

STATEMENT OF CHARLES E. SAMUELS, JR.
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BEFORE THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES

FEDERAL BUREAU OF PRISONS FY 2015 BUDGET REQUEST

APRIL 10, 2014

Mr. Chairman, Ranking Member Fattah and Members of the Subcommittee, thank you for the opportunity to testify today regarding the President's Fiscal Year (FY) 2015 Budget request for the Federal Bureau of Prisons (BOP).

Through the support of this committee and the American people, the BOP continues to be a leader in the field of corrections. Investments in our workforce and operations have been critical to maintaining safe and secure prisons. Our staff are dedicated public servants that work diligently and collectively, 24 hours each day, 365 days per year - weekends and holidays - to provide care and programs that give inmates the best chance for a successful return to their communities. We take seriously our mission to protect public safety by running safe and secure prisons and by providing inmates with treatment and training necessary to be productive and law-abiding citizens upon release from prison. As you know, the BOP suffered tragic losses in FY 2013 with the murders of Lieutenant Osvaldo Albarati and Officer Eric Williams. These losses underscore the challenges the dedicated men and women working for the BOP face daily. While there are many facets to the BOP's operations, the foundation for it all is the safe, secure, and orderly operation of its institutions, and each and every staff member in the BOP is critical to this mission.

FY 2015 Budget Request

The President's FY 2015 Budget for the BOP is \$6.8 billion for the Salaries and Expenses (S&E) account. For Buildings and Facilities (B&F), \$90.0 million is requested. The BOP continues to strategically assess current and prospective operations to ensure that mission requirements are met at the lowest possible cost to the U.S. taxpayer. The BOP remains committed to acting as a sound steward of valuable taxpayer dollars. The BOP will continue to seek cost avoidance and find efficiencies throughout the agency, while successfully executing our mission responsibilities.

The requested resources in FY 2015 will allow us to:

- Continue the activation process of our recently constructed and acquired facilities;
- Preserve funding provided in the FY 2014 budget to expand the reentry programs which will have positive impact on inmate reentry;
- Maintain staffing at the FY 2014 level.

Smart on Crime Initiative

Last August, the Attorney General announced the Department of Justice's (DOJ) "Smart on Crime" initiative. This initiative, based on a comprehensive review of the criminal justice system identified five goals:

- To ensure finite resources are devoted to the most important law enforcement priorities;
- To promote fairer enforcement of the laws and alleviate disparate impacts of the criminal justice system;
- To ensure just punishment for low-level, nonviolent convictions;
- To bolster prevention and reentry efforts to deter crime and reduce recidivism;
- To strengthen protections for vulnerable populations.

It is possible that the Smart on Crime initiative will slow the BOP's population growth over the long term, although we are not able to assess its impact at this time. Even with slower growth, however, the BOP still faces major challenges regarding existing crowding and staffing levels. The BOP's costs are directly driven by the number of inmates in its custody. Specifically, costs are driven by the number of people sentenced to a term of incarceration and the length of the sentences. The BOP cannot achieve significant savings if those two factors are not addressed.

The Federal Inmate Population

The BOP is the Nation's largest corrections system with responsibility for over 216,000 inmates. The BOP confines almost 174,000 inmates in 119 federal prisons that have a total rated capacity of 131,760. The remaining over 42,600 inmates are in privately operated prisons, in Residential Reentry Centers, local jails, or on home confinement.

Most of the challenges affecting the BOP today relate to the explosive growth of the inmate population over the last three decades that substantially outpaced increases in both BOP bed-space and staffing. As a result of federal law enforcement efforts and new legislation that dramatically altered sentencing in the federal criminal justice system, the population has grown from just 24,000 in 1980 to over 216,000 today.

