



February 2024

BUREAU OF PRISONS

Additional Actions Needed to Improve Restrictive Housing Practices

GAO Highlights

Highlights of [GAO-24-105737](#), a report to congressional requesters.

Why GAO Did This Study

DOJ's BOP is responsible for confining individuals in safe, humane, and appropriately secure conditions. In certain circumstances, such as alleged or substantiated violence, BOP can move individuals to restrictive housing, and generally isolate them in cells for up to 23 hours per day. As of October 2023, BOP continued to house about 8 percent of its population (about 12,000 individuals) in these settings. Strengthening management of federal prisons was added to GAO's high-risk list earlier this year.

Among its objectives, GAO was asked to examine the extent to which BOP (1) addressed recommendations from two prior restrictive housing studies; and (2) leveraged facility information to ensure restrictive housing policy compliance and enhance operations.

GAO analyzed BOP policies and data; interviewed BOP officials; and conducted non-generalizable interviews with staff and incarcerated individuals at five BOP facilities—selected to cover a range of restrictive housing unit types.

What GAO Recommends

GAO is making eight recommendations to BOP, including that it assign responsibility and establish time frames for recommendation implementation and identify the cause of racial disparity in SMU placements. BOP concurred with the eight recommendations but raised related concerns; GAO discusses these in the report.

View [GAO-24-105737](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or GoodwinG@gao.gov.

February 2024

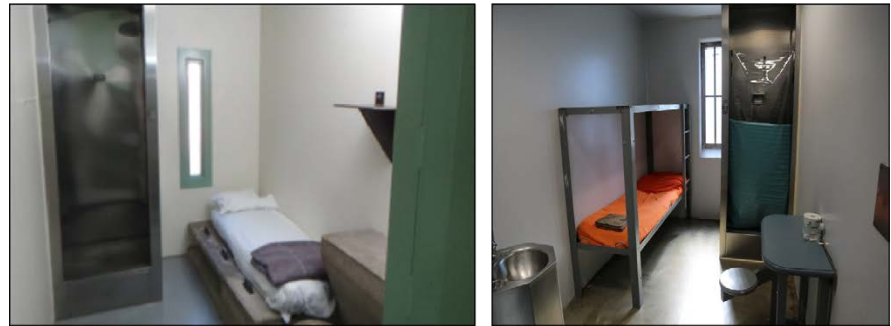
BUREAU OF PRISONS

Additional Actions Needed to Improve Restrictive Housing Practices

What GAO Found

The Bureau of Prisons (BOP) has not fully implemented 54 of the 87 recommendations from two prior studies on improving restrictive housing practices. The first study, completed by a BOP contractor in 2014, had 34 recommendations (16 of which are fully implemented.) The other evaluation, completed in 2016 by the Department of Justice (DOJ), had 53 recommendations (17 of those are fully implemented). A May 2022 Executive Order on criminal justice practices directed the Attorney General to ensure full implementation of the January 2016 recommendations. BOP has made slow progress due in part to not assigning responsibility for recommendation implementation to appropriate officials and not establishing associated time frames for completion.

Examples of Two Bureau of Prisons' Restrictive Housing Unit Types



Source: BOP. | GAO-24-105737

BOP has two key mechanisms—its program review process and its administrative remedy program—to gather information from facilities about restrictive housing operations. However, it is not fully leveraging either, resulting in missed opportunities to ensure compliance and enhance operations:

- BOP is not ensuring facilities' timely resolution of deficiencies after routine program reviews because it does not have a process to verify that corrective actions were implemented.
- The administrative remedy program allows incarcerated individuals to file grievances about issues such as living conditions. However, BOP does not analyze grievance data to identify trends and improve operations.

During the 2014 contracted assessment, reviewers found inconsistencies in the application of subjective criteria used to place individuals in the special management unit (SMU)—one that is designed for individuals with heightened security concerns. GAO's analysis of 2022 data appears to confirm that inconsistencies continued, resulting in equity concerns. Black individuals were 38 percent of the total BOP population but 59 percent of the SMU placements. In comparison, White individuals were 58 percent of the total BOP population and 35 percent of the SMU placements. In response to management challenges, earlier this year BOP closed its remaining SMU and has not yet decided on the future of such units. Analyzing the cause of the substantial racial disparity could inform BOP and DOJ decisions on the future of restricted housing and help ensure consistent and equitable treatment of incarcerated individuals.

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Abbreviations

| | |
|-----|-----------------------------|
| ADX | Administrative Maximum Unit |
| BOP | Bureau of Prisons |
| DOJ | U.S. Department of Justice |
| SHU | Special Housing Units |
| SMU | Special Management Unit |

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February 6, 2024

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate

The Honorable Christopher A. Coons
United States Senate

The Honorable Brian Schatz
United States Senate

The Honorable David Scott
House of Representatives

The Bureau of Prisons (BOP)—a component of the U.S. Department of Justice (DOJ)—is responsible for confining individuals in its custody in safe, humane, and appropriately secure conditions.¹ To maintain safety, BOP may remove individuals from the general housing population under certain circumstances and place them in more restrictive settings where they generally may not leave their cells for more than 1–2 hours each day.² Given this isolation, there have been concerns about the impact of restrictive housing on an individual’s mental and physical health. Further, concerns arose about BOP’s use of restrictive housing for quarantine during the COVID-19 pandemic under a modified operational plan.³ As of October 2023, BOP housed about 8 percent of incarcerated individuals in restrictive housing (approximately 11,600 of 144,000).

In May 2013, we reported on BOP’s monitoring and evaluation of restrictive housing and found that it had not assessed the impacts of long-

¹See 18 U.S.C. § 4042.

²BOP considers restrictive housing to be any type of detention that involves all three of the following factors: (1) removal from the general population, whether voluntary or involuntary; (2) placement in a locked cell, whether alone or with another inmate; and (3) inability to leave the cell for typically 22 hours or more each day.

³We reported on BOP’s COVID plans in 2021. See GAO, *BUREAU OF PRISONS: BOP Could Further Enhance its COVID-19 Response by Capturing and Incorporating Lessons Learned*, [GAO-21-502](#) (Washington, D.C.: July 29, 2021).

term segregation on incarcerated individuals.⁴ We recommended that BOP assess such impacts on individuals in restrictive housing units. BOP agreed and, in response, it developed a mental health screening tool and issued a policy on the treatment and care of individuals with mental illness.

We also recommended that BOP ensure that the contractor study underway at the time of our review examine how restrictive housing contributes to facility safety. BOP agreed with this recommendation. In December 2014, this contractor reported its findings, along with 34 recommendations to BOP.⁵ In February 2015, BOP published its response, noting that it concurred with most of the key findings and recommendations but had some concerns with particular recommendations.

DOJ also has acknowledged challenges associated with restrictive housing. In 2016, a DOJ report on restrictive housing included 53 recommendations to BOP with an overarching goal of reducing its use.⁶ Further, in May 2022, Executive Order 14074 called for the Attorney General to submit a report to the President on the steps DOJ has taken to (1) ensure that restrictive housing in federal detention facilities is used rarely, applied fairly, and subject to reasonable constraints; (2) ensure that individuals in DOJ custody are housed in the least restrictive setting necessary for overall safety; and (3) implement the 2016 DOJ report recommendations.⁷ In response, the Attorney General completed a report in November 2022 that addresses these three areas, including the steps

⁴GAO, *BUREAU OF PRISONS: Improvements Needed in Bureau of Prisons' Monitoring and Evaluation of Impact of Segregated Housing*, [GAO-13-429](#) (Washington, D.C.: May 1, 2013).

⁵CNA Analysis and Solutions, *Federal Bureau of Prisons: Special Housing Unit Review and Assessment*, a report prepared at the request of the U.S. Department of Justice, Bureau of Prisons, December 2014. We discuss the status of BOP's actions to address these recommendations later in our report.

⁶U.S. Department of Justice, *Report and Recommendations Concerning the Use of Restrictive Housing*, Final Report (Washington, D.C.: January 2016). In 2015, the President directed the Attorney General to conduct a review of "the overuse of solitary confinement across American prisons." The President directed that the purpose of the review be not simply to understand how, when, and why correctional systems isolate certain incarcerated individuals from the general population, but also to develop strategies for reducing the use of this practice across our nation's criminal justice system.

⁷Exec. Order No. 14,074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*, 87 Fed. Reg. 32,945 (May 25, 2022).

DOJ has taken toward implementing the 2016 DOJ report recommendations.⁸

In addition, in April 2023, we added the area of *Strengthening Management of the Federal Prison System* to GAO's biennial high-risk list.⁹ This biennial update describes the status of high-risk areas, outlines actions that are needed to assure further progress, and identifies new high-risk areas needing attention by the executive branch and Congress. This area is being added, in part, due to BOP's longstanding challenges in managing staff and resources and in planning and evaluating programs that help incarcerated people successfully return to the community.

You asked us to review issues related to BOP's use of restrictive housing. Specifically, we examine (1) the extent to which BOP addressed recommendations in the 2014 contracted assessment and the 2016 DOJ report on restrictive housing, (2) the extent to which BOP leverages the information it collects from facilities to ensure restrictive housing policy compliance and enhance restrictive housing operations, and (3) how BOP used restrictive housing units during the COVID-19 pandemic.

To address in part all three of our objectives, we selected a nongeneralizable sample of five facilities out of BOP's 121 facilities.¹⁰ We selected these facilities to reflect a range in the types of restrictive housing units—Special Housing Units (SHU), the Special Management Unit (SMU), and the Administrative Maximum Unit (ADX).¹¹ Our sample also includes a range of security levels (low, medium, and high security facilities). Across these five facilities, we interviewed key staff, including restrictive housing unit managers and correctional officers.

⁸U.S. Department of Justice, *The Report of the Attorney General Pursuant to Section 16(b)(i) of Executive Order 14074: Department of Justice Efforts to Ensure that Restrictive Housing in Federal Detention Facilities is Used Rarely, Applied Fairly, and Subject to Reasonable Constraints, and to Implement Other Legal Requirements and Policy Recommendations*, (Washington, D.C.: February 1, 2023). According to BOP, the report was completed pursuant to the Executive Order in November 2022 but was not publicly available until February 1, 2023.

⁹GAO, *High-Risk Series: Efforts Made to Achieve Progress Need to Be Maintained and Expanded to Fully Address All Areas*, [GAO-23-106203](#) (Washington, D.C.: Apr. 20, 2023).

¹⁰Although BOP has 122 facilities, one of its New York facilities was no longer operational at the time of our review.

¹¹We discuss each of these units in more detail later in this report.

We also interviewed 37 incarcerated individuals in restrictive housing units at these five facilities at the time of our review.¹² Though not generalizable, these interviews provided insight into these individuals' respective experiences managing, periodically reviewing, or living in restrictive housing units.

To address our first objective, we reviewed relevant DOJ and BOP reports, policies, and training materials on BOP's actions to implement recommendations from the 2014 contracted assessment and the 2016 DOJ report. We analyzed summary BOP data on all individuals housed in each type of restrictive housing unit from fiscal year 2018 through fiscal year 2022. We selected this period to conduct a 5-year trend analysis of the data most recently available at the time of our review. To assess the reliability of these data, we interviewed knowledgeable officials about BOP's data systems, reviewed the query code language BOP used to retrieve requested data, and examined the data for obvious errors. We determined these data to be sufficiently reliable for the purpose of reporting the number and type of restrictive housing placements.

To determine how certain subsets of the restrictive housing population changed during this same time period, we analyzed two daily "snapshots" of data posted to BOP's website. These snapshots showed the number of individuals BOP placed in SHUs for protective custody—a type of administrative detention status for individuals who require protection from real or perceived threats to their safety.¹³ We accessed and retained these daily snapshots early in our review in April 2022 and again in October 2023.¹⁴ Using the same data reliability steps as above, we determined these snapshot data to be sufficiently reliable for reporting housing population changes over time. We assessed BOP's efforts to

¹²At each facility, BOP provided a list of individuals who had been recently placed in a restrictive housing unit. We selected 6–11 individuals from each list who had different placement reasons, which included administrative detention, disciplinary segregation, and medical isolation. We then provided written information about this review to each individual we selected and verbally obtained their consent to participate in the interview.

¹³These threats may be due to gang affiliations, certain types of criminal convictions, gender identity, or sexual orientation. Individuals may request to be placed in protective custody if they feel threatened or they may be placed in protective custody involuntarily if BOP staff determine they need protection from verified threats.

¹⁴BOP collects data on this population to support the daily operational needs of BOP facilities. However, BOP does not maintain these records in a format that allows for it to analyze changes in this population over time. Therefore, we relied on the operational information reported on BOP's website to determine the number of individuals who were placed in protective custody (either voluntarily or involuntarily). See BOP, *Restricted Housing*, Inmate Statistics, accessed on April 6, 2022, and October 3, 2023, https://www.bop.gov/about/statistics/statistics_inmate_shu.jsp.

address the 2014 and 2016 recommendations against criteria in *Standards for Internal Control in the Federal Government*.¹⁵

To address our second objective, we analyzed BOP's restrictive housing policies and program review guidance and reports. These included 13 quarterly review summaries for all the program reviews that BOP conducted from fiscal year 2018 through fiscal year 2022. We assessed BOP's efforts to address the deficiencies identified in these reviews against federal internal control standards.¹⁶ To assess BOP's compliance with its SMU policy, we analyzed BOP data on individuals placed in the SMU at least 1 day during each year from fiscal year 2018 through fiscal year 2022 by SMU program level and race.¹⁷ To assess the reliability of these data, we interviewed knowledgeable officials about BOP's data systems and reviewed the query code language. We determined the data to be sufficiently reliable for the purpose of reporting the total number of SMU placements by program level and race. We assessed BOP's compliance with its policies on SMU placements and progression against federal internal control standards.¹⁸

Lastly, to understand whether BOP leverages available information to identify possible areas of noncompliance with its policies, we interviewed BOP officials responsible for oversight and reviewed over 1,500 administrative remedy grievance summaries that individuals housed in restrictive housing units at the five facilities in our sample submitted to BOP from fiscal year 2018 through fiscal year 2022.¹⁹ Of these, individuals housed in SHUs at the five facilities submitted over 500 administrative remedy grievance summaries, individuals housed in the

¹⁵GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014). These standards state that management should oversee the prompt remediation of deficiencies by communicating the corrective actions to the appropriate level of the organizational structure and delegating authority for completing corrective actions to appropriate personnel.

¹⁶[GAO-14-704G](#). These standards state that agency management should complete and document corrective actions to remediate internal control deficiencies on a timely basis and that such corrective actions include resolution of findings from internal program reviews.

¹⁷BOP generally expects individuals placed in a SMU to complete three program levels within 9–24 months.

¹⁸[GAO-14-704G](#). These standards state that management should identify, analyze, and respond to risks related to achieving the defined objectives, particularly when there is a degree of subjectivity involved with the risk.

¹⁹Under the administrative remedy program, incarcerated individuals, including those in restrictive housing, can seek formal review of any grievances relating to their own confinement. See 28 C.F.R. pt. 542.

Thomson facility SMU submitted nearly 600, and individuals housed in ADX units submitted over 400 during the same period.²⁰ We assessed the reliability of these data by reviewing agency policies related to administrative remedy submissions and interviewing BOP officials about their methods for uploading and tracking these submissions. We found these data to be sufficiently reliable for the purpose of summarizing examples of grievances that individuals in restrictive housing submitted.

To address our third objective, we reviewed BOP policies and guidance for pandemic response, including BOP's COVID-19 pandemic plan. We also reviewed Executive Order 14074 and the DOJ Office of the Inspector General COVID-19 capstone report to understand directives and recommendations related to this objective.²¹ We interviewed BOP headquarters officials about their efforts in response. We also interviewed officials and incarcerated individuals at our five selected facilities to understand how these facilities used restrictive housing during the pandemic and the related conditions of confinement. During our interviews with incarcerated individuals at these five facilities, we asked which, if any, had experience in restrictive housing during the pandemic for various reasons. We then asked questions about the conditions of their confinement during that time. See appendix I for more details on our overall scope and methodology.

We conducted this performance audit from January 2022 to February 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

²⁰Individuals housed in ADX units submitted about 400 administrative remedy grievances.

²¹Exec. Order No. 14,074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, 87 Fed. Reg. 32,945 (May 25, 2022). Department of Justice, Office of the Inspector General, *Capstone Review of the Federal Bureau of Prisons' Response to the Coronavirus Disease 2019 Pandemic*, 23-054 (Washington, D.C.: March 2023).

BOP Organization

BOP's Central Office serves as its headquarters and provides oversight of operations and program areas through several divisions. For example, the Program Review Division oversees program performance and compliance, in part through routine facility-level program reviews. As part of its responsibilities, the Program Review Division conducts internal audits and makes findings and recommendations to address risk areas and correct deficiencies based on the results of these audits. The Correctional Programs Division provides policy direction and manages case records and inmate discipline. In addition, the Health Services Division is responsible for medical, dental, and mental health services, and the Reentry Service Division oversees programs and resources designed to facilitate the successful reintegration of individuals into their communities upon release.

BOP also has six regional offices, each with a regional director, to oversee the operations of the 121 federal facilities within their respective geographic areas. As part of their oversight duties, regional directors are to ensure that facility wardens are fully responsive to program review findings in a timely manner, determine the need for special reviews or studies in specific program areas, and ensure the completion of such reviews. BOP's Central Office and regional directors also review and approve certain types of restrictive housing unit referrals.

Wardens and associate wardens manage operations at the facility level. Unit management staff and correctional officers are responsible for monitoring individuals placed in restrictive housing units and ensuring that their respective facilities follow procedures. In addition to the unit management team, other facility staff are responsible for education, recreation, health, and psychology services.

Types of BOP Restrictive Housing

BOP generally uses three types of restrictive housing units across its 121 facilities: (1) SHUs, (2) SMUs, and (3) the ADX facility in Florence, Colorado. The main purpose of all three types of units is to separate inmates from the general incarcerated individual population to protect the safety, security, and orderly operation of BOP facilities. BOP operates other types of housing units where it removes individuals from the general population, but conditions are less restrictive. For example, BOP has a Special Confinement Unit for males with a court-imposed death sentence. It also has a Female Administrative Unit for females with a court-imposed death sentence, escape attempt, or history of repeated/chronic behavior incidents. However, individuals placed in this unit experience conditions similar to conditions in the general population units. This is because they are permitted to leave their cells to attend programming and recreation

and to intermingle with other individuals in the unit, rather than being confined in a locked cell for 22 hours or more each day.

Special Housing Unit. BOP uses these units to house individuals for a variety of administrative purposes and for disciplinary purposes related to prohibited acts.²² Most SHU cells are double-bunked, but some may be single-bunked. There are a total of 92 facilities with SHUs.²³

Special Management Unit. BOP has used these units to house individuals whose interactions require greater management to ensure the safe and orderly operations.²⁴ BOP generally expects individuals placed in a SMU to complete three program levels within 9–24 months.²⁵ In February 2023, BOP leadership closed the Thomson unit—which was the only operational SMU at the time of our audit—and temporarily relocated all the unit’s incarcerated individuals to a SHU at the Federal Correctional Complex in Terre Haute, Indiana. As of September 2023, BOP had not made a final decision regarding whether to reopen or relocate the SMU.

Administrative Maximum Facility. The ADX houses individuals who require the tightest controls and supervision because of the nature of their offense or their behavior while incarcerated in a BOP facility. This unit has four distinct programs including the Control Unit, which houses the most dangerous, violent, and disruptive individuals who would pose a threat to others in a less restrictive setting. This unit typically houses incarcerated individuals who have assaulted or killed staff or other incarcerated

²²Administrative purposes include a pending transfer from/to a facility; required protection from real or perceived threats; and an ongoing investigation or pending hearing for violating a BOP rule.

²³BOP Federal Correctional Complexes include several facilities with different missions and security levels located in proximity to one another. Some Federal Correctional Complexes have more than one SHU.

