

FEDERAL BUREAU OF PRISONS POLICIES AND PROCEDURES

Continuing Legal Education
Northern District of New York
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BOP OVERVIEW

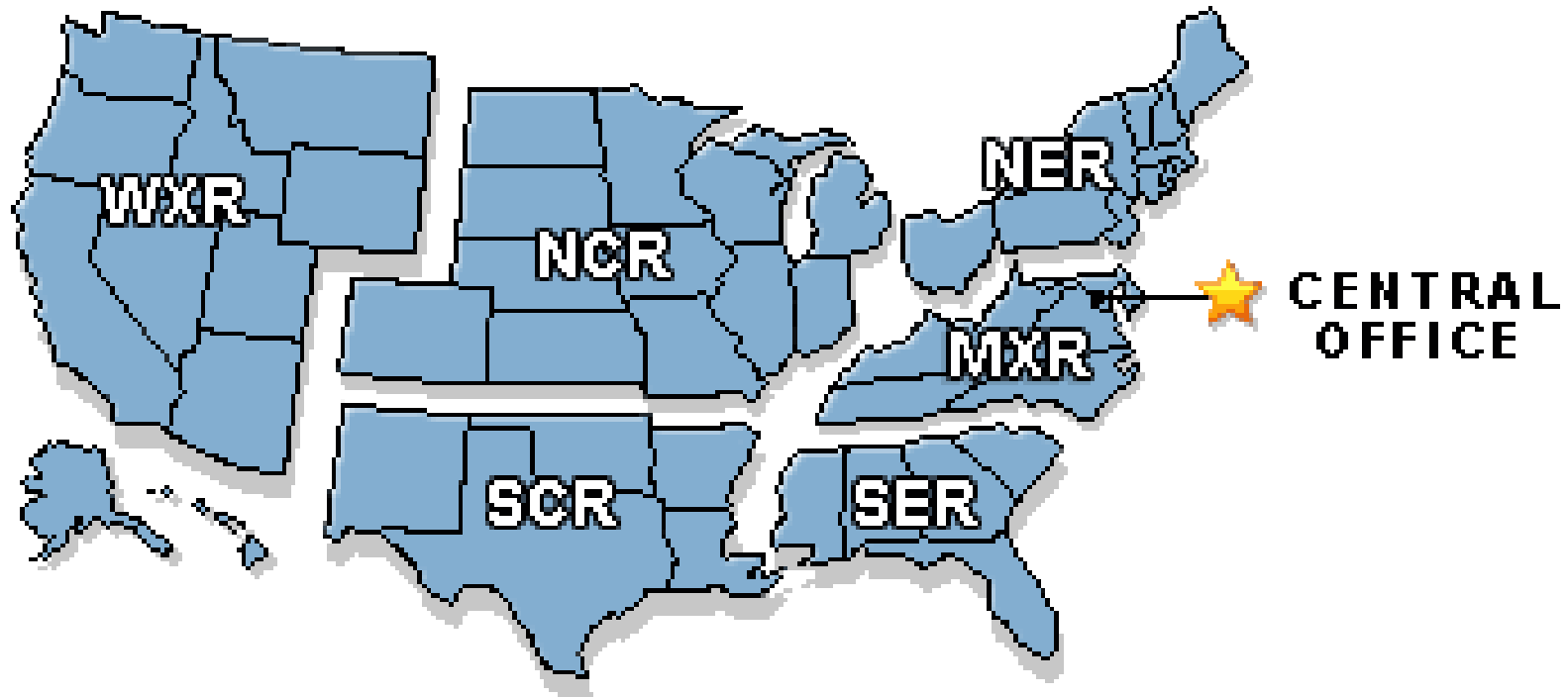
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BOP Overview

- ▶ 2021 – **122** Institutions
- ▶ Total BOP Staff: **37,523**
- ▶ 12 Private Contract Correctional Institutions
- ▶ *17 Designated for Female Offenders*

FPC Alderson, FCI Aliceville, FPC Bryan, FMC Carswell, FPC Coleman, FPC/FSL Danbury, FCI Dublin, SPC Greenville, SFF Hazelton, SPC Lexington, SPC Marianna, FPC Pekin, FPC Phoenix, FCI Tallahassee, SCP Tucson, SPC Victorville, FCI Waseca

