



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

**PROGRAM STATEMENT**

OPI: CPD/CPB  
NUMBER: 5140.41  
DATE: April 10, 2015

## **Civil Contempt of Court Commitments**

/s/

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

### **1. PURPOSE AND SCOPE**

#### **§ 522.10 Purpose.**

**(a) This subpart describes the procedures for federal civil contempt of court commitments (civil contempt commitments) referred to the Bureau of Prisons (Bureau). These cases are not commitments to the custody of the Attorney General for service of terms of imprisonment following criminal convictions.**

**(b) We cooperate with the federal courts to implement civil contempt commitments by making our facilities and resources available. When we receive notification from the federal court that the reason for the civil contempt commitment has ended or that the inmate is to be released for any other reason, we will terminate the inmate's civil contempt commitment.**

**Federal Regulations from 28 CFR are in this type.**

Implementing instructions are in regular type.

a. **Summary of Changes**

*Policy Rescinded*

P5140.38 Civil Contempt of Court Commitments (7/1/04)

This Program Statement and rules have been revised to include relevant D.C. Code provisions regarding civil contempt commitments and to clarify existing rule provisions. Rules relating solely to internal agency practices and procedures were removed.

b. **Program Objective.** The expected result of this program is:

Inmates confined as a result of civil contempt will be managed in accordance with standard correctional practices.

c. **MCC/MDC/FDC/FTC Application.** Procedures in this Program Statement apply to pretrial and holdover inmates, as indicated in subsequent sections.

d. **Institution Supplement.** None required. Should local facilities make any changes outside the required changes in the national policy or establish any additional local procedures to implement the national policy, the local Union may invoke to negotiate procedures or appropriate arrangements.

## 2. CIVIL CONTEMPT OF COURT STATUTES

There are two civil contempt statutes.

a. Title 28, U.S.C., § 1826 provides:

*“Whenever a witness in any proceeding before or ancillary to any court or grand jury of the United States refuses without just cause shown to comply with an order of the court to testify or provide other information, including any book, paper, document, record, recording or other material, the court, upon such refusal, or when such refusal is duly brought to its attention, may summarily order his confinement at a suitable place until such time as the witness is willing to give such testimony or provide such information. No period of such confinement shall exceed the life of—*

*(1) the court proceeding, or*

*(2) the term of the grand jury, including extensions, before which such refusal to comply with the court order occurred, but in no event shall such confinement exceed eighteen months.”*

A civil contempt commitment under this section may end in any one of the following four ways; the actual manner dependent upon which circumstance occurs first.

- The person purges him-/herself of contempt by cooperating with the court.
- The court proceedings terminate.
- The period of imprisonment (not to exceed 18 months) expires.
- The term of the grand jury expires.

b. Title 18 U.S.C. § 401 provides:

*“A court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as–*

*(1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;*

*(2) Misbehavior of any of its officers in their official transactions;*

*(3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.”*

A civil contempt commitment under this section is under the sole jurisdiction of the court and has no time limit. The commitment will not terminate until the inmate purges himself or herself of the contempt or until the court orders the commitment terminated.

### **3. PLACEMENT IN BUREAU CUSTODY**

#### **§ 522.11 Civil contempt commitments.**

**Inmates can come into Bureau custody for civil contempt commitments in two ways:**

**(a) The U.S. Marshals Service may request a designation from the Bureau for a civil contempt commitment if local jails are not suitable due to medical, security or other reasons; or**

**(b) The committing court may specify a Bureau institution as the place of incarceration in its contempt order. We will designate the facility specified in the court order unless there is a reason for not placing the inmate in that facility.**

A Bureau institution may be designated after the U.S. Marshals Service (USMS) has exhausted all its resources.

Receiving and discharge procedures for an inmate serving only a civil contempt commitment will be consistent with their prisoner status. (Refer to Section 6 of this Program Statement.)

#### **4. INMATES WITH CIVIL CONTEMPT COMMITMENTS AND U.S. OR D.C. CODE SENTENCES**

##### **§ 522.12 Relationship between existing criminal sentences imposed under the U.S. or D.C. Code and new civil contempt commitment orders.**

**If a criminal sentence imposed under the U.S. Code or D.C. Code exists when a civil contempt commitment is ordered, we delay or suspend credit towards service of the criminal sentence for the duration of the civil contempt commitment, unless the committing judge orders otherwise.**

#### **5. INMATES WITH CIVIL CONTEMPT COMMITMENTS WHEN A U.S. OR D.C. CODE SENTENCE IS IMPOSED**

##### **§ 522.13 Relationship between existing civil contempt commitment orders and new criminal sentences imposed under the U.S. or D.C. Code.**

**(a) Except as stated in (b), if a civil contempt commitment order is in effect when a criminal sentence of imprisonment is imposed under U.S. or D.C. Code, the criminal sentence runs consecutively to the commitment order, unless the sentencing judge orders otherwise.**

**(b) *For federal criminal sentences imposed for offenses committed before November 1, 1987, under 18 U.S.C. Chapter 227:* If a civil contempt commitment order is in effect when a criminal sentence of imprisonment is imposed, the criminal sentence runs concurrent with the commitment order, unless the sentencing judge orders otherwise.**

#### **6. MANAGING INMATES WITH CIVIL CONTEMPT COMMITMENTS**

##### **§ 522.14 Inmates serving civil contempt commitments.**

**We treat inmates serving civil contempt commitments in Bureau institutions the same as pretrial inmates. If an inmate is serving a civil contempt commitment**

**and a concurrent criminal sentence, we treat the inmate the same as a person serving a criminal sentence.**

Inmates charged solely with misdemeanor offenses, or detainees committed for civil contempt, or held as material witnesses, are not visually searched unless there is reasonable suspicion the inmate or detainee is concealing a weapon or other contraband, or the inmate consents, in writing, to being visually searched. See the Program Statement **Receiving and Discharge Manual** for detailed procedures concerning visual searches of this group of detainees.

## **7. GOOD TIME CREDITS**

**§ 522.15 No good time credits for inmates serving only civil contempt commitments.**

**While serving only the civil contempt commitment, an inmate is not entitled to good time sentence credit.**

## **8. MONITORING CASE STATUS**

On the inmate's arrival, institution staff will review the status of all civil contempt cases with the appropriate U.S. Marshal, to include:

- The status of criminal sentences being served when the citation for civil contempt occurs; or
- The release date status of prisoners held solely for civil contempt.

## **9. AGENCY ACA ACCREDITATION PROVISIONS**

- American Correctional Association (ACA), Adult Correctional Institutions Standards, 4th Edition: 4-4097.
- American Correctional Association (ACA), Administration of Correctional Agencies Standards, 2nd Edition: 2-CO-1E-05.

## **REFERENCES**

### *Program Statements*

- P5140.40 Transfer of Offenders to or From Foreign Countries (8/4/11)
- P5800.18 Receiving and Discharge Manual (8/12/14)
- P5880.28 Sentence Computation Manual (CCCA of 1984) (7/20/99)
- P5880.30 Sentence Computation Manual (Old Law, Pre-CCCA of 1984) (7/16/93)

P5880.33 District of Columbia Sentence Computation Manual (7/9/10)  
P7331.04 Pretrial Inmates (1/31/03)

*Federal Regulations*

Rules cited in this Program Statement are contained in 28 CFR 522.10-15.

*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.