

District of Columbia Corrections Information Council



RECOMMENDATION ASSESSMENT REPORT: BOP REENTRY

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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) established a standardized release preparation program (RPP) for all persons in custody reintegrating into their communities from BOP facilities.¹ RPP includes reentry support programs, as well as reentry planning with a case manager. RPP often serves as the only reentry support received by those not transitioning through a halfway house and going straight from federal prison to their communities. The RPP is administrated by the Release Preparation Coordinator (RPC) and the Release Preparation Program Committee (RPPC).² The RPP is open to all persons in custody, but those within 30 months of release are prioritized.³ CIC staff reviewed its own Inspection Reports produced since 2018 and found that DC Code offenders raised issues regarding reentry preparation at 9 of the 13 institutions visited by CIC staff.

Individuals incarcerated in BOP custody raised issues regarding access to reentry preparation. CIC staff often encounter individuals within 24 months of release who report not receiving reentry support. CIC staff also often find that individuals with long or indeterminate sentences are denied from RPP even though they may be released early via one of the one of the statutes granting early release, such as Second Look or parole. The CIC recommends the creation of a digital centralized wait list management system to monitor RPP enrollment and demand, ensure efficient enrollment of individuals, and include early release eligibility when managing wait lists. Additionally, the BOP should increase efforts to partner with organizations to increase the number of reentry programs available within facilities.

¹ Program Statement 5325.07 Release Preparation Program, available at https://www.bop.gov/policy/progstat/5325_007_CN-1.pdf

² *Id.*

³ *Id.*

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
Increase release preparation staffing.	Partially resolved
Implement a tracking system to ensure that people returning home within 24 months participate in reentry programming and receive personal documentation in preparation for release.	Partially resolved
Allow persons in custody who are eligible for early release to participate in reentry programs.	Partially resolved

Previous Recommendation: Increase release preparation staffing.

Status: Partially resolved

The BOP is currently understaffed.⁴ Staff who normally run programs, like teachers, must substitute as correctional officers.⁵ Many of the positions that facilitate RPP require specialized degrees in education and psychology, and are difficult to hire. The BOP is offering recruitment and retention bonuses, as well as conducting outreach through job fairs and marketing to increase staffing.⁶ The CIC recommends that BOP ensures there are enough staff at each facility so that each resident can participate in RPP prior to release.

Previous Recommendation: Implement a tracking system to ensure that people returning home within 24 months participate in reentry programming and receive personal documentation in preparation for release.

Status: Partially resolved

Updated Recommendation # 1: Create a digital centralized institutional waitlist for RPP.

⁴ Jory Heckman, *Bureau of Prisons understaffing leads to 'unprecedented exodus' of employees, union warns*, Federal News Network (Sep. 30, 2022), available at <https://federalnewsnetwork.com/hiring-retention/2022/09/bureau-of-prisons-understaffing-leads-to-unprecedented-exodus-of-employees-union-warns/>.

⁵ Jory Heckman, Federal News Network.

⁶ *Id.*

Incarcerated residents are expected to enroll themselves in RPP just like any other program. Residential Reentry Centers (RRC) track and monitor the participation of residents who are within 30 months of release. RRCs also assess the appropriateness and timeliness of RPP assignment. Release Preparation Coordinators prioritize the applicants based on their projected release dates.⁷ Given the volume of the incarcerated population, staffing issues, and the need for improved protocols for managing waitlists for RPP, the BOP needs a digital centralized waitlist for RPP. Staff could ensure that residents enrolling in RPP are prioritized based on actual and potential release dates to increase the benefits of participating in RPP. A centralized waitlist would also allow for easy access to records, even if individuals are transferred between facilities. A centralized digital waitlist should update automatically as projected release dates change. This would increase the number of incarcerated individuals receiving RPP before release.

Updated Recommendation # 2: Track and review the number of residents who are released from BOP custody without RPP completion.

