

PS 5111.03 MARIEL CUBAN DETAINEES



Program Statement

OPI: CCDD
NUMBER: 5111.03
DATE: 10/25/99
SUBJECT: Mariel Cuban Detainees

1. **PURPOSE AND SCOPE.** To provide guidance and direction concerning responsibility for Mariel Cuban detainees housed in Bureau institutions.

2. **SUMMARY OF CHANGES.** Incorporates information from Operations Memorandum 079-98 (7430) Residential Substance Abuse Program for Mariel Cuban Detainees into this Program Statement.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. Mariel Cubans in Bureau custody will be properly identified and reported.

b. Special procedures and programs will be maintained for Mariel Cuban detainees.

c. Certain decisions about Mariel Cuban detainees will be made by the proper authorities in the Bureau, and by the appropriate levels of management the Immigration and Naturalization Service (INS).

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 5111.02 Mariel Cuban Detainees (7/8/98)

b. **Directives Referenced**

PS 5050.47 Parole Hearings, Employees Serving as Inmate
Representatives (12/16/98)

PS 5100.06 Security Designation and Custody
Classification Manual (6/7/96)

PS 5180.04 Central Inmate Monitoring System (8/16/96)
PS 5270.07 Inmate Discipline and Special Housing Units
(12/29/87)
PS 5322.11 Classification and Program Review of Inmates
(3/11/99)
PS 5330.10 Drug Abuse Programs Manual (5/25/95)
PS 5350.25 Literacy Programs (9/29/97)
PS 5350.24 English as a Second Language Program (ESL)
(7/24/97)
PS 5553.05 Escapes/Deaths Notification (9/17/97)
PS 5800.07 Inmate Systems Management Manual (12/24/91)
PS 5803.07 Progress Reports (3/16/98)
PS 6000.05 Health Services Manual (10/31/97)
PS 6190.02 Infectious Disease Management (10/3/95)
PS 7300.09 Community Corrections Manual (1/12/98)
PS 7310.04 Community Corrections Center Utilization and
Transfer Procedures (12/16/98)
PS 7331.03 Pretrial Inmates (11/22/94)

5. **STANDARDS REFERENCED**

- a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4265 and 3-4267-1
- b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-3E-07-1 and 3-ALDF-3E-04
- c. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: None
- d. American Correctional Association Standards for Adult Correctional Boot Camp Programs: 1-ABC-3D-04

6. **BACKGROUND ON MARIEL BOATLIFT.** The Mariel Cuban Boatlift officially began April 15, 1980, and ended October 31, 1980, with the arrival of over 125,000 Cubans to Southern Florida from the port of Mariel, Cuba. More than 23,000 of the arriving Mariel Cubans revealed to INS officials previous criminal convictions. Many of those convictions were for offenses that would **not** ordinarily warrant detention, and the majority of Mariel Cubans were granted parole and released shortly after their arrival in the United States.

In 1980, the Attorney General directed the Bureau to provide detention space for criminal and mentally ill Mariel Cubans who could not be safely detained in INS temporary detention centers or at any of the resettlement camps established to process the Mariel Cubans. Currently, the Bureau houses a significant number

of Mariel Cubans who committed crimes while in the United States and who have returned to INS custody after serving sentences in federal, state, and local correctional facilities.

In 1984, the United States reached agreement with Cuba to repatriate a select group of Mariel Cubans; however, the majority of the Mariel Cubans in Bureau custody today are **not** eligible for repatriation under the agreement and will most likely remain in detention or be released under INS parole authority to the community or to a pre-release treatment facility.

Staff may not discriminate against any detainee based on a detainee's race, religion, national origin, sex, disability, or political views in making administrative decisions and in providing access to programs.

Detainees have access to diplomatic representation of their country of citizenship through normal institution correspondence and visiting procedures.

7. **MARIEL CUBANS SERVING FEDERAL SENTENCES**

a. **Initial Classification**

- Case management staff must review all Inmate Central File and Judgment and Commitment (J&C) file materials as well as interview the inmate to determine if the inmate entered the United States via the Mariel Boatlift between April 15, 1980 and October 31, 1980.
- If the inmate meets the above criteria and the Case Management Activity (CMA) assignment of "MARIEL" or "NON-MARIEL" is not present on the SENTRY profile, the unit team forwards a BOPNet GroupWise message to BOP-CCD/Detention Services requesting that the appropriate CMA assignment be added.

The Detention Services Branch (DSB) must verify the inmate's status within 14 days and add the appropriate CMA assignment.

b. **Pre-Release.** When a sentenced Mariel Cuban is within 16 months of his or her projected release date, the unit team is to send to the local INS Detention and Deportation Officer:

- a letter informing INS of the impending release,
- a pre-release progress report specifying the release plans, and
- copies of all presentence reports.

