Change Notice

1.   <u>PURPOSE AND SCOPE</u>. To highlight changes in the Directives Management Manual.

2.   <u>SUMMARY OF CHANGES</u>. PS 1080.03, **Collection of Field-Reported Data**, has been rescinded, and so references to the requirements of that PS are being removed from the Directives Management Manual. Specifically, staff in the Central Office doing the Annual Review and Certification on a PS will no longer have to address the collection of field-reported data.

The **Directives Referenced** section on page 2 of the Program Statement has been updated.

The sample Program Statement at the end of Chapter 2 has been updated to include the format for boot camp standards and reflect the change in the Director's name and signature block.

3.   <u>TABLE OF CHANGES</u>

<u>Remove</u>	<u>Insert</u>
Program Statement - Pages 1 & 2	Program Statement - Pages 1 & 2
Table of Contents - Pages 5 & 6	Table of Contents - Pages 5 & 6
Sample Program Statement - Pages 2-9 to 2-12	Sample Program Statement - Pages 2-9 to 2-12
Chapter 10 - Pages 1 & 2	Chapter 10 - Pages 1 & 2

4. <u>ACTION</u>. File this Change Notice in front of PS 1221.66.

                                        /s/
                              Kathleen Hawk Sawyer
                              Director

Program Statement

OPI: NPR/IPPA
NUMBER: 1221.66
DATE: 9/15/97
SUBJECT: Directives Management Manual

1. <u>PURPOSE AND SCOPE</u>. To prescribe policy, standards, and implementing procedures for Bureau directives, such as Program Statements, Operations Memoranda, Program Review Guidelines, Institution Supplements, and Technical Reference Manuals.

2. <u>PROGRAM OBJECTIVES</u>. The expected results of this program are:

  a. Each directive will accurately reflect the policy, objectives, and procedures intended by the Director and Executive Staff;

  b. Each directive will be issued in a timely manner and within the targets established by the Director and Executive Staff;

  c. Each directive will be readily available to the staff and others who need it; and

  d. Each directive will be easily understandable and usable by the staff and others who read it.

3. <u>DIRECTIVES AFFECTED</u>

  a. <u>Directives Rescinded</u>

    PS 1221.64   Directives Management Manual (8/20/96)

b. <u>Directives Referenced</u>

PS 1210.18	Management Control and Program Review (12/22/97)
PS 1222.06	Forms Management (9/17/97)
PS 1315.06	Legal Activities-Inmate (3/3/97)
PS 1505.03	Language Translations Used in Official Documents (10/31/97)
PS 1520.09	Printing, Distribution Management, and Electronic Documents (5/21/97)
TRM 1203.01	Directives Subject Classification System (10/2/95)

4. <u>STANDARDS REFERENCED</u>

   a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4004, 3-4013, 3-4014, and 3-4015

   b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-1A-04, 3-ALDF-1A-13, 3-ALDF-1A-14, and 3-ALDF-1A-15

   c. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-1A-16, 2-CO-1A-17

   d. American Correctional Association Standards for Adult Correctional Boot Camp Programs: 1-ABC-1A-04, 1-ABC-1A-11, and 1-ABC-1A-12.

5. <u>ACTION REQUIRED</u>

   a. Staff who write, review, distribute, file, use, and otherwise maintain Bureau directives shall follow the procedures and meet the standards set forth in this Program Manual.

   b. Assistant Directors shall achieve the established strategic planning objectives for timeliness in policy development.

c. Each Warden shall appoint a directives manager and issue an Institution Supplement entitled "Directives Management" to implement this Manual locally.

/S/
Kathleen M. Hawk
Director

DIRECTIVES

MANAGEMENT

MANUAL

TABLE OF CONTENTS

CHAPTER 1

DIRECTIVES MANAGEMENT OVERVIEW

1.1 **OVERVIEW**

To accomplish its mission, the Bureau issues various types of documents to provide operational direction for field, regional, and Central Office activities. The purposes of such directives are to:

■ Delegate authority and responsibility,

■ Communicate Bureau philosophy, goals, and objectives,

■ Establish standard procedures and methods,

■ Instruct staff,

■ Promote consistency, efficiency, and professionalism,

■ Inform inmates and the public,

■ Provide a foundation for staff training and development,

■ Serve as a reference for the Bureau's history.

This Manual describes the types of directives and specifically delegates authority to issue and approve each type. Requirements issued by persons without such delegated authority or policy not issued in conformity with this Manual are **not enforceable as policy** and may not be cited, relied upon, or otherwise used to carry out any Bureau policy or procedure unless an exception is made by the Director in writing.

Generally, it is preferable that Bureau-wide instructions and requirements be communicated by formal directives rather than by such means as memoranda or electronic mail messages, since these less formal documents are not authenticated, numbered, annually reviewed, or historically traced. Through its formal directives

system, Bureau staff, and other interested parties, can determine what policies were in effect in the past.

It is vital that staff, including those who have authority to issue formal directives, not attempt to use less formal communications to change or replace a formal directive.

1.2 **TYPES OF DIRECTIVES**

   1.2.1 **Program Statements** (PSs) are policies and procedures issued without predetermined cancellation dates and signed by the Director (or acting Director). They are also commonly referred to within the Bureau as "policy." Some lengthy PSs are written as **Program Manuals**, which typically are divided into chapters and must have a table of contents.

   Often, PSs may contain Rules the Bureau has published in the *Federal Register* (FR) and the *Code of Federal Regulations* (CFR). The Bureau includes its published Rules in its PSs so staff may rely on just one source for policy guidance. Rules are printed in **bold** type and enclosed in brackets **[like this]** to differentiate Rules from what is commonly referred to as "implementing text." Rules are discussed in greater detail in Chapter 3 on RULES.

   Often, a proposed PS, or a change to an existing PS, is distributed to all Assistant Directors and Regional Directors for review and comment before implementation. This process, known as "clearance," provides an opportunity for input from the major components of the organization before a policy is approved and implemented.

   Changes to existing PSs are accomplished by issuing **Change Notices** (CNs), which also are approved by the Director (or acting Director).

   Each of these documents is discussed in greater detail later in this Manual (see Table of Contents).

   1.2.2 **Operations Memoranda** (OMs) are temporary or "one-time" directives issued with **predetermined expiration dates.** Ordinarily, an OM is signed by an Assistant Director, but on occasion by two or more Assistant Directors or by the Director.

The duration of an OM may be no more than **one year** from the date of issuance; however, in practice, the duration is often considerably less.

Acceptable uses for OMs are to:

- Announce an upcoming event which may require some action,

- Explain or clarify operations and procedures,

- Transmit guidance, training materials, or Technical Reference Manuals, or

- Highlight the significant changes in a new or updated PS, and/or provide interim instructions.

In an emergency, an Assistant Director, **in consultation with the Director**, may issue an OM to implement an immediate change in a PS, but it is **preferable to issue a Change Notice** signed by the Director. Another alternative is to prepare the OM for the **Director's** signature. When an OM is thus used, it is important that it not make any change in any Rule, since Rules may be modified only through publication in the *Federal Register*.

NPR reviews each OM before publication to assess its appropriateness for issuance as a temporary directive and its impact on existing PSs.

When the provisions of an OM are needed beyond its original expiration date, the Assistant Director must issue a new OM before that date. Failure to meet that deadline creates a policy "gap," during which the intended policy direction is not in effect. Generally, it is preferable that an OM's expiration date not be extended simply by issuing a second OM that merely extends the existing OM's expiration date. When circumstances warrant, however, it is permissible to extend an OM in this manner one time only. Any subsequent need for the OM's provisions may be accomplished only by issuing a new, complete OM.

When action must be undertaken within five working days and completed within 60 days, the Director or an Assistant Director (with concurrence from NPR) may issue an OM electronically.

These urgent transmissions (known as "HOTDOCS") are distributed by NPR via the BOPNet Wide Area Network.

1.2.3 **Institution Supplements** (ISs) may be issued by Wardens to provide local instructions for implementing Bureau directives (PSs, Program Manuals, and, if necessary, OMs). An IS may not detract from the Bureau directive it implements. As the term implies, its purpose is to **supplement**, not replace, its parent directive. ISs are discussed in greater detail in Chapter 9 on INSTITUTION SUPPLEMENTS.

1.2.4 **Program Review Guidelines** (PRGs) provide information used in conducting Program Reviews and Operational Reviews in accord with the Program Statement on **Management Control and Program Review**. They are issued jointly by the Assistant Director of the Office of Primary Interest (OPI) and the Senior Deputy Assistant Director of Program Review.

PRGs are issued without predetermined cancellation dates and are therefore in effect until replaced or canceled. PRGs are discussed in greater detail in Chapter 8 on PROGRAM REVIEW GUIDELINES.

1.2.5 **Technical Reference Manuals** (TRMs) are policy-related publications which supplement Bureau directives by providing instructional, descriptive, or explanatory material. TRMs are not directives, but staff may need to refer to them to accomplish a directive's requirements.

TRMs are intended to increase the conciseness of many Program Statements, allow for direct administrative and technical communication within disciplines, and foster a realistic review and clearance process for material that is primarily technical in nature and often intended for staff specialists in one discipline.

TRMs are issued and updated through the Assistant Director via an OM. When a TRM affects more than one division, each Assistant Director must sign the OM. TRMs are discussed in greater detail in Chapter 14 on TECHNICAL REFERENCE MANUALS.

1.3 **OFFICE OF NATIONAL POLICY REVIEW (NPR)**

National Policy Review was established in the Central Office in 1990. Its mission is comprised of five major goals:

- Increase the visibility and priority of policy-related activities.

- Increase the policy development skills of Central Office staff.

- Improve the continuity of policy-related activities in the Central Office.

- Improve the Bureau's policy administration system.

- Ensure consistency and high quality of Bureau policies by consulting with staff and reviewing and editing documents.

   To accomplish those goals, NPR staff have a variety of consulting, coordinating, reviewing, writing/editing, training, data-tracking, and evaluating responsibilities. In particular, NPR reviews and tracks PSs and CNs through various stages of development -- formulation, pre-clearance, clearance, and publication -- as described in greater detail later in this Manual. NPR also reviews each OM before publication to assess its appropriateness for issuance as a temporary directive and its impact on existing PSs.

   To consolidate and improve policy-related services in the Central office, in 1996 NPR assumed some functions that formerly were the responsibility of the Office of Documents Control:

- Maintaining the Bureau's directives classification system. PSs, OMs, and TRMs are numbered according to the subjects they cover, as discussed in Sections 2.8 (PSs), 7.7 (OMs), and 14.6 (TRMs).

- Authenticating and assigning control numbers and effective dates to all directives before issuance.

- Maintaining databases of current and canceled directives, including data on each directive's OPI (see Section 1.10 on OFFICE OF PRIMARY INTEREST).

- Administering the Bureau's system of Annual Review and Certification.

- Acting as liaison with other Department of Justice components and with other Federal agencies in regard to directives management.

Each Assistant Director shall appoint a Policy Liaison to regularly coordinate the division's policy development activities with NPR.

1.4 **OFFICE OF DOCUMENTS CONTROL SYSTEMS (DOCS)**

Documents Control Systems is responsible for:

- Conversion of directives to CD ROM.

- Managing the distribution of directives via CD ROM ("BOPDOCS"), or other electronic media. (see Chapter 12 on DIRECTIVES ON CD ROM).

- Obtaining, publishing, and distributing non-English translation of directives as needed (see Section 1.7 on NON-ENGLISH TRANSLATIONS).

- Maintaining the authoritative Central Reference Library of current directives, as well as historical files of previous directives.

- Designing Bureau forms required by directives.

1.5 **OFFICE OF DOCUMENTS DISTRIBUTION MANAGEMENT**

Documents Distribution Management is responsible for managing the printing, reproduction, and distribution of paper copies of directives.

1.6 **OFFICE OF GENERAL COUNSEL (OGC)**

The Office of General Counsel advises the Director and other
staff of law changes, court decisions, or other legal proceedings
affecting Bureau programs, and thus directives, and responds to
requests for directives under the Freedom of Information Act.
During the clearance process, it advises program managers
regarding overall legal sufficiency and/or proposes changes to
meet legal requirements.

In particular, the **Rules Unit** is responsible for determining at
the pre-clearance phase of policy development whether a Program
Statement requires development and publication of Rules and, if
so, prepares needed Rule documents and coordinates review of them
by agencies outside of the Bureau (for example, the Department of
Justice). This process is described in greater detail in Chapter
3 on RULES and in Chapter 4 on DEVELOPMENT AND CLEARANCE.

The Rules Unit also maintains the authoritative history file of
published Rules.

1.7 **NON-ENGLISH TRANSLATIONS**

Bureau directives (like other official Bureau documents) are
written in English, and the Bureau traditionally has assisted
non-English-speaking inmates by providing translated directives
when practical. Documents Control Systems arranges for the
Spanish translation of any PS or OM containing Rules in the CFR.

Institution staff may obtain translations of local documents, as
determined to be necessary by the Warden.

Translated documents, forms, and records are to be used as a
guide to assist inmates' understanding of that form or record.
**Any form or document used for record purposes shall be completed
in English**.

Further information on translations is available in the Program
Statement on **Language Translations Used in Official
Documentation**.

1.8 **DIRECTIVES MANAGEMENT AT INSTITUTIONS**

   1.8.1 Directives Manager Required. Each Warden shall
designate a staff member (usually an Associate Warden or the
Executive Assistant, assisted by a secretary) to manage the
institution's directives system, including such functions as:

   ■   Receiving and distributing Bureau directives and
Institution Supplements and maintaining a Central Reference
Library of all current PSs, CNs, OMs, and Institution
Supplements.

   ■   Reviewing directives master lists and cancellation lists
from the Central Office to maintain the institution's master set
of directives. To ensure all departments are notified of
changes, it is a good practice to print out and distribute **CDNEWS**
when a new issuance of BOPDOCS is received.

   ■   Maintaining the institution's system for numbering
Institution Supplements.

   ■   Maintaining the institution's system for annual review
and certification of Institution Supplements.

   1.8.2 Institution Supplement Required. Each Warden shall
issue an Institution Supplement entitled "Directives Management"
to implement the local directives management program.

   The Institution Supplement shall address, at a minimum:

      1.   Purpose and Scope
      2.   Directives Affected (this PS, at a minimum)
      3.   Standards Referenced (see this PS)
      4.   Directives Management Manager (appointment)
      5.   Distribution of Bureau Directives
      6.   Institution Supplements
        a. Format (local variations only, signature blocks, etc.)
        b. Clearance Procedures
        c. Change Notices (format, etc.)
        d. Annual Review
      7.   Directives Libraries (location, responsibilities,
           historical files, access, etc.)
      8.   Operational Reviews (responsibility for)

1.9 **DIRECTIVES MANAGEMENT AT REGIONAL OFFICES**

Each Regional Director may determine how directives are to be managed at that office. It is suggested that, at a minimum, a designated employee be responsible for receiving and distributing directives and for retrieving and distributing copies of CDNEWS from BOPDOCS each month to ensure all departments are notified of directives changes.

