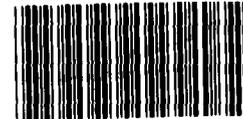




UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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GENERAL GOVERNMENT
DIVISION



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B-204325

JULY 12, 1983

The Honorable Stanford E. Parris
House of Representatives.

Dear Mr. Parris:

Subject: Capital Improvement Projects--Some Court
Ordered--Expand Capacity of The District's
Lorton Correctional Facilities (GAO/GGD-83-86)

This report is in response to your March 8, 1983, request that the General Accounting Office (GAO) review plans by the District of Columbia to spend about \$12 million to make improvements at the District's correctional facilities in Lorton, Virginia. You requested that GAO determine which of the planned expenditures must be made to improve security and which expenditures could be delayed to avoid unnecessary spending should the Lorton facilities be relocated. Subsequently, you agreed that our determinations should be limited to identifying those expenditures not required by court order.

In a subsequent discussion with you, it was agreed also that our report would include data on (1) growth at Lorton since 1973, (2) the District's estimates of projected future growth (enc. I), and (3) the amounts authorized for capital projects since fiscal year 1977 (enc. II).

Our work showed that Lorton prison capacity has increased about 31 percent since 1973, although not all of the increase was accommodated through adding facilities. The District's Department of Corrections has expanded capacity at Lorton and plans to further expand capacity by 880 spaces by 1986, primarily through new construction or conversion of facilities. Appropriations and other actions have made \$32.4 million available for capital improvements at Lorton since 1977. Of the approximately \$12 million requested in the fiscal year 1984 budget, about \$6.9 million is for projects not required by court order, but the two projects comprise part of the District's plan to satisfy a court order relative to overcrowding at the Central Detention Facility.

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THE DISTRICT'S CORRECTIONAL FACILITIES

The Department of Corrections operates the city's correctional system. Among other things, the system consists of the Central Detention Facility located on the grounds of D.C. General Hospital, with a rated capacity of 1,355 on May 31, 1983, as well as the several facilities located at the Lorton complex identified as follows:

<u>Facility</u>	<u>Rated Capacity on May 31, 1983</u>
Maximum Security	456
Medium Security (Central Facility)	1,162
Youth Center I	406
Youth Center II	250
Occoquan I	436
Minimum Security	<u>300</u>
Total	<u>3,010</u>

Because the population of the Central Detention Facility significantly exceeds its rated capacity, the District is currently housing two people in some of the facility's cells designed for one person, as well as using other space for makeshift dormitories, as needed. The District is under court order to reduce overcrowding at the Central Detention Facility and under several court orders to make certain changes at the Lorton facilities. Some inmates from the overcrowded Central Detention Facility are being transferred to Lorton.

A complicating issue which may tend to further increase Lorton prison population is the implementation of the District's mandatory minimum sentencing law (D.C. Law 4-166) which became effective in June 1983. This legislation is expected by some to increase the District's prison population. Also, the District has considered converting facilities at Lorton, now used for male prisoners, to house about 150 female prisoners who are currently being held in a Federal facility in West Virginia. No final decision has been made on the issue.

Scope and methodology

To carry out your request we reviewed court orders and other materials related to law suits that have an impact on expansion, security, and other conditions at Lorton. We also reviewed the District's fiscal year 1984 budget request to ascertain specifically what the District was planning and also to identify those planned projects which were not required by court order. We examined budgets and related documents for

fiscal years 1977 through 1983 to identify those capital projects that had been approved for prior years. We also gathered data on inmate capacity at the Central Detention Facility and at Lorton for January 1973 and May 1983 to ascertain the extent of growth in capacity during that period.

We held numerous discussions with City and Department of Corrections budget officials to identify the funding sources for several Lorton projects. In this connection, we reviewed numerous fund reprogramming and other actions which resulted in redirections of capital improvement funding. We interviewed the Assistant Director of Corrections for Administration to obtain an overview of the Department's activities, with particular emphasis on the Central Detention Facility and Lorton facilities. We discussed many of the ongoing and planned projects and reviewed related plans, when they were available, with the District's Department of General Services design and engineering personnel to ensure that we understood what was being done at Lorton. We made several visits to the Lorton facilities to look at recently completed work and work in progress and discussed the construction program with the Department's Chief of Facilities Management at Lorton.

Our work was done in accordance with generally accepted government auditing standards.

