

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CRISTINA NICHOLE IGLESIAS)	
(a.k.a. Cristian Noel Iglesias),)	
)	
Plaintiff,)	
)	Case No. 19-cv-00415-RJN
v.)	
)	
IAN CONNORS, <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANTS’ OPPOSITION TO PLAINTIFF’S
MOTION FOR A PRELIMINARY INJUNCTION**

INTRODUCTION

Defendants recognize that Plaintiff’s gender dysphoria is a serious medical condition that requires attention. Defendants further agree that Plaintiff—like all inmates—deserves respect and reasonable efforts to protect her from harassment or harm. As discussed below, Defendants consistently have attended to Plaintiff’s gender dysphoria. And, at all times, Defendants have taken prompt steps to ensure Plaintiff’s safety.

Plaintiff has filed a preliminary injunction motion requiring Defendants to transfer her to a female facility, provide her with permanent hair removal and gender-affirming surgery, and protect her from harassment from other inmates. At this time, however, Plaintiff cannot satisfy any of the four preliminary injunction factors.

Plaintiff cannot show a likelihood of success on her claims. As an initial matter, Plaintiff has not alleged an adequate basis for venue in this District, and the Court should transfer this case to a District where venue would be proper. Plaintiff’s request for an injunction requiring her to be housed in a female facility is also now moot in light of a recent conclusion that a transfer is appropriate. Before Plaintiff filed her Motion, Defendants had already begun an investigation into

Plaintiff's allegations of threats and harms at Fort Dix. That investigation took place in parallel with an individualized assessment of Plaintiff's housing conditions by medical and penological experts. In light of that assessment, Defendants have concluded that it is now appropriate to transfer Plaintiff to a female institution. Accordingly, Plaintiff's claim concerning a transfer to a female facility and her failure-to-protect and sexual harassment claims are moot.

Plaintiff's claim for gender-affirming surgery and permanent hair removal is also unlikely to succeed. Following several evaluations of Plaintiff's medical needs, Defendants reasonably concluded that gender-affirming surgery is not yet appropriate for Plaintiff because her hormone levels had not stabilized and because she has not lived in her preferred gender in real-world conditions for twelve months. And it is undisputed that Plaintiff provided no medical justification for her request for permanent hair removal. Plaintiff may disagree with these considered judgments, but such disagreements do not amount to a constitutional violation. Indeed, far from exhibiting deliberate indifference to Plaintiff's medical and safety needs, Defendants consistently have carefully evaluated Plaintiff's requests and timely provided appropriate medical care, and will continue to do so in the future.

Finally, Plaintiff has failed to show irreparable harm, and the balance of the equities tip against the issuance of an injunction under these circumstances. Plaintiff's motion for a preliminary injunction therefore should be denied.

BACKGROUND

I. STATUTORY AND REGULATORY BACKGROUND

A. BOP's Inmate Designation Authority and Process

Decisions regarding classification and designation of inmates to a particular prison facility are vested in Federal Bureau of Prisons ("BOP"). *See* 18 U.S.C. § 3621(b). In making inmate designation decisions, BOP "may designate any available penal or correctional facility that meets

minimum standards of health and habitability established by the Bureau . . . that the Bureau determines to be appropriate and suitable.” *Id.* Among other things, BOP’s determination must take into account “the history and characteristics of the prisoner” and “the resources of the facility contemplated.” *Id.* Pursuant to this authority, BOP created the Designation and Sentence Computation Center (“DSCC”) to centralize all determinations regarding inmate institution placements, referred to as “designations.” Declaration of Alison Leukefeld (“Leukefeld Decl.”) ¶ 5.

BOP issued Program Statement 5100.08, Inmate Security and Custody Classification (the “Program Statement”) to provide guidance to staff on how to apply § 3621(b). *Id.* The Program Statement directs DSCC staff to consider three primary factors when making a designation decision: (1) the level of security and supervision the inmate requires; (2) the level of security and staff supervision the institution is able to provide; and (3) the inmate’s program needs. *Id.*¹

BOP takes into account two additional authorities with respect to transgender inmates. First, “[i]n deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates,” 28 C.F.R. § 115.42(c) requires BOP to “consider on a case-by-case basis whether placement would ensure the inmate’s health and safety, and whether the placement would present management or security problems.” Second, the Transgender Offender Manual (the “Manual”) found in Program Statement 5200.04 provides guidance on many aspects of managing transgender inmates, including staff training, initial designations, intake screening, housing and programming

¹ Other factors to be considered by the DSCC include: the inmate’s release residence; the level of overcrowding at an institution; any security, location or program recommendation made by the sentencing court; any Central Inmate Monitoring issues; any additional security measures to ensure the protection of victims/witnesses and the public in general; and, any other factor(s) which may involve the inmate’s confinement, the protection of society, and/or the safe and orderly management of a BOP facility. *Id.*

assignments, documentation and SENTRY² assignments, medical treatment, institution psychology services, searches, clothing and commissary, and reentry needs. *See* Leukefeld Decl. Attach. 2 (Manual) at 1.

To help implement these policies and procedures, BOP created the Transgender Executive Council (“TEC”)—a multidisciplinary team comprised of medical and mental health experts and custody and classification professionals—to conduct the case-by-case assessments for designation of transgender inmates. Leukefeld Decl. Attach. 2 at 4-6. This case-by-case assessment considers a number of factors about the inmate in question as well as facility-specific factors. *Id.* at 5-6. Based on these considerations, the TEC will recommend housing by gender identity when, in its view, such housing is “appropriate.” *Id.* at 6. Once the TEC makes a recommendation, it is forwarded to the DSCC for designation. *See* Leukefeld Decl. ¶ 5.

Such designations are subject to regular reevaluation. The inmate’s housing assignment and programming are reviewed twice yearly by Unit Management staff, to ensure “on a case-by-case basis that the inmate placement does not jeopardize the inmate’s health and safety and does not present management or security concerns.” Leukefeld Decl., Attach. 2 at 6. Additionally, institution staff may refer cases to the TEC for review of any issues, concerns, or questions regarding the housing and management of a transgender inmate. *Id.* at 4-6. If the TEC receives a request to transfer a transgender inmate, it will meet and conduct a case-by-case assessment to consider if a transfer is appropriate, and, if so, to which institution. *Id.* If the TEC recommends redesignation, DSCC staff will then typically redesignate the inmate. *See* Leukefeld Decl. ¶ 5.

² Some of the BOP’s computerized records are maintained in a database named SENTRY. SENTRY is a real-time information system consisting of various applications for processing inmate information. Data collected and stored in the SENTRY system includes information related to the classification, discipline, and programs of federal inmates. Leukefeld Decl. ¶ 14 n.1.

B. Factual and Procedural Background Regarding Plaintiff

1. Plaintiff's Relevant History in BOP Facilities

Plaintiff Christina Nichole Iglesias is a transgender woman currently serving a 240-month sentence for her most recent conviction, threatened use of a weapon of mass destruction in violation of 18 U.S.C. § 2332a(b). Leukefeld Declaration ¶ 7. In 2015, BOP medical staff diagnosed Plaintiff with gender dysphoria in addition to her diagnoses for borderline personality disorder and anxiety. *Id.* ¶ 8.

To address Plaintiffs' psychological needs, Defendants have provided her with regular individual and group therapy sessions and an intensive residential treatment program for individuals with borderline personality disorder. *Id.* Defendants also have provided numerous accommodations to address her gender dysphoria, *id.*, including a prescription for female hormones, Declaration of Dr. Berhan Yeh ("Yeh Declaration") ¶¶ 7-12. Defendants' accommodations additionally include ensuring that all pat down searches are conducted by female staff, giving Plaintiff female undergarments, and providing her access to a female commissary list, including female razors. Leukefeld Decl. ¶ 8. Moreover, Defendants transferred Plaintiff to Federal Medical Center Lexington ("FMC Lexington"), a lower security male facility, specifically as an intermediate step toward possible future placement in a female facility. *Id.* ¶ 15.

Plaintiff has sought additional accommodations for her gender dysphoria, such as gender-affirming surgery, permanent hair removal, and reassignment to a female facility. *Id.* ¶ 9. At her most recent review preceding the filing of this Motion, which occurred in March 2020, the TEC determined that Plaintiff was not at that time an appropriate candidate for gender-affirming surgery. *Id.* ¶ 10. The TEC reached this determination because Plaintiff's hormone levels were unstable and, as a result, transfer to a female institution was not yet appropriate. *Id.* The TEC further determined that Plaintiff did not meet the criteria for gender-affirming surgery because, having lived solely in

male facilities, she had not lived in a gender-conforming role for twelve months. *Id.* ¶¶ 10-11. Defendants also declined Plaintiff's request for permanent hair removal because there was no indication that such a procedure was medically necessary. Exhibit A (Denial of Administrative Remedy No. 923754-A1).

While incarcerated at the FMC Lexington, Plaintiff had safety and disciplinary issues that led staff to recommend her transfer. Shivers Decl. ¶ 4. Plaintiff was then transferred to the Federal Correctional Institution at Fort Dix ("Fort Dix"). *Id.* Through routine monitoring of one of Plaintiff's phone calls, BOP staff at Fort Dix learned that other inmates might be threatening her. *Id.* ¶ 7. During a follow-up interview with Plaintiff that evening, Plaintiff informed staff that her life was in danger from another inmate. *Id.* To ensure Plaintiff's safety, she was transferred to the Special Housing Unit ("SHU"), in accordance with BOP Program Statement 5270.11. *Id.* ¶ 8. The inmate threatening Plaintiff was placed in a separate cell in the SHU and then transferred out of Fort Dix entirely. *Id.* ¶ 9. Subsequent investigation determined that Plaintiff's claims were unsubstantiated, and Plaintiff was going to be released from the SHU. *Id.* ¶ 10.

Before Plaintiff's release, however, Plaintiff disclosed alleged physical and sexual assault by another inmate in her prior housing unit. *Id.* ¶ 11. Plaintiff therefore has continued to be housed in the SHU pending investigation of her new allegations. *Id.* For safety and security reasons, inmates in the SHU as a matter of general policy are not permitted to have razors in their cells. *Id.* ¶ 13. Instead, they are given the opportunity to shower three times a week and may shave while they do so. *Id.* Plaintiff frequently chooses to decline these opportunities. *Id.*

As part of BOP's ongoing consideration of Plaintiff's proper placement and care, the TEC reconvened on April 19, 2021, to reevaluate Plaintiff's requests for accommodations and treatment concerning her gender dysphoria, including transfer to a female facility. Leukefeld Decl. ¶ 16. The TEC reviewed Plaintiff's most recent lab results and recommended her placement in a female facility

based on her stabilized hormone levels, which the TEC expects that the DSCC will accept *Id.*

2. Procedural History of this Case

Plaintiff, then an inmate at United States Penitentiary, Marion (“USP Marion”), filed a *pro se* complaint in this case on April 12, 2019. ECF 1. While that complaint was pending, the Court assigned counsel to Plaintiff and dismissed the *pro se* complaint without prejudice on mootness grounds. ECF No. 40. Plaintiff was housed at FMC Lexington when she filed her First Amended Complaint (“Amended Complaint”), ECF No. 52, on September 8, 2020. *Id.* ¶ 5. The Amended Complaint asserted three counts—an Eighth Amendment claim for failure to provide adequate medical care for Plaintiff’s gender dysphoria, *id.* ¶¶ 94-100, a Fifth Amendment equal protection claim based on her placement in a male prison facility, *id.* ¶¶ 101-109, and an Eighth Amendment claim alleging a failure to protect her from serious harm, *id.* ¶¶ 110-114. Pursuant to 28 U.S.C. § 1915A(b), the Court screened the Amended Complaint for merit, allowing claims against only certain individual defendants to proceed. ECF No. 74.

Although Plaintiff sought reconsideration of the Court’s screening order, ECF No. 74, she did not wait for the Court to resolve that motion before moving for leave to file a second amended complaint, ECF Nos. 85, 85-1. The proposed pleading (“Second Amended Complaint”) alleged the same claims as the Amended Complaint, with some modifications to the parties against whom the claims were asserted. *Compare* Am. Compl. *with* 2d Am. Compl. Defendants opposed the amendment in part as futile, ECF No. 89, and the Court has not yet ruled.

Since the filing of the motion to amend, Plaintiff has been transferred to Fort Dix, another BOP men’s facility. Decl. of Cristina Nichole Iglesias in Supp. Pl.’s Mot. for Prelim. Inj. (“Iglesias Declaration”), ECF No. 93-2, ¶ 1. While incarcerated at Fort Dix, Plaintiff moved for a preliminary injunction based on a subset of the same claims asserted in the Amended Complaint, as well as an unpled claim for sexual harassment. *See* Pl.’s Mot. & Mem. in Supp. of Prelim. Inj. (“Motion”), ECF

No. 93, at 10-16. Defendants hereby oppose the Motion.

ARGUMENT

I. STANDARD OF REVIEW

A preliminary injunction is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). It is “never awarded as of right,” *Munaf v. Geren*, 553 U.S. 674, 690 (2008), and “should not be granted unless the movant, *by a clear showing*, carries the burden of persuasion,” *Mazurek v. Armstrong*, 520 U.S. 968, 927 (1997) (citation omitted).

To obtain a preliminary injunction, “a plaintiff must establish that [she] has some likelihood of success on the merits; that [she] has no adequate remedy at law; [and] that without relief [she] will suffer irreparable harm.” *GEFT Outdoors, LLC v. City of Westfield*, 922 F.3d 357, 364 (7th Cir. 2019) (citation and quotation marks omitted). Only after a plaintiff passes this threshold must a court “weigh the harm that the plaintiff will suffer absent an injunction against the harm to the defendant from an injunction, and consider whether an injunction is in the public interest.” *Id.* at 364 (citation and quotation mark omitted). These two factors “merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). The Seventh Circuit “‘employs a sliding scale approach’ for this balancing: if a plaintiff is more likely to win, the balance of harms can weigh less heavily in its favor, but the less likely a plaintiff is to win the more that balance would need to weigh in its favor.” *GEFT Outdoors*, 922 F.3d at 364 (citation and quotation marks omitted). A plaintiff “seeking preliminary relief [must] demonstrate that irreparable injury is *likely*,” not merely possible, “in the absence of an injunction.” *Winter*, 555 U.S. at 22.

In addition, because Plaintiff is seeking an injunction that would require Defendants to take affirmative actions, she is seeking a mandatory injunction. Such injunctions should be “cautiously viewed and sparingly issued.” *Mays v. Dart*, 974 F.3d 810, 818 (7th Cir. 2020) (quotation omitted)

(reversing mandatory injunction against prison concerning conditions of confinement); *W.A. Mack, Inc. v. Gen. Motors Corp.*, 260 F.2d 886, 890 (7th Cir. 1958) (holding that “mandatory injunctions are rarely issued and interlocutory mandatory injunctions are even more rarely issued, and neither except upon the clearest equitable grounds.”). Moreover, in the context of prisoner litigation, “[p]reliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm.” 18 U.S.C. § 3626(a)(2).

II. THE COURT SHOULD FIRST RESOLVE THE SCREENING OF PLAINTIFF’S SECOND AMENDED COMPLAINT BEFORE ADDRESSING HER PRELIMINARY INJUNCTION MOTION

Plaintiff’s partially opposed motion to file a second amended complaint is still pending with the Court. Dkt. No. 85. Under these circumstances, the Court should review the proposed second amended complaint under 28 U.S.C. § 1915A before addressing Plaintiff’s preliminary injunction motion. *See Chavez v. Cunningham*, No. 19-cv-00377-NJR, 2019 WL 1517592 (S.D. Ill. Apr. 8, 2019) (Rosenstengel, J.). The position of former defendants BOP and the federal officials sued in their official capacity concerning the screening of the proposed Second Amended Complaint is reflected in ECF No. 86, and individual-capacity defendant Connor’s position is reflected in ECF No. 87. Without addressing and resolving those issues, it is unclear whether any claims upon which Plaintiff seeks preliminary injunctive relief are even properly before the Court.

III. PLAINTIFF IS UNLIKELY TO SUCCEED ON THE MERITS.

Plaintiff’s Motion raises four claims: (A) alleged sex discrimination in housing her in a male facility, (B) alleged deliberate indifference in failure to provide her adequate treatment for her gender dysphoria, (C) alleged sexual harassment, and (D) alleged failure to protect her from serious harm while incarcerated. Plaintiff cannot establish that she is likely to succeed on any of these claims, and

in light of the determination that it is now appropriate to transfer her to a female institution all of her claims, other than her claim that she has been denied adequate treatment, are moot.

A. Plaintiff Cannot Establish a Likelihood of Success as to Any of Her Claims Because This Court Is an Improper Venue for Her Complaint.

Federal Rule of Civil Procedure 12(b)(3) provides that courts should dismiss complaints filed in an improper venue. Failure to establish venue is thus fatal to a showing of success on the merits. *See Crenshaw v. Antokol*, 238 F. Supp. 2d 107, 113–14 (D.D.C. 2002); *Sasso v. Milbollan*, 735 F. Supp. 1045, 1049 n.8 (S.D. Fla. 1990); *see also BMO Harris Bank N.A. v. Stafford Transp. of La.*, No. 1:20-CV-01731-LMM, 2020 WL 4548726, at *1 n.3 (N.D. Ga. June 4, 2020).

Plaintiff cannot meet her “burden of establishing that venue is proper” in this Court. *Graves v. Pikulski*, 115 F. Supp. 2d 931, 934 (S.D. Ill. 2000). Plaintiff alleges that venue is proper here “because the majority of events giving rise to this action occurred in this [d]istrict.”³ Am. Compl. ¶ 4; 2d Am. Compl. ¶ 4. In actuality, none of the operative facts occurred in this judicial district, much less the “substantial part” required for venue. 28 U.S.C. §1391(e)(1) (claims against United States); *id.* § 1391(b)(2) (claims against individuals). Plaintiff is challenging the conditions of her confinement. When Plaintiff filed the Amended Complaint—which is still the operative pleading in this case—she was housed at FMC Lexington, in Kentucky. Am. Compl. ¶ 5. When she moved for leave to file the Second Amended Complaint, Plaintiff was housed at Fort Dix in New Jersey and continues to be incarcerated there. 2d Am. Compl. ¶ 5. Plaintiff’s only allegation concerning events occurring in this judicial district is that she made one of her multiple requests for gender-affirming surgery while incarcerated at USP Marion. Am. Compl. ¶ 39; 2d Am. Compl. ¶ 40. However, by the time that claim

³ In the same paragraph, Plaintiff states that “Defendants are subject to personal jurisdiction in this district.” Am. Compl. ¶ 4; 2d Am. Compl. ¶ 4. Not only does Plaintiff fail to offer any allegations in support of this assertion, *see Dudnikov v. Chalk & Vermillion Fine Arts, Inc.*, 514 F.3d 1063, 1070 (10th Cir. 2008) (non-conclusory, non-speculative allegations required to plead personal jurisdiction), but it is not an independent basis for venue, *see* 28 U.S.C. §§ 1391(b)(2), (e)(1).

was administratively exhausted (and therefore ripe for judicial review), Plaintiff was incarcerated at FMC Lexington. *See* Shivers Decl., Attach. 4 at 14 (administrative complaint 991304-A1). Thus, venue is not and has never been appropriate in this judicial district.

The Court should therefore deny Plaintiff's Motion without prejudice, resolve the motion to amend to determine the operative complaint, and transfer this case to the appropriate judicial district where Plaintiff may renew her requests for relief if necessary. *See* 28 U.S.C. § 1404(a) (permitting transfer of venue, *inter alia*, "in the interest of justice").

B. Plaintiff Has Not Established a Likelihood of Success on Her Claim for Housing in a Female Facility.

Plaintiff alleges that Defendants' denial of her request for transfer to a female facility violates her right to equal protection under the Fifth Amendment.⁴ Br. 13. In *Tay v. Dennison*, 457 F. Supp. 3d 657 (S.D. Ill. 2020), this Court held that a prison could satisfy constitutional scrutiny by conducting "individualized determination[s]" of a transgender inmate's placement, based on medical and penological interests. *Id.* at 681. Defendants repeatedly have undertaken just such an individualized analysis through the TEC, an administrative body with expertise in the medical and penological issues implicated by transgender prisoners. The TEC has considered the appropriateness of recommending Plaintiff's redesignation to a female facility and concluded that placement in a female facility is now appropriate. Leukefeld Decl. ¶ 16. Although the TEC's recommendation is subject to approval by the DSCC, the TEC's recommendations typically are accepted by the DSCC, and it is expected that it will accept the TEC's recommendation concerning Plaintiff's transfer. Leukefeld Decl. ¶ 16.

⁴ Although the Amended Complaint and proposed Second Amended Complaint include Eighth Amendment claims based on Plaintiff's placement in a male facility, she does not assert such a claim as a basis for issuing a preliminary injunction. *Compare* Am. Compl. ¶¶ 99-100; 2d Am. Compl. ¶¶ 100-01 *with* Mot. at 10-12 (arguing a likelihood of success on Eighth Amendment claims relying only on the allegedly wrongful denial of gender affirming surgery and hair removal for purposes of social transitioning).

Accordingly, Plaintiff's failure-to-transfer claim is moot and she cannot establish a likelihood of success on the merits of that claim. *See Santiago v. Walls*, 196 Fed. Appx. 416, 417 (7th Cir. 2006) (holding that inmate's motion for a preliminary injunction seeking a change in housing was rendered moot by his transfer to another facility); *Lebn v. Holmes*, 364 F.3d 862, 871 (7th Cir. 2004) (“[W]hen a prisoner who seeks injunctive relief for a condition specific to a particular prison is transferred out of that prison, the need for relief . . . become[s] moot.”); *Moore v. Thieret*, 862 F.2d 148, 150 (7th Cir. 1988) (holding that preliminary injunction seeking transfer by inmate was moot when prison officials voluntarily decided to transfer him).

C. Plaintiff Has Not Established a Likelihood of Success on Her Claim for Deliberate Indifference to Plaintiff's Gender Dysphoria.

To succeed on her claims that the refusal to provide gender-affirming surgery and permanent hair removal violates the Eighth Amendment, Plaintiff must show two things. First, she must show that she is suffering from “a deprivation that is, from an objective standpoint, sufficiently serious that it results ‘in the denial of the minimal civilized measures of life’s necessities.’” *Gray v. Hardy*, 826 F.3d 1000, 1005 (7th Cir. 2016) (quoting *Farmer v. Brennan*, 511 U.S. 825, 834 (1994)). That “requires more than a scientific and statistical inquiry into the seriousness of the potential harm and the likelihood that such injury to health will actually be caused”; it requires a showing that “society considers the risk that the prisoner complains of to be so grave that it violates contemporary standards of decency to expose *anyone* unwillingly to such a risk.” *Helling v. McKinney*, 509 U.S. 25, 36 (1993). Second, plaintiff must show that “prison officials are deliberately indifferent to this state of affairs.” *Gray*, 826 F.3d at 1005 (quoting *Farmer*, 511 U.S. at 834). Plaintiff cannot satisfy either requirement.

Deliberate indifference imposes a “high hurdle,” requiring a showing “approaching a total unconcern for the prisoner’s welfare.” *Rosario v. Brawn*, 670 F.3d 816, 821 (7th Cir. 2012). More generally, prison officials’ conduct is judged based on “the constraints facing the official,” and

managing a prison requires officials to balance competing interests. *Wilson v. Seiter*, 501 U.S. 294, 303 (1991).

Establishing that Defendants were deliberately indifferent to Plaintiff's serious medical needs requires more than showing a mere difference of opinion regarding the appropriate medical care she has received or mere speculation about the medical care she might yet receive. *Estelle v. Gamble*, 429 U.S. 97, 104-05, 107 (1976). "Absent exceptional circumstances, an inmate's disagreement with medical personnel with respect to a course of treatment is insufficient to state a cognizable constitutional claim, much less to demonstrate deliberate indifference." *Brown v. Wilson*, No. 3:13CV599, 2015 WL 3885984, *5 (E.D. Va. Jun. 23, 2015) (citing *Wright v. Collins*, 766 F.2d 841, 849 (4th Cir. 1985)). Allegations that are akin to run-of-the-mill medical malpractice claims are insufficient to maintain a viable Eighth Amendment claim. *Estelle*, 429 U.S. at 104; *Farmer*, 511 U.S. at 835. Courts are reluctant to second-guess medical judgments where prisoners, like Plaintiff, have received medical attention and subsequently dispute the adequacy of that medical care. *Westlake v. Lucas*, 537 F.2d 857, 860 n.5 (6th Cir. 1976). Instead, to establish an Eighth Amendment claim, Plaintiff must establish that she was subject to a cruel and unusual punishment because Defendants were so deliberately indifferent to her serious medical needs as to unnecessarily and wantonly inflict pain. *Estelle*, 429 U.S. at 104.

The Supreme Court repeatedly has affirmed that the Eighth Amendment does not authorize courts to superintend prison officials' decisions about how to balance competing interests within the constraints of the prison setting. *See, e.g., Helling*, 509 U.S. at 37 (explaining that the Eighth Amendment must take account of "the realities of prison administration"). Prison officials act with deliberative indifference in violation of the Eighth Amendment only if they "know[] of and disregard[] an excessive risk to inmate health or safety," a standard that "incorporates due regard for [officials'] unenviable task of keeping dangerous [individuals] in safe custody under humane conditions." *Farmer*, 511 U.S. at 837, 845 (quotation marks omitted). As the Seventh Circuit recently

emphasized, “[c]orrectional administrators must have ‘substantial discretion to devise reasonable solutions to the problems they face,’” and courts must give “considerable deference . . . to the judgment of prison administrators” about how to balance competing objectives. *Mays*, 974 F.3d at 820-21 (quoting *Florence v. Bd. of Chosen Freeholders of Cty. of Burlington*, 566 U.S. 318, 326 (2012)); see also *Battista v. Clarke*, 645 F.3d 449, 453 (1st Cir. 2011) (noting that the Eighth Amendment “leav[es] ample room for professional judgment, constraints presented by the institutional setting, and the need to give latitude to administrators who have to make difficult trade-offs as to risks and resources.”). “A prison medical professional faces liability only if his course of treatment is ‘such a substantial departure from accepted professional judgment, practice, or standard[] as to demonstrate that the person responsible actually did not base the decision on such a judgment.’” *Campbell v. Kallas*, 936 F.3d 536, 545 (7th Cir. 2019) (citations omitted) (holding that there was no clearly established Eighth Amendment violation from denial of gender affirming surgery). Courts therefore must use “caution” in issuing injunctions in the prison context and may not “enmesh[]” themselves “in the minutiae of prison operations.” *Farmer*, 511 U.S. at 846-47.

1. BOP’s Decision Not to Approve Plaintiff’s Request for Gender-Affirming Surgery at this Juncture Does Not Violate the Eighth Amendment.

It is undisputed that Plaintiff has received medical care from BOP for the treatment of her gender dysphoria, including hormone therapy, the provision of female garments, and female grooming products and makeup. Leukefeld Decl. ¶ 8. It is further undisputed that the TEC, which includes multiple medical professionals, conducted an individualized assessment of Plaintiff and concluded that she was not an appropriate candidate for gender affirming surgery at this juncture because her hormone levels had not yet stabilized, and she had not lived a real-life experience as a female for twelve months in a female prison. *Id.* ¶¶ 10-11; Yeh Decl. ¶¶ 7-12; Mot. at 4-5. Accordingly, the issue presented here is a narrow one: whether Defendants violated the Eighth Amendment where they have provided Plaintiff medical care for her gender dysphoria, and where she disagrees with Defendants’ judgment that gender-

affirming surgery is not yet appropriate for her. As the Seventh Circuit has explained, the Eighth Amendment is not violated under these circumstances.

In *Campbell*, 936 F.3d at 548, the Seventh Circuit held that “prisons aren’t obligated to provide every requested treatment once medical care begins.” *Id.* at 548. Rather, “[d]eciding whether to provide additional medical interventions—especially when the inmate’s preferred course of treatment poses considerable challenges to prison administration—is not the same as deciding to provide no treatment at all.” *Id.* at 549. The Seventh Circuit emphasized that “[s]urgery is ‘the last and the most considered step in the treatment process,’ and not all gender-dysphoric patients are surgical candidates.” *Id.* at 539 (citing WPATH standards). Accordingly, the federal courts of appeal have held that the denial of gender-affirming surgery does not violate the Eighth Amendment when an inmate receives other forms of treatment, such as hormone therapy, and an individualized determination is made that additional medical care is unwarranted. *See Lamb v. Norwood*, 899 F.3d 1159, 1163 (10th Cir. 2018) (prison officials not deliberately indifferent when they provided inmate counseling and hormone treatment for gender dysphoria and prison doctor stated that gender-affirming surgery was unnecessary)..⁵

Plaintiff’s reliance upon the Court’s decision in *Monroe v. Baldwin*, 424 F. Supp. 3d 526 (S.D. Ill. 2019) (Rosenstengel, J.), is misplaced. *See* Mot. at 10. In *Monroe*, the Court held that a putative class of transgender inmates had a likelihood of success on the merits of their Eighth Amendment claims where the evidence indicated that the Illinois Department of Corrections (“IDOC”) altogether “denies

⁵ Other federal courts of appeals are in accord. *See Kosilek v. Spencer*, 774 F.3d 63, 90-91 (1st Cir. 2014) (*en banc*) (holding that a prison’s decision not to provide gender affirming surgery did not violate the Eighth Amendment where the prison provided other treatment options and the inmate simply disagreed with the prison’s medical decisions); *see Wittkowsky v. Levine*, 382 F. Supp. 3d 107, 115 (D. Mass. 2019) (applying *Kosilek* and rejecting claim for gender affirming surgery); *Keohane v. Fla. Dep’t of Corrs. Sec’y*, 952 F.3d 1257, 1274 (11th Cir. 2020) (holding that denial of gender affirming surgery at most constituted negligence and explaining that “a simple difference in medical opinion between the prison’s medical staff and the inmate as to the latter’s diagnosis or course of treatment [cannot] support a claim of cruel and unusual punishment.”).

and delays the diagnosis and treatment of gender dysphoria without a medical basis or penological purpose.” *Monroe*, 424 F. Supp. 3d at 544. In particular, the evidence reflected lengthy delays in diagnosis and treatment. *Id.* The Court also found that IDOC had not evaluated a single transgender inmate for surgery, and that the failing to provide care “for a non-medical reason or inexplicably delaying treatment with no penological purpose can amount to deliberate indifference. *Id.* (citation omitted).⁶

Here, it is undisputed that Plaintiff has received significant treatment for her gender dysphoria, including the provision of hormone therapy, mental health counseling, female undergarments, and makeup. Leukfeld Decl. ¶ 8. And, unlike in *Monroe*, Defendants have both medical and penological reasons for concluding that Plaintiff is not currently suitable for gender-affirming surgery. Defendants made the reasoned medical judgment that gender-affirming surgery was not appropriate for Plaintiff at this juncture for two reasons. First, Plaintiff had not lived in a gender-conforming role for twelve months since being incarcerated under the custody of BOP. *Id.* ¶¶ 11-12. Defendants appropriately concluded that successful placement in a female facility for twelve months is a critical step for gender-

⁶ Plaintiff’s reliance upon *De’Lonta v. Johnson*, 708 F.3d 520 (4th Cir. 2013), and *Edmo v. Corizon, Inc.*, 935 F.3d 757 (9th Cir. 2019), also are misplaced. In *De’Lonta*, the court held that the plaintiff alleged a plausible Eighth Amendment claim where she claimed that she had never been evaluated concerning her suitability for gender-affirming surgery despite the lack of efficacy of other treatments. *De’Lonta*, 708 F.3d at 525; see *Campbell*, 936 F.3d at 547 n.2 (distinguishing *De’Lonta* on the ground that the prison officials in that case “never allowed [the plaintiff] to be evaluated by a [gender-dysphoria] specialist in the first place”) (citation omitted). In this case, BOP has evaluated plaintiff’s suitability for gender affirming surgery and reached the professional medical and penological judgment that she is not currently suitable. Leukefeld Decl. ¶¶ 9-13.

In *Edmo*, the Ninth Circuit affirmed the district court’s “extensive factual findings” that credited the plaintiff’s experts’ opinion that gender-affirming surgery was medically necessary and discredited the prison’s treating physicians, who lacked expertise in treating individuals with gender dysphoria. *Edmo*, 935 F.3d at 787. BOP’s medical professionals who evaluated plaintiff possess expertise in treating individuals with gender dysphoria; and, as discussed below, plaintiff’s expert Dr. Ettner admits that she has not considered sufficient facts and data to offer a reliable opinion concerning the medical necessity for gender-affirming surgery for Plaintiff.

affirming surgery in order to permit Plaintiff to fully live in her preferred gender in prison conditions. *Id.* Because prisons are segregated by sex, it is not possible for transgender female individuals to fully experience their gender in reference to same-gender peers without living in a female facility. *Id.* In addition, based on Defendants' experience handling transgender inmates, they have recognized that not all transgender women adapt successfully to female prisons and some end up returning back to a male prison. *Id.* ¶ 12. Accordingly, Defendants view female transgender inmates' successful placement in a female facility as a critical step to being eligible for irreversible gender-affirming surgery because returning a post-operative transgender female inmate to a male prison due to adjustment issues would raise significant safety concerns. *Id.*⁷

Second, Defendants concluded that Plaintiff's placement in a female facility was not warranted until now because her hormone levels had fallen below their goal and had not been maximized. *Id.* ¶ 10. Achieving target hormone levels is a first step for transgender women moving to a female facility, because transgender women become more feminine in appearance when target hormone levels are maintained. *Id.* For example, maintenance of target hormone levels result in the loss of muscle mass, a decrease in libido, and the inability to maintain erections. *Id.* These feminizing effects are important for the ability of a transgender woman to safely and successfully live in a female institution. *Id.* Accordingly, Defendants reasonably concluded that Plaintiff's hormone levels needed to be observed and stabilized before consideration was given to transferring her to a female facility. *Id.*

Plaintiff's expert, Dr. Randi Ettner, disagrees with Defendants' judgment. But that disagreement fails to establish an Eighth Amendment violation for at least three reasons. First, Dr. Ettner acknowledges that she lacks sufficient facts and data to offer any reliable conclusions about whether gender-affirming surgery is medically appropriate for Plaintiff. Dr. Ettner acknowledges that her

⁷ Notably, Plaintiff's expert agrees that transgender female inmates who present female characteristics would be at an increased risk of harm in a male facility. Dkt. No. 93-1 at ¶ 66.

conclusions are at best “tentative” based on the “small amount of information [she] h[as] been able to receive about Plaintiff’s treatment,” ECF No. 93-1, ¶ 76, and that “[i]n order to properly analyze the treatment that Plaintiff is receiving, [Dr. Ettner] would need to be able to see a more complete set of [Plaintiff’s] medical and mental health records and an opportunity to conduct a longer interview of her. It would also be helpful if [Dr. Ettner] could conduct psychological testing of [Plaintiff].” *Id.* Dr. Ettner’s opinion offers no basis for injunctive relief, as she admits that it is “impossible for [her] to reach any definitive conclusions based on the small amount of information she ha[s] received[.]” *Id.* ¶ 83. This acknowledged lack of sufficient facts and data are particularly problematic here, because the WPATH Standards of Care (“SOC”) upon which she so heavily relies “are intended to provide *flexible direction for the treatment* of [gender dysphoria] and state that individual professionals and organized programs may modify the Standards requirements in response to a patient’s unique situation or an experienced professional’s evolving treatment methodology.” *Druley v. Patton*, 601 F. App’x 632, 635 (10th Cir. 2015) (cleaned up); *Arnold v. Wilson*, No. 1:13cv900, 2014 WL 7345755, *6 (E.D. Va. Dec. 23, 2014) (recognizing that the WPATH SOC recommendations “are flexible clinical guidelines,” and can be adjusted based on “a patient’s unique anatomic, social or psychological situation.”) (citing WPATH standards)). Accordingly, in the admitted absence of sufficient data to determine whether the WPATH’s flexible standards have been met under these circumstances, Dr. Ettner admits that she lacks any reliable basis to offer her opinions.⁸ *United States v. Mamah*, 332 F.3d 475, 478 (7th Cir. 2003) (affirming

⁸ Plaintiff states that the Defendants have refused to respond to discovery requests. Mot. at 2, n.1. Plaintiff served discovery after the Court dismissed all of the official capacity claims in this case in its screening order. Although Plaintiff moved for reconsideration, in part, of that screening order, the Court has not yet ruled on that motion. In addition, Plaintiff did not seek reconsideration of the dismissal of the official capacity claims against the individual federal defendants. ECF No. 76. Accordingly, there presently are no official capacity claims in this case, and any discovery concerning the dismissed claims is inappropriate and, regardless, would be premature. In any event, Plaintiff has the ability to access her medical records by submitting a request to staff members at her institution. *See* 28 C.F.R. § 513.42

exclusion of expert that lacked sufficient facts and data to support opinion); see *Second Amendment Arms v. City of Chicago*, No. 10-cv-4257, 2020 WL 1157347, *11-12 (N.D. Ill. Mar. 10, 2020) (excluding expert that admitted he lacked sufficient data in offering opinion).

Second, Dr. Ettner's opinions are internally inconsistent. On the one hand, Dr. Ettner contends that placement in a female facility should not be a prerequisite for gender-affirming surgery. *Id.* ¶ 88 (taking issue with Defendant Connor's statement that "gender-affirming surgery is considered after real life experience in your preferred gender" and concluding that the SOC do not focus on the location where the patient lived). Yet Dr. Ettner acknowledges that "transgender women with feminine characteristics are at elevated risk for harm when housed in male prisons." *Id.* ¶ 66. In short, Dr. Ettner's own opinions support Defendants' judgment that gender-affirming surgery is not currently appropriate for Plaintiff while she is incarcerated in a male facility.

Third, Defendants' judgment that living in one's preferred gender for twelve months includes placement in a facility that corresponds with the inmate's gender identity is entirely consistent with the non-binding WPATH standards upon which Dr. Ettner relies. For example, WPATH explains that the rationale for requiring a "12 continuous months of living in a gender role that is congruent with their gender identity" is that "this experience provides ample opportunity for patients to experience and socially adjust in their desired gender role" before surgery. *Campbell*, 936 F.3d at 539 (citing WPATH standards). This one-year preparatory period "helps patients adjust to the 'profound personal and social consequences' of adjusting one's gender expression." *Id.* Dr. Ettner fails to explain, beyond her own *ipse dixit*, how Plaintiff properly could socially adjust to gender-affirming surgery in the absence of being housed in a female institution. But even if Dr. Ettner were correct and Defendants misconstrued the WPATH guidelines, that would not rise to the level of an Eighth Amendment violation. *Lee v. Young*, 533 F.3d 505, 509 (7th Cir. 2008); see *Snipes v. Detella*, 95 F.3d 586, 591 (7th Cir. 1996) (holding that "a mere disagreement with the course

of [the inmate's] medical treatment [does not constitute] an Eighth Amendment claim of deliberative indifference.”) (cleaned up); *Lamb v. Norwood*, 262 F. Supp. 3d 1151, 1158 (D. Kan. 2017) (recognizing “the reality that the treatment of gender dysphoria is a highly controversial issue for which there are differing opinions”). For all these reasons, Plaintiff cannot establish a likelihood of success on her Eighth Amendment claim for gender affirming surgery.

2. Plaintiff Cannot Establish an Eighth Amendment Violation Based on Defendant's Refusal to Provide Hair Removal.

Plaintiff's claim for hair removal is unlikely to succeed because the Eighth Amendment does not mandate that prisoners receive cosmetic hair removal. As the Seventh Circuit has explained in reviewing claims for electrolysis, “our cases offer no indication that denying arguably nonmedical cosmetic accommodations violates the Eighth Amendment.” *Campbell*, 936 F.3d at 549. Courts have rejected Eighth Amendment claims for hair removal in the absence of evidence that the procedure was medically necessary. *Murillo v. Godfrey*, No. 2:18-cv-02342, 2020 WL 1139811, *14 (C.D. Cal. Mar. 9, 2020) (denying Eighth Amendment claim by transgender inmate for hair removal where inmate alleged that her “facial hair was torture” but failed to provide any evidence that removal was medically necessary); *Renee v. Neal*, 483 F. Supp. 3d 606, 615 (N.D. Ind. 2020) (holding that denial of permanent hair removal “is not a clearly established federal constitutional right”).

Here, Plaintiff informed Defendants that she wanted laser hair removal because it caused her mental distress. Ex. A. But, as BOP officials observed, her clinical provider had not indicated the medical necessity for laser hair removal as part of her therapy. *Id.* Defendants further noted that during Plaintiff's evaluation by BOP's Psychology Services, she reported “no major emotional or environmental problems since [she] last contact[ed] Psychology Services.” *Id.* Accordingly, Defendants informed Plaintiff that if she was having issues, she should request a sick call or Psychology Services to address her concerns, and that her primary care team will continue to make recommendations as needed. *Id.*

Under these circumstances, Plaintiff cannot establish a likelihood of establishing an Eighth Amendment violation based on the denial of laser hair removal. Plaintiff nevertheless contends that Defendants are “knowingly denying her even the ability to shave more than once per week,” while in protective custody. Mot. at 12. Plaintiff’s contention is inaccurate. Although inmates in the SHU, including Plaintiff, are not allowed as a matter of general policy to possess razors in their cells for safety and security reasons, they are offered the opportunity to shower three times a week and to shave with a razor at that time. Shivers Decl. ¶ 13. Despite being offered this opportunity, Plaintiff frequently has declined to take advantage of it. *Id.* Plaintiff’s decision to decline a razor cannot establish deliberative indifference on the part of Defendants.

