



FCI Hazelton Inspection Report

**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.

The CIC would like to thank volunteer D. Yvonne Rivers for her participation in the onsite inspection of FCI Hazelton in April 2016, as well as for other volunteer services she provided to the CIC in 2016. Her service to incarcerated DC residents is greatly valued and appreciated.

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Executive Summary

FCI Hazelton

Date of Inspection: April 14, 2016

Location: Bruceton Mills, West Virginia

Distance from DC: 186 Miles from DC

Transportation: 3 Hours by Car / 12 Hours by Bus

Security Level: Medium

Rated Capacity: 1654

Occupancy: 1424 (86% capacity)

DC Inmates: 197 (13.8% of total population)

Average Age of DC Inmates: 38 years

Average Sentence of DC Inmates: 145 months

Inmate-to-Staff Ratio: 1.74 : 1

FINDINGS

Top Positive Feedback: Distance of facility from DC, institutional safety, helpful staff

Top Negative Feedback: Poor treatment by staff, including disrespect and racism; proximity to sex offenders; limited programming and educational opportunities

Proximity: The location of the facility allows for more frequent visitation. FCI Hazelton is accessible by public transportation and is a three hour ride by car.

Religious Services: Regarding various aspects of daily life, DC residents were most satisfied with Religious Services. The chaplain facilitates four reentry classes that include the Courage to Change and the Threshold program.

Meals: DC residents provided negative feedback regarding the quantity and quality of meals, specifically that the meals are unhealthy and that there are no healthy options in the commissary.

Hygiene: The facility uses recycled water for laundry, and DC residents reported that the water is ineffective for washing clothing. DC residents also reported that the units are unclean.

Health Services: DC residents were overall unsatisfied with medical and mental health care. The CIC received reports that chronic care patients were not receiving timely follow-ups and that mental health services prioritize inmates with shorter sentences.

Dental Care: Over half of interviewed DC residents reported satisfaction with dental care. The CIC observed that the dental department had an array of new and state-of-the-art equipment.

Administrative Remedies: The overwhelming majority of inmates believe that the administrative remedy process is not fair. Most common reasons why inmates do not file grievances include the grievance process not working and fear of staff retaliation.

Special Housing Unit: Six of the DC residents interviewed had spent time in the SHU, with three spending more than 30 days in the SHU at one time. Staff informed the CIC that inmates sometimes stay in the SHU for over one year.

Staff: The CIC received mostly negative feedback regarding staff, which included racism, “aggressive” communication, retaliation, and general poor treatment. DC residents also provided positive feedback about certain staff, naming two in particular for their exceptional work. Most indicated that they have never been harassed, threatened, or abused by staff.

Reentry: In addition to providing a reentry resource center, FCI Hazelton participates in the quarterly Community Resource Day facilitated via videoconference by the DC Court Services and Offender Supervision Agency (CSOSA) and the annual resource fair facilitated by the Mayor’s Office on Returning Citizen Affairs (MORCA). Most DC residents within 18 months of release have taken Release Preparation Program classes and have received information about reentry resources in DC.

Employment: At the time of the inspection, 127 of the 197 DC incarcerated residents were employed. DC residents reported satisfaction with their jobs but indicated that employment was difficult to secure.

Education: FCI Hazelton offers the computerized GED exam as well as college correspondence classes that provide college credits to inmates. The Inside Out college program allows inmates to study alongside West Virginia University students. Staff reported that they have begun working with DC to obtain Individualized Education Programs (IEP) for incarcerated DC residents.

Programming: The facility offers a range of vocational programming including plumbing, carpentry, masonry, and Microsoft. Although there are at least 200 sex offenders in FCI Hazelton, there is no access to the Sex Offender Management Program (SOMP) except as a result of a transfer. DC residents report that they often cannot access programming due to their back number.

Visitation: The majority of DC residents experienced problems receiving visits. The most common problems are the approval process for visitors and visitors being turned away due “false positives” from the Ion Scanner that detects contact with illegal substances.

DC Specific Issues: The majority of DC residents reported that staff treats them worse than other inmates and that other inmates treat DC residents the same. DC residents reported staff harassment due to their DC residency status and that they are more likely to have their visitors turned away. The CIC also received reports that DC residents are discriminated against with regards to employment and recreation. Incarcerated DC residents were nearly unanimous in expressing their desire to move closer to home.

RECOMMENDATIONS

1. Ensure that healthier snacks are available, such as dried fruit, applesauce, fruit snack packs, and other low-calorie, low-cholesterol, and fat-free snacks.
2. Investigate claims about dirty laundry to ensure efficient and reliable laundry services.
3. Recruit Public Health Service Officers to address the medical vacancies at FCI Hazelton.
4. Track and report attempted suicides in the significant incidents report.
5. Provide prescription eyeglasses to any incarcerated individual requiring them.
6. Implement effective screening and assessment practices by triaging inmates based on psychiatric history, current use of psychotropic medication, current suicidal ideations, history of violent behavior, emotional responses, and other relevant factors.
7. Ensure inmate access to administrative remedy request forms and assess units to determine whether some provide better access to forms than others.
8. Ensure that the warden responds within 20 calendar days, the regional director responds within 30 calendar days, and the general counselor responds within 40 calendars to administrative remedy requests.
9. Report all claims of threats by staff and staff retaliation for filing an administrative remedy request to OIA, OIG, and BJS.
10. Complete routine disciplinary investigations within seven working days of the filing and all other disciplinary investigations within 30 days of the issuance of an incident report (absent compelling circumstances). Require approval by Warden for investigations lasting longer than 30 days.
11. Reduce maximum penalties for disciplinary segregation and impose a sanction of disciplinary segregation only as necessary and only after determining that other available sanctions are insufficient to serve purpose of punishment.
12. Implement a cultural diversity sensitivity training program.
13. Provide opportunities for DC agencies and other organization to compile and disseminate reentry resources to incarcerated DC residents.
14. Use front number of indeterminate sentence to determine programming eligibility.
15. Suspend the practice of denying visitation based on use of the Ion Spectrometry devices and implement safeguards. Investigate existing visiting procedures practiced by staff assigned to the front lobby.

I. Facility Profile

Federal Correctional Institution (FCI) Hazelton is a medium security facility located in Bruceton Mills, West Virginia. It is 194 miles from DC and three hours and forty minutes from DC by car. A part of the Federal Correctional Complex (FCC) Hazelton, FCI Hazelton contains facilities for both incarcerated male and female individuals. Incarcerated female individuals are located at the Secure Female Facility (SFF) Hazelton, which the CIC inspected in August 2014. The information detailed in this report relate only to the all-male facility at FCI Hazelton.

The rated capacity of FCI Hazelton is 1654. At the time of the inspection, the facility population was 1424, which represents 86% capacity. A total of 197 DC residents comprised 13.8% of the population. With a total of 817 staff, the inmate to staff ratio for FCI Hazelton was 1.74 to 1.

II. Inmate Feedback Summary

When incarcerated DC residents were asked to share the most positive aspect of FCI Hazelton the most common answers included: distance of the facility from DC, safety, and certain staff members who (as quoted by an incarcerated DC resident) are “genuinely trying to help.” Several incarcerated DC residents provided names of specific counselors in their unit who have assisted them in a respectful manner. Other positive aspects noted include recreation and the resource center.

When incarcerated DC residents were asked about the most negative aspects of FCI Hazelton the most common answer was “the staff.” In particular, incarcerated DC residents cited disrespectful staff, poor treatment, and racism. Incarcerated DC residents also expressed frustration around their proximity to sex offenders, difficulty getting into programs, and limited educational opportunities. Additionally, the CIC received concerns regarding the inability to be transferred to a different facility. Incarcerated DC residents also reported issues with staff who do not know how to address incarcerated DC residents’ unique circumstances regarding sentence computation and parole.

III. Methodology

The CIC conducted an onsite inspection of FCI Hazelton on April 14, 2016. Prior to the onsite inspection, the CIC communicated with all incarcerated DC residents at FCI Hazelton, informing them of the impending inspection and offering them the opportunity for a confidential interview with a member of the CIC. During the onsite inspection, the CIC was escorted by the Executive Assistant, the Warden, and other members of the executive staff. The onsite inspection consisted of an opening session with executive staff, a tour of the facility, dialogue with facility staff, and confidential interviews with DC inmates.

Both before and after the onsite inspection, the CIC reviewed general inmate and facility data related to staffing, significant incidents, urine surveillance, and disciplinary records. The CIC also reviewed an education report, menus, the most recent American Correctional Association (ACA) Audit, and administrative remedy filings and responses at the facility, regional, and central office levels.

After the CIC inspection process was completed, the CIC provided the FBOP with a draft version of the report for review of factual information and requested responses to follow-up questions. The FBOP responses to the CIC draft report are included in the final published report.

IV. Housing

The CIC conducted an onsite inspection of Unit L3. The capacity of Unit L3 is 128, and the population during the CIC inspection was 120. There are four pods in each of the three units, and the existing three-man cells are not in use. Each pod contains four handicap cells. Each unit has a unit officer, unit manager, case manager, counselor, and two compound officers. Officers conduct rounds in the units every 15 minutes. Prison Rape Elimination Act (PREA) documents are posted in the unit and throughout the facility.

A. Reentry Resource Room

The activity room in Unit L3 serves as a Reentry Resource Room, which is currently run by a dedicated staff member. The Reentry Resource Room holds binders of resources for men preparing for release and provides classes include “Gaining Control” offered by West Virginia University and “Think before You Move” facilitated by Mr. Eugene Brown of the Big Chair Chess Club in Washington, DC. The FCI Hazelton staff member who oversees the Reentry Resource Room reported that the same services currently available to the men in the FCI were previously available to the women in the SFF. He cited that his transfer from the SFF to the FCI resulted in the termination of the programs in the Secure Female Facility. While these resources are unique to Unit L3, additional information regarding reentry programs for the entire FCI Hazelton facility is located in the “Reentry” section of this report.

B. Hygiene

Because washing machines and dryers have been removed in Unit L3, clothing is washed once a week in central laundry. Sheets are exchanged weekly, and additional bed linen is exchanged monthly. The CIC noted that four incarcerated DC residents were employed in the centralized laundry department at the time of inspection.

The majority of incarcerated DC residents reported that units are unclean. Regarding general hygiene, most incarcerated DC residents reported having clean clothes, clean sheets, cleaning chemicals, and showers for the week. However, the CIC also received reports that clothing is washed yet comes back dirty due to the facility using recycled water in the washing machines. The undergarments are unclean, and clothing comes back more soiled after being washed.

Recommendations

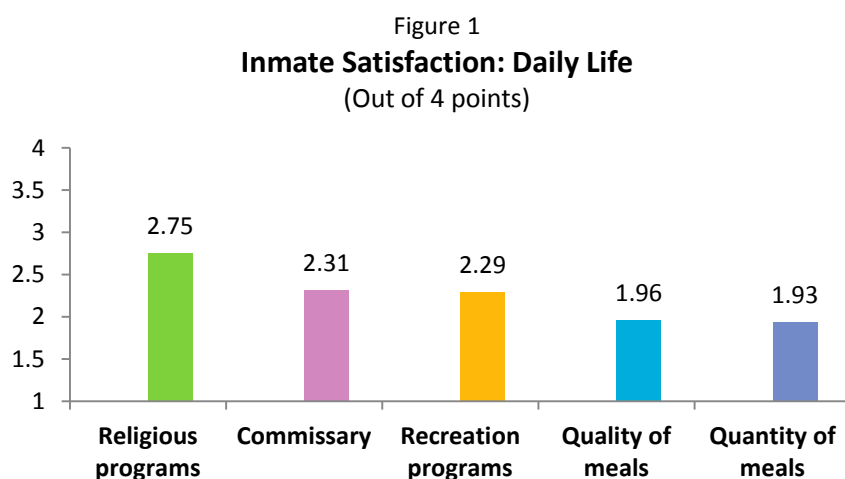
1. Investigate claims about dirty laundry to ensure efficient and reliable laundry services.

- Incarcerated DC residents reported that the clothes are washed and come back dirty due to the facility using recycled water in the washing machines. Investigating claims about dirty laundry to ensure efficient and reliable laundry services are available to inmates would satisfy the FBOP’s objectives for the Trust Fund Program.¹

¹ FED. BUREAU OF PRISONS, U.S. DEP’T OF JUSTICE, PROGRAM STATEMENT NO. 4500.11, TRUST FUND/DEPOSIT FUND MUTUAL (April 9, 2015).