1.10 **OFFICE OF PRIMARY INTEREST (OPI)**

1.10.1 <u>Definition</u>. "Office of Primary Interest" refers to the organizational component of the Central Office that has primary responsibility for issuing, revising, and rescinding a directive. The term may refer to the division, or to a component under the division (branch, section, or office), or both. The term "program area" is often used interchangeably with OPI.

1.10.2 <u>Changes in an OPI</u>. NPR maintains a database which includes information on the OPI for each directive. NPR may change the OPI for a directive when there is a good reason to do so and when both organizational components have agreed:

- Changes within a division may be accomplished by agreement of both of the branch or office chiefs involved, or by the Assistant Director.

- Changes between divisions may be accomplished by agreement of both Assistant Directors.

In either case, the parties involved must jointly provide NPR a memorandum stating that they have agreed to make the change.

CHAPTER 2

PROGRAM STATEMENTS

2.1 **OVERVIEW**

Program Statements (PSs) are "permanent" Bureau policies and procedures, in the sense that, when issued, they do not have predetermined cancellation dates. They are commonly referred to within the Bureau as "policy." Some lengthy PSs are written as Program Manuals, which typically are divided into chapters and must have a table of contents.

When changes are made to an **existing** PS, they are summarized in a Change Notice (CN).

■ For a PS that has less than 40 pages, changes are to be accomplished by a **complete revision** of the PS, accompanied by a CN that summarizes those changes.

■ For a PS that has more than 40 pages, it is permissible for the CN to make **page changes**, that is, to specify that certain pages are to be removed and others inserted.

NPR may authorize exceptions to these page restrictions, when warranted by special circumstances.

CNs are specifically addressed in Chapter 6 on CHANGE NOTICES.

2.2 **SIGNATURE AUTHORITY**

Only the Director (or acting Director) may approve a PS or CN. An acting Director shall sign his or her name and write "for" preceding the Director's typewritten signature block.

2.3 **RULES**

PSs often contain Rules that the Bureau has published in the *Federal Register* as part of the *Code of Federal Regulations*. See Chapter 3 on RULES for detailed information.

2.4 **PROGRAM OBJECTIVES**

The Bureau devotes significant resources to results-oriented strategic management. A basic purpose of such a system is to ensure the organization's goals and objectives are agreed upon, communicated, and understood throughout the organization.

Every **program** exists to accomplish some **objectives**, to produce an intended outcome, to obtain expected results. The standards, processes, and procedures each PS prescribes are designed to accomplish those intended objectives. The standard PS format includes a section wherein the objectives of the program that PS prescribes are clearly stated (rather than assumed or implied). Stated objectives provide a firm basis for developing performance indicators and program review guidelines to evaluate whether, or how well, those objectives are being accomplished.

Objectives identified through strategic planning tend to be time-focused, while much of the Bureau's daily activity is established and continuous, and prescribed in PSs.

When formulating program objectives, it is important to distinguish between what is to be **accomplished** and what is to be **done**. Objectives are to be stated in terms of the program's intended outcomes and expected results, rather than the processes and procedures undertaken to accomplish those outcomes and results.

The number, depth, and breadth of program objectives may vary considerably among PSs, depending on the purpose and scope of the program prescribed. Some examples are included in the standard format in the sample PS at the end of this chapter.

2.5 **CORRECTIONAL STANDARDS**

Many Bureau institutions are accredited by the American Correctional Association (ACA) Commission on Accreditation for Corrections by meeting correctional standards published by the ACA. Many of those standards require that there be "written policy and procedures" for various areas of correctional management and practice. To assist institution staff in documenting that such policy and procedures are complete and current, the Bureau lists applicable standards (referred to as

"ACA Standards") in each PS, as shown in the standard format in the sample PS at the end of this chapter.

One of the functions of the Central Office Strategic Management Branch is coordinating accreditation activities. That Branch is available to assist Central Office program managers to keep the standards referenced in PSs current. An important step in the annual review and certification of a PS is assuring that the standards referenced are accurate and current (see Chapter 10 on ANNUAL REVIEW AND CERTIFICATION).

Beyond the need to reference standards to assist in accreditation, ACA standards reflect the contemporary thinking of main-stream correctional administrators and other professionals, along with Constitutional minimums from case law. In developing and reviewing Bureau policy, Central Office program managers are responsible for becoming familiar with the standards that apply to their programs and for assuring that Bureau policy meets those standards. When revising or replacing a PS, it is good practice to verify whether the ACA standards cited are the current ones, since the ACA revises them semi-annually.

2.6 **STANDARD FORMAT**

  2.6.1 Program Statement Format. PSs are structured in an outline format and ordinarily begin with:

     1. PURPOSE AND SCOPE
     2. PROGRAM OBJECTIVES
     3. DIRECTIVES AFFECTED
        a. Directives Rescinded
        b. Directives Referenced
     4. STANDARDS REFERENCED

  Various additional major section headings may be used as appropriate. Some typical examples are: OVERVIEW, BACKGROUND, DEFINITIONS, GOALS, DELEGATION OF AUTHORITY, RESPONSIBILITIES, PROCEDURES, ACTION REQUIRED, TRAINING, and REPORTING. Generally, it is preferable for major sections to be shorter, rather than longer. For example, a multi-page section entitled PROCEDURES should be reorganized into several shorter sections.

Details on the standard format for PSs (including typing standards) are shown in the sample at the end of this chapter.

2.6.2 Program Manuals. When a manual serves as the policy document, it must contain:

■ A PS to implement the manual, set policy requirements, provide any special start-up instructions to manual users, and authorize any special or limited distribution, and

■ A Table of Contents.

The outline numbering system for a Program Manual may differ from the standard format for PSs. A manual's size or complexity may require a more detailed level of numbering to locate subsections quickly. For example, the Manual you are reading uses a numbering system which allows the reader to readily find subsection 2.6.2 for information about formatting a Program Manual.

Pages in a manual shall be numbered by chapter and then page number. Again, the Manual you are reading is an example.

2.6.3 Program Statements with Rules. PSs containing Rules have additional formatting requirements. All Rules text is typed in **bold** with enclosing brackets as shown in the sample at the end of this chapter.

A notation is to be printed at the bottom left of the first page of any PS containing Rules text, as shown in the sample at the end of this chapter.

2.7 **DEVELOPMENT AND CLEARANCE FOR PROGRAM STATEMENTS (AND CHANGE NOTICES)**. PSs and CNs are usually drafted in the program area responsible for that program (Office of Primary Interest) and then concurrently distributed to various other organizational components for clearance before approval by the Director. The development process may be thought of as occurring in five stages:

■ Formulation and drafting
■ Pre-clearance
■ Clearance

■ Final review and signature by the Director
■ Authentication, Numbering, Printing, and Distribution

Chapter 4 on DEVELOPMENT AND CLEARANCE contains detailed instructions for the clearance process. The following is a brief overview.

2.7.1 Formulation and Drafting. Chapter 4 provides detailed guidance on this early stage of development, in which attention to details saves time and confusion later. It is recommended that NPR be consulted for a "preliminary review" to assist the OPI in both editing and formatting.

2.7.2 Pre-clearance. The program area completes a Directive Coordination and Summary form and forwards the draft PS and CN (with any attachments) and a WordPerfect disk to NPR for approval to distribute the document for clearance.

NPR coordinates Rules clearance with the OGC Rules Unit. OGC reviews all policies to determine if Rules need to be written or modified. Program areas anticipating or uncertain about the need for Rules changes should consult with the Rules Unit as soon as possible in the policy revision process. See Chapter 3 on RULES for more information.

NPR reviews the policy's content and makes or suggests editorial changes as needed to improve the organization, format, accuracy, clarity, and completeness of the policy. NPR also begins "tracking" the PS through further stages of development.

2.7.3 Clearance. Once the NPR and OGC pre-clearance reviews are completed, the policy is returned to the program area for submission to the Assistant Director. Concurrent with obtaining the Assistant Director's approval, a clearance deadline date is established. See Sections 4.2.3, DETERMINING HOW MUCH CLEARANCE IS NEEDED, and 4.4.3 on establishing a CLEARANCE DEADLINE.

The program area provides the clearance package (Directive Coordination and Summary form and draft PS or CN with any attachments) to NPR to be distributed by electronic mail to each division and regional office.

A clearance response is required from each recipient of a request for clearance. If documented attempts to obtain clearance fail, the Assistant Director may **assume concurrence and so inform the Director** in the clearance memorandum. Generally, the program area must resolve these responses by agreeing with the comment and incorporating it into the policy or disagreeing with the comment and perhaps discussing the reason with the originator.

When all clearance comments have been received and resolved, the program area prepares a final version of the PS or CN and prepares the Assistant Director's clearance memorandum. See Chapter 4 on DEVELOPMENT AND CLEARANCE for clearance memo requirements.

The program area also ensures the standard Program Statement Working File is in good order. See Chapter 5 on POLICY DEVELOPMENT DOCUMENTATION for detailed requirements.

2.7.4 <u>Final Review and Signature by the Director</u>. NPR performs a quality assurance review on each policy submitted to the Director for signature, not only the PS and CN, but also the adequacy of the clearance resolution process.

Once the policy change is ready for the Director's approval, the program area forwards to NPR:

- the Assistant Director's Clearance Memo,

- the PS and CN (including all attachments) ready for the Director's signature,

- the original Directive Coordination and Summary form,

- the original of each clearance response, and

- a diskette (labeled as required in Chapter 5 on POLICY DEVELOPMENT DOCUMENTATION) containing the WordPerfect file of the PS and CN and all attachments.

2.7.5 <u>Authentication, Printing, and Distribution</u>. After signature, the Director's office returns the PS to NPR. NPR authenticates, numbers, and dates the signed document and

forwards it with the word processing diskette and the clearance documentation to Documents Control Systems for printing and distribution. Documents Control Systems maintains the clearance documentation for future use.

2.8 **NUMBERING**

NPR assigns control numbers to directives according to the subjects they cover. A PS's control number starts with a four-digit number describing its subject matter.

For example,

- Numbers 4500-4599 are reserved for matters involving commissary operations.

- More specifically, numbers 4540-4599 are reserved for commissary operations dealing with hobby shops.

- Even more specifically, number 4548 is reserved for inmate art work.

So, the first PS on how the commissary processes art work done by inmates in a hobby shop would be numbered 4548.01. The next PS dealing with this subject ordinarily would be numbered 4548.02.

2.9 **CERTIFICATION, DISTRIBUTION, AND MAINTENANCE**

The Office of Documents Control Systems (DOCS) certifies the directives folder and its contents to verify the completeness of the record which must include the:

- signed original record,
- electronic equivalent (disk file),
- clearance memo, and
- clearance documentation.

Upon verification that the record is complete, DOCS places the certified directive on BOPDOCS and provides a paper copy to the Office of Documents Distribution Management for printing and paper distribution. Ordinarily, only one printed, signed, library copy is provided to each Bureau site.

See Chapter 11 for detailed information on DISTRIBUTION AND MAINTENANCE, including availability in libraries and release to parties outside of the Bureau. Certain sensitive PSs are designated "Limited Official Use Only," and their distribution is closely controlled by the OPI.

2.10 **ANNUAL REVIEW AND CERTIFICATION**

The OPI reviews each PS (and Program Manual) annually to ensure it is current. See Chapter 10 on ANNUAL REVIEW AND CERTIFICATION.

2.11 **WAIVERS**

If an institution is unable to comply with the provisions of a policy due to some unique condition, the Warden must request a formal waiver to that policy. See Chapter 13 on POLICY WAIVERS.

Program Statement

OPI:
NUMBER: xxxx.xx
DATE: mm/dd/yy
SUBJECT:

1. <u>PURPOSE AND SCOPE</u>. This section broadly identifies the directive's purpose and its impact on staff and inmates. Note that an example paragraph in this sample contains rules language which appears in Section 500.1 of the Code of Federal Regulations. Bureau rules affecting inmates are contained in selected Bureau Program Statements. Rules language always appears as bracketed, bold text within Program Statements. A footnote at the bottom of the first page explains this to the reader.

x. **[<u>INSTITUTIONAL EMERGENCIES</u> §501.1. When there is an institutional emergency which the Warden considers a safety to human life or safety, the Warden may suspend the operation of the rules contained in this chapter to the extent he deems necessary to handle the emergency. The Warden shall notify the Director of the Bureau of Prisons within eight hours of any suspension of rules under this section.]**

Program Statements must be typed using WordPerfect software. Standard defaults and formats for Bureau directives are presented in Section 12.5, USING WORDPERFECT FOR DIRECTIVES.

2. <u>PROGRAM OBJECTIVES</u>. The expected results of this program are:

   a. Each directive will accurately reflect the policy, objectives, and procedures intended by the Director and Executive Staff.

[Bracketed Bold - Rules]
Regular Type - Implementing Text

b.   Each directive will be issued in a timely manner and within the targets established by the Director and Executive Staff.

c.   Each directive will be readily available to the staff and others who needs it.

d.   Each directive will be easily understandable and usable by the staff and others who read it.

3.   <u>DIRECTIVES AFFECTED</u>

a.   <u>Directives Rescinded</u>

PS ####.##   [Title](mm/dd/yy)

b.   <u>Directives Referenced</u>

PS ####.##   [Title](mm/dd/yy)
PS ####.##   [Title](mm/dd/yy)
PS ####.##   [Title](mm/dd/yy)

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

4.   <u>STANDARDS REFERENCED</u>

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

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

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

d.   American Correctional Association Standards for Adult Correctional Boot Camp Programs: 1-ABC-

5.   <u>SECTION TITLE</u>. Note that all major sections are numbered and that subsections are identified in this order:

   a. <u>Subsection Title, if any</u>. Subsection a text. Subsection a text. Subsection a text. Subsection a text.

   b. <u>Subsection Title, if any</u>. Subsection b text. Subsection b text. Subsection b text. Subsection b text.

6. <u>DEFINITIONS IN THE CFR</u>. This section provides an example of how rules are combined with "non-rule" implementing text.

In the Code of Federal Regulations, Title 28 is entitled "Judicial Administration," in which Chapter V is entitled "Bureau of Prisons, Department of Justice." Section 500.1 includes a number of definitions for terms used in Chapter V. Among those are the definitions of "Warden" and "institution."

   a. **[a. The <u>Warden</u> means the chief executive officer of a U.S. Penitentiary, Federal Correctional Institution, Medical Center for Federal Prisoners, Federal Prison Camp, Federal Detention Center, Metropolitan Correctional Center, or any Federal penal or correctional institution or facility. "Warden" also includes any staff member with authority explicitly delegated by any chief executive officer.]**

   b. **[d. <u>Institution</u> means a U.S. Penitentiary, Federal Correctional Institution, Medical Center for Federal Prisoners, Federal Prison Camp, Federal Community Treatment Center, Federal Detention Center, or Metropolitan Correctional Center.]**

Ordinarily, those definitions also apply to non-rule text in Bureau directives. These working titles apply to directives in which the chief executive officer of an institution is officially designated by a title other than "Warden."

