


3. Have you done a job?
 NO I HAVE WORKED IN FOOD SERVICE, HAND SCRAPE, WELDING, FCI VISIT ROOMS, UNASSIGNED THEY DONT PAY YOU ANYTHING & S.2 THEN WHEN YOU TRANSFER THEY DONT PAY YOU THAT IS A SHAME.

4. Have you received any certifications for specific jobs? Completed any apprenticeships? If so?

NO HAVE BEEN IN PRISON SINCE 1990. SENT TO A LIFE W/O PAROLE, FOR A DUBIOUS CONSPIRACY CASE. THERE WERE NO VIDEOS. NO GUNS NO BLOWUP NO NOTHING. AND MY CLEMENCY WAS DENIED AUGUST 2016



USING TIME TO REDUCE CRIME:

Federal Prisoner Survey Results Show Ways to Reduce Recidivism

By Kevin Ring and Molly Gill


Part of the reason people like RDAP is that they earn time off their sentence. Would you be willing to take other programs designed to reduce your risk of recidivance?

participate in programs like that would help

5. Would you be willing to participate in other programs if you didn't get time off, but got more time in benefits, such as more phone time or more visiting opportunities?

Same as above - for Washington, DC - don't do it extra

2005




**SENTENCES
 THAT FIT.
 JUSTICE
 THAT WORKS.**

JUNE 2017

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FOREWORD



In America, we have come to misunderstand the phrase “tough on crime.” Toughness means—or it should mean—accountability. A society that is tough on crime holds offenders accountable. For many crimes, prison is one way we rightly hold people accountable. But it also means that people who have committed crimes must do the following after or in lieu of incarceration: get a job, earn money to pay restitution to victims, get drug and alcohol treatment, and ultimately, live self-sufficiently rather than as a ward of the taxpayers.

Somehow, though, “tough on crime” has begun to mean merely incarceration, which in turn often means little more than asking offenders to sit in a locked room and watch television all day. Where’s the toughness in that?

In this important new report, Families Against Mandatory Minimums (FAMM) is trying to restore actual “toughness” in our criminal justice system. FAMM undertook a thorough investigation of what educational, treatment, and rehabilitative resources exist in our federal prison system—not by asking the bureaucrats and administrators who manage the system, but by asking the offenders who live inside it. More than 2,000 federal inmates provided responses, and the feedback is illuminating. Real toughness, meaning accountability, is disappearing from our federal criminal justice system.

FAMM’s recommendations to solve this problem go well beyond the cliché of “provide more treatment.” Instead, FAMM provides recommendations on what useful treatment and skills training should look like, how to incentivize programming for prisoners who may not take advantage of existing opportunities, and how to structure post-incarceration supervision so that skills training turns into actual employment and self-sufficiency.

The solutions offered by FAMM are, of course, open to debate, but the seriousness of their approach is indisputable, and policymakers who care about restoring accountability to our prisons should give serious thought to FAMM’s conclusions.

— *Vikrant P. Reddy, Charles Koch Institute*

INTRODUCTION



Ninety-six percent of federal prisoners are eventually going to leave prison and rejoin society.¹ Those of us concerned about protecting public safety should support policies and programs that are proven to reduce the likelihood that returning citizens will reoffend. Indeed, all Americans have an interest in making sure that people come out of prison better than they went in.

Reducing recidivism is an extremely important goal, but accomplishing it will not be easy. The most recent study of recidivism among federal offenders found that almost one-half (49.3%) of the offenders released in 2005 were rearrested for a new crime or rearrested for a violation of supervision conditions within eight years of their release. Almost one-third (31.7%) of the offenders were also reconvicted, and one-quarter (24.6%) of the offenders were reincarcerated over the same period.² Nearly identical recidivism rates were found for federal drug trafficking offenders in particular,³ who are the largest category of federal prisoners⁴ and the largest group of people sentenced annually in federal courts.⁵

Fortunately, the U.S. Department of Justice (DOJ), the Federal Bureau of Prisons (BOP), and Congress all have taken steps recently to address recidivism. Whether DOJ and BOP will follow through on plans announced in late 2016⁶ will likely depend on the new administration. Such plans include developing individualized reentry plans for all federal inmates; expanding educational, employment, substance abuse, and mental health programming; and helping prisoners build and maintain family relationships. In the meantime, leaders in Congress have already announced their intention to introduce prison reform legislation⁷ modeled on bipartisan bills approved by both the Senate and House Judiciary Committees in 2016.⁸

Families Against Mandatory Minimums (FAMM) has long believed that one key to reducing recidivism is to make sure prisoners do not serve longer than is absolutely necessary to ensure public safety. Put simply, we believe the best reentry program is a right-sized sentence. Also important is access to educational, vocational, mental health, and addiction treatment programming. Such programming is not a gift or subsidy to prisoners; rather, it is an investment in public safety that benefits all communities and taxpayers. But such investment is wasted if prisoners are kept in prison so long that incarceration becomes counterproductive, weakening family ties and causing social and job skills to atrophy.

Because FAMM regularly corresponds with more than 39,000 federal prisoners, we receive a large amount of information about what programming opportunities exist and do not exist in a wide variety of the nation's 122 federal prisons—including U.S. penitentiaries; high-, medium-, and low-security institutions, and prison camps—across the country. In the summer of 2016, we distributed our first-ever survey to learn as much as we could about the frequency, type, and quality of programs and education currently offered to federal prisoners. We received responses from more than 2,000 inmates, many offering extensive details about which programming, jobs, and educational opportunities are available to them in prison and which are not.

We believe this survey is both timely and important because it will give policymakers a better understanding of the current offerings in federal prison and provide a guide to what reforms should be implemented to advance the goal of reducing and incentivizing recidivism. Specifically, this report will give lawmakers a sense of where the BOP seems to be falling short of its goal of beginning rehabilitation on day one, and how legislation being considered in Congress might be improved to provide meaningful incentives for prisoners to pursue that rehabilitation.

Current Efforts to Reduce Recidivism at the Federal Level

The BOP houses approximately 190,000 federal prisoners.⁹ Its motto is “release preparation begins the first day of incarceration.”¹⁰ That means that prisoners should begin the process of rehabilitation as soon as they enter prison. Each person has unique needs, but generally, rehabilitative efforts have been attempts to provide prisoners with:

- ✓ Job training
- ✓ Educational opportunities
- ✓ Substance abuse treatment
- ✓ Mental health treatment and/or cognitive behavioral therapy
- ✓ Placement in community confinement, most often a halfway house, for some period of time at the end of a person's period of incarceration to assist with the transition back to the community

In 2016, after numerous internal and independent reviews found that the BOP and its halfway house contractors could do more to rehabilitate prisoners and reduce their risk of reoffending,¹¹ the Justice Department announced a series of proposals to enhance educational programming and improve prisoner reentry, including initiatives to:

- **Build a school district within the federal prison system.** Citing research that shows inmates who participate in correctional education programs have 43 percent lower odds of returning to prison than those who do not, the Department announced that the BOP would build a semi-autonomous school district within the federal prison system that will offer programs for literacy, high school diplomas, and post-secondary education, along with expanded opportunities for individuals with learning disabilities;

- **Reform federal halfway houses.** DOJ directed the BOP to establish clear, uniform, and improved standards for all halfway house providers and to collect and publish more data about the performance of each halfway house;
- **Pay the cost of state-issued identification cards.** DOJ announced that the BOP would begin paying for every federal inmate to obtain a birth certificate and a state-issued identification card before arriving at a halfway house. An independent consultant estimated that this subsidy would actually save the BOP money; having official identification makes it easier for inmates to find stable jobs and post-custody housing, which allows the BOP to more quickly transfer inmates to less expensive forms of custody, such as home confinement.¹²

Congress has also shown an interest in pursuing prison and reentry reform. Several popular bipartisan federal prison reform bills¹³ aimed at reducing recidivism were considered last Congress and are likely to be introduced again this session. Although not identical, the leading House and Senate bills share these characteristics:

- Mandate that the BOP create and use a risk assessment tool to categorize (and periodically reassess and recategorize) prisoners as being at either high, medium, or low risk of reoffending.
- Require the BOP to provide evidence-based programming to reduce recidivism.
- Offer incentives to prisoners to participate in recidivism-reducing programming or engage in other “productive activity,” such as holding a job. The biggest incentive for participating prisoners is eligibility for more time in a halfway house or on home confinement at the end of their sentence. These time credits as incentives are limited (five days earned credits for each month of programming completed if the prisoner is medium or high risk, 10 days earned credits for each month of programming completed if the prisoner is low risk).
- Prohibit prisoners convicted of certain crimes from receiving earned time credits. In the Senate bill, for example, these crimes include terrorism, fraud, public corruption, violent offenses, sex crimes, and child exploitation.
- Provide other incentives, such as extra minutes for phone calls or extra visits from family and friends, for all prisoners who engage in programming or other productive activity, including prisoners who are not eligible for earned time credits.

