



Department of Justice

**STATEMENT OF
COLETTE S. PETERS
DIRECTOR**

FEDERAL BUREAU OF PRISONS

**BEFORE
THE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
FOR A HEARING ON
“OVERSIGHT OF THE FEDERAL BUREAU OF PRISONS”**

**PRESENTED
SEPTEMBER 13, 2023**

**Statement of Colette S. Peters
Director, Federal Bureau of Prisons
Before the Committee on the Judiciary
United States Senate
September 13, 2023**

Good morning, Chairman Durbin, Ranking Member Graham, and Members of the Committee, I appreciate this opportunity to discuss the significant mission and the impactful work happening at the Federal Bureau of Prisons (FBOP or Bureau). I am honored to represent, before you today, the nearly 35,000 employees of the FBOP. I believe in good government, accountability, transparency, and the importance of oversight. In coming to this work openly and in the spirit of cooperation, I believe we can achieve greater success and excellence together.

With a dedicated career spanning over 30 years in public safety and corrections, I have been shaped by various roles: research associate, counselor in a juvenile correctional facility, victims' advocate and crisis mediator for the Denver Police Department, Inspector General of Oregon, and Director of Juvenile and Adult Corrections for more than 14 years.

As the 12th Director of the FBOP, it is motivating to lead exceptional corrections professionals of the largest corrections agency in the nation. Every day, I am inspired by the dedication of our employees. These diligent corrections professionals share a collective vision of correctional excellence that extends beyond the mere confines of institutional walls. We remain dedicated to creating and maintaining humane, safe, and secure environments for the individuals under our care while equipping them for successful reentry into our communities. Our employees drive this effort every day, changing lives and safeguarding the public. We must continue our work to ensure our dedicated corrections professionals return home safely, our communities are safeguarded, and we prepare those in our care for successful return to their communities as responsible neighbors.

Since assuming my role as the Director a little over a year ago, I am proud to be a part of a team that is working on impactful initiatives revitalizing our operations, working hard to improve our employees' wellness, and enriching the lives of those in our care. We are building on our achievements thus far and finding new ways for continuous improvement. Part of this process has included increased engagement with our stakeholders, including proactive outreach to our federal agency and state partners, members of Congress, including, of course, Members of this Committee, members of the media, advocacy organizations, and formerly incarcerated individuals. We have also held several listening sessions with the public, and continue to maintain a close, collaborative relationship with our National Union through open communication. We certainly appreciate, and I would like to acknowledge publicly, the work we have accomplished in partnership with outgoing National President Shane Fausey and the Union's Executive Board under him. We are looking forward to continuing that relationship and dialogue with incoming President Brandy Moore White.

I am proud that as result of careful discussion and thought over the past year, we have modernized our mission, vision, core values, and strategic framework to formalize our

commitment to transformative change. Our focus is clear, we must strike the right balance of ensuring security, fostering compassion, safeguarding the public, and providing proven opportunities to aid in successful community reintegration. As we navigate this path, our diverse and adept workforce champions a modern approach to corrections, where safety, humane environments, and effective reintegration are paramount.

As a law enforcement agency, our core values guide our daily endeavors. Part of our strategic planning this past year included updating our core values to better align with the work we do to achieve our challenging law enforcement mission. These values emphasize accountability, integrity, respect, compassion, and correctional excellence throughout the agency. As dedicated corrections professionals, we are driven by a commitment to ethical practices, continuous improvement, and respect for all while shaping a culture of individual accountability and collective responsibility.

We have also worked diligently to root out employee misconduct. The vast majority of our employees are hard-working, ethical, diligent corrections professionals, and we want those who are engaging in misconduct held accountable. In that vein, we have delivered clear expectations. We are working to create and foster a culture where every employee and person in our custody knows that they can come forward without fear of retaliation. If retaliation does occur, we hold those individuals accountable as well. We have worked diligently to ensure collaboration with the Inspector General's Office; the Federal Bureau of Investigations (FBI); the Drug Enforcement Administration (DEA); the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); local law enforcement, U.S. Attorneys' Offices, and others to ensure access to our institutions and information to improve timely investigations as we work to hold people accountable.

