



Program Statement

OPI: CPD
NUMBER: 7331.04
DATE: 1/31/2003
SUBJECT: Pretrial Inmates

1. [**PURPOSE AND SCOPE** §551.100. In addition to convicted inmates, the Bureau of Prisons houses persons who have not been convicted. Procedures and practices required for the care, custody, and control of such inmates may differ from those established for convicted inmates. Pretrial inmates will be separated, to the extent practicable, from convicted inmates. Except as specified by this rule, policies and standards applicable to persons committed to the custody of the Attorney General or the Bureau of Prisons apply also to pretrial inmates as defined in §551.101.]

§551.101 refers to Section 7 of this Program Statement.

2. **SUMMARY OF CHANGES.** Definitions are given for deportable aliens and excludable aliens. Deportable alien detainees are subject to this PS' requirements.

The term holdover is defined, and the SENTRY assignments associated with holdovers are explained.

Procedures for searching a pretrial inmate who is charged with a misdemeanor or committed for civil contempt are explained.

Notification requirements when a pretrial inmate receives medication have been defined in the section on medical, psychiatric, and psychological care.

Notification requirements when disruptive behavior occurs or disciplinary action is taken have been defined.

[Bracketed Bold - Rules]

Regular Type - Implementing Information

Procedures for developing the Institution Supplement have been simplified.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. Pretrial inmates will be separated to the extent practicable from convicted inmates. When this is not practicable, staff will screen and assess pretrial inmates, permitting those who do not present a risk to the security or orderly running of the institution to have regular contact with convicted inmates.

b. Pretrial inmates will not be required to work (other than housekeeping tasks in their cells or community living area), unless they waive their right **not** to work.

c. An initial assessment of pretrial inmates will be conducted within 48 hours of admission.

d. Pretrial inmates will be offered the opportunity to participate in institution programs and services as is consistent with safety and the orderly running of the institution.

e. The status of pretrial inmates will be reviewed regularly and each time they return from court.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 7331.03 Pretrial Inmates (11/22/94)

b. **Directives Referenced**

PS 1315.07 Legal Activities, Inmate (11/5/99)

PS 1505.03 Language Translations Used in Official
Documentation (10/31/97)

PS 5111.03 Mariel Cuban Detainees (10/25/99)

PS 5270.07 Inmate Discipline and Special Housing Units
(12/29/87)

PS 5290.12 Intake Screening (3/16/99)

PS 5800.12 Receiving and Discharge Manual (12/31/97)

PS 6000.05 Health Services Manual (9/15/96)

c. Rules cited in this Program Statement are contained in 28 CFR 551.100-120.

5. STANDARDS REFERENCED

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4263, 3-4272, 3-4343, 3-4344, 3-4374, and 3-4375

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-3E-02, 4A-01, 4B-03, 4E-19, 4E-20, 4E-44, 4E-45, and 5A05

6. **BACKGROUND.** Normally, pretrial inmates are housed in administrative institutions that include Metropolitan Detention Centers (MDCs), Federal Detention Centers (FDCs), and Metropolitan Correctional Centers (MCCs). These institutions may also house convicted inmates awaiting sentencing or movement to designated institutions, or sentenced inmates who require further court appearances.

Other types of Bureau institutions also house pretrial inmates. Specific areas within these institutions have been designated for housing pretrial inmates. Several institutions also operate jail units which are in separate buildings adjacent to the main institution but are considered part of that institution. The Bureau also operates the Federal Transfer Center (FTC) in Oklahoma City, Oklahoma.

Title 18 U.S.C. § 3142(i)(2) states that pretrial inmates are to be separated, **"to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal."**

What is practicable is contingent upon the individual institution's design, structure, and operation. When it is not practicable to keep pretrial inmates separate, after intake screening and assessment, staff may permit, based upon sound correctional judgment, pretrial inmates who do not present a risk to the institution's security or orderly running to have regular contact with convicted inmates.

Pretrial inmates may not be compelled to work other than to perform housekeeping tasks in their cells and in the community living area. Pretrial inmates will be given the opportunity to waive their right not to work in order to participate in institution work programs (see Section 9.i.).

