

OVERSIGHT OF THE BUREAU OF PRISONS

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME AND FEDERAL
GOVERNMENT SURVEILLANCE

OF THE

COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES

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C O N T E N T S

TUESDAY, NOVEMBER 7, 2023

	Page
OPENING STATEMENTS	
The Honorable Andy Biggs, Chair of the Subcommittee on Crime and Federal Government Surveillance from the State of Arizona	1
The Honorable Lucy McBath, a Member of the Subcommittee on Crime and Federal Government Surveillance from the State of Georgia	3
WITNESS	
Colette S. Peters, Director, Bureau of Prisons	
Oral Testimony	5
Prepared Testimony	8
LETTERS, STATEMENTS, ETC. SUBMITTED FOR THE HEARING	
All materials submitted for the record by the Subcommittee on Crime and Federal Government Surveillance are listed below	37
Statement from the Honorable Sheila Jackson Lee, Ranking Member of the Subcommittee on Crime and Federal Government Surveillance from the State of Texas, submitted by the Honorable Lucy McBath, a Member of the Subcommittee on Crime and Federal Government Surveillance from the State of Georgia, for the record	
Statement from Debra Perlin, Policy Director for Citizens for Responsibility and Ethics in Washington (CREW), submitted by the Honorable Henry C. "Hank" Johnson, Jr., a Member of the Subcommittee on Crime and Federal Government Surveillance from the State of Georgia, for the record	
QUESTIONS AND RESPONSES FOR THE RECORD	
Questions for Colette S. Peters, Director, Bureau of Prisons, submitted by the Honorable Troy Nehls, a Member of the Subcommittee on Crime and Federal Government Surveillance from the State of Texas; and the Honorable Jerrold Nadler, Ranking Member of the Committee on the Judiciary from the State of New York, for the record	
No response at the time of publication	

OVERSIGHT OF THE BUREAU OF PRISONS

Tuesday, November 7, 2023

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON CRIME AND FEDERAL GOVERNMENT
SURVEILLANCE

COMMITTEE ON THE JUDICIARY
Washington, DC

The Subcommittee met, pursuant to notice, at 10:02 a.m., in Room 2141, Rayburn House Office Building, the Hon. Andy Biggs [Chair of the Subcommittee] presiding.

Present: Representatives Biggs, Gaetz, Nehls, Moore, Kiley, Lee, Fry, McBath, Bush, and Johnson of Georgia.

Mr. BIGGS. The Subcommittee will come to order.

Without objection, the Chair is authorized to declare a recess at any time.

We welcome everyone to today's hearing on the Federal Bureau of Prisons.

I ask our friend from Florida, Ms. Lee, if she'll lead us in the pledge of allegiance.

ALL. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Mr. BIGGS. Thank you, Ms. Lee.

Without objection, the gentleman from Maryland, Mr. Ivey, will be able to participate in today's hearing for the purpose of questioning the witness if a Member yields him time for that purpose.

I see no objection.

I now recognize myself for an opening statement.

Again, I thank the Members for coming. I thank Director Peters for coming today, and the audience, we appreciate you being here.

This hearing is "Oversight of the Bureau of Prisons." The Federal Bureau of Prisons is a component of the Department of Justice. BOP's admission is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost efficient, and appropriately secure. BOP provides work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

At a time of rising crime, this is a critically important function. BOP operates 122 institutions in locations throughout the Nation. These institutions are operated at five different security levels to

confine offenders in an appropriate manner. As of last week, BOP is responsible for the custody and care of more than 158,000 inmates and employees, more than 34,000 individuals.

Nearly five years ago, President Trump signed into law the First Step Act of 2018. That act sought to reduce the size of the Federal prison population and reduce recidivism while still maintaining public safety. The Act's three main goals were, (1) correctional reform, (2) sentencing reform, and (3) reauthorization of the Second Chance Act of 2007.

BOP is charged with much of the implementation of the First Step Act. As I mentioned earlier, we're experiencing a nationwide spike in crime, and it is vital that BOP gets this implementation right. The First Step Act required DOJ to develop a system for BOP to use to assess the risk of recidivism of Federal prisoners, and to assign prisoners to evidence-based recidivism reduction programs. These programs include literacy programs, occupational, educational programs, trade skill programs, and substance use disorder programs.

Inmates who complete the recidivism reduction program can earn additional time credits which allows them to be placed in home confinement or an RRC earlier than they would have been. This is why I said BOP needs to make sure they get it right.

We cannot allow criminals to leave our prisons early unless we can ensure that they will not reoffend. This Subcommittee has examined the implementation of the First Step Act on a bipartisan basis since its passage, and we'll continue that conversation today. However, there's a larger underlying issue that has persistently plagued the successful operation of BOP, including the implementation of the First Step Act.

BOP consistently grapples with challenges of low staffing and high attrition rates, intensifying the risk in an already hazardous profession. As I mentioned, BOP employs approximately 35,000 personnel across various prisons and facilities throughout the U.S. That's a five-percent decline from the 37,000 employed in 2020. Yet, the prison inmate population has not declined. In fact, it has increased by 3,000.

As of last month, more than 20 percent of the 20,446 Congressionally authorized corrections officer positions remain vacant. More than two years ago, the GAO published a study identifying several underlying causes for these staffing challenges. The GAO analysis highlighted that BOP had not been proficient in accurately assessing or providing documentation to support its staffing deficits. GAO identified that BOP resorted to amplifying the overtime hours of its personnel to mitigate staffing shortages. As a result, accumulative overtime hours surged by 102 percent between 2015–2019. This escalation and compulsory overtime imposed significant stress on the BOP workforce, which eroded workplace morale and instigated the departure of seasoned corrections officers. Consequently, these actions amplified the safety vulnerabilities for the remaining personnel and inadvertently extended the wait times for inmates to access basic services.

I know that Director Peters is acutely aware of this persistent problem, and I look forward to hearing from her today on the steps

that BOP is taking to address the staffing shortage and other issues at the Bureau.

I appreciate you being here, Director. I look forward to hearing from you.

I'll yield back.

Mr. BIGGS. Ms. Jackson Lee, the Ranking Member, is absent today, and Ms. McBath is stepping in her place. I recognize her as the Ranking Member for an opening statement.

Ms. MCBATH. Thank you, Chair.

Regretfully, as you've expressed, Ranking Member Jackson Lee is unable to attend today's hearing. However, she tells me that she had a good productive meeting with Director Peters yesterday and pledges her continued support of BOP and its mission.

In her first year with the Federal Bureau of Prisons, Director Peters has taken noteworthy steps to improve the culture and management of the agency and increase accountability and transparency. She has rooted out employee misconduct, ending the abuse and neglect of inmates, addressing the staffing deficits at BOP facilities, and improving implementation of the First Step Act.

As I have said before,

Incarcerated Americans should not fear death when they enter our Federal Prison System, and correctional officers should not fear for their safety at work.

Our Federal prisons must serve not as just institutions solely for confinement and punishment, but also for rehabilitation and preparation for successful reentry into society.

We as Members of Congress have a duty to the inmates that are housed in our BOP's facilities, the communities that they will eventually return to, and the nearly 40,000 employees in 122 BOP institutions across the country. That is why I joined with Representative Kelly Armstrong, along with Senators Dick Durbin, Jon Ossoff, and Mike Braun, to introduce the Federal Prison Oversight Act, following a ten-month investigation into corruption, abuse, and misconduct that U.S. penitentiary Atlanta, where I represent Georgia, and within the entirety of the BOP.

Across the country there are numerous cases involving misconduct by BOP employees, ranging from theft of government property, obstruction of justice, and sexually abusing prisoners. These cases do not provide a full picture of employee misconduct at BOP. According to the agency's annual Office of Internal Affairs Report, investigators opened 14,361 cases in the most recent three-year period involving alleged misconduct by a staggering 17,907 employees.

In the most recent fiscal year, when misconduct allegations were lodged against almost one of every five BOP employees, the charge was deemed sustained nearly 30 percent of the time. The majority received nothing more than a written reprimand or suspension. In about one of every 25 cases, no action was taken at all.

While it is important to identify and hold bad apples responsible, it is doubly important to put in place measures that will deter future employee misconduct and discourage coverups.

We know that the problems facing BOP have existed for quite some time, and we also recognize that change will not happen overnight. There are dangerous conditions which still exist today that

threaten the safety of inmates and staff that requires our immediate attention.

Just two months ago, a whistleblower claimed that staff at FCI Hazelton are covering up serious misconduct that includes releasing the wrong inmates, physically and verbally abusing inmates, using racial slurs, attempting to cover up inmate escapes, and misusing restricted housing. Such behavior is unacceptable and cannot continue.

By adding an additional independent layer of oversight, the bipartisan Federal Prison Oversight Act would strengthen our Federal Prison System, bolster public safety, and provide a mechanism for incarcerated individuals and their loved ones to protect their civil and human rights.

Last year and prior to Director Peters' appointment, Ranking Member Sheila Jackson Lee visited several facilities in Beaumont, Texas, following an incident that triggered a national lockdown of BOP's institutions. There she found staff who said that they were overworked and underpaid. The staff at Hazelton agree. They reported chronic understaffing, resulting in massive amounts of mandated overtime, as well as reliance on medical staff and counselors to fill in as correctional officers. Staff at USPI Atlanta and FCI Jesup experiencing similar staffing issues, report that fatigue, exhaustion, and low morale have reduced staff productivity and led to more sick leave, retirements, resignations, and staff leaving to other agencies for better pay.

Since Ranking Member Jackson Lee's visit, Director Peters has deployed various strategies to recruit and retain staff by securing and providing retention incentive bonuses at certain facilities and changing the marketing messaging. I am encouraged by a conversation that I had with her just recently where she explained that the BOP's turnover rate has decreased by 20 percent. Staffing is at 70 percent for correctional officers. The agency is at 90 percent overall staffing, and 198 out of 200 positions for reentry coordinators have been filled.

In addition to staffing challenges, an increasing number of facilities and supporting infrastructure have reached or exceeded their useful life, such as USP Atlanta, which is one of the oldest BOP facilities in the country. So far, Director Peters and her team have identified a \$2 billion deficit around the facilities that prioritizes only those repairs and improvements that address risks to life and safety.

To be clear, Director Peters has made great progress during her short term at BOP, and she should be applauded for that. Not only has she taken steps to better care for BOP staff, but she has also prioritized humanizing conditions for prison population.

