

RECRUITED COUNSEL'S HANDBOOK FOR PRISONER LITIGATION¹

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

Current as of November 7, 2016



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INTRODUCTION

Understanding that many lawyers have not represented an incarcerated person before, the Court has compiled basic information that may prove helpful as you seek to meet the needs of your client. This Handbook is provided as a supplement to the Local Rules of the Southern District of Indiana to assist recruited counsel in working with his or her incarcerated client. Its scope is limited to civil matters. While much of this information will apply to all inmates, it is tailored to the institutions in the Indiana Department of Corrections and the United States Penitentiary in Terre Haute, where the majority of plaintiffs litigating in this Court are housed. Every effort has been made to be accurate, but for definitive guidance on procedural matters you should refer to the applicable policies and regulations in place at the relevant correctional institution.

Also, forms and examples of many of the documents mentioned in this Handbook are available for attorneys to view, copy, and use at this Court's website — www.insd.uscourts.gov.

In an effort to provide better service to the Bar and public, comments or suggestions on the contents of this Handbook are welcomed and may be submitted by mail to the attention of the clerk at any district office or by email at recruitedcounsel@insd.uscourts.gov.

CLERK'S OFFICE INFORMATION REQUESTS

Additional information about representation of indigent litigants may be obtained by visiting the Court's website at www.insd.uscourts.gov, contacting the Staff Attorney (Pro Se) Office during regular business hours at (317) 229-3950, or sending an email to recruitedcounsel@insd.uscourts.gov.

1 – FINDING YOUR CLIENT

Your client's current address should be plainly displayed on the docket sheet. If you do not have your client's current institutional address, you can find his or her current location at:

- (1) [Indiana Department of Correction Inmate Locator & Website](#)
- (2) [U.S. Department of Justice Federal Bureau of Prisons Inmate Locator & Website](#)

2 – INTRODUCING YOURSELF TO YOUR CLIENT

You may wish to write a letter of introduction to your client shortly after you are recruited. Send a copy of the recruitment order so that your client knows on which case you are representing him/her. Many prisoners have multiple cases (civil and criminal) pending at once, so it is important that you clarify which case you are handling.

This is also a good time to reinforce the scope of your representation. For example, you may want to include a paragraph along the lines of, "My firm will represent you up through and including the trial of your currently pending lawsuit, *Jones v. Doe*. Please note, this does not include any resulting appeals or post-trial proceedings."

See sample engagement letter ([Appendix A](#)).

3 – PREPARING YOUR CASE

ASSESSING THE COMPLAINT

Most suits brought by state or county prisoners challenging prison policies, practices, and conditions of confinement are brought under § 1983. [42 U.S.C.A. § 1983 \(West Supp. 2001\)](#). Section 1983 requires the plaintiff to show that someone has deprived him or her of a federally protected right and that the person or persons depriving him or her of that right acted under color of state law. These suits may be brought against federal officers pursuant to [Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 \(1971\)](#). Prisoners often allege either that they have suffered cruel and unusual punishment or a deprivation of liberty or property without due process of law.

As an attorney you must determine that the claim being pursued is properly supported by the law. If you do not do preliminary research to verify the validity of the claim prior to filing pleadings, you could be violating [FED. R. CIV. P. 11](#). The fact that the Court has appointed you does not, in itself, mean that the client has a supportable non-frivolous claim properly grounded in the law.

You must determine at the outset whether to file an amended complaint if, for example, issues should be added, the complaint fails to state a claim, or the prisoner has either sued the wrong party or the right party but in the wrong capacity (individual or official).

In prisoner suits, defendants are generally federal, state, or county employees. Different laws of sovereign immunity apply to each group. Generally, the following rules apply to each group:

(1) Federal Officials: may not be sued for damages in their official capacity except under the Federal Tort Claims Act. [28 U.S.C.A. § 2680 \(West Supp. 2001\)](#). In all other actions they must be sued for damages in their individual capacity. They must be sued in their official capacity for injunctive relief.

(2) State Officials: may be sued only in their individual capacity for damages, and in their official capacity for injunctive relief. See [Edelman v. Jordan, 415 U.S. 651, 94 S. Ct. 1347, 39 L. Ed. 2d 662 \(1974\)](#) (holding that the Eleventh Amendment bars suits for retrospective relief against a state).

(3) City and County Officials: may be sued in both their official and individual capacities.

In addition, cities may be sued directly for retrospective damages or prospective relief. However, under [Monell v. Dep't of Soc. Servs., 436 U.S. 658, 98 S. Ct. 2018, 56 L. Ed. 2d 611 \(1978\)](#), respondent superior is not a basis for municipal liability. But see [Shields v. Illinois Department of Correction, 746 F.3d 782, 790 \(7th Cir. 2014\)](#) (finding “substantial grounds to

question the extension of the *Monell* holding for municipalities to private corporations”). Municipal liability is based on injury caused by a “policy or custom.”

Check immediately to see if there are statute of limitations issues. There is a two-year statute for all jail and prisoner civil rights cases in Indiana.

Before you file any pleadings, you must attempt to verify the facts alleged in the complaint through discovery of institutional documents, letters, and other sources. Ask your client if he or she has already filed a grievance through the institution’s grievance procedure. There may be records in his or her file and elsewhere relevant to the allegations in the complaint. You will want copies of them. To obtain documents, make a request for production of documents to opposing counsel.

Whether or not your client filed grievances with the institution is also important because the Prison Litigation Reform Act requires prisoners to exhaust their available administrative remedies before filing an action regarding prison conditions. See [42 U.S.C. § 1997e\(a\)](#). Exhaustion is an affirmative defense that should be resolved before the merits, and if there are genuine issues of material fact regarding exhaustion, the Judge, not a jury, resolves them at a hearing. See [Pavey v. Conley, 544 F.3d 739 \(7th Cir. 2008\)](#). The Federal Bureau of Prisons Administrative Remedy Program (see [Appendix B](#)) sets forth the exhaustion requirements for federal prisoners. The Indiana Department of Correction Offender Grievance Process (see [Appendix C](#) and [Appendix D](#)) sets forth the exhaustion requirements for state prisoners. County jails often have their own grievance policies.

You should discuss strategy at this initial stage and every other stage of the case with your client. Therefore, before you visit your client, you should research the law underlying the allegations in the complaint and be prepared to discuss the merits of the case. You should explore the possibility of settlement at this early stage of litigation.

REQUESTING STATE PRISON RECORDS

The Establishment, Maintenance and Disposition of Offender Records of the Indiana Department of Correction Policy and Administrative Procedures (see Policy at [Appendix E](#)) sets forth the requirements for requesting state prisoner’s institutional files.

In order to receive documents from a State prisoner’s institutional files, take an Authorization of Release/Request Information Form (see Form at [Appendix F](#)) with you to the client interview for your client to sign.

If there is a medical issue, you should utilize a HIPAA release form for both DOC and Corizon (or other contract medical provider) (see Form at [Appendix G](#)).

REQUESTING FEDERAL PRISON RECORDS

The BOP website includes general information including Program Statements, Reports and Research.

BOP Regulations can be found at 28 CFR 500-572. Program Statements generally correspond to CFR sections. Institutions will also have their own supplements.

Remember that individually named defendants (i.e., claim under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971)), are not the custodians of BOP records. If the BOP is not a party, you have to seek information from the BOP by letter, under the Department of Justice’s “Touhy” regulations (28 C.F.R. § 16.21 et. seq.).

To obtain your client’s medical records, you will need to submit a medical release authorization form (see Form at [Appendix H](#)).

4 – COMMUNICATING WITH YOUR CLIENT

Once you have determined the legally cognizable subject matter raised by the complaint (this will likely be set out in the Court’s screening order pursuant to 28 U.S.C. § 1915A) and conducted preliminary research, prepare for the client interview.

It is important that you visit—or at least call—your client early on to discuss the case and any questions he or she may have about the scope of your representation. A visit will also go a long way to building trust.

PREPARING TO VISIT YOUR CLIENT IN STATE CUSTODY

The Indiana Department of Correction’s policy “Offender Access to the Courts” establishes guidelines for offender access to legal representation and the courts. (See Policy 00-01-102 at [Appendix I](#).)

Other relevant Department of Correction policies are available on the [Department’s website](#). For example: Offender Visitation, policy number 02-01-102; Offender Correspondence, policy number 02-01-103; and Telephone Privileges, policy number 02-01-105.

Plan your visit to the correctional institution in advance. Facility specific information is available on the [Department’s website](#).

Specific guidelines for visiting and delivering legal documents to an inmate at Pendleton Correctional Facility are available. (See Letter dated October 26, 2016, [Appendix N](#).)

Call ahead: Call your client’s prison and ask to speak to the person who arranges attorney visits. Recruited counsel representing an individual in state custody is encouraged to call the Staff Attorney Office, (317) 229-3950, to obtain the name of the litigation coordinator at the prison. Indiana Department of Correction facilities prefer at least 24-hour notice of any visit. If you are unable to provide sufficient notice, the Superintendent or litigation coordinator may be able to approve the visit for good cause.

Ask where the visit will be held. Where the prison does not have a lot of visitors, the visit (if permitted) maybe more comfortable in the visiting room for all visitors. Privacy can be maintained under these circumstances and the atmosphere may be better than the lawyer visiting rooms.

In order to be admitted to any correctional facility, you must present your:

- (a) Current Attorney Registration card; and
- (b) Photo identification (e.g., Driver's License).

Write your client: Write your client a week ahead of time, telling him or her of the likely date of your visit. Introduce yourself and send a copy of the appointment order so that your client knows for which case you are appointed, e.g., you don't represent him or her on the appeal of a criminal case. This communication will give the prisoner adequate time to prepare for your visit, to bring appropriate papers from the cell for use in the visit (the prisoner cannot simply run back and forth to the cell to pick up needed papers), and will inform the prisoner of your upcoming visit. (Sometimes a prisoner who does not know the visitor will not leave the cell and is under no obligation to do so.)

In your letter, advise the client that you would like to discuss the case and if questions remain after the visit, the client may call you collect as frequently as you, the attorney, deem appropriate.

Note exactly how envelopes to and from the correctional institution must be marked to ensure confidentiality of attorney-client communications. This means mail may be opened by the facility but may not be read and must be opened in the presence of the inmate. Also be sure to include the inmate ID number in the address. Otherwise the letter will be returned to you.

Your Name
Your Address

Mr. John Doe
DOC Number
Facility
Address

**PRIVILEGED CLIENT/ATTORNEY CORRESPONDENCE
OPEN ONLY IN PRESENCE OF INMATE**

Money: Most prisons now have vending machines for soft drinks, candy bars, sandwiches, etc. Indiana Department of Correctional facilities allow up to \$40 cash to be brought into the facility. You may want to bring some cash so that you and the client can have refreshments during the visit, which can last more than 2-3 hours in length.

Assistants: If you desire that an assistant (i.e., intern or paralegal) accompany you on the visit, clear this request at the same time and in the same manner that you arrange your own visit. If you desire the assistant to visit the client without you on later visits, clear this matter in writing substantially ahead of time because some prisons may not allow such visits. Learn from the litigation coordinator the precise nature of identification the assistant should bring (usually a signed letter of introduction from you, identifying the person as your employee or associate and the name of the client to be interviewed).

A Word of Caution: The prisons and jails of Indiana have certain mandatory entrance procedures for all persons, including attorneys. Although those procedures may vary from institution to institution, the purpose is the same: to prevent any contraband from entering. Do not bring your own medication, pills, cigarettes, gum etc., with you. Often you may forget you have such items and they will not be picked up during a routine search, but may be noticed later. These items can be considered illegal contraband. Under the extremely strict policies now in force, these items could result in you being barred from all prison visits throughout the system or worse. See Indiana Code § 35-44.1-3-5 (prohibiting trafficking).

Review your file before entering the prison. Be sure to bring all that you need and no more. Most prisons will require that you put unnecessary items in a locker, including your wallet, purse and car keys.

If you need to bring items such as electronic devices (e.g., cell phone, laptop, recording device, etc.), you should advise the facility of this necessity when setting up the visit, and request permission to do so.

Should you encounter unexpected problems or issues during the visit at IDOC facilities, you are encouraged to ask to speak with the facility's litigation coordinator. That person may be able to accommodate your needs and act as a facilitator for you with other facility staff.

PREPARING TO VISIT WITH YOUR CLIENT IN FEDERAL CUSTODY

You are strongly encouraged to plan your visit to the correctional institution well in advance. If appropriate arrangements have not been made, you may not be able to see your client or you may have to wait several hours.

You are encouraged to review the information contained on the Bureau of Prisons (BOP) website entitled "How to visit a federal inmate," at <https://www.bop.gov/inmates/visiting.jsp>

In addition, the following policies should guide your visit.

BOP Program Statement 5267.09, *Visiting Regulations* ([Appendix J](#)).

BOP Program Statement 5265.14, *Correspondence* ([Appendix K](#)).

FCI Terre Haute Supplement THX-5267.08E, *Visiting Regulations* ([Appendix L](#))

FCI Terre Haute Supplement THX-5500.11G, *Entrance Procedures* ([Appendix M](#))

Additional policies and forms are available on the [BOP website](#).

To make arrangements for your visit:

Confirm Location. Make sure your client is still in the same institution. Prisoners are often moved with little or no notice. Your client may not have had enough time (or did not think) to advise you of a facility transfer. If your client is in federal custody, you may confirm your client's location using the website Inmate Locator - Federal Bureau of Prisons, <https://www.bop.gov/inmateloc/> or call ahead for the most up-to-date information.

Visitor List. Make sure your client has added you to their approved list of visitors. This is the inmate's responsibility and allows you to visit your client as well as receive phone calls/place phone calls to them.

Review Guidelines. Check the institution's visitation guidelines before visiting. Each institution has its own methods and policies for setting up prison visits and may have different visiting days. Be aware of certain restrictions that may not seem obvious. In many institutions, visitors are not permitted to wear high heeled shoes, open-toed sandals, certain colors, sleeveless tops, or revealing clothing

You are strongly encouraged to arrange your visit for a regular visiting day, which should ensure a smoother visit because these are the days the institution is prepared to facilitate visits. For example, the regular visiting days for the FCI – Terre Haute are Saturday, Sunday and Monday from 8:30 a.m. – 3:30 p.m., during which dates/time you may simply show up and visit your client without prior arrangements (if you are on the approved visitor list). Some institutions, however, require prior written requests, identifying the prisoner and registration number and the date and expected time of the visit. Some will accept telephone requests for a visit. Some require twenty-four hour notice and some, like the “Super Max” prison at Tamms, Illinois, require seven days written notice.

Call Ahead. Before visiting, call your client's prison and ask to speak to the person who arranges attorney visits. This is most likely the inmate's Counselor. Plan for your visit to the prison at least several weeks before you intend to visit, and be sure to follow up a day or two before the visit to ensure that the visit is still arranged and that your client has not been transferred. When calling or emailing about your client, make sure you know and reference your client's registration number.

Write your client ahead of time. Write to your client as soon as you are appointed. Introduce yourself and send a copy of the appointment order so that your client knows for which case you are appointed. Notify your client of any upcoming visit so that they are prepared and know to bring appropriate papers from the cell to discuss (the prisoner cannot simply run back to the cell to pick up papers). You may encourage your client to call you before the visit to discuss arrangements for the visit or have him mail you copies of any relevant papers in advance. The client may call you collect as frequently as you, the attorney, deem appropriate.

Institutions may have different requirements for mail intended to be treated as “special” or “legal” mail. Be sure to check each institution's policies if you do not intend the mail to be treated

as general correspondence or it may not be afforded privileged treatment. Be sure to include your client's registration number as part of the address.

Generally, the following should be sufficient:

Your Name, Attorney at Law
Firm Name
Your Address
Mr. John Doe
Federal Registration Number
Facility
Address
SPECIAL MAIL: OPEN ONLY IN PRESENCE OF THE INMATE. ATTORNEY CLIENT PRIVILEGED MATERIAL ENCLOSED.

Day of Visit:

Arrive as early as permissible. Some prisons have many civilian visitors and busy visitor days. A lawyer must wait in line to register like other visitors; as a consequence, a visit later in the morning or early afternoon can result in a long wait. Also, prisons have set "count" times, at which times correctional officers must account for every prisoner and no prisoner movement is allowed. Prisons also have set meal times, so you may want to discuss this with your client if he or she is sensitive to missing a meal or has special dietary concerns (e.g., diabetes).

Ask where the visit will be held. If the prison does not have a lot of visitors, the visit (if permitted) may be more comfortable for you in the main visiting room where other civilians are present, but not within listening range. Privacy can be maintained under these circumstances and the atmosphere is often not as stifling and claustrophobic as many of the lawyer visiting rooms, which are generally smaller.

If you believe you need a private room with your client, please notify the Counselor or Litigation Coordinator well ahead of time so that appropriate security arrangements may be made to conduct the meeting.

Know your client's housing unit. Know where within the institution your client is located. Institutions can be rather large campuses and contain multiple types of housing units, such as in segregation, protective custody, general population, or medical. If you don't know your client's housing unit, ask for that information when you arrange for the visit and directions to the appropriate visiting area.

Know your client's housing classification. It is also important to know the housing classification of your client to determine what administrative procedures placed him or her there

and what restrictions may have been imposed, such as the inability to make telephone calls to you, restricted use of the law library, limited visitation, etc. For example, inmates housed in the Special Confinement or Controlled Monitoring Units at the FCI – Terre Haute may have extremely limited access to these types of communications.

Bring your current Attorney Registration card and photo identification (e.g., driver’s license) with you.

Beware of Contraband. Many institutions will not allow you to bring money, medication, pills, or cell phones into the institution. Most prisons also require that you leave unnecessary items such as your wallet, purse and car keys in a locker. Do not attempt to bring any contraband items into the prison or you may be barred from future visits. Other than reviewing legal documents, you are generally not permitted to give or receive anything from an inmate.

Problems? If you are having problems arranging for a visit or obtaining access to your client, you are encouraged to contact the inmate’s Counselor. You may also contact the Assistant United States Attorney assigned to the matter, who can often facilitate communicate directly with the appropriate legal office to address your concerns.

TELEPHONE, EMAIL AND VIDEOCONFERENCING

Encourage your client to communicate with you in writing. It is generally more effective, less time consuming, and less expensive than a phone call. Generally, prisoners may only make collect telephone calls. Please note that you have no choice but to use the telephone company with which the prison has contracted. But be sure to keep in contact with your client and answer his or her letters as promptly as possible.

For prisoners in state custody. Each Indiana prison follows the same administrative procedures, however, these procedures are not applied uniformly. Part of the reason for the different applications can be attributed to the physical lay-out unique to each facility. For example, Bill Clinton was President when Wabash Valley Correctional Facility opened. Abraham Lincoln was President when the Indiana State Prison opened. Regardless of which facility your client is housed at, begin the process by placing a call to the litigation coordinator, identify the client, state that you are an attorney and that you wish to make a call.

Generally, you will be asked if you desire a “secure” line — one on which prison officials cannot listen. Use your judgment; and if there are any doubts, ask for a secure line.

As background, offender calls to friends and family on the offender phones are subject to monitoring and recording. Attorney calls can be made from offender phones securely. As long as the offender advises staff responsible for the offender phone system of the attorney’s phone number, phone calls to that number are not recorded or monitored.

Calls made to or from staff phones are not recorded. However, if calls are made from the offender’s caseworker’s office, a staff member will be in the office while the call is taking place

(as the office has materials and information in it that the facility cannot allow an offender to read or remove).

In emergencies, if you need to speak to your client, you may call the prison and ask to speak to his or her counselor (ask your client for the counselor's name at the beginning of your representation). The counselor can usually arrange to have your client call you, depending on the particular prison.

To connect with a prisoner at the Indiana State Prison ("ISP"), the attorney or his office staff should call the facility and speak to someone in the Administrative Services Section and request a call from their client at a scheduled time, usually 24 or 48 hours in advance. The ISP verifies the attorney's status and notifies the unit where the offender is housed to call his attorney on the offender phones. The attorney's number is added to the offender's phone list so the call is not recorded. All calls coming into the facility are recorded for security reasons. The calls to the attorney will be collect or the offender may purchase a phone card from Commissary with minutes on it to make the call to his attorney and this call will be a direct call. If for some reason there is a pending deadline and the call to the client is an emergency, arrangements will be made for the attorney to call the facility at a scheduled time. The attorney must note all calls coming into the facility are recorded.

If your client's facility utilizes collect calls from the prison to the attorney, the attorney will need to set up an account with GTL (Global Tel Link) –Advance Pay. Advance Pay is a prepaid account established for collect calls. The web site for Advance Pay is www.connectnetwork.com and the phone 1-866-230-7761 to talk to a person. This is an expense for which you could seek reimbursement from the court.

Some Indiana Department of Correction prisoners have access to email. You will need to ask your client whether he or she has access. The email system does not allow for privileged communications, but the system could be useful to get general messages to your client.

The Court is collaborating with the Indiana Department of Correction to explore the use of videoconferencing to facilitate attorney/client communications. Additional information on this program will be made available in the future.

For prisoners in federal custody. Phone calls may be randomly monitored unless your client makes prior arrangements with his or her Counselor to conduct a "legal call." These calls are not monitored, however, they are sometimes difficult to arrange because they require the Counselor to make his or her office available to the inmate to conduct a private call and require staff to initiate the call.

Some federal inmates have access to TRULINCS, which is an electronic mail system. Once you are added to the approved visitors list, you may email your client and he or she may email you. You will have to agree before they can contact you via email. TRULINCS emails may be randomly monitored.

Some attorneys have asked about conducting video conferences with their client in lieu of personal visits/phone calls/email/mail correspondence. Most federal institutions do not have the resources to permit video conferencing for inmate-attorney visits and will make video-conferencing equipment available only pursuant to court order (such as for court conferences or trials in lieu of transporting an inmate out of the facility). Thus, you should not consider this an option for regular attorney-client communication.

5 – THE INTERVIEW

Now you are ready to meet your client. The prisoner may come to the interview handcuffed and shackled (legs chained together). Prisoners on death row, or in disciplinary status (known as segregation) will be restrained in this fashion, other prisoners will not.

You should plan on about one hour for the initial visit. You will be allotted as much time as you need, barring an institutional emergency. Your client may want to tell you about other institutional or family problems regarding which you may not be able to assist him or her.

Let your client tell you in his or her own words what the case is about. Develop a relationship of mutual trust and respect. Explain to the client your need to investigate the case pursuant to [FED. R. CIV. P. 11](#) and ask for his or her ideas about documents and people with information about the case. Explain that you will consult with him/her about legal matters, but that you must make the ultimate legal decisions in accordance with the requirements of Rule 11.

Find out what other civil actions the client may have filed. Other conditions of confinement troubling the client may be related to this case. You might consider filing an amended complaint to include these issues.

Explain your respective roles. For example, inform your client that you will file documents in the case and respond to motions and that he/she should no longer file documents on his/her own. It is also helpful to set your client's expectations with regard to the contact you will have with him/her. Be sensitive to the fact that your client is in a closed institution and has limited access to you and to the outside world. Make sure your client understands how you will proceed with the case, when and about what you will consult with him/her, and how frequently you will send status reports. Many prisoners are unfamiliar with the pace of civil litigation, so tell him/her not to worry if he/she does not hear from you for a period of time. Assure your client that you will always update them with important dates and deadlines in the case.

Find out if the client is about to be released and if so, request their anticipated address and telephone number upon release. Also be aware that prisoners are frequently transferred to other prisons without notice. Be sure to tell your client to inform you as soon as a transfer occurs.

Also, ask your client the name of his/her counselor/social worker to speed up the process of arranging future calls and/or visits.

After the initial client interview, recruited counsel should maintain regular contact with the client.

6 – STATUTORY AUTHORITY FOR AWARDING ATTORNEYS’ COSTS AND FEES

[42 U.S.C.A. § 1988 \(West 1994 & Supp. 2001\)](#) — To receive an award of attorney’s fees under § 1988, your client must prevail either entirely, or at least on some significant issue, raised by the litigation. Counsel must keep accurate and detailed time sheets if you want to recover fees under § 1988.

[28 U.S.C.A. § 1920 \(West 1994\)](#)—Costs are awarded pursuant to § 1920. These costs include such out-of-pocket expenses as expert fees, depositions, and copying.

[28 U.S.C.A. § 2412 \(West 1994 & Supp. 2001\)](#) — If your case involves a federal rather than state defendant, the Equal Access to Justice Act, § 2412, controls the recovery of attorney’s fees. This statute is more narrowly focused than § 1988 and sets limits on allowable hourly rates.

[42 U.S.C.A. § 1997e\(d\)\(3\) \(West Supp. 2001\)](#) -- Limits the amount of attorneys’ fees to an hourly rate of 150% of the rate determined by [18 U.S.C.A. § 3006A \(West Supp. 2001\)](#).

Appendix A – Sample Engagement Letter

SUGGESTED FORM OF PRISONER-CLIENT ENGAGEMENT LETTER

**Note: this form is a *suggestion*. Each attorney should determine what is appropriate.
[letterhead with attorney's name, address, etc]**

[date]

**CONFIDENTIAL ATTORNEY-
CLIENT COMMUNICATION**

[name Reg. # _____]

[address of prison]

Re: [name of attorney] Engagement letter

Dear [name of client],

Per our conversation, I am sending you this letter to provide you with my address and telephone number. This letter also identifies my role and responsibilities with regard to my representation of you in this matter.

1. Scope of services. The United States District Court for the Southern District of Indiana has appointed me to provide legal services to you in the following matter:

_____, plaintiff, v. _____, defendant(s), Case # _____ in the United States District Court for the Southern District of Indiana.

I will act as your counsel in this case for the claims that are stated in your *pro se* complaint or which arise out of the facts set forth in your *pro se* complaint.

My services will continue while the case is pending in the United States District Court. Once the case ends in that court, my representation of you will end. I will not undertake an appeal to a higher court, like the United States Court of Appeals for the Seventh Circuit, if an appeal becomes necessary.

In addition, I will not undertake to represent you on matters or claims unrelated to the matters set forth in your *pro se* complaint or any other matter or request unrelated to representation of you in the legal case for which the Court appointed me.

Other attorneys in my Firm [**if this is the case**] may assist me in this case; but each such attorney will be acting under my supervision with my knowledge and approval.

2. My responsibility as your appointed lawyer. All legal services that I furnish to you will be performed in compliance with the governing code of professional conduct. I will keep you reasonably informed of the progress and developments with the respect to the legal

services I am performing for you and will promptly comply with reasonable requests from you for information relating to the case I am handling for you.

As your case progresses, we may reach certain points where important decisions have to be made. If we come to one of those points, I will inform you of your options and provide you with my advice and opinion so that we can work together to agree upon the best decision for you to make.

As the Court issues orders on significant legal issues that have been raised by either party (plaintiff or defendant), I will inform you of those orders and what effects they might have on your case.

From time to time, you may request a legal opinion from me, or I may render an opinion on my own without your request, regarding the progress or status of the case or the performance of my legal services on your behalf. Each such opinion is necessarily limited by my knowledge of the facts at the time and is based on the state of the law at the time of such opinion or statement. Please keep in mind that any attorney's opinion, including my own, is not a guarantee of a particular outcome or the results of the legal proceeding.

Please note that I will not accept collect telephone calls from you, unless we have made prior arrangements with the prison legal liaison for a secure attorney-client call.

3. Duties of the client. Your cooperation is required in order for me to provide the legal services called for in this agreement. You have agreed to fully cooperate with me with respect to the legal services to be provided by me or my associates **[if any]**.

4. Professional Fees and Expenses.

[This is a matter of negotiation between client and attorney. For example, a contingency fee with the contingency to be calculated on balance after reimbursement of costs or before? If case is lost, no charge for services rendered and no reimbursement of costs]

If the case goes to trial and is successful, then attorney's fees and costs will be governed by the applicable provisions of the Prisoner Litigation Reform Act.

5. Review this agreement, sign the copy and return to me. Should you have any questions about any of the terms of this agreement, please contact me. If you agree with the terms proposed in this document, please sign and deliver back to me the copy. I have enclosed a self-addressed envelope for your convenience. Please keep the original.

Sincerely yours,

[Appointed attorney]

**THE ABOVE AGREEMENT
IS ACCEPTED AND AGREED TO.**

[client's name]

Date

Appendix B – BOP Administrative Remedy Program Policy No.
1330_018



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: OGC/LIT
NUMBER: 1330.18
DATE: January 6, 2014

Administrative Remedy Program

/s/

Approved: Charles E. Samuels, Jr.
Director, Federal Bureau of Prisons

1. **PURPOSE AND SCOPE §542.10**

a. Purpose. The purpose of the Administrative Remedy Program is to allow an inmate to seek formal review of an issue relating to any aspect of his/her own confinement. An inmate may not submit a Request or Appeal on behalf of another inmate.

Inmates seeking a formal review of issues relating to sexual abuse should use the regulations promulgated by the Department of Justice under the Prison Rape Elimination Act, 42 U.S.C. § 15606, et seq. These procedures are provided in Section 16 of this Program Statement.

b. Scope. This Program applies to all inmates in institutions operated by the Bureau of Prisons, to inmates designated to contract Community Corrections Centers (CCCs) under Bureau of Prisons responsibility, and to former inmates for issues that arose during their confinement. This Program does not apply to inmates confined in other non-federal facilities.

The president of a recognized inmate organization may submit a request on behalf of that organization regarding an issue that specifically affects that organization.

c. Statutorily-mandated Procedures. There are statutorily-mandated procedures in place for Tort claims (28 CFR 543, subpart C), Inmate Accident Compensation claims (28 CFR 301), and Freedom of Information Act or Privacy Act requests (28 CFR 513, subpart D). If an inmate raises an issue in a request or appeal that cannot be resolved through the Administrative Remedy Program, the Bureau will refer the inmate to the appropriate statutorily-mandated procedures.

Federal Regulations from 28 CFR are shown in this type.

Implementing instructions are shown in this type.

2. **PROGRAM OBJECTIVES.** The expected results of this program are:

- A procedure will be available by which inmates will be able to have any issue related to their incarceration formally reviewed by high-level Bureau officials.
- Each request, including appeals, will be responded to within the time frames allowed.
- A record of Inmate Administrative Remedy Requests and Appeals will be maintained.
- Bureau policies will be more correctly interpreted and applied by staff.

3. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

P1330.17 Administrative Remedy Program (8/20/2012)

b. **Directives Referenced**

P1320.06 Federal Tort Claims Act (8/1/03)
P4500.08 Trust Fund/Deposit Fund Manual (5/4/12)
P5212.07 Control Unit Programs (2/20/01)
P5214.04 HIV Positive Inmates Who Pose Danger to Other, Procedures for Handling of (2/4/98)
P5264.08 Inmate Telephone Regulations (1/24/08)
P5270.09 Inmate Discipline Program (7/8/11)
P5324.11 Sexually Abusive Behavior Prevention and Intervention Program (12/31/13)
P5890.13 SENTRY - National On-Line Automated Information System (12/14/99)

28 CFR 301 Inmate Accident Compensation

28 CFR 16.10 Fees (for records requested pursuant to the Freedom of Information Act (FOIA))

c. Rules cited in this Program Statement are contained in 28 CFR 542.10 through 542.19; and 28 CFR Part 115 – Prison Rape Elimination Act National Standards

4. **STANDARDS REFERENCED**

- American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4236 and 3-4271
- American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-3C-22, and 3-ALDF-3E-11 5.

5. **RESPONSIBILITY §542.11**

a. The Community Corrections Manager (CCM), Warden, Regional Director, and General Counsel are responsible for the implementation and operation of the Administrative Remedy Program at the Community Corrections Center (CCC), institution, regional and Central Office levels, respectively, and shall:

(1) Establish procedures for receiving, recording, reviewing, investigating and responding to Administrative Remedy Requests (Requests) or Appeals (Appeals) submitted by an inmate;

See Section 13 for further information on remedy processing, including use of SENTRY.

(2) Acknowledge receipt of a Request or Appeal by returning a receipt to the inmate;

The receipt is generated via SENTRY.

(3) Conduct an investigation into each Request or Appeal;

(4) Respond to and sign all Requests or Appeals filed at their levels. At the regional level, signatory authority may be delegated to the Deputy Regional Director. At the Central Office level, signatory authority may be delegated to the National Inmate Appeals Administrator. Signatory authority extends to staff designated as acting in the capacities specified in this §542.11, but may not be further delegated without the written approval of the General Counsel.

§ 542.11 refers to Section 5 of this Program Statement.

For purposes of this Program Statement, the term “institution” includes Community Corrections Centers (CCCs); the term “Warden” includes Camp Superintendents and Community Corrections Managers (CCMs) for Requests filed by CCC inmates; and the term “inmate” includes a former inmate who is entitled to use this program.

(5) The Warden shall appoint one staff member, ordinarily above the department head level, as the Administrative Remedy Coordinator (Coordinator) and one person to serve as Administrative Remedy Clerk (Clerk). The Regional Director and the National Inmate Appeals Administrator, Office of General Counsel, shall be advised of these appointees and any subsequent changes.

To coordinate the regional office program, each Regional Director shall also appoint an Administrative Remedy Coordinator of at least the Regional Administrator level, ordinarily the Regional Counsel, and an Administrative Remedy Clerk. The National Inmate Appeals Administrator, Office of General Counsel, shall be advised of these appointees and any subsequent changes.

(6) The Administrative Remedy Coordinator shall monitor the program’s operation at the Coordinator’s location and shall ensure that appropriate staff (e.g., Clerk, unit staff) have the knowledge needed to operate the procedure. The Coordinator is responsible for signing any rejection notices and ensuring the accuracy of SENTRY entries; e.g., abstracts, subject codes, status codes, and dates. The Coordinator also shall serve as the primary point of contact for the Warden or Regional Director in discussions of Administrative Remedies appealed to higher levels.

(7) The Administrative Remedy Clerk shall be responsible for all clerical processing of Administrative Remedies, for accurately maintaining the SENTRY index, and for generating SENTRY inmate notices.

(8) The Unit Manager is responsible for ensuring that inmate notices (receipts, extension notices, and receipt disregard notices from institutions, regions and the Central Office) are printed and delivered daily for inmates in their units and for deleting those notices from

SENTRY promptly after delivery to the inmate. CCMs are responsible for this function for inmates under their supervision.

b. Inmates have the responsibility to use this Program in good faith and in an honest and straightforward manner.

6. **RESERVED**

7. **INFORMAL RESOLUTION §542.13**

a. Informal Resolution. Except as provided in §542.13(b), an inmate shall first present an issue of concern informally to staff, and staff shall attempt to informally resolve the issue before an inmate submits a Request for Administrative Remedy. Each warden shall establish procedures to allow for the informal resolution of inmate complaints.

The Warden is responsible for ensuring that effective informal resolution procedures are in place and that good faith attempts at informal resolution are made in an orderly and timely manner by both inmates and staff. These procedures may not operate to limit inmate access to formal filing of a Request.

b. Exceptions. Inmates in CCCs are not required to attempt informal resolution. An informal resolution attempt is not required prior to submission to the regional or Central Office as provided for in §542.14(d) of this part. An informal resolution attempt may be waived in individual cases at the Warden or institution Administrative Remedy Coordinator's discretion when the inmate demonstrates an acceptable reason for bypassing informal resolution.

For example, the Warden may waive informal resolution for Unit Discipline Committee (UDC) appeals, or when informal resolution is deemed inappropriate due to the issue's sensitivity.

Although not mandatory, inmates may attempt informal resolution of DHO decisions. See the Program Statement **Inmate Discipline Program**.

8. **INITIAL FILING §542.14**

a. Submission. The deadline for completion of informal resolution and submission of a formal written Administrative Remedy Request, on the appropriate form (BP-9), is 20 calendar days following the date on which the basis for the Request occurred.

In accord with the settlement in *Washington v. Reno*, and for such period of time as this settlement remains in effect, the deadline for completing informal resolution and submitting a formal written Administrative Remedy Request, on the appropriate form (BP-9) (BP-229), for a disputed telephone charge, credit, or telephone service problem for which the inmate requests reimbursement to his/her telephone account, is 120 days from the date of the disputed telephone charge, credit, or telephone service problem.

Administrative Remedy Requests concerning telephone issues that do not involve billing disputes or requests for refunds for telephone service problems (such as Administrative Remedy

Requests concerning telephone privileges, telephone lists, or telephone access) are governed by the 20-day filing deadline.

b. Extension. Where the inmate demonstrates a valid reason for delay, an extension in filing time may be allowed. In general, valid reason for delay means a situation which prevented the inmate from submitting the request within the established time frame. Valid reasons for delay include the following: an extended period in-transit during which the inmate was separated from documents needed to prepare the Request or Appeal; an extended period of time during which the inmate was physically incapable of preparing a Request or Appeal; an unusually long period taken for informal resolution attempts; indication by an inmate, verified by staff, that a response to the inmate's request for copies of dispositions requested under §542.19 of this part was delayed.

Ordinarily, the inmate should submit written verification from staff for any claimed reason for delay.

