

May 2013

BUREAU OF PRISONS

Improvements Needed in Bureau of Prisons' Monitoring and Evaluation of Impact of Segregated Housing



G A O

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Why GAO Did This Study

BOP confines about 7 percent of its 217,000 inmates in segregated housing units for about 23 hours a day. Inmates are held in SHUs, SMUs, and ADX. GAO was asked to review BOP's segregated housing unit practices. This report addresses, among other things: (1) the trends in BOP's segregated housing population, (2) the extent to which BOP centrally monitors how prisons apply segregated housing policies, and (3) the extent to which BOP assessed the impact of segregated housing on institutional safety and inmates. GAO analyzed BOP's policies for compliance and analyzed population trends from fiscal year 2008 through February 2013. GAO visited six federal prisons selected for different segregated housing units and security levels, and reviewed 61 inmate case files and 45 monitoring reports. The results are not generalizable, but provide information on segregated housing units.

What GAO Recommends

GAO recommends that BOP (1) develop ADX-specific monitoring requirements; (2) develop a plan that clarifies how BOP will address documentation concerns GAO identified, through the new software program; (3) ensure that any current study to assess segregated housing also includes reviews of its impact on institutional safety; and (4) assess the impact of long-term segregation. BOP agreed with these recommendations and reported it would take actions to address them.

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What GAO Found

The overall number of inmates in the Bureau of Prisons' (BOP) three main types of segregated housing units—Special Housing Units (SHU), Special Management Units (SMU), and Administrative Maximum (ADX)—increased at a faster rate than the general inmate population. Inmates may be placed in SHUs for administrative reasons, such as pending transfer to another prison, and for disciplinary reasons, such as violating prison rules; SMUs, a four-phased program in which inmates can progress from more to less restrictive conditions; or ADX, for inmates that require the highest level of security. From fiscal year 2008 through February 2013, the total inmate population in segregated housing units increased approximately 17 percent—from 10,659 to 12,460 inmates. By comparison, the total inmate population in BOP facilities increased by about 6 percent during this period.

BOP has a mechanism to centrally monitor segregated housing, but the degree of monitoring varies by unit type and GAO found incomplete documentation of monitoring at select prisons. BOP headquarters lacks the same degree of oversight of ADX-specific conditions of confinement compared with SHUs and SMUs partly because ADX policies are monitored locally by ADX officials. Developing specific requirements for ADX could provide BOP with additional assurance that inmates held at ADX are afforded their minimum conditions of confinement and procedural protections. According to a selection of monitoring reports and inmate case files, GAO also identified documentation concerns related to conditions of confinement and procedural protections, such as ensuring that inmates received all their meals and exercise as required. According to BOP officials, in December 2012, all SHUs and SMUs began using a new software program that could improve the ability to document conditions of confinement in SHUs and SMUs. However, BOP officials acknowledged the recently implemented software program may not address all the deficiencies GAO identified. Since BOP could not provide evidence that it addressed the documentation deficiencies, GAO cannot determine if it will mitigate the documentation concerns. BOP expects to complete a review of the new software program by approximately September 30, 2013, which should help determine the extent to which the software program addresses documentation deficiencies GAO identified.

BOP has not assessed the impact of segregated housing on institutional safety or the impacts of long-term segregation on inmates. In January 2013, BOP authorized a study of segregated housing; however, it is unclear to what extent the study will assess the extent to which segregated housing units contribute to institutional safety. As of January 2013, BOP is considering conducting mental health case reviews for inmates held in SHUs or ADX for more than 12 continuous months. However, without an assessment of the impact of segregation on institutional safety or study of the long-term impact of segregated housing on inmates, BOP cannot determine the extent to which segregated housing achieves its stated purpose to protect inmates, staff and the general public.

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Abbreviations

ACA	American Correctional Association
ADX	Administrative Maximum
BOP	Bureau of Prisons
CMU	Communications Management Unit
CPD	Correctional Programs Division
DHO	Discipline Hearing Officer
DOJ	Department of Justice
FCC	Federal Correctional Complex
GP	General Population
HQ	Headquarters
PDS	Psychology Data System
IPPA	Information, Policy, and Public Affairs Division
OJP	Office of Justice Programs
ORE	Office of Research and Evaluation
PRD	Program Review Division
SAM	Special Administrative Measure
SHU	Special Housing Unit
SMU	Special Management Unit
USP	United States Penitentiary

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United States Government Accountability Office
Washington, DC 20548

May 1, 2013

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Chairman
Subcommittee on the Constitution,
Civil Rights and Human Rights
Committee on the Judiciary
United States Senate

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight
and Government Reform
House of Representatives

The Honorable Robert C. Scott
Ranking Member
Subcommittee on Crime, Terrorism,
Homeland Security, and Investigations
Committee on the Judiciary
House of Representatives

Since the late 1980s, America's federal prison population increased by more than 400 percent, accompanied by the use of certain types of segregated housing units where prisoners are kept apart from the general inmate population in at times highly restrictive conditions. The Department of Justice's (DOJ) Bureau of Prisons (BOP) is responsible for the custody and care of approximately 217,000 federal inmates.¹ BOP's mission is to confine federal inmates in the controlled, safe, secure, humane, and cost-efficient environments of prisons and community-based facilities, and to provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. BOP operates several types of segregated housing units to separate inmates from the general inmate population for different purposes, such as

¹As of February 2013, BOP held the majority of inmates in its custody in 119 BOP-operated federal prisons. BOP held about 41,700, or about 19 percent, of the total BOP federal inmate population in community confinement (residential reentry and home confinement) and 15 privately managed prisons. We are focusing only on the 119 BOP-operated facilities for the purposes of this review.

administrative detention, disciplinary reasons, gang-related activity or assaulting staff. Specifically, these units are the (1) Special Housing Units (SHU), where inmates can be placed for administrative reasons, such as pending transfer to another prison, and for disciplinary reasons, such as violating prison rules; (2) Special Management Units (SMU), a four-level program in which inmates can progress from more restrictive to less restrictive conditions; and (3) the Administrative Maximum (ADX) facility in Florence, Colorado, for inmates that require the highest level of security. As of February 2013, BOP confined approximately 12,460 federal inmates—or about 7 percent of inmates in BOP-operated facilities—in segregated housing units. According to BOP, these segregated housing units help ensure institutional safety for inmates and staff. Approximately 435 individuals in ADX are held in what is commonly referred to as solitary confinement, or single cells alone, for about 23 hours a day.²

There is little publicly available information on BOP's use of segregated housing units. Given the potential high costs, lack of research on their effectiveness, and possible long-term detrimental effects on inmates, you requested that we review BOP's segregated housing unit practices, including BOP's standards, reasons for segregating inmates, and costs. Specifically, this report addresses the following objectives:

1. What were the trends in BOP's segregated housing unit population and number of cells from fiscal year 2008 through February 2013?
2. To what extent does BOP centrally monitor how individual facilities document and apply policies guiding segregated housing units?
3. To what extent has BOP assessed the costs to operate segregated housing units and how do the costs to confine an inmate in a segregated housing unit compare with the costs of confining an inmate in a general inmate population housing unit?
4. To what extent does BOP assess the impact of segregated housing on institutional safety and the impacts of long-term segregation on inmates?

Overall, to address our objectives, we reviewed BOP statutory authority and policies and procedures related to each type of segregated housing

² According to BOP officials, BOP does not hold anyone in solitary confinement because BOP staff interacts with inmates who are held in single cells alone.

unit and interviewed BOP management officials responsible for inmate placement and security, monitoring and program compliance, facility and financial management, and research. To address our first objective, we obtained and analyzed BOP's inmate population and number of cells data for each type of segregated housing unit for the past 5 fiscal years to the most recent data available—from fiscal year 2008 through February 2013. We also compared the total inmate population in BOP-operated facilities with the total segregated housing unit population data to identify trends in the segregated housing unit population as a share of the total inmate population in BOP-operated facilities during this period. We assessed the reliability of BOP's segregated housing unit inmate population and cell data by reviewing relevant documentation, interviewing knowledgeable agency officials about how they maintain the integrity of their data, and examining the data for obvious errors and inconsistencies. We found the segregated housing unit inmate population and cell data were sufficiently reliable for the purposes of this report. We also interviewed BOP headquarters officials to discuss reasons for the trends in BOP's segregated housing unit inmate population and cells.

To address our second objective, we assessed BOP's monitoring for each type of segregated housing unit by reviewing monitoring policies, guidelines and reports. We analyzed BOP's segregated housing unit policies and monitoring guidance and compared them against criteria in *Standards for Internal Control in the Federal Government*. We also analyzed BOP's policies and procedures pertinent to the monitoring of individual prisons' compliance with BOP policies, including those of BOP's Program Review Division (PRD), which leads monitoring reviews. In addition, to observe the conditions of confinement, procedural protections and inmate placement in segregated housing, we conducted visits to 6 of BOP's 119 institutions. We chose these institutions to reflect a range in the types of segregated housing units and security levels.³ Although the results of our site visits are not generalizable, they provided insights about BOP monitoring. Further, to assess the methodology and system BOP employs to monitor, identify, and address deficiencies at prisons, we requested a selection of monitoring reports from BOP, which BOP provided for a variety of facilities. Specifically, we analyzed 45 of 187 PRD monitoring reports from 20 of 98 prisons from fiscal years 2007

³We selected six federal prisons, three of which were complexes that contained multiple facilities. Thus, our six selected sites contained 11 BOP facilities, 10 of which we visited. See appendix I for the specific facilities we visited.

to 2011. We also reviewed related follow-up monitoring reports to determine the extent that these prisons resolved deficiencies. Further, we independently assessed compliance with segregated housing policies for selected inmates at 2 institutions we visited. For example, we selected a random sample of 61 case files from inmates housed in segregated housing units, including SHUs. Although our selection of case files was not generalizable to all inmates in all types of segregated housing units, it provided insights into whether these 2 institutions were following BOP policy. We also reviewed information related to BOP's new software program, that includes the SHU application, and compared it against best practices for project management and criteria in BOP's monitoring documentation policies.

To address the third objective, we reviewed BOP fiscal year 2012 average inmate per capita costs for institutions at each security classification: high security, medium security, low security, minimum security, administrative, and Federal Correctional Complex.⁴ Further, we analyzed a BOP estimate of fiscal year 2012 inmate per capita costs that BOP provided in January 2013. We interviewed knowledgeable BOP officials to understand their processes for developing these cost data and estimates, and we found the average inmate per capita costs and estimated inmate per capita costs data to be sufficiently reliable for the purposes of this report. We also used BOP's estimated segregated housing unit versus general population housing inmate per capita cost data, combined with fiscal year 2012 BOP inmate population data, to illustrate the possible costs of housing the inmate population in segregated housing units compared with the costs of housing these same inmates in general population housing for fiscal year 2012.

To address the fourth objective, we analyzed BOP's policies, including program objectives, for each segregated housing unit and policies governing the provision of mental health services to inmates in segregated housing units. We also reviewed BOP lockdown information from fiscal years 2007 through 2012. In addition, we interviewed senior BOP officials to discuss the extent that BOP has assessed the impact of segregated housing on institutional safety and their views on the impact of long-term segregation on inmates. Further, we identified and reviewed

⁴BOP operates Federal Correctional Complexes (FCC), which have different missions and security levels.

actions five states have taken regarding segregated housing units. We selected these five states because they were involved in addressing segregated housing unit reform and had taken actions to reduce the number of inmates in segregated housing units. For each of the five selected states, we reviewed relevant documents on segregated housing, including placement policies, and we interviewed corrections officials in these states to understand the reasons for and impact of segregated housing unit reforms. We visited correctional facilities in two of the five states—Kansas and Colorado. While the results from our interviews are not representative of all prisons, they provided us with perspectives on state actions. We also analyzed studies and reports that describe, evaluate, or analyze the impact of segregated housing units on institutional safety and inmates held in these units. We compared BOP's mechanisms for evaluating the impact of segregated housing units on institutional safety, and the impacts of long-term segregation on inmates, with BOP's policies and mission statements. Appendix I includes more details about our scope and methodology.

We conducted this performance audit from January 2012 to April 2013 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions for our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

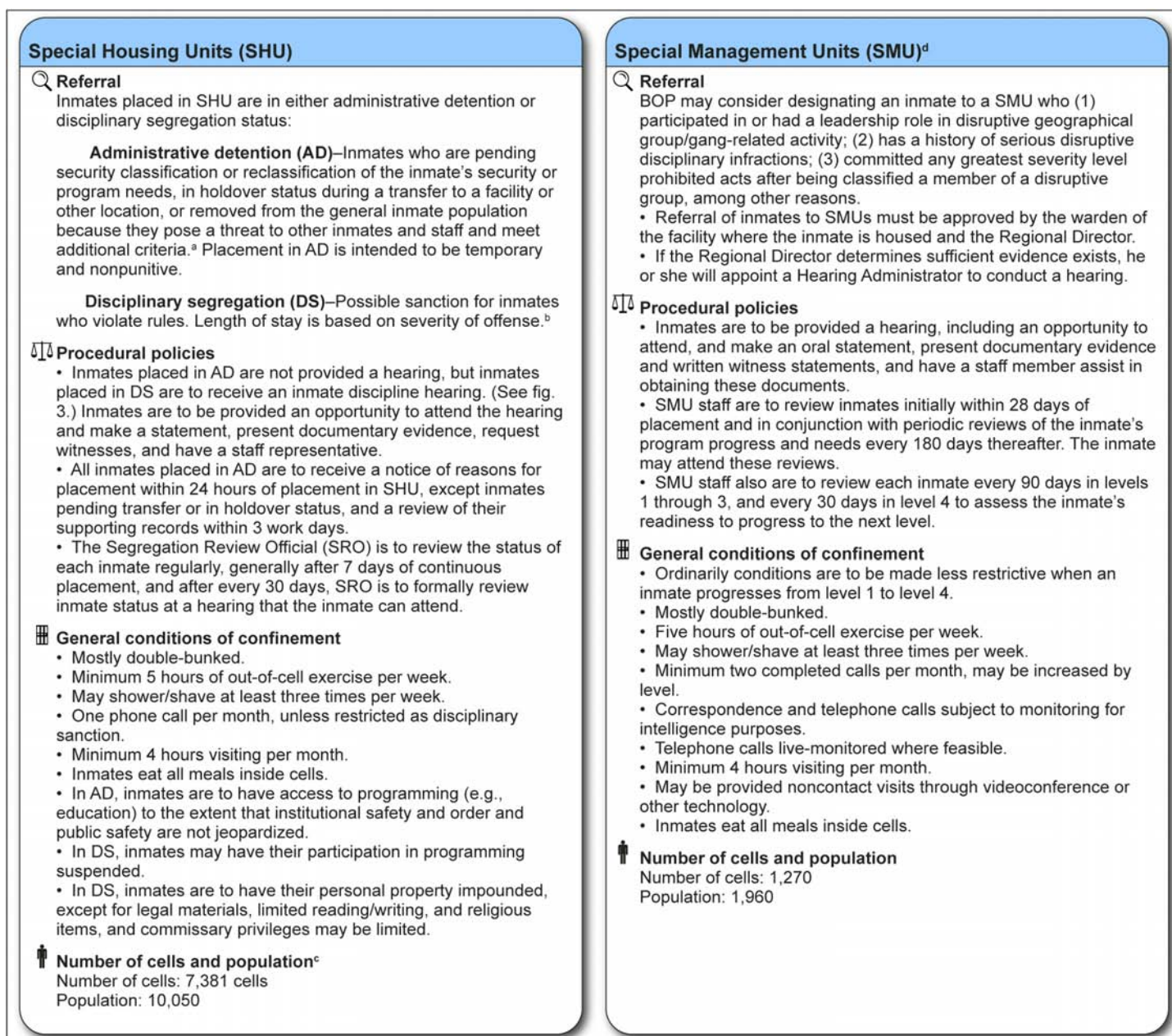
BOP operates three main types of segregated housing units: (1) SHUs, (2) SMUs, and (3) the ADX facility in Florence, Colorado.⁵ BOP also operates Communications Management Units (CMU), where conditions of confinement are similar to general population and inmates are allowed to congregate outside their cells for up to 16 hours per day. For information about CMUs see appendix II. According to BOP policy, all three types of segregated housing units have the same purpose, which is to separate inmates from the general inmate population to protect the safety, security, and orderly operation of BOP facilities, and to protect the public. However, the specific placement criteria and conditions of confinement

⁵BOP also operates other types of segregated housing units, including protective custody units for inmates requiring protection, sex offender management units for convicted sex offenders, and a Special Confinement Unit to hold inmates on death row, among others.

vary for each type of segregated housing unit. In addition, inmates in SHUs, SMUs, and ADX are confined to their cells approximately 23 hours per day.⁶ See figures 1 and 2 for a comparison of differences among the three units.

