



Program Statement

OPI: CPD
NUMBER: 5873.06
DATE: 8/6/2003
SUBJECT: Release Gratuities,
Transportation, and Clothing

Rules Effective Date: 6/9/03 & 7/9/03

1. [**PURPOSE AND SCOPE §571.20.** It is the policy of the Bureau of Prisons that an inmate being released to the community will have suitable clothing, transportation to the inmate's release destination, and some funds to use until he or she begins to receive income. Based on the inmate's need and financial resources, a discretionary gratuity up to the amount permitted by statute may be granted.]

This Program Statement applies primarily to sentenced inmates who are being released. Detainees housed in Bureau facilities for other agencies, such as the U.S. Marshals Service (USMS), fall under those agencies' responsibility, and this Program Statement provides information about those procedures.

Planning for release should begin early in an inmate's confinement, rather than just before release. At initial classification, and at each subsequent program review, the unit team is to review the inmate's release plans, including his or her financial resources.

In addition to meeting any current financial obligations, as might be required by the Inmate Financial Responsibility Program (IFRP), each inmate should be encouraged to save funds for release by saving funds (industrial and performance pay and outside receipts) in his or her trust fund account.

General information about potential public and private resources in the community is made available to inmates through the Admission and Orientation and Release Preparation Programs. Release planning usually requires coordination with U.S. Probation Officers, Community Corrections Managers (CCMs), or

[Bracketed Bold - Rules]

Regular Type - Implementing Information

Community Corrections Center (CCC) staff, all of whom may have information about specific community resources available in an inmate's release community.

A release gratuity cannot provide for an inmate's entire release needs and is only intended to supplement other resources that may be available. Sound correctional judgement should be applied to the need and approval of a gratuity. By planning well for the use of release gratuity funds, this will help assure that funds are available for those inmates who truly need financial assistance and for whom such resources are not otherwise available.

- Inmates whose offenses were committed prior to November 1, 1987, may be authorized a gratuity not to exceed \$100 (18 U.S.C. § 4281).
- Inmates whose offenses were committed on or after November 1, 1987, may be authorized a discretionary gratuity of up to \$500, based upon the inmate's needs and financial resources (18 U.S.C. § 3624(d)).

Unit staff may recommend, with the Case Management Coordinator's approval, a release gratuity up to \$250. When unit staff believe that a gratuity in excess of \$250 is warranted, the Warden's approval is required.

2. **SUMMARY OF CHANGES.** The following are highlights of this revised Program Statement:

- Rules language regarding gratuities for aliens was modified and
- Instructions on how to determine the amount of gratuities for inmates were added.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. Each sentenced inmate released from a Bureau institution will be provided clothing, transportation to the release destination, and appropriate funds based upon the inmate's release needs and budgetary and statutory limitations.

b. Sentenced inmates being released to detainers will be provided a sufficient amount of funds to assist with their immediate release needs.

4. DIRECTIVES AFFECTED**a. Directive Rescinded**

PS 5873.05 Release Gratuities, Transportation and Clothing (9/4/96)

b. Directives Referenced

PS 5290.14 Admission and Orientation Program (4/3/03)
PS 5325.06 Release Preparation Program, Institution (3/4/02)
PS 5380.07 Financial Responsibility Program, Inmate (1/3/00)
PS 7300.09 Community Corrections Manual (1/12/98)
PS 7310.04 CCC Utilization and Transfer Procedures (12/16/98)

c. Rules cited in this Program Statement are contained in 28 CFR §§ 571.20 through 571.22.

5. STANDARDS REFERENCED

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4393

b. American Correctional Association Standards for Adult Correctional Boot Camp Programs: 1-ABC-4G-15

c. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-4G-07

d. American Correctional Association 2nd Edition Standards for the Administration of Correctional Agencies: None

6. PRETRIAL/HOLDOVER/AND/OR DETAINEE PROCEDURES. Procedures contained in this Program Statement apply to all designated inmates. Procedures specifically for pretrial inmates are contained in Section 9 of this Program Statement.

This Program Statement does not apply to holdover inmates. However, if an inmate is released while in holdover status, the writ institution and the parent institution should coordinate their efforts to ensure that all release paperwork, including a decision on appropriate gratuity, is prepared. Procedures for detainees are contained in Section 7.e. of this Program Statement.

7. [PROCEDURES §571.21

a. An inmate is eligible for a gratuity as determined by the availability of personal and community resources. Greater consideration may be given to an inmate without funds or community resources.]

