

**Register  
Federal**

**MONDAY, MAY 23, 1977**

**PART IV**



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**DEPARTMENT OF  
JUSTICE**

**Bureau of Prisons**



**CONTROL, CUSTODY,  
CARE, TREATMENT, AND  
INSTRUCTION OF  
INMATES**

**Proposed Rulemaking and Request for  
Comment**

## DEPARTMENT OF JUSTICE

Bureau of Prisons

[ 28 CFR Chapter V ]

CONTROL, CUSTODY, CARE, TREATMENT,  
AND INSTRUCTION OF INMATESProposed Rulemaking and Request for  
Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rules.

**SUMMARY:** This document contains proposed rules relating to the control, custody, care, treatment, and instruction of Federal prison inmates. This document represents the Bureau of Prisons' initial publication of these rules in the FEDERAL REGISTER and is intended to give the public notice and opportunity to comment on all rules in this area, not just on changes from prior policy.

**COMMENT DATES:** Comments must be received on or before June 22, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Curtis Sitterson, Phone Number 202-724-3062.

**SUPPLEMENTARY INFORMATION:** Pursuant to the rulemaking authority vested in the Attorney General in 18 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), notice is hereby given that the Bureau of Prisons intends to publish in the FEDERAL REGISTER, as proposed rules, those regulations which generally govern the control, custody, care, treatment, and instruction of inmates in federal correctional institutions administered by the Bureau of Prisons.

The regulations according to which the Bureau of Prisons manages inmates in Federal correctional institutions are presently contained in Policy Statements and Operations Memoranda which have been made available to inmates in each institution's inmate law library and to members of the general public upon request. Most of these regulations have not been published in the Code of Federal Regulations.

While the Bureau of Prisons has frequently received and considered comments from the public relating to Bureau regulations, there has not been a systematic process whereby these comments are solicited and considered before regulations take effect. This publication process will afford interested persons additional notice of Bureau regulations and proposed regulations and will create a formal process for solicitation and consideration of comments.

The Bureau of Prisons does not, however, intend to publish regulations which relate exclusively to the following:

(1) Employment or personnel policies with respect to Bureau of Prisons employees; and

(2) Internal management policies and nonsubstantive interpretations, such as administrative staff manuals, procurement and budget procedures, record keeping and reporting requirements, and

instructions issued to implement those regulations which are published.

In this issue of the FEDERAL REGISTER, the Bureau of Prisons has published proposed regulations which relate most directly to the following:

(1) Inmate discipline and special housing units;

(2) Inmate access to legal counsel and reference materials and inmate preparation of legal documents;

(3) Inmate visiting, and correspondence through the mail;

(4) News media contact with inmates and federal penal institutions generally;

(5) Awards, withholdings, and forfeitures of inmates' good time credits; and

(6) Scope of all Bureau of Prisons rules in institutional emergencies.

In future issues of the FEDERAL REGISTER, the Bureau of Prisons will publish (other) regulations which relate to the control, custody, care, treatment, and instruction of inmates. These regulations will include, for example, Administrative Remedy Procedures (Part 542) and Religious Programs (Part 548).

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 665, 320 1st Street NW., Washington, D.C. 20534. Comments received before June 20, 1977, will be considered before final action is taken on these proposals. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, Room 665, 320 1st Street NW., Washington, D.C. 20534. The proposals may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to add a new 28 CFR, Chapter V as follows: Chapter V, Bureau of Prisons, to Title 28 of the Code of Federal Regulations. Chapter V would consist at this time of Parts 500, 501, 523, 540, 541, and 543 as set forth below:

CHAPTER V—BUREAU OF PRISONS,  
DEPARTMENT OF JUSTICESUBCHAPTER A—GENERAL MANAGEMENT AND  
ADMINISTRATION

Part  
500 General definitions.  
501 Scope of rules.

SUBCHAPTER B—INMATE ADMISSION,  
CLASSIFICATION, AND TRANSFER

523 Computation of sentence.

SUBCHAPTER C—INSTITUTIONAL  
MANAGEMENT

540 Contact with persons in the community.  
541 Inmate discipline and special housing units.  
543 Legal matter.

SUBCHAPTER A—GENERAL MANAGEMENT AND  
ADMINISTRATION

## PART 500—GENERAL DEFINITIONS

## § 500.1 Definitions.

(a) The "Warden" means the chief executive officer of a U.S. Penitentiary, Federal Correctional Institution, Medical Center for Federal Prisoners, Federal Prison Camp, Community Treatment Center, Federal Detention Center, Met-

ropolitan Correctional Center, or any federal penal or correctional institution or facility. "Warden" also includes any staff member with authority explicitly delegated by any chief executive officer.

(b) "Staff" means any employee of the Bureau of Prisons.

(c) "Inmate" means any person who is committed to or in the custody of the U.S. Attorney General. "Inmate" also includes any person who is serving a civil contempt sentence in an institution of the BOP or in the custody of the Attorney General.

(d) "Institution" means a U.S. Penitentiary, Federal Correctional Institution, Medical Center for Federal Prisoners, Federal Prison Camp, Community Treatment Center, Federal Detention Center, or Metropolitan Correctional Center.

(e) "Shall" means an obligation is imposed.

(f) "May" means a discretionary right, privilege, or power is conferred.

(g) "May not" means a prohibition is imposed.

(h) "Contraband" means anything that an inmate is not authorized to possess in an institution.

(5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.)

## PART 501—SCOPE OF RULES

## § 501.1 Institutional emergencies.

When there is an institutional emergency which the Warden considers a threat to human life or safety, the Warden may suspend the operation of the rules contained in this chapter to the extent he deems necessary to handle the emergency.

(18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.)

SUBCHAPTER B—INMATE ADMISSION,  
CLASSIFICATION, AND TRANSFERPART 523—COMPUTATION OF  
SENTENCE

## Subpart A—Good Time

Sec.  
523.1 Definitions.  
523.2-523.9 [Reserved]

## Subpart B—Extra Good Time

523.10 Purpose and scope.  
523.11 Procedure.  
523.12 Rate of allowance.

## Subpart A—Good Time

## § 523.1 Definitions.

(a) Extra good time means a credit to an inmate's sentence as authorized by 18 U.S.C. § 4162, for performing exceptionally meritorious service or performing duties of outstanding importance or employment in a federal prison industry or camp.

§§ 523.2-523.9 [Reserved]

## Subpart B—Extra Good Time

## § 523.10. Purpose and scope.

(a) The Bureau of Prisons awards extra good time credit for performing exceptionally meritorious service, or for

performing duties of outstanding importance, or for employment in an industry or camp. An inmate is eligible for only one type of extra good time award at a time; e.g., an inmate earning industrial or camp good time is not eligible for meritorious good time or ongoing meritorious awards under § 523.11 (b); except that a lump sum award as provided in § 523.11(c) may be given in addition to another extra good time award. The Warden and the Institution Discipline Committee may not forfeit or withhold extra good time. The Warden may, however, disapprove or terminate the awarding of extra good time as provided in § 523.11(b) (5).

§ 523.11 Procedure.

(a) The Warden shall award extra good time to an inmate who is employed in a Federal Prison Industry or confined in a camp except as provided in § 523.11 (b) (5). The award begins on the first day of such employment or confinement.

(b) The Warden may award extra good time to an inmate for the performance of exceptionally meritorious service or duties of outstanding importance, subject to the following conditions:

(1) An inmate is not eligible for this award during the first three months following his commitment to an institution.

(2) The Warden may make such an award only upon recommendation by a staff member.

(3) The Warden may approve a retroactive award for activity by an inmate during a period of up to three months. This retroactive award may not be given for any month for which it has been disapproved or terminated.

(4) Once approved, an award continues without the need for formal monthly approval unless the Warden disapproves or terminates the award.

(5) The Warden may disapprove an award for a single month or may terminate the award at any time upon recommendation of a staff member, based upon inadequate work performance or commission of a prohibited act, or other good cause. Such disapproval or termination is effective from the first day of the month in which the action is taken, and no partial monthly allowance is given.

(6) The Warden may not discontinue an extra good time award when an inmate is hospitalized or on furlough unless the inmate's behavior justifies a termination. The Warden may discontinue an extra good time award of an inmate who is on writ or similar court action after one month's absence from the institution; upon return to the institution, the previous award shall be resumed.

(c) The Warden may make, in addition to any ongoing extra good time award, a lump sum meritorious extra good time award to an inmate who performs one of the following:

(1) An act of heroism;

(2) Voluntary acceptance and satisfactory performance of an unusually hazardous assignment;

(3) An act which protects the life of a staff member, inmate, or other person, or the property of the United States,

(4) A suggestion which results in substantial improvement of a program or operation, or which results in a significant saving; or

(5) Other exceptional or outstanding service.

The Warden shall make an award under this subsection for a definite number of days. The Warden may award a lump sum credit of up to thirty days. A recommendation for award in excess of thirty days is referred to the Regional Director for approval. An award under this subsection does not preclude other types of awards such as meritorious pay for the same activity.

§ 523.12 Rate of allowance.

(a) An inmate, who is awarded extra good time, receives a credit of three days extra good time per month for the first 12 months of the award, and five days per month for any subsequent months. The Warden may award extra good time for a fraction of a month except as provided in § 523.11(b) (5); when this results in an award of a fraction of a day, the award is adjusted to the next full day. When there is an interruption of an extra good time award, the earning rate is not affected by the interruption.

(b) For a lump sum award under § 523.11(c), the number of days of the award may not exceed the number arrived at by the following calculation.

