

## Changes to BOP Regulations on the Drug Abuse Treatment Program, effective May 26, 2016.

**550.50 Purpose and Scope.** The purpose of this subpart is to describe the Bureau's drug abuse treatment programs **for the inmate population, to include drug abuse education, non-residential drug abuse treatment services, and residential drug abuse treatment programs (RDAP). These services are provided by Psychology Services department**. ~~All Bureau institutions have a drug abuse treatment specialist who, under the Drug Abuse Program Coordinator's supervision, provides drug abuse education and non-residential drug abuse treatment services to the inmate population. Institutions with residential drug abuse treatment programs (RDAP) should have additional drug abuse treatment specialists to provide treatment services in the RDAP unit.~~

### **550.53 Residential Drug Abuse Treatment Program**

(a) RDAP. To successfully complete the RDAP, inmates must complete each of the following components:

(1) Unit-based component. Inmates must complete a course of activities provided by **the Psychology Services Department** ~~drug abuse treatment specialists and the Drug Abuse Program Coordinator~~ in a treatment unit set apart from the general prison population. This component must last at least six months.

(2) Follow-up services. If time allows between completion of the unit-based component of the RDAP and transfer to a community-based program, inmates must participate in the follow-up services to the unit-based component of the RDAP.

(3) ~~Transitional drug abuse treatment (TDAT) component.~~ **Community Treatment Services.** Inmates who have completed the unit-based program and (when appropriate) the follow-up treatment and ~~are transferred to a~~ **community-based program** confinement must ~~successfully complete CTS community-based drug abuse treatment in a community-based program to have successfully completed RDAP and~~ **receive incentives**. The Warden, on the basis of his or her discretion, may find an inmate ineligible for participation in a community-based program; **therefore, the inmate cannot complete RDAP.**

(b) Admission criteria. Inmates must meet all of the following criteria to be admitted into RDAP.

(1) Inmates must have a verifiable substance use disorder.

(2) Inmates must sign an agreement acknowledging program responsibility.

(3) When beginning the program, the inmate must be able to complete all three components described in paragraph (a) of this section.

(c) Application to RDAP. Inmates may apply for the RDAP by submitting requests to a staff member (ordinarily, a member of the unit team or the Drug Abuse Program Coordinator).

(d) Referral to RDAP. Inmates will be identified for referral and evaluation for RDAP by unit or drug treatment staff.

(e) Placement in RDAP. The Drug Abuse Program Coordinator decides whether to place inmates in RDAP based on the criteria set forth in paragraph (b) of this section.

(f) Completing the unit-based component of RDAP. To complete the unit-based component of RDAP, inmates must:

(1) Have satisfactory attendance and participation in all RDAP activities; ~~and~~

~~(2) Pass each RDAP testing procedure. Ordinarily, we will allow inmates who fail any RDAP exam to retest one time.~~

550.3(g) Expulsion from RDAP.

(1) Inmates may be removed from the program by the Drug Abuse Program Coordinator because of disruptive behavior related to the program or unsatisfactory progress in treatment.

(2) Ordinarily, inmates must be given at least one formal warning before removal from RDAP. A formal warning is not necessary when the documented lack of compliance with program standards is of such magnitude that an inmate's continued presence would create an immediate and ongoing problem for staff and other inmates.

~~(3) Inmates will be removed from RDAP immediately if the Discipline Hearing Officer (DHO) finds that they have committed a prohibited act involving:~~

~~(i) Alcohol or drugs;~~

~~(ii) Violence or threats of violence;~~

~~(iii) Escape or attempted escape; or~~

~~(iv) Any 100-level series incident.~~

(4) We may return an inmate who withdraws or is removed from RDAP to his/her prior institution (if we had transferred the inmate specifically to participate in RDAP).

(h) Effects of non-participation.

(1) If inmates refuse to participate in RDAP, withdraw, or are otherwise removed, they are not eligible for:

(i) A furlough (other than possibly an emergency furlough);

- (ii) Performance pay above maintenance pay level, bonus pay, or vacation pay; and/or
  - (iii) A Federal Prison Industries work program assignment (unless the Warden makes an exception on the basis of work program labor needs).
- (2) Refusal, withdrawal, and/or expulsion will be a factor to consider in determining length of community confinement.
- (3) Where applicable, staff will notify the United States Parole Commission of inmates' needs for treatment and any failure to participate in the RDAP.

**550.55(b) Inmates not Eligible for Early Release.** As an exercise of the Director's discretion, the following categories of inmates are not eligible for early release:

- (1) Immigration and Customs Enforcement detainees;
- (2) Pretrial inmates;
- (3) Contractual boarders (for example, State or military inmates);
- (4) Inmates who have a prior felony or misdemeanor conviction **within the ten years prior to the date of sentencing for their current commitment** for:
  - (i) Homicide (including deaths caused by recklessness, but not including deaths caused by negligence or justifiable homicide);
  - (ii) Forcible rape;
  - (iii) Robbery;
  - (iv) Aggravated assault;
  - (v) Arson;
  - (vi) Kidnaping; or
  - (vii) An offense that by its nature or conduct involves sexual abuse offenses committed upon minors;
- (5) Inmates who have a current felony conviction for:
  - (i) An offense that has as an element, the actual, attempted, or threatened use of physical force against the person or property of another;

- (ii) An offense that involved the carrying, possession, or use of a firearm or other dangerous weapon or explosives (including any explosive material or explosive device);
- (iii) An offense that, by its nature or conduct, presents a serious potential risk of physical force against the person or property of another; or
- (iv) An offense that, by its nature or conduct, involves sexual abuse offenses committed upon minors;
- (6) Inmates who have been convicted of an attempt, conspiracy, or **solicitation to commit** ~~other offense which involved~~ an underlying offense listed in paragraph (b)(4) and/or (b)(5) of this section; or
- (7) Inmates who previously received an early release under [18 U.S.C. 3621\(e\)](#).

**550.56 (Community Treatment Services (CTS) ~~Community Transitional Drug Abuse Treatment Program (TDAT)~~)**

- (a) For inmates to successfully complete all components of RDAP, they must participate in CTS. ~~TDAT in the community~~. If inmates refuse or fail to complete ~~TDAT~~ **CTS**, they fail the RDAP and are disqualified for any additional incentives.
- (b) Inmates with a documented drug abuse problem who did not choose to volunteer for RDAP may be required to participate in **CTS** ~~TDAT~~ as a condition of participation in a community-based program, with the approval of the **Supervisory Community Treatment Services Coordinator**. ~~Transitional Drug Abuse Program Coordinator~~.
- (c) ~~Inmates who successfully complete RDAP and who participate in transitional treatment programming at an institution must participate in such programming for at least one hour per month~~