

EXHIBIT 6



U. S. Department of Justice
Federal Bureau of Prisons
United States Penitentiary
Administrative Maximum Facility
Florence, Colorado 81226

INSTITUTION SUPPLEMENT

OPI: Unit Management
NUMBER: FLM 5321.06J(1)
DATE: May 12, 2011

General Population and Step-Down Unit Operations

/s/
Approved: *Blake R. Davis, Warden*
ADX Florence

1. **PURPOSE AND SCOPE:** To establish operational guidelines for the units which are designated as the general population and step-down units.
2. **DIRECTIVES AFFECTED:**
 - A. **Directives Rescinded:** Institution Supplement FLM 5321.06I(1), General Population and Step-Down Unit Operations, dated October 8, 2009.
 - B. **STANDARDS REFERENCED:** None.
3. **SUMMARY OF CHANGES:** To update the format of this supplement.
4. **GENERAL PROCEDURES:**
 - A. **GENERAL POPULATION UNITS (D, E, F, and G)**
 1. Inmates housed in these units require hand restraints, behind the back, and two-officer escorts when being removed from their cells. Any time an inmate is handcuffed in the front, a martin chain must be used in addition to the handcuffs.

2. These units have indoor and outdoor, single occupancy recreation areas. All out-of-cell recreation will occur within the unit, in one of the single occupancy recreation areas. Inmates will ordinarily be afforded a minimum of ten hours out-of-cell exercise per week. An inmate will be returned to his cell upon his request. Anyone returning to his cell for any reason voluntarily terminates the remainder of his recreation period for that day. Recreation periods missed due to visits (legal or social), medical call-outs, and religious services will not be rescheduled.
3. Inmates will consume their meals within their cells.
4. Shower stalls are located within each cell. Inmates are authorized to shower between the hours of 6 a.m. - 10 p.m.
5. Unit orderlies for ranges and recreation areas will be assigned by the unit manager. Barbering facilities are available in each unit. Social and attorney calls will be conducted as established in the Institution Supplement on Telephone Regulations. Each unit contains a basic law library, which inmates may sign-up to utilize. The majority of programming, including Drug Abuse, Education, Recreation, Religious, and unit/facility information, is available via closed circuit television/radio, which is located in each cell.

6. **OUTSIDE, OUT-OF-CELL RECREATION
SUSPENSION/RESTRICTION**

- a. When an inmate violates institution rules and regulations during his out-of-cell recreation, his outside, out-of-cell recreation on a large recreation yard may be temporarily suspended. Examples of violations include, but are not limited to, sexual acts or gestures, suicidal attempts or gestures, assaulting or resisting staff during escort to or from the recreation area, destruction of the recreation area, smearing or throwing human waste, etc.
- b. Staff will initiate disciplinary action and notify the Operations Lieutenant of any violation(s) immediately.
- c. The Operations Lieutenant will initiate a memorandum requesting the inmate's outside, out-of-cell recreation on the large recreation yard be immediately suspended. The memorandum will also request that the inmate's outside, out-of-cell recreation be immediately restricted to the outside, single occupancy

recreation areas around the housing unit's control center. The memo will be forwarded through the Captain to the Warden for approval.

- d. If approved, the inmate's initial suspension/restriction will be for three months. The Warden may impose an increased suspension/restriction for repeated, frequent violations.

B. STEP-DOWN PROGRAM UNITS

1. Intermediate Unit (J):

- a. The escort requirements for inmates housed in this unit are the same as those in the General Population Units. Inmates will be assigned to one of eight groups. Each group will have a maximum of eight inmates.
- b. This unit has outdoor, single occupancy recreation areas. Out-of-cell recreation will include the use of the outdoor, single occupancy recreation areas and unit range. Each group of inmates will be allowed on the range for one and one-half hours each day.
- c. *Inmates will consume their meals within their cells.*
- d. Showers are located on the ranges. Inmates may shower at any time they are on the range.
- e. All other programming activities, orderly assignments, telephone usage, basic law library usage, and barbering facilities are the same as those in the General Population Units.

2. Transitional Unit (K):

- a. Inmates will be assigned to one of four groups. Each group will have a maximum of sixteen inmates. Inmates will be allowed to leave the unit with their group, unrestrained, during escorts to commissary and other programming areas.
- b. This unit has outdoor, group recreation areas. Each group will be allowed on the range for three hours a day. Out-of-cell recreation will include the use of the outside, group recreation areas and unit range.
- c. Inmates will consume their meals on the range with their assigned group.

- d. Showers are located on the ranges. Inmates may shower at any time they are on the range.
- e. All other programming activities, orderly assignments, telephone usage, basic law library usage, and barbering facilities will be the same as those in the General Population Units.

