



Department of Justice

STATEMENT OF

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BEFORE THE

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

ENTITLED

**“HOUSING D.C. FELONS FAR AWAY FROM HOME:
EFFECTS ON CRIME, RECIDIVISM, AND REENTRY”**

PRESENTED

MAY 5, 2010

**Statement of Harley G. Lappin, Director
Federal Bureau of Prisons
Before the U.S. House Oversight and Government Reform Subcommittee on Federal
Workforce, Postal Service, and the District of Columbia
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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 designation process of the Bureau of Prisons (BOP), particularly as it affects the reentry needs of offenders from the District of Columbia (D.C.).

I am well aware of the unique role that we play in the District of Columbia. While the number of inmates sentenced in D.C. Superior Court is relatively small compared to our entire inmate population (less than 3%), we devote substantial resources to ensuring D.C. offenders receive appropriate care and treatment. And, mindful of our role as the “State Department of Corrections” for the District of Columbia, we work hard to maintain a variety of collaborative relationships with the local criminal justice community.

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

The BOP is responsible for the incarceration of more than 211,000 inmates. This figure represents primarily offenders who have been charged with or sentenced for committing Federal crimes and, based on the National Capital Area Revitalization Act of 1997, also includes felons convicted of violating D.C. statutes. Specifically, we house 5,408 inmates who were sentenced in D.C. Superior Court. More than 75 percent of these offenders are housed within 500 miles of the District.

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 222,000 by the end of fiscal year 2011.

Currently, the BOP confines approximately 172,857 inmates in Bureau-operated facilities with a total rated capacity of 126,130 beds. Additionally, 38,598 are under contract care, primarily in privately-operated prisons. 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 52 percent over capacity) and medium-security institutions (operating at 47 percent over capacity). These facilities confine a disproportionate number of inmates who are prone to violence. 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. With enhanced funding received in FY 2010 the BOP has begun the activation process of two new medium security facilities, and the FY 2011 President's Budget requests funding to begin the activation of one additional medium and one high security prison. This additional capacity, however, does not keep pace with the recent or projected population growth, and crowding is expected to continue to increase.

The continued professionalism and dedication of our staff have been critical to the BOP's ability to operate safe and secure facilities, managing many more inmates than our prisons were designed to house, and preparing inmates to transition back into their communities. Preparing inmates for reentry, 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. Funding in the 2010 Consolidated Appropriations Act has allowed the BOP to increase on-board staffing, and, the FY 2011 President's Budget includes half year funding of \$59 million to add an additional 1,200 new staff. 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 conduct. 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.

The initial classification and designation process includes a review of an inmate's records obtained from the court (presentence investigation report, judgment and commitment order, and statement of reasons). Factors included in the objective scoring of an inmate's security level include: age, education level, drug and alcohol involvement, the severity of the current offense, criminal history score, history of violence, history of escapes, detainers, and whether the court allows the offender to be on his/her own recognizance during the trial and/or self-surrender to the BOP facility. A numerical score results from this review and the inmate is initially assigned to one of four security levels (minimum, low, medium, or high for males; minimum, secure, or high for females).

The BOP's classification process also includes an assessment of factors that may indicate the need to place an inmate in a higher or lower security level institution than is indicated by the

objective score. The BOP recognizes that certain behaviors demonstrated by offenders prior to their commitment indicate a particular risk to institution security or public safety (e.g., threats to government officials, sex offenses, disruptive group members, a serious escape attempt). In those cases, the BOP uses professional judgment within specific guidelines to incorporate management considerations and public safety factors in the decision about institutional placement, resulting in a higher or lower security level placement as needed.

Some offenders have specific characteristics that warrant adjustments to their designation. For example, convicted law enforcement officials are initially designated to a facility that is less likely to have offenders with whom the official came into contact in the community. Inmates who have had extensive media publicity associated with their case may also need to be designated to a facility further from home, as local media attention and the likelihood that their crime victims might have a nexus to inmates in a facility close to home can lead to security risks for such offenders. The BOP monitors these offenders' designation and program assignments carefully through the Central Inmate Monitoring System.

