in the Presence of the Inmate." See the Institution Supplement for current information.

At SCP Marion, the counselor is the designee who opens the incoming Special Mail in the presence of the inmate. These items will be checked for contraband and for qualification as special mail; the correspondence will not be read or copied if the sender has accurately identified himself/herself on the envelope, and includes the specified statement above. Exceptions to these procedures will be posted on the unit bulletin boards.

Without the adequate identification as Special Mail, the staff may treat the mail as general correspondence. In that case, the mail may be opened, read, and inspected.

**Inmate Correspondence With Representatives of the News Media:** An inmate may write through special mail procedures to representatives of the news media who are specified by name or title.

The inmate may not receive compensation or anything of value for correspondence with the news media. The inmate may not act as a reporter, publish under a byline, or conduct a business or profession while in Bureau of Prisons' custody. Representatives of the news media may initiate correspondence with an inmate. Correspondence from a representative of the news media will be opened, inspected for contraband, for qualification as a media correspondence, and for content which is likely to promote any illegal activity.

**Correspondence Between Confined Inmates:** An inmate may be permitted to correspond with an inmate confined in another penal or correctional institution. This is permitted if the other inmate is either a member of the immediate family, or is a party in current legal action which both parties are involved. The following limitations are applicable:

Such correspondence may always be inspected and read by staff at the sending and the receiving institution (it may not be sealed by the inmate).

The unit managers at both federal institutions must approve the correspondence. Failure to obtain prior approval may lead to disciplinary action, such as mail restriction.

**Rejection of Correspondence:** The warden may reject correspondence sent by or to an inmate if it is determined to be detrimental to the security, good order, or discipline of the institution, to the protection of the public, or it might facilitate criminal activity. Examples include:

- Matter which is not available under law or postal regulations.
- Information of escape plots, of plans to commit illegal activities, or to violate constitutional rules.
- Direction of an inmate's business (prohibited zct). An inmate may not direct business while incarcerated.

This does not, however, prohibit correspondence necessary to enable an inmate to protect property or funds that were legitimately his at the time of confinement. Thus, for example, an inmate may correspond about re-financing a mortgage on his home or sign insurance papers; however, the inmate may not operate a mortgage or insurance business while confined in the Institution.

**Notification of Rejection:** The warden will give written notice to the sender concerning the rejection of mail and the reasons for the rejection. The sender of the rejected mail may appeal the rejection. The inmate also has the right to appeal the rejection. The warden shall refer all appeals to a designated officer other than the one who originally disapproved the correspondence. Rejected correspondence will be returned to the sender.

**Mailing of Inmate Property:** Inmates wishing to have personal items mailed into the institution will send an inmate request to the department head responsible for the requested items as follows:

- Counselor - Release clothing.
- Health Services Administrator - Orthopedic shoes, arch supports, prescription eyeglasses, prosthetic devices, and hearing aids.
- Chaplain - Wedding bands - married inmates may be permitted to have their wedding bands as long as they do not contain stones.

The department head will inform the inmate of the decision. If the request is approved, the department head will complete the appropriate authorization form. The mail room officer will not accept any item or package for delivery unless the approval form is on file.

**Certified/Registered Mail:** Inmates desiring to use certified, registered, or insured mail may do so, subject to the handling methods established at the institution, at the expense of the inmate. An inmate may not be provided services such as express mail, private carrier services, COD, or stamp collecting while confined.

**Visiting Procedures:** It is the policy of this institution to provide facilities and procedures for visiting with relatives, friends, groups, etc. Visits by relatives, friends, groups, etc. are important in maintaining the morale of each inmate and motivating him towards positive aspirations. It is the responsibility of each visitor/inmate to adhere to these visiting regulations as set forth in the following paragraphs. Visiting forms may be picked up from your counselor or the inmate camp clerk.

The visiting area is the only place where inmates and their visitors may congregate. Inmates will not be permitted to meet their visitors and escort them to the visiting room. All inmates must surrender their commissary card to the assigned officer prior to entering the visiting room. Visitors shall check into the visiting room. After the visitor is processed, the officer will then summon the inmate to the visiting room.

Visiting hours are 5:00 p.m. to 8:00 p.m. on Friday and 8:00 am to 3:00 p.m. on Saturday, Sunday and federal holidays. If the holiday falls on a Friday, the normal Friday evening visiting hours will be followed. No inmate visitors will be processed into the visiting room after 7:00 p.m. on Fridays or 1:30 p.m. on the weekends. All federal holidays will be observed as visiting days.

A visit will be terminated if the visitor/inmate is found to be exhibiting inappropriate conduct during the visit. It should be noted, when the visit is terminated due to unacceptable conduct, the inmate will receive disciplinary action.

All visitors must be approved by camp unit staff and listed on the inmate's visiting list, prior to the proposed visit. All visitors who are not listed on an inmate's current visiting list will not be permitted in the visiting room.

Prospective visitors under the age of 15, must be accompanied by a responsible adult. Each visitor (adult) will be required to provide photo identification to the camp visiting room officer. Individuals possessing non-photo IDs will not be permitted to visit.

Each adult visitor will be required to sign a Notification and Information Form indicating their relationship to the inmate, a complete address, inmate being visited, and acknowledging his or her awareness and understanding of the Introduction of Contraband Form. Any attempt to bring unauthorized items into the camp is a serious violation of Federal Law (USC Title 18 1791), and is punishable by imprisonment of up to ten years and/or fine.

Visitors may be asked to submit to a search and may be checked with a metal detector. Visitors' purses, attorneys' briefcases, etc. may also be searched. Other personal articles belonging to visitors may be left in their cars. The institution will not be responsible for lost or stolen

property. Therefore, visitors should not bring valuable property items on the compound.

The visiting room officers are responsible for the supervision of visits, and enforce all of the visiting room regulations. The visiting room officer will ensure that the door leading into the Education area and those doors leading into the gymnasium are secured during visiting hours.

All visitors are required to dress and expected to conduct themselves within the limits of good taste. Female visitors must be appropriately attired. Females wearing mini-skirts, low-cut blouses, and other types of revealing clothes will not be permitted in the camp visiting room.

Visitors are to maintain complete control of their children while in the camp visiting room or while on institution property.

Visitors are not permitted to loiter in the parking lot area directly outside the camp visiting room before, during, or after a visit. In addition, the parking lot area immediately in front of the visiting area is off-limits during visiting hours. Inmates found loitering in this area, are subject to disciplinary action.

Inmates and their visitors are expected to maintain a sanitary visiting area.

Use of Cameras or Recording Equipment without prior written consent of the Warden is strictly prohibited.

Visitors are encouraged to store all their parcels and/or handbags in their vehicles prior to arriving at the camp. These items will not be permitted into the visiting room. Packages or gifts of any kind are not permitted.

Visitors are not permitted to bring any food items or beverages from outside into the camp visiting room.

The satellite camp, Marion, Illinois does not provide meals for visitors, but vending machines are available for inmate/visitor use.

Visitors with infants may bring baby food or baby bottles into the visiting room.

Visitors may not bring cassette tapes, VCR tapes, or cellular phones into the visiting room.

Inmates are to use the assigned restroom in the visiting area.

The officer will insure the visitor restrooms are secure when not in use. Inmates will be searched by staff prior to entering and exiting the visiting area.

Visitors may embrace, shake hands, and/or kiss the visitor **briefly** once before the visit, and after the visit is completed in the presence of the visiting room officer, adjacent to the front desk.

Visits will end at the officer's desk. The entry area/parking lot will not be used as a place to say farewell. Visitors will sign out, and proceed to exit the visiting room, and return to their cars. After approximately five minutes, the officer will return the inmates' commissary card and release him from the visiting room.

Any effort to evade the visiting room regulations, will result in disciplinary action for the inmate, and possible legal proceedings against the visitor.

If it becomes overcrowded in the visiting area, visits will be terminated. The officer will terminate visits on the basis of commuting distance, frequency of visits, and arrival time.

Staff may terminate visits at any time for violations of the afore-mentioned regulations.

The satellite camp, Marion, Illinois, is located about ten miles South of Marion, Illinois, just off Highway 148.

Transportation to the institution can be arranged through local cab companies to include Marion Cab Company at (618) 993-8181 and Red Top Cab Company at (618) 997-1098. Greyhound Bus Lines travels to Marion and is located at 701 West College Street, and can be contacted at (618) 997-6158.

Visitors who may deem it necessary to use a public telephone, will find them at the main institution across the street from the camp.

New inmates are asked to submit a visiting list which will be given to their counselor for approval. Members of the immediate family, who have been identified in the Pre-Sentence Report, will ordinarily be placed on the visiting list temporarily. Other relatives and friends may be approved after certain checks are completed.

Requests for approval for these additional visitors should be made to the counselor at least three weeks in advance of the intended visit.

Requests for special visits, due to family emergencies, should be directed to your assigned counselor.

**Attorney Visits:** Attorneys should ordinarily make advance appointments for each visit, by faxing a written request to the counselor. Attorneys are encouraged to visit during regular visiting hours. However, visits from an attorney can be arranged at other times, based on the circumstances of each case and the availability of staff. Attorney visits will be subject to visual monitoring, but not audio monitoring.

During attorney visits, a reasonable amount of legal material may be allowed in the visiting area with prior approval.

**Attorney Phone Calls:** In order to arrange an unmonitored phone call between an attorney and

an inmate, the inmate must contact his counselor. The inmate must demonstrate that he has an eminent court deadline. Calls placed through the regular inmate phones are subject to monitoring.

**Telephone Use:** There are eight phones near the officer's station in the new dorm. Inmates must have enough money in their phone account to place a three-minute phone call. All inmates should read and be familiar with the Institution Supplement, MAR 5264.07H Telephone Regulations for Inmates.

The inmate telephone system has a voice recognition feature and the inmate must register his voice on the inmate telephone system prior to making any telephone calls. See your counselor for instructions when registering your voice for the first time.

Phone calls are limited 300 minutes per month. At his discretion, an inmate may make any combination of collect or direct-dial calls. Phone calls are 15 minutes in duration.

Telephones are to be used for lawful purposes. Threats, extortion, etc., may result in prosecution. All inmate telephones are subject to monitoring and recording. Inmates must contact their case manager or counselor to arrange an unmonitored attorney call.

The Inmate Telephone System (ITS) is a privilege granted to each inmate. This privilege can be revoked as a disciplinary sanction.

You will receive a personal phone access code (PAC). This code is confidential and is not to be shared. If your PAC number is lost, stolen or you forget the number you will be charged a \$5 fee in order to receive another number. (ITS) phone credits are purchased through the phone system in whole dollar amounts. ITS phone credits purchased will be available immediately. You will not receive any statements concerning your account. You will be allowed to have a maximum of 30 telephone numbers on your contact list. You must have a minimum of three minutes' phone time in your account in order to place a direct call.

All phones, except one in each dormitory, will be disabled Monday - Friday during the hours of 7:30 a.m. through 10:30 a.m. and from 12:30 p.m. until the 4:00 p.m. count clears.

#### **To Request Telephone Numbers:**

1. You may have up to thirty telephone numbers.

**NOTE: 800,888,900,976 telephone numbers will not be allowed.**

#### **To Make Deposits to your Telephone Account:**

#### **Phone Access Code (PAC):**

1. You will be assigned a 9 digit Phone Access Code (PAC). The PAC is your confidential

- code.
2. The PAC must be used to process a telephone call.
  3. Distribution of this PAC to other inmates is prohibited.
  4. If you believe your PAC has been compromised, contact your Unit Team immediately.

**Telephone Time Limit:**

1. All calls are limited to 15 minutes.
2. Calls will not be allowed if funds are not available to place at least a three-minute call.

**Warning Tone:** The system provides a warning tone approximately one minute before the call is disconnected.

**To Place a:**

**Local Call:**

1. Listen for the dial tone.
2. Enter the seven digit telephone number.
3. Wait for the new dial tone.
4. Enter your Phone Access Code (PAC)  
Example: 555-1234-357926819

**Collect Local Call**

- 1 Listen for the dial tone.
2. Enter 0, then the 10 digit telephone number.
3. Wait for the new dial tone.
4. Enter your PAC  
Example: 0-202-555-1234-357926819

**Long Distance Call:**

1. Listen for the dial tone.
2. Enter 1, area code, and the telephone number.
3. Wait for the new dial tone.
4. Enter your Phone Access Code (PAC)  
Example: 1-202-555-1234-357926819

**Collect Long Distance Call**

- 1 Listen for the dial tone.
2. Enter 0, then the 10 digit telephone number.
3. Wait for the new dial tone.
4. Enter your PAC  
Example: 0-202-555-1234-357926819

**International Call:**

- 1 Listen for the dial tone.
2. Enter 011, country code, city code, and telephone number.
3. Wait for the new dial tone.

4. Enter your Phone Access Code (PAC); example: 011-35-24-426973-357926819

**To Obtain Your ITS Account Balance, cost of your last call, or transfer funds:**

1. Listen for the dial tone.
2. Enter 118 and then enter your Phone Access Code (PAC).  
Example: 118-357926819
3. Follow voice prompts.

**Voice Response:** A voice message will be given on the following telephone functions:

1. Your telephone account has been disabled.
2. The Access Code entered is not valid.
3. The telephone number entered is not allowed.
4. Your telephone account does not have sufficient funds to continue this telephone call.
5. Your telephone account does not have sufficient funds to place this call.
6. The telephone number entered has not been authorized.
7. Your telephone account is inactive.
8. This telephone account number is currently in use.
9. You are authorized for collect calls only.
10. You are **not** authorized for collect calls.
11. Your telephone account is not authorized to place calls at this time.
12. You are not authorized to place calls from this living unit.
13. All lines are busy at this time. Please wait a few minutes and then try again.
14. Your telephone account is being edited. Please try later.
15. Your telephone account is not authorized to place calls.

**COMMISSARY OPERATIONS/ACCOUNT INFORMATION**

Sales start at 10:30 a.m. and run until last call is announced. Once last call has been announced, the sales unit will remain open for 30 minutes. All inmates in line at this time will be served.

All inmates will shop by the fifth (5th) digit of their register number. Shopping days are Tuesday and Thursday of each week. The commissary will rotate between even and odd numbers each month. Even numbers will shop Mondays on the following months; February, April, June, August, October, and December. Odd numbers will shop on Mondays on the following months; January, March, May, July, September, and November.

The current Bureau of Prisons spending limit is \$320 per month. The price list is also an order form. No order changes will be processed once your list has been submitted. Prices are subject to change without notice.

Stamps are sold during regular sales hours. Stamps are sold in books or singles, in denominations of .three cents, five cents, Forever and dollar stamps purchase limit is one book per week. Stamps do not count against your monthly spending limit.

### **Deposits to Accounts:**

1. The public will send funds to the Lockbox at the following address:

**Federal Bureau of Prisons**

Note:

**Inmate's Register Number** *(must be placed on second line)*

Note: **Inmate's Name** *(must be placed on third line)*

**Post Office Box 474701**

**Des Moines, Iowa 50947-0001**

**\*\*\*A complete return address (with senders name) must be placed in the upper left hand corner of the envelope.**

2. The inmate's **registration number and name must also be written, clearly and legibly**, on the negotiable instrument enclosed in the envelope.
3. The Lockbox is to be used solely for collections of funds. Any **correspondence, photographs or other items** enclosed with the negotiable instrument will be **discarded**.
4. Only the following approved negotiable instruments will be **accepted**:

**Money orders**

**Government checks**

**Foreign negotiable instruments (U.S. currency only)**

**Business checks (no personal checks)**

5. **Negotiable instruments will be rejected** (sent back to sender), if:

There is no register number or the register number is less than 8 digits,

A valid date or signature is missing,

The item has a stale date (older than 6 months),

It is a third party or joint payee instrument,

It is a personal check (**no personal checks!**), or,

It is an insurance, trust or other similar type of check (these will be processed, along with personal correspondence and photos, via institution mail only).

### **HEALTH SERVICES OVERVIEW**

The overall Bureau of Prisons health care delivery system includes local medical facilities, as well as major medical facilities.

Locally, on site medical care is available from 6:00 a.m. until 2:30 p.m., Monday - Friday, with

urgent care available 24 hours a day, 7 days a week, based on evaluations by the Health Services unit staff.

While in the custody of the Federal Bureau of Prisons you have the right to receive health care required to maintain your basis health.

**Sick Call Appointments:** You have the right to make a sick call appointment, Monday, Tuesday, Thursday, and Friday of each week. Wednesday is set aside for lab testing and special procedures as scheduled by the camp medical staff. To make a sick call appointment, you must report to the Camp Health Services Unit between the hours of 6:15 a.m. and 6:30 a.m., at which time the medical staff will assign your appointment time. It will be your responsibility to make the appointment, and if you are late, the appointment will be canceled and the camp officer will be notified to ensure inmate accountability. If you are working at 6:15 a.m., you must request your work supervisor to call and make your appointment for you.

**Medical/dental Callouts:** If you are scheduled for a medical or dental callout, you will be notified, and the listing will be posted outside the Camp Health Services Unit. Again, it will be your responsibility to keep this scheduled appointment.

**Medications:** If you are on a scheduled medication, the morning medication line is from 6:00 a.m. until 6:15 a.m., and the evening line will be from 2:30 p.m. until 3:00 p.m. If you are to receive medications other than these hours, you will receive instructions from the camp medical staff.

Medications will be dispensed as follows:

Controlled - Issued one dose at a time by the physicians assistant or pharmacist.

Issued - Issued in small supply, not to exceed 30 days

Over-the-Counter - Issued as prescribed by the camp physicians assistant or purchased through the commissary.

**Camp Health Services Unit:** If you are not on the sick call list, medical/dental callout, medication line, or reporting for urgent care, you will not be admitted into the Camp Health Services Unit. This will prevent interruptions in privacy and medical evaluations.

**Injuries:** It is your responsibility to report all injuries, work related or other, to your work supervisor, housing officer, and camp medical staff.

**Dental Services:** During your intake dental screening, your dental health status will be assessed, and a comprehensive dental treatment plan will be established. Once your dental treatment priorities have been established, you will be assigned to the routine dental waiting list. When you are scheduled for a dental appointment, you will be notified, and the list will be posted outside the Camp Health Services Unit. Failure to appear for a dental appointment will result in reassignment to the bottom of the waiting list and possible sanctions under the inmate disciplinary code.

Dental emergencies (i.e., acute dental abscess, pain, swelling, traumatic tooth avulsion), are reported to the camp physicians assistant for initial evaluation and treatment coordination. Routine dental requests are to be submitted to the chief dental officer by using the BP-149 (Inmate Request to Staff) form.

**Eyeglasses:** Basic visual acuity screening is conducted during your intake physical. If you have a significant vision deficit, you will be placed on the Optometry Clinic waiting list. Those inmates over the age of 50 will be offered tonometry testing. Glasses, if indicated, will be purchased, by the Health Services Unit, at no charge to you.

Contact lenses are only authorized for those patients that require them for medical reasons. If authorized, the lenses and all necessary hygiene supplies, will be purchased by the Health Services Unit at no charge to you.

**Medical Duty Status (MDS):** Medical duty status is the medical limitations assignment component of an inmate's program. The initial assignment of MDS is based on the intake physical findings. Periodically, this status may change during your stay at this facility. Temporary MDS assignments are frequently incorporated as part of the medical care. The most common temporary MDS's are: Bed Rest, Idle, Convalescence, and Athletic restrictions. Medical duty status applied to detail restrictions automatically extend into recreational activities.

Medical Duty Status Restrictions are as follows:

- Bed-Rest: The patient is restricted to bed-rest. He may be up for meals, medication lines, bathroom privileges, and religious services only.
- Idle: The patient must be in his cube, out for meals, medication line, bathroom privileges, and religious services only.
- Convalescence: The patient is allowed to convalesce at the Camp under the supervision of the Camp Officer. Under this assignment, the patient's movement is not limited; however, they are not allowed to participate in any work or recreational activities.
- Athletic Restrictions: Athletic restrictions are specified in detail when assigned.

MDS's are Program Assignments. Violations of the conditions or restrictions will result in sanctions under the disciplinary code. MDS restrictions assigned to work assignments also apply to recreational or athletic activities, i.e., No Lifting Greater Than Ten Pounds restriction - If the patient is found lifting weights in recreation, he would be subject to an Incident Report for disobeying an order and failure to program.

