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Federal Bureau of Prisons

CHANGE NOTICE

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(b)(7)(E), (b)(7)(F)

Special Investigative Supervisors Manual

/s/

Approved: Thomas R. Kane
Acting Director, Federal Bureau of Prisons

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U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI CPD/CSB

NUMBER 1380.11

DATE June 2, 2016

(b)(7)(E)

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Approved: Thomas R. Kane

Acting Director, Federal Bureau of Prisons

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Freedom of Information Act (FOIA) and public requests for this Program Statement are referred to the Office of General Counsel (OGC), FOIA/Privacy Section. (b)(7)(E) (b)(7)(F)

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3. AGENCY ACA ACCREDITATION PROVISIONS

- 4th Edition Standards for Adult Correctional Institutions 4-4207, 4-4251, 4-4281-3, 4-4282, 4-4312-1, and 4-4530
- 4th Edition Standards for Adult Local Detention Facilities (ALDF) standards 4-ALDF-2A-46, 4-ALDF-2C-06, 4-ALDF-4D-22-2, 4-ALDF-6C-19, and 4-ALDF-7G-01

REFERENCES

Program Statements

P1221.66 Directives Management Manual (7/21/98)

P1350.01 Criminal Matter Referrals (1/11/96)

P1351.05 Release of Information (3/9/16)

(b)(7)(E), (b)(7)(F)

P1434.06 Jurisdiction on Escape Related Issues, Memorandum of Understanding USMS/FBI/BOP (7/25/94)

P3906.22 Employee Development Manual (4/30/15)

P5110.13 Polygraph Tests, Administering of (12/15/99)

P5180.05 Central Inmate Monitoring System (12/31/07)

P5264.08 Inmate Telephone Regulations (1/24/08)

P5270.09 Inmate Discipline Program (7/8/11)

P5290.15 Intake Screening (3/30/09)

P5324.12 Sexually Abusive Behavior Prevention and Intervention Program (6/4/15)

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- P5500.14 Correctional Services Procedures Manual (10/19/12)
- P5502.10 Duty Officers (7/10/06)
- P5510.15 Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities (7/17/13)
- P5510.13 Posted Picture File (8/22/11)

(b)(7)(E), (b)(7)(F)

- P5521.06 Searches of Housing Units, Inmates, and Inmate Work Areas (6/4/15)
- P5580.08 Inmate Personal Property (8/22/11)
- P5800.16 Mail Management Manual (4/5/11)

Other Documents

- OM 002-2009 Bureau Mandatory Training Standards (1/24/09)

(b)(7)(E), (b)(7)(F)

BOP Forms

- BP-A0392 Release Authorization

(b)(7)(E), (b)(7)(F)

- BP-A0656 Inmate Telephone Monitoring Tape Access Log
- BP-A0657 Inmate Telephone Call Monitoring Report
- BP-A0671 Referral of An Inmate Criminal Matter For Investigation
- BP-A0672 Notification by Outside Agencies to BOP Regarding Inmates of Greatest Concern

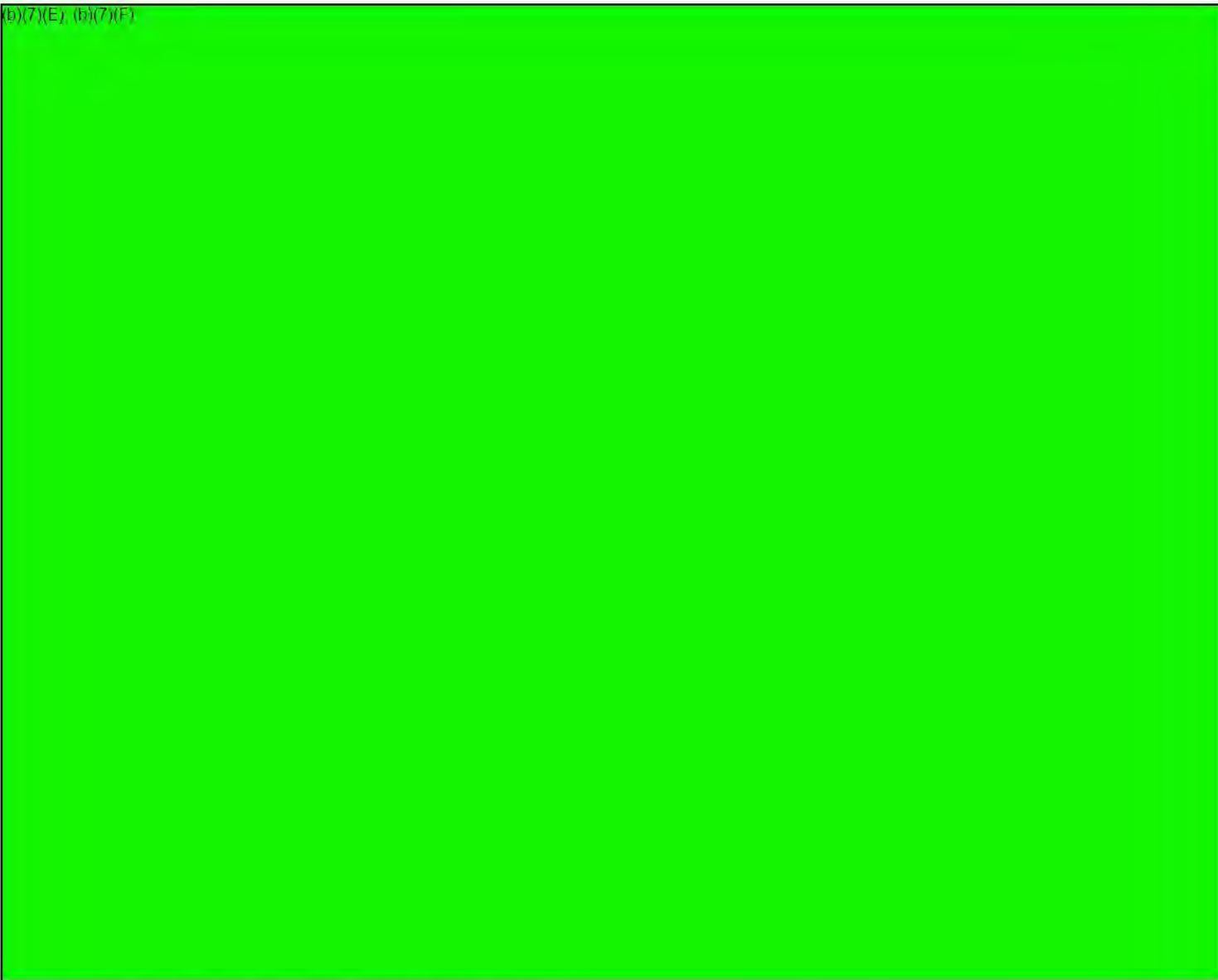
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Records Retention

