



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

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Special Management Units

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1. PURPOSE AND SCOPE

To provide guidance and procedures for operating Special Management Units (SMU).

Some inmates, such as those who participated in or had a leadership role in geographical group/gang-related activity, present unique security and management concerns. Accordingly, the Bureau of Prisons (Bureau) designates inmates to SMUs where greater management of their interaction is necessary to ensure the safety, security, or orderly operation of Bureau facilities, or protection of the public.

SMU designation is non-punitive, and may be appropriate for any inmate meeting the referral criteria in Section 2 below. Conditions of confinement for SMU inmates are more restrictive than for general population inmates, and are described in Section 5. Inmates are expected to complete the four-level SMU program in 18 to 24 months, at which time they may be redesignated to an appropriate facility.

a. **Program Objectives.** The expected results of this program are:

- Inmates who meet the criteria for designation to a SMU will be referred for redesignation.
- SMU inmates will complete a four-level program and be redesignated to the general population.
- Safe and orderly environments at all institutions will be further enhanced by the operation of SMUs.

b. **Pretrial/Holdover/Detainee Procedures.** This Program Statement applies only to sentenced inmates.

2. REFERRAL CRITERIA

Designation to a SMU may be considered for any sentenced inmate whose interaction requires greater management to ensure the safety, security, or orderly operation of Bureau facilities, or protection of the public, because the inmate meets **any** of the following criteria:

- Participated in disruptive geographical group/gang-related activity.
- Had a leadership role in disruptive geographical group/gang-related activity.
- Has a history of serious and/or disruptive disciplinary infractions.
- Committed any 100-level prohibited act, according to 28 CFR part 541, after being classified as a member of a Disruptive Group pursuant to 28 CFR part 524.
- Participated in, organized, or facilitated any group misconduct that adversely affected the orderly operation of a correctional facility.
- Otherwise participated in or was associated with activity such that greater management of the inmate's interaction with other persons is necessary to ensure the safety, security, or orderly operation of Bureau facilities, or protection of the public.

3. REFERRAL PROCEDURES

a. **Referral.** If an inmate appears to satisfy any of the referral criteria above, the Unit Team may present a redesignation referral to the Warden. The referral packet consists of a completed Request for Transfer/Application of Management Variable (EMS-A409), copies of pertinent Special Investigative Supervisor reports and incident reports, and a cover memorandum to the Warden summarizing the rationale for referral for SMU designation. If the Warden approves the referral, it is submitted to the Regional Director. The packet may be submitted electronically at all stages. The Unit Team will be notified if the Warden denies the referral.

b. **Hearing.** If the Regional Director determines that sufficient evidence exists to convene a hearing, the Regional Director appoints a Hearing Administrator to conduct a hearing into whether the inmate meets the criteria for SMU designation. The Hearing Administrator will have been trained and certified as a Discipline Hearing Officer, will be an impartial decision-maker, and will not have been personally involved as a witness or victim in any relevant disciplinary action involving that inmate.

The Warden will be notified of the Regional Director's decision to conduct a hearing before the inmate is provided pre-hearing notice. The inmate's security needs will be assessed and staff made aware of any additional security precautions.

(1) **Pre-Hearing Notice.** The Hearing Administrator completes the form BP-A0935, *Notice to Inmate: Hearing Referral for Designation to a Special Management Unit* (available on Sallyport) and sends it to the inmate's current institution. Unit team staff provide the inmate with a copy of the Notice at least 24 hours before the hearing, and document delivery to the inmate. If the inmate is illiterate, the delivering staff member will read the notice verbatim. If the inmate does not speak English, the Unit Team staff will make arrangements to provide translation.

The Notice will:

- Advise the inmate of the date and time of the hearing.
- Advise the inmate of the opportunity to appear at the hearing.
- Provide a sufficiently detailed explanation of the reasons for the referral. Such explanation will not include information that would jeopardize the safety, security, or orderly operation of correctional facilities, or protection of the public.
- Inform the inmate that a non-probationary staff member will be available to help the inmate compile documentary evidence and written witness statements to present at the hearing. The assisting staff member's responsibility in this role is limited to assisting the inmate in obtaining copies of documents needed, for example, from his central file or other reasonably available source(s), or a written statement(s) from other reasonably available inmates or staff.

