

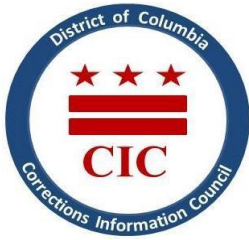
**District of Columbia
Corrections Information Council**



FCI Florence
Report on Findings and Recommendations



October 2, 2023



District of Columbia Corrections Information Council

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About the District of Columbia Corrections Information Council

The District of Columbia Corrections Information Council (CIC) is an independent oversight body mandated by the United States Congress and the Council of the District of Columbia to inspect, monitor, and report on the conditions of confinement in correctional facilities where residents from the District of Columbia are incarcerated. This includes facilities operated by the Federal Bureau of Prisons (BOP), the District of Columbia Department of Corrections (DOC), and private contractors.

The CIC reports its observations and recommendations to the District of Columbia Representative in the United States Congress, the Mayor of the District of Columbia, the Council of the District of Columbia, the District of Columbia Deputy Mayor for Public Safety and Justice, the Director of the BOP, the Director of the DOC, and the community.

Although the CIC does not handle individual complaints or provide legal representation or advice, individuals are still encouraged to contact the CIC. Reports, concerns, and general information from incarcerated D.C. residents and the public are very important to the CIC, and they greatly inform our inspection schedule, recommendations, and reports. However, unless expressly permitted by the individuals or required by law, names and identifying information of residents, corrections staff not in leadership, and members of the general public are kept anonymous and confidential.

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Facility Overview

Facility Profile

Dates of Inspection: April 19-20, 2023	Rated Capacity: 1,258
Location: Florence, CO	Population total: 1,299
Distance from DC: 1,682 miles	DC Population: 3
Security Level: Medium	DC SHU Population: 2
Year of Opening: 1993	Population of DC Men Interviewed: 3

Introduction

The CIC conducted an inspection of FCI Florence on April 19-20, 2023. FCI Florence is a medium security prison located in Florence, Colorado, which is 1,682 miles from Washington, DC. The CIC surveyed and interviewed three DC residents at the FCI.

FCI Florence is a large circular complex with buildings arranged on the perimeter of an open courtyard. Residents are allowed to transfer between buildings every hour during designated moving periods. The interior of each inspected building was clean and well kept. CIC staff toured the Residential Drug Abuse Program housing unit, and the health services, education, and recreation departments. Per the CIC's current Memorandum of Understanding with the Bureau of Prisons (BOP), the CIC cannot enter the Special Housing Unit (SHU).

The main issues relate to programming and education. DC Code offenders are subject to the Needs Assessment standards outlined in the FSA,¹ and require programming to meet those needs. Staff at FCI Florence was unable to provide clear answers on how they conduct and track First Step Act (FSA) Needs Assessments and reassessments.² The Government Accountability Office (GAO) recently highlighted the BOP's failure to conduct and track Needs Assessments, and to ensure facilities offer sufficient programming to meet residents' needs.³

¹ See Federal Register, FSA Time Credits, 87 FR 2705 (Jan. 19, 2022) (DC Code offenders were exempt from FSA time credits, but making no exemption for Needs Assessments),

<https://www.federalregister.gov/documents/2022/01/19/2022-00918/fsa-time-credits>.

² The Needs Assessment is a comprehensive evaluation mandated by the First Step Act. The evaluation looks at thirteen different needs such as mental health, finance, and anger. BOP facilities are required to determine the needs of each incarcerated resident, offer enough programs to meet the needs of residents, and assign residents to programs to meet their needs. Needs should be reassessed every 180 days by Unit Management. U.S Department of Justice, *First Step Act Initial Review of the Sparc-13 Needs Assessment System*, (Mar. 2022),

https://www.bop.gov/inmates/fsa/docs/bop_fsa_needs_validation_report_2021.pdf

³ Government Accountability Office, *Bureau of Prisons Should Improve Efforts to Implement its Risk and Needs Assessment System*, GAO-23-105139 (Mar. 2023), <https://www.gao.gov/products/gao-23-105139>

DC residents reported not receiving programming because FCI Florence prioritizes enrollment for residents who are eligible for FSA time credits. Additionally, DC Council recently passed legislation making DC Code offenders eligible for FSA time credits,⁴ but many are disqualified based on their offenses.⁵ Therefore, many DC Code offenders are not able to program.

Key Findings

Daily Living

- The CIC had access to one housing unit: the Residential Drug Abuse Program (RDAP) unit, which is an intensive substance abuse unit.
- RDAP takes two years to complete. Up to one year is removed from a resident's sentence upon completion.
- The program is based on methods of Cognitive Behavioral Therapy and includes journaling, processing groups, anger management, Alcoholics Anonymous, grief counseling, and self-help circles.
- The unit had over a dozen television units suspended on the walls for residents to watch during down time.

