

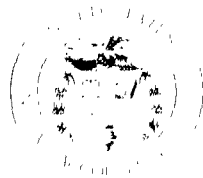
GAO

United States General Accounting Office
Briefing Report to Congressional
Requesters

November 1989

PRISON CROWDING

Issues Facing the Nation's Prison Systems



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General Government Division

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November 2, 1989

The Honorable Sam Nunn
Chairman, Permanent Subcommittee
on Investigations
Committee on Governmental Affairs
United States Senate

The Honorable Charles B. Rangel
Chairman, Select Committee on
Narcotics Abuse and Control
House of Representatives

In response to your separate requests, we are reviewing issues relating to federal prison crowding and expansion. As an agreed upon first step, we developed an overview and identified key issues relating to existing and expected federal prison populations, crowding, costs, and expansion plans. As requested, we also obtained an overview of military and state prison populations and crowding. This report summarizes the information on these matters that we presented to your subcommittee and committee in briefings in July 1989.

RESULTS IN BRIEF

The Federal Bureau of Prisons faces unprecedented crowding and an increasing prisoner population. Its plan, as presented in the fiscal year 1990 budget submission, calls for spending \$1.8 billion to double prison capacity by 1995. Recent estimates by the Bureau indicate an even larger prison population by 1995 than anticipated when the plan was developed. Furthermore, the population is expected to grow significantly after 1995.

These conditions raise several issues that the administration, Congress, and the judicial branch must address over the next several years. Decisions will be needed on such issues as the types and sizes of needed prisons, the potential for "privatizing" prisons, and the feasibility of alternatives to traditional incarceration like "boot camps" (military-style prisons oriented toward discipline) and electronically monitored home detention. State officials must make similar decisions, as they too face problems of prison crowding and escalating prison populations.

APPROACH

We obtained information on the federal prison system principally through discussions with officials from the Bureau of Prisons and the United States Sentencing

Commission, reviews of available Bureau documentation, and visits to five federal prisons. We obtained data on state and military prisons from the Bureau of Justice Statistics, the Department of Defense, and visits to two military prisons. Information was also obtained from Georgia's Department of Corrections. We did not verify agency data.

To identify key issues involved in federal prison crowding and expansion, we considered the information provided by these agencies; and studies and literature on prison crowding, expansion, costs, and treatment programs. Further details on our objectives, scope, and methodology are presented in appendix IV.

THE FEDERAL PRISON SYSTEM TODAY

In October 1980, the federal prison inmate population was 24,162 (about half its current size) and was less than 1 percent over capacity. In May 1989, the federal prison system had 48,017¹ prisoners confined in 70 federally operated facilities that were designed to house about 30,860.² This means that federal prisons were operating at 56 percent over capacity. Another 6,093 prisoners were in space that the Bureau obtained through contract. (See pp. 8 and 12.)

Available data show that as of May 1989, at least 19 percent of the prisoners were serving time for a violent offense, 38 percent for drug offenses, and 26 percent for property and other offenses. The rest did not have offense data recorded in the Bureau's data system on federal prisoners. At least 48 percent of the inmates had been in prison before (12 percent did not have prior commitment data). (See p. 34.)

¹This total does not include inmates on short-term releases like furloughs (the total number was unknown) or in transit between facilities (1,676 on the day sampled).

²The 30,860 is rated capacity. It represents the number of prisoners that should be confined in the prisons' permanent housing units in accordance with existing Bureau policies and square footage standards. It does not include bed space available in prison segregation and hospital units or beds that may have been set up in temporary housing units such as day rooms.

Costs to house one offender in a federal prison during fiscal year 1988 averaged \$15,270, or about \$42 a day. These costs ranged from about \$8,000 per inmate per year at a minimum security facility located on Eglin Air Force Base, Florida, to about \$32,640 at the medical center in Springfield, Missouri. The Bureau's most secure prison, in Marion, Illinois, cost about \$25,950 per inmate per year. (See p. 10.)

PLANNING THE FEDERAL PRISON SYSTEM

The Bureau's fiscal year 1990 budget submission includes an expansion plan that projects the federal prison population will grow to 83,500 prisoners by 1995. Reasons for the growth in the prison population include the trend toward mandatory prison sentences for more criminals, longer prison sentences, and more arrests for drug law violations. (See p. 14.)

The Bureau plans to increase federal prison capacity to about 64,400 by 1995 (a 109-percent increase over the Bureau's May 1989 capacity) and operate at 30 percent over capacity. Although not in line with American Correctional Association and Bureau standards, the Bureau believes it can safely and effectively operate its prisons at this level. (See p. 16.)

The Bureau estimates its planned expansion will cost about \$1.8 billion not including the cost of leasing space for 1,160 prisoners.³ This cost amounts to an average acquisition cost of about \$51,340 for each bed space or, after considering the expected 30-percent crowding, about \$39,490 per expected prisoner. (See p. 16.)

Total expansion costs could increase significantly as the Bureau revises its plans to reflect more current population estimates, which now indicate 95,000 prisoners in federal prisons by 1995. The Bureau has historically made conservative estimates of its future prison populations to

³The Bureau's plan was prepared before the President's proposed program to fight violent crime, which included providing funds in the fiscal year 1990 budget to add 24,000 beds to federal prisons at a cost of \$1.5 billion. A responsible Bureau official said this was an acceleration of the plan rather than an addition to the plan.

avoid building unneeded prisons. In addition, more expansion will likely be necessary in the future since available projections indicate significant prison population increases after 1995. (See p. 14.)

MAJOR ISSUES IN SHAPING THE FEDERAL PRISON SYSTEM OF THE 1990S

The administration, Congress, and the judicial branch must deal with many different issues as they make decisions on achieving a federal prison system that successfully and economically deals with the prisoners expected over the next decade. Foremost among the issues underlying the expected population growth is the effort to provide sufficient capacity for the prison population. This involves determining the number, types, capacities, tolerable crowding levels, and locations of prisons and the extent that alternatives, like boot camps, halfway houses, and house arrest (with or without electronic supervision), could be used as acceptable forms of "imprisonment." (See p. 18.) Other issues include

- providing acceptable prison conditions that include, for example, sufficient staff to run the prisons and realistic inmate rehabilitation goals (see p. 20),
- dealing with distinct types of prisoners such as offenders with AIDS or a substance abuse problem, females, the elderly, and the mentally ill (see p. 22),
- the need for separate prison systems to house military prisoners (see p. 24), and
- the feasibility of the private sector owning and/or operating some federal prisons or providing more of the programs and services available in federal prisons (see p. 26).

