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**U.S. Department of Justice  
Federal Bureau of Prisons**

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*Central Office  
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May 1, 2024

Request Number: 2021-01793

This is in response to the above referenced Freedom of Information Act (FOIA) request in which you requested a copy of transition documents BOP prepared for the Biden Administration.

Federal Bureau of Prisons (BOP) staff thoroughly searched for the records you requested using the terms and search parameters referenced in your request and located 38 pages, which are being provided to you in their entirety.

If you have questions about this response please feel free to contact the undersigned, this office, or the BOP's FOIA Public Liaison, Ms. Kara Christenson, at: 202-616-7750 (phone); 320 First Street NW, Suite 936, Washington, DC 20534; or [bop-ogc-efoia-s@bop.gov](mailto:bop-ogc-efoia-s@bop.gov).

Sincerely,

*J. Villa*

J. Villa, for  
Eugene E. Baime, Supervisory Attorney

# FEDERAL BUREAU OF PRISONS

The Federal Bureau of Prisons (BOP) was created by the Act of May 14, 1930 (ch.274, 46 Stat. 325), signed into law by President Herbert Hoover.

The mission of the BOP is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

The major functions of the BOP are to:

- Proactively manage the offender population to ensure safe and secure operations.
- Provide services and programs to address inmate needs, provide productive use-of- time activities, and facilitate the successful reintegration of inmates into society, consistent with community expectations and standards.
- Ensure there is a competent, diverse workforce operating within a professional work environment to meet the current and future needs of the organization.
- Maintain all BOP facilities in operationally sound conditions and in compliance with security, safety, and environmental requirements.
- Manage operations and resources in a competent and effective manner that encourages creativity and innovation in development of exemplary programs, as well as excellence in maintaining the basics of correctional management. Continually strive toward improvements in effective use of resources and efficient delivery of services.
- Continue to seek opportunities to expand the involvement of community, and local, state, and federal agencies, in improving the effectiveness of the services provided to offenders and constituent agencies. Seek to improve partnerships that will allow the Bureau to carry out its mission within the criminal justice system and to remain responsive to other agencies and the public. Develop partnerships to focus the shared responsibility for the establishment of a supportive environment to promote the reintegration of offenders into the community.
- Provide for public safety and security by focusing on preventing, disrupting, and responding to terrorist activities.

BOP also encompasses two subcomponents:

## **Federal Prison Industries:**

The Federal Prison Industries, Inc. (FPI), a wholly-owned government corporation, was created by statute (P.L. 73-461) on June 23, 1934, and implemented by Executive Order No. 6917, signed by President Roosevelt on December 11, 1934.

The mission of FPI is to provide training and employment of prisoners confined in federal correctional institutions.

The primary functions of the FPI are to:

- Exercise jurisdiction over industrial enterprises of all federal correctional institutions.
- Maintain a diversified program of industrial operations that ensure optimum inmate employment.
- Provide a wide range of products and services to other federal agencies at fair market prices, structuring product lines to minimize competition with the private sector industry and labor in any particular product or service area.
- Provide job skills training and work opportunities for federal prison inmates, maximizing their chances to secure work upon their release, and successfully reenter society as contributing, tax-paying citizens.
- Enhance both staff and inmate security and safety by providing a safe, secure, and meaningful work environment for a substantial number of inmates, keeping them productively engaged and reducing prison idleness.

### **National Institute of Corrections:**

The National Institute of Corrections (NIC) is a national center that provides assistance to federal, state, and local correctional agencies and works to advance the practice of corrections throughout the country. The NIC was created by statute (P.L. 93-415) on September 7, 1974.

The National Institute of Corrections is a center of learning, innovation and leadership that shapes and advances effective correctional practice and public policy. It works to collaboratively respond to the needs of the corrections field by providing assistance, information, education, and training to correctional agencies.

The major functions of NIC are to:

- Provide assistance to federal, state, and local correctional agencies, and work to advance the practice of corrections throughout the country.
- Provide training, technical assistance, information clearinghouse services, and support promising practices, research and implementation, all to reinforce policy formulation to advance correctional practices in prisons, jails, and community corrections agencies.
- Provide leadership to influence correctional policies, practices, and operations nationwide in areas of emerging interest and concern to correctional executives and practitioners as well as public policymakers.

## **Contraband – Drugs, Drones, and Phones**

Contraband continues to be one of BOP's biggest challenges, especially synthetic drugs, drones and cell phones.

In terms of general contraband interdiction, BOP has aggressively implemented thermal fences, walk-through metal detectors, and whole-body imaging systems across the agency to detect contraband. BOP also:

- Performs Random Pat Searches – All persons (including staff) entering BOP facilities are subject to random pat searches.
- Uses Front Lobby X-Ray Scanners – All persons (including staff) entering BOP facilities are required to clear all personal belongings through an X-Ray Scanner.
- Uses Whole Body Image Scanners – All inmates transferring into an institution, after community contact, and on a random basis are subject to a whole body imaging system similar to the airport security body scanner.
- Conducts Quarterly Training – All staff receiving supplies through their area (Front Lobby, Control Room, Rear Gate, Warehouse Managers, etc.) are trained quarterly on methods of contraband introduction and concealment.
- Vehicle Searches – All vehicles entering the physical property controlled by BOP Facilities are subject to random search.
- Trace Narcotics Detection – All institution visitors are screened, including new synthetic drug library for Ionscan 600 device

Despite these innovations and sound correctional practices, inmates and outside conspirators are finding new ways to introduce contraband, including using Unmanned Aircraft Systems (UAS aka “drones”) to drop contraband such as cellphones into areas of the prisons (recreation yards, rooftops, etc.), and mailing synthetic drugs in via books, cards or letters. Methods of introduction continue to evolve.

### **Synthetic Drugs**

In addition to general contraband interdiction efforts and practices as described above, BOP Special Investigations Staff (SIS) perform daily intelligence activities through the analysis of video camera footage, inmate telephone calls, inmate

email messages, inmate mail, confidential sources, and general inmate interviews to mitigate or eliminate the introduction of contraband into our facilities. SIS and mailroom staff receive advisories and training on mail introduction methods and policy driven rejection of suspicious items.

As with other forms of contraband, however, variation of synthetic drugs and methods of introduction continue to evolve. K2/Spice is a combination of highly potent chemicals sprayed onto a dried leafy vegetable matter so the concoction can be ingested by smoking. These same chemicals are also sprayed onto paper, dried, and sent into BOP facilities through inmate mail.

Currently there is no DEA-approved field test (NIK) for K2/SPICE. The molecular construction of the ingredients most often used can be easily altered and thus invalidate field tests. If staff locates suspected K2/SPICE, the substance must be identified by a certified DEA lab. Although synthetic cannabis does not produce positive results in field tests for cannabis, it is possible to detect its metabolites in human urine. Unfortunately, the metabolites can only be detected 3 to 5 days after use. BOP has added K2/SPICE to the panel of 14 other narcotics that can be tested using a quick screen cup; additionally, laboratory confirmation levels were lowered to the "Limit of Detection". This testing procedure has had very limited success due to the ever-evolving chemical make-up of these "designer drugs" and relatively rapid metabolic rate.

BOP is piloting new technologies to detect synthetic drugs, including exploring mail and handheld scanners. BOP collaborated with the MITRE Corporation to formulate a mail scanning strategy to eliminate the threat of synthetic drugs. BOP received funding in FY 2020 to deploy a mail-scanning program at FCI Beckley and USP Canaan. Inmate postal mail scanned off-site and converted into an electronic mail file sent to the inmate can be easily reviewed electronically for approval or rejection by staff. Both pilots are going well, with the threat of synthetic drug introduction substantially eliminated. The mail scanning pilot will be expanded to four additional sites; to ensure testing at one site in each Region (El Reno, Atwater, Greenville, and Edgefield). This expansion is awaiting the conclusion of the CR. Legal mail is excluded from the pilot project, although vendor can provide state-of-the-art legal mobile carts to process inmate legal mail. The PA DOC currently has on-site kiosks from the vendor which scans the original legal

document in the presence of the inmate, prints copy given to inmate, then the original is securely stored/disposed without staff review.

## **Drone Interdiction**

The recently passed FAA Reauthorization Act provides the Department of Justice and Bureau of Prisons the legal authority to detect and disable Unmanned Aircraft Systems (UAS aka "drones") deemed to be a "credible threat" to our facilities. Concurrent with its efforts in assisting DOJ to obtain this authority, BOP worked with FAA to obtain restrictions on drone flyovers for 109 of our 122 Federal correctional facilities. All institutions besides Low Security Institutions and Camps will have drone flyover protection when the latest approvals become effective. The BOP was able to justify a national security nexus for these institutions to be protected.

DOJ has promulgated regulations for law enforcement components to deploy Counter-UAS systems and the BOP collaborated on this effort to ensure our most secure facilities can be protected pending funding by Congress. BOP has developed draft BOP policy which will be circulated for review and finalization for presentation to the National Union.

DOJ OIG conducted an audit of how the DOJ has protected BOP correctional facilities from UAS flyover and contraband introduction. CUAS testing and evaluation for detection and mitigation was accomplished in September 2020 with FAA/NTIA approval for DOJ-owned CUAS equipment. Major CUAS test of the "best in class" detection and mitigation systems was completed by BOP week of October 26-30, 2020, at USP Terre Haute. The test report is forthcoming and will inform procurement of CUAS for USPs during FY21. Additional funding request for CUAS systems for high priority BOP facilities was included in the Administration's FY 21 Budget Request. CUAS has been funded for FCC Florence, CO protecting all four institutions.