If an inmate requests an Administrative Remedy form but has not attempted informal resolution, staff should counsel the inmate that informal resolution is ordinarily required. If the inmate nevertheless refuses to present a request informally, staff should provide the form for a formal Request. Upon receipt of the inmate's submission, the Coordinator shall accept the Request if, in the Coordinator's discretion, informal resolution was bypassed for valid reasons, or may reject it if there are no valid reasons for bypassing informal resolution.

c. Form

(1) The inmate shall obtain the appropriate form from CCC staff or institution staff (ordinarily, the correctional counselor).

The following forms are appropriate:

- Request for Administrative Remedy, Form BP-9 (BP-229), is appropriate for filing at the institution.
- Regional Administrative Remedy Appeal, Form BP-10 (BP-230), is appropriate for submitting an appeal to the regional office.
- Central Office Administrative Remedy Appeal, Form BP-11 (BP-231), is appropriate for submitting an appeal to the Central Office.

(2) The inmate shall place a single complaint or a reasonable number of closely related issues on the form. If the inmate includes on a single form multiple unrelated issues, the submission shall be rejected and returned without response, and the inmate shall be advised to use a separate form for each unrelated issue. For DHO and UDC appeals, each separate incident report number must be appealed on a separate form.

Placing a single issue or closely related issues on a single form facilitates indexing, and promotes efficient, timely and comprehensive attention to the issues raised.

(3) The inmate shall complete the form with all requested identifying information and shall state the complaint in the space provided on the form. If more space is needed, the inmate may use up to one letter-size (8 1/2" by 11") continuation page.

The inmate must provide an additional copy of any continuation page. The inmate must submit one copy of supporting exhibits. Exhibits will not be returned with the response. Because copies of exhibits must be filed for any appeal (see § 542.15 (b) (3)), the inmate is encouraged to retain a copy of all exhibits for his or her personal records.

(4) The inmate shall date and sign the Request and submit it to the institution staff member designated to receive such Requests (ordinarily a correctional counselor). CCC inmates may mail their Requests to the CCM.

d. Exceptions to Initial Filing at Institution

(1) **Sensitive Issues.** If the inmate reasonably believes the issue is sensitive and the inmate's safety or well-being would be placed in danger if the Request became known at the institution, the inmate may submit the Request directly to the appropriate Regional Director. The inmate shall clearly mark "Sensitive" upon the Request and explain, in writing, the reason for not submitting the Request at the institution. If the Regional Administrative Remedy Coordinator agrees that the Request is sensitive, the Request shall be accepted. Otherwise, the Request will not be accepted, and the inmate shall be advised in writing of that determination, without a return of the Request. The inmate may pursue the matter by submitting an Administrative Remedy Request locally to the Warden. The Warden shall allow a reasonable extension of time for such a resubmission.

(2) **DHO Appeals.** DHO appeals shall be submitted initially to the Regional Director for the region where the inmate is currently located.

See the Program Statement **Inmate Discipline Program**.

(3) **Control Unit Appeals.** Appeals related to Executive Panel Reviews of Control Unit placement shall be submitted directly to the General Counsel.

See the Program Statement **Control Unit Programs**.

(4) **Controlled Housing Status Appeals.** Appeals related to the Regional Director's review of controlled housing status placement may be filed directly with the General Counsel.

See the Program Statement **Procedures for Handling HIV Positive Inmates Who Pose Danger to Other**.

9. APPEALS § 542.15

a. **Submission.** An inmate who is not satisfied with the Warden's response may submit an Appeal on the appropriate form (BP-10) to the appropriate Regional

Director within 20 calendar days of the date the Warden signed the response. An inmate who is not satisfied with the Regional Director's response may submit an Appeal on the appropriate form (BP-11) to the General Counsel within 30 calendar days of the date the Regional Director signed the response. When the inmate demonstrates a valid reason for delay, these time limits may be extended. Valid reasons for delay include those situations described in §542.14(b) of this part. Appeal to the General Counsel is the final administrative appeal.

These deadlines specify the date of the Appeal's receipt in the regional office or the Central Office. The deadlines have been made deliberately long to allow sufficient mail time. Inmates should mail their Appeals promptly after receiving a response to ensure timely receipt. Ordinarily, the inmate must submit written verification from institution staff for any reason for delay that cannot be verified through SENTRY.

In many cases, courts require a proper Appeal to the General Counsel before an inmate may pursue the complaint in court.

b. Form

(1) Appeals to the Regional Director shall be submitted on the form designed for regional Appeals (BP-10) and accompanied by one complete copy or duplicate original of the institution Request and response. Appeals to the General Counsel shall be submitted on the form designed for Central Office Appeals (BP-11) and accompanied by one complete copy or duplicate original of the institution and regional filings and their responses. Appeals shall state specifically the reason for appeal.

(2) An inmate may not raise in an Appeal issues not raised in the lower level filings. An inmate may not combine Appeals of separate lower level responses (different case numbers) into a single Appeal.

(3) An inmate shall complete the appropriate form with all requested identifying information and shall state the reasons for the Appeal in the space provided on the form. If more space is needed, the inmate may use up to one letter-size (8 1/2" x 11") continuation page. The inmate shall provide two additional copies of any continuation page and exhibits with the regional Appeal, and three additional copies with an Appeal to the Central Office (the inmate is also to provide copies of exhibits used at the prior level(s) of appeal). The inmate shall date and sign the Appeal and mail it to the appropriate Regional Director, if a Regional Appeal, or to the National Inmate Appeals Administrator, Office of General Counsel, if a Central Office Appeal (see 28 CFR part 503 for addresses of the Central Office and Regional Offices).

c. Processing. The appropriate regional office to process the Appeal is the regional office for the institution where the inmate is confined at the time of mailing the Appeal, regardless of the institution that responded to the institution filing.

10. ASSISTANCE §542.16

a. An inmate may obtain assistance from another inmate or from institution staff in preparing a Request or an Appeal. An inmate may also obtain assistance from outside sources, such as family members or attorneys. However, no person may submit a Request or Appeal on the inmate's behalf, and obtaining assistance will not be considered a valid reason for exceeding a time limit for submission unless the delay was caused by staff.

b. Wardens shall ensure that assistance is available for inmates who are illiterate, disabled, or who are not functionally literate in English. Such assistance includes provision of reasonable accommodation in order for an inmate with a disability to prepare and process a Request or an Appeal.

For example, Wardens must ensure that staff (ordinarily unit staff) provide assistance in the preparation or submission of an Administrative Remedy or an Appeal upon being contacted by such inmates that they are experiencing a problem.

11. RESUBMISSION §542.17

a. **Rejections.** The Coordinator at any level (CCM, institution, region, Central Office) may reject and return to the inmate without response a Request or an Appeal that is written by an inmate in a manner that is obscene or abusive, or does not meet any other requirement of this part.

b. **Notice.** When a submission is rejected, the inmate shall be provided a written notice, signed by the Administrative Remedy Coordinator, explaining the reason for rejection. If the defect on which the rejection is based is correctable, the notice shall inform the inmate of a reasonable time extension within which to correct the defect and resubmit the Request or Appeal.

(1) **Sensitive Submissions.** Submissions for inmate claims which are too sensitive to be made known at the institution are not to be returned to the inmate. Only a rejection notice will be provided to the inmate. However, other rejected submissions ordinarily will be returned to the inmate with the rejection notice.

(2) **Defects.** Defects such as failure to sign a submission, failure to submit the required copies of a Request, Appeal, or attachments, or failure to enclose the required single copy of lower level submissions are examples of correctable defects.

Ordinarily, five calendar days from the date of the notice to the inmate is reasonable for resubmission at the institution level; at least 10 calendar days at the CCM or regional offices; and 15 calendar days at the Central Office.

(3) **Criteria for Rejection.** When deciding whether to reject a submission, Coordinators, especially at the institution level, should be flexible, keeping in mind that major purposes of this Program are to solve problems and be responsive to issues inmates raise. Thus, for example, consideration should be given to accepting a Request or Appeal that raises a sensitive or

problematic issue, such as medical treatment, sentence computation, or staff misconduct, even though that submission may be somewhat untimely.

c. Appeal of Rejections. When a Request or Appeal is rejected and the inmate is not given an opportunity to correct the defect and resubmit, the inmate may appeal the rejection, including a rejection on the basis of an exception as described in §542.14 (d), to the next appeal level. The Coordinator at that level may affirm the rejection, may direct that the submission be accepted at the lower level (either upon the inmate's resubmission or direct return to that lower level), or may accept the submission for filing. The inmate shall be informed of the decision by delivery of either a receipt or rejection notice.

12. RESPONSE TIME §542.18

If accepted, a Request or Appeal is considered filed on the date it is logged into the Administrative Remedy Index as received. Once filed, response shall be made by the Warden or CCM within 20 calendar days; by the Regional Director within 30 calendar days; and by the General Counsel within 40 calendar days. If the Request is determined to be of an emergency nature which threatens the inmate's immediate health or welfare, the Warden shall respond not later than the third calendar day after filing. If the time period for response to a Request or Appeal is insufficient to make an appropriate decision, the time for response may be extended once by 20 days at the institution level, 30 days at the regional level, or 20 days at the Central Office level. Staff shall inform the inmate of this extension in writing. Staff shall respond in writing to all filed Requests or Appeals. If the inmate does not receive a response within the time allotted for reply, including extension, the inmate may consider the absence of a response to be a denial at that level.

The date a Request or an Appeal is received in the Administrative Remedy index is entered into SENTRY as the "Date Rcv", and should be the date it is first received and date-stamped in the Administrative Remedy Clerk's office. Notice of extension ordinarily is made via SENTRY notice.

13. REMEDY PROCESSING

a. **Receipt.** Upon receiving a Request or Appeal, the Administrative Remedy Clerk shall stamp the form with the date received, log it into the SENTRY index as received on that date, and write the "Remedy ID" as assigned by SENTRY on the form. Once a submission is entered into the system, any subsequent submissions or appeals of that case shall be entered into SENTRY using the same Case Number. The "Case Number" is the purely numerical part of the "Remedy ID" which precedes the hyphen and "Submission ID."

All submissions received by the Clerk, whether accepted or rejected, shall be entered into SENTRY in accordance with the SENTRY Administrative Remedy Technical Reference Manual.

Sensitive issues, when the inmate claims that his or her safety or well-being would be placed in danger if it became known at the institution that the inmate was pursuing the issue, should be

withheld from logging in until answered and/or should be logged into SENTRY with sufficient vagueness as to subject code and abstract to accommodate the inmate's concerns.

A Request should be submitted and logged in at the institution where the inmate is housed at the time the inmate gives the Request to the counselor or other appropriate staff member. If the event(s) occurred at a previous institution, staff at that previous institution shall provide, promptly upon request, any investigation or other assistance needed by the institution answering the Request. If an inmate is transferred after giving the Request to a staff member, but before that Request is logged in or answered, the institution where the Request was first given to a staff member remains responsible for logging and responding to that Request.

b. Investigation and Response Preparation. The Clerk or Coordinator shall assign each filed Request or Appeal for investigation and response preparation. Matters in which specific staff involvement is alleged may not be investigated by either staff alleged to be involved or by staff under their supervision. Allegations of physical abuse by staff shall be referred to the Office of Internal Affairs (OIA) in accordance with procedures established for such referrals. Where appropriate; e.g., when OIA or another agency is assuming primary responsibility for investigating the allegations, the response to the Request or Appeal may be an interim response and need not be delayed pending the outcome of the other investigation.

Requests or Appeals shall be investigated thoroughly, and all relevant information developed in the investigation shall ordinarily be supported by written documents or notes of the investigator's findings. Notes should be sufficiently detailed to show the name, title, and location of the information provided, the date the information was provided, and a full description of the information provided. Such documents and notes shall be retained with the case file copy. When deemed necessary in the investigator's discretion, the investigator may request a written statement from another staff member regarding matters raised in the Request or Appeal. Requested staff shall provide such statements promptly. For a disciplinary Appeal, a complete copy of the appealed disciplinary actions record shall be maintained with the Appeal file copy.

c. Responses. Responses ordinarily shall be on the form designed for that purpose, and shall state the decision reached and the reasons for the decision. The first sentence or two of a response shall be a brief abstract of the inmate's Request or Appeal, from which the SENTRY abstract should be drawn. This abstract should be complete, but as brief as possible. The remainder of the response should answer completely the Request or Appeal, be accurate and factual, and contain no extraneous information. The response should be written to be released to any inmate and the general public under the Freedom of Information Act (FOIA) and the Privacy Act. Inmate names shall not be used in responses, and staff and other names may not be used unless absolutely essential.

Program Statements, Operations Memoranda, regulations, and statutes shall be referred to in responses whenever applicable, including section numbers on which the response relies.

d. Response Time Limits. Responses shall be made as required in Section 12 of this Program Statement.

e. Index Completion. When a response is completed, the Clerk shall update SENTRY in accordance with the SENTRY Administrative Remedy Manual and the instructions in

Attachment A. Particular attention should be paid to updating the status date, code, and reason, and to making any changes to the subject code and abstract indicated by the Coordinator or by the response drafter. The abstract shall be taken from the response's first paragraph. Abbreviations may be liberally used, as long as they are easily understood, to allow as complete a description of the issue in the 50 characters allotted. For consistency, the Administrative Remedy Coordinator shall approve the closing entry, including the subject codes, status code and reason, and abstract, before the closing entry is made by the Clerk.

f. **Response Distribution.** For an institution response, one copy of the complete Request and response shall be maintained in the Warden's Administrative Remedy File together with all supporting material. Three copies shall be returned to the inmate. An inmate who subsequently appeals to the regional or Central Office shall submit one copy with each appeal.

One copy of a Regional Appeal and response shall be retained at the regional office. One copy shall be sent to the Warden at the original filing location. The remaining two copies shall be returned to the inmate; one to submit in case of subsequent appeal to the Central Office, and one to retain.

One copy of a Central Office Appeal and response will be returned to the inmate. One copy will be retained in the Central Office Administrative Remedy File, one copy will be forwarded to the regional office where the Regional Appeal was answered, and one to the Warden's Administrative Remedy File at the original filing location.

g. **File Maintenance.** The Warden's Administrative Remedy File and Administrative Remedy Files at the Regional Offices and Central Office shall be maintained in a manner that assures case files are readily accessible to respond to inquiries from Federal Bureau of Prisons staff, inmates, and the public. Institutions shall file Regional and Central Office response copies with the inmate's institution submission copy. Regional offices shall file copies of Central Office responses with the inmate's Regional Appeal file. Each location shall maintain copies of supporting material and investigation notes with the case file.

When a Regional or Central Office Appeal was not preceded by a lower level filing, the institution and regional copies shall be filed at the institution and region having responsibility for the inmate at the time of response.

To provide information and feedback, Wardens and Regional Directors are encouraged to route response file copies from subsequent appeal levels to the Coordinator and the appropriate department head or person who investigated and drafted the response at their respective levels.

14. **ACCESS TO INDEXES AND RESPONSES §542.19**

Inmates and members of the public may request access to Administrative Remedy indexes and responses, for which inmate names and Register Numbers have been removed, as indicated below. Each institution shall make available its index, and the indexes of its regional office and the Central Office. Each regional office shall make available its index, the indexes of all institutions in its region, and the index of the Central Office. The Central Office shall make available its index and the indexes of all institutions and regional offices. Responses may be requested from the location where they are maintained and must be identified by

Remedy ID number as indicated on an index. Copies of indexes or responses may be inspected during regular office hours at the locations indicated above, or may be purchased in accordance with the regular fees established for copies furnished under the Freedom of Information Act (FOIA).

At present, fees are detailed in 28 CFR § 16.10, which specifies a charge of \$.10 per page duplicated and no charge for the first 100 pages. Staff shall forward funds received for purchase of index and response copies to the FOIA/Privacy Act Section, Office of General Counsel, Central Office.

Any location may produce its index or that of another location by making the appropriate entries on a SENTRY retrieval transaction, and specifying the “SAN” (sanitized) output format.

15. RECORDS MAINTENANCE AND DISPOSAL

a. **Disposal Authority.** The authority for Administrative Remedy records disposal is the “job number” NC1-129-83-07 provided by the National Archives.

b. **Administrative Remedy Indexes.** SENTRY Administrative Remedy indexes shall be maintained in computer-accessible form for 20 years, then destroyed. Pre-SENTRY indexes shall be maintained at the site of creation for 20 years, then destroyed.

c. **Administrative Remedy Case Files.** Administrative Remedy Case Files shall be destroyed three full years after the year in which the cases were completed (i.e., response completed). For cases submitted since implementation of the SENTRY module (July 1990), at the end of each calendar year (beginning at end of 1993), run SENTRY index retrieval transactions to identify the lowest case number for cases answered (status = cl* and status date in the appropriate range) during the calendar year ended three years previously. Cases below that number must be destroyed. Thus, cases answered in 1990 would be destroyed at the end of 1993; cases answered in 1991 would be destroyed at the end of 1994, etc.

To identify the lowest case number for cases answered during a given year, it may be necessary to check indexes with “Date Received” in the year in question as well as those with “Date Received” in the previous year.

Cases maintained under the pre-SENTRY numbering and filing system should be destroyed according to the following schedule:

YEAR OF CASE #	DESTROY AT END OF
-----------------------	--------------------------

16. ADMINISTRATIVE REMEDY PROCEDURES UNDER THE PRISON RAPE ELIMINATION ACT (PREA)

Title 42 U.S.C. §15607 (a) required the Attorney General to publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of prison rape. Title 42 USC § 15607(b) states that the national standards shall apply immediately to the Federal Bureau of Prisons upon adoption of the final rule. The final rule is published in Title 28 C.F.R. Part 115. This section only addresses administrative remedy procedures in relation to issues of sexual

abuse, and shall not constitute the sole response of the agency to allegations of sexual abuse. Appropriate steps to address the safety and security of inmates shall be made in accordance with the other provisions of the PREA regulations, and the Program Statement **Sexually Abusive Behavior Prevention and Intervention Program**.

§115.52 Exhaustion of administrative remedies.

(a) An agency shall be exempt from this standard if it does not have administrative procedures to address inmate grievances regarding sexual abuse.

The Federal Bureau of Prisons has an administrative remedy system, and therefore section 115.52 (a) does not apply. The following sections, 115.52 (b) through 115.52 (g), apply to inmates seeking a formal review of issues relating to sexual abuse. For any issue not specified in sections 115.52 (b) through 115.52 (g) below, the administrative remedy system outlined in Sections 1 through 15 of this Program Statement applies.

(b)(1) The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.

“Sexual abuse” is defined for the purposes of this section in 28 C.F.R. § 115.6, as referenced in the Bureau’s policy on Sexually Abusive Behavior Prevention and Intervention Program.

Administrative remedies regarding allegations of sexual abuse may be filed at any time. For all other issues, the 20 calendar day period specified in Section 8 of this Program Statement shall be followed. Accordingly, administrative remedies regarding an allegation of sexual abuse shall not be rejected as untimely under Section 11 of this Program Statement, above.

Once filed, the inmate should follow the time requirements for appeal, as stated in Section 9 of this Program Statement, above.

(2) The agency may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.

If the inmate includes on a single form multiple unrelated issues, the portion of the administrative remedy regarding allegations of sexual abuse should be accepted and processed. The inmate shall be advised to use a separate form for each unrelated issue.

(3) The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

Inmates are not required to attempt informal resolution under Section 7 of this Program Statement, above, regarding allegations of sexual abuse.

(4) Nothing in this section shall restrict the agency’s ability to defend against an inmate lawsuit on the ground that the applicable statute of limitations has expired.

(c) The agency shall ensure that

- (1) an inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and**
- (2) such grievance is not referred to a staff member who is the subject of the complaint.**

Matters in which specific staff involvement is alleged may not be investigated by either staff alleged to be involved or by staff under their supervision. Allegations of physical abuse by staff shall be referred to the Office of Internal Affairs (OIA) in accordance with procedures established for such referrals. Where appropriate, e.g., when OIA or another agency is assuming primary responsibility for investigating the allegations, the response to the Request or Appeal may be an interim response and need not be delayed pending the outcome of the other investigation.

(d)(1) The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.

- (2) Computation of the 90-day time period shall not include time consumed by inmates during the course of an administrative appeal.**
- (3) The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.**
- (4) At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly-noticed extension, the inmate may consider the absence of a response to be a denial at that level.**

Time frames in this section are consistent with Section 12 of this Program Statement, above.

(e)(1) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.

(2) If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

(3) If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.

This section is applicable only to allegations of sexual abuse; inmates must personally file administrative remedies relating to other issues.

The inmate's approval of the remedy filed on his or her behalf shall be documented, and include the inmate's signature. An inmate's decision to decline to have the remedy processed on his or her behalf should also be documented, and include the inmate's signature. The documentation should be retained in the agency Administrative Remedy File at the appropriate level and on Sentry in accordance with Section 13 of this Program Statement.

Responses to third party remedies should be provided to the inmate who is the subject of the remedy.

An inmate is required to personally file any subsequent appeal. However, the inmate may receive assistance in preparing the appeal in accordance with Section 10 of this Program Statement, above.

(f)(1) The agency shall establish procedures for the filing of an emergency grievance where an inmate is subject to a substantial risk of imminent sexual abuse.

This section applies when an administrative remedy alleges a substantial risk of imminent sexual abuse. If a remedy meets both of these criteria, the remedy will receive expedited processing, as described below.

Section 12 of this Program Statement provides for an "emergency" administrative remedy as required by section 115.52(f). An expedited BP-9 (BP-229) response shall be provided if a remedy is determined to be of an emergency nature which threatens the inmate's immediate health or welfare. *See* 28 C.F.R. § 542.18.

The inmate shall clearly mark "Emergency" on the BP-9 (BP-229), and explain, in writing, the reason for filing as an emergency administrative remedy under this section.

If an inmate files an emergency administrative remedy with the Warden, the local Administrative Remedy Coordinator shall make a determination as to whether the remedy alleges a substantial risk of imminent sexual abuse. If the local Administrative Remedy Coordinator agrees that the administrative remedy meets the criteria for an emergency administrative remedy, the request shall be accepted, and receive expedited processing as stated below.

If the remedy is rejected for failing to meet the criteria of an emergency grievance under this section, a rejection notice will be provided to the inmate, and the remedy will be processed in accordance with the usual time frames indicated above.

(2) After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within five calendar days. The initial response and final agency decision shall document the agency's determination whether the inmate is in

substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

If an inmate files the emergency grievance with the institution under Section 12 of this Program Statement, above, alleging a substantial risk of imminent sexual abuse, an expedited BP-9 (BP-229) response shall be provided within 48 hours. Best efforts to provide BP-10 (BP-230) and BP-11 (BP-231) responses within five calendar days should also be made in accordance with the provisions on exhaustion referenced above. If the inmate does not receive a response within the time allotted for reply, the inmate may consider the absence of a response to be a denial at that level.

Inmates may also file “sensitive” administrative remedies under Section 8 of this Program Statement, above, regarding allegations of sexual abuse. If an inmate reasonably believes the issue is sensitive and the inmate’s safety or well-being would be placed in danger if the remedy became known at the institution, the inmate may submit the remedy directly to the appropriate Regional Director. *See* 28 C.F.R. § 542.14 (d) (1). “Sensitive” grievances should be processed in accordance with Section 8 and Section 11 of this Program Statement, and the expedited response times specified in this section do not apply.

(g) The agency may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.

The maintenance of an effective sexual abuse prevention policy, and general secure and orderly running of an institution, requires that inmates be held responsible for manipulative behavior and false allegations. Allegations of false reports will be considered by staff in accordance with the procedures and standards of the Inmate Discipline Program policy.

17. INSTITUTION SUPPLEMENT

Each Warden shall forward a copy of any Institution Supplement developed to implement this Program Statement to the Regional Administrative Remedy Coordinator and to the National Inmate Appeals Administrator in the Central Office.

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.

Appendix C – 00-02-301 Offender Grievances



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OFFENDER GRIEVANCE PROCESS

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	ACA:
IC 11-11-1-1	00-01-102 02-04-101 01-04-101 03-02-104 02-01-101 02-03-102	CO: 2-CO-3C-01 ACI: 4-4284 JTS: 1E-02, 3D-09, 5B-02-1, 5H-04

I. PURPOSE:

The purpose of this policy is to provide an administrative process where offenders committed to the Indiana Department of Correction may resolve concerns and complaints relating to their conditions of confinement.

II. POLICY STATEMENT:

The Offender Grievance Process is to provide a mechanism for every offender to express complaints and topics of concern for the efficient and fair resolution of legitimate offender concerns and for facility and Department management to be better informed and better able to carry out the Department’s mission and goals. The Offender Grievance Process is not intended to interfere with or supplant existing channels of communication. It is anticipated that offender complaints will be resolved informally by staff attempting to meet and discuss the complaints prior to the offender filing a formal written grievance.

III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented:

- A. **APPEAL:** A request for review of a facility-level response to a grievance by the Department Offender Grievance Manager.
- B. **BUSINESS DAY:** Working days for grievance processing defined as Monday through Friday, excluding any holidays recognized and observed by the State of Indiana.
- C. **DEPARTMENT:** The Indiana Department of Correction.

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- D. DEPARTMENT OFFENDER GRIEVANCE MANAGER: The staff person in the Department’s Central Office designated by the Commissioner as overseeing the Offender Grievance Process and who is responsible for ensuring appeals are investigated and responded to in the designated time frame.
- E. EMERGENCY GRIEVANCE: The resolution of a grievance that if subjected to the normal time limits could cause the grievant substantial risk of personal injury or irreparable harm.
- F. EXECUTIVE ASSISTANT: The staff person at a facility who is designated by and reports directly to the Superintendent to oversee the operation of the Offender Grievance Process which includes overseeing the duties of the facility Offender Grievance Specialist(s) at the facility.
- G. FRIVOLOUS / ABUSE / OR MULTIPLE GRIEVANCES: The use of the Offender Grievance Process in a manner other than in good faith, such as the filing of frivolous, repetitive or retaliatory grievances. Repetitive grievances or multiple grievances occur when the same issue has been addressed and where sufficient time for a response has not elapsed or where a response has been provided.
- H. GRIEVANCE: A formal written complaint or concern submitted on State Form 45471 in compliance with this administrative procedure and accepted and logged by the Offender Grievance Specialist. Until the Offender Grievance Specialist accepts and logs the document, it is a form and not a grievance.
- I. INFORMAL COMPLAINT/ RESOLUTION: A resolution to an offender complaint or concern reached by the complaining offender and staff without the submission of a formal grievance. This complaint must be on State Form 52897, “OFFENDER COMPLAINT-INFORMAL PROCESS LEVEL,” and is logged into OGRE with the Formal Grievance, if necessary. The Informal Complaint/Resolution is NOT given a separate log-in number, but is scanned as a secondary or supplemental form denoting that the offender attempted to resolve his/her complaint at the institution level.
- J. OFFENDER GRIEVANCE SPECIALIST: The staff person(s) who are designated by and reports directly to the Executive Assistant who oversees the operation of the Offender Grievance Process at the facility. The Offender Grievance Specialist is responsible for receiving, reviewing, logging, assigning a case number and ensuring an investigation is conducted and a proper response and resolution is made to each grievance.

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Each Facility must designate a Primary Offender Grievance Specialist and a Secondary Offender Grievance Specialist that shall remain within that designated assignment for at least two (2) years, minus extenuating circumstances. If removed for extenuating circumstances, the Offender Grievance Specialist must be immediately replaced with information relayed to Central Office Offender Grievance Manager of the replacement.

- K. **OFFENDER GRIEVANCE SYSTEM (OGRE):** The computer application officially called the Offender Grievance Review and Evaluation System to assist in the reviewing, managing, and tracking of the offender grievance process.
 - L. **PRISON RAPE ELIMINATION ACT (PREA):** The federal law establishing a standard of zero tolerance for incidents related to sexual assault and rape of offenders.
 - M. **REMEDY:** Any action taken in response to a complaint or concern, or to a grievance.
 - N. **REPRISAL:** Any act or threat of action against anyone for the use of or participation in the Offender Grievance Process.
- IV. **USE OF THE OFFENDER GRIEVANCE PROCESS:**

The Department recognizes only one grievance process. Although an offender may use one or more methods to resolve problems, the grievance process described in this policy and administrative procedure is the only administrative remedy officially recognized by the Department for the resolution of offenders' grievable issues. The complete offender grievance process consists of three steps:

- (i) An informal attempt to solve a problem or address a concern, which can be followed by;
- (ii) Submission of a written form outlining the problem or concern and other supporting information, and the response to that submission, which can be followed by;
- (iii) A written appeal of the response to a higher authority and the response to that appeal. The Department does not require an offender who is satisfied with the result at any step to proceed further with the process.

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A. Matters Appropriate to the Offender Grievance Procedure:

Offenders may initiate the grievance process when an incident or issue affects them personally and impacts the conditions of their confinement. Examples of issues about which an offender may initiate the grievance process include, but are not limited to:

1. The substance and requirements of policies, procedures and rules of the Department or facility (including, but not limited to, correspondence, staff treatment, medical or mental health, some visitation, and food service);
2. The way that staff members are interpreting and applying the policies, procedures, or rules of the Department or of the facility.
3. Actions of individual staff, contractors or volunteers; all PREA issues;
4. Acts of reprisal for using the Offender Grievance Process; and,
5. Any other concerns relating to conditions of care or supervision within the Department or its contractors, except as noted in these administrative procedures.

B. Matters Inappropriate to the Offender Grievance Procedure:

Examples of non-grievable issues, but not limited to:

1. Federal, state and local law;
2. Court actions and decisions, including pre-sentence investigation reports, pending charges, and jail time credit;
3. Indiana Parole Board Actions or Decisions;
4. Parole agent recommendations to the Indiana Parole Board;
5. Classification actions or decisions, which include loss of a job, change in security level, facility transfers, and bed moves (a separate classification appeals process is in place for this purpose);
6. Disciplinary actions or decisions (a separate disciplinary appeal process is in place for this purpose);

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7. Contents of grievance or appeal responses from the Executive Assistant or the Department Offender Grievance Manager;
8. Complaints on behalf of other offenders;
9. The denial of a sex offender's visits with minors based upon the results of the Department's case review;
10. Any matter over which the Department has no control, such as the actions of persons outside the Department who are not operating under contract with the Department;
11. Decisions by Superintendents to designate an offender as an abuser of the offender grievance process and, thereby, restrict the offender's access to the offender grievance process;
12. Any visitor's behavior resulting in Gate Closure of that visitor;
13. Personal Property Issues; and,
14. Tort Claims.

When an offender submits a grievance concerning a NON-GRIEVABLE issue, such as listed above, staff shall deny the grievance for that reason, retain copies for file, and complete State Form 45475, "RETURN OF OFFENDER GRIEVANCE," retain copies on file according to record retention guidelines, and send both (the documented grievance and return of offender grievance form) back to the offender.

C. Emergency Grievances:

The Offender Grievance Specialist shall immediately bring emergency grievances to the attention of the Executive Assistant for the Superintendent's review and response within two (2) business days of the offender filing the grievance. The action on any emergency grievance may be appealed by the offender within one (1) business day of receiving the response. The Department Offender Grievance Manager shall issue a final Department decision within five (5) business days of the offender filing the grievance. The initial response and final Department decision shall document the Department's determination whether the offender is in substantial risk of imminent danger and the action taken in response to the emergency grievance. The facility may discipline an offender for filing an emergency grievance in bad faith. The determination that a grievance is

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not an emergency may be appealed through the normal grievance procedures as directed in this policy and administrative procedures.

D. PREA Grievances:

When receiving an emergency grievance alleging an offender is subject to a substantial risk of imminent sexual abuse, the receiving staff member shall immediately forward the grievance, or any portion of the grievance that alleges the substantial risk of imminent sexual abuse, to the Superintendent. The Superintendent shall take immediate corrective action. The Superintendent shall forward the emergency grievance to the Executive Assistant, who shall provide an initial response within two (2) business days of the offender filing the emergency grievance. The Superintendent shall also forward the emergency grievance to the Department’s Offender Grievance Manager, who shall issue a final Department decision within five (5) business days to the offender who filed the grievance. The initial response and final Department decision shall document the Department’s determination whether the offender is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. The facility may discipline an offender for filing a grievance related to alleged sexual abuse only where the facility demonstrates that the offender filed the grievance in bad faith. The determination that a grievance is not an emergency may be appealed through the normal grievance procedures as directed in this policy and administrative procedure.

This subsection presents guidelines for the filing of grievances alleging that an offender is subject to a substantial risk of imminent sexual abuse, and removing the standard time limits on submission for a grievance regarding an allegation of sexual abuse. Standard time limits may apply to any portion of a grievance that does not allege an incident of sexual abuse. The Department shall not require an offender to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Nothing in this subsection shall restrict the Department’s ability to defend against an offender lawsuit on the ground that the applicable statute of limitations has expired.

An offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint at any time after the alleged incident. Sexual abuse as defined in Policy 02-01-115, “Sexual Assault Prevention, Investigation, Victim Support, and Reporting,” consists of non-consensual sex acts, abusive sexual contact, and staff sexual misconduct. Such a grievance shall not be referred to a staff member who is the subject of the complaint. The Department shall

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issue a final decision on the merits of any portion of a grievance alleging sexual abuse within ninety (90) days of the initial filing of the grievance. Determination of the ninety (90) day time period shall not include time consumed by the offender in preparing any administrative appeal. The Department may claim an extension of time to respond, of up to seventy (70) days, if the normal time period for response is insufficient to make an appropriate decision. The Department shall notify the offender in writing of any such extension and provide a date by which a decision shall be made.

At any level of the administrative process, including the final level, if the offender does not receive a response within the time allotted for response, including any proper extension, the offender may consider the absence of a response to be a denial at that level. Third parties, including other offenders, staff members, family members, attorneys, and outside advocates, shall be permitted to assist offenders in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of offenders. If a third party files such a request on behalf of an offender, the facility may require, as a condition of processing the request, that the alleged victim agree to have the request filed on his/her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. If the offender declines to have the request processed on his/her behalf, the Department shall document the offender's decision.

V. USE OF OFFENDER GRIEVANCE PROCESS WITHOUT FEAR OF REPRISAL:

Retaliation against an offender for filing an informal complaint or formal grievance is strictly prohibited. The prohibited retaliation includes, but is not limited to, disciplinary action against the offender for filing a grievance.

Any offender who believes that he or she has been the subject of reprisal/retaliation for using the offender grievance process may file a grievance explaining what action or threat of action has been taken against him or her as a direct result of using the offender grievance process. The Executive Assistant shall ensure that grievances related to reprisal/retaliation shall be thoroughly investigated and, if found to be accurate, appropriate action shall be taken against staff or offenders involved in the reprisal/retaliation.

- A. It shall be noted that offenders shall not submit grievances that threaten, or make derogatory or vulgar comments against staff, a facility, other offenders, visitors, or volunteers.

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- B. Disciplinary action may occur if the grievance threatens bodily harm or the intent to harm another individual at the facility or in the community upon release. Vulgarity or derogatory language is not necessary to convey or describe a situation or incident that may have occurred.
- C. A disciplinary action shall not be filed against an offender for providing false information on a grievance form unless staff can show that the offender deliberately provided false information in an attempt to harm, humiliate, or harass another person, impair the operation of the facility, or misuse the Offender Grievance Process.
- D. Only the Superintendent / designee or the Executive Assistant may issue a conduct report offense described in this section. This is not considered retaliation or reprisal when an offender makes threats of bodily harm, such behavior is a violation of offender disciplinary conduct. The offender grievance process is not to be used as a source with the intent to humiliate or harass staff, etc., when the intent is resolve problems, not to create additional ones.
- E. An offender’s restriction in the use of the offender grievance process for misuse or abuse of the process shall not be considered a reprisal for use of the offender grievance process and no grievance may be filed regarding this action.

VI. REMEDIES:

If a grievance is decided in favor of an offender, the Executive Assistant / Offender Grievance Specialist shall ensure that the appropriate remedy or resolution to the grievance is provided in a timely manner. The remedy may not directly benefit the offender and may not be the remedy the offender seeks. No grievance shall be rejected because an offender seeks an improper or unavailable remedy, except that a grievance shall be rejected if the offender seeks:

- A. A remedy available through the Classification Division of the Department;
- B. A remedy for an error allegedly occurring during a disciplinary proceeding;
- C. A remedy to a situation or event that is outside the authority of the Department; or,
- D. Staff discipline, job reassignment, and/or training.

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The Department may, at its discretion, provide one or more of the following remedies:

- A. Provide or replace state-issued items that have been lost, stolen, or damaged through the negligence of staff;
- B. Report Tort Claims through the Indiana Attorney General’s Office for consideration of providing remedy through the Tort Claims fund in the event a notice of staff negligence is submitted under the Indiana Tort Claims Act;
- C. Change Department or facility procedures or practices;
- D. Correct Department records; or,
- E. Provide other remedies as deemed appropriate by the Superintendent.

VII. COMMUNICATION OF THE OFFENDER GRIEVANCE PROCEDURES:

- A. Intake/Receiving Facilities shall include the offender grievance process in the Offender Orientation:

Upon an offender’s entry into the Department and when transferred to receiving facilities during incarceration, each offender shall be advised of the offender grievance process during the offender admission and orientation (A & O). Staff shall ensure that each offender is made aware of the offender grievance process and how he or she may obtain access to a copy of this policy and administrative procedure. Each offender shall be provided with a copy of the Department’s Offender Orientation Handbook which includes a section on the offender grievance process.