⁶ Inmates in segregated housing units may be confined to their cells for fewer or more hours per day, depending on their unit. For example, inmates in Phase 3 of the ADX Step-Down Unit may recreate outside of their cells for three hours per day, or are confined to their cells for 21 hours per day. Inmates in other types of segregated housing units, such as SMUs, are permitted five hours of recreation per week, ordinarily on different days, in which case they would be confined to their cells 24 hours per day on at least two days. For more information about the number of hours of out-of-cell recreation per segregated housing unit, see figure 1.

Figure 1: Comparison of Segregated Housing Unit Policies: SHU and SMU



Source: GAO analysis of BOP information ; Art Explosion (clip art).

^aAccording to BOP policy, BOP may place inmates in SHU-administrative detention status who are removed from the general population because they pose a threat to other inmates and staff or the orderly running of an institution and are (1) under investigation or awaiting a hearing for possibly

violating a BOP rule or criminal law, (2) pending transfer to another facility or location, (3) placed in a SHU for the inmate's own protection, or (4) in post-disciplinary detention status.

^bBOP lists 91 different types of prohibited acts, which have different punitive measures depending on their severity, including greatest, high, moderate, and low severity acts. Examples of greatest severity prohibited acts are killing, attempted or accomplished serious physical assaults and encouraging others to riot. Examples of high severity prohibited acts are fighting with others and threatening bodily harm. Examples of moderate severity prohibited acts are indecent exposure, and refusing to obey an order. Inmates who commit low severity offenses are not eligible to receive disciplinary segregation as a sanction.

^cBOP provided SHU number of cells data as of fiscal year 2012, and SMU number of cells data as of November 2012. The population data for both SHUs and SMUs is as of February 2013. Also, the total SHU population does not include inmates in SHUs within the Florence Administrative Maximum facility or SHUs within SMUs. These SHU inmates are counted under the ADX and SMU total inmate populations, respectively. For example, the total SMU population in figure 1 includes inmates in the SHU within each SMU.

^dSMUs consist of a four-level, 18- to 24-month program. According to BOP policy, an inmate may progress through the levels depending on his compliance with behavioral expectations, ability to demonstrate positive "community" interaction skills, and preparedness to function in a general population setting with inmates from various group affiliations.

Figure 2: Comparison of Segregated Housing Unit Policies: ADX

Florence Administrative Maximum Facility (ADX) ^a		
<p>Referral Inmates whose placement in another facility poses a risk to the safety of inmates, staff, or the public or good order of the facility; and/or inmates whose status before or after incarceration does not allow them to be safely housed in another facility. BOP has identified several factors to be considered when determining whether inmates meet one or both of the above criteria. Referrals of all inmates to ADX must be approved by the Regional Director (RD); Chief of BOP's Designation and Sentence Computation Center; and the Assistant Director, Correctional Programs Division.</p> <p>Procedural policies All inmates are to receive a hearing prior to placement in ADX. Inmates may attend the hearing, make an oral statement, and present documentary evidence to the Hearing Administrator.^b</p> <p>General conditions of confinement</p> <ul style="list-style-type: none"> Nearly all single cells^c Inmates consume all meals inside cells, except inmates in Special Security Unit (SSU) phase 3 and Step Down Unit phases 3 and 4 <p>Number of cells and population^d Number of cells: 623 Population: 450</p>		
Control Unit	Special Security Unit (SSU)	General Population (GP) and Step Down Units
<p>Referral Inmates who are unable to function in a less restrictive environment without posing a threat to others or institutional order. Initial referral: (a) The warden of the facility where the inmate is housed must make a recommendation based on very specific criteria; (b) The RD of that region is to review recommendation; (c) If the RD concurs, RD is to forward to the RD of the North Central Region, where the control unit is located, who is to designate a Hearing Administrator to conduct a hearing.^e</p> <p>Procedural policies</p> <ul style="list-style-type: none"> Inmates may attend the hearing, present documentary evidence, call witnesses, and receive assistance from a staff representative. After the hearing, the Hearing Administrator is to give a copy of the decision to the inmate and to the Executive Panel for final review and placement decision. Inmates are to be reviewed within 4 weeks of placement in unit, and receive a copy of their reason for placement and expected length of stay. The Unit Team is to conduct monthly reviews of the inmate's status, and the Executive Panel is to review each inmate's placement on a quarterly basis.^f <p>General conditions of confinement</p> <ul style="list-style-type: none"> Seven hours of individual, out-of-cell exercise per week. Three-staff escort and hand and leg restraints when escorted outside cell. Showers in cell. One 15-minute social phone call per month. Up to five visits per month. <p>Population: 78</p>	<p>Referral Inmates who have more restrictive measures, or special administrative measures (SAM), imposed by the Attorney General^g</p> <p>Procedural policies Each inmate's SAM is reviewed annually to determine SAM renewal or modifications. Inmate may provide related documentation and may meet with BOP and FBI staff to discuss any related issues.</p> <p>General conditions of confinement</p> <ul style="list-style-type: none"> The SSU is a three-phase program. Inmates are to be kept in increasingly less restrictive conditions based on program progress. Minimum 10 hours of out-of-cell exercise per week. Two staff escorts and hand restraints in phase 1. Minimum three showers per week. Two to four social calls a month. All nonlegal communication is to be provided per inmate's SAM. All nonlegal mail is reviewed. Two to four social calls a month. Calls and visits contemporaneously monitored by FBI and recorded. Visits supervised by staff. Inmates eat all meals inside cells, except in phase 3, in which inmates may have minimum of one meal per month with up to three other inmates. Other conditions, such as number of calls and time outside cell, are to increase from phases 1 to 3. <p>Population: 30</p>	<p>Referral Inmates who meet ADX placement criteria. Purpose of program is to monitor an inmate's adjustment to GP, with increased privileges and recreation time.</p> <p>Procedural policies During regular program reviews, inmates may be present and ask questions about their placement.</p> <p>General conditions of confinement</p> <ul style="list-style-type: none"> GP and Step Down units constitute a four-phase, minimum 36-month program; inmates are to be kept in increasingly less restrictive conditions based on progress through program. Minimum 10 hours out-of-cell exercise per week Showers stalls inside each cell in phase 1; inmates may shower at any time they are on the range in phases 2 to 4. Two-officer escorts, hand restraints behind back (except phase 4, no restraints). Two to four social calls a month. May increasingly interact with more inmates for more hours per day in phases 3 and 4. <p>Population: 275</p>

Source: GAO analysis of BOP information; Art Explosion (clip art).

^aThe ADX houses BOP inmates who require the tightest controls. The ADX operates five types of housing unit programs: the Control Unit, a Special Housing Unit, the Special Security Unit, General Population Units, and the Intermediate Phase (Phase 2) of the Step Down Program. The Transitional Phase (Phase 3) and Pre-Transfer Phase (Phase 4) of the ADX Step Down Program are physically located in the United States Penitentiary (USP) Florence (high security) facility.

^bIf the Designation and Sentence Computation Center (DSCC) staff determine the inmate warrants consideration for ADX placement, the Chief, DSCC, is to forward the referral packet to the BOP National Discipline Hearing Administrator, who is to designate a Hearing Administrator who is experienced in working with and observing inmates and is familiar with the criteria for inmate placement in different institutions, with an emphasis on ADX.

^cInmates may be reviewed to be placed in a double-bunked cell, after an initial placement of three months in a single cell in Phase 4.

^dBOP provided the number of cells data as of fiscal year 2012. The population data are as of February 2013. The ADX number of cells and population data include the total number of ADX cells and population physically located in ADX, including the ADX SHU, and the total number of cells and population in Phases 3 and 4 of the ADX Step Down Unit, physically located at USP Florence. For example, the total ADX population includes inmates held in the ADX SHU (67 inmates).

^eFor more information about BOP policies related to the ADX Control Unit, see BOP program statement 5212.07 (February 20, 2001), available on BOP's website.

^fThe Executive Panel is composed of the Regional Director of the region where the control unit is located and the Assistant Director, Correctional Programs Division.

^gSpecial administrative measures (SAM), which must be authorized by the Attorney General, primarily limit communication with others, through restricted telephone, correspondence, and visiting privileges. SAMs based on a substantial risk of death or serious bodily injury may be imposed for a period of up to 120 days, or, with the approval of the Attorney General, up to one year and may be renewed. SAMs based on national security threat may be imposed for a period of up to 1 year and may be renewed. The BOP Director may renew special restrictions within the SAMs if the Attorney General or federal law enforcement or intelligence agency provides written notification of continued substantial risk of death or serious bodily injury or threat to national security related to the inmate's communications or contacts with other persons. See 28 C.F.R. §§ 501.2, 501.3.

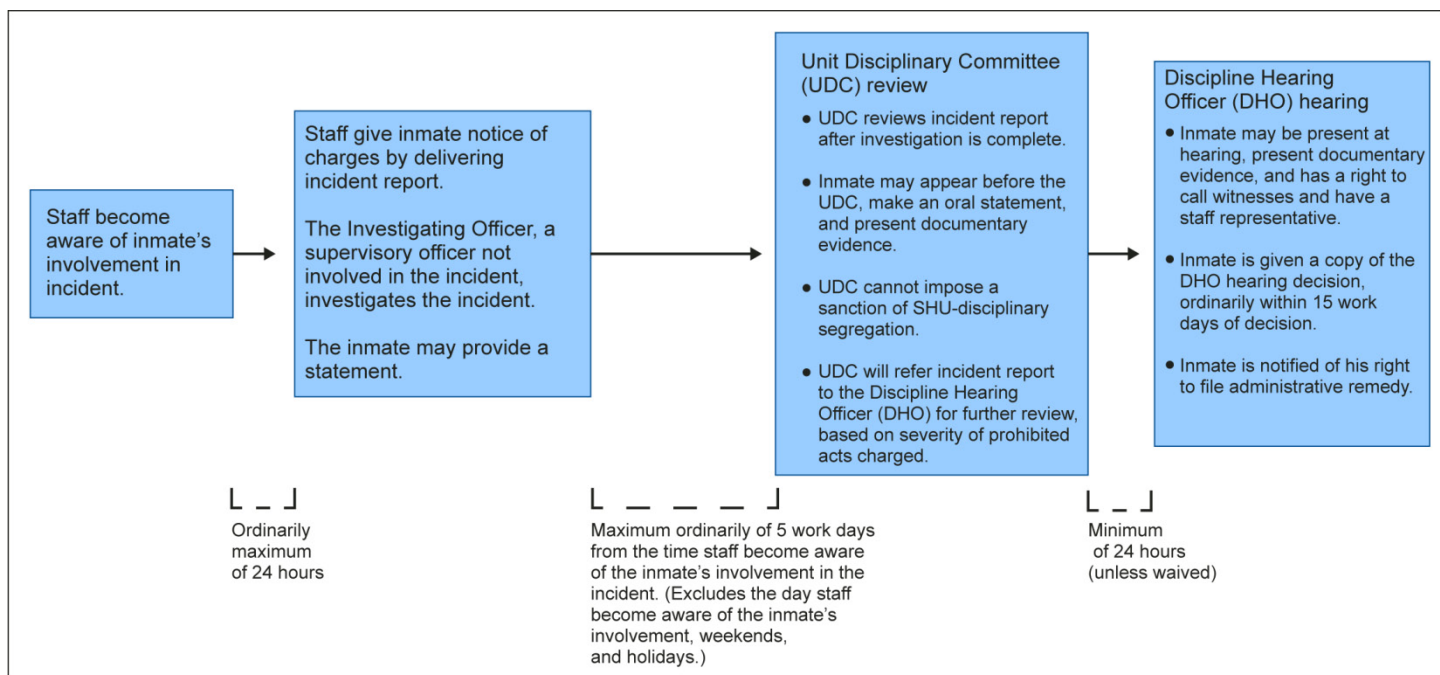
BOP Segregated Housing Unit Policies

BOP has specific procedural and conditions of confinement policies that govern each of the three types of segregated housing units. For example, BOP's procedural policies govern how determinations are made to place inmates in each type of segregated housing unit. These determinations vary based on the level of security and supervision an inmate requires as well as any prohibited acts committed (e.g., assault against staff or gang activity). BOP policies require hearings to determine whether an inmate should be placed in an SMU, SHU-disciplinary segregation, or ADX.⁷ In general, a discipline hearing officer (DHO) not involved in the alleged infraction presides over the hearing, and inmates have a right to testify and call witnesses. (See fig. 3 for the required procedures for SHU-disciplinary segregation). In addition, BOP's procedural policies state that

⁷According to BOP, the hearing process is intended to meet the prison disciplinary system due process requirements established in *Wolff v. McDonnell*, 418 U.S. 539 (1974). This includes providing the inmate advance written notice of the alleged violation, and permitting the inmate to (1) attend the hearing and make a statement, (2) call witnesses, (3) present documentary evidence, and (4) have staff representation. The inmate is also provided a written statement of the evidence and reasons for the disciplinary action taken.

staff are to periodically review inmates' status to determine whether they should remain in SHUs, SMUs, and ADX.⁸

Figure 3: Required Procedures for Special Housing Unit (SHU)-Disciplinary Segregation



Source: GAO analysis of BOP documents.

Further, according to BOP regulations, BOP administers an Administrative Remedy Program which includes formal procedural protections and provides all inmates in its custody—including those in segregated housing units—a method for filing a complaint about their placement, treatment or conditions while in custody, including placement in a segregated housing unit.⁹ In addition, BOP has specific policies

⁸Inmates placed in SHU-administrative detention do not receive a hearing prior to placement. However, BOP policy requires officials to review the inmates' records within 3 work days of being placed in SHU-administrative detention, and to review their detention status within 7 calendar days of their placement and every 30 calendar days thereafter.

⁹The Administrative Remedy Program is BOP's process for filing a complaint, such as concerns about the appropriateness of placements, or allegation of improper physical or verbal abuse against facility staff, along with any aspect of an inmate's confinement and appeals of disciplinary decisions.

governing the conditions of confinement of inmates by segregated housing unit, such as minimum number of hours of exercise per week, minimum number of telephone calls and visits, and other privileges.

BOP also requires all of its facilities to be accredited and follow standards developed by the American Correctional Association (ACA).¹⁰ BOP policies state that all facilities, security level and housing unit notwithstanding, must provide the same minimum conditions of confinement, including clean housing units; nutritionally adequate meals that meet dietary requirements (such as vegetarian or religious diet); access to educational, occupational, and leisure time programming; basic medical and mental health care; and access to a chaplain and basic religious items according to the inmate's religious beliefs.

According to BOP officials, BOP does not hold anyone in solitary confinement because BOP staff frequently visit inmates held in single-bunked cells alone.¹¹ BOP officials stated BOP staff regularly interact with inmates during their required monitoring rounds and while providing meals to inmates. In addition, BOP officials stated that inmates who are in single cells can interact with other inmates during recreation while in either the same or separate recreation areas and they are also able to talk to each other in adjoining cells. However, inmates in these three types of segregated housing units are subject to more restrictive conditions of confinement than their counterparts in the general population.

