

**OVERSIGHT OF THE FEDERAL BUREAU
OF PRISONS**

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM,
HOMELAND SECURITY, AND INVESTIGATIONS

OF THE

**COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES**

ONE HUNDRED FIFTEENTH CONGRESS

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OVERSIGHT OF THE FEDERAL BUREAU OF PRISONS

TUESDAY, APRIL 17, 2018

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON CRIME, TERRORISM, HOMELAND SECURITY, AND
INVESTIGATIONS

Washington, DC.

The subcommittee met, pursuant to call, at 10:00 a.m., in Room 2141, Rayburn House Office Building, Hon. Jim Sensenbrenner [chairman of the subcommittee] presiding.

Present: Representatives Sensenbrenner, Gohmert, Chabot, Poe, Roby, Johnson of Louisiana, Rutherford, Marino, Jackson Lee, Nadler, Demings, Bass, Richmond, Jeffries, Lieu, and Raskin.

Staff Present: Jason Cervenak, Counsel; Scott Johnson, Professional Staff Member; and Joe Graupensperger, Minority Counsel.

Mr. SENSENBRENNER. Subcommittee will be in order. Forum for taking the testimony is present. Today's hearing is oversight over the U.S. Bureau of Prisons. Without objection, the chair is authorized to declare recesses of the subcommittee at any time. I am going to ask unanimous consent to put my opening statement in the record. Without objection, so ordered. I also ask unanimous consent that all members may put their opening statements in the record. And without objection, so ordered.

[The information follows:]

Mr. SENSENBRENNER. We have a very distinguished witness today. I will begin by swearing in Director Inch before introducing him. Mr. Inch, could you please stand and raise your right hand? Do you solemnly swear the testimony you are about to give to this committee should be the truth, the whole truth, and nothing but the truth so help you God? Let the record state that the witness answered in the affirmative.

Our witness today is Director Mark Inch of the Federal Bureau of Prisons. He oversees the operation of 122 Bureau of Prisons facilities with approximately 188—6,000 offenders. He has a distinguished career of public service, including as a military police officer for 35 years in the army and as a graduate of Wheaton College and the University of Texas at Austin.

Mr. Inch, would you summarize your testimony in about 5 minutes, and then we will have questions under the 5-minute rule. Go ahead.

STATEMENT OF MARK INCH, DIRECTOR, FEDERAL BUREAU OF PRISONS

Mr. INCH. Thank you, Chairman. Good morning, Chairman Sensenbrenner and Ranking Member Jackson Lee and members of the subcommittee. I appreciate the opportunity to appear before you as I complete my seventh month, as of today, in this position to discuss the mission and the operation of the Federal Bureau of Prisons.

I am humbled to serve as the agency's ninth Director, and I care deeply about our responsibility to the American people and the corrections profession.

I am honored to speak on behalf of the 37,000 Bureau staff, corrections professionals who support the agency's law enforcement mission. These dedicated public servants are on the job 24 hours a day, 7 days a week, operating Federal prisons that are safe, cost effective, humane, and provide appropriate re-entry programs. It is through their hard work and dedication that the Bureau has earned its excellent, well-deserved reputation.

Chairman, I want to thank you for your support to the Bureau. Our mission is challenging: protecting the safety of the public, our staff, and the inmates while also preparing inmates to be productive, law-abiding citizens when they return to our communities.

Our prisons hold tens of thousands of drug traffickers, many weapons offenders, and other dangerous individuals. We house over 23,000 gang-affiliated inmates who pose threats in and outside our facilities. More than 40 percent of our inmates classify as high and medium security, due in large part to the extensive criminal histories, severity of the current confining offense, and the histories of violence. Yet and still, our staff answer the call to duty every day.

I come to the Bureau with a great appreciation for our mission and have a well-developed set of principles about our individual responsibility as corrections professionals. I applaud the Bureau's philosophy that all staff are correctional workers first. I am convinced that this philosophy is a critical element to the long-term success of the agency.

One of the things I appreciate about the corrections profession is the selfless service demonstrated by those who choose this career. They dedicate their lives to helping and protecting others yet receive little recognition and even less praise. Every day, Bureau staff must enter in an inherently hazardous environment that most others would avoid to ensure the safety of the public, the staff, and the inmates for whom we are responsible.

As the leader of the country's premier department of corrections, I am committed to ensuring the Bureau of Prisons' staff exhibit the highest ideals of our corrections profession, and through the shared values establish standards of individual and institutional performance and commitment to the character and competent standards of our profession. I am very proud that all of our Federal prisons are accredited by the American Correctional Association, and all of our prisons are PREA-compliant as well.

These are significant accomplishments and signal that our prisons are meeting the professional standards for safety, security, sanitation, and programming. But we expect even more of our

agency, and I am working with our senior leaders to begin work on significant priorities I established after my first 90 days on the job.

Of course, the priorities include areas of concern that have been identified by some of you as well as your colleagues on the Senate side, other stakeholders such as our own staff, including union leaders, and by outside interest groups.

As I am prepared to discuss our actions and accomplishments over the past year, I also look forward to reporting back to you at my next hearing about all the progress we will have made to enhance the operations of the Bureau of Prisons in furtherance of our mission.

In that vein, I want to discuss an issue of which I am sure many of you are aware: the elimination of over 5,000 vacant positions throughout the Bureau from our personnel manning documents. I want to be absolutely clear with the subcommittee; this will not result in any job loss.

These are positions, vacant positions, not people. This is based upon the Congressionally-approved fiscal year 2017 DOJ spend plan. These positions have been unfunded for some time and will not result in any staff members being displaced or any reduction in force. And again, because these are vacant positions, their elimination will not have a negative impact on public safety or on our ability to maintain a safe environment for staff and inmates.

The Bureau looks forward to continuing to support the law enforcement efforts of the Department of Justice and the administration. As an integral and essential component of the Federal crime reduction effort, we continue our focus on agency effectiveness and efficiency to safely and securely incarcerate inmates and reduce recidivism.

Chairman Sensenbrenner, Ranking Member Jackson Lee, and members of the subcommittee, this concludes my formal statement. I would be happy to answer any questions you may have.

Mr. SENSENBRENNER. Thank you very much. Recognizing that you are the new kid on the block or almost the new kid on the block, I think we will cut you a little slack on the questions today, or at least I will. But the chair will withhold his first round of questions and recognize the gentleman from Florida, Mr. Rutherford, for 5 minutes.

Mr. RUTHERFORD. Thank you, Mr. Chairman. Director, good to see you today.

Mr. INCH. Good to see you, sir.

Mr. RUTHERFORD. Listen, can you tell me just a little bit about the opioid treatment program within BOP and where most of that is housed, actually?

Mr. INCH. Thank you, Representative Rutherford. The aspect of treatment of opioid addictions, of course, is very important within a prison environment as is the protection of contraband being brought in. Where we are right now, of course, we have a holistic approach to all the aspects of treatment of our inmates and have a well-developed care level system for providing physical and mental health treatment.

As it relates, specifically, to treatment and perhaps if the following question is to discuss aspects of MAT, medication-assisted

treatment, we are at a point right now that we have piloted the use of naloxone to assist with the transition out of our facilities. And of course, you know, we do not use other medicated treatment within our facilities. And so, we will be starting with the initial aspect within two of our residential re-entry centers in Boston.

Mr. RUTHERFORD. But it is all directed toward withdrawal not long-range maintenance, correct?

Mr. INCH. Yes, it is.

Mr. RUTHERFORD. Okay. One other thing. I was reading about the security protocols for personnel, searches of officers as they come in the facilities and saw where the Federal Labor Relations Board had forced some changes in your policy on screening employees for contraband. And the I.G.'s office seemed to think that it had quite watered down the process. Do you have changes that you would like to make in that policy for screening employees as they come into your facilities?

Mr. INCH. Representative, at this time, I am not recommending changes. The aspect of looking at the introduction of contraband into the facility, I recognize that yes, a staff member could be one source of that introduction. If I could fall back a little bit on my military background of using the term "defense in depth," you know, of course, we have procedures, both technology as well as, you know, search procedures and the like, as well as looking for indicators to address the introduction of contraband into our facilities.

Mr. RUTHERFORD. Okay. And lastly, I like to ask—I know that you are doing some robust data collection. And the things that I saw listed were fine, but I was wondering, because they were not listed in the information that I had read. But are you collecting information on the number of officers assaulted, the number of officers injured, the number of prisoners injured, the number of prisoners assaulted, and the number of prisoners with additional add-on charges?