In our recent conversation, Director Peters shared that BOP is collaborating with the National Institute of Justice to improve the use of restrictive housing while BOP staffers are surveying various States to determine best practices, which should please many of us. I am sure that like me, Ranking Member Jackson Lee would want to know when we can see a change in BOP's use of restrictive housing since recent statistics show that BOP is utilizing this practice more now than in the previous decade.

There is still so much work to be done at BOP, an agency that is a critical component of the overall safety of the country. The agency has a responsibility to focus on each of the critical issues it faces to carry out the ideals of justice and accountability, while promoting successful rehabilitation and maintaining the custody and control of incarcerated prisoners and persons in a humane and safe manner.

In sum, BOP must fully carry out every aspect of its mission, and Congress must ensure BOP has the tools and funding that it needs to do so.

Thank you for being here today, Director Peters. I look forward to our discussion, and to ask Mr. Chair for unanimous consent to enter into—the statement of Ranking Member Jackson Lee into the record.

Mr. BIGGS. Without objection.

Mrs. MCBATH. Thank you.

Mr. BIGGS. The gentlelady yields back.

Without objection, all other opening statements will be included in the record.

I will now introduce today's witness, Ms. Colette S. Peters. Ms. Peters is the Director of the Federal Bureau of Prisons. She was sworn in by the Attorney General on August 2, 2022. She oversees 122 Bureau of Prison facilities, six regional offices, two staff training centers, and 22 residential reentry management offices.

We welcome our witness today and thank her for appearing.

Now, we'll begin by swearing you in, Director, if you would please rise and rise your right hand.

Do you swear or affirm under penalty of perjury the testimony you are about to give is true and correct to the best of your knowledge and information and belief, so help you God?

Ms. PETERS. I do.

Mr. BIGGS. Let the record reflect that the witness has answered in the affirmative.

Again, I want you to know your written testimony has been entered into the record in its entirety. Accordingly, we will ask you to limit your opening remarks to five minutes. You'll see a yellow light, then a red light. Then after that I'll kind of wave at you and maybe tap on the thing to just remind you to wrap up, but we're looking forward to hearing from you.

With that, Ms. Peters, you are recognized for your five-minute opening statement.

STATEMENT OF COLETTE S. PETERS

Ms. PETERS. Thank you, Mr. Chair. Good morning, Chair Biggs—Ranking Member Jackson Lee is not here—thank you Congresswoman McBath and the Members of the Committee. I am honored to appear before you today to discuss the important and impactful work happening at the Federal Bureau of Prisons.

Since I was sworn in last August, I have visited more than 25 of our institutions, and these are my best days. It is a privilege to meet our corrections professionals while walking the halls of our institutions. They truly are my inspiration, and I am grateful for their dedication.

It is with their important work in mind that we engaged in strategic planning and modernized our mission, our vision, and core values. We are now guided by the principles of normalcy and humanity and core values that emphasize accountability, integrity, respect, compassion, and correctional excellence. We engaged in proactive outreach to Member of Congress, members of the media, advocacy organizations, and justice-involved individuals, while maintaining a very collaborative relationship with our national union. This strategic vision, along with clear expectations, has put us on a course to success.

The vast majority of our employees are hardworking, ethical corrections professionals who expect that those who are engaged in misconduct be held accountable. We added substantial resources in this last year to our Office of Internal Affairs. We collaborated with our law enforcement partners to investigate criminal misconduct and held individuals accountable up to and including termination and prosecution. I have communicated clear expectations that misconduct and retaliation will not be tolerated.

I also want to address restrictive housing, because despite our efforts over the last few years to drive these numbers down, we have seen them increase. While I am glad to report that we have seen them start to decrease over the last couple of months, we have much more work to do. We know restrictive housing is not an effective deterrent and it can increase an individual's future criminality. So, we created a short- and long-term plan.

First, we formed a work group comprising of our members of our executive team who have traveled across the country to review best practices from other correctional systems around the country and around the globe.

Long term, we entered into a historic partnership with the National Institute of Justice, and they are going to bring an external organization of experts in to provide recommendations.

The success of reforms like these will rely on the work of our correctional professionals, and we need more of them, so we have been working diligently on our recruitment and retention crisis. Since the beginning of this year, we have seen a 60 percent increase in new hires and a 20 percent decrease in individuals leaving our organization.

When I was sworn in last year, we had an 86 percent fill rate, and to date we have filled 90 percent. Yet, we are still not where we need to be, and until we solve this problem, we must continue to be concerned about employee wellness and our need to rely on augmentation and overtime.

Another major issue for our employees is our maintenance and repair backlog. Healthy facility structures are critical to our operations. Yet, we have a \$2 billion maintenance and repair backlog, which only accounts for the most serious categories, those safety and life categories. We are contracting, again, with an external organization to come in and assess our overall problem.

Now, inside these structures we are the de facto mental health hospital, the largest provider of alcohol and drug treatment. We have nearly 160,000 patients, many of whom come to us with very complex issues and chronic disease. With these complexities we must ensure that we operate holistically as a healthcare organiza-

tion, and we have contracted with an external entity to provide recommendations on correctional health best practices and in implementing those principles in normalcy and humanity.

We remain committed to the First Step Act implementation. Roughly 104,000 individuals are participating today in over 110 evidence-based programs and productive activities. More than 25,000 have been released through the application of earned time credits.

As I have said many times, I believe in accountability, oversight, and transparency. I know we cannot do this work alone.

So, Mr. Chair and Members of the Subcommittee, I am honored to speak with you on behalf of our dedicated employees across the country.

This concludes my opening statement, and I look forward to your questions.

[The prepared statement of Ms. Peters follows:]



Department of Justice

STATEMENT OF
COLETTE S. PETERS
DIRECTOR
FEDERAL BUREAU OF PRISONS

BEFORE
THE SUBCOMMITTEE ON CRIME AND FEDERAL GOVERNMENT
SURVEILLANCE
COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES
AT A HEARING ENTITLED
“OVERSIGHT OF THE FEDERAL BUREAU OF PRISONS”

PRESENTED
NOVEMBER 7, 2023

Statement of Colette S. Peters
Director, Federal Bureau of Prisons
Before the Subcommittee on Crime and Federal Government Surveillance
Committee on the Judiciary
United States House of Representatives
November 7, 2023

Good morning, Chairman Biggs, Ranking Member Jackson Lee, and Members of the Subcommittee, I appreciate this opportunity to discuss the significant mission and the impactful work happening at the Federal Bureau of Prisons (FBOP or Bureau). I am honored to represent, before you today, the nearly 35,000 employees of the FBOP. I believe in good government, accountability, transparency, and the importance of oversight. In coming to this work openly and in the spirit of cooperation, I believe we can achieve greater success and excellence together.

With a dedicated career spanning over 30 years in public safety and corrections, I have been shaped by various roles: research associate, counselor in a juvenile correctional facility, victims' advocate and crisis mediator for the Denver Police Department, Inspector General of Oregon, and Director of Juvenile and Adult Corrections for more than 14 years.

As the 12th Director of the FBOP, I find it motivating to lead exceptional corrections professionals of the largest corrections agency in the nation. Every day, I am inspired by the dedication of our employees. These diligent corrections professionals share a collective vision of correctional excellence that extends beyond the mere confines of institutional walls. We remain dedicated to creating and maintaining humane, safe, and secure environments for the individuals under our care while equipping them for successful reentry into our communities. Our employees drive this effort every day, changing lives and safeguarding the public. We must continue our work to ensure our dedicated corrections professionals return home safely, our communities are safeguarded, and we prepare those in our care for successful return to their communities as responsible neighbors.

Since assuming my role as the Director a little over a year ago, I am proud to be a part of a team that is working on impactful initiatives revitalizing our operations, working hard to improve our employees' wellness, and enriching the lives of those in our care. We are building on our achievements thus far and finding new ways for continuous improvement. Part of this process has involved increased engagement with our stakeholders, including proactive outreach to our federal agency and state partners, members of Congress, including, of course, Members of this Committee, members of the media, advocacy organizations, and justice-involved individuals. We have held several listening sessions with the public, and continue to maintain a close, collaborative relationship with our National Union through open communication. We certainly appreciate, and I would like to acknowledge publicly, the work we have accomplished in partnership with outgoing National President Shane Fausey and the Union's Executive Board under him. We are looking forward to continuing that relationship and dialogue with incoming President Brandy Moore White.

I am proud that as a result of careful discussion and thought over the past year, we have modernized our mission, vision, core values, and strategic framework to formalize our commitment to transformative change. Our focus is clear: We must strike the right balance of ensuring security, fostering compassion, safeguarding the public, and providing proven opportunities to aid in successful community reintegration. As we navigate this path, our diverse and adept workforce champions a modern approach to corrections, where safety, humane environments, and effective reintegration are paramount.

As a law enforcement agency, our core values guide our daily endeavors. Part of our strategic planning this past year included updating our core values to better align with the work we do to achieve our challenging law enforcement mission. These values emphasize accountability, integrity, respect, compassion, and correctional excellence throughout the agency. As dedicated corrections professionals, we are driven by a commitment to ethical practices, continuous improvement, and respect for all while shaping a culture of individual accountability and collective responsibility.

We have also worked diligently to root out employee misconduct. The vast majority of our employees are hard-working, ethical, diligent corrections professionals, and we want those who are engaging in misconduct held accountable. In that vein, we have delivered clear expectations. We are working to create and foster a culture where every employee and person in our custody knows that they can come forward without fear of retaliation. If retaliation does occur, we hold those individuals accountable as well. We have worked diligently to ensure collaboration with the Office of Inspector General (OIG); the Federal Bureau of Investigation; the Drug Enforcement Administration (DEA); the Bureau of Alcohol, Tobacco, Firearms and Explosives; local law enforcement, U.S. Attorneys' Offices, and others to ensure access to our institutions and information to improve timely investigations as we work to hold people accountable.

Developing meaningful change throughout the agency is not something that happens in a moment. Change requires focus, effort, and persistence over time. We want change that works and change which enhances our ability to fulfill our mission. I believe our efforts over the last year have already generated visible change, and our work on this kind of change continues. Among key areas for our continued focus on change are recruitment, retention, training, and employee wellness; eliminating employee misconduct; facilities maintenance and repair; First Step Act (FSA) implementation; compassionate release and home confinement; health care and suicide prevention; and reducing our use of restrictive housing.

Recruitment, Retention, Training, and Employee Wellness

Ensuring the well-being and safety of our employees and those in their care is an essential part of our mission and my work as Director. Many of our dedicated employees feel overworked and exhausted. Yet, these corrections professionals continue to carry out the Bureau's mission day after day in the face of challenges such as recruitment and retention concerns, which result in overtime and augmentation and the need for additional training.