D. Plaintiff Has Not Established a Likelihood of Success on her Sexual Harassment Claim.

Plaintiff’s Motion references a “separate[]” Fifth Amendment equal protection claim based on alleged sexual harassment by prisoners and staff. Mot. at 14. As discussed below, although Plaintiff’s claim for an injunction is mooted by her transfer to a female facility, it fails for the additional threshold reasons that she has failed to plead a sexual harassment claim or exhaust her administrative remedies.

First, Plaintiff cannot succeed on a Fifth Amendment sexual harassment claim because she has never pled it. Neither the Amended Complaint nor the proposed Second Amended Complaint contains a claim based on sexual harassment. *See generally* Am. Compl. ¶¶ 94-114; 2d Am. Compl. ¶¶ 95-115. “A preliminary injunction grants ‘intermediate relief of the same character as that which may be granted finally.’” *Sai v. TSA*, 54 F. Supp. 3d 5, 8 (D.D.C. 2014) (quoting *De Beers Consol. Mines v. United States*, 325 U.S. 212, 220 (1945)). To be potentially entitled to relief on a claim, a party must adequately plead it. *See* Fed. R. Civ. P. 8(a)(2); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). Thus, because a claim that is not pled cannot lead to final relief, it cannot be a basis for preliminary relief either. *See Omega World Travel, Inc. v. Trans World*

Airlines, 111 F.3d 14, 16 (4th Cir. 1997) (“[A] party moving for a preliminary injunction must necessarily establish a relationship between the injury claimed in the party’s motion and the conduct asserted in the complaint.” (citation omitted)); *see also Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr.*, 810 F.3d 631, 636 (9th Cir. 2015) (collecting cases).

Second, Plaintiff is procedurally barred from asserting a sexual harassment claim under the Prison Litigation Reform Act of 1995 (“PLRA”), Pub L. No. 104-134, 110 Stat. 1321–71 (Apr. 26, 1996), as amended, 42 U.S.C. § 1997e *et seq.* That statute requires exhaustion of administrative remedies before a prisoner can bring suit. 42 U.S.C. § 1997e(a). The last grievance concerning staff conduct that Plaintiff fully exhausted was filed more than a decade ago, when Plaintiff was housed at the U.S. Penitentiary Florence Admax facility. *See Shivers Decl.*, Attach. 4 at 8 (administrative complaint 629356, originally filed March 15, 2011, exhausted July 14, 2011). Any alleged sexual harassment by BOP staff, whether direct or indirect, grieved at that time would have been barred by the applicable statute of limitations long ago. *See Silverstein v. Fed. Bureau of Prisons*, 559 F. App’x 739, 751 (10th Cir. 2014) (two-year statute of limitations for *Bivens* claims in Colorado, six-years statute of limitations for claims against United States). Thus, Plaintiff could not succeed on any harassment claims, even if she had pled them. Plaintiff is therefore unable to demonstrate that she is likely to succeed on a Fifth Amendment sexual harassment claim.

Third, Plaintiff’s sexual harassment claim is now moot. The relief she seeks for this claim is an injunction requiring her to be transferred to a female facility. Am. Compl. at 25 (Prayer for Relief ¶¶ c, d). Because Plaintiff is now scheduled for transfer to such a facility, there is no further relief for the Court to provide. Her claim is therefore moot and cannot succeed on its merits. *Santiago*, 196 Fed. Appx. at 417; *Lehn*, 364 F.3d at 871; *Moore*, 862 F.2d at 150.

E. Plaintiff Has Not Shown a Likelihood of Success on the Merits of Her Eighth Amendment Failure-to-Protect Claim.

Plaintiff alleges that Defendants' denial of a transfer to a female facility violates her Eighth Amendment right to be free from a substantial risk of serious harm while incarcerated. Br. at 14-15. This claim fails for at least three reasons.

1. Plaintiff Has Failed to Exhaust Her Administrative Remedies Under the PLRA.

Since Plaintiff was transferred to Fort Dix, she has not exhausted any administrative remedies with regard to any alleged failure by Defendants to protect her from mistreatment. At Fort Dix, Plaintiff has lodged only one grievance regarding the conditions of her confinement, which asserted that she would be unsafe if released from the SHU into the general population. Shivers Decl., Attach. 4 at 14 (grievance 1075354-F1). Plaintiff has not appealed the rejection of that grievance, so has not satisfied the PLRA's exhaustion requirement. *See id.*; 42 U.S.C. § 1997e(a).

2. Plaintiff's Claim Is Unlikely to Succeed on Its Merits.

To make out a failure-to-protect claim, Plaintiff must demonstrate Defendant's deliberate indifference to a substantial risk of serious harm. *Balsewicz v. Pamlyk*, 963 F.3d 650, 654 (7th Cir. 2020). This means that Plaintiff must show both exposure to an objectively serious risk of harm and that Defendants "must have known of and disregarded an excessive risk to the inmate's health or safety." *Id.* The second prong cannot be met if Defendants took "reasonable measures to abate the known risk." *Id.* at 655.

Although Plaintiff's Motion recounts numerous past incidents in which she was subjected to actual or threatened harm in other BOP facilities, the only ongoing harm she identifies while at Fort Dix is "fear . . . [from] remain[ing] in a male prison with prisoners who have threatened and assaulted her." Br. at 8; *see Schrier v. Univ. of Colo.*, 427 F.3d 1253, 1267 (10th Cir. 2005) ("The purpose of a preliminary injunction is not to remedy past harm but to protect plaintiffs from irreparable injury that will surely result without their issuance."). However, fear alone is insufficient

to state an Eighth Amendment claim challenging the conditions of confinement, *Babcock v. White*, 102 F.3d 267, 273 (7th Cir. 1996), and Defendants are not disregarding the risk of possible future assault. Rather, on the same day that Plaintiff informed staff about her mistreatment by other inmates at Fort Dix, BOP granted Plaintiff's request for protective custody. Iglesias Decl. ¶¶ 61-62.

Because the TEC has recommended Plaintiff's transfer to a female facility, her failure-to-protect claim will soon be moot. *Jones v. Butler*, 663 F. App'x 468, 470 (7th Cir. 2016) (transfer of inmate mooted claim for injunctive relief on failure-to-protect claim). And until Plaintiff's transfer to a female facility is finalized, protective custody "offer[s] reasonable protection" and therefore meets Defendants' Eighth Amendment obligations. *Dale v. Poston*, 548 F.3d 563, 570 (7th Cir. 2008) (protective custody acceptable alternative to transfer); *Jasmaine v. Gazoo*, No. 3:18-CV-00533-MR, 2021 WL 243865, at *7 (W.D.N.C. Jan. 25, 2021) (same); *Valenzuela v. Monson*, No. CV 19-05162-PHX-MTL (MHB), 2020 WL 6891414, at *3 (D. Ariz. Nov. 24, 2020) (same). Here, there is every reason to believe protective custody will offer such protection. Since entering protective custody, Plaintiff has suffered nothing more than verbal threats from a now-transferred inmate. Mot. at 8. Verbal harassment, including threats of physical harm, do not amount to an unconstitutional condition of confinement. *See Turner v. Mull*, 784 F.3d 485, 492 (8th Cir. 2015); *Widner v. Aguilar*, 398 F. App'x 976, 979 (5th Cir. 2010); *Booth v. King*, 228 F. App'x 167, 172 (3d Cir. 2007); *Walton v. Terry*, 38 F. App'x 363, 364-65 (9th Cir. 2002); *see Morgan v. Corr. Corp. of Am.*, No. 2:09CV97-B-A, 2010 WL 1710809, at *2 (N.D. Miss. Apr. 26, 2010) (holding no constitutional violation from "failure of prison guards to protect the plaintiff against verbal abuse from others."). Indeed, Plaintiff is in protective custody by her own request and has filed an administrative grievance to stay there Shivers Decl., Attach. 4 at 14 (grievance 1075354-F1). She cannot plausibly maintain that her continued housing in the SHU pending transfer to a female facility is not a reasonable measure to ensure her safety at Fort Dix.

F. PLAINTIFF FAILS TO SHOW IRREPARABLE HARM

Because Plaintiff has failed to establish a likelihood of success on the merits, the Court need not proceed further to consider the remaining preliminary injunction factors. *See GEFT Outdoors*, 922 F.3d at 367-68 (noting that if a plaintiff cannot show a likelihood of success on the merits, “there [is] no need for the district court to conduct further analysis of the ‘threshold phase’ for preliminary injunctive relief, or to move to the ‘balancing phase’”). Even if the Court were to proceed, however, it should find that Plaintiff has failed to show the requisite irreparable harm necessary to justify an injunction.

Plaintiff contends that the deprivation of her constitutional rights constitutes irreparable harm. Mot. at 17. But as explained above, BOP has agreed to transfer her to a female facility. This transfer will eliminate much of the asserted irreparable harm. BOP also has provided—and will continue to provide—appropriate medical care to Plaintiff for the treatment of her gender dysphoria and appropriate protection from other harms. Under these circumstances, Plaintiff cannot establish any violation of her constitutional rights or any irreparable harm pending the ultimate resolution of her claims. *Mudica v. Warden*, No. 3:19-cv-1090, 2020 WL 1685718, *3 (N.D. Ind. Apr. 6, 2020) (holding that where prison provided medical care to inmate, and that care would continue absent a preliminary order from the court, the inmate could not establish irreparable harm); *Robertson v. Deputy Commissioner*, No. 3:19-cv-938-DRL-MGG, 2019 WL 7403678, *3 (N.D. Ind. Dec. 30, 2019) (holding that inmate failed to establish irreparable harm in the absence of an injunction where medical care provided was adequate).

G. THE BALANCE OF EQUITIES AND THE PUBLIC INTEREST AGAINST A PRELIMINARY INJUNCTION

Even if Plaintiff could establish a likelihood of success on the merits and irreparable harm, the equities and public interest weigh against issuing an injunction. *See Winter*, 555 U.S. at 32. These merged factors are especially important “when a prisoner seeks a preliminary injunction against

correctional officials” because “[t]he public interest in the safe and orderly management of prisons is great.” *Buck v. Briley*, No. 2001 C 1153, 2001 WL 619523, at *2 (N.D. Ill. May 23, 2001). “While federal courts must take cognizance of prisoners’ valid constitutional claims, federal courts cannot manage prisons, and must give substantial deference to those who do.” *Id.* “Prison administrators therefore should be accorded wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security.” *Bell v. Wolfish*, 441 U.S. 520, 547 (1979); *Mays*, 974 F.3d at 820 (concluding that district court erred in failing “to defer to correctional administrators in a matter implicating safety and security concerns”).

This is not an instance in which Defendants are failing to address the issues Plaintiff complains of in her Motion. Defendants are actively addressing her security concerns and providing her medical care for her gender dysphoria. Rather, Plaintiff is seeking to have the Court substitute its judgment concerning the proper remedies for these issues for the judgment of BOP, the federal agency entrusted by Congress to administer the federal prison system. BOP possesses the penological and medical expertise and knowledge of available resources to make the best decision concerning how to address Plaintiff’s needs without harming the overall prison system. The Court should defer to that expertise and knowledge because the public interest favors the orderly administration of the prison system by the most capable party. *See Serna v. Goodno*, 567 F.3d 944, 948 (8th Cir. 2009) (noting “the legitimate institutional interest in the safety and security of . . . order within the [prison] facility, and the efficiency of the facility’s operations” (quotation omitted)).

CONCLUSION

For the foregoing reasons, plaintiff’s motion for a preliminary injunction should be denied.

Dated: April 20, 2021

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EXHIBIT A

Administrative Remedy No. 923754-A1
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal wherein you allege you have been denied laser hair removal. You contend you are requesting laser hair removal as part of your transition to a woman. You assert having facial hair causes you mental distress. For relief, you request laser hair removal.

We have reviewed documentation relevant to your appeal and, based on our findings, concur with the manner in which the Warden and Regional Director responded to your concerns at the time of your Request for Administrative Remedy and subsequent appeal. Our succeeding review reveals at present, your clinical provider has not indicated the need for laser hair removal as part of your treatment plan. You were last evaluated by Psychology Services on March 9, 2018. During the encounter, you reported no major emotional or environmental problems since you last contact with Psychology Services. If you are having issues, you need to request sick call or Psychology Services for your concerns. Your primary care team will continue to make recommendations as needed. As recommendations are made, a course of treatment will be determined. Given this, we shall defer diagnostic testing and treatment interventions to the Health Services staff at the local level. Based on this information, there is no evidence to substantiate your claim of being denied appropriate medical care.

The record reflects you have received medical care and treatment in accordance with evidence based standard of care and within the scope of services of the Federal Bureau of Prisons. You are encouraged to comply with proposed medical treatment so Health Services can continue to provide essential care and to contact medical personnel through routine sick call procedures should your condition change.

Considering the foregoing, your appeal is denied.

4/6/19
Date



Ian Connors, Administrator
National Inmate Appeals 

Declaration of Alison Leukefeld

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CRISTINA NICHOLE IGLESIAS (a.k.a.,)	
CRISTIAN NOEL IGLESIAS),)	
)	
Plaintiff,)	
)	
vs.)	Case No. 19-cv-00415-NJR
)	
IAN CONNORS, ET AL.,)	
)	
Defendants.)	

DECLARATION OF ALISON LEUKEFELD

I, Alison Leukefeld, make the following declaration, in accordance with the provisions of 28 U.S.C. § 1746:

1. I am currently employed by the Federal Bureau of Prisons (“BOP”) as the Psychology Services Branch Administrator. I have held my current position since April of 2020. I have been employed by the BOP since May, 2004.

2. I am a licensed Psychologist. I hold a Ph.D. in Counseling Psychology awarded by the University of Oregon in 2003, after completing an internship at FMC Lexington. I began full time employment with BOP at FCC Forrest City where I worked as a Drug Treatment Specialist, a Staff Psychologist, a Drug Abuse Program Coordinator, and the Chief Psychologist. I began working in the Central Office in November of 2008 as the Chief of Mental Health Services. I was promoted to my current position of Psychology Services Branch Administrator in April of 2020.

3. As Psychology Services Branch Administrator, I am responsible for administration of Psychology Services throughout the Bureau of Prisons. Specifically, I am responsible for policy, training and oversight of mental health psychosocial services that occur in inpatient, residential, and outpatient settings; evaluations ordered by the courts; suicide prevention; drug treatment programs;

and rehabilitation programs, such as sex offender treatment and reintegration units. Additionally, I serve as a member of the BOP's Transgender Executive Council (TEC). I began to participate in the TEC when it was established in 2016. Due to my oversight of inmate mental health services, I have been involved in transgender care as it has developed in the BOP. For example, I helped to develop policy, advised on training for psychologists, and provided guidance to psychologists.

4. The TEC is led by the Reentry Services Division and consists of staff members from that Division as well as from the BOP's Health Services Division and the Correctional Programs Division. See Attachment 1, Program Statement 5200.04 (Transgender Offender Manual). It is composed of staff with diverse specialty areas. Current TEC members include two psychologists, a psychiatrist, a pharmacist, and BOP designations experts. Three of the members are Senior Deputy Assistant Directors, giving them a great deal of authority in decision making. Two are Branch Chiefs in relevant specialty areas (psychology and psychiatry) that support the Council's subject matter expertise. The TEC offers advice and guidance on measures related to unique treatment and management needs of transgender inmates and/or inmates with Gender Dysphoria, including housing and health issues.

5. Leadership from the BOP's Designations & Sentence Computation Center ("DSCC"), a unit within BOP created to centralize inmate designation (*i.e.*, placement) within BOP facilities, provides the TEC with expertise on placement options for transgender inmates. In designating inmates, DSCC considers Program Statement 5100.08, Inmate Security and Custody Classification ("Program Statement"). See Attachment 2 (Program Statement). The Program Statement focuses on three primary factors for making designation decisions: (1) the level of security and supervision the inmate requires; (2) the level of security and staff supervision the institution is able to provide; and (3) the inmate's program needs. Other factors to be considered include: the inmate's release residence; the level of overcrowding at an institution; any security, location or program recommendation made by the sentencing court; any Central Inmate Monitoring issues; any

additional security measures to ensure the protection of victims/witnesses and the public in general; and, any other factor(s) which may involve the inmate's confinement, the protection of society, and/or the safe and orderly management of a BOP facility. In the event the TEC recommends an inmate be re-designated, that recommendation is acted upon by the DSCC.

6. I am aware that inmate Iglesias, reg. no. 17248-018, seeks an order requiring the BOP to provide her with gender affirming surgery and placement at a female facility, among other things.

7. Iglesias is a 46-year-old transgender female, currently housed at the Federal Correctional Institution at Fort Dix, New Jersey (FCI Fort Dix). She is currently serving a 240-month sentence for violation of 18 U.S.C. 2332a(b) (Threatened Use of a Weapon of Mass Destruction). Iglesias was sentenced in the Southern District of Florida on July 28, 2005, and is projected to be released on December 25, 2022. See Attachment 3, Public Information for Iglesias. Iglesias has multiple prior sentences as well.

8. In 2015, while in BOP custody, Iglesias was diagnosed with gender dysphoria and has sought and received a number of treatments and accommodations related to her transgender identity. For example, she began hormone treatment in 2015. In addition, she has been diagnosed with borderline personality disorder and anxiety. These diagnoses, including the diagnosis of gender dysphoria, have resulted in her classification as a Mental Health Care Level Two or Care Level Three inmate, ensuring that she receives either monthly or weekly mental health treatment sessions, respectively. She participated in an intensive residential treatment program for individuals with borderline personality disorder in 2015. Her psychological treatment has included individual therapy, group therapy, and residential programming, along with assessment and crisis intervention, as necessary. Therapy has consistently focused on mood management and behavioral regulation. In addition, Iglesias has received a number of accommodations in support of her transgender identity and is currently approved for female pat down searches by only female staff, female undergarments,

and access to a female commissary list, including access to female razors.

9. While in BOP custody, Iglesias has sought gender affirming surgery, permanent hair removal, and placement in a female facility, through the administrative remedy process. *See* Attachment 4, a true and accurate copy of the Administrative Remedy Generalized Retrieval for Iglesias, listing all of the administrative remedy requests she has submitted to BOP. The BOP's TEC carefully considered Iglesias' requests for gender affirming surgery and placement in a female facility. Although it has been determined that transfer to a female facility is now appropriate, gender-affirming surgery is not yet appropriate.

10. The TEC reviewed Iglesias on March 9, 2020, in response to the series of administrative remedy requests identified as remedy ID 991304. A true and accurate copy of this series of requests and responses is attached as Attachment 5. At that time, her hormone levels had fallen below their goal and were not been maximized. As a result, transfer to a female institution and surgery were not found to be appropriate. It was recommended she remain at her current facility and maximize gender affirming hormones. The TEC views achieving target hormone levels as a first step for transgender women moving to a female facility. When transgender women maintain their target hormone levels, they become more feminine in appearance. They also lose muscle mass, experience lower libido, and are not able to maintain erections. All of these feminizing effects are important for their ability to live in a female institution and for the safety of women who would be their peers.

11. Gender affirming surgery was not appropriate at the time Iglesias was last reviewed by the TEC, nor is it currently appropriate. The Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People published by the World Professional Association for Transgender Health provide that “[g]enital surgery should not be carried out until . . . patients have lived continuously for at least 12 months in the gender role that is congruent with their gender identity.” Iglesias has been housed solely in male facilities since being incarcerated in the BOP, so

she has not lived in a gender confirming role for twelve months.

12. BOP's practice is that gender affirming surgery for transgender females is not considered until after successful redesignation to a female facility for twelve months. Since prisons are segregated by sex, it is not possible for transgender individuals to fully experience their gender in reference to same-gender peers without this experience. BOP has learned through experience that not all transgender women adapt successfully to female prisons. In some cases, transgender women have behaved in ways that made it unsafe to maintain them in a female prison and they have had to return to a male prison. In other cases they have requested to return to a male prison, due to the stress they experience in a female prison. Therefore, the TEC views the experience of living in a prison consistent with an individual's gender identity as a critical step in the transition process. If a transgender woman is not able to live in a female prison or does not wish to continue in that setting, it is very important to have this information prior to surgical procedures, since return to a male prison following gender affirming surgery would put the woman at significant risk for harassment and sexual assault.

13. Therefore, the TEC has not denied Iglesias gender affirming surgery. Rather, it has not approved placement in a female facility, which is a necessary and appropriate step toward surgery. The TEC finds this step necessary to allow the inmate to live as their identified gender and to prevent the heightened risk of sexual advances or harassment that would result from being housed at a male facility after gender affirming surgery.

14. Program Statement 5200.04, also known as the Transgender Offender Manual, directs BOP staff to make individualized decisions about transgender inmate housing, taking into account gender identity, the safety of all parties, and individual inmate behavior and history, among other factors. This is necessary to ensure the needs of transgender inmates are addressed and safety is maximized for all inmates. Additionally, the Program Statement states "designation to a facility of the inmate's identified gender would be appropriate only in rare cases after consideration of all of

the above factors and where there has been significant progress towards transition as demonstrated by medical and mental health history, as well as positive institution adjustments.” BOP has taken steps to move transgender women to female prisons, when safe and appropriate. Currently, four inmates who are identified in BOP’s recordkeeping system¹ as transgender are living in institutions consistent with their identified gender. Approximately the same number of transgender female inmates have been previously placed in gender affirming settings, but have been released or returned to male facilities.

15. Ultimately, the TEC determined gender reassignment surgery and placement in a female facility were not appropriate for Iglesias at the time of the review of her administrative complaints. However, on other occasions, the TEC has supported some of Iglesias’s requests. For example, the TEC recommended placement at a lower security male facility, as a step toward placement in a female institution. This is an important step toward a female facility, for medium- and high-security female transgender inmates, since all female institutions are low- or minimum-security, and inmates do not typically skip security levels as they move down. Accordingly, Iglesias was transferred from USP Marion to FMC Lexington in 2019.²

16. The TEC reviews inmates throughout their BOP incarceration and continually revisits decisions to ensure the most appropriate care is provided. The TEC has consistently and routinely reviewed Iglesias’ housing situation and medical needs. Accordingly, the TEC reviewed Iglesias on April 19, 2021. This review included the receipt of new blood test results that reflected her current hormone levels. That test reflected that her hormone levels were at goal levels. Accordingly, the TEC recommended that Iglesias be transferred to a female facility. The TEC’s

¹ Some of the BOP’s computerized records are maintained in a database named SENTRY, a real-time information system that includes information related to the classification, discipline, and programs of federal inmates.

² It should be noted that the purpose of the transfer was not to receive gender affirming surgery as she claims she was told. Doc. 93-2 at 3. There is no indication that medical staff at USP Marion told Iglesias this was the purpose of the transfer.

recommendation has been communicated to staff at FCI Fort Dix. Staff at FCI Fort Dix will prepare a formal transfer request and submit it to the DSCC for approval. TEC recommendations typically are accepted by the DSCC. It is the TEC's expectation that the DSCC will accept the TEC's recommendation and that Iglesias will be transferred to an appropriate female facility as soon as practicable in the near future.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 20th day of April 2021.



Alison Leukefeld

Attachment 1



U.S. Department of Justice
Federal Bureau of Prisons

CHANGE NOTICE

OPI: RSD/WSP
NUMBER: 5200.04 CN-1
DATE: May 11, 2018

Transgender Offender Manual

A handwritten signature in black ink, appearing to read "Mark S. Inch".

Approved: Mark S. Inch
Director, Federal Bureau of Prisons

This Change Notice (CN) implements the following change to Program Statement 5200.04, **Transgender Offender Manual**, dated January 18, 2017. The purpose of the Change Notice is to ensure that the Transgender Executive Council (TEC) considers issues related to prison management and security in determining appropriate housing of transgender inmates, including risks posed to staff, other inmates, and members of the public. The clarifications to policy will establish appropriate expectations for the inmate population concerning designations.

The changes are marked with a **highlight** and inserted into the policy. Deleted text is struck through. In addition, the branch name has been changed from Female Offender Branch to Women and Special Populations Branch.

1. PURPOSE AND SCOPE

To ensure the Bureau of Prisons (Bureau) properly identifies, tracks, and provides services to the transgender population, **consistent with maintaining security and good order in Federal prisons.**

4. STAFF TRAINING

The **Women and Special Populations Branch** will be responsible for developing training materials and current information on the management of transgender inmates. **Training will include information concerning best practices for maintaining the safety of transgender inmates, while also ensuring security and good order in Federal prisons and the safety of staff, inmates, and the public.** This information will be made available to staff on the **Women and Special Populations Branch** Sallyport page.

5. INITIAL DESIGNATIONS

The TEC will consider factors including, but not limited to, an inmate's security level, criminal and disciplinary history, current gender expression, medical and mental health needs/information, vulnerability to sexual victimization, and likelihood of perpetrating abuse. The TEC may also consider facility-specific factors, including inmate populations, staffing patterns, and physical layouts (e.g., types of showers available). ~~The TEC will recommend housing by gender identity when appropriate.~~

In deciding the facility assignment for a transgender or intersex inmate, the TEC should make the following assessments on a case-by-case basis:

- The TEC will use biological sex as the initial determination for designation;
- The TEC will consider the health and safety of the transgender inmate, exploring appropriate options available to assist with mitigating risk to the transgender offender, to include but not limited to cell and/or unit assignments, application of management variables, programming missions of the facility, etc.;
- The TEC will consider factors specific to the transgender inmate, such as behavioral history, overall demeanor, and likely interactions with other inmates; and
- The TEC will consider whether placement would threaten the management and security of the institution and/or pose a risk to other inmates in the institution (e.g., considering inmates with histories of trauma, privacy concerns, etc.).

The designation to a facility of the inmate's identified gender would be appropriate only in rare cases after consideration of all of the above factors and where there has been significant progress towards transition as demonstrated by medical and mental health history.

It will be noted in SENTRY designation notes that the TEC reviewed the inmate for appropriate institution designation.

7. HOUSING AND PROGRAMMING ASSIGNMENTS

In order for an inmate to be considered for transfer to another institution of the same sex as the inmate's current facility location, ~~including a facility housing individuals of the inmate's identified gender,~~ the Warden should consult with the TEC prior to submitting a designation request to the DSCC, but this is not required.

In addition, the Warden may make a recommendation to the TEC to transfer a transgender or intersex inmate based on an inmate's identified gender.

In considering such recommendations, the TEC will apply all criteria of Section 5, above, and make the following assessments concerning the recommendation:

- The TEC will use biological sex as the initial determination for designation;
- The TEC will consider the health and safety of the transgender inmate, exploring appropriate options available to assist with mitigating risk to the transgender offender, to include but not limited to cell and/or unit assignments, application of management variables, programming missions of the facility, re-designation to another facility of the same sex, etc.;
- The TEC will also consider factors specific to the transgender inmate, such as behavioral history, overall demeanor, program participation, and likely interactions with other inmates; and
- The TEC will consider whether placement would threaten the management and security of the institution and/or pose a risk to other inmates in the institution (e.g., considering inmates with histories of trauma, privacy concerns, etc.).

The designation to a facility of the inmate's identified gender would be appropriate only in rare cases after consideration of all of the above factors and where there has been significant progress towards transition as demonstrated by medical and mental health history, as well as positive institution adjustments.

It will be noted in SENTRY designation notes that the TEC reviewed the inmate for appropriate institution designation.

9. HORMONE AND NECESSARY MEDICAL TREATMENT

Hormone or other necessary medical treatment may be provided after an individualized assessment of the requested inmate by institution medical staff. Medical staff should request consultation from Psychology Services regarding the mental health benefits of hormone or other necessary medical treatment. If appropriate for the inmate, hormone treatment will be provided in accordance with the Program Statement **Patient Care** and relevant clinical guidance. Questions concerning hormone treatment may be referred to the TCCT.



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: RSD/FOB
NUMBER: 5200.04
DATE: January 18, 2017

Transgender Offender Manual

/s/

Approved: Thomas R. Kane
Acting Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

To ensure the Bureau of Prisons (Bureau) properly identifies, tracks, and provides services to the transgender population, **consistent with maintaining security and good order in Federal prisons.**

a. **Program Objectives.** Expected results of this program are:

- This policy is meant to provide guidance to staff in dealing with the unique issues that arise when working with transgender inmates.
- Institutions ensure transgender inmates can access programs and services that meet their needs as appropriate, and prepare them to return to the community.
- Sufficient resources will be allocated to deliver appropriate services to transgender inmates.
- Staff will be offered training, enabling them to work effectively with transgender inmates.
- To support staff's understanding of the increased risk of suicide, mental health issues and victimization of transgender inmates.

b. **Institution Supplement.** None required. Should local facilities make any changes outside changes required in national policy or establish any additional local procedures to implement national policy, the local Union may invoke to negotiate procedures or appropriate arrangements.

2. DEFINITIONS

Gender – a construct used to classify a person as male, female, both, or neither. Gender encompasses aspects of social identity, psychological identity, and human behavior.

Gender identity – a person’s sense of their own gender, which is communicated to others by their gender expression.

Gender expression – includes mannerisms, clothing, hair style, and choice of activities.

Gender nonconforming – a person whose appearance or manner does not conform to traditional societal gender expectations.

Transgender – the state of one’s gender identity not matching one’s biological sex. For the purposes of this policy, a transgender inmate is one who has met with a Bureau of Prisons psychologist and signed the form indicating consent to be identified within the agency as transgender. This step allows for accommodations to be considered.

Cisgender – the state of one’s gender identity matching one’s biological sex.

Sexual orientation – the direction of one’s sexual interest towards members of the same, opposite, or both genders (e.g., heterosexual, homosexual, bisexual, asexual). Sexual orientation and gender identity are not related.

Gender Dysphoria (GD) – a mental health diagnosis currently defined by DSM-5 as, “A strong and persistent cross-gender identification. It is manifested by a stated desire to be the opposite sex and persistent discomfort with his or her biologically assigned sex.” Not all transgender inmates will have a diagnosis of GD, and a diagnosis of GD is not required for an individual to be provided services.

Intersex – a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical biological definitions of male or female. Not all intersex people identify as transgender; unless otherwise specified, this policy does not apply to intersex people who do not identify as transgender.

Transition – measures that change one’s gender expression or body to better reflect a person’s gender identity.

3. STAFF RESPONSIBILITIES

The following Bureau components are responsible for ensuring consistent establishment of the programs, services, and resource allocations necessary for transgender offenders.

a. **Central Office**

(1) The **Women and Special Populations Branch** is the agency's primary source and point of contact on classification, management, and intervention programs and practices for transgender inmates in Bureau custody. The Branch is responsible for the following functions as they relate to transgender inmates:

- Engaging stakeholders, including serving as the primary point of contact on issues affecting transgender inmates with judges, political figures, and advocacy groups.
- Ensuring the Bureau offers appropriate services to transgender inmates.
- Preparing budgetary requests to deliver national and pilot programs or services affecting transgender inmates.
- Providing guidance and direction to Regional staff and institution leadership on transgender issues.
- Developing and implementing staff training on transgender issues.
- Building a research-based foundation for the Bureau's work with transgender inmates.
- Presenting at internal and external conferences/events regarding the agency's transgender inmates' practices.
- Developing and monitoring monthly reports on the transgender population and institutional programs.
- Issuing an annual report on the state of transgender offenders in the Bureau that will be made available to all staff and stakeholders.
- Advising agency leadership on transgender inmate needs.
- Conducting an annual survey of transgender inmates in the Bureau and sharing results with internal and external stakeholders.
- Providing national oversight of pilot programs and initiatives serving transgender offenders.

(2) The **Health Services Division** oversees all medical and psychiatric activity as it applies to transgender inmates. Guidance on the most current research-driven clinical medical and psychiatric care of transgender inmates will be provided by the Medical Director.

The Health Services Division also has oversight of a Transgender Clinical Care Team (TCCT). This team will be comprised of Physicians, Pharmacists, and Psychiatrists. Social Workers, Psychologists, and other clinical providers can also be included when appropriate. The TCCT will offer advice and guidance to health services staff on the medical treatment of transgender inmates and/or inmates with GD. Medical staff can raise issues to the TCCT through the Health Services Division.

(3) The **Psychology Services Branch** oversees all psychological mental health programs and services as they apply to transgender inmates, to include providing advice and guidance on

identification and evaluation of transgender inmates, and making recommendations for treatment needs of transgender inmates and/or inmates with GD.

(4) **Central Office Branches/Divisions** of Correctional Services, Psychology Services, Education, Correctional Programs, Reentry Affairs, Residential Reentry Management, Health Services, Health Programs, Social Work, Office of General Counsel, and Trust Fund meet annually with the **Women and Special Populations Branch** to discuss transgender population needs and evaluate current gender-responsive services. The National Union and the Central Office LGBT Special Emphasis Program Manager will be invited to attend these meetings.

(5) The **Transgender Executive Council (TEC)** will consist of staff members from the Health Services Division, the **Women and Special Populations Branch**, Psychology Services, the Correctional Programs Division, the Designation and Sentence Computation Center (DSCC), and the Office of General Counsel. The TEC will meet a minimum of quarterly to offer advice and guidance on unique measures related to treatment and management needs of transgender inmates and/or inmates with GD, including designation issues. Institution staff and DSCC staff may raise issues on specific inmates to the TEC through the **Women and Special Populations Branch**. The National PREA Coordinator is consulted as needed.

b. **Regional Offices**

- Provide oversight to institutions regarding services and other relevant trends managing transgender inmates.
- Assign transgender responsibilities to the Regional Female Offender/Transgender_Coordinator Collateral Duty Assignment. This individual meets quarterly with the **Women and Special Populations Branch** to discuss staffing and programming needs.

c. **Institutions**

The institution CEO will establish a multi-disciplinary approach to the management of transgender inmates; specifically:

- Ensure transgender inmates have access to services.
- Enter tracking information for self-identified transgender inmates by updating SENTRY and other databases (e.g., PDS), as appropriate.
- Provide appropriate reentry resources that may be specific to the population.
- Advise the Local Union of transgender inmate management issues, as appropriate.

4. STAFF TRAINING

Staff will be provided specialized training in working with unique issues when managing transgender inmates, with refresher training at annual training. Institutions housing known transgender inmates should provide additional training, if needed.

The **Women and Special Populations Branch** will be responsible for developing training materials and current information on the management of transgender inmates. **Training will include information concerning best practices for maintaining the safety of transgender inmates, while also ensuring security and good order in Federal prisons and the safety of staff, inmates, and the public.** This information will be made available to staff on the **Women and Special Populations Branch** Sallyport page.

In addition, the Prison Rape Elimination Act (PREA) regulations incorporated into the BOP Program Statement **Sexually Abusive Behavior Prevention and Intervention Program** have training requirements concerning pat searches and communication skills for transgender inmates. See 28 C.F.R. § 115.15(f) and 115.31 (a) (9). Please refer to this Program Statement regarding implementation of those training requirements.

Staff will be provided adequate time to complete these trainings during duty hours.

5. INITIAL DESIGNATIONS

The PREA regulations, incorporated into the Program Statement **Sexually Abusive Behavior Prevention and Intervention Program**, state in section 28 C.F.R. § 115.42 (c):

“In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates...the agency shall consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and whether the placement would present management or security problems.”

Upon receipt of information from a Pre-Sentence Report, court order, U.S. Attorney’s Office, defense counsel, the offender, or other source that an individual entering BOP custody is transgender, designations staff will refer the matter to the TEC for advice and guidance on designation.

Institution staff managing pretrial or holdover offenders may also refer cases to the TEC for review. Any TEC recommendations concerning pretrial inmates will be coordinated with the appropriate United States Marshal’s Office.

The TEC will consider factors including, but not limited to, an inmate's security level, criminal and disciplinary history, current gender expression, medical and mental health needs/information, vulnerability to sexual victimization, and likelihood of perpetrating abuse. The TEC may also consider facility-specific factors, including inmate populations, staffing patterns, and physical layouts (e.g., types of showers available). ~~The TEC will recommend housing by gender identity when appropriate.~~

In deciding the facility assignment for a transgender or intersex inmate, the TEC should make the following assessments on a case-by-case basis:

- The TEC will use biological sex as the initial determination for designation;
- The TEC will consider the health and safety of the transgender inmate, exploring appropriate options available to assist with mitigating risk to the transgender offender, to include but not limited to cell and/or unit assignments, application of management variables, programming missions of the facility, etc.;
- The TEC will consider factors specific to the transgender inmate, such as behavioral history, overall demeanor, and likely interactions with other inmates; and
- The TEC will consider whether placement would threaten the management and security of the institution and/or pose a risk to other inmates in the institution (e.g., considering inmates with histories of trauma, privacy concerns, etc.).

The designation to a facility of the inmate's identified gender would be appropriate only in rare cases after consideration of all of the above factors and where there has been significant progress towards transition as demonstrated by medical and mental health history.

It will be noted in SENTRY designation notes that the TEC reviewed the inmate for appropriate institution designation.

6. INTAKE SCREENING

The PREA regulations in 28 C.F.R. part 115, Subpart A, incorporated into the Program Statement **Sexually Abusive Behavior Prevention and Intervention Program** and the Program Statement **Intake Screening**, address intake screening. Screening of transgender inmates will be conducted in accordance with these policies and all other applicable policies and procedures.

7. HOUSING AND PROGRAMMING ASSIGNMENTS

During Initial classification and Program Reviews, Unit Management staff will twice-yearly review the inmate(s) current housing unit status and programming available for transgender inmates; this review will be documented by Unit Management.

The reviews will consider on a case-by-case basis that the inmate placement does not jeopardize the inmate's health and safety and does not present management or security concerns.

In making housing unit and programming assignments, a transgender or intersex inmate's own views with respect to his/her own safety must be given serious consideration.

Transgender inmates shall be given the opportunity to shower separate from other inmates.

The agency shall not place transgender or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

In order for an inmate to be considered for transfer to another institution of the same sex as the inmate's current facility location, including a facility housing individuals of the inmate's identified gender, the Warden should consult with the TEC prior to submitting a designation request to the DSCC, but this is not required.

In addition, the Warden may make a recommendation to the TEC to transfer a transgender or intersex inmate based on an inmate's identified gender.

In considering such recommendations, the TEC will apply all criteria of Section 5, above, and make the following assessments concerning the recommendation:

- The TEC will use biological sex as the initial determination for designation;
- The TEC will consider the health and safety of the transgender inmate, exploring appropriate options available to assist with mitigating risk to the transgender offender, to include but not limited to cell and/or unit assignments, application of management variables, programming missions of the facility, re-designation to another facility of the same sex, etc.;
- The TEC will also consider factors specific to the transgender inmate, such as behavioral history, overall demeanor, program participation, and likely interactions with other inmates; and
- The TEC will consider whether placement would threaten the management and security of the institution and/or pose a risk to other inmates in the institution (e.g., considering inmates with histories of trauma, privacy concerns, etc.).

The designation to a facility of the inmate's identified gender would be appropriate only in rare cases after consideration of all of the above factors and where there has been significant progress

towards transition as demonstrated by medical and mental health history, as well as positive institution adjustments.

It will be noted in SENTRY designation notes that the TEC reviewed the inmate for appropriate institution designation.

8. DOCUMENTATION AND SENTRY ASSIGNMENTS

a. **Medical and Mental Health Information.** Medical and mental health information for transgender inmates will be maintained in the current electronic recordkeeping system in accordance with the Program Statement **Health Information Management**. Medical and mental health information is considered confidential, and may only be released in accordance with appropriate laws, rules, and regulations.

b. **Initial Screening.** For initial designations, designations staff will assign Case Management Activity (CMA) SENTRY assignments if information in the PSR or other documentation indicates a likely transgender identity. The screening codes will be:

SCRN M2F – inmate should be screened for male to female.

SCRN F2M – inmate should be screened for female to male.

Any inmate arriving at the designated institution with a screening code is to be referred to the Chief Psychologist or designee for review within 14 days. If the code was assigned in error, the screening code will be removed by the psychologist. If the inmate identifies as transgender, the psychologist will replace the screening code with an identifying code, as indicated below. Holdover facilities will be exempt from this initial screening requirement, as limited available records and brevity of stay do not allow for a comprehensive screening.

Any inmate who arrives without a screening code but identifies as transgender during intake, or at any time during the incarceration period, is referred to the Chief Psychologist or designee and interviewed within 14 days of the inmate notification. Inmates in pretrial status at Bureau facilities may also receive a SENTRY code.

c. **Notification to Staff and Tracking.** After consultation with Psychology Services, and if the inmate affirms his/her transgender identity, the screening code will be updated to a permanent assignment by a psychologist:

TRN M2F – inmate is male to female transgender (transgender female).

TRN F2M – inmate is a female to male transgender (transgender male).

The inmate must request to Psychology Services staff that the CMA assignment be entered, and the inmate consents that all staff will therefore be notified that the individual is transgender. The inmate's request will be documented on BP-A1110, Case Management Activity (CMA) SENTRY Assignment Consent Form for Transgender Inmates (included as Attachment A to this policy). Psychology Services will maintain the form in the electronic mental health record and forward a copy of the form to the Unit Team. The Unit Team will maintain the form in the FOI Exempt section of the Central File.

Staff should consult the CMA assignment when interacting with the inmate; e.g., use of pronouns, searches, commissary items, etc., as indicated below.

If there are questions about the need to continue a CMA assignment, the Warden should contact the **Women and Special Populations Branch**. Should the CMA assignment change, staff members will not be disciplined for the continued provision of accommodations or use of pronouns.

9. HORMONE AND **NECESSARY** MEDICAL TREATMENT

Hormone or other **necessary** medical treatment may be provided after an individualized assessment of the requested inmate by institution medical staff. Medical staff should request consultation from Psychology Services regarding the mental health benefits of hormone or other **necessary** medical treatment. If appropriate for the inmate, hormone treatment will be provided in accordance with the Program Statement **Patient Care** and relevant clinical guidance. Questions concerning hormone treatment may be referred to the TCCT.

In the event this treatment changes the inmate's appearance to the extent a new identification card is needed, the inmate will not be charged for the identification card.