STATE PRISONS

Crowding and expansion are also major problems for state prison systems. According to the Bureau of Justice Statistics, the states and the District of Columbia had about 577,500 prisoners at the end of 1988 and were operating 23 percent over their lowest reported capacity. As of April 1989, 35 states and the District of Columbia faced court orders and/or consent decrees that related to

prison crowding or the conditions caused by crowding. (See p. 28.)

Georgia is an example of one state facing prison crowding and expansion problems. The system was 40 percent over capacity in April 1989. To reduce crowding, some prisoners are being released early. Georgia has also received recognition for its use of alternatives such as probation with intensified supervision and prison boot camps. State officials expect the prison population to more than double by the year 2000. (See p. 30.)

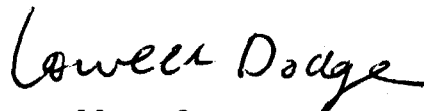
Overall, the states, according to the President's May 1989 statement on violent crime, have plans to increase their capacity by 214,000 bed spaces. That is a 46-percent increase over the states' 1988 capacity as reported by the Bureau of Justice Statistics. (See p. 28.)

We discussed the information in this report with officials from the Bureau, the Sentencing Commission, the Department of Defense, and Georgia's Department of Corrections; they generally agreed with the facts presented.

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We plan no further distribution of this report until 30 days after its date, unless you publicly release its contents earlier. After 30 days, we will send copies to the Attorney General, the Bureau of Prisons, the Sentencing Commission, the Department of Defense, and other interested parties.

Major contributors to this briefing report are listed in appendix VI. Should you need additional information on the contents of this report, please contact me on 275-8389.



Lowell Dodge
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GAO Federal Prisons: Population and Capacity

- Federal prisons held 48,017 prisoners in May 1989
 - The population exceeded the designed prison capacity of 30,860 by 56 percent
 - Inmates were 93 percent male and 67 percent white, and about half lacked high school diplomas
-

THE FEDERAL PRISON SYSTEM TODAYPOPULATION AND CAPACITY

Over the 30 fiscal years from 1950 to 1980, the federal prison population increased less than 40 percent. From October 1980 to May 1989, the population of federally operated prisons almost doubled as it grew from 24,162 to 48,017 inmates. During the same time, the Bureau of Prisons increased its housing capacity by 28 percent (from 24,094 bed spaces to 30,860) and went from less than 1 percent to about 56 percent over capacity. (See fig. V.1.)

The Federal Prison Population

About 78 percent of the May 1989 federal prison population had been convicted of federal crimes in U.S. District Courts. Five percent were inmates convicted in District of Columbia, military, state, commonwealth, or territorial courts. The rest were prisoners who (1) would not have that information entered in the system yet because, for example, they were pretrial detainees or (2) were missing data on whether they were federal or nonfederal inmates. About 86 percent of the prisoners in Bureau facilities were sentenced inmates, while the remaining prisoners were either awaiting sentence or trial or were inmates that the Bureau's data base could not identify as being sentenced or unsentenced. The prisoners were about 93 percent male. The racial composition of the population was about 67 percent white, 31 percent black, and 2 percent Asian or American Indian. According to the Bureau, prisoners had a median age of 36 years and a median sentence of 6 years. About half, according to the Bureau, lacked a high school diploma. (See figs. V.2 to V.5 for more data on prisoners, including those in contract facilities, who were under the Bureau's jurisdiction in May 1989.)

Federal Prisons and Crowding

In May 1989, the Bureau operated 70 facilities with a capacity of 30,860 prisoners in permanent housing areas. The Bureau gives each facility a security level designation based on its physical restraint characteristics, e.g., fences and guard towers. The Bureau has six prison security designations plus special purpose facilities like jails and medical centers. As of May 1989, about 26 percent of the Bureau's inmates were in minimum security facilities (security level 1), 43 percent were in medium security facilities (security levels 2, 3, and 4), and about 10 percent were in maximum security prisons (security levels 5 and 6). The Bureau housed about 22 percent of its inmates in jails, medical centers, and other special purpose facilities, which can house prisoners assigned to all security levels. (See fig. V.6.)

GAO **Cost of Operating Federal Prisons**

- Average cost for 1988 was about \$15,270 per inmate per year
 - Average operating costs were highest for medical and high security level facilities
 - Staffing expenses accounted for about 68 percent of the operating costs
-

COST OF OPERATING FEDERAL PRISONS

The Bureau's cost of operating its prisons was about \$15,270 per inmate during fiscal year 1988, or about \$42 per day for each inmate. According to Bureau officials, these costs include all costs associated with prison operations, including an allocation of headquarters, regional office, and training center support costs; and depreciation.

Operating costs for 1988 ranged from a low of about \$8,000 per inmate per year at the minimum security facility on Eglin Air Force Base in Florida to about \$32,640¹ per inmate per year at the medical center in Springfield, Missouri. The Bureau's most secure facility (i.e., level 6) in Marion, Illinois, which cost about \$25,950 per inmate, and its three medical centers, which averaged about \$27,760 per inmate, are, according to the Bureau, typically the most costly to operate.

Staffing costs account for about 68 percent of the overall operating costs. Other factors affecting costs include the services provided at a facility, the required maintenance (which would be costlier at older facilities), regional cost differences for food and other items purchased in the local economy, and the housing of both men and women at one facility.

¹Oakdale, Louisiana, actually had the highest operating costs per inmate for fiscal year 1988 (\$67,710) because of a decreased population and increased costs resulting from the Mariel Cuban disturbance. Oakdale's average cost for fiscal year 1987 was about \$15,930.

GAO Contract Facilities: Populations and Costs

- In May 1989, the Bureau had 6,093 prisoners in contract halfway house, jail, prison, and juvenile facilities
 - Average daily population in contract facilities more than doubled from FY 1981 to FY 1988
 - FY 1988 operating costs were \$12,720 per inmate/year
-

CONTRACT FACILITIES:
POPULATIONS AND COSTS

Bureau Use of Contract
Facilities

On May 28, 1989, the Bureau of Prisons housed 6,093 inmates in nonfederal government and private sector contract facilities. These prisoners were about 74 percent white, 22 percent black, and 4 percent Asian or American Indian.