Recruitment and Retention. Appropriately filling positions throughout our organization is a top priority for the well-being of our dedicated employees and the safety of those in our care. Even before the pandemic, our workforce faced increasing demands and challenges, underscoring the need for support. The pandemic, along with a changing economy and the public's changing perception of law enforcement, have made these challenges even more pronounced.

As of September 2023, around 88% of our funded positions are filled. However, recruitment and retention of our employees remain a challenge. Between the coronavirus pandemic, a change in our labor market, and our nation's changing views of law enforcement, we are faced with many difficulties. Even so, we remain committed to our long-term goal of having a strong workforce. From calendar year August 2022 to August 2023, we've seen an approximate 60% increase in new hires, a 20% decrease in separations, and an approximate 25% decrease in the number of staff who have retired. These improvements were accomplished, in part, through recruitment and retention incentives, by modernizing our recruitment strategies, and by increasing employee training.

We clearly have more work to do, and we are actively working to increase this percentage even further. Our hiring strategy includes collaboration with external recruitment experts, resulting in a comprehensive, data-driven recruitment campaign. This campaign focuses on enhancing the Bureau's image, hosting online recruitment events, launching targeted ad campaigns, and utilizing data analytics to gauge effectiveness. Additionally, we have leveraged recruitment strategies aimed at increasing recruitment and retention, particularly for Correctional Officers and Health Services employees. Notable examples include recruitment incentives and other flexible pay options, a referral incentive program for employees who refer new hires, and an increase to the full performance level of the Correctional Officer position from GL-07 to GL-08. To help retain employees already on board, we use retention incentives and have obtained approval from the Office of Personnel Management (OPM) and the Department of Justice (DOJ) to authorize retention incentives above the normal payment limits for Correctional Officers and employees in certain other occupations at a number of Bureau facilities.

Maintaining and increasing staffing levels has been a challenge at the Bureau for years, and unfortunately this year was no exception. While the number of new hires has increased this calendar year, our efforts were not enough to allow us to meet our funded level in FY 2023. We will diligently continue our hiring efforts this year, with continued focus on filling our Correctional Officer vacancies and meeting the funded staffing level Congress will provide in FY 2024.

One of several pronounced areas of challenge is the hiring and retention of healthcare professionals. Our teams are collaborating to expand incentives to help meet this need. Systemwide, clinical healthcare professionals are staffed at approximately 80%. At individual institutions, healthcare staffing rates range from fully staffed to less than 50%. To that end, our Human Resources Division and Health Services Division are working together to increase the training, recruitment, and retention of clinical professionals. We are employing human resource flexibilities such as setting pay for new employees above the step-one rate of their grade based

on their superior qualifications or a special need for their services, authorizing student loan repayments, providing service credit to new employees for annual leave accrual for non-Federal work experience or otherwise noncreditable experience in the uniformed service, and providing other financial recruitment and retention incentives.

In May 2023, OPM reinstated the approval of the Accelerated Training and Promotion Program for Nurses and Advanced Practice Nurses, which we will be allowed to maintain for five-years. We have also implemented Title 38 market pay, which is a hybrid pay system enabling the FBOP to pay physicians, including psychiatrists, and dentists at a higher rate so that we are more competitive with the private sector and can attract talent to government services. We utilize special rate tables to pay salaries above applicable locality rates for other hard-to-fill professional positions across our agency locations, including Nurses, Physician's Assistants, Nurse Practitioners, Pharmacists, Psychologists, and Medical Technologists.

Our National Recruitment Office prioritizes medical recruitment through targeted outreach to potential applicants and community partnerships. We engage with organizations such as the National Commission of Correctional Healthcare, the American Psychiatric Association, the American Board of Physician Specialties, Pri-Med, the National Health Service Corps (NHSC), the United States Public Health Services Commissioned Corps (one of the eight uniformed services), and the Harris County Medical Society. During this calendar year, our national recruitment office team sought out numerous personal contacts with healthcare professionals for positions, including Dentists, Pharmacists, Nurse Practitioners, Registered Nurses, Physician's Assistants, Medical Officers, Psychiatrists, and Clinical Directors.

Augmentation and Overtime. We place high importance on effectively managing crises while upholding the safety and security of our institutions. Due to our law enforcement mission and the 24-hour nature of operations in a correctional environment, there will always be a need for tools like augmentation and overtime to maintain safety and security in our facilities. Augmentation involves temporarily reassigning law enforcement employees within our institutions to maintain safety and security by covering Correctional Officer assignments. This strategy addresses filling posts that, if left empty, could compromise facility operations, safety, and security. Augmentation is made possible because the majority of our employees undergo the same federal law enforcement training as Correctional Officers, ensuring consistent knowledge of best practices with annual updates. Yet, while a valuable tool, it is a tool that should be reserved for emergencies, not the long-term management of a recruitment and retention problem.

Training. We are dedicated to implementing training enhancements and increasing the quantity and quality of employee training across their careers. We are working to change the status quo, as current new employee training duration is substantially less than the national average for law enforcement academies.¹ Elevating training programs and standards for our employees is an essential step in fostering excellence and positive change within the Bureau. We aim to provide high-quality training while optimizing cost-effectiveness by utilizing training

¹ Reaves, B. (2016) Bureau of Justice Statistics Bulletin, NCJ 249784. State and Local Law Enforcement Training Academies, 2013. Retrieved from <https://bjs.ojp.gov/content/pub/pdf/slleta13.pdf>.

facilities tailored to the correctional environment and innovations such as distance learning and computer-based training. Currently, law enforcement training for our new employees consists of an initial three-week training at their work location followed by mandatory three-week introduction course at the Staff Training Academy (STA) at the Federal Law Enforcement Training Center in Glynco, Georgia, which we refer to as “Introduction to Correctional Techniques (ICT) phase II.”

Employee Wellness. A resilient and thriving workforce forms the foundation of a secure and rehabilitative correctional environment. To meet our mission, the Bureau must cultivate a safe and supportive work environment for every employee. We aim to nurture and encourage a caring culture prioritizing physical and mental well-being. This April, in support of employee wellness and consistent with Executive Order 14074, “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety,” we were proud to announce three policy changes that directly relate to and impact our employees’ health and well-being. Now, counselors with the Employee Assistance Program (EAP) that provide services to Bureau employees must be licensed. Employees can now use administrative leave to attend EAP sessions and they can utilize these services in retirement. Our new Correctional Support Team (CST) policy expanded the mission of CSTs to include engaging all employees in wellness and resilience activities.

Bureau leaders are now responsible for modeling and encouraging a supportive, caring, and help-seeking culture. Our culture requires employees involved in the disciplinary process to be referred to EAP for support during a challenging time in their careers. Additionally, it allows for activities to facilitate an employee’s healing following a major traumatic incident. For example, wardens are encouraged to approve administrative leave days for employees following such an incident.

Employee Misconduct

We are actively working to prevent employee misconduct, identify it quickly when it occurs, and hold accountable those who engage in misconduct. The vast majority of our employees are hard-working, ethical, and diligent corrections professionals. We have provided clear expectations to all Bureau employees and are working to create and maintain an agency culture that is reflected at all our facilities. It is critical that every employee and person in our custody knows that they can come forward without fear of retaliation, and if retaliation does occur, we hold those individuals accountable as well. We have worked diligently with our fellow law enforcement entities, and others to ensure a meaningful investigatory and disciplinary process.

As Director, I have addressed the FBOP employees on our shared responsibilities to both report and prevent employee misconduct as correctional professionals. The FBOP strongly condemns all forms of sexual misconduct by those in our custody and our employees. We take seriously our duty to protect the individuals entrusted to our care as well as maintain the safety of correctional employees and the community. We have a zero-tolerance policy for sexually

abusive behavior of any kind; every person has the right to be safe from sexual abuse and sexual harassment.

We remain steadfast, however, in our mission to eradicate sexual abuse and harassment at the Bureau. The Bureau is working closely with the Department to implement the recommendations of the Department's Sexual Misconduct Working Group and to continue enforcing the requirements of the Prison Rape Elimination Act of 2003.² As of the end of September, there were 8,126 open employee discipline cases. Of these, 2,211 had been open for less than six months. The remaining 5,915 had been open for longer than six months. Referrals that present serious administrative or criminal misconduct are sent first to DOJ OIG for review and deferral. That process can take days to months, and this review is required before BOP is authorized to move forward with any administrative investigation.

To address this shortfall, our Office of Internal Affairs (OIA) has recently reorganized and has moved oversight of our Special Investigative Agents (SIAs) from reporting locally to the Wardens, to reporting centrally to FBOP Headquarters. Additionally, there are 53 additional positions that have been added to OIA, including 32 new SIA positions, 12 new Special Agent (SA) positions, eight new Supervisory Special Agents (SSA), and one Senior Investigative Support Specialist (ISS). The Employment Law Branch of our Office of General Counsel has also added 14 new positions. Of these, nine are attorney positions. We are monitoring cases, caseloads, and the time it takes to close cases all the way up to myself to increase efficiency in investigations and accountability. The Inspector General and I meet regularly, and we review the status of our cases that are under review and our open cases.

Further, consistent with a recommendation from the Sexual Misconduct Working Group, the Department supported a recommendation that the U.S. Sentencing Commission expand the applicability of compassionate release, in appropriate cases, for individuals who are the victim of sexual misconduct perpetrated by BOP employees. On April 28, 2023, the U.S. Sentencing Commission voted to promulgate amendments to the policy statement applicable to compassionate release motions. And in August, the Deputy Attorney General issued guidance on responding to requests for compassionate release, including to account for this recent amendment. Since then, consistent with the Working Group's recommendation, the Department and the BOP have supported reductions in sentences in appropriate cases, and will continue to afford meaningful review to such requests on a case-by-case basis. Most recently, BOP has moved for compassionate release on behalf of several victims of sexual abuse perpetrated by a BOP official.

Facilities Maintenance and Repair

The Bureau has over 46,000 acres with almost 300 structures dispersed across over 120 institutions. The Bureau's estimated backlog for significant maintenance and repair (M&R) is

² Report and Recommendations Concerning the Department of Justice's Response to Sexual Misconduct by Employees of the Federal Bureau of Prisons (Nov. 2, 2022), available at https://www.justice.gov/d9/pages/attachments/2022/11/03/2022.11.02_bop_sexual_misconduct_working_group_report.pdf.

over \$2 billion. By comparison, over the last ten years the Bureau has received an average of approximately \$100 million per year in appropriations for necessary repairs and alterations. As a result, our current infrastructure needs are significant.

