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BEFORE THE CHARLES COLSON TASK FORCE  
ON FEDERAL CORRECTIONS

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Good morning, Chairman Watts, Vice-Chairman Mollohan, and Members of the Task Force. I am pleased to appear before you today to discuss the mission and operation of the Federal Bureau of Prisons (Bureau), as well as to share with you the successes we have achieved and the challenges we face. I would also like to thank the Task Force for their time and their focus on the important issue of federal corrections. I look forward to working with you closely over the next year and to our collaboration on developing achievable goals to help reduce the federal prison system. I am also honored to speak on behalf of the nearly 39,000 Bureau staff – professionals who are "correctional workers first" and support the agency's mission and core values of respect, integrity, and correctional excellence.

**OUR MISSION – A HISTORY OF PUBLIC SAFETY AND REENTRY**

As our nation's largest correctional agency, the Bureau currently houses over 210,000 federal offenders in 121 federal prisons, 14 private prisons, and over 200 community-based facilities nationwide. The mission of the Bureau is two-fold: to protect society by confining offenders in prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure and to ensure that offenders are actively participating in programs that will assist them in becoming law-abiding citizens when they return to our communities. This mission is not new, in fact it dates back to the Bureau's establishment in 1930, and we remain deeply committed to it.

The Bureau has had great success with respect to both parts of our mission as measured by key indicators such as low rates of escapes, disturbances, assaults, and homicide, and by our relatively low rates of recidivism. Forty percent of offenders who release from federal prison are re-arrested or have their supervision revoked within three years (only twenty percent return to federal prison within three years), as compared to almost 68% of offenders released from state prisons (Bureau of Justice Statistics, 2014). Those numbers are a testament to the hard work of our staff who provide positive reentry programming in an environment that promotes respect and self-improvement, and to the hard work of offenders who apply the skills they learned in federal prison once they return to the community. But we can do better. The Bureau continues to

enhance our inmate programs while seeking new and innovative ways to support offenders so they have the best possible chance for a successful transition to the community.

The Bureau has faced some significant challenges, most notably the exponential growth in the inmate population. At many points, this growth in population has mounted to crisis levels, the magnitude of which is largely out of our control because, as you know, the Bureau does not control the number of offenders entering our system or the length of their incarceration. Our public safety mission requires that we house all federal offenders sentenced to prison while maintaining safety, security, and effective reentry programs.

## **OUR POPULATION - PAST AND PRESENT**

### **Population Growth.**

Just as our nearly century-long dedication to offender reentry and rehabilitation is unique in corrections, so is our population. For the first five decades of the Bureau's existence, the number and type of offenders we housed remained fairly stable. Beginning in the 1980s, federal law enforcement efforts and new legislation dramatically altered sentencing in the federal criminal justice system, bringing about a significant increase in the number of federal offenders. The Sentencing Reform Act of 1984 established determinate sentencing, abolished parole, and reduced good time. Mandatory minimum sentencing provisions were enacted in 1986, 1988, and 1990. Largely as a result of these changes, from 1980 to 1989 the inmate population more than doubled from about 24,000 to almost 58,000. During the 1990s, the population more than doubled again, reaching approximately 136,000 at the end of 1999 as efforts to combat illegal drugs and illegal immigration contributed to significantly increased conviction rates. The aftermath of September 11<sup>th</sup> brought a new wave of offenders who presented their own very unique security concerns, as the nation's law enforcement efforts were targeted toward international terrorism. By 2014, the Bureau's population climbed to almost 220,000, its highest rate ever.

With the tightening federal budgets in the 2000s it became impossible to fund all of the capacity that was needed to house the increasing population. The Bureau was required to provide care for more and more offenders – many who arrived with substantial and costly programming and health care needs. In response to these challenges, in 2005 the Bureau undertook a series of cost-savings initiatives to streamline operations without sacrificing public safety. We underwent re-engineering system-wide, which reduced management layers and eliminated positions. Re-engineering also resulted in the centralization and automation of several key service areas – inmate designations and sentence computation, human resource services, and the national pharmacy – thereby allowing us to eliminate additional positions nationwide. We restructured our Health Services Division to create a medical classification

system that significantly improved our health care delivery costs and efficiencies. We expanded the case loads of institution case managers to manage inmate population without adding additional staff, and we created a new staffing pattern strategy for our Correctional Officers to enhance staffing flexibilities. Additionally, we closed three intensive confinement centers – facilities that held very small numbers of offenders and were quite costly to operate. Finally, we closed four stand-alone camps: Federal Prison Camp (FPC) Allenwood, FPC Eglin, FPC Nellis, and FPC Seymour Johnson.

