



Department of Justice

**STATEMENT OF
KATHLEEN TOOMEY
ASSOCIATE DEPUTY DIRECTOR
BUREAU OF PRISONS
BEFORE
THE SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND
RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
UNITED STATES HOUSE OF REPRESENTATIVES
AT A HEARING PRESENTED
FEBRUARY 26, 2025**

**Statement of Kathleen Toomey
Associate Deputy Director, Bureau of Prisons
Before the Subcommittee on Commerce, Justice, Science,
and Related Agencies
Committee on Appropriations
United States House of Representatives
February 26, 2025**

Good afternoon, Chairman Rogers, Ranking Member Meng, and Members of the Subcommittee. Thank you for this opportunity to discuss the Bureau of Prisons (BOP). The mission of the BOP is unique; we are charged every day to house, feed, educate, provide medical care, and reduce recidivism for the federal inmate population, all while ensuring our institutions are safe and secure. Today, BOP is responsible for the custody and care of over 153,000 federal offenders, which include sentenced inmates as well as detained persons awaiting trial or sentencing. BOP employs over 36,000 employees, including nearly 16,000 brave correctional officers, who are dedicated to ensuring our over 120 facilities across the country are safe, humane, and secure. I appreciate the opportunity to discuss our progress and detail our specific challenges.

The BOP is the largest corrections agency in the nation. Our facilities operate continuously 24 hours a day, 365 days a year. In FY 2024, BOP spent \$1.6 billion on institution operations, of which \$803 million was for medical care and \$620 million was for food, utilities, and maintenance. This figure is exclusive of the approximately \$5.8 billion the BOP is on track to spend on salaries and over \$409 million for First Step Act implementation in FY 2025.

BOP is dedicated to improving operations and increasing efficiency in order to effectively address any and all challenges. This will allow BOP to continue to advance priorities such as implementing the First Step Act and eliminating pipelines for contraband. Today, I appear before the Subcommittee to provide information on our many accomplishments and the extraordinary challenges BOP faces while keeping the American people safe.

Staffing Challenges

Over the past ten years, BOP's staffing has dropped significantly. In 2014, BOP employed 19,238 corrections officers. Today, BOP has 15,992 corrections officers. Appropriately staffing positions throughout our organization is a top priority for the well-being of our dedicated staff and the safety of those in our care.

Last year, BOP had our best hiring year in a decade; we added nearly 4,000 new hires that, when coupled with about 2,800 separations, left us with a net gain of almost 1,200 new employees. In FY 2024, we prioritized hiring from the community instead of simply promoting from within. We used recruitment and retention incentives, sophisticated recruitment strategies, and increased employee training to increase hires by approximately fourteen percent and decrease separations by nineteen percent. I am also pleased to report the progress we have made regarding healthcare positions. Overall staffing percentages for clinical medical positions and nurses are up six percent from last year. Clinical medical positions are now staffed at nearly 84 percent, and for nurses that

staffing percentage is approximately 88 percent.

In May 2024, BOP received approval for nationwide direct hire authority for corrections officers. Direct hire authority offers a streamlined approach to federal hiring, and it has been incredibly valuable in hiring correctional officers. However, despite this unprecedented progress, we continue to have more than 4,000 vacant positions. To overcome our staffing deficit, BOP often must rely on overtime. In FY 2024, BOP spent \$437.5 million in overtime at institutions. The two major cost drivers for overtime were an insufficient number of corrections officers to fill mandatory posts and overtime required to take inmates outside prisons for medical care, including hospital stays. For medical care alone, BOP spent \$145.5 million on overtime for almost 76,000 outside medical trips and 84,000 hospitalizations, the highest number of hospitalizations of any year since 2017.

Further, BOP has used incentives as a temporary stopgap to increase staffing. In 2024, BOP paid \$229 million in incentives, including \$195 million in retention incentives for current employees. These numbers are up significantly from FY 2023, when we spent over \$212 million in incentives and \$345 million on overtime. While incentives and overtime pay are temporary solutions to staffing and securing our institutions, neither is a cost-effective, long-term strategy for running an agency.

Since FY 2024, BOP salaries have increased by 7.2 percent due to mandatory pay raises, which equates to an average increase \$20 million every two-week pay period. As a result, we have paused consideration of any new pay incentives and eliminated some existing retention incentives. We have also taken steps to reduce overtime and augmentation to the greatest extent possible while maintaining safety at our institutions.

While we prioritize hiring, we continue to make significant changes at BOP to reduce costs and maximize our use of existing resources. In addition to reducing all operating budgets by 20 percent and pausing non-essential employee training and travel, we also eliminated most free inmate phone calls, which were previously funded by the CARES Act.

Staffing shortages threaten safety at BOP facilities including medical care

DOJ OIG has reported on how insufficient staffing contribute to safety risks as well as increased violence and crime inside prisons. In a report on deaths in custody, OIG explained that staffing shortages, especially in correctional officer, health and psychology positions, were a longstanding challenge in the BOP's efforts to prevent and respond to inmate deaths; BOP staff have indicated that these shortages pose the greatest threat to ensuring the safety and security of inmates and staff.¹

Increasing staffing makes institutions safer. For example, at MDC Brooklyn we offered a 35 percent recruitment incentive starting in February 2024 that has increased staffing. More correctional professionals have led to fewer lockdowns and a decrease in uses of force, resulting in a safer institution. While we know incentives work to increase staffing levels, they are not a long-

¹ DOJ OIG, 24-041, Evaluation of Issues Surrounding Inmate Deaths in Federal Bureau of Prisons Institutions at 65. (2024) ("OIG Inmate Deaths Report").

term solution.

