

Chapter 4

HOW TO DO TIME

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§4:10 QUESTIONS AND ANSWERS

The following information is from multiple interviews conducted between co-authors of the *Federal Prison Guidebook* Alan Ellis and J. Michael Henderson, supplemented by Phillip S. Wise, retired Bureau of Prisons Assistant Director, Health Services Division.

§4:10.1 Initial Placement

[Alan Ellis] Q: Will each offender be placed at a particular federal prison of their choice, and close to their family?

[J. Michael Henderson] A: Initial placement of an offender is based upon an initial classification of the individual by the Bureau of Prisons, based on security and medical needs, with consideration for how crowded some institutions are, an offender's specialized program needs, legal residence and court recommendations. Classification information is obtained from the Presentence Investigation Report (PSR), and so it is essential that the attorney and client ensure that the information is both accurate and complete as to his offenses conduct, prior record, open or pending cases, legal residence, physical and mental health, verifiable education level and substance abuse, particularly if the offender wants to qualify for the Bureau's comprehensive Residential Drug Abuse Program (RDAP). Each offender is assigned a security level: minimum, low, medium, or high security, based on offense characteristics, sentence and history. Each offender is also assigned a Medical Care Level (I, II, III, or IV) based on current or anticipated medical requirements, and a Mental Health Care Level, (1, 2, 3, or 4). These levels are discussed further in Chapter 8. The facility nearest the offender's legal residence as reflected in the PSR, that meets the security, medical and mental health requirements, and which has bed space available is generally designated for service of sentence. So, if the offender would like to be placed in a minimum-security camp that houses offenders who are considered medically and mentally stable, for example, but is classified by the Bureau of Prisons as low, medium, or high security, then the offender would not be initially assigned to a camp. Similarly, even if the offender qualifies for a minimum-security camp, but has significant medical and mental health issues, he would not initially be assigned to a camp without the resources to provide for the necessary medical care.

Similarly, if an offender knows of a particular federal prison near their home, the offender will not likely be assigned there if his or her initial security level classification or medical care level determined by the Bureau of Prisons are not the same as the security level and care level of the institution. Finally, every new offender should know that the Bureau of Prisons currently houses a very large number of inmates, and can have extremely limited bed-space at some institutions, which can result in an offender's initial placement further from their homes than either they or the Bureau of Prisons would actually prefer. In such cases, a future transfer is a reasonable possibility after 18 months of clear conduct; *i.e.*, no disciplinary infractions, good work evaluations, and participation in the Inmate Financial Responsibility Program (if required).

§4:10.2 What to Bring

Q: If an offender is granted self-surrender by the court, what should they take to prison?

A: It is usually best to arrive at a federal prison with as few personal possessions as possible because the offender is leaving his or her regular life and lifestyle for a while. Also, minimizing what one brings will lessen the possibility of confiscation by prison staff of unauthorized items, and reduce the amount of personal belongings that are returned or mailed back to the next of kin. That said, the individual should bring no single item worth over \$100, meaning no expensive jewelry or wristwatch. A wedding band, if married, is fine, as well as a relatively inexpensive wristwatch and religious medal, if worn. The personal clothing the offender wears when reporting will be returned to the family or friends or attorney. I recommend that the offender report with only a relatively modest amount of money, no more than \$320. Such an amount will permit some discretionary spending at the institution commissary and establishing a TRUFLONE account to call home, thereby freeing the new inmate from having to rely on, or falling into debt to, other inmates. Caution should always be the watchword, should the new inmate encounter another "more experienced" inmate who "offers" to help purchase or buy something the new inmate cannot otherwise afford. Such offers can have illicit payment return terms that the new inmate is not prepared for, and can be dangerous! Similarly, if a new inmate arrives with a lot of money, other curious inmates can quickly become aware of it, which may result in the new inmate becoming a "target" by other inmates who would like little more than to get some of the new inmate's money.

In addition, we recommend that an offender take a one-month supply of any prescription medication. In all probability, the Bureau of Prisons will have the necessary medications on hand, and your supply will not be required, but if you take a medicine that is not currently routinely used by the Bureau of Prisons, your supply will allow plenty of time to get necessary approvals and pharmacy stock. Understand that any medications you take with you will likely be held for you in the Health Services Department, and dispensed from the pharmacy at "pill line."

Q: Many new offenders ask about how much money they will be able to have in their prison accounts, how much they can spend, and how they can receive money and other materials from their friends and families while they are confined. What is your response and/or advice?

A: The money new inmates bring with them to prison, as mentioned above, will be used to open an inmate Trust Fund account for them, from which they will be required to pay for their personal telephone calls, postage stamps, and items from the commissary (personal hygiene items,

snacks, etc.) which they might want to purchase. This really is the only preliminary information that a new offender needs prior to entering prison. Immediately after their arrival, as noted in the intake process remarks, inmates will have all of the answers governing procedural regulations given them in the prison's Admission & Orientation Inmate Manual. Also, as noted in the remarks about orientation, the new inmate will also receive all pertinent information directly from a staff member from the institution business office and/or commissary. Once armed with not only written information but information from prison staff members who run the Inmate Trust Fund accounts, the new inmate, within only one week or so after arriving, will have all the information needed regarding receiving funds, how they can be spent, and what restrictions and approvals are in place regarding receipt of anything from family or friends.