3. Pre-Transfer Unit:

- a. This unit is physically located in D/B Unit at the United States Penitentiary (USP), High Security, Florence, Colorado.
- b. Ordinarily, this is the final phase of the Step-Down Program prior to transfer to an appropriate facility.
- c. Inmates will be assigned to one of two groups.
- d. Upon arrival in this phase of the Program, an inmate will initially be single celled for (3) months. The inmate will then be reviewed by the unit team for placement in a double occupancy cell. If approved by the Associate Warden, the inmate will then be placed in a double occupancy cell with another inmate. If not approved, the inmate will be provided written notice of the decision, informing of the reasons why and that the decision can be appealed through the Federal Bureau of Prisons' Administrative Remedy Program. An inmate denied placement in a double occupancy cell will be reviewed at least monthly.
- e. Inmates will be unrestrained when out of their cells. The use of restraints is not required during the escort of inmates to various programming areas.
- f. Inmates will consume their meals on the range with their assigned group.
- g. Showers are located on the ranges. Inmates may shower at any time they are on the range.
- h. Inmates will recreate with their assigned group. The inmates' out-of-cell recreation will include recreation in the unit and in the outdoor group recreation area. Recreation periods missed due to visits (legal or social), medical call-outs, and religious services will not be rescheduled.
- i. Ordinarily, inmates will be employed as orderlies, tutors, food service/condiment preparers, maintenance workers, barbers,

laundry workers, and recreation/wellness workers.
Employment assignments will be made by the unit manager.

- j. Barbering facilities are available. Social and attorney calls will be conducted as established in the Institution Supplement on Telephone Regulations. Each unit contains a basic law library, which inmates may sign-up to utilize. The majority of programming, including Drug Abuse, Education, Recreation, and Religious, is available via closed circuit television, which is located in the unit.
- k. Commissary will be conducted once a week in the unit.

C. **CANCELLATION OF OUT-OF-CELL RECREATION** - On those rare occasions when institution emergencies or adverse weather interferes with the recreation schedule, the following procedures will apply:

- 1. The Operations Lieutenant has been designated authority to cancel recreation due to institution emergency or adverse weather.
- 2. Unit officers will ensure any lost recreation time is clearly noted in the unit log, and this information is relayed to the Unit Manager for monitoring.
- 3. The Captain and Unit Manager must confer with the appropriate Associate Warden concerning canceled recreation.

D. **UNIT SECURITY** - In addition to random cell searches, all inmate cell assignments will be rotated randomly and without notice to the inmate at least every 90 days in order to facilitate security inspections and cell maintenance. These rotations will be coordinated by the respective Unit Counselor and approved by the Unit Manager.

5. **STEP-DOWN PROGRAM (PROGRAM)**

A. **PURPOSE & SCOPE**

- 1. The Program utilizes a stratified system of less-restrictive housing to provide inmates with incentives to adhere to the standards of conduct associated with a maximum security custody program. As inmates at the ADX demonstrate periods of clear conduct and positive institution adjustment, it is possible for the inmate to progress from the General Population Units, through the Intermediate, Transitional, and Pre-Transfer Units, with increasing degrees of personal freedom and privileges at each stage, and be transferred out of the Program to an open population institution. An inmate's placement in, advancement through, and transfer out of, the Program is a classification decision as to whether the inmate can

safely function in a less-restrictive unit without posing a risk to institutional security and good order; posing a risk to the safety and security of staff, inmates or others, including the inmate himself; and/or posing a risk to public safety.

2. Every inmate has the opportunity to demonstrate he may be housed in a less-restrictive unit.
3. The Program consists of four phases, differentiated by the conditions of confinement and the minimum time frames for completion. Ordinarily, the minimum time period to complete the program is 36 months. The minimum stay in a General Population Unit is 12 months, the Intermediate Program is 6 months, the Transitional Program is 6 months, and the Pre-Transfer Unit is 12 months. There is no maximum time period for completion of the Program.
4. Staff must assess whether the inmate has actually demonstrated he can function in a less-restrictive environment through his meeting of the eligibility requirements. If the Step-Down Program Screening Committee determines additional time is needed to assess an inmate's compliant behavior to ensure that when placed in, advanced through, or transferred out of Program the inmate will not pose a risk to institution security and good order; pose a risk to the safety and security of staff, inmates or others, including the inmate himself; and/or pose a risk to public safety with the additional privileges, the inmate's placement in, advancement through, or transfer out of the Program may be deferred.
5. All phases of the Program, including the Pre-Transfer Unit, are considered part of the ADX.

B. REFERRAL & ELIGIBILITY FACTORS - The unit team will review each inmate to determine eligibility for consideration for placement in, advancement through, and/or transfer out of, the Program. Ordinarily, the review will be conducted in connection with regularly scheduled Program Reviews. The inmates are provided at least 48 hours prior notice of scheduled Program Reviews, are expected to attend, and can personally raise questions and concerns about his placement in, advancement through, or transfer out of the Program. These meetings are held at least once every six months. Program Reviews give staff and inmates the opportunity to discuss issues in an open format.

1. **Eligibility for Placement** - Ordinarily, an inmate must meet the following factors to be eligible for consideration for placement in the Step-Down Program (Intermediate Unit):
 - a. A minimum of 12 months clear conduct while housed in one of the General Population Units;

- b. Active participation in and completion of all programs recommended by the unit team;
- c. Positive behavior and respectful conduct towards staff and other inmates; and
- d. Positive overall institution adjustment to include, but not limited to, personal hygiene, cell sanitation, etc.

The inmates who the unit team determines are eligible for consideration for placement into the Program will be referred to the Step-Down Program Screening Committee for consideration.