For requirements and retention guidance for records and information that apply to this program, see the Records and Information Disposition Schedule (RIDS) on Sallyport.

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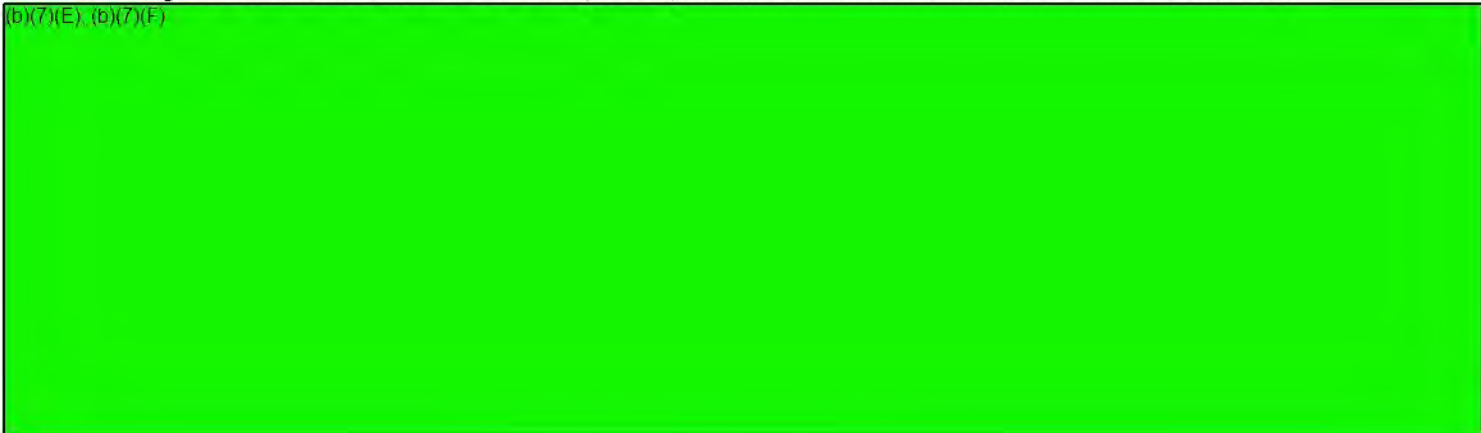