(2) **Inmate Appearance and Evidence.** The inmate has the opportunity to appear at the hearing, make an oral statement, and present documentary evidence and written witness statements, except where contrary to the safety, security, or orderly operation of Bureau facilities, or protection of the public. The Hearing Administrator, after consultation with the facility where the inmate is housed, will determine whether the inmate appears at the hearing via videoconference, telephone conference, or in-person. The Warden or designee will determine the location of the hearing. The inmate may not call witnesses at the hearing.

c. **Post-Hearing Findings and Decision.** The Hearing Administrator considers whether, based on information obtained during the referral process and presented at the hearing, the inmate meets the criteria for the SMU program. The Hearing Administrator prepares the form BP-A0936, *Hearing Administrator's Report on Referral for Designation to a Special Management Unit* (available on Sallyport) and provides it to the Regional Director. The Report provides a detailed explanation of the reasons for the Hearing Administrator's findings, but does not include information that would jeopardize the safety, security, or orderly operation of correctional facilities, or protection of the public.

The Regional Director considers whether, based on the Hearing Administrator's findings, the SMU referral is necessary to ensure the safety, security, or orderly operation of Bureau facilities, or protection of the public. The Regional Director includes a recommendation on the Report and forwards it to the Designation and Sentence Computation Center (DSCC).

When considering inmates for designation to the SMU, appropriate DSCC staff involved in the designation process shall review the inmate's CIM assignment to ensure inmates who are separatees pursuant to the CIM Manual are not designated to the same SMU without written concurrence of the Central Office. The DSCC will then review the Report and, after consulting with the Assistant Director, Correctional Programs Division, Central Office, indicate whether SMU referral is approved. If SMU referral is approved, the DSCC selects the SMU that best meets the inmate's greater management needs, and enters said approval on the CMC Clearance Data Sheet. The DSCC forwards the decision to the receiving Regional Director and Warden, with copies to the referring Regional Director and Warden. If a SMU referral is denied, the

DSCC should consider a secondary referral code/rationale provided in the referral, i.e., greater security, adjustment purposes, etc.

d. **Post-Decision Notice and Appeal.** The inmate's copy of the completed Report is sent to the referring Warden, who ensures delivery to the inmate. The Report advises the inmate of the opportunity to appeal the decision and the Hearing Administrator's findings through the Administrative Remedy Program, directly to the Office of General Counsel.

An inmate's appeal of the decision or the Hearing Administrator's findings does not delay designation and transfer to a SMU. Designation and transfer are effected; the inmate may proceed with the appeal while housed in the SMU.

e. **Notice for Current SMU Inmates.** Inmates currently in a SMU are provided the BP-A0937, *Notice to Inmate of Designation to a Special Management Unit* (available on Sallyport). This Notice informs the inmate of the right to appeal the designation decision and the inmate's individual conditions of confinement.

f. **Inmates in Disciplinary Segregation.** When an inmate serving a sanction of disciplinary segregation is designated to a SMU, the referring Regional Director may:

- Direct that the inmate complete the disciplinary segregation period at the current institution; or
- Request that the inmate complete the disciplinary segregation period at the receiving institution before transfer into the SMU.