The Bureau recently awarded a contract to develop a strategic framework to address these challenges. The Contractor will assist the Bureau in developing an infrastructure strategy to increase the overall effectiveness of facilities management in the Bureau. The strategy will align infrastructure decisions with the Bureau's mission, including one or more methodologies for allocating resources, including short, medium, and long-range planning goals. Through working with this small business partner, the Bureau expects to develop a portfolio-based repair model for its M&R backlog, a retention or disposal decision model, and a business case analysis for new construction.

The Bureau and the Contractor conducted an in-depth and in-person kickoff meeting on the 21st of August, with completion of their work set to end in the second quarter of FY 2025.

First Step Act Implementation

We remain committed to supporting full implementation of the First Step Act by ensuring those in our care can access programming opportunities and that eligible individuals receive appropriate FSA incentives. Since January 2020, more than 104,000 incarcerated individuals have participated in approximately 110 evidence-based recidivism-reduction (EBRR) programs and productive activities (PAs) within the Bureau. Having pivoted out of the COVID-19 pandemic, our programming capacity has returned to pre-COVID levels, but we have a backlog of program waitlists. To meet the programming needs of our population, institutions are adding programs and additional programming employees, enhancing the data management of programming implementation, and expanding program space where necessary and if feasible.

In 2019, we adopted the new good conduct time calculation required by the FSA and began implementing the FSA time credit provisions. Initially, implementing the FSA time credit provisions meant interim procedures with manual calculation of credits from the time the language of the final rule was approved until an automated system could be developed and tested. Then, in 2022, we transitioned from manual to automated FSA time credit calculations, streamlining and accelerating the process. Implementation of this system revealed that some individuals had not completed a needs assessment, a statutory prerequisite to earning time credits. As a result, some individuals' balances of earned time credits decreased when the automatic calculation system launched. The Bureau took immediate action to ensure that the issue did not adversely affect those who had failed to complete their needs assessment or those who had initially refused assigned programming. On November 18, 2022, the Bureau informed all adults in custody that it would extend a grace period through December 31, 2022, which allowed individuals to complete their needs assessments and address any declined programs in order to remain in what we call "earning status" under the automated system.

Also in November 2022, we published the policy on FSA time credits to formalize implementation of the FSA time credits final rule. In February and March 2023, we made clarifying edits to the policy.

This new policy was designed to streamline the calculation of credits and maximize an individual's ability to earn and apply these credits when engaging in programming. We modified a prohibition on earning credit in restrictive housing, so that individuals will be able to earn credit even while in administrative detention, if they continue to participate in programming. We clarified that time credit could continue to be earned while an individual is in a community placement such as a Residential Reentry Center or on home confinement, so long as the individual continues to comply with all the rules and procedures of prerelease custody.

Compassionate Release and Home Confinement

Compassionate Release. The Bureau continues in its efforts to support compassionate release, wherein the sentencing court is able to reduce a sentence due to extraordinary and compelling reasons. The FSA went into effect on December 21, 2018, and as of October 10, 2023, we had released a total of around 4,627 individuals who were under our care through compassionate release. Of that group of individuals, 131 were released through compassionate release on a motion initiated by the Bureau, and 4,496 received compassionate release after a defense motion. Requests for compassionate release receive close and individualized review based on extraordinary and compelling circumstances.

As part of the compassionate release review process, we collaborate closely with U.S. Attorneys' Offices to determine if petitioning the sentencing court for compassionate release on behalf of an individual is warranted. While we work to review and handle compassionate release requests efficiently, ultimately, compassionate release decisions rest with the sentencing courts. As described above, we also have considered and will be prepared to comply with the U.S. Sentencing Commission's proposed amendments to compassionate release as they relate to individuals who are victims of sexual abuse while in our custody, which will take effect next month. To date, three individuals who were the victim of sexual abuse by a BOP employee have been released due to our petitioning.

Home Confinement. To ensure public safety and effective reentry with the home confinement provision authorized under the FSA, we rely on our Residential Reentry Centers. Those contractors work diligently to create a personalized reentry process, including individual-specific employment guidance, financial management advice, and more. This approach equips individuals with tools for a responsible and successful transition back into their communities.

During the COVID-19 pandemic, the Coronavirus Aid, Relief, and Economic Security (CARES) Act enabled many individuals in Bureau facilities to be placed in home confinement for their health and safety. We tracked the individuals under our care whom we moved into home confinement. From March 2020 through June 24, 2023, we transferred approximately 13,666 individuals into home confinement under our CARES Act authority, with the vast majority of those individuals completing their sentence in home confinement without returning to an institution. Although the specific authority for new CARES Act home confinement placements has ended, those already placed remain in their placements. As of August 31, 2023, approximately 3,374 individuals remained in home confinement in accordance with applicable

rules. The vast majority of those placed on home confinement have complied with program rules, and less than 0.05% have been returned to custody for committing new crimes.

Health Care and Suicide Prevention

As corrections professionals, we have known for decades that we are a health care organization. If individuals are going to be able to successfully program inside our institutions and re-enter our communities successfully, we must ensure healthy bodies and healthy minds by providing effective, timely, and evidence-based care. We have approximately 157,000 patients who are the equivalent of ten years older biologically than their chronological age because of their lack of preventive care and other health disparities. While demographic differences and data limitations can complicate accurate comparisons, generally, the individuals under our care usually have more chronic diseases than the U.S. general population and a higher percentage of mental health and substance use conditions. For instance, of those under our care, roughly 27.6% experience mental health conditions compared to 22.8% of the U.S. general population. Additionally, we have found that the rate of individuals in our care meeting the clinical criteria for one or more substance use disorders is significantly higher in the FBOP population, at 31.8%, when compared to 16.5% in the general U.S. population.

The pandemic allowed, for the first time, the community at-large an opportunity to understand the importance of high-quality health care within our facilities. As we pivot out of the pandemic, we want to leverage that knowledge going forward. To that end, we are in the process of procuring a contract that will allow us to review the quality of health care services within the FBOP system, review our policies and procedures to ensure we are operating through the lens of physical and mental health in all that we do, and then help us expand our work on reinforcing a culture of humanity and normalcy in our environments for both our employees and those who are in our custody. We look forward to seeing the results of that review and sharing those recommendations with you.

As we manage these complex issues and care for patients with complex care needs, our healthcare professionals utilize a team-based treatment approach and individualized care plans to ensure timely access to care coupled with comprehensive management of medical, mental health, and substance use needs.

Opioid Use Disorder (OUD), in particular, affects approximately 2.7 million Americans and thus presents a significant challenge within our facilities. From a security perspective, dangerous substances like illicitly made fentanyl can pose a health risk to FBOP employees and those in our custody that may come into contact with the substance. From a substance use and mental health perspective, we have incorporated evidence-based treatments like Medications for Opioid Use Disorder (MOUD) and substance use disorder treatment services. These programs address various facets of the issue, preparing individuals to reenter their communities successfully. MOUD is available across all Bureau facilities and collaborations with agencies such as the DEA and Substance Abuse and Mental Health Administration ensure consistent accessibility and success.

To reduce the risk of death by overdose, either through use or accidental exposure, we continuously work to combat this and all contraband entering our institutions. We have heightened screening of mail and incoming publications. We are exploring innovative methods and have introduced electronic tablets in select facilities where individuals in our custody can maintain communication with friends and family, intending to reduce physical correspondence entering our facilities. Concurrently, we are examining advanced screening tools, like field test kits and hyper-spectral scanners, to safeguard our institutions further and maintain essential communication methods.

To save lives, we have also made opioid reversal agents like naloxone available in all of our institutions. Trained first responders within the facility can administer life-saving doses of naloxone, 24 hours a day, to anyone suspected of experiencing an opioid overdose. By incorporating our approach to OUD within primary healthcare, mental health treatment, and first responders, we emphasize careful planning, consistent care, training for our clinicians and responders, and risk reduction.

Our approach to OUD treatment does not end at our walls. We recognize the importance of post-release care. The Bureau coordinates with transitional care teams and community treatment professionals, ensuring treatment benefits and access to services persist after release.

Suicide Prevention. We are also taking steps to enhance our suicide prevention efforts. One suicide on our watch is one too many. The well-being of those under our care is our mission; hence, we have long prioritized suicide prevention. Each institution has a Clinical Psychologist designated as a Suicide Prevention Program Coordinator. These coordinators monitor at-risk individuals and guarantee adherence to the Bureau's assessment and intervention protocols. All of our employees receive regular training, equipping them with the necessary skills to identify and effectively care for those who are at risk of suicide.

Any time a risk of suicide is suspected, psychologists swiftly conduct Suicide Risk Assessments. When we have identified an individual at possible risk for self-harm, they are immediately safeguarded, and the individual assessments then prompt short-term and long-term plans to promote the individual's mental health.

We work to continuously monitor and track research and best practices as it relates to suicide prevention. Towards that end, this summer, our Deputy Director launched a Warden's Advisory Group to review our current policies and practices related to suicide prevention. The work is underway, and we look forward to hearing and sharing their recommended changes with you.

Supporting Incarcerated Women. Recognizing that incarcerated women, including those in the LGBTQ community, require different resources and supports than men, we recognize that we must create environments that respond to the realities of women's lives and address the issues specific to their lived experiences. Women experience higher rates of trauma, are often primary caregivers for minor children, have lower rates of education, and typically earn less than their male counterparts. In supporting the incarcerated woman, we must also include screening appropriate candidates to work at our women's facilities and provide trauma-informed

care and therapeutic interventions that address abuse, violence, poor family relationships, substance abuse, and comorbid disorders. This approach to supporting incarcerated women focuses on self-efficacy, treatment, and skills-building.

Evolving Approaches to Restrictive Housing

We are working to comply with the provisions of the President's Executive Order on restrictive housing and align with best practices as it relates to restrictive housing. Restrictive housing is an effective tool for maintaining safety and security and protecting lives; however, research has also shown that restrictive housing can harm a person's mental, emotional, and physical well-being. Research supported by the National Institute of Justice (NIJ) suggests that it is not an effective deterrent, does not reduce institutional-level misconduct or violence, and increases an individual's likelihood of reoffending after release. As of September 2023, approximately 11,000 individuals were housed in Special Housing Units (SHU) in Bureau facilities. This number represents roughly a 0.4% increase in the percentage of individuals in our custody who are housed in SHU since the same time last year. However, we strive to ensure that we only place individuals in single cells when necessary to ensure public safety. There are several scenarios that result in an individual being placed in SHU, including, but not limited to when there is an imminent risk of violence towards others or when the individual exhibits severe mental health symptoms that make them vulnerable to the influence of others.