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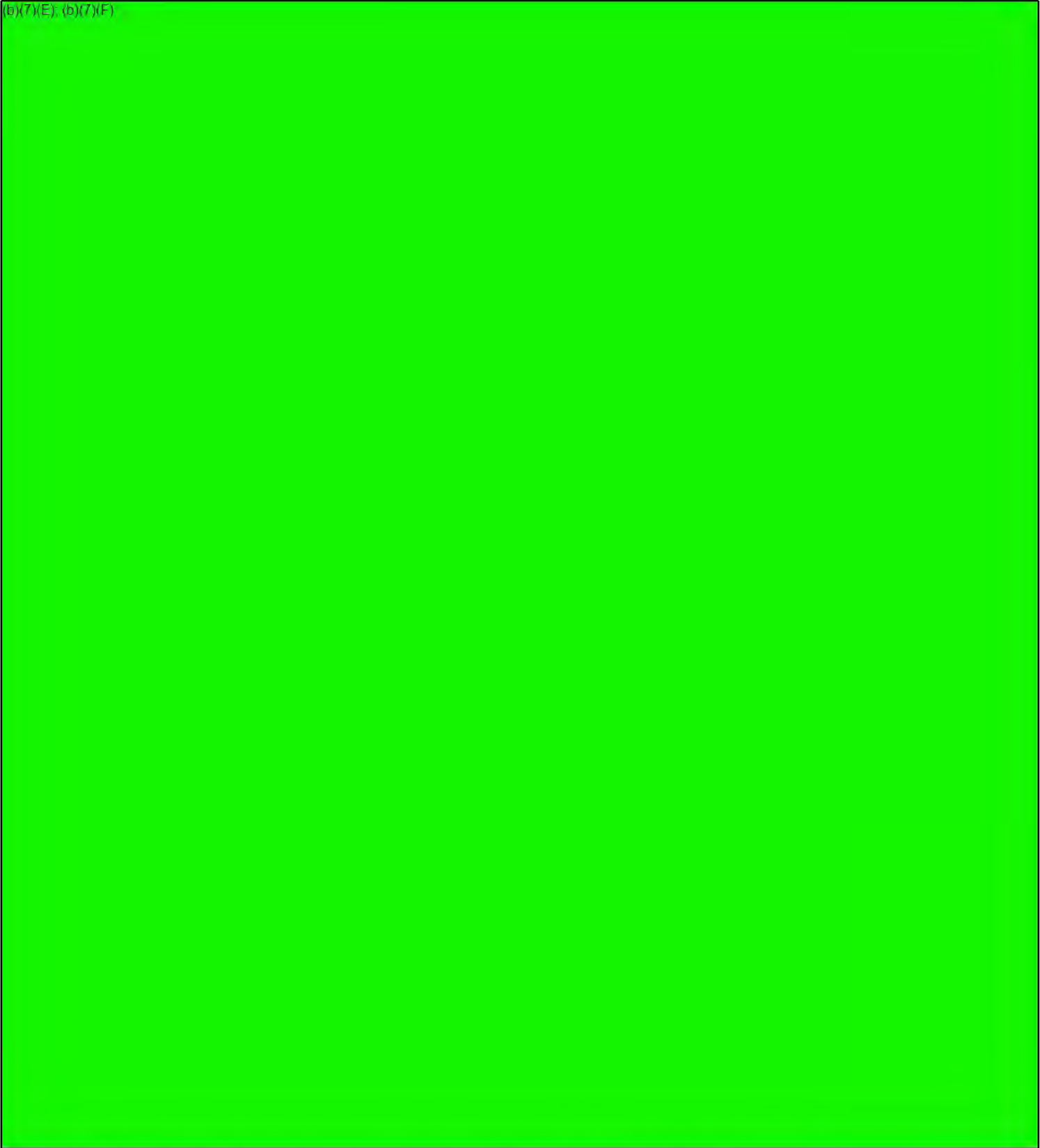
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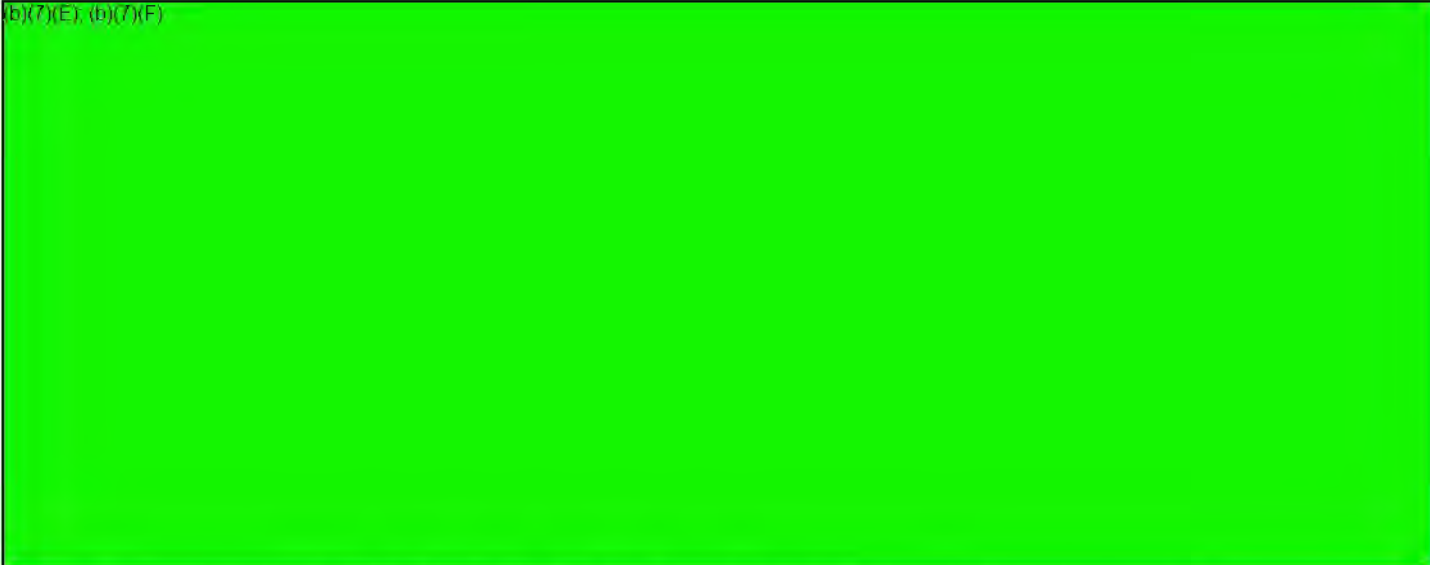
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3. SIS staff are authorized to detain non-inmates and make arrests per the Program Statement **Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities.**

