

Registered  
Proposed

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PART VII**



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**DEPARTMENT OF  
JUSTICE**

**Bureau of Prisons**



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

**Proposed Rulemaking and  
Request for Comments**

[4410-05-M]

## DEPARTMENT OF JUSTICE

## Bureau of Prisons

[28 CFR Parts 511, 512, 513, 522, 524, 527, 540, 543, 544, 545, 546, 549, 550, 551, 552, 570, 571, and 572]

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

## Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rules.

**SUMMARY:** The Bureau is proposing its next installment of proposed regulations for the management of inmates in federal correctional institutions. This proposal is part of the Bureau's overall program to publish in the FEDERAL REGISTER and subsequently in the Code of Federal Regulations, Bureau rules relating to the control, custody, care, treatment, and instruction of inmates presently contained in Program Statements and Operations Memoranda. These Program Statements and Operations Memoranda have been made available in each institution's inmate law library and to members of the general public upon request. This installment proposes rules for administrative procedures relating to the management of inmates in federal correctional institutions as detailed below in the supplementary information section.

**DATES:** Comments must be received on or before March 22, 1979.

## FOR FURTHER INFORMATION CONTACT:

Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202-724-3062.

**SUPPLEMENTARY INFORMATION:** Pursuant to the rulemaking authority vested in the Attorney General in 5 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 Program 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.

Prior publication of proposed rules occurred on May 23, 1977 (42 FR 26334 et seq.), August 16, 1977 (42 FR 41368 et seq.), December 21, 1977 (42 FR 64082 et seq.), July 17, 1978 (43 FR 30574 et seq.) and August 2, 1978 (43 FR 34062 et seq.).

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

- (1) Relationships with Professional Organizations
- (2) Research
- (3) Production or Disclosure of Material or Information; FBI Identification Records; FBI Criminal History Records
- (4) Intake Screening
- (5) Program Reviews
- (6) Progress Reports
- (7) Transfer of Inmates After Conviction
- (8) Metal Detectors/Detaining and Searching Institution Visitors/Arresting Authority, Bureau of Prisons Employees
- (9) Inmate Funds Donated Through the Mails
- (10) Claims Under the Federal Tort Claims Act
- (11) Minimum Standards for Educational Tests
- (12) Recreation/Inmate Movies
- (13) Guidelines for Social Education Activities
- (14) Federal Prison Industries, Inc. Manual—Payrolls Section
- (15) Lost Time Wages-Inmate Workers Assigned to Federal Prison Industries, Inc.
- (16) Medical Experimentation and Pharmaceutical Testing

- (17) Marijuana and Alcohol Testing
- (18) Marriage of Inmates
- (19) Pre-Trial Inmates
- (20) Use of Force and Application of Physical Restraints on Inmates
- (21) Hostages
- (22) Work and Study Release
- (23) Furloughs
- (24) Reimbursement by Participants of Community Employment Programs
- (25) Pre-Release Program
- (26) Fines and Costs
- (27) Parole and Mandatory Release Violator Reports

(28) Procedures for the Implementation of section 4205(g) of the Parole Commission and Reorganization Act.

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.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 910, 320 1st Street, NW., Washington, D.C. 20534. Comments received before March 22, 1979, 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 910, 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 the following be added to 28 CFR, Chapter V: Parts 511, 512, 513, 522, 524, 527, 540, 543, 544, 545, 546, 549, 550, 551, 552, 570, 571, 572 as set forth below.

## PART 511—GENERAL MANAGEMENT POLICY

## Subpart A—[Reserved]

## Subpart B—Relationships With Professional Organizations

## Sec.

- 511.30 Purpose and scope.  
511.31 Support to professional societies.  
511.32 Encouragement of professional assistance.  
511.33. Central and regional office relationships to professional organizations.

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—Relationships With Professional Organizations

## § 511.30 Purpose and scope.

The Bureau of Prisons encourages and assists professional societies which promote activities and interests related to and consistent with the mission and policy of the Bureau. The Bureau of Prisons communicates with and consults professional societies interest-

ed in finding solutions to problems related to the mission of the Bureau.

**§ 511.31 Support to professional societies.**

(a) The Warden may make available to eligible professional societies institution facilities which can be spared without detriment to institution programs, institution security or loss of productivity.

(b) The Warden may assist professional societies in granting awards to individuals who have contributed significantly to corrections. The assistance may be in the form of co-sponsorship of an award.

(c) The Warden may contract with professional societies for services otherwise unavailable to the institution.

(1) The Warden shall ensure that each proposed contract receives appropriate legal review by the Bureau of Prisons.

(2) A Bureau of Prisons employee may not receive payment from a professional society for work performed in connection with the contract.

**§ 511.32 Encouragement of professional assistance.**

(a) The Warden may invite members of a professional society to submit views and make recommendations on specific problems.

(b) The Warden may invite a member of a professional society who is not a federal employee to consult with Federal Prison Service officials at government expense.

**§ 511.33 Central and regional office relationship to professional organizations.**

The Director, Bureau of Prisons or the appropriate Regional Director or their designees shall provide support to and encourage the professional assistance of eligible professional societies within the Central and Regional Office respectively.

**PART 512—RESEARCH**

**Subpart A [Reserved]**

**Subpart B—Research**

Sec.

- 512.10 Purpose and scope.
- 512.11 Definitions.
- 512.12 Requirements for research projects and researchers.
- 512.13 Content of research proposal.
- 512.14 Processing of proposals.
- 512.15 Monitoring of approved research projects.
- 512.16 Informed consent.
- 512.17 Access to Bureau of Prisons records.
- 512.18 Incentives.
- 512.19 Institution rules.
- 512.20 Reports.
- 512.21 Publication of results of research project.
- 512.22 Copyright provision.

**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—Research**

**§ 512.10 Purpose and scope.**

No one may conduct research within the Bureau of Prisons without prior approval as outlined in this rule. Whoever wishes to conduct a research project within the Bureau of Prisons shall submit to the Bureau a request providing specified information on the proposed research project. The Bureau of Prisons considers requests for authorization of routine and nonroutine proposals as described in § 512.11 (d) and (e).

**§ 512.11 Definitions.**

(a) For the purpose of this rule, a research project is the systematic collection of information about or from former or present inmates or employees, analysis of the information, and preparation of a report of findings. Routine statistical tabulations undertaken by employees for administrative purposes only are not defined as research projects.

(b) For the purposes of this rule, an employee is a member of the staff of the Bureau of Prisons or a consultant under contract to the Bureau of Prisons who performs duties in furtherance of an agency function under supervision provided by the Bureau.

(c) For the purpose of this rule, a non-employee is any person not defined as an employee under § 512.11(b).

(d) A nonroutine proposal has one or more of the following characteristics:

- (1) The proposed research will be conducted at the Central Office.
- (2) Execution of the proposed research requires coordination between regions of the Bureau of Prisons.
- (3) Execution of the proposed research requires coordination between divisions within a Department or between Departments of the Federal Government.
- (4) The proposal raises major issues of research policy.
- (5) The proposed research involves follow-up of an inmate after release from confinement.
- (6) Execution of the proposed research requires sizeable financial or staff support from the Bureau of Prisons.

(e) A routine proposal has none of the special characteristics which define a nonroutine proposal.

(f) A researcher is a person who has received written approval from the Director, Bureau of Prisons, to conduct a research project within the Bureau of Prisons.

(g) A subject is a present or former inmate or employee of the Bureau of Prisons about or from whom a researcher collects information in the conduct of research project authorized under this rule.

**§ 512.12 Requirements for research projects and researchers.**

The Director, Bureau of Prisons, may authorize a researcher to conduct a research project, subject to the following conditions:

(a) The project has an adequate research design.

(b) The research will contribute to the advancement of knowledge about corrections.

(c) The project is consistent with Part 549, Subpart E, Medical Experimentation and Pharmaceutical Testing.

(d) The researcher has academic preparation or experience in the area of study of the proposed research.

(e) The researcher assumes responsibility for actions of a non-employee engaged to participate in the research project.

(f) The researcher agrees not to provide research information which identifies a subject to any person other than Bureau of Prisons research personnel without the subject's prior written consent to release of the information.

(g) The researcher agrees to adhere to applicable provisions of the Privacy Act of 1974 and regulations pursuant to this Act.

(h) The researcher who is a non-employee shall sign a statement in which he agrees to adhere to the provisions of this rule.

**§ 512.13 Content of research proposal.**

In submitting the research proposal, the applicant shall provide the following information:

(a) Summary statement which includes the names and vitae of the researcher(s); the title of the project; an abstract of the project; duration of the project; subjects required, including amount of time required from each and an indication of risk or discomfort involved as a result of participation.

(b) Comprehensive statement which includes information on the purpose of the study; methodology to be employed; anticipated results; their significance and perceived benefits; resources to be utilized; indication of whether Bureau of Prisons participation and cooperation are needed after completion of project; and appendices of all relevant research materials.

**§ 512.14 Processing of proposals.**

(a) A prospective researcher shall submit his research proposal in one of the following ways:

(1) Routine proposals are submitted at the institutional level.

(2) Non-routine proposals are submitted to the Director of Research, Central Office.

(b) The Director, Bureau of Prisons, has final authority to approve or disapprove a research proposal.

(c) The Central Office shall notify the region and institution of the decision on the research proposal. Staff at the office or institution which initially received the research proposal shall notify the prospective researcher of the Director's decision.

(d) An applicant may submit a preliminary research proposal for review by staff. Approval of this preliminary proposal does not constitute an authorization to conduct a research project within the Bureau of Prisons.

#### § 512.15 Monitoring of approved research projects.

(a) The Director of Research, Central Office, shall review and, if appropriate, approve any major methodological changes in a research project prior to its implementation.

(b) The Warden shall appoint a committee to monitor all research conducted at the institution. Staff shall report any violation of research policy to the Regional Director, and to the Director of Research, Central Office.

(c) The Director, Bureau of Prisons, shall appoint a committee to monitor all research conducted through the Central Office. The committee shall report any violation of research policy to the Director, Bureau of Prisons.