2. **Eligibility for Advancement** - Ordinarily, an inmate must meet the following factors to be eligible for consideration for advancement to the next phase (Transitional or Pre-Transfer) of the Program:

- a. A minimum of 6 months clear conduct while housed in the respective *Intermediate or Transitional Unit*;
- b. Active participation in and completion of all programs recommended by the unit team;
- c. Positive behavior, including respectful and appropriate conduct towards staff and other inmates; and
- d. Positive overall institution adjustment to include, but not limited to, personal hygiene, cell sanitation, etc.

The inmates who the unit team determines are eligible for consideration for advancement to the next phase of the Program will be referred to the Step-Down Program Screening Committee for consideration.

3. **Eligibility for Referral for Transfer Out of the Program** - Ordinarily, an inmate must meet the following factors to be eligible for consideration for transfer out of the Program to the general population of a high security institution:

- a. A minimum of 12 months clear conduct while housed in the Pre-Transfer Unit;
- b. A minimum of 3 months being housed in a double-occupancy cell with another inmate;
- c. Active participation in and completion of all programs recommended by the unit team;

- d. Positive behavior, including respectful and appropriate conduct towards staff and other inmates; and
- e. Positive overall institution adjustment to include, but not limited to, personal hygiene, cell sanitation, etc.

The inmates who the unit team determines are eligible for transfer out of the Program will be recommended for transfer to the Regional Director, North Central Region, from the Warden, USP Florence.

C. REVIEW PROCEDURE

1. Placement/Advancement

- a. A multi-discipline Step-Down Program Screening Committee (Committee) will review each inmate referred by the unit team to determine whether the inmate can safely function in a less-restrictive unit without posing a risk to institutional security and good order; posing a risk to the safety and security of staff, inmates or others, including the inmate himself; and/or posing a risk to public safety.
- b. The composition of the Committee will ordinarily consist of the Warden, Associate Warden with daily oversight of Unit Management, Captain, Special Investigative Agent, Case Management Coordinator, Unit Managers (General Population, Intermediate, Transitional, & Pre-Transfer), Psychology, and Supervisory Attorney.
- c. The determinations made by the Committee are made on a case-by-case basis.
- d. Eligibility for consideration does not equate to appropriateness for placement into or advancement to the next phase of the Program.
- e. The factors the Committee may consider when determining whether the inmate can safely function in a less-restrictive unit without posing a risk to institutional security and good order; posing a risk to the safety and security of staff, inmates or others, including the inmate himself; and/or posing a risk to public safety, include, but are not limited to:
 - i. The inmate's conduct while housed at the ADX;

- ii. The inmate's participation in and completion of programs recommended by the unit team while housed at the ADX;
 - iii. The inmate's behavior and conduct towards, and interaction with, staff and other inmates while at the ADX;
 - iv. The inmate's overall institution adjustment, personal hygiene, and cell sanitation while at the ADX;
 - v. The reason(s) the inmate was designated to the ADX;
 - vi. The inmate's criminal history;
 - vii. The inmate's involvement with criminal organizations, if any, and the potential safety and security threat(s) implicated by such involvement;
 - viii. The inmate's overall adjustment during his history of confinement;
 - ix. The institution's safety and security needs, including the safety and security of staff;
 - x. The safety and security needs of the inmate;
 - xi. The safety and security needs of other inmates;
 - xii. The safety and security needs of the public;
 - xiii. Any other relevant factor(s).
- f. The review by the Committee is not a hearing. The inmate is not entitled to be present, to have counsel, or to call witnesses. As mentioned, the inmate may present issues concerning his advancement during his Program Reviews. The inmate is notified at least 48 hours before his scheduled Program Review. This is the inmate's opportunity for individual attention and he is encouraged to ask questions and discuss concerns.
- g. The final decision regarding placement in, or advancement to the next phase of the Program, is made by the Warden of the ADX.

2. Recommendation for Transfer Out of the Program

- a. The determinations to transfer inmates out of the Program are made on a case-by-case or inmate-by-inmate basis.
- b. Eligibility for consideration to be transferred out of the Program does not equate to appropriateness for transfer out of the Program.
- c. The factors the Regional Director may consider include, but are not limited to, those factors set forth in Part C.1(e), above.
- d. The review by the Regional Director is not a hearing. The inmate is not entitled to be present, to have counsel, or to call witnesses. As mentioned, the inmate may present issues concerning his transfer out of the Program during his Program Reviews. The inmate is notified at least 48 hours before his scheduled Program Review. This is the inmate's opportunity for individual attention and he is encouraged to ask questions and discuss concerns.
- e. The final decision regarding transfer out of the Program is made by the Regional Director, North Central Region.

3. Notification

- a. Each inmate will receive written notification of the decision from the appropriate Associate Warden.
- b. If the inmate is denied placement into, advancement to the next phase of, or transfer out of the Program, the Associate Warden's written notification will include the following:
 - i. The reason(s) for the denial, unless it is determined that the release of this information could pose a threat to individual safety or institutional security, in which case that *limited information may be withheld*.
 - ii. *The inmate may appeal the decision through the Federal Bureau of Prisons' Administrative Remedy Program.*
- c. If the notification concerns the denial of a recommendation for transfer out of the Program, the notice will also include the Regional Director's direction as to when the inmate should next be recommended for transfer.

