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BY THE COMPTROLLER GENERAL
OF THE UNITED STATES



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Behavior Modification Programs:
The Bureau Of Prisons'
Alternative To
Long Term Segregation

Department of Justice

One approach to handling problem prisoners is to keep them segregated--often for extended periods--from the rest of the prison population. The Bureau has attempted to avoid such segregation by "behavior modification" programs which are aimed at making prisoners more amenable to institutional discipline and receptive to the Bureau's rehabilitation activities. However, the Bureau has not effectively managed these programs nor adequately assessed their overall operation and results.

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AUG. 5, 1975

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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R
The Honorable Ralph H. Metcalfe
House of Representatives

Dear Mr. Metcalfe:

1 This report describes the Bureau of Prisons' behavior 56
modification programs for inmates assigned to long term
segregation and suggests ways to improve the direction and
evaluation of such programs. We made this review in accord-
ance with your November 27, 1973, request.

As agreed with your office, we did not make any cost-
effectiveness study but did obtain information on the ex-
tent to which the Bureau had evaluated the specific programs.
Also as agreed, we visited the prisons at Leavenworth, Kansas,
and El Reno, Oklahoma, to obtain additional information on
the Bureau's long term segregation practices.

2 We believe this report would be of interest to various 37
committees and other Members of Congress, and therefore, as
agreed with your office, we are distributing it to them and
to the Attorney General and the Director, Office of Manage-
ment and Budget.

Sincerely yours,

James A. Abate

Comptroller General
of the United States

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ABBREVIATIONS

| | |
|-------|--|
| BOP | Bureau of Prisons |
| CARE | Control and Rehabilitative Effort |
| CTP | control unit treatment program |
| GAO | General Accounting Office |
| START | Special Treatment and Rehabilitative Training |

COMPTROLLER GENERAL'S REPORT TO
THE HONORABLE RALPH H. METCALFE
HOUSE OF REPRESENTATIVES

BEHAVIOR MODIFICATION PROGRAMS:
THE BUREAU OF PRISONS' ALTERNATIVE
TO LONG TERM SEGREGATION
Department of Justice

D I G E S T

The Bureau of Prisons conducted its Control and Rehabilitative Effort and Special Treatment and Rehabilitative Training programs to get difficult-to-manage and dangerous offenders out of long term segregation. (See pp. 9 and 22.)

Although every prison program aims to modify inmates' behavior, "behavior modification" is the systematic application of the principles of learning theory to the modification process. Behavior modification techniques can include rewards and punishments; the Bureau said it emphasizes rewards and minimizes punishment.

The Bureau said it used no psychosurgery, electroshock, massive doses of tranquilizing drugs, or other forms of aversive actions to change behavior, no matter how aggressive or resistant the offender. (See p. 2.)

Inmates were isolated from other prisoners and treated with behavior modification techniques under a program which included counseling, work, education, recreation, and other activities. Subsequently, this program became Bureau policy and was called a control unit treatment program. (See pp. 10 and 22.)

The Bureau's effort has not been well managed. The Bureau did not assess the characteristics of the inmates it had in long term segregation and, consequently, had not identified the extent to which control unit treatment programs were needed. It also has not assessed the overall operation and results of the programs. (See p. 33.)

The Bureau should (1) determine how long term segregation is being conducted throughout the Federal prison system, (2) assess the characteristics of the inmates involved, and (3) use this information to determine the adequacy of

--existing policy guidance,

--procedures for overseeing institution operations, and

--the way new or different treatment approaches are evaluated and approved or disapproved for wider use.

Special Treatment and Rehabilitative Training Programs

The Special Treatment and Rehabilitative Training Program, a progressive-level system, used a "good day" concept to measure progress by assessing behavior daily in 12 areas. The program's accomplishments are unclear. (See pp. 9 and 10.)

Control and Rehabilitative Effort

The first Bureau control unit treatment program was the long term segregation unit initially called Control and Rehabilitative Effort. The program was triggered by an inmate work stoppage in July 1972 at the Marion, Illinois, penitentiary.

Bureau policy guidelines issued in June 1973 said that such programs were designed to help an inmate change his attitude and behavior. (See p. 22.)

The Special Treatment and Rehabilitative Program, which was more fully developed and more consistent with Bureau policy than the Marion program, was not considered a control unit treatment program. (See pp. 23 and 33.)

2 The Department of Justice said GAO's report is perhaps the fairest and most comprehensive assessment of the Bureau's efforts to develop effective programs for the difficult-to-manage Federal offender. Bureau officials told GAO that only the Marion institution would have a control unit treatment program. (See pp. 34 and 37.)

CHAPTER 1

INTRODUCTION

The Bureau of Prisons (BOP) operates penal facilities and contracts with State and local authorities to protect society through the custody, care, and treatment of Federal law violators committed to the custody of the U.S. Attorney General. For fiscal year 1974, BOP received about \$172 million in appropriations and was responsible for an average of about 23,300 inmates in the Federal prisons and about 5,900 (sentenced and unsentenced) inmates in contract jails and prisons.

In recent years, prison behavior modification activities--especially BOP's Special Treatment and Rehabilitative Training (START) and Control and Rehabilitative Effort (CARE) and a proposed institution for correctional research--have received much publicity. Congressman Ralph H. Metcalfe asked us to review CARE and START and any variants of such programs which involved inmates assigned to long term segregation. The Congressman's office agreed that we would limit our review principally to START and CARE but that, in addition to obtaining general information on BOP behavior modification and segregation policies, we would

- visit the Federal prisons at El Reno, Oklahoma, and Leavenworth, Kansas, to obtain information on their long term segregation units and

- obtain information on the Federal Center for Correctional Research (under construction) at Butner, North Carolina.

The Congressman expressed particular interest in START and CARE guidelines, prison personnel's adherence to these guidelines, and program admission and completion criteria.

BEHAVIOR MODIFICATION WITHIN FEDERAL PRISONS

In February 1974 the Director and other BOP officials testified on behavior modification programs and practices before the Subcommittee on Courts, Civil Liberties, and

the Administration of Justice; Committee on the Judiciary; House of Representatives. The Director noted that a number of groups and individuals have misconstrued the term "behavior modification" as a sinister effort to coerce offenders through psychosurgery, brainwashing, and other mental and physical abuses. He stated that BOP neither uses nor countenances the use of psychosurgery, electroshock, massive doses of tranquilizing drugs, or other forms of aversive actions to change behavior, no matter how aggressive or resistant the offender.

According to the Director, the problem in discussing behavior modification is that it is defined in several different ways. Every BOP program is broadly designed to modify offenders' behavior so that, after release from prison, they will not become involved in further criminal activity. Technically, "behavior modification" is the systematic application of the principles of learning theory to the modification process; as such, its techniques can include both rewards (positive reinforcement) and punishments (negative reinforcement). According to the Director, BOP emphasizes rewards and minimizes punishment.

BOP contends that its emphasis on rewards to modify behavior is not unique. The Director, in testimony before the Subcommittee, said:

"Parents use these techniques by praising children for their report cards in the hopes of encouraging continued interest and application to their studies. In personnel management, use of promotions and incentive awards to encourage job performance is a universally accepted practice. The intent of such activities is twofold: to provide recognition for positive efforts and to stimulate the individual in future endeavors."

Thus, BOP's use of behavior modification includes (1) a general policy emphasizing positive reinforcement and (2) such specific formal programs as START.

BOP officials said their first use of rewards as a formal technique for modifying behavior was at the National Training School for Boys in Washington, D.C., in 1965. To encourage an offender to achieve established goals, the institution used a token economy system under which the inmate could earn points to obtain such goods and services as better living quarters and civilian dress. The system was used again at the Kennedy Youth Center, Morgantown, West Virginia, which replaced the training school.