Population of Segregated Housing Units

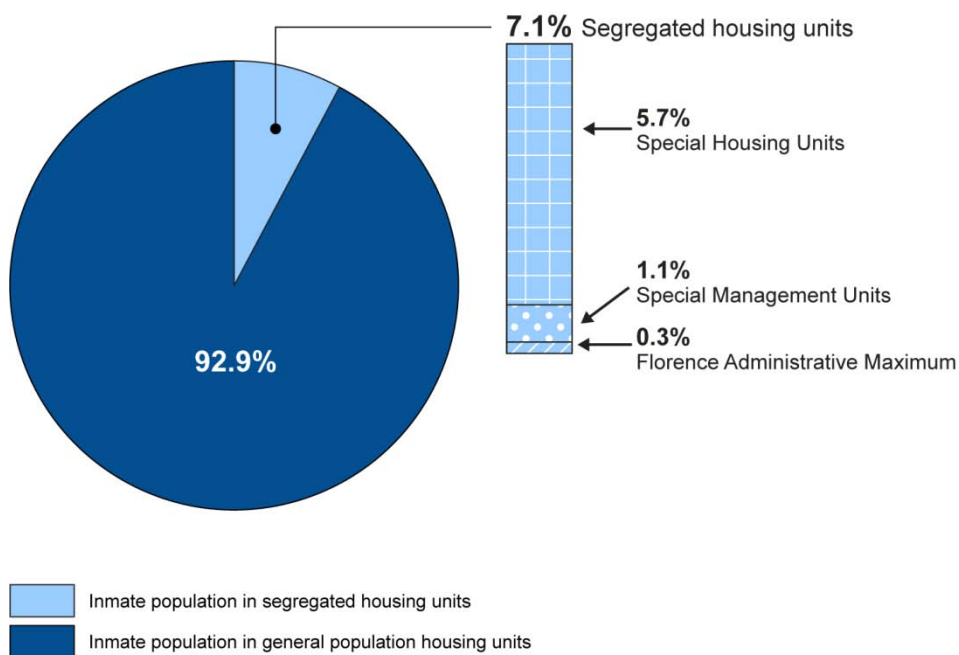
BOP has segregated housing units in prisons located throughout the country. (See app. III for more information about the location of segregated housing units). With more inmates held under more restrictive conditions, often for months or years at a time, segregated housing represents an important part of BOP's effort to achieve its goal of

¹⁰ACA's mission includes the development and promotion of effective standards for the care, custody, training, and treatment of offenders.

¹¹BOP holds all inmates in single-bunked cells alone at ADX. Inmates in Phase 4 of the ADX Step Down program may be double-bunked and are physically located at USP Florence. As of February 2013, ADX held 435 inmates in single-bunked cells alone. In addition, as of November 2012, BOP had 360 single-bunked SHU cells and 17 single-bunked SMU cells across its facilities in which inmates are confined to their cells alone for about 23 hours per day.

confining inmates in a safe, secure, and cost-efficient environment. Of all federal inmates in BOP facilities, about 7 percent are held in segregation and, as of February 2013, BOP held the majority of segregated inmates—81 percent, or 10,050 inmates—in SHUs. The second largest population held in segregation is SMU inmates, who comprise about 16 percent of all segregated inmates, or about 1,960 inmates. ADX holds 450 inmates, including 15 inmates in the ADX Step Down Units at the high security United States Penitentiary (USP) Florence. See figure 4 for inmate population by segregated unit type as a percentage of the total inmate population in BOP facilities as of February 2013.

Figure 4: Proportion of BOP Inmates in General Population and in Segregated Housing Types, as of February 2013



Source: GAO analysis of BOP data.

Segregated Housing Unit Population and Number of Cells Have Increased since Fiscal Year 2008

From fiscal year 2008 through February 2013, the total inmate population in segregated housing units increased approximately 17 percent—from 10,659 to 12,460 inmates.¹² The total inmate population in segregated housing units increased since fiscal year 2008, but the trends in inmate population vary by type of segregated housing unit. By comparison, the total inmate population in BOP facilities increased by about 6 percent since fiscal year 2008. In addition, the total number of segregated housing cells in BOP facilities increased by nearly 16 percent.¹³ The main reason for the increase in segregated inmates was the creation of the SMU program in fiscal year 2008.

SHUs. From fiscal year 2008 through February 2013, the total SHU population remained about the same at 10,070 and 10,050, respectively.¹⁴ BOP generally double-bunks inmates in SHUs; however, BOP has the capability to hold some SHU inmates in single cells. For example, as of November 2012, BOP had 6,731 double-bunked SHU cells and 360 single-bunked SHU cells. BOP officials also stated they

¹²The percentage of the total inmate population in segregated housing increased from 6 percent in fiscal year 2008 to 7 percent as of February 2013. The total inmate population in segregated housing units includes the total inmate population in ADX, all SHUs, and all SMUs in BOP facilities.

¹³ BOP uses different units of measurement to calculate capacity for its segregated housing units. BOP calculates the number of inmates SMUs and ADX can hold in terms of each unit's rated capacity. Rated capacity reflects the number of prisoners a facility or unit was designed to house safely and securely and in which BOP can provide inmates adequate access to services, necessities for daily living, and programs designed to support their crime-free return to the community. A facility's rated capacity excludes medical and SHU bed space, and BOP does not maintain rated capacity data for SHUs. Instead, BOP provided SHU capacity in terms of number of cells. For the purposes of analyzing trends in segregated housing unit capacity over time, we used the number of cells in SHUs, SMUs, and ADX to have the same unit of measurement for all segregated housing units. BOP provided number of cells data for fiscal years 2008 through 2012 for SHUs and ADX and number of cells data for fiscal year 2008 through November 2012 for SMUs.

¹⁴Based on data that BOP provided, these data do not include the inmate population in SHUs within ADX or SMUs. The SHU inmate population in these units is included under the total ADX and SMU populations, respectively. Also, based on our analysis, although the SHU population increased since fiscal year 2008, there has been a decline recently. According to BOP officials, the SHU population trend might be following the trend in total population in BOP facilities, which increased from fiscal years 2008 through 2011, then declined slightly in fiscal year 2012.

may add beds to some SHU cells to accommodate the population at a given facility.¹⁵

SMUs. As shown in figure 5, from fiscal year 2008 through February 2013, the SMU population increased at a faster rate than SHUs and ADX—from 144 inmates in fiscal year 2008 to 1,960 inmates as of February 2013.¹⁶ BOP developed SMU capacity by converting existing housing units in five BOP facilities to 1,270 total SMU cells, as of November 2012. By March 2013, BOP closed SMUs in two facilities and moved those SMU inmates into other SMUs or released them from prison after serving their sentence.

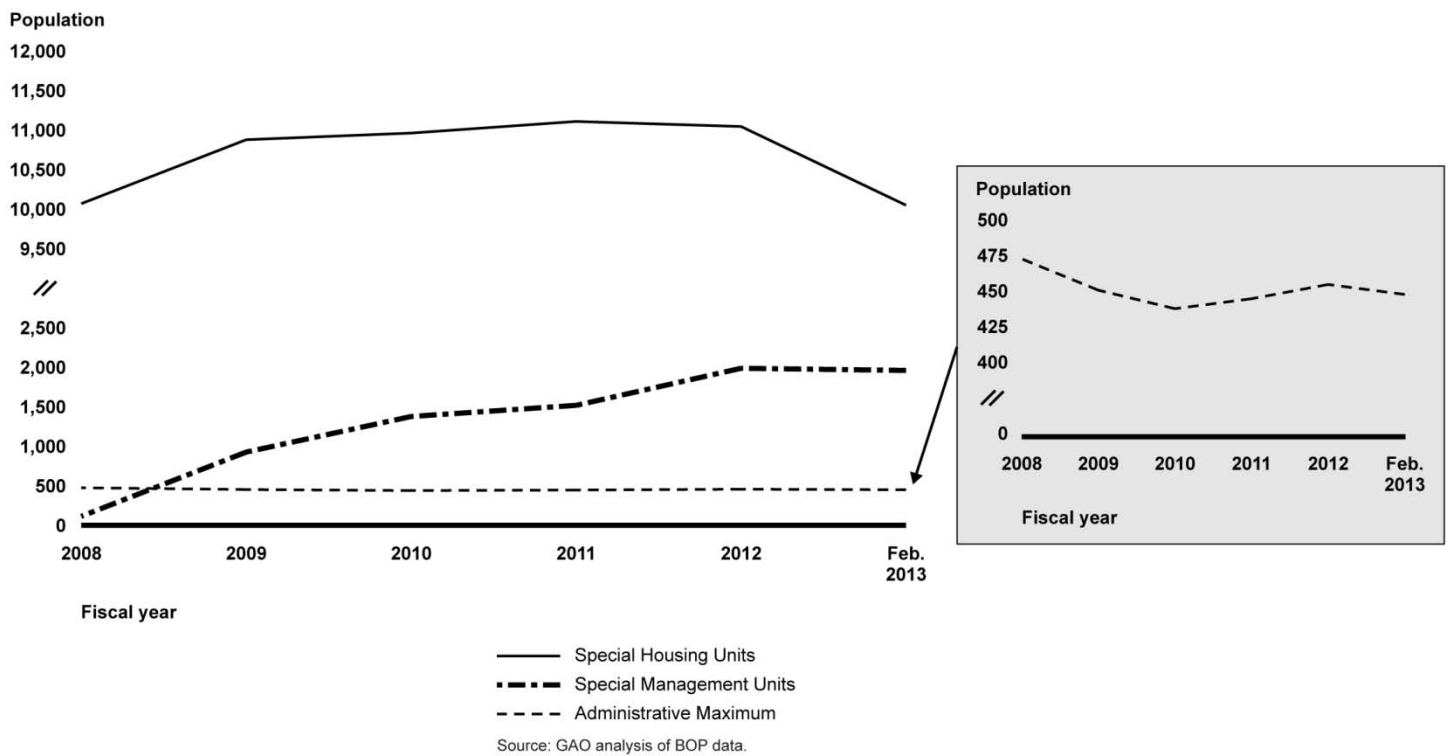
ADX. From fiscal year 2008 through February 2013, the total ADX inmate population declined by approximately 5 percent from 475 inmates to 450 inmates. During this period, ADX cells remained stable at 623 cells.¹⁷ According to BOP officials, the ADX population has declined overall since 2008 because of the transfer of inmates out of ADX Step Down to the general population of another high security prison or because inmates are being placed in SMUs instead of being placed in ADX. (See fig. 5 for the trends in population growth for SHUs, SMUs, and ADX from fiscal year 2008 through February 2013).

¹⁵According to BOP officials, many SHUs contain at least one single-bunked cell to hold inmates on a temporary basis who require being placed alone to maintain institutional safety. In addition, although the SHU at USP Marion has 50 single-bunked cells, the warden at USP Marion double-bunked and in some cases triple-bunked the SHU when several inmates needed to be placed in SHU following a large inmate fight in November 2011.

¹⁶These data include inmates in the SHUs within each SMU.

¹⁷These ADX inmate population and cell data include ADX SHU inmates and cells.

Figure 5: Trends in Inmate Population by Type of Segregated Housing Unit, Fiscal Year 2008 through February 2013



BOP’s Monitoring of Segregated Housing Policies Varies by Type of Unit, and Some Facilities’ Documentation Is Incomplete

BOP Monitors Compliance Differently across the Three Types of Segregated Housing

BOP Headquarters (HQ) has a mechanism in place to centrally monitor how prisons implement most segregated housing unit policies, but the degree of BOP monitoring varies depending on the type of segregated housing unit. In addition, we identified concerns related to facilities’ documentation of monitoring conditions of confinement and procedural protections.

BOP monitors the extent to which individual prisons implement BOP policies. BOP's monitoring includes specific steps to check compliance with requirements for SHUs and SMUs, but not for ADX. BOP's Program Review Division is to perform reviews at least once every 3 years to ensure compliance with BOP policies. However, BOP can review prisons more frequently if it identifies performance deficiencies. These follow-ups can occur at 6-month, 18-month, 2-year or 3-year intervals.¹⁸ These PRD reviews assess compliance with a variety of BOP policies for inmates in the general population prison and segregated housing. For example, PRD assesses compliance with BOP policies on conditions of confinement, such as whether inmates are given three meals a day, provided exercise time 5 days a week, and are allowed telephone and other privileges. Following a review at a facility, PRD issues a program review report, noting deficiencies and findings at the BOP facility. These PRD monitoring reviews are done on a prison complex basis, which may include a variety of housing types, including low, minimum, medium, high security prisons, and the three types of segregated housing units (e.g., SHUs, SMUs, and ADX).

To help HQ ensure that PRD monitoring teams are consistently assessing the extent that individual prisons are complying with general BOP correctional program and correctional services policies, BOP provides training for all program review staff. Additionally, new PRD staff are provided training and accompany experienced staff before being allowed to conduct a review independently.¹⁹ This training also covers examiner independence and how to conduct program reviews. BOP also has a system designed to address problems identified at the individual prisons, including PRD follow-up with each prison to assess whether PRD recommendations were implemented. For example, PRD requires individual prisons to issue reports within 30 days to explain how they implemented the PRD recommendations to address problems identified in

¹⁸Generally, PRD conducts 15 program reviews covering 15 different areas of BOP operations at a minimum of every 3 years but may conduct reviews more frequently if prior reviews identify overall performance deficiencies.

¹⁹According to BOP officials, BOP provides training for PRD program review staff to conduct on-site monitoring. For example, on-site monitoring generally includes a team of an average of about five examiners, depending on the size and security level of the facility. Before a staff member leads an on-site monitoring visit, he or she is required to shadow an experienced staff member for about 1 year. BOP also trains all employees in basic correctional duties and inmate supervision. For example, BOP requires all new examiners to participate in annual refresher training.

program reviews. If PRD determines that the prison response is insufficient, PRD can request that the prison take corrective actions in a subsequent follow-up report.

We reviewed 43 PRD follow-up reports and found that PRD concluded that the facilities generally addressed deficiencies identified in all of the 43 reports. For example, one follow-up report was completed within 30 days and identified steps taken by the prison to address each of the four problem areas—administrative operations, operational security, inmate management, and intelligence operations—identified in the PRD report. To address one of the deficiencies related to improper documentation of exercise, meals, and supervisor assignments in SHUs, PRD required additional training for the SHU staff. Following training, the prison determined that it was in compliance with the relevant requirement, deficiencies were addressed and PRD closed the recommendation. As part of PRD’s monitoring process, once the facilities document steps taken to address deficiencies in their follow-up reports, PRD determines whether to close the recommendations.

As part of the monitoring process discussed above, PRD also checks compliance with selected SHU- and SMU-specific policies, but has no requirement to monitor ADX-specific policies. According to documentation that BOP provided, we determined that BOP’s monitoring system is designed to assess whether individual BOP prisons are in compliance with SHU and SMU procedural policies, such as why an inmate is placed in segregation, and with the specific conditions of confinement. For example, BOP’s SHU policy requires that prison staff review the inmate’s status within 3 days of being placed in administrative detention. To assess compliance with this SHU policy, BOP monitoring guidance requires PRD staff to review whether the inmate’s status was reviewed within 3 days of being placed in administrative detention as required. In addition, PRD also is to verify that prisons completed their quarterly audits and operational reviews to ensure that procedural protections for inmates have been followed and that inmates are housed according to BOP policies.²⁰ However, as discussed below, BOP does not have

²⁰Operational reviews conducted by individual facilities provide a status update on all areas identified by PRD in the previous program review, including operational issues, such as human resources, financial management, as well as BOP programs in the facility, such as SHUs. Individual facilities perform operational reviews about 10 to 22 months between BOP program reviews, depending on the rating the facility received.

requirements in place to monitor similar compliance for ADX-specific policies. BOP's monitoring policies for each type of segregated housing unit are described below.

SHU. BOP policies require that PRD monitor SHU policies and review documentation of 10 percent of inmates held in SHUs in each facility. BOP policies also require PRD to select 10 inmate files from those held in SHU disciplinary segregation for a review of procedural protections and disciplinary procedures. Further, BOP requires PRD to monitor SHU specific policies that cover additional requirements to monitor conditions of confinement and procedural protections.²¹ BOP incorporates ACA monitoring standards as part of its SHU policy. See figure 6 for a photographic example of a SHU cell, which PRD is required to monitor to ensure the prison provides conditions of confinement for inmates held in SHUs.

