



U.S. Department of Justice
Federal Bureau of Prisons

OPERATIONS MEMORANDUM

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EXPIRATION DATE: October 9, 2021

Adjusted Release Notification Procedures

/s/

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1. PURPOSE AND SCOPE

To establish additional procedures and streamline existing procedures for Adjusted Release Notifications, effective on the date of this Operations Memorandum (OM).

There are many potential causes of “untimely releases” resulting from actions within and outside the agency, not just staff error. With the issuance of this OM, these types of releases will now be referred to as “Adjusted Releases.” This new name will provide clarity and eliminate misleading interpretations.

This OM delineates responsibilities at the Designation and Sentence Computation Center (DSCC), institution, and Residential Reentry Management (RRM) Office levels in relation to Adjusted Release Notifications.

2. APPLICATION

This directive applies to inmates in Bureau custody, as defined in 28 CFR § 500.1(c).

3. PROCEDURES

a. **Reporting and Training.** The BP-A0558 form (previously known as “Untimely Release Notification”) will now be referred to as “Adjusted Release Notification,” and will include all known causes that create an adjusted release. The BP-A0623 (previously known as “Late

Release Notice for U.S. Probation Service”) will now be referred to as the “Notice To United States Probation Office of Over-Served Time.”

To reduce the number of adjusted releases that are due to staff error, the DSCC will provide all staff responsible for sentence computations with specialized training regarding how to more thoroughly research jail credit and how to communicate more effectively. These training sessions will include, but are not limited to, identifying who to call, what information to provide, and what information to ask for in order to request documentation to verify jail credit, and how to communicate with many different types of personalities.

Data from the BP-A0558 will be consolidated into the quarterly report now termed “Quarterly Adjusted Release Report,” and analyzed to develop specific quarterly refresher training on any trends identified.

In addition, in an effort to reduce the likelihood of adjusted releases due to staff error, the DSCC will conduct monthly perpetual audits of sentence computations. Fifty percent of the audits will be conducted on inmates who are scheduled to release within the next 12 months.

b. Sentence Recalculation and Notifications. Upon receiving a sentence impact document affecting the release of an inmate, staff will recalculate the sentence as soon as the document has been verified. Orders received after normal business hours at the inmate’s designated institution (i.e., after 4:00 p.m.), will be considered received on the following business day and processed on that same business day.

Please note the following exceptions to the above: Any orders specifically indicating “**Immediate Release**” must be processed on the same day as received, regardless of the time of day received. In addition, orders specifically indicating release on a **specific day** must be processed on that day.

On time served orders, sentence computations will be updated and reflect a release date as of the date the order is received.

Once the sentence computation has been updated and certified, the Operations Manager at the DSCC will ensure remarks explaining the circumstances of the adjusted release are entered into the SENTRY Sentence Computation Remarks and accurately reflect the circumstances of the case.

If DSCC staff determine the inmate is past due for release, they contact the institution Case Management Coordinator (CMC)/Correctional Systems staff and Operations Lieutenant (after normal business hours) or RRM staff, along with the parent institution staff (if applicable) by

telephone as soon as possible regarding the adjusted release. DSCC staff will inform the institution staff they are to make the inmate aware he/she was held beyond his/her release date and the reason for the adjusted release and follow up with an e-mail message. A copy of the e-mail will be saved to the inmate's Electronic Inmate File (EIF).

If the adjusted release is due to a miscalculation of the sentence or any circumstances requiring additional explanations of a function completed by DSCC staff:

- DSCC staff complete Parts A and B of the BP-A0558 Adjusted Release Notification within five business days and include the cause of the adjusted release, a thorough explanation of the case, and whether the inmate has supervision or no supervision to follow.
- The Operations Manager ensures that Part B of the form provides a thorough explanation of the adjusted release and necessary follow-up action, such as staff training or additional contact with other departments or agencies.
- The BP-A0558 is routed to the Section Chief who has oversight for that team. The reports are then reviewed with the Section Chief who has oversight for sentence computations. Once the form is signed, the BP-A0558 is returned to the Operations Manager and saved into the inmate's Electronic Inmate File (EIF). The Operations Manager forwards a copy of the form to the Training Section and the staff member assigned to track adjusted releases to determine whether there are any trends.

DSCC staff will ensure the "Notice To United States Probation Office of Over-Served Time" (BP-A063) is completed, saved to the EIF, and forwarded electronically to U.S. Probation and the Prosecuting Assistant United States Attorney for the sentencing court of jurisdiction for any late release with supervision to follow. A copy of the e-mail will be saved to the inmate's EIF.

Once the BP-A0558 and/or BP-A0623 have been completed, DSCC staff will e-mail the completed forms to the appropriate institution and/or RRM Office. Notations will be made in the body of the e-mail of the details of the adjusted release which were discussed telephonically. A copy of the e-mail will be saved to the inmate's EIF.

c. Releases Not Requiring Adjusted Release Notification. An Adjusted Release Notification (BP-A0558) need not be completed for the following types of late releases unless the inmate was not released on the date the order was received at the institution:

- Receipt of a court order terminating or vacating the sentence.
- Sentence modifications (e.g., amended or corrected orders).
- Documentation of ineffectual terms (over before imposed, etc.).
- Documentation of time served sentences.
- Receipt of a Notice of Treaty Transfer determination.

- Receipt of a notice of change in statutory or regulatory application from the Office of General Counsel.

In each instance above, SENTRY Sentence Computation Remarks are updated by DSCC staff, explaining the circumstance and the date the sentence impact document was received.

d. **Special Cases.** If the institution or RRM office fails to release an inmate after receiving notification from the DSCC, they must complete a BP-A0558 (Adjusted Release Notification) form and route it through the Regional Correctional Programs Administrator and the Central Office Correctional Programs Administrator. Once the form is completed, it is sent to the DSCC for inclusion in the Quarterly Adjusted Release Report and inmate's EIF.

In cases involving an early release in which the inmate has time remaining to be served, the United States Marshals Service (USMS) must be notified of the early release in writing to request that the inmate be returned to BOP custody to complete the remaining portion of his/her sentence. If the inmate is released early by 30 days or more, a letter to the appropriate judicial official(s) must be completed, providing the details of the adjusted release. The United States Attorney or State/Territory Prosecuting Attorney, Chief Probation Officer, Regional Correctional Programs Administrator, United States Parole Commission (if appropriate), detaining officials (if appropriate), and State/Territory Department of Corrections (if appropriate) are to be copied. This letter will be forwarded to the DSCC Chief for signature prior to being forwarded to these officials.

In cases where the early release involves inmates who require a threat evaluation, the Adjusted Release Notification must be forwarded to the Warden (with a courtesy copy to the Regional Correctional Programs Administrator).

e. **Stakeholder Outreach.** The BOP will continue to obtain feedback and provide routine training events with stakeholders; e.g., USPO, the USMS, and the courts.

The DSCC will send out invitations twice a year to non-BOP officials to offer educational events that include, but are not limited to, the areas of determining primary jurisdiction, the effect of ineffectual sentences, the application of prior custody credit pursuant to Federal statute, and the timely forwarding of documents for short-term sentences.

4. ASSISTANCE

Any questions regarding this Operations Memorandum may be directed to the Operations Manager at the DSCC responsible for the affected inmate.

REFERENCES

Program Statements

P5880.15 Correctional Systems Manual (01/01/09)

BOP Forms

BP-A0558 Adjusted Release Notification

BP-A0623 Notice To United States Probation Office of Over-Served Time