(d) The Director, Bureau of Prisons, may suspend or terminate a research project if he believes that the project violates research policy or that its continuation may prove detrimental.

#### § 512.16 Informed consent.

(a) Subject participation in a research project is voluntary.

(b) Before commencing a research activity requiring participation by staff or inmates, the researcher shall give each participant an Informed Consent statement containing the following information.

(1) A statement that a participant may withdraw consent and end participation in the project or activity at any time.

(2) Identification of the researcher(s).

(3) Objectives of the research project.

(4) Procedures to be followed in the conduct of the research.

(5) Purpose of each procedure.

(6) Anticipated uses of the results of the research.

(7) A declaration concerning discomfort and risk, including a description of anticipated discomfort and risk.

(8) An offer to answer any questions about procedures; and

(9) Appropriate additional information.

(c) A researcher who is an employee of the Bureau of Prisons shall add to the Informed Consent Statement a statement of the authority under which he conducts the research.

(d) A researcher who is a non-employee of the Bureau of Prisons shall obtain a signed statement of consent from each subject prior to initiation of the research activity.

(e) A researcher who is an employee of the Bureau of Prisons shall obtain a signed statement of consent from a subject in each of the following circumstances:

(1) If the activity of the subject is something other than a response to a questionnaire or participation in an interview; or

(2) If a record is prepared from which a subject is identifiable.

#### § 512.17 Access to Bureau of Prisons records.

(a) Employees of the Bureau of Prisons shall have access to those records which relate to the subject and are necessary to the purpose of the research project without having to obtain the subject's consent.

(b) A non-employee of the Bureau of Prisons is limited in access to information available under the Freedom of Information Act (5 USC 552).

#### § 512.18 Incentives.

A researcher may not provide research subjects with incentives other than soft drinks and snacks given at the test setting.

#### § 512.19 Institution rules.

A researcher shall observe the rules of the institution or office in which he conducts his research project. Staff of the responsible institution or office shall inform the researcher of the local rules.

#### § 512.20 Reports.

At least once a year, the researcher shall provide the Director of Research, Central Office, with a report on the progress of the research. Within 10 days after preparation of the report of findings, the researcher shall distribute at least one copy of the report of findings to each of the following: the Director of Research, Central Office; the Regional Director; and the Warden at each significantly mentioned institution. The researcher shall include an abstract in the report of findings.

#### § 512.21 Publication of results of research project.

(a) A researcher may publish results of a research project conducted under

this rule in book form and in professional journals.

(1) On publication of results, the researcher shall acknowledge participation in the research project by the Bureau of Prisons.

(2) The researcher shall expressly disclaim approval or endorsement of the published materials as an expression of the policies or views of the Bureau of Prisons.

(b) Prior to publication of the results of a research project conducted under this rule, the researcher shall provide a copy of the material accepted for publication to the Director of Research in the Central Office of the Bureau of Prisons.

#### § 512.22 Copyright provisions.

(a) An employee of the Bureau of Prisons may not copyright a work prepared as a part of his or her official duties.

(b) Subject to a royalty-free, non-exclusive and irrevocable license, which the Bureau of Prisons reserves, to reproduce, publish, and translate and otherwise to use and to authorize others to publish and use such materials, a non-employee may copyright original materials developed as a result of research conducted under this rule.

(c) As a precondition to the conduct of research under this rule, a non-employee shall grant in writing to the Bureau of Prisons a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, translate and otherwise to use and to authorize others to publish and use original materials developed as a result of research conducted under this rule.

### PART 513—ACCESS TO RECORDS

#### Subpart A—[Reserved]

#### SUBPART B—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION: FBI IDENTIFICATION RECORDS; FBI CRIMINAL HISTORY RECORDS

##### Sec.

513.10 Purpose and scope

513.11 Procedures applicable where an FBI identification record is sought.

513.12 Procedures applicable where an FBI criminal history record (NCIC/CCH) is sought.

513.13 Inmate request for record clarification.

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—Production or Disclosure of Material or Information: FBI Identification Records; FBI Criminal History Records

§ 513.10 Purpose and scope.

By authorization of the Federal Bureau of Investigation (FBI), the Bureau of Prisons may provide an inmate with a copy of his FBI identification record commonly known as a "rap sheet." Where an inmate's criminal history record has been computerized, staff may provide a copy of the National Crime Information Center Computerized Criminal History record (NCIC/CCH) at the inmate's request.

§ 513.11 Procedures applicable where an FBI identification record is sought.

(a) The inmate may ask institution staff for a copy of his FBI identification record.

(b) Staff shall provide the inmate with a copy of the requested record along with a copy of the Bureau of Prisons program statement governing disclosure of the FBI identification record.

(c) An inmate who so desires may obtain a copy of the identification record directly from the FBI by following the procedure outlined in 28 CFR 16.30 et seq.

(1) Bureau of Prisons staff shall assist the inmate to obtain the fingerprint impressions required to be submitted with such an application.

(2) The inmate may direct that funds be withdrawn from his institution account to pay the applicable fee.

§ 513.12 Procedures applicable where an FBI criminal history record (NCIC/CCH) is sought.

(a) An inmate whose criminal history record is stored in the FBI's National Crime Information Center/Computerized Criminal History records may ask institution staff for a copy of this record.

(b) Staff may provide the NCIC/CCH record only in response to a request from the inmate who is the subject of the record.

(c) Staff may honor only one such request per inmate per month.

(d) An inmate who so desires may address his request for his NCIC/CCH records directly to the FBI according to the procedure outlined in § 513.11(c).

§ 513.13 Inmate request for record clarification.

Where the inmate believes that the record is incorrect or inaccurate, he may follow procedures outlined in 28 CFR 16.30 et seq.

PART 522—ADMISSION TO INSTITUTION

Subpart A—[Reserved]

Subpart C—Intake Screening

Sec.  
522.20 Purpose and scope.  
522.21 Procedures.

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 C—Intake Screening

§ 522.20 Purpose and scope.

Bureau of Prisons staff screen newly arrived inmates to ensure that Bureau health and safety standards are met.

§ 522.21 Procedures.

(a) The Warden shall ensure that a newly arrived inmate is cleared by the Medical Department and provided a social interview by staff before assignment to the general population.

(1) Within 24 hours after an inmate's arrival, medical staff shall medically screen the inmate in compliance with Part 549 Subpart B, to find out if there are medical reasons for housing the inmate away from the general population.

(2) Within 24 hours after an inmate's arrival, staff shall interview the inmate to find out if there are non-medical reasons for housing the inmate away from the general population. Staff shall evaluate both the general physical appearance and emotional condition of the inmate.

(3) Staff shall record results of the medical screening and the social interview in the inmate's central file.

PART 524—CLASSIFICATION OF INMATES

Subpart A—[Reserved]

Subpart D—Program Reviews

Sec.  
524.30 Purpose and scope.  
524.31 Procedures.  
524.32 Notification.

Subpart E—Progress Reports

524.40 Purpose and scope.  
524.41 Annual progress reports.  
524.42 Parole progress reports.  
524.43 Transfer summary.  
524.44 Retention of reports.

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 D—Program Reviews

§ 524.30 Purpose and scope.

The Bureau of Prisons staff conduct a timely review of the program of each inmate within its institutions. Each inmate is given prior notice of the

review and is offered the opportunity to attend the program review.

§ 524.31 Procedures.

(a) Each unit team shall conduct at least once every 90 days a review of the program of each inmate within the unit.

(b) Staff at institutions without unit management shall conduct at least once a year a review of the program of each inmate within the institution. When an inmate is within two years of anticipated release, staff shall conduct a review of the program of the inmate at least once every 90 days.

(c) When circumstances warrant additional review of the inmate's program, the unit team or committee chairman may schedule such additional review.

§ 524.32 Notification.

(a) Staff shall notify the inmate at least 48 hours prior to a scheduled review of his program.

(b) The inmate may attend and participate in the program review.

Subpart E—Progress Reports

§ 524.40 Purpose and scope.

The Bureau of Prisons maintains current information regarding an inmate's response to confinement through progress reports regularly completed by staff. Staff summarize in the progress report information relating to an inmate's offense and background, with emphasis on the inmate's response to institutional experience and readiness for release. The report serves as a basis for deciding on institutional programs and release for an inmate.

§ 524.41 Annual progress reports.

(a) Staff shall prepare an updated progress report on each inmate on at least a yearly basis: *Provided*, That no other progress report, special report or transfer summary has been prepared during the preceding year.

(b) Staff shall include in the progress report a summary of the institutional adjustment reflected in any previous report and a detailed summary of the inmate's present response to confinement. Staff shall include the following information in the report:

- (1) Name and age,
- (2) Registration number,
- (3) Offense,
- (4) Sentence,
- (5) Date of commencement of service of sentence,
- (6) Time served to date, including jail time credit,
- (7) Extra good time,
- (8) Good time withheld or forfeited,
- (9) Current mandatory release date,
- (10) Detainers and pending charges on file,

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(11) Most recent Parole Commission action, including any special requests or requirements,

(12) Names of the inmate's co-defendants, their sentences, present location and Parole Commission action relating to them.

(c) Staff shall include in the progress report significant new information on such topics as:

(1) The offense for which the inmate is confined, including any change in the inmate's attitude towards it;

(2) Prior record;

(3) Background, including social, educational, military and employment history.

(d) Staff shall include in the progress report a detailed summary of the inmate's response to confinement.

(e) Staff shall analyze and interpret information included in the progress report in light of the inmate's abilities.

(f) Staff shall include in the report information about the inmate's physical and mental health.

(g) Staff shall include in the report a statement of the inmate's proposed residence, employment, and advisor on release.

#### § 524.42 Parole progress reports.

(a) When an inmate becomes eligible for parole, staff shall prepare a progress report containing information covered in § 524.41 plus:

(1) A summary of the inmate's anticipated involvement in pre-release programming and identification of verified resources available to the inmate;

(2) A definitive statement of the proposed release plans, including residence, employer, advisor and the name and address of the supervising U.S. Probation Officer;

(3) An evaluation of the individual's readiness for release;

(4) A recommendation for or against parole.