**Medical Records Requests:** The Bureau of Prisons has established procedures for processing records requests. Some limited records are locally releasable under the Freedom of Information Act. Any request for locally releasable medical records are to be submitted to the Health Information Office (Medical Records) on the BP-148 form. When requesting locally releasable

records, please be specific as to what forms, and the inclusive dates of the records requested. You will be notified of the costs associated with the duplication of records. Once we are notified that the Form 24 has been processed, duplication will proceed. Third party requests are submitted to the FOI/PA Administrator in the Central Office, Washington, D.C.

**Immunizations:** The Bureau of Prisons follows the recommendations of the Centers for Disease Control for immunization schedules and doses. Procedures and requirements for immunizations will be discussed with you by the Camp Physician Assistant.

**Annual and Biennial Physical Examinations:** You have the availability for a biennial physical examination if you are under the age of 50. To schedule this examination, submit your request on the BP-149 form to the camp physicians assistant or via routine sick call appointment. If you are age 50 or over, you have the availability for an annual physical examination. To schedule this examination, submit your request on the BP-149 form to the camp physicians assistant or via routine sick-call appointment.

**Release Physical Examination:** You may request a release physical examination if you have not had one within 1 year prior to your expected date of release. This physical examination may be requested via the BP-149 form or via routine sick call appointment.

**Specialty Clinics:** If you are diagnosed as having a chronic medical condition, you will be monitored on the specific Chronic Care Clinic under the direction of the clinical director. If this is the case, you will be notified by the camp physician assistant.

**On the Job Injury:** If an inmate is injured while performing an assigned duty, he must immediately report this injury to his work supervisor. The work supervisor will then report the injury to the institution safety manager. The inmate will be disqualified from eligibility for lost time wages or compensation if he fails to report a work-related injury to his supervisor.

If injured while performing an assigned duty, and the inmate expects to be impaired to some degree, he may submit a claim for compensation. A medical evaluation must be included in the claim before any compensation can be considered.

## **FEDERAL BUREAU OF PRISONS HEALTH CARE RIGHTS AND RESPONSIBILITIES**

While in the custody of the Federal Bureau of Prisons, you have the right to receive health care in a manner that recognizes your basic human rights, and you also accept the responsibility to respect the basic human rights of your health care providers.

- 1) RIGHTS: You have the right to health care services, based on the local procedures at your institution. Health services include medical sick call, dental sick call and all support services. Sick call at the United States Penitentiary, Marion, Illinois is conducted:

Monday, Tuesday, Thursday, Friday 6:00 a.m. - 2:30 p.m.  
Wednesday - emergencies only

RESPONSIBILITIES: You have the responsibility to comply with the health care policies of your institution. You have the responsibility to follow recommended treatment plans that have been established for you by institution health care staff, to include proper use of medications, proper diet, and following all health related instructions with which you are provided.

- 2) RIGHTS: You have the right to be offered a “Living Will” or to provide the Bureau of Prisons with “Advanced Directives” that would provide the Bureau of Prisons with instructions if you are admitted as an inpatient to a hospital in the local community or the Bureau of Prisons.

RESPONSIBILITIES: You have the responsibility to provide the Bureau of Prisons with accurate information to complete this agreement.

- 3) RIGHTS: You have the right to participate in health promotion and disease prevention programs including education regarding infectious diseases.

RESPONSIBILITIES: You have the responsibility to maintain your health and not to endanger yourself, or others, by participating in activity that could result in the spreading of an infectious disease.

- 4) RIGHTS: You have the right to know the names and professional status of your health care providers.

RESPONSIBILITIES: You have the responsibility to respect these providers as professionals and follow their instructions to maintain and improve your overall health.

- 5) RIGHTS: You have the right to be treated with respect, consideration and dignity.

RESPONSIBILITIES: You have the responsibility to treat staff in the same manner.

- 6) RIGHTS: You have the right to provided with information regarding your diagnosis, treatment, and prognosis.

RESPONSIBILITIES: You have the responsibility to keep this information confidential.

7. RIGHTS: You have the right to be examined in privacy.

RESPONSIBILITIES: You have the responsibility to comply with security procedures.

8. RIGHTS: You have the right to obtain copies of certain releasable portions of your health record.

RESPONSIBILITIES: You have the responsibility of being familiar with the current policy to obtain these records.

9. RIGHTS: You have the right to address any concern regarding your health care to any member of the institution staff including your physician, the health services administrator, members of your unit team and the warden.

RESPONSIBILITIES: You have the responsibility to address your concerns in the accepted format, such as the Inmate Request to Staff Member form, open houses or the accepted inmate grievance procedures.

10. RIGHTS: You have the right to receive prescribed medications and treatments in a timely manner, consistent with the recommendations of the prescribing health care provider.

RESPONSIBILITIES: You have the responsibility to comply with prescribed treatments and follow prescription orders. You also have the responsibility not to provide any other person your medication or other prescribed item.

11. RIGHTS: You have the right to be provided health and nutritious food. You have the right to be instructed regarding a healthy choice when selecting your food.

RESPONSIBILITIES: You have the responsibility to eat health and not abuse or waste food or drink.

12. RIGHTS: You have the right to request a routine physical examination, as defined by BOP policy, If you are under the age of 50, once every two years; over the age of 50, once a year.

RESPONSIBILITIES: You have the responsibility to notify medical staff that you wish to have an examination.

13. RIGHTS: You have the right to dental care as defined in BOP policy in include preventive services, emergency care and routine care.

RESPONSIBILITIES: You have the responsibility to maintain your oral hygiene and health.

14. RIGHTS: You have the right to a safe, clean and healthy environment, including smoke free living areas.

RESPONSIBILITIES: You have the responsibility to maintain the cleanliness and safety in consideration of others. You have the responsibility to follow smoking regulations.

15. RIGHTS: You have the right to refuse medical treatment in accordance with BOP policy.

Refusal of certain diagnostic tests for infectious diseases can result in administrative action against you.

RESPONSIBILITIES: You have the responsibility to responsibility to be counseled regarding the possible ill effects that may occur as a result of your refusal . You also accept the responsibility to sign the treatment refusal form.

## **PROGRAMS, SELF IMPROVEMENT PROGRAMS, AND SERVICES**

**Job Assignments:** All inmates are expected to maintain a regular job assignment. This shall include inmates with disabilities who, with or without reasonable accommodation, can perform the essential function of the work assignment. Many job assignments are controlled through a Performance Pay System, which provides monetary payment for work. Federal Prison Industries (UNICOR) has a separate scale. Work assignments may be based on institution need and not personal choice.

Inmates desiring job changes must make their request to the unit team. The camp unit manager may approve job changes and post the changes on the daily change sheet(s). An inmate must maintain his current job assignment for 90 to 180 days before requesting a job change. He must also receive a satisfactory performance ratings. Institution maintenance jobs are usually the first assignment an inmate receives. These might include work in Food Service, as a unit orderly, or in a maintenance shop. All inmates must have a medical clearance prior to working in Food Service.

**Religious Programs:** SCP Marion offers a wide variety of religious programs and activities to inmates. We have two chaplains who are available to assist while on your journey here. There is also one religious services assistant. We have contract chaplains to assist you including Muslim, Nation of Islam, Moorish Science Temple, Jewish, Native American, and a Catholic priest. We have volunteers of various faith groups who conduct programs. The only religious diet we provide is the Common Fare diet; see a chaplain to sign up. We conduct and arrange worship services, holy day observations, and other spiritual activities that are coordinated through the chaplain's office. If your family has an emergency at home, we can assist you with communicating to them during the crisis, such as hospitalization, a death, an accident, etc. There is a prisoner family support group that can assist your family coming for a visit, please see one of the chaplains for a brochure. We have Sacred Scriptures that are available, please submit a "cop-out" to the chaplains. Additional information about these and other programs are available during the Orientation Program, and from the chaplains. May God's presence sustain you and your loved ones while you are here.

**Psychology and Psychiatric Programs:** During your initial period of confinement, you will be asked to complete a Psychology Services Inmate Questionnaire, which is included in your Admissions and Orientation packet. This form is your reporting of experiences that may impact your mental health during your incarceration. You will be expected to complete this form at each

BOP institution. If you are concerned about others viewing this form, check box 40 for an interview with a member of Psychology Services. If you are experiencing any mental health problems or you have a history of mental health problems, please check box 40 or inform a staff member that you would like to speak to a psychologist. If you are currently taking medication for any mental health disorder, please contact Psychology Services as soon as possible, so that we can arrange for you to see our consulting psychiatrist. To better serve your mental health needs while you are here, Psychology Services needs to know if you have taken medications for any mental health disorder or if you have been treated by a mental health professional for any mental health condition in the past.

Psychology Services is also responsible for providing two levels of Drug Abuse Programming, which include the Drug Education Program and the Non-Residential Drug Abuse Program. If you enter the BOP after September 30, 1991, and you have a confining offense involving drugs; you have a court order for drug treatment; or you are incarcerated for a parole/probation violation for substance abuse, the BOP requires that you complete the Drug Education Program. If you choose to avoid this level of responsibility, the BOP can hold you in the lowest pay grade within the facility and deny community activities. Your unit team can also use this refusal in their assessment when deciding your security and custody levels, as well as, any request you may make concerning transfers. Inmates who are not required to participate but have substance abuse histories, unit team, or DHO recommendations, or a Psychology Services screening that indicate a need for treatment may volunteer for the program. Non-Residential Drug Abuse Programming is also available to inmates who want to volunteer.

The BOP also offers Residential Drug Abuse Programming (RDAP) at several institutions. To be eligible, you must have a documented history of substance abuse. A self report is not enough. Eligible inmates are ordinarily transferred to an RDAP facility when they are 36 months or less from their projected release date. The program lasts approximately nine months followed by one year of transitional services (aftercare). In 1994, Congress passed provisions of the Crime Bill to permit eligible inmates up to a year off their sentences after completion of RDAP. In order to be eligible for early release consideration you must not have a confining offense that has been deemed violent or a crime per the director's discretion which would preclude you from early release consideration or a history of violence. You must also successfully complete six months placement in a Residential reentry center (RRC). You subsequently lose your eligibility if you are found guilty by the DHO of any 100 level infractions or you fail to complete RRC placement. If you are interested in RDAP and approximately 40 months from your projected release date, please submit a "Request for Staff Assistance" to the Drug Abuse Treatment Specialist.

**Psychology Services:** Psychologists are available for individual and/or group psychotherapy. Inmates interested in these services can submit an "Inmate Request to Staff Member" form, to Psychology Services. Mental health services are offered in the areas of drug and alcohol abuse, as well as other behavioral or emotional problems.

### What Is Sexual Assault?

According to the Federal Bureau of Prisons (BOP), sexual assault is any forceful or threatening

sexual behavior forced on you by one or more inmates. This includes pressure, threats, or other actions and communications to force you to engage in a partial or complete sexual act.

---

### Your Right To Be Safe From Sexual Assault

While you are incarcerated, no one has the right to pressure you to engage in sexual acts. You do not have to tolerate sexual assault or pressure to engage in unwanted sexual behavior regardless of your age, size, race or ethnicity.

### About Your Safety

If you feel that your right to be left alone sexually is being violated, BOP Staff are available to help you deal with this problem. You should feel free to discuss your concerns about sexual assault with any staff member. Some staff, like psychologists, are specially trained to help you deal with problems in this area. If you are in an emergency situation, please approach any staff member. It is part of their job to ensure your safety. You do not have to name other inmates to receive assistance, but specific information may make it easier for staff to help you.

If you are sexually assaulted, you should immediately ask for medical treatment. Even though you may want to clean up after the assault, it is important to see medical staff before you shower, wash drink, eat, change clothing or use the bathroom. Medical staff will examine you for injuries which may or may not be readily apparent to you. They can also check you for sexually transmitted diseases and gather any physical evidence of assault.

### Avoiding Sexual Assault

Here are some things you can do to protect yourself against sexual assault:

- \* Do not accept gifts or favors from other inmates. Most gifts or favors from other inmates come with strings attached to them.
- \* Be alert! Do not use contraband substances such as drugs or alcohol; these can weaken your ability to stay alert and make good judgments.
- \* Be direct and firm if other inmates ask you to do something you do not want to do. Do not give mixed messages to other inmates regarding your wishes for sexual activity.
- \* Avoid poorly lit and out-of-the-way areas of the institution.
- \* Choose your associates wisely. Look for people who are involved in "safe," positive institutional activities like educational programs, psychology groups or religious services. Get involved in these activities yourself.

Trust your instincts. If you sense that a situation may be dangerous, it probably is.

### Counseling Services Related To Sexual Assault

Most people need help to recover from the emotional effects of sexual assault. If you are the victim of a sexual assault, whether it is recent or in the past, psychology staff are available to counsel you.

If you feel that you need help to keep from sexually assaulting someone else, psychological services are available to help you gain control over these impulses.

Before you attack another inmate, remember....sexual assault is a serious crime. The Bureau of Prisons will investigate all reported sexual assault incidents. If you are found guilty of sexual assault, you will be subject to disciplinary action which may include loss of good time, time in disciplinary segregation, and/or additional criminal charges and time in prison.

**Education Programs:** The Education Department is responsible for educational testing, academic training, social education, pre-release programs, vocational training, hobby crafts, recreational activities, library, and law library. An education representative is available four days per week to assist in the educational needs of all inmates.

By Bureau of Prisons' policy, with minor exceptions, all federal prisoners who do not have a high school diploma or GED, must enroll for 240 in literacy education classes. Inmates may be released from these programs after 240 hours. However, if an inmate has not completed the GED/Literacy Program after participation in the class for 240 hours, the inmate may choose to either continue the program or drop out, unless mandated by other statute. SCP Marion encourages all inmates to pursue their GED or advance their education in some manner. All promotions above entry grade level are contingent upon completion of a literacy program (completing GED requirements). Refusal to participate in this program, if required, will limit the inmate to receipt of Maintenance Pay, at the rate of \$5.25 per month. Adult Continuing Education classes are offered during evening hours. The Bureau does not pay for college level classes, but instead assists the inmate in enrollment if he has funds available.

**Apprenticeship & Advanced Occupational Training:** Apprenticeship Training is afforded inmates housed at SCP Marion. Trades are Water Treatment and Waste Water Treatment.

**Education Testing:** Standardized tests are administered when needs are identified following your arrival at SCP Marion. The "Adult Basic Learning Examination" (ABLE), TABE, and/or Pre-GED test is administered to inmates who do not have verification of GED completion or a high school diploma.

The purpose of these tests is to measure educational achievement, general ability, and assist residents in developing personal program goals for growth during their confinement. The testing also assists in identifying appropriate entry levels for those participating in educational programs.

**Education Program Counseling:** An education representative is assigned to the camp. He/she will offer programming assistance and educational counseling as needed. All inmates are interviewed by the education representative during their first two weeks at SCP Marion. You are

a member of this process as well as a member of your unit team. Let us know your needs so we can better represent your program goals at your unit team meetings.

**Recreation, Leisure, and Social Programs:** Leisure activities and recreation programs are supervised by the Education Department. These programs help inmates develop an individual wellness concept for participants. Programs include indoor and outdoor activities, and include intramural team sports such as softball, basketball, and volleyball. Physical fitness programs are also important activities for inmates and contribute to good mental health, good interpersonal relationships, and stress reduction. Tennis, racquetball and bocce ball are individual sports which are also available at SCP Marion. These activities are helpful in teaching inmates how to use their free time in a constructive manner.

**Photographs:** The Recreation Department takes individual inmate photographs on Mondays from 4:30 to 6:00 p.m. Photographs of inmates and their visitors are taken on Sundays and selected holidays from 12:00 to 2:00 p.m. Inmates must be appropriately dressed and no inmate group pictures or gang signs are permitted.

**Haircuts:** Three inmate barbers are assigned to the camp. One of the assigned barbers will be working each day of the week during the afternoon hours. Additional volunteer barbers may be used but only after staff approval. Assigned barbers and approved volunteers are the only inmates authorized to use the barber equipment. Hair cuts are given on a “first come - first serve” basis and no special appointments will be made; however, a daily sign-up sheet may be used during times of heavy demand. Inmates are permitted to sit in the barber chairs only when receiving a haircut.

**Counseling:** There are many alternatives for inmates who experience personal problems while incarcerated, and the desire to correct them. Drug Awareness is mandatory for those who have a history of use or association with controlled substances. In addition, SCP, Marion has professional staff as resources who are trained in the various social science fields. Inmate participation in these activities will be encouraged based on staff assessment of inmate needs, but participation is voluntary. The Unit Staff are available for informal counseling sessions and they also conduct formal group counseling activities.

**Pre-Release Programming:** Release planning shall begin at an inmate's first team meeting, normally the initial classification, and shall continue throughout the inmate's confinement. The Pre-Release Program is designed to assist inmates in preparing themselves for release. Inmates will be given aid in developing plans for their personal lives and for work. This program offers classes and information seminars concerning the personal, social, and legal responsibilities of civilian life. The institution pre-release sessions are held monthly and the core courses can be completed in four months. Inmates are scheduled to attend when they are approximately 18 to 24 months or less from their release date. Attendance is mandatory. Scheduled information sessions with U.S. Probation Officers, U.S. Parole Commission Members, other agencies, and employers are available, for question and answer sessions.

**Escorted Trips:** Bedside visits and funeral trips may be authorized for inmates, when an immediate family member is seriously ill, in critical condition, or has passed away. Normally, one staff member will escort the inmate during the entire trip. The inmate is responsible for all costs involved, excluding the first eight hours the employee is on duty.

There are occasions when an escorted trip is not approved, even when all policy required conditions are met, based on a determination that a perceived danger to Bureau staff may result, or the security concerns of the individual inmate might outweigh the need to visit the community.

**Furloughs:** A furlough is an authorized absence from an institution by an inmate who is not under escort of a staff member, a U.S. Marshal, other federal, or state agents. Furloughs are a privilege, not a right, and are granted only when clearly in the public interest, and for the furtherance of a legitimate correctional goal. See the unit team for qualifications for a furlough. An inmate with a history of violence, escape attempts, or history of use of firearms, will not be granted a furlough.

Applications for social furloughs must be completed and turned in to your counselor at least 60 days prior to the dates requested. Request for furloughs are to be made during an inmates scheduled program review meeting. Emergency furloughs can be made at any time.

The Bureau has a furlough program for inmates who have community custody and are 18 months or less from their anticipated release date. An inmate who meets the eligibility requirements may submit an application for furlough to staff for approval.

Furloughs may be granted for the following reasons:

- Visits to dying, immediate family members.
- Attendance at funeral of immediate family member.
- Obtaining medical services not otherwise obtainable.
- Transferring directly to another minimum security institution or Residential reentry center.
- Participation in select educational, social, civil, religious, and recreational activities which facilitate release transition.

At SCP, Marion, Pre-Release Programming will be emphasized, and staff will address concerns about readjustment, current community activities issues and educational/vocational opportunities. For eligible inmates, furloughs and Community Correction Center placements (halfway house) will be considered.

**Transfers:** Normally, an inmate must be at this institution a minimum of 18 months with good institutional adjustment before being considered for a nearer transfer to another institution.

Should an inmate be within five hundred mile of his legal residence, he will not be eligible for transfer.

**Central Inmate Monitoring System:** The Central Inmate Monitoring System (CIMS) is a method designed for the Bureau's Central Office and Regional Offices to monitor and control the transfer, temporary release, and participation in community activities of inmates who pose special management considerations. Designation as a CIMS case does not, in and of itself, prevent an inmate from participating in community activities. All inmates who are designated as CIMS' cases will be notified by their case manager. Inmates in this category who apply for community activities should apply in ample time to allow the Institution to obtain necessary clearance from the appropriate areas.

**Marriages:** If an inmate wishes to be married while incarcerated, the warden may authorize him to do so, under certain conditions. All expenses of the marriage will be paid by the inmate and parties involved. Government funds may not be used for marriage expenses.

If an inmate requests permission to marry, he must:

1. Have a letter from the intended spouse which verifies her intention to marry.
2. Demonstrate legal eligibility to marry by both parties.
3. Be mentally competent.

The case managers are available to discuss with the inmate the issue of marriage while incarcerated.

**Inmate Financial Responsibility Program (IFRP):** The Inmate Financial Responsibility Program was implemented to encourage sentenced inmates to meet their legitimate financial obligations.

Each inmate with a financial obligation, regardless of the extent of resources, should develop a financial plan with members of the unit team. Ordinarily failure to satisfy the obligation in accordance with the payment plan will effect future consideration for parole, performance pay, commissary privileges, release gratuities, and community programs including furloughs and residential reentry center placement. If an inmate refuses to meet his obligations, the inmate cannot work for UNICOR, nor receive performance pay above the maintenance level. Also, failure to participate in this program may affect job assignments, housing preference, and other types of preferred programming. The status of any financial plan will be included in all progress reports. The U.S. Parole Commission will also review financial responsibility progress at parole hearings.