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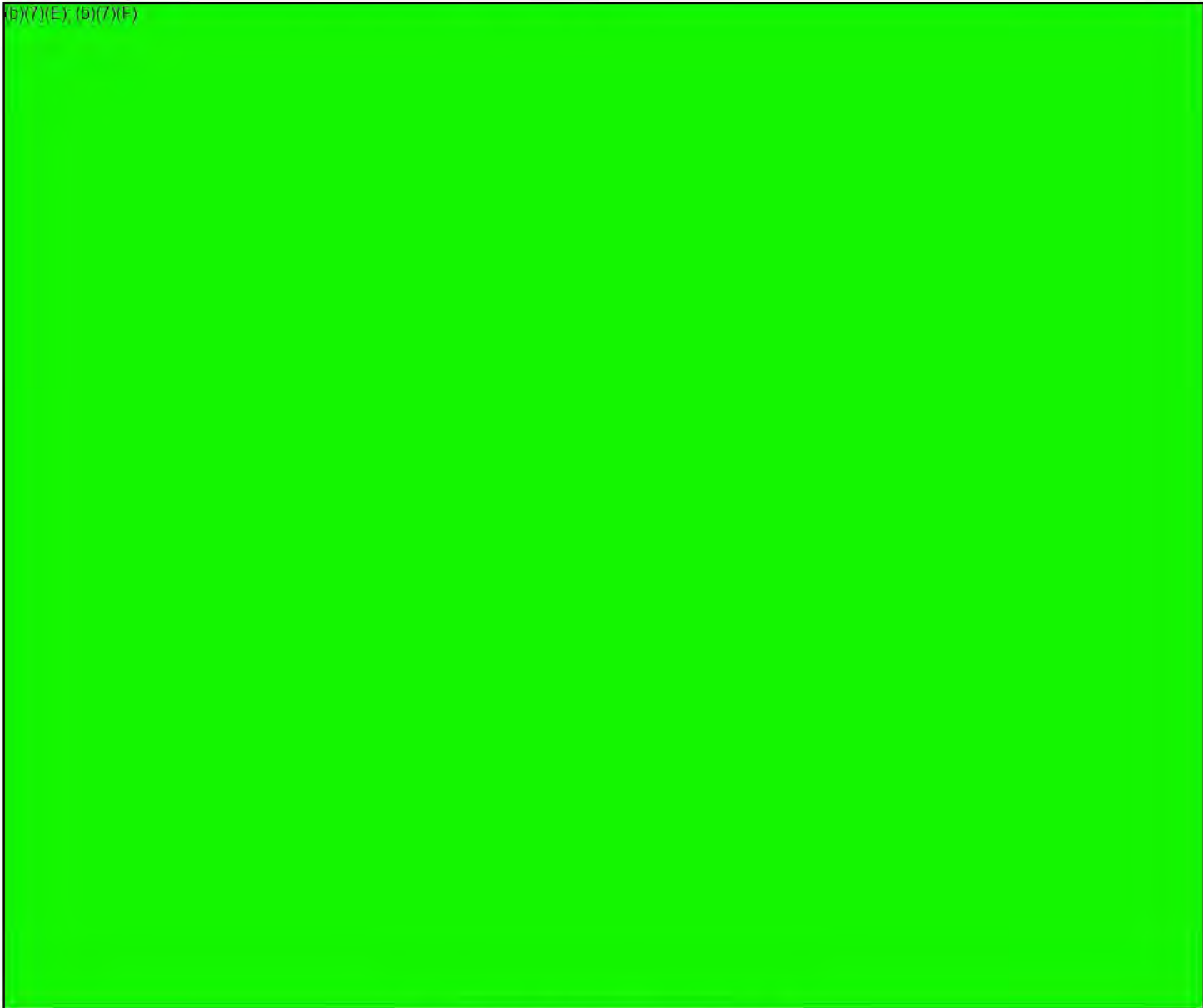


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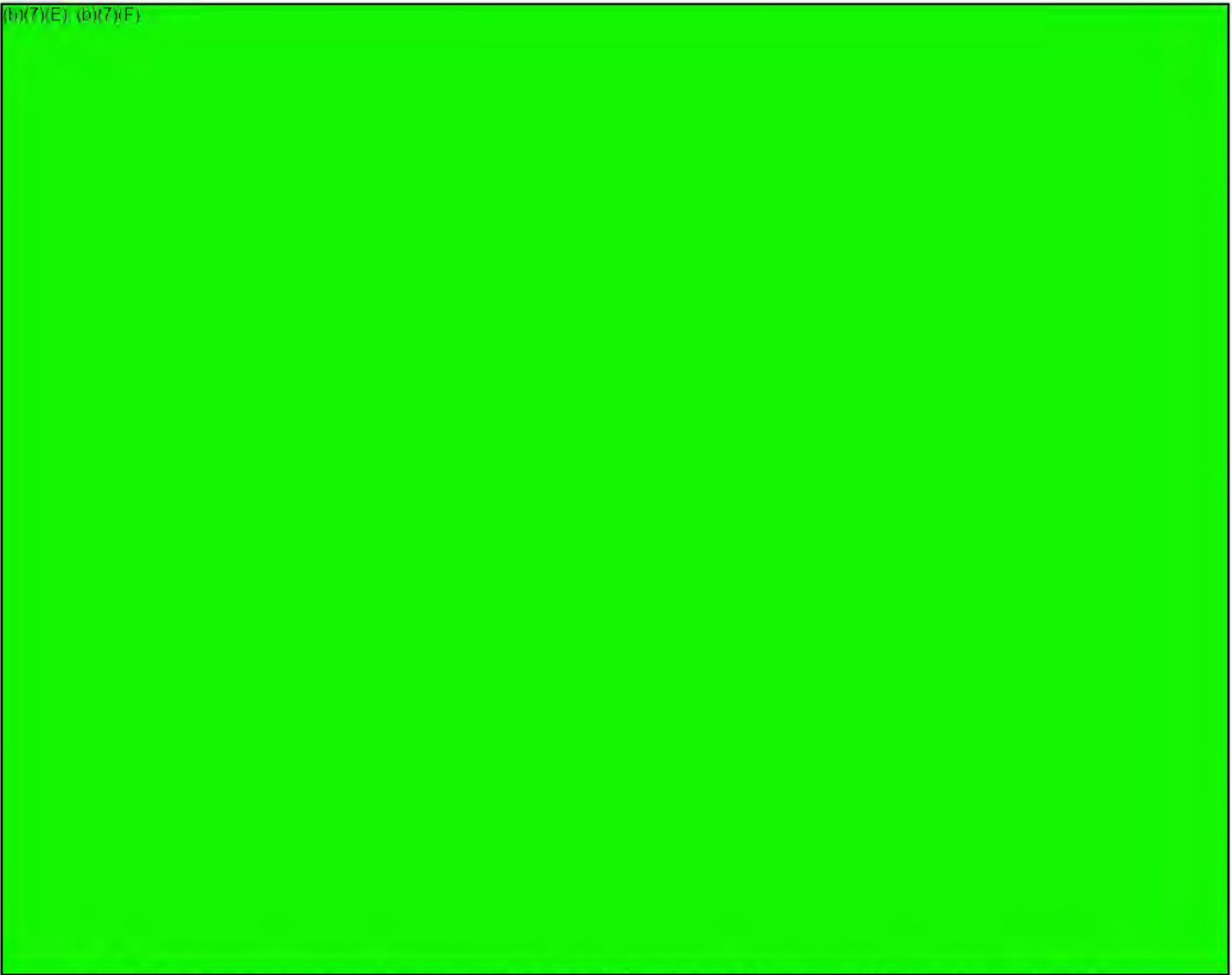


