

INMATE  
ADMISSION & ORIENTATION  
HANDBOOK



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## **Introduction**

The purpose of this handbook is to provide arriving inmates with information regarding the Bureau of Prisons (BOP), its programs, and the rules and regulations. It is not a specific guide to the detailed policies of the BOP. Rather, the material in this handbook will help new inmates more quickly understand what they will be encountering when they enter prison, and hopefully assist them in their initial adjustment to incarceration.

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

### **Orientation**

Inmates are given a social screening by Unit Management staff and medical screening by Health Services and Mental Health staff at the time of arrival. Inmates are immediately provided with a copy of the institution rules and regulations, which include information on inmate rights and responsibilities. It also includes information on sexual assault and abuse.

Within 28 days of arrival, inmates will participate in the Admission and Orientation (A&O) Program. While in A&O, inmates are advised of the programs, services, policies and procedures regarding the facility.

### **DNA Sampling**

On December 19, 2000, the DNA Analysis Backlog Elimination Act of 2000, was enacted. That law required the BOP to obtain a DNA sample from each inmate convicted of a qualifying offense. The definition of a qualifying offense was subsequently modified by the USA Patriot Act of 2001, section 1004 of the Violence Against Women and Department of Justice Reauthorization Act, also known as the DNA Fingerprint Act of 2005, and section 155 of the Adam Walsh Child Protection and Safety Act of 2006 “Walsh Act”.

In its current form, the controlling statute authorizes the Attorney General to collect DNA samples from individuals who are arrested, facing charges, or convicted or from non-United States persons who are detained under the authority of the United States. See 42 U.S.C. §14135a(a)(1)(A). The statute also authorizes the Attorney General to “direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function or exercise any power of the Attorney General under this section.” An implementing rule was published in the Federal Register on December 10, 2008. The FBI analyzes DNA samples and maintains the results in the Combined DNA Index System (CODIS).

### **Classification Teams (Unit Teams)**

Each inmate is assigned to a housing unit. A unit is a self-contained inmate living area includes both housing sections and office space for unit staff. Each unit is staffed by a Unit Team directly responsible for the inmates living in the unit. The unit offices are located in the units so staff and inmates can be accessible to each other. The unit staff typically includes a Unit Manager, Case Manager, Correctional Counselor, and Unit Secretary.

Inmates are assigned to a specific Unit Team. Generally, the resolution of issues or matters of interest while at the institution are most appropriately initiated with 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. Ordinarily, a member of the unit staff will be at the institution from 7:30 a.m. to 7:00 p.m., and during the day on weekends and holidays.

## **GENERAL FUNCTIONS OF UNIT STAFF**

**Unit Manager:** The Unit Manager is the administrative head of the general unit and oversees all unit programs and activities. The Unit Manager is the Chairperson of the team which comprises the Case Manager, Correctional Counselor, with input from Education and Psychology staff. The Unit Manager reviews team decisions and may chair the Unit Discipline Committee (UDC), which is a body that hears disciplinary infractions. The Unit Manager is ordinarily present during initial classification and subsequent program review(s) in which Residential Reentry Center (RRC) placement is discussed.

**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. The Case Manager serves as a liaison between the inmate, the administration, and the community.

**Correctional Counselor:** The Counselor provides counseling and guidance for inmates of the unit in areas of institutional adjustment, personal difficulties, and plans for the future. He/she plays a leading role in segments of unit programs relating to inmate activities. The Unit Counselor may conduct counseling groups for inmates in his/her unit and/or groups open to the general population. The Unit Counselor will routinely conduct cell and unit sanitation inspections to ensure common and living areas are clean and safe.

**Unit Secretary:** The Unit Secretary performs clerical and administrative duties, to include the preparation of release paperwork.

**Unit Officer:** The Unit Officers have direct responsibility for the daily 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 units and are encouraged to establish professional relationships with them, as long as such interaction does not interfere with their primary duties. Unit Officers control movement in and out of the unit and conduct regular searches for contraband.

### **Communications**

Normally, a unit staff member is available each day of the week and most evenings until 7:00 p.m. The unit bulletin boards and the TRULINCS system contain written communication of interest to inmates. Unit Managers may utilize monthly Town Hall meetings to dispense information and foster improved communications. Unit team members will utilize either open house hours or an open door policy to address inmate concerns. Inmates are also encouraged to use Inmate Requests to Staff to make requests in writing.

### **Initial Classification/Program Reviews**

Inmates initially designated to the institution will receive initial classification within 28 days of arrival. Unit, Education, and Psychology staff will assess each inmate and work with them to develop an individual plan which will address skill deficits that may deter successful reentry into the community.

Subsequent program reviews will be held every 90 to 180 days, depending upon release date. These are held by the Unit Team to review progress on programming goals, work assignments, transfers, custody/security level, institutional adjustment, etc. The inmate may not waive appearance with the Unit Team.

**Reentry Pre-Release Programming**

Release preparation begins on the first day of incarceration. The BOP's reentry strategy provides inmates with the opportunity to gain the necessary skills and resources to succeed upon release. Through coordinated efforts among the departments in the institution and collaboration with other agencies, a wide array of programs and activities are offered to better inmates' chances of a successful reentry upon release.

It is imperative at initial classification (Team) inmates are open and honest when answering questions to allow the team to accurately identify needs and make appropriate program recommendations to improve inmates' chances of a successful reentry. Each time an inmate goes to team, he will receive a progress update and new recommendations as warranted. Contributors and programming recommendations include Education, Health Services, Psychology, Unit Team, Recreation, Religious Services, the inmate's Work Detail Supervisor, and the inmate. Inmates are strongly encouraged to take advantage of the program recommendations.

Additionally, to make the transition back to the community go as smoothly as possible, inmates should obtain at least two forms of identification to include a social security card. Inmates may also be eligible for some benefits upon release (e.g., social security disability, veteran's, medicare etc.) to make the transition easier. Staff may be able to provide you with information concerning benefits so you may determine your eligibility and begin the application process, if applicable, prior to release. Lastly, the Career Resource Center, located in the Education Department, can also provide you with pre and post release programming and education ideas, potential employment, and housing information, as well as potential benefits information.

**Town Hall Meetings**

Town Hall meetings are held to make announcements and discuss changes in the policy and procedures of the unit. Inmates are encouraged to ask pertinent questions of the staff and any guest speakers who are present. These questions should pertain to the unit as a whole, rather than personal questions or problems. Personal issues will be resolved by unit staff during the regular working hours which are posted in each unit.

**Treaty Transfer 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. At initial classification, the inmate will be advised if the inmate's home country has a formal exchange treaty with the United States. The Case Manager will provide additional information regarding an inmate's eligibility for participation in the program.

**Foreign Consular**

The most recent publication of the Consular Notification and Access directory will be located in the Law Library.

**DAILY INMATE LIFE****Sanitation**

It is the inmate's responsibility to check his cell immediately after being assigned there and report all damages to the Unit Officer or Correctional Counselor. An inmate may be held financially liable for any damage to his personal living area. Inmates may not be assigned to cells based on race, religion, or national or geographical origin. However, staff will attempt to achieve a balance of racial diversity in housing and work assignments

to ensure the safety, security, and orderly operation of the institution.

Each inmate is also responsible for sweeping and mopping his cell floor, removing trash, and ensuring it is clean and sanitary. Cardboard boxes and other paper containers are not permitted for storage due to their combustible nature. Lockers must be neatly arranged inside and out, and all shelving must be neat and clean. Chairs are assigned to each cell, and will not be defaced or marked in any manner by the inmate. Toothpaste, toothbrushes, combs, razors, and soap for personal hygiene are issued by the institution. Inmates may purchase hygiene items through the Commissary.

Inmates are prohibited from partially or fully covering the cell door window by attaching paper or any other items to the windows. Staff will discretely look through the door window to determine an inmate's state of undress prior to entering. However, inmates should have clothing or other items readily available to cover themselves as it is reasonable to expect staff may conduct a search of their room at any time. Additionally, inmates are prohibited from covering the outer cell window with toilet paper, linen, etc.

### **Personal Property Limits**

Items which may be retained by an inmate are limited for sanitation and security reasons, and to ensure excess personal property is not accumulated which would constitute a fire hazard or impair staff searches of the cell. USP Atwater is required to establish an Institution Supplement regarding Inmate Personal Property, specifically identifying personal property which the inmate may retain.

### **Storage Space**

Staff shall set aside space within each housing area for use by an inmate. The designated area shall include a locker or other securable area in which the inmate is to store authorized personal property. The inmate shall be allowed to purchase an approved locking device for personal property storage in regular living units. 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 circumstance will any materials be accumulated to the point where they become a fire, sanitation, security, or housekeeping hazard. See picture of cell standard on page seven.



**Clothing**

Civilian clothing (i.e. clothing not issued to the inmate by the BOP or purchased by the inmate through the Commissary) ordinarily is not authorized for retention by the inmate. Prerelease civilian clothing for an inmate may be retained by staff in the Receiving and Discharge area during the last 30 days of an inmate's confinement. All inmates are prohibited from wearing any clothing not government-issued or purchased in the Commissary. No inmates may be issued, permitted to purchase, or have in their possession any blue, black, red, or camouflage clothing or cloth items. All government clothing, except undergarments will be tagged with a label indicating the inmate's name and registration number. These items are to be neatly stored in the identified storage space provided. Individual washcloths and towels are issued to inmates. Footwear will be placed neatly under the bed. Hooks are available in cells to hang bags and clothing.

**Commissary/Special Purchase Items**

These items are authorized to the point they can be contained in the storage area provided for personal property.

**Letters, Books, Photographs, Newspapers, and Magazines**

An inmate will be limited in the number of letters, books, photographs, magazines, and newspapers that can be stored in their designated storage space. Nothing is to be tacked, stapled or taped to any surface except to bulletin boards. Ordinarily, photographs, particularly those of family and friends, are approved, since they represent meaningful ties to the community. A personal photograph is defined as a photograph intended for individual viewing, as opposed to a photograph published for commercial use. Inmates may not retain Polaroid photos. Nude or sexually suggestive photos (individual prints or copies as opposed to those from publications) present special concerns about personal safety, security, and good order, particularly when the subject is an inmate's relative, friend, or acquaintance or could reasonably be perceived as such. For these reasons, an inmate may not be permitted to retain, receive, or possess a personal photograph in which the subject is partially nude or nude, or when the photograph depicts sexual acts such as intercourse, fellatio, or sodomy. These materials will be returned to the sender upon receipt at the institution.

**Legal Materials**

Staff may allow an inmate to possess legal materials in accordance with the provisions on inmate legal activities.

**Hobbycraft Materials**

Staff shall limit an inmate's hobby shop projects within the cell or living area to those projects which the inmate may store in designated personal property containers. Staff may make an exception for an item (for example, a painting) where size would prohibit placing the item in a locker. This exception is made with the understanding the placement of the item is at the inmate's own risk. Staff shall require that hobby shop items be removed from the living area when completed.

**Radios, MP3 Players, and Watches**

An inmate may possess only one approved radio or MP3 player, and watch at a time. The inmate must be able to demonstrate proof of ownership. An inmate who purchases a radio, MP3 player, or watch through a BOP commissary is ordinarily permitted the use of that item at any BOP institution if the inmate is later transferred. If the inmate is not allowed to use the radio, MP3 player, or watch at the new institution, the inmate shall be permitted to mail, at the receiving institution's expense, the item to a destination of the inmate's choice. Where the inmate refuses to provide a mailing address, the radio, MP3 player, and/or

watch may be disposed of through approved methods, including destruction of the property. The MP3 player can be managed through TRU-Units. This service allows inmates to manage the player and to purchase non-explicit music. MP3 players are not authorized or transferrable to contract facilities.

### **Jewelry**

Inmates may have a plain wedding band and an appropriate religious medallion and chain without stones.

### **Smoking**

Inmate smoking is prohibited in all BOP facilities.

### **Quarters Rules**

In order to minimize maintenance costs, permit uniform inspection, and maintain safe and clean living areas, the institution has imposed reasonable regulations and rules in the housing units. Unit Officers and Counselors inspect cells daily and publish individual ratings of appearance.

The rules include items such as:

- All beds are to be made daily by 7:00am. All beds should be made with the sheet on mattress, blanket and pillow at the head of the bed (see pg. 7). If a cell or room is not acceptable, disciplinary action will be taken.
- Unit meal rotation may be based on weekly sanitation ratings of each unit. The unit with the highest sanitation is called first, and the unit with the lowest rating is called last.
- Room or cell doors are closed when inmates are not in them.
- Each inmate is responsible for the cleaning and sanitation of his cell.
- Property is not to be stored on top of lockers or desks.
- Property is not to be stored on cell floor.
- Towels are not to be placed on cell floor for any reason.
- Clothing lines are not permitted.
- Everyone is responsible for cleaning up after themselves.
- Sexually suggestive photographs are **NOT** authorized for display outside of the individual locker or cabinet. Provocative pictures, posters, cartoons, and any items cut out of magazines may not be displayed on the bulletin boards or in any cell.
- Showers are available every day, but inmates may not be in the shower during an official count.
- Unit lights will be turned out at 10:00 p.m. Quiet hours begin at 10:00 p.m., and end at 6:00 a.m.
- Safety shoes must be worn to work as designated in policy.
- Unit televisions may be viewed during established off-duty hours. During normal working hours, unit televisions may be viewed at the discretion of staff.

### **Wake-up**

A general wake-up for all inmates is 5:45 a.m. It is the inmate's responsibility to leave the unit for meals and work. Late sleepers who are unable to maintain rooms or arrive at work on time are subject to disciplinary action.

### **Clothing Exchange & Laundry**

Institutions issue clothing to the inmate population that is properly fitted, climatically suitable, and presentable. Institutions will furnish each inmate with sufficient clothing to allow at least three changes of clothes weekly. All issued clothing, linens, towels, etc., can be exchanged on a one-for-one basis at the laundry. The exchange will be made at the discretion of Laundry Staff. To be exchanged articles must be worn or no longer serviceable.

The institution provides clean clothing by access to self-service washers, a centralized laundry, or a combination of the two. Inmate laundry is open from 6:15 a.m. to 7:30 a.m., Monday through Friday for drop off on your designated day. During this time, inmates are offered the opportunity to drop off their laundry items at the Institution Laundry. The laundered clothing may be picked up at the end of the work day on the same day. Institution laundry may be washed each day during the week if necessary. You must place your dirty laundry in your issued white laundry bag. If you wish to have your white clothing bleached, you must separate your laundry and put only white clothing in the bag.

An inmate found to have destroyed government property may receive an Incident Report and appropriate disciplinary action will be taken.

### **Commissary**

An inmate may use funds in their account to purchase items at the institution commissary, place funds on their inmate phone account, purchase TRU-Units for their TRULINCS account, or send funds by creating a BP-199. Your monthly spending limit for regular sale items is \$300.00. Inmates may not be in possession of cash at any time. Upon release, all Trust Fund accounts will be consolidated and placed on an Inmate Release Debit Card.

Funds are withdrawn after positive identification by inmate identification card or fingerprint identification. It is the inmate's responsibility to know the amount of money available in their account. Inmates may verify their account balances by utilizing the TRULINCS or the inmate telephone (118+PAC). Inmates must have their identification card in their possession at all times for identification purposes.

### **Deposits to Inmate Account**

Deposits are made through the centralized inmate lockbox. Deposits may be made in the form of U.S. Postal Money Orders, Western Union Money Orders, U.S. Treasury Check, or State Check (check or money order must be made out in inmates name and registration number). All other types of domestic money orders and checks will be held for at least 15 days, and all non-domestic or foreign checks will be held for 30 days, before posting to inmate account. Money earned from UNICOR or Performance Pay will be deposited when payroll is posted.