PRISON RESEARCH CENTER

BOP's Federal Center for Correctional Research will be used to (1) diagnose and treat offenders with acute mental disorders and (2) research, test, and evaluate programs aimed at improving correctional effectiveness. The Center is being constructed at Butner, North Carolina, which is near three major universities. Construction was started in the early 1960s, terminated soon after because of insufficient funds, and then resumed in June 1972. BOP expected to open the Center in April 1974, but completion has been delayed because of bad weather and contractor default. BOP now expects to open the Center in early 1976.

The Center will have a capacity of 348 inmates. Of these, 140 will be assigned to mental health units. The research component, composed of 4 correctional units housing 50 inmates each, will test different treatment methods. BOP officials said inmate participation in the correctional programs will be voluntary.

SCOPE OF REVIEW

We worked primarily at BOP headquarters and at the:

- Medical Center for Federal Prisoners, Springfield, Missouri.
- Federal penitentiary, Marion, Illinois.
- Federal penitentiary, Leavenworth, Kansas.
- Federal reformatory, El Reno, Oklahoma.

At BOP headquarters, the Medical Center, and the Marion penitentiary, we reviewed records, policies, and procedures and interviewed headquarters and institution officials and some of the inmates assigned to START and CARE. Our work at the Leavenworth and El Reno facilities was limited to a tour of the segregation units and general discussions with institution officials and some inmates. We also interviewed BOP officials and obtained information on the Federal Center for Correctional Research under construction at Butner, North Carolina.

CHAPTER 2

SEGREGATION

START and CARE involved offenders assigned to long term segregation. Segregation (alternately referred to as "the hole," isolation, solitary confinement, or control) is the physical separation of an inmate from his fellow inmates to permit the orderly operation of a penal institution. It is basically intended to last no more than 10 days.

PURPOSE

A few inmates in penal institutions require special attention. According to BOP, they exhibit the same type of behavior within the institution as that which led to their incarceration. For example, they

- abuse and assault fellow inmates and BOP employees,
- refuse to obey institutional rules and regulations,
- prey upon their weaker fellow inmates, and
- generally exhibit behavior traits which make it difficult for the rest of the inmates to benefit from the regular institutional programs and activities.

BOP has used reprimand, transfers among its various institutions, "good time" forfeiture, and/or physical isolation to deal with this group.

Physical isolation merely removes the recalcitrant inmates from the general population for the time considered necessary by prison officials. Consequently, the inmate (1) cannot participate in such regular institution programs and activities as work, education, and recreation and (2) has fewer privileges than the nonsegregated inmate. According to START officials, approximately 1 percent of the Federal inmate population is almost continuously segregated because of repeated failures to conform to institution

rules and regulations. This is known as long term disciplinary segregation. 1/

POLICIES

BOP's policy guidelines on discipline provide that inmates arriving at an institution are to be advised in writing of

- their rights and responsibilities,
- acts prohibited in the institution, and
- the types of disciplinary action which may be taken.

Formerly, basic authority for administering inmate discipline was delegated to an adjustment committee and/or treatment team, which was to consist of at least three staff members appointed by the head of the institution. The functions of the committee included conducting hearings at which the inmate was to be given (1) an opportunity to answer any charges and (2) a determination as to what, if any, disciplinary action was required.

In October 1974 BOP revised the policy guidelines to incorporate the due process standards for inmate disciplinary hearings prescribed in a recent Supreme Court decision involving a State prisoner. The revisions, among other matters,

- provided that the members of the disciplinary committee include at least two department heads,
- required that an inmate, upon arrival at an institution, be advised in writing of the institution's disciplinary system, and
- gave more specific guidance on the conduct of hearings and an inmate's right to answer charges, call witnesses, present documents, and have a staff member represent him.

¹Inmates are also segregated for protection--such as to insure the safety of witnesses, to protect inmates incapable of functioning in the general population, and to protect the lives of those who are or feel threatened. This is referred to as administrative segregation.

BOP's guidelines also provide that inmates in disciplinary segregation are to be maintained at the basic living levels of decency and humane treatment. Basic standards include:

- Conditions. Quarters should be well ventilated, adequately lighted and heated, and sanitary.
- Cell occupancy. Except in emergencies, the number of inmates confined to each cell or room shall not exceed the number for which the space was designed.
- Clothing and bedding. All inmates shall be dressed in normal institutional clothing without a belt and shall be furnished a mattress and bedding.
- Food. Inmates shall be fed the normal meals on the institution's standard ration and menu.
- Supervision. In addition to being directly supervised by correctional officers, each segregated inmate shall be seen daily by a member of the medical department and one or more other responsible officers.
- Records. An individual record sheet is to be maintained to reflect all segregation activities affecting each inmate.
- Personal hygiene. An inmate shall have an opportunity to maintain an acceptable level of personal hygiene and should be provided toilet tissue, wash basin, toothbrush and paste, comb, and eyeglasses, if needed. Shower and shave will be allowed at least twice weekly.
- Exercise. Each inmate shall be permitted no less than 2 hours exercise each week.
- Personal property. Ordinarily it will be impounded.
- Reading material. Ordinarily, it may be provided on a circulating basis.
- Correspondence and visits. Social correspondence (including visiting) privileges will generally continue.

For those in long term segregation, privileges may be added to reward acceptable behavior.

An inmate who spends 10 continuous days in segregation is to have his case reviewed by the committee; this review is to be repeated at least every 30 days. A psychiatric or psychological interview is to be held if the inmate has been in segregation over 30 days and the interview is to be repeated at 2-month intervals. (Before the 1974 policy revision, subsequent interviews were to be held at least every 6 months.)

CHAPTER 3

START

START began in September 1972 as a demonstration project for modifying the behavior of adult male offenders in long term segregation. START received considerable publicity and was subject to much controversy because of widespread interest in and differing interpretations of the term "behavior modification" and because of nonvoluntary inmate participation. According to the BOP Director, START was terminated on March 1, 1974, primarily because there were not enough eligible inmates to make the program economically feasible.¹ A total of 23 inmates were assigned to START during its 18 months. The maximum number of inmates assigned at any one time during that period was 15. At the time of our visit, four inmates were assigned.

START's accomplishments are unclear. BOP has not fully assessed START and its various ramifications and consequently has not used the experience to the extent possible to develop better correctional or treatment approaches.

THE PROGRAM

In place of letting inmates in long term segregation vegetate, START aimed to help them gain better control over their behavior so they could be returned to the regular institutional setting and participate in the usual programs and activities. Basically, BOP considered START a type of habilitation which allowed inmates to:

- maintain an appropriate level of personal hygiene,
- develop an ability to successfully engage in interpersonal relationships, and
- learn productive work habits.

START's basic approach was to reward constructive behavior. The following comments on how this worked are from a description prepared by the START staff.

¹On the basis of (1) cost data developed by institution personnel a few months before START's termination and (2) an average START population of 10 inmates, we determined that the average daily per capita cost of START was about \$46. Average daily per capita cost for all inmates confined at the medical center was about \$21 during this period.

"The treatment procedure was a progressive level system. It consisted of a number of levels requiring increasing acceptance of personal behavioral responsibilities in exchange for increasing privileges. An inmate began at the lowest level and progressed through successive levels as his behavior improved. Each level had an increased behavioral requirement with the upper levels including a consistency criterion for promotion. If the inmate failed to meet the behavioral criteria at any of the levels, he remained there until he satisfactorily met the behavioral condition. Flagrant violation of operationally defined rules and procedures resulted in demotion to a lower level. When a participant reached the highest level, he had demonstrated consistent ability to maintain adaptive behavior which then permitted him to return to the open population of a regular institution.