Q: How about medications?

A: The Bureau of Prisons typically prescribes medication via its formulary, which can be accessed via its website (see <http://www.bop.gov/news/PDFs/formulary.pdf> and http://www.bop.gov/news/PDFs/formulary_part2.pdf). New inmates can bring prescription (not over-the counter) medicine when reporting to serve a sentence, though it should be understood that all medication will be checked by institution medical staff and confiscated. If a particular medication is in the formulary, new medication will likely be issued to replace it. If medication is not in the formulary, it will be confiscated, and the new inmate will have to see medical staff concerning whether a substitute medication can or will be prescribed. To minimize the risk of disruption in receiving necessary medications, it is highly recommended that individuals with conditions managed by medication, particularly opiate-based medications, which the BOP is generally disinclined to prescribe, provide a copy of the BOP formulary to their prescribing physician(s) well in advance of sentencing to assess the suitability of substituting formulary medications for their existing medications. To the extent a medication can be substituted, it should be before an individual is placed in BOP custody. Similarly, where a formulary medication is not suitable substitution (e.g., due to side effects, interaction with other medications), a letter should be obtained from the prescribing physician, attesting to that fact and efforts that were taken. It is important that an individual's PSR contain accurate information concerning name, purpose and dosage amounts of prescribed medications. In addition to prescription medication, the institution Commissary is required to carry a minimum of 25 over-the-counter medical products for inmate purchase.

Q: What can a new inmate expect from staff upon arrival at a federal prison?

A: Upon arrival, the offender will be met by either a correctional officer or member of the Receiving and Discharge Department (R & D). A strip search, issue of institutional clothing, photograph, fingerprinting, and inventory of personal property will subsequently be performed in the R & D Department. If the offender arrives after normal working hours or when the R & D Department is not staffed, he or she will be taken to an area where a strip search will be conducted, issued institutional clothing, and likely placed in a secure cell until being processed for intake through R & D.

This process, as well as the R & D process, will be conducted in a very business-like manner, which for new inmates can seem impersonal. However, this is a good time for the new inmate to simply watch, listen, and learn about the staff and what they do.

§4:10.3 Intake and Orientation

Q: Who are these staff, and what do they do during the intake process?

A: The R & D staff are those who perform the search, fingerprinting, and personal property inventory of the new arrival. A Correctional Counselor or a Case Manager will conduct a brief private interview. A Medical staff member, usually a Physician's Assistant, will conduct a medical screening (at which time the new inmate should report any and all health-related issues for the record, to better ensure proper future treatment if needed while incarcerated).

Q: What is most important for the inmate at this initial intake phase?

A: It is important for the inmate to understand that this is the business of incarceration, and to understand that prison staff members are not trying to be demeaning. It is also wise for the new arrival to listen carefully to any and all questions that the staff members ask, and to answer those questions honestly. If the new inmate does not understand a question, it is entirely appropriate to ask for clarification or meaning. Similarly, the new inmate should read and fully understand any and all forms that are provided, some for the inmate's signature. A failure in this early communication process could lead to potential difficulties at some future point of incarceration. Forms and information relative to telephone use, mail correspondence, and visiting are provided.

Q: Will the new inmate receive written rules and guidance before being placed in the general inmate population?

A: Yes. Upon arrival, each new inmate is given an Admission and Orientation (A & O) handbook, for which they must sign. I cannot overstate the importance of this document and the inmate's receipt of it with signature, because from that moment forward, the inmate will be held responsible for knowing and complying with all of the Bureau of Prisons' institutional rules outlined in it. The A & O handbook is thorough and describes the various institutional departments and staff, schedules for the inmate to follow within the institution, and visiting and correspondence information. The smartest action that a new inmate can take with respect to the A & O handbook is to read it, cover to cover, as soon as possible, and to keep it at hand for future reference.

Q: When does a new arrival enter the general inmate population?

A: Upon successful completion of the intake process. Successful completion means that the institution has received all necessary official documentation from the sentencing court, and from the respective U.S. Marshals and U.S. probation offices. Such documentation includes the Judgment Order, the Presentence Investigation Report, and appropriate U.S. Marshals documents. If such documentation is lacking or incomplete, it may not be possible for staff to allow the inmate to enter the general inmate population. The attorney and/or client should contact the Inmate Systems Management department (records office) at the facility designated prior to arrival to determine if the necessary documentation has been received. Similarly, if during the intake screening process some interviewing staff members identify a potential concern for the new inmate's health or safety, then the individual may not be put in the general inmate population. Finally, in situations where bed space at an institution to which an individual has been designated is very limited, there have been instances requiring that a new arrival be temporarily housed in administrative detention status, in the restricted Special Housing Unit of the institution, until bed space in the open inmate population becomes available.

Q: What is important for the inmate to know if not placed in the general inmate population, and what, if anything, will they be told?