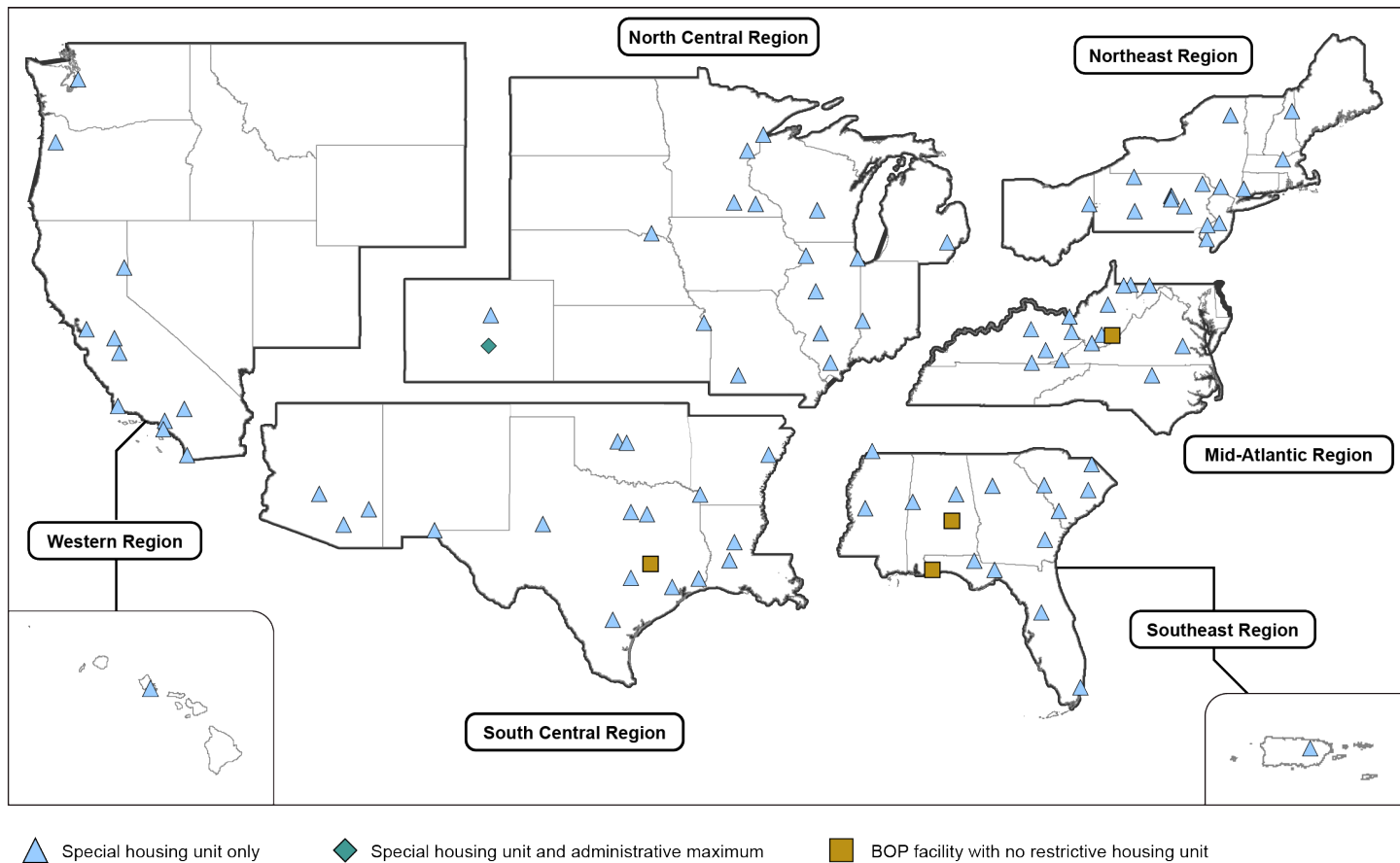
²⁴BOP policy states that SMU placement may be because the incarcerated individual has (1) had a leadership role or participated in disruptive gang-related activity; (2) a history of serious or disruptive disciplinary infractions; (3) committed a serious prohibited act; (4) participated in, organized, or facilitated any group misconduct that adversely affected the orderly operation of a correctional facility; or (5) otherwise participated in or was associated with activity such that greater management of the incarcerated individual’s interaction with other persons is necessary to ensure the safety, security, or orderly operation of BOP facilities.

²⁵Department of Justice, Bureau of Prisons, *Special Management Units*, 5217.02 (Washington, D.C.: August 9, 2016). While operational, individuals placed in the Thomson unit earned additional privileges as they progressed through each of the three program levels. They were expected to demonstrate an ability to function in a general population setting, refrain from misconduct, and participate in program activities to progress through each level. Individuals who do not progress through the three program levels within 24 months fail the SMU program, consistent with BOP policy.

individuals, or who have escaped or attempted to escape from another facility. All ADX cells are single cells due to these security needs. The Federal Correctional Complex in Florence, Colorado, is the only ADX facility.

Each type of restrictive housing unit has specific placement criteria and conditions of confinement. See appendix II for more details on BOP's restricted housing policies and illustrations of restrictive housing. Figure 1 shows the locations of BOP facilities with each type of restrictive housing unit.

Figure 1: Bureau of Prisons (BOP) Regions, Facilities, and Restrictive Housing Locations, as of September 2023



Source: GAO analysis of BOP data. | GAO-24-105737

Note: In February 2023, BOP closed the only operating Special Management Unit (located at the U.S. Penitentiary in Thomson, Illinois) and temporarily relocated the individuals from that unit to the Federal Correctional Complex in Terre Haute, Indiana.

BOP's Mental Health Policy

BOP's policy on the treatment and care of individuals with mental illness also applies to those in restrictive housing.²⁶ BOP psychologists must establish and document a mental health care level for each individual, as well as any changes in mental health care levels.²⁷ BOP policies generally prohibit the prolonged placement of individuals in levels three or four in the SHU, SMU, or ADX. BOP uses the following mental health care levels to classify mental health needs:

- **Mental Health Care Level One:** Individuals with no “significant level of impairment associated with a mental illness,” who do not require regular mental health services.
- **Mental Health Care Level Two:** Individuals who require regular outpatient mental health care and/or brief mental health care interventions of significant intensity.²⁸
- **Mental Health Care Level Three:** Individuals who require weekly outpatient mental health care interventions or placement in a residential psychology treatment program.
- **Mental Health Care Level Four:** Individuals who require acute care in a psychiatric hospital if they are gravely disabled and cannot function in a general population in a level three environment.

BOP Program Review Process

BOP's Program Review Division, which operates out of the Central Office, oversees program performance and compliance by conducting program reviews of facilities. It also verifies the completion of facility-led reviews.²⁹

²⁶Department of Justice, Bureau of Prisons, *Treatment and Care of Inmates with Mental Illness*, 5310.16 (Washington, D.C.: May 1, 2014).

²⁷BOP's policies dictate that all incarcerated individuals receive a preliminary mental health screening (which consists of psychological interviews, social history reviews, and behavioral observation) upon admission to a BOP facility. The purpose of the screening is to identify incarcerated individuals who need referral for mental health, sex offender, or substance abuse treatment services; collect information that can be used in future crisis counseling situations; identify strengths as well as potential adjustment problems to incarceration; and discuss possible programmatic needs with incarcerated individuals. For additional information on incarcerated individuals with serious mental illness, see GAO, *Federal Prisons: Information on Inmates with Serious Mental Illness and Strategies to Reduce Recidivism*, [GAO-18-182](#) (Washington, D.C.: Feb. 15, 2018).

²⁸BOP defines these as “crisis-oriented” services, such as placement on suicide watch or behavioral observation status.

²⁹The Program Review Division conducts reviews of all BOP programs, including correctional services.

Central Office-led program reviews

BOP's Program Review Division, within the Central Office, is to perform program reviews at each facility at least once every 3 years, according to policy.³⁰ The objective is to determine facilities' compliance with applicable regulations and policies—including those related to restrictive housing; the adequacy of internal controls; and the effectiveness, efficiency, and quality of programs and operations. To conduct reviews, program reviewers collect and assess evidence at the facility. Then they develop findings and produce a report with a performance rating for each facility.³¹ Within 30 days of receiving the report and rating, facilities are to provide a report to the Program Review Division containing planned corrective actions.

Facility-led reviews

There are two types of facility-led reviews related to the overall program review process—operational reviews and quarterly perpetual audits. BOP policy requires that all facilities conduct operational reviews that are intended in part to provide a status update on every deficiency that the previous Central Office-led program review found. In addition, all facilities are to conduct facility-led Quarterly Perpetual Audits of the Correctional Services program.³² Facilities must implement corrective actions to address any deficiencies identified during each audit. As part of the Central Office-led program reviews, reviewers are to verify that facilities have completed the operational reviews and quarterly perpetual audits that BOP policy requires.

Administrative Remedy Program

Under this program, incarcerated individuals, including those in restrictive housing, can seek formal review of any grievances relating to their own confinement. This can include grievances about restrictive housing placement, status, or living conditions. Incarcerated individuals must first present their grievances informally to facility staff, and staff are to attempt to informally resolve them. If individuals do not feel satisfied with the

³⁰Department of Justice, Bureau of Prisons, *Management Control and Program Review Manual*, 1210.23 (Washington, D.C.: Aug. 21, 2002).

³¹Program reviewers assign one of five ratings: 'Superior,' 'Good,' 'Acceptable,' 'Deficient,' and 'At Risk'. Per policy, reviewers are to assess programs that receive a superior or good rating every 3 years, acceptable ratings every 2 years, and deficient ratings every 18 months. Reviewers assign a rating of deficient when one or more vital functions are not at acceptable levels and internal controls are weak, thus allowing for serious deficiencies. Reviewers assign a rating of 'at risk' when the program is unable to accomplish its overall mission. This rating is also applicable when internal controls are not sufficient for acceptable performance. The reports we analyzed during this review included performance ratings. However, according to BOP officials, as of October 2023, the Program Review Division no longer issues performance ratings for these audits.

³²As part of the correctional services review, BOP focuses on restrictive housing units (SHU, SMU, and ADX), where applicable.

action, then they can elevate by formally submitting a Request for Administrative Remedy to the facility warden. Beyond this stage, grievances, if not satisfied, can progress to the Regional Director and then on to BOP General Counsel through an appeals process.

BOP Has Not Fully Implemented Prior Recommendations to Improve Oversight of Restrictive Housing

BOP has not fully implemented a majority of the recommendations (54 of 87) from the 2014 contracted assessment and 2016 DOJ report to reduce BOP's use of restrictive housing and improve its oversight. Specifically, BOP fully implemented 33 recommendations, partially addressed 42, and had not taken any steps to address the remaining 12 recommendations as of September 2023.³³

In Table 1, we show the number and percent of recommendations by implementation status, and in the sections below, we provide illustrative examples for each category. See appendix III for our assessment of the status for each of the 87 recommendations.

Table 1: Number and Percent of Recommendations, by Implementation Status, as of September 2023

| Implementation Status Category | Number | Percent |
|--------------------------------|-----------|-------------|
| Fully Implemented | 33 | 38% |
| Partially Implemented | 42 | 48% |
| Not Implemented | 12 | 14% |
| Total | 87 | 100% |

Source: GAO analysis of Bureau of Prisons information. | GAO-24-105737

BOP Fully Addressed 33 of the 87 Recommendations

BOP took actions to fully address 33 of the 87 recommendations, which generally entailed developing or revising policy documents or developing new systems or programs. For example, the 2016 DOJ report recommended that correctional systems develop clear, specific policies for determining the conditions under which an incarcerated individual can be placed in restrictive housing in response to an alleged disciplinary violation—both during the investigative stage and after an adjudication of guilt. In response, BOP revised its SHU policy in November 2016 to state

³³We used three categories to describe the status of BOP's implementation efforts: (1) fully implemented, (2) partially implemented, and (3) not implemented. We determined that recommendations were fully implemented when BOP provided information that showed it addressed all aspects of the recommendation. We determined that these recommendations do not require any further action. We determined that recommendations were partially implemented when BOP had completed some, but not all recommended steps, or BOP provided information about ongoing work or plans to address recommended steps. For not implemented, we determined that BOP did not take any of the recommended steps or did not agree with the recommendation.

that officials must consider the seriousness of the alleged offense, such as whether it involved violence, escape, or posed a threat to facility safety. The policy also states that an individual is placed in disciplinary segregation after an adjudication of guilt.

In addition, the 2014 contracted assessment found that some incarcerated individuals' records were missing a rationale for placement in the SHU. The assessment recommended that BOP develop an electronic record system to document SHU placement decisions. In response, BOP modified its electronic record system to collect this information.

**BOP Partially Addressed
42 of the 87
Recommendations**

We determined that BOP partially addressed 42 of the 87 recommendations as of September 2023. These recommendations covered a range of topics such as (1) protective custody, (2) data and monitoring, (3) reentry programming, and (4) serious mental illness.

Protective custody. Protective custody is a type of administrative detention status individuals typically remain in until a real or perceived threat to their safety no longer exists or the individual is transferred to another BOP facility. Both the 2014 contracted assessment and 2016 DOJ report stated that, generally, individuals who require protective custody should not be placed in restrictive housing and recommended that BOP expand housing alternatives for this population. BOP took some, but not all, steps necessary to fully address this recommendation. Since the 2014 contracted assessment, BOP has been expanding the capacity of two types of alternative housing units it uses to divert incarcerated individuals in protective custody from SHUs.³⁴ These units both have fewer restrictions than SHUs, protect individuals from threats to their safety, and provide programming opportunities, according to the 2016 DOJ report.

In the 2022 Attorney General report, BOP reported that due to the expansion of these units, it reduced the number of individuals in protective custody by half—from 921 in 2015 to 465 in 2022.³⁵ However, our analysis of BOP's data showed the number of individuals in protective custody has increased since that time—from 481 in April 2022 to 700 in

³⁴These are Reintegration Units, which BOP uses for any incarcerated individuals in protective custody status who have had verified or unverified threats to their safety, and Security Threat Group Drop-Out Units, which BOP uses for individuals who want to "disassociate from" or "quit" a gang.

³⁵U.S. Department of Justice, *The Report of the Attorney General Pursuant to Section 16(b)(i) of Executive Order 14074*.

October 2023.³⁶ According to BOP, the number of individuals who require protective custody may fluctuate for various reasons, such as an increase in the number of threats related to gang affiliations. However, the 2016 DOJ report states the goal of this recommendation was to eventually house all individuals who require protective custody in alternative housing units, rather than placing them in restrictive housing. Therefore, while BOP has expanded the capacity of alternative housing units, it has not taken actions to fully address this recommendation because it continues to house this population in restrictive housing units. According to BOP officials, as of September 2023, they were focused on moving individuals into the existing units rather than assessing the need for additional capacity.

Data and monitoring. BOP uses multiple record systems to collect and store data on incarcerated individuals, including those placed in restrictive housing. BOP took some, but not all, steps necessary to address recommendations related to data and monitoring. Specifically, the 2016 DOJ report found that BOP was not using its data systems to identify trends and monitor the restrictive housing population. As a result, it recommended that BOP collect and make publicly available data on restrictive housing, including the number of individuals in each type of housing, the number of SHU placements for each individual, and average length of stay. It also recommended that these data include demographic information, such as age, race, gender identity, and sexual orientation. In response, in May 2016, BOP began posting certain restrictive housing statistics on its public website, including the total number of individuals in each type of restrictive housing unit and length of stay for SHU placements. Although it collects information on age, race, ethnicity, and gender, it does not publish these statistics on its website. Furthermore, it does not collect certain statistics, such as gender identity and sexual orientation because doing so is not necessary for its mission, according to BOP officials.

The 2016 DOJ report also recommended that BOP collect comprehensive data on individuals in SHUs that would be available to correctional

³⁶BOP collects data on this population to support the daily operational needs of BOP facilities. However, BOP does not maintain these records in a format that allows for it to analyze changes in this population over time. Therefore, we relied on the operational information reported on BOP's website to determine the number of individuals who were placed in protective custody (either voluntarily or involuntarily). This statistic included individuals who requested to be placed in protective custody as well as those who were involuntarily placed in protective custody. See BOP, "Restricted Housing Statistics," *Inmate Statistics*, accessed on April 6, 2022, and October 3, 2023, https://www.bop.gov/about/statistics/statistics_inmate_shu.jsp.

officers. According to the report, the data should allow BOP to track individuals throughout their incarceration to determine when, how often, and how long an individual has been placed in restrictive housing and any changes in status. In response, BOP made incremental improvements over time to its internal SHU record keeping system. These improvements include tracking the medical care level and mental health care level for each incarcerated individual in the SHU.

However, as of September 2023, this system does not have the capability to specifically track how often individuals were placed in restrictive housing throughout their incarceration period, as recommended. BOP officials explained that its SHU record system collects data on SHU placements that support the daily operational needs of BOP facilities. However, the system does not maintain these records in a readily available format that would allow BOP to monitor SHU placement rates and analyze changes over time. According to the 2016 DOJ report, having this capacity would allow BOP to track how often individuals were placed in restrictive housing throughout their incarceration period and identify potential problems as quickly as possible.

Reentry programming. Reentry programming generally involves life skills courses, academic classes, and vocational training and is designed to help individuals prepare for their release from incarceration. BOP took some, but not all, steps necessary to address recommendations related to reentry programming. The 2014 contracted assessment found that BOP was not providing any substantive instructor-led reentry programming for individuals in restrictive housing; rather, BOP referred to self-help reading activities as a ‘program’ or ‘therapy.’ In contrast, the assessment found that individuals in the general population had access to reentry resources, such as residential reentry centers and BOP release preparation programs. The report recommended that BOP develop and provide specialized reentry programming for incarcerated individuals in restricted housing similar to what is being provided in the general population. The 2016 DOJ report also noted the lack of programming. It recommended that BOP provide targeted reentry programming if incarcerated individuals are in restrictive housing during the last 180 days of their incarceration and cannot be released to a less restrictive setting.

In response to these recommendations, BOP updated its SHU policy in 2016 to state that incarcerated individuals who remain in the SHU within 180 days of release are to receive targeted reentry programming to prepare for return to the community. To help implement this policy, BOP developed “Turning Point” handouts, which provide incarcerated individuals with some written information about cognitive behavioral

treatments and resource materials targeting motivation to change, coping skills, and criminogenic needs. According to BOP officials, it designed Turning Point handouts to be interactive, with a psychologist or other treatment provider working with the individual or providing feedback when appropriate.

However, in most SHUs, Turning Point is the only available reentry resource, according to BOP documentation and staff and incarcerated individuals we interviewed. Therefore, many individuals in restrictive housing do not receive life skills courses, academic classes, or other types of reentry programming similar to what individuals in the general population receive. Also, the extent to which these handouts are interactive is unclear. For example, a few individuals we interviewed who told us they received the self-guided reading activity handouts said they did not receive any feedback upon completing them. Further, one individual who was in a SHU before being released noted not receiving any reentry programming or services to help with reentering society upon release. While Turning Point handouts are an available resource, BOP has not fully addressed this recommendation because it is not providing specialized reentry programming similar to what it provides in the general population (e.g., life skills courses, academic classes, and vocational training).

Serious mental illness. BOP classifies serious mental illness as an individual's condition that requires weekly outpatient mental health interventions, placement in a residential psychology treatment program, or acute care in a psychiatric hospital. In BOP's record system, these individuals are classified as mental health care levels three or four. BOP took some steps necessary to address recommendations related to individuals with serious mental illness in restrictive housing. For example, BOP's 2014 policy on the treatment and care of individuals with mental illness generally only allows the placement of individuals with serious mental illness in SMU or ADX if "extraordinary security needs" are identified that cannot be managed elsewhere.³⁷ It also states that BOP strives to avoid prolonged placement of individuals with serious mental illness in SHUs.

However, the 2016 DOJ report found continuing challenges related to individuals with serious mental illness whom BOP had placed in restrictive housing. Specifically, DOJ found that the long-term placement in restrictive housing adversely impacted the mental health of incarcerated

³⁷Department of Justice, Bureau of Prisons, *Treatment and Care of Inmates with Mental Illness*, 5310.16 (Washington, D.C.: May 1, 2014).

individuals diagnosed with serious mental illness.³⁸ It made multiple recommendations to address this issue, including that BOP avoid placing incarcerated individuals with serious mental illness in restrictive housing, with few exceptions. It also recommended that BOP divert these individuals to a clinically appropriate alternative housing unit.

To address these recommendations, BOP revised its SHU policy in 2016 to better align with its 2014 policy on the treatment and care of individuals with mental illness. BOP's revised policy states that individuals diagnosed with serious mental illness are generally not to be placed in a SHU unless they present an immediate or serious danger to self, staff, or the orderly running of a facility.³⁹ Should placement be necessary, the revised policy states psychology services are to conduct a mental health evaluation within 24 hours of placement.


