Department of Justice

STATEMENT OF

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DIRECTOR
FEDERAL BUREAU OF PRISONS

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

FOR A HEARING ON

REASSESSING SOLITARY CONFINEMENT II:
THE HUMAN RIGHTS, FISCAL, AND PUBLIC SAFETY CONSEQUENCES

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Statement of Charles E. Samuels, Jr.
Director of the Federal Bureau of Prisons
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United States Senate Committee on the Judiciary
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Good morning, Chairman Durbin, Ranking Member Cruz, and Members of the Subcommittee. Thank you for the opportunity to appear before you today to discuss the use of restrictive housing within the Bureau of Prisons (Bureau). Chairman Durbin, I appreciate you and other members of the Judiciary Committee for your support of the Bureau over the years, and I look forward to continuing our work together.

Since becoming the Director of the Bureau, in December 2011, I have undertaken reviews of many aspects of our operations, including our use of restrictive housing. Certainly I am most concerned with anything we do that has a direct impact on the safety and well-being of our staff, the inmates in our care, and the general public. I am equally concerned about our ability to prepare inmates for release and to reduce recidivism. The hearing held by this Subcommittee in June 2012 was instrumental in sharpening the Bureau's focus on restrictive housing; in fact, the issue has been in the forefront for corrections nationally, not just in the Bureau. Over the past year, we have accomplished a great deal in terms of reviewing, assessing, and refining our approach to putting inmates in restrictive housing. We believe that the inmates in restrictive housing are there for the right reasons and for an appropriate duration.

The Bureau is the Nation's largest corrections system with responsibility for nearly 216,000 inmates. We confine almost 174,000 inmates in 119 federal prisons that have a total rated capacity of 130,915. The remaining over 42,000 inmates are in privately operated prisons, and in Residential Reentry Centers, local jails, or on home confinement. System wide, the Bureau is operating at 32 percent over its rated capacity. Crowding is of special concern at our higher security facilities—with 51 percent overcrowding at our high security institutions and 41 percent at our medium security prisons.

We confine a significant number of dangerous people. More than 45 percent of the inmate population is housed in medium and high security facilities. At the medium security level 67 percent of the inmates have a history of violence, over half have been sanctioned for violating prison rules, and half have sentences in excess of 9 years. At the high security level, half of the inmates have sentences in excess of 12 years, 71 percent have been sanctioned for violating prison rules, and more than 80 percent have a history of violence. One out of every six inmates at high security institutions is affiliated with a gang.

However, we take seriously our mission to protect public safety by running safe and secure prisons and by providing inmates with treatment and training necessary to be productive and law-abiding citizens upon release from prison. Bureau staff works hard to provide care and programs to give inmates the best chance for a successful return to their communities.

In order to effectively carry out our mission, at times we must remove some offenders from the institution's general population. The vast majority of our inmates remain in general population throughout their term of incarceration, abide by institution rules, work at institution jobs, and participate in programs. Most inmates are never placed in any form of restrictive housing. When restrictive housing is used, it is usually only for brief periods of time for the vast majority of inmates and involves only a very small subset of the population.

Inmates placed in restrictive housing are not "isolated" as that term may be commonly understood. All inmates have daily interactions with staff members who monitor for signs of distress. In most circumstances, inmates placed in restrictive housing are able to interact with other inmates when they participate in recreation and can communicate with others housed nearby. They also have other opportunities for interaction with family and friends in the community (through telephone calls and visits), as well as access to a range of programming opportunities that can be managed in their restrictive housing settings. Bureau psychologists receive specialized training to address the needs of inmates who suffer from mental health problems or disorders and who are placed in restrictive housing units. All staff is trained in suicide prevention and in identifying and addressing signs and symptoms that may indicate a deterioration of an inmate's mental health.

In response to concerns you raised at last year's hearing, and because it is the right thing to do, I have been personally involved in numerous initiatives to ensure the Bureau is using restrictive housing in the most appropriate manner. I consulted with the leaders of several state departments of correction that have been identified as being particularly progressive in this area, including in Mississippi, Maine, Colorado, and Ohio. I visited facilities in Mississippi and Maine to learn firsthand about their experiences.

I am pleased to report that we continue to experience decreases in the number of inmates housed in various forms of restrictive housing. This reduction is attributable to a variety of initiatives we have put in place over the past two years including nationwide deployment of a new information system that allows us to track and monitor carefully the operations of our Special Housing Units (SHU). Some of the steps we have taken to reduce our use of various forms of restrictive housing include holding several nationwide videoconferences with Bureau leadership regarding restrictive housing use, discipline, and alternative sanctions. We have activated a secure mental health step down unit at United States Penitentiary (USP) in Atlanta, Georgia. The Bureau has identified inmates in restrictive housing who we believe, can benefit from

residential treatment and the therapeutic environment it provides, and have transferred them to the unit. The treatment program includes comprehensive assessments and focuses on the management of mental illness and steps to recovery, emotional self-regulation, improving social skills, and activities of daily living in a modified therapeutic community setting. We have transferred some inmates from the Administrative Maximum Security Facility (ADX) in Florence, Colorado and the United States Medical Center for Federal Prisoners in Springfield, Missouri to this unit.

In addition, we recently established a gang-free institution that allows inmates to safely leave their gang affiliations and work toward successful reentry upon release from prison. This program, which currently houses 68 inmates and will continue to expand, is expected not only to decrease the misconduct that is associated with prison gang activity, but also to provide inmates with greater opportunities to engage in reentry programming.

We are in the midst of an independent comprehensive review of our use of restrictive housing. This review, overseen by the National Institute of Corrections, will identify "best practices" for restrictive housing operations and will help us continue to make improvements. The review team includes current and former directors and deputy directors of state departments of corrections who have already conducted four site visits at USP Terre Haute, Indiana, USP Lewisburg, Pennsylvania, USP Coleman, Florida and Federal Correctional Institution (FCI) Butner, North Carolina. They will be visiting at least five other sites: USP Allenwood, Pennsylvania; ADX and USP Florence, Colorado; USP Hazelton, West Virginia; USP and FCI Victorville, California; and USP Tucson, Arizona. We expect the report to be issued in the winter of 2014, and look forward to the results of the evaluation to make additional enhancements to our operations.

Chairman Durbin, this concludes my formal statement. I assure you that I share your commitment to providing federal inmates with safe and secure housing that supports physical and mental health. There are certainly times when restrictive housing placements are necessary and appropriate. A mission for our agency, and for all corrections professionals, is balancing the need for safety and security of inmates and staff with opportunities for effective interventions and maintaining ties to the community. I look forward to our continued collaboration on this important issue.

Again, I thank you Chairman Durbin, Mr. Cruz, and the Subcommittee for your support for our agency. The mission of the Bureau is challenging. Through the continuous diligent efforts of our staff, who collectively work 24 hours each day, 365 days per year - weekends and holidays - we protect the public and help to reduce crime recidivism. I would be pleased to answer any questions you or other Members of the Subcommittee may have.