

During FY 2014 the Bureau of Prisons (BOP) reported spending over \$386 million on residential reentry services.<sup>1</sup> This significant expenditure is overseen by the Reentry Services Division<sup>2</sup> which is responsible for contract residential reentry center (RRC) services. During FY 2010 GAO reported that almost 29,000 inmates completed their sentences in residential reentry centers or home detention usually followed by mandatory community supervision by Federal Probation<sup>3</sup>. Given the expenditures involved, the number of Federal offenders participating in community-based reentry programs, a new focus to reduce recidivism and address federal corrections issues must examine and develop methods to enhance the knowledge and skill of staff overseeing RRC programs, improve the level of communication between the BOP and RRC providers, and require the use of actuarial sciences in the form of recidivism predicting assessments for community placement decisions.

### **Enhancing Bureau of Prisons Staff Professionalism**

BOP staff responsible for overseeing contract RRCs must receive additional training to better prepare them for their roles and to assist them in understanding and implementing cost effective, recidivism reducing programs.

BOP staff responsible for the oversight of RRCs are selected from among existing prison system staff. Their experiences in managing inmates in community settings is limited and their exposure to evidence based practices and working with private sector contract service providers is also minimal. Consequently, these staff often draw upon

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<sup>1</sup> Federal Prisons System Per Capita Costs FY 2014

<sup>2</sup> Bureau of Prisons webpage About our Agency, Reentry Services Division

<sup>3</sup> GAO Bureau of Prisons Eligibility and Capacity Impact use of Flexibilities to Reduce Inmates' Time in Prison, February 2012

their institutional experiences when making management decisions impacting community-based programs and inmates in community settings. Lacking experience and training in current practices and approaches to effectively reducing recidivism also results in inefficient use of resources and contributes to inconsistent and conflicting direction to RRC providers around the country.

Currently only the Contracting Officer's Technical Representative, ordinarily the Residential Reentry Manager, the official managing a BOP community office, receives any specific training regarding contract administration. The Contract Oversight Specialist, the BOP staff member who provides in-person contract direction and guidance to the RRC is not required to receive any specialized training in working with contract providers or in leveraging contract assets to achieve quality performance or evidence based practices that reduce recidivism. Consequently, the BOP staff members who have the most interaction with the providers of RRC services lack the training and experience to oversee a residential program in the private business sector and the capabilities to oversee implementation of recidivism reducing programs.

The need for enhanced training and increased professionalism in RRC oversight is pointed out in a Department of Justice Inspector General audit recommending the BOP "guidelines for determining the materiality of issues identified during its monitoring in order to ensure that deficiencies are reported consistently."<sup>4</sup> This issue has not been corrected and despite centralization of management, there continues to be broad

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<sup>4</sup> Department of Justice, Office of Inspector General, AUDIT OF THE FEDERAL BUREAU OF PRISONS' CONTRACTING FOR AND MANAGEMENT OF RESIDENTIAL REENTRY CENTERS, March 2012

inconsistencies among the three sectors and twenty-five (25) Reentry Offices managing RRCs at the Federal Level.

RRC contracts are competitively awarded ordinarily for a five (5) year term and the BOP has established specific milestones for these procurements. There appears to be an increase in the number of BOP RRC contract awards that are delayed and require extensions of the current contract or temporary, short term contracts to continue services until a permanent contract can be awarded. When contracts are not awarded on schedule the delays often require a potential contractor to adjust leasing, purchasing or construction/renovation schedules. These delays stymie competition because potential providers may be unwilling to assume the private business risk involved in competing for the contract and knowing that procurement delays are common place. BOP staff fail to recognize the impact of procurement delays upon contract service providers and the negative impact the delayed awards presents to the RRC industry. The full impact of procurement delays, contract requirement modifications and performance evaluations must be recognized by the BOP and steps taken to meet procurement milestones and consistently assess contractor performance.

### **Enhancing Communications and Improving Relationships**

The level of communication between the BOP and RRC providers needs to be improved to ensure consistent messaging regarding BOP-wide initiatives, to enable RRC contractors in more effectively carrying out BOP requirements, and to enhance the working relationship and reestablish a sense of partnership or collaboration between the BOP the RRC contractors.

Evidence of the diminishing level of communications is demonstrated by a lack of industry wide communications with RRC providers since an Industry Forum meeting conducted during July 2012. The participating contractors viewed this meeting as a positive step and a demonstration of the BOP's interest in their feedback and input. However, the BOP provided no update or other communications regarding outcomes or decisions resulting from this meeting. Since 2012 the BOP has initiated other operational and procedural changes which were not communicated to the RRC industry and if the change was communicated, the communication provided no background information or explanation for the change. For example, during 2013 the BOP centralized its management structure. This change specifically impacted every RRC provider yet no guidance, direction, or information regarding the realignment was provided to the contractors. Another significant change poorly communicated was the implementation of the Prison Rape Elimination Act. The BOP unilaterally modified all RRC contracts to incorporate PREA compliance requirements. However, the BOP provided no training or guidance to the RRC providers regarding PREA and the BOP continues to inconsistently address the reporting and investigation of PREA related incidents in RRCs. More recently the BOP began requiring RRCs to provide Affordable Care Act instruction to all inmates, but they provided the RRCs no more instruction or guidance than a web site address. Later this year inmates will begin releasing based upon changes to the U.S. Sentencing Guidelines<sup>5</sup>. The RRCs providers have received no information from the BOP on how the advanced releases will be implemented or the

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<sup>5</sup> NEWS ADVISORY October 31, 2014, Comment of Honorable Patti B. Saris, chair, U.S. Sentencing Commission, on Amendment Reducing Drug Guidelines Becoming Effective Tomorrow

impact the advanced releases may have upon RRC inmate populations and were asked for no input on how this influx of inmates could be managed.

To operate effective community-based, recidivism reduction programs the BOP must embrace a more collaborative approach towards the RRC industry and begin communicating with RRC providers more frequently and with a sincere desire for a cooperative partnership.

## **The Bureau of Prisons Must Fully Implement a Recidivism Assessment**

### **Instrument**

Currently, the BOP determines which inmates will be transferred to an RRC for release transition based upon criteria unrelated to current best practices for assessing likelihood of recidivism. Consequently, the BOP is not making a decision that impacts public safety and resource utilization on data and proven recidivism reduction approaches.

Similarly, only the BOP can approve the transfer of an inmate from an RRC to a period of home detention once that inmate has reached their statutory eligibility date.

However, no evidence based assessment of appropriateness is conducted when this transfer is considered. In many instances, not even a subjective determination of appropriateness is conducted. Too often the decision rests only on statutory eligibility and an approved residence. Whether the decision is made to aid in meeting an internal goal or as a cost saving approach, as home detention is typically half the rate of residential housing, is unknown but it is not always a decision made in the interest of public safety. To enhance public safety and make the best use of a limited resources the BOP must implement an evidence based, recidivism predicting, decision making tool when making community placement decisions.