(b) When an inmate is so disturbed that to force an appearance before the Parole Commission might prove disruptive, in lieu of the inmate's appearance staff shall provide the Parole Commission with a statement specifying the nature of the inmate's behavior.

#### § 524.43 Transfer summary.

Staff shall prepare a transfer summary as a current progress report on an inmate who is being recommended for transfer and whose progress has not been summarized within the preceding 90 days. Staff shall prepare the summary in compliance with the provisions of § 524.41(b)-(g).

#### § 524.44 Retention of reports.

Staff shall maintain in the inmate's file only the most current progress

report. Staff shall destroy all previous progress reports.

### PART 527—TRANSFERS

#### Subpart A-B—[Reserved]

#### Subpart C—Transfer of Inmates After Conviction

##### Sec.

527.20 Purpose and scope.

527.21 Procedures.

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-B—[Reserved]

#### Subpart C—Transfer of Inmates After Conviction

##### § 527.20 Purpose and scope.

The Bureau of Prisons adheres to Rule 38(a)(2) of the Federal Rules of Criminal Procedure by giving an inmate reasonable opportunity to file his appeal and to confer with his counsel after the appeal is filed. An inmate shall also be given access to his attorney or the sentencing court following his conviction, with respect to filing a motion for the reduction of sentence.

##### § 527.21 Procedures.

(a) After conviction, unless the inmate indicates in writing that he will not file an appeal, he shall be held in the judicial district in which he was convicted for a period of not less than 10 days, the amount of time allowable for appeal. If an appeal is noted within 10 days, paragraph (b) of this section shall apply. Where a motion for a new trial is filed, the above provisions shall take effect from the date the motion is denied.

(b) If a notice of appeal is filed the inmate is normally allowed to remain in the judicial district for a period of 30 days from that date.

(c) If the inmate indicates a motion for reduction of sentence under Rule 35 of the Federal Rules of Criminal Procedure is filed or is to be filed, the inmate is normally allowed to remain in the judicial district for a period of 30 days from the date sentence is imposed.

### PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

#### Subpart A-F—[Reserved]

#### Subpart G—Metal Detectors/Detaining and Searching Institution Visitors/Arresting Authority, Bureau of Prisons Employees

##### Sec.

540.80 Purpose and scope.

540.81 Procedures for searching visitors.

540.82 Controlled visiting-denying visits.

540.83 Detaining visitors.

540.84 Termination of a visit.

540.85 Use of arrest authority.

#### Subpart H—Inmate Funds Donated Through the Mail

540.90 Purpose and scope.

540.91 Procedures.

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-F—[Reserved]

#### Subpart G—Metal Detectors/Detaining and Searching Institution Visitors/Arresting Authority, Bureau of Prisons Employees

##### § 540.80 Purpose and scope.

(a) The Bureau of Prisons takes steps to prevent the introduction of contraband (drugs, alcohol, weapons, etc.) into its institutions. Staff may subject all visitors entering or leaving an institution to a search of their person and effects.

(b) Title 18, U.S. Code, section 3050 authorizes Bureau of Prisons Employees (this does not include United States Public Health Services employees) to make an arrest without warrant for any violation of the provisions of Section 751—Prisoners in Custody of Institution or Officer; 752—Instigating or Assisting Escape; 1791—Traffic in Contraband Articles; and 1792—Mutiny, Riot, Dangerous Instrumentalities Prohibited. Such an arrest may be made when staff has good reason to believe a person has committed one of these offenses and when there is likelihood of the person fleeing or escaping before a warrant can be obtained.

##### § 540.81 Procedures for searching visitors.

(a) The Warden may require visitors entering the institution from outside the secure perimeter to submit to a search:

(1) By electronic means (for example, walk-through or hand held metal detector);

(2) Of personal effects. Staff may provide locker space for personal effects not taken into the visiting room.

(b) The Warden may authorize a pat search of a visitor as a prerequisite to a visit when there is reasonable suspicion to believe the visitor possesses contraband or is introducing or attempting to introduce contraband or is introducing or attempting to introduce contraband into the institution.

(1) Staff may find reasonable suspicion based on reliable although confidential information; by a positive reading of a metal detector; or when contraband or indicia of contraband is found during search of a visitor's personal effects.

(2) Only staff of the same sex as the visitor may perform a pat search.

(3) Staff shall conduct a pat search out of the view of other visitors and inmates.

**§ 540.82 Controlled visiting—denying visits.**

(a) The Warden may restrict visiting to controlled situations or to supervised visits when there is reasonable suspicion (see §540.81 (b)(1)) to believe the visitor is introducing or attempting to introduce contraband, or when there has been a prior incident of such introduction or attempted introduction.

(b) The Warden may deny visiting privileges when a controlled or staff supervised visit is not possible.

(c) Staff shall deny admission to the institution to a visitor who refuses to be screened by a metal detector or who refuses to undergo a search of his person and effects as dictated by these rules.

**§ 540.83 Detaining visitors.**

(a) Staff may detain a visitor found to be introducing or attempting to introduce such contraband as guns, knives or other serious weapons pending notification and arrival of appropriate law enforcement officials.

(b) Staff shall employ only the minimum amount of force necessary to detain the individual.

**§ 540.84 Termination of a visit.**

Staff may terminate a visit upon determination that a visitor is in possession of or is passing or attempting to pass contraband not previously detected during the search process.

**§ 540.85 Use of arrest authority.**

To effect an arrest under any of the cited sections in §540.80(b), staff shall have reasonable suspicion that the suspected individual is knowingly attempting to circumvent the law and this circumvention would seriously threaten the security and/or orderly operation of the institution. Wherever possible, the Warden or his designee shall make the determination as to whether an arrest should occur.

**Subpart H—Inmate Funds Donated Through the Mails**

**§ 540.90 Purpose and scope.**

Inmates may not solicit funds nor initiate requests which might result in the solicitation of funds from persons other than the inmate's immediate family or friends. Procedures for the disposition of unsolicited funds donated to an inmate by an unknown source are described.

**§ 540.91 Procedures.**

(a) An inmate may receive funds from his family or friends, for crediting to his inmate trust account.

(b) An inmate may not receive through the mail funds for specific goods or direct services such as special food, clothing or medical services.

(c) An inmate may receive a money gift of congratulations or sympathy through the mail as long as the gift is not designated for the purpose of care for inmates and is not associated with unlawful activities.

(d) When unsolicited funds donated to an inmate through the mail are received the Warden may accept the donation and credit it in the inmate's spending account, if the funds appear appropriate and their source legitimate. An inmate may not receive more than \$25.00 per year from any source other than family.

(e) If the Warden finds the donation inappropriate, staff shall return the money to the sender along with information on the reason for the return. Staff shall inform the inmate of the reason for the return.

(1) If the source of unsolicited cash cannot be identified, staff shall place the money in the inmate's trust fund account and give it to him at the time of his release.

(2) If the source of the unsolicited funds cannot be identified, and if it is in the form of a check, the Warden shall return the check to the bank on which it was drawn together with a transmittal letter of explanation. A copy of this letter is sent to the inmate. The sender of the check may make claim to the bank to receive refund, or the inmate, after he is released, may make claim as payee and receive the check.

(3) If the unsolicited funds are in the form of a U.S. Postal money order, the Warden shall return the money order to the U.S. Postal Service together with a transmittal letter requesting that the funds be placed in the Postal Service suspense account. The sender of the money order or the inmate, as payee, may then make claim to the money order. A copy of the transmittal letter is sent to the inmate.

(4) Staff shall return other money orders to the issuing officer with a transmittal letter of explanation. A copy of this letter is sent to the inmate.

**PART 543—LEGAL MATTERS**

**SUBPART A-B—[Reserved]**

**Subpart C—Claims Under the Federal Tort Claims Act**

- Sec. 543.30 Purpose and scope.
- 543.31 Procedures.
- 543.32 Depreciation.

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-B [Reserved]**

**Subpart C—Claims Under the Federal Tort Claims Act**

**§ 543.30 Purpose and scope.**

The Director of the Bureau of Prisons is delegated authority by 28 CFR 0.96, 0.172, to settle those tort claims where the proposed settlement does not exceed \$2500. This authority is re-delegated to the Regional Counsel when the claim's proposed settlement does not exceed \$500. The Office of General Counsel, Central Office, has authority to settle those claims where the proposed settlement is between \$500 and \$2500.

**§ 543.31 Procedures.**

(a) Staff shall provide the necessary forms to the inmate who wishes to file a claim based on an incident occurring on or after January 18, 1967.

(b) Claims are ordinarily submitted and investigated locally (where the incident occurred).

(c) The Warden shall submit the Investigation Report, with recommendations, to the Regional Office's Legal Counsel.

(d) Staff shall attempt to make a claim determination within six months from the date of filing. The inmate may institute a suit upon denial of the claim. If a final disposition is not made within the six month period, the individual may assume that the claim is denied.

**§ 543.32 Depreciation.**

Staff may take depreciation into account in settling Tort Claims under the Federal Tort Claims Act which involve loss or damage to personal property.

**PART 544—EDUCATION**

**Subpart A—[Reserved]**

**Subpart B—Minimum Standards for Educational Tests**

- Sec. 544.10 Purpose and Scope.

**Subpart C—[Reserved]**

**Subpart D—Recreation Inmate Movies**

- 544.30 Purpose and scope.
- 544.31 Staffing patterns.
- 544.32 Movies.

**Subpart E-I—[Reserved]**

**Subpart J—Guidelines for Social Education Activities**

- 544.90 Purpose and scope.
- 544.91 Program characteristics and staff.

AUTHORITY: 15 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.

