

1. Name of Institution: FCI Cumberland, Maryland

PART I - INCIDENT REPORT

2. Name of Inmate SMITH, WILLIAM	3. Register Number 44684-083	4. Date of Incident 12-17-03	5. Time 7:47pm
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6. Place of Incident AA UNIT/ INMATE TELEPHONE	7. Assignment GENMAIN2	8. Unit AA
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9. Incident Use of phone for abuses other than criminal activity(third party calling)/Conduct disruptive to security or orderly running of of BOP facility./Unauthorized contact with the public.	10. Code 297/299/327
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11. Description of Incident (Date: 12-29-03 Time: 10:00AM Staff became aware of incident)

On December 29, 2003 while monitoring inmate phone calls, I monitored a call placed by Inmate Smith # 44684-083. Smith placed the call on 12/17/03 at 7:47PM to telephone number 212-209-2900 listed as a friend named Emanuel Goldstine, which was learned to be a radio talk show host. Inmate Smith gave a phone interview with Mr. Goldstine which gave details of his incarceration, his web site address, his address in which listeners were to respond to him with the address of FCI Cumberland. Once Inmate Smith gave this information a third party caller who was also on the line at the same time identified himself as Bernie and gave a register number of 48616-066. The register number was traced to a former Fairton FCI Inmate by the name of Ronald Jones. Inmate ~~Holland~~ <sup>Smith</sup> is circumventing the telephone monitoring procedures by making third party calls, and unauthorized interviews.

12. Signature of Reporting Employee <i>R. Weimer</i>	Date and Time December 29, 2003 (10:45am)	13. Name and Title (printed) R. Weimer/ SIS Phone Monitor
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14. Incident Report Delivered to above inmate by: <i>Will Brooks</i>	15. Date Incident Report delivered 12-29-03	16. Time Incident Report Delivered 1:25pm
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PART II - COMMITTEE ACTION

17. Comments of Inmate to Committee Regarding Above Incident

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18. A. It is the finding of the Committee that you: <input type="checkbox"/> Committed the following prohibited act: <input type="checkbox"/> Did not commit a prohibited act.	B. <input type="checkbox"/> The Committee is referring the charge(s) to the DHO for further hearing C. <input type="checkbox"/> The Committee advised the inmate of its findings and of the right to file an appeal within 15 calendar days.
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19. Committee Decision is based on the following information:

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20. Committee Action and/or recommendation if referred to DHO (contingent upon DHO finding inmate committed prohibited act)

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21. Date and Time of Action \_\_\_\_\_ (The UDC Chairman's signature next to his name certifies who sat on the UDC and that the completed report accurately reflects the UDC proceedings.)

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Chairman (typed name/signature)

\_\_\_\_\_  
Member (typed name)

\_\_\_\_\_  
Member (typed name)

of sanctions A through F. The Discipline Hearing Officer (DHO) or Unit Discipline Committee (UDC) may execute, suspend, or revoke and execute suspensions of sanctions G through F. Revocations and execution of suspensions may be made only at the level (DHO or UDC) which originally imposed the sanction. The DHO now has that authority for suspensions which were earlier imposed by the Inmate Discipline Committee (IDO).

(d) If the Unit Discipline Committee has previously imposed a suspended sanction and subsequently refers a case to the Discipline Hearing Officer, the referral shall include an advisement to good time are presented in table 6.

(e) The Unit Discipline Committee or Discipline Hearing Officer may impose increased sanctions for repeated, frequent offenses according to the guidelines presented in table 5.

(f) Sanctions by severity of prohibited act, with eligibility for restoration of forfeited and withheld statutory good time are presented in table 6.