In some directives, the term "Chief Executive Officer" is used to refer to the chief executive officer of an organizational component which is not an institution. For example, the Regional Director is the chief executive officer of a regional office.

7. <u>PROCEDURES</u>

   a. A main section entitled PROCEDURES may be too broad for a policy covering many different procedures and processes. Various additional section headings may be used as appropriate.

Generally, it is preferable for major sections to be shorter, rather than longer and for their titles to be specific and descriptive. (See Section 2.6 on STANDARD FORMAT.)

    (1) Ordinarily this level (second subsection beginning with numbers in parentheses) is the lowest that should be used.

       (a) When a Program Statement is organized so as to get down to this fourth subsection level, it is often an indication that the main section is too broad or complex. Rules text at this subsection level will be lower case Roman numerals (I), (ii), (iii) which the Bureau uses for the next lower level (see subsection (b) below).

       (b) The Program Statement should be reorganized to move some subsections higher. While the Bureau's format structure permits a fifth level consisting of (i), (ii), (iii), etc., sometimes unnumbered or "bullet" lists are useful at this level:

         ◆ Item one
         ◆ Item two
         ◆ Item three
         ◆ Item four

    (2) Text text text text text text text text text text text text text text.

  b. <u>Subsection Title, if any</u>. Subsection b text. Subsection b text. Subsection b text.

  c. <u>Director's Signature Block</u>. The Director's signature block is typed at the end of the Program Statement and is placed five lines down, five inches (8 TABs) from the left margin, and is formatted as follows:

                       Kathleen Hawk Sawyer
                       Director

CHAPTER 3

RULES

3.1 OVERVIEW

The Bureau publishes policy regarding inmates in the form of
Rules. Such Rules (also referred to as "Regulations") are first
published in the *Federal Register* and, once final, become part of
Title 28 of the *Code of Federal Regulations* (28 CFR).

Rules are regulatory documents having general applicability and
legal effect. Generally, the Bureau of Prisons publishes as
Rules those provisions of its policies directly affecting inmates
(for example, inmate discipline, visiting, correspondence, and
religious beliefs and practices). Bureau policies which affect
inmates only indirectly (for example, fiscal and personnel
practices) do not require Rules.

The Bureau includes its published Rules in the applicable PSs so
staff may rely on just **one** source for policy guidance. Rules
(commonly referred to as "rules text") are printed in **bold** type
and enclosed in brackets **[like this]** to differentiate them from
what is commonly referred to in a PS as "implementing text" or
"non-rule" text.

Copies of the CFR are available in Inmate Law Libraries.

3.2 STATUTORY REFERENCES

3.2.1 The **Federal Register Act** (44 U.S.C. 1501 through 1511),
which became law on July 26, 1935, established a uniform system
for handling agency Rules. Its purpose is to inform the public
of the regulations affecting them. The Act specifically provides
for submitting documents to the Office of the Federal Register
where they are placed on file for public inspection, published in
the *Federal Register*, and codified in the *Code of Federal
Regulations*.

3.2.2 The **Administrative Procedure Act** (5 U.S.C. 551 et seq.),
which became law on June 11, 1946, added significant dimensions
to the *Federal Register* publication system. The Act gives the
public, with some stated exceptions, the right to participate in

the Rule making process by commenting on proposed Rules, and requires that the effective date for a Rule be not less than 30 days from the date of publication in the *Federal Register* unless there is good cause for an earlier date.

3.3 **TYPES OF RULES**

  3.3.1 <u>Proposed Rules</u>. Rules text in a proposed PS which contains provisions which are:

- **more restrictive** on inmates or the public,

- **impose new restrictions** on inmates or the public, or

- **establish new conditions or programs** affecting inmates

ordinarily must first be published for public comment as a **proposed** rule in the *Federal Register*. The Bureau ordinarily allows for a comment period of 60 days, after which all significant comments must be considered and responded to in the final Rule document.

  3.3.2 <u>Final Rules</u>. After publication of a **proposed** rule (or if a revised PS contains Rules **changes that are not more restrictive** on inmates), a **final** Rule may be published. The Administrative Procedure Act requires a 30-day delay in the effective date for a final Rule unless the agency can show good cause for making it effective sooner. The preamble to the final Rule ordinarily contains the Bureau's response to comments received on the proposed Rule.

  If the Rules text in a proposed PS is more restrictive on inmates, but good cause exists to make the policy effective immediately, an **interim** Rule may be published. An interim Rule has the same effect as a final Rule; however, the Bureau solicits public comment and, after the comment period expires, considers those comments and may affirm the interim Rule as final or make adjustments to the Rule.

3.4 **CODE OF FEDERAL REGULATIONS**

Bureau Rules are codified as part of the Department of Justice's regulations in Title 28 of the *Code of Federal Regulations* (CFR).

Rules for the Bureau are in Chapter V of Title 28 and for Federal Prison Industries in Chapter III of Title 28.

Title 28 CFR is revised as of July 1 each year, and the new code book is ordinarily available by October. It contains all regulations in effect as of its revision date. In the interim between annual updates, regulations published in the ***Federal Register*** after the revision date of the latest code book become part of the CFR upon the effective date specified in the document, even though that text will not appear in the actual code book until the next annual revision. When new or revised Rules are published in the ***Federal Register***, a revised PS or CN containing those revised Rules is immediately issued.

3.5   <u>**RULE MAKING IN THE BUREAU OF PRISONS**</u>

  3.5.1   <u>Authority</u>. The Director signs all rules for the Bureau. The Office of General Counsel (OGC) is responsible for the development and clearance coordination for all Bureau Rules.

  3.5.2   <u>Rules Clearance</u>. Program area staff should consult with OGC Rules Unit staff as early as possible in the policy development process if they believe that a new or revised Program Statement will require Rules. When program area managers submit PSs and CNs to NPR for clearance approval, NPR, as part of its routine pre-clearance review, forwards the proposed policy change to the Rules Unit for a determination as to whether Rules publication is required. If Rules so, the Rules Unit determines whether the PS may be distributed for clearance anyway or whether clearance should be delayed until the new or revised Rules language is incorporated.

  3.5.3   <u>Rules Clearance by Agencies Outside of the Bureau</u>. OGC coordinates the review process for any rules which require approval outside the Bureau (for example, the Department of Justice).

  3.5.4   <u>Rules Publication</u>. Once a Rule has successfully completed the clearance process, the public must be informed through a formal publishing procedure.

  <u>Federal Register Publication</u>. The Rule is submitted to the National Archives and Records Administration Office of the

Federal Register for publication. If the Rule meets the publication standards, it is ordinarily scheduled for publication in the ***Federal Register*** three working days after the date of receipt.

   Publication Within the Bureau. The General Counsel's Office transmits copies of the Rule published in the ***Federal Register***, for posting in all institutions for review by inmates and staff.

CHAPTER 4

DEVELOPMENT AND CLEARANCE

4.1 **OVERVIEW**

Generally, a proposed PS, or a change to an existing PS, is distributed to all Assistant Directors and Regional Directors for review and comment before implementation. This process, known as "clearance," provides an opportunity for input from the major components of the organization. It is not required that OMs be reviewed through this formal clearance process, but the OPI is expected to seek and document informal clearance from other offices, divisions, or regional offices which may be affected by, or required to implement, the OM.

Program managers are responsible for coordinating and documenting the clearance process and for assuring that comments received are given full consideration.

Policy development and clearance may be thought of as occurring in five stages:

- Formulation and drafting
- Pre-clearance
- Clearance
- Final review and signature by the Director
- Authentication, numbering, printing, and distribution

NPR is available to assist program areas in **any** stage of policy development.

4.2 **FORMULATION AND DRAFTING**

  4.2.1 Organizing the Policy Development Effort. Getting started in developing policy can be a difficult, uncoordinated effort or an organized, planned approach which produces a quality product in a reasonable time. The person developing the policy should establish a plan with tentative deadlines for each major step and establish a Program Statement Working File as required in Chapter 5 on POLICY DEVELOPMENT DOCUMENTATION.

It is suggested that the initial step be to prepare either:

- ■ a working outline, for a new or significantly revised PS, or

- ■ a list of changes, by section, for more minor changes to an existing PS.

The outline or list should be sufficiently detailed to permit thoughtful review within the program area before the actual drafting begins.

Attention to details in the early stages of drafting the actual policy change saves time and confusion later:

- ■ Identify, correctly cite, and format any "Directives Rescinded" and any "Directives Referenced," as shown in the sample PS at the end of Chapter 2 on PROGRAM STATEMENTS, by consulting the current **CDLIST** on BOPDOCS.

- ■ Update references to ACA standards. Contact the Strategic Management Branch of the Program Review Division for assistance.

- ■ Ensure that references to forms and form numbers are correct. Contact the Forms Manager in Documents Control Systems for assistance.

- ■ Ensure that any attachments to the PS are up to date and available in a form that can be included with the PS on BOPDOCS. Attachments are labeled alphabetically, in capital letters, and in the **same sequence as first referenced** in the PS. Official Bureau forms (those with assigned "BP" numbers) may be referenced in a PS without making them attachments. **Any Bureau form that is made an "attachment" will be included with the** _**printed**_ **copy of the PS but will not be included with the** _**electronic**_ **copy of the PS on BOPDOCS, since Bureau forms are already available in the forms section of BOPDOCS**. Similarly, any other attachments that are not available in electronic form cannot be included with

the PS on BOPDOCS, even if they are included with the
printed copy.

- Ensure that any Rules language appears as **bold** type
  within brackets. See Chapter 3 on RULES and/or seek
  assistance from the OGC Rules Unit.

4.2.2 <u>Internal Drafting and Review</u>. In addition to routing
drafts internally as they are produced, at the appropriate time,
it is often a good idea to informally seek review and comments
from other offices specifically affected, within or outside the
originating division. This can reduce the time required to
resolve comments in the formal clearance process. Records of
these reviews should be kept in the Program Statement Working
File.

It is also a good idea to consult NPR during this **"preliminary
review"** stage for both format and editorial assistance, as well
as the OGC Rules Unit to determine if rules text is affected
and/or needed.

Consideration should be given to using the Redline and
Strikeout feature of WordPerfect, which is an excellent tool for
showing the changes made in each draft.

Also, Section 5.7 on HARD DISK AND DISKETTE FILE MAINTENANCE
suggests a method for naming files on the program area's
computer. Conforming to a file-naming convention helps all staff
maintain version control and find documents when needed.

4.2.3 <u>Determining How Much Clearance Is Needed</u>. Also during
formulation and drafting, the OPI should determine how much
clearance will be needed for the policy change. The general rule
is that PSs and CNs are distributed for formal clearance by all
Assistant Directors, all Regional Directors, the Director's
office and NPR. It is good practice, however, to limit clearance
to what makes sense for the document being proposed or issued.

Keep in mind, that **ultimately it is the Director, when a policy
change arrives for approval and signature, who decides whether
the amount of clearance was sufficient.** In all cases, the
rationale for clearance must be fully addressed in the final
clearance memorandum to the Director (addressed below).

There are four levels of clearance:

- <u>Full</u>   by the OPI Assistant Director with **all** Executive Staff, NPR, and DOCS;

- <u>Limited</u>   by the OPI Assistant Director with **some** Executive Staff, NPR, and DOCS;

- <u>Informal</u>   by levels lower than the OPI Assistant Director with offices other than the Executive Staff (for example, by the Central Office Branch Administrator with the Regional Administrators);

- <u>None</u>   no clearance outside of the OPI division.

<u>Typical considerations</u>:

The Assistant Director may determine that a policy does not require **full** clearance distribution if it is basically administrative in nature and affects only the operations of that division. Since a policy's impact on other divisions and the field can be difficult to foresee, a determination not to distribute policy for clearance should be made very judiciously.

Limited clearance may be appropriate for a policy change that does not have widespread impact. For example, a change that affects only the Central Office may not need to be distributed to the regional offices.

A PS or CN that has already been **approved by the full Executive Staff** (usually at an Executive Staff meeting) **without change** (or with only minor changes) may not have to be distributed for clearance. The Assistant Director's clearance memorandum is to identify the Executive Staff decision number and date. A copy of the Executive Staff paper and the PS, as presented at the Executive Staff meeting, are to be attached. Ordinarily, when the Executive Staff approves a policy change **in concept** without reviewing a draft of the actual PS or CN, full clearance may still be required.

Informal clearance might be appropriate for technical matters that affect only one discipline.

4.3 **PRE-CLEARANCE**

Before a draft PS or CN is distributed for clearance, approval from NPR and the OGC Rules Unit is required.

   4.3.1 Obtaining Approval to Distribute for Clearance. The program area completes a Directive Coordination and Summary form (sample at the end of this chapter) and forwards the following to NPR for pre-clearance review:

- Original Directive Coordination and Summary form.
- Draft of PS or CN to be distributed, including attachments.
- WordPerfect diskette.

   4.3.2 NPR Review. NPR reviews the policy's contents and makes or suggests editorial changes as needed to improve the organization, format, accuracy, clarity, and completeness of the policy. NPR begins "tracking" the PS through further stages of development. Before returning the draft to the program area, NPR also seeks Rules clearance from the OGC Rules Unit.

   4.3.3 Rules Clearance. The Rules Unit determines if Rules publication is needed. See Chapter 3 on RULES. Ordinarily, if Rules are needed, the policy change may not be distributed for clearance until the Rules language is incorporated. In some instances, the Rules Unit may determine that the draft may be distributed for clearance while Rules are being developed.

   Program areas are encouraged to consult with the Rules Unit early in the development process to avoid delays in processing the directive for clearance.

4.4 **CLEARANCE**

   4.4.1 Directive Coordination and Summary Form. The Directive Coordination and Summary form (sample at the end of this chapter) is the controlling document for the clearance process. It documents the following:

- Originating office information and background data about the policy.

■   OGC and NPR pre-clearance reviews.

■   Assistant Director's approval.

■   Clearance deadline date.

4.4.2 <u>Assistant Director's Approval</u>. Once NPR and the Rules
Unit authorize a draft directive for clearance, the program area
forwards the draft document and the Directive Coordination and
Summary form to the OPI Assistant Director for approval.

4.4.3 <u>Clearance Deadline</u>. When the Assistant Director
approves the draft for clearance distribution, a clearance
deadline is determined and entered on the Directive Coordination
and Summary form.

■   The time allowed for clearance is **typically 30 calendar
     days**, but may not be less than 10 working days.