And what I am getting at is I particularly want to know, number one, how officers are being supported by add-on charges when they are battered by inmates.

Mr. INCH. So Representative, yes, we do maintain that data. And I would not be able to, you know, work off those numbers from memory.

Mr. RUTHERFORD. Sure, sure.

Mr. INCH. But I certainly would be happy to work with your office—

Mr. RUTHERFORD. Okay.

Mr. INCH [continuing]. And, you know, review the data that we have, how we collect that data, and discuss that aspect.

Mr. RUTHERFORD. Thank you. I will have staff get with it. Thank you very much.

Mr. INCH. Thank you, sir.

Mr. RUTHERFORD. I yield back.

Mr. SENSENBRENNER. Gentleman from Maryland, Mr. Raskin.

Mr. RASKIN. Mr. Chairman, thank you so much and welcome, Mr. Inch. There have been several news stories about staff shortages and cuts that have resulted in the deployment of secretaries, teachers, counselors, cooks, and medical staffers into guard posts at

prisons across the country. I understand this process is called augmentation, where you take someone out of their normal post as a cook or a nurse and make them into a guard. And I know it has come under some scrutiny and some criticism.

The Federal Labor Relations Authority has ruled in favor of employees who protested their reassignment because of safety considerations, and I know the AFIGE has expressed concern about this practice. Have you considered how staff shortages and augmentation are affecting the safety of inmates and the safety of your employees?

Mr. INCH. Thank you, Representative Raskin. It is a very important point and, I recognize, probably one of the key issues that we will discuss today. At the risk of using your entire 5 minutes, the short answer to the question is yes, I am concerned. The personnel management within the Bureau of Prisons and how we address going from normal operations to those things that affect the actual day-to-day operations at each specific institution certainly has my attention.

So it brings into the aspect of not only the use of overtime, the determination of the right number of posts that we run in our specific facilities, but also that aspect of using staff that are correctional workers first, which is a very important point. They have the training. Many have already been correctional officers and then had moved on to and promoted to other positions within the facility but do have both the initial training and the training to man security posts when the situation requires. But we watch that aspect very closely. And I am sure later I can discuss different ways.

Mr. RASKIN. Can I just follow up on that point?

Mr. INCH. Please.

Mr. RASKIN. So the people who are there who are serving as nurses or food personnel or religious service workers or whatever, you are saying that all of them have the same training as the guards do?

Mr. INCH. They all attend the same initial training at FLETC. They all do the same [inaudible] training, weapons qualification. And, again, they are all Federal law enforcement officers. They all receive Federal law enforcement officer pay. Excuse me, pay and retirement. They are correctional workers first. And they perform the detention mission. And if you go to statute, it is the aspect that even in their duties of working food service, working, teaching, they are in the facility, and they are contributing to the detention mission daily.

Mr. RASKIN. And do they receive the continuing education and training that the guards do?

Mr. INCH. Yeah, the same [inaudible] training. It is fair to ascribe to, in our great correctional officers, the experiential learning that they gain within the facility, recognizing, again, that some that are called upon to augment the correctional force were correctional officers prior. But those who are not, you know, the warden takes into consideration in identifying post and place, you know, the relative experiential learning. But again, they are performing the detention mission every day.

Mr. RASKIN. I got you. And let me switch gears and ask you about something else that I am curious about. And I know this

mostly from Maryland, where I was a State Senator and we dealt with this issue of residential segregation, or what we used to call solitary confinement. You call it, I guess, the special housing in the——

Mr. INCH. Restrictive housing.

Mr. RASKIN. Restrictive housing. As I understand it, the inmate population has gone down. The number of serious assaults taking place in Federal prisons has gone down. And yet, the number of people in special housing has gone up. Can you just explain why that is? You know, why there would be an increase in the number of prisoners being held that way.

Mr. INCH. So the aspect of restrictive housing is very important within the corrections profession and with the orderly running of a facility. Variety of reasons of why we do restrictive housing from disciplinary to administrative reasons for separating. Just to frame it very quickly is, of course, the majority of those inmates we have in restrictive housing, it is still a two-person cell. But it is a closer controlled model that is necessary for periods of time. We are always looking for ways to decrease it, but it is a very important tool for staff safety and for the orderly running of a facility for those who would be disruptive and cause others to be disruptive in the facility.

Mr. RASKIN. And I am just curious about why the numbers have gone up if the number of serious assaults as I read it has gone down.

Mr. INCH. So I would argue that the use of our restrictive housing——

Mr. SENSENBRENNER. The gentleman's time is expired.

Mr. RASKIN. Forgive me, Mr. Chairman.

Mr. SENSENBRENNER. The gentleman from New York, Mr. Nadler, the ranking member of the full committee.

Mr. NADLER. Thank you, Mr. Chairman. Mr. Chairman, I first ask unanimous consent to insert my opening statement into the record.

Mr. SENSENBRENNER. Without objection.

Mr. NADLER. Thank you. I also ask unanimous consent to place into the record a letter we have received from Judge Ricardo Martinez, chair of the Criminal Law Committee of the Judicial Conference of the United States to the Bureau of Prisons Director, Mr. Inch, expressing concerns about BOP's closure of 16 halfway houses across the country and stating that the availability of bed space in the remaining facilities is inadequate from the standpoint of effective re-entry and also providing court's appropriate alternatives to incarceration in some circumstances.

Mr. SENSENBRENNER. Without objection.

Mr. NADLER. Thank you, Mr. Chairman. Director Inch, I am concerned about the issues underlying the reduction in residential re-entry centers has not been entirely resolved. Last year, Acting Director Kane testified that RRC placements were quote, "scarce and expensive," unquote. Subsequent to those comments, 16 RRC contracts were ended, either canceled or not resolicited or option years not renewed, characterizing those facilities as underutilized.

Can you explain the basis for the scarce and expensive statement? Do you believe that statement to be true today? And how

can you have these facilities are scarce and expensive, but they are underutilized?

Mr. INCH. Thank you, Representative Nadler. I mean, that is a very important question. And the use of our residential re-entry centers, commonly called halfway houses, which is a very important aspect of our Federal effort to re-integrate inmates back into their home communities. It is rather a large constellation of over 230 facilities nationwide done primarily through contracts with private entities, but also with public entities.

So in terms of the comment of my predecessor, not addressing that specifically, the goal I have set for our team based on the report by the Office of the Inspector General is to run this \$350 million enterprise efficiently for this calendar year to understand the capacity of the system. You mention the 16—I believe the decision would have been made last May to—from that point to, I believe, the last of those 16 facilities closed in February, they did not close. We ended our contract in February. It was a recognition that in those facilities we had two issues with capacity management and, frankly, overspending against our budget in 2017.

And that was in some facilities that had excess bed capacity, meaning the contractor had the space, we actually went over our contract caps of how we had designed the system. The second reason was then, again, a series of underutilized facilities.

The underutilized facilities, the 16 that have been reported, certainly over these past months, represented about 1 percent of the bed space. So what we are doing this year, recognizing that to use the system as efficiently and effectively as possible, certainly, we are not going to exceed our caps by location. But focusing our effort on the new statement of work that was prepared last year.

Mr. NADLER. Excuse me. You are giving a lot of words, but you are not answering the question.

Mr. INCH. Okay.

Mr. NADLER. And my time is expiring. In your written testimony, you say that RRC bed space is limited. We must be judicious with our use of resources, but you are closing 16 facilities. How can these 16 facilities be underutilized when placements are considered scarce and expensive? In less than 50 words, please.

Mr. INCH. I will do it in very short term. Their location did not justify the number of inmates that were being released to that area.

Mr. NADLER. So I got what you said. So you have a shortage of beds, but you had a surplus of beds in those areas.

Mr. INCH. Yes.

Mr. NADLER. Okay. Let me ask you one other question quickly. A memo has been distributed to prisoners in Coleman, a BOP facility in Florida, noting a new policy to ban all books from publishers, book stores, book clubs, and from friends or family. The new process for prisoners to receive books requiring electronic requests from prisoners to the staff, who will then place the order and accept payment from prisoners, will make it so that only prisoner with access to funds can have access to books.

Given that books are such an important part of rehab and education inside the prison, in what way does this new policy, which will clearly harm indigent prisoners, meet the mission of the BOP?

In other words, you say unless you have money, you cannot have reading material.

Mr. INCH. So I recognize you are short on time. I can come by your office, sir. And I will talk about that policy.

Mr. NADLER. Can you answer the question, please?

