



Special Housing Unit Review and Assessment Report Response

February, 2015

Federal Bureau of Prisons



The report, *Federal Bureau of Prisons: Special Housing Unit Review and Assessment*, was undertaken at the request of the Bureau of Prisons (BOP), and was completed under a contract between the Bureau of Prisons and CNA Analysis and Solutions. The Bureau requested this independent assessment of our policies and practices related to restricted housing following a Senate Judiciary Committee hearing chaired by Senator Richard J. Durbin (D-IL). We were particularly interested in learning of innovative, effective approaches for using restrictive housing to ensure the safety of staff, inmates, and the public, consistent with the agency's overall mission to prepare offenders for a successful return to the community.

As noted in the report, "The Federal Bureau of Prisons uses restrictive housing for serious infractions of institution and system-wide rules governing inmate conduct, such as engaging in violent, aggressive behavior against other inmates and staff. Restrictive housing is also used for inmates who cannot be safely managed in a general population setting, or who have been otherwise determined to be a security threat." Additionally, we use our restricted housing units to assist state corrections systems with inmates they find to be too violent or disruptive to manage. We accept custody of these inmates and house them primarily in our Administrative Maximum Security Prison in Florence, Colorado.

We concur with most of the key findings, and we appreciate the identified "opportunities" and specific recommendations. The purpose of this document is to explain some concerns we have with particular recommendations, and make a few important points that we believe were omitted.

We would like to offer some background regarding the BOP's use of restricted housing over the past 5 years. As noted in the text of the report, and depicted in several graphs, the total numbers of inmates in restricted housing increased in 2009 and decreased significantly beginning in 2012. The increase coincides with the creation of Special Management Units (SMUs), in response to dangerously violent, confrontational, defiant, antagonistic, and violent inmates who were using their gang affiliations to control other inmates. These actions threatened the safe and orderly operations of many BOP institutions. In addition to establishing SMUs, a variety of other changes were made to operations at high security institutions. In the years that followed, as the rate of serious assaults (particularly at high security institutions) and lockdowns declined, so did the populations of the SMUs and Special Housing Units (SHUs) around the country. In fact, over the past two fiscal years (2012-2014), the SMU population decreased by 37 percent and the SHU population decreased by 21 percent. From 2009, when we made the changes described above, to the present, we have seen an 86 percent decrease in serious assaults on staff and a 60 percent decline in serious assaults on inmates. For high security institutions, where the majority of such assaults occur, the decline for staff was 79 percent and for inmates it was 61 percent. We believe this data confirms the agency developed an effective strategy, in 2008, for responding to challenges in managing the high security inmate population. Moreover, the data affirms that by reducing the restricted housing population, the agency reacted appropriately to reductions in violence and disruptive behavior.



Key Findings

We concur that it is desirable to provide inmates who are in verified protective custody the opportunities to participate in programs and privileges equivalent to what is available to general population inmates. We are looking for ways to expand such opportunities using our existing limited resources, in terms of staffing and space. Recently, we have taken proactive steps to reduce the numbers of inmates who require protective custody. For example, in October 2013, we transitioned the Federal Correctional Institution in Otisville, New York, from a general population institution to the agency's first Security Threat Group Drop-Out institution. Inmates at this institution must disassociate themselves from inmates with active Disruptive Group or Security Threat Group designations. Additionally, we activated the Reintegration Housing Unit (RHU) at the Federal Correctional Complex in Oakdale, Louisiana, in October 2013 to provide inmates, who have been housed in administrative detention for an extended period of time, the opportunity to reintegrate into a general population setting. Finally, we will continue to work with state correctional agencies to exchange inmates, where appropriate, in an effort to allow protective custody federal inmates the opportunity to be housed in general population state prison facilities.

We agree it is critical to properly diagnose and provide effective treatment to inmates in restricted housing. The Bureau employs more than 600 doctoral level psychologists, who enter the agency with 5 years of graduate training in clinical or counseling psychology and receive additional specialized training in correctional psychology upon entry into the Bureau. These staff, working closely with our psychiatrists, social workers, and other institution staff, manage the mental health needs of the entire inmate population, including those in restricted housing. We are working hard to increase psychiatric staffing, but we know this is a challenging issue for communities around the country, not just for the Bureau of Prisons. We note that even in the community the majority of psychiatric medications are prescribed by general practitioners, not psychiatrists or psychiatric nurse practitioners. Additionally, Tele-Medicine, which is actively supported by teaching universities, insurance companies, and the federal government, including the U.S. Veterans Administration, is an effective means of treating mental health patients. The Bureau of Prisons uses this technology to provide quality mental health care to federal inmates around the country.

