CHAPTER 21 - Cost Reimbursements

In the event an offeror changes their proposed site during the negotiation process after the BOP has inspected the facility, the offeror shall be required to reimburse the BOP for all reasonable costs associated with the re-inspection of the new proposed site(s) due to the offeror's change in proposed facility. Failure to reimburse the BOP within ten calendar days of written notification shall result in elimination from consideration for award of the contract.

When a contractor fails to respond to an inspection report or repeatedly fails to correct documented deficiencies, the BOP may increase the number of its inspections, and thus charge the contractor for the reasonable costs associated with these visits. If the BOP must repeatedly visit facilities above and beyond the routinely scheduled activity of monitoring and training, the contractor shall be required to reimburse the BOP for all reasonable costs associated with providing technical assistance, training and oversight required to improve contractor performance to a satisfactory level. These costs shall be deducted from the monthly billing to the Government.

In addition, the contractor shall be subject to Government withholding, when and if they have been found to be in non-compliance with the conditions of the contract. Once the contractor has been informed of a problem, and does not comply within the specified time, they will be notified of pending withholdings and the basis for the withholdings by CCM.

The BOP will schedule a preoccupancy inspection following contract award and before performance. If the BOP must repeatedly inspect the place of performance (facility and location) due to the contractor's failure to complete necessary facility repairs or renovations, or failure to meet minimum programmatic requirements so that performance may begin, the contractor shall be required to reimburse the BOP for all reasonable costs associated with a second (or subsequent) preoccupancy inspection. These costs shall be deducted from the monthly billing to the Government.

The requirements of this chapter do not modify nor waive the rights of the BOP to terminate a contract for default under the terms and conditions of the contract.

Board of Zoning Adjustment
District of Columbia
CASE NO. 16998
EXHIBIT NO. 64A6

CHAPTER 22 - Sexual Abuse Intervention

1. GENERAL DEFINITIONS. Sexual abuse/assault impacts offenders and employees and the orderly running of the facility. Sexual abuse/assault/misconduct is defined as verbal or physical conduct of a sexual nature directed toward an offender by another offender, staff member, agent or volunteer of the facility, or private organization. Sexual misconduct by staff against an offender shall be prohibited by policy. Sexual misconduct, as it relates to an offender, is a sexual advance, welcome or not, by an offender, staff member, agent or volunteer of the facility. It is illegal and a violation of federal law.

2. RESPONSIBILITIES. The contractor shall develop and implement a comprehensive staff training program addressing the facility's sexual abuse/assault prevention and intervention program. Written policy, procedure, and practice shall provide that all staff receive such training during pre-service training and on an annual basis as part of the facility's in-service training plan.

The contractor shall develop and make available to all offenders an education program which addresses the subject of sexual abuse/assault. The content of the educational program must include topics such as recognizing behaviors that are inappropriate, harassing, or assaultive; how to seek protection; privacy rights; medical and psychological programs for victims of abuse; how to confidentially report sensitive issues to facility staff, the BOP, the Office of Inspector General, and local law enforcement.

The contractor shall immediately report all sexual misconduct allegations to the CCM.

The contractor shall establish a local intervention protocol that offers the offender immediate protection from the assailant.

The contractor shall have in place procedures which assure a medical examination and counseling by a clinical psychologist within 24 hours of an incident.

AUTHORIZATION TO RELEASE CONFIDENTIAL INFORMATION

U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS

Facility Name and Address:

I, _____, authorize the release to the Federal Bureau of Prisons of any information generated as a result of a National Crime Information Center/National Law Enforcement Telecommunications System (NCIC/NLETS) criminal history check on me, or any other information necessary to determine my suitability for work with federal offenders.

I also authorize the Federal Bureau of Prisons to disclose to the facility director or the contract's "authorized negotiator" all information generated as a result of a National Crime Information Center/National Law Enforcement Telecommunications System (NCIC/NLETS) criminal history check on me, or any other information necessary to determine my suitability for work with federal offenders at _____.

I understand that my records are protected under federal privacy regulations and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it. In any event, this consent will cease to be effective after my employment with _____.

1. Name (print: Last, First, Middle)	2. Date of Birth	3. SSN
4. Signature	5. Date signed	
6. Witness Signature (print & sign)	7. Date Witness signed	

Record Copy - CCM; Copy - Facility Director; Copy - Contract Employee or Volunteer

This form may be replicated via Computer)

INITIAL INTAKE FORM

U.S. DEPARTMENT OF JUSTICE **FEDERAL BUREAU OF PRISONS**

Facility Name and Address:

Contract staff Completing the Interview (Print):

Name of Offender:	**Register Number:**			
Offender Home Address:	**DOB:**	**SSN:**	**Race:**	**Sex:**
Religion:	**Date and Time of Arrival:**			

1. NOTIFICATION IN CASE OF EMERGENCY/DEATH (Offender Completes):

In an emergency or death, I direct that my _____ (relationship), whose name and address is _____ (Name) (Street) (City) (State) (Telephone Number) be notified.

Name and Telephone Number of Personal Physician:

Special Medical Needs:

Disposition of Personal Property:

Personal and Release Needs:

2. STATUS (Contract staff Completes):

Component Assigned: Community Corrections Pre-Release Home Confinement

Type of Case (BOP or USPO):
(BOP cases are in custody and subject to removal to a BOP institution)

Case Manager Assigned:

3. SIGNATURES (Contract staff and Offender Completes):

Contract staff Signature	**Date & Time**	**Offender Signature**	**Date and Time**

Record Copy - Facility Director; Copy - CCM
This form may be replicated via Computer

CASE NOTES

SECTION A

A.1 Identify the offender by name and register number.
A.2 List type case, BOP or USPC case.
A.3 List offender's assigned component, community corrections, pre-release, or home confinement and special instructions, if any.
A.4 Indicate offender's release date and how verified.
A.5 Identify, if applicable, if written notice of VCCLEA and PLRA was done.

SECTION B - Facility adjustment (brief summary)

B.1 Program plans and time tables;
B.2 Employment, include job search progress;
B.3 Educational/vocational participation;
B.4 Program participation list both current and completed, also indicate when and by whom the pre-release or home confinement component was approved;
B.5 Disciplinary actions, chronologically list all actions at the CSC (informal resolutions are not to be included);
B.6 Physical and mental health, including any significant mental or physical health problems, and any corrective action taken;
B.7 Financial responsibility plan and current status; and
B.8 Passes/Furlough (chronologically list all and summarize offender's success).

SECTION C Release planning:

C.1 When appropriate, staff shall request that the offender to provide a specific release plan that includes address and employment;
C.2 Staff shall identify available release resources and any particular problem that may be present in release planning.

Have both offender and contract staff sign and date the notes.

URINALYSIS PROCEDURES

URINALYSIS TESTING SPECIFICATIONS

The laboratory shall comply with all specifications contained herein and all applicable local, state, and federal law.

Urine samples submitted for testing shall contain the laboratory's required minimum amount of urine, ordinarily 25 milliliters.

If necessary because of litigation, the laboratory must provide a qualified expert witness to testify as to laboratory procedures employed as well as to accuracy and reliability of test results. Additionally, the laboratory must be able to prove chain of custody.

The laboratory must demonstrate a satisfactory intrinsic quality control program and must participate in at least one proficiency testing program conducted by local, state, or federal agencies, or professional groups, and must have demonstrated satisfactory performance in that proficiency testing program for at least the last two years. The laboratory shall provide results of proficiency testing to the contractor, at least annually. CCMs will review these findings during monitoring visits.

Specifications of Methodology.

Sensitivity. The laboratory shall have the capability to detect and identify certain drugs and metabolites by basic screen at minimal levels, or lower, as indicated in the PRIMARY TEST PANEL.

Basic Screening Procedures. All primary initial screen tests will be with Enzyme Multiplied Immunoassay Technique (EMIT)/FDA Approved Methodology Testing as indicated, with the SPECIAL test initial screen being EMIT/FDA Approved Methodology Testing as indicated under the SPECIAL test group. All testing will be performed according to manufactures specifications for all requests and instruments, as in FDA approved package inserts or appropriate manufacturer accreditation body which has reviewed and accepted the laboratories modified protocol.

Confirmation of Positive Tests. The approved methods of confirmation of specimens testing positive are listed in both the Primary and SPECIAL test panels above. Confirmation tests must be done on all initial positives. Authorized confirmation methodologies include Thin Layer Chromatography (TLC), High Performance Thin Layer Chromatography (HPTLC), and GC/MS test methodology. No substitutions can be made to the methods. The positive rate of all samples is estimated to be between 6 percent and 7 percent.

Other Requirements. The laboratory must perform the test within 48 hours of receipt. The laboratory will telephonically notify the contractor facility of positive results within 24 hours of the time the test was performed. Urine specimens testing positive must be retained by the laboratory for minimum of 30 days for possible retesting, if requested.