Mr. INCH. Okay. So the memo you are looking at, I have not actually seen that memo. But the work that we are doing on combating the introduction of contraband into our facilities addresses multiple ways materials are brought to our facilities. As we look and pilot different ways—

Mr. NADLER. But can you make sure that people without access to money have access to books?

Mr. INCH. Oh, absolutely. We have recreational, professional libraries.

Mr. NADLER. So you will rescind that restriction insofar as it violates what I just—

Mr. INCH. We absolutely have recreational and legal libraries in our facilities.

Mr. SENSENBRENNER. The gentleman's time has expired. The gentlewoman from Texas, Ms. Jackson Lee, the ranking member of the subcommittee.

Ms. JACKSON LEE. Mr. Chairman, thank you. Thank you very much for holding this hearing. I know that we had scheduled it sometime before. To the Director, let me thank you, Director Inch. We have had phone conversations, and I would be remiss if I did not thank you for your years of service to this Nation, and we are grateful to have you. I look forward in my capacity to have some ongoing discussions in my office as we had indicated that we would.

So let me just very quickly say that I am disappointed in the fact that the DOJ lifted the financial moratorium, the funding moratorium on other DOJ agencies but did not lift it on the BOP, and that certainly came after your involvement. But that means that, as my colleague from Maryland indicated, cooks and doctors and other persons may be used for work that I believe the corrections officers are a profession and they are trained to do. So let me register my complaint on the record. Maybe in one of my questions you can answer what is your response to that funding shortage.

But the question I have, having visited a number of prisons when trying to get to a number of others, I have seen some good works, but what is your relationship with the union? And working with these men and women, I think it is crucial that you have a working relationship, because they are the eyes and ears in the conflict. Let me have you note that so that I can be cognizant of my chairman.

I also am concerned. In the private prisons, I hear different stories. They are not responding to Freedom of Information Act requests. They indicate that if you, meaning the Federal Bureau of Prisons, would direct them to do so, they would. And I believe you cannot have an institution that has governmental connection and families cannot get information about the mistreatment of their family members.

And I am concerned about the May 2013 report on solitary confinement. The GAO issued a highly critical report indicating that

the refinement housing seriously mentally ill inmates in solitary, inadequate mental health treatment and staffing. Let me see if I can get that. I am going to have another question, but can you just give me pithy answers for that, please? Particularly going right to the union first.

Mr. INCH. Okay, let me start with the union. I feel I have a good relationship with the union president, Mr. Eric Young. We have an open line of communication. We met last week. I believe we have union representation in the room. You want to raise your hands? So the aspect—of course, this is new for me, coming from military—

Ms. JACKSON LEE. And you will continue those discussions with the union members, because I think the dialogue for you will be very, very important.

Mr. INCH. Absolutely.

Ms. JACKSON LEE. Go right ahead.

Mr. INCH. Okay. Then the—

Ms. JACKSON LEE. Private prisons say they do not respond to the FOIA request; and I have a bill that says they should.

Mr. INCH. Yeah. Allow me to research that and gain better knowledge that, and then—

Ms. JACKSON LEE. Yes.

Mr. INCH [continuing]. I will come back to you.

Ms. JACKSON LEE. I think you will find that if you direct them to do so, I might not have to have this legislation.

Mr. INCH. Okay.

Ms. JACKSON LEE. Then, of course, solitary confinement, which has been a concern of mine. What are you doing about this GAO report that you are housing seriously mentally ill inmates in solitary confinement? You might also explain the criticism of poor healthcare access there as well. There have been some calls for improvement in the quality of medical care. Because I have one more, so I am going fast. Yes, sir.

Mr. INCH. I will go fast with you. So what we established is secure mental health units. I have visited both of them, one in Atlanta, the other one at Allenwood. I am very impressed with the program. In fact, we will present on that at the American Correctional Association this summer. It is very important that we have a program to bring them out of restrictive housing.

Ms. JACKSON LEE. Yeah, but can you promise me that you will take a hard look at solitary confinement? Maybe we will have to continue that discussion and see whether or not—we know it has to protect the population and the individual, but solitary confinement can be a very devastating confinement, and I am particularly concerned juveniles—and you have a few, I know—that may be subjected to that. So let's leave that on the record.

Let me, quickly, go to the issue of the potential reform of the prison system that I think you need to go back to the administration. When I say that a bill that may be coming through this committee, you just cannot do the reforms that we are trying to do with the staffing that you have. You need more staffing.

So my question to you, will you, as this bill makes its way through, reach out to the DOJ, your boss, to indicate that it is un-

fair where we are right now in terms of staffing? Will you assess that and do so?

Mr. INCH. I will be very involved, as I am now, with the Department as we discuss different reform proposals.

Ms. JACKSON LEE. And I have a good time credit bill that I want to share with you. And I look forward to speaking with you.

Mr. SENSENBRENNER. The gentlewoman's time has expired.

Ms. JACKSON LEE. I yield back, Mr. Chairman. Thank you.

Mr. SENSENBRENNER. Okay. The gentlewoman from Florida, Mrs. Demings.

Mrs. DEMINGS. Thank you so much, Mr. Chairman. And thank you, Director Inch, for being here, and congratulations on your relatively new position. Many, many years ago—and it has been a while—I did my college internship in a correctional facility in Florida. And while it has been a while, my memories of that experience are still very vivid. And then having served 27 years in law enforcement, I am quite familiar with the business that you are in.

One thing that causes me some concern: As a police chief, one thing I knew every day was that there was no way I could accomplish my mission, the very critical mission that had been assigned to me, with severe budget or staffing shortages. And there are very few directors or chiefs or sheriffs who I have ever heard say that they can. But you feel that you can. So I would like to hear a little bit more about that.

Officer safety, inmate safety, community safety, I believe, is directly tied to appropriate staffing levels. And so, I would like to hear more about why you feel that it is okay to support severe staffing shortages, number one. And then I would like to know if you have advocated, in any way, to the Department of Justice or anybody to lift the hiring freeze.

Mr. INCH. Thank you, Representative Demings. So getting directly to the heart of staffing, of course, I came in in September. So that would have been kind of at the tail end of the work on the fiscal year 2019 President's budget request. Of course, 2018 had already been over here. Let me break it into just three groups very quickly.

First group, as I did in my open comments, talking about the vacant, unfunded positions that have been the case. I looked back 10 years, well over 5,000. It was a management technique done by the department to assist wardens, I would argue, for hiring flexibilities. We were directed in 2017 to have our manning documents match our budget documents. Not people, positions on pieces of paper. For 2018—

Mrs. DEMINGS. Sometimes budgets where you are allocated may not have anything to do with your exact staffing needs.

Mr. INCH. Yeah, correct.

Mrs. DEMINGS. Or making it fit within the budget.

Mr. INCH. Correct. Yeah. So the focused aspect then is working within our staffing guidelines. I have been briefed on our staffing guidelines. Our last review was in 2016. Staffing guidelines are that—you know, we have 122 different facilities, different custody grades, different programs, different facility structures. So, it is a guideline by which the warden determines the operational necessary positions for security let alone the programming. So, the as-

pect of that is, really, it is facility by facility by facility that we have to assess through our programmed reviews that we have the right staffing.

Now what has happened in 2017—of course, we can look at the history of when the hiring freeze was, when that really was lifted for our facilities—but those methods we took to address hiring versus attrition. I will state clearly here is our hiring did not keep up with attrition in 2017. So, I adjusted our procedures in January for internal hiring to pick up that pace. And then, for external hiring I made adjustments in March. Because what I think is being felt at the facilities has nothing to do with the vacant unfunded—because that is a management technique—what the feeling was the hiring pace against attrition. But that has—

Mrs. DEMINGS. Yes, let me ask you a question, Director—and I hate to cut you off, but back to the augmentation. You know, just hearing that it sounds pretty ridiculous to me, but I hear you that they received the same amount of training, although I think performing the jobs every day, I believe it is a diminishing skill, right? And so, I believe your policy says that you use it only during emergencies, or it is reserved for emergencies. How often do you use the practice of augmentation, roughly?

Mr. INCH. Yes. Very hard to say—

Mrs. DEMINGS. Would you say daily?

Mr. INCH. I would say facility by facility that—

Mrs. DEMINGS. Would you say pretty much if you had to answer that question that you use the practice of augmentation on a daily basis at some facility throughout the United States of America?

Mr. INCH. Yes.

Mrs. DEMINGS. And do you feel—with my last few seconds—that the eight-inmate-to-one-officer ratio is adequate? As the Director of the Bureau of Prisons, ultimately responsible for the safety of your officers, the inmates, that you feel that that is appropriate?

Mr. SENSENBRENNER. The gentlewoman's time has expired.

