Chapter 2

SECURING A FAVORABLE FEDERAL PRISON PLACEMENT

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The Bureau of Prisons has substantially revamped its designation and placement procedure particularly in light of the new medical and mental health Levels of Care. The latter two are more fully described in Chapter 7.

§2:20 FAVORABLE FEDERAL PRISON PLACEMENT AND DESIGNATION

§2:20.1 The Federal Prison System
The process of designating a facility for service of a federal sentence has become more complex and involved. Previously, an inmate was assigned a security level and a facility with a corresponding security level was identified and designated. Now, however, in addition to receiving a security level, each incoming inmate receives a presumptive Care Level reflecting the level of medical services he requires and a presumptive Mental Health Care Level based on his mental health status. The assignment of security levels is discussed more fully below, and the assignment of Care Level and Mental Health Level are discussed more fully in Chapter 8. When an inmate has received all three assignments, a facility that meets each of those requirements is identified and designated for service. Thus, if an inmate is classified as minimum security with a Care Level of 2 (chronic but stable) and Mental Health Care Level of 1 (no or minimal need for mental health intervention), he may be placed at most BOP camps. However, if that inmate requires medical Care Level 3, there are very few camps for which he will be qualified.

The information used for these classifications is based primarily on the information contained in the PSR, emphasizing the importance of having full, complete, and accurate information included in that document. In addition to the PSR, judicial recommendations or even medical evaluations ordered by the court to be amended to the PSR are considered. Sometimes, additional medical or mental health records are sought prior to designation.
The federal prison system’s institutions are divided into five categories: minimum, low, medium, high (the most secure) and administrative. Minimum-security institutions, commonly called “federal prison camps,” are designed for offenders who do not pose a risk of violence or escape. According to Bureau statistics, approximately 15 percent of all inmates are housed in minimum-security facilities, i.e., prison camps, and in community settings. Most individuals want to be designated to a federal prison camp because of the lack of violence and what they perceive to be better conditions of confinement. Minimum-security institutions have dormitory and room housing, a relatively low staff-to-inmate ratio, and limited or no perimeter fencing. These institutions are work- and program-oriented, and many are located adjacent to larger institutions or on military bases, where inmates help serve the labor needs of the larger institution or base. While inmates are theoretically free to “walk away” from these facilities, few of them do because inmates who escape from prison camps and are recaptured face severe consequences. In addition to being prosecuted for escape, such inmates serve the rest of their time in more secure (and therefore harsher) facilities.

Although prison camp designation is the most common type of minimum-security placement, the BOP also operates minimum-security work cadres at administrative facilities, i.e., Metropolitan Correctional Centers, Metropolitan Detention Centers and Federal Detention Centers, whose primary mission is the detention of pre-trial defendants. Usually, an inmate must be within five years of release to be considered for cadre placement. And, the odds of being so designated increase in the absence of a valid judicial recommendation or in the face of a non-specific recommendation (for example, the Court recommends that the BOP designate someone who resides near a major urban center “at a facility closest to home”). Work cadre placement is fundamentally different than camp placement. Although housed in a segregated unit with other minimum-security inmates, cadre inmates, who are tasked with helping maintain the institution’s daily operation, are exposed to a general population of all security levels, including individuals who have been charged with or convicted of very serious offenses—the latter awaiting transfer. Also, environmentally, cadre inmates are confined similar to high security inmates, i.e., in a cell as opposed to an open cubicle; heightened noise levels persist throughout the institution at all hours of the day and night; and inmates cannot walk outdoors or breathe fresh air.

Low-security Federal Correctional Institutions (FCIs) have double-fenced perimeters, mostly dormitory or cubicle housing, and strong work and program components. The staff-to-inmate ratio in these institutions is higher than at minimum-security facilities.

Medium-security FCIs have strengthened perimeters (often double fences with electronic detection systems), mostly cell-type housing, a wide variety of work and treatment programs, an even higher staff-to-inmate ratio than lowsecurity FCIs, and even greater internal controls.