A: It is important that the new arrival understand that most federal prisons

do not lock their general inmate population up in isolated cells 24 hours per day, which means simply that inmates in that population are moving about. Given that fact, Bureau of Prisons' staff who are charged with ensuring an inmate's safety cannot and should not place a new arrival in the open inmate population, unless and until they have complete case documentation which, in conjunction with the intake interviews, provides reasonable assurance that the new inmate will not encounter an identifiable and undue risk if housed with the other inmates.

Also, the new arrival's health can be a concern. If, during the intake screening process, medical staff determine that the inmate may have a contagious disease, such as measles, chicken pox, or tuberculosis, that individual will likely be placed in medical isolation until necessary steps to protect him and the other inmates and staff have been completed. If the new arrival cannot be placed in the institution's general inmate population because of insufficient or unreceived documentation, or for health reasons, he or she will be so informed. If a potential security risk to his or her safety or to the safety of others is identified by staff during the intake process, the new arrival may be given only limited information because such information cannot divulge sensitive or investigative details which the staff has or which the staff may need to pursue.

Q: What happens when the new inmate is placed in the general inmate population, and what can the new arrival expect?

A: The inmate will be assigned specific housing and will begin an Admission and Orientation period. The new arrival should expect during this period to meet his or her Case Manager, Correctional Counselor, and Unit Manager, all of whom compose the inmate's Unit Team. These are the key staff members with whom the inmate should become familiar, as they will have primary responsibility for managing almost every aspect of the inmate's case during confinement. The new arrival will also attend formal Admission and Orientation sessions, where staff members from every department in the institution will provide information and answer questions concerning all aspects of confinement.

At some point during the first two weeks, each newly arrived inmate is seen by a qualified medical staff member who takes a medical history and completes a physical examination. This is an excellent time to discuss with the medical provider any existing medical issues, history of treatment, known allergies, and medications. Any mental health issues, particularly those involving medications, should also be discussed with the medical provider at this time.

Q: What is important for the new inmate during this orientation period?

A: As mentioned earlier, it is most important for new inmates to read the A & O handbook they are issued. This will lay a foundation for the information that they will receive from several staff members at the Admission and Orientation sessions. Next, it is important for the new inmate to observe and to listen, keeping personal business to himself, rather than carelessly sharing it with other inmates, and to understand his or her own accountability for where to be at any given time in the institution.

Q: Will the inmate be given a work assignment, what should they know about it, and what if the new inmate decides that he or she is not satisfied with their housing and/or work assignments?

A: The new inmate may be given a temporary work assignment during the Admission and Orientation period, or may be assigned after completing it. It is important for new inmates to know that the initial work assignment they are given is based solely upon institutional need, rather than the inmate's personal preference. Therefore, they may be assigned what could be perceived as menial work, or work that is uninteresting

to them. However, they will receive some monetary stipend for their work, and during the Orientation phase, they will see and hear from staff members about work assignments the inmate might find more interesting, and how to go about applying for those assignments.

With regard to their housing assignment, new inmates may be assigned to quarters with another inmate not of their choosing, and usually to an upper bunk bed. Through routine inmate movement and in meeting other inmates, it may be possible to discuss changing quarters assignments with a member of the Unit Team, usually the Correctional Counselor. Also, through seniority and clear conduct, an inmate can receive preferred quarters within a housing unit.

Q: In addition to quarters and work assignments, what other aspects will the new inmate learn about?

A: The new inmate will be told about how the custodial staff, or correctional officers, conduct their supervision of inmates; disciplinary processes; visiting privileges; mailroom services; sentence computation and earning of good time credit; educational services which include available classes, training, law and leisure libraries, and recreational activities; medical and mental health services; psychology programs; religious services; food service; payment of court-ordered fines and restitution; and release planning and preparation programs.

Q: Can new inmates “learn the ropes” from other inmates?

A: I suppose it may be inevitable for every new inmate to learn something about institutional rules, staff roles, and various aspects of prison life from other inmates. However, caution in this regard is needed because the only things a new inmate can know about another inmate is what the other inmate chooses to tell the new inmate. Potential pitfalls abound, and new inmates who wish to get through the process of incarceration successfully, without negative repercussions, and with an eye toward benefiting from all available programs for which they may qualify, should let the written Bureau of Prisons’ regulations be their primary guide, rather than other inmates. Further, in understanding how the Bureau of Prisons’ regulations are implemented and actually function, the inmate should rely primarily upon staff for clarification, as well as on information in the inmate law library at the institution. In determining which inmates to seek advice from, new inmates may consider speaking with inmates who work in the education department. Also, in attempting to decide on a possible work assignment, the new inmate can speak to other inmates who work in various departments, keeping in mind that information they receive will not override the information that is provided during the Admission & Orientation process. Finally, an inmate always has the right, throughout confinement, to obtain legal counsel, preferably from an attorney who is familiar with Bureau of Prisons’ policies and procedures, and who is experienced in federal inmate-related matters.

§4:10.4 Solving Problems

Q: What if a staff member seems unwilling to be helpful, is less than responsive to a problem, or does not seem open or straightforward in communicating with the inmate?