The Bureau faced crowding levels of nearly 40% system-wide. Crowding is a very real danger in prisons, causing frustration and anger for offenders whose access to basic necessities like toilets, showers, and televisions becomes very limited and who face hours of idleness resulting from a limited availability of productive work and program opportunities. Crowding also strains facilities' infrastructure like water, sewage, and power systems, sometimes to the breaking point. Inmate frustration and anger, in turn, are catalysts for violence which poses real risks to the lives of staff and offenders. Of particular challenge was managing the over 40% of the population housed at higher security levels, where the more violence-prone offenders reside.

We managed this high level of crowding by double and triple bunking offenders throughout the system, and housing them in space not originally designed for inmate housing, such as television rooms, open bays, and program space. We also improved the architectural design of our new facilities coming on line, took advantage of improved technologies in security measures such as perimeter security systems, surveillance cameras, and equipment to monitor communications. We enhanced population management and inmate supervision strategies such as improved classification and designation and the use of controlled movement.

We also began to rely upon private corrections to provide additional capacity to help maintain safety and security due to crowding concerns. In 1997, Congress required the Bureau to privatize one of our newly-built facilities; Taft Correctional Institution. As a result, we began being funded for additional private prison capacity, which we used primarily to house low-security criminal aliens. Following the mandate that the Bureau house the District of Columbia (DC) Superior Court offenders, we used private prison bedspace for many of these offenders, allowing them to remain close to the many reentry and social services available in DC. While we would prefer to house all federal offenders in Bureau-operated facilities, we have appreciated the support of the private prison industry to provide low-security capacity in the wake of our population growth.

These population increases also outpaced staffing resources. As the population and crowding increased, the inmate-to-staff ratio increased. To highlight this change, in fiscal year 2009, the five states with the highest prison populations had an average inmate-to-staff ratio of 3:1. The Bureau's ratio for that year was 59% higher, at almost 5:1. These high ratios negatively impact our ability to effectively supervise prisoners and provide inmate programs.

The Bureau has long espoused a philosophy that every institution staff member, irrespective of his or her specific position and duties, is a “Correctional Worker” first. This means that every institution staff member, irrespective of their professional duties, is expected to assist with security. Institution staff are visible on the compound, assist with inmate cell and pat searches, and respond to emergencies. This strategy is good correctional management, but it has become critical in the face of rising inmate to staff ratios. When insufficient Correctional Officers are available to cover an institution’s security posts on any given day, we must use non-custody institution staff to make up the difference. As a result, these staff – teachers, psychologists, case managers, reentry coordinators, chaplains, etc., - are pulled away periodically from their duties of providing offenders with programs and services. Despite this and other challenges for program staff and inmate waiting lists for admission to programs, our reentry efforts continued and we provided necessary and appropriate treatment with all available resources.

These challenges also affect institution safety. The Bureau’s Office of Research and Evaluation performed a rigorous analysis of the effects of crowding and staffing on inmate rates of violence, and this sound empirical research underscored the direct relationship between crowding, staffing, and institution safety. Specifically, using data from all security levels of within the Bureau, the study found that the rate of serious inmate assaults was associated with increases in both the rate of crowding at an institution (the number of offenders relative to the institution’s rated capacity) and inmate-to-staff ratios. The analysis revealed that 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 offenders.

These population pressures have abated slightly, of late. In fiscal year 2014 after the Attorney General announced the Smart on Crime Initiative in August 2013, we saw the first decline in the inmate population in more than 34 years. We ended the year with 5,149 fewer offenders than when we started. And the decline has continued this fiscal year; we now have 3,525 fewer offenders than we did on September 30. We project declines to continue for the next couple of years, particularly as a result of the retroactive sentencing guidelines change. But in the near term, crowding remains a problem.

### **Population Characteristics.**

The sentencing changes in the 1980s and 1990s not only dramatically affected the number of offenders we housed, but also the type of offenders that began coming into our system. For nearly five decades, the federal offenders the Bureau housed were largely bank robbers and white collar offenders. But with changes in interdiction and sentencing came changes in our population. Currently, almost half of our population is serving sentences for drug trafficking offenses. The remainder includes offenders convicted of weapons offenses, immigration offenses, other violent offenses, and sex offenses.