According to BOP officials, while the number of individuals with a serious mental illness who BOP places in restrictive housing may fluctuate due to individual behavior and treatment needs, these steps have resulted in significantly diverting this population from restrictive housing. However, our analysis of data from fiscal years 2018 through 2022 shows that BOP continues to place individuals with serious mental illness in restrictive housing settings (see figure 2).

³⁸The 2014 policy also requires BOP mental health staff to mitigate negative impacts or identify appropriate alternative placements for any individuals in restrictive housing units who appear to be experiencing negative mental health impacts.

³⁹Department of Justice, Bureau of Prisons, *Special Housing Units*, 5270.11 (Washington, D.C.: Nov. 23, 2016).

Figure 2: Restrictive Housing Placements for Bureau of Prisons' Incarcerated individuals, by Mental Health Care Level, Fiscal Years 2018–2022

| | Mental health care level | FY2018 | FY2019 | FY2020 | FY2021 | FY2022 |
|--|--------------------------|--------|--------|--------|--------|--------|
| Special Housing Unit^a | Level one | 60,214 | 59,539 | 52,496 | 56,347 | 62,979 |
| | Level two | 2,197 | 2,241 | 2,070 | 2,167 | 2,356 |
| | Level three | 373 | 406 | 368 | 419 | 405 |
| | Level four | 33 | 61 | 32 | 30 | 19 |
| Special Management Unit^b | Level one | 1,441 | 1,575 | 1,436 | 1,416 | 1,071 |
| | Level two | 12 | 11 | 15 | 24 | 26 |
| | Level three | 6 | 3 | 4 | 5 | 10 |
| | Level four | 0 | 1 | 1 | 2 | 1 |
| Administrative Maximum Facility^c | Level one | 422 | 417 | 372 | 355 | 357 |
| | Level two | 34 | 25 | 27 | 30 | 26 |
| | Level three | 15 | 19 | 21 | 18 | 17 |
| | Level four | 0 | 1 | 0 | 1 | 0 |

 Individuals with serious mental illness (mental health care levels 3 and 4)

Source: GAO analysis of BOP data. | GAO-23-105737

Notes: Total population includes the number of incarcerated individuals who spent at least 1 day of the year in the unit. We only included incarcerated individuals with a mental health care level designation. We excluded those individuals who did not have an official mental health care level designation because they were pending an official mental health evaluation or they have not been designated to a facility due to being a pre-trial admission or for security reasons, for example. Individuals may be counted more than once if they have more than one restrictive housing placement in a given fiscal year. Mental health care level one refers to individuals with no significant mental health care needs. Mental health care level two refers to individuals requiring routine outpatient mental health care or brief crisis-oriented mental health care. Mental health care level three refers to individuals requiring enhanced outpatient mental health care on a weekly basis or residential mental health care (i.e., placement in a residential Psychology Treatment Program). Mental health care level four refers to individuals requiring acute care in a psychiatric hospital if they cannot function in a mental health care level three environment.

^aSpecial Housing Units are a type of restrictive housing BOP uses for punitive (disciplinary segregation) or non-punitive purposes (administrative detention). The length of stay for individuals placed in Special Housing Units may vary depending on their placement reason.

^bSpecial Management Units are a type of restrictive housing BOP uses for incarcerated individuals that require greater management.

^cThe Administrative Maximum Facility is a type of restrictive housing BOP uses to confine violent, disruptive, and escape-prone incarcerated individuals.

According to BOP officials, to divert individuals with serious mental illness from restrictive housing, BOP operates three secure mental health treatment programs as of September 2023.⁴⁰ BOP officials said they plan to activate three additional secure mental health units in fiscal year 2024 to further expand its capacity to divert this population from restrictive housing. Therefore, as of September 2023, BOP has partially addressed these 2016 DOJ report recommendations.

BOP Has Not Addressed 12 of the 87 Recommendations

BOP has not taken any steps as of September 2023 to address 12 recommendations, although it agreed with or had not documented any concerns with these recommendations. For example, the 2016 DOJ report recommended that incarcerated individuals who violate disciplinary rules should be placed in restrictive housing only as necessary and after correctional officials determine that other available disciplinary sanctions are not sufficient.⁴¹ However, BOP has not updated its discipline program policy consistent with this recommendation. Additionally, the 2014 contracted assessment recommended that BOP establish a system for monitoring patterns and trends in the use of disciplinary sanctions among BOP facilities. According to officials, BOP's system has this capability, but BOP does not use the system for this recommended purpose.

BOP Has Not Developed an Approach to Fully Address Remaining Recommendations

Although BOP has fully addressed 33 of the recommendations in the 2014 and 2016 restrictive housing assessments, 54 remain partially or not addressed 7 to 9 years since the recommendations were first made.

BOP officials told us that to implement both reports' recommendations, they primarily revised policies that were relevant to each recommendation and relied on individual facilities to implement those policy changes. In addition, BOP had documented some concerns with six recommendations from the 2014 contracted assessment, which we

⁴⁰Secure mental health units are dedicated to the treatment of incarcerated individuals with mental illness that offer mental health programming in the context of removal from the general population, whether voluntary or involuntary. Department of Justice, Bureau of Prisons, *Secure Mental Health Units*, 5335.01 (Washington, D.C.: Jan. 23, 2023).

⁴¹Incarcerated individuals who commit prohibited acts may receive disciplinary sanctions. BOP categorizes prohibited acts based on severity ranging from low to greatest severity. For example, a low-level offense, such as using abusive or obscene language, may result in a loss of telephone privileges as a disciplinary sanction. Conversely, a greatest severity level offense, such as killing or assaulting any person, may result in a sanction of up to 12 months in a SHU for disciplinary segregation for the first prohibited act and up to 18 months for repeated prohibited acts within a 24-month period.

discuss in appendix III. Further, officials also told us that while BOP concurred with most of the 2014 contracted assessment's key findings and took actions to address its recommendations, there was no requirement that BOP implement all the recommendations as written since it was a contracted review.⁴²

Importantly, Executive Order 14074, published in May 2022, calls for the Attorney General to ensure the Department fully implements the 2016 DOJ report's recommendations.⁴³ In the November 2022 Attorney General report responding to this executive order, BOP reported on the status of its efforts to implement these recommendations. For example, the report stated that BOP successfully reduced its use of the SMU and ADX, but SHU placements increased since 2016.

However, our analysis of BOP population data indicates that while BOP's total population decreased by 13 percent from fiscal year 2018 to fiscal year 2022, the rate of SMU population placements as a percent of the total BOP population slightly increased between fiscal years 2018 through 2021 and slightly decreased in fiscal year 2022. BOP data indicate the ADX population rate generally remained steady relative to BOP's total population.⁴⁴ Further, the data indicate that SHU placements increased from 29 to 35 percent of the total BOP population from fiscal years 2018 to 2022, and the total number of restrictive housing placements generally increased over this period (see table 2).

⁴²Department of Justice, Bureau of Prisons, *Special Housing Unit Review and Assessment Report Response*, (Washington, D.C.: Feb. 2015).

⁴³87 Fed. Reg. 32,945.

⁴⁴In the 2022 Attorney General report, BOP reported that the SMU population rate decreased by 56 percent, from 1,260 on December 5, 2015, to 558 on September 14, 2022. BOP also reported that the ADX population rate decreased by 17 percent, from 403 on December 5, 2015, to 336 on September 14, 2022. BOP compared a 2015 daily snapshot with a 2022 daily snapshot. In contrast, our analysis includes the total number of incarcerated individuals who spent at least 1 day of each fiscal year in the SMU or ADX over a 5-year period from fiscal year 2018 to fiscal year 2022.

Table 2: Bureau of Prisons' (BOP) Total Incarcerated Population and the Rate of Restrictive Housing Placements Relative to the Total BOP Population by Unit Type, Fiscal Years 2018–2022

| | FY2018 | FY2019 | FY2020 | FY2021 | FY2022 |
|---|------------------|------------------|------------------|------------------|------------------|
| Total BOP population | 226,507 | 225,158 | 196,343 | 181,172 | 196,463 |
| Special Housing Unit placements^a | 66,646 (29%) | 65,845 (29%) | 58,281 (30%) | 61,656 (34%) | 68,577 (35%) |
| Special Management Unit placements^b | 1,462 (0.65%) | 1,596 (0.71%) | 1,456 (0.74%) | 1,449 (0.80%) | 1,109 (0.56%) |
| Administrative Maximum Facility placements^c | 471 (0.21%) | 465 (0.21%) | 422 (0.21%) | 405 (0.22%) | 400 (0.20%) |
| Total restrictive housing placements | 68,579 | 67,906 | 60,159 | 63,510 | 70,086 |

Source: GAO analysis of BOP data. | GAO-24-105737

Note: The population in each unit includes the number of incarcerated individuals who spent at least 1 day of the year in the unit. Individuals may be counted more than once if they have more than one restrictive housing placement in a given fiscal year.

^aSpecial Housing Units are a type of restrictive housing BOP uses for punitive or non-punitive purposes.

^bSpecial Management Units are a type of restrictive housing BOP uses for incarcerated individuals that require greater management.

^cThe Administrative Maximum facility is a type of restrictive housing BOP uses for violent, disruptive, and escape-prone incarcerated individuals.

The November 2022 Attorney General report also stated that BOP and DOJ are committed to further addressing and reducing the use of restrictive housing and described two recent efforts to achieve this. First, in November 2022, BOP convened an Executive Working Group comprised of BOP's six regional directors as well as leadership from the National Institute of Corrections and Correctional Programs Division, among others.⁴⁵ The BOP Director tasked this group with conducting an assessment and providing recommendations related to overhauling its restrictive housing practices. According to BOP officials, this will include reviewing and updating the prior restrictive housing recommendations. As of September 2023, officials told us the group had submitted what they called a decision paper to BOP's Executive Staff for consideration. However, officials also told us they had not implemented any specific actions and did not provide a timeline for when they expect Executive Staff to complete their review. BOP officials also did not describe the

⁴⁵The National Institute of Corrections is an agency within BOP that provides training, technical assistance, information services, and policy/program development assistance to federal, state, and local corrections agencies.

decision paper's scope or contents or whether it addressed some or all prior recommendations.

Second, in February 2023, DOJ's National Institute of Justice issued a solicitation for another independent study to review and provide recommendations regarding BOP's use of restrictive housing.⁴⁶ As of September 2023, the National Institute of Justice had awarded an approximately \$7.8 million contract, and officials told us the contractor's study was in the early developmental stages. The statement of work for this solicitation requires the contractor to provide a comprehensive assessment of restrictive housing practices within BOP. This work is to be conducted from July 2023 to November 2026 and could yield additional recommendations. Officials did not describe how or whether the Executive Working Group's efforts are informing the contractor's work.

According to federal internal control standards, management should oversee the prompt remediation of deficiencies by communicating the corrective actions to the appropriate level of the organizational structure and delegating authority for completing corrective actions to appropriate personnel.⁴⁷ The process is completed only after action has been taken that (1) corrects identified deficiencies, (2) produces improvements, or (3) demonstrates that the findings and recommendations do not warrant management action. Management then, with oversight from the oversight body, should monitor the status of remediation efforts so that they are completed on a timely basis.⁴⁸

Despite these recent efforts, BOP has not developed an approach to ensure the full implementation of the 2014 and 2016 recommendations. Not fully implementing the recommendations from these reports has impacted BOP's ability to reduce its use of restrictive housing and effectively manage its restrictive housing operations. By developing and implementing an approach to fully address the remaining recommendations—which would include assigning implementation responsibility to appropriate officials, establishing a time frame for completion, and monitoring progress—BOP would be better positioned to achieve its goal of reducing its use of restrictive housing. Where BOP does not concur with a recommendation or deems it impractical, documenting its rationale and the alternative steps, if any, it plans to take

⁴⁶DOJ's National Institute of Justice is part of the Office of Justice Programs and provides objective and independent knowledge and tools to inform efforts to promote safety and advance justice.

⁴⁷[GAO-14-704G](#).

⁴⁸[GAO-14-704G](#).

would also help BOP track its efforts to address the remaining recommendations. Further, developing and implementing an approach will help position BOP to implement any recommendations that may result from the 2023 contractor assessment once it is complete.

BOP is Not Fully Leveraging Facility Information to Ensure Restrictive Housing Policy Compliance and Enhance Operations

BOP has two key mechanisms that allow it to collect information from facilities about restrictive housing operations—its program review process and its administrative remedy process. However, it is not fully leveraging information obtained from either, resulting in four key missed opportunities to ensure compliance and enhance operations:

- BOP is not ensuring resolution of deficiencies after program reviews.
- BOP is not examining the causes behind common deficiencies.
- BOP is not monitoring key aspects of SMU operations, including individuals' placement into and progression through the program.
- BOP is not routinely analyzing administrative remedy program data to identify potential patterns of restrictive housing policy noncompliance.

BOP's Program Review Process Does Not Ensure Timely Resolution of Deficiencies

BOP's program review process identifies deficiencies, repeat deficiencies, and "repeat repeat" deficiencies at facilities but does not ensure that facilities implement the planned corrective actions before the next review.⁴⁹ We analyzed 13 quarterly review summary reports from 2018 through 2022 (one for each quarter in which BOP conducted a review). These summary reports show that program reviews found multiple instances of repeated deficiencies across BOP facilities from one review to the next. During the COVID-19 pandemic, BOP temporarily suspended the ratings-based program reviews while reviewers focused on conducting COVID-19 compliance inspections.⁵⁰ The Program Review Division resumed conducting the regular ratings-based program reviews in early March 2022. Upon resuming the process, the division did not identify any repeat deficiencies because they did not have fiscal years 2021 or half of 2020 to compare against. As shown in table 3, between

⁴⁹Deficiencies generally reflect a deviation from policy or a weakness in internal controls. A repeat deficiency is the result of the failure of internal controls that were developed to correct a previously identified deficiency. A 'repeat repeat' deficiency indicates a problem has occurred in the program area at least three times.

⁵⁰During the COVID-19 pandemic, BOP's Program Review Division did not conduct program reviews during the third and fourth quarters of 2020, in any quarter of 2021, and the first quarter of 2022. Instead, the Program Review Division conducted unannounced inspections of 87 BOP facilities to ensure compliance with COVID-19 policies and to develop further mitigation strategies to address the pandemic.

fiscal year 2018 and fiscal year 2022, there were 32 repeat deficiencies and 8 “repeat repeat” deficiencies from the prior year.

Table 3: Number and Types of Deficiencies the Bureau of Prisons Identified in Quarterly Summary Reports for all Facilities, Fiscal Years 2018–2022

| Fiscal year | Number of quarterly reviews conducted | Number of program reviews conducted | Number of new deficiencies | Number of repeat deficiencies | Number of “repeat repeat” deficiencies | Examples of most frequent restrictive-housing related deficiencies |
|--------------|---------------------------------------|-------------------------------------|----------------------------|-------------------------------|--|---|
| 2018 | 4 | 41 | 142 | 21 | 2 | Special Housing Unit (SHU) record forms were not properly completed to document all required information. Operational reviews were not always conducted or completed as required. |
| 2019 | 4 | 31 | 144 | 5 | 2 | SHU procedures and protocols were not in compliance with policy, such as irregular rounds were not conducted as required. SHU record forms were not completed to document all required information. |
| 2020 | 2 | 22 | 95 | 6 | 4 | SHU procedures and protocols were not in compliance with policy, such as irregular rounds were not conducted as required. Operational reviews were not properly completed. |
| 2022 | 3 | 16 | 170 | 0 | 0 | SHU procedures and protocols were not in compliance with policy, such as irregular rounds were not conducted as required. Operational reviews were not always conducted in a timely manner or completed as required. |
| Total | 13 | 110 | 551 | 32 | 8 | |

Source: GAO analysis of BOP information. | GAO-24-105737

Note: During the COVID-19 pandemic, BOP temporarily suspended the ratings-based program reviews while reviewers focused on conducting COVID-19 compliance inspections. When the Program Review Division resumed conducting the regular ratings-based program reviews in early March 2020, they restarted the program review process anew and did not identify any repeat deficiencies because they did not have fiscal years 2021 or half of 2020 to compare against. Deficiencies generally reflect a deviation from policy or a weakness in internal controls. A repeat deficiency is the result of the failure of internal controls that were developed to correct a previously identified deficiency. A ‘repeat repeat’ deficiency indicates a problem has occurred in the program area at least three times.

Additionally, we reviewed (1) Central Office-led program review reports, (2) facility-led operational review reports, and (3) facility-led quarterly perpetual audit reports that reviewers conducted between fiscal years 2018 and 2022 for the five facilities in our sample. Four of the five facilities we reviewed had repeat deficiencies in the Central Office-led program reviews or the facility-led operational review, three of which were specifically related to restrictive housing policies. For example, the Thomson facility conducted an operational review in October 2021 and identified 11 repeat deficiencies from the prior operational review it conducted earlier that year.⁵¹ One of these repeat deficiencies related to facility staff not always conducting or documenting their assessments of incarcerated individuals' progression through each of the three SMU program levels.⁵² Another facility in our sample had a repeat deficiency of not conducting the operational review as required by BOP's Program Review Manual.⁵³ Specifically, program reviewers found that the facility had not properly conducted or completed an operational review in 2015, which they found again in 2017.

According to BOP's Program Review Manual, a repeat deficiency is the result of the failure of internal controls that were developed to correct a noted deficiency. Federal internal control standards also state that agency management should complete and document corrective actions to remediate internal control deficiencies on a timely basis.⁵⁴ These corrective actions include resolution of findings from internal program reviews. The resolution process is completed only after action has been taken that (1) corrects identified deficiencies, (2) produces improvements, or (3) demonstrates that the findings and recommendations do not warrant management action. The standards state that management, with oversight from the oversight body, should monitor the status of remediation efforts so that they are completed on a timely basis.

⁵¹A facility that has identified deficiencies or major concerns during its operational review is to conduct a follow-up review 120–150 calendar days after the last operational review.

⁵²According to the SMU policy, facility staff are to review incarcerated individuals' adjustment to the facility, program participation, personal hygiene, and cell sanitation when considering their progression through the three SMU program levels. Department of Justice, Bureau of Prisons, *Special Management Units*, 5217.02 (Washington, D.C.: Aug. 9, 2016).

⁵³Department of Justice, Bureau of Prisons, *Management Control and Program Review Manual*, 1210.23 (Washington, D.C.: Aug. 21, 2002).

⁵⁴[GAO-14-704G](#).

According to BOP's Program Review Division officials, the program review guidance places the responsibility on wardens to ensure implementation of corrective action plans. Specifically, this guidance states that wardens are to establish action plans to address operational and program review findings.

However, BOP does not have an oversight process to verify that the wardens implement the plans or document that they corrected the deficiencies before subsequent program reviews. By enhancing its oversight to verify and document that facilities have implemented corrective actions that fully address all deficiencies, BOP would be in a better position to ensure that identified deficiencies are not repeated in multiple years during subsequent program reviews.

BOP Does Not Identify or Address Common Causes of Recurring Deficiencies

Although BOP's Program Review Division provides quarterly reports to facility leadership on the most frequent deficiencies identified in its program reviews, it does not analyze these reports across all facilities to identify common causes for deficiencies that frequently recur. Evidence of recurring deficiencies across multiple facilities could indicate that a BOP-wide policy or process may need to be updated.

BOP's Program Review Manual acknowledges that deficiencies may be the result of unclear or outdated policies and notes that reviewers should state when they believe that to be the cause of the problem.⁵⁵ As table 3 above shows, BOP has found that the same deficiencies have recurred across multiple facilities. Identifying the causes of common deficiencies—such as policies being silent on particular matters or resources being unavailable—would provide useful information. BOP officials did not provide a reason why they have not taken steps to identify causes of common deficiencies but agreed that improvements are needed.

According to federal internal control standards, the resolution of findings from internal program reviews is completed only after action has been taken that (1) corrects identified deficiencies, (2) produces improvements, or (3) demonstrates that the findings and recommendations do not warrant management action. Because the steps facilities have taken to resolve their deficiencies have not produced improvements, certain recurring deficiencies may warrant action by BOP management. By developing and implementing a mechanism to identify causes of common deficiencies that recur across multiple facilities and taking steps to

⁵⁵Department of Justice, Bureau of Prisons, *Management Control and Program Review Manual*, 1210.23 (Washington, D.C.: Aug. 21, 2002).

address them, BOP would be in a better position to understand and address problem areas.

