



Department of Justice

STATEMENT OF

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BEFORE THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND
THE DISTRICT OF COLUMBIA
UNITED STATES HOUSE OF REPRESENTATIVES

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“FEMALE D.C. CODE FELONS:
UNIQUE CHALLENGES IN PRISON AND AT HOME”

PRESENTED

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Statement of Harley G. Lappin, Director
Federal Bureau of Prisons
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Workforce, Postal Service, and the District of Columbia Subcommittee
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Good morning Chairman Lynch and Members of the Subcommittee. I appreciate the opportunity to appear before you today to discuss the programming and reentry for female D.C. Code felons in the custody of the Bureau of Prisons (BOP).

As the nation's largest corrections system, the BOP is responsible for the incarceration of more than 211,000 inmates, including almost 14,000 female offenders; 234 of these are female D.C. Code offenders. While the number of female D.C. Code offenders is quite small compared to our entire population, we remain mindful of our unique role as the "State Department of Corrections" for the District of Columbia, thus devote substantial resources to meet the unique needs of these offenders.

The mission of the BOP 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 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. We recognize that the post-release success of offenders is as important to public safety as inmates' secure incarceration. The two parts of our mission are closely related – prisons must be secure, orderly, and safe for our staff to be able to supervise work details, provide training, conduct classes, and carry out treatment. Inmates who are productively occupied in appropriate correctional programs are less likely to engage in misconduct and violent or disruptive behavior.

Federal Inmate Population

As noted above, the BOP is responsible for the incarceration of more than 211,000 inmates. This figure represents primarily offenders who have committed Federal crimes and, based on the National Capital Area Revitalization Act of 1997, also includes felons convicted of violating D.C. statutes. We have experienced significant increases in the inmate population in the last 2 decades. While we are no longer experiencing the dramatic population increases of between 10,000 and 11,400 inmates per year that occurred from 1998 to 2001, the increases are still significant and include average annual net increases of 5,000-7,000 inmates per year for the last 5 fiscal years (from 2003 to 2008). We expect these increases to continue over the next several years, reaching a total of 226,000 by the end of fiscal year 2012.

Currently, the BOP confines approximately 172,925 inmates in 115 facilities with a total rated capacity of 126,148 beds. Systemwide, the BOP is operating at 37 percent over its rated capacity. Crowding is of special concern at higher security facilities including penitentiaries (operating at 53 percent over capacity) and our Secure Female Facilities (operating at 52 percent over capacity). The BOP has managed severe crowding by double bunking throughout the system -- 93 percent of all high-security cells and 100 percent of all medium-security cells are double-bunked. In addition, approximately 15 percent of all medium-security cells are triple-bunked or inmates are being housed in space that was not designed for inmate housing. At the same time, staffing levels have declined substantially over the past 10-15 years. In 1997, our staff-to-inmate ratio was 3.57, which is comparable to most state Departments of Corrections. However, at the end of Fiscal Year 2009, our staff-to-inmate ratio had risen to almost 5.0.

Preparing inmates for reentry into the community, including implementing the requirements of the Second Chance Act, is a high priority for the BOP. But we are limited in our ability to attend to this priority due to the high level of crowding and constrained level of staffing in our institutions. The combination of elevated crowding and constrained staffing has limited our ability to provide all inmates with the necessary range of programs that provide the job skills and life skills necessary to prepare them fully for a successful reentry into the community.

Crowding also affects inmates' access to important services (such as medical care and food services), an institution's infrastructure (the physical plant and security systems), and inmates' basic necessities (access to toilets, showers, telephones, and recreation equipment). Correctional administrators agree that crowded prisons result in greater tension, frustration, and anger among the inmate population, which leads to conflicts and violence.

In 2005, the BOP performed a rigorous analysis of the effects of crowding and staffing on inmate rates of violence. Data was used from all low-security, medium-security, and high-security BOP facilities for male inmates for the period July 1996 through December 2004. We accounted for a variety of factors known to influence the rate of violence and, in this way, were able to isolate and review the impact that crowding and the inmate-to-staff ratio had on serious assaults. This study found that both the inmate-to-staff ratio and the rate of crowding at an institution (the number of inmates relative to the institution's rated capacity) are important factors that affect the rate of serious inmate assaults.