The number of months served at the time of the activity which is the basis for the award is multiplied by 3 days a month for the first year of service of the sentence, including jail time, and 5 days a month for any subsequent service of sentence; from this total, the extra good time awards already made are subtracted.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

Subpart A—General

Sec. 540.2 Definition

Subpart B—Correspondence

- 540.10 Purpose and scope.
- 540.11 Control and procedures.
- 540.12 General correspondence.
- 540.13 Restricted general correspondence.
- 540.14 Inmate correspondence while in admission and orientation, segregation; and holdover status.
- 540.15 Correspondence between confined inmates.
- 540.16 Prisoner's mail box (PMB).
- 540.17 Incoming special mail.
- 540.18 Legal correspondence.
- 540.19 Inmate correspondence with representatives of the news media.
- 540.20 Exception to notification procedures.

Subpart C—[Reserved]

Subpart D—Inmate Visiting

- 540.40 Purpose and scope.
- 540.41 Supervision of visits.
- 540.42 Visiting facilities.

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- 540.43 Visiting times, numbers of visitors, and frequency of visits.
- 540.44 Persons who may be authorized to visit an inmate regularly and procedure for approval.
- 540.45 Special visitors.
- 540.46 Visits by attorneys.
- 540.47 Consular visits.
- 540.48 Visits for inmates in special housing status.
- 540.49 Penalty for violating visiting regulations.

Subpart E—Contact With News Media

- 540.60 Purpose and scope.
- 540.61 Authorizations.
- 540.62 Institutional visits.
- 540.63 Personal interviews.
- 540.64 Press pools.
- 540.65 Release of information.

AUTHORITY: 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

Subpart A—General

§ 540.2 Definitions.

(a) "General correspondence" means incoming or outgoing correspondence other than special mail or mail sent through the prisoner's mail box.

(b) "Restricted general correspondence" means general correspondence which is limited to a list of authorized correspondents.

(c) "Open general correspondence" means general correspondence which is not limited to a list of authorized correspondents, except as provided in § 540.15.

(d) "Prisoner's Mail Box" (hereinafter "PMB") is a procedure through which an inmate may mail letters to certain addressees unopened and uninspected.

(e) "PMB mail" means correspondence sent through the PMB to the following: President and Vice President, Attorney General, Solicitor General, Director's Office, Bureau of Prisons, Office of General Counsel and Review, Regional Directors of the Bureau of Prisons, Members of the U.S. Parole Commission, the Pardon Attorney, U.S. Attorneys' Offices, Surgeon General, U.S. Public Health Service, Secretary of the Army, Navy or Air Force, U.S. Courts including U.S. Probation Officers, members of the U.S. Senate and House of Representatives, embassies and consulates, governors, state attorneys general, prosecuting attorneys, directors of state departments of corrections, state parole commissioners, state legislators, state courts, state probation officers, and representatives of the news media.

(f) "Representatives of the news media" means persons whose principal employment is to gather or report news for:

(1) A newspaper which qualifies as a general circulation newspaper in the community in which it is published. A newspaper is one of "general circulation" if it circulates among the general public and if it publishes news of a general character of general interest. A key test to determine whether a newspaper qualifies as a "general circulation" newspaper is to determine whether the paper

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qualifies for the purpose of publishing legal notices in the community in which it is located or the area to which it distributes. It is generally held that for a newspaper to be considered by law a newspaper of general circulation, and so be qualified to publish legal notices, it must contain items of general interest to the public such as news of political, religious, commercial or social affairs;

(2) A news magazine which has a national circulation and is sold by newsstands and by mail subscription to the general public;

(3) A national or international news service; or

(4) A radio or television news program of a station holding a Federal Communications Commission license.

(g) "Special mail" means correspondence sent to an inmate from the following: attorneys, members of Congress, embassies and consulates, U.S. Department of Justice, state attorneys general, prosecuting attorneys, governors, U.S. courts, or state courts.

#### Subpart B—Correspondence

##### § 540.10 Purpose and scope.

The Bureau of Prisons encourages correspondence that is directed to socially useful and rehabilitative goals. The Warden shall establish correspondence procedures for inmates in each institution.

##### § 540.11 Control and procedures.

(a) The Warden shall establish and exercise controls to protect inmates, the security, discipline and good order of the institution. The size and complexity of the institution, the degree of sophistication of the inmates confined, and other variables require flexibility in correspondence procedures. All Wardens are authorized to establish open general correspondence regulations. However, if the Warden determines that an entire institution should be placed on restricted general correspondence, he may do so without following the procedures enumerated in § 540.13(c). The Warden shall, however, submit this determination to the Director for review and final approval.

(b) Staff shall inform each inmate in writing upon arrival at an institution of that institution's rules for the handling of inmate mail. This notice includes the following statement:

The staff of each institution of the Bureau of Prisons has the authority to open all mail addressed to you before it is delivered to you. 'Special Mail' (mail from attorneys, U.S. Courts, members of Congress, embassies or consulates, the U.S. Department of Justice, governors, State attorneys general, prosecuting attorneys, state courts) may only be opened in your presence and checked for contraband if the sender adequately identifies himself on the envelope and the envelope is marked 'Special Mail—open only in the presence of the inmate.' Other mail (general correspondence) may be opened and read by the staff.

However, if you do not want your general correspondence opened and read, the Bureau will return it to the sender. This means that you will not receive such mail. You may choose whether you want your general cor-

respondence opened, read, and delivered to you, or returned to the sender unopened. Whatever your choice, special mail will be delivered to you, after it is opened in your presence and checked for contraband. You can make your choice by signing Part I or Part II.

##### PART I—GENERAL CORRESPONDENCE TO BE RETURNED TO SENDER

I have read the Notice Regarding Mail. I do not want my general correspondence opened and read. I understand that this means that my general correspondence will be returned to the sender. I also understand that special mail will be delivered to me, after it is opened in my presence and checked for contraband.

(Name) (Reg. No.)

##### PART II—GENERAL CORRESPONDENCE TO BE OPENED, READ, AND DELIVERED

I have read the Notice Regarding Mail. I wish to have my general correspondence delivered to me. I understand that this means the Bureau staff may open and read my general correspondence. I also understand that special mail will be delivered to me after it is opened in my presence and checked for contraband.

(Name) (Reg. No.)

(c) Staff shall inform an inmate that letters placed in the U.S. Mail are placed there at the request of the inmate and that he must assume responsibility for the contents of each letter. Correspondence containing threats, extortion, etc. may result in prosecution for violation of the U.S. Postal Regulations. When such material is discovered the inmate may be subject to disciplinary action, the written material may be copied, and all material may be referred to the appropriate law enforcement agency for prosecution.

##### § 540.12 General correspondence.

(a) The Bureau of Prisons pays the postage on a reasonable number of letters sent by an inmate. Certified or registered mail is available, but the inmate must pay the cost. (See § 540.13)

(b) The Warden shall establish the number of letter per week sent by an inmate to overseas correspondents for which the institution pays the extra international postage.

(c) The Warden may not limit the number of incoming letters an inmate may receive unless the number received places an unreasonable burden on the institution.

(d) Institution staff shall inspect and read incoming and outgoing general correspondence as frequently as they deem necessary to maintain security, monitor a particular problem confronting an inmate or alert the staff to any matter that may help in evaluating the inmate's progress.

(e) The Warden may reject correspondence sent by or to an inmate if it contains any of the following:

(1) Violation of postal regulations;

(2) Information of escape plots, plans to commit illegal activities or to violate institutional rules; and

(3) Direction of an inmate's business. An inmate, unless he is a pretrial de-

tainee, may not direct a business while confined.

This does not, however prohibit correspondence necessary to enable an inmate to protect property and funds that were legitimately his at the time of commitment. Thus, for example, an inmate may correspond about refinancing a mortgage on his home or sign insurance papers, but he may not operate a mortgage or insurance business while in the institution.

(f) Each inmate shall write correspondence in English, but the Warden shall try to accommodate an inmate who is unable to write in English or whose correspondent is unable to understand English. The criminal sophistication of the inmate and the relationship of the inmate and the correspondent are factors to be considered in deciding if correspondence in a foreign language is permitted.

##### § 540.13 Restricted general correspondence.

(a) The Warden may limit to a reasonable number, persons on the approved restricted general correspondence list of an inmate.

(b) The Warden may place an inmate on restricted general correspondence based on misconduct or as a matter of classification. Determining factors include the inmate's:

(1) Involvement in any of the activities listed in § 540.12(e);

(2) Mailing of an excessive number of letters;

(3) Attempting regularly to correspond with persons or businesses where the addressee is known by the inmate only through such sources as advertisements in newspapers, magazines, telephone directories, etc.

(4) Being a security risk;

(5) Threatening a government official;

(6) Having committed an offense involving the mail;

(7) Having participated in major criminal activity of a sophisticated nature; or

(8) Notoriety or being highly publicized.

(c) The Warden shall utilize one of the following procedures before placing an inmate on restricted general correspondence unless the inmate is in admission and orientation or holdover status (see § 540.14) or unless the whole institution is placed on restricted general correspondence:

(1) Where the restriction will be based upon a misconduct report, procedures must be followed in accordance with inmate disciplinary regulations (Part 541 of this chapter).

(2) Where there is no misconduct report, the Warden:

(i) Shall advise the inmate in writing of the reasons he is to be placed on restricted general correspondence;

(ii) Shall give the inmate the opportunity to respond to the classification or change in classification; the inmate has the option to respond orally or to submit written information or both; and

(iii) Shall notify the inmate of his decision and his reasons and shall advise

the inmate of the administrative remedy procedure (Part 542 of this chapter).