BOP Does Not Monitor Key Aspects of SMU Operations

BOP has not evaluated SMU placements to understand the cause of disproportionate representation of individuals in certain racial groups in the SMU. It also does not have a mechanism to monitor two key areas of SMU operations: (1) the process for determining SMU placement and (2) SMU program level progression. Instead, the SMU program review guidelines focus on confinement conditions, including assessments related to meals, personal hygiene, and opportunities for recreation.

SMU Placements

BOP policy provides facilities discretion and flexibility in determining whether to place incarcerated individuals in the SMU program.⁵⁶ However, BOP does not have an oversight mechanism to ensure that all BOP facilities consistently and equitably apply the SMU policy placement criteria.

During the 2014 contracted assessment, reviewers found inconsistencies related to the subjective SMU placement criteria. For example, they observed instances of incarcerated individuals being referred to the SMU after a single serious disciplinary violation, while recommendations for other incarcerated individuals with repeated instances of the same violation were rejected or not initiated by the local facility. Reviewers noted that the layered review process and the fact that regional management made the final placement decisions helped balance these inconsistencies. Therefore, they did not make a recommendation to address this issue.⁵⁷ However, they noted that demonstrable inconsistencies in placement decisions create equity issues in the

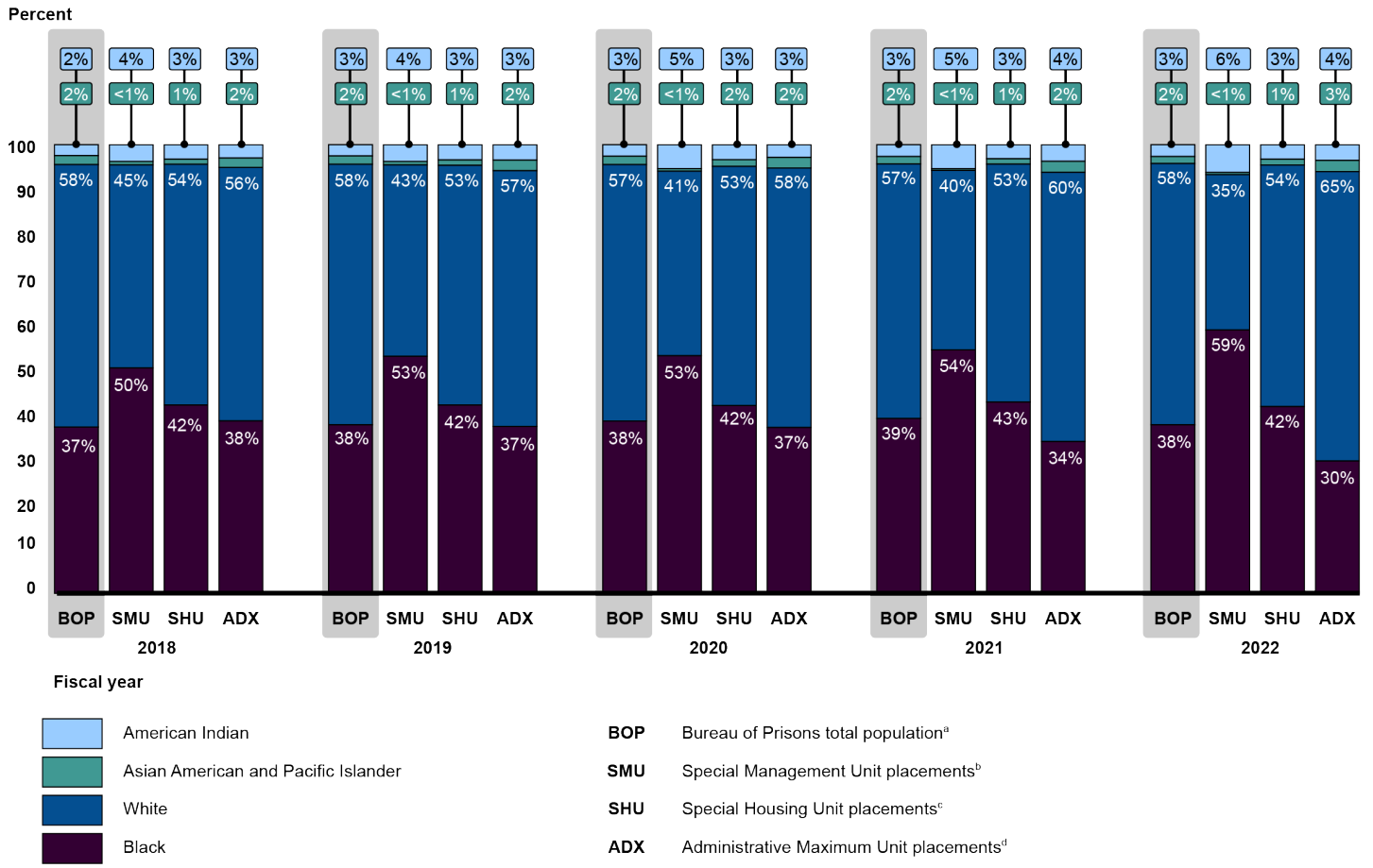
⁵⁶BOP policy states that SMU placement may be considered for any incarcerated individual whose interaction requires greater management to ensure the safety, security, or orderly operation of facilities because the individual has met any of the following criteria (1) had a leadership role or participated in disruptive gang-related activity; (2) a history of serious or disruptive disciplinary infractions; (3) committed a serious prohibited act; (4) participated in, organized, or facilitated any group misconduct that adversely affected the orderly operation of a correctional facility; or (5) otherwise participated in or was associated with activity such that greater management of the incarcerated individual's interaction with other persons is necessary to ensure the safety, security, or orderly operation of BOP facilities. Department of Justice, Bureau of Prisons, *Special Management Units*, 5217.02 (Washington, D.C.: Aug. 9, 2016).

⁵⁷The facilities in Lewisburg and Allenwood, Pennsylvania, had operational SMU programs—and the facility in Florence, Colorado, closed its SMU program—at the time of the 2014 contracted assessment. Reviewers made an overarching recommendation that BOP reexamine the SMU levels as they currently operated, their corresponding conditions of confinement, the length of time in each level, and their compliance with the SMU program statement.

application of the SMU placement criteria. They also acknowledged the challenge of maintaining the balance between discretion of placement versus creating a consistent and reliable placement process.

In our analysis of SMU data, we found disproportionate representation of individuals in certain racial groups in the SMU. This appears to confirm that inconsistencies in the application of the SMU criteria continued, resulting in equity concerns. In particular, our findings indicate disproportionate representation of Black individuals in the SMU for each year from fiscal years 2018 through 2022, as shown in figure 3. For example, in fiscal year 2022, Black individuals constituted 38 percent of the total BOP population and 59 percent of the SMU placements. In comparison, White individuals constituted 58 percent of the total BOP population and 35 percent of the SMU placements. In contrast, the SHU and ADX placement rates were relatively proportionate to the total BOP population rates.

Figure 3: Bureau of Prisons' (BOP) Total Population and Restrictive Housing Placements, by Race, Fiscal Years 2018–2022



Source: GAO analysis of BOP data. | GAO-24-105737

Note: Total BOP population includes the number of incarcerated individuals who spent at least 1 day of the year in BOP custody, and total placements include the number who spent at least 1 day of the year in the respective units. Individuals may be counted more than once if they have more than one restrictive housing placement in a given fiscal year. Totals do not equal 100 due to rounding. The race identification categories were provided by BOP. A small number of incarcerated individuals were not placed into a race category because they had not been designated to a facility due to being a pre-trial admission or for security reasons. These individuals are included in the overall population totals but not in individual race identification categories. Total BOP population varied across the years from about 181,000 to 226,000 and from about 58,000 to 69,000 for SHU placements; from about 1,100 to 1,600 for SMU placements; and from about 400 to 470 for ADX placements.

^aTotal population includes everyone in general population housing units as well as restrictive housing units.

^bSpecial Management Units are a type of restrictive housing BOP uses for incarcerated individuals that require greater management.

^cSpecial Housing Units are a type of restrictive housing BOP uses for punitive or non-punitive purposes.

^dThe Administrative Maximum Facility is a type of restrictive housing BOP uses to confine violent, disruptive, and escape-prone incarcerated individuals.

Additionally, an August 2022 BOP Regional Management comprehensive site review report showed a disproportionate representation of Black individuals versus White individuals in the SMU population.⁵⁸ BOP officials told us they did not know what was causing the disproportionality because they had not evaluated SMU placements to determine or address the cause of disproportionate representation of individuals in certain racial groups in the SMU. Six of the seven individuals we interviewed who had been housed in the SMU discussed incidents of discrimination or poor treatment that they perceived were based on race. One of these individuals specifically expressed the view that the SMU placement process was discriminatory. This individual explained that placement in the SMU was due to a single violation and noted that White individuals with seemingly repeated instances of the same violation had never been referred to the SMU.

SMU Program Level Progression

BOP's program review process also lacks a mechanism to ensure that incarcerated individuals progress through each of the three SMU program levels in accordance with policy.⁵⁹ During BOP's regional management site review of the Thomson facility in August 2022, the review team determined that facility staff had not complied with certain aspects of BOP's SMU policy. Specifically, the team determined that more than 200 individuals who were in the SMU unit as of August 2022 had remained longer than required by policy. In particular, the review team noted that staff prohibited individuals from progressing through the three program levels based on minor infractions, such as not cleaning their cells.

⁵⁸Between August and November 2022, BOP's North Central Regional Director conducted multiple visits and a comprehensive site review of the United States Penitentiary in Thomson, IL—BOP's only SMU. According to a report that documented the results of the site review, BOP initiated the review due to recent media reports about management challenges, staff and incarcerated individuals' reports of misconduct, and information indicating a breakdown in programs and procedures throughout the facility. Due in part to the issues identified during this review, BOP leadership closed the Thomson SMU in February 2023.

⁵⁹According to the SMU policy, BOP generally expects all incarcerated individuals in the SMU to complete the three program levels within 9 to 13 months, and the maximum time an incarcerated individual may spend in SMU is 24 consecutive months. Department of Justice, Bureau of Prisons, *Special Management Units*, 5217.02 (Washington, D.C.: Aug. 9, 2016).

Our analysis of BOP data indicates that at least 25 individuals failed to complete the program within 24 months each year from fiscal years 2018 through 2022, as shown in table 4.

Table 4: Bureau of Prisons' (BOP) Special Management Unit (SMU) Population by SMU Program Enrollment Status, Fiscal Years 2018–2022

| | FY2018 | FY2019 | FY2020 | FY2021 | FY2022 |
|---|--------|--------|--------|--------|--------|
| Total SMU population | 1,462 | 1,596 | 1,456 | 1,449 | 1,109 |
| SMU program completers ^a | 622 | 904 | 723 | 769 | 554 |
| Active SMU program enrollees ^b | | | | | |
| SMU Level 1 | 546 | 458 | 444 | 398 | 373 |
| SMU Level 2 | 145 | 114 | 147 | 98 | 69 |
| SMU Level 3 | 52 | 11 | 76 | 88 | 45 |
| Other SMU population ^c | 72 | 54 | 29 | 59 | 35 |
| SMU program fail ^d | 25 | 55 | 37 | 37 | 33 |

Source: GAO analysis of BOP information. | GAO-24-105737

Notes: The SMU program was relocated from the Lewisburg, PA, facility to the Thomson, IL, facility in 2019. In February 2023, BOP closed the Thomson SMU and relocated the SMU inmates to the Terre Haute, IN, facility.

^aIncludes those who demonstrated successful progression through all levels of SMU programming and who have abstained from misconduct for a minimum of 9 months.

^bAt level 1 in the SMU program, interaction between incarcerated individuals is minimal and they are restricted to their cells. At level 2, interaction expands, and out-of-cell activities and programming may increase. At level 3, interaction in an open, but supervised, setting may occur, and individuals must demonstrate an ability to effectively coexist or interact with others.

^cIncludes those who were in the process of transferring to another facility or who were awaiting a final placement decision.

^dIncludes those who failed to complete the SMU program within 24 consecutive months.

BOP Program Review Division officials acknowledged that they did not identify these issues during routine program reviews because the review process does not include mechanisms for monitoring SMU placements or program level progression. BOP officials also stated that there are opportunities to improve the program review process and to monitor additional aspects of restrictive housing. They said they began developing and testing new methods in January 2020 to improve the program review process. BOP Program Review Division officials told us they temporarily suspended this work during the COVID-19 pandemic, after which leadership availability and staff turnover caused additional delays. As of January 2024, BOP began conducting formal trainings to educate audit staff on proper auditing procedures and is still evaluating new methods to improve its ability to monitor and oversee facility operations.

BOP officials told us the closure of the Thomson facility SMU was intended to address significant concerns, including the lack of compliance with SMU policy related to program level progression. However, BOP officials did not provide perspectives or rationale about instances of disproportionate representations in SMU placements.

The issues identified in the 2014 contracted assessment related to the subjective application of the SMU placement criteria and the deficiencies that contributed to the closure of the Thomson facility's SMU program have introduced risks to the SMU program. Federal internal control standards state that management should identify, analyze, and respond to risks related to achieving the defined objectives, particularly when there is a degree of subjectivity involved with the risk.⁶⁰ According to these standards, not responding to risk could cause deficiencies in the internal control system. To better address risks, management may conduct ongoing monitoring and separate evaluations. In addition, BOP's Program Review Manual states that "monitoring on a continuous or periodic basis allows staff to correct problems before they get out of hand."⁶¹ Such routine monitoring may be performed on a weekly or quarterly basis.

As of September 2023, officials told us they are still considering the operating status of the SMU program. According to BOP, the SMU program is a tool that enables facility staff to manage unique security concerns to ensure a safe and orderly environment.

However, BOP has closed and relocated the SMU program to different facilities six times over the past 10 years.⁶² Should BOP reinstate the SMU program again, it will be important to evaluate previous SMU placements to determine and address the cause of disproportionate representation of individuals in certain racial groups in the SMU population. Analyzing the cause of the substantial racial disparity could inform BOP and DOJ decisions on the future of restricted housing and help ensure consistent and equitable treatment of incarcerated individuals.

⁶⁰[GAO-14-704G](#).

⁶¹Department of Justice, Bureau of Prisons, *Management Control and Program Review Manual*, 1210.23 (Washington, D.C.: Aug. 21, 2002).

⁶²In 2013, we reported that BOP had closed SMUs in two of the five facilities with SMUs. [GAO-13-429](#). BOP subsequently closed its three remaining SMUs in Lewisburg and Allenwood, Pennsylvania, and in Florence, Colorado, between 2014 and 2019. In 2019, BOP had relocated the Lewisburg SMU to the facility in Thomson, Illinois, which it closed in February 2023.

Further, should BOP reinstate the SMU program, developing and implementing a mechanism for routinely monitoring how BOP facilities are applying SMU placement criteria would enhance BOP's oversight and reduce subjectivity. Likewise, developing and implementing a mechanism for routinely evaluating SMU review documentation would help BOP ensure that individuals in SMUs are progressing through the three program levels, in accordance with SMU policy.

BOP Does Not Routinely Analyze Administrative Remedy Program Data to Identify Potential Patterns of Policy Noncompliance

BOP does not have a process to routinely analyze administrative remedy program data to identify broad trends or potential patterns of noncompliance related to BOP's grievance policy for incarcerated individuals.⁶³ Such analysis could inform BOP about possible areas of program weaknesses and areas for improvement. Our analysis of a selection of administrative remedy program data, as well as our interviews with more than two dozen incarcerated individuals who experienced restrictive housing, indicate areas of program weaknesses in both the SHU and SMU.

SHU-related Grievances and Concerns

We analyzed summary information for over 500 formal grievances that individuals who were housed in SHUs at our five sample facilities submitted from fiscal years 2018 through 2022.⁶⁴ These grievances related to a wide range of issues, including complaints about BOP staff and SHU conditions of confinement, such as lack of access to programs or services or having inadequate amounts of basic necessities. For example, grievances about BOP staff included complaints about discrimination, misconduct, policy violations, and excessive use of force. Conditions of confinement grievances included complaints about being denied access to recreation time, lack of access to psychological services, and being denied or provided inadequate amounts of food and hygiene products, such as toilet paper and soap.

Our interviews with 28 incarcerated individuals whom BOP had placed in SHUs at these five facilities provided additional insights into similar issues raised in these grievances, which may indicate possible patterns of noncompliance with the SHU policy. For example, many of the 28 individuals we interviewed told us they were denied access to recreation or psychological services or were provided inadequate amounts of basic necessities such as food, toilet paper, and hygiene products, which is

⁶³Under BOP's administrative remedy program, incarcerated individuals can seek formal review of any grievances relating to their own confinement.

⁶⁴We selected these submissions based on 14 BOP subject codes related to restrictive housing settings and conditions that BOP uses to categorize administrative remedy grievance submissions.

inconsistent with BOP policy. Specifically, 18 individuals across all five facilities described not having enough toilet paper or other hygiene products. Further, 23 individuals across all five facilities described unsanitary conditions of SHU clothing and bedding or conditions that were worse than general population. See appendix IV for additional illustrative examples in each of these categories.

SMU Related Grievances and Concerns

We analyzed summary information for nearly 600 formal grievances that individuals whom BOP housed in the Thomson facility SMU submitted from fiscal years 2019 through 2022. About 150 of these submissions were specific complaints related to delays in SMU level progression. As previously discussed, BOP closed the Thomson facility SMU in February 2023, in part because facility staff had not complied with the SMU policy on SMU level progression. In addition, over 100 of these submissions related to Thomson facility staff, including complaints of staff misconduct, denial of rights, and excessive use of force.

Furthermore, seven individuals we interviewed who were housed in the SMU described concerns that indicated possible patterns of noncompliance with the SMU policy. For example, most incarcerated individuals we interviewed with SMU experience said they were not provided opportunities to regularly receive recreation time, as required by policy.⁶⁵ Most of these incarcerated individuals also shared experiences with us about alleged misconduct, abuse, or negligence by facility staff. Some said they raised informal grievances to facility staff, which were not resolved. Others said they filed formal grievances through the administrative remedy process but told us that BOP did not resolve their grievances.

BOP's Administrative Remedy Program staff ensure grievance data submitted by individuals across all facilities are accurate, including the type of grievance and whether the grievance was addressed or rejected. Then they use this information to compile statistics which are updated monthly on BOP's internal website.

⁶⁵According to BOP's program statement, "[individuals] have the opportunity to exercise outside their individual quarters for at least five hours per week, ordinarily in one-hour periods on different days." Department of Justice, Bureau of Prisons, *Special Management Units*, 5217.02 (Washington, D.C.: Aug. 9, 2016). Because we interviewed a smaller number of individuals who were housed in the sole SMU than those who were housed in SHUs across multiple facilities, we are not including the specific number of individuals who responded in a particular way or any information that might be used to identify them to protect their identity.

However, they said they did not know who, if anyone, reviews this information or for what purpose. Neither BOP's Program Review Division staff, its Administrative Remedy Program staff, nor its Office of Research and Evaluation staff have analyzed administrative remedy submissions for broad trends or patterns of noncompliance with BOP policies or the causes underlying them. Officials from BOP's Administrative Remedy Program said they haven't done so because they focus on addressing these grievances. These officials noted that staff could alert management from the relevant BOP regional office or facility leadership if they identified a need for corrective actions based on their reviews of these data. However, they could not provide a specific example that this has ever occurred. Further, a representative from the administrative remedy team told us the team does not discuss cross-cutting issues or trends that could be apparent in the data during its routine meetings.

BOP's Program Review Manual states that BOP central and regional office administrators are to ensure information from sources such as program reviews, management assessments, and other studies are analyzed to determine whether there is a pattern of noncompliance or lack of controls in the programs. As BOP is developing improvements to its program review process, incorporating a mechanism to routinely leverage available administrative remedy data would provide benefits. Specifically, developing and implementing a process to routinely analyze the administrative remedy program data would better position BOP to identify and address, as needed, any potential patterns of noncompliance with restrictive housing policies and other areas of program weaknesses.

BOP Used Restrictive Housing for Medical Isolation During the COVID-19 Pandemic Due to Space Constraints

During the COVID-19 pandemic, some BOP facilities used SHUs to quarantine or medically isolate individuals who were exposed to or tested positive for the virus.⁶⁶ For example, officials from four of the five facilities told us they used SHUs for this purpose because these facilities lacked space or staff to maintain the recommended distance between incarcerated individuals. Nationwide, the number of COVID-19 cases had peaked in December 2020 and January 2021. By May 2021, 45,660 incarcerated individuals across BOP facilities had tested positive for COVID-19, according to BOP data.