A: The inmate almost always has a Case Manager, Correctional Counselor, and Unit Manager available to them for assistance. In addition, every day the inmate goes to eat a meal, there are almost always staff members available to them in the dining area from all institutional departments, including upper management of the institution, which are the associate wardens and the warden. The availability of a wide range of staff members

is important because Bureau of Prisons' staff members are human beings, meaning that some will be more effective communicators than others and some will be more thorough and patient than others. So, if an inmate is experiencing difficulty in dealing with a particular staff member, there are multiple other staff members who can address a problem.

Q: So, what if an inmate follows all of the rules and regulations but encounters a situation or has a problem that none of the institution staff, including the warden, can or will resolve?

A: This is likely to be a rare scenario; just because an inmate may not receive an answer to a question, or receive a response that is personally favorable, does not mean that staff have not responded and acted within the scope of Bureau of Prisons' policy. Sometimes, inmates mistakenly believe that because they do not receive action or a response they want, somehow the institution staff has mistreated them. This usually stems from incomplete or inefficient communication, lack of understanding Bureau of Prisons' policies and procedures, and inmates not speaking to all appropriate institution staff who could resolve a given dispute.

That said, there is a procedure that is available to inmates, known as the Administrative Remedy Procedures, by which an inmate can request reconsideration of staff decisions and/or formal reviews of staff decisions at levels higher than the level at which the decision was made.

Q: What do the Administrative Remedy Procedures involve?

A: First, the inmate is required to make a meaningful attempt at informal resolution of a dispute. Then, if unsuccessful, the inmate can file an Administrative Remedy form, BP-9, to the warden. If this step fails to resolve the issue for the inmate, the inmate can then file an Administrative remedy form BP-10, to the Regional Office for the region in which the inmate is confined. If that process is unsatisfactory, the inmate may then file an Administrative remedy form BP-11, to the Bureau of Prisons Central Office in Washington, D.C., for the highest level of formal review. One of the most important things an inmate should consider, both in filing an Administrative Remedy complaint and reasonably expecting a positive result from the filing, is whether or not the staff action or decision which is being appealed was made within the authority and parameters of Bureau of Prisons' policies. If it was, there is little a formal review will accomplish, regardless of what other inmates may say. Conversely, review of appeals can involve careful scrutiny by Bureau of Prisons' legal staff as well. So, if a complaint involves a staff decision or action that was not made within the parameters of policy, the action or decision will be rectified for the inmate.

Q: What can an inmate anticipate in terms of maintaining clear conduct and open communication with staff, as you have stressed?

A: An inmate who conducts himself in an above-board manner at all times, in terms of both staff interaction and interactions with other inmates with whom they associate, generally will not attract extra scrutiny or suspicion. The inmate likely will receive favorable consideration for security and custody level reductions when eligible, which can result in placement in a less secure setting with less intense staff supervision and participation in community activities, if eligible. Earlier, I referenced that an offender who is initially assigned to a prison farther from their home than might be preferred could receive a future transfer to an institution closer to their home. It must be stressed that clear conduct is required in order for an inmate to receive such a transfer. Disciplinary action, on the other hand, can result in placement in a more restrictive setting, an upgrade in security level and custodial supervision, loss of good time, greater restrictions on visiting, unfavorable consideration for transfer to

a prison closer to the inmate's home, not to mention loss of preferred quarters assignment and loss of eligibility for certain programs.

Q: What about problems with other inmates?

A: If there is a situational conflict or personality clash that is unlikely in the immediate short term to escalate into a physical altercation, then avoidance is always the best practice. For example, if the conflict is with a bunkmate, roommate, or co-worker, the inmate should tell the other person that he will request a bed, room or work assignment change, which he can do through the Correctional Counselor or a work supervisor. It may not seem fair, especially when tempers flare, but it is the best way to conduct one's self above-board and not get into disciplinary trouble. If an inmate encounters a more serious threat or intimidation that is likely to escalate into a serious conflict, or the threat of being hurt, then there are steps that can and should be taken, again, however, with avoidance being the key. As mentioned previously, there are many different staff members with whom an inmate will become familiar and interact on a regular basis. I strongly recommend that an inmate work to develop a positive and respectful working relationship with as many staff members as possible, though not being overly friendly, which can draw adverse reaction from other inmates. Then, if a potentially violent threat arises, the inmate can and should confide in a staff member that he trusts and who knows him. Such a staff member can be anyone—the Unit Officer, the Case Manager, a work supervisor, a Lieutenant, a staff teacher, etc. Every staff member in a Federal Bureau of Prisons facility is considered, first and foremost, to be a correctional worker; their primary jobs, regardless of their specialty area of work, is the institution and inmate security.

Q: Some inmates have court-ordered fines, criminal penalty assessments, or restitution. Will these need to be paid for from the same Inmate Trust Fund account that is used for personal spending in the institution while the offender is confined? If so, what can the new inmate expect?

