



# Use of Home Confinement as a Release Option

Correctional Programs Branch

# Objectives

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- Discuss Goals of Use of Home Confinement as Release Option Memo
- Review Statutory Authorities
- Discuss Five Factor Review
- Review Home Confinement Criteria
- Discuss Timeframe for completing RRC/HC placement reviews
- Review RRC/Home Confinement referral examples

# Director's Memorandum: Use of Home Confinement as A Release Option

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- Memo dated June 17, 2025, replaces the memo dated May 28, 2025
- Sets expectations and provides direction for HC referrals under FSA and SCA
- Goals
  - Timely prerelease placement with earned FTCs and statutory authority
  - Maximize RRC bedspace availability
  - Least amount of risk to public safety/minimum jeopardy

# Statutory Authority

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**18 U.S.C. § 3621(b)** - Second Chance Act (SCA) of 2007  
Individually assessed for placement based on needs;  
SCA RRC placement of 12 months or less

**18 U.S.C. § 3624(c)** - Home Confinement (HC)  
Restricts the Bureau in placing inmates on home  
confinement to the last six months or 10% of the  
sentence, whichever is less; Home Detention Eligibility  
Date (HDED)

**18 U.S.C. § 3632(d)(4)** - First Step Act (FSA) of 2018  
May earn FTCs towards prerelease custody (e. g.  
RRC/HC) or towards early release to SRT if eligible

**18 U.S.C. § 3624(g)** – FSA Home Confinement  
No restriction on number of FTCs applied towards  
home confinement

# Director's Memorandum: Guidance Conditional Planning Dates – FTC Worksheet



**Projected Release Date:** The projected release date is the original release date without FTCs.

**Projected Release Method:** The projected release method is the original release method without FTCs.

**FSA Projected Release Date:** The amount of FTCs earned to date towards release since the last auto-calculation. Once the inmate reaches 365 FTCs this date will not change.

**FSA Projected Release Method:** This is the release method once FTCs have been applied e.g. FSA REL, FSRDAP REL, FSRDAP COND.

**Date 3621E CRP Date:** This complete residential program date is for inmates participating in RDAP ONLY. It is the date the individual is projected to complete the institution RDAP. For Non-RDAP inmates, this line will not appear on the worksheet.

**FSA Conditional Release Date:** This date is the maximum number of FTCs an inmate can earn and apply towards their release. Changes in this date occur due to changes in the inmate's status including earning rate, opt in status, admission status and disciplinary segregation. Once the inmate reaches the max of 365 FTCs towards early release this date will not change unless the inmate receives a sanction of loss of FTCs. *Note:* The FSA Conditional Release date will equal the FSA Projected Release date once the inmate has earned 365 FTC days towards early release.

# Director's Memorandum: Guidance Conditional Planning Dates – FTC Worksheet



**SCA Recommended Placement Days:** After reviewing the inmate under the 5 Factors this is the number of SCA placement days recommended by the Unit Team for approval by the CEO. The number of days will be entered into the INSIGHT Application.

**SCA Recommended Placement Date:** This date reflects the proposed SCA placement date using the number of proposed SCA days added by the Unit Team. Unit team must ensure individual assessments are conducted using the five-factor criteria from 18 U.S.C § 3621(b). Individuals with pending charges and/or detainers who are not FSA eligible are NOT eligible for pre-release placement.

**SCA Max. Statutory HC Placement Days if appropriate (lesser of 6 months/10%):** The number of days reflects the maximum amount of home confinement days under the SCA.

# Director's Memorandum: Guidance Conditional Planning Dates – FTC Worksheet



**FSA Conditional Placement Days:** This is the number of days which reflect the maximum amount of FSA Federal Time Credits an FSA eligible individual can earn towards pre-release confinement (RRC or home confinement) given their current PATTERN risk level and earning status. Earned FTC days beyond the 365 plus any assumed FTC days that the inmate would earn until the FSA conditional release date. Changes in this date occur due to changes in the inmate's status including earning rate, opt in status, admission status and disciplinary segregation. *Note:* For inmates who are eligible to earn but have no supervision to follow, all FTCs are applied to RRC/HC placement. In addition, if this section reflects 'N/A' then the inmate will not earn any FTCs towards pre-release placement and the SCA recommended placement days should be used for planning.