Developing meaningful change throughout the agency is not something that happens in a moment. Change requires focus, effort, and persistence over time. I believe our efforts over the last year have generated visible change, and our work continues. Among key areas for our continued focus on change are recruitment, retention, training, and employee wellness; eliminating employee misconduct; facilities maintenance and repair; First Step Act (FSA) implementation; compassionate release and home confinement; health care, suicide prevention, and gender-responsive care; and reducing our use of restrictive housing.

Recruitment, Retention, Training, and Employee Wellness

Ensuring the well-being and safety of our employees and those in their care is an essential part of our mission and my work as Director. Many of our dedicated employees feel overworked and exhausted. Yet, these corrections professionals continue to carry out the Bureau's mission day after day in the face of challenges such as recruitment and retention concerns, which result in overtime and augmentation and the need for additional training.

Recruitment and Retention. Maintaining appropriately filled positions throughout our organization is a top priority for the well-being of our dedicated employees and the safety of those in our care. Even before the pandemic, our workforce faced increasing demands and challenges, underscoring the need for support. The pandemic, along with a changing economy

and the public's changing perception of law enforcement, have made these challenges even more pronounced.

As of September 2023, around 88% of our funded positions are filled. We clearly have more work to do, and we are actively working to increase this percentage even further. Our hiring strategy includes collaboration with external recruitment experts, resulting in a comprehensive, data-driven recruitment campaign. This campaign focuses on enhancing the Bureau's image, hosting online recruitment events, launching targeted ad campaigns, and utilizing data analytics to gauge effectiveness. Additionally, we have leveraged recruitment strategies aimed at increasing recruitment and retention, particularly for Correctional Officers and Health Services Employees. Notable examples include recruitment incentives and other flexible pay options, a referral incentive program for employees who refer new hires and an increase to the full performance level of the Correctional Officer position from GL-07 to GL-08. To help retain staff already on board, we use retention incentives and have obtained approval from Office of Personnel Management (OPM) and the Department of Justice (Department) to authorize retention incentives above the normal payment limits for Correctional Officers and employees in certain other occupations at a number of Bureau facilities.

Our teams are collaborating to expand incentives for healthcare professionals, an area of high need. To that end, our Human Resources Division and Health Services Division are working together to increase the training, recruitment, and retention of clinical professionals. We're employing human resource flexibilities such as setting pay for new employees above the step one rate of their grade based on their superior qualifications or a special need for their services, authorizing student loan repayments, providing service credit to new employees for annual leave accrual for non-Federal work experience or otherwise noncreditable experience in the uniformed service, and providing other financial recruitment and retention incentives.

In May 2023, OPM reinstated the approval of the Accelerated Training and Promotion Program for Nurses and Advanced Practice Nurses, with a five-year agreement expiring on May 17, 2028. We have also implemented title 38 market pay for Psychiatrists since July 20, 2015, and extended it to all other Physicians and Dentists since November 29, 2019. We utilize special rate tables to pay salaries above applicable locality rates for other hard-to-fill professional positions across our agency locations, including Nurses, Physician's Assistants, Nurse Practitioners, Pharmacists, Psychologists, and Medical Technologists.

Our National Recruitment Office prioritizes medical recruitment through targeted outreach to potential applicants and community partnerships. We engage with organizations such as the National Commission of Correctional Healthcare, the American Psychiatric Association, the American Board of Physician Specialties, Pri-Med, the National Health Service Corps (NHSC), the United States Public Health Services Commissioned Corps (one of the eight uniformed services), and the Harris County Medical Society. During this calendar year, our national recruitment office team sought out numerous personal contacts with healthcare professionals for positions, including Dentists, Pharmacists, Nurse Practitioners, Registered Nurses, Physician Assistants, Medical Officers, Psychiatrists, and Clinical Directors.

Augmentation and Overtime. We place high importance on effectively managing crises while upholding the safety and security of our institutions. Due to our law enforcement mission and the 24-hour nature of operations in a correctional environment, there will always be a need for tools like augmentation and overtime to maintain safety and security in our facilities. Augmentation involves temporarily reassigning law enforcement employees within our institutions to maintain safety and security by covering Correctional Officer assignments. This strategy addresses filling posts that, if left empty, could compromise facility operations, safety, and security. Augmentation is made possible because the majority of our employees undergo the same federal law enforcement training as Correctional Officers, ensuring consistent knowledge of best practices with annual updates. Yet, while a valuable tool, it is a tool that should be reserved for emergencies, not the long-term management of a recruitment and retention problem.

