

Custody and Classification

By Michael G. Santos
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This article describes the different security levels of prison, and the manner in which administrators classify offenders.

The Bureau of Prisons operates its prisons according to various levels of security. Every federal prison falls into one of five different security levels: minimum, low, medium, high, or administrative. Administrative-level facilities are designed to hold prisoners from any security level. That means an administrative facility may be holding mass murderers together with people who mailed envelopes with fake postage stamps. Because administrative facilities hold such diverse groups of prisoners, life inside of them is strictly controlled. Prisoners held in these facilities are usually there for a specific purpose besides serving the sentence. Their freedom of movement is strictly controlled.

For the most part, administrative facilities are like large county jails, holding any type of offender. Generally, they serve three purposes:

1. as a facility close to courthouses so they can hold prisoners whom the U.S. Marshal Service needs to transport to court frequently (Metropolitan Correctional Centers and Federal Detention Centers);
2. as transit facilities where prisoners are held while en route to other prisons (Federal Transit Centers);
3. as hospital-like facilities where medical staff members and equipment are available to treat the complicated health concerns of the BOP prisoner population (Federal Medical Centers).

The other four levels of security classification (minimum, low, medium, and high) are designed for prisoners to serve longer periods of time. Whereas prisoners are held in administrative facilities for specific purposes (to facilitate transportation or medical needs),

prisoners may serve multiple decades in these other prisons. And as a result of the Bureau of Prison's complex system of classifying prisoners, the prisoners held in each respective prison will have similar security needs.

Seven factors determine an institution's security level. They include:

1. the use of mobile patrols that drive around the institution's perimeter 24 hours each day;
2. gun towers located around a prison's outside perimeter from which armed BOP guards monitor the activities inside of a prison;
3. perimeter barriers that separate the prison from the community;
4. the use of detection devices like metal detectors and sound guns that can intercept prisoner conversations;
5. internal security, like locks on individual doors and bars on windows;
6. housing issues, such as whether prisoners are confined in locked rooms, cages, or open dormitories; and finally,
7. the ratio of inmates to staff members.

The higher the security level in the institution, the more stringent are the security needs.

The most secure federal prison in the United States is the Administrative-maximum security prison at Florence, Colorado (ADX), where prisoners basically are denied all human contact.

United States penitentiaries (USPs), which are classified as high-security institutions, have much higher rates of violence because they hold prisoners with violent backgrounds in more open settings.

Medium-security prisons (Federal Correctional Institutions—FCIs) also have relatively high-security needs, as they generally hold prisoners with up to 30 years remaining to serve. These long-term prisoners frequently bring higher levels of volatility to an institution. Low-security FCIs still maintain a substantial degree of control, but they are more open than medium-

FCIs or high-security USPs. Federal Prison Camps (FPCs) or Satellite Camps (SPCs), on the other hand, are designed to hold prisoners whom the BOP has determined need the least amount of supervision or security controls.

Taxpayers frequently complain about the prison system's use of federal prison camps. Many citizens want prisoners to suffer through long sentences and express outrage at what they perceive as the system's codling of prisoners. What this complaint does not take into consideration, however, is the extraordinary difference in costs required to operate lower-security prisons; the higher the security level, the higher the cost of confinement on a per-inmate basis.

The least expensive prisons to operate are prison camps. Camps do not require a fence around the perimeter of the prison. No gun towers exist. And the staff-to-inmate ratio is the lowest in the prison system. Indeed, prisoners confined in federal prison camps frequently work in community-type programs that place them in direct contact with community citizens.

Whereas a high-security facility may have as many as one staff member for every prisoner it holds, a prison camp may require a single staff member for every 350 prisoners that it holds. Accordingly, the most expensive high-security facilities may cost administrators more than \$40,000 per year to confine each prisoner that it holds, while it may cost taxpayers fewer than \$10,000 per year to confine each inmate in a federal prison camp. With approximately 2,000,000 people in American prisons, administrators have found it necessary to manage taxpayer dollars by properly classifying prisoners and holding them in the least-restrictive and cost-effective method available. After all, people are sent to prison as punishment, not for punishment.

