



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: CPD/CPB

NUMBER: 5110.17

DATE: May 16, 2014

Notification Requirements Upon Release of Sex Offenders, Violent Offenders, and Drug Traffickers

/s/

Approved: Charles E. Samuels, Jr.
Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

This policy prescribes procedures required by 18 U.S.C. § 4042, regarding the Notification of Release of Prisoners.

Title 18 U.S.C. § 4042(b) requires that the Bureau of Prisons (Bureau) notify state, tribal, and local law enforcement officials at least five calendar days prior to releasing to Supervised Release, probation, or parole, prisoners who have been convicted of a “drug trafficking crime” or a “crime of violence.”

Title 18 U.S.C. § 4042(c) requires that the Bureau provide release and specified registration information to state, tribal, and local law enforcement and registration officials at least five calendar days prior to release of offenders who are released from prison and required to register under the Sex Offender Notification and Registration Act of 2006 (SORNA).

This Program Statement contains procedures required by the Departments of Commerce, Justice, and State Appropriations Act of 1998 (Public Law 105-119), codified at 18 U.S.C. § 4042(c), as amended. It includes requirements that the Bureau notify convicted sex offenders of community programs available to them upon release from Federal custody under a provision of the Violent Crime Control and Law Enforcement Act (VCCLEA) of 1994 (P.L. 103-322), codified at 42

U.S.C. § 13943, as amended by the Sex Offender Notification and Registration Act of 2006 (P.L. 109-248).

These provisions are intended to ensure that inmates convicted of sex offenses are made aware of local program opportunities and registration requirements before their release. Both provisions complement other Bureau policies that address the needs of sex offenders in Bureau custody.

a. **Summary of Changes**

Policy Rescinded

P5141.02 Sex Offender Notification and Registration (12/14/98)

P5110.15 Notification of Release to State and Local Law Enforcement Officials (8/30/00)

This Program Statement integrates the two Program Statements mentioned above. Significant changes include:

- Requirements that the Bureau notify convicted sex offenders of community programs available to them upon release from Federal custody under a provision of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322), codified at 42 U.S.C. § 13943, as amended by the Sex Offender Notification and Registration Act of 2006 (P.L. 109-248).
- Mandatory notification to Tribal authorities as identified in SORNA.
- Policy and procedures regarding notifications as they apply to the Fifth Circuit Court of Appeals decision, *Henrikson v. Guzik*.

b. **Program Objectives.** Expected results of this Program Statement are:

- Designated law enforcement and sex offender registration officials will be notified at least five calendar days prior to release of inmates who have been convicted of certain sexual offenses, a “drug trafficking crime,” or a “crime of violence,” per provisions of 18 U.S.C. § 4042.
- Sex offenders who are required to register with community programs will be provided with this information before release from Federal custody.
- Bureau policy and procedures regarding notifications to state, tribal, and local law enforcement officials will comply with the Fifth Circuit Court of Appeals decision, *Henrikson v. Guzik*.

c. **Pretrial/Holdover and Detainee Procedures.** The requirements of this Program Statement do not apply to pretrial inmates. However, they do apply to sentenced holdover offenders (BOP, U.S. Marshals Service, U.S. Immigration and Customs Enforcement [ICE], etc.) and to ICE detainees housed in a Bureau institution or other facility under contract to the Bureau. Detainees

releasing to the custody of law enforcement officials do not require notification to sex offender registration officials.

d. **WITSEC Procedures.** Institution and Residential Reentry staff must complete notification/registration procedures for WITSEC inmates who meet the applicability criteria in Section 2, unless the Inmate Monitoring Section (IMS) specifically advises that the inmate will participate in the Post-Release Services Program. Required notification/registration forms (Prisoner Release Notification [BP-A0710]; Sex Offender Registration and Treatment Notification [BP-A0648]) are sent out as soon as possible following receipt of the Release Authorization from the IMS.