When these bills were being drafted, no hearings were held in the House and Senate Judiciary Committees to explore the types and quality of programming, job training, substance abuse treatment, and mental health counseling that are available today in federal prisons. We believe this information is important to understanding what reforms are needed. Some of the findings from our survey bolster some of the bills’ proposals while raising questions about others. It is important that members of Congress have as much information as possible before legislating in this important area.

FINDINGS OF THE FAMM SURVEY

A. Jobs

When we asked prisoners about their employment, we found that nearly all prisoners have jobs, but the types of jobs they hold and the number of hours they work vary within and among institutions. Prisoners do not always get to choose what job they will work; corrections staff will often assign jobs, especially when a prisoner is new to the institution. Many prison jobs exist solely to keep the institution running, including kitchen staff, librarians, sanitation orderlies, and landscaping crews.

FINDING 1: Nearly every prisoner has a job, but the types and availability of jobs vary greatly within and among institutions.

91% OF RESPONDENTS SAID THEY HAVE A JOB
n= 885

55% OF RESPONDENTS HOLD JOBS THAT KEEP THE PRISON RUNNING
n= 762

Ninety-one percent of survey respondents said they have a job. Some prisoners do not have jobs because they are disabled or because there are simply not enough jobs for everyone in a given institution.

More than half hold jobs that exist only to keep the institution running. Thirty percent of survey respondents said they worked as sanitation orderlies, which means their jobs are to clean the bathrooms, showers, and living spaces. Another 12 percent worked in the kitchen or dining hall as chefs and food servers, and another 13 percent had other jobs that contributed to the maintenance or operation of the prison.

We also heard from prisoners who held and praised jobs and apprenticeships in the trades, including HVAC, electrical, woodworking, plumbing, welding, and commercial driving (CDL).

“
I was extremely fortunate to have discovered my passion while in here and to have then had an opportunity to acquire the certifications and experience needed for employment outside prison. Unfortunately, very few inmates are able to do the same due to the limited number of jobs and training opportunities. – A.C.
”

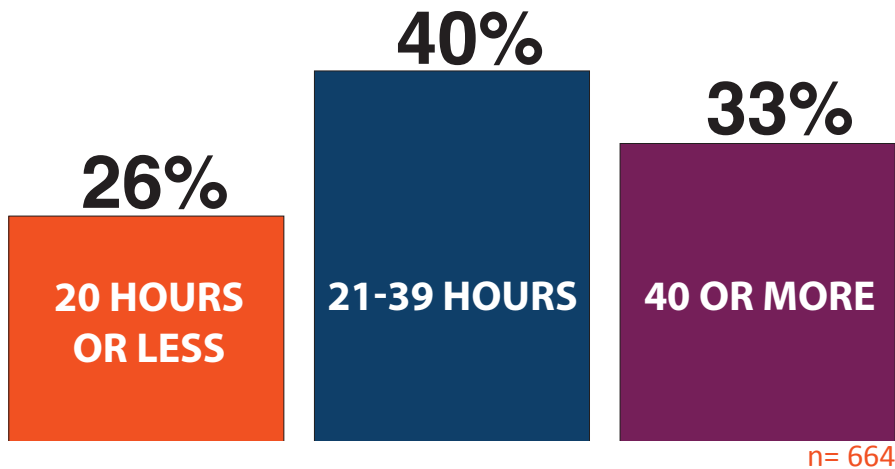
“
*No job. And they don't have enough jobs for half of the inmates here.
 More than half are out of work. – J.C.*
 ”

FINDING 2: Prisoners work very different hours.

“
*I pick up trash one hour per day, five days a week,
 and earn 17 cents per hour. – J.M.*
 ”

We found that prisoners work very different hours, mostly because of the different types of jobs they hold. For example, warehouse staff typically work full-time, while sanitation orderlies are frequently given weekly projects or assignments that require fewer hours at work.

Hours Worked Per Week by Respondents



Under the leading bipartisan prison reform legislation in Congress, prisoners are eligible to reduce their period of incarceration by engaging in productive activities, including holding a job. Members of Congress should be aware of the disparities in the types and availability of jobs, as well as hours worked, when granting incentives to prisoners based solely on holding a job.

B. Job Training

Many federal prisons offer job training programming, which includes vocational classes, certification training, and trade apprenticeships. These programs are intended to help prisoners find jobs as soon as they are released, which the Justice Department called “one of the most effective ways to reduce recidivism.”¹⁴ Job training in prison can help. A Bureau of Justice Assistance-funded meta-analysis conducted by the RAND Corporation found that prisoners who participated in vocational training were 28 percent more likely to obtain post-release employment than prisoners who simply took academic programs.¹⁵

Many prisoners we surveyed expressed disappointment at the lack of quality vocational programming, including the fact that many training programs were taught by other inmates, volunteers, or staff who may or may not be qualified.

FINDING: Vocational Training (VT) is popular and coveted, but is limited and offered only to prisoners who are close to their release dates.

The most popular courses here would be the Vocational Training courses offered, such as VT welding, VT culinary, VT Auto. The problem with these courses is they are only offered to inmates that are close to release (less than three years). They should be for everyone. – L.H.

The Charles Colson Task Force on Federal Corrections¹⁶ studied the BOP’s vocational training and stated the following: “Lengthy waitlists indicate that BOP needs to immediately expand occupational training and educational programs.”¹⁷ Our respondents echoed this conclusion.

Given the potential for vocational training to help prisoners find jobs and thus reduce the likelihood that they will reoffend, Congress and the administration should expand meaningful vocational training opportunities in all BOP institutions.

I am currently one of the students in the HVAC class. ... [A]gain, this is the best class here, has a real-world teacher, real-world applications, and when I graduate, I can actually utilize this certificate to obtain gainful employment in the real world. – A.M.

C. Educational Programming

The 2013 RAND Corporation meta-analysis found that general educational programming, like vocational training, is correlated with lower recidivism rates. Programs that helped prisoners achieve an “adult basic education, high school diploma/GED, postsecondary education, and vocational training all showed reductions in recidivism.”¹⁸

Educational opportunities in federal prisons fall into three general categories: (1) adult continuing education (ACE) classes, (2) tutoring for and opportunities to earn the GED degree, and (3) higher education. Educational classes could be taught by other inmates, qualified prison staff, qualified volunteers from the community, or professional educators from local or regional colleges and universities. Our respondents reported that in practice, the vast majority of educational offerings are taught by other inmates. Many prisoners expressed frustration and disappointment that BOP officials at their institutions seemed uninterested in establishing more educational opportunities for those interested in furthering their education.

FINDING 1: The quality and availability of educational programs differ from prison to prison and sometimes even within the same prison compound.

Prisoners reported that there is little consistency in the availability of classes and programs. Often, prisoners must transfer to different facilities to participate in particular programs. This can mean moving even farther away from family or going to a higher security prison (e.g., moving from a camp to a federal correctional institution (FCI)).

“ There are so few [classes] to choose from it is hard to say [which is the most popular]. The FCI across the street has programs, but the camp does not. If you want to take Cosmetology or Culinary Arts you have to give up your camp [low security] status and move to the [higher security] FCI! – G.S. ”

FINDING 2: Most educational programs are taught by other prisoners.