²¹BOP's Correctional Services Program Review Guidelines requires that PRD review 23 SHU specific policies.

Figure 6: Special Housing Unit Cell, U.S. Penitentiary, Leavenworth, Kansas



Source: BOP.

SMU. According to BOP policy, PRD is required to monitor a prison's compliance with SMU-specific policies, including those SMU-specific policies that require prisons to provide specific conditions of confinement and procedural protections. PRD reviews are required to check compliance with nine SMU-specific policies such as providing inmates with 5 hours of recreation per week; an opportunity to shower a minimum of three times per week; and access to visits, correspondence, and medical and mental health care. According to BOP officials, BOP incorporates ACA monitoring standards as part of its SMU policy. BOP also requires PRD to review 25 SMU inmate case files that cover conditions of confinement for SMU inmates. See figure 7 for a photographic example of a SMU recreation area, which PRD is required to monitor to ensure the prison provides conditions of confinement for inmates held in SMUs.

Figure 7 : Outdoor Recreation Area, Special Management Unit, U.S. Penitentiary, Lewisburg, Pennsylvania



Source: BOP.

ADX. ADX inmates are included in any PRD program review that covers the entire Florence prison complex. While PRD has some oversight over ADX, PRD does not monitor ADX to the same degree that it monitors SHUs and SMUs. According to BOP officials, except for inmates held in ADX-SHUs, PRD is not required to monitor ADX-specific conditions of confinement—such as exercise, telephone, and visitation—as they do for SHUs or SMUs. For example, PRD reviews do not check for compliance with ADX-specific policies, such as whether inmates are afforded a minimum of 7 hours of recreation per week or the minimum of one 15-minute phone call per month in the Control Unit.

The ADX-specific policies for recreation, telephone calls, and visits allowed vary in each of the three ADX housing units: the Control Unit, the Special Security Unit, and the Step Down Units. (See fig. 2). According to BOP officials, PRD does not have monitoring requirements for ADX-specific policies because BOP management has not identified ADX as a high-risk area that needed specific monitoring requirements due to other oversight mechanisms. For example, BOP HQ reviews the referral and placement of all inmates in ADX, including a review of each inmate placed in the Control Unit every 60 to 90 days to determine the inmate's readiness for release from the unit. BOP officials also told us that ADX-specific policies are monitored locally by ADX officials.

However, conditions of confinement in ADX housing units are generally more restrictive than those in SHUs and SMUs. For example, unlike SHUs and SMUs, nearly all inmates in ADX are confined to single cells alone for about 23 hours per day.²² Also, although BOP HQ has mechanisms to monitor some procedural protections, and ADX officials locally monitor ADX-specific policies, BOP HQ lacks oversight over the extent to which ADX staff are in compliance with many ADX-specific requirements related to conditions of confinement and procedural protections to the same degree that it has for SHUs and SMUs. According to PRD officials, PRD does not assess the extent to which ADX provides conditions of confinement or procedural protections as required under ADX policy and program statements because it is not required to do so. As a result, PRD cannot report to BOP management on the extent of

²²Inmates in Phase 3 of the Special Security Unit and Phases 3 and 4 of the ADX Step Down Unit may be allowed additional recreation time and interaction with others, and inmates in Phase 4 of the ADX Step Down Unit may be double-bunked. See figure 2 for a comparison of conditions of confinement by ADX program unit.

compliance with these ADX-specific requirements. With such oversight, BOP headquarters would have additional assurance that inmates held in BOP's most restrictive facility are afforded their minimum conditions of confinement and procedural protections. See figures 8 and 9 for examples of a cell in the ADX housing unit and recreation areas, which PRD is required to monitor to some extent to ensure the prison provides conditions of confinement for inmates held in ADX.

Figure 8: Interior of Single-Bunked Cell, U.S. Administrative Maximum Facility, Florence, Colorado



Source: BOP.

Figure 9: Outdoor Recreation Areas, U.S. Administrative Maximum Facility, Florence, Colorado



Source: BOP.

Standards for Internal Controls in the Federal Government states that an effective internal control environment is a key method to help agency managers achieve program objectives. The standards state, among other things, that monitoring activities are an integral part of an entity's planning, implementing, reviewing, and accountability for stewardship of government resources and achieving effective results. Specific requirements for PRD to monitor ADX-specific policies to the same degree that these requirements exist for SHUs and SMUs could help provide BOP HQ additional assurance that ADX officials are following BOP policies to hold inmates in a humane manner, in its highest security, most restrictive facility. The Acting Assistant Director of PRD agreed that developing such requirements would be useful to help ensure these policies are followed.

Selected Facilities’
Documentation Problems
Related to Conditions of
Confinement and Inmate
Placement Raise Concerns
about the Monitoring of
Inmates Placed in
Segregation

BOP has a mechanism in place to centrally monitor how prisons implement most segregated housing unit policies. However, given a selection of PRD monitoring reports from 20 prisons and our independent analysis of inmate case files at two federal prisons, we identified concerns related to how facilities are documenting that inmates received their conditions of confinement and procedural protections, which are described below.

PRD monitoring reports. We reviewed 45 PRD monitoring reports from 20 prisons that assessed compliance at general population units and SHUs and SMUs. PRD identified deficiencies in 38 of these reports, including documentation concerns in 30 reports.²³ As part of our review, we found PRD monitoring reports identified deficiencies, such as missing SHU forms, or incomplete documentation that inmates held in segregation for at least 22 hours per day received all their meals and exercise as required.²⁴ For example, segregated inmates in SHUs and SMUs are entitled the opportunity to have 1 hour of exercise per day but the documentation at these prisons did not clearly indicate that these standards were always observed.

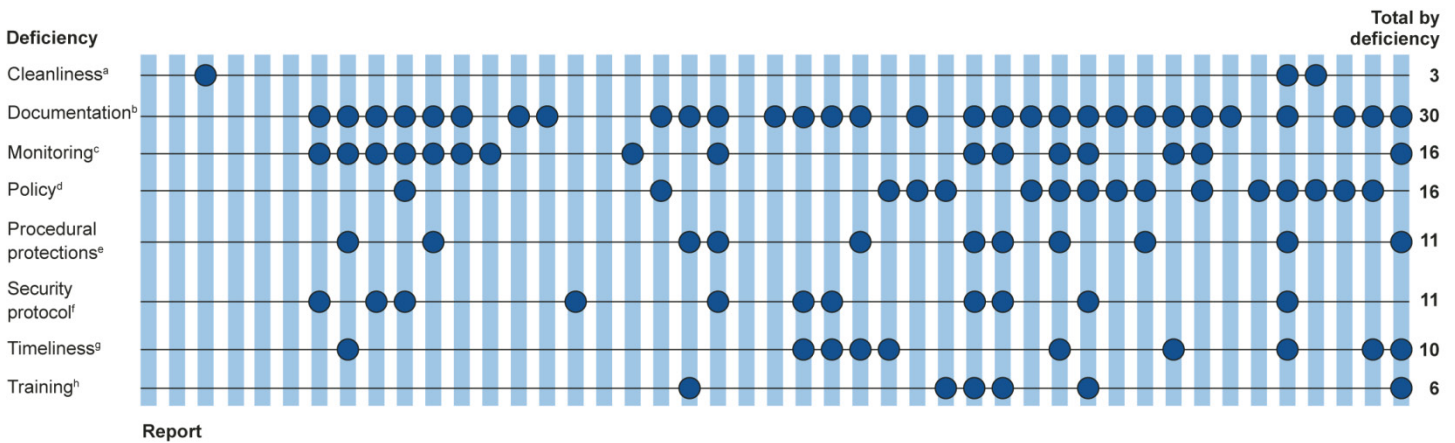
According to our review of 45 PRD reports from 20 prisons, we found that BOP rated 15 prisons as generally compliant with both BOP policies and policies specific to SHUs and SMUs.²⁵ However, while BOP found that these prisons were generally in compliance with segregated housing unit policies, most of these prisons had some deficiencies. For example, our analysis of the PRD reports found that, in 38 of the 45 reviews, PRD identified deficiencies such as missing documentation, monitoring rounds not being consistently conducted, or inmate review policies not fully implemented. (See fig. 10 for common deficiencies.)

²³From fiscal years 2007 through 2011, PRD conducted 187 correctional services program reviews at 98 BOP prisons.

²⁴For example, some monitoring reports state SHU-specific deficiencies related to missing BP-A292 forms, which document meals, recreation, and other conditions of confinement.

²⁵BOP rated these 15 prisons as generally compliant, with ratings such as acceptable, good or superior. For the remaining 6 prisons, BOP did not provide similar ratings because they were based on SHU program review observation reports, or part of quarterly, summary program reports covering several facilities and programs. According to BOP policy, program review reports for individual facilities are often assigned an overall rating ranging from superior, good, acceptable, or deficient to at risk. None of the selected reports rated individual facilities as deficient or at risk.

Figure 10: Common Findings from Our Analysis of 45 Monitoring Reports



Source: GAO analysis of BOP information.

Notes: Seven reports contained no deficiencies.

^aCleanliness refers to the living, sanitary conditions of cells where inmates are held.

^bDocumentation covers several issues, such as whether medical staff were signing Special Housing Unit forms daily as required, inmate files adequately processed and documented inmates' conditions of confinement, and information was appropriately keyed into the BOP inmate management data system, SENTRY, and other databases.

^cMonitoring refers to monitoring of inmate status and segregated housing unit policies, such as SHU monitoring rounds conducted on every shift, or every 30-minute period, and 10 percent of inmate calls monitored in the past 12 months.

^dPolicy refers to monitoring review policies, investigation, inmate classification and program policies.

^eProcedural protections covers compliance with procedural policies, including whether disciplinary sanctions were appropriately implemented, informal resolutions in place, and incident reports expunged for appropriate reasons.

^fSecurity protocol refers to investigative operational policies, ensuring that key equipment is regularly checked and hot lists are available to alert staff of inmates who pose a security threat.

^gTimeliness refers to conducting monitoring and operational reviews in a timely fashion, and ensuring that staff investigations are forwarded to BOP HQ within 120 days as required.

^hTraining refers to staff training requirements.

To assess how PRD staff conducted monitoring at prisons, we observed PRD conducting reviews at one prison complex that included two medium and high security BOP facilities with SHUs. For example, we found that PRD staff (1) performed monitoring rounds at SHUs, (2) reviewed log books, and (3) reviewed inmate files, to determine if the facilities followed the required procedural protections steps. Given our observations, we concluded that PRD staff monitored these facilities' compliance with BOP policies, as called for in PRD's monitoring guidelines.

Independent analysis of inmate case files. We also conducted an independent analysis of BOP compliance with SHU-specific policies at

three facilities. Specifically, we reviewed a total of 51 segregated housing files for inmates held in administrative detention and disciplinary-SHU for fiscal years 2011 and 2012 at three facilities.²⁶ We found that these three facilities were generally complying with BOP policies related to inmate placement and ensuring procedural protections for inmates placed in SHU-disciplinary segregation, in light of our review of these selected files.²⁷ For example, 42 out of 51 inmate case files we analyzed provided reasons for inmate placement in SHUs, as required by BOP policies. However, of the 35 case files we reviewed for inmates held in administrative-SHU – in which we reviewed conditions of confinement, monitoring, and procedural protections – only 4 files consistently documented that the inmates were afforded their rights to recreation and procedural protections. For example, these 4 files consistently documented that these inmates in SHUs received 1 hour of exercise a day, 5 days per week, and that the inmates’ status in segregation was consistently reviewed within 7 days of being placed in the SHU, as well as meals and recreation, as required by BOP policy. The remaining 31 of the 35 files did not consistently document that the inmates were afforded these rights. (See table 1.)

Table 1: Results of Our Independent Analysis of 51 Selected Inmate Case Files: Inmate Review and Procedural Protections Issues, Fiscal Years 2011-2012

Type of segregated housing policy	Description	Number of inmate case files in compliance
Documentation provided to inmate about placement	Inmate was provided a copy of administration detention order when placed into special housing units (SHU); or inmate received discipline hearing officer (DHO) report that explained reasons for placement in disciplinary segregation in SHU.	42 out of 51 ^a
BOP regularly monitors inmate status, conditions of confinement, and procedural protections	Inmate in SHU received recreation 5 hours per week; inmate status in SHUs reviewed on a regular basis (e.g., every 3 days and 7 days).	4 out of 35 ^b (subset)
Procedural protections provided in disciplinary segregation	Inmate provided a hearing process and advised of right to appeal the decision	16 out of 17 ^c (subset)

Source: GAO analysis of BOP (2011-2012) inmate files.

²⁶ In addition to 51 inmate SHU case files, we reviewed 10 CMU case files, which are described in appendices I and II.

²⁷ Out of a total of 51 inmate case files, we reviewed 35 inmate files related to monitoring of inmate status, conditions of confinement, and procedural protections in administrative segregation; and 17 inmate files related to procedural protections in disciplinary segregation. In fiscal year 2012, the total segregated housing inmate population at these three facilities was 405.

^aOne inmate in the sample file was randomly selected in both administrative-SHU and disciplinary-SHU.

^bAccording to a selected sample of 35 SHU inmates, which we selected from the sample size of 10 percent of SHU inmates that PRD inspectors use when conducting monitoring reviews. For details, please see appendix I.

^cGiven a selected sample of 17 disciplinary –SHU inmates and their hearing packets, which we selected largely based on the sample size that PRD inspectors use when conducting monitoring reviews. For details, please see appendix I.

Given (1) our review of 45 BOP monitoring reports and (2) our independent analysis of 51 selected inmate case files at three facilities, we found that the facilities did not consistently document conditions of confinement and procedural protections as required under BOP policy guidelines. For example, 38 out of the 45 reports identified deficiencies such as missing documentation, monitoring rounds not being consistently conducted, or inmate review policies not fully implemented. In our independent analysis of 51 segregated housing unit case files, we reviewed 35 files focused on determining if BOP regularly monitors inmates' status, conditions of confinement, and procedural protections, and found documentation-related concerns in 31 out of 35 files.

While our selection of reports and site visits cannot be generalized to all BOP facilities, the extent of documentation concerns indicates a potential weakness with facilities' compliance with BOP policies. Without proper documentation of inmates' rights and conditions of confinement, neither we nor BOP HQ can determine whether facility staff have evidence that facilities complied with policies to grant inmates exercise, meals, and other rights, as required. In January 2013, BOP officials agreed with our finding that BOP monitoring reports regularly identified problems with documentation. BOP officials said that they believed these were documentation problems caused by correctional officers forgetting to document the logs, and not instances where inmates were not getting their food, exercise, and procedural protections granted under BOP guidelines. They noted that inmates can use the formal grievance process, called the Administrative Remedy process, if they believe they have not been granted these rights.

According to BOP officials, in December 2012, BOP began using a new software program, called the SHU application in all SHUs and SMUs. BOP officials told us that this new software program could improve the documentation of the conditions of confinement in SHUs and SMUs, but acknowledged it may not address all the deficiencies that we identified. Because this new software was recently implemented, and BOP did not provide evidence to the extent that it addressed the documentation

deficiencies, we cannot determine if it will mitigate the documentation concerns. In addition, BOP does not have a plan that provides the specific objectives of the software program, how it will address the documentation deficiencies, or specific steps BOP will use to verify that the software will resolve the documentation problems we identified. According to best practices in project management, the establishment of clear, achievable objectives can help ensure successful project completion.²⁸ A plan that clarifies the objectives and goals of the new software program and the extent to which they will address documentation issues we identified, along with time frames and milestones, could help provide BOP additional assurance that inmates in these facilities are being treated in accordance with BOP guidance.

BOP Estimates that Segregated Housing Costs More than Housing Inmates in General Population

BOP does not regularly track or calculate the cost of housing inmates in segregated housing units. BOP computes costs by facility or complex, and does not separate or differentiate the costs for segregated housing units, such as SHUs, SMUs, and ADX that may be within the complex. For example, Federal Correctional Complex (FCC) Florence in Florence, Colorado, contains four different facilities, including ADX, one high security, one medium security, and one minimum security facility, as well as different types of housing units within most facilities.²⁹ Specifically, within the high security facility, there is a SHU and a SMU. According to BOP officials, segregated housing unit costs are not separated because most of the costs to operate a facility or complex apply to inmates housed in all housing units within the facility or complex.³⁰ BOP officials further reported that inmates in a segregated housing unit within a facility share the same costs under the facility's total obligations, such as utilities, food services, health services, and facility maintenance, among other things. BOP officials also stated that BOP aggregates the cost data for an entire

²⁸Project Management Institute, *The Standard for Program Management* © (2006).

