

§ 524.13

scheduled appearance before the classification team (whether for the initial classification or subsequent program review). An inmate may waive in writing the 48-hour notice requirement. The inmate is expected to attend the initial classification and all subsequent program reviews. If the inmate refuses to appear at a scheduled meeting, staff shall document on the Program Review Report the inmate's refusal and, if known, the reasons for refusal. A copy of this report is to be forwarded to the inmate. The inmate is responsible for becoming aware of, and will be held accountable for, the classification team's actions.

(d) Staff shall complete a Program Review Report at the inmate's initial classification. This report ordinarily includes information on the apparent needs of the inmate and shall offer a correctional program designed to meet those needs. The Program Review Report is to be signed by the unit manager and the inmate, and a copy is to be provided to the inmate. The correctional programs will be stated in measurable terms, establishing time limits, performance levels, and specific, expected program accomplishments. Staff will document progress and any program changes at subsequent reviews in the same manner in a new Program Review Report. Each sentenced inmate who is physically and mentally able is assigned to a work program at the time of initial classification. The inmate may choose not to participate in the offered program, unless the program is a work assignment, or mandated by Bureau policy, by court order, or by statute.

(e) The inmate is to be provided with, and must sign for, a copy of the Program Review Report. If the inmate refuses to sign for a copy of this report, staff witnessing the refusal shall place a signed statement to this effect on the report. Staff shall place a copy of the Program Review Report in the inmate's central file.

[56 FR 30676, July 3, 1991, as amended at 60 FR 33320, June 27, 1995; 61 FR 47795, Sept. 10, 1996; 64 FR 9429, Feb. 25, 1999]

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§ 524.13 Effect of a detainer on an inmate's program.

The existence of a detainer, by itself, ordinarily does not affect the inmate's program. An exception may occur where the program is contingent on a specific issue (for example, custody) which is affected by the detainer.

§ 524.14 Unscheduled reviews.

Staff shall establish a procedure to ensure that inmates are provided program reviews as required by this rule. Upon request of either the inmate or staff, and with the concurrence of the team chairperson, an advanced program review may occur.

[56 FR 30676, July 3, 1991, as amended at 60 FR 33321, June 27, 1995]

§ 524.15 Appeals procedure.

An inmate may appeal, through the Administrative Remedy Program, a decision made at initial classification or at a program review.

[56 FR 30676, July 3, 1991, as amended at 61 FR 47795, Sept. 10, 1996]

§ 524.16 Study and observation cases.

Inmates committed to the custody of the U.S. Attorney General for purposes of study and observation are excluded from the provisions of this rule.

[61 FR 47795, Sept. 10, 1996]

§ 524.17 Pretrial inmates.

Additional provisions pertinent to pretrial inmates are contained in § 551.107 of this chapter.

[61 FR 47795, Sept. 10, 1996]

Subpart C—Youth Corrections Act (YCA) Programs

SOURCE: 58 FR 50808, Sept. 28, 1993, unless otherwise noted.

§ 524.20 Purpose and scope.

This subpart establishes procedures for designation, classification, parole, and release of Youth Corrections Act (YCA) inmates. In keeping with court findings, and in accord with the repeal of 18 U.S.C. chapter 402, sections 5011 and 5015(b), all offenders sentenced

under the provisions of the YCA presently in custody, those retaken into custody as parole violators, and those yet to be committed (probation violators, appeal bond cases, etc.) may be transferred to or placed in adult institutions under the provisions of this policy.

§ 524.21 Definitions.

(a) *YCA inmate*: An inmate sentenced under provision of the Youth Corrections Act who has not received an in-person “no further benefit” finding by his or her sentencing judge, and whose YCA sentence has not been completely absorbed by an adult federal sentence.

(b) *No further benefit*: An in-person finding by the inmate’s sentencing court that YCA treatment will not be of further benefit to the inmate. An inmate receiving such court finding is accordingly not considered to be a YCA inmate.

§ 524.22 YCA program.

(a) Wardens are to ensure each committed youth offender is scheduled for a three-phase program plan which will include a classification phase, a treatment phase, and a pre-release phase. A program plan for each YCA inmate will be developed by the Unit Team as a part of the classification phase. The Warden may exempt a YCA inmate from program participation when individual circumstances warrant such exceptions. Such exceptions must be requested and acknowledged by the inmate, and the reason(s) for exemption must be documented in the inmate’s central file.

(1) *Classification phase*: The classification phase begins upon the inmate’s arrival at the designated institution. It consists of evaluation, orientation, unit assignment, and concludes when the inmate has attended the initial classification (or transfer classification) meeting with the Unit Team. YCA inmates are to participate in the classification process prior to the development of their individual program plans. The YCA inmate is to have received a psychological screening prior to attending the initial classification meeting. YCA program plans will include specific goals relative to:

(i) Behavior;

(ii) Treatment/self improvement;

(iii) Pre-release.

(2) *Treatment phase*: YCA inmates are to be exposed to unit-based and community-based (if otherwise eligible) programs. Each YCA inmate shall be periodically reviewed during this phase. The treatment phase begins when the inmate attends the programs and activities described in the program plan which were established at the culmination of the classification phase. Each YCA inmate shall be assigned programs in accordance with the inmate’s needs and the established program plan. The “program day” shall consist of morning, afternoon, and evening time periods, during which the inmate shall be scheduled for treatment programs, work, and leisure-time activities. The inmate shall be expected to comply with the program plan. The inmate’s participation in a treatment program is required, not optional. An inmate’s failure to participate may result in disciplinary action.

(3) *Pre-release phase*: The YCA inmate shall enter the pre-release phase approximately 9 months prior to release. The pre-release phase is ordinarily divided into two segments: participation in the institution pre-release program and a stay at a Community Corrections Center (CCC), if otherwise eligible. Institution pre-release programs shall focus on the types of problems the inmate may face upon return to the community, such as re-establishing family relationships, managing a household, finding and keeping a job, and developing a successful life style. In addition, the pre-release phase may include visits from prospective employers.

(b) Staff shall establish incentives to motivate YCA inmates and to encourage program completion. Examples of such incentives which may be used are special recognition, awards, and “vacation days”.

(c) The program plan, and the YCA inmate’s participation in fulfilling goals contained within the plan, are fundamental factors considered by the U.S. Parole Commission in determining when a YCA inmate should be paroled. Given the importance and joint use of the YCA programming process, the current program plan and a summary of the inmate’s progress in