A WITSEC inmate not participating in the Post-Release Services Program may be transferred to a Residential Reentry Center (RRC) before release from custody. In such cases, the RRM prepares a BP-A0710, unless specifically exempted by the Office of Enforcement Operations (OEO), Department of Justice.

2. DEFINITIONS

a. **Offenses Subject to Sex Offender Release Notification Under 18 U.S.C. § 4042(c)(3).**

SORNA refers to persons required to register under its standards as “sex offenders” and defines “sex offender” to mean an individual who was convicted of a sex offense. The definition of sex offenses for which registration is required appears at 42 U.S.C. § 16911(5)(A):

- *A criminal offense that has an element involving a sexual act or sexual contact with another.* “Criminal offense” refers to offenses under any body of criminal law, including state, local, tribal, foreign, military, and other offense, as provided in 42 U.S.C. § 16911(6). Offenses covered by this clause include all sexual offenses whose elements invoke: (1) any type or degree of genital, oral, or anal penetration, or (2) sexual touching of or contact with a person’s body, either directly or through the clothing.
- *A criminal offense that is a specified offense against a minor.* A “minor” is a person under the age of 18. These offenses involve:
 - Kidnaping or false imprisonment of a minor.
 - Solicitation of a minor to engage in sexual conduct.
 - Use of a minor in a sexual performance.
 - Solicitation of a minor to practice prostitution.
 - Video voyeurism involving a minor as described in 18 U.S.C. § 1801.
 - Possession, production, or distribution of child pornography.
 - Criminal sexual conduct involving a minor and related Internet activities.
 - Any conduct that by its nature is a sexual offense against a minor.

- *Specified Federal offenses (including those prosecuted under 18 U.S.C. § 1152 or 1153).*
These include:

- § 1591 (Sex trafficking of children or by force, fraud, or coercion)
- § 1801 (Video voyeurism)
- § 2241 (Aggravated sexual abuse)
- § 2242 (Sexual abuse)
- § 2243 (Sexual abuse of a minor ward)
- § 2244 (Abusive sexual contact)
- § 2245 (Sexual abuse resulting in death)
- § 2247 (Repeat offenders)
- § 2248 (Mandatory restitution)
- § 2251 (Sexual exploitation of children)
- § 2251A (Selling or buying of children)
- § 2252 (Certain activities relating to material involving the sexual exploitation of minors)
- § 2252A (Certain activities relating to material constituting or containing child pornography)
- § 2252B (Misleading domain names on the Internet)
- § 2252C (Misleading words or digital images on the Internet)
- § 2253 (Criminal forfeiture)
- § 2254 (Civil forfeiture)
- § 2255 (Civil remedy for personal injuries)
- § 2256 (Definitions for chapter)
- § 2259 (Mandatory restitution)
- § 2260 (Production of sexually explicit depictions of a minor for importation into the United States)
- § 2260A (Increased penalties for registered sex offenders)
- § 2421 (Transportation generally)
- § 2422 (Coercion and enticement)
- § 2423 (Transportation of minors)
- § 2424 (Filing factual statement about alien individual)
- § 2425 (Use of interstate facilities to transmit information about a minor)
- § 2426 (Repeat offenders)
- § 2427 (Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense)
- § 2428 (Forfeitures)

- *Any of the above offenses prosecuted pursuant to:*

- § 1152 (Laws governing jurisdiction of U.S.)

§ 1153 (Offenses committed within Indian country)

- *A military offense specified by the Secretary of Defense under Section 115(a)(8)(C)(I) of Public Law 105-119 (10 U.S.C. § 951 note).* These offenses are listed in Article 120 – *Rape, sexual assault, and other sexual misconduct* – of the Uniform Code of Military Justice.
- *An attempt or conspiracy to commit an offense described above.* This covers attempts and conspiracies to commit offenses that are otherwise covered by the definition of “sex offenses.” This includes both offenses prosecuted under general attempt or conspiracy provisions, where the object offense falls under the SORNA “sex offense” definition, and particular offenses that are defined as (or in substance amount to) attempts or conspiracies to commit offenses that are otherwise covered. For example, in the latter category, a jurisdiction may define an offense of “assault with intent to commit rape.” Whether or not the word “attempt” is used in the definition of the offense, this is in substance an offense that covers certain attempts to commit rapes and hence is covered under the SORNA definition.

