

DEPARTMENT OF JUSTICE**Bureau of Prisons****28 CFR Part 524****[BOP-1006-I]****RIN 1120-AA11****Intensive Confinement Center Program****AGENCY:** Bureau of Prisons, Justice.**ACTION:** Interim rule.

SUMMARY: In this document, the Bureau of Prisons is adopting regulations on the operation of the Intensive Confinement Center Program. This is a specialized program for non-violent offenders combining features of a military boot camp with the traditional correctional values of the Bureau of Prisons. This placement is followed by extended participation in community-based programs and possible reduction in sentence. The goal of the intensive confinement center program is to promote in the inmate values of personal development, self control, and discipline, thereby helping to reduce the potential for future incarceration of the inmate.

DATES: Effective May 28, 1996; comments due by June 25, 1996.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514-6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is adopting interim regulations on the Intensive Confinement Center Program. The purpose of this program is to place non-violent offenders in a highly structured, no frills environment as a means of promoting personal development, self control, and discipline, thereby helping to reduce the potential for future incarceration of the inmate. Participation in the program is contingent upon length of sentence and upon the determination of Bureau staff that the inmate is serving his or her first period of incarceration or has a minor history of prior incarcerations, is not serving a term of imprisonment for a crime of violence, is properly classified as appropriate for housing in minimum security, and is physically and mentally capable of participating in the program. Participation in the program is voluntary.

Placement in the program is to be made by Bureau staff in accordance with sound correctional judgment and

the availability of Bureau resources. The determination of a non-violent offense is based upon the definition in 18 U.S.C. 924(c)(3).

The institution-based component of the program ordinarily is six months in duration, and consists of strict discipline and daily regimen of physical conditioning, labor-intensive work assignments, literacy program, vocational training, and drug and alcohol counseling. The program also offers the inmate assistance on stress management, life coping skills, positive personal attitude and self-esteem. In addition, there may be other activities available which are consistent with the total wellness program. Amenities such as access to television and radio are extremely limited (for example, television access may be limited to a specified period of national news broadcasts). Smoking is not permitted. The six day work week and the long work day leave little free time, and visiting and telephone access are very limited. Non-issue clothing and commissary privileges (except for monthly purchases by female inmates of sanitary hygiene items in addition to those provided by the Bureau) are not permitted.

An inmate who successfully completes the institution-based component of the program ordinarily is eligible to serve the remainder of the sentence in a community-based program (for example, in a community correction center or in home detention). An inmate who fails to complete this component or who subsequently fails participation in a community-based program may forfeit further involvement in the program. An eligible inmate with a sentence of not more than thirty months who successfully completes the institution-based component, who maintains successful participation in a community-based program, and who has supervised release to follow is eligible for up to a six month reduction in sentence. The length of the reduction is proportional to the amount of time remaining to be served. Authority for a reduction in sentence for such inmates is contained in 18 U.S.C. 4046. The Bureau has piloted operation of this program for the purpose of placing graduates in community-based programs for both male and female inmates. Under the interim rule, consideration for reduction in sentence may be given to an inmate who successfully completes an intensive confinement center pilot program if staff confirm that the inmate meets appropriate eligibility criteria.

The Bureau is publishing this regulation as an interim rule in order to

provide for public comment while maintaining continuity between pilot program operation and full implementation of 18 U.S.C. 4046. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered before the rule is finalized.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12886. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant economic impact on a substantial number of small entities, as defined by the Act.

List of Subjects in 28 CFR Part 524**Prisoners.**

Kathleen M. Hawk,
Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), part 524 in subchapter B of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER**PART 524—CLASSIFICATION OF INMATES**

1. The authority citation for 28 CFR part 524 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3521-3528, 3621, 3622, 3624, 4001, 4042, 4046, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 21 U.S.C. 848; 28 U.S.C. 509, 510; Title V, Pub. L. 91-452, 84 Stat. 933 (18 U.S.C. Chapter 223); 28 CFR 0.95-0.99.

2. Subpart D, consisting of § 524.30 through 524.33, is added to read as follows:

Subpart D—Intensive Confinement Center Program

Sec. 524.30 Purpose and scope.
Sec. 524.31 Eligibility and placement.
Sec. 524.32 Institution-based component procedures.
Sec. 524.33 Program failure.

Subpart D—Intensive Confinement Center Program**§ 524.30 Purpose and scope.**

The intensive confinement center program is a specialized program combining features of a military boot camp with the traditional correctional values of the Bureau of Prisons,

followed by extended participation in community-based programs. The goal of this program is to promote personal development, self-control, and discipline.

§ 524.31 Eligibility and placement.

(a) Eligibility for consideration of placement in the intensive confinement center program requires that the inmate is:

(1)(i) Serving a sentence of more than 12, but not more than 30 months (see 18 U.S.C. 4046), or

(ii) Serving a sentence of more than 30, but not more than 60 months, and is within 24 months of a projected release date.

(2) Serving his or her first period of incarceration or has a minor history of prior incarcerations;

(3) Is not serving a term of imprisonment for a crime of violence;

(4) Appropriate for housing in minimum security;

(5) Physically and mentally capable of participating in the program;

(6) A volunteer.

(b) Placement in the intensive confinement center program is to be made by Bureau staff in accordance

with sound correctional judgment and the availability of Bureau resources.

§ 524.32 Institution-based component procedures.

(a) An eligible inmate who volunteers for participation in an institution-based intensive confinement center program must agree to forego opportunities which may be otherwise available to inmates in Bureau institutions. Opportunities that may be affected include, but are not limited to, visitation, telephone use, legal research time, religious practices, commissary, smoking, and grooming preferences.

(b) The institution-based component of the intensive confinement center program ordinarily is six months in duration.

(c) Disciplinary procedures to be followed in the institution-based intensive confinement center program are set forth in subpart B of part 541 of this chapter.

(d)(1) An inmate who successfully completes the institution-based component of the program ordinarily is eligible to serve the remainder of the sentence in a community-based program.

(2) An inmate eligible for participation in the program under § 524.31(a)(1)(i) who successfully completes the institution-based component, who maintains successful participation in a community-based program, and has a period of supervised release to follow is eligible for up to a six month reduction in sentence.

(3) An inmate who completes or has completed the institution-based component of an intensive confinement center pilot program, who maintains successful participation in a community-based program, and has a period of supervised release to follow is eligible for up to a six month reduction in sentence if staff confirm that the inmate has met the requirements of § 524.31(a)(1)(i), (2), (3) and (4).

§ 524.33 Program failure.

An inmate who fails to complete the institution-based component or who subsequently fails participation in a community-based program may forfeit his or her further involvement in the program.

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