Training. We are dedicated to implementing training enhancements and increasing the quantity and quality of employee training across their careers. We are working to change the status quo, as current new employee training duration is substantially less than the national average for law enforcement academies.¹ Elevating training programs and standards for our employees is an essential step in fostering excellence and positive change within the Bureau. As part of these efforts, the Bureau needs and we are planning for a dedicated training center, offering continuous development opportunities from an employee's start date to their retirement. We aim to provide high-quality training while optimizing cost-effectiveness by utilizing dedicated training facilities tailored to the correctional environment and innovations such as distance learning and computer-based training. Currently, law enforcement training for our new employees consists of an initial three-week training at their work location followed by mandatory three-week introduction course at the Staff Training Academy (STA) at the Federal Law Enforcement Training Center in Glynco, GA, which we refer to as ICT phase II.

Employee Wellness. A resilient and thriving workforce forms the foundation of a secure and rehabilitative correctional environment. To meet our mission, the Bureau must cultivate a safe and supportive work environment for every employee. We aim to nurture and encourage a caring culture prioritizing physical and mental well-being.

This April, in support of employee wellness and the President's Executive Order 14074, we were proud to announce three policies that directly relate to and impact our employees' health and well-being. These include updates to our Employee Assistance Program (EAP), Correctional Support Team (CST) policies, as well as the creation of a new Employee Wellness policy that has increased awareness of holistic wellness strategies to respond to the challenges faced by our employees. These wellness concepts will now be integrated into training provided throughout an employee's career including those at the highest levels of agency leadership.

The EAP policy was updated to require EAP counselors providing services to Bureau employees to be licensed. It also ensures employees can use administrative leave to attend EAP

¹ Reaves, B. (2016) Bureau of Justice Statistics Bulletin, NCJ 249784, State and Local Law Enforcement Training Academies, 2013. Retrieved from <https://bjs.ojp.gov/content/pub/pdf/slleta13.pdf>.

sessions and allows employees to use these services in retirement. Our new CST policy expanded the mission of CSTs to include engaging all employees in wellness and resilience activities.

Our new Employee Wellness policy describes a three-tiered model of leadership and support that is 1) leadership driven, 2) focuses on resources and training, and 3) reinforces connection and self-care programs. Within this model, Bureau leaders are responsible for modeling and encouraging a supportive, caring, and help-seeking culture. It requires employees involved in the disciplinary process to be referred to EAP for support during a challenging time in their careers. Additionally, it allows for activities to facilitate an employee's healing following a major traumatic incident, such as encouraging wardens to approve administrative leave days for employees following said incidents.

Employee Misconduct

We are actively working to prevent employee misconduct, identify it quickly when it occurs, and hold those who engage in misconduct accountable. The vast majority of our employees are hard-working, ethical, and diligent corrections professionals, who steadfastly agree that we must hold those who engage in misconduct accountable. We have provided clear expectations to all Bureau employees and are working to create and maintain an agency culture that is reflected at all our facilities. It is critical that every employee and person in our custody knows that they can come forward without fear of retaliation, and if retaliation does occur, we hold those individuals accountable as well. We have worked diligently with our fellow law enforcement entities, and others to ensure a meaningful investigatory and disciplinary process.

As Director, I have addressed the FBOP employees on our shared responsibilities to both report and prevent employee misconduct as correctional professionals. The FBOP strongly condemns all forms of sexual misconduct by those in our custody and our employees. We take seriously our duty to protect the individuals entrusted to our care as well as maintain the safety of correctional employee and the community. We have a zero-tolerance policy for sexually abusive behavior of any kind; every person has the right to be safe from sexual abuse or sexual harassment.