For purposes of this policy, a “current or past conviction” includes convictions in foreign countries as long as the conviction was “obtained with sufficient safeguards for fundamental fairness and due process for the accused” under guidelines or regulations to be established by the Department of Justice (42 U.S.C. § 16911(5)(B)). Convictions in Canada, Great Britain, Australia, and New Zealand have already been determined to be in compliance with due process. Staff with questions concerning convictions in other foreign countries should contact Bureau legal staff for assistance.

b. Offenses Subject to Drug Trafficking Crime or Crime of Violence Release Notification Under 18 U.S.C. § 4042(b).

A Drug Trafficking Crime is defined under Title 18 U.S.C § 924(c)(2) as any felony offense punishable under:

- The Controlled Substances Act (21 U.S.C. §§ 801-904 (inclusive)).
- The Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971 (inclusive)).
- 46 U.S.C. §§ 70501-70508).

A Crime of Violence is defined under Title 18 U.S.C § 924(c)(3) as an offense that is a felony and:

- Has as an element, the use, attempted use, or threatened use of physical force against the person or property of another, **or**
- That, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

c. **Officials to be Notified**

Chief Law Enforcement Officer of the State. The State Attorney General or designee, as identified by the National Directory of Law Enforcement Administrators. Exceptions to this definition are immediately reported to the Administrator, Correctional Programs Branch, Central Office.

Chief Law Enforcement Officer of the Tribe. The appropriate law enforcement agency with jurisdictional authority within a Federally recognized Indian tribe.

Chief Law Enforcement Officer of the Local Jurisdiction. The appropriate municipal or county law enforcement agency with jurisdictional authority consistent with the inmate's projected address. Where multiple jurisdictions have overlapping authority, the more geographically specific agency, identified by the National Directory of Law Enforcement Administrators, is used.

Sex Offender Registration Officials. The state, tribal, or local office responsible for the receipt or maintenance of sex offender registration information that is designated to receive release notice based on a convicted sex offender's projected release address.

d. **Terms of Release**

Supervised Release. A term of supervision to be served upon release from prison pursuant to 18 U.S.C. § 3583.

Parole. A discretionary grant of release pursuant to 18 U.S.C. § 4206(a) or (d) or a mandatory release pursuant to 18 U.S.C. § 4164 (repealed). For the purpose of this Program Statement, the term "parole" also includes a term of Special Parole (21 U.S.C. § 841(c)).

3. **APPLICABILITY**

a. **Sex Offenders.** This Program Statement applies to any inmate in the Bureau's custody who is required to register under SORNA. As such, the inmate is classified with a Public Safety Factor (PSF) – "Sex Offender" by the Bureau based upon a past or current offense as described in Section 2.a., except for:

- Individuals whose PSF is based on behavior that did not result in a conviction for a sexual offense; for example, the Pre-sentence Investigation (PSI) describes a charge for sexual assault or rape, but the individual was convicted of Simple Assault.

- Individuals whose PSF is based on behavior while imprisoned that resulted in a guilty finding under institution disciplinary proceedings but not a court conviction. Administrative findings for sexual offenses may not be the basis for registration or notification.

b. **Drug Traffickers and Violent Offenders.** Procedures in this Program Statement also apply to any prisoner in Bureau custody:

- Who is releasing to supervised release, probation, or parole.
- Whose current offense of conviction is a “drug trafficking crime” or a “crime of violence” as defined in Sections 2.b., **or**
- Whose criminal history as determined by staff, in the exercise of professional judgment, includes a conviction for “drug trafficking” or a “crime of violence” as defined in Sections 2.b. For “drug trafficking crimes,” staff consider only Federal convictions as a basis for notification. For “crimes of violence,” staff consider both state and Federal convictions as a basis for notification.