Pretrial inmates identified by management staff as inappropriate for housing with convicted inmates will be, to the extent practicable, housed separately from convicted inmates. This housing is to be accomplished while imposing the least restrictive constraints consistent with security needs and following sound correctional judgment.

In addition to the definitions provided in Section 7, pretrial inmates are U.S. Marshals Service (USMS) prisoners. A Memorandum of Understanding (MOU) exists between the Bureau and the USMS. From the MOU, a procedural memorandum established a fixed number of beds for the USMS at specific Bureau institutions. The USMS is also responsible for operating the Justice Prisoner and Alien Transportation System (JPATS). Inmates defined in Section 7 may, therefore, occupy USMS beds; however, rules language does not apply to holdover inmates.

7. **DEFINITIONS §551.101**

a. Pretrial inmate. For purposes of this rule, "pretrial inmate" means a person who is legally detained but for whom the Bureau of Prisons has not received notification of conviction. Thus, "pretrial inmate" ordinarily includes a person awaiting trial, being tried, or awaiting a verdict.]

The term "pretrial inmate" also includes a person awaiting sentencing after having pleaded or been found guilty when the Bureau has not received notification of conviction. See the implementing information in Section 11.d. for procedures regarding notification of conviction.

[(1) Civil contempt, deportable aliens, or material witnesses. For purpose of this rule, an inmate committed for civil contempt, or as a deportable alien, or as a material witness is considered a pretrial inmate.]

Deportable alien detainees housed in Bureau detention institutions, e.g., FDCs, MDCs, contract detention facilities, and jail units, are considered pretrial inmates for this PS' purposes.

An excludable alien, e.g., an alien who is apprehended while attempting to enter the U.S. and who is inadmissible under U.S. law, is not considered a pretrial inmate. Mariel Cuban detainees, for example, are excludable aliens.

These detainees are likely to be confined in Bureau institutions for extended periods of time and do not have all the constitutional rights and protections guaranteed to citizens, sentenced alien inmates, and deportable alien detainees. Generally, they are housed in a general population setting, where they have been designated, and are eligible to participate in programs made available to sentenced inmates. Refer to the Program Statement on Mariel Cuban Detainees.

Some Bureau institutions provide a specific number of beds for the Immigration and Naturalization Service (INS) to house detainees. These detainees are given the SENTRY Arrival and Release Status (ARS) assignment of A-INS. For this PS' purposes, these INS detainees are also considered pretrial, but are not the USMS' responsibility.

See Section 11.b. for housing separation guidelines for deportable alien detainees who are in Bureau custody immediately upon completion of a sentence for a felony conviction. When an INS detainee's immigration status is not known, institution staff should contact the local INS office for clarification.

[(2) Mental evaluation or treatment. An inmate committed under Title 18 U.S.C. Sections 4241(b) and (d), 4242(a), or 4243(b) is considered to be a pretrial inmate, whereas commitments under Sections 4243(e), 4244, 4245 or 4246 are treated as convicted inmates.

(3) Concurrent federal and state sentences. For purpose of this rule, an inmate in a status described in paragraph (a) introductory text, (a)(1), or (a)(2) of this section and who is at the same time serving a state or federal sentence is not considered a pretrial inmate.

b. Convicted inmate. For purposes of this rule, an individual a court has found guilty of an offense punishable by law.]

The term "convicted" refers to an inmate's current status; an inmate who has completed service of any and all sentences imposed by a court is not considered to be a convicted inmate for this PS' purposes.

c. Holdover. 28 CFR 541.22 defines a holdover as a person "en route to a designated institution." For this PS' purposes, holdovers are considered USMS prisoners. However, because they are convicted, they are not subject to the **rules** for pretrial inmates.

Holdovers occupy beds allocated to the USMS at Bureau institutions. A Bureau holdover (A-BOP HLD) is a Bureau inmate transferring from one Bureau institution to another. The purpose of this ARS assignment is to help assign financial responsibility for medical care.

The term "holdover," identified by the ARS of A-HLD, includes an inmate who has been:

- convicted but not yet sentenced, or
- sentenced but not yet designated, or
- designated but not received at the initial designated facility.