### **Commissary Fund Withdrawals**

Requests for Withdrawal of Inmate Personal Funds, BP-199 forms will be processed weekly by Trust Fund, Inmate Accounts. Withdrawals are initiated in TRULINCS, Send Funds (BP-199) by the inmate. When the BP-199 is printed it must be signed by the inmate in staff presence and hand delivered. The Supervisor of Education approves withdrawal requests for correspondence courses and materials for approved education programs. Unit Managers will approve all other withdrawal requests. Only an Associate Warden can approve inmate withdrawals exceeding \$500.00.

### **TRULINCS**

Print – This service allows inmates the opportunity to print various documents marked for print within TRULINCS. Mailing labels and BP-199 forms may be printed for free. All other documents can be printed at a cost.

Public Messaging – Inmates may correspond with friends and family using public messaging. This is a restricted version of email which will only allow text messages and no attachments. There is a cost per minute fee for using this service. Messages are limited to 13,000 characters.

Request to Staff – This service allows inmates to correspond with staff electronically. The list of available departments varies by institution; however, there is a standard DOJ Sexual Abuse Reporting mailbox available which provides inmates with an additional method to report allegations of sexual abuse and harassment directly to the Office of Inspector General (OIG).

Survey – This service allows inmates to take BOP surveys (i.e., Institution Character Profile).

### **Inmate Telephone System –TRUFONE**

Each inmate will be provided a nine-digit Phone Access Code (PAC) for accessing TRUFONE; including instructions for use of this system. The PAC is confidential and should not be shared with other inmates. A replacement fee will be charged if a PAC is misplaced or compromised. In addition, each inmate will need to perform voice verification registration (VPIN). Failure to record first and last name will disable VPIN feature and require Trust Fund to reset.

Telephone operations is Sunday through Saturday, from 6:00am to 7:00am; 10:30am to 12:30pm; and 4:00pm to 9:00pm. Inmates will be at their work assignments and will not use the telephone during work hours. For inmates who work varied shifts, one telephone per unit will be available for evening shift workers and inmates on their days off. Staff will take disciplinary action if an inmate leaves a work assignment to place telephone calls without staff prior approval.

All telephone calls are limited to 15 minutes. Telephone calls are subject to monitoring and recording by institution staff. Inmates are limited to 300 minutes per month and may be used for any combination of collect or direct dial calls. Telephone calls can be placed in 60 minute intervals. Having 60 minute intervals between an inmate's telephone calls ensures other inmates have an opportunity to make telephone calls.

TRUFONE funds are transferred using the TRUFONE system and must be done in even dollar amounts. The TRUFONE funds are deducted from an inmate's commissary account and transferred to the TRUFONE account immediately. Transfers may be made from any telephone during operational hours. It is each inmate's responsibility to verify the correctness of the amount transferred at the time of transfer.

### **VISITING PROCEDURES**

USP Atwater is located at 1 Federal Way, Atwater, California 95301. The telephone number is (209)386-0257.

The following schedule will be utilized for inmates with social visits:

Saturday	8:00 a.m. to 3:00 p.m.
Sunday	8:00 a.m. to 3:00 p.m.
Monday	8:00 a.m. to 3:00 p.m. (Reintegration Housing Unit only)
Federal Holidays	8:00 a.m. to 3:00 p.m.

Social visitors will not be processed before 8:00 a.m. or after 2:00 p.m.

Inmates will be limited to three (3) approved adult visitors and three (3) children (under the age of 16) at any one time. Only 15 visitors, inclusive of immediate family, friends, or associates will be authorized on the approved visiting list.

All visits begin and terminate in the visiting room. Hand-shaking, kissing, and embracing upon arrival and departure are permitted within the bounds of good taste. Excessive displays of affection in the visiting room will not be permitted and may result in the termination of the visit and/or disciplinary

action.

All visitors will enter the visiting room at the front entrance. Each visitor must provide appropriate photo identification (e.g., driver's license, passport) before being allowed to visit. Visitors under the age of 16, and accompanied by a parent or legal guardian, are exempt from this requirement.

Inmates must wear institution issued jumpsuit and institution shoes or approved shoes sold in the Commissary. You are permitted to have wedding band and a religious medal worn around the neck which will be declared prior to entering the visiting room.

All visitors will be properly dressed when coming to visit. Visitors are not allowed to wear shorts, low-cut or see-through clothing, tube or tank tops, backless clothing, camouflage, khaki or green colored clothing, sweat suits, dresses with slits above the bend of the knee, or any other apparel of a suggestive or revealing nature (e.g., skin-tight clothing, miniskirts, short culottes, midriff baring shirts). Inappropriate attire is a reason to deny visiting.

Visitors will not be allowed to bring in or give anything to an inmate. Visitors are not allowed to bring excessive items with them to visit an inmate (e.g., suitcases, large oversized bags, purses, packages). A small, clear coin purse is the only allowable purse. No more than \$25.00 for use in the vending machines is allowed. Inmates are not allowed to receive food from outside sources. There are vending machines in the visiting room from which snacks can be purchased. Individuals with medical problems which require them to carry medication into the visiting room must inform the visiting room staff of the condition and receive permission to carry the medication. The medication will be turned over to and held by the visiting room staff.

Only the following articles are authorized to be carried into the institution by visitors:

- (a) Wallet or small, clear plastic bag.
- (b) Money to be used for refreshments (no more than \$25.00).
- (c) Photo identification.
- (d) Essential medication.

Children under the age of 16 will not be allowed entry into the institution to visit unless they are accompanied by an adult visitor. Adult visitors will be responsible for the conduct of children under their supervision. This includes keeping them within the authorized visiting areas.

Special Visits: Inmates must submit a special visit request to their Unit Team at least two weeks in advance of the visiting date. Special visits must be approved by the Warden.

Note: Inmates are responsible for notifying their visitors of the visitation rules and regulations.

The following items will be permitted, per child, when infants are visiting:

- (a) Four (4) diapers.
- (b) One (1) package of baby wipes (unopened).
- (c) One (1) change of infant clothing.
- (d) Two (2) baby bottles with contents.
- (e) Two (2) small jars of baby food.
- (f) One (1) receiving blanket.
- (g) One (1) see-through drinking cup.
- (h) One (1) infant carrier.

**Directions and Information for travel to USP Atwater (1 Federal Way, Atwater, CA 95301)**

Atwater is serviced by four airports: Fresno Yosemite International Airport (56 miles); Sacramento International Airport (113 miles); Oakland International Airport (120 miles); and San Francisco International Airport (130 miles).

The Bus - Merced County Transit operates both a regularly scheduled fixed route bus service and Dial-A-Ride (demand response) transportation services throughout Merced County. Generally, the bus operates between 7 a.m. and 6 p.m. Monday through Friday, and 9 a.m. to 5 p.m. on Saturday.

Upon arrival to Merced, the following Taxi Services are available:

Yellow Cab: (209)723-0000

Merced Taxi Cab Co.: (209)722-8294

Located about 130 miles south of San Francisco and 60 miles north of Fresno, USP Atwater can be reached from Highway 99.

From the north: Take Route 99 South, merge onto Atwater-Merced Expy via exit 193. Turn right onto Green Sands Ave. Turn left onto N. Gurr Road. N. Gurr Road becomes W. Ave 2. Turn right onto Santa Fe Drive/County Hwy-37-County Hwy-J7.

From the south: Take Route 99 North to the Franklin Road exit (between Merced and Atwater). Continue straight ahead after passing through the intersection at Fox Road.

There are several hotels and restaurants in the nearby cities of Atwater and Merced.

**SECURITY PROCEDURES****Attire**

Inmates will be in the proper issued uniform, Monday through Friday, between 6:00 a.m. and 3:15 p.m. The uniform will be maintained in a neat and professional manner, with shirt tucked in and pants around the waist line with belt. Other than approved religious headgear, hats will not be worn while indoors.

**Inmate Identification Cards**

Inmates are required to carry their identification cards at all times upon departing their assigned cell. Inmates will be issued an identification card upon arrival at the institution. Inmates are responsible for the care of these cards.

**Counts**

USP Atwater conducts a minimum of five official inmate counts every 24-hour period. On weekends and holidays, an additional count is conducted at 10:00 a.m. The inmate is expected to be standing at bedside during official counts held at 3:30 p.m. and 9:30 p.m., on weekdays and 10:00 a.m., 3:30 p.m., and 9:30 p.m. on weekends and holidays, and during any emergency count. Disciplinary action will also be taken against inmates for leaving an assigned area before the count is clear. The inmate must actually be seen at all counts, even if the inmate must be awakened.

**Call-Outs**

Call-outs are a scheduling system for appointments (which include medical, dental, education, team meetings, and other activities) and are posted each day on the unit bulletin boards after 4:00 p.m., on the day preceding the appointment. It is the inmate's responsibility to check for appointments on a daily basis.

**Controlled Movement**

During non-working hours, movement throughout the institution will be regulated by a procedure called

controlled movement. The purpose of controlled movement is to ensure all inmate movement is orderly when an institution pass system is not in effect. Controlled movement generally begins ten minutes before the hour and ends on the hour. Normally, these moves are a one way move; meaning, "in bound" or "out bound" move. During the movement period, normally ten minutes, inmates may move from an area of the institution to another without a pass or staff escort. The start and end of each movement period will be announced by staff.

During the evening hours, the first controlled recreation yard movement period normally begins during the last call of evening mainline. At the conclusion of the recreation yard movement, the opposite side of the institution will be provided a controlled programs movement.

During the halfway point of the evening meal, inmates can normally move to the recreation yard, or chapel; however, inmates will remain secured inside those areas until the next controlled movement is announced. At the conclusion of the evening meal, the Compound will be secured and a 10 minute, controlled movement will commence .

On Saturdays, Sundays, and holidays, normally the first controlled movement will begin at the conclusion of the morning meal. The Compound will be secured at 9:30 a.m., in preparation of the 10:00 a.m. count. During the feeding of the brunch meal, inmates can normally move to the recreation yard, or chapel; however, you must remain secured inside those areas until the next controlled movement is announced. The movement periods will resume after the brunch meal.

### **Contraband**

Items possessed by an inmate ordinarily are not considered to be contraband if the inmate was authorized to retain the item upon admission to the institution, the item was issued by authorized staff, purchased by the inmate from the commissary, purchased or received through approved channels (to include approved for receipt by an authorized staff member or authorized by institution guidelines). This ensures a safe environment for staff and inmates by reducing fire hazards, security risks, and sanitation problems which relate to inmate personal property. Contraband includes material prohibited by law, or by regulation, or material which can reasonably be expected to cause physical injury or adversely affect the security, safety, or good order of the institution.

Staff shall consider as nuisance contraband any item other than hard contraband, which has never been authorized, or which previously has been authorized for possession by an inmate, but whose possession is prohibited when it presents a threat to security or its condition or excessive quantities of it present a health, fire, or housekeeping hazard. Examples of nuisance contraband include: personal property no longer permitted for admission to the institution or permitted for sale in the commissary; altered personal property; excessive accumulation of commissary, newspapers, letters, or magazines which cannot be stored neatly and safely in the designated area, spoiled food items, altered government-issued items, or other items made from government property without staff authorization.

Staff shall seize any item in the institution which has been identified as contraband whether the item is found in the physical possession of an inmate, in an inmate's living quarters, or in common areas of the institution. An inmate may not purchase, give, or receive any personal property from another inmate. Staff shall return to the institution's issuing authority any item of government property seized as contraband.

Items of personal property confiscated by staff as contraband are to be inventoried and stored pending

identification of the true owner (if in question) and possible disciplinary action. Staff will then provide you with a copy of the inventory as soon as practicable.

### **Shakedowns**

The placement of metal detection devices throughout the institutions is necessary for the control of contraband. A metal detector search may be done in addition to the pat search. Staff may conduct a pat search of an inmate on a routine or random basis to control contraband. Staff may also conduct a visual search where there is reasonable belief contraband may be concealed on your person or a good opportunity for concealment has occurred. Staff may search an inmate's housing and work area, and personal items contained within those areas, without notice, randomly, and without the inmate's presence. The property and living area will be left as close to the same conditions as found.

### **Drug Surveillance / Alcohol Detection**

USP Atwater operates drug surveillance and alcohol detection programs which include mandatory random testing, as well as testing of certain other categories of inmates. A positive test, or refusal to submit a test, will result in an incident report.

### **Fire Prevention and Control**

Fire prevention and safety 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 will not be tolerated. Regular fire inspections are made by qualified professionals.

## **PROGRAMS AND SERVICES**

### **Job Assignments**

All inmates, who have been medically cleared, will maintain a regular job assignment. Many job assignments are controlled through an Inmate Performance Pay (IPP) system, which provides monetary payment for work. Federal Prison Industries has a separate pay scale. Unit staff assign work and approve all job changes. They also ensure changes are posted on the Daily Change Sheet.

Institutional maintenance jobs are usually the first assignment an inmate receives. This might include work in Food Service, as a unit orderly, or in a maintenance shop. If interested, you can apply for a job at USP Atwater's UNICOR factory. The factory is a recycling center. UNICOR's mission is to employ and train inmates through the operation of, and earnings from, factories producing high-quality products and services for the Federal government. The training and experience acquired in UNICOR is beneficial for re-entry into society.

### **Inmate Financial Responsibility Program**

Working closely with the Administrative Office of the Courts and the Department of Justice, the BOP administers a systematic payment program for court-imposed fines, fees, and costs. All designated inmates are required to develop a financial plan to meet their financial obligations. These obligations may include: special assessments imposed under 18 USC 3013, court ordered restitution, fines and court costs, judgments in favor of the U.S., other debts owed the Federal government, and other court-ordered obligations (e.g., child support, alimony, other judgments).

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. If an inmate refuses to meet his or her obligations, the inmate cannot work

for UNICOR nor receive performance pay above the maintenance pay level. He will also be placed in “refuse” status. As the result of being in refuse status, the inmate has a spending limit of only \$25.00 monthly, can be placed in less desirable housing, will not be considered for any favorable requests, i.e. (vacations, furloughs, early release, etc.) and will score zero in responsibility on the progress report. These are a few examples of the sanctions that can be imposed as a result of being in refuse status.

The status of any financial plan will be included in all progress reports, and will be considered by staff when determining Security/Custody level, job assignments, eligibility for community activities, and institutional program changes. The U.S. Parole Commission will also review financial responsibility progress at parole hearings.

### **Food Service**

The BOP offers a standardized National Menu. This menu is offered at all institutions and includes approved menu items based on standard recipes and product specifications. The National Menu offers regular, heart healthy, and no-flesh dietary options.

Medical diets will be provided by mainline self-selection from the items available on the National Menu for that meal unless menu items fail to meet the medical requirement. Menu item replacements may not always be provided as inmates may have to avoid certain foods in the self-selection process; however, if a dietitian determines a Special Diet is required to ensure adequate nutrition, it will be provided by pre-plating or controlled plating.

The religious diet program, called the Alternative Diet Program, consists of two distinct components: one component provides for religious dietary need through self-selection from the main line, which includes a no-flesh option. The other component accommodates dietary needs through nationally recognized, religiously certified processed foods and is available through the approval of Religious Services.

### **Education**

The mission of Education/Recreation Services is to provide mandatory literacy and English-as-a-Second Language programs as required by law, as well as other education/recreation and related programs which meet the needs and interests of the inmate population, provide options for the positive use of inmate time, and enhance successful reintegration into the community.

Education opportunities provided for Federal inmates include General Equivalency Diploma (GED) and ESL programs, as required by law. Various nationally recognized tests will be used to place inmates in appropriate education programs. Inmates must perform to the best of their abilities on exams for appropriate placement in class.