5. As provided in Section 303, Title 5 U.S.C., the SIS is authorized to administer oaths to witnesses in connection with an official investigation.

(b)(7)(E), (b)(7)(F)



(b)(7)(E); (b)(7)(F)



- Satisfying investigative requirements for administrative hearings at the institution level.

(b)(7)(E); (b)(7)(F)



Chapter 3. Communications Monitoring

300. MONITORING INMATE AUTOMATED ACTIVITIES

Responsibility for monitoring inmates' automated activities (financial, telephone, correspondence) rests with the Intelligence Section. In the institution, the SIS office assumes operational responsibility.

Legal questions concerning monitoring of inmate financial, telephone, and correspondence activities should be directed to the Regional Counsel or designee.

301. COMMUNICATION METHODS

Inmates use telephone calls, written correspondence, video visiting, and electronic messaging to maintain contact with individuals in the community. (b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)

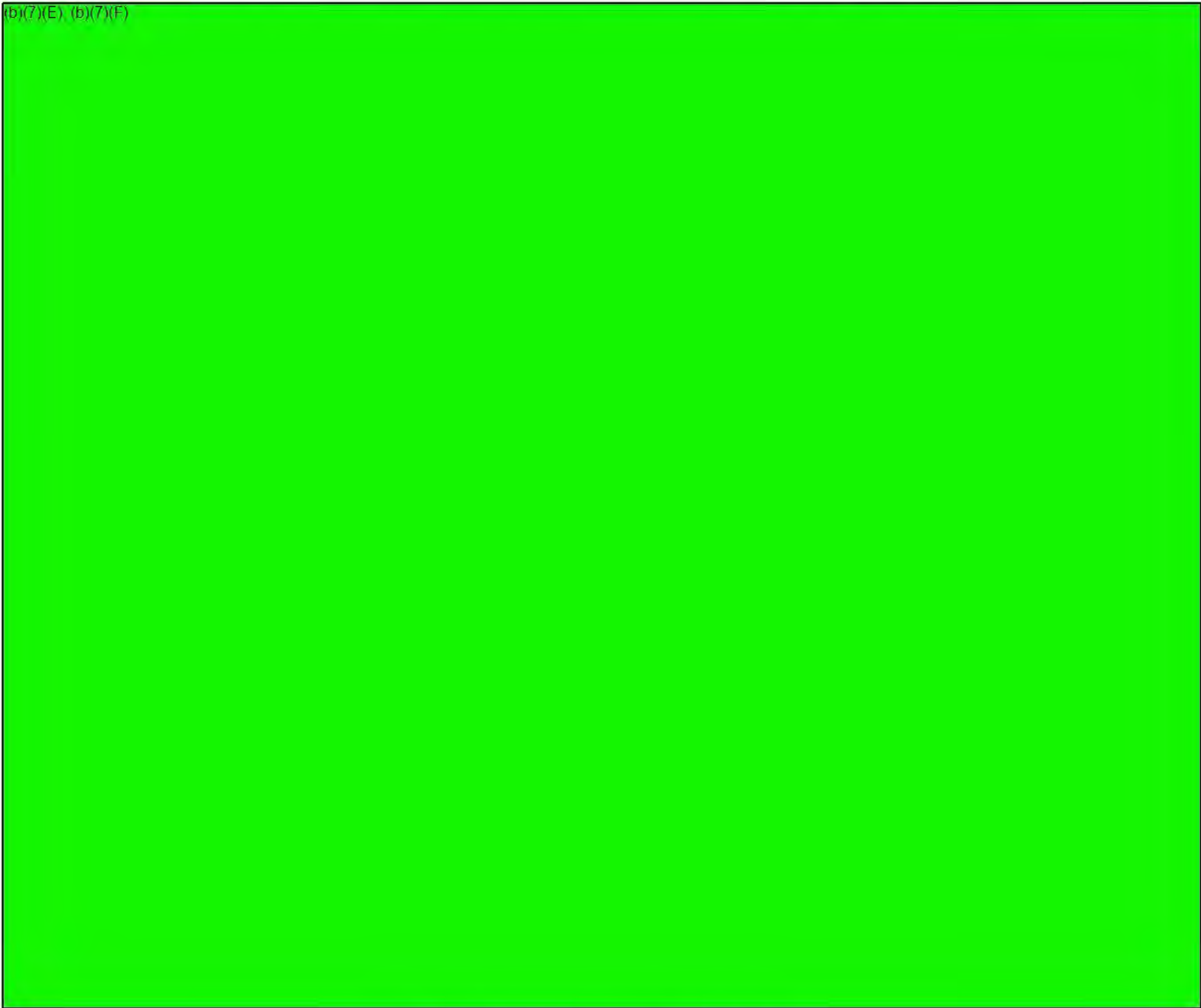


303. SPECIAL ADMINISTRATIVE MEASURES (SAM)

Refer to the Office of General Counsel for specific SAM requirements. The governing Federal regulations are:

- 28 CFR 501.2, used in national security cases to prevent the unauthorized disclosure of classified information when the Attorney General determines that disclosure of such information would pose a threat to national security and there is a danger that the inmate will disclose such information.
- 28 CFR 501.3, used to prevent future acts of violence and terrorism when the Attorney General determines that there is a substantial risk that a prisoner's communications or contacts with persons could result in death or serious bodily injury to persons, or substantial damage to property that would entail the risk of death or serious bodily injury to persons.

(b)(7)(E), (b)(7)(F)

