

**STATEMENT OF CHARLES E. SAMUELS
DIRECTOR OF THE FEDERAL BUREAU OF PRISONS
BEFORE THE U.S. SENTENCING COMMISSION**

FEBRUARY 16, 2012

Madam Chair and Members of the Sentencing
Commission:

I appreciate the opportunity to appear before you today to discuss the Bureau of Prisons. I want to start by thanking the Commission for working with us over the years on a variety of issues, most recently on the retroactive application of the new sentencing guidelines for crack cocaine offenses. As a result of these guideline changes, the Bureau has processed more than 4,800 court orders for sentence reduction, including 1,660 orders to immediately release the inmates based on the time already served. I also want to thank you for collaborating with us on data sharing. These efforts have benefited both agencies, allowing for detailed and careful analyses of the potential impact that statutory and guidelines changes would have on sentencing

and the Bureau's population. I look forward to our continued strong working relationship.

Today I would like to discuss the Bureau's mission and operations. Specifically, I will address the challenges we face and what we can do to address these challenges to meet our goals of ensuring public safety.

The mission of the Bureau is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and to provide inmates with a range of work and other self-improvement programs that will help them adopt a crime-free lifestyle upon their return to the community. As our mission indicates, the successful reentry of offenders is as important to public safety as their secure incarceration.

As the Nation's largest corrections system, the Bureau is responsible for the incarceration of almost 217,000 inmates. Currently, the Bureau confines more than 176,000 inmates in

117 facilities that collectively were designed to house only 128,433 individuals. More than 18 percent of federal inmates are housed in privately operated prisons, residential reentry centers, and local jails.

Continuing increases in the inmate population pose ongoing challenges for our agency. In fiscal year 2011, the inmate population increased by 7,541 inmates, and by the end of fiscal year 2013 the Bureau expects a net increase of 11,500 inmates. As Mr. Axelrod noted, system-wide, the Bureau is operating at 38 percent over rated capacity and crowding is of special concern at higher security facilities, with 53 percent crowding at high security facilities and 49 percent at medium security facilities. We believe the inmate population will continue to increase for the foreseeable future, but we continue to take a variety of steps to mitigate the effects of crowding in our facilities. The safety of our staff is always a top priority, and we use all available resources to ensure our institutions are secure.

We are grateful for Congressional funding to activate three prisons that are already complete. When fully activated, FCI Mendota, California, FCI Berlin, New Hampshire, and FCI Aliceville, Alabama will provide us with an additional 2,304 male medium security beds and 1,500 female secure beds. But with the increase in the inmate population expected over the next couple of years, we do not anticipate a decrease in crowding. As noted by Mr. Axelrod, the current trajectory is not a good one.

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. Each year, more than 45,000 federal inmates return to our communities, and eventually almost all federal inmates return home. Most need to acquire job skills, vocational training, education,

counseling, and other assistance in order to become productive members of the community when they return.

The acquisition of these skills is critical to successful reentry, which we know is linked to decreased recidivism and increased public safety. And decreases in recidivism, in the long term, will result in decreases in the Bureau's population. As such, investments in robust reentry programs today will, in later years, directly result in prison cost savings and yield safer communities. Unfortunately, the levels of crowding and an increasing number of inmates with limited resources makes far more difficult the delivery of effective recidivism-reducing programming. We are working to maximize our investment in these programs and the tools that we have to try to increase opportunities and encourage inmates to take full advantage of them.

To achieve this goal the Bureau has a comprehensive reentry strategy that unifies our many inmate programs and services. The three principles of the strategy are: (1) inmate

participation in programs must be linked to the development of relevant inmate reentry skills; (2) inmates must acquire or improve a particular skill rather than simply completing a program; and (3) resources must be allocated to target inmates with a high risk for reentry failure.

The Bureau's reentry strategy includes a comprehensive assessment of inmates' strengths and deficiencies in nine core areas, and allows us to meet the important reentry goals required by the Second Chance Act. Known as the Inmate Skills Development System (ISDS), this critical information is updated throughout an inmate's incarceration and is provided to Residential Reentry Centers and supervision agencies as inmates approach their release from prison. The communication of this important information to post-release supervision authorities prior to an inmate's release assists with community reentry planning and ensures the continuation of skill enhancement for successful reentry.