"The START Program format went through a variety of modifications in an effort to design an effective program. The graduated level system which existed at the inception of the program underwent a number of changes resulting in a design with a one week orientation period followed by eight levels. The number of levels was determined from personal experience in working with this type of population. A participant could successfully complete the program requirements in 8 to 9 months (which I previously found to be the optimal period for demonstrating lasting behavior change.)

"The length of time in each level and between levels was governed by a "Good Day" concept. This involved a daily assessment of behavior in twelve areas of adaptive behavior--ranging from personal hygiene and personal conduct to work and recreational behaviors. Each individual was rated daily by the unit's staff on all twelve measures by indicating "acceptable" or "unacceptable" performance. Also on a graduated basis points were earned for acceptable behavior and could be exchanged for tangible reinforcers.

"During the orientation period of one week, the new admission was allowed only basic personal articles, little time out of his cell, and limited exercise in accord with minimum standards specified in the Federal Bureau of Prisons Policy on inmate

discipline. These conditions differed very little from the lock-up condition from which the individual had been transferred. Following the Orientation period and the inmate's expressed desire to participate in the program, a wide range of rewards were immediately available in the areas of personal property, increased time out of the cell, earning of extra Good Time and money, and opportunities for participation in self-improvement courses. Progress through the levels provided access to more tangible rewards, including restoration of all forfeited Good Time. An expressed desire not to participate meant remaining at the orientation level in a non-participation status."

Location and physical structure

According to BOP officials, START was conducted at the Medical Center for Federal Prisons, Springfield, Missouri, because of the Center's central location, availability of space and staff, and the staff's experience and training.

The START unit was located in a maximum security building which could be reached by passing through two corridor grills, one of which operated electrically. A third grill could be locked, if necessary. The cellblock housing the inmates was on the north side of the corridor and consisted of 40 individual cells on 2 tiers along the east and west sides. Some of the cells were converted to a library and staff, storage, and conference rooms. The unit adjoined a recreation yard. The unit's industry (a brush factory) was south of the cellblock, across the corridor. East of the brush factory was the unit manager's office and the inmate visiting room. (See pictures on following pages.) Because START inmates were not allowed contact with the other inmates at the Center, the unit contained its own recreation and visiting facilities.

START officials stated that the housing was insufficient to permit separation by program level. Consequently, inmates at the higher levels were subjected, and frequently reacted, to verbal abuse and encouragement from the inmates at lower levels to fight the program.

Inmate progress criteria

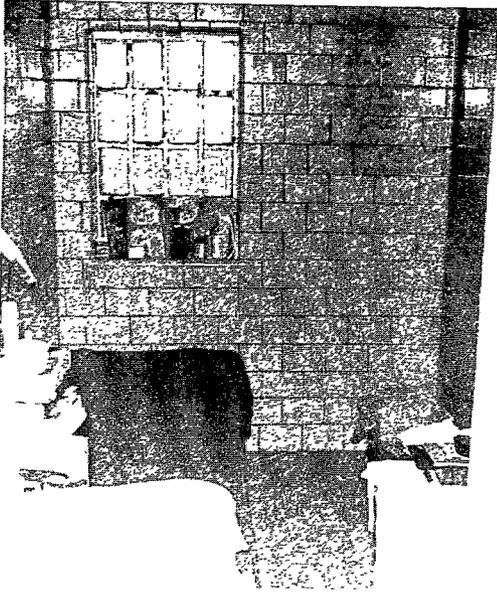
After earlier methods were revised, inmate progress was determined by a "good day" technique (see p. 10), which



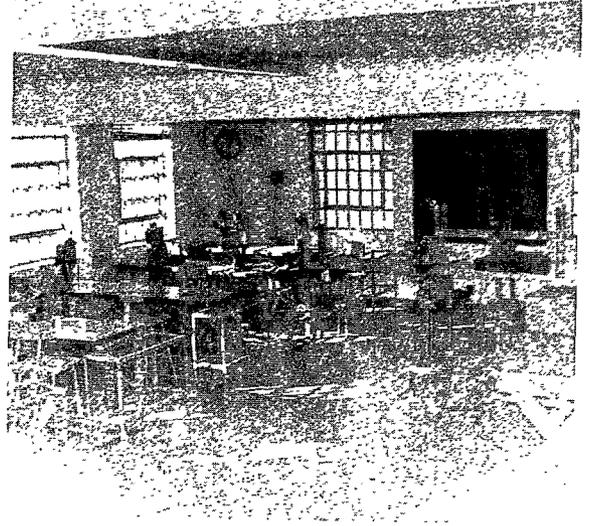
Entrance to START unit



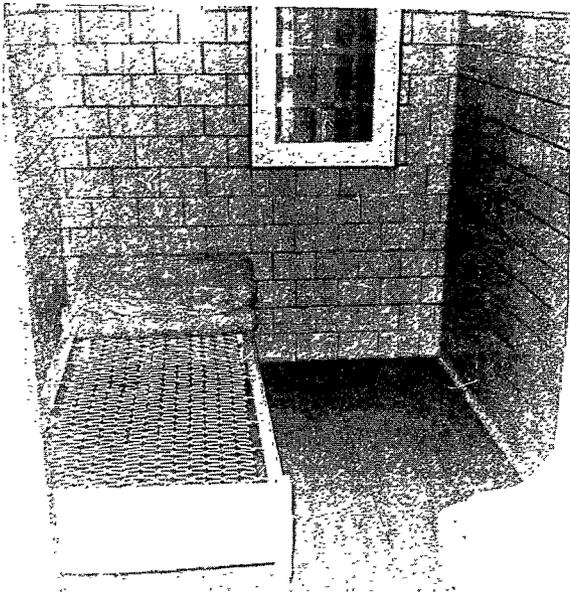
START cellblock



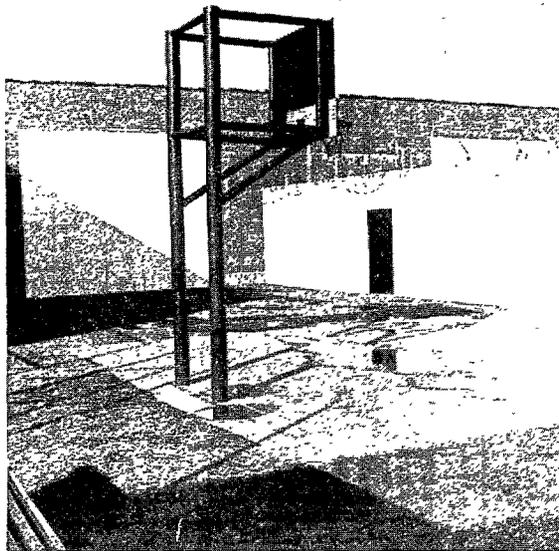
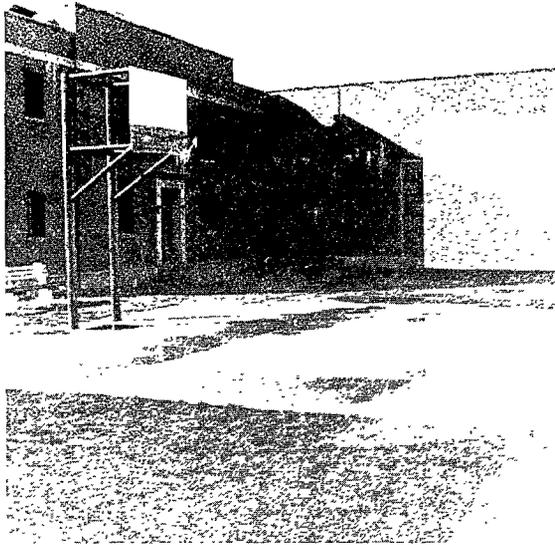
START cell



START brush industry



START cell



START recreation area

involved a daily performance rating in 12 specified areas. The following chart shows (1) how good days were used to determine level progression and (2) some of the rewards for good performance.