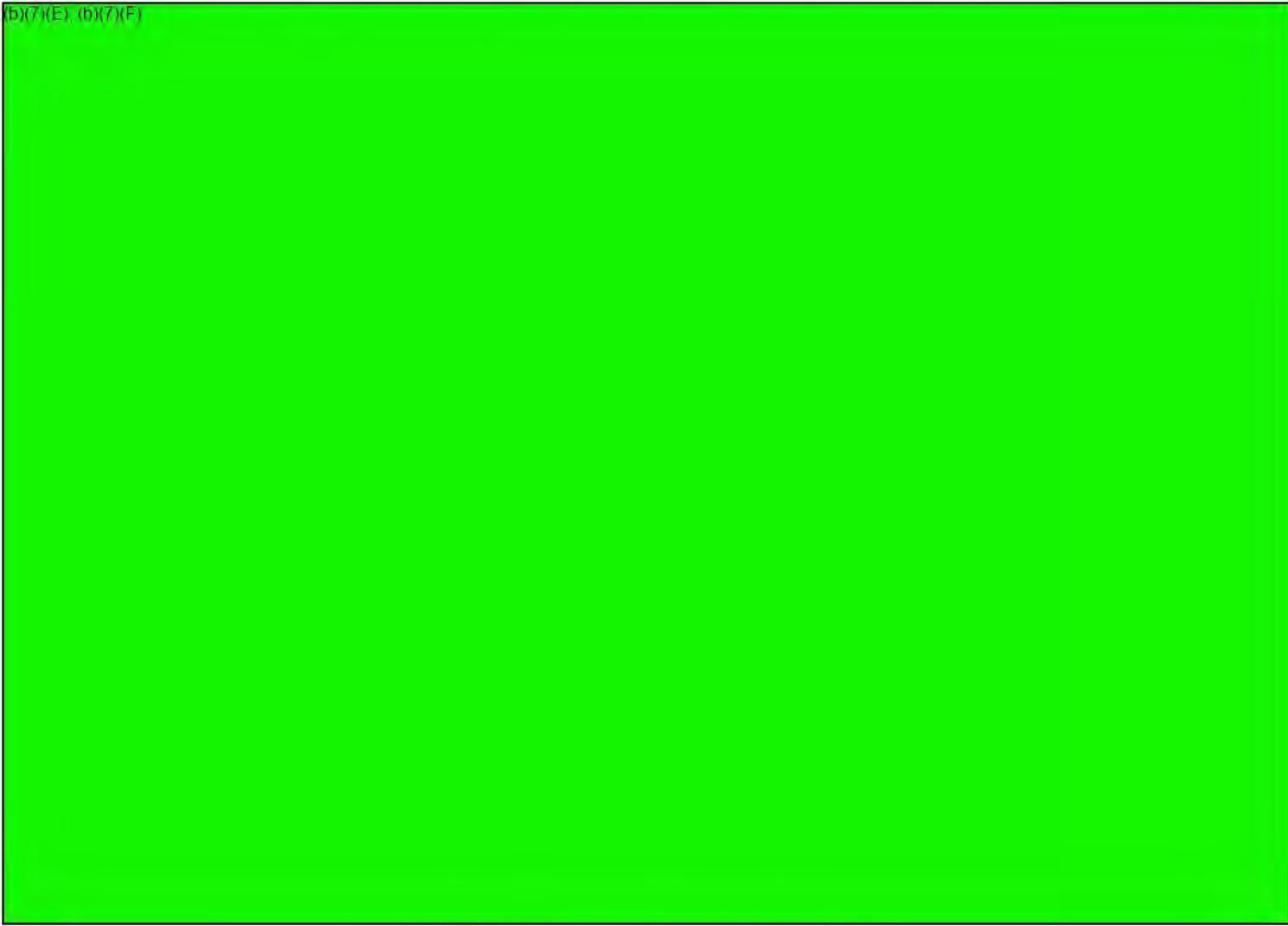


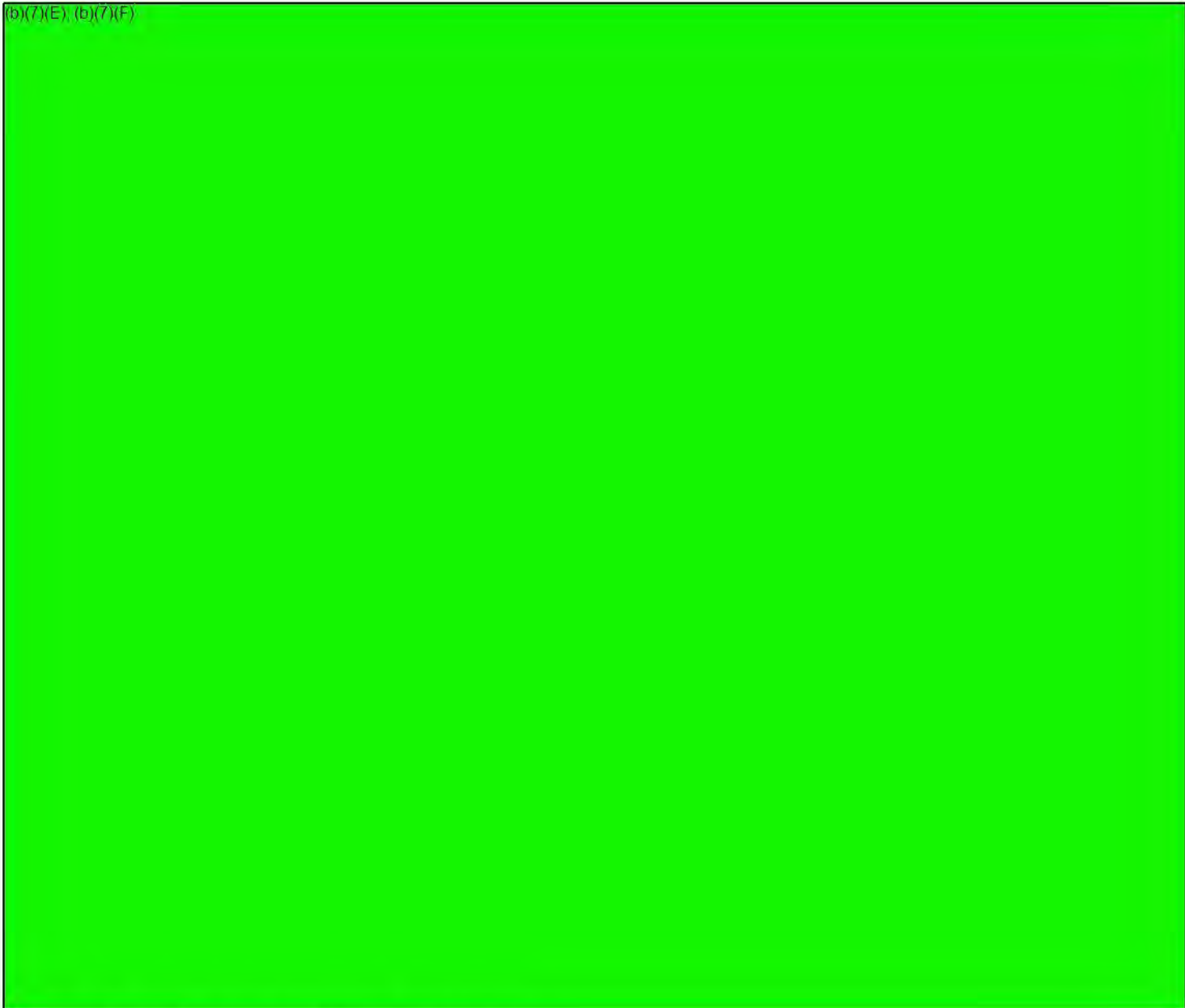
(b)(7)(E), (b)(7)(F)



Appropriately labeled and processed/placed special or legal (attorney-client privileged) communications will not be monitored.

(b)(7)(E), (b)(7)(F)





403. PROTECTIVE CUSTODY CASES

A Protective Custody (PC) case is completed when an inmate is placed in administrative detention for protection at his/her request or upon staff determination that the inmate needs protection from a specific inmate(s). If there is a generalized perceived threat against an inmate, a threat assessment is conducted. See the Program Statement **Special Housing Units (SHU)** for specific categories under which staff may consider inmates as potential protection cases.

The situation of inmates in protective custody must be investigated to determine validity or verify the inmate's need for protection.

408. INMATE ON INMATE SEXUAL MISCONDUCT

Once an allegation of sexual misconduct is brought to a staff member's attention, it is important to determine if the allegation qualifies as abusive sexual contact or a non-consensual sexual act.

SIS staff will promptly refer inmates reported or suspected of being the victim of sexually abusive behavior by staff or inmates to Psychology Services for assessment of vulnerability and treatment needs, and all inmate allegations of sexual abuse, by a staff member or an inmate, will be handled in a confidential manner by all staff involved in the investigation in accordance with the Program Statement **Sexually Abusive Behavior Prevention and Intervention Program**.

1. Definitions

- a. **Abusive Sexual Contact.** Any allegation of contact to sexually exploit an inmate without his/her consent, or of one who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any inmate.
- b. **Non-Consensual Sexual Act.** Any allegation of contact of any inmate without his/her consent, or of one who is unable to consent or refuse; contact between the penis and vagina or penis and anus, including penetration, however slight; or contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another by a hand, finger, or other object.
- c. **Repetitive Sexual Harassment.** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- d. **Substantiated.** Proven to have occurred.
- e. **Unsubstantiated.** Insufficient evidence or conflicting facts, creating the inability to prove that an assault happened or did not happen.

f. **Unfounded.** Proven not to have occurred.