TABLE 3—PROHIBITED ACTS AND DISCIPLINARY SEVERITY SCALE

Code	Prohibited acts	Sanctions
<b>GREATEST CATEGORY</b>		
The UDC shall refer all Greatest Severity Prohibited Acts to the DHO with recommendations as to an appropriate disposition.		
100	Killing	A. Recommended parole date re- sessment or reinstatement.
101	Assaulting any person (includes sexual assault) or an armed assault on the institution (a serious injury is inflicted when a serious physical injury has been attempted or carried out by an inmate)	B. Forfeit earned statutory good time or non-vested good conduct time (up to 100%) and/or terminate or disallow extra good time (an extra good time sanction may not be suspended).
102	Escape from escort, escape from a secure institution, low, medium, and high security level and administrative institutions); or escape from a minimum institution with violence	B.1. Disallow ordinary between 50 and 75% (27-41 days) of good conduct time credit available for year (a good conduct sanction may not be suspended).
103	Setting a fire (charged with this act in this category only when found to pose a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of Greatest Severity, e.g., in furtherance of a prohibited act of Greatest Severity, e.g., in possession, manufacture, or introduction of a gun, firearm, weapon, or ammunition)	C. Disciplinary Transfer (recommand).
104	Possession, manufacture, or introduction of a gun, firearm, weapon, or ammunition	D. Disciplinary segregation (up to 60 days).
105	Rioting	E. Make monetary restitution.
106	Encouraging others to riot	F. Withhold statutory good time through E—cannot be the only sanction assessed). (Note—can be in addition to A through E—cannot be the only sanction executed).
107	Taking hostages	
108	Possession, manufacture, or introduction of a hazardous tool (Tools most likely to be used in an escape or escape attempt or to serve as weapons capable of doing serious bodily harm to others; or those hazardous to institutional security or personal safety; e.g., hack-saw blade)	
109	(Not to be used)	
110	Refusing to provide a urine sample or to take part in other drug-abuse testing	
111	Introduction of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff	
112	Use of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff	
113	Possession of any paraphernalia not prescribed for the individual by the medical staff	
114	Use of the telephone to further criminal activity	
115	Interfering with a staff member in the performance of duties. (Conduct must be of the Greatest Severity nature.) This charge is to be used only when another charge of greatest severity is not applicable	

TABLE 3—PROHIBITED ACTS AND DISCIPLINARY SEVERITY SCALE—Continued

Code	Prohibited acts	Sanctions
<b>HIGH CATEGORY</b>		
199	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons. (Conduct must be of the Greatest Severity nature.) This charge is to be used only when another charge of greatest severity is not applicable	Recommend parole date re- assessment or reinstatement. Forfeit earned statutory good time or non-vested good conduct time up to 50% or up to 30 days, whichever is less, and/or terminate or disallow extra good time (an extra good time sanction may not be suspended).
200	Escape from unescorted Community Programs and activities and Open Institutions (minimum) and from outside secure institutions—without violence	Disallow ordinary between 25 and 50% (14-27 days) of good conduct time credit available for year (a good conduct sanction may not be suspended).
201	Fighting with another person	Disciplinary transfer (recommand).
202	Threatening another with bodily harm or any other offense (Not to be used)	Disciplinary segregation (up to 30 days).
203	Extortion, blackmail, protection. Demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of inflicting	Make monetary restitution.
204	Engaging in sexual acts	Loss of privileges, commissary, movies, recreation.
205	Wearing a disguise or a mask	Change housing (quarters), remove from program and/or loss of job.
206	Possession of any unauthorized locking device, or lock pick, or tampering with or blocking any lock device (includes keys), or destroying, altering, interfering with, improperly using, or damaging any security device, mechanism, or procedure	Restrict to quarters.
207	Adulteration of any food or drink	
208	Possessing any officer's or staff clothing	
209	Engaging in, or encouraging a group demonstration	
210	Encouraging others to refuse to work, or to participate in a work stoppage	
211	(Not to be used)	
212	Introduction of alcohol into BOP facility	
213	Giving or offering an official or staff member a bribe, or anything of value	
214	Giving money to, or receiving money from, any person for purposes of introducing contraband or for any other illegal or prohibited purposes	
215	Destroying, altering, or damaging government property, or the property of another person, leaving a value in excess of \$100.00 or destroying, altering, or damaging life-safety devices (e.g., fire alarm) regardless of financial value	
216	Stealing (theft; this includes data obtained through the unauthorized use of a communications facility, or through the unauthorized access to disks, tapes, or computer printouts or other automated equipment on which data is stored.)	
217	Demonstrating, practicing, or using martial arts, boxing (except for use of a punching bag), wrestling, or other forms of physical education, or military exercises or drill (except for drill authorized and conducted by staff)	
218	Being in an unauthorized area with a person of the opposite sex without staff permission	
219	Making, possessing, or using intoxicants	
220	Refusing to cooperate in a breathalyzer or take part in other testing	
221	Assaulting any person (charged with this act only when a less serious physical injury or contact has been attempted or carried out by the inmate)	