LORTON PRISON CONTINUES TO GROW

From January 1973, when we previously did work at Lorton ^{1/}, to May 31, 1983, the inmate capacity at the Lorton prison complex increased from 2,291 to 3,010, or about 31 percent, and additional increases are planned. Some of the increase was accomplished without adding facilities; in other cases new or converted facilities were or will be required to accommodate the increase. In the case of the maximum security facility, 80 new cells, to be completed by the end of 1983, will be used to temporarily house maximum security inmates while other maximum security cell blocks are being renovated. Therefore, the addition will not constitute an increase in capacity for several years, so these cells are included in the 1986 capacity. Overall, the District projects a total Lorton inmate capacity of 3,890 by 1986, an increase of 880, or about 70 percent more than the 1973 capacity.

^{1/}Report to the Chairman, Subcommittee on the District of Columbia, Senate Appropriations Committee on Review of Future Inmate Population at Lorton (B-118638, March 7, 1973)

Part of the recent and proposed increases is directly attributable to the District's efforts to satisfy a court order which required the District to alleviate overcrowding at the then D.C. Jail. The new Central Detention Facility was one of the District's earlier efforts to satisfy the court order, but it was never large enough to handle the population to be transferred from the old D.C. Jail. The current effort to relocate to Lorton facilities some prisoners who previously were held at the Central Detention Facility is a continuation of the District's efforts to obey the court order, although the decision to alleviate overcrowding by using Lorton was not court ordered. Enclosure I provides details on the current and projected rated capacity and actual population of the Central Detention Facility and the Lorton facilities.

In 1973 the Lorton facilities included maximum, medium, and minimum security facilities for adults and two youth centers. These five facilities were still operational on May 31, 1983, although somewhat expanded, and a sixth facility, Occoquan I, a medium security facility, had been added. Occoquan I was part of the former Rehabilitation Center for Alcoholics (RCA), which was turned over to the Department of Corrections by the Department of Human Services (formerly Department of Human Resources) in November, 1975. Later this year the District intends to convert the remainder of the RCA to a medium security facility. Conversion of the minimum security facility to an additional medium security facility and construction of a new, expanded, minimum security facility is proposed in the fiscal year 1984 capital budget request, and these are the two projects which we have identified as non-court ordered.

The original adult facilities house male felons according to the degree of supervision and control the Department feels is necessary. Minimum security serves as a prerelease unit for felons who are within 1 year to 18 months of parole date. The Youth Centers have custody over persons committed under the Federal Youth Corrections Act (18 U.S.C. 5005 et seq). Occoquan I currently houses transferees from the Central Detention Facility. According to Correction's officials, these transferees are primarily convicted misdemeanants who may or may not have been sentenced.

CAPITAL IMPROVEMENTS AT LORTON:
FISCAL YEARS 1977 THROUGH 1984 (PROPOSED)

During the period from fiscal year 1977 to fiscal year 1983, about \$32.4 million for Lorton capital projects was approved, including about \$1.5 million made available through reprogramming from another District entity. Another \$11.8

million was requested for fiscal year 1984. Enclosure II shows the amounts appropriated for capital projects and provided through reprogrammings.

One of the objectives of this review was to identify those proposed fiscal year 1984 projects which are not required by court order. Two of the proposed projects fall into this category; namely, the conversion of the minimum security facility to a medium security facility (\$1.7 million) and the construction of a new minimum security facility (\$5.2 million) for a total of \$6.9 million for projects not required by court order. However, they do comprise part of the District's plan to satisfy a court order relative to overcrowding at the Central Detention Facility.

In March 1983, the District submitted a plan to the court under which the District would convert the RCA located on the Lorton grounds and the minimum security facility to medium security facilities. Also, the plan called for construction of a new minimum security facility which would provide a net increase of 100 spaces. The projects are to be accomplished in three phases. The first phase has been completed and involved converting one half of the RCA which is now called Occoquan I. It houses over 400 former Central Detention Facility inmates. The second phase, already approved in the fiscal year 1983 budget, calls for conversion of the remainder of the RCA which will be designated Occoquan II. The third phase, included in the fiscal year 1984 budget request, calls for conversion of the existing minimum security facility to an additional medium security facility and construction of a new minimum security facility. The last two phases will provide 700 additional medium security spaces and 100 additional minimum security spaces.