■   **Ten-day deadlines** should be set only in **urgent**
     situations, especially since some regional offices may
     ask for input from their institutions before
     responding.

■   **More than 30 days** may be appropriate for a complex or
     lengthy directive.

4.4.4 <u>Clearance Distribution</u>. The program area provides the
clearance package (Directive Coordination and Summary form and
draft PS and CN with any attachments) to NPR to be distributed
via the BOPNet Wide Area Network to each clearance site.

Reviewers are reminded of the differences among **proof-reading**,
editing, and **reviewing for content**. While OPIs generally take
some care to see that such matters as spelling, format, and
punctuation are correct when preparing a document for clearance,
that document will undergo considerably more proof-reading -- and
often more substantive changes -- before it is finally signed by
the Director and becomes "policy." While there is no prohibition
against "proof-reading" during clearance, generally, that time
and effort are best spent in consideration of the merits of a
proposed policy change and how it should be stated.

Additional guidance is in the ***Guide to Directives Clearance by E-mail***, which is available from NPR.

4.4.5 <u>Clearance Responses Required</u>. All divisions, regional offices, and other offices receiving a policy change for clearance are expected to provide their comments by the deadline set by the OPI Assistant Director. **When a regional office requests comments from institutions, it is not acceptable to merely forward those comments to the OPI without regional office analysis and recommendation or consolidation into a single response**.

Responses are to be returned via BOPNet to the "DIRECTIV" **resource** mailbox specified in the request for clearance, **not directly to the OPI**. NPR electronically archives a copy of the each clearance response and forwards a copy to the OPI.

The OPI shall contact non-responding offices to obtain a response. If documented attempts to obtain clearance fail, the Assistant Director may assume concurrence and **so inform the Director in the clearance memorandum**. NPR shall maintain performance indicator data on each clearance site's responsiveness to requests for clearance.

4.4.6 <u>Resolving Clearance Comments</u>. The purpose of the clearance process is to advise OPI staff of potential problems and uncertainties with a proposed policy. Resolving comments can be a time-consuming process.

Each clearance comment must be resolved by:

- **Agreeing and incorporating** the suggestion in the directive.

- **Disagreeing**. OPI staff must determine whether each clearance comment received is substantive enough to warrant discussion, or at least some communication, with the originator as to the reason a recommendation was not adopted. Obviously, staff must apply reasonable judgment as to which comments require such communications, but it is generally a good practice to let staff know that their suggestions are appreciated and seriously considered.

When a responding component indicates **nonconcurrence** with a policy change, the OPI must resolve the disagreement with the nonconcurring division or region, as described in Section 4.4.8.

■   **Modifying the original suggestion** through further analysis, discussion with the originator, and/or involvement of other offices with expertise on the subject.

  Ultimately, the OPI is responsible for adopting or excluding the comment and advising the commenting office, if needed. NPR can assist the OPI and other offices in resolving disagreements.

  4.4.7 <u>Documenting the Resolution Process</u>. Any actions and communications involved in resolving a clearance comment must be documented. The OPI should keep memoranda (including e-mail), meeting minutes, and notes of telephone conversations in the Program Statement Working File and/or forward it with the directive for inclusion in Documents Control Systems's permanent files. This ensures an historical record is available if any issues arise about the policy's interpretation or implementation.

  For any proposed directive that goes through formal clearance, the OPI shall prepare a **Clearance Digest.** Not only is a clearance digest is a good mechanism to provide the OPI Assistant Director and other reviewers a quick way to note issues raised and how they were resolved, but also it is a valuable contribution to the OPI's Working File, as well as to the permanent clearance file maintained by Documents Control Systems.

  For simpler clearances, a memorandum may be sufficient as a digest, but for most clearances, the sample format on the next page is suggested.

  In the sample, the comment number is a combination of:

■   the acronym for the responding division, office, or regional office and

■   a sequential number.

For example, the fourth comment received from the South Central Regional Office would be "SCR-4". The comment number can also be written immediately adjacent to the comment on the policy draft as a cross-reference.

CLEARANCE DIGEST

PROGRAM STATEMENT # _____

TITLE _____

COMMENT # - DATE	DIGEST	ACTION
SCR-4 - 2/14/98	Suggest the second sentence in the third paragraph be deleted, as it is redundant.	Agreed. The sentence has been deleted.

4.4.8 <u>Nonconcurrence</u>. Nonconcurrence requires special efforts. When a division or regional office indicates that the Assistant Director or Regional Director **does not concur**, the OPI **must resolve the concerns with the nonconcurring component.** Failure to obtain clearance (unless explained thoroughly in the Assistant Director's clearance memorandum) will result in NPR's returning the policy to the OPI when it is forwarded for the Director's signature.

Because nonconcurrence indicates a **serious disagreement** over a proposed policy, all steps taken to resolve it should be documented (meeting minutes, memoranda, notes on telephone conversations, etc.) and that documentation forwarded for inclusion in the Documents Control Systems permanent file.

4.5 **FINAL REVIEW AND SIGNATURE BY THE DIRECTOR**

When all comments have been addressed, the program area prepares the final version of the directive for the Director's signature.

4.5.1 <u>Assistant Director's Clearance Memorandum</u>. Program area staff prepare the OPI Assistant Director's clearance memorandum to the Director, including:

❏✓ Reasons for the creation/revision.

❏✓ Statement that the policy change was prompted by a law change, an Executive Staff decision, or an annual review (if applicable).

❏✓ "This change was distributed for clearance." -- or "This change was not distributed for full clearance because . . . . ."

❏✓ "All divisions and regional offices responded." -- or "Most divisions and regional offices responded; however, concurrence had to be assumed from [list], which did not respond to our follow-up requests."

❏✓ "All significant comments received during the clearance process were incorporated." -- or a summary of any significant clearance comments incorporated (or not incorporated) and any rationale for inclusion or exclusion.

❏✓ "There is no objection to this Program Statement's being available on the Internet." -- or, if there is an objection (for example, if the document is "Limited Official Use Only"), justify not making it available to the public on the Internet.

❏✓ "In the development of this policy initiative, gender differences were taken into consideration."

❏✓ End the memo with "This Program Statement/Change Notice has been carefully proofread and spell-checked and is ready for your signature."

Ordinarily, the OPI Assistant Director shall personally sign the clearance memorandum. An acting Assistant Director may sign, if authorized to do so by the Assistant Director.

4.5.2 <u>Director's Approval and Signature</u>. NPR does a quality assurance review of each policy submitted to the Director for signature. This review not only looks at the PS or CN, but also at the adequacy of the clearance resolution process. The OPI forwards the following documentation to NPR:

- Assistant Director's clearance memorandum.

- Program Statement or Change Notice, including all attachments, ready for the Director's signature.

- Original Directive Coordination and Summary form.

- A copy of the clearance response from each division, office, and regional office.

- A 3.5" diskette, containing the WordPerfect file of the PS or CN including all attachments and labeled as required in Section 5.6, WORD PROCESSING FILE MAINTENANCE.

The program area retains in the Program Statement Working File a copy of whatever documentation will be useful to answer questions that arise after the policy is published and to provide continuity for future policy revisions, as specified in Section 5.4 on PROGRAM STATEMENT WORKING FILE ORGANIZATION.

4.6 **AUTHENTICATION, NUMBERING, PRINTING, AND DISTRIBUTION**

After signature, the Director's office returns the Program Statement or Change Notice to NPR for authenticating, numbering, and dating. NPR forwards the signed directive, clearance documentation, and WordPerfect disk to Documents Control Systems for certification, printing, and distribution. Documents Control Systems shall archive the certified record and its contents (paper and electronic) for future use. All requests for copies or facsimiles of the certified directives record (e.g., a discovery request requests resulting from on-going or pending litigation) shall be directed to the Office of Documents Control Systems.

**FEDERAL BUREAU OF PRISONS
DIRECTIVE COORDINATION AND SUMMARY**

Directive Subject:

Division: **Branch:**

Date of Distribution: **Phone No:**

Contact (Name/Office/Building/Room No.):

EXPLANATION OF ISSUANCE:

New or Existing PS?   **Current PS Number** (if any):

Affected Operations Memorandum, if any:
(Number/Date/Title/Cancellation Date)

If policy change is related to an Executive Staff Decision?

Decision #   **Date:**

CLEARANCE APPROVALS:

OGC Rules Unit   : _____   _____
                                  (date)   (signature)
Rules Needed?   : _____
                                (Yes or No)

National Policy Review : _____   _____
                                  (date)   (signature)
OPI Assistant Director : _____   _____
                                  (date)   (signature)

Assistant Director's Clearance Deadline Date: |_____|

Any Special Instructions for Clearance:

CHAPTER 5

POLICY DEVELOPMENT
DOCUMENTATION

5.1 **OVERVIEW**

All Central Office components are required to establish and
maintain standard "Working Files" for Program Statements for
which they are responsible.

Policy development often involves complex issues and consensus
decision-making, and policy records must provide a clear record
of what key decisions were made and how conflicts were resolved.
Maintaining complete records provides continuity and fosters an
"institutional memory" of a policy's development.

The intent is for staff in each office to be able to readily
locate a paper and electronic file for each PS when an employee
leaves or is absent.

5.2 **BACKGROUND**

Policy development and issuance is a **vital function** of the
Central Office. In 1989, an Executive Staff Work Group made a
number of recommendations about the policy issuance system, one
of which was that the responsible program area maintain a
standard "working folder" for each PS to provide a consistent
source for information about that policy's development. This is
particularly important for continuity in offices where there is
frequent staff turnover.

Another recommendation was that improvement be made in the **Annual
Review and Certification** of PSs as described in Chapter 10. The
file for each PS is to be a repository for pertinent Operations
Memoranda and other documents to be considered during the annual
review. OMs (which are always **temporary** in that they have
expiration dates) might need to be incorporated into the more
permanent PS.

5.3 **STANDARD PROGRAM STATEMENT WORKING FILE**

Each program area in all Central Office Divisions must establish
a "Working File" for each PS and CN for which that office is

primarily responsible. Such files are to contain information on
the policy's development and on revisions which need to be made
and any information needed during the annual review to determine
if the policy is accurate, current, and clear.

Ordinarily, for larger PSs in which pages changes are made, each
CN should be in a separate Working File, since development and
clearance of that change will be unique. In some instances,
however, it may be acceptable to file brief, uncomplicated CN
documentation in the original Working File, as long as it is
clear which materials apply to the original and which to the CN.

Additional folders are available from the Central Office supply
room.

5.4 <u>**PROGRAM STATEMENT WORKING FILE ORGANIZATION**</u>

PS Working Files are to be organized in six-part file folders as
follows:

- **PART I - "Current Program Statement/Computer File"**

    <u>Contents</u>: Unmarked copy of the current PS and a computer
diskette containing the complete word processing file (including
any attachments). Note that the value of maintaining a diskette
has diminished, since the current version can be retrieved in
WordPerfect from BOPDOCS; however, in practice, the OPI often
saves on that same disk a copy of other related documents
(Directive Coordination and Summary form, Clearance Digest,
Clearance Memo, etc.) that the OPI wishes to maintain. Also see
Section 5.6 on WORD PROCESSING FILE MAINTENANCE.

- **PART II - "Current Revised Draft"**

    <u>Contents</u>: The most current revision **draft** of the PS, with
the electronic file name written on it for easy cross-reference.

- **PART III - "Temporary Directives/Needed Policy Changes"**

    <u>Contents</u>: Copies of all OMs, Executive Staff papers, and
other documents that provide temporary policy direction which
should be considered in the next revision of the PS.

- **PART IV - "Clearance Documentation"**

      <u>Contents</u>: Any clearance documentation the OPI wishes to keep
on file, for example, a copy of the Assistant Director's
clearance memorandum. Originals of these records are to be
forwarded to NPR for inclusion in the Directive History File
maintained by Documents Control Systems. Photocopies of
clearance documentation may be retained, at the discretion of the
program area, to provide continuity for complex policies or
policies requiring extensive clearance comment resolution,
although **ordinarily a copy of the Clearance Digest will suffice.**

- **PART V - "Prior Drafts"**

      <u>Contents</u>: Any significant working drafts of the PS that may
be important to understanding how the policy was developed.

- **PART VI - "Annual Review Documentation"**

      <u>Contents</u>: Copies of annual review certificates and
supplementary documents resulting from the annual review.

5.5 **<u>WORKING FILE MAINTENANCE</u>**

PS Working Files are to be filed in a central location in the
Office of Primary Interest (OPI) responsible for those policies.
As the need to revise a policy or respond to a policy question
may occur on short notice, Working Files must be regularly
updated and easily located. Working Files may be examined as
part of program reviews of policy development activities.

5.6 **<u>WORD PROCESSING FILE MAINTENANCE</u>**

Each program area is to maintain WordPerfect files on all Program
Statements, Change Notices, and Operations Memoranda for which it
is the OPI. A 3.5" diskette, containing **all text and
attachments**, may be maintained in the Program Statement Working
File. The disk must be labeled with the WordPerfect file name,
directive number and title, division/branch, and name and
telephone number of originator.

5.7 **HARD DISK AND DISKETTE FILE MAINTENANCE**

Adopting the following word processing file name convention makes it **easier for all users to find and understand file names**:

        8 character file name = Program Statement Number*
                File extension = Draft number or final version

        * Since DOS uses periods to separate a file name from a file extension, substitute an underscore (_) for the period ordinarily used in a PS number:

        5230_04.D01 = First Draft
        5230_04.D02 = Second Draft
        5230_04.D03 = Third Draft

When naming the file for a **new** policy, use the subject for the file name (such as "HIV" for a PS on Human Immunodeficiency Virus):

        HIV.D01 = First Draft
        HIV.D02 = Second Draft
        HIV.D03 = Third Draft

Remember that it may be difficult to anticipate what the final number on a PS may be, since NPR usually does not assign a number until the PS has been signed by the Director. Ordinarily when the final PS (or CN) is processed for printing and BOPDOCS, NPR removes previous drafts from the diskette to avoid mistakes and confusion.

5.8 **QUALITY ASSURANCE REVIEWS**

In each division, the Policy Liaison (see Section 1.3) is responsible for periodic quality assurance reviews of the PS Working Files and word processing files in that division. NPR, in conjunction with the liaisons, may periodically review those files to ensure compliance.

CHAPTER 6

CHANGE NOTICES

6.1 **OVERVIEW**

When changes are made to an existing PS, they are summarized in a
Change Notice (CN).

- For a PS that has less than 40 pages, changes are to be
  accomplished by a **complete revision** of the PS, accompanied
  by a CN that summarizes those changes.

- For a PS that has more than 40 pages, it is permissible
  for the CN to make **page changes**, that is, to specify that
  certain pages are to be removed and others inserted.

NPR may authorize exceptions to these page restrictions, when
warranted by special circumstances.

