



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

December 20, 2002

MEMORANDUM FOR FEDERAL JUDGES

FROM:

Kathleen Hawk Sawyer
Kathleen Hawk Sawyer
Director

SUBJECT:

Community Confinement Procedure Change

This memorandum informs you that the Bureau of Prisons (Bureau) is implementing a significant procedure change regarding inmate designations to community correction centers (CCC) (also known as "halfway-houses"). The Bureau has had a practice of honoring some judicial recommendations to place inmates in CCCs for the imprisonment portions of their sentences. Effective immediately, this practice will no longer be followed. The Bureau will not use CCCs as a substitute for imprisonment.

This procedure change follows recent guidance from the U.S. Department of Justice's Office of Legal Counsel (OLC), finding that the term "community confinement" is not synonymous with "imprisonment." OLC has determined that the Bureau's practice of using CCCs as a substitute for imprisonment contravenes well-established caselaw, and is inconsistent with U.S.S.G. § 5C1.1.

This procedure change will be implemented prospectively, with the following exception. Inmates designated to CCCs who, as of December 16, 2002, had more than 150 days remaining to serve on their prison terms, will be re-designated by the Bureau to prison institutions.