

DESIGNATION TO A FACILITY WHERE THE OFFENDER'S TERM OF IMPRISONMENT WILL BE SERVED

After an offender's sentence is imposed, the Bureau of Prisons begins the process of designating the offender to a facility to serve the term of incarceration. See Title 18 U.S.C. 3621 which provides that the Bureau of Prisons shall designate where an offender will serve his or her sentence of incarceration. The Bureau of Prisons retains exclusive discretion in assigning and transferring prisoners to any of its facilities.

Once the offender's sentence is imposed, the U.S. Marshal's office notifies the Bureau of Prisons local community corrections manager (CCM) and requests a designation for the offender. The CCM will make an initial determination as to what security level is appropriate for the offender. The CCM then transmits electronically a designation request to a regional office where the designation is made. As a general rule, designations are made within 3 days of the CCM receiving the request for designation from the U.S. Marshal's service office.

When making designations to an institution where the offender will serve their time, the Bureau of Prisons takes into account a number of factors including, the type of offense the offender committed; the length of their sentence, the offender's age, the offender's release residence, the need for medical treatment, and any placement recommendation that was made by the court (By the sentencing judge). The Bureau of Prisons relies primarily on the pre-sentence report (PSR) prepared by the U.S. probation service and the judgment and committal order (J and C) filed by the court for most of this information. If the court makes findings regarding controverted matters contained in the PSR that may affect the offender's classification, the court will record these reasons in the "Statement of Reasons" attachment to the J and C Order. See Rule 32 (c)(1), Fed. R. Crim. P. Any additional information not contained in the PSR that should be considered in the assignment of an appropriate facility should be included as well. For information regarding recommendations from the sentencing court regarding a specific institution, geographical areas, or specialized program, See supra, Section III, C, 1 Sentencing issues; Judgment and Committal Orders; Judicial recommendations for a specific institution, or specialized program. Make sure you have your attorney request the desired institution to the court at the time of sentencing, generally, the Bureau of Prisons CCM will honor the judge's recommendation to place an offender in the institution of their choice. They cannot honor a recommendation if one was never made at the time of sentencing.

EXTREME HARDSHIP BEFORE AND AFTER INCARCERATION!

Life as we know it in the free world can be rather demanding , regardless if you have ever been incarcerated or not. Upon release you will find that the world has changed while you were not there to change with it. You will find that you have changed in many ways that don't quite mix with your life in the community. Therefore a lot of your thoughts, feelings and concerns will need to be adjusted as you re-enter the free world.

It usually takes a newly released individual approximately a year to two years to refocus on the realities of life in the free world, as they once were.

You **MUST** plan your release at least (12) months prior to release. As the old adage goes , if you fail to plan, you plan to fail, right? Once released you may experience periods of stress, and frustration, and you may even get discouraged at times . Always remember never give up on anything you set out to do. You are the creator of your stress. You can overcome adversity regardless of how much you are confronted with. Adversity reveals a

man! Your progress may be slow and sometimes difficult, but you will make it. Nothing in life is free, and a quality of life is well worth the price you pay in achieving it.

In the last six months to a year prior to your release you must prepare yourself mentally and emotionally for your future journey full of demands, challenges, and opportunities you will soon face.

You may be fortunate in your transition back into society, returning home to an environment you are familiar with full of family and friends that will be there to support you, and help you weather the storm.

Many ex-offenders are not so fortunate and have no one to come home to, let alone a place they can call home. I have seen many who had little or no family to speak of and over the years they lost contact with friends. Upon release they had no place to go and no way to get there, just the clothes on their back and the little bit of gratuity money they received from the prison when they were released.

When an ex-offender is released into society he or she has numerous survival issues, like money, securing employment, obtaining housing, and transportation. I have seen many ex-offenders who never had employment prior to incarceration who gave it their best effort and were very successful in pursuing a rich and rewarding future full of success.

You must take responsibility for your own life, past and present, rights and wrongs. You are the captain of your ship and have the ability to predict your future by changing the way you think and act. You must be prepared to handle the hand that life deals you.

Be responsible for the choices you make, and the actions you take always. Strive to be honest, real, and fair to others. Treat the next guy the same way you like to be treated and you'll never have enemies.

You must let the past go and never look back. Look for the future with optimism, and your dreams that seem so far fetched will soon become a reality.

You will begin to appreciate the things you took for granted for so long. You will find every day events will be very special to you and unique, for instance, watching the sun rise from a park bench, in a safe private setting, or shopping at a local supermarket.