Offenders at our higher security level present additional challenges. For example, at the medium security level, approximately 75 percent of the offenders have a history of violence, 41 percent have been sanctioned for violating prison rules, and half of the offenders in this population have sentences in excess of 8 years. At the high security level, more than 42 percent of the offenders are weapons offenders, or robbers, almost 10 percent have been convicted of murder, aggravated assault, or kidnapping, and half of the offenders in this population have sentences in excess of 10 years. Moreover, 71 percent of high security offenders have been sanctioned for violating prison rules, and more than 90 percent of high security offenders have a history of violence. One out of every four offenders at high security institutions is gang affiliated.

Our population now comprises individuals from all fifty states in our Nation and across the globe. Approximately 26 percent of federal offender population is comprised of non-U.S. citizens. Offenders in our current population hail from over 100 different countries. They speak many different languages, and have regional and cultural differences, ideological and religious differences, and widely varied levels of literacy, education, and abilities. This highly diverse population also brings with it tremendous challenges with respect to providing programming, health care, education, religious services, and preparing these offenders for release. And it brings tremendous challenges to the provision of very basic services such as security and daily communication.

### **OUR PROGRAMS – REENTRY BEGINS ON DAY ONE**

We have a saying in the Bureau that reentry begins on the first day of incarceration. We are committed to this philosophy. Simply said, we understand that reentry is a critical component of public safety. To further enhance the Bureau's focus and efforts on reentry, we recently created a Reentry Services Division within headquarters. This new division provides national oversight of our institution programs and will also work closely with other federal agencies and stakeholders to develop partnerships and leverage resources to aid in offender reentry.

For 30 years, the Bureau has assessed offenders' risk by thoroughly reviewing the underlying causes of criminal behavior including substance abuse, education, and mental health. Understanding the underlying causes of criminal behavior has allowed us to make great strides in enhancing our treatment efforts, and to ensure we are providing offenders the best opportunities for success once back in the community.

Each year, over 45,000 federal offenders return to our communities. Most need job skills, vocational training, education, counseling, health care and other assistance such as treatment for substance use disorders, anger management, parenting skills, and linkage to community resources for continuity of care if they are to successfully reenter society.

As such, federal prisons offer a variety of inmate programs to assist offenders in returning to our communities as law-abiding citizens, including work, education and literacy, vocational training, substance abuse treatment, observance of faith and religion, psychological services and counseling, release preparation, and other programs that impart essential life skills. We also provide other structured activities designed to teach offenders productive ways to use their time. The Bureau also works closely with the Department of Veterans Affairs to establish benefits eligibility and assist with the activation of benefits upon release for the veterans within our system. The Reentry Affairs Coordinators in each of our institutions also work to identify resources available to these offenders upon release to assist them in their reintegration to the community. Federal Prison Industries (FPI) also gives priority consideration to hiring veteran offenders for its program.

Many of our programs have been proven through research to reduce recidivism. Specifically, empirical research has shown that offenders who participate in FPI are 24 percent less likely to recidivate than similar non-participating offenders. Offenders who participate in vocational or occupational training are 33 percent less likely to recidivate, while offenders who participate in education programs are 16 percent less likely to recidivate. Those who complete the Residential Drug Abuse Treatment Program (RDAP) are 16 percent less likely to recidivate, and 15 percent less likely to have a relapse in their substance use disorder use within 3 years after release. Also, research indicates offenders who participate in work programs and vocational training are less likely to engage in institutional misconduct, thereby enhancing the safety of staff and other offenders.

The Washington State Institute for Public Policy conducted several evaluations of the costs and benefits of a variety of correctional skills-building programs, examining program costs; the benefit of reducing recidivism by lowering costs for arrest, conviction, incarceration, and supervision; and the benefit by avoiding crime victimization. Their work is based on validated evaluations of crime prevention programs, including the Bureau's assessment of our industrial work and vocational training programs (the Post Release Employment Project study) and our evaluation of the RDAP (the TRIAD study). The benefit is the dollar value of total estimated criminal justice system and victim costs avoided by reducing recidivism, and the cost is the funding required to operate the correctional program. The benefit-to-cost ratio of residential substance use disorder treatment is as much as \$3.38 for each dollar invested in the program; for adult basic education, the benefit is as much as \$19.00; for correctional industries, the benefit is as much as \$4.97; and for vocational training, the benefit is as much as \$13.01. This body of research clearly indicates these inmate programs result in significant cost savings through reduced recidivism, and their expansion is important to public safety.