**FSA Conditional Placement Date:** This date reflects the maximum amount of FSA Federal Time Credits an FSA eligible individual can earn towards pre-release confinement (Residential Reentry Center/Work Release Center or home confinement) given their current PATTERN risk level. If this date is 'N/A' then the inmate will not earn any FTCs towards pre-release placement and the SCA recommended placement date should be used for planning.

# Director's Memorandum: Guidance Conditional Planning Dates – FTC Worksheet



**Conditional Transition to Community Date:** This date reflects the earliest date an individual may transition to the community considering both the FSA Conditional Placement Date and the SCA Recommended Placement Days.

**Maximum Statutory Home Confinement Placement Date (if appropriate):** This incorporates the SCA maximum statutory home confinement placement days in addition to FSA Conditional Placement days providing the earliest possible home confinement eligibility date.

**Recommended Home Confinement Placement Date (if appropriate):** This incorporates the recommended SCA home confinement placement days in addition to FSA Conditional Placement days.

# Applied in Sequence

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## **FSA Conditional Placement Date**

This date reflects the maximum amount of FSA Federal Time Credits an FSA eligible individual can earn towards pre-release confinement (Residential Reentry Center/Work Release Center or home confinement) given their current PATTERN risk level.

## **FSA Conditional Release Date**

This date reflects the maximum amount of FSA Federal Time Credits an FSA eligible individual can earn towards early release given their current PATTERN risk level.

# Director's Memorandum: Use of Home Confinement as A Release Option

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If a FSA and/or SCA eligible inmate **does not** require the services of a halfway house, **is statutory eligible** and meets ALL criteria for home confinement; refer to direct home confinement.

18 U.S.C. §  
3621(b) - Second  
Chance  
Act of 2007

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Individual Assessments -**REQUIRED**

Inmates **must** be individually assessed for their appropriateness for and the length of prerelease placements using the following five factors from 18 U.S.C. § 3621(b):

- (1) The resources of facility contemplated;
- (2) The nature and circumstances of the offense;
- (3) The history and characteristics of the prisoner;
- (4) Any statement by the court that impose the sentence:
  - (a) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or
  - (b) recommending a type penal or correctional facility as appropriate; and
- (5) Any pertinent policy statement issued by the U.S. Sentencing Commission.

18 U.S.C. §  
3621(b) - Second  
Chance  
Act of 2007

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Individual Assessments -**REQUIRED**

Inmates **must** be individually assessed for their appropriateness for and the length of prerelease placements using the following five factors from 18 U.S.C. § 3621(b):

**(1) The resources of facility contemplated;**

Available RRCs near release destination:

Pop. Mgt. Issues at proposed RRC:

Medical Issues:

18 U.S.C. §  
3621(b) - Second  
Chance  
Act of 2007

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Individual Assessments -**REQUIRED**

Inmates **must** be individually assessed for their appropriateness for and the length of prerelease placements using the following five factors from 18 U.S.C. § 3621(b):

**(2) The nature and circumstances of the offense;**

Offense:

Length of offense:

PSF/Community Safety Issues:

Detainers:

18 U.S.C. §  
3621(b) - Second  
Chance  
Act of 2007

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Individual Assessments **-REQUIRED**

Inmates **must** be individually assessed for their appropriateness for and the length of prerelease placements using the following five factors from 18 U.S.C. § 3621(b):

**(3) The history and characteristics of the prisoner;**

Proposed Employment:

Proposed Residence:

IFRP Status:

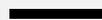
RPP Core Topics Completed:

Trust Fund balance last 6 months:

Skills/VT/Education:

Adjustment/Conduct:

Medical/Psychology issues or concerns:



## Individual Assessments -**REQUIRED**

Inmates **must** be individually assessed for their appropriateness for and the length of prerelease placements using the following five factors from 18 U.S.C. § 3621(b):

**(4) Any statement by the court that impose the sentence;**

Judicial recommandations for RRC placement/duration/location:

18 U.S.C. §  
3621(b) - Second  
Chance  
Act of 2007

18 U.S.C. §  
3621(b) - Second  
Chance  
Act of 2007

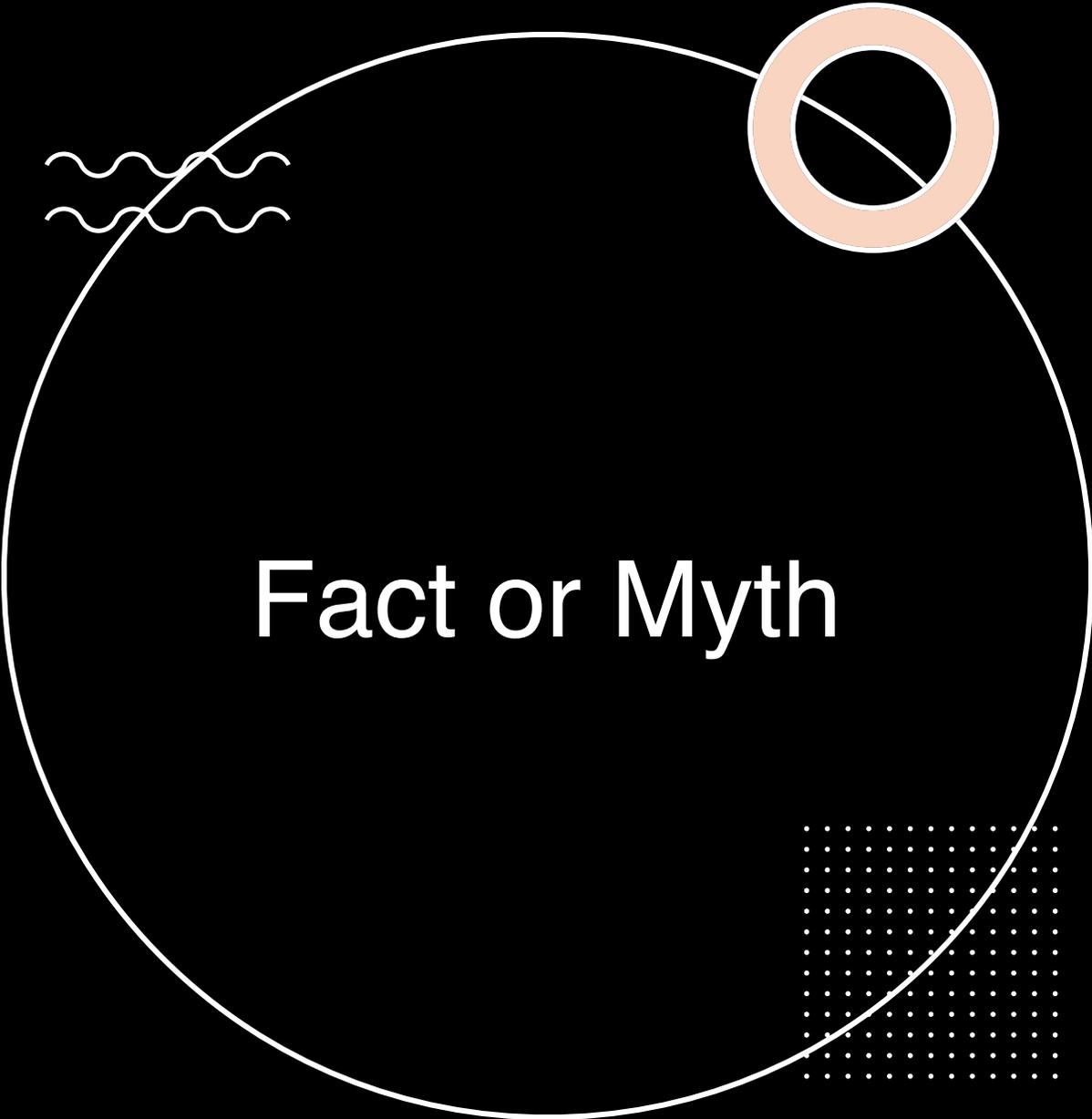
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Individual Assessments -**REQUIRED**

Inmates **must** be individually assessed for their appropriateness for and the length of prerelease placements using the following five factors from 18 U.S.C. § 3621(b):

**(5) Any pertinent policy statement issued by the U.S. Sentencing Commission.**

Sentencing Commission policy statement issued:



# Fact or Myth

- CSWs should recommend a placement date in INSIGHT for FSA; not a range.