Mrs. DEMINGS. Can I get a yes or no?

Mr. SENSENBRENNER. Can you say yes or no to that?

Mr. INCH. Ma'am, I can come by your office. The ratio does not satisfy me as a yes or no. It has got to be way more detailed than that facility by facility.

Mrs. DEMINGS. Thank you, Mr. Chairman.

Mr. SENSENBRENNER. Okay. The gentlewoman from Alabama, Mrs. Roby.

Mrs. ROBY. Thank you, Chairman. And thank you, Director, for being here today, and for your service. And we appreciate your time. I certainly appreciate the service and sacrifices of the 37,000 Bureau of Prisons corrections professionals who put their lives on the line every single day.

So, can you please provide us with an update as it relates to body armor for the Bureau? Do you have what you need? Can you provide a short overview about how it is periodically taken out of service and replaced with lighter, more suitable, or survivable armor?

Mr. INCH. Representative, thank you. Officer safety, of course, is a very important issue and both the introduction of OC pepper spray at medium and high, the introduction of body armor; we are exploring the expansion down our custody grade. My under-

standing—but if you will allow me to get back to you and your staff on this—is that we have successfully placed it at our high facilities—Administrative Maximum, the higher security—and are working down the custody grades. But I can get you a complete layout of our fielding plan and our replacement plan.

Mrs. ROBY. I would appreciate that very much. I understand—and actually this number seemed low to me, but you can correct me if I am wrong—that over 23,000 prisoners are affiliated with gangs.

Mr. INCH. That is correct.

Mrs. ROBY. And so, how frequently do prisoners enter prisons with existing gang affiliation, and then how many prisoners actually join—if you have an estimate—with a gang while in prison. And what do we need to do to combat the impact of gangs in our prisons?

Mr. INCH. Yes, Representative. A very, very important topic to discuss in our gang management—though I do not have on the top of my head a figure of those who come to us affiliated with a gang. The 23,000 number is correct. And then how many then start affiliating with a gang while in incarceration?

The management is a very detailed process as we work to understand the gangs and the gang activity—the criminal activity they are trying to do from inside the facility out or inside the facility—and how we work the different gang groups, and those that could be in the same recreation area or those who we would never put in the same recreation due to safety of the inmates and safety of the staff.

If you would like, I could set up a time to come by and I could bring some of our subject matter experts that really work this issue.

Mrs. ROBY. That would be great. I think maybe expounding upon that, one of the issues is related is contraband and cellphones, which seems to be a seemingly difficult—over time—issue within the Bureau for you guys to deal with, which would be related to gang activity or any other criminal activity that is taking place within the system reaching out. So, if you want to provide us an update with that as well.

Mr. INCH. So, very quickly on that, with the introduction of contraband there is processes, technology, future technology that we work for. So, just taking cellphones as an example: I very much appreciated the chairman at the FCC holding a conference that connected us with the wireless carrier users as well as the different companies that deal with different aspects of jamming. We have done a proof of concept of microjamming to understand its capabilities, limitations. The report is not yet out for that.

Mrs. ROBY. When do you expect that report?

Mr. INCH. I do not know when the report will be completed on that.

Mrs. ROBY. Can you follow up with us on this?

Mr. INCH. I would be happy to. You know, there is other aspects. When you think of things we have already done—everything from thermal fencing to full-body scanners, the different things we do on entry, aspects of how we supervise visitation—the introduction of

contraband is as varied as the history of the Bureau of Prisons and corrections.

Mrs. ROBY. Sure.

Mr. INCH. And there are just days where I think, 'You just cannot make this up.'

Mrs. ROBY. Sure.

Mr. INCH. And we are very cognizant of that.

Mrs. ROBY. And I only have 30 seconds left, but I would also like for you to address the press reports about radicalization by extremist organizations taking place within our prison population. And again, I have got 15 seconds, so with all the information that you are going to bring back to me, if you could also provide me your perspective on that issue and how we can combat that trend. And Mr. Chairman, I yield back.

Mr. SENSENBRENNER. The gentlewoman's time is expired. The gentlewoman from California, Ms. Bass.

Ms. BASS. Thank you. Thank you for your time appearing before us today, Director Inch. I wanted to follow up on my colleague, the ranking member. He asked a question about the policy in Coleman Prison, and I wanted to know—you made reference to books that are available from a library, but this policy says that books are banned from publishers, book stores, book clubs, and friends and family. You said you were not aware of it, and I understand that. My question is, can you do a memo or some type of communication to all of the prisons under your authority that under no circumstances would books be banned?

Mr. INCH. Representative Bass, again, thank you for the follow-up on that question. And I will certainly communicate if there is a misconception that we are withholding educational and recreational books, legal books of any form, because that is certainly not the case—

Ms. BASS. I would just encourage you to follow up with Coleman, because this does not seem to be a misperception. This seems to be a directive from that prison, and I certainly hope that this is the only case that such a policy was distributed.

Mr. INCH. So, after this hearing I will certainly review that memo.

Ms. BASS. Thank you. I wanted to ask you about women who are incarcerated and who are pregnant. I know that it is the general policy of the Bureau that a woman is supposed to notify the Bureau if she is pregnant. But it is also my understanding that you test all women inmates? It is a question.

Mr. INCH. Okay. I will need to confirm that aspect. I have researched these aspects of our processes of how we care for women in pregnancy. I am assuming—but that is a bad thing to do in a hearing—that we do a test of—

Ms. BASS. Are you aware that in some prisons, that when a woman is pregnant that she is shackled and has restraints on her throughout her pregnancy, including in her third trimester as well as during labor and delivery? Are you aware of that?

Mr. INCH. I know that does not happen in Federal institutions, yes.

Ms. BASS. Well, I think that it does because there have been a number of lawsuits filed against prisons because of that. I wanted

to know if you have ever heard of any instance in which an inmate has either attempted to escape or escaped from State—now, there are a number of States and State prisons that prohibit or severely restrict the use of restraints on inmates in their third trimester, during labor, delivery, or postpartum.

Mr. INCH. Representative Bass. So, no I have not reviewed the States' practices. In this timeline here, I have specifically reviewed our practice in Federal Bureau of Prisons. I know for a fact—

Ms. BASS. So, you do not know of any instance—

Mr. INCH. I know for a fact we have not shackled women in any stage of pregnancy during the time I have been here, nor can anyone remember a time in recent history where we have done that.

Ms. BASS. Okay, so maybe we should let you know about lawsuits that are pending?

Mr. INCH. I will ask those questions again as I go back.

Ms. BASS. How do you determine whether a pregnant inmate has received adequate care? So, my office has met with corrections officers who have raised concerns about staffing shortages, and—well, there is medical, there is also nutrition. What is the protocols?

Mr. INCH. So, at the Federal Bureau of Prisons, of course, we have Health Services Division. We have both trained medical personnel throughout our system as well as medical administrators, members of the public health services—

Ms. BASS. So, are there specific protocols around the nutritional needs and health needs of pregnant inmates?

Mr. INCH. Though I have not personally reviewed that, I speculate there is, and I will confirm it upon return to our central office.

Ms. BASS. Also, if you could document for me—and I know you do not have this information now—but I would like to know the number of women who are pregnant in prison and delivered in the last couple of years and with the outcomes. How many delivered normally, how many delivered through C-section, and what were the birth outcomes?

Mr. INCH. We will go back and research that. I certainly do not have that—

Ms. BASS. I would also like to know about private prisons that are under your authority. Are there differences in terms of protocol, in terms of the healthcare as well as the nutrition? How it is handled?

Mr. INCH. Certainly. So, we have 11 private prisons currently that we use from three different providers that predominantly address criminal alien low population. Within our contract there is absolutely standards of appropriate medical care, and we check on that. We have on-site personnel that check that.

Ms. BASS. So, are all of the private prisons for immigrants?

Mr. INCH. So, for the 11. The predominant reason we use, in the Federal system, private prisons is for criminal alien low custody. By statute, of course, we have also some D.C. offenders in our facilities as well.

Mr. SENSENBRENNER. The gentlewoman's time has expired.

At this point, let me say, Director Inch, that you have said in response to numerous questions on both sides of the aisle that you have to get back and provide data. And what I would ask you to do is to scrub the transcript of this hearing, provide the data in a

written form, and I would ask unanimous consent that that response be placed in the hearing record without objection.

Ms. BASS. Thank you, Mr. Chairman.

Mr. SENSENBRENNER. The gentleman from Louisiana, Mr. Johnson.

