

FCI Cumberland Inspection Report



(photo by Federal Bureau of Prisons)

**District of Columbia
Corrections Information Council**

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District of Columbia Corrections Information Council (CIC)

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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 inmates from the District of Columbia are incarcerated. This includes facilities operated by the Federal Bureau of Prisons (FBOP), 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 FBOP, 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 DC 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 inmates, corrections staff not in leadership, and members of the general public will be kept anonymous and confidential.

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Inspection Methodology

The CIC conducted an onsite inspection of FCI Cumberland on December 5, 2014 and visited the Hope House Summer Camp on August 11, 2015. Prior to the onsite inspection, the CIC communicated with the DC inmates at FCI Cumberland, informing them of the upcoming inspection and offering them the opportunity for a confidential interview with a member of the CIC. During the inspection, the CIC was escorted by the Executive Assistant, the Warden, and other members of the executive staff. The inspection consisted of a tour of the facility, dialogue with facility staff, review of documents, and confidential interviews with 24 DC inmates.

As part of the inspection process, the CIC reviewed general inmate and facility data related to inmate population and demographics, facility staffing, significant incidents, urine surveillance, and disciplinary records. The CIC also reviewed an education report, dining menus, and administrative remedy filings and responses for the facility, Regional Office, and Central Office levels. The CIC maintains correspondence with individuals at the facility and their family and loved ones in the community.

In April 2017, the CIC mailed surveys to DC inmates at FCI Cumberland. The CIC mailed 232 surveys and received 10 responses by June 2017. Relevant sections of the report were updated to include comments and concerns from the individuals who responded.

The CIC provided the Federal Bureau of Prisons (FBOP) with a draft version of the inspection report for an opportunity to respond. The FBOP response is included at the end of this report.

Executive Summary

FCI Cumberland

Date of Inspection: December 5, 2014
Location: Cumberland, Maryland
Distance from DC: 139 miles from DC
Transportation: 2.5 hours by car

INSTITUTION PROFILE

Security Level: Medium
Rated Capacity: 672
Occupancy: 1,129 (168.0% capacity)
DC Inmates: 173 (15.4% total population)
Avg. Age of DC Inmates: 37.9 years old
Avg. Sentence of DC Inmates: 136.8 months
Inmate-to-Staff Ratio: 4.56 : 1

Source: Federal Bureau of Prisons, September 2014

FINDINGS

- **Positive Inmate Feedback:** Although inmates expressed concerns, the CIC also received more positive comments from inmates at this facility than those at other FBOP facilities. The Executive Staff was also knowledgeable and engaged during the inspection.
- **Medical Care:** Health Services was the top concern reported by inmates, with numerous complaints specifically about the Clinical Director. The CIC rarely receive so many concerns about a specific staff member. Additional concerns included lack of care overall and especially for chronic care patients, and referrals to the commissary instead of medical care. The facility had 600 chronic care patients in December 2014.
- **Staff Retaliation:** Although the CIC received a large number of positive comments about staff, many inmates also reported retaliation by staff members for submitting grievances. Several inmates also reported that staff falsified disciplinary reports.
- **UNICOR:** UNICOR employs inmates to provide goods and services for government agencies and private partners. Inmates receive vocational training while learning valuable job skills. Approximately 30% of the UNICOR employees were DC inmates at the time of inspection.
- **Education and Programming:** FCI Cumberland partners with Allegany College to provide educational and vocational programming, and vocational training classes are accredited by Allegany College. However, inmates also reported a lack of vocational and rehabilitative programming.
- **Pre-Release Planning:** FCI Cumberland hosts an annual DC Informational Fair and participates in quarterly CSOSA's Community Resource Day Videoconferences to connect DC residents with reentry resources. The Career Resource Center also contains information for inmates to use.
- **Father-Child Visitation:** FCI Cumberland partners with Hope House to host an annual summer camp for children with incarcerated fathers from DC. The camp is a one week event at no cost for the facility or families. Fathers are eligible if they complete a parenting class and have no disciplinary infractions in the past year.

RECOMMENDATIONS

1. Provide staff training on cultural competence and effective forms of communication.
2. Monitor staff conduct and remove staff members from assignments where they have retaliated against inmates.
3. Increase intake and treatment rate for Health Services Department.
4. Provide additional vocational programming and other programs that assist with job readiness, and ensure programs provide meaningful vocational training.
5. Determine program eligibility on the basis of an inmate's earliest possible release date rather than the maximum possible sentence.
6. Investigate delays in mail delivery and provide an outside contact number for inmates who allege mail tampering or staff retaliation.
7. Assist other facilities with establishment of Hope House programs.
8. Evaluate and monitor the Religious Services Department and the performance of the Supervisory Chaplain.
9. Provide DC inmates with sentence calculation sheets and assistance in contacting staff responsible for sentence calculation through weekly "open house" periods.

I. Facility Overview

Federal Correctional Institute (FCI) Cumberland is a medium security facility located in Cumberland, Maryland, for male inmates. The facility includes a satellite prison camp that is used to provide labor for the main facility and off-site work programs. At the time of the onsite inspection, the total population was 1,129, including 173 individuals sentenced under the DC Code (“DC inmates”), representing 15.4% of the population. The rated capacity of the facility is 672, and the facility was at 168% capacity. Staff included 320 authorized positions with 18 vacancies, and the inmate-to-staff ratio was 4.56:1. A chart with inmate demographic information is provided in the *Appendix*.

The CIC inspection took place during the week of the facility’s twentieth anniversary. The recreation yard at the facility includes many trees and has well-developed gardens maintained through its inmate landscaping program.

General Population Housing Units

The CIC inspected two housing units during the onsite visit: Unit D-1 and Unit D-2. At the time of the inspection, Unit D-1 had 136 inmates, including 19 DC inmates. Unit D-2 is the Residential Drug Abuse Program (RDAP) unit and housed 136 inmates, including nine DC inmates. The facility contains eight housing units, grouped in pairs, with approximately 150 inmates per unit. Each unit contains 22 three-person cells and 42 two-person cells and is staffed by a case manager and a counselor. Each pair of units shares a unit manager and a secretary. The counselor is responsible for assisting with visitation, assigning cells and cellmates, and helping with sanitation. The case manager is responsible for reviewing inmate needs, recommending programs, and working on release plans. All general population housing units have televisions, phones, computers, microwaves, and a book cart for inmate use located in the common area.

At the time of the CIC inspection, the facility was experiencing severe boiler issues, which prevented several housing units from having hot water after the first few showers of the day. Staff at the facility was aware of the issue and explained that the boilers receive regular maintenance and that the facility had reached out to the manufacturer for technical assistance. The facility also noted the strains of overcrowding on facility infrastructure and stated that they are exploring their options for resolving the issue, including possible replacement. Within days of the inspection, the facility informed the CIC that the boiler issues had been resolved by thoroughly checking the system, including identifying any stuck valves. Inmates also reported that the hot water was functioning properly.

Special Housing Unit (SHU)

The Special Housing Unit (SHU), often referred to as segregated housing, is a unit designed to securely separate inmates from the general inmate population.¹ At time of the inspection, inmates in the SHU were generally confined to their cells for 23 to 24 hours a day.

Inmates in the SHU are classified under either disciplinary or administrative status. Disciplinary segregation is a punishment for rule violations or other prohibited acts, while administrative detention is considered non-punitive.² Administrative detention can be used for various reasons, including new arrivals awaiting unit designation, inmates awaiting transfer to another facility, the investigation or protection of an inmate, or other safety or security concerns.³

The SHU at FCI Cumberland is designed to house 144 inmates. At the time of the CIC inspection, 62 inmates were in the SHU, representing 43.0% capacity. Of the 62 inmates, nine were in disciplinary segregation, and 53 were in administrative detention. Most inmates in administrative detention were waiting to see the Disciplinary Hearing Officer (DHO). Inmates who are in the SHU awaiting transfer (e.g., after a fight) are usually there for two to four months. The individual cells in the SHU have large windows.