8. **[COMMITMENT PRIOR TO ARRAIGNMENT §551.102. On receipt of a U.S. Marshal remand, the Bureau of Prisons shall accept an individual who has not been arraigned for commitment as a pretrial inmate, provided that the institution has appropriate detention facilities available for that individual.]**

Pretrial inmates are to be admitted in accordance with procedures in the Receiving and Discharge Manual.

9. **[PROCEDURE FOR ADMISSION §551.103. Staff in administrative institutions or institutions with administrative components housing U.S. Marshals' prisoners shall establish procedures for admitting a pretrial inmate which include, but are not limited to:**

a. Verification of commitment papers;]

Staff will obtain information from the USMS or arresting agent which may reflect on the inmate's behavior or offense severity. The receiving officer or other designated staff will:

- question the USMS staff about separatees,
- identify other special security or medical precautions, and
- ensure this information is included on the U.S. Marshal Remand to Custody form.

[b. Search of the inmate;

Pretrial inmates charged with misdemeanors or committed for civil contempt may not be visually searched unless there is reasonable suspicion that they are concealing a weapon or other contraband or they consent, in writing, to a visual search. If these inmates are not visually searched, they must be housed in an area separate from all other inmates (see the Receiving and Discharge Manual).

c. Photographing and fingerprinting;

d. Disposition of clothing and personal possessions;]

Procedures will be established with arresting agencies regarding disposal of property which:

- cannot be stored at the institution,
- presents a security risk, or
- is mailed easily to the arrestee's residence.

[e. Intake screening (including Notice of Separation);]

The staff member conducting intake screening will advise the pretrial inmate, depending upon the institution's design, structure, and operation, that the inmate may have contact with convicted inmates. The inmate is to be asked to sign the Notice of Separation segment of the Federal Prison System Pretrial Inmate Work Waiver/Notice of Separation form (BP-S203).

If the inmate refuses to sign this form, staff will document this refusal on the form.

[f. Providing institution guidelines governing telephone calls (including procedures for making unmonitored calls to an attorney);

g. Provisions for personal hygiene, to include:

- (1) Issue of personal hygiene items;
- (2) Issue of clean clothing; and
- (3) Opportunity for shower and hair care;

h. Orientation;]

Pretrial inmates are not required to participate in the institution's Admission and Orientation (A&O) program, but they are required to receive a copy of both the A&O and the Inmate's Rights and Responsibilities pamphlets. If staff do not use the SENTRY-generated intake screening form, they will devise a form to document that pretrial inmates have received a copy of both.

[i. Opportunity for waiver of right not to work;]

Pretrial inmates are given the opportunity to waive the right not to work. Inmates may decide to waive, or rescind a waiver, at any time. The work waiver portion of BP-S203 must be used to document the waiver or its rescission.

[j. Assignment to an appropriate housing unit.]

Thorough screening and good professional judgment are essential to ensure pretrial inmates' safety and security. The screening process should identify seriously ill, violent, aggressive, escape risk, or high profile inmates who require closer supervision.

If a pretrial inmate is charged with a misdemeanor or committed for civil contempt, see Section 9.b, Search of the Inmate, regarding housing.

10. INTAKE SCREENING AND ASSESSMENT OF PRETRIAL INMATES. Within the first 48 hours of admission, an initial risk/needs assessment must be made. A systematic procedure for interviewing pretrial inmates thoroughly minimizes risks. Procedures specified in this section are to augment those in the Program Statement on Intake Screening.

a. **Unit Staff.** Typically, staff conducting intake screening are unit managers, case managers, correctional counselors, and physician assistants; however, the Warden may identify other staff based on institution capabilities and needs. Institution Supplements must also provide for screening inmates returning from court, as events at court may alter the inmate's separation and/or security needs.

b. **Information Needed.** Unit staff must actively seek information which may reflect on the inmate's behavior or offense severity, thereby helping to determine the inmate's security, medical, psychological, and/or other special needs. Unit staff should document an initial impression and make a recommendation for housing to the unit manager.

Normally, the decision of a housing assignment for a pretrial inmate is not delegated below the unit manager level. Alternate procedures may be implemented based on institution needs only with specific written guidelines the Warden approved.