The INS will determine if the inmate is to be detained upon expiration of the federal sentence.

- If no response is received from the INS within 120 days, Inmate Systems Management (ISM) staff, in conjunction with the unit team, will again contact the local INS office to ascertain whether the inmate will be detained after the inmate's release date.
- If the INS will not detain the inmate, the unit team will initiate normal pre-release processing, including referral for placement in a Community Corrections Center (CCC) if appropriate.
- If the INS determines that the inmate will be detained, ordinarily, INS will not assume custody upon release from the federal sentence.
- The detainee will continue to be housed at the institution pending annual review by the INS Cuban Review Panel (CRP) (see Section 9).

On the inmate's release date, ISM staff will:

- record that the sentence has been satisfied,
- release the inmate with the appropriate release method, and
- readmit the detainee as A-INS.

The detainee is to be housed at the institution as an INS detainee (see Section 8).

In addition, the unit team shall load the CMA assignments of "INS PAR DN" and "CRP RV DT" (see the Mariel Case Management Assignments (Attachment B) and request, via GroupWise, that DSB enter the management variable of "MARIEL" if needed (see the Request for Management Variable "MARIEL" (Attachment C)).

The Inmate Central File must be maintained until the detainee is removed from Bureau custody.

8. MARIEL CUBAN DETAINEES IN BUREAU CUSTODY. Mariel Cuban detainees are housed in administrative housing units and in general population settings throughout the Bureau. Ordinarily, no more than 55 detainees are to be placed in the general population of any one institution.

Mariel Cuban detainees housed in a Bureau institution at INS request have a unique legal status.

- They are not afforded all privileges available to pretrial inmates, as described in the Program Statement on Pretrial Inmates.
- There is no requirement to keep Mariel Cuban detainees separate from convicted inmates.
- In addition, they are required to abide by all Bureau policies and are generally afforded the rights and responsibilities of sentenced federal inmates.

a. **Initial Designation.** Except for Mariel Cubans detained upon completing their federal sentences (see Section 7.b.), no Mariel Cuban detainee will be accepted into Bureau custody without clearance from the Central Office DSB. DSB will normally designate the Reception and Classification Unit at USP Terre Haute (THA INS) for evaluating a Mariel detainee entering Bureau custody.

Upon the Mariel Cuban detainee's completing the reception and classification process (ordinarily 60 to 90 days), an appropriate institution must be designated by DSB for the detainee.

Upon the Mariel Cuban detainee's arrival at the designated institution, unit staff must notify the local INS office of the detainee's location using the Notification to INS of a Mariel Detainee's Arrival at a Facility (Attachment A).

b. **Custody.** All Mariel detainees are initially classified IN CUSTODY and are not ordinarily considered for custody reduction.

- The unit team must use sound correctional judgment to determine if a detainee is housed in an appropriate institution.

The Custody Classification form (BP-338) is not required for Mariel Cuban detainees. However, existing BP-338s for formerly sentenced Mariels may not be deleted.

- Regular updates are not required for detainees.
- If an update or new form is required (e.g., addition of management variable), DSB will complete it.
- Institution staff may not complete or update the BP-338.

c. **Initial Classification and Program Review.** Ordinarily, the Initial Classification and Program Review process for Mariel Cuban detainees confined in the Reception and Classification Unit at USP Terre Haute consists of a 60 to 90 day evaluation.

- During the initial classification process, medical, psychological screening, and educational testing is to be completed.

The unit team reviews the results of the medical, psychological screening, and educational testing and completes a staff summary. The staff summary format is at the institution's discretion; however, the summary must include, but is not limited to:

- INS status,
- Institutional adjustment,
- History of escape/violence,
- Psychological status,
- Medical status, and
- the unit team's transfer recommendation.

Unit staff are to assemble an Inmate Central File, and if the detainee was previously confined in a Bureau institution, unit staff must request the detainee's previous Inmate Central File(s).

The unit team must make every effort to obtain previous records and background information, such as pre-sentence reports from other jurisdictions and/or institutions, including disciplinary records.

- The local INS office must be notified in writing of the detainee's arrival at the institution, using the format in Attachment A.

Once re-designation to a general population setting has been made, staff must conduct program reviews according to the time frames noted below:

- at least once every 180 days for each detainee denied INS parole,
- at least once every 90 days for each detainee granted INS parole.

During each program review, staff shall review the detainee for transfer to a less restrictive setting. Among the factors to be considered are:

- adjustment while confined in the unit,
- interaction with staff and other detainees, and
- participation in work and education programs.

If the unit team believes the detainee could function successfully in a less restrictive setting, the unit manager

prepares a transfer request (Attachment D) following the instructions in Section 8.g.

Note: The Program Statement on Classification and Program Review of Inmates shall dictate all other aspects of a detainee's classification and program review.

d. **Program Participation.** Except as noted in this Program Statement, Mariel detainees shall be referred to and participate in institution programs, including comprehensive drug treatment programs, in the same manner as other inmates (also see Section 8.f.).