Additionally, we have reorganized our Office of Internal Affairs and moved oversight of our Special Investigative Agents (SIAs) directly under Headquarters. We have increased the number of agents and employment attorneys to ensure timely investigations and accountability. We are monitoring cases, caseloads, and the time it takes to close cases all the way up to myself to increase efficiency in investigations and accountability. The Inspector General and I meet regularly, and we review the status of our cases that are under review and our open cases.

Facilities Maintenance and Repair

The Bureau has over 46,000 acres with almost 300 structures dispersed across over 120 institutions. The Bureau's estimated backlog for significant maintenance and repair (M&R) is over \$2 billion. By comparison, over the last ten years the Bureau has received an average of

approximately \$100 million per year in appropriations for necessary repairs and alterations. As a result, the current infrastructure needs are significant.

The Bureau recently awarded a contract to develop a strategic framework to address these challenges. The Contractor will assist the Bureau in developing an infrastructure strategy to increase the overall effectiveness of facilities management in the Bureau. The strategy will align infrastructure decisions with the Bureau's mission, including one or more methodologies for allocating resources, including short, medium, and long-range planning goals. Through working with this small business partner, the Bureau expects to develop a portfolio-based repair model for its M&R backlog, a retention or disposal decision model, and a business case analysis for new construction.

The Bureau and the contractor conducted an in-depth and in-person kickoff meeting on the 21st of August.

First Step Act Implementation

We remain committed to supporting full implementation of the FSA legislation by ensuring those in our care can access programming opportunities and that eligible individuals receive appropriate FSA incentives. Since January 2020, more than 104,000 incarcerated individuals have actively participated in approximately 110 evidence-based recidivism-reducing (EBRR) programs and productive activities (PAs) within the Bureau. In that same timeframe, those individuals have completed more than 370,000 EBRRs and PAs.

In 2019, we adopted the new Good Conduct Time calculation required by the FSA and implemented FSA time credit provisions. Initially, implementing the FSA time credit provisions meant interim procedures with manual calculation of credits from the time the language of the final rule was approved until an automated system could be developed and tested. Then, in 2022, we transitioned from manual to automated FSA time credit calculations, streamlining and accelerating the process. In November 2022, we published the policy on FSA time credits to formalize implementation of the earned time credits rule, with subsequent revisions in February and March of 2023. This new policy was designed to streamline the calculation of credits and maximize an individual's ability to earn and apply these credits when engaging in programming. We have also implemented revisions to our time credit calculation procedures in response to concerns of Congress and stakeholders and applied those changes for eligible individuals. From that valuable input, one of the major updates we made to our calculations is the "Warden's Override" function, which provides an extra layer of scrutiny.

Additionally, we fine-tuned our PATTERN recidivism reduction tool worksheet by including program completion factors and sanitizing sensitive information, such as Walsh Act criteria. We made functional and technical improvements, including improving auditing capabilities and error reduction by implementing distinct ineligibility codes. We made these important changes to ensure that those in our care who are earning credits get their credits. From January 2022 through August 31, 2023, we released approximately 22,940 individuals through FSA, and approximately 16,125 were released from Residential Reentry Centers.

We support the Department's development of the PATTERN tool (through the National Institute of Justice), including its evolution to address concerns around racial and ethnic disparities in the tool. In March 2023, the Department conducted its second annual revalidation of the PATTERN risk assessment tool. Following this, the Bureau began utilizing PATTERN version 1.3 with revised risk level categorizations. This addressed previous racial and ethnic disparities in the tool and increased opportunities for eligible individuals to apply earned time credits.

Compassionate Release and Home Confinement

Compassionate Release. The Bureau continues in its efforts to support compassionate release, wherein the sentencing court is able to reduce a sentence due to extraordinary and compelling reasons or for certain individuals. The FSA went into effect on December 21, 2018, and since that time, we have released a total of around 4,606 individuals who were under our care through compassionate release. Of that group of individuals, 129 were released through compassionate release on a motion initiated by the Bureau, and 4,477 received compassionate release after a defense motion. So far in the calendar year 2023 (CY23), approximately 216 individuals under our care have been released through compassionate release. Of those, we initiated the motions for compassionate release for 9 of those individuals, while 207 received a compassionate release after a defense motion. Requests for compassionate release receive close and individualized review based on extraordinary and compelling circumstances.