The most common or popular educational program offerings in federal prisons are adult continuing education (ACE) classes. These classes are taught by fellow prisoners 93 percent of the time, according to our survey.

“ Other inmates teach the classes, and a lot of times the inmates are ineffective at teaching these courses and/or don’t have enough time or resources available to be effective. – R.R. ”

“ We have ACE classes and that is about all we have at this place that benefits anyone. The inmates teach the classes; the prison staff does nothing. – L.H. ”

FINDING 3: Most prisoners surveyed believe that student-taught ACE classes lack rigor and substance and do not help to prepare prisoners for reentry.

While a few ACE classes, such as parenting and financial literacy, appear to be offered at many institutions, the subject matter of most ACE classes depends on the interests and backgrounds of the prisoners who happen to be incarcerated at a given time. One prison camp’s ACE schedule included classes on movie reviews, crocheting, the card game Bridge, and *Jeopardy* (the game show).

Many prisoners we surveyed viewed ACE classes negatively. The following comment was typical:

“
No one ever fails any class...[E]veryone receives a certificate, whether you attend every class/study for hours or just come in at the beginning, sign in, and leave. The certificates really don't mean anything when you do it that way. – E.L.
”

FINDING 4: Attaining a college degree in federal prison is difficult, if not impossible, for most prisoners.

College education is one of the few proven reducers of recidivism.¹⁹ Even where available, college courses are virtually never free in prison, and with the exception of one small pilot project, inmates are ineligible for Pell Grants to cover the costs.²⁰ Since prison jobs are low-paying and most prisoners and their families have limited financial means, college—even if offered—is unattainable for most people. Inmates also lack access to computers and the internet to complete college courses.

“
College programs in federal prisons are almost non-existent, and no inmate is allowed internet access by policy, with no exception. By-mail programs are of course allowed, but financial hardship stands in the way of most inmates receiving an accredited education. The highest-paying jobs found here normally pay between \$60 and \$100 a month, but even these are extremely few, with most inmates earning less than \$40. This is one of the greatest obstacles to reentry and needs to be reassessed by Congress to assure that inmates are given the best chance at never returning to prison. – M.C.
”

FINDING 5: Prisoners do not have computer access to complete college or other educational coursework.

Just 3 percent of survey respondents said they had computer access to pursue studies.

ONLY 3% OF RESPONDENTS SAID THEY HAVE
COMPUTER ACCESS

n= 680

“We have absolutely no classes or training in anything dealing with technology, absolutely nothing! Inmates are not even allowed access to real computers. ... We have ancient and frequently broken typewriters for use in the legal library, if we can afford the \$22 typewriter ribbon. Very few people use them. – J.M.”

Given the evidence that education can reduce recidivism, policymakers should take steps to ensure that all prisoners have an opportunity to become better educated. Moreover, denying computer and internet access to prisoners harms rehabilitation in two ways: First, it prevents prisoners from taking high-quality and affordable educational courses online, and, second, it prevents them from keeping up with computer technology, which is necessary in many jobs.

D. Substance Abuse Treatment

Two-thirds of the prisoners who responded to our survey said they had a drug or alcohol addiction when they entered prison. The Bureau of Justice Statistics has previously found that half of federal prisoners reported having substance abuse or drug dependence problems.²¹ Fortunately, federal prisons offer three forms of drug treatment programs. The Residential Drug Abuse Program (RDAP) requires that prisoners have a history of substance abuse and are within 24 months of release before they can begin the program.²² RDAP employs a modified therapeutic community model; participants live in separate housing units and participate in a half-day of programming and a half-day of work, school, or vocational activities each day.

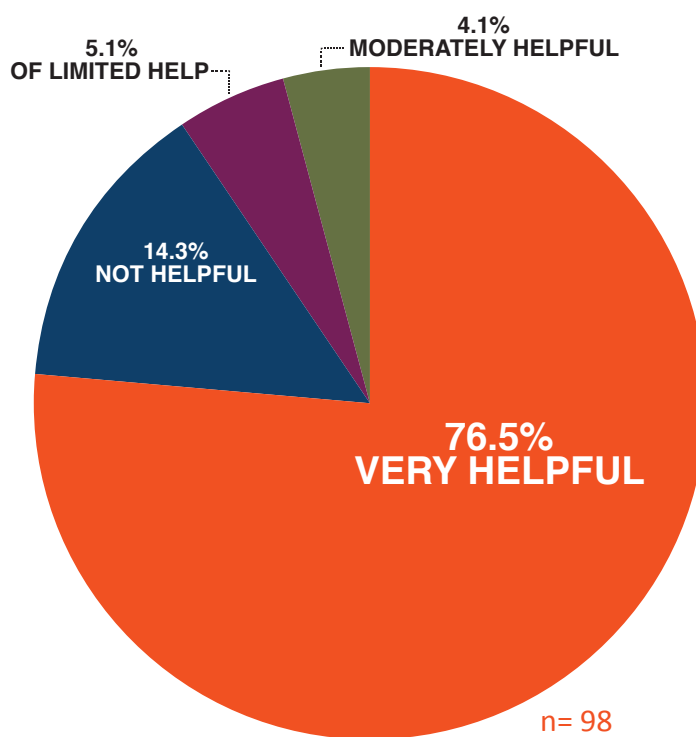
TWO-THIRDS OF RESPONDENTS SAID THEY HAD A DRUG OR ALCOHOL ADDICTION

n= 678

If qualified to participate, a prisoner who meets eligibility criteria may earn up to one year off his or her imposed sentence for completing the RDAP.²³ Notably, a prisoner is not eligible for RDAP early release if they have committed a crime of violence, which the BOP has interpreted to include any crime in which a gun was possessed or was factored into the sentencing, or if they have an immigration detainer, among other things.²⁴ Demand for RDAP is so high that long waiting lists prohibit many people from entering the program in time to receive the full year credit for successful completion. In early 2016, for example, more than 5,000 people were waiting to enter the program.²⁵ Most RDAP completers actually earn only about 10 months of time credits—an achievement that only became possible after BOP expanded the program with additional funding, starting in 2013.²⁶

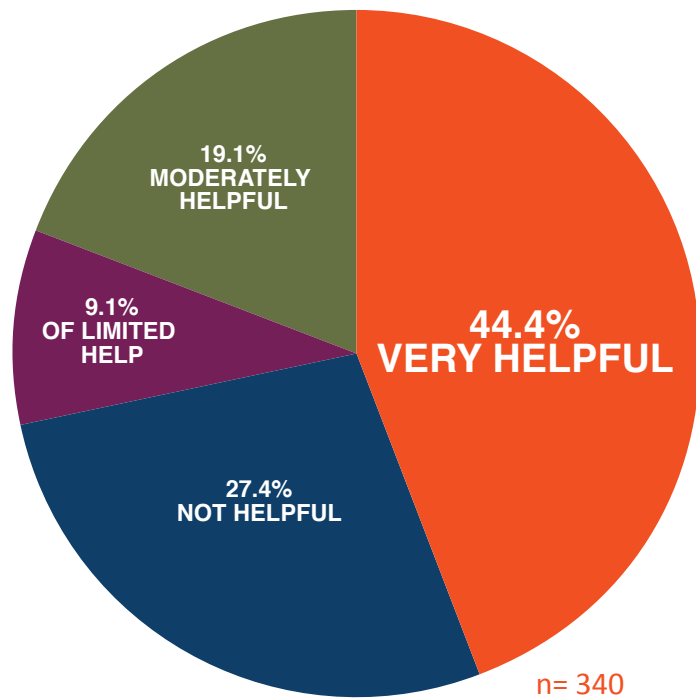
Another substance abuse program, Non-Residential Drug Abuse Treatment, is available to all prisoners with substance abuse problems and provides drug treatment. It is a 12-week cognitive behavioral therapy treatment program and is used for prisoners who may not meet the RDAP criteria. Finally, Drug Abuse Education is a series of classes available to all prisoners (though some can be required to attend). It is approximately 15 hours long and is intended to educate prisoners about the consequences of drug abuse and to motivate affected prisoners to seek treatment.²⁷

FINDING 1: The overwhelming majority of respondents who participated in RDAP found the program beneficial.