- If a detainee refuses a recommended program, the unit staff shall counsel the detainee on the negative consequences a refusal may have on the detainee's status with the CRP (see Section 9).
- While Mariel detainees **may not be compelled** to participate in work assignments, each detainee is to be given the opportunity to waive the right not to work, and a detainee may decide to waive, or rescind a waiver, at any time. The Pretrial Work Waiver form shall be used to document whether the detainee chooses to work.
- To help prepare detainees for transition back into the community, detainees are **not** exempt from mandatory education requirements.

e. **Administrative Housing Units for Mariel Cubans.** Operating procedures and guidelines for Administrative Housing Units (Secure Cuban Units) will meet the requirements regarding conditions of confinement outlined in the Program Statement on Inmate Discipline and Special Housing Units.

Administrative Housing Units:

(1) **USP Terre Haute.** Serves as the reception and classification unit for Mariel detainees entering Bureau custody.

(2) **FCI Talladega.** Provides a high security setting for Mariel Cubans who are within 60 days of repatriation to Cuba and operates as the Bureau's most secure housing unit for Mariel detainees who require the greatest level of security due to assaultive and/or disruptive behavior during confinement. These detainees currently must work their way back to a general population through positive adjustment by participating in a

three-tier program.

f. **Mariel Detainee Programs**

(1) **FCI Englewood** operates a substance abuse treatment program specifically for Mariel detainees who require, but have not received, comprehensive substance abuse treatment prior to release to the community.

(2) **MCFP Springfield** will ordinarily allocate 20 in-patient mental health beds specifically for Mariel detainees requiring intensive psychiatric treatment.

(3) **FMC Lexington** provides mental health treatment to Mariel detainees who do not require the level of treatment available at MCFP Springfield but do require mental health services ordinarily not available in a general population setting. FMC Lexington plays a transitional role in providing treatment and release preparation. Ordinarily, no more than 40 beds are allocated for the Mariel program at FMC Lexington (20 in-patient and 20 transitional care).

(4) **Riverside CCC, Miami, FL (4MQ)** operates a community-based substance abuse treatment program modeled after the residential program at FCI Englewood. Upon completing this program, detainees will enter the pre-release phase of Riverside, or will be referred to a CCC in their area of release.

g. **Transfer and Redesignation.** All requests to transfer Mariel detainees for other than medical or psychological reasons must be routed through normal institution review channels for the Warden's approval using the Mariel Detainee Transfer Request (Attachment D). After the Warden's approval, the transfer request is routed to BOP-CCD/Detention Services. The Unit Team shall enter the "W REDESIG" assignment in the DST category.

All requests for transferring Mariel Cubans to a medical referral center must be routed to the Medical Designator, according to procedures in the Health Services Manual, with notification to DSB.

It is not necessary to forward a current progress report or supporting documents to DSB, but it is essential that all SENTRY data be current and accurate and that a progress report and all Central Inmate Monitoring (CIM) matters be completed prior to the detainee's actual transfer.

Ordinarily, a detainee **will not** be approved for transfer:

- until the detainee has been confined at the institution for at least 18 months,
- while awaiting a CRP decision, or
- when a transfer would result in the detainee not receiving a timely CRP hearing.

Note: Exceptions may be necessary when a detainee's adjustment is particularly negative or disruptive.

h. **CIM Clearances.** CIM clearances will be requested and processed in accordance with the procedures in the CIM Manual.

i. **Incident Reports.** When a Mariel detainee with an INS parole-approved decision receives an incident report, a copy of the incident report or DHO packet is forwarded to DSB as soon after the incident as practicable. Incident reports concerning all other Mariel detainees are to be processed and maintained in the detainee's Inmate Central File in accordance with the Program Statement on Inmate Discipline and Special Housing Units.

j. **Escape or Death of a Mariel Detainee.** To ensure that the appropriate officials are notified of matters of potential public interest, staff must follow the procedures in the Program Statement on Escapes/Deaths Notification, including completing the Report of Incident form. Exceptions to normal procedures are noted below:

(1) **Bureau Notifications.** In addition to the notifications prescribed, the Warden or Community Corrections Manager (CCM) shall also notify the:

- Assistant Director, Community Corrections and Detention Division, who will notify the Deputy Associate Commissioner, Detention and Deportation Division and
- the local INS office.

(2) **INS Notifications.** In the case of a death or escape, INS is responsible for any notifications to the next of kin or other state, federal, or foreign officials.

k. **Reporting Other Significant Incidents.** In addition to normal reporting procedures, staff will notify DSB immediately by telephone of any emergency situation or significant incident involving a Mariel detainee.