CNs are signed approved by the Director (or Acting Director).
Often, a CN is distributed to all Assistant Directors and
Regional Directors for clearance before implementation.

A CN highlights and summarizes changes in policy and may provide
specific instructions for removing and inserting pages. The
intent is for staff to be able to quickly know what has been
changed without having to scrutinize each line of the new PS and
compare it to the old PS.

Additional information on preparing CNs is in:

- Chapter 2 - PROGRAM STATEMENTS,
- Chapter 4 - DEVELOPMENT AND CLEARANCE, and
- Chapter 5 - POLICY DEVELOPMENT DOCUMENTATION.

6.2 **STANDARD FORMAT**. A sample of the Change Notice form is at
the end of this chapter. A well-written CN goes beyond stating
what the changes are to providing explanations for those changes.

   6.2.1 Purpose and Scope. Often, one sentence is sufficient in
this first section, as shown in the sample CN at the end of this
chapter. If needed, this section is the appropriate place to

provide a broad overview of the purpose and impact of the policy changes.

6.2.2 <u>Summary of Changes</u>. This section provides detail about the policy changes and, if pertinent, the rationale for those changes.

6.2.3 <u>Table of Page Changes</u>. This section is included only when **page changes** are being made to larger PSs. It provides the clerical instructions for what pages to remove and insert and is formatted as shown in the sample CN at the end of this chapter.

6.2.4 <u>Action</u>. This section informs staff what steps are required to implement the CN, as shown in the sample CN at the end of this chapter.

6.3 **<u>PAGE CHANGES AND ASTERISKS</u>**. This section applies only to CNs that are making **page changes** to a larger PS.

6.3.1 <u>Format for Pages Changed</u>. When page changes are being made to a larger PS, the pages being changed are to be typed in the same format as the original to provide a consistent appearance when the new pages are inserted.

During the transition from WordPerfect 5.1 to WordPerfect 6.1, it also vital to ensure the changes are typed in the **same WordPerfect version** as the original. WP 6.1 pages cannot be inserted into a WP 5.1 document.

6.3.2 <u>Reverse Page Sides</u>. When page changes are made to a larger document, it is necessary that the **printed** copy -- and therefore the **electronic file** -- include the **back** of the pages being changed.

For example, if there are changes on page 3, page 4 must also be included, even though there are no changes on it. The header on page 3 (date and CN) will reflect it was changed with this Change Notice, while the header on page 4 will reflect it was not changed with this Change Notice. (See Section 6.4 on Numbering Change Notices.)

6.3.3 <u>Extra Pages</u>. If the new text will not fit on the same number of pages as the original PS text, identify the extra pages

using the page number and a letter suffix. For example, when revising page 8 of a 15-page Program Statement and the typed revision takes two pages, number the pages 8 and 8a.

   6.3.4 <u>Asterisks to Locate Changes</u>. Any policy text **in page changes** that is being **significantly** revised must be marked with asterisks at the beginning and the end of the text containing the revision to help the reader locate the changes. Asterisks are used to note added, revised, or deleted text but need not be included for text which has been edited without changing the meaning. Specific WordPerfect instructions for placing asterisks are in the sample CN at the end of this chapter.

6.4 **NUMBERING OF CHANGE NOTICES**. The control number of a CN depends on whether it does or does not make page changes.

   ■ CNs that **do not make page changes** are numbered the same as the new PS.

   ■ CNs that **do make page changes** retain the existing PS number and are numbered sequentially (CN-01, CN-02, etc).

6.5 **HIGHLIGHTING PS CHANGES BY OPERATIONS MEMORANDUM**

Ordinarily, the "Summary of Changes" section of the CN sufficiently highlights the changes being made. Also, the "Action" section of the CN may provide deadlines and transitional instructions, such as how and when to end current procedures and begin new ones.

On occasion, however, depending on the complexity of the changes or the audience who needs to know about those changes, the OPI may want to elaborate further in an OM. The OPI Assistant Director ordinarily signs the OM, but it may be prepared for the Director's signature.

In either case, the OM should accompany the CN when it is routed to the Director for signature, so the CN and OM can be issued simultaneously.

Change
Notice

1. <u>PURPOSE AND SCOPE</u>. Often, one sentence is sufficient in this first section: "To highlight changes in the Program Statement on [title]."

If needed, this section is the appropriate place to provide a broad overview of the purpose and impact of the policy changes.

2. <u>SUMMARY OF CHANGES</u>. This section provides detail about the policy changes and, if pertinent, the rationale for those changes.

3. <u>TABLE OF CHANGES</u>. This **optional** section, needed only for **page changes** to larger Program Statements, provides the clerical instructions for removing and inserting those pages.

<div align="center">

<u>Remove</u>	<u>Insert</u>
Pages 3 and 4	Pages 3 and 4

</div>

4. <u>ACTION</u>. This section informs staff what steps are required to implement the CN:

■ First, when **page changes** are being made to a larger PS, it always instructs that the CN itself is to be filed in front of the PS it revises. Example:

"File this Change Notice in front of PS xxxx.xx, [title]."

■ It may establish a date when the change takes effect or establish different dates for various changes.

■ It may also provide deadlines and transitional instructions, such as how and when to end current procedures and begin new ones.

Kathleen Hawk Sawyer
Director

This is the format for a CN page change. The header is for a changed page is the same as one for any PS (like the one on this page), except that, before the date, the CN number is shown (for example, CN-01, 10/5/04). **Unchanged** pages included with the CN only because they are on the back of **changed** pages, retain their **original** dates.

The top margin is **one-half inch**. If the three-line page header is to be added later (usually by NPR), the top margin should be set to one inch. For proper pagination in drafting a document, the OPI may set the top margin to one-half inch and followed by a **simulated** three-line header:

> PS xxxx.xx
>   mm/dd/yy
>   Page xx

After the Director has signed the document and before it is printed, NPR will insert the **actual** PS number and date.

Any policy text which is being **significantly** revised must be marked with asterisks at the beginning and the end of the text containing the revision to help the reader locate the changes. Asterisks are used to note added, revised, or deleted text but need not be included for text which has been edited without changing the meaning:

- Place an asterisk at .5" in the **left hand margin** of the changed text where the policy revision begins and use the Margin release function (Shift-Tab, *, Tab), and

- Place an asterisk at the **right hand margin**:

    - type an asterisk at the end of the line where the change ends,

    - place the cursor just before the asterisk and move it Flush Right by pressing Alt-F7.

Note that formatting for Rules language must be maintained and that Rules may not be changed without (1) the approval of the Office of General Counsel and (2) publication in the ***Federal Register***.

CHAPTER 7

OPERATIONS MEMORANDA

7.1 <u>**OVERVIEW**</u>

An Operations Memorandum (OM) is a temporary and/or "one-time" directive issued with a **predetermined expiration date**. The duration of an OM may be no more than **one year** from the date of issuance; however, in practice, the duration is often considerably less.

Acceptable uses for an OM are to:

- Announce an upcoming event which may require some action,

- Explain or clarify operations and procedures,

- Transmit guidance, training materials, or Technical Reference Manuals, or

- Highlight the significant changes in a new or updated PS, and/or provide interim instructions.

In regard to the latter, when a new PS rescinds or replaces an old one, ordinarily, the accompanying Change Notice (CN) is sufficient. The "Summary of Changes" section of the CN highlights the changes being made, and the "Action" section of the CN may provide deadlines and transitional instructions, such as how and when to end current procedures and begin new ones.

On occasion, however, depending on the complexity of the changes or the audience who needs to know about those changes, the OPI may want to elaborate further in an OM. The OPI Assistant Director ordinarily signs the OM, but it may be prepared for the Director's signature.

In either case, the OM should accompany the CN when it is routed to the Director for signature, so the CN and OM can be issued simultaneously.

In an emergency, an Assistant Director may issue an OM to implement an immediate change in a PS, but it is **preferable to**

issue a Change Notice signed by the Director. Another alternative is to prepare the OM for the **Director's** signature. When an OM is thus used, it must be replaced with a new PS or CN as soon as feasible.

The Office of National Policy Review (NPR) shall review each OM before publication to assess its appropriateness for issuance as a temporary directive and its impact on existing Program Statements. The Office of Primary Interest (OPI) staff shall take the proposed OM to NPR **before signature by the Assistant Director**. OPI staff are encouraged to consult with NPR during the formulation of an OM to ensure prompt approval. Also, NPR staff will conduct a preliminary review, when asked.

7.2 **SIGNATURE AUTHORITY**

An OM may be approved by the OPI's Assistant Director, but on occasion may be issued by two or more Assistant Directors, or by the Director. An acting Assistant Director may approve an OM, if authorized to do so by the Assistant Director, by signing his or her own name and writing "for" preceding the Assistant Director's typewritten signature block.

7.3 **RULES**

It is important that an OM not make any change in policy that has been published as a Rule, since Rules may be modified only through publication in the *Federal Register*. Ordinarily, OMs do not contain Rules, but when it is necessary that an OM contain Rules, the Rules must be stated precisely as published in the *Federal Register*.

Any OM containing Rules must be reviewed and cleared by the Office of General Counsel Rules Unit before publication.

7.4 **STANDARD FORMAT**

  7.4.1 <u>Section Organization and Headings</u>. While OMs often do not require as formal a structure as PSs, there are some requirements which are basic. At a minimum, an OM should be in the following format:

1. PURPOSE AND SCOPE
2. DIRECTIVES AFFECTED
3. [other section headings, as appropriate]
   .
   .
6. ACTION

Details on formatting an OM (including typing standards) are shown in the sample at the end of this chapter.

Generally, it is preferable for major sections to be shorter, rather than longer, and for section titles to be specific and descriptive. A main section entitled "PROCEDURES" is often too broad for an OM covering many different procedures and processes. Some typical section headings are: OVERVIEW, BACKGROUND, DEFINITIONS, GOALS, DELEGATION OF AUTHORITY, RESPONSIBILITIES, PROCEDURES, ACTION REQUIRED, TRAINING, and REPORTING.

As a general rule, when an OM draft is organized so as to reach the third subsection level, it often indicates that the main section is too broad or complex and a reorganization is necessary to move some subsections higher.

When an OM precedes a planned issuance or revision of a PS or Program Manual, that should be stated in the OM. (<u>Example</u>: "The provisions of this OM will be incorporated in an upcoming revision of Program Statement ####.##.")

The last section in an OM is usually entitled ACTION. Because an OM is action-oriented and time-limited, the ACTION section should be very specific about **who** is to do **what** and **when**.

7.4.2 <u>Word Processing Standards</u>. The same standards that apply to PSs apply to OMs.

7.4.3 <u>Attachments</u>. Attachments to an OM are to be numbered sequentially by capital letters and referenced in the text, usually in the ACTION section.

7.5 **<u>ELECTRONIC MAIL OPERATIONS MEMORANDA</u>**

When action must be undertaken within five working days and completed within 60 days, the Director or an Assistant Director

(with concurrence from NPR) may issue an OM electronically.
These urgent transmissions (known as "HOTDOCS") are distributed
by NPR via the BOPNet Wide Area Network.

The OM is to be cleared through NPR, numbered and formatted the
same as a regular OM, and assigned a number and expiration date.

7.6 **CLEARANCE**

Ordinarily, OMs are not cleared through the same formal clearance
process as PSs and CNs. The need for informal clearance shall be
determined by the program area (OPI) and is usually limited to
intra-division components and other offices which might be
affected by or required to implement the OM.

Records of **informal** clearances do not have to be forwarded to NPR
but should be maintained by the program area. The Assistant
Director's signature on the OM shall signify that the necessary
clearances were obtained.

7.7 **NUMBERING**

NPR numbers OMs sequentially within each calendar year, with the
subject matter classification in parentheses. Thus, the first OM
in 1998 would be numbered 001-98. If that OM dealt with inmate
art work, it would be numbered 001-98 (4548).

7.8 **DISTRIBUTION AND MAINTENANCE**

   7.8.1 Distribution. See Chapter 11 on DISTRIBUTION AND
MAINTENANCE for detailed information on distribution of OMs,
including their availability in libraries and their release to
parties outside of the Bureau. Certain sensitive OMs are
designated as "Limited Official Use Only," and their distribution
is closely controlled.

   When copies of an OM are received, generally they should be
distributed in the same manner as a PS in the same subject
classification. Since only one subject classification can be
assigned, however, each directives manager must review each OM to
be sure that all affected departments receive copies.

Any OM designated "Limited Official Use Only" shall be
distributed as specified in Section 11.4 on LIMITED OFFICIAL USE
ONLY, or in accord with any special procedures detailed in the OM
itself.

7.8.2 <u>Maintenance</u>. OMs should be stored sequentially in
binders. When an OM significantly effects a PS, an additional
copy may be filed in front of that PS. Directives managers
should review their OM binders periodically and discard any
expired OM. Each month CDNEWS on BOPDOCS lists which OMs have
recently expired or are about to expire.

7.9 **DURATION, CANCELLATION, AND EXTENSION**

An OM may be effective for no longer than one year and is
automatically canceled upon its expiration date.

When the provisions of an OM are needed beyond its original
cancellation date, the Assistant Director must issue a new OM
before the existing OM expires. Failure to meet that deadline
creates a policy "gap," during which the intended policy
direction is not in effect.

Generally, it is preferable that an OM's expiration date not be
extended simply by issuing a second OM that merely extends the
existing OM's effective date. When circumstances warrant,
however, it is permissible to extend an OM in this manner one
time only. Any subsequent need for the OM's provisions may be
accomplished only by issuing a new, complete OM.

Operations Memorandum

NUMBER: xxx-xx (xxxx)

DATE: mm/dd/yy

SUBJECT:

EXPIRATION DATE:

1. <u>PURPOSE AND SCOPE</u>. This section broadly identifies the purpose of the OM. OMs cover many different temporary policy issues (such as providing instructions for year-end reports, announcing training conferences, and identifying authorized vendors for supplies), so formatting is somewhat more flexible than for PSs.

OMs must be typed using WordPerfect software and the following standard defaults:

Font:	New Courier, 12 point
Line Spacing:	Single Spaced
Margins:	One inch on each side and the bottom.
Page Numbering:	For pages after the first page, the top margin is **one-half inch**. If the three-line page header is to be added later (usually by NPR), the top margin should be set to one inch. For proper pagination in drafting a document, the OPI may set the top margin to one-half inch and followed by a **simulated** three-line header:

> OM xxx-xx (xxxx)
> mm/dd/yy
> Page xx

After the OM is signed and before it is
printed, NPR will insert the **actual** OM number
and date.

2. <u>PROCEDURES</u>

  a. Major sections are numbered and subsections numbered as
follows:

  (1)
    (a)
     (i)

  b. A main section entitled "PROCEDURES" may be too broad for
an OM covering numerous procedures. Generally, it is preferable
for major sections to be shorter, rather than longer, and for
section titles to be specific and descriptive. Some typical
examples are: OVERVIEW, BACKGROUND, DEFINITIONS, GOALS, PROGRAM
OBJECTIVES, DELEGATION OF AUTHORITY, RESPONSIBILITIES,
PROCEDURES, ACTION REQUIRED, TRAINING, and REPORTING.