At time of the inspection, FBOP policy provided for five hours of recreation time per week, in one-hour periods on separate days. The SHU at FCI Cumberland has ten outdoor recreation cages, and two to three inmates are placed in a recreation cage at a time. Inmates are also permitted to receive one non-contact visit per month and make one 15-minute phone call per month. Inmates may be allowed to make additional calls in the event of an emergency or death. Visitation is held on the same days as regular visitation, with the visits taking place through video visitation for those in the SHU.

Staff assignments in the SHU rotate quarterly. The unit team and medical staff conduct rounds daily, and Health Services also has a satellite triage office in the unit. Psychology Services sees each inmate in the SHU at least once per month and takes mental health clients out of their cells to speak with them. The Education Department conducts rounds weekly, and inmates have access to a book cart, the law library, and college correspondence class materials. Inmates in administrative detention also have access to radios, while those in disciplinary detention do not. Although the SHU contains two restraint rooms, staff reported during the inspection that they have not been used for over two years and were last used during a hunger strike.

¹ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5270.10, SPECIAL HOUSING UNITS (July 29, 2011), *available at* http://www.bop.gov/policy/progstat/5270_010.pdf.

² Status when placed in the SHU, 28 C.F.R. § 541.22 (2013), *available at* <http://www.gpo.gov/fdsys/pkg/CFR-2012-title28-vol2/xml/CFR-2012-title28-vol2-part541-subpartB.xml>.

³ Administrative detention status, 28 C.F.R. § 541.23 (2013), *available at* <http://www.gpo.gov/fdsys/pkg/CFR-2012-title28-vol2/xml/CFR-2012-title28-vol2-part541-subpartB.xml>.

Inmate Feedback

During the 2014 inspection, the CIC received 10 concerns regarding lack of hot water in the showers. The CIC spoke with the executive staff, and within days of the inspection, inmates reported that the hot water was working properly. During the inspection, the CIC also received one concern about mold and two reports of scabies. The CIC received several positive comments about the facility overall, including that it is “much better than Lorton.” No individuals reported issues with physical safety, and two noted the lack of violence at the facility.

In 2014, the CIC received many comments about staff, both positive and negative. The CIC received 16 positive comments regarding staff conduct, including that the staff is fair and respectable. Inmates noted that both the unit team and the Warden are good and their unit teams “get things done.” The CIC also received 16 concerns regarding staff conduct, including unprofessional, disrespectful, and racist conduct. Inmates also reported three concerns about staff retaliation and falsification of incident reports. In response to the 2017 survey, the CIC received one positive comment that staff is “professional and respectful” and did not receive any concerns regarding disrespectful or racist staff. However, the CIC received several reports of staff retaliation and falsified incident reports. The CIC also received concerns about staff denying visitor approval without adequate reasons. Half of the respondents noted staff as the most negative aspect of the facility. One individual noted that staff needs to be more “responsive,” while another commented that the correctional officers are not “trained or skilled enough to handle inmates [who] create a poor environment for themselves.”

In 2014, one quarter of inmates who spoke with the CIC reported unfair treatment of DC inmates by staff, especially arbitrary treatment and lack of knowledge of their needs and the policies regarding DC inmates in the federal system. In 2017, more than half of the survey respondents reported unequal treatment by staff, with one inmate noting an increase since 2012. Primary concerns included harassment as well as discrimination in programming opportunities and disciplinary actions.

Recommendations

- 1. Provide staff training on cultural competence and effective forms of communication.** While many inmates made positive comments on staff in 2014, the CIC received an increase in concerns about unfair treatment of DC inmates at FCI Cumberland in 2017. Additional training on respectful communication and treatment is necessary to ensure the effective practices of high-performing staff are emulated and that DC inmates are not perceived differently due to their race or origin. The term “DC Blacks” should not be used to refer to DC inmates, and the facility should not tolerate discrimination on the basis of race, ethnicity, or locality.
- 2. Monitor staff conduct and remove staff members from assignments where they have retaliated against inmates.** Retaliation is a serious concern, and the CIC continues to receive reports from individuals at the facility of retaliatory treatment. The executive staff at the facility should monitor staff conduct and take allegations of retaliation by inmates into consideration when determining staff assignments.

II. Health Services

FCI Cumberland is a Medical Care Level II facility and a Mental Health Care Level II facility.⁴ The facility provides programs on suicide prevention and substance abuse treatment.

Medical Care

The Health Services Department includes a Health Services Administrator, an assistant administrator, two doctors, two mid-level practitioners, four nurses, and two medical records technicians. In 2014, staff stated they planned to hire two additional nurses but noted that the facility has difficulty hiring qualified nurses. The facility also contracts with a lab technician, an X-ray technician, and an optometrist. The optometrist visits the facility every other week. For inpatient care and urgent health concerns that cannot be handled onsite, inmates are treated at Western Maryland Regional Medical Center or WVU Medicine Ruby Memorial Hospital, which are located 4.7 and 78.8 miles away, respectively. Approximately two inmates are sent to an outside hospital each day for services such as MRIs and diagnostics.

FCI Cumberland assigns each inmate to a particular health care provider team as part of a new FBOP model for delivering health care.⁵ Health Services can accommodate routine procedures including examinations, medication, and chronic care. Health Services also includes an exam room, an X-ray room, a negative pressure room, a Suicide Watch cell, a dry cell, a stabilization room for urgent care, a bio-medical waste room, a hearing lab, and an optometry room. Over 600 chronic care inmates require annual doctor visits, and the most common chronic care cases at the facility are hypertension, diabetes, and mental health conditions.

Pursuant to FBOP policy, inmates submit a request to receive medical care. The standard FBOP fees are charged for medical care: \$2.00 for sick calls and no charge for emergency care, chronic care, or care for indigent inmates.⁶ Inmates can submit a handwritten cop-out form at any time during open movement and can also email their requests. All requests are reviewed daily. Staff noted that the medical fee is only assessed if the inmate arrives at the scheduled appointment.

⁴ Inmate classifications are based on the medical history and health condition of the inmate, and facility classifications are based on the inmate care level that the facility is staffed and equipped to handle. For additional information on medical and mental health classifications in the FBOP, please view the CIC Info Sheets on “BOP Medical Care Levels” and “BOP Mental Health Care Levels,” at <https://cic.dc.gov/page/cic-info-sheets>.

⁵ The FBOP is in the process of implementing Primary Care Provider Teams (PCPTs) at all institutions, where each inmate will be assigned to a medical team who will be responsible for managing the inmate’s health care needs. The PCPT is intended to function “in the same manner as a medical office in a community setting,” and allow for more efficient services by having a medical team that is familiar with particular inmates. PCPTs will replace the “sick call” system upon full implementation. See FED. BUREAU OF PRISONS, U.S. DEP’T OF JUSTICE, PROGRAM STATEMENT NO. 6031.04, PATIENT CARE (June 3, 2014), *available at* http://www.bop.gov/policy/progstat/6031_004.pdf.

⁶ Fees for Health Care Services, 28 C.F.R. § 549.70 (2009), *available at* <http://www.gpo.gov/fdsys/pkg/CFR-2009-title28-vol2/pdf/CFR-2009-title28-vol2-part549-subpartF.pdf>; see also FED. BUREAU OF PRISONS, U.S. DEP’T OF JUSTICE, PROGRAM STATEMENT NO. 6031.02, INMATE COPAYMENT PROGRAM (Aug. 15, 2005), *available at* http://www.bop.gov/policy/progstat/6031_002.pdf.

The average wait time for routine sick calls is one to two weeks. For urgent sick calls, inmates can report between 6:30 AM and 7:00 AM to have a nurse perform an immediate evaluation. Inmates have to wait approximately three months to see the optometrist.

Medication

FCI Cumberland has one pharmacist and one pharmacy technician. Medication is provided three times a day through a pill line. Inmates without a history of disciplinary problems may self-carry medication that is not susceptible to abuse.