- A copy of the Notice of Incident is to be routed via GroupWise to BOP-CCD/Detention Services. An incident during other than normal work hours may be reported the next work day.

9. **INS CUBAN REVIEW PANELS (CRP).** INS reviews all Mariel Cuban detainees annually. The institution or local INS liaison officer coordinates CRP hearings. Each panel is comprised of two INS staff, an INS-supplied interpreter, and clerical support staff.

a. **Docket.** Approximately 30 days prior to a CRP hearing, INS Headquarters forwards a docket to the local INS office and to the DSB. DSB forwards the docket to the institution's Case Management Coordinator. The institution must also work with the INS liaison officer or local INS office to coordinate the docket to ensure efficient use of institution staff and resources.

If a Mariel detainee has not appeared before a panel within the previous 12 months and is not docketed, unit staff are to contact the INS liaison officer or local INS office and request that the detainee be added to the docket. (Attachment A)

b. **Progress Report.** To aid the CRP in making an informed "release" or "detain" recommendation, the case manager provides the CRP with:

- the Inmate Central File with the Privacy Folder removed,
- a current pre-release progress report, and
- a current Mental Health Evaluation (see Section 9.c.).

Mariel Cuban detainees' progress reports shall be completed in accordance with the Program Statement on Progress Reports.

- A progress report is not required for those detainees transferring from the USP Terre Haute reception and classification unit to a general population setting.
- The unit team must complete a staff summary before recommending that a Mariel Cuban detainee be transferred to a general population setting (see Section 8.c.).
- Mariel Cuban detainees are scheduled for CRP review annually and an updated progress report is required for each hearing.

c. **Mental Health Evaluations (MHE).** Psychological evaluations are conducted on all Mariel detainees at least once every three years to provide psychological information for CRPs and to assist DSB staff in determining appropriate aftercare programs for Mariels approved for INS parole.

- DSB shall notify institution Psychology Services of any detainee requiring an updated MHE.
- Psychology Services shall prepare an evaluation in the format provided in the Mariel Cuban Mental Health Evaluation (Attachment E). One copy of the MHE is maintained in the psychology file, one provided to the unit team, and one forwarded to the DSB.
- Upon receiving the MHE, DSB shall load or update the appropriate CMA assignment and forward a copy to the INS Cuban Unit.

d. **Notification and Representation.** The INS is required to issue notification of the impending CRP hearing to the detainee at least 21 days before the CRP hearing, so the detainee may prepare documentation and schedule representation, if desired.

- The detainee may choose to have his or her attorney, a family member, a sponsor, or any other appropriate person represent him or her and be present at the hearing.
- Usually, the representative will be allowed to offer statements on the detainee's behalf only after the detainee's interview is completed.
- Any Bureau employee who wishes to represent a detainee at a CRP hearing must adhere to the Program Statement on Employees Serving as Inmate Representatives at Parole Hearings.

e. **Interpreter.** It is INS' responsibility to secure an interpreter for the hearing. **Bureau staff will not act in this capacity.**

f. **Types of Decisions.** The CRP will recommend that the detainee either be released or detained. This recommendation and the CRP's summary is then reviewed by INS Headquarters staff and a final decision on the detainee's detention status is rendered by the INS Associate Commissioner for Detention and Deportation or his or her designee.

- A release decision (INS parole) granted to a Mariel Cuban is open-ended, in that there is no pre-determined release date and the detainee continues to be confined until a suitable sponsor or release program is obtained.

In all cases, the DSB is to request pre-release and/or post-release conditions, which may include:

- pre-release drug treatment in the Cuban Drug Program at FCI Englewood or Riverside CCC, Miami, FL, for those detainees who have not previously completed a comprehensive drug treatment program,
- in-patient and/or outpatient mental health treatment, and/or
- a supervised period of community transition in a CCC.

g. **Notice of Decision.** Ordinarily, INS staff will deliver a decision notice to the detainee within 60 days of the hearing. If a detainee does not receive a Notice of Decision within 90 days, unit staff are to contact DSB for assistance. Copies of the decision are placed in the Inmate Central File and J&C file.

h. **CMA Assignments.** Prior to their first CRP hearing, all detainees will have the CRP-related CMA assignment of either INS Parole Denied (INS PAR DN) or INS Parole Revoked (INS PAR RK).

Once a CRP hearing is scheduled, the DSB must replace the existing CRP related CMA assignment with INS Parole Pending (INS PAR PN), as all CRP schedules are initially received by DSB.

When a final decision is received from INS, the unit team replaces INS Parole Pending with either INS Parole Approved or INS Parole Denied, depending on the decision INS rendered. Only one CRP-related CMA assignment listed above is to be loaded for a detainee at any given time.

If the detainee is denied parole, the unit team updates the CMA assignment Cuban Review Panel Hearing Due Date (CRP RV DT) to reflect the next annual hearing date (see Attachment B).

i. **Avenues of Appeal.** The CRP decision is administrative in nature, and no further administrative avenues of appeal are available to the detainee.

