



GOAL FIVE

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

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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 functional areas of responsibility: detention and incarceration. Detention is the temporary holding of individuals accused of federal crimes or pending deportation. Incarceration is the long-term confinement 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 comprise 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. Thus, much of the challenge facing the Department over the next five years is effectively 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 5.1

DETENTION

Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.

The Department of Justice is responsible for detaining persons charged with violating federal criminal statutes or immigration laws who are not otherwise released on bond or personal recognizance pending disposition of their case. The USMS safely houses and maintains pre-sentenced detainees in secure confinement facilities, from the time they are initially brought into federal custody and throughout the entire trial process, ending only when the prisoners are acquitted, arrive at a designated BOP facility to serve a sentence, or are otherwise ordered released from custody. INS detains aliens who enter the United States illegally or otherwise violate 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 judicial decisions in place at the time regarding detention. As the number of detainees increases, so do detention and incarceration costs. Without proper and 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. As a result, the Department has formed a Detention Planning Committee headed by the Deputy Attorney General and comprised of representatives from the key components.

Strategies to Achieve the Objective

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

The Department acquires detention beds through agreements with state and local governments reimbursing them for the use of their jail space, contracts with private vendors, and the construction and operation of federal detention facilities. It also encourages state and local governments to provide bedspace for federal use by awarding funds under the Cooperative Agreement Program (CAP) 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 the use of state and local facilities to meet its detention needs has been diminished, as these facilities are increasingly being used to meet state and local requirements. Because the Department needs access to space in every court city and other key locations (e.g., the southwest border), it is more cost effective to use existing facilities, rather than construct new federal detention centers in every city where detention space is needed. However, detention space in desired locations (close to court cities) is becoming more scarce. Continued access to needed space is a major management challenge.

As a result of the shortage in state and local bedspace, 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 private facilities; in fiscal year 1999, it housed 13 percent of its detainees in privately owned or operated facilities. Use of private detention facilities, however, raises its own set of issues and challenges. The Department will examine the role of private sector contractors in the housing and supervision of federal criminal detainees. While there are a number of advantages to the use of private contracts (i.e., 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. At the same time, the INS will seek to create alternatives to detention for non-criminal aliens both to create a more humane detention program and to increase the available bedspace for other aliens.

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

The USMS, INS, and ultimately 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 have contracted with a private vendor to develop statistical models that incorporate various workload indicators in an effort to develop more statistically sound population projections, as has the Executive Office for the U.S. Attorneys. The Department needs to 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 provide output on the number of INS and USMS detention beds needed, the number of deputy U.S. marshals and INS detention and deportation officers needed to manage the projected population, and ultimately would provide projections for sentenced prisoners in BOP custody.

Operate the Justice Prisoner and Alien Transportation System (JPATS) efficiently and effectively.

JPATS was created in 1995 by the merging of the USMS and INS air transportation fleets. JPATS is responsible for moving by air all federal prisoners and detainees whether in the custody of the USMS, BOP, or INS. In fiscal year 1999, JPATS began operating as a revolving fund activity with operating costs being reimbursed by customer agencies on a cost per seat charge. Additionally, JPATS provides repatriation movements overseas to return illegal aliens to their homelands; reimbursement of repatriation movements is provided by INS.

Key Crosscutting Programs

Through the Working Group of the Detention Planning Committee, the Department maintains close contact with Pretrial Services Division of the Administrative Office of the U.S. Courts (AOUSC). The Working Group meetings provide a forum for the 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 workgroup 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, News and Views, to get word out to district courts around the country about the importance of timely processing of presentence reports in an effort to help speed up the designation process. 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 5.2

PRISON CAPACITY

Ensure that sufficient 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 ten years. As of June 30, 2000, there were 143,078 inmates in BOP custody, an increase of 9,389 since September 30, 1999. Most of these were confined in one of the 96 BOP operated facilities located around the country. Some were assigned to the privately managed Taft Correctional Institution in California, and others to a variety of community corrections centers, detention centers, other contract facilities or home confinement. At the end of fiscal year 1999, the overcrowding rate in the Federal Prison System was 31 percent. By June 30, 2000, it was 34 percent. The BOP projects that by 2005 the total inmate population will reach 194,687.