We are working on short-term and long-term plans that will continue to advance our long-standing efforts to improve behavior modification and utilize the tool of restrictive housing in line with research and best practices. In the short term, we have activated an internal working group to review our current practices alongside current research and a review of state corrections best practices. That group is working on recommendations for the executive team to consider, and we look forward to sharing those outcomes. In the long term, we and NIJ have partnered to invest in research that will inform how federal correctional institutions can effectively reduce the use of restrictive housing. The research will explore policies and discern whether and how we can further reduce our reliance on restrictive housing. We will use those findings to explore alternatives, implement effective policies, and ensure compliance within our correctional institutions while maintaining safety and security.

To identify alternatives to restrictive housing, we also use routine transfers for individuals seeking protective custody to enter the general population at another facility where there is no foreseeable threat. We have also activated Reintegration Units (RUs) for medium- and high-security incarcerated individuals who have been in restrictive housing due to protective custody requests, allowing them to improve their ability to adjust to less restrictive environments and eventually reintegrate into the general population when doing so does not pose a risk to their safety or others. We hope to continue expanding our use of RUs as we are guided by the studies surrounding these issues.

Conclusion

Chairman Biggs, Ranking Member Jackson Lee, and Members of the Subcommittee, I am honored to speak on behalf of the Bureau and its dedicated employees throughout the country

regarding the good work we are doing and our efforts at continuous improvement. I believe in the importance of transparency, oversight, and coming to this work with arms wide open. The Bureau's mission is extremely challenging but critical to the safety and security of the public, our employees, and individuals housed within our facilities.

With your support, we will remain a forward-thinking leader in corrections, fostering wellness in our dedicated law enforcement professionals who risk their own safety daily to ensure the safety of others while helping those in our care to rejoin their communities as responsible neighbors. I thank you for the opportunity to speak with you today, for the support we have seen from Members of this Committee, and for your continued support as we move forward.

Mr. BIGGS. Thank you, Director. We appreciate that.

Now, I recognize the gentleman from Florida, Mr. Gaetz.

Mr. GAETZ. I was very heartened by your discussion of site visits to our prisons to get a firsthand understanding of what's going on there. Sometimes Members of Congress have had challenges doing that. Could you give us some advice, if we wanted to glean those benefits and get that firsthand experience, what's the best way for us to go about that with your team?

Ms. PETERS. Thank you, Congressman. So, if you have your team reach out to our Office of Legislative Affairs, we will be happy to make that arrangement.

Mr. GAETZ. Thank you so much.

Does the Bureau of Prisons retaliate against people based on Constitutionally protected speech?

Ms. PETERS. I have been very clear that retaliation will not be stood for on my watch.

Mr. GAETZ. You're confident that's being observed throughout the Bureau?

Ms. PETERS. I'm confident that message has been delivered, and if anyone engages in retaliation, we will hold them accountable.

Mr. GAETZ. Are you familiar with the matter of John Strand?

Ms. PETERS. That name is not familiar to me, no.

Mr. GAETZ. So, Mr. Strand was a witness at a hearing that we had regarding some of the civil rights concerns of people who'd interacted with the Department of Justice in the January 6th matters. He was convicted, sentenced, and is at FCI Miami. I'd received word that he had been placed into enhanced confinement and into higher acuity, securing as a consequence of information that others had put out on his Twitter feed.

So, is that something—does that ring a bell to you?

Ms. PETERS. Congressman, I wouldn't be able to speak to an individual's circumstances regarding their behavior inside our institutions. What I can assure you is that if an individual is placed in our special housing unit, it would be for conduct that happened inside the institution.

Mr. GAETZ. What's a special housing unit?

Ms. PETERS. A special housing unit is one of our restrictive housing placements that could include disciplinary segregation, protective custody, and would house individuals that either were at harm to themselves or others or had actually engaged in misbehavior inside our institutions.

Mr. GAETZ. What I'm worried about is that Mr. Strand gave us testimony about some of his concerns. As you know, people give us testimony, we sort through what's right and wrong and should be acted on and shouldn't be acted on. It's not gospel, it's just testimony.

Then, thereafter, people were posting on some of his social media platforms his concerns about the treatment he'd received at the Bureau. Then, I sent a letter to you concerned about that. Because like you, I don't want anyone retaliated against for Constitutionally protected speech. Thereafter, I got a letter back from the aforementioned Office of Legislative Affairs in your office and they say, in part, Mr. Strand was moved to a secure housing unit with in-

creased supervision and frequent employee contact on September 26, 2023, pending completion of an investigation.

So, I guess my question is, when someone—is that akin to what we would normally think about as solitary confinement, those words, “secure housing unit with increased supervision and frequent employee contact”?

Ms. PETERS. We would use the word “restrictive” housing.

Mr. GAETZ. OK. So, what’s this then? Because this guy’s is a non-violent—he was never violent toward anyone, so I’m just wondering why the assets that we fund for the highest acuity violent people would be used for this purpose.

Ms. PETERS. Congressman, we use that special housing unit for individuals that engage in any sort of misconduct inside our institutions. I don’t know what he was found to be guilty of by our hearings administrative process that would warrant his need to go into restrictive housing. I assure you we have administrative processes that people have to go through before those placements actually occur.

Mr. GAETZ. Yes. I get that you can’t know the conditions of every single prisoner throughout the Bureau. This is one I’ve ripened and sent to you because I am worried that throughout our Department of Justice and what we’ve endured, that there are some people who are being used as pawns, and they’re being mistreated to send a message to other people.

I’m grateful that you’ve said here that is not your doctrine, you don’t want to see that happen. You also haven’t been able to share with us in entire confidence that this isn’t happening in some cases. I’m worried that it’s happening here.

Have you heard of the matter of Owen Shroyer?

Ms. PETERS. No, that name is not familiar to me.

Mr. GAETZ. Very similar fact pattern. Somebody who had spoken out, was prominent in the public, was convicted as a consequence of activities on January 6th, and now feels as though there’s specific Bureau of Prison retaliation.

I don’t think any group of people should be retaliated against, so I look forward to taking you up on the offer to perhaps go and do some site visits and see how people are being treated and get that information directly. So, I hope I get prompt cooperation from OLA.

I thank the Chair, and I yield back.

Ms. LEE. [Presiding.] Thank you, Mr. Gaetz.

The Chair recognizes the gentlelady from Georgia, Ms. McBath for five minutes.

Ms. MCBATH. Thank you, Madam Chair.

Director Peters, I have introduced the Federal Prison Oversight Act, which I’m sure you are aware of, to increase accountability and transparency across our prison system. To ensure that the safety of our prisoners is a top priority, we need to have an efficient method of identifying the high-risk facilities that require more guidance and more attention.

Director Peters, what system or metric system does the BOP offer to be able to identify these kinds of facilities?

Ms. PETERS. Thank you, Congresswoman. I think that we have a variety of oversight that helps us identify the high-risk facilities, including oversight from the Government Accountability Office, the

Office of the Inspector General, and also our program review division who conducts audits of our institutions, including unannounced site visits and audits. We rely on that data, including our regional offices that go in and perform independent reviews, interviewing the adults in custody, interviewing our employees, and creating an assessment of each one of our institutions so that we can address problems early on, rather than waiting down the road.

Ms. MCBATH. Thank you. In our meeting last week, we discussed the national recidivism rate. I was pleased to learn that BOP has achieved a staffing level of reentry coordinators to 99 percent—I commend you on that—with 100 percent expected very soon.

What steps should we as Members of Congress take to support those reentry programs and to reduce recidivism on rates further than where they are now?

Ms. PETERS. Thank you, Congresswoman. I think resources are always the issue. I think our ability to contract with our residential reentry centers is really a golden nugget at the Federal Bureau of Prisons because they are in the communities that these individuals are coming back to, they know what resources are there, and they are able to drive those wraparound resources as it relates to programming, treatment, education, employment so that they become productive tax-paying citizens once they enter our community.

Ms. MCBATH. Last Congress, Ranking Member Jackson Lee, who is not with us today, convened two hearings on the oversight of BOP with a focus on the need to implement the First Step Act. She wanted to implement that fully and very, very thoughtfully.

Since then, Director Peters has created policies that have actually corrected BOP's implementation of FSA, First Step Act. Yet, inmates continue to complain about the lack of classes. I understand that there is still no reliable calculator, yet to determine the number of FSA credits that a prisoner can actually earn during their time in prison, and a shortage of halfway house placements.

Director Peters, can you just tell us how you intend on solving this problem?

Ms. PETERS. Thank you, Congresswoman. So, we are very proud of our First Step Act implementation. We have over 104,000 people participating in programs today in over 110 evidence-based programs and productive activities. Yet, we can do better. As we now have pivoted out of the pandemic, being able to pull people into classrooms was difficult during that time period. Now, as I visit our institutions and talk to our employees and our wardens, they're thrilled to talk about the ideas they have around expanding our programs and expanding space inside our institutions. That's been really difficult, so they are getting really creative about that as well.

I think your expansion of Pell grants and access to those in our care and custody is going to be magnificent for this population and their ability to engage in that higher-level education after receiving their GED. So, I think we are on the right track.

Again, you talked about overtime and augmentation, so recruitment and retention. Solving that problem is going to solve a lot of other underlying problems at the Bureau, including our ability to continue that programming so that we're not pulling those people

that lead those programming—or those teachers from their posts as teachers on the units to be correctional officers.

Ms. MCBATH. I have one last question for you. Would you object to an additional layer of oversight at BOP?

Ms. PETERS. I always welcome oversight. I'm going to say that again and again. The only thing I would ask is that when you consider additional oversight and legislation, that we then receive the appropriate resources so that I'm not left flat-footed with additional requests and additional oversight or additional requests for information and then we don't have the staff and resources to respond in a timely and efficient manner.

Ms. MCBATH. Thank you so much. I appreciate it.

Ms. PETERS. Thank you.

Ms. LEE. Thank you, Congresswoman McBath.

The Chair now recognizes the gentleman from Texas, Mr. Nehls.

Mr. NEHLS. Thank you, Madam Chair.

Director Peters, thank you for being here. As you know, in 2018, President Donald J. Trump rightfully rolled back Obama-era policies related to its Transgender Offender Manual. President Trump's policy simply removed a sentence that instructed BOP officials to consider transgender inmates' gender identity when making decisions regarding prison housing. President Trump mandated BOP officials use biological sex, now biological sex, as the initial determination for placement decisions.