Honesty, trust, and respect are essential elements of a true friendship. A friendship may well transform into an intimate relationship. Communication along with honesty and openness when expressing how you feel is very important as well as being willing to listen when a friend, family member or significant other share their feelings with you. Relationships of any kind involve patience, commitment and effort on everyone involved.

Don't expect the world to welcome you with open arms just because you feel you paid your debt to society. Some people will accept you. Some won't. Being rejected by some people may frustrate you, but you will soon learn to take it with a grain of salt. You will always have those who are bias. These people stereotype an ex-offender as a thief, and a menace to society. Remember people reject others every minute of the day for some reason or another. My philosophy of finding an extraordinary woman is this. Many woman in today's world are attracted to the rebels of society. Many females crave attention more so than males, as we know. If you were a female would you rather walk down the streets of New York with John Doe or John Gotti?

Ex-offenders develop an intense dislike for authority that follows them into the free world. They become extremely sensitive to the slightest hint of someone trying to control them, after being subjected to a controlled environment for so long. Don't get angry, and don't take your aggression out on someone else. I realize this is easier said than done, but holding back shows you have strength and this will make you a much better person. Remember your freedom is your number one priority. By keeping this in mind you will let no one push you over the edge.

BEING PROCESSED INTO THE INSTITUTION

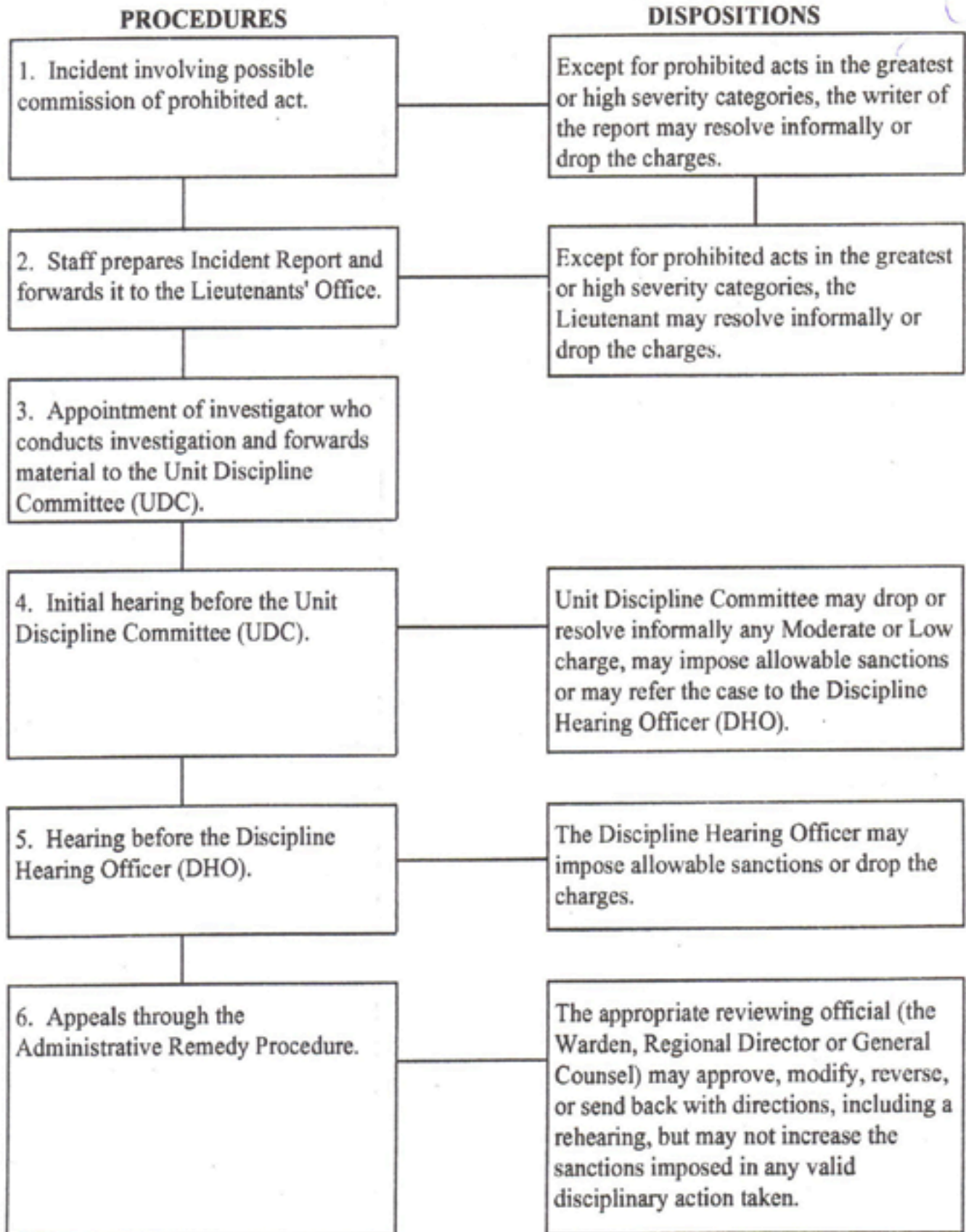
You will be placed in a holding cell in R and D once you arrive until your name is called to be processed. Once your name is called you will be taken into a room and strip-searched and dressed in R and D clothing consisting of a t-shirt and elastic waist pants and slippers. The strip-search is nothing to worry about. I have been strip-searched hundreds of times throughout my tour of the Bureau of Prisons. The strip-search consists of a Bureau of Prisons