The analysis revealed that a one percentage point increase in a facility's inmate population over its rated capacity corresponds with an increase in the prison's annual serious assault rate by 4.09 per 5,000 inmates; and an increase of one inmate in an institution's inmate-to-custody-staff ratio increases the prison's annual serious assault rate by approximately 4.5 per 5,000 inmates. The

results demonstrate through sound empirical research that there is a direct relationship between resources (bed space and staffing) and institution safety.

In the past, we have been able to take a variety of steps to mitigate some of the effects of crowding in our facilities. For example, we have improved the architectural design of our newer facilities and have taken advantage of improved technologies in security measures such as perimeter security systems, surveillance cameras, and equipment to monitor communications. These technologies support BOP employees' ability to provide inmates the supervision they need in order to maintain security and safety in our institutions. We have also enhanced population management and inmate supervision strategies in areas such as classification and designation, intelligence gathering, gang management, use of preemptive lockdowns, and controlled movement. We have, however, reached a threshold with regard to our efforts, and are facing serious problems with inmate crowding.

Inmate Designations

The BOP places inmates in facilities based on their security and program needs using a validated classification system that employs objective criteria and also allows for professional judgment. We recognize that separation from family and community is an unfortunate consequence of incarceration. Thus, our policy is to initially designate each inmate in the lowest security level facility possible given his/her security and program needs, and at a facility that is reasonably close to the anticipated release area (ordinarily considered placement within 500 miles of the inmate's release residence). We are not always able to meet this objective due to the extreme crowding the BOP has been experiencing in recent years and because, at times, there may not be an institution within 500 miles that matches the inmate's security and program requirements.

Additionally, there are times when designation decisions are substantially impacted by the need to separate specific inmates based on one having testified against the other or other behaviors. In such instances one of the separatees may have to be confined at a facility that is outside of the 500-mile radius. Finally, an inmate may have special needs (such as medical treatment) that cannot be addressed at an institution within 500 miles.

In order to provide appropriate and necessary medical and mental health treatment to the inmate population, the BOP assigns "Care Levels" (1 through 4) to each inmate. These assignments are based upon the level of care that each inmate requires to effectively meet their medical and mental health needs. Moreover, each institution is classified by Care Level according to staffing structure, community health resources, and community sub-specialists available. There are times when an inmate's Care Level will require his/her placement at a facility that is greater than 500 miles from home. For example, the BOP has only one Federal Medical Center (or prison

hospital) for females – FMC Carswell, Texas. While this medical facility provides state of the art care for our seriously ill female offenders, it is over 1200 miles from the District of Columbia.

Inmates undergo periodic reviews (every six months, and every three months within their final year in prison) with BOP staff to assess all aspects of their incarceration, to include their designation. Based on this review and security and safety considerations, if deemed appropriate and if bed space is available, the BOP will transfer an inmate who is more than 500 miles from his release residence to a facility closer to his/her home and family. Inmates may also be transferred to a facility that is greater than 500 miles from their release residence based upon misconduct, medical needs, or other programming needs (e.g., drug programming bedspace).

The Female Offender Population

Given our decades of experience, we know that female offenders present with very different challenges than their male counterparts. Female offenders have higher rates of mental disorders and higher rates of drug and alcohol use. Histories of physical and sexual abuse and trauma are quite prevalent. Finally, female offenders are often single parents. Their incarceration frequently means that their minor children are left to be raised by extended family members or by foster families – individuals who may not have the resources or ability to frequently visit the incarcerated mother.

The BOP has 28 facilities that house female offenders – 20 of those are mixed population facilities with small cadres of females housed in satellite prison camps or in units separate from the male offenders (primarily hold-over, pre-trial, or pre-sentence status at our Administrative facilities). Eight facilities house solely female offenders – they are located in Alderson, West Virginia; Danbury, Connecticut; Hazelton, West Virginia; Bryan, Texas; Carswell, Texas; Waseca, Minnesota; Tallahassee, Florida; and Dublin, California. We also have a small number of beds available for females who volunteer for placement with the Maryland Department of Corrections in Jessup, Maryland.

Despite the challenges we face with respect to crowding and its impact upon designations, we remain committed to the goal of housing the majority of female D.C. Code offenders within 500 miles of the District, and we have been quite successful in meeting this goal. Currently, almost 82 percent of female D.C. Code offenders are confined in institutions within about 250 miles of the District, primarily at FDC Philadelphia, Pennsylvania; SFF Hazelton, West Virginia, FPC Alderson, West Virginia; and FCI Danbury, Connecticut. Clearly, inmates with significant medical needs requiring hospitalization will still need to be housed further from D.C. than is optimal. Additionally, in the past a very small number of female offenders were housed outside

the 500 mile radius to participate in Residential Drug Abuse Programming. However, we have expanded RDAP capacity and are hopeful that we will soon be able to accommodate all female D.C. Code RDAP participants within 500 miles of the District.

