

## § 551.102

(2) *Mental evaluation or treatment.* An inmate committed under Title 18 U.S.C. Sections 4241 (b) and (d), 4242(a), or 4243(b) is considered to be a pretrial inmate, whereas commitments under Sections 4243(e), 4244, 4245 or 4246 are treated as convicted inmates.

(3) *Concurrent federal and state sentences.* For purpose of this rule, an inmate in a status described in paragraph (a) introductory text, (a)(1), or (a)(2) of this section and who is at the same time serving a state or federal sentence is not considered a pretrial inmate.

(b) *Convicted inmate.* For purposes of this rule, an individual a court has found guilty of an offense punishable by law.

### § 551.102 Commitment prior to arraignment.

On receipt of a U.S. Marshal remand, the Bureau of Prisons shall accept an individual who has not been arraigned for commitment as a pretrial inmate, provided that the institution has appropriate detention facilities available for that individual.

### § 551.103 Procedure for admission.

Staff in administrative institutions or institutions with administrative components housing U.S. Marshals' prisoners shall establish procedures for admitting a pretrial inmate which include, but are not limited to:

- (a) Verification of commitment papers;
- (b) Search of the inmate;
- (c) Photographing and fingerprinting;
- (d) Disposition of clothing and personal possessions;
- (e) Intake screening (including Notice of Separation);
- (f) Providing institution guidelines governing telephone calls (including procedures for making unmonitored calls to an attorney);
- (g) Provisions for personal hygiene, to include:
  - (1) Issue of personal hygiene items;
  - (2) Issue of clean clothing; and
  - (3) Opportunity for shower and hair care;
- (h) Orientation;
- (i) Opportunity for waiver of right not to work;
- (j) Assignment to an appropriate housing unit.

## 28 CFR Ch. V (7-1-08 Edition)

### § 551.104 Housing.

To the extent practicable, pretrial inmates will be housed separately from convicted inmates.

### § 551.105 Custody.

(a) Staff ordinarily will supervise a pretrial inmate as if classified "In" custody.

(b) Where circumstances warrant, staff may supervise a pretrial inmate according to procedures for other custody levels.

### § 551.106 Institutional employment.

Unless a pretrial inmate signs a waiver of his or her right not to work, the Warden may not require the inmate to work in any assignment other than housekeeping tasks in the inmate's own cell and in the community living area.

### § 551.107 Pretrial inmate reviews.

Staff shall conduct regular reviews of a pretrial inmate's status.

(a) Each pretrial inmate shall be scheduled for an initial review by the unit team within 21 calendar days of the inmate's first arrival at the institution, and subsequent reviews shall be conducted at least every 90 days.

(b) The inmate shall be notified at least 48 hours prior to the inmate's scheduled review.

(c) A pretrial inmate is expected to attend these reviews. If the inmate refuses to appear, staff shall document in the record of the meeting the inmate's refusal and, if known, the reason for refusal.

(d) Inmate reviews are to be documented on the Pretrial Inmate Review Report.

### § 551.108 Performance pay.

The Warden may approve a pretrial inmate for performance pay and special awards.

### § 551.109 Community activities.

(a) The Warden may not grant a furlough to a pretrial inmate (18 U.S.C. § 3622).

(b) In an emergency, staff shall facilitate contact with the pretrial inmate's attorney of record, who may seek from