

From: [REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: Question regarding Placement in a Halfway House

Date: Mon, 01 Dec 2008 17:17:29 +0000

Importance: Normal

Thank you so much. This is exactly the info that I needed.

[REDACTED]
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-----Original Message-----

[REDACTED]
Sent: Monday, December 01, 2008 11:02 AM
[REDACTED]

Subject: Re: Question regarding Placement in a Halfway House
[REDACTED]

No problem at all. As you probably already know, the recently enacted Second Chance Act (Pub. L. No. 110-199), as well as some recent Circuit decisions, made some changes to the Bureau of Prisons' statutory authority and processes regarding RRC (Residential Re-entry Center, aka halfway house) placement. Whereas prior to the Second Chance Act the BOP was limited to RRC transfers for the last 10 percent of an inmate's sentence (not to exceed six months), under amended 18 U.S.C. 3624(c)(1) the BOP can place an inmate in a re-entry transitional placement for up to 12 months. Further, the BOP can consider RRC placement at any time during an inmate's sentence, and will make an individual determination as to the propriety of such placement upon request. However, given the transitional goals of RRC placement and the limited RRC resources available, it is unlikely that many inmates would be designated to an RRC prior to their final year of incarceration. The bottom line is that for your defendant with an 18-month sentence, RRC placement, if deemed appropriate, would most likely be deemed appropriate for some period of the final year of incarceration.

The most relevant regulations on that issue are found at 28 U.S.C. 570.20 to 570.22.

Regarding good time, the inmate's RRC review is based on his projected release date, which is computed with consideration of good time credit.

So if the inmate's full term sentence expiration is 1/1/2005, but with good time credit he is projected to release on 1/1/2004, he would be in the 12-month window from 1/1/2003 to 1/1/2004. If he loses good time, the projected release date would change, and so would the window.

Regarding your question on work limitations, the restrictions or factors used in determining suitable employment for RRC residents are in the Statement of Work negotiated with the contractor, Community Corrections Management (CCM) Manual, and the center rules. Ordinarily, residents are allowed to work 40 hours a week. Anything above that, requires CCM approval. They are allowed to work part time, if that's the only thing available at that time. Residents can also work more than one job if it does not keep them out of the center in excess of 12 hours. Anything above that, requires CCM approval. Generally, the CCM does not allow residents

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to work for family or be self-employed because of accountability issues. Their work hours and pay have to be verifiable and documented.

I am attaching the existing policy statement on CCC (the former acronym for RRC) placement and utilization. However, please note that as the Second Chance Act and caselaw have change the manner in which the BOP considers and uses RRC placement, the "six month or 10%" language in the policy statement should be considered outdated. The statement should be revised in the near future. The regulations cited above (28 U.S.C. 570.20 - 570.22) are current and accurate.

I hope this helps!

[REDACTED]
[REDACTED]
Senior CLC Attorney / Special Assistant United States Attorney United States Department of Justice Federal Bureau of Prisons / FCC Coleman P.O. Box 1029 / 846 N.E. 54th Terrace Coleman, FL 33521 Direct - [REDACTED] 1 Fax - 352.689.7387

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[REDACTED]
[REDACTED]
Your name was provided to me by another AUSA in our office as someone with knowledge regarding halfway house placement. I am sorry to bother you, but I was hoping that you could answer the following questions:

1. If someone is sentenced to 18 months' imprisonment, when would he become eligible for placement in a halfway house/CCC? If, for example, it is the last 6 months of his imprisonment term, do you count back from his release date assuming that he receives full credit for "good time," or would it be 6 months from the end of his imprisonment term not considering good time credit?
2. While at the halfway house/CCC, are there rules regarding the number of hours per day the inmate can work, days of the week, and type of job that the inmate can accept? (For example, could someone work 12 hours per day, seven days per week, in what is essentially a self-employment type of situation?)
3. If there are any regulations or policy statements related to these issues, could you point me in the right direction?

Thank you so much for your assistance.

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