

PS 5140.36 RELEASE OF INMATES PRIOR TO A WEEKEND OR LEGAL HOLIDAY



Program Statement

OPI: CPD
NUMBER: 5140.36
DATE: 11/23/2001
SUBJECT: Release of Inmates Prior
to a Weekend or Legal
Holiday

1. [**PURPOSE AND SCOPE** §571.30. The Bureau of Prisons may release an inmate whose release date falls on a Saturday, Sunday, or legal holiday, on the last preceding weekday unless it is necessary to detain the inmate for another jurisdiction seeking custody under a detainer, or for any other reason which might indicate that the inmate should not be released until the inmate's scheduled release date.]

For release of District of Columbia inmates, refer to the District of Columbia Sentence Computation Manual.

2. **SUMMARY OF CHANGES.** This Program Statement has been revised to provide annual discretionary authority to Wardens to allow an additional Lump Sum Award for "old law" inmates with projected release dates during the period of December 11 through January 2. Previously, an Operations Memorandum was issued annually to convey this discretionary authority to Wardens.

3. **PROGRAM OBJECTIVE.** The expected result of this program is:

Whenever possible, inmates will be released on the last preceding weekday if their projected release date falls on a weekend or legal holiday.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 5140.32 Release of Inmates Prior to a Weekend or
Legal Holiday (10/22/99)

[**Bracketed Bold - Rules**]
Regular Type - Implementing Information

b. Directives Referenced

PS 5800.07 Inmate Systems Management Manual (12/24/91)
PS 5880.28 Sentence Computation Manual (CCCA of
1984)(9/21/92)
PS 5880.30 Sentence Computation Manual ("Old Law" Pre-
CCCA-1984) (7/16/93)
PS 5880.32 District of Columbia Sentence Computation
Manual (1/23/01)

c. Rules cited in this Program Statement are contained in
28 CFR 571.30.

d. Rules referenced in this Program Statement are contained in
28 CFR 2.2 and 2.29(c).

5. STANDARDS REFERENCED

a. American Correctional Association 3rd Edition Standards for
Adult Correctional Institutions: 3-4094

b. American Correctional Association 3rd Edition Standards for
Adult Local Detention Facilities: 3-ALDF-1E-03

c. American Correctional Association 2nd Edition Standards for
Administration of Correctional Agencies: 2-CO-1E-05

6. MCC/MDC/FDC/FTC PROCEDURES. Procedures in this Program
Statement apply to Metropolitan Correctional Centers,
Metropolitan Detention Centers, Federal Detention Centers, and
Federal Transportation Centers.

7. RESPONSIBILITIES. Wardens and Community Corrections Managers
must establish a system that allows for routine consideration of
an inmate's weekday release when his or her release date falls on
a weekend or legal holiday.

8. OLD LAW RELEASES. [a. The release authority for inmates
convicted of offenses occurring prior to November 1, 1987 is
pursuant to 18 U.S.C. §4163. The number of days used under
18 U.S.C. §4163 may not be added to the number of days remaining
to be served to release an inmate "as if . . . on parole"
(18 U.S.C. §4164) who would otherwise have been released by
expiration of sentence.]

a. Similar procedures also apply to inmates released on parole, yet the number of days remaining upon release will be adjusted to reflect the early release (see the Sentence Computation Manual ("Old Law" Pre-CCCA-1984) and 28 CFR 2.29(c)).

b. An inmate may not be released under the provisions of 18 U.S.C. §4163 on the last preceding weekday if the actual release date falls before the minimum parole eligibility date as defined in 28 CFR 2.2 (e.g., when an inmate's actual parole eligibility date falls on a Saturday, the inmate may not be released on the preceding Friday).

c. Each year, at the Warden's discretion, a Lump Sum Award (LSA) may be granted to achieve an earlier release for those inmates who have a scheduled Expiration or Mandatory Release date falling on December 11 through January 2. Such a grant will be made, provided,

the individual inmate's conduct or adjustment supports such an award under the provisions of the Sentence Computation Manual ("Old Law" Pre-CCCA of 1984),

the grant does not exceed the statutory maximum for Extra Good Time (18 U.S.C. §4162), and

the inmate is not sentenced under the CCCA (see below).

d. Release on the workday preceding a holiday or weekend does not require the application of the above bulleted guidelines, as 18 U.S.C. §4163, 28 CFR 571.30, and the Sentence Computation Manual ("Old Law" Pre-CCCA of 1984) authorize such a release.

9. NEW LAW RELEASES. [b. The release authority for inmates sentenced under the provisions of the Sentencing Reform Act of the Comprehensive Crime Control Act of 1984 for offenses committed on/or after November 1, 1987 is pursuant to 18 U.S.C. §3624(a).]

a. Any "new law" federal prisoner whose release date falls on a weekend or legal holiday may be released on the last preceding weekday.

b. When an inmate is released on the last preceding weekday before a Saturday, Sunday, or legal holiday, any term of supervised release is to begin on the day the inmate is actually released from custody and runs concurrently with any Federal, state, or local term of probation or supervised release or parole (18 U.S.C. §3624(e)).

c. The provisions of this rule apply to all "new law" federal inmates incarcerated in Bureau institutions and contract facilities.

/s/

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Director