High-security institutions, also known as United States Penitentiaries (USPs), have highly-secured perimeters (featuring walls or reinforced fences), multiple- and single-occupant cell housing, the highest staff-to-inmate ratio, and close control of inmate movement.

Administrative facilities are institutions with special missions, such as the detention of pretrial offenders: the treatment of inmates with serious or chronic medical problems; or the containment of extremely dangerous, violent, or escape-prone inmates. They are capable of holding inmates in all security categories. Administrative facilities include Metropolitan Correctional Centers (MCCs), Metropolitan Detention Centers (MDCs), Federal Detention Centers (FDCs), and Federal Medical Centers (FMCs), as well as the Federal Transfer Center (FTC), the Medical Center for Federal Prisoners (MCFP), and the Administrative-Maximum (ADX) U.S. Penitentiary.
A number of BOP institutions belong to Federal Correctional Complexes (FCCs). At FCCs, institutions with different missions and security levels are located in close proximity to one another. FCCs increase efficiency through the sharing of services, enable staff to gain experience at institutions of many security levels, and enhance emergency preparedness by having additional resources within close proximity.

§2:20.2 How the BOP Designation Process Works
Following the imposition of a sentence of imprisonment the BOP begins the process of determining the defendant’s facility for service of his sentence. The U.S. Court Clerk uploads the signed Judgment Order into the “E-Designate” system and transmits it to U.S. Probation. Bureau of Prisons Program Statement 5100.08 (Inmate Security Designation and Custody Classification) September 12, 2006. U.S. Probation then adds the Presentence Report and transmits it to the U.S. Marshals. Once the U.S. Marshals receive the documentation electronically, they add their USM-129 Form, upon which the Bureau can determine if any jail time credit should be calculated for time already served, and transmit all documents to the Bureau of Prisons Designation and Sentence Computation Center (DSCC) for classification and designation of the offender. If the Statement of Reasons (SOR) has not been included in the judgment order the Bureau receives, then DSCC staff must make a reasonable effort to obtain a copy by contacting the Court or USPO. This is required to better ensure that the Bureau follows the intentions of the Court when designating a facility, as the SOR may contain information that overrides the Presentence Investigation Report (PSR) and may affect security classification decisions as part of the designation process.

One of several classification teams at the DSCC will handle the incoming documents, according to Court of Jurisdiction. They compute classification scoring and transmit it to one of seven Senior Designators for final review and designation. Primary responsibility for inmate placement rests with officials at the Designation and Sentence Computation Center (DSCC) in Grand Prairie, Texas, 346 Marine Forces Drive, Grand Prairie, Texas 75051; (972) 352-4400; BOPCDP/DSCC@bop.gov. The DSCC consists of 17 classification teams, based upon the district in which the inmate is sentenced and one designation team. Hotel Team is the designation team for the DSCC. The team is comprised of nine senior designators who process all the initial designations as well as other transfers, and eight designators who process transfers. There are also four specialist designators who handle special cases such as RDAP transfers. Designator caseloads are based upon the institution the inmate is assigned. There are also five OMDT designators who assign inmates to BOP medical facilities, if applicable.
§2:20.3 Security Level Scoring and Designation by Designations Staff

The designation of an inmate to a specific institution is governed by Bureau of Prisons Program Statement 5100.08. First, staff at the DSCC “score” the defendant to determine his or her security level. To score an individual, designation staff consider various factors, including:

(a) court-recommendation, if any,
(b) voluntary surrender status,
(c) severity of current offense,
(d) criminal history category,
(e) history of violence,
(f) history of escape,
(g) detainers, if any,
(h) age,
(i) education level (verified high school, enrolled in high school or GED, or no high school), and
(j) drug/alcohol abuse within the past five years.