An issue which came to light during this phase of the work deals with the remaining two projects in the fiscal year 1984 Lorton capital improvements budget, both of which are identified by the District as being required to satisfy civil actions. Information provided by District officials shows that the construction of 40 cells for Youth Center I at a cost of about \$3.4 million as originally requested will not be undertaken. Instead, a new activities building with an estimated cost of \$852,000 will be built. A recent court order (consent decree) requires an activities building. The cost of the second court-ordered project, calling for improvements in several areas in the Lorton Central Facility, originally projected at \$1.5 million has been revised upward to \$4.1 million. Thus, while the total costs of these two projects remain approximately the same, the individual projects have

changed. District officials advised us that a budget amendment describing these changes would be submitted to the Congress. During the House Subcommittee mark-up of the District's fiscal year 1984 appropriation bill, the Subcommittee revised the two projects described above to basically accommodate changes which the District would have submitted in its budget amendment.

A second issue which came to light during our review was the reprogramming process used by the District to provide funds to accomplish some of the court-ordered work at Lorton. The District's Reprogramming Policy Act of 1980 (D.C. Law 3-100, effective September 16, 1980) established reprogramming policies for the District of Columbia. The act defines reprogramming as "any budget modification which results in an off-setting reallocation of funds from one (1) budget category to another, for purposes other than those originally planned." The act also prohibits accomplishing a program or project deferred through reprogramming by means of further reprogramming. Instead, the act directs that funding for such actions be obtained through the regular budget process. Capital project reprogrammings above \$25,000 need City Council approval; those above \$50,000 need congressional approval. The act deals only with fund reprogramming and does not mention or define other types of reprogrammings.

However, in two instances, funds were provided for court-ordered work using a mechanism described by District officials as "scope reprogramming." Our attempts to obtain a formal, written definition of "scope reprogramming" failed. We were told by the Chief, Capital Planning and Budget Division, Office of Programming, Management and Budget, Department of General Services (the District's version of the Federal General Services Administration), that "scope reprogrammings are the changing of priority of a part of a project, within a project." He advised us that scope reprogrammings only need be approved by the District's Budget office.

During mark-up of the fiscal year 1984 appropriation bill the Subcommittee inserted language that would require capital project reprogrammings, regardless of type, to be submitted to the Appropriations Committees for review and approval if the amounts involved exceed the \$50,000 limit.

Conclusion

The capacity and prisoner population at the Lorton complex has grown since 1973, and on the basis of the District's plans for expanding Lorton's capacity, that population is expected to continue to grow. Capacity increased by about 31

percent between 1973 and 1983. If the trend of transferring the population from the Central Detention Facility to Lorton continues until the Central Detention Facility is no longer overcrowded, significant additional increases in the Lorton population can be expected. Additionally, if the District's mandatory sentencing act has the effect expected by some, an increase in the number of prisoners could occur because of the potentially longer incarceration periods that the new law would require. This action would further increase the Lorton population. Finally, should the District decide to transfer to Lorton, as has been considered, the approximately 150 female prisoners now incarcerated elsewhere, the Lorton population would grow accordingly.

Capital improvement at Lorton is more or less a continuing activity; this is to be expected at a facility of the type and age of Lorton. A significant portion of the capital improvements will result in substantial expansion at the Lorton complex. The conversion of the remainder of the RCA and existing minimum security facility will provide an increase of about 700 medium security spaces, and the construction of a new minimum security facility will provide a net increase of 100 new minimum security spaces at the prison complex.

District officials told us that no decision had been made concerning who will be housed in the Occoquan II facility. However, it seems likely that should the overcrowding problem at the Central Detention Facility remain unsolved through other means, the Occoquan project will continue to be used to house transferees from the Central Detention Facility.

Although the District has advised us that the Occoquan I facility is being used to reduce overcrowding at the Central Detention Facility pursuant to a court-ordered plan, the court order did not specify how the reduction in overcrowding should be accomplished. The District chose to expand capacity at Lorton, and the plan it submitted to the court makes numerous references to the entire Occoquan facility, not just Occoquan I. Similarly, two of the projects in the fiscal year 1984 budget, the conversion of minimum security to medium security at Occoquan II and the construction of a new minimum security facility, totaling \$6.9 million, are not court ordered, although they do comprise part of the District's plan to satisfy a court order relative to overcrowding at the Central Detention Facility.

