

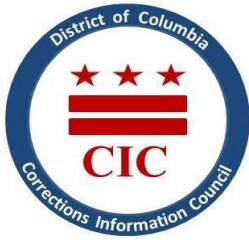
District of Columbia
Corrections Information Council



USP Hazelton
Report on Findings and Recommendations



October 2, 2023



District of Columbia Corrections Information Council

Charles Thornton, Board Chair
Katharine A. Huffman, Board Member
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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: February 22-23, 2023	Rated Capacity: 881
Location: Bruceton Mills, WV	Population total: 1,647
Distance from DC: 188 miles	DC Population: 177
Security Level: High	DC SHU Population: 26
Year of Opening: 2004	Population of DC Men Interviewed: 73

Introduction

FCC Hazelton is in Bruceton Mills, West Virginia, approximately 186 miles from Washington, DC. USP Hazelton is a high security male prison within the FCC complex. There are 1,647 residents at the USP; 1,598 at the FCI; and 517 at the Female Facility. FCC Hazelton houses the largest number of DC Code offenders.

On February 22-23, 2023, the CIC conducted an inspection of USP Hazelton in response to claims of constant lock downs at the facility. The CIC surveyed and interviewed 73 DC residents at the USP and received 17 more surveys in the mail. The total number of people surveyed is 90.

The CIC confirmed the facility underwent constant lock downs, which inhibited all operations. The facility was under modified lock down during the inspection, which allowed 45 minutes of out of cell time for eight cells at a time. Residents could not participate in programming to earn GEDs and certifications, nor complete vocational training to prepare for reentry. Residents had little time outside their cells to make phone calls, use the computer, access the law library, shower, and socialize because of the lock downs. According to residents, the food brought by staff from the cafeteria was often cold by the time it arrived on the cell blocks. The indoor and outdoor recreation areas were off limits and remained unused for approximately one year. In addition to the issues caused by the lock downs, residents spoke of verbal and physical abuse by the staff.

BOP staff stated that lock downs were necessary because the SHU was over capacity. Residents informed CIC staff that people voluntarily asked to stay in the SHU because conditions in the general population were worse. This created a cycle of SHU overcrowding, lock downs, and worsening conditions.

Residents informed CIC staff that since the visit, there have been less lock downs. CIC staff had a productive conversation with BOP staff during the close out meeting, which led to a reformation of the SHU overflow procedure to avoid lock downs. According to residents at Hazelton, officers removed people from the SHU and now use a housing unit as an extension of the SHU to manage overflow.

Key Findings

Daily Living

- The CIC was granted access to two units: general population unit A1 with 121 total residents, 20 of whom were DC Code offenders; and Challenge Program unit A2 with 114 total residents, 10-12 of whom were DC Code offenders.
- There were six computers in the units and four telephones. Two of the computers are for the law library.
- Residents confirmed that the facility is repeatedly on lock down because the Special Housing Unit (SHU) is full.
- These lock downs negatively impacted every aspect of life for incarcerated residents and every resident interviewed expressed frustration about the lock downs.
- Some residents check into the SHU upon arrival, often hoping to transfer to another facility.¹
- Residents told CIC staff that the food is regularly cold, and the showers are dirty because of the lock downs. Residents cannot access the law library or programs during the lock downs.
- The lock downs limit commissary access, so residents do not have sufficient amounts of necessities like soap and toothpaste.

Response by the Bureau of Prisons: Modified operations are utilized for the safety and security of the institution for not only the inmates but also the staff. The decision to lock down an institution is one that is never taken lightly. It is done when necessary to maintain the safe and secure running of the institution. The primary objective is to investigate what necessitated a disruption in the orderly running of the institution, and to determine how best to prevent it from happening in the future. The need for modified operations will always be dictated by the nature, duration, and magnitude of each situation. The goal remains to return to normal operating procedures as expeditiously as possible following the conclusion of any necessitating event.

Since the CIC visit, the entire facility is not secured or placed on modified operations for Special Housing Unit (SHU) overflow.

Response by the Bureau of Prisons: Inmate orderlies are utilized during modified operation to maintain shower sanitation and other needs of the housing units under the supervision of staff. In compliance with Program Statement 4700.06, Food Service Manual, food is cooked and served

¹ Residents can check into the SHU by telling an officer that they cannot enter the general population because they fear for their life. The SHU is used as a protective custody unit for vulnerable members of the population and vulnerable residents are sometimes transferred to other facilities for their safety.

within four hours from the point when it is removed from temperature control. During modified operations, hot meal trays are transported to housing units in mobile food warmers.