The offender A & O shall cover the following issues surrounding the offender grievance process:

- 1. A discussion of the intent of the offender grievance process and the types of issues and access to the process;
- 2. A description of the offender grievance process forms and how and where these forms may be obtained at the facility;
- 3. A description of the offender grievance process at the facility, including identification of the Offender Grievance Specialist / Executive Assistant;

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4. A description of the steps taken to ensure confidentiality;
5. Discussion on access to the process vs. abuse or misuse offender grievance process;
6. Where and how offenders may have access to this policy and administrative procedure.

The Executive Assistant shall ensure that the offender grievance process shall be explained to offenders whose primary language is other than English, or has a visual, hearing, or mental impairment. There shall be mechanisms in place to ensure that the offender grievance process is interpreted by all offenders.

B. Offender Complaint-Informal Process Level (State Form 52897):

A supply of State Form 52897, "OFFENDER COMPLAINT-INFORMAL PROCESS LEVEL," shall be maintained and obtained from offender's assigned Counselor, Case Manager, Unit Team, or the facility Offender Grievance Specialist. The offender shall be provided with State Form 52897 within one (1) business day from the date of the offender's request.

C. Offender Grievance (State Form 45471):

A supply of State Form 45471, "OFFENDER GRIEVANCE," shall be maintained and obtained from offender assigned Counselors, Case Managers, Unit Team member(s), or facility Offender Grievance Specialist. The offender shall be provided with the State Form 45471 within one (1) business day from the date the form is requested.

VIII. INVOLVEMENT OF STAFF IN THE OFFENDER GREIVANCE PROCESS:

A. Participation of Person Involved in the Matter

Any staff person directly involved in the situation giving rise to an offender's complaint or grievance shall not participate in the investigation or resolution of the complaint or grievance other than to provide necessary information during the investigation. For the purpose of these administrative procedures, direct involvement means being the subject of the complaint or grievance, being personally involved in the alleged conduct or incident at issue, or being a witness to the conduct or incident. Direct involvement does not include routine administrative actions, such as being a reviewing authority in a matter arising under other administrative procedures (e.g., reviewing correspondence to determine

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whether action should be taken on it). Staff shall avoid the appearance of a “conflict of interest” when attempting to resolve an offender’s complaint or grievance. If the Superintendent or Executive Assistant is the person directly involved in the situation giving rise to the complaint or grievance, the Superintendent shall appoint a designee (if possible an Assistant Superintendent) to conduct the investigation and provide a resolution to the complaint or grievance. The designee shall serve in the place of the Superintendent and shall indicate the reason why he or she has responded to the grievance rather than the normal responders.

B. Assistance with Preparation of Grievance

In restrictive status housing units or other units where an offender does not have access to other offenders, the complaining offender may request that a staff person in that unit assist in the preparation of a grievance or an appeal. Assistance may include writing or, where available, typing the grievance for an offender who cannot write or has limited understanding of English, whose handwriting is not legible, or who is unable to type the grievance. Staff may assist by explaining the grievance process to the offender. However, the complaining offender must sign the grievance and submit the grievance in accordance with any facility procedures for filing grievances. If a staff person assists the offender in preparing the grievance, that staff person shall have no other role in investigating or responding to the grievance. An offender may assist another offender at the same facility in preparing a grievance or an appeal. Assistance in preparing the grievance or appeal may include an offender writing or typing the document for another offender who either cannot write, has limited understanding of English, whose handwriting is not legible, or who is unable to type it. The complaining offender must sign the grievance or appeal and submit it to staff personally. An offender cannot submit an offender grievance on behalf of another offender.

IX. OFFENDER ABUSE OF GRIEVANCE PROCESS:

Offenders shall not be allowed to abuse or misuse the Offender Grievance Process by attempting to flood the process with excessive numbers of grievances or frivolous grievances. The determination as to whether an offender is attempting to abuse the process shall not be based solely on the quantity of grievances; but shall also include the types of grievances and the subject matter of the grievances. The grievances submitted to satisfy the order of a court shall not be included in documentation alleging abuse of the Offender Grievance Process.

An offender who appears to be abusing the Offender Grievance Process shall not be automatically referred to the Superintendent as an alleged abuser but shall first

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be interviewed by the Executive Assistant to determine the rationale and need of the offender to file the amount and type of grievances currently under consideration. The ramifications of abuse of the process shall be explained to the offender. Offenders shall be informed of what is considered abuse of the Offender Grievance Process. The Executive Assistant shall be the one interviewing the offender and shall document in a recommendation to the Superintendent that the offender has been interviewed and if he/she refuses to comply with the offender grievance process.

The Superintendent or designee shall determine whether the offender is an abuser of the offender grievance process and may place the following restrictions on the offender:

- A. The offender may have up to five (5) informal complaints in the grievance system at one time, not including emergency (life-threatening), or court-remanded grievances. The offender shall be placed on such a restriction for a period of forty-five (45) business days from the date of determination. An offender's ability to seek resolution of complaints through the informal process shall not be restricted. Offenders shall not be permitted to submit more than one (1) grievance arising out of the same or similar incident;
- B. Offenders shall not be permitted to have more than five (5) formal grievances pending at the facility level at any given time;
- C. Profanity, insults, and racial slurs, unless an alleged direct quote of another party shall not be permitted in grievances. Threatening statements may result in disciplinary action;
- D. An offender shall not be allowed to continually submit fraudulent grievances that are used to harass or embarrass staff or offenders, or knowingly provide statements that are untrue or fabricated that abuse the grievance process.

If the Superintendent determines that the offender is an abuse of the grievance process, the offender shall only be permitted to submit no more than one (1) active formal grievance at one time per week, with the exception of emergency (life-threatening) or court-remanded grievances to satisfy an order of the court for a period of forty-five (45) business days from the date of the determination. An offender's ability to seek resolution through the informal complaint process shall not be restricted per week.

The Executive Assistant shall return to the offender any grievances in excess of the approved number of grievances submitted by an offender when determined to

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be an abuser. These grievances shall be returned in reverse order of receipt (i.e., the last one submitted shall be the first one returned). The Executive Assistant shall include a written notice that the offender has exceeded the limit. During the forty-five (45) business day restriction period, the offender may elect to withdraw one (1) or more grievances filed during that restriction period or grievances that are in progress at any level. The offender may then initiate an identical number of new grievances if the offender believes the new issue(s) have greater priority.

A decision to restrict an offender’s access to the grievance process shall be automatically forwarded to the Department Offender Grievance Manager to review the decision and ensure compliance with this policy and administrative procedure.

X. INFORMAL RESOLUTION OF COMPLAINT:

It is the intent of the Department to resolve all offender complaints and concerns as quickly and informally as possible. Both staff and offenders are to attempt to resolve problems through open and courteous discussion before turning to the grievance process.

A. Basic Procedure:

Before filing a grievance, an offender is required to attempt to resolve a complaint informally. The offender may do this by discussing the complaint with the staff member responsible for the situation or, if there is no such single person, with the person who is in charge of the area where the situation occurs. If the offender is in fear of that staff person, is threatened by that staff person, or if the staff person is not available, the offender may discuss the matter with a Counselor, Caseworker, Casework Manager, or other Unit Team member. The facility Offender Grievance Specialist may require the offender to talk to several people to attempt an informal resolution before filing a grievance.

If the offender’s complaint is with a Department contractor, such as a food services or healthcare worker, the issue should be raised informally with Unit Team or the contractor Supervisor. The facility’s Offender Grievance Specialist may designate the proper contact person in such a case.

The offender shall receive State Form 52897, “OFFENDER COMPLAINT-INFORMAL PROCESS LEVEL,” from the following staff at the facility:

1. Facility Offender Grievance Specialist;

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- 2. Case Manager; or,
- 3. Unit Team members.

The offender shall receive the Informal Complaint/Resolution form from staff within the same business day, or no later than one (1) business day of the offender’s request. The Informal Complaint/Resolution form must be returned to the facility Offender Grievance Specialist within ten (10) business days of receipt.

B. Time Requirements:

The offender shall attempt to contact the Offender Grievance Specialist, Casework Manager, Caseworker, or Unit Team member within five (5) business days from the date of the incident to obtain a State Form 52897, “OFFENDER COMPLAINT-INFORMAL PROCESS LEVEL.” The offender must attempt to resolve the problem or complaint with the staff in question within five (5) business days from the date of receiving the State Form 52897 from the Offender Grievance Specialist, Casework Manager, Caseworker, or Unit Team member. Normally, the offender should discuss the incident with the staff person where the problem originates and provide the staff person with all available information in order to resolve the complaint informally. If this is difficult for the offender to accomplish, the offender should seek the assistance of the Supervisor of the staff person, the assigned Case Manager/Counselor, Unit Team member, or Offender Grievance Specialist to guide and assist in resolving the problem. The offender must not wait until the five (5) business days are over to ask for such assistance, but must seek assistance within the established five (5) business days or the informal complaint will be rejected. The responsibility to follow through with resolving this complaint or asking for assistance within the (5) business days is the offender’s.

The completed State Form 52897, “OFFENDER COMPLAINT-INFORMAL PROCESS LEVEL,” shall be evidence from the offender that an attempt was made on the part of the offender to resolve problem through the offender’s discussion with the specific staff member who is able to resolve the problem, a Supervisor who is able to resolve the problem, or the assigned Case Manager/Counselor or Unit Team advocating on behalf of the offender to resolve the problem.

If there is no resolution and staff documents their account of the situation with signature and date, and the offender disagrees or is dissatisfied with the staff response, the offender must return the completed form to the facility Offender Grievance Specialist and document with a signature that

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he/she is either satisfied or dissatisfied with the outcome. If the offender is dissatisfied with the outcome, he/she may request to file a formal offender grievance by signing, dating, and noting that he/she wants to proceed with filing a formal grievance.

There should be no instance where the time period is over ten (10) business days in returning State Form 52897, "OFFENDER COMPLAINT-INFORMAL PROCESS LEVEL," to the facility Offender Grievance Specialist, unless the offender can provide a reasonable explanation for the delay. If the Informal complaint is not resolved by the staff person within ten (10) business days of the day the offender first approached the staff person, the offender shall be permitted to submit a grievance form.

The facility Grievance Specialist can review for an additional five (5) business days, if due to staff availability or the facility was on lockdown, thereby needing additional time to respond. The facility Grievance Specialist must document this as the reason for the delay in the comment section of State Form 45471, "OFFENDER GRIEVANCE," and in the OGRE system. If there is a need for additional time for response, the Offender Grievance Specialist must review the reasons for such a delay prior to forwarding a request to the Executive Assistant for an extension of time.

Staff shall be advised that they cannot impede or hinder the offender's ability to resolve the complaint informally or hinder the offender from submitting a formal grievance regarding issue(s) surrounding their situation.

However, if the offender makes no attempt to resolve the problem at the informal level, and refuses to discuss resolution with anyone, (no documentation of contacts or signatures), but the Informal/Resolution Complaint meets the criteria of a grievable issue, the facility Offender Grievance Specialist may still reject the Informal Resolution Complaint due to the offender's unwillingness to attempt to resolve the problem through the Informal/Complaint Resolution process.

The time to submit a formal State Form 45471, "OFFENDER GRIEVANCE," begins on the earliest of these days and ends five (5) business days later:

1. The day the staff member tells the offender that there will be no informal resolution;

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- 2. The day that the offender refuses an informal resolution offered by staff; or,
- 3. The tenth (10th) business day after the offender first seeks an informal resolution from staff.

C. Documentation

State Form 52897, "OFFENDER COMPLAINT-INFORMAL PROCESS LEVEL," is to be used for this process. This document shall become part of the official record of the grievance process, documenting that the offender has attempted to resolve his/her issue or complaint prior to the submission of a formal State Form 45471, "OFFENDER GRIEVANCE." The informal complaint shall be scanned into the OGRE system as a supplemental form in the event the offender is not satisfied with the informal complaint process and wishes to file a formal grievance.

If the offender's complaint is resolved during the Informal Complaint/Resolution period, documentation shall be filed in the offender's facility packet and maintained on file with the Department Offender Grievance Manager's office.

XI. OFFENDER FILING A FORMAL GRIEVANCE:

An offender wanting to file a formal grievance shall submit a completed State Form 45471, "OFFENDER GRIEVANCE," no later than (20) business days from the date of the incident giving rise to the complaint or concern to the Offender Grievance Specialist. The time limit is extended if a form submitted within that timeframe is returned to the offender after screening the State Form 45471, "OFFENDER GRIEVANCE," by the Offender Grievance Specialist. The offender shall have five (5) business days from the date of the return from the Offender Grievance Specialist to complete and return.

An offender may file a State Form 45471, "OFFENDER GRIEVANCE," concerning an issue that he/she has been unable to resolve at the Informal level to the facility Offender Grievance Specialist. The facility Offender Grievance Specialist must submit to the offender State Form 45471, "OFFENDER GRIEVANCE," within one (1) business day of the request from the offender. The completed grievance form must be submitted to the facility Offender Grievance Specialist within five (5) business days of receipt of the grievance form. The facility Offender Grievance Specialist must either return an unacceptable form or provide a receipt for an accepted form. If an offender does not receive either a receipt or a rejected form from the facility Offender Grievance Specialist within seven (7) working days of submitting it, the offender shall

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immediately notify the facility Offender Grievance Specialist of that fact (retaining a copy of the notice) and the facility Offender Grievance Specialist shall investigate the matter and respond to the offender's notification.

The facility shall ensure that a mechanism is in place in each housing unit or Unit Team to ensure that offenders who are illiterate, who do not speak or write English fluently, or who have medical or psychological disabilities have assistance in preparing and submitting a grievance form in accordance with this policy and administrative procedure. This assistance may be from other offenders or from staff if other offenders cannot, or will not, assist.

- A. Each completed State Form 45471, "OFFENDER GRIEVANCE," must meet the following standards:
1. Each part of the form shall be completed;
 2. It shall be written legibly, in plain and simple English;
 3. It shall avoid the use of legal terminology;
 4. It shall raise the same issue that the offender raised in trying to get the informal resolution;
 5. It shall relate to only one event or issue;
 6. It shall be submitted by an offender on his or her own behalf, although it can be written by another offender or staff member if the offender is unable to do so due to a physical, language, or other problem;
 7. It shall explain how the situation or incident affects the offender;
 8. It shall show how the offender tried for informal resolution of the complaint or concern;
 9. The offender must sign the grievance form unless unable to do so because of a transfer, an inability to write, or physical inability caused by restraint or infirmity, and in any such case a staff member must indicate the reason why the offender did not sign the form;
 10. The grievance form shall be dated; and,

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11. The offender shall suggest some relief or remedy.

B. Screening the Grievance:

The Offender Grievance Specialist shall review the grievance form within two (2) working days of receiving it and shall either accept it and log it, or reject it.

The Offender Grievance Specialist may reject the grievance form and return it to the offender unfiled if any of the conditions are not met. In addition, the form may be returned to the offender for any of the following reasons:

1. It is clear on the face of the grievance form that the form was not submitted within the time limit;
2. One offender submitted it on behalf of another offender or on behalf of a visitor;
3. It is a “class action” grievance;
4. It uses profanity or vulgarity in a manner other than as a direct quote (which may result also in disciplinary action);
5. It concerns a classification matter;
6. It concerns the conduct of disciplinary proceedings (see below);
7. It concerns a matter beyond the power of the Department and its contractors to remedy;
8. It deals with more than one event or issue;
9. The grievance constitutes abuse in that it was not submitted in good faith but is frivolous or retaliatory; or,
10. The matter addressed in the grievance has been raised and addressed before or is being addressed in another grievance submitted by the same offender.

An offender may not grieve the procedure used in disciplinary proceedings or a finding of guilt. However, the offender is not barred from filing a grievance about an event that is merely related to an event that is the subject of disciplinary proceedings. For example, an offender who has

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been found guilty of battery on staff would not necessarily be barred from filing a grievance that the staff member had treated him or his property improperly in the same course of events. An offender who has been found guilty of destroying State property, however, is not permitted to assert in a grievance that a staff member destroyed the property.

The Offender Grievance Specialist has the discretion to consider a grievance that does not conform to the foregoing rules if there is good cause for the violation. An example of good cause is an inability to comply for reasons outside of the offender’s control.

If the Offender Grievance Specialist determines from a review of the grievance form that the completed form does not meet the requirements of these administrative procedures and there is no good cause shown, the Offender Grievance Specialist shall return the grievance form to the offender with an explanation as to why the form was returned and how it may be corrected. State Form 45475, RETURN OF GRIEVANCE, shall be used for this purpose. It will be the responsibility of the offender to make the necessary revisions to the grievance form and to return the revised form to the Offender Grievance Specialist within five (5) working days from the date that it is returned to the offender.

C. Response to Formal Grievance:

The Offender Grievance Specialist has fifteen (15) business days from the date that the grievance is received to complete an investigation and provide a response to the offender, unless the time has been extended.

Upon receipt of a completed State Form 45471, “OFFENDER GRIEVANCE,” from any offender, the Offender Grievance Specialist shall within (1) business day submit the SF 45471 form to the facility staff/supervisor for response. Within (10) business days of receipt of the offender’s formal grievance, the facility staff / supervisor shall:

1. Investigate the formal grievance;
2. Prepare a written response to the offender’s formal grievance. The written response shall include:
 - a. A summary of the offender’s concerns included in the formal grievance;

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- b. A description of what actions were taken to investigate the formal grievance to include the date and content if a face-to-face meeting with the offender was conducted;
- c. A summary of findings; and,
- d. The decision and its supporting rationale.

The facility staff / supervisor shall return the response to the Offender Grievance Specialist no later than the tenth (10th) business day of receipt of the offender's formal grievance. If there is a delay in returning the response due to the need to further investigate the offender's concerns, such as (to make contact with the offender, discuss concerns with Medical Physician, awaiting information from local hospital etc.) the facility staff / supervisor must notify the Offender Grievance Specialist with a reason for the delay. The Offender Grievance Specialist must document the reason for the delay and, if requested by the staff / supervisor, an addition of (5) business days can be given to complete the investigation. The Offender Grievance Specialist shall ensure the offender is notified of the delay due to further investigation of the concerns in their grievance.

If a response is not received from facility staff / supervisor within the established time frames of five (5) business days of receipt and if after given an additional (5) business days for delay, the Offender Grievance Specialist shall notify the offender that he/she may proceed to the next level in the grievance process.

Staff failure to respond to offender grievances submitted by the Offender Grievance Specialist shall be forwarded to the Executive Assistant for appropriate follow-up and auditing purposes of the grievance process.

XII. OFFENDER FORMAL GRIEVANCE APPEALS:

Upon receipt of the grievance response from the Offender Grievance Specialist, the offender shall be responsible for reviewing the response and determining whether the response adequately addresses the issues in the grievance. The offender shall be permitted to appeal the response to the Department Offender Grievance Manager if the offender disagrees with the formal response at the institution level. **The right to appeal is absolute and the offender shall not be told otherwise or asked to waive this right.**

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If the offender is dissatisfied with the Formal Grievance level response after receiving notification of the response, he/she may note the dissatisfaction to the response on the Formal Grievance Form and document with the Offender Grievance Specialist that he/she wants to proceed to the next level which would be to appeal to the Department Offender Grievance Manager.

If the offender does not wish to include any additional information in the formal grievance appeal, all information shall be scanned and submitted within one (1) business day to the Department Offender Grievance Manager. If the offender wishes to submit additional information in the formal grievance, he/she has five (5) business days from the date of the notification of the formal grievance response to submit the additional information to the Offender Grievance Specialist. If the additional information is not received within the five (5) business days, the Offender Grievance Specialist shall submit the formal grievance with response to the Department Offender Grievance Manager.

Appeals must address the basic issues of the grievance. The appeal may contain additional facts or information regarding the original issue and may raise concerns regarding the response from the previous level, but it shall not raise new or unrelated issues. The offender must state why the previous response was unacceptable, thereby establishing a rationale for the appeal and the basis for a reinvestigation. The appeal must be legible, signed, and dated by the offender, unless the offender cannot sign the appeal and a staff member has indicated why the offender was not able to sign.

If the offender receives no grievance response within twenty (20) business days of being investigated by the facility Offender Grievance Specialist, the offender may appeal as though the grievance had been denied. If there is a delay in investigating the offender's grievance issues, the Offender Grievance Specialist may seek approval for a time extension with the request submitted to the Executive Assistant, and with a responding email for file noting the approval/disapproval for the extension. The Offender Grievance Specialist shall notify the offender in writing of the number of days of the extension. In this event, the time to appeal begins on the twenty-first (21st) business day after the grievance was submitted or at the end of extension approved by the Executive Assistant. This time frame may be waived by the Department Offender Grievance Manager if it is determined that there are valid reasons to do so.

Staff responses to offender appeals from the Offender Grievance Specialist shall be within five (5) business days of submission. The Offender Grievance Specialist shall indicate the date he / she received the appeal and shall generate a receipt for the appeal. The receipt shall be given to the offender within one (1) business day from the date the appeal is logged. The Offender Grievance

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Specialist is to scan and forward the grievance and all pertinent information to the Department Offender Grievance Manager within five (5) business days of receipt.

XIII. DEPARTMENT OFFENDER GRIEVANCE MANAGER APPEALS:

The Department Offender Grievance Manager shall complete his/her investigation and submit a response to the appeal within fifteen (15) business days from the date of receipt, unless the Department Offender Grievance Manager notifies the offender and the facility housing the offender in writing within that fifteen (15) day period that the appeal will take additional time to complete. The Department Offender Grievance Manager may take one (1) extension of fifteen (15) additional business days to respond to the appeal. After that time, the appeal is deemed denied.

The decision of the Department Offender Grievance Manager shall be final. Once the response is completed, it shall be returned to the Offender Grievance Specialist electronically. It shall be the responsibility of the Executive Assistant to review the response, print a copy of the response, and ensure that the offender receives the response within two (2) business days from the date that the Executive Assistant receives the response from the Department Offender Grievance Manager.

A. Extension of Time:

1. For an offender:

An offender who does not follow the established time limits in this procedure may have his/her grievance or appeal denied for failure to comply to the time frames unless he or she is able to show good cause. If there are extenuating circumstances which caused the offender delay in seeking an Informal Resolution or submitting the documented Formal Grievance form within the time frames, the offender must document and submit the reason for the delay on a separate piece of paper with signature, and include with the necessary appeal form or make a request for the specific form to the Offender Grievance Specialist for review. The Superintendent's designee/Executive Assistant shall approve or deny such offender delay requests.

2. Extensions That Can Be Considered by the Executive Assistant or the Department Offender Grievance Manager:

The Executive Assistant or Department Offender Grievance Manager may extend the deadline once, for fifteen (15) business days in the case of the Executive Assistant and for twenty (20) business days in

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the case of the Department Offender Grievance Manager. This shall be done by notifying the offender of the extension. If there is a need to delay beyond the fifteen (15) business days due to additional information before making a decision on the offender's Informal Complaint/Resolution or formal grievance at the institution level or the Department Offender Grievance Manager, the offender shall be notified of the second delay that may go beyond fifteen (15) business days.

When there has been delay in responding to a request for Informal Resolution, or a Formal Grievance, or an appeal that goes beyond the second twenty (20) business days, the result shall be that the complaint, the grievance, or the appeal is deemed to have been denied and the offender is permitted to proceed to the next step of the grievance process, if any step remains. If no step remains, the offender has exhausted all remedies at the Department level.

B. Emergency extensions:

When the Superintendent declares a facility emergency in accordance with Policy and Administrative Procedure 02-03-102, "Emergency Response Operations," all time limits shall be suspended. During facility lockdowns that last for an extended period of time, the Superintendent may elect to allow offenders to submit grievances; in such cases, the time limits shall apply unless the Superintendent designates in writing an extension for a fixed period. PREA grievances must be handled immediately and with a suspension of time limits. Grievances that concern life threatening situations shall not be subject to a suspension of the time frames.

XIV. TRANSFER OR RELEASE FROM SUPERVISION:

An offender may pursue or originate a formal written grievance at a facility from which he/she has been transferred or released from supervision only under the following conditions:

- A. If an informal or formal grievance was initiated prior to the transfer or release, the offender may exhaust the administrative remedies available through the grievance process at the former facility.
- B. A new complaint against a former facility regarding transfer of property or funds may be initiated within 20 working days from the date of transfer or release. In such cases, the informal step of the Offender Grievance Process shall be waived.

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- C. The offender shall deal directly with the Executive Assistant at the housing facility. In an intrastate transfer, the Executive Assistant at the new facility shall receive the grievance and ensure that it is logged into the OGRE II system. The Executive Assistant shall then forward the grievance to the Executive Assistant of the former facility electronically who shall be responsible for investigating the grievance and preparing a response. The Executive Assistant at the housing facility shall ensure the offender access to the grievance policy and administrative procedures.
- D. If the offender does not agree with the response from the previous facility, the offender may appeal the response. The offender shall follow the procedures for appealing the grievance and shall submit the appeal to the Executive Assistant of the housing facility. The Executive Assistant shall follow the procedures for processing an appeal.
- E. Established time frames shall be observed in the submission of complaints, grievances and appeals. Time frames governing the completion of investigations and responses shall be observed. A grace period of up to ten (10) working days may be allowed at each level for both the offender and the Executive Assistant due to the need to communicate with another facility.

XV. STAFF TRAINING:

Each facility shall ensure that the offender grievance process is included in the orientation given to new staff. This orientation shall include a brief description of the process and its purpose. This orientation shall emphasize the intent of the Department that the offender grievance process shall be handled in a fair and equitable manner and that staff shall attempt to resolve complaints and concerns informally whenever possible and that in all cases complaints and grievances shall be resolved as quickly as possible. This training is to include information on conflict resolution and mediation.

All staff shall be provided annual refresher information on the offender grievance process. Additionally, all Offender Grievance Specialists, Executive Assistants, and other designated staff who are involved in the offender grievance process shall routinely participate in annual training via on-line Computer-Based Training (CBT) which may include updates on the OGRE System, how to address specific issues, proper methods of communication, and dispute resolution.

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XVI. APPLICABILITY:

This policy and administrative procedure is applicable to all adult offenders, staff, and facilities housing adult offenders.

signature on file
Bruce Lemmon
Commissioner

Date

Appendix D – ED# 15-19 Offender Grievance Process



STATE OF INDIANA
Department of Correction

Indiana Government Center - South

302 W. Washington Street • Indianapolis, Indiana 46204-2738

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Michael R. Pence
Governor

Bruce Lemmon
Commissioner

April 5, 2015

EXECUTIVE DIRECTIVE # 15-19

This Executive Directive presents and authorizes a revision to Policy and Administrative Procedure 00-02-301, "Offender Grievance Process." The revision replaces the version of the policy and administrative procedure with an effective date of April 1, 2015 that was authorized by Executive Directive # 15-05. The revision is effective April 5, 2015 and is applicable to all adult offenders, staff, and facilities housing adult offenders. Executive Directive # 15-05 is rescinded effective April 5, 2015.

Significant changes to the policy and administrative procedure include:

Section IX, "OFFENDER ABUSE OF GRIEVANCE PROCESS":

Subsection B was revised to,

"Offenders shall not be permitted to have more than five (5) formal grievances pending at the facility level at any given time."

Section XI, "OFFENDER FILING A FORMAL GRIEVANCE":

Paragraphs one and two were flipped in chronological order.

Added Section XIV, "TRANSFER OR RELEASE FROM SUPERVISION"

Section XIV was added to provide guidelines for resolution of grievances after transfer or release from supervision.

Please ensure that all appropriate staff members are made aware of, and have access to, this Executive Directive and accompanying documents.

If there are any questions in regards to this Executive Directive, please contact the Department Offender Grievance Manager at 317-233-4765.

signature on file
Bruce Lemmon, Commissioner

Appendix E – IDOC Policy on Records Classification



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THE ESTABLISHMENT, MAINTENANCE AND DISPOSITION OF OFFENDER RECORDS

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 4-1-6-1 <i>et seq.</i> ; IC 5-14-3-1 <i>et seq.</i> ; IC 11-8-2-5(a)(8); IC 11-8-2-5(a)(10); IC 11-8-2-5(a)(12); IC 11-8-5-1 <i>et seq.</i> ; IC 11-10-1-2; IC 11-10-2-4; IC 11-13-3-3; IC 35-38-1-13; 210 IAC 1-6; 240 IAC 6-1	00-03-101 00-01-102 01-04-101 02-01-101	ACA: ACI:3-4018, 3-4020, 3-4092, 3-4093, 3-4095, 3-4096; 3-4097; 3-4099, 3- 4376; 3-4377; 3-4378;3-4379 JTS: 1A-26; 1A-27; 1E-01; 1E-02; 1E- 03; 1E-04; 1E-05; 1E-06; 1E-07; 5I-12; 5I-13 CO: 2-CO-1E-01; 2-CO-1E-02; 2-CO- 1E-03; 2-CO-1E-04; 2-CO-1E-06; 2- CO-1E-07; 2-CO-1E-08; 2-CO-1E-09

I. PURPOSE:

This policy presents the parameters for the establishment, maintenance, release and disposition of offender records by the Department of Correction.

II. POLICY STATEMENT:

The Department of Correction shall develop and maintain an offender records system that will maintain necessary information on all offenders committed to the Department. Information placed in the system shall be collected in a manner that provides the greatest degree of current, accurate data and facilitates program planning, development, implementation and review.

The data contained in the offender records system shall be controlled to ensure the confidentiality and security of the information and to protect the integrity of the record. The release of information or data contained in the system shall be based upon appropriate statutes, promulgated rules, Department policies and administrative directives. Information maintained by the Department shall be destroyed only upon approval by the Indiana Commission on Public Records.

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j. Each facility, and office records unit shall develop and maintain a system to account for each active offender packet that is released to an individual including the individual's office or agency.

2. Intake Units:

a. Adult:

(1) Upon the receipt of an individual, the Intake Unit shall ascertain if the individual has been committed or court ordered to the Department previously. If it is so determined, the Intake Unit shall retrieve the offender's prior active/inactive records and incorporate them into new records. The retrieval process shall be in accordance with Section V of these procedures.

(2) Each Intake Unit shall prepare a facility packet for individuals court ordered to the Department for Pre-Dispositional services.

b. Juvenile:

Each Intake Unit shall prepare a facility packet for each committed or court ordered offender that the unit processes.

VI. CLASSIFICATION, ACCESS, REVIEW, CHALLENGE, EXPUNGEMENT, RELEASE AND SECURITY OF INFORMATION:

A. CLASSIFICATION OF INFORMATION:

1. Unrestricted:

Unrestricted (public) information includes, but is not limited to, the following:

- a. Offender's commitment name;
- b. Offender's DOC number;
- c. Alias(es);
- d. Age (Birth month, day and year);
- e. Court documents:

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- (1) State Form 8466, ABSTRACT OF JUDGEMENT;
 - (2) Court orders;
 - (3) Docket sheet;
 - (4) Warrant/detainer; and,
 - (5) Any sentencing information;
- f. Date of beginning Department incarceration--after arrival;
- g. Current Projected Release Date (PRD);
- h. Earliest Possible Release Date (EPRD);
- i. Maximum Release Date (MRD);
- j. Date received at facility;
- k. Transfer date;
- l. Current and past status:
- (1) Facility to which assigned or present location if different from assigned facility except when transfer is imminent or in process;
 - (2) Program assignment; e.g., education, farm, industries, work--excluding progress report;
 - (3) Releases--excluding offender's address:
 - (a) Court order--after return to court's jurisdiction;
 - (b) Death;
 - (d) Discharge--after discharge;
 - (e) Escape/abscond;
 - (f) Parole/Community Supervision;
 - (g) Transfer to another jurisdiction, excluding witness relocation program.
- m. Parole Board/Clemency Commission:
- (1) Eligibility/hearing date;
 - (2) Action taken;
 - (3) Clemency action by Governor; and,
 - (4) Executive Order Number.
- n. Community Transition Program information;
- o. Location;
- p. Conduct summary:

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- (1) Number of reports;
- (2) Offense and code;
- (3) Disposition.

2. Restricted:

Restricted information includes, but is not limited to, the following.

- a. Education records;
- b. Medical records;
- c. Sex Offender records;
- d. Substance Abuse records;
- e. Disciplinary code reports;
- f. Criminal History;
- g. Employment records;
- h. Finger and voice prints;
- i. Photographs;
- j. Facility summaries;
- k. Psychiatric and psychological reports;
- l. Social History reports; and,
- m. Progress reports.

3. Confidential:

Information that may not be inspected by an adult offender or his/her agent, including but not limited to, the following:

- a. Criminal intelligence;
- b. Federal criminal justice documents relating to the offender;
- c. Internal investigative materials - excluding State Form 39591, REPORT OF INVESTIGATION OF INCIDENT;
- d. Parole/Clemency protest documents;
- e. Information received by the Department, whether solicited or not, that, if disclosed, might result in physical harm to the individual providing such information or to any other individual, including the offender;
- f. Information obtained by the Department only upon a promise of confidentiality shall be released to the offender or his/her agent only upon receipt of a valid court order; and,
- g. Any other information required by law or promulgated rule to be maintained as confidential.

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4. Juvenile Records:

All juvenile offender information is considered confidential.

B. ACCESS TO OFFENDER RECORDS INFORMATION:

1. The following persons, designees, or agencies shall have access to offender records information within the classifications as indicated:

a. Unrestricted:

Anyone, upon written request.

b. Restricted:

(1) An adult offender who has been committed or court ordered to the Department may access his/her own records;

(2) Authorized agent for an adult offender:

In order to gain access the following conditions apply:

(a) The agent shall be free from a current commitment to, legal control of, or receiving correctional services from the Department; or a court probation obligation;

(b) The offender shall complete a statement identifying the person acting as his/her agent for access to the offender's records and submit the statement for filing in the facility and Central Office offender's packets;

(c) The agent shall provide proper identification upon request of the staff person authorizing access to the information;

(d) If doubt exists as to the identity of the offender's agent, the offender shall be

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contacted for verification when possible;
and,

- (e) If the offender's signed statement identifying the agent is not on file with the facility or office, or is not presented by the agent when making the request to access the information, the agent shall be advised that he/she may obtain such authorization from the offender or file a formal request for access with the department.

- (3) Health Care Service Records may be released to a dentist, physician, psychologist or psychiatrist designated in writing by the offender about whom the information pertains. Additionally, Health Care Service Records may be released to an attorney representing the offender upon submission of a letter of representation containing the signature of the offender. Health Care Service Records including the following:

- (a) Dental;
- (b) Medical;
- (c) Psychiatric; and,
- (d) Substance Abuse.

- (4) Employees of the following agencies/organizations who need the information in the performance of their lawful duties:

- (a) Criminal justice agencies, including Law Enforcement agencies;
- (b) Family and Social Services Agencies. Upon notification by the Parent Location Service that the information is for the purpose of locating a parent of an abandoned or deserted child and that the information obtained will be treated as confidential by the division or by the agency, department or any other state to which the information is

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released. The following information may be released:

- (1) Full name of parent;
 - (2) Social Security Number of parent;
 - (3) Date of birth of parent;
 - (4) Address of parent's residence;
 - (5) Amount of wages earned; and,
 - (6) Number of dependents claimed on state and federal tax withholding forms;
- (c) Internal Revenue Service;
 - (d) Probation Officers;
 - (e) Prosecutor Offices;
 - (f) Public Defender (State);
 - (g) Social Security Administration;
 - (h) U.S. Postal Service;
 - (i) Department of Public Welfare
 - (j) Office of the Attorney General;
 - (k) Department of Mental Health;
 - (l) Department of Rehabilitation Services;
 - (m) Health Care Staff providing services for an offender in or under department custody/care;
 - (n) Governor and Governor's staff; and,
 - (o) Parole/Clemency Board.
- (5) The Commissioner may release restricted information when it is determined that there exists a compelling public interest for disclosure that

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overrides the interests to be served by non-disclosure.

- (6) Department employees as approved by the Commissioner, Facility Head or designee who need the information in the performance of their lawful duties;
- (7) Person(s) designated by a court order enforceable in the State of Indiana;
- (8) Researchers in accord with approved procedures for "Research and Statistics," Policy 00-04-201;

c. Confidential:

- (1) Adult Offenders
 - (a) Department employees as approved by the Commissioner, Facility Head or designee who need the information in the performance of their lawful duties; and,
 - (b) Persons designated by an Indiana court order.
- (2) Juvenile Offenders:
 - (a) Department employees as approved by the Commissioner, Facility Head or designee who need the information in the performance of their lawful duties;
 - (b) Juvenile records may be released to a parent or legal guardian or a legal representative of the juvenile, parent or legal guardian upon specific written request, unless the release of such record(s) is contrary to the health, welfare or safety of the juvenile.
 - (c) Persons designated by an Indiana court order.