V. Daily Life

The CIC asked incarcerated DC residents to rate their satisfaction regarding religious services, commissary, recreation, the quality of meals, and the quantity of meals. From a scale of 1-4 (with 4 as the most satisfied), religious programs was ranked highest at 2.75, and the quantity of meals was ranked lowest at 1.93 (Figure 1). Incarcerated DC residents indicated that housing units were unclean overall and provided mixed feedback regarding general hygiene.



A. Religious Services

FCI Hazelton has five chaplains, including the Supervisory Chaplain and one mentor coordinator shared among the FCC Hazelton facilities. The mentor coordinator is responsible for assisting those who are preparing for release by connecting them to community resources. There are approximately 15 various religious groups at FCI Hazelton; Islamic and Protestant are the most popular religious sects in FCI Hazelton. In addition to facilitating the Angel Tree program that provides Christmas gifts to children of incarcerated parents, the Chaplain at FCC Hazelton coordinates ceremonial meals and celebrations to commemorate religious holidays.

The chaplain facilitates four reentry classes that include the Courage to Change program, which is a six to eight week program that encourages inmates to look at the issues leading to their incarceration and promote positive changes. The chaplain also facilitates the Threshold program, which is a voluntary non-residential, faith-based reentry program. The chaplain attends mainline once a week, and incarcerated individuals can also submit an e-request via the CorrLinks email system.

Interviewed incarcerated DC residents were generally satisfied with the staff and the programming offered. Several incarcerated DC residents reported that there are not enough chaplains for non-Christian faiths and that some religious services provide counselors instead of chaplains. One incarcerated DC resident indicated that, although the facility had ordered oil for Ramadan, the oil was never distributed.

B. Commissary

Each incarcerated individual in general population is allowed to make purchases at the commissary once a week, with a maximum spending limit of \$360 per month. Per FBOP policy,² all products are marked up 30% with the exception of religious items. During the onsite inspection, staff provided us with commissary brochure that lists the available items and information on the Inmate Trust Fund.

Although the commissary offers a broad variety of items, incarcerated DC residents reported that the commissary does not provide healthy options. A common recommendation provided by incarcerated DC residents is offering healthier options at commissary, lowering prices, and allowing inmates input into what is sold.

C. Recreation

The Recreation Department at FCI Hazelton has seven recreation staff, and the recreation department is open seven days a week during program hours. The recreation department offers a wide variety of classes including spinning and music. Outdoor recreational space includes a soccer and flag football field, a kickball and softball field, a dirt track, an asphalt track, a sand volleyball court, a bocce ball court, racquetball courts, and basketball nets. Intramural leagues are offered for softball, soccer, and flag football. Indoor activities include soccer, basketball, music, and a photo program. The Recreation Department also provides jump ropes, stability balls, cardiovascular equipment, and other exercise equipment.

When visiting the Recreation Department, CIC staff observed an art class and received positive feedback from participants. The art class is taught by a DC resident who learned the art of painting while at USP Lee and began teaching in FCI Hazelton. One incarcerated DC resident expressed that the art class is helping him to develop a positive self-image.

During the interviews, two incarcerated DC residents expressed positive experiences with recreation while many others indicated that there is not enough variety in recreation and that little is offered other than basketball for organized sports. Incarcerated DC residents also commented on the disproportionate size of the recreation area to the number of inmates and suggested adding additional equipment such as pull up bars and dip bars.

D. Meals

FCI Hazelton follows standard FBOP menu guidelines.³ FCI Hazelton offers vegetarian, heart-healthy, and religious diet options. 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. During lunch, staff members stand main line and are available to answer inmate questions and address concerns. The cost per inmate per day for meals is \$3.55. Microwaves are not available, an executive staff reported that microwaves are currently phasing out of the FBOP in general.

When asked to elaborate on why they were satisfied or dissatisfied with aspects of daily life, over two-thirds of incarcerated DC residents focused on the poor quality and small quantities of

² Id.

³ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, NATIONAL MENU FY 2016.

meals. Specifically, incarcerated DC residents reported that the meals served are generally unhealthy. Incarcerated DC residents who require a vegetarian diet indicated that the soy substitute is inadequate and that sometimes the only alternative offered is a piece of cheese. Portions were also seen as insufficient (“the portion of meals are kid sizes”).

Recommendations

2. Ensure that healthier snacks are available, such as dried fruit, applesauce, fruit snack packs, and other low-calorie, low-cholesterol, and fat-free snacks.

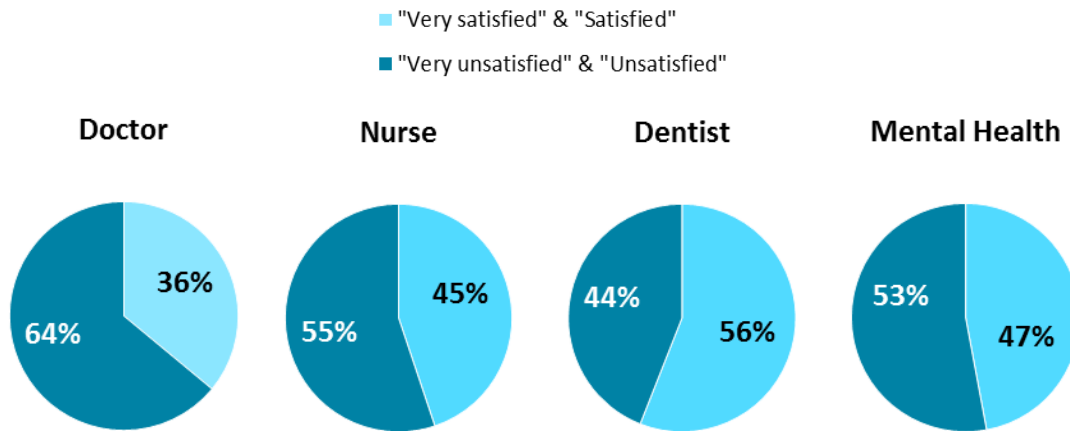
- Incarcerated DC residents reported that the commissary does not provide healthy options. A primary recommendation provided by incarcerated DC residents is offering healthier options at commissary and allowing inmates input into what is sold. Following the FBOP’s policy, FCI Hazelton should ensure that healthier snacks are available, such as dried fruit, applesauce, fruit snack packs, and other low-calorie, low-cholesterol, and fat-free snacks.⁴

⁴ FED. BUREAU OF PRISONS, U.S. DEP’T OF JUSTICE, PROGRAM STATEMENT NO. 4500.11, TRUST FUND/DEPOSIT FUND MUTUAL (April 9, 2015).

VI. Health Services

The CIC asked incarcerated DC residents to rate their satisfaction with various health services staff, including the medical, dental, and mental health. Satisfaction ratings encompassed both accessibility and quality of care. Incarcerated DC residents were mostly satisfied with dental and unsatisfied with medical and mental health. (Figure 2).

Figure 2
Health Services Patient Satisfaction



A. Medical Care

FCI Hazelton is a Medical Care Level II facility. Medical Care Level II facilities are able to address the needs of stable outpatients with chronic illnesses requiring at least quarterly clinical evaluations.⁵ Upon arrival, individuals are assessed and issued any necessary medications. They undergo an intake screening that includes a TB test, Hepatitis C test and a voluntary HIV test. Staff cited that there are some Level III inmates at FCI Hazelton awaiting approval for medical transfers. The time for approval and transportation ranges between a matter of days and months depending on the availability of bed space.

While onsite, medical staff informed the CIC that there are several hundred chronic care patients at the facility. The facility, however, reported a total of 37 chronic care patients when the CIC requested follow-up information. The facility also informed the CIC that the determination of whether an inmate is placed on a chronic case caseload is based on care level criteria. However, the CIC was unable to locate care level criteria in the FBOP Program Statements that included a list of conditions that the FBOP considers chronic conditions.

The Health Services Department includes a doctor who is responsible for the medical needs of the entire population at FCC Hazelton. The medical department staff also consists of a contract

⁵ OFFICE OF THE INSPECTOR GEN., U.S. DEP'T OF JUSTICE, THE FEDERAL BUREAU OF PRISON'S EFFORTS TO MANAGE INMATE HEALTH CARE (Feb. 2008).

optometrist, a lab technician, and two nurses who share the day, afternoon and evening shifts. The doctor sees between 20 and 30 patients each day, and the optometrist sees between 10 and 12 individuals weekly. There are a number of current vacancies in the medical department at FCI Hazelton which include four clinical staff and three physicians. The facility recently began a new contract with a physician who has been assigned to the USP.

The medical department is equipped with a triage room, a trauma room and two additional beds for emergency situations. Additionally, the medical department has an isolation room and a suicide prevention room. Health Services can accommodate routine procedures including X-rays that are contracted out to San Diego for results. FCI Hazelton also provides minor outpatient surgery upon FBOP approval and facilitates routine examinations, medication distribution, and monitors chronic care concerns. For urgent health concerns that cannot be handled onsite at FCI Hazelton (e.g., broken bones, heart attacks, and major strokes), inmates are treated at Preston Memorial, WV University and General Hospital. Open House takes place weekly at the medical department weekly. It is primarily used for inmates to obtain medical records.

At FCI Hazelton, medication is provided two times a day through a pill line. Pill line takes place during the morning and evening meals. During pill line, individuals must form a line outside of the medical department. As space permits, inmates are allowed into the medical building to receive prescription carry medications, or to be issued daily medications that do not qualify for self-carry. Diabetic inmates are released prior to the general population, issued their insulin, and allowed first priority for meals.

According to the inmate admission and orientation handbook, inmates at FCI Hazelton must submit a cop-out request to receive medical care. Incarcerated individuals are able to access the sick-call program to visit the medical department by mailing a cop-out or requesting a visit through CorrLinks. Incarcerated individuals who request a sick-call appointment are seen daily if they submit their request before 6:30 am. Inmates pay \$2.00 for each sick call and do not pay for emergency care, chronic care, or care for indigent inmates.

The majority of incarcerated DC residents confirmed that health services usually responds to sick call slips within 48 hours. Three incarcerated DC residents commented on the good quality of medical care, including one who regained sight after receiving surgery on his eye. General concerns regarding medical care included long wait times and poor quality of care; specific conditions that have not been addressed include a torn ligament, stab wound, Hepatitis C, and an embedded bullet. The CIC also received comments regarding delays in receiving eyeglasses, including one from an incarcerated DC resident who needs but does not have eyeglasses.

A total of 15 incarcerated DC residents interviewed were on the chronic care caseload. Approximately half receive timely follow-ups, and half do not. The CIC received several examples of problems regarding chronic health care, including an asthmatic patient who was told to wait three to four days for an emergency inhaler. One chronic care patient reported needing to pay the \$2 co-pay for care.

B. Dental Care

Dental care is provided onsite at the facility. FCI Hazelton has a state of the art dentist lab. The FCC has three dentists, and the chief dentist rotates between the four facilities at FCC Hazelton. One of the dentists is stationed at the FCI five days a week. FCI Hazelton also has two dental hygienists and three dental assistants. Staff expects to increase the number of dental hygienists to five in the near future. They also expect to bring on two additional dentists. The wait time for routine procedures, such as check-ups and cleanings, is 18-24 months. For dentures and partials, the wait time is three months. Dental staff handles an average of 20 patients per day.

The majority of incarcerated DC residents interviewed reported positive experiences with the dentist. One incarcerated DC resident commented, “[T]he dentist here is the best.” Of the five concerns received, three involved long wait times, and two involved inability to receive partials for incarcerated DC residents with nine and six missing teeth respectively.

C. Mental Health Care

FCI Hazelton is a Mental Health Care Level III facility. The Psychology Services staff includes two psychologists, a psychiatrist who is contracted through West Virginia University, a non-residential drug treatment specialist, and a social worker who is shared between the four facilities at the FCC. The mental health staff sees an incarcerated individual the same day he requests an appointment. Incarcerated individuals are seen weekly, monthly, and on an as-needed basis. Individual therapy is available for individuals with severe mental health needs. The psychology department offers open house hours every Tuesday. Incarcerated individuals also have the capability to access the psychology department through email.