10. INSTITUTION PSYCHOLOGY SERVICES

Bureau psychologists are available to provide assessment and treatment services for transgender inmates, if appropriate. Guidance on assessment procedures will be provided by the Psychology Services Branch.

If an inmate identifies as transgender, the psychologist will provide the inmate with information regarding the range of treatment options available in the Bureau and their implications. In addition, based upon the psychologist's preliminary assessment and the inmate's expressed interest, a referral to the Clinical Director and/or Chief Psychiatrist may be generated. While the initial interview must be scheduled within 14 days, an assessment may take longer in some instances.

In addition to a referral to medical services, a transgender inmate may be offered individual psychotherapy. Individual psychotherapy goals might include: (1) helping the inmate to live more comfortably within a gender identity and deal effectively with non-gender issues; (2) emphasizing the need to set realistic life goals related to daily living, work, and relationships, including family of origin; (3) seeking to define and address issues that may have undermined a stable lifestyle, such as substance abuse and/or criminality; and (4) addressing any co-occurring mental health issues. Mood disorders, anxiety disorders, substance use disorders, and personality disorders, etc., may also be present; any effective treatment plan will fully address these symptoms.

If an institution has multiple transgender inmates, a support group facilitated by a mental health provider may also be a component of the treatment plan. Common concerns of transgender inmates, which may be addressed effectively in a group setting, include self-esteem issues and relationship issues.

Psychologists who provide mental health treatment for transgender inmates address all mental health needs, including suicide risk, if present.

Psychologists working with transgender inmates are encouraged to consult the Reentry Services Division in Central Office for additional resources.

11. PRONOUNS AND NAMES

Staff interacting with inmates who have a CMA assignment of transgender can use the authorized gender-neutral communication with inmates (e.g., by the legal last name or “Inmate” last name). Transgender inmates often prefer to be called by pronouns of their identified gender identity. Staff may choose to use these gender-specific pronouns or salutations per the inmate’s request, and will not be disciplined for doing so.

An official committed name change while in BOP custody must be done consistent with the Program Statement **Correctional Systems Manual**, Chapter 4. The name entered on the inmate’s Judgement and Commitment Order will remain the official committed name for all Bureau records (incident reports, progress reviews, sentence calculations, etc.). However, any additional names or aliases can be entered into SENTRY as appropriate.

12. PAT SEARCHES

Pat searches of transgender inmates will be conducted in accordance with the Program Statement **Searches of Housing Units, Inmates, and Inmate Work Areas**. The policy language, included here as a reference, states:

“Transgender Inmates – For purposes of pat searching, inmates will be pat-searched in accordance with the gender of the institution, or housing assignment, in which they are assigned. Transgender inmates may request an exception. The exception must be pre-authorized by the Warden, after consultation with staff from Health Services, Psychology Services, Unit Management, and Correctional Services. Exceptions must be specifically described (e.g., “pat search only by female staff”), clearly communicated to relevant staff through a memorandum, and reflected in SENTRY (or other Bureau database; e.g., posted picture file). Inmates should be provided a personal identifier (e.g., notation on commissary card, etc.) that indicates their individual exception, to be carried at all times and presented to staff prior to pat searches.”

It is recommended the inmate request the exception by submitting an Inmate Request to Staff (BP-A0148) to the Warden. The Warden will consult with the departments listed above, and the memo approving or denying the request will be generated by the Warden’s Office.

Inmates who are granted this exception under policy may have it reversed by the Warden if found to have violated institution rules concerning contraband.

In exigent circumstances, any staff member may conduct a pat search of any inmate consistent with the Program Statement **Searches of Housing Units, Inmates, and Inmate Work Areas**.

13. VISUAL SEARCHES

For purposes of a visual search, inmates will be searched in accordance with the gender of the institution, or housing assignment, to which they are assigned. The visual search shall be made in a manner designed to ensure as much privacy to the inmate as practicable. Staff should consider the physical layout of the institution, and the characteristics of an inmate with a transgender CMA assignment, to adjust conditions of the visual search as needed for the inmate’s privacy.

Transgender inmates may also request an exception to be visually searched by a staff member of the inmate’s identified gender. The exception must be pre-authorized by the Warden, after consultation with staff from Health Services, Psychology Services, Unit Management, and Correctional Services. Exceptions must be specifically described (e.g., “visual search only by female staff”), clearly communicated to relevant staff through a memorandum, and reflected in SENTRY (or other Bureau database; e.g., posted picture file). Inmates should be provided a

personal identifier (e.g., notation on commissary card, etc.) that indicates their individual exception, to be carried at all times and presented to staff prior to visual searches.

It is recommended the inmate request the exception by submitting an Inmate Request to Staff (BP-A0148) to the Warden. The Warden will consult with the departments listed above, and the memo approving or denying the request will be generated by the Warden's Office.

Inmates who are granted this exception under policy may have it reversed by the Warden if found to have violated institution rules concerning contraband.

Transgender inmates placed at an institution or in a housing unit that does not correspond with their identified gender, and who are granted an exemption as indicated above, will be searched by: bargaining unit staff of the inmate's identified gender who consent to participate in the search; management staff of the inmate's identified gender who consent to participate in the search; or available Health Services clinical staff.

Transgender inmates placed at an institution or in a housing unit of their identified gender will be searched by bargaining unit staff of the inmate's identified gender who consent to participate in the search; management staff of the inmate's identified gender; or available medical staff.

Institutions should consider using available body scanning technology in lieu of visual searches of transgender inmates.

In exigent circumstances, any staff member may conduct a visual search of any inmate consistent with the Program Statement **Searches of Housing Units, Inmates, and Inmate Work Areas**.

14. CLOTHING AND COMMISSARY ITEMS

Consistent with safety and security concerns, inmates with the CMA assignment of transgender will have the opportunity to have undergarments of their identified gender even if they are not housed with inmates of the identified gender. Institutional laundry will have available institutional undergarments that fulfill the needs of transgender inmates. Undergarments will not have metal components.

Standardized lists of Commissary items for transgender inmates are available in accordance with the Program Statement **Trust Fund/Deposit Manual**.

Additional items based on an individualized assessment of the transgender inmate may be approved by the Warden. Additional items may be provided by the institution or purchased by the inmate, as appropriate.

Inmates who purchase and/or are provided items under this section will be subject to disciplinary sanctions, including the removal of these items, if they are found to have violated institution rules relating to the possession of these items.

15. REENTRY NEEDS

In accordance with the Program Statement **Release Preparation Program**, institution staff should assist transgender inmates in addressing these issues prior to release or placement in a Residential Reentry Center/Home Confinement.

During initial classifications and Program Reviews, Unit Management will formulate a pre-release plan that will assist transgender inmates in obtaining appropriate identification, finding housing and employment, and providing community resources to reintegrate into the community.

The Reentry Affairs Coordinator may assist staff with identifying these resources. Institution and/or Regional Social Workers should be contacted concerning the continuity of medical care.

The **Women and Special Populations Branch** and/or Social Workers can be contacted to provide guidance and resources for reentry needs of transgender inmates.

16. ADMINISTRATIVE REMEDIES

Inmates may use the procedures of the Program Statement **Administrative Remedy Program** concerning any issues relating to this policy.

REFERENCES

Program Statements

P1330.18	Administrative Remedy Program (1/6/14)
P4500.11	Trust Fund/Deposit Fund Manual (4/9/15)
P5100.08	Security Designation and Custody Classification Manual (9/12/06)
P5290.15	Intake Screening (3/30/09)
P5310.12	Psychology Services Manual (03/07/95)
P5310.16	Treatment and Care of Inmates with Mental Illness (5/1/14)
P5322.13	Inmate Classification and Program Review (5/16/14)
P5324.08	Suicide Prevention (4/5/07)
P5324.12	Sexually Abusive Behavior Prevention and Intervention Program (6/4/15)
P5325.07	Release Preparation Program (12/31/07)
P5521.06	Searches of Housing Units, Inmates, and Inmate Work Areas (6/4/15)
P5800.15	Correctional Systems Manual (9/23/16)

P6031.04 Patient Care (6/3/14)
P6090.04 Health Information Management (3/2/15)

Federal Regulations

28 CFR part 115

Additional Resources For Clinicians

Diagnostic and Statistical Manual of Mental Disorders (DSM), most current version.
World Professional Association for Transgender Health (WPATH) standards.

BOP Forms

BP-A0148 Inmate Request to Staff
BP-A1110 Case Management Activity (CMA) SENTRY Assignment Consent Form for Transgender Inmates

ACA Standards (see Program Statement, Directives Management Manual, sections 2.5 and 10.3)

- American Correctional Association Standards for Adult Correctional Institutions, 4th Edition: 4-4056M, 4-4084M, 4-4084.1M, 4-4133M, 4-4180M, 4-4194M, 4-4278M, 4-4281.1M, 4-4281.2M, 4-4281.3M, 4-4281.4M, 4-4281.5M, 4-4281.6M, 4-4281.7M, 4-4281.8M, 4-4362M, 4-4371M, 4-4406M.
- American Correctional Association Performance Based Standards for Adult Local Detention Facilities, 4th Edition: 4-ALDF-2A-29, 4-ALDF-2A-32, 4-ALDF-2A-34, 4-ALDF-6B-03, 4-ALDF-2C-03, 4-ALDF-4C-22M, 4-ALDF-4C-30M, 4-ALDF-4D-22, 4-ALDF-4D-22-1, 4-ALDF-4D-22-2, 4-ALDF-4D-22-3, 4-ALDF-4D-22-4, 4-ALDF-4D-22-5, 4-ALDF-4D-22-6M, 4-ALDF-4D-22-7, 4-ALDF-4D-22-8, 4-ALDF-7B-08, 4-ALDF-7B-10, 4-ALDF-7B-10-1.
- American Correctional Association Standards for Administration of Correctional Agencies, 2nd Edition: None.
- American Correctional Association Standards for Correctional Training Academies: None.

Records Retention

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.

**Attachment A. Case Management Activity (CMA) SENTRY Assignment
Consent Form for Transgender Inmates (BP-A1110)**

I agree that Bureau of Prisons staff may enter a CMA assignment on SENTRY concerning my gender identity.

I understand that this CMA assignment will identify me as transgender to all staff members.

I understand that the purpose of the CMA assignment is to assist staff members in providing programs and taking measures as described in the Program Statement **Transgender Offender Manual**.

I understand that specific medical and mental health information will not be disclosed to all staff using the CMA assignment; specific medical and mental health information is maintained separately.

Inmate Name:

Register Number:

Signature:

Date:

Attachment 2



U.S. Department of Justice
Federal Bureau of Prisons

CHANGE NOTICE

OPI: CPD/CPB
NUMBER: 5100.08, CN-1
DATE: September 4, 2019

Inmate Security Designation and Custody Classification

/s/

Approved: Kathleen Hawk Sawyer
Director, Federal Bureau of Prisons

This Change Notice (CN) implements the following changes to Program Statement 5100.08, **Inmate Security Designation and Custody Classification**, dated September 12, 2006, in light of the FIRST STEP Act.

The highlighted text was added to **INTRODUCTION**:

The Bureau of Prisons shall designate the place of the prisoner's imprisonment, and shall, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence.

The highlighted text was added and the deleted text is struck through in **Chapter 5, MANAGEMENT VARIABLES AND PUBLIC SAFETY FACTORS**:

D **Release Residence.** The Bureau of Prisons attempts to place each inmate in an institution that is reasonably close to the anticipated release area. ~~Ordinarily, placement within 500 miles of the release area is to be considered reasonable, regardless of whether there may be an institution closer to the inmate's release area.~~ To the extent practicable, placement to the closest facility within 500 driving miles of the release area will be considered reasonable, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the

prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons. This MGTV may also apply to inmates who are within 36 months of release.

E Following are example situations: facility activation; population pressures affecting available appropriate-level bed space within 500 driving miles of the inmate's anticipated release residence; gang/security concerns.

Additionally highlighted text was added and the deleted text is struck through in **Chapter 7, Institution Classification Transfers.**

2. **NEARER RELEASE TRANSFERS (Code 313).** Once the inmate has been transferred within 500 driving miles of his or her release residence, ~~no further referrals will be made for nearer release transfer consideration.~~ further referrals can be considered for nearer release transfer consideration subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons.



Program Statement

OPI: CPD/CPB
NUMBER: P5100.08
DATE: 9/12/2006
SUBJECT: Inmate Security
Designation and Custody
Classification

1. **PURPOSE AND SCOPE.** This Program Statement provides policy and procedure regarding the Bureau of Prisons inmate classification system. The classification of inmates is necessary to place each inmate in the most appropriate security level institution that also meets their program needs and is consistent with the Bureau's mission to protect society.

The Bureau's classification, designation and redesignation procedures are consistent with the statutory authority contained in 18 U.S.C. § 3621(b). All classification, designation and redesignation decisions are made without favoritism given to an inmate's social or economic status.

2. **PROGRAM OBJECTIVES.** The expected results of this Program Statement are:

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

b. Staff will systematically and objectively review an inmate's classification making the environment in which they are housed safer for both inmates and staff while protecting the public from undue risk.

3. **SUMMARY OF CHANGES.** This revision incorporates Executive Staff decisions 03-04-05 and 99-03-03, as well as other procedural changes such as the movement of most designation/redesignation functions (04-08-17) to the Designation and Sentence Computation Center (DSCC), Grand Prairie, Texas.

a. The scoring item "Type of Prior Commitment" has been replaced with "Criminal History Score." (Chapter 4, Page 8 and Chapter 6, Page 5)

b. A new scoring item for inmate "Age" has been added. (Chapter 4, Page 12 and Chapter 6, Page 8)

c. A new scoring item for "Education Level" has been added. (Chapter 4, Page 12 and Chapter 6, Page 8)

d. The "Drug/Alcohol Abuse" scoring item has been added to the BP-337 and has moved from Section C (Custody Scoring) of the BP-338 to Section B (Base Scoring) of the BP-338. (Chapter 4, Page 13 and Chapter 6, Page 9)

e. The "Mental/Psychological Stability" scoring item has been discontinued.

f. The "Responsibility Demonstrated" scoring item has been replaced with "Living Skills" and "Program Participation." (Chapter 6, Page 10)

g. Instructions for scoring the "Family/Community Ties" scoring item have been clarified. (Chapter 6, Page 13)

h. The floor for the Violent Behavior PSF has been reduced from High to Low Security. (Chapter 5, Page 9)

i. New cutpoints and a new Custody Variance Table have been developed. (Chapter 1, Page 2 and Chapter 6, Page 15)

j. An expiration date for the Greater Security Management Variable has been added. (Chapter 5, Page 5)

k. The criteria for the Deportable Alien PSF has been clarified. (Chapter 5, Page 9)

l. Text has been added that formalizes the Bureau's past and current practice of continually assessing the effectiveness of its inmate classification process. (Program Statement Section 6)

m. Text has been added that encourages DSCC staff to consider using a Management Variable when designating inmates where age is largely the contributing factor in the inmate's placement. (Chapter 5, Page 5)

n. Text has been revised that requires the entry of supporting information in the BP-337 "REMARKS SECTION" when there is Pre-Sentence Investigation Report information relevant to that scoring item. (Chapter 4, Page 13)

o. The DSCC Administrator will ensure that designation/redesignation decisions are applied consistently on a bureau-wide basis. (Chapter 4, Page 14)

p. DSCC staff must contact the sentencing court if a Statement of Reasons is not received at the time a request for designation is made. (Chapter 3, Page 1)

q. Inmates who currently qualify for unescorted transfer may be transported by family members via POV from one camp to another camp. (Chapter 7, Page 8)

r. The appendices on Sentence Procedures, Institutions Missions and Parolable Institutions have been removed from the manual, but will be available on the CPB website.

s. The Offense Severity Scale, Definition of Roles involved in Drug Offenses and the Special Instructions appendices have been combined into one appendix.

t. All transfer requests under codes 309 - Disciplinary and 323 - Close Supervision will be directed to the Designation and Sentence Computation Center. "W REDES C" has been eliminated and "W REDES D" has been changed to "W REDES R" to reflect routine redesignations. (Chapter 7, Page 2)

u. The female versions of the BP-337 and BP-338 have been discontinued although certain policies and procedures specific to female offenders are maintained i.e. security levels, cutpoints, Public Safety Factors and Management Variables.

v. The "Release on Own Recognizance" scoring item has been discontinued. (Chapter 4, Page 5)

w. The description of Management Variable "U" has been revised to include all long-term detainees. It no longer applies solely to Mariel Cuban Detainees. (Chapter 5, Page 4)

x. The medical transfer code descriptions were revised to include "Level of Care" language. (Chapter 7, Pages 21-22)

y. The criteria for the Prison Disturbance PSF has been clarified. (Chapter 5, Page 10)

4. DIRECTIVES AFFECTED

a. Directive Rescinded

P5100.07 Security Designation and Custody Classification Manual (9/3/99)

b. Directives Referenced

P5070.10 Responses to Judicial Recommendations and U.S. Attorney Reports (6/30/97)

P5070.11 Study and Observation Report (12/31/97)

P5110.15 Notifications of Release to State and Local Law Enforcement Officials (8/30/00)

P5111.03 Mariel Cuban Detainees (10/25/99)

P5140.35 Transfer of a Prisoner to State Custody Prior to Release from the Federal Sentence (9/12/01)

P5141.02 Sex Offender Notification and Registration (12/14/98)

P5180.04 Central Inmate Monitoring System (8/16/96)

P5215.05 Youth Corrections Act (YCA), Inmates and Programs (3/17/99)

P5216.05 Juvenile Delinquents (9/1/99)

P5264.07 Telephone Regulations for Inmates (1/31/02)

P5270.07 Inmate Discipline and Special Housing Units (12/29/87)

P5280.08 Furloughs (2/4/98)

P5553.07 Escapes/Deaths Notifications (2/10/06)

P5800.13 Inmate Systems Management Manual (6/28/02)

P7310.04 Community Corrections Center (CCC) Utilization and Transfer Procedure (12/16/98)

5. STANDARDS REFERENCED

a. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-4B-01

b. American Correctional Association 4th Edition Standards for Adult Correctional Institutions: 4-4132, 4-4296, 4-4300, 4-4306, and 4-4444

c. American Correctional Association 4th Edition Performance-Based Standards for Adult Local Detention Facilities:
4- ALDF-1A-10, 4-ALDF-2A-31, and 4-ALDF-2A-37

6. **ACTION.** All inmate classification decisions and related actions will be made in accordance with the procedures in this Program Statement and are effective immediately. Implementation for each inmate shall occur in accordance with his or her next regularly scheduled custody review. Those cases that have a security level increase as a direct result of the initial implementation of this policy will not ordinarily be transferred to a higher security facility. Bureau institutions may submit lists of these inmates to the DSCC in lieu of a Request for Management Variable for application of an appropriate Management Variable.

In accordance with the procedures set forth in this manual, a Transfer Request/Application of Management Variable must be submitted to the DSCC for those cases that have a security level decrease, for transfer to a lesser security level facility or application of an appropriate Management Variable.

This Program Statement authorizes the continuation of the Bureau's Inmate Classification Workgroup under the direction of the Assistant Director, Correctional Programs Division or his/her designee. The Assistant Director (CPD) will select and replace workgroup members, on an as-needed basis, with subject matter experts in inmate classification and related disciplines who represent institutions, Regional Offices and the Central Office.

The Inmate Classification Workgroup or its subgroups will meet or video conference at least annually to assess the overall effectiveness of the inmate classification system and report as appropriate their findings and recommendations to the Director and the agency's Executive Staff. Consideration may be given to include institutional staff with experience at various security and custody levels.

/s/
Harley G. Lappin
Director

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Offense Severity Scale/Definition of Roles involved in
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Standard Abbreviations/Terms (BP-337) Appendix C

Request for Transfer/Application of Management Appendix D
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The Sentence Procedures Appendix, Institution Missions
Appendix and the Parolable Institutions Appendix can be found
on the Correctional Programs Branch (CPB) web page.
Quarterly updates
will be made based upon submissions by the respective regions
to the DSCC Administrator.

INTRODUCTION

Bureau of Prisons (BOP) institutions are classified into one of five security levels: **MINIMUM, LOW, MEDIUM, HIGH,** and **ADMINISTRATIVE** based on the level of security and staff supervision the institution is able to provide.

An institution's level of security and staff supervision is based on the following factors:

- | | |
|-----------------------|--------------------------------------|
| ! mobile patrol; | ! internal security; |
| ! towers; | ! type of inmate housing; |
| ! perimeter barriers; | ! inmate-to-staff ratio; and, |
| ! detection devices; | ! any special institutional mission. |

Similarly, BOP inmates are classified based on the following factors:

- The level of security and supervision the inmate requires; and,
- The inmate's program needs, i.e., substance abuse, educational/vocational training, individual counseling, group counseling, or medical/mental health treatment, etc.

In summary, the initial assignment (designation) of an inmate to a particular institution is based primarily upon:

- The level of security and supervision the inmate requires;
- The level of security and staff supervision the institution is able to provide; and,
- The inmate's program needs.

Additional factors that are also considered when designating an inmate to a particular institution include, but are not limited to:

- The inmate's release residence;
- The level of overcrowding at an institution;
- Any security, location or program recommendation made by the sentencing court;

- Any Central Inmate Monitoring issues (see Program Statement Central Inmate Monitoring Program);
- Any additional security measures to ensure the protection of victims/witnesses and the public in general; and,
- Any other factor(s) which may involve the inmate's confinement; the protection of society; and/or the safe and orderly management of a BOP facility.

Initial designations to BOP institutions are initiated, in most cases by staff at the Designation and Sentence Computation Center (DSCC), Grand Prairie, Texas, who assess and enter information from the sentencing court, U.S. Marshals Service, U.S. Attorneys Office or other prosecuting authority and the U.S. Probation Office about the inmate into a computer database (SENTRY).

The Bureau of Prisons shall designate the place of the prisoner's imprisonment, and shall, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence.

SENTRY then calculates a point score for that inmate which (for example, 18 points) is then matched with a commensurate security level institution.

Security Level	Custody Level	Male	Female
MINIMUM	COMMUNITY and OUT	0-11 points	0-15 points
LOW	OUT and IN	12-15 points	16-30 points
MEDIUM	OUT and IN	16-23 points	*
HIGH	IN and MAXIMUM	24+ points	31+ points
ADMINISTRATIVE	All custody levels	All point totals	All point

P5100.08
9/12/2006

Chapter 1, Page 3

An inmate's security point score is not the only factor used in determining a commensurate security level for an inmate. The application of a PSF or MGTV could effect placement at either a higher or lower level institution than the specified point total indicates. (SEE CHAPTER 5 FOR MORE DETAILED INFORMATION)

NOTE: A security level cannot be assigned by SENTRY without completing an Inmate Load and Security Designation Form. If an inmate has not been assigned a security level, SENTRY will automatically assign "UNKNOWN" as the security level.

* Female security level institutions are classified as Minimum, Low, High and Administrative.

Once all necessary information has been entered into the SENTRY database, a DSCC or Medical Designations Officer, (hereafter, Designator) selects an institution for service of sentence based on all the previously mentioned factors.

Redesignations (transfers) from one Bureau institution to another are considered in much the same manner using many of the same factors used at the time of initial designation. In addition, the inmate's institutional adjustment and program performance are also carefully reviewed when redesignation is considered.

Finally, an initial custody level (COMMUNITY, IN, OUT, MAXIMUM) is also assigned to the inmate that is consistent with the institutions mission. (See previous chart). An inmate's custody level within any given security level institution is routinely reviewed and may change for various reasons during the period of incarceration.

DEFINITIONS

ADMINISTRATIVE INSTITUTION. An institution with a special mission, where inmates are assigned based on factors other than security and/or staff supervision (for example, medical/mental health, pretrial and holdover). Administrative institutions are designed to house all security level inmates.

CENTRAL INMATE MONITORING (CIM). The Bureau monitors and controls the transfer, temporary release, and community activities of certain inmates who present special needs for management. Such inmates, known as Central Inmate Monitoring cases, require a higher level of review prior to any movement outside the institution.

CLASSIFICATION. The systematic subdivision of inmates into groups based on their security and program needs.

COMMUNITY CUSTODY. The lowest custody level assigned to an inmate which affords the lowest level of security and staff supervision. An inmate who has **COMMUNITY** custody may be eligible for the least secure housing, including any which is outside the institution's perimeter, may work on outside details with minimal supervision, and may participate in community-based program activities if other eligibility requirements are satisfied.

CONTRACT FACILITY. A state or local prison, institution, facility, jail, or other non-federal enterprise that contracts with the Bureau to house federal inmates (i.e., Community Corrections Center). Contract facilities are contracted and supervised by the CCMs.

CRIMINAL HISTORY POINTS. Criminal History Points are used to calculate the Bureau's Criminal History Score. The Criminal History Points is the calculation, as specified by the U.S. Sentencing Commission Guidelines (Guidelines Manual, Chapter 4), which assigns a numerical value based on the individuals entire criminal record of convictions. Ordinarily, the Criminal History Points are calculated by the United States Probation Office.

CRIMINAL HISTORY SCORE (CHS). The CHS is one of the factors used to calculate the inmate's security point total. The CHS is derived from the Criminal History Points whereby the Criminal History Points fall into one of six categories.

CURRENT OFFENSE. For classification purposes, the current offense is the most severe documented instant offense behavior regardless of the conviction offense.

CUSTODY CLASSIFICATION. The review process to assign a custody level based on an inmate's criminal history, instant offense, and institutional adjustment. A custody level (i.e., **COMMUNITY, OUT, IN,** and **MAXIMUM**) dictates the degree of staff supervision required for an individual inmate.

DESIGNATION. An order from the DSCC indicating the initial facility of confinement for an inmate.

DESIGNATION FACILITY (DFCL). Each of the separate missions within an institution for designation purposes. Each DFCL is shown as a separate line on the Population Report and has its own security level and destination (DST) assignment.

Designations are made to a DFCL code rather than to a facility (FACL) code.

JUDGMENT. The official court document (e.g., Judgment and Commitment Order or Judgment in a Criminal Case) which is signed by the Judge. The Judgment contains the offense(s) for which the court imposes its sentence, which ordinarily includes a financial, confinement and supervision obligation.

HISTORY. The inmate's entire background of criminal convictions (excluding the current offense) and institutional disciplinary findings used to assess points related to his/her history of violence and/or history of escape.

IN CUSTODY. The second highest custody level assigned to an inmate which requires the second highest level of security and staff supervision. An inmate who has **IN** custody is assigned to regular quarters and is eligible for all regular work assignments and activities under a normal level of supervision.

Inmates with **IN** custody are not eligible for work details or programs outside the institution's secure perimeter.

LEGAL RESIDENCE. The inmate's local and state address as reported by the United States Probation Office at the time of conviction.

LONG-TERM DETAINEE. A non-U.S. citizen (alien) who has:

- finished serving a local, state, or federal sentence;
- completed immigration proceedings that have resulted in an order of deportation, exclusion, or other means of

removal by either the Executive Office for Immigration Review (EOIR), or the Bureau of Immigration and Customs Enforcement (ICE), formerly the Immigration and Naturalization Service (INS); and,

- cannot be removed from the country for various reasons.

MANAGEMENT SECURITY LEVEL (MSL). Management Security Level is the security level assigned by the DSCC Administrator or designee to an inmate upon application of any of the following Management Variables:

- PSF Waived;
- Greater Security; and,
- Lesser Security.

Based on these Management Variables, the Management Security Level will normally be one security level greater or lesser than the scored security level.

MANAGEMENT VARIABLE. A Management Variable (MGTVs) reflects and supports the professional judgment of Bureau staff to ensure the inmate's placement in the most appropriate level institution. A Management Variable(s) is required when placement has been made and/or maintained at an institution level inconsistent with the inmate's security score – a score which may not completely/ accurately reflect his or her security needs.

MAXIMUM CUSTODY. The highest custody level assigned to an inmate requiring the highest level of security and staff supervision. An inmate with **MAXIMUM** custody requires ultimate control and supervision. This classification is for individuals who, by their behavior, have been identified as assaultive, predacious, riotous, serious escape risks, or seriously disruptive to the orderly running of an institution. Accordingly, quarters and work assignments are assigned to ensure maximum control and supervision. A custody change to or from **MAXIMUM** custody must be justified thoroughly on the BP-338 form and maintained permanently in the Inmate Central File.

MISDEMEANANT. An inmate convicted of an offense for which the maximum penalty is one year or less. Such inmates may not be transferred to a High security institution without first signing a waiver. 18 U.S.C. § 4083 prohibits placement of such inmates in "penitentiaries" without their consent; however, the Bureau broadens that prohibition to include any High security institution. A sample of the waiver is provided in Appendix B.

OUT CUSTODY. The second lowest custody level assigned to an inmate requiring the second lowest level of security and staff supervision. An inmate who has **OUT** custody may be assigned to less secure housing and may be eligible for work details outside the institution's secure perimeter with a minimum of two-hour intermittent staff supervision.

PAROLE, MANDATORY RELEASE, OR SPECIAL PAROLE TERM VIOLATOR.

Violators are inmates who were released from Bureau custody to the supervision of a D.C. or U.S. Probation Officer (USPO) and have violated the conditions of their release. These violators are returned to Bureau custody and are required to have a parole hearing within certain time limits. The purpose of this is to provide the inmate with an in-person hearing before the U.S. Parole Commission (USPC) to determine if the inmate has violated the conditions of parole, mandatory release, or special parole. Therefore it is necessary to temporarily place these individuals at parolable institutions in order to conduct parole hearings.

PRIVATIZED FACILITY. A prison, institution, or other correctional facility that is operated or supervised by a non-governmental entity. Privatized facilities are managed by private organizations or individuals with oversight provided by Bureau staff.

PUBLIC SAFETY FACTOR. There are certain demonstrated behaviors which require increased security measures to ensure the protection of society. There are nine Public Safety Factors (PSFs) which are applied to inmates who are not appropriate for placement at an institution which would permit inmate access to the community (i.e., MINIMUM security). The application of a PSF overrides security point scores to ensure the appropriate security level is assigned to an inmate, based on his or her demonstrated current or prior behavior.

REDESIGNATION. The reassignment of an inmate from one institution to another after initial designation. Unit staff submit a request to the DSCC, and the inmate's case is reviewed for possible transfer. Approval of a redesignation results in an order from DSCC staff indicating a correctional institution to which an inmate is to be transferred. The actual movement of an inmate from one institution or facility to another is referred to as a transfer.

RELEASE RESIDENCE. The verifiable destination to which an inmate realistically plans to reside upon release from Bureau custody. The inmate must provide proof of residence to his or her unit staff. Staff will rely upon the following references to assist in verification: Presentence Investigation Report/USPO

verification; telephone and visiting lists; and, incoming and outgoing mail.

SECONDARY DESIGNATION. The second part of a two part designation, usually after a temporary designation to receive medical/mental health treatment or to participate in a specific institutional program or parole hearing.

SECURITY LEVEL. Used to describe the structural variables and inmate-to-staff ratio provided at the various types of Bureau institutions (i.e., Minimum, Low, Medium, High). It also identifies the institution type required to house inmates based on their histories, institutional adjustment, and Public Safety Factors as well as the physical security of the institution to include mobile patrols, gun towers, perimeter barriers, housing, detection devices, inmate-to-staff ratio, and internal security.

STATEMENT OF REASONS. The Statement of Reasons (SOR) is an attachment to the criminal judgment (Judgment and Commitment Order; Judgment in a Criminal Case) which indicates the reason for the court's final sentence, and other sentencing related issues (e.g., resolution of disputed issues, changes in scoring, statements of court intent, etc.). It is required in every felony case where the sentencing range exceeds 24 months, or whenever there is a departure from the U.S. Sentencing Guidelines range. The court may complete an SOR even if not required.

STUDY CASE. A study case is an inmate who is committed for a period of study and observation pursuant to 18 U.S.C. §§ 3552(b) or (c), 4241(b) or (d), 4242(a), 4243(a) or (b), 4244(b), 4245(b), 4246(b), or 4247(b) or (c)). An inmate committed for a study and observation will be referred to the Central Office Medical Designator in the Office of Medical Designations and Transportation (OMDT) for designation to a facility that can complete the study, considering any specific medical or psychiatric issues which should be addressed. The Central Office Medical Designator should attempt to place the inmate in the most suitable facility compatible with the offender's security and custody needs, closest to the court and available resources.

SECURITY DESIGNATION PROCEDURES FOR NEW COMMITMENTS

The Designation and Sentence Computation Center will ordinarily complete the initial designation within three working days of receiving all the necessary documentation from the U.S. Marshals Service (USMS) and the U.S. Probation Officer (USPO) which includes the following: the Presentence Investigation Report (PSR), Judgment, Statement of Reasons (SOR), and Central Inmate Monitoring (CIM) documentation (in cases where a CIM assignment is necessary).

The DSCC will refer all requests for initial designation with potential medical/mental health concerns to the Office of Medical Designations and Transfers (OMDT), Health Services Division, Washington, D.C. no later than the following work day.

1. DESIGNATION PROCEDURES

The following is the normal chronology of an initial designation.

- a. The inmate is sentenced.
- b. The Clerk of the Court transmits the Judgment and Commitment Order (old law cases) or Judgment in a Criminal Case (new law cases) to the USMS.
- c. The USMS makes a request to the DSCC advising that the inmate is now ready for designation to a facility.
- d. If it has not already been provided, DSCC staff must contact the necessary officials (USPO or USMS) for the following: two copies of the PSR, a copy of the Judgment, to include the SOR, and the Individual Custody and Detention Report (USM-129).

If the SOR is not provided with the Judgment, DSCC staff will make a reasonable effort to obtain a copy by contacting the Court or USPO. If no SOR was prepared for the case or cannot be obtained, DSCC staff will note this in the "Remarks" section of the BP-337 and proceed with the designation process. These procedures will ensure the Bureau is following the intentions of the Court when designating a facility, as the SOR may contain information which overrides the PSR and may affect scoring decisions.

Based on a review of the data, DSCC staff will determine whether a non-federal facility should be designated. If a PSR has not been prepared, DSCC staff will complete a National Crime

Information Center (NCIC) and National Law Enforcement Telecommunication System (NLETS) criminal history check to obtain background information. DSCC staff will then load appropriate information on the SENTRY Update Security Designation screen with a notation that no PSR was available.

DSCC staff will contact the USPO and request that a Postsentence Investigation Report be prepared, and forwarded to the designated facility. DSCC staff will document this contact on the SENTRY Update Security Designation Screen.

Frequently, in cases involving Reentry after Deportation, Presentence/Postsentence Investigation Reports are not prepared. In those particular cases, a Magistrate Information Sheet may be used. A Magistrate Information Sheet is a document prepared by U.S. law enforcement officials. This document contains a summary of the facts related to the defendant's arrest and prior criminal/personal history. This information is primarily obtained through the arresting officer's report, the FBI Rap Sheet and an interview with the defendant.

If more than six months has elapsed since the PSR was prepared, DSCC staff will contact the USPO to determine if there is any new or significant information that should be considered. If the offender was a study case before final sentencing, DSCC staff will take into consideration the results of that study in completing the designation request. The result of the study may be obtained from a PSR, a summary report, or any other information available.

If offense or background information is not available prior to designation, an inmate must be designated to at least a Low security level institution. When information is obtained, the institution may request redesignation, if appropriate.

e. The DSCC uses classification material and SENTRY to determine if Central Inmate Monitoring (CIM) precautions need to be taken. This includes a name search to determine if the offender was previously confined under the current or previous register number. If new to the Bureau, the inmate must be loaded into SENTRY and "admitted" to the DSCC "facility," with any appropriate CIM assignment(s) entered. DSCC staff will identify the documents used to support CIM assignments and forward the documents to the designated institution.

f. DSCC staff will complete and enter into SENTRY an Inmate Load and Security Designation form (BP-337) on all cases with terms exceeding 30 days. The DSCC staff member loading the data has the discretion to complete a hard copy version or may enter the information directly into SENTRY.

DSCC staff must determine if there is a break in custody when the inmate is transferring to federal custody after service of a state sentence.

The DSCC usually has access to this type of information for jail credit purposes.

If there is no physical release from custody, DSCC staff will consider the state offense as part of the current term of confinement for classification purposes and will not assign any history points for the state offense.

g. Each work day, DSCC Designation Officers determine which cases require designation by displaying a SENTRY Daily Log for a listing of those cases entered the previous day (also to include weekends and holidays).

The Designator displays the Initial Designation Data screen and follows the prompts on the screen. This will lead the Designator through a display of the "CIM Clearance and Separatee Data" screen and "Update Security Designation" screen.

A list of the appropriate security level facilities will appear in order of proximity to the inmate's legal residence (based on mileage calculated by SENTRY). The final screen in this series requires that the reason for designation be entered, as well as any clearance remarks by the DSCC Designator.

The objective of inmate classification is to place each inmate in the most appropriate facility for service of sentence.

To accomplish this, the Designator must consider all relevant information regarding the inmate.

In accordance with Rule 38(b) of the Federal Rules of Criminal Procedure, when the court of conviction recommends that the inmate be retained in a place of confinement which will allow the inmate to participate in the preparation of the appeal, the Bureau will make every effort to place the inmate in such a facility. If a reason exists for not placing the inmate in that facility, the matter is called to the attention of the court and an attempt is made to arrive at an acceptable place of confinement.

h. SENTRY provides information on the capacity and inmate population in each institution. Specifically, for each facility and each Designation Facility (DFCL), SENTRY provides the Rated Capacity, the Designation Capacity, and the percentage of each that the facility or DFCL currently houses.

- The Rated Capacity is a measure of the capacity for which each DFCL was designed.
- The Designation Capacity is the equitable proportion of the inmates in a particular security level that each

designation facility having that security level should house.

The Designation Capacity of each DFCL is based on the rated capacities and population totals of all the DFCLs that have the same security level. The Rated Capacity and Designation Capacity for a facility are calculated as the total Rated Capacity and Designation Capacity of all the DFCLs that exist within that facility.

Designators will ordinarily use the Designation Capacity as a guide for maintaining population balance and an equitable distribution of inmates. However, for newly activating institutions, Designators may designate that institution for a percentage of initial designations.

i. The Designator assigns a facility, which may include a privately managed facility, and will make every effort to accommodate recommendations from the courts, ie. RDAP, locality, etc.

j. Upon completion of the initial designation by the DSCC Designator or Central Office Medical Designator, staff in the following areas will make note of the designation by monitoring SENTRY Destination Daily Logs:

- (1) The receiving institution;
- (2) The federal facility (MCC, Detention Center, etc.) holding the inmate being designated;
- (3) The U.S. Marshals Prisoner Transportation Division in Kansas City, Kansas; and,
- (4) The DSCC staff in cases where a medical/mental health inmate has been referred to OMDT.

DSCC staff will inform the USMS who has custody of the inmate of the designation by whatever means is appropriate.

If the inmate is a former study case, DSCC staff must also inform, via GroupWise, the Warden of the institution that completed the study of the designation. This alerts that facility to forward the Inmate Central File and other records to the institution designated.

If there is a secondary designation (e.g., Parole, Special Parole Term, Mandatory Release Violator Hearing, or following medical treatment), DSCC staff (or Central Office Medical Designator for

medical cases) will notify the Warden of the secondary institution. This will alert the secondary institution that the inmate is designated and will be transported after the program or medical treatment is completed. No other designation notation is needed for a secondary designation.

k. When a designation is made, DSCC staff will forward all supporting documents to the designated institution within two working days. If DSCC staff believe that the inmate will arrive at the institution in less than five calendar days, the supporting documentation will be sent to the institution by overnight mail, facsimile, or electronically, within one working day of the designation.

l. The Case Management Coordinator (CMC) will monitor all pending arrivals at that facility. However, if the institution has separate DFCLs for specialized programs (i.e., RDAP, Sex Offender Treatment Program, Life Connections, etc.) or for a satellite camp, then the CMC may delegate this responsibility to staff assigned to those specialized programs or populations. Staff will monitor the Daily Log for that facility, and will print a hard copy of each designation and maintain a copy on file for 120 calendar days. In certain facilities other methods may be just as effective in monitoring pending arrivals.

For example, institutions with a large holdover or pretrial population can be monitored more effectively by running a daily pipeline roster filtering out all "A-HLD"s and "A-PRE"s.

Staff will also monitor the arrival of classification material, and if such material has not arrived within 10 calendar days following the designation, the DSCC will be contacted to determine the status of that material. Upon arrival of the classification material, the CMC, or designee, will review that material and verify the scoring of the Inmate Load and Security Designation form (BP-337). If a scoring issue and/or error is discovered, the CMC will contact the DSCC Administrator via GroupWise. The CMC may need to fax certain pages of the Presentence Investigation Report to the DSCC so the case can be appropriately reviewed. If the CMC and DSCC agree that an error has been made, the error will be corrected by the DSCC. If the CMC and DSCC do not agree that an error has been made, the Central Office, Correctional Programs Administrator, will make the final determination.

The DSCC will also be advised of any non-scoring errors or concerns. In either circumstance, if the correction requires a new designation, the DSCC will make any necessary changes and will enter a new designation into SENTRY. The DSCC will then notify the appropriate USMS office(s) of the designation change.

If the original designation is changed, the CMC will forward the classification material to the newly designated institution.

m. The CMC has oversight responsibilities for monitoring the timely arrival of a newly designated inmate. If an inmate serving a term of one year or more has not arrived at the designated institution within 120 calendar days from the date of the designation, or if an inmate serving a term of less than one year has not arrived after 30 calendar days, staff will use SENTRY to determine the inmate's current location:

(1) If the inmate is in a Bureau facility, staff will contact that facility to expedite movement or ascertain the reason for delay, and will verify whether the designation continues to be valid; and,

(2) If the inmate is not in a Bureau facility, staff will contact the DSCC. Upon notification, DSCC staff will contact the appropriate authorities and ascertain why the inmate has not arrived at the designated institution. If DSCC staff decides the designation is no longer valid, the DSCC will cancel the original designation.

