**Guidance to National Park Service Employees Monitoring Federal Inmate Details**

This document serves as an overview for monitoring and interacting with inmates assigned to public works projects between the Federal Correctional Institution (FCI), [insert name of penitentiary or camp] and [insert name of your park], to ensure that the integrity of these mutually valuable programs is maintained. This overview is intended to serve as a resource relative to various issues you may encounter during your monitoring activities. While this document is not comprehensive in terms of the scenarios you may encounter, the information it contains will serve as a guideline.

As a point of reference, these public works projects are joint endeavors established between the Federal Bureau of Prisons (BOP) and the National Park Service (NPS) by virtue of Federal law (18 U.S.C. 4125(a)). As such, the obligations of each party are clearly articulated in an Interagency Agreement (IAG). Specific responsibilities are spelled out to ensure the program operates in a credible manner, taking into account that the inmates assigned to this program are wards of the Federal Government and thus treatment of these individuals falls under the purview of Federal law. As a monitor of inmates assigned to these public works projects, your treatment of these inmates likewise falls under the purview of Federal law, with the same penalties for misconduct as are applicable to BOP staff.

Procedurally, staff at the FCI, [insert name of the penitentiary or camp], assign inmates to this project based on the following criteria:

* There can be no significant public interest in the inmate as determined by the Warden.
* The inmate cannot be a significant management problem at FCI, [insert name of the penitentiary or camp], or have any history of the same in any other correctional facility.
* The inmate cannot have any conviction for a sex offense.
* The inmate must have no convictions for violent crimes.
* The inmate can have no convictions for arson.
* The inmate must not have held a leadership role in any drug conspiracy, or have been involved with drugs within the last three years while confined in prison.
* The inmate cannot be a principal organized crime figure.
* The inmate cannot pose an escape risk.
* The inmate cannot pose a threat to the general public, based on known information.
* The inmate can have no prior personal or contractual relationship with the park or its staff.

All inmate participants are minimum security inmates, and therefore, require fewer security constraints in comparison to those inmates confined in secure institutions.

Pursuant to the governing statute and the IAG relative to these projects, inmate labor functions include, but are not limited to, providing repair and maintenance work such as mowing lawns, painting, carpentry, cutting trees, maintaining flower beds, planting, performing custodial duties, transporting recyclables to recycling centers, and other similar work. Essentially, inmates are limited to performing janitorial tasks and construction/landscaping duties. Inmates cannot operate any computer(s) for any reason and ordinarily, inmates cannot perform clerical duties of any kind. Exceptions must be approved by the FCI, [insert name of the penitentiary or camp], in conjunction with the [insert name of your park] point of contact (POC). Similarly, inmates are not authorized to operate any motor vehicles, unless specifically authorized by the FCI, [insert name of the penitentiary or camp]. Finally, inmates cannot perform any specialized functions (e.g., warehousing, inventory, data entry, etc.) or any other function which could be liberally construed as replacing civilian employees or existing contracts for service.

Inmates assigned to janitorial functions are limited to work in administrative areas. Similarly, inmates will not perform janitorial functions in a hotel/motel operation.

Pursuant to the IAG, inmates are not authorized to be in any park sensitive or prohibited areas/offices. Inmates working in areas where classified information, staff records, medical records, or other confidential or sensitive data is locked or secured, will be under constant view by park staff. Inmates will not be used in areas where classified information is discussed, in plain view, or is easily accessible.

Inmates are prohibited from having access to areas where alcoholic beverages are being served or stored. Additionally, inmates are precluded from cooking or eating any food(s) supplied by park staff. Finally, inmates will not enter or work in family housing areas at any time.

As monitors of inmates assigned to these projects, you invoke certain responsibilities to ensure there are no disruptions to park functions, as well as FCI, [insert name of penitentiary or camp] operations. It is imperative that monitors treat all inmates equally. There can be no disparity in treatment based on race, creed, crime, national origin, sexual orientation, etc. Inequitable treatment at the work site often carries over to the FCIs. For example, fights and assaults may follow an incident where one inmate or group of inmates is favored over another inmate or group. This becomes a serious threat to the security and good order of the institution.

Romantic involvement with an inmate is both illegal and very threatening to security and good order of the institution. Sexual assault of and/or sexual contact with an inmate are behaviors that are subject to prosecution. Romantic involvement and sexual contact often evolve into preferential treatment and preferential treatment often equates to jealousy and the accompanying fights/assaults. At a minimum, sexual abuse of an inmate is punishable by imprisonment. As a matter of established law, inmates, as wards of the Federal Government, are incapable of consent to sex while incarcerated.