4. The denial of an inmate for placement in, advancement to the next phase of, or transfer out of the Program does not preclude the Committee and/or Regional Director from exercising their discretion to reach a different conclusion at a future review.
5. Provided the inmate who was denied continues to meet the eligibility factors for placement in or advancement to the next phase of the Program, the inmate will continue to be reviewed at least every six months.

D. REMOVAL

1. Inmates may be removed from any phase of the Program for the following reasons:
 - a. If the inmate is found guilty of committing prohibited acts by the UDC or DHO;
 - b. If the inmate can no longer safely function in a less-restrictive unit without posing a risk to institutional security and good order; posing a risk to the safety and security of staff, inmates or others, including the inmate himself; and/or posing a risk to public safety, based on the factors set forth in Part C.1(e), above.
2. The circumstances warranting consideration for removal (e.g., threatening, safety, and security) may require the inmate to be immediately removed from the Program.
3. The final decision regarding removal of an inmate from any phase of the Program is made by the Associate Warden responsible for the daily oversight of Unit Management.
4. If an inmate is removed from any phase of the Program as a Program failure, a recommendation will be made by the Step-Down Unit Team as to whether the inmate should be placed in the Intermediate Unit (J-Unit), Transitional Unit (K-Unit), or a General Population Unit (D, E, F, & G). The determination will be made on a case-by-case basis. However, inmates who are removed from the Program and found guilty by the DHO for greatest severity level incident reports (100 series) or high severity level incident reports (200 series) will be placed in the Special Housing Unit and subsequently assigned to an ADX General Population Unit.
5. The inmate will receive written notice that he is being considered for removal from the Program. The notice will contain the reasons for removal from the Program, unless it is determined that the release of this information could pose a threat to individual safety or institutional

security, in which case that limited information may be withheld. The written notice may be made through the Administrative Detention Order form (BP-308(52)). The inmate may submit a written statement for consideration, regarding whether removal from the Program is warranted.

6. The inmate will receive written notice of the decision. The written notice will include the reasons for the decision, unless it is determined that the release of this information could pose a threat to individual safety or institutional security, in which case that limited information may be withheld. The notice will also notify the inmate that he may appeal the decision through the Federal Bureau of Prisons' Administrative Remedy Program.

DISTRIBUTION:

**Directives Libraries
All Department Heads
Associate Wardens
Correctional Programs Administrator, NCRO
AFGE
Inmate Law Library**

EXHIBIT 7



U. S. Department of Justice
Federal Bureau of Prisons
United States Penitentiary
Administrative Maximum Facility
Florence, Colorado 81226

INSTITUTION SUPPLEMENT

OPI: Unit Management
NUMBER: FLM 5264.08B
DATE: July 28, 2011

Telephone Regulations for Inmates

Is/
Approved: *Blake R. Davis, Warden*
ADX Florence

1. **PURPOSE AND SCOPE:** To establish guidelines for providing inmates access to local, long distance, and international telephone calls for social and legal purposes. This supplement must be read in conjunction with the program statement for a clear understanding of policy.
2. **SUMMARY OF CHANGES:** To update the format of the supplement and update directives referenced.
3. **DIRECTIVES AFFECTED:**
 - A. **Directives Referenced:**
 - P1315.07 Inmate Legal Activities dated November 5, 1999
 - P1330.16 Administrative Remedy Program dated December 31, 2007
 - P1480.05 News Media Contacts dated September 21, 2000
 - P4500.07 Trust Fund/Deposit Fund Manual dated April 19, 2010
 - P5270.08 Inmate Discipline and Special Housing Units dated December 4, 2009
 - P5264.08, Inmate Telephone Regulations dated January 24, 2008
 - P5380.08 Inmate Financial Responsibility Program dated August 15, 2005
 - P7331.04 Pretrial Inmates January 31, 2003

B. Directives Rescinded: Institution Supplement FLM 5264.08A, Telephone Regulations for Inmates, dated August 21, 2008.

C. STANDARDS REFERENCED: American Correctional Association Standards for Adult Institutions, fourth edition, 4-4271, 4-4272, and 4-4497.

4. GENERAL: TRUFONE allows each inmate in the Administrative Maximum facility (ADX) and Federal Prison Camp (FPC) Florence, Colorado, to make direct calls to a list of family, friends, etc., previously submitted and approved by their Unit Team. In doing so, inmates assume the financial responsibility for making each call. Inmates also have the option of making collect telephone calls.

5. PROCEDURES:

A. PHONE LIST: Upon arrival at ADX and FPC Florence, Colorado, inmates will be provided with a copy of the Telephone Number Request form.

Approved numbers from prior institutions will transfer with the inmate with the exception of inmates assigned to the Special Security Unit.

The Telephone Number Request form is to be completed by the inmate and may reflect up to thirty (30) phone numbers to which they wish to call under TRUFONE. Each inmate is to submit the completed form to a Unit Team member for review. This review will normally not exceed two work days except when the total number of additions or changes proposed by the inmates is so large that institution staff cannot process the changes and complete other time sensitive duties.

Following review by a Unit Team member, the completed Telephone Number Request Form will be forwarded to the Inmate Services Supervisor who will program the TRUFONE to accept these phone numbers for the inmate. Changes to an established phone list may be submitted once monthly through the unit staff as described above and will be accepted by Financial Management normally within five work days (excluding the date of submission). Exceptions to these guidelines for documented emergencies may be approved by the Associate Warden. Inmates will be allowed to make calls to any number on their phone list.