(d) When an inmate is placed on restricted general correspondence, the inmate may, except as provided in §§ 540.14 and 540.15—

(1) Correspond with his spouse, mother, father, and children;

(2) Request that other persons also be placed on the approved correspondence list subject to investigation, evaluation and approval by the Warden; the inmate may write to a proposed correspondent to obtain a release authorizing an investigation; such investigation may then be conducted to obtain information necessary to evaluate the status and relationship of the correspondent;

(3) Correspond with friends and former business associates when it appears to the Warden that it will not be detrimental to the inmate or his correspondent; correspondence with business associates is limited to social matters; social correspondence generally is limited to those persons known by the inmate prior to confinement; and

(4) Correspond with a person having a criminal record if the Warden considers the correspondence to be constructive and directed to socially useful and rehabilitative goals.

(e) The Warden may allow an inmate additional correspondence with persons other than those on his approved mailing list when the correspondence is shown to be necessary and does not require an addition to the mailing list because it is not of an ongoing nature.

**§ 540.14 Inmate correspondence while in admission and orientation, segregation and holdover status.**

(a) The Warden shall permit an inmate in Admission and Orientation status to send mail to and receive mail from at least two close relatives during the orientation period.

(b) The Warden shall permit inmates in holdover status to have correspondence privileges similar to those of other inmates in so far as practical.

(c) The Warden shall permit an inmate in segregation to have full correspondence privileges unless placed on restricted general correspondence under § 540.13.

**§ 540.15 Correspondence between confined inmates.**

(a) An inmate may request to correspond with an inmate confined in another penal institution.

(b) The Warden may permit an inmate to correspond with inmates confined in other penal institutions only if the correspondence:

(1) Is between close relatives;

(2) Involves legal matters where the inmates are parties or witnesses in the same civil or criminal court action; or

(3) Involves a relationship between the confined inmates which existed prior to commitment and both institutions agree that the correspondence is beneficial to both inmates.

**§ 540.16 Prisoner's mail box (PMB).**

(a) The Warden shall establish one or more PMBs, centrally located, to ensure ready accessibility to the inmate population.

(b) Institution staff shall notify each inmate that he is responsible for his correspondence placed in the PMB as stated in § 540.11(c).

(c) An inmate shall address all correspondence as legibly as possible but may not be required by staff to place his name or identifying mark on the envelope, except as provided in paragraph (f) of this section.

(d) Staff shall provide a current Congressional Directory for use by inmates.

(e) Staff shall allow an inmate to send letters through the PMB as registered, certified or special delivery if he so desires at his own expense. In order to do so, the inmate shall identify himself and his registration number on the envelope so that the proper procedures for handling mail of this type can be followed.

(f) In order to send mail through the PMB to an attorney's assistant or to a legal aid student or assistant, an inmate shall address the mail to the attorney or legal aid supervisor, to the attention of the student or assistant.

**§ 540.17 Incoming special mail.**

(a) The Warden shall open special mail only in the presence of the inmate for inspection for physical contraband. The correspondence may not be read or copied if the sender has adequately identified himself on the envelope and has stated on the envelope that his mail is "Special mail—open only in the presence of the inmate."

(b) In the absence of this claim of privilege appearing on the envelope, staff may treat the mail as general correspondence and may open, inspect, and read the mail.

**§ 540.18 Legal correspondence.**

(a) Staff may examine in the presence of the inmate enclosures in correspondence sent by an attorney to an inmate to make certain they are within the scope of the attorney/client relationship.

(b) Staff shall mark each envelope to show the date and time of receipt, the date and time that the letter is delivered to an inmate and opened in his presence, and the same of the staff member who delivered the letter.

(c) Staff shall attach a statement to correspondence sent by an inmate to an attorney, cautioning against (1) Use of the mail for purposes other than those within the purview of the attorney/client relationship, (2) transmittal of contraband, or (3) forwarding of any matter from other correspondents. Staff shall advise the attorney that, provided the envelope is marked "Special mail—open only in the presence of the inmate" and is marked with the attorney's name and an indication that he is an attorney, the mail will be opened only in the presence of the inmate and solely for

the purpose of inspection for physical enclosures outside the attorney/client relationship or constituting contraband, and the attorney's letter will not be read or copied. Contraband need not be returned to the sender but may be referred to the appropriate investigating agency.

(d) Grounds for the limitation or denial of an attorney's correspondence rights or privileges is stated in § 543.4. If such action is taken the Warden shall give notice to the attorney and the inmate affected.

(e) Mail to an inmate from an attorney's assistant or legal aid student or assistant, in order to be identified and treated by staff as special mail, must be properly identified on the envelope as required in paragraph (c) of this section and as special mail from the attorney or from the legal aid supervisor.

**§ 540.19 Inmate correspondence with representatives of the news media.**

(a) An inmate may write through the PMB to representatives of the news media specified by name or title. (See § 540.2.)

(b) The inmate may not receive compensation or anything of value for correspondence with the news media. The inmate may not act as reporter or publish under a byline.

(c) Representatives of the news media may initiate correspondence with an inmate. Staff shall inspect incoming correspondence from representatives of the news media for contraband and for content which is likely to promote illegal activity, or conduct contrary to Bureau regulations. Staff shall return a rejected letter to the sender, with a brief explanation for the rejection. Contraband need not be returned to the sender but may be referred to the appropriate investigating agency. Staff shall notify the sender that he may protest the rejection. The protest is referred for review to a staff member other than the staff member who originally disapproved the correspondence.

**§ 540.20 Exception to notification procedures.**

(a) When correspondence, which includes plans or evidence of a crime, is rejected, there is no need to return the correspondence or to give an explanation to the sender, and there is no need for staff to notify the inmate affected.

(b) The return and notification procedures do not apply in those exceptional cases where there is sound reason to believe that the return or notification could pose a threat to the security or good order of the institution or the safety of any individual.

**Subpart C—[Reserved]**

**Subpart D—Inmate Visiting**

**§ 540.40 Purpose and scope.**

The Bureau of Prisons encourages visiting to develop and maintain family and community relationships and inmate morale. The Warden shall develop procedures consistent with this subpart to permit inmate visiting. The Warden may re-

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strict inmate visiting when necessary to insure the security, good order, and discipline of the institution.

§ 540.41 Supervision of visits.

(a) Staff shall supervise each inmate visit to prevent the passage of contraband and to insure the security, good order, and discipline of the institution.

(b) Staff shall permit limited physical contact, such as handshaking, embracing and kissing, between an inmate and a visitor at the beginning and end of a visit. The staff may limit physical contact to minimize opportunity for introduction of contraband.

(c) Staff may at any time require an inmate or his visitor or both to submit to a personal search, including any items of personal property, as a condition of allowing or continuing the visit.

(d) Staff may not accept an article or gift for an inmate unless it has been previously approved by the Warden except that a visitor may leave money for deposit into an inmate's commissary account in compliance with procedures established by the Warden.

§ 540.42 Visiting facilities.

The Warden shall insure that the visiting area is as comfortable and pleasant as practical. The Warden may permit an inmate with appropriate custody classification (Part 524 of this chapter) to visit in an area other than the principal visiting room, but all visiting areas must be under staff supervision.

§ 540.43 Visiting times, numbers of visitors and frequency of visits.

(a) The Warden shall establish a schedule that permits, at a minimum, visiting on weekends and holidays and, when feasible, during weekdays and evenings.

(b) The Warden may limit the length or frequency of visits or the number of visitors per visit for the reasons specified in Section 540.40.

§ 540.44 Persons who may be authorized to visit an inmate regulatory and procedure for approval.

(a) The Warden shall place members of an inmate's immediate family (parents, step parents, foster parents, siblings, spouses, and children) on the inmate's regular visiting list and shall permit them to visit, subject to the limitations and conditions of this subpart.

(b) The Warden shall place a person other than an immediate family member of an inmate on the inmate's regular visiting list and shall permit him to visit subject to the limitations and conditions of this subpart, if the inmate establishes, and the Warden determines that the relationship is beneficial for the inmate.

(c) An inmate desiring to have regular visitors must submit a list of proposed visitors to the Warden. The Warden may, as a prerequisite of allowing visits, require the proposed visitor to provide the following personal information:

- (1) Name, address, age;
- (2) Relationship to the inmate;
- (3) Prior criminal record and present probation or parole status;

(4) Reason for visiting;

(5) Length of time the potential visitor has known the inmate; and

(6) Whether the potential visitor is writing or visiting other inmates, and if so, whom.

(d) The Warden may, as a prerequisite of allowing a visit, request information from law enforcement agencies regarding a potential visitor and require a potential visitor to provide an authorization for the law enforcement agency to release information in response to the request.

§ 540.45 Special visitors.

(a) The Warden may authorize a special visit for a person not on the regular visiting list for purposes such as release planning, counseling or discussion of acute family problems.

(b) Unless the Warden authorizes an exception, children under the age of 16 years may not be permitted to visit an inmate unless accompanied by a responsible adult.

(c) The Warden may approve a person with a record of criminal conviction to visit an inmate only if the Warden determines that the value of the visit to the inmate is greater than the potential risk to institution security of allowing the visit.

(d) The Bureau of Prisons does not permit an inmate to engage actively in a business or profession while confined. At the Warden's discretion, however, an inmate may be permitted to have a visit for protecting his resources or financial interests.

§ 540.46 Visits by attorneys.

(a) The Warden shall, under the conditions of this section, permit visits by the retained, appointed, or prospective attorney of an inmate or by an attorney who wishes to interview an inmate as a witness.

(b) The Warden generally may not limit the frequency of attorney visits since the number of visits necessary is dependent upon the nature and urgency of the legal problems involved. The Warden shall set the time and place for visits, which ordinarily take place during regular visiting hours. Attorney visits shall take place in a private conference room, if available, or in a regular visiting room in an area and at a time designed to allow a sufficient degree of privacy. The Warden may make exceptions according to local conditions or for an emergency situation demonstrated by the inmate or visiting attorney.