3. <u>ACTION</u>

  a. An "Action" section normally appears in OMs to provide
guidance for implementing the OM and to provide a contact point
for questions.

  b. Questions may be directed to the _____
Section, Finance Branch, at (202) 555-5555.

  c. The Assistant Director's signature block is typed at the
end of the Operations Memorandum and is placed five lines down,
six inches (8 TABs) from the left side of the page, and is
formatted as follows:

        Amalia V. Rodriguez
        Assistant Director for
        Management Services

CHAPTER 8

PROGRAM REVIEW GUIDELINES

8.1 **OVERVIEW**

A Program Review Guidelines (PRGs) document provides information used to conduct Program Reviews and Operational Reviews in accord with the Program Statement on **Management Control and Program Review**. Generally, the focus of PRGs, and the review steps to be followed are determined at a formal Management Assessment by the program area's Central Office and regional administrators, institutional staff, as well as staff from the Program Review Division (PRD).

8.2 **SIGNATURE AUTHORITY**

Program Review Guidelines are issued jointly by:

- the Assistant Director of the Office of Primary Interest; and

- the Senior Deputy Assistant Director of the Program Review Division (PRD).

An acting Assistant Director may approve PRGs, if authorized to do so by the respective Assistant Director, by signing his or her own name and writing "for" preceding the Assistant Director's typewritten signature block.

8.3 **STANDARD FORMAT**

  8.3.1 <u>Section Organization and Headings</u>. Generally, the following sections are included in a PRG document:

    1. PURPOSE AND SCOPE
    2. DIRECTIVES AFFECTED
    3. DEPARTMENTAL CLIMATE
    4. SPECIAL REVIEW PROCEDURES

    VITAL FUNCTIONS AND MANAGEMENT INDICATORS
    GUIDELINES

Details on formatting a PRG document (including typing standards) are shown in the sample at the end of this chapter. See the Program Statement on **Management Control and Program Review** for additional information on the development and content of PRGs.

8.3.2 <u>Word Processing Standards</u>. The same standards that apply to Program Statements apply to PRGs. (See Section 12.5, USING WORDPERFECT FOR DIRECTIVES.)

8.3.3 <u>Attachments</u>. Attachments to PRGs, if any, are to be numbered sequentially by capital letters.

8.4 **CLEARANCE**

Generally, PRGs are cleared only by staff of the OPI and PRD, although occasionally the OPI or PRD may determine that further clearance is needed. PRD staff shall ensure, not only that the content of PRGs meets the Bureau's management control requirements, but also that the PRG document itself meets the Bureau's standard format requirements for PRGs and the word processing requirements for all directives.

Once the OPI Assistant Director and PRD Senior Deputy Assistant Director have approved and signed the PRG, the OPI shall provide National Policy Review the original signature copy and the electronic (WordPerfect) file.

Review of PRGs by NPR before they are signed is not required; however, NPR shall review them before issuance to ensure conformity with the electronic word processing standards required for all directives on BOPDOCS.

8.5 **NUMBERING**

Unlike Program Statements and Operations Memoranda, PRGs have no control numbers. Only the date, level (Institution, Regional Office, Central Office, etc), and page number appear in the upper right hand corner of each page.

8.6 **DISTRIBUTION AND MAINTENANCE**

  8.6.1 <u>Distribution</u>. The primary method of distribution for
PRGs is BOPDOCS. Each month, the CDNEWS section of BOPDOCS
advises users of any new, reissued or canceled PRGs, and the
CDLIST section provides a list of all current PRGs. (See Chapter
12, DIRECTIVES ON CD ROM.)

  Staff preparing to do a Program Review or Operational Review
shall consult BOPDOCS to obtain the most recent version of the
applicable PRGs.

  Generally, Directives Managers will not have to distribute
paper copies of PRGs, routinely, as long as staff are advised of
changes via CDNEWS and have access to BOPDOCS.

  8.6.2 <u>Maintenance</u>. Likewise, it is generally unnecessary for
Directives Managers to maintain paper copies of PRGs in binders,
since the most recent version is available on BOPDOCS.

  Other staff, particularly in the departments directly affected,
may want to maintain paper copies of PRGs for reference, but
before starting an actual Program Review or Operational Review,
BOPDOCS should be consulted to ensure the review will be based on
the current PRGs.

8.7 **DURATION, CANCELLATION, AND REPLACEMENT**

PRGs are not issued with predetermined cancellation dates and are
therefore in effect until replaced or canceled by the two
divisions that issued them. PRGs may not be updated with page
changes; each reissuance is a total replacement.

8.8 **ANNUAL REVIEW AND CERTIFICATION**. Each Program Statement
(and Program Manual) is reviewed annually by its Office of
Primary Interest (OPI) to ensure it is current.

In addition to ascertaining whether the Program Statement is
accurate and up to date, each review addresses three other
aspects of policy management that are important in PRGs:

- whether the <u>Standards Referenced</u> section cites the correct
  and most recent ACA Standards;

- whether the Program Statement sufficiently <u>implements</u> those standards; and

- whether the <u>Program Review Guidelines</u> for that Program Statement are current.

See Chapter 10 on ANNUAL REVIEW AND CERTIFICATION for more detailed information.

Program Review Guidelines

PROGRAM AREA:
LEVEL:
DATE: mm/dd/yy

1. <u>PURPOSE AND SCOPE</u>. The guidelines in this document apply to Program Reviews and Operational Reviews for the <u>[program area]</u> at the <u>[institution, regional office, or Central Office]</u> level.

The **optional** second paragraph of this section may be used for additional information pertinent to the guidelines' purpose, scope, or background. For example, it may be useful to explain that Regional Office and Central Office staff conducted a Management Assessment in <u>[month 199x]</u> to identify high risk areas or revise the guidelines.

2. <u>DIRECTIVES REFERENCED</u>. The following directives are cited in the Program Review Guidelines detailed below:

    PS nnnn.nn   Subject (mm/dd/yy)
    PS nnnn.nn   Subject (mm/dd/yy)
    OM nnn-yy   Subject (mm/dd/yy)

3. <u>STANDARDS REFERENCED</u>. In this section, ACA Standards are to be referenced, using the same format required in Program Statements.

4. <u>DEPARTMENTAL CLIMATE</u>. This **optional** section may be used when reviews of a program area are to include an assessment of a department's overall "climate." For example:

Program and operational review teams are to assess staff and inmate perceptions about the department ("climate") and their impact on the overall performance of the program. Steps to

address those perceptions, in the following areas, are included
in the guidelines:

- Personal Safety and Security,
- Communication/Responsiveness, and
- Staff Morale.

4. <u>SPECIAL REVIEW PROCEDURES</u>. This **optional** section may be used
to specify any special requirements for reviews in the subject
program area that are different from, or more specific than, the
general requirements in the Program Statement on **Management
Control and Program Review.**

Such matters might include frequency of program or operational
reviews, the composition or size of review teams, the length or
reviews, etc.

Senior Deputy Assistant Director   _____Assistant Director
Program Review Division   _____ Division

<u>VITAL FUNCTIONS</u>
<u>AND MANAGEMENT INDICATORS</u>

The following are the identified vital functions and the applicable management indicators. Each indicator lists the proposed source(s) and user(s) of the information and when feasible, establishes a standard or acceptable level of performance. Management indicators are used to:

- continuously monitor program efficiency,
- respond proactively to potential "hot spots" or program weaknesses,
- in the operational review process, measure program outcomes, and
- help gauge the program's overall performance before a program review.

The notations **(V-1), (V-2),** etc. at the left margin indicate which vital function the guideline steps support.

1. **<u>Vital Function #1</u>**. To

   a. <u>Management Indicator #1</u>.

      <u>Information Source</u>.
      <u>Users</u>.

   b. <u>Management Indicator #2</u>.

      <u>Information Source</u>.
      <u>Users</u>.

   c. <u>Management Indicator #3</u>.

      <u>Information Source</u>.
      <u>Users</u>.

   d. <u>Management Indicator #4</u>.

      <u>Information Source</u>.
      <u>Users</u>.

2. **<u>Vital Function #2</u>**.

CHAPTER 9

INSTITUTION SUPPLEMENTS

9.1 <u>**OVERVIEW**</u>

Institution Supplements (ISs) are directives issued by Wardens for implementing Bureau directives (Program Statements, Program Manuals, and, if necessary, Operations Memoranda). Issuance of an IS not directly derived from a Bureau directive requires the appropriate Regional Director's prior approval.

Some Bureau directives require that an IS be written, and some require that the IS be reviewed by the regional office. CDLIST in BOPDOCS identifies any PS for which an IS is required.

Generally, an IS should be issued only when necessary to provide local information or procedures. An IS is preferred over a less formal type of directive (such as a memorandum) because the IS will be numbered, listed, and reviewed annually.

An IS is to **supplement**, not replace, its parent directive, and it must be limited to providing local implementing instructions. An IS may not detract from any Bureau directive and may not unnecessarily repeat, paraphrase, summarize, or otherwise include material from the parent directive.   While limited repetition is sometimes needed to make an IS clear, unneeded repetition:

- draws attention away from the original directive it supplements,

- wastes time in writing and reviewing ISs, and

- increases the risk that paraphrasing will inadvertently change the meaning of the Bureau directive it supplements.

Any "Rules" text restated in an IS must be verbatim as it appears in the original directive (although it does not have to be in **bold** type and in brackets).

The Director distributed a training guide on ISs in June 1992, which provides samples. Copies are available from the Office of National Policy Review.

9.2 **SIGNATURE AUTHORITY**

Only the Warden may approve an IS. An acting Warden may approve an IS, if authorized to do so by the Warden, by signing his or her own name and writing "for" preceding the Warden's typewritten signature block.

9.3 **STANDARD FORMAT**

Federal Prison Industries (UNICOR) stocks the standard form for each institution's ISs. Traditionally, use of such preprinted forms was required, but now, with widespread use of personal computers, some institutions create their own IS headers as part of the WordPerfect document. A standard WordPerfect 6.1 blank IS form, which can be customized for a specific institution, is available on BOPDOCS.

An IS must generally follow the format prescribed for Program Statements in Section 2.6 on STANDARD FORMAT.

A section entitled "Operational Reviews" should be included when it is not readily apparent what position or department is responsible for Operational Reviews.

9.4 **CLEARANCE**

To ensure an opportunity for review and comments prior to implementation, each Warden shall establish a formal clearance process appropriate for that institution and modeled after the one described in Chapter 2 on PROGRAM STATEMENTS and Chapter 4 on DEVELOPMENT AND CLEARANCE. Informal clearance among departments is also encouraged. In some institutions, ISs contain signature blocks for all Associate Wardens to sign before final approval by the Warden.

9.5 **NUMBERING**

Each IS is to be numbered with the number of the Program Statement it implements, thus conforming to the Directives Subject Classification System. A distinct institution identifier code precedes the number (for example, SPG for Springfield).

Subsequent revisions to an IS, when the Program Statement number had not changed, may be designated by a letter following the number. For example, the first IS to PS 1221.01 might be numbered SPG-1221.01, the second SPG-1221.01B, the third SPG-1221.01C, etc.

9.6 **DISTRIBUTION AND MAINTENANCE**

The Warden shall designate, by IS, a directives manager to manage the Bureau's directives system for the institution and the IS system at the institution, as detailed in Section 1.8 DIRECTIVES MANAGEMENT AT INSTITUTIONS.

Each institution shall maintain a distribution list to provide a sufficient number of each IS to affected departments, the Central Reference Library, and the Inmate Law Library. Procedures shall be developed to ensure that any IS which is deemed "Limited Official Use Only" is restricted consistent with Section 11.4, LIMITED OFFICIAL USE ONLY.

The directives manager must maintain historical files on each IS, as prescribed in Chapter 5 on POLICY DEVELOPMENT DOCUMENTATION. Access to the files should be controlled to ensure preservation of the historical record.

9.7 **ELECTRONIC PUBLICATION AND DISTRIBUTION**

ISs may be maintained and distributed electronically at the Warden's discretion. This is encouraged at institutions with local area networks, however, electronic filing, distribution, access, and retrieval can be accomplished using diskettes.

Where the IS system is predominately electronic, the Warden or his/her designee shall sign one paper copy of the IS which shall be retained in the institution's historical record to validate the IS's issuance and status.

9.8 **ANNUAL REVIEW AND CERTIFICATION**

Each IS shall be reviewed annually and revised as necessary. The institution shall have a process for verifying that each IS has been reviewed.

9.9 **PROGRAM REVIEW**

When Program Review Guidelines include review of an Institution Supplement as a review step, the reviewer shall compare that Institution Supplement with its governing Bureau directive to ensure it is limited to providing local implementing instructions, rather than changing or unnecessarily repeating material contained in the Bureau directive.

CHAPTER 10

ANNUAL REVIEW AND CERTIFICATION

10.1 **OVERVIEW**

Each Program Statement (and Program Manual) is reviewed annually by its Office of Primary Interest (OPI) to ensure it is current. The review ascertains whether the PS accurately reflects Executive Staff decisions, technology changes, procedural changes, legal requirements (law, regulations, or court orders), conformance with current American Correctional Association (ACA) standards, and Program Review Guidelines.

Likewise, Technical Reference Manuals are reviewed annually.

At the institution level, the Warden, or staff designated by the Warden, reviews each Institution Supplement annually.

10.2 **NOTICE OF ANNUAL REVIEW**

Each PS is reviewed annually in the month it was issued (that is, all PSs issued in January of any year are reviewed in January every year). At the beginning of the review month, NPR shall notify the OPI division's Policy Liaison that an annual review is due, and the Policy Liaison shall ensure that the review and certification is completed. NPR shall also remind the OPI of any certifications that are overdue.

10.3 **ANNUAL REVIEW AND CERTIFICATION**

Program area staff, as assigned by that division's Assistant Director, shall determine if the PS (including its references to ACA standards):

        ____ is current as written,
        ____ should be canceled, or
        ____ needs to be revised.

If the PS needs to be revised, the OPI **must establish a target date for the revision** to be completed.

Reviewers must also determine if the PS meets all applicable ACA standards and if the applicable Program Review Guidelines are current.

An important part of any annual review is a review of the OPI's Program Statement Working File, which may contain notations of changes needed. Also, since most PSs affect organizational components other than the OPI, it is important that reviewers consult those other program areas as part of their review. This step is **vital** when consideration is being given to **canceling** a PS.