In the event the phone privilege is abused, calls may be limited to specific numbers or phone privileges may be denied.

B. PHONE ACCESS CODES: The Phone Access Code (PAC) is a nine-digit number that allows an inmate access to the TRUFONE. This code will be established and forwarded to the inmate through institution mail upon his initial submission of a Telephone Number Request form to the Inmate Services Supervisor. To obtain a replacement PAC number, due to loss or theft of the number, the inmate will have to pay a fee of \$5.00, utilizing a Request for

Withdrawal of Inmate's Personal Funds form, to defray the cost of establishing a new PAC number.

- C. **DEPOSITS:** Inmates will transfer funds directly from their Trust Fund account to their TRUFONE account any time the telephone is operable. These funds must be transferred in whole dollar increments and will be available for immediate use after transfer. Once transferred to an inmate's account, funds may only be transferred back to an inmate's trust fund account for the following reasons:

1. Release or transfer
2. An inmate being sanctioned with telephone restrictions for a period of ten or more days.

- D. **DOCUMENTING INMATE PHONE CALLS:** At the ADX, each housing unit will maintain a log book that will maintain documentation each time an inmate makes a call. The unit Officer-In-Charge will ensure each entry contains the inmate's name, register number, date and time of call, and whether the call was completed. Each call accepted will be considered a completed call no matter what the actual duration of the call and will be counted towards their monthly limit as outlined in Section #6-A. In the event an inmate cannot complete his call, i.e. line busy, the call will not be counted towards his monthly limit. If a connection is made to an answering machine, the call will be charged toward the monthly limit. Any other exceptions or questions should be addressed to and by the respective Unit Manager. All requests to use the telephone must be submitted in writing to the Unit Officer in Charge ordinarily 24 hours prior to the call taking place. The inmate telephone will be secured to a portable cart.

Telephones at the ADX will be available from 7:00 a.m. to 9:30 p.m. daily. Telephone use will not interfere with the institution's schedule, programs, work assignments or counts. When a count or census is conducted, all inmates using TRUFONE shall terminate their calls immediately. The time limit between completed calls is one hour. However, inmates in the Special Security Unit may make calls back to back. Additionally, inmates will be restricted to three incomplete call attempts daily to prevent monopolization of the telephone by an inmate.

- E. **RELEASES:** Inmates should make every effort to expend all telephone credits before transfer or release to ensure that all funds are available to the inmate upon release.

- F. **RATES:** All rates are established at the national level.

- G. **CHARGES:** An inmate may inquire about the telephone account balance before or after a telephone call by dialing 118 and his PAC number.

6. **ADX RESTRICTIONS:** Due to the unique security concerns of ADX Florence, inmates will be allowed to place a limited number of telephone calls as set out below:

- A. These limitations are necessary to maintain the security and good order of the institution and to protect the public:
1. Control Unit: One 15-minute call per validation period and one 15-minute call every 90 days while in Disciplinary Segregation status.
 2. Special Housing Unit: One 15-minute call every 90 days while in Disciplinary Segregation status and one 15-minute call per validation period while in Administrative Detention Status.
 3. General Population Units: Two 15-minute calls per validation period.
 4. Step Down Program Units: J Unit (Intermediate) receive three 15-minute calls per validation period and K Unit (Transitional) receive four 15-minute calls per validation period.
 5. Special Security Unit: Two 15-minute calls per validation period and one 15-minute call every 90 days while in Disciplinary Segregation Status.
- B. An inmate's TRUFONE call limitation is regulated by his validation date. The validation date is calculated by using the fifth number of the inmate's register number, multiplying that number by three and adding one. For example, 12345-678 would be $5 \times 3 = 15 + 1 = 16^{\text{th}}$ of each month. The chart below reflects all validation dates:

If the 5 th Number is:	Validation Date is:	If the 5 th Number is:	Validation Date is:
0	1 st	1	4 th
2	7 th	3	10 th
4	13 th	5	16 th
6	19 th	7	22 nd
8	25 th	9	28 th

1. **General Population, Special Housing and Control Units:** When an inmate is scheduled for a telephone call, the cart will be placed in the cell sallyport where he can dial the telephone number. Upon completion of the call, the cart will be removed from the cell sallyport, and the telephone and the cart will be thoroughly searched before the cart is moved to the next inmate cell.
2. **Intermediate and Transitional Units:** When an inmate is scheduled for a telephone call, the cart will be placed in front of the range grill or in a cell on the range. The inmate will place the telephone call at this location.

EXHIBIT 8



Program Statement

OPI: CPD
NUMBER: 5212.07
DATE: 2/20/2001
SUBJECT: Control Unit Programs

1. [PURPOSE AND SCOPE] 541.40

a. In an effort to maintain a safe and orderly environment within its institutions, the Bureau of Prisons operates control unit programs intended to place into a separate unit those inmates who are unable to function in a less restrictive environment without being a threat to others or to the orderly operation of the institution. The Bureau of Prisons provides written criteria for the:

- (1) Referral of an inmate for possible placement within a control unit;
- (2) Selection of an inmate for placement within a control unit;
- (3) Regular review of an inmate while housed in a control unit; and,
- (4) Release of an inmate from a control unit.]

