

# Federal Prisons

## Summary

The serious prison inmate overcrowding and correctional officer understaffing that plague the Federal Bureau of Prisons (BOP) system are creating dangerous conditions for federal prison inmates, federal correctional officers and other staff employees, and the local communities in which they work.

AFGE, which represents the federal correctional officers and other federal employees who work at the BOP institutions, is strongly committed to fight: (1) for substantially increasing the number of federal correctional officers who work at federal prisons; (2) against any attempt to undermine the Federal Prison Industries (FPI) prison inmate program; (3) against any effort to statutorily redefine the term “law enforcement officer” to exclude federal prison support staff for pay and retirement purposes; and (4) against the incarceration of federal inmates in private prisons.

## Discussion

### **1. AFGE strongly supports any effort to substantially increase the number of federal correctional officers who work at BOP prisons.**

More than 193,000 inmates are confined in the correctional institutions of the BOP system today, up from 25,000 in 1980, 58,000 in 1990, and 145,000 in 2000. As a result, the BOP system is operating at 36% above capacity, up from 31.7% as of January 1, 2000.

To make matters worse, the number of federal correctional officers who staff federal prisons is failing to keep pace with the tremendous growth in the prison inmate population. The BOP system is currently staffed at an 89% level, as compared to the 95% staffing levels of the mid-1990s.

AFGE believes that the understaffing at BOP institutions is resulting in a significant increase in prison inmate assaults against correctional staff and other prison inmates. BOP’s own data show the following:

	02/99 – 01/01	02/03 – 01/05	Increase between two time periods
Assaults without weapon against staff	1879	2519	+640
Assaults with weapon against staff	216	354	+138

Assaults without weapon against other inmates	2037	2489	+452
Assaults with weapon against other inmates	653	658	+5

Last year, AFGE strongly urged President George W. Bush and the 109<sup>th</sup> Congress to provide a \$500 million increase in FY 2007 BOP funding to increase correctional officer staffing levels at BOP prisons. Unfortunately, Congress ended the year without completing work on 10 of the 12 FY 2007 appropriations bills – including the FY 2007 appropriations bill (Commerce-Justice-State) that funds the BOP. As a result, the new 110<sup>th</sup> Congress is being forced to fund the remainder of FY 2007 under a continuing resolution, limiting BOP funding and other domestic appropriations to FY 2006 levels.

**2. AFGE strongly opposes any effort to eliminate the mandatory source preference of the Federal Prison Industries (FPI), thereby endangering countless numbers of FPI prison inmate jobs, without establishing a strong alternative work-based prison inmate training program that would create a sufficient number of prison inmate jobs to replace those that will be lost if the FPI mandatory source preference is eliminated.**

The FPI is a self-supporting government corporation that provides job skills opportunities to federal BOP prison inmates by producing products and services for federal agencies. By statute, federal agencies are required to purchase from FPI any product listed in the FPI Schedule of Products – a sole-source requirement referred to as "mandatory source preference." Federal agencies, however, can obtain products from private sector suppliers through an FPI-issued waiver if FPI is unable to provide the needed product at a competitive price, with the necessary quality or in a timely manner.

AFGE strongly opposes any legislation that would undermine the FPI prison inmate work program because it is an essential management tool that contributes significantly to the safety and security of federal prisons. The FPI program helps keep 19,720 federal prison inmates – or about 17% of the eligible BOP inmate population - productively occupied in labor-intensive work activities, thereby reducing inmate idleness and the violence associated with that idleness. It also provides incentives to encourage good inmate behavior, as those who want to work in FPI must have completed high school or be making steady progress toward a GED, and maintain a record of good behavior.

In addition, FPI is an important rehabilitation tool that provides federal prison inmates an opportunity to develop job skills and values that will allow them to reenter our communities as productive, law-abiding citizens. A multi-year study

of FPI, completed in 1996 by the BOP Office of Research and Evaluation, demonstrated that the FPI work program contributes substantially to lower recidivism and increased job-related success for inmates after their release. The study found that prison inmates who had participated in the FPI work program were 24% less likely to commit crimes and 14% more likely to be employed than prison inmates who had not participated in the FPI program.

Some in Congress have been working to weaken this important BOP management and rehabilitation tool. Last year, the House passed an anti-FPI work program bill sponsored by Rep. Pete Hoekstra (R-MI) that would have eliminated the mandatory source preference of the FPI prison inmate work program, thereby endangering countless numbers of FPI inmate jobs. It would have done so *without* establishing a strong alternative work-based training program to create a sufficient number of prison inmate jobs to replace those that would have been lost if the FPI mandatory source preference had been eliminated. Fortunately, the Hoekstra bill was not taken up by the Senate.

### **3. AFGE strongly opposes any effort to statutorily redefine “law enforcement officer” for pay and retirement purposes to exclude federal prison support staff.**

Under current law, the definition of “law enforcement officer” for pay and retirement purposes includes federal prison support staff, in addition to those individuals who fill federal correctional officer positions. However, in October 2005, the Republican staff of the House and Senate federal workforce subcommittees released a 25-page “Concept Paper for a Federal Law Enforcement Personnel System” that proposed to redefine “law enforcement officer” for pay and retirement purposes to exclude federal prison support staff.