Fact

- Appropriate higher security inmates should be considered for longer RRC placements than lower security/risk inmates.

Fact

- RDAP graduates should be referred for at least 120 days of RRC placement.

Fact

- An inmate can refuse SCA placement without being subject to disciplinary action.

Fact

- Appropriate Minimum or Low security inmates should be considered for Home Confinement placement.

Fact

# Director's Memorandum: Guidance Conditional Planning Dates – Timeframes for Reviews

## **SCA only**

Review 17-19 months from PRD.

Recommend 0-365 days based on NEED.

Refer for SCPD which equals the TCPD.

If recommend direct HC, use HDED or less depending on need.

## **SCA + FTCs with SRT**

Review the FCRD.

Review FTC Worksheet or generate roster locate the FCPD.

Conduct the SCA review 17-19 months prior to FCPD.

Add recommended 0-365 SCA days based on NEED.

SCA days plus the FCPD equals the TCPD.

Complete BP-210 and submit to RRMO at least 60 days prior to TCPD.

## **SCA + FTCs, no SRT**

Exact same as with SRT just FTCs only go towards HC/RRC

Review FTC Worksheet or generate roster, locate the FCPD.

Conduct the SCA review 17-19 months prior to FCPD.

Add recommended 0-365 SCA days based on NEED.

SCA days plus the FCPD equals the TCPD.

Complete BP-210 and submit to RRMO at least 60 days prior to TCPD.

## **FTCs only**

Recommend 0 SCA days in INSIGHT, with justification.

Review FTC Worksheet or generate roster, locate the FCPD.

Complete BP-210 and submit to RRMO at least 60 days prior to FCPD.

\*specify type of case (i.e., detainer, pending charges)



What should you  
do if.....

.....you have a Minimum or  
Low security inmate that is  
eligible but not appropriate for  
direct Home Confinement?

**Refer the inmate for RRC  
placement**

**Second  
Chance  
Act only  
referrals  
should  
include:**

- 
- What type of referral?
  - Assessed under 18 USC 3621(b)?
  - Appropriate for HC?
    - If yes, meets all Home Confinement Criteria
    - If no, list rationale based off Home Confinement Criteria
  - Recommended either a RRC placement of 12 months or less or the Home Detention Eligibility date.

**SCA +  
FTCs  
over 365  
with SRT  
referrals  
should  
answer  
the  
questions:**

- 
- What type of referral?
    - What is the FSA Conditional Placement date?
    - How many FTCs toward RRC/HC?
    - How many FTCs towards Early Release?
  - Assessed under 18 USC 3261(b)?
    - How many SCA Days are recommended?
  - Appropriate for HC?
    - If yes, meets all Home Confinement Criteria
      - Refer for SCA Home Detention Eligibility Date or earlier (depending on SCA review) plus FSA Conditional Placement Date
    - If no, list rationale based off Home Confinement Criteria

SCA +  
FTCs, no  
SRT  
referrals  
should  
answer  
the  
questions:

- 
- What type of referral?
    - How many FTCs toward RRC/HC?
    - State none towards Early Release as inmate has no SRT.
  - Assessed under 18 USC 3621(b)?
    - How many SCA Days are recommended?
  - Appropriate for HC?
    - If yes, meets Home Confinement Criteria
      - Refer for SCA Home Detention Eligibility Date or earlier (depending on SCA review) plus FSA Conditional Placement Date
    - If no, list rationale based off Home Confinement Criteria

SCA +  
FTC  
under  
365  
referrals  
for HC  
should  
include:

- 
- What type of referral?
    - FSA Conditional Release date?
  - Assessed under 18 USC 3621(b)?
    - How many SCA Days are recommended?
  - Appropriate for HC?
    - If yes, meets all Home Confinement Criteria
    - Refer using the Home Confinement Placement Date from the FTC Worksheet

SCA +  
FTC  
under  
365  
referrals  
for RRC  
should  
include:

- 
- What type of referral?
    - FSA Conditional Release date
  - Assessed under 18 USC 3621(b)?
  - Appropriate for HC?
    - If yes, meets Home Confinement Criteria
      - Refer using the Home Confinement Placement Date from the FTC Worksheet
    - If no, rationale based off Home Confinement Criteria

