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Over the past several weeks, I have received numerous e-mails and calls from different individuals concerning federal halfway house placements that have been reduced significantly—or denied entirely—by the [Federal Bureau of Prisons](#) (“BOP”). What is going on? A variety of things, it seems.

I. Federal Halfway House – A Brief Overview

The BOP has long afforded inmates the opportunity to spend a portion of their final days of imprisonment in a federal halfway house. A few years back the BOP started calling federal halfway houses “Residential Re-Entry Centers,” or RRCs for short, but the name change did not materially affect the function of federal halfway houses—to provide a transitional period for prisoners releasing into the community. This transitional period allows prisoners to look for work, housing, and rebuild family/community ties

A. BOP’s Statutory Authority For Federal Halfway House Placements

The BOP’s authority to place inmates in a federal halfway house derives from two federal statutes:

- 18 U.S.C. 3621(b)
- 18 U.S.C. 3624(c)(1)

Section 3621(b) states, in relevant part, that:

The Bureau of Prisons shall designate the place of the prisoner’s imprisonment. The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted, that the Bureau determines to be appropriate and suitable.

Section 3624(c)(1) provides:

The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable

opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

B. There Is No Limit On How Long A Federal Prisoner Can Be Placed In A Halfway House Under 18 U.S.C. 3621(b)

There is a common misbelief that federal prisoners are limited to 12 months of federal halfway house placement. While in practice most federal prisoners are never approved for more than 12 months of placement, the BOP has the authority to designate a federal halfway house as a prisoner's place of imprisonment just like a Federal Correctional Institution or other BOP institution. This is because a federal halfway house is considered a "penal or correctional facility" within the meaning of 18 U.S.C. 3621(b). *Elwood v. Jeter*, 386 F.3d 842, 846-47 (8th Cir. 2004); *Goldings v. Winn*, 383 F.3d 17, 28-29 (1st Cir. 2004); *Levine v. Apker*, 455 F.3d 71, 82 (2d Cir. 2006).

The BOP recognizes this authority. In a November 14, 2008, memorandum entitled "[Inmate Requests for Transfer to Residential Reentry Centers](#)," BOP's former General Counsel, Kathleen Kenney, wrote that:

"Inmates are legally eligible to be placed in an RRC at any time during their prison sentence. Federal courts have made clear that RRCs are penal or correctional institutions within the meaning of applicable statutes. Staff cannot, therefore, automatically deny an inmate's request for transfer to a RRC. Rather, inmate requests for RRC placement must receive individualized consideration. In other words, staff cannot say that an inmate, whatever the circumstances, is automatically ineligible for transfer to a RRC. Rather, staff must first review the inmate's request on its individual merits, in accordance with policy, as explained in this guidance.

The memo further instructs BOP staff to consider requests for transfer to an RRC outside the normal pre-release time period "just as they would any other request for lower security transfer." Such transfer requests are to be taken up in conjunction with the next scheduled Program Review." However, the memo notes that an RRC transfer of this nature should not be approved unless "unusual or extraordinary" circumstances are present. What "unusual or extraordinary" means is left to the BOP's discretion.

C. BOP's "Pre-Release" Authority Under 18 U.S.C. 3624(c)(1) Allows The BOP To Place A Prisoner In A Federal Halfway House For Up To 12 Months

Most federal halfway house placements are made pursuant to the BOP's authority under 18 U.S.C. 3624(c)(1). That statute allows the BOP to place prisoners in a federal halfway house for up to 12 months for "pre-release" reasons.

Since the enactment of the Second Chance Act in 2008, the BOP has developed a series of guidance memoranda about how to apply section 3624(c)(1). [BOP's first Second](#)

[Chance Act memo about federal halfway house placements was issued April 14, 2008. A second RRC guidance memorandum was published June 24, 2010.](#) And a third was released May 24, 2013.

The May 24, 2013, memorandum is entitled “[Guidance for Home Confinement and Residential Reentry Center Placements,](#)” and was issued by Blake R. Davis, Assistant Director of the Correctional Programs Division (who has since retired). Because the May 24, 2013, memorandum is over four years old, I called the BOP Central Office in October 2017 to find out if a newer memo had been issued. After much back and forth, I was finally able to speak with Ms. Tracy Rivers in the Central Office who advised that there was “no newer memo.”

The May 24, 2013, memorandum is very specific about how federal halfway house placements should be handled. Generally speaking, though, the memorandum instructs BOP staff to conduct individualized federal halfway house placement decisions. The memo treats prisoners with longer sentences and *fewer* community ties as better candidates for longer federal halfway house placements. By contrast, “low risk” prisoners with a job and home to go should be sent to home confinement in lieu of federal halfway house placement, according to the memo.

Importantly, only the Warden may approve modifications to the length or type of placement. As the memo states:

If the RRM determines a modification to a referral is needed or that other placement options are available (such as direct home confinement for an inmate with low needs/risk or placement in a work release program for a higher security inmate), the change must be approved by the Warden. The RRM will contact the referring institution's CMC and request the recommended modification be considered. The CMC will facilitate the Warden's review of the request and advise the RRM accordingly. Modifications can occur with the Warden's consent.

D. Federal Prisoners May Be Placed On Home Confinement For The Last Ten Percent Of Their Sentence, Or Six Months, Whichever Is Less

By statute federal prisoners may be placed on home confinement for ten percent of their sentence, or six months, whichever is less. 18 U.S.C. 3624(c)(2). Thus, six months represents the upper limit on the length of home confinement placement when the sentence is five years or more. When a sentence is less than five years, the maximum amount of home confinement is ten percent of the total sentence.

The BOP's May 24, 2013, memorandum also provides guidance on how BOP staff should handle home confinement placements. According to the memo:

For low need/low risk inmates, home confinement is the preferred pre-release option. This option is currently under-utilized. Program Statement 7320.01, Home Confinement, states supervision under home confinement may be provided by contract halfway house services, U.S. Probation or other government agencies.

This is normally accomplished via two home confinement options: placement under the supervision of an RRC or placement in the Federal Location Monitoring (FLM) program operated by U.S. Probation, where available. We must make a concerted effort to utilize these effective community placement options for appropriate inmates. In addition to reintegrating inmates more quickly into their communities, maximizing the use of home confinement for appropriate inmates will help mitigate our critical population/capacity issues.