BOP National Map



BOP Northeast Region

- ▶ FCC Allenwood, Pennsylvania
- ▶ FCI Berlin, New Hampshire
- ▶ MDC Brooklyn, New York
- ▶ USP Canaan, Pennsylvania
- ▶ RRM Cincinnati, Ohio
- ▶ FCI Danbury, Connecticut
- ▶ FMC Devens, Massachusetts
- ▶ FCI Elkton, Ohio
- ▶ FCI Fairton, New Jersey
- ▶ FCI Fort Dix, New Jersey
- ▶ USP Lewisburg, Pennsylvania
- ▶ FCI Loretto, Pennsylvania
- ▶ FCI McKean, Pennsylvania
- ▶ Moshannon Valley CI, Pennsylvania
- ▶ MCC New York, New York
- ▶ RRM New York, New York
- ▶ Northeast Regional Office, Pennsylvania
- ▶ FCI Otisville, Ohio
- ▶ FDC Philadelphia, Pennsylvania
- ▶ RRM Philadelphia, Pennsylvania
- ▶ RRM Pittsburgh, Pennsylvania
- ▶ FCI Ray Brook, New York
- ▶ FCI Schuylkill, Pennsylvania

BOP Inmate Population = 151,819

(as of March 4, 2021)

- ▶ Approximately 83% in BOP facilities, 9% in privately-managed/contract facilities, 8% in other facilities
- ▶ 93% male and 7% female
- ▶ 46% of inmates were convicted of drug offenses
- ▶ Average number of days in RRC is 139
- ▶ Inmates according to security levels:
 - ▶ Minimum – 15.6%
 - ▶ Low – 36.3%
 - ▶ Medium – 31.8%
 - ▶ High – 12.6%
 - ▶ Unclassified – 3.7%

Types of Facilities

- ▶ **Minimum** – Federal/Satellite Prison Camps
- ▶ **Low** - Low security Federal Correctional Institutions (FCI)
- ▶ **Medium** - Medium security FCIs
- ▶ **High** - United States Penitentiaries

Types of Facilities

- ▶ **Administrative Maximum** - ADX Florence
- ▶ **Administrative** –
 - ▶ Administrative United States Penitentiary Thomson
 - ▶ Metropolitan Detention Centers
 - ▶ Metropolitan Correctional Centers
 - ▶ Federal Transfer Centers
 - ▶ Medical Referral Centers
 - FMC Butner, North Carolina; **FMC Carswell, Texas**; FMC Devens, Massachusetts;
 - FMC Fort Worth, Texas; FMC Lexington, Kentucky; FMC Rochester, Minnesota;
 - MCFP Springfield, Missouri

DESIGNATION PROCESS

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the right side of the frame, creating a dynamic, layered effect. The text 'DESIGNATION PROCESS' is centered horizontally and rendered in a clean, green, sans-serif font.

Designation Authority: 18 U.S.C. § 3621(b)

“The Bureau of Prisons shall designate the place of the prisoner’s imprisonment”

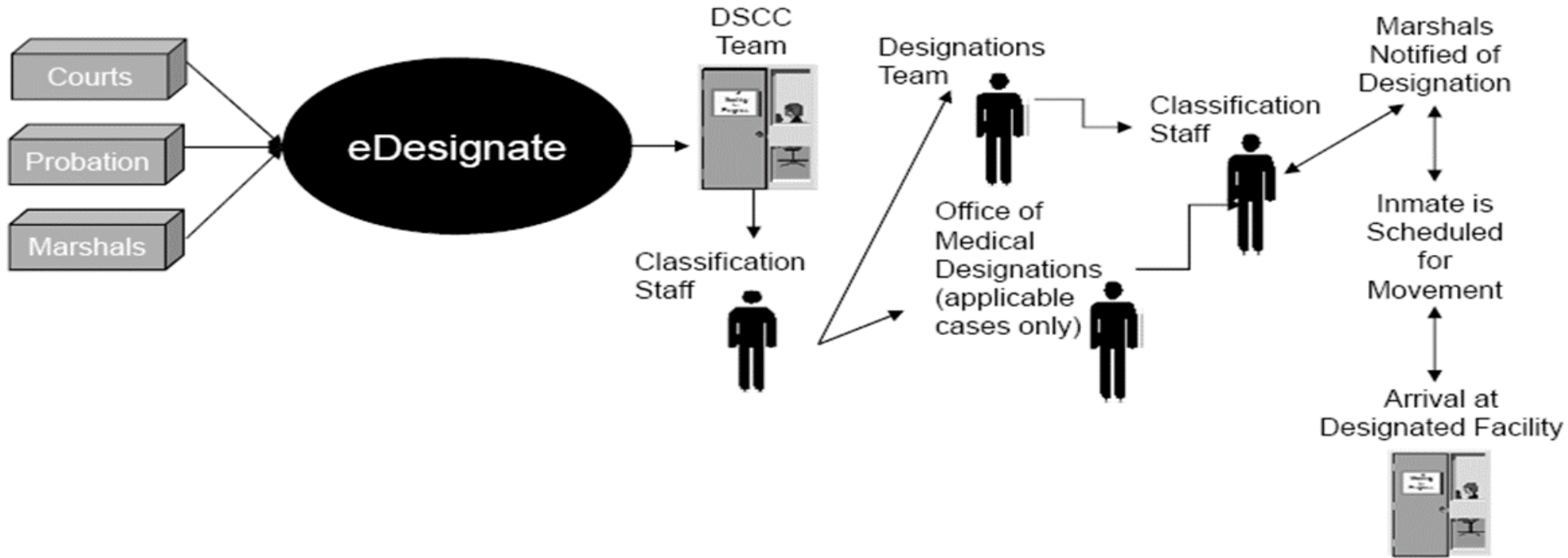
The BOP must consider:

- ▶ The contemplated facility’s resources;
- ▶ The nature and circumstances of the inmate’s offense;
- ▶ The inmate’s history and characteristics;
- ▶ Any statement by the federal sentencing court, including a recommendation for a type of correctional facility; and
- ▶ Any pertinent policy statement issued by the Sentencing Commission

BOP Designation Process

- ▶ Program Statement 5100.08, *Inmate Security Designation and Custody Classification*, available at www.bop.gov
- ▶ Designation documents include:
 - ▶ Pre-Sentence Report (PSR)
 - ▶ Statement of Reasons (SOR)
 - ▶ Judgment in a Criminal Case (J&C)
 - ▶ US Marshals 129 (Custody Report)
- ▶ E-Designate System used by all Federal Courts
- ▶ USPO loads J&C, SOR and PSR into eDesignate and sends to USMS
- ▶ USMS sends request to DSCC Team based on sentencing district, such as “Delta Team”
- ▶ Team uses medical/mental health calculator
- ▶ Team loads designation data and refers to Hotel Team or OMDT
- ▶ Designation is made, Team notifies USMS

Process from Sentencing to Designation



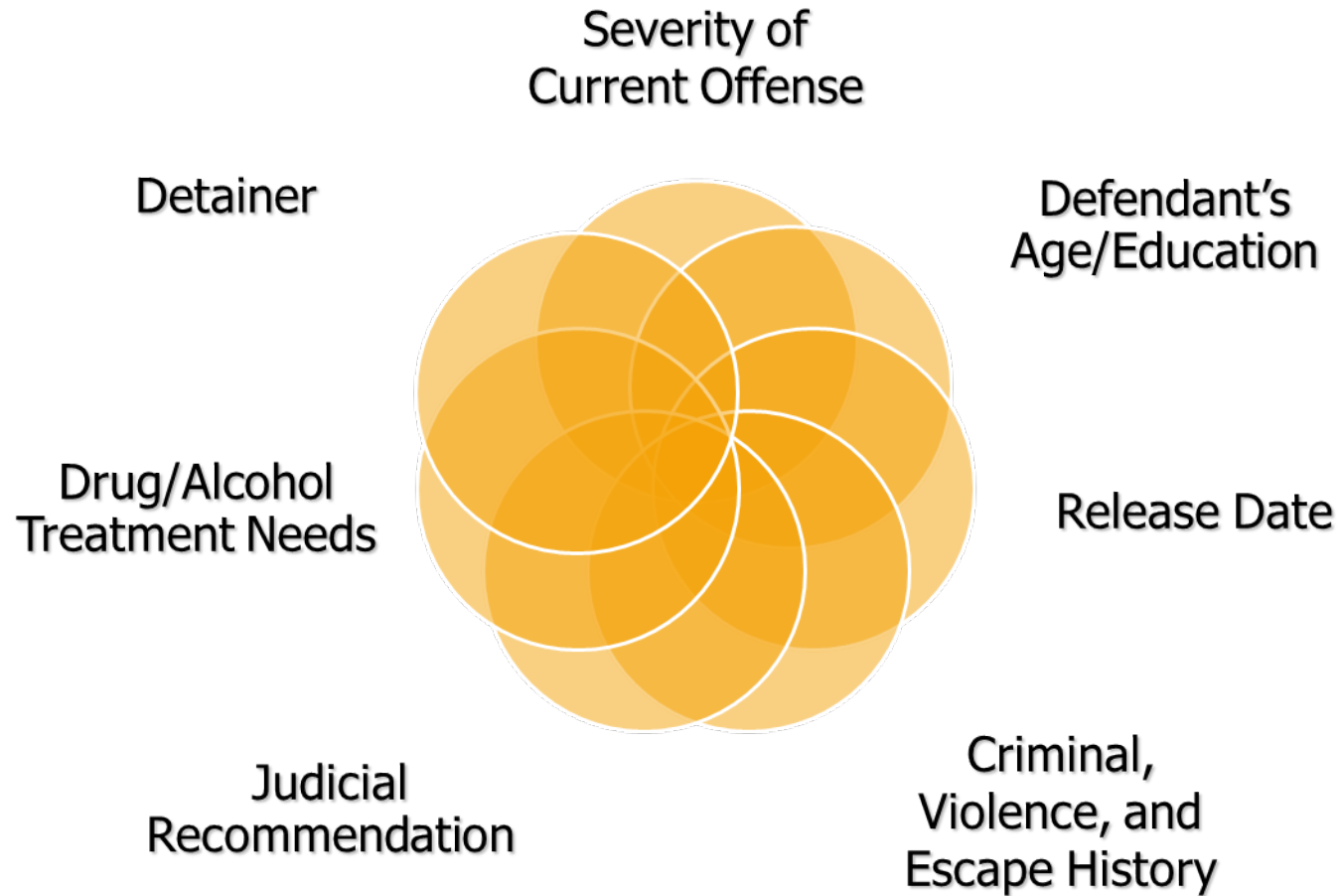
Inmate Classification

- ▶ Before designating an inmate, the BOP determines security levels based on a scoring system; the higher the score, the higher the security level
- ▶ Staff consider conduct as well as convictions listed in the PSR to arrive at an accurate security level
- ▶ Classification score may increase or decrease over time
- ▶ Public Safety Factors or Management Variables can result in an inmate's designation to a facility with greater or lesser security levels than his or her classification score

Judicial Recommendations

- ▶ The BOP is committed to following judicial recommendations when consistent with BOP policy and correctional judgment
- ▶ Most common recommendations concern place of confinement and programming
- ▶ Prefer recommendations in J&Cs based on reason (i.e. close to release residence, lowest security level facility) rather than recommending specific institution
- ▶ Most common recommendations concern place of confinement and programming.
