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Report to the Honorable Thomas M. Davis, III Chairman, Subcommittee on the District of Columbia, House Committee on Government Reform House of Representatives

April 2000

DISTRICT OF COLUMBIA

Issues Related to the Youngstown Prison Report and Lorton Closure Process



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United States General Accounting Office
Washington, D.C. 20548

General Government Division

B-282741

April 7, 2000

The Honorable Thomas M. Davis, III
Chairman, Subcommittee on the District of Columbia
Committee on Government Reform
House of Representatives

Dear Mr. Chairman:

This report responds to your December 7, 1998, request that we assess the D.C. Department of Corrections' response to the recommendations made by the Office of the Corrections Trustee for the District of Columbia in its November 1998 report on the disturbances at a contract prison facility in Youngstown, Ohio. You also expressed interest in issues related to the closing of the Lorton facilities that house felon inmates from the District of Columbia and the transfer of these inmates to the federal Bureau of Prisons (BOP). In addition to requiring the closing of the District's corrections facilities in Lorton, Virginia, the National Capital Revitalization and Self-Government Improvement Act of 1997¹ (the Revitalization Act), among other things, required that BOP house at least 2,000 of the District's inmates in private contract facilities by December 31, 1999.

More specifically, you asked us to assess and report on

- the D.C. Department of Corrections' response to the Trustee's recommendations;
- the BOP's efforts to comply with the privatization requirements of the Revitalization Act; and
- any challenges concerning the closing of Lorton faced by the District of Columbia and BOP as December 31, 2001, the statutory date for closing all of Lorton, nears.

Results in Brief

In its November 1998 report on problems at the Youngstown facility, the Corrections Trustee made nine recommendations to the D.C. Department of Corrections. Corrections Trustee officials were generally satisfied with the actions taken by the Department to implement the recommendations. We found that as of March 3, 2000, the Department had partially implemented five of the Trustee's recommendations and fully implemented

¹ The National Capital Revitalization and Self-Government Improvement Act of 1997 was enacted as Title XI of the Balanced Budget Act of 1997, Public Law 105-33.

the remaining four. Partially implemented were recommendations to modify the existing contract so as to hold Youngstown more accountable for adhering to contract provisions and to temporarily reduce the inmate population at Youngstown until there were significant additional work and educational opportunities for inmates. Also partially implemented were recommendations to supplement the full-time monitor² at Youngstown with additional professional and clerical assistance, adopt BOP's system for classifying inmates, and define the criteria for transferring inmates from D.C. Department of Corrections facilities, including Lorton, to contract facilities.³ Fully implemented were recommendations dealing with activating new contract facilities; ensuring that these facilities have in place, before inmates arrive, a sound screening and classification capability; removing from Youngstown all inmates requiring separation from other inmates; and establishing a contract monitoring unit at D.C. Department of Corrections headquarters.⁴

BOP did not comply with the initial privatization requirement of the Revitalization Act that it house at least 2,000 sentenced felons in private contract facilities by December 31, 1999. BOP began contracting for 2 private facilities to house these inmates 22 months in advance of the date they were needed. However, delays due to environmental and legal issues, as well as security concerns partially arising from the Trustee's report on Youngstown, resulted in neither facility being operational on December 31, 1999. As of that date, BOP had accepted the transfer of 1,861 D.C. sentenced felon inmates, but none of the inmates were in private facilities. In a letter dated April 1999, BOP notified Congress of its inability to comply with this requirement. In February 2000, BOP modified its contracting procedures in an effort to avoid the environmental complications that delayed the construction and operation of the two private facilities. BOP believes that these modifications will prevent a recurrence of the environmental complications previously encountered. As of January 2000, BOP had not begun to contract for the additional private facilities needed to comply with the Revitalization Act's requirement to house at least half of the District's sentenced felon population in private correctional facilities by September 30, 2003.

² The full-time monitor at Youngstown is employed by the D.C. Department of Corrections. He is responsible for ensuring compliance with the terms of the contract.

³ The BOP's classification system, like other classification systems, classifies or subdivides inmates into groups based on their security and program needs.

⁴ For this report, screening refers to the process of determining an inmate's fitness for placement in a particular correctional facility based on various factors, including security, program, and medical needs.

Although the District of Columbia and BOP successfully transferred some inmates and closed some facilities at Lorton, several important challenges remain as the December 31, 2001, statutory date for closing Lorton and transferring the remaining inmates approaches. These challenges could potentially adversely affect the operation of the District's correctional facilities, including Lorton, and the transfer of inmates. They include continued increases in both the D.C. Department of Corrections' and BOP's inmate populations; concerns about the adequacy of funding to operate the District's correctional facilities during the period up to December 31, 2001; lack of space in BOP facilities, particularly low-to-high security facilities⁵ to which D.C. inmates are to be transferred; and a high rate of staff attrition within the D.C. Department of Corrections. According to Corrections Trustee officials, increases in the D.C. inmate population, which they attributed to an increase in the number of D.C. parole violators; a reduction in the number of felons released as a result of a court decision; and delays in the inmate parole hearing process, had contributed to the delay in closing two Lorton facilities by about a year after the date they were originally scheduled to close. Despite the transfer of 1,861 District sentenced felon inmates from Lorton to BOP, the number of sentenced felon inmates in the District's custody only decreased by 13, and the total number of sentenced felons transferred or in the custody of both the District and BOP increased by 1,223. The Corrections Trustee issued a revised closure plan for Lorton in February 1999. After issuing this revised plan, the D.C. Department of Corrections closed three of the facilities scheduled for closure either ahead of or slightly behind the revised schedule. In February 2000, the Corrections Trustee issued another closure plan to revise the closure schedule.

Background

For several decades, the D. C. Department of Corrections functioned as both a local and a state-like system. As a typical municipal system, the Department of Corrections detained pretrial, presentence, and other inmates for the local Superior Court; probation and parole violators; and those misdemeanor or felony offenders sentenced to relatively short terms. As a state-like system, it housed convicted felons. The latter have been held primarily in a 3,000-acre prison complex consisting of 7 facilities located on federally owned land in Lorton, Virginia. In October 1995, the

⁵Correctional facilities are grouped into security levels depending on the security needs of the inmates. Under BOP's security classification system, minimum security inmates require the least amount of supervision; high security inmates require the most. Moving from the lowest security level to the highest, BOP uses the terms "minimum," "low," "medium," and "high."

D.C. Department of Corrections had custody of 9,222 inmates, including 6,814 at Lorton.⁶

More recently, the D.C. Department of Corrections also housed convicted felons in contract facilities, primarily in Ohio and Virginia.⁷ From May to October 1997, the Department transferred 1,700 inmates from District correctional facilities to the Northeast Ohio Correctional Center, a medium security facility in Youngstown, Ohio, owned and operated by the Corrections Corporation of America. The Department’s decision to transfer inmates to the Youngstown facility came about as a result of well-documented concerns about the security, cost effectiveness, and adequacy of the seven facilities located in the aging Lorton complex. However, in its first 14 months of operation, the Youngstown facility experienced a number of problems, including the deaths of two inmates caused by other inmates and an escape of six inmates.