A: Possibly, yes. The payment of court-directed fines or fees will be dependent upon how the court order is written. Some fines and/or fees, for example, might be imposed strictly as a condition of the offender's supervised release, after incarceration. Some court orders do not distinguish. The information is contained in the court's Judgment and Commitment (J & C) order that is also used to impose sentence, and so it could benefit the offender to review that document closely, and with his or her attorney, for any needed clarification. After arrival at a federal prison, institution staff will review the J & C and, if payment is required during confinement, they will discuss payment options with the inmate. When an installment type of payment plan is needed, the inmate and the Unit team can set up a payment schedule, which can involve regular fixed withdrawals from the inmate's Trust Fund Account. The Bureau of Prisons' term for this is the Inmate Financial Responsibility Program (IFRP), and the new inmate should understand that the Bureau of Prisons is quite serious in its administration of the program, to the point that there can be serious repercussions if prison staff determine that an inmate is not making a meaningful effort at satisfying court-imposed financial obligations. Sanctions that the bureau can impose for failure, which they call refusal, to make measurable progress in a payment plan can include loss of a preferred housing assignment, reduction of pay for an inmate's work assignment, and exclusion from programs for which the inmate may otherwise be qualified, including furloughs and halfway house placement.

§4:10.5 For Family Members

Q: What can you tell family members about some prison issues that they might be concerned with? Let's start with visiting.

A: The new inmate will receive a copy of visiting regulations and forms to send his family, which need to be completed and returned in order to visit. The family must understand that it is imperative for them to answer the questions on the visiting forms accurately and honestly because failure to do so may result in a loss or denial of visiting privileges. For example, a family member who has a prior court conviction of any type, even if given probation, should report it matter-of-factly on the appropriate section of the visiting form. A background check by the Bureau of Prisons will uncover this and if it has been intentionally omitted, may result in denying visiting rights.

New inmates will be given a copy of their approved visiting list, usually by their assigned Correctional Counselor. Families should ensure that they are approved prior to traveling to the prison to visit. It's helpful if the family can prepare for visiting by viewing a federal prison as a serious and controlled setting, and not a place of emotional warmth. There are no private and/or unsupervised visits with family members in Bureau of Prisons' facilities. However, families can be somewhat relieved in knowing that the majority of visiting rooms are open ones, without the glass partitions and telephones for communicating so often depicted in television and movie dramas. Inmates are permitted to kiss and embrace at the beginning and conclusion of a visit. Some facilities even provide outdoor visiting areas when the weather permits. Family members should be prepared for being subjected to search procedures and supervision when visiting. Such scrutiny is necessary because, unfortunately, one of the ways illegal drugs and other types of contraband are smuggled into prisons is by visitors, including family visitors. Therefore, it is recommended that family visitors bring very little with them into the prison, giving nothing to their incarcerated loved one, other than change which can be spent on the inmate at the vending machines in the visiting room. After being cleared into the Visiting Room, family visitors will be expected to conduct themselves appropriately at all times, meaning they should avoid any conduct which might make correctional staff suspicious, especially excessive physical contact. It is important to understand and appreciate the fact that a prison visiting room is a serious setting.

Another important factor that the family should be prepared for is the possibility of early termination of their visit, should the visiting room become crowded. This can and does happen to enable other inmates to receive visits. This can be an emotionally difficult situation for both the inmate and the family, so it's important to remember that early visit termination due to crowding will be an impartial and necessary decision by prison staff. Arguing with prison staff will not improve or change the decision. In fact, in order to maintain visiting privileges, all visitors are expected to comply with prison staff at all times. The Bureau of Prisons holds the inmate accountable if a visitor fails to follow regulations or comply with staff instructions.

Finally, the family should know that while their loved one is serving a sentence in a federal prison, misconduct that results in the receipt of a written Incident Report may be sanctioned by the loss of visitation privileges, even if the misconduct was not related to visiting. The reason for this is because the Bureau of Prisons expects clear conduct, if the inmate is to be permitted full privileges, and because receiving visits is meant to be a motivating factor to help an inmate maintain clear conduct. With this understanding, the family can reiterate the importance of visiting to the

inmate. Should the inmate incur misconduct sanctions that include a temporary loss of visitation, rather than being angry at the Bureau of Prisons, the family will be better served by helping their loved one understand that family visitation is a priority and worth clear conduct behavior.

Q: Are family members also subjected to security measures with regard to written correspondence and telephone calls?

A: Family members should clearly understand that telephone calls and e-mails they receive from an inmate are subject to monitoring and recording for security, and that their incoming postal mail will be opened and screened. Therefore, what they say and what they write should always be above board and appropriate. Further, the family also needs to know that an inmate is prohibited under Bureau of Prisons' regulations from conducting a business while confined. So, telephone, e-mail, and written correspondence must not involve such prohibited conduct. Finally, the family should be strongly cautioned against making 3-way, or third-party calls, after the inmate has connected with them telephonically, because this, too, is prohibited by the Bureau of Prisons. Such calls are generally viewed by the bureau as circumventing telephone regulations, which are reasonable, since inmates are allowed a large number of people on their authorized telephone lists, which can be frequently modified.

Q: Since you earlier referenced the disciplinary process, what should the family know about the prison disciplinary process?