### **Literacy/GED**

The Violent Crime Control and Law Enforcement Act (VCCLEA) and the Prison Litigation Act (PLRA) require inmates who lack a high school diploma to participate in a GED credential program and make satisfactory progress in the program in order to be eligible to vest the maximum amount of earned good conduct time (VCCLEA sentenced inmates) or earn the maximum amount of good conduct time.

Inmates must participate in the literacy program for one mandatory period of at least 240 instructional hours, or until they achieve a GED credential. For all inmates to receive job pay promotions above the entry level, they must have a high school diploma, a GED credential, or a pay exemption.

Inmates who are exempt from attending GED class based on a deportation detainer must enroll in GED or

ESL in order to receive their good conduct time (GCT).

Inmates under a final Bureau of Immigration and Customs Enforcement (BICE) order of deportation, exclusion, or removal are exempt. Inmates who have completed the mandatory period of enrollment must remain enrolled, or re-enroll to vest/earn their GCT. Inmates found guilty of an incident report related to their literacy program enrollment will be changed to GED UNSATISFACTORY PROGRESS, and will not vest/earn their GCT.

Following an assignment of a GED UNSATISFACTORY PROGRESS code, inmates will be required to complete an additional 240 hours of program enrollment before they can be changed back to a SATISFACTORY code. GCT will not vest while the UNSATISFACTORY assignment exists.

Inmates who are eligible for District of Columbia Educational Good Time (DCEGT) can earn DCEGT for participating, but not completing GED, ESL, and marketable level occupational training programs. While enrolled in the qualifying education program, inmates will earn DCEGT credit. However, DCEGT credit will show up on their sentence computation when they complete or withdraw from the qualifying program.

Inmates in GED will complete assignments on the computer tailored to their unique learning needs. The inmate must demonstrate proficiency and readiness by obtaining a score of 145 or higher in each subject area of the GED Ready test prior to the delivery of the computer-based Official GED test. Inmates are strongly encouraged to enroll in a keyboarding or typing course, when offered.

### **Inmates with a Verified High School Diploma**

In order to obtain a realistic and accurate assessment of an inmate's skill levels, a demonstration of literacy attainment must be verified for inmates with a high school diploma. Even though current policy accepts a high school diploma for custody classification, good time credits, education programs, etc., a high school diploma does not necessarily certify an inmate is literate.

Inmates who have a high school diploma (not an AA or higher post-secondary degree) are encouraged to submit a cop-out to the Education Department to request to sign-up for the Tests of Adult Basic Education (TABE) to validate their reading, language, and math computation, as well as applied math. The purpose of the TABE is to ensure these inmates have sufficient language and math skills to pursue their post-secondary education study and/or obtain a job in the community. Mastery of the reading, language, and math skills from the TABE is part of inmates' reentry plan. A 9.0 or higher on TABE A or D. If an inmate scores below 9.0, he should enroll in remedial classes offered by the Education Department to improve his literacy levels.

### **ESL**

The Crime Control Act of 1990 mandates non-English speaking Federal prisoners participate in the ESL program. An inmates' communication skill level in English is evaluated at initial classification and interviews. Those found to have limited ability to communicate in English will be referred to the education department to determine proficiency at the 8th grade level or higher based on a nationally recognized achievement test. Inmates scoring less than the 8th grade level of proficiency will be enrolled in ESL until they function at the 8th grade level or above on a nationally recognized education achievement test. If indicated by test scores, participation in ESL will be required regardless of education degree status. Inmates with high school diplomas or college degrees may be required to participate in the ESL program.

**Incentives**

Incentive awards are provided to recognize inmates making satisfactory progress and successfully completing the literacy (i.e., GED and ESL) program. Inmates may also receive incentives for progressing to various levels in the GED or ESL Programs. Graduation ceremonies recognize GED, ESL, and Occupational Education completions.

**Other Programs**

The completion of the literacy program is often the first step towards adequate preparation for successful post-release reintegration into society. Additional educational programs such as advanced occupational training or college are needed in today's world. Vocational training and apprenticeship programs afford inmates an opportunity to obtain marketable job skills.

**Occupational Education Programs**

Occupational Education programs prepare inmates for a specific occupation or cluster of occupations. Inmates can earn a Certificate, Associate of Arts Degree, Associate of Science Degree, or an industry accepted certificate upon the completion of occupational training programs. Occupational education programs vary institution-to-institution.

- Inmates must request initial enrollment through the Supervisor of Education. Education staff will determine an inmate's academic eligibility for enrollment and deportation status (if applicable).
- The Supervisor of Education will notify an inmates' unit team of enrollment consideration for occupational education programs.

**Apprenticeship**

Apprenticeship training provides inmates the opportunity to participate in training which prepares them for employment in various trades. Apprenticeship programs in the BOP are registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. These programs are structured to offer on-the-job learning in industries. Upon completion of a registered trade, inmates can earn a Certificate of Completion from the Department of Labor.

**Adult Continuing Education (ACE):**

ACE classes enhance an inmate's general knowledge on various subjects and address the skill deficits identified in an inmate's individual reentry plan. ACE classes are organized differently in different institutions. Typical ACE classes include: typing, computer literacy, foreign language, and business skills. These classes are usually offered during evening and weekend hours.

**Post-Secondary Education (Inmate Correspondence Courses)**

Inmates are encouraged to expand their knowledge through a variety of methods, including correspondence courses. In general, inmates are permitted to enroll in any correspondence course that involves only "paper and pencil." Courses requiring equipment are generally not authorized. The cost for correspondence courses must be paid by the inmate. If an inmate has sufficient funds available in his commissary account, a BP-199, Request for Withdrawal of Inmate's Personal Funds may be used for payment. Inmates interested in enrolling in correspondence courses are required to contact the Education Staff prior to enrollment. Catalogs are available from the Staff Coordinator. Diplomas or certificates from correspondence high school GED programs do not satisfy the criteria for an adult literacy program completion.

**Parenting**

The Parenting Program provides inmates information and counseling through directed classes on how to enhance their relationship with their children even while incarcerated. All Parenting Programs include a classroom and visitation component. In addition, social service outreach contacts are often established to facilitate the provision of services to the inmate parent, visiting custodial parent, and children.

### **Library Services**

**Leisure Libraries:** Leisure libraries offer inmates a variety of reading materials, including but not limited to: periodicals, newspapers, fiction, non-fiction, and reference books. Institutions also participate in an interlibrary loan program with local, state, and college libraries and available bookmobile services.

**Electronic Law Libraries (ELL):** Inmates are afforded access to legal materials and an opportunity to prepare legal documents in the ELL. Resources are available for inmates to prepare legal material via Trust Fund.

A copy machine is available to reproduce materials needed for research. The price to reproduce materials is established by Trust Fund.

### **Recreation, Leisure, Wellness, and Social Programs**

The BOP encourages inmates to make constructive use of leisure time and offers group and individual activities. At each facility, physical fitness and leisure programs are provided to promote positive lifestyle changes. These programs strive to provide inmates with opportunities to reduce stress and enhance overall health and emotional well-being.

#### **Leisure Programs**

USP Atwater offers a wide range of activities in which inmates may participate when not performing assigned duties. Leisure activities include: organized and informal games, sports, physical fitness, table games, hobby crafts, music programs, intramural activities, social and cultural organizations, and movies.

#### **Art and Hobby Craft Programs**

Art work includes all paintings and sketches rendered in any of the usual media (e.g., oils, pastels, crayons, pencils, inks, and charcoal). Hobby craft activities include ceramics, leatherwork, models, clay, mosaics, crochet, knitting, sculptures, woodworking, and lapidary, etc.

Art and hobby craft programs are not meant for the mass production of art and hobby craft items or to provide a means of supplementing an inmate's income. Use of hobby craft facilities is a privilege, the Warden or staff delegated may grant or deny.

Inmates are encouraged to participate in housing unit activities such as unit-based hobby craft. The Recreation Supervisor will coordinate housing unit activities with Unit Managers.

#### **Wellness Programs**

Wellness programs include screening, assessments, goal setting, fitness/nutrition prescriptions and counseling.

#### **Recreation and Zimmer**

The Zimmer Amendment was passed in 1996. The amendment does not allow for the BOP to use appropriated and non-appropriated funds to provide amenities or personal comforts in the Federal Prison System. Specifically, institutions activated prior to 1996 through attrition, will conform to the guidelines set by the law. The main sections of Zimmer address: (1) viewing of R, X, or NC-17 movies; (2)

instruction or training for boxing, wrestling, judo, karate or other martial arts or any body building or weightlifting equipment; and (3) electronic or electric instruments.

### **Consequences for Rules Violation in Recreation**

Inmates are strongly encouraged to participate in recreation activities. However, when inmate behavior violates established rules, consequences may include an incident report and/or suspensions from programs.

### **Religious Services**

The Religious Services Department provides pastoral care and religious accommodation in accordance with the law, Federal regulations, and BOP policy. The Chaplains offer religious worship, education, counseling, spiritual direction, support, and crisis intervention to meet the diverse religious needs of inmates. BOP Chaplains also oversee the religious diet program, ceremonial religious meals and religious holiday observances. All Chaplaincy Services' programming is directed to promote BOP reentry goals. The Life Connections and Threshold programs highlight our faith-based reentry priorities.

### **Psychology Services**

Psychology Services in all BOP institutions offer mental health care to inmates. This care may include screening, assessment and treatment of mental health or drug abuse problems, individual and/or group counseling, psycho-educational classes, self-help and supportive services, or referral to Health Services for medical treatment of a mental illness.

In addition, Psychology Services staff, along with other programming staff in the institution, collaborates with your Unit Team to develop a comprehensive assessment of your strengths and weaknesses. Based on this assessment, Psychology Services will offer programming recommendations specific to your psychological needs. These recommendations are designed to ensure your successful adjustment to incarceration and prepare you for your eventual release. We encourage you to participate actively in the assessment process. If mental health or drug abuse programming is recommended for you, Psychology Services staff will provide ongoing feedback to you and your unit team regarding your progress toward these programming goals.

If you are new to the BOP, or if you have previously identified mental health or drug abuse programming needs, you will be scheduled for an interview with Psychology Services staff. The purpose of this interview is to review your history and identify your programming needs. This interview is an ideal time for you to share your interest in specific services, such as drug abuse treatment or mental health counseling.

The Psychology Services department at this institution is staffed by a Chief Psychologist, Drug Abuse Program Coordinator, Drug Treatment Specialist, Challenge Program Coordinator, three Challenge Treatment Specialists, two Staff Psychologists and a Reintegrative Unit Psychologist. The Psychology department is located in the Programs Corridor. There are a number of ways to contact Psychology Services at this institution.

You may:

- Submit an electronic or hardcopy Inmate Request to a Staff Member (Cop-out) to Psychology Services.
- Speak with a Psychology Services staff member during mainline or as they make rounds in your unit.
- Or in the case of a crisis situation, notify your Unit Officer, Unit Team, or any other BOP staff member of your urgent need to speak with Psychology Services.

### **Suicide Prevention**

Incarceration can be a difficult experience. At times, you may feel discouraged, frustrated, and helpless. It is not uncommon for people to experience depression while in jail or prison, especially if they are newly incarcerated, serving a long sentence, experiencing family problems, struggling to get along with other inmates, or receiving bad news. Over time, most inmates successfully adapt to incarceration and find ways to use their time productively and meaningfully. However, some inmates continue to struggle with the pressures of incarceration and become overwhelmed by a sense of hopelessness. If you feel a sense of hopelessness or begin thinking about suicide, talk to a staff member.

Help is available and actively seeking help is a sign of your strength and determination to prevail. If you feel you are in imminent danger of harming yourself or someone else, you should contact a staff member immediately.

In addition, if you suspect another inmate is contemplating suicide, please notify a staff member. Staff do not always see everything inmates see. Most suicidal individuals display some warning signs of their intentions. PLEASE alert a staff member right away if you suspect a fellow inmate is considering suicide. The most effective way to prevent another person from taking his or her life is to recognize the factors that put people at risk for suicide, take warning signs seriously, and know how to respond. The warning signs of suicide may include:

- threatening to hurt or kill oneself or talking about wanting to hurt or kill oneself
- feeling hopeless
- feeling rage or uncontrolled anger or seeking revenge
- increased alcohol or drug use
- withdrawing from friends, family, associates
- experiencing dramatic mood changes
- feeling anxious or agitated, being unable to sleep, or sleeping all the time
- seeing no reason for living or having no sense of purpose

If your friend, cellmate, coworker, or associate is exhibiting these signs, start by telling the person you are concerned and give him examples of what you see that worries you. Listen and encourage the person to seek help. If they are hesitant, offer to go with them to speak to a staff member. If you are not confident they will seek help, notify a staff member yourself. Seeking help for a person in distress isn't "snitching", it is showing concern for the welfare of a fellow human being. If you report your concerns to staff, you can rest easy knowing you did everything within your power to assist the individual.

### **Drug Abuse Programs**

Drug abuse programming is available in all BOP institutions. The BOP offers a drug education course as well as treatment options for inmates who have abused alcohol and/or drugs.

#### **Drug Abuse Education Course (Drug Education)**

The Drug Abuse Education Course is not drug treatment. The purpose of the course is to encourage you to review the consequences of your choice to have drugs in your life, to look at the relationship between drug use and crime, and to begin to think about how different your life could be without drugs. Looking at your drug involvement in this way may motivate you to ask for drug abuse treatment. If your pre-sentence report documents a prolonged history of drug use, evidence that alcohol or drug use contributed to the commission of your offense, a judicial recommendation for treatment, or a violation of community supervision as a result of alcohol or drug use, you are required to take the Drug Abuse Education Course.

Failing to take this required course results in your ineligibility for performance pay above maintenance pay level, as well as ineligibility for bonus or vacation pay. You will also not be eligible for a Federal Prison Industries work program assignment. If you are not sure what this means, you may want to ask your Counselor.

The Drug Abuse Education Course is available in every BOP institution. If you are required to complete the course, your name will automatically be placed on the waiting list for the course and you will be placed into Drug Education within one year of your arrival to USP Atwater. If you would like to enroll in the course, but are not required to participate, you may submit an Inmate Request to a Staff Member (Cop-Out) in order to place your name on the waiting list as a volunteer for the course.

### **Nonresidential Drug Abuse Treatment (NRDAP)**

Nonresidential Drug Abuse Treatment is also available in every Bureau institution. Nonresidential Drug Abuse Treatment has been developed to provide the flexibility necessary to meet each individual's treatment needs, and more specifically for:

- Inmates with a relatively minor or low-level drug abuse problem,
- Inmates with a drug use disorder who do not have sufficient time to complete the intensive Residential Drug Abuse Treatment Program (RDAP) or for those who do not qualify for RDAP,
- Inmates with longer sentences who are in need of treatment and are awaiting placement in the RDAP,
- Inmates with a drug use history who chose not participate in the RDAP, but want to prepare for staying sober in the community, and
- Inmates who completed the unit-based portion of the RDAP and are required continuing treatment until their transfer to a Residential Reentry Center (RRC).

### **Residential Drug Abuse Program (RDAP)**

*Although USP Atwater does not have the Residential Drug Abuse Program (RDAP), interviews for the program are offered.* The RDAP provides intensive drug abuse treatment to inmates diagnosed with a drug use disorder. Inmates in the residential program are housed together in a treatment unit that is set apart from the general population. Treatment is provided for a minimum 9 months; however, your time in the program depends on your progress in treatment.

To apply for the RDAP you must send an Inmate Request to a Staff Member to obtain an interview for the program. First, staff will screen your pre-sentence report to determine if there is any documentation indicating you have a pattern of drug abuse or dependence.

If so, you will be referred to the Drug Abuse Program Coordinator (DAP-C) for an interview to determine if you meet the diagnostic criteria for a substance use disorder.

