



Department of Justice

STATEMENT OF

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DIRECTOR
FEDERAL BUREAU OF PRISONS
U.S. DEPARTMENT OF JUSTICE**

BEFORE THE

**COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME, TERRORISM, HOMELAND SECURITY,
AND INVESTIGATIONS
U.S. HOUSE OF REPRESENTATIVES**

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“OVERSIGHT OF THE BUREAU OF PRISONS”

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Statement of Mark S. Inch
Director, Federal Bureau of Prisons
U.S. Department of Justice
Committee on the Judiciary
Subcommittee on Crime, Terrorism, Homeland Security, and Investigations
U.S. House of Representatives
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Good morning, Chairman Sensenbrenner, Ranking Member Jackson-Lee, and Members of the Subcommittee. I appreciate the opportunity to appear before you today to discuss the mission and operation of the Federal Bureau of Prisons (Bureau). I am honored to speak on behalf of the 37,000 Bureau staff – corrections professionals who support the agency's law enforcement mission. I have spent my first six months on the job learning as much as possible about the agency, and reviewing all of our major policies and procedures to identify both strengths and weaknesses. Based upon that work, I am now addressing priorities for effectively using government resources to reduce crime, enhance public safety, and increase opportunity – this improves the lives of all Americans.

As the leader of the country's premier department of corrections, I am committed to ensuring that Bureau staff are guided by the values of respect, integrity, selfless service, courage, and compassion, and that we carry out our mission with professionalism as we serve the public.

OUR MISSION – A HISTORY OF PUBLIC SAFETY AND REENTRY

The Bureau is the Nation's largest correctional agency; we house approximately 183,000 inmates in 122 federal prisons, 11 private prisons, and more than 200 community-based facilities nationwide. Incarceration of criminals is a valuable crime-reduction strategy and an important law enforcement tool that holds individuals responsible for their actions and deters others from committing similar crimes. As the subcommittee recognizes, it is imperative that we effectively reintegrate individuals back into the community following release from prison to reduce, to the extent possible, the likelihood of future criminal behavior. To that end, the mission of the Bureau, which dates back to 1930, is to confine offenders in prisons and community-based facilities that are safe, humane, cost-efficient, and secure, and to assist inmates to become productive, law-abiding citizens when they return to our communities.

The Bureau has had great success with respect to both parts of our mission: we have low rates of assaults, disturbances, and escapes, and our three-year recidivism rate is nearly half the States' average.¹ These results are a testament to the hard work of our dedicated professional staff who support public safety and promote reentry.

¹ In 2016, the U.S. Sentencing Commission found that only 34% of the inmates released from the Bureau of Prisons in 2005 were re-arrested or had their supervision revoked over a three-year period.

OUR POPULATION

During the first five decades of the Bureau's existence, the number and type of inmates we housed remained fairly stable. Beginning in the 1980s, however, federal law enforcement efforts and legislative changes led to a significant increase in the federal prison population. The Bureau's inmate population doubled in the 1980s and doubled again in the 1990s. Between 1980 and 2013 the population grew by approximately 800%, topping out at nearly 220,000. Despite our reliance on private corrections to house thousands of low security criminal aliens, crowding in federal prisons reached 39% in 2011, and our inmate to staff ratio stretched to 5:1.

Over the past few years the inmate population has decreased significantly, such that today our inmate and staffing levels are much more manageable. But we face other challenges to the safety and security of our institutions and the community, including synthetic drugs, contraband cell phones, malicious use of drones, and gang activity, to name a few.

Almost half of the Bureau's inmate population is serving sentences for drug offenses (possession with intent to distribute, manufacturing, etc.), 17% are convicted of weapons offenses, 9% are sex offenses, and slightly fewer are immigration offenses. Violent offenders and property offenders, including white collar offenders, make up the balance. Sentence length varies greatly by offense type, but the overall average is 132 months—more than ten years, with half the inmates serving more than 108 months. Beyond the particular offense for which inmates are sentenced, our management of inmates is heavily influenced by other critical factors such as gang affiliation, criminal history, propensity for violence, and other serious misconduct. About 42% of our inmates classify as high and medium security, requiring close staff supervision and myriad safety and security precautions.

OUR PROGRAMS – REENTRY BEGINS ON DAY ONE

Reentry programing is a critical component of public safety; inmates are much more likely to return to a life of crime and victimization if they leave prison without job training, treatment for mental illness and/or substance abuse, an education, and a general understanding of what it means to be a productive law abiding citizen. It is important that we in the Bureau help ensure the nearly 44,000 inmates who are released back into our communities each year do not repeat their past mistakes.

The Bureau uses an individualized risk assessment to develop a reentry plan for all inmates to ensure they participate in appropriate programs and treatment during the term of incarceration. Institution staff reassess inmates every six months to determine if the individual is making progress consistent with the plan or whether adjustments are needed. We recently completed and deployed a fully integrated automated system – Insight – to ensure the most comprehensive review of inmates' needs, and develop goals to address such needs through our many programs and services. Insight creates user-friendly reports—provided to the inmates as well as staff—that facilitate monitoring progress to achieve these goals. Summary reports regarding inmates' reentry efforts while in prison are provided to our criminal justice system partners, including United States Probation Officers and Residential Reentry Center (RRC)

providers. This system has been implemented in 78 institutions thus far, and we anticipate completing implementation nationwide by late spring.