Based on these proven-effective programs, the Bureau has implemented additional programs for the inmate population. The Life Connections Program is a multi-faith residential program that allows offenders to deepen their spiritual life and integrate their faith into their lives. The Challenge Program treats high security offenders with a history of substance abuse

and/or mental illness. The Resolve Program, originally designed for females but now expanded to include males as well, treats offenders with trauma-related mental illnesses. At FPC Bryan, we are piloting a new ten-week program called Foundation. This program is a cognitive behavioral, psychoeducational ten-week course that is designed to meet the unique reentry needs of female offenders offered within the first six months of their designation. Foundation helps facilitate women's self-examination across a variety of domains, including physical and mental health, employment, and interpersonal relationships. Upon completion of the program, women develop their own personal improvement plan to enhance their ability to engage the reentry process (we are continuing to review the needs of female offenders, including considering changes to our classification system as it pertains to women). The BRAVE Program addresses anti-social attitudes and behavior of younger, newly-designated offenders. The Skills Program targets issues with adapting to prison and the community for cognitively-impaired offenders. Mental Health Step Down Units provide treatment for offenders with serious mental illnesses releasing from psychiatric hospitalization. The Sex Offender Treatment Program is for offenders with a sex offense history. The STAGES Program treats offenders with severe personality disorders who have a history of behavioral problems and/or self-harm. As resources have allowed, the Bureau has expanded these programs to address the significant demand for these services.

The Bureau has experienced programming challenges as well. FPI, a proven recidivism-reducing program, provides offenders the opportunity to gain marketable work skills and a general work ethic -- both of which can lead to viable, sustained employment upon release. This is particularly noteworthy for reentry given the barriers to post-release employment many offenders face. It also keeps offenders productively occupied; offenders who participate in FPI are substantially less likely to engage in misconduct.

However, presently FPI only reaches 8 percent of the inmate population housed in Bureau facilities; down from 33 percent in 1988. Congress has responded to this challenge by providing FPI with additional authorities in the fiscal year 2012 appropriation to provide opportunities to expand FPI programming, and we have moved expeditiously to secure new business opportunities that are currently or would have otherwise been manufactured outside of the United States.

## **OUR GOAL – EFFECTIVE TRANSITION TO THE COMMUNITY**

As offenders near the final portion of their term of imprisonment, it is important to provide them opportunities to gradually re-adapt to their community environment. As such, the Bureau places the vast majority of offenders in Residential Reentry Centers (RRCs; also known as halfway houses), and home confinement for the final portion of their sentence. RRCs provide a structured, supervised environment that supports the offender in finding suitable employment

and housing, completing necessary programming (e.g., transitional drug abuse treatment), participating in counseling, and strengthening ties to family and friends.

RRC placement decisions are individualized and based on each inmate's need for reentry services. For example, offenders serving long sentences and 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 offenders serving short sentences, and having positive family support, a home, and job skills.

RRC bed space is limited, so we must be judicious with our use of this resource. It is critical to balance the available capacity with the RRC needs of releasing offenders so that each inmate in need of this transitional service has the opportunity to participate in the program. Maximizing the length of RRC placement, as some have recommended, is not only costly, but also would quickly absorb RRC capacity, thereby preventing subsequent releasing offenders 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 very few vendors compete for such solicitations. RRC bed space can also be costly, exceeding the costs for prison bed space in some locations. The nationwide annualized average cost is \$26,612.

For lower-risk offenders with lesser reentry needs, the Bureau has been increasing the use of direct placement in home confinement during the final months of a term of incarceration. Offenders who transfer to RRC programs are also expected to transition into the home confinement component as soon as adequately prepared and statutorily eligible. These offenders reside in their homes but are subject to strict schedules, curfews, in-person check-ins, telephonic monitoring, and sometimes electronic monitoring.