Inmates who are diagnosed with a drug use disorder are qualified for the RDAP and are admitted to the program based on their nearness to release, as mandated by federal statute. You must have enough time left to serve on your sentence to complete the unit-based component and the community transition component of the program. Follow-up Treatment is provided to inmates after they complete the unit-based component and before they transfer to an RRC.

The RDAP is operated as a modified therapeutic community where inmates are expected to model the pro-social behaviors expected in a community. This means RDAP participants are role models to other inmates. Therefore, they are to demonstrate honesty, to relate positively with their peers, and to fully participate in all treatment activities in the unit. The RDAP is a half-day program, with the rest of the day devoted to work, school, and other self-improvement activities. The RDAP is available in 62 BOP institutions. USP Atwater is not an RDAP location.

If you are interested in being interviewed for the RDAP, contact the institution's DAP-C. You may apply for the program at any time during your incarceration, but your interview, like program admittance, will be based on your proximity to release.

Ordinarily inmates are interviewed 24 to 48 months from release depending on the facility's security level and waiting list for the RDAP. Inmates with a life sentence or those under 24 months to release do not qualify for RDAP.

### **Early Release**

The Violent Crime Control and Law Enforcement Act of 1994 allows the BOP to grant a non-violent inmate up to 1 year off his term of imprisonment for successful completion of RDAP (Title 18 U.S.C. § 3621(e)(2)). For more information, talk to an institution Drug Abuse Treatment Specialist or DAP-C.

### **The Challenge Program**

The Challenge Program is an intensive, residential program for inmates with drug abuse and/or mental health problems and is available in all BOP penitentiaries. Treatment is highly structured and inmates with a history of drug problems and those with mental health problems are housed together in a treatment unit that is set apart from the general population.

The Challenge Unit is a safe harbor for those who want to work out drug abuse and/or mental health problems. Inmates may volunteer for the Challenge Program at any time during their incarceration. The Challenge Program is typically a 9-month program, but your time in the program depends on your treatment needs and your progress in treatment.

To apply for the Challenge Program you must send an Inmate Request to a Staff Member to obtain an interview for the program. Requests should be sent to the Challenge Program Coordinator or Challenge Treatment Specialists.

### **The Sex Offender Management Program**

The BOP offers sex offender treatment programs at several Sex Offender Management Program (SOMP) institutions.

The Bureau's sex offender treatment programs are stratified into two program levels:

#### **1) The Residential Sex Offender Treatment Program**

The Residential Sex Offender Treatment Program (SOTP-R) is a high intensity program designed for high risk sexual offenders - ordinarily inmates with multiple sex offenses, or a history of contact sexual offenders.

#### **2) The Non-residential Sex Offender Treatment Program**

The Non-residential Sex Offender Treatment Program (SOTP-NR) is a moderate intensity program designed for low to moderate risk sexual offenders. Many of the inmates in the SOTP-NR are first-time offenders serving a sentence for an Internet sex crime. All SOMP institutions offer the SOTP-NR.

If eligible for treatment, you will be transferred to a SOMP institution based on your treatment needs and security level. USP Atwater does not have Sex Offender Treatment Programs.

If you are interested in receiving sex offender treatment and would like to know if you are eligible for the program, contact Psychology Services. You may apply at any point in your sentence. However, inmates ordinarily enter treatment when they have between 24 to 42 months remaining on their sentence. If you are at the beginning of your sentence or have more than 48 months remaining on your sentence, you may want to wait before applying for the program.

### **Institution Specific Programs**

Psychology Services has a self-help library for USP inmates including books and audiovisual resources. If you would like to use the self-help library, you must submit an Inmate Request to a Staff Member in order to participate. When a group is to be offered, notices will be displayed via the TRULINCS Bulletin Board and inmates must submit an Inmate Request to a Staff Member in order to participate. These groups include Basic Cognitive Skills, Anger Management, and Criminal Thinking.

If you want to speak to a psychologist and it is not an emergency, you must submit an Inmate Request to a Staff Member with as much detail as possible and you will be placed on call-out. Due to USP/SCP Atwater being a care level 1 facility, individual therapy requiring ongoing sessions with a Psychologist is not possible. Follow-up needs will be determined by the attending Psychologist.

### **Confidentiality**

Security needs and the nature of a prison environment affect mental health care in a variety of ways. Confidentiality is an important component of the therapeutic relationship. However, in a prison environment, confidentiality must be weighed against institutional needs of safety and security.

In the community, certain situations require mental health providers to violate client confidentiality. For example, many states mandate reporting of child or elder abuse. Providers also must notify authorities if a client threatens suicide or serious harm to others. Similarly, prison mental health providers violate confidentiality when an inmate is at risk of serious harm to themselves or others, such as when an inmate presents a clear and present risk of escape or when an inmate is responsible for the creation of disorder within a facility. Confidentiality may also be limited when prison mental health providers share information on a need-to-know basis with prison officials or other federal law enforcement entities. For example, before you are transferred to an RRC, mental health providers must communicate your mental health needs to your unit team.

If you tell a staff member, including a Psychology Services staff member, you are going to harm or kill yourself or someone else, or engage in a behavior which jeopardizes the safety or security of the institution, confidentiality will be breached and the appropriate individuals will be notified on a need-to-know basis only. Simply put, there is no guarantee of confidentiality in the prison setting.

You can rely on the professional judgment of Psychology Services staff who conscientiously balance your confidentiality and the safety and security of the institution. Information which does not impact the safety and security of the institution, inmates, and staff, will not be shared. While these limitations on confidentiality may initially deter you from seeking treatment, I want to assure you the vast majority of inmates who receive psychological services are comfortable with the decisions staff make with regard to their confidentiality. If you have additional questions about confidentiality, be certain to discuss your concerns with Psychology Services staff.

**Escorted Trips**

Escorted trips provide approved inmates with staff escorted trips into the community for such purposes as receiving medical treatment not otherwise available, for visiting a critically ill member of the inmate's immediate family, or for participating in programs or work related functions. Additionally, bedside visits and funeral trips may be authorized for inmates with custody levels below maximum. All expenses will be borne by the inmate, except for the first eight hours of each day the employee is on duty. There are occasions, based on a determination, the perceived danger to BOP staff during the proposed visit is too great, or the security concerns about the individual inmate outweigh the need to visit the community.

**Central Inmate Monitoring System**

The Central Inmate Monitoring System (CIMS) is a method for the Agency 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.

**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. If an inmate requests permission to marry he must:

- Have a letter from the intended spouse which verifies their intention to marry.
- Demonstrate legal eligibility to marry.
- Be mentally competent.
- The marriage must not present a security risk to the institution.

Marriage procedures are detailed in the local Institution Supplement.

**Barber Shop**

Haircuts and hair care services are authorized in the barber shop only. Hours of operation will be posted in each housing unit and the barber shop.

**Medical Services**

The overall BOP health care delivery system includes local medical facilities as well as the major medical referral centers (MRC). Off-site emergency medical care is available 24-hours a day. For pressing issues, inmates may be triaged at sick call for evaluation of medical problems. Sick call is from 6:00 a.m. - 7:00 a.m., Monday, Tuesday, Thursday, and Friday. A co-pay fee may apply. Inmates must bring their commissary card for identification purposes when reporting to any appointment or other activity in Health Services. Inmates who become ill after the regular sick call appointment sign-up period should ask their work supervisor or unit officer to call the health service unit for an appointment. Inmates in the segregation unit are unable to sign up for sick call. For that reason, a medical staff member tours each such housing unit at least once every day.

**Periodic Examinations:** All newly committed inmates receive a complete physical examination within 14 days of admission. You will be assigned a medical duty status and determination of clearance to work.

Inmates may request a routine physical examination every two (2) years. This can be requested either through a written or electronic request to staff or through sick call. Health Services also offers and

provides age specific preventative health examinations (e.g., cancer screenings). Inmates under the age of 50 will be offered these services every three (3) years, while inmates over the age of 50 will be offered these services on an annual basis.

An inmate being released may request a medical evaluation if he has not had one within one (1) year prior to the projected release date.

**Emergency Medical Treatment:** All emergencies will be given priority for treatment. Appropriate medical care will be provided by institution Health Services staff. If you experience a medical emergency, or if you become injured or ill after clinic hours, it is your responsibility the nearest staff member. Action will be taken to have you seen in either the Health Services Unit or outside community hospital.

Medical coverage on evenings, weekends, and holidays is for the treatment of acute medical problems only. Medical staff is on duty 12 hours a day and seven days a week.

**Medications-Pill Line:** Controlled medications are dispensed at a prescribed location (the "pill line") during specified time periods. You must verbally identify yourselves and present your commissary ID at pill line for identification purposes. Inmates in segregation are provided their medication by staff in their cells. Inmates will pick up new non-controlled medications at the Pharmacy on weekdays during either the 6:00 a.m. or 4:30 p.m. pill line, Monday through Friday.

Medication refill requests are submitted through Trulincs. This allows inmates to request all refills which are not expired or are authorized for self-carry. The request will go directly to the pharmacy in Phoenix, Arizona. Refills take approximately four to five business days.

**Dental Sick Call:** All new admissions to the Bureau of Prisons will be scheduled for a dental examination within 30 days after their arrival. Dental sick call sign up is held consecutively with the medical sign-up. To request routine dental treatment (e.g., cleaning, fillings, false teeth, etc.), inmates need to submit an Inmate Request to Staff Member (Cop-Out) to the dental clinic and their name will be placed on a waiting list. A \$2.00 fee may apply. Emergency problems will be addressed and questions regarding dental treatment or waiting lists will be answered.

**On the Job Injuries:** If an inmate is injured while performing an assigned duty, he must immediately report the injury to his work supervisor. The work supervisor will then report the injury to the institution Environmental Safety and Compliance Administrator. The inmate may be disqualified from eligibility for lost-time wages or compensation if he fails to report a work injury promptly to the 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. (See Inmate Injury Compensation Handbook for details).

**Medical Co-Payments:** Pursuant to the Federal Prisoner Health Care Co-payment Act (FHCCA) of 2000 (P.L. 106-294, 18 U.S.C. 4048), the BOP and United States Penitentiary provide notice of the Inmate Co-payment Program for health care, effective October 3, 2005.

- **Application:** The Inmate Co-payment Program applies to anyone in an institution under the BOP jurisdiction and anyone who has been charged with or convicted of an offense against the United States.

- **Health Care Visits With a Fee:** You must pay a fee of \$2.00 for health care services, if you receive health care services in connection with a health care visit that you requested, except for services described in the section below. These requested appointments include Sick Call and after-hours requests to see a health care provider. If you ask a non-medical staff member to contact medical staff to request a medical evaluation, you may be charged a \$2.00 cop-pay fee for that visit. You must pay a fee of \$2.00 if you are found responsible through the Disciplinary Hearing Process to have injured an inmate who, as a result of the injury, requires a health care visit.
- **Health Care Visits With No Fee:** We will not charge a fee for
  - Health care services based on health care staff referrals
  - Health Care staff-approved follow-up treatment for a chronic condition
  - Preventive health care services
  - Emergency services
  - Prenatal Care
  - Diagnosis or treatment of chronic infectious diseases
  - Mental health care
  - Substance abuse treatment
- If a health care provider orders or approves any of the following, we will not charge a fee for:
  - Blood pressure monitoring
  - Glucose monitoring
  - Insulin injections
  - Chronic Care clinics
  - TB testing
  - Vaccinations
  - Wound care
  - Patient education

**Indigent Status:**

An indigent inmate is an inmate who has not had a trust fund account balance of \$6.00 for the past 30 days. If you are considered indigent, you will not have the co-pay fee deducted from your Inmate Commissary Account. If you are NOT indigent, but you do not have sufficient funds to make the co-pay fee on the date of the appointment, a debt will be established by TRUFACS, and the amount will be deducted as funds are deposited into your Inmate Commissary Account.

**Living Wills/Advance Directives:**

Inmates who wish to have a living will or advanced directive, must send an Inmate Request to Staff Member to the Health Services Administrator for proper documentation. Advanced Directives will only be honored at the Local Community Hospital or Medical Referral Centers.

**Glasses:**

You may purchase reading glasses from the commissary. The BOP will furnish prescription eyeglasses to any inmate requiring them, as documented through a professional BOP approved prescription. Federal Prison Industries, FCI Bunter, NC, is the only approved vendor at Government expense.

**Re-Entry:**

The Health Service Department offers free education for Health Promotion and Disease Prevention. Pamphlets are available to all inmates in the medical area. Please address all questions regarding any of the education topics to medical providers.

**Health Records:**

An inmate may request a copy of his medical record by forwarding an Inmate Request to Staff to the Medical Records Department. Allow 30 working days for your request to be processed. Please specify what portions of the medical record file you want copied.

Federal Bureau of Prisons Health Care Rights and Responsibilities

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

Your Health Care Rights:

1. You have the right to access health care services regardless of race, color, creed, sexual preference, or national origin. Health services include medical, mental health, dental and all support services. The Health Service Unit will charge a co-pay fee of \$2.00 for inmate requested visits to health care providers. Scheduled and emergency care will be provided at no personal expense. Health Services cannot be denied due to lack (verified) of personal funds to pay for your care.
2. You have the right to know the name and professional status of your health care providers and to be treated with respect, consideration and dignity to include consideration of psychosocial, spiritual and cultural variables that may influence the perceptions of illness.
3. You have the right to address any concern regarding your health care to any member of the Institution staff including the physician, the Health Services Administrator, members of your Unit Team, the Associate Warden and the Warden.
4. You have the right to provide the Bureau of Prisons with Advance Directives or a Living Will that would provide the BOP with instructions if you are admitted as an inpatient to a hospital. Care is not dependent on the existence of an Advance Directive.
5. You have the right to be provided with information regarding your diagnosis, treatment and prognosis. This includes the right to be informed of health care outcomes that differ significantly from the anticipated outcome.
6. You have the right to obtain copies of certain releasable portions of your health record.
7. You have the right to be examined in privacy.
8. You have the right to participate in health promotion and disease prevention programs, including those providing education regarding infectious diseases.
9. You have the right to report complaints of pain to your health care provider, have your pain assessed and managed in a timely and medically acceptable manner, be provided information about pain and pain management, as well as information on the limitations and side effects of pain treatments.

10. You have the right to receive prescribed medications and treatments in a timely manner, consistent with the recommendations of the prescribing health care provider.
11. You have the right to be provided healthy and nutritious food. You have the right to instruction regarding a Healthy diet.
12. You have the right to request a routine physical examination, as defined by Bureau of Prisons' Policy. (If you are under the age of 50, once every two years; if over the age of 50, once a year and within one year of your release).
13. You have the right to dental care as defined in Bureau of Prisons' Policy to include preventative services, emergency care and routine care.
14. You have the right to a safe, clean and healthy environment, including smoke-free living areas.
15. You have the right to refuse medical/mental health treatment in accordance with Bureau of Prisons' Policy. Refusal of certain diagnostic tests for infectious diseases can result in administrative action against you. You have the right to be counseled regarding the possible ill-effects of refusing medical treatment.
16. You have the right to be involved in all aspects of the decision making process regarding your medical/mental health care. Every effort will be made to honor your beliefs and expectations regarding the care provided.
17. You have the right to expect that your medical/mental health information will only be shared with individuals involved in your care as limited by state and federal laws. You may share your information with whomever you choose.
18. You have the right to receive care in a safe environment and to be free from neglect, exploitation, and all forms of abuse to include sexual, physical, mental, and verbal.
19. You have the right to refuse any experimental research, or educational activities that may be involved in your treatment plan without fear of reprisal.
20. You have the right to participate or refuse to participate in social, spiritual, or community activities and to refuse to speak with anyone not associated with this institution regarding your medical condition if this does not interfere with the terms of your incarceration.
21. You have the right to express personal values and practice cultural and spiritual beliefs provided they do not interfere with your treatment plan, other inmates, or the orderly running of the institution.
22. 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, medical, and dental treatment.
23. You have the right to freedom of religious affiliation and voluntary religious worship, to include access to pastoral and other spiritual services.