(c) The attorney shall make an advance appointment for the visit through the Warden prior to each visit; however, the Warden shall make every effort to arrange for a visit when prior notification is not practical.

(d) The Warden may require an attorney to indicate where he is licensed as an attorney and how that fact may be verified. Prior to each appointment or visit, the Warden shall require each attorney to identify himself and to confirm that he wishes to visit an inmate who has requested his visit or whom he represents or whom he wishes to inter-

view as a witness. The Warden may not ask the attorney to state the subject matter of the law suit or interview. If there is any question about the identity of the visitor or his qualification as an attorney in good standing, the Warden shall refer the matter to the Regional Counsel.

(e) Staff may not subject visits between an attorney and an inmate to auditory supervision. The Warden may permit tape recordings to be used by an attorney during the course of a visit only if the attorney states in writing in advance of the interview that the sole purpose of the recording is to facilitate the attorney-client or attorney-witness relationship.

(f) The Warden may, at any time, subject an attorney to a search of his person and belongings as a condition of visiting an inmate.

(g) As to limitation or denial of attorney visits, see Part 543, of this chapter.

§ 540.47 Consular visits.

The Warden shall permit a Consular representative of a foreign country to visit an inmate who is a citizen of that country subject to the limitations and conditions of this subpart.

§ 540.48 Visits for inmates in special housing status.

(a) The Warden may limit visits to an inmate in Admission and Orientation Status to immediate family members until the staff has had reasonable time to prepare the list of authorized visitors.

(b) The Warden may limit, for medical reasons, visits to an inmate who is hospitalized in the institution.

(c) A visit to an inmate who is hospitalized in a local community hospital may be limited to immediate family members and is subject to the general visiting policy of that hospital.

(d) The Warden may limit visits to an inmate in Administrative Detention or Disciplinary Segregation (Part 541 of this chapter) if the inmate has violated the visiting regulations or if the visit would jeopardize the security, good order, or discipline of the institution. Otherwise, the Warden shall permit regular visiting.

§ 540.49 Penalty for violating visiting regulations.

Any efforts to violate visiting regulations may result in denial of future visits, inmate disciplinary action, or criminal prosecution.

Subpart E—Contact With News Media

§ 540.60 Purpose and scope.

The Bureau of Prisons recognizes the desirability of establishing a policy that affords the public greater information about its operations via the news media. Representatives of the news and other media may visit institutions for the purpose of preparing reports about the institution, programs, and activities. It is not the intent of this rule to provide publicity to an inmate or special privileges for the news media, but rather to

insure a better informed public. The Bureau of Prisons has a responsibility to protect the rights of all inmates and members of the staff. Therefore, an interview in an institution must be regulated to insure the orderly and safe operation of the institution.

#### § 540.61 Authorizations.

(a) A news media representative who desires to make a visit or conduct an interview at an institution must make application in writing to the Warden, indicating that he is familiar with the rules and regulations of the institution and agrees to comply with them.

(b) As a condition of authorizing interviews and making facilities available to conduct an interview, the news media representative shall recognize a professional responsibility to make reasonable attempts to verify any allegations regarding an inmate, staff member or institution.

(c) A representative of the news media is requested to provide the Bureau of Prisons an opportunity to respond to any allegation, which might be published or broadcast prior to distribution.

(d) A representative of the news media shall collect information only from the primary source. A representative of the news media may not obtain and use personal information from one inmate about another inmate who refuses to be interviewed.

(e) The Warden may be contacted concerning discussions or comments regarding applicability of any rule or order.

(f) Failure to adhere to the standards of conduct set forth by this rule for the news media representative constitutes grounds for denying that news media representative, or the news organization which he represents, permission to conduct an interview.

(g) Any questions as to the meaning or application of this subpart are resolved by the Director of the Bureau of Prisons.

#### § 540.62 Institutional visits.

(a) A media representative shall make advance appointments for visits.

(b) When media representatives visit the institution, photographs of programs and activities may be taken, and media representatives may meet with groups of inmates engaged in authorized programs and activities. An inmate has the right not to be photographed and not to have his voice recorded by the media. A visiting representative of the media is required to obtain written permission from an inmate before photographing or recording the voice of an inmate participating in authorized programs and activities. Use of the inmate's name, identifiable photographs or voice recordings are not encouraged.

(c) The Warden may suspend all media visits during an institutional emergency and for a reasonable time after the emergency.

(d) An inmate currently confined in an institution may not be employed or act as a reporter or publish under a by-line.

(e) Interviews by reporters and others not included in § 540.2 may be permitted only by special arrangement and with approval of the Warden.

#### § 540.63 Personal interviews.

(a) An inmate may not receive compensation or anything of value for interviews with the news media.

(b) Either an inmate or a representative of the news media may initiate a request for a personal interview at an institution.

(c) Visits by the news media to conduct personal interviews are subject to the same conditions stated in § 540.62. A media representative shall make request for personal interview within a reasonable time prior to the personal interview.

(d) Staff shall notify an inmate of each interview request, and shall, as a prerequisite, obtain from the inmate written consent for the interview prior to the interview taking place. The written consent or denial becomes part of the inmate's central file.

(e) As a prerequisite to granting the interview, an inmate must authorize the institutional staff to respond to comments made in the interview and to release information to the news media relative to the inmate's comments.

(f) The Warden shall normally approve or disapprove an interview request within 24 to 48 hours of the request.

(g) The Warden shall document any disapproval. A request for interview may be denied for any of the following reasons:

(1) The news media representative, or the news organization which he represents, does not agree to the conditions established by this subpart or has, in the past, failed to abide by the required conditions.

(2) The inmate is physically or mentally unable to participate. This must be supported by a medical officer's statement (a psychologist may be used to verify mental incapacity) to be placed in the inmate's record, substantiating the reason for disapproval.

(3) The inmate is a juvenile (under age 18) and written consent has not been obtained from his parent or guardian. If the juvenile inmate's parents or guardians are not known or their addresses are not known, the Warden of the institution shall notify the representative of the news media of the inmate's status as a juvenile, and shall then consider the request.

(4) The interview, in the opinion of the Warden, would endanger the health or safety of the interviewer, or would probably cause serious unrest or disturb the good order of the institution.

(5) The inmate is involved in a pending court action and the court having jurisdiction has issued an order forbidding such interviews.

(6) In the case of unconvicted persons (including competency commitments under 18 U.S.C. 4244 and 4246) held in Federal institutions, interviews are not authorized until there is clearance with the court having jurisdiction, ordinarily through the U.S. Attorney's Office.

(7) The inmate is a "protection" case and revelation of his whereabouts would endanger his safety.

(h) Interviews are normally held in the institution visiting room during normal weekday business hours. The Warden shall limit interviews to two one-hour sessions per inmate per month. The Warden may:

(1) Determine that another location is more suitable for conducting the interview;

(2) Further limit interview time for the entire institution if he determines that the interviews are imposing a serious drain on staff or use of the facilities;

(3) Limit to one one-hour interview per month for an inmate in segregation, restricted, holdover, control unit, or hospital status if required by special security, custodial, or supervisory needs; and

(4) Limit the amount of audio, video, and film equipment or number of media personnel entering the institution if he determines that the requested equipment or personnel would create a disruption within the institution.

(i) In conjunction with the personal interview, if the member of the media wishes to tour the institution, he must comply with the provisions of § 540.61.

(j) Interviews are not subject to auditory supervision.

#### § 540.64 Press pools.

(a) The Warden may establish a press pool whenever he determines that the frequency of requests for interviews and visits reaches a volume that warrants limitations.

(b) Whenever the Warden establishes a press pool, he shall notify all news media representatives who have requested interviews or visits that have not been conducted. Selected representatives are admitted to the institution to conduct the interviews under the specific guidelines established by the Warden.

(c) All members of the press pool are selected by their peers and consist of not more than one representative from each of the following groups:

(1) The national and international news services;

(2) The television and radio networks and outlets;

(3) The news magazines and newspapers; and

(4) All media in the local community where the institution is located. If no interest has been expressed by one or more of these groups, no representative from such group need be selected.

(d) All news material generated by such a press pool is made available to all media without right of first publication or broadcast.

#### § 540.65 Release of information.

(a) The Warden shall promptly make announcements stating the facts of unusual incidents to local news media.

(b) The Warden shall provide information about an inmate that is a matter of public record to the representatives of the media upon request.

The information is limited to the inmate's:

(1) Name;

- (2) Register number;
  - (3) Place of incarceration;
  - (4) Age;
  - (5) Race;
  - (6) Offense for which convicted;
  - (7) Court where sentenced;
  - (8) Length of sentence;
  - (9) Date of sentencing;
  - (10) Date of arrival at the institution;
  - (11) Past movement via transfers or writs;
  - (12) General institutional assignments;
  - (13) Parole eligibility date; and
  - (14) Date of expiration of sentence.
- (c) Information in paragraphs (b) (1) through (14) of this section may not be released if confidential for protection cases.

(d) A request for additional information concerning an inmate by a representative of the news media is referred to the Public Information Officer, Central Office, Washington, D.C.

(e) The Public Information Officer, Central Office, Washington, D.C. shall release all announcements related to:

- (1) Bureau of Prisons policy;
- (2) Changes in an institutional mission;
- (3) Type of inmate population; or
- (4) Changes in executive personnel.