Interest and penalties are associated with unpaid restitution and fines. Payment plans will be discussed at your team meetings and possibly at your scheduled parole hearing(s). The United States Parole Commission is authorized to deny parole if an inmate refuses to pay a fine or restitution. When an inmate refuses to pay, revocation of supervision may result if payment of the obligation is a court-ordered condition of parole or supervised release.

When an inmate has the resources to do so, it is intended that full payment will be made as expeditiously as possible. Inmates with sizable obligations and considerable community resources are ordinarily not to be considered as exercising adequate responsibility by making minimum payments from institution earnings. The imposition of larger financial obligations by the court, like the imposition of longer sentences, reflects concern with the relative seriousness of the offense. In such cases, it ordinarily can be assumed the court has taken into consideration the inmate's ability to pay.

Working closely with the Administrative Office of the courts and the Department of Justice, the Bureau administers a systematic payment plan for court imposed fines, assessments, fees, and costs of incarceration. All designated inmates are required to develop a financial plan in order to meet their obligations. Your case manager will assist you in developing a financial plan at your initial classification.

These obligations may include: Special assessments imposed under 18 USC 3013, fines and judgements in favor of the U.S., or other debts owed to the federal government, and court ordered obligations. See the booklet entitled, What You Need to Know About Your Criminal Debts.

Institution staff assist in planning, but the inmate is responsible for making all payments required, either from earnings within the institution, or from outside resources. The inmate must provide documentation of compliance and payment.

The unit team reviews each inmate's Trust Fund (T/F) account balance and activity on a regular basis (ordinarily at Program Reviews). In accordance with Program Statement 5380.07, Inmate Financial Responsibility Program, the following are guidelines for IFRP payment plan amounts expected to be made on the basis of Trust Fund balance reviews:

<u>T/F Balance Past 6 Months</u>	<u>Payment Plan Amount</u>
\$450 or less	\$25/quarter (March, June, September, and December)
\$451 to \$550	\$35/quarter (March, June, September, and December)
\$551 to \$650	\$45/quarter (March, June, September, and December)
\$651 to \$750	\$55/quarter (March, June, September, and December)
\$751 to \$850	\$65/quarter (March, June, September, and December)
\$851 to \$950	\$25/month
\$951 to \$1,150	\$35/month
\$1,151 to \$1,350	\$45/month
\$1,351 to \$1,550	\$55/month
\$1,551 or more	increase by \$10 every month for each additional \$200

Financial Management deducts IFRP payments between the first and tenth day of each month.

Payment. The inmate is responsible for making satisfactory progress in meeting his/her financial responsibility plan and for providing documentation of these payments to unit staff. Payments may be made from institution resources or non-institution (community) resources. In developing an inmate's financial plan, the unit team shall first subtract from the trust fund account the inmate's minimum payment schedule for UNICOR or non-UNICOR work assignments, set forth below in paragraphs (b)(1) and (b)(2) of this section. The unit team shall then exclude from its assessment \$75 a month deposited into the inmate's trust fund account. This \$75 is excluded to allow the inmate the opportunity to better maintain telephone communication under the Inmate Telephone System (ITS).

At each program review, when reviewing the inmate's financial plan, the unit team must:

- determine the total funds deposited into the inmate's trust fund account for the previous six months;
- subtract the IFRP payments made by the inmate during the previous six months; and
- subtract \$450 (i.e., \$75 x 6 months, ITS exclusion).

Any money remaining after the above computation may be considered for IFRP payments, regardless of whether the money is in the inmate's trust fund or phone credit account. All monies above that computation, may be used to adjust the inmate's IFRP payment plan.

**Note:** Once money has been transferred from the inmate's trust fund account to the inmate's phone credit account, this money may not be transferred back to the inmate's trust fund account, except as provided for in the Trust Fund/Warehouse/Laundry Manual. If an inmate's IFRP contract is adjusted due to a significant amount of incoming funds (above the \$450 exclusion) being deposited in the phone credit account, the inmate is to be encouraged to refrain from additional deposits to the phone credit account to accommodate the new IFRP payments.

(1) Ordinarily, the minimum payment for non-UNICOR and UNICOR grade 5 inmates will be \$25 per quarter. This minimum payment may exceed \$25, taking into consideration the inmate's specific obligations, institution resources, and community resources.

(2) Inmates assigned grades 1 through 4 in UNICOR ordinarily will be expected to allot not less than 50% of their monthly pay to the payment process. Any allotment which is less than the 50% minimum must be approved by the Unit Manager. Allotments may also exceed the 50% minimum after considering the individual's specific obligations and resources.

"Monthly pay" includes bonus and vacation pay. A recommendation for a lump sum award is to be forwarded from the detail supervisor to the unit team to note the inmate's IFRP status prior to forwarding to the warden.

IFRP contracts for UNICOR inmates assigned grades 1 through 4 who earn less than \$50 per

month should be set up for single or quarterly trust fund withdrawals (the unit team is to determine the frequency of payments; however, payments should not be monthly unless they are outside payments), until the inmate earns at least \$50 monthly in a UNICOR position. The payment should be for no less than \$25. When the inmate earns \$50 or more per month, the IFRP contract should be changed to stipulate 50% of the inmate's pay. Likewise, when payments exceed the 50% minimum for UNICOR inmates, an additional trust fund withdrawal or outside payment should be stipulated on the IFRP contract, since the IFRP module will only allow 50% deductions.

(3) Payments may be made in the following manner:

- (a) Non-Institutional Payments. An inmate may use non-institutional (community) resources to satisfy a financial obligation. Ordinarily, these are "one-time" payments directly to the parties to whom the obligations are owed and are intended to satisfy obligations of significant amounts. It is the inmate's responsibility to ensure staff are provided with a receipt to confirm a payment from a community resource. Canceled checks are not sufficient.

Furthermore, unless exceptional circumstances warrant otherwise, the receipt for payment must be confirmed by the appropriate law enforcement agency (U.S. Attorney's Office, U.S. Probation Office, Clerk of Court, etc).

- (b) Single Payment. When an inmate's total financial obligation is \$100 or less (for example, a Special Assessment) a single payment is preferred.
- (c) Monthly/Quarterly Repetitive Withdrawals. Repetitive withdrawals from the inmate's Trust Fund Account will be used for **all** inmates who elect to make financial payments from institution earnings. By using the SENTRY program, unit staff **must** indicate if the repetitive payment is to be made monthly or quarterly. Quarterly repetitive payments should be requested only from non-UNICOR and UNICOR Grade 5 inmates. Repetitive withdrawals for UNICOR inmates Grades 1-4 are discussed below.

The OFM shall process quarterly repetitive payments **once** each quarter during the last month of each quarter (December, March, June and September). Any contract indicating quarterly repetitive payments OFM received during the first or second month of the quarter are to be held and processed during the last month of the quarter.

Monitoring. Participation and/or progress in the Inmate Financial Responsibility Program will be reviewed each time staff assess an inmate's demonstrated level of responsible behavior.]

At these reviews, the status of the payment plan and the inmate's degree of participation is to be reflected on the Program Review Report. Unit staff will indicate the total amount deposited into the inmate's trust fund account for the previous six months in the "FRP Plan/Progress" section of the Program Review Report form.

If an inmate is not making payments commensurate with these deposits, unit staff must also document the specific reasons. Unit staff may make positive comments regarding the inmate's FRP participation. Reports on the status of the inmate's participation are also to be reflected on his or her progress report.

When a progress report is prepared for release purposes, a statement as to how the inmate will continue the financial plan, if applicable, after release from custody is to be included.

Effects of Non-participation. Refusal by an inmate to participate in the financial responsibility program or to comply with the provisions of his financial plan ordinarily shall result in the following:

- (1) Where applicable, the Parole Commission will be notified of the inmate's failure to participate;
- (2) The inmate will not receive any furlough (other than possibly an emergency or medical furlough);

This restriction does not apply to inmates requiring medical furloughs and inmates with "OUT" or "COM" custody who are transferring from one institution to a minimum security level institution via an unescorted transfer.

- (3) The inmate will not receive performance pay above the maintenance pay level, or bonus pay, or vacation pay;

The unit team is to consider institution needs, particularly for skilled workers. Such needs may require that an inmate with a financial obligation be assigned to a lower paying, non-UNICOR work assignment. The unit team considers this when developing the inmate's financial plan. An inmate working above the maintenance pay level who fails to make satisfactory progress on his or her payment plan is to be reduced to maintenance pay.

- (4) The inmate will not be assigned to any work detail outside the secure perimeter of the facility;

Additionally, inmates will not be permitted to participate in activities outside the secure perimeter, such as speaking engagements.

- (5) The inmate will not be placed in UNICOR. Any inmate assigned to UNICOR who fails to make adequate progress on his/her financial plan will be removed from UNICOR, and once removed, may not be placed on a UNICOR waiting list for six months. Any exceptions to this require approval of the Warden;

The unit team may recommend an inmate for priority placement in UNICOR to assist in paying a significant financial obligation. Ordinarily, an inmate will not be recommended for priority placement unless he or she has obligations totaling at

least \$1,000 and limited outside resources.

- (6) The inmate shall be subject to a monthly commissary spending limitation more stringent than the monthly commissary spending limitation set for all inmates. This more stringent commissary spending limitation for IFRP refuses shall be at least \$25 per month, excluding purchases of stamps, telephone credits, and, if the inmate is a common fare participant, Kosher/Halal certified shelf-stable entrees to the extent that such purchases are allowable under pertinent Bureau regulations;

Inmates in IFRP "REFUSE" status will not be permitted to spend more than \$25 per month in commissary, excluding purchases of stamps and telephone credits. Staff will not approve any special purchase item request(s) for inmates in IFRP "REFUSE" status, except for purchases of Kosher/Halal certified shelf-stable entrees for those inmates verified as common fare participants.

- (7) The inmate will be quartered in the lowest housing status (dormitory, double bunking, etc.);
- (8) The inmate will not be placed in a community-based program;

The unit team is to consider the inmate's participation in the IFRP as an important factor when determining Residential reentry center (RRC) placement.

- (9) The inmate will not receive a release gratuity unless approved by the Warden.

When a non-participating inmate's need for funds is exceptionally great, the unit team may recommend to the Warden that a gratuity be given.

- (10) [Reserved]] (This section is reserved for future rule changes.)

- (11) The inmate will not receive an incentive for participation in residential drug treatment programs.

Incentives are defined as early release, financial awards, maximum Residential reentry center placement consideration, and local institution incentives. Staff are referred to the Drug Abuse Programs Manual, for limitations, guidelines, and eligibility criteria.

- (12) The inmate's score on "Responsibility" on the Custody Classification form (BP-338), is to be zero.

---

IFRP SENTRY Requirements. The unit team must enter an appropriate IFRP assignment into SENTRY no later than initial classification, update that assignment when the inmate's IFRP status changes, and review that assignment at least once every six months, particularly at the inmate's program reviews. The IFRP assignments are:

1. "UNASSG." "Unassigned" is automatically entered in SENTRY when an inmate is

committed to federal custody. At initial classification, this assignment **must** be converted to another assignment, based on the payment plan developed by the unit team and the inmate's willingness to participate.

2. "NO OBLG." "No Obligation" is entered for an inmate when there is no documented financial obligation. This category is also used for an inmate who has no financial obligation payable while in Bureau custody (e.g., An inmate receives a \$50 assessment which the Judge remits or waives, and a \$2,000 fine due while on supervised release). "NO OBLG" will also be entered for inmates whose financial obligations have expired due to time limitations.
3. "PART." "Participates in Program" is entered for an inmate who agrees to pay, signs an agreement, and is making payments towards his or her financial obligation(s). In the case of initial commitment **only**, "PART" may be assigned to an inmate pending receipt of the first scheduled payment; however, that payment must be made **and** confirmed by staff within three months.

For all other inmates, the status of "PART" is to be reviewed in accordance with the payment plan or, at a minimum, every six months.

4. "REFUSE." "Refuses to Participate in Program" is entered immediately when an inmate verbally refuses to participate in the program. Subsequent to the initial classification, at any time the unit team discovers the inmate is not making the agreed-upon payment(s), it is their discretion to place the inmate into IFRP "REFUSE" status and do the following:
  - Notify the inmate of the change in IFRP status, once the change is made.
  - Discuss with the inmate the consequences of being placed in "REFUSE" status, and that consequences will begin immediately.
  - Unit Staff are to document that the inmate has been notified and counseled on the change of IFRP status in the Inmate Activity Record.

Each month, no later than five business days prior to payroll submission, the Institution IFRP coordinator must produce a roster of inmates in "REFUSE" status and distribute it to:

- all department heads,
- the associate warden of programs, and
- the performance pay coordinator.

It is the performance pay coordinator's responsibility to ensure these inmates do not earn above maintenance pay or earn bonus pay or vacation. Additionally, an inmate who is in "REFUSE" status and assigned to work more than one detail will not earn above maintenance pay for his or her total combined earnings from each work assignment.

Once an inmate has been placed in "REFUSE" status, the inmate must demonstrate a willingness

to continue participation in the program.

5. "EXEMPT TMP." "Temporarily Exempt from Participation" will be entered for an inmate who is unable to participate adequately toward satisfaction of the obligation, ordinarily because of medical or psychological restrictions which prevent the inmate from working. This assignment may also be used for an inmate who is unable to secure employment in UNICOR or advance beyond maintenance pay due to conditions beyond the inmate's control (overcrowding, institution need, special circumstances, etc.).

Additionally, at initial classification, the unit team may place newly committed inmates who have limited financial resources in IFRP "EXEMPT TMP" status until their first program review, when unit staff determine that the inmate has limited financial resources. However, in **all** cases, staff must also consider the inmate's ability to participate by using non-institutional (community) resources prior to placing the inmate in "EXEMPT TMP" status.

The unit team must review each inmate's "EXEMPT TMP" status at the inmate's program review. The unit manager will review and document the unit team's decision on the Program Review Report when the inmate is continued in this assignment.

6. "COMPLT." "Completed the Program" shall be entered for an inmate who has totally satisfied **all** financial obligations ordered payable during incarceration.

**Cost of Incarceration Fee:** In 1992, Congress enacted Public Law 102-395, requiring the Attorney General to establish policy procedures to collect fees for incarceration costs. This policy applies to prisoners convicted in United States District Courts and committed to the custody of the Attorney General at any time. However, prisoners must begin serving a period of incarceration on or after January 1, 1995, in order to be subject to this policy.

Federal statutes and the sentencing guidelines make it clear that a defendant's fine will depend upon income, financial resources, and dependents. Therefore, unit staff shall rely exclusively on the information contained in the Pre-Sentence Investigation Report and findings of the sentencing court in order to determine the extent of an inmate's assets, liabilities, and dependents, when establishing a fee.

**VCCLEA & PLRA:** The Violent Crime Control and Law Enforcement (VCCLEA) Act P.L. 103-322 and the Prison Litigation Reform Act (PLRA) P.L. 104-134 may apply to you.

The VCCLEA mandates an inmate whose offense was on or after September 13, 1994, but before April 26, 1996, and who lacks a high school credential, participate in and make satisfactory progress toward attaining a General Education Development (GED) credential to vest earned Good Conduct Time (GCT).

The PLRA provides that, in determining GCT awards, the Bureau shall consider whether an inmate, with a date of offense on or after April 26, 1996, who lacks a high school credential,

participates and makes satisfactory progress toward attaining a GED credential, to be eligible to earn the maximum amount of GCT.

### **LIVING WILLS/ADVANCE DIRECTIVES**

In some circumstances an individual may decide that the use of medical treatment options or modalities which serve only to prolong life functions, but which will not provide a cure or ensure long term survival should be terminated or never be initiated. If the likelihood of recovery or cure has ceased to be a possibility a patient has the right to refuse intervention or request discontinuation of treatment. A person also has the right to make his wishes regarding medical treatment known before such treatment might become necessary.

In order to protect the rights of an individual to avoid unwanted medical intrusions into his body, a wide number of states have recognized the right of a competent person to make binding declarations regarding medical care and treatment to be provided should that person no longer be competent or able to determine which life sustaining procedures are objectionable to him.

Although inmates reaching a point where they would likely require this level of care would not normally be housed at USP/SCP Marion, the possibility of sudden and unforeseen medical occurrences exists.

Should an inmate desire a Living Will/Advance Directive delineating which medical procedures or interventions he finds objectionable and does not want initiated, he should write to the Health Services Administrator requesting assistance in drafting such a document. Health Services, the Attorney Advisor, Unit Management, Chaplaincy Services and Psychology Services will assist in preparing a document that meets the legal requirements of the State of Illinois and which accurately reflects the wishes of the inmate.

Although this document is legally binding, care will not be withheld while the inmate is physically at this facility. If an Advance Directive/Living Will exists, the document reflecting the inmate's wishes will be forwarded to any facility providing medical care and decisions regarding its implementation will be made by that facility in accordance with that facilities policies and state law.

### **LEGAL SERVICES/PROCEDURES/ISSUES**

**Law Library:** The law library is located in the Education department. It is open during convenient, non-working hours, including weekends and holidays. An inmate law library clerk is available for assistance with legal research.

**Notary Public:** Notary Publics are available. Consult your unit team. Case managers are authorized to administer oaths and acknowledgments. Some states will not accept this provision for real estate transactions, automobile sales, etc.

**Copies of Legal Materials:** In accordance with institutional procedures, inmates may copy legal materials necessary for their research or legal matters. The commissary has a copy machine available for inmate use. Inmates will be assessed a fee for the using the copier which will be accessible after last call on all commissary days.

**Storage of Legal Materials:** Inmates are allowed to maintain legal materials and supplies in their locker, and, if necessary, neatly stored under their beds. Those inmates who require additional storage space for personal legal materials should contact their counselor for assistance.

**Attorney Visits:** Attorneys should ordinarily make advance appointments for each visit, by faxing a written request to the counselor. Attorneys are encouraged to visit during regular visiting hours. However, visits from an attorney can be arranged at other times, based on the circumstances of each case and the availability of staff. Attorney visits will be subject to visual monitoring, but not audio monitoring.

During attorney visits, a reasonable amount of legal material may be allowed in the visiting area with prior approval.

**Special Mail:** "Special Mail" is a category of correspondence which may be sent out of the institution unopened and unread by staff, which includes correspondence to: The President and Vice President of the United States, U.S. Department of Justice, (including the Bureau of Prisons) U.S. Attorneys' Offices, Surgeon General, U.S. Public Health Service, Secretary of the Army, Navy, or Air Force, U.S. Courts, members of the U.S. Congress, embassies and consulates, governors, State Attorneys General, prosecuting attorneys, directors of State Departments of Corrections, state parole commissioners, state legislators, state courts, state probation officers, other federal and state law enforcement officers, attorneys and representatives of the news media.

Special Mail also includes mail received from the following: All of those persons mentioned above, inclusive of letters from an inmate's attorney. Special Mail from an attorney must state the name of the attorney, the law firm, and **must** have the following statement "Special Legal Mail, Open Only in the Presence of the Inmate." See the Institution Supplement for current information.

At SCP Marion, the counselor is the designee who opens the incoming Special Mail in the presence of the inmate. These items will be checked for contraband and for qualification as special mail; the correspondence will not be read or copied if the sender has accurately identified himself/herself on the envelope, and includes the specified statement above.

**Federal Tort Claims:** If the negligence of institution staff results in personal injury or property loss or damage to an inmate, it can be the basis of a claim under the Federal Tort Claims Act. To file such a claim, inmates must complete a standard form 95. They can obtain this from the counselor.

**Freedom of Information Act/Privacy Act of 1974:** The Privacy Act of 1974 forbids the release of information from agency records without a written request by, or without the prior written consent of, the individual whom the record pertains to, except for specific instances. All formal requests for access to records about another person and/or agency record other than those pertaining to themselves (including Program Statements and Operations Memorandums) shall be processed through the Freedom of Information Act, 5 USC 552.

**Inmate Access to Central Files:** An inmate may request to review of disclosable portions of his central file (plus pre-sentence report and/or summary) prior to the individual Parole Hearing. Institution staff will permit the review of the Central File under procedures established locally. Contact your Counselor for review of your Central File.

**Inmate Access to Other Documents:** An inmate may request access to the non-disclosable documents in his central file and his medical file, by submitting a Freedom of Information Act request to the Director of the Bureau of Prisons, Attn: FOI Request. Such a request must briefly describe the nature of the records wanted and approximate dates covered by the record. The inmate must also provide his registration number and the date of birth for identification purposes.