As of April 3, 2014, system-wide, the BOP is operating at 32 percent over rated capacity and crowding is of special concern at higher security facilities, with 52 percent crowding at high security facilities and 43 percent at medium security facilities. Crowding at higher security facilities is especially concerning when considering the fact that nearly 8 of every 10 medium security inmates and nearly 9 of every 10 high security inmates have a history of violence. GAO recognized the impact of crowding on inmate safety in a 2012 report, stating "the growth of the federal inmate population and related crowding have negatively affected inmates housed in BOP institutions, institution staff, and the infrastructure of BOP facilities, and have contributed to inmate misconduct, which affects staff and inmate security and safety." The BOP will work

with the Department and the Congress on proposals and policies to reduce growth in the inmate population.

The BOP establishes a rated capacity for each of the facilities that it owns and operates. A facility rated capacity reflects the number of prisoners that it was designed to house safely and securely. Crowding is the extent to which a facility's inmate population level exceeds its rated capacity.

The BOP manages crowding by double and triple bunking inmates throughout the system, and housing them in space not originally designed for inmate housing, such as television rooms, open bays, and program space. At the end of FY 2013, 20,830 high security inmates (93 percent) were double bunked; 14,730 medium security inmates (25 percent) and 43,314 low security inmates (85 percent) were triple bunked.

Staffing

At the end of FY 2013, the BOP had 37,061 staff on-board in the S&E Appropriation. This was an increase of 373 staff over the FY 2012 level. As a result of the strong support of this committee, the FY 2014 appropriation supports a projected staff of more than 39,000, an increase of nearly 2,500 new personnel from the FY 2012 level. The FY 2015 budget requests the funding necessary to maintain staffing at 39,000.

While this year represents a step towards improving the BOP's staffing dynamics, decades of inmate population growth have outpaced staffing resources. As the inmate population and crowding have increased, the inmate-to-staff (ISR) ratio has increased by over 33 percent since 1997. To highlight this change, in FY 2009, the five states with the highest prison populations had an average inmate-to-staff ratio of 3.10 to 1. The BOP's ratio for that year was 59 percent higher, at 4.94 to 1. As a result, there are negative impacts on the BOP's ability to effectively supervise prisoners and provide inmate programs. When insufficient Correctional Officers are available to cover an institution's mission critical custody posts on any given day, institution staff, who are all considered correctional workers, make up the difference by assigning non-custody officers (a practice termed "augmentation"), or authorizing overtime, if no other alternative exists. When BOP institution managers use augmentation, the normal duties performed by the augmenting staff may be curtailed or delayed, thereby interfering with the BOP's ability to provide some inmate programs.

Most criminal justice agencies have some discretion in controlling their workloads, typically through priority systems developed to ensure that the most important cases are handled first. However, the BOP must, by law, accept all inmates committed to its custody. The growing numbers of offenders sentenced to prison each year creates an increasingly heavy workload for staff. Sentence computation and security level designations, admission and orientation processes, intake screenings for medical and psychological problems, issuance of clothing and supplies, as well as work and programming assignments all have to be completed for each inmate sentenced.

The Inmate Reentry Strategy

The BOP is committed to both parts of its mission – security and reentry. The Attorney General has also made clear his strong commitment to reentry as a critical component of public safety. For 30 years, the BOP has assessed offenders' risk of institution misconduct, which is highly correlated with recidivism.

Most experts agree with the concept of identifying factors that put inmates at risk of failing to successfully reintegrate into society. It is critical that offenders are triaged based on risk of failure prior to formulating a treatment plan. Offenders who are more likely to successfully reenter society may not require as intensive programming as high risk offenders. The BOP provides services it identifies, as needed, to ease inmates' transitions and to occupy their time in prison—for example, resume preparation, job searching, securing identification, and applying for benefits. High risk offenders, on the other hand, require a more thorough assessment to identify their individual risk factors and programming needs.

The BOP is modifying its reentry model to ensure that it provides effective, evidence based, cost-efficient treatment plans for each inmate. By understanding each inmate's strengths, weaknesses, and programming goals, staff can work holistically to increase each inmate's likelihood of successfully transitioning back to the community. Using its validated classification tool, the BOP will continue to evaluate newly designated inmates to determine inmate risk for misconduct and appropriate security level placement, and will re-assess inmates over time to determine any changes in risk that warrant a decrease (or increase) in security level. The BOP will also continue its comprehensive evaluation of inmate programming needs and while constructing appropriate treatment plans, and implementing better tracking progress over time.