24. You have the right to unrestricted and confidential access to the courts by correspondence (on matters such as the legality of your conviction, civil matters, pending criminal cases, and conditions of your imprisonment).

25. The patient has the right to a wide range of reading materials for educational and recreational purposes with certain restrictions.

26. The patient has the right to participate in education, vocational training, and employment as far as resources are available, and in keeping with their interests, needs, and abilities

#### Your Responsibilities:

1. You have the responsibility to comply with the health care policies of your institution, and follow recommended treatment plans established for you, by your health care providers to include proper use of medications, proper diet, following all health related instructions with which you are provided, and keeping all appointments. You have the responsibility to pay an identified fee for any health care encounter initiated by yourself, excluding emergency care. You will also pay the fee for the care of any other inmate on whom you intentionally inflict bodily harm or injury.

2. You have the responsibility to treat these providers as professionals and follow their instructions to maintain and improve your overall health. You have the responsibility to treat staff in the same manner.

3. You have the responsibility to address your concerns in the accepted format, such as the *Inmate Request to Staff Member* form, main line, or the accepted *Inmate Grievance Procedures*.

4. You have the responsibility to provide the Bureau of Prisons with accurate information to complete this agreement. You are also responsible for contacting the Health Services Administrator for more information on formulating an Advance Directive. Advanced Directives will only be honored at the Local Community Hospital or Medical Referral Centers.

5. You have the responsibility of keeping information confidential, being prudent in deciding with whom to share your medical/mental health information.

6. You have the responsibility to be familiar with the current policy and abide by such to obtain these records.

7. You have the responsibility to comply with security procedures should security be required during your examination.

8. 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 or catching an infectious disease.

9. You have the responsibility to communicate with your health care provider honestly regarding your pain and your concerns about your pain. You also have the responsibility to adhere to the prescribed treatment plan and medical restrictions. It is your responsibility to keep your provider informed of both positive and negative changes in your condition to assure timely follow up.

10. You have the responsibility to be honest with your health care provider(s), 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. You have the responsibility to eat healthy and not abuse or waste food or drink.
12. You have the responsibility to notify medical staff you wish to have an examination.
13. You have the responsibility to maintain your oral hygiene and health.
14. You have the responsibility to maintain the cleanliness of personal and common areas and safety in consideration of others. You have the responsibility to follow smoking regulations.
15. You have the responsibility to notify Health Services regarding any ill-effects which occur as a result of your refusal. You also accept the responsibility to sign the treatment refusal form.
16. You have the responsibility to be actively involved in your medical/mental health care and to base your expectations on the reality of your illness.
17. You have the responsibility to report all cases of misconduct to institution staff.
18. You have the responsibility to voice your objection to these activities.
19. You have the responsibility to ensure your expression and practice is in accordance with national and local BOP policy.
20. It is your responsibility not to waste food, to follow the laundry and shower schedule, maintain neat and clean living quarters, keep your area free of contraband, and seek medical and dental care as you may need it.
21. You have the responsibility to recognize and respect the rights of others in this regard.
22. You have the responsibility to present honestly and fairly your petitions, questions, and problems to the court.
23. It is your responsibility to seek and utilize such materials for your personal benefit without depriving others of their equal rights to the use of this material.
24. 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 the use of such activities.

## **SEXUALLY TRANSMITTED DISEASES**

### Questions and Answers as You Enter This Correctional Facility

Your health is important to those who work in this facility. Medical staff members are willing to discuss any health concerns you have, including sexually transmitted diseases or STDs. If you have had unprotected sex (without a condom) with either a male or a female, you may have come into contact with

vaginal fluid, semen, and genital sores or lesions. This contact may have exposed you to an STD.

If you have had unsafe sex and have not been tested for STDs (or have any reason to think that you may have an STD), talk with the medical staff about your concern. Even if you were treated for an STD before coming to a correctional facility, if you have had unsafe sex, you may have been infected.

If you have an STD and don't get treatment, you may have worse health problems in the future.

**HIV Testing:** Health Services will offer and provide HIV testing to the inmate population. Inmates may request HIV testing via Inmate Request to Staff Member (BP-A0148). Voluntary testing is usually not performed more than once every 12 months. Mandatory testing is performed when there are risk factors and the test is clinically indicated and/or surveillance testing is required. Inmates must participate in mandatory HIV testing.

**Tuberculosis Testing:** Tuberculosis and Multiple Drug Resistant Tuberculosis cases are on the rise in the United States. People at higher risk of contracting tuberculosis are those in a close living environment such as inmates. Tuberculosis may be transmitted from one person to another by coughing, sneezing, or simple breathing. The bacteria must be inhaled and find its way into the respiratory system in order to cause infection. Tuberculosis is very infectious or communicable (easily spread from person to person).

All inmates shall receive mandatory, annual TB screening which requires a Tuberculin Skin Test (TST) be administered on all newly incarcerated inmates and annually as a follow-up.

### **Vaccinations:**

Health Services offers and provides preventative vaccinations both routinely and when clinically indicated. These vaccinations include the following:

- Influenza
- Pneumococcal
- Tetanus/Diphtheria/Pertussis (Tdap)
- Measles/Mumps/Rubella (MMR)
- Hepatitis A
- Hepatitis B

The vaccinations are provided based on age, sex, and identified risk factors in accordance with the Clinical Practice Guidelines for Preventative Healthcare and CDC guidelines.

All inmates who receive vaccinations will be provided information based on CDC Vaccine Information Statements. This information will include the risks and benefits of the vaccine including specific side effects that may occur.

Informed consents are recommended in accordance with state laws.

Health Services will maintain the immunization documentation in each inmate's health record.

## **CONTACT WITH THE COMMUNITY AND PUBLIC**

### **Correspondence**

In most cases, inmates are permitted to correspond with the public, family members, and others without

prior approval. Outgoing mail from a sentenced inmate in a minimum or low security institution may be sealed by the inmate and is sent out unopened and uninspected. Except for "special mail," outgoing mail from a sentenced inmate in a Medium or High security institution, or an administrative institution, may not be sealed by the inmate and may be read and inspected by staff. The outgoing envelope must have the inmate's committed name, register number, and complete institution return address in the upper left hand corner.

Inmates will be responsible for the contents of all of 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 result of classification. The inmate is notified of this placement and has the opportunity to respond. Mail service to inmates is ordinarily provided on a five-day schedule, Monday through Friday. Usually, weekend and holiday mail services are not provided.

### **Incoming Correspondence**

First class mail is distributed Monday through Friday (except holidays) by the evening watch Correctional Officer in each living unit. Legal and Special Mail will be distributed by Mail Room or Unit staff and opened in the presence of the inmate. Inmates are asked to advise those writing them to put the inmate's registration number and Housing Unit on the envelope to aid the prompt delivery of mail. All inmate packages must have prior authorization unless otherwise approved under BOP policy.

All incoming general correspondence envelopes and paper must be white in color. If an incoming general correspondence is in an envelope other than white, is written on paper other than white, is made from card stock, or contains drawings, writings, etc., made in crayon or marker it will be rejected.

All incoming general correspondence utilizing a label for either the recipient and/or sender will be rejected. The recipient and sender information must be completed either in ink or through address stamp.

All incoming general correspondence sprayed with fragrance, such as but not limited to perfume or cologne, will be rejected.

All "homemade" greeting cards will be rejected. Commercial greetings cards will be photocopied prior to delivery. You will not get to keep the commercial card.

All legal envelopes from attorneys will be photocopied prior to delivery. You will not get to keep the original envelopes.

Rejected correspondence will be handled consistent with the applicable provisions of federal regulation and BOP policy. Should you have any questions, you may address them to either the Captain or Associate Warden of Programs.

### **Incoming Publications**

The BOP permits inmates to subscribe to and receive publications without prior approval. The term publication means a book, booklet, pamphlet, or similar document, or a single issue of a magazine, periodical, newsletter, newspaper, plus such other materials addressed to a specific inmate, such as advertising brochures, flyers, and catalogs. An inmate may only receive soft cover publications and newspapers from the publisher, a book club, or a bookstore. At minimum and low security institutions, an inmate may receive softcover publications (other than newspapers) from any source. At medium, high,

and administrative institutions, an inmate may receive softcover publications only from the publisher, a book club, or a bookstore.

Inmates may receive no more than five soft cover books in a single mailing. To prevent the materials from becoming sanitation, security, and/or a housekeeping hazard, accumulation of the publications will be limited to no more than five soft cover books. Hard cover books are not permitted at USP Atwater. If you need a book that only comes in hard cover you must do an authorization to receive a package or property form (BP-331) through your Unit Team and they will verify it only comes in hard cover. Once the book has been authorized, a copy of the BP-331 must be on file in the mailroom before the book is ordered and sent in.

### **Special Mail**

Special Mail is a category of correspondence sent to the following: President and Vice President of the United States, the U.S. Department of Justice (including the BOP), U.S. Attorneys Offices, Surgeon General, U.S. Public Health Service, Secretary of the Army, Navy, or Air Force, U.S. Courts (including U.S. Probation Officers), 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 offices, attorneys, and representatives of the news media.

Special mail also includes correspondence received from the following: President and Vice President of the United States, attorneys, Members of the U.S. Congress, Embassies and Consulates, the U.S. Department of Justice (excluding the Bureau of Prisons but including U.S. Attorneys), other Federal law enforcement officers, State Attorneys General, Prosecuting Attorneys, Governors, U.S. Courts (including U.S. Probation Officers), and State Courts.

A designated staff member opens incoming Special Mail in the presence of the inmate. These items will be checked for physical contraband, funds, and for qualification as Special Mail; the correspondence will not be read or copied if the sender has adequately identified himself/herself on the envelope and the front of the envelope clearly indicates the correspondence is "Special Mail – Open only in the presence of the inmate" or with similar language. Without adequate identification as Special Mail, the staff may treat the mail as general correspondence. In this case, the mail may be opened, read, and inspected.

### **Inmate Correspondence with Representatives of the News Media**

An inmate may write, following Special Mail procedures, to representatives of the news media when specified by name and 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 BOP 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 media correspondence, and for content which is likely to promote either illegal activity or conduct contrary to BOP regulations.

### **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 (mother, father, sister, child, or spouse), or party in a current legal action (or a witness) in which both parties are involved. The Unit Manager at each institution must approve the correspondence if both inmates are

housed in Federal institutions.

### **Rejection of Correspondence**

The Warden may reject general 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 if it might facilitate criminal activity.

### **Notification of Rejection**

The Warden will give written notice to the sender concerning the rejection of mail and the reasons for rejection. The sender of the rejected correspondence may appeal the rejection. The inmate may also be notified of the rejection of correspondence and the reasons for it. The inmate also has the right to appeal the rejection. The Warden shall refer the appeal to a designated officer other than the one who originally disapproved the correspondence. Rejected correspondence ordinarily will be returned to the sender.

### **Change of Address/Forwarding of Mail**

Mail Room staff will make available to an inmate who is being released or transferred a change of address form. General correspondence (as opposed to special mail) will be forwarded to the new address for 30 days. After 30 days, general correspondence is returned to sender with the notation "Not at this address – return to sender." Staff will use all practical means to forward special mail. After 30 days, the SENTRY address will be used to forward special mail.

### **Certified/Registered Mail**

Inmates may use certified, registered, or insured mail services. Other mail services such as stamp collecting, express mail, cash on delivery (COD), and private carriers are not provided.

### **Telephones**

Telephone privileges are a supplemental means of maintaining community and family ties. Telephones are to be used for lawful purposes only. Threats, extortion, etc. may result in prosecution. All inmate telephones are subject to monitoring and recording. Inmates must contact their Case Manager to arrange an unmonitored attorney call.

While policy specifically allows inmates to make one call every three months, there is no specific limit on the number of phone calls an inmate may make. It is expected each inmate will handle his calls in such a manner which allows the equal use of the phones by all inmates. Calls are limited to fifteen (15) minutes in duration. Each inmate is allowed 300 minutes of calling time per month, unless on telephone restriction. Telephones will not be used to conduct a business.

Inmates are allowed to have thirty (30) approved numbers on their phone list. In order to use the system, you will have to transfer funds from your commissary account to your individual telephone account. There are telephones located in each housing unit for your use. No third party, credit card calls, 1-800, 1-900, 1-888, or 1-976 can be made on these lines. Collect calls can also be made to pre-approved telephone numbers.

Inmates will be given their SECRET PAC (nine digits) number by your Correctional Counselor. This will allow you to place a call by first entering the telephone number followed by your nine digit PAC number. Giving or selling your PAC number will result in disciplinary action. All calls are automatically terminated after fifteen (15) minutes. A waiting period may be established between calls.

It is each inmate's responsibility to maintain their PAC in a way to ensure no other inmate has access to it. Inmates found to be sharing their telephone account with other inmates will result in disciplinary action taken with all inmates involved. Third party telephone contact will also result in disciplinary action. This could include, but is not limited to, three way calls, call forwarding, the use of two or more telephones to communicate, and/or ANY circumstance in which the party called establishes third party telephone contact.

## **ACCESS TO LEGAL SERVICES**

### **Legal Correspondence**

Legal correspondence from attorneys will be treated as Special Mail if it is adequately marked. The envelope must be marked with the **attorney's name** and an indication he/she is an attorney and the front of the envelope must be marked as "Special Mail - open only in the presence of the inmate" or with similar language clearly indicating the particular correspondence qualifies as legal mail and the attorney is requesting the correspondence be opened only in the inmate's presence. It is the responsibility of the inmate to advise his/her attorney of these requirements. If legal mail is not adequately marked, it may be opened as general correspondence.

### **Attorney Visits**

Attorneys are encouraged to visit during regular visiting hours, by advance appointment. 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.

### **Legal Material**

During attorney visits, a reasonable amount of legal materials may be allowed in the visiting area, with prior approval. Legal material may be transferred, but is subject to inspection for contraband. Inmates are expected to handle the transfer of legal materials through the mail as often as possible.

### **Attorney Phone Calls**

In order to make an unmonitored phone call with an attorney, the inmate must demonstrate to the Unit Team the need, such as an imminent court deadline. Inmates are responsible for the expense of unmonitored attorney telephone calls. When possible, it is preferred that inmates place an unmonitored, collect legal call. Phone calls placed through the regular inmate phones are subject to monitoring.

### **Law Library**

Electronic Law Libraries (ELL): Inmates are afforded access to legal materials and an opportunity to prepare legal documents in the ELL. Resources are available for inmates to prepare legal material via Trust Fund.

### **Notary Public**

Notary Services are provided in the Lieutenants office at 9:00 a.m. on the last Friday of every month. Inmates needing notary services will complete a BP 199 and submit it to their respective Unit Team for processing. The notary fees are \$25.00, per stamp/signature and \$15.00, for additional documents requiring stamp/signature. Money must be on the inmates account the Thursday prior to the Notary services.

### **Copies of Legal Material**

In accordance with institution procedures, inmates may copy material necessary for their research or legal matters. A copy machine is available in the Education Department for inmate use for a nominal fee. Individuals who have no funds and who can demonstrate a clear need for particular copies may submit a

written request for a reasonable amount of free duplication through the unit team.

### **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 form by submitting an Inmate Request to Staff Member or requesting one through your Correctional Counselor.

### **Freedom of Information/Privacy Act of 1974**

The Privacy Act of 1974 forbids the release of information from agency records without a written request, or without the prior written consent of the individual to whom the record pertained, except for specific instances. All formal requests for access to records about another person and/or agency record other than those pertaining to themselves shall be processed through the Freedom of Information Act (FOIA), 5 USC 552. Requests may be made in writing to the FOIA Branch, Central Office, 320 First St., N.W., Washington, D.C. 20534.