Education and Programming

- The education department is open from 7:30AM to 3PM.
- GED classes occur three times a day from 7:30 AM to 9:00 AM; 9:00 AM to 11:00 AM; and 1:00 PM to 3:00 PM.
- Staff said 27 people earned a GED since October 2022.
- The law library is accessible through the education department.
- The department offers FSA programs like Seven Habits.⁶
- Residents can teach classes to each other. For example, one resident teaches art classes.
- Staff stated that the FSA Needs Assessment is done upon entry and reviewed every six months. However, staff did not give a clear answer on how it is reviewed and whether the reviews are tracked.
- Staff reported the waitlist differs based on class length but could last six to nine months.

⁴ D.C. Code § 24-403.01b. First Step Act parity in earned time credits (Apr.23, 2023), <https://code.dccouncil.gov/us/dc/council/code/sections/24-403.01b>.

⁵ See 70 DCR 635 § 22 (Stating a DC Code offender is ineligible for FSA time credit if their offense is analogous to a disqualifying federal offense); see also Federal Bureau of Prisons, First Step Act, Disqualifying Offenses, April 27, 2023, available at https://www.bop.gov/resources/fsa/time_credits_disqualifying_offenses.jsp.

⁶ United States Department of Justice, Federal Bureau of Prisons, ReEntry Services Division, First Step Act Approved Program Guide, Washington DC, January 2023, https://www.bop.gov/inmates/fsa/docs/fsa_guide_eng_2023.pdf. (“[Seven Habits] addresses interpersonal skills impacting relationships. It helps individuals move from the dependent state to the independent state where they accept responsibility for their thoughts and actions.”)

- Staff stated that residents earn FSA credit while on the waitlist for FSA programs.
- A resident stated that DC residents do not get into programming because they are not eligible for FSA time credit and FSA eligible residents get priority. They stated they were on a waitlist for three years. This is consistent with residents' accounts from other facilities. BOP must give all residents the opportunity to program, not just those that are eligible for FSA time credits.⁷
- A staff member said that the passage of the FSA changed the culture from just a “warehouse” to a facility much more focused on programming and rehabilitation.

Response by the Bureau of Prisons: DC Superior Court inmates can participate in FSA programming. At the time of the visit DC Superior Court inmates were not eligible to receive federal time credits based on FSA programming. However, DC Superior Court inmates have always been encouraged to participate in all programming to include FSA programming to assist with their return to the community. FCI Florence encourages the CIC to continue to encourage DC inmates to participate in all programming.

Recreation

- The recreation department is open from 6:00 AM to 3:00 PM, then closes briefly for a head count, and opens again after the headcount until 8:00 PM.
- The recreation area has a basketball court, a bocchii ball court, a soccer field, a volleyball court, a softball field, and gym equipment.
- Classes are offered for yoga, leather working, instruments, and art.
- Residents can send what they make in leather working and art classes to their families.
- The music room has a drum kit and several guitars, including bass and classical.
- Staff reported that resident bands perform at special events, such as graduations.
- The Wellness Center offers several classes including classes on diabetes and anatomy.

Religion

- There is a chaplain on staff.
- For religious groups without a staff or volunteer faith leader, residents are allowed to lead prayer groups in the housing units.
- The facility has sweat lodges for the Native American population to utilize for religious ceremonies. The ceremonies can involve one of two types of sweat lodges: a dry sweat lodge with a fire pit; and a wet sweat lodge with steam made by pouring water over hot rocks.

Special Housing Unit (SHU)

- CIC did not have access to the SHU but interviewed two residents from the SHU.
- The residents were in the SHU for two months.

⁷ See BOP Education, Training, and Leisure Time Program Standards 5300.21, https://www.bop.gov/policy/progstat/5300_021.pdf

- Residents stated that they were given paper suits as punishment for not keeping their cells clean but were not given cleaning supplies.
- A resident said that it takes medical staff two months to respond to a sick call.
- Psychology staff reported that they make multiple rounds through the SHU every week.
- A resident stated that psychology staff walks through the SHU without speaking to anyone.
- Medications are brought to the SHU twice a day.
- Medical staff visits every Friday.

Response by the Bureau of Prisons: Inmates who are found to alter or destroy institutional clothing or bedding are written an incident report and referred for Alternative Clothing for a period of up to six days. Alternative Clothing referrals are reviewed by the Chief Psychologist and approved by the Warden. The status of the inmate is reviewed after three days. After six days an additional referral is routed for Alternative Clothing approval. Sanitation supplies are distributed to inmates in the SHU weekly by custody staff. Medical staff collect sick call requests each morning during pill line rounds in the SHU. The requests are triaged and scheduled as appropriate to be seen by the provider. If medical attention is required sooner due to worsening condition, medical is available to triage emergencies. In addition, the Assistant Health Services Administrator makes SHU rounds at least weekly, and issues may be addressed at that time. Per policy, a psychologist completes SHU rounds on every range at least once per week. The psychologist typically provides in-cell activities (i.e., puzzles) and self-guided/self-help materials (i.e., Turning Points) upon request.