I believe this was commonsense. I think America would agree. Ladies should be held with ladies, and I think men should be held with men. In a string of policy reversals over the past three years, President Biden reissued Obama's guidelines, given even further to require prison staff to use a transgender person's preferred names and pronouns. You agree with this?

Ms. PETERS. Congressman, we are required to provide medical and mental healthcare for all individuals, including those who identify as transgender.

Mr. NEHLS. So, that answer then is a yes, pretty much a yes?

Ms. PETERS. Yes.

Mr. NEHLS. OK. In your testimony, you stated:

Recognizing that incarcerated women, including those in the LGBTQ community, require different resources and supports than men, we recognize that we must create environments that respond to the realities of women's lives and address the issues specific to their lived experiences.

So, can you provide the definition of a woman? What is a woman, since you believe there's a difference?

Ms. PETERS. Congressman, so I think in the supermajority of our housing placements at the Federal Bureau of Prisons, we place individuals based on their biological sex. All but 11 individuals at the Federal Bureau of Prisons are placed in housing assignments based on their biological sex.

Mr. NEHLS. What does that start then, Director?

OK. So, I just got convicted of robbing convenience stores. All of a sudden, I go to court and they convict me and I'm going to prison. Now, instead of saying my name is Troy Nehls, I'm now going to say my name is Suzie Nehls and I am a woman, right. I just make that claim.

At what point in time during this spectrum will that allow me then to release the bull into the pen of heifers?

Ms. PETERS. So, Congressman, in this scenario, I suspect you're talking about producing a false claim and that—

Mr. NEHLS. Or whatever. I mean, how can you deny it?

Ms. PETERS. —identify as a man.

Mr. NEHLS. I believe I'm a woman now.

Ms. PETERS. What would happen then is it would trigger a very complex, serious evaluation from degreed medical doctors and psychologists who would conduct an evaluation based on your gender identity.

Mr. NEHLS. Have we released—to your knowledge, have we released anybody that has not gone through the transition into the pen of heifers?

Ms. PETERS. Have we released them? Sorry, sir, I'm not understanding.

Mr. NEHLS. Yes. If I say I'm a man—I'm a woman now, and I haven't had any surgeries up to this point, maybe I'll get them while I'm in prison, because I'm assuming we're paying for those, right?

Ms. PETERS. We have paid for two gender-affirming surgeries.

Mr. NEHLS. Paid two. So, once you start, you're going to continue, you ain't changing that, right?

Ms. PETERS. There are five—

Mr. NEHLS. I mean, look at this guy. This is an interesting guy, folks. Look at this guy. His name is Peter Langan. He's got long hair. Look at this guy. He looks like a bad, bad guy. He is a bad guy. He's a Nazi—ex-Nazi terrorist. He's a bad, bad hombre. This guy wants to be referred to as Donna.

Do your employees—do you require them to say—call this guy now named—he must be called Donna?

Ms. PETERS. Congressman, no. In fact, to produce a name change—

Mr. NEHLS. Well, he's suing, he's suing you all because he wants to—he's claiming that his Eighth Amendment rights were violated for not been provided gender-conforming surgery.

For the people at home, this man is an ex-Nazi bank robber. In June, his lawsuit was settled. I would like to know whether this means that inmates now have the Eighth Amendment right to sex changes? Are we paying for guys like this who are just sick? We send them to prison, we're restricting their freedom, and now this guy says he wants to be Donna. I suppose I understand why he'd want to be Donna because you want to release this guy into the pan of heifers. You're releasing this guy into the pan of heifers, is what you're doing. Isn't that what a guy would want to do?

If I'm going to prison for ten years and you're restricting my freedom, I guess I would want to go to the prison where the ladies are. Wouldn't you suggest—would that be a good idea? If you're allowing that to take place through this process by talking to these shrinks and these guys, I'm going to convince you I'm a woman and I'm going to enjoy five years in prison. As a matter of fact, half of them would probably say, don't even release me on parole, I'm having too much fun here.

Ms. PETERS. Congressman—

Mr. NEHLS. I'm having too much fun.

It is disgusting, quite honestly, what we've done to our country. Biden—I have three daughters. I have some real issues. They're very troubling. You can do better than that.

I yield.

Ms. LEE. Thank you, Mr. Nehls.

The Chair recognizes the gentleman from Georgia, Mr. Johnson, for five minutes.

Mr. JOHNSON of Georgia. Thank you, Madam Chair.

Director Peters, thank you for your dedication to public service and corrections work.

I suppose that the most likely scenario that presents to the Bureau of Prisons when an individual comes into the system and is of the LGBTQ status or category, that person oftentimes is in the middle of a sex change operation, like the January 6th insurrection defendant who broke into the Capitol and was convicted after a jury trial. Is that correct?

Ms. PETERS. Congressman, I wouldn't be able to speak to an individual person who's incarcerated—

Mr. JOHNSON of Georgia. Yes, but you're familiar with the case, then, I'm talking about, though, right?

Ms. PETERS. I'm not familiar with that specific case.

Mr. JOHNSON of Georgia. Oh, OK. Well, there's a woman who was a defendant, formerly a—well, let me say she's in transition from being a man to a woman, lead a column of insurrectionists up the stairs of the Capitol. Clearly, she was in the midst of a sex change operation.

You treat folks with humanity when they present to the Bureau of Prisons, despite the fact that over the years, Director Peters, actually since the eighties when Ronald Reagan came in with a tough on crime, eliminate rehabilitation, focus on punishment and low taxes, less government, along with bills that—from the Congress that produced more Federal inmates because of a dramatic push in new laws.

So, what we've seen is an explosion of prison inmates—actually, inmates—actually, the prison population almost doubled by 2,000. Isn't that correct?

Ms. PETERS. It has grown dramatically in the last two decades, yes.

Mr. JOHNSON of Georgia. It has continued to grow since then, while at the same time there have been major cost—or major funding reductions for the Bureau of Prisons. Isn't that correct?

Ms. PETERS. Well, our budget continues to grow. It is not growing in line with the population—

Mr. JOHNSON of Georgia. Well, as a matter of fact, you've got about—according to a Roll Call article I'm looking at here, Congress is poised—it's dated September 12, 2023—Congress is poised to spend less next Fiscal Year on Federal prison infrastructure even as a Federal watchdog reported this year that the agency is in dire need and has lowballed maintenance funding requests for years. According to this article, you've got about \$2 billion in needs, but yet funding from this MAGA Republican Conference in 2023, their draft Commerce, Justice, and Science spending bill puts forward a mere \$273 million. Isn't that correct?

Ms. PETERS. Congressman, we have a \$2 billion reported problem. I will share with the Committee that's an old number. We're hoping to get a better assessment on a different number.

Mr. JOHNSON of Georgia. It's far more than \$273 million.

Ms. PETERS. It's far more than \$2 billion. Over the last ten years, the average allocation for maintenance and repairs was about \$100 million a year.

Mr. JOHNSON of Georgia. So, also, staffing shortages are impacted by reduced Federal revenue. Isn't that correct?

Ms. PETERS. Our recruitment and retention issue I think is compounded both by the economy right now and the workforce, as well as changes in how people view law enforcement positions.

Mr. JOHNSON of Georgia. So, the same Republicans who come up here and criticize you and the Bureau of Prisons today are the same ones who historically have defunded your operation.

Let me ask you this, Director Peters, do you believe that the Bureau of Prisons could benefit from independent oversight?

Ms. PETERS. Congressman, as I've said before, I believe in oversight, I welcome oversight. We've made it very clear inside the Bureau that when the Government Accountability Office shows up for an audit or the Office of the Inspector General comes in for an unannounced audit, that we will open our doors and welcome them in.

Mr. JOHNSON of Georgia. You think that would be helpful?

Ms. PETERS. Yes, I do. I believe that oversight is helpful. The Office of the Inspector General has begun unannounced audits and visits now that we are out of the pandemic. I think those visits have proved very helpful.

Mr. JOHNSON of Georgia. Thank you. I yield back.

Ms. LEE. Thank you, Mr. Johnson.

The Chair now recognizes the gentleman from Alabama, Mr. Moore, for five minutes.

Mr. MOORE. Thank you, Madam Chair.

Director Peters, thank you for being here today.

As a Christian, I know a lot of times we live under grace and we certainly need forgiveness. I don't think there's an exemption for prisoners. I think people who are incarcerated also need second chances. I'm a proponent of that.

In Alabama, we have an amazing prison system, and one of them specifically is J.F. Ingram, where they actually bring incarcerated individuals over to a college next door. They do this, certain individuals are picked out and then they train them in skills. So, some are certified welders when they come out, some are body people, some can do cosmetics, all kinds of neat stuff. We've learned that the recidivism rate is so much lower coming out of J.F. Ingram right now than any system in Alabama. So, I'd encourage you to look at the model there for what they do.

As a business owner, people come to me all the time looking for jobs. So, if I've got an individual that walks in that's been incarcerated but he actually can lay a bead on a welder, I may not start him at the same pay rate that I would somebody who has a clean record, so to speak. At the same time, I'll start him a little lower maybe, him or her, depending on what—like Sue Nehls maybe comes in looking for a job.

The point of the matter is, if they have a skill set, we can put them in the workforce. They don't go back to the same old same old. They don't go back to the same group of people, the same group of people that they were running with prior to being incarcerated. So, we found that recidivism rates have dropped dramatically.

So, I'm working on legislation now with—actually, it's bipartisan legislation with Member Trone. We're looking at the ID; coming out of prison, for somebody to get an ID. This is not for anybody who is illegal. They have to be U.S. citizens. I have to remind my friends, they have to be U.S. citizens. We would certainly appreciate your support.

Are you aware that we're working to try to get an ID issued by the Federal Prison System so when people come out, that if they go for a job—and this is not something to vote or anything like that—but if they go for a job or if they have to get housing sometimes they have to have an ID, we think this is one way to help recidivism. I think it's something we need to look at.

Are you aware of that program and what we're doing?

Ms. PETERS. Congressman, I am. I've had this conversation with Congressman Trone. You'll be pleased to know that we piloted an ID program, and it was successful. So, we're now rolling it out to all our institutions. So, beginning at the top of next year, everyone leaving our custody will leave with an ID issued by the Federal Bureau of Prisons.

Where we need your help is for the States accepting them. So, right now, we have about 15 or 16 States that say that they'll accept them at the Department of Motor Vehicles but only 16. So, any help you can give there would be tremendously—we'd be filled with gratitude.

