

STATEMENT OF
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ON THE STATE OF FEDERAL SENTENCING
WESTERN DISTRICT OF TEXAS
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Mr. Chairman and Members of the Commission:

I appreciate the opportunity to appear before you today to discuss the Bureau of Prisons inmate reentry programs as well the challenges the agency faces, including the continued increases in the size of the inmate population without corresponding increases in capacity or staffing for the agency.

Over the past 20 years, the federal inmate population has increased more than 200%, from just under 65,000 to more than 209,000. The number of federal prisons has increased from 64 to 115, and our staff number more than 36,000 today. Over the past few years, we have not been able to build enough new facilities to keep up with the increase in the federal inmate population; tight budgets have also meant that we have not been able to increase our staffing to the level necessary to keep pace with the population growth. This has led to a dramatic increase in the inmate-to-staff ratio in our institutions, and significant crowding. Our facilities are as crowded today as they have ever been (37% above capacity) and our inmate-to-staff ratio has increased more than 40% over the past decade – today our ratio is

nearly 50% higher than that reported by the five largest State Departments of Corrections. We are forced to double bunk nearly all of our high security inmates, many of whom are aggressive and violent and have various anti-social tendencies, and we are triple bunking nearly half of the remaining inmate population. None of our facilities were designed for triple bunking. With the inmate population expected to continue to increase by 7,000 inmates each year, we do not anticipate a reduction in the level of crowding in the near future.

To further complicate matters, as you know well, the type of inmate the staff are managing has become significantly more challenging. We are confining an increasing number of inmates who are more prone to violence and disruptive activity, and more defiant of authority. Over the past 25 years, the number of inmates in federal prisons who have a history of violence has increased more than six fold and the percent affiliated with a gang has increased four fold. Additionally, there are consistently increasing numbers of young offenders who have a high propensity for violence.

Correctional administrators agree that crowded prisons result in greater tension, frustration, and anger among the inmate population, which leads to conflicts and violence. Rigorous research conducted by our staff, and reviewed by experts outside the agency, demonstrates that increases in crowding or reduction in staffing lead to increased serious assaults by inmates (on both inmates and staff). Additionally, crowding affects inmates' access to important services (such as medical care and food service), an institution's infrastructure, and inmates' basic necessities (access to toilets, showers, telephones, and recreation equipment). Higher levels of crowding and reduced staffing limit our ability to

prepare inmates for reentry into the community. Inmates are being released without the benefit of programs that enable them to gain the skills and training necessary to reintegrate successfully. In fiscal years 2007 and 2008, for the first time, the Bureau of Prisons was not able to meet the statutory mandate of treating 100% of eligible offenders in need of residential substance abuse treatment. The waiting lists for such treatment currently exceed 7,000 inmates and waiting lists for education programs currently exceed 15,000 inmates.

Our most important reentry program, Federal Prison Industries (“FPI”), is dwindling rather than expanding. We operate FPI factories primarily at our medium-security and high-security institutions, where we confine the most violent and criminally sophisticated offenders. More than 3/4 of inmates who work in FPI have been convicted of serious offenses, including drug trafficking, weapons possession, robbery, or other violent offenses. Work in FPI keeps inmates productively occupied, thereby reducing the opportunity for violent and other disruptive behavior. Work in FPI also teaches inmates job skills and a work ethic, and it does so without the use of appropriated funds. Rigorous research has confirmed that inmates who participate in the program gain valuable skills and training, resulting in substantial reductions in the rate of recidivism. FPI participants are 24% less likely to recidivate when compared to similar non-participating inmates, and inmates who participate in vocational or occupational training programs are 33% less likely to recidivate than similar inmates. Additionally, FPI participants were 14% more likely to be employed one year after

release from prison than their non-participating peers. Finally, inmates in FPI are less likely to be involved in misconduct while incarcerated as compared to other inmates.

FPI's inmate worker levels and earnings have dropped significantly in fiscal years 2008 and 2009 due to various provisions in Department of Defense authorization bills and appropriations bills that have weakened FPI's standing in the federal procurement process, along with administrative changes taken by FPI's Board of Directors. These changes, coupled with the downturn in the economy and the significant reduction of products needed to support the war effort has had a serious negative impact on FPI. Last year, FPI closed or downsized 20 FPI factories, resulting in a loss of approximately 1,700 inmate jobs – nearly 10% of the FPI inmate workforce. The workers that remain can continue to see reductions in the number of hours they work, a practice that began many months ago as another way to reduce FPI's costs.