## PROPOSED RULES

## Subpart A—[Reserved]

## Subpart B—Minimum Standards for Educational Tests

## § 544.10 Purpose and scope.

(a) The Bureau of Prisons administers appropriate educational tests to inmates confined within its institutions. Staff shall administer the Stanford achievement Test (SAT) within one month of arrival of a newly committed inmate sentenced to a term of one year or more: *Provided*, That that inmate reads English. Staff may administer the Revised BETA, the General Aptitude Test Battery (GATB) and other appropriate achievement and attitude tests as needed to take a specific measure of achievement or aptitude.

(b) When test results are required for program placement and other purposes, the Warden may approve the administration of an SAT to a newly committed inmate who is serving a sentence of less than one year.

(c) Staff may not allow inmates to administer, score or interpret tests which are the subject of this rule. Staff may not assign the clerical handling of such tests to an inmate.

## Subpart C—[Reserved]

## Subpart D—Recreation/Inmate Movies

## § 544.30 purpose and scope.

The Bureau of Prisons considers that well-directed leisure activities programs are a highly effective force for the social re-education of an inmate and for the positive use of leisure time. The Warden shall establish appropriate leisure activities. Staff may recommend the use of these activities for an inmate as an integral component of his correctional program.

## § 544.31 Staffing patterns.

(a) A fully qualified staff person shall direct the leisure activities program.

(b) an inmate may be utilized as assistant coach, administrative clerk, equipment clerk, sports official, instructor or general leisure activity aide where his interest is expressed and ability is apparent.

## § 544.32 Movies.

The Warden may approve the showing of movies at the institution. A committee designated by the Warden shall review suggested films and submit the list to the Warden for final approval. The committee shall comprise staff and inmate representatives. X-rated films may not be shown.

## Subpart E—[Reserved]

## Subpart J—Guidelines for Social Education Activities

## § 544.90 Purpose and scope.

The Bureau of Prisons recognizes that skills to improve interpersonal relationships, communication, self-motivation, realistic goal setting, and a positive basic self-concept develop with the passage of time. Therefore, the Warden shall make available to an inmate throughout the term of his commitment programs to foster such skills, reinforced by staff contacts. The Warden shall establish procedures for social education activities which follow prepared curricular and scheduled timetables.

## § 544.91 Program characteristics and staff.

(a) The Warden shall designate staff to serve as social education coordinator(s).

(b) Staff shall qualify an activity as social education if it meets any of the following criteria:

- (1) It teaches or reinforces self-development and personal growth;
- (2) It helps to increase self-knowledge;
- (3) It fosters the development of a realistic self-concept;
- (4) It develops appropriate skills in interpersonal relationships.

## PART 545—WORK AND COMPENSATION

## Subpart A—[Reserved]

## Subpart B—Federal Prisons Industries, Inc. Manual-Payrolls Section

## Sec.

- 545.10 Purpose and scope.
- 545.11 Definitions.
- 545.12 Assignments.
- 545.13 Grade structure and standard hourly rate.
- 545.14 Individual and group piece rates.
- 545.15 Wage fund-group piece workers.
- 545.16 Overtime compensation.
- 545.17 Longevity pay.
- 545.18 Vacation pay.
- 545.19 Administrative pay.
- 545.20 Holiday pay.

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—[Reserve]

## Subpart B—Federal Prison Industries, Inc. Manual-Payrolls Section

## § 545.10 Purpose and scope.

It is the policy of Federal Prison Industries, Inc. to provide employment to inmates confined in an institution. This employment is designed to afford the inmate maximum opportunity to acquire the knowledge, skill and work habits which will be useful when released from the institution. There is no requirement that Federal Prison

Industries pay inmates for employment in industry. 18 U.S.C. 4126, however, provides for discretionary compensation to inmates employed in industry. Under this authority, inmates of the same grade jobs, regardless of the basis of pay (hourly, group piece, or individual piece rates) shall receive approximately the same compensation. All pay rates under this part are established at the discretion of Federal Prison Industries, Inc. Any alteration or termination of the rates shall require the approval of the Corporation's Board of Directors. While the Warden is responsible for the local administration of Inmate Industrial Payroll regulations, no pay system is initiated or changed without prior approval of the Associate Commissioner of Federal Prison Industries, Inc.

## § 545.11 Definitions.

Federal Prison Industries, Inc., as used in this part, has the same meaning as used in 18 USC 4121 et seq.

## § 545.12 Assignments.

(a) Industrial work programs and assignments are made on an optional basis and the permanent assignment of an inmate to industries is made only with the concurrence of the inmate.

(b) Staff may promote an inmate to a higher grade job only when a vacancy exists.

(c) At the request of the inmate concerned, the Warden shall review any reassignment involving a reduction in pay.

## § 545.13 Grade structure and standard hourly rate.

An inmate employed in Federal Prison Industries, Inc. is classified in one of four grades, based upon job assignment and level of skill. Fourth grade is the base, third, second, and first grades are compensated at 50%, 100%, and 150% above the base grade, respectively.

## § 545.14 Individual and group piece rates.

(a) Piece rates based upon full time production of a capable worker of average speed are established by the Superintendent of Industries, upon recommendation of the factory manager or foreman of the industry or department affected and upon approval of the Warden.

(b) New rates may occur whenever new equipment, new processes or other conditions change labor requirements.

## § 545.15 Wage fund-group piece workers.

The amount of the available "Wage Fund" is determined by multiplying the units of production completed by the group by the applicable rate or rates. The hours actually worked in the 3rd, 2nd and 1st grade jobs are in-



creased by the percentages specified in § 545.13. These hours are then added to the hours worked in 4th grade jobs to determine basic hours. The total wage fund is then divided by the basic hours to determine the hourly rate for 4th grade jobs. Rates for other grade jobs are determined by increasing the 4th grade rate by the same percentage as stated in § 545.13. All decimals beyond the fourth are dropped and any remaining balance is added to the wage fund for the next period.

§ 545.16 Overtime compensation.

All hours worked in excess of the regular scheduled inmate workday are overtime. For example, if the scheduled inmate workday consists of 7½ hours and the inmate works 10 hours in one day, he has earned 2½ hours overtime pay on that day. Hours worked on days other than the scheduled workweek may be compensated at the overtime rate. Compensation for overtime is double the hourly rate for hourly and group piece workers. For individual piece workers, the amount is based on total earnings divided by the number of total hours worked. This will give the piece workers' rate per hour. This rate times the overtime hours worked will provide the amount of overtime compensation due the inmate.

§ 545.17 Longevity pay.

(a) An inmate may earn longevity pay for continuous employment regardless of whether the employment was continuous in one or more institutions, as long as the inmate is not excluded under § 545.17 (c) and (d).

(b) An inmate may earn an additional five cents for each actual hour in pay status when the inmate has earned industrial good time for 3 years or more, or when the inmate who is ineligible to earn good time has been employed for 3 years of more.

(c) Service of previous sentences may not receive consideration in determining longevity pay. For purposes of this section, a separate sentence or commitment which involves no break of time in custody is not considered a previous sentence.

(d) An inmate recommitted because of a violation of conditional release (mandatory or parole) and serving under the same or continuous sentence is not entitled to credit for time spent in industries prior to release.

§ 545.18 Vacation pay.

(a) An inmate may receive an annual vacation with pay when his work performance (quality, attendance, attentiveness and adherence to industry operating regulations) justifies it. A recommendation is made by the foreman to the Superintendent of Industries, who will approve the request if this

standard is met. An inmate worker may receive vacation credit at the rate of ½ day for each month of industrial employment for the first year and at the rate of one day for each month of industrial employment in excess of one year.

(b) Inmates may take and receive pay for vacation credit after each annual eligibility date based on initial date of assignment to industries. Inmates may also take accrued vacation at any time, regardless of the anniversary date, for visits, participation in institutional programs or for other reasons at the discretion of the Superintendent of Industries. The Superintendent shall schedule vacations to be compatible with factory production requirements.

(c) The taking of vacation time is encouraged. However, an inmate who, for compelling reasons, elects not to take his vacation time must indicate this in writing. This inmate shall receive pay for his annual vacation credit in a lump sum on the regular monthly payroll. An inmate whose employment is terminated by release, reassignment, transfer, or other reasons, and who has unused vacation credit shall also receive pay for this credit on the monthly payroll.

(d) In consideration of work absences, either by routine call outs or enrollment in other institution programs, a monthly vacation credit rate is established. This is based on the percentage of standard factory hours worked by the inmate during that month.

Percentage worked	1st year credit rate	Subsequent years rate
90% or more.....	½ day	1 day
75% but less than 90%.....	¾ day	¾ day
60% but less than 75%.....	¼ day	½ day
45% but less than 60%.....	¼ day	¼ day
Under 45%.....	0	0

(e) When the individual inmate takes and/or is paid for earned vacation, his monthly credit rates are totalled and successively multiplied by the standard factory hours and his regular rate of compensation to arrive at the compensation payable.

(f) An inmate temporarily assigned to industries, such as on a construction crew, who is placed on an industry payroll may earn vacation credit. The inmate may take and receive pay for vacation upon termination of the temporary assignment.

(g) An inmate may earn full vacation credit while confined to the hospital or to his quarters because of compensable work-related injuries: *Provided*, The inmate returns to the industrial work assignment upon termination of confinement.

(h) The Superintendent of Industries may declare a vacation credit un-

earned because of unsatisfactory work performance, appropriately documenting this for the month in which such unsatisfactory performance takes place. The Superintendent may not independently declare vacation credit unearned as a result of inmate misconduct which is subject to institution disciplinary committee action, but may recommend such action to the committee.

§ 545.19 Administrative pay.

When an inmate is excused from work for participation in the Blood Bank Program he is continued on his regular rate of pay for a period not to exceed two hours. Administrative pay is not authorized for any other purpose, except by the Associate Commissioner.

§ 545.20 Holiday pay.

An inmate worker on industrial assignments shall receive pay at the standard hourly rate, plus longevity pay where applicable, for the following Federal holidays:

- (1) New Year's Day; (2) Washington's Birthday; (3) Memorial Day; (4) Independence Day; (5) Labor Day; (6) Columbus Day; (7) Veterans' Day; (8) Thanksgiving; and (9) Christmas, provided the inmate is in a normal pay status the work day before and the work day following the holiday.