⁶⁶BOP's COVID-19 pandemic plan states that quarantine refers to separating (in an individual room or cohorting in a unit) asymptomatic not fully vaccinated persons to (1) observe them for symptoms and signs of illness during the incubation period and (2) keep them apart from other incarcerated individuals. BOP uses three categories of quarantine: exposure, intake, and release/transfer. The plan further refers to medical isolation as confining individuals with suspected (displaying symptoms) or confirmed (based on a positive test) COVID-19 infection, either to single rooms or by cohorting them with others with suspected or confirmed infections.

We previously reported that BOP's efforts to safeguard incarcerated individuals during the COVID-19 pandemic generally changed incarcerated individuals' living conditions.⁶⁷ Specifically, we reported that BOP limited access to programs, services, visitors, and facility spaces. However, BOP's policy dictates that the living conditions for individuals placed in SHUs for quarantine or medical isolation should be comparable to their regular housing unit, since these individuals did not have disciplinary infractions. BOP's COVID-19 Pandemic Response Plan requires medical isolation to be distinct from the conditions experienced by individuals placed in the SHU for administrative detention or disciplinary segregation.⁶⁸ These conditions may include similar access to radio, television, personal property, and commissary as would be available in regular housing units.

However, BOP officials at three of the four facilities that used SHUs for quarantine purposes told us that the living conditions were the same for all incarcerated individuals placed in the SHU for administrative detention, disciplinary segregation, and medical isolation. For example, officials in one facility said that none of the SHU incarcerated individuals were permitted to have the personal property items that they were permitted in their general population housing units regardless of whether they were in the SHU for medical isolation or discipline. Practices in the fourth facility more consistently aligned with BOP policy. BOP officials there said that incarcerated individuals placed in the SHU for any type of administrative detention, which includes quarantine or medical isolation, were generally allowed more privileges than those in SHUs for disciplinary purposes.⁶⁹

We interviewed nine incarcerated individuals at three facilities who had been placed in a SHU for quarantine or medical isolation during the COVID-19 pandemic. Of these, eight said they were not able to keep any personal property while they were in the SHU for quarantine or medical isolation and/or that the conditions they experienced were the same as individuals who were placed in the SHU for discipline. For example, one incarcerated individual who had been placed in the SHU one time for discipline and one time for COVID-19 quarantine said that the living

⁶⁷[GAO-21-502](#).

⁶⁸BOP, *COVID-19 Pandemic Response Plan*, Feb. 7, 2022, version 4.

⁶⁹BOP's SHU policy states that individuals in administrative detention status are ordinarily allowed a reasonable amount of personal property while personal property is to be impounded for individuals in disciplinary segregation status. The policy also states that personal property may be limited for individuals in either status for sanitation reasons. Department of Justice, Bureau of Prisons, *Special Housing Units*, 5270.11 (Washington, D.C.: Nov. 23, 2016).

conditions were the same both times. One individual we interviewed was able to keep personal property while in the SHU for medical isolation, including photographs and a radio.

Executive Order 14074 directed the Attorney General to update BOP procedures and protocols to identify alternatives to the use of restrictive housing for quarantine and medical isolation of individuals who were exposed to or tested positive for COVID-19.⁷⁰ In response, BOP revised its COVID-19 pandemic plan to minimize its use of quarantine for this purpose and to use isolation when necessary. In addition, to mitigate the risk of mental health strain on individuals who must be isolated, the plan states that psychology services staff should be consulted if isolation in single cells is necessary to ensure that those individuals are not particularly vulnerable.

Furthermore, in its March 2023 COVID-19 capstone report, the DOJ Office of the Inspector General recommended that BOP compile and regularly update best practices for addressing space limitations to meet social distancing, quarantine, and medical isolation needs.⁷¹ Implementing such best practices would help BOP address space limitations and seek alternatives to using restrictive housing for quarantine and medical isolation, as such housing is often punitive.

Conclusions

BOP has not fully implemented most of the recommendations from a 2016 DOJ report and a 2014 contractor assessment to reduce its use of restrictive housing and improve its oversight. By developing and implementing an approach to fully address the remaining recommendations, including assigning implementation responsibility to appropriate officials and setting and monitoring time frames for completion, BOP could reduce its use of restrictive housing. Where BOP does not concur with a recommendation or deems it impractical, documenting its rationale and the alternative steps, if any, it plans to take would also help BOP track its efforts to address the remaining recommendations. Further, developing and implementing an approach will help position BOP to implement any recommendations that may result from the 2023 contractor assessment once it is complete.

BOP can also ensure restrictive housing policy compliance and improve operations by using available information it collects from its program review and administrative remedy processes. However, it is not ensuring resolution of identified deficiencies, not addressing the causes behind

⁷⁰87 Fed. Reg. 32,945.

⁷¹Department of Justice, *Capstone Review*.

common deficiencies, and not analyzing administrative remedy program data to identify potential patterns of non-compliance. Accordingly, it is missing opportunities to enhance restricted housing operations.

BOP also has not monitored key aspects of SMU operations, including individuals' placements in the unit and their progress in the program. After closing its only SMU program to address significant concerns related to the facility's lack of compliance with SMU policy, BOP has not decided on the future of this program. As it considers options, it will be important that BOP address the factors associated with noncompliance with SMU policy. Further, substantial racial disparities in SMU program participation raise questions about the consistency and equity of placement decisions.

Recommendations for Executive Action

We are making the following eight recommendations to BOP:

The Director of BOP should develop and execute an approach to fully implement all the 2014 and 2016 restrictive housing reports recommendations. For each recommendation that has not yet been implemented, the approach should include assigning implementation responsibility to appropriate officials, establishing a time frame for completion, and monitoring progress. In instances where BOP does not concur with a 2014 recommendation or deems it impractical, it should document its rationale and the alternative steps, if any, it plans to take. (Recommendation 1)

The Director of BOP should enhance oversight by developing and implementing a process to verify and document that facilities have implemented corrective actions that fully address all deficiencies. (Recommendation 2)

The Director of BOP should develop and implement a mechanism to identify causes of common deficiencies that recur across multiple facilities and take steps to address those causes. (Recommendation 3)

The Director of BOP should conduct an evaluation of previous SMU placements to determine and address the cause of disproportionate representation of individuals in certain racial groups in the SMU population. (Recommendation 4)

The Director of BOP should develop and implement a mechanism for routinely monitoring the extent to which facilities are applying the SMU placement criteria consistently and equitably across all BOP facilities should BOP reinstate the SMU program. (Recommendation 5)

Agency Comments and Our Evaluation

The Director of BOP should develop and implement a mechanism for routinely evaluating SMU review documentation to ensure that incarcerated individuals progress through the SMU program levels in accordance with SMU policy should BOP reinstate the SMU program. (Recommendation 6)

The Director of BOP should develop and implement a process to routinely analyze administrative remedy program data. (Recommendation 7)

The Director of BOP should develop and implement a process to address any identified patterns of noncompliance related to restrictive housing policies and other areas of program weaknesses. (Recommendation 8)

We provided a draft of this report to DOJ for review and comment. BOP concurred with all eight recommendations and described actions planned or underway to address them. BOP also provided technical comments, which we have incorporated as appropriate. BOP's comments are reproduced in appendix V.

BOP stated that it recognizes that restrictive housing is not an effective deterrent and can increase future recidivism. As such, it is developing both short term and long-term plans to improve its restrictive housing practices. Further, BOP stated that it has started implementing a new strategic framework that devotes a goal specifically to reducing its use of restrictive housing.

In response to recommendation 1, BOP stated that it does not agree with our conclusion that there are 55 recommendations that it only partially implemented or did not implement at all. In BOP's technical comments, it asked us to reconsider evidence for one of the 55 recommendations. We did, and as we note in our final report, we concluded that it had been implemented, which reduced the total to 54 recommendations not yet fully implemented.

BOP also stated that to the extent that there are outstanding recommendations from the 2014 and 2016 reports that BOP can implement, it will develop and execute a plan to do so. It also stated that for those recommendations that BOP believes have already been implemented or disagrees with, it will continue to document the rationale for its position and any alternative steps. Finally, for each recommendation that has not yet been implemented, BOP stated that its approach will include assigning implementation and responsibility to appropriate officials, establishing a time frame for completion, and monitoring progress. The planned actions BOP described for each of the

recommendations not yet implemented, if done effectively, would address our recommendation.

In response to recommendations 2 and 3, BOP stated that it will implement an internal audit process to verify and document that facilities have implemented corrective actions to address deficiencies identified during internal audits conducted by its Program Review Division. It further stated that this process will identify causes of common deficiencies that recur across multiple facilities. Finally, it stated that this will include an internal audit follow-up process involving all levels (local, regional, and divisional leadership) of the agency to establish internal controls that mitigate the recurrence of deficiencies. The actions BOP described, if implemented effectively, would address our recommendations.

Regarding recommendation 4, BOP stated that an evaluation of past SMU placements to determine the cause of disproportionate representation is included in the scope of an ongoing contracted study. The actions BOP described, if implemented effectively, would address our recommendation.

While BOP stated that it concurred with recommendations 5 and 6, BOP noted that it has already suspended the SMU program and is working to identify an appropriate replacement in conjunction with the contracted study referenced above. Further, BOP stated that its closure of the SMU at USP Thomson, as discussed in our report, adequately addresses these recommendations and it requests that we consider them implemented already.

As noted in our report, BOP has closed and relocated the SMU program to different facilities six times over the past 10 years. Additionally, BOP considers the SMU program to be a tool that enables facility staff to manage unique security concerns to ensure a safe and orderly environment. As BOP works toward an appropriate replacement for the SMU program, should it decide to reinstate the program at a different facility or replace it with a similar program in function, routinely monitoring the application of SMU criteria and reviewing documentation on individuals' progress will continue to be essential. Accordingly, we believe that implementing these recommendations at that time will better position BOP to ensure the consistency and equity of its placement decisions and policy compliance.

In response to recommendation 7, BOP stated that it will work towards developing and implementing a process to routinely analyze administrative remedy program data. BOP also noted that

administrative remedy program data should not solely be relied upon to identify patterns of noncompliance, and other areas of program weaknesses. This is because the program is designed to individually assess and respond to grievances specific to individuals challenging the conditions of their confinement. Therefore, BOP stated that it will incorporate a review of Administrative Remedy data into broader analyses of policy concerns and issues. The actions BOP described, if implemented effectively, would address our recommendation.

In response to recommendation 8, BOP stated that it will develop and implement a process to address any identified patterns of noncompliance related to restrictive housing policies, and other potential areas of program weaknesses. The actions BOP described, if implemented effectively, would address our recommendation.

We are sending copies of this report to the appropriate congressional committees, DOJ, BOP, and other interested parties. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or GoodwinG@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix VI.



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Appendix I: Objectives, Scope, and Methodology

This report examines the following objectives:

1. To what extent has the Bureau of Prisons (BOP) addressed recommendations in the 2014 contracted assessment and the 2016 DOJ report on restrictive housing?
2. To what extent does BOP leverage the information it collects from facilities to ensure restrictive housing policy compliance and enhance restrictive housing operations?
3. How did BOP use restrictive housing units during the COVID-19 pandemic?

To address in part all three of our objectives we selected a nongeneralizable sample of five of BOP's 121 facilities. We selected these facilities to reflect a range in the types of restrictive housing units—Special Housing Units (SHU); the Special Management Unit (SMU); and the Administrative Maximum Unit (ADX). Our sample also includes a range of security levels (low, medium, and high security facilities). We selected the U.S. Penitentiary in Thomson, Illinois, because at the time of our review, it was the only facility with a SMU. We selected the Federal Correctional Complex in Florence, Colorado, because it is the only ADX facility. We also selected the Federal Correctional Complexes in Butner, North Carolina, and Terre Haute, Indiana, as well as the Federal Correctional Institution in Dublin, California. All five facilities have a SHU. The Dublin, California, facility houses females and the other four facilities house males.

For each of these five selected facilities, we interviewed facility management staff, including the facility warden and associate wardens, as well as restrictive housing unit managers and correctional officers who work in restrictive housing units. We also interviewed officials responsible for providing health services and mental health services, including clinical directors, psychologists, and treatment staff. Lastly, we conducted interviews with 6–10 incarcerated individuals in restrictive housing units at these five facilities at the time of our review for a total of 37 individuals.¹ While the anecdotal information we learned during these interviews provided valuable insights about the experiences of individuals who were

¹At each facility, BOP provided a list of individuals who had been recently placed in a restrictive housing unit. We selected 6–11 individuals from each list who had different placement reasons, which included administrative detention, disciplinary segregation, and medical isolation. We then provided written information about this review to each individual we selected and verbally obtained their consent to participate in the interview.

placed in restrictive housing units, these interviews are not representative of the entire restrictive housing population or the total BOP population.

We also analyzed facility-specific documents, such as handbooks provided to incarcerated individuals, supplemental policy guidance, commissary lists, program review reports, and photographs representing various types of restrictive housing units, settings, and recreational areas. While the results from our sample of facilities cannot be generalized to all BOP facilities with restrictive housing, they provided insights into how BOP facilities implement restrictive housing policies as well as how BOP's Central Office monitors facilities for compliance with these policies.

In addition to the interviews with BOP staff, we interviewed BOP officials from several Central Office (headquarters) divisions to learn about bureau-wide policies and administration, including the Correctional Programs and Program Review Divisions. We also interviewed Regional Managers from two of BOP's six regional offices. All regions have facilities with special housing units, but we selected the North Central region because it has a facility with an ADX and SMU. We selected the South Central region because it has a Female Administrative Unit.

To address our first objective, we reviewed relevant DOJ and BOP reports, policies, and training materials on BOP's actions to implement recommendations from the 2014 contracted assessment and the 2016 DOJ report. This included reviews of BOP program statements, forms, and program review guidance related to various restrictive housing programs and units. We analyzed BOP data on all individuals housed in each type of restrictive housing unit and setting from fiscal year 2018 through fiscal year 2022, including the total number of individuals who were housed in each type of unit at least 1 day during each fiscal year by mental health care level. We selected this period to conduct a 5-year trend analysis of the data most recently available at the time of our review. To assess the reliability of these data, we interviewed knowledgeable officials about BOP's data systems, reviewed the query code language BOP used to retrieve requested data, and examined the data for obvious errors. We determined these data to be sufficiently reliable for the purpose of reporting the number and type of restrictive housing placements.

To determine how certain subsets of the restrictive housing population changed during this same time period, we analyzed two daily "snapshots" of data posted to BOP's website. These "snapshots" showed the number of individuals BOP placed in SHUs for protective custody—a type of administrative detention status for individuals who require protection from

real or perceived threats to their safety—at a specific point in time.² We used this approach because BOP does not maintain subsets of SHU placement categories, such as protective custody status, in an accessible format to analyze trends over time. We accessed and retained these daily snapshots early in our review in April 2022 and again in October 2023.³ Using the same data reliability steps as above, we determined these snapshot data to be sufficiently reliable for reporting changes in protective custody placements over time since BOP used the same approach to report these changes.

We assessed BOP's efforts to address the 2014 and 2016 recommendations against criteria in *Standards for Internal Control in the Federal Government*, which state that management should oversee the prompt remediation of deficiencies by communicating the corrective actions to the appropriate level of the organizational structure and delegating authority for completing corrective actions to appropriate personnel.⁴ According to these standards, the process is completed only after action has been taken that (1) corrects identified deficiencies, (2) produces improvements, or (3) demonstrates that the findings and recommendations do not warrant management action. Furthermore, these standards state that management, with oversight from the oversight body, should monitor the status of remediation efforts so that they are completed on a timely basis.⁵

To address our second objective, we analyzed BOP's restrictive housing policies and program review guidance and reports. These included 13 quarterly review summaries for all the program reviews that BOP conducted from fiscal year 2018 through fiscal year 2022. These also included Central Office and facility-level reports for reviews of the five facilities in our sample that BOP conducted during this same period. We

²These threats may be due to gang affiliations, certain types of criminal convictions, gender identity, or sexual orientation. Individuals may request to be placed in protective custody if they feel threatened or they may be placed in protective custody involuntarily if BOP staff determine they need protection from verified threats.

³BOP collects data on this population to support the daily operational needs of BOP facilities. However, BOP does not maintain these records in a format that allows for it to analyze changes in this population over time. Therefore, we relied on the operational information reported on BOP's website to determine the number of individuals who were placed in protective custody (either voluntarily or involuntarily). See BOP, "Restricted Housing Statistics," *Inmate Statistics* (Washington, D.C.), accessed on April 6, 2022, and October 3, 2023, https://www.bop.gov/about/statistics/statistics_inmate_shu.jsp.

⁴GAO, *Standards for Internal Control in the Federal Government*, GAO-14-704G (Washington, D.C.: Sept. 10, 2014).

⁵GAO-14-704G.

assessed BOP's efforts to address the deficiencies its program reviews contained against federal internal control standards.⁶ According to these standards, the resolution process is completed only after action has been taken that (1) corrects identified deficiencies, (2) produces improvements, or (3) demonstrates that the findings and recommendations do not warrant management action.

To assess BOP's compliance with its SMU policy, we analyzed BOP data on individuals placed in the SMU at least 1 day during each year from fiscal year 2018 through fiscal year 2022 by SMU program level and race. Our analysis of SMU program levels included the total number of individuals placed in each of the three SMU program levels, those who had completed the SMU program, and those who failed to complete the SMU program for each fiscal year from 2018 through 2022.

To assess the reliability of these data, we interviewed knowledgeable officials about BOP's data systems and reviewed the query code language BOP used to retrieve requested data for missing data and obvious errors. We determined the data to be sufficiently reliable for the purpose of reporting the total number of SMU placements by program level and race. We reviewed the comprehensive site review of the Thomson facility that BOP conducted in August 2022. Of the 37 interviews we conducted with incarcerated individuals, seven of them had experience in the SMU. We assessed BOP's compliance with its policies on SMU placements and progression against federal internal control standards.⁷

Lastly, to understand whether BOP leverages available information to identify possible areas of noncompliance with its policies, we analyzed over 1,500 administrative remedy grievance summaries that individuals housed in restrictive housing units at the five facilities in our sample

⁶GAO-14-704G. These standards state that agency management should complete and document corrective actions to remediate internal control deficiencies on a timely basis and that such corrective actions include resolution of findings from internal program reviews. These standards further states that management, with oversight from the oversight body, monitors the status of remediation efforts so that they are completed on a timely basis.

⁷GAO-14-704G. According to these standards, management should identify, analyze, and respond to risks related to achieving the defined objectives, particularly when there is a degree of subjectivity involved with the risk. These standards also state that not responding to risk could cause deficiencies in the internal control system and management may conduct ongoing monitoring and separate evaluations to better address risks.

submitted to BOP from fiscal year 2018 through 2022.⁸ Of these, individuals housed in SHUs at the five facilities submitted over 500 administrative remedy grievance summaries, individuals housed in the Thomson facility SMU submitted nearly 600, and individuals housed in ADX units submitted over 400 administrative remedy grievances during the same period.

We selected these submissions based on 14 BOP subject codes related to restrictive housing settings and conditions that BOP uses to categorize administrative remedy grievance submissions. We assessed the reliability of these data by reviewing agency policies related to administrative remedy submissions and interviewing BOP officials about their methods for uploading and tracking these submissions. We found these data to be sufficiently reliable for the purpose of summarizing examples of grievances that individuals in restrictive housing submitted. We also asked the 35 incarcerated individuals who had experience in SHU or SMU about the types of formal and informal grievances they submitted to BOP officials and the outcomes of those submissions. Though not generalizable, these interviews provided us with illustrative examples of their experiences.

To address our third objective, we reviewed BOP policies and guidance for pandemic response, including BOP's COVID-19 pandemic plan. We interviewed officials at our five selected facilities to understand how these facilities used restrictive housing during the pandemic. We also reviewed the May 2022 Executive Order 14074 and the DOJ Office of the Inspector General COVID-19 capstone report to understand directives and recommendations related to this objective.⁹ In addition, we interviewed BOP officials about their efforts in response. During our interviews with incarcerated individuals at the five selected facilities, we asked which, if any, individuals had experience in restrictive housing during the pandemic for various reasons. We then asked questions about the conditions of their confinement during that time. Although these interviews are not

⁸Under the administrative remedy program, incarcerated individuals, including those in restrictive housing, can seek formal review of any grievances relating to their own confinement. See 28 C.F.R. pt. 542.