These actions, while necessary, can be expected to result in more idleness (which brings the potential for inmate unrest and violence), higher recidivism, and increased staffing required on the part of the BOP to supervise the idled inmates. The preservation of the FPI program is of critical importance, particularly because it is self-sustaining; unlike other BOP inmate programs, FPI does not operate with funding appropriated by Congress to the agency.

Despite the challenges associated with increased crowding and reduced staffing, Bureau staff work hard every day to provide opportunities for inmates to gain important skills and training necessary for a successful return to the community. We know well that there are many factors that significantly affect recidivism, including the availability of employment

and the influence of family and peers. But we also know that prisons indirectly affect recidivism by helping inmates to build work skills, gain an education and undergo substance abuse treatment, all of which are proven to help facilitate a crime-free return to society. The benefits of inmate programs, and specifically those operated by the Federal Bureau of Prisons (i.e., residential drug treatment, Federal Prison Industries, education and vocational training), have been calculated, through rigorous analysis by the Washington State Institute for Public Policy (2001), to yield savings as much as \$6.23 for every dollar spent, as a result of lowering costs for arrest, conviction, incarceration, and supervision, and avoiding crime victimization.

The Bureau of Prisons provides services and programs to address inmate needs (physical, mental, emotional, etc.), structures use of leisure time, and facilitates the successful reintegration of inmates into society. The longstanding philosophy of the Bureau is that preparation for reentry begins on the first day of imprisonment; the broad array of programs available at every federal prison is designed to facilitate prisoner reentry. 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 a food service worker, orderly, plumber, painter, warehouse worker or groundskeeper. Inmates earn from 12¢ to 40¢ per hour in these institution jobs. While FPI manufactures products and performs services, the real output of the program is inmates who are more likely to return to society as law abiding tax-paying citizens. Substantial incentives exist for inmates to participate in FPI, the most important

being the opportunity to earn a relatively high wage of up to \$1.15 per hour (this compares to other institution job assignments where the maximum was is \$.40 per hour). Inmates can help meet their financial obligations with their earnings. The Inmate Financial Responsibility Program (“IFRP”) requires inmates to make payments from their earnings to satisfy court-ordered fines, victim restitution, child support, and other monetary judgments. Inmates in FPI work assignments who have court-ordered financial obligations must pay 50 percent of their earnings to the IFRP. The majority of the court-ordered fine and restitution money goes to crime victims or victim support organizations through the Crime Victims Fund in the Department of Justice.

The Bureau of Prison’s educational programs that address educational deficiencies (ranging from Adult Basic Education to high school level classes) are effective in reducing recidivism: inmates who participate in these programs are 16% less likely to recidivate as compared to their non-participating peers. Inmates who do not have a high school diploma or a General Educational Development (“GED”) certificate must participate in the literacy program for a minimum of 240 hours or until they obtain the GED. Non-English-speaking inmates are required to participate in an English as a Second Language program until they are proficient in oral and written English. Post-secondary occupationally oriented programs are available at many institutions and inmates with their own resources are permitted to enroll in other post-secondary educational programs (e.g., liberal arts). The Bureau of Prisons operates The Life Connections Program (“LCP”), an 18-month, residential, multi-faith-based re-entry program to assist inmates with the personal transformation many of them need to

become law abiding citizens. Participants address critical areas of their life in the context of their personal faith or value system. The program is comprised of classes and sessions for half of each day and work for the other half. There is also evening and weekend programming. In compliance with the Second Chance Act, inmates in LCP are connected with mentors at the institution and with a faith-based or community organization at their release destination in order to enhance community reintegration. LCP is open to inmates of all religious faiths and inmates with no religious leanings. Additionally, the Bureau recently developed the Threshold program, a non-residential faith based program that operates at 28 institutions, with plans to expand to 52 sites this year. This program includes the same components as the Life Connections Program but has been adapted for inmates with 2 years or less remaining on their sentences (and would not have sufficient time to complete the LCP).

The Bureau operates 62 residential substance abuse treatment programs for the 35% of the inmate population who have a moderate to serious substance abuse problem. Inmates in these programs are housed together in a separate unit of the prison that is reserved for drug treatment which consists of intensive half-day programming, five days a week. The remainder of the day is spent in education, work skills training, and/or other inmate programming. Upon completion of this portion of the treatment, aftercare services are provided to the inmate while he/she is in the general population, and also later at the residential reentry center. The program is open to all offenders diagnosed with a moderate to severe substance abuse problem (using the DSM criteria) who are able to complete all

components of the program. A recent (March 19, 2009) Bureau of Prisons regulation adds treatment in a community corrections facility as a mandatory component of the program; one consequence of this change is the exclusion from the Residential Drug Abuse Program (“RDAP”) participation of inmates with detainers, as they are not eligible for placement in Residential Reentry Centers (“RRCs”). A rigorous evaluation of the RDAP demonstrated convincingly that offenders who participated in residential drug abuse treatment and were released to the community for at least three years were 16% less likely to be re-arrested and to have their supervision revoked (and be returned to prison) than inmates who did not receive such treatment. This reduction in recidivism is coupled with a 15% reduction in drug use for treated subjects.