# FTCs only referrals should include:

- 
- What type of referral? (i.e. Immigration Detainer, state detainer)
    - FSA Conditional Placement date
  - Assessed under 18 USC 3621(b)?
    - Not appropriate for SCA, why?
      - Multiple RRC failures
      - RRC escape
      - Immediate Release
      - Insufficient Time to process referral
      - RRC refuse
      - Detainer/pending charge
      - Requires inpatient care
      - Civil commit
      - Other medical/psychiatric needs not accommodated in RRC
      - Management Decision : specify
  - Appropriate for HC?
    - If yes, meets all Home Confinement Criteria
    - if no, rationale based off Home Confinement Criteria
  - $0 \text{ SCA days} + \text{FSA Conditional Placement Date} = \text{Recommended RRC/HC placement date}$



**Documentation  
Needed for  
Community  
Placement  
Referrals**

**BP-A0210**

**Supervised Release  
Plan (if applicable)**

**BEMR Exit Summary**

**Community Based  
Agreement Form**

**Conditions of Home  
Detention**

**PSR**

**J&C**

**Progress Report**

**Documentation  
regarding  
unresolved pending  
charges and  
detainers**

**FTC Worksheet**

**DAL indicating each  
detaining authority  
was notified of pend.  
Release to  
Community**

## BP-A0210

Completed in its entirety

RRC placement date should be a date or range (prefer range) and already include any FTC; **RRM staff will not be +/- w/FSA**

Block 11 "Additional Information" is critical for referrals regarding inmates with unresolved pending charges or detainers.

NON-FSA - All warrants must be resolved prior to community placement. All cleared warrants should be supported by documentation (preferably with the referral packet); at a minimum, retained in the Central File to support Warden's decision for Community Custody. Non-extraditable warrants are warrants and not appropriate for Community Custody.

## MEDICAL

**BEMR should specifically address the forecasting of community resources necessary for continuity of care and be no more than 6 months old whenever possible**

**It is imperative the resources of the proposed residence are available to manage the necessary care (i.e., wheelchair access, lifting assistance, transportation to medical appointments, etc.).**

**The BOP is responsible for all medical care in the community. Residents do NOT pay for their own care.**

**RRCs cannot manage residents that cannot take care of their own activities of daily living; they are not set up to render such medical care**