A request on behalf of an inmate by an attorney, for records concerning that inmate, will be treated as a Privacy Act Request if the attorney has forwarded an inmate's written consent to disclose materials exempt from disclosure, any reasonable part of the record will be provided to the attorney after deletion of the exempt portion.

**Executive Clemency:** The Bureau advises all inmates that the President of the United States is authorized under the Constitution to grant Executive Clemency by Pardon, Commutation of Sentence, or Reprieve. A Pardon is an executive act of grace that is a symbol of forgiveness. It does not connote innocence nor does it expunge the record of conviction. A Pardon can be "full" or "partial" depending on whether it absolves a person from all or a portion of the crime.

A Pardon may have conditions imposed upon it or it can be "absolute", which is without conditions of any kind. A Pardon restores basic civil rights, and facilitates the restoration of professional and other licenses that may have been lost by reason of conviction. Other forms of Executive Clemency include Commutation of the Sentence (a reduction of sentence imposed after conviction), and a reprieve (the suspension of execution of a sentence for a period of time). Inmates should contact their assigned case manager for additional information regarding this program.

**Commutation of Sentence:** The Bureau also advises inmates on Commutation of Sentences. This is the form of Executive Clemency power used to provide post-conviction relief to inmates during their incarceration. This clemency power is authorized by the Constitution for the Chief Executive Officer, who is the President of the United States for federal offenses. Commutation is usually the last chance to correct an injustice which has occurred in the criminal justice system. Inmates applying for Commutation of Sentence must do so on forms available from the unit team. The rules governing these petitions are available from the law library.

A pardon may not be applied for until the expiration of at least five years from the date of release from confinement. In some cases involving crimes of a serious nature, such as violations of narcotics laws, gun control laws, income tax laws, perjury, and violation of public trust involving personal dishonesty, fraud involving substantial amounts of money, violations involving organized crime, a waiting period of seven years is usually required.

**Administrative Remedy Process:** The Bureau emphasizes and encourages resolution of complaints on an informal basis. Hopefully, an inmate can resolve a problem informally by contact with staff members. This is usually done with the Informal Resolution Form. When an informal resolution is not successful, however, a formal complaint can be filed as an Administrative Remedy. Complaints regarding Tort claims, Inmate Accident Compensation, Freedom of Information Act Requests, and complaints on behalf of other inmates are not accepted under the Administrative Remedy process.

The first step of the Administrative Remedy Procedure is to attempt an informal resolution. If the issue cannot be informally resolved, the counselor will issue a BP-229 (BP-9) form. The inmate will return the completed BP-229 to the counselor who issued the form. The counselor will forward the form to the administrative remedy clerk who will review the material to insure that an attempt at informal resolution was made.

The BP-229 Complaint must be filed within twenty calendar days from the date on which the basis for the incident or complaint occurred, unless it was not feasible to file within that period of time. Institution staff have twenty calendar days to act on the complaint and to provide a written response to the inmate. The time limit for the response may be extended for an additional 20 days, but the inmate must be notified of the extension.

When a complaint is determined to be of an emergency nature and threatens the inmate's immediate health or welfare, the warden shall respond not later than the third calendar day after filing.

If the inmate is not satisfied with the response of the BP-229, he may file an appeal to the regional director. This appeal must be received in the regional office within twenty calendar days from the date of the BP-229 Response. The regional appeal is written on a BP-230 (BP-10) form, and must contain a copy of the BP-229 form and response attached. The regional appeal must be answered within 30 calendar days, but the time limit may be extended an additional 20 days if the inmate is notified.

If the inmate is not satisfied with the response by the regional director, he may appeal to the Central Office of the Bureau of Prisons. The national appeal must be made on a BP-231 (BP-11) form and must contain copies of the BP-229 and BP-230 forms with responses.

The BP-231 form may be obtained from the counselor. The national appeal must be answered within 40 calendar days, but the time limit may be extended for an additional 20 days if the inmate is notified.

In writing a BP-229, BP-230, or a BP-231, the form should contain the following information:

- Statement of Facts
- Grounds for Relief
- Relief Requested
- Time Limits in Calendar Days

**Filing:**

BP-229: twenty days of incident  
 BP-230: twenty days from BP-229 Response  
 BP-231: thirty days from BP-230 Response

**Response:**

BP-229: twenty days  
 BP-230: thirty days  
 BP-231: forty days

**Extensions:**

BP-229: twenty days  
 BP-230: thirty days  
 BP-231: twenty days

**Sensitive Complaints:** If an inmate believes a complaint is of such a sensitive nature that he would be adversely affected if the complaint became known to the institution, he may file the complaint directly to the regional director. The inmate must explain, in writing, the reason for not filing the complaint with the institution. If the regional director agrees the complaint is sensitive, it will be accepted and a response to the complaint will be processed. If the regional director does not believe the complaint to be sensitive in nature, the inmate will be advised in writing of that determination. If the complaint is not determined to be sensitive, it will be returned. The inmate may then pursue the matter by filing a BP-229 at the institution.

**RELEASE INFORMATION**

**Sentence Computation:** The DSSC is responsible for computation of inmate sentences. An inmate will be given a copy of his sentence computation as soon as it is prepared via the institution mail.

Any questions about good time, jail credit time, parole eligibility, full term dates, release dates, or periods of supervision, are resolved by staff upon inmate request for clarification.

**Fines and Costs:** In addition to jail time, the court may impose a committed fine or a non-committed fine and/or costs.

Committed fines mean the inmate will remain confined until the fine is paid, makes arrangements to pay the fine, or qualifies for release under the provisions of 18 USC, Section 3569 (Form of pauperis oath). Non-committed fines have no condition in regards to imprisonment based upon the payments of fines or costs. Payment for a non-committed fine or cost is not required for release from prison or transfer to a contract Residential reentry center.

**Detainers:** Warrants (or certified copies of warrants) based on pending charges, overlapping,

consecutive, or unsatisfied sentences in federal, state, or military jurisdictions, will be accepted as detainers. Detainers are untried charges which can have an effect on institutional programs. Therefore, it is very important that the inmate initiate efforts to clear up these cases.

The records office staff may give assistance to offenders in their efforts to have detainers against them disposed of, either by having the charges dropped, by restoration to probation or parole status, or by arrangement for concurrent service of the state sentence. The degree to which staff can assist in such matters as these, will depend on individual circumstances.

Federal and state detainers may be quickly processed under the procedures of the Interstate Agreement on Detainers. This agreement applies to all detainers based on pending charges which have been lodged against an inmate by a member "state", including the U.S. Government, regardless of when the detainer is lodged. For an inmate to use this procedure, the warrant must be lodged at the institution. If no detainer is actually lodged at the institution, but the inmate knows of impending charges, it is important for the inmate to contact the court and the district attorney, due to the fact that the detainer notice may start the time running for a Speedy Trial Act Agreement.

**Notification of Release to State and Local Law Enforcement Officials:** Section 20417 of Public Law 103-322 requires the Bureau of Prisons to notify state and local law enforcement officials at least five days prior to releasing to Supervised Release, Probation, or Parole, prisoners who have been convicted of a drug trafficking crime, or have a current or prior conviction for a crime of violence.

A "drug trafficking crime" is any offense under 21 U.S.C. 822 through 863 (inclusive), 21 U.S.C. 959 through 971 (inclusive), or 46 U.S.C. App. 1903 (see 18 U.S.C. 924 © (2)).

A "crime of violence" is an offense that is a felony and

1) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or 2) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense (see 18 U.S.C. 924 © 3).

Prior convictions for violence must be for felonies. For prior drug trafficking offenses, staff are to only consider federal crimes as a basis for notification. All information shall be obtained from the Judgment and Commitment Order and the Pre-Sentence Investigation Report. All newly designated inmates identified by the applicability criteria shall be notified in writing at their Initial Classification.

**Good Conduct Time:** Good Conduct time will be awarded pursuant to SRA, VCCLLEA, or PLRA sentence structures.

### **Correctional Systems Department (CSD)**

The CSD is comprised of the records office, the mail room, and receiving & discharge. Inmate inquiries should be addressed to the appropriate section of the department.

Records Office: The legal instrument examiners will audit Judgment & Commitment files to ensure policy compliance of sentence computations. If changes are made, a copy of the sentence computation will be sent to the inmate and to the unit team. Direct court commits will also receive a copy of the sentence computation. The examiners will check the Presentence Investigation for pending charges or detainers and process the appropriate inquiry paperwork and forward a copy of the paperwork to the inmate and the unit team. With the implementation of sentence procedures for the Violent Crime Control and Law Enforcement Act (VCCLEA) of 1994 and the Prison Litigation Act (PLRA) of 1995, the Records Office may change sentence structures to comply with policy and federal law that controls how these sentences operate in relationship to the Sentencing Reform Act (SRA) of 1984 and to the "Old Law" sentences. Good Conduct Time awards and sanctions under VCCLEA and PLRA sentences will be addressed individually with inmates that have questions pertaining to their sentence structures.

Mail Room: Mail Room staff shall open and inspect all incoming general correspondence. Incoming general correspondence may be read as frequently as necessary to maintain security or monitor a particular problem confronting an inmate. The inmate will receive a copy of the form used to reject correspondence or publications. It is the inmate's responsibility to inform his attorney of the proper procedures governing the addressing of incoming Special Mail. The inmate must include his committed name and register number in the return address of all outgoing mail. Only properly addressed outgoing Special Mail may be sealed by penitentiary inmates.

Receiving and Discharge: Inmate property will be inventoried and documented on a BP-383. This form can be used by the inmate to prove ownership of property. Staff will make arrangements to have the inmate escorted to R&D when his property has been processed for receiving. Release clothing may be sent in 30 days prior to the expiration of a sentence or release to a halfway house. Inmates should contact the Unit Team to obtain a Package Authorization for release clothing. Inmates may send property home at their expense anytime by contacting the Unit Team for assistance.

**THE GOOD TIME DISCUSSIONS BELOW DO NOT APPLY TO INMATES  
SENTENCED UNDER THE NEW SENTENCING GUIDELINES**

**Good Time:** Good Time awarded by the Bureau of Prisons has the effect of reducing the stated term of the sentence. That is, it advances the date when release is mandatory if the offender is not paroled at an earlier date. The award of good time does not in itself advance the offender's release date. It has that effect only if the offender would not otherwise be paroled before the mandatory date.

The behavior for which good time is awarded may also be considered by the Parole Commission in setting a parole date. This is not always done, however. Even when it is, the extent of the benefit to the offender may not be equivalent to the amount of good time earned.

**Statutory Good Time:** Under 18 USC Code 4161, an offender sentenced to a definite term of six months or more is entitled to a deduction from his term, computed as follows:

- If the offender has faithfully observed the rules of the Institution and has not been disciplined.
- At least six months, but not greater than one year - five days for each month served.
- More than one year, less than three years - six days per month for each month of the stated sentence.
- At least five years, but less than ten years - eight days for each month of the stated sentence.
- Ten years or more - ten days for each month of the stated sentence.
- At the beginning of a prisoner's sentence, the full amount of statutory good time is credited, subject to forfeiture if the prisoner commits disciplinary infractions.
- If the sentence is five years or longer, 18 USC 4206 (d) requires the Parole Commission to release an offender after he has served two-thirds of the sentence, unless the Commission determines that he has seriously violated Bureau of Prisons' rules or regulations or there is a reasonable probability that he will commit a crime. For offenders serving sentences of five to ten years, this provision may mandate release before the date established by subtracting good time from the sentence.
- Statutory Good Time does not apply to life sentences or to those few inmates remaining who were sentenced under the Youth Corrections Act. It applies to a split sentence if the period of incarceration is exactly six months; a shorter period does not qualify for good time under the statute, and a longer period cannot be part of a split sentence.

**Extra Good Time:** The Bureau of Prisons awards extra good time credit for performing exceptionally meritorious services, or for performing duties of outstanding importance, or for employment in an industry or camp. An inmate may earn only one type of good time award at a time. (e.g., an inmate earning industrial or camp good time is not eligible for meritorious good time), except that a lump sum award may be given in addition to another extra good time award. Neither the Warden or the DHO may forfeit or withhold extra good time.

The warden may disallow or terminate the awarding of any extra good time (except for lump sum awards), but only in a non-disciplinary context and only upon recommendation of staff. The DHO may also disallow or terminate the awarding of any extra good time (except lump sum awards) as a disciplinary sanction. Once an awarding or meritorious good time has been terminated, the warden must approve a new staff recommendation in order for that award to recommence. A "Disallowance" means that an inmate does not receive an extra good time award for only one calendar month. There may be no partial disallowance. A decision to disallow or terminate extra good time may not be suspended pending future consideration. A retroactive award of meritorious good time may not include a month in which extra good time has been disallowed or terminated.

**Residential reentry center Good Time:** Extra Good Time for an inmate in a Federal or Contract Residential reentry center is awarded automatically beginning on arrival at that facility and continuing as long as the inmate is confined to the center, unless the award is disallowed.

**Camp Good Time:** An inmate assigned to SCP Marion is automatically awarded extra good time, beginning on the date of the commitment and continuing as long as the inmate is assigned to the camp, or unless the award is disallowed.

**Lump Sum Awards:** Any staff member may recommend to the warden the approval of an inmate for a lump sum award of extra good time.

Such recommendations must be for an exceptional act or services that is not part of regularly assigned duty. The warden may make the lump sum awards of extra good time of not more than thirty days.

If the recommendation is for more than 30 days and the warden agrees, the warden will refer the recommendation to the regional director, who may approve the award.

No award will be approved if the award will be more than the maximum number of days allowed under 18 USC 4162. The actual length of time served on the sentence, including jail credit time, is the basis on which the maximum amount of the award is calculated. Any extra good time already earned will be subtracted from this stated maximum. Staff may recommend lump sum awards of extra good time for the following reasons:

- **An Act of Heroism:** Voluntary acceptance and satisfactory performance of an unusually hazardous assignment.
- An act which protects the lives of staff or inmates or the property of the U.S. This is to be an act and not merely the providing of information in custodial or security matters.
- A suggestion which results in substantial improvement of a program or operation, or which results in significant savings; or any other exceptional or outstanding service.

**Good Time Procedures:** Extra Good Time is accumulated at a rate of three days per month during the first 12 months, and at a rate of five days per month thereafter (i.e., the first twelve months, as stated, means 11 months and 30 days - day for day - of earning extra good time before an inmate can start earning five days per month. For example, if an inmate were to stop working, transfer from industry to an institutional job, or if good time was terminated for any reason, the period of time that the inmate is not earning good time does not count in the calculation of the first 12 months. If the beginning or termination date of an extra good time award occurs after the first day of the month, a partial award of days is made. An inmate may be awarded extra good time even though some or all of the inmate's statutory good time has been forfeited.

Extra good time is not automatically discontinued while an inmate is hospitalized, on furlough, out of the institution on writ of Habeas Corpus, or removed under the Interstate Agreement on

Detainers Act.

Extra good time may be terminated or disallowed during such absences if the Warden finds that the inmate's behavior warrants such action.

An inmate committed for civil contempt is not entitled to extra good time deductions while serving the civil contempt sentences.

An inmate in an extra good time earning status may not waive or refuse extra good time credits.

Once extra good time is awarded, it becomes vested, and may not be forfeited or withheld or retroactively terminated or disallowed.

**Parole:** Parole is a release from incarceration under the conditions established by the U.S. Parole Commission. Parole is not a pardon or clemency. A parolee remains under supervision of a U.S. Probation Officer until the expiration of his full term.

Inmates are ordinarily permitted an opportunity to appear before the Parole Commission within one hundred-twenty days of commitment. (Exceptions: Inmates sentenced before September 6, 1977 and inmates with a minimum parole eligibility of 10 years). If the inmate chooses not to appear before the Parole Board within the first 120 days of commitment, a waiver must be given to the case manager or counselor prior to the time of the scheduled parole hearing. This waiver will become part of the parole commission file and the inmate's central file.

All inmates who previously waived a parole hearing are eligible to appear before the parole board at any regularly scheduled hearing after they waive. Application for a parole hearing must be made at least sixty days before the first day of the month of the hearings. The parole board conducts hearings at SCP Marion every three months.

Application to the Parole Commission for a hearing is the responsibility of the inmate, but in certain cases, the unit team will assist the inmate if necessary. Application forms may be obtained from the case manager.

Following the hearing, the inmate will be advised of the tentative decision reached in the case by the hearing examiners. The recommendations of the hearing examiners must be confirmed by the regional office of the parole board. The confirmation takes three to four weeks and is made through the mail on a form called "A Notice of Action." This decision may be appealed by the inmate. Forms for appeal may not be obtained from the case manager.

If granted a presumptive parole date (a parole date more than nine months following the hearing), a parole progress report will be sent to the parole board three to six months before the parole date.

Parole may be granted to a detainer or for the purpose of execution.

The inmate must have an approved residence and an approved employer before being released on Parole.

**Treaty Transfers for Non-U.S. Inmates:** Inmates who are not U.S. citizens may be eligible for a transfer to their home country to serve the remainder of their sentence in a prison there. This is only possible for inmates whose country has a formal prisoner exchange treaty with the United States. The unit team is the source of information about these transfers, and can tell an inmate if their home country has signed this kind of agreement with the U.S., and if so, how to apply for transfer. This will be discussed at your initial classification/program review.

**Release Planning:** If granted a Parole by the U.S. Parole Commission, the Commission will require an approved parole plan prior to release. An approved parole plan consists of an offer of employment and a place to reside.

The job must pay at least minimum wage and normally not require extensive travel. The residence must be a reputable establishment, but can almost be anywhere (parents, wife, friend, YMCA, etc.) The proposed parole plan is thoroughly investigated by the U.S. Probation Officer and must be approved.

The parole plan is part of the material which is submitted in connection with the parole hearing. The unit team submits the inmate's release plan to the U.S. Probation Officer approximately three to six months before the scheduled parole date. The unit team also submits relocation requests (request for U.S. Probation Office Supervision) 12 to 18 months prior to release.

### **END GOOD TIME DISCUSSIONS UNDER THE NEW SENTENCING GUIDELINES**

**Residential reentry center:** The Bureau's Community Corrections Branch, within the Correctional Programs Division, supervises services provided to offenders housed in contract facilities and participating in specialized programs in the community. Located strategically throughout the country, the community corrections manager (CCM) is responsible for developing and maintaining a variety of contract facilities and programs, working under the supervision of the appropriate regional director.

Inmates who are nearing release and who need assistance in obtaining a job, residence or other community resources, may be transferred to a Residential reentry center, in order to re-integrate back into society.

Residential reentry centers (RRC), commonly referred to as "halfway houses," provide suitable residence, structured programs, job placement, and counseling, while the inmates' activities are closely monitored. All RRCs offer drug testing and counseling for alcohol and drug-related problems. During their stay, inmates are required to pay a subsistence charge to help defray the cost of their confinement; this charge is 25% of their gross income, not to exceed the average daily cost of their RRC placements. Failure to make subsistence payments may result in disciplinary action.

These contract facilities, located throughout the United States, provide two program components:

the community corrections component and the pre-release component:

- The community corrections component is designed as the most restrictive option. Except for employment and other structured program activities, an inmate in this component is restricted to the RRC. An inmate shall ordinarily be placed in the community corrections component upon arrival at the RRC.

This orientation period normally lasts for two weeks or until the inmate has demonstrated to RRC staff the responsibility necessary to function in the community. Based on their professional judgment, RRC staff shall determine when an inmate is prepared to advance to the prerelease component.

- The prerelease component is designed to assist inmates making the transition from an institution setting to the community. These inmates have more access to the community and family members through weekend and evening passes.

In addition to a RRC's traditional services, the Bureau also has the following community-based programs. Referral procedures may be described in independent Bureau directives issuances. The CCM reviews the inmate's characteristics and the recommendations noted in the referral package to determine if one of the following programs (if available) may be more appropriate than traditional RRC placement.

- (A) Comprehensive Sanctions Center (CSC). The CSC concept, initiated by the Bureau, with the extensive cooperation and teamwork of U.S. Probation and RRC contractors, was developed to provide courts with a wider range of sentencing options and to facilitate the development and implementation of community program plans tailored to the individual needs of prerelease inmates.

The CSC is designed to meet the needs of higher risk prerelease inmates and consists of six different levels of supervision, ranging from 24-hour confinement to home confinement.