Staff reported that the following programs are offered through the psychology department: non-residential drug treatment, drug education classes, trauma classes, and severe behavior management classes. Men who are interested in participating in the Residential Drug Abuse Program (RDAP), a voluntary treatment program that addresses documented alcohol or substance abuse problems, must request to be transferred to an institution that offers RDAP. Other programs that are not offered at FCI Hazelton but can be accessed via transfer are the Sex Offender Management Program (SOMP) and the Life Connections Program. SOMP is a program designed for sex offenders and consists of cognitive-behaviorally based psychotherapy groups. Life Connections is a residential faith-based program offered to inmates of all faiths.

Because some incarcerated DC residents are serving indeterminate sentences, they do not know the exact date when they will be released. An incarcerated DC resident serving a split sentence (e.g. 10-30 years) will not have a halfway house date until after they have a parole hearing, receive a notice of action and his case manager completes the necessary paperwork. Consequently, current policy prevents some incarcerated DC residents from enrolling in the RDAP. Moreover, due to the nature of their local offenses, many incarcerated DC residents do not qualify for the RDAP incentive.

FBOP policy requires facilities to implement suicide prevention practices.⁶ A mental health screening is conducted upon intake, including a screening for suicide risk. Additionally, inmates may refer themselves or be referred by staff to Psychology Services for an evaluation. Inmates who pose a suicide risk at intake or a later time are placed on Suicide Watch, which requires constant visual surveillance. Only the Program Coordinator may take an inmate off Suicide Watch. After an inmate is taken off Suicide Watch, follow-up evaluation and care are required.

The suicide prevention program and Suicide Watch at FCI Hazelton operate in accordance with FBOP guidelines.⁷ Staff receives quarterly training on suicide prevention. Any staff member can place inmates on Suicide Watch, and inmates placed on suicide watch are monitored constantly by trained inmates in the companion watch program. The inmates on Suicide Watch 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 will follow up with them daily, weekly, and then twice a month.

Regarding mental health, nine out of the 16 inmates who required mental health services felt they had adequate access to these services, and seven felt they did not. One incarcerated DC resident commented that the open house provided by mental health services is “pretty good.” Concerns of incarcerated DC residents included a lack of mental health services and programs and disrespectful staff. The CIC also received feedback that mental health services prioritize people with shorter sentences and that there is a waiting list for mental health care.

Recommendations

3. Recruit Public Health Service Officers to address the medical vacancies at FCI Hazelton.

- The CIC received numerous reports regarding lack of staff available to provide inmates with adequate medical care, including care for inmates with chronic medical conditions. According to staff at FCI Hazelton, the medical department is currently understaffed and has experienced difficulty in recruiting qualified professionals. The CIC recognizes the serious challenges faced by the FBOP to recruit medical professionals. Following the review of the FBOP’s medical staffing challenges set forth by the Office of the Inspector General, the CIC recommends that the FBOP address recruiting challenges in an agency-wide and strategic manner.⁸ Assigning more Public Health Services (PHS) Officers to address the medical vacancies at FCI Hazelton would assist the facility in providing adequate medical care and ensure that chronic care patients receive timely follow-ups.

⁶ 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.

⁷ Id.

⁸ OFFICE OF THE INSPECTOR GENERAL, U.S. DEP’T OF JUSTICE, REVIEW OF THE FEDERAL BUREAU OF PRISONS’ MEDICAL STAFFING CHALLENGES (March 2016).

4. Track and report attempted suicides in the significant incidents report.

- Although the FBOP currently tracks inmate suicides in significant incidents reports, it currently does not take into account attempted suicides. The FBOP should begin reporting attempted suicides as significant incidents to provide a more comprehensive understanding of inmate well-being.

5. Provide prescription eyeglasses to any incarcerated individual requiring them.

- While the CIC understands the time associated with processing requests for eyeglasses, poor vision can become a significant safety hazard for inmates and limit their ability to participate in programming and other activities. As stated in the FBOP's program statement, the FBOP will provide prescription eyeglasses to any inmate requiring them.

6. Implement effective screening and assessment practices by triaging inmates based on psychiatric history, current use of psychotropic medication, current suicidal ideations, history of violent behavior, emotional responses, and other relevant factors.

- Incarcerated DC residents stated that the mental health department prioritizes people with shorter sentences and that there is a waiting list for mental health care. As reported by the National Institute of Corrections, inmates with lengthy sentences commonly have feelings of hopelessness and despair and are at risk of committing suicide.⁹ Implementing effective screening and assessment practices by triaging inmates based on psychiatric history, current use of psychotropic medication, current suicidal ideations, and history of violent behavior, emotional responses, and other relevant factors will help FCI Hazelton provide a safe and controlled environment for staff and inmates.

⁹ NATIONAL INSTITUTE OF CORRECTIONS, U.S. DEP'T OF JUSTICE, EFFECTIVE PRISON MENTAL HEALTH SERVICES: GUIDELINES TO EXPAND AND IMPROVE TREATMENT (May 2004).

VII. Discipline and Administrative Remedies

A. Discipline

The DHO handles serious disciplinary infractions and other matters referred by the Unit Disciplinary Committee (UDC). Disciplinary measures include, but are not limited to, revocation of an incarcerated individual's visiting privileges, revocation of phone privileges, forfeiture of good time credit, or placement in disciplinary segregation within the SHU. Most common infractions include narcotics, weapons, and assaults. Staff reported it takes the unit team five days to conduct UDC hearings. The DHO holds hearings every week, and the DHO was onsite at the time of the CIC inspection.

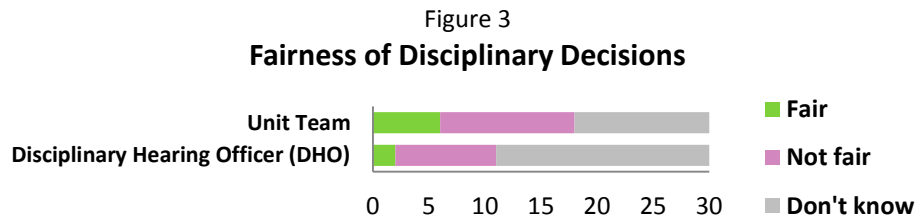
Significant Incidents Table

Facility locked down	3
Inmate suicides	1
Inmate homicides	0
Inmate deaths from natural causes	0
Inmate assault on inmate, with weapon	3
Inmate assault on inmate, without weapon	15
Inmate assault on staff, with weapon	1
Inmate assault on staff, without weapon	14
Inmate attempted assault on inmate, with weapon	0
Inmate attempted assault on inmate, without weapon	0
Inmate attempted assault on staff, with weapon	0
Inmate attempted assault on staff, without weapon	12
Inmate escape from secure facility	0
Inmate escape from non-secure facility	2
Inmate sexual act, non-consensual, on inmate	0
Inmate sexual assault on staff	0
Inmate sexual contact, abusive, on inmate	3
Staff uses of chemicals	8
Staff uses of force	25
Staff uses of restraints	13
Form 583 reports filed by staff (reports to Central Office)	94

Source: Federal Bureau of Prisons. Statistics dated March 2015 to February 2016

The CIC asked incarcerated DC residents about the fairness of disciplinary decisions by Disciplinary Hearing Officer (DHO) and the unit team (Figure 3). In many cases, disciplinary actions are handled by the inmate's unit team before referral to the DHO. Six incarcerated DC residents responded that the unit team's decisions are fair, 12 that they are unfair, and 12 did not know. Two incarcerated DC residents responded that the DHO's decisions are fair, nine that they

are unfair, and 19 did not know. One incarcerated DC resident reported waiting three weeks to see the DHO.



B. Administrative Remedies

The Administrative Remedy Program allows incarcerated individuals to seek formal review of issues related to their confinement. 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. The tables below provide an overview of the categories with the most numerous administrative remedy filings submitted at each level regarding FCI Hazelton, as well as filings related to the SHU.

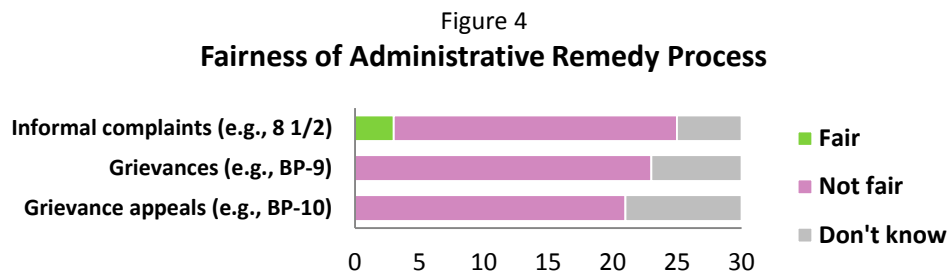
Facility Level (BP-9s)					
	Submitted	Rejected	Filed	Answered	Granted
Staff	98	48	2	0	0
UDC Actions	60	18	42	6	2
DHO Appeals	4	4	0	31	0
Transfer	24	9	15	1	0
Regional Office (BP-10s)					
	Submitted	Rejected	Filed	Answered	Granted
DHO Appeals	112	60	52	8	6
Jail Time	25	13	12	13	0
Sentence Computation	19	6	13	2	0
UDC Actions	17	6	11	7	6
Central Office (BP-11s)					
	Submitted	Rejected	Filed	Answered	Granted
DHO Appeals	112	60	52	8	6
Jail Time	25	13	12	13	0
Sentence Computation	19	6	13	2	0
UDC Actions	17	6	11	7	6

A. Source: Federal Bureau of Prisons. February 2015 to January 2016.

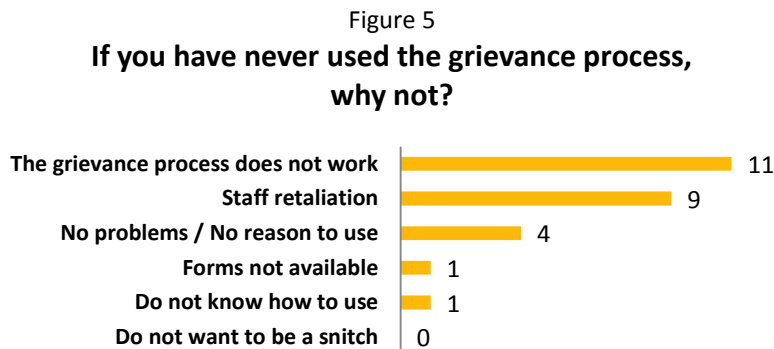
Administrative Remedy Filings Related to the SHU					
	Submitted	Rejected	Filed	Answered	Granted
BP-9s (facility level)	10	5	5	2	0
BP-10s (Regional Office)	1	0	1	2	0
BP-11s (Central Office)	0	0	0	0	0

Source: Federal Bureau of Prisons. Statistics dated February 2015 to January 2016.

Incarcerated DC residents, nine of whom have used the administrative remedy process, reported that the process is unfair. Although three incarcerated DC residents reported that informal complaints are treated fairly, no incarcerated DC resident reported that formal grievances and appeals are fair (Figure 4). Also, while nearly all incarcerated DC residents reported having access to cop outs and sick call slips, 11 out of 30 did not have access to administrative remedy forms.



To understand barriers to using the grievance process, the CIC asked incarcerated DC residents who have not used the grievance process to provide their reasons why not (Figure 5). Top reasons include that the grievance process does not work and that inmates are afraid of staff retaliation. Four inmates noted that they have not had any reason to use the grievance process.



Commentary provided by inmates who have used the grievance process support the above reasons, the majority of which addressed the ineffectiveness of the process. Inmates provided reports of staff retaliation, including one inmate who was placed in the SHU for filing a complaint. Incarcerated DC residents also expressed concerns that grievances, particularly those against staff, are either ignored or lost. One incarcerated DC resident reported his grievance form against a staff member went missing because of “staff protecting one another.”

Recommendations

7. Ensure inmate access to administrative remedy request forms and assess units to determine whether some provide better access to forms than others.

- One-third of incarcerated DC residents interviewed reported not having access to administrative remedy request forms. Following the FBOP's program statement regarding the administrative remedy program, inmates shall obtain administrative remedy request forms from institution staff.¹⁰ Providing access to administrative remedy request forms from institution staff would follow the FBOP's policy and afford inmates with a proper opportunity to begin the process. FCI Hazelton should conduct an assessment of all units to guarantee all incarcerated individuals have the opportunity use the administrative remedy program.

