DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 524

[BOP–1037–F]

RIN 1120–AA32

Progress Reports

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Prisons is amending its regulations on progress reports to require that progress reports be prepared for inmates at independent camps at least once every 24 or 36 months. The purpose of this change is to streamline operations at Bureau facilities while continuing to provide appropriate program services to inmates.

EFFECTIVE DATE: February 27, 1995.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514–6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations on Progress Reports. A final rule on this subject was published in the Federal Register on December 3, 1990 (55 FR 49977), and was amended on February 11, 1994 (59 FR 6856).

Current policy requires that a progress report be prepared on each federal inmate at least once every 24 months, if for no other reason than to update report information. With this amendment, inmates at independent camps would be given progress reports at least once every 24 or 36 months, dependent upon institution resources. Progress reports are used to maintain current information on an inmate such as his/her institutional adjustment, program participation, and readiness for release. Inmates at independent camps have demonstrated the necessary responsibility to serve their term of incarceration in the least restrictive environment. Because inmates in this environment do not need the same level of program opportunities as inmates at higher security institutions, program opportunities at camps are more limited. Release readiness for such inmates is monitored regularly through unit team review as part of the institution's release preparation program. Consequently, the need for frequent progress reports is greatly diminished. This amendment makes no change to the provisions in § 524.41(f) which allows for preparation for any other reason. This amendment, therefore, will not negatively impact inmates at independent camps. This change will give the Bureau the flexibility to streamline operations at independent camps in accordance with staff resources.

The Bureau has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly this rule was not reviewed by the Office of Management and Budget. After review of the law and regulations, the Director of the Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

Because these changes allow the Bureau to allocate staff resources in a more efficient manner and do not impose further restrictions on inmates, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the Federal Register.

List of Subjects in 28 CFR Part 524

Prisoners.

Kathleen M. Hawk,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), part 524 in subchapter B of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

PART 524—CLASSIFICATION OF INMATES

1. The authority citation for 28 CFR part 524 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3521–3528, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 21 U.S.C. 848; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. In § 524.41, paragraph (e) is revised to read as follows:

§ 524.41 Types of progress reports.

* * * * *

(e) Biennial Report—except for inmates at independent camps, a progress report shall be completed on each designated inmate at least once every 24 months if not previously generated for another reason required by this section. Dependent upon institution resources, progress reports for inmates housed at independent camps shall be updated at least once every 24 or 36 months.

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