Because we recognize how important it is for inmates to maintain contact with their family and friends while in prison, we provide several options for community contact at all of our institutions. The BOP authorizes inmates to have in-person visits, and permits the controlled use of the telephone, the postal service, and secure, monitored electronic messaging. The vast majority of our female offenders will release to the community, and those who have ties to their family and community are more likely to become law abiding citizens than those who do not. Moreover, offenders' families often provide substantial support to the releasing prisoners regarding important needs such as housing and employment.

Inmate Programming and Reentry

Many inmates enter our custody with substantial skill deficits, limited education, limited work history, and myriad behavioral and emotional issues. Female D.C. Code inmates are no exception. Virtually all of our inmates will be released back to the community at some point. We know that they need job skills, vocational training, education, counseling, and other assistance (such as drug abuse treatment, anger management, and parenting skills) if they are to successfully reenter society. We try to address these needs beginning in the first days of an inmate's incarceration. Every Federal prison offers inmate programs that stress the development of work skills and life skills needed to enhance employment upon release and to help inmates maintain a crime-free lifestyle. These programs include work, education, vocational training, substance abuse treatment, observance of faith and religion, psychological services and counseling, and release preparation. We also provide other structured activities designed to teach inmates productive ways to use their time.

Based upon specific female offender needs, we have staffed Psychology Services at our female institutions more richly to meet the increased need for mental health services. In addition, we offer several programs that target the unique needs of female inmates.

Mothers and Infants Nurturing Together (MINT): MINT is a Residential Reentry Center-based program to promote prenatal programming and parenting skills for pregnant inmates, and promotes bonding and continued parenting skill-building following the birth of the child. Women are eligible to enter the program during the last three months of their pregnancy, and can remain for more than 6 months after delivery. In addition to pre- and post-natal programming, MINT offers chemical dependency treatment, physical and sexual abuse counseling, budgeting classes, and vocational and educational programming. We currently have MINT in seven sites across the country, to include West Virginia and Connecticut.

Resolve Program: The Resolve Program is a cognitive-behavioral workshop and non-residential treatment program that addresses trauma-related mental health needs for female offenders. This program, developed in consultation with the nation's leading female trauma experts, is available at 11 BOP facilities (including SFF Hazelton, FCI Danbury, and FPC Alderson). The program not only seeks to decrease the incidence of trauma related psychological disorders and improve level of functioning, but also targets increasing the effectiveness of other treatments (e.g., RDAP), reducing institutional misconduct, and reducing recidivism.

The BOP also offers numerous evidence-based programs throughout our facilities that target re-entry skills; rigorous research has demonstrated the recidivism reducing effectiveness of these programs. Inmates who participate in programs are less likely to commit future crimes; inmates who participate in Federal Prison Industries (FPI) are 24 percent less likely to recidivate; 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 the residential drug abuse treatment program are 16 percent less likely to recidivate and 15 percent less likely to relapse to drug use within 3 years after release.

Work Programs: Prison work programs teach inmates occupational skills and instill in offenders sound and lasting work habits and a work ethic. All sentenced inmates in Federal correctional institutions are required to work (with the exception of those who for security, educational, or medical reasons are unable to do so). Most inmates are assigned to an institution job such as food service worker, orderly, painter, warehouse worker, or groundskeeper. We want to have inmates involved in meaningful work programs; but unfortunately, we have a limited number of these jobs. Increased crowding has made it very difficult to keep all inmates working in full-day job assignments. The waiting lists for other inmate programs continue to grow as our staffing levels remain lower than necessary to maintain adequate program opportunities for inmates.

Federal Prisons Industries (FPI) is the BOP's most important correctional program because it has been proven to substantially reduce recidivism and does not require appropriated funds. 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. It also keeps them productively occupied; inmates who participate in FPI are substantially less likely to engage in misconduct.