Information regarding the current offense of conviction is obtained from the Judgment in a Criminal Case and the Pre-sentence Investigation (PSI). Information regarding an individual’s criminal history is obtained from the PSI.

Staff refer to Section 3 of the Program Statement **Categorization of Offenses** (“Offenses Categorized as Crimes of Violence”) to determine whether a Federal offense may be considered a “crime of violence.” Notifications should *not* be made if an offense is listed in Section 4 of **Categorization of Offenses** (“Offenses that at the Director’s Discretion Shall Preclude an Inmate’s Receiving Certain Bureau Program Benefits”); however, if the inmate also has a drug or sex offense, or prior violent offense, relative notification should be processed accordingly.

Prior convictions warranting notification must be for felonies; convictions identified as misdemeanors should be disregarded for purposes of this Program Statement. If the prior convictions are not identified as felony or misdemeanor offenses, unit management staff use their best judgment in regard to notification.

c. **Inmates Releasing from Fifth Circuit Institutions.** The Fifth Circuit Court of Appeals in *Henrikson v. Guzik*, 249 F.3d 395 (5th Cir. 2001) held that 18 U.S.C. § 4042(b) did not require notifications based on prior convictions. Instead, the statute only required Bureau staff to notify law enforcement officials if the inmate’s current conviction was for a drug trafficking crime or a crime of violence.

Henrikson affects notification procedures for inmates housed in institutions, Residential Reentry Centers, and private facilities in the Fifth Circuit, which covers all institutions in Louisiana, Mississippi, and Texas.

The sentencing jurisdiction is not relevant to the application of *Henrikson*; only the location of the releasing entity is relevant.

Example: Staff at FCC Beaumont must comply with *Henrikson* when releasing an inmate who was sentenced in the Southern District of New York (Second Circuit) or any other district. Conversely, staff at FCC Allenwood releasing an inmate who was sentenced in the Southern District of Texas (Fifth Circuit) are not bound by *Henrikson*, regardless of where the inmate's supervision will be.

Henrikson requires that staff preparing to release inmates make notifications only for inmates covered by Section 3.b.(1), whose current offense of conviction is a "drug trafficking crime" or a "crime of violence" as defined in Sections 2.a. or 2.b. Fifth Circuit institutions do not apply Section 3.b.(2) to inmates releasing from Fifth Circuit institutions.

The *Henrikson* ruling does not apply to Sex Offender notifications.

4. EXCEPTIONS

a. **Juveniles.** Notification per this Program Statement is not required for offenders adjudicated juvenile delinquent per 18 U.S.C. § 5037. However, if a juvenile was tried as an adult, registration and notification to law enforcement and registration officials are required.

Delinquency adjudications for sexual offenses should count as convictions only if the offender is 14 years or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse as described in 18 U.S.C. § 2241, or was an attempt or conspiracy to commit such an act. Considering the relevant aspects of 18 U.S.C. § 2241, notification and registration would be required for offenses for laws that cover:

- Engaging in a sexual act with another by force or the threat of serious violence.
- Engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim.

"Sexual act" for this purpose includes any degree of genital or anal penetration, and any oral-genital or oral-anal contact. This follows from the relevant portions of the definition of "sexual act" in 18 U.S.C. § 2246(2), which applies to the 18 U.S.C. § 2241 "aggravated sexual abuse" offense.

b. International Treaty Transfer Inmates

(1) **Sexual Offenses.** A U.S. citizen convicted of a sexual crime in another country and received in Bureau custody by means of the International Treaty Transfer Program is subject to notification pursuant to a crime described in Section 3.