The inmate is to be interviewed using the Pretrial Inmate Interview form (BP-S562). When indicated, contact is to be made with other agencies to seek additional information. Sufficient information must be available to identify the inmate's risk/needs adequately.

Information obtained during the initial intake screening and subsequent interviews will be documented, placed into the Inmate's Central File, and used in following reviews.

(1) **Assessment Sources.** Information required for an accurate risk/needs assessment may be obtained from the following sources:

- U.S. Marshal Remand Form and accompanying booking information- both verbal and written
- Medical/psychological screening
- Intake screening information
- Pretrial Services (bond information, prior record, and U.S. Probation Officer (USPO) report)
- Arresting agency
- U.S. Attorney's Office
- U.S. Marshals Service
- Prior institution reports (federal, state, and local)
- Inmate interview
- Medical reports
- Defense attorney
- Inmate's family
- SENTRY.

(2) **Assessment Information.** The following is the type of information used to determine an inmate's security requirements and health/psychological needs:

- Separatee information
- Prior criminal history
- Record of violence
- Escape or attempted escape (secure or non-secure facility, etc.)
- Current offense/charge
- Prior institutional adjustment
- Age
- Behavior/attitude during intake screening
- Special needs (psychological, medical, suicide risk)
- Alcohol or drug abuse
- Detainer or other pending charges
- Bond information
- Group affiliations (gangs, cartel, organized crime, prior law enforcement, identifying marks such as tattoos)
- Notoriety, high profile cases in the media
- Potential length of sentence.

c. **Physician Assistant.** An initial assessment of an inmate's medical and mental health status is made during the intake screening and medical interviews. A physician assistant or other

medical staff identified by the Warden, must conduct the screening.

The Warden will establish procedures with the local USMS and other appropriate federal agencies for those new arrestees who need medical care beyond that available at the institution. A referral to a psychologist should be made at this stage if indicated or requested by the inmate.

d. **Non-English-Speaking Inmates.** Efforts will be made to communicate in an inmate's native language. Translations of local documents, forms, and records may be used in accordance with the Program Statement on Language Translations Used in Official Documentation.

11. **[HOUSING §551.104. To the extent practicable, pretrial inmates will be housed separately from convicted inmates.]**

A BP-S203 will be used for the Notice of Separation.

a. **Security Threat Inmates.** A pretrial inmate who presents a risk to the institution's security and orderly running will be housed where appropriate security is provided. When practicable, separation from convicted inmates must be maintained. At each review, staff must consider whether that inmate is appropriate for placement in less secure housing (see Section 12).

b. **Deportable Alien.** A deportable alien detainee who is in Bureau custody immediately after completing a sentence for a felony conviction does not need to be housed in a pretrial or special housing unit separate from convicted inmates. Programming and work, other than housekeeping tasks in the inmate's cell and in the community living area, remain voluntary.

c. **SENTRY Review.** Prior to any housing change, staff must review SENTRY for possible separatees and other management concerns and document this review in the Inmate's Central File.

d. **Change In Status.** Because pretrial inmates are to be separated to the extent practicable from inmates who are convicted and awaiting sentence, staff should verify as quickly as possible the status of a pretrial inmate who is returning from a court appearance and who had been separated from convicted inmates. When a pretrial inmate is convicted and awaiting sentencing, the inmate no longer needs to be separated from convicted inmates.

When staff receive official notification that a pretrial inmate has pleaded or been found guilty, the inmate is no longer regarded as pretrial, and staff must change the ARS from pretrial (A-PRE) to holdover (A-HLD) immediately, pending sentencing and initial designation. The inmate will remain in holdover status until received at the designated institution.

Close coordination with other agencies such as the U.S. Attorney's Office, Clerk of the Court, Pretrial Services, USPO, and USMS is encouraged.

e. **Responsibility.** The Warden will delegate responsibility for supervising the housing area for pretrial inmates to a full-time manager or supervisor, who may have collateral duties.