Any other Federal holidays, approved and declared by the Congress of the United States, shall qualify the worker for industrial holiday pay, under the same conditions as above, without amendment of these regulations.

PART 546—SAFETY

Subpart A—[Reserved]

Subpart B—Lost-Time Wages—Inmate Workers Assigned To Federal Prison Industries, Inc.

Sec.

546.10 Purpose and scope.

546.11 Procedures.

546.12 Discontinuation of lost-time wages.

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—Lost-Time Wages—Inmate Workers Assigned to Federal Prison Industries, Inc.

§ 546.10 Purpose and scope.

The Bureau of Prisons follows a uniform procedure to determine the work-relatedness of an injury sustained by an inmate at a work assignment in Federal Prison Industries, Inc., or at a work assignment related to the maintenance or operation of the institution. To secure documentation of an injury sustained by an inmate at a work assignment, the

## PROPOSED RULES

## PART 549—MEDICAL SERVICES

## Subpart A—D—[Reserved]

Subpart E—Medical Experimentation and  
Pharmaceutical Testing

Sec.  
549.60 Purpose and scope.

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—D—[Reserved]

Subpart E—Medical Experimentation and  
Pharmaceutical Testing

§ 549.60 Purpose and scope.

## § 546.11 Procedures.

(a) After investigating the circumstances surrounding an injury reported in compliance with 28 CFR 301.3, the Safety Manager at the institution shall make an initial determination of the work-relatedness of the injury.

(b) If the Safety Manager determines that an inmate's injury was work-related, the Safety Committee may review that decision upon referral to the Committee by an involved staff member (e.g., inmate's immediate supervisor or a member of the medical staff).

(c) If the Safety Manager determines that the inmate's injury was not work-related, the Safety Committee shall review that determination.

(d) The Safety Committee shall make its determination as to work-relatedness of an injury sustained by an inmate within 30 days:

(1) Of the alleged accident or injury, if the inmate reports the accident or injury to his work supervisor within 48 hours of its occurrence;

(2) Of receipt of notice of the alleged accident or injury, if the inmate does not report the accident or injury to his work supervisor within 48 hours of its occurrence.

(e) An inmate may appeal the decision of the Safety Committee through the Administrative Remedy Procedure (Part 542, Subpart B).

## § 546.12 Discontinuation of lost-time wages.

(a) Staff shall continue to provide the inmate with lost-time wages until one of the following occurs:

(1) The inmate returns to his work assignment;

(2) The inmate is employed at a different work assignment;

(3) There is medical certification that the inmate is fit to return to work;

(4) Transfer of the inmate from the institution for reasons unrelated to the work injury;

(5) Release of the inmate from federal custody.

(b) An inmate who refuses to return to an industrial work assignment after medical certification of fitness to return to work may not receive, from date of refusal, further payment of lost-time wages.

(a) The Bureau of Prisons does not permit medical experimentation or pharmaceutical testing on inmates. However, as warranted for diagnosis or treatment of a specific inmate, the Director, Bureau of Prisons, may authorize the use of, and collection of data related to, experimental diagnostic and therapeutic measures under conditions which have been approved by the United States Department of Health, Education and Welfare.

(b) The Director may not authorize experimental diagnostic and therapeutic measures without a prior recommendation by the responsible physician and the prior full and informed consent of the affected inmate.

## PART 550—DRUG PROGRAMS

## Subpart A—[Reserved]

## Subpart B—Marijuana and Alcohol Testing

Sec.  
550.10 Purpose and scope.  
550.11 Consent for marijuana testing.  
550.12 Positive test results.  
550.13 Refusal to participate in testing.

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—Marijuana and Alcohol Testing

§ 550.10 Purpose and scope.

The Bureau of Prisons maintains a surveillance program in order to deter and to detect the illegal introduction or use of marijuana or alcohol in its institutions. In an effort to reduce the introduction or use of marijuana and alcohol, the Warden shall establish procedures for monitoring and testing individual inmates or groups of inmates who are known or suspected to be users of marijuana or alcohol, or who are considered high risks based on behavior observed or on information received by staff.

§ 550.11 Consent for marijuana testing.

(a) Staff shall solicit the consent of an inmate prior to performing the

mouth-swabbing portion of the marijuana test. However, the consent of the inmate is not required when the Warden or, in his absence, the Acting Warden, Duty Officer, or Administrative Duty Officer authorizes staff to perform the mouth-swabbing portion of the marijuana test.

(b) Staff who administer a marijuana test to an inmate shall record this fact in the central file of the inmate.

§ 550.12 Positive test results.

Staff may prepare a disciplinary report on an inmate who shows a positive substantiated test result for marijuana or alcohol.

§ 550.13 Refusal to participate in testing.

Staff may initiate disciplinary action against an inmate who refuses to submit to a marijuana or alcohol test.

## PART 551—MISCELLANEOUS

## Subpart A—[Reserved]

## Subpart B—Marriage of Inmates

Sec.  
551.10 Purpose and scope.  
551.11 Eligibility.  
551.12 Ceremony.

## Subpart C—H—[Reserved]

## Subpart I—Pre-Trial Inmates

Sec.  
551.90 Purpose and scope.  
551.91 Definitions.  
551.92 Commitment prior to arraignment.  
551.93 Procedure for admission.  
551.94 Housing.  
551.95 Custody.  
551.96 Institutional employment.  
551.97 Good time.  
551.98 Performance pay.  
551.99 Community activities.  
551.100 Religious programs.  
551.101 Marriage.  
551.102 Education.  
551.103 Medical, psychiatric and psychological.  
551.104 Recreation.  
551.105 Discipline.  
551.106 Access to legal resources.  
551.107 Property.  
551.108 Release of funds and property of pre-trial inmates  
551.109 Visiting.

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—Marriage of Inmates

§ 551.10 Purpose and scope.

The Warden may approve the marriage of an inmate confined in an institution of the Bureau of Prisons where there are compelling reasons to do so. The appropriate Regional Director may approve marriage of a federal inmate in U.S. Marshals' custody, in state custody, or in an approved jail.

**§ 551.11 Eligibility.**

(a) In a request for permission to marry, an inmate shall demonstrate legal eligibility to marry.

(b) The Warden may not approve the request of an inmate who is mentally incompetent to contract marriage.

**§ 551.12 Ceremony.**

(a) The Warden may approve the use of institution facilities for an inmate's marriage ceremony. If a marriage ceremony poses a threat to the security or orderly operation of the institution, the Warden may disapprove a marriage ceremony in the institution.

(b) Upon request of the inmate, the Chaplain may assist in a marriage ceremony at the institution.

(c) The Warden shall require that a marriage ceremony at the institution be a private ceremony conducted without publicity.

**Subpart C-H—[Reserved]****Subpart I—Pre-Trial Inmates****§ 555.90 Purpose and scope.**

The Bureau of Prisons houses, in addition to convicted inmates, persons awaiting commencement or completion of trial. Procedures and practices required for the care, custody and control of such inmates may differ from those established for convicted inmates. (Except as limited by this Rule, policies and standards applicable to persons committed to the custody of the Attorney General apply to detainees designated Pre-Trial Inmates.)

**§ 555.91 Definitions.**

(1) Pre-Trial inmate—an individual legally detained while awaiting trial, while in the process of trial or while awaiting a verdict.

(1) For purposes of this rule, an inmate committed for civil contempt is considered a pre-trial inmate.

(2) For purposes of this rule, an inmate in such status as indicated by paragraph (a) or (a)(1) of this section and who is at the same time serving a state or federal sentence is not considered a pre-trial inmate.

(3) For purposes of this rule, an inmate committed under 18 U.S.C. 4244 and 4246 is not considered a pre-trial inmate.

(b) Convicted inmate—an individual a court has found guilty of an offense punishable by law. For purposes of this rule, the term includes both a sentenced individual and one who is awaiting sentence following a court adjudication of guilt as recorded on an official report or document from the court.

**§ 551.92 Commitment prior to arraignment.**

On receipt of a U.S. Marshal's remand, the Bureau of Prisons shall accept an individual who has not been arraigned, for commitment as a pre-trial inmate.

**§ 551.93 Procedure for admission.**

(a) Staff shall establish procedures for admitting a pre-trial inmate to the institution, including, but not limited to:

- (1) Verification of commitment papers;
- (2) Search of the inmate;
- (3) Disposition of clothing and personal possessions;
- (4) Medical screening;
- (5) Local guidelines governing telephone calls;
- (6) Photographing and fingerprinting;
- (7) Interview to obtain identification data;
- (8) Orientation; and
- (9) Assignment to an appropriate housing unit.

**§ 551.94 Housing.**

Unless a threat is posed to institutional security or order, staff shall house pre-trial inmates separately from convicted inmates.

**§ 551.95 Custody.**

(a) Staff may supervise a pre-trial inmate as if classified close (in) custody.

(b) Where circumstances warrant it, staff may supervise a pre-trial inmate according to procedures for other custody levels.

**§ 551.96 Institutional employment.**

(a) The Warden may not require a pre-trial inmate to work in other than housekeeping tasks in his own cell and living unit.

(b) Unless the pre-trial inmate signs a waiver, the Warden may not permit him to work with convicted inmates.

**§ 551.97 Good time.**

A pre-trial inmate does not earn good time.

**§ 551.98 Performance pay.**

The Warden may approve performance pay (see Rule 545, Subpart C) for a pre-trial inmate.

**§ 551.99 Community activities.**

(a) The Warden may not grant a furlough to a pre-trial inmate (18 U.S.C. 4082(c)).

(b) In an emergency, staff shall facilitate contact with the pre-trial inmate's attorney of record, who may seek appropriate action by the court for a decision concerning release from custody or an escorted trip.

(c) Except by order of the court, the Warden may not consider a pre-trial inmate for participation in community activities.