The Revitalization Act requires the closing of the District’s correctional facilities in Lorton by the end of 2001 and, in general, the transfer of all sentenced felon inmates to penal or correctional facilities operated or contracted for by BOP. After Lorton is closed, the D.C. Department of Corrections is to be responsible for the operation of the D.C. Jail. The Department of Corrections is also to be responsible for overseeing the operation of the Correctional Treatment Facility, which is privately operated, as well as the halfway houses, several of which are contract facilities. BOP is to be responsible for the D.C. sentenced felon inmate population. See table 1 for other Revitalization Act requirements and the dates the requirements must be accomplished.

Table 1: Revitalization Act Requirements for BOP and the Dates the Requirements Must Be Accomplished

Requirement	Date
House at least 2,000 of the District’s sentenced felons in private contract facilities	December 31, 1999
Assign all of the District’s sentenced felons to a penal or correctional facility	October 1, 2001
Accept the transfer of all of the District’s sentenced felons	December 31, 2001
House at least half of the District’s sentenced felon inmate population in private contract facilities	September 30, 2003

Source: National Capital Revitalization and Self-Government Improvement Act, as amended.

⁶ This figure does not include 781 inmates assigned to community halfway houses and 517 inmates in the custody of BOP and the U.S. Marshals Service.

⁷The D.C. Department of Corrections also placed inmates in private contract facilities in Arizona, New Mexico, and Tennessee.

The Revitalization Act established the District of Columbia Corrections Trustee to serve as an independent officer of the District government to facilitate the closure of the Lorton facility. The role of the Corrections Trustee is to

- allocate federal funding to the D.C. Department of Corrections for continued housing of District felon inmates at Lorton and District contract facilities;
- provide financial oversight to the Department;
- reimburse BOP for certain expenses related to the construction of new facilities, as identified by Congress;
- facilitate the closure of the Lorton complex and the transfer of all sentenced felons to federal custody by December 31, 2001; and
- ensure that the District develops and maintains a viable correctional system.

In August 1998, the U.S. Attorney General asked the Corrections Trustee to review and inspect the security procedures, management practices, and the inmates' work opportunities at the Youngstown facility in response to the aforementioned problems. The Corrections Trustee's report, issued in November 1998, identified 19 major findings and 24 major recommendations, 15 of which were focused on the Youngstown facility. The remaining nine recommendations focused on the D.C. Department of Corrections, which according to Corrections Trustee officials, was not required to respond because the report was addressed to the U. S. Attorney General.

Subsequent to the transfer of inmates to Youngstown and the issuance of the Corrections Trustee's report, the D.C. Department of Corrections transferred additional inmates to other contract facilities. From January to May 1999, the D.C. Department of Corrections transferred 1,355 minimum to high security inmates from District facilities, including Lorton, to two Virginia state-run contract facilities—Sussex II, a high security facility located in Waverly; and Red Onion, one of two facilities for the state's most dangerous inmates, located in Pound.

Objectives, Scope, and Methodology

To assess and report on the D.C. Department of Corrections' response to the Trustee's recommendations, we read the Trustee's November 1998 report, analyzed each of the recommendations, and reviewed a response to the Youngstown report prepared by the D.C. Department of Corrections. We also reviewed the District's proposed Youngstown contract modification incorporating some of the Trustee's recommendations, as well as the District's contract with the Virginia Department of Corrections.

We interviewed officials from the D.C. Department of Corrections, the Corrections Trustee, Department of Justice, BOP, and the Virginia Department of Corrections. We visited the Virginia Department of Corrections' Sussex II contract facility but did not assess the facility or its programs. We assessed whether the Department took action to address each recommendation but did not assess the quality of the implementation. In this report, we use the following terms to describe the Department's implementation of the Trustee's recommendations:

- Fully implemented. The entire wording of the recommendation has been fulfilled.
- Partially implemented. Only part of the recommendation has been implemented. When the wording of the recommendation had multiple parts, if one part or a portion of a part had been implemented (but not all parts), we categorized the recommendation as "partially implemented."
- Not implemented. No part of the recommendation was implemented.⁸

To assess and report on BOP's efforts to comply with the Revitalization Act's privatization requirements, as well as the challenges concerning the closing of Lorton faced by the District of Columbia and BOP, we read several studies and transcripts of congressional hearings, dating back to 1987, dealing with the D.C. Department of Corrections. We also interviewed officials from the D.C. Department of Corrections, the Corrections Trustee, BOP, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Criminal Justice Coordinating Council for the District of Columbia.⁹ We reviewed relevant statistical, financial, and contractual data provided to us by these agencies, as well as the applicable federal law requiring the closing of Lorton. We requested comments on a draft of the report from the Director of the Department of Corrections, the Corrections Trustee, and the Director of BOP. Their written comments are discussed near the end of this letter. We performed our work between February 1999 and April 2000 in accordance with generally accepted government auditing standards.

⁸ We used similar definitions when reporting on the Customs Service' implementation of recommendations issued by a blue ribbon panel in 1991 (*Customs Service: Status of the Implementation of Blue Ribbon Panel Recommendations* (GAO/GGD-96-163, Sept. 3, 1996).

⁹ The Criminal Justice Coordinating Council for the District of Columbia coordinates the efforts of both federal and District agencies that form part of the District of Columbia's criminal justice system. The Council's membership includes, among others, representatives from the Metropolitan Police Department, the D.C. Department of Corrections, the U.S. Parole Commission, and the Office of the Corrections Trustee for the District of Columbia.

D.C. Department of Corrections Had Not Fully Implemented the Trustee's Recommendations

In its November 1998 report, the Corrections Trustee noted problems with the District's contract to house inmates in the Youngstown facility and the screening and transfer of sentenced felon inmates to that facility. The report also indicated that the Youngstown facility lacked appropriate work and education programs for the inmates as required by the contract. In nine of its recommendations, the Corrections Trustee focused on the D.C. Department of Corrections, but according to Corrections Trustee officials, the Department was not required to respond to the recommendations because the report was addressed to the U.S. Attorney General. We found that the D.C. Department of Corrections partially implemented five and fully implemented the other four recommendations. Corrections Trustee officials told us that they were generally satisfied with the actions taken.

In its report, the Corrections Trustee found that the D.C. government rushed into an abbreviated procurement process, resulting in a contract at a somewhat inflated price with the Corrections Corporation of America that, among other things, lacked financial penalties in the event of contractor noncompliance. In addition, the Trustee found that there were few constructive work or educational opportunities for most inmates, in direct conflict with the terms of the contract. The Trustee found that the Department and the Youngstown facility failed to screen and transfer inmates properly, resulting in the transfer of (1) over 200 inmates requiring separation from other inmates and (2) large numbers of inmates who should have been classified at a higher level than medium security. The Trustee also found that the Department of Corrections initially took little responsibility for monitoring the operations at the Youngstown facility until confronted with major problems, and Youngstown was not adequately prepared for the accelerated transfer of inmates—904 in 17 days—that occurred just after the contract was signed.