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- (3) The Commissioner may release confidential information when it is determined that there exists a compelling public interest for disclosure that overrides the interests to be served by non-disclosure.
 - (4) Researchers in accord with approved procedures for "Research and Statistics," Policy 00-04-201;
 - 2. A person authorized to access an offender's record at a higher level of security shall be entitled to have access to records maintained at a lower level of security.
 - C. REVIEW AND RELEASE OF OFFENDER RECORDS INFORMATION:
 - 1. Upon receipt of request of disclosure, review and/or release of information by a facility, the staff person who receives the request shall forward the request to the staff person(s) responsible to approve a request for disclosure, review and/or release of offender records information.
 - 2. Upon receipt of an oral or written request to access an offender's record, the staff person(s) responsible to consider the request for disclosure, review and/or release of offender records information shall:
 - a. Complete the two upper boxes as appropriate on State Form 36083, REVIEW AND/OR RELEASE OF OFFICIAL OFFENDER RECORD;
 - b. Verify that the requester satisfies the criteria for access to requested information;
 - c. Request clarification and/or additional documentation as pertinent;
 - d. Approve the request if the requester satisfies the criteria;
 - e. Deny the request if the requester fails to satisfy the criteria;
 - f. Inform the requester of the appeal procedure;

Appendix F – Authorization to Release/Request Information



AUTHORIZATION TO RELEASE / REQUEST INFORMATION

State Form 46729 (R5 / 6-15)

INDIANA DEPARTMENT OF CORRECTION

CONFIDENTIAL

I _____, date of birth (*month, day, year*) _____, DOC number _____,
 (Please print)

Facility _____, Social Security number _____

authorize the Department of Correction to release request medical / mental health / facility records to / from:

Name of person / organization: _____

Address (*number and street, city, state, and ZIP code*): _____

I hereby authorize the above named provider to release the following confidential information:

- | | |
|---|--|
| <input type="checkbox"/> Physician / Provider's summary of my diagnosis, medications, treatments, prognosis and recent care | <input type="checkbox"/> Classification / Facility Records |
| <input type="checkbox"/> Admission | <input type="checkbox"/> Discharge |
| <input type="checkbox"/> X-Ray | <input type="checkbox"/> Special Studies Reports |
| <input type="checkbox"/> Laboratory Reports | <input type="checkbox"/> Immunization History |
| <input type="checkbox"/> Psychiatric Summary Report | <input type="checkbox"/> Drug Treatment History and Counseling Reports |
| <input type="checkbox"/> Other Records _____ | <input type="checkbox"/> Operative Summary Reports |
| | <input type="checkbox"/> HIV Test |
| | <input type="checkbox"/> Dental Treatment Records |
| | <input type="checkbox"/> Mental Health Records |

Dates (*month, day, year*)
From _____ To _____

When the Department of Correction requests information, mail to:

The information requested is recognized as confidential and will be used and maintained in the same manner as similar information created within the Department of Correction.

I understand that the information to be released may include HIV infection and drug / alcohol documentation. I certify do not certify that I have given my consent to release HIV drug / alcohol treatment records.

I certify that this request has been made voluntarily and that the information given above is accurate to the best of my knowledge. I understand that I may revoke this authorization at any time, except to the extent that action has already been taken to comply with it. I understand that this authorization will expire in one hundred eighty (180) days from the date of my signature, unless otherwise indicated.

I make this consent upon the premise that all disclosure made pursuant to the authority granted by this consent shall be accomplished by a written notice and shall be in accordance with all applicable federal and state laws, regulations and rules.

I understand that treatment, payment, enrollment in health program, or eligibility for benefits is not conditioned on signing this form.

I hereby release the health care provider and Department of Correction from any liability which may result from furnishing the information requested as authorized in this release.

I have read the above and foregoing consent for disclosure of confidential information and I do hereby acknowledge that I am familiar with and fully understand the terms and conditions of this consent.

Signature of offender	Date (<i>month, day, year</i>)
Signature of witness	Date (<i>month, day, year</i>)

Appendix G – HIPAA Compliant Authorization
for Release of Health Information

HIPAA COMPLIANT AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION

Patient Name: _____ Date of Birth: _____

Previous Name/s (aka): _____ Social Security Number: _____

I Authorize:

Name of designated individual, organization, or Provider

Address

To release verbally or in writing my health care information to *** for the purpose of legal representation.

Information to be Released:

Dates of Treatment:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

All Medical Records
All Medical Billing Records
X-Ray and imaging reports

<input type="checkbox"/>
<input type="checkbox"/>

All Dates
Specific Dates:

Other: _____

1. I understand that my express consent is required to release any health care information relating to testing/diagnosis, and/or treatment for HIV (AIDS Virus), sexually transmitted diseases, psychiatric disorders/mental health, or drug and/or alcohol use. If I have been tested, diagnosed, or treated for HIV (AIDS Virus), sexually transmitted diseases, psychiatric disorders/mental health, or drug and/or alcohol use, you are specifically authorized to release all health care information relating to such diagnosis, testing or treatment.
2. I understand that authorizing the disclosure of this health information is voluntary and you have my consent to release medical records for all dates including all diagnostic tests of any type and reports, history, hospitalization, diagnosis, prognosis, treatment, medication and pharmacy records, correspondence, consults, statement of charges or expenses. Any and all reports of any type or character.
3. I understand I have the right to revoke this authorization in writing. I understand the revocation will not apply to information that has already been released in response to this authorization. I understand the revocation will not apply to my insurance company when the law provides my insurer with the right to contest a claim under my policy. To revoke an authorization I may fill out a revocation form available at the facility/Provider or write a letter to the facility/Provider.
4. I understand that once the health information I have authorized to be disclosed reaches the noted recipient, that person or organization may re-disclose it, at which time it may no longer be protected under Privacy laws.
5. I understand that the information authorized for release may include records which may indicate the presence of a communicable or non-communicable disease.
6. I understand I do not have to sign this authorization in order to obtain health care benefits (treatment, payment, or enrollment).

This authorization will expire one year from the date signed. A copy or facsimile of this authorization shall be counted true and valid as original.

Signature of Patient or Legal Representative

Date

If Signed by Legal Representative, Relationship to Patient

Signature of Attorney or witness

Appendix H – BOP Authorization
for Release of Medical Information

AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION

Nov 12

U.S. Department of Justice

Federal Bureau of Prison

Certification of Identity

Privacy Act Statement. In accordance with 28 CFR Section 166.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of US Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, US Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103?0016), Washington, DC 20503.

Full Name Of Currently or Previously Incarcerated Individual	Register Number	Current Address
Date of Birth	Place of Birth	Social Security Number

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5000.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to

release information to, OR obtain information from

Name/Facility: _____

Address: _____

City, State, Zip: _____

I understand the information is to be used for (specific reason for release of information):

Continuation of care, or Other _____

Information to be Released/Obtained: Copy of and/or information from my medical file pertaining to my evaluation and treatment received from **(dates):** _____ **to** _____.

This is to include:

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Complete Record | <input type="checkbox"/> Discharge Summary | <input type="checkbox"/> History & Physical | <input type="checkbox"/> Operative Reports |
| <input type="checkbox"/> Consultations | <input type="checkbox"/> Progress Notes | <input type="checkbox"/> X-ray reports | <input type="checkbox"/> Pathology Reports |
| <input type="checkbox"/> Laboratory Reports | | <input type="checkbox"/> Actual Films | <input type="checkbox"/> Actual Slides |
| | | <input type="checkbox"/> Will be returned OR | <input type="checkbox"/> Will be returned OR |
| | | <input type="checkbox"/> Duplicates accepted | <input type="checkbox"/> Duplicates accepted |

Other: _____

Signature _____ **Date** _____

Signature of current or formerly incarcerated individual requesting the release of his/her records.

Appendix I – Offender Access to Courts Policy 00-01-102



State of Indiana
Indiana Department of Correction

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OFFENDER ACCESS TO THE COURTS

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5(a)(8); 11-11-3-8(3); 11-11-5-4; 11-11-7-1	00-02-301; 02-01-102; 02-01-103; 02-04-101; 02-04-102; 03-02-101; 03-02-102	ACA: CO: 2-CO-3C-01;2-CO-5D-01; ACI: 4-4268; 4-4274; 4-4275; 4-4276; JTS: 3D-01; 3D-02; 3D-05

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish guidelines for offender access to legal representation and the courts.

II. POLICY STATEMENT:

The Department of Correction shall ensure that each offender is provided with the opportunity to have access to legal representatives, including consular officials, and the courts to the extent required by statute, treaty, court order, rule or applicable policy or rule. Offenders shall be permitted to have confidential communications with their legal representative and the courts within the parameters established by law. In a similar manner, the Department shall ensure that each offender who is a foreign national has access to the diplomatic representative for his or her country of citizenship.

The Department shall not impose restrictions on visitation, correspondence, or telephone communications with legal representatives that would obstruct the availability of adequate legal representation, except as necessary due to security and manageability of the facility. Restrictions on access to the courts, legal counsel, personal legal papers and legal research materials shall be reasonable as necessary for the safety and security of the facility.

The Department shall afford an offender reasonable access to legal materials for the preparation and filing of legal documents. The Department shall provide the offenders with the ability to prepare, copy, and mail legal documents, either at the offender's expense or at the Department's expense in accordance with statute, court orders and Department policy.

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The Superintendent may suspend the rights presented in this policy upon the declaration of an emergency that threatens the general safety and security of the facility.

An offender shall not be subject to reprisals or penalties due to communication with a legal representative or a court, unless the communication violates the law or is an attempt to circumvent Department policy.

III. DEFINITIONS:

For the purpose of these administrative procedures, the following definitions are presented:

- A. **DIPLOMATIC REPRESENTATIVE:** An employee or agent of a foreign nation whose principle place of employment is that nation's embassy or consulate(s).
- B. **INDIGENT OFFENDER:** An offender who has a Trust Fund account balance of less than fifteen dollars (\$ 15.00) on the day of request and has not had a total of more than fifteen dollars (\$ 15.00) credited to the Trust Fund account in the preceding thirty (30) days.
- C. **LAW LIBRARY:** An area set aside for books and reference material related to local, state and federal law which offers space for review and equipment necessary for preparing and copying legal documents.
- D. **LEGAL CORRESPONDENCE:** Correspondence mailed directly from or to a court, a judge or an attorney, whether it is an attorney in a criminal or civil action involving the offender, including opposing counsel, and which has been identified as legal mail. (This correspondence includes mail to the embassies/consulates of foreign nations by foreign nationals, organizations, such as the American Civil Liberties Union [ACLU], Indiana Civil Liberties Union [ICLU], Legal Services Organization [LSO] or the Public Defender Council or Notices of Tort Claim sent to the Commissioner.)
- E. **LEGAL REPRESENTATIVE:** A licensed member of the legal profession, retained on behalf of an offender or appointed by a court, or a representative as designated in writing by an attorney, such as a paralegal, representing the offender in a criminal or civil case.
- F. **OFFENDER:** An adult or juvenile person committed to a department of correction (federal, state, or local) and housed or supervised in a facility either operated by the department of correction or with which the department of correction has a contract, including an adult or juvenile under parole supervision; under probation supervision

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following a commitment to a department of correction; in a minimum security assignment, including an assignment to a community transition program.

IV. OFFENDER ACCESS TO THE COURTS:

All offenders shall be provided the opportunity to have access to the judicial system to present issues, including:

- A. The legality of their conviction or confinement;
- B. Redress for perceived illegal conditions or treatment while under correctional control;
- C. Remedies related to civil issues; or,
- D. Any rights protected by law.

The opportunity for offenders to have access to the judicial system permits offenders to contact the courts by various methods including, but not limited to:

- Personal contact with legal representatives;
- Personal contact with state and federal courts; and,
- Unrestricted and uncensored correspondence with their legal representatives and the courts.

V. CONSULTATION BY LEGAL REPRESENTATIVES:

Offenders shall be allowed visits from legal representatives. Visits by legal representatives shall be in accordance with the administrative procedure for Policy 02-01-102, "Offender Visitation."

Offender access to legal representatives shall include:

- A. Attorneys retained by or for an offender, or attorneys who are authorized by an offender, in writing, to visit for the purpose of legal consultation;
- B. Public Defenders or attorneys appointed by a court; or,
- C. Representatives (e.g., paralegals) of a retained or appointed attorney.

Visitations by legal representatives shall be during regular business hours. The number and length of visits by legal representatives shall be unrestricted provided that the visits are at reasonable times and consistent with the security and staffing of the facility. The Superintendent or designee may approve special visits by legal representatives. Visits by legal representatives for business purposes shall not be considered as visits for purposes of the offender's visiting schedule.

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The facility shall make a reasonable effort to ensure offender visits with legal representatives are held in private or remain confidential. Visits with legal representatives shall not be monitored or recorded. Staff may maintain visual contact with an offender and the legal representative; however, staff shall not listen to the conversation and shall not interfere with the visit, other than to maintain the safety and security of the facility and those persons involved.

The Superintendent or designee may restrict or deny a visit by a legal representative. Restrictions or denials shall be documented after a complete examination of the facts indicates the visit presents a threat to the security or orderly operation of the facility. The offender shall be advised of the denial or restriction of the visit in the manner as prescribed in the administrative procedure for Policy 02-01-102, "Offender Visitation."

VI. DIPLOMATIC ACCESS TO FOREIGN NATIONAL OFFENDERS:

When an offender who is not a citizen of the United States of America is arrested or detained, that offender must be advised of his/her right to have consular officials notified. In some cases, the nearest consular office must be contacted regardless of the foreign national offender's wishes. When a foreign national is received by an intake unit, staff shall determine the foreign national's home country. The Superintendent or designee shall contact, as soon as possible, the Division of Legal Services and provide information on the foreign national's identity, native country, and details of the commitment. It shall be the responsibility of the Division of Legal Services to notify the nearest embassy or consulate of that country of the foreign national's incarceration, if appropriate.

An offender who is a foreign national shall be granted access to diplomatic representatives from his/her native country upon request. Diplomatic representatives displaying appropriate identification shall be granted access to foreign national offenders of that nation. Diplomatic representatives shall be granted the same access as legal representatives indicated in Sections V and VII.

Correspondence to the embassies/consulates of foreign nations by foreign national offenders shall be considered legal correspondence.

VII. LEGAL CORRESPONDENCE AND TELEPHONE CALLS:

Legal correspondence shall be materials as established in the administrative procedure for Policy 02-01-103, "Offender Correspondence." The procedures for the receiving and sending of legal correspondence as established for Policy 02-01-103 shall apply. Once the offender is given his/her legal correspondence, it shall be handled in accordance with the procedures established for Policy

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02-01-101, "Offender Personal Property."

Offenders shall be allowed unrestricted access to legal representatives and courts through the mail. The free stationery and envelopes issued to offenders as provided in the administrative procedure for Policy 02-01-103 may be used for legal mail. Offender legal mail shall not be delayed simply due to the fact that the offender does not have sufficient funds in the Inmate Trust Fund account to pay for the postage. If an offender is indigent, the facility shall mail legal correspondence without charge to the offender. In cases where an offender is not indigent but does not have sufficient funds to pay for postage for legal mail, the facility shall determine the amount of funds available in the offender's Inmate Trust Fund (i.e., funds not already dedicated to paying court filing fees, medical co-payments, and restitution/court orders). Any available funds in the offender's account shall be applied towards the cost of the postage. The offender shall sign an Inmate Trust Fund transaction form (State Form 35720 "Request for Remittance") for the balance of the cost of the postage. The facility shall deduct the amount indicated on the transaction form as soon as any available funds are applied to the offender's account. The offender must show that he/she is either initiating litigation or has pending litigation and that the mailing of the legal correspondence is necessary for this litigation. In these cases, the same procedures as indicated above shall be followed. Mail sent by an offender to numerous attorneys in an attempt to find an attorney to represent the offender shall be at the offender's expense. If postage costs for legal mail cannot be recovered from an offender, the facility may take funds from the Inmate Recreation Fund to recoup the loss, if such funds are available. The amount of postage provided shall be the amount necessary to mail the correspondence at the current rate for first class postage. It shall be the responsibility of the offender to pay for any mail that is sent certified or insured.

The facility shall not read, censor, copy, or unreasonably delay any legal mail sent to or from an offender. If the facility determines after opening the mail in the presence of the offender that it is not legal mail, in whole or in part, then the mail may be read and that portion which is not legal mail may be censored or delayed. When mail of this sort is read, copied, censored, or delayed, State Form 11984, "Notification and Report of Action Taken on Correspondence," shall be completed and a copy given to the offender, in accordance with the administrative procedure for Policy 02-01-103.

Offenders shall be allowed to make telephone calls to legal representatives. These telephone calls shall not be monitored or recorded. Provisions made for access to telephones to communicate with legal representatives shall be in accordance with Policy and Administrative Procedure 02-01-105, "Telephone Privileges."

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VIII. ACCESS TO LAW LIBRARY:

Offenders shall have access to legal reference material to assist offenders in access to the courts. For those facilities with a law library, ATTACHMENT I provides a list of the type of materials which shall be included in the law library. State Form 19704, "Law Library Request," shall be used by offenders to request access to the law library. The facility shall establish specific hours of law library operation. Available hours shall consider the work and housing assignments of offenders, whenever possible; however, the safety and security of the facility shall be the primary consideration.

Offenders housed in restrictive status housing units, protective custody, a lockdown unit, an idle housing unit, or whose movement is restricted shall be allowed access to legal reference material.

Facilities without Law Libraries (e.g. Level I facilities, Work Release Centers and juvenile facilities) shall provide a process that will allow offenders to access a law library or a suitable substitute, such as a public library or another department facility's law library. Facilities that do not have ready access to another facility law library shall use resources in the community to allow offenders access to legal materials. If an offender has a constant need to have access to a law library consideration shall be given to transferring the offender to a facility which maintains a law library.

When an offender requests legal reference materials, the offender shall submit the request in sufficient time to allow law library staff to obtain the necessary materials. The offender is to use State Form 19704, "Request for Law Library," to document such requests. The Department shall not be responsible for the offender not receiving requested legal materials in a timely fashion if the offender does not allow the law library sufficient time to obtain and provide the requested materials. The facility shall allow an offender to review legal cases without charge. The facility may develop a "loan" system in which offenders may be provided a copy of one (1) or more legal documents. Failure of the offender to return "loaned" documents in accordance with the facility's procedures may result in the offender being charged the cost of reproducing the copies. The facility shall attempt to provide the offender with requested material consistent with operational needs of the facility.

A Facility Directive shall be developed addressing access to the law library, including the manner and time frame the offender has access to the law library or legal materials.

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IX. ACCESS TO NOTARY PUBLIC SERVICES:

Facilities shall establish a schedule which ensures offenders in general population with reasonable access to the services of a notary public within 72 hours of request, excluding weekends and holidays. Offenders confined to special housing, restrictive status housing, or protective custody shall be provided notarial services at least two times per week. Requests for access to notarial services shall be made by submitting State Form 19704, "Request for Use of Law Library."

X. MATERIALS AND SUPPLIES:

The law library shall have equipment (e.g. desks, chairs, typewriters, copy machines, etc.) and supplies (e.g. paper, forms, pens, pencils, etc.) to prepare legal documents. The facility shall use the Offender Recreation Fund to purchase equipment and supplies to operate the law library.

Offenders shall be permitted to make copies only of court documents that are necessary for either initial or pending litigation, including copies of pleadings, briefs, and other documents necessary to submit to a court. Offenders shall pay for the cost of making copies; such cost shall be determined by the amount charged for copies to private citizens established by the Department of Administration.

Offenders who are indigent shall receive copies of legal documents free of charge in accordance with this policy and administrative procedure. In the event the facility receives a court order indicating the offender's indigent status is no longer recognized by the court, the offender will no longer be considered indigent the Facility for the purpose of this policy and administrative procedure. In those cases where an offender is not indigent but does not have sufficient funds in the Inmate Trust Fund to pay for necessary copies of pleadings or other documents to be filed with a court, the facility shall provide the offender:

- A. Two (2) copies for the court or another amount as required by the court;
- B. One (1) copy for each opposing party or their legal representative; and,
- C. One (1) copy for the offender's records.

The offender must show proof that he/she has pending litigation or is attempting to file new litigation. If the request is to make copies of documents to include with the offender's submission to the court, the offender must show that the court has requested these copies. If the offender is not indigent but does not have sufficient funds to pay for requested copies, the facility may deduct any amount of funds available in the offender's Inmate Trust Fund and require the offender to sign a Trust Fund transaction form (e.g., Request for Remittance) for the balance of the copying costs. The facility shall apply this transaction form to the offender's Inmate Trust Fund account as soon

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as the offender receives any available funds (i.e. funds not already dedicated to paying court filing fees, medical co-payments, or restitution /court orders). If the facility cannot collect these funds from the offender, the cost of these copies may be absorbed by the Inmate Recreation Fund, if adequate funds are available.

While facilities may make typewriters available to offenders, it is not necessary for offenders to have access to personal typewriters or word processors. Offenders acting *pro se* may be permitted by the courts to submit handwritten pleadings and briefs. If the offender submits a handwritten pleading or brief, the courts require that it be legible and that it complies with all other applicable rules of the court.

Even though typewritten pleadings and briefs are generally not required, cases may arise where a particular court issues an order indicating that a pleading or brief must be typewritten. If an offender provides the facility with such an order or with other proof that the pleading or brief must be typewritten, the facility shall ensure that the offender is provided access to a typewriter. This access may be through the offender Law Library or through another source within the facility. It will not be necessary to allow the offender to keep the typewriter in the offender's living area or to allow the offender to purchase a typewriter.

While facilities may make word processing computers available to offenders, the facilities are under no obligation to save an offender's legal documents on the facilities' servers or hard drives.

XI. REPRISALS FOR SEEKING JUDICIAL RELIEF:

Staff shall impose no reprisal or penalty on an offender because of the offender's decision or efforts to seek judicial relief. For the purposes of this policy and administrative procedures, the filing of a violation of Policy 02-04-101, "The Disciplinary Code for Adult Offenders," as provided in Procedure IX of this policy and administrative procedure shall not be considered a reprisal or penalty for seeking judicial relief.

XII. FRIVOLOUS, UNREASONABLE OR GROUNDLESS CIVIL CLAIMS:

Offenders who file frivolous, unreasonable or groundless civil claims in a state (pursuant to IC 35-50-6-5) or federal (pursuant to the Prisoner Litigation Reform Act) court shall be charged with a violation of Policy and Administrative Procedure 02-04-101, "The Disciplinary Code for Adult Offenders." It shall be necessary for the court to indicate in the court records that the case is being dismissed due to being frivolous, unreasonable or groundless. In those cases, when the facility receives the appropriate documentation from the court, the facility shall charge the offender with a violation of Code 243, a Class B offense.

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XIII. COURT FILING FEES:

Federal courts will assess filing fees against offenders who file civil actions. Additionally, state courts may require an offender to pay a filing fee for civil actions. When the offender attempts to proceed *in forma pauperis* in a federal court, the court will order the offender to provide a copy of the offender's Inmate Trust Fund account statement, if available, for the six (6) month period immediately preceding the filing of the action. The offender shall be required to make an initial payment of either the full filing fee or any amount ordered by the court.

It shall be the responsibility of the offender to notify the facility to prepare a copy of the offender's Trust Fund account statement whenever so requested by the court. The offender shall be required to provide the facility with a copy of the order requesting the account statement for the preceding six (6) months. The facility shall comply with this request as quickly as possible, noting that the offender has thirty (30) days within which to comply.

Following the review of the offender's Trust Fund account statement for the preceding six (6) months, the court will notify the facility what the initial payment of the filing fees shall be. It shall not be necessary for the offender to sign a "Request for Remittance" or similar form for the facility to withdraw the designated monies from the offender's account for the payment of court ordered filing fees. The facility shall ensure that the offender is notified that the funds have been withdrawn from the offender's Trust Fund account in accordance with the court order.

Following the initial partial payment, the court may order the facility to make monthly payments until the full amount has been paid. These monthly payments may consist of either 20% of the preceding month's income credited to the offender's Trust Fund account or an amount specified by the court for each month in which the offender has more than \$ 10.00 credited to the Inmate Trust Fund account. The facility shall determine the total amount of income credited to the offender's Trust Fund account during the preceding month. Whenever the offender's Trust Fund account exceeds ten dollars (\$ 10.00), the facility shall send the amount specified by the court to the court until the full fee is paid. The facility shall ensure that the offender's name, the title of the cause and the cause number is indicated on any check sent to the court.

In those cases where an offender has multiple cases filed, the payments shall be considered cumulative. (i.e., the offender will be required to pay 20% of the preceding month's income, if more than \$ 10.00 is credited to the offender's Inmate Trust Fund account, for each of the cases filed.) If the offender has more than five (5) cases pending at anyone time, any additional filing fees will be held in abeyance until one of the filing fees is paid in full. Once one of the filing fees has been paid in full, the facility will begin paying the filing fees for first case received after the

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five (5) cases. Payments in excess of the five (5) cases may be made if an offender has sufficient funding credited to his/her Inmate Trust Fund account.

When an offender who is required to make partial payments of court ordered filing fees is transferred to another facility, the sending facility shall ensure that information is provided to the receiving facility regarding these payments. Minimally, this information shall include notification that filing fees are being paid and the cause number(s) for the case(s). Additionally, this information shall include the total amount of the filing fees and the amount that has been paid as of the date of transfer. Also, the sending facility shall notify the Clerk of the court that ordered the filing fees that the offender has been transferred and the name of the new housing facility and its address. If the offender is released from the facility to parole, probation, Community Transition, or discharge, the facility shall notify the Clerk of the court as to the offender's status and the last known address of the offender.

The payment of court filing fees shall take precedence over all other deductions from the offender's account. An offender shall not be considered indigent solely due to the requirement that the court filing fees must be deducted monthly from the Trust Fund account. However, the facility shall ensure that the offender has the opportunity to obtain the minimum necessary hygiene items and/or over-the-counter medications through purchase from the commissary or from the facility in accordance with Policy 02-01-104, "Offender Grooming, Clothing and Personal Hygiene."

XIV. APPLICABILITY:

This policy and administrative procedure is applicable to all Department facilities, staff, and offenders, except those offenders on Parole, and to those facilities that are operating under a court order or consent decree that mandates different procedures.

signature on file
Bruce Lemmon, Commissioner

Date

Appendix J – BOP Visiting Regulations 5267.09



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI CPD/CSB

NUMBER 5267.09

DATE December 10, 2015

Visiting Regulations

/s/

Approved: Charles E. Samuels, Jr.
Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

§540.40. Purpose and scope.

The Bureau of Prisons encourages visiting by family, friends, and community groups to maintain the morale of the inmate and to develop closer relationships between the inmate and family members or others in the community. The Warden shall develop procedures consistent with this rule to permit inmate visiting. The Warden may restrict inmate visiting when necessary to ensure the security and good order of the institution.

Due to practical considerations and the different characteristics of institutions, certain limitations and controls must be established in developing and administering visiting regulations. The extent of these limitations will vary with each institution, and are recognized as reasons upon which visiting restrictions may be based. These limitations will be specified in the Institution Supplement.

The Warden has the authority to restrict or suspend an inmate's regular visiting privileges temporarily when there is reasonable suspicion that the inmate has acted in a way that would indicate a threat to the good order or security of the institution. Ordinarily, the duration of the restriction or suspension should be limited to the time required to investigate and complete the discipline process.

Federal Regulations from 28 CFR are shown in this type.

Implementing instructions are shown in this type.

Reasonable suspicion exists when reliable information and/or facts are presented to the Warden that the inmate is engaged, or attempting to engage, in criminal or other prohibited behavior. Reasonable suspicion must be directed to the inmate(s)/visitor(s) in question.

In determining reasonable suspicion, staff should consider whether the available information could reasonably lead a person with correctional experience to suspect that the inmate is engaged in criminal or other prohibited behavior. (See Section 13.c. of this Program Statement for reference to inmates in detention or segregation status.)

a. **Summary of Changes.** This re-issuance incorporates the following modifications:

Policy Rescinded

P5267.08 Visiting Regulations (5/11/2006)

- Guidelines for Walsh Act assignments added.
- Clarified language for Minister of Record.

b. **Program Objectives.** The expected results of this program are:

- All inmates will be permitted visits by family, friends, and community groups consistent with the security and orderly running of the institution.
- A record of visitors will be maintained for all inmates.
- A visiting schedule will be established for all institutions.
- Procedures to monitor all visiting areas will be established to prevent the passage of contraband and to ensure the security and good order of the institution.

c. **Institution Supplement.** Each institution will develop local procedures and guidelines required to administer this Program Statement. The institution will involve the Regional Office, Correctional Services Administrator, in developing the Institution Supplement.

The Institution Supplement must be available in English and Spanish.

The Institution Supplement will include, at a minimum, the following considerations:

- The visiting schedule for the institution, including all of its components (satellite camp, jail, etc.), if they differ.
- Holdover visiting procedures (time frame for approval; who is permitted to visit, etc.).
- Procedures addressing special visitors (i.e., minister of record and clergy visits).
- Procedures for disapproving proposed visitors.
- Procedures for approving any exception to the prior relationship requirement.

- The method by which staff will make written guidelines available to visitors.
- Limitations specific to the institution (e.g., visiting space, frequency of visits, number of visitors).
- Identify staff responsible for arranging and supervising special visits.
- Procedures to maintain a record of visitors for each inmate.
- Procedures for a backup system to the computer visiting program.
- Facility address/phone number, directions to the facility, and information about local transportation.
- Days and hours of visitation.
- Approved dress code.
- Identification requirements for visitors.
- Items authorized in the visiting room.
- Special rules for children.
- Authorized items that visitors may bring to give to the inmate, if applicable.
- Special visit requirements.
- Procedures for storing items not authorized in the visiting room (cellphones, car keys, handbags, etc.).
- Visiting procedures for inmates assigned to the Special Housing Unit.
- Visiting procedures for inmates hospitalized in the community.
- Procedures for child areas (i.e., whether inmates are permitted in areas designated for children).
- The size and quantity of any clear plastic container/bag used to carry authorized items into a visiting room.
- Procedures for the use of non-contact visiting areas (if available).
- Procedure to ensure the maximum capacity of the visiting room is not exceeded (i.e., early termination due to overcrowding).
- Procedures addressing frequency of changes to the inmate(s) Visiting List.
- Procedures addressing supervision of inmates convicted of a Walsh Act offense involving a minor.

2. PRETRIAL/HOLDOVER/DETAINEE PROCEDURES

The procedures specified in this Program Statement apply to all inmates housed in Bureau institutions. Refer to the Program Statement **Pretrial Inmates** for specific information regarding pretrial inmates.

3. VICTIM/WITNESS CASES

Refer to the Program Statement **Victim and Witness Notification** for procedures when a Victim/Witness Program (VWP) inmate requests to place a victim or witness on his/her visiting list.

4. WITSEC INMATE

Refer to the Program Statement **Central Inmate Monitoring System Operations Manual (Sensitive But Unclassified)** for procedures when an inmate in the Witness Security Program (WITSEC) requests to place an individual on his/her visiting list.

5. VISITING FACILITIES

§540.41. Visiting facilities.

The Warden shall have the visiting room arranged so as to provide adequate supervision, adapted to the degree of security required by the type of institution. The Warden shall ensure that the visiting area is as comfortable and pleasant as practicable, and appropriately furnished and arranged. If space is available, the Warden shall have a portion of the visiting room equipped and set up to provide facilities for the children of visitors.

a. Institutions of minimum and low security levels may permit visits beyond the security perimeter, but always under supervision of staff.

b. Institutions of medium and high security levels, and administrative institutions may establish outdoor visiting, but it will always be inside the security perimeter and always under supervision of staff.

Reasonable accommodations should be made to ensure that all parts of the visiting area accessible to the public are also accessible to visitors and inmates with disabilities.

6. VISITING TIMES

§540.42 Visiting times.

a. Each Warden shall establish a visiting schedule for the institution. At a minimum, the Warden shall establish visiting hours at the institution on Saturdays, Sundays, and holidays. The restriction of visiting to these days may

be a hardship for some families and arrangements for other suitable hours shall be made to the extent practicable. Where staff resources permit, the Warden may establish evening visiting hours.

b. Consistent with available resources, such as space limitations and staff availability, and with concerns of institution security, the Warden may limit the visiting period. With respect to weekend visits, for example, some or all inmates and visitors may be limited to visiting on Saturday or on Sunday, but not on both days, in order to accommodate the volume of visitors. There is no requirement that every visitor has the opportunity to visit on both days of the weekend, nor that every inmate has the opportunity to have visits on both days of the weekend.

To the extent practicable, and consistent with available resources and concerns for institution security, the Warden is encouraged to establish visiting and/or attempt to accommodate a visitor who can only visit on a specific weekend day.

7. FREQUENCY OF VISITS AND NUMBER OF VISITORS

§540.43. Frequency of visits and number of visitors.

The Warden shall allow each inmate a minimum of four hours visiting time per month. The Warden may limit the length or frequency of visits only to avoid chronic overcrowding. The Warden may establish a guideline for the maximum number of persons who may visit an inmate at one time, to prevent overcrowding in the visiting room or unusual difficulty in supervising a visit. Exceptions may be made to any local guideline when indicated by special circumstances, such as distance the visitor must travel, frequency of the inmate's visits, or health problems of the inmate or visitor.

The Warden may establish a limit, consistent with available resources, on the number of visits an inmate may receive and/or the number of visiting hours (in excess of four) allotted to the inmate each month. Due to space limitations, limits on visiting may be necessary when an inmate has numerous regular visitors living in the vicinity of the institution.

Where facilities permit, the Warden may allow family groups to visit. The Warden may also authorize special visits to accommodate unique circumstances (e.g., a person traveling a long distance to visit, a person visiting a hospitalized inmate).

8. REGULAR VISITORS

§540.44. Regular visitors.

An inmate desiring to have regular visitors must submit a list of proposed visitors to the designated staff. See §540.45 for qualification as special visitor. Staff are to compile a visiting list for each inmate after suitable investigation in accordance with §540.51(b) of this part. The list may include:

§540.51(b) refers to Section 14.b. of this Program Statement.

a. *Members of the Immediate Family.* These persons include mother, father, step-parents, foster parents, brothers and sisters, spouse, and children. These individuals are placed on the visiting list, absent strong circumstances that preclude visiting.

The word “spouse” includes a common-law relationship that has been previously established in a state that recognizes such a status. In states that do not, a common-law relationship is not considered “immediate family.” For determination of applicable state laws, the Regional Counsel should be consulted. Failure to obtain acknowledgment of parent or legal guardian may preclude the addition of children to the visiting list. When deemed appropriate, background checks may also be completed on immediate family members. For determination of applicable state laws, the Regional Counsel should be consulted.

b. *Other Relatives.* These persons include grandparents, uncles, aunts, in-laws, and cousins. They may be placed on the approved list if the inmate wishes to have visits from them regularly and if there exists no reason to exclude them.

c. *Friends and Associates.* The visiting privilege ordinarily will be extended to friends and associates having an established relationship with the inmate prior to confinement, unless such visits could reasonably create a threat to the security and good order of the institution. Exceptions to the prior relationship rule may be made, particularly for inmates without other visitors, when it is shown that the proposed visitor is reliable and poses no threat to the security or good order of the institution.

Regardless of the institution’s security level, the inmate must have known the proposed visitor(s) prior to incarceration. The Warden must approve any exception to this requirement.

See Section 14.b.(2) of this Program Statement regarding background investigations for proposed visitors.

Ordinarily, an inmate's visiting list should not list more than 10 friends and associates. The Warden may make an exception to this provision when warranted.

Under 18 U.S.C. § 3582(d), which applies to offenses committed on or after November 1, 1987,

“The court, in imposing a sentence to a term of imprisonment upon a defendant convicted of a felony set forth in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title or in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.), or at any time thereafter upon motion by the Director of the Bureau of Prisons or a United States attorney, may include as a part of the sentence an order that requires that the defendant not associate or communicate with a specified person, other than his attorney, upon a showing of probable cause to believe that association or communication with such person is for the purpose of enabling the defendant to control, manage, direct, finance, or otherwise participate in an illegal enterprise.”

Consultation with the Regional Counsel may be necessary to determine this provision's applicability to a specific case(s).

d. *Persons with Prior Criminal Convictions.* The existence of a criminal conviction alone does not preclude visits. Staff shall give consideration to the nature, extent, and recentness of convictions, as weighed against the security considerations of the institution. Specific approval of the Warden may be required before such visits take place.

Ordinarily, staff should obtain written authorization from the appropriate Federal or state probation/parole official prior to approving visitation privileges for an individual on probation, parole, or supervised release. A copy of this authorization will be maintained in section 2 of the Privacy Folder in the Inmate Central File.

See Section 14.b.(2) of this Program Statement regarding background investigations for proposed visitors.

e. *Children Under Sixteen.* Children under the age of 16 may not visit unless accompanied by a responsible adult. Children shall be kept under supervision of a responsible adult or a children's program. Exceptions in unusual circumstances may be made by special approval of the Warden.

The signature of a parent or legal guardian on the Visitor Information form (BP-A0629) is necessary to process a request for an applicant under 18 years of age. Ordinarily, completing the questionnaire portion of this form (items 1 through 14) is not required if such an applicant is a verified immediate family member of the requesting inmate.

In unusual circumstances, the Warden, after consultation with Regional Counsel, may make exceptions to the requirement for acknowledgment by parent or legal guardian.

9. QUALIFICATION AS SPECIAL VISITOR

§540.45. Qualification as special visitor.