Inmate programs in federal prisons include work, education (including literacy), vocational training, substance use disorder treatment, psychological services and counseling, observance of faith and religion, and other programs that impart essential life skills. These programs are a critical part of the Bureau's mission to keep our communities safe. The Residential Drug Abuse Program (RDAP), vocational and occupational training, and Federal Prison Industries (FPI) are helpful in reducing recidivism. RDAP participants are 16 percent less likely to recidivate and 15 percent less likely to have a relapse in their substance use disorder within three years after release. Inmates who participate in vocational or occupational training are 33 percent less likely to recidivate, and inmates who participate in education programs are 16 percent less likely to recidivate.

FPI is one of our most critical recidivism reducing programs. Work in our FPI factories provides important job skills training and real world work experience that substantially enhances inmates' ability to reintegrate into society following release from prison. Inmates who participate in FPI are 24 percent less likely to recidivate than similar non-participating inmates; they are also significantly less likely to engage in misconduct while in prison. While FPI sales were on the decline for almost a decade, threatening the viability of the corporation, FPI is now in a much better financial situation and is increasing the scope of its operations. We are working to expand our repatriation and Prison Industries Enhancement Certification Program (PIECP) opportunities under the authorities granted by Congress in 2012.

OUR GOAL – EFFECTIVE TRANSITION TO THE COMMUNITY

The Bureau relies on Residential Reentry Centers (RRCs, also known as halfway houses), and home confinement to help inmates reintegrate into their home communities just prior to completing their prison terms. RRCs provide inmates with a structured, supervised environment, and assistance in finding employment and housing, completing necessary programming (e.g., community based treatment services), participating in counseling, and strengthening ties to family and friends. Many inmates who transfer to RRCs spend the final few weeks of their term of imprisonment in home confinement, to which inmates may be assigned for the last 10% of their sentence, not to exceed 6 months.² These inmates reside in their homes but are subject to strict schedules, curfews, in-person check-ins, telephonic monitoring, and sometimes electronic monitoring.

RRC placement decisions are individualized and based on each inmate's need for reentry services. For example, inmates serving long sentences and/or having limited employment skills, little family support, no established home to which they can return, and limited financial resources have a much greater need for RRC placement than do inmates serving short sentences and those having positive family support, a home, and job skills.

² 18 U.S.C. § 3624(c)(2).

RRC bed space is limited so we must be judicious with our use of this resource. We balance the available capacity with the needs of releasing inmates so that each appropriate inmate has the opportunity to participate in the program. Despite our continued efforts to seek RRC capacity in new locations and diversify services in existing locations, there remains strong community resistance to RRCs and few vendors compete for such solicitations.

OUR CHALLENGES

The Bureau houses a significant number of dangerous and disruptive inmates who pose real threats to the safety of staff, other inmates, and the public. We have had success in managing these individuals through a variety of means, including our Special Management Unit (SMU) where disruptive inmates are removed from the general population and provided programs designed to prepare them to return to an open prison population.

In our institutions, we have over 23,000 inmates who are affiliated with gangs. Management of these inmates requires a lot of attention and resources. Over the past few years we created institutions exclusive for inmates who have dropped out of gangs, or are in “bad standing” with gangs, or who have never had a gang affiliation. Many of the drops outs have provided valuable assistance to law enforcement in disrupting gang-related criminal activity in the community and even solving some “cold cases.” We now have seven such facilities for medium and high security inmates.

We house several hundred international and domestic terrorists in our institutions. While the Bureau has always held some terrorists, after 9/11 the number of these inmates increased substantially. The Bureau works closely with the National Joint Terrorism Task Force, the Federal Bureau of Investigation, and other law enforcement partners to limit opportunities for inmates to be radicalized in our institutions. We remain vigilant of security risks this population may potentially pose to our prisons and our Nation.

The Bureau continues to face threats posed by the introduction of dangerous contraband to our institutions: cellular phones and illicit narcotics (including the emerging threat of synthetic drugs), and drones that are used to deliver this contraband, remain chief among those. We have deployed new contraband-detecting technologies, including thermal fences, walk-through metal detectors, and whole-body imaging devices, and have piloted wireless interdiction technologies, to include a recent test of micro-jamming, that show promise for countering the contraband cell phone threat. Synthetic drugs, such as fentanyl and fentanyl analogues, MDMA (ecstasy), K2 (Spice) and bath salts, are introduced into our prisons through various means, such as the mail, where they are very difficult to detect. The Bureau is leading a work group in collaboration with the Department of Homeland Security, the Postal Inspection Service, and national testing laboratories to test new security technologies to address this problem. The Bureau also is working closely with the Department of Justice’s Unmanned Aircraft System (UAS) Workgroup on strategies to detect and mitigate drones that pose a security threat.

Inmate health care remains a challenge for us. With increasing numbers of older inmates in our institutions, many of whom have chronic medical conditions, we face rising costs of health

care and pharmaceuticals. At the same time, recruitment and retention of qualified medical professionals to staff our prisons—many of which are not located in urban areas—is hampered by significantly lower pay and benefits than are offered by the private sector. The Public Health Service is a strong partner with us, helping to fill critical positions, but shortfalls remain. We also are pursuing opportunities to develop a data analytics strategy to improve executive health care decision-making and thereby improve health and financial outcomes.

In addition, inmates with serious mental illness pose particular difficulties in prison. We now have two secure mental health units for individuals who have a history of violent behavior and suffer from serious mental health issues – one in Atlanta, Georgia and the second in Allenwood, Pennsylvania. These units allow us to safely provide treatment and avoid placing individuals in restrictive housing, with the goal of facilitating their return to general population in prison and ultimately to their community, following completion of their prison term.

CONCLUSION

I look forward to continuing to support the law enforcement efforts of the Department of Justice. Chairman Sensenbrenner, Ranking Member Jackson-Lee, and Members of the Subcommittee, this concludes my formal statement. I appreciate the opportunity to provide the Subcommittee with my formal statement, and would be happy to answer any questions.