| <u>Level</u> | <u>Good days required in level</u> | <u>Work in industry allowed</u> | <u>Industry pay per hour</u> | <u>Commissary spending limit per month</u> |
|--------------|---|---------------------------------|------------------------------|--|
| Orientation | 1 week | - | - | \$ - |
| I | 20 | - | - | 5 |
| II | 25 | 1/2 day | \$0.21 | 10 |
| III | 30 | 1/2 day | .21 | 15 |
| IV | 30 with 7 consecutive good days in last 10 | 1/2 day | .26 | 20 |
| V | 30 with 10 consecutive good days in last 15 | 1/2 day | .26 | 25 |
| VI | 30 with 14 consecutive good days in last 20 | 1/2 day | .26 | 30 |
| VII | 30 with 20 consecutive good days in last 25 | 1 day | .31 | 35 |
| VIII | Eligible for transfer | 1 day | .31 | 35 |

Staffing

The START staff consisted of a unit manager, two correctional counselors, seven correctional officers, and the industry foreman. Representatives from the Center's education department, medical staff, and various other offices were also involved but were not assigned full time. The number of staff present at any given time varied with the

time of day. At night, when the inmates were locked in their cells, only one correctional officer was on duty.

The unit manager had a Ph.D. in psychology. A behavior modification training manual was used to familiarize and/or instruct the correctional officers in the general purposes and techniques of behavior modification.

A typical day

A description of a START day for inmates in levels I through VI follows.

6:00 a.m. to 6:30 a.m.--Breakfast served. Participants were served buffet style from carts and ate at tables and seats in the open area of the housing unit.

6:30 a.m. to 8:00 a.m.--Confined in cell to clean it, shower, and shave. Showers were permitted three times a week for levels II through VI. Nonparticipants and orientation and level I participants were permitted two showers a week. Levels VII and VIII were allowed daily showers.

8:00 a.m. to 11:00 a.m.--Work in industry, except level I.

11:00 a.m. to 12:00 noon--Lunch served in the same manner as breakfast.

12:00 noon to 1:00 p.m.--Confined in cell.

1:00 p.m. to 2:30 p.m.--Recreation. Participants were allowed in the open area of the housing unit or in the outdoor recreation areas.

2:30 p.m. to 3:30 p.m.--Confined in cell.

3:30 p.m. to 4:00 p.m.--Dinner served in the same manner as breakfast.

4:00 p.m. to 6:00 a.m.--Confined in cell.

When confined in the cells, the inmates could use the time to read approved personal material, study, and write letters.

Inmates assigned to levels VII and VIII followed the same schedule, except that they worked in industry from noon to 3:00 p.m. and were allowed recreation (which included watching television) from 4:00 p.m. to 8:30 p.m.

Nonparticipation

One of the four inmates assigned to the unit at the time of our visit was classified as a "nonparticipant." As such, he was allowed out of his cell for 2 hours of recreation each week and the few minutes needed to take his meals from the cart and return with them.

According to the START staff, a nonparticipant would be transferred from the START unit after 1 year. However, if he decided during that time that he wanted to participate, he would be allowed to do so.

SELECTION CRITERIA

Referrals for placement in START were to be initiated by the offender's current institution and approved by BOP headquarters. To meet the selection criteria listed in START guidelines, an offender had to:

- Have shown repeated inability to adjust to regular institutional programs. Minor offenses alone were not enough.
- Have repeatedly displayed maladaptive behavior other than an escape history.
- Be aggressive, manipulative, resistant to authority, etc.
- Have had experience in an adult penitentiary.
- Be transferred from the sending institution's segregation unit.
- Generally, have a minimum of 2 years' sentence remaining.
- Not be overtly psychotic. (Such offenders were appropriate referrals to the Medical Center's psychiatric program.)
- Not have participated in START previously.

These criteria were also included in BOP referral instructions, which noted that START would include 30 to 35 inmates.

BOP expected that the minimum number assigned to START at any one time would be 30.

According to a BOP official, institutions referred 59 inmates to START. Twenty-six were approved but only 23 were placed. Three were not placed because START was terminated before they were transferred. (See app. III for a profile of the first 21 inmates admitted to START.)

A BOP official said that BOP headquarters personnel also considered 40 other inmates whose records were available in Washington. However, none of these were considered eligible for assignment to START.

JUDICIAL REVIEW

START came under judicial review as a result of petitions filed by several inmates. The primary legal issue was involuntary assignment.

The cases were consolidated to be processed. Either the local Federal district court's public defender or attorneys for the National Prison Project of the American Civil Liberties Union represented the inmates.

The Federal district court made its decision in July 1974. The decision memorandum and order noted that BOP's termination of START made many of the legal issues moot but that the issue of an inmate's transfer without any sort of hearing was not affected by the termination since such situations were likely to recur. The court concluded that an inmate transferred into START or into a similar behavior modification program--which, on the facts, involves a major change in the conditions of confinement--is entitled, at a minimum, to the type of hearing required by the recent U.S. Supreme Court decision¹ involving disciplinary confinement of a State prisoner.

As noted in chapter 2, BOP has revised its policy guidelines on inmate discipline to reflect the Supreme Court's requirements.

RESULTS

BOP's Director told the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice that, considering the criminal backgrounds and institutional behavior of the inmates involved, START greatly improved

¹Charles Wolff, Jr., et al. v. Robert O. McDonnell, 418 U.S. 539 (1974)

BOP's understanding of how to develop approaches to behavior modification.

Of the 23 inmates assigned to START, 10 were considered to have successfully completed its requirements. According to the START manager, 10 completions was a significant number considering the total failure that almost every other traditional correctional technique has experienced. The following schedule¹ shows how long each of the 23 inmates was assigned to START and the reasons for the removal of each.

| <u>Inmate</u> | <u>Assigned</u> | <u>Removed</u> | <u>Total months in START (rounded to nearest month)</u> | <u>Reason for removal</u> |
|---------------|-----------------|----------------|---|------------------------------------|
| 1 | 9-72 | 12-72 | 3 | Not eligible (psychotic) |
| 2 | 9-72 | 6-73 | 9 | Completed |
| 3 | 9-72 | 11-73 | 14 | Disruptive, nonparticipant |
| 4 | 9-72 | 8-73 | 11 | Completed |
| 5 | 9-72 | 3-73 | 6 | Not eligible (psychotic) |
| 6 | 9-72 | 5-73 | 8 | Completed |
| 7 | 9-72 | 9-73 | 12 | Disruptive, nonparticipant |
| 8 | 11-72 | 12-73 | 14 | Completed |
| 9 | 11-72 | 8-73 | 8 | Unsuitable |
| 10 | 12-72 | 3-73 | 3 | Released to State authorities |
| 11 | 12-72 | 11-73 | 11 | Disruptive, nonparticipant |
| 12 | 1-73 | 8-73 | 7 | Completed |
| 13 | 1-73 | 2-73 | (2 weeks) | Unsuitable |
| 14 | 2-73 | 12-73 | 10 | Completed |
| 15 | 2-73 | 2-74 | 12 | Program terminated, nonparticipant |
| 16 | 2-73 | 9-73 | 7 | Unsuitable |
| 17 | 3-73 | 12-73 | 9 | Disruptive |
| 18 | 3-73 | 1-74 | 10 | Completed |
| 19 | 4-73 | 2-74 | 10 | Program terminated |
| 20 | 5-73 | 2-74 | 9 | Program terminated |
| 21 | 7-73 | 12-73 | 5 | Disruptive |
| 22 | 7-73 | 2-74 | 8 | Program terminated |
| 23 | 7-73 | 12-73 | 5 | Hostage incident |

¹The schedule shows seven completions. Three of the four inmates assigned to START when it was terminated were considered to have completed it because they were in the upper program levels.