Persons in the categories listed in this section may qualify as special visitors rather than as regular visitors. Visits by special visitors ordinarily are for a specific purpose and ordinarily are not of a recurring nature. Except as specified, the conditions of visiting for special visitors are the same as for visitors.

a. *Business Visitor.* Except for pretrial inmates, an inmate is not permitted to engage actively in a business or profession. An inmate who was engaged in a business or profession prior to commitment is expected to assign authority for the operation of such business or profession to a person in the community. Pretrial inmates may be allowed special visitors for the purpose of protecting the pretrial inmate's business interests. In those instances where an inmate has turned over the operation of a business or profession to another person, there still may be an occasion where a decision must be made which will substantially affect the assets or prospects of the business. The Warden accordingly may permit a special business visit in such cases. The Warden may waive the requirement for the existence of an established relationship prior to confinement for visitors approved under this paragraph.

b. *Consular Visitors.* When it has been determined that an inmate is a citizen of a foreign country, the Warden must permit the consular representative of that country to visit on matters of legitimate business. The Warden may not withhold this privilege even though the inmate is in disciplinary status. The requirement for the existence of an established relationship prior to confinement does not apply to consular visitors.

c. *Representatives of Community Groups.* The Warden may approve visits on a recurring basis to representatives from community groups (for example, civic, volunteer, or religious organizations) who are acting in their official capacity.

These visits may be for the purpose of meeting with an individual inmate or with a group of inmates. The requirement for the existence of an established relationship prior to confinement for visitors does not apply to representatives of community groups.

d. Clergy, Former or Prospective Employers, Sponsors, and Parole Advisors. Visitors in this category ordinarily provide assistance in release planning, counseling, and discussion of family problems. The requirement for the existence of an established relationship prior to confinement for visitors does not apply to visitors in this category.

The following processing procedures apply to ministers of record and clergy:

(1) **Minister of Record.** An inmate wanting to receive visits from his/her minister of record must submit a written request to the Chaplain. Upon approval, unit staff add the name and title (minister of record) to the inmate's visitor list.

An inmate may only have one minister of record on his/her visiting list at a time. The addition of the minister of record will **not** count against the total number of authorized regular visitors an inmate is allowed to have on his/her visiting list, and will **not** count against the total number of social visits allowed.

(2) **Clergy.** Visits from clergy (other than the minister of record) will be in accordance with the general visitor procedures, and **will** count against the total number of regular visits allowed.

Ordinarily, clergy visits will not be accommodated unless requested by the inmate. However, the Chaplain may approve a visitation request initiated by the clergy if the inmate wishes to visit with the clergy.

Clergy/minister of record visits will be accommodated in the visiting room during regularly scheduled visiting hours and, to the extent practicable, in an area of the visiting room that provides a degree of separation from other visitors. If a private area is not available, the visit may be rescheduled.

The Warden may establish a limit to the number of minister of record and clergy visits an inmate receives each month, consistent with available resources. However, during times of personal or family emergencies, an inmate will be authorized a visit from his/her minister of record. Refer to the Program Statement **Religious Beliefs and Practices** for additional information regarding minister of record and clergy.

10. ATTORNEY VISITS

§540.46. Attorney Visits.

Requirements for attorney visits are governed by the provisions on inmate legal activities (see §543.12 through 543.16 of this chapter). Provisions pertinent to attorney visits for pretrial inmates are contained in §551.117 of this chapter.

§ 543.12 through 543.16 refers to the Program Statement **Inmate Legal Activities**. §551.117 refers to the Program Statement **Pretrial Inmates**.

Staff may not subject visits between an attorney and an inmate to auditory supervision. To the extent practicable, attorney visits, for both pretrial and sentenced inmates, are to take place in a private conference room. However, areas designated for attorney visits will be arranged so as to provide adequate unobstructed visual supervision.

Where such a room is not available, the attorney visit may occur in a regular visiting room, provided the inmate and the inmate's attorney have a degree of separation from other visitors.

Occasionally, a situation may arise when a private area or conference room is not available, and the attorney does not wish to meet in a regular visiting room. When this occurs, the attorney may reschedule the visit. Refer to the Program Statement **Inmate Legal Activities** for additional information on processing legal visits.

11. MEDIA VISITS

§540.47. Media visits.

Requirements for media visits are governed by the provisions on contact with news media (see subpart E of this part). A media representative who wishes to visit outside his or her official duties, however, must qualify as a regular visitor or, if applicable, a special visitor.

[Section §540.48 is removed and reserved.]

12. TRANSPORTATION ASSISTANCE

§540.49. Transportation assistance.

The Warden shall ensure that directions for transportation to and from the institution are provided for the approved visitor (see §540.51(b)(4)). Directions for transportation to and from the institution and pay phone service, with commercial transportation phone numbers posted, are also to be made available at the institution to assist visitors.

If pay phone service is not available, the visitor is to ensure transportation is arranged prior to the visit.

§540.51(b)(4) refers to Section 14.b.(4) of this Program Statement.

13. VISITS TO INMATES NOT IN REGULAR POPULATION STATUS

§540.50 Visits to inmates not in regular population status.

a. *Admission and Holdover Status.* The Warden may limit to the immediate family of the inmate visits during the admission-orientation period or for holdovers where there is neither a visiting list from a transferring institution nor other verification of proposed visitors.

b. *Hospital Patients*

(1) When visitors request to see an inmate who is hospitalized in the institution, the Chief Medical Officer (or, in his absence, the Health Services Administrator), in consultation with the Captain, shall determine whether a visit may occur, and if so, whether it may be held in the hospital.

When a visit is denied because the inmate is suffering from an infectious disease, is in a psychotic or emotional episode that makes a visit inadvisable, or is otherwise not in a condition to see visitors, the situation is to be carefully and sensitively explained to the approved visitor. Notification to the visitor will be addressed in the Institution Supplement. Documentation is maintained in section 2 of the Privacy Folder in the Inmate Central File.

Inmates with medical conditions will be reviewed by the Chief Medical Officer or, in his/her absence, the Health Services Administrator, in consultation with the Captain, to determine

whether visiting will be permitted. Visiting procedures for inmates with medical conditions will be addressed in the Institution Supplement.

(2) Visits to inmates hospitalized in the community may be restricted to only the immediate family and are subject to the general visiting policy of that hospital.

c. *Detention or Segregation Status.* Ordinarily, an inmate retains visiting privileges while in detention or segregation status. Visiting may be restricted or disallowed, however, when an inmate, while in detention or segregation status, is charged with, or has been found to have committed, a prohibited act having to do with visiting guidelines or has otherwise acted in a way that would reasonably indicate that he or she would be a threat to the orderliness or security of the visiting room.

Loss of an inmate's visiting privileges for other reasons may not occur unless the inmate is provided a hearing before the Discipline Hearing Officer (DHO) in accordance with the provisions of §541.17 of this chapter, following those provisions which are appropriate to the circumstances, which results in a finding by the DHO that the inmate committed a prohibited act and that there is a lack of other appropriate sanctions or that imposition of an appropriate sanction previously has been ineffective.

The Unit Discipline Committee (UDC) may not impose a loss of visiting privileges for inmates in detention or segregation status. The provisions of this paragraph (c) do not interrupt or delay a loss of visiting sanction imposed by the UDC or DHO prior to the inmate's placement in detention or segregation status.

§541.17 refers to the Program Statement **Inmate Discipline Program**.

Ordinarily, an inmate in administrative detention or disciplinary segregation status may receive visits in accord with the same rules and regulations that apply to general population inmates, providing such visits do not pose a threat to the security or orderly operation of the institution. In such cases, the Warden may authorize special visiting procedures to preclude such a threat.

Refer to the Program Statement **Inmate Discipline Program** for information regarding loss of visiting privileges resulting from disciplinary action.

14. PROCEDURES

§540.51 Procedures.

a. *Responsibility.* The Warden of the institution shall establish and enforce local visiting guidelines in accordance with the rules and regulations of the Bureau of Prisons.

Ordinarily, the Captain is responsible for the visiting room's appearance/operation and the training of visiting room officers.

b. *Preparation of the List of Visitors.*

(1) Staff shall ask each inmate to submit during the admission-orientation process a list of proposed visitors. After appropriate investigation, staff shall compile a visiting list for each inmate and distribute that list to the inmate and the visiting room officer.

An inmate will be provided written material on the institution's visiting procedures during the intake screening process. At a minimum, the information will include the following:

- Facility address/phone number, directions to the facility, and information about local transportation.
- Days and hours of visitation.
- Approved dress code.
- Identification requirements for visitors.
- Items authorized in the visiting room.
- All authorized items entering the visiting room must be carried in a clear plastic container.
- Special rules for children.
- Authorized items that visitors may bring to give to the inmate, if applicable.
- Special visit requirements.

The initial visiting list is prepared and distributed as soon as practicable after receiving the required information to process the visiting list. This list identifies immediate family members approved to visit the inmate. Additional family members and friends may be added following the completion of an appropriate investigation.

Visiting privileges for a minister of record must be submitted directly to the Chaplaincy Services Department for review and approval/denial.

Whenever a person is deleted from or added to an inmate's visitor list, staff update the list as soon as possible to reflect the change. A copy of the most current approved visiting list will be placed in section 3 of the Inmate Central File.

Likewise, if an inmate elects not to have any visitors, he/she will be asked to sign a visiting list indicating no visitors are requested. This form is filed in section 3 of the Inmate Central File.

(2) Staff may request background information from potential visitors who are not members of the inmate's immediate family, before placing them on the inmate's approved visiting list. When little or no information is available on the inmate's potential visitor, visiting may be denied, pending receipt and review of necessary information, including information which is available about the inmate and/or the inmate's offense, including alleged offenses.

The Visitor Information form (BP-A0629) is used to request background information and obtain the visitor's consent to release information. This form will be filed in section 2 of the Privacy Folder in the Inmate Central File.

Regardless of the institution's security level, staff should obtain background information on potential visitors, to include Minister of Record. This is required in the Medium, High, and Administrative institutions due to their greater security needs. The Warden or designee may make an exception to this procedure when warranted.

Staff in institutions housing pretrial offenders are strongly encouraged to complete a background check (NCIC) on potential visitors due to limited information received on these individuals. Background checks may also be completed on immediate family members.

If the background information reveals that visitation privileges for the individual would present security concerns or disrupt the orderly running of the institution, the Warden may deny visiting privileges. Documentation reflecting this decision should be maintained in section 2 of the Privacy Folder in the Inmate Central File.

Refer to the Program Statement **Pretrial Inmates** for additional information on visiting procedures for pretrial inmates.

(3) If a background investigation is necessary before approving a visitor, the inmate shall be held responsible for mailing a release authorization to the proposed visitor. That form must be signed and returned to staff by the proposed visitor prior to any further action regarding visiting. Upon receipt of the

authorization form, staff may then forward a questionnaire, along with the release authorization, to the appropriate law enforcement or crime information agency.

The inmate is to mail the BP-A0629 to his/her proposed visitor(s). The proposed visitor must complete this form and mail it directly to the unit staff member responsible for processing the inmate's visiting list. Staff should advise the inmate to provide his/her proposed visitor with the staff member's name and address.

If necessary, staff will either send the Request for Conviction Information form (BP-A0311) to the appropriate law enforcement agency to gather additional background information or complete a background check using the National Crime Information Center (NCIC).

Visitor Information forms, Request for Conviction Information forms, and NCIC background information will be maintained in section 2 of the Privacy Folder of the Inmate Central File.

Ordinarily, when an inmate transfers from one institution to another, staff need not reapprove the visitors already contained on the inmate's visiting list. However, staff should review the visiting list to ensure the approved visitors are still appropriate. When possible, the unit team should be consulted prior to approval of a visitor not on the inmate's approved visiting list.

(4) Staff shall notify the inmate of each approval or disapproval of a requested person for the visiting list. Upon approval of each visitor, staff shall provide the inmate with a copy of the visiting guidelines and with directions for transportation to and from the institution. The inmate is responsible for notifying the visitor of the approval or disapproval to visit and is expected to provide the approved visitor with a copy of the visiting guidelines and directions for transportation to and from the institution. The visiting guidelines shall include specific directions for reaching the institution and shall cite 18 U.S.C. 1791, which provides a penalty of imprisonment for not more than twenty years, a fine, or both for providing or attempting to provide to an inmate anything whatsoever without the knowledge and consent of the Warden.

Refer to the Program Statement **Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities** for information regarding contraband warning signs.

(5) An inmate's visiting list may be amended at any time in accordance with the procedures of this section.

c. *Verification of Special Visitor Credentials.* Staff must verify the qualifications of special visitors. Staff may request background information and official assignment documentation from the potential visitor for this purpose.

d. *Identification of Visitors.* Staff shall verify the identity of each visitor (through driver's license, photo identification, etc.) prior to admission of the visitor to the institution.

Photo Identification must be a valid state or government-issued photo identification.

Visitors under the age of 16 who are accompanied by a parent or legal guardian are exempt from this provision.

e. *Notification to Visitors.* Staff shall make available to all visitors written guidelines for visiting the institution. Staff shall have the visitor sign a statement acknowledging that the guidelines were provided and declaring that the visitor does not have any article in his/her possession which the visitor knows to be a threat to the security of the institution. Staff may deny the visiting privilege to a visitor who refuses to make such a declaration.

Visiting room staff are to make the institution's written guidelines for visiting available to visitors. The Notification to Visitor form (BP-A0224) may be retrieved via the Sallyport Policy/Forms page.

f. *Searching Visitors.* Staff may require a visitor to submit to a personal search, including a search of any items of personal property, as a condition of allowing or continuing a visit.

Refer to the Program Statement **Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities** for additional instructions on this subject.

g. *Record of Visitors.* The Warden shall maintain a record of visitors to each inmate. The visitor's signature may be required on that record and shall be required on at least one visiting log or record maintained by the institution.

h. *Supervision of Visits.* Staff shall supervise each inmate visit to prevent the passage of contraband and to ensure the security and good order of the institution. The Warden may establish procedures to enable monitoring of the visiting area, including restrooms located within the visiting area. The Warden must provide notice to both visitors and inmates of the potential for monitoring

the visiting area. The Warden may monitor a visitor restroom within the visiting area when there is reasonable suspicion that a visitor and/or an inmate is engaged, or attempting or about to engage, in criminal behavior or other prohibited behavior.

Visitor restrooms may be monitored physically only with the Warden's written approval, and only after it is determined that there is a reasonable suspicion that the visitor or inmate is engaged, or attempting to engage, in a criminal activity or other prohibited behavior.

Physical monitoring should be conducted by a person of the same sex as the visitor using the restroom. Other restrooms may be inspected and monitored as needed for security purposes.

Refer to the Program Statement **Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities** for further information regarding "reasonable suspicion."

(1) The visiting room officer shall ensure that all visits are conducted in a quiet, orderly, and dignified manner. The visiting room officer may terminate visits that are not conducted in the appropriate manner. See 28 CFR §541.12, item 5, for description of an inmate's responsibility during visits.

§541.12 refers to the Program Statement **Inmate Discipline Program**. When terminating a visit, visiting room officers should consult with the Lieutenant or Institution Duty Officer.

(2) Staff shall permit limited physical contact, such as handshaking, embracing, and kissing, between an inmate and a visitor, unless there is clear and convincing evidence that such contact would jeopardize the safety or security of the institution. Where contact visiting is provided, handshaking, embracing, and kissing are ordinarily permitted within the bounds of good taste and only at the beginning and at the end of the visit. The staff may limit physical contact to minimize opportunity for the introduction of contraband and to maintain the orderly operation of the visiting area.

An inmate who has been approved for, and is awaiting placement in the ADX-Florence Control Unit, may be limited to non-contact visits.

(3) The visiting room officer may not accept articles or gifts of any kind for an inmate, except packages which have had prior approval by the Warden or a designated staff member.

All authorized items entering the visiting room must be carried in a clear plastic container/bag.

An inmate's visitor **may not** leave money with any staff member for deposit in the inmate's commissary account. Refer to the Program Statement **Trust Fund/Deposit Fund Manual** for additional information on accepting packages.

(4) The visiting room officer shall be aware of any articles passed between the inmate and the visitor. If there is any reasonable basis to believe that any item is being passed which constitutes contraband or is otherwise in violation of the law or Bureau regulations, the visiting room officer may examine the item.

An Associate Warden, the Institution Duty Officer, or the Captain will be notified in such cases.

15. PENALTY FOR VIOLATION OF VISITING REGULATIONS

§540.52 Penalty for violation of visiting regulations.

Any act or effort to violate the visiting guidelines of an institution may result in disciplinary action against the inmate, which may include the denial of future visits, possibly over an extended period of time. Moreover, criminal prosecution may be initiated against the visitor, the inmate, or both, in the case of criminal violations.

In an effort to eliminate the introduction of drugs and drug paraphernalia into Bureau institutions, the Bureau will seek criminal prosecution against visitors who participate in contraband violations. Additionally, as a disincentive for inmates found guilty of these violations, the Discipline Hearing Officer (DHO) or Unit Discipline Committee (UDC) may impose the loss of visiting privileges as a sanction.

Refer to the Program Statement **Inmate Discipline Program** for information regarding loss of visiting privileges resulting from disciplinary action.

16. WALSH ACT REQUIREMENTS

The Unit Team will evaluate all inmates on their caseload and all incoming inmates to determine if they have an inmate who has been convicted of a sex offense involving a minor (WA CONV).

Any inmate fitting this criterion will have the following annotation placed in the visiting program under the comments section: "this inmate was convicted of a sex offense involving a minor."

Any inmate identified as having a Walsh Act assignment involving a minor will have his/her visits closely monitored. Specific procedures will be determined locally by the Warden.

17. VISITING REGULATIONS REGARDING PETS

Visitors are precluded from bringing animals on to institutional grounds, except for animals that assist persons with disabilities. The visitor must provide staff with certification that the animal is trained for that purpose.

18. AGENCY ACA ACCREDITATION PROVISIONS

- American Correctional Association 4th Edition Standards for Adult Correctional Institutions: 4-4156, 4-4267, 4-4285, 4-4498, 4-4499, 4-4499-1, 4-4500, 4-4501, 4-4503, and 4-4504.
- American Correctional Association 4th Edition Performance- Based Standards for Adult Local Detention Facilities: 4-ALDF-2A-61, 4-ALDF-5B-01, 4-ALDF-5B-02, 4-ALDF-5B-03, 4-ALDF-5B-04 and 4-ALDF-7E-05.

REFERENCES

Program Statements

P1280.11	JUST, NCIC, and NLETS Telecommunication Systems (Management and Use) (1/7/00)
P1315.07	Legal Activities, Inmate (11/5/99)
P1490.06	Victim and Witness Notification Program (5/23/02)
P4500.11	Trust Fund/Deposit Fund Manual (4/19/15)
P5100.08	Inmate Security Designation and Custody Classification (9/12/06)
P5180.06	Central Inmate Monitoring System Operations Manual (3/24/08)
P5270.09	Inmate Discipline Program (7/8/11)
P5270.10	Special Housing Units (7/29/11)
P5280.09	Inmate Furloughs (1/20/11)
P5360.09	Religious Beliefs and Practices (12/31/04)
P5500.11	Correctional Services Manual (10/10/03)
P5500.14	Correctional Services Procedures Manual (10/19/12)
P5510.15	Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities (7/7/13)
P5520.02	Ion Spectrometry Device Program (4/1/15)
P5521.05	Searches of Housing Units, Inmates and Inmate Work Areas (6/30/97)
P7331.04	Pretrial Inmates (1/31/03)

BOP Forms

BP-A0224 Notification to Visitor
BP-A0311 Request for Conviction Information
BP-A0629 Visitor Information Form

Records Retention

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.

Appendix K – BOP Correspondence Policy 5265.14



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: CPD/CPB

NUMBER: 5265.14

DATE: April 5, 2011

Correspondence

/s/

Approved: Harley G. Lappin
Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

§ 540.10 Purpose and scope.

The Bureau of Prisons encourages correspondence that is directed to socially useful goals. The Warden shall establish correspondence procedures for inmates in each institution, as authorized and suggested in this rule.

Institution guidelines concerning correspondence will be made widely available to staff and inmates through posting on bulletin boards, placement in the institution library, or other appropriate means.

a. **Summary of Changes**

Policy Rescinded

P5265.11 Correspondence (7/9/99)

This edition of the Program Statement incorporates changes that have occurred since its last publication and initiatives resulting from the Reduction and Elimination of Duties Management Assessment Project (REDMAP):

- Now requires that funds intended for an inmate's commissary account will be mailed by the sender directly to the centralized commissary account center.
- Eliminates outgoing special/legal mail drop-boxes.

Federal Regulations from 28 CFR are shown in this type.

Implementing instructions are shown in this type.

- Institutions with a TRULINCS-generated mailing label system will ensure inmates use the mailing labels on all outgoing correspondence.
- Eliminates requirement to obtain subsequent authorization for inmates with prior approval to correspond with immediate family members or co-defendants housed in a federal or non-federal facility.

b. **Program Objectives.** Expected results of this program are:

- Inmates will be able to send and receive correspondence per established procedures.
- Incoming and outgoing general correspondence will be subject to monitoring, reading, and inspection.
- Restrictions on general correspondence will be enforced for an inmate because of misconduct or for classification purposes.
- Incoming correspondence deemed inappropriate will be rejected.
- An inmate without funds will be provided a limited amount of postage stamps and mailing materials.
- An inmate will be permitted to possess a limited quantity of postage stamps.
- An inmate will be permitted to receive funds through the mail.

c. **Pretrial, Holdover, and Detainee Inmates.** Specific sections of this Program Statement pertain to either designated inmates or inmates in pretrial, detainee, or holdover status.

2. DEFINITIONS

§ 540.2 Definitions.

(a) General correspondence means incoming or outgoing correspondence other than special mail. General correspondence includes packages sent through the mail.

General correspondence refers to traditional mail sent or received via the U.S. Postal Service. For the purpose of this policy, general correspondence refers to inmate mail only.

The Warden or designee must give prior approval for an inmate to receive or send a package (see the Program Statement **Mail Management Manual**). Procedures for incoming publications are discussed in the Program Statement **Incoming Publications**. Procedures for inmate electronic messaging are addressed in the Program Statement **Trust Fund Limited Inmate Computer System (TRULINCS) — Electronic Messaging**.

(1) *Open general correspondence* means general correspondence which is not limited to a list of authorized correspondents, except as provided in § 540.17.

28 CFR § 540.17 refers to Section 9 of this Program Statement.

(2) *Restricted general correspondence* means general correspondence which is limited to a list of authorized correspondents.

(b) *Representatives of the news media* means persons whose principal employment is to gather or report news for:

(1) A newspaper which qualifies as a general circulation newspaper in the community in which it is published. A newspaper is one of “general circulation” if it circulates among the general public and if it publishes news of a general character of general interest to the public such as news of political, religious, commercial, or social affairs. A key test to determine whether a newspaper qualifies as a “general circulation” newspaper is to determine whether the paper qualifies for the purpose of publishing legal notices in the community in which it is located or the area to which it distributes;

(2) A news magazine which has a national circulation and is sold by newsstands and by mail subscription to the general public;

(3) A national or international news service; or

(4) A radio or television news program, whose primary purpose is to report the news, of a station holding a Federal Communications Commission license.

(c) *Special mail* means correspondence *sent to* the following: President and Vice President of the United States, the U.S. Department of Justice (including the Bureau of Prisons), U.S. Attorneys Offices, Surgeon General, U.S. Public Health Service, Secretary of the Army, Navy, or Air Force, U.S. Courts (including U.S. Probation Officers), Members of the U.S. Congress, Embassies and Consulates, Governors, State Attorneys General, Prosecuting Attorneys, Directors of State Departments of Corrections, State Parole Commissioners, State Legislators, State Courts, State Probation Officers, other Federal and State law enforcement offices, attorneys, and representatives of the news media.

The Centers for Disease Control (CDC) is part of the U.S. Public Health Service; correspondence sent to the CDC is considered special mail.

An inmate is expected to use the special mail privilege responsibly. Refer questions concerning alleged abuses to the Office of General Counsel.

Special mail also includes correspondence *received from* the following: President and Vice President of the United States, attorneys, Members of the U.S. Congress, Embassies and Consulates, the U.S. Department of Justice (excluding the Bureau of Prisons but including U.S. Attorneys), other Federal law enforcement officers, State Attorneys General, Prosecuting Attorneys, Governors, U.S. Courts (including U.S. Probation Officers), and State Courts. For incoming correspondence to be processed under the special mail procedures (see §§ 540.18--540.19), the sender must be adequately identified on the envelope, and the front of the envelope must be marked “Special Mail — Open only in the presence of the inmate”.

28 CFR §§ 540.18-19 refers to Sections 10 and 11, respectively, of this Program Statement.

d. *Warden* is defined in 28 CFR 500.1, separately published, as “... the chief executive officer of a U.S. Penitentiary, Federal Correctional Institution, Medical Center for Federal Prisoners, Federal Prison Camp, Federal Detention Center, Metropolitan Correctional Center, or any federal penal or correctional institution or facility. „Warden“ also includes any staff member with authority explicitly delegated by any chief executive officer.”

3. MAIL DEPOSITORIES

§ 540.11 Mail depositories.

The Warden shall establish at least one mail depository within the institution for an inmate to place outgoing correspondence. The Warden may establish a separate mail depository for outgoing special mail. Each item placed in a mail depository must contain a return address. (see § 540.12(d)).

28 CFR § 540.12(d) refers to Section 4.d. of this Program Statement.

The Warden of Federal Detention Centers, Metropolitan Correctional Centers, and Metropolitan Detention Centers will establish a mail depository to allow an attorney to “hand-deliver” legal mail to the institution (see the **Mail Management Manual**). Other facilities housing pretrial inmates may also establish a mail depository for attorneys to “hand-deliver” special mail.

4. CONTROLS AND PROCEDURES

§ 540.12 Controls and procedures.

(a) The Warden shall establish and exercise controls to protect individuals, and the security, discipline, and good order of the institution. The size, complexity, and security level of the institution, the degree of sophistication of the inmates confined, and other variables require flexibility in correspondence procedures. All Wardens shall establish open general correspondence procedures.

Open general correspondence privileges may be given to inmates who are able to exercise them responsibly. Care should be taken during orientation and thereafter to help inmates understand their responsibility for open correspondence privileges.

(b) Staff shall inform each inmate in writing promptly after arrival at an institution of that institution's rules for handling of inmate mail. This notice includes the following statement:

The staff of each institution of the Bureau of Prisons has the authority to open all mail addressed to you before it is delivered to you. "Special Mail" (mail from the President and Vice President of the U.S., attorneys, Members of the U.S. Congress, Embassies and Consulates, the U.S. Department of Justice (excluding the Bureau of Prisons but including U.S. Attorneys), other Federal law enforcement officers, State Attorneys General, Prosecuting Attorneys, Governors, U.S. Courts (including U.S. Probation Officers), and State Courts) may be opened only in your presence to be checked for contraband. This procedure occurs only if the sender is adequately identified on the envelope and the front of the envelope is marked "Special Mail — Open only in the presence of the inmate." Other mail may be opened and read by the staff.

If you do not want your *general* correspondence opened and read, the Bureau will return it to the Postal Service. This means that you will not receive such mail. You may choose whether you want your general correspondence delivered to you subject to the above conditions, or returned to the Postal Service. Whatever your choice, special mail will be delivered to you, after it is opened in your presence and checked for contraband. You can make your choice by signing Part I or Part II.

If the inmate elects not to have his/her general correspondence opened and read or refuses to sign the notice, a copy of the refusal is forwarded to the mail room (notice follows this section).

Part I — General Correspondence to be Returned to the Postal Service

I have read or had read to me the foregoing notice regarding mail. I do not want my general correspondence opened and read. I REQUEST THAT THE BUREAU OF PRISONS RETURN MY GENERAL CORRESPONDENCE TO THE POSTAL SERVICE. I understand that special mail will be delivered to me, after it is opened in my presence and checked for contraband.

(Name)

(Reg. No.)

(Date)

Part II — General Correspondence to be Opened, Read, and Delivered

I have read or had read to me the foregoing notice regarding mail, I WISH TO RECEIVE MY GENERAL CORRESPONDENCE. I understand that the Bureau of Prisons may open and read my general correspondence if I choose to receive same. I also understand that special mail will be delivered to me, after it is opened in my presence and checked for contraband.

(Name)

(Reg. No.)

(Date)

Inmate _____, refused to sign this form. He (she) was
(NAME) (REG. NO.)

advised by me that the Bureau of Prisons retains the authority to open and read all general correspondence. The inmate was also advised that his (her) refusal to sign this form will be interpreted as an indication that he (she) wishes to receive general correspondence subject to the conditions in Part II above.

Staff Member's Signature

Date

The above notice is included as part of the Acknowledgment of Inmate (BP-A0407).

(c) Staff shall inform an inmate that letters placed in the U.S. Mail are placed there at the request of the inmate and the inmate must assume responsibility for the contents of each letter. Correspondence containing threats, extortion, etc., may result in prosecution for violation of federal laws. When such material is discovered, the inmate may be subject to disciplinary action, the written material may be copied, and all material may be referred to the appropriate law enforcement agency for prosecution.

(d) The inmate is responsible for filling out the return address completely on envelopes provided for the inmate's use by the institution. If the inmate uses an envelope not provided by the institution, the inmate is responsible for ensuring that the envelope used contains all return address information listed on the envelope provided by the institution.

All envelopes, whether preprinted envelopes ordered through UNICOR or written by the inmate, must have a return address with the:

- Inmate's name.
- Register number.
- Name of the institution.

- P.O. Box (or street address if there is no P.O. Box).
- City, state, and ZIP code.

In addition, all outgoing mail, for institutions with a TRULINCS-generated mailing label system, must utilize these mailing labels on all outgoing correspondence, in accordance with the Program Statement **Trust Fund Limited Inmate Computer System (TRULINCS) — Electronic Messaging**. Consistent with this TRULINCS Program Statement, if an inmate fails to place the TRULINCS-generated label on outgoing postal mail, the mail is returned to the inmate for proper preparation.

5. NOTIFICATION OF REJECTIONS

§ 540.13 Notification of rejections.

When correspondence is rejected, the Warden shall notify the sender in writing of the rejection and the reasons for the rejection. The Warden shall also give notice that the sender may appeal the rejection. The Warden shall also notify an inmate of the rejection of any letter addressed to that inmate, along with the reasons for the rejection and shall notify the inmate of the right to appeal the rejection. The Warden shall refer an appeal to an official other than the one who originally disapproved the correspondence. The Warden shall return rejected correspondence to the sender unless the correspondence includes plans for or discussion of commission of a crime or evidence of a crime, in which case there is no need to return the correspondence or give notice of the rejection, and the correspondence should be referred to appropriate law enforcement authorities. Also, contraband need not be returned to the sender.

The Warden may not delegate the authority to reject correspondence or sign notification letters below the level of Associate Warden.

Section 6.d outlines the basis for determining whether correspondence should be rejected. Returned Correspondence (BP-A0327) is used to notify the involved parties of the rejection. “Nuisance” contraband is returned to the sender using Stamps, Negotiable Instrument & Other Returned to Sender (BP-A0328).

The Warden acknowledges receipt of an appeal from the sender of a rejected letter and designates the appropriate staff to respond. When the Warden makes the initial rejection, a subsequent appeal by a non-inmate sender is referred to the Regional Office.

If the Warden is doubtful about the propriety of an incoming or outgoing letter or has questions concerning the interpretation of regulations, he/she may refer the problem to the Regional Correctional Programs Administrator or the Regional Counsel. In case of rejection, the offending content is reproduced and retained for a reasonable period (at least 3 months), to have it available if the rejection is appealed.

6. GENERAL CORRESPONDENCE

§ 540.14 General correspondence.

(a) Institution staff shall open and inspect all incoming general correspondence. Incoming general correspondence may be read as frequently as deemed necessary to maintain security or monitor a particular problem confronting an inmate.

(b) Except for “special mail,” outgoing mail from a pretrial inmate may not be sealed by the inmate and may be read and inspected by staff.

(c) (1) Outgoing mail from a sentenced inmate in a minimum or low security level institution may be sealed by the inmate and, except as provided for in paragraphs (c)(1)(i) through (iv) of this section, is sent out unopened and uninspected. Staff may open a sentenced inmate’s outgoing general correspondence:

(i) If there is reason to believe it would interfere with the orderly running of the institution, that it would be threatening to the recipient, or that it would facilitate criminal activity;

(ii) If the inmate is on a restricted correspondence list;

(iii) If the correspondence is between inmates (see § 540.17); or

28 CFR § 540.17 refers to Section 9 of this Program Statement.

(iv) If the envelope has an incomplete return address.

(2) Except for “special mail,” outgoing mail from a sentenced inmate in a medium or high security level institution, or an administrative institution may not be sealed by the inmate and may be read and inspected by staff.

See the Program Statement **Inmate Security Designation and Custody Classification** for identification of security levels.

(3) **Mail Monitoring.** Each institution establishes procedures for monitoring incoming and outgoing mail. Institutions may wish to give closer scrutiny to incoming and outgoing mail of inmates, for example, who:

- Participated in criminal activity of a sophisticated nature.
- Committed crimes that involved mail or fraudulent schemes.
- Are considered escape risks.

- Present management problems (i.e., interference /disruption of the orderly running of the institution).

The staff member designated to supervise correspondence may keep a list of such inmates. Monitoring procedures may not interfere with mail handling.

(4) **Reading and Inspection.** As stated in this section, all incoming general correspondence and outgoing mail in medium, high, and administrative institutions (except “special mail”) is subject to random reading by correctional staff. The objectives of reading mail differ from the objectives of inspection. For *inspection* (to which all incoming general correspondence is subjected), the objective is primarily to detect contraband. The random *reading* of mail is intended to reveal, for example, escape plots, plans to commit illegal acts, plans to violate institution rules, or other security concerns.

(5) **Disclosure.** When reading correspondence, a staff member may incidentally learn information about the private lives of inmates or their correspondents. Bureau staff must be sensitive to the fact that most information in correspondence is private, and must be handled discreetly. Unless there is a legitimate correctional concern relating to security, safety, orderly running of the institution, criminal activity, or inmate rehabilitation, the contents of reviewed correspondence should not be revealed to any other person.

(d) The Warden may reject correspondence sent by or to an inmate if it is determined detrimental to the security, good order, or discipline of the institution, to the protection of the public, or if it might facilitate criminal activity. Correspondence which may be rejected by a Warden includes, but is not limited to, correspondence which contains any of the following:

(1) Matter which is nonmailable under law or postal regulations;

(2) Matter which depicts, describes, or encourages activities which may lead to the use of physical violence or group disruption;

This includes any printed material individually identified as placing that inmate, another inmate, or staff at risk of assault or other safety concerns.

(3) Information of escape plots, of plans to commit illegal activities, or to violate Bureau rules or institution guidelines;

(4) Direction of an inmate’s business (See § 541.13, Prohibited Act No. 408). An inmate, unless a pre-trial detainee, may not direct a business while confined.

This does not, however, prohibit correspondence necessary to enable an inmate to protect property and funds that were legitimately the inmate’s at the time of commitment. Thus, for example, an inmate may correspond about refinancing an

existing mortgage or sign insurance papers, but may not operate a mortgage or insurance business while in the institution.

§ 541.13, Prohibited Act No. 408, refers to Chapter 4 of the Program Statement **Inmate Discipline and Special Housing Units**.

(5) Threats, extortion, obscenity, or gratuitous profanity;

(6) A code;

(7) Sexually explicit material (for example, personal photographs) which by its nature or content poses a threat to an individual's personal safety or security, or to institution good order; or

Nude or sexually suggestive photos (individual prints or copies as opposed to those from publications) present a special concern for personal safety, security, and good order. This is particularly true when the subject is an inmate's relative, friend, or acquaintance. For these reasons, ordinarily an inmate is not permitted to receive through the mail a personal photograph in which the subject is nude, displays genitalia or female breasts, or when the photo depicts sexual suggestive acts such as intercourse, fellatio, or sodomy.

The exclusion of this or similar materials is determined by whether it would be detrimental to an individual's safety or security, or to institution good order, if it were in the inmate's possession. For purposes of this section, clippings from publications are considered correspondence. For the rule on publications, see the Program Statement **Incoming Publications**.

(8) Contraband. (See § 500.1 of this chapter. A package received without prior authorization by the Warden is considered to be contraband.)

28 CFR 500.1 is contained in Section 2.d. of this Program Statement.

Multiple copies of printed materials intended for inmate distribution and third-party mailing are also considered contraband.

7. RESTRICTED GENERAL CORRESPONDENCE

§ 540.15 Restricted general correspondence.

(a) The Warden may place an inmate on restricted general correspondence based on misconduct or as a matter of classification.

For this restriction, the term "classification" is used to identify categories of behavior.

Determining factors include the inmate's:

(1) Involvement in any of the activities listed in § 540.14(d);

28 CFR § 540.14(d) is contained in Section 6.d. of this Program Statement.

(2) Attempting to solicit funds or items (e.g., samples), or subscribing to a publication without paying for the subscription;

(3) Being a security risk;

(4) Threatening a government official; or

(5) Having committed an offense involving the mail.

(b) The Warden may limit to a reasonable number persons on the approved restricted general correspondence list of an inmate.