Contracts are used to provide types of facilities that the Bureau does not operate, such as halfway houses and juvenile facilities. The Bureau also uses state prisons and jails to house some prisoners, such as inmates who require separation from the Bureau's inmate population. (Data on inmates in contract and federal facilities is in figs. V.2 through V.5.)

Prior and Expected Changes in
Number of Contract Prisoners

The Bureau's contract inmate population has more than doubled from an average daily population of 2,804 for fiscal year 1981 to 6,235 for fiscal year 1988. The Bureau projects that halfway house populations will grow from the fiscal year 1988 level of 3,670 to about 10,670 by fiscal year 1995. The Bureau assumes that the contract jail, juvenile, and prison populations will remain at their current levels.

Number and Costs of Contract
Facilities

In fiscal year 1988, the Bureau spent about \$78.4 million for housing an average daily population of 6,235 in contract facilities. That amounts to an average cost of about \$12,720 per prisoner. As of June 21, 1989, the Bureau had contracts with

- 308 halfway houses (prices ranged from \$12 to \$60 per day with a median price of \$35),
- 39 prisons (prices ranged from \$31 to \$92 per day with a median price of \$50), and
- 39 juvenile facilities (prices ranged from \$35 to \$179 per day with a median price of \$73).

The Bureau also contracted with, or used contracts administered by the Marshals Service for, 302 jails (priced from \$12 to \$84 per day with a median price of \$35).

GAO Projected Federal Prison Population

- Bureau's current expansion plan is based on an estimated 83,500 prisoners in federal prisons in 1995
 - Bureau's revised projections indicate population in federal prisons may be 95,000 in 1995
 - Substantial growth is also expected after 1995
-

PLANNING THE FEDERAL PRISON SYSTEMPROJECTED FEDERAL PRISON
POPULATION

Bureau projections of future prison populations are based on the model¹ developed in 1987 by the Sentencing Commission, an independent agency within the judicial branch. To develop this model, the Commission first analyzed sentencing practices for a sample of about 10,500 offenders who were convicted during fiscal year 1985. Then, working with the Bureau, the Commission developed a range of estimates for future prison populations on the basis of a variety of factors, including anticipated prosecution trends. The model did not provide any projections as to the security levels of the estimated population. Bureau officials said they plan to continue using the existing population characteristics to predict future population characteristics until evidence from actual experience justifies a change.

The Bureau's expansion plan, as detailed in its 1990 budget submission, projects 83,500 federal prisoners in federal prisons in 1995. To arrive at the 1995 estimate, Bureau officials essentially assumed the population in federal prisons would grow by equal annual increments to go from the Commission's low estimate for 1992 (72,000) to its low estimate for 1997 (92,000). This resulted in a 1995 estimate of 84,000, which they reduced by 500. According to Bureau officials, they used the Commission's low estimate principally because of the Bureau's policy of making conservative estimates to minimize the likelihood of overbuilding.

Commission and Bureau officials have separately updated the earlier projections. The Commission estimates 92,700 to 98,400 prisoners by 1995. The Bureau is considering using 95,000 as the 1995 planning figure in its 1991 budget. These higher estimates are the result of changes, among others, made to take into account the impact of the Anti-Drug Abuse Act of 1988 and amendments made to the sentencing guidelines.

Commission and Bureau officials also expect the federal prison population to increase after 1995. The Commission's latest projections estimate a low of about 116,000 and a high of about 147,000 by the year 2002.

¹In a previous report dealing with the impact of sentencing guidelines on the federal criminal justice system (GAO/GGD-87-111, Sept. 10, 1987), we said that the Sentencing Commission's 1987 estimates of future federal prison populations were reasonable.

GAO Federal Prison Expansion Plans and Costs

- Bureau plans to more than double capacity by 1995
- Planned expansion estimated to cost about \$1.8 billion
- Crowding will not be eliminated and extensive expansion after 1995 will likely be needed

FEDERAL PRISON EXPANSION PLANS AND COSTSPlans for Increasing Capacity

The Bureau's expansion plan, as laid out in its fiscal year 1990 budget submission, calls for increasing prison capacity to 64,376 beds between October 1988 and September 1995. That represents an increase of 36,233 beds over its October 1988 capacity and 33,516 beds over its May 1989 capacity. The Bureau plans to obtain about 71 percent of the increased capacity through construction of new facilities and the rest through expanding capacity at existing prisons, converting surplus military or civilian facilities to prisons, and leasing. The expansion plans are revised and updated at least annually as a part of the development of the Bureau's annual budget.

Expected Expansion Costs

The Bureau's efforts to increase capacity to 64,376 beds are expected to cost about \$1.8 billion. This cost does not include funds for the planned leasing of 1,160 spaces. The \$1.8 billion equates to about \$51,340 for each bed acquired by means other than leasing. About \$705 million of the estimated cost has been appropriated.

Prison acquisition costs vary depending on factors like the security level and geographic location of the prison. For example, on the basis of Bureau estimates, the least costly facility (about \$26,000 per bed) to acquire in 1990 would be a minimum security prison camp in the southeastern section of the United States, which would be part of a complex also containing a medium and a maximum security prison. The most costly (about \$105,000 per bed) would be a maximum security prison in the West.

Crowding and Expansion Needs
in 1995 and Beyond

The Bureau expansion plans constitute a plan to operate at 30 percent over capacity in 1995. (Based on that plan, the planned expansion will cost about \$39,490 for each prisoner that is to be housed in the new prison space.) However, if the population does soar to 95,000 by 1995, as the latest projections indicate, the crowding rate would be 48 percent if planned expansion is not increased. Whatever the crowding rate in 1995, the Bureau is expected to still be undergoing significant expansion, given the long-range projections for continued increases in the federal prison population.

**GAO Issue 1: Providing Sufficient
Prison Housing**

- **Planning needed prison space requires decisions on future populations, prison sizes, and prison locations**
 - **Prison population forecasts are based on many assumptions**
 - **Acquiring prisons economically requires the full use of construction alternatives like using surplus military facilities**
-

ISSUE 1: PROVIDING SUFFICIENT PRISON HOUSING

Expansion is the most significant issue facing the federal prison system. It entails costly and unprecedented efforts that require a plethora of planning decisions. These decisions entail much uncertainty and frequent revisions to stay abreast of changing circumstances and policies. Expansion also involves determining the means by which facilities will be acquired and managing the construction process. It also encompasses searches for new ways to fund prison costs that include a congressional mandate for a study on the feasibility of user fees.