If the designation is canceled, the packet will be returned to the DSCC, who then will return the documentation to the originating agency. Prior to canceling a designation, the DSCC will enter a comment on the "CIM Clearance and Separatee Data" screen to document the reason(s) for this action. This comment will be the only retrievable documentation available to answer future questions regarding the processing of the case. It may be necessary to administratively admit the inmate in order to enter the comment. The DSCC will also delete the associated DST assignment.

Staff will maintain records of their efforts to monitor designations. These records will be maintained for a period of 120 calendar days from the date of initial designation.

n. The release to the general public of an inmate's designation or redesignation information is prohibited, for security reasons, until the inmate has arrived at the designated facility. An inmate confined in a Bureau facility however, may be advised of the destination but will not be advised of the date or time of the transfer. However, caution should be exercised in advising inmates of their destination. The Warden may define cases where the designation will not be disclosed to the inmate. Officials such as Judges and members of Congress may be advised of designations in response to official inquiries for their official use.

2. NON-ROUTINE DESIGNATION PROCEDURES

In certain cases, non-routine designation procedures for new commitments are required. Listed below are specific examples of non-routine designations.

a. **Study Cases.** The DSCC will complete an Inmate Load and Security Designation form (BP-337) and enter it into SENTRY. The DSCC will then notify the Central Office Medical Designator via GroupWise requesting designation. The Central Office Medical Designator will designate an appropriate institution for the study. After completion of the study and final sentencing by the court, the DSCC will enter a new Inmate Load and Security Designation form (BP-337) into SENTRY, based on the actual sentence imposed or other new information.

b. **Medical or Mental Health.** The DSCC is responsible for receiving and evaluating information pertaining to an initial designation. DSCC staff must attempt to ascertain whether an inmate requires medical or mental health evaluation or treatment. This information is ordinarily obtained from the Presentence Investigation Report or other source documents. If medical or mental health concerns are apparent, DSCC staff will provide comments in the "Remarks" section of the BP-337 and enter Y (yes) in the OMDT REF item. DSCC staff will fax portions of the Presentence Investigation Report pertaining to the medical or mental health concerns, and the Judgment in a Criminal Case, if it includes any judicial recommendations, to the Central Office Medical Designator.

Upon review of the daily log for W DESIG M cases, the Central Office Medical Designator will access the Inmate Load and Security Designation form (BP-337) in SENTRY and make a designation based on the available information, ordinarily within three working days. If the Central Office Medical Designator determines there are no medical or mental health concerns affecting placement, the DSCC will be advised. The DSCC will then complete the designation to an appropriate institution.

Only the OMDT will make designations for study cases or for cases requiring medical or psychiatric evaluation or treatment. Designation may be made to any Bureau facility having resources to meet the inmate's needs. The Central Office Medical Designator will ensure that whenever a designation is made to an DFCL inconsistent with the inmate's security level, the appropriate Management Variable is entered.

Administrative facilities are excluded from this requirement.

c. **Military Prisoners.** The Bureau cooperates with the Security, Force Protection and Law Enforcement Division of the Armed Services for the transfer of military prisoners into the Bureau's custody. These cases are coordinated through the DSCC, in accordance with the provisions contained in Chapter 7, Section 17(d).

d. **Parole, Mandatory Release or Special Parole Term Violator Hearing.** For designation purposes, the U.S. Parole Commission (USPC) provides the revocation packet and a copy of the alleged violator's Presentence Investigation Report to the DSCC. The DSCC will complete an initial designation to a violator hearing site, and a secondary designation to a post-hearing institution for service of the violator term. The Security Designation Data screen will indicate the inmate is to be housed as a holdover at the violator hearing site.

Once the designation has been completed, the DSCC will notify the U.S. Marshals Office of the designated institution, and mail the violator packet to that institution. The USPC will receive notification via Groupwise.

If after the hearing, new information causes a change in the secondary designation (i.e., short-term parole date), institution staff will contact the DSCC for appropriate action.

- In cases where the projected release date (PRD) is between 60 to 120 days from the date of hearing, the DSCC will consider changing the secondary designation to the nearest appropriate facility.
- In cases where the PRD is 60 days or less from the date of hearing, hearing facility staff will consider having the inmate remain at the hearing facility for release processing purposes.
- If a change in designation is not necessary, institution staff may process the inmate's transfer to the secondary designation.

Procedures for violators requiring medical treatment are referenced in Chapters 3 and 7. Once the information is reviewed and evaluated by the DSCC, and it is determined that medical or psychiatric treatment is required, the request for designation will be entered into SENTRY and referred to the Central Office Medical Designator for designation. The DSCC will notify the appropriate USMS Office of the inmate's designated institution, and mail the violator packet to that institution. The USPC will receive notification via LAN.

Local revocation hearings will be conducted at a site determined by the USPC, normally within commuting distance of where the alleged violation occurred. The USPC may request, in writing, to the DSCC Administrator that an alleged violator be moved to a Bureau institution. Violators who have received their local revocation hearing will not be transported until the USPC Notice of Action has been received and a designation has been determined. In some instances, violators who are granted a short-term release date should be considered for placement in a contract facility.

e. **Long-term Detainees.** The Detention Services Branch (DSB), Correctional Programs Division, Central Office, is responsible for the initial designation of long-term detainees. Requests for placement into the BOP from the U.S. Immigration and Customs Enforcement (ICE) are sent directly to DSB, where they are completed. If a medical or mental health placement is needed, DSB will refer it to the Central Office Medical Designator.

Long-term detainees are no longer serving a sentence but their detention is indeterminate and they will not, in all probability, be repatriated to their home country.

Long-term detainees are from countries, such as Cuba, that refuse to accept their return from the U.S. government. The Detention Services Branch, Correctional Programs Division, will advise when changes in applicable countries occur. This does not include citizens from countries that take a significant amount of time to accept its citizens. Travel orders can be obtained and they are eventually returned. ICE requests the placement of long-term detainees into the BOP and they are ordinarily designated into a general population.

Long-term detainees include:

- Mariel Cubans, detainees who entered the United States during the Mariel boatlift between April 15, 1980 and October 31, 1980;
- Cubans who entered the United States from other countries, or from Cuba other than during the Mariel boatlift; and,
- Detainees from countries that ICE has identified that refuse to receive its citizens.

Designation procedures for long-term detainees are unique because the detainees are not serving a sentence. Refer to the current

Program Statement Maribel Cuban Detainees for the designation procedures.

3. DESIGNATIONS TO NON-FEDERAL FACILITIES

The DSCC may designate a federal inmate to a non-federal facility in accordance with the criteria below. An updated Security Designation form (BP-337) will be completed and entered into SENTRY for any sentence exceeding 30 days. When the USMS takes custody of an inmate from state or local custody to begin serving a federal sentence, the same procedures for new commitments will be followed.

When designating an inmate to a non-federal facility for an inmate, Designators shall consider the inmate's religious beliefs, if known as one of the factors in making a designation decision. If possible, a non-federal facility where the inmate's religious beliefs can be accommodated will be designated. If necessary, Designators may consult with Central Office chaplaincy staff in making this designation decision.

4. TYPES OF COMMITMENTS

a. **Juvenile Commitments.** All inmates committed under the Juvenile Justice and Delinquency Prevention Act (JJJPA) and all inmates under the age of 18 will be designated and housed in accordance with the requirements of Program Statement Juvenile Delinquents, Juvenile Justice and Delinquency Prevention Act.

The CCM will complete a BP-337 for juvenile offenders housed in contract juvenile facilities; however, the CCM does not need to complete the BP-338 while the juvenile is housed there unless it is helpful to do so.

b. **Jail Commitments.** When funds and appropriate jail space are available, the DSCC may designate a contract jail or detention facility for an inmate who is generally sentenced to one year or less. If funds and appropriate jail space are not available or if an inmate has special needs, a federal institution will be designated through the DSCC.

Prior to placement, DSCC staff must determine whether any PSF(s) or other circumstances would contradict a jail designation. If so, the lowest security level dictated by the applicable PSF must be satisfied.

However, such designations should also take into consideration underpopulated Bureau facilities prior to placement in a contract facility.

c. **Youth Corrections Act (YCA)/District of Columbia Youth Rehabilitation Act (DCYRA) Offenders.** Although the YCA statutes were repealed effective October 12, 1984 (see 18 U.S.C. §§ 5005 through 5026 (repealed)), an offender originally committed under these statutes could be returned to custody as a parole violator. Ordinarily, DCYRA inmates will not be initially designated to non-federal facilities.

d. **State Prisoners.** 18 U.S.C. § 5003 enables the Director, Bureau of Prisons, to establish contracts to accept state prisoners for boarding in federal institutions. The term "State" as used in this section includes any state, territory, or possession of the United States. The statute does not permit the Bureau to contract placement of state prisoners in third party custody. This includes CCC placements.

When there is a compelling reason for placing a state prisoner in a non-federal facility, institution staff will contact the DSCC Administrator, who may suggest to officials of the state that they may want to make their own direct placement in a non-federal facility.

Once an inmate is accepted into Bureau custody, occasionally, there may be a reason to return the inmate to the original state. In this instance, institutional staff will contact the DSCC Administrator. If the DSCC Administrator determines that it would be appropriate for the inmate to be returned, they will contact state officials.

INMATE LOAD AND SECURITY DESIGNATION FORM INSTRUCTIONS (BP-337)

INMATE LOAD DATA

The Inmate Load Data section (Items 1 to 25) of the Inmate Load and Security Designation form (BP-337) records the physical and demographic information of inmates entered into SENTRY (the Bureau of Prisons' on-line database). In practice, inmates are entered into SENTRY whether or not the inmate's security level is scored (e.g., pre-trial detainees, material witnesses, etc.). Therefore, when the initial security designation data is entered into SENTRY it is essential that the load data is compared to the information contained in the Presentence Investigation Report (PSR), and that the information is updated or reconciled as appropriate.

1. REGISTER NUMBER					
2. LAST NAME		3. FIRST NAME		4. MIDDLE	5. SUFFIX
6. RACE	7. SEX	8. ETHNIC ORIGIN	9. DATE OF BIRTH		
10. OFFENSE/SENTENCE					
11. FBI NUMBER			12. SSN NUMBER		
13. STATE OF BIRTH		14. OR COUNTRY OF BIRTH		15. CITIZENSHIP	
16. ADDRESS-STREET					
17. CITY		18. STATE	19. ZIP		20. OR FOREIGN COUNTRY
21. HEIGHT: FT ____ IN ____		22. WEIGHT:	23. HAIR COLOR		24. EYE COLOR
25. ARS ASSIGNMENT					

1. **REGISTER NUMBER.** The U.S. Marshals Service (USM) assigns an eight-digit register number to each inmate with the last three digits denoting the U.S. Marshals' judicial code. The format is five digits, hyphen, three digits.
2. **LAST NAME.** Twenty-four spaces are provided for the inmate's last name, which must match the name on the Judgment. The first character must be a letter. Each subsequent character must be a letter, space, hyphen, or apostrophe.
3. **FIRST NAME.** Twelve spaces are provided for the inmate's first name.

NOTE: Only the inmate's committed name (as it appears in

the Judgment) will be entered on the "Load Inmate" transaction. All other names (e.g., true name, aliases, nicknames, maiden name, etc.) will be entered into SENTRY using the "Update Nicknames and Aliases" transaction.

4. **MIDDLE.** Eight spaces are provided for the inmate's middle name.
5. **SUFFIX.** Three spaces are provided for any name suffixes (i.e., Jr., Sr., II). Suffix codes are found in the Name Suffix Code section of the SENTRY General Use Technical Reference Manual (TRM).
6. **RACE.** Standards for the Classification of Federal Data on Race and Ethnicity are set by the Office of Management and Budget. Enter the appropriate code:

<u>CODE</u>	<u>RACE</u>	<u>DEFINITION</u>
A	Asian	A person having origins in any of the Pacific Islands or any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
B	Black or African American	A person having origins in any of the black racial groups of Africa.
I	American Indian or Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
W	White	A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

7. **SEX.** Enter M = Male or F = Female.
8. **ETHNIC ORIGIN.** Enter the appropriate code.

<u>CODE</u>	<u>ETHNIC ORIGIN</u>	<u>DEFINITION</u>
H	Hispanic or Latino	A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
O	Not Hispanic or Latino	A person who does not meet the above definition.

9. **DATE OF BIRTH.** Ten spaces are provided for the inmate's birth date (MM-DD-YYYY); (e.g., July 2, 1981 = 07-02-1981). If the inmate's birth date is unknown or not available, enter 01-01-1800.
10. **OFFENSE/SENTENCE.** The offense(s), sentence imposed, and docket number (as specified in the Judgment) should be entered in the space provided. Additionally, if the inmate is admitted to another SENTRY facility, care should be taken to preserve existing information.
11. **FBI NUMBER.** Nine spaces are provided for the Federal Bureau of Investigation (FBI) number. The FBI number can be any combination of letters and numbers and must be entered without spaces or dashes. It cannot duplicate an existing FBI number in SENTRY. This field must be left blank if the FBI number is unknown at the time the inmate is loaded.
12. **SOCIAL SECURITY NUMBER (SSN).** Nine spaces are provided for the inmate's SSN. The number must be entered without dashes or spaces. It cannot duplicate an existing SSN in SENTRY. If the SSN is unknown, or the inmate has never been issued a SSN this field must be left blank. In cases where the inmate will not be issued a SSN (i.e., illegal aliens) a back slash may be entered.
13. **STATE OF BIRTH.** Two spaces are provided for the state code for the state in which the inmate was born. If entered, it must be a valid code from the State and Possession Code Table in the SENTRY General Use TRM.
14. **COUNTRY OF BIRTH.** If entered, it must be a valid code from the Country Code Table in the SENTRY General Use TRM.

NOTE: SENTRY will not allow "US" to be entered if a "state of birth" is entered (Item 13 above).

15. **CITIZENSHIP.** Enter the country code that corresponds to the inmate's citizenship. This must be a valid code from the Country Code Table in the SENTRY General Use TRM. Do not rely on the inmate's current place of residence to determine citizenship. Special emphasis must be placed on the accuracy of citizenship at the time of the inmate's admission.
16. **ADDRESS - STREET.** At least twenty-eight spaces are provided for the inmate's street number and name as listed in the PSR as "legal address." Enter any combination of alphanumeric characters.
17. **CITY.** Fifteen spaces are provided for the inmate's city of residence as listed in the PSR as "legal address." If entered, a state or foreign country must be entered.
18. **STATE.** Two spaces are provided for the state code. If entered, it must be a valid state code found under State Possession Code, SENTRY General Use TRM. Enter country code under Item 20 if residence is not in the United States or one of its territories or commonwealths.
19. **ZIP CODE.** Five spaces are provided for the zip code. It must be entered when a state code has been entered. If not available, the city, state, and zip code of the USMS Office assigning the register number will be entered. An accurate zip code is important because it is used by SENTRY to determine mileage between the inmate's legal residence and designated institution.
20. **FOREIGN COUNTRY.** Two spaces are provided for the country code. If entered, it must be a valid country code from the Country Code Table of the SENTRY General Use TRM. "US" may not be entered as the country code. This field must be completed if a state or zip code is not entered in the address field (see Items 18 & 19 above).
21. **HEIGHT.** Height must be entered in a measurement of feet and inches. Values in feet (FT) must be 1 through 9. Values in inches (IN) must be 00 through 11.
22. **WEIGHT.** Weight values must be 001-999 and represent pounds.
23. **HAIR.** Two spaces are provided for the color code. If entered, it must be a valid code found under the Hair Color Code, SENTRY General Use TRM.

applied to the initial term of confinement; it may not be applied to any subsequent Supervised Release, Mandatory Release or parole Violation return to custody.

5a. **VOLUNTARY SURRENDER DATE.** If the court has provided for voluntary surrender, enter the date of the voluntary surrender in this block. If the court provided for voluntary surrender but did not provide a specific date for the surrender, the DSCC will contact the court to establish a mutually agreeable date.

NOTE: In cases where the court allows the inmate to voluntarily surrender but the inmate will not receive (-3) points on this item the date will still be entered on this item.

5b. **VOLUNTARY SURRENDER LOCATION.** The DSCC will note whether the inmate is to voluntarily surrender to the USMS or to the designated institution.

6. MONTHS TO RELEASE

6. MONTHS TO RELEASE _____

This item reflects the estimated number of months the inmate is expected to be incarcerated. Consecutive federal sentences will be added together for classification purposes. Federal sentences may have different beginning dates, based on the Judgment Order. There may even be a computation in SENTRY with a beginning date in the future. Based on the inmate's sentence(s), enter the total number of months remaining, less 15% (for sentences over 12 months), and credit for any jail time served. This item is not figured into the security point total but impacts the Sentence Length Public Safety Factor.

Example: An adult convicted of Breaking and Entering under the Sentence Reform Act is sentenced to eight years. The expected length of incarceration is (96 months x 85% = 81.6 months). Round to the nearest whole number to get 82 and subtract any jail time credit (180 days) = 76 months to release.

NOTE: Enter 540 months for death penalty cases, life sentences, and Parolable life sentences for which a parole date has not been established.

7. SEVERITY OF CURRENT OFFENSE

7. SEVERITY OF CURRENT OFFENSE	0 = LOWEST 1 = LOW MODERATE	3 = MODERATE 5 = HIGH	7 = GREATEST
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Enter the appropriate number of points that reflect the most severe documented instant offense behavior regardless of the conviction offense. For multiple offenses, the highest score will be used in scoring the current offense. Staff will consider the offense behavior on all sentences, including federal sentences that have a future beginning date or a previous D.C. or state sentence if there was no physical release from custody.

NOTE: This will require DSCC staff to make reasonable efforts to obtain documentation.

Severity is determined by using the Offense Severity Scale (Appendix A).

Example: According to the PSR, the individual was involved in an Assault With Serious Injury (Greatest severity level) but pled guilty to a Simple Assault (Moderate severity level). Assign the points on the basis of the more severe documented behavior, i.e., assign 7 points (Greatest severity level).

In determining "Severity of Current Offense" staff must review the Statement of Reasons (SOR) and ensure the information provided is appropriately used in classifying the inmate.

Example: According to the PSR the individual was involved in a drug conspiracy responsible for distribution of 31 grams of Cocaine Base "Crack", but was individually only responsible for 2 grams, he/she would be scored as Moderate Severity for this item. However, the SOR, indicates the Sentencing Judge found the individual responsible for less than 1 gram; therefore, the appropriate scoring should be Low Moderate severity.

• **PROCEDURES FOR PAROLE, MANDATORY RELEASE, SPECIAL PAROLE TERM, OR SUPERVISED RELEASE VIOLATORS**

If the violation was the result of new criminal conduct, regardless of conviction status, use the new criminal conduct for scoring "Severity of Current Offense" (see Appendix A). If the violation behavior was a technical violation, score the "Severity of Current Offense" as Low Moderate.

The original offense behavior which occurred prior to the violation is considered past behavior and is not used in determining "Severity of Current Offense."

● **PROCEDURES FOR PROBATION VIOLATORS**

The original offense behavior that resulted in probation should be used for scoring "Severity of Current Offense" (see Appendix A). However, if the new criminal conduct (violation behavior) is more severe than the original offense behavior, then use this behavior for scoring "Severity of Current Offense."

The most severe documented behavior between the original offense and the violation behavior will be used for scoring "Severity of Current Offense."

8. CRIMINAL HISTORY SCORE

8. CRIMINAL HISTORY SCORE	0 = 0-1 2 = 2-3	4 = 4-6 6 = 7-9	8 = 10-12 10 = 13 +	
8a. SOURCE OF DOCUMENTED - PRESENTENCE INVESTIGATION REPORT CRIMINAL HISTORY - NCIC III				

Enter the appropriate number of Criminal History Points (CHP). SENTRY will automatically convert the CHP to the Bureau's Criminal History Score (CHS).

The CHS is derived from the US Sentencing Guidelines Criminal History Points, as reflected in the final judgment and the SOR. If not found in either the Judgment or SOR, use the points assessed by the USPO in the PSR.

In some cases the Criminal History Points are not available (i.e., when the PSR is waived, on offenses committed prior to November 1, 1987, state cases, and military and D.C. Code offenders). Under these circumstances the Criminal History Score will be derived from the criminal history documented in the NCIC III Report according to the following procedures:

- (a) Add 3 points for each prior sentence of imprisonment exceeding one year and one month;
- (b) Add 2 points for each prior sentence of imprisonment of at least sixty days not counted in (a);
- (c) Add 1 point for each prior conviction not counted in (a) or (b), up to a total of 4 points for this item; and,

- (d) Add 2 points if the instant offense is a revocation accompanied by a new state or federal conviction, or if the instant offense occurred while under federal supervision including incarceration, probation, parole or supervised release.

The documentation used to assess the Criminal History Points must be provided as specified in all cases.

9. HISTORY OF VIOLENCE

9. HISTORY OF VIOLENCE	MINOR	NONE	>15 YEARS	10-15 YEARS	5-10 YEARS	<5 YEARS	
	SERIOUS	0	1	1	3	5	
		0	2	4	6	7	

Enter the appropriate number of points that reflect any history of violence, considering only those acts for which there are documented findings of guilt (i.e., DHO, Court, Parole, Mandatory Release, or Supervised Release Violation). This item includes the individual's entire background of criminal violence, excluding the current term of confinement.

Exception: Any institution disciplinary hearing (UDC or DHO) finding that a prohibited act was committed during the current term of confinement will be scored as a history item. DSCC staff must review the Chronological Disciplinary Record (CDR) for inmates who were previously housed in a federal institution or contract facility. Any violent act(s) reflected on the CDR must be scored as a history item. State disciplinary findings must be scored unless there is documentation that the state disciplinary proceedings did not afford due process protection to the inmate.

Severity of violence is determined by the offense behavior regardless of the conviction/finding of guilt offense. History of Violence points combine both seriousness and recency of prior violent incidents to assess the propensity for future violence. Therefore, if there is more than one incident of violence, score the combination of seriousness and recency that yields the highest point score. Prior periods of incarceration will be considered a "history" item if the inmate was physically released from custody and then returned to serve either a violation or a new sentence. In determining time frames, use the date of the documented behavior. Documented information from a juvenile, Youth Corrections Act (YCA) or District of Columbia Youth Rehabilitation Act (DCYRA) adjudication can be used unless the record has been expunged or vacated.

Minor History of Violence - Aggressive or intimidating behavior which is not likely to cause serious bodily harm or death (e.g.,

simple assault, fights, domestic disputes, etc.) There must be a finding of guilt.

Serious History of Violence - Aggressive or intimidating behavior which is likely to cause serious bodily harm or death (e.g., aggravated assault, domestic violence, intimidation involving a weapon, incidents involving arson or explosives, rape, etc.).

There must be a finding of guilt.

Example: If an offender was found guilty of homicide 20 years ago and a simple assault 3 years ago, assign 5 points for the simple assault. Or in another case, the offender had guilty findings for homicide 12 years ago; aggravated assault 8 years ago; and fighting 2 years ago, score 6 points for the aggravated assault 8 years ago.

NOTE: Attempted suicide, self-mutilation and possession of weapons are not applicable behaviors for History of Violence scoring. In addition, verbal threats (such as Code 203- Threatening Bodily Harm) are to be viewed as minor violence.

10. HISTORY OF ESCAPE OR ATTEMPTS

10. HISTORY OF ESCAPE OR ATTEMPTS	MINOR	NONE	>15 YEARS	10-15 YEARS	5-10 YEARS	<5 YEARS	
	0	0	1	1	2	3	
	SERIOUS	0	3(s)	3(s)	3(s)	3(s)	

Enter the appropriate number of points that reflect the escape history of the individual considering only those acts for which there are documented findings of guilt (i.e., DHO, Court, Parole, Mandatory Release, or Supervised Release Violation).

Escape history includes the individual's entire background of escapes or attempts to escape from confinement, or absconding from community supervision, excluding the current term of confinement.

Exception: Any institution disciplinary hearing (UDC or DHO) finding that a prohibited act was committed during the current term of confinement will be scored as a history item. DSCC staff must review the Chronological Disciplinary Record (CDR) for inmates who were previously housed in a federal institution or contract facility. Any escape(s) or attempt(s) reflected on the CDR must be scored as a history item. State disciplinary findings are to be scored unless there is documentation that the state disciplinary proceedings did not afford due process protection to the inmate.

Fleeing or Eluding Arrest, Failure to Appear for traffic violations, Absconding, runaways from foster homes and similar

behavior should not to be scored under the Escape History item, even if clearly documented, but should be considered on a case- by-case basis under the Management Variable "Greater Security." Failure to Appear or Flight to Avoid Prosecution for any offense however, must be counted when there is a documented finding of guilt.

In determining time frames, use the date of the documented occurrence. Documented information from a juvenile, YCA, or DCYRA adjudication can be used unless the record has been expunged or vacated.

Minor History of Escape - An escape from an open institution or program (e.g., minimum security facility, CCC, furlough) not involving any actual or threat of violence. Also includes military AWOL, Bail Reform Act, Flight to Avoid Prosecution, and Absconding from Community Supervision. There must be a finding of guilt except as previously noted.

Serious History of Escape - An escape from secure custody with or without threat of violence. Also includes escapes from an open facility or program with actual threat of violence. There must be a finding of guilt. S = 3 points and requires application of PSF L.

11. TYPE OF DETAINER

11. TYPE OF DETAINER	0 = NONE 1 = LOWEST/LOW MODERATE	3 = MODERATE 5 = HIGH	7 = GREATEST	
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Enter the appropriate number of points that reflect detainer status. Refer to the Offense Severity Scale, Appendix A. Determination is based on the offense of the most serious detainer.

- If there is a pending charge, points based on the documented behavior are assigned on the "Type of Detainer" item. If the pending charges or detainer involve a probation violation, use the most severe documented behavior in the original offense as the basis for assigning points in scoring the detainer.

If law enforcement officials indicate a firm intent to lodge a detainer, consider it lodged. Score a concurrent state sentence as a detainer only if it is expected that the state sentence will exceed the federal sentence. However, score consecutive state sentences, lodged state detainers, and/or state parole violation terms/warrants as detainers.

- Consecutive federal sentences are ordinarily not lodged as detainers because federal sentences are computed as they are received. If there is more than one sentence, the most severe offense will be used as "Severity of Current Offense."
Example: For an individual with two detainers for Violation of Firearms Act (Moderate severity level) and one for Extortion (High severity level), use High = 5 points and enter "5".
- No points will be awarded for U.S. Parole Commission warrants (adjudicated or unadjudicated). However, the original offense behavior will be factored into the criminal history points and the violation behavior (including new offense behavior) will be scored as the instant offense.
- No points will be awarded for ICE detainers. However, each case will be carefully reviewed to determine whether the PSF for Deportable Alien is applicable.

12. AGE

12. AGE	0 = 55 and over 2 = 36 through 54	4 = 25 through 35 8 = 24 or less	
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SENTRY will automatically enter the appropriate number of points based on the inmate's date of birth. Staff do not have to manually enter an offender's age or points on the BP-337. If the offenders date of birth is unknown, SENTRY will default to a score of 4 points.

13. EDUCATION LEVEL

13. EDUCATION LEVEL	0 = Verified High School Degree or GED 1 = Enrolled in and making satisfactory progress in GED Program 2 = No verified High School Degree/GED and not participating in GED Program	
13a. HIGHEST GRADE COMPLETED _____		

Enter the appropriate number of points that reflect the inmate's verified education level at the time of designation.

In addition to the points assigned for the education level, the highest grade completed (HGC) will also be recorded on the BP-337. For example, an inmate who began, but did not complete the 7th grade will be given a 6 in the HGC field. Similarly, a GED will be given a 12, a college graduate a 16, a Master's degree an 18, and a Ph.D. a 21 (the maximum allowed) in the HGC field.

The value entered for the HGC should, unless missing, be consistent with the points assessed for the inmates education level. If missing, enter a "U" for unknown.

14. DRUG/ALCOHOL ABUSE

14. DRUG/ALCOHOL ABUSE	0 = Never/>5 Years	1 = <5 Years	
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Enter the appropriate number of points that reflect drug or alcohol abuse by the inmate. Examples of drug or alcohol abuse include: a conviction of a drug or alcohol related offense, a parole or probation violation based on drug or alcohol abuse, positive drug test, a DUI, detoxification, etc. Absent any information similar to the above, an inmate's self-report is sufficient to score this item. If this information is unknown enter a "U" and the item will be scored as zero.

15. SECURITY POINT TOTAL

15. SECURITY POINT TOTAL	
--------------------------	--

Enter the sum of Items 5 through 14.

16. PUBLIC SAFETY FACTORS

16. PUBLIC SAFETY FACTORS	A -NONE	I -SENTENCE LENGTH(males only)	
	B -DISRUPTIVE GROUP(males only)	K -VIOLENT BEHAVIOR(females only)	
	C -GREATEST SEVERITY OFFENSE (males only)	L -SERIOUS ESCAPE	
	F -SEX OFFENDER	M -PRISON DISTURBANCE	
	G -THREAT TO GOVERNMENT OFFICIALS	N -JUVENILE VIOLENCE	
	H -DEPORTABLE ALIEN	O -SERIOUS TELEPHONE ABUSE	

See Chapter 5, pages 7-13 for a description of Public Safety Factors and their application.

17. REMARKS

17. REMARKS

A brief explanation of the current offense(s) is required in the "Remarks" section. Similarly, Pre-Sentence Investigation Report information relevant to other scoring items that may have an impact on the designation process or the transportation of the inmate (e.g., medical or psychiatric information, or arrest behavior with no conviction) must also be noted in this section. Refer to Appendix C, Standard Abbreviations/Terms. Also, the

individual scoring the case will enter his or her initials at the end of the "Remarks" section.

18. OMDT REFERRAL

18. OMDT REFERRAL (YES/NO) _____

The Medical Designator, Office of Medical Designations Transportation (OMDT), must review all cases in which there is a physical or mental health concern. Enter "Y" (yes) or N (no) in this category. The response will determine which daily log will reflect the designation information.

DESIGNATION AND SENTENCE COMPUTATION CENTER ACTION - INITIAL DESIGNATION

It is extremely important for Designators to communicate on a regular basis to ensure that designation decisions are consistent. The Correctional Programs Division encourages the need for communication and consistency to all Designators.

- 1. FACILITY DESIGNATED.** Enter the mnemonic code for the institution designated (Refer to "Enter Initial Designation," SENTRY General Use TRM).
- 2. CUSTODY ASSIGNMENT.** Enter the initial custody assignment in accordance with Table 4-1.

Table 4-1

LEVEL OF INSTITUTION INITIALLY DESIGNATED	INITIAL CUSTODY ASSIGNMENT
Minimum	OUT
Low	IN
Medium	IN
High	IN, unless initial designation is to USP Marion or ADX Florence, in which case the initial custody assignment is MAXIMUM.
Administrative	IN, unless inmate is Minimum security level and designation was not for security reasons, in which case the initial custody assignment is OUT.

3. **DESIGNATOR.** The Designator will enter his or her initials.

4. **REASON FOR DESIGNATION.** Designators will use this section to document whether the primary reason for designation was for security reasons or for management reasons.

- Enter "S" if the inmate's security level is the primary reason for designation and the placement is within normal guidelines. If "S" is entered, SENTRY will not permit an entry in the "Management Reason" field.
- Enter "M" if a Management Variable is the primary reason for designation and placement is outside normal guidelines. When "M" is entered, you must enter the appropriate Management Variable(s) (e.g., B = Judicial Recommendation, D = Release Residence, etc.) under the Management Reason item. While one MGTV is generally sufficient, a maximum of three MGTVs may be entered into SENTRY. In the unlikely event that an inmate's designation facility is inconsistent with his or her MSL, at least one additional non-MSL MGTV must be added to support and explain the inconsistency.
- When it is necessary to place an inmate at a particular institution temporarily in order to receive a parole hearing, a secondary designation is required.

The DSCC will notify the Warden of the secondary institution via GroupWise.

Following the hearing, the institution where the inmate was first placed should review the secondary designation and contact the DSCC if the results of the hearing indicate that a change in the secondary designation is required.

5. **MANAGEMENT VARIABLES.** See Chapter 5, pages 1-6 for a description of Management Variables and their application.

6. **REMARKS.** The Designator will enter any relevant information not already recorded that may have an impact on the designation process or the transportation of the inmate.

BP-337 INMATE LOAD AND SECURITY DESIGNATION FORM

FEDERAL BUREAU OF PRISONS

INMATE LOAD DATA				
1. REGISTER NUMBER				
2. LAST NAME		3. FIRST NAME		4. MIDDLE
5. SUFFIX		6. RACE		7. SEX
8. ETHNIC ORIGIN		9. DATE OF BIRTH		
10. OFFENSE/SENTENCE				
11. FBI NUMBER			12. SSN NUMBER	
13. STATE OF BIRTH		14. OR COUNTRY OF BIRTH		15. CITIZENSHIP
16. ADDRESS-STREET				
17. CITY		18. STATE		19. ZIP
20. OR FOREIGN COUNTRY		21. HEIGHT FT IN		22. WEIGHT LBS
23. HAIR COLOR		24. EYE COLOR		
25. ARS ASSIGNMENT				
SECURITY DESIGNATION DATA				
1. JUDGE		2. REC FACILITY		3. REC PROGRAM
4. USM OFFICE		5. VOLUNTARY SURRENDER STATUS		
0 = NO		(-3) = YES		
IF YES, MUST INDICATE: 5a. VOLUNTARY SURRENDER DATE: _____				
5b. VOLUNTARY SURRENDER LOCATION: _____				
6. MONTHS TO RELEASE _____				
7. SEVERITY OF CURRENT OFFENSE		0 = LOWEST 1 = LOW MODERATE		3 = MODERATE 5 = HIGH
7 = GREATEST		8. CRIMINAL HISTORY SCORE		
0 = 0-1 2 = 2-3		4 = 4-6 6 = 7-9		8 = 10-12 10 = 13 +
8a. SOURCE OF DOCUMENTED CRIMINAL HISTORY _____ - PRESENTENCE INVESTIGATION REPORT or _____ - NCIC III				
9. HISTORY OF VIOLENCE		NONE		>15 YEARS
MINOR		0		1
SERIOUS		0		2
10-15 YEARS		5-10 YEARS		<5 YEARS
1		3		5
4		6		7
11. HISTORY OF ESCAPE OR ATTEMPTS		NONE		>10 YEARS
MINOR		0		1
SERIOUS		0		3 (S)
5-10 YEARS		5-10 YEARS		<5 YEARS
2		3(S)		3
3(S)		3(S)		
12. TYPE OF DETAINEE		0 = NONE 1 = LOWEST/LOW MODERATE		3 = MODERATE 5 = HIGH
7 = GREATEST		12. AGE		
0 = 55 and over		4 = 25 through 35		
2 = 36 through 54		8 = 24 or less		
13. EDUCATION LEVEL		0 = Verified High School Degree or GED		
1 = Enrolled in and making satisfactory progress in GED Program				
2 = No verified High School Degree/GED and not participating in GED Program				
13a. HIGHEST GRADE COMPLETED _____				
14. DRUG/ALCOHOL ABUSE		0 = Never/>5 Years		1 = <5 Years
15. SECURITY POINT TOTAL				
16. PUBLIC SAFETY FACTORS				
A-NONE		I-SENTENCE LENGTH (males only)		
B-DISRUPTIVE GROUP (males only)		K-VIOLENT BEHAVIOR (females only)		
C-GREATEST SEVERITY OFFENSE (males only)		L-SERIOUS ESCAPE		
F-SEX OFFENDER		M-PRISON DISTURBANCE		
G-THREAT TO GOVERNMENT OFFICIALS		N-JUVENILE VIOLENCE		
H-DEPORTABLE ALIEN		O-SERIOUS TELEPHONE ABUSE		
17. REMARKS				
18. OMDT REFERRAL (YES/NO) _____				

MANAGEMENT VARIABLES AND PUBLIC SAFETY FACTORS

MANAGEMENT VARIABLES

A Management Variable is required when placement has been made and/or maintained at an institution level inconsistent with the inmate's scored security level. Application of a Management Variable requires review and approval by the DSCC Administrator. When completing the BP-338, institution staff may only enter a Management Variable which the DSCC previously approved and entered as a management reason. Otherwise, the DSCC is the only office authorized to enter a variable. A maximum of three Management Variables may be entered for each case.

NOTE: SENTRY will not permit the simultaneous application of the Greater Security and Lesser Security MGTVs.

When a Management Variable no longer applies, institution staff will remove the variable(s) accordingly. When no Management Variable is required, institution staff will insert the letter "A" (NONE) in the space to signify that no MGTV(s) apply.

Management Variables entered at initial designation are manually transferred to the BP-338, Custody Classification form.

Request for Management Variable/Management Variable expiration date. All requests to apply a Management Variable (MGTV) or to update the Management Variable Expiration Date (MVED) must be submitted to the DSCC via GroupWise using the 409 form. Requests for Management Variables on WITSEC inmates are to be forwarded to the Inmate Monitoring Section, Central Office, Washington, DC. The following criteria will be utilized:

Only the DSCC or Central Office staff can apply a MGTV and update a MVED, with the exception of "I" (Med/Psych), which will be applied and reviewed by the Central Office Medical Designator and "U" (Long-Term Detainee), which will be applied by the Detention Services Branch, Correctional Programs Division, Central Office.

When requesting a MGTV or an updated MVED, only sections four and six need to be completed on the form 409. This request should normally be made to the DSCC within 21 calendar days following the inmate's scheduled custody review to ensure the DSCC is receiving a current Custody Classification Form, BP-338. After approval by the Warden, the request may be routed from the unit or shared folders, and unit staff must enter a DST assignment using the Update Transaction. Staff will enter W MGTV

as a DST assignment when the request is routed. DSCC staff will remove the assignment when the decision is made.

When requesting an updated MVED, staff are to indicate the recommended expiration date on the top portion of form 409.

When a case with the MGTV of "I" (Med/Psych) is scheduled for review and it is anticipated that this MGTV is no longer applicable, institution staff will complete all sections of form 409 and forward the request to the Central Office Medical Designator and the DSCC. The Central Office Medical Designator will review the case for continuation or deletion of this MGTV. If this MGTV is no longer appropriate, the Central Office Medical Designator will remove the MGTV. After the Central Office Medical Designator removes the MGTV "I," the DSCC will review the case for transfer. If a transfer is not appropriate, another MGTV is to be applied.

Expiration dates will be assigned in accordance with Table 5-1. The DSCC Administrator must evaluate the information on the form 409 to determine the appropriate expiration date for all applicable Management Variables. At the established expiration date, case management staff will review the current Management Variable(s) to determine appropriateness. In the rare instance when more than one MGTV is applied, all expiration dates will be displayed on the BP-338. When running a SENTRY roster, each MGTV and corresponding MVED will be displayed.

Management Security Level (MSL). Upon application of any of the following Management Variables: PSF Waived; Greater Security; Lesser Security, the DSCC is to apply an overriding Management Security Level (MSL) to reflect the inmate's assessed security needs. This MSL takes precedence over the security level reflected in SENTRY which is based upon the scored security level and the application of Public Safety Factors.

Designation must be made to a DFCL commensurate with the inmate's security needs as reflected in the Management Security Level.

If there is an extenuating circumstance in which an inmate's designation facility is inconsistent with his or her MSL, at least one additional non-MSL MGTV must be added to support and explain the inconsistency.

- A** **None.** No Management Variables apply. Institution staff are permitted to enter this item.
- B** **Judicial Recommendation.** The sentencing court may recommend a specific institution or program. When consistent with policies or when such actions are consistent with sound correctional management, the Bureau of Prisons attempts to satisfy judicial recommendations. When this is not feasible, the court is notified in writing with an explanation outlining the reasons for not satisfying that recommendation.
- D** **Release Residence.** The Bureau of Prisons attempts to place each inmate in an institution that is reasonably close to the anticipated release area. ~~Ordinarily, placement within 500 miles of the release area is to be considered reasonable, regardless of whether there may be an institution closer to the inmate's release area.~~ To the extent practicable, placement to the closest facility within 500 driving miles of the release area will be considered reasonable, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons. This MGTV may also apply to inmates who are within 36 months of release.
- E** **Population Management.** Situations may occur in which an inmate requires housing in a facility which is not commensurate with his or her security level. Following are example situations: facility activation; population pressures affecting available appropriate-level bed space within 500 driving miles of the inmate's anticipated release residence; gang/security concerns.
- G** **Central Inmate Monitoring Assignment.** Pursuant to the CIM Program Statement, some inmates, for specified reasons, need to be monitored or separated from others. Sometimes these special management concerns limit the options for placement.
- I** **Medical or Psychiatric.** An inmate who has a history of or is presently exhibiting psychiatric problems may need an initial designation to a psychiatric referral center. Similarly, documented information reflecting that the inmate may need medical or surgical treatment may require a designation to a medical referral

center. Designations and redesignations of these inmates will be made by the Central Office Medical Designator.

N **Program Participation.** Occasionally, inmates become involved in specialized programs which are only available on a limited basis, or at specific institutions; in such instances, it might be appropriate to delay transfer pending completion of the program. Likewise, an inmate's ability to participate in a unique program may require placement at an institution not commensurate with his or her security level. Accordingly, when an inmate's security level changes during participation in a special program not likely to be available in another appropriate facility, causing placement outside normal guidelines, this MGTV will apply.

R **Work Cadre.** At secure facilities without satellite camps, the Regional Director may authorize a certain number of work cadre inmates to perform work outside the perimeter of the institution. The DSCC will apply the MGTV upon request of the institution.