URINALYSIS PROCEDURES

PRIMARY TEST PANEL

DRUG/SUBSTANCE	SCREEN METHOD	SCREEN LEVEL	CONFIRMATIONS METHOD	CONFIRMATION CUTOFF
Amphetamines Ampnetamine Methampnetamine	EMIT	1000ng/ml	GC	300ng/ml
Barbiturates Amobarbital Butabarbital Butalbital Pentobarbital Phenobarbital Secobarbital	EMIT	300ng/ml	GC	500ng/ml
Benzodiazepines	EMIT	300ng/ml	GC	200ng/ml
Cannabinoids (THC/Marijuana)	EMIT	100ng/ml	GC	15ng/ml
Cocaine Benzoyl Ecgonine	EMIT	300ng/ml	GC	300ng/ml
Methadone	EMIT	300ng/ml	GC	300ng/ml
Opiates ●Codeine ●Hydromorphone ●Morphine	EMIT	300ng/ml	GC	 500ng/ml 1000ng/ml 200ng/ml
Phencyclidine	EMIT	25ng/ml	GC	200ng/ml
Methaqualone (Quaalude)	EMIT	300 ng/ml	GC	500 ng/ml
Quinine	TLC	1.0ng/ml	GC	1.0ng/ml
Meperidine (Demerol)	TLC	1.0ng/ml	GC	1.0ng/ml
Pentazocine (Talwin)	TLC	1.0ng/ml	GC	1.0ng/ml
Phenmetrazine (Preludin)	TLC	1.0ng/ml	GC	1.0ng/ml
Propoxyphene (Darvon)	TLC	1.0ng/ml	GC	1.0ng/ml

URINALYSIS PROCEDURES

STANDARD PROCEDURES FOR COLLECTING URINE SURVEILLANCE SAMPLES

1. To the extent possible, urine samples should be collected in one or two centralized areas of the facility, (e.g., facility director's office or other private office), by contract staff who are thoroughly familiar with the procedures specified below.

2. Offenders shall be thoroughly searched to detect any device designed to provide a urine substitute or possible contaminant and shall thoroughly wash their hands prior to providing the sample.

3. When the offender reports for testing contract staff shall:
   - Make a positive picture identification of the offender;
   - Collect the sample from the offender;
   - Assign the sample a urine sample identification number;
   - Label the urine bottle with that number and the date, and;
   - Record the number next to the offender's name on the lab slip.

4. Bottles shall be kept under direct contract staff observation and control at all times, both before and after the offender furnishes the urine sample.

5. Two report form lines are provided for each urine sample on the lab form. Ordinarily, to be submitted for testing, bottles shall be full (i.e., 60cc or 2 oz). Once a sufficient sample is provided, contract staff shall ensure that the urine sample identification number on the bottle corresponds to the number assigned to that offender on the lab slip. Contract staff shall then document this verification by initialing the lab slip entry for that offender. Until the lab form is revised to provide a column specifically for initials, initials should be placed in the right most portion of the medication column.

6. The offender shall then be asked to verify the numbers on the bottle and the lab slip and to initial the lab slip to indicate his/her verification. A cover sheet should be used which will permit the offender to view only his/her entries on the lab slip. If the offender refuses, a second contract staff member should make this verification and initial the form.

7. After samples are collected they shall be maintained under direct contract staff observation until moved to a locked area where they may be stored until mailing. This area should be designated by the Urine facility director and shall be accessible to a very limited number of contract staff. Under no circumstances shall offenders have access to this area.

8. All samples shall be mailed to the testing laboratory no later than 72 hours after collection, (excluding holidays).

9. When a positive result is received, and an incident report written, a photocopy of both the slip returned by the lab and the slip listing the offender's name and urine sample identification number (retained at the facility) shall be attached to the incident report and made a part of the disciplinary record. Other offender names will be blocked out of the photocopy.

URINALYSIS PROCEDURES

DETECTION PERIODS FOR SELECTED DRUGS

The time periods below are estimates of the maximum lengths of time, after last use, that a person's urine would be positive for a particular drug. These periods also represent the minimum waiting periods between samples on which successive disciplinary actions for the same drug ordinarily may be based. For example, ordinarily at least 30 days must elapse between urine collection dates before disciplinary action may be taken for a second THC positive. The offender could, however, be retested within this 30 day period and disciplinary action could be based on positive results for drugs other than THC.

3 days	Amphetamines Methamphetamine Cocaine Cocaine Metabolite
5 days	Methadone Methadone Metabolite
6 days	Morphine Codeine Opiates Meperidine (Demorol) Pentazocine (Talwin) Propoxyphene (Darvon)
11 days	Barbiturates Phencyclidine (PCP)
14 days	Phenobarbital
30 days	THC

PROHIBITED ACTS AND DISCIPLINARY SEVERITY SCALE

GREATEST CATEGORY

The CDCC shall refer all Greatest Severity Prohibited Acts to the DHO with recommendations as to an appropriate disposition.

CODE	PROHIBITED ACTS	SANCTIONS
100	Killing	A. Recommend parole date rescission or retardation.
101	Assaulting any persons (includes sexual assault) or an armed assault on the institution's secure perimeter (a charge for assaulting any person at this level is to be used only when serious physical injury has been attempted or carried out by an offender)	B. Forfeit earned statutory good time or non-vested good conduct time (up to 100 percent) and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended).
102	Escape from escort; escape from a secure institution (low, medium, and high security level and administrative institutions); or escape from a minimum institution with violence	B.1 Disallow ordinarily between 50 and 75 percent (27-41 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).
103	Setting a fire (charged with this act in this category only when found to pose a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of Greatest Severity, e.g. in furtherance of a riot or escape; otherwise the charge is properly classified Code 218, or 329)	C. Disciplinary Transfer (recommend). D. Disciplinary segregation (up to 60 days). E. Make monetary restitution. F. Withhold statutory good time (Note - can be in addition to A through E - cannot be the only sanction executed). G. Loss of privileges (Note - can be in addition to A through E - cannot be the only sanction executed).]

GREATEST CATEGORY (Cont'd)

CODE	PROHIBITED ACTS	SANCTIONS
104	Possession, manufacture, or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive or any ammunition	Sanctions A-G
105	Rioting	
106	Encouraging others to riot	
107	Taking hostage(s)	
108	Possession, manufacture, or introduction of a hazardous tool (Tools most likely to be used in an escape or escape attempt or to serve as weapons capable of doing serious bodily harm to others; or those hazardous to institutional security or personal safety; e.g., hack-saw blade)	
109	(Not to be used)	
110	Refusing to provide a urine sample or to take part in other drug-abuse testing	
111	Introduction of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff	
112	Use of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff	
113	Possession of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff	

GREATEST CATEGORY (Cont'd)

CODE	PROHIBITED ACTS	SANCTIONS
198	Interfering with a staff member in the performance of duties. (Conduct must be of the Greatest Severity nature.) This charge is to be used only when another charge of greatest severity is not applicable.	Sanctions A-G
199	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. (Conduct must be of the Greatest Severity nature.) This charge is to be used only when another charge of greatest severity is not applicable.	

HIGH CATEGORY

CODE	PROHIBITED ACTS	SANCTIONS
200	Escape from unescorted Community Programs and activities and Open Institutions (minimum) and from outside secure institutions--<u>without</u> violence.	A. Recommend parole date rescission or retardation. B. Forfeit earned statutory good time or non-vested good conduct time up to 50 percent or up to 60 days, whichever is less, and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended) B.1 Disallow ordinarily between 25 and 50 percent (14-27 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended). C. Disciplinary Transfer (recommend). D. Disciplinary segregation (up to 30 days). E. Make monetary restitution. F. Withhold statutory good time]
201	Fighting with another person	
202	(Note to be used)	
203	Threatening another with bodily harm or any other offense	
204	Extortion, blackmail, protection: Demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing	
205	Engaging in sexual acts	
206	Making sexual proposals or threats to another	
207	Wearing a disguise or a mask	
208	Possession of any unauthorized locking device, or lock pick, or tampering with or blocking any lock device (includes keys), or destroying, altering, interfering with, improperly using, or damaging any security device, mechanism, or procedure	

HIGH CATEGORY (Cont'd)

CODE	PROHIBITED ACTS	SANCTIONS
209	Adulteration of any food or drink	G. Loss of privileges: commissary, movies, recreation, etc.
210	(Not to be used)	H. Change housing (quarters)
211	Possessing any officer's or staff clothing	I. Remove from program and/or group activity
212	Engaging in, or encouraging a group demonstration	J. Loss of job. Not applicable in a CSC.
213	Encouraging others to refuse to work, or to participate in a work stoppage	K. Impound offender's personal property
214	(Not to be used)	L. Confiscate contraband
215	Introduction of alcohol into contract facility	M. Restrict to quarters]
216	Giving or offering an official or staff member a bribe, or anything of value	
217	Giving money to, or receiving money from, any person for purposes of introducing contraband or for any other illegal or prohibited purposes	
218	Destroying, altering, or damaging government property, or the property of another person, having a value in excess of $100.00 or destroying, altering, damaging life-safety devices (e.g., fire alarm) regardless of financial value	
219	Stealing (theft; this includes data obtained through the unauthorized use of a communications facility, or through the unauthorized access to disks, tapes, or computer printouts or other automated equipment on which data is stored.)	

HIGH CATEGORY (Cont'd)

CODE	PROHIBITED ACTS	SANCTIONS
220	Demonstrating, practicing, or using martial arts, boxing (except for use of a punching bag), wrestling, or other forms of physical encounter, or military exercises or drill (except for drill authorized and conducted by staff)	Sanctions A-M
221	Being in an unauthorized area with a person of the opposite sex without staff permission	
222	Making, possessing, or using intoxicants	
223	Refusing to breathe into a breathalyser or take part in other testing for use of alcohol	
224	Assaulting any person (charged with this act only when less serious physical injury or contact has been attempted or carried out by an offender)	
298	Interfering with a staff member in the performance of duties. (Conduct must be of the High Severity nature.) This charge is to be used only when another charge of the high severity is not applicable.	
299	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. (Conduct must be of the High Severity nature.) This charge is to be used only when another charge of high severity is not applicable.	

