



Department of Justice

STATEMENT OF
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BEFORE THE
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

FOR A HEARING ON
FIREARMS AND MUNITIONS EQUIPMENT PRACTICES

PRESENTED

JULY 6, 2016

Statement of Thomas R. Kane
Acting Director of the Federal Bureau of Prisons
Before the Committee on Oversight and Government Reform
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Good morning, Chairman Chaffetz, Ranking Member Cummings, and Members of the Committee. I appreciate the opportunity to discuss the mission and operation of the Federal Bureau of Prisons (Bureau), and specifically our armory policies. In support of our mission to maintain safe and secure prisons, it is necessary for the Bureau to maintain armories. We appreciate the Chairman's interest in this issue and criminal justice reform as well as the importance of meaningful reentry programs to assist inmates in returning to our communities as law-abiding citizens.

Our detailed response to the Committee's letter regarding Bureau munitions inventories was submitted on June 24, 2016. In addition, we appreciate the considerable work of the Department of Justice's Office of Inspector General (OIG) on its March 2016 report entitled, "Audit of the Federal Bureau of Prisons' Armory Munitions and Equipment" (Report). We concurred with all 14 recommendations in the Report and provided the OIG with the first status report on the audit on June 21, 2016. The Report recommendations are focused primarily on how the Bureau can improve its systems for documenting and tracking munitions and equipment in its armories. As the Bureau implements the recommendations, we look forward to continuing to work with the OIG on this matter.

I am honored to speak on behalf of the nearly 39,000 Bureau staff – law enforcement professionals who are "correctional workers first" and support the agency's mission and core values of respect, integrity, and correctional excellence. Every day that staff go to work at Bureau facilities around the county, they put the safety of the American people above their own. These dedicated public servants are committed to the highest standards of professionalism. Their courage, their bravery, and their sacrifice are essential to keeping our communities safe and our institutions secure.

OUR MISSION – A HISTORY OF PUBLIC SAFETY AND REENTRY

As our Nation's largest correctional agency, the Bureau houses approximately 195,500 federal inmates in 122 federal prisons, 13 private prisons, and more than 200 community-based facilities nationwide. The mission of the Bureau, which dates back to the Bureau's establishment in 1930, is two-fold: to protect society by confining inmates in prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure and to ensure that inmates are actively participating in programs that will assist them in becoming law-abiding citizens when they return to our communities.

The Bureau has had great success with respect to both parts of our mission as measured by key indicators such as low rates of escapes, disturbances, assaults, and homicide. Additionally, the Bureau continues to work to reduce rates of recidivism. The latest research

indicates 34 percent of released federal inmates are rearrested or have their supervision revoked within three years, as compared to almost 68 percent of inmates released from state prisons.¹ Those numbers are a testament to the quality of evidence based programs our staff provide in an environment that promotes respect and self-improvement. Yet, there is still room for improvement and the Bureau is working diligently to further reduce recidivism. The Bureau continues to enhance our inmate programs while seeking new and innovative ways to support inmates so they have the best possible chance for a successful transition to the community.

OUR POPULATION – PAST AND PRESENT

The Bureau has faced some significant challenges, most notably the decades of significant growth in the inmate population. As you know, the Bureau does not control the number of inmates entering our system or the length of their incarceration. From 1980 to 2013, the inmate population rose almost ten-fold, from about 24,000 to nearly 220,000, its highest level ever. Almost half of the Bureau's population is serving sentences for drug offenses. Individuals serving sentences for weapons, burglary, immigration, aggravated assault, kidnapping, homicide, and weapons and sex offenses make up the remaining majority of our population.

OUR PROGRAMS – REENTRY BEGINS ON DAY ONE

We have a saying in the Bureau that reentry preparation begins on the first day of incarceration. Our dedicated law enforcement staff across the Nation are committed to this philosophy. Reentry is a critical component of our core mission to promote public safety because by helping the more than 41,000 federal inmates who return to our communities each year to live productive, law-abiding lives, we can reduce crime across the country, reduce prison overcrowding, and make our neighborhoods better places to live, work, and raise children. Staff in federal prisons offer a wide variety of programs to assist inmates in returning to our communities as law-abiding citizens, including: work opportunities; education and literacy programs; vocational training; treatment for substance use disorders; observance of faith and religion; psychological services and counseling; release preparation; and other programs that impart essential life skills that contribute to successful reentry. In addition to professional staff that provide discipline-specific programming in all of our prisons, each facility also has a Reentry Affairs Coordinator who works to identify specific resources available to these inmates upon release to assist them in their reintegration to the community.

OPPORTUNITIES AND CHALLENGES

In support of our public safety mission, the Bureau maintains armories for emergency equipment. This equipment is made available as required for certain correctional posts, for particular emergency situations, and for training. Each institution has a Security Officer who is responsible for controlling, maintaining, and inventorying armory munitions and equipment.

¹ *Bureau of Justice Statistics*, "Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010," by Alexia Cooper, Matthew Durose, and Howard Snyder, April 22, 2014.

In 2010, it was discovered that a Bureau staff member had stolen approximately 10 flash bang devices (stun munitions) from the prison armory at the Federal Correctional Complex, Florence, Colorado. The Bureau's Office of Internal Affairs reported the incident to the Department of Justice's OIG, and the Bureau cooperated fully in the investigation. The staff member and an accomplice were indicted and later pled guilty to transferring a stolen firearm affecting interstate commerce. The staff member was terminated from the Bureau and was sentenced to six months home confinement, three years' probation, and restitution for the value of the stolen goods. Additionally, in response to the incident, the Bureau modified its Arms/Equipment Issue Form used to track armory items.

Following this incident, the OIG began an audit to assess the Bureau's controls over armory munitions and equipment, including the use of armory munitions and equipment for training. As noted above, in March 2016, the OIG released its Report. BOP has concurred with all 14 recommendations in the Report, which are focused primarily on how the Bureau can improve its systems for documenting and tracking munitions and equipment in its armories. Notably, the OIG report did not identify any Bureau firearms as lost, stolen, or missing.

On June 21, 2016, we provided a status update to OIG regarding the 14 audit recommendations. The OIG has notified us that the status of the audit is resolved, with three closed recommendations (i.e., recommendations 6, 8, and 9). Specifically, in completing these recommendations, we have: updated the Arms/Equipment Issue Form; updated the Correctional Services Manual (CSM) to include CS formulation quarts (o-chlorobenzalmalononitrile) to the list of authorized munitions; and obtained a letter of assurance from the Federal Correctional Institution, Tucson, related to disposal of 9mm, 115 grain ball ammunition. As we have explained to the OIG, we continue to move forward in completing the remaining recommendations, most of which will be addressed through our ongoing development of a new armory database. We are cooperating fully with OIG and look forward to completing the remaining responses to the OIG recommendations.

CONCLUSION

Chairman Chaffetz, Ranking Member Cummings, and Members of the Committee, this concludes my formal statement.