

Counseling Your Client To Do Federal Time: **Key BOP Policies / Procedures, And Advice** **From Former Federal Inmates¹**

Introductory Statement

- A. From the former inmate's hindsight perspective, this outline covers the following topics:
 - 1. Preparing the client for sentencing and the sentencing hearing;
 - 2. The time period from sentencing to the arrival at the designated facility: preparing to self-surrender
 - 3. Time in custody: doing the time
 - a. Don't be afraid of inflicting a little *shock treatment* in order to set the right focus at the outset as to where the money and energies should be directed.

PART ONE:

Preparation for Sentencing and the Sentencing Hearing

I. The Presentence Interview (PSI)

- A. Have your wife sit in on the PSI
 - 1. But note that there may be risks in doing this – questions that the PO may pose to the wife that could be embarrassing;
 - 2. Coaching the client for the PSI: a key problem is the attorney's lack of familiarity with programs and policies of the BOP -- thousands of pages of Program Statements.
 - a. Drug program
 - b. Boot camp

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3. **Coaching for the PSI is made even more complicated by the fact that each region and each facility administers programs and policies differently. E.g., technical eligibility for drug program does not guarantee admission; each facility has its own standards.**

II. The Presentence Report (PSR)

- A. **Defense attorneys should look at the PSR from both a sentencing perspective *and* a BOP perspective:**
 1. **Information should be included in the PSR which may be relevant to the client's BOP status, even if not directly relevant to the sentencing guideline calculation;**
 2. **Attorneys should always bear in mind that the PSR is a key document in the BOP's designation decision -- i.e., deciding the facility in which to place the client.**
 - a. **See Program Statement 5100.06 re: designations**
 3. **Therefore, objections to the PSR should be raised at sentencing in regard to statements contained in the report, where those statements may not be directly relevant to the sentencing guideline calculation but may later have an adverse impact on the client's BOP designation. Examples:**
 - a. **References to firearms or threats in the Offense Conduct section of the PSR, in cases where the sentencing is not based on use of firearms or the making of threats;**
 - b. **References to prior violent conduct or gang affiliation in the Criminal History section of the PSR, as well as warrants, even if they have been vacated;**
 - c. **References to spousal abuse in the Personal / Family section of the PSR.**

4. **BOP officers tend to refer to the PSR as the inmate's "Bible."**
 - a. **PSR follows the inmate throughout the BOP;**
 - b. **The Personal / Family history section is key for confirming eligibility of family members to visit the client, particularly spouses;**
 - c. **The PSR directly affects the BOP's treatment and mistreatment of inmates;**
 - d. **PSR's importance is not limited to prison: it continues to have great influence after the client is transferred to a halfway house, and during supervised release.**
 - (1) **A good PSR can be very helpful in positioning the inmate for placement in a Halfway House.**

B. Defense attorneys should do everything possible to ensure the accuracy and completeness of the PSR prior to the sentencing hearing.

1. **After the sentencing hearing, the PSR is sent to the BOP together with other documents for use in making the client's designation. Thus, it must be accurate and complete in order to properly influence the designation process.**
2. **Very hard, if not impossible, to correct errors / omissions in PSR once you arrive at the designated facility.**
 - a. **PSR as a "lock"**
 - b. **Defense lawyers should understand the difficulty of trying to correct the PSR after the fact.**
 - c. **Remember that the BOP will take actions / make decisions based on the PSR. If the PSR is inaccurate or incomplete, it is almost impossible to correct inaccurate or harmful information before the BOP acts based on that erroneous information.**
 - d. **Possible vindictive action by BOP if inmate attempts to correct PSR**
 - (1) **key point: you are creating work for the BOP staff when you seek to correct the PSR.**

3. **At the sentencing hearing, after the judge has sustained objections to the PSR, defense counsel must have the court direct the Probation Office to issue a *new PSR* issued to the BOP as an original document for designation purposes.**
 - a. **Sometimes defense attorneys fail to follow up on the sentencing hearing and assume that the court's order sustaining objections to the PSR will automatically result in the issuance of a new PSR. That is a faulty assumption. The original PSR will end up in the BOP's hands unless the court directs the Probation Office to correct the PSR per the court's rulings at the sentencing hearing.**
 - b. **Many courts merely direct the Probation Office to attach a statement of corrections to the PSR. Not adequate because the original PSR with the objected-to material still goes to the BOP, thus allowing the BOP to make decisions based on that objectionable material.**
 - c. **Therefore, a *new PSR* must be issued by the Probation Office and delivered to the BOP as the one and only PSR for designation purposes.**

C. Ironically, negative information in a PSR can be helpful in certain circumstances:

1. **Defense lawyers tend to object to negative information in the PSR, such as drug history. Some bad information can actually help the client once he's in the facility and wants to qualify for a benefit, such as the drug program**
 - a. **Your client may want the drug program once he arrives at his designated facility and thus regrets having had drug history omitted from the PSR due to his refusal to discuss the subject during the PSI, or due to objections made by his counsel to the PSR which were sustained by the court at the sentencing hearing.**

III. The Sentencing Hearing

A. Financial Obligations: Fines / Restitution / Costs Of Imprisonment

- 1. Defense counsel need to focus on financial obligations in the sentencing phase every bit as much as the custodial aspect of sentencing because these obligations will directly impact the client's prison lifestyle.**
- 2. A preliminary point worth noting:**
 - a. In terms of the impact on the inmate doing time, it doesn't matter whether the financial obligation is characterized as a fine or restitution.**
- 3. Key Points Re: Judgment & Commitment Order**
 - a. Deferral of the obligation to pay:**
 - (1) Counsel should always seek to have the court order that payment of the fine or restitution is**
 - (a) *waived until release, and***
 - (b) *interest thereon is also waived until release.***
 - (2) Suggested language for J&C Order: "the defendant's financial obligations under this Order do not begin until the defendant has been released from custody and is on Supervised Release."**
 - (3) Reason for seeking deferral: BOP may take 50% of client's income or commissary if the district court does not defer the financial obligations.**

b. Limiting the monthly payment:

- (1) Counsel should always seek to have the court *limit the monthly payment* so that the method and manner of payment of the fine is *not delegated to BOP*.
- (2) This bears directly on the inmate's participation in the Financial Responsibility Program.
 - (a) See Program Statement 5380.05

c. Waiving the cost of incarceration fee:

- (1) Counsel should always seek to have the court *waive* the cost of incarceration fee.
 - (a) See Program Statement 5380.03
- (2) this fee is currently \$21,898 / year.

d. Key Admonitions:

- (1) If the district court imposes a fine and/or restitution, and a cost of incarceration fee, and these obligations are not deferred or limited as discussed above, the result could easily be that the client will have nothing in his commissary account. That means the client will be economically paralyzed during his prison term.
- (2) The J&C Order must be *clear*: the slightest ambiguity will be interpreted against the inmate.

e. Case References:

- (1) *Montana-Figueroa v. Crabtree*, 162 F.3d 548 (9th Cir. 1998) (per curiam) (Pursuant to IFRP, the BOP is authorized to deduct fine payments from inmate's prison wages; IFRP is not improper intrusion on sentencing court's authority; and *defendant's fine is due immediately unless sentencing court provides otherwise*).