### **Inmate Access to Central Files and Other Documents**

An inmate may request to view his central file (minus the FOIA section) under the supervision of his Case Manager by submitting a cop-out to the Unit Team. An inmate does not need to submit a FOIA Act Request to the Director of the BOP unless the information requested is in the FOIA Exempt section. Likewise, an inmate wishing to review his medical file should send a request to Health Services.

An inmate can request access to the non-disclosable documents in his central file and medical file, or other documents concerning himself that are not in his central file or medical file, by submitting a Freedom of Information Act Request to the Director of the BOP, Attention: FOI Request. A request on the 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. If a document is deemed to contain information exempt from disclosure, any reasonable part of the record will be provided to the attorney after the deletion of the exempt portions.

### **Executive Clemency**

The BOP 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 restores civil rights and facilitates the restoration of professional and other licenses that may have been lost by reason of the conviction. Other forms of executive clemency include commutation of sentence (reduction of sentence imposed after a 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 BOP also advises inmates on commutation of sentences. Commutation of sentence is usually the last chance to correct an injustice which has occurred in the criminal justice process. Inmates applying for commutation of sentence must do so on forms available from the assigned unit team. The rules governing these petitions are available in the Law Library.

### **Pardon**

A pardon may not be applied for until the expiration of at least five (5) years from the date of release from confinement. In some cases involving crimes of a serious nature, such as violation of Narcotics Laws,

Gun Control Laws, Income Tax Laws, Perjury, and violation of public trust involving personal dishonesty, fraud involving substantial sums of money, violations involving organized crime, or crimes of a serious nature, a waiting period of seven years is usually required.

### **Compassionate Release/Reduction in Sentence**

The Director of the Bureau of Prisons may motion an inmate's sentencing court for reduction in sentence (RIS) for an inmate presenting extraordinary and compelling circumstances. See 18 U.S.C. § 3582 and Program Statement on *Compassionate Release/Reduction in Sentence*. The BOP may consider both medical and non-medical circumstances. The BOP consults with the U.S. Attorney's Office that prosecuted the inmate and will notify any victims of the inmate's current offense. If the RIS is granted, the judge will issue an order for the inmate's release and he or she will then usually begin serving the previously imposed term of supervised release. If an inmate's RIS request is denied, the inmate will be provided a statement of reasons for the denial. The inmate may appeal a denial through the Administrative Remedy Procedure. Denials by the General Counsel or the Director are final agency decisions and are not appealable. Inmates who feel their request is of an emergency nature (e.g., a terminal medical condition) may state as such in accordance with the regulation. (See 28 CFR part 542, subpart B).

## **PROBLEM RESOLUTION**

### **Inmate Request to Staff Member**

An Inmate Request to Staff Member (form BP-S148), 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 in the living units from the Correctional Officer on duty. Staff members will answer the request within a reasonable period of time.

### **Administrative Remedy Process**

The BOP emphasizes and encourages the resolution of complaints. The first step of the Administrative Remedy process is to attempt an **Informal Resolution**, utilizing the appropriate Informal Resolution form. (See the Administrative Remedy Institution Supplement, Attachment A.) When an informal resolution is not successful, an inmate can access the Administrative Remedy Program. All Administrative Remedy forms may be obtained from your assigned Correctional Counselor or Unit Team member.

If the issue cannot be informally resolved, a formal complaint may be filed with a Request for Administrative Remedy (formerly BP-229), commonly referred to as a BP-9. The inmate may place a single complaint or related issues on the form. If the form contains multiple unrelated issues, the submission will be rejected. The inmate will return the completed BP-9 to the Correctional Counselor, who will deliver it to the Administrative Remedy Coordinator (BP-9 will be rejected unless processed through staff). The BP-9 complaint must be filed within twenty (20) 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 which should be documented in the complaint. Institution staff has twenty (20) calendar days to act on the complaint and to provide a written response to the inmate. This time limit for the response may be extended for an additional twenty (20) calendar days. The inmate will be notified of the extension.

If the inmate is not satisfied with the Warden's response to the BP-9, he may file an appeal to the Regional Director. This appeal must be received in the Regional Office within twenty (20) calendar days from the date of the BP-9 response. The regional appeal is filed on a Regional Administrative Remedy Appeal (form BP-230), commonly referred to as a BP-10, and must include the appropriate number of

copies of the BP-9 form, the Warden's response, and any exhibits. The regional appeal must be answered within thirty (30) calendar days, but the time limit may be extended an additional thirty (30) days. The inmate will be notified of the extension.

If the inmate is not satisfied with the Regional Director's response, he may appeal to the General Counsel in the Central Office. The national appeal must be made on the Central Office Administrative Remedy Appeal (form BP-231), commonly referred to as a BP-11, and must have the appropriate number of copies of the BP-9, BP-10, both responses, and any exhibits. The national appeal must be answered within forty (40) calendar days, but the time limit may be extended an additional twenty (20) days. The inmate will be notified of the extension.

When filing a Request for Administrative Remedy or an Appeal (BP-9, BP-10, or BP-11), the form should contain the following information:

- Statement of Facts
- Grounds for Relief
- Relief Requested
- 

### **Sensitive Complaints**

If an inmate believes a complaint is of a sensitive nature and 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 shall be accepted and a response to the complaint will be processed. If the Regional Director does not agree the complaint is sensitive, the inmate will be advised in writing of that determination and the complaint will be returned. The inmate may then pursue the matter by filing a BP-9 at the institution.

### **General Information**

When a complaint is determined to be of an emergency and threatens the inmate's immediate health or welfare, the reply must be made as soon as possible, usually within seventy-two (72) hours from the receipt of the complaint.

For detailed instructions see Program Statement 1330.18, [Administrative Remedy Program](#).

## **DISCIPLINARY PROCEDURES**

Inappropriate sexual behavior towards staff and other inmates will not be tolerated. Inappropriate sexual behavior is defined as verbal or physical conduct perceived as a sexual proposal, act, or threat. Examples of inappropriate inmate sexual behavior include: displaying sexually explicit materials; making sexually suggestive jokes, comments, proposals, and gestures; and engaging in stalking, indecent exposure, masturbation, or physical contact. Inmates who engage in this type of behavior will be disciplined and sanctioned accordingly, through the inmate discipline process.

### **Discipline**

The inmate discipline program helps ensure the safety, security, and orderly operation for all inmates. Violations of BOP rules and regulations are handled by the Unit Discipline Committee (UDC) and, for more serious violations, the Disciplinary Hearing Officer (DHO). Upon arrival at an institution, inmates are advised of the rules and regulations and are provided with copies of the Prohibited Acts and Available Sanctions, as well as local regulations.

**Inmate Discipline Information**

When a staff member witnesses or reasonably believes an inmate has committed a prohibited act, a staff member will issue an incident report, a written copy of the charges against an inmate. The incident report will ordinarily be delivered to the inmate within 24 hours of the time staff became aware of the inmate's involvement in the incident. If the incident is referred for prosecution, the incident report is delivered by the end of the next work day after it has been released for administrative processing. An informal resolution of the incident may be attempted at any stage of the discipline process. If an informal resolution is accomplished, the incident report will be removed from the inmate's central file. Informal resolution is encouraged for all violations in the Moderate and Low severity categories. Staff may suspend disciplinary proceedings up to two calendar weeks while informal resolution is undertaken. If an informal resolution is not accomplished, staff will reinstate the discipline process at the stage at which they were suspended. Violations in the Greatest and High severity categories cannot be informally resolved and must be forwarded to the DHO for final disposition.

**Initial Hearing**

Inmates will ordinarily be given an initial hearing within five (5) work days after the incident report is issued, excluding the day it was issued, weekends, and holidays. The Warden must approve, in writing, the any extension over five (5) days. The inmate is entitled to be present at the initial hearing and may make statements and present documentary evidence. The UDC must give its decision in writing to the inmate by the close of the next work day. The UDC may make findings on Moderate and Low severity offenses. The UDC will automatically refer Greatest and High severity offenses to the DHO for final disposition.

**Discipline Hearing Officer (DHO)**

The Disciplinary Hearing Officer (DHO) conducts disciplinary hearings on all Greatest and High severity prohibited acts and other violations referred by the UDC at the Moderate and Low severity levels. The DHO may not hear any case not referred by the UDC. An inmate will be provided with advance written notice of the charge(s) not less than 24 hours before the inmate's appearance before the DHO. Inmates may waive this requirement. Inmates may appear before the DHO either in person or electronically (for example, by video or telephone conferencing). The Warden provides a full-time staff member to represent an inmate, if requested. An inmate may make statements and present documentary evidence on his or her behalf. The inmate may request witnesses appear at the DHO hearing to provide statements. The DHO will call witnesses who have information directly relevant to the charge(s) and are reasonably available. The DHO will request a statement from all unavailable witnesses whose testimony is deemed relevant. Inmates may not question a witness at the hearing; however, the staff representative and/or the DHO will question the witness(es). An inmate may submit a list of questions for the witness(es) to the DHO if there is no staff representative. An inmate has the right to be present throughout the DHO hearing, except during deliberations. The inmate charged may be excluded during appearances of outside witnesses or when institution security may be jeopardized. The DHO may postpone or continue a hearing for good cause or disposition when the case does not warrant DHO involvement, or may refer an incident report back for further investigation or review. The DHO will give the inmate a written copy of the decision and disposition, ordinarily within 15 days of the decision.

**Appeals of Disciplinary Actions**

Appeals of all disciplinary actions may be made through the Administrative Remedy Program. The initial reviewing official for the UDC is the Warden. The decision of the DHO is final and subject to review only by the Regional Director through the Administrative Remedy program. Appeals are made to the Regional Director (BP-230) and the General Counsel (BP-231). On appeal, the reviewing authority

(Warden, Regional Director, or General Counsel) considers:

- Whether the UDC or DHO substantially complied with regulations on inmate discipline.
- Whether the UDC or DHO based its decision on facts. If there is conflicting evidence, whether the decision was based on the greater weight of the evidence.
- Whether an appropriate sanction was imposed for the severity level of the prohibited act, and other relevant circumstances.

### **Special Housing Unit Status**

Special Housing Units (SHUs) are housing units in BOP institutions where inmates are securely separated from the general inmate population, and may be housed either alone or with other inmates. SHU helps ensure the safety, security, and orderly operation of correctional facilities, and protect the public by providing alternative housing assignments for inmates removed from the general population.

When placed in the SHU, you are either in administrative detention (A/D) status or disciplinary segregation (D/S) status.

Administrative detention (A/D) status: A/D is an administrative status which removes you from the general population when necessary to ensure the safety, security, and orderly operation of correctional facilities, or protect the public. Administrative detention status is non-punitive, and can occur for a variety of reasons.

You may be placed in A/D status for the following reasons:

(a) Pending Classification or Reclassification: You are a new commitment pending classification or under review for Reclassification. This includes newly arrived inmates from the bus, airlift, and U. S. Marshals Service.

(b) Holdover Status: You are in holdover status during transfer to a designated institution or other destination.

(c) Removal from general population: Your presence in the general population poses a threat to life, property, self, staff, other inmates, the public, or to the security or orderly running of the institution and:

(1) Investigation: You are under investigation or awaiting a hearing for possibly violating a Bureau regulation or criminal law;

(2) Transfer: You are pending transfer to another institution;

(3) Protection cases: You requested, or staff determined, you require administrative detention status for your own protection; or

(4) Post-disciplinary detention: You are ending confinement in disciplinary segregation status, and your return to the general population would threaten the safety, security, and orderly operation of a correctional facility, or public safety.

When placed in A/D status, you will receive a copy of the administrative detention order, ordinarily within 24 hours, detailing the reason(s) for your placement. However, when placed in A/D status pending classification or while in holdover status, you will not receive an administrative detention order. In A/D status you are ordinarily allowed a reasonable amount of personal property and reasonable access to the

commissary.

Disciplinary segregation (D/S) status: D/S is a punitive status imposed only by the Discipline Hearing Officer (DHO) as a sanction for committing a prohibited act(s). When you are placed in D/S status, as a sanction for violating BOP regulations, you will be informed by the DHO at the end of your discipline hearing.

In D/S status, your personal property will be impounded, with the exception of limited reading/writing materials and religious articles. Your commissary privileges may also be limited. In either status, your amount of personal property may be limited for reasons of fire safety or sanitation. The Warden may modify the quantity and type of personal property allowed. Personal property may be limited or withheld for reasons of security, fire safety, or housekeeping. The unauthorized use of any authorized item may result in the restriction of the item. If there are numerous misuses of an authorized item, the Warden may determine the item will not be issued in the SHU.

Program staff, including unit staff, will arrange to visit inmates in a SHU within a reasonable time after receiving the inmate's request. A Health Services staff member will visit you daily to provide necessary medical care. While in SHU, you may continue taking your prescribed medications. In addition, after every 30 calendar days of continuous placement in either A/D or D/S status, a Mental Health staff will examine and interview you.

The restriction or denial of exercise will not be used as punishment, but may be restricted or denied when the inmate's activities pose a threat to the safety, security and orderly operation of the institution, or health conditions of the unit. Staff may recommend recreation restrictions to a supervisor who then makes the recommendation to the Warden in writing. The SHU Lieutenant, or a designee Lieutenant, may deny recreation privileges on a specific day, so long as the inmate is afforded recreation at least five hours per week, ordinarily on different days in one-hour periods.

The duress buttons in cells will be utilized only for emergency and/or life threatening situations, to include health related issues. The use of the duress button for anything other than an emergency and/or life threatening situation will result in disciplinary action.

## **RELEASE**

### **Sentence Computation**

The Designation and Sentence Computation Center (DSCC), located in Grand Prairie, Texas, is responsible for the computation of inmate sentences. Once staff at the DSCC have certified the sentence computation as being accurate, staff will provide the inmate with a copy of his or her sentence computation data. Any questions concerning good time, jail time credit, parole eligibility dates, full term dates, or release dates are resolved by staff upon inmate request for clarification.

### **Fines and Costs**

In addition to jail time, the court may impose committed or non-committed fines and/or costs. Committed fines mean the inmate will remain in prison until the fine is paid, makes arrangements to pay the fine, or qualifies for release under the provisions of Title 18 USC, Section 3569 (Discharge of indigent prisoner). Non-committed fines have no condition of imprisonment based on payment of fines or costs. Payments for a non-committed fine or cost are not required for release from prison or transfer to a contract residential reentry center.

**Detainers**

Case management 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 the staff can assist in such matters as these will depend on individual circumstances.

The Interstate Agreement on Detainers Act (IADA) allows for the disposition of untried charges, indictments, information, or complaints that have been lodged as a detainer by party states. The United States of America, the District of Columbia, and any U.S. state or territory that has codified the IADA into its statutes have been identified as party states. The states of Mississippi and Louisiana, the Commonwealth of Puerto Rico, and the territories have not joined the IADA to date.

**Good Conduct Good Time**

This applies to inmates sentenced for an offense committed on or after November 1, 1987, under the Sentencing Reform Act of 1984 (SRA), the Violent Crime Control Law Enforcement Act (VCCLEA), or Prison Litigation Reform Act (PLRA).

The SRA became law on November 1, 1987. The two most significant changes made to sentencing statutes concern good time and parole issues. There are no provisions for parole under the SRA. The only good time available under the SRA is 54 days of Good Conduct Time (GCT) for each year served on the sentence. No GCT is applied to life terms, or to sentences of 1 year or less. Good time is not awarded under the SRA until the end of each year served on the sentence, and may be awarded in part or in whole, contingent upon behavior during the year. Once awarded, GCT earned under the SRA is vested, and may not be forfeited at a later time.

