

The background of the page is a grayscale image of the American flag, showing the stars and stripes. The flag is positioned diagonally, with the top-left corner of the page showing the stars and the bottom-right corner showing the stripes. The text is overlaid on this background.

GOAL SIX

Protect American Society
by Providing for the Safe,
Secure, and Humane
Confinement of Persons
in Federal Custody

VI

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Protect American Society by Providing for the Safe, Secure, and Humane Confinement of Persons in Federal Custody



This strategic goal is directly related to the Department's law enforcement mission of controlling crime and seeking just punishment of those guilty of unlawful behavior. It encompasses two separate but related areas of responsibility: detention and incarceration. Detention is the temporary confinement of individuals, including those awaiting trial, sentencing, or designation to a penal institution where sentence will be served; it also includes the temporary confinement of aliens pending immigration proceedings, including removal from the country. Incarceration, on the other hand, is the imprisonment of individuals convicted and sentenced for federal crimes. Detention is a responsibility shared by the U.S. Marshals Service (USMS), the Immigration and Naturalization Service (INS) and the Bureau of Prisons (BOP). Incarceration is the responsibility of the Bureau of Prisons.

Detention and incarceration functions account for approximately one-fourth of the Department's budget. More aggressive enforcement, sterner sentencing guidelines, and the growing reach of federal criminal law have dramatically increased the demands on the Department's detention and prison systems in recent years. Our physical capacity to detain or imprison offenders simply has not kept pace with these and other changes. As a result, the challenge facing the Department over the next 5 years is meeting this rising demand for detention and prison space in a way that is cost effective and does not jeopardize safety and security.

STRATEGIC OBJECTIVE 6.1

DETENTION

Provide for the safe, secure, and humane confinement of detained persons awaiting trial, sentencing, or immigration proceedings.

The Department of Justice is responsible for detaining persons charged with violating federal criminal statutes or immigration laws, provided they have not been released on bond or personal recognizance pending disposition of their cases. The USMS houses and maintains pre-sentenced detainees in secure facilities from the time they are initially brought into federal custody until they are acquitted, arrive at a designated BOP facility to serve a sentence, or are ordered released. INS detains aliens who enter the United States illegally or violate other immigration laws. BOP assists the USMS and INS by housing some pre-sentenced federal detainees and alien detainees in specified BOP facilities.

The Department has limited control over the number of detainees in its custody at any given time, as this number is, for the most part, dictated by prosecutorial and

law enforcement initiatives, as well as by judicial decisions. As the number of detainees increases, so do detention and incarceration costs. Without proper advanced planning and coordination within the Department, detention costs will spiral out of control, and will exceed the Department's ability to effectively manage its resources. To prevent this, the Department has formed the Detention Planning Committee (DPC), comprising representatives from the key components, led by the Deputy Attorney General.

Strategies to Achieve the Objective

Acquire needed capacity through a multipronged approach that includes state and local agreements, contracts with private vendors, construction and operation of federal detention facilities, and the use of alternatives to detention.

The Department acquires detention beds through reimbursable agreements with state and local governments for the use of their jail space, through contracts with private vendors, and through the construction and operation of federally managed and maintained detention facilities. DOJ also encourages state and local governments to provide bedspace for federal use by awarding funds under the Cooperative Agreement Program for jail modifications and renovations. Although the USMS, INS, and BOP all use state and local jails to an extent, the USMS traditionally has been the primary user of state and local detention space.

In recent years, the ability of the Department to rely on state and local facilities to meet its detention needs has diminished, as these facilities are increasingly used for non-federal detention requirements. With available space diminishing and with prohibitive costs for federal construction in every locale where space is needed, the Department has been facing a severe challenge. Responding to the challenge, the USMS and INS increasingly have turned to the private sector. For example, in fiscal year 1994, the USMS housed one percent of its population in privately owned or operated facilities; in fiscal year 2000, that rate rose to 15 percent.

Use of private detention facilities, however, raises its own set of issues and challenges. While there are numerous advantages to the use of private contracts (e.g., reduced start-up/ construction time, increased facility locations, etc.), there are also many disadvantages, such as possible increased housing costs, liability issues, and security concerns. There is also concern about the long-term commercial viability of these privately owned and operated facilities. In the coming years, the Department will examine the role of private sector contractors in the housing and supervision of federal criminal detainees. At the same time, the INS will seek alternatives to detention for non-criminal aliens in order to maintain a more humane detention program and to increase the available bedspace for aliens whose circumstances require their confinement.

Improve management of detention resources through more accurate forecasting of detention needs, better coordination, strengthened oversight, and other means.