FPI's inmate worker levels and earnings have dropped significantly in fiscal years 2008, 2009 and 2010 due to various legislative provisions that have weakened FPI's standing in the Federal procurement process, along with the downturn in the economy and the significant reduction of products needed to support the war. As a consequence, we closed or downsized 19 FPI factories and are now in the process of closing or downsizing an additional 20 FPI factories. We have lost

6,000 inmate jobs in just one year. Additionally, FPI has reduced the number of work hours for many of the inmates, a practice that began several months ago to further reduce costs.

FPI is exploring means to expand its operations, thereby increasing opportunities for inmates to work in FPI and gain essential skills and training. We expect that new legislation will be necessary to allow for such expansions. .

Education, Vocational Training, and Occupational Training: The BOP offers a variety of programs for inmates to enhance their education and to acquire skills to help them obtain employment after release. All institutions offer literacy classes, English as a Second Language, adult continuing education, parenting classes, recreation activities, wellness education, and library services.

With a few exceptions, inmates who do not have a high school diploma or a General Educational Development (GED) certificate must participate in the literacy program for a minimum of 240 hours or until they obtain the GED. The English as a Second Language program enables inmates with limited proficiency in English to improve their English language skills. We also facilitate vocational training and occupationally-oriented higher education programs. Many institutions offer inmates the opportunity to enroll in and pay for more traditional college courses that could lead to a bachelor's degree.

Occupational and vocational training programs are based on the needs of the specific institution's inmate population, general labor market conditions, and institution labor force needs. On-the-job training is afforded to inmates through formal apprenticeship programs, institution job assignments, and work in the FPI program.

Substance Abuse Treatment: The BOP is mandated by statute (18 U.S.C. § 3621(b)) to provide drug abuse treatment to inmates. Our substance abuse treatment program includes drug education, non-residential drug abuse treatment, residential drug abuse treatment, and community transition drug abuse treatment.

Drug abuse education is available in all BOP facilities. Drug abuse education provides inmates with information on the relationship between drugs and crime and the impact of drug use on the individual, his or her family, and the community. Drug abuse education is designed to motivate appropriate offenders to participate in nonresidential or residential drug abuse treatment, as identified and referred by the drug abuse treatment staff.

Non-residential drug abuse treatment is also available in every BOP institution. It is based on the cognitive behavioral therapy model of treatment and focuses on criminal and drug-using risk

factors such as antisocial and pro-criminal attitudes, values, beliefs, and behaviors and replacing them with pro-social alternatives.

The BOP is required to provide residential drug abuse treatment to all inmates who are eligible for the program. The foundation for residential drug abuse treatment is the cognitive behavior therapy treatment model, which targets offenders' major criminal and drug-using risk factors. The program is geared toward reducing anti-social peer associations; promoting positive relationships; increasing self-control, self-management, and problem solving skills; ending drug use; and replacing lying and aggression with pro-social alternatives.

Participants in the residential drug abuse treatment program live together in a unit reserved for drug abuse treatment in order to minimize any negative effects of interaction with the general inmate population. Residential drug abuse treatment, which generally requires 9 to 12 months to complete, is provided toward the end of the sentence in order to maximize its positive impact on soon-to-be-released inmates. The residential drug abuse treatment program is available in 8 of our female facilities, to include FPC Alderson, FCI Danbury, and FMC Lexington, Kentucky.

Drug abuse treatment in the BOP includes a community transition drug abuse treatment component to help ensure a seamless transition from the institution to the community. The BOP provides a treatment summary to the Residential Reentry Center (RRC) where the inmate will complete the final phase of treatment, to the community-based provider who will work with the inmate while at RRC, and to the U.S. Probation Office, or the Court Services and Offender Supervision Agency (CSOSA) for DC offenders, before the inmate's arrival at the RRC. Participants in community transition drug abuse treatment often continue treatment with the same treatment provider during their period of supervised release after they leave BOP custody.

Life Connections and Threshold: The Life Connections Program is a residential multi-faith-based program that provides the opportunity for inmates to deepen their spiritual life and assist in their ability to successfully reintegrate following release from prison. FMC Carswell is the site of our female Life Connections Program. Our Office of Research and Evaluation has completed several analyses of the program and found a reduction in serious institution misconduct among program participants. The Office of Research will next assess the effect of the program on recidivism, once a sufficient number of graduates have been released for at least 3 years.

In fiscal year 2008, we initiated a non-residential faith-based reentry program known as Threshold. This program embraces the same principles as the Life Connections Program and targets inmates who have less than 2 years of time remaining on their sentence. Threshold currently operates in 27 institutions, to include new programs opening at FCI Danbury and FDC Philadelphia later this year.