²⁹BOP Federal Correctional Complexes include several institutions with different missions and security levels located in proximity to one another.

³⁰ BOP applies support costs to an institution's daily inmate per capita costs based on the percentage of overall support cost to total BOP obligations. Support costs are institution-related expenses that are paid by BOP HQ due to centralized billing procedures, such as phone charges, workers compensation, payroll processing, information technology support, and costs of Regional and Central Office and Training Center staff. The inmate daily per capita rate does not include any one time non-routine costs or construction and renovation costs.

facility or complex to reduce paperwork and streamline operations. BOP also computes an overall average daily inmate per capita cost by security level for each fiscal year. See table 2 for BOP’s computation of average daily inmate per capita costs by security level for fiscal year 2012.

Table 2: BOP Average Daily Inmate Costs per Capita by Security Level, BOP-wide, for Fiscal Year 2012

BOP security level	Actual average daily inmate costs per capita by security level, BOP-wide
Minimum security	\$59.27
Low security	\$74.22
Medium security	\$72.91
High security	\$93.02

Source: BOP (2011-2012).

Note: Using two databases, an accounting system known as the Financial Management Information System and the population management system known as SENTRY, BOP calculates the inmate daily per capita costs by dividing the total obligations under the Salaries and Expenses account by total inmate days for the entire institution, including general population and segregated housing units. Total inmate days equal the average inmate daily population multiplied by the number of calendar days for the fiscal year. Inmate days are obtained via the SENTRY Population Management System. BOP prepares a report reflecting the overall average and annual daily inmate per capita costs and the average annual and daily inmate per capita costs by security level for each fiscal year. BOP obtains the average annual and daily per capita costs by security level by consolidating the information for each institution within that security level to arrive at an “average” inmate per capita cost for that security level.

BOP officials stated that segregated housing units are more costly than general prison population housing units because segregated housing units require more resources—specifically staff—to operate and maintain. According to BOP officials, the staff-to-inmate ratio in segregated housing is significantly higher than in the general prison population, which makes segregated housing units more expensive to operate. For example, at one high security facility we visited, we estimated there was an average of 41 inmates to one correctional officer in the SHU during a 24-hour period. This contrasts to an inmate-to-correctional-officer ratio of about 124:1 in general population housing units in the same facility during a 24-hour period.³¹ BOP officials at

³¹Based on staffing ratios that BOP officials provided, we estimated the average number of correctional officers assigned to a segregated housing unit. For example, the number of correctional officers assigned to a SHU varies by shift (e.g., morning, daytime, and evening shifts), and we estimated the average number of correctional officers assigned to the SHU in a 24-hour period, based on the different staffing ratios in each shift.

facilities we visited stated that ADX, SMUs, and SHUs require more staff than general population housing because most of the inmates are confined to their cells for approximately 22 to 24 hours per day. As a result, they are dependent on the correctional officers for many of the activities that those in the general inmate population do for themselves.

For example, at least two correctional officers are needed to escort SHU and SMU inmates to showers and to recreation cells. Some high security inmates at SMUs require a three-officer escort each time they leave the cell. Staff are required to bring meals to inmates in their cells in SHUs, SMUs and ADX three times each day. In addition, staff are also required to provide laundry services, daily medical visits, and weekly psychological, educational, and religious visits to inmates in their cells in SHUs, SMUs and ADX. In contrast, inmates in general population units can generally access services in other areas of the facility freely, and therefore can perform these activities without assistance from correctional officers.

On January 31, 2013, BOP budget officials provided a snapshot estimate that compares the daily inmate per capita costs in fiscal year 2012 at ADX, a sample SMU, a SHU at a sample medium security facility, and a SHU at a sample high security facility. For example, BOP estimates the daily inmate per capita costs at ADX are \$216.12 compared with \$85.74 at the rest of the Florence complex. According to BOP estimates, the inmate per capita costs at the sample SMU facility are \$119.71, which are higher than per capita costs in general population in BOP's sample high security facility, which are \$69.41.(see table 3). For its estimates of the costs to operate SHUs, BOP selected Federal Correctional Institution (FCI) Beckley for a sample medium security facility and U.S. Penitentiary (USP) Lee for a sample high security facility. According to a senior BOP official, BOP did not select these facilities because of costs but because these facilities are a "typical" medium security and high security facility. The estimated daily costs per inmate at these two sample facilities in table 3 are lower and not directly comparable to the system-wide average daily costs per inmate for medium and high security facilities, as shown in table 2. Please see appendix I for a description of how BOP calculated its estimated costs.

Table 3: BOP Estimated Daily Inmate Costs per Capita in Selection of Institutions and Different Types of Segregated Housing Units, by Security Level for Fiscal Year 2012

BOP sample institution and security level	Estimated daily costs per inmate at sample BOP facilities		
	General population units ^a	Segregated housing units	Total facility, including general population and segregated housing units
Sample Medium Security, Federal Correctional Institution (FCI) Beckley	\$57.41	\$78.21 (SHU)	\$58.74
Sample High Security facility, U.S. Penitentiary (USP) Lee	\$69.41	\$93.04 (SHU)	\$72.39
Sample Special Management Unit (SMU) facility, (USP) Lewisburg	n/a	\$119.71 (SMU)	\$97.51 ^b
Federal Correctional Complex (FCC), Florence, including the Administrative Maximum facility (ADX)	\$85.74 ^c	\$216.12 (ADX)	\$105.25

Source: BOP estimates.

Notes: BOP provided estimates of costs, which are defined as salary and non salary obligations.

^aThese costs exclude the staffing costs for segregated housing units within each facility. BOP selected FCI Beckley for the sample medium security facility and USP Lee for the sample high security facility. According to a senior BOP official, BOP did not select these facilities based on costs but because they considered them to be a "typical" medium security facility and a high security facility.

^bThese costs include the costs of USP Lewisburg, which is an entirely SMU facility, and a minimum security prison camp.

^cBOP's estimate of the daily costs per inmate for the Florence FCC excludes the staffing costs for ADX and includes the staffing costs for the rest of the complex—the general population in the medium security, high security and camp facilities, the USP Florence SMU, and the SHUs within the medium and high security facilities.

According to these cost estimates that BOP provided, we estimated that the total cost of housing 1,987 inmates in SMUs in fiscal year 2012 was \$87 million. If these inmates were housed in a sample BOP medium or high security facility, the total cost would have been about \$42 million and \$50 million, respectively. Also, given BOP estimates, we calculated that the total cost to house 435 inmates in ADX in fiscal year 2012 was about \$34 million. If these inmates were housed in a medium security or high security facility, the total costs would have been about \$9 million and \$11 million, respectively. Moreover, the estimated costs of housing 5,318 SHU inmates at the cost estimated by BOP for the sample medium security facility, FCI Beckley, would be \$152 million, which is more expensive than housing inmates in medium security general population housing units which would cost an estimated \$112 million. Similarly, the estimated cost of housing 2,701 SHU inmates at the cost estimated by BOP for the sample high security facility, USP Lee, would be \$92 million, compared with housing inmates in high security general population housing units, which costs an estimated \$69 million.

According to BOP officials, the use of SMUs can reduce BOP costs. The officials said that SMUs resulted in reduced assault rates and a reduction in the number of facility lockdowns.³² Senior BOP budget officials noted that there are significant financial costs associated with keeping disruptive inmates in the general prison population who can cause a serious incident and lead to costly lockdowns. For example, according to BOP data, from fiscal years 2007 through 2011, lockdowns and disturbances led to losses totaling about \$23 million. These officials explained that, during a lockdown, a facility has to use its entire staff to perform security and custodial duties at the expense of other duties.

BOP Has Not Evaluated the Impact of Segregated Housing Units on Institutional Safety or the Impacts of Long-Term Segregation on Inmates

BOP Has Not Assessed the Extent to Which Segregated Housing Impacts Institutional Safety

BOP has not assessed the extent to which all three types of segregated housing units—SHUs, SMUs, and ADX— impact institutional safety for inmates and staff.³³ Although BOP has not completed an evaluation of the impact of segregation, BOP senior management and prison officials told us that they believed segregated housing units were effective in helping to maintain institutional safety. According to BOP officials, SMUs helped

³²According to BOP, a lockdown is an emergency security practice in which inmates are locked in their cells and movement is restricted (e.g., dining, showering, recreating, and programming outside of cells is halted) for immediate or long-term control of a crisis or to prevent a crisis situation. In addition, BOP officials noted the number of lockdowns declined during a time frame when the total BOP inmate population rose.

³³BOP's Office of Research and Evaluation (ORE), which conducts research and evaluations of BOP programs, reported in March 2012 that a SMU study was underway. However, as of February 2013, BOP officials could not confirm when the SMU study would be completed.

reduce assault rates BOP-wide and reduced the number of lockdowns due to conflict and violence from 149 in fiscal year 2008 to 118 in fiscal year 2010, during a period when the overall inmate population increased. BOP, however, could not provide documentation to support that these reductions resulted from the use of SMUs.

Although state prison systems may not be directly comparable to BOP, there may be relevant information from efforts states have taken to reduce the number of inmates held in segregation.³⁴ Five states we reviewed have reduced their reliance on segregation—Colorado, Kansas, Maine, Mississippi, and Ohio—prompted, according to state officials, by litigation and state budget cuts, among other reasons. These states worked with external stakeholders, such as classification experts and correctional practitioners, to evaluate reasons why inmates were placed in segregation and implemented reforms that reduced the number of inmates placed in segregated housing units.³⁵ After implementing segregated housing unit reforms that reduced the numbers of inmates held in segregation, officials from all five states we spoke with reported little or no adverse impact on institutional safety. While these states have not completed formal assessments of the impact of their segregated housing reforms, officials from all five states told us there had been no increase in violence after they moved inmates from segregated housing to less restrictive housing. In addition, Mississippi and Colorado reported cost savings from closing segregated housing units and reducing the administrative segregation population. For example, Colorado closed a high security facility in 2012, which state officials reported led to cost savings of nearly \$5 million in fiscal year 2012 and \$2.2 million in fiscal year 2013. According to Colorado officials, segregation reform efforts helped lead to the closure of this high security facility. In Mississippi, reforms in segregation also led to the closure of a supermax facility in

³⁴For example, both state departments of corrections and BOP are required to house, clothe, and feed inmates in a safe and secure setting, but BOP noted the federal correctional system and states are subject to different sentencing laws, which affect the types of inmates and types of segregation each system manages.

³⁵State administrative segregation units, some of which are referred to as supermax facilities, are designed to hold the most dangerous inmates. Supermax facilities are designed to separate violent or disruptive inmates from general prison population and generally require confining inmates in a single cell up to 23 hours per day, with minimal contact with staff or other inmates. Some states have implemented segregated housing reforms earlier than others. For example, Ohio initiated segregated housing reforms about a decade ago.

early 2010, which Mississippi Department of Corrections officials reported saved the state nearly \$6 million annually.

All five states changed their criteria for placing inmates in segregated housing, which helped them reduce their segregated inmate populations. Of the five states, three—Colorado, Mississippi, and Ohio—reviewed and changed the classification for placing inmates in administrative SHUs and two—Kansas and Maine—established new or modified the criteria for placement of inmates in SMUs. For example, in 2007, Mississippi found that approximately 800 inmates (or 80 percent) did not meet its revised criteria for placement in administrative segregation. Before reforms, inmates would generally be transferred directly from admittance to administrative segregation without consideration of the inmate’s offense and would generally remain in segregation without regular review of the inmate’s status irrespective of whether the inmate had committed any serious misconduct. After implementing reforms, Mississippi adopted new criteria that stated inmates could be held in administrative segregation only if they committed serious infractions, were active high-level members of a gang, or had prior escapes or escape attempts from a secure facility. According to Mississippi officials, this reform did not lead to an increase in violence, assault rates, or serious incidents.

In 2011, after a study with external stakeholders that reviewed and recommended changes to Colorado’s administrative segregation operations, Colorado revised its policies for placement of inmates in segregated housing. Subsequent to the external study’s completion, Colorado began reviewing all offenders that had been in administrative segregation for longer than 12 months and found that nearly 37 percent or about 321 inmates in administrative segregation could be moved to close custody general population.³⁶ After Colorado revised its classification criteria and increased oversight of the inmate review process, the number of inmates held in segregation decreased from 60 per month in 2011 to approximately 20 to 30 per month in 2012. According to Colorado state officials, these reforms did not lead to an increase in violence.

³⁶ Custody levels in Colorado refer to level of supervision and are identified as minimum, minimum restricted, medium, and close.

In addition, in 2011, Maine’s Department of Corrections reformed its inmate placement policies for SMUs. After changing the criteria and classification for holding inmates in SMUs, Maine significantly reduced the number of inmates in its 132-cell SMU, by closing a 50-cell section of its supermax SMU. Inmates removed from the SMU were reintegrated into a less restrictive, general population setting, and according to officials, there was no increase in incidents of violence.

While the policies and procedures for segregated housing vary between states and BOP, and their experiences may not be directly comparable, there may be lessons for BOP in the states’ experiences reducing their reliance on segregated housing. According to BOP officials, BOP generally uses larger states, such as California, Texas, or New York, for comparison, and that the five states included in our report may not be comparable with BOP. BOP officials also told us, in response to the findings from these states, that BOP has more comprehensive classification criteria, reviews, and procedural protections than the states. As a result, they indicated that BOP might not have the same reductions in costs and inmates in SHUs found at the state level. However, without an assessment of the impact of segregated housing, BOP cannot determine the extent to which placement of inmates in segregation contributes to institutional safety and security. Such an assessment is also important to inform DOJ and congressional decision making about the extent to which segregation meets BOP’s key programmatic goals for institutional safety. Our past work and the experience of leading organizations have demonstrated that measuring and evaluating performance allows organizations to track progress they are making toward intended results—including goals, objectives, and targets they expect to achieve—and gives managers critical information on which to base decisions for improving their programs.³⁷

³⁷For example, see GAO, *Information Sharing, DHS Could Better Define How it Plans to Meet Its State and Local Mission and Improve Performance Accountability*, [GAO-11-223](#) (Washington, D.C.: Dec. 16, 2010), *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making*, [GAO-05-927](#) (Washington, D.C.: Sept. 9, 2005); *Program Evaluation: Studies Helped Agencies Measure or Explain Program Performance*, [GAO/GGD-00-204](#) (Washington, D.C.: Sept. 29, 2000); *Agency Performance Plans: Examples of Practices That Can Improve Usefulness to Decisionmakers*, [GAO/GGD/AIMD-99-69](#) (Washington, D.C.: Feb. 26, 1999); and *Managing for Results: Strengthening Regulatory Agencies’ Performance Management Practices*, [GAO/GGD-00-10](#) (Washington, D.C.: Oct. 28, 1999).

Given that BOP maintains data on assault, violence, and lockdown rates across all prison facilities, BOP senior officials reported that evaluating the relationship between assault rates and segregation might help them evaluate the impact of segregated housing. An assessment of the effectiveness of segregation, including consideration of practices across local and state correctional systems, could better position BOP to understand the extent to which different types of segregated housing units meet BOP mission goals to ensure institutional safety for inmates and staff.

On January 31, 2013, BOP officials told us that the BOP Director had authorized the solicitation of an independent review of segregated housing and, once a contract is awarded, they expect the study to be completed during fiscal year 2014. BOP officials explained that the study—with the objective of identifying improvement in BOP’s practice and policy—is to review segregated housing, including identifying best practices across the correctional spectrum, such as inmate management, and mental health, among other areas. According to BOP, the statement of work for this solicitation requires the recipient to provide an assessment of the use and practices of segregated housing units in BOP. However, it is unclear to what extent the review will assess the extent that segregated housing units contribute to the safety and security of inmates and staff and ensures that BOP meets its mission goals.

