U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Resident	Register Number
I understand that my placement on Home Detention status is a privil Community Corrections Manager (CCM). I understand that any violati	
conduct or activity which reflects a disregard for the rights of ot	
revoke my Home Detention and/or terminate my Residential Re-Entry C	enter (RRC) program participation

I understand and agree to abide by the following conditions during my period of Home Detention:

- 1. I will reside at my approved residence at _____
- 2. I will conduct myself in a lawful manner.
- 3. I will accept phone calls from RRC/Probation Staff, verifying my presence at my home and at my job site. I agree to maintain a telephone at my place of residence without "call forwarding," or "three-way calling" for this period and will, when requested, provide copies of my telephone bill to the Center/Probation staff. I also agree that if my confinement is to be electronically monitored, I will wear any electronic monitoring device required, follow procedures specified, and comply with any telephone and computer access restrictions as they apply to the monitoring device requirements.
- 4. I will accept the visits of RRC/Probation personnel to my job site and home.
- 5. I will return to the RRC/Probation at least and program participation, and more often if instructed to do so.
- 6. I understand I must continue mental health/psychiatric treatment, substance abuse treatment, sex offender treatment while on Home Detention.
- 7. I will not own or possess any deadly weapon or knowingly be in the company of a person possessing the same.
- 8. I will remain steadily employed at _____ and will not change employment without prior approval of RRC/Probation staff
- 9. I will not knowingly associate with persons having a criminal record, nor frequent places where illegal activities are conducted.
- 10. I will not drink alcoholic beverages of any kind; nor will I enter any establishments, such as bars or liquor stores, where the sale and/or consumption of alcoholic beverages on the premises is the primary business of the establishment.
- 11. Except as medically authorized, I will not use or possess narcotics, or other controlled substances, nor be in the presence of persons possessing the same.
- 12. I agree that during the Home Detention period, I will remain at my place of residence, except for employment, unless I am given specific permission to do otherwise.
- 13. I will not own or drive a motor vehicle without proper authorization.
- 14. I will abide by special instructions given to me by the RRC/Probation, e.g., electronic monitoring program participation.
- 15. I will submit to urinalysis or alcohol testing as requested by the RRC/Probation. I understand that ingestion of poppy seed food products may result in positive test results for unauthorized drug use and is therefore prohibited.
- 16. I agree to pay subsistence for the cost of my participation in Home Detention.
- 17. I understand that I am personally responsible for all costs of my housing, meals, and general subsistence, while I am on Home Detention.

I fully understand that willful failure to report as required, unauthorized change of residence, employment, or failure to otherwise inform Center staff of my whereabouts, could constitute an escape from federal custody.

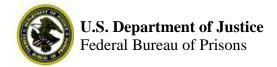
Resident's Signature Date

Approved (RRC Director)

Approved (CCM)

Record Copy - To CCM - Community Corrections Manager; Copy - To RRC - Residential Re-Entry Center; Copy - To USPO - U.S. Probation Officer

PDF



CHANGE NOTICE

OPI: RSD/RSB NUMBER: 7320.01, CN-2

DATE: December 15, 2017

Home Confinement

Approved: Mark S. Inch

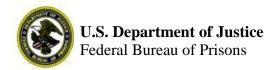
Director, Federal Bureau of Prisons

This Change Notice (CN) implements the following change to Program Statement 7320.01, **Home Confinement**, dated September 6, 1995. The single change is marked with a highlight and inserted into the policy.

6. ELIGIBILITY FOR HOME CONFINEMENT. All inmates referred to community corrections are eligible to be considered for home confinement placement.

While the Bureau also provides Community Corrections Center (CCC) services for persons as a condition of probation, parole, or supervised release, only in the most extraordinary circumstances will the Bureau assume responsibility for such persons on home confinement.

The Community Corrections Manager (CCM) shall ensure that each appropriate inmate is placed on home confinement as soon as otherwise eligible. The CCM shall can consult with the Community Corrections Regional Administrator (CCRA), or designee, prior to placing on home confinement any inmate for whom any of the following factors apply:



CHANGE NOTICE

OPI: RSD/RSB NUMBER: 7320.01, CN-1 DATE: August 1, 2016

Home Confinement

/s/

Approved: Thomas R. Kane

Acting Director, Federal Bureau of Prisons

This Change Notice (CN) implements a change to Program Statement 7320.01, **Home** Confinement, dated September 6, 1995. This CN removes the requirement of subsistence collection for any resident while on Home Confinement. The new language is highlighted.

The following language is removed from Section 8.c.(2) of the Program Statement:

Providers shall collect 25% of (2) Subsistence Contributions. each employed resident's weekly gross income, rounded down to a whole dollar amount. Home confinement residents who are not employed, but have other means of financial support, shall contribute an appropriate amount as determined by the provider and approved by the CCM. Ordinarily, the amount should approximate 25% of the resident's weekly income. Subsistence contributions collected shall be used to defray program costs, and the provider shall deduct the amount collected from the amounts billed to the Bureau. In many cases, inmate subsistence contributions will cover the entire cost of home confinement; however, individual subsistence collections may not exceed the weekly cumulative contract per diem rate (i.e., the daily rate x 7). Providers shall provide receipts to program participants for all collections and shall maintain collection records for audit purposes.

Section 8.c.(2) now reads:

(2) Subsistence Contributions. Home confinement residents are not required to pay subsistence.



Program Statement

OPI: CCD **NUMBER:** 7320.01

DATE: September 6, 1995
SUBJECT: Home Confinement

1. <u>PURPOSE AND SCOPE</u>. To establish policy and procedures for referral and placement of pre-release inmates in Community Corrections home confinement programs.

Title 18, Section 3624(c) of the United States Code allows inmates sentenced under "old law" and "new law" statutes, to be placed on home confinement for pre-release purposes:

(c) Pre-release custody.--The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last 10 per centum of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for his reentry into the community. The authority provided by this subsection may be used to place a prisoner on home confinement. The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody.