S **PSF Waived.** An inmate may receive up to three Public Safety Factors (PSFs). PSFs may be waived after review and approval by the DSCC Administrator. When Public Safety Factors are waived causing placement outside normal guidelines, this MGTV will apply. Application of this MGTV mandates that the DSCC Administrator determine the most appropriate level of security required by the inmate and apply a Management Security Level (MSL). The MSL must be at least one level less than the scored security level which is based on the Security Total and PSF(s).

Request for Public Safety Factor Waiver. Only the DSCC Administrator is authorized to waive a PSF. A request for waiver of a PSF will be submitted to the DSCC via form 409, available on SALLYPORT. The form 409 will indicate that the request is for waiver of a Public Safety Factor. Items 1 through 7 must be completed when submitting a request for waiver of a PSF.

U **Long-term Detainee.** Long-term detainees are given an initial custody and security level. However, Custody Classification Forms are not to be completed on long-term detainees due to the unavailability or non-applicability of certain data (i.e., current term of confinement, length of time remaining to serve, accurate criminal history).

Therefore, transfers for positive or negative behavior may cause placement in a facility different from his or her scored security or custody level. When needed, this MGTV will be applied by the Detention Services Branch, Correctional Programs Division, Central Office.

Long-term criminal detainees whose security or custody level does not match that of their facility will have this Management Variable applied. This applies as well if an inmate rolls over to the status of a long-term detainee after being ordered detained upon expiration of the federal sentence and the security or custody level does not match that of the designated facility.

V Greater Security. There may be security concerns which are not adequately reflected in the classification scheme. In circumstances where an inmate represents a greater security risk (i.e., pending charges, detainer, escape risk, etc.) than their assigned security level, they may be placed in an institution outside normal guidelines, and this MGTV will apply. When this MGTV is applied based on institutional behavior which is **not** supported by a UDC/DHO finding of guilt, staff will ensure compliance with the criteria as set forth in the Program Statement on Inmate Discipline and Special Housing Units. Application of this MGTV mandates the DSCC Administrator determine the most appropriate level of security required by the inmate and apply a Management Security Level (MSL). Designation will then be made to a DFCL commensurate with the inmate's Management Security Level. The MSL must be at least one level greater than the scored security level which is based on the Security Total and Public Safety Factor(s). This MGTV requires up to a 24 month expiration date.

W Lesser Security. There may be security concerns which are not adequately reflected in the classification scheme. In circumstances where an inmate represents a lesser security risk (i.e., detainer removed, positive adjustment, etc.) than the assigned security level, the inmate may be placed in an institution outside normal guidelines. For example, where age is largely the contributing factor in the inmate's placement, this Management Variable will apply.

Application of this MGTV mandates the DSCC Administrator to determine the most appropriate level of security required by the inmate and apply a Management Security Level (MSL). The MSL must be at least one level less than the scored

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security level which is based on the Security Total and Public Safety Factor(s).

DISCONTINUED MANAGEMENT VARIABLES. The following Management Variables have been discontinued: C - Age, F - Racial Balance, H - Voluntary Surrender, J - Custody, K - Detainer, L - Discipline, M - Grandfather Clause, O - Security, P - Sentence Limitation, and Q - Sliding Scale.

Table 5-1

MANAGEMENT VARIABLE EXPIRATION TABLE		
CODE	DESCRIPTION	LENGTH
A	None	N/A
B	Judicial Recommendation	N/A
D	Release Residence/Planning	N/A
E	Population Management	Up to 18 months**
G	Central Inmate Monitoring Assignment	N/A
I	Medical/Psychiatric	6 months
N	Program Participation	Up to 18 months, at the discretion of the Regional Director**
R	Work Cadre	N/A
S	PSF Waived*	N/A (However, if an inmate is transferred to a more secure institution based on behavior related to the waived PSF, this MGTV will be removed.)
U	Long-Term Detainee	N/A
V	Greater Security*	Up to 24 months**
W	Lesser Security*	N/A
* requires application of a Management Security Level (MSL) ** if no expiration date is entered, SENTRY will default to an expiration date 12 months in advance		

PUBLIC SAFETY FACTORS

A Public Safety Factor (PSF) is relevant factual information regarding the inmate's current offense, sentence, criminal history or institutional behavior that requires additional security measures be employed to ensure the safety and protection of the public. Public Safety Factors are normally applied on the Inmate Load and Security Designation Form (BP-337) prior to an inmate's initial assignment to an institution, however, additions or deletions may be made at anytime there after via the Custody Classification Form, (BP-338). A maximum of three PSFs may be applied, however if more than three apply, those which would provide the greatest security and public safety will be utilized.

CODE PSF - DESCRIPTION

A None. No Public Safety Factors apply.

B Disruptive Group. A **male** inmate who is a validated member of a Disruptive Group identified in the Central Inmate Monitoring System will be housed in a High security level institution, unless the PSF has been waived.

At the time of initial designation, if the Presentence Investigation Report or other documentation identifies the inmate as a possible member of one of the Central Inmate Monitoring Disruptive Groups, DSCC staff will enter a PSF on the BP-337. However, DSCC staff will not enter the CIM assignment "Disruptive Group." Upon loading this PSF on a not-yet-validated member, DSCC staff will (1) make a notation in the Remarks Section to indicate the need for validation upon arrival at the institution, and (2) notify the Central Office Intelligence Section, via GroupWise, to advise them of the inmate's status. Upon the inmate's arrival at the designated institution, the intake screener will notify the institution's Special Investigation Supervisor of the inmate's PSF, to initiate the validation process.

C Greatest Severity Offense. A **male** inmate whose current term of confinement falls into the "Greatest Severity" range according to the Offense Severity Scale (Appendix A) will be housed in at least a Low security level institution, unless the PSF has been waived.

F **Sex Offender.** A **male** or **female** inmate whose behavior in the current term of confinement or prior history includes one or more of the following elements will be housed in at least a Low security level institution, unless the PSF has been waived. A conviction is not required for application of this PSF if the Presentence Investigation Report (PSR), or other official documentation, clearly indicates the following behavior occurred in the current term of confinement or prior criminal history. If the case was dismissed or nolle prosequi, application of this PSF cannot be entered.

However, in the case where an inmate was charged with an offense that included one of the following elements, but as a result of a plea bargain was not convicted, application of this PSF should be entered.

Example: According to the PSR, the inmate was specifically described as being involved in a Sexual Assault but pled guilty to Simple Assault.

Based on the documented behavior, application of this PSF should be entered:

(1) Engaging in sexual contact with another person without obtaining permission to do so (forcible rape, sexual assault or sexual battery);

(2) Possession, distribution or mailing of child pornography or related paraphernalia;

(3) Any sexual contact with a minor or other person physically or mentally incapable of granting consent (indecent liberties with a minor, statutory rape, sexual abuse of the mentally ill, rape by administering a drug or substance);

(4) Any sexual act or contact not identified above that is aggressive or abusive in nature (e.g., rape by instrument, encouraging use of a minor for prostitution purposes, incest, etc.). Examples may be documented by state or Bureau of Prisons' incident reports, clear NCIC entries, or other official documentation;

(5) Attempts are to be treated as if the sexual act or contact was completed; and/or,

(6) Any offense referenced in the Sex Offender Notification and Registration Program Statement.

L **Serious Escape.** A **female** inmate who has been involved in a serious escape within the last ten years, including the current term of confinement, will be assigned to the Carswell Administrative Unit, unless the PSF has been waived.

A **male** inmate who has escaped from a secure facility (prior or instant offense) with or without the threat of violence or who escapes from an open institution or program with a threat of violence will be housed in at least a Medium security level institution, unless the PSF has been waived.

M **Prison Disturbance.** A **male** or **female** inmate who was involved in a serious incident of violence within the institution and was found guilty of the prohibited act(s) of Engaging, Encouraging a Riot, or acting in furtherance of such as described in, but not limited to institution disciplinary codes such as 103, 105, 106, 107, 212, 213 or 218. Such a finding must be in conjunction with a period of simultaneous institution disruptions. Males will be housed in at least a HIGH security level institution and females will be assigned to the Carswell Administrative Unit, unless the PSF has been waived.

N **Juvenile Violence.** A **male** or **female** offender, currently of juvenile age, who has any documented single instance of violent behavior, past or present, which resulted in a conviction, a delinquency adjudication, or finding of guilt. Violence is defined as aggressive behavior causing serious bodily harm or death or aggressive or intimidating behavior likely to cause serious bodily harm or death (e.g., aggravated assault, intimidation involving a weapon, or arson).

O **Serious Telephone Abuse.** A **male** or **female** inmate who utilizes the telephone to further criminal activities or promote illicit organizations and who meets the criteria outlined below, must be assigned a PSF for Serious Telephone Abuse. A conviction is **not required** for the PSF if the Presentence Investigation Report (PSR) or other official documentation clearly indicates that the above behavior occurred or was attempted. An inmate who meets this criteria must be housed in at

least a Low security level institution, unless the PSF is waived.

The PSF should be entered if any **one** of the following criteria applies.

- (1) PSR or comparable documentation reveals the inmate was involved in criminal activity facilitated by the telephone who:
 - meets the definition of a leader/organizer or primary motivator; or
 - utilized the telephone to communicate threats of bodily injury, death, assaults, or homicides; or
 - utilized the telephone to conduct significant fraudulent activity (actual or attempted) in an institution; or
 - leader/organizer who utilized the telephone to conduct significant fraudulent activity (actual or attempted) in the community; or,
 - arranged narcotic/alcohol introductions while confined in an institution.
- (2) Federal law enforcement officials or a U.S. Attorney's Office notifies the Bureau of Prisons of a significant concern and need to monitor an inmate's telephone calls;
- (3) The inmate has been found guilty of a 100 or 200 level offense code for telephone abuse.

NOTE: 200 level offense codes will be reviewed on a case-by-case basis.

- (4) A Bureau of Prisons official has reasonable suspicion and/or documented intelligence supporting telephone abuse.

NOTE: Any inmate who is assigned the Serious Telephone Abuse PSF may be subject to telephone restriction in accordance with the Telephone Regulations for Inmates Program Statement.

Table 5-3

SECURITY DESIGNATION TABLE (FEMALES)		
INMATE SECURITY LEVEL ASSIGNMENTS BASED ON CLASSIFICATION SCORE AND PUBLIC SAFETY FACTORS		
Security Point Total	Public Safety Factors	Inmate Security Level
0 - 15	No Public Safety Factors	Minimum
	Deportable Alien	Low
	Juvenile Violence	Low
	Serious Telephone Abuse	Low
	Sex Offender	Low
	Threat to Government Officials	Low
	Violent Behavior	Low
	Prison Disturbance	High
	Serious Escape	High
16 - 30	No Public Safety Factors	Low
	Prison Disturbance Serious	High
		High
31 +		High

CUSTODY CLASSIFICATION FORM INSTRUCTIONS (BP-338)

INTRODUCTION. Custody classification is a procedure whereby an inmate is assigned a level of supervision according to their criminal history and institutional behavior/adjustment. An inmate's custody level is an indication of how much staff supervision an inmate requires within and beyond the confines of the institution.

An inmate's first custody classification will be scored at the first program review following initial classification (approximately 7 months after arrival at an institution). Subsequent reviews will occur at least every 12 months, but may be conducted earlier in order to enable progress toward community activities. Custody classification will ordinarily occur every 12 months at a regularly scheduled program review.

Only changes which increase or decrease the overall security level assignment of the inmate, i.e. FRP refuse, incident report(s), new sentence, sentence reduction etc., should be scored outside of the 12 month cycle.

When transferring to another institution, inmates normally retain their custody assignments. If the custody level is inconsistent with that authorized at the receiving institution, the sending institution will change the inmate's custody prior to transfer.

Holdovers will retain their initial custody level assignments until their first regularly scheduled custody review at their designated facility for service of sentence.

At each annual custody review, a new Custody Classification Form (BP-338) will be completed, even though the scoring elements may not have changed from the previous form. Only the most current BP-338 form will be retained in the Inmate Central File, except for those forms that must be retained to document appropriate review and approval for custody reductions (e.g., custody reductions for exception cases require the Warden, or designee, to sign the Custody Classification Form. The form should be maintained to document the review and approval). As set forth in the definition of "Maximum" custody, Chapter 2, a BP-338 form changing an inmate's custody to or from "Maximum" custody must be permanently maintained.

It should be clearly understood that the Custody Classification Form only recommends an inmate's custody. The Unit Team and/or Warden is the final review authority. The intent of the Custody Classification system is to permit staff to use professional judgment within specific guidelines. Custody changes are not

dictated solely by the point total. However, when the Unit Team decides not to follow the recommendation of the point total, they must document the reason(s) for this decision in writing on the Custody Classification Form, and inform the inmate.

A. IDENTIFYING DATA			
1. INSTITUTION CODE	2. UNIT	3. DATE	
4. NAME		5. REGISTER NUMBER	
6. MANAGEMENT VARIABLES	A - NONE B - JUDICIAL RECOMMENDATION D - RELEASE RESIDENCE/PLANNING E - POPULATION MANAGEMENT	G - CIMS I - MED/PSYCH TREATMENT N - PROGRAM PARTICIPATION R - WORK CADRE	S - PSF WAIVED U - LONG-TERM DETAINEE V - GREATER SECURITY W - LESSER SECURITY
7. PUBLIC SAFETY FACTORS	A - NONE B - DISRUPTIVE GROUP (males only) C - GREATEST SEVERITY OFFENSE (males only) F - SEX OFFENDER G - THREAT TO GOVERNMENT OFFICIALS H - DEPORTABLE ALIEN	I - SENTENCE LENGTH (males only) K - VIOLENT BEHAVIOR (females only) L - SERIOUS ESCAPE M - PRISON DISTURBANCE N - JUVENILE VIOLENCE O - SERIOUS TELEPHONE ABUSE	

1. **INSTITUTION CODE.** (Automatically displayed by SENTRY.)
2. **UNIT.** (Automatically displayed by SENTRY.)
3. **DATE.** (Automatically displayed by SENTRY.)
4. **NAME.** (Automatically displayed by SENTRY.)
5. **REGISTER NUMBER.** (Automatically displayed by SENTRY.)
6. **MANAGEMENT VARIABLES.** See Chapter 5, pages 1-6.
7. **PUBLIC SAFETY FACTORS.** See Chapter 5, pages 7-13.

B. BASE SCORING

1. **TYPE OF DETAINER**

1. TYPE OF DETAINER	0 = NONE 1 = LOWEST/LOW MODERATE	3 = MODERATE 5 = HIGH	7 = GREATEST	
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Enter the appropriate number of points that reflect the inmate's detainer status. Refer to the Offense Severity Scale (Appendix A). If multiple detainers have been filed, enter the point value for the most serious charge. Frequency and sentence length are not considered.

The scoring of detainers on the Inmate Load and Security Designation Form (BP-337) may differ from the score received on the Custody Classification Form (BP-338). If there is a pending charge, points based on the documented behavior are assigned on

the type of detainer item; if the pending charge involves a probation violation, use the most severe documented behavior from the original offense as the basis for assigning points in the detainer scoring. Only formally filed detainers are considered on the Custody Classification Form after the second regularly scheduled custody review.

- Score consecutive state sentences, lodged state detainers and/or state parole violation terms/warrants as detainers. Inmates should be informed that it is vitally important that all pending charges and detainers be resolved as quickly as possible so that institution programming and release planning can occur.
- Score concurrent state sentences, as a detainer only if it is expected that the state sentence will exceed the federal sentence and the state has formally filed a detainer. Other formally filed state pending charges, consecutive sentences, and/or parole violation term/warrants will be scored as detainers.
 Points will be assigned the same as they would be for a federal violation (see page 4 of this Chapter for further instructions).
- No points will be awarded for U.S. Parole Commission warrants (adjudicated or unadjudicated). However, the original offense behavior will be factored into the criminal history points and the violation behavior (including new offense behavior) will be scored as the current offense.
- No points will be assigned for ICE detainers. However, each case will be carefully reviewed to determine whether the PSF for Deportable Alien is applicable.
- If a formally filed detainer involves a probation violation, use the most severe documented behavior in the original offense as the basis for assigning points in the detainer scoring chart above.

2. SEVERITY OF CURRENT OFFENSE

2. SEVERITY OF CURRENT OFFENSE	0 = LOWEST 1 = LOW MODERATE	3 = MODERATE 5 = HIGH	7 = GREATEST	
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Enter the appropriate number of points that reflect the most severe documented instant offense behavior. For multiple offenses, the highest score will be used when scoring the current offense. Staff will consider the offense behavior of all sentences, including federal sentences that have a future

beginning date or a prior state or D.C. sentence if there was no physical release from custody.

Severity is determined by using the Offense Severity Scale (Appendix A). Do not use instant offense behavior to also assign points on the "history" items on the Custody Classification Form.

Example: According to the Presentence Investigation Report, the individual was involved in an Assault With Serious Injury (Greatest severity level) but pled guilty to a Simple Assault (Moderate severity level). Assign the points on the basis of the more severe documented behavior, i.e., assign 7 points (Greatest severity level). Do not use the current term of confinement information to assign points on the "history" items (numbers 5 and 6 on the Security Designation Data section of the BP-337).

In determining "Severity of Current Offense" staff must review the Statement of Reasons, (attachment to the Judgment) and ensure the information provided is appropriately used in classifying the inmate.

Example: According to the Presentence Investigation Report the individual was involved in a drug conspiracy responsible for distribution of 31 grams of cocaine base "Crack", but was individually only responsible for 2 grams, he/she would be scored as Moderate Severity in this category. However, the **STATEMENT OF REASONS**, indicates the Judge found the individual responsible for less than 1 gram; therefore, the appropriate scoring should be Low Moderate Severity.

- **Procedures for Parole, Mandatory Release, Special Parole Term, or Supervised Release Violator**

If the violation was the result of new criminal conduct, regardless of conviction status, use the new criminal conduct for scoring "Severity of Current Offense" (see Appendix A). If the violation behavior was a technical violation, score the "Severity of Current Offense" as Low Moderate Severity.

The original offense behavior which occurred prior to the violation is considered past behavior and is not used in determining "Severity of Current Offense."

• **Procedures for Probation Violator**

The original offense behavior that resulted in probation should be used for scoring "Severity of Current Offense" (see Appendix A).

However, if the new criminal conduct (violation behavior) is more severe than the original offense behavior, then use this behavior for scoring "Severity of Current Offense." The most severe documented behavior between the original offense and the violation behavior is to be used for scoring "Severity of Current Offense."

3. MONTHS TO RELEASE DATE

3. MONTHS TO RELEASE _____

If there is a current and valid sentence computation in SENTRY, SENTRY will automatically enter the number of months remaining into this field. If however, there is not a complete Sentence Computation/Projected Release Date in SENTRY, this entry must be manually computed. This item is not figured into the security point total but impacts the Sentence Length Public Safety Factor.

4. CRIMINAL HISTORY SCORE

4. CRIMINAL HISTORY SCORE	0 = 0-1 2 = 2-3	4 = 4-6 6 = 7-9	8 = 10-12 10 = 13 +	
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SENTRY will automatically insert the score that was entered for this item on the BP-337. If this item was not entered on the BP-337, insert the appropriate number of points that reflect the Criminal History Score. For further details on Criminal History Score see Chapter 4, Section 8.

5. HISTORY OF ESCAPE OR ATTEMPTS

5. HISTORY OF ESCAPE OR ATTEMPTS	NONE	>15 YEARS	10-15 YEARS	5-10 YEARS	<5 YEARS	
MINOR	0	1	1	2	3	
SERIOUS	0	3(s)	3(s)	3(s)	3(s)	

Enter the appropriate number of points that reflect the escape history of the individual, considering only those acts for which there are documented findings of guilt (i.e., DHO, Court, Parole, Mandatory Release, or Supervised Release Violation).

Escape

History includes the individual's entire background of escapes or attempts to escape from confinement, or absconding from community supervision, excluding the current term of confinement.

EXCEPTION: Any institution disciplinary hearing (UDC or DHO) finding that a prohibited act was committed during the current term of confinement will be scored as a history item.

State disciplinary findings are scored unless there is documentation that the state disciplinary proceedings did not afford due process protection to the inmate.

Fleeing or Eluding Arrest, Failure to Appear for traffic violations, runaways from foster homes and similar behavior should not be scored under the Escape History item, even if clearly documented, but should be considered on a case-by-case basis under the Management Variable "Greater Security." Failure to Appear or Flight to Avoid Prosecution for any offense however, must be counted when there is a documented finding of guilt.

In determining time frames, use the date of the documented occurrence. Documented information from juvenile or YCA adjudications can be used unless the record has been expunged or vacated.

Minor History of Escape - An escape from an open institution or program (e.g., minimum security facility, CCC, furlough) not involving any actual or threat of violence. Also includes military AWOL, Bail Reform Act, Flight to Avoid Prosecution, and Absconding from Community Supervision. There must be a finding of guilt.

Serious History of Escape - An escape from secure custody with or without threat of violence. Also includes escapes from an open facility or program with actual threat of violence. There must be a finding of guilt. S = 3 points and requires application of PSF L.

6. HISTORY OF VIOLENCE

6. HISTORY OF VIOLENCE	NONE	>15 YEARS	10-15 YEARS	5-10 YEARS	<5 YEARS	
	MINOR SERIOUS	0 0	1 2	1 4	3 6	5 7

Enter the appropriate number of points that reflect any history of violence, considering only those acts for which there are documented findings of guilt (i.e., DHO, Court, Parole, Mandatory Release, or Supervised Release Violation). This item includes the individual's entire background of criminal violence, excluding the current term of confinement.

EXCEPTION: Any institution disciplinary hearing (UDC or DHO) finding that a prohibited act was committed during the current term of confinement will be scored as a history item.

State disciplinary findings are scored unless there is documentation that the state disciplinary proceedings did not afford due process protection to the inmate.

Severity of violence is determined by the offense behavior regardless of the conviction/finding of guilt offense. History of Violence points combine both seriousness and recency of prior violent incidents to assess the propensity for violent behavior, where more points mean greater risk. Therefore, if there is more than one incident of violence, score the combination of seriousness and recency that yields the highest point score. Prior periods of incarceration will be considered a "history" item if the inmate was physically released from custody and then returned to serve either a violation or a new sentence.

In determining time frames, use the date of the documented behavior. Documented information from juvenile or YCA adjudication can be used unless the record has been expunged or vacated.

Minor History of Violence - Aggressive or intimidating behavior which is not likely to cause serious bodily harm or death (e.g., simple assault, fights, domestic disputes, etc.) There must be a finding of guilt.

Serious History of Violence - Aggressive or intimidating behavior which is likely to cause serious bodily harm or death (e.g., aggravated assault, domestic violence, intimidation involving a weapon, incidents involving arson or explosives, rape, etc.). There must be a finding of guilt.

Example: If an offender was found guilty of homicide 20 years ago and a simple assault 3 years ago, assign 5 points for the simple assault. Or in another case, the offender had guilty findings for homicide 12 years ago; aggravated assault 8 years ago; and fighting 2 years ago, score 6 points for the aggravated assault 8 years ago.

NOTE: Attempted suicide, self-mutilation and possession of weapons are not applicable behaviors for History of Violence scoring. In addition, verbal threats (such as Code 203- Threatening Bodily Harm) are to be viewed as minor violence.

7. VOLUNTARY SURRENDER

7. VOLUNTARY SURRENDER	0 = NOT APPLICABLE	(-3) = VOLUNTARY SURRENDER	
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This item allows for the subtraction of three points from the "Base Score" (Item 11 below), when the Judgement indicates the inmate was ordered to voluntarily surrender. Enter the appropriate number of points. For purposes of this item, voluntary surrender means the inmate was not escorted by a law enforcement officer to either the U.S. Marshals Office or the place of confinement.

NOTE: Supervised Release, Mandatory Release, and Parole Violators will not receive credit for Voluntary Surrender even if it is approved by the court.

8. AGE

8. AGE	0 = 55 and over	4 = 25 through 35	
	2 = 36 through 54	8 = 24 or less	

SENTRY will automatically cross-reference the inmate's date of birth and assign the appropriate number of points that reflect his or her age. Staff do not have to manually enter an offender's age.

9. EDUCATIONAL LEVEL

9. EDUCATION LEVEL	0 = Verified High School Degree/GED	
	1 = Enrolled in and making satisfactory progress in GED Program	
	2 = No verified High School Degree/GED & not participating in GED Program	

Enter the appropriate number of points, that reflect the inmate's education level as verified by the Education Department.

NOTE: The scoring of this item on the Custody Classification form differs from the scoring on the Security Designation form. Therefore, unit staff must reconcile information obtained since the inmate's previous score on this item.

In addition to the points assigned for the education level, the highest grade completed (HGC) will also be recorded on the BP-

337. For example an inmate who began but did not complete the 7th grade will be given a 6 in the HGC field. Similarly, a GED will be given a 12, a college graduate a 16, a Master's degree an 18, and a Ph.D. a 21 (the maximum allowed) in the HGC field.

10. **DRUG/ALCOHOL ABUSE**

10. DRUG/ALCOHOL ABUSE	0 = Never/>5 Years	1 = <5 Years	
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Enter the appropriate number of points that reflect drug or alcohol abuse by the inmate. Examples of drug or alcohol abuse include: a conviction of a drug or alcohol related offense, a parole or probation violation based on drug or alcohol abuse, positive drug test, a DUI, detoxification, etc. Absent any information similar to the above, an inmate's self report is sufficient to score this item. If this information is unknown, enter a "U" and the item will be scored as zero.

11. **BASE SCORE**

11. BASE SCORE (ADD B. ITEMS 1 - 10)	
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SENTRY will compute the base score based upon the points entered for Items 1 - 10 (excluding Item 3). In cases where the total results in a negative number the base score will be set at zero.

C. CUSTODY SCORING

1. **PERCENTAGE OF TIME SERVED**

1. PERCENTAGE OF TIME SERVED	3 = 0-25%	5 = 76-90%	
	4 = 26-75%	6 = 91+%	

Enter the number of points that reflect the percentage of time the inmate has already served on the present commitment at the time of the review. To determine the percent, divide the number of months already served on the present sentence by the number of months of incarceration the inmate will have served upon reaching his/her projected release date. If applicable, give credit for jail time.

Example: An inmate has served 15 months (14 months at the institution, plus credit for one month jail time) of an anticipated total of 78 months of confinement.

$$\frac{\text{Actual Time Served}}{\text{Anticipated Time in Confinement}} = \frac{15}{78} = 19.2\%$$

Enter "3" , since 3 represents a range of 0 to 25%.

2. PROGRAM PARTICIPATION

2. PROGRAM PARTICIPATION	0 = POOR	1 = AVERAGE	2 = GOOD	
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Enter the appropriate number of points that reflect the inmate's level of initiative in programming. This is based on the inmate's active program involvement, eg. RPP, FRP, Drug education or Treatment Programs, education programs, or any other suitable programs as recommended by the Unit Team.

Unit Teams should score this area at the time of the custody review so input may be gained from all classification team members.

NOTE: Inmates in "FRP Refuse", "RPP Refuse", or who refuse to participate in mandatory drug education or treatment programs will be scored with 0 points regardless of any other programs achievements. Otherwise, assign points as follows:

GOOD - The inmate actively participates in multiple recommended programs.

AVERAGE - The inmate could be participating in multiple recommended programs but chooses to be involved in one at a time. This also includes inmates who are on official waiting lists for programs recommended by the Unit Team.

POOR - No program involvement, refuses to participate, or poor participation in programs in which he/she is enrolled.

3. LIVING SKILLS

3. LIVING SKILLS	0 = POOR	1 = AVERAGE	2 = GOOD	
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Enter the appropriate number of points that reflect the inmate's living skills during the past 12 months. This is based on the inmate's demeanor, attitude, personal accountability and nature of interaction with staff and other inmates. Incident Reports in and of themselves are not the determining factor in assessing the points on this item; however, the underlying behavior(s) may influence the scoring of this item. Unit Teams should score this item at the time of the custody review so input may be gained from all classification team members.

NOTE: Inmates in "FRP Refuse", "RPP Refuse", or who refuse to participate in mandatory drug education or treatment programs will be scored with 0 points regardless of any other programs achievements. Otherwise, assign points as follows.

GOOD - The inmate fully complies with staff expectations. He/she consistently receives outstanding sanitation and work reports and impresses staff as a "model inmate" in all other aspects of adjustment. He/she has developed a good rapport with staff. This high level of responsibility is consistent throughout the year.

While behavior(s) of a minor concern may occur occasionally, they do not detract from the inmate's overall favorable performance.

He/she is perceived by staff as attempting to program in a positive manner. Some examples of such behavior(s) are as follows:

- Rare property/sanitation related counseling necessary; however, not as the result of or leading to an Incident Report or extra duty;
- Work reports that are excellent overall, though not all evaluation elements are rated as "outstanding;" and,
- Uncharacteristic instances of staff reported negative interactions or behavior that do not result in Incident Reports.

AVERAGE - The inmate generally complies with staff expectations although falls short of providing a full and complete effort.

He/she has been counseled about sanitation, work performance and/or other aspects of adjustment; however, the inmate is not viewed as problematic. The inmate's rapport with staff is satisfactory. The inmate presents well personally; however, he/she fails to display any significant motivation for self-improvement.

POOR - The inmate consistently fails to meet staff expectations as evidenced by poor quarters sanitation, personal hygiene, negative interaction with staff/peers, or poor work reports.

4. TYPE AND NUMBER OF MOST SERIOUS INCIDENT REPORT(S)

4. TYPE & NUMBER 0 = ANY GREAT (100) IN PAST 10 YRS 3(A)= 1 MOD (300) IN PAST YR OF MOST 1 = > 1 HIGH (200) IN PAST 2 YRS 3(B)= >1 LOW MOD (400) IN PAST YR SERIOUS 2(A)= 1 HIGH (200) IN PAST 2 YRS 4 = 1 LOW MOD (400) IN PAST YR INCIDENT RPT 2(B)= > 1 MOD (300) IN PAST YR 5 = NONE	
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Enter the points that reflect the most serious Incident Report(s) received by the inmate. This is determined by using the Institution Disciplinary Codes and Sanctions Severity Scale. Points are assigned based on the most severe Incident Report(s) for which the inmate has been found guilty by either

the Unit Disciplinary Committee (UDC) or the Discipline Hearing Officer (DHO), within the specified time frames. Points are to be assigned only for the current period of incarceration.

NOTE: Disciplinary findings while an inmate is housed under BOP authority in non-BOP correctional facilities should be scored if received during the current period of incarceration unless there is documentation that the disciplinary proceeding(s) did not afford due process protection to the inmate.

Example: If an inmate has been found guilty of three HIGH severity Incident Reports within the past two years, he/she would receive a score of "1." If the inmate has only received one HIGH severity incident report within the past two years, the inmate would receive a score of "2(a)."

NOTE: Greatest severity Incident Reports merit a score of "0" regardless of the total number received in the last ten years.

The letter characters assigned to numerical scores 2 and 3 are merely used to differentiate between these items which have identical numerical values. The letter character is not used for computation.

NOTE: For supervised release, mandatory release, and parole violators, Incident Reports received during a previous period of confinement should be used, if they apply, for scoring "History of Escape or Violence," and "Drug/Alcohol Abuse." However, Incident Reports received during a previous period of confinement will not be counted when scoring "Type and Number of Most Serious Incident Reports" and "Frequency of Incident Reports" since this behavior occurred during a previous period of confinement. Only Incident Reports received during the current supervised release and parole violator term will be counted in these categories.

5. FREQUENCY OF INCIDENT REPORTS

5. FREQUENCY OF INCIDENT REPORTS (IN PAST YEAR)	0 = 6+ 1 = 2 THRU 5	2 = ONE 3 = NONE	
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Enter the appropriate number of points that reflect the frequency of Incident Reports.

This is determined by assigning points based on the number of Incident Reports for which the inmate has been found guilty by

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either the Unit Discipline Committee or the Discipline Hearing Officer during the past 12 months.

6. FAMILY/COMMUNITY TIES

6. FAMILY/COMMUNITY TIES	3 = NONE OR MINIMAL	4 = AVERAGE OR GOOD	
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Enter the number of points that reflect the level of family and community ties. This is based on the inmate's efforts to build, maintain and strengthen family/community ties rather than the unilateral efforts of the family/community to provide support and assistance to the inmate. Consideration should be given to the following:

- Financial support (not to include FRP participation);
- Visiting (consider inmate's efforts in establishing visiting list, frequency of visits, and who is visiting);
- Development of phone list with focus on family, employment, and community;
- Sending and receiving regular correspondence;
- Participation in Institution Release Preparation Program and institution sponsored mock job fairs;
- Involvement in parenting program and other family oriented activities;
- Contacts with social service providers to promote/enhance family stability (i.e., school guidance counselors, welfare workers, treatment providers);
- Contact with Prisoner Visitation Services;
- Participation in institution sponsored community service opportunities (i.e., Toys for Tots, Make a Wish Foundation, community gardens, Special Olympics); and,
- Voluntary involvement with community activities.

Score each inmate based on his/her unique circumstances while focusing on what the inmate does to maintain, build or strengthen these ties. To best accomplish this, Unit Teams should score this item at the custody review so input can be gained from all classification team members and possibly even the inmate.

Examples:

Inmates who demonstrate no initiative to further and/or enhance relationships with supportive parents/spouse/children should be scored as "none or minimal." (e.g., visiting and phone lists that do not include family members, no effort to provide financial support for children);

Inmates with limited financial resources who have parents/spouse/children living significant distances from their designated facilities, and request to have these family members placed on their visiting and phone lists, and send and receive frequent letters from family and make phone calls to them when funds are available. These inmates score as "average or good;" and,

Inmates with no surviving parents, siblings, spouse, or children may receive an "average or good" rating by developing contacts through Prisoner Visitation Services (PVS) and participation in community based activities and community service opportunities.

7. CUSTODY TOTAL

7. CUSTODY TOTAL (ADD C. 1 - 6)	
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Add the points in items 1 through 6, Section C, and enter the sum in this block.

8. CUSTODY VARIANCE

8. CUSTODY VARIANCE (FROM APPROPRIATE TABLE ON BP-338, PAGE 2)	
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The Custody Variance adjusts the inmate's total security points as specified in Tables 6-1(M) and 6-1(F) based upon the inmates custody score. If the appropriate table indicates a value other than zero the application of the Custody Variance will:

- add points to the base score, thus raising the security level and increasing the custody (when the value is positive); or,
- subtract points from the base score, thus lowering the security level and decreasing the custody (when the value is negative).

Table 6-1(M)

Male Custody Variance Table		CUSTODY TOTAL																
		6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
B S	0-11	+4	+4	+3	+3	+2	+1	+1	+1	0	0	-1	-1	-2	-3	-4	-5	-5
A C	12-15	+4	+4	+3	+3	+2	+1	+1	+1	0	0	0	-1	-2	-3	-4	-5	-5
S O	16-23	+8	+6	+5	+4	+4	+3	+2	+1	+1	0	0	0	-1	-1	-2	-2	-3
E R	24+	+8	+6	+5	+4	+4	+3	+2	+1	+1	+1	0	0	0	-1	-1	-2	-3

Example: A male inmate has a Base Score of 17 points and a Custody Total of 11 points. By using the Custody Variance Matrix, the intersecting point for these two items is +3. Thus, +3 is the Custody Variance score that will be entered on Item 8, Section C.

Table 6-1(F)

Female Custody Variance Table		CUSTODY TOTAL																
		6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
B S	0-15	+15	+11	+7	+4	+3	+2	+1	+1	0	0	0	0	-2	-4	-8	-12	-16
A C	16-30	+15	+11	+7	+4	+3	+2	+1	+1	0	0	0	0	0	-4	-8	-12	-16
S O	31+	+15	+11	+7	+4	+3	+2	+1	+1	0	0	0	0	0	0	-1	-5	-8

Example: A female inmate has a Base Score of 17 points and a Custody Total of 11 points. By using the Custody Variance Matrix, the intersecting point for these two items is +2. Thus, +2 is the Custody Variance score that will be entered on Item 8, Section C.

9. SECURITY TOTAL

9. SECURITY TOTAL (ADD OR SUBTRACT CUSTODY VARIANCE (C.8) TO BASE SCORE (B.10))	
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Apply the Custody Variance Score to the Base Score, and enter the result on Item 10, Section C.

Example: An inmate has a Base Score of 16 and a Custody Variance Score of +4. By applying +4 to 16, a Security Total of 20 is obtained and entered on Item 9, Section C.

NOTE: If the Custody Variance score is 0, the figure entered will be exactly the same as the Base Score. If the application of the Custody Variance to the Base Score results in a negative number, use 0.

10. SCORED SECURITY LEVEL

10. SCORED SECURITY LEVEL _____

An inmate's Security Level is determined by the Security Total and any applicable Public Safety Factors (see Chapter 5).

11. MANAGEMENT SECURITY LEVEL (MSL)

11. MANAGEMENT SECURITY LEVEL _____

A Security Level which is entered by the DSCC or Central Office upon application of any of the three MSL Management Variables (PSF Waived, Greater Security, Lesser Security). The MSL overrides the inmate's scored security level. If there was a previously entered MSL, it will automatically appear in this position.

12. CUSTODY CHANGE CONSIDERATION

To determine eligibility for a custody change, the following procedures apply:

- If the Custody Variance Score (Section C, Item 8) is in the positive (+) range, consider a custody increase;
- If the Custody Variance Score (Section C, Item 8) is 0, the inmate's present custody is continued; or,
- If the Custody Variance Score (Section C, Item 8) is in the negative (-) range, consider a custody decrease.

SECTION D. INSTITUTION ACTION

1. TYPE OF REVIEW

1. TYPE OF REVIEW (EXCEPTION OR REGULAR)	
--	--

An inmate should be handled as an exception case if there is documentation of the following:

- **Public Safety Factors.** Any inmate with a PSF. If the PSF has been waived the case is still considered an exception;
- **Central Inmate Monitoring Assignment.** An inmate with a CIM assignment, excluding state prisoners and separation cases; or,
- **Other.** The Warden may specify in writing other offenses or cases that require exception review.

If the inmate does not meet any of the above criteria the "Type of Review" will be "Regular." For Regular Cases, the Unit Team has authority to make custody assignments, and the Unit Manager is the signature authority on the BP-338. For Exception Cases, the Warden or designee is the approving official and retains signature authority for the BP-338 whenever there is a decrease in custody. Unit staff will indicate on the BP-338 form the reason for the Exception Case, only in those instances in which the unit team will make a recommendation for a reduction in custody level.

2. CURRENT CUSTODY

2. CURRENT CUSTODY (MAXIMUM, IN, OUT, COMMUNITY)	
--	--

Check the proper code for the inmate's current custody:

MAX = MAXIMUM, IN = IN, OUT = OUT, COM = COMMUNITY

3. NEW CUSTODY

3. NEW CUSTODY (MAXIMUM, IN, OUT, COMMUNITY)	
--	--

Check the proper code for the inmate's new custody:

MAX = MAXIMUM, IN = IN, OUT = OUT, COM = COMMUNITY

As indicated below, the Custody Classification Form only recommends; the final decision rests with the review authority. With the exceptions noted previously in Item 1, Type of Review, the Unit Team has the following options:

Table 6-2

BP-338 FORM RECOMMENDS	CLASSIFICATION TEAM OPTIONS
Custody Increase(+) range	Increase custody one level or Continue same custody assignment and document why
Custody Decrease(-) range	Decrease custody one level or Continue same custody assignment and document why
Continue Present Custody	Continue same custody assignment or (Refer to the Warden, see below)

The custody level should normally be reduced or increased by only one level (i.e., a reduction of IN would be to OUT, not to COMMUNITY; an increase from COMMUNITY would be to OUT, not to IN). However, an exception regarding increases can be made for disciplinary cases involving prohibited acts of the Greatest Severity or escape, provided it is justified by the Unit Team in a memo to the inmate's central file with a copy to the inmate.

Additionally, transfer to a CCC may require the custody level to be decreased more than one level. If the inmate is receiving a custody reduction solely for the purpose of transferring to a CCC, a new Custody Classification Form (BP-338) does not need to be completed. Approval for a decrease to COMMUNITY custody is granted by virtue of the Warden's approval and signature on the Institution Referral for CCC Placement (BP-210).

While it is mandatory that COMMUNITY custody be effected at the time of transfer, it may not be appropriate to reduce the inmate's custody level prior to the date of transfer (e.g., it would not be appropriate for an IN custody inmate at a MEDIUM security level institution to have COMMUNITY custody while still housed at the institution). In such cases, upon receipt of a CCC acceptance date, a SENTRY future assignment would be established for the date of transfer. The effective time for the reduction would be 12:01 AM. An inmate must be assigned COMMUNITY custody status prior to transfer to a CCC.

If the Custody Variance (Section C, Item 8) is zero (Continue Present Custody), and the Unit Team believes that there is a compelling reason to change the inmate's custody, the Unit Team will refer the case to the Warden, who is the deciding official.

4. ACTION

4. ACTION:	(APPROVE, DISAPPROVE)	
------------	-----------------------	--

For exception cases only, the Warden or designee should check the appropriate box indicating either approval or disapproval of the Unit Team's decision. If the Warden disagrees with the form, he/she will indicate the reasons on the 338 form. For regular cases, the Unit Manager will take this action.

5. DATE OF NEXT REVIEW

5. DATE OF NEXT REVIEW	
------------------------	--

Enter the month and year of the next scheduled review.

6. CHAIRPERSON

6. CHAIRPERSON	NAME AND SIGNATURE _____
----------------	--------------------------

The Unit Manager will print his or her name and sign the form in the space provided.

7. EXCEPTION REVIEW

7. EXCEPTION REVIEW	NAME (WARDEN OR DESIGNEE) AND SIGNATURE _____
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This item is reserved for the Warden or designee's printed name and signature if the inmate is an exception case as defined in Item 1 of this section. If the Warden or designee disapproves, the reason will be documented on the Custody Classification Form (BP-338) and a copy provided to the inmate.

8. SUMMARY OF FINAL ACTION

8. SUMMARY OF FINAL ACTION:	SECURITY LEVEL	
	CUSTODY	

After all action is complete (exception cases signed off, etc.,) the final outcome will be entered. Upon completion, the form is to be filed in the Inmate Central File, Section 2, and the appropriate custody assignment updated in SENTRY.

BP-338 CUSTODY CLASSIFICATION FORM
PAGE 1

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A . I D E N T I F Y I N G D A T A										
1. INSTITUTION CODE			2. UNIT				3. DATE			
4. NAME					5. REGISTER NUMBER					
6. MANAGEMENT VARIABLES A - NONE B - JUDICIAL RECOMMENDATION D - RELEASE RESIDENCE/PLANNING E - POPULATION MANAGEMENT G - CIMS I - MED/PSYCH TREATMENT N - PROGRAM PARTICIPATION R - WORK CADRE S - PSF WAIVED U - LONG TERM DETAINEE V - GREATER SECURITY W - LESSER SECURITY										
7. PUBLIC SAFETY FACTORS A - NONE B - DISRUPTIVE GROUP (males only) C - GREATEST SEVERITY OFFENSE (males only) F - SEX OFFENDER G - THREAT TO GOVERNMENT OFFICIALS H - DEPORTABLE ALIEN I - SENTENCE LENGTH (males only) K - VIOLENT BEHAVIOR (females only) L - SERIOUS ESCAPE M - PRISON DISTURBANCE N - JUVENILE VIOLENCE O - SERIOUS TELEPHONE ABUSE										
B . B A S E S C O R I N G										
1. TYPE OF DETAINEER		0 = NONE 1 = LOWEST/LOW MODERATE			3 = MODERATE 5 = HIGH			7 = GREATEST		
2. SEVERITY OF CURRENT OFFENSE		0 = LOWEST 1 = LOW MODERATE			3 = MODERATE 5 = HIGH			7 = GREATEST		
3. MONTHS TO RELEASE _____										
4. CRIMINAL HISTORY SCORE		0 = 0-1 2 = 2-3			4 = 4-6 6 = 7-9			8 = 10-12 10 = 13 +		
5. HISTORY OF ESCAPE OR ATTEMPTS		NONE MINOR 0 SERIOUS 0			>15 YEARS 1 10-15 YEARS 1 3(S) 3(S)			5-10 YEARS 2 3(S) 3(S)		
6. HISTORY OF VIOLENCE		NONE MINOR 0 SERIOUS 0			>15 YEARS 1 10-15 YEARS 1 4 4			5-10 YEARS 3 6 6		
7. VOLUNTARY SURRENDER STATUS		0 = NOT APPLICABLE			(-3) = VOLUNTARY SURRENDER					
8. AGE		0 = 55 and over 2 = 36 through 54			4 = 25 through 35 8 = 24 or less					
9. EDUCATION LEVEL		0 = Verified High School Degree/GED 1 = Enrolled in and making satisfactory progress in GED Program 2 = No verified High School Degree/GED & not participating in GED Program								
10. DRUG/ALCOHOL ABUSE		0 = Never/>5 Years			1 = <5 Years					
11. BASE SCORE (ADD §B. ITEMS 1 - 10)										
C. CUSTODY SCORING										
1. PERCENTAGE OF TIME SERVED		3 = 0-25% 4 = 26-75%			5 = 76-90% 6 = 91+%					
2. PROGRAM PARTICIPATION		0 = POOR			1 = AVERAGE			2 = GOOD		
3. LIVING SKILLS		0 = POOR			1 = AVERAGE			2 = GOOD		
4. TYPE & NUMBER OF MOST SERIOUS INCIDENT RPT		0 = ANY GREAT (100) IN PAST 10 YRS 1 = > 1 HIGH (200) IN PAST 2 YRS 2(A) = 1 HIGH (200) IN PAST 2 YRS 2(B) = > 1 MOD (300) IN PAST YR			3(A) = 1 MOD (300) IN PAST YR 3(B) = >1 LOW MOD (400) IN PAST YR 4 = 1 LOW MOD (400) IN PAST YR 5 = NONE					
5. FREQUENCY OF INCIDENT REPORTS (IN PAST YEAR)		0 = 6+ 1 = 2 THRU 5			2 = ONE 3 = NONE					
6. FAMILY/COMMUNITY TIES		3 = NONE OR MINIMAL			4 = AVERAGE OR GOOD					
7. CUSTODY TOTAL (ADD § C. 1 - 6)										
8. CUSTODY VARIANCE (FROM APPROPRIATE TABLE ON BP-338, PAGE 2)										
9. SECURITY TOTAL (ADD OR SUBTRACT CUSTODY VARIANCE (§ C.8) TO BASE SCORE (§ B.11))										
10. SCORED SECURITY LEVEL _____					11. MANAGEMENT SECURITY LEVEL _____					

BP-338 CUSTODY CLASSIFICATION FORM
PAGE 2

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SECTION D: INSTITUTION ACTION

1. TYPE OF REVIEW: (EXCEPTION OR REGULAR)		
2. CURRENT CUSTODY: (MAXIMUM, IN, OUT, COMMUNITY)		
3. NEW CUSTODY: (MAXIMUM, IN, OUT, COMMUNITY)		
4. ACTION: (APPROVE, DISAPPROVE)		
5. DATE OF NEXT REVIEW		
6. CHAIRPERSON		NAME AND SIGNATURE
7. EXCEPTION REVIEW		NAME (WARDEN OR DESIGNEE) AND SIGNATURE
8. SUMMARY OF FINAL ACTION:	SECURITY LEVEL	
	CUSTODY	

CUSTODY CHANGE RECOMMENDATIONS BASED ON CUSTODY VARIANCE

IF CUSTODY VARIANCE IS IN THE (+) RANGE	CONSIDER A CUSTODY INCREASE
IF CUSTODY VARIANCE IS IN THE (-) RANGE	CONSIDER A CUSTODY DECREASE
IF CUSTODY VARIANCE IS ZERO	CONTINUE PRESENT CUSTODY

**Male Custody
Variance
Table**

CUSTODY

		6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
S B C A O S R E E	0-11	+4	+4	+3	+3	+2	+1	+1	+1	0	0	-1	-1	-2	-3	-4	-5	-5
	12-15	+4	+4	+3	+3	+2	+1	+1	+1	0	0	0	-1	-2	-3	-4	-5	-5
	16-23	+8	+6	+5	+4	+4	+3	+2	+1	+1	0	0	0	-1	-1	-2	-2	-3
	24+	+8	+6	+5	+4	+4	+3	+2	+1	+1	+1	0	0	0	-1	-1	-2	-3

**Female
Custody
Variance
Table**

CUSTODY

		6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
S B C A O S R E E	0-15	+15	+11	+7	+4	+3	+2	+1	+1	0	0	0	0	-2	-4	-8	-12	-16
	16-30	+15	+11	+7	+4	+3	+2	+1	+1	0	0	0	0	0	-4	-8	-12	-16
	31+	+15	+11	+7	+4	+3	+2	+1	+1	0	0	0	0	0	0	-1	-5	-8

INMATE TRANSFER

TRANSFER PROCEDURES. Transfers (also known as redesignations) are used to move inmates from one institution to another as needed, with each type of transfer having a specific objective. The following are some of the more frequent reasons for a transfer:

- institution classification;
- nearer release;
- disciplinary/close supervision;
- adjustment;
- medical/psychological treatment;
- temporary transfers;
- training purposes/program participation;
- Institution Hearing Program;
- pre-release; and,
- transfers from CCC's.

After review and approval by the Unit Team, a transfer request is submitted via the Request for Transfer/Application of Management Variable (409) to the DSCC. The procedures for completing the 409 are outlined below and may only be waived or modified with the approval of the Assistant Director, Correctional Programs Division, Washington, D.C. or his/her designee.

1. **Inmate's Medical Status.** Include current, complete, and accurate available information concerning any medical problem that might affect redesignation;

2. **Institution Adjustment.** Include a brief description of the inmate's adjustment during this period of incarceration with emphasis on recent adjustment;

3. **Rational for Referral.** Include a complete, specific justification and support for the requested action;

4. **Parole Hearing Scheduled.** Indicate whether or not the inmate is eligible for a parole hearing. If yes, indicate the date of the hearing. (See SALLYPORT for a current listing of parole/non-parole institutions).

5. **Past or Present Behavior and/or Management Concerns.** Note any past or present behavior and/or management concerns which may affect placement (i.e., history of arrests or disruptive behavior

which may not have resulted in a conviction, inmates preference regarding this request, etc.). Also note any Security Threat Group concerns/associations. In addition, it is necessary for staff to closely review each case submitted for any CIM concerns. Any CIM concerns should be noted on the 409 if applicable.

However, it is not necessary for staff to route a Request for CIM Activity Clearance with each transfer request since CIM activity clearance is included in the redesignation for all CIM assignments except WITSEC cases. Redesignations between same security level institutions are discouraged, except for CIM purposes, nearer release purposes, or other unusual circumstances. Copies of all transfer requests for Disruptive Group Members will be forwarded to the Intelligence Section, Central Office, via GroupWise upon approval of the transfer. Additionally, the institution Special Investigative Supervisor should also receive a copy of the transfer request; and

6. **BP-337/BP-338 Discrepancies.** Include a brief description of any scoring changes between the BP-337 and BP-338.

Complete all required information, then route the request through normal institutional review channels for approval by the CEO. After approval by the CEO, it may be routed to the DSCC Administrator from the unit's mailbox. The Unit Team will enter the appropriate "DST" assignment (see below) into SENTRY as confirmation that a redesignation request has been submitted to the DSCC or OMDT. Enter this SENTRY assignment under the "DST" category using the "Update Inmate Assignment" transaction.

- Enter "W REDES R" if the transfer request is for a routine transfer.
- Enter "W REDES M" if the transfer request requires a review by the OMDT (Medical Designator).

Once the e-mail requesting redesignation is received, DSCC staff will at a minimum review the following SENTRY transactions to determine if the inmate is appropriate for redesignation:

CIM Clearance and Separatee Data;
Inmate Load Data;
Inmate Profile;
Custody Classification Form;
Security/Designation Data Form; and,
Chronological Disciplinary Record.

If the transfer is approved, DSCC staff will enter the information and the appropriate destination (DST) assignment in

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SENTRY on the "Enter Redesignation" screen and will also note the approved institution transfer code. The method of transportation is at the discretion of the Warden. Should a change in DST be required, DSCC staff will make the change in SENTRY prior to the inmate's arrival at the designated institution.

If the transfer is denied, DSCC staff will indicate the denial on the "Update Inmate Remarks" screen and will also delete the "W REDES" from SENTRY. Unit staff should closely monitor SENTRY for deletions of the "W REDES" transaction.

1. **INSTITUTION CLASSIFICATION TRANSFERS.** These transfers are typically referred to as either "Lesser Security" (Code 308) transfers or "Greater Security" (Code 307) transfers.

a. **Security Level Changes**

(1) When a decrease in the inmate's security level is indicated by the Custody Classification Form, transfer of the inmate to a lower security level institution should be considered.

(2) Likewise, an increased security level may be indicated in a similar fashion. The security total may increase to a higher security level range.

If an updated security scoring, combined with Public Safety Factors, indicate that an inmate is rated at a different security level, the inmate must be referred to the DSCC for either transfer or application of a Management Variable. For example, if an inmate in a Low security level institution is reclassified to Minimum security, the case must be referred for transfer or application of a Management Variable. If transfer is denied, DSCC staff will apply an appropriate Management Variable and add a Management Security Level, if applicable.

b. **Custody Level Changes.** During an inmate's custody review, a custody level may be increased or decreased (ordinarily, only one level at a time) indicating a transfer is appropriate. For example:

(1) A Medium security level inmate has OUT custody, and becomes eligible for COMMUNITY custody. If the Unit Team decides to reduce custody, the inmate would normally be referred for redesignation to a Low or Minimum security level facility, since Medium security level institutions do not house COMMUNITY custody inmates. If approved for transfer by the DSCC, the Management Variable of Lesser Security will be applied and the Management Security Level will be changed accordingly.

(2) An inmate's transfer to a higher security institution could be triggered by an increase in custody needs. For example, a Medium security level inmate with IN custody becomes eligible for a custody increase. The team agrees to increase the custody to Maximum. Since Medium security level facilities are not authorized to house Maximum custody inmates, the inmate must be referred for transfer to a High security level institution and the MSL changed in accordance with the application of an MGTV.

2. NEARER RELEASE TRANSFERS (Code 313). Nearer release transfers move the inmate closer to their legal residence or release destination, consistent with their security level. Inmates may be considered for a nearer release transfer only after serving 18 consecutive months of clear conduct in a general population. Nearer release transfers should be incorporated with "Lesser Security" transfers whenever possible. Once the inmate has been transferred within 500 **driving** miles of his or her release residence, ~~no further referrals will be made for nearer release transfer consideration.~~ **further referrals can be considered for nearer release transfer consideration subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons.**

Transfer to a facility in an area other than the inmate's legal residence or sentencing district may be considered by the inmate's Unit Team provided the inmate can provide strong evidence of community and/or family support. Institution staff should use sound correctional judgment when reviewing such requests for transfer to ensure the transfer is consistent with guidelines established in this chapter.

Inmates with an Order for Deportation, an Order of Removal, an ICE detainer for an unadjudicated offense(s) or an ICE detainer for a hearing will not be transferred for nearer release purposes since they will be returning to the community outside, rather than inside, the United States upon release.

3. WITSEC TRANSFERS. All movement of Witness Security cases is coordinated exclusively through the Inmate Monitoring Section of the Correctional Programs Branch, Central Office. Witness Security cases will not be transferred without authorization from that office. Witness Security inmates who require medical or mental health treatment at a medical center must also be approved by the Medical Designator.

If the inmate is classified as a WITSEC case, a copy of the medical referral will be sent simultaneously to the Inmate

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Monitoring Section (IMS) and the Medical Designator. The Inmate Monitoring Section will coordinate with the OMDT regarding an appropriate placement. Placement will be based on available medical resources, security needs, bed space availability, and the inmate's need for medical care. IMS will enter activity clearances for WITSEC cases.

4. DISCIPLINARY/CLOSE SUPERVISION TRANSFERS (Codes 309/323). An act(s) of documented institution misconduct may result in an inmate's transfer to another institution, normally of greater security, for disciplinary reasons. Wardens may recommend same security level transfers only when placement at a greater security level institution is not possible or other overriding circumstances exist.

Disciplinary or Close Supervision transfer requests will be sent electronically to the DSCC Administrator and contain the following information:

- (a) Request for Transfer/Application of Management Variable (must be thorough and specific);
- (b) Close Supervision investigation report, if requested; and,
- (c) Intelligence data or supporting memorandum if requested.

Institution staff should carefully review the management of 309/323 cases on an individual basis, applying sound correctional judgment that considers the safety and security of the inmate, the institution and its staff and the community.

5. ADJUSTMENT TRANSFERS (Code 330). All transfer referrals submitted as Code 330 transfers for adjustment purposes will be reviewed by the DSCC. Adjustment purposes transfer requests will be sent electronically to the DSCC Administrator via Form 409. DSCC staff will ensure that the transfer does not meet the requirements of an unverified protection transfer, Code 323.

6. MEDICAL AND PSYCHIATRIC TRANSFERS (Codes 331-336 and 338, 339). Medical designations and transfers are approved by the Central Office Medical Designator, Office of Medical Designations and Transportation (OMDT). The Central Office Medical Designator assigns inmates to Medical Referral Centers (MRC), institutions with medical resources, or non-Bureau community care centers to provide needed medical services.

Medical redesignations are initiated for inmates with acute medical, surgical, or psychiatric condition, or for those inmates who have chronic care needs that cannot be addressed at the parent institution. Transfers will be classified as either

(a) Emergency, (b) Routine/Urgent, or (c) Routine.

If an inmate objects, either in writing or through his or her attorney, to a transfer for psychiatric/mental health treatment, the provisions of 18 U.S.C. § 4245 may apply. Staff will suspend transfer action in such cases and refer the matter to their Regional Counsel for review. The Regional Counsel will notify the institution when the transfer action can be re-instituted.

a. **Emergency Transfer** - An emergency transfer is a medical, surgical, or psychiatric situation determined by medical/mental health staff that requires immediate, direct transportation.

This includes inmates not medically or psychiatrically capable of transport via routine BOP air/surface transportation, e.g., bus, commercial air, or USMS/Bureau airlift. Direct transportation is defined as air ambulance, air charter, or ground ambulance and, in some instances, an institution vehicle may be utilized.

b. **Routine/Urgent Transfer** - A routine/urgent transfer is initiated for medical, surgical, or psychiatric treatment that is not an emergency, however must be transported directly to a MRC, typically within two to three weeks of designation.

Routine urgent transfers require direct transfer to the MRC because of the acuity of their medical, surgical, or psychiatric condition, or because MRC-based services need to be initiated within an appropriate time frame. Holdover housing at a county jail or Bureau general population institution is not permissible.

c. **Routine Transfer** - A routine transfer is initiated for medical, surgical, or psychiatric treatment that is not an emergency and time en-route is not a major factor.

Routine transfers may travel by any available means.

d. **Procedures for Initiating Emergency, Routine/Urgent, and Routine Transfer Requests.**

All transfer requests for medical, surgical, or psychiatric designations will be initiated via GroupWise on the Medical/Surgical and Psychiatric Referral Request Form (BP-770) available on SALLYPORT.

The HSA, with input from the Clinical Director and other providers involved with the inmate's care (e.g., mid-level providers, psychologists, consultant physicians), is responsible for completing the BP-770. The referring institution Warden must review the BP-770 and authorize the request for transfer.

The BP-770 serves as the redesignation, transportation, and security worksheet from which the actual redesignation is made. It will also serve as the emergency referral request form, documentation of the inmate's condition and the reason

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for transfer. Accordingly, it is essential that the BP-770 be completed thoroughly and accurately.

The Medical Designator will review each request for redesignation and approve or deny the requested transfer. Based on clinical information and in consultation with the Medical Director, the Medical Designator may change the urgency level of the request.

OMDT will authorize CIM clearance (if appropriate) and enter approved transfers to an appropriate BOP facility in SENTRY on the "Enter Redesignation" screen.

e. **Completion of Treatment** - All requests for redesignation to the parent facility upon completion of Medical/Surgical or Psychiatric treatment, or to another medical facility for continuation of treatment, will be initiated by the facility currently housing the inmate via GroupWise on the Discharge Transfer Summary form. This form serves as the designation, transportation, and security worksheet from which the redesignation is made.

Medical cases are normally returned to their parent facility unless the DSCC approves a change in the parent facility based on clinical justification provided prior to redesignation by the Medical Designator.

7. **TEMPORARY TRANSFERS.** It is sometimes necessary to temporarily transfer an inmate to a contract facility or other Bureau institution. This is normally for security reasons, when the current institution does not have a Special Housing Unit. In such cases, institution staff will forward a request for temporary transfer approval from the Warden to the DSCC. The request will include the rationale for transfer, with assurance that the receiving facility is in agreement with the temporary transfer. Transfer approval must be obtained prior to the transfer during normal working hours, or if after hours, the next work day. A copy of this request will be routed to the appropriate CCM office, if the transfer is to a contract facility.

8. **TRANSFERS FOR TRAINING PURPOSES OR PROGRAM PARTICIPATION.**

An inmate is ordinarily only transferred for specialized national programs not offered at the parent facility to include:

- (a) Residential Drug Treatment Program;
- (b) Life Connections Program;
- (c) Special Management Unit; and
- (d) Sex Offender Programs.

When placement for program participation is inconsistent with the assigned security level, the appropriate Management Variable must be applied by the DSCC. Ordinarily, the inmate will be

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returned to the referring institution upon completion of the specialized training or program if the inmate has 18 months or more remaining until the inmate's release date at the time of the transfer. Further, if the program facility is nearer to the inmate's release residence, than is the referring institution, the inmate may remain at the program facility.

9. **INSTITUTION HEARING PROGRAM TRANSFERS.** The Institution Hearing Program (IHP) is a coordinated effort by the Bureau, ICE, and the EOIR to provide deportation or exclusion proceedings to sentenced aliens as expeditiously as possible after the date of conviction. Eligibility, designation, classification, and transfer procedures are specifically outlined in Bureau directives. IHP sites have been established for male and female non-U.S. citizens who are serving federal sentences to ensure a deportation or exclusion hearing is conducted early in their sentence instead of at the end of their sentence.

10. **TRANSFERS TO SATELLITE CAMPS.** The Warden of an institution with a satellite camp may transfer an inmate from the main institution to the camp if the inmate is assigned an appropriate security and/or custody level. The Camp Administrator of a satellite camp adjacent to a Low or Medium security level institution may temporarily transfer the inmate to the main institution for disciplinary purposes (i.e., disciplinary segregation). If a need for an immediate redesignation arises, the inmate may be placed as a holdover in Administrative Detention at the main institution while approval is sought from the DSCC for redesignation to that institution or another institution.

An inmate may travel via "unescorted transfer" from a low or minimum security level institution to a minimum security level institution if the inmate is a minimum security level inmate and has OUT or COMMUNITY custody. The inmate's family (on the approved visiting list) may provide transportation to the receiving institution only if the inmate is transferring from a minimum security level institution to another minimum security level institution, and if approved by the Warden. The inmate's family is expected to bear all transportation costs. The inmate must go directly from the sending institution to the receiving institution.

The Warden may authorize clearance for the transfer of a CIM Case, with the exception of WITSEC cases, to the satellite camp of the parent facility provided established regulations for regular transfer authority have been met. (Refer to the CIM Manual for more specific details).

11. **PRE-RELEASE TRANSFERS.** Inmates in federal and contract institutions may be transferred to CCCs in accordance with the Program Statement Community Corrections Center (CCC) Utilization and Transfer Procedure. Inmates who have been approved for CCC referral and are otherwise appropriate for camp placement are to be transferred to a camp for intermediate placement if at all practicable. Inmates should be encouraged to complete all or most of the Institution Release Preparation Program at the parent institution prior to transfer.

The parent institution is to complete the CCC referral packet and the camp should be closer to the inmate's release residence. This process should be completed to allow the inmate a minimum of a 60-day placement at the camp prior to the reporting date at the CCC. CCC referrals may be made 12 to 18 months in advance of an anticipated reporting date with the concurrence of local CCM offices. A notation that the CCC referral was made with a specific projected placement date should be included in the request for institution transfer, and the transfer request should be prepared at the same time as the CCC referral.

12. **TRANSFERS FROM CCC'S.** When an inmate fails to meet the conditions of CCC placement, the CCM should designate the inmate to the parent institution with consideration given to the following criteria for designation:

- (a) local manday detention rates;
- (b) availability of Bureau Detention Centers;
- (c) budgetary constraints;
- (d) projected release date; and,
- (e) distance to parent facility.

When returning the inmate to the parent institution is not cost effective, the Community Corrections Office will refer the case to the DSCC for designation. DSCC staff, will make the designation, and should consider the closest institution commensurate with the inmate's security needs. When the DSCC designates the inmate to a facility, DSCC staff will notify the parent institution to facilitate the forwarding of the central file.

13. **LONG-TERM DETAINEES.** The authority for the redesignation of long-term detainees rests with the Detention Services Branch, Correctional Programs Division, Central Office. Refer to the current Program Statement Maribel Cuban Detainees for transfer procedures. Transfers for medical or mental health treatment however, shall be referred to the Central Office Medical Designator. Maribel Cubans who are sentenced, and therefore not detainees, are handled in a routine fashion by DSCC staff.

14. **IN-TRANSIT DATA FORM**

a. Upon notice that an inmate is being transferred or temporarily released to an authorized law enforcement officer (e.g., U.S. Marshal, state law enforcement officer, or Bureau bus officer), the Unit Manager will ensure the following:

- The top portion of the SENTRY automated In-Transit Data Form is accurate and the bottom portion is completed;
- CIM, YCA, DCYRA and any other important information is included in the space for "Non-Routine Security Needs;"
- CIM separation information is accurate, up-to-date and the SENTRY generated "CIM Clearance and Separatee Data" is attached to the In-Transit Data Form; and,
- The In-Transit Data Form is signed, dated, and forwarded to ISM staff who will attach a current inmate photograph and provide the form to the transporting officer.

NOTE: The most recent In-Transit Data Form is maintained in the Inmate Central File. The "CIM Clearance and Separatee Data" display will not be filed with the In-Transit Data Form.

b. Upon receipt of the In-Transit Data Form, ISM staff will ensure the following:

- The information indicated on the top portion of the form is correct. SENTRY update functions should be executed in the event that the data is not accurate;
- The Sentencing Remarks should include the offenses and the length of sentence as noted on the Judgment.

If

this information is not accurate, the load data should be updated;

- The Detainer Remarks should indicate all active detainers and the charge or offense. If the detainer has been litigated, information regarding the sentence imposed or time remaining to serve should be listed. If this information is not current, the commitment should be updated; and,

- Initials are placed below the detainer remarks indicating that the information has been confirmed and is accurate and up-to-date.

15. **TRANSFER CODES.** The reason for transfer, as shown by one of the codes listed at the end of this chapter, must be provided in the top portion of the Transfer Order. If there is more than one reason for transfer, the most pertinent code should be used. Note that all Unescorted Transfers are Discharge Code - FURL TRANS for Furlough Transfer.

16. **SPECIAL REQUIREMENTS**

a. An inmate having a detainer or pending charge may be transferred to any institution for which he or she properly classifies; however, generally when there is a formally filed detainer, the inmate is not to be transferred to an institution more distant from the detaining authority unless there is substantial reason to believe the detainer will be dropped or the pending charge will not be prosecuted.

An inmate who indicates an intention to oppose extradition is not to be transferred within the last 30 calendar days prior to release to an institution in the state that placed the detainer. Such cases, and others in which there are legal or jurisdictional problems, are to be referred to the Regional Correctional Programs Administrator (See Program Statement Inmate Systems Management Manual).

b. When there is reason to transfer an inmate to a non-federal institution for concurrent service of federal and state sentences, the Warden will refer the case to the DSCC Administrator. Refer to the Program Statement, Transfer of a Prisoner to State Custody Prior to Release from the Federal Sentence, for procedures.

17. **RELATIONSHIPS WITH OTHER AGENCIES**

a. **U.S. Parole Commission.** Parolable inmates must be housed at a parolable institution in accordance with their parole hearing requirements unless a hearing is no longer required.

b. **Administrative Office of the U.S. Courts.** The court of conviction may recommend to the Attorney General or the Bureau that the defendant be retained at, or transferred to, a place of confinement near the place of trial or the court of appeals, for a period reasonably necessary to permit the defendant to assist in the preparation of his or her appeal. Upon receiving this recommendation, the Bureau will make every effort to place the inmate in such a facility. If a reason exists for not placing the inmate in that facility, the court must be notified of the situation and an attempt will be made to arrive at an acceptable place of confinement.

Ordinarily, complicated jurisdictional or legal problems should be resolved before transfer. Ordinarily, the sending Case Management Coordinator will determine if an inmate has legal action pending in the district in which confined. If so, the individual should not be transferred without prior consultation with the appropriate U.S. Attorney or Regional Counsel, or both. Under Rule 23(a) of the Federal Rules of Appellate Procedures, an inmate may not be transferred, pending review of a Habeas Corpus proceeding commenced before a court, without the approval of the court.

Approval for transfer should be sought through the U.S. Attorney or Regional Counsel in cases where a Habeas Corpus petition is pending.

c. **Non-Federal Authorities.** The decision to accept a state prisoner in the Bureau is the responsibility of the DSCC Administrator. When notifying the state authority of acceptance, the state's contract code will be identified.

The Office of Procurement, Central Office is responsible for negotiating contracts for housing state prisoners. If it is necessary to transfer a federal inmate to a local jail, the sending institution must immediately notify the U.S. Marshals and the CCM, preferably prior to the transfer.

d. **Military Inmates.** The DSCC will accept a military or Coast Guard inmate recommended for transfer to federal custody if, after examination of all available information, the Bureau can provide appropriate resources for the inmate's needs. The DSCC will be responsible for the designation and redesignation of all military and Coast Guard inmates accepted for service of their sentence in Bureau custody.

In some cases, special agreements or Memoranda of Understanding (MOU) have been established with various military branches. These MOUs give direction to Bureau staff regarding which Bureau regulations and policies apply to the military inmates. Pursuant to 10 U.S.C. § 858, staff should be aware that military or Coast Guard inmates confined in Bureau institutions are subject to the same discipline and treatment as other inmates in those institutions.

Additionally, the Bureau will accept the sentence computation provided by the military or Coast Guard authorities with the exception that the Bureau will release such inmates, if not paroled, under the provisions of 18 U.S.C. § 4164 provided they have accrued good time deductions in excess of 180 days. DSCC staff will refer to the appropriate military or Coast Guard authorities for resolution of suspected sentence computation errors or discrepancies, or challenges to the sentence computation by the inmate or his or her representative, or both.

Once a military inmate comes into Bureau custody, all notifications and requirements apply as if he or she were a Bureau inmate, i.e., VWP notification, VCCLEA notification, Sex Offender Notification, and IFRP requirements. Notification to the military is also required at least 30 days prior to the inmate's release.

18. **STATE PLACEMENT.** Inmates who have exhausted available resources within the Bureau, should be referred for placement in an appropriate non-federal facility under contract with the Bureau. Preparation of a transfer referral to merely "exhaust" all BOP resources is not required when the inmate is clearly not appropriate for any facility within the Bureau.

a. **Placement Procedures.** The Warden will prepare a memorandum to the DSCC Administrator outlining the reasons for state placement of a federal inmate. This memorandum will be forwarded along with supporting documentation and classification material that will, at a minimum, include the following:

- (1) Presentence Investigation Report;
- (2) Two copies of the Judgment;
- (3) Relevant SENTRY data;
- (4) Current Progress Report; and,
- (5) Any Disciplinary or SIS Reports.

If the DSCC Administrator approves an inmate for state placement, DSCC staff will select a state correctional system for referral. The system selected will be based on the type of facilities within the system; available bed space; court status (state systems that are under injunction because of overcrowding or violations of inmates' civil rights will not be used), and the state's willingness to accept federal boarders. Once a suitable state correctional system has been identified, DSCC staff will forward the transfer packet to the appropriate Community Corrections Regional Administrator, overseeing the state in which the DSCC Administrator has identified for possible placement. DSCC staff may make up to two referrals per inmate at a time, and continue this process until an appropriate placement is secured. The CCRA will work through the local CCM office which will refer the case for state placement. The CCM office will advise the CCRA of the response from the state authority/Department of Corrections. If approved for placement, the CCRA will initiate SENTRY redesignation procedures, and forward the inmate file to the CCM office. If not approved for placement the CCRA will

advise the DSCC Administrator, who will continue to secure a suitable state placement.

The CCM office with state monitoring authority in which the inmate is eventually housed assumes full responsibility for the inmate, including biennial reviews and subsequent transfer authority. State placement materials containing, at a minimum, a Progress Report, Presentence Investigation Report, and all memoranda pertaining to the state placement, will be forwarded to and maintained by the CCM office after the inmate has been approved for placement.

If an inmate is approved for permanent return to the Bureau, the place of confinement will be determined by the DSCC. If an inmate is returned to the Bureau for medical treatment, the inmate will be returned to the state when the medical treatment is completed. Occasionally, returning the inmate to the originating state may not be appropriate. In such cases, the DSCC will obtain a new place of incarceration for the inmate, after consultation with the Office of Medical Designation and Transportation.

b. Post-Placement Monitoring. After a federal inmate has been placed in a state contract facility, the appropriate CCM will review the case every two years beginning from the date of the inmate's arrival to determine whether the inmate is still appropriate for state placement. The CCM's cover memorandum containing a recommendation and a Progress Report provided by the state contract facility will be forwarded to DSCC staff who will make a determination for continued state placement or return to Bureau custody.

If the inmate requires continued placement in that state facility, DSCC staff will enter a notation on the SENTRY "CIM Clearance and Separatee Data" screen indicating such. However, if state placement is no longer necessary, the inmate will be redesignated to Bureau custody by the DSCC.

Inmates serving a sentence of Death will also be reviewed for continued state placement. Information received from Community Corrections staff during the review of the contract may be used to make a determination for continued state placement.

The DSCC is responsible for monitoring and tracking state placement requests received from BOP institutions. The CCRA will prepare a quarterly report (statistical/narrative) which will be forwarded to the DSCC Administrator.

19. **SECONDARY DESIGNATION.** Upon initial designation, an inmate may be designated specifically for a parole hearing or program participation, and as a result, may require a secondary designation upon completion of the activity. If upon completion of the activity, staff determine that the secondary designation is no longer appropriate, the DSCC will be notified for reconsideration. Otherwise, when the conditions of the initial designation are met, institution staff will prepare a Transfer Order for signature of the sending institution Warden and arrangements will be made for movement of the inmate through routine procedures.

A secondary designation will not normally be made for cases designated for medical or psychiatric treatment. The medical center or reviewing institution will notify the Medical Designator upon completion of evaluation or treatment. Approval will be given for a secondary designation at that time. This approval will be based on medical requirements of the inmate and resources of the secondary designation.

20. **POPULATION MANAGEMENT.** The Assistant Director, Correctional Programs Division periodically reviews each institution's Rated and Designation Capacities. Occasionally, it is necessary to impose a moratorium or population cap on a particular institution to avoid or reduce overcrowding. The Assistant Director, Correctional Programs Division, with the approval of the Population Management Subcommittee of the Executive Staff, may impose a moratorium on other facilities including the Medical Referral Center general population units. The Assistant Director, Health Services Division, with the approval of the Population Management Subcommittee of the Executive Staff, may authorize a moratorium or population cap for Medical Referral Centers (excluding general population).

a. Referral Procedures

(1) The Warden of the institution recommends to the Regional Director that a moratorium or population cap be established.

(2) The Regional Director reviews the request, and if in agreement, contacts the Assistant Director, Correctional Programs Division, or the Assistant Director, Health Services Division, and either requests a population cap or total moratorium.

A population cap places a ceiling on the number of inmates that can be designated to a facility. A total moratorium is defined as a complete cessation of all initial designations and redesignations to an institution or DFCL assignment.

In extreme circumstances, the Assistant Director, Correctional Programs or Health Services Division with concurrence of the Subcommittee may direct that inmates en route to a facility be redesignated. When a moratorium or population cap is imposed, a termination date will be established. The cap or moratorium will be terminated on that date unless the Regional Director contacts the appropriate Assistant Director, Correctional Programs or Health Services Division, and obtains an extension.

(3) The appropriate Assistant Director will issue a GroupWise e-mail notifying the DSCC Administrator and Chief Executive Officers of the cap or moratorium.

21. INSTITUTIONS WITH SPECIAL MISSIONS

a. **FCI Oakdale.** The Bureau, ICE, and the Executive Office for Immigration Review (EOIR) work closely together to meet the requirements of the Immigration Reform and Control Act of 1986, by ensuring the expeditious review of criminal aliens for deportation. Beds are available for federally sentenced aliens, who are subject to administrative proceedings under the Immigration and Naturalization Act. Such inmates are transferred to FCI Oakdale for disposition of their ICE detainer prior to completion of their federal sentence.

Mexican and Cuban nationals are not eligible for the Oakdale Criminal Alien Program. The following procedures apply for the actual selection and designation of inmates to the Oakdale Criminal Alien Program.

(1) The ICE Officer in Charge at FCI Oakdale will monitor the inmate male population via SENTRY to identify criminal aliens appropriate for the program at FCI Oakdale. After they have been identified, ICE staff will place a detainer on these individuals through the DSCC. Each week DSCC staff will compile a list of the criminal aliens who are to be released within the next year. A courtesy list will be submitted, via GroupWise, to FCI Oakdale for monitoring purposes.

(2) ICE staff at FCI Oakdale will forward to DSCC staff information on alien inmates via GroupWise to assist in the movement of inmates to FCI Oakdale at a later date. The movement of inmates to FCI Oakdale will be authorized and coordinated by the DSCC. DSCC staff will ensure CIM clearance is obtained and the Custody Classification form reflects appropriate use of any Management Variable.

(3) Inmates will be redesignated no later than seven months from a firm projected release date. Once approved for transfer,

institution and transportation staff will immediately schedule the inmate for movement to FCI Oakdale. Institution staff will notify the Oakdale CMC if the inmate is not en route within 15 working days of the transfer approval. The central file should contain a current Progress Report and all pertinent case management activities should be completed prior to transfer including fines and the ordering of parole certificates, when applicable, or preparation of other release documents as required.

(4) ISM staff will ensure any other detainers lodged against those inmates approved for transfer are resolved and the detaining authority notified before the inmate is transferred to FCI Oakdale.

(5) Because of unforeseen circumstances, some criminal aliens may be inappropriate for transfer to FCI Oakdale. ICE staff at FCI Oakdale will notify DSCC staff when this occurs and will advise of any additional action necessary to coordinate the resolution of the inmate's citizenship/release status. Conversely, institution staff are to contact DSCC staff if they believe a transfer should not occur. If the transfer is deemed inappropriate, DSCC staff will delete the Oakdale "DST" transfer approval.

(6) The Detention Services Branch, Correctional Programs Division, Central Office will assist with coordination of the Oakdale Criminal Alien Program and will act as the primary liaison with ICE and EOIR Headquarters on matters of mutual interest affecting the program's development and/or modification. Any questions regarding these matters should be directed to that office.

b. **USP Marion/ADX Florence.** USP Marion/ADX Florence general population units are designed for male inmates who have demonstrated an inability to function in a less restrictive environment without being a threat to others, or to the secure and orderly operation of the institution.

(1) **Referral Procedures and Criteria.** Prior to referring an inmate to USP Marion or ADX Florence, redesignation to another high security institution should be considered first.

If transfer to another institution is not appropriate, Wardens will refer the proposed USP Marion or ADX Florence case to North Central Regional Director. The North Central Region will designate the inmate as appropriate.

Assignment to USP Marion or ADX Florence will ordinarily be made without regard for such factors as release destination or

program needs, such as education and vocational training. Prior to transfer to USP Marion or ADX Florence, staff at the sending institution will ensure that the inmate is assigned Maximum custody. While in transit to USP Marion or ADX Florence, inmates will be housed and provided visiting, correspondence, and telephone privileges as if confined at USP Marion or ADX Florence.

Inmates currently diagnosed as suffering from serious psychiatric illnesses should not be referred for placement at either USP Marion or ADX Florence.

(2) **Referral Packet for USP Marion or ADX Florence.** The referral packet for either USP Marion or ADX Florence general population will include the following items:

(a) A memorandum from the Warden to the North Central Regional Director with the specific rationale supporting the institution's recommendation;

(b) Copies of all disciplinary reports, investigative materials or other official documentation related to the behavior prompting the referral;

(c) A current Progress Report;

(d) A copy of the inmate's latest Presentence Investigation Report; and,

(e) A recent psychiatric or mental health evaluation.

Inmates with severe or chronic behavior patterns that cannot be addressed in any other Bureau institution should be referred to ADX Florence general population, and those who are somewhat less problematic should be referred to USP Marion. In describing the reasons underlying the referral, the Warden should explain why he or she has selected USP Marion or ADX Florence, respectively.

(3) **Acceptance or Rejection of Referrals.** The North Central Regional Director has final review authority for referrals to the USP Marion and ADX Florence general population units. In some cases, the Regional Director may approve placement at USP Marion when a referral has been submitted for ADX Florence and vice versa.

A response to a recommendation for USP Marion or ADX Florence placement will ordinarily be made by the North Central Regional Director within 60 calendar days after receiving the

referral packet from the referring institution. Approval or denial will be noted in SENTRY on the inmate's "CIM Clearance and Separatee Data" screen, with a brief memorandum from the North Central Regional Director to the requesting Warden to follow.

(4) **Transfer from USP Marion or ADX Florence.** Once an inmate successfully completes the USP Marion or ADX Florence program, the Warden will submit a transfer request to the North Central Regional Director. Upon the North Central Regional Director's approval the request will be forwarded to the DSCC for determination of an appropriate facility. Inmates will ordinarily be transferred from USP Marion or ADX Florence using Code 308 - Lesser Security. Ordinarily, inmates completing the ADX Florence program will be transferred to a High Security facility, other than USP Marion.

(5) **USP Marion Failures.** Inmates who continue to exhibit disruptive misconduct at USP Marion may be considered for referral to ADX Florence general population or the Control Unit.

c. **FMC Carswell Administrative Unit**

(1) **Initial Designations.** Initial designations may only occur in extraordinary situations by DSCC staff.

(2) **Redesignation Criteria.** The FMC Carswell Administrative Unit is designed to house females exhibiting any of the following:

- A history of escape or attempted escape from a secure institution;
- Demonstrated repeated incidents of assaultive or predatory behavior;
- Demonstrated chronic behavior problems; and/or
- Special management concerns.

(3) **Referral** for transfer to the FMC Carswell Administrative Unit will be submitted via the Request for Transfer/Application of Management Variable (409) to the DSCC Administrator.

(4) **Acceptance or Rejection of Referrals.** The DSCC Administrator has final review authority for referrals to FMC Carswell Administrative Unit.

TRANSFER CODES	
CODE	DESCRIPTION
276	FURLOUGH TRANSFER: Unescorted furlough transfer to a CCC.
307	INSTITUTION CLASSIFICATION: Transfer to an institution with greater security (e.g., Low to Medium).
308	INSTITUTION CLASSIFICATION: Transfer to an institution with less security (e.g., High to Medium).
309	DISCIPLINARY: Transfer as a result of an act(s) of misconduct related to documented poor institutional adjustment. See Program Statement on Discipline and Special Housing Unit.
313	NEARER RELEASE: Transfer for the purpose of placing an inmate in an institution nearer the release destination or to facilitate the release process.
314	TRAINING PURPOSES: Discontinued (Use Code 324).
315	TRAINING COMPLETED: Discontinued (Use Code 325).
316	TEMPORARY TRANSFER: Transfer to the custody of U.S. Marshals or local authority.
317	RELIEVE OVERCROWDING: Transfer to relieve overcrowding at a facility.
318	INCREASE POPULATION: Transfer to build a population, usually upon activation of a new facility.
319	DRUG ABUSE PROGRAM: Transfer to participate in a specialized Drug Abuse Program.
320	WORK/STUDY RELEASE: Discontinued.
321	TRANSFER TO CONTROL UNIT: Transfer to Control Unit (see Chapter 7, Section 4).
322	TRANSFER FROM CONTROL UNIT: Transfer from Control Unit (See Chapter 7, Section 4).
323	CLOSE SUPERVISION CASE: Transfer as a result of an investigation that indicates a safety, security, or escape risk. Includes verified and unverified protection cases.
324	PROGRAM PARTICIPATION: Transfer for a parole hearing or to participate in a specialized program.
325	PROGRAM COMPLETED/WITHDRAWAL/REMOVAL: Return to the original institution following the completion, withdrawal, or removal from a specialized program.
326	CONCURRENT SERVICE IN NON-FEDERAL FACILITY: Transfer to non-federal facility (excluding CCC) for service of concurrent federal and state sentences.
327	BOARDING IN NON-FEDERAL FACILITY: Transfer to non-federal facility (excluding CCC) for service of federal sentences only.

TRANSFER CODES	
CODE	DESCRIPTION
328	RETURN FROM NON-FEDERAL FACILITY: Return from non-federal facility to federal institution for service of federal sentence only.
330	ADJUSTMENT PURPOSES: Transfer for the purpose of placing the inmate in a new setting due to poor institutional adjustment or CIM concerns. This code differs from a 323 Close Supervision Transfer in that an SIS investigation is not normally conducted.
331	TRANSFER FOR MEDICAL TREATMENT: Transfer from general population for the purpose of obtaining medical/physical treatment in a Medical Referral Center. Requires a change to a CARE 4 assignment.
332	MEDICAL TREATMENT COMPLETED: Return from Medical Referral Center to general population after treatment for medical/physical treatment. Requires a change from CARE 4 assignment to a lesser care level assignment.
333	TRANSFER FOR PSYCHOLOGICAL/PSYCHIATRIC EVALUATION: Transfer from general population for the purpose of obtaining psychiatric treatment in a Medical Referral Center. Requires a change to a CARE 4 assignment.
334	PSYCHOLOGICAL/PSYCHIATRIC EVALUATION COMPLETED: Return from a Medical Referral Center to general population after obtaining psychiatric treatment. Requires a change from CARE 4 assignment to a lesser care level assignment.
335	TRANSFER FOR HOSPITALIZATION AND TREATMENT: Transfer between BOP Medical Referral Centers for continued medical/physical or psychiatric treatment. (SPG to BUT). CARE 4 assignment remains intact.
336	HOSPITALIZATION AND TREATMENT COMPLETED: Discontinued (See Code 332).
337	OTHER: This category may be used only when no other transfer code above applies. (DISCONTINUED)
338	DECREASE IN MEDICAL CARE LEVEL: Transfer used when there has been a decrease in the inmate's medical care level and the inmate no longer requires the higher level of medical services. This code is to be used when the transfer occurs between non-MRC institutions and when there is a decrease from the CARE assignments 2 and 3 only.
339	INCREASE IN MEDICAL CARE LEVEL: Transfer used when there has been an increase in the inmate's medical care level and inmate is being transferred for the sole purpose of requiring increased medical resources. This code is to be used when the transfer occurs between non-MRC institutions and when there is an increase from the CARE assignments 1 and 2 only.
369	FACILITY REORGANIZATION: Transfer based on a mission change of the institution.

OFFENSE SEVERITY SCALE

GREATEST SEVERITY
<p>Aircraft Piracy - placing plane or passengers in danger</p> <p>Arson - substantial risk of death or bodily injury</p> <p>Assault - serious bodily injury intended or permanent or life threatening bodily injury resulting)</p> <p>Car Jacking - any</p> <p>Drug Offense - see criteria below*</p> <p>Escape - closed institution, secure custody, force or weapons used</p> <p>Espionage - treason, sabotage, or related offenses</p> <p>Explosives - risk of death or bodily injury</p> <p>Extortion - weapon or threat of violence</p> <p>Homicide or Voluntary Manslaughter - any</p> <p>Kidnaping - abduction, unlawful restraint, demanding or receiving ransom money</p> <p>Robbery - any</p> <p>Sexual offenses - rape, sodomy, incest, carnal knowledge, transportation with coercion or force for commercial purposes</p> <p>Toxic Substances/Chemicals: - weapon to endanger human life</p> <p>Weapons - distribution of automatic weapons, exporting sophisticated weaponry, brandishing or threatening use of a weapon</p>

* Any **drug offender** whose current offense includes the following criteria will be scored in the Greatest severity category:

The offender was part of an organizational network and he or she organized or maintained ownership interest/profits from **large-scale** drug activity,

*****AND*****

The drug amount equals or exceeds the amount below:

- Cocaine** - greater than or equal to 10,000 gm, 10 K, or 22 lb
- Cocaine Base "Crack"** - greater than or equal to 31 gm
- Hashish** - greater than or equal to 250,000 gm, 250 K, or 551 lb
- Marijuana** - greater than or equal to 620,000 gm, 620 K, or 1,367 lb
- PCP** - greater than or equal to 100,000 mg, 100 gm, or 20,000 dosage units
- Heroin or Opiates** - greater than or equal to 2,000 gm, 2 K, or 4.4 lb
- Methamphetamine** - greater than or equal to 16,000 gm, 17 K, or 35 lbs
- Other illicit drugs:** - Amphetamine, Barbiturates, LSD, etc. greater than or equal to 250,000 dosage units

HIGH SEVERITY

Arson - other

Cruelty to Children - any

Drugs (For Females only)

Cocaine - greater than or equal to 10,000 gm, 10 K,
Or 22 lb

Cocaine Base "Crack" - greater than or equal to 31
gm **Hashish** - greater than or equal to 250,000 gm,
250 K, Or 551 lb

Marijuana - greater than or equal to 620,000 gm, 620 K,
Or 1,367 lb

PCP - greater than or equal to 100,000 mg, 100 gm,
or 20,000 dosage units

Heroin or Opiates - greater than or equal to 2,000 gm,
2 K, or 4.4 lb

Methamphetamine - greater than or equal to 16,000 gm,
17 K, or 35 lb

Other illicit drugs - Amphetamine, Barbiturates,
LSD etc. - greater than or equal to 250,000 dosage
units

Explosives - other

Extortion - other

Involuntary manslaughter - includes vehicular homicide

Residential Burglary - with evidence that occupants were in
dwelling during the commission of the offense

Rioting - any

Sexual Offenses - sexual exploitation of children,
unlawful sexual conduct with a minor, pornography

Stalking - any

Threatening Communications - with conduct evidencing intent to
carry out such threat

Toxic Substances/Chemicals - other

MODERATE SEVERITY

Assault - other
Auto Theft - any
Breaking and Entering - any
Burglary - other
Child Abandonment - any
Contempt of Court - criminal contempt
Drugs Cocaine - greater than or equal to 400 gm, .4 K, or .88 lb
 Cocaine Base "Crack" - greater than or equal to 1 gm
 Hashish - greater than or equal to 11,000 gm, 11 K, or 24 lb
 Marijuana - greater than or equal to 25,000 gm, 25 K, or 55 lb
 PCP - greater than or equal to 4,000 mg, 4 gm, or .14 oz
 Heroin or Opiates - greater than or equal to 80 gm, .08 K, or .18 lb
 Methamphetamine - greater than or equal to 667 gm, .67 K, or 1.47 lb
 Other illicit drugs - Amphetamine, Barbiturates, LSD, etc. greater than or equal to 10,000 dosage units, .05 K, or .11 lb
Escape - walkaway from open institution, failure to appear/bail reform act, no threat of violence involved
Immigration Offenses - transportation of unlawful aliens
Obstruction of Justice - any
Property Offenses - over \$250,000, includes theft, fraud, tax evasion, forgery, currency offenses
Sexual Offenses - other
Weapons - other

LOW-MODERATE SEVERITY

Bigamy - Polygamy
Drugs Cocaine - less than 400 gm, .4 K, or .88 lb
 Cocaine Base "Crack" - less than 1 gm
 Hashish - less than 11,000 gm, 11 K, or 24 lb
 Marijuana - less than 25,000 gm, 25 K, or 55 lb
 PCP - less than 4,000 mg, 4 gm, or .14 oz
 Heroin or Opiates - less than 80 gm, .08 K, or .18 lb
 Methamphetamine - less than 667 gm, .67 K, or 1.47 lb
 Other illicit drugs - Amphetamine, Barbiturates, LSD, etc., less than 10,000 dosage units, .05 K, or .11 lb
Indecent Exposure - indecent acts, lewd behavior
Immigration Offenses - other
Post-Release Supervision Violation - technical, administrative
Property Offenses - valued between \$2,000 and \$250,000)

LOWEST SEVERITY

Drugs - personal use Gambling Law Violation - any Liquor Law Violation - any Property Offenses - less than \$2,000 Suspicion - any Traffic Laws - any Vagrancy - any Vandalism - any

MARIJUANA EQUIVALENT CHART	
DRUG	MARIJUANA EQUIVALENT

1 gm of Heroin	1000 gm
1 gm of Cocaine Powder	200 gm
1 gm of Methamphetamine	2000 gm
1 gm of LSD	100,000 gm
1 gm of "crack" cocaine	20,000 gm
1 gm of Hashish Oil	50 gm
For other drug equivalents, please refer to the U.S. Sentencing Commission Guidelines Manual.	

MEASUREMENT CONVERSION TABLE	
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1 oz = 28.35 gm	1 gm = 1 ml (liquid)
1 lb = 453.6 gm	1 liter = 1,000 ml
1 lb = 0.4536 kg	1 kg = 1,000 gm
1 gal = 3.785 liters	1 gm = 1,000 mg
1 qt = 0.946 liters	1 grain = 64.8 mg

DEFINITION OF ROLES INVOLVED IN DRUG OFFENSES

To determine whether an individual involved with a drug offense rose to the level of an organizer or leader, read the "Offense Conduct" section of the Presentence Investigation Report, and any other available information (i.e., Statement of Reasons, U.S. Attorney Report, etc.) to determine what the individual's role was in the criminal activity. The role definitions below are grouped into two categories: Those that rise to the level of organizer/leader; and, those that do not.

ORGANIZER/LEADER

Importer/High-Level Supplier: imports or otherwise supplies large quantities of drugs; is at or near the top of the distribution chain; has ownership interest in drugs (not merely transporting drugs for another individual); usually supplies drugs to other drug distributors and does not deal in retail amounts; may employ no or very few subordinates.

Organizer/Leader: organizes, leads, directs, or otherwise runs a drug distribution organization. Receives the largest share of the profits and has the greatest decision-making authority.

Grower/Manufacturer: grows, cultivates, or manufactures a controlled substance, and is the principal owner of the drugs. (Keep in mind, the intent of this definition is to capture the individual who has the capability to manufacture enormous amounts of drugs in his garage/lab for example, and not the individual who is growing only five marijuana plants in his basement.)

Financier/Money Launderer: provides money for purchase, importation, manufacture, cultivation, transportation, or distribution of drugs; launders proceeds of drug sales or purchases.

Aircraft Pilot/Vessel Captain: pilots vessel or aircraft; requires special skill; does not include inmate who is the only participant directing a small boat (i.e., a speed boat) onto which drugs had been loaded from a "mother ship" (such person is a courier).

NOT A DRUG ORGANIZER/LEADER

Manager: serves as a lieutenant to assist one of the above; manages all or a significant portion of the manufacturing, importation, or distribution operation; takes instructions from one of the above and conveys to subordinates; directly supervises at least one other co-participant in an organization of at least five co-participants.

Bodyguard/Strongman/Debt Collector: provides physical and personal security for another co-participant in the offense; collects debts owed, or punishes recalcitrant persons.

Chemists/Cooks/Chemical Supplier: produces LSD, methamphetamine, crack cocaine, or other illegal drugs, but does not qualify as a Grower/Manufacturer because he/she is not the principal owner of the drugs. Chemical supplier does not handle drugs themselves but engages in the unlawful diversion, sale, or furnishing of listed chemicals or equipment used in the synthesis or manufacturing of controlled substances.

Supervisor: supervises at least one other co-participant, however, has limited authority and does not qualify as a Manager.

Street-Level Dealer: distributes retail quantities directly to the user.

Broker/Steerer/Go-Between: arranges for two parties to buy/sell drugs, or directs potential buyer to a potential seller.

Courier: transports or carries drugs with the assistance of a vehicle or other equipment. Includes situations where individual, who is otherwise considered to be a crew member, is the only participant directing a vessel (e.g., a speed boat) onto which drugs had been loaded from a "mother ship".

Mule: transports or carries drugs internally or on their person, often by airplane, or by walking across a border. Also includes an individual who only transports or carries drugs in baggage, souvenirs, clothing, or otherwise.

Renter/Storer: provides (for profit/compensation) own residence, structures (barns, storage bins, buildings), land, or equipment for use to further the offense. This inmate is distinguished from the enabler because he/she is paid (in some way) for his/her services.

P5100.08

9/12/2006

Appendix A, Page 7

Money runner: transports/carries money and/or drugs to and from the street-level dealer.

Off-loader/Loader: performs the physical labor required to put large quantities of drugs into storage, hiding, or onto some mode of transportation.

Gopher/Lookout/Deckhand/Worker/Employee: performs very limited, low-level function in the offense (whether or not ongoing); includes running errands, answering the telephone, receiving packages, packaging the drugs, manual labor, acting as lookout to provide early warnings during meetings, exchanges, or off-loading, or acting as deckhand/crew member on vessel or aircraft used to transport large quantities of drugs.

Enabler (Passive): plays no more than a passive role in the offense, knowingly permitting a certain unlawful criminal activity to take place without actually being involved with the activity; may be coerced or unduly influenced to play such a function (e.g., a parent or grandparent threatened with displacement from a home unless they permit the activity to take place), or may do so as "a favor" (without compensation).

User Only: possessed small amount of drugs apparently for personal use only; no apparent function in any conspiratorial criminal activity.

Wholesaler: sells more than retail/user-level quantities (greater than one ounce) in a single transaction.

SPECIAL INSTRUCTIONS

In the case of an offense involving marijuana plants, one plant equals 100 grams (or the actual weight of the useable marijuana, whichever is greater).

If the offense includes several types of drugs, compute the marijuana equivalent and total the sum to arrive at a grand total. For example, if the inmate has marijuana, cocaine, and heroin, compute the cocaine and heroin to an equivalent amount of marijuana and hold the inmate accountable for the sum total of the equivalent amount of marijuana.

Offenses not listed will be assigned a severity category according to the most comparable listed offense.

Score any attempt, aiding and abetting, conspiracy, misprision of a felony, and accessory after the fact in the same severity category as the underlying offense. Total offense behavior is to be considered, utilizing the most serious offense or act committed. However, in drug conspiracy cases, the individual will be held accountable as documented by the Judge in the Statement of Reasons. If the Statement of Reasons is not attached, the Case Manager will review the Presentence Investigation Report to determine the individual's specific reported behavior, and not hold the individual accountable for the entire drug conspiracy empire.

If committed as a parole, mandatory release, special parole term, or supervised release violator as a result of a new conviction, use that new offense behavior for scoring "Severity of Current Offense."

If committed as a probation violator, use the most severe documented behavior between the original offense that prompted probation and the new criminal conduct (violation behavior) for scoring "Severity of Current Offense."

For this Program Statement's purposes, sentences with a specific finding of "withheld adjudication" will be considered the same as if the Judge made a finding of guilt.

WAIVER FOR MISDEMEANANTS

I, _____, _____
(Name of Inmate) (Register Number)

have been convicted under _____
(Offense Code and Title)

and committed to the custody of the Attorney General or the Bureau of Prisons for service of a misdemeanor sentence, do hereby waive my right as a misdemeanor offender to serve my sentence in a facility other than a high security level institution. I understand my conviction could entitle me to be placed in a Minimum, Low, or Medium level institution, as deemed appropriate by the Bureau of Prisons; however, I voluntarily waive my right to such placement. I further understand that this waiver does not prevent the Federal Bureau of Prisons from transferring me to a Minimum, Low, or Medium security level institution in the future, if appropriate.

Inmate's Signature

Date

Witness

Witness

STANDARD ABBREVIATIONS/TERMS (BP-337)
--

ADW	Assault with a Deadly Weapon
ALC	Alcohol
ATT	Attempt
BRA	Bail Reform Act (constitutes escape)
CC	Concurrent
CC FRD	Credit Card Fraud
COC	Cocaine
CONSP	Conspiracy
CRK	Crack
CS	Consecutive
D/DS	Day/days
DETN	Detainer
DRG	Drug
DUI	Driving under the influence
DWI	Driving while influenced
DWOL	Driving without a License
DWP/DWIP	Dismissed without/with Prejudice
ESS	Execution of Sentence Suspended (If part of the sentence was imposed score as prior. If the entire sentence was suspended, do not count as prior, HOWEVER, if the offense involved escape or violence, score under appropriate history item.)
F/A	Firearm
FTA	Failure to Appear (constitutes escape)
GD	Good
GTA	Grand Theft Auto
H/G	Handgun
HX	History
IR	Incident Report
ISS	Imposition of Sentence Suspended (If part of the sentence was imposed score as prior. If the entire sentence was suspended, do not count as prior, HOWEVER, if the offense involved escape or violence, score under appropriate history item.)
ITSMV	Interstate Transportation of Stolen Motor Vehicle
JTC	Jail Time Credit
LOC	Lack of Cooperation
LOP	Loss of Privileges
M/MOS	Month/months
MH	Mental health
MJ	Marijuana
PBJ	Probation Before Judgment
PC	Pending Charge
PED	Parole Eligibility Date
PLIO	Pled to Lesser Instant Offense
PROB	Probation
PSY	Psychological/Psychiatric
PWITD	Possession with Intent to Distribute
PV	Parole Violation

STANDARD ABBREVIATIONS/TERMS (BP-337)

SRV	Supervised Release Violation
TRD	Tentative Release Date
UUV	Unauthorized Use of a Vehicle
VOP	Violation of Probation
WPN	Weapon
Y/YRS	Year/years

P5100.08

9/12/2006

Appendix B, Page 3

Form 409, **REQUEST FOR TRANSFER/APPLICATION OF MANAGEMENT VARIABLE**
is available on BOPDOCS

Attachment 3

CSTAK
PAGE 001

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PUBLIC INFORMATION
INMATE DATA
AS OF 04-15-2021

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04-15-2021
09:23:50

REGNO...: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD
PHONE...: 609-723-1100

FAX: 609-724-7557
RACE/SEX...: WHITE / MALE
AGE: 46

PROJ REL MT: GOOD CONDUCT TIME RELEASE
PROJ REL DT: 12-25-2022

PAR ELIG DT: N/A
PAR HEAR DT:

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 002 * INMATE DATA * 09:23:50
AS OF 04-15-2021

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

PHONE.: 609-723-1100 FAX: 609-724-7557

HOME DETENTION ELIGIBILITY DATE: 06-25-2022

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 12-25-2022 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 060 -----

COURT OF JURISDICTION.....: FLORIDA, SOUTHERN DISTRICT
DOCKET NUMBER.....: 04-20872-CR-GRAHAM
JUDGE.....: GRAHAM
DATE SENTENCED/PROBATION IMPOSED: 07-28-2005
DATE COMMITTED.....: 10-12-2005
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 120 18:876 EXTORTION
OFF/CHG: 18:2332A(B) THREATENED USE OF A WEAPON OF MASS DESTRUCTION

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 240 MONTHS
TERM OF SUPERVISION.....: 5 YEARS
DATE OF OFFENSE.....: 07-22-2002

G0002 MORE PAGES TO FOLLOW . . .

CSTAK
PAGE 003

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PUBLIC INFORMATION
INMATE DATA
AS OF 04-15-2021

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04-15-2021
09:23:50

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

PHONE.: 609-723-1100 FAX: 609-724-7557

-----CURRENT COMPUTATION NO: 060 -----

COMPUTATION 060 WAS LAST UPDATED ON 11-29-2019 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 02-15-2008 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 060: 060 010

DATE COMPUTATION BEGAN.....: 07-28-2005
TOTAL TERM IN EFFECT.....: 240 MONTHS
TOTAL TERM IN EFFECT CONVERTED..: 20 YEARS
EARLIEST DATE OF OFFENSE.....: 07-22-2002

TOTAL PRIOR CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED..: 945
TOTAL GCT EARNED.....: 675
STATUTORY RELEASE DATE PROJECTED: 12-25-2022
ELDERLY OFFENDER TWO THIRDS DATE: 11-27-2018
EXPIRATION FULL TERM DATE.....: 07-27-2025
TIME SERVED.....: 15 YEARS 8 MONTHS 19 DAYS
PERCENTAGE OF FULL TERM SERVED..: 78.5
PERCENT OF STATUTORY TERM SERVED: 90.2

PROJECTED SATISFACTION DATE.....: 12-25-2022
PROJECTED SATISFACTION METHOD...: GCT REL

G0002 MORE PAGES TO FOLLOW . . .

CSTAK
PAGE 004

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PUBLIC INFORMATION
INMATE DATA
AS OF 04-15-2021

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04-15-2021
09:23:50

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

HOME DETENTION ELIGIBILITY DATE: 02-27-2007

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.
THE INMATE WAS SCHEDULED FOR RELEASE: 07-16-2007 VIA GCT REL

-----PRIOR JUDGMENT/WARRANT NO: 050 -----

COURT OF JURISDICTION.....: FLORIDA, MIDDLE DISTRICT
DOCKET NUMBER.....: 96-34-CR-T-99A
JUDGE.....: NIMMONS JR
DATE SENTENCED/PROBATION IMPOSED: 04-25-1997
DATE COMMITTED.....: 06-06-2000
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$50.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 120 18:876 EXTORTION
OFF/CHG: 18:876 MAILING THREATENING COMMUNICATIONS

SENTENCE PROCEDURE.....: 3559 VCCLEA NON-VIOLENT SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 46 MONTHS
TERM OF SUPERVISION.....: 36 MONTHS
RELATIONSHIP OF THIS OBLIGATION
TO OTHERS FOR THE OFFENDER....: CS TO COMP 040
DATE OF OFFENSE.....: 12-19-1994

G0002 MORE PAGES TO FOLLOW . . .

CSTAK
PAGE 005

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PUBLIC INFORMATION
INMATE DATA
AS OF 07-16-2007

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04-15-2021
09:23:50

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD
PHONE.: 609-723-1100 FAX: 609-724-7557

-----PRIOR COMPUTATION NO: 050 -----

COMPUTATION 050 WAS LAST UPDATED ON 10-28-2005 AT EST AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
PRIOR COMPUTATION 050: 050 010

DATE COMPUTATION BEGAN.....: 03-01-2004
TOTAL TERM IN EFFECT.....: 46 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 3 YEARS 10 MONTHS
EARLIEST DATE OF OFFENSE.....: 12-19-1994

TOTAL PRIOR CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 168
TOTAL GCT EARNED.....: 168
STATUTORY RELEASE DATE PROJECTED: 07-16-2007
ELDERLY OFFENDER TWO THIRDS DATE: 09-21-2006
EXPIRATION FULL TERM DATE.....: 12-31-2007
TIME SERVED.....: 3 YEARS 4 MONTHS 16 DAYS
PERCENTAGE OF FULL TERM SERVED...: 88.0
PERCENT OF STATUTORY TERM SERVED: 100.0

ACTUAL SATISFACTION DATE.....: 07-16-2007
ACTUAL SATISFACTION METHOD.....: GCT REL
ACTUAL SATISFACTION FACILITY....: THA
ACTUAL SATISFACTION KEYED BY....: JDH

DAYS REMAINING.....: 168
FINAL PUBLIC LAW DAYS.....: 0

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 006 * INMATE DATA * 09:23:50
AS OF 03-01-2004

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

HOME DETENTION ELIGIBILITY DATE: 09-26-2003

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.
THE INMATE WAS SCHEDULED FOR RELEASE: 03-01-2004 VIA GCT REL

-----PRIOR JUDGMENT/WARRANT NO: 040 -----

COURT OF JURISDICTION.....: OKLAHOMA, WESTERN DISTRICT
DOCKET NUMBER.....: CR-94-106-L 94-177-L
JUDGE.....: LEONARD
DATE SENTENCED/PROBATION IMPOSED: 12-20-1994
DATE COMMITTED.....: 06-06-2000
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 120 18:876 EXTORTION
OFF/CHG: CR-94-106-L: CT 3: 18:876; MAILING THREATENING COMMUNICATIONS
CR-94-177-L: CT 1: 18:876; MAILING THREATENING COMMUNICATIONS

SENTENCE PROCEDURE.....: 3559 SRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 52 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
DATE OF OFFENSE.....: 11-04-1993

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 007 * INMATE DATA * 09:23:50
AS OF 03-01-2004

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD
PHONE.: 609-723-1100 FAX: 609-724-7557

-----PRIOR COMPUTATION NO: 040 -----

COMPUTATION 040 WAS LAST UPDATED ON 04-12-2003 AT EDG AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
PRIOR COMPUTATION 040: 040 010

DATE COMPUTATION BEGAN.....: 04-28-2000
TOTAL TERM IN EFFECT.....: 52 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 4 YEARS 4 MONTHS
EARLIEST DATE OF OFFENSE.....: 11-04-1993

TOTAL PRIOR CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 179
TOTAL GCT EARNED.....: 179
STATUTORY RELEASE DATE PROJECTED: 03-01-2004
ELDERLY OFFENDER TWO THIRDS DATE: 03-19-2003
EXPIRATION FULL TERM DATE.....: 08-27-2004
TIME SERVED.....: 3 YEARS 10 MONTHS 3 DAYS
PERCENTAGE OF FULL TERM SERVED...: 88.6
PERCENT OF STATUTORY TERM SERVED: 100.0

ACTUAL SATISFACTION DATE.....: 03-01-2004
ACTUAL SATISFACTION METHOD.....: GCT REL
ACTUAL SATISFACTION FACILITY....: EST
ACTUAL SATISFACTION KEYED BY....: AAH

DAYS REMAINING.....: 179
FINAL PUBLIC LAW DAYS.....: 0

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 008 * INMATE DATA * 09:23:50
AS OF 12-03-1996

REGNO...: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.
THE INMATE WAS SCHEDULED FOR RELEASE: 12-03-1996 VIA STDY CMLPT

-----PRIOR JUDGMENT/WARRANT NO: 030 -----

COURT OF JURISDICTION.....: FLORIDA, MIDDLE DISTRICT
DOCKET NUMBER.....: 96-34-CR-T-21-(A)
JUDGE.....: NIMMONS
DATE SENTENCED/PROBATION IMPOSED: 10-02-1996
DATE WARRANT ISSUED.....: N/A
DATE WARRANT EXECUTED.....: N/A
DATE COMMITTED.....: 10-28-1996
HOW COMMITTED.....: 4241 THRU 4245 STUDY OR EXAM
PROBATION IMPOSED.....: NO
SPECIAL PAROLE TERM.....:

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 014 18:115 RTLTNG FED OFF/INJURE
OFF/CHG: THREATS TO FEDERAL JUDGE AND AUSA

SENTENCE PROCEDURE.....: 4241 DETERM MENTAL COMPETENCY FOR TRIAL
SENTENCE IMPOSED/TIME TO SERVE.: NOT APPLICABLE
STUDY LENGTH.....: 57 DAYS
DATE OF OFFENSE.....: 07-26-1996

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 009 * INMATE DATA * 09:23:50
AS OF 12-03-1996

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD
PHONE.: 609-723-1100 FAX: 609-724-7557

-----PRIOR COMPUTATION NO: 030 -----

COMPUTATION 030 WAS LAST UPDATED ON 11-25-1996 AT LEX AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
PRIOR COMPUTATION 030: 030 010

DATE COMPUTATION BEGAN.....: 10-02-1996
TOTAL TERM IN EFFECT.....: 57 DAYS
TOTAL TERM IN EFFECT CONVERTED...: 1 MONTHS 26 DAYS
EARLIEST DATE OF OFFENSE.....: 07-26-1996

TOTAL JAIL CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
STATUTORY GOOD TIME RATE.....: N/A
TOTAL SGT POSSIBLE.....: 0
TOTAL GCT EARNED AND PROJECTED..: 0
TOTAL GCT EARNED.....: 0
PAROLE ELIGIBILITY.....: N/A
STATUTORY RELEASE DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 11-27-1996

NEXT PAROLE HEARING DATE.....: UNKNOWN
TYPE OF HEARING.....: UNKNOWN

ACTUAL SATISFACTION DATE.....: 12-03-1996
ACTUAL SATISFACTION METHOD.....: STDY CMPLT
ACTUAL SATISFACTION FACILITY....: LEX
ACTUAL SATISFACTION KEYED BY....: PDH

DAYS REMAINING.....: 0
FINAL PUBLIC LAW DAYS.....: 0

G0002 MORE PAGES TO FOLLOW . . .

CSTAK
PAGE 010

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PUBLIC INFORMATION
INMATE DATA
AS OF 05-30-1996

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04-15-2021
09:23:50

REGNO...: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.
THE INMATE WAS SCHEDULED FOR RELEASE: 05-30-1996 VIA GCT REL

-----PRIOR JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: FLORIDA, MIDDLE DISTRICT
DOCKET NUMBER.....: 93-227-CR-T-17
JUDGE.....: KOVACHEVICH
DATE SENTENCED/PROBATION IMPOSED: 03-25-1994
DATE COMMITTED.....: 03-25-1994
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$300.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 530 18:1714-1717 POSTAL OTHER
OFF/CHG: MAILING THREATENING COMMUNICATIONS, T18, USC 8761

SENTENCE PROCEDURE.....: 3559 SRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 30 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
DATE OF OFFENSE.....: 07-08-1993

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 011 * INMATE DATA * 09:23:50
AS OF 05-30-1996

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD
PHONE.: 609-723-1100 FAX: 609-724-7557

-----PRIOR COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 04-26-1996 AT SER AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
PRIOR COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 03-25-1994
TOTAL TERM IN EFFECT.....: 30 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 2 YEARS 6 MONTHS
EARLIEST DATE OF OFFENSE.....: 07-08-1993

TOTAL PRIOR CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 117
TOTAL GCT EARNED.....: 117
STATUTORY RELEASE DATE PROJECTED: 05-30-1996
EXPIRATION FULL TERM DATE.....: 09-24-1996

ACTUAL SATISFACTION DATE.....: 05-30-1996
ACTUAL SATISFACTION METHOD.....: GCT REL
ACTUAL SATISFACTION FACILITY....: SER
ACTUAL SATISFACTION KEYED BY....: DAF

DAYS REMAINING.....: 117
FINAL PUBLIC LAW DAYS.....: 0

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 012 * INMATE DATA * 09:23:50
AS OF 09-09-1994

REGNO...: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.
THE INMATE WAS SCHEDULED FOR RELEASE: 09-09-1994 VIA STDY CMLPT

-----PRIOR JUDGMENT/WARRANT NO: 020 -----

COURT OF JURISDICTION.....: OKLAHOMA, WESTERN DISTRICT
DOCKET NUMBER.....: CR-94-106-L
JUDGE.....: CAUTHRON
DATE SENTENCED/PROBATION IMPOSED: 08-12-1994
DATE WARRANT ISSUED.....: N/A
DATE WARRANT EXECUTED.....: N/A
DATE COMMITTED.....: 08-23-1994
HOW COMMITTED.....: 4241 THRU 4245 STUDY OR EXAM
PROBATION IMPOSED.....: NO
SPECIAL PAROLE TERM.....:

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 530 18:1714-1717 POSTAL OTHER
OFF/CHG: TITLE 18 USC ESC. 4241 STUDY ORDER, TITLE 18 USC 4241
MAIL THREATING COMMUNICATION

SENTENCE PROCEDURE.....: 4241 DETERM MENTAL COMPETENCY FOR TRIAL
SENTENCE IMPOSED/TIME TO SERVE.: NOT APPLICABLE
STUDY LENGTH.....: 30 DAYS
DATE OF OFFENSE.....: 08-11-1994

G0002 MORE PAGES TO FOLLOW . . .

CSTAK *
PAGE 013 OF 013 *

PUBLIC INFORMATION
INMATE DATA
AS OF 09-09-1994

* 04-15-2021
* 09:23:50

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD
PHONE.: 609-723-1100 FAX: 609-724-7557

-----PRIOR COMPUTATION NO: 020 -----

COMPUTATION 020 WAS LAST UPDATED ON 09-07-1994 AT MIA AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
PRIOR COMPUTATION 020: 020 010

DATE COMPUTATION BEGAN.....: 08-12-1994
TOTAL TERM IN EFFECT.....: 30 DAYS
TOTAL TERM IN EFFECT CONVERTED..: 30 DAYS
EARLIEST DATE OF OFFENSE.....: 08-11-1994

TOTAL JAIL CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
STATUTORY GOOD TIME RATE.....: N/A
TOTAL SGT POSSIBLE.....: 0
TOTAL GCT EARNED AND PROJECTED..: 0
TOTAL GCT EARNED.....: 0
PAROLE ELIGIBILITY.....: N/A
STATUTORY RELEASE DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 09-10-1994

NEXT PAROLE HEARING DATE.....: UNKNOWN
TYPE OF HEARING.....: UNKNOWN

ACTUAL SATISFACTION DATE.....: 09-09-1994
ACTUAL SATISFACTION METHOD.....: STDY CMPLT
ACTUAL SATISFACTION FACILITY....: MIA
ACTUAL SATISFACTION KEYED BY....: CER

DAYS REMAINING.....: 0
FINAL PUBLIC LAW DAYS.....: 1

G0000 TRANSACTION SUCCESSFULLY COMPLETED

Attachment 4
(filed separately under seal)

Attachment 5
(filed separately under seal)

Declaration of Kimberly Shivers

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CRISTINA NICHOLE IGLESIAS (a.k.a.,)	
CRISTIAN NOEL IGLESIAS),)	
)	
Plaintiff,)	
)	
vs.)	Case No. 19-cv-00415-NJR
)	
IAN CONNORS, ET AL.,)	
)	
Defendants.)	

DECLARATION OF KIMBERLY SHIVERS

I, Kimberly Shivers, make the following declaration, in accordance with the provisions of 28 U.S.C. § 1746:

1. I am currently employed by the Federal Bureau of Prisons (“BOP”) as Captain at the Federal Correctional Institution at Fort Dix, New Jersey (FCI Fort Dix). I have held my current position since February 2021. I have been employed by the BOP since April 1998. As Captain, I have overall responsibility for the Correctional Services Department, which is charged with maintaining the security of the institution, as well as the custody and correctional treatment of the inmate population. I provide leadership and direction to the Correctional Services Department in institutional security, inmate conduct and discipline. A section of the Correctional Services Department, Special Investigative Services (SIS), conducts investigations of reported violations of prohibited acts, (*i.e.*, assaults, escapes, introduction of contraband, disturbances or other illicit activities) and takes appropriate actions as dictated by the seriousness of the violation.

2. The statements I make hereinafter are made on the basis of my review of the official files and records of the BOP, my own personal knowledge, or on the basis of information

acquired by me through the performance of my official duties. All records attached hereto are maintained in the ordinary course of business.¹

3. I am aware that inmate Iglesias, reg. no. 17248-018, claims that, because she is a transgender woman, she has been subjected to sexual violence and extortion at FCI Fort Dix. (Doc. 93-2 at 7). Specifically, she claims that two male prisoners she refers to as “Osvaldo Rosa” and an inmate with the last name “Mejia” began demanding sex and money from her and threatened her with violence if she did not do what they said. *Id.*

4. Iglesias has been housed at Fort Dix since December 14, 2020. She was transferred to FCI Fort Dix from the Federal Medical Center at Lexington, Kentucky (FMC Lexington). According to the relevant request for transfer, staff at FMC Lexington requested Iglesias be transferred after it was determined there was a threat to her safety for owing substantial debts to multiple inmates. Staff determined Iglesias had been purchasing narcotics for her personal use. See Attachment 1, Request for Transfer.

5. Upon her arrival at Fort Dix, Iglesias was quarantined, in accordance with BOP precautions to combat COVID-19. Iglesias was found to be positive for COVID-19, and remained quarantined until after it was determined she met criteria to be released.

6. On February 5, 2021, Iglesias was moved to housing unit 5702. Approximately one month later, staff became aware of alleged threats to her safety through the routine monitoring of inmate phone calls.

7. Specifically, on March 4, 2021, as a result of routine monitoring, staff reviewed a call which was made by Iglesias earlier that day. Staff heard Iglesias state inmates were threatening extortion, violence and rape against her. Staff immediately notified the Activities Lieutenant, who interviewed Iglesias that evening. SIS staff interviewed Iglesias that evening as

¹ Personal and/or sensitive information has been redacted.

well. During that interview, Iglesias stated inmate Rosa had been extorting her for protection, that she paid Rosa money and with sexual acts, and that, if she did not pay more money by the end of the day, she would be killed.

8. On March 5, 2021, Iglesias was placed in the Special Housing Unit (SHU)² in accordance with Program Statement 5270.11 (Special Housing Units), which provides that an inmate may be placed in the SHU in Administrative Detention status if they were the victim of an inmate assault, are being threatened by other inmates, or if staff believe their safety may be seriously jeopardized by placement in the general population. *See Attachment 2 at 8.*

9. Additionally, inmate Rosa, whom Iglesias alleged was threatening her, was placed in the SHU, in a cell separate from Iglesias, on March 5, 2021. Inmate Rosa was later transferred from Fort Dix on March 17, 2021.

10. The SIS department investigated the threats, interviewed the inmates involved, and determined Iglesias' claims were unsubstantiated. No evidence substantiated the claims against Rosa. It was determined that money was exchanged between Iglesias and Rosa, but that money was used to pay for candy from another institution, not for protection. Accordingly, it was recommended that Iglesias be released from the SHU.

11. However, while still in the SHU, on March 15, 2021, Iglesias advised psychology staff that on March 2, 2021, in her prior housing unit, another inmate had threatened her with a knife and forced her to perform oral and anal sex. The investigation into these allegations is still being conducted, but Iglesias will have no contact with the other inmate because she will remain in the SHU during the pendency of the investigation. At the conclusion of the investigation,

² Special Housing Units (SHUs) are housing units in Bureau institutions where inmates are securely separated from the general inmate population, and may be housed either alone or with other inmates. Special housing units help ensure the safety, security, and orderly operation of correctional facilities, and protect the public, by providing alternative housing assignments for inmates removed from the general population.

appropriate action will be taken.

12. Iglesias has remained housed in the SHU continuously since March 5, 2021, and has shared a cell with inmate Ryan Jaselskis, reg. no. 99053-007, without apparent incident or conflict between the two.

13. Inmates in the SHU, including Iglesias, are not allowed to possess razors in their cells for safety and security reasons. However, they are offered the opportunity to shower three times per week, and are afforded the opportunity to shave with a razor in conjunction with showering.³ According to the relevant SHU review forms, Iglesias has been afforded these same opportunities, but has frequently declined them.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 20th day of April 2021.



Kimberly Shivers

³ P.S. 5270.11 states “you will ordinarily have an opportunity to shower and shave at least three times per week.” Attachment 2 at 11.

Attachment 1
(filed separately under seal)

Attachment 2



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: CPD/CSB

NUMBER: 5270.11

DATE: November 23, 2016

Special Housing Units

/s/

Approved: Thomas R. Kane
Acting Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

§ 541.20 Purpose.

This subpart describes the Federal Bureau of Prisons' (Bureau) operation of special housing units (SHU) at Bureau institutions. The Bureau's operation of SHUs is authorized by 18 U.S.C. 4042(a)(2) and (3).

a. **Program Objectives.** The expected results of this program are:

- Special Housing Unit placement should always serve a specific penological purpose.
- Inmates are housed in the least restrictive setting necessary to ensure their own safety, as well as the safety of staff, other inmates, and the public.
- A safe and orderly environment will be provided for staff and inmates.
- Living conditions for inmates in disciplinary segregation and administrative detention will meet or exceed applicable standards.
- Accurate and complete records will be maintained on conditions and events in special housing units.

Federal Regulations from 28 CFR are shown in this type.

Implementing instructions are shown in this type.

b. **Summary of Changes**

Policy Rescinded

P5270.10 Special Housing Units (7/29/11)

Memorandum from Assistant Director Scott Dodrill, Secure Housing Unit Operations, dated 3/2/10

Memorandum from Assistant Director Frank Strada, Special Housing Unit Training, dated 4/17/2015

The following changes have been incorporated into the policy:

- Several changes have been implemented to adhere to Department of Justice recommendations regarding guiding principles.
- Training standards have been updated.
- Alternate Clothing guidance is provided.
- Objectives were defined.
- Forms have been updated.
- Circumstances under which pregnant inmates can be placed in SHU have been defined.
- Psychological concerns regarding SHU placements have been addressed.

c. **Institution Supplement.** None required. Should local facilities make any changes outside the required changes in the national policy or establish any additional local procedures to implement the national policy, the local Union may invoke to negotiate procedures or appropriate arrangements.

2. **SPECIAL HOUSING UNITS (SHUS)**

§ 541.21 Special Housing Units (SHUs).

Special Housing Units (SHUs) are housing units in Bureau institutions where inmates are securely separated from the general inmate population, and may be housed either alone or with other inmates. Special housing units help ensure the safety, security, and orderly operation of correctional facilities, and protect the public, by providing alternative housing assignments for inmates removed from the general population.