Provision of money, access to vending machines, soft drinks, food, or any other contraband to an inmate is likewise a serious threat to the security and good order of the institution. As a matter of fact, provision of certain contraband (contraband is anything not provided or authorized by staff or purchased by the inmate in the institution commissary) to an inmate is punishable by imprisonment.

Contraband is defined as, but is not limited to, perfume, jewelry, hair extensions, clothing, watches, cosmetics, radios, firearms, explosives, weapons, ammunition, metal cutting tools, recording equipment, cellular telephones, tobacco products, narcotics, marijuana, cameras, alcoholic beverages, and prescription drugs. The majority of these items are self-explanatory in terms of assessing their threat to the security and good order of the institution and their legality. However, items such as perfume, jewelry, and hair extensions may not be as readily understandable.

Within any prison setting, we work diligently to ensure inmates are treated equally. Equal treatment and the perception that all inmates are equal reduces the propensity for fights, assaults, etc. When an inmate or inmates have access to items that other inmates don’t have or can’t get, a power structure is established. A non-legitimate market is established and businesses evolve. As we can relate, money equals power. If businesses were permitted to develop, the potential for fights, assaults, and other forbidden behavior exists.

To put it simply, it is illegal to provide contraband of any sort to an inmate. Your assistance in this matter is imperative. Over the years, we have experienced some difficulty in terms of monitors providing contraband to inmates or providing a means of concealing contraband. As an example, one inmate was granted access to an area where she had access to a locked locker where she secreted street-purchased hair extensions, perfume, cosmetics, etc. That particular inmate had established a market at the correctional facility and was operating a business. As another example, an inmate was supplied with watches by a monitor and was suspected of re-selling those watches inside the institution.

As you monitor inmates assigned to these projects, ensure that you do not succumb to manipulation. Inmates may verbalize many inaccuracies relative to their incarceration. For example, they may advise that they do not receive sufficient clothing or bedding to meet their needs. This may be a ploy to induce you to provide street-purchased clothing for them. If the clothes are not resold, they may be used to facilitate an escape. You have now become an accessory to escape. All human needs are met through the inmate’s incarceration at FCI, [insert name of the penitentiary or camp]. Thus, there is no need for you to provide any item, other than safety equipment and tools necessary to complete the work, to any inmate. The inmate must never bring anything from the worksite to the correctional facility. Therefore, you must never give an inmate anything to return to the institution.

Inmates may attempt to manipulate you with respect to telephone calls and mailing items for them. Inmates have sufficient telephone access and access to the U.S. Postal Service. If you provide telephone calls from the worksite or mail letters for inmates, you may be an accessory to a crime. Thus, you may again be subject to the criminal penalty of imprisonment and/or a monetary fine. Therefore, inmates must mail letters from the correctional facility, and telephone calls must similarly be placed from the inmate telephones at the facility.

Inmates receive palatable and nutritious food and adequate medical care. Provision of food to an inmate may invoke civil penalty. For example, provision of uncooked or under-cooked meat may result in illness directly attributable to you. Do not provide medication (over-the-counter or otherwise) or food to any inmate(s).

It is appropriate to reward good performance with a recommendation for bonus. Inmates can receive up to fifty percent of their monthly pay in a bonus. The bonus must be thoroughly justified on the Work Performance Rating Form. With this in mind, there is no reason to reward any inmate with a purchased gift, card, etc.

An example of impropriety arising from monitor or non-monitor conduct with an inmate assigned to these projects, involved the purchase of clothing for an inmate releasing to a Residential Re-entry Center (RRC). Inmates releasing to an RRC are still in the custody of the BOP. In this case, the monitor or non-monitor was physically observed with the inmate at the airport as she was waiting to depart for the RRC. The individual advised that he had purchased clothing for the departing inmate. This is a clear example of provision of contraband to a Federal inmate.

To ensure the integrity of these projects and their uninterrupted continuation, it is imperative that all involved parties be cognizant of their obligations and exercise prudent decision-making during their interactions with inmates.

During the course of your monitoring, if you notice an inmate is not accounted for, you must notify your POC immediately. Pursuant to the IAG, monitors must maintain visual contact with inmates assigned to the project, at a minimum, every two hours. Similarly, if you observe any suspicious or illegal behavior being exhibited by inmate(s), you must also contact your POC immediately. The POC will then immediately disseminate the information to appropriate staff at the correctional institution. Fights, alcohol consumption, narcotics or contraband introduction attempts, attempting to visit individuals from the community (inmates are not authorized to receive visits of any kind at project work sites), attempting to manipulate telephone calls, etc., are examples of suspicious or illegal behaviors that require reporting.