Ordinarily, the length of placement ordinarily is limited to the last 10 percent of the inmate's term to be served, or six months, whichever is less. An exception is inmates with sentences of more than 12 months but not more than 30 months who have successfully completed the institutional phase of the Intensive Confinement Centers (ICCs) program. Bureau authority for ICCs is established by Title 18, U.S.C., Section 4046.

The Bureau does **not** have statutory authority to designate a home confinement program for an inmate at the beginning of his or her sentence. This is supported in Title 18, U.S.C., Section 3621, which requires that the Bureau designate any available **penal or correctional** facility as the place of a prisoner's imprisonment.

Home confinement is a time of testing and an opportunity for inmates to assume increasing levels of personal responsibility while providing sufficient restriction to promote community safety and continue the sanction of the sentence.

Compliance with the conditions of home confinement may be monitored by electronic monitoring equipment or by regular telephone or in person contacts by supervision staff. Supervision may be provided by staff from the U.S. Probation Service, contract halfway house services, or other governmental agencies.

- 2. PROGRAM OBJECTIVES. The expected results of this program are:
- Inmates who are eligible and approved will be placed on home confinement programs.
- Inmates on home confinement programs will receive b. appropriate supervision.
 - The public will be protected from any undue risk. C.
- d. Any inmate who violates a condition of home confinement will be appropriately disciplined, depending on the nature of the violation.

3. DIRECTIVES REFERENCED

- Security Designation and Custody P.S. 5100.05 Classification Manual (06/16/94)
- P.S. 7300.08
- Community Corrections Manual (04/01/91)
 Community Corrections Center (CCC) P.S. 7310.02 Utilization and Transfer Procedure (10/19/93)
- 4. STANDARDS REFERENCED. None.
- 5. DEFINITIONS. For the purposes of this Operations Memorandum, the following definitions apply:
- Home Confinement. Any circumstance in which the inmate is required to remain in the home during specified hours.
- b. Electronic Monitoring Equipment. The telemetry technology used to ensure that a program participant remains in a specified location during the required hours:
- (1) Continuously Signalling Devices. A "transmitter" worn by the inmate which emits a signal with a range of 100 to 200 feet.
- The signal is received by a receiver dialer unit installed at the monitored location to notify the central computer when the inmate comes within or goes out of range of the unit. The central computer contains the inmate's schedule and, when notified of a change in the inmate's status, compares the time with the schedule to determine if the break in contact is authorized. If not authorized, the computer sends an alert.

(2) <u>Programmed Contact Device.</u> A computer which contacts the inmate periodically to ensure that he or she is at the monitored location and verifies that the person responding is the monitored inmate.

Verification may be accomplished in a variety of ways, including, but not limited to, a device the inmate wears and voice verification.

(3) "Hybrid" Equipment. Equipment which combines the two types of equipment described above but functions similarly to a continuously signalling device.

When the equipment notes the inmate has left the monitored range at an unauthorized time, it functions similarly to a programmed contact device by telephonically contacting the inmate and verifying that the person responding is the monitored inmate. If verification does not occur, notification of the violation is made.

c. "Old Law" and "New Law" Sentences

- (1) "Old law" refers to the federal criminal code in effect prior to the implementation of the Sentencing Reform Act of 1984 (Title II of the Comprehensive Crime Control Act of 1984).
- (2) "New law" is that Act (also known as the Sentencing Guidelines) which applies to federal criminal offenses committed on or after November 1, 1987.
- 6. <u>ELIGIBILITY FOR HOME CONFINEMENT</u>. All inmates referred to community corrections are eligible to be considered for home confinement placement.

While the Bureau also provides Community Corrections Center (CCC) services for persons as a condition of probation, parole, or supervised release, only in the most extraordinary circumstances will the Bureau assume responsibility for such persons on home confinement.

The Community Corrections Manager (CCM) shall ensure that each appropriate inmate is placed on home confinement as soon as otherwise eligible. The CCM shall can consult with the Community Corrections Regional Administrator (CCRA), or designee, prior to placing on home confinement any inmate for whom any of the following factors apply:

- a. Public Safety Factors as defined in the Security Designation and Custody Classification Manual; or
- b. Central Inmate Monitoring case (except "pure" separation cases); or

- c. Sensitive, or high profile case or one who might generate undue public concern; or
 - d. History of escape or prior CCC failure; or
- e. Unlikely to be employed. Historically, inmates who were not going to be employed were often excluded from community corrections placements. Examples are inmates who are elderly, retired, disabled, chronically ill, unable to work at paid employment, occupied in caring for their own young children or ill or disabled family members.

When such inmates are otherwise eligible, institutions are encouraged to refer them for direct placement on home confinement with special reporting requirements arranged by the CCM. Of primary concern is ensuring that the Bureau does not incur community medical costs.

7. REFERRAL TO COMMUNITY CORRECTIONS. Institution staff shall refer inmates for pre-release placement to the appropriate CCM, who, after reviewing the referral material, shall refer the case to the most appropriate program -- CCC, Comprehensive Sanctions Center (CSC), home confinement program, or other community program.

An inmate may not apply for a particular community program. Once approved for a program, the inmate must agree to all required conditions of that program.

a. Referral Packet. Referral packets shall include the Agreement, Home Confinement and Community Control (Attachment A), along with all materials required in the Program Statement on Community Corrections Center (CCC) Utilization and Transfer Procedure. An inmate who refuses to sign Attachment A may not be considered for participation in Community Corrections programs.

The referral should indicate the level of services anticipated, including:

- (1) the appropriateness of placement in a home confinement program;
- (2) the immate's residence and job or good job prospects to expedite placement on home confinement;
- (3) the inmate's need for placement in the more restrictive component of the CCC; and
- (4) the inmate's need for placement in a specialized program such as substance abuse treatment.

b. <u>CCM Review.</u> Upon receiving each referral packet, the CCM is to review the referral in light of the programming options available in the inmate's release destination area.