The following factors are to be considered in making a decision regarding a gratuity for a sentenced federal inmate:

- Institution resources (for example: Veterans Benefits, Performance Pay, or bank savings);
- The inmate's trust fund balance and phone credit balance, if applicable, as both sources of funds are made available to the inmate upon release;
- Community resources (for example: CCC, family, employment, or other public and private assistance programs);
- Immediate release needs such as transportation, clothes, union initiation fees or dues, etc.;
- Available resources of the institution;
- IFRP participation (Ordinarily, an inmate's refusal to participate results in the inmate not receiving a release gratuity unless one is approved specifically by the Warden. When a non-participating inmate's need for funds is exceptionally great, the unit team may recommend to the Warden that a gratuity be given); and
- Inmate spending habits.

[b. A federal prisoner boarded in a non-federal facility is eligible for a release gratuity. The director of the non-federal facility housing federal inmates or the community corrections manager shall determine the amount of release gratuity in accordance with the purpose and scope of this regulation for federal inmates housed in non-federal facilities.]

- The USMS will provide release funds for federal inmates boarded in a non-federal facility out of the Support of Prisoners budget with reimbursement by the Bureau or

- The release funds will be provided in accordance with the contract provisions with the non-federal facility.

[c. An inmate who is without personal funds may receive a gratuity when transferred to a community corrections center. The amount shall enable the inmate to care for needs in transit and allow for the purchase of necessary personal items upon arrival.]

[d. Staff shall provide the inmate released to a detainer with information on how to apply for a gratuity if released prior to expiration of the federal sentence.]

When an inmate is being released via parole or mandatory release to a detainer, staff will complete section 1 of the Certificate Entitling Prisoner to Gratuities (BP-S379.058) and provide the partially completed form to the inmate (not applicable to supervised release cases). The inmate is to complete section 2.

The inmate should be advised upon completing his or her state sentence, that the detaining authority is to complete section 3 and then mail the completed form to the federal institution from which the inmate was released.

[e. Staff will ensure that each alien released to immigration authorities for the purpose of release or transfer to a community corrections center has \$10 cash. This provision does not apply to aliens being released for the purpose of deportation, exclusion, or removal, or to aliens detained or serving 60 days or less in contract facilities.]

No gratuity is necessary for an alien who, upon the expiration of sentence, will be transferred to a Bureau-operated immigration detention facility (for example, the Federal Detention Center, Oakdale, Louisiana). Likewise, no gratuity is necessary for an alien who is physically released to an immigration detainer and has \$10 or more in personal funds.

8. RELEASE CLOTHING AND TRANSPORTATION §571.22

a. Staff shall provide release clothing appropriate for the time of year and the inmate's geographical destination. Upon request, work clothing will be provided. Nonavailability of work clothing may limit this practice.

b. Inmates transferring to a community corrections center will be provided adequate clothing to complete a job search and

perform work. Additionally, an outer garment, seasonably suited for the geographical destination will be provided.]

When an inmate chooses to have release clothing mailed or brought to the institution from sources in the community, the inmate or the inmate's family will bear the costs associated with this expense (i.e. - clothing costs, mailing costs, etc.).

[c. Transportation will be provided to an inmate's place of conviction, or to his/her legal residence within the United States or its territories.]

If an inmate chooses to use transportation other than what the Bureau provides, the inmate or the inmate's family must pay the entire transportation cost; the Bureau will absorb no part of that cost.

9. PROCEDURES FOR PRETRIAL RELEASEES. The United States Code provides instructions regarding release procedures when a person is arrested but not indicted, indicted but not convicted, or released to probation.

a. **Dismissal of Charges.** The court may direct the USMS to provide persons arrested but not indicted, or indicted but not convicted, with transportation and subsistence to the place of arrest, or, at his or her election, to the place of his or her bona fide residence if such cost is not greater than to the place of arrest (refer to 18 U.S.C. § 4282 for further information).

b. **Release to Probation.** The court may direct the USMS to furnish a prisoner on probation with transportation to the place to which the prisoner is required to proceed under the terms of his or her probation. The court may also direct the USMS to furnish the prisoner with an amount of money for subsistence to his or her destination (refer to 18 U.S.C. § 3604 for offenses committed on or after November 1, 1987, and 18 U.S.C. § 4283 for offenses committed prior to November 1, 1987).

Ordinarily, the Bureau provides an inmate with adequate clothing upon release, unless clothing worn at the time of commitment is available and suitable for re-issuance.

/s/
Harley G. Lappin
Director