(2) **Drug Trafficking and Violent Offenses.** A U.S. citizen convicted of a crime in another country and received in Bureau custody under the International Treaty Transfer Program is not subject to notification pursuant to a crime described in Section 2.b. of this Program Statement. However, prior U.S. Federal felony drug convictions, as defined in Section 2.b., require notification. Additionally, such inmates are subject to notification for a crime that meets the definition of “crime of violence” in Section 2.b.

c. **Detainers.** Inmates releasing to a detaining authority do not require completion of a Prisoner Release Notification (BP-A0710) or a Sex Offender Registration and Treatment Notification (BP-A0648); however, should institution staff receive written notice that the detainer was not executed, and the inmate was released on Supervised Release, probation, or parole, a reasonable attempt must be made to notify state, tribal, and local law enforcement officials of his/her release to Supervised Release, probation, or parole, based upon his/her most recent release information.

6. INMATE NOTIFICATION AND APPEAL PROCEDURES

Certain offenses may require notification of the inmate’s release under both 18 U.S.C. § 4042(b), “drug trafficking crime” or “crime of violence,” and § 4042(c), “sexual offense.” In such cases, notification is made as required by both §§ 4042(b) and (c), as described below.

An inmate may use the Administrative Remedy Program to contest his/her identification as being subject to notification or registration requirements.

a. **Sex Offenders.** All newly designated inmates identified by the applicability criteria in Section 3 must be notified in writing at initial classification of the provisions of 18 U.S.C. § 4042(c), by completing the notification section of the Program Review Report. Staff notify the inmate at his/her last program review prior to release by completing Part A of the Sex Offender Registration and Treatment Notification form (BP-A0648).

All other inmates identified under the applicability criteria in Section 3 are notified at their next regularly scheduled Program Review by completing the notification section of the Program Review Report. Staff will notify the inmate at his/her last program review prior to release by completing Part A of the Sex Offender Registration and Treatment Notification form (BP-A0648).

A completed copy of BP-A0648, Parts A and B, is mailed with the Prisoner Release Notification (BP-A0710) to each official identified in Section 7. Part C of the BP-A0648 does not need to be forwarded to either law enforcement or registration officials.

The original BP-A0648 is kept in Section 5 (Release Processing) of the Inmate Central File. Copies for the inmate at initial classification/final Program Review and for law enforcement and sex offender registration offices prior to release must be made from the original.

b. Drug Traffickers and Violent Offenders. All newly designated inmates identified by the applicability criteria in Section 3 must be notified in writing at initial classification of the provisions of 18 U.S.C. § 4042(b). This notification is included on the Program Review report. Subsequent review of the inmate's status is required at each program review. If there are changes in this status, the inmate is notified and the changes documented on the Program Review report. Written notification is also required on the inmate's final release progress report (paragraph 17(c), Release Planning – USPO).

When an inmate transfers into or out of a Fifth Circuit institution, unit staff at the receiving institution assess the current assignment and enter the proper assignment. Changes are documented on the Inmate Activity Record and at the next scheduled Program Review. If changes are made regarding notification, they are discussed with the inmate and documented on subsequent Program Review reports.

7. PROCEDURES TO NOTIFY LAW ENFORCEMENT AGENCIES AND SEX OFFENDER REGISTRATION OFFICIALS

Staff access SENTRY to monitor the names and projected release dates of all imminent releases. The inmate's release address is used to determine the appropriate agencies to receive notification.

If an inmate may be releasing to tribal land, staff discuss with the inmate and review the PSI and Central File for supporting evidence. In some cases, it may be necessary to verify the release address with community resources.

BP-A0710s mailed to law enforcement officials and sex offender registration officials are mailed via first class from the institution or RRM office at least two weeks before the inmate's release, to ensure they are received at least five days before the release date.