Occasionally, a referral may indicate no obvious risk to the community and no need for CCC services (for example, a supportive family, a stable residence, confirmed employment (if employable), and a positive institutional adjustment). In such cases, the CCM may bypass a CCC and place the inmate directly on home confinement.

Conversely, higher risk inmates requiring extensive transition assistance may not be placed on home confinement at all, or placed only briefly following CCC placement.

- c. <u>Inmate Declination</u>. An inmate who declines to participate in a recommended home confinement program may be transferred to a more secure facility.
- 8. PLACEMENT ON HOME CONFINEMENT Only the CCM may approve home confinement. The CCM shall notify the U.S. Probation Officer (USPO) prior to final approval of placement on home confinement and document that notification is in the file. General considerations are:
- a. <u>Program Selection</u>. In some jurisdictions, home confinement programs may be available through a U. S. Probation office, a contract CCC or under an Intergovernmental Agreement. The CCM shall select the program most likely to meet the inmate's needs, giving consideration to such factors as cost effectiveness, geography, and other management variables.

Home Confinement Program requirements, including accountability and other supervision needs, are specified in Attachment B. The CCM must approve any modification to these requirements in advance.

- b. Release Plan Verification. To approve a home confinement placement, the CCM must have written verification of the release plan from either the USPO or the CCC, including:
- (1) The planned residence, including assurance that it has telephone service without prohibited services listed in Attachment A;
- (2) Adults sharing the residence with the inmate are aware of, and not opposed to, the inmate's plan to participate in the program; and,
- (3) Employment (for employable inmates). Release employment is desirable but not required.

- c. <u>Inmate Requirements for Placement</u>. To be placed on home confinement, the inmate must sign the "Conditions of Home Confinement" BP-460(73) prior to placement. The CCM may permit "call waiting" on the telephone of inmates whose placement on home confinement is not electronically monitored.
- (1) Medical and Dental Expenses. Inmates on home confinement programs are responsible for their own medical and dental care expenses. If they are unable, or if they refuse, to be responsible for such costs, they may be returned to a federal institution for evaluation and possible treatment. In an emergency, the provider may obtain the necessary medical treatment required to preserve the inmate's health but must notify the CCM of such treatment within 24 hours.
- (2) Subsistence Contributions. Home confinement residents are not required to pay subsistence.
- d. <u>Transfer Orders</u>. When an inmate is being transferred from a CCC to a home confinement program operated by an agency other than that CCC, the CCM shall prepare the Transfer Order to document the official transfer to home confinement. Otherwise, a Transfer Order is not required.
- e. <u>Inmate Needs</u>. Inmates identified as needing other community-based program activities such as mental health or drug treatment, shall normally be able to continue these programs when placed on home confinement. The CCM shall coordinate the continuation with the provider.
- 9. PROGRAM VIOLATIONS. The CCM shall ensure that each provider of home confinement services develops a system for handling violations of program rules which meets the "due process" criteria of Wolff v. McDonnell and includes provisions for

dealing with minor infractions of program rules and with major violations that could result in the inmate's termination from the program. The provider must report every violation to the CCM within 24 hours.

10. MODIFICATION OF PROGRAM REQUIREMENTS. Attachment B specifies the required frequency and nature of contacts required between the provider and the inmate.

After consultation with the provider and the USPO, the CCM, using sound correctional judgement, may permit modification to these requirements, based on the unique characteristics of each case. The CCM is encouraged to discuss potential modifications with the Management Center Administrator (MCA) and/or the CCRA.

Among the circumstances under which the CCM may typically consider modification are those where:

- # distance or travel time make it impractical for staff and the inmate to travel; and/or
- # the inmate has successfully demonstrated the ability and willingness to conform to all program requirements for a reasonable period (ordinarily two weeks minimum).

In any case, however, unless continuously signalling electronic monitors are used, the home confinement monitor must initiate telephone contact with the inmate no less than once each day at random times of the day.

- 11. PLACEMENT ON HOME CONFINEMENT FOLLOWING CCC PLACEMENT. CCCs provide transition services for inmates being released from institutions. When an inmate has employment and a place to live and has demonstrated that he/she no longer requires the level of accountability and services the CCC provides, the inmate may be placed on home confinement. For various reasons, some inmates may never progress to a level of responsibility which would warrant placement on home confinement.
- 12. PROCEDURES FOR DIRECT INMATE PLACEMENT ON HOME CONFINEMENT. If there is a electronically monitored program available, an inmate who does not require CCC transitional services may be placed directly on home confinement from an institution.
- a. <u>Eligibility.</u> Generally, an inmate may be considered eligible for direct placement on home confinement if he or she:
 - # has no public safety factors,
 - # had excellent institutional adjustment,
 - # has a stable residence with a supportive family,
 - # has confirmed employment (if employable), and
 - # has little or no need for the services of a CCC.

P.S. 7320.01 September 6, 1995 Page 8

b. Placement. If the inmate's plan is satisfactory, the home confinement provider and the CCM shall establish the inmate's placement date. The provider shall provide a written notification of the acceptance and the reporting date to the CCM, with a copy to the referring institution. The reporting date should be a weekday, and the inmate shall be required to report to the provider within 24 hours of reaching the release jurisdiction. The CCM shall notify the referring institution via SENTRY and provide instruction on when and where the inmate should report.

Institution staff shall prepare a Transfer Order to document the official transfer to home confinement. Institution staff shall also prepare the Authorized Unescorted Commitment and Transfer Card, BP-385, including the inmate's picture and fingerprints, and forward it to the CCM at least two weeks prior to the placement. The CCM shall forward it to the appropriate USPO.

If an inmate is eligible for direct placement on home confinement, but an electronically monitored home confinement program is not available, the CCM and the provider shall arrange for an initial short placement (approximately two weeks) in a CCC to allow the provider to become acquainted with the inmate, orient him or her to the expectations of the program, and assure that the job and living arrangements are appropriate. After successfully completing that process, the inmate may be placed on home confinement with the CCM's approval.

