

United States General Accounting Office

Report to Congress on

FEDERAL PRISONS

Revised Design
Savings and Cost Savings
by James H. ...



129936

U.S. Department of Justice
National Institute of Justice

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

General Government Division

B-238628

March 14, 1991

The Honorable Sam Nunn
Chairman, Permanent Subcommittee
on Investigations
Committee on Governmental Affairs
United States Senate

The Honorable Charles Rangel
Chairman, Select Committee on Narcotics
Abuse and Control
House of Representatives

In response to your separate requests, we reviewed federal prison crowding and plans for expanding facilities. As agreed with your respective offices, our specific objective was to determine whether the Bureau of Prisons (BOP) within the Department of Justice is using reasonable and cost-effective measures of prison system inmate capacity in determining the extent of crowding and the need for additional facilities. The issue is a critical one, given BOP's fiscal year 1992 budget request of \$315 million to continue the most extensive and costly expansion of the federal prison system in its history.

Background

The 1980s were a period of unprecedented increases in the federal inmate population, mirroring a condition in state and local correctional systems nationwide. Between 1980 and 1989, the federal inmate population increased from 19,025 to 53,347, or 180 percent. Inmate populations continue to increase dramatically, as BOP was housing about 59,900 inmates in January 1991 and projecting that the population will increase to 98,823 by 1995.

BOP is currently housing inmates at four security levels. Minimum-security facilities are camps that do not require a perimeter fence. Low-, medium-, and high-security facilities are prisons located within a secured perimeter. BOP also has administrative facilities, including medical facilities and jails.¹ In January 1991, 21 percent of BOP's inmate population was housed in minimum-security facilities, 14 percent in low-security facilities, 31 percent in medium-security facilities, 9 percent in

¹Generally speaking, prisons and camps house offenders who have been sentenced, whereas jails are used to house offenders awaiting trial or sentencing and some offenders whose total sentence is 1 year or less.

high-security facilities, and 25 percent in administrative and other facilities.²

The increasing inmate population has created concerns over the incidence of crowding in BOP facilities. BOP measures crowding by comparing its inmate population to rated capacity, defined by BOP as the number of inmates for which its facilities were designed, not including capacity set aside for medical and disciplinary segregation. Using this measure, BOP in January 1991 calculated its system's rated capacity as 37,421 inmates and reported its facilities being 60 percent over capacity.

To address this situation and accommodate projected inmate population increases, BOP has embarked on the most extensive and costly expansion program in its history. BOP's fiscal year 1992 budget reflects its plans to increase rated capacity—mostly through new construction—to 74,614 by the end of fiscal year 1995, which BOP estimates will result in its facilities being 32 percent over capacity. Using current measures of capacity, BOP considers 30 percent an acceptable level of crowding. In fiscal years 1989 through 1991, BOP received a total of \$2.4 billion for its facility expansion program. Costs could reach \$2.9 billion by fiscal year 1995 and substantially more if additional expansion is approved to accommodate the 125,478 inmates BOP projects for 1999. In reality, these expenditures represent only a down payment on the ultimate cost of expansion, since BOP estimates that operating facilities over their useful life costs 15 to 20 times the construction costs.

Results in Brief

BOP needs to reassess the validity of its standards for computing capacity and its need for additional facilities. Until recently, BOP based its determination of rated capacity in existing facilities on a single-bunking standard, which currently calls for providing each inmate with at least 35 square feet of unencumbered space in a single cell. This essentially translates to a cell size of roughly 65 square feet. In practice, however, BOP has accommodated inmate population increases by double-bunking inmates in virtually all its facilities and in cells and living areas (hereafter referred to as cells) of varying sizes, but generally in the 50 to 70 square foot range. Despite operating at 60 percent over rated capacity, BOP has not experienced unmanageable problems. The federal system is providing care and treatment for about 59,900 inmates, is not

²Other areas where inmates are held include medical units located in facilities, units for inmates in transit, special units such as witness security, and units for court detainees.

under court order or settlement agreement because of crowding, and has not experienced a higher rate of escapes or violent incidents.

Over the last 3 years, BOP has been reviewing its definition of capacity and its adherence to a uniform single-bunking standard. As a result of its review, BOP has recently taken two significant steps. First, it adopted a double-bunking standard for new medium-security facilities, and has used the new standard in preparing its expansion plans for the fiscal year 1992 budget. Based on professional judgment, BOP determined that a cell size of 90 square feet is required for housing two inmates, and that double-bunking would be limited to one-half of the new cells, which would house two-thirds of the inmates. BOP is also considering adopting a double-bunking standard for new minimum- and low-security facilities. This standard would also require double-bunking in all 90-square-foot cells. Secondly, as a result of our review, BOP created a Rated Capacity Task Force to review and update the capacity of existing facilities. Since BOP is still making a transition to new standards that include double-bunking, it remains to be seen what impact these efforts will have on systemwide capacity.