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- (2) ***Shorter vs. Adams*, 172 F.3d 58 (9th Cir. 1999) (upholds BOP's authority to deduct funds from inmate's commissary account and from prison wages where Judgment & Commitment expressly imposes obligation to pay fine prior to commencement of term of supervised release).**
- (3) ***U.S. vs. Pandiello*, (7th Cir., July 15, 1999) (district court may not delegate to BOP the judicial authority to set the amount of monthly installment payments toward restitution that the defendant is obligated to make while incarcerated.).**

B. Judicial Recommendations to the BOP at the Sentencing Hearing

1. **See Program Statement 5070.10 re: BOP's handling of judicial recommendations**
2. **Recommendations re: designations to Community Corrections Center (halfway house)**
 - a. **See Program Statement 7310.04 re: procedures for transferring to a halfway house from prison**

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C. Persuading The District Court To Permit Your Client To Self-Surrender

- 1. See Program Statement 5140.28 re: self-surrender**
- 2. The key advantages to self-surrender:**
 - a. Benefits your security designation: camp eligibility**
 - (1) See Program Statement 5100.06 re: the process by which BOP computes points in determining the security designation.**
 - (a) self-surrender counts for a substantial benefit in the point-scoring process which substantially increases camp eligibility**
 - b. Avoids “diesel therapy”**
 - c. Increases eligibility for off-compound work details.**
- 3. The defendant who is allowed to self-surrender will be the focus of Part Two of this outline.**

PART TWO:

The Period From Sentencing To Arrival At The Designated Facility: The Defendant Who Self-Surrenders

I. Typical Questions And Concerns All Defendants Have, Which Defense Counsel Must Be Prepared To Answer

A. Where Am I Going To Go?

1. Counsel should explain to the client the types of BOP facilities:

- a. Federal Prison Camp (FPC): a client who self-surrenders has a very high probability of going there.**
- b. Federal Correctional Institution (FCI): this is a higher security level. Inmates from the FCIs are often transferred by the BOP to a FPC towards the end of their incarceration period.**
- c. U.S. Penitentiary (USP): highest security level. Client is not going there if he is being allowed to self-surrender. It's important to assure the client of that.**
- d. Federal Medical Center (FMC): this is for inmates who have special medical needs that cannot be handled by the routine medical resources at the above facilities.**
 - (1) if an attorney wants to position his client to be designated to an FMC, it is essential that the PSR contain a well-documented medical history, including letters from treating physicians which legitimize the seriousness / complexity of the condition, thus requiring the specialized environment of an FMC.**

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e. **Community Corrections Center (CCC), commonly referred to as Halfway Houses: a client who is sentenced within Zones A and B of the Sentencing Guidelines can be given a halfway house sentence in lieu of prison time. Inmates sentenced to prison will ultimately be transferred to a halfway house prior to completion of their sentences -- typically the last 10% of their sentence not to exceed six months.**

(1) See Program Statement 7310.04 re: procedures for transferring to a halfway house from prison.

2. A list of BOP prison facilities is contained in on the BOP's web site: <http://www.bop.gov>

a. Click on the "BOP Directory" link on the home page.

B. To what prison facility will I be designated?

1. That decision is made by the BOP on the basis of numerous factors, which are set forth in several tables contained in PS 5100.06, and the appendix thereto. (The BOP has now computerized this table for its internal use, but counsel can use the tables in PS 5100.06 as manual worksheets).

2. A client who self-surrenders will likely go to a FPC. The BOP policy is to place an inmate geographically as close to family as possible.

a. A judicial recommendation in the J&C Order recommending placement at a specific facility, or at least at a facility near the city where the defendant's family resides, is a good way of increasing the probability of getting the desired designation.

C. What About The BOP Guards / Staff At My Prison: What Are They Like?

- 1. Male inmates will find female personnel at the prison facility. But inmates generally adapt quickly.**
- 2. Prisons that house many Hispanic inmates typically have many bilingual staff members.**
- 3. Some former inmates tend to characterize the guards in a negative light, as ignorant / uneducated people who derive pleasure from frustrating the inmates. As discussed later in this outline, a key coping mechanism is for the inmate to know how to avoid aggravating / provoking the staff, so as to avoid retaliatory games by the guards which can add a great deal of stress to the inmate's life.**
 - a. Other former inmates will say that in their experiences, the guards and staff generally treated them in a professional manner.**

D. I Am Scared About Getting Hurt In Prison. What About The Risk Of Violence?

- 1. The key point to emphasize to the client is that inmates are classified by security level when they are designated. Thus, the inmate who is designated to a FPC (ie, a camp) is not likely to encounter violent inmates -- at least *known* violent inmates.**
- 2. However, inmates from the higher security institutions -- the FCI and USP -- may be transferred to a FPC towards the end of their sentence, as part of the transition back to society, and thus may be in the same inmate population as the client who had been originally designated to the FPC. Typically, these inmates who have been transferred to the FPC from the higher security facilities are not known to be violent to the BOP.**

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3. **The attorney must remind the client that *during transport* from one facility to another -- whether by plane or by bus -- the BOP groups all inmates together. Thus, during transport your client may be seated next to an inmate who has been designated to a USP.**
 - a. **Accordingly, the BOP treats all inmates as high security during transport.**

E. What Does The BOP Provide To Inmates, And What Do I Need To Provide For Myself?

1. **BOP provides the basics: houses, clothes and feeds the inmates, and provides linens for the beds, basic toiletries and enough food in terms of calories to sustain human life.**
2. **BOP does *not* provide postage stamps, funds for making phone calls, tobacco products, commercial-brand toiletries or clothes / shoes suitable for athletic activity.**
 - a. **Therefore, in order to have any type of enjoyable life in the BOP, you need to have money in your Commissary Account so that you can purchase the additional items that the BOP does not provide.**

II. The Key CFR Provisions And Program Statements That Defense Counsel Should Be Familiar With In Order To Prepare The Client To Do Time

A. CFR Provisions

- | | | |
|------------|---|--|
| 1. | 28 CFR 522.20 - 522.21 | (procedures upon arrival) |
| 2. | 28 CFR 524.31 - 524.32 | (boot camp) |
| 3. | 28 CFR 540.14(a), (b) | (inmate mail) |
| 4. | 28 CFR 540.18 - 540.19 | (attorney-client mail) |
| 5. | 28 CFR 540.23 | (commissary account) |
| 6. | 28 CFR 540.40 - 540.44 | (family visitation) |
| 7. | 28 CFR 540.71(a), (b) | (items family / friends can send) |
| 8. | 28 CFR 540.100 - 540.105 | (telephone privileges) |
| 9. | 28 CFR 544.20 - 544.21 | (educational programs) |
| 10. | 28 CFR 544.40 - 544.44 | (educational programs) |
| 11. | 28 CFR 544.70 | (educational programs) |
| 12. | 28 CFR 548.20 | (special diets) |
| 13. | 28 CFR 551.10, 551.12, 551.13(c) | (inmate marriages) |
| 14. | 28 CFR 570.32, 570.33(b), 570.41 | (medical furloughs) |
| 15. | 28 CFR 570.42 | (furlough to attend funeral) |
| 16. | 28 CFR 545.10 - 545.11 | (Inmate Financial Responsibility Program) |

