

**DEPARTMENT OF JUSTICE****Bureau of Prisons****28 CFR Part 552****[BOP-1061-F]****RIN 1120-AA55****Hostage Situation Management****AGENCY:** Bureau of Prisons, Justice.**ACTION:** Final rule.

**SUMMARY:** In this document, the Bureau of Prisons is revising its regulations on hostage situations to remove unnecessary or redundant procedural details. The intent of this amendment is the continued secure and efficient operation of the Bureau and its institutions.

**EFFECTIVE DATE:** July 22, 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 amending its regulations on hostage situations (28 CFR part 552, subpart D). A final rule on this subject was published in the Federal Register on October 25, 1990 (55 FR 39852).

The Bureau's regulations on hostage situations previously contained details relating to command structure (former § 552.31) and hostage family services (former § 552.34). For the reasons discussed below, the Bureau believes it unnecessary to retain these provisions in its regulations.

A hostage situation understandably may be considered an institutional emergency which poses a threat to human life or safety. Provisions in the regulations on the Bureau's purpose and scope in such situations (§ 552.30), on negotiations (former § 552.32), and on regard for orders by captive staff (former § 552.33) may well serve to deter the taking of hostages, in so far as those who might so intend have notice of the Bureau's resolve. These provisions have therefore been recodified as §§ 552.30 through 552.32. The provisions in former §§ 552.31 and 552.34 on command structure and on hostage family services do not serve this same purpose and are therefore deemed inappropriate for retention in the regulations. These provisions are more appropriately maintained in internal directives which may more efficiently respond to the specifics of a particular

hostage situation. The cross reference provisions in former § 552.35 on the media are recodified as § 552.33.

Because these amendments are administrative in nature and do not impose additional restrictions on inmates, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the Federal Register.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly this rule was not reviewed by the Office of Management and Budget. 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 (5 U.S.C. 601 et seq.), does not have a significant economic impact on a substantial number of small entities, within the meaning of the Act. Because this rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, its economic impact is limited to the Bureau's appropriated funds.

**List of Subjects in 28 CFR Part 552**

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 552 in subchapter C of 28 CFR, chapter V is amended as set forth below.

**SUBCHAPTER C—INSTITUTIONAL MANAGEMENT****PART 552—CUSTODY**

1. The authority citation for 28 CFR part 552 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 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; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

2. Subpart D of part 552 is revised to read as follows:

**Subpart D—Hostage Situation Management**

Sec.  
552.30 Purpose and scope.  
552.31 Negotiations.

552.32 Hostages

552.33 Media.

**Subpart D—Hostage Situation Management****§ 552.30 Purpose and scope.**

The Bureau of Prisons primary objectives in all hostage situations are to safely free the hostage(s) and to regain control of the institution.

**§ 552.31 Negotiations.**

The Warden is not ordinarily involved directly in the negotiation process. Instead, this responsibility is ordinarily assigned to a team of individuals specifically trained in hostage negotiation techniques.

(a) Negotiators have no decision-making authority in hostage situations, but rather serve as intermediaries between hostage takers and command center staff.

(b) During the negotiation process, the following items are non-negotiable: release of captors from custody, providing of weapons, exchange of hostages, and immunity from prosecution.

**§ 552.32 Hostages.**

Captive staff have no authority and their directives shall be disregarded.

**§ 552.33 Media.**

The Warden shall assign staff to handle all news releases and news media inquiries in accordance with the rule on Contact with News Media (see 28 CFR 540.65).

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**28 CFR Part 571****[BOP-1055-F]****RIN 1120-AA51****Release Preparation Program****AGENCY:** Bureau of Prisons, Justice.**ACTION:** Final rule.

**SUMMARY:** In this document, the Bureau of Prisons is revising its regulations on inmate release preparation to allow for exceptions at an administrative maximum security institution. This amendment is intended to provide for the continued secure, orderly, and efficient operation of the Bureau and its institutions.

**EFFECTIVE DATE:** July 22, 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 amending its regulations on the release preparation program (28 CFR part 571, subpart B). A final rule on this subject was published in the Federal Register July 11, 1994 (59 FR 35456).

Current regulations in § 571.10 affirm the establishment of a standardized release preparation program for all sentenced inmates reintegrating into the community from Bureau facilities. Inmates who have demonstrated an inability to function in a less restrictive environment without being a threat to others, or to the secure and orderly operation of the institution may be placed in an administrative maximum security facility. At present, the Bureau operates one administrative maximum security facility at Florence, Colorado (ADX Florence). Upon completion of the special programming at ADX Florence, an inmate ordinarily would be assigned to another Bureau institution before release.

Given the unique mission of ADX Florence and the problems posed by the behavior patterns of the inmates assigned to that institution, the Bureau deems it impracticable to require operation of the standardized release preparation program at that facility. Access to the full standardized release preparation program remains available at all other Bureau facilities and may serve as additional incentive for the inmate to complete special programming at the administrative maximum security institution. The Bureau is therefore amending § 571.10 to allow the Warden of an administrative maximum security

institution to make exceptions to the standardized release preparation program.

Because these changes are necessary for the secure, orderly, and efficient correctional management of the institution and because they do not impose further restrictions on inmates beyond those appropriate to the security level, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the Federal Register.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly this rule was not reviewed by the Office of Management and Budget. 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 impact on a substantial number of small entities. Because this rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, its economic impact is limited to the Bureau's appropriated funds.

#### List of Subjects in 28 CFR Part 571

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 571 in subchapter D of 28 CFR, chapter V is amended as set forth below.

#### **SUBCHAPTER D—COMMUNITY PROGRAMS AND RELEASE**

#### **PART 571—RELEASE FROM CUSTODY**

1. The authority citation for 28 CFR part 571 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3565, 3568-3569 (Repealed in part as to offenses committed on or after November 1, 1987), 3582, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161-4166 and 4201-4218 (Repealed as to offenses committed on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5031-5042; 28 U.S.C. 509, 510; U.S. Const., Art. II, Sec. 2; 28 CFR 0.95-0.99, 1.1-1.10.

2. Section 571.10 is revised to read as follows:

#### **§ 571.10 Purpose and scope.**

The Bureau of Prisons recognizes that an inmate's preparation for release begins at initial commitment and continues throughout incarceration and until final release to the community. This subpart establishes a standardized release preparation program for all sentenced inmates reintegrating into the community from Bureau facilities. Exception to this subpart may be made by the Warden of a Bureau facility which has been designated as an administrative maximum security institution.

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