DOJ has also developed UAS use policy for DOJ law enforcement components to deploy drones for operational purposes (BOP use cases: intelligence, surveillance, reconnaissance mission for SORT/DCT (tactical teams) during hostage rescue, riot control, etc.; facility security and safety inspections, and mapping of facilities i.e., natural disasters). Draft BOP policy has been developed

and is being reviewed and will be finalized for presentation to the National Union. When the BOP policy is approved, BOP will begin to deploy these CUAS and UAS capabilities in a safe and effective manner in coordination with the Federal Aviation Administration at all BOP High Security Institutions as the first priority.

## **Contraband Cellphones**

Contraband cellphones have been an ongoing correctional security and public safety concern for the BOP as well as for state and local correctional agencies across the country.

Despite the addition of correctional security technology previously mentioned, bad actors are introducing cellphones using new sophisticated methods such as drone incursion. BOP has and continues to explore various cellphone interdiction technologies to assess their capability to counter this threat. Exploration of technology is mission critical as these devices are used by inmates and co-conspirators to conduct illicit criminal activity, plan escapes, facilitate the introduction of dangerous contraband, and threaten staff, other inmates, victims and members of the public.

Managed Access System (MAS) and Micro-Jamming Solution (MJS) represent two wireless interdiction technologies that the BOP is working to explore further, as they are principally identified for contraband cellphone interdiction.

MAS is deployed by a vendor under a sub-license from a wireless carrier, captures all cellular signals within the geospatial confines of a prison and disables unauthorized cellular signals from contraband devices. It can be configured to provide intelligence for internal prison security and is favored by the wireless industry.

In contrast, MJS jams all cellular signals within the geospatial confines of a prison, but does not provide intelligence for internal prison security. The objective is to render cellular communication within the geospatial area useless.

BOP conducted a field evaluation of a MAS solution in the summer of 2014 at FCI Florence, Colorado. The evaluation was conducted as a proof-of-concept to determine MAS efficacy in a typical medium security BOP facility. The proof-of-



concept was limited to a subset of cellphone frequencies and installed in a single housing unit. The testing occurred over 60 days and showed that a MAS could assist in limiting the use of cellphones (but not detection, confiscation, or prevention of introduction).

On January 17, 2018, the BOP, in collaboration with the National Telecommunications and Information Administration (NTIA), DOJ and the Federal Communications Commission, conducted a test of MJS technology at FCI Cumberland, Maryland. The test was conducted to determine if micro-jamming could prevent wireless communication by an inmate using a contraband device at the individual cell housing unit level. A report by NTIA validated the positive test results within the limited scope of the testing. (BOP has previously supported NTIA's congressionally-mandated study of cellphone interdiction technologies, including facilitating a jamming test at FCI Cumberland, Maryland in February 2010.) The Cellular Telecommunications Industry Association (CTIA) has expressed significant concern that jamming solutions "bleed over" to the public sector and interfere with public use of the cellular spectrum, and thus prefer the use of MAS by correctional agencies.

With the support of ODAG and NTIA, BOP completed testing and evaluation of micro-jamming for an entire inmate housing unit at a SC DOC facility on April 11, 2019. Micro-jamming technology was deployed for a side-by-side comparison of geo-location technology at Saluna B Unit - Broad River CI. Micro-jamming occurred across 13 cellular bands effectively. BOP's Office of Security Technology (OST) tested for signal for cellular calls or texts on both housing unit ranges and outside housing unit. The 14 micro-jamming devices prevented any cellular signals to halfway across unit and bleed over outside unit is limited to two feet, a substantial improvement from 20 feet at FCI Cumberland. The US Attorney and her senior staff, SCDOC Director Stirling and his senior staff toured the housing unit with OST, NTIA and vendor and saw baseline (no active micro-jamming) and then denial of cellular service (active micro-jamming). NTIA issued a report that validated that Mobile Wall micro-jamming technology works within parameters of the test.

The Administration's FY2020 budget included \$4.625 million for BOP to conduct a proof-of-concept of a MAS and MJS at two facilities. The BOP emphasizes that any MAS or MJS would augment existing sound correctional procedures and

physical security technologies already in operational daily use. BOP received funding in FY 2020 to conduct 3 contraband cell phone interdiction pilot programs: A micro-jamming system (MJS) for USP Atlanta and ADX Florence and a managed access system (MAS) for FCI Edgefield. All three contracts have been executed and installation will commence after CR resolution. Additional funding is identified for cellular interdiction technology in the FY21 budget pending CR resolution.

As part of this work, BOP collaborated with DOJ's Office of Legal Policy (OLP) and Criminal Division (CRM) to develop a new search warrant process that would enable BOP to obtain an expedited court order for the wireless carrier to disable any contraband cell phone found in a Federal prison. The contraband devices would be identified (using IMSI/IMEI numbers) during a mobile MAS sweep by the BOP as having been found or operated within the geospatial confines of a Federal prison.

A procurement was awarded to conduct twenty-five mobile MAS assessments. The list of which 25 institutions would be selected for mobile MAS assessments was also developed. The contractor has submitted the paperwork and is awaiting approval through the FCC and the Carriers for the spectrum lease. When that approval is received, OST will schedule the assessments.

These assessments will integrate with the new seizure warrant process developed by OST working with OLP, Criminal Division and the US Attorney's Office for the Northern District of Texas. As a result of devices identified by OST during a mobile MAS assessment, BOP will request a seizure warrant and if approved by the court, will result in the phones being placed in the National Stolen Phone database and shut off by the applicable wireless carrier(s).

NIJ funded a pilot for J3 to evaluate shielded micro-jamming (SMJ) technology to combat contraband wireless devices in correctional facilities. This pilot will be conducted in a vacant inmate-housing unit at USP Hazelton.

## COVID-19

The Bureau of Prisons (Bureau) has taken swift and effective action in response to the Coronavirus Disease 2019 (COVID-19), and has emerged as a correctional leader in the pandemic. Initially, we were challenged by an upsurge in inmate positive cases, but as a result of our mitigation strategies and lessons learned, we have had success at flattening the curve, both at our hotspots and in our institutions nationwide. This result was evidenced by the steep decline in inmate hospitalizations and inmate fatalities beginning in early May. Even more telling has been the decrease in the number of hospitalized inmates on ventilators (the sickest inmates infected), which is nearly zero across the agency today.

To continue to successfully mitigate the spread of COVID-19 in prisons, the Bureau needs to ensure adequate funding is available to meet resource needs. While we are grateful for the \$100 million provided in the Supplemental Appropriations Act, it pales in contrast to our COVID obligations of \$330 million – a number that will continue to rise.

Additionally, we must ensure we continue to have access to testing resources, as well as PPE. We also seek the support of the Administration for our strong mitigation efforts, as there has been aggressive scrutiny by the media, Congress, and other stakeholders, and their public statements have oftentimes been incorrect.

The Bureau continues to provide guidance to the field by holding virtual meetings where current medical information is provided by Health Services Staff, and this will be increasingly important as treatments and vaccines become more broadly available. Inspector General remote audits and Compliance Review Team unannounced visits to institutions has allowed the Bureau to identify strengths and weaknesses of institutional execution of agency guidance and enhance our response and prevention protocols.

The Bureau continues to emphasize the inmate population's ability to communicate with family and friends, understanding the frustration that arises from the limited contact they have had during COVID. Following passage of the CARES Act, phone calls have been offered free of charge to the inmate population and authorized minutes were increased from 300 to 500 per month. Additionally, on October 3, 2020, social visitation resumed under strict guidelines. Currently,

visiting has resumed at approximately 85% of our facilities, with an average of 11 inmates per institution receiving visits per week. Wardens continuously assess visitation and modify individual institution plans to maintain the safety of staff, inmates, visitors, and communities.

The Bureau is returning to a more normalized inmate movement while prioritizing the safety of staff, inmates and the public. Inmates in BOP custody must generally complete 14 days of quarantine and have two negative COVID-19 tests prior to movement. Resumption of movement is paramount to the agency's mission, as individuals continue to be arrested, prosecuted and sentenced by the courts. At the beginning of the pandemic, inmate movement was reduced by 98%, this has continuously improved through November 2020, which reflects only a 26% reduction in movement compared to November 2019.

The Bureau has long had statutory authority to place inmates in community transitional services for the final portion of their sentence and is committed to the importance of such transitional transfers when public safety is not compromised. The Attorney General issued two memoranda that guided us to increase our use of such transfers during the course of the COVID pandemic, and the CARES Act further expanded our authorities. Since that time, we have transferred over 17,800 inmates to home confinement. While some have pushed harder for substantially more transfers, it is important to note these inmates still require monitoring and supervision and there are some capacity and resource limitations, and public safety when considering these transfers is paramount. Additionally, all pregnant inmates are considered for viability of placement in Community Programs to include Mothers and Infants Together (MINT) programs and home confinement.

Certainly, inmate programming has been effected as we prioritized efforts on life safety, consistent with CDC guidelines. Using the following definitions, we have attempted to roughly categorize the impact of programming:

- Low Impact: Minimal modifications were made and services continued largely unabated.
- Moderate Impact: Programs may have stopped for a period of days or weeks but then quickly resumed.

- High Impact: Programs were interrupted for a month or more or did not occur with any consistency across sites.

#### Low Impact:

No FSA programs had low impact, but non-FSA services such as religious worship, crisis intervention, and medical care remained available to all inmates throughout the pandemic.

#### Moderate Impact:

Programs where inmates live together – our residential or “unit-based” programs – were moderately impacted. Because the inmates in these programs were already housed and cohorted together, they were able to continue to program on the unit. These programs include Brave, Challenge, some Federal Prison Industries, Female Integrated Treatment, Life Connections, Mental Health Step Down, Residential Drug Abuse Treatment, Residential Sex Offender Treatment, Skills, and Stages.