B. Program Statements

- | | | |
|------------|-------------------|---|
| 1. | PS 5100.06 | (Security Designation & Custody Classification) |
| 2. | PS 5290.11 | Admission & Orientation Program |
| 3. | PS 5290.12 | (Intake Screening) |
| 4. | PS 5230.05 | (Grooming / Personal Appearance) |
| 5. | PS 5264.06 | (Telephone Regulation For Inmates) |
| 6. | PS 5265.10 | (Correspondence) |
| 7. | PS 5266.08 | (Incoming Publications) |
| 8. | PS 5267.05 | (Visiting Regulations) |
| 9. | PS 5511.06 | (Inmate Accountability) |
| 10. | PS 5511.07 | (Inmate Requests To Staff) |
| 11. | PS 5521.05 | (Searches Of Housing Units, Inmates & Inmate Work Areas) |
| 12. | PS 5580.05 | (Inmate Personal Property) |

III. Preparing To Go Into Custody: What To Do Prior To Self-Surrendering

A. THEME: PLAN AHEAD!!

B. Activities And Skills To Learn

- 1. Consider obtaining a commercial drivers license, so that you can qualify to drive the prison van outside the camp;**
- 2. Learn some basic games, in order to occupy your time more easily on the inside:**
 - a. Dominoes / hearts / bridge / chess**

C. Logistical Arrangements

- 1. Arrange to have your annual tax returns prepared. Inmates do not owe income tax on monies earned through prison labor, but income earned through outside sources (e.g., stock dividends, sale of real estate or other investments, etc) are taxable.**
 - a. Many inmates forget to file income tax returns during the period of their incarceration and thus face tax evasion charges upon release.**
 - b. Therefore, make the arrangements prior to surrendering as to how your annual tax returns will be prepared / filed, and by whom.**
- 2. If you own a business, you must designate one or more people to operate your business while you are in custody.**
 - a. BOP policy forbids inmates to conduct any business while incarcerated.**
 - b. If you are caught discussing business on the phone, or receiving / sending business-related correspondence, you will end up getting an Incident Report.**

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3. **Create an account at a large bookstore chain (e.g., Barnes & Noble) so that you can order books, magazines and periodicals directly from the bookstore.**
 - a. **See 28 CFR 540.71(a), which authorizes an inmate to set up such an account.**
 - b. **Note: Playboy/Penthouse are prohibited: 28 CFR 540.71(b)(7)**
 - c. **NOTE: the BOP requires inmates to order publications directly from the publisher or an authorized bookstore chain.**

4. **Obtain postal money orders of \$100 each (or whatever you can afford) to cover all of the months of your sentence, so that your family can simply mail one each month to you.**
 - a. **E.g., if you have a three-year sentence, obtain 36 postal money orders prior to your surrender date.**
 - b. **Admonition: you must use *postal* money orders.**

5. **Explain to your friends and family how to address correspondence to you:**
 - a. **All letters to you should be addressed using this hypothetical format (excluding the outline numbers in parentheses):**

(1)	Inmate Name / Register #	John Smith, Reg No 12345-111
(2)	Name Of Institution	FPC Nellis C.S. 4500 North Las Vegas, Nevada 89036-4500

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6. **Set up communications ahead of time re: family visitation and telephone privileges**
 - a. **Before the surrender date, send a letter addressed to yourself using the format stated above, containing the names, addresses and phone numbers of everyone whom you want to place on your phone list and visitor list.**
 - b. **On the envelope, write: “Hold For Report Date On ____.” The institution will set the letter aside for your arrival.**
 - c. **This way, when you get there, you will be able to immediately establish your phone and visitor lists without worrying that you don’t have everyone’s address and phone number handy.**
 - d. **NOTE: everyone who has been placed on an inmate’s phone and visiting list will be notified of this in writing by the BOP and has the right to refuse to receive phone calls.**

D. Medical / Dental Checkups

1. **It’s a good idea to get a medical and dental checkup prior to self-surrendering. But note the admonitions below.**
2. **Admonition: avoid the double-edged sword of medical / dental evaluations:**
 - a. **While pre-custody checkups are advisable, once you are in custody, do not make a pain of yourself with the medical department at the prison unless you are legitimately incapacitated or in need of attention.**
 - b. **The medical departments at BOP perceive you as a malingerer if you go to sick call, and their only inclination is to give you Motrin and send you back to work.**
 - (1) **the medical staff will report you to Custody if they think you are trying to gain privileges and avoid work.**
 - (2) **you can get into a world of trouble if the medical administrator thinks you are being pushy or smart.**

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- c. **Be careful about documenting your medical / dental problems for submission to the BOP (e.g., letter from doctor explaining the need for specific medications / physical limitations and handicaps / foot problems / bad back / knee problems, etc).**
 - (1) **if your medical condition is serious, then the BOP needs to know; and this should be well-documented already in the PSR.**
 - (2) **But remember that too many medical problems and you're likely to lose your camp designation and wind up in a medical facility. Again, the double-edged sword of medical / dental evaluations.**

E. Learning About The Camp Facility First-Hand

- 1. **If you have received your designation to a camp facility and there is still time prior to the surrender date, it's important to do the drive from home to the camp with your wife / family prior to surrendering, so you can visualize the distance and effort involved.**
 - a. **This enables you to be more sensitive to the demands you are placing on your family to visit you.**

F. Counseling The Client's Family About Prison Time Prior To The Surrender Date

- 1. **Defense attorneys can inadvertantly mislead their clients by trying too hard to comfort the family, by downplaying the hardship that incarceration will impose on the family and, in particular, the client's relationship with his family.**
 - a. **Attorneys need to be *blunt and to the point* about this difficult fact during discussions with the client and his/her family prior to the self-surrender date. It is important for attorneys to hold a meeting at their office with the client, wife and close family members to discuss the stress that incarceration will impose. It helps them develop healthier coping skills in advance.**

IV. When The Notice Of Designation Arrives

A. What The Notice Looks Like:

- 1. It's a simple letter that states: the institution to which you have been designated, the date and time by which you must self-surrender, and the address and phone number of the institution.**

B. Preparing For Financial Needs Inside Prison:

- 1. As noted above, obtain money orders in advance for your commissary account so that your family can send one to you each month.**
 - a. E.g., If you have a three-year sentence, get 36 \$100 money orders payable to yourself, and give them to your mother to send to the facility every month.**
 - b. Remember to have your BOP number written on the money order. When the self-surrender order arrives, it will contain your BOP number.**
 - c. Key Pointer: It's best to give the money orders to your mother, father, brother / sister, rather than a spouse or girlfriend because the latter tend to leave you while you are in custody. Your blood family will always be there.**

C. Visiting The Facility In Advance

- 1. Remember to visit the facility with your family ahead of time so that when you drive there on the surrender day, the trip and the overall environment has some familiarity to it which lessens the stress level.**