Finally, 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 his or her 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 operates six Federal Medical Centers (prison hospitals – five male facilities and one female facility). Inmates requiring this level of medical or mental health care may be designated further than 500 miles from home in order to provide necessary treatment.

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. By policy, inmates are required to spend at least 18 months at their designated facility prior to a transfer to another facility of the same security level. If their programming needs change or security level changes, a transfer may be approved prior to 18 months. 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).

Housing D.C. Offenders

The National Capital Revitalization and Self-Government Improvement Act of 1997 (The Revitalization Act; Title XI of the Balanced Budget Act of 1997 (P.L. 105-33)) required the BOP to assume responsibility for the incarceration of D.C. sentenced felons by December 31, 2001. The law also requires us to treat D.C. Superior Court inmates like Federal inmates, stating: "Such

persons shall be subject to any law or regulation applicable to persons committed for violations of laws of the United States consistent with the sentence imposed.”

Throughout the development and implementation of the Revitalization Act, the BOP made clear our strong preference to either retain some portion of the Lorton Correctional facility for use as low security bedspace or to obtain capacity somewhere else in the D.C. metro area. Our goal was threefold -- a local facility would provide a strong incentive for D.C. Superior Court high security offenders serving long sentences to demonstrate their suitability for transfer to a lower security facility closer to home, would encourage D.C. Superior Court low security offenders to maintain good institutional adjustment such that they could remain in a low security facility close to home, and a would provide much needed capacity for housing other federal offenders from the region. Unfortunately, neither option was made available to us. As such, the BOP was forced to seek capacity outside the D.C. metropolitan area to meet the demands of the Act.

Immediately after passage of the Revitalization Act, the BOP began working with the D.C. Department of Corrections to ensure that the transfer of inmates would be orderly and efficient. Our ambitious construction schedule and our use of some State correctional institutions and some privately-operated facilities allowed us to meet the Act’s requirement prior to the deadline; the transfer was completed in November 2001.

The Revitalization Act further required the BOP to house at least 2,000 D.C. sentenced felons in privately-operated facilities by December 31, 1999, and to confine 50 percent of D.C. sentenced felons in private facilities by September 30, 2003. These requirements were superseded by a provision in Public Law 106-553 (enacted on December 21, 2000) which provided that, beginning in fiscal year 2001 and thereafter, the BOP confine in privately-operated prisons only those D.C. inmates who are determined to be appropriate for such placement based on Federal classification standards and any threat they may pose to public safety.

In March, 2000, we entered into a contract with the Rivers Correctional Institution in Winton, North Carolina, located 215 miles from D.C, for the confinement and management of approximately 1,200 low-security D.C. inmates. The Statement of Work for the Rivers facility allows for the designation to this institution of other low-security inmates. The facility opened in March 2001. Rivers Correctional Institution began receiving inmates in April 2001. The contract expiration date is March 6, 2011. The new solicitation for this bedspace is pending contract award, and is expected in June, 2010. While the original solicitation stated proposed sites had to be within a 500 mile radius of D.C., we amended the solicitation to require proposed sites be within 300 miles of D.C.

Currently, Rivers Correctional Institution confines approximately 700 D.C. inmates with approximately 600 criminal aliens occupying the remaining beds. Having large numbers of D.C. inmates at Rivers allows for the provision of specialized programming that can be tailored to the needs of offenders returning to D.C. The Residential Drug Abuse Programming (RDAP) at Rivers provides an opportunity for offenders to earn up to one year off pursuant to the amended D. C. statute. CSOSA also provides specialized programs, working collaboratively with local employers, labor unions, and community college staff to establish the Building Trades Program.

CSOSA has also collaborated with the local community on job fairs to assist with post-release employment.

With respect to reentry programming, BOP Community Corrections staff provide release preparation classes twice annually to Rivers inmates. In addition, CSOSA also holds quarterly Release Preparation Program (RPP) sessions that involves staff from CSOSA, BOP, U.S. Parole Commission, Hope Village, and other D.C. organizations committed to helping ex-offenders. The sessions are conducted once a year at Rivers, and three times a year via teleconference at the D.C. Re-Entry and Sanctions Center. BOP staff also travels to Rivers twice a year to conduct an RPP class with offenders being released to D.C.