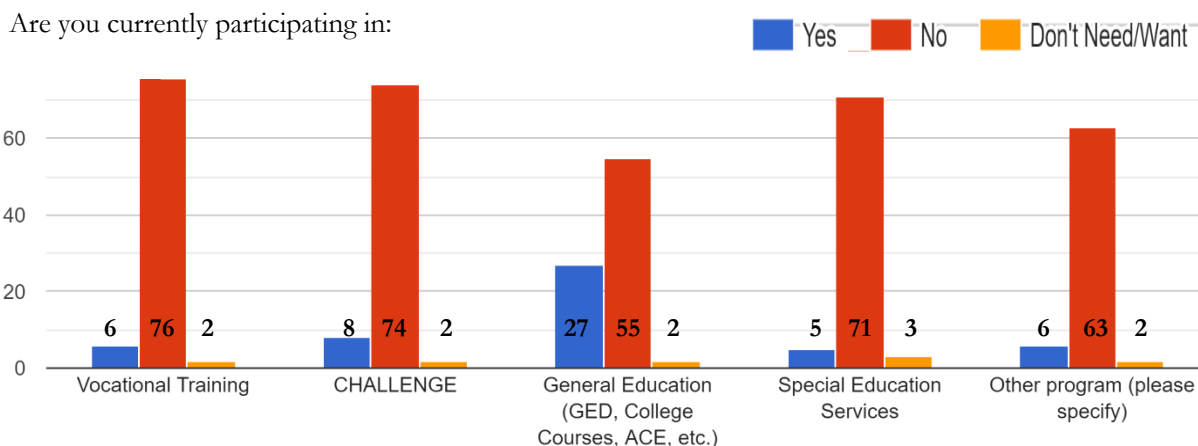
Response by the Bureau of Prisons: During modified operations, complimentary hygiene packs which include soap, toothpaste, a toothbrush, razor and comb are distributed to each inmate.

Education and Programming

- There are two Special Education teachers and five teachers in the education department.
- The constant lock downs of the facility prevent programming and education from operating. Incarcerated residents expressed frustration over the lack of programming. BOP policy requires BOP officials to offer every incarcerated resident the opportunity to complete programming.²
- Residents reported the Challenge Program is usually about ten months long, but the program was taking longer because it was not operating during the lock downs. Since the inspection, residents informed the CIC that the programming units now operate during lock downs.
- PREA signs are visible in the education department.
- The education department administers the Test of Adult Basic Education (TABE). TABE is a placement exam used to determine the levels of need for a person without a GED to continue their education.
- Staff reportedly brings education packets to the SHU once per month.
- The department partners with Adam State University (Colorado) for educational correspondence courses, as well as Blackstone Careers and Stratford Career Center, which both provide vocational correspondence courses.³
- Microsoft is the only vocational training class available for residents to receive a certificate of completion.
- There is an annual mock job fair at USP Hazelton. The facility also offers a Resume Writing class for residents with shorter sentences and close release dates.
- There are three operational computers in the library and three empty stations (without computers) for use.
- The carts in the library do not have PDS Reentry Navigator books.
- The programming unit was not running programs because of the lock downs.
- UNICOR is no longer available at USP Hazelton.
- Twenty-two survey respondents reportedly applied for programming but were not enrolled.

² BOP Education, Training, and Leisure Time Program Standards 5300.21, available at https://www.bop.gov/policy/progstat/5300_021.pdf

³ Correspondence courses are a form of distance education where students are sent educational materials to complete independently within a specified amount of time.



Response by the Bureau of Prisons: To ensure education programs continue during modified operations the Education Department issues packets of work for GED & ESL students. Teachers take the packets to each individual inmate in their housing units and answer questions regarding the assignments. The following week, if the modified operations are extended, teachers distribute another packet and pick up all completed packets for scoring. In addition, the Education Department distributes self-study Adult Continuing Education (ACE) packets to all the inmates during extended modified operations.

Response by the Bureau of Prisons: Hardcopies of the PDS Reentry Navigator book are located in the Resource Center located within the Education Department.

Response by the Bureau of Prisons: The CIC did not provide specific information for FCC Hazelton to review the claim that 22 inmates applied to participate in programs but were not enrolled at the time of their visit. There are several reasons why an inmate who signed up for a program may not currently be enrolled, (i.e., placed on a wait list, waiting for the next class to begin, withdrew from the wait list prior to the class starting, etc.)

Response by the Bureau of Prisons: Inmates are afforded the opportunity to participate in outdoor recreation in the morning, afternoon, and evening. Inmates who are not in a secured housing unit, due to an institution disturbance are permitted to partake in outdoor recreation daily.