- ▶ Recommendations noting specific characteristics of an institution are preferred, e.g., within 200 miles of Baltimore, Maryland; a particular VT program; RDAP participation, etc.
- ▶ Community confinement (halfway houses/home detention) as a term of imprisonment is treated as a recommendation per BOP Program Statement 5100.08

Primary Classification Factors



Other Factors Considered

- ▶ Level of care (medical and mental health)
- ▶ Public safety factors
- ▶ Programming needs
- ▶ Release residence
- ▶ Bed space availability
- ▶ Parole eligibility
- ▶ Alien status
- ▶ Background of aggressive sexual behavior
- ▶ Central Inmate Monitoring
- ▶ Gang affiliation/ties to terrorist groups/activities

Designation Process

- ▶ Upon designation, DSCC staff notifies USMS and designated facility via eDesignate of designation, and packet is automatically forwarded to designated facility via eDesignate
- ▶ Self-surrendering inmates are notified by the Probation Office, who receives via eDesignate the location for the inmate to report

Designation Considerations - Place of Confinement

- ▶ Custody Classification level (PS 5100.08)
- ▶ Care level (medical/mental health)
- ▶ Release residence
- ▶ Programming needs
- ▶ Population levels
- ▶ Judicial recommendations
- ▶ CIM issues
- ▶ PSF/MGTV issues

Medical Care Levels

Every inmate's medical and mental health care needs are screened through a medical designation calculator and assigned a level of 1 – 4. Inmates who receive a medical or mental health care level of 3 or 4 are referred to the BOP's Office of Medical Designations and Transportation (OMDT).

- ▶ Care Level 1 – Healthy/simple chronic care
- ▶ Care Level 2 – Stable, chronic care
- ▶ Care Level 3 – Unstable, complex chronic care
- ▶ Care Level 4 – Medical Referral Center (MRC) care required

Medical Centers (Care Level 4)

- ▶ FMC Butner, North Carolina
- ▶ **FMC Carswell, Texas**
- ▶ FMC Devens, Massachusetts
- ▶ FMC Forth Worth, Texas
- ▶ FMC Lexington, Kentucky
- ▶ FMC Rochester, Minnesota
- ▶ MCFP Springfield, Missouri

Private Correctional Facilities

Generally, inmates designated to one of the BOP's 12 contracted private correctional facilities are:

- ▶ male
- ▶ low security
- ▶ non-U.S. citizens
- ▶ 90 months or less remaining on sentence
- ▶ medical care level 1 or 2
- ▶ non-sexually dangerous offenders

Defense Counsel Role in Designation Process

- ▶ Ensure Presentence Investigation Report is accurate
- ▶ Judicial Recommendations
- ▶ RDAP
- ▶ Become familiar with PS 5100.08, Inmate Security Designations and Custody Classification
- ▶ Contact DSCC (District of Maine is Delta Team)

Email: GRA-DSC/PolicyCorrespondence@bop.gov

Phone: 972-352-4400

Fax: 972-352-4395

Defense Counsel Role in Designation Process

- ▶ Provide medical/psychological information
- ▶ Recognize effect of voluntary surrender
- ▶ Try to resolve pending charges
- ▶ Understand greatest severity offenses
- ▶ Removable alien v. naturalized citizen
- ▶ Foreign official detention

Sex Offender Treatment

Number of sex offenders in BOP - 15,802

Sex Offender Treatment

- ▶ Sex offender treatment is provided as a program component of the Sex Offender Management Program (SOMP), which is comprised of:
 - ▶ Treatment programming
 - ▶ Risk assessments
 - ▶ Specialized correctional management services for inmates with inappropriate personal property or contact with the public
- ▶ SOMP is a mandatory program assignment for inmates with a current or prior sex offense conviction or who require specialized correctional supervision
- ▶ To encourage voluntary participation in treatment and to minimize protective custody lockups, at least **40%** of general population inmates at SOMP institutions have a history of sexual offense

Sex Offender Treatment Programs

▶ Residential SOTP:

- ▶ High intensity program designed for high risk sexual offenders (ordinarily, inmates with multiple sex offenses, or a history of contact sexual offenses)
- ▶ Unit-based program with a cognitive behavioral emphasis. The co-housing of SOTP-R participants permits the implementation of a modified therapeutic community.
- ▶ Offered at FMC Devens (all security levels) and USP Marion (medium security level)
- ▶ Inmates need a minimum of 27-36 months remaining on their sentence to qualify for this program. The program is designed to be 12 to 18 months in duration.

Sex Offender Treatment Programs

- ▶ Non-residential SOTP:
 - ▶ Moderate intensity program designed for low to moderate risk sexual offenders. Most of the inmates in the SOTP-NR are first-time offenders serving a sentence for an Internet sex crime.
 - ▶ Shares the SOTP-R's treatment philosophy and program materials, but lacks the frequency of treatment groups and the program duration of the SOTP-R
 - ▶ Participants reside in the general population, there is no modified therapeutic community
 - ▶ SOTP-NR is offered at: **FMC Carswell**, FCI Elkton, FCI Englewood, FCI Marianna, USP Marion, FCI Petersburg, FCI Seagoville, and USP Tucson
 - ▶ The typical duration of the SOTP-NR is 9-12 months

First Step Act

<https://www.bop.gov/inmates/fsa/>

The FIRST STEP Act of 2018

- ▶ Enacted December 21, 2018
- ▶ Designed to:
 - ▶ Increase reentry opportunities
 - ▶ Reduce recidivism
 - ▶ Provide or expand incentives for inmate participation in programming and good conduct
 - ▶ Reduce incarceration rates for certain offenses
 - ▶ Increase safety of staff and well-being of inmates

Risk and Needs Assessment System

- ▶ Directs the Attorney General to establish a risk/needs assessment system to assess and classify recidivism risk of inmates
 - ▶ The system will be used to help:
 - ▶ Assess risks of violence and recidivism for individual inmates
 - ▶ Determine type, amount, and intensity of programming for individual inmates
 - ▶ Determine when incentives for program completion should be awarded
 - ▶ Determine when an inmate is ready for RRC placement or home confinement

Risk and Needs Assessment System

- ▶ On July 19, 2019, the Attorney General released the new RNAS tool, named the “Prisoner Assessment Tool Targeting Estimated Risk and Needs,” or “PATTERN”
 - ▶ Report and details of PATTERN are available at <https://www.nij.gov/documents/the-first-step-act-of-2018-risk-and-needs-assessment-system.pdf>
- ▶ After assessment, evidence-based recidivism reduction programming or productive activities will be assigned to inmates
 - ▶ Generally, programming is dedicated to high and medium recidivism risk inmates, and productive activities geared towards low and minimum risk
- ▶ Inmates will get incentives for successful participation or completion of programs and activities – possibly including “time credits”