Mr. MOORE. To me, this a fiscal conservative issue in a sense that if we—what are we paying per prisoner now to house them in the Federal prisons annually, for an individual?

Ms. PETERS. On a daily rate, I think that average is about \$122 a day.

Mr. MOORE. Got you. Got you. So, for every individual that we can get into the workforce, into society working and producing, I think that's a long-term win for the American people, certainly for society and communities. So, we'll be working with you on that issue.

Again, I would encourage you to check into J.F. Ingram. What they're doing there is—and listen, I'm as conservative and I'm hard on crime as anybody, but I understand grace as well. There are people who get into that system. Sometimes they just need opportunities. If we can train them and get them with a skill set into society, I think we as America will benefit, communities will benefit, and certainly society will benefit.

So, thank you for being here today, and look forward to working with you on that legislation.

With that, Madam Chair, I'll yield back.

Ms. PETERS. Thank you.

Ms. LEE. Thank you, Mr. Moore.

The Chair now recognizes the gentleman from South Carolina, Mr. Fry, for five minutes.

Mr. FRY. Thank you, Madam Chair.

Thank you, Director, for being here.

FCI Bennettsville is a medium security Federal correction institution, and houses 1,600 inmates in Marlboro County, South Carolina, in my district. We heard accounts from officers having to work overtime, which has led to extreme burnout and low morale. A GAO report found that overtime hours worked at the BOP surged by 102 percent during a four-year period.

What is the BOP doing to correct this?

Ms. PETERS. We've done a lot in the last year, Congressman, so I'm happy to talk about it. We doubled down on our recruitment efforts. We have a national recruitment office that does nothing but recruit for the Federal Bureau of Prisons. We've prioritized officers and healthcare workers in that, and we've seen progress. We have given retention and recruitment bonuses to individuals and that has proven successful. It has allowed us to see a small amount of improvement, 60 percent increase in those coming to the Bureau and a 20 percent decrease in those leaving in the last year, but we're not where we need to be yet.

Mr. FRY. I would imagine that with the forced overtime, it is a recruitment issue that you don't have people that are applying. What is the cause of that, or what are some of the causes of that?

Ms. PETERS. Congressman, I would say, as it relates to overtime, it's a retention issue as well. As I walk the halls of our institutions and talk to our employees, that's what I hear, they're exhausted. They were exhausted before the pandemic and the pandemic wore them out. Our increased overtime did as well.

It's not just the physical and mental wearing; we're wreaking havoc on the family. So, spouses are planning who's picking kids up from daycare, who's cooking? We messed that schedule up day in and day out because of that required overtime.

So, it's a problem we have to solve for the health and well-being of our employees and their families.

Mr. FRY. Thank you for that.

Director, I want to turn to a different issue right now. I've heard about this at Bennettsville and, really, prisons and jails across the country, and it is the issue of contraband, namely cell phones.

The South Carolina Department of Corrections Director, Bryan Stirling, recently stated that contraband cell phones in prisons are the No. 1 public safety threat that we face in South Carolina and in the country. To address this threat, the South Carolina Department of Corrections has partnered with wireless providers utilizing Managed Access System Evolved, or NAC-E, technology to identify and disable those devices. Since July, nearly 800 devices have been found in a South Carolina, Bishopville, institution. Eight hundred devices found in prison of 1,000 inmates is really alarming.

What is the Bureau of Prisons doing to address to combat this issue? Are you open to exploring the use of NAC-E technology or something similar that would have a similar effect?

Ms. PETERS. Congressman, thank you. We do utilize that technology. I couldn't agree more with Director Stirling. He and I have talked about this on multiple occasions and at length. So, we use technology that captures all cellular signals, and we also use technology that jams the cellular signal. We're piloting both of those.

The original feedback that we're getting from folks is it's better when we detect because then we can investigate and find the cell phone and hold people accountable, but the jamming technology also works. We also are able to deploy a mobile cellular assessment, literally a van that goes out into our parking lots and can tell us how many cell phones are pinging so that we can hone our investigative resources based on where those cell phones are inside the institution.

Mr. FRY. Those are pilot programs right now?

Ms. PETERS. Those are pilot programs right now.

Mr. FRY. How many facilities use that pilot program?

Ms. PETERS. Let's see, the ones that capture the cellular signals, we're doing it at four facilities. The micro jamming, we are deploying at six facilities.

Mr. FRY. When do you anticipate or what is maybe the goal of the BOP in expanding that to be able to use at all facilities?

Ms. PETERS. Again, it would require resources from Congress, but it would be incredibly beneficial if we could have these at all our institutions. We're focusing on our high-risk, high-classified facilities right now, but these are also issues at our secure lows and our camps. So, we would appreciate having access to this technology at all 122 facilities.

Mr. FRY. What do you think the cost of that would be?

Ms. PETERS. Congressman, I don't know what that would be, but I can talk to my team and get back to you.

Mr. FRY. Please do. I'm certainly interested in that.

I'm going to shift with my last 25 seconds. One of the things that I'm looking at is BOP pays a range from GL-5 to GL-8. Other agencies, like ICE, CBP, they pay at a different rate, a much higher rate.

What factors contribute to BOP's starting salary being lower than other agencies? Are you open to raising that base pay to help attract and retain individuals at BOP?

Ms. PETERS. Absolutely. So, our officers do not get paid enough. We have trouble keeping them. State corrections will offer higher salaries than what we pay. Even local sheriffs are able to pay more than we're able to pay in certain regions. So, we would welcome any changes to that pay structure and any support you could give in that, both in the pay structure and in the funding.

We were able to increase this year by about \$2,000 the top salary of our correctional officers and hope to recruit a better, larger lot and retain the ones that we do have.

Mr. FRY. Thank you, Director.

Ms. PETERS. Thank you.

Ms. LEE. Thank you, Mr. Fry.

The Chair now recognizes the gentleman from California, Mr. Kiley, for five minutes.

Mr. KILEY. Thank you, Madam Chair.

Thank you for being here to testify, Director Peters. I've always strongly believed that a well-functioning criminal justice system needs to have appropriate penalties for offenders, while at the same time having evidence-based tools for rehabilitation to facilitate the reentry of prisoners into society when they are released and to make them productive members of society.

I come from a State, California, where, unfortunately, both objectives have not been achieved where we've lowered penalties across the board in really reckless ways while also undercutting the capacity of our criminal justice system to rehabilitate offenders. For example, a law called Prop 47 effectively legalized drug use and not only has led to the sort of horrific scenes that we see in places like San Francisco, but it's also decimated the drug courts in our State because defenders no longer have any sort of entry point to then be forced to go into some sort of drug treatment program, and so people are not able to overcome their addictions.

So, properly understood, I believe that punishment and rehabilitation are not sort of contrasting approaches to criminal justice, but rather, they go hand-in-hand and are both serving the interest of public safety.

Another way in which this has sort of gone awry in California is something called realignment, where a lot of our serious offenders have been moved from the prisons into the county jails, which aren't really set up to have the sort of rehabilitation programs that are evidence based and will help people to turn their lives around.

So, I'm always looking for suggestions for my State for the likes of Governor Newsom who have gotten this so wrong. I'm looking to other States. I know the Federal Government, the Federal correction system has recently undertaken some different approaches to rehabilitation with literacy programs, occupational education programs, trade skill programs, substance abuse disorder programs.

So, I was hoping you could just give us a little sense of how this is working out and where you've seen success.

Ms. PETERS. Thank you, Congressman. So as your previous neighbor to the North, as the Director of the Oregon Department of Corrections, I know that in my capacity there we collaborated closely with the California Department of Corrections on evidence-based programs, on these principles of normalcy and humanity. At the Federal Bureau of Prisons, I think our mission aligns with everything that you've just said. It is dual-missioned. Our job is to ensure public safety, both inside our institutions but also when they leave our institutions. I'm a former victims' advocate, so I believe strongly that our job is to ensure they don't create new victims on the way out.

That second path of our mission is equally as important, and that's about providing programming and treatment and education so they have the resources they need and skills they need when they leave to be those productive taxpaying citizens.

I think one of the jewels at the Federal Bureau of Prisons is our reentry centers in the community where we're able to contract with experts who live in those neighborhoods, live in those communities, and continue those services as they safely transition back into our neighborhoods.

Mr. KILEY. Would you agree with my assessment, since you have some insight on the matter, that California's realignment has shifted offenders into an institutional setting that is not well equipped to provide proper evidence-based rehabilitation?

Ms. PETERS. Congressman, I know enough about it to be familiar with what you're saying, but I'm certainly not expert enough to speak about the benefits or the outcomes of that process.

Mr. KILEY. Thank you. I yield back.

Ms. PETERS. Thank you, Congressman.

Ms. LEE. Thank you, Mr. Kiley.

The Chair now recognize the gentlewoman from Missouri, Ms. Bush, for five minutes.

Ms. BUSH. Thank you.

Thank you for being here, Director Peters.

Ms. PETERS. Thank you, Congresswoman.

Ms. BUSH. St. Louis and I are here today in support of genuine transparency, accountability, and oversight in our Federal prison system.

Director Peters, as you know, you oversee a key component of our Federal system of mass incarceration. You are responsible for the conditions faced by nearly 160,000 incarcerated people and 35,000 staff members. Right now, we understand our prison system needs a lot of work. It needs help. For many, many see it as a disgrace.

I want to touch on a couple issues in this limited time that I have. First, I want to say thank you for the work that you have done and for what you are trying to achieve. I know that it isn't easy coming into and trying to change a system that is already so broken.

I am deeply concerned by what we hear about oftentimes is the pervasive medical neglect of incarcerated people and those who have reported monthlong wait times for doctors' appointments and routine procedures, retaliation from staff, and fear when seeking medical care. Several deaths may have been preventable—well, preventable had proper medical care been provided.

This issue is personal for me and my constituents, because right now we are facing some of the same issues at the St. Louis City Justice Center.

The Bureau must overhaul its approach to providing medical care for incarcerated people and set an example for local carceral facilities in St. Louis and around the country, because we look to that to be able to go into our local jails to be able to say, this is what should be done. This is an example.

The other issue I want to address is solitary confinement. It is shameful that solitary has increased in the Bureau during the Biden Administration, despite the President claiming he supported ending it.

Director Peters, you have repeatedly recognized the harms of solitary and the need for holistic rehabilitative alternatives. You and I both know that solitary causes devastating harm, and it worsens safety for everyone involved. It drives anxiety, depression, psychosis, heart disease, self-harm, and suicide. I know you know this from even before, in your background before you took this position.

