

(3) Is not serving a term of imprisonment for a crime of violence or a felony offense:

(i) That has as an element, the actual, attempted, or threatened use of physical force against the person or property of another, or

(ii) That involved the carrying, possession, or use of a firearm or other dangerous weapon or explosives (including any explosive material or explosive device), or

(iii) That by its nature or conduct, presents a serious potential risk of physical force against the person or property of another, or

(iv) That by its nature or conduct involves sexual abuse offenses committed upon children.

(4) Appropriate for housing in minimum security;

(5) Physically and mentally capable of participating in the program;

(6) A volunteer.

(b) Placement in the intensive confinement center program is to be made by Bureau staff in accordance with sound correctional judgment and the availability of Bureau resources.

[61 FR 18658, Apr. 26, 1996, as amended at 62 FR 53691, Oct. 15, 1997]

§ 524.32 Institution-based component procedures.

(a) An eligible inmate who volunteers for participation in an institution-based intensive confinement center program must agree to forego opportunities which may be otherwise available to inmates in Bureau institutions. Opportunities that may be affected include, but are not limited to, visitation, telephone use, legal research time, religious practices, commissary, smoking, and grooming preferences.

(b) The institution-based component of the intensive confinement center program ordinarily is six months in duration.

(c) Disciplinary procedures to be followed in the institution-based intensive confinement center program are set forth in subpart B of part 541 of this chapter.

(d)(1) An inmate who successfully completes the institution-based component of the program ordinarily is eligible to serve the remainder of the sentence in a community-based program.

(2) An inmate eligible for participation in the program under § 524.31(a)(1)(i) who successfully completes the institution-based component, who maintains successful participation in a community-based program, and has a period of supervised release to follow is eligible for up to a six month reduction in sentence.

(3) An inmate who completes or has completed the institution-based component of an intensive confinement center pilot program, who maintains successful participation in a community-based program, and has a period of supervised release to follow is eligible for up to a six month reduction in sentence if staff confirm that the inmate has met the requirements of § 524.31(a)(1)(i), (2), (3) and (4).

§ 524.33 Program failure.

An inmate who fails to complete the institution-based component or who subsequently fails participation in a community-based program may forfeit his or her further involvement in the program.

Subpart E—Progress Reports

SOURCE: 55 FR 49977, Dec. 3, 1990, unless otherwise noted.

§ 524.40 Purpose and scope.

The Bureau of Prisons maintains current information on each inmate through progress reports completed by staff. The progress report summarizes information relating to the inmate's adjustment during confinement, program participation, and readiness for release.

§ 524.41 Types of progress reports.

The Bureau of Prisons prepares the following types of progress reports.

(a) Initial Hearing—prepared for an inmate's initial parole hearing when progress has not been summarized within the previous 180 days.

(b) Statutory Interim/Two-Thirds Review—prepared for a parole hearing conducted 18 or 24 months following a hearing at which no effective parole date was established, or for a two-thirds review (see 28 CFR 2.53) unless the inmate has waived the parole hearing.

§ 524.42

28 CFR Ch. V (7-1-05 Edition)

(c) Pre-Release—

(1) Record Review—prepared for and mailed to the appropriate Parole Commission office at least eight months prior to the inmate's presumptive parole date.

(2) Final—prepared at least 90 days prior to the release of an offender to a term of supervision.

(d) Transfer Report—prepared on an inmate recommended and/or approved for transfer to a community corrections center (CCC) or to another institution and whose progress has not been summarized within the previous 180 days.

(e) *Triennial report*—prepared on each designated inmate at least once every 36 months if not previously generated for another reason required by this section.

(f) Other—prepared for any reason other than those previously stated in this section. The reason (e.g., court request, clemency review) is specified in the report.

[55 FR 49977, Dec. 3, 1990, as amended at 59 FR 6856, Feb. 11, 1994; 60 FR 10722, Feb. 27, 1995; 63 FR 7604, Feb. 13, 1998]

§ 524.42 Content of progress reports.

Staff shall include the following in each progress report:

- (a) Institution (full name) and Date;
- (b) Type of Progress Report;
- (c) Committed name;
- (d) Registration number;
- (e) Age;
- (f) Present security and custody level;
- (g) Offense(s) for which committed;
- (h) Sentence;
- (i) Date sentence began;
- (j) Time served to date, including jail time credit;
- (k) Good conduct time/Extra good time earned;
- (l) Statutory good time withheld or forfeited; Disallowed good conduct time;
- (m) Projected release date;
- (n) Most recent Parole Commission action, including any special conditions or requirements (if applicable);
- (o) Detainers and pending charges on file;
- (p) Institutional adjustment; this ordinarily includes information on the inmate's:

- (1) Program plans;
- (2) Work assignments and skills acquired;
- (3) Educational/vocational participation;
- (4) Counseling programs;
- (5) Incident reports;
- (6) Institutional movement;
- (7) Physical and mental health, including any significant mental or physical health problems, and any corrective action taken; and
- (8) Financial responsibility.

(q) Release planning:
(1) Where appropriate, staff shall request that the inmate provide a specific release plan;

(2) Staff shall identify available release resources (including CCC) and any particular problem that may be present in release planning.

[59 FR 6857, Feb. 11, 1994]

§ 524.43 Inmate's access to progress reports.

Upon request, an inmate may read and receive a copy of any progress report retained in the inmate's central file which had been prepared on that inmate after October 15, 1974. Staff shall allow the inmate the opportunity to read a newly prepared progress report and shall request the inmate sign and date the report. If the inmate refuses to do so, staff witnessing the refusal shall document this refusal on the report. Staff shall then offer to provide a copy of the progress report to the inmate.

[59 FR 6857, Feb. 11, 1994]

Subpart F—Central Inmate Monitoring (CIM) System

SOURCE: 61 FR 40143, July 31, 1996, unless otherwise noted.

§ 524.70 Purpose and scope.

The Bureau of Prisons monitors and controls the transfer, temporary release (e.g., on writ), and community activities of certain inmates who present special needs for management. Such inmates, known as central inmate monitoring (CIM) cases, require a higher level of review which may include Central Office and/or Regional Office clearance for transfers, temporary releases,