Correctional institutions occasionally experience disruptions of regular activities by individual or small groups of inmates. Programs that serve the vast majority, such as industries, education, and vocational training, are made less effective by violence, threats of violence, and major security breaches. To protect the majority of inmates and still fulfill the Bureau's obligation to provide safekeeping, care, and subsistence to those who are violent and disruptive, special programs are needed.

Ordinary techniques for segregation or transfer have provided a means of separating some disruptive inmates in the past. However, they have proven ineffective with others. Established segregation programs for short periods of restriction are not

[Bracketed Bold - Rules]

Regular Type - Implementing Information

satisfactory for inmates who need a longer period of control and supervisory care. Their inability to be safely placed into the population of other institutions precludes regular transfer.

[b. The Bureau of Prisons provides an inmate confined within a control unit the opportunity to participate in programs and activities restricted as necessary to protect the security, good order, or discipline of the unit.]

2. **SUMMARY OF CHANGES.** The following are highlights of changes to this Program Statement:

a. References to psychiatrist and psychiatric evaluation or report was changed to psychologist or psychological throughout the program statement.

b. Section 2, Summary of Changes, was added.

c. Section 6.c.(1) clarifies the requirement for mental health, medical, and dental evaluations prior a control unit referral. It also requires that an inmate's refusal to cooperate with a mental health evaluation be documented.

d. Section 11.e.(2) was revised to enact the prohibition of the purchase of weight training equipment for inmates.

e. Section 14.b. requires medical staff to review an inmate's medical record prior to granting an inmate's request for a X-ray in lieu of a digital search to detect contraband. The clause, "no more than two abdominal X-rays per year for non-medical purposes," was removed.

f. Section 15.a. clarifies the requirements for the unit team during 30 day reviews. They must have the collected daily activity data and the mental health assessment report. In addition, a personal interview with the inmate is to be conducted.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. A safe and orderly institutional environment will be enhanced by placing predatory and assaultive inmates in a control unit setting.

b. Appropriate referral information will be prepared and forwarded to the Regional Director and Hearing Administrator for each inmate referred for control unit placement.

c. Services will be available to control unit inmates.

d. Each inmate in a control unit will have a periodic status review and be advised of the projected duration of control unit confinement.

e. Each inmate who returns to a control unit after coming into contact with the public will be searched.

4. DIRECTIVES AFFECTED

a. Directive Rescinded

PS 5212.06 Control Unit Programs (8/29/95)

b. Directives Referenced

PS 1330.11 Administrative Remedy Procedure for Inmates (10/29/93)

PS 5265.11 Correspondence (7/9/99)

PS 5270.07 Inmate Discipline and Special Housing Units (12/29/87)

PS 5521.05 Searches of Housing Units, Inmates, and Inmate Work Areas (6/30/97)

PS 6000.05 Health Services Manual (9/15/96)

c. Rules cited in this Program Statement are contained in 28 CFR 541.40-50.

5. STANDARDS REFERENCED. None

6. [INSTITUTION REFERRAL] 541.41

a. The Warden shall submit a recommendation for referral of an inmate for placement in a control unit to the Regional Director in the region where the inmate is located.]

The written request to the Regional Director will include:

(1) A referral memorandum stating the basis for recommendation.

(2) Copies of all DHO reports, misconduct reports, and investigative materials related to the specific acts that prompted the recommendation. Copies of other relevant materials must also be forwarded.

(3) A copy of an up-to-date progress report that includes the latest incidents of misconduct.

(4) A copy of the pre-sentence investigation.

(5) A copy of an up-to-date mental health report that includes identifying information such as:

- the inmate's name,
- place of birth,
- age, and
- current sentence.

The reason for the control unit referral must be included in this report. In addition, the mental health report will include a discussion (not a one-word response) of relevant background material, including:

- the inmate's family,
- medical,
- sexual,
- education activities and work,
- drug and alcohol use,
- military,
- criminal and legal,
- mental health history, and
- the inmate's view of his or her crime.

The psychologist will discuss the inmate's mental status and provide a diagnostic impression written so that the Hearing Administrator and Executive Panel can understand clearly the inmate's mental health history and present condition. The mental health report will conclude with the psychologist's findings as to:

- medication,
- expected future behavior, and
- the need for follow-up reviews.

(6) A copy of an up-to-date medical (including dental) report.

(7) A memorandum signed by the Health Services Administrator indicating whether there are any medical/dental problems that preclude placement in a control unit.

[b. The Warden shall consider the following factors in a recommendation for control unit placement:

(1) Any incident during confinement in which the inmate has caused injury to other persons;

(2) Any incident in which the inmate has expressed threats to the life or well-being of other persons;

(3) Any incident involving possession by the inmate of deadly weapons or dangerous drugs;

(4) Any incident in which the inmate is involved in a disruption of the orderly operation of a prison, jail, or other correctional institution;]

Special reasons are required in the Warden's request to the Regional Director to support the conclusion that the safety of the institution is threatened in a way other than those listed in (1) through (4) above.

[(5) An escape from a correctional institution.

(6) An escape attempt. Depending on the circumstances, an escape attempt, considered alone or together with an inmate's prior history, may warrant consideration for a control unit placement.]