Recreation

- The department has five First Step Act programs, such as Walk with Ease.⁴
- USP Hazelton also participates in the National Federation of Personal Trainers.
- Residents lead exercises classes for each other.
- The facility has courts for basketball, handball, volleyball, softball, and flag football. Residents can play on intramural teams and in tournaments.
- Residents stated that they have not had recreation at the gym or outside for approximately one year because of the lock downs.

⁴ United States Department of Justice, Federal Bureau of Prisons, ReEntry Services Division, Frist Step Act Approved Program Guide, Washington DC, January 2023, https://www.bop.gov/inmates/fsa/docs/fsa_guide_eng_2023.pdf (Walk with Ease helps residents with arthritis move without pain.).

Religion

- There are two full time chaplains who make rounds in the SHU once a week.
- There are three prominent religious groups at the USP: Muslim, Protestant, and Santaria practitioners.
- Muslims and Santaria groups have resident-led services, and Protestants have a chaplain to lead services.
- During normal operations, staff use the chapel and the former UNICOR building to hold religious services.
- According to the chaplain, the Muslim group typically has 120 people per Jumah service; the Protestants group typically has about 40 people per service; and the Santaria group typically has about 60 people per service.

Special Housing Unit (SHU)

- CIC interviewed six DC residents from the SHU.
- When the SHU is over capacity, staff moves people from the SHU into the general population then lock down the entire facility.
- Residents in the SHU said they do not get recreation time or receive mental health evaluations.
- Staff brings book carts to the SHU.
- Since the inspection, the CIC was notified by Hazelton residents that Hazelton staff has been able to manage SHU overflow without completely locking down the facility. Many residents were reportedly moved out of the SHU, and staff now uses an empty housing unit as an extension of the SHU.

Response by the Bureau of Prisons: New procedures have been implemented at USP Hazelton since the CIC visit. The entire facility is no longer secured for SHU overflow, only a designated unit is secured until SHU space is available.

Response by the Bureau of Prisons: In accordance with Program Statement 5270.10, Special Housing Units, inmates receive the opportunity to exercise outside of their individual living quarters at least five hours per week, ordinarily on different days in one-hour periods. Exercise periods are only restricted or denied when the inmate's activities pose a threat to the safety, security, and orderly operation of a correctional facility.

Staff & Institutional Safety

- USP Hazelton is overpopulated according to the rated capacity and the capacity of the facility as of February 22, 2023.
- Residents reported that staff is very disrespectful due to frequent verbal abuse and the use of racial slurs. Residents said it is the worst facility in which they have lived.
- When asked “has staff ever made racist remarks towards you at USP Hazelton?”, fifty-two out of 90 survey respondents responded “yes.”

- Residents expressed fear of retaliation from correctional officers for speaking with the CIC.
- Twenty survey respondents reported physical abuse by staff, especially in the SHU.
- Eight respondents reported physical abuse by other inmates.

Response by the Bureau of Prisons: In accordance with Program Statement 3420.11, Standards of Employee Conduct, the Bureau of Prisons takes allegations of staff misconduct seriously and makes every attempt to hold staff to the highest standards. All allegations of staff misconduct are reviewed, and, if necessary, referred to the appropriate department for investigation. Subsequently, the CIC did not provide FCC Hazelton with detailed and specific information to investigate or substantiate any allegation of abuse. Therefore, the BOP cannot thoroughly address any of these claims.

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Response by the Bureau of Prisons: The CIC did not provide FCC Hazelton with detailed and specific information to investigate or substantiate any allegation of abuse by other inmates to ensure the safety of inmates and staff. Therefore, the BOP cannot thoroughly address any of these claims.

Grievance Process

- Forty-two survey respondents reported using the grievance process.
- The top three grievance issues addressed staff conduct (24 grievances); medical care (21 grievances); and education and programming (7 grievances).
- Twenty-five respondents stated that they did not receive a response to their grievance.
- Of the 17 respondents who reported receiving a response, eight said the response was timely.

Response by the Bureau of Prisons: Staffing levels are based on institution security levels and authorized positions. Program Statement 6010.05, Health Services Administration, outlines the staffing for health services personnel in the Health Services Unit. Currently, FCC Hazelton has one Clinical Director, one Health Services Administrator, and three Health Services Assistant Administrators. The Clinical Director has oversight of the clinical care provided at each institution and is the clinical supervisor for Mid-Level Practitioners (MLP). Therefore, FCC Hazelton is compliant with policy regarding staffing positions for health services personnel.