Staff & Institutional Safety

- FCI Florence is overpopulated as indicated by the rated capacity and the capacity of the facility as of February 22, 2023.
- Two of three survey respondents indicated physical abuse from staff. In contrast, all three survey respondents indicated no physical abuse from other inmates.
- All three survey respondents reported that staff makes racist remarks towards them.

Response by the Bureau of Prisons: All staff misconduct is taken seriously and will result in an investigation if brought to the executive staff attention. If there are specific incidents, and you can provide the information we can assure this is addressed.

Grievance Process

- All three survey respondents have used the grievance process, mainly for medical services and staff conduct.
- Only one of the respondents received a response to their grievance, and it was not timely.

Response by the Bureau of Prisons: Each institution has an executive staff member that provides oversight for the administrative remedy program. Program entries are monitored weekly and discussed with management biweekly to ensure timely responses. An electronic tracking system is maintained in the Bureau Inmate Information System and the associate warden's secretary maintains an analog tracking log to assist in ensuring timely responses.

Health Services

Medical

- FCI Florence is a Care Level Two facility. This means the facility accommodates stable outpatients, requiring at least quarterly clinical evaluation. Examples of such conditions are medication-controlled diabetes, epilepsy, and emphysema.⁸
- Residents line up on the “pill line” to receive medications during breakfast and dinner.
- Staff reported making approximately two trips a day with residents to outside hospitals.
- Non chronic care issues cost residents two dollars.
- The FCI has multiple x-ray machines for body and dental scans.
- Physicians reported treating six to eight patients per day, and mid-level medical staff reported treating 15 to 20 patients per day.

Response by the Bureau of Prisons: FCC Florence adheres to Program Statement 6031.02, Inmate Copayment Program. Charging inmates for health care services will likely increase the inmate's respect for health care and will encourage inmates to be more responsible for their health care. Inmates in the SHU will not be charged a copay fee for daily visits (rounds) by Health Services staff. However, policy states that inmates housed in the SHU will be charged a copay fee of \$2.00 per health care visit if they receive health care services in connection with a health care visit, they requested. Additionally, health care services provided without fees include, health care services based on staff referrals; staff-approved follow-up treatment for a chronic condition; preventive health care services; emergency services; diagnosis or treatment of chronic infectious diseases; mental health care; or substance abuse treatment. All inmates have access to Bureau health care service* Inmates will not be denied access to necessary health care because of an inmate's inability to pay the copay fee. In the event an inmate feels that a fee was wrongfully assessed, they are encouraged to seek review of the issues related to health services fees through the Bureau's Administrative Remedy Program. If the fee was found to be erroneously charged, a reversal of the fee will be promptly addressed.

Dental

- Dental staff treats routine care patients and other sporadic dental needs daily.
- The dental staff includes one dentist, one assistant, and one hygienist.
- The dentist sees four to seven patients per day.

Psychology

- FCI Florence is a Care Level Two facility. This means the facility accommodates stable outpatients, requiring at least quarterly clinical evaluation.⁹

⁸ CIC Info Sheet, BOP – Medical Care Levels (May 17, 2017), https://cic.dc.gov/sites/default/files/dc/sites/cic/page_content/attachments/BOP%20Medical%20Care%20Levels%2005.17.17.pdf

⁹ CIC Info Sheet, BOP – Medical Care Levels (May 17, 2017), https://cic.dc.gov/sites/default/files/dc/sites/cic/page_content/attachments/BOP%20Medical%20Care%20Levels%2005.17.17.pdf

- The department employs three full-time psychologists and four drug treatment specialists.
- There is a waitlist for therapy, but staff can expedite patients if needed.
- Individual and group therapy are available.
- The department runs a dog training program where residents learn to train dogs.
- Staff reported they usually see between two and twenty people a day.
- Staff receives quarterly trainings on suicide prevention.

Reentry

- Only one survey respondent is within 24 months of release, and he was unsure whether he had received any reentry support.

Recommendations

Programming

- Increase programming by increasing staffing, contracting with outside organizations to run virtual programs, and certifying residents to lead programs.
- The facility needs to develop methodology to track Needs Assessments and ensure there is adequate programming to meet the needs of residents.¹⁰

Response by the Bureau of Prisons: Staffing levels are based on institution security levels and authorized positions.