Inmate Programming

Each year, over 45,000 federal inmates return to our communities, a number that will continue to increase as the inmate population grows. Most need job skills, vocational training, education, counseling, and other assistance such as treatment for substance abuse disorders, anger management, parenting skills, and links to community resources for continuity of care if they are to successfully reenter society.

In the BOP, reentry begins on the first day of incarceration and continues throughout an inmate's incarceration. As such, federal prisons offer a variety of programs to assist inmates in returning to our communities as law-abiding citizens.

Many of our programs have been demonstrated to reduce recidivism. For example, empirical research has shown that inmates who participate in the Federal Prison Industries (FPI) program are 24 percent less likely to recidivate than similar non-participating inmates; inmates who participate in vocational or occupational training are 33 percent less likely to recidivate. Inmates who participate in education programs are 16 percent less likely to recidivate; and inmates who complete Residential Drug Abuse Program (RDAP) are 16 percent less likely to

recidivate, and 15 percent less likely to have a relapse in their substance abuse disorder use within 3 years after release. Also, research indicates 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.

Based on these proven-effective programs, the BOP has implemented additional programs for the inmate population. These include the Challenge Program for high security inmates, which treats inmates with a history of substance abuse and/or mental illness; the Resolve Program for female inmates, which treats inmates with trauma-related mental illnesses; the BRAVE Program for younger, newly-designated offenders, which addresses anti-social attitudes and behavior, the Skills Program for cognitively-impaired inmates, which treats issues with adapting to prison and the community; Mental Health Step Down Units, which provide treatment for inmates with serious mental illnesses releasing from psychiatric hospitalization; Sex Offender Treatment Program for inmates with a sex offense history; and the STAGES Program for inmates with severe personality disorders, which will treat inmates who have a history of behavioral problems and/or self harm. As resources have allowed, the BOP has expanded these programs to address the significant demand for these services.

The BOP has experienced programming challenges with FPI, as well as new opportunities. FPI is one of the BOP's most important correctional programs which has proven to substantially reduce recidivism. 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. This is particularly noteworthy for reentry given the barriers to post-release employment many offenders face. It also keeps inmates productively occupied; inmates who participate in FPI are substantially less likely to engage in misconduct. Nevertheless, there has been a significant decrease in FPI inmate employment from previous years. This decrease is due in part to the downturn in the economy and a decrease in supplies needed to support the war effort. Most importantly, the decrease is primarily attributable to various provisions in Department of Defense authorization bills and appropriations bills that have weakened FPI's standing in the federal procurement process.

More recently, Congress has enacted legislation to assist in enhancing inmate work opportunities. The BOP is grateful for the additional authorities Congress provided in the FY 2012 appropriation to provide opportunities to expand FPI programming. Staff in the New Business Development Group, dedicated to developing repatriation and Prisons Industries Enhancement (PIE) opportunities are enthusiastically pursuing many different products and working with many different potential partners. There are currently more than 450 inmates involved in repatriation projects. In the last six months, the number of inmates participating in these projects has more than doubled. FPI's Board of Directors has approved 34 categories of repatriation projects. Of the active pilot projects being pursued, some of them are currently at or near production. These include lumber wraps, butcher frocks, interior and exterior signage, LED lighting, baseball caps, wooden toys, battery chargers, medical scrubs and uniforms.

The BOP has reached out to over 200 companies with potential repatriation opportunities. These opportunities have come from trade show attendance, networking with business leaders,

and the development of relationships with private sector companies with subcontracting requirements.

FPI is also working with other federal agencies to manufacture products that are currently being made outside of the United States as well as difficult to procure items. FPI has met with DOJ components, as well as the General Services Administration, the Department of Defense, the Department of Energy, the Department of Commerce, and the National Park Service to enhance such inmate work opportunities.

FPI is currently working to activate its first factory that will be primarily dedicated to repatriation products. The proposed product lines will be medical scrubs and uniforms repatriated from China and Southeast Asia. The BOP hopes to begin factory operations in 2014, which will employ approximately 200 to 250 inmates.

