



Department of Justice

STATEMENT OF

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U.S. DEPARTMENT OF JUSTICE**

BEFORE THE

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES**

FOR A HEARING ENTITLED

**“OVERSIGHT OF THE BUREAU OF PRISONS AND INMATE
REENTRY”**

PRESENTED

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Statement of Mark S. Inch
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U.S. Department of Justice
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Good morning, Chairman Gowdy, Ranking Member Cummings, and Members of the Committee. I appreciate the opportunity to appear before you today to discuss the mission and operation of the Federal Bureau of Prisons (Bureau). I was sworn in as the Bureau's ninth Director just three months ago, and I am honored to speak on behalf of all Bureau staff – corrections professionals who support the agency's law enforcement mission. I have spent my first 90 days on the job learning as much as possible about the agency, and I am committed to reviewing all of our major policies and procedures to identify both strengths and weaknesses. I am compiling prioritized lists of areas for improvement with respect to public safety and inmate reentry and also overall agency efficiency and effectiveness.

To that end, I wish to thank the Office of the Inspector General (OIG) and the Government Accountability Office (GAO) for their hard work. Their audits on a variety of program areas, supported by the Bureau's own internal auditing process, are critical to ensuring that we remain focused on adhering to the highest standards for safety of staff, inmates, and the public. These audits will provide an important guidepost to me as I undertake my review of Bureau systems and operations.

As the leader of the country's premier department of corrections, I am committed to ensuring that Bureau staff are guided by the fundamental principles of Character, Competence, Commitment and Courage. And we put those qualities into the service of our stakeholders: the public; victims; and inmates.

Our staff carry out the agency's mission by running into situations from which others run away. Their first thought when breaking up inmate fights is the safety of others, not themselves. When a body alarm sounds, they rush to the side of their colleague. They perform CPR for inmates in distress, hoping to make the critical difference that saves a life. And as we saw over the past few months, our staff respond to crises brought on by weather and flooding, volunteering both in our institutions and in those affected communities. The work our staff do is truly inspiring. And they are quiet heroes--most people don't think about what goes on behind the walls and fences of prisons until something terrible happens to make them consider our worth.

OUR MISSION – A HISTORY OF PUBLIC SAFETY AND REENTRY

The Bureau is the Nation's largest correctional agency; we house approximately 185,000 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 committee recognizes, it is imperative that we effectively reintegrate individuals back into the community following release from prison to reduce the likelihood of future criminal behavior and associated victimization. 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 in becoming 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 recidivism rate is 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.

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 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 36% in 2013, and our inmate to staff ratio stretched to 5:1, up from historic levels of 3:1.

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

Almost half of the Bureau's inmate population is serving sentences for drug offenses, nearly 20% are convicted of weapons offenses, almost 10% 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 131 months—more than ten years, with half the inmates serving more than 105 months. The particular offense for which inmates are sentenced is of less importance to us in corrections than other factors such as gang affiliation, criminal history, propensity for violence and other serious misconduct, etc. More than 40% of our inmates classify as high and medium security, requiring close staff supervision and myriad safety and security precautions. We have nearly 23,000 gang-affiliated inmates.

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 PROGRAMS – REENTRY BEGINS ON DAY ONE

Reentry is a critical component of public safety. Public safety is enhanced when individuals leaving prisons have job training, treatment for mental illness and/or substance use disorder, an education, and a general understanding of what it means to be a productive law abiding citizen. The Bureau must help the nearly 44,000 inmates who are released back into our communities each year to not repeat their past mistakes.

The Bureau uses an individualized risk assessment process to develop a reentry plan for each inmate to ensure the inmate participates in appropriate programs and treatment, in the appropriate order, during the term of incarceration. Institution staff reassess inmates every six months to determine if the individuals are making progress consistent with the plan or whether adjustments are needed. We recently completed and deployed a fully integrated online information system – Insight – to record these ongoing, multidisciplinary reviews of each inmate. Insight allows for establishment of goals and monitoring progress towards these goals through user-friendly reports provided to the inmates as well as staff. Final 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 55 institutions thus far, and we anticipate rolling it out nationwide by late spring, 2018.

Bureau inmate programs 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. Federal Prison Industries (FPI), Residential Drug Abuse Programming (RDAP), education, and vocational and occupational training, are particularly effective in reducing recidivism. 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. FPI provides the greatest benefit to minorities, who are often at the greatest statistical risk for recidivism. 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. 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. These programs are a critical part of the Bureau of Prisons mission to keep our communities safe.

OUR GOAL – EFFECTIVE TRANSITION TO THE COMMUNITY

The Bureau relies on RRCs (also known as halfway houses), and home confinement to assist inmates reintegrate into their home communities just prior to completing their prison terms. RRCs provide inmates (referred to as “residents”) 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.¹ 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.

RRC bed space is limited so we are judicious with our use of this resource. We balance the available capacity with the needs of releasing inmates so that all appropriate inmates have the opportunity to participate in the program. Maximizing the length of RRC placement for low-risk offenders, as some have recommended, would quickly absorb RRC capacity, thereby preventing high risk releasing inmates from having access to some period of pre-release transition through this program. Despite our continued efforts to seek additional RRC capacity in new and existing locations, there remains strong community resistance to RRCs and few vendors compete for such solicitations.

OUR CHALLENGES

The Bureau has little control over the number of offenders in our population. We have no role in determining which offenders are prosecuted, which offenders are convicted, and which offenders are sentenced to prison. Moreover, the Bureau has no role in determining the length of sentence imposed and only very limited impact on the amount of time served. We are responsible for ensuring that the term of imprisonment is served in facilities that are safe, secure and humane, and that offenders are provided ample opportunities for self-improvement.

The Bureau houses significant numbers of very dangerous and disruptive inmates who engage in disruptive and dangerous misconduct, including assaultive behavior toward staff and other inmates. 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.

As I noted previously, we have approximately 23,000 inmates affiliated with gangs in our institutions. Management of these groups 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 big "cold cases." We now have seven such facilities for medium and high security inmates at various geographic locations across the country.

¹ Title 18 United States Code Section 3624(c)(2).

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 ensure we are doing everything possible to limit opportunities for inmates to be radicalized in our institution. 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 dangerous contraband and their methods of introduction into our institutions; cellular phones, illicit narcotics (including the emerging threat of synthetic drugs), and drones remain chief among those. The Bureau 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. 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 that show promise for countering the contraband cell phone threat. And we have plans to conduct a test of micro jamming technology later this winter. 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 U.S. Department of Homeland Security, the Postal Inspection Service, and national testing laboratories to test new security technologies to address this problem.

Inmate health care remains a challenge for us. With increasing numbers of older inmates in our institutions, many of whom have complicated and chronic medical needs, 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 somewhat remotely located – is hampered by incentives offered by the private sector. The Public Health Service is a strong partner with us, helping to fill critical positions, but shortfalls remain. Based in part on the important work conducted by the OIG and GAO, we are pursuing opportunities to develop a data analytics strategy to improve executive health care decision-making and thereby improve health and financial outcomes.

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.

Finally, we now have three Reintegration Housing Units to allow greater opportunities for inmates who request protective custody. We are finalizing a new policy regarding these units to ensure we provide treatment and programming aimed at preparing inmates to leave these units and enter general population at another institution.

CONCLUSION

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