FCC Florence has a volunteer recruitment plan in place to assess the institutions need for volunteers in accordance with Program Statement 5300.22 Volunteer Services. FCC Florence utilizes a number of resources for programming purposes encompassing community contacts, local colleges, the Inside Influence website, community relations boards, and community outreach efforts.

Education Courses are contracted through Pueblo Community College to gain technical and occupational skills that aid in reentering society.

In addition, FCI Florence has attempted to increase programming by increasing staffing. At the time of this report, the Psychology Services department was noted to employ three full-time psychologists and four drug treatment specialists. Two additional Treatment Program Specialists have been hired since that time. Their primary role is to provide Evidence-Based Recidivism Reduction (EBRR) programs and Productive Activities (PAS) in group settings. Further, FCI Florence has been approved to hire a Deputy Chief Psychologist.

Response by the Bureau of Prisons: FCI Florence assesses, and monitors inmate needs assessments in accordance with Program Statement 5400.01 First Step Act. Inmates are initially assessed by staff when entering custody and reassessed every 90 or 180 days depending on their release dates. Once a need has been identified appropriate courses are recommended. A First Step Act Committee consisting of Department Heads, Case Management Coordinators, the Reentry Affairs Coordinator and Executives, meet regularly to discuss the needs of the offender population and if the specific institutions are offering adequate programming. In addition, Psychology Services, Unit Team and Health Services tracks the relevant FSA needs status of inmates through the intake process and subsequent routine audits. Through this process, inmates who have not completed the relevant FSA Needs Assessments are identified and encouraged to complete them. Inmates that are identified as having specific needs are added to waitlists for Evidence Based Recidivism Reduction (EBRR) Programs and Productive Activities (PAS). Waitlists for these programs/activities are used to ensure programming is being provided to address the specific needs of our institution.

¹⁰ U.S. Government Accountability Office. “Federal Prisons: Bureau of Prisons Should Improve Efforts to Implement its Risk and Needs Assessment System”. GAO-23-105139 (Mar. 20, 2023). <https://www.gao.gov/products/gao-23-105139>.

FCI Florence is committed to providing as many programs as possible with the resources we have available.

Staff & Institutional Safety

- The CIC recommends the facility take steps to address overpopulation by assessing which residents are eligible for halfway houses and lower security facilities, transferring residents to less crowded facilities, or other depopulation strategies.
- Ensure that staff are aware that they may not use threats, intimidation, or violence towards inmates by providing regular trainings and implementing applicable repercussions.

Response by the Bureau of Prisons: All inmates are reviewed for pre-release Residential Reentry Center placement when they are within 17-19 months from release, in accordance with Program Statement 7310.04, Community Corrections Center Utilization and Transfer Procedures. Additionally, an inmate's custody classification is reviewed yearly, during regularly scheduled Program Reviews, in accordance with Program Statement 5100.08, Inmate Security Designation and Custody Classification. If an inmate's classification changes, or if they are deemed appropriate for a transfer, a request for transfer is submitted to the Designation and Sentence Computation Center for review. The inmate population at FCI Florence is routinely monitored to ensure bed space and inmate programming is appropriate, readily available and the mission of the facility can be accomplished.

Response by the Bureau of Prisons: FCI Florence has a zero-tolerance policy for staff misconduct. Issues brought to staff attention, are investigated to ensure both staff and inmates are being treated fairly and with respect. Ethics Training is held annually with all staff. Staff are made aware of professional conduct through regular departmental meetings and mandatory trainings.

Grievance Process

- Executive or administrative level staff should audit the facility's grievance process to ensure compliance with stated protocols and timelines.

Response by the Bureau of Prisons: Executive staff review and discuss the grievances bi-weekly and address any outstanding issues.

Reentry

- The CIC recommends that residents are assessed for time credits eligibility in accordance with DC Code § 24-403.01b.¹¹
- It is recommended that DC-specific reentry resources, including the PDS Reentry Navigator, are actively provided to residents within 24 months of release.

Response by the Bureau of Prisons: All offenders are assessed for time credit eligibility. At the time of the visit DC Superior Court inmates were not eligible to receive federal time credits based on FSA programming. The BOP is working with DC lawmakers to put together a program application of federal time credits for DC offenders.

¹¹ Apr. 21, 2023. Available at <https://code.dccouncil.gov/us/dc/council/code/sections/24-403.01b>.

Response by the Bureau of Prisons: DC Code offenders are identified within 24 months of release and offered specific resources related to their release. The DC Offenders Resource Guide is provided to all DC Offenders and a virtual community resource day provided by the Court Services and Offender Supervision Agency for the District of Columbia is offered annually. DC Offenders can also meet with a Reentry Affairs Coordinator to ask specific questions and receive assistance as needed.