In its report, the Corrections Trustee recommended that the D.C. Department of Corrections

- modify the Youngstown contract to provide for financial penalties in the event of contractor noncompliance, add specific language to the contract describing procedures for determining noncompliance with the contract, and reevaluate the justification for the pricing structure;
- reduce the inmate population to preferably 1,000 inmates until there were significant additional opportunities for constructive daily activities;
- supplement the full-time contract monitor at Youngstown with additional professional and clerical assistance;

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- stabilize the process of classifying inmates by adopting the BOP classification system as the permanent system and properly training staff in its use;
 - clearly define the criteria for transferring inmates to future contract facilities and allow for sufficient time to screen transfers;
 - ensure that any future activation of a contract facility be well organized and gradual, with feasible start-up schedules and on-site monitoring;
 - ensure that future contract facilities have in place, before inmates arrive, a sound screening and classification capacity to use as a basis for assigning inmates to housing units;
 - work with Youngstown to remove all existing separation/enemy cases and ensure that no future known separation cases were sent to Youngstown;¹⁰ and
 - establish a contract monitoring unit at headquarters responsible for developing and administering oversight guidelines, coordinating various forms of on-site monitoring, and ensuring the proper implementation of plans of action or imposition of penalties for noncompliance.

We found that the D.C. Department of Corrections partially implemented five and fully implemented the other four recommendations. Partially implemented recommendations included the recommendation to modify the contract with Youngstown. The D.C. Department of Corrections drafted a contract modification that would require the Youngstown facility to (1) comply with the standards set forth by the American Correctional Association,¹¹ the National Commission on Correctional Health Care,¹² and the State of Ohio and (2) pay financial penalties of \$1,200 per day for failure to comply with the major contract provisions. It also outlined procedures for determining compliance with the contract. However, at the time of our review, the Department's draft modification of the Youngstown contract was under negotiation with the contractor. Further, Department officials did not attempt to reevaluate the cost of the contract as recommended by the Trustee.

¹⁰Some inmates require separation from other inmates within a correctional facility for various reasons, including personal animosities, and testimony provided against other inmates.

¹¹The American Correctional Association is a professional membership organization dedicated to the improvement of corrections and the development and training of correctional professionals. It has been involved in the development of national standards addressing operations, programs, and services essential to effective correctional management.

¹²The National Commission on Correctional Health Care has developed standards addressing the provision of health care at correctional facilities.

The D.C. Department of Corrections temporarily reduced the inmate population at Youngstown to below 1,000. However, despite the July 1999 finding of a joint Corrections Trustee/Department of Corrections review team that Youngstown still lacked an industrial operation for employing inmates, by September 1999, the Department had increased the population of the facility to 1,436. While the Department of Corrections had begun the process of hiring supplemental professional and clerical assistance for the on-site monitor at Youngstown, the Department had not hired this assistance. The Department also reclassified all of the District's inmate felon population using the BOP model, which the Department adopted in the fall of 1997 as part of an initiative that predated the Corrections Trustee's report. However, two BOP reviews of 744 minimum security inmate files (completed in December 1998 and March 1999, respectively) found classification errors in about 40 percent of the files reviewed.¹³ According to D.C. Department of Corrections officials, it has arranged for additional training on the BOP classification system.

Also partially implemented was a recommendation to clearly define the criteria for selection of inmates for any future transfer to contract facilities. With assistance from the Corrections Trustee, the D.C. Department of Corrections negotiated a contract with the Virginia Department of Corrections to house felon inmates that included, as the Corrections Trustee recommended, clearly defined criteria for transferring inmates. However, according to an October 1999 report issued by the Corrections Trustee, the Department still lacked written policies and procedures for classifying and transferring inmates. This problem was reported before and after the Corrections Trustee's November 1998 report.

In October 1997, a study led by the National Institute of Corrections reported that, of the 270 D.C. Department of Corrections' orders in effect, at least 61 percent had been developed between the 1960s and 1980s, with no indication in most cases that these policies had subsequently been reviewed or updated.¹⁴ An internal assessment of the Department's Case Management Services unit¹⁵ in April 1999, found that the manual used, among other things, to ensure a consistent application of policies with

¹³ In January 2000, D.C. Department of Corrections officials told us that BOP had more recent evidence showing that the Department of Corrections had greatly reduced the number of classification errors. However, BOP could not provide data to support this claim.

¹⁴ The National Institute of Corrections is an agency within BOP that provides assistance to federal, state, and local corrections agencies working with adult offenders.

¹⁵ The Case Management Services Unit is responsible for classifying, transferring, and separating inmates.

regards to inmate classification, transfer, and separation, had not been updated since 1988. According to Corrections Trustee and Department of Corrections officials, the Department recently established an office to develop and monitor internal controls, and was in the process of updating its policies and procedures.

Fully implemented recommendations were those dealing with activating new contract facilities; ensuring that these facilities have in place, before inmates arrive, a sound screening and classification capability; removing all inmates requiring separation from other inmates; and setting up a contract monitoring unit. The contract with the Virginia Department of Corrections included provisions to gradually activate the new Sussex II facility, allow sufficient time to screen and transfer inmates, and select an on-site monitor to oversee the transfer of inmates. The contract also incorporated the recommendation that future contract facilities have a sound screening and classification capability. According to the D.C. Department of Corrections, as of January 2000, all inmates known to require separation at Youngstown from other inmates had been removed except those required by court order to stay there. The Department of Corrections has established a contract monitoring unit at headquarters. This unit has conducted program reviews of all D.C. Department of Corrections' contract facilities, including smaller contract facilities in New Mexico and Arizona. Appendix I provides a fuller explanation of the D.C. Department of Corrections' actions to implement each of the recommendations, as well as an explanation of the factors affecting the Department's response.

BOP Did Not Comply With the Revitalization Act's Initial Privatization Requirement

BOP did not comply with the Revitalization Act's initial privatization requirement to house at least 2,000 District sentenced felons in private contract facilities by December 31, 1999. To comply with the act's initial requirement, BOP accepted the transfer of 1,861 District sentenced felon inmates and began contracting for two private facilities to house 2,200 inmates 22 months in advance of the date they were needed. However, the construction of both facilities was delayed because of a number of issues, including security, environmental, and legal issues. As of December 31, 1999, none of the inmates were in private facilities. BOP notified Congress of its inability to comply with this requirement in April 1999. In February 2000, BOP modified its contracting procedures in an effort to avoid a recurrence of the environmental complications that delayed the construction and operation of both private facilities. According to BOP, these modifications will require prospective contractors to address environmental concerns as part of the contracting process. BOP officials

believe that the modified contracting procedures will prevent a recurrence of the environmental complications previously encountered.

The Revitalization Act also requires BOP to house at least half of the District's sentenced felon inmate population in private contract facilities by September 30, 2003. As of January 2000, BOP had not begun to contract for the additional private facilities needed to comply with the Revitalization Act's requirement to house at least half of the District's sentenced felon population in private correctional facilities by September 30, 2003.