MODERATE CATEGORY

CODE	PROHIBITED ACTS	SANCTIONS
300	Indecent Exposure	A. Recommend parole date rescission or retardation.
301	(Not to be used)	B. Forfeit earned statutory good time or non-vested good conduct time up to 25 percent or up to 30 days, whichever is less, and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended).
302	Misuse of authorized medication	B.1 Disallow ordinarily up to 25 percent (1-14 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).
303	Possession of money or currency, unless specifically authorized, or in excess of the amount authorized	C. Disciplinary Transfer (recommend).
304	Loaning of property or anything of value for profit or increased return	D. Disciplinary segregation (up to 15 days).
305	Possession of anything not authorized for retention or receipt by the offender, and not issued to him through regular channels	E. Make monetary restitution.
306	Refusing to work, or to accept a program assignment	F. Withhold statutory good time.]
307	Refusing to obey an order of any staff member (May be categorized and charged in terms of greater severity, according to the nature of the order being disobeyed; e.g., failure to obey an order which furthers a riot would be charged as 105, Rioting; refusing to obey an order which furthers a fight would be charged as 201, Fighting; refusing to provide a urine sample when ordered would be charged as Code 110)	
308	Violating a condition of a furlough	
309	Violating a condition of a community program	
310	Unexcused absence from work or any assignment	

MODERATE CATEGORY (Cont'd)

CODE	PROHIBITED ACTS	SANCTIONS
311	Failing to perform work as instructed by the supervisor	G. Loss of privileges: commissary, movies, recreation, etc.
312	Insolence towards a staff member	H. Change housing (quarters).
313	Lying or providing a false statement to a staff member.	I. Remove from program and/or group activity.
314	Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper. (May be categorized in terms of greater severity according to the nature of the item being reproduced; e.g., counterfeiting release papers to effect escape, Code 102 or Code 200)	J. Loss of job. Not applicable in a CSC. K. Impound offender's personal property. L. Confiscate contraband. M. Restrict to quarters. N. Extra duty.]
315	Participating in an unauthorized meeting or gathering	
316	Being in an unauthorized area	
317	Failure to follow safety or sanitation regulations	
318	Using any equipment or machinery which is not specifically authorized	
319	Using any equipment or machinery contrary to instructions or posted safety standards	
320	Failing to stand count	
321	Interfering with the taking of count	
322	(Not to be used)	
323	(Not to be used)	
324	Gambling	

MODERATE CATEGORY (Cont'd)

CODE	PROHIBITED ACTS	SANCTIONS
325	Preparing or conducting a gambling pool	Sanctions A-N
326	Possession of gambling paraphernalia	
327	Unauthorized contacts with the public	
328	Giving money or anything of value to, or accepting money or anything of value from: another offender, or any other person without staff authorization	
329	Destroying, altering or damaging government property, or the property of another person, having a value of $100.00 or less	
330	Being unsanitary or untidy; failing to keep one's person and one's quarters in accordance with posted standards	
331	Possession, manufacture, or introduction of a non-hazardous tool or other non-hazardous contraband (Tool not likely to be used in an escape or escape attempt, or to serve as a weapon capable of doing serious bodily harm to others, or not hazardous to institutional security or personal safety; Other non-hazardous contraband includes such items as food or cosmetics)	
398	Interfering with a staff member in the performance of duties. (Conduct must be of the Moderate Severity nature.) This charge is to be used only when another charge of moderate severity is not applicable.	
399	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. (Conduct must be of the Moderate Severity nature). This charge is to be used only when another charge of moderate severity is not applicable.	

LOW MODERATE CATEGORY

CODE	PROHIBITED ACTS	SANCTIONS
400	Possession of property belonging to another person	B.1 Disallow ordinarily up to 12.5 percent (1-7 days) of good conduct time credit available for year (to be used only where offender found to have committed a second violation of the same prohibited act within 6 months); Disallow ordinarily up to 25 percent (1-14 days) of good conduct time credit available for year (to be used only where offender found to have committed a third violation of the same prohibited act within 6 months) (a good conduct time sanction may not be suspended).] (See Chapter 4 Page 16 for VCCLEA violent and PLRA offenders.)
401	Possessing unauthorized amount of otherwise authorized clothing	
402	Malingering, feigning illness	
403	Smoking where prohibited	
404	Using abusive or obscene language	
405	Tattooing or self-mutilation	
406	Unauthorized use of mail or telephone (Restriction, or loss for a specific period of time, of these privileges may often be an appropriate sanction G) (May be categorized and charged in terms of greater severity, according to the nature of the unauthorized use; e.g., the telephone is used for planning, facilitating, committing an armed assault on the institution's secure perimeter, would be charged as Code 101, Assault)	[E. Make monetary restitution. F. Withhold statutory good time. G. Loss of privileges: commissary, movies, recreation, etc. H. Change housing (quarters). I. Remove from program and/or group activity.]
407	Conduct with a visitor in violation of Bureau regulations (Restriction, or loss for a specific period of time, of these privileges may often be an appropriate sanction G)	

LOW MODERATE CATEGORY (Cont'd)

CODE	PROHIBITED ACTS	SANCTIONS
408	Conducting a business	J. Loss of job. Not applicable in a CSC.
409	Unauthorized physical contact (e.g., kissing, embracing)	K. Impound offender's personal property.
498	Interfering with a staff member in the performance of duties. Conduct must be of the Low Mode-rate Severity nature.) This charge is to be used only when another charge of low moderate severity if not applicable.	L. Confiscate contraband. M. Restrict to quarters. N. Extra duty.
499	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. (Conduct must be of the Low Moderate severity nature.) This charge is to be used only when another charge of low moderate severity is not applicable.	O. Reprimand. P. Warning.

NOTE: Aiding another person to commit any of these offenses, attempting to commit any of these offenses, and making plans to commit any of these offenses, in all categories of severity, shall be considered the same as a commission of the offenses itself.

When the prohibited act is interfering with a staff member in the performance of duties (Code 198, 298, 398, or 498), or Conduct Which Disrupts (Code 199, 299, 399, or 499), the DHO or CDC, in its findings, should indicate a specific finding of the severity level of the conduct, and a comparison to an offense (or offenses) in that severity level which the DHO or CDC finds is most comparable.

Example: "We find the act of _____to be of High severity, most comparable to prohibited act Engaging in a Group Demonstration."

Sanction B.1 may be imposed on the Low Moderate category only where the offender has committed the same low moderate prohibited act more than one time within a six-month period except for a VCCLEA offender rated as violent or a PLRA offender.

FOOD GUIDE PYRAMID: A guide to Daily Food Servings

The Food Guide Pyramid is a guide for what to serve each day based on the Dietary Guidelines. It's not a rigid plan to follow but a general guide for planning a healthy diet. Below is a list of the various food groups with the recommended daily servings and appropriate serving sizes.

BREADS, CEREALS, RICE, PASTA, TORTILLA & GRAINS
Serve 6-11 each day

One serving is:
- ½ cup cooked pasta, rice, or cereal
- ½ hamburger/hotdog bun
- 1 oz ready to eat cereal
- 1 slice of bread
- 4 small crackers
- 1-4 in. square of cornbread

VEGETABLES
Serve 3-5 each day

One Serving is:
- 1 cup raw leafy vegetables
- ½ cup cooked vegetables
- ½ cup raw vegetables

FRUITS
Serve 2-4 each day

One Serving is:
- ½ cup canned fruit
- 1/4 cup dried fruit
- 1 whole medium fruit(½ cup)
- 3/4 cup fruit juice

MILK, YOGURT, & CHEESE
Serve 2-3 each day

One Serving is:
- 1 cup(8 oz) milk or yogurt
- 1 ½-2 oz cheese

MEAT, POULTRY, FISH, DRY BEANS, EGGS & NUTS
Serve 2-3 each day

One Serving is:
- 2-3 oz cooked meat, fish or poultry
- 2 eggs
- 1 cup cooked dried beans
- 4 tbsp peanut butter

FATS, OILS & SWEETS
USE SPARINGLY

EXPLANATION OF TERMS

AVERAGE MONTHLY POPULATION (AMP) - The contractor adds the days invoiced on the monthly bill for three consecutive months and divides by three to determine the AMP.

BUREAU OF PRISONS (BOP) - A component of the Department of Justice responsible for federal offenders sentenced to a term of imprisonment.

BOP INTERNET HOME PAGE - www.bop.gov

CALIFORNIA TECHNICAL BULLETINS - The California Bureau of Home Furnishings and Thermal Insulation enforces California statutes and regulations governing upholstered furniture, bedding, and thermal insulation industries.

The bulletins referenced in the SOW are published by the California Bureau of Home Furnishings and Thermal Insulation. The Bureau of Home Furnishings and Thermal Insulation are available by contacting the following address: 3485 Orange Grove AVE; North Highlands, California, 95660; (916) 574-2041.

COMMUNITY CORRECTIONS CENTER (CCC) - The location in which the Contractor's programs are operated; also called facility, center, community treatment center (CTC), or a halfway house. A CCC is considered a penal or correctional facility.

COMMUNITY CORRECTIONS MANAGER (CCM) - The BOP employee responsible for all functions, programs and services related to Community Corrections within a judicial district(s).

COMMUNITY CORRECTIONS MANAGEMENT CENTER ADMINISTRATOR (MCA) - The BOP employee who supervises the CCM. The MCA exercises responsibility for Community Corrections operations and programs within a geographical area originally covering more than one CCM office.

COMMUNITY CORRECTIONS REGIONAL ADMINISTRATOR (CCRA) - The BOP employee responsible for all Community Corrections functions, services and operations within a region.

COMMUNITY CORRECTIONS REGIONAL SAFETY SPECIALIST (CCRSS) - a BOP staff member responsible for contract compliance with county, city, state, federal and national safety policies.

COMPREHENSIVE SANCTIONS CENTER (CSC) - The location in which the Contractor's programs are operated; also called facility or a halfway house. A CSC is considered a penal or correctional facility.

CONTRABAND - Contraband will be considered anything not authorized for retention by the facility rules and regulations or not issued by authorized staff.

CONTRACT AWARD - The date the Contracting Officer signs the contract.

CONTRACT EMPLOYEE - Contract employee means individuals hired by the contract to perform the services required by the SOW. The terms contract employee, employee, staff and contract staff are used interchangeably throughout this document.