When problems arise during the orientation period which indicate direct placement on home confinement is inappropriate or should be delayed, the CCM shall delay such placement until the problems have been resolved.

13. <u>SENTRY RECORDS</u>. A waiting list has been established in SENTRY to allow CCMs to ensure that all inmates are considered for placement when eligible and reviewed regularly until placed.

A PP34 transaction will establish WLS category to indicate HC ELIG, and a TARGET FOR HOME CONFINEMENT will then be reflected on the PP42 and the PP44.

The CCM office uses a PP63 transaction to ensure all inmates in Bureau custody are tracked in SENTRY while on home confinement programs and have an ARS assignment reflecting that placement. Inmates assigned to Bureau provider programs shall have that provider's home confinement program location code with an LOCG EQ TH**. Inmates assigned to U. S. Probation Service (USPS) programs shall be shown with LOCG EQ TH*U and a location indicating the judicial district. (As examples, the Southern District of Florida would be FFLS, and the District of Colorado would be FCO.)

- 14. $\underline{\text{FORMS}}$. Institution and Community Corrections staff are to duplicate forms locally.
- 15. <u>DISTRIBUTION</u>. In addition to normal distribution for Program Statements, copies of this Program Statement shall be available to inmates in inmate law libraries.

CCMs shall provide copies of this Program Statement to Chief USPOs and CCC contractors in their service areas.

\s\
Kathleen M. Hawk
Director

AGREEMENT

HOME CONFINEMENT AND COMMUNITY CONTROL

I,_	
Name	Register Number
hereby agree to abide by the foll legal participation on home confi	
I understand that my participation alternative to placement in a Commore than the last six (6) months whichever is less. I am aware the custody of the Bureau of Prisons and that failure to remain at the in disciplinary action and/or pro	mmunity Corrections Center for no s or 10% of my sentence, at I will legally remain in the and/or the U.S. Attorney General s required locations may result
I agree to report to my assigned contractor's facility immediately destination.	
I understand that if I decline to home confinement program I may fa out of the community corrections	ce administrative reassignment
I agree that during the home conf my place of residence, except for permission to do otherwise. I al required to pay the costs of the pay.	employment, unless I am given so understand that I will be
I also agree to maintain a teleph without "call forwarding", a mode cordless telephones for this peri	done at my place of residence em, "Caller ID" or portable od.
I also agree that, if my confinem monitored, I will wear any elect required, follow procedures speciforwarding on my telephone.	ronic monitoring device
Name	Date
Ivalue	Date
Staff Witness (Printed Name, Sign Original to Central File. Copy t	

REQUIREMENT FOR HOME CONFINEMENT PROGRAMS

- I. The following procedures apply to all inmates who are approved for placement on home confinement.
 - 1. The provider is not required to provide meals, medical treatment, clothing or incidentals, laundry services or other subsistence items to inmates on home confinement.
 - 2. The provider shall maintain documentation of all staff contacts with inmates on home confinement.
 - 3. The provider shall notify the CCM immediately of any misconduct or failure of an inmate on home confinement to comply with Home Confinement Conditions.
 - 4. The provider is not required to reserve a bed at the center for an inmate on home confinement.
 - The provider shall collect 25% of each employed 5. resident's weekly gross income, rounded down to a whole dollar amount. Residents who are not employed, but who have other means of financial support shall contribute an amount determined appropriate by the provider and approved by the CCM. These fees shall be used to defray program costs. Individual subsistence collections shall not exceed the weekly cumulative contract per diem rate (i.e., the daily rate x 7). All funds collected from those in BOP programs shall be deducted from the monthly billings submitted to the BOP. In some cases, inmate subsistence contributions would cover the entire cost of home confinement. If the monitoring is provided by the USPO, subsistence collection shall not exceed the cost of the electronic monitoring equipment. The respective USPO shall instruct those in USPS-operated home confinement programs in the appropriate payment procedures.
 - 6. An inmate serving a BOP sentence who fails to remain at the specified location may be considered an escapee.

 All escapes shall be immediately reported to the CCM.
 - 7. Inmates on home confinement shall maintain a 9:00 P.M. to 6:00 A.M. curfew each day, unless an exception is recommended by the provider and approved by the CCM.
 - 8. Drug and alcohol testing and counseling requirements shall apply to inmates on home confinement.

- II. The following conditions shall apply to those programs that **do not** use electronic equipment to monitor compliance with the conditions of home confinement.
 - 1. The provider's staff shall telephonically contact the inmate at random hours each day at home, at work, or both.
 - 2. Staff shall visit inmates on home confinement at their homes and at their places of employment at least once each week.
 - 3. Inmates on home confinement shall return to the facility at least twice each week for routine progress reviews, counseling, urine testing and other required program participation.
- III. The conditions in Section II (above) also apply to those programs that **do** use programmed contact devices, and to those programs that use continuously signalling or hybrid devices that are **not** monitored 24 hours per day, 7 days per week.
 - Electronic equipment is a substitute <u>only</u> for the random telephone calls.
- IV. The following conditions shall apply to those home confinement programs that: 1) voluntarily choose to come under these conditions, 2) use continuously signalling or hybrid devices (see definitions) and 3) monitor the output of the central computer and respond to violations 24 hours per day, 7 days per week.
 - 1. The provider shall have an operations or procedures manual specifying the manner in which the program will operate. This manual shall be reviewed by the CCM, conform to the minimum standards specified below and serve as the basis for monitoring the operations of the home confinement program.
 - The provider's operations/procedures manual shall include their plan of action when a violation is noted.
 - 3. Provider staff shall have at least one in-person contact with the offender per week.
 - a. At least one contact each month shall take place at the offender's residence, and one at the place of employment.
 - b. All contacts shall be documented.