Another method of measuring START achievements is to examine the extent to which inmate behavior changed upon release from START. An August 20, 1974, paper prepared by the former manager of the START unit showed that 6 of the 10 inmates who completed START had adjusted acceptably. Only two of the six were still in BOP institutions; of the other four, one was in a State institution following parole to a State detainer and three had been released from prison because their sentences had expired.

Four of the inmates who had completed START were in long term segregation. The START manager noted, however, that two of these had functioned adequately for 6 months before reverting to earlier behavior.

Observations on START evaluation

BOP could do more to review and evaluate START. START was initiated to improve the handling of long term segregation cases. Although BOP has said START provided useful experience and assisted some offenders, BOP has not decided what, if any, impact START should have on BOP long term segregation policies.

BOP should also give more attention to its procedures for conducting pilot or demonstration projects as the following matters noted during our review show.

Insufficient data on number of eligible inmates

Before START was implemented, BOP did not have sufficient data on the number of inmates with the desired characteristics. BOP had expected an average START group of 30 to 35. Only 23 inmates were assigned, however, and no more than 15 were assigned at any one time.

Assessment

BOP's basis for measuring START results was that almost every traditional technique for handling and/or treating inmates assigned to long term segregation had failed. On this basis, START was a success--10 inmates completed the program and several of these later performed satisfactorily in regular institution programs and activities. We believe, however, that setting definite program goals and comparing results with a control group would have provided a better basis for evaluating the results. Better followup is also needed. Although BOP made a followup, START guidelines did not contain any such requirement or provision. Apparently, the START staff was responsible for determining if and/or

CHAPTER 4

CONTROL UNIT TREATMENT

PROGRAM (FORMERLY CARE)

CARE was triggered by an inmate work stoppage at the Marion penitentiary in July 1972. According to Marion officials, the stoppage resulted in 115 inmates being segregated. We were told that this overcrowded the institution's regular segregation unit and that, within a few months, separate units were established to handle short and long term segregation cases. According to BOP, 89 inmates were assigned to the long term segregation unit. This unit was initially called CARE but was redesignated a "control unit treatment program" (CTP) because BOP officials felt that acronyms such as CARE generated adverse publicity.

Recognizing the need for such a long term segregation program, BOP issued policy guidelines in June 1973 for developing and operating CTPs and said that they should help an inmate change his attitude and behavior so that he could return to a regular institution program. The policy guidelines included selection and staffing criteria, minimum program requirements, and review and documentation requirements. An institution could not implement a CTP until it had submitted and received BOP headquarters approval of a written CTP proposal.

Inmates were to be transferred from segregation and placed in a CTP if they posed a serious threat to other inmates or staff. CTPs were not to be used for protection and CTP inmates could not have mental disorders or major physical disabilities.

A CTP was to include inmate counseling; a progression system; and such activities as work, education, recreation, and commissary. The progression system was to be the basis for measuring progress. A series of short-range goals was to be planned for each inmate and used to motivate him to further progress and rewards. At least 3 levels were to be established, each providing increased privileges and responsibilities. The unit team was responsible for deciding when an inmate was ready--on the basis of the achievement of clearly observable goals--to move to the next level.

when followup was required. Pilot program plans should include followup and evaluation provisions, and institutions which receive inmates released from a pilot program should receive progress-reporting instructions.

Release placement

START was handicapped by some institutions' reluctance to accept inmates who completed it. As a result, some START participants were held in the program for extended periods after completing the requirements for release. The START staff made placement decisions but the designated institutions had to agree to accept the inmates. BOP has delegated acceptance authority to the warden at each institution. If a designated institution refused to accept a START participant, the staff had to find another institution that would. One START participant who was refused by an institution was placed in the general population at the Medical Center, which is basically for offenders with complex medical or psychiatric problems.

An inmate could be released from a CTP and (1) placed in the general population of the institution from which he had originally transferred or the general population of the institution having the CTP or (2) transferred to an institution which might or might not have closer control procedures.

COMPARISON WITH START

BOP has explained the difference between START and CTPs by stating that CTPs were to provide an alternative for treating dangerous inmates who required close control. START was to serve the needs of inmates considered less dangerous.¹ BOP officials did not consider START as a CTP and indicated that it was not covered by the CTP policy guidelines.

Both START and the CTPs, according to policy guidelines, were to change the behavior of inmates in long term segregation so that they could be placed in a prison's general population to participate in regular programs and activities. As far as we could determine, the programs differed little, if at all, in their approach to modifying inmate behavior. START's approach, called behavior modification, measured an inmates's progress by his movement through several program levels with specified behavior requirements as goals. While not using the term "behavior modification," a CTP included a progression system and established clearly observable goals to motivate the inmate and measure his progress.

EXTENT USED

Early in our review, BOP officials told us that two institutions (the Marion penitentiary and the young adult

¹In an interview conducted while the report was being considered by the Department of Justice, the BOP official who was responsible for selecting inmates for START agreed with us that there was no discernible difference between the written selection criteria for START and the CTP. He said, however, that in addition to the written criteria he looked for some indication of abnormal behavior in the record of an inmate. Examples of abnormal behavior included a stay in a mental health unit, a visit to a psychiatrist, or an attempted suicide.

facility at El Reno, Oklahoma) had approved CTPs. Subsequently, we were told that such units also existed at the Leavenworth penitentiary; the young adult facility at Lompoc, California; and the correctional institution at Milan, Michigan. We could not determine from information available at BOP headquarters how many CTPs would be needed to handle the number of long term segregation cases within the Federal system. Although some officials estimated the number to be 1 percent of the inmate population, BOP did not know how many inmates were in long term segregation at any given time. It relied upon the institutions to determine whether their situations warranted CTPs.

THE MARION CTP

At the time of our review, the Marion CTP was not being conducted in accordance with either BOP's or the institution's policy requirements (which were practically identical). No progression system and few, if any, progress goals were set. Essentially, the inmates were expected to behave themselves for several months. They could, however, participate in education, counseling, and recreation.

Physical structure

The CTP consisted of 72 1-man cells on 2 levels of 36 cells each. On each level the cells were joined back to back, forming four sections, or ranges, referred to as A, B, C, and D. In front of the cells on each range was an exercise area.

Range A consisted of 18 cells with bar fronts (called open-front cells) and was located on the lower left level, as viewed from the unit's entrance. Range B (lower right level) consisted of 8 open-front and 10 closed-front cells (fronted by a thick wall a few feet in front of the cell bars).

Range C was on the upper left level and consisted of 18 open-front cells. Range D was on the upper right level and consisted of 18 closed-front cells. The unit's industry (where mailbag fasteners were assembled) was in the front corner of the range C exercise area and consisted of four one-man steel-mesh compartments.

Each cell door could be electrically operated from a control box in an area separated by bars from the cell ranges and exercise areas.

Staffing

The unit staff consisted of a unit manager, eight correctional officers, a recreational officer, and an industry supervisor. A caseworker and an education coordinator also assisted but were not assigned full time.

The staff was not given any special training. The correctional officers were assigned on a rotational basis. Senior officers were reassigned every 6 months; the remaining officers were reassigned every 3 months.

Inmates

As of February 1974, 134 inmates had been assigned to the CTP; of these, 90 had been released from the unit, 1 had committed suicide, and 43 were currently assigned to the unit. Racial and age data which was available for 133 of the 134 inmates follows.

| | <u>Number</u> | <u>Age</u> | <u>Number</u> |
|----------|---------------|------------|---------------|
| White | 80 | 22 to 30 | 53 |
| Black | 39 | 31 to 40 | 61 |
| Mexican | 7 | Over 40 | <u>19</u> |
| Indian | 4 | Total | <u>133</u> |
| Cuban | 2 | | |
| Oriental | <u>1</u> | | |
| Total | <u>133</u> | | |

Selection criteria

Inmates were to be placed in the CTP if considered seriously dangerous--that is, if their behavior included repeated (1) assaults, (2) serious threats, (3) participation in group disturbances, (4) impulsive acts that could trigger a group disturbance, or (5) escapes or attempted escapes. Also, most offenders were to be transferred to the CTP from segregation.