Although most factors the designation staff consider can raise a defendant’s score (and potentially the security level), a court order permitting the defendant to voluntarily surrender to the designated institution can actually lower a defendant’s score by three points. Inmates will not receive the reduction of points for Voluntary Surrender if they voluntarily surrender on the same day they are sentenced or if they are a Supervised Release Violator.

This factor can sometimes make the difference between a defendant being designated to a camp or a low-security institution. Additionally, voluntary surrender spares an individual the unpleasantness of being shackled and transferred via “con air” aboard the U.S. Marshal Service inmate transport aircraft, or bussed. Bussing, known as “diesel therapy” by inmates, can often take weeks. Defense counsel should therefore request voluntary surrender whenever they think there is a possibility that the court will grant it.

Scoring with regard to drug/alcohol abuse and education levels can raise the total security level score by no more than three total points. However, the criminal history category can increase the total by up to 13 points, which could increase security by one or two levels (for example, from minimum security to low or medium security). The age category requires scoring higher points for younger offenders, which can also increase the security classification by one
or two levels. The scoring for education and drug/alcohol abuse can result in a total point increase of no more than three points, which primarily impacts those cases that might be borderline between security levels—for example, a minimum-security case scoring at the top of the BOP Minimum security range could be raised to low security with the addition of these points.

Next, the DSCC determines whether Public Safety Factors (PSFs) apply. A PSF that applies to an individual will rule out a prison camp designation—even if he or she would have otherwise qualified for one. Public Safety Factors are so important in the designation process that we have described them in detail below. Public Safety Factors can be waived—but only by the DSCC.

Finally, the DSCC considers whether there are any medical or mental health factors that might affect designation. Medical and Mental Health Care factors utilized in designation and placement are described in Chapter 8. Thus, an inmate is assigned a security level, Medical Care Level, and Mental Health Care Level. When initially scoring an inmate, the assigned team utilizes a Medical Calculator to determine the screen level. If the inmate is scored as a SCRN3 or SCRN4, he/she will be referred to the Office of the Medical Designator (OMDT) for further review. OMDT then decides what the SCRN level will be after a further review of the documents. If the inmate comes back from OMDT as a SCRN1 or SCRN2, Hotel Team will designate them to an appropriate CARE1 or CARE2 facility. If the inmate is determined to meet the criteria for a CARE3 or CARE4 facility, OMDT will designate them. Assuming that Medical Care Level and Mental Health Care Levels are 1 and 2, the Hotel Team will then make a designation taking into consideration the inmate’s release residence, the inmate’s determined Security Level, any judicial recommendation and prison population pressures.

§2:20.4 Public Safety Factors

Disruptive Group. A male inmate who is identified in the BOP Central Inmate Monitoring System will be housed in a high-security level institution, unless the PSF has been waived. A “disruptive group” is a prison gang that has been identified by prison staff and certified by the BOP as engaging in illicit activities within the BOP and/or being disruptive to the internal operation of the BOP. Organized crime groups like La Cosa Nostra, which operate outside the prison environment, are not “disruptive groups” as defined by the PSF, unless they meet these criteria.

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) of BOP Program Statement 5100.08 will be housed in at least a low-security level institution, unless the PSF has been waived. Greatest severity offenses include:

- Aircraft piracy.
- Arson.
- Assault (serious bodily injury intended or permanent or life-threatening bodily injury resulting).
- Car-jacking.
- Certain drug offenses—but only if the defendant was a manager or owner of large-scale drug activities (i.e., drug activities involving drug quantities in excess of 10 kilograms of cocaine, 31 grams of crack, 250 kilograms of hashish, 620 kilograms of marijuana, 2 kilograms of heroin, 17 kilograms of methamphetamine, 20,000 dosage units of PCP, and 250,000 dosage units of amphetamine, barbiturates, LSD or other illicit drugs). Just because an individual is involved in large-scale drug activity does not mean that the offense is considered “greatest severity.” That appellation is reserved for “organizers/leaders,” which includes importers, high-level suppliers, growers, manufacturers, financiers, money launderers, aircraft pilots and captains of large boats or
ships. For example, in a drug case involving more than 10 kilograms of cocaine or 620 kilograms of marijuana, designation staff will look at the role in the offense portion of the PSR to see if there's any upward adjustment under United States Sentencing Guideline §3B1.1. If not, the offender will generally not be treated as a greatest severity offender. If an individual receives a mitigating role under USSG §3B1.2, he or she will not qualify for the greatest severity PSF. Similarly, if the sentencing judge finds that an individual’s guideline offense level should not be enhanced under USSG §3B1.1 for an aggravating role, make sure that the PSR is corrected and/or that the judge issues findings pursuant to Rule 32(c)(1) of the Federal Rules of Criminal Procedure. When it is a close call whether this PSF applies, a finding by the sentencing judge (try getting the government to concede this) and/or a notation on the judgment in the criminal case that the defendant was not part of an organizational network and did not organize or maintain ownership interest/ profits from large-scale drug activities will help avoid this PSF.

- Escape from a closed institution or secure custody through the use of force or weapons.
- Espionage, including treason, sabotage or related offenses.
- The use or possession of explosives involving risk of death or bodily injury.
- Extortion by weapons or threat of violence.
- Homicide or voluntary manslaughter.
- Kidnapping involving abduction, unlawful restraint, or demanding or receiving ransom money.
- Robbery.
- Sexual offenses, including rape, sodomy, incest, carnal knowledge, or transportation with coercion or force for commercial purposes.
- Use of toxic substances or chemicals as weapons to endanger human life.
- Distribution of automatic weapons or exporting sophisticated weaponry, or brandishing or threatening use of a weapon.

**Sex Offender.** A male or female inmate whose behavior (current or prior) 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 defendant need not have a sex-offense conviction for this PSF to apply. For example, if a sex offense was dismissed as a result of a plea bargain, the BOP will apply this PSF if the PSR documents the behavior that triggers it. Any of the following offense elements (or attempts to commit any of them) can trigger the "sex offender" PSF:

- engaging in sexual conduct with another person without obtaining permission (examples include forcible rape, sexual assault or sexual battery);
- possession, distribution or mailing of child pornography or related paraphernalia;
- any sexual contact with a minor or other person physically or mentally incapable of granting consent (examples include indecent liberties with a minor, statutory rape, sexual abuse of the mentally ill, and rape by administering a drug or substance);
- any sexual act or contact not identified above that is aggressive or abusive in nature (examples include rape by instrument, encouraging use of a minor for prostitution purposes, and incest).


**Threat to Government Officials.** A male or female inmate classified under the BOP Central Inmate Monitoring system as a Threat to Government Official will be housed in at least a Low-security level institution, unless this PSF has been waived.
Deportable Alien. The BOP now applies this PSF to any male or female inmate who is not a citizen of the United States. This includes all long-term detainees. Application of this PSF requires placement in at least a Low-security facility. It is not to be applied when the U.S. Immigration and Customs Enforcement (ICE) or the Executive Office for Immigration Review (EOIR) have determined that deportation proceedings will not be warranted, or when there is a finding not to deport.

Sentence Length. A male offender with more than 10 years remaining to be served will be housed in at least a Low-security facility, unless this PSF has been waived. A male offender with more than 20 years remaining to serve will be housed in at least a Medium-security facility, unless the PSF has been waived. A male offender with more than 30 years remaining to serve (including non-parolable life sentences) will be housed in a High-security facility, unless the PSF has been waived. This rule does not mean that a defendant who receives a 12 year (i.e., 144 month) sentence would necessarily be ineligible for a prison camp. First, the BOP does not look to the sentence the defendant received to determine whether this PSF applies—it looks to the time a defendant has left to serve. After expected good-time credit is subtracted, a sentence of 144 months results in approximately 123 months to serve (144 x .85 = 122.4). While this might still leave more than 10 years to serve, if the defendant has already served more than three months in pre-trial confinement, he may have less than 10 years to serve following designation, and may therefore be eligible for a federal prison camp.