Prisoner Custody, Classifications, and Security Scoring

Soon after a federal judge imposes a sentence of incarceration, a BOP representative evaluates the offender's information in an effort to designate an appropriate facility for the

offender to serve his sentence. The BOP has published a Custody and Classification Manual (Manual) which describes guidelines prison administrators use when designating an individual's place of imprisonment. The Manual is available on the Bureau of Prisons' web site at www.BOP.gov under Program Statement 5100.08. If an offender has access to the Internet, it would be wise for him to review the Manual so he can understand how prison behavior influences the type of facility in which an offender is held.

In an effort to ensure all designation and transfer decisions are made without favoritism given to an individual's social or economic status, the Manual provides a matrix which allows BOP case managers to arrive at an objective score that will determine each offender's security needs. Once case managers identify an offender's security level, he will be designated to a corresponding facility. Basically, the manual uses a point system for two types of offender scoring. The first type of score, the Base Score, evaluates an offender's legal status; the second type of score, the Custody Score, evaluates an offender's prison behavior.

The Base Score, on which an offender can score from a minimum of zero points to a maximum of more than 24 points, evaluates and assigns points to such issues as whether the individual has a detainer filed against him (pending additional legal action); the severity of the current offense; any type of prior commitment; any history of escape attempts; any history of violence; and an individual's pre-commitment status (whether he self surrendered). The base score also factors the defendant's age, educational level, and history of drug abuse. On this Base Score, the lower the number of points, the better for an offender.

The Custody Score, on which an offender can score from a minimum of six points to a maximum of 22 points, evaluates the percentage of time the individual has served as related to his expected stay in prison; program participation in prison; living skills; the seriousness and quantity of disciplinary infractions he has received while in custody; the frequency of disciplinary problems during the past year; the level of responsibility demonstrated during

incarceration; and the individual's family ties. On this score, the higher the number of points, the better for the offender.

After BOP administrators calculate a Base Score and a Custody Score, they plug the two separate numbers into a formula which will provide the administrators with a total security-level score. For male offenders, barring special circumstances outlined in Chapter Seven of the manual, offenders whose total score is between zero and eleven points may qualify for camp placement. Offenders who score between twelve and fifteen points usually are held in low-security prisons. If a prisoner scores between sixteen and twenty-three points, he generally will be designated to serve his sentence in a medium-security prison. Offenders who score higher than twenty-four points on the security-level scoring system usually will be sent to a high-security federal penitentiary.

For female offenders, the BOP uses a similar system, but assigns different points to the criteria determining each female offender's security level. Females with zero to fifteen points usually are designated to minimum-security facilities; females with sixteen to thirty points usually are designated to low-security facilities; and females who score higher than thirty-one points usually are designated to a high-security facility for women.

Management Variables and Public Safety Factors

Despite an offender's classification scoring, some additional circumstances may play a role in an offender's security level. The Bureau of Prisons accommodates these factors through the use of Management Variables and Public Safety Factors.

Management Variables identify criteria that may have an impact on where an individual serves his sentence. Case Managers can apply a Management Variable to an individual offender for the following reasons

1. **Judicial Recommendation:** when the offender's sentencing judge recommended a specific institution;

2. Release Residence/Planning: to help an offender remain close to his area of release;
3. Population Management: to maintain balance in a facility's inmate population;
4. Central Inmate Monitoring: to monitor specifically targeted offenders;
5. Medical / Psychiatric Treatment: to provide medical attention;
6. Program Participation: to allow inmates to participate in programs available at only certain facilities;
7. Work Cadre: to make use of inmate labor;
8. Long-term Detainee: When a person remains in custody even though the criminal sentence has expired;
9. Greater Security: to confine prisoners in higher-security facilities than for which they would otherwise qualify; and,
10. Lesser Security: to confine prisoners in lower-security facilities than for which they would otherwise qualify.

The Bureau of Prisons applies Public Safety Factors to screen offenders whom administrators deem may require a more secure prison than the classification point system indicates. Public Safety Factors are applied for the following reasons:

1. Disruptive Group: for inmates who are identified as belonging to a group suspected of subverting prison management policies;
2. Greatest Severity Offense: to screen leaders of criminal enterprises, racketeers, and offenders convicted of serious crimes;
3. Sex Offenders: to monitor inmates who have been convicted of sexual crimes, including Internet pornography;
4. Threat to Government Official: to monitor inmates who have been identified as seriously threatening government officials;

5. **Deportable Alien:** to keep track of prisoners who may be deported at the conclusion of their sentences;
6. **Sentence Length:** to track offenders with long sentences;
7. **Serious Escape:** to monitor prisoners who have escaped from secure prisons; and,
8. **Prison Disturbance:** to monitor prisoners identified as having participated in prior riots, strikes, or other subversive behavior.
9. **Juvenile Violence:** to monitor juveniles with a documented history of violence;
10. **Serious Telephone Abuse:** for those who have a history of using the telephone to facilitate criminal activity, or those who have been convicted of violating telephone privileges while in custody.