“ I found RDAP very helpful. It helped me to identify many of my thinking errors and learn how to cope with emotional upheavals and communicate better. – P.L. ”

FINDING 2: A majority of respondents who participated in non-residential drug treatment programs found the programs beneficial.



Giving prisoners meaningful drug treatment protects public safety by reducing recidivism. Successful completion of the RDAP has been shown to lessen the likelihood of recidivism, relapse, and even misconduct in prison.²⁸ Enabling all prisoners who need and would benefit from RDAP to participate in and receive the full incentive for the program will require funding and expansion of the program, but also generate some cost savings by reducing sentences and lowering recidivism.²⁹ But for those who do not need a full residential program, other drug treatment programs should also be incentivized.

E. Incentives for Programming

One reason so many prisoners want to complete the comprehensive RDAP program is that the incentive is valued: Up to one year is shaved off the prisoner’s sentence. The program has not always operated this way. Before Congress changed it in 1994,³⁰ RDAP did not provide prisoners with any incentive for completing the program and, as a result, was underutilized.³¹ As mentioned above, demand for the program today exceeds supply, largely because of the program’s time credit incentive.

The BOP itself concedes that sentence reductions provide a meaningful incentive for prisoners to seek and complete treatment: “Because the early release is such a powerful incentive, as evidenced by over 5,000 inmates waiting to enter treatment, the Bureau must take appropriate measures to ensure that inmates requesting treatment actually have a substance abuse problem that can be verified with documentation.”³²

One of the Charles Colson Task Force’s main recommendations was to provide incentives to prisoners who participate in other risk-reduction programming besides drug abuse treatment. In its report, the Task Force wrote, “Research makes a strong case for the public safety benefits of meaningful opportunities for rehabilitation and personal growth during incarceration. Studies also demonstrate that effective correctional interventions aimed at behavioral change require strong incentives and positive reinforcement.”³³ The Task Force’s report noted that more than 38 states had used earned time credits to boost participation in recidivism-reducing programs. Even in states that do not utilize these programs, the possibility of parole stands as an incentive for most prisoners. The federal system does not have parole.

FINDING 1: The vast majority of prisoners would participate in other recidivism-reducing programs if doing so reduced their sentence.

We asked prisoners if they would be willing to participate in other programs if doing so would allow them to reduce their term of incarceration. Not surprisingly, 97 percent of respondents answered in the affirmative.

97% OF RESPONDENTS WOULD PARTICIPATE IN RECIDIVISM-REDUCING PROGRAMS FOR SENTENCE REDUCTIONS

n= 696

“
I absolutely would be willing to take programs to reduce recidivism, especially if they offered some time off as incentive. I actually think it is unfair to have that option only to drug addicts and not to a first-time, nonviolent, low-level offender. – M.J.
”

FINDING 2: Most prisoners would participate in recidivism-reducing programs to earn benefits other than a sentence reduction.

Eighty-nine percent of the prisoners we surveyed said they would be willing to participate in programming if they were able to earn more phone time, expanded visitation opportunities, and other similar benefits. While nearly everyone wanted incentives, there were strong opinions about what those incentives should be. How meaningful the benefit would be depended upon each prisoner’s particular circumstances. Some would welcome more phone time, but prison phone calls are paid for by prisoners and are not cheap. For some, more phone time is simply time they cannot redeem because it is unaffordable. Prisoners far from loved ones would not favor visitation as an incentive, since their loved ones are already unable to visit often—or at all. And some, while open to all incentives, reminded us that the best incentive for them would be a sentence reduction.

89% OF RESPONDENTS WOULD PARTICIPATE IN RECIDIVISM-REDUCING PROGRAMS FOR OTHER INCENTIVES

n= 679

Prisoners respond to incentives and want to receive them for completion of evidence-based programming. Different prisoners face different circumstances and will respond differently to different incentives, but as the RDAP shows, reduction of a person’s sentence is the most inspiring incentive of all. In order to achieve its goals, any bill incentivizing a person’s pursuit of his or her own rehabilitation should ensure that the incentives are real and meaningful to each prisoner.

“
More phone time (500-1000 minutes per month) would help with our maintaining positive family ties with our wives, children, and parents. Too often we’re already far away and don’t necessarily have the money to spend for them to come visit us. I have a 19-year-old daughter that I’ve never seen in my life. – D.F.
”

F. Faith-Based Programming

FINDING: Many prisons offer faith-based programs, and most prisoners who participate find them worthwhile.

Many BOP institutions offer faith-based programming to their residents in addition to accommodating each prisoner’s worship practices. Such programming may be focused on cognitive behavioral therapy, relationships, and character-building, with an emphasis on or incorporation of a person’s faith or spirituality.³⁴

49% OF RESPONDENTS PARTICIPATED IN FAITH-BASED PROGRAMS

n= 546

While selection bias remains a persistent problem in evaluating the effectiveness of faith-based programs in reducing recidivism,³⁵ some studies have found a correlation between increased religiosity and decreased criminality and delinquency.³⁶ Our survey results make clear that faith and spirituality are important and valuable to many prisoners. The BOP should continue to make faith-based programming available and evaluate it to determine, if possible, which programs are most effective and should be used more broadly. This research, as well as program expansion, will likely require additional funding from Congress.

57% OF RESPONDENTS RATED FAITH-BASED PROGRAMMING VERY HELPFUL

n= 206

Those respondents who participate in faith-based programming largely find it helpful. Forty-two percent of respondents to our survey said they had participated in faith-based classes. Of those respondents, more than three out of four rated the programming “very helpful” or “moderately helpful.”

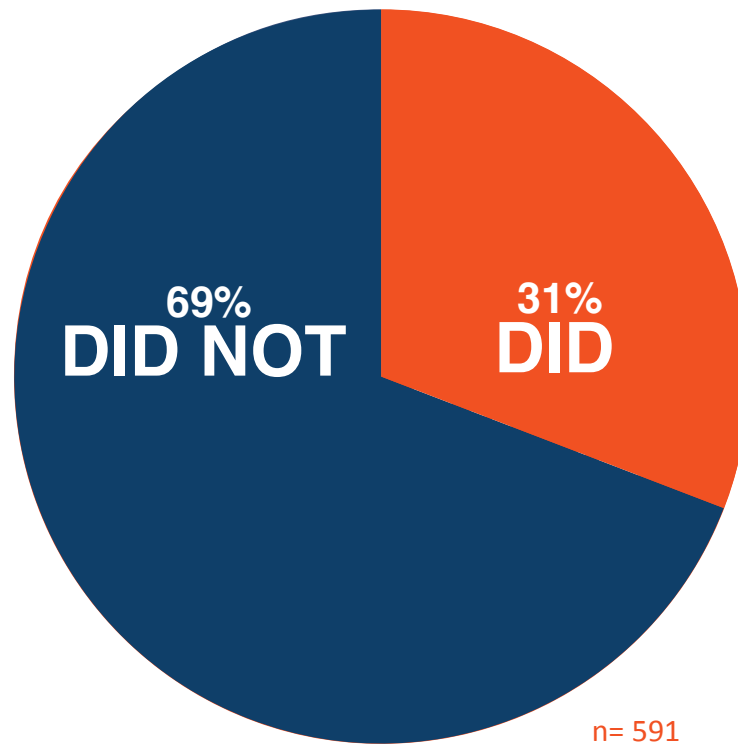
G. Mental Health and Behavioral Counseling

An estimated 45 percent of federal prisoners have mental health and behavioral problems, according to the Bureau of Justice Statistics.³⁷ Many people enter federal prison with histories of mental illness, trauma, poor decision-making and impulse control, or inability to manage anger and other emotions. These mental and behavioral health issues can contribute to criminal behavior and recidivism. Many prisoners may have had little or no prior access to counseling, cognitive behavioral therapy, or other therapeutic intervention, and many prisoners responding to this survey said they found prison itself to be a traumatizing experience.