CONTRACT OVERSIGHT SPECIALIST (COS) - The BOP employee who, under the direction of the CCM, inspects and monitors contract compliance.

CONTRACTING OFFICER (CO) - A BOP employee with the authority to enter into, administer, negotiate, award, cancel and/or terminate contracts, and make related determinations and findings on behalf of the United States Government.

CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE (COTR) - A BOP employee ordinarily a CCM, designated in writing by a CO to act as an authorized representative in monitoring and administering a contract. Acts as technical liaison between the Contractor and the CO. (See Section G of the solicitation for an expanded outline of these authorities and responsibilities.)

CONTRACTOR - The individual, partnership, corporation or other legal entity who has been awarded a contract by the BOP. ("contractor employees," "staff," "provider" and "contractor" are used interchangeably throughout this document.) All staff from the Chief Executive Officer (CEO) level to line staff are included.

DISABILITY - Person with a disability has a permanent physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is perceived as having such an impairment.

DISCIPLINE HEARING OFFICER (DHO) - A BOP employee responsible for conducting fact-finding hearings covering alleged acts of misconduct and violations of prohibited acts including those acts which could result in criminal charges.

EMERGENCY - Any significant disruption (e.g., adverse weather, bomb threat, disturbances, escape, fire, hostage, work or food strike, etc) of normal facility procedures, policy or activity.

ELECTRONIC MONITORING EQUIPMENT - Equipment which monitors a federal offender's compliance with the CCC Electronic Monitoring Program's conditions. The program has a system of accounting for an offender at all times, including verification of activities, reporting of tardiness and/or absences from required services or activities, as well as other program violations.

HOME CONFINEMENT - Home Confinement is a generic term used to cover all circumstances in which a federal offender is required to remain at home during non-working hours of the day.

INDIGENT - Indigent is a condition an offender experiences when they are physically or mentally disabled and impoverished to the point that they are temporarily unable to earn money. Participation in the CCC

should remedy this situation and assist the offender in becoming self-sufficient.

INMATE - (see resident)

INVESTIGATING OFFICER. Refers to the disciplinary process. The term Investigating Officer refers to an employee of supervisory level who conducts the investigation concerning alleged charge(s) of offender misconduct. The Investigating Officer may not be the employee reporting the incident, or one who was involved in the incident in question.

NFPA, NATIONAL FIRE PROTECTION ASSOCIATION - The National Fire Protection Association (NFPA), headquartered in Quincy, Massachusetts, USA, is an international, nonprofit, membership organization founded in 1896 to protect people, their property and the environment from destructive fire. The mission of NFPA, which was organized in 1896, is to reduce the burden of fire on the quality of life by advocating scientifically based consensus codes and standards, research and education for fire and related safety issues.

The codes referenced in the SOW are available by contacting NFPA at the following address: 1 Batterymarch Park Quincy, MA 02269-9101 USA Telephone: (617) 770-3000 Fax:(617)770-0700; Customer Sales Department at 800-344-3555; Internet Home Page: NFPA.ORG

OSHA, OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION - regulates occupational safety and health standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

OFFENDER - (see resident)

OFFEROR - The individual, partnership, corporation or other legal entity who submits a proposal in response to the BOP's needs outlined in a solicitation.

PROGRAM STATEMENT (P.S.) - A BOP written directive that establishes policy procedures in a given area. (Available on BOP Internet web page.)

PRELIMINARY SITE INSPECTION - One BOP scheduled, on-site inspection of the offeror's facility and location (place of performance) for evaluating the proposed site.

PREOCCUPANCY INSPECTION - One BOP scheduled, on-site inspection of the Contractor's place of performance to ensure facility repairs or renovations have been completed and minimum programmatic requirements have been met so performance may begin.

PRE-TRIAL DEFENDANT - ordinarily means a person awaiting trial, being tried, or awaiting a verdict. The term "pre-trial inmate" also includes a person awaiting sentence after having pleaded or been found guilty when the BOP has not received notification of conviction.

PRE-TRIAL SERVICES OFFICER (PSO) - An officer of the federal court responsible for supervising federal defendants, before trial or sentencing, as directed by the federal court. PSOs are more common in large metropolitan areas. U.S. Probation Officers (USPOs) function in the capacity of a PSO in most judicial districts. The terms USPO and PSO may be used interchangeably throughout this document about pre-trial service defendant responsibilities.

PRISON LITIGATION REFORM ACT (PLRA) - For the purpose of this SOW, the CCM will identify PLRA case to the contractor with specific instructions. Specific requirements are outlined in the chapters on Programs and Discipline.

REASONABLE COSTS - The costs of travel (airfare, rental car, etc.) and per diem allowances for United States Government travel, as set forth in the federal Travel Regulations.

REGIONAL TRANSITIONAL DRUG ABUSE TREATMENT COORDINATOR (REGIONAL T-DATC) - The BOP employee who is responsible for placing offenders in Transitional Drug Abuse Treatment (TDAT), procuring treatment, monitoring treatment providers, certifying bills, ensuring quality control, and performing liaison activities among federal institutional programs, U.S. Probation, and contract community treatment providers.

REGISTERED DIETICIAN (RD) - RD means that a person has completed academic and experience requirements established by the Commission on Dietetic Registration, the credentialing agency for American Dietetic Association (ADA).

RESIDENT - federal inmate, inmate, prisoner or offender. The terms resident, inmate, prisoner and offender are used interchangeably throughout this document.

ROUTINE MONITORING
- The BOP's scheduled and unscheduled, on-site inspection visits to the Contractor's facility to evaluate performance.

Facilities with an average daily population of federal offenders of 15 or fewer, there will be at least one full monitoring and at least two unannounced interim monitoring visits every 18 months.

Facilities with 16 to 30 federal offenders will have at least one full monitoring and at least two unannounced interim monitoring visits every 12 months.

Facilities with 31 or more federal offenders will have at least one full and three unannounced interim monitoring visits every twelve months.

TYPES OF OFFENDERS - The BOP places several types of offenders in a CCC. There are many variables which determine the type and how an offender is placed and programed in a CCC. To avoid confusion, the contractor should consider two broader categories, BOP and USPO cases. It is important to understand which case the offender is assigned

because of the differences in programing. The CCM will provide direction in this regard.

Confinement of all BOP cases are reimbursable. Confinement of USPO cases are reimbursable except pre-trial defendants. The CCM can answer questions regarding reimbursable offenders.

a. Direct Court Commitment. Direct court commitment offender is a BOP case when a U.S. District Court Judge or Magistrate Judge has imposed a short sentence of confinement (ordinally a year or less) with the recommendation that it be served in a contract CCC or a jail-type location. Direct court commitment also includes cases when a Court imposes a term of imprisonment for the revocation of probation or supervised release.

b. Condition of Supervision Placement. Offenders under conditions of probation or supervision by the Court, or parole or mandatory release supervision by the U.S. Parole Commission may be ordered to reside in a CCC for a period of time. These placements are USPO cases.

c. Community Confinement. Community Confinement offender is under custody and a BOP case who resides in a CCC and participates in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility approved programs as a condition of supervised release or probation.

d. Intermittent Confinement. Intermittent Confinement offender is under custody and a BOP case who resides in a CCC during nights, weekends, or other intervals.

e. Institution Transfers. Institution transfer is a BOP case who has transferred from a federal institution and is completing the last portion of their sentence.

UNIVERSAL PRECAUTIONS - as defined by Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, are a set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other blood borne pathogens when providing first aid or health care. Under universal precautions, blood and certain body fluids of all patients are considered potentially infectious for HIV, HBV and other blood borne pathogens.

U.S. PROBATION OFFICER (USPO) - An officer of the United States District Court responsible for supervising USPO federal offenders.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT (VCCLEA) - For the purpose of this SOW, the CCM will identify VCCLEA case to the contractor with specific instructions. Specific requirements are outlined in the chapters on Programs and Discipline.

U.S. Department of Justice
Federal Bureau of Prisons

Program Statement

OPI: CCD
NUMBER: 7320.01
DATE: September 6, 1995
SUBJECT: Home Confinement

1. PURPOSE AND SCOPE. To establish policy and procedures for referral and placement of pre-release inmates in Community Corrections home confinement programs.

Title 18, Section 3624(c) of the United States Code allows inmates sentenced under "old law" and "new law" statutes, to be placed on home confinement for pre-release purposes:

> **(c) Pre-release custody.--The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last 10 per centum of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for his re-entry into the community. The authority provided by this subsection may be used to place a prisoner on home confinement. The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody.**

Ordinarily, the length of placement ordinarily is limited to the last 10 percent of the inmate's term to be served, or six months, whichever is less. An exception is inmates with sentences of more than 12 months but not more than 30 months who have successfully completed the institutional phase of the Intensive Confinement Centers (ICCs) program. Bureau authority for ICCs is established by Title 18, U.S.C., Section 4046.

The Bureau does **not** have statutory authority to designate a home confinement program for an inmate at the beginning of his or her sentence. This is supported in Title 18, U.S.C., Section 3621, which requires that the Bureau designate any available **penal or correctional** facility as the place of a prisoner's imprisonment.

Home confinement is a time of testing and an opportunity for inmates to assume increasing levels of personal responsibility while providing sufficient restriction to promote community safety and continue the sanction of the sentence.

Compliance with the conditions of home confinement may be monitored by electronic monitoring equipment or by regular telephone or in person contacts by supervision staff. Supervision may be provided by staff from the U.S. Probation Service, contract halfway house services, or other governmental agencies.

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. Inmates who are eligible and approved will be placed on home confinement programs.

b. Inmates on home confinement programs will receive appropriate supervision.

c. The public will be protected from any undue risk.

d. Any inmate who violates a condition of home confinement will be appropriately disciplined, depending on the nature of the violation.