For inmates convicted under the VCCLEA, for offenses committed from September 13, 1994, through April 25, 1996, the 54 days of GCT earned for each year served on the sentence will not vest if an inmate does not have a high school diploma or a GED, and the inmate is not making satisfactory progress toward earning a GED. Unsatisfactory progress is determined by the institution Education Department.

For inmates sentenced under the PLRA, for offenses committed on or after April 26, 1996, the GCT earned for time spent in service of the sentence does not vest. In addition, if an inmate does not have a high school diploma or a GED, and the inmate is not making satisfactory progress toward earning a GED, only 42 days of GCT will be earned for each year in the service of the sentence. Unsatisfactory progress is determined by the institution Education Department.

The amount of GCT an inmate is eligible to receive is based on the amount of time served on the sentence, not the length of the sentence. This calculation method has been upheld by the U.S. Supreme Court.

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

Good Time awarded by the BOP under statutes enacted prior to November 1, 1987, has the effect of reducing the stated term of the sentence that is, it advances the date when release will be 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.

### **Statutory Good Time**

Under 18 U.S. Code 4161, an offender sentenced to a definite term of six months or more is entitled a deduction from his term, computed as follows, if the offender has faithfully observed the rules of the institution and has not been disciplined:

Not greater than one year - 5 days for each month of the not less than six months or more than one year sentence.

More than 1 year, less than 3 years - 6 days for each month of the stated sentence.

At least 3 years, less than 5 years - 7 days for each month of the stated sentence.

At least 5 years, less than 10 years - 8 days for each month of the stated sentence.

10 years or more - 10 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.

**The following applies only to inmates sentenced for an offense committed prior to November 1, 1987.**

### **Extra Good Time**

The BOP awards extra good time credit for performing exceptionally meritorious service, 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 nor the DHO may forfeit or withhold extra good time.

The Warden may disallow or terminate the awarding of any type of Extra Good Time (except for lump sum awards), but only in a non-disciplinary context and only upon recommendation of staff. The DHO may disallow or terminate the awarding of any type of Extra Good Time, (except lump sum awards) as a disciplinary sanction. Once an awarding of meritorious good time has been terminated, the Warden must approve a new staff recommendation in order for the award to recommence. A disallowance means that an inmate does not receive an Extra Good Time award for only one calendar month. A disallowance must be for the entire amount of extra good time for that 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 RRC 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 a camp is automatically awarded Extra Good Time, beginning on the date of commitment to the camp, and continuing as long as the inmate is assigned to the camp 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 service that is not a part of a regularly assigned duty. The Warden may make lump sum awards of Extra Good Time of not more than thirty (30) days. If the recommendation is for more than thirty days, and the Warden agrees, the Warden will refer the recommendation to the Regional Director, who may approve the award.

### **Good Time Procedures**

Extra Good Time is awarded at a rate of three days per month during the first twelve months, and at the 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.

### **Parole**

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

Federal inmates sentenced prior to 1987 are ordinarily permitted an opportunity to appear before the Parole Commission within 120 days of commitment (EXEMPTIONS: inmates sentenced before September 6, 1977 and inmates with a minimum parole eligibility of ten years). Inmates sentenced in the District of Columbia Superior Court who are eligible for parole will normally receive a parole hearing 180 days prior to their parole eligibility date. If the inmate chooses not to appear before the Parole Board for the initial hearing, a waiver must be given to the Case Manager prior to the time of the scheduled parole hearing. This waiver will be made 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 60 days before the first day of the month of the hearings. The Parole Board conducts hearings at most Bureau institutions every two months.

Applications, to the Parole Commission for a hearing, are 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 examiner must be confirmed by the Regional Office of the Parole Board. This confirmation usually takes three to four weeks and is made through the mail on a form called a Notice of Action. Federal inmates may appeal a decision made the Parole Commission by obtaining the appropriate forms from the Case Manager. Inmates with a District of Columbia Superior Court case cannot appeal a decision made by the Parole Commission. If granted a presumptive parole date (a parole date more than six 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 deportation. The inmate should have an approved residence and an approved employer before being released on parole.

### **Residential Reentry Center Placement**

Inmates who are nearing release, and who need assistance in obtaining a job, residence or other community resources, may be referred for at a RRC.

The Residential Reentry Management Regional Administrator supervises services provided to offenders

housed in contract facilities and participating in specialized programs in the community. The Residential Reentry Manager (RRM) links the BOP with the U.S. Courts, other Federal agencies, State and local governments, and the community. Located strategically throughout the country, the RRM is responsible for developing and maintaining a variety of contract facilities and programs, working under the supervision of the appropriate regional administrator.

Community programs have two major emphases: residential community-based programs provided by RRCs and programs which provide intensive nonresidential supervision to offenders in the community.

### **Community-Based Residential Programs**

The community-based residential programs available include both typical RRCs and work release programs provided by local detention facilities. The RRCs provide a suitable residence, structured programs, job placement and counseling while monitoring the offender's activities. They also provide drug testing and counseling, and alcohol monitoring and treatment. While in these programs, employed offenders are required to pay subsistence to help defray the cost of their confinement. The inmate's payment rate during RRC residence is 25 percent of the inmate's gross income.

Most BOP community-based residential programs are provided in RRCs. These facilities contract with the BOP to provide residential correctional programs near the offender's home community. RRCs are used primarily for three types of offenders:

- Those nearing release from a BOP institution, as a transitional service while the offender is finding a job, locating a place to live, and reestablishing family ties.
- Those under community supervision who need guidance and supportive services beyond what can be provided through regular supervision by U.S. Probation.
- Those serving short sentences of imprisonment and terms of community confinement.

Each RRC now provides two components within one facility, a prerelease component and a community corrections component. The prerelease component assists offenders making the transition from an institutional setting to the community, or as a resource while under supervision. The community corrections component is more restrictive. Except for employment and other required activities, the offenders are required to remain at the RRC, where recreation, visiting, and other activities are provided in-house.

The other option for community-based residential programming is local detention facilities. Some local jails and detention centers are used to confine offenders serving short sentences. Many have work release programs where an offender is employed in the community during the day and returns to the institution at night. These facilities may also be used for offenders sentenced to terms of intermittent confinement such as nights, weekends, or other short intervals. Some of these local facilities have work release programs similar to the community corrections component in a RRC, serving to facilitate the transition from the institution to the community.

### **The Adam Walsh Child Protection and Safety Act**

The Adam Walsh Child Protection and Safety Act (Pub.L. 109-248) was signed into law on July 27, 2006. The legislation organizes sex offenders into 3 tiers, and mandates that Tier 3 offenders update their whereabouts every 3 months. It makes failure to register and update information a felony. It also creates a national sex offender registry and instructs each state and territory to apply identical criteria for posting offender data on the Internet (i.e., offender's name, address, date of birth, place of employment, photograph, etc.).

### **INMATE RIGHTS AND RESPONSIBILITIES**

RIGHT-You have the right to expect that you will be treated in a respectful, impartial, and fair in the same manner.

RESPONSIBILITY-You are responsible for treating inmates and staff manner by all staff.

RIGHT-You have the right to be informed of the rules, procedures, and schedules concerning the operation of the institution.

RESPONSIBILITY-You have the responsibility to know and abide by them.

RIGHT-You have the right to freedom of religious affiliation, and voluntary religious worship.

RESPONSIBILITY-You have the responsibility to recognize and respect the rights of others in this regard.

RIGHT-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, and a regular exercise period, toilet articles and medical and dental treatment.

RESPONSIBILITY-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 seek medical and dental care as you may need it.

RIGHT-You have the right to visit and correspond with family members, and friends, and correspond with members of the news media in accordance with Bureau rules and institution guidelines.

RESPONSIBILITY-It is your responsibility to conduct yourself properly during visits. You will not engage in inappropriate conduct during visits to include sexual acts and introduction of contraband and not to violate the law or Bureau guidelines through correspondence.

RIGHT-You have the right to unrestricted and confidential access to the courts by correspondence (on matters such as the legality of your conviction, civil matters, pending criminal cases, and conditions of your imprisonment).

RESPONSIBILITY-You have the responsibility to present honestly and fairly your petitions, questions, and problems to the court.

RIGHT-You have the right to legal counsel from an attorney of your choice by interviews and correspondence.

RESPONSIBILITY-It is your responsibility use the services of an attorney honestly and fairly.

RIGHT-You have the right to participate in the use of 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.

RESPONSIBILITY-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 the use of the materials and assistance.

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

RESPONSIBILITY-It is your responsibility to seek and utilize such materials for your personal benefit, without depriving others of their equal rights to the use of this material.

RIGHT-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.

RESPONSIBILITY-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 the use of such activities.

RIGHT-You have the right to use your funds for commissary and other purchases, consistent with institution security and good order, for opening bank and/or savings accounts, and for assisting your family, in accordance with Bureau rules.

RESPONSIBILITY-You have the responsibility to meet your financial and legal obligations, including, but not limited to, DHO and 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.

### **PROHIBITED ACTS AND AVAILABLE SANCTIONS**

#### GREATEST SEVERITY LEVEL PROHIBITED ACTS

- 100 Killing.
- 101 Assaulting any person, 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 accomplished).
- 102 Escape from escort; escape from any secure or non-secure institution, including community confinement; escape from unescorted community program or activity; escape from outside a secure institution.
- 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).
- 104 Possession, manufacture, or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive, ammunition, or any instrument used as a weapon.
- 105 Rioting.
- 106 Encouraging others to riot.
- 107 Taking hostage(s).
- 108 Possession, manufacture, introduction, or loss 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.*, hacksaw blade, body armor, maps, handmade rope, or other escape paraphernalia, portable telephone, pager, or other electronic device).
- 109 (Not to be used).

- 110 Refusing to provide a urine sample; refusing to breathe into a Breathalyzer; refusing to take part in other drug-abuse testing.
- 111 Introduction or making of any narcotics, marijuana, drugs, alcohol, intoxicants, or related paraphernalia, not prescribed for the individual by the medical staff.
- 112 Use of any narcotics, marijuana, drugs, alcohol, intoxicants, or related paraphernalia, not prescribed for the individual by the medical staff.
- 113 Possession of any narcotics, marijuana, drugs, alcohol, intoxicants, or related paraphernalia, not prescribed for the individual by the medical staff.
- 114 Sexual assault of any person, involving non-consensual touching by force or threat of force.
- 115 Destroying and/or disposing of any item during a search or attempt to search.
- 196 Use of the mail for an illegal purpose or to commit or further a Greatest category prohibited act.
- 197 Use of the telephone for an illegal purpose or to commit or further a Greatest category prohibited act.
- 198 Interfering with a staff member in the performance of duties most like another Greatest severity prohibited act. This charge is to be used only when another charge of Greatest severity is not accurate. The offending conduct must be charged as “most like” one of the listed Greatest severity prohibited acts.
- 199 Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another Greatest severity prohibited act. This charge is to be used only when another charge of Greatest severity is not accurate. The offending conduct must be charged as “most like” one of the listed Greatest severity prohibited acts.

#### AVAILABLE SANCTIONS FOR GREATEST SEVERITY LEVEL PROHIBITED ACTS

- A. Recommend parole date rescission or retardation.
- B. Forfeit and/or withhold 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).
  - 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).
- C. Disciplinary segregation (up to 12 months).
- D. Make monetary restitution.
- E. Monetary fine.
- F. Loss of privileges (*e.g.*, visiting, telephone, commissary, movies, recreation).

- G. Change housing (quarters).
- H. Remove from program and/or group activity.
- I. Loss of job.
- J. Impound inmate's personal property.
- K. Confiscate contraband.
- L. Restrict to quarters.
- M. Extra duty.

#### HIGH SEVERITY LEVEL PROHIBITED ACTS

- 200 Escape from a work detail, non-secure institution, or other non-secure confinement, including community confinement, with subsequent voluntary return to Bureau of Prisons custody within four hours.
- 201 Fighting with another person.
- 202 (Not to be used).
- 203 Threatening another with bodily harm or any other offense.
- 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.
- 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.
- 209 Adulteration of any food or drink.
- 210 (Not to be used).
- 211 Possessing any officer's or staff clothing.
- 212 Engaging in or encouraging a group demonstration.
- 213 Encouraging others to refuse to work, or to participate in a work stoppage.

- 214 (Not to be used).
- 215 (Not to be used).
- 216 Giving or offering an official or staff member a bribe, or anything of value.
- 217 Giving money to, or receiving money from, any person for the purpose of introducing contraband or any other illegal or prohibited purpose.
- 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 (including data obtained through the unauthorized use of a communications device, or through unauthorized access to disks, tapes, or computer printouts or other automated equipment on which data is stored).
- 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 by staff).
- 221 Being in an unauthorized area with a person of the opposite sex without staff permission.
- 222 (Not to be used).
- 223 (Not to be used).
- 224 Assaulting any person (a charge at this level is used when less serious physical injury or contact has been attempted or accomplished by an inmate).
- 225 Stalking another person through repeated behavior which harasses, alarms, or annoys the person, after having been previously warned to stop such conduct.
- 226 Possession of stolen property.
- 227 Refusing to participate in a required physical test or examination unrelated to testing for drug abuse (e.g., DNA, HIV, tuberculosis).
- 228 Tattooing or self-mutilation.
- 229 Sexual assault of any person, involving non-consensual touching without force or threat of force.
- 231 Requesting, demanding, pressuring, or otherwise intentionally creating a situation, which causes an inmate to produce or display his/her own court documents for any unauthorized purpose to another inmate.

- 296 Use of the mail for abuses other than criminal activity which circumvent mail monitoring procedures (e.g., use of the mail to commit or further a High category prohibited act, special mail abuse; writing letters in code; directing others to send, sending, or receiving a letter or mail through unauthorized means; sending mail for other inmates without authorization; sending correspondence to a specific address with directions or intent to have the correspondence sent to an unauthorized person; and using a fictitious return address in an attempt to send or receive unauthorized correspondence).
- 297 Use of the telephone for abuses other than illegal activity which circumvent the ability of staff to monitor frequency of telephone use, content of the call, or the number called; or to commit or further a High category prohibited act.
- 298 Interfering with a staff member in the performance of duties most like another High severity prohibited act. This charge is to be used only when another charge of High severity is not accurate. The offending conduct must be charged as “most like” one of the listed High severity prohibited acts.
- 299 Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another High severity prohibited act. This charge is to be used only when another charge of High severity is not accurate. The offending conduct must be charged as “most like” one of the listed High severity prohibited acts.

#### AVAILABLE SANCTIONS FOR HIGH SEVERITY LEVEL PROHIBITED ACTS

- A. Recommend parole date rescission or retardation.
- B. Forfeit and/or withhold 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).
- 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).
- C. Disciplinary segregation (up to 6 months).
- D. Make monetary restitution.
- E. Monetary fine.
- F. Loss of privileges (e.g., visiting, telephone, commissary, movies, recreation).
- G. Change housing (quarters).
- H. Remove from program and/or group activity.
- I. Loss of job.
- J. Impound inmate’s personal property.

- K. Confiscate contraband.
- L. Restrict to quarters.
- M. Extra duty.

#### MODERATE SEVERITY LEVEL PROHIBITED ACTS

- 300 Indecent Exposure.
- 301 (Not to be used).
- 302 Misuse of authorized medication.
- 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.
- 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 as part of a drug-abuse test would be charged as 110).
- 308 Violating a condition of a furlough.
- 309 Violating a condition of a community program.
- 310 Unexcused absence from work or any program assignment.
- 311 Failing to perform work as instructed by the supervisor.
- 312 Insolence towards a staff member.
- 313 Lying or providing a false statement to a staff member.
- 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).
- 315 Participating in an unauthorized meeting or gathering.