4. CENTRAL INMATE MONITORING (CIM) ASSIGNMENTS

CIM assignments regarding SMU candidates will be finalized prior to assignment to a specific SMU. This will ensure the most appropriate placement of each SMU inmate.

a. **CIM Assignment Related to SMU Placement.** Inmates with CIM assignments related to their SMU placement may be housed in the same institution/SMU housing unit during Levels One and Two, due to the institution's ability to prevent any physical contact between them. SMU inmates approved for Levels Three and Four, however, must demonstrate a willingness and subsequent ability to effectively coexist with other inmates. Inmates who fail to demonstrate these traits with other inmates, and specifically their CIM assignments (individuals or group) will retain those assignments and may be removed from the SMU program pending redesignation to another appropriate facility, consistent with the orderly running and operations of our institutions.

b. **CIM Assignments Unrelated to SMU Placement.** Occasionally, a SMU candidate will have a verified separation need from another SMU candidate that is unrelated to each inmate's consideration for SMU placement. For example, inmate "A" previously testified against inmate "B," and both inmates were made separatees from each other. Under these type circumstances, inmates "A" and "B" should be housed in different SMUs.

5. CONDITIONS OF CONFINEMENT

Conditions of confinement for SMU inmates will be more restrictive than for general population inmates. An inmate's individual conditions will be limited in accordance with this policy as necessary to ensure the safety of others, to protect the security or orderly operation of the institution, or protection of the public. Individual conditions may be further limited as part of a disciplinary sanction imposed pursuant to 28 CFR part 541, except as specified below. Individual conditions are ordinarily made less restrictive when an inmate progresses from level-to-level of the SMU program. The cell door of each inmate in the SMU will be clearly marked with the inmate's Level and any enhanced security needs for that inmate.

The Warden must request a policy waiver, in accordance with the policy on Directives Management Manual, to impose restrictions more stringent than those allowed by this Program Statement or other applicable national directives. Conditions required by regulations, however, may not be waived.

a. **Minimal Conditions.** Except as provided above, minimal conditions of confinement for SMU inmates are as follows, and in accordance with the policy on Occupational Safety, Environmental Compliance, and Fire Protection, and Directives referenced in this Program Statement.

(1) **Environment.** Living quarters are well ventilated, adequately lighted, appropriately heated, and maintained in a sanitary condition.

(2) **Cell Occupancy.** Living quarters ordinarily house only the number of occupants for which they are designed. The Warden, however, may authorize additional occupants as long as adequate standards can be maintained.

(3) **Bedding.** Inmates receive a mattress, blankets, a pillow, and linens for sleeping. Inmates have necessary opportunities to exchange linens.

(4) **Clothing.** Inmates receive adequate institution clothing, including footwear. Inmates have opportunities to exchange clothing or have it washed.

(5) **Personal Hygiene.** Inmates have access to a wash basin and toilet. Inmates receive necessary personal hygiene items. Inmates have the opportunity to shower and shave at least three times per week. Inmates have access to necessary hair care services.

(6) **Meals.** Inmates receive nutritionally adequate meals and may be required to eat all meals in their living quarters.

(7) **Recreation.** Inmates have the opportunity to exercise outside their individual quarters for five hours per week, ordinarily in one-hour periods on different days. The Warden may deny these exercise periods for up to one week at a time if it is determined that an inmate's recreation

itself jeopardizes the safety, security, or orderly operation of the institution. However, recreation conditions specified here may **not** otherwise be limited, even as part of a disciplinary sanction imposed under 28 CFR part 541.

(8) **Personal Property.** Inmates may have reasonable amounts of personal property. Personal property may be limited for reasons of fire safety, sanitation, or available space.

(9) **Commissary.** Inmates have access to the commissary, as determined by the Warden.

(10) **Visits.** Inmates may receive visitors in accordance with 28 CFR part 540. Inmates may be provided non-contact visits, through the use of videoconferencing or other technology.

(11) **Correspondence and Telephone Use.** Inmates may correspond with persons in the community and use the telephone in accordance with 28 CFR part 540 and this Program Statement. However, to deter and detect continued involvement in disruptive geographical group/gang-related activity, correspondence and telephone use are subject to monitoring and analysis for intelligence purposes. Special mail and unmonitored attorney telephone calls are handled in accordance with 28 CFR part 540.

Telephone calls are live-monitored where feasible. If live monitoring is not feasible, calls are ordinarily reviewed within 24 hours. If the call is in a language other than English, it is submitted for translation. The translated call summary is analyzed for intelligence purposes. Inmates may use the telephone a minimum of two completed calls per month, unless telephone restrictions have been imposed pursuant to 28 CFR part 541, and may be increased as they progress through the levels of the program.