Mr. JOHNSON of Louisiana. Thank you Mr. Chairman. Director Inch, thank you for being here. I am going to speak quickly because I have a lot I was going to try and squeeze in. I wanted to pick up on where my colleague, Congresswoman Demings, left off on the augmentation practice. It is a great concern to us. Augmentation as it has been explained is when the agency authorizes non-custody officers to step in and fill vacant posts of correctional officers. This is nurses, counselors, maintenance crews employed in a Federal prison asked to step in and perform the duties of a correctional officer. Would you agree that this creates a dangerous situation for those employees?

Mr. INCH. No.

Mr. JOHNSON of Louisiana. We are asking nurses, counselors, kitchen staff, non-custody officers to guard inmates all alone. They are equipped only with keys or radio and handcuffs. Typically, the guards are outnumbered by 100 to 150 inmates, and you say that is not a dangerous situation?

Mr. INCH. Representative Johnson, again, this issue is a very important issue, and staff safety is absolutely my concern. The aspect of identifying a certain population of Federal law enforcement officers that we have in our facilities—I did discuss earlier that all our employees in our Federal Bureau of Prisons are correctional workers first. They perform a detention mission no matter what their duties are. And, in fact, many within the facilities started as correctional officers and then moved into positions. Others were direct hires as you would expect; for example, nurses or those.

The practice of identifying within a facility those operationally necessary positions that must be manned for running of a safe facility—the wardens do have the ability to, either through overtime or augmentation—is to address placing the person with the right skills at that location. Now, every one of our employees has the same initial training at FLETC. In fact, today I will be flying down there to observe that. And then the same annual training requirements, weapons requirements.

You should expect of a warden, and the experiences that our wardens had is that they place those that with more experiential learning; for example, if somebody grew up as a correctional officer and is now a counselor, that they would identify that person to a certain post compared to another post.

Mr. JOHNSON of Louisiana. But that is not always happening. I mean, we have recent reports that you have all types of non-custody officers being asked to supervise dangerous inmates. And so, are you saying that the decision is unilaterally that of the warden?

Mr. INCH. Representative, they are supervising dangerous inmates in the performance of their primary duties as well, whether it is in food service, whether it is in the health center, whether it is in the education class. They all perform that detention mission. There are some systems in which they divide correctional officers from non-custodial staff. And so, for example, if there was an edu-

cation class there would be a correctional officer standing there as well. We do not do that in the Federal system. Everybody is a correctional worker first.

Mr. JOHNSON of Louisiana. Well, I am just going to tell you, I have met with a number of these from my home State of Louisiana. They are not comfortable with that assignment. Many of them feel like they are endangered and I feel like they have good reason to be. Can you inform the committee the total number of assaults on Bureau of Prisons staff committed by an inmate in 2017?

Mr. INCH. I do not have that at the top of my head. I know that we are on a 3-year downward trend. I will get you the exact number. It is in the 100 to 200 range if my recollection is correct.

Mr. JOHNSON of Louisiana. I appreciate that. Very quickly, the Federal Correctional Institute in Oakdale, in South Louisiana—it is in my district—

Mr. INCH. Yes.

Mr. JOHNSON of Louisiana. They are currently scheduled to lose about 77 positions, all of which are currently vacant. Why have those positions not been filled?

Mr. INCH. I have gone back 10 years to look at this. So, the manning policies for the Bureau of Prisons is, there is the budgeting side that has budgeted us approximately at 89 to 91 percent of our manning. Our manning documents always had that 10 percent over as a method by which they gave flexibility to the wardens. The positions were never funded, and though vacant positions could switch, the total aggregate number did not switch.

So, what has been directed from the 2017 spend plan—and has already actually had that action at department level—is that we are making the budget authorization, having our manning documents match that. So, as I did in my opening statement, the removal from our manning documents—these positions—are not real people. It is a shift in how we are doing personnel management at facilities.

Mr. JOHNSON of Louisiana. Well, I am just going to tell you the folks down there are greatly concerned about it. They think it is a dangerous situation, and I agree with them. So, I look forward to seeing your statistics. I wanted to yield to Mr. Marino, and I am out of time.

Mr. SENSENBRENNER. The gentleman's time has expired. The other gentleman from Louisiana, Mr. Richmond.

Mr. RICHMOND. Thank you, Mr. Chairman, and thank you Director Inch. Let me just ask you a general question. What is the recidivism rate of inmates coming out of federal prison?

Mr. INCH. I believe for Federal prison at 3 years we are at 43 percent, but I will verify that figure. I believe I had it in the written testimony.

Mr. RICHMOND. Wow. And that is coming back to Federal, or coming back to Federal or State—going back to either?

Mr. INCH. I believe that number would be a reincarceration. The Sentencing Commission has an excellent report that actually breaks it down between reoffending, reincarcerated—

Mr. RICHMOND. Do you know the recidivism rate of private prisons that you use?

Mr. INCH. I do not; I will have to go back and check that. Unless we are talking about the D.C. population, Representative, we use it for criminal alien low, presumably unless they are being transferred to another incarcerated aspect. Depending on the decisions of the courts, many are extradited; so I am not sure the recidivism rate would apply as the Federal system uses private systems. We could certainly do it for the D.C. inmates that are in the private.

Mr. RICHMOND. Let me ask you this question. Forty-three percent is pretty high. Can you rank the top five programs that reduce recidivism that you all offer in our prisons, in terms of effectiveness?

Mr. INCH. Representative, excellent question. So, what I think are the most important things that affect the recidivism rate. I would say first it is the culture by which we operate our facilities. That is from the frontline correctional officer—

Mr. RICHMOND. No, no, no. I am looking for the programs. Because it is my understanding that the RDAP program is not in the top five.

Mr. INCH. I think the RDAP program is exceptionally important. So—

Mr. RICHMOND. Not that it is not important. One of the institutions we visited in Texas, the warden said that inmates participating in what would be prison enterprise would probably be number one in their mind.

Mr. INCH. Their prison industry is an excellent program.

Mr. RICHMOND. Right. So, I am just asking you to rank the programs, because RDAP is the only one that we provide good time for. So, if there are other programs that are effective in terms of reducing recidivism—because we are at 43 percent—what are they so that we can look at trying to get more people to participate in those? That is the gist of the question.

Mr. INCH. So, do I consider RDAP important? Very important, and I do recognize there is an incentive for it. I think Federal prison industry is important. Yes, I do. Do I think that requires incentive? No, we have a waiting list of inmates who want to participate.

I would add into that vocational training. As we look at many of the discussions that are going on now for improvements in reentry program, there is great potential of vocational training, education. Both language skill and GED for—

Mr. RICHMOND. But if you participate in those you do not get any good time?

Mr. INCH. That is a correct statement.

Mr. RICHMOND. Do you think you should get good time for participating in those?

Mr. INCH. I do not think that is necessary, even in our education programs. I think the incentive of that education and the way, at least in our case, in many of the more desired vocational training Federal prison industry we make getting a GED as an appropriate gateway to going to that that we can incentivize that within our facility.

Mr. RICHMOND. Well, then why do we have to incentivize RDAP? And I do not look at it as an incentivize; I really look at it as a reward for doing something to better yourself that reduces the likelihood of another victim when you get out of prison and reduces the

chances of you coming back for us to continue to pay to incarcerate you.

Mr. INCH. So, it is hard to generalize on the motivation of all of those that participate in RDAP. I have visited quite a few of our programs and I have spoken with the inmates. Entering a therapeutic community is intimidating, at least as it has been expressed to me. The amount of opening oneself up to a community is so—

Mr. RICHMOND. Let me get my final point because the chairman is a stickler for time. Every 7 days of good time that we can give our Federal population saves the taxpayers \$50 million. You are authorized to give 54 days a year. You average 47 days a year good time. That \$50 million could be used to fully fund the RDAP program or other things. So, why are we not maximizing the good time for those who qualify?

Mr. INCH. Representative, I understand the history of this discussion and the litigation history of it as well and how we in the Bureau define it. I would be at a disadvantage to do a legal discourse at this point, but I do recognize the litigation history of the definition of how we give good time.

Mr. SENSENBRENNER. The chair gave some good time to the gentleman from Louisiana. It was an important question, but that is expired now.

Mr. RICHMOND. Thank you. Thank, you Mr. Chairman.

Mr. SENSENBRENNER. The gentleman from Ohio, Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman. And I would note that one of the signs that we have a good chairman is being a stickler on times. So, I would thank the chairman for doing that. In that light, I have got three things I want to touch on. I am going to try to yield time to Mr. Marino, who I know he is chomping at the bit down there.