- II. The following conditions shall apply to those programs that do not use electronic equipment to monitor compliance with of continued employment and hours worked, verification of residence and of participation in any other required programs or treatment activities.
 - 5. The provider shall review the inmate's monthly telephone bill to ensure that it has been paid and that the service does not include call forwarding or other unauthorized services.
 - 6. The inmate is expected to remain at his/her residence at all times except when he is at work, when traveling to and from work or when engaging in other approved activities. The provider's plan may include some opportunity for the offender to earn a reduction in the hours during which activity is restricted.

According to the Bureau, as of March 4, 2022, a small percentage of inmates placed in home confinement pursuant to the CARES Act—357 out of approximately 9,500 total individuals—had been returned to secure custody as a result of violations of the conditions of home confinement. Of this number, only 8 were returned for new criminal conduct (6 for drug-related conduct, 1 for smuggling non-citizens, and 1 for escape with prosecution).[26]

These data suggest that inmates placed on longer-term home confinement under the CARES Act can be and have been successfully managed,



FREQUENTLY ASKED QUESTIONS ABOUT FEDERAL HALFWAY HOUSES & HOME CONFINEMENT

Q-1: What is a halfway house?

A: A halfway house is a residence located in the community where people are placed to either (1) serve all or part of a sentence, or (2) serve a period of time after being released from federal prison, in order to prepare for reentering the community. They are also called "community corrections centers" (CCCs), but several years ago, the Bureau of Prisons (BOP) renamed them "residential reentry centers" (RRCs). This new name shows that the BOP views a halfway house as a place reserved for people leaving prison, as opposed to a place where a person can serve his entire sentence.

Q-2: How are halfway houses different than prisons?

A: Halfway houses are located in the community and provide much greater liberty than prisons. Halfway houses do, however, have rules, treatment programs, work requirements, and curfews. For prisoners sent to serve time at a halfway house at the end of their prison sentences, time at the halfway house is generally focused on reentry preparation, including job training and drug treatment. Almost all prisoners sent to a halfway house at the end of their prison sentences will be required to go outside the halfway house during the day to work or participate in drug treatment.

Q-3: What does the BOP consider when deciding whether to place people in a halfway house?

A: 18 U.S.C. § 3621(b) says that the BOP may place prisoners in whatever "penal or correctional facility" it thinks meets "minimum standards of health and habitability." When deciding where to send a prisoner to serve his sentence, including halfway houses, the law says that the BOP should consider

- 1. The resources of the facility contemplated;
- 2. The nature and circumstances of the offense;
- 3. The history and characteristics of the prisoner;
- 4. Any statement by the court that imposed the sentence:
 - a. Concerning the purposes for which the sentence to imprisonment was determined to be warranted; or
 - b. Recommending a type of penal or correctional facility as appropriate; and
- 5. Any pertinent policy statement issued by the U.S. Sentencing Commission pursuant to section 28 U.S.C. § 994(a)(2).

The statute also forbids the BOP from showing favoritism to prisoners with a high social or economic status when deciding where a prisoner is placed. When deciding whether to send someone to a halfway house and for how long, the BOP will look at the prisoner's disciplinary record and whether the prisoner has refused to participate in prison programs and reentry preparation programs. In the BOP staff's discretion, if a person has too many serious disciplinary



issues or has failed or refused important pre-release programming, he may be denied placement in a halfway house. The BOP says that because it has limited halfway house space, it wants to ensure that the people placed in halfway houses are ready and willing to take advantage of the halfway house's programs and opportunities for a successful reentry.

Q-4: Could a prisoner serve his entire sentence in a halfway house?

A: Yes. 18 U.S.C. § 3621(b) gives the BOP the right to place any prisoner in any place of imprisonment, and a halfway house is a place of imprisonment. In practice, however, this usually happens only for nonviolent offenders who receive very short sentences. People facing sentencing should discuss with their lawyers the possibility of serving their sentences in a halfway house.

Q-5: If the court recommends halfway house placement for all or part of a prisoner's sentence, is the BOP required to follow the court's recommendations?

A: No. 18 U.S.C. § 3621(b) explicitly requires the BOP to *consider* a sentencing court's recommendation that someone serve time in a halfway house, but the BOP is *not required* to follow the court's recommendation.

Q-6: Is the BOP required to place people in halfway houses?

A: No, but 18 U.S.C. § 3624(c) requires the director of the BOP to do as much as is practical to make sure that prisoners spend some part of their sentences in conditions that will prepare the prisoner for reentry (release from confinement). These "conditions" include time in a halfway house. *See* 18 U.S.C. § 3624(c). A BOP guidance memo issued on June 24, 2010, says that prisoners should be considered for at least three months (90 days) in a halfway house. The June 24, 2010 guidance memo is available at

http://www.famm.org/Repository/Files/BOP%20Halfway%20House%20Guidance%206.24.10.p df. See Question 12 below for more information.

Q-7: Who is not eligible for placement in a halfway house at the end of their prison sentences?

A: The following prisoners are *not eligible* for halfway house placement:

- a. Those assigned a "Sex Offender" Public Safety Factor (but though those convicted of possession of child pornography *are* permitted to go to halfway houses).
- b. Those assigned a "Deportable Alien" Public Safety Factor.
- c. Those requiring in-patient medical, psychological, or psychiatric treatment.
- d. Those who refuse to participate in the Inmate Financial Responsibility Program.
- e. Those who refuse to participate, withdraw, are expelled, or otherwise fail to meet attendance and examination requirements in a required Drug Abuse Education Course.
- f. Those with unresolved pending charges, or detainers, which will likely lead to arrest, conviction, or confinement.
- g. Ordinarily, those serving sentences of six months or less.
- h. Those who refuse to participate in the Institution Release Preparation Program.



- i. Those who pose a significant threat to the community (e.g., prisoners with repeated disciplinary violations that involve violence or escape).
- j. Pretrial, holdover, or detained prisoners.