Finally, we know that maintaining family and community ties is very important to inmate reentry. The Bureau strives to designate inmates to institutions within 500 miles from their home consistent with security, program, and medical needs. Visiting, telephones, and correspondence (both through the U.S. mail and through secure electronic messaging) help inmates maintain relationships with their family and friends; inmates are permitted contact visits with approved family, friends, attorneys and clergy except in the Bureau’s highest-security prisons. Under limited circumstances, inmates who meet strict requirements are allowed temporary releases from the institution through staff escorted trips and furloughs. The Bureau permits approved inmates to go on furloughs or staff-escorted trips into the

community to visit a critically-ill member of the immediate family; attend the funeral of an immediate family member; receive medical treatment; or participate in other activities, such as a religious or work-related function.

The agency is often challenged on its use of Residential Reentry Centers (“RRCs”), an important part of our reentry programming. Most inmates who are released to U.S. communities are transferred to a RRC to serve the last few months of their sentence in a structured setting in the community prior to completing their federal sentence; some inmates are transferred to home detention during the last portion of their RRC stay while others are sent directly to home confinement for the last few months of their sentence. Inmates who are released through RRCs are more likely to be gainfully employed and therefore less likely to recidivate as compared to inmates who are released from a prison directly to the community. We have recently begun to place inmates at low risk for recidivism (based on their age, criminal history and other criminogenic factors) and with few reentry needs (housing, employment, family ties) directly into home confinement wherever possible, allowing us to allocate the RRC beds to those with a need for the services and structure provided in that environment. The Second Chance Act expands the Bureau’s authority to place inmates into RRCs by extending the time limit from the 10% (not to exceed six months) to 12 months and authorizing the agency to place inmates with short sentences (12 months or less) directly into RRCs for service of their entire term of imprisonment. Based on the mission of the agency – to confine offenders in institutions that are secure and cost efficient and provide opportunities to prepare for reentry – the Bureau of Prisons rarely uses RRCs for direct court

commitments and rarely transfers inmates to RRC for prerelease services for more than 6 months. Most inmates with short sentences are appropriately placed in federal prison camps, which are minimum security, much less costly than RRCs and offer a wide variety of inmate programs; and most releasing offenders receive the necessary transitional assistance in three to four months at an RRC. While it is certainly desirable for offenders to remain with their families to in the community for extended periods of time, such placements cannot be justified within the agency mission as cost efficient and necessary to address reentry needs.

The high levels of crowding and reduced staffing levels have substantially impacted the Bureau's capacity to provide recidivism-reducing programs. We are concerned that the overall rate of recidivism for federal inmates has increased in recent years. For every thousand inmates who release without having completed a needed education or drug treatment or vocational training program, we can expect at least 160 more of them to recidivate than if they had received education or drug abuse programs, and at least 240 more of them to recidivate than if they had received vocational/occupational training. With more than 45,000 inmates releasing to US communities each year, we expect significant increases in recidivism resulting from decreased program opportunities for inmates

We have other challenges associated with crowding and staffing -- health care for one. We provide medically needed quality health care services to inmates in accordance with proven standards of care. There are some medical services that the inmates *desire*, but which are not medically *necessary*; we do not provide these services. Despite our continued efforts

to find new efficiencies, health care remains the most expensive service we provide. The Bureau of Prison's health care expenditures continue to grow in a manner comparable to what is occurring in the private sector.

In closing I would like to quote our Attorney General:

Most crimes in America are committed by people who have committed crimes before...[I]f we can reduce the rate of recidivism, we will directly reduce the crime rate. Even a modest reduction in recidivism rates would prevent thousands of crimes, protect thousands of victims, and save hundreds of millions of taxpayer dollars. In other words, being smart on crime means understanding that our work to prevent crime does not end when prison time begins. It means working to develop policies – rooted in data – to address what happens after incarceration in order to prevent the next crime before it occurs.

I appreciate your time today and your interest in the Bureau of Prisons. I look forward to answering any questions you might have and to working with you in the future.