After BOP administrators consider all factors, including the offender's classification score, Management Variables, and Public Safety Factors, they will designate the individual to a particular prison. The stated objective of the BOP's security designation system is to confine offenders in the lowest security-level facility for which the offender qualifies, normally within 500 miles of the inmate's release residence.

Federal prisoners lack the capacity to distinguish themselves positively in a formal way. The federal system provides only minimal means for prisoners to earn official recognition for constructive behavior. In other words, a prisoner who is committed to developing skills and staying out of trouble may enhance his chances to succeed upon release, but the classification system barely distinguishes him from the prisoner who watches television and plays cards all day. Informally, some prisoners may establish chummy relationships with some staff members, but on the record, only the BOP Custody Classification Form (BP-338) formally distinguishes prisoners.

As the Custody and Classification Form shows, the BOP offers few vehicles for an individual to demonstrate that he is worthy of lower security through merit.

Nothing in the BOP policy exists to suggest a prisoner has a right to serve his term in a particular facility. The only way for a prisoner's security level to drop is through the passing of time and the avoidance of disciplinary infractions. As a prisoner moves closer to his release date, his custody scoring may change for the better. Yet a prisoner has no control over the passing of time, and regardless of what personal accomplishments the individual achieves during his term in confinement, he has no power to influence his security scoring positively.

Accordingly, whenever a prisoner transfers or loses contact with the "informal" source of support he may have established with individual staff members, he begins from square one, with only his scoring on the Custody and Classification Form to distinguish him from other prisoners.

On the other hand, federal prisoners have ample opportunities to demonstrate their need for higher security. Indeed, an individual's score will increase immediately if the offender is found guilty of committing disciplinary infractions during his term of confinement. And in order to avoid receiving disciplinary infractions, a prisoner must make a conscious effort. As some prisoners observe, trying to live in prison without receiving a disciplinary infraction is like trying to walk across a high wire—it's possible, but the feat requires concentration, balance, a strong will, and, above all, extraordinary discipline.

Over the more than 20 years that I have served, I have kept a clean disciplinary record. Yet I must acknowledge that avoiding disciplinary infractions became easier once I was transferred from secure prisons to minimum-security camps. In penitentiaries and correctional institutions, officers place more of an emphasis on issuing disciplinary infractions. They frequently “shakedown” lockers and stop inmates for searches. By writing disciplinary infractions, they keep the prison population on alert, letting them know that officers are constantly watching the prisoners. Cameras are everywhere, monitoring every move a prisoner makes.

In prison camps, on the other hand, prisoners are not harassed nearly as much. Prisoners in camp endure far fewer random shakedowns or searches. It is possible to pass entire days without any staff interaction. Officers understand that the likelihood for violence or mass disturbance is significantly less in minimum-security camps, so they seem to place less emphasis on issuing disciplinary infractions for trivial issues. Exceptions exist, of course, but my experience has been that living in camp lowers an individual's exposure to disciplinary infractions.

In prison, one can control his own behavior. He cannot control the behavior of the thousands of other people with whom he lives, or the whimsical moods and temperaments of the staff members who can charge a prisoner arbitrarily with violating any number of disciplinary infractions. The social interactions between other prisoners, as individuals and groups, require immediate and frequent decisions that could lead to disciplinary infractions. One may minimize contact with volatile situations, but over multi-year periods, the odds of receiving a disciplinary infraction for violating some esoteric prison rule increase. Also, one must beware of petty bureaucrats who savor the power they have over inmates and aggressively look for opportunities to issue disciplinary infractions.

Although prisoners may misbehave in prison and cause their security levels to increase, no "formal" channels exist for an inmate to enhance his chances of transferring to a more desirable facility. "Informal" methods, on the other hand, with varying degrees of acceptability, can be of assistance in requesting transfers to specific institutions.