It also may have an intensive treatment component consisting of substance abuse education and treatment, life skills training, mental health counseling, education, employment assistance, and mentoring. The inmate's progress is systematically reviewed by a program review team (PRT), consisting of representatives from the Bureau, U.S. Probation, and the RRC.

- (B) Home Confinement. Home confinement is a generic term used to cover all circumstances in which an inmate is required to remain at home during non-working hours of the day. Electronic monitoring equipment is sometimes used to monitor compliance with the program's conditions. These programs provide an opportunity for inmates to assume increasing levels of responsibility, while, at the same time, providing sufficient restrictions to promote community safety and convey the sanctioning value of the sentence.

Home confinement provides an option for inmates who do not need the structure of a residential facility. Except for inmates who are initially sentenced to and graduate from the intensive confinement center program, statutory provisions limit the length of home confinement to the last 10% of the sentence, or six months, whichever is less. Inmates are required to pay subsistence of 25% of their gross income to defray the costs of home confinement and electronic monitoring.

The Bureau is involved in two home confinement programs: home confinement operates from the Bureau's own network of RRCs and the U.S. Probation Division program.

- (i) RRC Contractors. The first form of home confinement is RRC contractor-operated programs. In these programs, RRC staff monitor the inmate. Currently, only a few of these programs use electronic monitoring equipment. Supervision is provided by daily telephone contacts and periodic personal contacts in the home and workplace.
- (ii) U.S. Probation Office. The second form of home confinement involves placing federal inmates in programs operated by the U.S. Probation Office.

These programs use electronic monitoring equipment with U.S. Probation officers providing supervision.

## **DISCIPLINARY PROCEDURES**

**Discipline:** It is the policy of the Bureau of Prisons to provide a safe and orderly environment for all inmates. Violations of Bureau rules and regulations are dealt with by the Unit Discipline Committees, and for more serious offenses, the discipline hearing officer. Inmates are advised upon arrival at the institution, of the rules and regulations, and are provided with copies of the Bureau's Prohibited Acts, as well as local regulations.

### **Inmate Discipline Information:**

#### **1. PURPOSE AND SCOPE**

- A. So that inmates may live in a safe and orderly environment, it is necessary for institution authorities to impose discipline on those inmates whose behavior is not in compliance with Bureau of Prisons rules. The provisions of this rule apply to all persons committed to the care, custody, and control (direct or constructive) of the Bureau of Prisons.]

Examples of persons to whom this policy applies include, but are not limited to, an inmate who is on pretrial status, or on writ, or on escorted trip or furlough, or who is escorted by U. S. Marshals or other federal law enforcement officials, or who is in a camp, contract

facility, (other than contract RRCs) or hospital, or who is returned to Bureau custody from a contract facility (includes contract RRCs). These provisions do not apply to a federal inmate designated to a non-federal facility (e.g., inmates serving Federal sentences in state facilities or contract RRCs).

B. The following general principles apply in every disciplinary action taken:

1. Only institution staff may take disciplinary action.

The term “institution staff” ordinarily refers to Bureau of Prisons employees. Any exception to this provision may be made only with the regional director's prior written approval.

In contract RRCs, community corrections managers have the authority to take disciplinary action as specified in the Community Corrections Manual.

2. Staff shall take disciplinary action at such times and to the degree necessary to regulate an inmate's behavior within Bureau rules and institution guidelines and to promote a safe and orderly institution environment.

3. Staff shall control inmate behavior in a completely impartial and consistent manner.

4. Disciplinary action may not be capricious or retaliatory.

5. Staff may not impose or allow imposition of corporal punishment of any kind.]

6. If it appears at any stage of the disciplinary process that an inmate is mentally ill, staff shall refer the inmate to a mental health professional for determination of whether the inmate is responsible for his conduct or is incompetent. Staff may take no disciplinary action against an inmate whom mental health staff determines to be incompetent or not responsible for his conduct.

a. A person is not responsible for his conduct if, at the time of the conduct, the person, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. When a person is determined not responsible for his conduct, the Incident Report is to show as a finding that the person did not commit the prohibited act because that person was found not to be mentally responsible for his conduct.]

The Incident Report is to be retained in the inmate central file. The discipline hearing officer (DHO) or the Unit Discipline Committee (UDC), if it takes final action, shall enter the DHO or UDC finding that the person was not responsible for his conduct into SENTRY in the inmate's Chronological Disciplinary Record.

b. A person is incompetent if that person lacks the ability to understand the nature of the disciplinary proceedings, or to assist in his defense at the proceedings. When a

person is determined incompetent, the disciplinary proceedings shall be postponed until such time as the inmate is able to understand the nature of the disciplinary proceedings and to assist in his defense at those proceedings. If competency is not restored within a reasonable period of time, the Incident Report is to show as a finding that the inmate is incompetent to assist in his or her defense at the disciplinary proceedings.

The Incident Report is to be retained in the inmate central file. The DHO or the UDC chairman shall record the finding that the person was determined incompetent into SENTRY in the inmate's Chronological Disciplinary Record.

It is generally the UDC which initiates referral to the appropriate mental health professional. Where this occurs, the completed mental health evaluation is to be returned to the UDC. The UDC will then decide whether the incident may be handled by the UDC (other than greatest severity), or whether it should be referred to the DHO. In Greatest Severity cases (see Chapter 4), the UDC may refer an inmate for a mental health evaluation concurrently with the required referral to the Discipline Hearing Officer. The completed evaluation is to be returned to the UDC, who will then forward it to the DHO.

7. Accurate, detailed reports of disciplinary actions shall be maintained in accordance with the requirements of this Program Statement.

#### NOTICE TO INMATE OF BUREAU OF PRISONS RULES

1. NOTICE TO INMATE OF BUREAU OF PRISONS RULES §541.11. Staff shall advise each inmate in writing promptly after arrival at an institution of:

- a. The types of disciplinary action which may be taken by institution staff;
- b. The disciplinary system within the institution and the time limits thereof (see Tables 1 and 2);

Tables 1 and 2 are located on pages 2 and 3 of this Chapter.

- c. The inmate's rights and responsibilities (see §541.12);]

See Chapter 3 for the list of inmate rights and responsibilities.

- d. Prohibited acts and disciplinary severity scale (see §541.13, Tables 3, 4, and 5)

Tables 3, 4, and 5 are located on pages 3, 13, & 18 of Chapter 4.

- e. Sanctions by severity of prohibited act, with eligibility for restoration of forfeited and

withheld statutory good time (see Table 6).

2. PAMPHLET - The information identified in paragraph (1)(a) through (e) of this Chapter is to be provided in pamphlet form to each inmate as part of the institution's admission and orientation program. A signed receipt is to be obtained from each inmate acknowledging that a copy of the pamphlet was received.

To the extent reasonably available, a qualified staff member or translator is to help the inmate who has a language or literacy problem obtain an understanding of Bureau rules on inmate discipline. When a significant portion of the inmate population speaks a language other than English, the pamphlet of rules is to be made available in that language.

### **SUMMARY OF DISCIPLINARY SYSTEM**

TABLE 1

PROCEDURES	DISPOSITION
1. Incident involving possible commission of prohibited act.	Except for prohibited acts in the greatest or high severity categories, the writer of the report may resolve informally or drop the charges.
2. Staff prepares Incident Report and forwards it to lieutenant.	Except for prohibited acts in the greatest or high severity categories, the lieutenant may resolve informally or drop the charges.
3. Appointment of investigator who conducts investigation and forwards material to Unit Disciplinary Committee.	
4. Initial Hearing before Unit Disciplinary Committee.	Unit Disciplinary Committee may drop or resolve informally any Moderate or Low Moderate charge, impose allowable sanctions or refer to the Disciplinary Hearing Officer.
5. Hearing before Disciplinary Hearing Officer.	The Disciplinary Hearing Officer may impose allowable sanctions, or drop the charges.

6. Appeals through Administrative Remedy Procedure.

The appropriate reviewing official (the Warden, Regional Director, or General Counsel) may approve, modify, reverse, or send back with directions, including ordering a rehearing, but may not increase the sanctions imposed in any valid disciplinary action taken.

## TIME LIMITS IN DISCIPLINARY PROCESS

TABLE 2

1.	Staff becomes aware of inmate's involvement in incident.	Ordinarily, maximum of 24 hours.
2.	Staff gives inmate notice of charges by delivering Incident Report.	Ordinarily, maximum of 3 work days from the time staff became aware of inmate's involvement in the incident (Excludes the day staff become aware of the inmate's involvement, weekends, and holidays).
3.	Initial Hearing by Unit Disciplinary Committee.	Minimum of 24 hours (unless waived).
4.	Discipline Hearing Officer Hearing.	

Note: These time limits are subject to exceptions as provided in the rules.

Staff may suspend disciplinary proceedings for a period not to exceed two calendar weeks while informal resolution is undertaken and accomplished. If informal resolution is unsuccessful, staff may re-institute disciplinary proceedings at the same stage at which suspended. The requirements then begin running again, at the same point at which they were suspended.

## INMATE RIGHTS AND RESPONSIBILITIES

1. RIGHTS: You have the right to expect that as a human being you will be treated respectfully, impartially and fairly by all personnel.  
  
RESPONSIBILITIES: You have the responsibility to treat others, both employees and inmates, in the same manner.
2. RIGHTS: You have the right to be informed of the rules, procedures, and schedules concerning the operation of the institution.  
  
RESPONSIBILITIES: You have the responsibility to know and abide by them.
3. RIGHTS: You have the right to freedom of religious affiliation, and voluntary religious worship.  
  
RESPONSIBILITIES: You have the responsibility to recognize and respect the rights of others in this regard..
4. RIGHTS: You have the right to health care, which includes nutritious meals proper bedding and clothing, and a laundry schedule for cleanliness of the same, an opportunity to shower regularly, proper ventilation for warmth and fresh air, a regular exercise period, toilet articles and medical and dental treatment  
  
RESPONSIBILITIES: It is your responsibility not to waste food, to follow the laundry and shower schedule, maintain neat and clean living quarters, to keep your area free of contraband, and to see medical and dental care as you may need it.
5. RIGHTS: You have the right to visit and correspond with family members and friends, and correspond with members of the news media in keeping with Bureau rules and institution guidelines.  
  
RESPONSIBILITIES: It is your responsibility to conduct yourself properly during visits, not to accept or pass contraband, and not to violate the law or Bureau rules or institution guidelines through your correspondence.
6. RIGHTS: You have the right to unrestricted and confidential access to the courts by correspondence (on matters such as legality of your convictions, civil matters, pending criminal cases, and conditions of your imprisonment.)  
  
RESPONSIBILITIES: You have the responsibility to present honestly and fairly your petitions, questions, and problems to the court.
7. RIGHTS: You have the right to legal counsel from an attorney of your choice by interviews and correspondence.

RESPONSIBILITIES: You have the responsibility to use the services of an attorney honestly and fairly.

8. RIGHTS: You have the right to participate in the use of the law library reference materials to assist you in resolving legal problems. You also have the right to receive help when it is available through a legal assistance program.

RESPONSIBILITIES: It is your responsibility to use these resources in keeping with the procedures and schedule prescribed and to respect the rights of other inmates to use materials and assistance.

9. RIGHTS: You have the right to a wide range of reading material for materials for educational purposes and for your own enjoyment. These materials may include magazines and newspapers sent from the community, with certain restrictions.

RESPONSIBILITIES: It is your responsibility to seek and utilize such materials for your personal benefits, without depriving others of their equal rights to these of this material.

10. RIGHTS: You have the right to participate in education, vocational training and employment as far as resources are available, and in keeping with your interests, needs, and abilities.

RESPONSIBILITIES: You have the responsibility to take advantage of activities which may help you live a successful and law-abiding life within the institution and in the community. You will be expected to abide by the regulations governing these of such activities.

11. RIGHTS: You have the right to use your funds for commissary and other purchases, consistent with institution security and good order, for opening bank account and/or savings accounts, and for assisting your family.

RESPONSIBILITIES: You have the responsibility to meet your financial and legal obligations, including, but not limited to court imposed assessments, fines, and restitution. You also have the responsibility to make use of your funds in a manner consistent with your release plans, your family needs, and for other obligations that you may have.

### **Definitions:**

- a. Investigating Officer. The term “investigating officer” refers to an employee of supervisory level who conducts the investigation concerning alleged charge(s) of inmate misconduct. The investigating officer may not be the employee reporting the incident, or one who was involved in the incident in question.

For the purposes of this rule, the investigating officer is ordinarily a lieutenant, but the warden at each institution may appoint another staff member to perform this function.

- b. Unit Discipline Committee (UDC). The term “unit discipline committee (UDC)” refers to one or more institution staff members delegated by the warden the authority and duty to hold an initial hearing upon completion of the investigation concerning alleged charge(s) of inmate misconduct. The warden shall authorize these staff members to impose minor sanctions (G through P) for violation of prohibited act(s).

In institutions with Unit Management, the authority to hold initial hearings (UDC) and impose sanctions is ordinarily delegated to the staff members of the inmate’s unit team. Wardens shall delegate two or more staff members the authority to hold initial hearings and impose minor sanctions. In emergency situations the warden may delegate one staff member the authority to hold initial hearings and impose minor sanctions.

- c. Discipline Hearing Officer (DHO). This term refers to a one-person, independent, discipline hearing officer who is responsible for conducting Institution Discipline Hearings and who imposes appropriate sanctions for incidents of inmate misconduct referred for disposition following the hearing required by § 541.15 before the UDC.
- d. Segregation Review Official (SRO). The term “segregation review official” refers to the individual at each Bureau of Prisons institution assigned to review the status of each inmate housed in disciplinary segregation and administrative detention as required in §§ 541.20 and 541.22 of this rule.

§ 541.20 and 541.22 are located in Chapter 9 of this Program Statement. The SRO must be trained to conduct the required reviews and must be certified in inmate discipline matters. The SRO does not have to be DHO certified. Ordinarily, the SRO will be the captain.

**Incident Reports and Investigations:** The Bureau of Prisons encourages informal resolution (requiring consent of both parties) of incidents involving violations of Bureau regulations. However, when staff witnesses or has a reasonable belief that a violation of Bureau regulations has been committed by an inmate, and when staff considers informal resolution of the incident inappropriate or unsuccessful, staff shall prepare an Incident Report and promptly forward it to the appropriate lieutenant. Except for prohibited acts in the Greatest or High Severity Categories, the lieutenant may informally dispose of the Incident Report or forward the Incident Report for investigation consistent with this section. The lieutenant shall expunge the inmate's file of the Incident Report if informal resolution is accomplished. Only the DHO may make a final disposition on a prohibited act in the Greatest Severity Category or on a prohibited act in the High Category (when the High Category prohibited act has been committed by a VCCLEA inmate rated as violent or by a PLRA inmate).

Prohibited acts in the 100 code (greatest severity) and in the 200 code (high severity) may not be informally resolved by the writer of the report, and an Incident Report must be prepared. Prohibited acts in the 100 code and in the 200 code may not be informally resolved by a lieutenant, and must be referred to the UDC. Prohibited acts in the 100 code and 200 code may not be informally resolved or the charges dropped by the UDC. The UDC may dispose of a 200 code violation except for VCCLEA inmates rated as violent or PLRA inmates. For those

inmates, all 200 level charges will be referred to the DHO for disposition.

A record of any informal resolution in the 300 or 400 codes (whether between the inmate and the writer of the report, the inmate and the lieutenant, or the inmate and the UDC) is to be maintained by the captain. The record is to reflect the inmate's name, register number, subject of the informal resolution, and the agreed upon disposition. This procedure should enable the captain, and others as necessary, to monitor the informal resolution process. Staff may suspend disciplinary proceedings for a period not to exceed two calendar weeks while informal resolution is undertaken and accomplished. If informal resolution is unsuccessful, staff may reinstate disciplinary proceedings at the same stage at which they were suspended. The time requirements then begin running again, at the same point at which they were suspended.

The reporting employee should complete immediately Part 1 of the Incident Report. The incident is to be one of the prohibited acts listed in Chapter 4 of this Program Statement. The entire language of the prohibited act(s) does not have to be copied. Only the relevant portion need be used. For example, "destroying government property, code no. 218" "possessing narcotics, code no. 109" would be acceptable listings for appropriate charges.

The description of the incident should contain the details of the activity which is being reported. All facts about the incident which are known by the employee and which are not confidential should be recorded. If there is anything unusual about the inmate's behavior, this would be noted. The reporting employee should also list those persons (staff, inmate, others) present at the scene, and the disposition of any physical evidenced (weapons, property, etc.) which the employee may have personally handled. The report is also to reflect any immediate action taken, including the use of force. The reporting employee shall sign the report and indicate his or her title in the appropriate blocks. The date and time of the report being signed should be entered. The Incident Report should then be forwarded to the appropriate Lieutenant for disposition.

Investigation. Staff shall conduct the investigation promptly unless circumstances beyond the control of the investigator intervene.

The investigating officer is ordinarily appointed within 24 hours of the time the violation is reported. It is suggested that the investigation be initiated and ordinarily completed within 24 hrs. of this appointment.

1. When it appears likely that the incident may be the subject of criminal prosecution, the investigating officer shall suspend the investigation, and staff may not question the inmate until the Federal Bureau of Investigation or other investigative agency interviews have been completed or until the agency responsible for the criminal investigation advises that staff questioning may occur.]

When an inmate's misconduct may also be the subject of criminal prosecution, it is not necessary to await the outcome of the criminal trial before taking disciplinary action, unless there has been a request for such delay by the prosecuting or investigating agency. (Staff are referred to the guidelines contained in the Program Statement on Hostage Situations). An inmate who is the subject of a criminal prosecution for institutional violations will not be transferred from the jurisdiction of the trial court without the consent of the appropriate U.S. Attorney of the court in which the case is pending.

2. The inmate may receive a copy of the Incident Report prior to being seen by the investigating agency. The investigating officer (Bureau of Prisons) shall give the inmate a copy of the Incident Report at the beginning of the investigation, unless there is good cause for delivery at a later date, such as absence of the inmate from the institution or a medical condition which argues against delivery. If the investigation is delayed for any reason, any employee may deliver the charge(s) to the inmate. The staff member shall note the date and time inmate received a copy of the Incident Report. The investigator shall also read the charge(s) to the inmate and ask for the inmate's statement concerning the incident unless it appears likely that the incident may be the subject of criminal prosecution. The investigator shall advise the inmate of the right to remain silent at all stages of the disciplinary process but that the inmate's silence may be used to draw an adverse inference against the inmate at any stage of the institutional disciplinary process. The investigator shall also inform the inmate that the inmate's silence alone may not be used to support a finding that the inmate had committed a prohibited act. The investigator shall then thoroughly investigate the incident. The investigator shall record all steps and actions taken on the Incident Report and forward all relevant material to the staff holding the initial hearing. The inmate does not receive a copy of the investigation. However, if the case is ultimately forwarded to the Discipline Hearing Officer, the DHO shall give a copy of the investigation and other relevant materials to the inmate's staff representative for use in presentation on the inmate's behalf.

When the inmate did not receive a copy of the Incident Report at the beginning of the investigation, the reason(s) for this should be stated in the investigative portion of the Incident Report. The investigator shall document in the investigative portion of the Incident Report the fact that the inmate has been advised of the right to remain silent. Comments about the inmate's attitude may be included with the inmate's statement on the charge(s).

To the extent practicable, the inmate's statements offering a rationale for his or her conduct or for the charges against him or her should be investigated. For example, an inmate who has received an Incident Report based on a "positive" urine test may claim this result comes from either:

- (a) permissible medication the inmate has been given; or
- (b) from a combination of medications the inmate is taking.

In the first situation, the investigator would contact the hospital to determine if the inmate is receiving medication which contains the reported compound detected in the urinalysis. In the second situation, the investigator should confirm that the inmate was authorized to take the stated medication. When necessary, the investigator should ask the Correctional Services Administrator, Regional Office to contact the testing laboratory to determine if the combined medication could result in a "false positive" test. Institution staff should not contact the testing laboratory themselves.

With respect to urine testing, it is noted that while an inmate can challenge the results of the urine test, and this may be investigated by the investigator and considered by the discipline committee(s), the validity or accuracy of the testing process itself is not subject to investigation by the investigator or consideration by the DHO. This requirement is necessary because neither the investigator nor the DHO has the experience necessary to assess the validity or accuracy of the laboratory process.