#### PART 541—INMATE DISCIPLINE AND SPECIAL HOUSING UNITS

##### Subpart A—[Reserved]

##### Subpart B—Inmate Discipline

- Sec.
- 541.10 Purpose and scope.
- 541.11 Notice to inmate of institution rules.
- 541.12 Incident report and investigation.
- 541.13 Initial hearing.
- 541.14 Establishment and functioning of institution discipline committee.
- 541.15 Procedures in institution discipline committee hearings.
- 541.16 Dispositions of the institution discipline committee.
- 541.17 Appeals from institution discipline committee actions.
- 541.18 Justifications for placement in disciplinary segregation and review of inmates in disciplinary segregation.
- 541.19 Disciplinary procedures for Federal Community Treatment Centers.
- 541.20 Conditions of disciplinary segregation.
- 541.21 Administrative detention.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0-99.

##### Subpart A—[Reserved]

##### Subpart B—Inmate Discipline

- § 541.10 Purpose and scope.
- (a) So that inmates may live in a safe and orderly environment, it is necessary for institution authorities to impose discipline on those inmates whose behavior is not in compliance with institution rules.
- (b) The following general principles apply in every disciplinary action taken:

(1) Only institution staff may take disciplinary action.

(2) Staff shall take disciplinary action at such times and to the degree necessary to regulate an inmate's behavior within institution rules.

(3) Staff shall control inmate behavior in a completely impartial and consistent manner.

(4) Disciplinary action may not be capricious or retaliatory.

(5) Staff may not impose or allow imposition of corporal punishment of any kind.

#### § 541.11 Notice to inmate of institution rules.

Staff shall advise each inmate in writing at the time of arrival at an institution of:

(a) The types of disciplinary action which may be taken by institution staff;

(b) The disciplinary system within the institution (See Table 1);

(c) The inmate's rights and responsibilities; and

(d) Prohibited acts by inmates and code numbers, which are:

- 001 Killing.
- 002 Assaulting any person.
- 003 Fighting with another person.
- 004 Threatening another with bodily harm, or with any offense against his person or property.
- 005 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.
- 051 Engaging in sexual acts with others.
- 052 Making sexual proposals or threats to another.
- 053 Indecent exposure.
- 101 Escape.
- 102 Attempting or planning escape.
- 103 Wearing a disguise or mask.
- 151 Setting a fire.
- 152 Destroying, altering, or damaging government property, or the property of another person.
- 153 Stealing (theft).
- 154 Tampering with or blocking any locking device.
- 155 Adulteration of any food or drink.
- 201 Possession or introduction of an explosive or any ammunition.
- 202 Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool.
- 203 Possession, introduction, or use of any narcotics, narcotic paraphernalia, drugs, or intoxicants not prescribed for the individual by the medical staff.
- 204 Misuse of authorized medication.
- 205 Possession of money or currency, unless specifically authorized.
- 206 Possession of property belonging to another person.
- 207 Loaning of property or anything of value for profit or increased.
- 208 Possession of anything not authorized for retention or receipt by the inmate, and not issued to him through regular institutional channels.

209 Possessing any officer's or staff clothing.

210 Possessing unauthorized clothing.

211 Mutilating or altering clothing issued by the government.

251 Rioting.

252 Encouraging others to riot.

253 Engaging in, or encouraging, a group demonstration.

254 Refusing to work, or to accept a program assignment.

255 Encouraging others to refuse to work or participate in work stoppage.

256 Refusing to obey an order of any staff member.

257 Violating a condition of furlough.

258 Violating a condition of work or study release.

301 Unexcused absence from work, or any assignment.

302 Malingering, feigning an illness.

303 Failing to perform work as instructed by a supervisor.

304 Insolence towards a staff member.

305 Lying or providing a false statement to a staff member.

306 Conduct which disrupts or interferes with the security or orderly running of the institution.

307 Refusing to disclose to staff information concerning the commission of a prohibited act.

351 Counterfeiting, forging, or unauthorized reproduction of any document, article of identification, money, security, or official paper.

401 Participating in an unauthorized meeting or gathering.

402 Being in an unauthorized area.

451 Failure to follow safety or sanitation regulations.

452 Using any equipment or machinery which is not specifically authorized.

453 Using any equipment or machinery contrary to instructions or posted safety standards.

501 Failing to stand count.

502 Interfering with the taking of count.

551 Making intoxicants.

552 Being intoxicated.

553 Smoking where prohibited.

554 Using abusive or obscene language.

601 Gambling.

602 Preparing or conducting a gambling pool.

603 Possession of gambling paraphernalia.

651 Being unsanitary or untidy: failing to keep one's person and one's quarters in accordance with posted standards.

652 Tattooing or self-mutilation.

701 Unauthorized use of mail or telephone.

702 Unauthorized contacts with the public.

703 Correspondence or conduct with a visitor in violation of posted regulations.

751 Giving or offering any official or staff member a bribe, or anything of value.

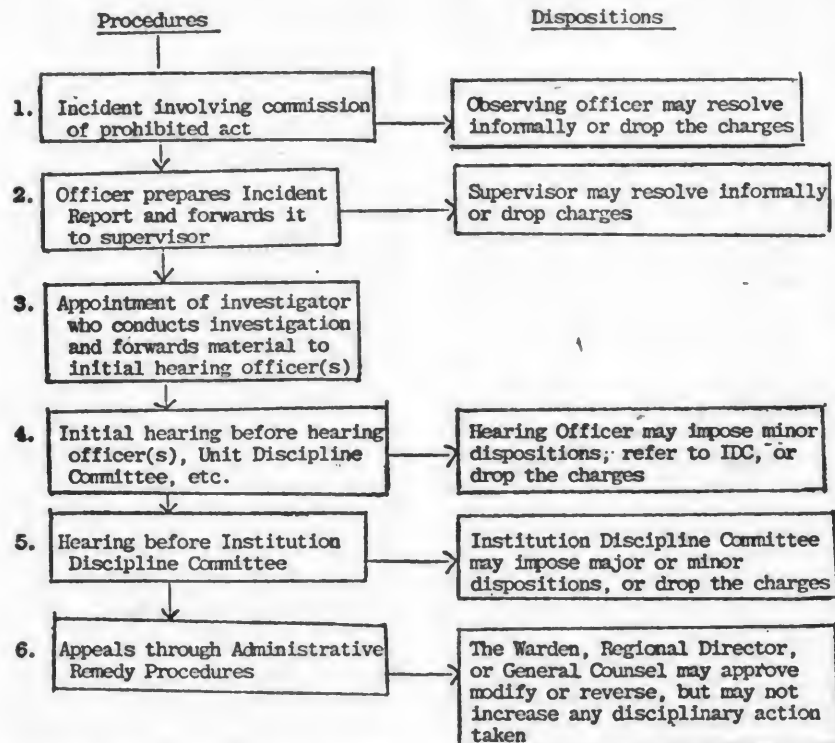
752 Giving money or anything of value to, or accepting money or anything of value from another inmate, a member of his family, or his friend.

801 Attempting to commit any of the above offenses, aiding another person to commit any of the above offenses, and making plans to commit any of the above offenses shall be considered the same as a commission of the offense itself.



SUMMARY OF DISCIPLINARY SYSTEM

TABLE 1



§ 541.13 Initial hearing.

The Warden shall delegate to one or more institution staff members (usually a unit or team discipline committee) the authority and duty to hold an initial hearing upon completion of the investigation. If the appointed staff member(s) (hereinafter referred to as hearing officer(s)) find at the initial hearing that an inmate has committed a prohibited act, the hearing officer(s) may impose minor dispositions and sanctions or refer the charges to the Institution Discipline Committee for a rehearing. Minor dispositions and sanctions include all disciplinary actions other than segregation, withholding or forfeiture of good time, transfer for disciplinary reasons, or recommendations to the U.S. Parole Commission for rescission or retardation of parole grants. The process by which staff imposes minor dispositions is left to the discretion of the Warden, but the following minimum standards apply to initial hearings in all institutions:

(a) Staff shall give each inmate charged with violating an institution rule a written copy of the charges against the inmate within 24 hours of the time staff became aware of the infraction.

(b) Each inmate so charged is entitled to an initial hearing before an officer(s), other than the reporting or investigating officer, held within 48 hours (excluding weekends and holidays) of the incident to consider the charge brought against the inmate.

(c) The inmate is entitled to be present at the initial hearing except during deliberations of the decision maker or when institutional security would be jeopardized by his presence. The hearing officer(s) shall clearly document in the record of the hearing reasons for excluding an inmate from the hearing.

(d) The inmate is entitled to make a statement and to present documentary evidence in his own behalf.

(e) The hearing officer(s) shall give the inmate a written copy of the decision and disposition. Any action taken as a minor disposition is reviewable under the Administrative Remedy Procedure. (Part 542 of this chapter).

(f) When an alleged violation of institution rules is serious and warrants consideration for other than minor sanctions, the hearing officer(s) shall refer the charge to the Institution Discipline Committee for hearing and disposition. The hearing officer(s) shall forward copies of all relevant documents to the Chairman of the Institution Discipline Committee with a brief statement of reasons for the referral along with any recommendations for appropriate disposition if the Committee finds the inmate has committed the act charged or a similar prohibited act. The inmate whose charge is being referred to the Institution Discipline Committee may be retained in Administrative Detention or other restricted status, but the hearing officer(s) may not impose a final disposition if the matter is being referred to the Institution Discipline Committee.

§ 541.12 Incident report and investigation.

(a) *Incident Report:* The Bureau of Prisons encourages informal resolution of incidents involving violations of institution regulations. However, when staff witnesses or has a reasonable belief that a violation of institution regulations has been committed by an inmate, and when staff consider informal resolution of the incident inappropriate, staff shall prepare an incident report and promptly forward it to the appropriate correctional supervisor. This supervisor may informally dispose of the incident report or forward the incident report for investigation consistent with this section. The correctional supervisor shall expunge the inmate's file of the incident report if informal resolution is accomplished.

