

Why GAO Did This Study

The Department of Justice's Federal Bureau of Prisons (BOP) is responsible for the custody and care of federal offenders. BOP's population has increased from about 145,000 in 2000 to about 217,000 in 2011 and BOP is operating at 38 percent over capacity. There is no longer parole for federal offenders and BOP has limited authority to affect the length of an inmate's prison sentence. BOP has some statutory authorities and programs to reduce the amount of time an inmate remains in prison, which when balanced with BOP's mission to protect public safety and prepare inmates for reentry, can help reduce crowding and the costs of incarceration. GAO was asked to address: (1) the extent to which BOP utilizes its authorities to reduce a federal prisoner's period of incarceration; and (2) what factors, if any, impact BOP's use of these authorities. GAO analyzed relevant laws and BOP policies; obtained nationwide data on inmate participation in relevant programs and sentence reductions from fiscal years 2009 through 2011; conducted site visits to nine BOP institutions selected to cover a range of prison characteristics and at each, interviewed officials responsible for relevant programs; and visited four community-based facilities serving the institutions visited. Though not generalizable, the information obtained from these visits provided insights.

What GAO Recommends

GAO recommends that BOP establish a plan, including time frames and milestones, for requiring contractors to submit prices of RRC beds and home detention services. BOP concurred with this recommendation.

View [GAO-12-320](#). For more information, contact David C. Maurer at (202) 512-9627 or maurerd@gao.gov.

BUREAU OF PRISONS

Eligibility and Capacity Impact Use of Flexibilities to Reduce Inmates' Time in Prison

What GAO Found

BOP's use of authorities to reduce a federal prisoner's period of incarceration varies. BOP primarily utilizes three authorities—the Residential Drug Abuse Treatment Program (RDAP), community corrections, and good conduct time.

- Eligible inmates can participate in RDAP before release from prison, but those eligible for a sentence reduction are generally unable to complete RDAP in time to earn the maximum reduction (generally 12 months). During fiscal years 2009 through 2011, of the 15,302 inmates who completed RDAP and were eligible for a sentence reduction, 2,846 (19 percent) received the maximum reduction and the average reduction was 8.0 months. BOP officials said that participants generally do not receive the maximum reduction because they have less than 12 months to serve when they complete RDAP.
- To facilitate inmates' reintegration into society, BOP may transfer eligible inmates to community corrections locations for up to the final 12 months of their sentences. Inmates may spend this time in contract residential re-entry centers (RRCs)—also known as halfway houses—and in detention in their homes for up to 6 months. Based on the most recently available data, almost 29,000 inmates completed their sentences through community corrections in fiscal year 2010, after an average placement of about 4 months; 17,672 in RRCs, 11,094 in RRCs then home detention, and 145 in home detention only. RRCs monitor inmates in home detention and charge BOP 50 percent of the daily RRC cost to do so. However, BOP does not require RRC contractors to separate the price of home detention services from the price of RRC beds and thus, does not know the actual costs of home detention. BOP officials stated that they are developing a process to review and amend existing RRC contracts and require new contractors to submit proposals separating out RRC and home detention prices, but did not document the specifics of the review process or establish time frames or milestones for the review. Thus, BOP does not have a roadmap for how it will achieve this goal.
- Most eligible inmates receive all of their potential good conduct time credit for exemplary compliance with institutional disciplinary regulations—54 days taken off their sentence, per year served, if an inmate has earned or is earning a high school diploma; 42 days if not. As of the end of fiscal years 2009, 2010, and 2011, about 87 percent of inmates had earned all of their available credit.

BOP also has other authorities, such as releasing prisoners early for very specialized reasons, but has used these less frequently for various reasons.

Inmate eligibility and lack of capacity impact BOP's use of certain flexibilities and programs that can reduce an inmate's time in prison. BOP officials cited inmate ineligibility for RRC placement (e.g., inmates who are likely to escape or be arrested or with sentences of 6 months or less, among other things) as the primary reason that some inmates are not released through community corrections and one of the main reasons that some inmates are not able to participate in RDAP. BOP's lack of additional RRC space has prevented it from increasing the length of its RRC placements. According to BOP, lack of program capacity also prevents eligible inmates from entering and completing RDAP early enough to earn their maximum allowable sentence reductions, which prevents BOP from maximizing the cost savings provided by the authority.