FPI has also been working to initiate inmate work programs under the Prison Industries Enhancement Certification Programs (PIECP) authority. On May 31, 2013, FPI received approval of its application for PIECP certification from the Bureau of Justice Assistance (BJA). With FPI now PIE-certified, we have moved toward the implementation of our PIE program, initiating a cross-organization PIE Implementation Team. In August of 2013, FPI Corporate Managers hosted Directors of Correctional Industries and PIE Coordinators from eight states to collaborate and gain insights and opportunities from their experiences with the PIE program, and learn from the best practices among successful state operations. A number of potential opportunities have been identified, with work in progress toward tentative start-up of one or more operations by Summer of 2014. These opportunities include a fabric cutting operation, an electronics cable factory, and a vehicular up-fit operation.

Over the past several years, FPI has been encouraged to consider performing farming operations and producing agricultural products. As a result, we have been exploring various opportunities in which to rekindle one of our nation's oldest industries. In years past, FPI operated a farm and we are currently pursuing this option, as well as revisiting some of our former work programs to see if they are economically viable in today's environment.

For the last year, FPI has been focused on hiring veterans and inmates who are near release in order to provide this valuable program to as many inmates as possible before their release to the community.

Recent Innovations and Achievements

The safety of staff, inmates, and the public are our highest priorities. The BOP has undertaken several recent changes to operations that will help enhance safety and security.

In May 2012, the BOP began an evaluation to assess the effectiveness of oleoresin capsicum (pepper) spray for use in emergency situations at several high security prisons. The assessment involves designated staff being authorized to carry pepper spray for use in situations where there is a serious threat to the safety of staff, inmates, or others. All staff authorized to

carry pepper spray underwent an initial training, and undergo quarterly re-familiarization training. Preliminary results of the assessment suggested that pepper spray is improving safety, and last year the BOP expanded the evaluation to all high security prisons, detention centers and jails. Preliminary findings from the assessment support the use of this tool to assist our staff in maintaining institution security and the safety of both inmates and staff.

The BOP has implemented a plan to increase our Correctional Officer complement at high security institutions. Normally, institution staff are visible on the compound, assist with inmate cell and pat searches, and respond to emergencies. During evenings and weekends, high security inmates are moving about the compound; however, the institution is staffed primarily by Correctional Officers. Therefore, using existing resources, the BOP is adding a Correctional Officer to each high security housing unit during these shifts.

Next, the BOP is in the midst of assessing our restrictive housing procedures to ensure the BOP uses restrictive housing in the most appropriate manner while still maintaining safety and security. The BOP awarded a contract for independent consultants to conduct a comprehensive review of our restrictive housing operations and to provide recommendations for best practices. The BOP looks forward to the outcome of the evaluation as a source of even greater improvements to our operations.

The creation of the Reentry Services Division (RSD) within the BOP is a critical step taken by the agency to enhance the BOP's focus and efforts on the reentry portion of its mission. The RSD will enhance oversight and direction for the critical area of offender reentry. The new division will further the BOP's mission of preparing inmates for reentry by focusing on reentry programming and community resource transition, thereby increasing public safety. The RSD is comprised of five branches that were previously part of the Correctional Programs Division; National Reentry Affairs, Chaplaincy Services, Residential Reentry Management, Female Offenders and Psychology Services.

In FY 2013, the BOP announced the availability of the BOP's Model Programs Catalog. This is intended to build an inventory of inmate programs that Central Office recommends for adoption and implementation at BOP's institutions. The goal is to ensure the BOP is using resources to implement effective and meaningful programs designed and proven to help reduce crime and maintain safety and security in BOP's prisons.

The BOP is moving forward to expand RDAP programming throughout the agency. For non-violent offenders, successful completion of RDAP, to include transitional treatment while in a Residential Reentry Center, includes an early release incentive of up to one year off the term of incarceration. Thus, RDAP not only helps return inmates to their communities as law-abiding citizens, but also helps with institution crowding. However, due to limited capacity, inmates completing RDAP who are eligible for a 12 month sentence reduction are currently receiving an average of 10.3 months. With the addition of new programs in FYs 13 and 14, we brought our total to 89 programs, and the increased drug treatment capacity will allow the BOP to reach the goal of providing a 12 month sentence reduction to all eligible inmates.