**§ 551.100 Religious programs.**

(a) Upon signing a waiver of separation, a pre-trial inmate may participate in religious programs with convicted inmates.

(b) Staff may enlist the aid of contract or volunteer chaplaincy personnel for religious programs within the area where pre-trial inmates are confined.

**§ 551.101 Marriage.**

A pre-trial inmate may apply for approval to marry in accordance with Rule 551, Subpart B. Staff shall contact the Court and U.S. Attorney, and in the case of an alien the Immigration and Naturalization Service, for clearance of the marriage request of the pre-trial inmate.

**§ 551.102 Education.**

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

(b) Upon signing a separation waiver, a pre-trial inmate may have full access to the institution's educational program.

**§ 551.103 Medical, psychiatric, and psychological.**

(a) Staff shall provide the pre-trial inmate with the same level of medical, psychiatric and psychological care provided to convicted inmates.

(b) Staff shall notify the Court of medication the pre-trial inmate receives which may alter his courtroom behavior.

(c) In event of serious illness or death of a pre-trial inmate, staff shall notify the committing Court, U.S. Attorney's office, and the designated family member or next of kin (see Part 549, Subpart B).

**§ 551.104 Recreation.**

(a) Upon signing a waiver of separation, a pre-trial inmate may participate with convicted inmates in recreational activities.

(b) At minimum, staff shall provide the pre-trial inmate with the following recreational opportunities:

- (1) One hour daily of outside recreation, weather permitting; or
- (2) Two hours daily of indoor recreation.

(c) Staff shall make recreation equipment available to the pre-trial inmate including, but not limited to, physical exercise equipment, books, table games, and television.

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## § 551.105 Discipline.

(a) Staff shall require the pre-trial inmate to abide by the disciplinary rules (Rule 541, Subpart B) of the institution, subject to the limitations of §§ 551.96(a) and 551.97.

(b) Staff shall advise the court, through the U.S. Marshal, of repeated or continuing disruptive behavior by a pre-trial inmate.

## § 551.106 Access to legal resources.

(a) Staff shall provide the opportunity for pre-trial inmate-attorney visits on a seven-day-a-week basis.

(b) Staff shall provide pre-trial inmates with access to legal materials in the institution.

(c) Staff shall allow the pre-trial inmate, upon his request, to telephone his attorney as often as resources of the institution allow.

## § 551.107 Property.

(a) A pre-trial inmate may retain personal property as authorized for convicted inmates by Rule 552, Subpart E.

(b) Staff shall store the pre-trial inmate's unauthorized personal property until the individual is released, transferred to another facility, or sentenced and committed to a federal institution.

(c) Staff may supply the pre-trial inmate with court clothing or the inmate may supply his own.

## § 551.108 Release of funds and property of pre-trial inmates.

(a) Staff shall establish procedures that allow for the release of funds and personal property on a 12 hour basis, Monday through Friday.

(b) Staff shall ensure that pre-trial inmates are informed of existing policy relative to the commissary account and release of funds.

## § 551.109 Visiting.

Staff shall allow pre-trial inmates to receive visits in accordance with Rule 540, Subpart D. Staff may allow a pre-trial inmate special visits to protect his or her business interests or to help prepare for trial.

## PART 552—CUSTODY

## Subpart A—B—[Reserved]

## Subpart C—Use of Force and Application of Physical Restraints on Inmates

Sec.	
552.20	Purpose and scope.
552.21	Procedures.
552.22	Use of chemical agents.
552.23	Documentation.

## SUBPART D—HOSTAGES

Sec.	
552.30	Purpose and Scope.
552.31	Negotiations.

552.32	Hostages-no authority.
552.33	Non-negotiable items.
552.34	Notifications.

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—B—[Reserved]

## Subpart C—Use of Force and Application of Physical Restraints on Inmates

## § 552.20 Purpose and scope.

The Bureau of Prisons authorizes application of physical restraints on an inmate who becomes violent or displays signs of imminent violence. When an inmate behaves violently or displays signs of imminently becoming violent, staff shall use only that amount of force necessary to insure the safety of staff, inmates, and others, and to protect government property. This rule does not restrict the use of restraints in situations requiring precautionary restraints, particularly in the movement or transfer of inmates, e.g., the use of handcuffs in moving inmates to and from detention.

## § 552.21 Procedures.

(a) The correctional supervisor in charge of the shift may apply or supervise the application of restraints necessary to gain control of an inmate who appears to be dangerous because:

- (1) The inmate assaults any person;
- (2) The inmate destroys property;
- (3) The inmate attempts suicide;
- (4) The inmate inflicts wounds upon himself;

(5) The inmate displays signs that such violence may be imminent.

(b) Staff may apply restraints to or continue the use of restraints on an inmate while in Administrative Detention or Disciplinary Segregation only with approval of the Warden or duty officer.

(c) Staff shall seek the assistance of medical or mental health staff upon gaining physical control of the inmate. Where possible, staff shall seek such assistance at the onset of the violent behavior.

(d) Where medical or mental health staff determine that an inmate requires continuing mental health care, they shall assume responsibility for the care of the inmate.

(e) When it is necessary to restrain an inmate for longer than 24 hours, staff shall apply medically acceptable restraints attached to a hospital bed. Staff shall check these restraints at least every 30 minutes and periodically rotate the inmate's position.

(f) Staff may not secure an inmate to a fixed object, such as a cell door.

## § 552.22 Use of chemical agents.

The Warden may authorize the use of chemical restraints only when the situation is such that the:

(a) Inmate is armed and barricaded, or

(b) Cannot be approached without danger to personnel or to self, and

(c) It is determined that a delay in bringing the situation under control would constitute a serious hazard to the inmate, other people, or result in a major disturbance or major property damage.

## § 552.23 Documentation.

Staff shall write a report detailing the need for the use of restraints and the use of force. A copy of this report is placed in the inmate's central file.

## Subpart D—Hostages

## § 552.30 Purpose and scope.

The Warden of each institution has the authority to resolve a situation in which a hostage is taken in his institution. Staff's primary objectives in these situations are to safely free the hostage and to regain control of the institution.

## § 552.31 Negotiations

(a) The Warden is not normally directly involved in negotiations.

(b) Where possible, the Warden shall assign the responsibility of negotiation to staff who have a relationship with the captors.

(c) A staff member assigned as negotiator has no decision-making authority but acts as a go-between.

(d) A staff member assigned as negotiator shall attempt to keep communications open at all times with the captors.

## § 552.32 Hostages—no authority.

Captive staff have no authority, and their directives shall be disregarded.

## § 552.33 Non-negotiable items.

The following items are non-negotiable:

- (a) Release of captors from custody;
- (b) Immunity from prosecution.

## § 552.34 Notifications.

(a) The Warden shall assign staff to handle all news releases and news media inquiries in accordance with § 540.65.

(b) The Warden shall arrange to have the family members of the hostages notified as soon as practical after the incident occurs.



**PART 570—COMMUNITY PROGRAMS**

**Subpart A—[Reserved]**

**Subpart B—Work and Study Release**

- Sec.
- 570.10 Purpose and scope.
- 570.11 Definitions.
- 570.12 Custody Status.
- 570.13 Authorization of participation.
- 570.14 Limitations to program participation.
- 570.15 Cases requiring special approval.
- 570.16 Transportation and subsistence.
- 570.17 Clothing.
- 570.18 Expenses.
- 570.19 Compensation for injury.
- 570.20 Supervision of an inmate on work or study release.
- 570.21 Termination.

**Subpart C—Furloughs**

- 570.30 Purpose and scope.
- 570.31 Definitions.
- 570.32 Justification for furlough.
- 570.33 Expenses of a furlough.
- 570.34 Eligibility requirements.
- 570.35 Limitations on eligibility.
- 570.36 Procedures.
- 570.37 Violation of furlough.

**Subpart D—Reimbursement by Participants of Community Employment Programs**

- 570.50 Authorization.
- 570.51 Policy.

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—Work and Study Release**

**§ 570.10 Purpose and scope.**

The Bureau of Prisons uses work and study release programs to allow selected inmates, in preparation for release from confinement, to attend school or to work in the local community during the day, returning to the institution at night. An inmate may not work as a strikebreaker or under any conditions which, in the Warden's judgment, could evoke adverse public response.

**§ 570.11 Definitions.**

The term "Work and Study Release" means an inmate's authorized absence from an institution other than a community treatment center, for the purpose of employment or to participate in an academic or vocational education activity.

**§ 570.12 Custody status.**

An inmate participant in a community program remains in the custody of the Attorney General. The Warden shall credit time during which an inmate participates in a community program toward service of the inmate's sentence. The Warden shall process an inmate who absconds from a community placement as an escaped federal prisoner. The Warden may subject an inmate who violates the

conditions of a community program to disciplinary action as provided in Part 541.

**§ 570.13 Authorization of participation.**

(a) Except as provided in § 570.15, the Warden may approve an inmate's placement for work or study release. The Warden may not further delegate this authority.

(b) The Warden may consider an inmate for placement in a work or study release program under the following procedure and conditions:

(1) The inmate makes application for placement on the required form;

(2) The inmate has community custody status;

(3) The Warden determines that the placement will contribute to the inmate's preparation for release from confinement;

(4) The Warden determines that the inmate is physically and mentally capable of performing the proposed work or study;

(5) The Warden determines that the inmate has demonstrated a level of responsibility which provides reasonable assurance that he will comply with the requirements of a placement;

(6) The Warden finds the proposed placement appropriate under this subpart; and

(7) The Warden verifies the conditions of the proposed placement.

**§ 570.14 Limitations to program participation.**

(a) Except as provided in paragraph (b) of this section, the Warden may not consider for placement

(1) An inmate who will not be within 6 months of a probable date of release from confinement at the time of the program placement;

(2) An inmate who is to be transferred to a community program facility, such as a community treatment center or work release facility, in the inmate's area of release;

(3) An inmate who has a history of violent or assaultive behavior;

(4) An inmate committed for an offense which involved a violation of financial trust; or

(5) An inmate whose presence in the community would attract unusual public attention.