The USMS, INS, and BOP all rely on accurate population forecasting to project and plan for future resource and bedspace needs. Both the USMS and INS currently rely on a combination of historical data and information obtained from the field to forecast their populations. They, like the Executive Office for the U.S. Attorneys, have contracted with a private vendor to develop statistical models that incorporate various workload indicators in an effort to develop sounder statistical projections. The Department will build on these efforts to develop a comprehensive model that can project total Department needs based on any given initiative or policy change. Such a model would project the number of INS and USMS detention beds required, as well as the number of deputy U.S. marshals and INS officers needed to manage the projected population. Eventually, these models would provide projections for sentenced prisoners in BOP custody.

Key Crosscutting Programs

Through the Working Group of the DPC, the Department maintains close contact with the Pretrial Services Division of the Administrative Office of the U.S. Courts (AOUSC). The Working Group meetings provide a forum for Justice detention components to address issues involving the U.S. Courts with a representative from Pretrial Services, who serves on the Working Group. As an example, at one of the group's meetings, the USMS raised an issue concerning the timeliness of prisoner designations and their impact on the Federal Prisoner Detention appropriation. As a result, AOUSC published an article in its biweekly newsletter emphasizing to district courts around the country the importance of timely processing of presentence reports required for designation. Additionally, the USMS and AOUSC have a reimbursable agreement in place in which the USMS provides reimbursement to the judiciary in selected districts for the use of alternatives to confinement.

STRATEGIC OBJECTIVE 6.2 PRISON CAPACITY

Ensure that sufficient and cost effective prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.

BOP has experienced unprecedented growth during the past 10 years. As of August 16, 2001, there were 155,836 inmates in BOP custody, an increase of nearly 11,000 since September 30, 2000. Most of these inmates were confined in one of the 100 BOP-operated facilities located around the country. Nearly 26,000 were assigned to privately managed institutions, state and local facilities through Intergovernmental Agreements (IGAs), community corrections centers, or home confinement. At the end of fiscal year 2000, the crowding rate in the Federal Prison System was 32 percent. As of August 16, 2001, it was 33 percent. The BOP projects that by 2006 the total inmate population will exceed 198,000.

As noted earlier, this rapid growth is a result of changes occurring in other parts of the criminal justice system, including aggressive law enforcement policies and the imposition of lengthier sentences. BOP strives to accommodate the increasing population in the most cost effective manner, following a policy of adding capacity through the utilization of contract facilities (where the inmate's security level is appropriate), expansion of existing facilities, acquisition and conversion of military and other properties to prison use, privately-managed prisons, and alternative confinement. The BOP aims to protect the community, keep institutional crowding at manageable proportions, and ensure that inmates serve their sentences in a safe, secure, and humane environment.

Strategy to Achieve the Objective

Acquire additional capacity through a multipronged approach of new construction, cooperative arrangements with other units of government, alternatives to traditional confinement where appropriate, and contracts with private providers of correctional services.

BOP will continue the careful use of secure alternatives to traditional incarceration for nonviolent offenders, including community corrections centers and home confinement. BOP also continues to contract for privatized low security bedspace. As of August 2001, a total of 7,844 BOP inmates was confined in privately managed prisons. BOP also continues to use IGAs, and currently has 9,327 beds available for inmates through this means.

New construction is a key part of the Department's strategy for meeting its bedspace needs. BOP plans to activate two new facilities which will be fully operational in fiscal year 2002, adding 2,240 beds to rated capacity. Four new facilities will be completed and activated in fiscal years 2002-2003, adding 4,416

beds. BOP has also awarded contracts to begin design and construction of seven new facilities which are expected to begin activation by the end of fiscal year 2004; these would add 8,192 beds. In addition, BOP is continuing or beginning environmental review, design, or design-build activities for 13 new facilities which are expected to add 14,720 beds in fiscal years 2004-2007. Finally, BOP will continue to consider property transfers, joint-use contracts, and other cooperative arrangements to maximize prison capacity.

Key Crosscutting Programs

BOP works cooperatively with the private sector and state and local governments to establish and maintain adequate capacity to detain persons in federal custody in cost effective, safe, secure, and humane facilities. BOP utilizes IGAs with state and local governments to obtain additional bed space.

STRATEGIC OBJECTIVE 6.3

PRISON OPERATIONS

Maintain and operate the Federal Prison System in a safe, secure, humane, and efficient manner.

Because the BOP incarcerates some of the most dangerous felons in the country, it is especially critical that its facilities be operated with attention to safety and security. In addition, because detention and incarceration together now account for more than one-fourth of the Department's budget, it is critical that every effort be made to manage and operate the system in as cost effective and efficient manner as possible.

Strategies to Achieve the Objective

Manage BOP operations efficiently.

BOP will take steps to improve its effective use of resources and efficient delivery of services by placing inmates in the least restrictive correctional environment commensurate with their custody and security needs.

