

THE BOP: Bureau of Prisons Issues

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for the Southern District of Ohio**

Where the majority of convicted federal defendants confront incarceration within the federal Bureau of Prisons (BOP), it is incumbent upon counsel to understand the agency's policies and practices so as to best advise their clients and navigate during a difficult period. This presentation focuses on designation, medical care, substance abuse treatment, the FIRST STEP Act, pre-release placement and COVID-19 related considerations.

AGENDA

ABCs of Designation

- Importance of the PSR
- Determining security level/custody classification
- The paper trail from the district court
- Impact of judicial recommendations
- Medical designations and the care level system

Psychology Treatment Programs

- Mental health care levels and accommodation
- RDAP, NRDAP & Drug Education

Sex Offenders

- SOMPs and SOTPs
- RDAP
- Pre-release placement

Non-US Citizens

FIRST STEP Act

- Earned time credits
- Elderly/terminally ill home confinement program
- Reductions in sentence/compassionate release

Pre-release placement (RRCs and home confinement)

MATERIALS & RESOURCES

GENERAL/OVERVIEW

- [The Federal Bureau of Prisons](#) in DEFENDING A FEDERAL CRIMINAL CASE (Federal Defenders of San Diego, Inc. 2016)
- USDOJ-BOP, [Legal Resource Guide to the Federal Bureau of Prisons 2019](#)
- BOP [Program Fact Sheet](#) (4/30/18)

DESIGNATION

- [How Federal Prisoners Are Placed: Shedding Light on the BOP's Inmate Classification and Designation Process](#), Criminal Justice (ABA Spring 2016)
- P.S. 5100.08, [Inmate Security Designation and Custody Classification](#)
- BOP [Classifications, Designations and Programs Training Slideshow](#) (2017)

SENTENCE COMPUTATION

- BOP [Sentencing Computations Training Slideshow](#) (2017)
- BOP [Interaction of Federal and Non-Federal Sentences](#)
- BOP [FAQs](#)

MEDICAL

- BOP [Care Level Classification for Medical and Mental Health Conditions or Disabilities](#) (5/19)
- P.S. 6031.04, [Patient Care](#)
- P.S. 6010.05, [Health Services Administration](#)
- [BOP Clinical Guidelines](#)
- Medication Formulary [Part 1](#) and [Part 2](#)
- USDOJ-OIG, [Review of the Federal Bureau of Prisons' Medical Staffing Challenges, Evaluation and Inspections Report](#) (3/16)
- USDOJ-OIG, [Follow-up Audit of the Federal Bureau of Prisons' Efforts to Manage Inmate Health Care](#) (7/10)
- USDOJ-OIG, [The Federal Bureau of Prisons' Efforts to Manage Inmate Health Care](#) (2/08)
- GAO, [Bureau Of Prisons Health Care: Inmates' Access to Health Care Is Limited by Lack of Clinical Staff](#) (2/94)

MENTAL HEALTH

- BOP [Care Level Classification for Medical and Mental Health Conditions or Disabilities](#) (5/19)
- DC Corrections Information Council [BOP-Mental Health Care Levels](#)
- P.S. 6010.03, [Psychiatric Evaluation and Treatment](#)
- P.S. 6340.04, [Psychiatric Services](#)
- GAO, [Timelier Reviews, Plan for Evaluations, and Updated Policies Could Improve Inmate Mental Health Services Oversight](#) (7/13)

- GAO, [Federal Prisons: Information on Inmates with Serious Mental Illness and Strategies to Reduce Recidivism](#) (2/18)
- USDOJ-OIG, [Review of the Federal Bureau of Prisons' Use of Restrictive Housing for Inmates with Mental Illness, Evaluation and Inspections Report](#) (7/17)

RDAP

- P.S. 5330.11, [Psychology Treatment Programs](#)
- [Locations](#) (as of 1/2/18)
- [RDAP Reference Chart](#) (cheat sheet)

SEX OFFENDERS

- P.S. 5324.10, [Sex Offender Programs](#)
- [Locations](#)