3. DIRECTIVES REFERENCED

P.S. 5100.05	Security Designation and Custody Classification Manual (06/16/94)
P.S. 7300.08	Community Corrections Manual (04/01/91)
P.S. 7310.02	Community Corrections Center (CCC) Utilization and Transfer Procedure (10/19/93)

4. STANDARDS REFERENCED. None.

5. DEFINITIONS. For the purposes of this Operations Memorandum, the following definitions apply:

a. Home Confinement. Any circumstance in which the inmate is required to remain in the home during specified hours.

b. Electronic Monitoring Equipment. The telemetry technology used to ensure that a program participant remains in a specified location during the required hours:

(1) Continuously Signalling Devices. A "transmitter" worn by the inmate which emits a signal with a range of 100 to 200 feet.

The signal is received by a receiver dialer unit installed at the monitored location to notify the central computer when the inmate comes within or goes out of range of the unit. The central computer contains the inmate's schedule and, when notified of a change in the inmate's status, compares the time with the schedule to determine if the break in contact is authorized. If not authorized, the computer sends an alert.

(2) Programmed Contact Device. A computer which contacts the inmate periodically to ensure that he or she is at the monitored location and verifies that the person responding is the monitored inmate.

Verification may be accomplished in a variety of ways, including, but not limited to, a device the inmate wears and voice verification.

(3) "Hybrid" Equipment. Equipment which combines the two types of equipment described above but functions similarly to a continuously signalling device.

When the equipment notes the inmate has left the monitored range at an unauthorized time, it functions similarly to a programmed contact device by telephonically contacting the inmate and verifying that the person responding is the monitored inmate. If verification does not occur, notification of the violation is made.

c. "Old Law" and "New Law" Sentences

(1) "Old law" refers to the federal criminal code in effect prior to the implementation of the Sentencing Reform Act of 1984 (Title II of the Comprehensive Crime Control Act of 1984).

(2) "New law" is that Act (also known as the Sentencing Guidelines) which applies to federal criminal offenses committed on or after November 1, 1987.

6. ELIGIBILITY FOR HOME CONFINEMENT. All inmates referred to community corrections are eligible to be considered for home confinement placement.

While the Bureau also provides Community Corrections Center (CCC) services for persons as a condition of probation, parole, or supervised release, only in the most extraordinary circumstances will the Bureau assume responsibility for such persons on home confinement.

The Community Corrections Manager (CCM) shall ensure that each appropriate inmate is placed on home confinement as soon as otherwise eligible. The CCM shall consult with the Community Corrections Regional Administrator (CCRA), or designee, prior to placing on home confinement any inmate for whom any of the following factors apply:

a. Public Safety Factors as defined in the Security Designation and Custody Classification Manual; or

b. Central Inmate Monitoring case (except "pure" separation cases); or

c. Sensitive, or high profile case or one who might generate undue public concern; or

d. History of escape or prior CCC failure; or

e. Unlikely to be employed. Historically, inmates who were not going to be employed were often excluded from community corrections placements. Examples are inmates who are elderly, retired, disabled, chronically ill, unable to work at paid employment, occupied in caring for their own young children or ill or disabled family members.

When such inmates are otherwise eligible, institutions are encouraged to refer them for direct placement on home confinement with special reporting requirements arranged by the CCM. Of primary concern is ensuring that the Bureau does not incur community medical costs.

7. REFERRAL TO COMMUNITY CORRECTIONS. Institution staff shall refer inmates for pre-release placement to the appropriate CCM, who, after reviewing the referral material, shall refer the case to the most appropriate program -- CCC, Comprehensive Sanctions Center (CSC), home confinement program, or other community program.

An inmate may not apply for a particular community program. Once approved for a program, the inmate must agree to all required conditions of that program.

a. Referral Packet. Referral packets shall include the Agreement, Home Confinement and Community Control (Attachment A), along with all materials required in the Program Statement on Community Corrections Center (CCC) Utilization and Transfer Procedure. An inmate who refuses to sign Attachment A may not be considered for participation in Community Corrections programs.

The referral should indicate the level of services anticipated, including:

(1) the appropriateness of placement in a home confinement program;

(2) the inmate's residence and job or good job prospects to expedite placement on home confinement;

(3) the inmate's need for placement in the more restrictive component of the CCC; and

(4) the inmate's need for placement in a specialized program such as substance abuse treatment.

b. CCM Review. Upon receiving each referral packet, the CCM is to review the referral in light of the programming options available in the inmate's release destination area.

Occasionally, a referral may indicate no obvious risk to the community and no need for CCC services (for example, a supportive family, a stable residence, confirmed employment (if employable), and a positive institutional adjustment). In such cases, the CCM may bypass a CCC and place the inmate directly on home confinement.

Conversely, higher risk inmates requiring extensive transition assistance may not be placed on home confinement at all, or placed only briefly following CCC placement.

c. Inmate Declination. An inmate who declines to participate in a recommended home confinement program may be transferred to a more secure facility.

8. PLACEMENT ON HOME CONFINEMENT. Only the CCM may approve home confinement. The CCM shall notify the U. S. Probation Officer (USPO) prior to final approval of placement on home confinement and document that notification is in the file. General considerations are:

a. Program Selection. In some jurisdictions, home confinement programs may be available through a U. S. Probation office, a contract CCC or under an Intergovernmental Agreement. The CCM shall select the program most likely to meet the inmate's needs, giving consideration to such factors as cost effectiveness, geography, and other management variables.

Home Confinement Program requirements, including accountability and other supervision needs, are specified in Attachment B. The CCM must approve any modification to these requirements in advance.

b. Release Plan Verification. To approve a home confinement placement, the CCM must have written verification of the release plan from either the USPO or the CCC, including:

(1) The planned residence, including assurance that it has telephone service without prohibited services listed in Attachment A;

(2) Adults sharing the residence with the inmate are aware of, and not opposed to, the inmate's plan to participate in the program; and,

(3) Employment (for employable inmates). Release employment is desirable but not required.

c. Inmate Requirements for Placement. To be placed on home confinement, the inmate must sign the "Conditions of Home Confinement" BP-460(73) prior to placement. The CCM may permit "call waiting" on the telephone of inmates whose placement on home confinement is not electronically monitored.

(1) Medical and Dental Expenses. Inmates on home confinement programs are responsible for their own medical and dental care expenses. If they are unable, or if they refuse, to be responsible for such costs, they may be returned to a federal institution for evaluation and possible treatment. In an emergency, the provider may obtain the necessary medical treatment required to preserve the inmate's health but must notify the CCM of such treatment within 24 hours.

(2) Subsistence Contributions. Providers shall collect 25% of each employed resident's weekly gross income, rounded down to a whole dollar amount.

Home confinement residents who are not employed, but have other means of financial support, shall contribute an appropriate amount as determined by the provider and approved by the CCM. Ordinarily, the amount should approximate 25% of the resident's weekly income.

Subsistence contributions collected shall be used to defray program costs, and the provider shall deduct the amount collected from the amounts billed to the Bureau. In many cases, inmate subsistence contributions will cover the entire cost of home confinement; however, individual subsistence collections may not exceed the weekly cumulative contract per diem rate (i.e., the daily rate x 7).

Providers shall provide receipts to program participants for all collections and shall maintain collection records for audit purposes.

d. Transfer Orders. When an inmate is being transferred from a CCC to a home confinement program operated by an agency other than that CCC, the CCM shall prepare the Transfer Order to document the official transfer to home confinement. Otherwise, a Transfer Order is not required.

e. Inmate Needs. Inmates identified as needing other community-based program activities such as mental health or drug treatment, shall normally be able to continue these programs when placed on home confinement. The CCM shall coordinate the continuation with the provider.

9. PROGRAM VIOLATIONS. The CCM shall ensure that each provider of home confinement services develops a system for handling violations of program rules which meets the "due process" criteria of Wolff v. McDonnell and includes provisions for

dealing with minor infractions of program rules and with major violations that could result in the inmate's termination from the program. The provider must report every violation to the CCM within 24 hours.

10. MODIFICATION OF PROGRAM REQUIREMENTS. Attachment B specifies the required frequency and nature of contacts required between the provider and the inmate.

After consultation with the provider and the USPO, the CCM, using sound correctional judgement, may permit modification to these requirements, based on the unique characteristics of each case. The CCM is encouraged to discuss potential modifications with the Management Center Administrator (MCA) and/or the CCRA.

Among the circumstances under which the CCM may typically consider modification are those where:

- distance or travel time make it impractical for staff and the inmate to travel; and/or

- the inmate has successfully demonstrated the ability and willingness to conform to all program requirements for a reasonable period (ordinarily two weeks minimum).

In any case, however, unless continuously signalling electronic monitors are used, the home confinement monitor must initiate telephone contact with the inmate no less than once each day at random times of the day.

11. PLACEMENT ON HOME CONFINEMENT FOLLOWING CCC PLACEMENT. CCCs provide transition services for inmates being released from institutions. When an inmate has employment and a place to live and has demonstrated that he/she no longer requires the level of accountability and services the CCC provides, the inmate may be placed on home confinement. For various reasons, some inmates may never progress to a level of responsibility which would warrant placement on home confinement.

12. PROCEDURES FOR DIRECT INMATE PLACEMENT ON HOME CONFINEMENT. If there is a electronically monitored program available, an inmate who does not require CCC transitional services may be placed directly on home confinement from an institution.

a. Eligibility. Generally, an inmate may be considered eligible for direct placement on home confinement if he or she:

- has no public safety factors,
- had excellent institutional adjustment,
- has a stable residence with a supportive family,
- has confirmed employment (if employable), and
- has little or no need for the services of a CCC.

b. Placement. If the inmate's plan is satisfactory, the home confinement provider and the CCM shall establish the inmate's placement date. The provider shall provide a written notification of the acceptance and the reporting date to the CCM, with a copy to the referring institution. The reporting date should be a weekday, and the inmate shall be required to report to the provider within 24 hours of reaching the release jurisdiction. The CCM shall notify the referring institution via SENTRY and provide instruction on when and where the inmate should report.

