

FACTS ABOUT THE FBOP'S STAFFING AND FACILITIES CRISIS

More than 155,000 adults live, eat, work, learn, and receive medical care in 122 institutions across the United States. In 2023, FBOP ranked as worst place to work in the federal government, and GAO put FBOP on its high-risk list. OIG has repeatedly cited the risks associated with understaffing and crumbling facilities. FBOP struggles to hire and retain staff, and we have more than \$3 billion in modernization and repair needs. These are known issues. We now face the task of acting to fix them.

FBOP welcomes Congressional oversight and looks forward to working with Congress to implement the bipartisan Federal Prison Oversight Act. But the current path is not sustainable, and we need Congress' funding and support to chart a new direction.

What FBOP Needs

- **Recalibrating and upgrading funding for staff, so we can realistically attract talent to long under-staffed facilities and avoid the expensive spiral of incentives for recruitment, retention, and overtime.**
- **Multi-year supplemental funding for facilities repair and modernization, so we can make headway on a decades-long backlog, rather than triaging yearly budgets to apply band-aids to the most dire and dangerous crumbling facilities.**
- **The ability to respond to oversight. We welcome oversight, but we need resources to be responsive.**

Staffing Crisis

- Under-staffed institutions struggle to maintain safe and secure environments. FBOP is forced to overuse augmentation (reassigning employees to other under-staffed posts), mandatory overtime, and sometimes even locking down housing units to address staffing shortages. This results in adults in custody missing educational, programming, and work opportunities.
- The solution, in one sense is simple—we need to hire more employees.
 - FBOP's new Automated Staffing Tool, developed in response to a GAO audit finding, projects that we need about 3,000 additional correctional officers (COs) across FBOP.
 - That would mean a 21% increase from our current corps of 14,900 COs.
 - The new tool also projects that we need about 3,000 medical positions, which would be a 72% increase from our current complement of 3,600.
- This crisis has built up because FBOP has a longstanding hiring and retention problem.
 - We cannot pay enough to attract highly qualified employees, especially in urban areas and for medical positions. In rural areas, it is difficult to attract good applicants to shift work in secure facilities.
 - COs leave positions almost as fast as we can fill them, many of whom leave for promotions and better paying jobs. In many areas we cannot compete with salaries for comparable work in state or local facilities.
- We see this issue at facilities around the country.
 - MDC Brooklyn has struggled with low staffing for years. In January 2024, a federal judge issued a lengthy opinion that harshly criticized conditions, noting the significant role that low staffing played

FACTS ABOUT THE FBOP'S STAFFING AND FACILITIES CRISIS

in creating dangerous conditions. Following that opinion, FBOP was able to secure OPM approval for a 35% retention incentive to attract applicants and retain employees. Coupled with an existing 25% recruitment incentive for all new-hire COs, MDC Brooklyn now has 66% of its CO positions filled compared with 55% filled in early 2024.

- FCC Butner, which has a medical center, two medium security facilities and a low security facility, has been unable to hire sufficient numbers of COs and medical professionals. In 2023, we began offering a 10% group retention incentive for all eligible positions at FCC Butner. That has proved insufficient to substantially increase staffing levels which remain at 80% overall and 75% for Correctional Officers, and 70% for clinical medical positions. In order to build and grow a stable workforce, we need to be able to pay more.
- Pay incentives have taught us that when we pay more at an institution, staffing levels generally increase.
 - In 2021, FCC Florence faced significant challenges filling CO vacancies, with a filled rate of less than 80%. In mid-2021, we began to offer 25% retention incentive for CO's. This has resulted in FCC Florence increasing and maintaining its onboard levels to about 85%, as they continue to compete with Colorado state corrections.
- Recruitment and retention incentives ultimately are short-term fixes to a long-term problem. FBOP's efforts to stem the staffing crisis are proving incredibly expensive.
 - About 40% of FBOP employees are currently receiving a retention incentive. In FY 2024, FBOP paused consideration of any new incentives due to budget constraints.
 - FBOP paid employees over \$128 million in incentives and more than \$386 million in overtime. Combined, that represents 10% of our overall staffing expenses.
 - In FY23, employees also recorded 556,348 hours of augmentation. If we had paid those same hours in overtime (at time-and-a-half), it would have cost an additional \$62.9 million—roughly half of the entire amount we spent on incentives.
- FBOP is working with DOJ and OPM to obtain approval for Special Salary Rates that would increase pay for our employees. We will not know an exact cost until the Special Salary Rates are approved by DOJ and OPM, but expect it may cost hundreds of millions more per year.
- Additional staffing would also have many positive follow-on effects on issues Congress has been tracking in recent years, including:
 - significantly reducing the use of restrictive housing;
 - improving medical care for those in custody; and
 - increase programming.
- Right now, though, FBOP uses excessive amounts of augmentation and overtime because we must fill critical custody posts to keep everyone safe and avoid locking down housing units.

Facilities Crisis

- Modernizing and repairing our facilities is also critical because they have a direct and significant impact on our ability to provide safe and secure environments and ample programming and work opportunities.

FACTS ABOUT THE FBOP'S STAFFING AND FACILITIES CRISIS

- Our infrastructure is crumbling. We have over \$3 billion in modernization and repair needs that implicate life and safety.
 - FBOP has 122 facilities that occupies more than 64 million square feet.
 - Of those 122 facilities, about 33% are over 50 years old and about 57% are over 30 years old.
- Failing infrastructure also contributes to crowding because FBOP must close institutions or housing units when they reach a state of disrepair that is dangerous.
 - FBOP has temporarily closed three institutions and 13 housing units at 11 institutions due to dangerous conditions. They account for a loss of more than 4,000 beds at every security level.
- Aging infrastructure also impedes implementation of the First Step Act (FSA).
 - Most FBOP institutions were not built for rehabilitation and programming.
 - Now that FBOP has emerged fully from COVID and is actively expanding programming, we regularly encounter space limits for implementing the FSA.
 - Many institutions lack safe, dedicated space to offer vocational and other training.
- We have developed a five-year capital improvement plan focused on our most pressing M&R needs to guide our annual M&R budget requests and as requested by the Congress.

FBOP Budget

- Over the past 10 years, FBOP's budget only increased approximately 23% (which equates to about 2% per year). Over that period, budgeting resulted in a reduction of 3,473 authorized positions and 2,632 FTEs.
- Our needs have outpaced what we have received. More than \$1.5 billion for critical resources over the last 10 years were needed, but not received—over \$950 million was for critical base increases.
- Over the past 10 years, we did not receive a total of more than 1,900 authorized positions and 7,000 FTEs requested in the President's Budgets.

Way Forward

- Last year, FBOP announced a new strategic plan along with revision of our mission, vision, and core values. We all want “Corrections professionals who foster a humane and secure environment and ensure public safety by preparing individuals for successful reentry into our communities.”
- We believe in accountability, oversight, and transparency. But we cannot do this work alone.