(b) When the Warden determines that an inmate needs a work or study release program placement and that the community will not be endangered thereby, he may make an exception to any of the limitations in paragraph (a) of this section.

(c) An inmate may not participate in study release on a full time basis in excess of one academic year without the approval of the Warden and Regional Director.

**§ 570.15 Cases requiring special approval.**

An inmate designated or tentatively designated as a Central Monitoring Case must have approval as authorized in Part 524 Subpart C, in order to participate in a work or study release program.

**§ 570.16 Transportation and subsistence.**

(a) Where feasible, an inmate shall use and pay for commercial transportation to and from the program placement. When commercial transportation is not feasible, the Warden may authorize the use of institution vehicles and may charge the inmate a fee comparable to the cost of commercial transportation.

(b) Under 18 U.S.C. 4082(c)(iii), "••• A prisoner authorized to work at paid employment in the community under this subsection may be required to pay, and the Attorney General is authorized to collect, such costs incident to the prisoner's confinement as the Attorney General deems appropriate and reasonable. Collections shall be deposited in the Treasury of the United States as miscellaneous receipts. An inmate who is fully employed in the community shall pay a fixed charge of \$2.00 per calendar day into the United States Treasury except there will be no charge made for the first 30 calendar days of community employment.

(c) The Warden may waive transportation and subsistence costs under paragraphs (a) and (b) of this section when he determines that the costs would unduly burden the inmate financially.

(d) An inmate may not reimburse the Government for expenses of work or study release except as provided in paragraphs (a) and (b) of this section.

**§ 570.17 Clothing.**

The Warden shall provide an inmate who is approved for work or study program placement with appropriate attire for the placement. The inmate may purchase supplemental or replacement clothing with personal funds. The inmate may not wear clothing acquired through the program placement inside the institution unless authorized by the Warden to do so.

**§ 570.18 Expenses.**

(a) The inmate, his family, or other sources approved by the Warden shall bear all expenses incidental to a work or study release program, such as the cost of meals in the community, laundry fees for clothing, cost of special equipment, etc.

(b) An inmate who has sufficient personal financial resources shall bear the cost of his study release program. The Warden may authorize government financing, within budgetary limi-

tations, of the study release program of an inmate without sufficient personal financial resources for whom alternative funding sources are not available. If an inmate withdraws, or is terminated from a course of study which the Government has funded, the Warden may initiate action to recover the Government's portion of the cost of the course.

#### § 570.19 Compensation for injury.

The Federal Government assumes no responsibility for injury received by an inmate on work or study release. However, the Government shall provide needed medical treatment so long as the inmate remains in the custody of the Attorney General.

#### § 570.20 Supervision of an inmate on work or study release.

Staff shall supervise an inmate on a work or study release placement to ensure the appropriateness of the placement and to monitor the performance of the inmate.

#### § 570.21 Termination.

The Warden may terminate an inmate's participation in a work or study release program for any of the following causes:

- (a) Completion of the program by the inmate;
- (b) The inmate's misconduct or willful negligence;
- (c) Cancellation of a placement for reasons beyond the inmate's control, e.g., budget cutbacks, job layoffs, etc.

#### Subpart C—Furloughs

#### § 570.30 Purpose and scope.

The Attorney General has delegated the authority to grant furloughs under 18 U.S.C. 4082(c) to the Director, Bureau of Prisons (28 CFR .96(d)). The furlough program of the Bureau of Prisons is intended to help the inmate to attain correctional goals. A furlough is not a right, but a privilege granted an inmate under prescribed conditions. It is not a reward for good behavior, nor a means to shorten a criminal sentence.

#### § 570.31 Definitions.

(a) A furlough is an authorized absence from an institution by an inmate who is not on a work/study release program nor under escort of a staff member or a U.S. Marshal. The two types of furlough are:

(1) Day Furlough—A furlough within the geographic limits of the commuting area of the institution (approximately a 50 mile radius), which lasts 16 hours or less, and ends before midnight.

(2) Overnight Furlough—A furlough other than a day furlough.

(b) An anticipated release date, for purposes of this rule, refers to the first of the following dates which applies to an inmate requesting a furlough:

- (1) The inmate's mandatory release date,
- (2) The date of expiration of the inmate's minimum term,
- (3) The inmate's presumptive parole date,
- (4) The inmate's effective parole date, or
- (5) In the absence of a presumptive or effective parole date, the top of the range of months to be served for the inmate's specific offense and salient factor score, using the Parole Commission guidelines.

#### § 570.32 Justification for furlough.

(a) The Warden may approve a furlough for an inmate:

- (1) To be present during a crisis in the immediate family, or in other urgent situations;
- (2) To participate in the development of release plans;
- (3) To reestablish family and community relationships;
- (4) To participate in selected educational, social, civic, religious, and recreational activities which will facilitate release transition;
- (5) To transfer directly to another institution or to a non-federal facility;
- (6) To appear in court in connection with a civil action;
- (7) To comply with an official request to appear before a grand jury, or to comply with a request from a legislative body or regulatory or licensing agency; or
- (8) To appear in a criminal court proceeding, but only when the use of a furlough is requested or recommended by the forum court or prosecuting attorney.

(b) The Warden may recommend a furlough for an inmate to obtain necessary medical/surgical/dental/psychiatric treatment not otherwise available. In addition to the recommendation of the Warden, a furlough of this nature requires the recommendation of the Chief Medical Officer (Chief of Health Programs). Approval for a furlough of this type occurs in one of the following ways:

- (1) Staff shall contact the regional office for approval when the cost of medical care is at the expense of the government. In case of medical emergency, staff may authorize a furlough for hospitalization and shall notify the regional office as soon after the emergency admission as possible.
- (2) When medical care expenditures are borne by the inmate, or other non-governmental source, the furlough request requires the approval of the Medical Director and the Assistant Di-

rector, Correctional Programs Division.

(c) The Warden may refer a request for a furlough in other situations through the Regional Director to the Assistant Director, Correctional Programs Division for approval.

#### § 570.33 Expenses of furlough.

(a) Except as provided in paragraph (b) of this section, the inmate or his family or another appropriate source the Warden may approve, shall bear all expenses of a furlough, including transportation, food, lodging and incidentals.

(b) The Government bears the expense of a furlough when the purpose of furlough is to obtain necessary medical or dental treatment not otherwise available, or to transfer an inmate to another correctional institution.

#### § 570.34 Eligibility requirements.

(a) The Warden may grant a furlough only to an inmate with community custody.

(b) The Warden may grant a furlough only to an inmate he judges to be physically and mentally capable of completing the furlough.

(c) The Warden may grant a furlough only to an inmate who has acted so responsibly as to promote reasonable assurance that he will fully comply with furlough requirements.

(d) The Warden shall determine the eligibility of an inmate for furlough in accord with the inmate's anticipated release date and the basis for his furlough request.

(1) The Warden may approve only emergency furloughs (family crisis or other urgent situation) for an inmate with more than two years remaining until his anticipated release date.

(2) The Warden may approve for day furlough an inmate with two years or less remaining until his anticipated release date.

(3) The Warden may approve for overnight furlough within the institution's commuting area an inmate with 18 months or less remaining until his anticipated release date.

(4) The Warden may approve for an overnight furlough outside the institution's commuting area an inmate with one year or less remaining until his anticipated release date. The Warden may normally approve a furlough in this category not more than once each 90 days.

(5) If the Warden approves a furlough outside these guidelines, he shall document his reasons by memorandum for placement in the inmate's central file.

#### § 570.35 Limitations on eligibility.

(a) The Warden may not grant a furlough to an inmate convicted of a seri-

ous crime, against the person and whose presence in the community could attract undue public attention, create unusual concern, or depreciate the seriousness of his offense, unless the Warden determines that the value of the furlough is greater than the attendant risk. If the Warden approves a furlough for such an inmate, the Warden shall place a statement of the reasons for this action in the inmate's central file.

(b) The Warden may approve a furlough for an inmate designated a Central Monitoring Case upon compliance with the requirements of this rule and the requirements of 524 Subpart C.

(c) Staff at a contract facility may approve a furlough for a sentenced inmate housed in the contract facility provided the requirements set forth in this rule are met. The Community Programs Officer is available to receive questions on these cases.

§ 570.36 Procedures.

(a) An inmate who meets the eligibility requirements of this rule may submit to staff an application for furlough.

(b) Before approving the application, staff shall verify that a furlough is indicated.

(c) Staff shall notify an inmate of the decision on the inmate's application for furlough. Where an application for furlough is denied, staff shall notify the inmate of the reasons for denial.

(d) Upon completion of an inmate's furlough, staff shall record in the inmate's central file anything unusual which occurred during the furlough.

§ 570.37 Violation of furlough.

An inmate who absconds from furlough or fails to meet any of the conditions of his furlough is deemed to be an escapee under federal law, 18 U.S.C. 4082, 751.

(1) Staff shall process as an escapee an inmate who absconds from furlough.

(2) Staff may take disciplinary action against an inmate who fails to comply with any of the conditions of his furlough.

Subpart D—Reimbursement by Participants of Community Employment Programs

§ 570.50 Authorization.

Under 18 U.S.C. 4082(c)(2) the Attorney General may require a participant in a community work program to pay appropriate and reasonable costs incidental to his confinement.

§ 570.51 Policy.

(a) A fully employed participant in a community work program shall pay a fixed charge of \$2.00 per calendar day into the U.S. Treasury in reimburse-

ment for services and supplies normally made available to inmates of federal institutions. Services and supplies may include, but are not limited to, lodging, meals taken at the residential facility, clothing, bedding, laundry, allowances and medical care, but excludes transportation to and from the inmate's place of work.

(b) The Center Director may impose an additional charge for transportation to and from the inmate's place of work.

(c) No charge is made during the inmate's first thirty calendar days of community employment.