In February 1998, BOP issued an initial request for proposals to house 2,200 inmates of various classification levels; however, it revised this request in November 1998, partially in response to the release of the Trustee's report describing security and other problems at Youngstown to delete the requirement for 1,200 low security beds. Prospective offerors were asked to revise their proposals to encompass the remaining requirement to house 1,000 male and female inmates of various security classification levels. In December 1998, BOP issued a second request for proposals covering the 1,200 low security inmates. In April 1999, BOP awarded a contract to Cornell Corrections, Incorporated, for the management and operation of a contractor-owned and operated correctional institution in Pennsylvania for 1,000 male and female inmates of varying classification levels. Groundbreaking for this facility took place in May 1999. However, as a result of a court challenge, BOP subsequently issued four temporary stop-work orders to reevaluate the environmental documentation used to support the contract award. Also, in September 1999, the Pennsylvania Attorney General issued a letter to the contractor advising that since Pennsylvania law does not specifically authorize the operation of a privately owned and operated prison in Pennsylvania, such prisons are prohibited. Largely as a result of environmental concerns, BOP delayed the awarding of a second contract until October 1999, when it conditionally accepted Wackenhut Corrections Corporation's proposal (pending completion of an environmental impact review) to build and operate a second facility in North Carolina. As a result of these delays, neither contract facility was operational as of December 1999, and BOP was unable to begin the transfer of inmates as planned. In March 2000, BOP formally awarded the contract for the second facility to Wackenhut Corrections Corporation. The first inmates are scheduled to arrive there in March 2001. Table 2 shows a summary of BOP's efforts to comply with the Revitalization Act's privatization requirements.

Table 2: BOP's Efforts to Comply With the Revitalization Act's Privatization Requirements

Actions taken by BOP	Date
Issued a request for proposals to build and operate a single private facility to house 2,200 inmates of various classification levels.	February 1998
Partially in response to the Corrections Trustee's report on Youngstown, amended its initial request for proposals to delete a requirement for 1,200 beds for low security inmates. Prospective offerors were requested to modify their proposals to reflect the remaining requirement to house 700 male and 300 female inmates of various security classification levels. In December, BOP issued a second request for proposals to cover the 1,200 low security inmates.	November 1998 and December 1998
Testified before Congress that it expected to have operational contracts for the two facilities by December 1999 and June 2000, respectively.	February 1999
Awarded a contract for the management and operation of a contractor-owned and operated correctional institution in Philipsburg, Pennsylvania, for 700 male and 300 female inmates of various security classification levels. Groundbreaking for the facility took place in May.	April 1999 and May 1999
Issued a 90-day stop-work order in response to a court challenge questioning the environmental documentation used to support the contract award.	June 1999
Extended the stop-work order for the Pennsylvania facility through December 1999. In a separate development, the Pennsylvania Attorney General informed the contractor that since state law does not specifically authorize the operation of a privately owned and operated contract prison in Pennsylvania, such prisons are prohibited.	September 1999
Conditionally accepted a proposal for the construction and operation of a second private facility in Winton, North Carolina, pending completion of an environmental impact review. This facility, when completed, will house 1,200 primarily low security inmates.	
Contracted with the Virginia Department of Corrections to house 1,000 primarily low security inmates at Virginia's Greensville Correctional Center and began the transfer of inmates.	October 1999
Extended the stop-work order for the Pennsylvania facility to continue until early March 2000.	
As of December 31, 1999, had transferred a total of 596 inmates to the Virginia Department of Corrections' Greensville Correctional Center.	December 1999
Extended the stop-work order for the Pennsylvania facility to continue until early April 2000.	
Formally awarded the contract for the second facility to Wackenhut Corrections Corporation.	March 2000

Source: Documents provided by and interviews with BOP officials.

Although BOP did not comply with the initial privatization requirement of the Revitalization Act, it accepted the transfer of 1,861 District felon inmates by the end of 1999. Of these inmates, 1,583 remained in custody as of December 31, 1999, including 596 at a state-run facility in Virginia. BOP officials told us that the majority of these inmates will eventually be transferred to one of the two private facilities. BOP sent the remainder of the inmates to various federal correctional facilities.

D.C. and BOP Face Significant Challenges as the Date for Closing Lorton Nears

Since the passage of the Revitalization Act, the D.C. Department of Corrections and BOP have, despite difficulties, successfully transferred some inmates and closed some facilities at Lorton. However, as the date for closing all of Lorton nears, District of Columbia and BOP officials face important challenges, including an unexpected increase in the District's sentenced felon inmate population, funding concerns, a lack of space in BOP facilities, and staff attrition at the D.C. Department of Corrections.

As of December 31, 1999, a total of 4,599 District felon inmates had been transferred from Lorton to other correctional facilities. The D.C. Department of Corrections had transferred 1,473 inmates to Youngstown and other private contract facilities and 1,265 inmates to state-run contract facilities in Virginia. BOP had accepted the transfer of 1,861 inmates; of these, 1,583 remained in custody. A total of 2,827 inmates remained in the Lorton complex. The D.C. Department of Corrections had also closed three of the seven Lorton facilities, but closed two of these about 1 year after the date called for in the original closure plan issued in October 1997.¹⁶ The slippage in the scheduled closings of these two Lorton facilities was primarily attributable to the Department's errors in inmate classification and, according to Corrections Trustee officials, an unexpected increase in the inmate population. As a result of concerns about past escapes noted in inmates' case files, BOP reclassified a number of inmates as low security after the Department had classified them as minimum security inmates. Because of this reclassification of inmates, BOP was initially unable to transfer these inmates, as originally planned, to work camps, which generally lack perimeter fences, and they remained in the custody of the D.C. Department of Corrections. The Department of Corrections closed one of the Lorton facilities, the Modular facility, in 1995 as a result of budget cuts, but reopened it in May 1999 following an unexpected increase in the inmate population.

In February 1999, the Corrections Trustee issued a revised closure plan. Since issuing this plan, the D.C. Department of Corrections has closed two facilities—Occoquan and the Minimum Security Facility. A third facility, the Youth Facility, closed in January 2000. All three facilities closed either ahead of or slightly behind the revised schedule. In February 2000, the Corrections Trustee revised its closure plan a second time to reflect a decision to close the Maximum Security Facility in March 2001, rather than in December 2001, as called for in the February 1999 revised closure plan. Table 3 provides for each of the seven Lorton facilities the original

¹⁶ A fourth facility, the medium security facility, was closed in September 1997 prior to the completion of the original closure plan.

scheduled closing date, the revised scheduled closing date, and the actual closing date.

Table 3: Lorton Facilities' Planned and Actual Closing Dates

Facility	Original planned closing date ^a	Revised closing date ^b	Actual date closed
Medium security ^c	Not applicable	Not applicable	September 1997
Occoquan	August 1998	April 1999	May 1999
Minimum security	Summer 1998	September 1999	July 1999
Youth	December 2001	March 2000	January 2000
Maximum security	December 2001	March 2001	
Central	December 2001	December 2001	
Modular ^d	Not applicable	December 2001	

^a In October 1997, the National Institute of Corrections led the study that contained the original closure plan for Lorton.