8. Ensure that the warden responds within 20 calendar days, the regional director responds within 30 calendar days, and the general counselor responds within 40 calendars to administrative remedy requests.

- The CIC received concerns that most responses to administrative remedy requests are not responded to in a timely manner, if at all. Incarcerated DC residents who used the administrative remedy program also expressed concerns that administrative remedy requests, particularly those against staff, are either ignored or lost. Ensuring that the warden responds within 20 calendar days, the regional director responds within 30 calendar days, and the general counselor responds within 40 calendars would comply with the FBOP's policy¹¹ and promote a fair application of the administrative remedy program.

9. Report all claims of threats by staff and staff retaliation for filing an administrative remedy request to OIA, OIG, and BJS.

- Incarcerated DC residents reported threats by staff and staff retaliation, including one incarcerated DC resident who was placed in the SHU for filing a complaint. Incidents of threats by staff and staff retaliation discourage inmates from using the Administrative Remedy Program. Several courts have held that when a prison official's threats or intimidation inhibits an inmate from using the Administrative Remedy process, the inmate's administrative remedies at the facility are unavailable.¹² Reporting all claims of threats by staff and staff retaliation for filing an Administrative Remedy Request to the Office of Internal Affairs (OIA), the Office of the Inspector General (OIG), and the Bureau of Justice Statistics (BJS) will increase transparency and improve efforts to deter staff retaliation and promote the availability for incarcerated individuals to use the Administrative Remedy process.

¹⁰ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 1330.18, ADMINISTRATIVE REMEDY PROGRAM (Jan. 16, 2014).

¹¹ Id. at §542.18.

¹² See *Turner v. Burnside*, 2009 U.S. Dist. LEXIS 89488; *Tuckel v. Grover*, U.S.D.C. (D. Col.), Case No. 1:10-cv-00215-KLM-MEH; 2012 WL 5904209.

VIII. Special Housing Unit (SHU)

The Special Housing Unit (SHU), often referred to as segregated housing, is designed to securely separate inmates from the general inmate population. 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. Administrative detention may 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.

The SHU at FCI Hazelton is designed to house 188 inmates. There are six ranges in the SHU at FCI Hazelton. Range one and four house inmates in the SHU pending disciplinary hearings and awaiting transfer. There are no inmates on range six, and the remaining ranges house inmates in the SHU under administrative segregation.

At the time of the CIC inspection, 72 inmates were in the SHU, 16 of whom were from DC. Of the 63 inmates in administrative segregation who were not awaiting disciplinary action, 15 were from DC. Staff reported that there were no inmates who had been in the SHU for over a year, and that there was one inmates in the SHU who had been diagnosed with a mental health issue.

The captain found it difficult to assess the average length of stay in the SHU due to wide ranging lengths of stay because inmates are often transient. However, the captain admits that at times inmates have stayed in the SHU for a year. The CIC observed one inmate who expressed being in the SHU under investigation for 10 months during the time of the inspection. The captain conveyed that investigations at FCI Hazelton are generally closed within a week. An SIS Investigation can last up to 90 days; however, investigating lieutenants may request extensions. The Unit Disciplinary Team conducts hearings for 300-400 level disciplinary infractions and can impose sanctions. UDC hearings are conducted within five days of the issuance of an infraction. The 100-200 level disciplinary infractions are referred to the DHO for sanctioning. DHO hearings generally take place 30 days after UDC hearings when they are deemed the appropriate course of action. The DHO conducts hearings weekly and was onsite during the CIC inspection.

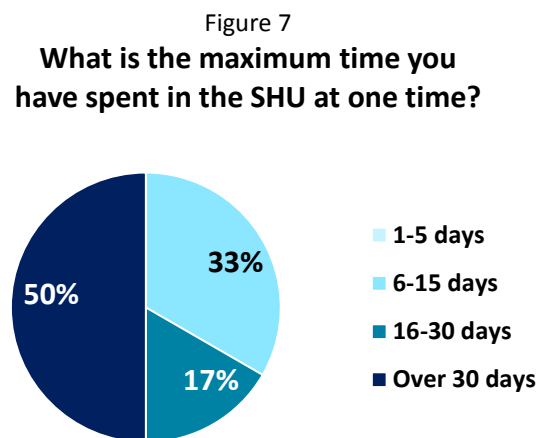
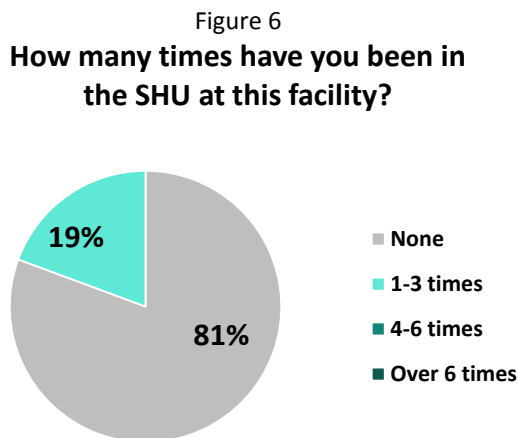
The unit team staff conducts rounds once a day. Religious services and Education staff conduct weekly rounds and members of the medical staff conduct rounds once a day. The psychology staff conducts mental health rounds weekly or more frequently when needed. Inmates have access to the SHU law library every day for one hour. Education programming in the SHU consists of the distribution of GED books and books for leisure reading that are rotated two times per week. The psychology staff conducts regular sessions with inmates in the SHU.

Inmates in the SHU are generally confined to their cells for 23 to 24 hours a day. FBOP policy provides for five hours of recreation time per week, which ordinarily should occur in one-hour periods on separate days.¹³ Inmates are also permitted to receive one non-contact visit per month

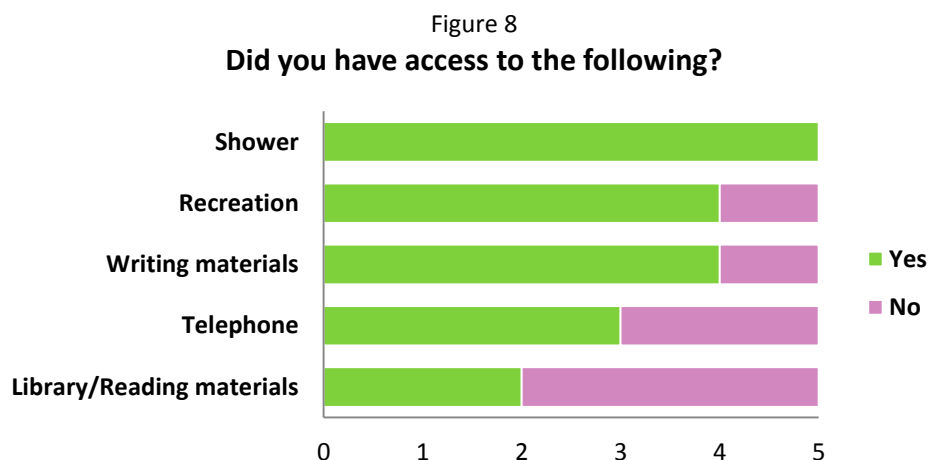
¹³ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5270.10, SPECIAL HOUSING UNITS (August 1, 2011).

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. At FCI Hazelton, inmates in the SHU are currently receiving five hours a week for recreation. However, the facility plans to extend to seven hours a week within the next six months. The long term goal is to provide up to 10 hours of recreation in the SHU at FCI Hazelton. Inmates in the SHU also work as orderlies assisting correctional officers with the daily facilitation of clothing exchange and performing janitorial duties. Inmates in the SHU for disciplinary infractions are not able to purchase a radio but otherwise receive the same options as those in administrative segregation.

Six of the 31 incarcerated DC residents interviewed by the CIC had spent time in the SHU at FCI Hazelton on one to three occasions. None of the incarcerated DC residents interviewed had been in the SHU at FCI Hazelton more than three times (Figure 6). Three of these incarcerated DC residents spent more than 30 days in the SHU at one time, two incarcerated DC residents between six and 15 days, and one incarcerated DC resident between 16 and 30 days (Figure 7).



The majority of the incarcerated DC residents who had been in the SHU confirmed that the chaplain, education department, medical staff, and mental health staff conducted regular rounds. All had access to showers but varied in their access to recreation, writing materials, telephone and reading materials (Figure 8).



Of the six incarcerated DC residents who had been in the SHU at FCI Hazelton, five provided specific examples regarding the lack of hygiene products, overly thin mats, freezing temperatures, and lengthy waiting period before seeing the DHO. One incarcerated DC resident indicated that he was wrongfully sent to the SHU because of a mix-up with his address that implicated him for suspicious mail.

Recommendations

In January 2016, President Barack Obama formally adopted the Department of Justice's (DOJ) recommendations to safely reduce the overuse of restrictive housing.¹⁴ The DOJ issued a report concluding that the practice of restrictive housing should be used rarely, applied fairly, and subject to reasonable constraints.¹⁵ Following the "Guiding Principles" as well as the policy recommendation changes directed to the FBOP from the DOJ report, the CIC provides the following recommendations:

10. Complete routine disciplinary investigations within seven working days of the filing and all other disciplinary investigations within 30 days of the issuance of an incident report (absent compelling circumstances). Require approval by Warden for investigations lasting longer than 30 days.

- The CIC received reports from DC residents who waited long periods of time before seeing the DHO. Since January 2012, the FBOP has reduced its total SHU population by almost 25%.¹⁶ While the total SHU population has decreased, the number of inmates in SHU on administrative detention pending an investigation for a FBOP violation has risen 3.45% since 2012.¹⁷ Requiring routine disciplinary investigations to be completed within seven working days of the filing of an incident report and requiring all other disciplinary investigations to be completed within 30 days of the issuance of an incident report at FCI Hazelton will help continue the downward trends and further FBOP's efforts to follow the recommendations set forth in the DOJ report.

11. Reduce maximum penalties for disciplinary segregation only as necessary and only after determining that other available sanctions are insufficient to serve purpose of punishment.

- Three incarcerated DC residents stated they had spent more than 30 days in the SHU at one time. Reducing the maximum penalties and requiring that the DHO determine that other available sanctions are insufficient to serve the purpose of punishment would help ensure FCI Hazelton reduces the total number of inmates in the SHU. This, in turn, will contribute to the downward trends in the FBOP's SHU population.

¹⁴ Available at <https://www.whitehouse.gov/the-press-office/2016/01/26/fact-sheet-department-justice-review-solitary-confinement>

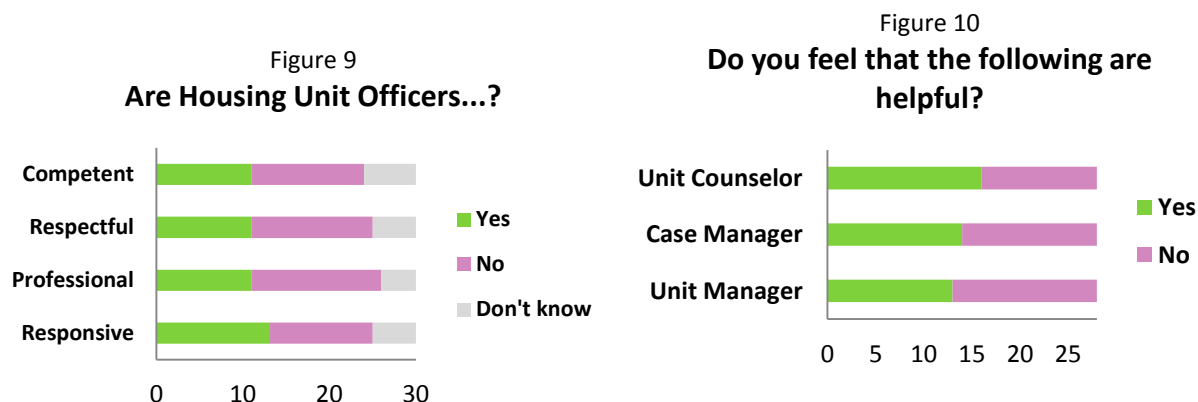
¹⁵ U.S. DEP'T OF JUSTICE, EXECUTIVE SUMMARY, REPORT AND RECOMMENDATIONS CONCERNING THE USE OF RESTRICTIVE HOUSING (Jan. 2016) ("After extensive study, we have concluded that there are occasions when correctional officials have no choice but to segregate inmates from the general population, typically when it is the only way to ensure the safety of inmates, staff, and the public. But as a matter of policy, we believe strongly this practice should be used rarely, applied fairly, and subjected to reasonable constraints.")