The RPC along with the rest of the RPPC should quarterly audit the number of residents released without completing RPP and set a quantifiable percentage goal to improve the administration of RPP. The RPC is already charged with monitoring and tracking the Education Quarterly Roster Report for resident participation and monitoring the appropriateness and timeliness of case management activity RPP assignments.⁸ The CIC recommends that page 18 of the Release Preparation Program Statement is amended to include additional documents for the RPC to audit. Specifically, records regarding completions and dropouts of RPP, individuals released without any RPP, and RPP applications and waitlists. The RPPC should then set quantifiable percentage goals based on their audits to improve participation.

Updated Recommendation # 3: Increase hybrid or online options for Reentry support to supplement staff shortages.

⁷ Release Preparation Program at 13 (Someone with a distant projected release date will be designated as "RPP NEEDS" which means they are someone "who needs to participate in the program prior to release, but whose release date is so far into the future that to place him/her into the RPP at the present time would be premature")

⁸ Program Statement 5325.07 Release Preparation Program at 18

To address staffing shortages, the BOP should partner with external organizations to provide hybrid and virtual RPP options, which should reduce the number of residents released without RPP. For example, MBI Health Services, LLC offers pre-release educational and mental health programming.⁹ The BOP could expand its use of training videos by increasing the existing or outstanding number of training DVDs at each facility.

Previous Recommendation: Allow persons in custody who are eligible for early release to participate in reentry program.

Status: Partially resolved

Updated Recommendation # 5: Prioritize eligibility for reentry program by early release eligibility.

RPP is open for any individual to apply, and the capacity of each RPP across facilities varies based on staffing, need, and infrastructure. RPCs prioritize applicants based on their projected release dates.¹⁰ Individuals with long or indeterminate sentences¹¹ may be denied enrollment in RPP despite eligibility for early release under statutes, such as The Second Look Act¹².

RPCs should consider early release eligibility, as opposed to only the projected release date, when choosing who to accept into RPP. For example, by logging into SENTRY the age of a resident at the time they committed their crime and the length of time they have been incarcerated, BOP officials could see if they meet the criteria for Second Look. Individuals eligible for early release should be prioritized similarly to those with close projected release dates. If an individual has ten years on their sentence and is eligible for Second Look, they should be prioritized for RPP over someone with ten years on their sentence who is not eligible for Second Look. RPCs will still likely

⁹ MBI Health Services, LLC *Returning Citizens Program*, available at <https://www.mbihs.com/what-we-offer/returning-citizens-program>.

¹⁰ Release Preparation Program at 13 (A resident with a distant projected release is designated as someone “who needs to participate in the program prior to release, but whose release date is so far into the future that to place him/her into the RPP at the present time would be premature”).

¹¹ An indeterminate sentence is a sentence given as a range. For example, 20 years to life is an indeterminate sentence mandating at least 20 years in prison, and up to a maximum of life in prison. The minimum amount of time in the range indicates when the individual becomes eligible for parole.

¹² See DC Code § 24-403.03 (DC law authorizing sentence modification under certain circumstances for a defendant whose sentence was imposed before their 25th birthday), available at <https://code.dccouncil.gov/us/dc/council/code/sections/24-403.03.html>.

prioritize residents with shorter projected release dates over residents who are simply eligible for early release; but those eligible residents should also be considered a priority for RPP.

Updated Recommendation # 6: Prioritize eligibility for reentry program by parole eligibility date for incarcerated individuals with indeterminate sentences.

Individuals with indeterminate sentences have a sentence range; their sentence contains a minimum amount of time required for incarceration prior to parole eligibility, and a maximum amount of time. An example of an indeterminate sentence is 20 years to life, which means that the person is generally eligible for parole after serving 20 years but could spend life in prison if parole is not granted. BOP staff should reference the parole eligibility date when prioritizing individuals for RPP enrollment, as opposed to the maximum time.

Conclusion

Reentry programming and support is essential for successful reintegration to society and lowering of recidivism rates. The CIC recommends the BOP create a centralized digital waitlist management system to maximize RPP participation and analyze additional data to facilitate more efficient execution of RPP. RPCs should consider early release criteria and projected release dates to ensure that every individual receives RPP before leaving prison. Additionally, the BOP could acquire more reentry support by partnering with outside organizations.