^b The Corrections Trustee revised the closure plans for Lorton in February 1999 and February 2000. The major difference between these two plans consists of moving the closure date for the Maximum Security Facility from December 2001 to March 2001.

^c This facility was closed before either of the closure plans was prepared.

^d The D.C. Department of Corrections closed this facility in 1995 and reopened it in May 1999 after submission of the February 1999 revised closure plan.

Sources: District of Columbia Department of Corrections Management Reform Act: Phase II- Recommended Improvement Projects, October 1997; February 1999, and February 2000 closure plans issued by the Office of the Corrections Trustee for the District of Columbia.

District Felon Inmate Population Increase

Officials from the Department of Corrections, the Corrections Trustee, and BOP agreed that a continued increase in the District felon inmate population could complicate the transfer of inmates to BOP. D.C. Department of Corrections and Corrections Trustee officials also agreed that the sentenced felon population increase could complicate the management and funding of the Lorton complex until its closure on December 31, 2001. Although BOP accepted the transfer of 1,861 District sentenced felon inmates between April 1998 and December 1999, the number of sentenced felon inmates in the District's custody only decreased by 13, and the total number of sentenced felons transferred or in the custody of both the District and BOP increased by 1,223. The number of inmates remaining in the Lorton facilities as of December 31, 1999, also increased. According to the Corrections Trustee, in fiscal year 1999 alone the sentenced felon inmate population increased by more than 10 percent. The Corrections Trustee attributed the population increase, which was unexpected, to (1) an increase in the number of parole violators, (2) a reduction in the number of felons released as a result of a court decision that disallowed credit for time spent on parole prior to a parole violation, and (3) delays in the inmate parole hearing process as a result of the transfer of authority to grant parole from the D.C. Board of Parole to the U.S. Parole Commission. According to the Corrections Trustee, the

February 2000 closure plan, which assumes a population increase of 400 inmates per year, will require revision in the event the Department's inmate population increases significantly in excess of this level. Table 4 shows a comparison of the District's felon inmate population in April 1998 versus December 1999.

Table 4: Comparison of the District's Sentenced Felon Inmate Population From 1998 to 1999

Facility	Number of inmates as of April 1998	Number of inmates as of December 1999	Difference
Correctional Treatment Facility and Central Detention Facility (D.C. Jail)			
Correctional Treatment Facility	583	445	
Central Detention Facility (D.C. Jail)	334	191	
Total	917	636	-281
Lorton Facilities			
Central	1,231	1,951 ^a	
Youth center	639	258	
Maximum security	536	618	
Occoquan	1,058	0	
Minimum security	272	0	
Medium security	0	0	
Total	3,736	2,827	-909
Private Facilities contracted for by the District of Columbia			
Youngstown, Ohio	1,561	1,227	
Arizona, New Mexico, and Tennessee	0	246	
Total	1,561	1,473	-88
Virginia Department of Corrections facilities contracted for by the District of Columbia			
Sussex II	0	1,178	
Red Onion	0	87	
Total	0	1,265	+1265
Total sentenced felons in the District's custody	6,214^b	6,201^c	-13
Sentenced felons transferred to BOP	625^d	1,861^e	+1,236
Total number of District sentenced felons in custody and transferred	6,839	8,062	+1,223

^aTotal includes the inmates in the Modular facility, which was closed in 1995 as a result of budget cuts and reopened in 1999 because of an unexpected increase in the inmate population.

^bTotal does not include 247 sentenced felon inmates accused of possible parole violations and inmates detained as a result of warrants issued by other jurisdictions. Total also does not include inmates in halfway houses.

^cTotal does not include 42 inmates transferred to the U.S. Marshals Service; 18 inmates housed in state-run facilities under cooperative agreements with Pennsylvania, Virginia, New Jersey, Maryland, and Florida; and 208 inmates in halfway houses.

^dBOP did not have information about the number of inmates released and in custody as of April 1998.

^eAs of December 31, 1999, BOP had in custody a total of 1,583 sentenced felon inmates.

Sources: District of Columbia Department of Corrections, Office of the Corrections Trustee for the District of Columbia, and BOP.

Funding Concerns

District officials, at both the Department of Corrections and the Financial Responsibility and Management Assistance Authority, were concerned that a funding shortfall could complicate efforts to operate Lorton until its closure. In fiscal year 1999, the Department of Corrections reported what it referred to as a projected funding shortfall of approximately \$26 million. This projected shortfall was not resolved, according to agency officials, until the Attorney General waived an \$11 million reimbursement from the Corrections Trustee to BOP for expenses related to the care of District inmates, the District government reprogrammed \$5 million in additional funding, and the Department reduced its expenditures. To bridge the gap, the District government also applied the Corrections Trustee's final fiscal year 1998 payment of \$3.4 million.

D.C. Department of Corrections officials estimated that a similar shortfall will occur in fiscal year 2000 and that the Department's ability to carry out its mission will be adversely affected unless it is able to obtain additional federal or local funding, or a combination of the two. Regarding 1999, 2000, and 2001, Corrections Trustee and District government officials did not agree on the most appropriate mix of federal and local funding.¹⁷ As of January 2000, Corrections Trustee and District officials had not agreed on an estimate of the projected fiscal year 2000 funding shortfall, but the Department had developed a plan to reduce the projected shortfall, which includes approximately \$13 million in additional local funding and approximately \$13 million in spending cuts. In January 2000, Department officials also expressed concern about the fiscal year 2001 budget, but had not yet finalized the funding figures.

Of the D.C. Department of Corrections' total approved budget of \$257 million for fiscal year 1999, the federal government, through the Corrections Trustee provided approximately \$185 million. The District of Columbia provided the majority of the remainder, although a small amount was also generated through a for-profit self-supporting fund used to purchase items for sale to inmates. The projected 1999 funding shortfall was attributed to a combination of factors including

- the unexpected increase in the felon inmate population;
- errors made by the District government in allocating funding;
- underfunding on the part of either or both the federal and District governments;

¹⁷The disagreement focused on the responsibility for funding inmates not ready for transfer to long-term confinement facilities. The inmates in question include those who were sentenced, served terms of confinement as felons, returned to the community on parole or under supervision, were arrested for new crimes, and were being held in local detention awaiting adjudication.

-
- the failure to appropriately fund the April 1998 pay raise for Department of Corrections employees that was approved by the City Council;
 - a failure to budget for operation of the minimum security facility, which was originally scheduled to close in the summer of 1998 and the Modular facility that was reopened in 1999; and
 - a failure on the part of the D.C. Department of Corrections to budget for the Virginia contract .