Cognitive behavioral therapy has been proven to reduce recidivism.³⁸ Unfortunately, federal prisons have a shortage of psychologists, psychiatrists, and other mental health professionals.³⁹ Two-thirds of prisoners who responded to our survey said they had not received mental or behavioral health counseling while in federal prison. Of those who did, more than half said that they did not find it helpful. While it is unclear why counseling was not generally found to be helpful, some prisoners noted that the counselors themselves did not seem experienced, or that a sense of confidentiality and trust was never sufficiently established to foster a therapeutic relationship.

FINDING 1: More than two-thirds of respondents said they had not received mental or behavioral health treatment in federal prison.

Prisoners Who Received Mental Health Counseling



FINDING 2: Prisoners had mixed reviews of mental and behavioral health programs in federal prison.

More than half of those who responded to a question about the effectiveness of the counseling or treatment they received said it was either not helpful or of limited help, partly because prisoners often feared that being truthful about their difficulties would be used against them later by prison staff.

“*Counseling did not alter my mood one way or the other. I did not feel comfortable enough to divulge any information because you never know what they may put in your records. – J.E.*”

Nonetheless, one faith-based cognitive behavioral therapy program called Threshold was highly praised and sought after. However, prisoners reported that the program was not available in all prisons, and others said they would like to participate in a secular version of such a program.

How to provide BOP with more mental health professionals and programming and create an environment conducive to this programming within federal prisons is worth further study and ultimately will require investment of significant resources.

Because cognitive behavioral therapy and other mental and behavioral therapy help reduce recidivism, such investment is worthwhile for prisoners and the public.

“
I am currently on the waitlist for a six-month course called Threshold, which everyone who has taken it speaks very highly of it and describes it as a faith based CBT (Cognitive Behavior Therapy) class like RDAP or the Sex Offender Treatment course. – R.B.
”

H. Family Connections

The BOP has a policy that, when possible, federal prisoners should be incarcerated no more than 500 air miles from their families. Once prisoners are placed within 500 air miles of their home, the BOP does not consider itself obligated to move them to prisons closer to home, even if space is available.⁴⁰

In many cases, 500 air miles means many more miles by car. Under the BOP’s policy, for example, an offender from Boston could be placed in Petersburg, Virginia, because the two points are less than 500 air miles apart. Yet the drive for the offender’s family would be closer to 600 miles and take roughly 10 hours or more each way. Placing prisoners far from their families, including their young children, makes visitation difficult, costly, and, in some cases, impossible.

We asked prisoners how far they were from their families, whether they had minor children, and how often they got to visit with family members.

FINDING: Too many prisoners are too far from their families to maintain or strengthen these important relationships.

Almost half of respondents reported that they were incarcerated more than 500 miles from their families. Because of the limitations on our ability to collect survey responses or control the survey population, our survey did not exclude non-citizens or people whose previous residence was Alaska, Hawaii, or a U.S. territory. The Charles Colson Task Force excluded these prisoners in its study of the federal prison population and found that only 27 percent of federal prisoners were incarcerated more than 500 miles from their homes.⁴¹

46% OF RESPONDENTS WERE INCARCERATED MORE THAN 500 MILES FROM THEIR FAMILIES

n= 833

“
I am 2,500 miles from home (Phoenix). I am a single parent of a 12-year-old boy. I have not seen him once. He is staying with his 80-year-old grandmother. – H.T.
”

“
[T]he Warden said I was within the 500 miles (488 miles to be exact)...this is a zip to zip distance, however, as it's 660-plus miles DRIVING from my home. – C.J.
”

Maintaining family ties is a proven reducer of recidivism and helps prisoners reenter their communities.⁴² Yet BOP regularly places people so far from their families that they cannot maintain these vital relationships. Increased visitation with family is one of the incentives Congress offers in its prison reform legislation. But if prisoners are too far from home to obtain visits, increased visitation is not a meaningful incentive to complete programming.

I. Halfway Houses

The BOP has numerous halfway houses (known as “Residential Reentry Centers,” or RRCs) throughout the country. Halfway houses aim to help prisoners transition back to society by providing job placement, financial management assistance, and other services and programs in or near the community in which the prisoner will live after release. Halfway houses, which are operated by private contractors, are not evenly distributed geographically or for population. Nevada, for example, has no halfway house at all, and Minnesota’s sole halfway house is located in Duluth, not in the Minneapolis-St. Paul area.⁴³ Like their prison counterparts, halfway houses vary in size, services, location, and number of staff.

The Second Chance Act of 2007 allows prisoners to spend up to 12 months in a halfway house at the end of their sentences. In the legislation, Congress directed the BOP to individually assess each prisoner to determine how much halfway house time they should receive and to ensure that it was “of sufficient duration to provide the greatest likelihood of successful reintegration into the community.”⁴⁴ Currently, there are not enough halfway houses to house all federal prisoners for up to 12 months, much less for the additional amounts of time that Congress’s recently proposed prison reform bills would promise as an incentive for completing recidivism-reducing programming or jobs. Most prisoners currently get only three to six months in a halfway house and no time at all on home confinement⁴⁵ (a form of house arrest limited to 10 percent of the person’s sentence or six months, whichever is less⁴⁶).

The Government Accountability Office found that the BOP would have to build another 20,500 halfway house beds, at a cost of \$546 million annually, to fulfill the Second Chance Act’s promise of 12-month halfway house stays.⁴⁷

The limited availability and use of halfway houses are important to understand because more time in a halfway house is the central incentive offered to prisoners in the prison reform bills under consideration by Congress.

FINDING 1: Most prisoners are aware that under the Second Chance Act they could get up to 12 months of halfway house time, but expect to get only three to six months.

Almost uniformly, prisoners across the country reported that people do not receive more than six months in a halfway house, regardless of how long a person has been incarcerated. Prisoners also expressed skepticism that this approach would ever change. The perception and reality of the availability of halfway house time is important because increased halfway house time is a key incentive offered in Congress’ proposed prison reform legislation. If prisoners cannot get more halfway house time—or believe that they cannot—the value of halfway house time as an incentive is questionable. Incentives must be both real and perceived as real in order to be effective.

“The BOP has not used its discretion with regard to the Second Chance Act, and I have only seen a handful of individuals get extra halfway house time. – D.P.”

FINDING 2: A significant number of prisoners have concerns about going to halfway houses.

Forty percent of federal prisoners surveyed expressed concerns about going to a halfway house at the end of their prison term. This fear is understandable. Many prisoners reentering society will not just have to rebuild family relationships, but also readjust to a world that has changed dramatically during their incarceration. Many prisoners who responded to our survey were anxious about what to expect at the halfway house and even fear going there. Additionally, prisoners expressed concern about getting back on their feet financially because they are required to pay 25 percent of their gross income to their halfway houses as a subsistence fee.⁴⁸

Some respondents said they did not want to go to a halfway house at all and would prefer to go straight to home confinement. This rarely happens. In November 2016, the Justice Department’s inspector general released its audit of BOP’s decision-making with regard to halfway house placement and concluded:

“BOP is underutilizing direct home confinement placement as an alternative to RRC placement for transitioning low-risk, low-need inmates back into society. ... This is particularly concerning given that BOP guidance, as well as the research cited in the guidance, indicates that low-risk inmates do not benefit from and may in fact be harmed by RRC placement because, among other things, of their exposure to high-risk offenders in those facilities.”⁴⁹

The audit also said halfway house space was better reserved for high-risk, high-need inmates who would benefit from transitional services.

The most frequent concerns respondents raised about halfway houses were the following:

- **They will not get enough time in a halfway house to readjust to society and their families after being in prison for so long.** Whereas many prisoners who served shorter sentences said they did not think they needed any reentry services that a halfway house might provide, others serving lengthy sentences feared that they would not get enough time to successfully transition to free life. This comment shared by A.A. was typical:

I need 12 months minimum [in a halfway house]. I was 26 years old when I came to prison and I will be close to 58 years old when I am released. No job, no home, no money, no car, no community support, and a Whole Different World out there.