See BOP Program Statement # 7310.04, pp. 10-11, available at http://www.bop.gov/DataSource/execute/dsPolicyLoc, or in the prison law library.

Q-8: Who decides when a prisoner goes to a halfway house?

A: The prisoner's unit team should make a release preparation plan, which should include halfway house placement, 11 to 13 months prior to the prisoner's projected release date. The release plans go to the BOP Community Corrections Manager (CCM), who makes an official referral naming a particular halfway house (or home confinement, which will be limited to 6 months or 10% of the person's sentence, whichever is *less* – see Question 22). The warden has final decision-making authority for all halfway house referrals, though it is the CCM who ultimately decides whether bed space is available for a prisoner and for how long. CCMs are not supposed to unilaterally deny a prisoner entry to a halfway house or adjust the length of the prisoner's stay unless the halfway house does not have the bed space or financial resources to house the person.

Q-9: Who decides which halfway house a prisoner goes to?

A: The BOP Community Corrections Manager (CCM). He or she will include a placement recommendation in the release preparation plan for the prisoner.

O-10: Is the BOP required to place a prisoner in a halfway house near their home?

A: The unit team that recommends which halfway house a person is placed in is *supposed* to place a prisoner in a halfway house near the prisoner's home. The unit team will base its placement recommendation on the details contained in the prisoner's central file, so the prisoner should make sure that his file contains his correct home address.

Q-11: What is the maximum amount of time a person can get in a halfway house?

A: Strictly speaking, there is no legal cap on the amount of time that the BOP can place an inmate in a halfway house. 18 U.S.C. § 3621(b) gives the BOP the right to place any prisoner in any "place of imprisonment," and a halfway house is considered a place of imprisonment.

However, the practical reality is that people being released from prison are not given more than a total of 12 months of reentry programming, either in a halfway house or on home confinement (and time on home confinement cannot be greater than 6 months or 10% of the person's sentence, whichever is less – see Question 22 below). In practice, the most time any prisoner can get in a halfway house is 12 months. Prisoners with a high risk for recidivism, good adjustment to prison life, demonstrated successful participation in prison programs, and a lack of community support systems are more likely to get more time in a halfway house. This is because the BOP considers high-risk prisoners to be most in need of the services a halfway house provides. Remember, though, that no one is guaranteed any time in a halfway house – the decision of how long a person spends in a halfway house is entirely up to the BOP.



Q-12: What is the minimum amount of time a person can get in a halfway house?

A: A BOP guidance memo issued on June 24, 2010, says that prisoners should be considered for at least three months in a halfway house. However, lower-risk, minimum-security inmates who are not graduates of the Residential Drug Abuse Program and who already have an approved home to go to upon their release may be considered for placement directly on home confinement (also called "home detention"). Alternatively, prisoners fitting this description may be placed in a halfway house for two weeks or less, then transferred to home detention. Remember, though, that no one is *guaranteed* any time in a halfway house or placement in home detention—the decision of how long a person spends in a halfway house and whether and when a person goes into home detention is entirely up to the BOP. The June 24, 2010 guidance memo is available at http://www.famm.org/Repository/Files/BOP%20Halfway%20House%20Guidance%206.24.10.p df.

Q-13: Can a person refuse to go to a halfway house?

A: Yes. In the past, FAMM heard of instances of retaliation and disciplinary action taken against prisoners who refused placement in a halfway house, including putting the person in solitary confinement or administrative detention and reducing the person's good time credit. However, the guidance memo issued by the BOP on June 24, 2010, instructs BOP staff that people who refuse to be placed in a halfway house cannot be disciplined.

If a person is concerned about the safety of the halfway house he may be assigned to, he should try to learn as much about the halfway house as possible and, if possible, talk to a lawyer about any concerns. Prisoners can also work with their family members and other supporters on the outside to look for a job, a place to live, and transportation so that they can be in a better position to be released from the halfway house sooner.

Q-14: Who runs halfway houses?

A: Halfway houses are under the BOP's control, but virtually all of them are operated by private contractors.

O-15: What are the conditions in a halfway house?

A: Conditions vary from halfway house to halfway house. Some offer private rooms, while others have shared rooms with one or more roommates. Some rooms have doors that residents can close and others have curtains instead of doors or don't have doors at all. All halfway houses are different, so it's best to try to find out as much as possible about the specific halfway house the prisoner might be going to.

Q-16: Is medical care available in halfway houses?

A: No. No medical services or health care are provided. Prisoners placed in halfway houses are responsible for their own medical care. Before being placed in a halfway house, they must show that they can afford medical care or health insurance. People who have serious medical or mental health conditions and cannot be placed in a halfway house may be placed directly on home



confinement/detention, if BOP staff can make arrangements so that the person receives the medical and mental health care they will need once they are released.

Q-17: Is drug treatment available in a halfway house?

A: Yes. Transitional Drug Abuse Treatment (TDAT) is the drug abuse treatment programming available at halfway houses. Participation in TDAT is voluntary for anyone who qualifies for the Residential Drug Abuse Program (RDAP), but prisoners transferred to a halfway house after completing the in-prison portion of the RDAP are required to participate in TDAT. The program involves 1-4 hours each week of substance abuse treatment, including individual, group, or family counseling. RDAP prisoners who don't complete the TDAT program will not graduate the RDAP and will endanger any RDAP sentence reduction they might have otherwise been eligible for. Participants are subject to the same disciplinary regulations as any other BOP prisoner being incarcerated in a traditional prison facility. See BOP Policy Statement #7430.02 (Apr. 14, 1999), available at http://www.bop.gov/DataSource/execute/dsPolicyLoc, or check in a prison law library.

Q-18: What fees do prisoners pay when staying in a halfway house?

A: Prisoners must pay a halfway house fee equal to 25% of the prisoner's gross income, but cannot be required to pay more than the average daily cost of their halfway house placement. Prisoners also must pay for their own medical care or health insurance.

Q-19: How can a prisoner get out of the halfway house early?