12. **[CUSTODY §551.105**

a. **Staff ordinarily will supervise a pretrial inmate as if classified "In" custody.**

b. **Where circumstances warrant, staff may supervise a pretrial inmate according to procedures for other custody levels.]**

For example, staff may consider a custody increase if verifiable information is available to justify such action. A memorandum approving this action, signed by the Warden, will be maintained in the Inmate's Central File.

A reduction in custody requires the Regional Director's approval. In making this decision, all relevant information will be forwarded to the regional office for consideration. The Regional Director will maintain a written record including reasons for approval.

13. **[INSTITUTIONAL EMPLOYMENT §551.106. Unless a pretrial inmate signs a waiver of his or her right not to work, the Warden may not require the inmate to work in any assignment other than housekeeping tasks in the inmate's own cell and in the community living area.]**

The work waiver segment of the BP-S203 will be used.

14. **[PRETRIAL INMATE REVIEWS §551.107. Staff shall conduct regular reviews of a pretrial inmate's status.]**

Wardens will identify unit staff responsible for conducting these reviews. Unit staff are to use a variety of schedules to ensure that these reviews take place. A unit team for pretrial inmates must have, at a minimum, two unit staff selected from among the unit manager, case manager, and counselor.

The unit manager is responsible for ensuring the scheduling of pretrial inmate reviews and for determining whether the inmate has been found guilty by the court of the offense since the last review.

Typically, in any pretrial population there are high security, high profile inmates who may pose significant threats to other inmates, themselves, staff, or to the community. The need to identify and monitor these inmates regularly is paramount.

Unit staff should be aware of court appearance dates and should facilitate movement to an institution upon sentencing and designation.

[a. Each pretrial inmate shall be scheduled for an initial review by the unit team within 21 calendar days of the inmate's first arrival at the institution, and subsequent reviews shall be conducted at least every 90 days.]

The initial and subsequent reviews are to assess all factors relating to the inmate's detention, including the practicability of separation from convicted inmates.

[b. The inmate shall be notified at least 48 hours prior to the inmate's scheduled review.]

c. A pretrial inmate is expected to attend these reviews. If the inmate refuses to appear, staff shall document in the record of the meeting the inmate's refusal and, if known, the reason for refusal.

d. Inmate reviews are to be documented on the Pretrial Inmate Review Report.]

A BP-S561 will be used.

15. [PERFORMANCE PAY \$551.108. The Warden may approve a pretrial inmate for performance pay and special awards.]

16. [COMMUNITY ACTIVITIES §551.109

a. The Warden may not grant a furlough to a pretrial inmate (18 U.S.C. § 3622).

b. In an emergency, staff shall facilitate contact with the pretrial inmate's attorney of record, who may seek from the court a decision concerning release from custody or an escorted trip.]

In addition, staff are to notify the U.S. Attorney's Office assigned to the case and the USMS of the existing emergency. Staff will document contact with each of these agencies in the Inmate's Central File.

[c. Except by order of the court, a pretrial inmate may not be considered for participation in community programs.]

The Warden will establish procedures with the USMS when it is necessary to escort a pretrial inmate.

17. [RELIGIOUS PROGRAMS §551.110

a. When consistent with institution security and good order, pretrial inmates may be allowed the opportunity to participate in religious programs with convicted inmates.

b. Staff shall ensure that pretrial inmates who do not participate in religious programs with convicted inmates have access to other religious programs.]

18. [MARRIAGE §551.111. A pretrial inmate may request permission to marry in accordance with current Bureau of Prisons policy for convicted inmates. Staff shall contact the court, U.S. Attorney, U.S. Marshals Service, and in the case of an alien, the Immigration and Naturalization Service, to advise of the marriage request of the pretrial inmate and to request their comments.]

Staff will document all contacts with liaison officials in the Inmate's Central File.

19. [EDUCATION §551.112

a. A pretrial inmate may participate in correspondence and self-study educational courses. Institutional staff may also arrange for educational assistance to the pretrial inmate through the use of contract personnel or community volunteers.

b. When consistent with institution security and good order, pretrial inmates may have access to the institution's educational program.]

20. **[COUNSELING §551.113**

a. When consistent with institution security and good order, pretrial inmates may be allowed the opportunity to receive counseling services with convicted inmates.

b. Staff shall ensure that pretrial inmates who do not receive counseling services with convicted inmates have access to other counseling services.]