Correspondence that is prepared in a language other than English will either be directly translated or submitted to the SIS office for translation. All correspondence is analyzed for intelligence purposes before mailing out of the institution and before being delivered to the inmate.

(12) **Legal Activities.** Inmates may perform legal activities in accordance with 28 CFR part 543.

(13) **Religion.** Inmates may pursue religious beliefs and practices in accordance with 28 CFR part 548.

(14) **Library Services.** Inmates have access to library services in accordance with 28 CFR part 544.

(15) **Medical Care.** A health services staff member visits inmates daily to provide necessary medical care. Emergency medical care is always available either at the institution or from the community.

(16) **Mental Health Care.** Each inmate will be evaluated by mental health staff every 30 days. Emergency mental health care is always available either at the institution or from the community.

b. **30-Day Conditions Review.** The Warden will designate staff to conduct reviews every 30 days of inmates assigned to SMUs, as provided on Form BP-A0951, *Special Management Unit (SMU) 30-day Conditions Review*. The original form will be retained in the inmate’s central file.

c. **Housing Unit Daily Record.** The housing unit officer completes Form BP-A0950, *Housing Unit Daily Record*, daily for the items provided therein. At Level Four, completion of the daily record form is optional, as determined by the Warden.

d. **Protective Equipment.** Consistent with the Correctional Services Program Statements, appropriate protective equipment will be made available for Special Management Units. The location of this protective equipment will be in an area accessible to staff as determined by the Warden.

6. PROGRAM STRUCTURE AND REVIEWS

SMUs consist of four program levels, differentiated by the conditions of confinement and expected time frames for completion, as described below. Completion of all levels is expected within 18-24 months.

Level	Expected Level Completion Time	SMU Reviews
One	4 Months	Initially Within 28 Days Subsequently Every 90 Days
Two	6 - 8 Months	Every 90 days
Three	6 - 8 Months	
Four	2 - 4 Months	Every 30 days

a. Level One

Inmate Interaction: At this level, interaction between inmates is minimal (for example, shower, recreation, programming). The Associate Warden is responsible for determining which inmates may be housed or participate in activities together, as necessary to protect the safety, security, and good order of the institution. Inmates will ordinarily be restricted to their assigned cells.

Admission and Orientation: Inmates will participate in an institution and unit admission and orientation (A&O) program as outlined in the policy on A&O. The goal of the SMU A&O

program is to provide inmates with information regarding the institution operations, program availability, and the requirements for successful progression through each of the four levels of the program, based upon specific goals established for each inmate.

Programming: Initial programming assessment will occur within the first 28 days of an inmate's arrival at the SMU. Institution and SMU staff will interact with each inmate on an individual basis to:

- Assess the inmate's program and counseling needs;
- Discuss the SMU program objectives/expectations;
- Establish a set of program goals based on the inmate's individual needs and the programming available within the unit; and
- Communicate requirements of the SMU program, to include the expectations the inmate must meet before he will be considered for a general population institution.

Property: Inmates will have limited personal property, as determined by the Warden through the Institution Supplement.

Level Progression: Progression through Level One is based upon the inmate's compliance with behavioral expectations as established by institution and SMU staff. A multi-discipline Special Management Review will be conducted by the Unit Manager, Captain, and Associate Warden (chairperson)(or their acting). This review will include input from the SMU unit team, correctional staff, psychology staff, education staff, and other appropriate staff to determine the inmate's readiness to progress to the next level. Review of the inmate will be documented on Form BP-A0949, *Special Management Review Report*, along with any accompanying memoranda from any member referred to above, and will be filed in Section 2 of the inmate's Central File. After the initial programming assessment, Level One inmates will be reviewed at least every 90 days. Inmates are expected to progress to Level Two after four months.

b. Level Two

Inmate Interaction: At this level, interaction between inmates is minimal (for example, shower, recreation, programming). The Associate Warden is responsible for determining which inmates may be housed or participate in activities together, as necessary to protect the safety, security, and good order of the institution. Inmates will ordinarily be restricted to their assigned cells, but out-of-cell activities/programming may be increased on a case-by-case behavioral performance basis.