male staff member looking in your mouth, behind your ears, in your hair and up your nose. You will then be asked to lift your scrotum and spread your buttocks or to squat. It may be somewhat humiliating to you the first time. The staff member performing the stripsearch is as humiliated as you are, trust me. Most of them do half a job of strip-searching you just because they hate that part of their job, although some like that part of their job. They do this for a living. Don't let this bother you because they are only doing what they have been programmed to do, their job. I could never imagine performing these duties day in, and day out. In the five years I spent at a minimum security (camp) I was strip-searched approximately five times after visitation, and that may have been because I was very sarcastic toward staff members.

INTERVIEW BY A MEMBER OF YOUR UNIT TEAM

A member of your unit team will interview you. Your unit team consist of a unit manager, case manager, and a counselor. More than likely your counselor will be there to interview you and will be the most important staff member to you throughout your term of incarceration. They will review your file briefly. They will advise you to review your A and O Handbook and the rules and regulations it contains. Be polite and cooperative because you may need a favor sooner than you think, like a phone call to your family before your phone account is activated. If you abuse them verbally they will remember this when you need a favor or an easy work detail when you are assigned a job.

TABLE 1
SUMMARY OF DISCIPLINARY SYSTEM



TAX PLANNING

You should consider choosing an accountant or tax preparation service prior to your incarceration to file your taxes on any revenue earned from outside sources while incarcerated.

They can then send you the appropriate tax forms to endorse. The Bureau of Prisons prohibits inmates from working on any facet of business on the outside while incarcerated.

This includes business taxes, financials, etc, although I have never seen anyone have any problems getting tax forms or financial records sent into an institution.

Individuals who plan to keep their business operating while incarcerated should be reminded that the Bureau of Prisons forbids inmates to conduct any type of business while incarcerated. Talking about business to family members or partners on the phone or sending and receiving business materials while incarcerated could or will result in an incident report and intensive monitoring of incoming and outgoing mail. It is wise to designate a responsible family member or close friend to handle your business affairs while you are away. If you need to discuss business save it for the visiting room.

MUSICAL INSTRUMENTS

Most institutions offer musical instruments for inmates to play at all levels of security.

Instruments are available in the recreation department along with instruction manuals and song books. Instruments I have seen include the Banjo, Guitar, Flute, Violin, Bagpipe, etc.

Many institutions have contract instructors from the outside who come in and teach various instruments. Most institutions have all the instruments needed to form a band, such as: base guitar, piano, drums, etc. I have seen numerous bands perform on holidays for the inmate population. Music such as rock, country, blues, rap, and reggae. These events usually have a great turnout.

COLLEGE COURSES

Depending on the institution, there are several options for inmates to enroll in college level courses. Inmates at some minimum security camps are allowed to attend local colleges, or they may have college instructors from the college come in once or twice a week to instruct the classes. Inmates must have a high school diploma or GED to enroll in these courses. Most institutions pay the tuition, while the inmate is responsible for the cost of the textbook. Text books range in price from \$60.00 to \$120.00 per book. All courses consist of 3 credit hours from an accredited community college or university or state college that are transferable to another college if you decide to further your education upon release or use the credits toward a four year degree (Bachelors) by correspondence.

Inmates are also welcome to take college level courses by correspondence through a college of their choice. Many institutions offer "distance learning" courses to inmates. A list of these schools may be found in the Peterson's Guide to Distance Learning or the Bear's Guide in the leisure library. College credits range from \$55.00 to \$200.00 per credit hour (for undergraduate level courses) plus the textbook. If you cannot find a Peterson's Guide ask the supervisor of education to go online to get you the information you will need.