Planning Needed Prisons

Bureau officials must make decisions about future prison populations and the types, sizes, designs, and locations of needed prisons. These decisions involve considerable discretion and changing policies. For example, the Bureau is building prisons with larger capacities than suggested in standards promulgated by the American Correctional Association. The Bureau also recently revised its plan by adopting a goal of working with a 30-percent crowding rate rather than the previous year's goal of 20 percent. Living with the additional 10 percent crowding saves about \$267 million in needed expansion by 1995.

Forecasting Prison Populations

Prison population projections essentially entail many estimates including the number of offenders who will be prosecuted and the extent to which judges will follow or deviate from the sentencing guidelines. Efforts to determine the reasonableness of the projections upon which the Bureau's expansion plans are based would include looking into the assumptions used, the accuracy and frequency of the computations, how others do it, and how previous projections have fared.

Acquiring Space

Expansion costs can be reduced to the extent the Bureau can avoid constructing new prisons by using alternatives that it considers to be less costly, such as expanding capacity of existing prisons. The Bureau believes that the expansion option at existing facilities has been fully used. Closed military bases are another alternative. The National Defense Authorization Act of 1989 required that the President establish a commission to identify surplus military facilities suitable for prison use. Cost savings may also be possible through greater use of community-based programs like halfway houses and house arrest with electronic supervision, and ideas like prison boot camps and privately operated prisons.

GAO Issue 2: Providing Acceptable Prison Conditions

- **Planned system expansion will require 63 percent more staff**
 - **The Bureau needs to determine inmate "rehabilitation" goals**
 - **Prison industries must expand to accommodate new prisoners**
 - **Sufficient federal/nonfederal jail space needed for untried and unsentenced prisoners**
-

ISSUE 2: PROVIDING ACCEPTABLE PRISON CONDITIONSStaffing

The Bureau faces a major problem in ensuring that it will have sufficient qualified staff to operate all of its prisons. Bureau officials estimate a need for 25,000 staff by 1995, a 63-percent increase over the Bureau's June 1989 staffing level. Special efforts will be needed to hire and train the large number of new staff. For example, the Bureau is seeking authority to provide higher pay for corrections personnel in high-cost geographical areas and in certain positions (e.g., nursing).

Prison Treatment Programs and Rehabilitation

Efforts to rehabilitate prisoners ebbed in the 1970s as a review of available research indicated that nothing worked. Over the last decade, the Bureau shifted from a position of providing education and other treatment programs as part of a medical model approach to a self-help approach, making most programs available on a voluntary basis. Such programs are considered a necessary part of prison operations because of the goals of providing humane treatment and reducing inmate idleness.

According to the Bureau and recent literature on correctional goals and programs, interest in rehabilitation has been rekindled. Recent research indicates that some programs have been effective for some prisoners. Further, the dramatic influx of prisoners, particularly those with a substance abuse history, has sparked efforts to devise effective treatment programs to reduce recidivism.

Prison Industries

To keep its inmates gainfully employed, the Bureau will need to develop sufficient markets for prison industry products and services and ensure that its products and services are timely, competitively priced, and of good quality. It will have to do this while avoiding, as required by law, undue competition with the private sector.

Jails

Like prisons, jails are crowded and facing growing prisoner populations. In 1988, about 75 percent of unsentenced federal prisoners were housed in state and local detention facilities under contracts administered by the United States Marshals Service. The rest are in Bureau-operated facilities in five major metropolitan areas and in separate units at seven of the Bureau's regular prisons. The Bureau plans to construct additional jails because of the increasing difficulties the Marshals are having in obtaining contract space in crowded state and local detention facilities.

GAO Issue 3: Dealing With Special Prisoner Groups

- Substance abusers: Growing number needing treatment
 - AIDS: A potentially staggering and costly problem
 - Aliens: About 10,800 - most could be deported for offense
 - Other groups: Youth, females, elderly, mentally ill, and some nonviolent will be of interest
-

ISSUE 3: DEALING WITH SPECIAL PRISONER GROUPSSubstance Abusers

The Bureau is receiving an increasing number of prisoners with substance abuse problems. According to the Bureau, about 40 percent of the prisoners entering the federal prison system in 1988 had a moderate or serious substance abuse problem. (The Bureau does not have an estimate for the total inmate population with a substance abuse problem.) The Bureau is faced with questions like what should be the goal of drug programs, should there be full time programs, what programs should be offered at specific prisons, and when during incarceration should an offender receive treatment? The Bureau also must combat drug trafficking and use in prison. Federal prisons now offer drug education, counseling, and alcohol and narcotic anonymous programs. The Bureau plans a pilot program for inmates near the end of their sentences that will include state-of-the-art treatment, full-time participation, and post-release assistance.

Inmates With AIDS

AIDS represents a potentially staggering and costly problem for prison officials. Between June 1987 and June 1989, the Bureau tested almost 63,560 prisoners at a cost of about \$677,000; 1,772 tested HIV positive. Current practice involves testing 10 percent of all new prisoners and a periodic follow-up test on those that test negative; inmates being considered for parole, furlough, or placement in a halfway house; inmate volunteers; and inmates that exhibit predatory or promiscuous behavior. Inmates who test positive are not segregated from other inmates unless their conduct (e.g., they are sexually active) poses a hazard to others. Special treatment is not provided until their condition requires it. The Bureau does not have overall cost figures for treating AIDS, but AZT, the only approved treatment drug, alone costs the Bureau \$7,000 to \$9,000 per inmate for a year. Since 1982, 81 federal inmates have died of AIDS.

Other Groups of Inmates

About 10,800 offenders, 22 percent of the June 1989 federal inmate population, were aliens. We determined that over half had been convicted of a crime for which they could be deported. More aliens may be deported because of other crimes they have committed or factors like drug addiction. Even allowing for 30-percent crowding, the 10,800 prisoners are filling prison space that would now cost the Bureau about \$426 million to construct. Young offenders, females, the elderly, the mentally ill, and nonviolent offenders in prison for the first time are other groups of prisoners likely to be of interest as issues such as crowding, treatment, rehabilitation, and prison alternatives are debated over this period of increasing prisoner population.