Response by the Bureau of Prisons: Prescription medications are only provided to patients when deemed necessary by appropriately licensed medical professionals. USP Hazelton employs physicians, dentist, and mid-level providers that are properly licensed and appropriately credentialed to make decisions regarding the prescribing of medications for medical or dental needs. Dental issues are triaged and treated by dental staff including dentists, dental assistants, and dental hygienists. USP Hazelton follows policy regarding the provision of routine dental care as outlined in Program Statement 6400.03, Dental Services.

Response by the Bureau of Prisons: Sick call complaints are triaged by appropriate medical staff, including nurses and paramedics, and then referred to mid-level providers for further treatment, if necessary. The follow-up care is scheduled per the determination of the mid-level provider, based on the medical acuity of each medical complaint. Emergent medical care is provided on a 24-hour basis, 365 days a year.

Health Services

Medical

- USP Hazelton is a Care Level Two facility, which means the facility accommodates stable outpatients who require at least quarterly clinical evaluations. Examples of such conditions are medication-controlled diabetes, epilepsy, and emphysema.⁵
- FCC Hazelton has one Clinical Director (CD) and one Health Services Administrator (HSA) covering all three of the institutions within the complex; BOP standards require each institution to have one CD and one HSA.⁶
- Staff stated that they are starting to use remote services through a telehealth program provided by Medmark Treatment Center.
- Survey respondents reported a lack of medical attention, such as not receiving prescription medication or seeing the dentist.
- Out of 90 respondents, sixty-three indicated dissatisfaction with their medical care.
- Sixty-one indicated that medical does not respond to sick call requests within 48 hours.

⁵ 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

⁶ BOP Health Services Administration Policy 6010.05, available at https://www.bop.gov/policy/progstat/6010_005.pdf

Dental

- There are four dentists at the facility. Generally, each institution should have one dentist for every 1,000 inmates.
- There were reports of a three year wait to see the dentist at the USP.
- Staff reported bringing a mobile dental X-ray machine to cells for x-ray examinations. None of the residents with whom the CIC spoke-saw this machine.
- Fifty-two survey respondents indicated that they have not seen the dentist.

Response by the Bureau of Prisons: Currently, FCC Hazelton employs four dentists and has an inmate population of approximately 3800 complex-wide.

Psychology

- USP Hazelton is also a Care Level Three facility, which means the facility accommodates patients who require frequent clinical contacts, and may require some assistance with activities of daily living, but do not require daily nursing supervision.⁷
- Psychology staff see Care Level Three patients weekly.
- There are eight openings for psychologists, and there is no psychiatrist on site.
- When residents refuse medication, the medical staff tries to encourage compliance.
- Residents who attempt suicide must stay in safe cells on the health services unit for monitoring.
- Staff are trained to manage suicide attempts quarterly and- as needed.
- Eleven out of 22 survey respondents indicated that they receive their prescription mental health medication.

Response by the Bureau of Prisons: FCC Hazelton continues to recruit for the above identified position. Incentives have been added to all vacancy announcement to attract new hires. However, due to the geographic location of FCC Hazelton, it has been difficult to recruit potential staff. FCC Hazelton encourages the CIC to direct interested candidates to the USAJOBS website for BOP employment opportunities. Also, temporary duty Psychology staff are temporarily assigned to FCC Hazelton from other BOP facilities on a rotating schedule to ensure mental health needs are met for the inmate population.

While FCC Hazelton does not have an onsite psychiatrist, telepsychiatry is utilized, when necessary. If needed, FCC Hazelton consults with BOP psychiatrists located in Headquarters located in Washington, DC, to discuss mental health concerns at the complex.

Response by the Bureau of Prisons: The CIC did not provide specific information for FCC Hazelton to review this claim.

⁷ *Id.* (Facilities can have different care levels for general medical care and mental health care.)

Reentry

- Thirty-nine respondents are within 24 months of release:
- Three out of the 39 had their birth certificates.
- Six out of the 39 had their social security cards.
- Seven out of the 39 spoke with their unit team about release planning.
- Nine out of the 39 received information about reentry resources in DC.
- Six out of the 39 completed release preparation programs.

Response by the Bureau of Prisons: At the onset of their incarceration and during inmate program review meetings, inmates are encouraged to obtain identification, if they do not have it, for release purposes. Inmates are responsible for requesting the form or application for the specific identification from the Unit Team or Reentry Affairs Coordinator. Staff assist inmates with obtaining a birth certificate or a social security card from the appropriate agency prior to their release. However, some inmates face challenges with obtaining these documents, such as not having adequate funds to pay for a birth certificate and/or not knowing their parental information, including the correct spelling of their parents' names, which is required for both forms of identification.