(b) *Investigation:* Staff shall conduct the investigation within 24 hours of appointment of the investigator, unless circumstances beyond the control of the investigator intervene. The investigating officer should be an employee of supervisory level and may not be the employee reporting the incident in question. When it appears likely that the incident may be the subject of a criminal prosecution, the investigating officer shall suspend the investigation, and staff may not question the inmate until the FBI interviews have been completed or until

the FBI advises that staff questioning may occur. Ordinarily, the investigating officer shall give the inmate a copy of the incident report at the beginning of the investigation. This delivery must be done within eight hours from the time the investigator receives the assignment, unless there are exceptional circumstances which prevent it. If the investigation is delayed for any reason, any employee may deliver the charges to the inmate. The staff member shall note the date and time the inmate received a copy of the incident report. The investigator shall also read the charges to the inmate and obtain his statement concerning the incident, unless it appears likely that the incident may be the subject of criminal prosecution. The investigator shall then thoroughly investigate the incident. He shall record all steps and actions taken on the incident report and forward all relevant material to the staff holding the initial hearing. The inmate does not receive a copy of the investigation. However, if the case is ultimately forwarded to the Institution Discipline Committee, the Committee shall give a copy of the investigation to the inmate's staff representative for use in his presentation on the inmate's behalf.

(c) The investigating officer may extend time limits imposed in this section for good cause shown by the inmate or staff.

(g) When the hearing officer(s) holds a full hearing and determines that the inmate did not commit a prohibited act, the hearing officer(s) shall expunge the inmate's file of the incident report and related documents lodged against him.

(h) The hearing officer(s) may extend time limits imposed in this section for good cause shown by the inmate or staff.

§ 541.14 Establishment and functioning of institution discipline committee.

(a) The Warden shall establish a single Institution Discipline Committee. In the event of a serious disturbance or other emergency, or if an inmate commits an offense in the presence of the Committee, the Warden may establish more than one Institution Discipline Committee with approval of the appropriate Regional Director.

(b) The Warden may appoint as many members to the Institution Discipline Committee as are appropriate. At least three members, including the Chairman, shall be present at any hearing to constitute a quorum. The Chairman and at least one member present at the hearing must be of the department head level or higher. The third member and additional members of the Committee need not be of department head level. For the purpose of this section, "department head" includes acting department head. In order to insure impartiality, no member of the Committee may be the reporting, investigating or initial hearing officer or a witness to the incident or play any significant part in having the charge referred to the Committee. However, a staff member witnessing an incident may sit as a member of the Committee where virtually every staff member in the institution witnessed it in whole or in part.

(c) The Institution Discipline Committee shall conduct hearings, make findings, and impose appropriate sanctions for incidents of inmate misconduct referred to it for disposition following the hearing required by § 541.13 before the initial hearing officer(s). The Institution Discipline Committee may not hear any case or impose any sanctions (except as provided in § 541.16(d), continuing offenses) in a case not heard and referred by the initial hearing officer(s). While this Committee may impose any lesser sanctions available, only this Committee has the authority to order:

(1) An inmate placed or retained in disciplinary segregation;

(2) An inmate's statutory good time withheld or forfeited;

(3) An inmate transferred to another institution for disciplinary reasons; or

(4) A recommendation to the U.S. Parole Commission that the Commission retard or rescind an inmate's parole grant. The Commission, however, may request the Institution Discipline Committee to hold a fact finding hearing in any case where the Commission considers it necessary to determine whether to rescind or retard a parole grant. In study cases (18 USC 4205(c), 4252, 5010 (e), 5037(c)), any report of disciplinary

action to the sentencing judge must be preceded by a hearing in accordance with § 541.15.

This Committee shall conduct reviews of inmates placed in disciplinary segregation in accordance with the requirements of § 541.18.

§ 541.15 Procedures in institution discipline committee hearings.

The Institution Discipline Committee shall proceed as follows:

(a) The Warden shall give an inmate advance written notice of the charge against the inmate no less than 24 hours before his appearance before the Institution Discipline Committee, unless he is to be released from custody within that time. An inmate may waive in writing the 24 hour notice requirement.

(b) The Warden shall provide an inmate the service of a full time staff member to represent the inmate at the hearing before the Institution Discipline Committee should the inmate so desire. The staff representative shall be available to assist the inmate if the inmate desires by speaking to witnesses and by presenting favorable evidence to the Committee on the merits of the charges or in extenuation or mitigation of the charges. The chairman shall arrange for the presence of the staff representative selected by the inmate. If the staff member selected declines or is unavailable because of absence from the institution, the inmate has the option of selecting another representative, or in the case of an absent staff member of waiting a reasonable period for the staff member's return, or of proceeding without a staff representative. When an inmate who is illiterate requests a staff representative or when an inmate facing complex charges requests a staff representative, but staff members decline this role, the Warden shall appoint a staff representative to assist the inmate. The Committee shall afford a staff representative adequate time to speak with the inmate and interview requested witnesses where appropriate. While it is expected that a staff member will have had ample time to prepare prior to the hearing, delays in the hearing to allow for adequate preparation may be ordered by the Chairman of the Institution Discipline Committee.

(c) An inmate has the right to submit names of requested witnesses and have them called to present documents in his behalf, provided the calling of witnesses or the disclosure of documentary evidence does not jeopardize or threaten institutional or an individual's security. The chairman shall call those witnesses who are reasonably available and are necessary for an appreciation of the circumstances surrounding the charge. The Chairman need not call repetitive witnesses and may ask unavailable witnesses to submit written statements. The Chairman shall document reasons for declining to call requested witnesses in the Committee's report. The inmate's staff representative or, when the inmate waives staff representative, members of the Committee, shall ques-

tion witnesses requested by the inmate who are called before the Committee.

(d) An inmate has the right to be present through the Institution Discipline Committee hearing except during deliberations of the Committee or when institutional security would be jeopardized. The Chairman must document the reasons for excluding an inmate from the hearing in the record. The Committee may conduct a hearing in the absence of an inmate when the inmate refuses to appear and cannot be brought to the hearing without the use of force. When an inmate escapes or is otherwise absent from custody, the Institution Discipline Committee shall conduct a hearing in the inmate's absence at the institution in which the inmate was last confined. When an inmate who has had any sanctions imposed by the Committee while absent from custody returns to custody, the Warden shall advise the inmate of his right to have the escape charge reheard before the Institution Discipline Committee at the institution to which the inmate was returned to custody. All the procedural requirements of Institution Discipline Committee hearings practicable apply to this rehearing, except that written statements of witnesses not readily available may be liberally used instead of live witnesses. The Institution Discipline Committee upon rehearing may dismiss the charge, or may modify but may not increase the sanctions previously imposed in the inmate's absence.

(e) The Committee, at any time prior to making a final judgment as to whether or not a prohibited act was committed, may continue the hearing until a later date whenever further investigation or more evidence is needed.

(f) The Committee shall consider all evidence presented at the hearing and shall make a final judgment in accordance with the greater weight of the evidence. The Committee shall find that the inmate either—

(1) Committed the prohibited act charged or a similar prohibited act, or

(2) Did not commit the prohibited act charged or a similar prohibited act.

(g) The Institution Discipline Committee shall prepare a record of its proceedings which need not be verbatim. This record must be sufficient to document the advisement of inmate rights, the Committee's findings, the Committee's decision and the specific evidence relied on by the Committee, and must include a brief statement of the reasons for the sanctions imposed. The evidence relied upon the decision and the reasons for the actions taken must be set out in specific terms unless doing so would jeopardize institutional security.

(h) The Institution Discipline Committee shall expunge an inmate's file of the incident report whenever the Committee finds the inmate did not commit a prohibited act. The requirement for expunging the inmate's file does not preclude maintaining copies of disciplinary actions resulting in "not guilty" findings in a master file separate from the inmate's institution file for research

purposes. However, institution staff may not use or allow the usage of the contents of this master file in any manner which would adversely affect the inmate. Likewise, the expungement requirement does not require the destruction of medical reports or Special Housing Report Forms relating to a particular inmate which must be maintained to document medical or other treatment given in a Special Housing Unit. If an inmate's conduct during one continuous incident may constitute more than one prohibited act, and if the incident is reported in a single Incident Report, and if the Committee finds the inmate has not committed every prohibited act charged, then the Committee shall record its findings clearly and shall mark out on the Incident Report the incident and code references to charges which were not proved. Institution staff may not use the existence of charge but unproved misconduct against the inmate.

**§ 541.16 Dispositions of the institution discipline committee.**

The Institution Discipline Committee has available a broad range of sanctions and dispositions when it has completed a hearing. The Institution Discipline Committee may do any of the following:

(a) Dismiss any charge before it upon a finding that the inmate did not commit the prohibited act. The Committee shall order the record of charges expunged upon such finding.

(b) Impose sanctions and dispositions available to the initial hearing officer(s).

(c) Direct that an inmate be placed or retained in disciplinary segregation pursuant to guidelines contained in this Part.

(d) Withhold an inmate's statutory good time. Extra good time may not be withheld by the Committee. This withholding may not be applied as a universal punishment to all persons in disciplinary segregation status. Withholding is limited to the statutory good time creditable for the single month during which the violation occurs. Each withholding must be related to a separate offense. Some offenses, such as refusal to work at an assignment, may be recurring and thus may permit consecutive withholding actions. The Committee shall consider withheld good time for restoration on or about six months from the date of the offense which formed the basis of the withholding. The Committee may consider withheld good time for restoration earlier than the six month date if circumstances warrant.