While District of Columbia Financial Responsibility and Management Assistance Authority officials believed that the projected funding shortfall was the result of inadequate funding from the federal government, Corrections Trustee officials believed that the level of federal funding was sufficient, given the transfer of inmates from the aging Lorton facilities to newer, more cost effective contract facilities. In June 1998, the Corrections Trustee testified that his fiscal year 1999 budget provided between \$27,000 and \$28,000 for each inmate, whereas the national average cost for state systems was about \$20,000. However, in April 1999, the Corrections Trustee indicated that a continuation of the inmate population increase could put a severe strain on the Corrections Trustee's ability to provide adequate resources to manage the felon population.

Of the D.C. Department of Corrections' enacted budget of approximately \$243 million for fiscal year 2000, the federal government, through the Corrections Trustee, is to provide \$173 million.¹⁸ Because of an increasing felon inmate population and the failure to realize expected savings in the health services budget when only a few of the inmates with acute or chronic illnesses were transferred to contract or BOP facilities, the Department of Corrections believes that it will again experience what it describes as a funding shortfall of about \$20 million to \$26 million in fiscal year 2000. Other factors that agency officials believe will contribute to the projected shortfall include a lack of (1) budget authority for overtime; (2) operating funds for the Modular facility; and (3) investment funds for improvements in information technology, capital improvements to the D.C. jail, and community corrections.¹⁹ According to the Department's fiscal year 2000 financial plan, the District allocated less than \$70 million in local funds for the D.C. Department of Corrections' operations that are to continue after Lorton is closed. The Corrections Trustee estimated that

¹⁸ An additional \$13 million is being requested from District funds to address the projected shortfall, bringing the revised estimate to \$256 million. The fiscal year 2000 appropriation for the Office of the Corrections Trustee is approximately \$175 million; of which approximately \$3 million is for the Corrections Trustee's administrative expenses.

¹⁹For this report, community corrections include programs for pretrial detainees, sentenced misdemeanants, work release program felons, and halfway houses.

the District should allocate approximately \$80 million to fund these facilities. In March 2000, the Corrections Trustee testified that Mayor Anthony Williams' recently released fiscal year 2001 budget that was sent to the City Council recommended a funding level that was \$20 million short of what the District needs to provide to the Department of Corrections to fund its local responsibilities.²⁰ After Lorton is closed, the D.C. Department of Corrections is to be responsible for the operation of the D.C. Jail. The Department of Corrections is also to be responsible for overseeing the operation of the Correctional Treatment Facility, which is privately operated, as well as the halfway houses, several of which are contract facilities.

Lack of Space in BOP Facilities

D.C. Department of Corrections and Corrections Trustee officials were concerned about BOP's lack of space for low, medium, and high security inmates. This lack of space, combined with increases in the inmate population experienced by both the District and BOP, could complicate the Department's efforts to transfer the Lorton inmates. According to the Department of Corrections' fiscal year 2000 financial plan, the Department's transition to a more typical municipal correctional system is contingent on BOP's acceptance of medium and high security inmates in the near future.

As of February 2000, about 91 percent of the District's felon population was comprised of low, medium, and high security inmates. All three of BOP's plans for accepting the transfer of District inmates—dated November 1997, December 1998, and January 2000, respectively—acknowledged a lack of space, particularly for low, medium, and high security inmates, as a factor limiting BOP's ability to accept the District inmates. BOP does not plan to begin accepting the majority of medium and high security inmates until January 2001. In addition to the two private facilities under contract, BOP plans to build seven facilities to house the District inmates. However, the first of these new facilities, a high security facility located in Florida with space for 960 inmates, is not to be activated until September 2001. The remaining six facilities are scheduled to become operational in 2002 and 2003.²¹ In March 2000, BOP testified that the additional prison bed capacity to absorb the District's sentenced felon inmates will not be ready by the December 31, 2001, date, but that it was taking other steps to comply with the Revitalization Act's requirements. These steps include adding space by expanding existing

²⁰ Statement of the Corrections Trustee, John Clark, before the House Committee on Appropriations Subcommittee for the District of Columbia, March 23, 2000.

²¹ These seven facilities are to also house inmates from other jurisdictions.

BOP facilities, increasing the use of contract and state-run facilities, and redistributing low and minimum security inmates among existing BOP facilities.²²

Also, BOP's ability to house the District's remaining inmates is complicated by increases in both the District's and BOP's inmate populations. As discussed above, the District experienced an unexpected inmate population increase and, in fiscal year 1998, BOP experienced an increase of 10,000 inmates—the largest increase in BOP's history. According to testimony presented by BOP in March 2000, in fiscal year 1999 BOP experienced a second year of large inmate population increases, increasing its total inmate population by more than 11,300.²³ BOP facilities are reportedly 33 percent over capacity systemwide, with medium and high security facilities at 54 percent and 52 percent over capacity respectively. BOP has requested funding for additional inmate housing, as well as greater discretion in the placement of District sentenced felons to help ensure that these inmates can be placed in private facilities in accordance with their needs.

D.C. Department of Corrections'
Staff Attrition

D.C. Department of Corrections officials were concerned that staff attrition could adversely affect the operation of Lorton until its closure on December 31, 2001. Staff attrition, while much reduced from previous levels, has been a continuing problem partially as a result of the announced closure of Lorton, which made it more difficult for the D.C. Department of Corrections to recruit and retain qualified staff. In October 1997, a study led by the National Institute of Corrections reported that up to 20 Department of Corrections' employees were resigning during each 2-week pay period. According to the Corrections Trustee, staff attrition has more recently averaged 9 per 2-week pay period. During the past year, the closing of the three Lorton facilities has permitted the reassignment of correctional officers to fill vacancies at the remaining District correctional facilities, including Lorton, providing an adequate staffing complement. However, no facilities are scheduled to close between January 2000 and March 2001, and as of January 15, 2000, the D.C. Department of Corrections had an on-board strength of 1,761— 7 above the required

²² Statement of the Director of the Federal Bureau of Prisons, Kathleen Hawk Sawyer, before the House Committee on Appropriations Subcommittee for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, March 2, 2000.

²³ Statement of the Director of the Federal Bureau of Prisons, Kathleen Hawk Sawyer, before the House Committee on Appropriations Subcommittee for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, March 2, 2000.

staffing level of 1,754.²⁴ According to Corrections Trustee officials, staff attrition will force the D.C. Department of Corrections to continue to use overtime as a means of filling court-ordered posts, as well as seeking other alternatives to offset the loss of staff. It may also result in an older, less technologically capable workforce.

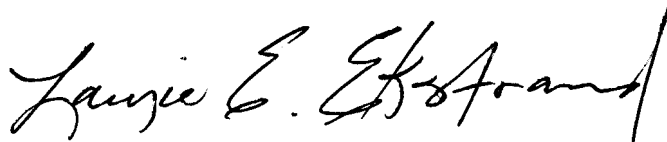
Agency Comments

The Corrections Trustee and BOP generally agreed with the information in our report. They and the Department of Corrections also provided technical comments, which we incorporated as appropriate. Their comments are reprinted in appendixes II through IV.