During inmate program review meetings, the Unit Team discusses release planning 17-19 months of an inmate's projected release date. An inmate may address release questions and/or concerns during program review meetings, during open house hours, during the noon meal, and via an Inmate Request to Staff form, either via paper or electronically. Staff encourage inmates to participate in the Release Preparation Program (RPP) as outlined in Program Statement 5325.07. The RPP, a series of classes to discuss housing, release clothing, identification, supervision requirements, veterans' services, etc., begins 30 months of the inmate's projected release date. However, it is the inmate's responsibility to enroll in RPP and actively participate. RPP participation is documented. The CIC did not provide specific information for FCC Hazelton to review any specific inmate's participation in release planning programming.

Recommendations

Programming

- USP Hazelton should continue programming even in the event of a facility lock down.

Response by the Bureau of Prisons: To ensure education programs continue during modified operations the Education Department issues packets of work for GED & ESL students. Teachers take the packets to each individual inmate in their housing units and answer questions regarding the assignments. The following week, if the modified operations are extended, teachers distribute another packet and pick up all completed packets for scoring. In addition, the Education Department distributes self-study Adult Continuing Education (ACE) packets to all the inmates during extended modified operations.

Special Housing Unit

- USP Hazelton should continue to utilize a process for SHU overflow that does not involve a facility wide lock down.

Response by the Bureau of Prisons: New procedures have been implemented at USP Hazelton since the CIC visit. The entire facility is no longer secured for SHU overflow, only a designated unit is secured until SHU space is available. This also ensures that inmates housed in the programming housing units have access to programs.

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, etc.
- USP Hazelton officials should incorporate trainings to prevent physical and verbal abuse by staff and deescalate encounters between BOP staff and incarcerated residents.⁸

Response by the Bureau of Prisons: Inmates are reviewed by Unit Management at regularly scheduled program review meetings for programming, security and custody needs. Inmates are reviewed for halfway house placement within 17-19 months prior to release in accordance with Program Statement, 7310.04 Community Corrections Center (CCC) Utilization and Transfer Procedure.

Staff and Institutional Safety: USP Hazelton officials should incorporate trainings to prevent physical and verbal abuse by staff and deescalate encounters between BOP staff and incarcerated residents.

Response by the Bureau of Prisons: USP Hazelton conducts mandatory trainings during new employee orientation and annually to discuss with staff their role in ensuring effective

⁸ H. R. 5682 §4130.

communication with the inmate population, ethics, standards of employee conduct, and BOP Core Values.

All allegations of staff misconduct are reviewed, and, if necessary, referred to the appropriate department for investigation. Subsequently, the CIC did not provide FCC Hazelton with detailed and specific information to investigate or substantiate any allegation of abuse. Therefore, the BOP cannot thoroughly address any of these allegations.

Medical

- The CIC recommends USP Hazelton hire a full time Clinical Director (CD) and Health Services Administrator (HSA) dedicated only to residents of the USP to better manage wait times for care.
- To address the concerns of residents and eliminate preventable risks, the Health Services Administrator should, in accordance with the facility's Risk Management, Error Reduction, and Patient Safety Program, conduct a coordinated review and provide the CIC with a report on these risk management issues.⁹

Response by the Bureau of Prisons: Staffing levels are based on institution security levels and authorized positions. Program Statement 6010.05, Health Services Administration, outlines the staffing for health services personnel in the Health Services Unit. Currently, FCC Hazelton has one Clinical Director, one Health Services Administrator, and three Health Services Assistant Administrators. The Clinical Director has oversight of the clinical care provided at each institution and is the clinical supervisor for Mid-Level Practitioners (MLP). Therefore, FCC Hazelton is compliant with policy regarding staffing positions for health services personnel.

Response by the Bureau of Prisons: The CIC did not provide FCC Hazelton with any detailed and specific information in order for the institution to review claims of medical delays or unanswered medical questions from inmates. Therefore, FCC Hazelton can further review this claim.

⁹ 6010.05 at 4; BOP Health Services Quality Improvement 6013.01 at 10, available at https://www.bop.gov/policy/progstat/6013_001.pdf (The Health Services Quality Improvement policy requires the Health Services Unit to develop a plan to identify risks, and minimize medical errors. When an incident or error occurs, like the residents reported, the Health Services Administrator is to conduct a coordinated review in accordance with that plan. The Health Services Division provides reports to institutions on risk management issues.)