(d) A Center Director may waive the fixed charge for an inmate after the first thirty days of employment upon demonstration of emergency or compelling reasons for doing so.

(e) A Center Director may waive the fixed charge for an inmate who lives away from the center as an integral part of his program.

(f) There is no charge to an inmate who works less than 4 hours a day.

(g) The fixed charge may be pro-rated to an inmate on layoff from employment.

(h) The fixed charge may be pro-rated to an inmate who works less than forty hours a week but more than 4 hours a day.

PART 571—RELEASE FROM CUSTODY

Subpart A—[Reserved]

Subpart B—Pre-Release Program

- Sec. 571.10 Purpose and scope.
- 571.11 Program responsibility.
- 571.12 General characteristics.

Subpart C-D—[Reserved]

Subpart E—Fines and costs

- 571.40 Purpose and scope.
- 571.41 Definitions.
- 571.42 Procedures relating to a committed fine.

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—Pre-Release Program

§ 571.10 Purpose and scope.

The Bureau of Prisons recognizes that an inmate's preparation for release begins as soon as he is committed to the institution. The Warden shall provide a Pre-Release Program to prepare an inmate for return to the community.

§ 571.11 Program responsibility.

The Warden shall delegate to a staff member the responsibility to:

- (a) Coordinate the Pre-Release Program for the entire institution;

(c) Establish outlines of inmate need areas; and

(e) Contact and schedule volunteers from the local community.

§ 571.12 General characteristics.

(a) Staff shall structure the Pre-Release Program to make extensive use of staff, inmate, and community resources.

(b) The institution staff shall strongly encourage and support an inmate's participation in a Pre-Release Program. Staff may require an inmate to participate in a specific number of Pre-Release sessions.

(c) The inmate who is approved for a Community Treatment Center shall participate in a specific number of programs sessions prior to actual placement in the Community Treatment Center.

(d) To assist in the release process, the Warden may, in accordance with Part 570 Subpart C, grant a furlough for release preparation purposes to an inmate.

(e) Staff shall help an inmate obtain proper identification (Social Security Card and any other documents needed to help an inmate establish himself in the community) prior to release.

Subpart C-D—[Reserved]

Subpart E—Fines and Costs

§ 571.40 Purpose and Scope.

When the court directs that an inmate remain confined until a fine or other penalty is paid, the Bureau of Prisons shall confine the inmate until he pays or arranges to pay the fine, unless the inmate qualifies for release under 18 USC 3569 as an indigent. If the inmate is indigent, the Warden may allow the inmate to take the oath of an indigent prisoner which states that the inmate has no money or assets exceeding \$20 with which to pay the fine. Prior to administering the oath, the Warden must make a finding that the inmate is indigent.

§ 571.41 Definitions.

(a) Committed Fine—a monetary penalty imposed, with the conditions of imprisonment until the fine is paid.

(b) Non-committed Fine—a fine with no condition of imprisonment.

(c) Costs of prosecution—monetary costs which the court may levy in addition to a penalty imposed.

Imposition of costs is similar in legal effect to imposition of a fine. The court may also impose costs with a condition of imprisonment.

§ 571.42 Procedures relating to a committed fine.

(a) Staff shall inform the inmate that there is a committed fine on file against him. Staff shall then impound

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the inmate's trust fund account until the fine is paid except—

(1) The inmate each month may spend an amount from the trust fund account to purchase items from the commissary, not exceeding the maximum monthly allowance authorized for such purchases;

(2) Staff may authorize withdrawals by the inmate from the trust fund account for emergency family or personal needs or for purposes of furlough.

(b) If the inmate pays the committed fine, or if staff verifies payment made prior to confinement, staff shall document payment in the appropriate file and release the inmate's trust fund account from impoundment.

(c) The Warden may not transfer to a contract Community Treatment Center or to a state institution an inmate against whom there is an unpaid committed fine on file.

(d) If an inmate has an unpaid committed fine prior to release, staff shall interview the inmate about intent to pay the fine and shall require the inmate to execute the appropriate form. The inmate may refuse to execute the form and may make a statement inconsistent with the options provided by the form, if that is his wish.

(e) Ninety days prior to probable release date, staff shall have the inmate who has not paid the committed fine complete the "Financial Statement of Debtor" form. Twenty-one days before the inmate's release date, staff shall interview him to review all completed forms and other documents relative to the unpaid fine.

(1) Staff shall advise an inmate not considered to be indigent to apply to the U.S. Magistrate in the district of confinement for disposition of the fine. If the U.S. Magistrate has not scheduled a hearing for the inmate within seven (7) days of the inmate's probable release date, staff shall contact the U.S. Magistrate to inquire about the status of the hearing and inform the inmate. The Warden may not release the inmate on the scheduled date of release without an order from the U.S. Magistrate.

(2) When the inmate's trust fund account balance is less than twenty dollars and the completed forms indicate that the inmate is indigent, staff shall conduct its own review of all available information and notify the Warden of their findings.

(3) When the Warden finds that the inmate is indigent, he shall advise the inmate and notify him that he will allow the inmate to take the oath of an indigent prisoner on the date of release: *Provided*, That no information to the contrary is found prior to release. Upon administering of the oath, the Warden may discharge the indi-

gent inmate in accordance with provisions of 18 USC 3569.

(f) Staff shall keep the U.S. Attorney, of the district in which the fine was imposed, informed on matters which relate to the inmate's fine. The Warden shall invite the U.S. Attorney to comment on the information provided.

## PART 572—PAROLE

## Subpart A-C—[Reserved]

## Subpart D—Parole and Mandatory Release Violator Reports

Sec.  
572.30 Purpose and scope.  
572.31 Procedures.

## Subpart E—Procedures for the Implementation of Section 4205(g) of the Parole Commission and Reorganization Act

572.40 Purpose and scope.  
572.41 Initiation of request.  
572.42 Approval of request.  
572.43 Denial of request.

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-C—[Reserved]

## Subpart D—Parole and Mandatory Release Violator Reports

## § 572.30 Purpose and scope.

The Bureau of Prisons provides the United States Parole Commission with a Violator Report for use at the revocation hearing of a parole or mandatory release violator, when that hearing is conducted in an institution of the Bureau of Prisons.

## § 572.31 Procedures.

Staff shall prepare the Violator to include the following information:

- (a) The inmate's original offense, sentence imposed, date and district;
- (b) Description of release procedure;
- (c) Alleged violation(s) of parole or mandatory release;
- (d) Inmate's comments concerning the alleged violation(s);
- (e) An outline of the inmate's activities while under supervision on parole and mandatory release; and
- (f) At the option of the inmate, statement of current release plans and available community resources.

## Subpart E—Procedures for the Implementation of Section 4205(g) of the Parole Commission and Reorganization Act

## § 572.40 Purpose and Scope.

Under 18 U.S.C. 4205 (g), a sentencing court, on motion of the Bureau of Prisons, may make an inmate immediately eligible for parole by reducing the minimum term of his sentence to time served. The Bureau utilizes Section 4205 (g) only in particularly meri-

torious or unusual circumstances which could not reasonably have been foreseen by the court at the time of sentencing. The section may be used, for example, if there is an extraordinary change in an inmate's personal or family situation or if an inmate becomes severely ill.

## § 572.41 Initiation of request.

(a) An inmate may submit a written request for a motion under 18 U.S.C. 4205 (g) to the Warden. In the request, the inmate shall relate the circumstances that he believes warrant his consideration under 18 U.S.C. 4205 (g). In addition, the inmate shall include the following information about himself in the request:

- (1) Offense,
- (2) Plea,
- (3) Length and date of sentence,
- (4) Name and location of sentencing court,
- (5) Date service of sentence began,
- (6) Parole eligibility date, and
- (7) Mandatory release date.

(b) The Bureau of Prisons processes a request made by another person on behalf of an inmate in the same manner as an inmate's request. Staff shall refer a request received at the Central Office or at a Regional Office to the Warden of the institution where the inmate is confined.

## § 572.42 Approval of request.

(a) The Bureau of Prisons makes a motion under 18 U.S.C. 4205 (g) only after review of the request by the Warden, the Regional Director, the General Counsel, the Medical Director or the Assistant Director, Correctional Programs Division, and with the approval of the Director, Bureau of Prisons.

(1) If the Warden upon an investigation of the inmate's request determines that the request has merit, he shall refer the matter in writing with his recommendation to the Regional Director.

(2) If the Regional Director determines that the requests warrants approval, he shall prepare a written recommendation and refer the matter to the Office of General Counsel.

(3) If the General Counsel determines that the request warrants approval, he shall solicit the opinion of either the Medical Director or the Assistant Director, Correctional Programs Divisions, depending upon the nature of the basis for the request. With this opinion, the General Counsel shall forward the entire matter to the Director, Bureau of Prisons, for final decision.

(4) If the Director, Bureau of Prisons, grants a request, he shall ask the U.S. Attorney in the district in which the inmate was sentenced to move the sentencing court on behalf of the



Bureau of Prisons to reduce the minimum term of the inmate's sentence to time served.

(b) Upon receipt of notice that the sentencing court has entered an order granting the motion under 18 U.S.C. 4205 (g), the Warden of the institution where the inmate is confined shall schedule the inmate for hearing on the earliest Parole Commission docket.

(c) In event of medical emergency certified by the physician of the institution where the inmate is confined, staff shall expedite the request at all levels.

§ 572.43 Denial of Request.

(a) When the Director, Bureau of Prisons, denies a request, he shall provide the inmate with written notice and a statement of reasons within 20 workdays after receipt of the referral from the Office of General Counsel. A denial by the Director constitutes a final administrative decision.

(b) When the inmate's requests for consideration under 18 U.S.C. 4205 (g) is denied by the General Counsel, this denial constitutes a final administrative decision.

(c) When the inmate's request is denied by the Warden or Regional Director, the inmate may appeal the denial through the Administrative Remedy Procedure (Rule 542, Subpart B).

NORMAN A. CARLSON,  
*Director, Federal Bureau  
of Prisons.*

JANUARY 8, 1979.

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