A recommendation to place an inmate on restricted correspondence is made by the unit team during the inmate's program review or by the Unit Disciplinary Committee (UDC) or Disciplinary Hearing Officer (DHO), when restricted correspondence is required by an infraction of an institution rule.

Action taken by the UDC or DHO as a disciplinary sanction is ordinarily based on a finding of violation of correspondence regulations.

(c) The Warden shall use one of the following procedures before placing an inmate on restricted general correspondence.

(1) Where the restriction will be based upon an incident report, procedures must be followed in accordance with inmate disciplinary regulations (part 541, subpart B of this chapter).

Part 541, subpart B, refers to the Program Statement **Inmate Discipline and Special Housing Units**.

(2) Where there is no incident report, the Warden:

(i) Shall advise the inmate in writing of the reasons the inmate is to be placed on restricted general correspondence;

(ii) Shall give the inmate the opportunity to respond to the classification or change in classification; the inmate has the option to respond orally or to submit written information or both; and

(iii) Shall notify the inmate of the decision and the reasons, and shall advise the inmate that the inmate may appeal the decision under the Administrative Remedy Procedure.

(d) When an inmate is placed on restricted general correspondence, the inmate may, except as provided in §§ 540.16 and 540.17:

28 §§ CFR 540.16 and 540.17 refer to Sections 8 and 9, respectively, of this Program Statement.

(1) Correspond with the inmate's spouse, mother, father, children, and siblings, unless the correspondent is involved in an violation of correspondence regulations, or would be a threat to the security or good order of the institution;

The word "spouse" includes a common-law relationship which has previously been established in a state which recognizes this status. In states that do not, a common-law relationship is not considered "immediate family." For determination of applicable state laws, consult the Regional Counsel.

(2) Request other persons also to be placed on the approved correspondence list, subject to investigation, evaluation, and approval by the Warden; with prior approval, the inmate may write to a proposed correspondence to obtain a release authorizing an investigation; and

(3) Correspond with former business associates, unless it appears to the Warden that the proposed correspondent would be a threat to the security or good order of the institution, or that the resulting correspondence could reasonably be expected to result in criminal activity. Correspondence with former business associates is limited to social matters.

Verification Procedures. Each year it becomes more difficult to obtain information from law enforcement agencies on proposed correspondents. For this reason, staff attempt to secure information from other sources, including the inmate, the proposed correspondent, and the U.S. Probation Officer. Each institution develops its own verification procedures, depending on the sophistication of its inmates and resources for verification.

A release from the individual in question may be necessary (for example, under the Privacy Act) to complete the investigation. If a release is needed, the inmate is responsible for obtaining it, and is permitted to write to the correspondent for this purpose.

(e) The Warden may allow an inmate additional correspondence with persons other than those on the inmate's approved mailing list when the correspondence is shown to be necessary and does not require an addition to the mailing list because it is not of an ongoing nature.

8. INMATE CORRESPONDENCE WHILE IN SEGREGATION AND HOLDOVER STATUS

§ 540.16 Inmate correspondence while in segregation and holdover status.

(a) The Warden shall permit an inmate in holdover status (i.e., enroute to a designated institution) to have correspondence privileges similar to those of other inmates insofar as practical.

(b) The Warden shall permit an inmate in segregation to have full correspondence privileges unless placed on restricted general correspondence under § 540.15.

28 CFR § 540.15 refers to Section 7 of this Program Statement.

9. CORRESPONDENCE BETWEEN CONFINED INMATES

§ 540.17 Correspondence between confined inmates.

An inmate may be permitted to correspond with an inmate confined in any other penal or correctional institution if the other inmate is either a member of the immediate family, or is a party or witness in a legal action in which both inmates are involved. Such correspondence may be approved in other exceptional circumstances, with particular regard to the security level of the institution, the nature of the relationship between the two inmates, and whether the inmate has other regular correspondence. The following additional limitations apply:

Inmates must provide current documentation (dated within the past six months) to support both inmates are parties to or a witness in a current legal action. At subsequent inmate team reviews, inmates will provide supporting documentation to continue correspondence privileges.

(a) Such correspondence at institutions of all security levels may always be inspected and read by staff at the sending and receiving institutions (it may not be sealed by the inmate); and

If inspection of the correspondence reveals communication other than a legal matter, the unit manager will be advised and a determination will be made whether to disapprove further correspondence. If privileges are rescinded, the unit manager or designee will ensure mail room and trust fund staff are notified.

(b) (1) The appropriate unit manager at each institution must approve of the correspondence if both inmates are housed in Federal institutions and both inmates are members of the same immediate family or are a party or witness in a legal action in which both inmates are involved.

The Warden is apprised of unusual circumstances pertaining to a request (e.g., inmates who have Central Inmate Monitoring assignments and/or disruptive group members) to correspond, for members of the same immediate family or for inmates who are a party or witness in the same legal action, for inmates housed in federal facilities.

Normally, the approval of mail correspondence privileges will apply to electronic messages generated via TRULINCS. The approval of correspondence privileges for both inmates will remain in effect even if either is transferred within the Bureau. The unit team will forward a copy of the approved mail correspondence to the mail room and trust fund staff for processing.

Unit team staff will review the status of previously approved correspondence during the inmate's classification/program review. When denying an inmate's request to correspond with immediate family, the unit manager will document the reason(s) for the denial.

(2) The Wardens of both institutions must approve of the correspondence if one of the inmates is housed at a non-Federal institution or if approval is being granted on the basis of exceptional circumstances.

The Warden documents a denial or the rationale for approving the request for an inmate to correspond with an inmate, who is an immediate family member or a party or witness in the same legal action, housed in a non-federal facility/contract facility.

The approval of correspondence privileges for the inmate will remain in effect even when the inmate transfers within the Bureau. Unit team will review previously approved correspondence for either of the above circumstances. Unit team will forward a copy of the approval for mail correspondence to mail room staff.

10. SPECIAL MAIL

§ 540.18 Special mail.

(a) The Warden shall open incoming special mail only in the presence of the inmate for inspection for physical contraband and the qualification of any enclosures as special mail. The correspondence may not be read or copied if the sender is adequately identified on the envelope, and the front of the envelope is marked "Special Mail — Open only in the presence of the inmate".

Incoming mail meeting these requirements must be treated per this rule. The Warden may, however, treat incoming mail that does not meet all requirements for special mail handling in the same fashion as special mail, including opening it in the inmate's presence and inspecting it only for contraband. For example, mail from the chambers of a Federal judge or from a Member of Congress should be given special handling even if it does not have a special mail marking on the envelope.

Similarly, mail from an adequately identified sender that contains markings similar to the phrase “Special Mail — Open only in the presence of the inmate” may be given special handling. Examples of similar markings include “Attorney-Client — Open only in the presence of the inmate” and “Legal Mail — Open only in the presence of the inmate.”

(b) In the absence of either adequate identification or the “special mail” marking indicated in paragraph (a) of this section appearing on the envelope, staff may treat the mail as general correspondence and may open, inspect, and read the mail.

(c) (1) Except as provided for in paragraph (c)(2) of this section, outgoing special mail may be sealed by the inmate and is not subject to inspection.

(2) Special mail shall be screened in accordance with the provisions of paragraph (c)(2)(iii) of this section when the special mail is being sent by an inmate who has been placed on restricted special mail status.

(i) An inmate may be placed on restricted special mail status if the Warden, with the concurrence of the Regional Counsel, documents in writing that the special mail either has posed a threat or may pose a threat of physical harm to the recipient (e.g., the inmate has previously used special mail to threaten physical harm to a recipient).

(ii) The Warden shall notify the inmate in writing of the reason the inmate is being placed on restricted special mail status.

(iii) An inmate on restricted special mail status must present all materials and packaging intended to be sent as special mail to staff for inspection. Staff shall inspect the special mail material and packaging, in the presence of the inmate, for contraband. If the intended recipient of the special mail has so requested, staff may read the special mail for the purpose of verifying that the special mail does not contain a threat of physical harm. Upon completion of the inspection, staff shall return the special mail material to the inmate if the material does not contain contraband, or contain a threat of physical harm to the intended recipient. The inmate must then seal the special mail material in the presence of staff and immediately give the sealed special mail material to the observing staff for delivery. Special mail determined to pose a threat to the intended recipient shall be forwarded to the appropriate law enforcement entity. Staff shall send a copy of the material, minus the contraband, to the intended recipient along with notification that the original of the material was forwarded to the appropriate law enforcement entity.

(iv) The Warden shall review an inmate’s restricted special mail status at least once every 180 days. The inmate is to be notified of the results of this review. An

inmate may be removed from restricted special mail status if the Warden determines, with the concurrence of the Regional Counsel, that the special mail does not threaten or pose a threat of physical harm to the intended recipient.

(v) An inmate on restricted mail status may seek review of the restriction through the Administrative Remedy Program.

(d) Except for special mail processed in accordance with paragraph (c)(2) of this section, staff shall stamp the following statement directly on the back side of the inmate's outgoing special mail:

"The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has neither been opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another addressee, please return the enclosure to the above address."

The stamp includes the above statement, the name and address of the institution and space for the date.

11. LEGAL CORRESPONDENCE

§ 540.19 Legal correspondence.

(a) Staff shall mark each envelope of incoming legal mail (mail from courts or attorneys) to show the date and time of receipt, the date and time the letter is delivered to an inmate and opened in the inmate's presence, and the name of the staff member who delivered the letter. The inmate may be asked to sign as receiving the incoming legal mail. This paragraph applies only if the sender has marked the envelope as specified in § 540.18.

28 CFR § 540.18 refers to Section 10 of this Program Statement.

Staff are expected to develop a master log containing the above information. The inmate may be requested (but not required) to sign the log, indicating receipt of the legal mail. If the inmate refuses, staff note this in the log.

(b) The inmate is responsible for advising any attorney that correspondence will be handled as special mail only if the envelope is marked with the attorney's name and an indication that the person is an attorney, and the front of the envelope is marked "Special Mail — Open only in the presence of the inmate".

Legal mail shall be opened in accordance with special mail procedures (see § 540.18).

28 CFR § 540.18 refers to Section 10 of this Program Statement.

(c) Grounds for the limitation or denial of an attorney's correspondence rights or privileges are stated in part 543, subpart B. If such action is taken, the Warden shall give written notice to the attorney and the inmate affected.

Part 543, subpart B, refers to the Program Statement **Inmate Legal Activities**.

Any violation of the attorney/client correspondence privilege is referred to Regional Counsel, who, in conjunction with the Office of General Counsel, may restrict the inmate or attorney from further correspondence privileges.

(d) In order to send mail to an attorney's assistant or to a legal aid student or assistant, an inmate shall address the mail to the attorney or legal aid supervisor, or the legal organization or firm, to the attention of the student or assistant.

See the Program Statement **Inmate Legal Activities** for information concerning Bureau recognition of an attorney's assistant or legal aid student assistant.

(e) Mail to an inmate from an attorney's assistant or legal aid student or assistant, in order to be identified and treated by staff as special mail, must be properly identified on the envelope as required in paragraph (b) of this section, and must be marked on the front of the envelope as being mail from the attorney or from the legal aid supervisor.

12. INMATE CORRESPONDENCE WITH REPRESENTATIVES OF THE NEWS MEDIA

§ 540.20 Inmate correspondence with representatives of the news media.

(a) An inmate may write through "special mail" to representatives of the news media specified by name or title (see § 540.2(b)).

28 CFR § 540.2(b) refers to Section 2.b. of this Program Statement.

Properly identified and labeled correspondence from an inmate who is not on restricted mail status to qualifying news media representatives is sealed and forwarded without inspection, directly and promptly. Properly identified and labeled correspondence from an inmate on restricted special mail status is also sealed and forwarded promptly, but may be subject to inspection per procedures in Section 10. If there is doubt whether a representative qualifies, contact the Public Information Officer in the Central Office.

(b) The inmate may not receive compensation or anything of value for correspondence with the news media. The inmate may not act as reporter.

(c) Representatives of the news media may initiate correspondence with an inmate. Staff shall open incoming correspondence from representatives of the media and inspect for contraband, for its qualification as media correspondence, and for content which is likely to promote either illegal activity or conduct contrary to Bureau regulations.

See the Program Statement **News Media Contacts** on other aspects of contact with news media.

13. PAYMENT OF POSTAGE

§ 540.21 Payment of postage.

(a) Except as provided in paragraphs (d), (e), (f), and (i) of this section, postage charges are the responsibility of the inmate. The Warden shall ensure that the inmate commissary has postage stamps available for purchase by inmates.

Mail room staff should obtain postage rate charts from the local servicing post office and place them where inmates ordinarily have access — the mail room or housing units.

(1) Postage Sold by Commissary. The inmate commissary must have available sufficient stamp denominations to allow mailing letters in excess of 1 ounce, but not requiring an additional first-class stamp.

(2) Purchase Limitation. The Warden issues local guidelines, which ordinarily limit an inmate's commissary purchase per visit to 20 postage stamps (denomination for first-class, domestic, 1-ounce mailing), or the equivalent; if such visits are limited to once per week or less, the Warden may authorize an additional purchase of stamps.

(3) Inmate Possession of Postage Stamps. The Warden issues local guidelines, limiting an inmate's possession of stamps at one time to no more than 60 (denomination for first-class, domestic, 1-ounce mailing), or the equivalent. The Warden may authorize possession of stamps to a specified amount in excess of this limit. The stamps are to be maintained by the inmate in the same manner the stamps are sold or in the manner provided by the unit manager.

(4) Approval for Additional Purchases. An inmate may be authorized to purchase (per commissary visit) more than 20 postage stamps (denomination for first-class, domestic, 1-ounce mailing), or the equivalent, only upon approval of the associate warden. This authority may not be delegated below unit manager.

(b) Writing paper and envelopes are provided at no cost to the inmate. Inmates who use their own envelopes must place a return address on the envelope (see § 540.12(d)).

28 CFR § 540.12(d) refers to Section 4(d) of this Program Statement.

(c) Inmate organizations will purchase their own postage.

(d) An inmate who has neither funds nor sufficient postage and who wishes to mail legal mail (includes courts and attorneys) or Administrative Remedy forms will be provided the postage stamps for such mailing. To prevent abuses of this provision, the Warden may impose restrictions on the free legal and administrative remedy mailings.

(1) To prevent abuses of Bureau directives regarding purchase of postage, Wardens will:

- Provide an inmate who has neither funds nor postage up to five postage stamps (denomination for first-class, domestic, 1-ounce mailing) or the equivalent each week, for legal mail or Administrative Remedy filing
- Require an inmate who has, for at least two separate months, depleted his/her commissary account, obtained Government-paid postage stamps, and then restored money to the account to complete the form for reimbursement Request for Withdrawal of Inmate's Personal Funds (BP-199) for the amount of postage given for legal mail or Administrative Remedy filings. Commissary staff hold the BP-199 and charge it against the inmate's account as soon as he/she has funds (see the Program Statement **Trust Fund Management Manual**).
- Allow an inmate to purchase sufficient postage for legal mail or Administrative Remedy mailings. The amount may not exceed the limit for postage purchases.

(2) The associate warden makes a final determination whether the inmate is to receive postage under the conditions of this subsection. An "inmate without funds" means an inmate without sufficient commissary balance to purchase a postage stamp sufficient for first-class, 1-ounce domestic mailing. This authority may not be delegated below unit manager.

(e) When requested by an inmate who has neither funds nor sufficient postage, and upon verification of this status by staff, the Warden shall provide the postage stamps for mailing a reasonable number of letters at government expense to enable the inmate to maintain community ties. To prevent abuses of this provision, the Warden may impose restrictions on the free mailings.

Five letters per month are suggested as reasonable in most circumstances. To prevent abuses, the Warden may require reimbursement as provided in Section 13(d)(1). The associate warden (not to be delegated below unit manager) makes a final determination on whether the inmate is to receive postage under this subsection.

In making this determination, an “inmate without funds” means an inmate without sufficient commissary balance to purchase a postage stamp sufficient for first-class, 1-ounce domestic mailing, or postage for half-ounce international air mail for an inmate whose community ties require foreign correspondence.

(f) Mailing at government expense is also allowed for necessary correspondence in verified emergency situations for inmates with neither funds nor sufficient postage.

The associate warden makes a final determination whether the inmate is to receive postage stamps under this subsection. This authority may not be delegated below unit manager.

(g) Inmates must sign for all stamps issued to them by institution staff.

A separate log is kept for this purpose.

(h) Mail received with postage due is not ordinarily accepted by the Bureau of Prisons.

The mail room staff refuses postage-due mail. However, if such mail is tendered to mail room staff without collection of postage due, it is processed without further collection action (see the **Mail Management Manual**).

(i) Holdovers and pre-trial commitments will be provided a reasonable number of stamps for the mailing of letters at government expense.

Three letters per week is suggested as reasonable in most circumstances. Commissary purchase of postage is also available to pretrial inmates. For holdovers, additional Government-furnished postage stamps may be allowed for special needs demonstrated by the inmate.

(j) Inmates may not be permitted to receive stamps or stamped items (e.g., envelopes embossed with stamps, postal cards with postage affixed) other than by issuance from the institution or by purchase from commissary.

Stamps and stamped items sent into the institution are returned to the sender. Indicate the reason for return on Form BP-A0328, Stamps, Negotiable Instrument & Other Returned to Sender. A copy of the form is placed with the correspondence for delivery to the inmate. See the **Mail Management Manual** for further information.

k. The institution’s business manager is responsible for the purchase and security of stamps purchased by the Bureau for issue to inmates per Section 13.d. The business manager also conducts quarterly audits.

14. SPECIAL POSTAL SERVICES

§ 540.22 Special postal services.

The information in this section was extracted from the **Mail Management Manual**. See that policy for more detailed information.

(a) An inmate, at no cost to the government, may send correspondence by registered, certified, or insured mail, and may request a return receipt.

(b) An inmate may insure outgoing personal correspondence (e.g., a package containing the inmate's hobbycrafts) by completing the appropriate form and applying sufficient postage.

The Request Authorization to Mail Inmate Package (BP-329) form is used.

(1) In the event of loss or damage, any claim relative to this matter is made to the U.S. Postal Service, either by the inmate or the recipient. The U.S. Postal Service will only indemnify a piece of insured mail for the actual value of an item, regardless of declared value.

When an inmate decides that a claim is necessary for an incoming piece of insured mail, he/she is advised that the mailer is the most appropriate person to file the claim with the U.S. Postal Service.

(2) Inmate packages forwarded as a result of institution administration are considered official mail, except as otherwise specified (for example, hobbycraft articles mailed out of the institution). Official mail is not insured. If such an item is subsequently lost or damaged in the mail process the inmate may file a tort claim with the Bureau of Prisons (see part 543, subpart C of this chapter).

Such packages are forwarded as official mail at Government expense. If documentation indicates that the package left Bureau control and was lost or damaged by the U.S. Postal Service (or mailed via a contract mail provider), the inmate is instructed to file a tort claim with the U.S. Postal Service (or directly with the contract mail provider) (see the Program Statement **Federal Tort Claims Act**). Hobbycraft articles are discussed in the Program Statement **Inmate Recreation Programs**.

(c) Certified mail is sent first class at the inmate's expense.

The inmate must pay basic postage, costs of certification, and costs of a return receipt (if requested).

(d) An inmate may not be provided such services as express mail, COD, private carriers, or stamp collecting while confined.

15. INMATE FUNDS RECEIVED THROUGH THE MAILS

§ 540.23 Inmate funds received through the mails.

Except as provided for in part 506 of this chapter, funds enclosed in inmate correspondence are to be rejected. Deposits intended for the inmate's commissary account must be mailed directly to the centralized commissary account (see 28 CFR part 506).

Section 2 of the Acknowledgment of Inmate, Part 1 & 2 (BP-A0407) contains an authorization for disposition of funds. The inmate ordinarily completes this form upon initial entry into Bureau custody. Negotiable instruments must include the inmate's full name and register number.

Negotiable instruments received through the mail enclosed in inmate correspondence are rejected using the Stamps, Negotiable Instrument and Other Returned to Sender form (BP-A0328).

Inmates are not permitted to receive unsolicited funds through the mail, nor are inmates permitted to solicit funds or initiate requests for funds other than from family and friends.

b. Staff should be alert to unusual activity concerning funds received for posting to an inmate's account or being mailed out of the institution. For example, accounting technicians, unit staff and others should notify the unit manager when an inmate receives a large amount of money either in a lump sum or over a short period of time or has unusual activity in his/her account. The unit manager determines whether an appropriate reason exists for such activity or if a referral to the captain is necessary.

16. RETURNED MAIL

§ 540.24 Returned mail.

Staff shall open and inspect for contraband all undelivered mail returned to an institution by the Post Office before returning it to the inmate. The purpose of this inspection is to determine if the content originated with the inmate sender identified on the letter or package; to prevent the transmission of material, substances, and property which an inmate is not permitted to possess in the institution; and to determine that the mail was not opened or tampered with before its return to the institution. Any remailing is at the inmate's expense. Any returned mail qualifying as "special mail" is opened and inspected for contraband in the inmate's presence.

17. CHANGE OF ADDRESS AND FORWARDING OF MAIL FOR INMATES

§ 540.25 Change of address and forwarding of mail for inmates.

(a) Staff shall make available to an inmate who is being released or transferred appropriate Bureau of Prisons and U.S. Postal Service forms for change of address.

A U.S. Postal Service “Change of Address” kit is made available to each inmate being transferred to notify correspondents. (**Note:** The “kit” is a notice to publishers, businesses, correspondents, etc.; it is **not** a notification to the U.S. Postal Service.) Staff obtain supplies of these kits from the servicing U.S. postal facility. Kits are kept in Receiving and Discharge and the mail room for inmates leaving the institution.

(b) Inmates are responsible for informing their correspondents of a change of address.

(c) Postage for mailing change of address cards is paid by the inmate.

(d) Except as provided in paragraphs (e) through (g) of this section, all mail received for a released or transferred inmate will be returned to the U.S. Postal Service for disposition in accordance with U.S. Postal Service regulations.

(e) Staff shall use all means practicable to forward special mail.

The Program Statement **Mail Management Manual** provides more detailed instructions on forwarding inmate special mail.

(f) Staff shall forward inmate general correspondence to the new address for a period of 30 days.

Inmate general mail (as opposed to special mail) is forwarded to the new address for 30 days. General mail is forwarded to the address in the SENTRY database. After 30 days, general mail is returned to the sender with the notation “Not at this address — return to sender.”

(g) Staff shall permit an inmate released temporarily on writ to elect either to have general correspondence held at the institution for a period not to exceed 30 days, or returned to the U.S. Postal Service for disposition.

Use the form Disposition of General Correspondence While Inmate is Released Temporarily on Writ (BP-A0398).

(1) If the inmate refuses to make this election, staff at the institution shall document this refusal, and any reasons, in the inmate’s central file. Staff shall

return to the U.S. Postal Service all general correspondence received for such as inmate after the inmate's departure.

Document the refusal on the Disposition of General Correspondence While Inmate is Released Temporarily on Writ (BP-A0398).

(2) If the inmate does not return from writ within the time indicated, staff shall return to the U.S. Postal Service all general correspondence being held for that inmate for disposition in accordance with postal regulations.

18. INSTITUTION SUPPLEMENT

Each institution must update its Institution Supplement (IS) and forward a copy to the Regional Correctional Programs Administrator. The IS includes:

- Designation of a staff member to supervise inmate correspondence.
- Procedures for monitoring incoming and outgoing mail, including inspection and reading mail, especially to and from particular inmates.
- Use of a master log to note receipt and inmate acknowledgment of incoming legal mail.
- Limitations on the amount of postage stamps an inmate may possess and single purchases of stamps.
- Restrictions on free legal and administrative remedy mailings.

REFERENCES

Program Statements

P1315.07	Legal Activities, Inmate (11/5/99)
P1320.06	Federal Tort Claims Act (8/1/03)
P1330.16	Administrative Remedy Program (12/31/07)
P1480.05	News Media Contacts (9/21/00)
P4500.07	Trust Fund/Deposit Fund Manual (4/19/10)
P5100.08	Inmate Security Designation and Custody Classification (9/12/06)
P5265.13	Trust Fund Limited Inmate Computer System (TRULINCS) — Electronic Messaging (2/19/09)
P5266.10	Incoming Publications (1/10/03)
P5270.08	Inmate Discipline and Special Housing Units (12/4/09)
P5370.11	Recreation Programs, Inmate (6/28/08)
P5800.16	Mail Management Manual (4/5/11)
P5800.15	Correctional Systems Manual (1/01/09)
P7331.04	Pretrial Inmates (1/31/03)

Federal Regulations

Federal Regulations cited in this Program Statement are contained in 28 CFR part 540.

ACA Standards

- 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-5D-01
- 4th Edition Standards for Adult Correctional Institutions: 4-4266, 4-4275, 4-4279, 4-4487, 4-4488, 4-4489, 4-4491, 4-4492 and 4-4496
- 4th Edition Standards for Adult Local Detention Facilities: 4-ALDF-2A-60, 4-ALDF-6A-02, 4-ALDF-6A-04, 4-ALDF-5B-05, 4-ALDF-5B-06, 4-ALDF-5B-08 and 4-ALDF-5B-09

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.

Appendix L – FCI Visiting Regulations

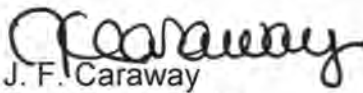


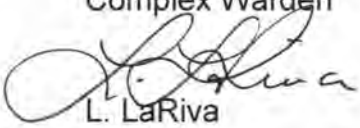
U. S. Department of Justice
Federal Bureau of Prisons

INSTITUTION SUPPLEMENT

OPI Correctional Services
NUMBER THX-5267.08E
DATE: April 15, 2014

VISITING REGULATIONS

Approved: 
J. F. Caraway
Complex Warden


L. LaRiva
Warden

I. **PURPOSE:** The Purpose of this Institution Supplement is to establish visiting regulations and procedures in accordance with the mission and goals of the Federal Correctional Complex at Terre Haute, Indiana, and in accordance with the Program Statement 5267.08, Visiting Regulation. These procedures govern inmates at the Federal Prison Camp (FPC), Federal Correctional Institution (FCI), United States Penitentiary (USP), as well as holdovers confined within the complex.

II. **DIRECTIVES AFFECTED:**

Program Statement 5267.08, Visiting Regulations, dated 05/11/2006
Program Statement 5510.15, Searching, Detaining or Arresting Visitors to Bureau Grounds and Facilities, dated 7/17/2013
Program Statement 5522.01, Ion Spectrometry Device Program, dated 2/24/2005
Institution Supplements THX-5500.11G, Entrance Procedures, dated 7/2/2012
Institution Supplements THX-1315.07H, Inmate Legal Activities, dated 6/13/2013
Institution Supplements THX-5522.01B, Ion Spectrometry Device Program, dated 2/15/2014

Institution Supplement THX-5267.08D, Visiting Regulations, dated 5/31/2012, is hereby superseded.

III. **CORRECTIONAL STANDARDS REFERENCED:**

American Correctional Association 4th Edition Standards for Adult Correctional Institutions: 4-4156, 4-4267, 4-4498, 4-4499, 4-4500, 4-4501, 4-4505, 4-4504.

IV. **ESTABLISHMENT OF INMATE VISITING LIST:** During the Admission and Orientation period, each inmate will complete the Request for Visitors Form (Attachment 1). The

appropriate Unit Manager is designated the responsibility to ensure proper and timely visiting list receipt and response.

- A. Because of limited visiting facilities and manpower for supervision of visits, the number of visitors **per inmate**, for the visiting room will not exceed five (5). Groups of more than five (5) visitors will have prior approval through the appropriate Unit Manager with notification to the Complex Captain, Deputy Captain and Duty Officer.
- B. At FCC Terre Haute, an inmate's visiting list will not contain more than ten (10) friends and associates other than immediate family members. Friends and associates are further defined as anyone who does not meet the criteria as an immediate family member. The visiting privilege ordinarily will be extended to other relatives, friends and associates having an established relationship with the inmate prior to confinement, unless such visits could reasonably create a threat to the security and good order of the institution. The inmate must have known the proposed visitor(s) prior to incarceration. The inmate will be responsible for having the proposed visitor mail proof of a prior relationship to the Unit Team which may include co-signed leases, utility bills, dated and signed letters, etc. The Unit Manager will review such documentation and will approve or deny the visitor. Exceptions to the prior relationship rule may be made particularly for inmates without other visitors when it is shown the proposed visitor is reliable and poses no threat to the security or good order of the institution. The Warden must approve any exception to this requirement.
- C. Immediate family members consist of mother, father, step-parents, foster parents, brothers, sisters, spouse and children. An inmate's spouse can include a common-law relationship which was established in a state which recognizes this status. If the state does not recognize common-law relationships, then the person is not considered immediate family. Staff needing further clarification regarding states which recognize common-law relationships will contact the Supervisory Attorney. For this complex, step-brothers and sisters who were raised with the inmate and for whom this information can be verified will also be viewed as immediate family members. The inmate's immediate family members must be verified by the U.S. Probation Officer on the inmate's Presentence Investigation Report (PSI). If the PSI verifies another person or persons fulfilled the inmate's parental role, those persons can be viewed as immediate family. Immediate family members will be placed on the visiting list absent strong circumstances which would preclude visiting after an inmate has advised staff he wishes to have them added to his visiting list.
- D. Inmates shall advise their Counselor, by the use of an Inmate Request to Staff Member, they wish to add immediate family members to their visiting list. Inmates shall include the immediate family member's name, relationship, address and age.
- E. Potential visitors who are not members of the inmate's immediate family must complete and return to the inmate's Unit Team a Visitor Information form (BP-S629). The inmate will forward this form to potential visitors. The form obtains the visitor's consent to release information for a background check (NCIC). If the background information reveals visiting privileges for the individual would present security concerns or disrupt the orderly running of the institution, the visitor may be denied visiting privileges. The Unit Manager will review and deny or approve visitors based on the background check.
- F. If a transferring inmate from another Federal Institution has an approved visiting list

from another facility, normally, members of the inmate's immediate family may be immediately placed on the visiting list absent any strong circumstances which would preclude visiting. For all other potential visitors, even though they may have been on the inmate's approved list at another institution, at a minimum, an NCIC check will be completed prior to placement on the visiting list.

- G. If a potential visitor cannot produce valid photo identification and there is minimal or no information available about this potential visitor, the request to visit will be denied.
- H. Children under the age of 16 may not visit unless accompanied by a responsible adult. Children shall be kept under supervision of a responsible adult. Once a child turns 16, the inmate must have them placed on the approved visiting list. A 16-year old child must have valid photo identification.
- I. The Unit Counselor will notify the inmate of approval or disapproval of persons for the visiting list. The inmate is responsible for notifying the visitor of the approval or disapproval to visit and is expected to provide the approved visitor with a copy of the visiting guidelines.
- J. No visitor can be placed on more than one (1) inmate's visiting list without approval of the Warden.
- K. Inmates may request to add or delete visitors on their visiting list, after initial completion, once every thirty (30) days.

V. **GENERAL VISITING PROCEDURES:**

A. FCC Terre Haute: Visiting at the USP and FCI will be Saturday through Monday and on Federal Holidays from 8:00 a.m. to 3:00 p.m. No one will be admitted into the institutions for visits after 2:00 p.m. On weekends and holidays, inmates will not be allowed to enter or exit the visiting room from 9:30 a.m. until the 10:00 a.m. count has cleared. Special Housing Unit visitation concludes at 2:00 p.m.

B. Camp Terre Haute: Visiting will be Friday through Sunday and on Federal Holidays during the following hours only:

Friday: 2:00 p.m. to 8:30 p.m.

Saturdays: 8:00 a.m. to 3:00 p.m.

Sundays: 8:00 a.m. to 3:00 p.m.

Federal Holidays: 8:00 a.m. to 3:00 p.m.

Friday visitation: Visitors must arrive prior to 3:00 p.m. for processing or they will not be able to enter the visiting area until the 4:00 p.m. count has cleared. Once the count has cleared, processing of visitors will resume.

C. Visitors will not be admitted to the visiting room after 2:00 p.m. without the Operations Lieutenant or Duty Officer's permission.

D. Inmate visitors are not permitted to enter the Federal Correctional Complex grounds prior to 7:50 a.m. on visiting days. After 7:50 a.m. the visitor may proceed to the authorized parking lot. Visitor parking is prohibited along Bureau Road.

- E. Inmates at the USP and FCI will be allowed seven (7) visits during a calendar month. Any portion of a visit will be charged as one visit. The visits are not accumulative from one month to another. A completed visit is defined as the visitor(s) departing the institution property and the inmate departing the visiting area, returning to his assigned quarters or work assignment.
- F. Inmates at the Camp will not be charged points or restricted to the amount of visits authorized per month.
- G. When an approved visitor arrives in the visiting room, the Visiting Room Officer will contact the inmate's Unit Officer. The Unit Officer will locate the inmate. If the inmate is on a job detail, the Detail Supervisor will return the inmate to the housing unit if necessary, to change clothes, or directly to the visiting room. The Unit Officer will release the inmate to the visiting room. If an inmate has not arrived at the visiting room within 45 minutes of his Unit Officer being notified, the Operations Lieutenant will be contacted and requested to expedite the inmate's arrival.
- H. In the event of overcrowding, generally those inmates who have used the most visits will have their visit terminated first. However, the Visiting Room Officer shall also give consideration to the distance the visitor has traveled, the visitor's relationship to the inmate and frequency of previous visits. If it should become necessary to terminate visits, the Operations Lieutenant and Duty Officer will be notified and will authorize the termination of specific visits.
- I. The Associate Warden of Programs will authorize and approve extra visiting. Such approvals will be obtained well in advance of a scheduled visit and must be in writing, initiated by the Unit Team. Ordinarily, extra visiting authorization may be granted to accommodate those visitors traveling long distances and those unable to visit regularly. All regular visiting times must be used before approval of extra time.

The Complex Captain or Deputy Captain will approve additional visitors above those ordinarily permitted. Approval for additional visitors must be obtained in advance of the visit and in writing. The documentation will be initiated by the Unit Team after review of requests by inmates. Ordinarily, additional visitors are granted to accommodate visitors traveling long distances or unable to visit regularly.

- J. Any inmate who requires special precautions may have his visiting restricted, when necessary, to ensure the security and good order of the institution. These cases will normally consist of protection cases and inmates who cannot be allowed in the with other inmates from the general population. The Captain will make the final decision regarding the restrictions of the visiting time. During weekends and holidays, the Institution Duty Officer or Operations Lieutenant may make the decision regarding visiting restrictions of inmates who fall into this category. Special visits will require prior written approval by the Captain and Unit Manager in advance of the visit.
- K. Special Housing Unit Non-contact visiting procedures: The following procedures will be utilized regarding non-contact visiting for inmates housed in the Special Housing Unit (SHU) at FCC Terre Haute. The visits must be approved in advance by the Unit Team and Captain. Inmates will provide Unit Team staff with visitor information in a timely manner and expect at least two (2) weeks for processing. Visits may take place on

weekends or holidays only at the USP and during normal visiting days, weekends, and holidays for the FCI. SHU visitors will not be processed after 1:00 p.m. SHU visits will be limited to a duration of two (2) hours. No more than two (2) visitors will be allowed to visit each inmate. Inmates will be limited to four (4) hours of visiting a month. The inmates will remain in handcuffs and leg irons only during the visit. Martin chains will be removed prior to the inmate being secured in the non-contact room. Inmates will be secured in the non-contact room throughout the visit.

1. USP Non-Contact visiting procedures: Inmates will be escorted from SHU to the visiting room in handcuffs, leg irons and martin chain. Prisoner Visitation and Support (PVS) visits for SHU inmates will also take place in the non-contact visiting room, due to concerns for the safety of the visitor, the inmate, and staff. Legal visits may take place in the visiting room after review and approval by the Captain. The Green Corridor will be secured during the move of an inmate from the SHU to the visiting room and during his return to the SHU.
 2. FCI Non-Contact visiting procedures: Non-contact SHU visitation will occur in the Special Housing Unit (SHU). The Deputy Captain can authorize pre-approved exceptions for weekday visits provided visitation staff are available to escort the visitors. Due to the limited space available for non-contact visiting, consideration must be made to afford other inmates the privileges of visitation. Therefore, visiting privileges could be restricted to one (1) visit a month. A written copy of the approved visit will normally be provided to the Lieutenants' Office, Control Center, Front Entrance, FCI Tower #1 and SHU staff. Inmate visitors will be escorted from the Front Entrance to SHU.
- L. The Communication Management Unit (CMU) visiting procedures at the FCI: All social and pastoral visiting between CMU inmates and persons in the community (except properly scheduled, unmonitored legal visits) will be conducted using non-contact facilities located in the CMU. The visit will be live monitored by Unit Staff and recorded via TRUPHONE system. All visits will be conducted in the English language only by both visitors and the inmate unless previously scheduled. Simultaneous translation monitoring can be arranged on a case by case basis, as deemed necessary by staff.