The basic criteria for home confinement includes:

- 1) Appropriate release residence (e.g., positive environment free from criminal/drug use activity and a reasonable distance from the RRC, typically less than 100 miles);
- 2) No recent major disciplinary issues. This should be based on sound correctional judgment;
- 3) Any medical or mental health needs that can be met in the community and funded by the inmate or other documented resources, and
- 4) Secured employment is not required for placement on home confinement.

Placement should occur as close to the home confinement eligibility date as possible.

II. Why The BOP Is Reducing Or Cancelling Federal Halfway House Placements

The reduction and/or cancellation of federal halfway house placements began in the summer of 2017. The cancellations were prompted by the closure of 16 federal halfway houses which were previously under contract with the BOP. Each of these federal halfway houses had 25 or fewer beds. Justin Long, a spokesperson for the BOP, told Reuters news service that the BOP "had to make some modifications to our programs due to our fiscal environment."

I have not yet obtained the complete list of federal halfway houses that were closed. But I believe these 11 are on the list:

Wheeling, WV
Binghamton, NY
Durham, NC
Ashland, KY
Dayton, OH
Akron, OH
Columbia, MD

Duluth, MN
Madison, WI
Mitchell, SD
Colorado Springs, CO

Apart from the closure of these federal halfway houses, though, it appears that, long "pre-release" federal halfway house placements will become the exception, rather than the norm, under the new administration.

III. What You Can Do If Your Federal Halfway House Time Was Cut

If you, or a loved one, were originally approved for a certain amount of halfway house--only to have that original release date stripped away--you have a few options.

1. Challenge the change in placement through the BOP's Administrative Remedy Program. These reductions do not appear to be consistent with the BOP's guidance memoranda. The approval of a prisoner for a particular date represents the BOP's judgment that the prisoner needs that amount of time in a federal halfway house. To the extent the BOP truly cannot place a prisoner in a halfway house on his or her originally scheduled date, the BOP should work with the U.S. Probation Officer to place those affected prisoners on Federal Location Monitoring.
2. Have your friend or loved one contact the BOP Residential Re-Entry Manager.
3. Contact your U.S. Representative and U.S. Senator in the state of your residence. You can request constituent service for something like this.
4. Litigation - while always an option there are many hurdles to challenging a reduced federal halfway house placement. And with the exhaustion of remedies requirement, the BOP very well may run out the clock on you through that process before you are released.

IV. Download A Copy Of This Article

If you would like to send a copy of this article to a friend or loved on in federal prison, you can download it here:

Attorney Brandon Sample's Residential Re-Entry Center Tips



U.S. Department of Justice

Federal Bureau of Prisons

Washington, D.C. 20534

November 14, 2008

MEMORANDUM FOR CHIEF EXECUTIVE OFFICERS

FROM:

Kathleen M. Kenney
Kathleen M. Kenney
Assistant Director/General Counsel

Joyce K. Conley
Joyce K. Conley, Assistant Director
Correctional Programs Division

SUBJECT: Inmate Requests for Transfer to Residential
Reentry Centers

This memorandum provides guidance to Bureau of Prisons (Bureau) staff for considering and responding to inmate requests for transfer to Residential Reentry Centers (RRCs), when more than 12-months remain from their projected release date.¹ Questions regarding this guidance should be directed to the Correctional Programs Branch, and/or your Regional Counsel or Consolidated Legal Center.

Individualized Consideration Required

Inmates are legally eligible to be placed in an RRC at any time during their prison sentence. Federal Courts have made clear that RRCs are penal or correctional facilities within the meaning of the applicable statutes. Staff cannot, therefore, automatically deny an inmate's request for transfer to a RRC. Rather, inmate requests for RRC placement must receive

¹ Previous guidance titled Pre-Release Residential Re-Entry Center Placements Following the Second Chance Act of 2007, was issued April 14, 2008, and remains in full effect. That guidance instructs staff how to review inmates for pre-release RRC placement during their last 12-months of incarceration. A copy of that guidance is included with this memorandum as an attachment. Regulations relating to that guidance were issued on October 21, 2008, and are located at 28 C.F.R. § 570.20 thru 570.22 (73 FR 62440).

individualized consideration. In other words, staff cannot say that an inmate, whatever the circumstances, is automatically ineligible for transfer to a RRC. Rather, staff must first review the inmate's request on its individual merits, in accordance with policy, and as explained in this guidance.

Timing of Reviews

If an inmate requests transfer to an RRC prior to the pre-release time frame of 12-months from release, staff must individually consider the request, just as they would any other request for lower security transfer. There is no need, however, to immediately perform the individualized review at the moment it is submitted. Rather, the inmate should be informed that his/her request will be fully reviewed in conjunction with the next scheduled Program Review.²

When informing inmates of the timing for review of transfer requests, it is vitally important that staff not inform the inmate (either orally or in writing) that he/she is ineligible for transfer to a RRC. Telling an inmate that he/she is ineligible for RRC placement is the same as automatically denying the inmate from even being considered for such placement, and is not in accord with Bureau policy.

Designation Review Factors and Policy

At the scheduled Program Review meeting where the inmate's RRC transfer request is considered, staff should review:

- (1) the resources of the facility contemplated;
- (2) the nature and circumstances of the offense;
- (3) the history and characteristics of the prisoner;
- (4) any statement by the court that imposed the sentence-
 - (A) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or
 - (B) recommending a type of penal or correctional facility as appropriate; and
- (5) any pertinent policy statement issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28.

These "five factors" are the foundation of Bureau Program Statement No. 5100.08, Inmate Security Designation and Custody Classification. That policy instructs that "[e]ach inmate will

² Inmate grievances claiming the current facility designation is "inappropriate," and seeking a different or lower security level (or RRC) placement should be responded to in this fashion as well.

be placed in a facility commensurate with their security and program needs through an objective and consistent system of classification which also allows staff to exercise their professional judgement."