#### High Impact:

Ultimately, most programs were significantly affected by COVID, and some programs have had zero inmates complete them since the outbreak began. Programs in this category often require inmates to mix across housing units, allowing the potential for the pandemic to spread. They may also involve physical activity or the sharing of items (such as tools used in vocational training programs). Even with delivery of programs taking place at facilities with low infection rates, capacity had to be reduced to allow for social distancing. Finally, staff delivering these programs may have been ill themselves or may have been deployed to other locations or to perform other emergent functions. Highly impacted programs include: Anger Management, Assert Yourself, Basic Cognitive Skills, Literacy Program, Cognitive Processing Therapy, Criminal Thinking, Dialectical Behavior Therapy, Emotional Self-Regulation, Illness Management & Recovery, National Parenting from Prison, Non-Residential Drug Abuse, Occupational Education, Resolve, Seeking Safety, Seeking Strength, Sex Offender Treatment Program – Non-Residential, Social Skills Training, Threshold, and all PAs.

As described in the series of BOP memos about Pandemic Operational Phases, we are working to resume program delivery, particularly for EBRRs, but must do so keeping staff and inmate health and safety paramount.

There are a small number of programs that were tracked prior to January 2020. These are among the most intensive BOP programs and because they have strict admission criteria, enrollment was always need-based. Completion data, presented below, can be used to draw rough comparisons about the impact of COVID. Caution is warranted in drawing conclusions about all programs from this small sample of intensive programs for higher need populations.

The following chart compares the total number of program completions for the Literacy, Residential Drug Treatment and Challenge programs.

<b>Program</b>	<b>Completions January – August 2019</b>	<b>Completions January – August 2020</b>	<b>Noted Comparisons</b>
Bureau Literacy Program	2,144	985	In 2020, there were 1,159 fewer completions.
Residential Drug Treatment	4,453	3,819	In 2020, there were 634 fewer completions.
Challenge	267	216	In 2020, there were 51 fewer completions.

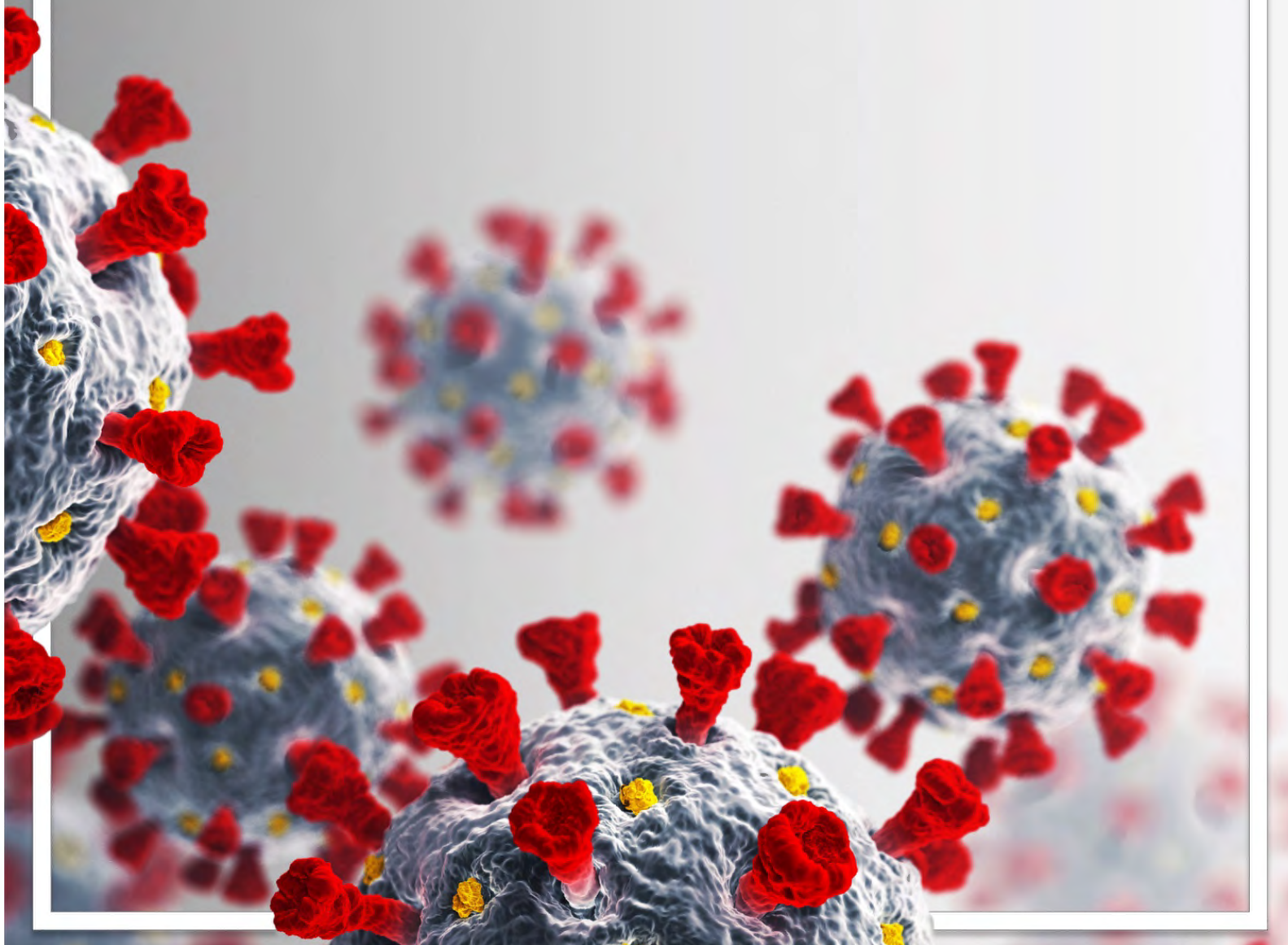


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U.S. Department of Justice  
Federal Bureau of Prisons

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# Federal Bureau of Prisons COVID-19 Response



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# Federal Bureau of Prisons COVID-19 Response

## Summary

The Bureau of Prisons (Bureau) has taken swift and effective action in response to the Coronavirus Disease 2019 (COVID-19), and has emerged as a correctional leader in the pandemic. This virus is challenging, as our nation as a whole has seen, and in particular, is even more complex to address given the nature of our correctional environment. Initially, we were challenged by an upsurge in inmate positive cases, but as a result of our mitigation strategies and lessons learned, we were able to flatten the curve, both at our hotspots and in our institutions nationwide. This result is evidenced by the steep decline in inmate hospitalizations and inmate fatalities beginning in early May. Even more telling has been the decrease in the number of hospitalized inmates on ventilators (the sickest inmates infected) which are nearly zero today. These low numbers remain steady, even as inmate movement has increased, and despite communities re-opening. We will continue to evaluate our mitigation strategies and make adjustments as needed, but our practices – and the diligent efforts of our staff – are working to address the pandemic.

## Pandemic Preparedness

Pandemic preparedness is an important aspect of normal operational readiness and planning in the Bureau. The Bureau has long maintained a collaboration with the Centers for Disease Control and Prevention (CDC) regarding correctional medicine. On January 31, 2020, the Bureau issued guidance on Coronavirus Disease 2019 (COVID-19) to all Clinical Directors and other relevant Health Services staff, six weeks ahead of the declaration of the COVID-19 pandemic. Two days after the declaration, the Bureau implemented modified operations to mitigate potential transmission of the virus.

## Mitigation Strategies

On March 13, 2020, the Bureau undertook initial proactive measures to mitigate the exposure risk to inmates, staff, and the public. These measures evolved as information about COVID-19 increased. In particular, the Bureau specifically engaged with the CDC in order to assist that organization in developing guidance specific to the unique nature of correctional environments. This engagement was mutually beneficial. As a result of these collaborative efforts, the CDC published their *Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities* on March 23, 2020; the subsequent update on July 14, 2020, was also issued with Bureau input. Accordingly, the Bureau's COVID-19 pandemic strategies were developed in consultation with the CDC and included key areas such as modifying operations agency-wide to allow for the maximum use of social distancing. Because

prisons are not principally constructed to account for distancing, but rather for aggregate living, this modification was critical. Actions included in the Bureau response addressed:

- Suspension of social visits.
- Suspension of volunteers.
- Suspension of contractors except for critical services.
- Limited internal inmate movement, except for critical transfers required for medical/mental health care and required judicial orders.
- Enhanced screening of inmates.
- Enhanced staff screening prior to entry into institutions.
- Direction for all staff to be respirator fit tested in all field locations.
- Issuance of surgical masks and gloves as necessary to all transferring or releasing inmates.
- Modification of inmate programming delivery locations and spacing.

## Inmate Movement

At the onset of the pandemic, the Bureau took aggressive action to limit internal and external movement, understanding that movement could increase the risk of transmission throughout our facilities. On average, during the peak of the pandemic, the Bureau maintained a 98% decrease in movement as compared to the prior year. Pre-COVID-19, the Bureau and the United States Marshals Service (USMS) collectively moved approximately 10,000 inmates per month.

In order to meet statutory obligations, the Bureau and the USMS have collaborated to transfer inmates into the Bureau to serve their sentences. Based upon these protocols, movement projections indicate an approximate 70% return to normal movement rates, with the Bureau and USMS adhering to safe movement and intake procedures to mitigate the risk of significant increases nationally in COVID-19 positive cases.