First of all, residential reentry centers provide transitional services and programs for offenders moving from incarceration to our communities. The time spent in these placement centers is critical for successful transition where these men and women are, again, tasked with making decisions for themselves for the first time in a long time, which is especially true for inmates who have served long sentences.

It has come to my attention that the Bureau of Prisons lacks sufficient reentry center capacity leading to inmates spending oftentimes more time in prison, and then being released directly into our communities without appropriate supervision, which can be a detriment to our public safety. Could you describe the current capacity for residential reentry center placement and is there anything we can do realistically to improve that?

Mr. INCH. Representative Chabot, that is an excellent question, and the importance of our residential reentry centers and how we reintegrate inmates back to their home communities is very important, and I agree with you on that. We ascribe about \$350 million to a constellation—because it is all private providers or other government agency providers—a constellation of over 230 centers ideally placed at the locations of greatest release. Because you were correct in that 4 to 6 months when they are at the facility we are trying to connect them with employment, housing, and their family; and I absolutely agree with you that it is most important for the

inmates at the high-end. So, we release anywhere between 40,000 to 44,000 inmates per year.

It is based on other risk factors and the like. Approximately 80 percent would participate in that program or home confinement or both.

So, in terms of the capacity this year: In 2017 we actually exceeded our contractual limits—that was pointed out by OIG—as well as there was a small number of facilities that were underutilized. Facilities in locations that capacity was about 1 percent of the bed space. But those facilities are underutilized, or there were other facilities in which another RRC could pick up that.

The challenges as I look at the constellation of our residential re-entry centers is two things: It is to the extent of how far out it can spread and the cost that is associated with it. My goal this year in 2018 is just to have very clear usage data against the ascribed budget so that I can make very logical budget requests in the future.

Mr. CHABOT. Thank you. I have got 2 minutes. Two questions to go and I want to get to you so I am just going to talk very briefly about the other things.

First of all—it already came up, for one thing—the cellphones. Whatever we can do to stop the communication between inmates and the gangs outside, or whatever, is good. I understand we have got a letter from the Federal Communications Commission. We have been looking at this for a while. There is a task force, and I think the first meeting is at the end of this month, so—

Mr. INCH. And we are a key member of that task force.

Mr. CHABOT. We appreciate that. And finally, prison industries came up. I am a big fan of that, keeping those in prison occupied. Most of them are going to be out some day. If they have got a skill and it keeps them out of trouble to some degree when they are in there, it makes the guards safer. So, we need to promote prison industries. So, you do not necessarily need to respond. I yield whatever time I have left to the gentleman from Pennsylvania, Mr. Marino.

Mr. MARINO. Thank you. Welcome, sir. So, I am going to get right to the point, fire off some questions. If you cannot answer each one in 5 seconds, I know you have a staff behind you and I know this is going to be part of the record for you to answer.

I am an 18-year prosecutor, both State and U.S. attorney. I have been in many, many of your prisons. I think we have one of the largest prison complexes in my district. Allenwood, McKean, and Lewisburg. I have been there, I have visited many times.

And now I want to concentrate on corrections officers, corrections officers, corrections officers. Not staff members who fill those positions. Why are we not hiring outside the BOP to fill those corrections officers?

Mr. INCH. We are now.

Mr. MARINO. Okay. That is good. Let's just go on to, I have a real problem with inexperienced staff. You can train me as a corrections officer and a year down the road if I have done nothing concerning corrections work and you call me on board, I may not be ready for those split-second decisions like these men and women are who are the corrections officers. Why are we cutting 6,000 positions when

it seems like, and correct me if I am wrong, we are building two new prisons: one in Kentucky and one in Illinois? The next thing I want to talk about—

Mr. SENSENBRENNER. The time of the gentleman from Ohio has expired. Would the Director submit Mr. Marino's questions for the record?

Mr. INCH. Yes, Chairman.

Mr. SENSENBRENNER. Okay. The gentleman from New York, Mr. Jeffries.

Mr. JEFFRIES. Thank you, Mr. Chairman. And I thank the Director for your appearance here today and your service to the country. Now, educational and vocational programs for Federal prisoners have shown to significantly reduce recidivism. Is that correct?

Mr. INCH. That is correct.

Mr. JEFFRIES. And are you familiar with a recent RAND study that concluded that inmates participating in these types of educational and vocational programs are 43 percent less likely to re-offend and return to prison?

Mr. INCH. I have read several studies, but that seems consistent with studies I have read of the importance of education and vocational training.

Mr. JEFFRIES. Are the educational and vocational programs are extremely popular within the Federal system, is that right?

Mr. INCH. Yes, sir, Representative.

Mr. JEFFRIES. And as I understand it, there is approximately 15,000 Federal inmates who are on waiting lists for such programs. Is that right?

Mr. INCH. I would have to check that figure.

Mr. JEFFRIES. Okay. But it is a substantial number of inmates who are waiting to get access to educational and vocational programs, is that right?

Mr. INCH. I believe the 15,000 number, if you combine it with educational, that is tied in with those that are in the pipeline do get GEDs. Some having to do education, learning to read from prior, other disabilities aspect. But yes, the aspect of education and vocational training, there is a demand for that.

Mr. JEFFRIES. I recognize the demand as well as the importance in reducing recidivism. I think the previous administration in 2016 hired an education specialist to overhaul programs in the Federal Prison System and also create what it called a semiautonomous school district within the Federal Prison System, in order to help facilitate reentry." Is that right?

Mr. INCH. That is correct.

Mr. JEFFRIES. And last year, the current administration fired the specialist. Is that right?

Mr. INCH. If you want to use that term, yes. The person that was brought in—

Mr. JEFFRIES. Let go, released, tossed aside, fired.

Mr. INCH [continuing]. Let go, released. Given another option, but did not stay, yes.

Mr. JEFFRIES. Okay. And the programs that you have acknowledged on the record are important in terms of facilitating successful reentry have been scaled back and/or scrapped. Is that right?

Mr. INCH. Now, I would not state it that way, representative. I would say that the recommendations in the Bronner Study which is what you are referring to with the establishment of a school system like aspect at central office, which would have added, would have grown us by about, I believe, 40 positions. The decision was made prior to me arriving to not take that approach but to continue with how we address supervision of our education program.

Mr. JEFFRIES. Is it also fair to say that these educational and vocational programs which we have established successfully facilitate reentry, which also reduce violence on the outside against American citizens, are also important in maintaining safety for the courageous Bureau of Prison correctional officers, as well? Is that right?

Mr. INCH. Absolutely.

Mr. JEFFRIES. So, it would seem to me that the Administration is going in the wrong direction, not the right direction. Both as it relates to your own employees who are providing for the maximum amount of safety within the system, as well as for American people on the outside, and the opportunity to give these individuals a successful opportunity to reenter our society. So, I would ask that you just, within the Department of Justice, perhaps pursue a more aggressive posture toward the Attorney General or others who are taking us in a direction that I do not think is a healthy one for a wide variety of reasons.

In addition to the fact that as Cedric Richmond pointed out, these type of programs save taxpayer dollars. And instead, what we are seeing is the VOP is relying on augmentation, which I do not think is helping anyone as it relates to both the inmates and the correctional officers as well.

In the time that I have remaining, I just want to ask briefly about private prisons, which has also been the subject of some discussion now. In 2016, the Department of Justice took the step in a memorandum that I believe was authored by Sally Yates, of phasing out the Federal use of private prisons. Is that right?

Mr. INCH. I am familiar with those actions at that time. Yeah. Yes, sir.

Mr. JEFFRIES. And it is my understanding that one of the first acts of the new Attorney General on February of 2017, he rescinded that memorandum that ordered the phase out of the Federal use of private prisons. Is that correct?

Mr. INCH. Not that I saw that memorandum since I have come on, but we continue to use private prisons. Yes, sir.

Mr. JEFFRIES. Okay, and I would just ask, given all that has been documented about the fact that inmates are more likely to recidivate in the private prison context, the safety conditions, the humanity of the conditions in which they are maintained, dramatically different than what is done in the Bureau of Prison System that that be reevaluated internally. Certainly, I think we are going to continue to put external pressure on you as well. I yield back.

Mr. SENSENBRENNER. The gentleman from Texas, Mr. Gohmert, the vice chair of this subcommittee.

Mr. GOHMERT. Thank you, Mr. Chairman. And I appreciate being here. With regard to cellphones, it is a huge problem in both Federal and State facilities, State prisons. Have you looked at just hav-

ing jamming capabilities? So, of course, that would mean prison guards could not use their cellphones, but because there is so much control and participation by inmates in nonconfined gangs, I would think it would be worth it. Have you looked at it? Have you studied jamming all signals from prison?