- **They will not be able to afford to pay 25 percent of their gross income, the required subsistence fee, while staying in a halfway house, in addition to the costs of living.** A typical comment was from J.L., who expressed concern about:

...the costs factor. Paying to be in a halfway house while trying to save for an apartment seems to be counterproductive!

- **The halfway houses are too far from their homes, essentially requiring prisoners to reenter their communities twice—once at the halfway house, and once again when they reunite with their families.** As M.T. shared:

I have a job, home, and family support, so I would rather go to home confinement. My concerns are adjusting to [the halfway house] then staying a short period then leaving and going home, then adjusting there, too.

- Halfway houses are dangerous and will not help prisoners rehabilitate. Because of zoning restrictions and “not in my backyard” lobbying from communities, halfway houses must often be built or operated in less affluent neighborhoods with higher crime, and building or contracting for more halfway houses can be difficult or impossible for the BOP.⁵⁰

M.P. reflected concerns raised by many respondents:

I have heard that the Kansas City halfway house is terrible and I am terrified to even go there. I...wonder why I cannot just go home at my age (71).

Some respondents had previously spent time in a halfway house and had no desire to return, like S.S.:

I was in a halfway house pre-trial and the conditions were awful. I have no desire to spend much time in a halfway house upon release.

While many prisoners felt that they need more time in a halfway house than they are likely to receive, many others expressed genuine fear and concern about going to halfway houses at all. This raises complex questions about the value of offering more halfway house time as an incentive for program completion, and how many people will be inspired by it as an incentive. If incentives are not meaningful, prisoners will be less likely to engage in the desired programming and education.

Furthermore, if halfway houses are, as feared, not rehabilitative and expose prisoners to unsafe or criminogenic environments, they may not be effectively reducing recidivism and protecting the public. Greater oversight and accountability for halfway houses, as well as greater investments in them, may be needed.

RECOMMENDATIONS FOR POLICYMAKERS

1. INDIVIDUALIZATION. As with sentencing, FAMM believes the key to successful programming and reentry is individualization. Accordingly, we recommend that federal prison officials conduct a thorough and individualized assessment of every prisoner's strengths, needs, and risk factors. That assessment should be used to develop an individual case plan that will serve as a roadmap to rehabilitation and then reentry. Incentives should also be individualized and tied to completion of that plan.

2. JOBS. All prisoners who are able to work should be given the opportunity to do so. Ideally, jobs should be matched to prisoners after a review of the individual's skills and interests. Many jobs are currently part-time or "make work" jobs whose impact on a person's risk of recidivism has not been studied or measured. Congress and the BOP should invest resources to provide meaningful jobs similar to those that a person may be able to attain outside of prison.

3. COMPUTERS. The BOP should allow prisoners greater access to computers and consider allowing prisoners to purchase tablet computers in the same way prisoners can buy radios and MP3 players today. Computer and secure online access are important for prisoners who seek to further their education and to keep pace with technology so that they are better prepared to find employment after leaving prison.

4. EDUCATION. Policymakers should ensure that quality educational programming is consistent across federal institutions, provided by educational professionals, and offered to all prisoners regardless of their offense or release date. ACE classes, in particular, appear to lack rigor and qualified instructors, and most should be considered recreational rather than recidivism-reducing. To expand education, the BOP should review its current educational programs, identify those that have been proven to reduce recidivism, and expand those programs to all prisoners. Congress should provide funding for BOP to conduct its program assessment and to expand its programming. To accomplish this objective, BOP and other relevant federal agencies should also establish partnerships with public and private sector entities to increase the supply and availability of classes and degree programs.

5. PELL GRANTS. Congress should repeal the prohibition on federal prisoners receiving Pell Grants.

6. VOCATIONAL TRAINING. Policymakers should expand vocational certification training so that it is consistent across federal institutions, provided by certified professionals, and offered to all prisoners, regardless of their release date. Training should be designed to increase the likelihood that prisoners will be able to find work upon release. Accordingly, the BOP should ensure that training is available in industries and services of the present and future. To accomplish this objective, BOP and other relevant federal agencies should establish partnerships with public and private sector partners to increase the supply of job training opportunities. Congress should also invest funding and other resources in this process.

7. DRUG TREATMENT. The BOP's RDAP program should be expanded so that all prisoners who have a diagnosed substance abuse problem are incentivized to participate. In light of the research showing that prisoners are more likely to participate in drug treatment if they earn time off, policymakers should eliminate current restrictions that exclude prisoners convicted of certain crimes, including crimes involving a gun, from earning early release through RDAP. Incentives, including sentence credits, should also be provided for non-residential drug treatment program completion. Expanding drug treatment programming will require increased federal funding, though some costs will be offset if prisoners are given real time off their sentences for program completion, as is done in the RDAP.

8. MENTAL HEALTH. Mental health treatment and behavioral counseling, including programs that are faith-based, should be expanded so that they are available to all prisoners who wish to participate in them. Expanding treatment and services will require Congress to provide additional funds to the BOP to hire trained and licensed professionals. BOP should also assess how to foster a more confidential and therapeutic environment within its facilities, consistent with security needs.

9. SENTENCE-REDUCTION INCENTIVES. Policymakers should allow prisoners to earn actual time off their sentences by completing recidivism-reducing programs, education, and jobs that are recommended in their individual rehabilitation and reentry plans. Real time off the sentence, not simply more halfway house or home confinement time, should be the primary incentive and should be available to all prisoners who are working toward completion of their plans.

10. OTHER INCENTIVES. In addition to earned sentence credits, other incentives to prisoners who complete programming or otherwise demonstrate good conduct should be provided. These incentives should be individualized in order to maximize their value to each prisoner. These additional incentives could include additional halfway house or home confinement time, extra visiting privileges, extra phone privileges, and furloughs.

11. FAMILY TIES. Prisoners should be placed in institutions closer to home in order to help them maintain and strengthen family bonds. Prisoners are regularly incarcerated more than 500 driving miles from their families, putting enormous strains on family finances and the ability to visit and retain connections with spouses and children. The BOP should be required to place prisoners within 500 driving miles of their families and to relocate prisoners closer to home if a bed nearer to home becomes available, except when security or programming needs require otherwise.

12. HALFWAY HOUSES. Congress should increase halfway house capacity so that all prisoners who need a full year can live a full year in a halfway house, as permitted by the Second Chance Act. This will require significant funding from Congress for building or contracting for more halfway house beds. Given the widespread concerns expressed by prisoners about the cost, location, and conditions of halfway houses, more oversight and investigation of them may be warranted. And given the lack of consistent and meaningful job, educational, and therapeutic programming in federal prisons, halfway houses play a vital role in reducing recidivism. Whether and how they succeed should be a top concern.

13. HOME CONFINEMENT. Congress should expand use of home confinement by removing the current six months/10 percent limitation. BOP should be encouraged to use home confinement alone or in combination with halfway house stays for prisoners whenever public safety permits and when it will increase the likelihood of successful reentry.

APPENDIX: METHODOLOGY

Beginning in early August 2016, FAMM sent five questionnaires to the roughly 37,000 federal prisoners who were in regular contact with us at that time. We sent one questionnaire a week for five weeks, with each questionnaire covering a different topic (e.g., jobs, education, and drug treatment). We asked prisoners to respond by email or to print the questionnaires and, if they were willing, to share the questionnaires with others at their institutions who were not on our email list. We received approximately 2,000 responses from prisoners across the country serving in institutions at various security levels. Of the responses, a few hundred were handwritten and returned to us by U.S. mail.

While we believe the survey results provide invaluable insight into the topics covered, our survey does not represent a random sample and is admittedly inadequate as a scientific inquiry. To name just a few limitations:

- The survey questions were sent only in English, limiting the ability of foreign-language speakers to participate.
- The survey was sent in writing, which meant illiterate prisoners were unable to participate.
- The questions were sent by email, which might have excluded some prisoners who do not have the financial resources to pay for email access (BOP charges prisoners five cents a minute to use its email system).
- Women are overrepresented in our survey. For reasons we do not understand, female prisoners make up 16.4 percent of our respondents, despite the fact that they only represent 6.7 percent of the federal prison population.