Institution staff shall prepare a Transfer Order to document the official transfer to home confinement. Institution staff shall also prepare the Authorized Unescorted Commitment and Transfer Card, BP-385, including the inmate's picture and fingerprints, and forward it to the CCM at least two weeks prior to the placement. The CCM shall forward it to the appropriate USPO.

If an inmate is eligible for direct placement on home confinement, but an electronically monitored home confinement program is not available, the CCM and the provider shall arrange for an initial short placement (approximately two weeks) in a CCC to allow the provider to become acquainted with the inmate, orient him or her to the expectations of the program, and assure that the job and living arrangements are appropriate. After successfully completing that process, the inmate may be placed on home confinement with the CCM's approval.

When problems arise during the orientation period which indicate direct placement on home confinement is inappropriate or should be delayed, the CCM shall delay such placement until the problems have been resolved.

13. SENTRY RECORDS. A waiting list has been established in SENTRY to allow CCMs to ensure that all inmates are considered for placement when eligible and reviewed regularly until placed.

A PP34 transaction will establish WLS category to indicate HC ELIG, and a TARGET FOR HOME CONFINEMENT will then be reflected on the PP42 and the PP44.

The CCM office uses a PP63 transaction to ensure all inmates in Bureau custody are tracked in SENTRY while on home confinement programs and have an ARS assignment reflecting that placement. Inmates assigned to Bureau provider programs shall have that provider's home confinement program location code with an LOCG EQ TH**. Inmates assigned to U. S. Probation Service (USPS) programs shall be shown with LOCG EQ TH*U and a location indicating the judicial district. (As examples, the Southern District of Florida would be FFLS, and the District of Colorado would be FCO.)

14. FORMS. Institution and Community Corrections staff are to duplicate forms locally.

15. DISTRIBUTION. In addition to normal distribution for Program Statements, copies of this Program Statement shall be available to inmates in inmate law libraries.

CCMs shall provide copies of this Program Statement to Chief USPOs and CCC contractors in their service areas.

\s\
Kathleen M. Hawk
Director

AGREEMENT

HOME CONFINEMENT AND COMMUNITY CONTROL

I, _____, _____,
Name Register Number

hereby agree to abide by the following Conditions related to my legal participation on home confinement.

I understand that my participation on home confinement will be an alternative to placement in a Community Corrections Center for no more than the last six (6) months or 10% of my sentence, whichever is less. I am aware that I will legally remain in the custody of the Bureau of Prisons and/or the U.S. Attorney General and that failure to remain at the required locations may result in disciplinary action and/or prosecution for escape.

I agree to report to my assigned probation officer or the contractor's facility immediately upon reaching my release destination.

I understand that if I decline to participate in the recommended home confinement program I may face administrative reassignment out of the community corrections program.

I agree that during the home confinement period, I will remain at my place of residence, except for employment, unless I am given permission to do otherwise. I also understand that I will be required to pay the costs of the program based on my ability to pay.

I also agree to maintain a telephone at my place of residence without "call forwarding", a modem, "Caller ID" or portable cordless telephones for this period.

I also agree that, if my confinement is to be electronically monitored, I will wear any electronic monitoring device required, follow procedures specified and will not have "call forwarding" on my telephone.

_____, _____
Name Date

_____
Staff Witness (Printed Name, Signature, Facility)
Original to Central File. Copy to CCM.

REQUIREMENT
FOR HOME CONFINEMENT PROGRAMS

I. The following procedures apply to all inmates who are approved for placement on home confinement.

1. The provider is not required to provide meals, medical treatment, clothing or incidentals, laundry services or other subsistence items to inmates on home confinement.
2. The provider shall maintain documentation of all staff contacts with inmates on home confinement.
3. The provider shall notify the CCM immediately of any misconduct or failure of an inmate on home confinement to comply with Home Confinement Conditions.
4. The provider is not required to reserve a bed at the center for an inmate on home confinement.
5. The provider shall collect 25% of each employed resident's weekly gross income, rounded down to a whole dollar amount. Residents who are not employed, but who have other means of financial support shall contribute an amount determined appropriate by the provider and approved by the CCM. These fees shall be used to defray program costs. Individual subsistence collections shall not exceed the weekly cumulative contract per diem rate (i.e., the daily rate x 7). All funds collected from those in BOP programs shall be deducted from the monthly billings submitted to the BOP. In some cases, inmate subsistence contributions would cover the entire cost of home confinement. If the monitoring is provided by the USPO, subsistence collection shall not exceed the cost of the electronic monitoring equipment. The respective USPO shall instruct those in USPS-operated home confinement programs in the appropriate payment procedures.
6. An inmate serving a BOP sentence who fails to remain at the specified location may be considered an escapee. All escapes shall be immediately reported to the CCM.
7. Inmates on home confinement shall maintain a 9:00 P.M. to 6:00 A.M. curfew each day, unless an exception is recommended by the provider and approved by the CCM.
8. Drug and alcohol testing and counseling requirements shall apply to inmates on home confinement.

II. The following conditions shall apply to those programs that **do not** use electronic equipment to monitor compliance with the conditions of home confinement.

1. The provider's staff shall telephonically contact the inmate at random hours each day at home, at work, or both.

2. Staff shall visit inmates on home confinement at their homes and at their places of employment at least once each week.

3. Inmates on home confinement shall return to the facility at least twice each week for routine progress reviews, counseling, urine testing and other required program participation.

III. The conditions in Section II (above) also apply to those programs that **do** use programmed contact devices, and to those programs that use continuously signalling or hybrid devices that are **not** monitored 24 hours per day, 7 days per week.

Electronic equipment is a substitute only for the random telephone calls.

IV. The following conditions shall apply to those home confinement programs that: 1) voluntarily choose to come under these conditions, 2) use continuously signalling or hybrid devices (see definitions) and 3) monitor the output of the central computer and respond to violations 24 hours per day, 7 days per week.

1. The provider shall have an operations or procedures manual specifying the manner in which the program will operate. This manual shall be reviewed by the CCM, conform to the minimum standards specified below and serve as the basis for monitoring the operations of the home confinement program.

2. The provider's operations/procedures manual shall include their plan of action when a violation is noted.

3. Provider staff shall have at least one in-person contact with the offender per week.

   a. At least one contact each month shall take place at the offender's residence, and one at the place of employment.

   b. All contacts shall be documented.

c. The contact shall include, but not be limited to, visual inspection of any equipment, verification of continued employment and hours worked, verification of residence and of participation in any other required programs or treatment activities.

5. The provider shall review the inmate's monthly telephone bill to ensure that it has been paid and that the service does not include call forwarding or other unauthorized services.

6. The inmate is expected to remain at his/her residence at all times except when he is at work, when traveling to and from work or when engaging in other approved activities. The provider's plan may include some opportunity for the offender to earn a reduction in the hours during which activity is restricted.

Program Statement

OPI: CCD
NUMBER: 7570.02
DATE: 11/2/99
SUBJECT: Contract Staff Integrity for Privately Operated Community Corrections Residential Facilities

1. **PURPOSE AND SCOPE.** To transmit policy and procedures for processing criminal history checks on community corrections contract employees and volunteers. Community corrections contract employees and volunteers work in privately-operated (non-governmental) residential facilities such as community corrections centers, comprehensive sanctions centers, and juvenile facilities.

The Bureau is committed to conduct which assures the trust and confidence of the public. Therefore, emphasis is placed on contract staff integrity.

The Contracting Officer (CO) is responsible for checking the background of the successful bidder's executive staff before contract award. Bureau community corrections staff conduct these checks on all other contract employees who have contact with federal inmates.

2. **SUMMARY OF CHANGES.** This revision includes the following changes:

a. Community Corrections Managers (CCMs), ordinarily within five working days after receiving the National Crime Information Center/National Law Enforcement Telecommunication System (NCIC/NLETS) criminal history check, will approve conditionally a proposed contract employee to work with federal inmates, or disapprove the employee in accordance with established criteria.

b. The Limited Official Use (LOU) designation of this Program Statement has been removed.

c. The CCM will specify the reasons for prohibiting a contract employee from working with federal inmates.

3. **PROGRAM OBJECTIVE.** The expected result of this program is that community corrections contract employees will be screened effectively and efficiently to ensure their acceptability to work with federal inmates.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 7570.01	Contract Staff Integrity for Privately Operated Community Corrections Centers (CCCs) (2/14/94)

b. **Directives Referenced**

PS 3420.09	Standards of Employee Conduct and Responsibility (2/5/99)
PS 7300.09	Community Corrections Manual (1/12/98)

5. **CRIMINAL HISTORY CHECKS.** A criminal history check must be done on all contract employees and volunteers who have contact with federal inmates. These employees and volunteers must complete and sign Attachment A before the criminal history check can be done.

These checks must also be done for the employees of an incumbent contractor who receives an award of a replacement contract. The criminal history checks from the previous contract cannot be used to satisfy this requirement.

a. **Facility Directors.** Facility directors must be screened before contract performance to determine if they are appropriate to work with federal inmates.

If the identity of the facility director is indicated in the proposal, the Community Corrections Branch (CCB) will perform the NCIC/NLETS criminal history checks. The CO must provide the facility director's name and other identifying information to the CCB. CCB will approve the facility director conditionally to work with federal inmates, contingent on the results of the fingerprint check, or disapprove the director in accordance with Section 8.

