

**STATEMENT OF HARLEY G. LAPPIN
DIRECTOR OF THE FEDERAL BUREAU OF PRISONS
BEFORE THE UNITED STATES SENTENCING COMMISSION**

MARCH 17, 2011

Good morning Judge Saris, Vice Chairs Carr and Jackson, and other Commissioners. I appreciate the opportunity to appear before you today to discuss the Bureau of Prisons (Bureau).

I want to start by thanking the Commission for working collaboratively with us over the years on a variety of issues, not the least of which is the sharing of data. These efforts have aided both agencies, allowing for detailed and careful analyses of the potential impact of statutory and guidelines changes to sentencing. I also want to thank you for queuing up issues that are of great importance to the Bureau, most recently the potential for retroactive application of the guidelines for crack offenses and potential changes to criminal history scoring. I look forward to our continued strong working relationship.

As the nation's largest corrections system, the Bureau is responsible for the incarceration of about 210,000 inmates.

Currently, the Bureau confines more than 171,000 inmates in 116 facilities with a total rated capacity of 126,971. The remainder, more than 18 percent, are housed in privately operated prisons, residential reentry centers, and local jails. In fiscal year 2009, a net growth of 7,091 new inmates was realized and an additional 1,468 inmates were added in fiscal year 2010. An increase of approximately 5,000-6,000 inmates per year is expected for fiscal year 2011 and fiscal year 2012.

Most of the inmates in Bureau facilities are serving sentences for drug trafficking offenses. The remainder of the population includes inmates convicted of weapons, immigration law, violent, fraud, property, sex, and other miscellaneous offenses. The average sentence length for inmates in Bureau custody is 10 years. Approximately 7 percent of inmates in the Bureau are women, and approximately 26 percent of the Federal prison population are non-U.S. citizens.

System-wide, the Bureau is operating at 35 percent over its rated capacity. Crowding is of special concern at higher security

facilities with 50 percent crowding at high security facilities and 39 percent at medium security facilities. This severe crowding has resulted in double and triple bunking inmates. As of January 2011, 94 percent of high security inmates were double bunked, and 16 percent of medium security inmates and almost 82 percent of low security inmates were triple bunked or housed in space not originally designed for inmate housing.

In order to reduce crowding, one or more of the following must occur: (1) reduce the number of inmates or the length of time they spend in prison; (2) expand inmate housing at existing facilities; (3) contract with private prisons for additional bedspace for low-security criminal aliens; and (4) acquire and/or construct and staff additional institutions.

The Department of Justice is working with Congress on two legislative proposals that will provide inmates with enhanced incentives for good behavior and participation in programming that is proven to reduce recidivism, while also reducing crowding somewhat. The first proposal increases good time

credits available by seven days per year for each year of the sentence imposed. The second proposal creates a new sentence reduction credit that inmates can earn for successful participation in recidivism-reducing programs, such as Federal Prison Industries, education, and occupational/vocational programming.

The Bureau does not control the number of inmates who come into our custody, the length of their sentences, or the skill deficits they bring with them. We do control, however, the programs in which inmates can participate while they are incarcerated, and therefore, the skills they can acquire before they leave our custody and return to the community. Almost all Federal inmates ultimately will be released back to the community. Each year, more than 45,000 Federal inmates return to our communities. Most need to acquire job skills, vocational training, education, counseling, and other assistance (such as drug abuse treatment, anger management, and parenting skills) before they return. The Bureau has programs to address these needs.

Understanding that substance abuse is a significant problem among the inmate population -- indeed approximately 40% of those admitted have a need for intensive treatment -- the Bureau provides four levels of substance abuse programming: drug education, and non-residential, residential, and community transition treatment. Drug abuse education, provided in all Bureau facilities, is designed to motivate appropriate offenders to participate in nonresidential or residential drug abuse treatment, as appropriate.

Non-residential drug abuse treatment is available in every Bureau institution, and focuses on both criminal and drug-using risk factors -- such as antisocial and pro-criminal attitudes, values, beliefs, and behaviors -- and then seeks to replace them with pro-social alternatives.

Residential drug abuse treatment is available in 61 Bureau institutions and one contract facility. The program is geared toward reducing anti-social peer associations; promoting positive relationships; increasing self-control, self-management,

and problem solving skills; ending drug use; and replacing lying and aggression with pro-social alternatives.

The residential program also includes a community-based component to help ensure a seamless transition from the institution to the community. In many cases inmates continue treatment during their period of supervised release after they leave Bureau custody. Inmates who participate in residential drug abuse programming are 16% less likely to recidivate and 15% less likely to relapse when compared with similar non-participating inmates. The President's budget request for fiscal year 2012 includes funding to increase the residential drug abuse program significantly.

Based on the proven success of the residential substance abuse treatment program, we have used the foundation of this program to develop programs to address the needs of other segments of the inmate population, including younger, high-security inmates. Many of these programs have already been found to significantly reduce inmates' involvement in institution

misconduct. The positive relationship between institution conduct and post-release success suggests that these programs are likely to reduce recidivism.

Work skills are another important emphasis of our programs. We teach inmates occupational skills and instill in them sound and lasting work habits and a work ethic. All sentenced inmates in Federal correctional institutions are required to work (with the exception of those who for security, educational, or medical reasons are unable to do so). Most inmates are assigned to an institution job such as food service worker, orderly, painter, warehouse worker, or groundskeeper.

Approximately 15,500 inmates work in FPI, one of the Bureau's most important correctional programs. Operating without a Congressional appropriation, using revenue generated by the wholly-owned government corporation, FPI provides inmates the opportunity to gain marketable work skills and a general work ethic -- both of which can lead to viable, sustained employment upon release. Regrettably, due to legislative

changes to procurement, the current economic climate, and changes in military needs, FPI now reaches only 9 percent of the inmate population. Rigorous research has demonstrated that inmates who participate in FPI are 24 percent less likely to recidivate than similar non-participating inmates.

The Bureau offers a variety of programs for inmates to enhance their education. Institutions offer literacy classes, English as a Second Language, adult continuing education, parenting classes, recreation activities, wellness education, and library services. We also facilitate vocational training and occupationally-oriented higher education programs that are based on the needs of the specific institution's inmate population, general labor market conditions, and institution labor force needs. Inmates who participate in educational programs are 16% less likely to recidivate than similar non-participating inmates, and those who participate in vocational or occupational training are 33% less likely to recidivate than similar non-participating inmates.

Several years ago we began to develop and implement the Inmate Skills Development Initiative to better identify inmates' skill deficiencies and formulate individualized reentry plans. The initiative includes a comprehensive assessment of inmates' strengths and deficiencies in nine core areas, and links the inmate to programs designed to acquire or improve identified reentry skills. This strategy is now in place at all Bureau institutions and greatly enhances our ability to share useful information with probations officers regarding inmates releasing to their jurisdictions.

As inmates complete their sentence of imprisonment, many transfer to residential reentry centers -- also known as community corrections centers or halfway houses -- to help them adjust to life in the community and find suitable post-release employment. These centers provide a structured, supervised environment and support in job placement, counseling, and other services. Some inmates are placed on home detention either directly from prison – if they are a minimal risk and have suitable living accommodations – or

following a stay at an RRC. While on home detention, the offenders are under strict schedules with telephonic and electronic monitoring.

Judge Saris, Vice Chairs Carr and Jackson, and Commissioners, I want to thank you for your continued strong collaboration with our agency and this opportunity to discuss Bureau's priorities and challenges. I am pleased to answer any questions you may have.