(e) Forfeit an inmate's statutory good time. The good time available for forfeiture is limited to an amount computed by multiplying the number of months served at the time of the offense for which forfeiture action is taken, by the applicable monthly rate specified in 18 USC 4161 (less any previous forfeiture or withholding outstanding). Extra good time may not be forfeited. All or part of an inmate's accumulated statutory good time may be forfeited. The Institution Discipline Committee has the authority to restore all types of for-

feited and withheld good time. The Committee shall consider forfeited good time for restoration on or about one year from the date of the offense which formed the basis of the forfeiture. The Committee may consider forfeited good time for restoration earlier than the one year date if circumstances warrant.

(f) Direct that an inmate be transferred to another institution for disciplinary reasons. Where a present or impending emergency requires immediate action, the Warden may transfer an inmate prior to an Institution Discipline Committee hearing only with the approval of the receiving Regional Director. However, a hearing before the Institution Discipline Committee at the receiving institution must be conducted as soon as practicable under the circumstances to consider the factual basis of the charge of misconduct and the reasons for the emergency transfer. All procedural requirements applicable to Institution Discipline Committee hearings contained in § 541.15 must be utilized, except that written statements of unavailable witnesses may be liberally accepted instead of live testimony.

(g) Make recommendations to the Parole Commission for retardation or rescission of parole grants and hold fact-finding hearings upon request of the Commission as set forth in § 541.14.

(h) Suspend the execution of any sanction it imposes.

**§ 541.17 Appeals from institution discipline committee actions.**

At the time the Institution Discipline Committee gives an inmate notice of its decision, the Committee shall also advise the inmate that the inmate may appeal the Committee's decision under Administrative Remedy Procedures (see Part 541 of this chapter). On appeals, the Warden, Regional Director, or General Counsel may approve, modify, or reverse any disciplinary action of the Institution Discipline Committee but may not increase the sanctions imposed by the Committee. On appeals, the Warden, Regional Director, or General Counsel shall consider—

(a) Whether the Institution Discipline Committee substantially complied with the regulations on Inmate Discipline;

(b) Whether the Institution Discipline Committee based its decision on substantial evidence; and

(c) Whether under the circumstances, the Institution Discipline Committee imposed a sanction proportionate to the offense.

**§ 541.18 Justifications for placement in disciplinary segregation and review of inmates in disciplinary segregation.**

(a) Except as provided in paragraph (b) of this section, an inmate may be placed in Disciplinary Segregation only by order of the Institution Discipline Committee following a hearing in which the inmate has been found to have committed a serious act of misconduct which warrants this sanction. The Institution Discipline Committee may order place-

ment in Disciplinary Segregation only when other available dispositions are inadequate to regulate an inmate's behavior within acceptable limits and when his presence in the general population poses a serious threat to life, property, himself, staff or other inmates or to the security or orderly running of the institution.

(b) The Warden may temporarily (not exceeding three days) move to disciplinary segregation an inmate who is causing a serious disruption (threatening life or property) in Administrative Detention, who cannot be controlled within the physical confines of Administrative Detention, and who cannot be safely housed in the institution hospital pending a hearing before the Institution Discipline Committee. The Warden may delegate this authority no further than to the official in charge of the institution at the time the move is necessary.

(c) The Institution Discipline Committee shall conduct a hearing and formally review the status of each inmate who spends seven continuous days in disciplinary segregation and thereafter shall review these cases on the record in the inmate's absence each week and shall conduct a hearing and formally review these cases at least once every 30 days. The inmate appears before the Institution Discipline Committee at the hearings, unless force would be required to secure his appearance. Staff shall conduct a psychiatric or psychological interview when Disciplinary Segregation continues beyond 30 days. In the interview and report, staff shall address the inmate's adjustment to surroundings and the threat the inmate poses to himself, staff and other inmates. Staff shall conduct a similar psychiatric or psychological interview and report at subsequent two-month intervals if segregation continues for this extended period.

(d) The Institution Discipline Committee shall release an inmate from Disciplinary Segregation when the Committee finds that the inmate no longer poses a threat to himself or others or to institutional security and when continuation in Disciplinary Segregation is no longer necessary to regulate the inmate's behavior within acceptable limits. The time an inmate spends in Disciplinary Segregation must be proportionate to the offense committed, taking into consideration the inmate's prior conduct, specific program needs, and other relevant factors.

**§ 541.19 Disciplinary procedures for Federal Community Treatment Centers.**

The following exceptions to the general disciplinary procedures enumerated in §§ 541.10-541.19 for Bureau of Prisons' institutions apply solely to Federal Community Treatment Centers. All other procedures of this part not affected by this section apply to Community Treatment Centers.

(a) *Institution Discipline Committee.* Each Federal Community Treatment Center must have a single Institution

Discipline Committee composed of at least one staff member appointed by the Director of the Center. No member need be of department head level. Federal Community Treatment Centers need not hold initial hearings or establish unit or team disciplinary committees with initial hearing authority but may have only one discipline committee, the Institution Discipline Committee.

(b) *Witnesses.* The Institution Discipline Committee shall permit an inmate appearing before the Committee to request the Committee to call witnesses from outside the Center who are willing to appear before the Committee at their own expense and whose presence at the hearing would not pose a serious threat to the security of the Center. When the Committee refuses a request for an outside witness, the Committee shall clearly document the reasons for refusing this requested witness. The Committee shall liberally accept written statements from requested witnesses who do not appear.

(c) *Offenders programmed in the center pursuant to Pub. L. 91-492 (probationers, parolees, or mandatory releases).* Center staff shall forward reports of misconduct by an offender programmed in the Center pursuant to Pub. L. 91-492 to the appropriate agency (Probation Office or Parole Commission) for disposition which that agency considers appropriate. This offender may not be the subject of disciplinary action within the Center until the appropriate agency has been contacted. Center staff shall promptly forward this report when the misconduct is serious and arrangements for removal from the Center may be necessary for the protection of life or property.

(d) *Escapes or disappearances from CTCs.* When an inmate is not where he is scheduled to be, and when the Center staff has made reasonable efforts to contact the inmate, Center staff shall declare the inmate to be in escape status. Staff shall take further action following the guidelines under § 541.12. Staff shall effect total resolution of the incident, to the point of holding the hearing in the inmates absence.

(e) *Use of part time employees or other Federal employees in the disciplinary process.* With the exception of sitting as a member of the Institution Discipline Committee, part time employees or other Federal employees (U.S. Probation Officer, U.S. Marshal, etc.) may be used in any stage of the disciplinary process where there is an insufficient number of full time staff available.

§ 541.20 Conditions of disciplinary segregation.

(a) Disciplinary segregation is the status of confinement of an inmate housed in a special housing unit in an individual cell either alone or with other inmates, separated from the general population. Inmates housed in disciplinary segregation have significantly fewer privileges than those housed in Administrative Detention.

(b) The Warden shall maintain for each segregated inmate basic living lev-

els of decency and humane treatment, regardless of the purpose for which the inmate has been segregated. The Warden may add privileges, for the purpose of reinforcing acceptable behavior, to the living conditions of those whose status is purely involuntary or whose confinement is long-term. These privileges should not result in excessively time consuming procedures, or neutralize security.

(c) The basic living standards for segregation are as follows:

(1) *Segregation conditions.* The quarters used for segregation must be well ventilated, adequately lighted, appropriately heated and maintained in a sanitary condition at all time. All cells must be equipped with beds. Strip cells may not be a part of the segregation unit. Any strip cells which are utilized must be a part of the medical facility and under the supervision and control of the medical staff.

(2) *Cell occupancy.* Except in emergencies, the number of inmates confined to each cell or room may not exceed the number for which the space was designed. The Warden may approve temporary excess occupancy if he finds there is an emergency requiring this action.

(3) *Clothing and bedding.* An inmate in segregation may wear normal institution clothing but may not have a belt. Staff shall furnish a mattress and bedding. Cloth or paper slippers may be substituted for shoes at the discretion of the Warden. An inmate may not be segregated without clothing, mattress, blankets and pillow, except when prescribed by the Medical Officer for medical or psychiatric reasons.

(4) *Food.* Staff shall ordinarily give a segregated inmate the normal meals on the standard ration and menu of the day for the institution. Staff may dispense disposable utensils when necessary.

(5) *Personal hygiene.* Segregated inmates have the opportunity to maintain an acceptable level of personal hygiene. Staff shall provide toilet tissue, wash basin, tooth brush, eye glasses, etc., as needed. Staff may issue a retrievable kit of toilet articles. Each segregated inmate has the right and responsibility to shave and shower at least two times a week, unless these procedures would present an undue security hazard.

(6) *Exercise.* Staff shall permit each segregated inmate no less than two hours exercise each week. Exercise should be provided in two one-hour periods, but if circumstances require, one-half hour periods are acceptable if the two hour minimum is maintained. This provision must be carried out unless compelling security or safety reasons dictate otherwise. Institution staff shall document these reasons.

(7) *Personal property.* Institution staff shall ordinarily impound personal property.

(8) *Reading material.* Staff may provide a reasonable amount of reading material on a circulating basis.

(9) *Supervision.* In addition to the direct supervision afforded by the unit officer, but subject to staff availability, a member of the Medical Department and

one or more responsible officer(s) designated by the Warden shall see each segregated inmate daily, including weekends and holidays.

(10) *Correspondence and visits.* Social correspondence privileges continue in segregation unless compelling reasons to the contrary exist. Staff shall make reasonable effort to notify approved social visitors of any necessary restriction on ordinary visiting procedures so that they may be spared disappointment and unnecessary inconvenience. If ample time for correspondence exists, staff may place the burden of this notification to visitors on the inmate. In respect to legal, religious, and PMB matters, the relevant regulations must be followed by institution staff (See Parts 540, 543, and 548 of this chapter).