V. The Day You Self-Surrender

A. Deciding What To Bring With You To The Prison:

- 1. Clients often want to know what personal items they can bring with them to the prison facility on the surrender day, including the clothes they can take along.**
- 2. As of January 1997, the BOP has been strict in prohibiting inmates from possessing anything that was not issued by the BOP or purchased at the prison commissary.**
- 3. Aside from standard BOP policies / procedures, each prison facility has its own internal rules which will have an impact on what you can bring with you on the day you surrender.**
 - a. Call the prison facility as soon as you receive your self-surrender notice and inquire about the dress code and rules pertaining to what you can bring.**
- 4. The list of allowable items which you may bring with you to the prison on the date of self-surrender includes:**
 - a. A soft-covered Bible, Koran, Torah, or other religious text;**
 - b. One pair of eyeglasses;**
 - c. One religious medal with a value of less than \$50;**
 - d. Dentures and/or a dental bridge;**
 - e. One solid wedding ring with no stones;**
 - f. Cash or a U.S. Postal money order;**
 - g. Up to \$20 in change for vending machines.**

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5. **On the day you report, limit your possessions to the above. The clothes you are wearing upon arrival at the prison, and any items in your possession other than the approved items listed above will be packed and sent home.**
 - a. ***But note:* Some former inmates interviewed by this author recommend that you only bring a sweat suit (gray with no markings or logos), one pair of tennis shoes, and a postal money order of \$100.**
 - (1) **a few former inmates had even simpler advice: show up in a pair of tennis shoes and a sweatshirt; nothing more.**
6. ***Key Pointer:* bring pocket change with you because you will miss meals while you are being processed upon arrival. This will make you dependent upon the vending machines in the visiting room, for which you will need your own change. Note the list above, which permits up to \$20 in change for vending machines.**
 - a. ***But note:* some former inmates recommend that you don't bring any money with you upon surrender because it will simply be confiscated upon arrival.**
7. **All former inmates interviewed agree that you should *not* bring with you any of the following because they will be disallowed by the BOP:**

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- a. **Medication**
 - (1) **If you will need medication during your incarceration, make sure the PSR clearly reflects this and have a letter from your doctor addressed to the prison stating the name and dosage of the medication(s) required. The prison will issue it directly. You can't bring your pills with you and take them while in custody.**
 - b. **Wristwatch**
 - c. **Religious items other than listed above**
 - d. **Writing utensils**
 - e. **Sports equipment, including athletic footwear**
 - (1) **attorneys should warn their clients not to purchase new athletic shoes or clothes prior to surrendering because they will be disallowed and shipped home. To add insult to injury, the BOP will require the inmate to purchase the exact same item through the prison commissary.**
 - f. **Musical instrument**
 - g. **Tobacco products**
 - h. **Toiletries**
 - i. **Your social security card / drivers license**
 - (1) **KEY: bring a *photocopy* of your drivers license**
 - j. **Anything with a logo on it**
 - k. **Personal clothing other than a plain wedding band that is worth no more than \$100**
 - l. **Books, papers or magazines**
 - m. **Pictures or photographs**
 - n. **Stamps**
8. ***Key Pointer:* the BOP looks at anything you bring as a vehicle for getting drugs into the facility.**
- a. **You can have some things sent from home *after* you get permission from your counselor.**

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9. ***But Remember:*** former inmates emphasized that personal property accepted upon surrender to any BOP facility will vary from institution to institution and will also depend on the attitude of the Receiving & Discharge (“R&D”) officers on duty that day. If the R&D officers feel like it, they can let you have your property, or not.
 - a. Expect that the officer working R&D when you arrive will not be sympathetic if you bring anything that is questionable or simply not allowed in the facility.
 - (1) The officer may also take it out on you if he’s having a bad day and you show up with prohibited items.
 - (2) So remember to call the facility in advance and ask what their particular policy is regarding what you can bring on the day you surrender.

B. How To Present Yourself Upon Arrival At The Prison:

1. Attorneys should counsel their clients to make sure the client’s families don’t drive up to the prison in a luxury car – *don’t project the image of wealth.*
2. Be very easy in your temperament: go with the flow. The intake process is designed to be tedious and frustrating. It’s the BOP’s way of imposing the reality that you are now in custody. Be “Zen” about it and remember that everyone who has gone through this has survived.
3. Upon completion of the team interview, the Intake Process is complete. You are escorted to your living quarters, and your prison time begins.

Part Three: Doing The Time

I. The Beginning: Admission & Orientation

- A. After completing the Intake Screening, you will be placed on Admission & Orientation Status, usually lasting 2-4 weeks, to enable you to become familiar with rules / procedures and to acclimatize to prison life.**
- 1. You will be issued an Admission & Orientation handbook during the Intake Screening.**
- B. Your First Day / Night In Custody**
- 1. *Key Pointers* from former inmates:**
- a. Be patient and relax**
 - (1) Don't try to learn everything in the first hour**
 - (2) You're going to be there a while.**
 - b. Be friendly**
 - c. Don't demand anything**
 - d. It's okay to talk to people**
 - (a) Ask them what they think about**
 - i) the facility**
 - ii) the jobs available**
 - (b) Be aware that you will get various opinions, and not all will be accurate**
 - e. Be respectful**
 - f. Basic rule: respect the other guy**
 - g. Most important: always respect the other man's *territory*.**

C. The Intake Process

- 1. See Program Statements**
 - a. 5290.11: Admission & Orientation Program**
 - b. 5290.12: Intake Screening**
- 2. Intake process usually takes up to five hours.**
- 3. Attorneys must counsel their clients that once they have surrendered to the prison:**
 - a. Don't discuss your case with anyone. The legal process has now been concluded; your case is over.**
 - (1) If BOP staff ask you about your legal case, be honest and concise. Remember that they have access to your PSR, so they can look it up.**
 - (2) If BOP staff ask you about the underlying facts of your case, it's best to refer them politely to the PSR, rather than make any statements about your offense conduct.**
 - b. Surrender psychologically to the process of being in custody. Resistance will create terrible emotional stress for you, as well as a punitive response from the system.**
 - c. Be prepared to be placed in a holding cell upon arrival at the facility, before the intake process begins.**

4. **Step One: the Receiving & Discharge Office.**
 - a. **You go to the R&D office immediately following your surrender.**
 - b. **This is in the administrative section of the prison.**
 - c. **You will be processed out of this same area upon completion of your sentence, or if you get sent to court or transferred to another institution.**
 - d. **You will be placed in a holding cell until called by a BOP staff officer to begin the intake process.**

5. **Step Two: Booking**
 - a. **Strip-searched and issued clothing.**
 - b. **All personal items will be placed in a box. You complete an inventory form with the BOP Receiving Clerk.**
 - c. **All personal property that is disallowed will be shipped home.**
 - (1) ***Key Pointer:* before surrendering, advise your family that they will receive a box with personal items, including the clothes you wore on the day you surrendered. This is routine, and they should not worry.**
 - d. **You will be fingerprinted / photographed**
 - e. **You will receive your Inmate Commissary Account Card which all inmates carry and which you are required to carry at all times. The card**
 - (1) **bears the photo taken at the time of your initial booking;**
 - (2) **contains your name, date of entry into custody, and your register number;**
 - (3) **is used both for ID and to make purchases at the commissary.**

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- f. After the above-listed booking procedures are completed, you will be placed back in the holding cell, until you are called to begin a series of interviews.