10.4 **CORRECTIONAL STANDARDS**

When seeking accreditation, institution staff must document that written policy and procedures exist and that they are complete and current. Therefore, an important step in the annual review and certification of a PS is ensuring that it not only accurately **references** the applicable ACA Standards, but also that the **content** of the PS sufficiently **implements** those standards. See Section 2.5, CORRECTIONAL STANDARDS.

This process is so important to accreditation that the fact that ACA standards referenced are not current is sufficient reason to revise that PS. In fact, such revisions might best be done during each PS's annual review, rather than attempting to revise many PSs every time a new set of standards goes into effect.

The Central Office Strategic Management Branch will assist program managers upon request.

10.5 (This section deleted by Change Notice 1.)

10.6 **REVIEW OF ELECTRONIC DIRECTIVES**

OPIs are encouraged to review the current BOPDOCS copy of the PS to ensure it is current and correct. This review should include

a review of any forms the PS prescribes that are available as electronic "S" forms.

10.7 **CERTIFICATION**

Based on the review by program staff, the OPI Assistant Director shall certify to NPR that the PS (or TRM) is current, should be canceled, or needs to be revised.

- For PSs certified for cancelation, NPR shall prepare a **Directives Cancelation** document for the Director's signature.

- For PSs certified for revision, NPR shall track that PS until the revision has been accomplished.

10.8 **INSTITUTION SUPPLEMENTS**

Each Warden shall develop an annual review and certification process for Institution Supplements which parallels the process for PSs. It is suggested that authority for certification that an Institution Supplement is current be at the Warden or appropriate Associate Warden level. See Section 1.8 on DIRECTIVES MANAGEMENT AT INSTITUTIONS.

CHAPTER 11

DISTRIBUTION AND MAINTENANCE

11.1 **OVERVIEW**

The primary overall objective of directives distribution and maintenance is to have current policy readily available for staff reference and available to the general public. Meeting that objective involves:

- distributing directives to the correct locations,

- ensuring that certain sensitive directives receive limited distribution,

- placing certain directives on the Internet for public use,

- periodically disseminating and/or reviewing an index of current directives and checklists of canceled directives, and

- auditing procedures to ensure current policy is available for staff use.

As the availability of BOPDOCS CD ROM increases, commensurate with the development of the Bureau's Wide Area Network (BOPNet), paper distribution of directives from the Central Office have been limited to one signed library copy for each Bureau site.

11.2 **COMPONENT INTERNAL DISTRIBUTION**

Once directives are received, each major component (the division level for the Central Office) must maintain a system for further distribution to:

- organizational components within that major component

- required libraries

While each month's issuance of BOPDOCS includes an up-to-date list of current directives (CDLIST) and information about what

has changed since the last issuance (CDNEWS), it is not realistic
to expect that every BOPDOCS user will read CDNEWS each month
One way to ensure all departments are notified of changes is to
print out and circulate the CDNEWS feature of BOPDOCS CD ROM when
received.

At some institutions, it is standard practice for staff to
discuss each policy change at the next regularly scheduled
Warden's meeting.

11.2.1 <u>Central Reference Library</u>. Each field location shall
maintain at least one Central Reference Library of all current
Program Statements, Program Manuals, Operations Memoranda, and
(at institutions) Institution Supplements. It is desirable that
each Library be capable of retrieving directives from BOPDOCS.
The Library should be accessible to staff and maintained by the
location's directives manager. Directives designated "Limited
Official Use Only" shall be maintained as specified in Section
11.5.

11.2.2 <u>Department Directives Library</u>. Each department in a
field location shall have access to BOPDOCS and may also maintain
a library of paper copies of the directives needed for the
department's daily operations. Where such a library is
established, the department head is responsible for ensuring it
is kept current.

11.2.3 <u>Inmate Law Library</u>. Copies of certain Program
Statements shall be distributed to Inmate Law Libraries as
required in the Program Statement on **Inmate Legal Activities**.

11.3 **DISTRIBUTION TO NEW INSTITUTIONS**

Each new institution shall be supplied with two copies of BOPDOCS
CD ROM. Additional BOPDOCS CD ROM copies may be obtained either
through an e-mail message or memorandum to Documents Control
Systems. Paper copies of directives can be ordered through
UNICOR at FCI-Ft. Worth.

11.4 **LIMITED OFFICIAL USE ONLY ("LOUO")**

To preclude unauthorized disclosure and possible compromise of
security, directives which contain sensitive policy direction

shall be designated and marked "Limited Official Use Only" and their distribution shall be closely controlled. Directives designated as "LOUO" are not made available to the public on the Internet.

11.4.1 <u>Authority to Designate</u>. Authority to designate a directive as "Limited Official Use Only" is restricted to those officials authorized to sign that type of directive. Wardens are thus authorized to designate Institutions Supplements as "Limited Official Use Only" when supplementing national directives that are "Limited Official Use Only."

11.4.2 <u>Accountability</u>. LOUO directives may not be photocopied, reprinted, or otherwise duplicated. When circumstances indicate that a LOUO policy may have been reproduced or otherwise compromised, the appropriate Chief Executive Officer shall immediately notify the OPI and initiate an investigation, in accord with standard staff investigation procedures:

- the Warden at the institution level,
- the Regional Director at the regional office level, or
- the Assistant Director at the Central Office level.

Staff may not disclose the contents of LOUO directives to inmates or non-Bureau employees, except as authorized in the later in this chapter.

Staff may refer to LOUO directives in correspondence, audit papers, reports, and other administrative documents. The text of limited portions of these policies may be repeated or summarized in such documents when staff determine it is necessary and prudent to respond fully to an inquiry. For example, it may be necessary to summarize a portion of a sensitive policy in a Use of Force report.

11.4.3 <u>Staff Access</u>. **The accountability controls placed on LOUO directives are not intended to restrict staff from reading them**.

11.4.4 <u>Law Enforcement Access</u>. Selected law enforcement agencies (such as the U.S. Marshals Service, the Administrative Office of U.S. Courts Probation Division, U.S. Attorneys, and the U.S. Parole Commission staff) may be provided direct distribution

of LOUO policies by the OPI. Any requests for additional copies shall be referred to that office.

   When other law enforcement entities request access to LOUO policies, such access may be granted only upon the approval of:

- the Warden at the institution level,
- the Regional Director at the regional office level, or
- the Assistant Director at the Central Office level.

The directive shall not be reproduced, but may be read only.

   11.4.5 FOIA/Public Requests. All Freedom of Information Act (FOIA) and public requests for copies of LOUO directives shall be referred to the Office of General Counsel FOIA/Privacy Section for disposition.

   11.4.6 Printing Controls

   Control Numbers. LOUO policies shall be number-controlled, that is, a unique control number shall be assigned to each copy of the policy and that control number printed on the cover. The phrase "Limited Official Use Only - May Not Be Reproduced" shall be placed at the top and bottom of each page.

   Forms. The phrase "Limited Official Use Only - May Not Be Reproduced" does not have to appear at the top and bottom of each **form** which is an attachment to a LOUO directive and which is intended to be reproduced and completed by staff. Staff are not required to treat **completed** forms as sensitive, unless other policy specifically designates the information contained on the form as "Limited Official Use Only," such as in the case of Privacy Act and FOIA-exempt material to be placed in an inmate's central file.

   Additional Copies. Requests for additional copies of "Limited Official Use Only" policies must be made in writing to the OPI. Approval of the request is required from the Warden, Training Center Director, Community Corrections Manager, or Regional Director.

11.4.7 <u>Distribution</u>. The OPI is responsible for:

- Distributing "Limited Official Use Only" directives,

- Obtaining a delivery receipt for each set of "Limited Official Use Only" directives it distributes, and

- Maintaining a register of control numbers which identifies the location of each set.

11.5 **<u>INDEX</u>**

11.5.1 <u>Issuance</u>. Each BOPDOCS CD ROM disk shall include a file (CDLIST) to provide the following information:

- Program Statements
  - issued since the last disk
  - canceled since the last disk
  - changed since the last disk (Change Notices)
  - designated as "Limited Official Use Only"
  - currently in effect (numerically and alphabetically)
  - with Rules text
- Program Manuals - current
- Operations Memoranda - current
- Technical Reference Manuals - current
- Program Review Guidelines - current

Each institution shall issue an index of current Institution Supplements at least semi-annually.

11.5.2 <u>Maintenance</u>. Both the Bureau's index and each institution's index shall be filed with the respective directive set in the front of the appropriate initial binder. A copy shall be maintained at each Central Reference Library, the Lieutenant's office, and Inmate Law Library. Other copies may be maintained with each department's directives as necessary. It is also good practice to make notations in the index of changes to directives as the directives changes are filed.

11.6 **<u>MAINTAINING CURRENT POLICY</u>**. Maintaining the currency of a Central Reference Library is crucial, but it is also relatively easy as long as some diligence is used.

■   File all new Program Statements, Change Notices, and Operations Memoranda promptly when received and remove any rescinded directive at the same time.

■   Check the new index sections of new Program Statements, and Change Notices on BOPDOCS CD ROM with the paper copy of the policies when the index arrives.

■   Use CDNEWS and CDLIST in BOPDOCS to check if the paper copy of any new directive has been received. If not, and a paper copy cannot be secured, contact the Office of Documents Control Systems to obtain a copy.

11.7   **ANNUAL AUDIT OF CENTRAL REFERENCE LIBRARY**

Each year, the directives manager shall audit the Central Reference Library, using the following guidelines, and prepare a summary report, including any significant findings and recommendations, to the Warden, with a copy to the Office of National Policy Review in the Central Office.

These local audits are critical because the directives management program is not specifically addressed by the Bureau's Program Reviews.

11.8   **GUIDELINES FOR ANNUAL AUDIT OF CENTRAL REFERENCE LIBRARIES**

(1)   Randomly select 25 Program Statements, including at least four manuals, to determine:

■   Are Program Statements current and up-to-date?
■   Is the most recent directives index available to staff?

(2)   Randomly select at least 15 Operations Memoranda to determine:

■   Are they placed in binders and filed chronologically?
■   Are the Operations Memoranda currently effective?

(3)   Review BOPDOCS CD ROM to determine if it is the most recent edition.

(4)   Interview a cross section of institution staff and review Institution Supplements to determine:

- Are Institution Supplements reviewed annually?
- Do staff have input in the drafting and clearance processes for Institution Supplements?
- Is there an historical set of Institution Supplements in working files which contain the original signed copy and related documentation?
- Do Institution Supplements contain **only** material supplemental to the Program Statement as opposed to repeating materials already contained in the national Program Statement?
- Are Institution Supplements which do not originate from a national directive cleared by the regional office prior to issue?
- Are all required Institution Supplements issued and current?

(5)   Review a sample of Bureau directives in the Inmate Law Library to determine:

- Are Program Statements and Operations Memoranda current and up-to-date?
- Is there a current directives index available?
- Are all institution supplements, not Limited Official Use Only, currently effective, available to inmates?

(6)   Direct all department heads (through a memorandum from the Warden or an Associate Warden) to audit department libraries to ensure and certify that any directives in them are the current ones.

CHAPTER 12

DIRECTIVES ON CD ROM

12.1 **OVERVIEW**

Since June 1992, electronic copies of all Program Statements and Operations Memoranda (except those designated as "Limited Official Use Only" as defined in Chapter 11 on DISTRIBUTION AND MAINTENANCE) have been available on Compact Disk-Read Only Memory (CD ROM). "Limited Official Use Only" documents are available on a separate RED DISK issuance of BOPDOCS, for which special security procedures apply.

CD ROM allows document collection, indexing, searching, filing, distribution, and updating electronically. This system, which can be made available to all personal computers through an institution's local area network (LAN) with a CD server, offers the potential for greatly increased access to and dissemination of Bureau directives and information.

BOPDOCS is officially certified to contain electronic copies of the Bureau's signed and authenticated paper-based directives.

12.2 **USES**

BOPDOCS makes a significant contribution toward improving the Bureau's directives system. In the future, some requirements in this Manual, such as the maintenance of directives libraries, may be supplanted for components with CD ROM capability. The Bureau's goal is to reduce the reliance on paper directives, forms, and documents to the greatest extent possible.

BOPDOCS allows staff to:

■ Have improved access to Bureau directives. Currently, a staff member wanting to reference a policy may have to consult an index or search through volumes of directives. Simply by using a key word or phrase, a BOPDOCS user can access any policy pertaining to a particular function or operation or find a particular directive by entering a PS or OM number. Also, as indicated above, the full set of Bureau directives can be made available to every personal computer in the institution.

■ <u>Cross reference policy for particular functions or
operations</u>. Often, a single Program Statement does not
completely describe all aspects of a program because
responsibility for the function or operation is divided among
several departments. BOPDOCS allows the user to quickly search
the entire body of current policy to find and display all
directives that contain "key words" that the user has selected.
(For example, searching for the words "performance pay" would
find all documents containing those words.) In the Central
Office, staff developing or revising a Program Statement can
quickly identify other Program Statements which may need to be
revised.

■ <u>Increase the likelihood that staff know what policy is
current</u>. BOPDOCS is updated monthly and includes a function to
inform the reader of new policies issued. Staff can have current
policy available monthly even if they did not receive a paper
copy. A search for the term CDNEWS provides a report file
containing the latest directives index information for that CD
ROM.

■ <u>Enhance the ability to produce Institution Supplements and
other policy</u>. With the improved access to policy, institution
staff may be able to shorten the time required to produce
Institution Supplements. The institution's Directives Manager
should review BOPDOCS each month to alert appropriate staff that
a new or revised Institution Supplement may be needed.

12.3 **OPERATION**

BOPDOCS is very "user-friendly." The Main Menu provides "Help"
and "What's New" information (CDNEWS). Within the search box,
the user may search for CDLIST which provides an inventory of all
available document files on the disk. Other functions include
the following operations:

■ Search BOPDOCS by word, phrase, and/or document number to
access desired information.

■ Use proximity controls to focus the search, for example:

  ▸ "inmate" and "education" in the same document,
  ▸ "inmate" within two paragraphs of "education,"

▸ "inmate" within one paragraph of "education," or
▸ "inmate" within ten words of "education."

■ Provide a summary of the text next to where a key word appeared.

■ List documents according to the frequency a key word appears in various documents.

■ Block and copy information to different documents:

▸ add text to memory (electronic note pad),
▸ copy the material to a diskette, or
▸ print the researched material in memory.

■ Print a copy of a document.

■ Load WordPerfect, if available, and:

▸ Copy a directive to a diskette,
▸ View and print a Bureau form, or
▸ Print a document.

12.4 **SECURITY AND LICENSE AGREEMENT**

BOPDOCS is produced for official use only. Each CD contains proprietary software licensed to the Office of Documents Control Systems (DOCS), which maintains control over distribution of the CDs. Because of that license agreement, staff may not redistribute BOPDOCS disks to non-Bureau staff.