Finally, we have a software application designed to enhance the operations and oversight of our special housing units, that we implemented nationwide in early 2013. This application, referred to as the SHU Application, is integrated with Sentry, our mission-critical inmate information system, and allows staff working in restricted housing units (i.e., SHUs) to record all aspects of the care and treatment of inmates. While the SHU application is an operational system designed to facilitate daily operations, it also provides management staff the ability to review information on a periodic and "as-needed" basis to ensure policies and procedures are being followed. The application has greatly enhanced the agency's ability to monitor the use of SHU nationally and locally and has facilitated our successful efforts to reduce the SHU population.



Recommendations

Over the past few years the Bureau of Prisons has been reviewing the best manner in which to house inmates with serious mental illness who cannot function in general population and who may pose a serious danger to other inmates and staff. Many changes have been made in Bureau policies that enhance the care and treatment of mentally ill prisoners. For example, we increased mental health reviews for inmates placed in restrictive housing. In addition, a residential mental health treatment unit was established at the United States Penitentiary (USP) Atlanta, and a second unit is being developed at USP Allenwood. We recently opened a residential treatment unit at USP Florence designed for inmates with personality disorders.

The report's findings that inmates are underdiagnosed or misdiagnosed could be misconstrued to suggest a pervasive problem that we do not believe exists. The sample size was small and not representative of the entire population. Bureau mental health clinicians regularly interact with inmates in their care and document their observations, conclusions, and recommendations in the mental health record. The mental health records of inmates such as those reviewed by the CNA team are extensive. The average number of clinical documents in the mental health records of Mental Health Care level 2 and above inmates currently housed in SHU is 108, currently housed in a SMU is 208, and currently housed in the Administrative Maximum Security facility in Florence, Colorado (ADX) is 205. Given the significant number of clinical documents, a "brief" review of the record paired with a single clinical interview may not provide a complete assessment of offenders' mental health. Finally, for the inmates at the ADX, the report notes that none of the inmates interviewed wanted to be transferred from the facility, and the team did not identify any cases where an inmate's serious mental illness was due to their prolonged placement at the ADX.

Prior to placing an offender at the ADX, we conduct a comprehensive mental health evaluation in a private setting. With regard to SMU placement, all inmates classified as Mental Health Care level 2 inmates and above are reviewed by mental health clinicians at the Central Office level prior to placement in a SMU. With regard to SHU placement, a list of inmates with mental health conditions of concern is maintained at each institution. If any of these inmates are placed in SHU, Psychology Services is immediately notified and they follow up with staff and inmates, as appropriate.

The Bureau uses a quality improvement program that includes Operational and Program Reviews; remote reviews of the mental health record by subject matter experts in the Psychology Services Branch; and on-site reviews of activating and at risk programs by the Psychology Services Branch, Health Services Division, and other relevant subject matter experts.

The Bureau implemented Institution Care Coordinator and Reentry (CCARE) Teams that include representatives from Psychology Services and Health Services, as well as other relevant disciplines, to discuss and resolve any diagnostic discrepancies and treatment plans in inmate records. Psychiatrists are a part of these teams and therefore are involved in the diagnostic and treatment process where they are available. As noted earlier, we are working to augment the number of psychiatrists on staff in order to make this process even more effective.



The Bureau recognizes the benefit of out-of-cell interventions for inmates with mental health concerns. As noted in the report, there is no consensus on the most appropriate number of hours outside the cell. While the report states it is “generally accepted” that inmates with serious mental illness should receive 10 hours of out-of-cell structured therapy per week and an additional 10 hours of unstructured out-of-cell time, even professional correctional association guidelines do not identify specific numbers for out-of-cell time. Rather, inmates with mental health issues should be individually evaluated and provided appropriate treatment based on their specific needs, with the general goal of integrating the inmate back into general population as quickly as possible.

The report recommends the agency provide coordinated, comprehensive, targeted, specialized cognitive reentry programming specifically designed for inmates in restricted housing. The Bureau has developed a program, named Turning Point, that provides inmates in restricted housing with cognitive behavioral treatment, along with resource materials targeting motivation to change, coping skills, and criminogenic needs. The Bureau is committed to exploring additional strategies to provide more intensive programming opportunities in restricted housing settings.