An inmate who wishes to challenge the testing process should be advised to use the Administrative Remedy Procedure. An inmate can challenge the proper handling of the sample, and evidence challenging that aspect of the process should be investigated and considered. The investigator should talk to those persons with direct and relevant information, and summarize their statements. The disposition of evidence should be recorded. Often, the investigator will want to talk to the reporting employee to obtain a report firsthand and to clarify any question(s) the investigator may have. Under Comments and Conclusions, the investigator may include the investigator's:

- (a) comments on the inmate's prior record and behavior,
- (b) analysis of any conflict between witnesses, and conclusions of what in fact happened.

Staff who are involved in preparation of incident reports and in investigations are referred to Chapter 7, page 5, for guidelines on the use of confidential informant information.

**Initial Hearing** The warden shall delegate to one or more institution staff members the authority and duty to hold an initial hearing upon completion of the investigation. In order to ensure impartiality, the appropriate staff member(s) [hereinafter usually referred to as the Unit Discipline Committee (UDC)] may not be the reporting or investigating officer or a witness to the incident, or play any significant part in having the charges referred to the UDC. However, a staff member witnessing an incident may serve on the UDC where virtually every staff member in the institution witnesses the incident in whole or in part. If the UDC finds at the initial hearing that an inmate has committed a prohibited act, the UDC may impose minor dispositions and sanctions. When an alleged violation of Bureau rules is serious and warrants consideration for other than minor sanctions, the UDC shall refer the charges to the Discipline Hearing Officer for further hearing. The UDC must refer all greatest category charges to the DHO. The following minimum standards apply to initial hearings in all institutions.

- a. Staff shall give each inmate charged with violating a Bureau rule a written copy of the charge(s) against the inmate, ordinarily within 24 hours of the time staff became aware of the inmate's involvement in the incident.
- b. Each inmate so charged is entitled to an initial hearing before the UDC, ordinarily held within three work days from the time staff became aware of the inmate's involvement in the incident. This three work day period excludes the day staff became aware of the inmate's involvement in the incident, weekends, and holidays.

For example, if staff become aware of an inmate's involvement in the incident on a Tuesday and provide the inmate with a copy of the report on Tuesday, the three work day period starts the following day, Wednesday. The UDC hearing must ordinarily be held by Friday.

- c. The inmate is entitled to be present at the initial hearing except during deliberations of the decision maker(s) or when institutional security would be jeopardized by the inmate's presence. The UDC shall clearly document in the record of the hearing reasons for excluding an inmate from the hearing. An inmate may waive the right to be present at this hearing provided that the waiver is documented by staff and reviewed by the UDC. A waiver may be in writing, signed by the inmate, or if the inmate refuses to sign a waiver, it shall be shown by a memorandum signed by staff and witnessed by a second staff member

indicating the inmate's refusal to appear at the hearing. The UDC may conduct a hearing in the absence of an inmate when the inmate waives the right to appear. When an inmate escapes or is otherwise absent from custody, the UDC shall conduct a hearing in the inmate's absence at the institution in which the inmate was last confined.

- d. The inmate is entitled to make a statement and to present documentary evidence in the inmate's own behalf.
- e. The Unit Discipline Committee may drop or informally resolve any Moderate or Low Moderate charge. The UDC shall expunge the inmate's file of the Incident Report if the charge is dropped or informal resolution is accomplished.

A record of any informal resolution in the 300 or 400 codes between the inmate and the UDC is to be maintained by the Captain (See Chapter 5, page 1, for further information on informal resolution procedures).

- f. The Unit Discipline committee shall consider all evidence presented at the hearing and shall make a decision based on at least some facts, and if there is conflicting evidence, it must be based on the greater weight of the evidence. The UDC shall take one of the following actions:
  - 1. Find that the inmate committed the prohibited act charged and/or a similar prohibited act if reflected in the Incident Report;
  - 2. Find that the inmate did not commit the prohibited act charged or a similar prohibited act if reflected in the Incident Report; or
  - 3. Refer the case to the DHO for further hearing.

The phrase "some facts" refers to facts indicating the inmate did commit the prohibited act. The phrase "greater weight of the evidence" refers to the merits of the evidence, not to its quantity nor to the number of witnesses testifying.

The UDC shall give the inmate a written copy of the decision and disposition by the close of business the next work day. Any action taken as a minor disposition is reviewable under the Administrative Remedy Procedure (see Part 542 of this Chapter).

The chairman of the UDC is to sign Part II of the Incident Report. This signature serves as both a certification of those persons serving on the UDC and that the completed Part II accurately reflects the UDC proceedings. The names of other UDC members, if any, participating in the hearing are to be noted in Part II of the Incident Report in the space provided.

If a UDC member wishes to dissent from the UDC action, that committee member should prepare a separate memorandum to the record, stating the reasons for dissent. Unless there are extenuating circumstances (e.g., the dissenting staff member is out of the institution), the memorandum of dissent must be filed within three working days from the date the UDC chairman signs the Incident Report. The memorandum is to be placed in section 4 of the inmate central file with the other disciplinary records, absent a specific determination that the dissent is

"FOI-Exempt" (e.g., refers to confidential information). No notation of the dissent is made on the Incident Report, nor is a copy of the dissent provided the inmate as a part of the disciplinary package. An inmate or third party request for a copy of the dissent is to be handled as a Freedom of Information/Privacy request.

- g. The UDC shall prepare a record of its proceedings which need not be verbatim. A record of the hearing and supporting documents are kept in the inmate's file.
- h. When an alleged violation of Bureau rules is serious and warrants consideration for other than minor sanctions (G thru P), the UDC shall refer the charge(s) without indication of findings as to commission of the alleged violation to the Discipline Hearing Officer (DHO) for hearing and disposition. The UDC shall forward copies of all relevant documents to the DHO with a brief statement of reasons for the referral along with any recommendations for appropriate disposition if the DHO finds the inmate has committed the act charged and/or a similar prohibited act. The inmate whose charge is being referred to the Discipline Hearing Officer may be retained in administrative detention or other restricted status, but the UDC may not impose a final disposition if the matter is being referred to the DHO.

The UDC chairman shall record the reasons for the referral along with recommendations for appropriate disposition in the "Committee Action" section of the Incident Report. Such recommendations are only recommendations to be considered, and are contingent upon a DHO finding that the inmate committed the prohibited act.

- i. When charges are to be referred to the Discipline Hearing Officer, the UDC shall advise the inmate of the rights afforded at a hearing before the DHO. The UDC shall ask the inmate to indicate a choice of staff representative, if any, and the names of any witnesses the inmate wishes to be called to testify at the hearing and what testimony they are expected to provide. The UDC shall advise the inmate that the inmate may waive the right to be present at the Institution Discipline hearing, but still elect to have witnesses and/or a staff representative appear in the inmate's behalf at this hearing.

Staff shall ask an inmate to list on the appropriate form (Notice of Institution Discipline Committee Hearing Before the DHO - see Chapter 10) all witnesses (including outside witnesses) requested to appear whether they are allowed to appear or are excluded by the DHO. Unless a witness is listed in advance of the hearing the witness ordinarily will not be called before the DHO.

If an inmate has waived the right to appear before the Unit Discipline Committee, the UDC shall ensure that a staff member advises the inmate of the rights afforded at a hearing before the Discipline Hearing Officer (Inmate Rights at Discipline Hearing and Notice of Discipline Hearing Before the DHO - see Chapter 10).

- j. When the Unit Discipline Committee holds a full hearing and determines that the inmate did not commit a prohibited act of High, Moderate, or Low Moderate Severity, the UDC shall expunge the inmate's file of the Incident Report and related documents. The UDC

must refer to the DHO all incidents involving prohibited acts of Greatest Severity.

- k. The UDC may extend time limits imposed in this section for a good cause shown by the inmate or staff and documented in the record of the hearing.

The UDC is to be notified by appropriate staff (e.g., investigating officer) when it appears that an extension of time limits is necessary. The UDC is to ensure that the inmate is advised of the delay, including, where appropriate, the reasons for the delay.

The warden's approval is required for any extension beyond five work days. When staff decide and approve the extension, the inmate is to be provided with written reasons for the extension, and a copy of the reasons is to be made a part of the UDC record.

### **Discipline Hearing Officer:**

- a. Each Bureau of Prisons institution shall have an independent discipline hearing officer (DHO) assigned to conduct administrative fact-finding hearings covering alleged acts of misconduct and violations of prohibited acts, including those acts which could result in criminal charges. In the event of a serious disturbance or other emergency, or if an inmate commits an offense in the presence of the DHO, an alternate DHO will be appointed to conduct hearings with approval of the appropriate Regional Director. If the institution's DHO is not able to conduct hearings, the warden shall arrange for another DHO to conduct the hearings. This person must be trained and certified as a DHO, and meet the other requirements for DHO.
- b. In order to insure impartiality, the DHO may not be the reporting officer, investigating officer, or UDC member, or a witness to the incident or play any significant part in having the charge(s) referred to the DHO.
- c. The Discipline Hearing Officer shall conduct hearings, make findings, and impose appropriate sanctions for incidents of inmate misconduct referred for disposition following the hearing required by §541.15 before the UDC. The DHO may not hear any case or impose any sanctions in a case not heard and referred by the UDC. Only the Discipline Hearing Officer shall have the authority to impose or suspend sanctions A through F.
- d. The warden at each institution shall designate a staff member, hereinafter called the Segregation Review Official (SRO), to conduct reviews of inmates placed in disciplinary segregation and administrative detention.

**Special Housing Status:** There are two categories of special housing. These are Administrative Detention and Disciplinary Segregation. SCP Marion inmates will be housed in a designated unit at the USP.

Administrative Detention separates an inmate from the general population. To the extent practical, inmates in Administrative Detention shall be provided with the same privileges as

those in general population. The use of telephone for an inmate in Administrative status, is limited to one call every thirty days, as stated in Bureau Program Statement 5270.07, entitled *Inmate Discipline*. An inmate may be placed in A/D when an inmate is in holdover status during transfer, is a new commitment pending classification, is pending investigation or hearing for a violation of Bureau Regulations, is pending investigation or trial for a criminal act, is pending transfer, for protection, or is finishing confinement in disciplinary segregation.

Disciplinary Segregation is used as a sanction for violations of the BOP rules and regulations. Inmates in Disciplinary Segregation will be denied certain privileges. Personal property will usually be impounded. Inmates placed in D/S are provided with blankets, a mattress, a pillow, toilet tissue, and personal hygiene articles as necessary.

## **NOTICE TO INMATE OF BUREAU OF PRISONS RULES**

1. **NOTICE TO INMATE OF BUREAU OF PRISONS RULES §541.11.** Staff shall advise each inmate in writing promptly after arrival at an institution of:
  - a. **The types of disciplinary action which may be taken by institution staff;**
  - b. **The disciplinary system within the institution and the time limits thereof (see Tables 1 and 2);**
  - c. **The inmate's rights and responsibilities (see §541.12);**
  - d. **Prohibited acts and disciplinary severity scale (see §541.13, Tables 3, 4, and 5); and**
  - e. **Sanctions by severity of prohibited act, with eligibility for restoration of forfeited and withheld statutory good time (see Table 6).**
2. **PAMPHLET** - The information identified in paragraph (1)(a)through (e) of this Chapter is to be provided in pamphlet form to each inmate as part of the institution's admission and orientation program. A signed receipt is to be obtained from each inmate acknowledging that a copy of the pamphlet was received.

To the extent reasonably available, a qualified staff member or translator is to help the inmate who has a language or literacy problem obtain an understanding of Bureau rules on inmate discipline. When a significant portion of the inmate population speaks a language other than English, the pamphlet of rules is to be made available in that language.

### **Prohibited Acts and Disciplinary Scale**

- a. There are four categories of prohibited acts - Greatest, High, Moderate, and Low Moderate (see Table 3 for identification of the prohibited acts within each category). Specific sanctions are authorized for each category (see Table 4 for a discussion of each sanction). Imposition of a sanction requires that the inmate first is found to have committed prohibited

act.

(1) Greatest Category Offenses. The Discipline Hearing Officer (DHO) shall impose and execute one or more of sanctions A through E. Sanction B.1 must be imposed for a VCCLEA inmate rated as violent (i.e., an inmate who, as specified in the Violent Crime Control and Law Enforcement Act of 1994, committed a crime of violence on or after September 13, 1994) and for a PLRA inmate (i.e., an inmate who has been sentenced for an offense committed on or after April 26, 1996). The DHO may impose and execute sanction F and/or G only in addition to execution of one or more additional sanctions A through G.

(2) High Category Offenses. The discipline hearing officer shall impose and execute one or more of sanctions A through M, and, except as noted in the sanction, may also suspend one or more additional sanctions A through M. Sanction B.1 must be imposed for a VCCLEA inmate rated as violent and for a PLRA inmate. The Unit Discipline Committee shall impose and execute one or more of sanctions G through M, and may also suspend one or more additional sanctions G through M. Sanction B.1 must be imposed for a VCCLEA inmate rated as violent and for a PLRA inmate. The Unit Discipline Committee shall impose and execute one or more of sanctions G through M, except for a VCCLEA inmate rated as violent. All high category offense charges for a VCCLEA inmate rated as violent and for a PLRA inmate must be referred to the DHO.

(3) Moderate Category Offenses. The Discipline Hearing Officer shall impose at least one sanction A through N, but, except as noted in the sanction, may suspend any sanction or sanctions imposed. Sanction B.1 ordinarily must be imposed for a VCCLEA inmate rated as violent and for a PLRA inmate. Except for charges referred to the DHO, the Unit Discipline Committee (UDC) shall impose at least one sanction G through N, but may suspend any sanction or sanctions imposed. The UDC ordinarily shall refer to the DHO a moderate category charge for a VCCLEA inmate rated as violent or for a PLRA inmate if the inmate had been found to have committed a moderate category offense during the inmate's current anniversary year. (i.e., the twelve month period of time for which an inmate may be eligible to earn good conduct time). The UDC must thoroughly document in writing the reasons why the charge for such an inmate was not referred to the DHO.

(4) Low Moderate Category Offenses. The DHO shall impose at least one sanction B.1, or E through P. The DHO may suspend any E through P sanction or sanctions imposed (a B.1 sanction may not be suspended). Except for charges referred to the DHO, the Unit Discipline Committee shall impose at least one sanction G through P, but may suspend any sanction or sanctions imposed. The UDC ordinarily shall refer to the DHO a low moderate category charge for a VCCLEA inmate rated as violent or for a PLRA inmate if the inmate had been found to have committed two low moderate category offense during the inmates current anniversary year (i.e., the twelve month period of time for which an inmate may be eligible to earn good conduct time). The UDC must thoroughly document in writing the reasons why the charge for such an inmate was not referred to the DHO.

b. Aiding another person to commit any of these offenses, attempting to commit any of these

offenses, and making plans to commit any of these offenses, in all categories of severity, shall be considered the same as a commission of the offense itself. In these cases, the letter "A" is combined with the offense code. For example, planning an escape would be considered as Escape and coded 102A. Likewise, attempting the adulteration of any food or drink would be coded 209A.

- c. Suspensions of any sanction cannot exceed six months. Revocation and execution of a suspended sanction require that the inmate first is found to have committed any subsequent prohibited act. Only the discipline hearing officer (DHO) may execute, suspend, or revoke and execute suspension of sanctions A through F. The discipline hearing officer (DHO) or Unit Discipline Committee (UDC) may execute, suspend, or revoke and execute suspensions of sanctions G through P. Revocations and execution of suspensions may be made only at the level (DHO or UDC) which originally imposed the sanction. The DHO now has that authority for suspensions which were earlier imposed by the Inmate Discipline Committee (IDC).

When an inmate receives an Incident Report while on a DHO imposed, but suspended sanction, the new Incident Report is to be forwarded by the UDC to the DHO both for a final disposition on the new Incident Report, and for a disposition on the suspended sanction. This procedure is not necessary when the UDC informally resolves the new Incident Report.

- d. If the Unit Discipline Committee has previously imposed a suspended sanction and subsequently refers a case to the discipline hearing officer, the referral shall include an advisement to the DHO of any intent to revoke that suspension if the DHO finds that the prohibited act was committed. If the DHO then finds that the prohibited act was committed, the DHO shall so advise the Unit Discipline Committee who may then revoke the previous suspension.
- e. The Unit Discipline Committee or discipline hearing officer may impose increased sanctions for repeated, frequent offenses according to the guidelines presented in Table 5.
- f. Sanctions by severity of prohibited act, with eligibility for restoration of forfeited and withheld statutory good time are presented in Table 6.

Table 6 contains a chart showing the maximum amount of good time that may be forfeited or withheld and the period of time that must pass before an inmate is eligible for restoration of statutory good time. The chart also shows the maximum amount of time that an inmate may spend in disciplinary segregation. The time frame established in each of these areas is determined by the severity of the prohibited act.

[TABLE 3 - PROHIBITED ACTS AND DISCIPLINARY SEVERITY SCALE  
GREATEST CATEGORY

The UDC shall refer all Greatest Severity Prohibited Acts to the DHO with recommendations as to an appropriate disposition.

CODE	PROHIBITED ACTS	SANCTIONS
100	Killing	A. Recommend parole date rescission or retardation.
101	Assaulting any person (includes sexual assault) or an armed assault on the institution's secure perimeter (a charge for assaulting any person at this level is to be used only when serious physical injury has been attempted or carried out by an inmate)	B. Forfeit earned statutory good time or non-vested good conduct time (up to 100%) and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended).
102	Escape from escort; escape from a secure institution (low, medium, and high security level and administrative institutions); or escape from a minimum institution <u>with</u> violence	B.1 Disallow ordinarily between 50 and 75% (27-41 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).
103	Setting a fire (charged with this act in this category only when found to pose a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of Greatest Severity, e.g. in furtherance of a riot or escape; otherwise the charge is properly classified Code 218, or 329)	C. Disciplinary Transfer (recommend). D. Disciplinary segregation (up to 60 days). E. Make monetary restitution. F. Withhold statutory good time (Note - can be in addition to A through E - cannot be the only sanction executed). G. Loss of privileges (Note - can be in addition to A through E - cannot be the only sanction executed).]

[TABLE 3 (Cont'd)  
GREATEST CATEGORY (Cont'd)

CODE      PROHIBITED ACTS

---

- 104 Possession, manufacture, or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive or any ammunition
- 105 Rioting
- 106 Encouraging others to riot
- 107 Taking hostage(s)
- 108 Possession, manufacture, or introduction of a hazardous tool (Tools most likely to be used in an escape or escape attempt or to serve as weapons capable of doing serious bodily harm to others; or those hazardous to institutional security or personal safety; e.g., hack-saw blade)
- 109 (Not to be used)
- 110 Refusing to provide a urine sample or to take part in other drug-abuse testing
- 111 Introduction of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff
- 112 Use of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff
- 113 Possession of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff

[TABLE 3 (Cont'd)  
GREATEST CATEGORY (Cont'd)

<u>CODE</u>	<u>PROHIBITED ACTS</u>	<u>SANCTIONS</u>
197	Use of the telephone to further criminal activity.	Sanctions A-G]
198	Interfering with a staff member in the performance of duties. ( <u>Conduct must be of the Greatest Severity nature.</u> ) This charge is to be used only when another charge of greatest severity is not applicable.	
199	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. ( <u>Conduct must be of the Greatest Severity nature.</u> ) This charge is to be used only when another charge of greatest severity is not applicable.	

[TABLE 3 (Cont'd)  
HIGH CATEGORY

CODE	PROHIBITED ACTS	SANCTIONS
200	Escape from unescorted Community Programs and activities and Open Institutions (minimum) and from outside secure institutions-- <u>without</u> violence.	A. Recommend parole date rescission or retardation.
201	Fighting with another person	B. Forfeit earned statutory good time or non-vested good conduct time up to 50% or up to 60 days, whichever is less, and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended)
202	(Note to be used)	
203	Threatening another with bodily harm or any other offense	B.1 Disallow ordinarily between 25 and 50% (14-27 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).
204	Extortion, blackmail, protection: Demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing	
205	Engaging in sexual acts	
206	Making sexual proposals or threats to another	
207	Wearing a disguise or a mask	C. Disciplinary Transfer (recommend).
208	Possession of any unauthorized locking device, or lock pick, or tampering with or blocking any lock device (includes keys), or destroying, altering, interfering with, improperly using, or damaging any security device, mechanism, or procedure	D. Disciplinary segregation (up to 30 days). E. Make monetary restitution.
209	Adulteration of any food or drink	F. Withhold statutory good time]
210	(Not to be used)	
211	Possessing any officer's or staff clothing	

[TABLE 3 (Cont'd)  
HIGH CATEGORY (Cont'd)

CODE	PROHIBITED ACTS	SANCTIONS
212	Engaging in, or encouraging a group demonstration	G. Loss of privileges: commissary, movies, recreation, etc.
213	Encouraging others to refuse to work, or to participate in a work stoppage	H. Change housing (quarters)
214	(Not to be used)	I. Remove from program and/or group activity
215	Introduction of alcohol into BOP facility	J. Loss of job
216	Giving or offering an official or staff member a bribe, or anything of value	K. Impound inmate's personal property
217	Giving money to, or receiving money from, any person for purposes of introducing contraband or for any other illegal or prohibited purposes	L. Confiscate contraband
		M. Restrict to quarters]
218	Destroying, altering, or damaging government property, or the property of another person, having a value in excess of \$100.00 or destroying, altering, damaging life-safety devices (e.g., fire alarm) regardless of financial value	
219	Stealing (theft; this includes data obtained through the unauthorized use of a communications facility, or through the unauthorized access to disks, tapes, or computer printouts or other automated equipment on which data is stored.)	