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At your request, we did not obtain the District's comments on this report. Also, as arranged with your office, unless you publicly announce its contents earlier, we plan no

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further distribution of this report prior to the deliberations on the District's fiscal year 1984 budget by the full Senate, when we understand you will make the report available. At that time we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,

W. J. Anderson

William J. Anderson
Director

Enclosures

Central Detention and Lorton Correctional Facilities
Capacities, Population, and
Plans for Future Expansion
1973 to 1986

Facility Name	Capacity of Facilities		Actual Population as of 5/31/83 (note c)	Changes in capacity	Variance between current capacity/population	Current Plans for Facility Expansion
	in 1973	as of 5/31/83				
Central Detention Facility	a/ <u>663</u>	<u>1,355</u>	<u>2,301</u>	<u>692</u>	<u>946</u>	
Lorton Facilities						
Max. Security	291	456	448	165	(8)	e/ 80
Med. Security	1,074	1,162	1,098	88	(64)	
Min. Security	300	300	273	d/ 0	(27)	
Youth Ctr. 1	376	406	389	30	(17)	
Youth Ctr. 2	250	b/ 250	188	d/ 0	(62)	
Occoquan I	-	436	437	436	1	
Occoquan II	-	-	-	-	-	f/ 400
Occoquan III (present min. security facility)	-	-	-	-	-	g/ 300
New Min. Security	-	-	-	-	-	h/ 100
Subtotal-Lorton	<u>2,291</u>	<u>3,010</u>	<u>2,833</u>	<u>719</u>	<u>(177)</u>	<u>880</u>
TOTALS	<u>2,954</u>	<u>4,365</u>	<u>5,134</u>	<u>1,411</u>	<u>769</u>	<u>880</u>

FOOTNOTES

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- a/ Women's facilities are not included in this capacity because in 1967 women were moved from the D.C. Jail to another detention center. Women did not return until after the new CDF opened in the spring of 1976. They are counted in column 3.
 - b/ The Department of Corrections' "Daily Population" report covering the period May 27 to June 3, 1983, shows Youth Center 2 capacity as 191. But a Youth Center official told us that 59 new spaces are not yet in use.
 - c/ According to a November 1982 population projection report, Department of Corrections officials project that by the end of calendar year 1985, total Lorton and Central Detention Facility population will be 5,415. Based on data provided this would equate to a population of 2,355 at the Central Detention Facility and 3,060 at Lorton.
 - d/ The capacities for the minimum security and Youth Center 2 facilities did not remain the same over this 10-year period. Only within the last 3 months have these facilities' capacities reached the levels shown.
 - e/ According to a Corrections official, these 80 cells will not be used immediately for housing additional population but instead for housing current population from other cell blocks undergoing renovation.
 - f/ This expansion will occur as a result of converting the other half of the RCA building, which is projected to be completed by October 1983.
 - g/ This expansion will result in an increase in spaces to house inmates requiring medium security, achieved by converting the present minimum security facility, which now has a capacity of 300, to medium security.
 - h/ The new minimum security facility has a planned capacity of 400, but only 100 of these 400 spaces represent an increase. The remaining 300 represent the present minimum security facility's capacity. To avoid double counting, we are only showing the increase of 100 in this schedule.

Authorized Funds For Lorton Capital Improvements
During Fiscal Years 1977 Through 1983

<u>FISCAL YEAR</u>	<u>AMOUNT</u>	<u>TYPE OF FUNDING</u>	<u>PURPOSE</u>
1977	\$ 600,000	Appropriation	a/ Roof replacements
	13,796,816	Reprogramming	Various improvements
	797,500	Reprogramming	Heating and distribution system
	<u>\$15,194,316</u>		
1978	-0-	-0-	-0-
1979	-0-	-0-	-0-
1980	\$ 283,800	Appropriation	a/ Major roof repairs
	1,217,300	Appropriation	Smoke detectors
	<u>\$ 1,501,100</u>		
1981	\$10,000,000	Appropriation	Various permanent improvements
	(1,477,750)	Reprogramming	First conversion of RCA
	<u>\$10,000,000</u>		
1982	\$ (535,000)	Reprogramming	First conversion of RCA
	1,523,045	b/ Reprogramming	12 John Does court order
	<u>\$ 1,523,045</u>		
1983	\$ 2,443,000	Appropriation	Second conversion of RCA
	1,757,000	Appropriation	Renovate 3 maximum security cell blocks
	(1,409,503)	Reprogramming	12 John Does court order
	<u>\$ 4,200,000</u>		
Total	<u>\$32,418,461</u>		

() = Reprogrammed from authority provided during period.

a/ From funds provided to the Department of General Services.

b/ Reprogrammed from University of District of Columbia funds.