Throughout the report, we summarize our quantitative findings by referring to “prisoners” or “respondents.” We use these terms interchangeably. To be clear, however, we believe that the limitations just mentioned above should prevent readers from giving the same weight to our quantitative findings as they would to a truly scientific survey.

Full survey questions can be viewed at <http://famm.org/prisonersurveys>.

NOTES

¹ Bureau of Prisons, Inmate Statistics: Sentences Imposed, https://www.bop.gov/about/statistics/statistics_inmate_sentences.jsp (showing that only about four percent of federal offenders have life or death sentences).

² U.S. SENTENCING COMM'N, RECIDIVISM AMONG FEDERAL OFFENDERS: A COMPREHENSIVE OVERVIEW 5 (Mar. 2016), http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/recidivism_overview.pdf. The recidivism rate of federal offenders, while high, compares favorably with the rate of state offenders. A Bureau of Justice Assistance study found that, among state prisoners released in 2005, 77 percent were arrested either within or outside the state of release within five years. Matthew R. Durose, Howard N. Snyder & Alexia D. Cooper, Bureau of Justice Statistics, Multistate Criminal History Patterns of Prisoners Released in 30 States 1 (Sept. 2015), <https://www.bjs.gov/content/pub/pdf/mschp-prts05.pdf>.

³ U.S. SENTENCING COMM'N, RECIDIVISM AMONG FEDERAL DRUG TRAFFICKING OFFENDERS 3 (Feb. 2017), http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170221_Recidivism-Drugs.pdf (showing that within an eight-year follow-up period, 50 percent of drug offenders released in 2005 were rearrested, 30.8 percent were reconvicted, and 23.4 percent were reincarcerated).

⁴ Bureau of Prisons, Inmate Statistics: Offenses, https://www.bop.gov/about/statistics/statistics_inmate_offenses.jsp (showing that 46 percent of federal prisoners are drug offenders).

⁵ U.S. SENTENCING COMM'N, 2016 SOURCEBOOK OF FEDERAL SENTENCING STATISTICS Fig. A (2017), <http://www.ussc.gov/sites/default/files/pdf/research-and-publications/annual-reports-and-sourcebooks/2016/FigureA.pdf> (showing that 31.8 percent of all federal offenders sentenced in FY 2016 were drug offenders).

⁶ See U.S. DEP'T OF JUSTICE, ROADMAP TO REENTRY: REDUCING RECIDIVISM THROUGH REENTRY REFORMS AT THE FEDERAL BUREAU OF PRISONS (Apr. 2016), <https://www.justice.gov/reentry/file/844356/download>; U.S. Dep't of Justice, Prison Reform: Reducing Recidivism by Strengthening the Federal Bureau of Prisons, <https://www.justice.gov/prison-reform> (updated Mar. 6, 2017).

⁷ Seung Min Kim, *Senators Plan to Revive Sentencing Reform Push*, POLITICO (Jan. 4, 2017), <http://www.politico.com/story/2017/01/senate-criminal-justice-sentencing-reform-233071>.

⁸ See S. 2123, H.R. 759 (114th Cong., 1st Sess.) (2015) (permitting some prisoners to earn credits for additional time in a halfway house or on home confinement if they completed certain rehabilitative programming).

⁹ Bureau of Prisons, Population Statistics (May 4, 2017), https://www.bop.gov/about/statistics/population_statistics.jsp.

¹⁰ Bureau of Prisons, Reentry Programs, https://www.bop.gov/inmates/custody_and_care/reentry.jsp.

¹¹ See, e.g., U.S. DEP'T OF JUSTICE, OFFICE OF THE INSPECTOR GENERAL, REVIEW OF THE FEDERAL BUREAU OF PRISONS' RELEASE PREPARATION PROGRAM: EVALUATION AND INSPECTIONS REPORT 16-07 7 (Aug. 2016), <https://oig.justice.gov/reports/2016/e1607.pdf#page=1> (finding that the BOP's reentry preparation programs do not consistently prepare prisoners for release); The Charles Colson Task Force on Federal Corrections, <http://www.urban.org/features/charles-colson-task-force-federal-corrections>.

¹² See U.S. Dep't of Justice, Prison Reform: Reducing Recidivism by Strengthening the Federal Bureau of Prisons, <https://www.justice.gov/prison-reform>.

¹³ See S. 2123, H.R. 759 (114th Cong., 1st Sess.) (permitting some prisoners to earn credits for additional time in a halfway house or on home confinement if they completed certain rehabilitative programming).

¹⁴ DOJ, ROADMAP TO REENTRY, *supra* note 6, at 4.

¹⁵ Lois M. Davis et al., RAND Corporation, Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults xvii (2013), http://www.rand.org/pubs/research_reports/RR266.html.

¹⁶ The Charles Colson Task Force on Federal Corrections, <http://www.urban.org/features/charles-colson-task-force-federal-corrections>. This task force was established by Congress to evaluate the federal corrections system and met throughout 2015, concluding with the release of its findings in January 2016.

¹⁷ THE CHARLES COLSON TASK FORCE ON FEDERAL CORRECTIONS, TRANSFORMING PRISONS, RESTORING LIVES: FINAL RECOMMENDATIONS OF THE CHARLES COLSON TASK FORCE ON FEDERAL CORRECTIONS 36 (Jan. 2016), <http://www.urban.org/sites/default/files/publication/77101/2000589-Transforming-Prisons-Restoring-Lives.pdf>.

¹⁸ RAND Corporation, Press Release: Education and Vocational Training in Prisons Reduces Recidivism, Improves Job Outlook (Aug. 22, 2013), <http://www.rand.org/news/press/2013/08/22.html>.

¹⁹ See, e.g., Davis et al., at xvi ("[I]nmates who participated in correctional education programs had a 43 percent lower odds of recidivating than inmates who did not.").

²⁰ In June 2015, the U.S. Department of Education launched the Second Chance Act Pell Pilot Program to provide Pell Grants to a small number of federal prisoners who were within five years of release. See U.S. Dep't of Education, Press Release: U.S. Dep't of Education Launches Second Chance Pell Pilot Program for Incarcerated Individuals (July 31, 2015), <https://www.ed.gov/news/press-releases/us-department-education-launches-second-chance-pell-pilot-program-incarcerated-individuals>; 80 FR 45964, 45966 (Aug. 3, 2015).