FSA - Good Conduct Time

- ▶ Section 102(b) of the FSA amends 18 USC § 3624(b) to assure that up to 54 days of good conduct time (GCT) is available for each year of incarceration imposed by the court, as opposed to 54 days per year of actual time served, as the BOP calculated
- ▶ BOP's method resulted in a cap of 47 days per year of credit, which was upheld in *Barber v. Thomas*, 560 U.S. 474 (2010)
- ▶ As of July 19, 2019, the BOP started recalculating inmate sentences to apply 54 days of GCT (projected releases through 2020 completed)

FSA – Home Confinement Pilot Program

- ▶ Section 603(a) reauthorizes the pilot program described in 34 U.S.C. § 60541(g), and expands the group of elderly and terminally ill inmates who are eligible for consideration for home detention as opposed to incarceration

FSA – Home Confinement Pilot Program

Eligible Elderly Offender

- ▶ not less than 60 years of age;
- ▶ serving a term of imprisonment that is not life imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16 of Title 18), sex offense (as defined in section 20911(5) of this title), offense described in section 2332b(g)(5)(B) of Title 18, or offense under chapter 37 of Title 18;
- ▶ has served $\frac{2}{3}$ of the term of imprisonment to which the offender was sentenced;
- ▶ no prior conviction of any Federal or State crime of violence, sex offense, or other offense as described above.
- ▶ no history of violence, or of engaging in conduct constituting a sex offense or other offense as described above;
- ▶ no escape, or attempt to escape, from BOP institution;
- ▶ with respect to whom the BOP has determined that release to home detention under this section will result in a substantial net reduction of costs to the Federal Government; and
- ▶ determined by the BOP to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released to home detention

FSA – Home Confinement Pilot Program

Eligible Terminally Ill Offender

- ▶ serving a term of imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16(a) of Title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act (34 U.S.C. § 20911(5))), offense described in section 2332b(g)(5)(B) of Title 18, United States Code, or offense under chapter 37 of Title 18, United States Code;
- ▶ no prior conviction of any Federal or State crime of violence, sex offense, or other offense as described above; no history of violence, or of engaging in conduct constituting a sex offense or other offense as described above; no escape, or attempt to escape, from BOP institution; with respect to whom the BOP has determined that release to home detention under this section will result in a substantial net reduction of costs to the Federal Government; determined by the BOP to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released to home detention; and
- ▶ determined by a BOP-approved medical doctor, i.e. Clinical Director of the local institution, to be:
 - in need of care at a nursing home, intermediate care facility, or assisted living facility, as those terms are defined in section 232 of the National Housing Act (12 U.S.C. § 1715w); or
 - diagnosed with a terminal illness.

Inmate Programming Opportunities



Inmate Programs

- ▶ BOP's Educational Programs, ranging from basic literacy to high school level classes to post-secondary occupational courses, are effective in reducing recidivism
- ▶ Inmates who participate in correctional education programs have a 30% chance of recidivating, compared with 42% for those who do not
- ▶ Inmates, who enroll in any program, whether vocational or academic, increase their chance of obtaining employment by 13%
- ▶ For those offenders who participate specifically in vocational training program, the odds of getting a job will increase by 28%

Programs Cont.

- ▶ All institutions offer literacy classes (GED), English as a Second Language, parenting classes, recreation activities, wellness education, adult continuing education, and library services
- ▶ Occupational and vocational training programs are provided at institutions based on the needs of the inmates, general labor market conditions, and institution labor force needs

Programs Cont.

UNICOR

- ▶ Federal Prison Industries (FPI), or UNICOR, provided job skills, training and work experience to over 20,000 inmates in 59 factories around the country
- ▶ Inmates employed by FPI were 24% less likely to recidivate than inmates without the benefit of FPI experience
- ▶ Inmates employed by FPI were 14 % more likely to be gainfully employed

Mental Health Services

▶ Challenge

- ▶ Penitentiary program with the mission of providing treatment for inmates with drug abuse and/or mental disorders. Consists of a core program and two specialized treatment tracks for drug abuse and mental illness. Program is a minimum of 9 months.
- ▶ Challenge is available at almost all high security institutions

▶ Resolve

- ▶ Non-residential trauma treatment program that consists of two primary components: psycho-education workshop and nonresidential program for trauma-related disorders. Available at almost all female institutions, and at FCI Danbury and the ADX for male inmates.

Mental Health Services Cont..