Dental Care

Dental care is provided onsite at the facility. FCI Cumberland has one dentist and contracts with a dental hygienist who also acts as an assistant. The hygienist does not perform cleanings on the days spent working as the assistant. The department conducts approximately 25 cleanings per week. The wait time for routine procedures, such as check-ups and cleanings, was over 1.5 years in December 2014; this wait was due to a backlog caused by the facility's lack of a dentist for three to four months and need to contract out for dental care during that period. Urgent cases are seen on a daily basis. For dentures, the wait time is set according to an FBOP-wide list.

Mental Health Care

At the time of the CIC inspection, one inmate at the facility was designated with a Medical Care Level higher than the facility designation and was awaiting transfer. The Psychology Services staff includes a Chief Psychologist, one staff psychologist, two drug abuse coordinators, 10 drug treatment specialists, and one technician. Four of the drug treatment specialists are assigned to the satellite camp, while one of the remaining six at the FCI is designated for non-residential drug treatment. The facility also conducts telepsychiatry with a psychiatrist at Federal Correctional Center (FCC) Petersburg. Staff noted that hiring qualified psychologists can be difficult.

Staff reported that approximately 45% of inmates have a history of drug or substance abuse. In addition, 107 inmates are on psychiatric medication (10.6% of the total population). Group and individual therapy are available. Chronic care patients are seen monthly, and Psychology Services offers open house hours during which inmates can speak with staff without an appointment.

Psychology Services offers classes for stress, anger management, and drug education. It also provides a non-residential drug abuse treatment program in addition to the Residential Drug Abuse Program (RDAP). Approximately 120 inmates, including five from DC, are in the non-residential drug abuse treatment.

Suicide Prevention

FBOP policy requires facilities to implement suicide prevention practices.⁷ The suicide prevention program and Suicide Watch at FCI Cumberland operate in accordance with FBOP guidelines. Staff receives training on suicide prevention every six months. Any staff member can place an inmate on Suicide Watch. Inmates placed on Suicide Watch are under constant monitoring and supervision. The inmates are placed in special observation cells and provided with a suicide-proof mattress, smock, and blanket. After an inmate is released from Suicide Watch, staff from Psychology Services follows up with care daily, weekly, and then every other week. Staff at FCI Cumberland maintains a list of inmates with mental health issues or who are at risk of attempting suicide. FCI Cumberland also has an inmate companion program that trains inmates to monitor fellow inmates who are on Suicide Watch.

Residential Drug Abuse Program (RDAP)

RDAP is a voluntary treatment program available to inmates with a documented alcohol or substance abuse problem.⁸ Intended as a comprehensive counseling program, RDAP uses cognitive behavioral therapy to teach positive social attitudes and behaviors.⁹ Inmates who qualify begin with a residential treatment program and then participate in follow-up treatment and community-based treatment.¹⁰ The residential portion includes three phases: Orientation Phase, Core Treatment Phase, and Transition Phase.¹¹ Inmates live on a separate unit for at least nine months and complete a minimum of 500 hours of counseling with treatment staff, including individual and group treatment.¹²

After successfully completing the residential portion of the program, inmates participate in Follow-Up Treatment, which is based on a standardized treatment protocol that reviews concepts learned during the residential portion of RDAP.¹³ Inmates must remain in Follow-Up Treatment for 12 months or until transferred to a Residential Reentry Center (RRC).¹⁴ The final component of RDAP is the Community Transitional Drug Abuse Treatment (TDAT), which usually occurs during a 120-day placement at an RRC.¹⁵ Inmates who successfully complete RDAP may qualify for up to a year of sentence reduction, and a facility may also offer its own incentives.¹⁶

⁷ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5324.08, SUICIDE PREVENTION PROGRAM (Apr. 5, 2007), *available at* http://www.bop.gov/policy/progstat/5324_008.pdf.

⁸ *See* FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5330.11, PSYCHOLOGY TREATMENT PROGRAMS (Mar. 16, 2009), *available at* http://www.bop.gov/policy/progstat/5330_011.pdf; FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5310.12, PSYCHOLOGY SERVICES MANUAL (Mar. 7, 1995), *available at* http://www.bop.gov/policy/progstat/5310_012.pdf.

⁹ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5330.11, PSYCHOLOGY TREATMENT PROGRAMS (Mar. 16, 2009), *available at* http://www.bop.gov/policy/progstat/5330_011.pdf.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Inmates who did not volunteer for RDAP but have a documented drug abuse problem may be required to participate in TDAT as a condition of participation in a community-based program. FED. BUREAU OF PRISONS, U.S.

The RDAP Unit at FCI Cumberland can accommodate 150 inmates. Staff includes two case managers, two counselors, a secretary, and drug treatment specialists. Treatment staff is assigned caseloads of approximately 24 inmates. Staff also maintains open house hours to increase availability. At the time of the 2014 inspection, nine DC inmates were enrolled in the program out of a total of 136 inmates. Staff reported that approximately 60% of inmates in RDAP receive the sentence reduction credit, which is determined by the administrative offices in Grand Prairie, Texas. Inmates with convictions for violent crimes are not eligible for the reduction.

Treatment consists of six hours of programming each day, including a mandatory three hours. Community meetings are held twice a day to provide group therapy and share news and weather. Inmates may also participate in journal groups or other therapy groups. Staff tries to provide a therapeutic environment and noted that RDAP is one of the stronger programs in the FBOP for reducing recidivism. RDAP units are typically cleaner and display a more positive atmosphere than other general population units. The RDAP Unit at FCI Cumberland has paintings, inspirational messages, and other decorations on the walls. Inmates are also permitted to use MP3 players for listening to music.

Inmate Feedback

In 2014, over one third of the concerns reported by DC inmates were about poor quality medical care. The CIC received 66 concerns about Health Services, including 55 specifically regarding medical care. The number and seriousness of the complaints are greater than those CIC has received from most other facility inspections.

During the 2014 inspection, 11 of the 24 inmates interviewed specifically commented on the Clinical Director. The inmates at FCI Cumberland alleged that the Clinical Director routinely denied care, even when other medical staff recommends treatment. Concerns reported to the CIC include that the Clinical Director exhibited indifference, denied medical procedures, and “shut down” doctors who want to help inmates. Conversely, five individuals made positive comments about the doctors in the Health Services Department. In 2017, the CIC did not receive any reports about the Clinical Director in response to the survey.

In 2014, the major concern expressed to the CIC was the general lack of treatment provided by the medical department. Numerous inmates reported an inability to receive care, including many who stated that staff either denied treatment or told the patient to go to commissary for medication rather than providing medical care. Inmates also expressed concerns about being charged the co-pay for visits where no care was provided. Several chronic care patients stated that they had been unable to see the medical department at the facility. In addition, the CIC received reports of inadequate mental health care, especially regarding denial of medication, and

DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5330.11, PSYCHOLOGY TREATMENT PROGRAMS (Mar. 16, 2009), available at http://www.bop.gov/policy/progstat/5330_011.pdf.

¹⁶ 18 U.S.C. § 3621(e)(2)(B). The FBOP has broad discretion to determine which inmates who have successfully completed RDAP will receive the sentence reduction. See *Lopez v. Davis*, 531 U.S. 230 (2001).

long wait list for routine dental cleanings, with most inmates reporting wait periods of over two years.

In 2017, the CIC received far less concerns about medical care, although a few inmates did report long waits for medical treatment. One individual reported a serious medical concern that was going untreated. The CIC also received two concerns about a lack of dental care.

Recommendations

- 3. Increase intake and treatment rate for Health Services Department.** The CIC continues to hear about delayed or denied medical treatment at FCI Cumberland, especially concerning medical and dental care. The CIC recommends that FCI Cumberland increase medical and dental staffing and implement a performance management system to evaluate the rates at which patients are seen. The CIC also recommends the facility hire additional dental staff as necessary to remove any backlog previously caused by a lack of staff.