⁹Exec. Order No. 14,074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, 87 Fed. Reg. 32,945 (May 25, 2022). Department of Justice, Office of the Inspector General, *Capstone Review of the Federal Bureau of Prisons' Response to the Coronavirus Disease 2019 Pandemic*, 23-054 (Washington, D.C.: Mar. 2023).

representative of all individuals placed in restrictive housing during the pandemic, they provided useful insights.

We conducted this performance audit from January 2022 to February 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Restricted Housing Unit Types

This appendix provides an overview of the three types of restrictive housing unit types, including the conditions of confinement and placement criteria for each unit type. The Bureau of Prisons (BOP) generally uses three types of restrictive housing units across its 121 facilities:¹

1. Special Housing Units (SHUs);
2. The Special Management Unit (SMU); and
3. The Administrative Maximum Facility.

The purpose of all three types of units is to separate incarcerated individuals from the general population to protect the safety, security, and orderly operation of BOP facilities. BOP has policies that govern each type of restrictive housing unit. These policies establish baseline conditions of confinement, regardless of unit type, or placement reason. For example, the policies dictate that all restrictive housing settings must provide

- well-ventilated, adequately lighted, appropriately heated, and sanitary living quarters;
- appropriate medical care;
- a mattress, blankets, a pillow, and linens for sleeping, as well as opportunities to exchange linens for clean replacements;
- nutritionally adequate meals and access to a sink, toilet, and personal items necessary to maintain an acceptable level of personal hygiene;
- an opportunity to exercise outside of the cell at least 5 hours per week, ordinarily on different days in 1-hour periods;
- reasonable amount of non-legal reading material and permission to possess religious scriptures of their faith;
- conduct legal research, file lawsuits, and participate in legal visits and telephone calls under the same provisions as individuals in the general population; and
- access to a variety of programming activities, including behavioral interventions, literacy programs, adult continuing education, college correspondence classes, and parenting classes.

¹BOP has 122 facilities, but as of September 2023, one of its New York facilities was no longer operational.

Appendix II: Restricted Housing Unit Types

In addition to these baseline conditions of confinement, each type of restrictive housing unit has specific placement criteria and conditions of confinement, as follows.

SPECIAL HOUSING UNIT (SHU)

LOCATION

92 of Bureau of Prisons' (BOP) 121 facilities have SHUs.

PURPOSE

To house incarcerated individuals for a variety of punitive and non-punitive purposes.

REFERRAL

BOP places individuals in administrative detention (non-punitive) or disciplinary segregation (punitive) status, as described below.



Source: BOP

| | ADMINISTRATIVE DETENTION | DISCIPLINARY SEGREGATION |
|----------------------------------|---|---|
| Duration | Temporary | Offense determines length of stay |
| Status | Non-punitive | Punitive |
| Reason | Pending security classification or reclassification; pending transfer to a facility; protection cases; under investigation for or awaiting a hearing for a violation of a BOP regulation or criminal law; following confinement in disciplinary segregation when return to the general population poses a threat to other inmates, staff, or orderly operations of BOP facilities. | Fulfilling a sanctioned sentence after violating a BOP regulation. |
| Procedures/policies | Typically receive a notice of reason(s) for placement 24 hours prior. ^a | Following a disciplinary hearing, the disciplinary hearing officer is to inform the individual about any sanctions received for violating a BOP regulation, including a sentence of disciplinary segregation in a SHU. ^b |
| Conditions of confinement | <p>Conditions are generally the same for individuals in both administrative detention status and disciplinary segregation status, except as follows:</p> <p>Exceptions: Individuals in administrative detention status may have certain personal property items, such as books and photos, access to programming activities, and access to the commissary.</p> <p>Individuals in disciplinary segregation status do not have access to personal property, their participation in programming activities may be suspended, and their commissary privileges may be limited.^c</p> | |
| Release | Released when the placement reasons no longer exist. | Released after completing the imposed sanction or when a supervisory official determines the individual no longer requires disciplinary segregation status. |

Source: GAO analysis of Bureau of Prisons information. | GAO-24-105737

^aIndividuals are to receive a copy of the administrative detention order, within 24 hours, detailing the reason(s) for placement, unless they are in holdover status pending classification.

^bA disciplinary hearing officer is an independent, impartial decision maker and not a victim, witness, investigator, or otherwise significantly involved in the incident.

^cThe warden may limit the quantity and type of personal property allowed for individuals in either status for security, fire safety, or sanitation/ housekeeping reasons.

SPECIAL MANAGEMENT UNIT (SMU)

LOCATION

U.S. Penitentiary Thomson in Illinois from January 2019 to February 2023.^a

PURPOSE

To house incarcerated individuals who require greater management. Bureau of Prisons (BOP) generally expects individuals in a SMU to complete three program levels within 9—12 months, not to exceed 24 months.

REFERRAL

BOP places individuals in a SMU for having a history of disciplinary infractions or after committing a single, serious prohibited act.^b



Source: BOP

| SMU PROGRAM LEVELS | SMU PROGRAM LEVEL DURATION | SMU PROGRAM LEVEL CHARACTERISTICS |
|----------------------|----------------------------|---|
| Level 1 | 6—8 months | SMU facility staff set behavioral expectations that individuals must meet to progress through this level. Privileges/conditions: Individuals are restricted to their cells and interaction with others is minimal. Conditions are more restrictive than general population. For example, access to recreation areas, personal property, and programming is limited. |
| Level 2 | 2—3 months | Individuals must demonstrate positive community interactions, such as participating in programs and being able to function in a general population setting. Those who fail to do so may return to previous level. Privileges/conditions: While individuals are still restricted to their cells, there are more opportunities to interact with other individuals and participate in out-of-cell recreational and educational activities on a case-by-case basis. Individuals may begin to earn access to more personal property items. |
| Level 3 | 1—2 months | Individuals must continue to demonstrate positive community interactions, such as being able to function in a general population setting. Those who fail to do so may return to previous level. Privileges/conditions: Individuals may interact in an open, but supervised setting with others, openly move throughout the unit, and participate in group counseling. Individuals who progress to level 3 and maintain good conduct earn access to more commissary and personal property items. |
| Criteria for release | 9—24 months | Individuals must (1) progress through all three levels; (2) abstain from disciplinary activity for a minimum of 9 months; and (3) demonstrate an ability to coexist with others in a general population setting. |
| SMU fail | 24 months | Failure to progress through all three levels within 24 months results in a “SMU fail.” |

Source: GAO analysis of Bureau of Prisons information. | GAO-24-105737

^aIn February 2023, BOP closed the Thomson SMU and temporarily relocated the individuals who were in the Thomson SMU to Federal Correctional Complex Terre Haute.

^bA SMU serious prohibited act may include having a leadership role in disruptive geographical group/gang-related activity, killing or assaulting another person, group misconduct that adversely affected the orderly operation of a correctional facility.

ADMINISTRATIVE MAXIMUM FACILITY (ADX)

LOCATION

Federal Correctional Complex in Florence, Colorado.^a

PURPOSE

To house the Bureau of Prisons' (BOP) disruptive, escape-prone, and violent incarcerated individuals.

REFERRAL

BOP places individuals in the ADX who are generally unable to be safely housed in less restrictive environments. The ADX operates four distinct types of units, and all units have single cells due to security reasons. The referral criteria and conditions of confinement vary by unit type, as described below.



Source: BOP

| REFERRAL CRITERIA FOR INDIVIDUALS' PLACEMENT | | CONDITIONS OF CONFINEMENT |
|---|--|---|
| Control Unit | Harms or make threats towards others; Escapes or attempts to escape from BOP facilities; Possesses contraband, such as deadly weapons or drugs. | Most restrictive ADX unit. Minimum of 7 hours of individual out-of-cell exercise per week. Two 15-minute phone calls per month. Restraints required for any out-of-cell activity. |
| Special Security Unit | Special Administrative Measures the Attorney General imposes. ^b Individuals complete a three-phase program and conditions are less restrictive with progression. BOP determines whether individuals can function with more privileges without posing security risks. | Non-legal phone calls and visits are monitored and recorded. Minimum of 10 hours of out-of-cell exercise per week, unless in disciplinary segregation. Minimum of three showers per week. Generally, eat meals in cells. |
| General Population & Step-down Units | Meet general ADX referral criteria listed above. Individuals are expected to complete a four-phase program beginning in the general population and ending in the Phase 4 step-down unit. Progression into each phase leads to more privileges and less restrictive conditions. ^c | Two escorts always required. Hand restraints required during early phases. Minimum of 10 hours of out-of-cell exercise per week. May shower any time they are out of cell unless shower is located in cell. Phase in program determines if individuals eat meals in cells or outside of cells. |
| High Security Adult Alternative Housing Unit | Minimum age of 50 years. Ability to function in less-secure unit, but safety needs, such as gang affiliation, prevent placement in a step-down unit. | No restraints required while out-of-cell. 20 hours of out-of-cell group exercise per week. Can eat meals outside of cells. |

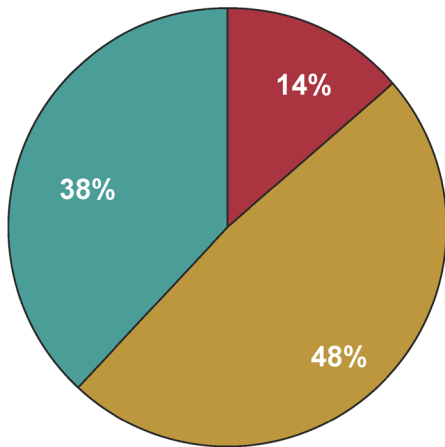
Source: GAO analysis of Bureau of Prisons information. | GAO-24-105737

^aFederal Correctional Complex Florence is comprised of three facilities: (1) United States Penitentiary Florence, (2) Federal Correctional Institute Florence, and (3) ADX Florence.

^bThe Attorney General may authorize Special Administrative Measures pursuant to 28 C.F.R. §§ 501.2, 501.3 and may limit privileges, such as phone calls and visits, to prevent the disclosure of classified information and to protect persons against the risk of acts of violence and terrorism.

^cIndividuals begin in the general population unit before moving to the step-down units.

Appendix III: Bureau of Prisons' (BOP) Actions to Implement Prior Restrictive Housing Reports' Recommendations



| | Number of recommendations | Percent of implementation |
|------------------------------|---------------------------|---------------------------|
| Fully Implemented | 33 | 38% |
| Partially Implemented | 42 | 48% |
| Not Implemented | 12 | 14% |

Source: GAO analysis of Bureau of Prisons' data and information. | GAO-24-105737

In 2014, BOP selected an independent contractor to review BOP's restricted housing operations. The contractor issued its findings, including 34 recommendations to BOP, in a December 2014 report (2014 contracted assessment).^a In 2016, the Department of Justice (DOJ) released a report (2016 DOJ report) with 53 recommendations to BOP with an overarching goal to reduce its use of restrictive housing.^b

We reviewed the 87 recommendations from these two restrictive housing reports. Specifically, for each recommendation, we provide our determination of BOP's progress in implementing them. We used three categories to describe the status of BOP's implementation efforts. These included (1) fully implemented, (2) partially implemented, and (3) not implemented.

Fully implemented We determined that recommendations were fully implemented when BOP provided information that showed it addressed all aspects of the recommendation. We determined that these recommendations do not require any further action. In the tables below, we indicate the recommendations for which BOP officials reported to us about the steps they took when documentation was not readily available. We also indicate the recommendations for which BOP had documented some concerns and took a different approach to implement the recommendation.

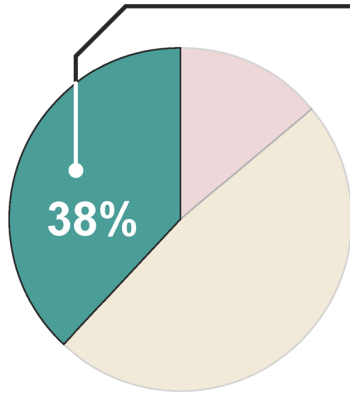
Partially implemented We determined that recommendations were partially implemented when BOP had completed some, but not all, recommended steps, or BOP provided information about ongoing work or plans to address recommended steps. In the tables below, we indicate the recommendations for which BOP had documented some concerns and took a different approach to address certain aspects of the recommendation.

Not implemented We determined that BOP did not take any of the recommended steps.

^aCNA Analysis and Solutions, *Federal Bureau of Prisons: Special Housing Unit Review and Assessment*, a report prepared at the request of the U.S. Department of Justice, Bureau of Prisons, Dec. 2014.

^bU.S. Department of Justice, *Report and Recommendations Concerning the Use of Restrictive Housing*, Final Report (Washington, D.C.: January 2016). In 2015, the President directed the Attorney General to conduct a review of "the overuse of solitary confinement across American prisons." The President directed that the purpose of the review be not simply to understand how, when, and why correctional systems isolate certain incarcerated individuals from the general population, but also to develop strategies for reducing the use of this practice across our nation's criminal justice system.

Fully implemented



BOP has fully implemented the following 33 recommendations. Of these 33 recommendations, BOP implemented 16 of the 34 recommendations from the 2014 contracted assessment and 17 of the 53 recommendations from the 2016 DOJ report.

Source: GAO analysis of Bureau of Prisons' information. | GAO-24-105737

| Report | Recommendation | GAO determination |
|-------------------------------|--|-------------------|
| 1. 2014 Contracted Assessment | Review the practice of keeping [incarcerated individuals] at the Administrative Maximum Facility (ADX) until halfway house release or release directly to the community. | |
| 2. 2014 Contracted Assessment | Use of existing facility space (to provide programming activities in group settings), should be considered for [incarcerated individuals] who have been properly screened (e.g., when proper security precautions are applied). | |
| 3. 2014 Contracted Assessment | Establish reasonable time frames in which the [disciplinary] hearing must be scheduled, while permitting reasonable continuances when waiting for investigation reports, drug tests, etc. | |
| 4. 2014 Contracted Assessment | Establish a policy standard requiring the Segregation Review Official [supervisor at BOP facilities that reviews SHU placements] to conduct private, face-to-face interviews with the [incarcerated individual] for the ongoing reviews regarding continued Special Housing Unit (SHU) placement. | |
| 5. 2014 Contracted Assessment | Develop and deploy an electronic [incarcerated individual] record system to document SHU placement decisions. | |
| 6. 2014 Contracted Assessment | A protocol needs to be established that identifies [incarcerated individuals] with serious mental illness who should be excluded from [a] SHU, Special Management Unit (SMU), or ADX housing. | |
| 7. 2014 Contracted Assessment | A further review of the frequency and duration of (approved external social) visits should be conducted at United States Penitentiary Allenwood for Level 3 [incarcerated individuals]. Serious consideration should be given to allowing additional time for [incarcerated individuals] in Level 3. | |
| 8. 2014 Contracted Assessment | Guidelines that identify specific conditions of confinement and protection policies consistent with applicable federal regulations and national standards should be developed and included as part of its program performance review process. | |
| 9. 2014 Contracted Assessment | Establish a [program performance] review for the ADX that is separate from the rest of the Florence Complex. | |

Legend



BOP took all recommended steps to implement this recommendation.



BOP did not agree with all the recommended steps, but it updated relevant policies and reported to us about the steps it took to satisfy the intent of this recommendation.



We did not independently verify each step that BOP took to implement this recommendation. We verified that BOP revised the relevant policy and relied on testimonial information BOP officials reported to us about implementing this policy.

| Report | Recommendation | GAO determination |
|--------------------------------|--|---|
| 10. 2014 Contracted Assessment | Establish a separate program performance review for USP Florence ADX that includes a comprehensive evaluation of policies and procedures that are unique to the ADX. |  |
| 11. 2014 Contracted Assessment | Ensure that when [incarcerated individuals] complete psychology self-help programs [for example on anger management, coping, or drug and alcohol abuse] completion is documented so that case managers and counselors are aware of it during reentry planning. |  |
| 12. 2014 Contracted Assessment | Given the level of disagreement in the [mental health] assessments and treatment plan formulation, the Bureau should conduct an inter-reliability test for its mental health staff to better determine the accuracy of the diagnosis and treatment plan process. |  |
| 13. 2014 Contracted Assessment | Expand housing alternatives for [incarcerated individuals] in verified protective custody status to provide levels of programs and privileges equivalent to those provided for the general population. |  |
| 14. 2014 Contracted Assessment | Establish and maintain a culture among all BOP staff, employees, and contractors that recognizes the need for meaningful reentry programs for all [incarcerated individuals] in the Bureau of Prisons, including those in restrictive housing, beginning at new officer and staff training and continuing in every annual in-service training. |  |
| 15. 2014 Contracted Assessment | On a monthly basis, track and monitor the numbers of [incarcerated individuals] who are scheduled to be released within 180 days and are being released [directly to the community] from restrictive housing at each facility. |  |
| 16. 2014 Contracted Assessment | A complete reevaluation of the mental health record should be performed by psychology and psychiatry staff every 30 days. Included in this review should be a face-to-face interview by a member of the mental health team in a private setting, and the results of this interview should be included in the reevaluation record. |  |
| 17. 2016 DOJ Report | All correctional staff should receive training on young adult brain development, and appropriate de-escalation tactics. Training should incorporate reliable, evidence-based science. |  |
| 18. 2016 DOJ Report | When transferring an [incarcerated individual] to another [facility] for protective custody reasons, correctional officials should give consideration to an individual's release residence, including a desire to be housed close to family. |  |
| 19. 2016 DOJ Report | Correctional systems should work with prosecutors and other law enforcement officials to ensure that [incarcerated individuals] who engage in serious criminal activity while incarcerated—especially those who assault or kill correctional staff—face criminal prosecution when appropriate. |  |
| 20. 2016 DOJ Report | Except in emergency situations, an [incarcerated individual] should not be initially placed in investigative segregation without prior approval by a supervisory official. This supervisor should carefully scrutinize the proposed placement to determine whether segregation is necessary at this stage. |  |
| 21. 2016 DOJ Report | An [incarcerated individual's] initial placement in investigative segregation should be reviewed within 24 hours by an appropriate, high-level authority who was not involved in the initial placement decision. |  |
| 22. 2016 DOJ Report | An incarcerated individual should be sentenced to a term of disciplinary segregation only after officials conduct a disciplinary hearing and the incarcerated individual is adjudicated guilty of the alleged violation. The hearing should be conducted by a correctional official outside the regular chain of command at the institution where the incarcerated individual is housed. |  |

Legend



BOP took all recommended steps to implement this recommendation.











BOP did not agree with all the recommended steps, but it updated relevant policies and reported to us about the steps it took to satisfy the intent of this recommendation.






