



U.S. Department of Justice

Federal Bureau of Prisons

Washington, D.C. 20534

February 2, 2009

MEMORANDUM FOR DESIGNATION AND SENTENCE COMPUTATION CENTER

FROM:

A handwritten signature in black ink, appearing to read "Joyce K. Conley", is written over the typed name.

Joyce K. Conley, Assistant Director
Correctional Programs Division

A handwritten signature in black ink, appearing to read "Kathleen M. Kenney", is written over the typed name.

Kathleen M. Kenney
Assistant Director/General Counsel

SUBJECT: Review of Inmates for Initial Designation to
Residential Reentry Centers

This memorandum provides guidance to Designation and Sentence Computation (DSCC) staff for considering initial designations of inmates to Residential Reentry Centers (RRC).

Individualized Consideration Required

Inmates are legally eligible to be placed in an RRC at any time during their prison sentence. Federal Courts have made clear that RRCs are penal or correctional facilities within the meaning of the applicable statutes. DSCC staff cannot, therefore, automatically rule out an inmate's placement directly in an RRC for service of the entire term of imprisonment. Rather, such decisions must receive individualized consideration. In other words, staff cannot say that an inmate, whatever the circumstances, is automatically ineligible for initial designation to an RRC. Rather, staff must review the inmate's designation on its individual merits, in accordance with policy, and as explained in this guidance.

Initial Designation Review Factors and Policy

For all initial designations, staff should review:

- (1) the resources of the facility contemplated;
- (2) the nature and circumstances of the offense;
- (3) the history and characteristics of the prisoner;
- (4) any statement by the court that imposed the sentence-
 - (A) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or
 - (B) recommending a type of penal or correctional facility as appropriate; and
- (5) any pertinent policy statement issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28.

These "five factors" are the foundation of Bureau Program Statement No. 5100.08, Inmate Security Designation and Custody Classification. That policy instructs that "[e]ach inmate will be placed in a facility commensurate with their security and program needs through an objective and consistent system of classification which also allows staff to exercise their professional judgement."

Staff should also consider the resources of available RRCs, which are procured by the Bureau primarily to assist inmates in reintegrating into the community during the last 12-months of the prison sentence. As stated in Bureau Program Statement No. 7310.04, Community Corrections Center (CCC) Utilization and Transfer Procedures,¹ RRCs provide a "transitional environment for inmates nearing the end of their sentences." The level of structure and supervision available at these facilities is designed to assure accountability, provide program opportunities in employment counseling and placement, substance abuse, and aid inmates in acquiring daily life skills so as to successfully reintegrate into the community at large.

DSCC staff must exercise sound correctional judgment, utilizing P.S. 5100.08 to score inmates' security levels and custody classifications. Staff should also continue to follow the guidance in Section 5.3.3 of Bureau Program Statement No. 7300.09, Community Corrections Manual (05/19/99), and exercise sound correctional judgment to determine whether the inmate has

¹ Although this policy uses the term "Community Corrections Centers," that term was changed to "Residential Reentry Centers" by memorandum dated March 31, 2006, by John M. Vanyur, Assistant Director, Correctional Programs Division. The change was made to provide "a clearer description of the programs and services being offered" in such facilities.

programming needs that can best be addressed by designating the inmate directly to an RRC.

Ordinarily, only inmates who have received judicial recommendations for direct RRC placement should receive such initial designations. Even with such a recommendation, inmates should ordinarily not be approved for such designation if their remaining time to be served (total sentence less presentence credit, less anticipated Good Conduct Time) exceeds one year.

Under no circumstance should a notation be made in SENTRY, or otherwise, that an inmate is not being approved for direct RRC placement because he is ineligible for such placement. Rather, all inmates should be designated to the most appropriate facility available. Individual written responses to sentencing judges in cases where we do not comply with a recommendation for direct RRC placement are not required. Information regarding our decision not to comply with such a recommendation should be provided to the sentencing judge upon request.