III. Education and Programming

Education Program Enrollment (FY 2013)		
	Total Enrolled	Total Completed
GED Programs	300	59
ESL Programs	8	3
Parenting Programs	132	132
Post-Secondary Education	15	9

Source: Federal Bureau of Prisons. Statistics dated as fiscal year 2013 (October 2012 to September 2013).

Education Services

The FBOP requires that all inmates who enter FBOP custody without a GED or high school diploma enroll in education classes and participate in 240 hours of instruction towards their GED before they are permitted to withdraw from the programming.¹⁷ To be exempt from the GED requirement, an inmate must demonstrate within 60 days of arrival that the inmate has a high school diploma or GED. Inmates who are not exempt are tested using the Tests of Adult Basic Education (TABE), which allows for placement in an appropriate class level. Inmates who test below a fifth grade level are placed in special education classes.

FCI Cumberland offers three education curriculum levels (K-5, pre-GED, and GED), in accordance with FBOP standards curriculum. Staff includes five teachers, a vocational training instructor, and an education technician. In fiscal year 2014, the facility had 15 DC inmates who received their GED. At the time of the 2014 inspection, 47 DC inmates were enrolled in the GED program. The facility also offers English as a Second Language (ESL) classes and Adult Continuing Education (ACE) classes. At the time of the inspection, four classes were underway in the morning, all of which were taught by inmates. The ACE classes are 10 weeks long and are taught by inmates during the evenings and weekends.

FCI Cumberland also offers an independent studies program. The program uses college-level books from a former college program run by Allegany College of Maryland that included a business management class. Staff noted that they are looking to expand college opportunities for inmates. FCI Cumberland offers additional educational programming such as classes for parenting, victim impact, and computer skills using Microsoft Office. The victim impact class is offered by the unit teams.

¹⁷ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5350.28, LITERACY PROGRAM (GED STANDARD) (Dec. 1, 2003), *available at* http://www.bop.gov/policy/progstat/5350_028.pdf.

Vocational Programming

FCI Cumberland offers three apprenticeship training programs, including carpentry, computers, and maintenance electrician. Three DC inmates were enrolled in the programs at the time of the inspection.

Vocational training is accredited by Allegany College and includes carpentry and culinary arts. The culinary arts training program provides ServSafe certification in food handling, which is a requirement for managerial employment at many restaurants. The certification is valid for five years, and 27 DC inmates were enrolled at the time of the inspection. The carpentry vocational training class had six DC inmates enrolled at that time.

Federal Prison Industries (UNICOR)

Federal Prison Industries, also known as by its trade name UNICOR, is government-owned corporation that employs inmates to manufacture products and provide services to the government and private sector.

The UNICOR factory at FCI Cumberland produces a variety of engraved and printed items, including license plates for federal and DC government agencies, architectural signage, laser-engraved plaques and name plates, and imprinting for promotional products. The factory uses up-to-date computer software for the engraving and printing and also paints the produced items onsite using environmentally-friendly paint. The factory produces approximately 300,000 license plates in a year. It is the only manufacturer of license plates for the federal government, a position it took over from the Lorton Reformatory after its closure. The factory also has partnerships with two private companies and sells them the scrap materials from the signs. Staff noted that some inmates have gone on to work in these companies after being released.

The factory employs 93 inmates, and approximately 30% of the workers are from DC. At the time of the inspection, approximately 300 inmates were on the waiting list, including 180 inmates on the general list and 120 on the priority waiting lists. The facility gives priority to inmates who have prior UNICOR experience, restitution payments under a Financial Responsibility Plan, or a projected release date within two years. Staff reported that the average wait for employment in the UNICOR factory is approximately two years for those on the general waiting list. The pay grade, which varies according to educational level ranges from \$0.23 (Grade 5) to \$1.46 per hour (Grade 1). Inmates work in one shift from 7:30 AM to 3:30 PM, which includes a 45-minute lunch break and two ten-minute breaks. For any worker who was employed at the UNICOR factory for at least six months, the facility offers a bond for up to \$5,000 to future employers against losses caused by theft.

Inmate Feedback

In 2014, the CIC received eight concerns about lack of programming and two concerns about low pay. DC inmates commented that not many programs are available, and vocational training programs lack structure and are not adequate training. Several inmates also noted that their “back number” (i.e. maximum sentence date) prevented them from being eligible for programs, regardless of their parole eligibility date. The CIC also received six positive comments, including comments about UNICOR, the Recreation Department, and the Education Department, including the numerous Adult Continuing Education classes taught by inmates and a helpful mock job fair.

In 2017, DC inmates commented that the facility needs to offer more vocational programming and job readiness classes. Two individuals commented on the UNICOR eligibility requirements, noting that UNICOR is primarily for those with two years or less remaining on their release date.

Recommendations

4. **Provide additional vocational programming and other programs that assist with job readiness, and ensure programs provide meaningful vocational training.** The CIC recommends that the facility establish additional classes that offer training and job readiness in areas relevant to the population at the facility, and hire additional vocational training staff to meet the needs of its large population. The facility should also review current and future program curricula to ensure that classes have the proper structure to provide effective training.
5. **Determine program eligibility on the basis of an inmate’s earliest possible release date rather than the maximum possible sentence.** DC inmates sentenced for a crime committed before 2000 are given an indeterminate sentence that includes a “front number” and “back number” (e.g., 10 to 30 years, or 25 to life). These individuals become parole eligible on their “front number” date, and most are released before reaching their “back number.” FCI Cumberland and the FBOP should use the “front number” as the date to determine program eligibility to ensure that no individuals are released from incarceration without the training and release preparation for a successful return to their community.

IV. Discipline and Administrative Remedies

Disciplinary Hearing Officer (DHO)

The Disciplinary Hearing Officer (DHO) handles serious disciplinary infractions and other matters referred by the Unit Disciplinary Committee (UDC). Disciplinary measures may include revocation of an inmate's visiting privileges, revocation of phone privileges, forfeiture of good time credit, or placement in disciplinary segregation within the SHU, among others. FCI Cumberland has a dedicated DHO as well as two alternate DHOs, and hearings are held every Wednesday. Staff indicated that the wait time to see the DHO for a hearing is less than 30 days. The most frequent infractions at the facility are physical altercations.

Administrative Remedy Program

The Administrative Remedy Program allows inmates to seek formal review of issues related to their confinement.¹⁸ The process provides for three levels of review with corresponding filing forms: facility (BP-9), Regional Office (BP-10), and Central Office (BP-11). At each level, an inmate submits a request or appeal, which is reviewed by FBOP officials and either rejected or filed. All requests or appeals that are filed must be answered within specific time frames, and remedy of the issue may be granted at any level. FCI Cumberland did not provide a list of administrative remedy filings at the time of the inspection.

Inmate Feedback

In 2014, two DC inmates reported delays in receiving responses to their administrative remedy submissions. In 2017, inmates continued to report delays in receiving their responses, with several alleging that officers hold their mail to make them miss deadlines. In addition, the CIC received a large number of complaints about staff retaliation against inmates who submit grievances against other staff members, with several inmates using the term "buddy system." A few inmates also reported that staff does not adequately investigate disciplinary issues.

Recommendations

- 6. Investigate delays in mail delivery and provide an outside contact number for inmates who allege mail tampering or staff retaliation.** The CIC has received numerous, ongoing concerns about staff retaliation and tampering with mail regarding administrative remedy submissions. The facility should provide the phone number of the Department of Justice's Office of the Inspector General to enable inmates to contact a non-involved party for potential retaliation issues.

¹⁸ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 1330.18, ADMINISTRATIVE REMEDY PROGRAM (Jan. 6, 2014), *available at* http://www.bop.gov/policy/progstat/1330_018.pdf.

V. Visitation and Communication

FCI Cumberland is 139 miles from DC. It is two hours and 30 minutes from DC by car and between four to six hours by public transportation using a train, bus, and short taxi ride.