Violent Behavior. A female inmate whose current term of confinement or history involves two convictions for serious incidents of violence within the last five years will be assigned to at least a Low-security level institution, unless the PSF is waived.

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, or has an escape 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 is waived.

Prison Disturbance. This PSF applies to male or female inmates who have been involved in more than one serious incident of violence within an institution and have been found guilty of one or more of certain prohibited acts, such as engaging in or encouraging a riot. Male inmates with this PSF are housed in High-security institutions, unless the PSF has been waived. Female inmates with this PSF will be assigned to the Carswell Administrative Unit, unless the PSF has been waived.

Juvenile Violence. This PSF applies to current male or female juvenile offenders with any documented single instance of violent behavior, past or present, which resulted in a conviction, a delinquency adjudication, or finding of guilt. For purposes of this PSF, “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).

Serious Telephone Abuse. This PSF applies to male or female inmates who have used a telephone to further or promote criminal activities. An inmate need not have been convicted of this criminal activity so long as it is documented in the PSR or other official report. Not every inmate who has used a telephone to commit a crime will be assigned this PSF. However, some white collar offenders who would otherwise be camp eligible will not be. Defense counsel should consult BOP Program Statement 5100.08 to determine its applicability to a particular individual. An inmate assigned this PSF must be housed in at least a Low-security level institution, unless the PSF has been waived. Any offender
who is assigned the Serious Telephone Abuse PSF may also have his or her use
of the telephone at Bureau of Prisons institutions restricted.

§2:20.5 Management Variables
Management Variables (MGTVs) are factors that can trump a defendant’s
security score or PSF, and are generally imposed by the designator. Management
variables include:
• Judicial Recommendation. Occasionally, the BOP may rely on a judicial
recommendation to apply an MGTV to place an inmate in a higher or
lower security level than his or her score would otherwise require.
• Release Residence. Occasionally, the BOP will assign an inmate to an
institution because it is close to his “release residence,” even though the
inmate’s score would normally require an institution with a different security
level. Generally, this MGTV will be applied to assign an inmate to a
higher security level institution, although in theory it can work both ways.
• Population Management. Sometimes the BOP will place an inmate in an
institution with a higher security level because the lower security level
institutions for which the inmate qualifies are overcrowded. When it
does, it applies this MGTV.
• Central Inmate Monitoring Assignment. Some inmates need to be monitored
or separated from others. Sometimes these special management
concerns limit the options for placement. When this happens, the BOP
applies this MGTV to permit placement outside normal guidelines.
• Medical or Psychiatric. The BOP will apply this MGTV when an
inmate needs medical/psychiatric treatment that is available only in an
institution outside his or her security level.
• 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. When such a placement
is outside normal security level scoring guidelines, the BOP will
apply this MGTV to allow the inmate to participate in the work cadre.
• PSF Waived. This MGTV is applied when a PSF has been reviewed and
approved for waiver by the DSCC Administrator, and will cause the inmate
to be placed at a different security level than if the PSF were as in place.
• Long-Term Detainee. Although the BOP assigns security levels to longterm
alien detainees at the time of initial classification, these detainees
do not receive subsequent custody reviews as do non-alien regular BOP
inmates. Therefore, should circumstances warrant a transfer to a lesser
or higher security, the BOP assigns this MGTV. This MGTV can only
be approved by the BOP Detention Services Branch, Correctional Programs
Division, Central Office.
• Greater Security. When the Bureau of Prisons believes that an offender
represents a greater security risk than the assigned security level would
suggest, it may apply this Management Variable and place the inmate
in an institution with a higher security level. The BOP typically applies
this MGTV to offenders with lengthy prior arrest records but few convictions,
non-violent offenders who have a history of poor adjustment
under probation or community supervision, offenders with a history of
organized crime involvement, offenders with significant foreign ties and/
or financial resources, and offenders who have had disciplinary problems
during prior incarceration. Inmates who receive this MGTV are placed
one security level higher than their score would otherwise require.
• Lesser Security. When the Bureau of Prisons concludes that an offender
represents a lesser security risk than his or her scored security level
would suggest, it can apply this MGTV to place him or her in an institution
outside normal guidelines.
§2:20.6 Central Inmate Monitoring Information
“The Central Inmate Monitoring (CIM) system is an additional classification tool to monitor inmates who present special security management needs. This can include those who have documented needs to be separated from certain other inmates, those who pose threats to Government officials, those who have received widespread publicity, and others whose backgrounds suggest that special supervision is needed in determining prison placement. Pertinent information, especially with regard to inmates requiring separation from specified others, can be communicated to the BOP at the time of initial classification and designation, preferably by the AUSA who prosecuted the case or other Federal law enforcement official involved in the case.”