6. **Step Three: Medical Interview**

- a. From holding cell, you are taken to an interview by BOP medical staff, typically a nurse practitioner or physician's assistant.
- b. General purpose of this interview: it is not a thorough physical exam. That will be done later. Purpose of interview is to assess that you are not suicidal and to identify any specific medical requirements you have, including medications.
- c. You will be asked to confirm the accuracy and completeness of the medical information in your PSR.
 - (1) *note:* this interview highlights the importance of having an accurate and complete PSR regarding the client's personal information, even though this does not impact directly on the computation of the sentence.
- d. *Key Pointers:*
 - (1) During this interview, be sure to advise the medical staff about any prescription medication you need and/or serious medical requirements.
 - (2) BOP medical staff is on the lookout for inmates who fake medical problems in order to avoid being assigned to work details. The interviewing staff member might regard any medical complaints as a sign that you don't want to work. So, if you have a bona fide medical condition, be prepared to substantiate it with detail and preferably, with a letter from your treating physician.

7. Step Four: Unit Team Interview

- a. Also referred to as the “team meeting.”**
- b. After medical interview, you will be introduced to a member of your Unit Team, which is comprised of the Unit Manager, Case Manager and Corrections Counselor;**
- c. This Unit Team conducts the interview. This interview is the culmination of the Admission & Orientation process.**
- d. General purpose of interview: to review rules and regulations with you, and have you sign the Admission & Orientation Handbook, by which you acknowledge your receipt of the handbook and accept responsibility to comply with the rules.**
- e. What will be covered during the interview: reviewing the Judgment & Commitment Order, the Inmate Financial Responsibility Program, and the inmate’s sentencing computation.**
 - (1) the Team will also address specific issues pertaining to the inmate’s adjustment to incarceration, such as taking certain educational classes, drug/alcohol treatment, or leisure activities which may benefit your adjustment to prison time.**
- f. BOP loves to use this session to get money out of the inmate if you were sentenced to pay a fine / restitution / costs of imprisonment.**
 - (1) this is another reason why you want to ask the sentencing judge to *defer* your financial obligations until Supervised Release.**
- g. Unit Team will give you a new inmate linen package: two sheets, two blankets, one pillowcase, one towel, one washcloth, a toothbrush and toothpaste, a comb, bar of soap, and a pillow.**

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- h. *Key Pointer:* be polite during this interview, even though former inmates speak negatively about it in terms of the authoritative attitudes projected by the BOP staff who conduct the session. If you “cop an attitude,” you may be hit with retaliation in the form of the lousier living quarters or work assignments.**

- i. Sentence Computation**
 - (1) As noted above, you will review your sentence computation with your Unit Team. Inmates will receive a Sentence Computation Sheet at the initial team meeting.**
 - (2) You should study the calculation of release date carefully, specifically in regard to the jail credit portion of the sheet. This has to do with credits for time spent in custody prior to arriving at the institution – e.g., from the date of arrest until release on bond.**
 - (3) If the sheet contains errors, you should complete a “cop-out” form asking for clarification from the Records Dept at the institution, and contact your lawyer to send a letter on your behalf.**
 - (a) Don’t file a BP-9 grievance over the miscalculation of your release date: let your attorney handle it on your behalf through correspondence with the institution or Regional Office.**

D. Your First Week In Custody: more advice from former inmates:

- 1. Again, be *patient* and *relax***
 - a. Just go with the flow.**
 - b. If you start making yourself known to the staff as someone who can be provoked or angered, they will hound you.**
 - (1) It is a form of entertainment for them.**

2. The first few days will be filled with
 - a. Waiting,
 - b. Orientation,
 - c. More waiting,
 - d. Interviews with a counselor (who is definitely not your friend)
 - e. Frustration:
 - (1) Staff will use new people in the orientation process to do grounds cleanup.
 - (2) This is a “rite of passage” that everyone goes through.

E. Key Features Of Admission & Orientation That Should Be Learned Before Arriving At The Prison:

1. **Controlled / Uncontrolled Movement**
 - a. The degree of freedom by which an inmate can move around is determined by the security level of the institution.
 - (1) **FPC (camp): do not have controlled movement.**
 - (2) **FCI / USP: operate by controlled movement, meaning that inmates can move between different areas of the institution only during designated time periods. Generally, the first ten minutes of each hour are for movement, after which the areas are locked until the beginning of the next hour.**
2. **Count**
 - a. As the term implies: this is the process of counting everyone.
 - (1) This is a top priority event, since it involves the BOP’s method for ensuring that everyone is accounted for.
 - b. **Key Pointer: do not disrupt a count.**
 - c. **Count is conducted at 12:30 am, 2:30 am, 4:30 am, 4:00 pm and 10:00 pm on weekdays. The long stretch from 4:30 am to 4:00 pm reflects the fact that inmates work during this time period and thus are accounted for by their work details.**

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- d. **You must understand the importance of the 4:00 pm count: all inmates must be standing and silent.**
- e. ***Admonition: Don't miss count time. It is treated as a serious violation resulting in discipline, particularly if you miss the 4:00 pm stand-up count.***
 - (1) **typically, inmates may be late for count but don't miss them. However, the key advice for the new inmate is to take counts very seriously.**
 - (2) **by taking them seriously, the inmate will avoid displaying a bad attitude during count time, which can also be a cause of discipline. Attending counts and doing so with a compliant attitude is crucial to doing time successfully.**

3. Check-Offs

- a. **These are mini-counts, directed at selected inmates at selected times.**
- b. **Inmates on Admission & Orientation will find themselves going through check-offs in addition to the counts.**
- c. ***Admonition: take the check-off as seriously as counts, even though the check-off is much smaller. Officers handle check-offs differently, so the consequences for missing a check-off depend largely on the mood of the officer who handled it.***

4. Call-Outs

- a. A call-out sheet is posted generally at 6:00 pm, which lists an inmate's
 - (1) change of status;
 - (2) work assignment;
 - (3) new living quarters,
 - (4) appointments, etc.

- b. During the Admission & Orientation stage, you will be on the call-out sheet regularly, perhaps daily. The types of events for which you will be posted on the call-out sheet include:
 - (1) medical tests (blood work for HIV and tuberculosis, as well as full physical and dental exams);
 - (2) educational testing;
 - (3) meeting with prison chaplain.

- c. *Key Pointer:* you must check the Call-Out sheet daily. It is your responsibility to do so and to report to your call-out assignment.

- d. *Admonition:* missing a call-out can result in discipline if the call-out involved meetings with administrative staff. If you miss that type of call-out, that means you missed a meeting with staff, for which you can be sanctioned. On the other hand, if the call-out was for a service you needed, such as medical/dental work, the penalty is more likely to be a long delay before you are rescheduled for that service.

5. Establishing Your Telephone Account

- a. Earlier in outline it was suggested that you mail yourself a letter prior to self-surrendering, containing the names, addresses and phone numbers of everyone you want to include on your phone and visiting lists.