Hope House Partnership

FCI Cumberland partners with Hope House, a nonprofit group dedicated to strengthening ties between incarcerated DC fathers across the country and their families back home. Hope House offers two programs at FCI Cumberland: a father-to-child reading program and a father-to-child summer camp. The reading program takes place twice a year. Hope House provides children's books to inmates, who read them into an audio or video tape recorder. Hope House then delivers the recordings to the inmates' children.

The summer camp is an annual event during the summer where children between nine and 13 years old spend time with their incarcerated fathers. To participate, fathers must complete a parenting class, have no disciplinary incidents in the past year, and not have a conviction for a crime against a child. One child per inmate may attend with the permission of the child's guardian. Hope House transports the children to the facility, and they stay at a group of cabins nearby FCI Cumberland.

The children spend each day of the week, from 10:00 AM to 3:00 PM, at the facility with their fathers. On the first day of the camp, the children greet their fathers in the visitation room, and the fathers put on a show that they have prepared in advance. Fathers and their children participate in various arts and crafts activities, write and recite original pieces of poetry, and eat lunch together. Over the week, each father and child thinks of an ideal day to spend together, which is then transformed into a mural with the help of trained artists who trace their bodies onto the paper. After returning to the nearby cabins, the children take part in summer camp activities and games and also discuss their experiences with their fathers. On the last day, the children put on a program of their own for their fathers, and Hope House takes them back to their respective cities.

The camp program is funded at no cost to the facility or the family of the children. Individuals who have aged out of the program act as counselors and stay with the children at night. The camp has been expanding and also operates at Rivers Correctional Institute in Winton, North Carolina, and at the Federal Correctional Complex (FCC) Hazelton in Bruceton Mills, West Virginia.

Communication

Email

All general population inmates in FBOP facilities have access to email through CorrLinks, the email server on the TRULINCS software platform used in FBOP facilities. Funding for TRULINCS is provided entirely by the Inmate Trust Fund, which is maintained by profits from inmate purchases of commissary products, telephone services, and fees for use of TRULINCS. In the FBOP, an inmate is charge \$0.05 per minute to use CorrLinks.

Mail

Pursuant to federal regulation, ordinary mail may be opened and inspected for contraband and content outside of an inmate's presence.¹⁹ Special mail, including legal mail, must be opened in the recipient inmate's presence and inspected only for contraband.²⁰ For outgoing special mail, an inmate may seal the envelope prior to giving it to staff and the mail is not subject to inspection.²¹ FCI Cumberland follows FBOP policy for mail services.

Phone

Phones are located within the housing units and the cost varies depending on the area called, from \$0.06 to \$0.99 per minute. Inmates are limited to 300 minutes per month, plus an additional 100 minutes in the months of November and December, and additional time when an inmate has a death in the family.

Inmate Feedback

In 2014, the CIC received mostly positive comments regarding visitation, including that visitors are treated respectfully, that visits are enjoyable, and that the visitation environment is "comfortable." One inmate reported that visits are sometimes limited to two hours, and another that staff is sometimes disrespectful. One inmate also reported about having a legal call stopped before he could get the number of his new lawyer.

In 2017, two inmates reported concerns with the lack of phones available in the units. The CIC also received a report that the phones are shut off for long periods in the morning and afternoon. Almost all responses to the survey noted that individuals receive more visits and are more prepared for reentry when they are located closer to DC. Three inmates stated that the closeness to DC was the most positive aspect of the facility. However, several inmates stated that they do not receive visits.

¹⁹ General correspondence, 28 C.F.R. § 540.14 (2009), *available at* <http://www.gpo.gov/fdsys/pkg/CFR-2012-title28-vol2/pdf/CFR-2012-title28-vol2-part540-subpartB.pdf>.

²⁰ Special mail, 28 C.F.R. § 540.18 (2009), *available at* <http://www.gpo.gov/fdsys/pkg/CFR-2012-title28-vol2/pdf/CFR-2012-title28-vol2-part540-subpartB.pdf>.

²¹ *See also* FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5800.16, MAIL MANAGEMENT MANUAL (Apr. 5, 2011), *available at* http://www.bop.gov/policy/progstat/5800_016.pdf; FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5265.14, CORRESPONDENCE (Apr. 5, 2011).

Recommendations

7. **Assist other facilities with establishment of Hope House programs.** The CIC commends FCI Cumberland for its Hope House partnership and for the efforts made, as stated by DC inmates, to make the visitation environment comfortable for visitors. The CIC encourages FCI Cumberland to assist other FBOP facilities with implementing the successful visitation and family connection programs it offers. The Hope House programs both incentivize positive conduct by the incarcerated fathers as well as help maintain connections with their children, and FBOP facilities should work together to expand these beneficial programs.

VI. Daily Life Services

Religious Services

FCI Cumberland has three dedicated Religious Services staff, including the Supervisory Chaplain and two other chaplains. The facility contracts with several additional chaplains, including an Imam, a Rabbi, a Catholic Priest, and a Native American representative, and used to contract with a Wiccan representative. There are approximately 14 different faith groups represented at the facility. Muslim inmates represent the largest faith group at the facility, with approximately 126 to 130 inmates. The facility has an indoor chapel, an outdoor worship area, a sweat lodge. Baptisms are offered by an ordained minister. All faith groups are provided with two worship hours per week and one hour of secondary time for teaching or other activities. There are 40 to 45 Religious Services volunteers who run various faith groups, reentry programs, and other classes within the facility. Staff noted that many volunteers are from DC. Religious Services also offers a faith-based reentry program.

The Religious Services Department works with inmates who experience a death in their family. Religious Services verifies the death and the relation to the inmate, and the inmate is allowed to make a call to family members, monitored by Religious Services. Religious Services notifies the inmate's unit team of the death and may refer the inmate to Psychology Services. Inmates can use the chapel to watch a DVD of the funeral services.

Recreation

The Recreation Department at FCI Cumberland is open from 8:30 AM to 8:30 PM and offers a wide variety of recreation activities and intramural leagues. Outdoor recreational space includes soccer, softball, basketball, corn hole, bocce, handball, volleyball, pull-up bars, and a track. Intramural leagues are available for soccer, basketball, and handball. Inmates serve as the officials in the games, and they are paid and certified.

Indoor activities include table games, pool, skill pool, foosball, shuffleboard, an art and hobby craft room, a music room, an barber shop run by inmates, an exercise room with exercise machines, bikes, and treadmills, and a well-maintained gym with basketball nets, exercise equipment, and medicine balls. The facility offers classes in art, origami, airbrushing, leather craft, music, yoga, cardio, nutrition and exercise, and wellness. Approximately eight inmates are allowed in each program at a time due to the limited locker space. For more popular programs with waiting lists, an inmate may be rotated out of the class if he stops regularly participating. A nutrition and exercise program is offered every eight weeks by a nurse at the facility, and Health Services determines the participant eligibility.

Library

FCI Cumberland has a library where inmates are able to read newspapers and books. Books not available onsite at the facility can be borrowed through the interlibrary loan. Inmates may also make copies at the library.

Meals

Food Service at FCI Cumberland employs 120 to 130 inmates, including those in the ServSafe training program.²² At the time of the onsite inspection, 27 DC inmates were participating in the ServSafe program.

The dining hall serves over 1,000 inmates per hour. FCI Cumberland spends approximately \$3.20 per day on meals for each inmate. The kitchen includes a bakery that makes cakes and biscuits. Staff stands main line during lunch to answer inmate questions and address concerns.

FCI Cumberland follows standard FBOP menu guidelines and offers vegetarian, heart-healthy, no flesh, and religious diet options. Religious diet meals arrive sealed at the facility already prepared in accordance with Kosher and Halal standards, and they are stored in a separate kitchen area. Approximately 20 to 25 inmates are on religious diets, split evenly between Halal and Kosher. The Supervisory Chaplain must approve each individual to receive the religious diet meals. Vegetarians are given daily options on the main line that include peanut butter and jelly sandwiches and cottage cheese. Heart-healthy options are baked rather than fried and have no added salt. Inmates in the SHU eat the same meals as the general population, with the meals prepared in the main kitchen and then transported to the SHU.