An escape attempt involving the taking of hostages, or an escape attempt involving the use of weapons, warrants referral to the control unit. Other examples that may warrant a referral include:

- multiple escape attempts,
- an escape attempt otherwise involving injury or threat to life, or
- use of a deadly weapon.

Incidents involving the possession of escape tools or plans, an escape attempt not involving injury or threat to life or use of a deadly weapon ordinarily do not warrant a referral; designating a U.S. Penitentiary for the inmate should be considered first.

[(7) The nature of the offense for which committed. An inmate may not be considered solely on the nature of the crime which resulted in that inmate's incarceration; however, the nature of the crime may be considered in combination with other factor(s) as described in paragraph (b) of this section.

c. The Warden may not refer an inmate for placement in a control unit:

(1) If the inmate shows evidence of significant mental disorder or major physical disabilities as documented in a mental health evaluation or a physical examination;]

A mental health evaluation (by an appropriate mental health professional) and a medical (including dental) examination report (by medical staff) will be available for the Warden's consideration prior to referring an inmate for a control unit placement. The mental health evaluation must include an up-to-date mental health report. If the inmate refuses to cooperate in a mental health evaluation, the psychologist will document this refusal in a report consisting of a record review and staff observation.

The report must include, to the extent possible, the information required in Section 6.a.(5) of this Program Statement. The mental health report will be forwarded with the referral package. Ordinarily, necessary dental work is completed prior to an inmate's transfer to a control unit.

[(2) On the basis that the inmate is a protection case, e.g., a homosexual, an informant, etc., unless the inmate meets other criteria as described in paragraph (b) of this section.]

7. DESIGNATION OF HEARING ADMINISTRATOR §541.42

a. The Regional Director in the region where the inmate is located shall review the institution's recommendation for referral of an inmate for placement in a control unit. If the Regional Director concurs with the recommendation, the Regional Director shall forward a written request, together with the institution's referral material, to the Regional Director of the region where the control unit is located. The Regional Director of the region where the control unit is located shall designate a person in the Regional Office to review the referral material and to conduct a hearing on the appropriateness of an inmate's placement in a control unit.

b. The Hearing Administrator shall have the following qualifications:

(1) Correctional experience, including institutional work with inmates, processing of inmate disciplinary actions,

significant institutional experience in observing and evaluating inmate adjustment and disruptive behavior, and knowledge of the options available in the Bureau of Prisons for dealing with such conduct;

(2) Lack of former personal involvement in an Institution Discipline Committee action involving the particular inmate in incident(s) referred; and

(3) Familiarity with Bureau of Prisons policies and operations, including the criteria for placement of inmates in different institutions and in a control unit.]

The Hearing Administrator will contact the recommending institution's Warden to arrange the time and date for the hearing.

8. [HEARING PROCEDURE] 541.43

a. The Hearing Administrator shall provide a hearing to an inmate recommended for placement in a control unit. The hearing ordinarily shall take place at the recommending or sending institution.

b. The hearing shall proceed as follows.

(1) Staff shall provide an inmate with an advance written notice of the hearing and a copy of this rule at least 24 hours prior to the hearing. The notice will advise the inmate of the specific act(s) or other evidence which forms the basis for a recommendation that the inmate be transferred to a control unit, unless such evidence would likely endanger staff or others. If an inmate is illiterate, staff shall explain the notice and this rule to the inmate and document that this explanation has occurred.]

The Hearing Administrator prepares the "Notice of Control Unit Hearing" (Attachment A). If the Hearing Administrator intends to consider any disciplinary actions the inmate received before or after the control unit referral, these actions must be referred to in the notice.

The Hearing Administrator sends the "Notice of Control Unit Hearing" and a copy of either this Program Statement or the current rule (28 CFR 541.40-50) on control unit programs to the institution for staff delivery to the inmate. The date and time the inmate receives this material will be recorded on the staff

copy of the notice.

[(2) The Hearing Administrator shall provide an inmate the service of a full-time staff member to represent the inmate, if the inmate so desires. The Hearing Administrator shall document in the record of the hearing an inmate's request for, or refusal of staff representation. The inmate may select a staff representative from the local institution. If the selected staff member declines or is unavailable, the inmate has the option of selecting another representative or, in the case of an absent staff member, of waiting a reasonable period (determined by the Hearing Administrator) for the staff member's return, or of proceeding without a staff representative. When an inmate is illiterate, the Warden shall provide a staff representative. The staff representative shall be available to assist the inmate and, if the inmate desires, shall contact witnesses and present favorable evidence at the hearing. The Hearing Administrator shall afford the staff representative adequate time to speak with the inmate and to interview available witnesses.

(3) The inmate has the right to be present throughout the hearing, except where institutional security or good order is jeopardized. The Hearing Administrator may conduct a hearing in the absence of the inmate when the inmate refuses to appear. The Hearing Administrator shall document an inmate's refusal to appear, or other reason for non-appearance, in the record of the hearing.]

An inmate who refuses to appear at the hearing may still elect to have a staff representative and witness(es) appear in his or her behalf.

[(4) The inmate is entitled to present documentary evidence and to have witnesses appear, provided that calling witnesses would not jeopardize or threaten institutional security or individual safety, and further provided that the witnesses are available at the institution where the hearing is being conducted.