We also know that environments that are the exact opposite of solitary involve program-based interventions with full days of out-of-cell time and how to actually help both support people's health and it makes people—it makes everyone safer, even the staff, because we also care about the staff.

So, instead of taking action on this issue based on the overwhelming evidence, the proposal of further studies, can we talk about that? Isn't it true that we don't need yet another study but, rather, an urgent action to replace solitary with proven alternative forms of separation?

Ms. PETERS. Congresswoman, first I'll address your healthcare issue. I want to assure you we want to be the model. As we pivot out of the pandemic, we're working through our backlog of that preventative healthcare that happened at the Bureau of Prisons, just like it happened in our communities. We have secured a contract with an external group of experts who are going to come in and do a quality assurance of our healthcare and help us create that future vision where we can be the example.

As it relates to restrictive housing, I want to move as fast as you do, Congresswoman, but I also know that we have to bring our people along. I don't want to take a tool away from our correctional officers today without replacing it with a new tool tomorrow and with that training, to ensure their safety.

So, we do have a short- and long-term plan. I think you'll be pleased to know the short-term plan is, first, we ensure that all the recommendations that have been brought to the Bureau in the past have been implemented, and then that our group of experts have traveled across the country to get best practices from other systems and bringing it back. We're actually meeting next week as an executive team where we will review those recommendations and get moving on with that work.

Then the partnership with NIJ is historic, Congresswoman. It's the first time that the Federal Bureau of Prisons will have an outside entity come in and take this global look at our restrictive housing.

You and I share the same values. The more normalized environment we can create for the adults in custody, the better outcomes they'll have in the community, the fewer victims that will be created, and as you said and most importantly, a better work environment for our people.

Ms. BUSH. Thank you. Looking forward to that, and our office will be in contact as that moves forward.

I yield back.

Ms Peters. Thank you, Congresswoman.

Ms. LEE. Thank you, Congresswoman Bush.

I now recognize myself for five minutes.

Director Peters, thank you so much for being with us here today. I'd like to pick up right where you left off with Congresswoman Bush on the subject of special housing units. President Biden's Executive Order titled, "Advancing Effective, Accountable Policing of Criminal Justice Practices," touched on those special housing units and asked that you ensure that this type of housing is used rarely, applied fairly, and subject to reasonable constraints.

I very much appreciate your prior answer indicating how much thought and study you are giving to the use of special housing units, when and how they are applied, but also wanted to note that we hear many correctional officers, including representatives from the Council of Prison Locals, have endorsed the continuing use of special housing units as an essential tool for officer safety.

Could you please speak a little more about your point on finding an alternative tool, that if we are to try to reduce or get closer to eliminating special housing units the necessity to have an alternative tool for those corrections officers available.

Ms. PETERS. Thank you, Congresswoman. That's very important to me. Their safety and security are top of mind every day as I do this work.

I think one of the data points that I'll take a deeper dive on is those individuals who are in special housing who are there because they're in protective custody status, so either because they've asked to be in the special housing unit because they don't feel safe, or we've made an intelligence determination that they wouldn't be safe in the general population.

So, that's a large portion of our special housing unit. So, I think one of the recommendations that I'll likely dive into more next week with my executive team is this notion of creating more safe and humane environments inside the prisons so that those individuals in protective custody status feel more comfortable in our general population units.

Our reintegration units do just that, help these individuals step down from that higher level of restrictive housing in a safe way, safe for them and safe for our officers. So, I think that's a great model to advance this notion and these ideas.

Ms. LEE. Thank you. I'd also like to touch on a new effort to utilize licensed counselors in the Employee Assistance Program as part of your overall wellness and retention program for correctional officers.

Could you tell us a little bit about that? Have these changes been implemented? Have you gotten any feedback on how that program is going?

Ms. PETERS. Thank you. So, employee wellness is incredibly important to me. As you know, the data points are really tough in law enforcement, specifically in corrections. We've talked about overtime and augmentation and the impact there as well.

So, we have a lot of work to do. We did change three of our policies this year. One of them included requiring that those counselors providing Employee Assistance Program counseling be certified. That has taken place. It's our hopes that this higher-level certification will give a more meaningful session for those who have the courage to seek it.

Ms. LEE. Now, we're nearing the end of our hearing time, so I'd also like to ask you if there is something that you were hoping to share with us today that you haven't already touched on and whether there is anything that we as Congress can be doing to further support you in your mission.

Ms. PETERS. Thank you, Congresswoman. So, I think the short answer to that is always resources. The conversation we had earlier with your colleagues around being able to increase pay for our frontline workers would be incredibly helpful as we try to retain the ones we have and get the ones in the front door that we want.

Training. We haven't talked about training yet today. One of the things that surprised me when I took this role was the small amount of training that our employees receive at the front end. They get three weeks in the classroom and three weeks on the job.

The data would suggest that the average onboarding for law enforcement in this country is actually 21 weeks. So, that's much shorter than that.

My dream would be to have a training academy where we're able to train these individuals from recruitment to retirement and everything in between.

So, I appreciate your support and appreciate the question very much. Thank you.

Ms. LEE. On the subject of recruitment and retention, you mentioned that you're working very hard on that and focused, in part, on recruiting and retaining by enhancing the Bureau of Prisons' image.

Could you tell us, in your view, what image is the Bureau of Prisons portraying and what would you like for it to be?

Ms. PETERS. Yes. So, I think we've done a lot of work on this issue. We're really looking for public safety-minded individuals who want to come and change hearts and minds, not that traditional stereotypical view of a correctional professional that the movies or TV might portray. We have hardworking professionals who engage in really meaningful work, keeping our prisons safe, but we ask them to do such complex work. They're not standing in the corner looking over people. They're engaging in conversations and helping them get into that programming, that treatment and that education.

So, for anyone who is listening to this hearing today, the Federal Bureau of Prisons is hiring, and we're looking for those right people to come in and really do heroes' work day in and day out.

Ms. LEE. Thank you, Mr. Chair. I yield back.

Mr. BIGGS. [Presiding.] The gentlelady yields back.

Director, thanks for being here. I apologize for having to step out, so I missed much of your testimony and I apologize for that.

One of the things that we talked about the other day in our conversation was that on behalf of a particular committee we are conducting an investigation where I need to be able to get in to interview and meet with an incarcerated individual.

So, I didn't have this response, but the response that we had received from BOP was, quote: "It is not generally agency practice to facilitate such a visit."

So, I'm seeking your commitment today that you'll help facilitate for me and my staff to be able to get in and meet with an incarcerated individual pertaining to an investigation we're conducting in a part of our Congressional Committee.

Ms. PETERS. Congressman, at first glance it appears there might have been some confusion around the initial request. So, as I committed to you when we met earlier last week, we're certainly happy to look into this and see what we can figure out.

Thank you.

Mr. BIGGS. Well, I'm hoping it's more than see what you can do. I'm hoping it's you're going to facilitate this, our interview of that witness.

Ms. PETERS. Congressman, if we can facilitate that visit, we will do everything we can to facilitate that visit.

Mr. BIGGS. Thank you. I hope that we'll have good communication, so we'll know what is necessary to facilitate that.

Ms. PETERS. Can you say that again, Congressman?

Mr. BIGGS. Yes. I'm hoping that we have clear communication, so we know exactly what we need to do and what we can expect.

Ms. PETERS. Yes, Congressman. Your staffer had our staffer's phone number, and so I know that they're going to connect.

Mr. BIGGS. OK, good. Thank you.

Question: Does the Bureau of Prisons have any contracts with State or local governments or other outside groups to house prisoners?

Ms. PETERS. We contract with individuals in the community to run our residential reentry centers. They provide that stepdown service into the community and provide those wraparound services for reentry.

Mr. BIGGS. Do you have any other relationships with any other entities except for in the residential reentry housing?

Ms. PETERS. We would have government agreements with other corrections agencies. If they needed to house someone that they didn't think they could safely house at the State level, then we would engage in a prisoner swap, if you will, where we would then send them one of ours.

Mr. BIGGS. OK. So, is it an intergovernment agreement of some kind?

Ms. PETERS. Yes.

Mr. BIGGS. OK. I know you talked about contraband. A study released earlier this year by DOJ's National Institute of Justice found, quote:

Detection technologies, such as radiofrequency detection, that can locate a cell phone signal or recognize components that are trafficked at multiple locations within a facility show the greatest promise for limiting cell phone contraband.

How widely is radiofrequency detection equipment deployed within BOP, and do you have the resources you need to ensure such detection equipment is available?

Ms. PETERS. Thank you, Congressman. We would appreciate the additional resources. We currently use—we're piloting two pieces of technology, one that captures all cellular signals and another one that actually jams all cellular signals.

The initial feedback I'm getting from my team is the preference to capture the cellular signals rather than jam them, because then we can actually deploy our investigative techniques, find the phones, and hold people accountable.

We're piloting those at a handful of facilities but would love the resources to spread that technology out through all our facilities.

Mr. BIGGS. When you and I were talking, we talked about contraband, whether it's drugs, phones, or other, and I asked you, how is contraband entering? I'd like you to please explain that for us.

Ms. PETERS. Thank you. So, unfortunately, sometimes contraband comes through the front door by employees who are engaging in misconduct or through visiting, but, as you and I talked about, one of the most dangerous ways right now is drones.

So, the ability for these drones to be able to carry an excessive amount of weight and drop it near the fence line or over the fence line is one of the things that we're working to combat every single day.

Mr. BIGGS. That's an interesting thing, drones. Can you describe for us how you detect them right now? What are you seeing? Has this happened like at one location or is this a daily occurrence? What's the frequency?

Ms. PETERS. Congressman, this is a near daily occurrence at the Federal Bureau of Prisons across our 122 institutions. Sometimes it's reoccurrence at the same institution and the same people, and we're able to detect those drones and deploy and activate local law enforcement.

So, it is a constant engagement. We have detection devices at 31 of our high-risk institutions. We've had over 180 drone sightings this year alone. While only a handful of those ultimately allowed us to find the drone, often we're finding the drops and the contraband that the drones have dropped. We certainly rely on local law enforcement then to help us find the individuals who are flying those drones.

Mr. BIGGS. Thank you. My time has expired. I think we've exhausted the Members.

So, thank you very much, Director, for being here. I know that we'll have further opportunities to talk, and I know I have additional questions, so look forward to communication continuing.

With that, we are adjourned.

Ms. PETERS. Thank you, Congressman. Thank you, Committee.
[Whereupon, at 11:14 a.m., the Subcommittee was adjourned.]

The record for this hearing by the Members of the Subcommittee on Crime and Federal Government Surveillance is available at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=116495>.