[TABLE 3 (Cont'd)]  
HIGH CATEGORY (Cont'd)

CODE	PROHIBITED ACTS	SANCTIONS
220	Demonstrating, practicing, or using martial arts, boxing (except for use of a punching bag), wrestling, or other forms of physical encounter, or military exercises or drill (except for drill authorized and conducted by staff)	Sanctions A-M]
221	Being in an unauthorized area with a person of the opposite sex without staff permission	
222	Making, possessing, or using intoxicants	
223	Refusing to breathe into a breathalyser or take part in other testing for use of alcohol	
224	Assaulting any person (charged with this act only when less serious physical injury or contact has been attempted or carried out by an inmate)	
297	Use of the telephone for abuses other than criminal activity (e.g., circumventing telephone monitoring procedures, possession and/or use of another inmate's PIN number; third-party calling; third-party billing; using credit card numbers to place telephone calls; conference calling; talking in code).	
298	Interfering with a staff member in the performance of duties. ( <u>Conduct must be of the High Severity nature.</u> ) This charge is to be used only when another charge of the high severity is not applicable.	
299	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. ( <u>Conduct must be of the High Severity nature.</u> ) This charge is to be used only when another charge of high severity is not applicable.	

[TABLE 3 (Cont'd)  
MODERATE CATEGORY

CODE	PROHIBITED ACTS	SANCTIONS
300	Indecent Exposure	A. Recommend parole date rescission or retardation.
301	(Not to be used)	
302	Misuse of authorized medication	B. Forfeit earned statutory good time or non-vested good conduct time up to 25% or up to 30 days, whichever is less, and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended).
303	Possession of money or currency, unless specifically authorized, or in excess of the amount authorized	
304	Loaning of property or anything of value for profit or increased return	
305	Possession of anything not authorized for retention or receipt by the inmate, and not issued to him through regular channels	B.1 Disallow ordinarily up to 25% (1-14 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).
306	Refusing to work, or to accept a program assignment	
307	Refusing to obey an order of any staff member (May be categorized and charged in terms of greater severity, according to the nature of the order being disobeyed; e.g., failure to obey an order which furthers a riot would be charged as 105, Rioting; refusing to obey an order which furthers a fight would be charged as 201, Fighting; refusing to provide a urine sample when ordered would be charged as Code 110)	C. Disciplinary Transfer (recommend). D. Disciplinary segregation (up to 15 days). E. Make monetary restitution.
308	Violating a condition of a furlough	F. Withhold statutory good time.]
309	Violating a condition of a community program	
310	Unexcused absence from work or any assignment	
311	Failing to perform work as instructed by the supervisor	
312	Insolence towards a staff member	

[TABLE 3 (Cont'd)  
MODERATE CATEGORY (Cont'd)

CODE	PROHIBITED ACTS	SANCTIONS
313	Lying or providing a false statement to a staff member.	G. Loss of privileges: commissary, movies, recreation, etc.
314	Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper. (May be categorized in terms of greater severity according to the nature of the item being reproduced; e.g., counterfeiting release papers to effect escape, Code 102 or Code 200)	H. Change housing (quarters). I. Remove from program and/or group activity. J. Loss of job.
315	Participating in an unauthorized meeting or gathering	K. Impound inmate's personal property.
316	Being in an unauthorized area	L. Confiscate contraband.
317	Failure to follow safety or sanitation regulations	M. Restrict to quarters. N. Extra duty.]
318	Using any equipment or machinery which is not specifically authorized	
319	Using any equipment or machinery contrary to instructions or posted safety standards	
320	Failing to stand count	
321	Interfering with the taking of count	
322	(Not to be used)	
323	(Not to be used)	
324	Gambling	
325	Preparing or conducting a gambling pool	
326	Possession of gambling paraphernalia	
327	Unauthorized contacts with the public	
328	Giving money or anything of value to, or accepting money or anything of value from: another inmate, or any other person without staff authorization	

[TABLE 3 (Cont'd)]  
MODERATE CATEGORY (Cont'd)

CODE	PROHIBITED ACTS	SANCTIONS
329	Destroying, altering or damaging government property, or the property of another person, having a value of \$100.00 or less	Sanctions A-N]
330	Being unsanitary or untidy; failing to keep one's person and one's quarters in accordance with posted standards	
331	Possession, manufacture, or introduction of a non-hazardous tool or other non-hazardous contraband (Tool not likely to be used in an escape or escape attempt, or to serve as a weapon capable of doing serious bodily harm to others, or not hazardous to institutional security or personal safety; Other non-hazardous contraband includes such items as food or cosmetics)	
332	Smoking where prohibited	
397	Use of the telephone for abuses other than criminal activity (e.g., conference calling, possession and/or use of another inmate's PIN number, three-way calling, providing false information for preparation of a telephone list).	
398	Interfering with a staff member in the performance of duties. ( <u>Conduct must be of the Moderate Severity nature.</u> ) This charge is to be used only when another charge of moderate severity is not applicable.	
399	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. ( <u>Conduct must be of the Moderate Severity nature</u> ). This charge is to be used only when another charge of moderate severity is not applicable.	

[TABLE 3 (Cont'd)  
LOW MODERATE CATEGORY

<u>CODE</u>	<u>PROHIBITED ACTS</u>	<u>SANCTIONS</u>
400	Possession of property belonging to another person	B.1 Disallow ordinarily up to 12.5% (1-7 days) of good conduct time credit available for year (to be used only where inmate found to have committed a second violation of the same prohibited act within 6 months); Disallow ordinarily up to 25% (1-14 days) of good conduct time credit available for year (to be used only where inmate found to have committed a third violation of the same prohibited act within 6 months) (a good conduct time sanction may not be suspended).] (See Chapter 4 Page 16 for VCCLEA violent and PLRA inmates.)
401	Possessing unauthorized amount of otherwise authorized clothing	
402	Malingering, feigning illness	
403	Not to be used	
404	Using abusive or obscene language	
405	Tattooing or self-mutilation	
* 406	Not to be Used *	
407	Conduct with a visitor in violation of Bureau regulations (Restriction, or loss for a specific period of time, of these privileges may often be an appropriate sanction G)	
408	Conducting a business	
409	Unauthorized physical contact (e.g., kissing, embracing)	
* 410	Unauthorized use of mail (Restriction, or loss for a specific period of time, of these privileges may often be an appropriate sanction G) (May be categorized and charged in terms of greater severity, according to the nature of the unauthorized use; e.g., the mail is used for planning, facilitating, committing an armed assault on the institution's secure perimeter, would be charged as Code 101, Assault)	F. Withhold statutory good time. G. Loss of privileges: commissary, movies, recreation, etc. H. Change housing (quarters). I. Remove from program and/or group activity.]

[TABLE 3 (Cont'd)]  
LOW MODERATE CATEGORY (Cont'd)

CODE	PROHIBITED ACTS	SANCTIONS
497	Use of the telephone for abuses other than criminal activity (e.g., exceeding the 15-minute time limit for telephone calls; using the telephone in an unauthorized area; placing of an unauthorized individual on the telephone list). *	J. Loss of job. K. Impound inmate's personal property. L. Confiscate contraband. M. Restrict to quarters.
498	Interfering with a staff member in the performance of duties. <u>Conduct must be of the Low Moderate Severity nature.</u> ) This charge is to be used only when another charge of low moderate severity is not applicable.	N. Extra duty. O. Reprimand. P. Warning.
499	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. <u>(Conduct must be of the Low Moderate severity nature.)</u> This charge is to be used only when another charge of low moderate severity is not applicable.	

**NOTE:** Aiding another person to commit any of these offenses, attempting to commit any of these offenses, and making plans to commit any of these offenses, in all categories of severity, shall be considered the same as a commission of the offenses itself.]

When the prohibited act is interfering with a staff member in the performance of duties (Code 198, 298, 398, or 498), or Conduct Which Disrupts (Code 199, 299, 399, or 499), the DHO or UDC, in its findings, should indicate a specific finding of the severity level of the conduct, and a comparison to an offense (or offenses) in that severity level which the DHO or UDC finds is most comparable.

**Example:** "We find the act of \_\_\_\_\_ to be of High severity, most comparable to prohibited act Engaging in a Group Demonstration."

Sanction B.1 may be imposed on the Low Moderate category **only** where the inmate has committed the same low moderate prohibited act more than one time within a six-month period except for a VCCLEA inmate rated as violent or a PLRA inmate (See Chapter 4, Page 16).

## TABLE 4 - SANCTIONS

### **1. Sanctions of the Discipline Hearing Officer (upon finding the inmate committed the prohibited act)**

**a. Recommend Parole Date Rescission or Retardation. The DHO may make recommendations to the U.S. Parole Commission for retardation or rescission of parole grants. This may require holding fact-findings hearings upon request of or for the use of the Commission.**

**b. Forfeit Earned Statutory Good Time, Non-vested Good Conduct Time, and/or Terminate or Disallow Extra Good Time. The statutory good time available for forfeiture is limited to an amount computed by multiplying the number of months served at the time of the offense for which forfeiture action is taken, by the applicable monthly rate specified in 18 U.S.C. § 4161 (less any previous forfeiture or withholding outstanding). The amount of good conduct time (GCT) available for forfeiture is limited to the total number of days in the "non-vested" status at the time of the misconduct (less any previous forfeiture). A forfeiture of good conduct time sanction may not be suspended. Disallowance of extra good time is limited to the extra good time for the calendar month in which the violation occurs. It may not be withheld or restored. The sanction of termination or disallowance of extra good time may not be suspended. Forfeited good conduct time will not be restored. Authority to restore forfeited statutory good time is delegated to the Warden. This decision may not be delegated lower than the Associate Warden level. Limitations on this sanction and eligibility for restoration are based on the severity scale. (See Table 6).**

See Page 19 of this Chapter for limitations on this sanction and for eligibility for restoration. Good time (statutory and good conduct time) percentages may be combined when separate acts or offenses occur on the same day and are heard by the DHO at the same time. For example, when an inmate is charged, and found to have committed, both a 200 and 300 Code violation by the same sitting DHO, that DHO may forfeit 75% of the inmate's good time (50% for the 200 code violation, 25% for the 300 Code violation). Good time may not be forfeited (because it is not earned) for an inmate solely in service of a civil contempt. See the Sentence Computation Manual (Old Law, Pre-RRCA-1984) for a discussion of termination or disallowance of extra good time.

An application for restoration of good time is to go from the inmate's unit team, through both the DHO and Captain for comments, to the Warden or his or her delegated representative for final decision.

This sanction B does not apply to inmates committed under the provisions of the Comprehensive Crime Control Act for crimes committed on or after November 1, 1987 and prior to passage of the Violent Crime Control and Law Enforcement Act of 1994 (September 23, 1994). For those inmates, the applicable sanction is B.1.

**B.1 Disallowance of Good Conduct Time. An inmate sentenced under the Sentencing Reform Act provisions of the Comprehensive Crime Control Act (includes the inmate who committed his or**

TABLE 4 - SANCTIONS (Cont'd)

her crime on or after November 1, 1987) may not receive statutory good time, but is eligible to receive 54 days good conduct time credit each year (18 U.S.C. § 3624(b)). Once awarded, the credit is vested, and may not be disallowed. However for crimes committed on or after September 13, 1994 and prior to April 26, 1996, credit toward an inmate's service of sentence shall not be vested unless the inmate has earned or is making satisfactory progress toward a high school diploma or an equivalent degree, or has been exempted from participation because of a learning disability. For crimes committed on or after April 26, 1996, credit toward an inmate's service of sentence shall vest on the date the inmate is released from custody. Once disallowed, the credit may not be restored, except by immediate review or appeal action as indicated below. Prior to this award being made, the credit may be disallowed for an inmate found to have committed a prohibited act. A sanction of disallowance of good conduct time may not be suspended. Only the DHO can take action to disallow good conduct time. The DHO shall consider the severity of the prohibited act and the suggested disallowance guidelines in making a determination to disallow good conduct time. A decision to go above the guideline range is warranted for a greatly aggravated offense or where there is a repetitive violation of the same prohibited act that occurs within a relatively short time frame (e.g., within 18 months for the same greatest severity prohibited act, within 12 months for the same high severity prohibited act, and within 6 months for the same moderate severity prohibited act). A decision to go below the guidelines is warranted for strong mitigating factors. Any decision outside the suggested disallowance guidelines is to be documented and justified in the DHO report.

VCCLEA inmates rated as violent and PLRA inmates will ordinarily be disallowed good conduct time for each prohibited act they are found to have committed at a DHO hearing, consistent with the following;

- (1) Greatest Category Offenses. A minimum of 40 days (or, if less than 54 days are available for the prorated period, a minimum of 75% of available good time) for each act committed;
- (2) High Category Offenses. A minimum of 27 days (or, if less than 54 days are available for the prorated period, a minimum of 50% of available good conduct time) for each act committed.
- (3) Moderate Category Offenses. A minimum of 13 days (or, if less than 54 days are available for the prorated period, a minimum of 25% of available good conduct time) for each act committed if the inmate has committed two or more moderate category offenses during the current anniversary period.
- (4) Low Moderate Category Offenses. A minimum of 6 days (or, if less than 54 days are available for the prorated period, a minimum of 12.5% of available good conduct time) for each act committed if the inmate has committed three or more low moderate category offenses during the current anniversary period.

However, the DHO may, after careful consideration of mitigating factors (seriousness of the

**TABLE 4 - SANCTIONS (Cont'd)**

**offense, the inmate's past disciplinary record, the lack of available good conduct time, etc.) choose to impose a lesser sanction, or even disallow no GCT for moderate and low moderate prohibited acts by VCCLEA inmates rated as violent or by PLRA inmates. The DHO must thoroughly detail the rationale for choosing to disallow less than 13 days or 6 days respectively. This will be documented in Section VII of the DHO report. Disallowance of amounts greater than 13 days or 6 days respectively will occur with repetitive offenses consistent with the guidelines in this B.1.**

**The decision of the DHO is final and is subject only to review by the Warden to ensure conformity with the provisions of the disciplinary policy and by inmate appeal through the administrative remedy program. The DHO is to ensure that the inmate is notified that any appeal of a disallowance of good conduct time must be made within the time frames established in the Bureau's rule on administrative remedy procedures.**

**Except for VCCLEA inmates rated as violent or PLRA inmates, Sanction B.1 may be imposed on the Low Moderate category only where the inmate has committed the same low moderate prohibited act more than one time within a six-month period.**

Good conduct time credit may only be given to an inmate serving a sentence of more than one year, but less than the duration of his life. In the last year or portion of a year of an inmate's sentence, only the amount of good conduct time credit available for that remaining period of time may be disallowed. The Appendix to this Chapter 4 discusses procedures for the disallowance of good conduct time.

**TABLE 5**

**Sanctions for Repetition of Prohibited Acts Within Same Category**

When the Unit Disciplinary Committee or DHO finds that an inmate has committed a prohibited act in the Low Moderate, Moderate, or High category, and when there has been a repetition of the same offense(s) within recent months (offenses for violation of the same code), increased sanctions are authorized to be imposed by the DHO according to the following chart. (Note: An informal resolution may not be considered as a prior offense for purposes of this chart).

<u>Category</u>	<u>Prior Offense (Same code) within time period</u>	<u>Frequency of repeated Offense</u>	<u>Sanction Permitted</u>
Low Moderate (400 series)	6 Months	2d offense	Low Moderate Sanction plus, 1. Disciplinary Segregation, up to 7 days. 2. Forfeit earned SGT or non-vested GCT up to 10% or up to 15 days, whichever is less, and/or terminate or disallow extra good time (EGT)(an EGT Sanction may not be suspended).
		3d offense	Any sanctions available in or more Moderate (300) and Low Moderate (400) series.
Moderate (300 series)	12 Months	2d offense	Moderate Sanctions (A,C,E-N), plus 1. Disciplinary Segregation, up to 21 days. 2. Forfeit earned SGT or non-vested GCT up to 37 ½ % or up to 45 days, whichever is less, and/or terminate or disallow extra good time (EGT)(an EGT Sanction may not be suspended).
		3d offense	Any sanctions available in or more Moderate (300) and High (200) series.
High (200 series)	18 Months	2d offense	High Sanction (A,C,E-M), plus 1. Disciplinary Segregation, up to 45 days. 2. Forfeit earned SGT or non-vested GCT up to 37 ½ % or up to 45 days, whichever is less, and/or terminate or disallow extra good time (EGT)(an EGT Sanction may not be suspended).
		3d offense	Any sanction available in High or more(200) & Greatest(100) series.

**TABLE 6**

**Sanctions by Severity of Prohibited Act, with Eligibility for Restoration of Forfeited and Withheld Statutory Good Time**

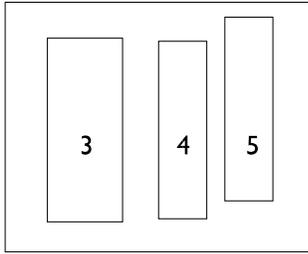
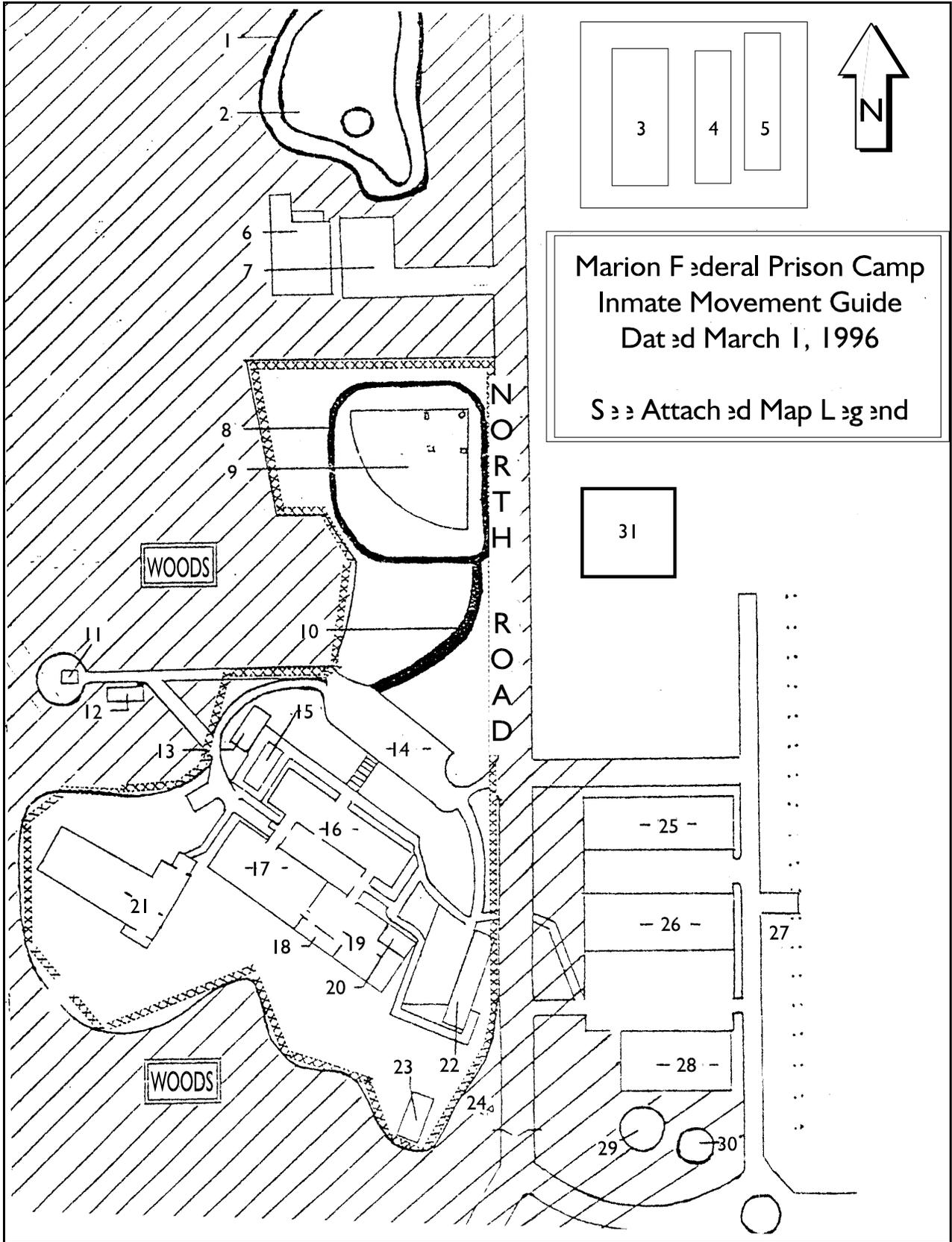
Severity of Act	Sanctions	Maximum forfeited GT*	Maximum withheld SGT	Eligible Restoration of forfeited GT	Eligible Restoration of forfeited SGT	Max. D.S.*
Greatest	A-F	100%	Good Time creditable for single month, during which violation occurs. Applies to all categories.	24 mos.	18 mos.	60 days
High	A-M	50% or 60 days, whichever is less		18 mos.	12 mos.	30 days
Moderate	A-N	25% or 30 days, whichever is less		12 mos.	6 mos.	15 days
Low/Moderate	E-P	N/A		N/A (first offense)	3 mos. (First Offense)	N/A
				6 mos. (2d or 3d offense in same category within 6 mos.		7 days (Second Offense)
						15 days (Third Offense)

\* See Table 5, Sanctions for Repetition of Prohibited Acts Within Same Category. Forfeited Good Conduct Time will not be restored (GT in Table 6 represents both Good Conduct and Statutory Good Time).

