

District of Columbia Corrections Information Council



RECOMMENDATION ASSESSMENT REPORT: BOP LOCKDOWNS

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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.

About the Recommendation Assessment Series

The Corrections Information Council inspects and reports on conditions of confinement in correctional facilities where DC Code offenders are located. The Recommendation Assessment series reviews and reports on common recommendations from previous inspection reports. The series also assesses the implementation of recommendations. In some instances, additional recommendations are provided to better address residents' needs. The CIC will monitor and report on the recommendations and publish updates following significant changes to the implementation or creation of new recommendations.

Introduction

The Bureau of Prisons (BOP) places an institution or parts of an institution on modified operation status, commonly known as “lockdown,” in response to threats to the safety and security of an institution. The BOP does not disclose the policy and protocol dictating the use of lockdowns due to safety and security reasons.¹ The BOP maintains that a lockdown “is only done when absolutely necessary to maintain the safe and secure running of the institution. The primary objective is to investigate what necessitated a lockdown, and to determine how best to prevent it from happening in the future.” BOP staff has initiated lockdowns because of cell block fights, COVID-19, overpopulation, investigations, threats, or paraphernalia. For incarcerated people, lockdown means they are not allowed to leave their cells and do not receive time for accessing the law library, visitation, and programming. Lockdowns can last a few hours to months.

Individuals incarcerated in BOP custody raised issues regarding the frequency of lockdowns and the lack of programming offered during lockdowns. It is difficult to know the exact frequency of lockdowns because the BOP does not publish data on lockdown use, especially for partial lockdowns, where only certain units within a facility are on lockdown as opposed to the entire facility; however, agency findings indicate that lockdowns have been used frequently for extended periods of time. It is recommended that the BOP limit the use of lockdowns, especially lockdowns of an entire facility. It is further recommended that the BOP continue programming during lockdowns by maintaining operations and utilizing tablets with educational applications. Significant changes in operations should also be communicated to incarcerated individuals and their families.

Previous Recommendation Summary

The below recommendations have been previously made to the BOP in inspection reports over the last five years. The recommendations stem from reports at various facilities and have been edited for clarity and brevity.

| Recommendation | Status |
|---|--------------------|
| Minimize use and impact of lockdowns. | Partially resolved |
| Offer programming while on lockdown. | Partially resolved |
| Communicate changes in operations to incarcerated individuals and their families. | Partially resolved |

¹ In the USP Pollock inspection report, in response to a recommendation regarding lockdown policies, the BOP stated “[d]ue to safety and security reasons, the Bureau of Prisons does not disclose specific security operations and protocols.”

Previous Recommendation: Minimize the use and impact of lockdowns.**Status:** Partially resolved

Updated Recommendation # 1: BOP officials should only use lockdowns, when necessary, for the smallest section of the population, and for the shortest of amount of time possible.

It is recommended that the BOP find alternative solutions to initiating even a partial lockdown of a facility. The BOP has been responsive in the past to this recommendation. Developing an alternative to lockdown may be difficult depending on the problem necessitating the lockdown; however, the BOP should find alternatives wherever possible to limit their use and length. Lockdowns can inhibit programming and negatively affect the rehabilitation of the population.

If a lockdown is necessary, BOP staff should limit its impact. If a fight occurred on one cell block, it may not be necessary to lock down more than that one cell block. It might also be possible to lock down certain units at a time in a rotation to allow for programming, recreation, and visitation. Modified operations should secure the institution without keeping the entire facility on lockdown. When a total lockdown is necessary, the length of time should be the shortest length necessary to secure the premises. Prolonged time inhumely confines people to their cells. This can negatively impact the safety and security of the institution by agitating residents, which leads to frustration, aggression, and conflict.

Recommendation # 2: Increase staffing.

Staff shortages cause increases in the use of lockdowns across the BOP.² The BOP is currently undergoing efforts to increase staffing within its institutions.³ Hiring more correctional officers on

² Mario Koran, "Inside a "Nightmare" Lockdown at a Wisconsin Prison," New York Times, August 21, 2023, available at <https://www.nytimes.com/2023/08/19/us/wisconsin-prison-lockdown.html>

³ GAO, *Opportunities Exist to Better Analyze Staffing Data and Improve Employee Wellness Programs*, GAO-21-123 (Feb 24, 2021), available at <https://www.gao.gov/products/gao-21-123>.

staff could help reduce violence within the incarcerated population, increase the safety and security of the institution, and mitigate the need for lockdowns.⁴

Previous Recommendation: Offer programming while on lockdown.

Status: Partially resolved

Updated Recommendation # 3: Provide tablets with programming for units on lockdown.

The BOP should acquire tablets to support programming efforts. Lockdowns can prevent incarcerated populations from completing GED classes, addiction programming, and other rehabilitative and educational courses necessary for successful reentry into their communities. Incarcerated people need opportunities to use their time productively, and any temporary revocations of such opportunities should be restored as quickly as possible. At a minimum, programming should operate at a limited capacity during lockdowns, which could be supplemented with tablets containing educational courses.⁵ If a large enough supply of tablets cannot be acquired, usage should be rotated.

Previous Recommendation: Communicate changes in operations to incarcerated individuals and their families.

Status: Partially resolved

Whenever BOP officials choose to partially lockdown a facility, it should be communicated and posted publicly. Currently, the BOP only posts publicly when there is a full lockdown of a facility. Therefore, a large portion of an institution could be locked down, unable to communicate with their families, without their families knowing. This can be stressful for residents who are deprived of support and communication, and for families who unaware of why communication with a resident has ceased. The BOP should increase its transparency regarding both partial and full lockdowns.

⁴ Walter Pavlo, "Union Says Staffing Shortages Within Federal Bureau Of Prisons Leading To More Violence," Forbes, December 10, 2021, available at <https://www.forbes.com/sites/walterpavlo/2021/12/10/union-says-staffing-shortages-within-federal-bureau-of-prisons-leading-to-more-violence/?sh=1ace7c1637a0>

⁵ Bronner Group. Federal Bureau of Prisons Education Program Assessment Final Report, Chicago, IL: U.S. Department of Justice, 46-53, 2016. <https://www.justice.gov/archives/dag/page/file/914026/download>

Conclusion

While the use of a lockdown may be necessary for the safety and security of a facility, prolonged and frequent lockdowns are inhumane and may have adverse effects on the rehabilitation of residents and the safety and security of an institution. To minimize such adverse outcomes, the BOP should limit its use, while consistently prioritizing transparency and programming during the necessity of any modified operations.