However, if a detainee believes information presented to the CRP was in error or incomplete, the detainee may provide a written statement to:

Immigration and Naturalization Service
ATTN: Cuban Review Program
801 I Street NW, Suite 800
Washington DC 20536

Staff shall also provide this address to detainees to communicate any general questions or concerns regarding their detention status.

10. RELEASE PROCEDURES FOR MARIEL DETAINEES WITH INS PAROLE APPROVED DECISIONS. Upon notification of a release decision by INS, DSB forwards a GroupWise message to the institution indicating a proposed release plan (e.g., CCC placement, Drug Abuse Treatment, Sex Offender Treatment,) for each detainee being released. In addition, DSB may request any additional necessary classification material.

The unit team is to review the proposed plan and determine if it is appropriate. If institution staff find the proposed release plan inappropriate, they must notify DSB via GroupWise of their findings and recommend an alternative release plan.

The unit team shall make every effort to assist INS with release processing.

a. **Community Sponsor Release.** DSB, working with a contracted community program, must verify and forward the sponsor information to INS Headquarters for final approval of the sponsor release. If the sponsor is approved, INS Headquarters will notify the Warden. The unit team then contacts the local INS office to confirm the approximate release date and time.

The local INS office is responsible for coordinating all travel arrangements and providing sufficient notification to the institution of any schedule changes.

b. **Specialized Community Residential Programs.** Some detainees may require treatment not ordinarily available in Bureau institutions prior to release. In conjunction with the Office of Mental Health, Health Services Division, DSB is to coordinate the placement of these detainees in various programs to assist the detainee in his or her transition to the community.

Such programs offer in-patient and transitional mental health services, sex offender treatment, and, in some instances, a higher level of transitional services than is usually available in a CCC.

Once DSB has coordinated placement, the CCM will enter a DST assignment in SENTRY acknowledging the detainee's acceptance into the specialized program.

The local INS office is responsible for coordinating all travel arrangements and for providing sufficient notification to the institution of any schedule changes.

c. **Community Based Substance Abuse Treatment Program.** The Bureau has established a community-based residential substance abuse Program for Mariel Cuban detainees at Riverside House, Miami, Florida, a CCC. This is an in-patient, 120 day program monitored by the Miami CCM.

This program is limited to Mariel Cuban detainees confined in either a Bureau or INS facility whom the INS has approved for parole. Although the program is conducted in a CCC, the detainees will neither be granted social passes nor be issued an Employee Authorization Document to seek employment until they complete the substance abuse program.

After completing the substance abuse program, detainees will be released to a CCC. If a detainee plans to reside outside of the Miami area, the Miami CCM is to refer the detainee to a CCM office in his or her release area for pre-release placement. A copy of the Terminal Report from the substance abuse program will be included in the referral packet.

(1) **Responsibilities**

(a) **Detention Services Branch.** The DSB, in consultation with the Health Services Division, Central Office and INS staff, review all Mariel Cuban detainees who have been approved for INS parole. DSB must create a list of detainees whose release from detention is contingent upon completing a substance abuse treatment program. Once the list has been established, the DSB must:

- Identify those detainees appropriate for placement in the community-based substance abuse program.
- Notify institution staff or INS Headquarters of those detainees eligible for the Miami Residential Substance Abuse Program.

- Request a CCC referral packet and a signed Mariel Cuban Program Agreement form (Attachment F) from the institution or INS and forward the packet to the Miami CCM.
- Coordinate travel arrangements with INS for all Mariel Cuban detainees accepted into the program.

(b) **The unit team or INS staff must:**

- Ensure that the detainee understands the program objectives, rules, and regulations.
- Advise the detainee that any violation of the program rules and regulations will result in his INS parole being revoked and his return to secure custody.
- Obtain the detainee's signature on the Mariel Cuban Program Agreement form (Attachment F)
- Prepare a CCC referral packet in accordance with this Program Statement. (If the detainee is not releasing to the Miami area, additional copies of the CCC referral packet may be requested.)

(c) **The Miami CCM Office must:**

- Monitor the program and the detainee's participation in the program.
- Refer detainees to a CCC for pre-release services.

d. **Bureau CCC Release.** If a CCC referral is warranted, the unit team is to prepare a CCC packet in accordance with the Program Statement on Community Corrections Center (CCC) Utilization and Transfer Procedures. On the Institutional Referral for CCC Placement (BP-210.073):

- the sections entitled "Release City," "Anticipated Release Date," and "Requested Placement Date" should be left blank, and
- Section 11, "Additional Information", should include the geographic area (city and state) in which the detainee would prefer to be released.

The referral packet is to be forwarded to DSB, rather than the CCM. DSB forwards the packet to an appropriate CCM for placement.