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- b. **As soon as you begin the Admission & Orientation process, you want to fill out a form called the “Telephone Number Request - Inmate” (BP S505.052), which contains this information from your letter.**
 - (1) **purpose: to get specific phone numbers approved for your phone list so that you can call those numbers;**
 - (2) **you cannot make any phone calls until the number has been approved by BOP.**

- c. ***Key Pointer:* The inmate must have an approved phone number to call out to. This is what creates the initial delay in making the first calls to family.**

- d. **BOP now has a computerized phone system that eliminates the use of collect calls.**
 - (1) **But you need money in your account in order to pay for outgoing calls.**
 - (2) **You can only go to commissary once a week.**
 - (3) **And you can only transfer money into your phone account when you go to commissary.**

- e. ***Key Pointers:* You can expedite the establishment of your phone account by understanding that**
 - (1) **Unless you move fast, it may take a week or longer to complete the process of setting up your telephone account.**
 - (2) **Unless you planned ahead, it can also take weeks to get money into your account to use for making the outgoing calls.**
 - (3) **Therefore, in order to expedite the process, remember to:**
 - (a) **mail the names/addresses/phone numbers to yourself in advance of self-surrendering, so you can fill out the BP S505.052 form right away;**
 - (b) **get the Postal money orders in advance of self-surrender, so your family can mail the first one immediately after you arrive at the facility.**

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- f. **Advise your family prior to surrendering that you may not be able to call them for at least a week after arriving due to the logistics and timetable explained above. They need to know this ahead of time, to avoid worrying about why they haven't received a call from you.**
- g. **In order to reach out to your family upon arrival and assure them you're okay, it's a good idea to request one or two stamps from your counselor to write a letter home when you arrive on the compound.**
 - (1) **Sometimes they will accommodate you, depending on their attitude.**
- h. **Admonition: all inmate phone calls are taped by the institution and maintained on reel-to-reel tapes, generally for 90 days. These calls can be subpoenaed by grand juries and thus can be the source of evidence in a criminal investigation.**
 - (1) **exception: attorney-client calls are not monitored by BOP.**
- i. **Admonition: don't use phone calls to conduct business. BOP is very strict about this. A violation can result in loss of phone privileges and/or good time credit.**
- j. **Using the phone system:**
 - (1) **Time limits: calls are limited to 15 minutes.**
 - (2) **Phone availability: typically the phone system is available from 5:30 am to 11:30 pm.**
 - (3) **Note that phones are shut down 30 minutes before and after each count.**

6. Establishing Visitation Approval

- a. **Like the phone account, you need to have approval in advance before a particular individual can visit you.**
- b. **During Admission & Orientation, fill out the Inmate Visitor Request form -- do this as soon as possible.**

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- (1) use the names/addresses contained in the letter that you mailed to yourself prior to surrendering.
 - (2) if you have established a good rapport with your Unit Team upon arrival, you should have your first visit within two weeks of arrival.
 - c. Generally, immediate family members are automatically approved for visits.
 - d. The BOP runs criminal checks on everyone who is on your Visitor Request form, so be aware that anyone you list who has a criminal record will likely be denied access.
 - (1) Permission to visit can be granted on a case by case basis.
7. **Getting Your Clothing, Shoes & Bedding**
 - a. As noted earlier, you receive a linen kit during the Intake Screening, which gets you through the first week.
 - b. Therefore, you must get to the prison laundry as soon as possible to pick up your permanent clothing allowance.
 - c. *Key Pointer:* the clothing issued to inmates often consists of manufacturer rejects which failed inspection for sale to stores. Therefore, irregularities are common -- wrong length, poor stitching, mislabelling, etc. Again, as with everything in prison life, go with the flow.

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- d. The shoes issued by BOP are terrible and are likely to cause blisters.**
 - (1) As soon as you receive your shoes, go to a Health Services staff member and ask for mole skin.**
 - (2) If you have foot, knee or hip problems at the time you arrive at the facility, these problems are likely to worsen due to the poor footwear.**
 - (a) therefore, ask the Health Services staff for a “soft shoe pass.” This allows the inmate to be issued better quality shoes, and you don’t have to pay for them.**

- e. BOP issues wool blankets to inmates, which are often of poor quality.**
 - (1) If you are allergic to wool, you can obtain a pass for cotton blankets from Health Services.**

- f. *Admonition:***
 - (1) if you want soft shoes or cotton blankets, go through the procedure of requesting a pass through Health Services.**
 - (2) don’t “buy” these items from other inmates, although many inmates will offer to sell them to you upon your arrival.**
 - (3) if you are caught with these items without the proper pass, you are subject to sanctions.**

8. Establishing Your Commissary Account

- a. As noted earlier, during the Intake Screening you were issued an Inmate Commissary Account Card, which serves as both an ID card and as a debit card for your commissary purchases.
- b. Upon arrival at the facility, each inmate has a commissary trust fund set up by BOP. It is the only source of money for inmate purchases. For example, you need to use commissary funds to purchase phone calls and postage on the letters you send home.
- c. The commissary is the repository for:
 - (1) all funds you brought with you to the facility on the date of your surrender;
 - (2) all funds sent to you from the outside -- e.g., the Postal money orders referenced earlier;
 - (3) income you earn while working at the prison
- d. Your financial obligations per your sentence -- fines, restitution, cost of incarceration -- will be debited out of your commissary account under the Inmate Financial Responsibility Program.
- e. *Key Pointer:* If your sentence includes financial obligations, don't accumulate too much money in your commissary because the BOP will take a good chunk of it to apply against those obligations.
 - (1) How much is too much? Generally, an inmate needs about \$150 a month in his commissary, so use that as the gauge.

II. After The Admission & Orientation: Doing Your Time Successfully

A. Communicating With The Outside World

- 1. Telephone communication has been discussed above. But note that the family cannot contact you by phone.**
- 2. Being contacted by your family in case of emergency:**
 - a. As soon as you complete your Unit Team meeting, you will have the information you need to send a letter to your family telling them who your Unit Team is.**
 - (1) in case of a family emergency, your family can call the institution and speak to a member of your Unit Team.**
 - (2) you should send this letter immediately after the Unit Team meeting.**

B. Communicating With BOP Staff

- 1. Inmate Request To Staff: the “cop-out” form**
 - a. See Program Statement 5511.07: Inmate Request To Staff**
 - (1) see also, Program Statement 5509.04: Informal Contact Between Institution Administrators And Inmates**
 - b. An inmate will have to complete the “cop-out” form any time he wants something from BOP: dental work, new bedding, a change of living quarters, getting a copy of his PSR, etc.**
 - c. *KEY:* attorneys need to counsel their clients in advance to expect to function within a large bureaucracy, which the BOP is.**
 - d. The BOP must respond to your cop-out within 72 hrs of receiving it from the inmate.**