A: As already mentioned, the new inmate will receive a full and comprehensive list of Bureau of Prisons' rules and regulations which includes all prohibited acts immediately upon arrival at a federal prison. Therefore, the family should understand that there is usually very little excuse for an offender's claim that they may not have known they were violating a rule. Also, the family should understand that Bureau of Prisons' staff are generally much too busy with daily routines to write disciplinary reports against an inmate simply because the staff member "dislikes" the inmate. In fact, the formal disciplinary process requires an eyewitness staff account of an inmate's prohibited conduct, further investigation by a Correctional Supervisor, and then review with the inmate in person by a Unit Team staff member and, later, if referred by the Unit Team, by a Disciplinary Hearing Officer (DHO). The process leaves very little room for the personal likes or dislikes of a single staff member. The family should realize that the institution's DHO is virtually autonomous as an independent department within the institution. Finally, even if found guilty of an act, the inmate has an appeal process whereby all disciplinary proceedings are reviewed at administrative levels higher than the institution's.

§4:10.6 Medical Care

Q: What should the family understand about medical care in the Bureau of Prisons?

A: The family should understand that when an offender is sentenced to serve a federal prison term, the Bureau of Prisons must assume all responsibility for medical care. Therefore, their personal doctor will not be able to continue treating the inmate, and neither will the new inmate or family have a choice in selecting a medical provider. Each Bureau of Prisons facility has at least one licensed physician on staff, and most frequently, those physicians specialize in family practice or internal medicine. Many are board certified in their specialty areas, as well. The medical services are extended by use of mid-level providers, usually Physician's Assistants or Nurse Practitioners who will generally provide

the initial evaluation of a medical concern. However, if necessary, a physician or specialist from the community will also be available. As mentioned earlier, it is a good idea to bring a month's supply of any prescription medications if possible. This will ensure an initial supply of your medicine until you are examined by a Bureau of Prisons physician and longer term arrangements are made.

The standard of medical care provided in the Bureau of Prisons is based on the standard of medical care provided in the community, and regular review and accreditation of the medical practices within facilities is required. The Bureau of Prisons policy is to provide medically necessary care. This means that any medical care determined by Bureau of Prisons staff to be medically necessary will be provided, but treatment that might be medically appropriate but not always necessary, may not be provided. For example, some hernia repairs or repair of old, existing orthopedic issues that do not significantly interfere with daily living may be deferred.

The medical staffing can vary from one federal prison to another, and offenders whose needs cannot be managed at one might be placed in another, which may mean a move further from their families. Families should be as supportive as possible under such circumstances, knowing that the health of their loved one should supersede proximity to the family. Also, the family should know that many prison facilities augment their medical care with doctors from the community, usually specialists, on a contract basis. These consulting specialists are available if Bureau of Prisons staff determine that a specialty consultation is required, and any recommendations made by a consulting specialist will be evaluated by a Bureau of Prisons physician for compliance with the agency's scope of service.

Of course, the Bureau of Prisons has some institutions which are strictly for in-patient medical care and surgery, if needed. The hardest part for the family, I believe, is not having a choice in the health care of their loved one during confinement. But focusing on the positives of the Bureau of Prisons' system can help, even if that system is more impersonal to the inmate than private medical practice is. Finally, the family can be assured that each Bureau of Prisons Region has a Regional Health Services Administrator, who is usually open to knowing about serious and significant health care concerns, should an inmate believe medical needs are not being adequately addressed. [See Chapter 7, Medical Care in the Bureau of Prisons, for more information.]

§4:10.7 Unit Management

Q: How will an inmate interact with BOP staff in prison?

A: The mission of the Unit Team is to determine an inmate's program needs, monitor the inmate's progress, and encourage positive interaction between inmates, staff, victims, families and the community at large. The offices of most Unit Team members are located directly in or adjacent to the inmate housing unit. The Unit Team consists of a Unit Manager, Case Manager, Correctional Counselor, Unit Officer, and Unit Secretary. There are also assigned Education and Psychology representatives. Each team member has a specific role and works closely with each other. It is imperative inmates develop and maintain a positive relationship with members of their Unit Team. These relationships can make or break a program in no time. Maintaining a positive approach to change and working with the Unit Team toward inmate program goals will help establish a mutual level of respect and understanding. Inmates are expected to work through their difficulties, with the guidance of

staff when necessary. However, because Unit Teams have large inmate caseloads to manage, those inmates who insist on consuming larger and disproportionate amounts of staff time tend to alienate both staff and other inmates. Under such circumstances, the relationship between inmates and the Unit Team is not enhanced, and an inmate's ability to get along successfully with other inmates can become problematic.

Observing a Unit Team member's "open house" hours of availability, making reasonable requests, and working toward established goals will aid inmates in doing their time with the support of their team.

Unit Manager: The role of Unit Managers is very diverse. They direct and manage the housing unit and its programs. They are responsible for the security, sanitation, and operations of the unit. They also are responsible for planning, developing and implementing programs geared toward the unit's inmate population. They directly supervise the other members of the team and serve as a department head. Unit Managers are often responsible for more than one housing unit and up to 500 inmates.