AFGE strongly opposes this change. The reason federal prison support staff receive law enforcement officer pay and retirement benefits is because their jobs include performing law enforcement security functions in federal prisons. These men and women, on a daily basis, help supervise and control prison inmates at all security levels inside the walls and fences of federal prisons. They are called upon, on a daily basis, to provide searches of inmates, to search housing areas of federal prisons for contraband, and to escort inmates to local hospitals or other outside facilities.

In addition, federal prison support staff – like federal correctional officers – are required to successfully undergo training to perform these law enforcement security operations in federal prisons. These men and women are required to go to law enforcement training in Glynco, GA, and are required to pass firearms training every year.

Why do the jobs of federal prison support staff include performing law enforcement security operations at federal prisons? Unlike state or county

correctional facilities, federal prisons do not have sufficiently large numbers of correctional officers to deal with security-related issues. Because of this shortage of correctional officers, the federal BOP must train and use prison support staff to help maintain safety and security at federal prisons.

#### **4. AFGE strongly opposes any effort to incarcerate federal prison inmates in private prisons.**

In recent years, the federal government and some state and local governments have experimented with prison privatization as a way to solve the overcrowding of our nation's prisons – a crisis precipitated by increased incarceration rates and the public's reluctance to provide more prison funding. But results of these experiments have demonstrated little evidence that prison privatization is a cost-effective, high-quality alternative to government-run prisons.

#### ***Private Prisons Are Not More Cost Effective***

Proponents of prison privatization claim that private contractors can operate prisons less expensively than federal and state correctional agencies. Promises of 20 percent savings are commonly offered. However, existing research fails to make a conclusive case that private prisons are substantially more cost effective than public prisons.

For example, in 1996, the U.S. General Accounting Office reviewed five studies of prison privatization deemed to have the strongest designs and methods among those published between 1991 and mid-1996. The GAO concluded that “because these studies reported little cost differences and/or mixed results in comparing private and public facilities, we could not conclude whether privatization saved money.”

Similarly, in 1997, the U.S. Department of Justice entered into a cooperative agreement with Abt Associates, Inc. to conduct a comparative analysis of the cost effectiveness of private and public sector operations of prisons. The report, which was released in July 1998, concluded that while proponents argue that evidence exists of substantial savings as a result of privatization, “our analysis of the existing data does not support such an optimistic view.” Instead, “our conclusion regarding costs and savings is that.....available data do not provide strong evidence of any general pattern. Drawing conclusions about the inherent [cost-effective] superiority of [private prisons] is premature.”

Finally, in July 1999, Travis Pratt, Assistant Professor in the School of Criminal Justice at Rutgers University, published the results of his meta-analysis of 33 cost effectiveness evaluations of private and public prisons from 24 independent studies. The results revealed that private prisons were not more cost effective than public prisons, and that other institutional characteristics, such as the prison

facility's number of inmates, age, and security level, were the strongest predictors of a prison's per diem cost.

### ***Private Prisons Do Not Provide Higher Quality, Safer Services***

Proponents of prison privatization contend that private market pressures will necessarily produce higher quality, safer correctional services. They argue typically that private prison managers will develop and implement innovative correctional practices to enhance performance. However, emerging evidence suggests these managers are responding to market pressures not by innovating, but by slashing operating costs. In addition to cutting various prisoner programs, they are lowering employee wages, reducing employee benefits, and routinely operating with low, risky staff-to-prisoner ratios.

The impact of such reductions on the quality of prison operations is obvious. Inferior wages and benefits contribute to a "degraded" workforce, with higher levels of turnover producing a less experienced, less trained prison staff. The existence of such under-qualified employees, when coupled with insufficient staffing levels, adversely impacts correctional service quality and prison safety.

Numerous newspaper accounts have documented alleged abuses, escapes and riots at prisons run by the Correctional Corporation of America (CCA), the nation's largest private prison company. In the last several years, a significant number of public safety lapses involving CCA have been reported by the media. The record of Wackenhut Corporation, the nation's second largest private prison company, is no better, with numerous lapses reported since 1999.

And these private prison problems are not isolated events, confined to a handful of "under performing" prisons. Available evidence suggests the problems are structural and widespread. For example, an industry-wide survey conducted in 1997 by James Austin, a professor at George Washington University, found 49 percent more inmate-on-staff assaults and 65 percent more inmate-on-inmate assaults in medium- and minimum-security private prisons than in medium- and minimum-security government prisons.

Thus, prison privatization is not the panacea that its proponents would have us believe. Private prisons are not more cost effective than public prisons, nor do they provide higher quality, safer correctional services.

### ***Conclusion***

House and Senate lawmakers should:

1. Support a \$500 million increase in FY 2008 BOP funding to increase federal correctional officer staffing levels at BOP prisons.

2. Oppose any effort to eliminate the mandatory source preference of the Federal Prison Industries (FPI), thereby endangering countless numbers of FPI prison inmate jobs, without establishing a strong alternative work-based inmate training program that would create a sufficient number of prison inmate jobs to replace those that will be lost if the FPI mandatory source preference is eliminated.
3. Oppose redefining the term “law enforcement officer” for pay and retirement purposes to exclude federal prison support staff.
4. Support legislation that would (a) prevent the federal government from housing, safeguarding, protecting, and disciplining federal prisoners in private prisons; and (b) prohibit state and local governments from using federal funds to contract with private companies for the provision of these core correctional services.