BOP Conducts Regular Assessments of the Mental Health of Inmates in Segregated Housing, but Has Not Conducted an Evaluation of Impacts of Long-Term Segregation on Inmates

BOP psychologists are required to provide an initial intake screening of each inmate within 30 days of the inmate's arrival in a BOP facility. Moreover, BOP requires that psychological staff visit inmates in segregated housing on a weekly basis and provide psychological assessments after 30 consecutive days in the SHUs, SMUs, and ADX Control and Special Security Units.³⁸ According to BOP's Psychology Services Branch Administrator, these weekly visits and psychological assessments provide staff an opportunity to intervene when and if they find that an inmate is having difficulty in segregation. BOP also has a suicide prevention program, which includes training for all staff and additional supplemental training for staff working in segregation. In addition, inmates receive information on suicide prevention upon their arrival at an institution and the availability of mental health services while in segregated housing. BOP also develops "hot list" memos that are posted in SHUs to help inform staff of inmates who may have specific mental health concerns or suicidal tendencies.

While BOP conducts regular assessments of mental health of inmates, BOP has not evaluated the impact of long-term segregation on inmates. BOP's Office of Research and Evaluation (ORE) officials said they have not studied the impact of long-term segregation on inmates because of competing priorities related to studying impacts of prisoner reentry, drug treatment, and recidivism.³⁹ In addition, BOP officials explained that there are methodological concerns related to finding an appropriate control group of inmates to compare with inmates held in segregation. We recognize the methodological limitations; however, a 2010 Colorado study that was funded by DOJ identified a comparison group of inmates in order to evaluate the psychological impact of segregation.

³⁸For example, the 30-day psychological assessment is to include an interview with the inmate, assessment of each inmate's adjustment to his or her surroundings, and any threat the inmate poses to self, staff, and other inmates. We currently have work under way for the House Committee on Oversight and Government Reform and the House Judiciary Committee, which is reviewing the extent to which BOP monitors and assesses the cost and quality of inmate mental health.

³⁹ BOP's Office of Research and Evaluation (ORE), which reported that BOP is in the early stages of a study dedicated to evaluating the impact of SMUs on offenders. BOP does not yet have an estimated completion date for the study.

BOP officials, including psychologists, at four of the six facilities we visited reported little or no adverse impact of segregation on inmates.⁴⁰ Some of these psychologists and BOP HQ officials cited the 2010 DOJ-funded study of the psychological impacts of solitary confinement in the Colorado state prison system.⁴¹ This study showed that segregated housing of up to 1 year may not have greater negative psychological impacts than non segregated housing on inmates. While the DOJ-funded study did not assess inmates in BOP facilities, BOP management officials told us this study shows that segregation has little or no adverse long-term impact on inmates. BOP's Psychology Services Branch Administrator explained that the impact is dependent on each individual inmate. For example, she told us that a small number of inmates with mental disorders, such as schizophrenia, actively seek placement in segregation, and some appear to function reasonably well in this environment.

We reviewed several studies on the impact of segregated housing on inmate mental health, and several suggest that long-term segregation or solitary confinement can cause significant adverse impacts. See appendix I for information about criteria used to select studies in our review. These reports describe possible adverse impacts of segregation, including exacerbation or recurrence of preexisting illnesses, illusions, oversensitivity to stimuli, and irrational anger, among other symptoms, although it is unclear how applicable the conditions studied are to BOP segregated housing. Other reports addressed the possible effect of segregation on other outcomes, such as recidivism or new convictions after release from prison.⁴² Few reports, however, incorporate a comparison between inmates in segregation versus inmates not in

⁴⁰The psychologist at one facility reported that segregation could adversely impact an inmate's mental health.

⁴¹Maureen L. O'Keefe et al, *Colorado: One Year Longitudinal Study of the Psychological Effects of Administrative Segregation*, National Institute of Justice Report, U.S. Department of Justice, Washington, D.C. (2010).

⁴²For an example of some studies we reviewed, see S. Grassian, "Psychiatric Effects of Solitary Confinement," *Journal of Law & Policy*, vol. 22, no. 325 (2006); D. Lovell, L. C. Johnson and K. C. Cain, "Recidivism of Supermax Prisoners in Washington State," *Crime & Delinquency*, vol. 53, no. 4 (2007); D. P. Mears and W. D. Bales, "Supermax Incarceration and Recidivism," *Criminology*, vol. 47, no. 4 (2009); H. A. Miller and G. R. Young, "Prison Segregation: Administrative Detention Remedy or Mental Health Problem," *Criminal Behaviour and Mental Health*, vol. 7:85-94 (1997); and P. Smith, "The Effects of Solitary Confinement on Prison Inmates: A Brief History and Review of the Literature," *Crime and Justice*, vol. 34:441-568 (2006).

segregation, limiting the ability to draw conclusions about the impact of segregation. A comparison of inmates held in segregation with those in general population would be important for understanding the extent to which any adverse psychological impacts are unique to long-term segregation.

While most BOP officials told us there was little or no clear evidence of mental health impacts from long-term segregation, BOP's *Psychology Services Manual* explicitly acknowledges the potential mental health risks of inmates placed in long-term segregation. Specifically, it states that BOP "recognizes that extended periods of confinement in Administrative Detention or Disciplinary Segregation Status may have an adverse effect on the overall mental status of some individuals." In addition, according to BOP's mission statement, BOP protects society by confining offenders in prisons that are, among other things, safe and humane. In our prior work, we reported that DOJ stresses the importance of evidence-based knowledge in achieving its mission. Specifically, DOJ's Office of Justice Programs (OJP) supports DOJ's mission by sponsoring research to provide objective, independent, evidence-based knowledge to meet the challenges of crime and justice, such as the 2010 Colorado state prison system study. In addition, BOP's ORE is responsible for conducting research and evaluation of BOP programs, but ORE has not conducted studies on the impact of long-term segregation on inmates. Further, according to generally accepted government auditing standards, managers should evaluate programs to provide external accountability for the use of public resources to understand the extent to which the program is fulfilling its objectives.⁴³

To help BOP HQ assess inmates placed in segregation, BOP maintains a psychology data system (PDS) that is used to document all mental health screenings and staff visits by psychologists and treatment specialists, and a Bureau Electronic Medical Record (BEMR) that documents all staff visits by physicians and medication provided. Given that BOP's PDS and BEMR systems maintain data on the mental health of inmates and BOP's *Psychological Services Manual* states there may be potential adverse effects from long-term segregation, a study that uses existing information to assess the impact of segregation on inmates would better position

⁴³See GAO, *Designing Evaluations: 2012 Revision*, [GAO-12-208G](#) (Washington, D.C.: January 2012).

BOP to understand the effects of segregation, including any related to inmates' mental health. BOP's Psychology Services Branch Administrator agreed that such a study would be useful. As of January 2013, BOP announced that the bureau is considering the development of procedures for conducting individualized mental health case reviews of inmates held in long-term segregation, i.e., inmates housed in SHUs or the ADX Control Unit for more than 12 continuous months and inmates who fail to progress through the SMU or ADX General Population Step Down phases in a timely manner. These reviews would be conducted at BOP HQ, and if the review found any concerns, the reviewers would contact prison staff to discuss strategies to reduce or eliminate the identified mental health concerns. However, the proposal is still under consideration, has not yet been implemented across all prison facilities, and we cannot determine the extent to which this proposal will systematically assess the long-term impact of segregated housing on inmates.

Conclusions

Over the past 5 years, the number of BOP inmates in segregated housing has grown at a faster rate than the general inmate population. With more inmates held under more restrictive conditions, often for months or years at a time, segregated housing represents an important part of BOP's effort to achieve its primary goal of confining inmates in a safe, secure, and cost-efficient environment. While BOP has a mechanism to centrally monitor many of its segregated housing unit policies, BOP does not centrally monitor the policies specific to its most restrictive segregated prison, the ADX facility. As a result, BOP has less assurance that ADX staff consistently follows ADX-specific policies to the same degree that these requirements are followed for SHUs and SMUs. We also found that prison officials were not consistently documenting that inmates' conditions of confinement, such as food and exercise privileges, were being met. BOP has taken initial steps toward addressing these documentation issues by implementing new software that may help track the monitoring of SHUs and SMUs. However, BOP has not developed a plan to clarify the objectives and goals of the new software program, with time frames and milestones that explain the extent to which it will address documentation issues we identified.

BOP officials believe that segregated housing helps maintain institutional safety. Given BOP's increased reliance on segregated housing and the higher costs associated with its use, it is notable that BOP has not studied the impact of segregated housing on inmates, staff, and institutional safety. As BOP considers options for conducting a study of segregated

housing, BOP may want to consider lessons learned from some state initiatives that reduced the number of inmates held in segregation without significant, adverse impacts on violence or assault rates. In addition, BOP's own policies recognize that long-term segregation may have a detrimental effect on inmates. While BOP does regularly check the mental health of inmates in segregated housing, BOP has not conducted an assessment of the long-term impact of segregation on inmates.

Recommendations for Executive Action

To improve BOP's ability to centrally oversee the implementation of segregated housing policies, we recommend that the Director of the Bureau of Prisons take the following two actions:

- (1) develop ADX-specific monitoring requirements and
- (2) develop a plan that clarifies the objectives and goals of the new software program, with time frames and milestones, and other means, that explains the extent to which the software program will address documentation concerns we identified.

To ensure that BOP's use of segregated housing furthers BOP's goal to confine inmates in a humane manner and contributes to institutional safety without having a detrimental impact on inmates held there for long periods of time, we recommend that the Director of the Bureau of Prisons take the following two actions:

- (1) ensure that any current study to assess segregated housing units also includes an assessment of the extent that segregated housing contributes to institutional safety, and consider key practices that include local and state efforts to reduce reliance on and the number of inmates held in segregated housing and
- (2) assess the impact of long-term segregation on inmates in SHUs, SMUs, and ADX.

Agency Comments and Our Evaluation

We provided a draft of this report to DOJ for its review and comment. BOP provided written comments on this draft, which are reproduced in full in appendix IV. BOP concurred with all of our recommendations. BOP also provided technical comments on the report on April 19, 2012, which we incorporated as appropriate.

BOP concurred with the first recommendation that BOP develop ADX-specific monitoring requirements. BOP stated that it will conduct a Management Assessment to identify aspects of the Control Unit at ADX that are vulnerable to violations of policy. BOP further noted that it would develop guidelines, as appropriate, to be incorporated into the program review guidelines. If fully implemented across all ADX housing units, BOP's planned actions will address the intent of this recommendation.

BOP concurred with the second recommendation that BOP develop a plan with timeframes and milestones, to explain the extent the software program will address documentation concerns. BOP stated that the goal of the new software program is to help ensure compliance with requirements to maintain accurate and complete records on conditions and events in segregated housing units. BOP indicated that they will conduct a program review by September 30, 2013 to determine if the SHU documentation deficiencies have been reduced. If fully implemented, BOP's planned actions will address the intent of this recommendation.

BOP concurred with the third recommendation that BOP ensure any current study to assess segregated housing units also includes an assessment of the extent that segregated housing contributes to institutional safety. BOP stated that the current scope of work for the Special Housing Review and Assessment will include an assessment of how segregated housing units contribute to institutional safety. BOP further noted that the scope of work will include consideration of key practices of local and state correctional systems. If fully implemented, BOP's planned actions will address the intent of this recommendation.

BOP concurred with the fourth recommendation that BOP assess the impact of long-term segregation on inmates in SHUs, SMUs, and ADX. BOP stated that the assessment of mental health of inmates is consistent with its public safety mission. BOP stated that BOP will develop and distribute an expanded mental health screening tool for psychology staff, which will help conduct a longitudinal assessment of: (1) inmates housed in SHUs or the ADX Control Unit for more than 12 continuous months; and (2) those inmates who fail to progress through the SMU or ADX General Population Step Down phases in a timely manner. In addition, BOP stated that its review of segregated housing units will include an evaluation of inmate mental health history and a review of BOP's mental health assessment process. If fully implemented, BOP's planned actions will address the intent of this recommendation.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the Attorney General, Director of the Bureau of Prisons, selected congressional committees, and other interested parties. In addition, the report will be available at no charge on the GAO website at <http://www.gao.gov>.

Should you or your staff have any questions concerning this report, please contact David Maurer at (202) 512-9627 or by email at maurerd@gao.gov. Contact points from our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix V.

A handwritten signature in black ink that reads "David C. Maurer". The signature is written in a cursive style with a long, sweeping tail on the letter "r".

David C. Maurer
Director, Homeland Security
and Justice Issues

Appendix I: Objectives, Scope, and Methodology

Our objectives for this report were to address the following questions:

1. What were the trends in the Bureau of Prison's (BOP) segregated housing unit population and number of cells from fiscal year 2008 through February 2013?
2. To what extent does BOP centrally monitor how individual facilities document and apply policies guiding segregated housing units?
3. To what extent has BOP assessed the costs to operate segregated housing units and how do the costs to confine an inmate in a segregated housing unit compare with the costs of confining an inmate in a general inmate population housing unit?
4. To what extent does BOP assess the impact of segregated housing on institutional safety and the impacts of long-term segregation on inmates?

Overall, to address our questions, we analyzed BOP's statutory authority and policies and procedures (e.g., BOP's inmate placement, procedural protections, and general conditions of confinement for segregated housing units—Special Housing Units (SHU), Special Management Units (SMU), and the Florence Administrative Maximum facility (ADX)—and Communications Management Units (CMU)). BOP considers CMUs as self-contained general population housing units. However, since CMU inmates are separated from general inmate population and have restrictive conditions, such as 100 percent of their communications monitored and noncontact visits, we include CMUs within the scope of our review, as described in appendix II.

To address the first question, we obtained and analyzed BOP's number of cells and inmate population data for each type of segregated housing unit and the CMUs. We focused our data analysis on the period of fiscal year 2008 through February 2013 or the past five fiscal years to the most recent data available.¹ We assessed the reliability of the inmate population and number of cells data by (1) participating in an electronic demonstration of the SENTRY database that BOP uses to generate

¹BOP provided population data at the end of each fiscal year for fiscal years 2008, 2009, 2010, 2011, 2012, and as of February 2013. BOP also provided number of cells data from fiscal years 2008 through 2012 for SHUs, ADX and CMUs, and from fiscal year 2008 through November 2012 for SMUs.

required inmate population, (2) reviewing existing information about the data and the system that produced them, (3) examining the data for obvious errors and inconsistencies, and (4) interviewing BOP officials knowledgeable about the data. We determined that the required data elements were sufficiently reliable for the purposes of this report.

To address the second question, we analyzed BOP’s policies and procedures pertinent to the monitoring of individual prisons’ compliance with segregated housing unit policies. To observe the conditions of confinement, procedural protections, and inmate placement in segregated housing, we conducted visits to 6 of 119 BOP federal institutions. We chose these institutions because of different types of segregated housing units and varying security levels they contain. As shown in table 4, the six prisons we visited cover the three main types of segregated housing units—SHUs, SMUs, and ADX—as well as CMUs.

Table 4: Site Visits to BOP Institutions

Institution name	Types of segregated housing units included	Security level of the individual facilities we visited
Federal Correctional Complex (FCC) Allenwood Complex	SHUs, SMUs	High security, medium security
U.S. Penitentiary (USP) Lewisburg	SHUs, SMUs	High security
FCC Florence	SHUs, SMUs, ADX	Administrative maximum, high security, medium security
U.S. Penitentiary (USP) Leavenworth	SHUs	Medium security
USP Marion	SHUs, CMUs	Medium security
FCC Terre Haute	SHUs, CMUs	High security, medium security

Source: GAO analysis of BOP information.

During the site visits, we interviewed institutional management officials and toured the prison to observe inmate housing, recreational areas, food service, and educational and vocational programming. We also interviewed officials from BOP’s Program Review Division (PRD), which leads monitoring reviews, and officials from BOP’s Correctional Programs Division (CPD), which has primary responsibility for inmate placement and procedural policies at segregated housing units. Because we did not visit all BOP facilities and did not randomly select the facilities we visited, our results are not generalizable to all BOP facilities. However, we

selected the sites to provide perspectives on different types of segregated housing units and varying security levels, which were useful in understanding population trends, BOP monitoring of conditions of confinement and procedural policies, cost, and the impact of segregated housing.