Since many Mariel Cuban detainees have no community resources in the United States, CCMs must work closely in partnership with the CCCs to arrange suitable placements.

e. **CCC Transfer Procedures.** The CCM is to notify DSB of the acceptance or denial and enter the SENTRY DST and date. INS is responsible for coordinating the detainee's movement from the institution to the CCC and may request a change in the placement date to facilitate that movement. The receiving CCM office must be kept informed and **approve all changes** in acceptance dates.

INS is also responsible for providing all pertinent release documentation, including work permits, to the detainee prior to transfer to the CCC. Should a detainee arrive at a CCC without the necessary release documentation and work authorizations, staff must contact DSB to request that INS Headquarters issue the necessary documentation.

Detainees released to CCCs are considered paroled effective the date of release from the institution, and are similar in nature to Public Law CCC placements. ISM staff should record the detainee as "INS Removed" when the detainee is released from the institution. Upon arrival at the CCC, the CCM should readmit the detainee as "A-INS", and upon termination from the CCC, release the detainee again under "INS Removed."

f. **Notification of HIV Status for Detainees Placed in CCCs.** Notification procedures for Mariel Cubans who have tested positive for HIV should follow the guidelines established in the Program Statement on Infectious Disease Management, except that the local INS office nearest to the release city is to be notified of community placement, rather than the U.S. Probation Office.

g. **CCC Placement Period.** Placement in a CCC is strictly for transitional purposes. Ordinarily, placement will be for a period of 90 to 120 days. However, once a Mariel Cuban has obtained employment and can secure a residence, he or she may be evaluated for earlier release. It is critical that this information is communicated to each detainee during intake and orientation at the CCC. The detainee is to be encouraged to view the CCC as supportive of his or her transition to the community, not as additional confinement.

h. **Subsistence.** While a CCC resident, the detainee is expected to abide by all applicable rules and regulations and all conditions of residency as specified in the CCC's Statement of Work, including subsistence payments.

i. **Releases from a CCC.** When the CCC recommends to the CCM that a detainee is ready for release, the CCM forwards a copy of the release plan to the DSB. DSB notifies the CCM office to release the detainee. In addition, the CCM office notifies the local INS office of the detainee's:

- release residence,
- telephone number, and
- place of employment.

If a detainee subsequently wants to relocate, all relocation expenses are the responsibility of the detainee and/or INS.

j. **Absconding.** If a detainee absconds while en route to a release program or while housed at a CCC, the FBI is **not** to be notified, and SENTRY should be updated to reflect "INS Removed," **not** "Abscond." Also, in addition to normal reporting procedures, a copy of the Report of Incident form is forwarded to DSB. DSB will inform INS Headquarters that the detainee has absconded.

11. **INS PAROLE REVOCATIONS.** When a detainee is deemed a program failure, e.g., receives an incident report, or absconds, the CCM office will forward a copy of the recommendation for parole revocation to the DSB. DSB will contact INS and request that the detainee be removed from the program. DSB will designate a suitable Bureau institution for the detainee. The U.S. Marshals Service must not be contacted to remove an INS detainee.

Upon the detainee's arrival at the designated Bureau institution, the case manager should load the CMA assignment of "INS PAR RK," and update the CMA assignment of "CRP RV DT" to reflect one year from the detainee's admission date.

12. **REPATRIATION CASES.** While the majority of Mariel Cubans are **not** eligible for repatriation to Cuba, some are. Once INS notifies DSB of the scheduled repatriation of a Mariel Cuban detainee, DSB, in conjunction with the Health Services Division, contacts the institution housing the Mariel Cuban to coordinate the completion of a Health Status Summary (HSS).

For the HSS, the institution psychologist shall provide:

- an overview of the detainee's criminal history,
- drug abuse history,
- psychiatric care history,
- educational and vocational information,
- a mental status evaluation (i.e. judgment, mood, affect, intellectual level, orientation, symptoms of mental illness), and
- a DSM IV diagnosis.

The institution Health Services Department shall provide:

- the detainee's height and weight,
- listing of chronic diseases, disabilities, or medications, and
- results (within the last year) of HIV, PPD, and venereal disease testing.

A completed HSS is required for all Mariel Cubans prior to repatriation. Once the institution completes the HSS, the Mariel Cuban shall be transferred to FCI Talladega for repatriation processing.