FIRST STEP ACT

- [Public Law 115-391](#)
- [What The FIRST STEP Act Means For Federal Prisoners](#), The Champion (NACDL May 2019)
- Operations Memorandum 001-2020, [Home Confinement Under the FRIST STEP Act](#)
- [The First Step Act of 2018: Risk and Needs Assessment System - Original Post](#)
- [Key Components of the Federal Bureau of Prisons' Current Needs Assessment System](#)
- [The First Step Act of 2018: Risk and Needs Assessment System Update - January 2020](#)
- [Evidence-based Recidivism Reduction \(EBRR\) Programs and Productive Activities \(PA\)](#)
- BOP [Directory of National Programs](#) (9/13/17)

PRE-RELEASE (Halfway Houses & Home Confinement)

- P.S. 7310.04, [Community Corrections Center \(CCC\) Utilization and Transfer Procedure](#)
- P.S. 7320.01, [Home Confinement](#)
- Operations Memorandum 001-2020, [Home Confinement Under the FRIST STEP Act](#)
- Memorandum for Regional Directors, Wardens and RRM's, [Guidance for Home Confinement and Residential Reentry Center Placements](#) (5/24/13)
- Memorandum for Chief Executive Officers, [Revised Guidance for Residential Reentry Center \(RRC\) Placements](#) (6/24/10)
- BOP [Reentering Your Community: A Handbook](#) (4/16)
- USDOJ-OIG, [Audit of the Federal Bureau of Prisons' Management of Inmate Placements in Residential Reentry Centers and Home Confinement](#) (11/16)
- USDOJ-OIG, [Review of the Federal Bureau of Prisons' Release Preparation Program, Evaluation and Inspections Report](#) (8/16)
- GAO, [Prison Alternatives: Crowded Federal Prisons Can Transfer More Inmates to Halfway Houses](#) (11/91)

COVID-19

- BOP [COVID-19 Resource Page](#)
- USDOJ-OIG [BOP Coronavirus Dashboard](#)
- U of Iowa Law School [BOP COVID-19 Cases Graph](#)

MISCELLANEOUS

- [BOP Inmate Locator](#)
- [Reading, Interpreting and Using BOP Records](#)
- P.S. 5265.14, [Correspondence](#)
- [Interstate Agreement on Detainers](#)
- P.S. 5280.09, [Inmate Furloughs](#)
- Washington Lawyers' Committee, [An Inmate's Guide to Administrative Remedy Requests at Federal Prisons](#)

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Todd Bussert, a member of FROST | BUSSERT LLC in New Haven, Connecticut, is a federal criminal defense attorney who has worked in the sentencing and post-conviction arenas for more than 20 years. In addition to trial level defense of criminal matters, Todd regularly consults with attorneys and their clients concerning federal sentencing and prison matters on issues ranging from placement and programming to administrative remedy appeals.

Todd writes and speaks regularly on federal sentencing and prison issues. He is the principal author of *The Federal Bureau of Prisons* chapter in the DEFENDING A FEDERAL CRIMINAL CASE treatise, *What The FIRST STEP Act Means for Federal Prisoners* in NACDL's Champion magazine and *Looking at the BOP's Amended RDAP Rules* in the ABA's CRIMINAL JUSTICE magazine; a contributing author to *How Federal Prisoners Are*

Placed: Shedding Light on the BOP's Inmate Classification and Designation Process in CRIMINAL JUSTICE; and, when time allows, writes the Federal Prison Blog (<http://www.federalprisonblog.com/>).

Todd is a member and the former vice-chair of the Practitioners' Advisory Group to the U.S. Sentencing Commission and past co-chair of both the American Bar Association Criminal Justice Section's Corrections and Sentencing Committee and the National Association of Criminal Defense Lawyers' Corrections Committee. He is a member of FAMM's Litigation Advisory Board, and he previously served on the Criminal Justice Act Standing Committee for the District of Connecticut and as a Visiting Lecturer in Law at the Yale Law School.