¹⁶ Id.

¹⁷ Id.

IX. Staff

The CIC received mixed responses from incarcerated DC residents about the staff at FCI Hazelton. Regarding housing unit officers, responses were nearly equal between “Yes” and “No” when asked if these officers were responsive to their needs, professional, respectful, or competent with fulfilling their job duties (Figure 9). Incarcerated DC residents’ feedback was also mixed about the helpfulness of the unit counselor, case manager, and unit manager (Figure 10).



Positive commentary from incarcerated DC residents includes certain staff (including executive staff) being described as professional, helpful, fair, and available. Several incarcerated DC residents specifically referenced two staff members by name for their exceptional work. One incarcerated DC resident commented that his “unit got the best team that’s helpful.”

The majority of commentary from incarcerated DC residents regarding staff, however, was negative. When incarcerated DC residents were asked about the most negative aspects of FCI Hazelton, the most popular answer was the staff. In particular, incarcerated DC residents cited disrespectful staff, poor treatment of incarcerated DC residents, and racism. Additionally, several incarcerated DC residents described staff communication as both “violent” and “aggressive” and reported staff retaliation and verbal provocation of inmates.

Incarcerated DC residents also noted the general absence of certain counselors and managers; one incarcerated DC resident requested to see his counselor six months ago and only saw the counselor once. Other concerns included staff not processing visitation forms, refusing to submit transfer requests, and disagreeing with each other’s decisions. One incarcerated DC resident commented that open house hours do not accommodate working inmates.

Recommendations

12. Implement a cultural diversity sensitivity training program.

- Numerous incarcerated DC residents reported that staff at FCI Hazelton are disrespectful and racist. This concern is significant because, according to FCI Hazelton, 97% of DC’s prisoner population at the facility is black as of January 2016. Working with the National Institute of Corrections, FCI Hazelton can identify training needs and implement a cultural diversity sensitivity training program for staff members to

increase awareness of cultures different from their own. Providing staff with such training would further the FBOP's mission "to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure...."¹⁸

¹⁸ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, [HTTPS://WWW.BOP.GOV/ABOUT/AGENCY/AGENCY_PILLARS.JSP](https://www.bop.gov/about/agency/agency_pillars.jsp).

X. Institutional Safety

Overall, feedback provided by incarcerated DC residents indicates that they perceive the institution as safe. All but one incarcerated DC resident reported that they had never been harassed, threatened, or abused by other inmates (Figure 11). One incarcerated DC resident indicated that his mistreatment involved physical abuse and discrimination based on DC residency status. Additionally, nearly two out of three incarcerated DC residents reported that they had never been harassed, threatened, or abused by staff. Figure 12 shows the types of staff harassment reported, the majority of which involved discrimination against DC residents, insulting remarks, and racism.

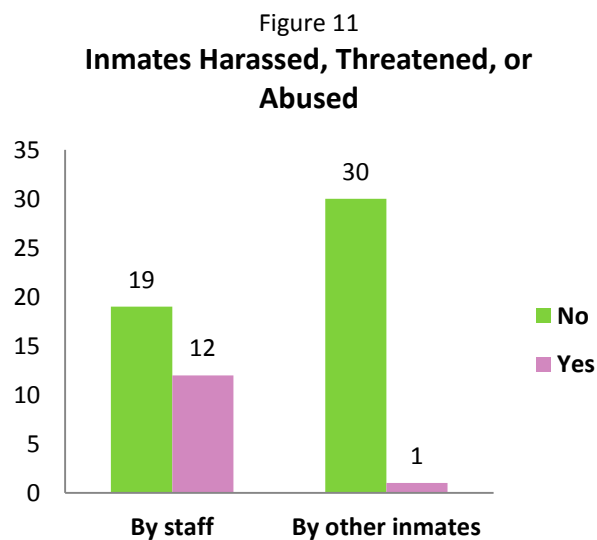


Figure 12
Types of Staff Harassment

TYPE	# REPORTS
DC residency status	11
Insulting remarks	9
Race or ethnic origin	5
Offense/crime	4
Physical abuse	2
Sexual abuse	1
Religion/religious beliefs	1
Gang related issues	1
Sexual orientation	0
Other	3

Of the eight incarcerated DC residents who filed reports against staff for harassment, seven were unsatisfied with how it was handled, and one was satisfied. The incarcerated DC resident who was harassed by other inmates filed a report and was unsatisfied with how it was handled.

Incarcerated DC residents provided commentary regarding their perceptions of the institution as safe. In particular, one incarcerated DC resident noted that his grievance regarding safety was reported and resolved. On the other hand, one incarcerated DC resident reported staff harassment and discrimination towards incarcerated DC residents (“Treat us like we’re contagious and say ‘oh, you one of them’”). Other concerns included that incarcerated DC residents are in an environment in which they may be provoked and lose parole eligibility and that an incarcerated DC resident’s grievance was covered up and not handled.

As for sexual abuse, all but one incarcerated DC residents indicated that they were aware of at least one method for reporting sexual abuse (e.g., to staff, through hotlines, anonymously).

XI. Reentry

As of January 2016 approximately 78 DC individuals were scheduled to be released within 12 months. An additional 86 incarcerated DC residents will be released within the next 13-59 months. These numbers are inclusive of the 64 DC women who were at the SFF Hazelton facility as of January 2016. The women housed at the SFF Hazelton facility are classified along with the men who are housed at the FCI Hazelton facility.

All FBOP facilities follow a Release Preparation Program (RPP) that is intended to prepare inmates for community reentry upon release.¹⁹ The program operates at both the unit and facility level, and institutions are responsible for developing their own curriculum. The program is overseen at the facility level by the Reentry Affairs Coordinator (RAC). The RAC does not actively track DC inmates who are near release. The RAC at FCI Hazelton is responsible for all four facilities in the FCC Hazelton complex. The RAC is not responsible for developing individualized release plans but is responsive when individuals who are preparing for release request information about local services that can assist them with the reintegration process.

At FCI Hazelton, the RPP class consists of workshops, seminars, and videoconferencing with DC organizations. The programs are not uniformed throughout the FBOP as of yet; however, FBOP executive staff are working to formalize the RPP curriculum to increase uniformity throughout the FBOP and improve the efficiency of the program. According to the facility, inmates can participate in the RPP shortly after they arrive at the facility. Inmates receive an RPP course calendar from their unit team and the Education Department.

During the last 11 to 13 months of their sentence, inmates are enrolled in the unit RPP, which covers procedures for having clothing sent in for release and specific information necessary for the actual release to an RRC or home confinement. The case managers at FCI Hazelton are responsible for coordinating Residential Reentry Center (RRC) also known as halfway house placement as an inmate nears the end of his sentence. For male DC inmates in FBOP custody, the RRC is Hope Village, in Southeast DC. Inmates not participating within 30 months of their projected release date are subject to refusal status. If inmates have a detainer, they are still required to participate in the program but are exempt if they have an order for deportation.

Additional reentry support provided by FCI Hazelton includes a resource center with binders of reentry resources from various states. The resource center inmate staff also assists inmates who are preparing for release with developing resumes. FCI Hazelton also assists inmates with obtaining social security cards and birth certificates prior to release.

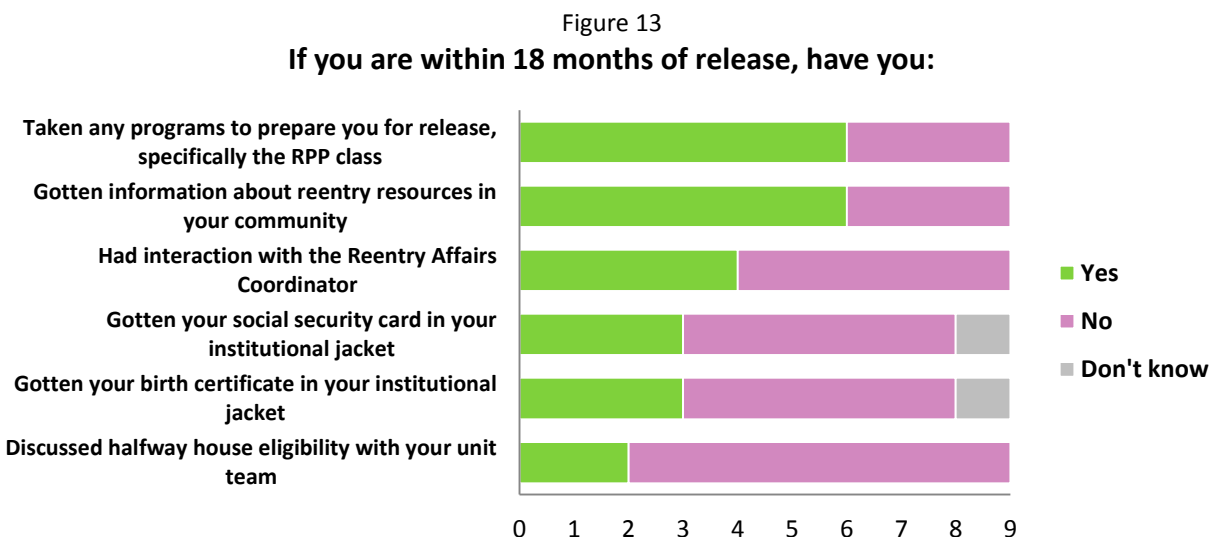
Incarcerated DC residents receive reentry support from DC government agencies. The DC Court Services and Offender Supervision Agency (CSOSA) provides a quarterly Community Resource Day for DC inmates in FBOP facilities, including FCI Hazelton. Through videoconferencing, CSOSA staff and representatives from other organizations (including municipal partners such as

¹⁹ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5325.07, RELEASE PREPARATION PROGRAM (DEC, 31, 2007).

the WV Bureau of Child Support) provide information on housing, healthcare, employment, education, and other resources in the DC area to DC inmates who are within 90 days of release. Inmates also receive an informational package with the contact information of providers who participate in the event. This service ensures that returning citizens receive the information and connection to services necessary for successful reentry. Staff reported that 50% of incarcerated DC residents cannot participate in the CSOSA quarterly video conference; one reason is that an inmate's safety may be jeopardized if inmates at other facilities learn of his location.

The Mayor's Office on Returning Citizen Affairs (MORCA) also facilitates an annual resource fair at FCI Hazelton. This even connects men who are preparing for release to DC agencies with resources to assist them in the reintegration process.

Of the incarcerated DC residents the CIC interviewed, nine were within 18 months of release. Most of these incarcerated DC residents have taken Release Preparation Program (RPP) classes and have received information about reentry resources in their community. Approximately half have not interacted with the Reentry Affairs Coordinator, received their social security card or birth certificate in their institutional jacket, or discussed halfway house eligibility with their unit team (Figure 13).



The majority of incarcerated DC residents understood how to obtain various services and information after release, such as housing, education, employment, state ID, food, medical, therapy, SSI/IDA (disability), and drug treatment.

Most of the comments the CIC received regarding reentry concerned incarcerated DC resident's individual cases. Overall, incarcerated DC residents provided positive feedback regarding reentry classes, including one incarcerated DC resident who was able to participate in reentry programming even though he was not within 18 months of release. Another indicated that the Reentry Affairs Coordinator has been helpful. Concerns from incarcerated DC residents addressed the inaccessibility of reentry programming, specifically that incarcerated DC residents may not be eligible due to the back number of a sentence as opposed to parole.

Recommendations

13. Provide opportunities for DC agencies and other organization to compile and disseminate reentry resources to incarcerated DC residents.

- The CIC commends the FBOP for initiating plans for a standardized Reentry Preparation Program across all FBOP facilities and for including the CIC in the preparation of this curriculum. As planning progresses, the FBOP should provide opportunities for DC agencies and other organizations to compile and disseminate resources to incarcerated DC residents across FBOP facilities. Opportunities may include coordinating with the Reentry Affairs Coordinator to ensure that DC specific resources are readily accessible and up-to-date.