As a monitor, it is expected that you provide technical oversight with respect to the work being performed by the inmates. Part of this technical oversight entails the presentation of safety talks to each inmate assigned to the project. Safety talks may be provided by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at [insert the name of the park]. Safety talk documentation must be provided to the FCI, [insert the name of the penitentiary or camp] on or before the 20th of each month. In addition to safety talks, you are responsible for training inmates on equipment operation. There is a specific procedure for certifying this training on mowing equipment, electric cart operation, etc.

If an inmate’s performance is unacceptable, the monitor must contact the POC to report the same. If removal from the detail is requested, the monitor will provide a memorandum detailing the poor performance. This memorandum will be forwarded to the FCI, [insert name of the penitentiary or camp] Warden by the POC. Additionally, the POC or his/her designee will be responsible for ensuring the poor performance is noted on the Work Performance Rating Form that is submitted to the Warden on or before the 25th of each month.

In the event of a medical emergency, park staff will assess the situation and contact the POC. The POC will immediately contact the Warden for further direction. If the illness or injury appears to be life-threatening, the POC will access the local emergency services and immediately follow-up with a telephone call or page to the Warden or the Operations Lieutenant, advising of the injury or illness, and/or hospital to which the inmate was transported. Institution staff will then follow-up in terms of security coverage.

Prior to return of an inmate to the FCI, [insert the penitentiary or camp name] for any reason (illness, committed a prohibited act, etc.), the POC will contact either the Warden, Officer in Charge, or the Operations Lieutenant, and provide the inmate’s name, Register Number, and reason for the return to the institution. These staff will then advise the Officer-in-Charge of this information, so that strict accountability can be maintained. It is imperative that this communication be maintained for security purposes.

It is understood that FCI, [insert name of the penitentiary or camp] or BOP staff maintain the exclusive right to inspect inmate details or inmates assigned to these projects, at any time, to ensure that (1) inmates are in compliance with BOP rules and regulations, and (2) the integrity of this program is being maintained. FCI, [insert name of the penitentiary or camp] or BOP staff may remove inmates who are in violation of these rules and regulations, at any time. FCI, [insert name of the penitentiary or camp] or BOP staff will do whatever is necessary to accomplish the BOP mission of protecting society.

It is also understood that monitors will not write to any agency or person regarding any inmate. Again, inmates are committed to the care, custody, and control of the BOP. The Warden is the only individual authorized to correspond with another agency or person regarding an inmate.

The information provided herein represents examples of what you may encounter as a monitor. There is no substitute for the exercise of good judgment and asking questions. Always remember, inmates are assigned to this project for work purposes, only. It is intended that a work relationship (monitoring and oversight) be the only form of interaction.

The following represent a few Do's and Don'ts as applied to the monitoring of inmates assigned to the public works project:

DO’S

Treat inmates with respect and fairness.

Physically check inmates assigned to your area at least every two hours.

Maintain accountability of all inmates assigned to you.

Ensure inmates are equipped with the proper safety equipment.

Provide appropriate training on equipment.

Document performance and working hours.

Conduct and document monthly safety talks.

Contact the point of contact re: rules violations, injuries, illnesses, suspicious inmate activity.

Water is provided by the POC.

Ensure inmates are wearing the proper clothing (only BOP-provided uniforms).

Ask if you have questions about anything.

Submit documentation to the POC re: poor performance, suspicious activity.

Allow inmates to possess comb, handkerchief, weather appropriate gear (umbrella, hat).

In the event of a medical emergency, contact the POC immediately, providing inmate name, Register Number, and nature of injury.

# DON’TS

Allow inmates to take anything from the job site back to the institution.

Take an inmate off Federal property.

Transport inmates in POVs.

Give anything to an inmate.

Take anything from an inmate.

Mail a letter or package for an inmate.

Permit an inmate to use a telephone.

Permit an inmate to use a computer.

Buy anything for an inmate.

Allow inmates to supervise other inmates.

Use profanity toward inmates.

Return inmates to the institution in the absence of POC notification.

Allow inmates to bring food, bottled water, books, radios, stamps, reading materials to job site.

Allow inmates to perform personal services.

Discuss personal matters with inmates or around inmates.

Permit an inmate to visit with any person not directly involved with the work being done.

Allow inmates to work on hobbies or personal projects while working.

Allow inmates to accept any gratuities for work performed.

Permit an inmate to have his/her crew kit card.

Become emotionally/romantically involved with an inmate.

Allow an inmate to store any item(s) at the job site.

**Certification**

I certify that I have read the above document, and understand my roles and responsibilities as a monitor of prison work details.

[NPS Employee Monitor’s Signature]

[Printed/Typed Name of NPS Employee Monitor]

[Date of Employee Monitor’s Signature]

Date