

EXHIBIT 46



U.S. Department of Justice

Federal Bureau of Prisons

Washington, D.C. 20534

October 14, 2009

MEMORANDUM FOR MICHAEL K. NALLEY, REGIONAL DIRECTOR
NORTH CENTRAL REGIONAL OFFICE

FROM:


D. Scott Dozrill, Assistant Director
Correctional Programs Division

SUBJECT:

Review of Inmates for Continued Communication
Management Units (CMU) Designation

Inmates designated to the CMU must be regularly reviewed according to standard criteria to determine whether CMU designation remains necessary. Please implement the following procedures at the CMUs in your region, including posting of the attached "Notice to Inmates" within CMUs.

- (1) Review of inmates for continued CMU designation will be conducted by the Unit Team in connection with regularly scheduled program reviews. Inmates are provided at least 48 hours prior notice of scheduled program reviews and are expected to attend. They can personally raise questions and concerns with Unit Team regarding their placement in the CMU.
- (2) In determining whether continued CMU placement is necessary, the Unit Team will consider whether the original reasons for CMU placement still exist, including whether:
 - (a) The inmate's current offense(s) of conviction, or offense conduct, included association, communication, or involvement, related to international or domestic terrorism;

- (b) The inmate's current offense(s) of conviction, offense conduct, or activity while incarcerated, indicates a propensity to encourage, coordinate, facilitate, or otherwise act in furtherance of, illegal activity through communication with persons in the community;
 - (c) The inmate has attempted, or indicates a propensity, to contact victims of the inmate's current offense(s) of conviction;
 - (d) The inmate committed prohibited activity related to misuse/abuse of approved communication methods while incarcerated; or
 - (e) There is any other evidence of a potential threat to the safe, secure, and orderly operation of prison facilities, or protection of the public, as a result of the inmate's unmonitored communication with persons in the community.
- (3) Reviews for continuing CMU designation are done in a manner consistent with sound correctional judgement and security threat management practices. Additional information to be considered includes whether the original rationale for CMU designation has been mitigated, whether the inmate no longer presents a risk, and that the inmate does not require the degree of monitoring and controls afforded at a CMU.
- (4) Unit Team staff will forward their recommendations to the Warden. With the concurrence of the Warden, recommendations will then be forwarded to the Bureau's Counter Terrorism Unit (CTU) for review of individual inmate cases. The CTU will forward the final recommendation to the Regional Director, North Central Region, for further review and consideration. The Regional Director, North Central Region, has final authority to approve an inmate's re-designation from a CMU.
- (5) Inmates denied re-designation from a CMU will be notified in writing by the Unit Team of the reason(s) for continued CMU designation. Inmates not satisfied with the re-designation decision, or any other aspect of confinement in the CMU, can appeal the decision or situation through the administrative remedy program. The inmate's Unit Team can provide the necessary form(s).

- (6) Once an inmate is approved for re-designation by the Regional Director, North Central Region, a referral packet is prepared for the Designation and Sentence Computation Center (DSCC) containing:
- Request for Redesignation Memorandum (drafted by the CTU).
 - Approval memo signed by North Central Regional Director.

Approval is noted in SENTRY on the inmate's "CIM Clearance and Separatee Data" by a Designator at DSCC, who also loads the re-designation.

- (7) Inmates approved for transfer from a CMU are ordinarily re-designated to either FCI Terre Haute, IN (for THA CMU inmates) or USP Marion, IL (for MAR CMU inmates), general population, for a period of no less than 6 months, as a step-down process from the CMU, if they meet security and custody classification requirements for a medium security facility.
- (8) Inmates requiring placement in a high security institution are ordinarily re-designated to USP Terre Haute for no less than 6 months, as a step-down process from the CMU.
- (9) Should the inmate's programming and conduct remain appropriate after transfer from a CMU, he can be considered eligible for transfer to another appropriate security level facility.