XII. Employment, Education & Programming

Two out of every three incarcerated DC residents surveyed had jobs at the facility (Figure 14). However, very few incarcerated DC residents were enrolled into academic programs, mental health programs, recovery programs, and vocational training (Figure 15).

Figure 14

DC Inmate Employment

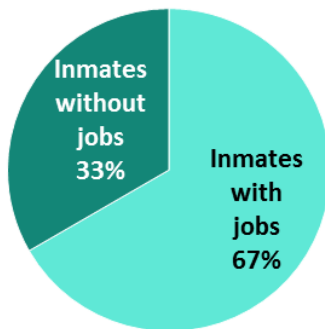
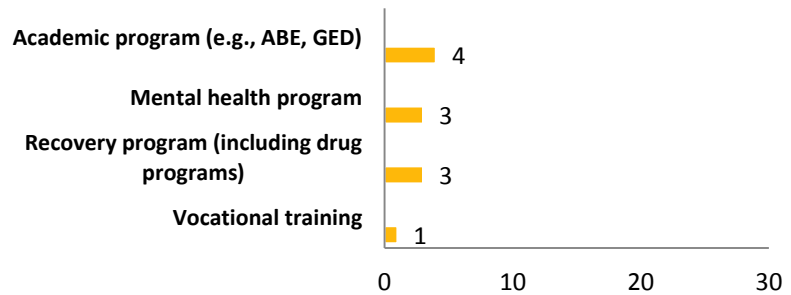


Figure 15

Inmate Participation in Education and Programming



Incarcerated DC residents reported that it was most difficult to receive vocational training at the facility and least difficult to enroll in a recovery program (Figure 16). Incarcerated DC residents also reported low levels of satisfaction across these different areas, with mental health programs rated lowest and facility jobs highest (Figure 17).

Figure 16

Difficulty of Access
(ranked in order)

TYPE	Difficulty Rating (highest = 4)
Vocational training	3.28
Job	3.23
Academic program	2.82
Mental health program	2.69
Recovery program	2.38

Figure 17

Satisfaction
(ranked in order)

TYPE	Satisfaction Rating (highest = 4)
Job	2.24
Academic program	2.15
Recovery program	2.07
Vocational training	1.82
Mental health program	1.73

A. Employment

At the time of the inspection, 908 incarcerated individuals at the facility were employed, 127 of whom were from DC. FCI Hazelton does not have UNICOR but provides a range of employment opportunities. FCI Hazelton staff rotates individuals in their respective job details every 90 days. Incarcerated individuals who are rotated are not placed in new detail positions when they are removed from previous detail positions.

Incarcerated DC residents commented on the difficulty of securing employment at the facility. Specifically, one incarcerated DC resident's job was taken away after he was placed in the SHU. Two incarcerated DC residents were let go from their education jobs "when everyone was fired." DC residents incarcerated in FCI Hazelton expressed concerns about having their jobs disrupted and its impact on their rehabilitation process.

B. Education

Education is a significant factor in reducing recidivism. The FBOP requires all incarcerated individuals 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.²⁰ 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 take the Tests of Adult Basic Education (ABE), which allows for placement in an appropriate class level. Inmates who test below a fifth grade level are placed in special education classes. One incarcerated DC resident reported requiring a tutor due to special education needs.

FCI Hazelton offers a comprehensive, computerized GED preparation course in accordance with FBOP curriculum standards. The computerized GED exam has been offered 15 times to date at the time of the CIC inspection. Approximately 200 men are currently enrolled in the GED class with 250 on the waiting list. Of those enrolled in the GED preparation program, 44 are DC residents. Three have completed the program, five have dropped or refused the program, and zero are on the wait list. There are no DC residents who are enrolled or on the waiting list for the ABE program.

The facility also offers Adult Continuing Education (ACE) courses that are generally taught by inmates rather than staff. At the time of the CIC inspection, FBOP staff instructors were facilitating classroom lecture. Interviews with incarcerated DC residents reveal that on many occasions, GED preparation classes are instructed by inmates.

²⁰ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5350.28, LITERACY PROGRAM (GED STANDARD) (Dec. 1, 2003)

FCI Hazelton education staff reported that they have begun working with DC to obtain Individualized Education Programs (IEP) for incarcerated DC residents. Executive staff acknowledged the receipt of a few IEP contracts. She cited that some men are not willing to share their IEP status. The facility also offers Spanish Class as well as English as a Second Language (ESL) classes that are taught by staff.

FCI Hazelton offers college correspondence classes that provide college credits to inmates. There are no restrictions to participation, and the cost of the classes ranges from \$495 to \$660, which is paid by inmates. At the time of the inspection, there were no incarcerated DC residents enrolled in these classes. In addition to college correspondence courses, FCI Hazelton offers the Inside Out College program. This course allows incarcerated individuals to study a core curriculum alongside West Virginia University college students. Approximately 15-20 have access to the Inside-Out program at once.

The law library and a resource room are also inside of the Education Department. Individuals have access to books on resume development, self-help, and other topics. They also have access to a Jobview 2nd Chance Kiosk that allows them to retrieve job descriptions from potential employers in the DC community. Inmates are not capable of emailing resumes or completing job applications through the Kiosk. The computerized system in the law library holds DC case law, DC court rules and DC case updates as well as judicial decisions for those convicted in the federal and/or state courts. Inmates in the SHU have access to a law library computer.

FCI Hazelton also has a leisure library where inmates can read books, magazines, and newspapers, including the *Washington Post*. The library is open six days a week and four nights a week. Books that are not available onsite at the facility can be borrowed through an interlibrary loan partnership with a local library. The library is well-funded and has a wide selection of books.

During the CIC inspection individuals incarcerated in FCI Hazelton did not have access to a copy machine. Staff explained that a copier would be available within the following 2-3 weeks.

C. Programming

Vocational training provides individuals with marketable skills that increase the likelihood of obtaining employment after release and substantially decrease the likelihood of recidivism. Vocational training programs are taught by staff and include Plumbing, Building Trades, Carpentry, Masonry and VT Microsoft. FCI Hazelton staff cited that they are in negotiation with the Department of Labor to put the necessary mechanisms in place to facilitate apprenticeship programs.

To participate in vocational training, incarcerated individuals are required to have a high school diploma or GED. At the time of inspection, there were five incarcerated DC residents participating in vocational programming and no DC inmates on the waiting list. FCI Hazelton reported that there is open enrollment into these programs and that selection is not based on an inmate's projected release date.

As mentioned in the “Health Services” section of this report, incarcerated DC residents face unique challenges enrolling in mental health and recovery programs due to eligibility requirements that are based on the number of years to release. Regarding sex offender programming, although there are at least 200 sex offenders in FCI Hazelton, there is no access to the Sex Offender Management Program (SOMP) except as a result of a transfer.

Incarcerated DC residents reported that DC inmates often are not selected for participation in programs because selection is frequently based on an inmate’s back number instead of other factors such as parole eligibility. Incarcerated DC residents noted that this practice, in addition to lack of good time credit, provides no incentives for inmates to be incident-free. Incarcerated DC residents also commented on long wait times to participate in programming and lack of consistency in programming.

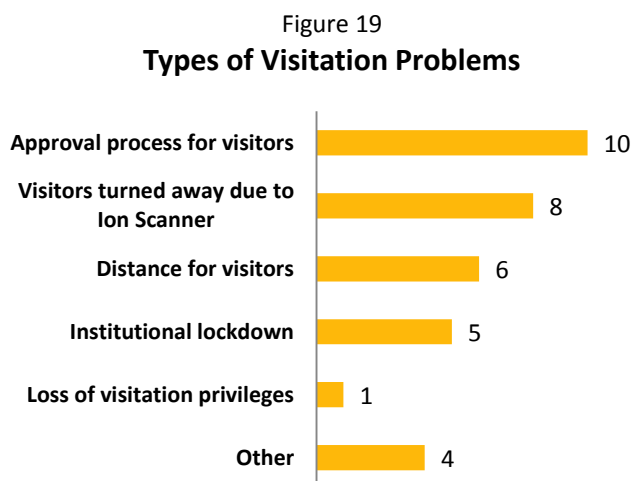
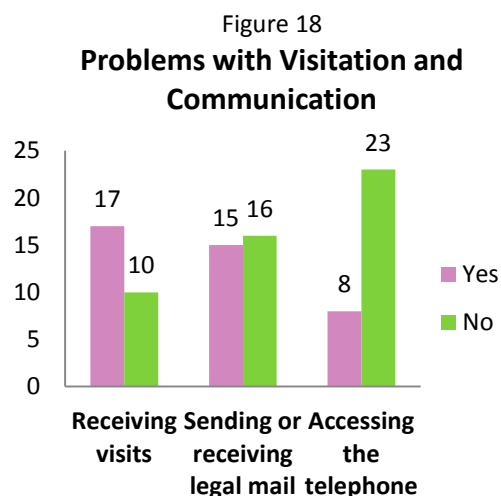
Recommendations

14. Use front number of indeterminate sentence to determine programming eligibility.

- DC inmates have reported difficulty in enrolling in various programs because eligibility and/or selection is based on an inmate’s back number. For reference, DC inmates sentenced for a crime before 2000 are given an indeterminate sentence, a front number, and a back number. The back number is either life or three times the front number (e.g., 10 to 30 years, or 25 to life). Because these are all parolable sentences, most inmates will be released prior to reaching their back number and as early as their front number. Due to conflicting accounts of this practice between DC inmates and facility staff, the CIC recommends that FCI Hazelton evaluate current practices regarding selection into programs to ensure that DC inmates are not discriminated against and denied participation.

XIII. Communication & Visitation

Incarcerated DC residents reported the most numerous concerns regarding visitation and the least regarding access to the telephone (Figure 18). Primary problems regarding visitation include the approval process for visitors, visitors being turned away due to the Ion Scanner, and distance for visitors (Figure 19).



A. Visitation

At FCI Hazelton, visitation takes place on Saturday, Sunday, and Monday. Video visitation is also available to individuals incarcerated in FCI Hazelton and their families. Staff indicated that there is a telephone number on the FBOP website for family members to call prior to visiting facilities to ensure that facilities are not on lock down and that visits are not suspended.

FCI Hazelton participates in Children's Day through a partnership with the DC Mayor's Office on Returning Citizen Affairs (MORCA). MORCA has been facilitating family visitation trips to FCC Hazelton since 2013 and provides transportation to children, family members, and loved ones from DC. The purpose of the trip is to assist incarcerated DC residents in maintaining family ties to support successful reentry. MORCA also facilitates Reentry Resource fairs at FCC Hazelton. In addition to MORCA support, a DC-based program called Hope House plans to coordinate a summer camp for the men at FCI Hazelton and their children in summer 2016.

When asked about the visitation experience, DC residents indicated that visitors are frequently turned away because the Ion Scanner shows up positive for contact with illegal substances. One incarcerated DC resident told the CIC that one of the captains himself has expressed concerns over the accuracy of the Ion Scanner and that other facilities have eliminated the use of the scanners due to its potential defects. Another incarcerated DC resident indicated that this refusal seems to be targeted towards incarcerated DC residents and that this has discouraged family members from traveling from DC for visitation. One DC resident suggested that, if the Ion Scanner turns up positive, inmates should still have the opportunity for a non-contact visit

instead of complete refusal. Additionally, the CIC received information in June 2016 that several visitors were turned away on Father's Day because the children tested positive for drugs.

The CIC also received multiple accounts from incarcerated DC residents that staff members are harassing visitors and are rude and disrespectful. One incarcerated DC resident indicated that his family member was turned away because staff was retaliating against him. Another stated that staff takes too long to do processing and that family members often need to wait hours until they can visit. Additional concerns include the facility being locked down on Family Day and that the process for visitors to find out whether the facility is locked down prior to visitation is poor.

B. Communication

Computers:

FCI Hazelton has six computers in each unit for inmate use. General population inmates 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. At FCI Hazelton, an email costs \$.05 a minute to send and receive. Staff mentioned that FCI Hazelton may eventually implement the Skype program that has been piloted at SFF Hazelton.

Mail:

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

FCI Hazelton follows federal policy for mail services. The inmate handbook adequately describes mail policies and is in accordance with constitutional requirements. For incoming legal mail, inmates are called out of their units and sign a logbook. Outgoing legal mail is sealed on the unit. Staff at FCI Hazelton report seeing a relatively low amount of contraband.