Hiring and retention of health care professionals also remains a significant challenge. Staffing shortages directly affect the ability of inmates to receive medical care, including timely treatment. We are employing a range of human resource flexibilities to increase compensation and make BOP attractive to qualified applicants who can obtain higher pay and greater flexibility with other employers. BOP doctors earn less than the U.S. average, and in some localities earn significantly less than other doctors. Even with flexibilities, it is difficult to compete with other healthcare systems.

GAO found that insufficient staffing reduces inmate access to medical care, including dental care.² Research also shows that working overtime often causes sleep deprivation in correctional officers, making the officer more irritable and aloof, and may even cause physical health problems as well.³

Facilities Modernization and Repair (M&R)

BOP maintains over 46,000 acres of land with more than 3,600 buildings that make up our over 120 institutions. Each of these institutions need repair and many have critical needs to address life and safety infrastructure. BOP has a maintenance and repair backlog of over \$3 billion in unfunded projects. DOJ OIG found that many of the BOP's physical facilities have deteriorated to the point of crumbling due to a growing list of unfunded modernization and repair needs.⁴ A recent OIG report discussing BOP's facility challenges noted that three of our institutions are in such critical stages of disrepair that they are fully or partially closed.⁵ Across BOP, more than 4,000 beds are unusable due to crumbling conditions in housing units – the equivalent of 2 to 3 correctional institutions.

As with staffing, there is widespread consensus that crumbling infrastructure is a root cause of the safety crisis. For example, in the last few years BOP has had to close several facilities due to roofs needing replacement, asbestos debris and mold, and leaking ceilings that created unsafe conditions for staff and inmates. Given the need for maintenance and repair of our facilities, inmates frequently find the weakest areas with the most damage and attempt to hide contraband. Damaged and leaking roofs lead to interior finishes that present security concerns, like damaged masonry providing opportunities for inmates to conceal contraband, or broken fixtures that can be fashioned into weapons. Further, malfunctions or failures in perimeter fencing can lead to breaches, allowing inmates to escape or introduce contraband. The failure of these systems not only increases operational costs but also creates vulnerabilities that could endanger the safety of both staff and inmates.

To help address the backlog, BOP developed a comprehensive Five-Year Capital Plan for its major M&R projects. This plan is structured to ensure that all critical needs are systematically addressed. The plan is categorized into several key repair categories, each focusing on specific

² U.S. Gov't Accountability Office, GAO-21-123, Opportunities Exist to Better Analyze Staffing Data and Improve Employee Wellness Programs at 17-18 (2021).

³ *Id.* at 24.

⁴ Department of Justice Top Management and Performance Challenges 2023 at 14.

⁵ 2023-064 OIG Report, The Federal Bureau of Prisons' Efforts to Maintain and Construct Institutions, at 26. This report noted the partial or complete closures of facilities in Estill, SC; Taft, CA; and New York, NY.

aspects of infrastructure and facility maintenance. By breaking down the repair needs into these specific categories by fiscal year, BOP's Five-Year Capital Plan would methodically tackle each area, ensuring that necessary repairs and upgrades are completed in a timely and efficient manner.

First Step Act Implementation

During President Trump's first administration, he emphasized supporting successful reentry and supporting law enforcement as a priority for his Administration. President Trump signed his signature criminal justice reform bill, the First Step Act (FSA), into law in 2019. This law, among other things, supports successful reentry by creating additional incentives to participate in recidivism reduction programming. This law works in harmony with BOP's dual mission to foster a humane and secure environment and ensure public safety by preparing individuals for successful reentry into our communities.

BOP remains committed to the FSA's mission of improving criminal justice outcomes and reducing the size of the federal prison population while maintaining public safety. In FY 2024, BOP spent about \$415 million on community confinement, which includes residential reentry centers (RRCs), home confinement, medical care for those in community confinement, and contracts with State and local jails. We also ensured those in our care had programming opportunities and that eligible individuals received appropriate FSA incentives. We currently have 120 standardized evidence-based recidivism reduction (EBRR) programs and productive activities (PAs) within BOP. Between January 2020 and January 2025, approximately 644,000 programs were completed by inmates. Further, at the end of 2024, there were 747 FSA positions on board, a net increase of 325 positions as of the end of 2023. While we have made significant progress in FSA hiring, institutional staffing shortages can have a detrimental impact on FSA implementation.

We also established a dedicated FSA office responsible for BOP-wide FSA strategic planning, reporting requirements, inter- and intra-agency and stakeholder coordination of FSA efforts, and tracking of FSA spending. Since its inception, the FSA office has ensured full execution of appropriated FSA funding, and with its support BOP will continue to make significant investments in implementation.

Conclusion

Chairman Rogers, Ranking Member Meng, and Members of the Subcommittee, I am honored to speak on behalf of BOP and our dedicated staff throughout the country regarding the good work we are doing and our efforts at continuous improvement. BOP is a critical part of the federal criminal justice system. Our mission is extremely challenging but critical to the safety and security of the public, our staff, and the inmates housed within our facilities.

We are grateful for your support for BOP and our staff. While we are improving on many fronts, we will need your continued support to address our critical staffing and infrastructure needs. I thank you for the opportunity to speak with you today, for the support we have seen from members of the Subcommittee, and for your continued support as we move forward.