## PPE and Face Coverings

The Bureau has a longstanding practice of maintaining logistical sites throughout the United States. These sites maintain a variety of emergency-related equipment, to include some Personal Protective Equipment (PPE). With the onset of the pandemic, the Bureau had approximately 34 million pieces of PPE on hand, and throughout the pandemic, the agency has maintained this quantity, with a current inventory of 36 million pieces.

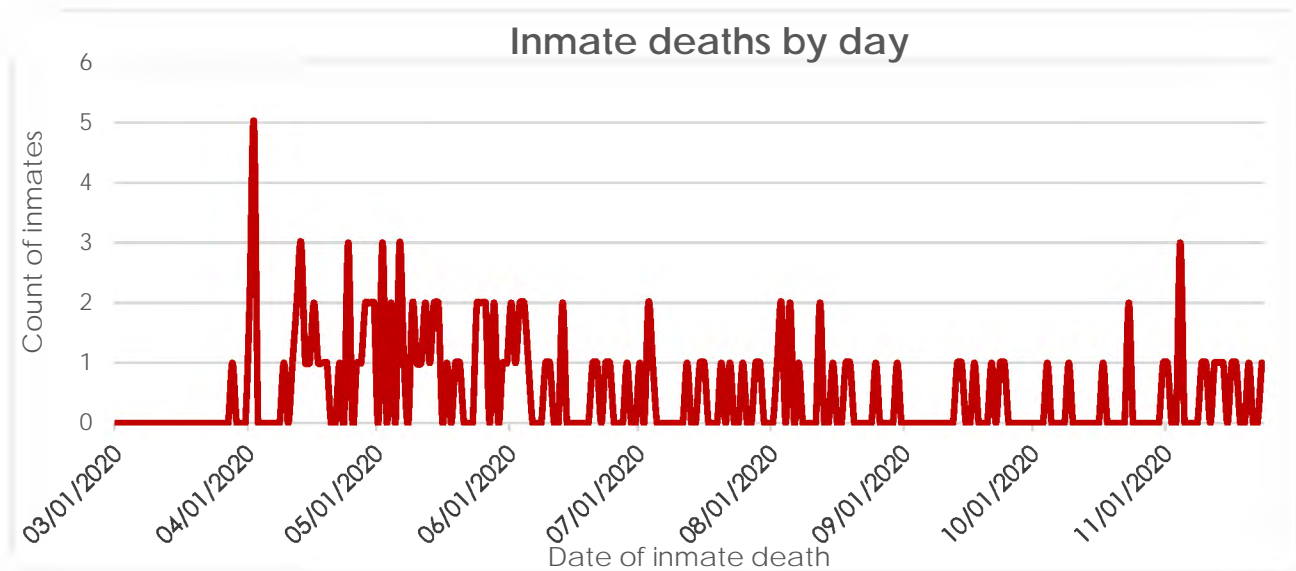
At the onset, we moved swiftly to procure PPE for our 122 institutions, as well as sought to maintain replenishment stockpiles at the logistic sites. Through aggressive research of available markets and using innovative purchasing authorities, the Bureau was able to acquire a robust stockpile of PPE. To further augment our supplies, on March 31, 2020 Federal Prison Industries factories were converted to PPE production, allowing us to be more self-sustaining in production areas, rather than burdening the public supply chain. These factories manufactured cloth face coverings, face shields, gowns, and hand

sanitizer. Each institution currently maintains a detailed inventory of PPE that is also monitored by our Emergency Operations Center in Bureau's headquarters.

On Friday, April 3, 2020, the CDC released their recommendation for the use of face coverings, and the following Monday, April 6, 2020, the Bureau implemented face covering requirements for inmates and staff nationwide.

## Quarantine/Medical Isolation Units

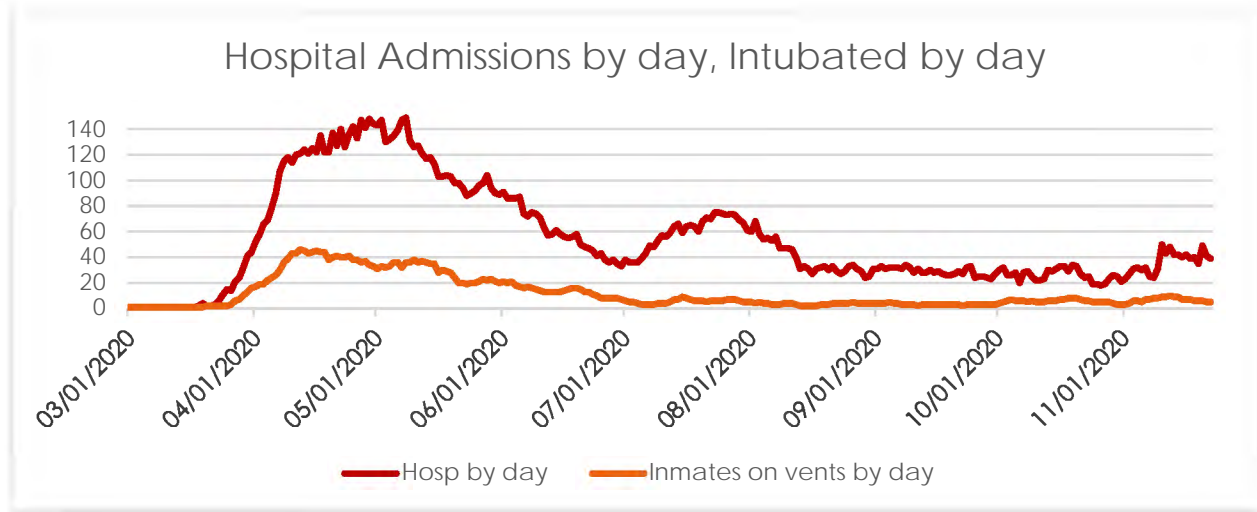
On March 26, 2020, we established quarantine and medical isolation units nationwide for all new inmate admissions into a facility based upon screening of the inmates. Quarantine units were established for inmates that are new intakes, those identified as post-exposure to COVID-19, and for all inmates prior to transfer or release from an institution. Medical isolation units, which are separate and distinct from non-medical segregation, are used to separate symptomatic and/or COVID-19 positive test confirmed inmates to reduce further exposures within an institution. Institutions have been instructed to ensure chaplains and mental health providers make daily rounds on the quarantine and isolation units.



## Testing Protocols

Bureau testing protocols have evolved throughout the course of the COVID-19 pandemic based on testing resource availability and guidance provided by the CDC. Beginning April 10, 2020, the Bureau procured Abbott ID Now machines in order to provide every institution with a rapid, Point of Care test for COVID-19; in total the Bureau received 250. The Bureau also modified its National Laboratory contract to include high volume testing for COVID-19 on May 8, 2020. Protocols were developed so that institutions can test 100% of all new inmate intakes to an institution, any inmates

suspected of exposure to a COVID case, and any inmate prior to release or transfer from an institution.



For testing of staff, institutions worked with their community health centers and public health entities to locate community testing resources. The Bureau has also obtained a national contract to perform voluntary staff testing and is working towards implementation to supplement our current practice of encouraging staff testing within the local community in the event the local health departments are unable to absorb institutional testing needs, particularly when mass testing or serial testing may be indicated.

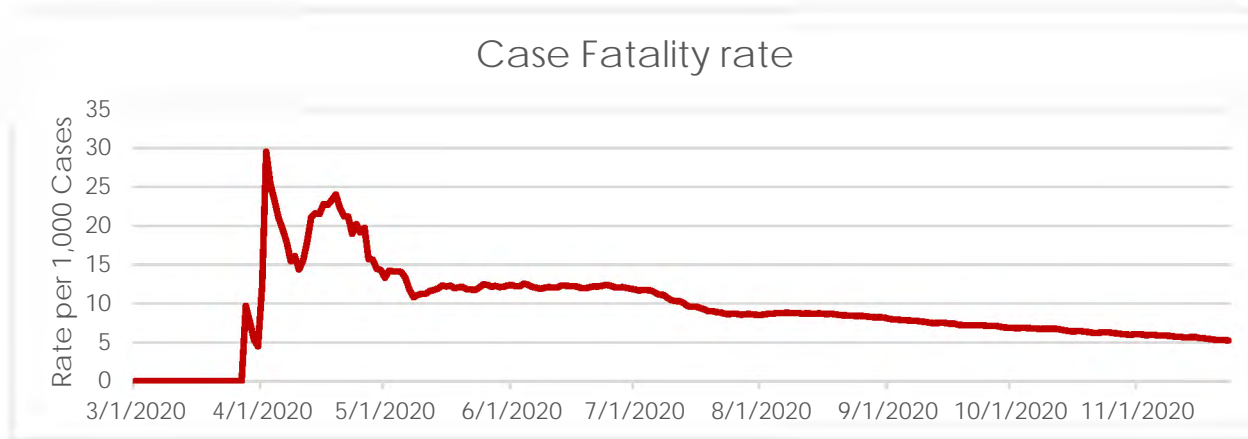
## Home Confinement

On March 26, 2020 and April 3, 2020, Attorney General Barr issued memoranda directing the Bureau to increase the use of Home Confinement for vulnerable inmates, particularly at institutions markedly affected by COVID-19. The CARES Act, signed by President Trump on March 27, 2020, further expanded the Bureau's ability to place inmates on Home Confinement by lifting the statutory limitations contained in Title 18 U.S.C. § 3624(c)(2) during the course of the pandemic. As such, the Bureau has increased Home Confinement placements since the start of COVID-19 by approximately 300%. Elderly Offender Home Confinement Pilot Program placements also continue throughout the pandemic. Finally, the Bureau authorized the use of inmate furloughs to move qualified offenders out of the facilities, to reduce populations and further increase the ability for inmates to socially distance.