GAO Issue 4: Need for Separate Military Prisons

- In March 1989, the military had 4,528 inmates in stateside prisons designed for 7,174
 - Military services have differing views on transferring prisoners to the Federal Prison System
 - Military officials do not consider excess prison space suitable for nonmilitary prisoners
-

ISSUE 4: NEED FOR SEPARATE MILITARY PRISONS

The issue here is whether separate prison systems are needed for military and nonmilitary federal prisoners. In March 1989, the military services had 4,528 prisoners in 61 continental United States facilities² that were designed to house 7,174 prisoners (see table V.1). Only the Marine brig at Camp Pendleton, California, was over capacity. The largest military facility is the Army's disciplinary barracks designed to house 1,615 prisoners, but most facilities house fewer than 50 prisoners. Except for the Navy, the services had more prisoners than 5 years ago, and officials from each service expect the inmate populations to grow slowly.

Transferring Prisoners/Prisons
to Federal Prison System

Military officials believe the services need short-term confinement systems for pretrial detention and return to duty programs. However, the services differ on confining long-term inmates. Because the Navy almost never returns its long-term prisoners to active duty, it considers housing them to be a waste of resources and has begun moving them to the federal prisons. In October, the Marine Corps will begin studying long-term prisoner transfers to the federal prison system because, according to a Marine official, such inmates have created crowding problems.

The Army and the Air Force, which also return very few long-term prisoners to duty, do not support transfers because of inconsistencies between military and civilian correctional systems (e.g., parole issues). Army officials also prefer retaining custody of all Army inmates since the prisoners are a potential source of manpower in the event of a recruiting shortage or a military mobilization.

Using Excess Military Space for
Federal Prisoners

Military officials opposed housing civilian prisoners in military confinement facilities for many reasons, such as the difficulty of operating civilian and military discipline systems side by side, the security problems caused by granting visitors access to certain sensitive military bases, and the administrative difficulties created by a federal law (posse comitatus) that prohibits military guards from supervising civilian prisoners.

²This excludes facilities designed to house fewer than 10 prisoners because information on their number, capacity, and population was not readily available.

GAO Issue 5: Feasibility of Privatization

- Should more use be made of the private sector to provide specific services and programs for prisoners?
 - Should the private sector finance the construction of and/or operate prisons?
-

ISSUE 5: FEASIBILITY OF PRIVATIZATION

Proponents of privatization believe that prison costs can be substantially reduced by getting the private sector more involved. This issue is likely, over the next few years, to involve much debate, stimulated by the proponents of privatization as well as by officials who must deal with prison construction and operating costs, and difficulties in finding enough qualified staff to run all the prisons.

Traditional Use of the Private Sector

The private sector historically has been used to provide various federal prison services (e.g., food preparation and medical care), programs (e.g., education programs), and facilities to house and treat certain offenders, such as juveniles, and prisoners deemed suitable for halfway houses. For example, as of July 1989, 70 percent of the Bureau's halfway house contract facilities were operated by the private sector. Staffing ceilings or shortages, the availability of specialized expertise in a specific need area, and costs are factors used to justify contracts with the private sector.

An Expanded Role

Ideas for expanding the role of the private sector in prisons include using the private sector to (1) fund prison construction and (2) operate prison industries and pay a market wage to inmates who would, in turn, pay room and board fees (as is now done by inmates in halfway houses). Another controversial idea involves using private firms to run medium and maximum security prisons. The Bureau is uncertain whether the private sector can run these types of prisons as efficiently and effectively as the Bureau can. Other concerns that have been raised include the government's basic responsibility for conditions of confinement and who should make decisions when situations arise that could lead to the use of deadly force.

In 1988 a Presidential Commission recommended that the Justice Department do research on prison privatization. Among other things, it said that the Bureau should contract for private sector operation of a medium or maximum security prison and compare such to a similar facility operated by the Bureau. The Bureau sought (unsuccessfully) congressional approval for that kind of project along with a project involving prison industry.

GAO State Prisons: Population and Crowding

- State prisons held 577,474 prisoners at the end of 1988
 - The state prison population was 23 percent over the lowest reported capacity
 - Plans exist to increase capacity by 214,000 beds
-

STATE PRISONSPOPULATION AND CROWDING

Like the federal prison system, the states also face problems of prison crowding and prison expansion. For example, Georgia expects its April 1989 population of 19,301 inmates in state transitional centers and state and county prisons to grow 124 percent by the year 2000 (see p. 31).

State Prison Populations

According to the Department of Justice's Bureau of Justice Statistics, state and District of Columbia prison systems, as of December 31, 1988, housed 577,474 prisoners, about 89 percent more than they housed in 1980. States housing the largest number of prisoners were California (76,171), New York (44,560), and Texas (40,437), while North Dakota (466), Vermont (811), and Wyoming (962) housed the fewest prisoners.

State Prison Crowding

According to the Bureau of Justice Statistics, state and District of Columbia prisoner populations exceeded their lowest reported capacity¹ by 23 percent at the end of 1988. The states' prisoner populations ranged from a low of 88 percent of capacity in Utah to a high of 218 percent in Oregon. The American Civil Liberties Union reported that, as of April 1989, 35 states and the District of Columbia faced court orders and/or consent decrees dealing with prison crowding, or the conditions caused by crowding, at one or more of their facilities. Eight of these states faced court orders or consent decrees dealing with crowding in their entire correctional systems.

State Prison Expansion

In the President's May 1989 message on violent crime, he stated that the states have ongoing efforts or plans to expand their existing prison capacity by about 214,000 beds. That represents a 46-percent increase in the lowest capacity figures they reported to the Bureau of Justice Statistics for the end of 1988.

¹The Bureau of Justice Statistics asked states to provide three different prison capacities: (1) the capacity as determined by rating officials, (2) the capacity that could be handled based on existing staffing, programs, and services, and (3) the capacity for which the facilities were architecturally designed.