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2. Filing An Administrative Grievance Within The BOP

a. BP-9

- (1) If you are dissatisfied with the response to the cop-out, you prepare and submit a BP-9 form, which is a request by the inmate to the Warden of the institution.**
- (2) BOP must respond in writing.**

b. BP-10

- (1) If you are dissatisfied with the response to the BP-9, you prepare and submit a BP-10 form, which is a request by the inmate to the Regional Director of the BOP. For example, if you are incarcerated in the Western Region (e.g., Nellis Air Force Base), the BP-10 is sent to the Western Regional Office in Dublin, CA.**
- (2) BOP must respond in writing.**

c. BP-11

- (1) If you are dissatisfied with the response to the BP-10, you prepare and submit a BP-11 form, which is a request by the inmate to the National Director of the BOP in Wash, D.C.**
- (2) BOP must respond in writing.**

3. Judicial Proceedings

- a. There are limited judicial remedies available to inmates who are dissatisfied with the results of their internal administrative grievances. With the exception being a violation of constitutional or civil rights, both of which are narrowly construed in inmate - related cases, the law is designed to give BOP the final say on internal administrative matters.**

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4. **Key Pointer:**
 - a. Former inmates are quick to caution that if you start filing BP9, 10 and 11 forms, you will quickly develop a name among staff as a trouble-maker; and this can result in any number of BOP retaliations. While a “cop-out” is a standard communicational form that inmates must use in order to interact with staff to get the things they need, the BP 9 - 11 forms are grievance-related and can cause an inmate to make his own life unnecessarily difficult if he resorts to these grievance procedures.
 - b. General advice from former inmates: learn to adjust and to settle your problems yourself, without resorting to the filing of administrative grievance forms.

III. Key Pointers For The High-Achieving, Professional Who Is Sentenced To Federal Custody

- A. Prior to self-surrender, defense counsel should impress upon the client the following behavioral tips:
 1. Prison is the *GREAT EQUALIZER*:
 - a. “Street criminal” and corporate / white collar criminal are put on the same level.
 2. Key point for white collar inmates:
 - a. The BOP staff tends to relate more to the “street criminal” than to the corporate / white collar criminal.
 3. Therefore: key concept: PATIENCE!
 - a. Understand that the word, “logic” doesn’t exist in the BOP
 - b. When staff tells you, “I’ll take care of it”, this can mean 6 months.

4. **Patience applied:**
 - a. You will find a few people to be friendly with
 - b. It will take time for others to accept you and to develop some trust of you
5. **Be flexible and self-motivated.**
6. **Analogy: military**
 - a. Crowded living
 - b. Angry people
7. **Don't argue with staff, no matter how irrational they seem**
 - a. If you are two minutes late in delivering a package for shipment, and they tell you, "come back in a week", don't make an issue out of it.
8. **Most of all: Be respectful both to staff and other inmates.**
9. **Leave your righteousness outside**
 - a. Inmate "road rage": cutting in line at chow hall
10. **Pay attention to what the other inmates do.**
 - a. Do not emulate other inmates
 - b. Just learn from how they behave.
 - c. You will see those that get along and those that do not.
11. **Typical background and mentality of BOP staff:**
 - a. are recruited from the military
 - b. are the military's failures
 - (1) private first class with no promotion potential
 - c. Very low pay in relation to other federal agencies
 - d. Brainwashed by BOP into thinking all inmates are dangerous and bad people

B. Helping The High-Achiever Function On The Inside

1. **Establish a routine for the day**
 - a. **Example: carry a book or magazine everywhere**
 - b. **There's so much down-time, your mind will go stir-crazy if you have nothing to read**
 - (1) **educated inmates often find release by reading a large number of books**

2. **Engage In Writing:**
 - a. **What to write**
 - (1) **e.g., letters to family / personal journal**
 - b. **What *not* to write**
 - (1) **e.g., book about prison**

3. **Find A "Niche" – something you like that stimulates you mentally and/or physically**
 - a. **Religious groups**
 - b. **Inmate-generated educational activities in which inmates teach each other**
 - (1) **study groups / reading groups**
 - (2) **potential problems re: BOP disallowing such activities (e.g., expect to be frustrated if you try to set up an academic course)**

 - c. **CAVEAT: each facility is different and offers different activities. So, your niche has to be tailored to what your particular facility offers and allows.**
 - (1) **Pointer: don't expect all camps or FCI's to have educational or recreational facilities. Be flexible and self-motivated.**

IV. General Advice For All Inmates Re: Doing Time

- A. “Hard Time” is a state of mind, a matter of perspective
 - 1. Entirely up to the inmate: you can make it as hard on yourself as you want.
- B. If someone offers to help you, be very cautious.
- C. Don’t discuss *your case* with any inmate
- D. Don’t discuss *who you are* with any inmate
- E. Never, Never, Never ask anyone about their case.
 - 1. If they want to tell you about their case, try to avoid it.
- F. Don’t ever let anyone know about your finances, good or bad.
 - 1. It is nobody’s business.

V. The Economics Of Doing Time

- A. See earlier on outline for discussion of Commissary
 - 1. Note: the inmate’s largest expenditure may be for long-distance calls.
- B. Getting money to you from the outside:
 - 1. (Mentioned earlier): have postal money orders already made up in advance of your arrival at the prison, so that your family can send them to you every month.
 - 2. **KEY POINTER:** When having funds sent to you at a BOP facility, it should always be a **POSTAL MONEY ORDER.**
 - (1) any other form of funds – personal check or bank money order – will take a minimum of 30 days to be credited to your commissary account.

C. The “Off-The-Books” Economy

- 1. Items that require inmate services are “off the books”**
 - a. Example: haircuts, laundry, making your bed.**
 - b. This is a black market economy that flourishes in all institutions**
- 2. Inmates typically use their commissary accounts to pay other inmates to do services.**
- 3. Key Pointers:**
 - a. Be very careful whom you contract with for services!**
 - b. Generally, services are paid for in commissary goods.**
 - c. Don’t get cheated. If you think you are paying too much for something, you probably are.**
 - d. Don’t be afraid to make your own bed or clean your own area.**
 - e. Don’t be intimidated.**
 - (1) There is always some inmate who will prey on new fish.**
 - (2) Simply say no and walk away.**
 - f. If someone offers to do a service for you, be very cautious.**

VI. Separating Myth From Reality In Regard To Federal Prison Camps

A. Top Ten Myths About Prison Camps

- 1. They call it Club Fed, and it’s like a country club.**
- 2. Don’t pick up the soap. You’ll be raped.**
- 3. It’s the inmates against the guards.**
- 4. You won’t need any money. The prison provides everything you need.**
- 5. Once you’ve been in prison, you can never get a decent job again.**
- 6. You’ll come out being a crook. It’s a school for crime.**
- 7. Just be yourself.**
- 8. Your visitors can bring you things, just like in the movies.**
- 9. There’s nothing to learn in prison but crime.**
- 10. All inmates’ marriages will fail.**

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B. Some inmates prefer to be housed in camps on military bases (example: FPC Nellis, which is adjacent to an Air Force base) because you have civilians nearby and an opportunity to work on the military base.