## Reducing Populations at Facilities with Dormitory or Open Bay Housing to Maximize Social Distancing

The Bureau quickly understood that facilities which have dormitory or open bay housing created more challenges with social distancing and, therefore, created a higher risk for COVID-19 transmission. As the inmate population has continued to decrease, the Bureau has identified sufficient ability to reduce the target populations at these facilities

to allow the Bureau to achieve maximum social distancing and better protect the health of these inmates. On June 19, 2020, the Bureau released updated target population caps for these facilities and began process of reducing the number of inmates housed in them.



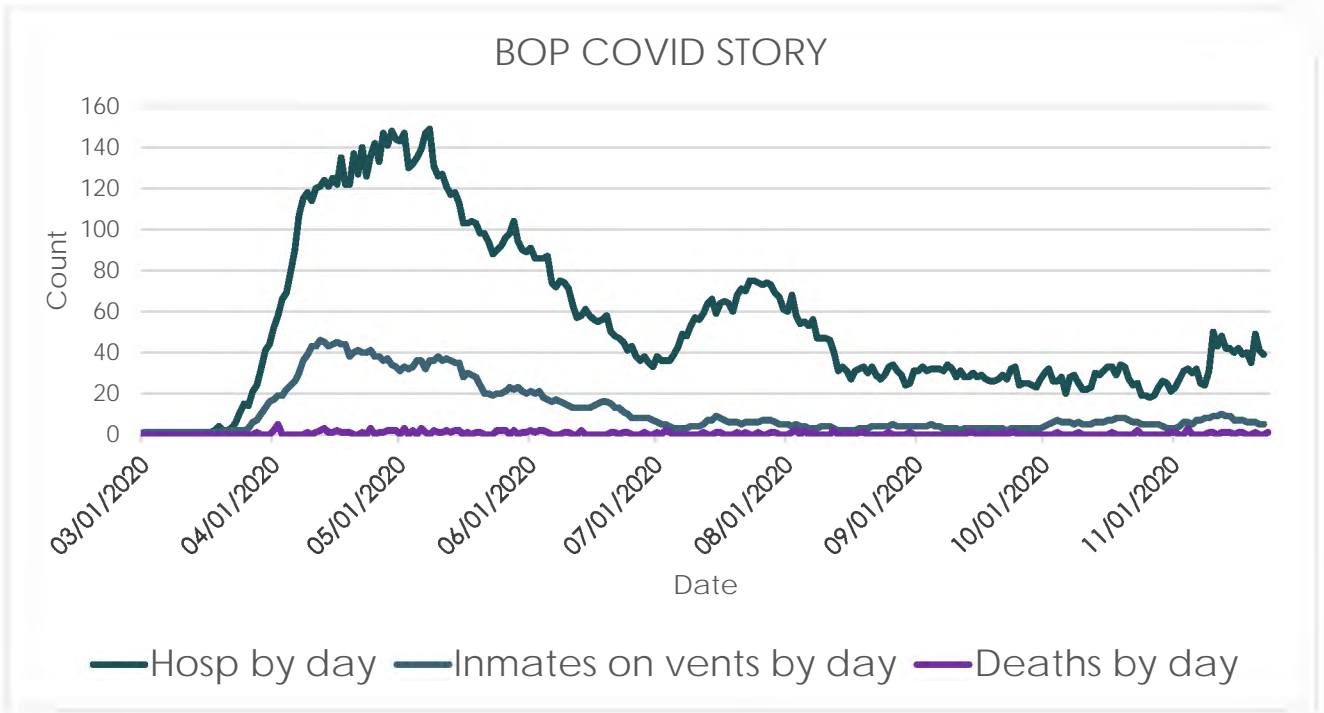
## Programming/First Step Act

Critical services such as mental health care, crisis intervention, and religious observance have continued unabated throughout the pandemic. First Step Act Evidence-Based Recidivism Reduction (EBRR) Programs and Productive Activities (PA) were temporarily suspended until they could be delivered safely. Key EBRR Programs that are residential in nature were generally able to resume quickly, as the inmates are already cohorted together in a single housing unit. In August 2020, the Bureau began resuming other EBRR Programs and PAs in reduced capacity to allow for social distancing. As of early November 2020, approximately 50,000 inmates were enrolled in EBRR Programs.

## COVID Compliance Review Teams

On August 10, 2020, Program Review Division began conducting COVID-19 Compliance Review Teams (CCRT) reviews at Bureau facilities. The purpose of these reviews is to evaluate compliance, monitor response, and develop further mitigation strategies to the COVID-19 pandemic. Checklists were created to conduct the reviews, which combine CDC and Bureau guidance and directives related to the management of COVID-19 and mitigation of disease transmission.

We will continue conducting CCRT reviews throughout the pandemic, ensuring every Bureau facility is reviewed. As of September 10, 2020, reviews have been completed at 52% of our facilities. The Bureau collected and published *Recommendations & Best Practices for Preventing/Reducing Transmission COVID-19* as a result of these reviews and this information has been shared with all institutions. Issues and concerns noted in the CCRT reviews are further reviewed and addressed with the Wardens, allowing them to quickly take corrective action.



## **FEDERAL PRISON INDUSTRIES**

The mission of Federal Prison Industries, Inc. is to protect society and reduce crime by providing inmates with job training and practical work skills for reentry success.

### **Background**

Federal Prison Industries (known by its trade name UNICOR), is a self-sustaining government corporation that receives no taxpayer funding. UNICOR was created by President Franklin D. Roosevelt in 1934 under Executive Order 6817 and by statute. In recent years, UNICOR has provided training and work experience to more than 16,000 federal inmates annually, employing about 11,000 individuals at any given time, in more than 50 federal prisons across the country. UNICOR is overseen by a Presidentially-appointed Board of Directors, and it is one of the Federal Bureau of Prisons' most important reentry programs.

Statutorily required to diversify its product offerings in order to minimize the potential impact on private industry, UNICOR produces over 17,000 different products and services in seven major product/service groups: (1) Agribusiness; (2) Clothing and Textiles; (3) Electronics; (4) Fleet; (5) Office Furniture; (6) Recycling; and (7) Services. Most of UNICOR's sales are to federal government agencies. About 8% of sales are to the private sector.

### **Recent History**

The National Defense Authorization Acts for fiscal years (FYs) 2002 and 2003 and the Consolidated Appropriations Acts for FYs 2004 and 2005 contained provisions, still in effect today, that placed conditions on when UNICOR is considered a mandatory source for products. As a result of these acts, prior to purchasing products listed as mandatory on UNICOR's Schedule of Products, agencies must conduct market research to determine whether the UNICOR product is comparable to private sector products in terms of price, quality, and time of delivery. If the product is comparable, the agency is required to purchase from UNICOR or seek a waiver. If the product is deemed not comparable, the agency must use competitive procedures to procure the product.

Section 827 of the National Defense Authorization Act of FY 2008 amended 10 U.S.C. § 2410n to require the Department of Defense (DoD) to annually publish a memorandum listing FSCs for which UNICOR had greater than five percent of the DoD market in the previous year. UNICOR's mandatory source does not apply to items on the list.

From FY 2009 to 2014 UNICOR revenues declined from \$889 million to \$389 million (-56%) and inmate employment also declined by almost 50%, from 23,000 to 12,000. This led to seven years of negative earnings (FYs 2009-2015), totaling about \$200 million in losses.

In 2016, UNICOR undertook a major restructuring that closed 25 underutilized factories, reduced management staffing, and streamlined corporate staffing levels. As a result, in FY 2016, productivity increased 90% versus 2014, \$39 million in savings were generated, and UNICOR achieved its first positive earnings in eight years. This upward trend continued through FY 2019,

with UNICOR achieving \$531.5 million in sales and \$20.8 million in earnings. This represented UNICOR's highest sales figures since 2013 and its highest earnings since 2007.

While UNICOR has contended with challenging legislation in recent years, Congress has also passed legislation that has provided UNICOR with new opportunities to sell products beyond the federal government market. The Consolidated and Further Continuing Appropriations Act of 2012 (P.L. 112-55) authorized UNICOR to participate in the Prison Industries Enhancement Certification Program (PIECP) and repatriation pilot projects. PIECP is designed to approximate private-sector work opportunities: Inmates are paid based upon the local prevailing wage, subject to allowable deductions, and receive benefits comparable to those in the private sector. By paying this higher wage rate, as well as complying with other program requirements, UNICOR is permitted to sell products manufactured and/or assembled under PIECP to the commercial market. The repatriation authority allows UNICOR to work with private sector companies to manufacture products that would otherwise be produced outside of the U.S.

Most recently, the First Step Act of 2018, codified at 18 U.S.C. § 4130, authorized UNICOR to sell products to: (1) Public entities for use in penal or correctional institutions; (2) Public entities for use in disaster relief or emergency response; (3) The government of the District of Columbia; and (4) Any organization described in subsection (c)(3), (c)(4), or (d) of section 501 of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code (except for office furniture). While the market opportunities provided by these new authorities are fairly limited, UNICOR is working on how to most effectively capitalize on them to increase inmate employment.

### **Current Issues/Initiatives**

Since restoring corporate sustainability, UNICOR has focused on inmate workforce growth through business expansion, inmate development through national certification programs, and staff training and development.