**RRMB must be able to manage the individual!**

**Things  
That Delay  
or Prevent  
Placement**

**INACCURATE INFO IN THE BUREAU'S  
INFORMATION SYSTEM**

**INCORRECT RELEASE ADDRESSES**

**INACCURATE CUSTODY CLASSIFICATION/  
FSA STATUS**

**MISSING IDENTIFIERS (FBI, SSN, etc.)**

**Placement time requested in sections 3 and  
12 conflict**

**Things  
That Delay  
or Prevent  
Placement**

**REFERRAL DOES NOT MEET AND/  
OR ADDRESS ALL CRITERIA  
OUTLINED IN POLICY OR  
GUIDANCE MEMO**

**INSTITUTION FAILURE TO ENTER/  
UPDATE CIMS CAN IMPACT  
PLACEMENT**

**Missing DALs and documentation  
indicating pending charges/  
warrants are resolved**

# A Flawless Referral Process

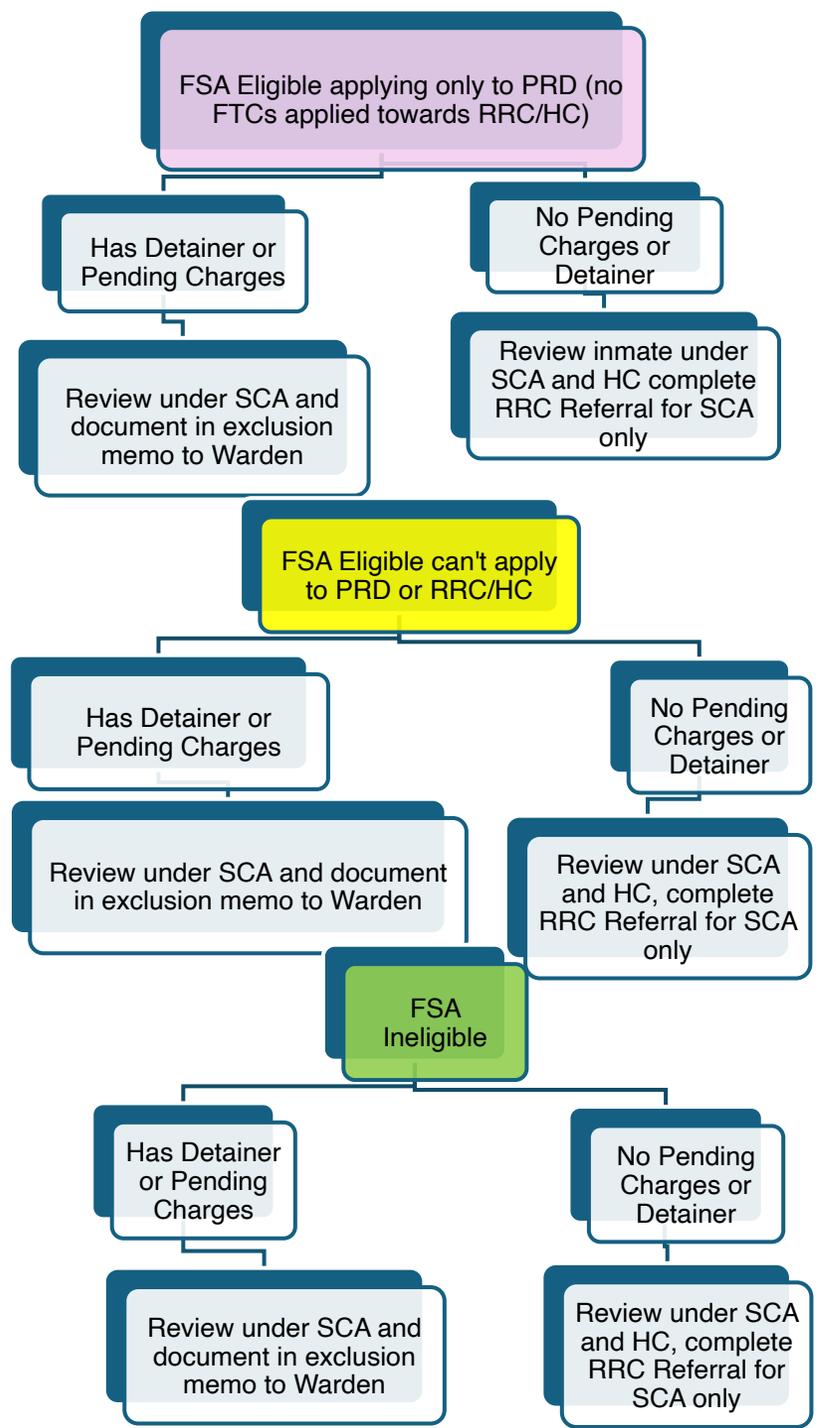
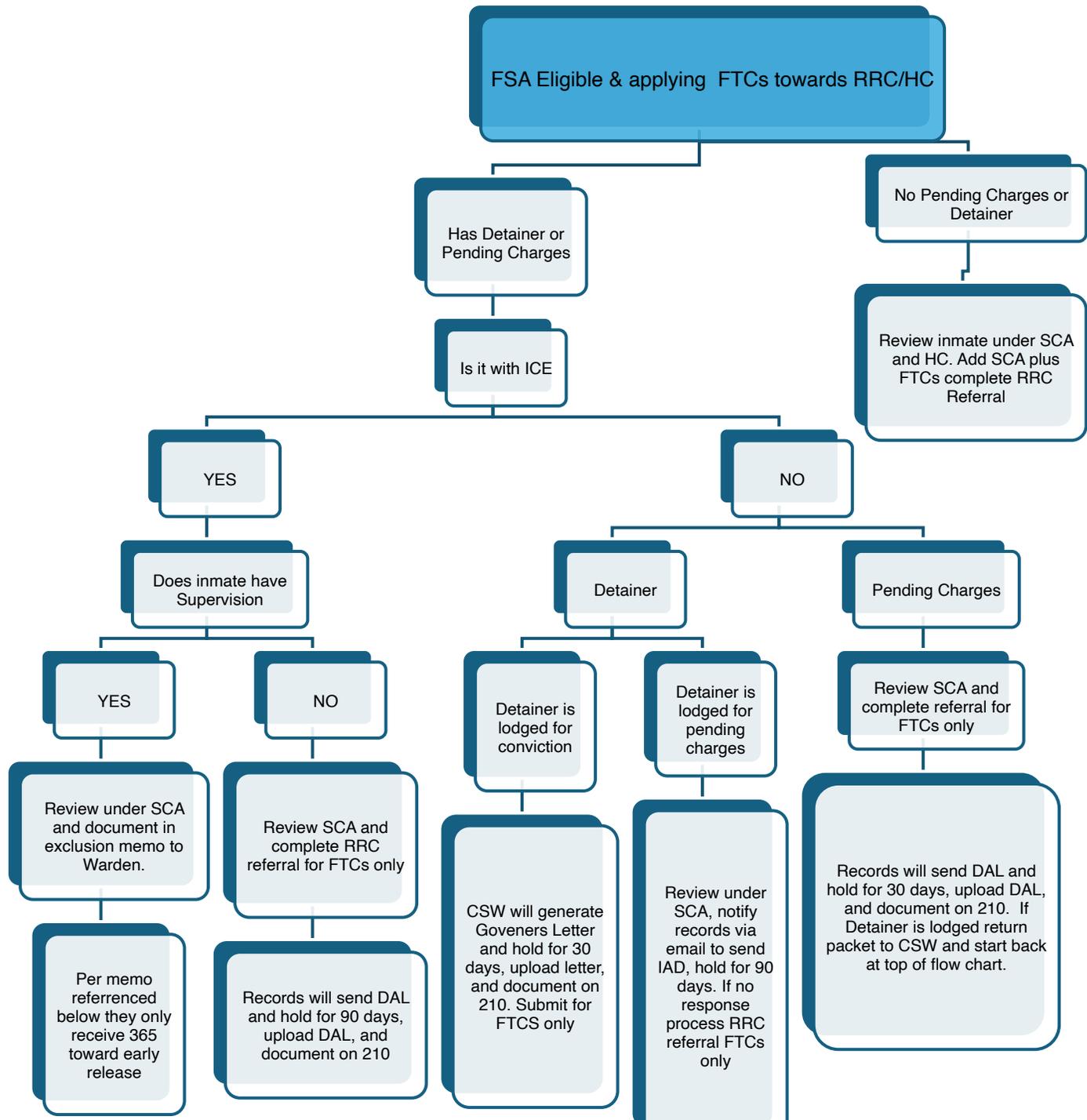
Include all necessary documentation with the referral.

