



Office of the Inspector General
United States Department of Justice

Statement of Michael E. Horowitz
Inspector General, U.S. Department of Justice

before the

U.S. House of Representatives
Committee on Oversight and Government Reform

concerning

The Federal Bureau of Prisons' Management of Its Female Inmate Population

November 28, 2018

Chairman Gowdy, Ranking Member Cummings, and Members of the Committee:

Thank you for inviting me to testify at today's hearing to examine the Office of the Inspector General's (OIG) oversight of the Federal Bureau of Prisons (BOP), including the BOP's policies, programs and overall management of its female inmate population. The BOP is the largest employer in the Department of Justice (DOJ) with over 36,000 employees. BOP's budget of slightly over \$7 billion represents approximately 25 percent of the Department's discretionary budget and is second only to the Federal Bureau of Investigation among DOJ components.

The OIG has issued numerous reports over the past several years regarding our oversight of the BOP, including its use of restrictive housing for inmates with mental illness, its handling of an aging inmate population, its management of residential reentry and release preparation programs, its monitoring of federal contract prisons, and its efforts to interdict contraband. Most recently, in September 2018, the OIG released a "[Review of the Federal Bureau of Prisons' Management of Its Female Inmate Population.](#)" (DOJ OIG Evaluation and Inspections Division 18-05, September 2018).

Our female inmate review examined BOP's efforts and capacity to ensure that BOP-wide policies, programs, and decisions adequately address the distinctive needs of female inmates. The OIG concluded that BOP has not been strategic in its management of female inmates, and BOP's programming and policies may not fully consider their needs.

The specific issues we identified in the female inmates review are consistent with the broader, long-standing challenge at BOP to effectively manage an overcrowded federal prison system in an era of declining resources. Each year, the OIG identifies the top management and performance challenges facing the Department of Justice. We released this year's [list](#) of top challenges on November 15, 2018. For the seventh consecutive year, the need to more effectively manage the federal prison system was included as a top challenge for the Department. As explained in detail in the 2018 report, staffing and overcrowding present constant challenges for BOP in carrying out its mission to confine offenders in safe, humane, and cost-efficient environments.

Female Inmate Population

Our report on BOP's Management of its Female Inmate Population found: 1) BOP's programming and policy decisions did not fully consider the needs of female inmates, 2) BOP lacks a strategic approach to the management of its female inmate population, 3) BOP's practice of assigning Correctional Officers to posts solely by seniority has resulted in an inefficient

use of Correctional Officer resources at female institutions, and 4) the conversion of Federal Correctional Institution (FCI) Danbury from a female institution to a male institution negatively impacted female inmates. These findings are discussed in more detail below.

1. BOP Programming and Policies

We identified three areas in which BOP's programming and policy decisions did not fully consider the needs of female inmates, including trauma treatment programming, pregnancy programming, and feminine hygiene. We found that BOP may not be able to provide its trauma treatment program to all eligible female inmates until late in their incarceration, if at all, because BOP has assigned only one staff member at each institution to offer this program. We also estimated that only 37 percent of sentenced pregnant inmates participated in BOP's pregnancy programs between fiscal year (FY) 2012 and FY 2016. We believe that participation was low because BOP inmates and staff lacked awareness of these programs, and staff may apply eligibility criteria more restrictively than intended by BOP headquarters. Further, we found that the distribution methods for feminine hygiene products provided to inmates varied by institution and did not always ensure that inmates had access to a sufficient quantity of products to meet their needs.

2. Lack of a Strategic Approach

We found that BOP could not ensure that its correctional institutions adhered to BOP policies pertaining to female inmates because BOP has only recently taken steps to formalize a process for verifying compliance with those policies. Further, while BOP established a Central Office branch that serves as its source of expertise on the management of female inmates, this branch may not have adequate staffing to fully fulfill its mission.

Additionally, BOP requires all staff in female institutions to take training on the management of female inmates and trauma-informed correctional care; however, BOP does not require its National Executive Staff to complete these trainings. As a result, the officials who develop policy and make decisions that affect female inmates may not be aware of their needs.

3. Lack of Gender-Specific Posts

We found that BOP's practice of assigning Correctional Officers to posts solely by seniority has resulted in an inefficient use of Correctional Officer resources at female institutions. Under the current seniority-based system, male Correctional Officers are assigned to posts at which staff must regularly conduct searches of female inmates. Because the *Prison Rape Elimination Act of 2003* and BOP policy prohibit male Correctional Officers

from searching female inmates, female Correctional Officers must leave other assigned posts to conduct these searches.