GAO **Georgia: An Example of a
State Prison System**

- Georgia's 25 state facilities held 16,060 prisoners in space designed for 11,500
 - Inmates were 95 percent male, 37 percent white, and 10 percent drug offenders
 - Georgia has used early releases and alternatives like intensive probation and boot camps to ease prison crowding
-

GEORGIA: AN EXAMPLE OF A STATE PRISON SYSTEM

In April 1989, the Georgia state prison system was responsible for 23,245 inmates. Georgia's 25 state prisons housed 16,060 of these inmates. State corrections officials reported that these prisons were operating at approximately 40 percent over their total designed capacity of 11,500. (These prisons cost an average of \$35 a day to operate in 1988.) The other 7,185 were in county prison and jail facilities, halfway houses, and on bond awaiting entry into the state's boot camp program.

The state prisoner population in state and county prison facilities and halfway houses increased 49 percent (from 12,960 to 19,301) between June 1980 and April 1989. The Department of Corrections projected that this population will grow 124 percent to 43,150 by the year 2000.

Prisoner Characteristics

As of October 1988, the inmate population in Georgia's prisons was 95 percent male and 37 percent white. Sixty-three percent had not graduated from high school. Georgia's inmates had an average reading ability of about the seventh-grade level. About half of the inmates were serving sentences of over 10 years. In terms of the most serious crimes for which they were imprisoned, 46 percent of the inmates were in prison for a violent crime and 10 percent were incarcerated for drug-related crimes.

Efforts to Alleviate Crowding

Prison crowding has created problems for the Georgia Department of Corrections. To ease facility crowding, Georgia has been building prisons (e.g., as of March 1989, the General Assembly had funded the construction of 6,400 new prison beds), using prison alternatives, and giving some prisoners early releases. Alternatives to prison include basic and intensively supervised probation, detention centers, halfway houses for probationers, community service, and boot camps.

OBJECTIVES, SCOPE, AND METHODOLOGY

In response to requests from Chairman Rangel, House Select Committee on Narcotics Abuse and Control, and Chairman Nunn, Senate Governmental Affairs Committee's Permanent Subcommittee on Investigations, we are reviewing federal prison system crowding and expansion. As a first step, this report provides an overview and identifies key issues relating to the federal prison system's existing and expected prison population, crowding, costs, and expansion plans. As agreed, it also includes information on the U.S. military prison systems, state prison populations and crowding, and Georgia's prisons. In subsequent work, we will take in-depth looks at some of the key issues.

We interviewed officials and reviewed relevant material available at the headquarters offices of the Federal Bureau of Prisons; other Justice Department agencies involved in some manner with prisons (National Institute of Justice, Bureau of Justice Statistics, Bureau of Justice Assistance, and Parole Commission); Department of Defense; and the United States Sentencing Commission. We also visited the Bureau's regional office and the Georgia State Department of Corrections in Atlanta, Georgia; Bureau prisons in Atlanta, Georgia; Bastrop, Texas; Englewood, Colorado; Memphis, Tennessee; and New York City; and military prisons in Denver, Colorado (Air Force) and in Quantico, Virginia (Marines).

For information on the existing and expected prison populations, capacities, crowding, and costs, we principally used readily available information from statistics or data bases maintained by the Bureau, the Sentencing Commission, the Bureau of Justice Statistics, the individual military services, and the Georgia Department of Corrections. We did not verify or make reliability checks on the data. Statistics reported on inmate population characteristics differ from those in Federal Prisons: Trends in Offender Characteristics (GAO/PEMD-90-4), because different universes of prisoners were sampled at different times, some crimes were categorized differently, and inmates with missing data were considered differently in calculations.

In compiling statistics on federal prisoners' offenses, we used the Bureau of Justice Statistics' categories of violent, drug, property, and other offenses. Violent offenses included murder, manslaughter, rape, assault, kidnapping, and robbery. Drug crimes included crimes involving the creation, manufacture, distribution, possession, importation, or exportation of narcotic, nonnarcotic, or controlled substances. Property and other offenses included burglary, larceny, motor vehicle theft, arson, fraud, and dealing in stolen property.

In identifying key issues, we considered data obtained from the above sources; and perspectives we obtained from our review of available literature on prison crowding, expansion, costs, rehabilitation programs, and attendance at two national corrections conferences. We also used data from earlier discussions we had on issues with the former, long-time director of the federal prison system and officials representing the American Correctional Association.

Our work was done from November 1988 through June 1989 and in accordance with generally accepted government auditing standards.

FIGURES AND TABLE ON FEDERAL PRISONERS,
CROWDING, COSTS, AND EXPANSION PLANS

Figure V.1: Growth in Population and Capacity of Federal Prisons from 1981 to 1995