In addition, for inmates identified as requiring sex offender notification, staff attach a completed BP-A0648, Part A and B only, to document that the inmate was advised of sex offender registration requirements.

a. **Direct Institution Release to Supervised Release, Probation, Parole, or Direct Transfer to Home Confinement.** Unit management staff prepare the BP-A0710. Normally, the form is mailed via regular, first class mail **at least two weeks prior** to the inmate's release to Supervised Release, probation, or parole, or direct transfer to Home Confinement. This ensures receipt at least five calendar days prior to the inmate's placement in the community. Process the form as follows:

- Send one BP-A0710 to the chief **state** law enforcement official.
- Send one BP-A0710 to the chief **tribal** law enforcement official.
- Send one BP-A0710 to the chief **local** law enforcement official.
- Send one BP-A0710 to the appropriate U.S. Probation Office.
- *Sex Offenses only:* Send one BP-A0710 to the state, local, or tribal **agency responsible for receipt or maintenance of sex offender registration information.**

Faxes may be used, as an alternate method, to transmit the BP-A0710 when confirmation of transmission can be ensured and documented. Electronic messages (e-mail) may be used if generated through a secure shared database.

A dated copy of each notification form is maintained in the disclosable portion of section 5 (Release Processing) of the Inmate Central File.

(1) **Immediate Release.** When the court orders the immediate release of an inmate who is subject to notification, staff notify the appropriate state, tribal, and local law enforcement agencies **without delay**. The notification is forwarded immediately (normally the first business day) via fax to state, tribal, and local law enforcement officials. Electronic messages (using a secure shared database) may be used in place of fax if receipt is confirmed via telephone. A photocopy of the notification is mailed via regular mail to state, tribal, and local law enforcement officials.

b. **Inmates Transferred from an Institution to an RRC.** When inmates are transferred to an RRC prior to releasing to a term of Supervised Release, probation, or parole, unit management staff forward the following materials to the RRM via GroupWise, along with other required release paperwork prior to the inmate's transfer:

- An electronic version of the BP-A0710, with all sections complete except the law enforcement addressee, the inmate's projected address, and the signature block.

RRMs ensure the information is complete and accurate, and complete the law enforcement addressee block, the inmate's projected address block, and sign and date the original notification forms before mailing.

c. **RRC Release to Supervised Release, Probation, Parole, or Transfer to Home Confinement.** The following procedures are required for processing inmates who are currently in an RRC and are releasing directly to supervision or transferring to Home Confinement. Normally, the form is mailed via regular first class mail from the institution **at least two weeks prior to the inmate's release** to Supervised Release, probation, or parole, to ensure it is received at least five calendar days prior to the release date.

For inmates transferring from an RRC to Home Confinement, the RRM mails the BP-A0710 within two business days of the decision to place the inmate on Home Confinement. **Further notification is not required when the inmate is released from Home Confinement to release supervision.**

RRMs routinely monitor any changes in an inmate's final release plan that may affect the BP-A0710, particularly the final release date and release conditions/restrictions. Process the form as follows:

- Send one BP-A0710 to the chief **state** law enforcement official.
- Send one BP-A0710 to the chief **tribal** law enforcement official.
- Send one BP-A0710 to the chief **local** law enforcement official. Send one BP-A0710 to the appropriate U.S. Probation Office.
- *Sex Offenses only:* Send one BP-A0710 to the state, local, or tribal **agency responsible for receipt or maintenance of sex offender registration information.**

Faxes or e-mail (using a secure shared database) may be used to transmit the BP-A0648 and BP-A0710 when confirmation of transmission can be documented.

A dated copy of each notification form is maintained in the disclosable portion of section 5 (Release Processing) of the Inmate Central File.

d. **Determining the Agency Responsible for Receipt or Maintenance of Sex Offender Registration Information.** Current directories for sex offender registration officials are maintained on the Correctional Programs Branch Sallyport page.

Example 1: Inmate Smith requires notification pursuant to § 4042(c). His release address is on tribal lands. Staff send five BP-A0710 forms: one to the state Attorney General, one to the local county sheriff, one to the tribal chief of police, one to the supervisory probation office, and one to the tribal Sex Offender Registration Office (that has elected to carry out the provisions of SORNA).