- ²¹ Doris J. James & Lauren E. Glaze, Bureau of Justice Statistics, Special Report: Mental Health Problems of Prison and Jail Inmates 5, Tbl. 5 (Sept. 2006; revised Dec. 14, 2006), <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>.
- ²² Bureau of Prisons, Program Statement 5331.02, Early Release Procedures Under 18 U.S.C. § 3621(e), at 2-4 (Mar. 16, 2009), <https://www.bop.gov/policy/progstat/5331.02.pdf>; Bureau of Prisons, Program Statement 5330.11, Psychology Treatment Programs, Chap. 2, at 9 (Mar. 16, 2009), <https://www.bop.gov/policy/progstat/5330.11.pdf>.
- ²³ 18 U.S.C. § 3621(e)(2)(B) (2017).
- ²⁴ BOP, Program Statement 5331.02, at 3-4.
- ²⁵ 81 FR 24484, 24488 (Apr. 26, 2016).
- ²⁶ *Cf. id.* at 24489 (showing an average sentence reduction of 10.4 months for RDAP completers) *with* U.S. GOVERNMENT ACCOUNTABILITY OFFICE, BUREAU OF PRISONS ELIGIBILITY AND CAPACITY IMPACT USE OF FLEXIBILITIES TO REDUCE INMATES' TIME IN PRISON 13-14 (Feb. 2012), <http://www.gao.gov/assets/590/588284.pdf> (showing an average sentence reduction of only eight months for RDAP completers).
- ²⁷ BOP, Program Statement 5330.11, Chap. 2, at 3-8.
- ²⁸ Bernadette M. M. Pelissier et al., Council of State Governments, What Works in Reentry Clearing House (2000-2003), <https://whatworks.csgjusticecenter.org/evaluation/pelissier-et-al-2000-2003-2> (summarizing findings of multiple studies and concluding that RDAP completion led to lower likelihood of rearrest or relapse); Neil P. Langan & Bernadette M. M. Pelissier, Bureau of Prisons, The Effect of Drug Treatment on Inmate Misconduct in Federal Prisons 10 (2001), https://www.bop.gov/resources/research_projects/published_reports/cond_envir/oreprdap_miscond.pdf (showing that RDAP graduates are 74 percent less likely to commit misconduct in prison).
- ²⁹ 81 FR 24484, at 24489 (“In FY 2014, 5,229 inmates received a reduction in their term of imprisonment resulting in a cost avoidance of nearly \$50 million based on this law (average reduction was 10.4 months and the marginal cost avoidance was \$10,994 annually).”).
- ³⁰ Violent Crime Control and Law Enforcement Act of 1994, Pub. Law 103-322 § 32001 (Sept. 13, 1994).
- ³¹ TRANSFORMING PRISONS, *supra* note 17, at 43.
- ³² 81 FR 24484, at 24488.
- ³³ TRANSFORMING PRISONS, *supra* note 17, at 42.
- ³⁴ *See, e.g.*, Bureau of Prisons, Operations Memorandum: Life Connections Program (Mar. 23, 2012; expired Mar. 23, 2013), https://www.bop.gov/policy/om/002_2012.pdf (providing both spiritual and secular tracks for a character-building program).
- ³⁵ Scott D. Camp et al., Bureau of Prisons, An Exploration Into Participation in a Faith-Based Prison Program 4, 8 (Apr. 25, 2006), https://www.bop.gov/resources/research_projects/published_reports/gen_program_eval/volunteer_cpp.pdf.
- ³⁶ *See, e.g.*, Grant Duwe & Byron R. Johnson, *Estimating the Benefits of a Faith-Based Correctional Program*, INT’L J. OF CRIMINOLOGY & SOCIOLOGY 227-239 (2013), http://www.baylorisr.org/wp-content/uploads/benefits_faith-based_correctional_program.pdf (summarizing the literature on religious programming and its relation to crime and delinquency).
- ³⁷ James & Glaze, *supra* note 21, at 4, Tbl. 3.
- ³⁸ Patrick Clark, Preventing Future Crime With Cognitive Behavioral Therapy, NIC Journal (Apr. 2010), <https://www.nij.gov/journals/265/pages/therapy.aspx> (summarizing the research literature on cognitive behavioral therapy, which shows that “cognitive behavioral therapy significantly reduced recidivism even among high-risk offenders.”).
- ³⁹ *See, e.g.*, U.S. DEP’T OF JUSTICE, OFFICE OF THE INSPECTOR GENERAL, THE IMPACT OF AN AGING INMATE POPULATION ON THE FEDERAL BUREAU OF PRISONS ii (Feb. 2016), <https://oig.justice.gov/reports/2015/e1505.pdf> (finding that “the BOP, which employs over 39,000 people, has only 36 Social Workers nationwide for all of its institutions”).
- ⁴⁰ Bureau of Prisons, Program Statement 5100.08, Inmate Security Designation and Custody Classification, Chap. 5, at 3 (Sept. 12, 2006), https://www.bop.gov/policy/progstat/5100_008.pdf (“The Bureau of Prisons attempts to place each inmate in an institution that is reasonably close to the anticipated release area. Ordinarily, placement within 500 miles of the release area is to be considered reasonable, regardless of whether there may be an institution closer to the inmate’s release area.”).
- ⁴¹ TRANSFORMING PRISONS, *supra* note 17, at 40, Fig. 10.
- ⁴² *See, e.g.*, Mark T. Berg & Beth M. Huebner, *Reentry and the Ties That Bind: An Examination of Social Ties, Employment, and Recidivism*, 28 JUSTICE QUARTERLY 382, 385-86 (Apr. 2011), <http://www.pacific-gateway.org/reentry,%20employment%20and%20recidivism.pdf> (reviewing literature and concluding that family ties help former prisoners emotionally and financially, by helping connect them to job markets).
- ⁴³ Bureau of Prisons, Reentry Centers Locations, <https://www.bop.gov/PublicInfo/execute/rrc?todo=query&successPageRedirect=/locations/map.jsp>.
- ⁴⁴ 18 U.S.C. § 3624(c)(1), (6) (2017).
- ⁴⁵ GAO, BUREAU OF PRISONS ELIGIBILITY AND CAPACITY IMPACT USE OF FLEXIBILITIES, *supra* note 26, at 17, Tbl. 2 (showing that for FY 2009 and 2010, released prisoners served less than six months, on average, in halfway houses, and only 143 of over 28,000 people spent time only in home confinement at the end of their sentences).
- ⁴⁶ 18 U.S.C. § 3624(c)(2).

⁴⁷ U.S. GOVERNMENT ACCOUNTABILITY OFFICE, BUREAU OF PRISONS: INFORMATION ON EFFORTS AND POTENTIAL OPTIONS TO SAVE COSTS 35-36 (Sept. 2014), <http://www.gao.gov/assets/670/666254.pdf>. GAO explains:

According to BOP, an increase in the number of offenders getting the full 12 months' allowable time would necessitate additional bed space, which would require both additional funding and additional RRC contracts. For example, in fiscal year 2013, BOP reported that it had 9,455 RRC beds available nationwide, but would have required about 30,000 beds to provide the maximum allowable 12 months in RRCs to all participants, or an addition of more than 20,500 beds above its current capacity. As noted above, and as we have previously reported, BOP officials explained that such an expansion could be challenged by local zoning restrictions and the unwillingness of many communities to accept nearby RRCs. Moreover, if such an expansion were to take place, BOP would need additional funding to pay for the new RRC bed space. For fiscal year 2013, BOP reports that the average daily cost per offender in an RRC was about \$73, or \$26,645 per year. This means that an increase of the more than 20,500 beds that would be required to achieve the allowable 12 months for all participants (at current program levels) would cost about \$546 million annually. Expanding RRCs might help reduce recidivism but would require a substantial funding increase, equal to almost 8 percent of BOP's entire \$6.9 billion fiscal year 2015 budget request.

⁴⁸ At the end of the Obama administration, then-deputy attorney general Sally Yates instructed the BOP to develop a plan to limit or eliminate the requirement that former prisoners pay 25 percent of their gross pay, plus state and federal taxes, to the halfway house while they lived there. U.S. Dep't of Justice, Office of the Attorney General, Memorandum from the Acting Director of the Bureau of Prisons from Deputy Attorney General Sally Q. Yates, at 4 (Nov. 30, 2016), <https://www.justice.gov/dag/page/file/914051/download>. With the advent of the Donald Trump administration, it is unclear whether this policy change will be implemented.

⁴⁹ U.S. DEP'T OF JUSTICE, OFFICE OF THE INSPECTOR GENERAL, AUDIT OF THE FEDERAL BUREAU OF PRISONS' MANAGEMENT OF INMATE PLACEMENTS IN RESIDENTIAL REENTRY CENTERS AND HOME CONFINEMENT ii (Nov. 2016), <https://oig.justice.gov/reports/2016/a1701.pdf>.

⁵⁰ GAO, BUREAU OF PRISONS: POTENTIAL OPTIONS TO SAVE COSTS, *supra* note 47, at 35.

6. What kind of job would you like to get when you are released?

Run my own business dealing with cars in some kind of way I love car business or drive for some one else with my clean CDL.

4) Are you now participating in the RDAP program or have you already completed it? if so, did you find it helpful? yes I am still in the RDAP I am in phase three so I am about to be finish, and yes it help me alot like I said I learned alot and ready to go back to my wife, and kids to teach them what I had learned about life.



**SENTENCES
THAT FIT.
JUSTICE
THAT WORKS.**

5. If you are participating or preparing to participate in RDAP, do you know if your sentence will be reduced by a full year? If not, do you know why not? If you will not benefit from the entire year off, do you know how many months you will get off your sentence? Currently, as I understand, a sentence imposed for "Violence" can not participate in the RDAP program.



I am currently participating in the RDAP program and useful, it focus more on your irrational + the criminal behaviors and unhealthy life style.

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