Further, for our second question, we assessed BOP's monitoring for each type of segregated housing unit by reviewing monitoring policies, guidelines, and reports. We analyzed BOP's segregated housing unit policies and monitoring guidance and compared them against criteria in *Standards for Internal Control in the Federal Government*. We also assessed the methodology and system BOP employs to monitor, identify, and address deficiencies at prisons; we reviewed 45 of 187 PRD monitoring reports from 20 of 98 facilities that PRD monitored during the period from fiscal years 2007 to 2011. We requested a selection of PRD correctional services monitoring reports, which BOP provided for a variety of facilities during this time period. In addition, we requested monitoring reports for the facilities we visited for our site visits. We also reviewed 43 follow-up monitoring reports related to the 45 monitoring reports to determine the extent that prisons resolved deficiencies identified in the monitoring reports.

We reviewed these PRD monitoring reports to summarize common findings and deficiencies relevant to our engagement related to cleanliness, conditions of confinement, documentation, procedural protection, monitoring, policy, security protocols, timeliness, and training. We developed a methodology for selecting these areas to assess the extent that BOP monitored conditions of confinement, procedural policies, and other key issues identified in the monitoring reports. One analyst reviewed each report and highlighted any common findings and deficiencies noted in the report. A second analyst independently verified the findings and deficiencies identified. We also interviewed PRD officials responsible for doing on-site monitoring, and interviewed senior BOP officials who are responsible for developing monitoring policy guidance to understand the degree and methodology of monitoring used.

To provide an independent analysis of BOP compliance with segregated housing unit policies at selected prisons, we developed a data collection instrument (DCI) according to BOP's monitoring policies, and guidance and questions. Our DCI is similar to questions used during PRD periodic on-site monitoring reviews of segregated housing unit policies at SHUs, SMUs, and general prison policies at CMUs. We selected two of the six institutions we visited—FCC Terre Haute and USP Marion. At each

institution, we selected a random sample of case files from fiscal years 2011 to 2012, of inmates currently housed in segregated housing units—including SHU-administrative detention, SHU-disciplinary segregation, and CMUs—totaling 61 files. These 61 inmate case files include 51 SHU inmate case files, and 10 CMU inmate case files. We selected the inmate case files from SHUs using the same sample size BOP PRD inspectors use when conducting correctional services monitoring reviews of SHUs. For example, according to BOP PRD monitoring guidance for correctional services reviews of SHUs, PRD inspectors are to review documentation of 10 percent of inmates currently in SHU to determine whether the inmates are afforded specific conditions of confinement, inmates' placement and status in SHU are regularly reviewed, and other SHU policies are followed. Accordingly, we selected the case files of 10 percent of inmates in SHUs in the two institutions for our analysis. According to PRD monitoring guidance for the review of disciplinary-SHU, PRD inspectors are to review 10 disciplinary hearing packets. For our review, we selected 17 disciplinary inmate case files and hearing packets because we were interested in understanding the extent to which BOP provided procedural protections for inmates held in disciplinary-SHU. We randomly selected the inmate case files from both SHUs and CMUs from a roster of inmates in each SHU or CMU at the time of our visit. Although our selection of files was not generalizable to all inmates in all types of segregated housing units, it provided insights into whether these institutions were following BOP policy. We used the DCIs to extract information relevant to BOP's monitoring policies, inmate placement, conditions of confinement and procedural protections for inmates held in SHU-administrative detention, SHU-disciplinary segregation, and CMUs. One analyst summarize information from the inmate case file, and a second analyst verified the DCI information collected. A third analyst reviewed and summarized information collected from the DCIs. In addition, we observed PRD staff conduct on-site monitoring of SHUs and CMU at two facilities.

We also reviewed information and documentation received related to BOP's new software program, that includes the SHU application, compared against best practices for project management and criteria in BOP's monitoring documentation policies. For example, we reviewed implementation dates and plans, training materials used across BOP facilities, and analyzed BOP monitoring policies, and interviewed PRD officials to understand to what extent the new SHU application addresses any documentation concerns we identified during our engagement.

To address the third question, we reviewed BOP fiscal year 2012 average inmate per capita costs for prisons at each major security level: high security, medium security, low security, and minimum security levels. These inmate per capita costs cover all costs associated with the day-to-day operation of the entire institution, including health services, uniform, food, programming, and contractual services and equipment costs related to each prison. According to BOP, the inmate daily per capita costs are calculated as total obligations as reported in BOP's Salaries and Expenses appropriations account divided by total inmate days. Further, in January 2013, BOP provided a snapshot estimate of fiscal year 2012 inmate per capita costs broken out by segregated housing versus general population housing at four institutions: (1) USP Lewisburg, a SMU facility; (2) FCC Florence, which includes ADX Florence; (3) a sample medium security facility (FCI Beckley); and (4) a sample high security facility (USP Lee), which both include SHUs. We interviewed BOP officials from the Administration Division, who have responsibility over financial and facility management, about their processes for developing the estimates. According to senior BOP officials, BOP selected these facilities because they considered them "typical" medium security and high security facilities. We found BOP's segregated housing versus general population housing inmate per capita cost data to be sufficiently reliable for the purposes of presenting an overview of possible costs. For illustration purposes, we also used BOP's estimated segregated housing versus general population housing inmate per capita cost data, combined with BOP inmate population data, to estimate the costs of housing the number of inmates in ADX, all SMUs, and all SHUs, BOP-wide, as of fiscal year 2012 compared with the costs to house these same amount of inmates in general population housing units for fiscal year 2012. For example, to estimate the total costs of housing the total SMU inmate population in SMUs, BOP-wide, for fiscal year 2012, we multiplied BOP's estimated daily inmate per capita costs for USP Lewisburg SMU by the total SMU population times 366 days, or the number of calendar days in 2012. To estimate the costs of housing this same number of SMU inmates in general population housing in a medium security or high security facility, we multiplied the total SMU population, BOP-wide, by BOP's estimated daily inmate per capita costs for the sample medium facility, FCI Beckley, times 366 days, and estimated daily inmate per capita costs for the sample high security facility, USP Lee, times 366 days, respectively.

To address the fourth question, we reviewed BOP's policies, including program objectives, for each segregated housing unit and policies governing the provision of mental health services to inmates in segregated housing units. We also reviewed BOP lockdown data from

fiscal year 2008 through fiscal year 2012. We also interviewed officials from BOP's Correctional Programs Division (CPD), which also includes the Psychology Services Branch that is responsible for mental health services. We also interviewed officials from BOP's Office of Research and Evaluation (ORE), who produce reports and research corrections-related topics. During these interviews, we discussed the lack of BOP studies that assess the impact of segregated housing units on institutional safety and inmates and staff, and their views on the impact of long-term segregation, including their views on the impact of segregation on inmates, including those with mental illness. We also discussed the impacts of segregation with officials from the Council of Prison Locals, the union that represents all nonmanagement staff working in BOP facilities.

To identify actions states have taken regarding segregated housing that may be relevant to BOP, we reviewed actions taken by five states—Colorado, Kansas, Maine, Mississippi, and Ohio. We selected these five states because they (1) were involved in addressing segregated housing reform and (2) had taken actions to reduce the number of inmates held in segregation. For each of the five selected states, we reviewed relevant documents on segregated housing, and in four states we reviewed placement policies. For four of the five selected states, we reviewed relevant reports on their segregated housing unit conditions for context. While conducting site visits to BOP prisons in Kansas and Colorado, we also visited state correctional facilities in those two states. We interviewed corrections officials at these facilities and the other states regarding reasons for reducing the segregated housing unit population and any reported impact of the segregated housing unit reforms on institutional safety. While the reports and results from our interviews are not representative, they provided us with perspectives on state actions to reduce segregated housing

There are dissimilarities between federal and state prison systems—legally and structurally, to name a few—that limit the comparability between federal and state correctional systems. We are unable to generalize about the types of actions other states have taken to reform segregated housing policies and reduce the number of inmates held in segregation and any effects. Nevertheless, the information we obtained through these visits provided examples of state responses to reforming segregation and reducing inmates housed in segregated housing units. We also discussed with BOP officials the state actions we identified.

Further, to identify the universe of reports and studies that describe, evaluate, or analyze the impact of segregated housing, including any

long-term impacts associated with mental illness, we used a multistaged process. First, we (1) conducted key word searches of criminal justice, legal, and social science research databases; (2) searched academic, nongovernment and stakeholder interest group-related Web sites, such as those of Vera, American Civil Liberties Union (ACLU), and Urban Institute, (3) reviewed bibliographies, published summaries, meta-analyses, and prior GAO reports on segregated housing; and (4) asked academic corrections experts to identify evaluations. Our literature search identified over 150 documents, which included articles, opinion pieces, published reports, and studies related to segregated housing. We further identified studies that compared inmates in segregated housing with inmates in the general population. We reviewed these reports and studies to gain a broader understanding of the potential impacts of segregated housing and of the extent and quality of research available on the subject. We compared BOP's mechanisms for evaluating the impact of segregated housing units on institutional safety, or the impacts of long-term segregation on inmates, with BOP's policies and mission statements.

We conducted this performance audit from January 2012 to April 2013 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions given our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions for our audit objectives.

Appendix II: Communications Management Units

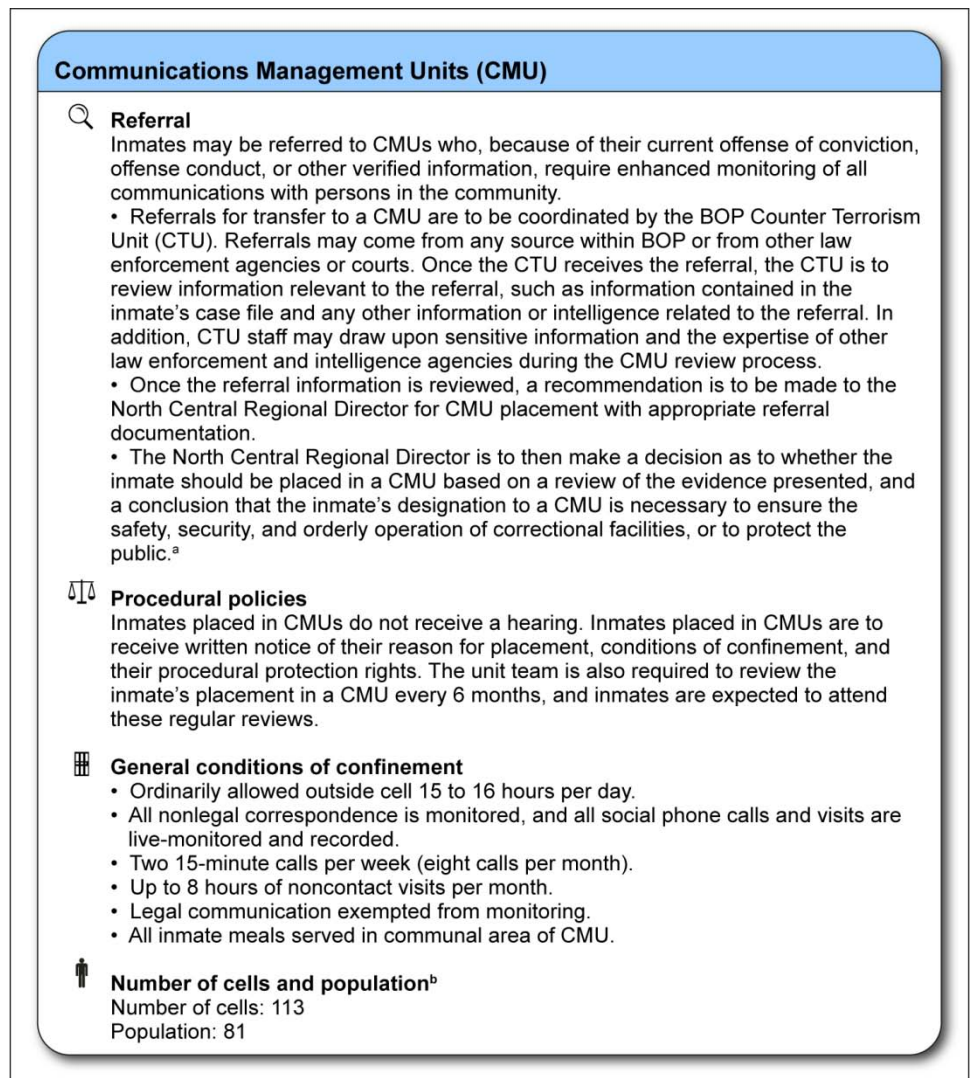
BOP established CMUs in 2006 and 2008, in two institutions to house inmates who require increased monitoring of their communications with the public to protect the safety, security, and orderly operation of BOP facilities and the public.¹ Inmates in CMUs have 100 percent of their communications monitored by BOP officials and are allowed only noncontact visits with family and friends. According to each prison's institution supplement guidelines, CMUs are self-contained general population housing units in which inmates reside; eat; and participate in all educational, religious, visiting, unit management, and work programming in the unit, similar to general population inmates.² From fiscal year 2008 to February 2013, the total CMU population increased from 64 inmates to 81 inmates.³ See figure 11 for an overview of CMUs.

¹BOP operates CMUs in two medium security BOP facilities. BOP established a CMU at FCI Terre Haute in 2006 and a second CMU in USP Marion in 2008. As part of this review, we visited both CMUs.

²According to BOP officials, BOP does not have a national policy governing CMUs. Rather, the prisons containing the CMUs have developed institution supplements, or local guidelines and procedures that govern the CMU inmate review process and conditions of confinement. The CMU institution supplements for FCI Terre Haute and USP Marion are generally the same.

³ BOP has had 113 CMU inmate cells since fiscal year 2008. The CMU population and cell totals include the CMU SHUs.

Figure 11: Overview of Communications Management Units



Source: GAO analysis of BOP information; Art Explosion (clip art).

^aBOP promulgated a proposed rule in April 2010 to establish specific parameters for CMU operations and put inmates and the public on notice of CMUs; the comment period closed in June 2010, and a final rule has not been published. Under the proposed rule, BOP's Assistant Director of the Correctional Programs Division would become the authorizing official for CMU designations. Communications Management Units. 75 Fed. Reg. 17,324 (proposed Apr. 6, 2010) (to be codified at 28 C.F.R. pt. 540, subpt. J).

^bThe total CMU inmate population and number of cells includes SHUs within the CMUs.

Placement Criteria and Procedural Policies

According to a BOP memorandum, BOP places inmates in CMUs for several reasons, including conviction, conduct or involvement related to

international or domestic terrorism, and commission of prohibited activity related to misuse or abuse of approved communication methods while incarcerated, or for other reasons.⁴

Inmates referred to CMUs do not receive a hearing prior to placement in CMUs.⁵ According to the prison's institution supplement guidelines, an inmate assigned to a CMU is to receive a notice of transfer to the CMU within 5 days of arrival in the unit, including reasons for placement and notice of the right to appeal the transfer through the administrative remedy process. At the institution, prison officials are to review the CMU inmate's status every 6 months, according to BOP's national policy that applies to all inmates in BOP custody. The guidelines also call for prison officials to regularly review an inmate's readiness to be transferred out of a CMU by examining a number of factors, including programming needs and if the original reasons for CMU placement still exist. After conducting the review, prison officials may recommend to the warden that an inmate be transferred out of the CMU.

General Conditions of Confinement

All CMU inmates are segregated from the general population in self-contained housing units to regulate and monitor their communications with persons in the community. However, they are allowed to congregate outside their cells, but within these self-contained housing units, for 15 to 16 hours per day like inmates in the general population.⁶ Inmates in CMUs require 100 percent live monitoring of their telephone calls and social visits, and a review of their incoming and outgoing social mail.⁷ All

⁴According to BOP's Memorandum for Continued CMU Designation, dated October 14, 2009, BOP also refers inmates to CMUs for the following reasons: attempt or propensity to contact victims of the inmate's current offense of conviction, and/or conviction or conduct indicating a propensity to coordinate illegal activity through communication with persons in the community, or evidence of a potential threat to the safety and security of prison facilities or the public, as a result of the inmate's unmonitored communication with persons in the community.