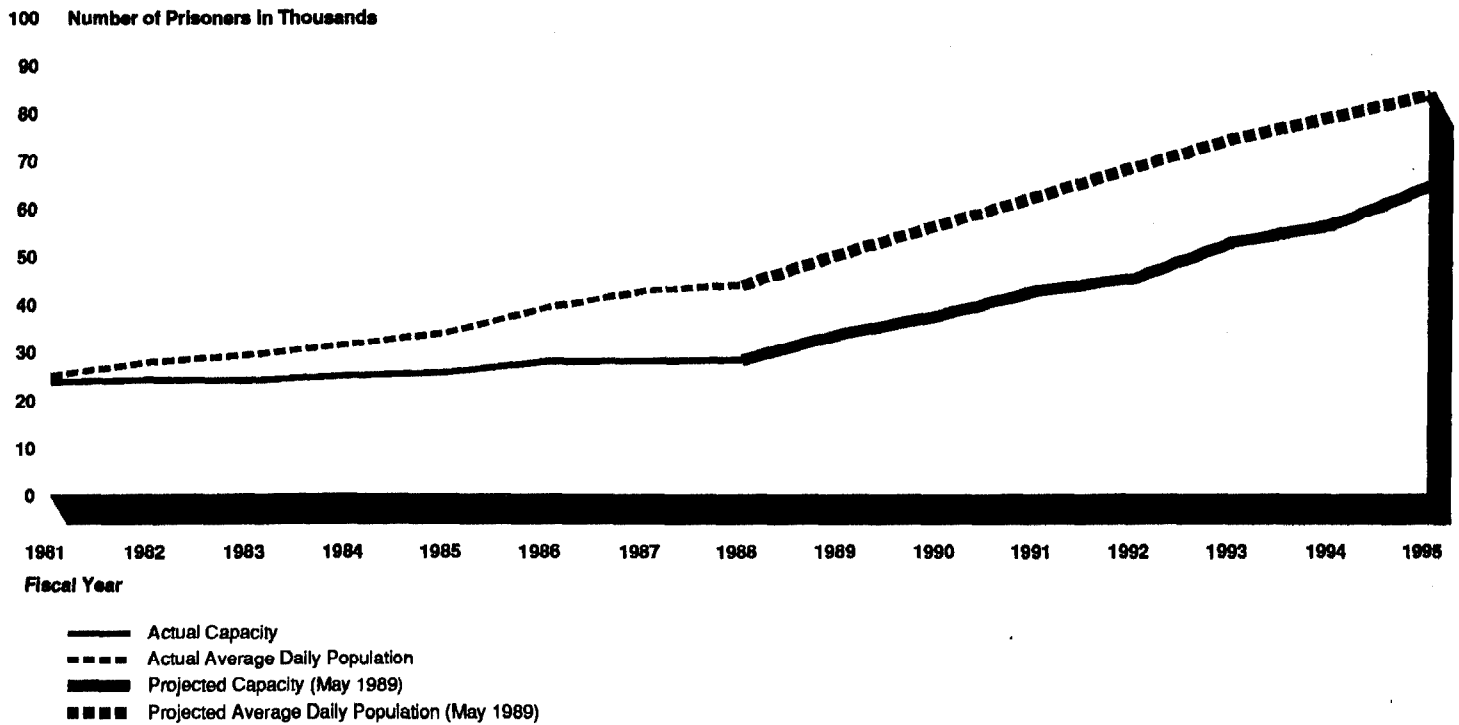


Figure V.2: Racial and Ethnic Data on Prisoners Under Bureau Jurisdiction (May 1989)

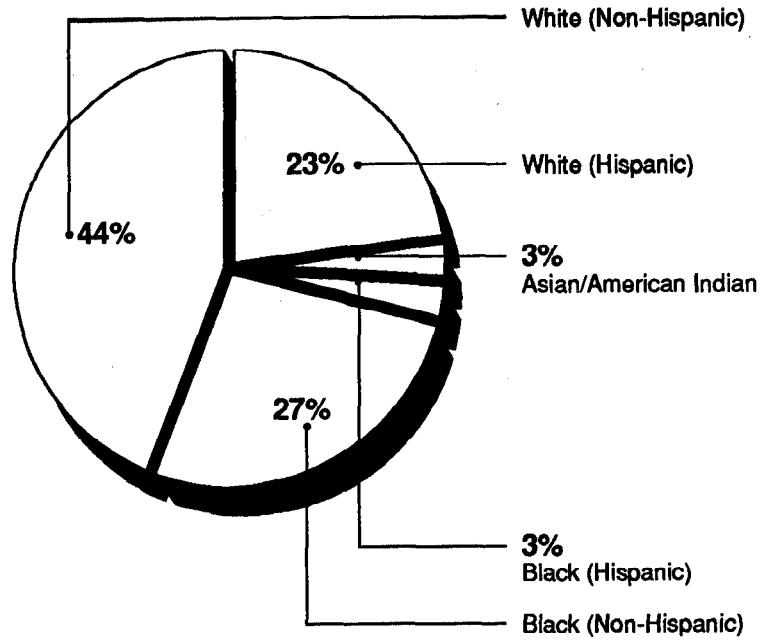
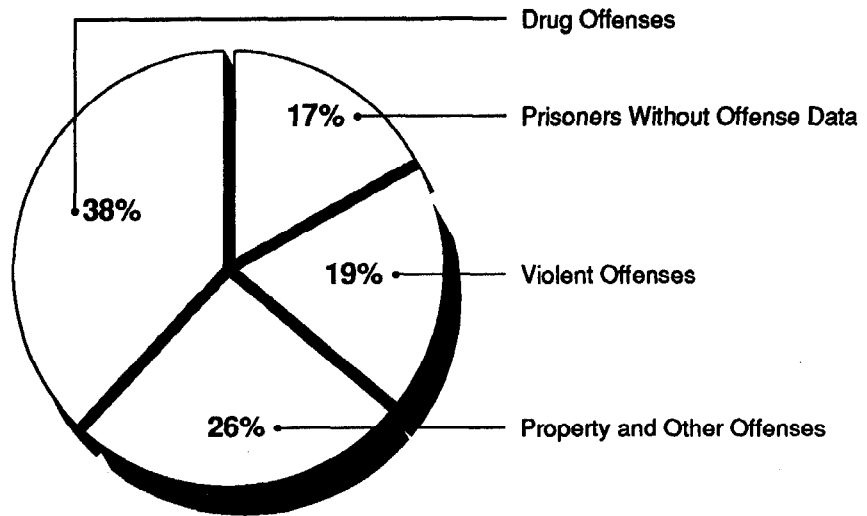
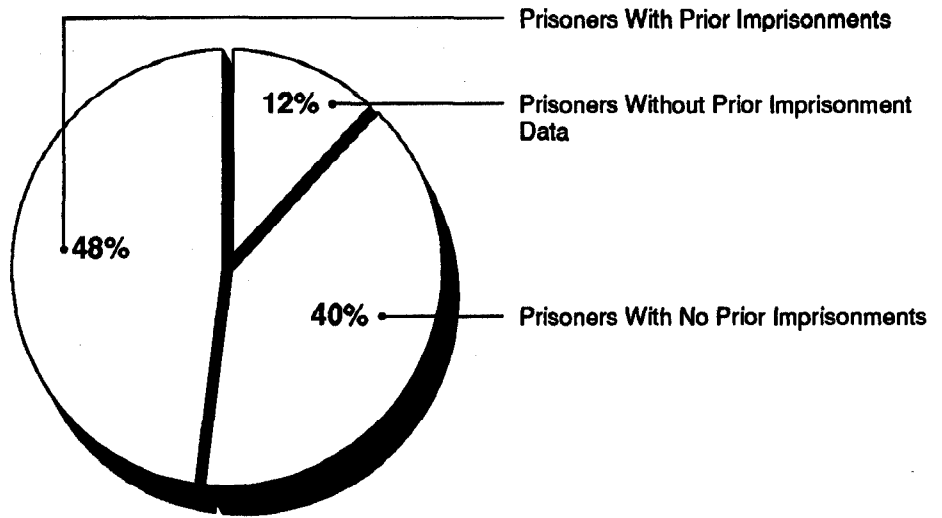