C. Furloughs:

1. Medical Furloughs -- References:

- a. PS 5280.08 (Furloughs), revised 2/4/98
 - (1) subsection 8 sets forth policy on inmate's obligations to absorb all costs associated with furlough, except in specified medical circumstances.
- b. PS 5538.04 (Escorted Trips)
- c. 18 U.S.C. 3622(a)(3)
- d. 18 U.S.C. 4082
- e. 28 CFR 570.32
- f. 28 CFR 570.33(b)
- g. 28 CFR 570.41

2. Former inmates point out that, aside from written policies / rules in the references above, furlough eligibility and frequency will vary considerably, depending on many factors:

- a. Regional policy
- b. Local policy
- c. Case manager's perception of you
- d. Unit manager's perception of you
- e. Warden or Camp Administrator's perception of you
- f. **BOTTOM LINE: don't expect furloughs!!**

D. Medical Treatment At Camps:

1. Medical treatment is unique to the camp facility

- (1) FPC Lompoc has terrible medical facilities, while FPC Boron was great.

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- (2) Ironically, FCI Lompoc is better than FPC Lompoc
- (3) Thus, medical treatment is not necessarily superior in the camp, as compared with the FCI.

2. Upon arrival at the facility, be sure to fill out the forms to disclose your medical condition. But confine your disclosure to true, bona fide medical problems.

E. Other Key Pointers About Camps:

1. “Club Fed” is dead.
2. Years ago, camps were designed for the white collar inmates. Now, camps are used for short periods for inmates transferred from an FCI at the end of their sentences (e.g., last couple of years remaining on a sentence).
 - a. Thus, the composition of camp populations has changed and is not what the general public’s perception is.
3. Camp as a BOP “reward”
 - a. The BOP regards camp placement as a reward, particularly where the inmate has been transferred to the camp from an FCI. BOP staff at a camp has a way of reminding the inmate that being in a camp is a privilege, not a right, which can be taken away.
 - b. Camp anxiety: fear of camp being taken away from you. This is a form of psychological control / leverage exerted by BOP over the inmate.

4. **Use of county jails as sanction**
 - a. **BOP tends to use local county jails as holding facilities for inmates who are being punished for violating BOP rules.**
 - b. **Example: you get in trouble at FPC Nellis, and you're on a bus to the county jail in Nevada.**

5. ***Warning:* the fundamental problem about federal camps that inmates must know in advance:**
 - a. **Too much left to the imagination of the staff.**
 - (1) **Bottom line: The whim of the BOP staff rules**
 - b. **This is because the camp is less structured than the FCI or USP.**
 - c. **Some inmates get away with a lot; others are punished harshly.**

6. **Don't assume that you will be allowed to avoid taking high school courses just because you are a highly educated professional.**
 - a. ***Key Advice:* before you self-surrender, get your high and any college / grad school transcripts and copies of diplomas, so that you can present them to the BOP.**
 - b. **Otherwise, you may be required by BOP to take GED classes, even if you have a Ph.D!**

7. **Myth re: Prison Employment**
 - a. **UNICOR is not desirable.**

VII. Separating Myth From Reality In Regard To The Comparison Between The FCI And Camp

A. The lines are blurred between camps and FCIs.

- 1. A Low FCI and a camp are really the same except for the fence.**
 - a. Several former inmates focused on this, emphasizing the lack of real distinctions and the mis-perception that a camp is really better than an FCI.**

B. Ironies To Keep In Mind:

- 1. some former inmates preferred the FCI to the camp, depending on which FCI and which camp were being compared.**
 - a. several inmates ranked FCI Lompoc above FPC Lompoc and Boron.**
 - b. A few inmates regretted being “promoted” from FCI to FPC.**
- 2. FCI typically has lots of activities / educational programs. Camps may be far less equipped. E.g., FPC Boron had nothing but a GED program.**

VIII. Incarceration From The Perspective Of The Inmate’s Family

A. What Defense Counsel Must Understand:

- 1. Counsel must keep in mind the emotional strain of the prosecution on the family.**
- 2. With this in mind, counsel should focus on keeping the family together during the course of the prosecution.**
 - a. Get the family involved in the case from the outset.**
 - b. Include the spouse in the attorney-client meetings.**

- c. The defense attorney as “marriage counselor”**
 - (1) Create a relationship as counsel with the client’s family early on.**
 - (2) This helps the family to realistically anticipate what can happen, and begin making the adjustments they will need to make.**
 - (3) Key: from the outset, counsel must be realistic with the family about the likelihood of conviction, the likely sentence, and the realities of doing time as discussed in this outline.**
 - (4) Don’t wait until the sentencing stage to begin counseling the family. It’s too much information to absorb and process in too short a period of time. Use the entire time frame of the criminal litigation to ease the family into the process of incarceration.**

- B. Family Intervention: The spouse / family as advocate with the BOP**
 - 1. Once you are incarcerated, it may be counterproductive for your counsel to try serving as a BOP advocate – puts the agency on the defensive and thus alienates the inmate from BOP.**
 - 2. The family may actually be a better advocate -- if the family member is mature, educated and well-spoken.**
 - a. Example: one spouse who was interviewed for this outline became an advocate for her inmate-husband and was able to be effective in ways that a defense attorney may not have been**
 - (1) She called the Regional Designator in Dublin, CA and succeeded in preventing her husband from being transferred to FPC Florence**

C. Comparing The Camp With The FCI From A Family Standpoint

- 1. While the distinction between the FCI and camp may not be as great for the inmate as commonly believed, the family benefits significantly from having the inmate in a camp: greater access / visitation.**

IX. BOP's Abusive "Games" That Are Not Public Information

A. "Diesel therapy":

- 1. When BOP decides to bounce an inmate around the country, staying at local jails and being cut off from family.**
- 2. Highly disruptive and unnerving:**
 - a. Inmate in a constant state of motion, from one facility to another;**
 - b. Poor facilities – often county jails;**
 - c. Housing with inmates outside your security designation – including dangerous offenders;**
 - d. Being awakened at 3:00 a.m. to be put on the bus or plane for your next destination;**
 - e. Being cut off from family:**
 - (1) cannot receive mail because you don't have a stable residence – you're always on the move;**
 - (2) often denied phone privileges**
 - (3) your family tends to worry about you.**
- 3. Self-surrender has no bearing on diesel therapy.**

- B. Common “games” by BOP for which defense counsel should prepare the client in advance:**
- 1. Taking your job away;**
 - 2. Moving your bed to another unit – deprives you of seniority**
 - 3. If the counselor doesn’t like you, there’s a multitude of games s/he can play: examples:**
 - a. shipping a package: making sure it’s delayed;**
 - b. visitation privileges: delaying approval for certain people to visit you.**
 - 4. Retaliation for filing administrative grievances (BP-9, etc):**
 - a. you cause extra work for BOP staff by filing the grievance**
 - (1) Consensus among inmates interviewed: the moment you file a grievance, you’re “doomed”: you need to learn to use informal means to resolve problems.**
 - b. While all interviewed inmates agreed in principle with concept of informal conflict resolution, some did file BP-9s, 10s, 11s, either for themselves or for other inmates, with occasional success, and without retaliation. But the rule is to use these remedies cautiously, without trying to project a hostile or “litigious” mentality.**
 - (1) a few inmates interviewed claimed that they were so successful in their BP-9/10 filings that the administration was afraid to abuse certain inmates for fear of further filings.**

[end of outline]