13. **SENTRY REPORTING.** The following CMA categories are established to track Mariel Cubans in Bureau custody.

a. CMA and DRG categories normally loaded and/or updated by the DSB staff are:

<u>Assignment</u>	<u>Description</u>
MARIEL	MARIEL CUBAN
NON-MARIEL	STATUS REVIEWED/DELETED BY CO
INS REPAT	INS REPATRIATION PROCESSING
MENTAL IN	MENTAL HEALTH INPATIENT
MENTAL OUT	MENTAL HEALTH OUTPATIENT
DRG TRTMNT	DRUG TREATMENT
DAP COMP	DRUG TREATMENT COMPLETED
HALFWAY HS	HALFWAY HOUSE
FMLY/SPNSR	FAMILY/SPONSOR
SX OFF TRT	SEX OFFENDER TREATMENT
INS PAR PN	INS PAROLE PENDING

b. The CMA categories normally loaded/reviewed/updated by institution case management staff are:

CRP RV DT	CRP HEARING DUE DATE
INS PAR AP	INS PAROLE APPROVED
INS PAR DN	INS PAROLE DENIED
INS PAR RK	INS PAROLE REVOKED

(For a more detailed explanation of the current CMA assignments see Attachment B).

c. The following CMA categories provide historical information concerning the detainee's participation in the disturbances at USP Atlanta, FCI Oakdale, FCI Talladega, and the INS Krome Detention Center and should not be deleted by institution staff:

<u>Assignment</u>	<u>Description</u>
ATLDC 1187	ATLANTA 11-23-87 DISTURB-CADRE
ATLDI 1187	ATLANTA 11-23-87 DISTURB-INS
ATLWC 1187	ATLANTA 11-23-87 WALKOUT-CADRE
ATLWI 1187	ATLANTA 11-23-87 WALKOUT-INS
OAKDC 1187	OAKDALE 11-22-87 DISTURB-CADRE
OAKDI 1187	OAKDALE 11-22-87 DISTURB-INS
OAKWC 1187	OAKDALE 11-22-87 WALKOUT-CADRE
OAKWI 1187	OAKDALE 11-22-87 WALKOUT-INS
KRODI 0188	KROME 01-16-88 DISTURB-INS
TDG 0891	TALLADEGA 08-21-91

Cases identified as DISTURB were active participants in the disturbances, while cases identified as WALKOUT voluntarily removed themselves from the disturbance.

14. **INQUIRIES.** Questions regarding this Program Statement may be directed to the Administrator, Detention Services Branch, (202) 307-0556.

"UNION CLEARANCE"
Kathleen Hawk Sawyer
Director

**NOTIFICATION TO INS OF A MARIEL
DETAINEE'S ARRIVAL AT A FACILITY**

Date:
To: Local INS Office
From: CEO
Subject: Detainee's Name
BOP Reg. No.:
INS Alien No.:

The above named Mariel Cuban detainee arrived at this facility on _____. A review of the records indicates he/she last appeared before the Cuban Review Panel on _____. Please schedule the next hearing for _____ (1 year from last hearing).

If I can be of further assistance, please contact the detainee's Case Manager at _____.

MARIEL CASE MANAGEMENT ASSIGNMENTS (CMAs)

ASSIGNMENT	RESPONSIBILITY FOR KEYING THE DATA	DESCRIPTION
<u>MARIEL</u> or <u>NON-MARIEL</u>	DSB loads at initial designation. If not loaded when a detainee arrives at the institution, unit staff should contact DSB. Every Cuban who arrived on the Mariel boatlift, sentenced or not, should have one of these assignments. CMAD is the date the assignment was loaded.	Indicates if a Cuban is a Mariel. Also ensures that DSB verified the status of the detainee with INS.
<u>CRP RV DT</u>	DSB loads on new commitments; CSW loads on roll-overs. CMAD is one year from the "INS PAR DN" date. CSW loads subsequent to CRP hearings if parole is denied.	Indicates when the detainee is scheduled for the next CRP hearing.
<u>INS REPAT</u>	Loaded only by DSB. CMAD is the date DSB is notified by INS of the repatriation order.	Indicates that the detainee has orders to be repatriated to Cuba.
<u>INS PAR DN</u>	DSB initially loads on new commitments. CSW loads on roll-overs and on receipt of a CRP decision of denial. CMAD is the date of the decision.	Indicates that INS has denied parole for the detainee.
<u>INS PAR AP</u>	DSB occasionally loads on new commitments; usually loaded by the CSW upon receipt of CRP decision granting parole approval. CMAD is the date of the decision.	Indicates that INS approved the release of the detainee on parole.
<u>INS PAR PN</u>	DSB loads by replacing "INS PAR DN" when the CRP hearing is scheduled. CMAD is the hearing date.	Indicates awaiting a CRP decision and allows the CSW to track the length of time between the hearing and receipt of the decision.