Figure V.3: Prisoners Under Bureau Jurisdiction by Offense Type (May 1989)



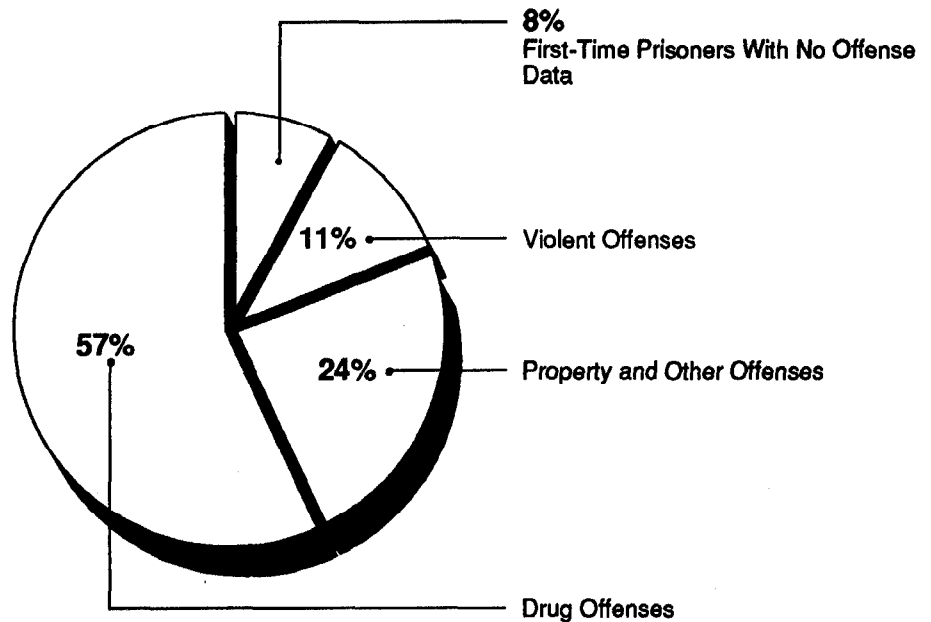
Note: The offense considered in categorizing prisoners is the one that resulted in the longest sentence.

Figure V.4: Bureau Prisoners With and Without Prior Imprisonments (May 1989)



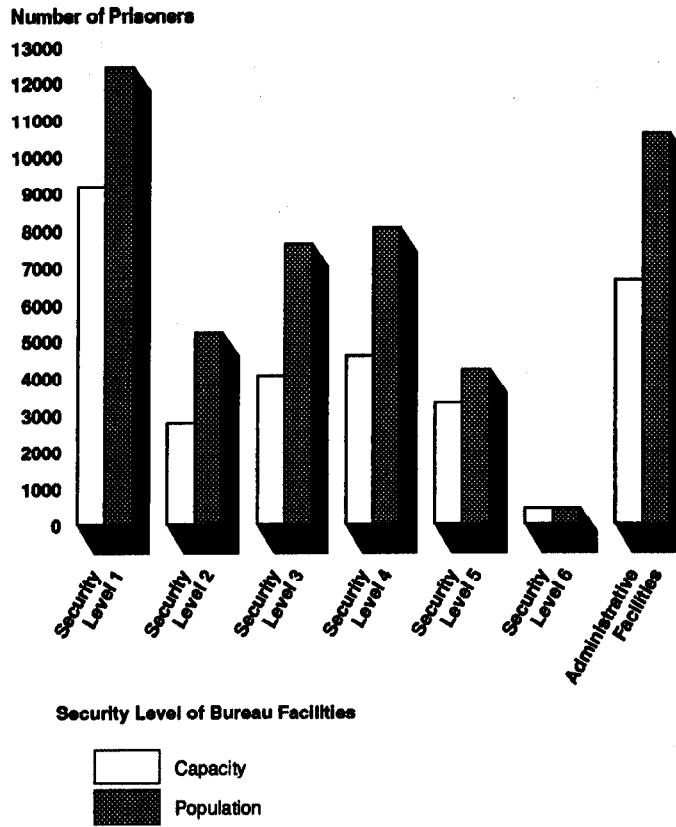
Note: Prior imprisonments are commitments to a federal, state, or local prison facility for any length of time before the current sentence.

Figure V.5: Type of Offense Committed by Bureau Prisoners Who Had No Prior Imprisonments (May 1989)



Note: The Bureau of Prisons' data system identified 21,570 prisoners who did not have prior commitments. The offense considered in categorizing prisoners was the one that resulted in the longest sentence.

Figure V.6: Populations and Capacities of Federal Prisons by Security Level (May 1989)



Note: The Bureau classifies both prisoners and facilities by security level. Sometimes, for various reasons, the security classifications of Bureau prisoners do not match the security level classifications of the facilities in which they are housed.

Table V.1:
Military Prisons and Prisoners
in the Continental United States
(March 1989)

<u>Military service</u>	<u>Number of facilities</u>	<u>Range of facility inmate capacities</u>		<u>Total designed capacity</u>	<u>Total number of inmates^a</u>
		<u>Minimum</u>	<u>Maximum</u>		
Army	14 ^b	57	1,615	4,401	2,529
Air Force	28	10	56	533	216
Marine Corps	5	30	354	873	712
Navy	<u>14</u>	20	276	<u>1,367</u>	<u>1,071</u>
Total	<u>61</u>			<u>7,174</u>	<u>4,528</u>

Note: This table does not include any facilities designed to hold fewer than 10 prisoners because information on the number of such facilities, their capacities, and their populations was not readily available. The table also excludes 16 confinement facilities, which are located outside the continental United States and are designed to hold 10 or more prisoners. These facilities housed 412 prisoners in space designed for 1,106 prisoners.

^aThe population figures represent the total number of prisoners, regardless of their service affiliations, in each service's facilities. Certain military confinement facilities house some prisoners from other services. For example, the Marine Corps housed about 120 prisoners in the Army's Disciplinary Barracks at Ft. Leavenworth, Kansas.

^bThe number of Army prisons does not include the Fort Dix, New Jersey, confinement facility (designed capacity of 425), which the Army currently leases to the state of New Jersey and the Ft. Bliss, Texas, confinement facility (designed capacity of 150), which had no staff on hand and housed no inmates in March 1989.

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