

THE BUREAU'S CCC DESIGNATION AUTHORITY DEFINED

Effective immediately, the Bureau's CCC designation authority is defined as follows:

- (1) **The Bureau will no longer accommodate judicial recommendations for direct CCC placement of inmates sentenced to terms of imprisonment** (hereinafter referred to as "direct-court placement inmates"). Rather, all inmates serving terms of imprisonment must be designated by the Bureau to prison or jail facilities. This prohibition applies to all U.S. Code and D.C. Code offenders whose prison sentences are administered by the Bureau; and
- (2) **Pre-release programming CCC designations are limited in duration to the last 10% of the prison sentence, not to exceed six months.** This limitation, and the following two exceptions, apply to all U.S. Code and D.C. Code offenders whose prison sentences are administered by the Bureau:
 - Inmates completing the Residential Drug Abuse Program (RDAP) may exceed the 10% limitation, but are still limited to a maximum six-months pre-release CCC designation; and
 - Inmates completing an Intensive Confinement Center (ICC) program may exceed both the 10% and six-months limitations, at this time. The OLC opinion's impact on this issue is still being reviewed, and further guidance will be forthcoming.

IMPLEMENTATION PROCEDURES

There are three phases to implementing these procedure changes. First, some direct-court placement inmates must be promptly re-designated to prison or jail facilities depending on the amount of time left to serve on their prison terms. Second, future pre-release CCC designation cases must be immediately reviewed to ensure compliance with this revised procedure before the inmates depart their parent institution. Third, female inmates participating in the Mothers and Infants Nurturing Together (MINT) program will be authorized by furloughs rather than CCC designations.

Re-Designation of Direct-Court Placement Inmates.

Direct-court placement inmates who, as of December 16, 2002, had more than 150 days left to serve on their prison sentences, must be re-designated to prison or jail facilities. This calculation results in a date of May 15, 2003. **Accordingly, direct-court placement inmates who, as of December 16, 2002, had a projected release date of May 15, 2003, or later, must be re-designated to prison or jail facilities.**

Rosters identifying these inmates are attached. However, each community corrections office (CCO) needs to thoroughly review the direct-court placement inmate population to ensure compliance with this directive. CCO staff will need to closely review each identified case to ensure that the individual inmate is actually residing in a CCC, rather than a prison or jail facility, and if so, to determine the appropriate transfer method to the re-designated facility. CCOs should work closely with Regional Designators to secure placement at the nearest appropriate facility.

Also, when re-designating direct-court placement inmates to prison or jail facilities:

- (1) Notify the sentencing judge of the inmate's re-designation. A sample letter for your use is included with this memorandum; and
- (2) Provide the inmate written notice of the re-designation at least 30 days prior to being transferred. A sample memorandum for your use is included with this memorandum. At least 30 days must pass between the date the inmate receives the written notice, and the actual transfer.

Pre-Release CCC Inmates.

The individual cases of all inmates being considered for pre-release CCC placement must be immediately reviewed for compliance with this revised procedure. Inmates who, at the time of record review by Bureau staff pursuant to this memorandum, have not yet departed their parent institutions en route to the CCC, must have their pre-release CCC designation plan adjusted accordingly to comply with this revised procedure, i.e., limited in duration to the last 10% of the prison sentence, not to exceed six months.

MINT Program Participants.

Female inmates participating in the MINT program are affected by the new limits placed on CCC designations. Consequently, the authority and procedures for MINT program participants are modified as follows.

The Bureau will now rely on its statutory furlough authority, 18 U.S.C. §§ 3622(a)(5), to facilitate MINT program participation. Under this authority, the Bureau may release a prisoner from the place of imprisonment for a period not to exceed 30 days for the purpose of establishing, or re-establishing, family or community ties. In order to facilitate these furloughs, every MINT program inmate must be initially designated to a Bureau institution from which to be furloughed to a MINT program.

Additionally, because MINT program participation under the furlough authority is limited to 30 day periods, the Warden of an inmate's parent institution must re-assess the need for such programming every 30 days. If deemed appropriate, the Warden of the parent institution may renew the inmate's MINT program participation for an additional 30 day period. This process may be repeated as often as necessary to fulfill the inmate's MINT program objectives, and must be determined on an individual basis.

Further guidance for MINT program participants will be forthcoming. In the interim, specific questions should be directed to Valerie Martin, Administrator, Special Needs Offender Program, at .

FREQUENTLY ASKED QUESTIONS

The following are anticipated questions and answers related to this revised procedure.

How are inmates participating in RDAP affected by these revised procedures?

All inmates who successfully complete the unit-based RDAP are still able to receive a six-months CCC placement. The 10% limitation does not apply to this group of inmates, regardless of early release eligibility status. Accordingly, the policy and current practice of recommending up to 180 days CCC placement for RDAP graduates (both 3621(e) eligible and ineligible) remains the same. Central Office review of all early release cases is also unaffected.

What if the media asks questions about this revised procedure?

Inquiries from the media regarding any aspect of this revised procedure should be referred to the Bureau's Office of Public Affairs, Central Office, at (202) 307-3198.