§2:20.7 After an Inmate Is Designated
Once a designation is made, the information is communicated to the U.S. Marshal. If the individual is not incarcerated, the Marshal is required to inform that person of the designation. Unfortunately, sometimes, this notice is not sent. Hence, it is important that counsel for the defendant keep in touch with the U.S. Marshal to determine the defendant’s designated facility. If the inmate is incarcerated at a federal institution, the inmate may be able to obtain that information from a staff member, who can obtain it from the BOP computer system. (Staff members are not required to provide this information to an inmate, but some will.) If the inmate is in a non-federal facility, he or she may not be able to obtain this information from institution staff because it is not privy to the computer used by the BOP and the U.S. Marshal Service. If the inmate is unable to obtain this information, defense counsel may be able to obtain it from the Marshal. (Marshals are not required to disclose that information, but some will.) Unfortunately, under strict BOP policy, the Bureau will not release this information to non-law enforcement agencies or the public, including defense attorneys in most districts.

§2:20.8 Transfers
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 transfer;
- Training purposes/program participation;
- Institution Hearing Program;
- Pre-release; and,
- Transfers from RRC’s.

The two most common requests for transfer by inmates are (1) institution classification transfers based on a decrease in the inmate’s security level and (2) Nearer Release Transfers.

When a decrease in an inmate’s security level is indicated, transfer of the inmate to a lower security institution would be considered. Nearer Release Transfers move the inmate closer to their legal residence or release destination consistent with their security level. Inmates must be considered for a Nearer Release Transfer only after serving 18 consecutive months of clear conduct in a general population. Once the inmate has been transferred within 500 miles of his or her release residence no further referrals will be made
for Nearer Release Transfer consideration. Transfers to a facility in an area other than an inmate’s legal residence or sentencing district may be considered by the inmate’s Unit Team provided that the inmate can provide strong evidence of community and/or family support.

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

Request for Nearer Release Transfers should be made by the inmate. 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.

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 level security institution to another Minimum level security institution and, if approved by the Warden, inmate’s family is expected to bear all transportation costs. The inmate must go directly from the sending institution to the receiving institution.

When initially scoring an inmate, the assigned team utilizes a Medical Calculator to determine the screen level. If the inmate is scored as a SCRN3 or SCRN4, he/she will be referred to the Office of Medical Designations (OMDT) for further review. OMDT then decides whether the SCRN level will require further review of the available information. If the inmate comes back from OMDT as a SCRN1 or SCRN2, the latter will be referred back to Designators who will designate the inmate to an appropriate CARE1 or CARE2 facility. If the inmate is determined to meet the criteria for a CARE3 or CARE4 facility, OMDT will designate them.

**ENDNOTES**

1 The forms which list these factors (one for male and one for female inmates) are part of BOP Program Statement 5100.08, which can be found at http://www.bop.gov/policy/progstat/5100_008.pdf.

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