Example 2: Inmate Brown requires notification pursuant to § 4042(c). His release address is on tribal lands. Staff discover the tribal jurisdiction has elected not to carry out the provisions of

SORNA. Staff then send five BP-A0710 forms: one to the state Attorney General, one to the local county sheriff, one to the tribal chief of police, one to the supervisory probation office, and one to the agency that has elected to carry out the provisions of SORNA for that tribal jurisdiction.

Example 3: Inmate Jones requires notification pursuant to § 4042(c). His release address is in a city not located on tribal lands. Staff send four BP-A0710 forms: one to the state Attorney General, one to the local county sheriff, one to the supervisory probation office, and one to the state or local Sex Offender Registration Office.

e. **Law Enforcement Agency Directory.** Current directories for law enforcement officials are maintained on the Correctional Programs Branch Sallyport page.

8. FORM PREPARATION

The Prisoner Release Notification (BP-A0710) must contain the following information for all inmates:

- Offender's name.
- Criminal history. For each conviction of a crime of violence, Federal drug trafficking crime, or sexual offense, include a succinct description of that crime to the extent descriptive information is available. Copies of the PSI must not be used to provide criminal history information.
- Final release date.
- Offender's projected address.
- Release conditions or restrictions (any restrictions on conduct or other conditions to the release of the prisoner imposed by the sentencing court other than the Standard Conditions of Supervision on the JCC.
- Information that the individual is subject to registration as a sex offender as required by SORNA.

If more space is required for any element, the information is entered on additional sheets, with a note that the information continues. Staff may locally reproduce the BP-A0710.

9. NOTIFICATION TO INMATE OF COMMUNITY TREATMENT PROGRAMS

a. **Unit Management Duties.** Unit staff ensure that inmates assigned a "Sex Offender" Public Safety Factor who meet the criteria under SORNA receive a completed Part B (Notification of Community Treatment Programs) and C (Inmate Responsibilities) of the Sex Offender Registration and Treatment Notification (BP-A0648) before they are released to a community-based program (RRC or Home Confinement) or directly to the community.

b. **Residential Reentry Manager Duties.** RRM's ensure that inmates assigned a "Sex Offender" Public Safety Factor who meet the criteria under SORNA receive a completed Part B and C of the BP-A0648 before releasing from a community-based program (i.e., direct RRC placement) under their jurisdiction. Residential Reentry staff do not need to prepare a BP-A0648 for inmates who have transferred from an institution.

c. **Form Preparation.** Staff ensure the inmate receives the following information on the BP-A0648, Part B. Part C has no signature page or added information, but it is mandatory that this information be provided to the inmate.

- Treatment agency or source (mandatory).
- Treatment address or location (mandatory).
- Treatment agency telephone number (mandatory).
- Other pertinent information (optional):
 - Length or cost of treatment.
 - Modality of treatment used.

d. **Filing and Distribution.** Unit staff ensure the inmate signs and dates the BP-A0648, Part B, before distribution and filing. Staff document an inmate's refusal to sign. A signed copy of the form is kept in the disclosable portion of Section 5 of the Inmate Central File. The inmate's copy of the BP-A0648, Part B and C, is included with the release paperwork and given to him/her at release.

A copy of the BP-A0648, Part B and C, is sent to the U.S. Probation Office (or, for D.C. Code felony offenders, to the Court Services and Offender Supervision Agency for the District of Columbia) when an inmate is releasing to its supervision. Unit staff or the RRM prepare and distribute a copy of this form when other release preparation paperwork is prepared.

10. **CRIMES COMMITTED WHILE IN CUSTODY**

Violent crimes and drug trafficking crimes committed while in the custody of the Bureau or other correctional agencies are not to be used for notifications unless there was a court conviction.