Staff should also consider the resources of available RRCs, which are procured by the Bureau primarily to assist inmates in reintegrating into the community during the last 12-months of the prison sentence. As stated in Bureau Program Statement No. 7310.04, Community Corrections Center (CCC) Utilization and Transfer Procedures,³ RRCs provide a "transitional environment for inmates nearing the end of their sentences." The level of structure and supervision available at these facilities is designed to assure accountability, provide program opportunities in employment counseling and placement, substance abuse, and aid inmates in acquiring daily life skills so as to successfully reintegrate into the community at large. An RRC placement beyond six months should only occur when there are unusual or extraordinary circumstances justifying such placement, and the Regional Director concurs.

Inform the Inmate of the Decision

If staff determine, in the exercise of their professional judgement and after individualized review, that the inmate's current designation is commensurate with his/her security and programming needs, the inmate will be informed that the current designation is appropriate, and that the transfer request is denied. The inmate can further be specifically informed, based on that assessment, that a requested transfer to an RRC is inappropriate.

If staff determine the inmate is appropriate for a RRC transfer, the unit team should request a transfer pursuant to the April 14, 2008 guidance. As indicated therein, RRC transfers for more than the last six months of the inmate's prison sentence require the Regional Director's concurrence.

Attachment

³ Although this policy uses the term "Community Corrections Centers," that term was changed to "Residential Reentry Centers" by memorandum dated March 31, 2006, by John M. Vanyur, Assistant Director, Correctional Programs Division. The change was made to provide "a clearer description of the programs and services being offered" in such facilities.



U.S. Department of Justice

Federal Bureau of Prisons

Washington, D.C. 20534

April 14, 2008

MEMORANDUM FOR CHIEF EXECUTIVE OFFICERS

FROM:

Joyce K. Conley
Joyce K. Conley, Assistant Director
Correctional Programs Division

Kathleen M. Kenney
Kathleen M. Kenney
Assistant Director/General Counsel

SUBJECT: Pre-Release Residential Re-Entry Center Placements
Following the Second Chance Act of 2007

The Second Chance Act of 2007 (hereinafter referred to as "the Act"), Pub. L. No. 110-199, was signed into law April 9, 2008. Among its many provisions, the Act changes the Federal Bureau of Prisons' (Bureau) statutory authorities for making pre-release Residential Re-Entry Center (RRC) placement decisions.¹ This memorandum provides staff guidance for implementing those changes. Guidance regarding other Bureau policies affected by the Act will be issued, as necessary, under separate cover.

If necessary, further assistance should be sought from your regional Correctional Programs, Community Corrections, and Regional Counsel or Consolidated Legal Center offices.

¹ For your convenience, copies of 18 U.S.C. §§ 3621 and 3624(c), as amended by the Act, are included with this memorandum as attachments. Additionally, for your convenience, these copies illustrate the previous text as ~~strikeout~~, and the new text as redline.

I. What are the statutory changes to RRC placement authorities?

As interpreted by the Office of General Counsel, the Act's statutory changes affect the Bureau's RRC placement procedures as follows:

- (A) Pre-Release RRC Placement Timeframe Increased to 12 Months -** The pre-release RRC placement timeframe is increased to a maximum allowable 12 months. There is no percentage of "term to be served" limitation. See 18 U.S.C. § 3624(c) (1) (amended).²
- (B) Individualized Placement Decisions Required -** The Act requires that pre-release RRC placement decisions be made on an individual basis in every inmate's case, according to new criteria in the Act, as well as the criteria in 18 U.S.C. § 3621(b). See 18 U.S.C. § 3624(c) (6) (amended). As a result, the Bureau's categorical timeframe limitations on pre-release community confinement, found at 28 C.F.R. §§ 570.20 and 570.21, are no longer applicable, and must no longer be followed.³
- (C) Court Recommendations Lack Binding Effect -** The Act provides that a sentencing court order, recommendation, or request directing an inmate's placement in an RRC lacks binding effect. See 18 U.S.C. § 3621(b) (amended). As a result, the Bureau is not required to follow such a directive.⁴

II. What procedures should staff use in making pre-release RRC decisions?

With minor adjustments (explained in the next section), staff should make inmates' pre-release RRC placement decisions on an individual basis using current Bureau policy, Program Statement No. 7310.04, Community Corrections Center (CCC) Utilization and Transfer Procedure (12/16/1998) (hereinafter referred to as

² The pre-release home confinement timeframe remains at a maximum six months, or ten percent of the term of imprisonment of that prisoner, whichever is shorter. See 18 U.S.C. § 3624(c) (2) (amended).

³ The Act requires the Bureau to issue new federal regulations regarding pre-release RRC placements. The federal regulation process (rulemaking) will take several months to complete. Bureau staff will be informed as soon as new regulations take effect.

⁴ Sentencing court recommendations for a particular type institution, however, remain a factor to be considered when making pre-release RRC placement decisions. See, infra, Section III.(C) (4).

PS 7310.04). As indicated in Section I.(B) above, the Bureau's categorical timeframe limitations on pre-release community confinement, found at 28 C.F.R. §§ 570.20 and 570.21, are no longer applicable, and must no longer be followed. Similarly, any previous guidance memorandums that were issued regarding those regulations are no longer applicable, and must no longer be followed.

III. What procedural adjustments to current policy are required?

Staff must comply with PS 7310.04 in considering inmates for pre-release RRC placements, with the following adjustments:

- (A) **Disregard Section 5, Statutory Authority** - Because the Act amends the Bureau's statutory authorities related to pre-release RRC placements, the quoted passages in Section 5 of PS 7310.04 must be disregarded. Instead, if needed, refer to the amended versions included with this memorandum as attachments.
- (B) **Review Inmates for Pre-Release RRC Placements 17-19 Months Before Projected Release Dates** - Because the Act increases the maximum available pre-release RRC placement timeframe to 12 months, Bureau staff must review inmates for pre-release RRC placements earlier than provided in PS 7310.04. Specifically, inmates must now be reviewed for pre-release RRC placements **17-19 months** before their projected release dates.
- (C) **Criteria for Pre-Release RRC Placements** - The Act requires that inmates be individually considered for pre-release RRC placements using the following five-factor criteria from 18 U.S.C. § 3621(b):
 - (1) The resources of the facility contemplated;
 - (2) The nature and circumstances of the offense;
 - (3) The history and characteristics of the prisoner;
 - (4) Any statement by the court that imposed the sentence:
 - (a) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or
 - (b) recommending a type of penal or correctional facility as appropriate; and
 - (5) Any pertinent policy statement issued by the U.S. Sentencing Commission.⁵

⁵ As of this memorandum's date, the U.S. Sentencing Commission has not issued any policy statements related to the Bureau's pre-release RRC placement procedures.