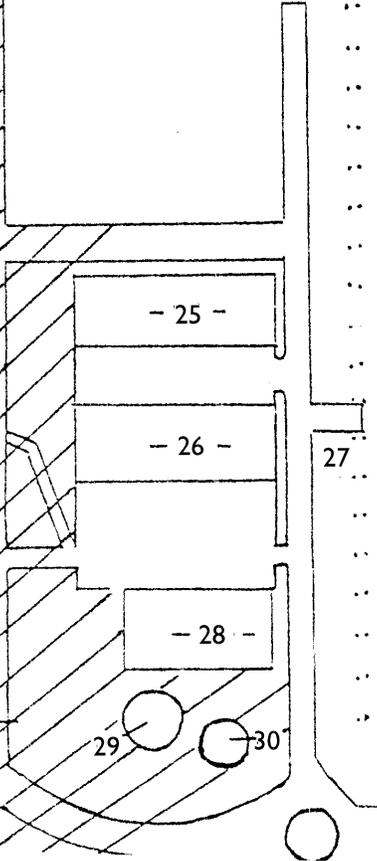
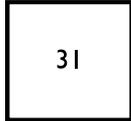
**Note:** In Table 6 headings, “GT” represents both Good Conduct and Statutory Good Time and “SGT” represents Statutory Good Time. Forfeited Good Conduct Time is not eligible for restoration. Restoration of Statutory Good Time will be approved at the time of initial eligibility only when the inmate has shown a period of time with improved good behavior. When the warden or his delegated representative denies restoration of forfeited or withheld Statutory Good Time, the unit team shall notify the inmate of the reasons for denial. The unit team shall establish a new eligibility date, not to exceed six months from the date of denial.

To ensure an inmate's case is not overlooked when Statutory Good Time has been forfeited or withheld, the unit team must review the eligibility requirements for restoration in accordance with the time frames established by the Program Statement on Classification and Program Review of Inmates. A recommendation of the unit team, whether for or against restoration, must be forwarded (on BP-389/Record Form 84) to the warden, through the DHO and Captain for disposition. Except as noted below, eligibility for restoration of withheld or forfeited Statutory Good Time is computed from the date of the withholding or forfeiture action by the DHO. An inmate who has escaped and receives a forfeiture at a subsequent in absentia hearing begins the eligibility for restoration period upon return to custody of the Bureau of Prisons. The Warden will refer for approval of the Regional Director a case where the Warden determines exceptional circumstances support restoration of Statutory Good Time prior to completion of the eligibility requirements.

An inmate with an approaching parole effective date, or an approaching mandatory release or expiration date who has forfeited good time may be placed in a Community Treatment Center only if that inmate is otherwise eligible under Bureau policy, and if there exists a legitimate documented need for such placement. The length of stay at the Community Treatment Center is to be held in the time necessary to establish residence and employment.



Marion Federal Prison Camp  
Inmate Movement Guide  
Dated March 1, 1996  
See Attached Map Legend



U.S.P. MARION - Satellite camp, MARION, ILLINOIS

<p>Building or Site Identification By Number</p>	<p>Map Legend MARION CAMP INMATE MOVEMENT GUIDE</p>
<ol style="list-style-type: none"> <li>1. Employee Jogging Trail</li> <li>2. Training Center Lake</li> <li>3. Outside Maintenance</li> <li>4. Roads and Grounds</li> <li>5. Storage</li> <li>6. Training Center</li> <li>7. Training Center Parking</li> <li>8. Inmate Jogging Trail</li> <li>9. Softball Field</li> <li>10. Access Lane -     Inmate Jogging Trail</li> <li>11. Rag-Picker</li> <li>12. Trash Compactor</li> <li>13. Camp Commissary</li> <li>14. Visitor Parking</li> <li>15. Camp Dining Hall</li> <li>16. Camp Administration</li> <li>17. West Dorm</li> <li>18. Laundry Room</li> <li>19. Recreation Area</li> <li>20. Camp Chapel</li> <li>21. New Dorm</li> <li>22. Gymnasium/Visiting Room/     Education/Library Bldg.</li> <li>23. Tennis/Racquetball Courts</li> <li>24. Water Treatment Plant</li> <li>25. Garage</li> <li>26. Storeroom</li> <li>27. Sallyport</li> <li>28. Powerhouse</li> <li>29. Water Storage Tank</li> <li>30. Water Tower</li> </ol>	<div style="margin-bottom: 10px;">  <p>Jogging/Walking area - Access from 5:30 a.m. until dark only</p> </div> <div style="margin-bottom: 10px;">  <p>OFF LIMITS - Except 1) Authorized By Staff 2) Going to &amp; From Work</p> </div> <div style="margin-bottom: 10px;">  <p>Access From 5:30 a.m. Until 9:25 p.m.</p> </div> <div style="margin-bottom: 10px;">  <p>Movement Within the Boundary Markings (XXX) From Daylight until Dark</p> </div> <p>Visiting Area "OFF LIMITS" During Visitation Days, Unless You Have A Visit!</p> <p>No Inmate is Permitted Outside the Immediate Camp Dorm Areas From 9:25 p.m. Until Daylight!</p> <p><b>ALL MOVEMENT RULES STRICTLY ENFORCED!!!</b></p>

---

## Sexual Abuse/Assault

### Prevention and Intervention

#### *An Overview for Offenders*

**September 1998**

---

**W**hat is sexual abuse/assault? According to the Federal Bureau of Prisons (BOP) Program Statement on Sexual Abuse/Assault Prevention and Intervention Programs,

- sexual assault is: *one or more inmates engaging in, or attempting to engage in a sexual act with another inmate or the use of threats, intimidating, inappropriate touching, or other actions and/or communications by one or more inmates aimed at coercing and/or pressuring another inmate to engage in a sexual act.*
- sexual abuse is: *engaging in, or attempting to engage in a sexual act with any inmate or the intentional touching of an inmate's genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person.*
- sexual misconduct, according to the Employee Standards of Conduct is: *sexual behavior between a staff member and inmate which can include, but is not limited to, indecent, profane or abusive language or gestures, and inappropriate visual surveillance of inmates.*

Sexual abuse/assault of inmates by staff or other inmates is an inappropriate use of power and is prohibited by BOP policy and the law. (See appendix).

**Y**our right to be safe from sexual assault. While you are incarcerated, no one has the right to pressure you to engage in sexual acts. You do not have to tolerate sexual assault or pressure to engage in unwanted sexual behavior regardless of your age, size, race, or ethnicity. Whether you are straight, gay, lesbian, or bisexual, you have the right to be safe from unwanted sexual advances and acts.

**C**onfidentiality. Information concerning the identity of an inmate victim reporting a sexual assault, and the facts of the report itself, shall be limited to those who have a "need to know" in order to make decisions concerning the inmate-victim's welfare and for law enforcement/investigative purposes.

**What to do if you are assaulted.** If you become the victim of a sexual assault, you should report it immediately to staff who will offer you immediate protection from the assailant and will refer you for a medical examination as well as a clinical assessment. You do not have to name other inmates or the staff member to receive assistance, but specific information may make it easier for staff to help you. You will continue to receive protection from the assailant, whether or not you have identified your attacker or agree to testify against them. Even though you may want to clean up after the assault, it is important to see medical staff before you shower, wash, drink, eat, change clothing, or use the bathroom. Medical staff will examine you for injuries which may or may not be readily apparent to you. They can also check you for sexually transmitted diseases and gather any physical evidence of assault. The individuals who sexually abuse or assault inmates can only be disciplined and/or prosecuted if the abuse is reported.

**How to Report an Incident of Sexual Assault.** It is imperative the sexual assault be reported immediately to staff. There are however, other means to confidentially report the assault if you are not comfortable talking to staff. Here are your choices:

**Tell a Staff Member.** You should immediately report the incident to a staff member. You can tell your case manager, Chaplain, Psychologist, SIS, the Warden or any other staff member you trust. BOP staff members are instructed to keep the reported information confidential and only discuss it with the appropriate officials on a need to know basis.

**File an administrative remedy.** You can file a Request for Administrative Remedy (BP-9). If you determine your complaint is too sensitive to file with the Warden, you have the opportunity to file your administrative remedy directly with the Regional Director. (See 28 C.F.R. 542.13©)). **You can get the forms from your counselor or other unit staff.**

**Write directly to the Warden, Regional Director or Director.** You can send the warden an Inmate Request to Staff Member (Cop-Out) or a letter reporting the sexual misconduct. You may also send a letter to the Regional Director or Director of the Bureau of Prisons. When sending mail out of the institution, be sure to follow the BOP's policy regarding correspondence.

**Write to the Office of the Inspector General (OIG).**

The address is:

Office of the Inspector General  
P.O. Box 27606  
Washington, D.C. 20530

**Seek Medical Help.** If you have been sexually assaulted, you must get medical attention immediately. Although it may be difficult, **it is important that you do not shower after the assault.** Showering may wash off the hair and body fluids which are critical evidence. Also, bring the clothes and underwear that you had on at the time of the assault to the medical exam with you. You will be checked for the presence of physical evidence which supports your allegation. A medical professional will perform a pelvic and/or rectal examination to obtain samples of or document the existence of physical evidence such as hair, body fluids, tears or abrasions which remain after the assault. This physical evidence is crucial in corroborating the sexual assault occurred and in identifying the assailant. The examination will be conducted privately and professionally. Female offenders will be tested for pregnancy when appropriate.

You must seek medical help if you have been sexually assaulted or had sexual relations with others, to determine if you have been exposed to the HIV virus or other sexually transmitted diseases. Female offenders will be tested for pregnancy when appropriate.

**Understand the Investigative Process.** Once the misconduct is reported, the BOP and/or other appropriate law enforcement agency will conduct an investigation. The purpose of the investigation is to determine the nature and extent of the misconduct. During this process you will continue to receive protection from the assailant, whether or not you have identified your attacker or agree to testify against them. You may be asked to give a statement during the investigation. If criminal charges are brought, you may be asked to testify during the criminal proceedings. Any inmate who alleges that he or she has been sexually assaulted shall be offered immediate protection and will be referred for a medical examination.

**Counseling Programs For Victims of Sexual Assault.** If you have been the victim of an assault by staff or inmates, you may want to seek counseling and/or advice from a psychologist or chaplain. Crisis counseling, coping skills, suicide prevention and mental health counseling are all available to you.

Most people need help to recover from the emotional effects of sexual assault. If you are the victim of a sexual assault, whether recent or in the past, psychology staff are available to counsel you. If you feel that you need help to keep from sexually assaulting someone else, psychological services are available to help you gain control over these impulses.

**About Your Safety.** If you feel that your right to be left alone sexually is being violated, BOP staff are available to help you deal with this problem. You should feel free to discuss your concerns about sexual assault with any staff member. Some staff, like psychologists, are specially trained to help you deal with problems in this area. If you are in an emergency situation, approach any staff member. It's part of their job to ensure your safety. Even if you have not been assaulted or abused, but are in fear for your safety, you must report your concerns to staff. You do not have to name other inmates to receive assistance, but specific information may make it easier for staff to help you.

**Avoiding Sexual Assault.** Here are some things you can do to protect yourself against sexual assault:

- Carry yourself in a confident, and secure manner at all times. Do not permit your feeling, e.g., fear or anxiety to be obvious to others.
- Do not accept gifts or favors from other inmates. Most gifts or favors from other inmates come with strings attached to them.
- Do not accept an offer from another inmate to be your protector.
- Find a staff member with whom you feel comfortable discussing your fears and concerns.
- Be alert! Do not use contraband substances such as drugs or alcohol; these can weaken your ability to stay alert and make good judgments.
- Be direct and firm if other inmates ask you to do something you don't want to do. Do not give mixed messages to other inmates regarding your wishes for sexual activity.

- Avoid out of the way or unlighted areas of the institution.
- Choose your associates wisely. Look for people who are involved in “safe,” positive institutional activities like educational programs, psychology groups, or religious services. Get involved in these activities yourself.
- Trust your instincts. If you sense that a situation may be dangerous, it probably is. If you fear for your safety, report your concerns to staff.

**R**emember. . . Sexual assault is a serious crime. The Bureau of Prisons will investigate all reported sexual assault incidents. If you are found guilty of sexual assault, you will be subject to disciplinary action which may include loss of good time, time in disciplinary segregation, and/or additional criminal charges and time in prison.

## APPENDIX.

**P**actical Definitions. The following practical definitions and examples are provided as general descriptions of behaviors that are inappropriate. Other state and federal statutes may prohibit this conduct.

**I**nmate-on-Inmate Sexual Abuse/Assault : One or more inmates engaging in, or attempting to engage in a sexual act with another inmate or the use of threats, intimidation, inappropriate touching, or other actions and/or communications by one or more inmates aimed at coercing and/or pressuring another inmate to engage in a sexual act. Sexual acts or contacts between inmates, even when no objections are raised, are prohibited acts.

**P**rohibited Acts: Inmates who engage in inappropriate sexual behavior with or direct it at others, can be charged with the following Prohibited Acts under the Inmate Disciplinary Policy.

<b>Code 101/(A):</b>	<b>Sexual Assault</b>
<b>Code 205/(A):</b>	<b>Engaging In a Sex Act</b>
<b>Code 206/(A):</b>	<b>Making a Sexual Proposal</b>
<b>Code 221/(A):</b>	<b>Being in an Unauthorized Area with a Member of the Opposite Sex</b>
<b>Code 300/(A):</b>	<b>Indecent Exposure</b>
<b>Code 404/(A):</b>	<b>Using Abusive or Obscene Language</b>

**S**taff-on-Inmate Sexual Abuse/Assault: Engaging in, or attempting to engage in a sexual act with any inmate or the intentional touching of an inmate’s genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person. Sexual acts or contacts between an inmate and a staff member, even when no objections are raised, are always illegal.

**I**nappropriate Staff Conduct. The Standards of Employee Conduct prohibit employees from engaging in, or allowing another person to engage in, sexual behavior with an inmate. Sexual behavior can include, but is not limited to indecent, profane or abusive language or gestures, and inappropriate visual surveillance of inmates.

- Making sexually offensive comments or gestures, or engaging in physical conduct of a sexual nature

with an inmate.

- Influencing, promising or threatening an inmate's safety, custody, privacy, housing, privileges, work detail or program status in exchange for sexual favors.

**Remember, it is never appropriate for a staff member to make sexual advances, comments or to engage in sexual contact with an inmate.**

Even if the inmate wants to be involved with the staff member, the staff member is not allowed to respond. It is not appropriate for an inmate to approach a staff member sexually.

**S**tatutory Definitions. The following statutes prohibit sexual behaviors by staff or inmates.

### Sexual Abuse

**Aggravated Sexual Abuse (18 U.S.C. § 2241):** **By force or threat . . .** Whoever, in a Federal prison, knowingly causes another person to engage in a sexual act or by using force against that person; or, by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnaping; or attempts to do. **By other means . . .** Whoever, in a Federal prison, knowingly renders another person unconscious and thereby engages in a sexual act with that other person; or administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance or attempts to do so and thereby, substantially impairs the ability of that other person to appraise or control conduct; and engages in a sexual act with that other person.

**Sexual Abuse (18 U.S.C. § 2242):** Whoever, in a Federal prison, knowingly causes another person to engage in a sexual act by threatening or placing that other person in fear or attempts to do so; or engages in a sexual act with another person or attempts to do so if that person is incapable of appraising the nature of the conduct; or physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act.

### Criminal Sexual Misconduct

**Sexual Abuse of a Ward (18 U.S.C. § 2243(b)):** Whoever, in a Federal Prison, knowingly engages in a sexual act or attempts to do so with another person who is in official detention; and under the custodial, supervisory, or disciplinary authority of the person so engaging. **Sexual act is defined as:** contact between the penis and the vulva or the penis and the anus; contact occurs upon penetration, however slight; contact between the mouth and the penis, the mouth and the vulva, or mouth and the anus; or the penetration, however slight, of the anal or genital opening by another by a hand or a finger or by any object - with the intent to abuse humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

**Abusive Sexual Contact (18 U.S.C. § 2244):** Whoever, in a Federal prison, knowingly engages in sexual contact with another person without that other person's permission. **Sexual contact is defined as:** the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

# **Bureau of Prisons Offices**

## **Central Office**

Federal Bureau of Prisons  
320 First Street NW  
Washington, D.C. 20534.

## **Regional Offices**

### **Mid-Atlantic Regional Office**

10010 Junction Drive, Suite 100-N  
Annapolis Junction, Maryland 20701

### **North Central Regional Office**

Gateway Complex Tower II, 8th Floor  
4th & State Avenue, Kansas City, KS 66101-2492

### **Northeast Regional Office**

U.S. Customs House, 7th Floor  
2nd and Chestnut Streets  
Philadelphia, Pennsylvania 19106

### **South Central Regional Office**

4211 Cedar Springs Road, Suite 300  
Dallas, Texas 75219

### **Southeast Regional Office**

3800 North Camp Creek Parkway, SW  
Building 2000  
Atlanta, GA 30331-5099

### **Western Regional Office**

7950 Dublin Boulevard, 3rd Floor  
Dublin, California 94568

---

Image Not Available

U.S. Department of Justice  
Federal Bureau of Prisons  
United States Penitentiary

---

Marion, IL 62959

---

December 20, 2004

MEMORANDUM FOR ALL CONCERNED

FROM: TONY CHAMNESS, UNIT MANAGER  
THROUGH: JEFF BANEY, CAMP ADMINISTRATOR  
SUBJECT: BED UNIFORMITY

All beds will be made as outlined in the below photographs. The beds will be made with one blanket tucked under the mattress with hospital corners. The sheet will be folded back over the blanket approximately six inches and tucked under the mattress, pillow placed neatly on the bed., The extra blanket is to be folded neatly and placed at the foot of the bed. Any questions, contact your counselor.





Aerobics (walking)			✓	✓	✓	✓	✓	✓	✓	✓		
(Jogging)			✓	✓	✓	✓	✓	✓	✓	✓		
(Sta. Bikes)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Weightlifting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Movies	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Television	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
League Play	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Scheduled tournaments	✓	✓			✓		✓		✓	✓	✓	✓
Other events	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

\* Due to variance in Weather some activities may extend or be shorter than indicated.

## CONCLUSION

Hopefully, this information will assist inmates in their first days of federal custody, and they will keep the booklet for reference. New commitments should feel free to ask a staff member for assistance, particularly unit staff. New commitments are required to attend the Initial Adjustment program, where these questions would normally be addressed. Inmates are advised to review Institution Supplements located in the law library. If the supplement you request is not in the Law Library, submit a request to the Education Department.