We did not independently verify each step that BOP took to implement this recommendation. We verified that BOP revised the relevant policy and relied on testimonial information BOP officials reported to us about implementing this policy.

| Report | Recommendation | GAO determination |
|--------|----------------|-------------------|
|--------|----------------|-------------------|

| | | |
|---------------------|--|---|
| 23. 2016 DOJ Report | Women who are pregnant, who are post-partum, who recently had a miscarriage, or who recently had a terminated pregnancy should not be placed in restrictive housing. |  |
| 24. 2016 DOJ Report | In very rare situations, a woman who is pregnant, is postpartum, recently had a miscarriage, or recently had a terminated pregnancy may be placed in restrictive housing as a temporary response to behavior that poses a serious and immediate risk of physical harm. Even in such cases, this decision must be approved by the agency's senior official overseeing women's programs and services, in consultation with senior officials in health services, and must be reviewed every 24 hours. |  |
| 25. 2016 DOJ Report | [Incarcerated Individuals] who are [LGBTQ+] or whose appearance or manner does not conform to traditional gender expectations should not be placed in restrictive housing solely on the basis of such identification or status. |  |
| 26. 2016 DOJ Report | Correctional officials can sometimes avoid the unnecessary use of restrictive housing for protective custody reasons by making different classification assignments. In deciding whether to assign a transgender or intersex [incarcerated individual] to a facility or program for male or female [incarcerated individual], correctional officers must consider on a case-by-case basis whether a placement would ensure the [incarcerated individual's] health and safety, giving serious consideration to the individual's own views. |  |
| 27. 2016 DOJ Report | Juvenciles should not be placed in restrictive housing. |  |
| 28. 2016 DOJ Report | In very rare situations, a juvenile may be separated from others as a temporary response to behavior that poses a serious and immediate risk of physical harm to any person. Even in such cases, the placement should be brief, designed as a "cool down" period, and done only in consultation with a mental health professional. |  |
| 29. 2016 DOJ Report | When a disciplinary hearing officer is confronted with an [incarcerated individual] who demonstrates symptoms of a mental illness, the officer should refer the [incarcerated individual] to a qualified mental health professional to provide input as to the [incarcerated individual's] competence to participate in the disciplinary hearing, any impact the [incarcerated individual's] mental illness may have had on his or her responsibility for the charged behavior, and information about any known mitigating factors in regard to the behavior. The disciplinary hearing officer should also consult a mental health professional, preferably the treating clinician, as to whether certain types of sanctions, (e.g., placement in disciplinary segregation, loss of visits, or loss of phone calls) may be inappropriate because they would interfere with supports that are a part of the [incarcerated individual's] treatment or recovery plan. Disciplinary hearing officers should take the psychologist's findings into account when deciding what if any sanctions to impose. |  |
| 30. 2016 DOJ Report | Correctional systems should incorporate developmentally responsive policies and practices for young adults, and as resources allow, implement modified therapeutic housing communities with wrap-around programming in order to reduce the number of incidents that result in placement in restrictive housing. |  |

Legend

| | | |
|---|--|--|
|  <p>BOP took all recommended steps to implement this recommendation.</p> |  <p>BOP did not agree with all the recommended steps, but it updated relevant policies and reported to us about the steps it took to satisfy the intent of this recommendation.</p> |  <p>We did not independently verify each step that BOP took to implement this recommendation. We verified that BOP revised the relevant policy and relied on testimonial information BOP officials reported to us about implementing this policy.</p> |
|---|--|--|

31. 2016 DOJ Report

[Incarcerated individuals] in restrictive housing should be screened for signs of a serious mental illness. Correctional systems should implement policies, procedures, and practices to ensure that:



- a. Prior to an [incarcerated individual]’s placement in restrictive housing (or when that is infeasible, as soon as possible and no later than within 24 hours of placement), staff can promptly determine whether the [incarcerated individual] has been previously designated as having a serious mental illness or is at risk of developing a serious mental illness;
- b. Multiple times per day, correctional officers, trained in identifying signs of mental health decompensation, conduct rounds of the restrictive housing unit;
- c. At least once per day, medical staff conduct medical rounds of the restrictive housing unit;
- d. After 30 days in restrictive housing, and every 30 days thereafter, all [incarcerated individual]s in restrictive housing receive a face-to-face psychological review by mental health staff; and
- e. If at any point an [incarcerated individual] shows signs of psychological deterioration while in restrictive housing, the [incarcerated individual] should be immediately evaluated by mental health staff. At the conclusion of this review, mental health staff should recommend whether the [incarcerated individual] requires immediate transfer to a medical facility or other treatment center, as well as whether the [incarcerated individual] should receive enhanced mental health services and/or should be referred to a clinically appropriate alternative form of housing.

A correctional system could make this determination by, for example, creating an index, or “hot list,” of [incarcerated individuals] with a previous diagnosis of a serious mental illness. When a correctional system lacks this capacity, staff should conduct a psychological review of the [incarcerated individual] at the time of placement to make this determination.

32. 2016 DOJ Report

Correctional systems should develop clear, specific policies for determining under what conditions an [incarcerated individual] can be placed in segregation in response to an alleged disciplinary violation—both during the investigative stage and after an adjudication of guilt.



33. 2016 DOJ Report

The denial of basic human needs—such as food and water—should not be used as punishment, whether alone or in conjunction with the use of restrictive housing.



Legend



BOP took all recommended steps to implement this recommendation.

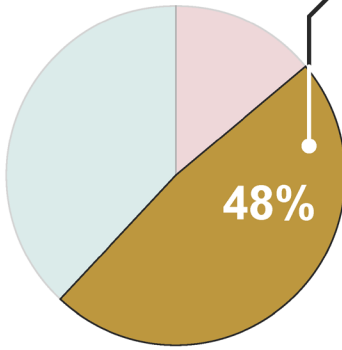


BOP did not agree with all the recommended steps, but it updated relevant policies and reported to us about the steps it took to satisfy the intent of this recommendation.



We did not independently verify each step that BOP took to implement this recommendation. We verified that BOP revised the relevant policy and relied on testimonial information BOP officials reported to us about implementing this policy.

Partially implemented



BOP has partially implemented the following 42 recommendations. Of these 42 recommendations, BOP partially implemented 12 of the 34 recommendations from the 2014 contracted assessment and 30 of the 53 recommendations from the 2016 DOJ report.

Source: GAO analysis of Bureau of Prisons' data and information. | GAO-24-105737

| Report | Recommendation | GAO determination |
|-------------------------------|---|---|
| 1. 2014 Contracted Assessment | Reexamine the SMU levels as they currently operate, their corresponding conditions of confinement, the length of time at each level, and their compliance with the SMU program statement. The program should be consolidated from four levels to three and the minimum length of time to complete the program adjusted accordingly. | BOP revised its relevant policy but did not implement this policy in practice. We provide more information on BOP's compliance with the SMU program statement earlier in this report. |
| 2. 2014 Contracted Assessment | All [incarcerated individuals] should be seen in a private setting for a comprehensive mental health evaluation prior to placement in any [restrictive housing] setting. | BOP implemented this recommendation for two of the three types of restrictive housing units but did not agree with and did not implement this recommendation for the SHU. |
| 3. 2014 Contracted Assessment | A program of regular out-of-cell mental health treatment needs to be implemented. | BOP did not agree with all the recommended steps, but agreed with the intent of this recommendation, and reported taking some steps to implement it. We verified that BOP implemented the relevant policy, but BOP did not provide sufficient information to verify the steps it took to implement that policy. |
| 4. 2014 Contracted Assessment | Any [incarcerated individuals] who are found to be decompensating from the effects of restrictive housing should be transferred to a mental health unit for treatment and observation. | As of September 2023, BOP had ongoing work or plans to complete steps toward implementing this recommendation. |
| 5. 2014 Contracted Assessment | [Incarcerated individuals] with a serious mental illness who are not excluded from restrictive housing should start participating in a treatment program. | We verified that BOP policies address this recommendation. However, we recently reported on BOP's challenges related to ensuring program access. ^c |
| 6. 2014 Contracted Assessment | [Incarcerated individuals] should not be housed in a SHU for protective custody but rather should be in sheltered general population housing. | BOP completed some, but not all recommended steps needed for implementation. We provide more information on BOP's efforts to address this recommendation earlier in this report. |
| 7. 2014 Contracted Assessment | Reassess the performance review rating system. | As of September 2023, BOP had ongoing work or plans to complete steps toward implementing this recommendation. |

^cGAO, Federal Prisons: Bureau of Prisons Should Improve Efforts to Implement its Risk and Needs Assessment System, GAO-23-105139 (Washington, D.C.: March 20, 2023).

| Report | Recommendation | GAO determination |
|--------------------------------|---|--|
| 8. 2014 Contracted Assessment | Establish a policy whereby only under extraordinary circumstances would an [incarcerated individual] be discharged directly from a SHU, SMU, or ADX. | BOP revised some, but not all, relevant policies to address this recommendation. |
| 9. 2014 Contracted Assessment | Develop and provide coordinated, comprehensive, targeted, specialized cognitive reentry programming specifically designed for [incarcerated individuals] in restrictive housing. | BOP did not agree with all the recommended steps, but agreed with the intent of this recommendation, and reported taking some steps to implement it. We provide more information on BOP's efforts to address this recommendation earlier in this report. |
| 10. 2014 Contracted Assessment | Enhance the external oversight of the local operational reviews that are being conducted on at least an annual basis. | BOP completed some, but not all, recommended steps needed for implementation. We provide more information on BOP's external oversight of these reviews earlier in this report. |
| 11. 2014 Contracted Assessment | A vigorous quality improvement program should be established for the provision of mental health. | BOP did not agree with all the recommended steps, but agreed with the intent of this recommendation, and reported taking some steps to implement it. However, BOP did not provide sufficient information to verify the steps it took. |
| 12. 2014 Contracted Assessment | Develop a step-down program with increasing incentives, more out-of-cell opportunities, and increasing opportunities for congregate programming. | As of September 2023, BOP had ongoing work or plans to complete these steps. |
| 13. 2014 Contracted Assessment | [Incarcerated individuals] should be housed in the least restrictive setting necessary to ensure their own safety, as well as the safety of staff, other [incarcerated individuals], and the public. | BOP revised some, but not all, relevant policies to address this recommendation. |
| 14. 2016 DOJ Report | Disciplinary sanctions, regardless of whether they involve a period of segregation, should be applied in a manner that is swift, certain, and fair | BOP completed some, but not all, steps needed for implementation. |
| 15. 2016 DOJ Report | <p>[BOP] should collect data about several aspects of [its] use of restrictive housing:</p> <ul style="list-style-type: none"> a. System-wide data. This data should describe the incidence and prevalence of restrictive housing, including the total number of [incarcerated individuals] in each type of restrictive housing, restrictive housing recidivism rates [multiple SHU placements], and the average length of stay. This information should be publicly available on corrections websites. It should include demographic information for incarcerated individuals, including race, national origin, religion, gender, gender identity, sexual orientation, disability status, and age, to the extent that the collection and publication of such information complies with all applicable laws. b. [Incarcerated individual]-level data. This data should allow correctional systems to track individual incarcerated individuals throughout their incarceration. This will allow facilities to determine whether, how often, and how long a particular incarcerated individual has been placed in segregation, including as the incarcerated individual changes status (i.e., from investigative segregation to disciplinary segregation). This information should be available to correctional officers, to the extent consistent with applicable law, as a way to identify strategies to treat disruptive incarcerated individuals and should not be released publicly. | BOP completed some, but not all, recommended steps needed for implementation. We provide more information on BOP's efforts to address this recommendation earlier in this report. |

| Report | Recommendation | GAO determination |
|---------------------------------|---|--|
| 15. 2016 DOJ Report (continued) | c. Officer data. Correctional systems should consider implementation of an early intervention system, a management tool that promotes supervisory awareness and helps officials identify trends, revise policy as needed, and deploy additional training where necessary. This information should not be released publicly. | |
| 16. 2016 DOJ Report | Correctional systems should always be able to clearly articulate the specific reason(s) for an [incarcerated individual]'s placement and retention in restrictive housing. The reason(s) should be supported by objective evidence. [Incarcerated individuals] should remain in restrictive housing for no longer than necessary to address the specific reason(s) for placement. | BOP revised some, but not all, relevant policies to address this recommendation. |
| 17. 2016 DOJ Report | Restrictive housing should always serve a specific penological purpose. When drafting or implementing policy authorizing the use of restrictive housing, correctional systems should clearly articulate the purpose(s) for employing restrictive housing in the authorized circumstances. | BOP revised some, but not all, relevant policies to address this recommendation. |
| 18. 2016 DOJ Report | An [incarcerated individual's] initial and ongoing placement in restrictive housing should be regularly reviewed by a multi-disciplinary staff committee, which should include not only the leadership of the institution where the [incarcerated individual] is housed, but also medical and mental health professionals. | BOP revised some, but not all, relevant policies to address this recommendation. |
| 19. 2016 DOJ Report | All correctional staff should be regularly trained on restrictive housing policies. Correctional systems should ensure that compliance with restrictive housing policies is reflected in employee-evaluation systems. | BOP revised some, but not all, relevant policies to address this recommendation. |
| 20. 2016 DOJ Report | When an [incarcerated individual] who is [LGBTQ+] or a gender nonconforming [individual] faces a legitimate threat from other [incarcerated individuals], correctional officials should seek alternative housing, with conditions comparable to those of general population to the extent possible. | BOP revised some, but not all, relevant policies to address this recommendation. |
| 21. 2016 DOJ Report | All [incarcerated individuals] in restrictive housing should have access to appropriate medical care, including emergency medical care. | BOP revised relevant policies and reported taking some steps to address this policy but based on our interviews with incarcerated individuals at four out of five BOP facilities, it was unclear that BOP implemented all recommended steps at these facilities. |
| 22. 2016 DOJ Report | When a [BOP facility] lacks the capacity to provide appropriate medical care to an [incarcerated individual] in restrictive housing, that [incarcerated individual] should be transferred to an appropriate facility where he or she can receive necessary treatment. | BOP revised relevant policies and reported taking some steps to address this policy but based on our interviews with incarcerated individuals at five BOP facilities, it was unclear that BOP implemented all recommended steps at these facilities. |
| 23. 2016 DOJ Report | Absent a compelling reason, [incarcerated individuals] should not be released directly from restrictive housing to the community. | BOP revised some, but not all, relevant policies to address this recommendation. |
| 24. 2016 DOJ Report | During the final 180 days of an [incarcerated individual's] term of incarceration, officials should avoid placing the [incarcerated individual] in involuntary restrictive housing. If an [incarcerated individual] is housed in involuntary segregation 180 days out from the end of his or her sentence, officials should consider releasing the [incarcerated individual] to a less restrictive setting if this can be done without endangering the safety of the [incarcerated individual], staff, other [incarcerated individuals], or | BOP revised some, but not all, relevant policies to address this recommendation |

| Report | Recommendation | GAO determination |
|---------------------------------|---|---|
| 24. 2016 DOJ Report (continued) | the public. If segregation becomes necessary during this time, officials should provide targeted re-entry programming to prepare the prisoner for his or her return to the community. | |
| 25. 2016 DOJ Report | Generally, [incarcerated individuals] who require protective custody should not be placed in restrictive housing. | As of September 2023, BOP had ongoing work or plans to complete steps toward implementing this recommendation. We provide more information on BOP's efforts to address this recommendation earlier in this report. |
| 26. 2016 DOJ Report | <p>When an [incarcerated individual] faces a legitimate threat from other [incarcerated individual]s, correctional officials should seek alternative housing, by transferring the threatened [individual] either to the general population of another institution or to a special-purpose housing unit for [those] who face similar threats, with conditions comparable to those of general population. There are two exceptions to this general principle:</p> <p>a. When the [incarcerated individual] poses such extraordinary security risks that even a special-purpose housing unit is insufficient to ensure the individual's safety and the safety of staff, and others. In such cases, the [incarcerated individual] may be housed in more restrictive conditions. The [incarcerated individual]'s placement should be regularly reviewed to monitor any medical or mental health deterioration and to determine whether the extraordinary security risks have subsided.</p> <p>b. During a brief investigative period while correctional staff attempt to verify the need for protective custody or while the [incarcerated individual] is awaiting transfer to another facility.</p> | BOP completed some, but not all, recommended steps needed for implementation. We provide more information on alternative housing for this population earlier in this report. |
| 27. 2016 DOJ Report | Correctional systems should identify the most common reasons that incarcerated individuals request protective custody (e.g., prior cooperation with law enforcement, conviction for sex offense, gang affiliation, sex or gender identification) and develop strategies for safely housing these incarcerated individuals outside traditional restrictive housing units. | BOP completed some, but not all, recommended steps needed for implementation. We provide more information on BOP's efforts to develop alternative housing for individuals in protective custody earlier in this report. |
| 28. 2016 DOJ Report | Generally, [incarcerated individuals] with a serious mental illness should not be placed in restrictive housing. | BOP revised a relevant policy but did not implement this policy in practice We provide more information on BOP's efforts to address this recommendation earlier in this report. |
| 29. 2016 DOJ Report | Correctional systems should establish maximum penalties for each level of offense. ^d These penalties should always include alternatives to disciplinary segregation. The maximum penalties should be graded based on the seriousness of the offense. If used for punishment, restrictive housing should be reserved for offenses involving violence, involving escape, or posing a threat to institutional safety by encouraging others to engage in such misconduct. Policy and training should be crafted carefully to ensure that this principle is not interpreted overly broadly to permit the imposition of restrictive housing for infrequent, lower-level misconduct. | BOP completed some, but not all, recommended steps needed for implementation. |
| 30. 2016 DOJ Report | Officials should regularly review those in preventative segregation with the goal of transitioning [incarcerated individuals] back to less restrictive housing as soon as it is safe to do so. ^e | BOP reported taking some steps to address this recommendation but based on our interviews with BOP staff and incarcerated individuals at BOP facilities, it was unclear that BOP implemented these steps at those facilities. |

^dBOP categorizes prohibited acts based on severity ranging from low to greatest severity: (1) Greatest Severity Level; (2) High Severity Level; (3) Moderate Severity Level; and (4) Low Severity Level.

^eAccording to the 2016 DOJ report, BOP uses preventative segregation in the SHU [and ADX] to house individuals that are too dangerous to be housed in the general population after completing disciplinary segregation.

| Report | Recommendation | GAO determination |
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| 31. 2016 DOJ Report | [Incarcerated individuals] in preventative segregation should be given the opportunity to participate in incentive or step-down programs that allow them to progress to less restrictive housing. | As of September 2023, BOP had ongoing work or plans to complete steps toward implementing this recommendation. |
| 32. 2016 DOJ Report | Correctional systems should seek ways to increase the minimum amount of time that [incarcerated individuals] in restrictive housing spend outside their cells and to offer enhanced in-cell opportunities. Out-of-cell time should include opportunities for recreation, education, clinically appropriate treatment therapies, skill-building, and social interaction with staff and other [incarcerated individuals]. | BOP revised its relevant policies to address some, but not all aspects of this recommendation. |
| 33. 2016 DOJ Report | Correctional systems should provide out-of-cell, confidential psychological assessments, and visits for [incarcerated individuals] whenever possible, to ensure patient privacy and to eliminate barriers to treatment. | BOP reported taking some steps to address this recommendation but based on our interviews with incarcerated individuals at five BOP facilities, it was unclear that BOP implemented these steps at those facilities. |
| 34. 2016 DOJ Report | Restrictive housing units should maintain adequate conditions for environmental, health, and fire safety. | BOP revised some, but not all, relevant policies to address this recommendation. In addition, based on our interviews with incarcerated individuals at five BOP facilities, it was unclear that BOP implemented these steps at those facilities. |
| 35. 2016 DOJ Report | <p>If an [incarcerated individual] with a serious mental illness is placed in restrictive housing:</p> <ol style="list-style-type: none"> a. Mental health staff should conduct a mental health consultation at the time of the [incarcerated individual]'s placement in restrictive housing; b. The [incarcerated individual] should receive intensive, clinically appropriate mental health treatment for the entirety of the [incarcerated individual]'s placement in restrictive housing; c. The [incarcerated individual] should receive enhanced opportunities for in-cell and out-of-cell therapeutic activities and additional unstructured out-of-cell time, to the extent such activities can be conducted while ensuring the safety of the [incarcerated individual], staff, other [incarcerated individual]s, and the public; d. At least once per week, a multidisciplinary committee of correctional officials should review the [incarcerated individual]'s placement in restrictive housing; e. At least once per week, a qualified mental health practitioner, assigned to supervise mental health treatment in the restrictive housing unit, should conduct face-to-face clinical contact with the [incarcerated individual], to monitor the [incarcerated individual]'s mental health status and identify signs of deterioration; and f. After 30 days in restrictive housing, the [incarcerated individual] should be removed from restrictive housing, unless the warden of the facility certifies that transferring the [incarcerated individual] to an alternative housing is clearly inappropriate. In making this determination, the warden should consult with mental health staff, who should conduct a psychological evaluation of the [incarcerated individual] beforehand. | BOP completed some, but not all, recommended steps needed for implementation. We provide more information on BOP's efforts to address this recommendation earlier in this report. |