Commissary

The commissary employs six inmates. Each inmate in general population is allowed to make purchases at the commissary once per week, with a maximum spending limit of \$320 per month, except for holiday periods when the maximum is raised. Inmates may purchase medical items (e.g., cough drops) on Mondays, Wednesdays, and Fridays. Inmates in the SHU under disciplinary segregation have access to a limited version of the standard commissary list at the facility. As per FBOP policy, all products are marked up 30%, except for religious items.²³ The facility decides what items will be sold in the commissary using input from inmates, Religious Services, and other staff, and reaches out to local vendors for products. Items are rotated every quarter to allow for new items as well as new varieties of certain items. Staff reported that the facility had \$2.4 million in annual sales in 2013.

²² For more information on the program, see *Vocational Programming* on page 12.

²³ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 4500.11, TRUST FUND/DEPOSIT FUND MANUAL (APRIL 9, 2015), available at http://www.bop.gov/policy/progstat/4500_11.pdf.

Inmate Feedback

In 2014, the CIC received 14 concerns about daily life issues, including eight concerns about Religious Services, which all dealt with the Supervisory Chaplain. In particular, individuals reported that the Supervisory Chaplain is unprofessional, denies religious services and materials, and has written false incident reports on inmates at the facility. Several individuals noted that nothing is done when these concerns are reported. In addition, three individuals reported consistently receiving unclean clothes after laundry has been completed, and one noted a lack of vegetables in the meals.

In 2017, half of the survey respondents reported concerns about the Supervisory Chaplain, including insensitivity, religious discrimination, and failing to respond to requests. Another half reported unsatisfactory meals, include lack of variety and insufficient quantities.

Recommendations

- 8. Evaluate and monitor the Religious Services Department and the performance of the Supervisory Chaplain.** FCI Cumberland is required to comply with federal law and FBOP policies that protect the constitutional religious rights of inmates. In both 2014 and 2017, the CIC received numerous complaints that specifically mentioned the Supervisory Chaplain at the facility as an impediment to the exercise of their religion. The CIC recommends that the executive staff take immediate action to ensure that the religious rights of inmates are not being violated.

VII. Reentry Services

At the time of the 2014 inspection, approximately 30.1% of DC inmates were set to be released within 12 months.

Release Preparation Program

All FBOP facilities implement a Release Preparation Program (RPP) that is intended to prepare inmates for community reentry upon release.²⁴ The program operates at both the unit and facility level, and institutions are responsible for developing their own curriculum.²⁵ Inmates generally receive training on resume writing, job search skills, job retention skills, and other topics relevant to reentry. The program is overseen at the facility level by the Reentry Affairs Coordinator (RAC), a dedicated position within the executive staff.²⁶ Along with an inmate's case manager, the RAC coordinates placement in a Residential Reentry Center (RRC, also known as a halfway house) as an inmate nears the end of his sentence.²⁷ For male DC inmates in FBOP custody, the RRC is Hope Village, in Southeast DC.²⁸

Reentry Resources

FCI Cumberland has a Career Resource Center and also offers a job skills program and a mock job fair. The job skills program lasts six weeks, during which inmates develop a resume and talk to outside employers who come into the facility. At the time of the CIC inspection, seven DC inmates were enrolled in the job skills classes, and seven DC inmates had participated in the mock job fair on May 14, 2014. The Career Resource Center contains resources to assist inmates as well as five computers. Staff described the Career Resource Center as a "work in progress." The resources address topics that include drivers' licenses, Social Security Number (SSN) cards, birth certificates, and health insurance. Inmates can fill out a questionnaire in the center to receive information on how to obtain services for successful reentry after release. The questionnaire addresses identification documents, education level, job skills, vocational training and apprenticeship experience, and basic needs upon release.

The Career Resource Center also contains DC specific resources on jobs, housing, health insurance, and identification documents, including resources from the DC Department of Motor

²⁴ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5325.07, RELEASE PREPARATION PROGRAM (Dec. 31, 2007), *available at* http://www.bop.gov/policy/progstat/5325_007.pdf.

²⁵ The Bureau has recently developed a uniform curriculum for the Reentry Preparation Program, which is being introduced in some facilities at the time of this report.

²⁶ The most updated program statement does not reflect the current changes in the administration of the program at the facility level, including the position of "Reentry Affairs Coordinator" as a dedicated executive position. *Cf.* FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5325.07, RELEASE PREPARATION PROGRAM (Dec. 31, 2007), *available at* http://www.bop.gov/policy/progstat/5325_007.pdf.

²⁷ Inmates must participate in the Release Preparation Program to receive placement time at an RRC.

²⁸ While the FBOP only contracts with Hope Village for male DC inmates, the DOC also contracts with Extended House and Efforts from Ex-Convicts. The only RRC for females in DC is The Fairview, located in Northeast DC.

Vehicles (DMV), the Mayor's Office on Returning Citizen Affairs (MORCA), and the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA). Staff noted that DC has more resources available for its incarcerated residents than other states. Any inmate can request additional information by submitting a cop-out to staff. Staff stated that they emphasize obtaining identification documents and drivers' licenses and that all inmates should have a birth certificate and SSN card by the time of their release. Staff noted that cost is a common barrier to obtaining a birth certificate.

FCI Cumberland offers several programs specifically for DC inmates, which staff noted was possible due to the proximity of the facility from DC. MORCA sponsors a DC Informational Fair on reentry and reentry resources in DC each year with 10 to 12 representatives from DC organizations participating. Approximately 40 DC inmates participated in the fair on July 29, 2014. The facility also hosts a program run by the DMV that assists inmates with sending their information to the DMV to receive advice on obtaining drivers' licenses, including a Commercial Drivers' License (CDL). Approximately 25 DC inmates participated in the onsite DMV program on November 19, 2014.

MOU with Social Security Administration

The FBOP has a nationwide Memorandum of Understanding (MOU) with the Social Security Administration to facilitate the process of inmates obtaining Social Security Number (SSN) cards prior to release.²⁹ Inmates are ineligible to receive Social Security benefits while incarcerated, but their facility is meant to assist them in obtaining their SSN cards, which is an important form of documentation when returning to the community.

CSOSA Outreach

The Court Services and Offender Supervision Agency for the District of Columbia (CSOSA) provides a quarterly Community Resource Day for DC inmates in FBOP custody. Through videoconferencing, CSOSA staff and representatives from other organizations provide information on housing, healthcare, employment, education, and other resources in the DC area to DC inmates who are within 90 days of release. FCI Cumberland participates quarterly in this program, which provides an important service for ensuring that returning citizens receive the information and connection to services that facilitate successful reentry.

Inmate Feedback

In 2014, the CIC received three positive comments from DC inmates about the reentry services offered at FCI Cumberland. Two inmates said the facility was beneficial for preparing for reentry, while one inmate complemented the CSOSA Community Resource Day. The CIC also

²⁹ See Memorandum of Understanding Between the Social Security Administration and the United States Department of Justice Federal Bureau of Prisons to Process Certain Inmate Requests for Replacement Social Security Number Cards (Jan. 28, 2008), available at http://reentry.mplp.org/reentry/images/9/95/SSA-BOP_agreement.pdf.

received two concerns from inmates who were unsure of the release process and how they would get food and clothes upon release. In 2017, two individuals expressed that more programs and classes should be available for individuals who have been incarcerated for long periods of time or who may be granted parole before their “back number” date.