RRMB will not place an individual with supervision in a Sentencing District other than the one sentenced without an approval from the USPO-Include Relo Approval if required

Recommend a range-not a date for SCA time-if you want to maximize the inmate's time in the community.

Indicate date range for SCA time and include FSA time credits (no +/-)

Contact the RRM!! If there are questions about placement... ask. Each RRM office has a community corrections box. It's there for you!



# Reminder S

- Time Frames for reviews – 17 to 19 months in advance of inmate’s max conditional/release date.
- Time Frames for referrals with FTCs - 12 months in advance of the inmate’s Community Placement  
Date or at least 60 days prior to the projected RRC/HC placement date, whichever is greater.
- All referrals should document Second Chance Act (SCA) review on the BP-210.
- All referrals should document Home Confinement review and if inmate is appropriate or not.
- Inmates can Refuse/Decline RRC placement.

## **Second Chance Act/FTC Placement Refusal vs Declining**

**REFUSALS.** When an eligible inmate refuses CCC placement, staff shall investigate the inmate’s reasons. Staff may honor an inmate’s refusal of CCC placement. When an inmate refuses placement, a memorandum, signed by the Associate Warden (Programs) and the inmate, shall be placed in the Inmate Central File. The memorandum should document the inmate’s rationale for refusal and all unit team’s efforts to encourage participation. (Will affect FSA release date, refusing programs.)

**DECLINING.** To be used when an inmate is receiving FTCs, however, they have declined voluntary RRC/HC placement due to detainer and/or unresolved pending charges. (will not affect FSA release date)