Incarcerated DC residents expressed concerns regarding mail. They reported tampering of legal mail as well as delays in sending and receiving mail. According to some incarcerated DC residents, regular mail does not arrive in a timely manner and sometimes not at all. In one instance, mail directed to an inmate was sent back for being over one pound.

Telephones:

Six telephones are located in the housing units at a cost of \$3.15 per 15 minute telephone call to DC. Inmates are allotted 300 minutes per month. To conduct confidential legal calls, inmates must go through their counselor to set an appointment to use the office telephone. Counselors at the FCI Hazelton facilitate open house two times per week.

²¹ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5800.16, MAIL MANAGEMENT MANUAL (Apr. 5, 2011),

Incarcerated DC residents expressed several concerns regarding telephone use, including that the voice activation and recording for phone access often does not work. The CIC also received concerns regarding the cost of making phone calls.

Attorney-Client Communication:

Attorneys have conveyed to the CIC that many had difficulty getting through the main switchboard to make appointments for legal calls and legal visits with their clients in the Hazelton Complex. When they called numerous times a day there would either be no answer, or they were told to call back at a later time and there would be no answer again. The CIC forwarded this complaint to FBOP Headquarters on June 10, 2016, which immediately communicated with the Complex. Since this communication, the CIC has received verification that attorneys have since been able to arrange and conduct legal calls/visits at the Complex.

Recommendations

15. Suspend the practice of denying visitation based on use of the Ion Spectrometry devices and implement safeguards. Investigate existing visiting procedures practiced by staff assigned to the front lobby.

- The CIC recognizes the FBOP's legitimate interest and safety concerns to prevent illegal substances from entering facilities. While understanding the importance of protecting the safety of staff and inmates at facilities, there is a separate concern the FBOP must consider regarding the reliability of the Ion Spectrometry devices to screen visitors for illegal substances. The U.S. Department of Justice's National Institute of Justice agency issued a report evaluating contraband drug detectors and found the technology cannot distinguish between two different substances composed of ions with a similar size and mass.²² As a result, harmless substances such as perfumes or body lotions can be erroneously identified as illegal contraband causing a "false positive." Following the FBOP's policy regarding the Ion Spectrometry Device Program, the Warden has broad discretion to require a pat or visual search after a confirmed positive test result as a prerequisite to visitation.²³ As stated in FCC Hazelton's Complex Supplement for Visiting Regulations, visitors who test positive with the Ion Spectrometry Device will have the opportunity to submit to a pat search and if no contraband is discovered, the visitor will be allowed to visit in a non-contact visiting room for one hour.²⁴ Suspending the practice of denying visitation based on use of the Ion Spectrometry devices and implementing safeguards, such as the use pat searches after a confirmed positive test result, would comply with the FBOP's policies and prevent family and loved ones from being denied visitation on the grounds of unreliable test results. In addition, FCI Hazelton should investigate the existing visiting procedures practiced by staff assigned to the Front Lobby to guarantee they are in compliance with FCC Hazelton's Visiting Regulations Program.²⁵

²² NATIONAL INSTITUTE OF JUSTICE, U.S. DEP'T OF JUSTICE, NIJ GUIDE 601-00, GUIDE FOR THE SELECTION OF DRUG DETECTORS FOR LAW ENFORCEMENT APPLICATIONS (2000).

²³ FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT NO. 5522.02, ION SPECTROMETRY DEVICE PROGRAM (April 1, 2015).

²⁴ FED. BUREAU OF PRISONS FCC HAZELTON, U.S. DEP'T OF JUSTICE, COMPLEX SUPPLEMENT NO. HAX-5267.08C, VISITING REGULATIONS (April 1, 2014).

²⁵ Id.

XIV. DC Specific Issues

Incarcerated DC residents were nearly unanimous in expressing their desire to move closer to home if given the opportunity. Primary reasons included more opportunities for visitation, increased family engagement and support networks, and an opportunity to have a smoother and more successful transition back into the community. The one incarcerated DC resident who differed noted that he was relocating and not returning to DC upon release.

Regarding how staff treats incarcerated DC residents in comparison to other inmates, 67% of incarcerated DC residents reported worse treatment while 33% reported equal treatment (Figure 20). When asked whether incarcerated DC residents are treated better or worse by other inmates, 69% reported equal treatment, 23% reported worse treatment, and 8% reported better treatment (Figure 21).

Figure 20

Compared to other inmates, how are DC inmates treated by staff?

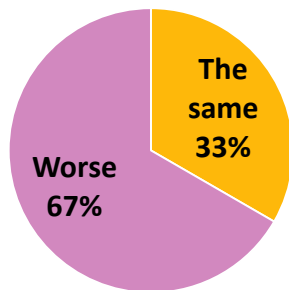
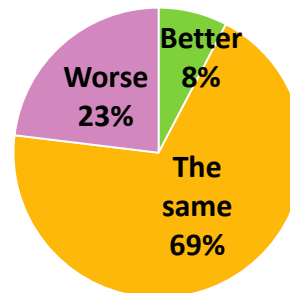


Figure 21

Compared to other inmates, how are DC inmates treated by other inmates?



Incarcerated DC residents provided specific examples of staff discrimination, including that visitors from DC are disproportionately turned away due to the Ion Scanner and/or mistreated when attempting to visit the facility. Incarcerated DC residents also reported that staff refers to them as “007”s and targets them because there is a perception of these inmates as being more aggressive, “out of control,” unintelligent, and involved in gangs. Several incarcerated DC residents’ referenced staff targeting DC inmates for having “popped collars.” DC residents incarcerated in FCI Hazelton also noted that they are discriminated against with regards to employment and recreation.

The CIC also received concerns that staff discriminate against incarcerated DC residents because they do not understand these inmates. For instance, incarcerated DC residents reported that staff does not know how to handle inmates’ classifications, EGT concerns, transfers, and/or designation. One incarcerated DC resident reported that he has not experienced problems with staff, and another commented that “all inmates are treated equally.”

With regards to treatment by other inmates, several incarcerated DC residents stated that they are respected and treated well by other inmates. The CIC received one account that incarcerated DC residents invoke fear from other inmates and several accounts that incarcerated DC residents are disliked by staff and other inmates alike.



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

OCT 20 2016

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 July 20, 2016, regarding the April 14, 2016, visit to FCI Hazelton. The Bureau of Prisons (Bureau) 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. We recognize format changes in this report from previous reports the CIC has submitted. I offer the following response to the questions and/or statements in the report:

Factual Clarification:

The draft report indicates:

Health Services: DC residents were overall unsatisfied with medical and mental health care. The CIC received reports that chronic care patients were not receiving timely follow-ups and that mental health services prioritize inmates with shorter sentences.

Response: FCI Hazelton Health Services staff treat all inmates according to their conditions and levels of required care, despite the inmates release date.

"DC Specific Issues: The majority of DC residents reported that staff treats them worse than other inmates and that other inmates treat DC residents the same. DC residents reported staff harassment due to their DC residency status and that they are more likely to have their visitors turned away. The CIC

also received reports that DC residents are discriminated against with regards to employment and recreation. Incarcerated DC residents were nearly unanimous in expressing their desire to move closer to home."

Response: In accordance with Bureau policy, FCI Hazelton will deny any inmate visitor that is not on an approved visiting list, cannot pass through the metal detector without clearing it, are suspected of having contraband in their possession or become insolent to the staff attempting to process them into the facility. The draft report didn't provide any specific allegations however, the Bureau is willing to follow up on any specific allegations if they are brought forward.

In the Daily Life section of the draft report DC inmates *"indicated that housing units were unclean overall and provided mixed feedback regarding general hygiene."*

Response: Unit cleanliness inspections are conducted at FCI Hazelton daily. It is also worth mentioning that the facility employs 261 inmate orderlies of which 47 are DC inmates.

Recommendations by CIC:

Ensure that healthier snacks are available, such as dried fruit, applesauce, fruit snack packs, and other low-calorie, low-cholesterol, and fat-free snacks: the Draft report states, "Although the commissary offers a broad variety of items, incarcerated DC residents reported that the commissary does not provide healthy options. A common recommendation provided by incarcerated DC residents is offering healthier options at commissary, lowering prices, and allowing inmates input into what is sold."

Response: According to the commissary list at FCI Hazelton, several healthy options are available, such as sugar free candies, nuts, unsalted crackers, tuna, sardines and mackerel. Additionally, there is a commissary committee comprised of inmates at the FCI that provide input on the items sold in the commissary.

Investigate claims about dirty laundry to ensure efficient and reliable laundry services: According to the draft report, -"The majority of incarcerated DC residents reported that units are unclean. Regarding general hygiene, most incarcerated DC residents reported having clean clothes, clean sheets, cleaning chemicals, and showers for the week. However, the CIC also

received reports that clothing is washed yet comes back dirty due to the facility using recycled water in the washing machines. The undergarments are unclean, and clothing comes back more soiled after being washed."

Response: FCI Hazelton uses a recycled water system to launder clothing and linens. The recycling system consists of lint shaker, suspended solids filter, oil, grease, soaps and organic filters, ozone injection system and ultraviolet disinfection. The washing process is as follows:

1. Clothing or linens are washed at 160 degrees using water from a previous rinse cycle. That water is then purged from the system.
2. The rinse cycle begins using fresh water.
3. The water from the rinse cycle gets processed through the recycling system once the cycle is complete. That water is then used for the next washing cycle.

The recycling plant has a notification system that identifies if a process is not working correctly. If for any reason the recycling plant is malfunctioning or is off line due to routine maintenance, the recycling plant is bypassed and only fresh water is utilized.

Recruit Public Health Service Officers to address the medical vacancies at FCI Hazelton: The CIC received numerous reports regarding lack of staff available to provide inmates with adequate medical care, including care for inmates with chronic medical conditions. According to staff at FCI Hazelton, the medical department is currently understaffed and has experienced difficulty in recruiting qualified professionals. The CIC recognizes the serious challenges faced by the FBOP to recruit medical professionals. Following the review of the FBOP's medical staffing challenges set forth by the Office of the Inspector General, the CIC recommends that the FBOP address recruiting challenges in an agency-wide and strategic manner. Assigning more Public Health Services (PHS) Officers to address the medical vacancies at FCI Hazelton would assist the facility in providing adequate medical care and ensure that chronic care patients receive timely follow-ups.

Response: Despite the current Health Services department vacancies at Hazelton, the Bureau utilizes Medical Asset Support Teams (MAST) for consistent Temporary Duty assignment (TDY) staff coverage while recruitment efforts for vacancies are underway. These efforts maintain continuity of care during

staff vacancies. Deploying PHS staff presents numerous challenges since they would either have to already be assigned to the Bureau or go through the background clearance process in order to be reassigned. In some cases, the Secretary of Health is required to declare an emergency in order to deploy PHS from outside the Bureau.

Track and report attempted suicides in the significant incidents report: The draft report states, "Although the FBOP currently tracks inmate suicides in significant incidents reports, it currently does not take into account attempted suicides. The FBOP should begin reporting attempted suicides as significant incidents to provide a more comprehensive understanding of inmate well-being."

Response: Suicide attempts are documented in the inmate mental health record and the data is monitored by the Bureau. The Bureau analyzes trends as they relate to inmate suicide attempts to identify high risk populations and improve prevention and intervention efforts.

Provide prescription eyeglasses to any incarcerated individual requiring them: The Draft report states, "While the CIC understands the time associated with processing requests for eyeglasses, poor vision can become a significant safety hazard for inmates and limit their ability to participate in programming and other activities. As stated in the FBOP's program statement, the FBOP will provide prescription eyeglasses to any inmate requiring them."

Response: The Bureau agrees with this assessment and places value on the recommendation made by the CIC. The Bureau already has a national contract for providing eyeglasses. All an inmate needs to do is request an optometry appointment and be evaluated. If eye glasses are required, they are provided. Additionally, some common reading eyeglasses are available in commissary.

Implement effective screening and assessment practices by triaging inmates based on psychiatric history, current use of psychotropic medication, current suicidal ideations, history of violent behavior, emotional responses, and other relevant factors: The draft report state, "Incarcerated DC residents stated that the mental health department prioritizes people with shorter sentences and that there is a waiting list for mental health care. As reported by the National Institute of

Corrections, inmates with lengthy sentences commonly have feelings of hopelessness and despair and are at risk of committing suicide. Implementing effective screening and assessment practices by triaging inmates based on psychiatric history, current use of psychotropic medication, current suicidal ideations, and history of violent behavior, emotional responses, and other relevant factors will help FCI Hazelton provide a safe and controlled environment for staff and inmates."