As part of the compassionate release review process, we collaborate closely with U.S. Attorneys' Offices to determine if petitioning the sentencing court for compassionate release on behalf of an individual is warranted. While we work to review and handle compassionate release requests accurately and efficiently, ultimately, compassionate release decisions rest with the sentencing courts. We have considered and will be prepared to comply with the U.S. Sentencing Commission's proposed amendments to compassionate release as they relate to individuals who are victims of sexual assault while in our custody, which will take effect in November 2023.

Home Confinement. To ensure public safety and effective reentry with the home confinement provision authorized under the FSA, we rely on our Residential Reentry Centers. Those contractors work diligently to create a personalized reentry process, including individual-specific employment guidance, financial management advice, and more. This approach equips individuals with tools for a responsible and successful transition back into their communities.

During the COVID-19 pandemic, the Coronavirus Aid, Relief, and Economic Security (CARES) Act enabled many individuals in Bureau facilities to be placed in home confinement for health and safety. We tracked the individuals under our care whom we moved into home confinement. From March 2020 through June 24, 2023, we transferred approximately 13,666 individuals into home confinement through the CARES Act, with the vast majority of those individuals completing their sentence in home confinement without returning to an institution. Although the specific authority for new CARES Act home confinement placements has ended, those already placed remain in their placements. As of August 31, 2023, approximately 3,374 individuals remain in home confinement in accordance with applicable rules. The vast majority

of those placed on home confinement have complied with program rules, and less than 0.05% have been returned to custody for committing new crimes.

Health Care, Suicide Prevention, and Gender-Responsive Care

As corrections professionals, we have known for decades that we are a health care organization. If individuals are going to be able to successfully program inside our institutions and re-enter our communities successfully, we must ensure healthy bodies and healthy minds by providing effective, timely, and evidence-based care. We have 157,000 patients who are the equivalent of ten years older biologically than their chronological age because of their lack of preventative care and other health disparities. While demographic differences and data limitations can complicate accurate comparisons, generally, the individuals under our care usually have more chronic diseases than the U.S. general population and a higher percentage of mental health and substance use conditions. For instance, of those under our care 27.6% experience mental health conditions compared to 22.8% of the U.S. general population. Additionally, we have found that the rate of individuals in our care meeting the clinical criteria for one or more substance use disorders is significantly higher in the FBOP population, at 31.8%, when compared to 16.5% in the general U.S. population.

The pandemic allowed, for the first time, the community at-large understand the importance of high-quality health care within our facilities, and as we pivot out of the pandemic, we want to leverage that knowledge going forward. To that end, we are in the process of procuring a contract that will allow us to review the quality of health care services within the FBOP system, review our policies and procedures to ensure we are operating through the lens of physical and mental health in all that we do, and then help us expand our work on reinforcing a culture of humanity and normalcy in our environments for both our employees and those who are in our custody. We look forward to seeing the results of that review and sharing those recommendations with you.

As we manage these complex issues and patients with complex care needs, our healthcare professionals utilize a treatment team approach and individualized care plans to ensure timely access to care and comprehensive management of medical, mental health, and substance abuse needs.

Opioid Use Disorder (OUD), in particular, affects approximately 2.7 million Americans and thus presents a significant challenge within our facilities. From a security perspective, dangerous substances like illicitly made fentanyl can pose a health risk to FBOP employees and those in our custody that may come into contact with the substance. From a substance use and mental health perspective, we have incorporated evidence-based treatments like Medications for Opioid Use Disorder (MOUD) and substance use disorder treatment programming. These programs tackle various facets of the issue, preparing individuals to reenter their communities successfully. MOUD is available across all Bureau facilities and collaborations with agencies such as the DEA and Substance Abuse and Mental Health Administration ensure consistent accessibility and success.

To reduce the risk of death by overdose, either through use or accidental exposure, we continuously work to combat this and all contraband entering our institutions. We have heightened screening of mail and publications. We are exploring innovative methods and have introduced electronic tablets in select facilities where individuals in our custody can maintain communication with friends and family, intending to reduce physical correspondence entering our facilities. Concurrently, we are examining advanced screening tools, like field test kits and hyper-spectral scanners, to safeguard our institutions further and maintain essential communication methods.