A: People may shorten their halfway house time by showing that they are eligible to be placed on home confinement. They will want to show that they have:

- A home to go to,
- A job waiting for them,
- Transportation to and from that job, and
- The money to pay the daily fee for placement in the halfway house, whether the person ends up staying there or not.

See BOP Policy Statement #7320.01 (Sept. 6, 1995) available at http://www.bop.gov/DataSource/execute/dsPolicyLoc, or check in the prison law library.

Additionally, lower-risk, minimum-security inmates who are not graduates of the Residential Drug Abuse Program and who already have an approved home to go to upon their release may be considered for placement directly on home confinement (also called "home detention"). Alternatively, prisoners fitting this description may be placed in a halfway house for two weeks or less, then transferred to home confinement/detention. However, the greatest amount of time a person can spend in home confinement is 6 months or 10% of their sentence, whichever is *less* (see Question 22 below).



O-20: What is home confinement/detention?

A: Home confinement, or home detention, is a method of serving a prison sentence in a prisoner's own home. Like a halfway house, prisoners on home confinement are still under the BOP's control. They will be required to keep a curfew and to show that they can pay the cost of their own medical expenses or insurance, as well as the home confinement fee (25% of the prisoner's gross income, generally). Prisoners on home confinement may have work requirements and drug treatment programming, and they may be required to report to a prison facility twice a week for drug testing and other programs. Prisoners may also be subject to electronic home monitoring (wearing an electronic device that allows the BOP to track the person's movements). If a prisoner is not found where he is supposed to be while he is on home confinement, this can be considered an "escape" from custody, which could have serious consequences (including going back to prison).

Q-21: Can a prisoner go straight to home confinement to serve his whole sentence?

A: Yes, but this will only be the case when the person receives a sentence of probation or supervised release, not imprisonment. Because home confinement is not a "penal or correctional facility," the BOP *cannot* send prisoners to home confinement before the final 10% or six months of their sentences, whichever is shorter. Rather, home confinement is imposed by the court as a condition of a sentence of probation or supervised release. *See* U.S. Sentencing Guidelines § 5F1.2.

Q-22: What is the most time a person can get on home confinement?

A: The BOP may place a prisoner in home confinement for six months or 10 percent of the whole term of imprisonment, whichever is less. For example, a prisoner serving a 50-month sentence would be eligible for either 5 months (10% of 50 months) or 6 months on home confinement, whichever is less. Thus, a person with a 50-month sentence would be eligible for a maximum of only 5 months on home confinement (because 5 months is less than 6 months). IMPORTANT NOTE: The BOP is not required to award six months, 10 percent, or any amount of time on home confinement. Prisoners who the BOP determines to be a higher risk or who require more reentry services may receive little or no time on home confinement. Home confinement is not a required part of the reentry process, and the BOP does not have to transfer prisoners to home confinement.

Q-23: Who decides when a prisoner can go from a halfway house to home confinement?

A: The manager of the halfway house (also called the Community Corrections Manager, or CCM) must approve placement on home confinement. The CCM will base his decision in part on whether the prisoner's home has a working telephone, whether other adults in the home consent to the prisoner's placement there, and whether the prisoner has a job. Employment is desirable, but not required. The CCM works with the home confinement provider (the organization that will check in with the prisoner while they are confined at home) to pick a start date ("reporting date") for home confinement. The reporting date will be a weekday, and the prisoner has 24 hours from that date to check in with the home confinement provider. If electronic monitoring is not available, the prisoner must either qualify for non-electronic monitoring (in which case, the



prisoner must be present at work and/or home to receive random phone calls from the provider) or remain at the halfway house until the sentence ends or electronic monitoring becomes available. The CCM *does not* have to transfer prisoners to home confinement – the decision is discretionary.

However, a BOP guidance memo from June 24, 2010, encourages CCMs to place lower-risk, minimum-security inmates who are not graduates of the Residential Drug Abuse Program and who already have an approved home to go to upon their release directly on home confinement or, alternatively, in home confinement after spending only two weeks or less in a halfway house. The June 24, 2010 guidance memo is available at

http://www.famm.org/Repository/Files/BOP%20Halfway%20House%20Guidance%206.24.10.pdf.

Remember, though, that **no one has a right to be placed in home detention** – it is a discretionary decision that is entirely up to the BOP and the CCM.

Q-24: Will someone check up on a prisoner while he is on home confinement?

A: Yes. A "home confinement provider" is the organization that contracts with the BOP to check up with the prisoner by calling them, visiting in person, or arranging for drug testing. In many districts, the U.S. Probation Office handles calls, visits, and drug testing for those on home confinement.

Q-25: What BOP policy statement governs halfway houses?

A: BOP policy statement #7310.04 (Dec. 16, 1998), available at

http://www.bop.gov/DataSource/execute/dsPolicyLoc, or in the prison law library. The BOP's guidance memo of June 24, 2010, is also an important document that governs halfway house placement. That memorandum is available online at

http://www.famm.org/Repository/Files/BOP%20Halfway%20House%20Guidance%206.24.10.pdf.

O-26: What BOP policy statement governs home confinement?

A: Look at BOP Policy Statement #7320.01 (Sept. 6, 1995), available at http://www.bop.gov/DataSource/execute/dsPolicyLoc, or in the prison's law library.

LEGAL DISCLAIMER:

FAMM cannot provide legal advice, representation, referrals, or guidance to those who need legal help. Nothing on this form is intended to be legal advice or should be relied on as legal advice. If you or your loved one feel that you need legal advice, you should consult with an attorney. Finally, Bureau of Prison rules and policy statements change frequently. If you have questions about the rules, contact an attorney or consult a law library.