In FY 2020, the COVID-19 pandemic posed a significant challenge to UNICOR's operations. On March 31, 2020, all UNICOR factories were closed, except those converted to the production of personal protective equipment (PPE) and UNICOR's two farm operations. While most operations have since reopened with enhanced safety precautions and modified operations to limit the risks to staff and inmates, closures based on local conditions remain frequent. Prior to COVID-19, UNICOR's FY 2020 Operating Plan projected \$27.5M in earnings. Instead, UNICOR had a loss of \$3.0 million. Inmate employment was also down significantly, from 10,126 full time inmate positions in FY 2019 to 8,641 full time positions at the end of FY 2020.

In the next few years, UNICOR anticipates that it will continue to face challenges in fully rebuilding operations affected by the pandemic. In addition, UNICOR expects to face challenges in expanding operations to the levels needed to help the Bureau of Prisons meet the employment goal contained in the First Step Act. The First Step Act provides a goal that within five years of the Act's enactment at least 75% of eligible minimum- and low-risk offenders will have the opportunity to participate in a prison work program at least 20 hours per week. As the Bureau's primary industry program, meeting the First Step Act's goal would require a significant



expansion in new factories and inmate employment, which will be exceedingly difficult to meet given the governmental employment process, severe limits on UNICOR's addressable markets, and UNICOR's obligation to operate in a self-sustaining manner.

### **UNICOR Program Benefits**

- ***Reduces Recidivism:*** Rigorous research has shown that inmates who work in UNICOR are 24% less likely to recidivate than non-program participants and 14% more likely to become gainfully employed within one year from release. For many inmates, working in UNICOR represents an opportunity to learn a marketable skill and gain valuable work experience that will substantially enhance their ability to successfully reintegrate into society following release from prison. The program also teaches inmates pro-social values including the value of work, responsibility, and the need to respect and work with others.
- ***Voluntary:*** Participation in UNICOR's program is voluntary. No inmate is forced to work in UNICOR. UNICOR jobs are highly sought after by inmates, as evidenced by the nearly 10,000 inmates on waiting lists for approximately 11,000 UNICOR positions.
- ***Taxpayers Benefit:*** Research has shown that correctional industries programs such as UNICOR generate significant savings of taxpayer dollars. Specifically, for every \$1.00 spent on correctional industry programs, \$4.77 is saved in future criminal justice costs. Additionally, UNICOR's operations are entirely self-sustaining and operate without appropriated dollars paid for by taxpayers.
- ***Allows Inmates to Meet Financial Obligations:*** Each year, inmates who work in UNICOR factories contribute approximately \$900,000 of their earnings toward meeting their financial obligations, such as child support, victim restitution, and court-ordered fines. Many inmates also send home a portion of their earnings to their families.
- ***Enhances Prison Safety:*** Employment in UNICOR helps create a safer prison environment for both inmates and staff. UNICOR inmates are actively engaged in productive work and want to keep making the level of wages UNICOR provides, which are among the highest available in the prison setting. As inmates are constructively occupied, they are less likely to get in trouble, more likely to role model good behavior for other inmates, and less likely to seek alternative sources of income, such as contraband.
- ***Supports Small Businesses and the U.S. Economy:*** UNICOR provides a unique opportunity to bring work back to the United States. Money spent with UNICOR creates local jobs in raw material suppliers, trucking, and service industries that support UNICOR operations. More than 75% of UNICOR's expenditures go toward the purchase of raw materials, supplies, equipment, and services from private sector businesses. Nearly 50% of these purchases are from small businesses, including HUBZone, women-owned, minority-owned, service-disabled veteran-owned, and veteran-owned businesses.

We invite you to visit our operations to see this excellent program in action.

## First Step Act

The First Step Act (FSA) placed a number of requirements on BOP with incredibly aggressive timelines. Examples of agency accomplishments include piloting of youthful offender and dog programs, providing de-escalation training for staff, offering feminine hygiene product at no cost, implementing Medication Assisted Treatment (MAT) and prohibiting restraints on pregnant and post-partum offenders.

A significant portion of the law is devoted to describing the requirements surrounding the implementation of a risk and needs assessment system. *Risk* identifies who requires intervention to reduce recidivism risk and *need* refers to what issues are to be addressed by the programs.

**Risk Assessment System.** In July 2019, the Attorney General announced the adoption of the Prisoner Assessment Tool Targeting Estimated Risk and Needs (PATTERN) to fulfill the risk assessment requirement. PATTERN was designed to predict the likelihood of general and violent recidivism levels for inmates in the custody of the Federal Bureau of Prisons. General risk predicts the likelihood of incarceration for any offense, while violent risk level predicts the risk of incarceration for a violent offense. The PATTERN assessment considers the current offense, prior criminal history, program completion, and participation in productive activities when calculating the risk level. All inmates receive a risk level and reassessments are conducted in conjunction with regularly scheduled program review meetings with staff.

In November 2019, BOP began conducting formal needs assessments as well. To determine these needs, BOP hosted a symposium including researchers and correctional leaders external to the agency, as well as leadership representation from across DOJ. This expert working group identified twelve needs to be assessed. Many are assessed using available data from the Pre-Sentence Investigation Report, while others involve using psychological questionnaire to obtain information directly from inmates. The assessment of a thirteenth need, dyslexia, is also required under FSA. BOP has implemented a two-phase assessment process that complies with statute.

**Needs Assessment System.** The First Step Act (FSA) places a number of requirements on the Bureau of Prisons (BOP), including the implementation of a

formalized risk and need assessment system and programs to address those needs. *Risk* identifies who requires intervention to reduce recidivism risk and *need* refers to what issues are to be addressed by the programs. While the BOP has long completed intake assessments of need, the system required enhancements to formalize it. BOP hosted a needs symposium in September, 2019. This expert working group included researchers and correctional leaders external to the agency, as well as leadership representation from across DOJ.

The symposium resulted in the identification of thirteen needs. Many are assessed using available data from the Pre-Sentence Investigation Report. Other enhancements to the needs assessment system include:

- A method of assessing dyslexia (more information below);
- Addition of a trauma questionnaire;
- Addition of a psychological inventory to assess criminal cognitions and antisocial peers;
- The improvement of technology infrastructure to support to entry and tracking of needs data.

**Programs.** Once a need is identified, staff refer inmates to the appropriate program. FSA requires two categories of programs: Evidence-Based Risk Reduction Programs (EBRR) and Productive Activities (PA).

The Bureau has over 70 EBRRs and PAs available to inmates. We created unique identifiers for each of these programs so we can track which programs are being offered and which inmates are waiting for each program.

BOP has established a process to review additional programs for potential inclusion on this list. FSA requires inmates be offered incentives for their programming efforts. BOP policy for program completion incentives has been drafted and sent for union negotiation.

**Dyslexia.** FSA requires dyslexia to be assessed and re-assessed for every inmate. Specifically, the process used must be “evidence-based,” “efficient and low cost,” and “readily available.” Not all inmates require a comprehensive assessment. Therefore, the agency has identified a two-phase assessment protocol which has been vetted with external experts. All inmates are administered the Federal Bureau of Prisons Screening Checklist for Dyslexia. When this screen detects the

possibility of dyslexia, the Woodcock-Johnson IV Tests of Achievement and Oral Language is administered by a qualified professional.

**Pregnancy.** FSA contains several provisions related to the management of pregnant inmates. The use of restraints on pregnant and post-partum inmates is prohibited absent exigent circumstances. The BOP developed and implemented training for all staff and drafted policy modifications. The BOP also developed systems to better identify and track pregnant women to ensure proper procedures are followed.

**Home Confinement under FSA.** The BOP operates 195 separate Residential Reentry Center (RRC) locations under 150 competitive contracts and 24 Intergovernmental Agreements to provide RRC services. RRCs are commonly referred to as "halfway houses." As a result of the First Step Act (FSA) and Cares Act implementation, it is anticipated that additional growth will be required in this area.

The First Step Act of 2018 (FSA) contained additional requirements for the BOP in placing inmates in home confinement generally, and re-established and expanded a pilot program under the Second Chance Act to place elderly and terminally ill inmates in home confinement. Section 603 (a) of the FSA reauthorized and modified the pilot program conducted under the Second Chance Act, 34 U.S.C. § 60541, as follows:

*The Bureau shall conduct a pilot program to determine the effectiveness of removing eligible elderly offenders and eligible terminally ill offenders from Bureau facilities and placing such offenders on home detention until the expiration of the prison term to which the offender was sentenced. Under 34 U.S.C. § 60541 (h), the pilot will be conducted during Fiscal Years 2019 through 2023.*

The program was fully implemented in April 2019. To date, approximately 1,000 inmates have been placed into home confinement under the authorities contained in the FSA with 534 inmates currently in the Elderly offender program. As previous statutory requirements only allowed for a maximum of 6 months for an inmate to be placed into home confinement, the additional placement length afforded to this population has resulted in a need for increased contractual

resources to accommodate the longer placements. This includes additional medical expenses as a result of placing this vulnerable population with higher levels of medical needs.

**RRC Usage under FSA.** Per FSA, inmates who successfully complete certain recommended programs can earn time credits that will qualify them for early placement in prerelease custody. Initial impact as a result of the earned program credits will be small, as it is anticipated that additional time in the community will be minimal and should not greatly impact average length of stay. Impact within 2+ years is anticipated to expand the average length of stay as more inmates earn program credits that can be utilized for additional time in community placement.

It is anticipated that 30-40 % of inmates will be eligible to use program credits towards additional time in community placements. The use of these Credits does not affect the sentence computation of inmates but is used towards additional time in the community.

Since the passage of the FSA we have increased our contractual capacity by 1,148. Additional growth in this area will occur over time as inmates become eligible to accumulate more program credits towards time in community placements.

