

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

November 3, 2015

The Honorable Charles E. Samuels, Jr.
Director
Federal Bureau of Prisons
U.S. Department of Justice
320 First Street NW
Washington, DC 20534

William J. Sabol, Ph.D.
Director
Bureau of Justice Statistics
U.S. Department of Justice
810 Seventh Street NW
Washington, DC 20531

Dear Director Samuels and Director Sabol:

The range and value of the programs currently available to federal inmates has been criticized during recent congressional hearings on criminal justice reform. The criticism has been based in part on reports that current federal prison programming includes options unlikely to help inmates obtain post-incarceration employment and will not reduce recidivism.

It is essential that federal prisons provide programming that will help reintegrate offenders into society and reduce recidivism. If federal prisons are failing to provide effective programming, a great opportunity to improve public safety, reduce prison populations, and save taxpayer money will be lost.

In order to help the Committee better understand the Bureau of Prisons' (BOP's) programming and reentry efforts, please provide answers to the following, including any relevant documents to show:

1. The average daily number of federal prisoners serving time in halfway houses in 2015;
2. The average number of federal prisoners serving time in home confinement in 2015;
3. The total number of state and federal prisoners using federal funds to reenter society through programs including halfway houses, work-release programs or home confinement since Fiscal Year 2010;

4. The number of prisoners who have gone through the Residential Drug Abuse Program (RDAP) and the Nonresidential Drug Abuse Program each year from 2005 to 2014;
5. The average wait length for an inmate to enter the residential and nonresidential drug abuse programs;
6. The best current estimate of the recidivism rate for federal prisoners and the data and methods used to generate that estimate;
7. The methods BOP currently uses to conduct risk assessments of inmates, including the methodology employed, the qualifications of the examiners, the frequency of assessment, and the specific criteria BOP uses to assess an inmate's risk of recidivism;
8. The date on which the BOP risk assessment tool was first adopted and when it was last updated;
9. BOP studies from 2000 or later of the effectiveness of BOP's recidivism risk assessments;
10. BOP studies from 2000 or later of the effectiveness of state recidivism risk assessment tools;
11. The percentage of federal prisoners currently participating in prison programming that are serving sentences of less than three years;
12. The percentage of federal prisoners currently participating in prison programming that are serving sentences of more than three years;
13. A list of educational (including GED, higher education, and arts education), vocational, and job skills training programs, including names and brief descriptions of each, available to inmates at each of the prisons, including federally-funded programs, on-the-job-training programs available through contractors like UNICOR, and private and non-profit programs available at federal prisons;
14. The number of inmates on the waiting lists for each of the above programs, and the average wait length for an inmate seeking to participate in each of the programs;
15. BOP studies or assessments from 2000 or later of the effectiveness of these programs in assisting federal prisoners secure employment upon release;
16. BOP studies from 2000 or later of the effectiveness of these programs in reducing recidivism;

17. The current status of guidelines regarding the provision of religious books in prison chapel libraries;
18. The current status of the Inmate Skills Development Initiative and whether every inmate now receives an assessment to match their educational needs to available programming;
19. The average daily number of federal prisoners in solitary confinement and/or special housing units in 2015;
20. BOP's operational definitions for the terms "solitary confinement," "restrictive housing," and "special housing units";
21. BOP's policies or guidelines governing the use of solitary confinement, restrictive housing, and special housing units at federal facilities;
22. The number of federal prisoners who have been released each year since 2009;
23. The number of federal prisons currently housing more federal prisoners than their rated capacity, and the percentage of high- and medium-security male and female facilities that are operating over their capacity;
24. The average annual per capita cost of incarceration for a federal prisoner;
25. The average ratio of inmates to correctional officers for each year over the past five years;
26. The cost of modernization and repair projects, currently underway or planned, for federal detention facilities; and
27. Any and all training materials provided to BOP employees to guide them in their interactions with inmates with respect to the inmates' educational or job training while in prison, preparation for their release, discussion of their recidivism risk, or other interactions with inmates related to their reentry to society or potential risk of recidivism.

Please produce the documents and information requested herein as soon as possible, but by no later than 5:00 p.m. on December 4, 2015. Please also be prepared to provide a briefing before December 11, 2015. When producing documents to the Committee, please deliver production sets to the Majority staff in room 2157 of the Rayburn House Office Building and the Minority staff in room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request.

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The Committee on Oversight and Government Reform is the principal investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

If you have questions about this request, please contact Sean Brebbia or Jack Thorlin of the Majority staff at (202) 225-5074, or Kelly Christl, Portia Bamiduro, or Karen Kudelko of the Minority Staff at (202) 225-4741. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Chaffetz". The signature is stylized and cursive.

Jason Chaffetz
Chairman

A handwritten signature in blue ink, appearing to read "Elijah E. Cummings". The signature is stylized and cursive.

Elijah E. Cummings
Ranking Member

Enclosure

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.