To save lives, we have also made opioid reversal agents like naloxone available in all of our institutions. Trained first responders within the facility can administer life-saving doses of naloxone, 24 hours a day, to anyone suspected of experiencing an opioid overdose. By incorporating our approach to OUD within primary healthcare, mental health treatment, and first responders, we emphasize careful planning, consistent care, training for our clinicians and responders, and risk reduction.

Our approach to OUD treatment does not end at our walls. We recognize the importance of post-release care. The Bureau coordinates with transitional care teams and community treatment professionals, ensuring treatment benefits and access to services persist after release.

Suicide Prevention. We are taking steps to enhance our suicide prevention efforts. One suicide on our watch is one too many. The well-being of those under our care is our mission; hence, we have long prioritized suicide prevention. Each institution has a Clinical Psychologist designated as a Suicide Prevention Program Coordinator. These coordinators monitor at-risk individuals and guarantee adherence to the Bureau's assessment and intervention protocols. All of our employees receive regular training, equipping them with the necessary skills to identify and effectively care for those who are at risk of suicide.

Any time a risk of suicide is suspected, psychologists swiftly conduct Suicide Risk Assessments. When we have identified an individual at possible risk for self-harm, they are immediately safeguarded, and the individual assessments then prompt short-term and long-term plans for the individual's mental health.

We work to continuously monitor and track research and best practices as it relates to suicide prevention. Towards that end, this summer, our Deputy Director launched a Warden's Advisory Group to review our current policies and practices related to suicide prevention. The work is underway, and we look forward to hearing and sharing their recommended changes with you.

Supporting Incarcerated Women. Recognizing that incarcerated women, including those in the LGBTQ community, require different resources and supports than men, we recognize that we must create environments that respond to the realities of women's lives and address the issues specific to their lived experiences. Women experience higher rates of trauma, are often primary caregivers for minor children, have lower rates of education, and typically earn less than their male counterparts. In supporting the incarcerated woman, we must also include screening appropriate candidates to work at our women's facilities and provide trauma-informed

care and therapeutic interventions that address abuse, violence, poor family relationships, substance abuse, and comorbid disorders. This approach to supporting incarcerated women focuses on self-efficacy, treatment, and skills-building.

Evolving Approaches to Restrictive Housing

We are working to comply with the provisions of the President's Executive Order 14074 on restrictive housing and align with best practices as it relates to restrictive housing. Restrictive housing is an effective tool for maintaining safety and security and protecting lives; however, research has also shown that restrictive housing can harm a person's mental, emotional, and physical well-being. Research supported by the National Institute of Justice (NIJ) suggests that it is not an effective deterrent, does not reduce institutional-level misconduct or violence, and increases an individual's likelihood of reoffending after release.

We are working on short-term and long-term plans that will continue to advance our long-standing efforts to improve behavior modification and utilize the tool of restrictive housing in line with research and best practices. In the short term, we have activated an internal working group to review our current practices alongside current research and a review of state corrections best practices. That group is working on recommendations for the executive team to consider, and we look forward to sharing those outcomes. In the long term, we and NIJ have partnered to invest in research that will inform how federal correctional institutions can effectively reduce the use of restrictive housing. The research will explore policies and discern whether and how we can further reduce our reliance on restrictive housing. We will use those findings to explore alternatives, implement effective policies, and ensure compliance within our correctional institutions while maintaining safety and security.

Conclusion

Chairman Durbin, Ranking Member Graham, and Members of the Committee, I am honored to speak on behalf of the Bureau and its dedicated employees throughout the country regarding the good work we are doing and our efforts at continuous improvement. I believe in the importance of transparency, oversight, and coming to this work with arms wide open. The Bureau's mission is extremely challenging but critical to the safety and security of the public, our employees, and individuals housed within our facilities.

With your support, we will remain a forward-thinking leader in corrections, fostering wellness in our dedicated law enforcement professionals who risk their own safety daily to ensure the safety of others while helping those in our care to rejoin their communities as responsible neighbors. I thank you for the opportunity to speak with you today, for the support we have seen from Members of this Committee, and for your continued support as we move forward.