**Program Fidelity and Standardization.** RSD is undertaking an initiative to improve and monitor program fidelity for all FSA programs throughout BOP institutions. This will require training for staff at all levels of the agency, enhancements to protocols, changes to policy, and updates to program review guidelines. The goal of this initiative is to ensure every program is implemented according to written standards and meets minimum requirements for duration, content, and delivery. Ultimately, this will promote the efficacy of programs and prepare programs for effective evaluation.

**Medication Assisted Treatment.** FSA requires BOP to assess the availability of and the capacity to treat heroin and opioid abuse through evidence-based programs, including medication-assisted treatment (MAT). The BOP has a robust drug treatment strategy, including well-designed, effective programs with thousands of completion annually. MAT is also now offered to inmates in BOP custody. This treatment pairs medication with cognitive behavioral therapy for opioid use disorders. Inmates are screened for participation prior to release and receive treatment services from a psychologist if they enroll.

MAT Program participants receive individualized psychosocial treatment interventions in conjunction with medication. Sixteen institutions currently have doctoral-level MAT Psychologist positions to provide services to this population, and BOP is in the process of hiring these psychologists. BOP is also expanding the availability of MAT prescribers. Over the next year, BOP will enhance staff training and inmate curriculum specific to MAT services.

Inmates who have begun MAT programming while in the institution are able to continue in MAT services during their community placement. Community Treatment Services (CTS) coordinates with institution staff to ensure continuation of an inmate's MAT program upon transfer to a Residential Reentry Center (RRC), Home Confinement, or Federal Location Monitoring (FLM). MAT services can also be requested by any inmate with an opioid addiction, in community placement at an RRC, on Home Confinement or FLM, who meets the clinical guidelines for MAT.

**Services for Female Inmates.** The availability of gender responsive and trauma informed programs for female offenders has been a focus of FSA funding. Under FSA all inmates have their needs assessed and those needs are matched to programs. Because incarcerated women have different needs than men, BOP used FSA monies to fund 16 positions tasked with developing, delivering, and overseeing programming for female inmates. The BOP is expanding the Female Integrated Treatment (FIT) Program in the fall of 2020 from FCI Danbury to SFF Hazelton. It is also expanding Resolve, the agency's non-residential trauma treatment program.

FSA prohibits the use of restraints on pregnant and postpartum women. BOP has developed staff training to meet this requirement. The agency has also focused resources on enhancing the tracking of pregnant women, establishing reporting methods and drafting a revision of policy to ensure compliance of the requirements.

Incarcerated women are a focus of congressional and stakeholder attention outside FSA. The Office of the Inspector General's September 2018 Report *Review of the Federal Bureau of Prisons' Management of Its Female Inmate Population* led to several agency improvements including the implementation female offender program review guidelines (audits); increased staffing levels to meet female offender needs; the provision of feminine hygiene products at no cost.

**Identification Documents.** FSA emphasizes the importance of inmates obtaining identification documents prior to release. The BOP renegotiated an MOU with the Social Security Administration to allow inmates to apply for replacement Social Security Cards 180 days prior to release to the community. The BOP is exploring options to obtain copies of inmates' birth certificates prior to their departure from the BOP. Institutions are working to obtain agreements with state divisions of motor vehicles regarding driver's licenses and other state IDs for those inmates that will release within that same state. Lastly, the BOP is currently working with the Transportation Security Administration regarding the Real ID Act to ensure they will accept the BOP inmate ID to permit inmates to fly to their communities upon release.

**De-escalation Training.** FSA requires BOP to incorporate de-escalation training into its training curricula. BOP updated mental health awareness training to address the management of inmates with psychiatric disorders, and this training was provided to all staff as part of annual training in 2019.

**Dog and Youth Mentor Pilots.** Under FSA, the BOP is required to pilot two types of programs at 20 sites each for at least five years. The BOP has implemented more than 20 dog programs in which offenders care for dogs and learn trade skills. The BOP has also created a youth mentor pilot program. While BOP does not house juveniles in adult facilities, FSA language allows this program to be offered to inmates of any age who committed crimes in their youth.

**Juveniles.** FSA prohibits the use of restrictive housing for juveniles. BOP only houses its small juvenile population in contract facilities. The Statement of Work is consistent with the FSA requirement.

## HRMD Key Issues – 2020

**Staffing** – One of the BOP’s priorities is to maintain staffing levels to ensure the safe and orderly running of our institutions, within budgetary requirements.

- Our primary hiring challenge is the location of some of our institutions, as well as competing with local salaries in certain areas of the country. Locations in remote areas are not necessarily desirable for new hires or for transfers from other institutions. Similarly, the cost of living in metropolitan areas creates hiring challenges. We are particularly challenged with recruiting and retaining medical and other professional staff, to include Correctional Officers, whom are critical personnel for the safe and effective operation of a prison. The BOP has managed our staffing challenges for many years by co-locating institutions; delayering management positions; closing four stand-alone minimum security prisons; and consolidating procurement, sentence computation, inmate designation, human resources and other functions. Simultaneously, the agency has managed crowding in our prisons while also providing important reentry programs for the inmate population. BOP has streamlined operations, improved program efficiencies, and reduced costs to function economically even as the programmatic workload has increased. However, even with streamlining efforts, insufficient institution staffing levels can seriously compromise the security of our federal prisons, endangering life and property.
- The ability to maintain staffing levels was hampered in 2017 and 2018 due to the Presidential Hiring Freeze, the Office of Management and Budget reorganization proposal for the federal government, and proposed budgetary position cuts to the Bureau of Prisons. During this two year period, BOP only hired approximately 1,700 new employees, but lost more than 6,000 staff, which resulted in a staffing deficit throughout the agency.
- Since 2019, BOP has taken many steps to hire new staff and retain current staff, offering recruitment, relocation and retention incentives throughout the country. As of October 2020, the Bureau has hired over 3,100 employees this year. Our hiring goal is a net gain of 1,200 new staff this year.
- Medical Staffing – Staffing Health Services Units around the country remains a challenge and a priority. On average, BOP medical services are staffed at approximately 84% across the country. Many factors influence these staffing challenges including competition in both remote and metropolitan areas, the primary safety and security mission of the BOP, and salaries which are not competitive with the private sector for clinical medical positions such as nurse and physicians. We continue to offer multiple incentives (such as Student Loan Repayment, Recruitment, and Above-the-Minimum Rate) to attract quality applicants. However, the General Schedule pay scale oftentimes does not adequately address the community health services industry demand.



In an effort to offer more comparable salaries for clinical medical staff, the BOP adopted a hybrid Title 38 compensation model in 2016 beginning with the psychiatry discipline. This year, BOP expanded the use of Title 38 to physicians and dentists. Utilizing the hybrid Title 38 compensation model enables the BOP to move directly into a competitive market space when working to recruit new candidates. Additionally, with the implementation and conversion of staff physicians and dentists, the BOP anticipates better overall retention rates across the agency.

**Recruitment** – The National Recruitment Office has been aggressively strategizing over the marketing and branding needs of the Agency. BOP has contracted with Accenture, a well-known branding and marketing company, to develop a campaign that will accomplish brand awareness, as well as attract qualified candidates. We successfully launched a marketing campaign titled, “Work on the Inside.” This campaign consisted of a text based advertising campaign from May through August of this year, which allowed us to test the social media market including LinkedIn, Facebook and Indeed. In addition to social media ads, we utilized Google Ads, which gives our recruitment ads priority in the consumer’s search, and includes a number of ads with photos and videos, which allows applicants to have a glimpse of a “day in the life at the BOP.” In only one month of launching our full visual campaign, we have increased engagement to our BOP careers page and initial indicators show an increase in applicants in our Western and North Central Regions, regions with the lowest overall staffing levels. We plan to continue our branding and marketing and maintain a consistent footprint in the virtual and social media spotlights. We are continuing to expand our recruitment efforts using creative platforms such as Facebook Live events and attending virtual recruitment events.

Our most recent Executive Staff decision includes the expansion of the National Recruitment Office. Adding significant resources through increased staffing of this office, and re-establishing a national recruitment presence, will provide each region with dedicated staff to implement strategies and assist with the staffing and on-boarding of hard-to-fill positions and hard-to-fill locations.

**Union Relationship** – The Labor Relations Office is responsible for administering the provisions of the collective bargaining agreement (Master Agreement) with representatives of the Council of Prisons Locals (union), negotiating national policy issuances with the union, and overseeing the labor management relations programs throughout the Bureau of Prisons (BOP). The union represents nearly 30,000 of the BOP’s approximately 36,000 staff. In addition, the Council of Prison Locals have over 100 local unions that represent the employees at their respective local facilities. The Labor Relations Office staff serves as the BOP’s representative at all non-disciplinary arbitration hearings for 122 federal prisons, regional offices, and training centers and provides guidance and training to all levels of BOP management regarding negotiations and labor relations matters. While overall positive, BOP continues to enjoy a mixed relationship with the national and local unions, which has resulted in unfair labor practice charges and grievances being filed.

Because of staff travel suspension imposed by the BOP during the COVID-19 pandemic, national meetings with the union have been suspended since March 2020. These include, national policy negotiations, Labor Management Relations Quarterly meetings, and Master Agreement negotiations. Scheduling national meetings with the union via video-teleconferencing may prove to be challenging (as evidenced by the union continuing to insist on in-person arbitration hearings).

During the pandemic, the agency shared information with the union on all phases of our action plans related to battling COVID-19, however, we did not formally negotiate the procedures prior to implementation, as we were responding to a public health emergency. This created some tension with the union nationally and locally, even in these unprecedented times. As a result, we currently have a national arbitration hearing scheduled in 2021 on the BOP unilaterally implementing an entrance screening tool and mandating employees to be fit-tested for N- 95 masks in response to the COVID-19 pandemic.