The Bureau appreciates the emphasis in the report on reentry. There is substantial empirical research demonstrating the positive impact of reentry programs. Over the past decade, the Washington State Institute for Public Policy (WSIPP) has undertaken studies to identify evidence-based programs that have been proven to lower crime while providing a positive return on taxpayer investment. (Washington State Institute for Public Policy – The Costs and Benefits of Programs to Reduce Crime, 2001, 2005, 2006.)

WSIPP estimated that residential drug treatment (with community aftercare) results in a benefit of \$2.69 for every \$1 of taxpayer money spent (benefit-to-cost ratio), in-prison vocational training has a benefit-to-cost ratio of \$7.13, and correctional adult basic education programs produce a benefit-to-cost ratio of \$5.65. Correctional industries produce a benefit-to-cost ratio of \$6.65. In 2006, WSIPP conducted a comprehensive follow-up study of the costs and benefits of correctional programs, validating earlier findings that these programs provide significant cost benefits by reducing recidivism and avoiding future crime victimization.

The Bureau has conducted formal evaluations of several reentry programs that demonstrate their effectiveness.¹ An evaluation of our Residential Drug Abuse Programs (RDAP) demonstrated convincingly that offenders who participated in RDAP were 16 percent less likely to recidivate and 15 percent less likely to relapse than inmates who did not receive such treatment. Research has also confirmed that inmates who participate in Federal Prison Industries (FPI) gain valuable skills and training, resulting in substantial reductions in the rate of recidivism. The study revealed that FPI participants were 24 percent less likely to recidivate for as long as twelve years after release when compared to similar non-participating inmates, and FPI participants are 14 percent more likely to be employed one year after release from prison than their non-participating peers. Follow-up analyses revealed that the program provides the greatest benefit to minorities, who are often at the greatest statistical risk for recidivism.

¹ While some of the reports were done many years ago, the findings remain valid. Just as drug companies do not revalidate the effectiveness of pharmaceuticals, social scientists do not revalidate effective treatment programs unless the target population changes substantially. To do so would be a waste of taxpayer dollars that can be used to create and test new programs needed to address the wide variety of inmate needs.



Finally, the Bureau's Occupational and Vocational Training programs are not only important to assist with reentry employment, but also have a strong recidivism reducing effect. Research has demonstrated that inmates who participate in these programs are 33 percent less likely to recidivate, as compared to similar non-participating inmates. Moreover, these programs contribute to institution safety by keeping inmates constructively occupied and eliminate idleness.

The mission of the Bureau of Prisons is to operate safe, secure, humane prisons, and to prepare inmates for release. Bureau of Prisons staff at all 121 of our Federal Correctional Institutions around the country understand their responsibility to prevent inmates who release from our prisons from returning to criminal activities in the community.

Maintaining security and order in our prisons is critical, but more is expected and required from staff and the inmate population. For decades Bureau staff (and inmates) have been told: "Reentry begins on the first day of incarceration." In the past couple of years the focus on reentry has been especially pronounced, through the creation of the Reentry Services Division, an organizational change in the agency that required support from the Attorney General and final approval from Congress. In addition to establishing this Division to coordinate and amplify the agency's reentry efforts and message, agency leadership communicates continuously with staff about this critical aspect of our mission.

On a daily basis, Bureau of Prisons staff encourage inmates to pursue the education, treatment, training, and other services and programs offered at our institutions so that they can be positive role models for other inmates, assist their families and friends from inside the prisons, and be ready to support themselves and their families and contribute to their communities when they complete their sentence. We are proud that 80 percent of federal offenders do not return to our prisons during a three-year period following release. We are doing everything possible to increase that number and we are striving also to improve on the 60 percent who are not arrested for a new crime or a technical violation of supervision. We believe reentry is a key component of the agency's culture, and we plan to continue to train and educate our staff about this critical aspect of our mission.

Restricted housing is an important tool for corrections to accomplish our mission. Offenders who pose a threat to the safety and security of prisons, or who require protection from other inmates, must be housed in more controlled environments. We remain committed to continuing to review our policies and practices regarding the most appropriate use of restricted housing. The information contained in this report will be of great assistance to the Bureau of Prisons for years to come. We will continue to work with all corrections professionals to enhance and improve the use of restrictive housing throughout the country.