In 2014, the CIC received a large number of concerns regarding sentence length and parole issues, including 14 concerns about parole and 16 concerns about sentence computation and good time credit. More than half of the inmates interviewed during the inspection reported concerns about good time credit not being properly applied or programming not counted as good time credit. Several individuals noted that staff in the FBOP does not understand DC sentencing laws, particularly the “Old Law” sentences for offenses committed prior to November 1987.³⁰ Many inmates also reported concerns that the United State Parole Commission (USPC) does not follow the DC parole guidelines, and instead bases their decisions on primarily the original crime rather than an individual’s behavior or progress while incarcerated. One individual noted that the USPC no longer requires input from case managers and other staff.

Recommendations

- 9. Provide DC inmates with sentence calculation sheets and assistance in contacting staff responsible for sentence calculation through weekly “open house” periods.** The CIC recommends that each unit housing DC inmates at FCI Cumberland begin offering a weekly “open house” period where case managers are available to sit down with individuals and go through issues or concerns that they have with their sentence information. Inmates may then be able to receive regular assistance to write to the Bureau’s Designation and Sentence Computation Center (DSCC) in Grand Prairie, TX, with queries about their sentence calculations.

³⁰ Sentence calculation for DC Superior Court sentences is conducted by the “Alpha Team” at the Designation and Sentence Computation Center (DSCC) in Grand Prairie, TX. Unit team staff in facilities are no longer required to know or perform sentence calculations.

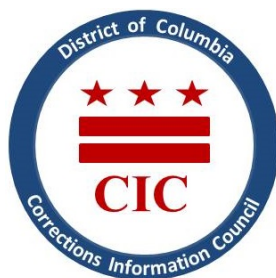
Appendix: FCI Cumberland Demographics

Facility Population		
Total inmates	1,129	
DC inmates	173 (15.3% of total population)	
Rated capacity	672	
Percent of capacity	168.0%	
Inmate-to-staff ratio	4.56	
DC Inmate Demographics (n=173)*		
Race		
	Number of Inmates	Percentage of Population
Black	164	94.8%
White	8	4.6%
Other	1	0.6%
Ethnicity		
Hispanic	4	2.3%
Non-Hispanic	169	97.7%
Sentence Information		
Mean sentence	136.8 months	
Median sentence	60.0 months	
Offense Information		
	Number of Inmates	Percentage of Population
Violent offenders ³¹	81	46.8%
Drug offenders	21	12.3%
Sex offenders	3	1.8%
Months Remaining to Release		
	Number of Inmates	Percentage of Population
12 months or less	52	30.1%
13-59 months	56	32.4%
60-83 months	3	1.7%
84 months or more	62	35.8%

Source: Federal Bureau of Prisons. Statistics dated September 2014.

* Number of inmates for which data was available.

³¹ For the purposes of violent offenders, inmates with the following offense categories are included: Weapons, Explosives, Arson, Homicide, Aggravated Assault, and Kidnapping.



**District of Columbia
Corrections Information Council**

The electronic version of this report
is available on the CIC website:
<http://www.cic.dc.gov/>



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

SEP 08 2017

Michelle R. Bonner, Esq.
Executive Director
DC Corrections Information Council
2901 14th Street, NW
Washington, DC 20009

Dear Ms. Bonner,

This letter is in response to the draft inspection report received on August 1, 2017, regarding the December 5, 2014, visit to FCI Cumberland and the subsequent visit to observe the Hope House Summer Camp on August 11, 2015. The Bureau of Prisons ("Bureau" or "BOP") recognizes the value of the Corrections Information Council (CIC) inspections of its facilities and the voice it provides the D.C. Superior Court inmates. We hope to continue working closely to improve the Bureau facilities and raise awareness with regard to those inmates' needs. I offer the following response to the statements and recommendations in the report:

Report Clarifications:

The draft report indicates: Although the CIC received a large number of positive comments about staff, many inmates also reported retaliation by staff members for submitting grievances. Several inmates also alleged, staff falsified disciplinary reports.

Response: FCI Cumberland Executive Staff take all allegations of staff retaliation or misconduct seriously. Allegations of threats made by staff to inmates for any reason are referred for local investigation. When appropriate, the Warden will ensure the complaint is forwarded to the Bureau of Prisons, Office of Internal Affairs for disposition. The Office of Internal Affairs makes the determination of the final disposition of the case.

Response to Recommendations by CIC:

Provide staff training on cultural competence and effective forms of communication. The draft report states, "While many inmates made positive comments on staff in 2014, the CIC received an increase in concerns about unfair treatment of DC inmates at FCI Cumberland in 2017. Additional training on respectful communication and treatment is necessary to ensure the effective practices of high-performing staff are emulated and that DC inmates are not perceived differently due to their race or origin. The term "DC Blacks" should not be used to refer to DC inmates, and the facility should not tolerate discrimination on the basis of race, ethnicity, or locality."

Response: The FBOP has a zero tolerance for discrimination. By policy, all BOP facilities, to include FCI Cumberland, provide yearly mandatory training to all staff, facilitating effective interaction with people of different cultures, including formal diversity management, Core Values and communication training, focusing on respect and communication in an inclusive work environment.

Additionally, staff are encouraged to attend and participate in the institution hosted Diversity and Inclusion Awareness Day program held every year. The Diversity program in conjunction with Affirmative Employment provides programs such as staff recalls, guest speakers, and Lunch & Learn programs throughout the year, which provide opportunities for staff to enhance their skill in dealing effectively with staff and inmates from diverse backgrounds. The BOP continues to work with the National Institute of Corrections to provide training to increase awareness of cultures differences.

Monitor staff conduct and remove staff members from assignments where they have retaliated against inmates. The draft report alleges, "Retaliation is a serious concern, and the CIC continues to receive reports from individuals at the facility of retaliatory treatment. The executive staff at the facility should monitor staff conduct and take allegations of retaliation by inmates into consideration when determining staff assignments."

Response: FCI Cumberland Executive Staff take all allegations of staff retaliation or misconduct seriously. Allegations of threats made by staff to inmates for any reason are referred for local investigation. When appropriate, the Warden will ensure the complaint is forwarded to the Bureau of Prisons, Office of

Internal Affairs for disposition. The Office of Internal Affairs makes the determination of the final disposition of the case.

Increase intake and treatment rate for Health Services

Department. The draft report states, "The CIC continues to hear about delayed or denied medical treatment at FCI Cumberland, especially concerning medical and dental care. The CIC recommends FCI Cumberland increase medical and dental staffing and implement a performance management system to evaluate the rates at which patients are seen. The CIC also recommends the facility hire additional dental staff as necessary to remove any backlog previously caused by a lack of staff."

Response: In 2016, FCI Cumberland Health Services Department completed FBOP Program Review, Joint Commission, and ACA audits. All audits found FCI Cumberland Health Services Department to be in full compliance with medical and dental treatment guidelines.

All newly incarcerated inmates are examined by their assigned primary care provider within fourteen days of arrival at the institution. This ensures inmates are appropriately assigned to chronic care clinic as needed. Additionally, this gives opportunity for baseline health to be documented and ensure completion of any necessary baseline testing. FCI Cumberland also implemented a Preventative Health program which provides for age appropriate medical screening and a proactive stance in the delivery of health care to the inmate population. To supplement our local resources, we also utilize tele-psychiatry to gain access to a BOP psychiatrist at our medical center in Butner, NC.

Presently, there are 545 inmates enrolled in 1126 chronic care clinics. Each of these inmates have been examined by their medical provider within the year, as required by treatment guidelines. When deemed medically necessary, some inmates will visit their medical provider more frequently than their annual visit. Sick call is afforded to the inmate population Monday-Friday on a walk-in basis. Urgent medical needs are addressed as they arise.

Inmates are encouraged to utilize over the counter (OTC) medications for minor illnesses. This aids the inmate in preparing for self-care upon re-entry into the community. Indigent inmates are provided OTC treatments free of charge via request to the Pharmacy.