4/24/12

BP-A0548 JUN 10

HOME CONFINEMENT AND COMMUNITY CONTROL AGREEMENT

U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS

Name	Register Number
hereby agree to abide by the following Conditions related to my legal participa tion	on home confinement
I understand that my participation on home confinement will be an alternative to place Center for no more than the last six (6) months or 10% of my sentence, whicheve remain in the custody of the Bureau of Prisons and/or the U.S. Attorney General a locations may result in disciplinary action and/or prosecution for escape.	is less. I am aware that I will legally
I agree to report to my assigned probation officer or the contractor's facility immedidestination.	iately upon reaching my release
I understand that if I decline to participate in the recommended home confineme nt reassignment out of the community corrections program.	program I may face administrative
I agree that during the home confinement period, I will remain at my place of resident am given permission to do otherwise. I also understand that I will be required to parability to pay.	
I also agree to maintain a telephone at my place of residence without "call for wards cordless telephones for this period.	ing", a modem, "Caller ID" or portable
I also agree that, if my confinement is to be electronically monitored,I will wear an following procedures specified and will not have "call forwarding" on my teleph one.	
Inmate's Name	Date
Staff Witness (Printed Name and Signature)	Facility

AGREEMENT

HOME CONFINEMENT AND COMMUNITY CONTROL

I,_	
Name	Register Number
hereby agree to abide by the foll legal participation on home confi	
I understand that my participation alternative to placement in a Commore than the last six (6) months whichever is less. I am aware the custody of the Bureau of Prisons and that failure to remain at the in disciplinary action and/or pro	mmunity Corrections Center for no s or 10% of my sentence, at I will legally remain in the and/or the U.S. Attorney General s required locations may result
I agree to report to my assigned contractor's facility immediately destination.	
I understand that if I decline to home confinement program I may fa out of the community corrections	ce administrative reassignment
I agree that during the home conf my place of residence, except for permission to do otherwise. I al required to pay the costs of the pay.	employment, unless I am given so understand that I will be
I also agree to maintain a teleph without "call forwarding", a mode cordless telephones for this peri	done at my place of residence em, "Caller ID" or portable od.
I also agree that, if my confinem monitored, I will wear any elect required, follow procedures speciforwarding on my telephone.	ronic monitoring device
Name	Date
Ivalue	Date
Staff Witness (Printed Name, Sign Original to Central File. Copy t	

REQUIREMENT FOR HOME CONFINEMENT PROGRAMS

- I. The following procedures apply to all inmates who are approved for placement on home confinement.
 - 1. The provider is not required to provide meals, medical treatment, clothing or incidentals, laundry services or other subsistence items to inmates on home confinement.
 - 2. The provider shall maintain documentation of all staff contacts with inmates on home confinement.
 - 3. The provider shall notify the CCM immediately of any misconduct or failure of an inmate on home confinement to comply with Home Confinement Conditions.
 - 4. The provider is not required to reserve a bed at the center for an inmate on home confinement.
 - The provider shall collect 25% of each employed 5. resident's weekly gross income, rounded down to a whole dollar amount. Residents who are not employed, but who have other means of financial support shall contribute an amount determined appropriate by the provider and approved by the CCM. These fees shall be used to defray program costs. Individual subsistence collections shall not exceed the weekly cumulative contract per diem rate (i.e., the daily rate x 7). All funds collected from those in BOP programs shall be deducted from the monthly billings submitted to the BOP. In some cases, inmate subsistence contributions would cover the entire cost of home confinement. If the monitoring is provided by the USPO, subsistence collection shall not exceed the cost of the electronic monitoring equipment. The respective USPO shall instruct those in USPS-operated home confinement programs in the appropriate payment procedures.
 - 6. An inmate serving a BOP sentence who fails to remain at the specified location may be considered an escapee.

 All escapes shall be immediately reported to the CCM.
 - 7. Inmates on home confinement shall maintain a 9:00 P.M. to 6:00 A.M. curfew each day, unless an exception is recommended by the provider and approved by the CCM.
 - 8. Drug and alcohol testing and counseling requirements shall apply to inmates on home confinement.

- II. The following conditions shall apply to those programs that **do not** use electronic equipment to monitor compliance with the conditions of home confinement.
 - 1. The provider's staff shall telephonically contact the inmate at random hours each day at home, at work, or both.
 - 2. Staff shall visit inmates on home confinement at their homes and at their places of employment at least once each week.
 - 3. Inmates on home confinement shall return to the facility at least twice each week for routine progress reviews, counseling, urine testing and other required program participation.
- III. The conditions in Section II (above) also apply to those programs that **do** use programmed contact devices, and to those programs that use continuously signalling or hybrid devices that are **not** monitored 24 hours per day, 7 days per week.
 - Electronic equipment is a substitute <u>only</u> for the random telephone calls.
- IV. The following conditions shall apply to those home confinement programs that: 1) voluntarily choose to come under these conditions, 2) use continuously signalling or hybrid devices (see definitions) and 3) monitor the output of the central computer and respond to violations 24 hours per day, 7 days per week.
 - 1. The provider shall have an operations or procedures manual specifying the manner in which the program will operate. This manual shall be reviewed by the CCM, conform to the minimum standards specified below and serve as the basis for monitoring the operations of the home confinement program.
 - The provider's operations/procedures manual shall include their plan of action when a violation is noted.
 - 3. Provider staff shall have at least one in-person contact with the offender per week.
 - a. At least one contact each month shall take place at the offender's residence, and one at the place of employment.
 - b. All contacts shall be documented.

- II. The following conditions shall apply to those programs that do not use electronic equipment to monitor compliance with of continued employment and hours worked, verification of residence and of participation in any other required programs or treatment activities.
 - 5. The provider shall review the inmate's monthly telephone bill to ensure that it has been paid and that the service does not include call forwarding or other unauthorized services.
 - 6. The inmate is expected to remain at his/her residence at all times except when he is at work, when traveling to and from work or when engaging in other approved activities. The provider's plan may include some opportunity for the offender to earn a reduction in the hours during which activity is restricted.

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Facility Code	Reentry Affairs Coordinator	Institution	Telephone Number	Email Address
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