



Program Statement

OPI: OGC
NUMBER: 1350.01
DATE: January 11, 1996
SUBJECT: Criminal Matter Referrals

1. PURPOSE AND SCOPE. To provide procedures for tracking and referring matters for prosecution that occur in Bureau of Prisons facilities or on Bureau of Prisons property, or involve Bureau of Prisons staff.

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. All criminal matters that occur in an institution or on institution grounds, or that involve Bureau of Prisons staff, will be documented and tracked.

b. Each criminal matter will be formally considered for referral to an appropriate law enforcement agency.

c. When a Warden disagrees with a U. S. Attorney's Office decision to decline prosecution on a referred criminal matter, it will be reviewed for possible formal re-presentation to the U. S. Attorney.

d. If, upon re-presentation of a criminal matter, the U. S. Attorney still does not concur with the Bureau's assessment, the matter will be reviewed by the General Counsel's Office for further action.

3. DIRECTIVES REFERENCED

P.S. 1380.05 Special Investigative Supervisors Manual
(08/01/95)

4. STANDARDS REFERENCED. None.

5. REFERRAL OF CRIMINAL MATTERS. All criminal matters that occur in an institution or on institution grounds, or that involve Bureau of Prisons staff, shall be tracked as described in Section 7 below.

The Special Investigative Supervisor (SIS) shall present each criminal matter to the Warden to determine whether it is to be referred to the appropriate Federal, state, or local law enforcement agency. The SIS or the Warden may consult with institution legal staff regarding the criminal matter prior to the referral.

6. NOTIFICATION TO LEGAL STAFF. When a case is referred to a Federal, state, or local investigative agency for prosecution, the SIS shall notify the institution legal staff, or the Regional Counsel's Office if no legal staff are assigned to that institution.

Legal staff shall follow any case referred to ensure all prosecutions are timely.

When a criminal case is referred to the U. S. Attorney's Office for prosecution, the SIS shall notify the institution legal staff and the Warden as to whether the case was accepted or declined.

When a referral is declined, the Warden shall notify the Regional Counsel's Office, and, if the Warden disagrees with the decision to decline, shall provide a summary of the case to the Regional Counsel with a recommendation for re-presentation of the case to the U. S. Attorney.

The Regional Counsel shall review and discuss the matter, the reasons for the declination, and the Warden's recommendation with appropriate officials (including if necessary, the Warden, Regional Director, institution legal staff, law enforcement case agent, appropriate U. S. Attorney's Office staff, and the General Counsel).

If, after such discussions, the Bureau believes prosecution is appropriate, the Regional Counsel shall make a formal re-presentation of the criminal matter to the U. S. Attorney. If the U. S. Attorney still does not concur with the Bureau's assessment, the matter shall be referred to the Office of General Counsel for further action.

7. REPORTING AND TRACKING. Effective upon receipt of this Program Statement, all institution SIS's are required to record and report to institution legal staff criminal matters that are appropriate for referral to law enforcement agencies. Institutional legal staff shall track all referrals.

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Kathleen M. Hawk
Director