Response: The Bureau's policies and procedures for assessing inmate mental health needs and classifying inmates accordingly are described in Program Statement 5310.16, Treatment and Care of Inmates with Mental Illness and Program Statement 5310.17, Psychology Services Manual. The factors listed in the recommendation are among the factors considered when assessing an individual's need for mental health services. Imminent reentry and a long term of incarceration may each impact an inmate's emotional well-being. Sentence length does not limit an inmate's access to mental health services. Release date is, however, a factor for enrollment in the Residential Drug Abuse Program, which is optimal for inmates nearing release and preparing for transition back to the community. Program Statement 5330.11, Psychology Treatment Programs, outlines RDAP enrollment criteria.

Ensure inmate access to administrative remedy request forms and assess units to determine whether some provide better access to forms than others: The draft report states, "One-third of incarcerated DC residents interviewed reported not having access to administrative remedy request forms. Following the FBOP's program statement regarding the administrative remedy program, inmates shall obtain administrative remedy request forms from institution staff. Providing access to administrative remedy request forms from institution staff would follow the FBOP's policy and afford inmates with a proper opportunity to begin the process. FCI Hazelton should conduct an assessment of all units to guarantee all incarcerated individuals have the opportunity use the administrative remedy program."

Response: The procedures for the Administrative Remedy process are outlined in the Inmate Admission and Orientation Handbook and are explained during the Admissions and Orientation lecture. The forms necessary to file an Administrative remedy are typically available during the unit team open house hours, during main line and from Unit staff making rounds in the SHU daily.

Ensure that the warden responds within 20 calendar days, the regional director responds within 30 calendar days, and the general counselor responds within 40 calendars to administrative remedy requests: The draft report state, "The CIC received concerns that most responses to administrative remedy requests are not responded to in a timely manner, if at all. Incarcerated DC residents who used the administrative remedy program also expressed concerns that administrative remedy requests, particularly those against staff, are either ignored or lost. Ensuring that the warden responds within 20 calendar days, the regional director responds within 30 calendar days, and the general counselor responds within 40 calendars would comply with the FBOP's policy and promote a fair application of the administrative remedy program."

Response: Inmate grievances are administered in accordance with Program Statement 1330.18, Administrative Remedy Program.

Inmates at FCI Hazelton who have concerns with the Administrative Remedy Program should address those issues with their Unit Team or the institution's Administrative Remedy Coordinator. Inmates with allegations of staff hindering the Administrative Remedy process should report this to the Administrative Remedy Coordinator or the Warden.

Report all claims of threats by staff and staff retaliation for filing an administrative remedy request to OIA, OIG, and BJS: The draft report states, "Incarcerated DC residents reported threats by staff and staff retaliation, including one incarcerated DC resident who was placed in the SHU for filing a complaint. Incidents of threats by staff and staff retaliation discourage inmates from using the Administrative Remedy Program. Several courts have held that when a prison official's threats or intimidation inhibits an inmate from using the Administrative Remedy process, the inmate's administrative remedies at the facility are unavailable. Reporting all claims of threats by staff and staff retaliation for filing an Administrative Remedy Request to the Office of Internal Affairs (OIA), the Office of the Inspector General (OIG), and the Bureau of Justice Statistics (BJS) will increase transparency and improve efforts to deter staff retaliation and promote the availability for incarcerated individuals to use the Administrative Remedy process.

Response: The Bureau of Prisons takes allegations of staff misconduct very seriously. Inmates who feel they have been threatened or retaliated against by staff, should immediately

report this activity to the Warden. In Accordance with Program Statement 1330.18, Administrative Remedy Program, if an inmate requests an Administrative Remedy form but has not attempted informal resolution, staff should counsel the inmate that informal resolution is ordinarily required. If the inmate nevertheless refuses to present a request informally, staff should provide the form for a formal Request. Upon receipt of the inmate's submission, the Coordinator shall accept the Request if, in the Coordinator's discretion, informal resolution was bypassed for valid reasons, or may reject it if there are no valid reasons for bypassing informal resolution. Inmates who are unable to procure Administrative Remedy forms from staff should report this to their Administrative Remedy Coordinator.

Complete routine disciplinary investigations within seven working days of the filing and all other disciplinary investigations within 30 days of the issuance of an incident report (absent compelling circumstances). Require approval by Warden for investigations lasting longer than 30 days: The draft report states, "The CIC received reports from DC residents who waited long periods of time before seeing the DHO. Since January 2012, the FBOP has reduced its total SHU population by almost 25%. While the total SHU population has decreased, the number of inmates in SHU on administrative detention pending an investigation for a FBOP violation has risen 3.45% since 2012. Requiring routine disciplinary investigations to be completed within seven working days of the filing of an incident report and requiring all other disciplinary investigations to be completed within 30 days of the issuance of an incident report at FCI Hazelton will help continue the downward trends and further FBOP's efforts to follow the recommendations set forth in the DOJ report.

Response: Program Statement 5270.09, Inmate Discipline Program, states, "Staff conduct the investigation as promptly as possible. The investigating officer is ordinarily appointed within 24 hours of the incident report. The investigation should be finished within 24 hours after the appointment." It further states, "When it appears likely that the incident may involve criminal prosecution, the investigating officer suspends the investigation. Staff may not question the inmate until the FBI or other investigative agency releases the incident report for administrative processing. The incident report should then be delivered to the inmate by the end of the next business day. The time frame for processing the incident report is suspended until it is released for processing."

In some cases inmate witness statements are necessary, those statements may take weeks to obtain when the witness inmates are being transferred. In yet other cases, staff may be required to conduct investigations involving numerous staff and inmates. Current policy allows for these investigations to take up to 90 days and don't always involve misconduct. Even when an investigation is completed and a transfer to another facility is recommended, it could be a week or more before a transfer request is prepared and submitted. This process can take several weeks along with additional time for transportation arrangements. During this time, the inmate will still be housed in Administrative Detention in the SHU. Bureau facilities review all the SHU cases weekly to ensure progress is made towards getting these inmates into open/general populations.

Reduce maximum penalties for disciplinary segregation and impose a sanction of disciplinary segregation only as necessary and only after determining that other available sanctions are insufficient to serve purpose of punishment: The draft report states, "Three incarcerated DC residents stated they had spent more than 30 days in the SHU at one time. Reducing the maximum penalties and requiring that the DHO determine that other available sanctions are insufficient to serve the purpose of punishment would help ensure FCI Hazelton reduces the total number of inmates in the SHU. This, in turn, will contribute to the downward trends in the FBOP's SHU population.

Response: Although the current policy permits long periods of disciplinary segregation as a sanction, Disciplinary Hearing Officers are instructed to use the least restrictive sanction as deterrent, sanction progressively and to use the disciplinary segregation sanction as a last resort.

Implement a cultural diversity sensitivity training program. Provide opportunities for DC agencies and other organization to compile and disseminate reentry resources to incarcerated DC residents: The draft report states, "Numerous incarcerated DC residents reported that staff at FCI Hazelton are disrespectful and racist. This concern is significant because, according to FCI Hazelton, 97% of DC's prisoner population at the facility is black as of January 2016. Working with the National Institute of Corrections, FCI Hazelton can identify training needs and implement a cultural diversity sensitivity training program for staff members to increase awareness of cultures different from their own. Providing staff with such training would further the FBOP's mission "to protect society by confining inmates in the controlled environments of prisons and community-based

facilities that are safe, humane, cost-efficient, and appropriately secure...."

Response: The CIC doesn't point out any specific instances where this type of treatment has occurred short of the inmate comments. The Bureau will work with the National Institute of Corrections to identify classes that could provide training to increase awareness of cultures differences.

Provide opportunities for DC agencies and other organization to compile and disseminate reentry resources to incarcerated DC residents: The CIC commends the FBOP for initiating plans for a standardized Reentry Preparation Program across all FBOP facilities and for including the CIC in the preparation of this curriculum. As planning progresses, the FBOP should provide opportunities for DC agencies and other organizations to compile and disseminate resources to incarcerated DC residents across FBOP facilities. Opportunities may include coordinating with the Reentry Affairs Coordinator to ensure that DC specific resources are readily accessible and up-to-date.

Response: The Bureau has arrangements with numerous facilities to host the DC Court Services and Offender Supervision Agency (CSOSA) and the Mayor's Office on Returning Citizens (MORCA) via visits and video conferences throughout the year. The Reentry Services Division hopes to include and expand these types of programs as they standardized Release Preparation Program.

Use front number of indeterminate sentence to determine programming eligibility: The draft report states: "DC inmates have reported difficulty in enrolling in various programs because eligibility and/or selection is based on an inmate's back number. For reference, DC inmates sentenced for a crime before 2000 are given an indeterminate sentence, a front number, and a back number. The back number is either life or three times the front number (e.g., 10 to 30 years, or 25 to life). Because these are all parolable sentences, most inmates will be released prior to reaching their back number and as early as their front number. Due to conflicting accounts of this practice between DC inmates and facility staff, the CIC recommends that FCI Hazelton evaluating current practices regarding selection into programs to ensure that DC inmates are not discriminated against and denied participation."

Response: The Bureau doesn't deny access to programs based on release dates. Regardless of parole eligibility, all inmates meet with their Unit Team every six months to develop a program

plan for the inmate during his incarceration. This plan includes work and programming activities to develop skills to make a successful transition back into the community. As the inmate serves his sentence he should be building 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 to increase the inmate's chances of being approved for the earliest parole date.

Suspend the practice of denying visitation based on use of the Ion Spectrometry devices and implement safeguards. Investigate existing visiting procedures practiced by staff assigned to the front lobby: The Draft report states, "The CIC recognizes the FBOP's legitimate interest and safety concerns to prevent illegal substances from entering facilities. While understanding the importance of protecting the safety of staff and inmates at facilities, there is a separate concern the FBOP must consider regarding the reliability of the Ion Spectrometry devices to screen visitors for illegal substances. The U.S. Department of Justice's National Institute of Justice agency issued a report evaluating contraband drug detectors and found the technology cannot distinguish between two different substances composed of ions with a similar size and mass. As a result, harmless substances such as perfumes or body lotions can be erroneously identified as illegal contraband causing a "false positive." Following the FBOP's policy regarding the Ion Spectrometry Device Program, the Warden has broad discretion to require a pat or visual search after a confirmed positive test result as a prerequisite to visitation. As stated in FCC Hazelton's Complex Supplement for Visiting Regulations, visitors who test positive with the Ion Spectrometry Device will have the opportunity to submit to a pat search and if no contraband is discovered, the visitor will be allowed to visit in a non-contact visiting room for one hour. Suspending the practice of denying visitation based on use of the Ion Spectrometry devices and implementing safeguards, such as the use pat searches after a confirmed positive test result, would comply with the FBOP's policies and prevent family and loved ones from being denied visitation on the grounds of unreliable test results. In addition, FCI Hazelton should investigate the existing visiting procedures practiced by staff assigned to the Front Lobby to guarantee they are in compliance with FCC Hazelton's Visiting Regulations Program."

Response: Trace narcotics detection for visitors entering Bureau facilities remains an enforcement cornerstone of the Bureau's contraband interdiction efforts. The 2016 Department of Justice Office of Inspector General Contraband Interdiction Review of the Bureau found that ion spectrometry device screening is a viable security technology and critical component for the contraband interdiction system of the agency. Significant technological advances have occurred in the science of trace narcotics detection - including the reduction of false positive test results. The Bureau is piloting a next generation ion scan device, which has an increased narcotics detection library capability and threshold detection capability. At this time, the policy of ion scan trace narcotics detection for visitors will remain in effect at FCI Hazelton and across the agency. Current policy does permit additional searches once a positive test is confirmed by staff.

Summary of other inmate concerns:

This draft report didn't include an Inmate Feedback section specifically listing inmate concerns and comments.

I appreciate the opportunity to review and provide comments to your inspection report of FCI Hazelton. 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)353-3646 if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Scott Finley".

Scott Finley, Administrator
Correctional Programs Branch