- ▶ BRAVE (Bureau Rehabilitation and Values Enhancement)
 - ▶ Intensive, cognitive-behavioral, residential rehabilitation program for medium security inmates. Inmates must be 32 years or younger, first time federal offender, and have a sentence of 60 months or more. Program is 6 months and available at FCI Beckley and FCI Victorville.
- ▶ Step Down
 - ▶ Intermediate care for inmates with serious mental illness who do not require inpatient treatment but lack skills to function in the general inmate population. Available at FMC Ft. Worth, USP Atlanta, FCI Butner and USP Allenwood.
- ▶ STAGES (Steps Toward Awareness, Growth, and Emotional Strength)
 - ▶ Treatment for inmates with personality disorders. Available at FCI Terre Haute and USP Florence.
- ▶ Skills
 - ▶ Treatment for cognitively impaired offenders available at FCC Coleman Medium and FCI Danbury.

Drug Abuse Treatment Programs

http://www.bop.gov/inmates/custody_and_care/substance_abuse_treatment.jsp

Drug Abuse Treatment

- ▶ The BOP offers several drug abuse treatment programs:
 - ▶ Drug Abuse Education Course (offered at every facility)
 - ▶ the Non-Residential Drug Abuse Treatment Program
 - ▶ the Residential Drug Abuse Treatment Program (RDAP)
 - ▶ The Challenge Program - a unit-based, residential program developed specifically for high-security inmates with a history of drug abuse and mental illness

Residential Drug Abuse Program (RDAP) - Eligibility to Participate

- ▶ Drug program administered by BOP which can result in an early release - up to one year per 18 USC § 3621(e)(2)(B)
- ▶ Eligibility to participate:
 - ▶ Sufficient time remaining on sentence (ordinarily 27 months)
 - ▶ Documentation verifying abuse of drugs and/or alcohol within 12 months prior to arrest for current offense
 - ▶ Verification to establish a diagnosis of substance use disorder, as defined by the American Psychiatric Association's Diagnostic and Statistical Manual
 - ▶ Inmate is able to complete all phases of the program, including community transition treatment
 - ▶ Inmates with disqualifying convictions but documented substance abuse disorders may still participate in the program, but will not receive an early release benefit

RDAP

- ▶ Eligible inmates who successfully complete the program may be granted up to 12 months early release. Sentence length sliding scale:
 - ▶ < 30 months - up to 6 months reduced
 - ▶ 31-36 months - up to 9 months reduced
 - ▶ > 37 months - up to 12 months reduced
- ▶ 86 RDAPs are available in 74 institutions.
 - ▶ Spanish-language RDAPs are now available.
- ▶ Generally, an inmate must be sentenced to a term of 27 months to complete all phases of the program.

RDAP

- ▶ Admission based on proximity to release date.
- ▶ Participants are housed together to create a treatment community.
- ▶ 500-hour program (about a 9- to 12-month period).
- ▶ Components include a transitional drug program, when the inmate is returned to general population, and participation in community-based drug treatment, when the inmate is housed in a Residential Reentry Center (halfway house) for approximately six months.

Inmates Not Eligible for RDAP Early Release

- ▶ Immigration and Customs Enforcement detainees
- ▶ Pretrial inmates
- ▶ Contractual boarders (e.g., state or military inmates)
- ▶ Inmates with a detainer or who are otherwise not eligible for RRC placement
- ▶ Inmates who previously received early release under § 3621(e)
- ▶ Inmates with current convictions for offenses listed in PS 5162.05, Categorization of Offenses

Inmates Not Eligible for RDAP Early Release

- ▶ Inmates who have a prior felony or misdemeanor conviction within 10 years before date of sentencing for their current commitment, for:
 - ▶ Homicide (including deaths caused by recklessness, but not including deaths caused by negligence or justifiable homicide);
 - ▶ Forcible rape;
 - ▶ Robbery;
 - ▶ Aggravated assault;
 - ▶ Arson;
 - ▶ Kidnaping; or
 - ▶ An offense that by its nature or conduct involves sexual abuse offenses committed upon minors

SENTENCING



Basic Axioms of Sentence Computation

- ▶ Sentences cannot commence until imposed - the earliest date a sentence can commence is date of imposition
- ▶ No prior custody credit for any time spent on bail-type release
- ▶ Credit is awarded for any part of a day in official criminal detention
- ▶ No prior custody credit is awarded when it is credited towards another sentence (there are exceptions (*Kayfez/Willis*))
- ▶ With multiple sentences, aggregate first, if possible, and then apply prior custody credit