Staff may use previous issuances of BOPDOCS to establish an historical collection for that site and/or to support the needs of another Bureau site. Unwanted or unneeded BOPDOCS disks may be returned to DOCS for redistribution or disposition; otherwise, the disks may be locally destroyed (cut with scissors or shredded).

12.5 **USING WORDPERFECT FOR DIRECTIVES**

All Bureau directives are to be prepared in WordPerfect 6.1.

WordPerfect is a powerful and comprehensive document publisher that gives the user the capability to change nearly every formatting parameter in a document file; however, the end user of the file may find it impossible to match the originator's parameters.

It is the **electronic file version** of each directive that is used for printing paper copies and for conversion to BOPDOCS CD ROM. BOPDOCS users may sometime find that BOPDOCS copies do not match the paper copies because of differences in printers. There are a variety of file formatting differences that cause a majority of these problems and must be resolved, prior to a directive's issuance.

Originating offices must prepare documents using the following WordPerfect features:

Defaults: Defaults are the pre-defined settings employed by WordPerfect. Changing WordPerfect defaults however, has consequences for documents issued on BOPDOCS. Default changes are hidden, that is, they **do not appear in "Reveal Codes"**. This poses particular problems when attempting to combine a Change Notice into an existing directive with different defaults.

While WordPerfect has many convenient features, many of them create problems for some equipment. Among those problem features are auto-paragraph, hyphenation, newspaper columns, etc., and they may not be used when preparing documents for BOPDOCS.

Pages: Ordinarily, directives are formatted for 8½" x 11" pages.

Use **PORTRAIT** orientation. **LANDSCAPE** orientation may be used only if absolutely necessary because

it is slower and not even possible on some printers.

Ordinarily no special pagination is required, since WordPerfect automatically inserts a "soft page break" when needed, but sometimes it is necessary to insert a "hard page break" [**Control+Enter**]. When NPR inserts page numbers, it is possible that the original pagination will have to be changed. See "Margins."

Margins: One inch on both sides and the bottom. The top margin is **one-half inch**. If the three-line page header is to be added later (usually by NPR), the top margin should be set to one inch. For proper pagination in drafting a document, the OPI may set the top margin to one-half inch and followed by a "Flush Right" **simulated** three-line header:

PS xxxx.xx (or OM xxx-xx)
mm/dd/yy
Page xx

This is often necessary for a Program Manual organized into chapters and page numbers within each chapter.

After the document has been signed and before it is printed, NPR will insert the **actual** control number and date.

Numbering: ■ All main sections are numbered in sequence using Arabic numbers (1,2,3,4, etc.) and are flush on the left margin.

■ The first subsection is two spaces in and lettered alphabetically, small case, in sequence (a. b. c. d. etc.) and ordinarily wrapped back to the left margin.

■ The second subsection is tabbed once and lettered using Arabic numbers in parentheses [(1), (2), (3)] etc. without a period.

Fonts: In WordPerfect 6.1, **New Courier 12-point** is the standard. This is a 10 CPI (character per inch) type size that is easily read and is generally available to all printers. Anything smaller will adversely affect how the document is viewed on the screen, or will cause additional "wraps" (line and page).

Text: For ordinary text (not including headers or centered headings) use "**Left Justification** only -- not "full" or "right" justification.

Ordinarily, only the first line of a paragraph is indented, using the **TAB** key and allowing other lines to wrap back to the left margin. This is particularly true for main sections and first subsections. It is permissible to indent an entire paragraph using the **INDENT key [F7]** for lower subsections, particularly for "bulleted" paragraphs and lists.

CHAPTER 13

POLICY WAIVERS

13.1 <u>**OVERVIEW**</u>

If an institution is unable to comply with the provisions of a
policy due to some unique condition, the Warden must request a
formal waiver to that policy.

On occasion, a directive may include a special provision for a
Warden to request approval of an "exemption" or a "variance" to
some part of that directive. In such instances, the directive
must specify:

- how the Warden makes such a request (by memorandum, special
  form, etc.),
- to whom the request is to be made,
- who may approve the request, and
- whether there are any time limits on how long the exemption
  or variance may remain in effect before seeking re-approval.

Such exemptions and variances are not the same as waivers.

A waiver may be applied only to a directive which does not
already have a special provision for exemptions or variances.

13.2 <u>**LIMITATIONS**</u>

A waiver may only be made to policies and procedures contained in
the implementing text of a policy. The Bureau's Rules (which
appear in bracketed **bold-face** type in the Program Statement) may
not be waived, as Rules are published in accordance with the
Administrative Procedure Act and are considered administrative
law.

13.3 <u>**APPROVAL**</u>

A Warden who determines that conditions in his/her institution
warrant a request for waiver from the non-Rules provisions of
policy shall forward a formal waiver request to the Regional
Director. The appropriate regional administrator and Regional

Counsel shall review the request and recommend disposition to the Regional Director.

If the Regional Office supports the waiver, the Regional Director shall forward it to the Assistant Director responsible for the affected discipline.

The Assistant Director shall forward the waiver to the Office of General Counsel (OGC) for recommendation. OGC shall review the request for legal implications and to ensure that policy contained in existing Rules is not being waived. If the Assistant Director agrees that a waiver is appropriate, he/she shall issue a memorandum to that effect. If the Regional Director disagrees, he/she may refer the matter to the Director for final determination.

13.4 **RECORDS**

When the Assistant Director agrees to the waiver, he/she shall forward a copy of the waiver to:

- The affected program area (Office of Primary Interest), which shall file the waiver in the Program Statement Working File,

- The Assistant Director for Program Review for inclusion in the Program Review file for that institution,

- The Office of General Counsel Rules Unit,

- The Regional Director, and,

- The requesting Warden.

The institution and the regional office shall each maintain a waiver file which includes the waiver request, any supporting documentation, and the approval.

13.5 **ANNUAL REVIEW**

The Warden and the Regional Director shall formally review each waiver annually (based on the waiver's approval date) to determine if the conditions supporting the waiver are still

valid. If they determine that the waiver should be extended, the Regional Director shall document that fact to all of the parties mentioned above.

As affected national policy that has been waived comes up for annual review, consideration should be given to determine if institution waivers are a basis for changing the policy or incorporating waiver provisions into the policy.

13.6 **WAIVERS NOT GRANTED IN ACCORD WITH THIS CHAPTER**

Any "waivers" to policy not granted in accord with the procedures specified in this chapter are invalid.

CHAPTER 14

TECHNICAL REFERENCE MANUALS

14.1 **OVERVIEW**

Technical Reference Manuals (TRMs) provide guidelines, optional
assistance, best practices, and "how to" information that may be
needed or useful to accomplish the objectives or requirements of
directives. They are not "directives" or "policy" but technical
and instructional in nature. A TRM may relate to more than one
PS or OM.

The Bureau began to use TRMs in 1994 as part of its efforts to
reduce internal management regulations. Traditionally, Program
Statements (PSs) and Operation Memoranda (OMs) were the only way
to disseminate both directive and technical reference information
to staff. As the amount of such material increased over the
years, some PSs and OMs gradually included a significant amount
of material which was not actually "directive" in nature.

TRMs are appropriate only for larger amounts of material that can
reasonably be separated from any directives to which they apply.
Many PSs and OMs continue to contain administrative and technical
information because the amount of material is too small to
warrant a separate TRM.

TRMs are not the same as **Program Manuals** described in Section
1.2.1.

  14.1.1 <u>Uses for TRMS</u>. TRMs are intended to:

- increase the conciseness of many PSs,

- promote direct administrative and technical,
  communication within disciplines, and

- foster a realistic review and clearance process for
  material that is primarily technical in nature and
  often intended for staff specialists in one discipline.

14.1.2 <u>Limitations of TRMs</u>. A TRM may not:

- delegate authority;

- conflict with or detract from any directive;

- in itself mandate the expenditure of resources
  (although such expenditures may be required elsewhere
  by one or more directives); or

- authorize the creation of an official Bureau form
  (numbered with prefix "BP"), as described in the
  Program Statement on **Forms Management.** Prescribing
  forms, or requiring their use, is a "policy" rather
  than "technical" matter because a completed form may
  constitute a legal document and substantive official
  record.

   A TRM, however, may **reference** forms already prescribed by
Bureau directives (primarily Program Statements) or by agencies
external to the Bureau (DOJ, OPM, etc.). For some applications a
TRM may be a useful way to provide detailed technical
instructions or codes for completing official forms or reports
otherwise prescribed or required by a directive. A TRM may
provide suggested outlines or **formats** for a document such as a
memorandum needed to complete a process.

   14.1.3 <u>Examples of TRMs</u>

   <u>Example 1</u>. When a PS requires that staff use a computer system
(like SENTRY) at a particular time for a particular reason, an
associated TRM could provide the instructional, descriptive, or
reference material (like SENTRY codes) needed for staff to use
that system.

   <u>Example 2</u>. When a PS requires that staff use a financial
management system, an associated TRM could provide tables of
accounting codes to be used in that system, display of screens
used to input data, and examples of reports generated from the
system.

   <u>Example 3</u>. When a PS requires that staff document or inform
someone about certain occurrences, an associated TRM could

provide sample memos and guidelines to elaborate on the types of information that may be pertinent.

   Example 4. A TRM may be useful for Bureau dissemination of documents or forms published by other agencies. Sometimes such documents may be useful for reference, and sometimes they represent actual requirements, like regulations in the Code of Federal Regulations, bulletins from the Office of Management and Budget, and guidance from the Office of Personnel Management. Dissemination via CD ROM on BOPDOCS provides an efficient way to keep staff informed, and annual reviews of TRMs (Section 14.8) periodically ensure the information is reasonably current.

14.2 **SIGNATURE AUTHORITY**

Since TRMs are issued through OMs, the signature requirements in Section 7.2 apply to TRMs. When a TRM materially affects more than one division, the signatures of both Assistant Directors is required. (See Section 14.5.1)

14.3 **RULES**

While a TRM may not conflict with or detract from any directive, it is particularly important that a TRM not make any change in policy that has been published as a Rule, since Rules may be changed only through publication in the ***Federal Register***. TRMs may not contain cited rules language, except as necessary to make the reference material clear to staff.

14.4 **STANDARD FORMAT**

   14.4.1 Format. TRMs ordinarily must meet current standards for electronic publication via WordPerfect, but their style may be less formal in language and tone than directives, as is appropriate for effective communication to the intended audience.

   Ordinarily a TRM should be organized into chapters and should include a table of contents. A TRM may provide columnar, tabular, or administrative reference material or standards.

   14.4.2 Page Headings. Page headings (upper right corner) in TRMs are similar to those for PSs and OMs. Ordinarily, they are added by NPR just prior to publication.

14.4.3 <u>Attachments</u>. Attachments to a TRM are to be numbered sequentially by capital letters and referenced sequentially in the text.

14.5 **DEVELOPMENT AND CLEARANCE**

14.5.1 <u>Office(s) of Primary Interest</u>. When one organizational component is the OPI for a TRM which is closely related to another component's areas of responsibility, the TRM must be developed in conjunction with that other component. (An example is the SENTRY Education Technical Reference Manual, which was developed jointly by the Education and Training Branch and the Office of Information Systems.)

14.5.2 <u>Clearance</u>. TRMs do not ordinarily require the same degree of formal clearance as is often required for PSs, but the OPI must clear the TRM with any other division, branch, or office which will be impacted (similar to the clearance for an OM). Clearance may be informal but must entail a written record (ordinarily by memorandum). Clearance documentation, if any, must be provided to the OPI Assistant Director at the time of initial issue and subsequent change, and then to NPR at the time of publication.

14.5.3 <u>National Policy Review</u>. NPR shall review each TRM issuance or change to assess its appropriateness as a TRM and its impact on existing PSs. Ordinarily, that review is accomplished at the same time as NPR's review of the Assistant Director's transmittal OM, as required in Section 7.1.

Staff preparing a TRM are encouraged to consult with NPR staff early in the development process to allow for a preliminary review. This is particularly true when consideration is being given to removing instructional or reference material from an existing PS and issuing that material as a TRM.

14.6 **NUMBERING**

NPR assigns control numbers to TRMs according to their subject classification, as outlined in the TRM on the **Directives Subject Classification System:**

■ The first two digits represent the "secondary" subject classification.

■ The next two digits represent the number of the TRM in that subject classification.

■ The two digits after the period represent the version of that TRM.

Example: The TRM on Volunteer Orientation is classified under 5300, Inmate Programs. Since it is the first TRM in the 5300's, it is numbered 5301. The first issuance is 5301.01. If that TRM is revised, it will retain the number 5301 but be numbered 5301.02.

TRMs are to be included in the index of current directives (CDLIST) required in Section 11.5.

14.7 **DISTRIBUTION**

TRMs are issued by the OPI Assistant Director, but they must be recorded, validated, numbered, and controlled through NPR, as described below. Both the **initial** issuance and subsequent **updates** are announced through an OM from the OPI Assistant Director. Page changes may not be made to a TRM.

14.7.1 Issuance on BOPDOCS. The OPI must prepare a TRM for issuance and updating via BOPDOCS, since that is the primary method of distribution:

■ Since BOPDOCS is issued monthly, an OPI can update a TRM often with a minimum of effort and cost.

■ With the proliferation of local area networks (LANs) at all Bureau sites, staff can easily have access to BOPDOCS.

■ Because TRMs are reference materials for staff, external audiences and inmates ordinarily do not need access to them, and there is a minimal need for distribution outside the Bureau.

14.7.2 Paper Distribution. An OPI anticipating a requirement to make significant paper distribution should consult with the

Office of Documents Distribution Management to establish
quantities and obtain assistance in publication. Any TRM
published and distributed on paper shall be published as
inexpensively as possible and as outlined in the Program
Statement on **Printing, Distribution Management, and Electronic
Documents**.

  14.7.3 <u>Documents Control Systems</u>. The Office of Documents
Control Systems shall maintain, for both record and historical
purposes, all documentation related to the issue, update, and
cancelation of TRMs.

14.8 **ANNUAL REVIEW AND CERTIFICATION**

Each Technical Reference Manual is reviewed annually by its OPI
to ensure it is current, as described in Chapter 10 on ANNUAL
REVIEW AND CERTIFICATION.

Based on this review, the OPI Assistant Director certifies
whether each TRM is current, requires revision, or is to be
canceled. Cancelation of a TRM is done through an OM from the
OPI Assistant Director.

14.9 **PROGRAM AND OPERATIONAL REVIEWS**

Since a TRM may not contain requirements, Program Review
Guidelines may not cite a TRM as a basis for compliance review.
Where a policy requirement is not being met, a program reviewer
may refer to guidelines in a TRM as a "best practice" or
suggested method to meet that requirement.

At the level where a directive is implemented, however, a program
manager or supervisor may determine that a "best practice"
detailed in a TRM will be the required procedure at that site.

Technical Reference Manual

OPI:
NUMBER: xxxx.xx
DATE: mm/dd/yy
SUBJECT: