

# Federal Bureau of Prisons

Website = <http://www.bop.gov/>

## Time Computation

The BOP is solely responsible for calculating federal terms of imprisonment. See United States v. Wilson, 503 U.S. 329 (1992). 18 U.S.C. § 3585(a) dictates that “[a] sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to, or arrives voluntarily to commence service of sentence at, the official detention facility at which the sentence is to be served.”

Barber v. Thomas, 130 S. Ct. 2499 (2010) held that the calculation method used by the Bureau of Prisons to determine the amount of "good time" earned on federal criminal sentences is lawful.

[A] prisoner who is serving a term of imprisonment of more than 1 year other than a term of imprisonment for the duration of the prisoner's life, may receive credit toward the service of the prisoner's sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term, subject to determination by the Bureau of Prisons that, during that year, the prisoner has displayed exemplary compliance with institutional disciplinary regulations. ...[C]redit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence.

The BOP's method, which the Court upheld, interprets "term of imprisonment" in the statute to mean entire imposed sentence" in some places, but "time actually served" when calculating good time. The BOP sets earned time aside at the end of each 365-day period. When the time remaining in a sentence minus earned time equals less than one year, the BOP applies a 54/365 ratio to prorate that last year and determine the prisoner's release date.

18 U.S.C. § 3624(b)(1)

Good conduct time is credited at 54 days per year, pro rated, pursuant to PS 5884.03. In reality, the BOP gives your client 47 days per year after the first year's credit. So while the statute calls for an inmate to serve 85% of the sentence imposed, the BOP credits the amount of time actually served. So, the BOP makes the inmate serve approximately 87.5% of their time. For instance, on a 60 month sentence, the maximum good time credit is 235 days instead of 270 days and on a 120 month sentence, the maximum good time credit is 470 days not 540 days.

Your client must have (1) either a GED, High School diploma or better, or be working towards one, and (2) a sentence of one year and a day, to qualify for the maximum allowable good time. So 12 months equals 365 days served, 12 months and a day equals 312 days. (366 days - 54 days equals 312 days).

## Concurrent verse Consecutive Time

18 U.S.C. 3585 governs the amount of jail time credited to a federally sentenced inmate. “Defendant **shall be** given credit toward the service of a term of imprisonment time he has spent in office detention prior to the date the sentence commences - - (1) **as a result of the offense for which the sentence was imposed... that has not been credited against another sentence.**” 18 U.S.C. § 3585(b). (Emphases added)

While the Attorney General through the Bureau of Prisons possesses the sole authority to make credit determinations pursuant to 18 U.S.C. § 3585(b) [United States v. Whaley 148 F. 3d 205 (2<sup>nd</sup> Cir. 1998)], circuit courts have held that district courts have concurrent authority to grant credit for time served in official detention. Based on the deletion of all references to ‘Attorney General’ in § 3585 manifested congressional intent to withdraw the Attorney General’s exclusive authority. See United States v. Beston, 936 F. 3d 361 (8<sup>th</sup> Cir. 1991) *rehearing denied* 1991 US App LEXIS 28427. With that said, the Bureau of Prisons would never know to give a client the complete credit he is due because they would never know about the previous jail time that the client served in state custody on the same matter.

Circuit courts have held that under 18 U.S.C. 3585(b), **a defendant shall be given credit toward his term of imprisonment “for any time he has spent in official detention prior to the date the sentence commences”** See United States v. Becak, 954 F. 2d 386 (6<sup>th</sup> Cir. 1992). Although a district court can not order that a federal sentence begin when a defendant was arrested by the state for the same conduct underlying the federal offense. The Ninth Circuit has recently affirmed the BOP’s denial of jail credit for a federal inmate who had previously served state time for a related charge. See United States v. Schleining, 9<sup>th</sup> Cir. No.: 10-35792, June 27, 2011)

Because the BOP determines jail credit, the district court may accomplish the same end by departing downward in it’s federal sentence. “The proper way to ensure that Gonzalez served a total of 156 months would have been for the court to increase the downward departure it granted him and sentence him to 129 months.” United States v. Gonzalez, 192 F. 3d 350 (2<sup>nd</sup> Cir. 1999). A District Court has the authority under U.S.S.G. § 5G1.3 (c) to adjust a federal sentence for time served on a state sentence in a way that is binding on the BOP, whether it is called a ‘departure’, a ‘credit’ or an ‘adjustment.’ See Ruggiano v. Reish, 307 F. 3d 121 (3<sup>rd</sup> Cir. 2002).

In United States v. Pray, 373 F.3d 358 (3<sup>rd</sup> Cir. 2004), the defendant served 4 months in state time custody for a drug offense and was later convicted on related federal drug offense district court may depart downward on federal sentence to credit defendant with state time, which was completed (and therefore not “undischarged” in accordance with U.S.S.G. §5G1.3). Likewise, a district court could not “credit” defendant in his federal case with the time he had served in his state case, in accordance with §5G1.3, but could accomplish the same result with a departure. See United States v. Rosado, 254 F. Supp. 2d 316 (SDNY 2003) where defendant was convicted of distributing heroin, and where defendant had served 7 months in state custody on the conviction that was relevant

conduct in the federal sentence, defendant was granted a 7 month downward departure to account of state time already served through a departure.

Recently, a district court in the Northern District of New York held that the BOP improperly denied good time credit for the period of the federal sentence served concurrently with the state sentence. [(See attached Hill v. Corwin (ND NY 9:10-cv-553, June 9, 2010)].

## **Facilities**

The BOP consists of 116 institutions, 6 regional offices, a Central Office (headquarters), 2 staff training centers, and 28 community corrections offices.

As of July 11, 2013, there were 219,122 inmates in the BOP system. Compare that to March 3, 2011, when the BOP housed 210, 039 inmates.

### **5 security levels**

- Minimum** - Also called Federal Prison Camps. Usually near a larger institution or military base. Low staff to inmate ratios. Inmates typically work at the larger institution or military base. Very low risk of assault or escape.
- Low** - Fenced facility. BOP programs and work (UNICOR) stressed. Dorm or cubical housing.
- Medium** - Significantly more secured than a Low. Monitored/controlled movement of inmates. Cell housing rather than dormitory.
- High** - Penitentiaries. Highly secured facility. 'Close control' of inmates movement and programing. Long term incarcerations.
- Admin** - facilities that have 'special' missions, i.e. medical, transfers, treatment programs (STOP), dangerous/escape-prone inmates, security risks, i.e. death row or terrorists/gang members.

\*\*\* Keep in mind that there are no female medium facilities

## Inmate Security Designation and Custody Classification Policy

A defendant will be designated to a facility based on their designation score (BP - 337). The higher the point score, the more restrictive the facility, although Public Safety Factors can (and in almost all instances do) override the designation score.

### SCORING

1.	Voluntary Surrender?	No (0 points)	Yes (-3 points)
2.	Severity of Current Offense?	Lowest (0 points) Moderate (3 points) Greatest (7 points)	Low Moderate (1 point) High (5 points)
3.	Criminal History Score (As taken from the PSR)	0-1 (0 points) 4-6 (4 points) 10-12 (8 points)	2-3 (2 points) 7-9 (6 points) 13 + (10 points)
4.	History of Violence (minor/serious)	None (0/0 points) 10-15 years (1/4 points) < 5 years (5/7 points)	> 15 years (1/2 points) 5-10 years (2/6 points)
5.	History of Escapes (minor/serious)	None (0/0 points) 10-15 years (1/3 points) < 5 years (3/3 points)	> 15 years (1/32 points) 5-10 years (2/3 points)
6.	Existing Detainer	None (0 points) Moderate (3 points) Greatest (7 points)	Low/Low Moderate (1 point) High (5 points)
7.	Age	Under 25 (6 points) 36-54 years old (2 points)	25-35 yrs old (4 points) 55 + (0 points)

On September 12, 2006, the Federal Bureau of Prison made significant changes to its Inmate Security Designation and Custody Classification Policy. (PS 5100.08) As part of the changes, the scoring matrix for security classification was changed. The matrix takes into account a multitude of factors of our clients to determine the appropriate security classification. The new number range is;

Minimum	0 - 11 points for men	0 - 15 points for females
Low	12 - 15 points for men	16 - 30 points for females
Medium	16 - 23 points for men	
High	24 or more points for men	31 or more points for females

As part of this year's change, these ranges were increased from;

**[2002 change]**

Minimum	0 - 5 points for men	0 - 10 points for females
Low	6 - 8 points for men	11 - 21 points for females
Medium	9 - 14 points for men	
High	15 or more points for men	22 or more points for females

**[1996 change]**

Minimum	0 - 9 points for men	0 - 12 points for females
Low	5 - 11 points for men	8 - 23 points for females
Medium	11 - 22 points for men	
High	18 or more points for men	21 or more points for females

The major changes in the 2006 policy revision are:

**1. The scoring of "Type of Prior Commitment" has been replaced with "Criminal History Score"**

Types of Prior Commitments used to be divided into three categories; none (0 points), minor (1 point) and serious (3 points). Now the client's criminal history score is used. The ranges are:

Category I	=	0 points
Category II	=	2 points
Category III	=	4 points
Category IV	=	6 points
Category V	=	8 points
Category VI	=	10 points

Obviously this is a major increase in points for those who have significant criminal history. The BOP is to look at the Judgment for this score. If it is not listed in the Judgment, the BOP next looks to the PSR and finally may calculate this score on their own. It is imperative that you do not let the BOP score this on their own as there is no guide for how related conduct is scored and crimes that would have been grouped together will more than likely be scored individually.

**2. New scoring item, "Age"**

The age of the client is now a factor, weighing against younger inmates.

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

If the inmates age is unknown, a default score of 4 will be given.

**3. New scoring item, “Education”**

As completion of a GED or high school diploma is now a “recommended” condition for Supervised Release, points are given for the lack of education.

Verified high school degree or GED = 0 points

Enrolled in, making satisfactory progress in GED program = 1 point

No verified high school degree/GED and not participating in GED program = 2 points

So now at the PSR interview, all of our clients are “participating in a GED program.” It may make sense to check to see that each US Marshall contracted facility has GED study materials or classes available. Be prepared to verify this information for the BOP.

*REMEMBER - A client who does not have at least a GED is only eligible for a maximum of 42 days of Good Conduct Time per year.*

**4. New scoring item, “Drug/Alcohol Abuse”**

Never or more than 5 years = 0 points

Within the last 5 years = 1 point

Examples of drug or alcohol abuse include a conviction for a drug or alcohol related offense, a parole/probation/supervised release violation because of drug or alcohol abuse, positive drug test, drunk driving arrests and/convictions, rehabilitation or detox placement or an inmate’s “self-report” of use.

This is a double edged sword. The BOP will not let an inmate into the RDAP program unless they have a drug or alcohol problem within the last year (they review the PSR for verification) and even then, if the inmate has had any drug or alcohol treatment or counseling, it may preclude them from entry into the program. Certainly, in-patient counseling, post-conviction and prior to sentencing is used to exclude the inmate from the program. Also, be aware that when the inmate goes through quarantine at whatever facility they are designated to, the legal instruments examiner (the LIE - no joke) will take their sentence, deduct their time served and they statutory good time to see if the inmate has enough time to complete the program. So a client who gets a 24 month sentence and has 6 months in jail at the time of sentencing most likely will not get the RDAP program because their time is too short to complete the program.

24 months (730 days) - 3 months good time (94 days) - 6 months time served (180 days) - 3 months CCC placement (90 days) = 12 months (366 days) left to serve. Plus, you have to assume that it could take up to 3 months from the date of sentencing to have the client designated and transferred to the designated facility. The RDAP program typically takes 8 to 10 months to complete. Also, assume that once the client lands at the designated facility it may take up to 3 months before they have their TEAM meeting and/or see the LIE or their case manager to even get placed on the waiting list for the program.

The following categories have been modified/changed in regards to an inmates custodial classification. These effect an inmates institutional security level once they have already had their original designation. While it does not effect the way we should advocate at a client's sentencing, these factors will play a part in their ability to move from the higher security institutions to camps and halfway house placement. They are;

5. **Mental/Psychological Stability**" has been discontinued
6. **"Responsibility Demonstrated"** has been replace with **"Living Skills"** and **"Program Participation"**
7. **"Family/Community Ties"** clarified - this clarification is somewhat troubling as it gives points to those inmates who do not receive visits or participate in institutional programs (i.e. toys for tots, Special Olympics).
8. PSF for **Violent Behavior** modified
9. PSF for **Deportable Alien** clarified

#### **Opinion about these changes**

There are other changes but they are more administrative for the BOP (internal management issues, coding, etc.) as well the changes imputing "feel good" language that seemed to be simply busy work for some BOP lawyers.

Why BOP made these changes is a mystery to me. It appears that on the surface, the young and dumb inmates with some criminal history will be placed together and separated from the older, wiser convicts. This flies in the face of conventional prison wisdom that older inmates "teach" the younger ones how to do time. I looked at the changes in the BOP population during the last 12 years and the noticeable changes are in mandatory minimum sentences, the number of women and the explosion of private prisons and contract facilities. Also, the BOP's policy of initiating early deportation proceedings in illegal alien cases is all but gone. Now, BOP's policy is to wait until the actual sentence is served before initiating Department of Homeland Security proceedings. Keep in mind that there is no RDAP or halfway house programing for these inmates. It seems obvious that BOP wants the prison population to increase keeping them relevant, but their policy creates a much more difficult population to manage.

While the BOP did not change the history of violence or the history of escape categories, these two categories always were subjective for the designator as the guidelines were somewhat vague. I recall not scoring an escape to an individual who reported back to a CCC late. Another person designating inmates in the same CCM office scored that as both a “minor escape” (3 points) and a “minor history of violence” (5 points).

A review of the raw data of the BOP’s population does not give any reasonable explanation of the recent changes.

	<u>1996</u>	<u>2000</u>	<u>2006</u>
Total Population	105,432	145,125	192,316
Male	92.7 %	93.6 %	93.3 %
Female	7.3%	7.4 %	6.7 %
Average Age	37	37	38
Average Sentence	66 months	-----	54 months (2003)
In			
High facility	13.9 %	22.5 %	10.3 %
Medium	26.1 %	35.2 %	26.5 %
Low	30.1 %	24.9 %	39.7 %
Minimum	29.9 %	10.2 %	18.6 %
Number of Institutions	85	99	105

## Designation

All designations and time computations now take place at the *Designation and Sentence Computation Center (DSCC)* in Grand Prairie, Texas. See Program Statement 5100.08.

Their phone number is: (972) 352-4400.

Their email address is:

[GRA-DSC/PolicyCorrespondence&AdminRemedies@bop.gov](mailto:GRA-DSC/PolicyCorrespondence&AdminRemedies@bop.gov)

Prior to a designation occurring, the DSCC must receive all sentencing material regarding the offender for consideration. These documents are processed and received from the sentencing Court, U.S. Probation Office, and the U.S. Marshals Service.

The Bureau attempts to designate inmates to facilities commensurate with their security and program needs within a 500-mile radius of their release residence. If an inmate is placed at an institution that is more than 500 miles from their release residence, generally, it is due to specific security, programming, or population concerns such as a separation order. When an inmate is referred for a re-designation transfer, these same criteria are apply in making a decision for transfer to a new facility.

**Inmates are designated/re-designated to institutions based on:**

- the level of security and staff supervision the inmate requires,
- the level of security and staff supervision the institution provides,
- the medical classification care level of the inmate and the care level of the institution,
- the inmate's program needs (e.g., substance abuse treatment, educational/vocational training, individual and/or group counseling, medical/mental health treatment), and
- various administrative factors (e.g., institution bed space capacity; the inmate's release residence; judicial recommendations; separation needs; and security measures needed to ensure protection of victims, witnesses, and the general public).

Additionally, any **request for transfer** must originate with an inmate's institution Unit Team at his or her current facility. The DSCC evaluates referrals submitted by institution staff and makes decisions based on the information provided by the institution. Inmates are encouraged to work closely with members of their institution Unit Team to determine if transfer to a facility closer to their release residence may be possible.

**Designation is a two part process. PS 5100.08**

1. Determine the Security Level.
  - a. Is there a detainer?
  - b. Severity of current offense.
  - c. Release date,
  - d. Criminal history score.
  - e. History of escapes or violence.
  - f. pre-sentence release status. (out on bond).
2. Determine any Public Safety Factors.
  - a. Circumstances surrounding the inmate.
  - b. Circumstances surrounding the current offense.

### **Public Safety Factors (PSF)**

1. Sentence Length (males only): Unless waived, a inmate with 10 years remaining on their sentence will be housed in a Low security institution. 20 years remaining will be housed in a Medium security facility and 30 years remaining in a High security facility.
2. Disruptive Group (males only): Any inmate who has been confirmed to be a member of a disruptive group (as identified by the BOP) shall be housed in a high security facility.
3. Greatest severity offenses (males only): Conviction for; aircraft piracy, arson, assault, car jacking, serious drug offenses, escape, espionage, explosives, homicide, robbery, sexual offenses, exporting 'sophisticated weaponry', threatening a governmental official.
4. Sex Offender: If the PSR or another 'official document' 'clearly indicates' behavior that is characterized as a sex offense, inmate can not receive a designation to a minimum security institution unless PSR is waived.
5. Threat to Government Official: Inmate can not receive a designation to a minimum security institution unless PSR is waived.
6. Deportable alien.
7. Violent behavior (females only): Inmate who has 2 prior convictions (or DHO actions for serious incidents of violence) within the last 5 years. Will be assigned to Carswell Admin Unit, unless waived.

8. Serious Escape: A female will be assigned to the Carswell Admin Unit. Males will receive at least a Medium security level designation.
9. Juvenile violence: Must be documented behavior (not necessarily involving a conviction.)
10. Serious Telephone Abuse: If a telephone was used to facilitate a crime (drug trafficking, threats, acts of violence), the inmate will be assigned at least a Low security level designation.
11. Prison disturbance: A male inmate will be housed in a High security facility. A female will be housed at the Carswell Admin Unit.

### **Waiver of Public Safety Factor**

An inmate may receive up to three PSF's. PSF's may be waived after review and approval of the DSCC Administrator. When a PSF is waived causing a placement outside the normal guideline range, the DSCC Administrator will then determine the most appropriate security level for the inmate.

Only the DSCC Administrator is authorized to waive a PSF. A request for the waiver of the PSF must be submitted to the DSCC on Form 409 (which can be found on the BOP website.)

### **Three documents needed for Designation**

1. **USM -129** - Individual Custody and Detention Report U.S. Marshall's generate. Gives separations, aliases, gang affiliations.

2. **J + C** - Court generates. Gives length of sentence and supervised release, must state concurrent or consecutive sentence (if silent the BOP will treat as consecutive) gives recommendations as to programing and/or facility.

BOP claims that nearly 50% of all cases have a judicial recommendation and that they comply with 62% 'completely' and 11% 'partially'.

Source: [www.bussertlaw.com/bimages/TheFederalBureauofPrisons.pdf](http://www.bussertlaw.com/bimages/TheFederalBureauofPrisons.pdf)

3. **PSR** - Probation generates. **MOST IMPORTANT** for BOP

3 versions - draft - original  
revised - attorney revisions  
amended - court revisions

\*\*\* Most judges will not amend a PSR unless it effects the guideline calculation. This is contrary to both the law [See United States v. Bartholomew, 974 F. 2d 39 (5<sup>th</sup> Cir. 1992)] and policy as the PSR is the primary ingredient in the matrix for determination of classification, eligibility for programs (employment, RDAP, education), medical treatment, release plans as well as visitation eligibility.

- Be aware of medical issues that effect client's a ability to function in prison. They must now have documentation - provide by the PSR writer and must be included in the report.
- Be aware of any 'escapes' or Failure To Appear as they could be scored as a Crime of Violence
- Be aware of crimes of violence that did not result in convictions
- Be aware of any references to homosexuality
- Be aware of any gang references as well as tattoos listed - confirm both with client
- Be aware that juvenile history (crimes, sexual behavior, educational reports, mental health evaluations) can be used to increase security levels

Keep in mind your client's release plan will use the address listed on cover page. If your client wants to release (halfway house) to a different location than that listed in the PSR, you should have some connection to that preferred location in the PSR (i.e. my aunt, Sister Margret Mary lives in Atlanta. She has a job for me and will invite me to Sunday dinner each week) and, if possible, have some other ties to release location such as a housing, job opportunity or rehabilitative service.

You must list all substance abuse issues in the PSR. If there is no history of substance abuse, client will be denied RDAP. Besides drugs, BOP also looks at 'other addictions' i.e. alcohol and gambling work... shopping, Facebook and sex, not so good.

If client speaks Spanish, FCI Miami and FPC Montgomery both used to offer the RDAP in Spanish and there is a possibility that it will be restored. An ICE detainer will prevent participation.

## **Detainers**

A detainer will increase client's security level except for ICE detainers. Try to resolve any pending charges as a detainer may also prevent client from the RDAP program, gate passes as well as halfway house placement.

### **Residential Drug Abuse Treatment Program (RDAP)**

- a 500 hour program where inmates are placed in a class that lives together, separated from the general prison population.
- takes six to twelve months to complete.
- Inmate must have
  - (1) verifiable drug abuse problem
  - (2) No 'serious' mental health issues
  - (3) within 36 months of release
  - (4) agree to participate (sign agreement)
  - (5) appropriate security level
- Inmate cannot have a crime of violence.

### **Early release based on successful completion of RDAP**

1. Pursuant to 18 U.S.C. § 227(d), an inmate who is sentenced for a non-violent offense, has a substance abuse problem and successfully completes a residential drug abuse treatment program, may qualify for an early release not to exceed twelve (12) months.
2. Inmates who are not eligible for early release are (see 18 U.S.C. § 3621(e)(5)(B)):
  - a. INS/ICE detainees;
  - b. Inmates with prior felony or misdemeanor convictions for homicide, forcible rape, robbery, aggravated assault or child sexual abuse offenses;
  - c. Inmates whose current offense has an element of physical force, carry, possession of a firearm, sexual abuse offenses;
  - d. Current offense that by its nature or conduct present a serious potential risk or physical force against the person or property of another;
  - e. Offenses for which a guideline enhancement was applied to the offense level for the use or threatened use of force or firearm.

\*\*\* In the Ninth Circuit be aware that the BOP complies with Arrington v. Daniels, 516 F. 3d 1106 (9<sup>th</sup> Cir. 2008) and they have a written response for inmates who

are both in and out of circuit.

## **Programs**

### **1. Compassionate Release (PS 5050.46) 18 U.S.C. §3582(c)(1)(A)**

The BOP can file a motion for early release under this statute if the inmate has a terminal illness or for any other extraordinary reason. (See U.S.S.G. § 1B1.13). They very rarely do (55 motion in 2009, 2010 and 2011, total).

See <http://circuit9blogspot.com/2012/07/second-look-resentencing-human-costs-of.html>.

### **2. MINT (PS 7310.04)**

Female inmates are eligible to enter the program at the halfway house. This is generally during their last two months of pregnancy. After the child's birth, the mother is allowed three additional months to bond with the child. Then, mom goes to her designated institution to complete her sentence. If she is eligible for prerelease services, she may remain at that facility only if she is going to be supervised in that judicial district.

### **3. Furloughs (PS 5282.08)**

### **4. Second Chance Act of 2007**

The Act is designed to improve the success rate for reentry of offenders. 42 U.S.C. 17541 It provides funding for a myriad of different programs at the RRC. (Residential Reentry Center) The BOP is required to assist inmates apply for public benefits, secure identification and assist with other areas, including employment, health issues, education and financial skills. 18 U.S.C. 4042(a).

Recently, the U.S. Probation Office in Montana released two documents that expanded the reach of the Second Chance Act. (See attached Montana Second Chance Act documents)

### **5. Second Chance for Ex-Offenders Act of 2009 - H.R. 1529**

This is pending legislation that would allow for federal expungement. This is often confused with "The Second Chance for Ex-Offenders Act of 2007.

### **6. Inmate Monetary Policy**

In 1930 the Department of Justice authorized and established a Commissary at each Federal institution. The Commissary was created to provide an account for inmate monies and for the procurement of articles not regularly issued as part of the institution administration. The purpose of individual inmate Commissary accounts is to allow the Bureau of Prisons to maintain inmates' monies while they are incarcerated. Family, friends, or other sources may deposit funds into these accounts.

Funds may be sent to Federal inmates via the United States Postal Service or via the Western Union Quick Collect Program. In either case, the inmate must physically be housed at a Federal Bureau of Prisons facility before funds can be received and posted. If the inmate is not physically in a Federal Bureau of Prisons facility, the funds cannot be posted and will be returned or rejected.

### **Using the U.S. Postal Service**

Inmates' families and friends choosing to send inmates funds through the mail must send those funds to the following address and in accordance with the directions provided below:

Federal Bureau of Prisons  
**Inmate Name**  
**Inmate Eight Digit Register Number**  
Post Office Box 474701  
Des Moines, Iowa 50947-0001

The deposit must be in the form of a money order made out to the inmate's full committed name and complete eight digit register number. **Effective December 1, 2007, all non-postal money orders and non-government checks processed through the National Lockbox will be placed on a 15 day hold.** The Bureau of Prisons will return funds that do not have valid inmate information to the sender provided the envelope has an adequate return address. Personal checks and cash cannot be accepted for deposit.