11. **SENTRY PROCEDURES**

Appropriate SENTRY CMA assignments are entered at initial classification in accordance with the Program Statement **Inmate Classification and Program Review**. The following

assignments apply to this Program Statement. Each inmate must have at least one assignment pertaining to notification. All applicable assignments are entered.

ASSIGNMENT	DESCRIPTION	GROUP CODE
V94 CVB913	V94 CURR VIOL BEFORE 91394	VVB
	Currently convicted for a crime of violence with date of offense before September 13, 1994. Refer to Section 3 of the Program Statement Categorization of Offenses to determine whether a Federal offense may be considered a “crime of violence.”	
V94 CVA913	V94 CURR VIOL ON/AFTER 91394	VVA
	Currently convicted for a crime of violence with date of offense on or after September 13, 1994. Refer to Section 3 of the Program Statement Categorization of Offenses to determine whether a Federal offense may be considered a “crime of violence.”	
<p>Note. Inmates categorized as having a “Director’s Discretion”-type offense (Section 4, Categorization of Offenses), do not require, and should not be processed for, notification of a violent offense. (However, if the inmate also has a drug or sex offense, or prior violent offense, relevant notification should be processed accordingly.)</p>		
V94 PV	PAST VIOLENCE	VVP
	Previously convicted for a crime of violence, regardless of the date of offense.	
V94 PV5	V94 PAST VIOL-NO NOTIF HSED5TH	VVP
	Previously convicted for a crime of violence, regardless of the date of offense, and housed in an institution in the Fifth Circuit. Notifications are prohibited per <i>Henrikson</i> .	
V94 CDB913	V94 CURR DRG TRAF BEFORE 91394	VDB
	Currently convicted for a drug trafficking crime with date of offense before September 13, 1994.	

V94 CDA913

V94 CURR DRG TRAF ON/AFT 91394

VDA

Currently convicted for a drug trafficking charge with date of offense on or after September 13, 1994.

V94 PD

V94 PAST DRUG TRAFFICKING

VDP

Previously convicted for a **Federal** drug trafficking crime, regardless of offense date.

V94 PD 5

V94 PAST DRG-NO NOTIF HSED 5TH

VDP

Previously convicted for a Federal drug trafficking crime, regardless of offense date, and housed in an institution in the Fifth Circuit. Notifications are prohibited per *Henrikson*.

V94 COB913

V94 CURR OTHER BEFORE 91394

VOB

Currently convicted for an offense that is not drug trafficking or a crime of violence. The date of offense is before September 13, 1994.

V94 COA913

V94 CURR OTHER ON/AFTER 91394

VOA

Currently convicted for an offense that is not drug trafficking or a crime of violence. The date of offense is on or after September 13, 1994.

Upon a thorough review of the inmate's PSI, unit management staff assign an appropriate CMA assignment as indicated above. Any questions regarding VCCLEA sentencing determination should be directed to the CMC, who is the final authority to determine if the inmate is VCCLEA.

12. INFORMATION SOURCES

Staff may use various resources to identify community programs for sex offenders. A directory listing treatment agency or source, treatment address or location, and treatment agency telephone number will be maintained on the Correctional Programs Branch Sallyport page. The USPO in the inmate's proposed district of release is a valuable resource for program information.

Staff must provide an inmate who requires notification of residential reentry programs with at least one treatment source.

13. AGENCY ACA ACCREDITATION PROVISIONS

None.

REFERENCES

Program Statements

- P1330.18 Administrative Remedy Program (1/6/14)
- P5100.08 Inmate Security Designation and Custody Classification (9/12/06)
- P5140.40 Transfer of Offenders To or From Foreign Countries (8/4/11)
- P5162.05 Categorization of Offenses (3/16/09)
- P5322.13 Inmate Classification and Program Review (5/16/14)
- P7300.09 Community Corrections Manual (5/19/99)
- P7320.01 Home Confinement (9/6/95)

BOP Forms

- BP-A0648 Sex Offender Registration and Treatment Notification
- BP-A0710 Prisoner Release Notification

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.