We continue to work with the union on matters affecting the working conditions of bargaining unit staff, both nationally and locally.

**Training** - The Bureau of Prisons (BOP) remains steadfast in its commitment to ensure all staff receive appropriate mandatory training as directed by national policy, American Correctional Association (ACA) and other federal guidelines (i.e. Code of Federal Regulations (CFR) in the safest manner possible.

- The COVID-19 pandemic has initiated changes in not only when, but also how we conduct training for our staff and the cost. Our agency training plans and logistics continue to be a fluid model, as recommendations and guidance vary from one geographic location to the next, and the actual impact of the virus on the local and national populations evolve. The pandemic has forced restrictions on travel and even cancelations of in-person mandatory training. BOP has adjusted to attempt to deliver training virtually, and to hold smaller groups of training at institutions to provide staff with the critical tools and information necessary to perform their jobs safely.
- During the ongoing pandemic, it has become increasingly clear the BOP needs to establish its own, dedicated tactical and correctional training facilities. Even prior to the outbreak of COVID-19, the BOP was managing a large backlog of the essential basic correctional training program required for all staff who work at BOP institutions. Specifically, over 4000 correctional workers have not received the critical Introduction to Correctional Techniques Phase II training for newly hired correctional workers, conducted at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA. FLETC is a DHS facility and BOP (DOJ) receives secondary priority for use of the training areas, contributing to the backlog. Hundreds of correctional workers, largely Correctional Officers, across the agency have been on the job for over a year and have

yet to attend basic correctional training despite the critical mission they must fulfill within our institutions. The pandemic has only exacerbated the backlog as there is limited classroom capacity throughout and social distancing is required at FLETC. BOP does not have access to a realistic correctional training facility with mock units, cells, control room, Special Housing Unit, recreation yard, perimeter fence, intrusion/escape detection equipment etc., which are needed to effectively train Correctional Officers for their new positions moving forward.

## Aging Infrastructure

The BOP operates 122 facilities, almost one-third of which are more than 50 years old; and 45 percent are over 30 years old. These facilities are rapidly deteriorating and are in need of extensive work and repairs to maintain safe, secure, and functioning facilities. The older an institution becomes, the greater the need for repairs/replacements of systems. Prison facilities also are subjected to much heavier than normal wear since they are continuously used 24 hours a day, 365 days a year. As a result, the rate of deterioration is much higher than other federal facilities of similar age. Due to years of inmate crowding and aging infrastructures, the BOP facilities and systems continue to sustain extensive wear and tear as well as premature deterioration.

The BOP has a current backlog of priority Modernization & Repair (M&R) major projects totaling over \$1 Billion. (This represents only *known* projects estimated at over \$350,000. There are many unreported projects that would bring this estimate closer to \$2 Billion.) Sufficient M&R funding is crucial to address the most critical life safety and security projects in order to safely operate and maintain federal prison facilities. For over 10 years, the BOP has received an average of **\$90 million** annually to maintain its M&R program, where as **\$300 million** annually is the minimum appropriate amount required to be able to plan repair needs and safely manage existing prison facilities.

The aging infrastructure is costly to maintain and lacks the security and technology features of modern day construction which is important to assist in keeping staff and inmates safe, and for permitting technological advances to allow us to broaden certain inmate reentry programs; allow for advances such as video-visiting and interfacing with the courts by video; and offer enhanced educational opportunities. Examples of common M&R projects throughout the BOP facilities include Water/Sewer Distribution, Electrical Distribution, Roof Replacement, Boiler Replacement, Fire Detection and Fence Replacement. Their infrastructure and systems needing replacement or upgrades at many facilities are nearing a critical stage due to the number of systems that have reached or are close to reaching their end-of-useful life. For example, at FCI Terminal Island (constructed in 1938 and has been in use as a federal prison since 1955), upgrade and repairs are needed to the water distribution system, roof, waste water distribution system, fence, food service equipment, and boilers total over \$72M.

At FCC Lompoc, (constructed in the 1940's and has been in use as a federal prison since 1959), upgrades and repairs totaling over \$70M are needed to the fire detection system, perimeter fence, HVAC switch gear, food service equipment, fire suppression system, and generators. FMC Lexington, a critical prison medical center (constructed in 1929 and has been in use as a federal prison since 1941), is in need of over \$62M in repairs and upgrades to critical systems such as sprinkler systems, fencing, asbestos abatement, and roofs.

The aging infrastructure particularly affects institution security, as deteriorated facilities add to increase risk of escape, inability to lock down cells, and potential violence due to frustration over inadequate living conditions, such as aging HVAC, plumbing, and roofs. Examples of repairs needed to reduce these security risks include:

- Multiple institutions need fence upgrade/replacement such as FCC Florence: Stun Lethal Fence and Replacement of the Perimeter Fence at a cost estimate of \$5.4 million, FCI McKean: Perimeter Fence and Hardware at a cost estimate of \$7 million, FCI Dublin: Perimeter Fence at a cost estimate of \$6 million and FCI Texarkana: Perimeter Fence at a cost estimate of \$2.5 million
- There are several projects affecting the security of the institution due to inadequate living conditions such as Roof Replacement projects at FCC Florence, estimated at \$13 million, FCC Coleman, estimated at \$15 million and FCI Memphis, estimated at \$5 million and HVAC projects such as heating and cooling projects at FCI Danbury estimated at \$20 million, FCI Sheridan boilers estimated at \$1.26 million and MDC Brooklyn air handler and chiller units estimated at \$5.5 million
- FCI Phoenix identified the need to Replace Cell Doors at a cost estimate of \$5.5 million.

In addition to maintenance and repair, consideration is also given to new construction as an avenue to address our aging infrastructures. The rapid deterioration of our aging facilities, as explained above, supports the need of BOP's new construction program, which can be utilized to focus on replacing

these aging facilities. Two examples of this strategy, where funding for new constructions has been appropriated, are as follows:

1. The BOP received \$364 million to build a medium security facility on the land adjacent to the current 120 year old facility, USP Leavenworth. The adjacent land is already owned by the BOP and does not require funding to acquire the land, which eliminates the land acquisition processes such as conducting appraisals and negotiating with property owners. The new facility will offer modern infrastructure that will effectively and efficiently support the BOP's mission.
2. The BOP received \$510 million to build a high security facility in Letcher County, Kentucky. However environmental concerns, landowner objections, and litigation have prevented any development to date. Additionally, the BOP does need an additional high security facility, but rather, as described above, is in need of replacing our oldest facilities. Therefore, as an alternative, the BOP is proposing replacing FMC Lexington, an 85 year old facility built in 1935 that is ill-equipped to provide the type of modern medical care required by an increasing number of aging inmates. The new facility would address the need for a modern prison hospital setting in eastern or southern Kentucky. Such a location can account for the unique demands of a prison hospital, including infrastructure requirements, road and transportation requirements, and proximity to major hospitals and medical centers in the area.

## **BOP Staffing**

One of the BOP's priorities is to maintain staffing levels to ensure the safe and orderly running of our institutions, within budgetary requirements. Our primary hiring challenge is the location of some of our institutions, as well as competing with local salaries in certain areas of the country. Locations in remote areas are not necessarily desirable for new hires or for transfers from other institutions. Similarly, the cost of living in metropolitan areas creates hiring challenges. We are particularly challenged with recruiting and retaining medical and other professional staff, to include Correctional Officers, whom are critical personnel for the safe and effective operation of a prison. The BOP has managed our staffing challenges for many years by co-locating institutions; delayering management positions; closing four stand-alone minimum security prisons; and consolidating procurement, sentence computation, inmate designation, human resources and other functions. Simultaneously, the agency has managed crowding in our prisons while also providing important reentry programs for the inmate population. BOP has streamlined operations, improved program efficiencies, and reduced costs to function economically even as the programmatic workload has increased. However, even with streamlining efforts, insufficient institution staffing levels can seriously compromise the security of our federal prisons, endangering life and property.

The ability to maintain staffing levels was hampered in 2017 and 2018 due to the Presidential Hiring Freeze, the Office of Management and Budget reorganization proposal for the federal government, and proposed budgetary position cuts to the Bureau of Prisons. During this two year period, BOP only hired approximately 1,500 new employees, but lost more than 6,000 staff, which resulted in a staffing deficit throughout the agency.

The Bureau has taken strong action to recruit and retain qualified staff in an effort to regain the loss of more than 6,000 staff. Thus far, in calendar year 2020, the Bureau has hired over 3,100 new employees. The agency has a hiring goal for this year to have a net gain of 1,200 employees. Staffing is authorized to fill at 100%, and each institution with a staffing level below 85%, has been identified at the national level, and appropriate incentives are being offered to attract new qualified staff, and retain staff at those locations. Specific focus is directed at the filling of Correctional Officers throughout the country. In addition, a 5% retention incentive was offered to all staff eligible to retire in 2019 to encourage

experienced staff to remain with the agency past their eligibility date to help maintain our staffing levels. To attempt to address our medical staffing challenges, BOP recently expanded the coverage of its existing Title 38 special pay authority to include not only psychiatrists, but all employed physicians and dentists. Title 38 pay authority permits the payment of salaries that greatly exceed the Title 5 pay cap, and permits us to compete with other federal agencies with medical personnel, as well as private sector salaries in certain locations. In addition, the agency entered into a contract with Accenture, to create a branding and marketing campaign, to increase our presence on social media, and to attract potential applicants to the agency. Finally, the agency also entered into a contract for additional staff to assist with the hiring process, to be able to meet the processing demands of the hiring surge.