Assessing inmates under the above criteria necessarily includes continuing to consider the more specific, and familiar, correctional management criteria found in PS 7310.04, including, but not limited to, the inmate's needs for services, public safety, and the necessity of the Bureau to manage its inmate population responsibly. In doing so, staff must not view any of the criteria listed in PS 7310.04, especially Sections 9 and 10, or any other policy, as automatically precluding an inmate's pre-release RRC placement. Rather, in accordance with the Act, each individual inmate's pre-release RRC decision must be analyzed and supported under the five-factor criteria.

Additionally, the Act requires staff to ensure that each pre-release RRC placement decision is "of sufficient duration to provide the greatest likelihood of successful reintegration into the community." See 18 U.S.C. § 3624(c)(6)(C) (amended). This means Bureau staff must approach every individual inmate's assessment with the understanding that he/she is now eligible for a maximum of 12 months pre-release RRC placement. Provisions in PS 7310.04 that reflect any other possible maximum timeframe must be ignored.

- (D) Regional Director Approval Required for Pre-Release RRC Placement Beyond Six Months** - While the Act makes inmates eligible for a maximum of 12 months pre-release RRC placements, Bureau experience reflects inmates' pre-release RRC needs can usually be accommodated by a placement of six months or less. Should staff determine an inmate's pre-release RRC placement may require greater than six months, the Warden must obtain the Regional Director's written concurrence before submitting the placement to the Community Corrections Manager.

IV. Does the Act apply to inmates whose RRC decisions have already been made?

Yes. Inmates previously reviewed for pre-release RRC placements under any circumstances, and not yet transferred to an RRC, must be reconsidered utilizing the standards set forth in this guidance memorandum, whereby they are eligible for a maximum of 12 months placement. These reviews must be conducted by the classification team and documented on the Inmate Activity record (BP-A381.058).

Any inmate whose Program Review is scheduled at a time when consideration for a 12 month RRC placement is not feasible, will need to be reviewed and documented as indicated above.

§ 3621. Imprisonment of a convicted person (as amended by the Second Chance Act of 2007, Pub. L. No. 110-199, April 9, 2008).

(a) Commitment to custody of Bureau of Prisons.--A person who has been sentenced to a term of imprisonment pursuant to the provisions of subchapter D of chapter 227 shall be committed to the custody of the Bureau of Prisons until the expiration of the term imposed, or until earlier released for satisfactory behavior pursuant to the provisions of section 3624.

(b) Place of imprisonment.--The Bureau of Prisons shall designate the place of the prisoner's imprisonment. The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted, that the Bureau determines to be appropriate and suitable, considering--

- (1) the resources of the facility contemplated;
- (2) the nature and circumstances of the offense;
- (3) the history and characteristics of the prisoner;
- (4) any statement by the court that imposed the sentence--

(A) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or

(B) recommending a type of penal or correctional facility as appropriate; and

(5) any pertinent policy statement issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28.

In designating the place of imprisonment or making transfers under this subsection, there shall be no favoritism given to prisoners of high social or economic status. The Bureau may at any time, having regard for the same matters, direct the transfer of a prisoner from one penal or correctional facility to another. The Bureau shall make available appropriate substance abuse treatment for each prisoner the Bureau determines has a treatable condition of substance addiction or abuse. Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person.

(c) Delivery of order of commitment.--When a prisoner, pursuant to a court order, is placed in the custody of a person in charge of a penal or correctional facility, a copy of the order shall be delivered to such person as evidence of this authority to hold the prisoner, and the original order, with the return endorsed thereon, shall be returned to the court that issued it.

(d) Delivery of prisoner for court appearances.--The United States marshal shall, without charge, bring a prisoner into court or return him to a prison facility on

order of a court of the United States or on written request of an attorney for the Government.

(e) Substance abuse treatment.--

(1) Phase-in.--In order to carry out the requirement of the last sentence of subsection (b) of this section, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall, subject to the availability of appropriations, provide residential substance abuse treatment (and make arrangements for appropriate aftercare)--

(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1995, with priority for such treatment accorded based on an eligible prisoner's proximity to release date;

(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1996, with priority for such treatment accorded based on an eligible prisoner's proximity to release date; and

(C) for all eligible prisoners by the end of fiscal year 1997 and thereafter, with priority for such treatment accorded based on an eligible prisoner's proximity to release date.

(2) Incentive for prisoners' successful completion of treatment program.--

(A) Generally.--Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under paragraph (1) of this subsection, shall

remain in the custody of the Bureau under such conditions as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for substance abuse and discontinue such conditions on determining that substance abuse has recurred.

(B) Period of custody.--The period a prisoner convicted of a nonviolent offense remains in custody after successfully completing a treatment program may be reduced by the Bureau of Prisons, but such reduction may not be more than one year from the term the prisoner must otherwise serve.

(3) Report.--The Bureau of Prisons shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives on January 1, 1995, and on January 1 of each year thereafter, a report. Such report shall contain--

(A) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

(B) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

(C) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

(4) Authorization of appropriations.--There are authorized to carry out this

subsection such sums as may be necessary for each of fiscal years 2007 through 2011.

(5) Definitions.--As used in this subsection--

(A) the term "residential substance abuse treatment" ~~means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population--~~

~~(i) directed at the substance abuse problems of the prisoner;~~

~~(ii) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems; and~~

~~(iii) which may include the use of pharmacotherapies [FNI], if appropriate, that may extend beyond the treatment period; means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population (which may include the use of pharmacotherapies, where appropriate, that may extend beyond the 6-month period);~~

(B) the term "eligible prisoner" means a prisoner who is--

(i) determined by the Bureau of Prisons to have a substance abuse problem; and

(ii) willing to participate in a residential substance abuse treatment program; and

(C) the term "aftercare" means placement, case management and

monitoring of the participant in a community-based substance abuse treatment program when the participant leaves the custody of the Bureau of Prisons.