The sender's name and return address must appear on the upper left hand corner of the envelope to ensure that the funds can be returned to the sender in the event that they cannot be posted to the inmate's account. The deposit envelope must not contain any items intended for delivery to the inmate. The Bureau of Prisons shall dispose of all items included with the funds.

In the event funds have been mailed but have not been received in the inmate's account and adequate time has passed for mail service to Des Moines, Iowa, the sender must initiate a tracer with the entity who sold them the money order to resolve any issues.

### **Western Union Quick Collect Program**

Inmates' families and friends may also send inmates funds through Western Union's Quick Collect Program. All funds sent via Western Union's Quick Collect will be posted to the inmate's account within two to four hours, when those funds are sent between 7:00 a.m. and 9:00 p.m. EST (seven days per week, including holidays). Funds received after 9:00 pm EST will be posted by 7:00 am EST the following morning. Funds sent to an inmate through the Quick Collect Program may be sent via one of the following ways:

**1) At an agent location with cash:** The inmate's family or friends must complete a Quick Collect Form. [Click here to view a sample Quick Collect Form.](#) To find the nearest agent, they may call 1-800-325-6000 or go to [www.westernunion.com](http://www.westernunion.com).

**2) By phone using a credit/debit card:** The inmate's family or friends may simply call 1-800-634-3422 and press option 2.

**3) ONLINE using a credit/debit card:** The inmate's family and friends may go to [www.westernunion.com](http://www.westernunion.com) and select "Quick Collect".

For each Western Union Quick Collect transaction, the following information must be provided:

- 1) Valid Inmate Eight Digit Register Number (entered with no spaces or dashes and immediately followed by Inmate's Last Name)
- 2) Committed Inmate Full Name entered on Attention Line
- 3) Code City: FBOP, DC

Please note that the inmate's committed name and eight digit register number must be entered correctly. If the sender does not provide the correct information, the transaction cannot be completed. The Code City is always FBOP, DC.

Each transaction is accepted or rejected at the point of sale. The sender has the sole responsibility of sending the funds to the correct inmate. If an incorrect register number and/or name are used and accepted and posted to that inmate, funds may not be returned.

Any questions or concerns regarding Western Union transfers should be directed to Western Union by the sender (general public). Questions or concerns should not be directed to the Federal Bureau of Prisons.

For additional information concerning inmate Commissary account deposit procedures, please see the Bureau of Prisons Trust Fund/Warehouse/Laundry Manual (PS 4500.04) or 28 CFR Parts 506 and 540. For information concerning a specific deposit, please contact Federal Bureau of Prisons' staff at 202-307-2712 between 8:00 a.m. and 4:30 p.m. ET.

## **7. UNICOR**

## **8. Occupational Training Programs**

## **OTHER TOPICS**

Todd Bussert's BOP blog = <http://thebopblog.blogspot.com>

### **BOP refuses to honor judicial recommendation of Boot Camp**

U.S. v. Serpa, 251 F.Supp.2d 988 (D.Mass. 2003) (where BOP no longer follow its long-standing policy of honoring judicial recommendations to place defendants who fell

within Zone C of the Sentencing Table in CCCs for the imprisonment portions of their sentences, district court grants downward departure to defendant who pled guilty to three counts of filing false income tax returns and whose guideline sentencing range was 10 to 16 months before BOP announced its policy to avoid any hint of an ex post facto violation in his sentence and because not change not foreseeable)

#### **BOP Terms and Acronyms**

BOP =	Bureau of Prisons
CCC =	Community Correction Center
CIM =	Central Inmate Monitoring
CSC =	Community Sanction Center
DHO =	Disciplinary Hearing Officer
FCC =	Federal Correctional Complex
FCI =	Federal Correctional Institution
FMC =	Federal Medical Center
FPC =	Federal Prison Camp
LSCI =	Low Security Correctional Institution
MFCI =	Medium Federal Correctional Institution
MINT =	Mothers Infants Nurturing Together
PSF =	Public Safety Factor
PSR/PSI =	Presentence Investigation Report
RDAP =	Residential Drug Abuse Program
SHU =	Special Housing Unit (pronounced like 'shoe')
SMU =	Special Management Unit (pronounced like 'smooth')
SOTP =	Sex Offender Treatment Program (only at Butner)
SOMP =	Sex Offender Management Program (Devens, Marion and Seagonville)
UNICOR =	Prison Industry
USP =	United States Penitentiary

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