Inmate Skills Development: Our Inmate Skills Development initiative unifies our inmate programs and services into a comprehensive reentry strategy. The three principles of the Inmate Skills Development initiative are: (1) inmate participation in programs must be linked to the development of relevant inmate reentry skills; (2) inmates should acquire or improve a skill identified through a comprehensive assessment, rather than simply completing a program; and (3) resources are allocated to target inmates with a high risk for reentry failure. The initiative 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. This critical information is updated throughout an inmate's incarceration and is provided to probation officers as inmates get close to their release from prison so as to assist in the community reentry plan. As part of this initiative, program managers have been collaborating and developing partnerships with a number of governmental and private sector agencies to assist with inmate reentry.

Release Preparation Program: In addition to the wide array of inmate programs we offer, the BOP provides a Release Preparation Program in which inmates become involved toward the end of their sentence. The program includes classes in resume writing, job seeking, and job retention skills. The program also includes presentations by officials from community-based organizations that help former offenders find employment and training opportunities after release from prison.

Release preparation includes a number of inmate transition services provided at our institutions, such as mock job fairs where inmates learn job interview techniques and community recruiters learn of the skills available among inmates. At mock job fairs, qualified inmates are afforded the opportunity to apply for jobs with companies that have job openings. Our facilities also help inmates prepare release portfolios, including a resume, education and training certificates, diplomas, education transcripts, and other significant documents needed for a successful job interview.

We have established employment resource centers at all Federal prisons to assist inmates with creating release folders to use in job searches; soliciting job leads from companies that have participated in mock job fairs; identifying other potential job openings; and identifying points of contact for information on employment references, job training, and educational programs.

Community Based Programs/Residential Reentry Centers: The BOP places most inmates in community-based programs for the final portion of their term of imprisonment to help offenders gradually re-adapt to their community environment. These programs are a critical component of a comprehensive reentry strategy. Many of the programs and treatment that offenders receive in the correctional institutions are reinforced during their stay in the community-based programs. These programs provide an important opportunity for offenders to find a job and a place to live,

save some money, complete drug treatment (in some cases) and strengthen ties to family and friends. In other words, these programs contribute to public safety.

Mindful of our role as the “State Department of Corrections” for the District, we emphasize specialized programming and opportunities for female DC Code offenders that will help facilitate their successful reentry, while ensuring they are housed in safe and appropriately secure facilities. To facilitate community transition for females returning to the District, we maintain a contract with Fairview RRC. There are currently 21 female DC Code offenders housed at Fairview RRC - 3 additional females are currently on home detention."

We have also engaged in a fruitful partnership with the Our Place DC Reentry Demonstration Project to assist female D.C. offenders through case management and reentry to contribute to a successful transition back to the District. Our Place began its collaboration with the BOP at FDC Philadelphia and SFF Hazelton in January, and has provided in-person case management visits, videoconferences, and health and job training seminars. Our Place also continues their work with offenders at Fairview.

In an effort to further enhance the transition of female DC Code offenders to the community, BOP collaborates closely with CSOSA to improve the release transition process. BOP has coordinated with CSOSA in release preparation meetings at Federal facilities and halfway houses, with Fairview having a CSOSA officer on site. These officers work closely with the RRC staff on inmate release planning. BOP officials also participate in a workgroup with the United States Parole Commission, CSOSA, and the National Institute of Corrections on reentry issues (ensuring that there is effective communication between the corrections, community supervision, and releasing authority agencies).

The BOP complements its use of RRCs with home detention. Some inmates are placed in home detention for a brief period at the end of their prison terms. They serve this portion of their sentences at home under strict schedules, curfew requirements, telephonic monitoring, and sometimes electronic monitoring. The supervision is provided by staff at the RRCs. There are currently 5 female DC Code offenders on home detention. After release from the RRC or from the institution (for inmates not released through a RRC), most inmates have a period of supervised release under the supervision of the U.S. Probation Office, or in the case of DC offenders, by CSOSA.

Closing

Chairman Lynch, this concludes my formal statement. Again, I thank you, Mr. Chaffetz, and the Subcommittee for your support of our agency. We desire to expand inmate programs that have been demonstrated to reduce recidivism as expressed through our mission. We can provide more to inmates, to include female D.C. Code offenders, by reducing our crowding and adequately staffing our facilities as funding permits. I would be pleased to answer any questions you or other Members of the Subcommittee may have.