When the facility director's identity is not indicated in the proposal, the CCM or Community Corrections Contract Oversight Specialist (COS) is responsible for the NCIC/NLETS criminal history check on the facility director before contract performance.

b. **Community Corrections Contract Employees.** Community corrections field offices must perform NCIC/NLETS criminal history checks on all other contract employees before contract performance. Additionally, NCIC/NLETS checks must be completed on all employees hired after contract award, including the facility director.

The CCM, ordinarily within five working days after receiving the NCIC/NLETS criminal history check, will conditionally approve a contract employee to work with federal offenders, contingent on the results of the fingerprint check, or disapprove the employee in accordance with Section 8.

c. **Community Corrections Contract Volunteers.** Volunteers who provide services in community corrections contract facilities under the direct observation and supervision of paid contract employees do not need to undergo any background checks.

Volunteers who provide services without any direct supervision must undergo the same background checks as contract employees.

6. **RESPONSES FROM NCIC/NLETS.** If a community corrections contract employee or volunteer receives a "No Record" response from NCIC/NLETS, or a "Record Response" but qualifiers do not match, the CCM must send a letter, using Attachment B as an example, to the contractor stating the individual is approved conditionally to work with federal inmates pending the results of the fingerprint check.

When the contract employee is the facility director, the CCM will send a letter, using Attachment B as an example, to the "authorized negotiator" identified in the contracting documents. If the identity of the "authorized negotiator" is unclear, the CCM must consult the CO for clarification.

The CCM will send a letter, using Attachment C as an example, to the contractor stating that the individual is prohibited from working with federal inmates when a community corrections contract employee or volunteer:

- receives a positive record response from NCIC/NLETS, and/or
- the qualifiers match, and/or
- the prior history meets one or more of the criteria in Section 8.

The CCM will specify the reasons for the prohibition and inform the contractor of the right to appeal the decision.

When the contract employee is the facility director, the CCM will send a letter, using Attachment C as an example, to the "authorized negotiator" identified in the contracting documents.

The CCM must document the notification(s) in the contract working file.

7. **FINGERPRINTS**

a. **Notification.** In addition to NCIC/NLETS criminal history checks, community corrections field staff must fingerprint all community corrections contract employees and appropriate volunteers including the facility director. The fingerprints are to be submitted to the FBI for processing.

If the fingerprint check reveals that the contract employee has a criminal history which meets any one of the criteria in Section 8, the CCM must prohibit the contract employee from working with federal inmates **immediately**.

The CCM must send a letter, using Attachment C as an example, to the contractor prohibiting the individual from working with federal inmates. The CCM will specify the reason(s) for the prohibition and inform the contractor of the right to appeal the decision.

When the contract employee is the facility director, the CCM will send a letter, using Attachment C as an example, to the "authorized negotiator" identified in the contracting documents.

If the contract employee has a clear record, or the criminal history does not meet the criteria in Section 8, the CCM must send a letter, using Attachment D as an example, to the contractor approving the contract employee to work with federal inmates.

When the contract employee is the facility director, the CCM will send a letter, using Attachment D as an example, to the "authorized negotiator" identified in the contracting documents.

The CCM must document the notification(s) in the contract working file.

b. **Time Limits.** Fingerprint checks must be performed no later than during the first scheduled monitoring (the first on-site monitoring by the CCM) after contract award. For employees hired after the first scheduled monitoring, fingerprint checks must be performed no later than during the first scheduled monitoring after their employment.

Each contract employee or appropriate volunteer must have a fingerprint check performed at a minimum of once during the contract period. The average response time for a fingerprint check is 20 working days.

c. **Fingerprint Cards.** Each community corrections field office is to order fingerprint cards from the FBI. The CCM must ensure the cards indicate their correct originator number (ORI). Questions regarding the fingerprint cards, e.g., FBI contact, cost, may be directed to the CCB.

Staff must write "contract employee" on the fingerprint card in the block for "reason fingerprinted."

8. **GUIDELINES OF ACCEPTABILITY.** Ordinarily, contract employees with a history of any of the following are to be disapproved:

(1) One or more felony convictions;

(2) Within the past three years, a misdemeanor conviction involving assaultive, abusive, and/or violent behavior such as: sexual assault, sexual abuse of another, sexual abuse of a minor, domestic violence, etc.;

(3) Within the past three years, two or more misdemeanor convictions;

(4) Within the past year, three or more separate instances of moving traffic violations;

(5) Within the past three years, two or more driver's license suspensions/revocations;

(6) Within the past three years, two or more convictions for driving while intoxicated or driving under the influence;

(7) Within the past three years, two or more convictions for drunk and disorderly conduct or public intoxication;

(8) Behavior or conduct in violation of the contract's Standards of Conduct; or

(9) Within the past five years, one or more instances of physical force resulting in physical harm or medical attention required to another except in self-defense, to prevent physical harm to another.

9. **APPEALS.** There may be occasions when an individual's past behavior meets one or more of the criteria in Section 8, yet the contractor wants to allow the individual to work with federal inmates. The contractor may appeal by requesting the CCM to reconsider.

a. **CCM.** The contractor may submit to the CCM written justification why the individual should be approved to work with federal inmates. After consulting with the Management Center Administrator (MCA), the CCM may approve the employee to work with federal inmates. However, if the CCM and MCA recommend denial, their recommendation and the contractor's justification must be forwarded to the Community Corrections Regional Administrator (CCRA).

The CCRA will consider the contractor's request and notify the CCM and MCA of his or her decision. The CCM will forward the decision to the contractor. If the CCRA denies the contractor's request, the CCM must also inform the contractor of the right to appeal to the CO.

b. **CO.** The contractor may appeal the CCRA's decision to the CO. The contractor must submit the original documents sent to the CCM and the CCRA's decision, with a rationale for appeal, to the CO for review.

The CO must consult with the Community Corrections Administrator, Community Corrections and Detention Division, prior to making a final decision. The CO will notify the contractor of the final decision, with a copy to the CCB, CCRA, and CCM.

10. **BUREAU REVIEW OF CONTRACTOR EMPLOYEE INFORMATION.** The verification of background information (e.g., information contained in resumes, employment applications, verification of college degrees) for contract employees is the contractor's responsibility. However, Bureau staff will also verify periodically contract employee background information as required. This will ordinarily be done during a monitoring.

/s/
Kathleen Hawk Sawyer
Director

PS 7570.02
11/2/99
Attachment A

AUTHORIZATION TO RELEASE CONFIDENTIAL INFORMATION
U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS

Facility Name and Address:

I, _____, authorize the release to the Federal Bureau of Prisons of any information generated as a result of a National Crime Information Center/National Law Enforcement Telecommunications System (NCIC/NLETS) criminal history check on me, or any other information necessary to determine my suitability for work with federal offenders.

I also authorize the Federal Bureau of Prisons to disclose to the facility director or the contract's "authorized negotiator" all information generated as a result of a National Crime Information Center/National Law Enforcement Telecommunications System (NCIC/NLETS) criminal history check on me, or any other information necessary to determine my suitability for work with federal offenders at _____.

I understand that my records are protected under federal privacy regulations and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it. In any event, this consent will cease to be effective after my employment with _____.

1. Name (print: Last, First, Middle)	2. Date of Birth	3. SSN
4. Signature	5. Date signed	
6. Witness Signature (print & sign)	7. Date Witness signed	

Record Copy - CCM; Copy - Facility Director; Copy - Contract Employee or Volunteer

(This form may be replicated via Computer)

Name of Contractor
Name of Facility
Address
City, State Zip Code

Dear Mr. Contractor:

This is to inform you of the results of the criminal history check processed on Ms. Jane Smith, Job Title, Name of CCC.

Ms. Smith has received a "No Record" response from the National Crime Information Center/National Law Enforcement Telecommunication System (NCIC/NLETS) inquiry. She is, therefore, conditionally approved to work with federal offenders.

This approval is contingent on the results of a fingerprint check. If the fingerprint check is also negative, Ms. Smith will be approved to work with federal offenders.

If the results of the fingerprint check indicate a previous criminal history, Ms. Smith may continue working with federal offenders only with the written approval of the Bureau of Prisons.

Sincerely,

Jim Doe
Community Corrections Manager

Name of Contractor
Name of Facility
Address
City, State Zip Code

Dear Mr. Contractor:

This is to inform you of the results of the criminal history check processed on Ms. Jane Smith, Job Title, Name of Facility. The (NCIC/NLETS or fingerprint check) indicates this individual (list reason(s) from Section 8). . (State the specific reasons for the prohibition.) Therefore, Ms. Smith is prohibited from working with federal offenders.

If you choose to appeal this decision, you must submit written justification to the Community Corrections Manager outlining why the individual should be approved to work with federal offenders. This justification must include:

- The details and circumstances surrounding the cited incident(s);
- The reasons why the individual should be hired or retained for employment;
- Where applicable, proof the individual was granted a presidential or gubernatorial pardon for their criminal acts;
- If illegal drug activity was cited, proof that the individual successfully completed a drug rehabilitation or therapy program after the criminal act was committed and that no violations have occurred since;
- If alcohol abuse was cited, proof the individual successfully completed an alcohol abuse rehabilitation or therapy program after the criminal act was committed and that no violations have occurred since.

Sincerely,

John Smith
Community Corrections Manager

Name of Contractor
Name of Facility
Address
City, State Zip Code

Dear Mr. Contractor:

This is to inform you that all criminal background checks have been completed for Ms. Jane Smith, Job Title, Name of CCC. Ms. Smith is approved to work with federal offenders.