As noted earlier, this rapid growth is a result of changes taking place in other parts of the criminal justice system, including aggressive law enforcement policies and the imposition of lengthier sentences. BOP works to accommodate the increasing population in the most cost-effective manner possible. Its aim is to protect the community, keep institutional overcrowding at manageable proportions, and ensure that inmates serve their sentences in a safe and humane environment.

Strategy to Achieve the Objective

Acquire additional bedspace 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.

New construction is a key part of the Department's strategy for meeting its bedspace needs. BOP is currently activating four new facilities which will be fully operational in fiscal year 2001. This will add 3,901 beds in rated capacity. It is continuing construction of six new facilities which are expected to be completed and to begin activation in fiscal years 2001-2002. When completed and activated, these six facilities will add 6,046 beds in capacity. It is also awarding contracts to begin the proposed additional design and construction of seven new facilities which are expected to begin activation by fiscal years 2003 or 2004 and would add 7,744 beds. In addition, the BOP is continuing or beginning environmental review, design, or design-build activities for 17 new facilities which are expected to add 19,200 beds in fiscal year 2005 and beyond. It will also continue to pursue negotiations with other governmental units to consider property transfers, joint use contracts, and other cooperative arrangements.

The Bureau will continue the careful use and evaluation of secure alternatives to traditional incarceration for nonviolent offenders, including Comprehensive Sanctions Centers and home confinement strategies where appropriate, and seek appropriate contract (privatized) low security bedspace. It recently awarded contracts to Corrections Corporation of America for performance in California City, California (2,048 beds), and Cibola, New Mexico (1,012 beds). The Bureau is also increasing the use of Intergovernmental Agreements (IGAs) with 3,638 beds identified. Expansions are approved at Big Spring, Texas (544 beds) and Reeves, Texas (1,000 beds). In addition, it has negotiated IGA's with the Giles Dalby Correctional Facility in Garza County, Texas (1,094 beds) and Greensville, Virginia (1,000 beds).

Key Crosscutting Programs

None.

STRATEGIC OBJECTIVE 5.3

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 issues of 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 continue to take steps to improve its effective use of resources and efficient delivery of services. A major focus will be on controlling rising health care costs.

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 continue to prepare all activated facilities for accreditation with the American Correctional Association (ACA). The BOP utilizes ACA to obtain an external assessment of its ability to meet the basics of corrections. ACA is an independent accrediting authority for correctional agencies who wish to validate that sound and effective correctional management is practiced. This program offers the opportunity to evaluate, 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 three 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 utilizes the laboratory testing contracts, telemedicine, and outpatient services of the Department of Veterans Affairs (VA).

STRATEGIC OBJECTIVE 5.4

INMATE SERVICES

Provide services and programs to meet critical inmate needs and facilitate their successful reintegration into society, consistent with community expectations and standards.

BOP provides inmates both basic services (such as clothing, food and access to health care) and an array of educational, vocational, leisure time, religious and other programs. Most inmates lack education and job skills. Many have a history of drug dependency. However, since a majority of inmates will return to the community at some point, it is important to increase their chances for successfully re-entering society as law-abiding and productive citizens. 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 than those who do not. As a result, providing residential drug treatment and work and education programs is a high priority. A recent evaluation by the National Institute of Drug Abuse (NIDA) of BOP's residential drug treatment program 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 (PREP), confirmed that inmates who are enrolled in education and work programs are less likely to recidivate. As of fiscal year 1999, Federal Prison Industries (tradename UNICOR) provided job skills training and employment for approximately 20,000 inmates serving sentences in the BOP.

Strategies to Meet the Objective

■ *Provide work and education programs.*

BOP requires inmates without a high school diploma or general education (GED) equivalent (about 40 percent of the total population) to enroll in basic literacy and high school equivalency courses. Recent legislative changes have increased the demand for these programs. 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.

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

Under the Violent Crime Control and Law Enforcement Act of 1994, 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 contracts with the U.S. Public Health Service for qualified health care personnel. Additionally, as noted above, the BOP partners with the Department of Veterans Affairs to utilize its laboratory testing contracts, telemedicine service, and outpatient services.

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 5.1 and 5.2, respectively.