(6) Coordination of Federal assistance.--The Bureau of Prisons shall consult with the Department of Health and Human Services concerning substance abuse treatment and related services and the incorporation of applicable components of existing comprehensive approaches including relapse prevention and aftercare services.

(f) Sex offender management.--

(1) In general.--The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

(A) Sex offender management programs.--The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

(B) Residential sex offender treatment programs.--The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

(2) Regions.--At least 1 sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

(3) Authorization of appropriations.--There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.

(g) CONTINUED ACCESS TO MEDICAL CARE.--

(1) IN GENERAL.--In order to ensure a minimum standard of health and habitability, the Bureau of Prisons should ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine through partnerships with local health service providers and transition planning.

(2) DEFINITION.--In this subsection, the term "community confinement" has the meaning given that term in the application notes under section 5F1.1 of the Federal Sentencing Guidelines Manual, as in effect on the date of the enactment of the Second Chance Act of 2007.

[BOP Editor's Note: The definition of "community confinement" provided in the application notes under U.S.S.G. § 5F1.1 on April 9, 2008, is as follows:

"'Community confinement' means residence in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community facility; and participation in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during non-residential hours."}]

§ 3624. Release of a prisoner
(as amended by the Second Chance
Act of 2007, Pub. L. No. 110-199,
April 9, 2008).

* * *

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

(c) PRERELEASE CUSTODY.—

(1) IN GENERAL.—The Director of the
Bureau of Prisons shall, to the
extent practicable, ensure that a
prisoner serving a term of
imprisonment spends a portion of
the final months of that term (not
to exceed 12 months), under
conditions that will afford that
prisoner a reasonable opportunity
to adjust to and prepare for the
reentry of that prisoner into the
community. Such conditions may
include a community correctional
facility.

(2) HOME CONFINEMENT AUTHORITY.—The
authority under this subsection may
be used to place a prisoner in home
confinement for the shorter of 10
percent of the term of imprisonment
of that prisoner or 6 months.

(3) ASSISTANCE.—The United States
Probation System shall, to the
extent practicable, offer
assistance to a prisoner during
prerelease custody under this
subsection.

(4) NO LIMITATIONS.—Nothing in this
subsection shall be construed to
limit or restrict the authority of
the Director of the Bureau of
Prisons under section 3621.

(5) REPORTING.—Not later than 1
year after the date of the
enactment of the Second Chance Act
of 2007 (and every year
thereafter), the Director of the
Bureau of Prisons shall transmit to
the Committee on the Judiciary of
the Senate and the Committee on the
Judiciary of the House of
Representatives a report describing
the Bureau's utilization of
community corrections facilities.
Each report under this paragraph
shall set forth the number and
percentage of Federal prisoners
placed in community corrections
facilities during the preceding
year, the average length of such
placements, trends in such
utilization, the reasons some
prisoners are not placed in
community corrections facilities,
and any other information that may
be useful to the committees in
determining if the Bureau is
utilizing community corrections
facilities in an effective manner.

(6) ISSUANCE OF REGULATIONS.—The
Director of the Bureau of Prisons
shall issue regulations pursuant to
this subsection not later than 90
days after the date of the
enactment of the Second Chance Act
of 2007, which shall ensure that

placement in a community
correctional facility by the Bureau
of Prisons is-

(A) conducted in a manner
consistent with section 3621(b) of
this title;

(B) determined on an individual
basis; and

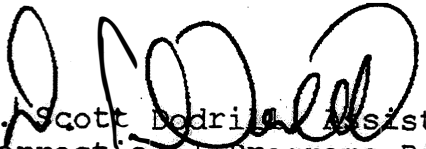
(C) of sufficient duration to
provide the greatest likelihood
of successful reintegration into
the community.



Washington, DC 20534

June 24, 2010

MEMORANDUM FOR CHIEF EXECUTIVE OFFICERS

FROM:  D. Scott Dodrill, Assistant Director
Correctional Programs Division

SUBJECT: Revised Guidance for Residential Reentry Center
(RRC) Placements

This memorandum provides guidance to staff when making inmates' pre-release Residential Reentry Center (RRC) placement decisions. Assessment and decision-making practices are to focus on RRC placement as a mechanism to reduce recidivism. Recidivism reduction results in cost efficiencies, less victimization, and safer communities.

Our RRC resources are limited and must be focused on those inmates most likely to benefit from them in terms of anticipated recidivism reduction. In other words, our decisions are to be based on an assessment of the inmate's risk of recidivism and our expectation that RRC placement will reduce that risk. Our strategy is to focus on inmates who are at higher risk of recidivating and who have established a record of programming during incarceration, so that pre-release RRC placements will be as productive and successful as possible.

As Chief Executive Officers, you play a vital role in implementing the Bureau of Prisons' (Bureau) reentry strategy, including RRC utilization. This guidance will assist you in making RRC placement decisions.

GENERAL CONCEPTS - The following general concepts apply to all RRC placement assessments and decision-making:

Eligibility vs. Appropriateness - When making RRC placement determinations, it is critical that staff understand the difference between eligibility and appropriateness. All inmates are statutorily eligible for up to 12 months pre-release RRC

placement. Nevertheless, not all inmates are appropriate for RRC placement, and for those who are appropriate, the length of the RRC placement must be determined on an individual basis in accordance with this guidance.

Individual Assessments Required - Inmates must continue to be individually assessed for their appropriateness for and the length of pre-release RRC placements using the following five factors from 18 U.S.C. § 3621(b):

- (1) The resources of the facility contemplated;
- (2) The nature and circumstances of the offense;
- (3) The history and characteristics of the prisoner;
- (4) Any statement by the court that imposed the sentence:
 - (a) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or
 - (b) recommending a type of penal or correctional facility as appropriate; and
- (5) Any pertinent policy statement issued by the U.S. Sentencing Commission.

These individual assessments occur as part of the inmate classification and program review process, with the unit manager holding decision-making responsibility at the unit level. Institution- or region-specific parameters for RRC placement decision-making are prohibited.