Inmates placed in the CTP could be transferred for that purpose from another institution or designated a CTP case by the Marion penitentiary. In the first situation, the inmate would be transferred either by an agreement between the two institutions or by direction of BOP headquarters.

Marion's classification committee--which consisted of the penitentiary's associate wardens, chief of the classification and parole section, and chief correctional supervisor--made the final decisions on placing inmates in the CTP. According to prison officials, an inmate's caseworker and an education department representative were also involved in the decisionmaking.

We reviewed the inmate case files maintained by the CTP staff. The files generally consisted of the inmate's sentencing record and latest progress report and a summary record of the committee's basis for recommending his placement in the CTP. On the basis of this data, the following causes were given for assigning the 134 inmates to the CTP.

| | Number of inmates | |
|--|-------------------|-----------------------------|
| | <u>Only cause</u> | <u>Had additional cause</u> |
| Work stoppage | 51 | 17 |
| Food strike | 0 | 1 |
| Assault on staff or inmates | 3 | 4 |
| Escape risk | 5 | 13 |
| Group disturbance | 3 | 2 |
| Threatening an officer | 0 | 9 |
| Dangerous | 3 | 8 |
| Possession of contraband or weapon | 3 | 5 |
| Determined a CTP case by another institution | 4 | 11 |
| Past record, disruptive, verbal abuse, noncompli- ance with prison rules | 11 | 27 |

We did not evaluate the institution's compliance with inmate selection criteria primarily because of the criteria's vagueness and the limited data available. Although most of the files contained the reason(s) for the inmate's placement in the CTP, we could not, in some instances, determine if the inmate had repeatedly engaged in acts which seriously endangered others.

Institution officials said they did not believe more specific criteria were needed. They stated that possibly some inmates were placed in the CTP without adequate justification but that such abuses would be limited in the future because special attention would be given to the CTP.

Release requirements

The CTP was not operated in accordance with either BOP or institution policy guidance and, in effect, was a long term lockup which allowed the inmate to participate in education and work activities.

Although not identified as behavior modification, that was what policy, in effect, called for. Short term programs and a progression system were to be established for each inmate so that, as clearly observable goals were achieved,

the inmate could receive increased privileges, responsibilities, and opportunities. However, no progression system, few additional privileges (such as working in the industry), and no individual goals were established. The inmate was simply expected to behave over a 1-year period with the possibility in mind of being released in less than a year. According to the CTP program description, certain types of offenders necessitated reducing treatment and emphasizing custody and control.

Some inmates said they did not know what was expected of them or how long they had to remain in the unit. We noted that inmates did not receive CTP data or the 1-year criterion in writing. (Duration was stated as long term.) A prison official said inmates were advised of requirements and length of stay when they entered the CTP and were also kept informed through progress reviews.

The unit team was to review an inmate's progress each 30 days (a standard BOP requirement) and submit a written report for review by higher prison officials. The unit team--which consisted of the unit manager, caseworker, and the education coordinator--conducted these reviews. We were told that no guidelines were set for determining when to recommend an inmate's release from the CTP and that the decision was generally based on (1) length of time and (2) conduct in the unit. The associate wardens and the chief correctional officer reviewed the team's recommendations, and the warden made the final decision.

The Marion warden--who had just been assigned to that position at the time of our review--told us that he was concerned about the amount of time some inmates had been held in the unit and that he was giving special attention to the matter. Of the 90 inmates released from the CTP as of the time of our review, 40 were released because they were considered ready to rejoin the general prison population. The remaining 50 were released for the following reasons.

--32 were released pursuant to a court order. These inmates had participated in the work stoppage which led to the establishment of the CTP. The court said

that their confinement in the CTP for 16 months was punishment disproportionate to the offense committed.

--6 finished serving their sentences.

--4 were transferred to the START program.

--7 were transferred for medical reasons.

--1 was released to a State authority.

The 90 inmates spent the following amounts of time in the CTP.

| <u>Months</u> | <u>Inmates</u> |
|---------------|----------------|
| 2 to 5 | 10 |
| 6 to 10 | 17 |
| 11 to 12 | 11 |
| 13 to 15 | 20 |
| 16 to 20 | 27 |
| 21 to 36 | <u>5</u> |
| Total | <u>90</u> |

No program evaluation

Although the Marion CTP was the first such program, it did not include any provisions for overall program evaluation and has not been evaluated because, in our opinion, it was primarily viewed and operated as a necessary long term control activity. BOP officials said that the penitentiary and/or the appropriate BOP regional office was responsible for determining if any program evaluation was needed.

THE EL RENO CTP

The CTP at the young adult institution at El Reno was established in July 1973 after several major racial disturbances. It was to be an alternative to the traditional method of discipline--transfer to another institution. When we visited the facility, 21 inmates--12 black and 9 white--were assigned to the CTP.

The CTP was established to achieve two goals with respect to repeatedly assaultive, disruptive inmates: (1) removal from the prison's general population for an extended time and (2) sufficient behavior modification to allow return to successful prison living. Similar to START, the CTP's basic feature was a progression system which provided additional privileges. Level promotion criteria took the form of good days. An inmate earned a good day by achieving acceptable daily ratings in six behavior areas and four program areas (education, counseling, industry, and recreation). According to the staff, if an inmate earned all good days, he could move through the CTP in less than 5 months.

As a supplement to the progression system, a token reinforcement procedure was used. For certain behavior, inmates were awarded points which could be used to obtain such privileges as additional out-of-cell time.

Institution officials recognized the need for CTP evaluation and planned to initiate projects to determine (1) the effectiveness of the CTP in terms of postrelease behavior and (2) the effectiveness of the token reinforcement procedure on inmate behavior in the CTP. While recommending more extensive followup, an August 1974 staff study found that short term results had been encouraging. Eight individuals had completed the program, and none had been involved in any activity which warranted a return to the CTP.

THE LEAVENWORTH PROGRAM

The Federal penitentiary at Leavenworth is a maximum security institution for adult male offenders who generally are serving long sentences and have a significant record. The penitentiary's program has three phases, depending upon the degree of control considered necessary.

Inmates in phase one were those who required close control. During this phase, the only privileges allowed the inmate were use of a Bible (if desired), legal materials, and hygienic items; 2 hours of exercise (depending on staff availability); and two showers per week. No commissary,

work, or educational privileges were allowed. Prison officials said that confinement in this phase usually lasted about 10 days.

Inmates in phase two had the privileges available in phase one plus use of all their personal properties (except those judged to be dangerous in a unit of this type), and a maximum of \$15 per month to spend in the commissary (as compared to the \$45 per month allowed to the general population). According to prison officials, confinement in this phase could last from 1 day to 1 year, depending on individual adjustment. Inmates under investigation for alleged offenses were assigned to this phase.

Inmates in phase three had the same privileges as those in the general population except that the phase three inmates received a \$15 per month commissary allowance and were allowed no entertainment (movies, special programs, etc.) and no work programs.

The following schedule shows the number of inmates assigned to each phase and the total time they had been assigned to segregation as of June 1974.

| <u>Days assigned</u> | <u>Phase</u> | | | <u>Total</u> |
|----------------------|--------------|-----------|-----------|--------------|
| | <u>1</u> | <u>2</u> | <u>3</u> | |
| 1 to 30 | 11 | 6 | 15 | 32 |
| 31 to 60 | 4 | 1 | 12 | 17 |
| 61 to 150 | 3 | 8 | 19 | 30 |
| 151 to 300 | 3 | 9 | 11 | 23 |
| 301 to 360 | - | - | 1 | 1 |
| 361 to 540 | 1 | 2 | - | 3 |
| 541 to 720 | - | 2 | 2 | 4 |
| Over 720 | - | 2 | - | 2 |
| Total | <u>22</u> | <u>30</u> | <u>60</u> | <u>112</u> |

Institution officials told us that an adjustment committee reviewed inmate cases and determined, on the basis of the inmates' behavior, phase movement and date of release from segregation. Phases had no time limit, and inmates who were assigned to segregation for a few days did not go through each phase.