§ 541.21 Administrative detention.

Administrative Detention is the status of confinement in a special housing unit in an individual cell either by himself or with other inmates which serves to remove the inmate from the general population.

(a) *Placement in administrative detention.* The Warden may delegate authority to place an inmate in Administrative Detention to correctional supervisors, shift supervisors, or members of an inmate's unit or team. The Warden may place an inmate in Administrative Detention when the inmate is in holdover status during transfer or is a new commitment pending classification. The Warden may also place an inmate in Administrative Detention when his continued presence in the general population poses a serious threat to life, property, himself, staff, other inmates, or to the security or orderly running of the institution and when the inmate—

- (1) Is pending a hearing for a violation of institution regulations;
- (2) Is pending an investigation of a violation of institution regulations;
- (3) Is pending investigation or trial for a criminal act;
- (4) Is pending transfer; or
- (5) Requests admission to Administrative Detention for his own protection, or staff determines that admission to or continuation in Administrative Detention is necessary for the inmates own protection.

(b) The Warden shall prepare a memorandum detailing the reason for placing an inmate in Administrative Detention and give a copy of this memorandum to the inmate, provided institutional security is not compromised thereby.

(c) *Review of inmates housed in administrative detention.* The Warden shall designate appropriate staff to review the status of inmates housed in Administrative Detention. The reviewing authority shall hold a hearing and formally review the status of each inmate who spends seven continuous days in Administrative Detention, and thereafter shall review these cases on the record in the inmate's absence each week and shall hold a hearing and review these cases formally at least every 30 days. The inmate appears before the re-

viewing authority at the hearings unless the inmate refuses to appear without the use of force. Administrative Detention is to be used only for short periods of time, except where an inmate needs long-term protection. An inmate may be kept in Administrative Detention for longer term protection only if the need for such protection is documented by the reviewing authority. The reviewing authority shall release an inmate from Administrative Detention when reasons for placement cease to exist.

(d) *Conditions of administrative detention.* The basic level of conditions as described in § 541.20 for Disciplinary Segregation also apply to Administrative Detention. If consistent with available resources and the security needs of the unit, the Warden shall give an inmate housed in Administrative Detention the same general privileges given to inmates in the general population. Unless there are compelling reasons to the contrary, institutions shall provide commissary privileges, reasonable amounts of personal property, and exercise periods exceeding those provided for inmates housed in Disciplinary Segregation. The Warden shall give an inmate in Administrative Detention visiting and correspondence privileges in accordance with Part 540 of this chapter.

**PART 543—LEGAL MATTERS**

**Subpart A—[Reserved]**

**Subpart B—Inmate Legal Activities**

Sec.

- 543.11 Purpose and scope.
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- 543.16 Other paralegals, clerks, and legal assistants.

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**Subpart A—[Reserved]**

**Subpart B—Inmate Legal Activities**

**§ 543.11 Purpose and scope.**

The Bureau of Prisons affords an inmate reasonable access to legal materials and counsel and reasonable opportunity to prepare legal documents. The Warden shall establish an inmate law library, and procedures for access to legal reference materials and to legal counsel and for preparation of legal documents.

**§ 543.12 Legal research and preparation of legal documents.**

(a) The Warden shall make materials in the inmate law library available whenever practical, including evening and weekend hours. The Warden shall allow an inmate a reasonable amount of time, ordinarily during the inmate's leisure time, to do legal research and to prepare legal documents. Where practical, the Warden shall allow preparation of documents in living quarters during an inmate's leisure time.

(b) Staff shall advise an inmate of rules governing use of the inmate law library. Unauthorized possession of li-

brary materials by an inmate constitutes a prohibited act, generally warranting disciplinary action (See Part 541 of this chapter).

(c) An inmate may receive or purchase law materials from outside the institution, but the Warden may reject material if there is a compelling reason in the interest of institution security, good order, or discipline. The Warden may limit for housekeeping reasons the amount of legal materials an inmate may accumulate. An inmate may receive legal materials only from primary sources: publishers of law books and court clerks or judges who supply court documents. (See 540.70.)

(d) An inmate is responsible for submitting his documents to court. Institution staff who are authorized to administer oaths shall be available to witness these documents, as requested by inmates and at times scheduled by staff.

(e) Unless the institution has an active, ongoing legal aid program, the Warden shall allow an inmate the assistance of another inmate during their leisure time for purposes of legal research and preparation of legal documents. The Warden may impose limitations on this assistance in the interest of institution security, good order, and discipline.

(f) The institution staff shall, upon an inmate's request and at times scheduled by staff, duplicate legal documents if the inmate demonstrates that more than one copy must be submitted to court. The inmate shall bear the cost, and the duplication shall be done so as not to interfere with regular institution operations. Staff may waive the cost if material to be duplicated is minimal, and the inmate's requests for duplication are not large or excessive.

(g) Unless clearly impractical, the Warden shall allow an inmate preparing legal documents to use a typewriter, or, if the inmate cannot type, to have another inmate type his documents. The Warden may allow the inmate to hire a public stenographer to type documents outside the institution, but the institution may not assume the expense of hiring the public stenographer. Staff shall advise the inmate of any delay in the typing of which they have received notice.

(h) The Warden shall give special time allowance for research and preparation of documents to an inmate who demonstrates a requirement to meet an imminent deadline in a lawsuit. Otherwise, each inmate shall continue his regular institutional activities without undue disruption by legal activities.

(i) As far as practical, with consideration of the needs of other inmates and the availability of staff and other resources, the Warden shall provide an inmate in disciplinary segregation or administrative detention means of access to legal materials and opportunity to prepare legal documents equal to inmates in general population.

**§ 543.13 Retention of attorneys.**

(a) The Warden shall allow an inmate to contact and retain attorneys. Institu-

tion staff may counsel the inmate on legal matters. With the written consent of the inmate, staff may advise an attorney of the inmate's available funds. Staff may not interfere with selection and retention of attorneys if the inmate has attained majority and is mentally competent. If the inmate is a mental incompetent or a minor, the Warden shall refer to the inmate's guardian or the appropriate court all matters concerning the retention and payment of attorneys.

(b) The Bureau of Prisons may not act as guarantor or collector of fees. As to visits by attorneys, correspondence with attorneys and telephone calls to attorneys, see part 540 of this chapter.

**§ 543.14 Limitation or denial of attorney visits and correspondence.**

(a) An act by an attorney which violates institution regulations (See Part 540 of this chapter) and which threatens the security, good order, or discipline of the institution is grounds for limitation or denial by the Warden of the attorney's privileged visitation and correspondence rights. Acts by an attorney which may warrant such limitation or denial include, for example, the following:

- (1) A false statement as to the attorney's identity or qualifications;
- (2) A plan, attempt, or act to introduce contraband into the institution;
- (3) A conspiracy, attempt to commit, or the actual commission of an act of violence within an institution; and
- (4) The encouragement of an inmate to violate institutional regulations.

(b) Unless the breach of regulations is extreme or repeated, limitation rather than a denial of visitation or correspondence rights is proper, especially where the inmate is represented by the attorney and is confronted with a court deadline. For example, the Warden may subject an attorney to a search of his person and belongings or may permit the attorney only non-privileged correspondence. The Warden shall also consider referral of the matter to the state agency regulating the attorney's professional conduct.

(c) An act by an inmate in violation of institution regulations warrants a limitation by the Warden of the inmate's correspondence or visiting rights with attorneys only if necessary to protect institution security, good order, or discipline. The Warden may not deny correspondence or visiting rights with attorneys generally.

(d) The attorney may appeal any limitation or denial by the Warden of attorney visits or correspondence rights to the Regional Director. The inmate affected may appeal through the Administrative Remedy Procedures (see Part 542 of this chapter).

**§ 543.15 Legal aid program.**

(a) A Legal Aid Program which is funded or approved by the Bureau is expected to provide a broad range of legal assistance to inmates. Staff shall allow these programs generally to operate with the same independence as privately retained attorneys. The Warden shall refer a request or decision to terminate or re-

strict a program to the Regional Counsel.

(b) In order to promote the inmate program relationship the Warden shall give those students or legal assistants working in legal aid programs the same status as attorneys with respect to visiting and correspondence except where specific exceptions are made in this section and in Part 540 of this chapter.

(c) An attorney or law school professor shall supervise students and legal assistants participating in the program. The supervisor shall provide the Warden with a signed statement accepting professional responsibility for acts of each student or legal assistant affecting the institution. The Warden may require each student or legal assistant to complete and sign a personal history statement and a pledge to abide by institution regulations. If necessary to maintain

security and good order in the institution, the Warden may prohibit a student or legal assistant from visiting or corresponding with an inmate.

**§ 543.6 Other paralegals, clerks and legal assistants.**

(a) The Bureau of Prisons recognizes the use of assistants by attorneys to perform legal tasks and, with proper controls and exceptions enumerated in this section and in Part 540 of this chapter, accords such assistants the same status as attorneys with respect to visiting and correspondence.

(b) The attorney who employs an assistant and who wishes the assistant to visit or correspond with an inmate on legal matters shall provide the Warden with a signed statement including:

(1) Certification of the assistant's ability to perform in this role and aware-

ness of the responsibility of this position;

(2) A pledge to supervise the assistant's activities; and

(3) Acceptance of personal and professional responsibility for all acts of the assistant which may affect the institution, its inmates, and staff. Each assistant shall fill out and sign a personal history statement and a pledge to abide by institution regulations. If necessary to maintain security and good order in the institution, the Warden may prohibit a legal assistant from visiting or corresponding with an inmate.

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