4. Negative Impact of Federal Correctional Institution (FCI) Danbury Conversion

We examined BOP's 2013 decision to convert FCI Danbury from a female institution to a male institution, which resulted in 366 low security sentenced female inmates serving a portion of their sentences in Metropolitan Detention Center (MDC) Brooklyn—a detention center intended for short-term confinement. We found that at MDC Brooklyn, BOP offered female inmates no access to outdoor space, less natural light, and fewer programming opportunities than what would otherwise be available to them at BOP facilities designed for long-term confinement.

In addition to these findings, our report made 10 recommendations to assist BOP in exploring options to improve the management of its female inmate population, and BOP agreed with all 10 of our recommendations.

Managing an Overcrowded Federal Prison System in an Era of Declining Resources

In many ways, our specific findings with regard to BOP's management of its female inmate population are illustrative of broader challenges associated with BOP's overall management of the federal prison system. The OIG's 2018 list of top management and performance challenges facing DOJ included BOP's management of the prison system. The 2018 report identifies several areas of concern, including: 1) Operating in an increasingly resource-challenged environment while maintaining physical security, 2) Monitoring the impact of revised enforcement policies on the federal prison population, and 3) Evaluating the effectiveness of efforts to reduce inmate population and recidivism.

1. Operating in an Increasingly Resource-Challenged Environment While Maintaining Physical Security

Staffing and overcrowding present constant challenges for BOP in carrying out its mission to confine offenders in safe, humane, and cost-efficient environments. In 2017, the Department instructed BOP to eliminate 5,000 unfilled, unfunded positions. This has raised concerns that this will increase the number of occasions when institutions need to utilize non-corrections BOP staff members to perform correctional officer duties to maintain security. Exacerbating concerns about staffing challenges, overcrowding can undermine BOP's ability to ensure the care and safety of the inmate population and the safety of BOP staff. While the federal inmate population has been declining in recent years, many BOP institutions remain

over their rated capacity. BOP facilities currently exceed total rated capacity by 14 to 24 percent on average, with high security institutions at the top of this range at 24 percent over rated capacity on average.

Aging facilities and emerging technologies are two additional concerns for BOP in its effort to maintain physical security of its institutions while coping with resource challenges. BOP noted in its most recent Performance Budget that its deteriorated facilities add to increased risk of escape, inability to lock down cells, and potential violence due to frustration over inadequate living conditions. Currently, close to 30 percent of BOP's 122 institutions are over 50 years old, and 43 percent are over 30 years old. BOP also faces growing security threats caused by contraband entering its facilities through technological advances such as the use of drones. Additionally, cell phones continue to present BOP with significant safety and security issues. A cell phone in a prison can be a deadly weapon; they have been used to order the murder of a BOP corrections officer and they enable inmates to continue to run their illegal drug operations.

2. Monitoring the Impact of Revised Enforcement Policies on the Federal Prison Population

The Department has announced two new immigration enforcement policies since 2017 and a revised charging and sentencing policy that may result in an increase in the federal prison population. It will be important for the Department to monitor whether the federal prison population, which had decreased over the past several years, increases on account of these new policies and to consider the impact of any such population increase on the safety and security on the already over rated capacity federal prison system.

3. Evaluating the Effectiveness of Efforts to Reduce Inmate Population and Recidivism

In 2016, the United States Sentencing Commission found that nearly half of federal offenders released in 2005 were re-arrested within eight years. Creating effective prison release preparation and reentry programs that reduce the rate of recidivism is a critical responsibility of the BOP, and the OIG has identified numerous challenges for the BOP in its management of these programs. Managed effectively and successfully, these programs make our communities safer by reducing recidivism rates. All but a very small number of federal inmates will be released from prison at the conclusion of their sentence, and it is therefore in all of our interests to have effective prison programs that reduce recidivism. As a result, the Department is challenged to evaluate the outcomes of programs that seek to decrease the inmate population, through reduced recidivism and other measures, to ensure that they are meeting their established goals.

CONCLUSION

The OIG will continue to monitor the BOP's efforts to improve these important programs and its overall management of the federal prison system. I thank you for the Committee's strong bipartisan support for our work, and I would be pleased to answer any questions the Committee may have.