What the Sentencing Court Can Order

- ▶ Length of sentence;
- ▶ How sentence runs in relation to other sentences;
- ▶ Compassionate Release/Reduction in Sentence (RIS) (only after BOP Director's motion through USAO) (see 18 USC § 3582 (c)); and
- ▶ Intermittent Confinement (not as term of incarceration, but only as probation/special condition of SR) (see 18 USC § 3563 (b))

What a Sentencing Court Cannot Order

- ▶ Place of incarceration (18 USC § 3621);
- ▶ Earlier commencement of federal sentence (18 USC § 3585(a));
- ▶ Credit towards sentence for presentence custody (18 USC § 3585(b));
- ▶ Referral into RRC or home detention (18 USC §§ 3621(b), 3622, 3624(c));
- ▶ Temporary release on furlough (18 USC § 3622);
- ▶ Participation in a specific program (18 USC § 4042); and
- ▶ Participation in Residential Drug Abuse Program (18 USC § 3621(e))

BOP Sentencing Responsibilities

- ▶ Commencement of sentence
 - ▶ 18 USC § 3585(a)
- ▶ Determining prior custody credit
 - ▶ 18 USC § 3585(b)
- ▶ Projecting release date
 - ▶ 18 USC § 3624(a)
- ▶ Calculating good conduct time
 - ▶ 18 USC § 3624(b)

Commencement of the Sentence

18 USC § 3585(a) - A sentence commences when a defendant is received into custody at (or awaiting transport to) “facility at which sentence is to be served”

- ▶ “Logically, a federal sentence cannot begin to run any earlier than the date on which it was imposed.” *McCoy v. Stephens*, 2014 WL 4809946 at *3 (W.D. Tenn. Sept. 26, 2014)
- ▶ “After a defendant is sentenced, it falls to BOP, not the district judge, to determine when a sentence is deemed to ‘commence.’” *United States v. Pineyro*, 112 F.3d 43, 45 (2d Cir. 1997)
- ▶ “[T]he BOP has the authority to determine when a sentence commences.” *Doan v. LaManna*, 27 Fed.Appx. 297, 299 (6th Cir. 2001)

Prior Custody Credit

Prior Custody Credit - Calculated by the BOP

- ▶ 18 USC § 3585(b): Credit given for time in “official detention”
 - ▶ (b)(1) as a result of the current offense; or
 - ▶ (b)(2) any other offense for which defendant was arrested after commission of current offense which has not been credited towards another sentence

This includes official detention in non-federal custody

State and Federal Sentencing Issues

- ▶ Interaction of state sentences and federal sentences is very complicated and usually turns on the specific facts of each case. The BOP is available to provide its interpretation in complex cases.
 - ▶ First question is who has Primary Jurisdiction? Who arrested Defendant first and was there a relinquishment of jurisdiction?
 - ▶ Another point – a writ is a borrowing (usually no credit accrues)
- ▶ There is a detailed memo on Interaction of State and Federal Sentences, available at BOP Public Web Site
https://www.bop.gov/inmates/custody_and_care/legal_matters.jsp

Initial Designation Process

Who has Primary Custodial Jurisdiction?

- ▶ The BOP's Designation and Computation Center (DSCC) determines whether the federal government has properly acquired primary custodial jurisdiction
- ▶ If the state has not properly relinquished jurisdiction, the DSCC notifies the US Marshals Service so they do not accept the inmate into physical custody
- ▶ If the federal government has primary custody, the DSCC will determine the inmate's custody score and designate the inmate's correctional institution

Primary Custodial Jurisdiction

- ▶ Remains vested in the sovereign that first arrests a defendant until that sovereign relinquishes its priority
- ▶ Can be relinquished through operation of law (bail release, dismissal of charges, parole, sentence expiration) or mutual agreement
- ▶ **Primary custodial jurisdiction is not transferred when inmate is received into federal custody via writ ad prosequendum.**

Multiple Sentences

- ▶ 18 USC § 3584(a) - Multiple terms of imprisonment imposed at the same time run concurrently unless ordered to run consecutively. Conversely, multiple terms of imprisonment imposed at different times run consecutively unless ordered to run concurrently.
- ▶ 18 USC § 3584(c) - Multiple federal sentences are aggregated when possible and treated as one sentence for administrative purposes
 - ▶ Where there are multiple federal Judgments, the most recent Judgment determines how sentences are to run
 - ▶ *United States v. Almonte-Reyes*, 814 F.3d 24, 28–29 (1st Cir. 2016)
 - ▶ *United States v. Obey*, 790 F.3d 545, 548–50 (4th Cir. 2015)
 - ▶ *United States v. Montes-Ruiz*, 745 F.3d 1286, 1293 (9th Cir. 2014)

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Questions?