Programming: Inmates will continue their involvement in GED or ESL either individually or in a classroom setting. Initially during this level, inmates may be involved in programs on a self-study basis. Then, individual and small group counseling sessions dealing specifically with treatment readiness and fundamental communication skills will be required. The Associate Warden is responsible for determining which inmates will participate in group activities. All program activities should reinforce the goal of coexisting and acting responsibly.

Curriculum at this level will target “treatment readiness skills” (e.g., basic empathy, attending, responding, respect, genuineness, etc.) to enhance inmate receptivity to the new concepts which they will be exposed to in Level Three. Small group counseling sessions, in particular, should focus on treatment readiness and fundamental communication skills.

Property: At this level, staff may incrementally allow inmates to have additional personal property, based on individual performance.

Level Progression: Progression through this level is based upon the inmate demonstrating the potential for positive “community” interaction. During Level Two, inmates generally program and function separately. Progression to Level Three, however, requires that the inmate demonstrate the ability to coexist with other individuals, groups, or gangs. Accordingly, the multi-discipline Special Management Unit Review prior to Level Three consideration must address CIM assignments in detail. The inmate’s willingness/unwillingness to coexist with his CIM assignments must be documented via a memorandum to the file. This memorandum may also be used as rationale in any subsequent CIM declassification request. Review of the inmate will be documented on Form BP-A0949, *Special Management Review Report*, along with any accompanying memoranda from any member referred to above, and will be filed in Section 2 of the inmate’s Central File. Level Two inmates will be reviewed at least every 90 days. Inmates are expected to progress to Level Three after six to eight months. Inmates who fail to make satisfactory progress may be returned to a previous level.

c. Level Three

Inmate Interaction: Inmates at this level will begin to interact in an open, but supervised, setting with individuals from various groups, to include open movement in the unit and frequent group counseling sessions commensurate with the inmate’s demonstrated ability to effectively coexist with other inmates. The Associate Warden is responsible for determining which inmates may be housed or participate in activities together, as necessary to protect the safety, security, and good order of the institution. There will also be increased privileges (e.g., increased commissary, property, etc.) at this level for those who accomplish unit goals and maintain appropriate conduct.

Programming: Activities at this level will intensify, with more active involvement on the inmate’s part in the group counseling sessions. The Associate Warden is responsible for determining which inmates will participate in group activities.

The focus and emphasis of the SMU program counseling activities will be to minimize the tendency of SMU inmates to involve themselves in disruptive behavior. Counseling will focus on encouraging inmates to find ways in which they can coexist appropriately with other inmates in a general population setting and behave responsibly. Counseling will be value driven and involve cognitive restructuring, and emphasize responsibility and accountability. First and foremost, the inmates must be taught to look toward the future, as the decisions they are making affect their families and their ability to prepare themselves for eventual reentry to society.

Property: At this level inmate access to personal property may be incrementally increased from Level Two based on individual performance.

Level Progression: Progression through this level is based upon the inmate's ability to demonstrate positive "community" interaction skills. Progression to Level Four should be based on a determination that the inmate will likely meet the redesignation criteria provided in Section 8, **Redesignation**, below. Review of the inmate will be documented on Form BP-A0949, *Special Management Review Report*, along with any accompanying memoranda from any member referred to above, and will be filed in Section 2 of the inmate's Central File. Level Three inmates will be reviewed at least every 90 days. Inmates are expected to progress to Level Four after six to eight months. Inmates who fail to make satisfactory progress may be returned to a previous level.

d. **Level Four**

Inmate Interaction: At this level inmates must be able to demonstrate their sustained ability to coexist and interact appropriately with other individuals and groups in the unit. The Associate Warden is responsible for determining which inmates will participate in group activities.