Sincerely,

Jim Doe
Community Corrections Manager

Program Statement

OPI: CPD
NUMBER: 5380.06
DATE: 8/11/99
SUBJECT: Cost of Incarceration Fee (COIF)

RULES EFFECTIVE: 8/11/99

1. **[PURPOSE AND SCOPE § 505.1. This part establishes procedures for the assessment and collection of a fee to cover the cost of incarceration. The Director of the Bureau of Prisons has been delegated the authority of the Attorney General (see 28 CFR 0.96c) to assess and collect a fee imposed by the Bureau in the event the court neither imposes nor waives a fine pursuant to the Sentencing Guidelines 5E1.2(d). For purposes of this part, revocation of parole or supervised release is to be treated as a separate period of incarceration for which a fee may be imposed.]**

"This part" refers to the rules text (28 CFR § 505.1 through 505.9) contained in this Program Statement. In 1992, Congress enacted Public Law 102-395, requiring the Bureau to establish policy and procedures to collect fees for incarceration costs (see 18 U.S.C. §4001, note). This policy applies to inmates who are:

- convicted in U.S. District Courts,
- committed to Bureau custody, and
- serving a period of incarceration which began on or after January 1, 1995.

Unless exempted, the Cost of Incarceration Fee (COIF) is a financial obligation that sentenced inmates are required to satisfy at the earliest possible time. Fees generated shall be used to benefit the inmate population through program funding. Collection of the COIF should be viewed within the larger context of the Inmate Financial Responsibility Program (IFRP).

2. **SUMMARY OF CHANGES.** This revision modifies Rules language in order to remove redundant provisions and make organizational/ editorial changes. Rules language and implementing text have

also been revised to incorporate changes commensurate with the most recent U.S. Sentencing Guidelines and to define clearly the difference between the court-imposed COIF (Fine) and the Bureau-imposed COIF (Fee). The requirement for an Institution Supplement has been removed based on the decision of Correctional Programs Administrators.

Lastly, this reissuance reflects the most current poverty guideline figures as established by the Department of Health and Human Services, and the most recent Bureau per capita imprisonment figure.

3. **PROGRAM OBJECTIVE**. The expected result of this program is:

Each eligible inmate committed to Bureau custody, who is found to have sufficient assets and has not been assessed a fine by the court, will be assessed a fee to cover the cost of incarceration as mandated by 18 U.S.C. §4001.

Note: The Bureau's Cost of Incarceration **FEE** (COIF-BOP) is **separate and distinct** from the Cost of Incarceration **FINE** imposed by the Court (COIF-Court). The Court has judicial authority to impose a fine which is punitive in nature and part of the individual's sentence. Funds collected in this category (COIF-Court) are transmitted by the Business Office to the U.S. Treasury Department.

However, when the Court has not considered a Cost of Incarceration **FINE**, the Bureau is responsible for evaluating the inmate's financial resources by completing the Cost of Incarceration Fee Worksheet (BP-546). Those inmates determined to have the financial resources available are to be assessed the Bureau's Cost of Incarceration **FEE**. This is a one-time-only fee, not to exceed the yearly cost of housing an inmate. Monies collected in this category remain in a special fund at the local institution (see Attachment B for clarification).

At no time will both a Court COIF and a Bureau COIF be imposed on the same inmate.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 5380.03 Cost of Incarceration Fee (6/2/95)

b. **Directives Referenced**

PS 1330.13	Administrative Remedy Program (12/22/95)
PS 2011.07	Cost of Incarceration Fee, Accounting for (9/2/97)
PS 2013.01	Financial Management - Debt Management (3/3/94)
PS 5251.04	Work and Performance Pay Program, Inmate (1/11/96)
PS 5322.10	Classification and Program Review of Inmates (9/4/96)
PS 5380.05	Financial Responsibility Program, Inmate (12/22/95)
PS 7310.03	Community Corrections Center (CCC) Utilization and Transfer Procedure (3/25/96)

18 U.S.C. §4001

Department of Health and Human Services - 1998 Poverty Guidelines

c. Rules cited in this Program Statement are contained in 28 CFR § 505.1 through 505.7.

d. Rules referenced in this Program Statement are contained in 28 CFR § 0.96c.

5. **STANDARDS REFERENCED.** None.

6. **PRETRIAL/HOLDOVER/DETAINEE PROCEDURES.** Procedures specified in this Program Statement apply only to inmates sentenced in U.S. District Court. They do not apply to inmates sentenced in any state or the D.C. Superior Court.

7. **[ANNUAL DETERMINATION OF AVERAGE COST OF INCARCERATION § 505.2. Pursuant to 28 CFR 0.96c, the Bureau of Prisons staff is responsible for calculating the annual average cost of incarceration. This calculation is reviewed annually and the revised figure is published as a notice in the *Federal Register*.]**

The Bureau's average cost to incarcerate an inmate shall be updated consistent with the fiscal planning cycle, if possible. Once the Department of Health and Human Services (DHHS) Poverty Guidelines are issued and the average cost of incarceration has been determined, these figures will be disseminated via an Operations Memorandum by the Correctional Programs Division, Central Office.

8. **[INMATES EXEMPTED FROM FEE ASSESSMENT § 505.3. Inmates who began service of sentence before January 1, 1995, or who have had a fine either imposed or expressly waived by the United States District Court, pursuant to Section 5E1.2 (e) of the United States Sentencing Guidelines, or any successor provisions, are exempt from fee assessment otherwise required by this part.]**

Section 5E1.2(d) of the U.S. Sentencing Guidelines (USSG) requires judges to consider the expected costs to the government of any term of imprisonment, **except** in cases when the judge determines pursuant to Section 5E1.2(e) of the USSG that the defendant is unable to pay a fine. If the judge has waived a fine, the Bureau may not impose a COIF.

a. The Bureau of Prisons **may not impose** a COIF in the following circumstances:

- Judge waives the fine
- Judge imposes a fine which includes an additional amount to cover costs of incarceration
- Fine amount and/or cost of incarceration amount is entered as zero on the Judgment and Commitment (J&C)
- Judge imposes a fine but determines that the defendant does not possess sufficient funds to pay, and therefore, waives the fine
- Inmate was sentenced on or after November 1, 1997, and a fine has been imposed (including zero amount)

Fines imposed on or after November 1, 1997, have already taken into consideration costs to the government, including terms of imprisonment. Therefore, the **Bureau is not in a position to further assess a COIF.**

b. Situations in which the Bureau **may impose** a COIF include the following:

- Judge neither imposed nor waived a fine; there is no indication on the J&C that a fine and/or cost of incarceration had been considered during sentencing

OR

- The inmate entered Bureau custody on or after January 1,1995, **and** was sentenced prior to November 1, 1997, **and** the Judge has imposed a fine; **however**, the J&C does not indicate that the fine amount includes the cost of incarceration, (nor has an additional amount been specified to cover cost of incarceration)

Under these circumstances, staff shall complete the Cost of Incarceration Fee Worksheet (BP-546) to determine whether the inmate is required to contribute to the COIF fund. If the inmate is not eligible, no further review is needed. The completed BP-546 is to be filed in section one of the Inmate Central File.

9. **[CALCULATION OF ASSESSMENT BY UNIT STAFF § 505.4. Bureau of Prisons Unit Team staff are responsible for computing the amount of the fee to be paid by each inmate who has not been exempted from fee assessment. The inmate will only be assessed an amount once for the cost of incarceration for each separate period of incarceration.**

a. Unit Team staff are to rely exclusively on the information contained in the Presentence Investigation Report and findings and orders of the sentencing court in order to determine the extent of an inmate's assets, liabilities and dependents.]

Unit staff shall contact the appropriate U.S. Probation Office in the inmate's sentencing district if a Presentence Investigation Report (PSI) was not received. Since existing Federal statutes and sentencing guidelines allow for a defendant's sentence to include a fine, each PSI should contain an assessment and recommendation as to the defendant's financial status and resources. Specifically, federal statutes and the sentencing guidelines make it clear that a defendant's fine will depend upon income, financial resources, and dependents.

Likewise, if a PSI was not prepared, unit staff shall contact the appropriate U.S. Probation Office and request the financial information necessary to calculate the COIF.

At the time of sentencing, each defendant has an opportunity to dispute financial information contained in the PSI and to provide his or her own evidence. The unit team should not conduct individual fact-finding, but rather shall make an objective calculation based upon financial information the court provided. An inmate may appeal the unit team's decision through the Bureau's Administrative Remedy Program.

An inmate sentenced to 12 months, 1 day, spends approximately 334 days incarcerated. Therefore, when an inmate spends 334 days or less in custody, Financial Management staff, upon the request of Unit Management staff, shall compute prorated fee assessments once the inmate is received at his or her initially designated facility. This prorated assessment should be communicated to the inmate's unit team as expeditiously as possible.

10. **[WAIVER OF FEE BY WARDEN § 505.5. The Warden may reduce or waive the fee if the person under confinement establishes that:**

a. He or she is not able and, even with the use of a reasonable installment schedule, is not likely to become able to pay all or part of the fee, or

b. Imposition of a fee would unduly burden the defendant's dependents.]

This section is intended to apply where the inmate's financial situation has changed subsequent to the PSI's preparation. The burden is on the inmate to demonstrate to the Warden's satisfaction that it is unlikely that he or she would be able to pay such fee, or that it would unduly burden his or her dependents. Some examples of circumstances that may involve an undue burden on an inmate's dependents include:

(1) non-elective medical expenses for a dependent's mental or physical health;

(2) accidents or random events (automobile, natural disasters, etc.) that involve serious personal harm or damage to an inmate's family or property and result in a major financial burden impacting the dependent(s); or

(3) the dependent(s) would otherwise be deprived of basic subsistence requirements (food, transportation to school, etc.).

11. **INMATE NOTIFICATION.** When it has been determined that a COIF obligation is to be imposed, the inmate is to be notified at initial classification through the Program Review Report form. A copy of the BP-546 should also be provided to the inmate at such time. This notification is necessary, even when the inmate has other higher priority financial obligations under the IFRP. When notification cannot be made at initial classification, the inmate is to be notified as soon as possible. Documentation supporting a delay in notification to the inmate should be recorded on the activity log.