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There are several colleges that offer certificate programs, associate degrees, and bachelor degree programs through a payment plan. Ashworth College, 430 Technology Parkway, Norcross, Georgia 30092 offers a payment plan program and they are accredited through the Distance Education Training Council (DETC). Their programs cost from \$28.00 to \$40.00 per month including text books. They offer numerous associate degrees in many subjects and certificate courses. Education Direct also offers a payment plan and the payments are about the same as Ashworth College. Education Direct, 925 Oak Street, Scranton, Pennsylvania ,18515. They are accredited by the American Council on Education {ACE} and are transferable to any college or university. Ohio University also has a great distance learning program for inmates including four year degree programs.

Tuition payments can be made through an inmate's commissary account. You will need to fill out a Form-24 to have the funds debited from your account and a check will be sent to the college within 7 business days. You will then be required to fill out an "Inmate authorization to receive package form" with the education department to receive the course material. All CD-Roms will be removed from the textbooks and sent home to the inmates residence. CD-Roms are not allowed to be in an inmate's possession.

Tuition costs at some colleges are much cheaper if you enroll at a college in the state where you are domiciled (home state). 50% cheaper in some cases.

VOCATIONAL TRAINING AND APPRENTICESHIP PROGRAMS

There are numerous vocational training programs available for inmates at most all institutions throughout the Bureau of Prisons. These programs are designed for responsible inmates who have the desire to change their occupation. These programs are usually sponsored by the Bureau of Prisons or a local college or technical school. The majority of these programs are funded by the Bureau of Prisons.

Institutions that offer these programs can be found in the education directory of institutions on pages 99-301 of Appendix.

ADULT CONTINUING EDUCATION

Many institutions offer adult continuing education classes [ACE]. These classes range in subject areas from real estate, commercial driver's license (CDL), and Spanish classes. Most of these classes are inmate taught.

PRE-RELEASE TIMELINE

30 MONTHS PRIOR TO RELEASE

Begin completing release preparation programs (RPP) workshops if you are required to do so before your release.

18 MONTHS PRIOR TO RELEASE

Let your case manager know if you intend to be released to a district which is different from the district you were sentenced in. If you have a term of supervised release upon completion of your sentence, the U.S. probation office will need to accept jurisdiction. This process is called a "relocation." Your case manager will start this process within 18 to 12 months prior to your release date. (Your relocation is relocating you to another district, not to be confused with halfway house), You should have a viable release plan such as a secure residence and job prospects. The U.S. probation office can investigate by requesting to see the residence that you will be relocating to. Your case manager and/or unit team may also request this information during your unit team meeting.

13 TO 11 MONTHS PRIOR TO RELEASE

Your unit team will formally address community corrections center placement (halfway house or CCC placement) at your program review or unit team. They must give the community corrections office 60 days to complete the placement, with a 30 day extension if needed. This allows the community corrections office to place you in a halfway house within the recommended timeframe if a bed is not available, instead of denying a specific placement date.

12 MONTHS PRIOR TO RELEASE

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Make sure you have a social security card. Your case manager should have a new card for you in your central file. Double check it to allow time to receive one if need be. You must have a social security card before going to a halfway house.

Most institutions no longer do a memo to your family or friends if they are coming to pick you up, so whoever is going to pick you up must still be on your approved visiting list or listed in your pre-sentence investigation report.

1 MONTH PRIOR TO RELEASE

If you want to have clothes or other items sent in from the community to wear out of the institution on your release date, fill out a "package authorization form" with your counselor and mail the inmate copy (Usually yellow or gold color) to the person sending the clothes so they can enclose the inmate copy in the box . Once the clothes come in you will be called down to R and D to inventory the clothes. Make sure you try them on and that everything is there. If you have any identification sent in make sure it is in your release paperwork.

Be prepared to respond to the case manager's inquiries regarding release paperwork. The faster you respond, the sooner the paperwork will be completed.

THE DAY PRIOR TO RELEASE (MERRY-GO-ROUND)

Be prepared to receive your merry go round papers (Release Authorization Form) from receiving and discharge (R and D) or the unit secretary, or ISM. You should be on the call out the night before to report to one of these places to receive your release paperwork. If you are not on the call out, immediately go to R&D, ISM, or the unit secretary and inquire about your merry go round papers. Once the education department, laundry has signed off on your merry go round papers you must then turn them into R and D at the scheduled time that you are to be there. If your release date falls on a holiday or a Monday, be prepared to go through this process the working day before. Your inmate trust account and ITS phone

account will be shut off a few days before your release date, so make all your phone calls ahead of time.