RRC Placements of More Than Six Months - Regional Director approval of RRC placements longer than six months is no longer required.

Residential Drug Abuse Program Graduates - Inmates who successfully complete the institution-based portion of the Residential Drug Abuse Program (RDAP) will continue to be assessed for pre-release RRC placements according to the guidance in the Psychology Treatment Programs policy.

Coordination Between Institution Staff and Community Corrections Management Staff - Community Corrections Management (CCM) staff must continue to review referral documents and other pertinent information for every RRC referral. If CCM staff question the appropriateness of the referral or the length of the requested placement, they must communicate these concerns to the referring institution. Differing recommendations will be resolved at the appropriate level within the regional management structure. Under no circumstances should CCM staff unilaterally deny RRC referrals or adjust placement dates, unless these determinations can be linked directly to a lack of RRC bedspace or fiscal resources.

Medical and Mental Health Concerns - When considering RRC placement for inmates with significant medical or mental health conditions, institution staff are strongly encouraged to coordinate release planning with CCM staff and Transitional Drug Abuse Treatment staff (for mental health concerns). If an inmate's condition precludes residential placement in an RRC, and if staff can make appropriate arrangements to secure the community-based medical and/or mental health services these inmates will need, direct placement on home detention should be considered.

Inmates Who Decline RRC Placement - If an institution recommends release through a community-based program and the inmate declines, institution staff should counsel the inmate as to the benefits of a structured reentry program. However, if the inmate continues to decline this opportunity, she/he may do so without being subject to disciplinary action.

Inmates Who are Inappropriate for RRC Placement - Inmates who, during incarceration, have refused programming or failed to engage in activities that prepare them for reentry may be inappropriate for RRC placement. Similarly, inmates with recent, serious, or chronic misconduct and those who have previously failed an RRC program may be inappropriate.

RRCs provide opportunities for inmates to acquire the support systems, e.g., residence, employment, follow-up treatment, they will need to live a crime-free life, but inmates must be ready to take advantage of these opportunities. If they have clearly demonstrated through their behavior that they are not ready, RRC programming is unlikely to result in behavioral change and would be a waste of the Bureau's resources, as well as place the public at undue risk.

Professional judgment must be exercised, insofar as inmates with some misconduct, or some refusal to participate in programming, may still be appropriate for RRC placement. Staff must exercise their discretion in determining whether an inmate is ready to take advantage of the opportunities and expanded liberty that RRCs offer.

If staff decide not to refer an inmate for RRC placement, the inmate's release should be carefully coordinated with U.S. Probation or Court Services and Offender Supervision Agency (DC Code inmates).

Professional Judgment - RRC placement, in and of itself, is not a reward for good institutional behavior, nor is it an early release program or a substitute for the furlough program. RRC placement and length of placement decisions cannot be reduced solely to a classification score or any other type of arbitrary categorization. While staff assessment and analysis of tools such as the Custody Classification Form (BP-338) and the Inmate Skills Development (ISD) Plan are helpful in establishing broad-based groupings, staff must continue to exercise their professional judgment when making individual inmate RRC placement decisions and be prepared to justify those decisions.

LENGTH OF RRC PLACEMENT

General Guidelines

- **Prospective Application** - Inmates with previously established RRC transfer dates will not be reconsidered under this guidance.
- **90 Days Minimum Placement** - With the exception noted below under the heading of Lower-Risk Inmates, inmates should be considered for at least 90 days pre-release RRC placement whenever possible.
- **High-Risk Versus Low-Risk Inmates** - RRCs are most effective, in terms of recidivism reduction, for inmates at higher risk for recidivism. Consequently, appropriate higher-risk inmates should be considered for longer RRC placements than lower-risk inmates. The BP-338 measures some of the factors that predict risk. Ordinarily, the lower the BP-338 score, the lower the risk; conversely, the higher the score, the higher the risk. Therefore, low-, medium-, and high-security inmates tend to be higher risk than minimum-security inmates.

Similarly, the ISD tool identifies deficits that may contribute to recidivism. Inmates with a significant number of deficits may be at higher risk for recidivism than those with few or no deficits. When making RRC placement decisions, staff should ensure that the BP-338 and ISD Assessment have been accurately completed. While neither tool can be relied upon solely, they are helpful tools in assessing an inmate's risk level.

Lower-Risk Inmates

- **Consider Home Detention Option** - With the exception of RDAP graduates, institution staff will evaluate minimum-security inmates who have an approved release residence to determine if direct transfer from an institution to home detention is appropriate. If so, this determination will be noted in item 11 of the Institutional Referral for RRC Placement form, and the requested placement date (item 3.b.) will be the inmate's home detention eligibility date. These procedures are to be followed even if this results in a community-based placement of fewer than 90 days.
- If a minimum-security inmate is not appropriate for direct placement on home detention, staff will request an RRC placement of sufficient length to address the inmate's reentry needs.
- CCM staff are to ensure that procedures are in place for the direct placement of inmates on home detention, or after only a brief stay (14 days or less) in an RRC. At a minimum, CCM staff must monitor their minimum-security population weekly and follow up with RRC contractors to ascertain why eligible minimum-security inmates have not been referred for placement on home detention.

Higher-Risk Inmates - As previously stated, in terms of recidivism reduction, inmates at higher risk for recidivism stand to benefit most from RRC services. When considering the length of the RRC placement for higher-risk inmates, staff should consider the following:

- **History of Individual Change** - Assess whether the inmate's history of individual positive change during incarceration indicates an ability and willingness to take advantage of opportunities for positive reintegration to the community. Based on that history, staff must predict whether the inmate is likely to respond positively to the highly structured regimen of an RRC, and whether the inmate will avail her/himself of the available RRC opportunities.
- **History of Program Participation** - Assess the inmate's history of successful completion of, or participation in, available programming opportunities during incarceration, including programming which addresses the deficits identified through the ISD System. In particular, determine whether the inmate completed or made satisfactory progress toward completing a program shown to reduce recidivism, such

as any of the cognitive/behavioral treatment programs described in the Psychology Treatment Programs Program Statement, as well as academic and vocational training programs.