Mr. INCH. Representative Gohmert, thank you for bringing that up again. Cellphones; you are absolutely correct. It is very important. So, yes, we have. We have done a pilot on micro jamming which is one method by which we are researching an ability to jam. There are other ways of jamming. There is, frankly, ways that we can work with the wireless cell carriers as well. So, the meeting that was hosted by the FCC chairman, I was able to participate in that along with the representatives of the wireless carriers, different organizations, and we are members of the task force that came out with that.

Mr. GOHMERT. So, there is only a pilot program right now?

Mr. INCH. So, there have been different pilot, yeah, there are different programs, both have been State piloted as well as we did one very recently. The report is not yet completed on that.

Mr. GOHMERT. So, it is State piloted? You did not do the pilot program?

Mr. INCH. No, we did one at one of our facilities—

Mr. GOHMERT. Only one?

Mr. INCH [continuing]. Micro jamming.

Mr. GOHMERT. Yeah.

Mr. INCH. We also have—

Mr. GOHMERT. Well, look. My time is running out. I just would appreciate it if you would make it more extensive than one pilot program. It is a huge problem and apparently people are getting killed at the direction of people within prisons from what we read and hear.

But then, on to reading. Books are important and books can help if they are the right kinds of books, even help reduce recidivism, you know. For example, Christian groups that have truly mentored use workbooks and whatnot is extremely helpful in reducing recidivism dramatically. I understand that books can also be the source of extensive smuggling, so I understand concern there. But what about if you allowed books not to be sent to individual inmates but books that are sent to the library, to put in the library, after a thorough analysis of whether or not there is any potential for contraband? Have you considered something like that?

Mr. INCH. Well, I am certainly going to need to research that, because, you know, we do maintain both recreation, religious, legal libraries and provide material like that, so I am not sure the—

Mr. GOHMERT. Well, I understand, but sometimes there are great books that the library would not order that an inmate, that somebody wanting to help inmates would be willing to send and pay for. And the question is, would the library in the prisons accept it? And you ought to have a very thorough way to analyze to make sure there is no contraband.

So, obviously that has not been something you have done, but I would really encourage you to look at that potential policy change as a way to allow. I mean, fantastic books are being written all the

time your libraries will not have, and you do not have the money to go buy them all. So, I would suggest that.

One other area I want to hit right quick. Radicalization was brought up earlier, but I would direct your attention to a man name Al-Amoudi. During the Clinton administration, he had an agreement with the Clinton administration to help them find people he considered good Muslims to be chaplains. That included in the military, that included in the government, it included in prisons. And from what I have read, he helped find imams to be chaplains in prisons.

Mr. Al-Amoudi, no thanks to the FBI, Director Mueller had blinded our FBI of their ability to spot radicalized Muslims, so he was not capable. But as I understand, MI6 provided information on—by the way, he also did the same thing under the Bush administration until MI6 provided our government a slam dunk case. Al-Amoudi was supporting terrorists.

And I would just suggest to you there ought to be a study in your Federal prisons to see which ones were placed there, recommended by Al-Amoudi since he is doing 23 years in Federal prison and see whether or not there is radicalization heightened in those prisons that a terrorist placed that imam. I thank the Chairman.

Mr. SENSENBRENNER. The gentleman's time has expired. Gentleman from California, Mr. Lieu.

Mr. LIEU. Thank you, Mr. Chair. Thank you, Director Inch for being here today and thank you for your over 3 decades of service to the U.S. Military. I previously served on active duty and I am still in the Reserves. And as a JAG, I had a lot of interaction with military police as well as corrections facilities, so thank you for your service, too.

I have a few questions about the Federal Bureau of Prisons. First of all, let me say, I appreciate your comments to Representative Jeffries that you support education and vocational programs. And as you are aware, any large population of people, certain programs have more impact for certain people than others. And some folks might really love and enjoy a plumbing course, and some might hate that and not want to do it at all.

So when we were in California, I served for 9 years in the State legislature, and we realized there was a program known as "Arts in Corrections," that ended up actually really having a large impact for some of the prisoners in California. And I increased funding for it when I was in the State legislature and it showed that these Arts in Corrections programs resulted in improved behavior among inmates, fewer disciplinary actions, reduced recidivism, and it produced a cost savings.

So, the Federal Bureau of Prisons actually runs six of these programs, as you know, in conjunction with the National Endowment for the Arts. The prior director stated that the Bureau of Prisons supported these programs.

I just want to get you on the record that you also agree that arts in prisons programs are important tools to help rehabilitate prisoners.

Mr. INCH. I support it. Yes.

Mr. LIEU. And if we got you additional funding for educational and vocational programs, you would not oppose looking at expanding these programs if you had additional funding, correct?

Mr. INCH. Representative Lieu, the issue of specific programing is, you know, I am actually very encouraged with the Federal Inter-agency Crime Prevention and Reentry Improvement Council, bringing the FIRC forward. As we address all different program recommendations and how we assess them.

So, on the six that we have, I have not personally observed the program yet, but I have received great reports especially on the discipline behavior of the inmates that participate in it. And I find that is encouraging.

Mr. LIEU. Thank you. So, there have been amazing groups. One of them is, for example, is Actor's Gang and they invite people to watch what they do. And so, I would assume you would not be opposed to if you or a member of your staff would be able to see one of these programs in action, correct?

Mr. INCH. As I do my travel, that is on my list. I would like to see that.

Mr. LIEU. Thank you. So, I would like to talk about pretrial detention. It turns out that a lot of people are actually detained and using the taxpayer resources, even though they have not been convicted of anything. And the statistics show that if we exclude immigration cases, the percentage of Federal defendants detained in pretrial increase from 53 percent to 59 percent, from 2006 to 2016.

And what I want to know is how can we try to reduce the number of pretrial detainees? Because it is spending a lot of taxpayer resources. It is not clear if there is a huge effect on public safety. So my first question is do you know approximately how many inmates at the Bureau of Prisons are currently in pretrial detention?

Mr. INCH. Representative, I can certainly get you that figure because we do have our metropolitan detention centers supporting U.S. Marshals, certainly with pretrial detention. I do not have the figure—

Mr. LIEU. Okay.

Mr. INCH [continuing]. Right on top of my head.

Mr. LIEU. It is my understanding that some of these folks are detained for quite a long time. Hundreds of days and if we could get some sort of movement on maybe ways to reduce the number of days they are awaiting pretrial, because that also would save taxpayer funds as well.

Mr. INCH. Sorry. I think this would be a case that I would refer that to the department level, considering that I do not actually impact those that are placed in pretrial detention, let alone sentencing. And obviously that comes from the different processes outside the Bureau of Prisons, so I think I would want to defer that to the department level.

Mr. LIEU. Okay. So, why do not we do this. Is it okay if we sent you a letter with some questions, and then you can refer it to the best people to answer it and then provide a response back to us?

Mr. INCH. Certainly, sir. Yeah.

Mr. LIEU. Thank you. I yield back.

Mr. SENSENBRENNER. The gentleman from Texas, Mr. Poe.

Mr. POE. Thank you, chairman. Thank you for being here. I have several questions and then I want to go over one topic, specifically in more detail. What is the cost to run the Bureau of Prisons in the United States?

Mr. INCH. Our budget is approximately \$7.1 billion.

Mr. POE. My question was the cost, not the budget. Is the budget and the cost the same thing? It is not a trick question. How much does it cost to run the Bureau of Prisons?

Mr. INCH. Representative Poe, so as we go through the budgeting process, of course, I arrived here at the tail end of the work on the 2019 budget. There are cost factors based on what we want to address that exceed—

Mr. POE. Excuse me, Director. I just want to cut to the chase.

Mr. INCH. Exceeds that number.

Mr. POE. Okay. It is higher than the budget.

Mr. INCH. Certainly.

Mr. POE. Okay. It is not a criticism. It is just a question. What is the recidivism rate of the Bureau of Prisons, the Federal Bureau of Prisons? In other words, recidivism rate. What is the recidivism rate when an inmate is released from prison, what is the recidivism rate when an inmate comes back to Federal prison?

Mr. INCH. My understanding at 3 years, it is 43 percent, but I will verify those figures.

Mr. POE. Forty-three percent within 3 years. All right. How many inmates in the Federal penitentiaries?

Mr. INCH. Currently we are just under 185,000.

Mr. POE. How many of those are foreign nationals?

Mr. INCH. Current foreign national is approximately 40,000.