As arranged with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days after the date of this report. At that time, we will send copies of this report to Representative Eleanor Holmes Norton, Ranking Minority Member, House Committee on Government Reform, Subcommittee on the District of Columbia, as well as other interested congressional parties. We will also send copies of this report to the Honorable Anthony Williams, the Mayor of the District of Columbia; and the Honorable Janet Reno, the Attorney General. Copies will be made available to others upon request.

If you or your staff have any questions, please call me or Brenda Bridges on (202) 512-8777. Key contributors to this assignment were David Alexander, Geoffrey Hamilton, Jose M. Pena, III, and Barbara Stolz.

Sincerely yours,



Laurie Ekstrand,
Director, Administration
of Justice Issues

²⁴ Only includes staff at D.C. Department of Corrections operated facilities, as well as transportation staff. The total staffing level is 2,224, which also includes medical staff, facilities maintenance staff, and other administrative positions.

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Contents

Abbreviations

BOP	Bureau of Prisons
DC	District of Columbia

Department of Corrections' Responses to the Trustee's Recommendations

The Trustee recommended that the D.C. Department of Corrections . . .	In response to the Trustee's recommendations, the Department of Corrections . . .	Status
<p>Modify the existing contract to hold Youngstown more accountable for adhering to the contract provisions by including specific procedures and penalties for noncompliance. The Department should add specific language to the contract describing the procedures for determining whether the contract facility complied with the contract and include a preset schedule of financial penalties that attach to such contract breaches. The Department should also reevaluate the justification for the pricing structure.</p>	<p>Drafted a provision to be added to the Youngstown contract for a \$1,200 per day penalty in the event of a major deficiency. The Department also proposed specific language to be added to the contract requiring Youngstown to comply with standards set forth by the American Correctional Association, the State of Ohio, the National Commission on Correctional Health Care, court orders or consent decrees specifically applicable to the Youngstown facility, and D.C. Department of Corrections policies. It also outlined procedures for determining compliance with the contract.</p>	<p>Partially implemented.</p> <p>However, at the time of our review, Youngstown had not agreed to the contract modifications, and the D.C. Department of Corrections had not reevaluated the justification for the contract's pricing structure, viewing the contract as cost effective.</p>
<p>Until there are significant additional opportunities for constructive daily activities, reduce the population of the Youngstown facility, preferably to 1,000 inmates, since a greater number of idle inmates may result in serious problems.</p>	<p>Temporarily reduced, in the wake of the Trustee's report, the inmate population at Youngstown to below 1,000.</p>	<p>Partially implemented.</p> <p>Subsequent to the reduction to below 1,000, by September, 1999, the D.C. Department of Corrections had increased the inmate population to 1,436. In July 1999, a joint Trustee/Department review found that, while there was much less evidence of inmate idleness, Youngstown had still not established an industrial operation.</p>
<p>Supplement the current full-time contract monitor at Youngstown with additional professional and clerical assistance. The Department of Corrections' subject matter experts should provide assistance periodically to the local monitor.</p>	<p>Started the process of hiring additional staff.</p>	<p>Partially implemented.</p> <p>However, the D.C. Department of Corrections had not yet hired the additional staff to assist the on-site monitor. According to D.C. Department of Corrections officials, subject matter experts have provided the on-site monitor at Youngstown with subject matter expertise.</p>

Appendix I
Department of Corrections' Responses to the Trustee's Recommendations

The Trustee recommended that the D.C. Department of Corrections . . .	In response to the Trustee's recommendations, the Department of Corrections . . .	Status
Stabilize the process of classifying inmates and eliminate confusion by adopting BOP's model as the permanent model and properly train staff in its use.	Adopted BOP's classification model in the fall of 1997, as a result of an initiative that predated the Trustee's report. An October 1999 Trustee review of the D.C. Department of Corrections' classification procedures found that the Department's adoption of the BOP model represented a major improvement in the safety of its facilities.	Partially implemented. However, two BOP reviews of 744 D.C. Department of Corrections minimum security inmate case files, completed in December 1998 and March 1999, found classification errors in about 40 percent of the cases reviewed. In January 2000, Department of Corrections officials told us that BOP had more recent evidence showing that the Department of Corrections had greatly reduced the number of classification errors. However, BOP could not provide data to support this claim. According to the D.C. Department of Corrections, it has arranged for additional training on the BOP classification system.
Clearly define criteria for the selection of inmates for any future transfer to contract facilities. Sufficient time should be allowed for the (1) Department of Corrections and the contract facility to screen referrals and determine if adequate information is available and (2) contractor to object to the transfer of any inmate not suitable under the terms of the contract.	Defined the criteria for transfer in its contract with the Virginia Department of Corrections as a medium to maximum security inmate as determined by the Virginia Department of Corrections' classification system. Virginia Department of Corrections, D.C. Department of Corrections, and Trustee officials agreed that sufficient time was allowed for screening and classifying inmates. Virginia Department of Corrections officials told us that they rejected the transfer of some inmates they deemed unsuitable for their facilities.	Partially implemented. In October 1999, the Trustee found that the D.C. Department of Corrections lacked written policies and procedures for classifying and transferring inmates. An April 1999 assessment showed that the case management services manual—used, among other things, to ensure a consistent application of policies with regards to classification, transfer, and inmate separation procedures—had not been updated since 1988. With assistance from the Corrections Trustee, the Department recently established an office to monitor internal controls, and is in the process of updating its policies and procedures.

Appendix I
Department of Corrections' Responses to the Trustee's Recommendations

The Trustee recommended that the D.C. Department of Corrections . . .	In response to the Trustee's recommendations, the Department of Corrections . . .	Status
Ensure that any future activation of a new contract facility be well organized and gradual, with feasible start-up schedules, on-site monitoring, and a willingness to alter plans to adapt to the realities of the situation.	Contracted to house 1,355 inmates in two Virginia Department of Corrections facilities—Sussex II and Red Onion. Provided for the transfer of inmates to Virginia to begin approximately 5 months after the signing of the contract in August 1998. Virginia used this period to prepare its facilities for the transfer of inmates. The first transfer actually occurred in January 1999, and transfers continued until May 1999. Inmates were transferred at the rate of 80 inmates each week. The Department's on-site monitor assumed his position prior to the transfer of the first inmates.	Fully implemented. While the D.C. Department of Corrections had not developed internal policies and procedures for ensuring that all future contract facilities are activated in a gradual, organized manner, as of January 2000, the Department had no plans to place sentenced felon inmates in any other contract facilities.
Ensure that future contract facilities have in place, before inmates arrive, a sound screening and classification capacity to use as a basis for assigning inmates to housing units, identifying individual security needs, and directing inmate involvement in work and program activities.	Contracted with the Virginia Department of Corrections, which has a sound inmate screening and classification capability, to house 1,355 inmates. According to Virginia Department of Corrections officials, they used their classification model to assign inmates to housing units and direct them into work and program activities.	Fully implemented. As of January 2000, the D.C. Department of Corrections had no plans to house sentenced felon inmates in any other contract facilities.
Work with Youngstown to remove all existing separation cases and to ensure that no future known separation/enemy cases are sent to Youngstown.	Removed all inmates at Youngstown requiring separation from other inmates except those required by court order to be at Youngstown.	Fully implemented.
Establish a contract monitoring oversight unit in headquarters with the responsibility of monitoring all contract facilities holding Department of Corrections inmates. The unit should develop and administer oversight guidelines, coordinate various forms of on-site monitoring, and ensure the proper implementation of plans of action or imposition of penalties for noncompliance.	Established such an office in its headquarters. This office is to coordinate the Department's efforts to monitor contract facilities and has developed written rules and procedures, to guide its operations. Since May 1999, this office has completed program reviews of all contract facilities housing District inmates, including smaller contract facilities in New Mexico and Arizona. These program reviews identified problems related to the operation of the contract facilities and suggested solutions.	Fully implemented.