(b)(7)(E), (b)(7)(F)



If an inmate alleges that he/she was assaulted at another facility, the statement is taken with as much detail as possible and forwarded to that facility for investigation.

(b)(7)(E), (b)(7)(F)



(b)(7)(E), (b)(7)(F)

Recorded inmate telephone conversations are normally maintained in the system for 180 days

(b)(7)(E), (b)(7)(F)

Inmates are never authorized to use another inmate's Personal Access Code (PAC) Number, or to give their PAC Number to another inmate.

603. ELECTRONIC MESSAGING SYSTEM

Refer to the Program Statement **Trust Fund Limited Inmate Computer System – Electronic Messaging** for requirements for satisfaction of transactional data requests.

(b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)

Inmate electronic messages are monitored to ensure inmates are not using coded or encrypted messages, sending messages to continue criminal activity, or sending messages that jeopardize the safety, security, or orderly operation of the institution.

(b)(7)(E), (b)(7)(F)

Electronic messages are normally maintained in the system for 180 days (b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)

Rules surrounding rejecting messages or contacts can be found in the Program Statement
Correspondence.

(b)(7)(E), (b)(7)(F)

See the Program Statement **Jurisdiction on Escape Related Issues – Memorandum of Understanding USMS/FBI/BOP** for escape-related referral procedures. In these cases, the investigator also needs a photograph, fingerprint card, visiting record, and escape flyers for the inmate(s). (b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)

3. Liaison Responsibility. When inmate criminal activities are referred to other law enforcement agencies, the Bureau maintains continuous liaison with these agencies to ensure referrals are considered appropriately (b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)

4. Acceptance/Declination. Each U.S. Attorney has an “office policy” or guidelines regarding types of cases to be accepted or declined for prosecution. (b)(7)(E), (b)(7)(F)

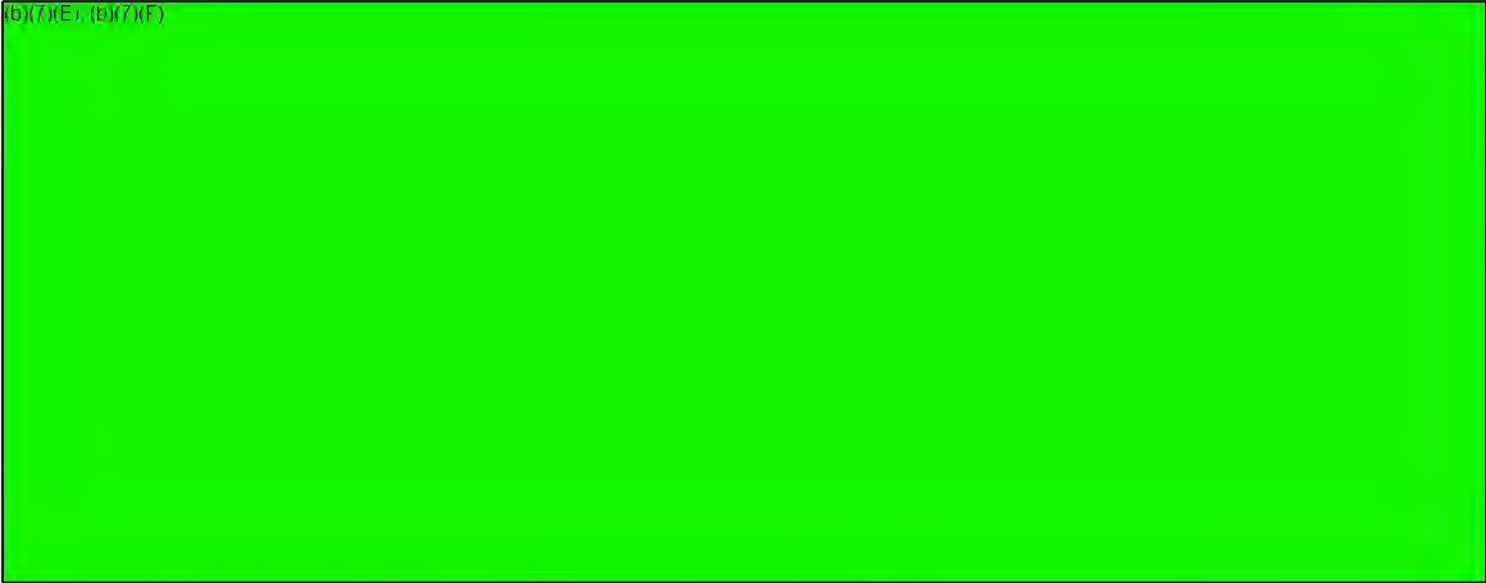
(b)(7)(E), (b)(7)(F)

5. Release for Administrative Processing. Per the Program Statement **Inmate Discipline Program**, administrative processing of the incident may proceed “unless there has been a request for such a delay by the prosecuting or investigating agency.” Once the preliminary investigative process is complete to the point that an Incident Report can be processed, the SIS notifies the investigating agency of “intent to proceed” to allow for proper coordination.

If administrative processing must be suspended, the date/time of suspension and release are noted in the system and section 25 of the Incident Report.

(b)(7)(E), (b)(7)(F)

(b)(7)(E), (b)(7)(F)



705. MONITORING WRITTEN CORRESPONDENCE

Inmate written correspondence is monitored per the Program Statement **Correspondence**.

(b)(7)(E), (b)(7)(F)