- 316 Being in an unauthorized area without staff authorization.
- 317 Failure to follow safety or sanitation regulations (including safety regulations, chemical instructions, tools, MSDS sheets, OSHA standards).
- 318 Using any equipment or machinery without staff authorization.
- 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.
- 329 Destroying, altering, or damaging government property, or the property of another person, having a value of \$100.00 or less.
- 330 Being unsanitary or untidy; failing to keep one's person or quarters in accordance with posted standards.
- 331 Possession, manufacture, introduction, or loss of a non-hazardous tool, equipment, supplies, or other non-hazardous contraband (tools 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, cosmetics, cleaning supplies, smoking apparatus and tobacco in any form where prohibited, and unauthorized nutritional/dietary supplements).
- 332 Smoking where prohibited.
- 333 Fraudulent or deceptive completion of a skills test (*e.g.*, cheating on a GED, or other educational or vocational skills test).
- 334 Conducting a business; conducting or directing an investment transaction without staff authorization.

- 335 Communicating gang affiliation; participating in gang related activities; possession of paraphernalia indicating gang affiliation.
- 336 Circulating a petition.
- 396 Use of the mail for abuses other than criminal activity which do not circumvent mail monitoring; or use of the mail to commit or further a Moderate category prohibited act.
- 397 Use of the telephone for abuses other than illegal activity which do not circumvent the ability of staff to monitor frequency of telephone use, content of the call, or the number called; or to commit or further a Moderate category prohibited act.
- 398 Interfering with a staff member in the performance of duties most like another Moderate severity prohibited act. This charge is to be used only when another charge of Moderate severity is not accurate. The offending conduct must be charged as “most like” one of the listed Moderate severity prohibited acts.
- 399 Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another Moderate severity prohibited act. This charge is to be used only when another charge of Moderate severity is not accurate. The offending conduct must be charged as “most like” one of the listed Moderate severity prohibited acts.

#### AVAILABLE SANCTIONS FOR MODERATE SEVERITY LEVEL PROHIBITED ACTS

- A. Recommend parole date rescission or retardation.
- B. Forfeit and/or withhold 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).
- 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).
- C. Disciplinary segregation (up to 3 months).
- D. Make monetary restitution.
- E. Monetary fine.
- F. Loss of privileges (*e.g.*, visiting, telephone, commissary, movies, recreation).
- G. Change housing (quarters).
- H. Remove from program and/or group activity.
- I. Loss of job.
- J. Impound inmate’s personal property.

- K. Confiscate contraband.
- L. Restrict to quarters.
- M. Extra duty.

#### LOW SEVERITY LEVEL PROHIBITED ACTS

- 400 (Not to be used).
- 401 (Not to be used).
- 402 Malingering, feigning illness.
- 403 (Not to be used).
- 404 Using abusive or obscene language.
- 405 (Not to be used).
- 406 (Not to be used).
- 407 Conduct with a visitor in violation of Bureau regulations.
- 408 (Not to be used).
- 409 Unauthorized physical contact (e.g., kissing, embracing).
- 498 Interfering with a staff member in the performance of duties most like another Low severity prohibited act. This charge is to be used only when another charge of Low severity is not accurate. The offending conduct must be charged as “most like” one of the listed Low severity prohibited acts.
- 499 Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another Low severity prohibited act. This charge is to be used only when another charge of Low severity is not accurate. The offending conduct must be charged as “most like” one of the listed Low severity prohibited acts.

#### AVAILABLE SANCTIONS FOR LOW SEVERITY LEVEL PROHIBITED ACTS

- 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).
- C. Make monetary restitution.

- D. Monetary fine.
- E. Loss of privileges (e.g., visiting, telephone, commissary, movies, recreation).
- F. Change housing (quarters).
- G. Remove from program and/or group activity.
- H. Loss of job.
- I. Impound inmate's personal property.
- J. Confiscate contraband
- K. Restrict to quarters.
- L. Extra duty.

Table 2. ADDITIONAL AVAILABLE SANCTIONS FOR REPEATED PROHIBITED ACTS WITHIN THE SAME SEVERITY LEVEL

Prohibited Act Severity Level	Time Period for Prior Offense (same code)	Frequency of Repeated Offense	Additional Available Sanctions
Low Severity (400 level)	6 months	2 <sup>nd</sup> offense  3 <sup>rd</sup> or more offense	1. Disciplinary segregation (up to 1 month). 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).  Any available Moderate severity level sanction (300 series).
Moderate Severity (300 level)	12 months	2 <sup>nd</sup> offense  3 <sup>rd</sup> or more offense	1. Disciplinary segregation (up to 6 months). 2. Forfeit earned SGT or non-vested GCT up to 37 1/2% or up to 45 days, whichever is less, and/or terminate or disallow EGT (an EGT sanction may not be suspended).  Any available High severity level sanction (200 series).
High Severity (200 level)	18 months	2 <sup>nd</sup> offense  3 <sup>rd</sup> or more offense	1. Disciplinary segregation (up to 12 months). 2. Forfeit earned SGT or non-vested GCT up to 75% or up to 90 days, whichever is less, and/or terminate or disallow EGT (an EGT sanction may not be suspended).  Any available Greatest severity level sanction (100 series).
Greatest Severity (100 level)	24 months	2 <sup>nd</sup> or more offense	Disciplinary Segregation (up to 18 months).

**U. S. Department of Justice  
Federal Bureau of Prisons**



**Sexually Abusive Behavior  
Prevention and Intervention**

An Overview for Offenders

### **You Have the Right to be Safe from Sexually Abusive Behavior**

The Federal Bureau of Prisons has a zero tolerance policy against sexual abuse and sexual harassment. While you are incarcerated, **no one has the right to pressure you to engage in sexual acts.**

You do not have to tolerate sexually abusive/harassing behavior or pressure to engage in unwanted sexual behavior from another inmate or a staff member. Regardless of your age, size, race, ethnicity, gender or sexual orientation, you have the right to be safe from sexually abusive behavior.

### **What Can You Do To Prevent Sexually Abusive Behavior?**

Here are some things you can do to protect yourself and others against sexually abusive behavior:

- Carry yourself in a confident manner at all times. Do not permit your emotion (fear/anxiety) to be obvious to others.
- Do not accept gifts or favors from others. Most gifts or favors 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 others 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.
- Stay in well lit areas of the institution.
- Choose your associates wisely. Look for people who are involved in positive activities like educational programs, psychology groups, or religious services. Get involved in these activities.
- 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.

### **What Can You Do if You Are Afraid or Feel Threatened?**

If you are afraid or feel you are being threatened or pressured to engage in sexual behaviors, you should discuss your concerns with staff. Because this can be a difficult topic to discuss, some staff, like psychologists, are specially trained to help you deal with problems in this area.

If you feel immediately threatened, approach any staff member and ask for assistance. It is part of his/her job to ensure your safety. If it is a staff member that is threatening you, report your concerns immediately to another staff member that you trust, or follow the procedures for making a confidential report.

### **What Can You Do if You Are Sexually Assaulted?**

If you become a victim of a sexually abusive behavior, **you should report it immediately to staff** who will offer you protection from the assailant. You do not have to name the inmate(s) or staff assailant(s) in order to receive assistance, but specific information may make it easier for staff to know how best to respond. You will continue to receive protection from the assailant, whether or not you have identified him or her (or agree to testify against him/her).

After reporting any sexual assault, you will be referred immediately for a medical examination and clinical assessment. 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, pregnancy, if appropriate, 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. **Regardless of whether your assailant is an inmate or a staff member, it is important to understand that you will never be disciplined or prosecuted for being the victim of a sexual assault.**

### **How to Report an Incident of Sexually Abusive Behavior?**

It is important that you **tell a staff member if you have been sexually assaulted or have been a victim of sexual harassment.** It is equally important to inform staff if you have witnessed sexually abusive behavior. 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 reported information confidential and only discuss it with the appropriate officials on a need to know basis concerning the inmate-victim's welfare and for law enforcement or investigative purposes. There are other means to confidentially report sexually abusive behavior if you are not comfortable talking with 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 sexually abusive behavior. You may also send a letter to the Regional Director or Director of the Bureau of Prisons. To ensure confidentiality, use special mail procedures.
- **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 (BP-10). You can get the forms from your counselor or other unit staff.
- **Write the Office of the Inspector General (OIG)** which investigates allegations of staff misconduct by employees of the U.S. Department of Justice; all other sexual abuse/harassment allegations will be forwarded by the OIG to the BOP. OIG is a component of the Department of Justice and is not a part of the Bureau of Prisons. The address is:

**Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, D.C. 20530**

**E-mail OIG.** You can send an e-mail directly to OIG by clicking on the TRULINCS Request to Staff tab and selecting the Department Mailbox titled, DOJ Sexual Abuse Reporting. This method of reporting is processed by OIG during normal business hours, Monday – Friday. It is not a 24-hour hotline. For immediate assistance, contact institution staff.

Note: These e-mails:

- are untraceable at the local institution,
- are forwarded directly to OIG
- will not be saved in your e-mail 'Sent' list
- do not allow for a reply from OIG,

- If you want to remain anonymous to the BOP, you must request it in the e-mail to OIG.

**Third-party Reporting.** Anyone can report such abuse on your behalf by accessing the BOP's public website, specifically:

[https://www.bop.gov/inmates/custody\\_and\\_care/sexual\\_abuse\\_prevention.jsp](https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp)

### **Understanding the Investigative Process**

Once the sexually abusive behavior is reported, the BOP and/or other appropriate law enforcement agencies will conduct an investigation. The purpose of the investigation is to determine the nature and scope of the abusive behavior. 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.

### **Counseling Programs for Victims of Sexually Abusive Behavior**

Most people need help to recover from the emotional effects of sexually abusive behavior. If you are the victim of sexually abusive behavior, whether recent or in the past, you may seek counseling and/or advice from a psychologist or chaplain. Crisis counseling, coping skills, suicide prevention, mental health counseling, and spiritual counseling are all available to you.

Contact your local Rape Crisis Center (RCC): Your institution may have a Memo of Understanding (MOU) with a local RCC. If so, Psychology Services can provide you with the contact information. If no MOU exists, you may seek services through Psychology Services.

### **Management Program for Inmate Assailants**

Those who sexually abuse/assault/harass others while in the custody of the BOP will be disciplined and prosecuted to the fullest extent of the law. If you are an inmate assailant, you will be referred to Correctional Services for monitoring. You will be referred to Psychology Services for an assessment of risk and treatment and management needs. Treatment compliance or refusal will be documented and decisions regarding your conditions of confinement and release may be effected. If you feel that you need help to keep from engaging in sexually abusive behaviors, psychological services are available.

### **Policy Definitions**

**Prohibited Acts:** Inmates who engage in inappropriate sexual behavior can be charged with following Prohibited Acts under the Inmate Disciplinary Policy.

**Code 114/(A): Sexual Assault By Force**

**Code 205/(A): Engaging in a Sex Act**

**Code 206/(A): Making a Sexual Proposal**

**Code 221/(A): Being in an Unauthorized Area with a Member of the Opposite Sex**

**Code 229/(A): Sexual Assault Without Force**

**Code 300/(A): Indecent Exposure**

**Code 404/(A): Using Abusive or Obscene Language**

**Staff Misconduct:** The Standards of Employee Conduct prohibit employees from engaging in, or allowing another person to engage in sexual, indecent, profane or abusive language or gestures, and inappropriate visual surveillance of inmates. Influencing, promising or threatening an inmate's safety, custody, privacy, housing, privileges, work detail or program status in exchange for sexual favors is also prohibited.

**What is sexually abusive behavior?** According to federal law (Prison Rape Elimination Act of 2003) sexually abusive behavior is defined as:

**Rape:** the carnal knowledge, oral sodomy, or sexual assault with an object or sexual fondling of a person **FORCIBLY** or against that person's will;

The carnal knowledge, oral sodomy, or sexual assault with an object or sexual fondling of a person not forcibly or against the person's will, where the victim is **incapable of giving consent** because of his/her youth or his/her temporary or permanent mental or physical incapacity; or

The carnal knowledge, oral sodomy, or sexual assault with an object or sexual fondling of a person achieved through the **exploitation of the fear or threat** of physical violence or bodily injury;

Carnal Knowledge: contact between the penis and vulva or the penis and the anus, including penetration of any sort, however slight;

Oral Sodomy: contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

**Sexual Assault with an Object:** the use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person (**NOTE:** This does NOT apply to custodial or medical personnel engaged in evidence gathering or legitimate medical treatment, nor to health care provider's performing body cavity searches in order to maintain security and safety within the prison).

**Sexual Fondling:** the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

**Sexual Harassment:** repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate/detainee/resident to another; or repeated verbal comments or gestures of a sexual nature to an inmate/detainee/resident by a staff member/contractor/volunteer, including demeaning references to gender, sexually suggestive, or derogatory comments about body or clothing, or obscene language or gestures.

**Sexual Misconduct** (staff only): the use of indecent sexual language, gestures, or sexually oriented visual surveillance for the purpose of sexual gratification.

An incident is considered **Inmate-on-Inmate Abuse/Assault** when any sexually abusive behavior occurs between two or more inmates. An incident is considered **Staff-on-Inmate Abuse/Assault** when any sexually abusive behavior is initiated by a staff member toward one or more inmates. It is also considered Staff-on-Inmate Abuse/Assault if a staff member willingly engages in sexual acts or contacts that are initiated by an inmate.

**NOTE: Sexual acts or contacts between two or more inmates, even when no objections are raised, are prohibited acts, and may be illegal. Sexual acts or contacts between an inmate and a staff member, even when no objections are raised by either party, are always forbidden and illegal. Inmates who have been sexual assaulted by another inmate or staff member will not be prosecuted or disciplined for reporting the assault. However, inmates will be penalized for knowingly filing any false report.**

**\*\* Please be aware that both male and female staff routinely work and visit inmate housing areas.  
\*\***

### **Contact Offices**

**U.S. Department of Justice  
Office of the Inspector General  
Investigations Division**  
950 Pennsylvania Avenue, NW Suite 4706  
Washington, D.C. 20530-0001

**Federal Bureau of Prisons  
Central Office  
National PREA Coordinator**  
320 First Street, NW, Room 554  
Washington, D.C. 20534

**Federal Bureau of Prisons  
Mid-Atlantic Regional Office  
Regional PREA Coordinator**  
302 Sentinel Drive, Suite 200  
Annapolis Junction, MD 20701

**Federal Bureau of Prisons  
North Central Regional Office  
Regional PREA Coordinator**  
Gateway Complex Tower II, 8th Floor  
400 State Avenue  
Kansas City, KS 66101-2492

**Federal Bureau of Prisons  
Northeast Regional Office  
Regional PREA Coordinator**  
U.S. Customs House, 7th Floor  
2nd and Chestnut Streets  
Philadelphia, Pennsylvania 19106

**Federal Bureau of Prisons  
South Central Regional Office  
Regional PREA Coordinator**  
U.S. Armed Forces Reserve Complex  
344 Marine Forces Drive  
Grand Prairie, Texas 75051

**Federal Bureau of Prisons  
Southeast Regional Office  
Regional PREA Coordinator**  
3800 North Camp Creek Parkway, SW  
Building 2000  
Atlanta, GA 30331-5099

**Federal Bureau of Prisons**  
**Western Regional Office**  
**Regional PREA Coordinator**  
7338 Shoreline Drive  
Stockton, CA 95219

**Third-party reporting (outside of institution):**

[https://www.bop.gov/inmates/custody\\_and\\_care/sexual\\_abuse\\_prevention.jsp](https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp)

**Conclusion**

Hopefully this information will assist inmates during their incarceration and help clarify any concerns they may encounter. New commitments should feel free to ask any staff member for assistance, particularly unit staff. For individuals who are not yet in custody, and who have been given this