Institution officials said that the unit should be referred to as long term control. They also said that their major problems were insufficient treatment programs because of a staff shortage and antiquated facilities. According to the officials, some type of industry or work was needed and they would like to have a program for every inmate in the unit so that progress could be evaluated.

The warden said that the unit had existed since September 1972 at the latest and had not been started as a result of the July 1973 riot at Leavenworth.

CHAPTER 5

OBSERVATIONS, RECOMMENDATIONS, AND AGENCY COMMENTS

BOP seeks to develop better and more effective programs and procedures for custody, care, and treatment of Federal prisoners. One such effort, directed toward offenders assigned to long term segregation, established special housing units and a program structure involving the use of behavior modification. Essentially, BOP wants an inmate to change disruptive and/or dangerous behavior so that he can be placed in the prison's general population and participate in regular prison programs and activities.

In our opinion, the effort has not been well managed. BOP did not assess the characteristics of the inmates it had in long term segregation and, consequently, did not identify the extent to which CTPs were needed. In addition, it has not assessed CTP operations and results. It terminated START because of a lack of eligible inmates; yet, any difference between the specified selection criteria for START and the CTPs was difficult to determine. Also, START's specified behavior requirements and progress criteria were more consistent with BOP policy than were those of the retained CTP at Marion.

BOP needs to give more centralized attention and direction to developing and/or operating long term segregation units. It should use the experience gained from START to determine if major improvements are needed in the establishment, testing, and evaluation of new or different programs.

RECOMMENDATIONS TO THE ATTORNEY GENERAL

We recommend that BOP determine how long term segregation is being conducted throughout the Federal prison system, assess the characteristics of the inmates involved, and use this information to determine the adequacy of (1) existing policy guidance, (2) procedures for overseeing institution operations, and (3) the way new or different treatment approaches are evaluated and approved or disapproved for wider use. As part of this effort, BOP should

- determine the characteristics and number of the long term segregation inmates it has at any given time;
- determine whether more CTPs are needed and, if so, why the institutions have not established them;
- use the experience gained from START and the CTPs to determine if (1) policy changes are required, particularly in selection and progress criteria, and (2) deviations from policy were warranted; and
- require periodic evaluations and establish better followup procedures for evaluating inmate readjustment upon release from the programs to provide a basis for program review and revision.

AGENCY COMMENTS AND OUR EVALUATION

By letter dated May 16, 1975, the Department of Justice expressed general agreement with our recommendations but noted that our report contained some contradictory facts and some matters which should be clarified. Except in the case of the Marion CTP, the Department did not indicate what, if any, corrective action has been taken or planned. The Department did say, however, that BOP's Correctional Programs Division would continue to provide the centralized attention to program monitoring which we contended was lacking. (See app. II.)

The Department said that the number of inmates referred for START was below expectation because of START's stringent entrance requirements and the large number of inmates confined in long term segregation units at their own request. We believe that BOP should give more attention to determining if there are a sufficient number of eligible inmates before implementing a new program such as START. BOP should have had better data before deciding to implement START. Whether long term segregation or some other prison program is proposed, BOP needs to know, at a minimum, the number and characteristics of inmates to determine the appropriateness of the program before committing its resources to developing and implementing it.

In commenting on the benefits obtained from START, the Department said the guidelines issued for the Marion and El Reno CTPs were both based on experiences gained from START. It should be noted, however, that the Marion unit was started about the same time as START and that only two inmates had completed START when the El Reno unit was established and BOP issued the CTP policy guidelines.

With respect to the Marion CTP, the Department stated that it has undergone continual review and modification for some time. Revised guidelines were issued in February 1975.

Concerning overall assessment of BOP long term segregation programs, the Department noted the staff studies (discussed earlier in this report) of the START and El Reno CTPs. The Department also noted that BOP has its own Research Branch, which conducts studies of new and ongoing programs, encourages studies by institution personnel, and initiates contracts with outside consultants to conduct large-scale evaluations of program innovations.

No overall assessment of BOP's CTPs and related policies has been made. The CTP policy guidelines which called for establishing CTPs if institutions believed they were needed were not, as far we could determine, based upon any assessment of START, which was called a pilot program, and/or the Marion CTP, which was the first such unit and which was established before the issuance of the CTP policy.

The Department's comments did not address what action and/or changes were contemplated concerning the use of CTPs. We discussed this with BOP officials and were told that the Marion institution now has the only CTP in the Federal prison system.

According to the BOP officials, there will generally not be many long term segregation inmates (excluding protection cases) at institutions other than Marion. BOP plans to transfer such inmates to the general population of more secure institutions with Marion serving, in effect, as a segregation facility. Most inmates considered too dangerous for the general population and those who have failed to adjust after transfer to a more secure facility will be placed in the Marion CTP.

RALPH H. METCALFE
FIRST DISTRICT, ILLINOIS

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Congress of the United States
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Washington, D.C. 20515
November 27, 1973

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Dear Mr. Staats:

I have received several letters from the Federal Prison at Marion, Illinois. The letters raise several questions in my mind concerning programs directed towards the modification of inmate behavior.

I am requesting the General Accounting Office to investigate the Control and Rehabilitative Effort Program (CARE) and the Special Treatment and Rehabilitative Training Program (START). I am concerned about the guidelines of the program, the adherence of prison personnel to these guidelines, criteria used to determine whether an inmate should be admitted to these programs, and the criteria used to determine if an inmate has successfully completed the program.

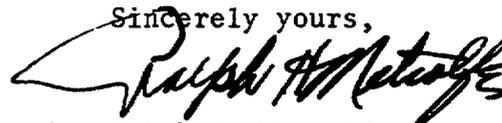
I also want to know how many Federal prisons utilize the behavior modification programs or any variant of such programs. And, I am requesting that other behavior modification programs conducted by the Federal Bureau of Prisons be evaluated in the same manner.

While I am deeply concerned that the Civil Rights of these inmates be protected, I believe that this can be accomplished through the proper Congressional Committee which has jurisdiction in this area. At the same time, however, I am also concerned about the cost effectiveness of these programs, and it is in this area that I think the General Accounting Office can be of great assistance.

May I hear from you as soon as possible concerning this matter.

With every best wish.

Sincerely yours,



Ralph H. Metcalfe
Member of Congress

The Honorable Elmer B. Staats
Comptroller General of the United States
General Accounting Office Building
441 G Street NW
Washington, D. C. 20548

cc: Honorable Robert W. Kastenmeier



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

May 16, 1975

Mr. Victor L. Lowe
Director
General Government Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Lowe:

This letter is in response to your request for comments on the draft report titled "Behavior Modification Programs: The Bureau of Prisons Alternative to Long-Term Segregation."

As the GAO report points out, only one aspect of the terminated Special Treatment and Rehabilitative Training Program (START) and the current Control Unit Treatment Program (CTP) can be related to the term "behavior modification." This single aspect is the use of a progression system whereby improved inmate behavior is rewarded with increased privileges and responsibilities. The use of psychosurgery, electroshock, massive doses of tranquilizing drugs, or any other forms of aversion treatment are not permitted by the Bureau of Prisons (BOP). Inasmuch as only one aspect of behavior modification treatment is used by BOP, we consider the title of the draft report to be misleading and suggestive that several methods of treatment are being used. We therefore recommend that the title be changed to one that is not suggestive.