For inmates with suspected or confirmed contagious diseases, refer to the Program Statements **Intake Screening, Infectious Disease Management, and Patient Care**, and, when applicable, the Pandemic Influenza Plan.

Alternative segregation housing arrangements outside the Special Housing Unit itself must be proposed by the Warden to the Regional Director, and ultimately approved by the Assistant Director, Correctional Programs Division, before activation. Alternative segregation housing of this type will only be approved as SHU overflow for inmates in administrative detention or disciplinary segregation status. Operation of such alternative segregation housing requires compliance with all Bureau rules, policies, staffing, and post orders for operating Special Housing Units.

General population inmates are not permitted to enter a secure housing unit to interact with inmates for dispute resolutions, intelligence gathering, or security threat group/disruptive group meetings. This also applies to removing inmates from a secure housing unit to meet with inmates in general population. Institution staff must rely on trained investigative techniques, link analysis, and other means of gathering information without allowing inmates into a secure housing setting to conduct face-to-face meetings with one another.

Inmates who are pregnant, who are post-partum (up to 8 weeks), who recently had a miscarriage (up to 4 weeks), or who recently had a terminated pregnancy (up to 4 weeks) should not be placed in restrictive housing. In rare situations, these inmates may be placed in restrictive housing as a temporary response to behavior that poses a serious and immediate risk of physical harm or to ensure the safety, security, and orderly running of a BOP facility.

3. STATUS WHEN PLACED IN THE SHU

§ 541.22 Status when placed in the SHU.

When placed in the SHU, you are either in administrative detention status or disciplinary segregation status.

(a) *Administrative detention status.* Administrative detention status is an administrative status which removes you from the general population when necessary to ensure the safety, security, and orderly operation of correctional facilities, or protect the public. Administrative detention status is non-punitive, and can occur for a variety of reasons.

The Warden may impose temporarily more restrictive conditions on an inmate (which may be in an area ordinarily set aside for disciplinary segregation and therefore requires the withdrawal of privileges ordinarily afforded in administrative detention status, until a hearing before the DHO can be held) who:

- Is causing a serious disruption (threatening life, serious bodily harm, or property) in administrative detention.
- Cannot be controlled within the physical confines of administrative detention.
- Upon advice of qualified health personnel, does not require confinement in the institution hospital if the institution has one for mental or physical treatment, or who would ordinarily be housed in the institution hospital for mental or physical treatment, but who cannot safely be housed there because the hospital does not have a room or cell with adequate security provisions.

Inmate confined under these more restrictive conditions must have their status reviewed and fully documented on a new BP-A0321 every 5 days.

The Warden may delegate this authority no further than to the official in charge of the institution when the move is necessary.

A fully documented report Special Housing Unit – Temporary Restrictive Housing Order (BP-A0321) is maintained in the Inmate Central File.

(b) *Disciplinary segregation status.* Disciplinary segregation status is a punitive status imposed only by a Discipline Hearing Officer (DHO) as a sanction for committing a prohibited act(s).

4. ADMINISTRATIVE DETENTION STATUS

§ 541.23 Administrative detention status.

You may be placed in administrative detention status for the following reasons:

(a) *Pending Classification or Reclassification.* You are a new commitment pending classification or under review for Reclassification.

This includes newly arrived inmates from the Bus, Airlift, and U.S. Marshals Service.

(b) *Holdover Status.* You are in holdover status during transfer to a designated institution or other destination.

(c) *Removal from general population.* Your presence in the general population poses a threat to life, property, self, staff, other inmates, the public, or to the security or orderly running of the institution and:

- (1) Investigation.** You are under investigation or awaiting a hearing for possibly violating a Bureau regulation or criminal law;
- (2) Transfer.** You are pending transfer to another institution or location;
- (3) Protection cases.** You requested, or staff determined you need, administrative detention status for your own protection; or
- (4) Post-disciplinary detention.** You are ending confinement in disciplinary segregation status, and your return to the general population would threaten the safety, security, and orderly operation of a correctional facility, or public safety.

Staff must obtain approval from a Lieutenant or the Captain before placing an inmate in Administrative Detention status pending investigation of a disciplinary violation. When considering approval for Administrative Detention, the seriousness of the violation should be reviewed.

In making Special Housing determination, officials should consider the seriousness of the alleged offense, including whether the offense involved violence, involved escape, or posed a threat to institutional safety or the orderly running of the institution.

If an inmate is terminating confinement in disciplinary segregation and staff determine placement in the general population is not prudent, the inmate may be placed in administrative detention status if warranted by the conditions established above. The decision for post-disciplinary detention must be based on a separate review, not solely on the initial hearing before the DHO that resulted in the inmate's placement in disciplinary segregation.

The Segregation Review Official (SRO) advises the inmate of this determination and the reason for the action via an Administrative Detention Order (ADO; BP-A0308). The Warden or shift supervisor can order immediate segregation. Ordinarily, within 24 hours of an inmate's placement in Administrative Detention, a supervisory official not involved in the initial placement will review and approve the placement decision.

Except for pretrial inmates or inmates in a control unit program, staff ordinarily, within 90 days of an inmate's placement in post-disciplinary detention, must either return the inmate to the general inmate population or request a transfer of the inmate to a more suitable institution using Form EMS-A409, Request for Transfer/Application of Management Variable. The Regional Correctional Programs Administrator will be copied on the completed form.

The institution must generate a regional referral for each inmate in post-disciplinary detention in excess of 90 days that includes case-specific information stating why the inmate is not appropriate for return to general population or immediate transfer. The Regional Director must submit a recommendation for post-disciplinary detention in excess of 90 days and every additional 60 days thereafter to the Assistant Director, Correctional Programs Division (CPD) for concurrence. Distribution includes a copy to the GroupWise mailbox BOP-CPD/DHO~.

The institution generates an ADO that cites the same case-specific information and includes documentation indicating that the SRO has advised the inmate of the basis for the extended stay.

5. DISCIPLINARY SEGREGATION STATUS

§ 541.24 Disciplinary segregation status.

You may be placed in disciplinary segregation status only by the DHO as a disciplinary sanction.

6. NOTICE RECEIVED WHEN PLACED IN THE SHU

§ 541.25 Notice received when placed in the SHU.

You will be notified of the reason(s) you are placed in the SHU as follows:

The Lieutenant or other correctional supervisor prepares an Administrative Detention Order (ADO; BP-A0308). The specific reason for placement in SHU must be supported by objective evidence and clearly articulated in the narrative section of the ADO. A new ADO is required if an inmate's status in administrative detention changes. Inmates will remain in SHU for no longer than necessary to address the specific reason for placement. Distribution of copies is indicated on the ADO.

(a) *Administrative detention status.* When placed in administrative detention status, you will receive a copy of the administrative detention order, ordinarily within 24 hours, detailing the reason(s) for your placement. However, when placed in administrative detention status pending classification or while in holdover status, you will not receive an administrative detention order.

Pending classification refers to newly arrived inmates.

(b) *Disciplinary segregation status.* When you are to be placed in disciplinary segregation status as a sanction for violating Bureau regulations, you will be informed by the DHO at the end of your discipline hearing.

7. REVIEW OF PLACEMENT IN THE SHU

§ 541.26 Review of placement in the SHU.

Your placement in the SHU will be reviewed by the Segregation Review Official (SRO) as follows:

(a) *Three day review.* Within three work days of your placement in administrative detention status, not counting the day you were admitted, weekends, and holidays, the SRO will review the supporting records. If you are in disciplinary segregation status, this review will not occur.

For reviews of Protection Cases see section 9.

(b) *Seven day reviews.* Within seven continuous calendar days of your placement in either administrative detention or disciplinary segregation status, the SRO will formally review your status at a hearing you can attend. Subsequent reviews of your records will be performed in your absence by the SRO every seven continuous calendar days thereafter.

(c) *Thirty day reviews.* After every 30 calendar days of continuous placement in either administrative detention or disciplinary segregation status, the SRO will formally review your status at a hearing you can attend.

(d) *Administrative remedy program.* You can submit a formal grievance challenging your placement in the SHU through the Administrative Remedy Program, 28 CFR part 542, subpart B.

28 CFR Part 542, Subpart B, refers to the Program Statement **Administrative Remedy Program**.

The SRO refers to the individual at each Bureau institution assigned to review the status of each inmate housed in disciplinary segregation and administrative detention. The SRO must conduct the required reviews. The SRO does not have to be a DHO. Ordinarily, the SRO is the Captain (may be delegated to a Lieutenant responsible for supervision of the SHU). This review must include:

- A review of the inmate's records while in the SHU (Special Housing Unit Record, BP-A0292).
- All available memoranda from staff (including psychology staff).

- All available investigatory memoranda.
- The SRO completes a Special Housing Review (BP-A0295) after review of the Special Housing Unit Record and other relevant documentation. Maintain permanent logs.

A multidisciplinary team that includes, at a minimum, institution executive staff, Correctional Services, unit staff, Health Services, and psychology staff reviews the inmate's initial and ongoing placement in SHU. This committee meets on a regular basis, ordinarily weekly.

8. PROTECTION CASE – PLACEMENT IN ADMINISTRATIVE DETENTION STATUS

§ 541.27 Protection case – placement in Administrative Detention status.

You may be placed in administrative detention status as a protection case in the following circumstances.

(a) *Victim of inmate assault or threats.* You were the victim of an inmate assault, or are being threatened by other inmates, including threats of harm if you do not act in a certain way, for example, threats of harm unless you engage in sexual activity.

(b) *Inmate informant.* Your safety is threatened because you provided, or are perceived as having provided, information to staff or law enforcement authorities regarding other inmates or persons in the community.

(c) *Inmate refusal to enter general population.* You refuse to enter the general population because of alleged pressures or threats from unidentified inmates, or for no expressed reason.

(d) *Staff concern.* Based on evidence, staff believe your safety may be seriously jeopardized by placement in the general population.

When an inmate is placed in Administrative Detention for an investigative period and the threat is verified, correctional officials should seek alternative housing, by transferring the threatened inmate either to the general population of another institution or to a special-purpose housing unit for inmates who face similar threats, with conditions comparable to those of the general population.

When the inmate poses such security risk that even a special-purpose housing unit is insufficient to ensure the inmate's safety and the safety of staff, other inmates, and the public, the inmate

may be housed in more restrictive conditions. The inmate's placement should be regularly reviewed to monitor any medical or mental health deterioration and to determine whether the security risks have subsided.

9. PROTECTION CASE – REVIEW OF PLACEMENT IN THE SHU

§ 541.28 Protection case – review of placement in the SHU.

(a) *Staff investigation.* Whenever you are placed in the SHU as a protection case, whether requested by you or staff, an investigation will occur to verify the reasons for your placement.

(b) *Hearing.* You will receive a hearing according to the procedural requirements of § 541.26(b) within seven calendar days of your placement. Additionally, if you feel at any time your placement in the SHU as a protection case is unnecessary, you may request a hearing under this section.

(c) *Periodic review.* If you remain in administrative detention status following such a hearing, you will be periodically reviewed as an ordinary administrative detention case under § 541.26.

When an inmate is placed in administrative detention for protection, the Warden or designee (ordinarily the Captain), must review the placement within two work days of the placement to determine if continued protective custody is necessary. This review includes documents that led to the inmate being placed in protective custody status and any other documents pertinent to the inmate's protection.

10. STAFF VERIFICATION OF NEED FOR PROTECTION

§ 541.29 Staff verification of need for protection.

If a staff investigation verifies your need for placement in the SHU as a protection case, you may remain in the SHU or be transferred to another institution where your status as a protection case may not be necessary, at the Warden's discretion.

11. LACK OF VERIFICATION OF NEED FOR PROTECTION

§ 541.30 Lack of verification of need for protection.

If a staff investigation fails to verify your need for placement in the SHU as a protection case, you will be instructed to return to the general population. If you refuse to return to the general population under these circumstances, you may be subject to disciplinary action.

Inmates refusing placement in general population should be maintained in Administrative Detention status and, if appropriate, initiate disciplinary action.

12. CONDITIONS OF CONFINEMENT IN THE SHU

§ 541.31 Conditions of confinement in the SHU.

Your living conditions in the SHU will meet or exceed standards for healthy and humane treatment, including, but not limited to, the following specific conditions:

- (a) *Environment.* Your living quarters will be well-ventilated, adequately lighted, appropriately heated, and maintained in a sanitary condition.
- (b) *Cell Occupancy.* Your living quarters will ordinarily house only the amount of occupants for which it is designed. The Warden, however, may authorize more occupants so long as adequate standards can be maintained.
- (c) *Clothing.* You will receive adequate institution clothing, including footwear, while housed in the SHU. You will be provided necessary opportunities to exchange clothing and/or have it washed.

The Warden's written approval is required prior to placing an inmate on alternate clothing/linen status. The Warden or Acting Warden may not delegate the authority to place an inmate in alternate clothing/linen (e.g., paper). The memorandum must include, at a minimum, the signature of the Warden, Health Services Administrator, and a psychologist. A written explanation of the reason(s) for alternate clothing/linen status must be included in the Warden's authorization. This status will be reviewed every 3 days. Inmates will not be authorized to remain in alternate clothing/linen for more than 6 days. After 6 days, the inmate is removed from the alternate clothing/linen status, or, if necessary, a new authorization is generated. Inmates must be offered a change of clothing daily and the clothing must be adequate to the temperature in the SHU.

Alternate clothing/linen is authorized when an inmate alters, destroys, or uses a clothing/linen issued article in a manner that poses a threat to safety, security, or good order of the SHU or to herself/himself, other inmates, or staff.

Alternate clothing/linen will not be used as punishment or during external transportation (i.e., outside the secure perimeter). Inmates that originate from BOP facilities will not be transported in alternate clothing for any reason. Ordinarily, inmates with serious mental illness and those with identified chronic or acute suicide risk are not placed in paper clothing. Paper clothing is not used on suicide watch.

(d) *Bedding.* You will receive a mattress, blankets, a pillow, and linens for sleeping. You will receive necessary opportunities to exchange linens.

If the institution issues the combination mattress with a pillow incorporated, a separate pillow will not be issued. Staff may remove an inmate's mattress during non-sleeping daytime hours as a "loss of privilege" sanction imposed by the Unit Discipline Committee (UDC)/DHO. Removal of an inmate's mattress is otherwise prohibited, absent life or safety concerns as specifically documented and authorized by the Warden, or his/her designee.

(e) *Food.* You will receive nutritionally adequate meals.

Refer to the Program Statement **Food Service Manual** for standards and guidelines for feeding inmates in Special Housing Units. When an inmate uses food products, Food Service items, or the feeding process itself in a manner that poses a threat to the safety, security, or good order of the institution, or to the inmate him-/herself, other inmates, or staff, a written explanation of the reason(s) for alternate meal status must be included in the CEO's authorization and approved by Health Services. The Warden's written approval is required prior to placing an inmate on alternative meal status. After 7 days, the inmate is removed from the alternative meal service or, if necessary, a new authorization is generated.

(f) *Personal hygiene.* You will have access to a wash basin and toilet. You will receive personal items necessary to maintain an acceptable level of personal hygiene, for example, toilet tissue, soap, toothbrush and cleanser, shaving utensils, etc. You will ordinarily have an opportunity to shower and shave at least three times per week. You will have access to hair care services as necessary.

(g) *Exercise.* You will receive the opportunity to exercise outside your individual quarters at least five hours per week, ordinarily on different days in

one-hour periods. You can be denied these exercise periods for a week at a time by order of the Warden if it is determined that your use of exercise privileges threatens safety, security, and orderly operation of a correctional facility, or public safety.

If weather, resources, and staffing permit, the inmate shall receive outdoor exercise periods. “Week” means one calendar week.

Plans for increasing recreation time are developed locally for each institution in an effort to provide additional out of cell time. These plans will be developed considering the views and input from the local union.

The following factors must be considered when developing plans to increase out of cell time for recreation:

- Inmate to correctional services staff ratio in SHU.
- Total number of inmates in SHU.
- Limitations of the physical plant and infrastructure, especially regarding spaces used for recreation.

When an institution possesses the resources identified within the three factors listed above to implement these plans, it should do so.

A memorandum for the plan will be generated. The Warden will review the plan at least annually and make adjustments as necessary.

Restriction or denial of exercise is not used as punishment. The Warden or Acting Warden may not delegate the authority to restrict or deny exercise. Exercise periods are only restricted or denied when the inmate’s activities pose a threat to the safety, security, and orderly operation of a correctional facility, or health conditions of the unit.

The appropriate staff member recommends recreation restrictions to a supervisor who then makes the recommendation to the Warden in writing. The recommending staff member describes briefly the reason for recommending a restriction and its proposed extent. The Warden reviews the recommendation and approves, modifies, or denies the restriction. If the Warden approves a restriction, it must be based on the conclusion that the inmate’s actions pose a threat to the safety, security, and orderly operation of a correctional facility or health conditions of the unit.

(h) *Personal property.* In either status, your amount of personal property may be limited for reasons of fire safety or sanitation.

(1) In administrative detention status you are ordinarily allowed a reasonable amount of personal property and reasonable access to the commissary.

(2) In disciplinary segregation status your personal property will be impounded, with the exception of limited reading/writing materials, and religious articles. Also, your commissary privileges may be limited.

(3) Personal property ordinarily allowed in administrative detention (if not otherwise a threat to institution security) includes:

- Bible, Koran, or other scriptures (1).
- Books, paperback (5).
- Eyeglasses, prescription (2).
- Legal material (see the Program Statement **Inmate Legal Activities**).
- Magazine (3).
- Mail (10).
- Newspaper (1).
- Personal hygiene items (1 of each type) (no dental floss or razors*).
- Photographs (25).
- Authorized religious medals/headgear (e.g., kufi).
- Shoes, shower (1).
- Shoes, other (1).
- Snack foods without aluminum foil wrappers (5 individual packs).
- Soft drinks, powdered (1 container).
- Stationery/stamps (20 each).
- Wedding band (1).
- Radio with ear plugs (1).
- Watch (must not have metal backing) (1).

*Razors are controlled by SHU staff. Only disposable razors are used.

The Warden may modify the quantity and type of personal property allowed. Personal property may be limited or withheld for reasons of security, fire safety, or housekeeping.

Unauthorized use of any authorized item may result in the restriction of the item. If there are numerous misuses of an authorized item, the Warden may determine that the item will not be issued in the SHU.

Reading Material. The inmate will receive a reasonable amount of non-legal reading material, not to exceed five books per inmate at any one time, on a circulating basis. Staff shall provide the inmate the opportunity to possess religious scriptures of the inmate's faith.

(i) Correspondence. You will receive correspondence privileges according to part 540, subpart B.

Part 540, Subpart B, refers to the Program Statement **Correspondence**.

(j) Telephone. You will receive telephone privileges according to part 540, subpart I.

Part 540, Subpart I, refers to the Program Statement **Inmate Telephone Regulations**.

If the inmate has not been restricted from telephone use as the result of a specific disciplinary sanction, he/she is allowed to make one telephone call per month. Meaning, the inmate should receive a phone call within the first 30 calendar days of placement in the Special Housing Unit and within every 30 calendar days thereafter.

(k) Visiting. You will receive visiting privileges according to part 540, subpart D.

Part 540, Subpart D, refers to the Program Statement **Visiting Regulations**.

(l) Legal activities. You will receive an opportunity to perform personal legal activities according to part 543, subpart B.

Part 543, Subpart B, refers to the Program Statement **Inmate Legal Activities**.

(m) Staff monitoring. You will be monitored by staff assigned to the SHU, including program and unit team staff.

Program staff, including unit staff, arrange to visit inmates in a SHU within a reasonable time after receiving the inmate's request.

In addition to direct supervision by the unit officer, qualified health personnel and one or more responsible officers the Warden designates (ordinarily the Institution Duty Officer) visit each segregated inmate daily, including weekends and holidays. A Lieutenant must visit the SHU during each shift to ensure all procedures are followed.

Duress buttons, if present, will be utilized only for emergency and/or life-threatening situations, to include health-related issues. The use of the duress button for anything other than an emergency and/or life-threatening situation is subject to disciplinary action.

(n) *Programming activities.* In administrative detention status, you will have access to programming activities to the extent safety, security, orderly operation of a correctional facility, or public safety are not jeopardized. In disciplinary segregation status, your participation in programming activities, e.g., educational programs, may be suspended.

All out of cell time will be recorded in BP-A0292, Special Housing Unit Record.

(o) *Administrative Remedy Program.* You can submit a formal grievance challenging any aspect of your confinement in the SHU through the Administrative Remedy Program, 28 CFR part 542, subpart B.

28 CFR Part 542, Subpart B, refers to the Program Statement **Administrative Remedy Program**.

13. **MEDICAL AND MENTAL HEALTH CARE IN THE SHU**

§ 541.32 Medical and mental health care in the SHU.

(a) *Medical care.* A health services staff member will visit you daily to provide necessary medical care. Emergency medical care is always available.

While in a SHU, inmates may continue taking their prescribed medications.

(b) *Mental health care.* After every 30 calendar days of continuous placement in either administrative detention or disciplinary segregation status, mental health staff will examine you, including a personal interview. Emergency mental health care is always available.

Generally, an inmate who has been identified by Psychology/Health Services as a Care-3 (MH), Care-4 (MH), psychology alert in SENTRY, or identified on the monthly SHU advisory should not be placed in Special Housing unless he/she presents an immediate and/or serious danger to self, staff, or the orderly running of a facility.

If an inmate who has been identified by Psychology/Health Services as a Care-3 (MH), Care-4 (MH), psychology alert in SENTRY, or identified on the monthly SHU advisory (Hot List), is placed in Special Housing, psychology services should be notified and conduct a mental health

evaluation within 24 hours of placement. Staff should conduct a psychiatric or psychological assessment, including a personal interview, when administrative detention continues beyond 30 days. The assessment, submitted to the SRO in a written report with a copy to the inmate's central file, addresses:

- The inmate's adjustment to surroundings.
- The threat the inmate poses to self, staff, and other inmates.

Staff conduct a similar psychiatric or psychological assessment and report at 30-day intervals should detention continue for an extended period.

14. **RELEASE FROM THE SHU**

§ 541.33 Release from the SHU.

(a) *Administrative detention status.* You will be released from administrative detention status when the reasons for your placement no longer exist.

(b) *Disciplinary segregation status.* You will be released from disciplinary segregation status after satisfying the sanction imposed by the DHO. The SRO may release you earlier if it is determined you no longer require disciplinary segregation status.

Ordinarily, inmates nearing the end of their term of incarceration will not be placed in SHU, except when their presence in General Population threatens the safety, security, or the orderly running of a BOP facility.

Every effort should be made to avoid releasing an inmate directly from SHU to the community. If the inmate remains in SHU within 180 days of release, options to release the inmate to less restrictive settings should be considered. If a less restrictive setting is not possible, the inmate will receive targeted reentry programming to prepare for return to the community.

A clear plan for returning the inmate to less restrictive conditions will be developed and is ordinarily shared with the inmate.

The SRO may not increase any previously imposed sanction(s). When considering release from disciplinary segregation, the SRO first consults with the Captain and must notify the Discipline Hearing Officer (DHO) of the inmate's release from disciplinary segregation before satisfying the imposed sanction.

15. TRAINING

Completion of quarterly training will be required for staff assigned to SHU prior to the start of each new quarter, regardless of how many times a staff member has completed the training. When assignment to a SHU post is known sufficiently in advance, each staff member should be afforded a reasonable amount of duty time to complete the training. For instances when last-minute assignments to the SHU occur, the employer must advise the staff of the general requirements of a SHU post and answer any questions.

This training session may include, but is not limited to, search procedures, escort procedures, application of restraints, use of force, orderly supervision, cell/unit sanitation, emergency response, suicide prevention, and dealing with mentally ill inmates, as well as other security procedures related to the unit. If this in-person training is completed, a training sheet will be completed documenting the training, and will be routed to the Captain and Human Resources Department for retention.

16. AGENCY'S ACA ACCREDITATION PROVISIONS

- 4th Edition Standards for Adult Correctional Institutions: 4-4133, 4-4235, 4-4249, 4-4250, 4-4251, 4-4252, 4-4253, 4-4254, 4-4255, 4-4256, 4-4258, 4-4260, 4-4261, 4-4262, 4-4263, 4-4264, 4-4265, 4-4266, 4-4267, 4-4268, 4-4269, 4-4270, 4-4271, 4-4272, and 4-4273.
- 4th Edition Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-2A-44, 4-ALDF-2A-45, 4-ALDF-2A-46, 4-ALDF-2A-47, 4-ALDF-2A-48, 4-ALDF-2A-49, 4-ALDF-2A-50, 4-ALDF-2A-51, 4-ALDF-2A-53, 4-ALDF-2A-55, 4-ALDF-2A-56, 4-ALDF-2A-57, 4-ALDF-2A-58, 4-ALDF-2A-59, 4-ALDF-2A-60, 4-ALDF-2A-61, 4-ALDF-2A-62, 4-ALDF-2A-63, 4-ALDF-2A-64, 4-ALDF-2A-65, and 4-ALDF-2A □66.

REFERENCES

Program Statements

P1315.07	Inmate Legal Activities (11/5/99)
P1330.18	Administrative Remedy Program (1/6/14)
P4700.06	Food Service Manual (9/3/11)
P5100.08	Inmate Security Designation and Custody Classification (9/12/06)
P5212.07	Control Unit Programs (2/20/01)
P5264.08	Inmate Telephone Regulations (1/24/08)
P5265.14	Correspondence (4/5/11)
P5267.09	Visiting Regulations (12/10/15)
P5270.09	Inmate Discipline Program (7/8/11)
P6031.04	Patient Care (6/3/14)

P6340.04 Psychiatric Services (1/15/05)
P6360.01 Pharmacy Services (1/15/05)

BOP Forms

BP-A0292 Special Housing Unit Record
BP-A0295 Special Housing Review
BP-A0308 Administrative Detention Order
BP-A0321 Special Housing Unit – Temporary Restrictive Housing Order

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.

Declaration of Berhan Yeh, M.D.
(filed separately under seal)

Attachment 1

CSTAK	*	PUBLIC INFORMATION	*	04-15-2021
PAGE 001	*	INMATE DATA	*	09:23:50
		AS OF 04-15-2021		

REGNO...: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

PHONE...: 609-723-1100

FAX: 609-724-7557

RACE/SEX...: WHITE / MALE

AGE: 46

PROJ REL MT: GOOD CONDUCT TIME RELEASE

PAR ELIG DT: N/A

PROJ REL DT: 12-25-2022

PAR HEAR DT:

G0002 MORE PAGES TO FOLLOW . . .

CSTAK
PAGE 002

*
*

PUBLIC INFORMATION
INMATE DATA
AS OF 04-15-2021

*
*

04-15-2021
09:23:50

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

PHONE.: 609-723-1100 FAX: 609-724-7557

HOME DETENTION ELIGIBILITY DATE: 06-25-2022

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 12-25-2022 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 060 -----

COURT OF JURISDICTION.....: FLORIDA, SOUTHERN DISTRICT
DOCKET NUMBER.....: 04-20872-CR-GRAHAM
JUDGE.....: GRAHAM
DATE SENTENCED/PROBATION IMPOSED: 07-28-2005
DATE COMMITTED.....: 10-12-2005
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 120 18:876 EXTORTION
OFF/CHG: 18:2332A(B) THREATENED USE OF A WEAPON OF MASS DESTRUCTION

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 240 MONTHS
TERM OF SUPERVISION.....: 5 YEARS
DATE OF OFFENSE.....: 07-22-2002

G0002 MORE PAGES TO FOLLOW . . .

CSTAK
PAGE 003

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PUBLIC INFORMATION
INMATE DATA
AS OF 04-15-2021

*
*

04-15-2021
09:23:50

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

PHONE.: 609-723-1100 FAX: 609-724-7557

-----CURRENT COMPUTATION NO: 060 -----

COMPUTATION 060 WAS LAST UPDATED ON 11-29-2019 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 02-15-2008 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 060: 060 010

DATE COMPUTATION BEGAN.....: 07-28-2005
TOTAL TERM IN EFFECT.....: 240 MONTHS
TOTAL TERM IN EFFECT CONVERTED..: 20 YEARS
EARLIEST DATE OF OFFENSE.....: 07-22-2002

TOTAL PRIOR CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED..: 945
TOTAL GCT EARNED.....: 675
STATUTORY RELEASE DATE PROJECTED: 12-25-2022
ELDERLY OFFENDER TWO THIRDS DATE: 11-27-2018
EXPIRATION FULL TERM DATE.....: 07-27-2025
TIME SERVED.....: 15 YEARS 8 MONTHS 19 DAYS
PERCENTAGE OF FULL TERM SERVED..: 78.5
PERCENT OF STATUTORY TERM SERVED: 90.2

PROJECTED SATISFACTION DATE.....: 12-25-2022
PROJECTED SATISFACTION METHOD...: GCT REL

G0002 MORE PAGES TO FOLLOW . . .

CSTAK
PAGE 004

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PUBLIC INFORMATION
INMATE DATA
AS OF 04-15-2021

*
*

04-15-2021
09:23:50

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

HOME DETENTION ELIGIBILITY DATE: 02-27-2007

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.
THE INMATE WAS SCHEDULED FOR RELEASE: 07-16-2007 VIA GCT REL

-----PRIOR JUDGMENT/WARRANT NO: 050 -----

COURT OF JURISDICTION.....: FLORIDA, MIDDLE DISTRICT
DOCKET NUMBER.....: 96-34-CR-T-99A
JUDGE.....: NIMMONS JR
DATE SENTENCED/PROBATION IMPOSED: 04-25-1997
DATE COMMITTED.....: 06-06-2000
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$50.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 120 18:876 EXTORTION
OFF/CHG: 18:876 MAILING THREATENING COMMUNICATIONS

SENTENCE PROCEDURE.....: 3559 VCCLEA NON-VIOLENT SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 46 MONTHS
TERM OF SUPERVISION.....: 36 MONTHS
RELATIONSHIP OF THIS OBLIGATION
TO OTHERS FOR THE OFFENDER....: CS TO COMP 040
DATE OF OFFENSE.....: 12-19-1994

G0002 MORE PAGES TO FOLLOW . . .

CSTAK
PAGE 005

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PUBLIC INFORMATION
INMATE DATA
AS OF 07-16-2007

*
*

04-15-2021
09:23:50

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD
PHONE.: 609-723-1100 FAX: 609-724-7557

-----PRIOR COMPUTATION NO: 050 -----

COMPUTATION 050 WAS LAST UPDATED ON 10-28-2005 AT EST AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
PRIOR COMPUTATION 050: 050 010

DATE COMPUTATION BEGAN.....: 03-01-2004
TOTAL TERM IN EFFECT.....: 46 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 3 YEARS 10 MONTHS
EARLIEST DATE OF OFFENSE.....: 12-19-1994

TOTAL PRIOR CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 168
TOTAL GCT EARNED.....: 168
STATUTORY RELEASE DATE PROJECTED: 07-16-2007
ELDERLY OFFENDER TWO THIRDS DATE: 09-21-2006
EXPIRATION FULL TERM DATE.....: 12-31-2007
TIME SERVED.....: 3 YEARS 4 MONTHS 16 DAYS
PERCENTAGE OF FULL TERM SERVED...: 88.0
PERCENT OF STATUTORY TERM SERVED: 100.0

ACTUAL SATISFACTION DATE.....: 07-16-2007
ACTUAL SATISFACTION METHOD.....: GCT REL
ACTUAL SATISFACTION FACILITY.....: THA
ACTUAL SATISFACTION KEYED BY.....: JDH

DAYS REMAINING.....: 168
FINAL PUBLIC LAW DAYS.....: 0

G0002 MORE PAGES TO FOLLOW . . .

CSTAK
PAGE 006

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PUBLIC INFORMATION
INMATE DATA
AS OF 03-01-2004

*
*

04-15-2021
09:23:50

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

HOME DETENTION ELIGIBILITY DATE: 09-26-2003

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.
THE INMATE WAS SCHEDULED FOR RELEASE: 03-01-2004 VIA GCT REL

-----PRIOR JUDGMENT/WARRANT NO: 040 -----

COURT OF JURISDICTION.....: OKLAHOMA, WESTERN DISTRICT
DOCKET NUMBER.....: CR-94-106-L 94-177-L
JUDGE.....: LEONARD
DATE SENTENCED/PROBATION IMPOSED: 12-20-1994
DATE COMMITTED.....: 06-06-2000
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 120 18:876 EXTORTION
OFF/CHG: CR-94-106-L: CT 3: 18:876; MAILING THREATENING COMMUNICATIONS
CR-94-177-L: CT 1: 18:876; MAILING THREATENING COMMUNICATIONS

SENTENCE PROCEDURE.....: 3559 SRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 52 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
DATE OF OFFENSE.....: 11-04-1993

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 007 * INMATE DATA * 09:23:50
AS OF 03-01-2004

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD
PHONE.: 609-723-1100 FAX: 609-724-7557

-----PRIOR COMPUTATION NO: 040 -----

COMPUTATION 040 WAS LAST UPDATED ON 04-12-2003 AT EDG AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
PRIOR COMPUTATION 040: 040 010

DATE COMPUTATION BEGAN.....: 04-28-2000
TOTAL TERM IN EFFECT.....: 52 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 4 YEARS 4 MONTHS
EARLIEST DATE OF OFFENSE.....: 11-04-1993

TOTAL PRIOR CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 179
TOTAL GCT EARNED.....: 179
STATUTORY RELEASE DATE PROJECTED: 03-01-2004
ELDERLY OFFENDER TWO THIRDS DATE: 03-19-2003
EXPIRATION FULL TERM DATE.....: 08-27-2004
TIME SERVED.....: 3 YEARS 10 MONTHS 3 DAYS
PERCENTAGE OF FULL TERM SERVED...: 88.6
PERCENT OF STATUTORY TERM SERVED: 100.0

ACTUAL SATISFACTION DATE.....: 03-01-2004
ACTUAL SATISFACTION METHOD.....: GCT REL
ACTUAL SATISFACTION FACILITY....: EST
ACTUAL SATISFACTION KEYED BY....: AAH

DAYS REMAINING.....: 179
FINAL PUBLIC LAW DAYS.....: 0

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 008 * INMATE DATA * 09:23:50
AS OF 12-03-1996

REGNO...: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.
THE INMATE WAS SCHEDULED FOR RELEASE: 12-03-1996 VIA STDY CMLPT

-----PRIOR JUDGMENT/WARRANT NO: 030 -----

COURT OF JURISDICTION.....: FLORIDA, MIDDLE DISTRICT
DOCKET NUMBER.....: 96-34-CR-T-21-(A)
JUDGE.....: NIMMONS
DATE SENTENCED/PROBATION IMPOSED: 10-02-1996
DATE WARRANT ISSUED.....: N/A
DATE WARRANT EXECUTED.....: N/A
DATE COMMITTED.....: 10-28-1996
HOW COMMITTED.....: 4241 THRU 4245 STUDY OR EXAM
PROBATION IMPOSED.....: NO
SPECIAL PAROLE TERM.....:

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 014 18:115 RTLTNG FED OFF/INJURE
OFF/CHG: THREATS TO FEDERAL JUDGE AND AUSA

SENTENCE PROCEDURE.....: 4241 DETERM MENTAL COMPETENCY FOR TRIAL
SENTENCE IMPOSED/TIME TO SERVE.: NOT APPLICABLE
STUDY LENGTH.....: 57 DAYS
DATE OF OFFENSE.....: 07-26-1996

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 009 * INMATE DATA * 09:23:50
AS OF 12-03-1996

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD
PHONE.: 609-723-1100 FAX: 609-724-7557

-----PRIOR COMPUTATION NO: 030 -----

COMPUTATION 030 WAS LAST UPDATED ON 11-25-1996 AT LEX AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
PRIOR COMPUTATION 030: 030 010

DATE COMPUTATION BEGAN.....: 10-02-1996
TOTAL TERM IN EFFECT.....: 57 DAYS
TOTAL TERM IN EFFECT CONVERTED...: 1 MONTHS 26 DAYS
EARLIEST DATE OF OFFENSE.....: 07-26-1996

TOTAL JAIL CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
STATUTORY GOOD TIME RATE.....: N/A
TOTAL SGT POSSIBLE.....: 0
TOTAL GCT EARNED AND PROJECTED..: 0
TOTAL GCT EARNED.....: 0
PAROLE ELIGIBILITY.....: N/A
STATUTORY RELEASE DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 11-27-1996

NEXT PAROLE HEARING DATE.....: UNKNOWN
TYPE OF HEARING.....: UNKNOWN

ACTUAL SATISFACTION DATE.....: 12-03-1996
ACTUAL SATISFACTION METHOD.....: STDY CMPLT
ACTUAL SATISFACTION FACILITY....: LEX
ACTUAL SATISFACTION KEYED BY....: PDH

DAYS REMAINING.....: 0
FINAL PUBLIC LAW DAYS.....: 0

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 010 * INMATE DATA * 09:23:50
AS OF 05-30-1996

REGNO...: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.
THE INMATE WAS SCHEDULED FOR RELEASE: 05-30-1996 VIA GCT REL

-----PRIOR JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: FLORIDA, MIDDLE DISTRICT
DOCKET NUMBER.....: 93-227-CR-T-17
JUDGE.....: KOVACHEVICH
DATE SENTENCED/PROBATION IMPOSED: 03-25-1994
DATE COMMITTED.....: 03-25-1994
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$300.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 530 18:1714-1717 POSTAL OTHER
OFF/CHG: MAILING THREATENING COMMUNICATIONS, T18, USC 8761

SENTENCE PROCEDURE.....: 3559 SRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 30 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
DATE OF OFFENSE.....: 07-08-1993

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 011 * INMATE DATA * 09:23:50
AS OF 05-30-1996

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD
PHONE.: 609-723-1100 FAX: 609-724-7557

-----PRIOR COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 04-26-1996 AT SER AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
PRIOR COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 03-25-1994
TOTAL TERM IN EFFECT.....: 30 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 2 YEARS 6 MONTHS
EARLIEST DATE OF OFFENSE.....: 07-08-1993

TOTAL PRIOR CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 117
TOTAL GCT EARNED.....: 117
STATUTORY RELEASE DATE PROJECTED: 05-30-1996
EXPIRATION FULL TERM DATE.....: 09-24-1996

ACTUAL SATISFACTION DATE.....: 05-30-1996
ACTUAL SATISFACTION METHOD.....: GCT REL
ACTUAL SATISFACTION FACILITY....: SER
ACTUAL SATISFACTION KEYED BY....: DAF

DAYS REMAINING.....: 117
FINAL PUBLIC LAW DAYS.....: 0

G0002 MORE PAGES TO FOLLOW . . .

CSTAK * PUBLIC INFORMATION * 04-15-2021
PAGE 012 * INMATE DATA * 09:23:50
AS OF 09-09-1994

REGNO...: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.
THE INMATE WAS SCHEDULED FOR RELEASE: 09-09-1994 VIA STDY CMPLT

-----PRIOR JUDGMENT/WARRANT NO: 020 -----

COURT OF JURISDICTION.....: OKLAHOMA, WESTERN DISTRICT
DOCKET NUMBER.....: CR-94-106-L
JUDGE.....: CAUTHRON
DATE SENTENCED/PROBATION IMPOSED: 08-12-1994
DATE WARRANT ISSUED.....: N/A
DATE WARRANT EXECUTED.....: N/A
DATE COMMITTED.....: 08-23-1994
HOW COMMITTED.....: 4241 THRU 4245 STUDY OR EXAM
PROBATION IMPOSED.....: NO
SPECIAL PAROLE TERM.....:

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 530 18:1714-1717 POSTAL OTHER
OFF/CHG: TITLE 18 USC ESC. 4241 STUDY ORDER, TITLE 18 USC 4241
MAIL THREATING COMMUNICATION

SENTENCE PROCEDURE.....: 4241 DETERM MENTAL COMPETENCY FOR TRIAL
SENTENCE IMPOSED/TIME TO SERVE.: NOT APPLICABLE
STUDY LENGTH.....: 30 DAYS
DATE OF OFFENSE.....: 08-11-1994

G0002 MORE PAGES TO FOLLOW . . .

CSTAK *
PAGE 013 OF 013 *

PUBLIC INFORMATION
INMATE DATA
AS OF 09-09-1994

* 04-15-2021
* 09:23:50

REGNO.: 17248-018 NAME: IGLESIAS, CRISTIAN NOEL

RESP OF: FTD

PHONE.: 609-723-1100 FAX: 609-724-7557

-----PRIOR COMPUTATION NO: 020 -----

COMPUTATION 020 WAS LAST UPDATED ON 09-07-1994 AT MIA AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
PRIOR COMPUTATION 020: 020 010

DATE COMPUTATION BEGAN.....: 08-12-1994
TOTAL TERM IN EFFECT.....: 30 DAYS
TOTAL TERM IN EFFECT CONVERTED..: 30 DAYS
EARLIEST DATE OF OFFENSE.....: 08-11-1994

TOTAL JAIL CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
STATUTORY GOOD TIME RATE.....: N/A
TOTAL SGT POSSIBLE.....: 0
TOTAL GCT EARNED AND PROJECTED..: 0
TOTAL GCT EARNED.....: 0
PAROLE ELIGIBILITY.....: N/A
STATUTORY RELEASE DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 09-10-1994

NEXT PAROLE HEARING DATE.....: UNKNOWN
TYPE OF HEARING.....: UNKNOWN

ACTUAL SATISFACTION DATE.....: 09-09-1994
ACTUAL SATISFACTION METHOD.....: STDY CMPLT
ACTUAL SATISFACTION FACILITY....: MIA
ACTUAL SATISFACTION KEYED BY....: CER

DAYS REMAINING.....: 0
FINAL PUBLIC LAW DAYS.....: 1

G0000 TRANSACTION SUCCESSFULLY COMPLETED

Attachment 2
(filed separately under seal)