Unit Managers chair Unit Team meetings and inmate program reviews, and oversee disciplinary processes. Unit Managers are accessible to the inmate population and post their hours of availability, known as "open house" hours, and are available in the inmate dining room during meals. They also work some evenings and occasional weekend hours, adding to their accessibility. Unit Managers are often the first line of contact for members of the community, family, attorneys, and other law enforcement agencies that require referral to the appropriate Unit Team member. Inmates are advised to address individual concerns to the appropriate Unit Team member, seeking assistance from the Unit Manager after all other avenues have been attempted. The Unit Manager is also the conduit for contact with the institution's executive staff.

Inmates who fail to address issues with the Unit Team first, advising the Unit Manager, and seek redress from executive staff will often be turned back to start at the lowest level.

Case Manager: Case Managers develop, evaluate, and analyze the program needs of inmates. They monitor the progress of individual inmates toward meeting program goals, adjusting as necessary. They coordinate and integrate inmate training programs, develop social histories, and evaluate an inmate's positive and negative behaviors. Case Managers are responsible for evaluating an inmate's security and custody classification and appropriately referring inmates for transfer if their security or custody levels change. Case Managers are also responsible for assisting with release planning through the development of a strong release plan, work and education opportunities, family integration, and finally, halfway house placement. Case Managers rely heavily on the Presentence Report for historical information, as well as the Statement of Reasons in the Judgment and Commitment Order. In sum, Case Managers are responsible for the long-term goal planning, treatment, evaluation, monitoring and release planning of the inmates in their care.

They work closely with the U.S. Probation Office, especially during the release phase. Case Managers hold open house hours and are available during evenings and weekends. Case Managers are notoriously busy individuals who dedicate themselves to their ever-changing case load.

It is strongly recommended that all issues be presented during regularly scheduled team meetings or during established open house hours. It is important that inmates maintain a positive and honest relationship with their Case Manager. Inaccuracies, stretches of truth and incomplete information can derail a program or a release plan, sometimes resulting in no opportunity for additional referral.

Counselor: Correctional Counselors address the day-to-day issues facing inmates. They assign work, make bed/cell/room assignments, coordinate visiting, and handle any money, phone, mail, or property issues.

They monitor sanitation in the housing unit, as well as maintain supplies and materials needed. They coordinate and facilitate appropriate counseling groups on a regular basis, geared toward a self-help topic of interest for the current population. Counselors are an integral member of the Unit Team and have specific input during inmate program reviews. They report on the inmate's sanitation, work performance, participation in the Financial Responsibility Program, and present any educational or vocational issues. Counselors often spend a vast amount of their time in the housing unit, monitoring and observing inmate behavior, as well as addressing sanitation and program needs. Counselors are often the first person an inmate should seek for assistance.

Unit Officer: The Unit Officers work directly for the Correctional Services Department, maintaining the safety and security of the housing unit. They are the primary enforcers of discipline within the housing units. They are also an important part of the Unit Team, providing necessary information about an inmate's behavior, demeanor, and interactions within the unit. They assist with sanitation inspections, bed assignments, and orientation. They, too, can address many of the day-to-day issues that inmates encounter, often in conjunction with the Correctional Counselor. They are welcome to participate in inmate program review meetings and observe other sessions as appropriate.

Unit Secretary: Inmates generally have minimal contact with the Unit Secretary, except during the final release planning phase when travel arrangements are made. Secretaries work directly for the Unit Manager and have specific duties that relate to the overall benefit of the team. Some Secretaries address inmates directly during distribution of legal mail, as a member of the Unit Disciplinary Committee, while conducting census counts, or assisting with correctional duties. As a whole, they are not required to maintain open house hours and are not at the service of the inmates. But, they are a vital part of the team and provide important input during team decisions regarding inmates.

Education and Psychology Representative: Each Unit Team is assigned a representative from the Education and Psychology departments. These assigned individuals are the direct contact for inmates in their departments. They will meet with the inmate shortly after arrival to establish any goals or required program participation. If there are issues requiring further meetings, the unit representative will continue to offer assistance. They often attend program review meetings or provide valuable input for open discussion during the meeting. The Counselor will present any educational information necessary after conferring with the unit representative. As with other staff, Education and Psychology Services have established and posted open house hours, in addition to an emergency contact.

§4:10.8 Release Planning

Q: How early can an inmate be released?

A: Prior to final release, inmates can become eligible for visits to their homes and communities with social furloughs. To qualify for an unescorted social furlough, inmates must be, and remain classified as, minimum security. Additionally, they must have been assigned to what is known as Community Custody, which is the very lowest supervision assignment in the Bureau of Prisons. The inmate must have maintained clear conduct and otherwise conducted themselves appropriately during confinement, as observed and judged by staff, not according only to the inmate's self-report

