



U.S. Department of Justice

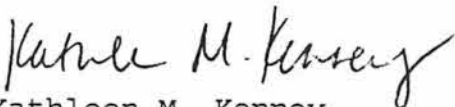
Federal Bureau of Prisons


Washington, D.C. 20534

November 14, 2008

MEMORANDUM FOR CHIEF EXECUTIVE OFFICERS

FROM:

  
Kathleen M. Kenney  
Assistant Director/General Counsel

  
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.<sup>1</sup> 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

<sup>1</sup> 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.<sup>2</sup>

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

---

<sup>2</sup> 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,<sup>3</sup> 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

---

<sup>3</sup> 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.