Mr. POE. Forty-thousand of a hundred—

Mr. INCH. Foreign-born?

Mr. POE. That is right.

Mr. INCH. I believe that is correct.

Mr. POE. Forty-thousand of the hundred and what?

Mr. INCH. One-hundred-and-eighty-five thousand, just shy of that number.

Mr. POE. Okay. I am a former judge in Texas, 22 years. I saw a lot of folks come to the courthouse or “palace of perjury” as I referred to it in those days. About 25,000 felons. I think I am somewhat familiar with the prison system. I am a big believer in putting inmates to work in a productive way where that when they get out of prison, they can use whatever skills they learned in prison. Good skills, not the bad skills, to be a productive member of our community.

I represented Beaumont for a while, and I went to the Beaumont Federal Penitentiary. And I am sure, being in the military, you know what this is. It is a Kevlar helmet. And it was made by the inmates at the Beaumont Federal Penitentiary.

Mr. INCH. Yes, I did.

Mr. POE. I went and talked to them and, you know, they have got American flags everywhere. They are very proud of what they are doing for the war on terror. And I got the impression from them that this was something that they wanted to do, was be involved in working in a productive way as all of us should. But I understand that the system of using inmates for work is dropping.

In other words, the number of people that are working in our prison system who are inmates is dropping. Can you explain why that is?

Mr. INCH. I can, Representative Poe. So, actually right now, the number of inmates we are back increasing again. After several years, repeated years, of monetary losses, there was a requirement to restructure the business because this is a nontaxpayer-funded enterprise. So they have to be successful.

Frankly, the assistance that came from Congress in addressing the ability to do repatriation, for example, has provided the opportunity that once we did a business model of collapsing on what we could do within the cost figures, we are growing back out again. And very positive movements especially as new business development as it relates to repatriation.

Mr. POE. Do you have any statistics on inmates that participate in the Federal prison industries, their recidivism rate when they leave prison?

Mr. INCH. Yes, we do, and I just drew a blank, but I will get you that figure. But we certainly have very positive aspects, and I will get that to you real quick.

Mr. POE. Do you remember if it is higher or lower than the 40 percent for everybody else?

Mr. INCH. For those who participate as opposed to those who do not participate, 16 percent? Twenty-four percent.

Mr. POE. Recidivism rate?

Mr. INCH. Yeah. So the recidivism rate is lower than those who do not participate than those who do participate.

Mr. POE. Okay.

Mr. INCH. Difference of 24 percent. Very positive.

Mr. POE. So, you say that the system is—the industry is being used again? Inmates are starting to sign up for it again or?

Mr. INCH. Well, we have always had a waiting list. We have no problem with inmates participating in the program. It is running those programs—

Mr. POE. Oh, it is the bureaucracy that does not work. Okay. I yield back. Thank you.

Mr. SENSENBRENNER. The gentleman's time has expired. The chair yields himself 5 minutes. Director Inch, you may or may not know that two Congresses ago, Representative Bobby Scott of Virginia and I introduced the rather broad Prison and Sentencing Reform Bill which had a lot of talk but not too much action here.

The last Congress, we did have some action here but it never made it to the floor. There was a lot of talk about it. One of the things that both efforts attempted to look at was lowering the recidivism rate, which I think everybody would agree is a good thing.

We have heard a lot of talk about a lot of programs, beginning with Mr. Richmond's questions. And I am wondering if you have had any statistics in the Bureau of Prison that talks about which programs in the prison inmates have had, and then the recidivism rate on how many of the people who have been in those programs end up reoffending and being convicted again. You know, this would be the type of information that both you and we would need to find out, what works and what does not. Do you have that kind of stuff?

Mr. INCH. So, we do. Of course, we have looked at recidivism rate for Federal prison industry, for the RDAP program, and the like. And actually, in this process that we are doing this year with FIRC, of course, is trying to have clear evidence-based analysis of different programs. Those that are being recommended to us, those that are being used in States, those that we are using so that we can make, you know, very positive recommendations on funding, appropriate expansion, or even elimination of programs if they are shown not to work.

Mr. SENSENBRENNER. Forty-three percent recidivism rate is not very good, because the job of any prison system is "corrections." And at least 43 percent of the people in there are not being corrected. And one of your jobs, I think, is to correct them, you know, as well as to have people who have been convicted pay their debt to society. Because we do not want to have prisons become a place where you learn how to become an even hardened criminal.

And there is a lot of questioning, you know, about whether that is the net result of how we are operating our prisons. And we in this subcommittee want to have a change and I think the public would support us.

Now, I want to go to cellphones. Mr. Gohmert brought this out. You know, obviously somebody having a contraband cellphone while they are incarcerated allows them to do business as usual even though they are not on the street collecting whatever money is being paid for their illegal activities. Now if I try to take a cellphone through the magnetometer at the airport, the TSA is going to nail me and say, "Run this thing through the X-ray so we can see if it is a cellphone or something that is much more dangerous than that."

So, you know, rather than trying to have jamming devices which end up denying the use of everybody else—you know mainly the employees of the prison and the corrections officers the use of their own cellphones for personal use—why we cannot just use what the TSA does to make sure that cellphones that get on planes are really cellphones rather than something that is not? And here we could just flip this over and do the reverse, saying that if there is, you know, if it is a cellphone, you do not get it and you keep it out or maybe you get a big bucket like the TSA has where they throw the contraband in.

Mr. INCH. Chairman, you describe our procedures. As I understand it, certainly as I have experienced in the 22 facilities I have gone into, is that, you know, I do not take in my personal cellphone, because we do not take our personal cellphones into the facilities, and I walk right through a metal detector. And then, I have to take my belt off.

So that aspect, that is one area where we combat the introduction of cellphones. Of course, there is other absolutely ingenious ways, everything from taking a football and filling it with cellphones and trying to throw it over the fence into the exercise yard. It is just amazing, the daily competition for the introduction of cellphones that we work through.

But we, everything from our full body scanning of inmates as they come in, thermal imaging on the fence line, and other ways,

and, of course, our issue on addressing drone technology is very important as well.

Mr. SENSENBRENNER. Would you refer to filling a football with cellphones and tossing it over the fence as an f-bomb?

Mr. INCH. No, I would not use that terminology, but.

Mr. SENSENBRENNER. Okay. Thank you very much. We are done with the questioning. The chair recognizes the gentlewoman from Texas, Ms. Jackson Lee, for a minute or two.

Ms. JACKSON LEE. Chairman, thank you for your kindness. Let me indicate that I would like to put several potent points on the record for your response, possibly oral response when we have the opportunity, but I would like you to circle these in particular.

So, particularly, I want a better response on good time credits being used again. I would like to modify that by saying I have introduced a bill dealing with good time early release for elderly inmates who, statistics show because of medical concerns can be extremely costly. So, I would like to have that question. Compassionate release which is somewhat of a partner to that, but how that is utilized and is it utilized effectively as it relates to relevant inmates.

And then, to respond to the incident where I think an inmate was held 13 months past the legitimate time that they were supposed to be released. That is a crucial issue that, I think, is of dignity to the individual and to the institution.

Finally, let me say that as you have a good working relationship with the union, but it has come to my attention of prison assaults. Certainly, we know one that occurred in 2008 where someone was attacked and there is a question about having corrections officers work together. Can you respond to the potential assaults on corrections officers and the staffing structure that would lessen that possibility? Thank you, Mr. Chairman.

Mr. SENSENBRENNER. Would you please submit answers to those questions for the record?

Ms. JACKSON LEE. I yield back.

Mr. SENSENBRENNER. This concludes today's hearing.

Mrs. DEMINGS. Mr. Chairman.

Mr. SENSENBRENNER. Now, is this a second round of questions?

Mrs. DEMINGS. I would like to interject something into the record.

Mr. SENSENBRENNER. The gentlewoman is recognized for a minute.

Mrs. DEMINGS. Thank you so much. Thank you so much, Mr. Chairman. I ask unanimous consent to insert two letters into the record that demonstrate the broad bipartisan concern among members both on and off this committee over the staffing shortages and augmentation practices discussed here today.

Mr. SENSENBRENNER. Without objection.

Mrs. DEMINGS. Thank you.

Mr. SENSENBRENNER. Well. Now this concludes today's hearing and I thank you, Mr. Inch, for coming into the frying pan here. We will get you back sometime. Without objection, all members will have 5 legislative days to submit additional questions for the witness and additional materials for the records, and without objection, the hearing is adjourned.

[Whereupon, at 11:31 a.m., the subcommittee was adjourned.]