All visits for inmates housed in CMU will be conducted Sunday through Friday. CMU visits will be limited to a duration of up to four (4) hours, no single visit will be scheduled for longer than four (4) hours. Visiting hours are 8:30 a.m. to 2:30 p.m. All visits must be pre-approved and scheduled at least one (1) week in advance. CMU Staff are responsible for scheduling all visits. CMU Unit Staff will notify the Deputy Captain, FCI Front Entrance, FCI Tower #1, Control Center, Lieutenants' Office and CMU Officers by written memorandum of each approved visit.

Each inmate is allowed a total of eight (8) hours of visiting per calendar month. A maximum of four (4) visitors are allowed in the visiting room at any one time, unless prior arrangements have made and approved by the Deputy Captain.

Inmate visitors wishing to visit inmates in the CMU are required to wear the appropriate attire. It is recommended inmate visitors arrive approximately twenty (20) minutes prior to their scheduled visiting time. Visitors are required to fill out the Title 18 Visiting form, be photographed, hand stamped and pass through the metal detector. The Tower #1 Officer will notify CMU Unit Staff and officers of the visitor's arrival. CMU Unit

Staff will escort the visitors to and from CMU at the conclusion of the visit.

All inmates will be removed from the recreation area prior to the visitors being escorted into the CMU. CMU Officers will search the recreation area and the non-contacting visit booth. Once the area has been thoroughly searched and the inmate has been searched, the inmate receiving a visit will be allowed into the area. The inmate will be secured in the non-contact visit booth prior to the visitors being allowed into CMU. The visitors will be escorted to the non-contact visit booth and secured in the booth. After the visitors are escorted out of the CMU, the inmate will be let out of the non-contact visit booth, searched, and then allowed to return to his cell. Staff will search the visiting area and restrooms for contraband prior to leaving the visiting area.

The restroom facilities located in the visiting area are for visitors only. Staff will let the visitors out of the non-contact visit booth and escort them to the restrooms and back to the non-contact visit booth. If an inmate needs to use the restroom during a visit, he will be removed from the visiting area, searched and sent to his cell. After being searched, the inmate will return to the visiting area and secured in the non-contact visit booth.

- M. The Special Confinement Unit (SCU) visiting procedures at the USP: All social and pastoral visiting between SCU inmates and persons in the community (except properly scheduled, unmonitored legal visits) will be conducted using non-contact facilities located in the SCU. SCU visiting will normally be conducted Monday through Friday; however, exceptions can be approved by the SCU Unit Manager and Complex Captain. All visits must be pre-approved and scheduled. SCU Unit Staff are responsible for scheduling all visits. SCU staff will normally notify the Captain, Front Entrance, Control Center, Lieutenants' Office and SCU Officers by written memorandum of each approved visit.

All other normal visiting procedures for the USP apply.

- N. Video visiting procedures USP only: The following procedures will be placed into effect regarding video visiting for inmates housed in the Special Housing Unit (SHU). There is one system in place for video visiting between inmates and their visitors. Video visiting is a closed circuit video system designed to permit visiting without contact and without removing inmates from the SHU. Specifically, visitors view a video monitor in a room located in the lobby of the USP and talk to the inmate on a closed telephone system. The inmate at the same time, views the visitors and talks from a secure area within the SHU.

Visits must be approved in advance by the Unit Team and Complex Captain. Visits may take place on weekends or holidays only. SHU visitors will not be processed after 1:00 p.m. SHU visits will be limited to a duration of two (2) hours.

No more than two (2) visitors will be allowed to visit each inmate. Visitors must be on the inmate's approved visiting list. Visitors will be processed into the institution following routine entrance procedures to include ION Spectrometry drug screening. Upon completion of entrance screening, visitors will be escorted into the visiting room and secured in the identified video visiting room for visitors. Inmates will be escorted from their cell to the video visiting room in the SHU in handcuffs from behind at a minimum. Additional restraints may be used if deemed appropriate and necessary by

the Complex Captain and SHU Lieutenant. Where deemed appropriate and necessary, the inmates will remain in handcuffs and leg irons only during the visit. Martin chains will be removed prior to the inmate being secured in the video visiting room. Inmates will remain secured in the inmate video visiting room in the SHU throughout the visit.

O. Holdover visiting procedures:

1. Special Housing Unit (SHU): Inmates may have scheduled non-contact visiting in SHU. All visits will be pre-approved in advance by the Unit Team and Deputy Captain. Visitors must be immediate family members which can be verified on the inmates PSI. Each holdover inmate will be limited to four (4) hours of visiting a month. Visitation staff will be available to escort the visitors. SHU visitors will not be processed after 1:00 p.m. SHU visits will be limited to a duration of two (2) hours. No more than two (2) visitors will be allowed to visit each inmate. Inmates will be limited to four (4) hours of visiting a month. Due to the limited space available for non-contact visiting, consideration must be made to afford other inmates the privileges of visitation. Therefore, visiting privileges could be restricted to one (1) visit a month. A written copy of the approved visit will normally be provided to the Captain, Lieutenants' Office, Control Center, Front Entrance, FCI Tower #1 and SHU staff.
2. General Population: The Warden may limit visiting to the immediate family of the inmate during the admission-orientation period for holdovers where there is neither a visiting list from a transferring institution nor other verification of proposed visitors.

VI. ENTRANCE INTO THE INSTITUTIONS:

A. Attire:

1. Visitor Attire: All visitors are expected to dress appropriately. Visitors will not be permitted to wear opened toed shoes, hats, revealing, form fitting, or suggestive clothing. At the USP, visitors are prohibited from wearing lime green clothing. Visitors will be permitted to enter the front entrance regardless of attire. In cases where the appropriateness of the attire is questionable, the Front Entrance Officer will summon the Operations Lieutenant or the Institution Duty Officer (IDO) to the Front Entrance. The Operations Lieutenant and/or the IDO will make the final decision as to the appropriateness of attire and whether admittance to the visiting room will be permitted. In addition to the IDO or Operations Lieutenant, another staff member should be present as witness. Documentation of denial of visits will be signed by those present a copy retained by the IDO and a copy provided to the inmate's Unit Team for his Inmate Central File.
2. Inmate Attire: Inmates are responsible for being properly groomed and in the proper attire. The attire must be in accordance with existing policy.
 - a. **FCI/Camp:** All inmates must wear a belt and issued khaki clothing which is clean and in good repair. Shirts will be tucked in and all buttons will be buttoned except for the top button of the shirt. Absolutely no altered

clothing will be permitted in the visiting room. This includes beltless pants with pockets, pleats, zippers or belt loops which have been added.

- b. **USP:** All inmates at the USP are required to wear the lime green top and lime green trousers, provided at the visiting room. Inmates are allowed to wear their under wear and an unaltered short sleeve under shirt. The undershirt must be tucked in at all times. Additionally, shoes are provided at the visiting room. Personal clothing to include tennis shoes are not authorized, unless medically prescribed. Headbands, Kufis, or other religious head gear may be worn when approved by the Chaplain and Captain's Office. If inmates bring items not authorized in the visiting room the inmate must return to their respective housing unit and properly store the item. Unauthorized items will not be stored in the shakedown area.

- B. **Identification:** All visitors must present a valid picture I.D., a driver's license or a state issued I.D. card to the Front Entrance Officer prior to entering the respective institution.

FOR FCI VISITS ONLY: The photo identification will be retained by the Front Entrance Officer. He/she will use this identification to confirm positive identification of visitors exiting the institution. Upon exiting, the Front Entrance Officer will return the identification.

FOR USP VISITS ONLY: The photo identification will be retained by the Control Room Officer. He/She will use this identification to confirm positive identification of the visitor exiting the institution. Upon exiting, the Control Room Officer will return the identification.

- C. **Contraband:**

1. Each visitor shall be required to sign a copy of the Notification of Visitor Form BP-A0224, in accordance with Program Statement 5267.08, Visiting Regulations, when the visitor arrives at the institution provided to visitors at the Front Entrance. This form acknowledges awareness and understanding of the possible penalties for violation of the policy and/or controlling statutes. When this form is signed he/she also acknowledges having read, understood, and agreed to the Statement of Visiting Regulations (Attachment 2), previously mailed to him/her by the inmate. Should the visitor not have received or read this statement, he/she will be given the opportunity to do so prior to the visit.
2. **Narcotics Detection Screening:** All inmate visitors entering the institution will be randomly screened for the presence of narcotic residue on their person. This test will be conducted using the drug screening machine. Procedures for narcotics screening are detailed in the Program Statement 5522.01, and Institution Supplement 5522.01B, entitled Ion Spectrometry Device Program.
3. Any effort to circumvent or evade these visiting regulations will result in termination of visiting privileges.

- D. **Pat Searches:** Inmate visitors are subject to random pat searches at the FCI and the USP. All pat searches will be conducted by a person of the same sex. Pat searches

of the opposite sex may only be conducted in emergency situations with the Warden's approval. Pat searches will be conducted out of the view of other visitor's and inmates.

- E. Inmates shall not take anything to or from the visiting room except a comb, handkerchief and a plain wedding band. Religious medallions are permitted. Medication such as Nitroglycerin tablets may be permitted when authorized by Health Services or IDO. When medication is authorized, a notation to this effect shall be made on the inmate's visiting record.
- F. All inmates at the USP, FCI and Camp will be identified by their pictured commissary card, before being allowed to entering the visiting area. All inmates at the USP and FCI will be strip searched before going into the visiting room and when coming out. Camp inmates will be strip searched on a random basis as they enter and exit the visiting room. Staff will conduct strip searches, one on one, in the shakedown room. Inmates waiting to be searched must be under constant visual supervision.
- G. When a visit is finished and at the end of the visiting day, the inmate(s) will be moved to the rear of the visiting room. The visitors will be moved to the front of the visiting room. All inmates will be positively identified by photo and then the visitors will be released. All visitors will be escorted by a visiting room Officer when exiting the institution. Only seven (7) visitors will be allowed to exit through the Sallyport at a time.
- H. All personal items will be secured in the visitor's vehicle, or in the event the visitor is dropped off, their belongings will be secured in a metal locker provided for visitor storage. All coats, hats, jackets, personal keys, cell phones, electronic devices, hand bags and billfolds are considered personal items. All materials stored in the lockers will be examined by the Front Entrance Officer. Visitors will be permitted to take a small, clear, plastic bag with them to the visiting room. The bag should be the size of a large wallet or smaller. Exceptions in the bag size may be made for those containing necessary baby care items; however, the bag must be clear. Feminine hygiene items and any necessary medications (only the amount of these items needed during the visiting period) will be allowed to be brought in, and kept with the Visiting Room Officer until needed by the visitor. No unopened parcels will be permitted in the visiting room. No electronic devices, purses, packages, or toys will be permitted into any of the visiting rooms. Social visitors are not authorized to bring anything to give or show the inmate.

The following procedures will only be utilized at the USP and for CMU at the FCI to allow inmate visitors to wear coats and similar items into the visiting room as needed. A determination will be made by the Operations Lieutenant and IDO, as necessary, if conditions warrant allowing inmate visitors to wear outer garments such as, coats, jackets, etc., into the institution and visiting room. Such conditions consist of, but are not limited to, rain, snow, cold weather, etc. Age and medical conditions will also be taken into consideration when the wearing of outer garments is warranted. Visitors may not carry any item in the pockets of outer garments. All removable outer garments will be scanned by the x-ray machine without exception. Coats will be hung on the wooden coat racks inside the visiting room immediately upon entering the visiting room and prior to greeting and having physical contact with an inmate. Neither the visitor nor inmates will be permitted access to the outer garments during the visit. Should either a visitor or inmate, including children, have contact with any outer garments hung on the wooden hooks, the visit will be immediately terminated. At no time will inmates be permitted within close proximity to nor be allowed contact with a visitors outer garments.

When departing the visiting room, visitors must exchange good byes with inmates prior to donning their outer garments. Failure of inmates and/or visitors to abide by these procedures will result in suspension of visiting privileges.

- I. Metal Detectors: All inmate visitors desiring entrance into USP and FCI are required to clear the walk-through metal detector.

If they are unable to clear the walk-through metal detector for a clothing related reason, the visitor will be instructed to leave in order to make any adjustments necessary. They may return when they are able to clear the walk-through metal detector. If the visitor has medical documentation proving they have a medical reason for not being able to clear the metal detector, the Operations Lieutenant and/or Duty Officer are to be contacted to make the determination as to the type of search required, and whether entry will be granted.

- J. Tobacco Products: All visiting areas are tobacco free. No tobacco of any type or kind will be permitted to enter the USP, FCI or Camp.

- K. Money for Inmates: No money may be left by a visitor for the inmate. All funds must be mailed via U.S. Postal Service to the national Lock-Box address.

Inmate Name and Registration Number
P.O. Box 474701
Des Moines, IA
50947-0001

- L. Visiting Room:

1. Social visiting at FCC Terre Haute shall be conducted in the visiting space provided. No other area is authorized for visiting. All visits will be approved in the Front Entrance before visitors are allowed admittance to the visiting room. Visiting Room Officers will assign which seats inmates and their visitors will use. Inmates are not permitted to select where their visit takes place. If the inmate does not comply as to where he will visit, the visit will be terminated.
2. Non-contact visiting will be conducted in the SHU and CMU visiting area of the FCI. Non-contact visiting will be conducted in the visiting room for SHU inmates and SCU visiting area at the USP. These are non-contact rooms with telephone communication.
3. At the Camp, the visiting shall be conducted in the visiting room or in the outdoor area directly outside the visiting room during those months offering comfortable visiting conditions. During winter hours, December 1st through March 15th, and during inclement weather, outside visiting is not permitted. During these time periods, if there is limited visiting space, a completed visit will be considered after a period of four (4) hours.
4. Visiting for inmates housed in local hospitals must be approved in advance by the Warden. Requests for special visits with inmates housed in local hospitals will be originated by the Unit Team and routed through the Captain for review. Such visits will be approved in advance and in writing. Staff from Unit

Management along with Correctional staff will supervise the visit as directed by the Captain. Ordinarily, the Institution Duty Officer will assist in coordinating and supervising these visits.

5. Restrooms in the visiting areas are for visitors only. Inmates will not be permitted in these restrooms. If an inmate needs to use the restroom during the visit, the inmate will notify the Visiting Room Officers. The inmate will be escorted by a staff member, of the same sex, to an approved restroom for the inmate's use. The staff member will maintain constant visual surveillance of the inmate while using the restroom.
- M. Visiting Records: The Visiting Room Officer, Camp Officer, Front Entrance Officer at the FCI for CMU and Front Entrance Officer for SCU at the USP shall maintain a record of each visit in the authorized computer program. Visiting information will be loaded into the program, to include authorized visitors, by the Unit Team. Printed copies of all inmate visiting lists will be maintained in the Central File as required. In the absence of the computer program, Unit Team staff will provide copies for review from the Central File approved visiting lists for inmates seeking visits. Records of visitors and inmates visited will be maintained for input into the computerized program once the program is returned to operation.
- N. Conduct:
1. Visitors are expected to have complete control of their children while in the institution and visiting rooms and maintain them in the immediate vicinity of the visit. Inmates are not permitted in the activity room for children. Children must be supervised in these areas by an adult on the visit.
 2. It is permissible for the visitor to give an inmate any item from the vending machines, but the inmate is not permitted to remove these items from the visiting room. For this purpose, inmate visitors will be authorized to bring into the visiting room an amount of U.S. currency not to exceed \$20.00 in the form of \$1's, \$5's, or coins to be carried in the clear plastic bag.
- O. Attorney Visits:
1. Attorney/client visits may occur as frequently as necessary. Attorney visits are not charged against the inmate's total number of monthly visits. Attorneys will be added to the inmate's visiting list and will show valid photo identification, i.e., Bar Card in the state he/she is practicing law, in addition to other identification.
 2. Private areas for attorney/client visits are available in the visiting room. This area may be used during normal visiting hours on regular visiting days. Because of the limited number of private areas available, use will be on a first-come, first-serve basis.
 3. All requests from attorneys seeking visitation, whether these requests be oral or written, will be directed to the appropriate Unit Team. The Unit Team is responsible for preparing written authorization and notification for the visit. Attorneys will be added to the visiting list so interviews can routinely occur during normal visiting hours. Only the Warden may authorize the use of recording

equipment, translator, stenographer or camera when requested. Upon the approval of the Warden, Unit Team will prepare a memorandum for the Warden's signature authorizing the request. The memorandum will be distributed to the Visiting Room Officer, Front Entrance Officer, Unit Staff and Operations Lieutenant. This procedure applies to all cases except for parole revocation. The Case Management Coordinator will be the point of contact and the responsible staff member to coordinate visits by attorneys representing parole revocation cases.

4. Attorney visits will be held during normal visiting hours except under emergency situations demonstrated by the attorney or inmate. Legal Services (or the IDO after regular work hours) will certify the need for an attorney visit outside the normal visiting hours. Although these visits can usually be accommodated, occasional delays may occur while security and monitoring arrangements are made. Prior arrangements for these visits will be made by the Unit Team after consultation with the Captain.
5. Any document exchanged between an inmate and an attorney must be searched and inspected by staff for contraband prior to the exchange. Any documents needed by an inmate for an attorney visit will be approved by Unit Team staff. All items will be thoroughly searched for contraband by Unit Team staff prior to the visit and after the visit.
6. Both the Front Entrance Officer and visiting room staff will expeditiously process attorney visits. Inmates will be called to the visiting room without delay. If the inmate does not arrive within 30 minutes, the Operations Lieutenant will be notified and requested to expedite the inmate's arrival.

P. Consular Visits:

1. When it has been determined an inmate is a citizen of a foreign country, the Warden must permit the consular representative of that country to visit on matters of legitimate business. The Warden may not withhold this privilege even though the inmate is in disciplinary status. The requirement for the existence of an established relationship prior to confinement does not apply to consular visitors.
2. Inmates may request consular visits through their Unit Team. The Unit Team will prepare written authorization for the visit and will route it through the Captain prior to distribution to all concerned areas. Consular visits will be scheduled during normal visiting hours.

Q. Clergy Visits

1. Minister of Record Visitation: Each inmate will have the opportunity to designate a Minister of Record by submitting a written request to a Chaplain with the name, address and telephone number of this spiritual leader, clergy person or official representative of the inmate's religion of record. The requested Minister of Record must submit to the Chaplain a letter outlining his or her history with the inmate and stating his or her willingness to serve as the inmate's Minister of Record. A Minister of Record's credentials will be verified by and a

security check processed by the Religious Services Department. The Chaplain will then request that the inmate's unit staff place the identified clergy person on the inmates visiting list as the Minister of Record. An inmate may only have one Minister of Record at a time. The Minister of Record will not count against the total number of authorized social visitors an inmate is allowed to have on his visiting list. A visit by the Minister of Record will not be counted as a social visit or be counted against the total number of visits an inmate is allowed each month. One Minister of Record visits will be allowed each month. Additional Minister of Record visits may be authorized, if determined necessary by the Supervisory Chaplain. Every visit will take place in the visiting room during regular visiting hours and follow all procedures outlined in the visiting policies. As much privacy will be afforded to the inmate and Minister of Record who are visiting together as the security concerns in the visiting room allow.

2. Clergy Visitation: Visits from clergy (other than the Minister of Record) will be in accordance with the general visitor procedures and will count against the total number of regular visits allowed. Ordinarily, clergy visits will not be accommodated unless requested by the inmate through the Chaplain. However, the Chaplain may approve a visitation request initiated by the clergy if the inmate wishes to visit with the clergy.

After a review of the minister's credentials and appropriate security checks, the visit will be scheduled in the visiting room during regular visiting hours and follow all procedures outlined in the visiting policies. A reasonable amount of time will be required to process the request before a decision is made to allow the visit to take place. Clergy visits do count against the total number of visits an inmate is allowed each month. Normally, no more than one Clergy visit will be allowed each month. Additional clergy visits may be authorized if determined necessary by the Chaplain.

VII. **RESPONSIBLE DEPARTMENT:** Correctional Services

Distribution
Wardens
Division Heads
Department Heads
President AFGE
Legal Library

FEDERAL CORRECTIONAL COMPLEX
TERRE HAUTE, INDIANA

REQUEST FOR VISITORS

TO: _____, Counselor

FROM: _____ REG. NO.: _____ UNIT: _____

I request the following changes to my approved visiting list:

NAME	AGE	RELATIONSHIP	ADDRESS	ADD or REMOVE

NON-FAMILY MEMBERS

(A separate sheet will be completed for each visitor)

NAME	RELATIONSHIP	AGE	ADDRESS	CITY/STATE	PHONE #

1. When and where did you meet this person? _____
2. Does this person have any prior convictions? _____
3. Is this person presently on parole or probation? _____
4. What is this persons occupation? _____

FEDERAL CORRECTIONAL COMPLEX
TERRE HAUTE, INDIANA

STATEMENT OF VISITING REGULATIONS

1. Visiting days are Saturday through Monday and on Federal Holidays. Visitors will not be admitted into the institutions for visits after 2:00 p.m. On weekends and holidays, inmates will not be allowed to enter or exit the visiting room from 9:30 a.m. until the count has cleared. Special Housing Unit visitation concludes at 2:00 p.m.
2. Visitors will not be allowed to park on Bureau Road at FCC Terre Haute. When a visit is over, all visitors must leave the institution grounds promptly.
3. Inmates at the Federal Correctional Complex are allowed seven (7) visits per month. Any part of a visit taking place on any day will count as one visit towards the seven (7) visits per month total.
4. Ordinarily, members of the immediate family (parents, brothers, sisters, wife and children), will be placed on an inmate's visiting list. Children under the age of 16 must be accompanied by an adult who is also an approved visitor. In-laws, as well as other persons not included in the immediate family, must obtain permission prior to any proposed visit. All persons placed on the inmate visiting list must be requested by the inmate and approved by his Unit Team. All persons age 16 and over must provide valid photo identification such as a driver's license or other state issued photo identification. The photo identification will be retained by the Front Entrance Officer at the FCI and Camp, and in the Control Center at the USP. Staff, will use this identification to confirm positive identification of visitors exiting the institution. Upon exiting the visiting room prior to the visitor leaving the facility, staff will return the visitors' identification.
5. An embrace, within the bounds of good taste, is permitted when an inmate greets his visitor. The same applies upon conclusion of the visit. Heavy petting or body contact, sitting on laps, covering with blankets, arms around each other, sleeping, laying on shoulders, etc., is not permitted. No action will be permitted which could be embarrassing or disrespectful to another person.
6. It is not permissible to bring photos, tobacco, food (to include chewing gum and candy), packages or gifts of any kind into the visiting room. No written messages may be exchanged. Documents or paper are not permitted in the visiting room. They may not be examined or signed by the inmate. Letter type transactions should be handled (as a matter of record) through correspondence and mail. No visitor will be permitted to carry into the institution any luggage or store any excessive amount of items in an institutional locker.
7. Visitors must keep their children under control and in the immediate vicinity of the visit. Visitors whose children disrupt or interfere with another inmates' visit may be directed to leave the institution. Toys must be kept in the area provided.

8. Visitors 16 or older will not be permitted to wear shorts, tight fitting clothing, spandex or stretch material (to include stirrup type pants), mini-skirts, hats, halter tops, midriff shirts, sweat clothes, khaki colored clothing or other attire resembling that which is worn by inmates, sleeveless tops, opened toed shoes, suggestive or revealing clothing of any kind. Clothing with slogans which may be considered inflammatory or offensive will not be permitted. Persons not conforming to these standards will be denied visiting privileges.
9. Abusive, vulgar or otherwise offensive language on the part of either inmates or visitors will not be tolerated. Everyone is cautioned to watch the use of such language anywhere within hearing distance of other inmates and visitors.
10. All personal items will be secured in the visitor's vehicle, or in the event the visitor is dropped off, their belongings will be secured in a metal locker provided for visitor storage. All coats, hats, jackets, personal keys, cell phones, electronic devices, hand bags and billfolds are considered personal items. All materials stored in the lockers will be examined by the Front Entrance Officer. Visitors will be permitted to take a small, clear, plastic bag with them to the visiting room. The bag should be the size of a large wallet or smaller. Exceptions in the bag size may be made for those containing necessary baby care items; however, the bag must be clear. Feminine hygiene items and any necessary medications (only the amount of these items needed during the visiting period) will be allowed to be brought in, and kept with the Visiting Room Officer until needed by the visitor. No unopened parcels will be permitted in the visiting room. No electronic devices, purses, packages, or toys will be permitted into any of the visiting rooms. Social visitors are not authorized to bring anything to give or show the inmate.
11. Visitors are permitted to take small (clear plastic bags) to their visit. Excessive amounts of currency or denominations larger than \$ 5 will not be permitted into the visiting room or stored in the lockers. No medication other than currently prescribed medication, which may be needed during the visiting period, will be allowed into the visiting area.
12. Visitors will lock their cars and may not return to them unless permission has been obtained from the Front Entrance Officer. There are no facilities available for extra visitors or persons accompanying visitors to wait within the institution. In addition, **NO ONE IS PERMITTED TO WAIT IN THE PARKING LOT OR REMAIN ON THE GROUNDS FOR PERSONS VISITING AN INMATE.** No pets are allowed on the reservation at any time. This includes locking pets in cars while visiting.
13. Visitors at the USP and FCI who test positive by the Ion Spectrometry Device are subject to possible denial of their visit. If the visit is terminated, they must depart the institutional grounds.
14. Vending machines are available for use of visitors. Inmates are not allowed to use the vending machines. Loss of money in these vending machines is non-refundable. Vending machines accept \$1 and \$5 dollar bills. Larger bills should be left secured in the locker along with billfolds and purses.

15. There is no bus service between downtown Terre Haute and the institution. Taxi service is available from the bus station as well as from Hulman Regional Airport. The institution is located about four miles south of Terre Haute on the west side of Highway 63. Persons driving to the institution shall use the main entrance and follow the signs.
16. Upon arrival all visitors will be required to complete a Contraband Form (Title 18) and will be held responsible if found in violation of the provisions therein. Visitors will not be allowed to bring in pre-filled Title 18 forms or photocopied forms, they must be filled out at the institution in the Front Entrance. It is illegal for any person to introduce or attempt to introduce into or upon the grounds of any Federal Penal Institution, take or attempt to take or send therefrom anything whatsoever without the knowledge or consent of the Warden. **THE LAW PROVIDES VIOLATORS MAY RECEIVE UP TO A TWENTY (20) YEAR SENTENCE.**
17. Visiting rooms are tobacco free. No tobacco products, lighters, matches or smoking material is allowed in the visiting rooms.

ADDITIONAL REGULATIONS FOR THE FEDERAL PRISON CAMP

1. Inmates will not greet visitors at the Officer's desk located just outside the Front Entrance after being called. INMATES WILL NOT GREET VISITORS ON THE FRONT DRIVE OR NEAR THE CARS IN THE PARKING AREA. All visits will terminate in the visiting room. Inmates shall not walk visitors to the Camp front entrance.
2. All visitors to the Camp must remain within the visiting boundaries consisting of the visiting room. Visiting is not permitted ACROSS THE ROAD OR IN THE DRIVEWAY. INMATES AND VISITORS MAY NOT SIT ON THE GROUND IN THE OUTDOORS VISITING AREA. SUNBATHING IS PROHIBITED.
3. Inmates may not leave the immediate visiting area once the visit has commenced without specific approval of the Camp Control Officer.

Any effort to circumvent or evade these visiting regulations will not only result in the denial of future visits, possibly over an extended period, but may also require that court proceedings be initiated against the visitor.

Cooperation with the above instructions is necessary by both the inmate and his visitor(s) in order that visiting may be fully utilized for the benefit and enjoyment of all concerned.

Institutional Addresses and phone numbers:

Federal Prison Camp
2501 West Bureau Road
Terre Haute, IN 47802
812-238-1531

Federal Correctional Institution
4200 Bureau Road North
Terre Haute, IN 47802
812-238-1531

United States Penitentiary
4700 Bureau Road South
Terre Haute, IN 47802
812-244-4400

Appendix M – FCI Entrance Procedures

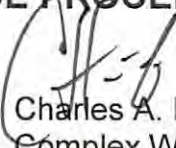


U. S. Department of Justice
Federal Bureau of Prisons

INSTITUTION SUPPLEMENT

OPI: Correctional Services
NUMBER: THX-5500.11I, Chapter 4
DATE: August 21, 2015

ENTRANCE PROCEDURES

Approved: 
Charles A. Daniels
Complex Warden


L. LaRiva
Warden

- I. **PURPOSE:** To establish the prescribed procedures and responsibility for the control of pedestrian and vehicle traffic through the Front Entrances and Rear Gates of the Federal Correctional Complex (FCC) Terre Haute. Staff responsible are the FCI Tower #1 Officer - all shifts; USP and FCI Front Entrance Officers - when assigned; Visiting Room Officers - when assigned; Control Center Officers - when assigned; Rear Gate Officers - when assigned; and USP Tower #3 and FCI Tower #3 Officers - when assigned.
- II. **DIRECTIVES AFFECTED:**
 - A. **Directives Referenced:**
Program Statement 5557.06, Hostage Situation Management, dated 07/18/1996
Program Statement 5500.11, Chapter 4, Special Security Areas, Correctional Services Manual, dated 10/10/2003
Program Statement 5510.15, Searching, Detaining or Arresting Visitors to Bureau Grounds and Facilities, dated 07/17/2013
 - B. **Directives Rescinded:**
Institution Supplement THX-5500.11H, Chapter 4, Entrance Procedures, dated 07/02/2012, is hereby superseded.
- III. **CORRECTIONAL STANDARDS REFERENCED:** American Correctional Association, 4th Edition, Standards for Adult Correctional Institutions: 4-4171, 4-4172, 4-4503, 4-ALDF-2A-07, 4-ADLF-5B-04.

- IV. **HOSTAGES:** In the event a hostage is used in an attempt to escape, it must be clearly understood orders given by any staff under duress (or any other hostage), regardless of his or her position, are not lawful, and under no circumstances will an inmate be permitted to escape from the secured institution.
- V. **PUBLIC RELATIONS:** Officers assigned to positions of entrance access points are the first representatives of the institution and must reflect high standards of efficiency, courtesy, and service. Front Entrance Officers should not only present a good appearance, but they should deal with all visitors tactfully and diplomatically. Officers assigned to the Front Entrances and Visiting Rooms must be thoroughly familiar with all regulations governing inmate visiting and they must be able to enforce these regulations in a courteous and tactful manner which will present a favorable image of the Federal Bureau of Prisons.
- VI. **RESPONSIBILITY:** The positions directly responsible for front and rear entrance procedures are as follows: FCI Tower #1 Officer - all shifts; USP and FCI Front Entrance Officers - when assigned; Visiting Room Officers - when assigned; Control Center Officers - when assigned; Rear Gate Officers - when assigned, and USP Tower #3 and FCI Tower #3 Officers - when assigned.
- A. During normal working hours, identification and clearance of visitors is the responsibility of the Front Entrance Officer. Staff assigned to the FCI Tower #1 position (all shifts) have the primary responsibility for identification of all persons entering and exiting the FCI. The Control Center at the USP is responsible for identification of all persons and inmates entering and exiting the USP when the Front Lobby officer is not on shift.
- Identification of Camp inmates working in the USP and/or FCI Administration Building is the responsibility of the staff supervisor. The inmate will be identified via Gate Pass by the supervisor with the assistance of the Rear Gate Officer.
- Inmates assigned to work inside the secure perimeter, with the exception of Administration Building orderlies, will enter through the Rear Gate during normal business hours. Inmate orderlies assigned to work in the Administration buildings within the FCI and USP will enter through the respective Front Entrance during normal business hours. Inmates who work during non-duty hours will be identified and processed through the Front Entrance. All inmate details will be, at a minimum, pat searched and scanned with a metal detection device. Periodic visual searches will be performed on these inmates, with search results logged in the Visual Search Log.
- B. Officers assigned to the Rear Gate at the FCI and USP are responsible for proper identification of all vendors, contractors, employees, and inmates entering or leaving the institution grounds via the Rear Gate. No inmates are allowed to enter or exit the Rear Gate without approval of the Complex Captain or Deputy Captain. The Rear Entrance Log will be utilized to document all traffic.
- C. Primary responsibility for control of traffic entering and leaving the institution grounds is the responsibility of FCI Tower #1 (FCI), USP Control Center Officer (USP), Front Entrance Officers, Rear Gate Officers, and USP & FCI Tower #3 Officers. The Control Center Officer has the majority of responsibility for all pedestrian traffic in and out of the secured area of the respective institutions. This officer shall identify all persons and, if in doubt, shall refuse entrance or exit until positive identification can be established.

During periods of large Control Center sallyport movement, a Lieutenant will ordinarily assist in staff identification. If there is doubt as to the identity of any person, that person will not be permitted to enter or leave the institution grounds until **POSITIVE** identification has been established. Such identification will not be based solely on prior approval, but will require valid identification documents such as a photo ID (BOP ID/Credentials/PIV Card). If positive identification cannot be established, the person will not be allowed to enter or exit the institution grounds.

- D. Health Services staff may deliver medical supplies to the Front Entrance when needed. When the supplies are delivered, the Front Entrance Officer will contact a Health Services staff member to be present when the items are searched for contraband to maintain accurate accountability of the medical supplies.

VII. **VISITORS TO THE INSTITUTION:**

- A. **Contraband:** All visitors, whether official or unofficial, shall be questioned as to possession of weapons, narcotics, narcotics paraphernalia, ammunition, knives, or other contraband before being permitted to enter the institution.
- B. **Title 18 forms** will be filled out by unofficial visitors only. All firearms and ammunition belonging to law enforcement officers must be stored in the secured lock box. Visitors for inmates with such items in their possession will be asked to leave the institution grounds and dispose of the item(s) before returning. No storage of weapons, narcotics, knives, or ammunition for visitors, groups, or tours will be provided. Visitors for inmates, groups, and tours will be required to store such items as purses, briefcases, etc., in their vehicles, or in the individual lockers provided in the Front Entrance. Keys for these lockers will be provided by the Front Entrance Officer and will be retained by the visitor until he or she exits the institution. The Front Entrance Officer will account for all keys. When the visitors have departed, the officer will make a thorough search of all lockers to see that no property or contraband is present.
- C. **Identification:** All staff and visitors must be positively identified prior to allowing entrance or exit from the institution. If positive identification cannot be established, the Operations Lieutenant will be notified immediately.

Children under the age of 16 may not visit unless accompanied by a responsible adult. Children shall be kept under the constant supervision of a responsible adult while at FCC Terre Haute.

All visitors must present a valid government picture identification (I.D.) card, preferably a driver's license, prior to being permitted to enter the institution. The Front Entrance Officer will compare the name, photograph, and signature on the I.D. card with the person and signature provided by the person on the Title 18 Form. The Front Entrance Officer will retain the visitor's I.D. until he/she departs the institution. The Operations Lieutenant or the Institution Duty Officer will be notified immediately if any visitors fail to present proper identification. All visitors will again be identified prior to being allowed to depart the sallyport of the Front Entrance.

Following identification, determination of the nature of business and registration, visitors shall be instructed to wait in the Front Entrance until the department concerned provides

an escort. The escorting staff member will be a full-time FCC Terre Haute employee. The escorting staff member will proceed to the Front Entrance for the escort. Staff shall escort visitors at all times. When departing the institution, the visitor(s) will be instructed to stop at the sign adjacent to FCI Tower #1 at the FCI or prior to the Control Center at the USP. The staff member will proceed to the Front Entrance and enter the sallyport. Once the staff member is determined not to be under duress and the visitor(s) positively identified, the visitor(s) will be instructed to proceed on to the Front Entrance for out processing. The FCI Tower #1 or Control Center Officers will release inmate visitors in groups no larger than (7) seven persons.

- D. Volunteer & Contractor Badges: There are two types of volunteer badges authorized for use: Volunteer (Escorted), BP-228 (37), and Volunteer (Unescorted), BP-227 (37). Identification Badges that are approved and used for the USP and FCI institution will be made in triplicate: one for the Front Entrance, one for the volunteer that is kept at the Front Entrance building, and one for the main Control Center. Two badges will be created for volunteers who will be going to the Federal Prison Camp: one for the Camp Control Officer and one for the volunteer. The badge must be worn and displayed at all times a volunteer is in any institution within the Federal Correctional Complex.

At the conclusion of the program, the badge will be returned to the same location where it was issued to the volunteer. The Control Centers at the USP, FCI and Camp will maintain one badge at all times so the volunteer can be identified if there is a question of identity.

Volunteer badges will be inventoried each day by the Control Center officers to ensure all badge sets are complete and current. Any discrepancies will be reported immediately to the Operations Lieutenant and will be reported the following business day to the Volunteer Coordinator.