FCI Cumberland had prior difficulty staffing the Dental Department; however, the Dental Department became fully staffed in August 2016 and has remained fully staffed since that time. Quality assurance tracking has been utilized to ensure the backlog of inmate dental care is being addressed. FCI Cumberland dental staff continue to provide screening evaluations for all newly incarcerated inmates, sick call for urgent needs, and routine treatment. Quality assurance tracking will remain in place to ensure continued positive dental outcomes.

Provide additional vocational programming and other programs that assist with job readiness, and ensure programs provide meaningful vocational training. The draft report states, "The CIC recommends the facility establish additional classes that offer training and job readiness in areas relevant to the population at the facility, and hire additional vocational training staff to meet the needs of its large population. The facility should also review current and future program curricula to ensure classes have the proper structure to provide effective training."

Response: FCI Cumberland currently offers two vocational training programs in partnership with Allegany College of Maryland (dry wall and carpentry). There are 13 apprenticeship programs certified through the Department of Labor. In addition, FCI Cumberland offers the "Serve Safe" program which is a food service industry recognized program, OSHA forklift trainings and National Fitness/Personal Trainer (NFPT) to the inmate population. For inmates working in UNICOR, they offer Lean Sigma Six and a Quality Assurance Certificate program. As mentioned previously, rehabilitative opportunities exist at FCI Cumberland for those willing to pursue them.

Determine program eligibility on the basis of an inmate's earliest possible release date rather than the maximum possible sentence. The draft report states, "DC inmates sentenced for a crime committed before 2000 are given an indeterminate sentence that includes a "front number" and "back number" (e.g., 10 to 30 years, or 25 to life). These individuals become parole eligible on their "front number" date, and most are released before reaching their "back number." FCI Cumberland and the FBOP should use the "front number" as the date to determine program eligibility to ensure no individuals are released from incarceration without the training and release preparation for a successful return to their community. "

Response: The Bureau does not deny access to programs based on release dates. Regardless of parole eligibility, all inmates meet with their Unit Team, at a minimum, every six months to develop a program plan. This plan includes work and programming activities to develop the skills needed to make a successful transition back into the community. As the inmate serves his sentence, he should build on these program accomplishments. Inmates eligible for parole will have a parole hearing in advance of their first parole eligibility date. The examiner will set programming requirements for the inmate to complete prior to them being granted parole. The Unit Team will meet with the inmate to prioritize these programming requirements and have them enrolled accordingly, increasing the probability of being approved for the earliest parole date.

Investigate delays in mail delivery and provide an outside contact number for inmates who allege mail tampering or staff retaliation. The draft report states, "The CIC has received numerous, ongoing concerns about staff retaliation and tampering with mail regarding administrative remedy submissions. The facility should provide the phone number of the Department of Justice's Office of the Inspector General to enable inmates to contact a non-involved party for potential retaliation issues."

Response: The importance of the Administrative Remedy program is discussed with staff at Annual Refresher Training, Introduction to Correctional Techniques and repeated several times a year during department head meetings at FCI Cumberland. The Executive Assistant is also the Administrative Remedy Coordinator and is available to inmates during mainline to discuss issues they have with the program. Further, the Executive Assistant responds to inmates' requests for assistance with the remedy process through the electronic cop-out system.

During inmate Admission and Orientation (A&O), the Executive Assistant explains the Administrative Remedy program and the process of filing an Administrative Remedy to the inmate population. All Administrative Remedy forms are assigned a tracking number and are searchable. All staff are provided Annual Training as it relates to Standards of Employee Conduct and how such applies to the remedy process. In addition, the BOP Core Values of Correctional Excellence, Respect and Integrity are posted on our intranet homepage for staff to review, further underscoring our commitment to the highest level of performance, our recognition of the dignity of inmates, and our goal of demonstrating uncompromising ethical conduct.

Mail procedures are outlined during the Inmate Admission and Orientation program and in the inmate Admission & Orientation (A&O) handbook. Staff explain mailing procedures for legal/special mail for the courts, to include DC courts.

During the A&O process, inmates are encouraged to send time sensitive correspondence via Certified mail. Certified mail provides the inmate with a receipt and a tracking number that can be used to verify delivery. Staff ensure special mail is handled and processed in accordance with the policy and procedures outlined in Program Statement 5800.16, Mail Management Manual.

The Bureau is willing to review the allegations made in the draft report with regard to mail, provided the CIC offers specific information to assist in any assessment or investigation into the matter.

As for providing telephone numbers of the Department of Justice's Office of the Inspector General, inmates may request the DOJ OIG phone numbers via "Request to Staff" or they may obtain this information from the law library.

Assist other facilities with establishment of Hope House programs. The draft report states, "The CIC commends FCI Cumberland for its Hope House partnership and for the efforts made, as stated by DC inmates, to make the visitation environment comfortable for visitors. The CIC encourages FCI Cumberland to assist other BOP facilities with implementing the successful visitation and family connection programs it offers. The Hope House programs both incentivize positive conduct by the incarcerated fathers as well as help maintain connections with their children, and FBOP facilities should work together to expand these beneficial programs."

Response: Hope House is an independent, non-profit organization that provides parenting programs free of charge to FCI Cumberland. The visitation and family connection programs referenced in the draft report are provided solely at the discretion of Hope House and its founder. FCI Cumberland has hosted a number of BOP visitors to observe the Hope House programs. We are available to facilitate communication between Hope House and other BOP facilities that may be interested in working directly with Hope House to implement similar programs.

Evaluate and monitor the Religious Services Department and the performance of the Supervisory Chaplain. The draft report

states, "FCI Cumberland is required to comply with federal law and FBOP policies that protect the constitutional religious rights of inmates. In both 2014 and 2017, the CIC received numerous complaints that specifically mentioned the Supervisory Chaplain at the facility as an impediment to the exercise of their religion. The CIC recommends the executive staff take immediate action to ensure that the religious rights of inmates are not being violated."

Response: The Religious Services Department undergoes routine reviews per the agency's Management Control and Program Review Program. The department recently completed a Program Review where a rating of Acceptable was achieved. Corrective actions have been put in place to remedy the findings identified during the review. Additionally, the Supervisory Chaplain is supervised by the Associate Warden, Programs. His performance is monitored in accordance with Program Statement 3430.09, Performance.

Provide DC inmates with sentence calculation sheets and assistance in contacting staff responsible for sentence calculation through weekly "open house" periods. The draft report states, "The CIC recommends each unit housing DC inmates at FCI Cumberland begin offering a weekly "open house" period where case managers are available to sit down with individuals and go through issues or concerns they have with their sentence information. Inmates may then be able to receive regular assistance to write to the Bureau's Designation and Sentence Computation Center (DSCC) in Grand Prairie, TX, with queries about their sentence calculations."

Response: It has been a long standing practice that the Records Office staff run daily rosters of inmate sentence changes and review for any updates. Once sentence computations have been certified, all affected inmates are provided with copies of their new and updated computations via the institution mail. If inmates have questions regarding their sentence calculations, they are instructed during Admission & Orientation (A&O), as well as by their unit team, to use the form to provide a detailed Request to a Staff Member outlining the dates in question and the reason why they feel their computation is incorrect. This Request to a Staff Member must be sent to the Records office staff. Records staff forward the inmate's Request to a Staff Member to his assigned DSCC team for their review. The DSCC staff reviews the inmate's request for a computation review and provide a response to the institution. Upon receipt of the DSCC response, Records Department staff

contact the inmate and provide him with DSCC's response and the rationale. Inmates have access to this process from 6:00 a.m. through 10:45 p.m., seven days a week, via the electronic Requests to Staff system or they may speak directly to a Records Office staff member during weekly "Open House" hours held on Tuesdays & Thursdays.

I appreciate the opportunity to review and provide comments to your inspection report of FCI Cumberland. I hope to continue working closely with the CIC to improve the operations of Bureau facilities and ensure we are meeting the needs of the inmate population.

Please contact me at (202)353-3506 if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Dunkelberger', with a long horizontal flourish extending to the right.

J. Dunkelberger,
Acting Administrator,
Correctional Programs Branch