ASSIGNMENT	RESPONSIBILITY FOR KEYING THE DATA	DESCRIPTION
<u>INS PAR RK</u>	CSW loads once a detainee who fails a release program arrives at the facility. CMAD is the date the detainee was returned to custody.	Indicates a detainee was unsuccessfully terminated from a community program.
<u>MENTAL IN</u>	DSB loads and updates upon receipt of the mental health evaluation from the Central Office psychologist. CMAD is the date the most recent MHE was completed.	Indicates that a detainee requires placement in a BOP mental health unit while incarcerated (SPG, LEX).
<u>MENTAL OUT</u>	DSB loads and updates upon receipt of the mental health evaluation from the Central Office psychologist. CMAD is the date the most recent MHE was completed.	Indicates that a detainee requires outpatient mental health treatment upon release (i.e. Mental Health CCC).
<u>DRG TRTMNT</u>	DSB loads and updates upon receipt of the Mental Health Evaluation from the Central Office psychologist. CMAD is the date the most recent MHE was completed.	Indicates that a detainee requires completion of a BOP comprehensive drug treatment program prior to release.
<u>DAP COMP</u>	Drug Abuse Treatment Coordinator loads upon notification from the Unit Team that a detainee has completed a comprehensive drug treatment program. CMAD is the date the inmate completed the program.	Indicates that a detainee completed one of the Bureau's comprehensive drug treatment programs.
<u>HALFWAY HS</u>	DSB loads and updates upon receipt of the Mental Health Evaluation from the Central Office psychologist. CMAD is the date the most recent MHE was completed.	Indicates than a detainee requires placement in a CCC as a condition of release.

FMLY/SPNSR

DSB loads and updates upon receipt of the Mental Health Evaluation from the Central Office psychologist. CMAD is the date the most recent MHE was completed.

Indicates that a detainee requires release through the family sponsor program as a condition of release.

SX OFF TRT

DSB loads and updates upon receipt of the MHE from the Central Office psychologist. CMAD is the date the most recent MHE was completed.

Indicates that a detainee requires inpatient sex offender treatment prior to release.

REQUEST FOR MANAGEMENT VARIABLE "MARIEL"

FROM:

TO: Administrator, Detention Services Branch
BOP-CCD/DETENTION SERVICES BRANCH~

SUBJECT: Detainee Name, Register Number, Alien Number

On date , the above named Mariel Cuban inmate expired his/her federal sentence and was readmitted as "A-INS". Please add/replace the management variable to reflect "Mariel".

My staff have scheduled the detainee for a Cuban Review Panel hearing one year from his/her roll-over date, with the corresponding CMA assignment, "CRP RV DT".

MARIEL DETAINEE TRANSFER REQUEST

FROM:

TO: Administrator, Detention Services Branch
BOP-CCD/DETENTION SERVICES BRANCH~

SUBJECT: Detainee Name, Register Number, Alien Number

1. The above named detainee is recommended for transfer to:
(If a specific institution is recommended, include your rationale for that recommendation.)
2. Does detainee agree with transfer? ___ Yes ___ no
3. Detainee's medical status:
4. Institutional adjustment:
5. Disciplinary record:

Date: Offense/Code: DHO/UDC action:
6. Rationale for referral:
7. Availability of community resources:
(If the detainee has family, relatives, or sponsors within the community, provide their city and state.)
8. Status of INS review process:
(Indicate when the detainee was last seen by the Cuban Review Panel and the decision; or if the decision/hearing is pending.)

Submitted by: (Case manager) FTS:

My staff have checked the following SENTRY programs and certify that they are correct and current:

Separatee and assignment display
Inmate load data
Inmate profile
Chronological disciplinary record

If the transfer is approved, a progress report will be completed prior to transfer.

**MARIEL CUBAN
MENTAL HEALTH EVALUATION**

EVALUATOR:

DATE:

PATIENT:

BOP REG. NO.:

DOB:

ALIEN REG. NO.:

PLACE OF EVALUATION:

DATE OF ARRIVAL:

PLACEMENT HISTORY:

Note: (This section will be completed only for the first MHE in the detainee's file. For all successive MHEs, this section will be blank; the first MHE will be used for reference.)

PSYCHIATRIC HISTORY:

SUBSTANCE ABUSE HISTORY:

MENTAL STATUS EXAMINATION:

DIAGNOSTIC IMPRESSION: (DSM-IV)

TREATMENT RECOMMENDATIONS AND COMMENTS:

This evaluation is the property of the Federal Bureau of Prisons. It contains confidential medical and mental health information. Release of this information is governed by the 1974 Privacy Act, Public Law 93-579.

Agreement

I, _____ have been advised of my eligibility for admission to a residential substance abuse program. I understand that this is a 120-day substance-abuse treatment program located in Miami, Florida and that I will not be able to leave the residence or seek employment until I successfully complete the program.

Further, I also understand that any infraction of the CCC rules and/or Bureau regulations will result in my parole being revoked and my return to a BOP institution.

_____ I agree to participate in this program.

_____ I do not agree to participate in this program.

Signature:_____ Date:_____

Name and address of family sponsor if applicable:

PLEASE RETURN THIS FORM WITH THE CCC REFERRAL PACKET.