RELEASE DAY

Report to R and D at the time of the call out or when they call you over the intercom. Once you have been processed out and dressed in your street clothes you will be taken to the business office (administration) to receive your inmate trust account money and/or travel expense money. I suggest that you have a zero balance on your release day, then they are forced to give you money for travel expenses. You will also get a bus ticket, train; or airline ticket at the same time. You will then be taken to the bus or train station, or the airport by the town driver if you are not being picked up by a friend or family member.

HOME CONFINEMENT

Home confinement is where an offender is required to remain at home during the non-working hours of the day. Home confinement provides an offender the opportunity to assume increasing levels of responsibility while at the same time providing sufficient restrictions to promote community safety and convey the sanctioning value of the offender's sentence. See P.S. 7320.01 Home Confinement.

When an inmate is released he or she is generally transferred from an institution to a community corrections center (CCC) (halfway house). If an offender complies with CCC requirements, they may qualify for home confinement. Home confinement is designed for inmates who no longer need the structure of CCC placement. Inmates are allowed to participate in home confinement only during the last 10 percent of their sentence or 6 months, whichever is less, unless the offender was sentenced by the court to a period of home confinement. U.S.C. 3563 (b)(19) CCC placement (halfway house), See 18 U.S.C. 3624 (c).

The BOP'S uses two different methods of monitoring inmates on home confinement. One requires CCCs to track the inmate's daily activities and curfew compliance through daily telephone contacts, and periodic personal visits at their home and workplace. The inmate must also report to the CCC scheduled programs that are required.

The second technique involves electronic monitoring. Electronic monitoring is usually through the use of an ankle bracelet that signals a computer driven receiving/recording device that shows the inmate's location such as being home or not. Most electronic monitoring has a 75 foot radius

While on home confinement you will still be required to pay 25 percent of your weekly gross wages to the halfway house. (CCC).

If you are placed on tether (Electronic monitoring device strapped to your ankle), you will likely be charged a weekly monitoring fee of approximately \$75.00 in lieu of 25 percent of your gross wages. Monitoring fees vary among halfway houses. This monitoring device has a box that hooks up to your phone line inside your residence. You must have a separate phone line that does not have call waiting, or call forwarding. You will be able to go to work and attend appointments while assigned a curfew to be home by a certain time. If you are not home by your scheduled curfew, the monitoring box on your phone line will alert the halfway house via computer. They will then start calling you to find out why you are not home. You are usually able to stray about 25 yards from the box before setting off the monitor alert, which automatically calls the number of the halfway house to alert them.

If an inmate has a sentence less than (24) months they will most likely stay in a halfway house and not be placed on home confinement because of the length of their halfway house they are given on such a short notice. Unless the individual has medical problems (or is retired in some cases) and is allowed to go straight to home confinement in lieu of halfway house.

18 USC 3563 (b) (20) Inmates are allowed to participate in home confinement during the

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last 10% of their sentence or six months whichever is less 18 USC 3624 (c).

Your sentencing judge can recommend (in your J and C) that the Bureau of Prisons place you in a CCC (Halfway house) in lieu of prison. The requirements that you must meet for this quasi-incarceration are as follows:

- 1) The inmate must receive a sentence of 6 months or less
- 2) The inmate must not have been involved in a large scale drug or property offense
- 3) The inmate must not have any state detainers pending against him or her
- 4) The inmate must not have a history of serious violent behavior or firearm offense
- 5) The inmate must not have history of sex crimes

- 6) The inmate must not have pending charges against him or her
- 7) The inmate must not be an illegal alien (deportable)
- 8) The inmate must not have a history of threats toward a government official, and
- 9) The inmate must not have known memberships with disruptive groups or affiliations with organized crime organizations.

RED FLAGS IN THE PRE-SENTENCE REPORT

When reviewing a PSR, try to be alert to potential “red flags” that may not affect the guideline rating but can have a beneficial or adverse effect while your client is incarcerated, including R-DAP eligibility. This admonition applies to all facts which may give rise to a PSF, as well as the facts which will give rise to the security designation score. Seek corrections or clarifications whenever possible, particularly if the PSR mentions it because a co-defendant engaged in the behavior but the defendant was not involved. These include:

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suggestions of past sexual misconduct, gang affiliation, violence, use of a telephone for criminal purposes, threats or retaliation against witnesses, gun possession, drug or alcohol abuse (may help get you R-DAP placement). Relationships to persons who may want to visit should be clear. Address of residence should reflect, if at all possible, the place to which the defendant will want to return for supervised release after imprisonment. Prison litigation should be just as much part of representation as pre-trial motions and sentencing. The time is real, and the prisoner is vulnerable. Without the assistance of a trained advocate, the chances of successful litigation of prisoners’ rights drop precipitously.