### **OUR REENTRY COMMITMENT TO CHILDREN OF INCARCERATED PARENTS**

Soon after becoming Director in 2011, I joined with DOJ and other federal agency leaders to support the White House's Children of Incarcerated Parents initiative. As a result of that experience, I continued to remind staff of our important role to continue to facilitate bonds between our offenders and their children. Research shows positive family connections support reentry, improve the lives of children, and strengthen our communities. In a letter I sent directly to the offenders in our prisons, I encouraged each one to take advantage of the tools we provide to build a strong relationship with his or her family. Later that year, the Bureau held its first Universal Children's Day event nationwide. This event, now held annually, features a weekend



of “kid-centric” visiting and includes such things as parenting workshops for offenders, puppet shows, arts and crafts, and even a petting zoo for the children at one of our prison farms.

I want to further the reentry work we are doing with offenders who have children. Last autumn, the Bureau Executive Staff attended a great and worthwhile event – Federal Detention Center Miami held the agency’s first ever Daddy-Daughter Dance. Since then, Federal Correctional Institution Danbury held a Daddy-Daughter Dance and a Mom and Me Tea, and Federal Detention Center Brooklyn held a Mother-Daughter Sleepover. I am confident more institutions will follow. The staff at these institutions did an absolutely outstanding job and they renew my excitement about what we can accomplish in this agency. I am committed to holding additional events like this and to implementing even more innovative programs for parents in our custody.

### **NEW INITIATIVES - MOVING FORWARD**

There is good news on the horizon. The Bureau is continuing to work closely with the Department of Justice and United States Probation to implement Amendment 782, the United States Sentencing Commission’s decision to make the drugs guideline reduction retroactive. We expect approximately 6,800 offenders may be released on November 1, 2015, based on this amendment. There will be a lot of work involved in getting these individuals out to the community. We are working to ensure affected offenders will have opportunities to complete needed reentry programs, including placement in community-based programs as appropriate, to assist with their transition to the community.

In 2013, the Attorney General announced DOJ’s “Smart on Crime” initiative. This initiative, based upon a comprehensive review of the criminal justice system, has yielded a number of reforms. The Attorney General directed prosecutors, in appropriate circumstances involving non-violent offenses, to consider alternatives to incarceration, such as drug courts, other specialty courts, or other diversion programs. The Department also modified its charging policies so that certain low-level, non-violent drug offenders who have no ties to large-scale organizations, gangs, or cartels will be charged with offenses for which the accompanying sentences are appropriate to their individual conduct rather than excessive prison terms more appropriate for violent criminals or drug kingpins. These initiatives have already helped stem the tide of offenders entering the Bureau and lead to lower average sentences, where appropriate.

“Smart on Crime” also included changes to our Compassionate Release Program. These changes continue to positively impact the number of compassionate releases, or reduction in sentences, approved by the Bureau and recommended to the sentencing judge for consideration. There were 101 Reduction in Sentence approvals in calendar year 2014, and we expect even more requests in 2015.

## **OPPORTUNITIES AND CHALLENGES**

The Bureau has very 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 assigning penalties associated with federal crimes, or the length of sentence imposed in a particular case. Our role is limited to ensure 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 Administration has supported legislative initiatives that would have a direct impact on the Bureau's crowding through incentivizing positive institution behavior and effective reentry programming. Although enhanced reentry programs alone will not be sufficient to address the Department's budgetary challenges, they can make an important contribution while enhancing the prospects that federal prisoners will successfully return to their communities.

The first expands inmate Good Conduct Time (GCT) to provide offenders up to the full 54 days per year stated in statute, rather than the current net maximum of 47 days per year. It does so by awarding GCT based upon the sentence imposed rather than the time served (Title 18 U.S.C. § 3624(b)). The difference in any one inmate's sentence would not be large (for example, someone serving a 10-year sentence would see their sentence reduced by only a little over two months). However, such a change would have broad systematic impact and would save the Department approximately \$400 million over ten years. The second would provide offenders with an incentive to earn sentence credits annually for successfully participating in programs that are effective at reducing recidivism. This initiative is modeled in part on the sentence reduction incentive already in statute for the RDAP, and caps the total amount of sentence credits earned from all sources at one-third of an inmate's total sentence. We look forward to working with the Task Force on reforms and proposals such as these.

## **CONCLUSION**

Chairman Watts, Vice-Chairman Mollohan, and Members of the Task Force, this concludes my formal statement. Again, I thank you for your continued support. As I have indicated, the Bureau faces a number of challenges. For many years now, we have stretched resources, streamlined operations, and constrained costs to operate as efficiently and effectively as possible. I look forward to working with the Task Force on meaningful reform to enhance offender reentry while reducing our overburdened prisons, and would be happy to answer any questions.