(a) The evidence to be presented must be material and relevant to the issue as to whether the inmate can and would function in a general prison population without being or posing a threat to staff or others or to the orderly operation of the institution. The Hearing Administrator may not consider an attempt to reverse or repeal a prior finding of a disciplinary violation.

(b) Repetitive witnesses need not be called. Staff who recommend placement in a control unit are not required to appear, provided their recommendation is fully explained in the record. Staff who were involved, in any capacity, in former disciplinary proceedings need not be called as to their involvement in those proceedings, since this hearing is not to go over the factual basis for prior actions which have been decided.]

A staff witness whom the Hearing Administrator determines can present material and relevant evidence or testimony may not decline to appear.

[(c) When a witness is not available within the institution, or not permitted to appear, the inmate may submit a written statement by that witness. The Hearing Administrator shall, upon the inmate's request, postpone any decision following the hearing for a reasonable time to permit the obtaining and forwarding of written statements.

(d) The Hearing Administrator shall document in the record of the hearing the reasons for declining to permit a witness or to receive documentary evidence.]

9. DECISION OF THE HEARING ADMINISTRATOR §541.44

a. At the conclusion of the hearing and following review of all material related to the recommendation for placement of an inmate in a control unit, the Hearing Administrator shall prepare a written decision as to whether this placement is warranted. The Hearing Administrator shall:

(1) Prepare a summary of the hearing and of all information presented upon which the decision is based; and

(2) Indicate the specific reasons for the decision, to include a description of the act, or series of acts, or evidence on which the decision is based.]

This description must be sufficiently detailed to give a reader the information upon which the decision is based.

[b. The Hearing Administrator shall advise the inmate in writing of the decision. The inmate shall receive the information described in paragraph (a) of this section unless it is determined that the release of this information could pose a threat to individual safety, or institutional security, in which

case that limited information may be withheld. The Hearing Administrator shall advise the inmate that the decision will be submitted for review of the Executive Panel. The Hearing Administrator shall advise the inmate that, if the inmate so desires, the inmate may submit an appeal of the Hearing Administrator's decision to the Executive Panel. This appeal, with supporting documentation and reasons, must be filed within five working days of the inmate's receipt of the Hearing Administrator's decision.]

The date and time the inmate receives the Hearing Administrator's written decision (Attachment B), and the name and signature of the staff member notifying the inmate, will be recorded on the notification and on the notification central file copy.

[c. The Hearing Administrator shall send the decision, whether for or against placement in a control unit, and supporting documentation to the Executive Panel. Ordinarily this is done within 20 working days after conclusion of the hearing. Any reason for extension is to be documented.]

10. [EXECUTIVE PANEL REVIEW AND APPEAL] §541.45. The Executive Panel is composed of the Regional Director of the region where a control unit is located to which referral is being considered and the Assistant Director, Correctional Programs Division.]

The Assistant Director, Correctional Programs Division, or appropriate Regional Director may authorize the Deputy Assistant Director, Correctional Programs Division, or Deputy Regional Director, respectively, to sit on the Executive Panel in their places. This authority may not be further delegated.

[a. The Executive Panel shall review the decision and supporting documentation of the Hearing Administrator and, if submitted, the information contained in an inmate's appeal. The Panel shall accept or reject the Hearing Administrator's decision within 30 working days of its receipt, unless for good cause there is reason for delay, which shall be documented in the record.

b. The Executive Panel shall provide a copy of its decision to the Warden at the institution to which the inmate is to be transferred, to the inmate, to the referring Warden and region, and to the Hearing Administrator.]

The Executive Panel will send the inmate's copy in care of the Warden, who ensures it is delivered to the inmate. The date and time the inmate receives the written decision, and the name and signature of the staff member notifying the inmate, will be recorded on the notification and on the notification central file copy. The referring region's copy is sent to the Regional Director.

If an inmate is approved for control unit placement, the receiving institution Warden will place the inmate on a waiting list and must notify the referring Warden when housing is available. Pending transfer, the inmate is to be considered in holdover status. The referring Warden will arrange for the inmate to receive a physical examination (ordinarily within 30 days of transfer to a control unit) and a current mental health evaluation (ordinarily within 90 days of transfer).

[c. An inmate may appeal a decision of the Executive Panel, through the Administrative Remedy Procedure, directly to the Office of General Counsel, Bureau of Prisons within 30 calendar days of the inmate's receipt of the Executive Panel's decision.]

The inmate will be advised of the right to appeal in the notification the Executive Panel sent (see Section 10.b.).

11. [PROGRAMS AND SERVICES §541.46.] A unit manager, who provides activities, programs, and services consistent with maintaining the security and good order of the unit, supervises a control unit. [The Warden shall provide the following services to a control unit inmate. These services must be provided unless compelling security or safety reasons dictate otherwise. These reasons will be documented and signed by the Warden, indicating the Warden's review and approval.

a. Education. The Warden shall assign a member of the education staff to the control unit on at least a part-time basis to assist in developing an educational program to fulfill each inmate's academic needs. The education staff member is ordinarily a member of the control unit team.]

Study courses ordinarily are provided for all levels; i.e., adult basic education, GED programs, correspondence courses, areas of special interest, and college courses.

[b. Work Assignments. Staff may assign inmates to a work assignment, such as range orderly. The manner in which these