Sources: National Institute on Corrections; D.C. Department of Corrections; Office of the Corrections Trustee for the District of Columbia, Bureau of Prisons, and the Virginia Department of Corrections.

Comments From the D.C. Department of Corrections

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS

Office of the Director



March 17, 2000

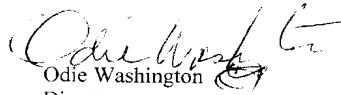
Ms. Laura Ekstrand
Director, Administration of Justice Issues
U. S. General Accounting Office
441 "G" Street, NW
Washington, D. C. 20548

Dear Ms. Ekstrand:

Attached are the changes that I would like made to the Draft Report District of Columbia Issues Related to Youngstown Prison Report and Lorton Closure Process.

Should you have any questions regarding any of these changes, please contact me at 673-7316.

Sincerely,


Odie Washington
Director

1923 Vermont Avenue, N.W. Washington, D.C. 20001 (202) 673-7316

**DEPARTMENT OF CORRECTIONS COMMENTS REGARDING THE
GENERAL ACCOUNTING REPORT – ISSUES RELATED TO YOUNGSTOWN
PRISON REPORT AND LORTON CLOSURE PROCESS**

Classification Issues:

ISSUE: Errors found in 40% of files for 744 Minimum inmates reviewed in 12/98 & 3/99.

RESPONSE: Additional BOP classification system training arranged. Staff is currently being trained by BOP staff on the new security Designation and Custody Classification Manual dated 9/3/99.

ISSUE: DOC's lack of written policies/procedures on classifying and transferring inmates and Classification Manual not updated since 1998.

RESPONSE: The Department of Corrections has established an Office of Internal Controls, which will update all of the Department's Policies and Procedures.

ISSUE: The Bureau of Prisons was unable to comply with the December 1999 mandate as set forth in the National Capital Revitalization and Reorganization Act of 1997, which instructed them to house 2,000 inmates in contractual facilities.

RESPONSE: As a result of this inability, the Bureau was not able to begin the transfer of an additional 2,200 inmates.

Comments From the Federal Bureau of Prisons



U. S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

March 22, 2000

Laurie E. Ekstrand, Director
Administration of Justice Issues
General Accounting Office
Washington, DC 20548

Dear Ms. Ekstrand:

The Bureau of Prisons appreciates the opportunity to review the draft report entitled DISTRICT OF COLUMBIA: Issues Related to the Youngstown Prison Report and Lorton Closure Process. The report did not contain any recommendations, and the Bureau concurs with the report and offers the following comments.

I want to emphasize that the Bureau is committed to complying with requirements of the National Capital Revitalization and Self-Government Improvement Act of 1997. We have modified our contracting procedures, and are confident that these revisions are the best method for preventing the recurrence of issues experienced during the first phase of contracting bed space for District of Columbia (DC) sentenced felons. These procedures will be utilized in future procurements of privately-operated facilities for DC and Federal offenders.

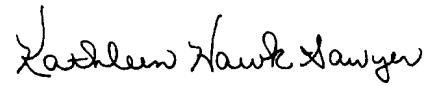
I would also like to note that the Bureau has completed its environmental impact review of the private contract facility located in North Carolina. On March 7, 2000, the Bureau announced the award of a contract for the management and operation of a contractor-owned and operated secure correctional institution. This institution will confine approximately 1200 low security DC sentenced felons. The first inmates are scheduled to arrive in March 2001.

In closing, I would like to extend my appreciation for the professionalism exhibited by Mr. Jose Pena who served as the evaluator-in-charge for this review, as well as the staff that served on the review team. The issues that were reviewed and presented in this report are difficult to discern, and I believe the team has taken the time and effort to fully understand and appreciate them. The report provides a fair and accurate description of the challenges the Bureau has encountered in complying with the Revitalization Act.

Appendix III
Comments From the Federal Bureau of Prisons

If you have any questions regarding this response, please contact Michael W. Garrett, Senior Deputy Assistant Director, Program Review Division, at (202) 616-2099.

Sincerely,



Kathleen Hawk Sawyer
Director

Comments From the Office of the Corrections Trustee

**Office of the Corrections Trustee
District of Columbia**

John L. Clark
Corrections Trustee

March 21, 2000

MEMORANDUM FOR JOSE M. PENA, SENIOR EVALUATOR
GENERAL ACCOUNTING OFFICE

FROM: John L. Clark 
Corrections Trustee

SUBJECT: Comments on GAO Draft Report

Thank you again for providing an opportunity to my staff to review and offer comments on GAO's final draft report on the D.C. Department of Corrections' follow-up efforts regarding the Youngstown facility and the Lorton closure process. The overall report is factual, however, correction/clarification is needed in the following areas.

Page 30, last sentence: This statement is not true. The Office of the Corrections Trustee had obligated \$3.4 million of the FY 1998 appropriation toward the end of the fiscal year, and notified the District that this payment would be withheld until the Trustee's office received a refund from the Department of Public Works for no-year construction funds advanced in excess of final costs for two capital repair projects at the Lorton Correctional Complex. After repeated requests for the refund, it was necessary to apply financial pressure to DPW to secure the refund. When the CFO's office interceded and the Corrections Trustee's Office received the refund payment, the \$3.4 million of FY 1998 funds were released and paid to the District Treasury. If the District applied these funds to FY 1999 payments, it was solely under the legal authorities of the District to apply the FY 1998 payment for FY 1999 expenses of the Department of Corrections.

Page 31, first paragraph: The shortfall for FY 2000 is conjecture. After having announced publicly that there was a \$26 million shortfall, the Department of Corrections has reestimated the perceived gap several times and has, without true cost savings initiatives, reduced its shortfall estimate to under \$10 million. The Office of the Corrections Trustee has disagreed with the DOC projections and estimates that there will be little or no shortfall. DOC estimates are currently under review at this time, and it is expected that the perceived shortfall will be reduced or eliminated. As for FY 2001, at the time the report was written, decisions on the local funding had not been made, and currently have not been decided on by the D.C. City Council or the Financial Responsibility and Management Assistance Authority. It is premature to predict what the future spending level of the Department of Corrections might be without concurrence among District officials before the request is transmitted to Congress for final action.

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