Bureau staff use the information stored in the ISDS to track individual inmate needs and their progress toward remedying deficiencies, gaining skills, and preparing for release. The automation of the data also allows institutions to determine optimal resource utilization for specific, targeted programming. At the national level, the system will assist the Bureau in tracking the needs of the entire inmate population to determine resource requirements, prioritize requests for program funds, and provide assessments of progress toward meeting inmate reentry needs.

We have a number of important reentry programs that are evidence-based and proven to reduce recidivism, such as the Residential Drug Abuse Program or RDAP, Education, Occupational and Vocational Training, and Federal Prison Industries or FPI.

RDAP is an intensive 500-hour treatment program for inmates who have a moderate to serious substance abuse problem and who volunteer for treatment. It also has a

community treatment component. RDAP has been proven effective in reducing recidivism and relapse, by 16% and 15%, respectively.

Funded by revenue generated by the wholly-owned government corporation, FPI is a program that provides inmates the opportunity to gain marketable skills and a general work ethic – both of which can lead to viable sustained employment upon release. Rigorous research has demonstrated that inmates who participate in FPI or vocational training are 24 percent less likely to recidivate than similar non-participating inmates. Also, inmates who participate in work programs and vocational training are less likely to engage in institutional misconduct, thereby enhancing the safety of staff and other inmates.

While FPI has experienced a significant decrease in inmates employed over the last five years, due in part to legislative changes, we believe there is an opportunity for growth due to two new statutory authorities in the Bureau's Fiscal Year 2012 Appropriations bill. The first grants FPI the

authority that States have long had to engage in interstate commerce of prison-produced goods provided that inmates participate voluntarily, are paid prevailing wages, and are not deprived of the right to state and federal benefits solely due to their status as inmates. The second allows FPI to engage in interstate commerce if the merchandise produced or manufactured is currently or would otherwise be manufactured, produced, mined, or assembled outside the United States. We are optimistic that these two authorities will allow us to expand this important reentry program to benefit more inmates, making institutions safer and better preparing inmates for reentry into their communities – which makes communities safer.

As inmates complete their sentence of imprisonment, many transfer to residential reentry centers -- also known as 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 important to successful reentry. For inmates at minimal risk and with few

reentry needs, we are emphasizing transfer to home detention directly from prison. Other inmates transfer to home detention after a stay at the RRC. While on home detention, the offenders are under strict schedules with telephonic and/or electronic monitoring.

The mission of the Bureau of Prisons is challenging. While there are many facets to our operations, the foundation for it all is safe, secure, orderly institutions, and each and every staff member in the Bureau is critical to this mission. Through the continuous diligent efforts of our staff, who collectively work 24 hours each day, 365 days per year-- weekends and holidays—we protect the public. By maintaining high levels of security and ensuring inmates are actively participating in evidence-based reentry programs, we serve and protect society.

The Bureau's core values – respect, integrity, and correctional excellence – are critical to our agency's continued effectiveness. Inmates and staff alike are expected to treat everyone – other inmates and staff, visitors, and the public –

with dignity and respect. As such, behavior that disrespects rules and undermines the safety and security of our prisons will not be tolerated. I have communicated these expectations to the inmate population, and have emphasized with them the critical importance of preparing for reentry.

It is my hope that each and every inmate uses his or her term of incarceration to acquire the skills needed to live successfully in the community. To that end, I have encouraged the inmate population to take advantage of the many programs that are available; get help in overcoming problems they have faced; improve skills they need to succeed in the community; and strengthen their spiritual or religious connections.

We are prepared to work with the Commission and Congress to address the challenge of decreasing prison crowding. We are similarly prepared to address initiatives that might provide additional reentry programming opportunities to inmates to reduce recidivism and the number of inmates returning to our population. I would welcome the opportunity

for further discussions with you on these important matters in the coming months.

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