21. **[MEDICAL, PSYCHIATRIC AND PSYCHOLOGICAL §551.114**

a. Staff shall provide the pretrial inmate with the same level of basic medical (including dental), psychiatric, and psychological care provided to convicted inmates.]

When a pretrial inmate is undergoing psychiatric evaluation or treatment, local procedures will be developed to ensure medical staff determine the competency of a pretrial inmate who requests to waive his or her right not to work. If the inmate is not competent to understand the consequences of signing the work waiver, the inmate may not be compelled to work other than to perform housekeeping tasks in the inmate's own cell or in the community living area.

[b. Staff shall advise the court, through the U.S. Marshal, of medication the pretrial inmate receives which may alter the inmate's courtroom behavior.]

Evaluation of the need for court notification must be made for all medication contemplated for a pretrial inmate. Special care must be taken when evaluating the possible impact of medication which may be used to treat psychiatric conditions, even if the instant proposed use is for a non-psychiatric condition.

A copy of all court notifications will be provided to the U.S. Attorney's Office and the inmate's attorney. Notification responsibilities may not be delegated below the department head level.

Local procedures will be established with the USMS and the U.S. Attorney's office regarding the preferred method of notification.

Psychiatric Medication. For forensic pretrial inmates, court notification should be made in accordance with the Health Services Manual. For non-forensic pretrial inmates, court notifications must occur as soon as possible.

[c. In event of serious illness or death of a pretrial inmate, staff shall notify the committing court, U.S. Marshal, U.S. Attorney's Office, the inmate's attorney of record, and the designated family member or next of kin.]

In the event of death, the Warden will confirm these notifications in a letter explaining the circumstances of the death, with a copy to the Regional Director.

22. **[RECREATION §551.115**

a. When consistent with institution security and good order, pretrial inmates may be allowed the opportunity to participate with convicted inmates in recreational activities. Staff shall ensure that inmates who do not participate in recreational activities with convicted inmates have access to other recreational activities.

b. At a minimum, and except as noted in paragraph (d) of this section, staff shall provide the pretrial inmate with the following recreational opportunities:

(1) One hour daily of outside recreation, weather permitting; or

(2) Two hours daily of indoor recreation.

c. Staff shall make recreation equipment available to the pretrial inmate including, but not limited to, physical exercise equipment, books, table games, and television.

d. Staff shall provide the pretrial inmate housed in Administrative Detention or Disciplinary Segregation with exercise as provided by the Bureau of Prisons rules on inmate discipline. (See 28 CFR part 541, subpart B.)]

28 CFR part 541, subpart B refers to the Program Statement on Inmate Discipline and Special Housing Units.

[e. Provisions of paragraphs (b) and (c) of this section must be carried out unless compelling security or safety reasons dictate otherwise. Institution staff shall document these reasons.]

23. **[DISCIPLINE §551.116**

a. Staff shall require the pretrial inmate to abide by Bureau of Prisons rules on Inmate Discipline (see 28 CFR part 541, subpart B), subject to the limitations of §551.106 of this part.]

§551.106 refers to Section 13, Institutional Employment, of this PS.

[b. Staff shall advise the court, through the U.S. Marshal, of repeated or serious disruptive behavior by a pretrial inmate.]

(1) Staff will also advise the relevant U.S. Attorney's Office of repeated or serious disruptive behavior by a pretrial inmate.

(2) When a pretrial inmate violates any Bureau rule on inmate discipline, not just repeated or serious disruptive behavior, the USPO assigned to prepare the Presentence Investigation Report must be advised.

Local procedures will be established with the USMS, the U.S. Attorney's Office, and the USPO regarding the preferred method of notification. Copies of the notifications will be provided to the Regional Designator after the inmate is sentenced to facilitate the appropriate institution assignment.

24. **[ACCESS TO LEGAL RESOURCES §551.117**

a. The Warden shall provide the opportunity for pretrial inmate-attorney visits on a seven-days-a-week basis.]

Attorney visits for pretrial inmates may be conducted at times other than established visiting hours with the approval of the Warden or designee. Wardens will establish hours for attorney visiting and communicate them to the local legal community.