Programming: Inmates will continue to participate in counseling programs outlined in Level Three.

Property: Level Four inmates may be considered for the same personal property privileges as general population inmates.

Level Progression: This level will encompass the inmate's last two-to-four months in the SMU. Level Four inmate reviews will be conducted every 30 days, and documented the same as previous reviews. The inmate's successful progression through this phase will indicate he is prepared to function in a general population setting with inmates of various group affiliations. Ordinarily, inmates who successfully complete the SMU program will be redesignated to the general population of another facility. In some situations, however, the SMU unit team may recommend that the SMU graduate be assigned to the general population of that facility. Inmates who fail to make satisfactory progress may be returned to a previous level.

7. **PERIODIC REVIEW**

SMU inmates are reviewed by the Unit Team in conjunction with regularly scheduled Program Reviews as provided in the policy on Inmate Classification and Program Review. The Unit Team specifically reviews inmates for progression through the levels of the program. An inmate's institutional adjustment, program participation, personal hygiene, and cell sanitation are considered when reviewing the inmate for progression to further levels.

8. REDESIGNATION

a. **Redesignation Criteria.** To be redesignated from SMU status, an inmate must:

- For 12 to 18 months, abstain from all of the following:
 - ▶ Geographical group/gang-related activity.
 - ▶ Serious and/or disruptive disciplinary infractions.
 - ▶ Group misconduct that adversely affects the orderly operation of a correctional facility.
- Demonstrate a sustained ability to coexist with other inmates, staff, and other persons.

b. **Referral Procedures.** When an inmate has met the redesignation criteria, the Unit Team submits a referral to the Warden for designation to the general population, ordinarily of another institution.

If an inmate is not recommended by the Unit Team for redesignation after 24 months, a referral for continued SMU designation must be submitted to the Regional Director. If the Regional Director approves continued SMU designation, the inmate receives written notice of the decision and the rationale for it. The inmate may appeal the decision by attempting informal resolution and filing a formal request with institution staff, as provided by the Administrative Remedy Program.

c. **SMU Failures.** If an inmate continues to exhibit disruptive conduct after 6 additional months in the SMU, the inmate may be referred for designation to another appropriate facility, consistent with the orderly running and operations of our institutions.

9. INSTITUTION SUPPLEMENT

Each institution with a SMU will develop an Institution Supplement that addresses local operations and procedures. The Institution Supplement must be reviewed for legal sufficiency by the Regional Counsel prior to implementation.

REFERENCES

Program Statements

P1600.09 Occupational Safety, Environmental Compliance, and Fire Protection (10/31/07)

P5100.08 Inmate Security Designation and Custody Classification (9/12/06)

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

P5230.05 Grooming (11/4/96)

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

P5265.11 Correspondence (7/9/99)

P5267.08 Visiting Regulations (5/11/06)

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P5270.07 Inmate Discipline and Special Housing Units (3/20/06)
P5290.14 Admission and Orientation Program (4/3/03)
P5300.21 Education, Training and Leisure Time Program Standards (2/18/02)
P5322.12 Inmate Classification and Program Review (11/29/06)
P5360.09 Religious Beliefs and Practices (12/31/04)
P5370.11 Recreation Programs, Inmate (6/28/08)
P5521.05 Searches of Housing Units, Inmates, and Inmate Work Areas (6/30/97)
P5580.07 Personal Property, Inmate (12/28/05)
P5803.07 Progress Reports (3/16/98)
P6031.01 Patient Care (1/15/05)
P6340.04 Psychiatric Services (1/15/05)

ACA Standards

- 4th Edition Standards for Adult Correctional Institutions: 4-4277, 4-4287, 4-4288, 4-4290, 4-4292, 4-4295, 4-4296, 4-4297, 4-4299, 4-4300, 4-4301, 4-4363M.
- Performance Based Standards for Adult Local Detention Facilities, 4th Edition: None.
- 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-4A-01, 2-CO-4B-01, 2-CO-4B-04, 2-CO-4F-01.

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport and BOPDOCS.