We remain committed to the goal of housing the great majority of D.C. inmates within 500 miles of the District, and we have been largely successful in meeting this goal. As of April 27, 2010, 4,090 or 75.6 percent of the total of 5,408 inmates were confined in institutions within 500 miles of the District. There are three categories of offenders, however, who are likely to continue to be housed outside of the 500-mile radius to the District: (1) inmates with significant medical needs, who must be placed in our Federal Medical Centers; (2) special management inmates (for example, inmates requiring protective custody); and (3) discipline cases.

Maintaining Family and Community Ties

The BOP recognizes how important it is for inmates to maintain contact with their families and friends while in prison. The vast majority of inmates release to the community, and those who have ties to their families 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. The BOP authorizes inmates to maintain community ties through visiting, the controlled use of the telephone, the postal service, and secure, monitored electronic messaging.

Inmates may have contact visits with their families, friends, attorneys, and other special visitors (except at the Administrative Maximum Security Facility in Florence, Colorado, where all visiting is non-contact). With prior approval, inmates may also receive visits from their consulate, representatives from community groups, clergy, and members of the media. Each institution sets its own visiting policy within specific parameters. For example, visiting takes place at Rivers Thursday through Sunday and federal holidays, and six visitors are allowed per visit.

Inmates also maintain contact with the community through telephone calls. They may place collect calls or place calls via a debit system. Inmates are limited to 300 phone minutes each month, and that limit is extended to 400 minutes during November and December. Additional phone call minutes can be approved if extenuating circumstances exist, and all calls are subject to monitoring.

Inmates may also use written communication. There is no limit to how many letters an inmate can send or receive, however, inmates must purchase their own stamps unless they are deemed

indigent. All written correspondence, except legal and special mail, is monitored. Inmates may also correspond with their families and friends via electronic messaging. The inmate electronic messaging system allows transmission of text only, with no instant messaging, no transmission of images, and no access to the internet. Inmates may log on for up to 60 minutes before being automatically logged off. All delivery of sending and receiving messages is delayed by a minimum of 1 hour for security reasons, and all messages are subject to monitoring.

Inmate Reentry

Many inmates enter BOP custody with substantial skill deficits, limited education, limited work history, and myriad behavioral and emotional issues. D.C. inmates are no exception. Almost 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, participation in faith-based programming and religious services, psychological services and counseling, release preparation, and other programs that impart essential life skills. BOP also provides other structured activities designed to teach inmates productive ways to use their time.

Rigorous research has found that 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 program are 16 percent less likely to recidivate and 15 percent less likely to relapse to drug use within 3 years after release.

Our Inmate Skills Development initiative, funded this year in FY 2010, 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.

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.

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.

BOP staff conduct regular oversight of all Residential Reentry Centers (RRC), including those in D.C. We contract with two RRCs in D.C. to provide reentry services: Fairview (for female offenders) and Hope Village for male offenders. We also have access to Efforts for Ex-Convicts (EFEC) through the D.C. Department of Corrections. As of April 23, 2010, there were 336 D.C. offenders in D.C. RRCs. The average length of stay in RRC is currently 105 days overall, and 160 days for female D.C. offenders. D.C. offenders who are not placed in RRCs generally fall in to four categories: the inmate is serving a short sentence (particularly supervised release violators with short terms), the inmate participates in CSOSA's Re-entry and Sanctions Center in lieu of RRC (particularly violators from Rivers), lack of specialty bedspace for certain types of offenders (e.g., sex offenders), or the inmate refuses RRC placement.

In an effort to further enhance the transition of D.C. Superior Court offenders to the community, BOP has collaborated 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 Hope Village providing office space for six CSOSA officers to work directly with the transitioning offenders. Fairview and EFEC each have one 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. 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 D.C. 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. As I have indicated in my testimony, we are being challenged significantly in our ability to meet our mission. We desire to expand inmate programs that have been demonstrated to reduce recidivism as expressed through our mission. We can provide more inmates, to include D.C. offenders, with the opportunity to avail themselves of beneficial correctional programs 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.