BOP could save substantial construction and operating costs by using a double-bunking standard to measure the rated capacity of all new and existing facilities, except perhaps for certain high-security prisons such as the facility at Marion, Illinois—generally regarded as the nation's most secure prison and used to incarcerate the most dangerous and notorious criminals. Moreover, additional budgetary savings could be achieved by adopting a double-bunking standard that requires a cell size of less than 90 square feet and extending it to all cells of the prescribed size in a facility. For example, by double-bunking in all 70-square-foot cells in existing and planned nonhigh-security facilities and jails already funded, BOP's systemwide capacity would be 93,046, or about 5 percent less than the 98,023 inmates BOP expects to house in 1995. This would substantially reduce—if not eliminate—the need for \$315 million in expansion funds BOP is requesting for fiscal year 1992 and any additional prison expansion funding in fiscal years 1993 and 1994 to accommodate the projected 1995 inmate population. Congress needs to consider the reasonableness of BOP's capacity standards in its deliberations on BOP's fiscal year 1992 budget request for expansion funds.

Objective, Scope, and Methodology

The objective of our review was to determine whether BOP is using realistic and cost-effective design standards and measures of capacity in planning federal prison expansion. We did our work at BOP headquarters

in Washington, D.C., with visits to federal correctional facilities in Montgomery, Alabama; Danbury, Connecticut; Terminal Island, California; Tucson, Arizona; and Lewisburg, Pennsylvania. We selected these facilities to get a mix of security levels, age of facilities, incidence of crowding, and geographical areas. For similar reasons, we visited the state correctional systems in New York, California, Florida, Minnesota, and Tennessee. We also contacted and obtained information from the American Correctional Association (ACA).

At BOP and state headquarters, we obtained documentation and interviewed officials regarding inmate population projections, design standards for correctional facilities, the needs determination process for facility expansion, and expansion plans. We based our analysis on the facility expansion plans outlined in the BOP budgets for fiscal years 1990, 1991, and 1992. Also, we identified and reviewed pertinent laws, regulations, court cases, directives, and information on the capacity of new and existing facilities, and developed an overview of the procedures BOP followed during the planning process. We did not independently verify BOP's information on cell sizes at its facilities.

At individual correctional facilities, we reviewed documentation and interviewed officials relative to the need for particular design standards, the appropriateness of capacity determinations, and the problems created by reported crowding.

We concentrated our efforts on determining how BOP sets design standards and measures capacity, comparing official policy with actual conditions in the federal system, state policies and activities, and federal court involvement. Although numerous standards exist which are used in designing correctional facilities, we focused on the standard of single-bunking inmates for intensive review because it potentially had such an immediate and substantial effect on capacity estimates. The single-bunking standard is also closely related to other key design standards such as minimum square footage and maximum facility size.

We did our work between November 1989 and March 1991 in accordance with generally accepted governmental auditing standards.

BOP Expansion Plans Have Been Largely Based on a Single-Bunking Standard

BOP's expansion plans and budget requests are based on a determination of rated capacity which, in turn, is based on design standards. With respect to cell size, BOP sets its own design standards in the absence of federal laws, regulations, or court orders specifying such standards. BOP officials say they historically followed standards published by the ACA, which offers a nationally-recognized accreditation program for correctional facilities. BOP does not publish a set of design standards as such, but does have certain "design criteria" for its facilities at each security level—minimum-, low-, medium-, and high-security—and its administrative facilities (e.g., jails).

A key standard for any correctional facility is the number of inmates that can be placed in an individual cell. Traditionally, BOP in determining rated capacity has generally followed a single-bunking standard advanced by ACA—which is based on professional judgment—that currently calls for providing each inmate with at least 35 square feet of unencumbered space in a single cell, provided that the inmate spends no more than 10 hours per day in that location. BOP officials said that these criteria translate to a cell size of roughly 65 square feet. Over the years BOP has built its facilities with cells of many sizes, virtually all between 47 and 109 square feet but mostly in the 50- to 70-square-foot range.

BOP Does Not Follow the Single-Bunking Standard in Practice

In practice, BOP has used double-bunking extensively throughout the federal system to accommodate the increased inmate population. The incidence of double-bunking varies widely among the facilities, depending on such factors as actual living unit size, security needs, architectural limitations, support services, and staffing. BOP does not maintain statistics that show the actual levels of double-bunking in individual facilities or systemwide. However, as of January 17, 1991, 80 of BOP's 84 correctional facilities or associated camps had an inmate population that exceeded rated capacity—17 of these facilities or camps by more than 100 percent.³ BOP officials told us that this was accomplished in large part by double-bunking cells of varying sizes for which the standard was single-bunking. Double-bunking is used extensively at all security levels except at its highest security prison in Marion, where the most violent and notorious offenders are housed.