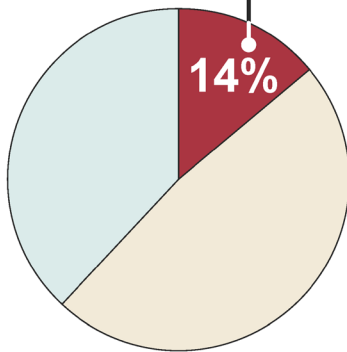
| Report | Recommendation | GAO determination |
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| 35. 2016 DOJ Report (continued) | In determining the appropriateness of the [incarcerated individual]’s continuing placement, wardens should be guided by the principles outlined above regarding the placement of [incarcerated individuals] with serious mental illness in restrictive housing. | |
| 36. 2016 DOJ Report | [Incarcerated individuals] with a serious mental illness who are diverted from restrictive housing should be placed in a clinically appropriate alternative form of housing, such as a secure mental health unit or other residential psychology treatment program. | As of September 2023, BOP had ongoing work or plans to complete steps toward implementing this recommendation. We provide more information on BOP’s efforts to address this recommendation earlier in this report. |
| 37. 2016 DOJ Report | <p>An [incarcerated individual] with a serious mental illness should not be placed in restrictive housing, unless:</p> <ul style="list-style-type: none"> a. The [incarcerated individual] presents such an immediate and serious danger that there is no reasonable alternative (“<i>Immediate and serious danger</i>” might arise during an emergency, such as a large-scale prison riot, but would only last as long as emergency conditions are present. “<i>Immediate and serious danger</i>” also includes the “<i>extraordinary security needs</i>” described in Institution Supplement FLM 5310.16A, Treatment and Care of Inmates with Mental Illness, dated July 22, 2015. See DOJ Report, at 51 n.25); or b. A qualified mental health practitioner determines: <ul style="list-style-type: none"> i. That such placement is not contraindicated (A qualified mental health practitioner might conclude that placement in restrictive housing is not contradicted, when, for example, the practitioner determines that the [incarcerated individual] is stable, responding well to medication, unlikely to remain in restrictive housing for more than a short period of time, and likely to decompensate if transferred away from the [incarcerated individual]’s current mental health treatment team); ii. That the [incarcerated individual] is not a suicide risk; iii. That the [incarcerated individual] does not have active psychotic symptoms; and iv. In disciplinary circumstances, that lack of responsibility for the misconduct due to mental illness or mitigating factors related to the mental illness do not contraindicate disciplinary segregation | As of September 2023, BOP had ongoing work or plans to complete steps toward implementing this recommendation. We provide more information on BOP’s efforts to address this recommendation earlier in this report. |
| 38. 2016 DOJ Report | To incentivize conduct that furthers institutional safety and security, [incarcerated individuals] who demonstrate good behavior during disciplinary segregation should be given consideration for early release from segregation, where appropriate. | BOP revised its relevant policy to address some, but not all, aspects of this recommendation. |
| 39. 2016 DOJ Report | Correctional officials should strive to limit the use of restrictive housing whenever possible, and to the extent used, to limit the length of [incarcerated individuals] stay and to identify services—including group educational and therapeutic services—that they can safely participate in while in restrictive housing. | BOP took some steps to address this recommendation but has not achieved its intended goal to limit its use of restrictive housing. |

| Report | Recommendation | GAO determination |
|---------------------|--|---|
| 40. 2016 DOJ Report | Correctional systems should establish standing committees, consisting of high-level correctional officials, to regularly evaluate existing restrictive housing policies and develop safe and effective alternatives to restrictive housing. | As of September 2023, BOP had ongoing work or plans to complete steps toward implementing this recommendation but did not provide sufficient evidence to verify that its ongoing work will fully address this recommendation. |
| 41. 2016 DOJ Report | For every [incarcerated individual] in restrictive housing, correctional staff should develop a clear plan for returning the [individual] to less restrictive conditions as promptly as possible. This plan should be shared with the individual, unless doing so would jeopardize their safety or the safety of [others]. | As of September 2023, BOP had ongoing work or plans to complete steps toward implementing this recommendation but did not provide sufficient evidence to verify that its ongoing work will fully address this recommendation. |
| 42. 2016 DOJ Report | An [incarcerated individual] should not be placed in restrictive housing pending investigation of a disciplinary offense unless the [individual's] presence in general population would pose a danger to [self or others]. In making this determination, officials should consider the seriousness of the alleged offense, including whether the offense involved violence, involved escape, or posed a threat to institutional safety by encouraging others to engage in such misconduct. Policy and training should be crafted carefully to ensure that this principle is not interpreted overly broadly to permit the imposition of restrictive housing for infrequent, lower-level misconduct. | BOP revised its relevant policies to address some, but not all, aspects of this recommendation, and did not complete all recommended steps needed for implementation. |

Source: GAO analysis of Bureau of Prisons' data and information. | GAO-24-105737

Not implemented



BOP has not implemented the following 12 recommendations. Of these 12 recommendations, BOP has not implemented six of the 34 recommendations from the 2014 contracted assessment and six of the 53 recommendations from the 2016 DOJ report.





Source: GAO analysis of Bureau of Prisons' data and information. | GAO-24-105737

| Report | Recommendation | GAO determination |
|-------------------------------|--|--|
| 1. 2014 Contracted Assessment | Establish a system for monitoring patterns and trends in the use of disciplinary sanctions among Bureau facilities. | |
| 2. 2014 Contracted Assessment | Establish by policy that a sanction of restrictive housing time should be issued retroactive to the date of the original admission, providing credit for time served. | |
| 3. 2014 Contracted Assessment | Psychiatrists need to be more actively involved in diagnosis and treatment. | BOP did not take any recommended steps to implement this recommendation. According to BOP officials, it was not feasible to implement this recommendation due to bureau-wide staffing shortages. |
| 4. 2014 Contracted Assessment | Provide programming that identifies and addresses most significant areas of need for high-risk [incarcerated individuals] in order to assist them in successfully reintegrating into the community. | BOP did not take any recommended steps to implement this recommendation. We previously reported on needed improvements in this area. ¹ |
| 5. 2014 Contracted Assessment | Educate staff about the need for [incarcerated individuals] in restrictive housing to receive formal reentry programming if being released [into the community] from restrictive housing. | |
| 6. 2014 Contracted Assessment | The Bureau should complete a clinical staffing needs analysis. | |
| 7. 2016 DOJ Report | An [incarcerated individual] who demonstrates good behavior during investigative segregation should be considered for release to the general population while awaiting his or her disciplinary hearing. Similarly, if an [incarcerated individual] is ultimately adjudicated guilty, the [incarcerated individual's] good behavior should be given consideration when determining the appropriate penalty. | |
| 8. 2016 DOJ Report | Ordinarily, disciplinary sentences for offenses that arise out of the same episode should be served concurrently. | |

Legend


BOP did not take any recommended steps to implement this recommendation.

¹GAO-23-105139.

| Report | Recommendation | GAO determination |
|--------------------------------|---|---|
| 9. 2016 DOJ Report | Incarcerated individuals who violate disciplinary rules should be placed in restrictive housing only as necessary, and only after officials have concluded that other available sanctions are insufficient to serve the purposes of punishment. |  |
| 10. 2014 Contracted Assessment | [Incarcerated individuals] should not be placed in long-term preventative segregation unless correctional officials conclude, based on evidence, that no other form of housing will ensure the [individual]'s safety and the safety of staff, and others. This determination should be guided by clearly articulated procedural protections, including the use of a multidisciplinary review team. |  |
| 11. 2014 Contracted Assessment | Correctional staff should complete their disciplinary investigation as expeditiously as possible. Any time that an [incarcerated individual] spends in investigative segregation should be credited towards the term he or she ultimately serves in disciplinary segregation for that offense. Absent compelling circumstances, such as a pending criminal investigation, an [incarcerated individual] should not remain in investigative segregation for a longer period of time than the maximum term of disciplinary segregation permitted for the most serious offense charged. |  |
| 12. 2014 Contracted Assessment | As correctional systems reduce the number of [incarcerated individuals] in restrictive housing, they should devote resources towards improving the conditions of those remaining in segregation. In particular, correctional systems should take advantage of lower staff-to-[incarcerated individual] ratios within restrictive housing units by providing the remaining [incarcerated individuals] with increased out-of-cell time. |  |

Source: GAO analysis of Bureau of Prisons' data and information. | GAO-24-105737

Legend

 BOP did not take any recommended steps to implement this recommendation.

Appendix IV: Illustrative Examples from Interviews with Incarcerated Individuals

This appendix provides illustrative examples from our interviews with incarcerated individuals at five Bureau of Prisons (BOP) facilities in Butner, North Carolina; Dublin, California; Florence, Colorado; Terre Haute, Indiana; and Thomson, Illinois. Each of these individuals had experience in one or more of BOP's three primary types of restrictive housing units—Special Housing Units (SHU); the Special Management Unit (SMU); and the Administrative Maximum Unit (ADX). While the anecdotal information we learned during these interviews provided valuable insights about the experiences of individuals who were placed in restrictive housing units, these interviews are not representative of the entire restrictive housing population or the total BOP population.

Table 5: Illustrative Examples from GAO Interviews with Incarcerated individuals in Special Housing Units (SHU) that May Indicate Possible Patterns of Noncompliance with Policy, July–November 2022

| Issue of concern | Interviewee responses | Relevant SHU policy provisions |
|---|--|--|
| Lack of access to psychology services | <p>Six individuals at three facilities described challenges accessing or being denied access to psychological services ^a For example:</p> <ul style="list-style-type: none"> • One individual who was referred to psychology services by medical staff told us that the psychologist just slid a packet under the cell door with information about coping strategies for insomnia, such as exercising and avoiding naps. • One individual had waited over 6 months without an external appointment because the facility did not have a psychiatrist. | <p>After 30 calendar days of continuous placement in administrative detention or disciplinary segregation status, mental health staff should conduct a psychiatric or psychological assessment, including a personal interview.</p> |
| Insufficient opportunities for recreation provided | <p>Ten individuals across all five facilities told us they were not regularly provided opportunities for recreation each week ^b For example:</p> <ul style="list-style-type: none"> • Individuals at three different facilities said they missed the call for recreation time if they were not standing by their cell door when officers made the announcement between 4:00 a.m. and 6:00 a.m. • Individuals at one facility said recreation time was cancelled when officers were attending to other matters or was only offered once or twice per week due to staffing shortages. | <p>Individuals are to receive the opportunity to exercise outside their cell at least 5 hours per week, ordinarily on different days in 1-hour periods. The facility Warden may restrict or deny exercise periods if an individual's activities pose a threat to the safety, security, and orderly operation of a correctional facility.</p> |

Appendix IV: Illustrative Examples from Interviews with Incarcerated Individuals

| | | |
|---|--|---|
| Insufficient amount of hygiene products provided | <p>Eighteen individuals across all five facilities described not having enough toilet paper or other hygiene products. For example:</p> <ul style="list-style-type: none"> • Some individuals said they were only provided two napkins or tissues each day for toilet tissue or were provided a small amount of toilet tissue that was insufficient to last until the next distribution. • Some individuals said that when they ran out of toilet tissue, soap, or other hygiene items, they could sometimes request additional items from a correctional officer who was willing to provide them or had to go without until the next distribution because some officers refused to provide additional items. • Some individuals we interviewed in a women’s facility said they were provided an insufficient amount of feminine hygiene products, or it was difficult to obtain them while in the SHU. | <p>Individuals are to receive personal items necessary to maintain an acceptable level of personal hygiene, for example, toilet tissue, soap, toothbrush, and cleanser. Individuals will have an opportunity to shower and shave at least three times per week.</p> |
| Insufficient amount or lower quality food provided in SHU | <p>Twenty individuals across all five facilities described the amount of food provided as insufficient or the quality of food as poor. For example:</p> <ul style="list-style-type: none"> • Some said they felt hungry because meal portions were insufficient or were smaller than the meals provided in general population. • Some said they felt hungry because dinner was provided at 3:00 p.m. or 4:30 p.m. and they could not purchase snacks to sustain them until breakfast the next day. • Some said they could not eat certain foods due to religious, dietary, or medical restrictions and were not provided alternative food options, which they could receive in general population. | <p>Individuals are to receive nutritionally adequate meals.</p> |
| Poor conditions of clothing and bedding provided to individuals in SHU | <p>Twenty-three individuals across all five facilities described unsanitary conditions of SHU clothing and bedding or conditions that were worse than general population. For example:</p> <ul style="list-style-type: none"> • Some said the clothing and bedding they were issued was worn, stained, and in generally worse condition than their general population unit. • Some said they did not have a pillow. • One individual said that facility staff kept a toilet “full of excrement” in one of the SHU cells to use as a punishment and then directed an orderly to clean it before a visit from the regional director. | <p>Individuals are to receive a mattress, blankets, a pillow, and linens for sleeping as well as opportunities to exchange linens.</p> <p>Individuals are provided institution clothing, including footwear, while housed in the SHU and will be provided necessary opportunities to exchange clothing and/or have it washed.</p> |

Source: GAO analysis. | GAO-24-105737

^aWe only included individuals who specifically said they wanted and did not receive mental health services.

^bWe only included individuals who said they wanted and were not provided the opportunity to do so.

Appendix V: Comments from the Department of Justice



U. S. Department of Justice

Federal Bureau of Prisons

Central Office

Office of the Director

Washington, DC 20534

January 18, 2024

Ms. Gretta L. Goodwin
Director
Homeland Security and Justice
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Goodwin,

The Federal Bureau of Prisons (FBOP) appreciates the opportunity to review and comment on the Government Accountability Office's (GAO's) draft report entitled "BOP's Use of Restrictive Housing" (GAO-23-105737).

The proper care of those in our custody and the safety and well-being of our employees are key tenets of the mission of FBOP. Because FBOP recognizes that restrictive housing is not an effective deterrent and can increase future recidivism, FBOP has worked towards implementing both a short-term plan and a long-term plan. In the short term, a workgroup comprised of executive team members has conducted site visits to review best practices from other correctional systems around the country and internationally. Several recommendations have also been presented to the executive team and the approval and implementation of these are well under way. Moreover, the Notice of Proposed Rulemaking (NPRM) for Inmate Discipline, which proposes reduced Disciplinary Segregation sanctions, is anticipated to be published for notice and comment in the near future.

In the long term, we entered into a partnership with the National Institute of Justice (NIJ), as announced on August 9, 2023.¹ This partnership has been formed to conduct a comprehensive and rigorous study of the use and impact of restrictive housing in federal correctional facilities. FBOP and the Office of Justice Program's National Institute of Justice (NIJ) partnered to advance the science and practice of corrections and to ensure data and research inform correctional policies. The partnership also responds to the recommendations of DOJ's Report and Recommendations Concerning the Use of Restrictive Housing, which called for more research on the prevalence and effects of restrictive housing and the development of alternatives to its use.

RTI International, selected as the research entity conducting the study, will examine the reasons, duration and outcomes of restrictive housing placements in FBOP institutions. It will also assess the extent to which FBOP policies and practices align with evidence-based standards and best practices for reducing the use of restrictive housing. The study will provide recommendations for reforms designed to enhance the safety, security and well-being of employees and incarcerated individuals, as

¹ BOP: FBOP Partners with NIJ on Restrictive Housing Study (available at https://www.bop.gov/resources/news/20230829_restrictive_housing_study.jsp).

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of Justice**

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Date: January 18, 2024

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well as promote the successful reentry of incarcerated people into society. FBOP is committed to making the findings of this multi-year research study public and making improvements in policies and accountability mechanisms as a result of the findings.

FBOP leadership has also developed and started implementation of a new strategic framework that will transform the agency over the next several years. This framework devotes a goal specifically to the critical issue of restrictive housing and states that FBOP will, "appropriately care for and house those in our custody such that recidivism and the use of restrictive housing is reduced."

FBOP offers the following comments regarding the recommendations.

Recommendation One: The Director of BOP should develop and execute an approach to fully implement all of the 2014 and 2016 restrictive housing reports recommendations. For each recommendation that has not yet been implemented, the approach should include assigning implementation responsibility to appropriate officials, establishing a time frame for completion, and monitoring progress. In instances where BOP does not concur with a 2014 recommendation or deems it impractical, it should document its rationale and the alternative steps, if any, it plans to take.

FBOP Response: FBOP does not agree with GAO's conclusion that there are 55 recommendations that it only partially implemented or did not implement at all. To the extent that there are recommendations from the 2014 and 2016 reports that FBOP can implement, it agrees to develop and execute a plan to implement those recommendations. For those recommendations that FBOP believes have already been implemented or disagrees with, FBOP will continue to document the rationale for its position and any alternative steps. For each recommendation that has not yet been implemented, FBOP's approach will include assigning implementation and responsibility to appropriate officials, establishing a time frame for completion, and monitoring progress.

Additionally, and as described above, FBOP and NIJ are working with RTI International, to conduct a study examining the reasons, duration and outcomes of restrictive housing placements in FBOP institutions. RTI is assessing the extent to which FBOP policies and practices align with evidence-based standards and best practices for reducing the use of restrictive housing and will provide recommendations for reforms designed to enhance the safety, security and well-being of employees and incarcerated individuals, as well as promote the successful reentry of incarcerated people into society.

Recommendation Two: The Director of BOP should enhance oversight by developing and implementing a process to verify and document that facilities have implemented corrective actions that fully address all deficiencies.

FBOP Response: FBOP concurs with this recommendation. FBOP will implement a process to verify and document that facilities have implemented corrective actions to address deficiencies identified during internal audits conducted by FBOP's Program Review Division. The internal audit follow-up process will involve all levels (local, regional, and divisional leadership) of the FBOP to establish internal controls that mitigate the recurrence of findings of deficiencies.

Recommendation Three: The Director of BOP should develop and implement a mechanism to identify causes of common deficiencies that recur across multiple facilities and take steps to address those causes.

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FBOP Response: FBOP concurs with this recommendation. The FBOP will implement an internal audit process that will identify causes of common deficiencies that recur across multiple facilities and an internal audit follow-up process involving all levels (local, regional, and divisional leadership) of the Agency to establish internal controls that mitigate the recurrence of findings of deficiencies, as noted in the response to Recommendation Two, above.

Recommendation Four: The Director of BOP should conduct an evaluation of previous [Special Management Unit (SMU)] placements to determine and address the cause of disproportionate representation of individuals in certain racial groups in the SMU population.

FBOP Response: FBOP concurs with this recommendation to evaluate past SMU placements to determine the cause of disproportionate representation. FBOP has already contracted with NIJ to evaluate its use of restrictive housing and this issue falls within the scope of that effort.

Recommendation Five: The Director of BOP should develop and implement a mechanism for routinely monitoring the extent to which facilities are applying the SMU placement criteria consistently and equitably across all BOP facilities should BOP reinstate the SMU program.

FBOP Response: While BOP concurs with this recommendation, BOP notes that it has already suspended the SMU program. FBOP is working to identify an appropriate replacement in conjunction with the ongoing NIJ study. FBOP believes its closure of the SMU at USP Thomson, previously documented to GAO during the course of fieldwork, adequately addresses this recommendation and FBOP respectfully requests closure based on the same.

Recommendation Six: The Director of BOP should develop and implement a mechanism for routinely evaluating SMU review documentation to ensure that incarcerated individuals progress through the SMU program levels in accordance with SMU policy should BOP reinstate the SMU program.

FBOP Response: While BOP concurs with this recommendation, BOP notes that it has already suspended the SMU program. FBOP is working to identify an appropriate replacement in conjunction with the ongoing NIJ study. FBOP believes its closure of the SMU at USP Thomson, previously documented to GAO during the course of fieldwork, adequately addresses this recommendation and FBOP respectfully requests closure based on the same.

Recommendation Seven: The Director of BOP should develop and implement a process to routinely analyze administrative remedy program data.

FBOP Response: FBOP concurs with this recommendation and will work towards developing and implementing a process to routinely analyze administrative remedy program data. However, it should be noted that administrative remedy program data should not solely be relied upon to identify patterns of noncompliance and other areas of program weaknesses. The Administrative Remedy Program is designed to individually assess and respond to grievances specific to individuals challenging the conditions of their confinement. Therefore, because the response issued within the scope of the Administrative Remedy Program is specific to the individual, responding FBOP official(s) do not make overarching determinations regarding policy noncompliance. As a result, information gleaned during the Administrative Remedy process may not accurately reflect broader policy concerns/issues

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and should instead be reviewed together with other available data. Therefore, FBOP will incorporate
review of Administrative Remedy data into broader analyses of policy concerns and issues.

Recommendation Eight: The Director of BOP should develop and implement a process to address
any identified patterns of noncompliance related to restrictive housing policies and other areas of
program weaknesses.

FBOP Response: FBOP concurs with this recommendation and will develop and implement a
process to address any identified patterns of noncompliance related to restrictive housing policies and
other potential areas of program weaknesses.

Thank you for the opportunity to comment on this report. We look forward to GAO closing the
recommendations that the FBOP has agreed to address.

Sincerely,



Colette S. Peters
Director

Appendix VI: GAO Contact and Staff Acknowledgments

GAO Contact

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Staff Acknowledgments

In addition to the individual named above, Joy A. Booth (Assistant Director), Carissa Bryant (Analyst-In-Charge), Nasreen Badat, Billy Commons, Benjamin Crossley, Karen Doran, Michele Fejfar, Adrienne Fernandes-Alcantara, Taylore Fox, Kathryn Lenart, Cherish Mumme, Sarah Prokop, and Tasha Straszewski made key contributions to this report.

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