⁵As of February 2013, there is litigation pending in federal court addressing the issue of whether the lack of a hearing prior to placement in a CMU adequately protects inmates' constitutional rights. See *Aref v. Holder*, No. 10-0539 (D.D.C. filed Apr. 1, 2010).

⁶According to the CMU institution supplements, inmates in the USP Marion CMU will generally be housed in single-bunked cells, and inmates in the FCI Terre Haute CMU will generally be housed in double-bunked cells.

⁷Legal and special mail (e.g., attorney, federal courts) can be sealed and delivered to unit management.

telephone calls and social visits are also recorded, and they must occur in English only, unless the call is previously scheduled and conducted through simultaneous translation monitoring. Other than increased communications monitoring, BOP officials stated that conditions of confinement in these units are the same as conditions of confinement for inmates in other medium security general population housing units. This includes (1) access to medical and mental health services; (2) meals that meet inmate dietary requirements served in common dining areas; (3) access to recreation and leisure in a common area daily up to 16 hours per day, including table games, television in the common areas, and some aerobic exercise equipment; (4) religious service opportunities; and (5) access to law library services.

Also, like general population housing, each CMU contains a SHU dedicated to housing inmates in need of being placed in SHU-administrative detention or SHU-disciplinary segregation status. See figures 12 and 13 for photographs of a CMU.

Figure 12: Communications Management Unit Cell, Terre Haute, Indiana



Source: BOP.

Figure 13: Communications Management Unit Common Area, Marion, Illinois



Source: BOP.

BOP Monitoring of CMUs

As previously discussed, BOP headquarters has a mechanism in place to centrally monitor how prisons implement most housing unit policies, but the degree of monitoring varies depending upon the type of housing. In addition, we reviewed PRD monitoring reports, assessed how PRD conducted monitoring at one of the two prisons with CMUs, and conducted an independent analysis of BOP compliance at these two prisons.

At one of the two prisons with CMUs we visited, we observed that PRD checked compliance with general prison policies, as well as SHU-specific policies, but PRD does not have requirements to monitor CMU-specific policies. CMU inmate files may be included in any PRD program review that covers the entire prison complex. According to BOP officials, although not required, BOP may randomly select some CMU inmate files

as part of the prison complex during periodic PRD reviews.⁸ However, PRD does not have requirements to monitor CMU-specific policies found in the institution supplement guidelines. According to BOP officials, additional monitoring for CMUs is not required because they do not have the same kinds of restrictive conditions of confinement that are the subject of SHU- and SMU-specific monitoring steps.

As part of our review of PRD monitoring reports, we found that 8 of the 45 monitoring reports covered these two prisons with CMUs. PRD found that these prisons were in general compliance with BOP policies, and none of these PRD monitoring reports identified any findings or deficiencies specific to the CMUs. To assess how PRD staff conducted monitoring at one of these prisons, we observed PRD conduct reviews at the CMUs in accordance with PRD guidelines. In light of our observations, we found that PRD staff (1) performed monitoring rounds at CMUs, (2) reviewed log books, and (3) reviewed inmate files, to determine if the prisons followed the required procedural protections steps. In addition, we also conducted an independent analysis of BOP compliance with CMU-specific policies at the two prisons with CMUs. Specifically, we reviewed a total of 10 files for inmates held in CMUs for fiscal years 2011 and 2012 at these two facilities. We found that all 10 inmate case files we analyzed provided reasons for inmate placement in CMUs, as required by BOP institution supplements. However, similar to the documentation problems we noted in the body of the report, we found documentation deficiencies during our review of the CMU files. For example, 2 out of the 10 inmate case files we reviewed did not include documentation that unit team staff regularly monitored the inmate's CMU status every 6 months and ensured that inmates were afforded their rights to programming activities. Without complete documentation, BOP headquarters cannot be assured that inmates in CMUs are receiving the procedural protections and conditions of confinement to which they are entitled, as stated in BOP policy and institution supplements.

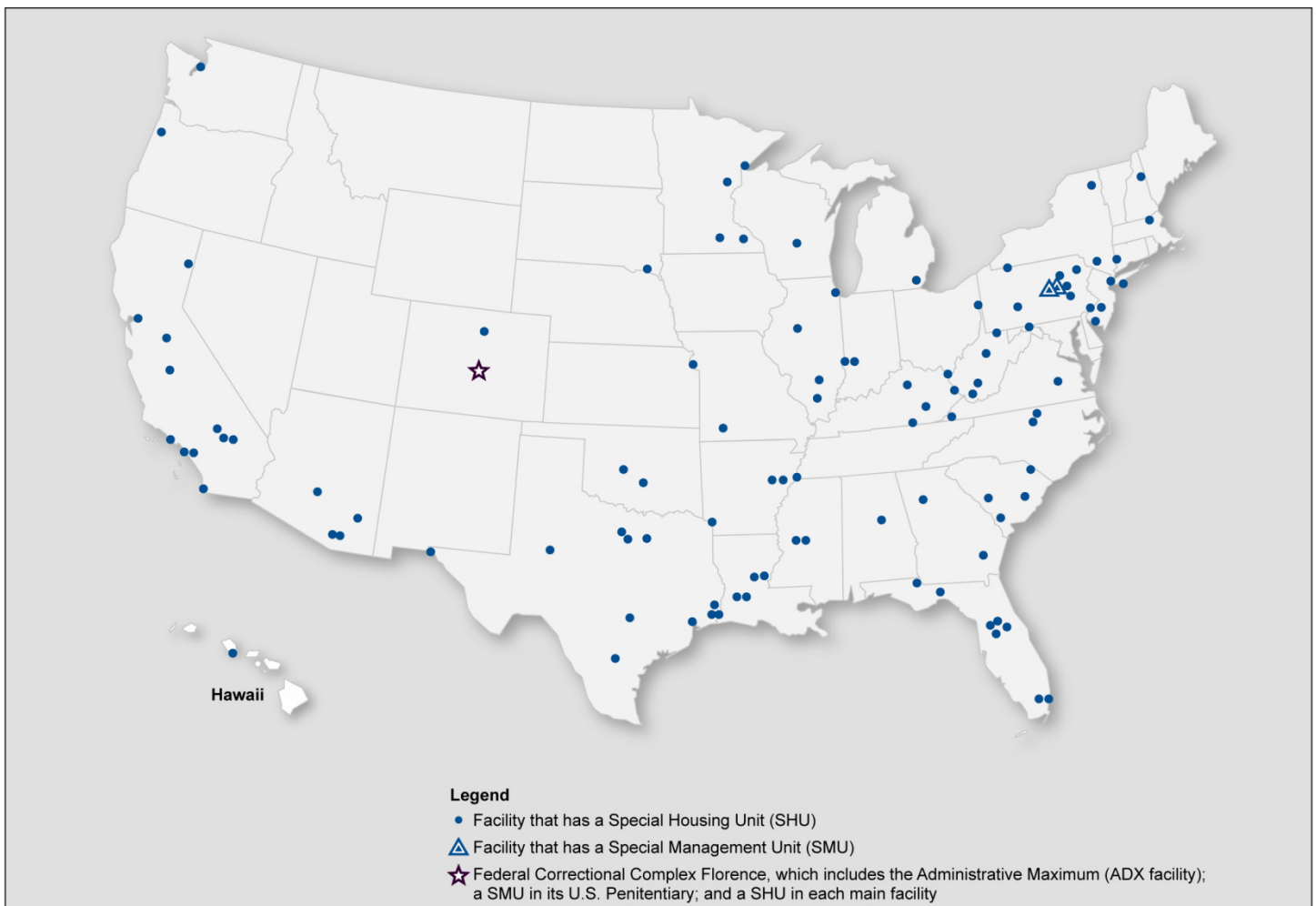
⁸According to BOP officials, BOP considers CMUs as general population housing, and thus does not require separate oversight like SHUs or SMUs.

Appendix III: Location and Length of Stay in BOP Segregated Housing Units

Location of Segregated Housing Units

BOP has segregated housing units in prisons located throughout the country. For example, BOP has SHUs in 109 out of its 119 facilities. Three facilities have SMUs. See figure 14 for a map of the locations of each type of segregated housing unit.

Figure 14: Locations of Segregated Housing Units within BOP Facilities



Source: GAO analysis of BOP information; Map Resources (map).

Length of Stay

According to BOP, the length of stay inmates serve in segregated housing units varies, and BOP does not track an inmate's total length of stay or establish a maximum length of stay for inmates in any type of segregated housing unit. An inmate's length of stay in segregated housing varies depending on the inmate's program needs and status,

reason for placement, and behavior while in the unit. BOP policy provides the expected length of stay for some segregated housing units. For example, according to BOP officials, placement of inmates in SHUs is intended to be temporary. Inmates may be sanctioned to 1 to 18 months in a SHU for disciplinary reasons, given the severity of infraction. Also, BOP policy states inmates placed in SMUs, the ADX Step Down Units, and ADX Special Security Unit may participate in structured, phased programs where they can progress or “step down” to general population after approximately 18 to 36 months if they maintain good behavior. However, according to BOP officials, an inmate may remain in any of the segregated housing units if the inmate continues to be disruptive or BOP officials determine through the review process that the inmate’s original reason for placement still exists.

Appendix IV: Comments from the Bureau of Prisons



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

April 19, 2013

David C. Maurer, Director
Homeland Security & Justice
Government Accountability Office
441 G Street, NW
Rm. 6B44
Washington, DC 20548

Dear Mr. Maurer:

The Bureau of Prisons (BOP) appreciates the opportunity to formally respond to the Government Accountability Office's draft report entitled Improvements Needed in Bureau of Prisons' Monitoring and Evaluation of Impact of Segregated Housing, GAO-13-429. We have completed our review of the information reflected in the report and offer the following comments.

To improve BOP's ability to centrally oversee the implementation of segregated housing policies, we recommend that the Director of the Bureau of Prisons take the following two actions:

Recommendation 1: Develop ADX-specific monitoring requirements.

Response: The BOP concurs with this recommendation and will conduct a Management Assessment to identify aspects of the Control Unit at the Administrative Maximum Security Prison, Florence Colorado (ADX) that are most vulnerable to violations of policy. Appropriate guidelines will be established and incorporated into the respective discipline's program review guidelines. We request this recommendation be closed.

Recommendation 2: Develop a plan that clarifies the objectives and goals of the new software program, with timeframes and milestones, and other means, that explains the extent the software program will address documentation concerns we identified.

Appendix IV: Comments from the Bureau of Prisons

Response: The BOP concurs with Recommendation 2. The BOP's policy (PS5270.10), Special Housing Units, defines the program objectives for SHU management. Those objectives or expected results of the program are:

1. A safe and orderly environment will be provided for inmates and staff,
2. Living conditions for inmates in disciplinary segregation and administrative detention will meet or exceed applicable standards, and
3. Accurate and complete records will be maintained on conditions and events in special housing units.

BOP developed the software program, or "SHU application", that is the subject of this recommendation to facilitate its compliance with the third objective listed above. The objectives and goals of this software program are to enable staff to document the management of SHU operations in an automated fashion, and to provide for automated and accurate maintenance of records kept in accordance with PS5270.10. Thus, the SHU application will track and maintain records on conditions and events in special housing units that include inmate meals, inmate recreation, inmate showers, psychology or medical staff rounds, and cell rotations.

As of December 6, 2012, the SHU application was fully deployed to all institutions. As part of the deployment, all users have been trained. In order to assess whether the SHU application addresses the documentation concerns GAO identified, the BOP will implement the following plan:

Milestone	Expected Completion Date
Deploy SHU application nationwide and train users	Completed - December 6, 2012
Review Program Review findings after six-months of institution review assessments and determine if SHU documentation deficiencies in specified areas (inmate meals, inmate recreation, inmate showers, psychology or medical staff rounds, and cell rotations) have been reduced when compared to institution findings for a similar time frame before the application had been deployed.	Approximately September 30, 2013

We request this recommendation be closed.

To ensure that BOP's use of segregated housing furthers BOP's goal to confine inmates in a humane manner and contributes to institutional safety without having a detrimental impact on inmates held there for long periods of time, we recommend that the Director of the Bureau of Prisons take the following two actions:

Recommendation 3: Ensure that any current study to assess segregated housing units also includes an assessment of the extent that segregated housing contributes to institutional safety, and consider key practices that include local and state efforts to reduce reliance on and the number of inmates held in segregated housing.

Response: The BOP concurs with Recommendation 3. The current Scope of Work for a Special Housing Review and Assessment to be performed by experts in the field (external to BOP and the Department of Justice), calls for an assessment of how special housing units contribute to institutional safety and consideration of key practices of local and state correctional systems, as well as any other correctional system. Below are key passages from the Scope of Work that address the recommendation:

- Conduct a comprehensive review of restricted housing operations for the current population of at least one site housing a SHU and a SMU, and the Florence Administrative Maximum Security Facility (ADX), excluding H Unit. This comprehensive review will include, at a minimum, a thorough evaluation of designation and referral processes; inmate notification and due process; inmate movement; inmate mental health history, evaluation, and treatment; inmate discipline; inmate administrative remedies; inmate health care; inmate programming and recreation; inmate housing; and inmate property.
- Conduct a comprehensive evaluation of the management of highly disruptive inmates within a correctional environment. This evaluation will include a review of existing applicable Bureau policies including institutional supplements and guidance memoranda, a review of corrections best practices across the correctional spectrum, and a review of empirical literature on the topic.
- Conduct a comprehensive evaluation of the management of and use of housing units and other behavioral management tools currently used within the Bureau, best practices within that area across the correctional spectrum, and a review of empirical literature on the topic.


The Bureau of Prisons will ensure these areas are addressed with the selected contractor. We request this recommendation be closed.

Recommendation 4: Assess the impact of long-term segregation on inmates in SHUs, SMUs, and ADX.

Response: The BOP concurs with Recommendation 4. Consistent with its public safety mission, the BOP assesses the mental health of all inmates in segregated housing units on an ongoing basis. These reviews address each inmate's adjustment to the restricted housing setting. In addition, BOP will develop and distribute to the field an expanded mental health screening tool for use by psychology staff with inmates held in long-term segregation. This tool will be used to aid psychology staff in conducting a longitudinal assessment of inmates housed in SHUs or the ADX Control Unit for more than 12 continuous months and those inmates who fail to progress through the SMU or ADX General Population Step Down phases in a timely manner. In addition, to assess the impact of the long term effects of segregation on inmates, BOP's regular assessments of those inmates in BOP custody will be informed by the comprehensive review of BOP's segregated housing units, as described above. The Scope of Work for such review (the contract was recently awarded), requires the contractor to "Conduct a comprehensive review of restricted housing operations for the current population of at least one site housing a SHU and a SMU, and the Florence Administrative Maximum Security Facility (ADX), excluding H Unit. This comprehensive review will include, at a minimum, a thorough evaluation of ... inmate mental health history." The scope of work also requires the contractor to "Conduct a comprehensive review of the Bureau's mental health assessment process." The BOP will ensure mental health records are available to the auditors in accordance with their needs to facilitate a thorough and complete evaluation and in accordance with all privacy laws and regulations. We request this recommendation be closed.

If you have any questions regarding this response, please contact Sara M. Revell, Assistant Director, Program Review Division, at (202) 353-2302.

Sincerely,


Charles E. Samuels, Jr.
Director

Appendix V: GAO Contact and Staff Acknowledgments

GAO Contact

David C. Maurer, (202) 512-9627 or maurerd@gao.gov

Staff Acknowledgments

In addition to the contact named above, Ned George, Assistant Director; Pedro Almoguera; Lori Achman; Carla Brown; Jennifer Bryant; Frances Cook; Michele Fejfar; Eric Hauswirth; Lara Miklozek; Linda Miller; Jessica Orr, Meghan Squires; Helene Toiv; and Yee Wong made key contributions to this report.

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