- **Inmate's Community Support Systems** - Assess the inmate's available community support systems, e.g., housing, employment, etc.
- **Length of RRC Placement** - Longer RRC placements should be considered for inmates whose following factors are high:
 - Risk for recidivism;
 - Demonstrated successful participation in or completion of programming opportunities; and
 - Need to establish community support systems.

Your assistance in implementing these procedures is appreciated. I look forward to working with you as we seek to effectively utilize the Bureau's limited RRC resources.



U.S. Department of Justice

Federal Bureau of Prisons

Washington, D.C. 20534

MAY 24 2013

MEMORANDUM FOR REGIONAL DIRECTORS
WARDENS
RESIDENTIAL REENTRY MANAGERS

A handwritten signature in black ink, appearing to read "B.R. Davis", is positioned above the "FROM:" line.

FROM: Blake R. Davis, Assistant Director
Correctional Programs Division

SUBJECT: Guidance for Home Confinement and Residential
Reentry Center Placements

This memorandum is a compilation of previous guidance memoranda, policy, and practices regarding home confinement and Residential Reentry Center (RRC) placement decisions, as they relate to current policy, practice, and changes which were necessitated by the passage of the Second Chance Act of 2007. The intent of this memorandum is to reemphasize and clarify established policies and practices to facilitate effective community placements.

I. GUIDING PRINCIPLES FOR EFFECTIVE COMMUNITY PLACEMENTS

The Bureau's RRC resources continue to be limited and must be focused on those inmates with the greatest need and the highest risk of recidivism. Program Statement 7310.04, Community Corrections Center Utilization and Transfer Procedures, requires that RRC placements be made based on assessments of inmate needs for services, public safety, and the necessity of the Bureau to manage its inmate population responsibly. The Second Chance Act emphasizes the requirement that all inmates are eligible for pre-release RRC placement consideration and are to be assessed on an individual basis.

An individual inmate assessment is the primary means by which we determine an inmate's need and risk level. Research indicates that inmates with low needs and a low risk of recidivating who are placed in an RRC do not benefit from the placement and could become more likely to recidivate than if they received no placement.

In accordance with the Bureau's mission to ensure public safety, each inmate must be thoroughly evaluated based upon their need for reentry services, as well as perceived risk for recidivism and risk to the community. This was previously outlined in the June 24, 2010, memorandum "Revised Guidance for Residential Reentry Center Placements," and the April 14, 2008, memorandum "Pre-Release Residential Reentry Center Placements following the Second Chance Act of 2007."¹ When contemplating an inmate's appropriateness for community placement, staff should continue to follow current policy and practice and consider public safety while determining an inmate's need for reentry services. This will help determine whether or not receiving reentry services might mitigate those public safety concerns in the long run. For example, some higher risk inmates may initially appear to be inappropriate for referral to an RRC. However, when you thoroughly weigh the potential for increased risk of recidivism of a street release versus release through an RRC, it may in fact be in the best interest of public safety to refer the inmate to the RRC.

Accordingly, every effort should be made to consider community placements for inmates with manageable medical and mental health needs. These placements can help mitigate the potential increased recidivism risk of sending an inmate with these needs directly to the community. A community placement provides more expedient access to resources to address the specialized needs of these populations. Staff must take the steps necessary to facilitate these placements.

For low need/low risk inmates, home confinement is the preferred pre-release option. This option is currently under-utilized. Program Statement 7320.01, Home Confinement, states supervision under home confinement may be provided by contract halfway house services, U.S. Probation or other government agencies.

¹ See Sallyport, Correctional Programs Division, Correctional Programs Branch, CPB Topics "RRC"

This is normally accomplished via two home confinement options - placement under the supervision of an RRC or placement in the Federal Location Monitoring (FLM) program operated by U.S. Probation, where available. We must make a concerted effort to utilize these effective community placement options for appropriate inmates. In addition to reintegrating inmates more quickly into their communities, maximizing the use of home confinement for appropriate inmates will help mitigate our critical population/capacity issues.

Residential Drug Abuse Program (RDAP) graduates who successfully complete the institution-based portion of the RDAP will continue to be assessed for pre-release RRC placements according to the guidance in P7430.02, Community Transitional Drug Abuse Treatment.

Wardens and Residential Reentry Managers (RRMs) play a vital role in ensuring an effective assessment process for inmates' community placements. This memorandum highlights the major elements of an effective RRC and home confinement utilization strategy.

II. MAKING AN APPROPRIATE RRC REFERRAL

As clarified in the June 2010 memoranda noted above, the Second Chance Act states that while all inmates are statutorily eligible for pre-release community placement, not all will be appropriate. Inmates must continue to be individually assessed for their appropriateness for and the length of pre-release RRC placements using the following five factors from 18 U.S.C. § 3621(b) and outlined in the April 2008 and June 2010 memoranda:

- (1) The resources of the facility contemplated;
- (2) The nature and circumstances of the offense;
- (3) The history and characteristics of the prisoner;
- (4) Any statement by the court that imposed the sentence:
 - (a) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or
 - (b) recommending a type of penal or correctional facility as appropriate, and
- (5) Any pertinent policy statement issued by the U.S. Sentencing Commission.

When reviewing the above factors, staff should continue to consider the inmate's need for reentry services, public safety

concerns, and the need to responsibly manage the Bureau's inmate population.

Staff should also continue to thoroughly assess inmates' individual reentry needs when considering the appropriate duration of an RRC placement as outlined in the above referenced memoranda, current policy, and practice. A placement less than 90 days is typically not considered sufficient to address multiple reentry needs. In many cases, a placement of several months up to the maximum of one year² may be needed to accomplish an inmate's reentry goals. For example, an inmate with no recent employment, no GED, and poor family ties would benefit more from a one year placement than an inmate who has a short sentence, employment prospects, a high school diploma, and frequent family contacts. The number of placement days should be driven primarily by the inmate's needs and risk level (as determined by the BP-338 Custody Classification assessment or BP-337 Security Designation assessment if a BP-338 has not been completed).

The BP-338 is the Bureau's primary risk prediction instrument. Ordinarily, the lower the BP-338 score, the lower the inmate's risk; conversely, the higher the score, the higher the inmate's risk. Those with lower risks should be considered for home confinement placement and those with higher risks should be considered for RRC placement.