- E. Attire: All visitors are expected to dress appropriately. Visitors will not be permitted to wear revealing or suggestive clothing. Visitors age 16 and older will not be permitted to wear shorts, spandex, or any stretch material (to include yoga style pants, sweat pants, or jogging suits), skirts above the knee, hats, halter tops, midriff shirts, sleeveless tops, pants with holes, or open toed shoes (including sandals) of any kind. Clothing displaying slogans which may be considered inflammatory or offensive will not be permitted. Transparent/see through clothing is not allowed. Female Visitors must wear a brassiere, and all visitors must wear undergarments. Persons not conforming to these standards will be refused visiting privileges. Purses and packages will not be allowed inside the respective Visiting Room. Coats, jackets, hats, billfolds, personal keys, and currency larger than \$5 bills must be placed in the locker provided prior to visiting. The FCI and USP allow coats in the visiting room, but coats must be hung on a rack prior to the visit.
- F. Personal Articles: Visitors to the institution, including civilian servicemen and repairmen with packages, sample cases, and tool boxes, shall have these articles examined prior to entering the institution. In cases where a visitor requires tools and/or equipment to complete his/her business, a complete inventory shall be conducted and documented by the escorting staff member under the supervision of the Front Entrance Officer. Tool and equipment inventories will be retained at the Front Entrance or Rear Gate (Attachment 1), and the inventory will be checked when the visitor leaves the

institution to ensure all items brought in are brought out of the institution. The escorting employee will be responsible for the custody and security of these tools and equipment at all times. Any items classified by the institution as Class "A" shall be specifically brought to the attention of the escorting employee for very close control and supervision.

- G. Narcotics Detection Screening: All visitors, including contractors and volunteers, except as noted below, are subject to testing through the Ion Spectrometry Device Program. Ion Spectrometry Devices and Pat Searches are used to screen visitors entering the USP and FCI. All persons entering the secured confines of the USP and FCI are required to clear a metal detector. Note: See the current Pilot Program directive for USP Entrance Procedures utilizing the Millimeter Wave Scanner.

The Warden ensures volunteers and contractors are notified they may be subject to Ion Spectrometry Device Program testing during their initial and annual orientation.

Random selection of visitors for testing must be conducted in an impartial and nondiscriminatory method. The Day Watch Operations Lieutenant will determine a random selection method each day prior to testing visitors, i.e. (test every third visitor, or test four, skip two, or test two, skip four, test three, skip four.) Once determined, it must be recorded on the Daily Testing Log (BP-S730) in the space provided.

Visitors may be tested out of random order when reasonable suspicion exists that the visitor is possibly involved with attempting to introduce illegal substances.

- H. Procedures for Institutions When Visitor Tests Positive: Individuals testing positive with the Ion Spectrometry Device, per Institutional Supplement THX-5522.01A, Ion Spectrometry Device Program, will be reviewed by the Institution Duty Officer. Alternate means for visitor processing and visiting will be reviewed. In all cases where options are reviewed for the inmate visitor, the Administrative Duty Officer will be consulted **before** any decision is made regarding the visit, whether further searching/screening of the visitor is necessary or to deny the visit. A review of intelligence information must be conducted prior to permitting a person who has tested positive for narcotics into the inmate visiting room while other inmates and visitors are present.

Visitors MUST NOT be informed of the type of substance for which they tested positive.

1. USP - High Component:

- First confirmed positive test will result in a two (2) hour, non-contact visit.
- A second confirmed positive test will result in a one (1) hour, non-contact visit.
- A third confirmed positive test will result in suspension of visiting privileges for up to 180 days.

2. FCI - Medium Component:

- First confirmed positive test will result in disallowance of the visit for the

current day.

- A second confirmed positive test will result in a disallowance of the visit for the current day.
- A third confirmed positive test will result in suspension of visiting privileges for up to 180 days.

Note: The Medium Component does not offer non-contact visiting areas as the High Component does.

3. Camp - Minimum Component:

A. Not applicable to this area.

I. Metal Detector:

1. All visitors to the institution will be required to pass through the walk-through electronic metal detector before entering the institution.

Personal items brought in the front entrance of the FCI and USP by all persons entering the institution will be screened through the X-ray machine.

2. In the event the walk-through electronic metal detector is inoperative, or an intensive check of the visitor or inmate is necessary, a handheld trans-frisker metal detector will be available to the Front Entrance Officer.
3. Visitors failing to clear the walk-through electronic metal detector must be searched using a handheld trans-frisker metal detector. The handheld trans-frisker metal detector will be used to locate the source(s) that are alerting the walk-through electronic metal detector. If the source cannot be cleared and/or identified, the Operations Lieutenant or Institution Duty Officer will be notified to authorize a pat search. Minors will not be subjected to a pat search. The shift supervisor's approval is required prior to performing a pat search, and the search must be documented as such in the Front Entrance Pat Search Log Book (i.e., name of visitor and item(s) setting off the metal detector).
4. Any visitor (other than a minor) who has been presented the option of being pat searched, and he or she consents to the pat search, will be pat searched according to Section VIII, Search of Visitors for Contraband.
5. During non-business hours, the Operations Lieutenant will provide a Correctional Officer to assist the group sponsor with processing a group into the institution. The Correctional Officer will be directly responsible for conducting the electronic search of all persons entering the institution.

J. Black Light Procedures:

1. The black light stamp will be used as an additional identification procedure on all inmate visitors, groups attending functions, and groups touring the institution. Federal law enforcement officials are not required to be processed with the black light stamp.

2. Visitors, with the exception of small, easily identifiable children, will be stamped on the back of the appropriate hand by the Front Entrance Officer. The stamp and corresponding hand will be selected daily prior to normal business hours. Before a visitor is allowed to exit the institution, the processing officer will have the visitor place his/her hand under the black light to confirm the hand is appropriately stamped. Other established identification procedures will be followed prior to the Front Entrance Officer allowing visitors to exit the institution. Inmate visitors will be checked prior to exiting the Visiting Room and Front Entrance; group tours within the institution will be checked prior to exiting the Control Center Sallyport and the Front Entrance of the FCI. Visitors of inmates and group tours within the institution will be checked prior to exiting the Control Center Sallyport at the USP. Inmate visitors will be released in groups of (7) seven or less.
3. The Front Entrance Officer has been provided with (5) five distinct stamps and a black light. These stamps will be rotated daily and a set pattern for their use should never be established. The stamp of the day will be noted in the log by imprinting the log with said stamp and invisible ink.
4. A hand-held black light for the processing of groups in and out of the institution is kept in the main lobby. Stamps used for this process are kept in the Control Center and will be obtained by the Front Entrance Officer with the permission of the Operations Lieutenant.
5. The black light used on visitors for identification is in addition to other established identification procedures, and must not be relied upon solely.

K. Photograph Identification:

1. All individuals requesting access to the institution will have two (2) photographs taken by the Front Entrance Officer, with the exception of Bureau of Prisons and federal or outside law enforcement personnel and tour groups. One (1) photograph will be delivered to the Control Center upon entrance into the institution and one (1) will be maintained at the Front Entrance.
2. For authorized visitors requiring complete access to the institution (BOP Auditors, ACA Auditors, tour groups), a total of seven (7) photographs will be taken. A copy will be maintained with the following: Front Entrance Officer, Control Center Officer, Tower #1 Officer – FCI (if applicable), Rear Gate Officers (if applicable), Lieutenants Office, and the escorting staff member.

L. Official Visitors: Bureau of Prison Employees, judicial officials, Department of Justice employees, other Federal and state agencies, law enforcement personnel, Congressional, Senatorial leaders, their staff, and their spouses are considered official visitors.

1. The official(s) will be admitted after proper identification or on the personal recognition of the Complex Warden, Warden, or their designee.
2. When the official visitor is a U.S. Marshal, or other law enforcement official,

delivering or picking up inmates from Receiving and Discharge (R&D), the following procedures will be followed:

- a. During regular duty hours, a staff member from R&D will escort the officials to R&D after verification of their identity.
- b. During non-duty hours, the Lieutenant or his/her designee is responsible for identification of the official visitor and escorting to R&D.

M. Escorted Visitors: Escorted visits by individuals must be approved by the Captain, Deputy Captain, or a higher official of the institution.

N. Tours of the Institution:

1. Requests for tours of the institution will be submitted to the Complex Warden or Warden by the group representative. Prior to the arrival of the tour, the Executive Assistant will provide the Front Entrance Officer, Control Room Officer, and the Lieutenants' Office with a copy of the approved tour entrance memorandum. Upon arrival, the group will be processed by the Front Entrance Officer and the group escorts. Each visitor will be stamped for black light identification, and he/she will be required to sign the standard Notification to Visitor Form (Title 18) prior to entering the institution.

Visitors in the tour group will be required to store all non-hazardous items (purses, briefcases, cell phones, etc.) in the lockers provided in the Front Entrance if they cannot be secured in a locked vehicle.

2. Preferably, tour groups should consist of 10-15 people. Tours for high school groups may be scheduled if the visitors are 18 years of age or older. All tours will be scheduled on weekdays during regular working hours. To the extent possible, all tours will be scheduled to begin at 9:00 a.m. or 1:00 p.m. so as to avoid a disruption to the serving of the noon meal.

O. Group Visits for Inmate Functions: The staff sponsor for an inmate group function will be responsible for the preparation and distribution of all necessary written notification prior to the group function. The written notification will identify the visitors that are to attend the function, and when practical, the names of the inmates along with any other pertinent information concerning the function. All memorandums regarding inmate functions will be reviewed by the Captain and require the approval by the respective Associate Warden with departmental oversight.

P. Former Employees: Former employees of the institution shall be handled like all other visitors to the institution. If they attempt to enter the institution to conduct necessary business, the Operations Lieutenant will determine if the business is necessary through the department concerned, and an escort will be provided by the department.

Q. Retirees: Former employees who have retired from this institution will only be required to show their retirement identification, sign the Visitor's log, have their hand stamped, and pass through the metal detector.

VIII. **SEARCH OF VISITORS FOR CONTRABAND:** When it is determined there is probable cause for a visual search, or reasonable suspicion exists for a pat search or Breathalyzer test of a visitor, the proper authority, the Warden, Warden's designee, or Administrative Duty Officer, will be consulted prior to the search and the final decision for the search of the individual will be reserved for the same authority. Visitors must agree to the requested search or they may leave without visiting. Should the visitor refuse to be searched, the visitor shall be removed from the inmate's visiting list.

A. The pat searching of a visitor must meet all the requirements of Program Statement 5510.15, Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities. Inmate visitors are subject to random pat searches at the FCI and the USP. All pat searches will be conducted by a person of the same sex. Pat searches of the opposite sex may only be conducted in emergency situations with the Warden's approval. Pat searches will be conducted out of the view of other visitor's and inmates. Minors under the age of 16 will not be subjected to a pat search. Any inmate visitor who has been presented the option of being pat searched, and he/she consents to the pat search, will be pat searched as follows:

- The Consent to Search Form will be completed prior to the search.
- The pat search will be conducted in the entrance building.
- The pat search will be conducted with no other visitors in the entrance building, or in an area where they cannot be viewed through the windows. At the FCI, staff manning Tower #1 will direct the all other inmate visitors and other persons to the area of the parking lot. Movement through the building/sallyport will cease during this search.
- All measures of appropriate religious sensitivity will be utilized to include contacting the Chaplain for availability to assist with the situation.
- The pat search will be conducted with two staff members of the same gender as the visitor; one to conduct the pat search and one to observe the search. Both names of staff members participating in the search will be documented.
- The IDO will be present for the pat search. If the IDO is not of the same gender as the visitor, the IDO will not directly observe the pat search.
- When a visitor is subjected to a pat search and/or a Breathalyzer test, a full written report, giving the reason(s) for the search/test, the results of the search/test, circumstances surrounding the search/test, and any other information reviewed shall be completed by the IDO and forwarded through the appropriate Warden to the North Central Regional Director.

IX. **INMATE VISITORS:**

- A. Any questions regarding visiting privileges, extended visiting hours, or special visits must be referred to the inmate's Unit Team, Operations Lieutenant, or the Institution Duty Officer.
- B. All visitors will be properly identified by the Front Entrance Officer after they have filled

out the Notification to Visitor Form (Title 18). Identification can be properly established by an examination of a valid driver's license or state or federally issued identification card (see Section VII, Visitors to the Institution, B Identification, of this supplement). The identification must bear a photograph of the individual. If the officer is unable to confirm the visitor's identity, he/she will contact either inmate's Unit Team or the Institution Duty Officer, who will either accept or deny the visit based on presented identification.

Each inmate will be instructed to mail a Statement of Visiting Regulations (see Institution Supplement, Visiting Regulations) to each of his approved visitors.

If the visitor has not received such a form, the Front Entrance Officer will provide them with this form. The Front Entrance Officer will stamp the visitor's hand in accordance with established black light procedures prior to their entering the Visiting Room. A record of the number of visitors for each inmate will be maintained by the Front Entrance and Visiting Room Officers for the discharge of visitors from the Visiting Room.

X. CAMP INMATES ASSIGNED TO THE ADMINISTRATION BUILDING:

- A. Camp inmates who perform janitorial or clerical duties in the Administrative Buildings will be admitted to the institution grounds via the Front Entrance. The Front Entrance Officer will be provided with a Gate Pass for each inmate assigned to work in the Administration Building. An In and Out detail board or box will be maintained by the Front Entrance Officer so the location of each inmate can be ascertained at all times to maintain inmate accountability. The Gate Pass will be issued by the Captains' Office upon the request of the Camp Unit Team with the approval of the Camp Administrator. All passes will bear the signature of the Captain and Associate Warden with the seal of approval, and will be prepared and laminated by the Captains' Office where the Gate Pass Log will be maintained. At no time will the Rear Gate Officer pass any inmate through the gate unless he/she has a properly signed pass for the inmate and the approval of the inmate's detail supervisor.
- B. Inmates from the Camp will only be escorted by their detail supervisor. Upon entering the Front Entrance, each inmate will be scanned with a metal detection device, and the Detail Supervisor will randomly select inmates to be visually searched. Camp inmates assigned to work in the main institution will be required to dress in a dark brown uniform prior to entering the institution. They will also be required to wear orange vests while working.

Camp inmates will be subject to visual searches entering and exiting the institution. At all times, the respective Detail Supervisor and the Front Entrance Officer will maintain accountability of all Camp inmates inside the Administration Building.

Inmates working in the Administration Building will be permitted to carry only normal daily items such as a comb and a handkerchief into the institution. All Camp inmates will be dressed in a dark brown (Orderlies) or a dark green uniform (Facilities workers).

XI. OFFICIAL TRAFFIC THROUGH THE REAR GATE:

- A. Special permission must be granted to permit visitors other than commercial truck

drivers to use the Rear Gate at either the USP or FCI. All civilians shall be questioned about whether the visitor possesses any contraband and each visitor will be required to sign a Notification to Visitor Form (Title 18) before entering the institution. Articles which present a threat to the security of the institution may be left at the Rear Gate if not needed to perform the work. All tools and equipment entering the institution must be inventoried (Attachment 1) and accounted for when the civilian enters and exits the Rear Gate.

- B. Officers assigned to the Rear Gate are responsible for the proper identification of all official visitors and employees entering or leaving the institution by way of the Rear Gate. The Tower #3 Officer will open gates only upon proper hand and voice command signals from the Rear Gate Officer of which gate to open. A duress code will be established via telephone between the Rear Gate Officer and Tower #3 Officer each day. The duress code will be logged in both the Rear Gate log book and Tower #3 log book each day.
- C. Whenever the Rear Entrance Officer is in doubt as to the identity of any person who is attempting to access the Rear Gate, he/she will not permit them to pass until the person is properly identified. The Rear Gate will not be used for pedestrian traffic during non-business hours, weekends, and holidays unless there is an officer assigned to the post to make positive identification. The Control Center or Tower #3 Officer will never allow traffic to pass through the gate without the presence of a processing officer.
- D. During normal working hours, when the rear gate is manned, the rear gate is to be utilized for the majority of inmate transportation movements. This includes: airlifts, medical escorts, transfers, and admissions. Inmate transportation vehicles will be escorted with the same standards as other vehicles entering the secure confines of the institution. Inmate movement can be authorized on Day Watch through the Front Entrance sallyport, when necessary.

XII. **REAR GATE VEHICLE LOG:** A complete record (Attachment 3) of all commercial vehicles passing through the Rear Entrance shall be maintained listing the name of the driver, the firm he/she represents, date and time in, general content of load, time out, license number, and the name of the employee responsible for the supervision and escort of the vehicle during the time it is inside the secure confines of the institution. Institution vehicles shall be recorded in the same manner including the name of the driver. This log will be turned into the Lieutenant's Office at the end of each workday for review and record keeping.

XIII. **VEHICLE TRAFFIC THROUGH THE REAR GATE:**

- A. All vehicles, commercial or government, shall be thoroughly searched before entering or exiting the rear gate at both the FCI and USP to prevent the introduction of contraband or the prevention of an escape. The Tower #3 Officer shall be responsible for visual checking of the tops of trailers, van-type trucks, and other vehicles for the presence of inmates or contraband.

Vehicles shall not be released from or admitted to the compound until cleared by the Rear Gate Officer. Visual inspections are not adequate. The Rear Gate Officer will enter all vehicles and trailers to ensure there are no false walls, ceilings, or floors which would provide a means of escape or the introduction of contraband. The exterior of the

vehicle will be thoroughly searched as well, including the engine and wheel covers.

- B. Staff are responsible for the supervision of every vehicle into the institution. Trucks to be loaded inside the institution must be loaded under the supervision of an escort. Trucks shall never be left unattended while inside the institution. The officer assigned to the Rear Gate will not allow a vehicle to enter the compound without an escort. Any time a vehicle approaches the Rear Gate from within the institution without an employee escort, it will not be processed, and the Lieutenants' Office will be notified immediately.

Inmates will not be allowed to drive any vehicle entering or exiting the Rear Gate. No vehicles will be driven by inmates inside the secure perimeter at any time (except fork lifts and lawn tractors). Inmates assigned to operate fork lifts and lawn tractors must receive prior approval.

- C. Vehicles leaving the institution shall stop at the designated stop line before reaching the rear gate so the escorting employee can establish to the Rear Gate Officer that neither the driver nor the escort is under duress. The vehicle driver will also be required to dismount the vehicle. Any vehicle which cannot be thoroughly searched must be unloaded or held in the Rear Gate through a minimum of three official institution counts. Should it become necessary to leave a vehicle or equipment inside the compound overnight, the vehicle shall be rendered inoperative by removing an integral part of the mechanism. Approval for these procedures must be obtained from the Captain's Office.

- D. Truck cargo designated for the institution involving firearms, ammunition, explosives, or other hazardous items are not permitted inside the compound at any time. In such instances, the Rear Gate Officer shall notify the Receiving Clerk to report to the Rear Gate as soon as possible to inspect, inventory, and sign for the shipment. The Security Officer shall be notified to accept and store the freight in areas designated for such items.

- E. Trucks containing freight for destinations other than this institution shall not be allowed to enter the institution compound. Freight designated for this institution will be unloaded at the Outside Warehouse and transported to the respective inside storeroom by other means.

Sealed items which cannot be inspected and contents are unknown shall also be removed and held at the Outside Warehouse.

If it is not possible to unload questionable or unknown items due to weight, bulk, etc., the Operations Lieutenant will be notified. A staff member will escort and provide continuous supervision of the cargo.

XIV. OPERATION OF OUTSIDE WAREHOUSE (DEPOT):

- A. Incoming Trucks: All incoming trucks will be routed to the Depot.
- B. Receiving Reports: Warehouse staff are responsible for the Depot's operation and will prepare all institution receiving reports at that location, ensuring all documentation is on file ensuring accountability for all deliveries.

- C. Delivery from Depot to Inside Storeroom: The Warehouse Supervisor is responsible to see that daily deliveries are made from the Depot to inside storerooms and accountability for supplies is maintained.

XV. **EMERGENCY VEHICLE TRAFFIC:**

- A. In the event of fire, disturbance or other emergency which necessitates the entrance of emergency vehicles to the institution grounds, an officer will be assigned to supervise the procedure and accompany the vehicle to its destination. In most cases, the Rear Gate is of sufficient length to accommodate lengthy vehicles such as fire trucks. The officer assigned to supervise the procedure will ensure that the necessary security precautions are taken to prevent inmate escapes by use of the emergency vehicle.
- B. Emergency vehicles will be admitted to institution grounds by the most expedient methods possible without breaching perimeter security. During emergencies, fire trucks, ambulances, and other emergency vehicles will be admitted to the institution without a shakedown of the vehicle or crews. Staff assigned to the Rear Gate will verify the number of fire fighters accompanying the emergency vehicles and document this in the Rear Gate log book. Identification will be made in the Rear Gate area with the assistance of the ranking fire department member at the termination of the fire emergency. All emergency personnel are required to possess an official identification from their respective agency.

XVI. **STAFF SCREENING:**

- A. All employees, contractors and visitors are required to be processed through the Front Entrance by an on-duty staff member and are required to clear the appropriate screening site when entering the institution through the front lobby/entrance. No inmate visitors will be allowed to remain in the area, or be allowed to view screening procedures when electronic searches of staff are being conducted. It is the responsibility of the employee to clear the screening site by removing items, to include footwear, which may activate the device. Staff must place all items in a bin and have their belongings pass through an x-ray machine. Items that fail to clear the staff screening device and will not fit through the x-ray machine may be visually searched.
- B. **It is the responsibility of each employee to clear the screening site.** If the staff member is unable to determine the origin of the item causing the screening site activation, a designated supervisor will be consulted immediately to determine the next appropriate step to clear or deny the employee entry. Employees will be allowed to take any items not able to clear the screening site to their vehicles, unless doing so would jeopardize the safety, security, or good order to the institution. Department Heads are assigned to assist at the screening site during business days from 7:00 a.m. until 8:00 a.m.
- C. Employees leaving the secure confines of the institution during their shifts or out of the line of sight of the Screening Officer are required to clear the screening site upon re-entering the institution.
- D. Staff members who have medical conditions which will not allow them to clear or pass through electronic screening devices must request a pass from the respective Warden.

When making a request, the staff member will need to provide administratively acceptable medical documentation (i.e., medical certificate, a physician issued medical ID card etc.) indicating their medical condition and the extent of the restrictions regarding their ability to clear electronic screening. This will not exempt the employee and their property from clearing the electronic screening, but the process will be tailored to the employee's specific medical needs.

XVII. **MASS MOVEMENT OF STAFF AT THE END OF THE REGULAR WORKDAY:** To provide maximum security and to prevent an escape during mass movement of staff at the end of the workday at both the FCI and USP, a Lieutenant will normally assume a position in the Front Entrance, in, or around the Control Center, or on the pedestrian sidewalk between the administration building and the Front Entrance for identification of departing staff. If the Lieutenant cannot personally identify an employee, the employee will not be allowed to exit until positive identification can be established.

XVIII. **RESPONSIBLE DEPARTMENT:** Correctional Services

Distribution:
Wardens
Division Heads
Department Heads
President AFGE

FEDERAL CORRECTIONAL COMPLEX
TERRE HAUTE, INDIANA

WORK TO BE PERFORMED BY AN OUTSIDE CONTRACTOR OR SERVICE REPRESENTATIVE

IT IS A FEDERAL CRIME TO BRING UPON THE INSTITUTION GROUNDS, ANY WEAPONS, INTOXICANTS, DRUGS, OR OTHER CONTRABAND. TITLE 18 U.S.C. 1791 AND 3571 PROVIDES A PENALTY OF IMPRISONMENT FOR NOT MORE THAN TWENTY YEARS, A FINE OF NOT MORE THAN \$250,000 OR BOTH, TO A PERSON WHO PROVIDES, OR ATTEMPTS TO PROVIDE TO AN INMATE, ANYTHING WHATSOEVER WITHOUT THE KNOWLEDGE AND CONSENT OF THE WARDEN. ALL PERSONS ENTERING UPON THESE PREMISES ARE SUBJECT TO ROUTINE SEARCHES OF THEIR PERSON, PROPERTY (INCLUDING VEHICLES), AND PACKAGES. THE WARDEN, UPON A REASONABLE SUSPICION THAT A PERSON MAY BE INTRODUCING CONTRABAND OR DEMONSTRATING ACTIONS THAT MIGHT OTHERWISE ENDANGER INSTITUTION SAFETY, SECURITY, OR GOOD ORDER, MAY REQUEST THE PERSON, AS A PREREQUISITE TO ENTRY, TO SUBMIT TO A VISUAL SEARCH, PAT SEARCH, URINE SURVEILLANCE TEST, BREATHALYZER TEST, OR OTHER COMPARABLE TEST. A VISITOR HAS THE OPTION TO REFUSE ANY OF THE SEARCH OR TEST OR ENTRANCE PROCEDURES, WITH THE RESULT THAT THE VISITOR WILL NOT BE PERMITTED ENTRY TO THE INSTITUTION.

I understand while performing the work that was contracted for, I will only take into the institution, the minimum amount of tools to perform the job. The tools will be inventoried each time I enter the institution by the officer responsible. Also, the same tools will be inventoried each time I exit from the institution. The tools not needed by me will remain secured outside the fence. Any and all tools lost or misplaced, will be reported immediately to the Captain.

This form will be made out in duplicate. One copy will be retained by myself and the original kept at the Rear Gate or by the Front Entrance, as appropriate.

- | | |
|-----------|-----------|
| 1. _____ | 11. _____ |
| 2. _____ | 12. _____ |
| 3. _____ | 13. _____ |
| 4. _____ | 14. _____ |
| 5. _____ | 15. _____ |
| 6. _____ | 16. _____ |
| 7. _____ | 17. _____ |
| 8. _____ | 18. _____ |
| 9. _____ | 19. _____ |
| 10. _____ | 20. _____ |

(Use reverse side if additional space is needed)

Institution: USP FCI Day: _____

Time in: _____
Time Out: _____

(Inventoried by)

(Inventoried by)

(Contractor or Service Rep.)

(Contractor or Service Rep)

Appendix N – PCF Entrance Procedures



Michael R. Pence
Governor

Bruce Lemmon
Commissioner

PENDLETON CORRECTIONAL FACILITY
4490 West Reformatory Road • Pendleton, Indiana 46064-9001
Phone: (765) 778-2107 • Fax: (765) 778-3395

Dushan J. Zatecky
Superintendent

October 26, 2016

If you are an attorney or other legal representative, the Pendleton Correctional Facility has compiled a list of information for you to review prior to your visit or teleconference to ensure avoidable issues do not arise. As a maximum security facility, certain rules and procedures must be followed to ensure the safety and security of the facility, staff, visitors and offenders.

Legal Documents: Attorneys have two options for the delivery of legal documents to an offender/client. Attorneys may hand deliver the documents to the offender during an attorney visit (as directed in the Entrance Exit Procedures below) or they may mail the documentation to the offender. During attorney visits, delivery of legal documents (up to 1 storage box of documents) will be authorized. Excessive amounts of legal work (anything beyond 1 storage box) must be mailed into the facility. **Legal documents cannot be dropped off at the Information Desk for delivery to an offender. Staff will not accept legal documents, under any circumstance, to be delivered to an offender.**

Scheduling:

1. The facility contact to set up all visits or teleconferences is Lydia Enos; you can reach her by calling the facility at **(765) 778-2107 ext 1507** or by e-mail LEnos@idoc.in.gov. **All offender/attorney visits and teleconferences require 24-hour advance notice.** Offender/attorney visits are available seven (7) days a week between the hours of 8:00 a.m. to 3:30 p.m.
2. Attorneys with clients on non-contact status or who are housed in G-Cellhouse or R-Cellhouse will be non-contact visits only seven (7) days a week between the hours of 8:00 a.m. to 3:30 p.m.
3. Attorney visits are not considered as part of the offender's normal visiting schedule.
4. If the attorney is not on the offender's approved visiting list, approval from the Superintendent or designee is necessary.
5. Teleconferences are available Monday through Friday, excluding holidays, from 7:30 a.m. until 2 p.m. The facility will provide the attorney with calling in instructions for



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all teleconferences, via e-mail. **Attorneys must call in within 15 minutes of the specified time at the designated extension (through the assistance of the operator) or the teleconference will be cancelled.**

The following guidelines are to be adhered to by all attorneys:

NOTE: Lockers are available in the Visitor's Waiting Room for .25 cents. All items such as wallets, umbrellas, etc., must remain in the locker during the visit.

CELL PHONES AND ELECTRONIC DEVICES ARE NOT PERMITTED INSIDE THE FACILITY AND MUST REMAIN SECURED IN YOUR **LOCKED** VEHICLE.

Attorneys are to adhere to the same dress code as staff:

BOTH MALE AND FEMALE ATTORNEYS (JEWELRY, ETC.):

1. Jewelry shall be limited to rings, watches, necklaces, bracelets, tie tacks, post-type earrings. Jewelry shall be reasonable and shall not distract from a professional appearance or create a safety hazard. Jewelry that is offensive or derogatory to others shall not be worn.
2. Attorneys may wear a maximum of two (2) rings per hand (wedding set shall be considered one ring).
3. Attorneys may wear one (1) wristwatch.
4. One (1) medic alert bracelet may be worn.
5. Attorneys may wear earrings. No more than two (2) sets of earrings are to be worn in each ear. Earrings shall not be eccentric, dangle excessively or pose a hazard to others.
6. With the exception of earrings as mentioned above, no other body piercing jewelry shall be visible (nose rings or studs, eyebrow jewelry, tongue jewelry, lip jewelry, etc.).



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DRESS CODE:

1. **Male attorneys:** Dress slacks, khaki-style slacks, jeans, polo-style shirts or button-down shirts. Ties are optional. Shirt collars may be worn open; but only the top button may be unbuttoned. Shirttail shall normally be tucked into the waistband of the trousers. However, dress shirts with a tailored, straight hemline may be worn outside the waistband. Shoes shall be dress or casual, including slip-ons or tennis shoes. Socks shall be worn at all times.
2. **Female attorneys:** Dress slacks or skirt, khaki-style slacks, jeans or skirt, blouse or sweater, dress, polo-style shirt. Capri pants must extend to the middle of the calf or longer. Shoes shall be dress or casual and be appropriate for a professional office atmosphere. Shoes shall have a flat heel or no more than a two (2) inch non-spike type heel. Tennis shoes will be permitted. Shirts, blouses and sweaters shall have sleeves that cover the shoulder (from the neckline to the top of the arm).

INAPPROPRIATE CLOTHING:

1. Articles of clothing (hats, belt buckles, shirts, etc.) that advertise alcoholic or tobacco products, illegal substances, potentially derogatory religious themes, racial references, security threat group references, or have a sexual implications of any type are not permitted. Shirts must be absent of advertising (including athletic teams, professional and collegiate, as well as cartoon characters) or iron-on decals/patches. Small (approximately one inch by three inch) manufacturer's logos are permitted.
2. Low cut, revealing and/or see-through clothing shall not be considered appropriate dress. Crop tops (exposing the midriff), tank tops, halter tops, tube tops, spaghetti-strapped tops, muscle shirts, tee shirts and shorts/skorts shall not be permitted. Slits in skirts or dresses shall not be revealing and shall allow the skirt or dress to cover the thigh. Clothing worn so that undergarments may be seen are not appropriate.



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3. Tight fitting (lycra-type or other) pants shall not be worn. Pants shall come to the ankle or below unless the pants are Capri pants as indicated above. Skirts/dresses shall allow freedom of movement and shall not be "mini" in length. Jogging suits, wind suits, sweat pants, sweat shirts or other athletic apparel are not permitted.
4. Flip flops (including Crocs-style shoes), and casual sandals are not considered appropriate footwear.
5. Hats and sunglasses shall not be worn inside a building.

Failure to abide by the above dress code will result in the offender/attorney visit being denied.

Money:

Attorneys may bring \$30 worth of change currency into the visiting room to purchase Vending machine items for both themselves and/or the offender.

Restrooms:

Restrooms must be utilized either prior to or after the offender/attorney visit only. Restroom facilities are not permitted during a visit and will result in the termination of the visit.

Medications:

All prescription medications must be secured in the attorney's vehicle with the exception of nitro (in any form, i.e., pills, inhaler, spray) or asthma inhaler. All other life sustaining medications or equipment shall be approved on a case by case basis and requires 24-hour advance notification to the facility.



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Entrance/Exit Procedures:

1. All individuals registering to visit an offender in the capacity of an attorney must produce proper identification to include positive picture identification, current bar card, and/or other documentation stating he/she is a practicing attorney. Any exception to this rule must be approved by the Superintendent or designee.
2. Attorneys are subject to the **same** entry search and procedures as staff.
3. Attorneys shall be authorized to take documents and writing supplies into the Visiting Room unless any item presents a security risk.
4. When called upon, attorneys shall empty their pockets and place all items in the containers provided for this purpose. In addition, any outer garments and shoes shall be removed and placed into the container. All items will be searched by information Desk staff and x-rayed.
5. Attorneys are permitted to give legal documents directly to offenders during visits without a gate release or pre-approval/authorization **in accordance with the following guidelines:**
 - a. This privilege is extended to attorneys only. Any other person acting as a representative of an attorney (i.e. paralegal, investigator, etc.) shall be required to have written authorization from the attorney to deliver such material. In addition, when making contact with the facility to schedule the visit, please indicate paperwork will be delivered to the offender.
 - b. The documents are to be searched by Information Desk personnel for contraband/prohibited property.
 - c. The documents are X-rayed by the Information Desk personnel.
 - d. Information Desk staff shall notify the Visiting Room Officer of any documents being turned over to the offender upon the conclusion of the visit.
6. Anyone wishing to gain access to any part of the visiting room to visit an offender, regardless of age or medical condition, is subject to search of their person, property and possessions. The visitor may be subject to searched by frisk search, metal detector, K-9, strip search or other authorized search equipment.
7. The attorney shall step through the metal detector.



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8. Once the attorney has cleared the metal detector (the detector does not sound an alarm), Information Desk staff of the same gender shall perform a "modified frisk" search to include a search with a handheld metal detector.
9. If there is a positive indication on the walk through metal detector, hand held metal detector or if an item is felt during the modified frisk search;
 - a. Information Desk staff will ask the attorney why the metal detector may have indicated the presence of metal.
 - b. If an item is felt during the modified frisk search, the item must be removed and searched.
 - c. If the item is a belt, the belt must be removed and searched. If there are medical reasons for a positive indication (i.e., metal pins, plates, etc.), please advise the Information Desk staff.
 - d. If the item causing the positive indication cannot be identified, the attorney will be asked to take a seat and a supervisor will be contacted.
 - e. Only a supervisor can authorize an attorney to enter the visiting room when a positive indication by the walk through metal detector or hand held metal detector cannot be cleared and only after the Supervisor is satisfied that no unauthorized items are entering the facility.
10. The facility has updated its entrance procedures to include the use of the Cellsense detector. All staff, visitors and guest are required to pass the Cellsense in order to enter the facility. The procedure requires everyone to walk a straight line in front of the Cellsense detector and walk back without setting off the Cellsense; which will detect the presence of metal. Each visitor will be given the opportunity to walk past the Cellsense **two (2) times** before they are denied visitation/entrance to the facility. Those female visitors who wear undergarments with metal underwire will indicate on the detector. The visitor will be given **one (1)** opportunity to address their clothing issue to pass the Cellsense. The additional security procedure is necessary to prevent contraband from entering the facility; which will endanger all who reside and work in the facility. The detector does not interfere with medical devices such as pace makers. Your cooperation is appreciated and expected. Please ensure all visitors are made aware of this new procedure before they attempt to visit to



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- prevent future issues from arising. Those who refuse to submit to the additional security procedure will not be permitted to enter the facility
11. Upon successfully completing the search process, the attorney may gather his/her items from the container, put shoes back on and proceed to the Control Center.
 12. The Attorney must show the Control Center staff his/her ID prior to entering the Visiting Room.
 13. The attorney (or representative if applicable) upon entering the Visiting Room shall inform the Officer at the desk that he/she shall be giving the offender legal documents (if applicable). The material may again be searched by the Visiting Room Officer at his/her discretion.
 14. When possible, attorneys and offenders should be seated in the Attorney Room or a non-contact booth to allow for privacy.
 - a. Any legal documents given to the offender by his attorney will again be searched by the Shakedown Officer once the offender exits the Visiting Room.
 - b. The material may not be bound or held together with any material which could be used as a weapon (use of rubber bands would be preferable).
 15. Upon exiting the Visiting Room, attorneys must show their ID to the Control Room Officer and again to the Information Desk staff.

NOTE: (Offender) Legal papers are allowed in the Visiting Room only if the offender is visiting with his attorney. All offender legal work will be thoroughly searched by the Shakedown Officer. No gate release is necessary, unless the attorney is removing the legal work from the Visiting Room. Should the Attorney be removing offender legal paperwork from the facility, the offender must have received a proper gate release from the Unit Caseworker prior to the visit. The Unit Caseworker will deliver the gate released legal work to the Information Desk for the attorney to pick up upon exiting the facility.

NOTE: Attorneys are not permitted to pass legal documents to non-contact status offenders, via staff members, without prior approval in accordance with policy and procedure and requires 24-hour advance notice.



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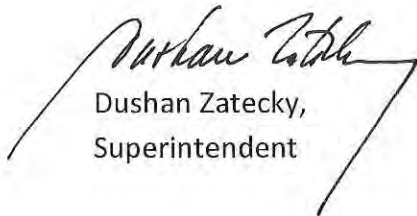
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If you have any further questions regarding any of the visitation rules or procedures for setting up visits, please feel free to call the facility and speak with Lydia Enos. Calling at least 24-hours prior to you requested time ensures the facility ample time to make necessary arrangements as needed. If you do not make prior arrangements, we cannot guarantee accommodations in our Visitation Room due to the limited space for both contact and non-contact visits.

Non-compliance of these rules will be subject to denial of the offender/attorney visit by a supervisor.

Respectfully,


Dushan Zatecky,
Superintendent