or accounting (this is important!). Social furlough eligibility is further contingent upon how much time the offender has remaining to serve, since furloughs cannot occur early in the sentence. Initially, there can be one-day furloughs, and subsequently, as the sentence is served, there can be overnight furloughs. The Bureau of Prisons places restrictions on the frequency, and the inmate bears the cost, of social furloughs. Other possible furloughs can be granted under extraordinary circumstances, such as admission to a community hospital or to attend the funeral of an immediate family member, and sometimes for specially defined and regulated legal or religious functions. These are granted on a case-by-case basis, and always require minimum-security classification and clear conduct. Generally, an inmate will not be eligible for a furlough until s/he has been at the facility for 24 months with clear conduct. Finally, it is important for every new offender to understand that there is no "entitlement" to unescorted social furloughs while they are serving their sentence, or to halfway house placement before the conclusion of the sentence. With that understanding, there is then the matter of technical eligibility for these programs, and the fact that technical eligibility does not mean an automatic approval in all cases. Pre-release halfway house placement, known by the Bureau of Prisons as placement in a Residential Reentry Center (RRC, formerly called a Community Correctional Center, or CCC), is a program that is widely utilized for as many inmates as possible. The general time an inmate will be approved for RRC placement will range from 30 days to, in some cases, six months. In extraordinary cases, it may be as much as 12 months. No inmate should consider RRC placement as a means of early release from prison nor a reward for good behavior, nor that a lengthy RRC placement will be likely. The Bureau of Prisons contracts with private agencies for halfway house space, therefore one factor for placement is federal funding (regardless of how many available beds a particular halfway house says it has). Another factor will be the length of time an individual has served, because RRC placement is provided for transition back to community life from confinement, and offenders who serve long sentences generally need greater transitional assistance. Other factors considered by Bureau staff in determining RRC placement for an offender are the nature and quality of family and community ties and the inmate's conduct during confinement. There are some offenders who, because of the crime they committed, will be excluded from RRC placement. However, most offenders will receive the benefit of some RRC placement. Release planning ultimately begins at the time of initial classification. Staff will continually address release residence, employment opportunities, community support, assistance programs, identification, financial support, and any goals toward reaching a viable release plan. Not every inmate will have a residence to go to, or financial and community support. Very few do, which is why planning as early as possible for release is essential. Inmates are required to complete a six-phase Release Preparation Program (RPP) prior to release. They should enroll in the RPP no later than 30 months prior to direct release to the community or through a Residential Reentry Center (RRC). However, inmates are encouraged to participate in RPP courses throughout their confinement. Inmates serving sentences of 30 months or less should consider immediate enrollment. There are six core topics presented during RPP: Health and Nutrition; Employment; Personal Finance/Consumer Skills; Information/Community Resources; Release Requirements and Procedures; and Personal Growth and Development. It is up to the individual instructor(s) to determine the length and amount of participation. For example, the Employment course may include a mock job fair with prerequisite

classes in interview skills, resume writing, etc. Some courses may have an outside guest for a one-hour program. Remember, participation is required and failure to complete RPP may result in exclusion from program participation, which includes a halfway house. Begin early, participate earnestly, and be proactive with your future.

Approximately 13-17 months from release, the Unit Team should discuss Release and Reentry Center (RRC) placement with you. While there are limitations and exclusions, the majority of inmates are reviewed for some time in an RRC, either pre- or post-release. The greater placement lengths should be reserved for those with the greatest need and minimal resources. While viewed by many as an early-out option, RRC placement is restrictive, program-oriented, and under the same disciplinary rules and regulations as an institution. The Unit Team will evaluate the needs of the inmate and make an appropriate recommendation to the Community Corrections' officials. It is only a recommendation; usually a range of days for placement (*i.e.*, 90-120 days). Again, in some cases it can be even as much as six months and in extraordinary situations, as long as twelve months. Once notified of a placement date, travel planning and release procedures will begin.

§4:10.9 Final Advice

Q: Do you have any final words of advice?

A: Let me offer the three most important pieces of advice that I can to the offender who will be going to a federal prison facility for the first time:

First, the federal court proceedings and, ultimately, sentencing to prisons, has likely taken a very serious toll on the offender and his or her family psychologically, emotionally, and often financially. When the time for confinement finally arrives, which suspends the individual's freedom and separates him or her from family, it sometimes happens that the offender and/or family will vent frustrations on or toward the Bureau of Prisons. It is important to keep the perspective, however, that the Bureau of Prisons is not responsible for the current circumstances. Ultimately, it will not be the Bureau of Prisons' responsibility to re-build lives or relationships, although there are prison programs and counseling that can be beneficial. Straight thinking in this regard can empower the offender and family, to help them avoid the non-productive trap of feeling as though they are victims.

Second, the offender would be well-advised to keep important personal information about themselves and their families confidential, period! This does not mean being so secretive as to arouse the suspicions of other inmates. But it should be painfully obvious that there are real criminals in federal prisons, and becoming vulnerable to these criminals will only complicate life for the well-meaning inmates who truly wish to serve their sentences with as little hassle as possible. Well-meaning inmates can be conned, their family's privacy and well-being compromised, and life seriously disrupted, if they are too friendly with the wrong inmates. Last but not least, humility, clear conduct, and an understanding that federal prison, while offering a variety of programs and activities, may be an experience of some drudgery. There are no "entitlements," which should help the offender appreciate freedom and family even more. With self-reliance and keeping the "big picture" in mind, the offender can focus on the confinement term and returning home and staying out of prison. There is no sounder advice than this.

ENDNOTES

- All BOP program statements mentioned in this chapter can be found on the Bureau's web site, www.bop.gov