[b. Staff shall provide pretrial inmates with access to legal materials in the institution.]

A basic law library is to be established for pretrial housing units if prisoners in these units do not have access to the institution's main law library. Procedures for obtaining legal material not contained in a basic law library, but contained in the institution's main law library, will be established locally (see the Program Statement on Legal Activities, Inmate).

[c. Staff shall allow the pretrial inmate, upon the inmate's request, to telephone the inmate's attorney as often as resources of the institution allow.]

25. **[PROPERTY §551.118.**

a. A pretrial inmate may retain personal property as authorized for convicted inmates housed in administrative detention units. (See 28 CFR part 541, subpart B.)]

28 CFR, part 541, subpart B refers to the Program Statement on Discipline and Special Housing Units.

Institution procedures will be consistent with any instructions from the court. Institution staff are responsible for proper storage and accountability of a pretrial inmate's property.

Property which cannot be stored due to lack of space at the institution will be mailed at government expense to an address supplied by the inmate.

[b. Staff may store the pretrial inmate's unauthorized personal property until the individual is released, transferred to another facility, or sentenced and committed to a federal institution.

c. Staff may supply the pretrial inmate with clothing for court appearances, or the inmate may supply his or her own.]

Exchanges will be authorized at least once a week. When the institution provides the pretrial inmate with court clothing, the court is to be contacted to determine the minimum clothing requirements deemed appropriate for courtroom appearances.

26. **[RELEASE OF FUNDS AND PROPERTY OF PRETRIAL INMATES §551.119**

a. Staff shall establish procedures which allow for the release of funds and personal property to pretrial inmates released during other than normal business hours.

b. Staff shall ensure that pretrial inmates are informed of existing policy relative to the commissary account and the deposit/release of funds.]

27. [**VISITING** §551.120. Staff shall allow pretrial inmates to receive visits in accordance with the Bureau's rule and local institution guidelines on visiting. Staff may allow a pretrial inmate special visits to protect the inmate's business interests or to help prepare for trial.]

At a minimum, pretrial inmates will receive approval for visits from immediate family. These persons include mother, father, step-parents, foster parents, brothers and sisters, spouse, and children.

28. **INSTITUTION SUPPLEMENT.** Wardens at institutions where 100 or more beds have been allocated to the USMS must issue an Institution Supplement to implement this PS.

a. **Purpose.** The Institution Supplement's purpose is to describe local procedures for managing pretrial inmates. It is necessary to identify which staff members, by position, have been designated responsibility for specific procedures.

b. **Review and Approval.** Institution Supplements require review by the regional office and the Detention Services Branch (DSB), Correctional Programs Division, Central Office. Once the regional office review is completed, the regional office should forward it to the DSB for approval. The DSB will respond in writing to the Warden and to the Regional Correctional Programs Administrator.

c. **Required Procedures.** The Institution Supplement must include at a minimum, procedures for implementing these requirements:

- (1) Admitting pretrial inmates;
- (2) Informing the Warden of inmates whose cases have generated broad publicity or could bring particular attention to the Bureau;
- (3) Requiring SENTRY review before a housing assignment change for potential separatees or other management concerns;
- (4) Specifying procedures for operating pretrial inmate housing areas;

(5) Specifying procedures for obtaining legal materials in the institution's main law library;

(6) Ensuring all pretrial inmates are afforded access to leisure library materials and other education programs;

(7) Allowing all pretrial inmates access to counseling services, if they so request, and how they can be accessed;

(8) Establishing notification procedures when a pretrial inmate is receiving psychiatric medication; and/or any other medication that may alter the inmate's courtroom behavior;

(9) Establishing notification procedures when a pretrial inmate violates Bureau disciplinary rules; and

(10) Providing for the exchange of court clothing.

29. **FORMS.** The following forms may be obtained through BOPDOCS:

a. Federal Prison System Pretrial Inmate Work Waiver/Notice of Separation (BP-S203),

b. Pretrial Inmate Interview (BP-S562), and

c. Pretrial Inmate Review Report (BP-S561).

/s/
Kathleen Hawk Sawyer
Director