It is important to note that in many areas, the Bureau continues to have contracting options available to utilize the more secure environment of a Work Release Center (e.g., county jail/detention center) as a community placement. This may be the most appropriate placement option for inmates who may require closer supervision than an RRC. Institution staff should contact the applicable RRM to determine if this option is available in the area where the inmate is releasing for cases that may be deemed inappropriate for a traditional RRC.

If an inmate is truly not suitable for transfer to an RRC prior to release, staff have the option of contacting the USPO to discuss a possible public law placement wherein the judge places the individual in an RRC after their release from Bureau custody as a condition of supervised release.

² See Title 18 U.S.C. § 3624(c) (1).

III. MAKING AN APPROPRIATE REFERRAL FOR DIRECT HOME CONFINEMENT (PRE-RELEASE)

As outlined in P7320.01, Home Confinement, and per 18 U.S.C. § 3624(c) (1), all inmates are eligible for home confinement consideration at their six-month or 10 percent date. When considering an inmate for pre-release community placement, the unit team should pay special attention to reviewing low and minimum security inmates for possible direct placement on home confinement as allowed under P7320.01, Home Confinement. Higher security inmates may be considered if deemed appropriate following an individual assessment. The basic criteria for home confinement includes:

- 1) Appropriate release residence (e.g., positive environment free from criminal/drug use activity and a reasonable distance from the RRC, typically less than 100 miles);
- 2) No recent major disciplinary issues. This should be based on sound correctional judgment;
- 3) Any medical or mental health needs that can be met in the community and funded by the inmate or other documented resources, and
- 4) Secured employment is not required for placement on home confinement.

Placement should occur as close to the home confinement eligibility date as possible. The direct home confinement referral is not contingent upon USPO residence approval. A site visit should be requested during the referral process, but should not delay the submission of the referral to the RRM.

As part of their routine duties in processing inmate referrals, RRM staff will determine if placement will be via an RRC contract or FLM. In judicial districts where FLM is available, RRM staff should consider this option for appropriate inmates to the maximum extent possible.

IV. RRM STAFF REVIEW OF RRC/HOME CONFINEMENT REFERRALS

RRM staff will continue to thoroughly review referral documents and other pertinent information for each community placement referral. RRM staff are encouraged to maximize resources to include recommending direct placement on home confinement for appropriate inmates.

The RRM is required to review home confinement eligible inmates in RRCs every two weeks and follow-up with RRC contractors within three working days (of receipt of the biweekly status report) to ensure RRC staff have (as part of the individualized program plan for the inmate) documented an appropriate plan of action with target dates to achieve home confinement placement. This follow-up time frame is a slight reduction from the June 2010 memorandum referenced above which required a weekly review. In locations where RRC bed space is limited, ensuring an inmate's timely placement on home confinement will help address capacity issues and also ensure more inmates are afforded RRC services. This area will be carefully reviewed for compliance during operational reviews and program reviews.

As previously indicated in the June 2010 memorandum, RRM staff will not unilaterally deny RRC referrals or reduce placement dates unless there are no available RRC beds within a reasonable distance for the specific referral date/length.

V. COORDINATION BETWEEN INSTITUTION STAFF AND RRM/CTS STAFF

As the subject matter experts for their assigned location, RRM and Community Treatment Services (CTS) staff assist institution staff in making community placements. They provide information regarding available resources and discuss specific cases with institution staff as needed during the referral process and prior to the inmate's transfer to the RRC or placement on direct home confinement. It is important for institution and RRM staff to collaborate with CTS staff to ensure inmates with drug, mental health, or sex offender treatment needs have community-based treatment available in the vicinity of the placement.

If RRM staff have concerns regarding a referral and/or the recommended placement, they will communicate these concerns to the referring institution, typically the Case Management Coordinator (CMC).

If the RRM determines a modification to a referral is needed or that other placement options are available (such as direct home confinement for an inmate with low needs/risk or placement in a work release program for a higher security inmate), the change must be approved by the Warden. The RRM will contact the referring institution's CMC and request the recommended modification be considered. The CMC will facilitate the

Warden's review of the request and advise the RRM accordingly. Modifications can occur with the Warden's consent.

Conflicts regarding modifications to referrals should be addressed by institution management staff with the applicable Regional RRM Administrator. (Note: RRM Sector Administrators will assume this responsibility once the nationwide consolidation of RRM is completed. Contact information will be disseminated to institutions accordingly.)

If institution staff determine an inmate is not appropriate for RRC placement, the inmate's release should be carefully coordinated with U.S. Probation or Court Services and Offender Supervision Agency (for DC Code inmates). Such efforts should include the transmission of pertinent mental health and medical information and any other factors that could impact the effective reentry of the inmate to the supervising authority.

VI. SUMMARY

- Community placements should be driven by the results of an inmate's individual assessment.
- RRC placement and length of placement decisions cannot be reduced solely to a classification score or any other type of objective categorization. While staff assessment and analysis of the Custody Classification Form (BP-338) and the ISD Plan are helpful in establishing broad-based groupings, staff must continue to exercise their professional judgment when making individual inmate RRC placement decisions and be prepared to justify those decisions. When making RRC placement decisions, staff should ensure the BP-338 and ISD Assessment have been completed accurately.
- All inmates are eligible for home confinement. Direct placement on home confinement should be considered for low and minimum security inmates. In judicial districts where FLM is available, RRM staff should consider this option for appropriate inmates to the maximum extent possible.
- RRM's will continue to be required to review home confinement eligible inmates in RRCs on a regular basis as set forth above. In locations where RRC bed space is limited, ensuring an inmate's timely placement on home confinement will help address capacity issues and also ensure more inmates are afforded RRC services.

- Every effort should be made to consider community placements for inmates with manageable medical and mental health needs. A community placement provides more expedient access to resources to address the specialized needs of these populations. Staff must take the steps necessary to facilitate these placements.

Your assistance in maximizing the RRC/home confinement utilization process is greatly appreciated. If you have any questions, please do not hesitate to contact me or have your staff contact Brent Kiser, RRM Administrator, at 202-305-8906.