The Compassionate Release program allows the BOP to petition the court for a reduction in sentence (RIS) for inmates facing extraordinary and compelling circumstances. In April 2013, the BOP expanded the medical criteria for inmates seeking release. In August 2013, the Attorney General announced additional revisions to the criteria to include other categories of inmates such as elderly inmates and certain inmates who are the only possible caregiver for dependents. For all RIS requests, the BOP considers whether the inmate's release would pose a danger to the safety of any other person or to the community. The sentencing judge ultimately decides whether to reduce an inmate's sentence.

Prison Rape Elimination Act (PREA) Implementation

The Attorney General's National Standards to Prevent, Detect, and Respond to Prison Rape became effective on August 20, 2012. Therefore, as required by the statute, BOP Program Statements to implement specific PREA requirements were published on August 20, 2012. The majority of the PREA requirements, including zero tolerance of sexual abuse and sexual harassment and the focus on training, detection, prevention, and response, reflect long standing BOP policies and practices in this area. The BOP has appointed a National PREA Coordinator, and has points of contact in all regional offices and institutions.

The BOP has provided several video conferences and on-line training sessions for staff to discuss PREA implementation. The National Coordinator has established a PREA page on our internal website so that staff will have a centralized source for resources and training. The BOP also made PREA a focus of our National Warden's Training, holding break-out sessions on specific regulation requirements. In addition, investigative, psychology and health services staff have received specialized training and all staff receive PREA training through the annual training process. The BOP contacted contract facilities to emphasize the significance of the PREA requirements, and has already added PREA compliance as a contract requirement. The first audits of PREA compliance began in August 2013. The BOP is preparing for the remaining reviews.

Preventing Radicalization in Federal Prisons

The BOP takes very seriously the obligation to guard against the spread of terrorism and extremist ideologies within Federal prisons, and has taken substantial steps to address this concern. The BOP pursues a policy of containment for the most significant terrorist offenders, using a variety of management controls, including monitoring inmates' social communications, and restricting prisoners' housing and movement. In addition, the BOP monitors and records telephonic communication of inmates with a history of, or nexus to, terrorism and shares any relevant information with the FBI, including its National Joint Terrorism Task Force (NJTTF), and other agencies. The BOP operates a dedicated Counter Terrorism Unit that coordinates with the FBI and others. The BOP also works closely with the NJTTF to share information and intelligence about these inmates. The BOP and FBI jointly developed the Correctional Intelligence Initiative (CII), a national project to detect, deter, and disrupt radicalization and recruiting of inmates in Federal, state, and local correctional agencies. Through its work, the project also helps to develop best practices and coordinate procedures to ensure outside extremist and terrorist groups are universally denied access to prison populations.

Modernization and Repair

The Modernization and Repair funding continues to be challenging for the BOP. As with all deferred maintenance, the longer necessary repairs and maintenance are postponed, the greater the risk of problems becoming worse over time and the repairs becoming more costly. The BOP continues to carefully monitor and maintain the facilities and systems to minimize the risk of catastrophic failure. However, delaying work on critical infrastructure and preventive maintenance puts even greater pressure on future fiscal years and on our employees to keep deteriorating systems running for much longer than best practices dictate.

Conclusion

Chairman Wolf, this concludes my formal statement. Again, I thank you, Mr. Fattah, and Members of the Subcommittee for your continued support of our agency. As I have indicated in my testimony, the BOP faces a number of challenges as the inmate population continues to grow. For many years now, the BOP has stretched resources, streamlined operations, and constrained costs to operate as efficiently and effectively as possible.

The FY 2015 President's Request will allow us to maintain operations at the FY 2014 level including drug abuse treatment and other inmate programs to better prepare inmates for transition back to the community. I look forward to working with you and the Committee on this request, and would be happy to answer any questions.