The draft report is perhaps the fairest and most comprehensive assessment of BOP's efforts to develop effective programs for the difficult-to-manage Federal offender. We appreciate having someone from outside the agency assess our efforts and, in general, we agree with the report recommendations. There are some statements made in the report, however, which may leave the reader with a misleading impression of the intent and methods employed by BOP. In addition, several themes run throughout the report which need clarification

and, in some instances, are intertwined with contradictory facts. Since these matters focus on the overall effectiveness of BOP, we believe they warrant additional comment.

[GAO note: Material has been deleted because of changes to the final report.]

It is true, as the draft report points out, that the number of candidates referred for the START program was below BOP's expectations. This was a consequence of (a) the stringent entrance requirements established for this program, and (b) the large number of inmates confined in long-term segregation units at their own request. A recent BOP survey of the 344 individuals confined in long-term segregation units for 30 days or more revealed that 82, or 24 percent, were close supervision cases--inmates who for a variety of reasons refuse to enter the institution's general population.

BOP's policy for handling close supervision inmates is currently under review for the purpose of establishing new procedures to reduce the number of individuals who remain in segregation for long periods of time at their own request.

[9 and 24]

In regard to the START program, page iv of the report states that:

What the program accomplished is unclear.
 * * * GAO believes that the Bureau could make more use of the START experience
 (a) in developing long-term segregation policies and programs and (b) by determining if major improvements are needed in the manner in which new or different prison programs and/or treatment approaches are initiated, tested, and evaluated.

[27] This statement, standing alone, could be interpreted to mean that the possible benefits which BOP might have gained from the START program were not realized. However, page 28 refers to the policy guidelines issued in June 1973 for the development and operation of the control unit treatment program at Marion penitentiary,
 [36] and page 40 refers to the El Reno program as being similar to START. The fact is that the guidelines issued for the control unit treatment programs at Marion and El Reno were both based on experiences gained by BOP from the START program.

In testimony before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, Committee on the Judiciary, House of Representatives, on February 27, 1974, the Director of BOP stated that:

While mistakes were undoubtedly made in developing the START program, we believe that the Bureau of Prisons profited from the experience. The effective use of the programs using positive rewards for acceptable behavior can assist in developing new techniques of motivating offenders who are incarcerated.

GAO note: Bracketed page references in this appendix correspond to the pages of this report.

We recognize that "behavior modification" does not represent a panacea or cure-all for the deficiencies in correctional programming. It is, however, we believe, a valuable treatment technique which can be effectively used to motivate some groups of offenders. For this reason, "behavior modification" using positive rewards is an integral part of our correctional programs and the Bureau of Prisons will continue to use this technique whenever appropriate."

BOP continues to operate under the above philosophy and recognizes the value that programs such as START offer, but attempts to avoid becoming inflexibly fixed on any one approach as the answer to all correction problem cases.

[ii], [24], [36]

[37] On pages v, 26, and 39, GAO is critical of BOP for not devoting more resources to assessing its long-term control programs. At the same time, the report does
 [24] acknowledge, on page vi, that a staff study of the El Reno control unit found the short-term results encouraging, and another staff study, cited on page 25, provided data on inmates who completed the START program. In addition,
 [37] a BOP staff study on the short-term results of the CTP was acknowledged on page 40.

We also consider it important to emphasize that BOP has its own Research Branch which (a) conducts studies of new and on-going programs, (b) supports and encourages studies by institutional personnel, and (c) initiates contracts with outside consultants to conduct large-scale evaluations of program innovations. The interest of BOP in developing effective treatment programs is also demonstrated by the mission to be assigned the Federal Center for Correctional Research, which is currently under construction at Butner, North Carolina.

The GAO report quite appropriately raises some questions about the Marion long-term control unit program. This program has undergone continual review and modification for some time. The most current guidelines were prepared by staff members of the Central Office's Division of Correctional Programs and issued in February 1975.

This Division has overall responsibility for encouraging the development and implementation of correctional programs which will increase the potential for Federal offenders to successfully return to the community. The Division has in the past and will continue to provide the centralized attention to program monitoring which the report contends is lacking.

[39] While it is true that BOP is interested in helping an inmate "change his disruptive and/or dangerous behavior," as stated on page 43 of the draft report, the report further implies that this change is desired so that the inmate will become a more compliant prisoner. The intent of long-term control unit programs is to serve as a first step in moving inmates out of segregated confinement and back into the regular institutional setting where they can participate in programs designed to help them avoid further criminal activity following their release from prison. BOP's overall mission is directed at protecting society by carrying out the judgments of the courts and developing and applying correctional practices which will reduce crime.

We appreciate the opportunity to comment on the draft report. Please feel free to contact us if you have any questions.

Sincerely,



Glen E. Pommerening
Assistant Attorney General
for Administration

PROFILE OF FIRST 21 INMATESADMITTED TO START¹

| | <u>Number</u> | <u>Mean</u> | <u>Range</u> |
|---|---------------|-------------|-----------------|
| Age | 21 | 29.9 | 22 to 45 |
| Education level | 21 | 7.2 | 2 to 11 |
| Sentence | 18 | 18.6 | 8 to 50 |
| Age at first arrest | 21 | 14.4 | 7 to 25 |
| Total number of arrests | 21 | 13.9 | 3 to 60 |
| Age at first commitment of 1 year or less | 15 | 18.0 | 13 to 29 |
| Age at first commitment of more than 1 year | 18 | 18.4 | 11 to 30 |
| Total commitments of longer than 6 months | 20 | 2.5 | 1 to 6 |
| Longest time served | 19 | 28.0 | 1 to 58 months |
| Longest time free since first commitment | 19 | 23.2 | 2 to 159 months |
| Institutions held | 20 | 5.7 | 2 to 13 |
| (State institutions included) | 20 | 5.9 | 3 to 13 |
| Total written incidents | 20 | 21.3 | 4 to 66 |
| (State institutions included) | 20 | 21.6 | 4 to 66 |
| Total major incidents | 20 | 12.7 | 3 to 24 |
| (State institutions included) | 20 | 12.9 | 3 to 24 |

Convictions: N=21

Bank robbery: 7; murder: 2; assault and robbery: 4; assault: 3;
 forgery: 1; kidnap: 2; heroin possession: 1; threats (to the President): 1.

Additional conviction while in prison:

Assault: 5; murder: 5; weapon: 1; kidnapping: 1.

Military: N=21

None: 17; 4-F: 1; unsuitable (honorable): 2; dishonorable: 1.

Marital status: N=21

Single: 14; divorced: 3; married: 4.

Religion: N=21

None: 13; Muslim: 4; Protestant: 3; Catholic: 1.

Employment: N=20

Less than 3 months: 16; 3 to 6 months: 1; none: 2; Long term: 1.

Race: N=21

White: 8; Black: 8; Indian: 2; Chicano: 3.

¹Compiled by the START staff. Some of the information was not available for all 21 inmates and thus is for a lesser number as indicated.

PRINCIPAL DEPARTMENT OF JUSTICE OFFICIALSRESPONSIBLE FOR ADMINISTERING ACTIVITIESDISCUSSED IN THIS REPORT

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|------------------------------|-------------------------|-----------|
| | <u>From</u> | <u>To</u> |
| ATTORNEY GENERAL: | | |
| Edward H. Levi | Feb. 1975 | Present |
| William B. Saxbe | Jan. 1974 | Feb. 1975 |
| Robert H. Borke (acting) | Oct. 1973 | Jan. 1974 |
| Elliot L. Richardson | May 1973 | Oct. 1973 |
| Richard G. Kleindienst | June 1972 | May 1973 |
| DIRECTOR, BUREAU OF PRISONS: | | |
| Norman A. Carlson | Mar. 1970 | Present |

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