Ensure that BOP facilities comply with the standards of the American Correctional Association and all applicable environmental, health, and safety codes and regulations.

BOP will prepare all activated facilities for accreditation with the American Correctional Association (ACA). ACA is an independent accrediting authority for correctional agencies who wish to validate that their correctional management is sound and effective. This program offers the opportunity to evaluate programs and facilities, remedy deficiencies, and upgrade the quality of programs and services. Once accredited, all facilities submit annual statements of continued compliance. At ACA's discretion, a monitoring visit may be conducted during the initial 3-year accreditation period to ensure continued compliance with standards.

The BOP also maintains a modernization and repair program to ensure that its facilities, many of which are over 50 years old, are safe and secure. Included in this program are "life safety" projects to meet National Fire Code standards. These projects are given the highest priority.

Ensure safety and security.

A safe and secure institutional environment for inmates and staff is of fundamental importance. BOP assigns inmates to institutions according to their security and custody needs, ensures that correctional staff are properly trained and equipped, and works to reduce violence and the introduction of drugs in prison facilities. In addition, the BOP conducts routine mock emergency exercises with the FBI. It works closely with both the FBI and the USMS when an escape or emergency

situation exists.

Key Crosscutting Programs

BOP must work cooperatively with DOJ agencies, U.S. Courts, U.S. Military, other state and local law enforcement, and numerous private and not-for-profit organizations to successfully carry out its mission.

STRATEGIC OBJECTIVE 6.4

INMATE SERVICES

Provide services and programs to facilitate inmates' successful reintegration into society, consistent with community expectations and standards.

BOP provides inmates with basic services (such as clothing, food, and access to health care) and an array of educational, vocational, leisure time, religious, and other programs. However, since a majority of inmates will return to the community at some point, it is important to provide the means to increase their chances for successfully re-entering society as law-abiding and productive citizens. Most inmates lack education and job skills. Many have a history of drug dependency. Research has shown that inmates who complete at least one educational course or a residential drug treatment program and those who maintain employment while incarcerated are less likely to recidivate. As a result, providing residential drug treatment and work and education programs is a high priority.

A recent evaluation of BOP's residential drug treatment program by the National Institute of Drug Abuse confirmed that inmates who completed this program had lower recidivism rates and lower rates of returning to drug usage. In addition, an internal BOP study, the Post Release Employment Project, confirmed that inmates who are enrolled in education and work programs are less likely to recidivate. As of fiscal year 2000, Federal Prison Industries (trade name UNICOR) provided job skills training and employment for more than 21,000 inmates serving sentences in BOP.

Strategies to Meet the Objective

Provide work and education programs.

BOP requires inmates without a high school diploma or General Education Development (GED) credential (over 40 percent of the total population) to enroll in a literacy program. The implementation of the Violent Crime Control and Law Enforcement Act (VCCLEA) and the Prison Litigation Reform Act mandates that inmates with needs must participate and make satisfactory progress in literacy in order to vest their good conduct time or be eligible to earn the full amount of good conduct time. These two acts have almost tripled the demand for literacy programs since their implementation. BOP also requires all medically fit inmates to work. It makes available a variety of occupational education programs designed to enhance job skills and increase the employability of offenders upon release. In addition, BOP is establishing a pilot multifaceted based pre-release program.

Make available residential drug treatment programs for eligible inmates with drug problems.

Under the VCCLEA, BOP is required to provide residential drug treatment to all eligible inmates. The residential drug abuse program is designed for extended drug abuse treatment. It provides unit-based living with extensive assessment, treatment planning, and individual and group counseling. In addition, BOP provides drug abuse education and non-residential drug abuse counseling services.

Provide quality inmate health care services while controlling costs.

Medical services are provided by a variety of professional and para-professional health care personnel. If an inmate has a health condition which is beyond the professional capability of an institution's medical staff, the inmate is referred to an outside physician, a hospital in the community, or one of BOP's medical referral centers. Increasing numbers of federal inmates are requiring medical care, in part because of the general aging of the inmate population. Over the past 10 years, the focus has shifted from acute and sub-acute needs to chronic and long-term needs.

Key Crosscutting Programs

BOP actively recruits volunteers to assist with religious and other services, organizes community service projects, and holds mock job fairs through partnerships with community groups, public service organizations, and other agencies.

BOP also works closely with and monitors private sector drug treatment service providers to ensure inmates receive proper aftercare.

BOP contracts with the U.S. Public Health Service for qualified health care personnel. BOP partners with the Department of Veterans Affairs to utilize its laboratory testing contracts and prime vendor contract for pharmaceuticals.

MANAGEMENT CHALLENGES

The shortage of detention space and prison crowding are both considered by the Department to be mission-critical management issues. The Department's approach to resolving these issues is set forth in Strategic Objectives 6.1 and 6.2, respectively.