During our visits to five federal facilities, we observed the extensive use of double-bunking. At the minimum-security prison camp in Montgomery, for example, the dormitory cubicles designed for one bed had

³The 84 facilities do not include a leased facility in Hartford, Conn.

been converted to an upper and lower bunk configuration, and over two-thirds of the cubicles were double-bunked. The medium-security facilities in Tucson, Terminal Island, and Danbury were almost completely double-bunked and some contained more than two inmates in a cell. Single-bunking was still the rule at the high-security prison in Lewisburg, although some double-bunking was in evidence.

The amount of time inmates actually spend in a cell varies considerably among the facilities and security levels. In most cases, particularly in the minimum-, low-, and medium-security facilities, inmates were not restricted to these areas for extensive periods of the day. Inmates often are working, attending classes, or participating in recreational or leisure activities in recreational areas. The cells are used mainly for sleeping, head-counts, and other limited purposes.

While specific standards vary, state systems also use double-bunking as a way to handle increased inmate populations. Each of the three states we visited had used double-bunking to some extent. In Florida, for example, the settlement agreement under which the prison system was operating allowed double-bunking in cells with at least 60 to 90 square feet. In units above 90 square feet, multiple-bunking was allowed as long as each inmate had at least 37.5 square feet of space.

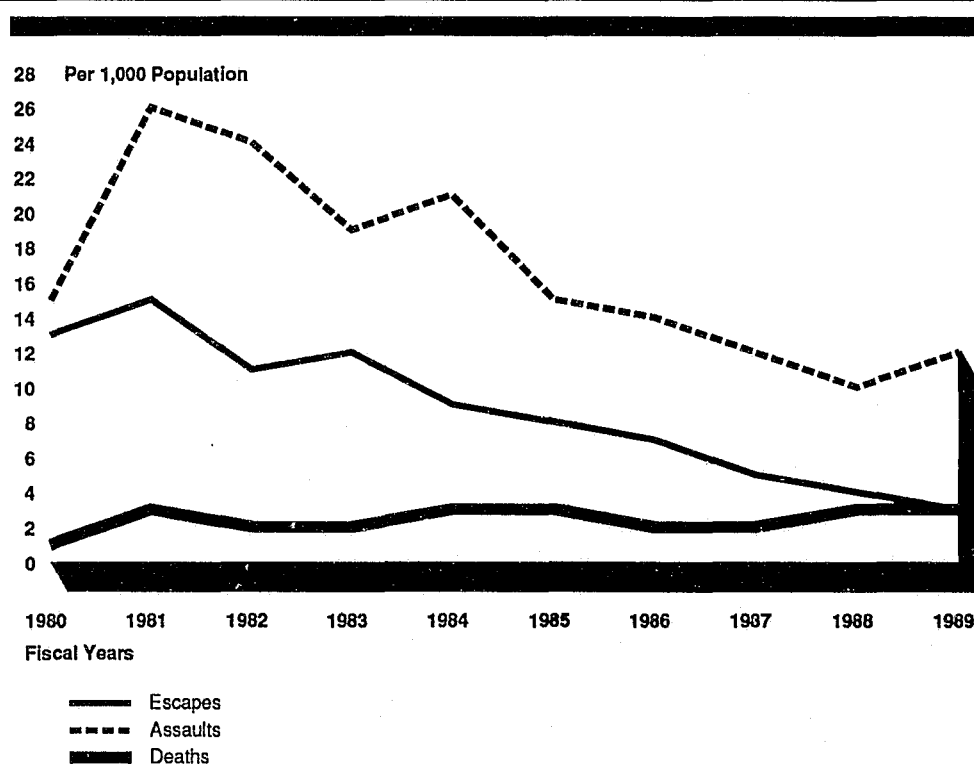
Double-Bunking Has Not Resulted in Unmanageable Problems

Despite the use of a single-bunking standard when existing facilities were built, BOP has not experienced unmanageable problems in double-bunking these facilities. While the number of inmates has increased significantly, the rate of major inmate incidents has not increased. Moreover, BOP officials said they are able to cope with current inmate population levels.

We could find no evidence that double-bunking leads to more major inmate incidents such as escapes or violence. We spoke with BOP officials who believe that double-bunking results in more crowding and idleness which, in turn, could lead to behavior and discipline problems. The link between crowding, idleness, and violence is cited in BOP's budget requests in recent years as a problem in the state systems, implying it could also be a problem for the federal system. However, as shown in figure 1, available data indicate that the rate of major inmate incidents decreased in every category except natural deaths during the 1980s when inmate populations soared to record levels and facilities were double-bunked on a wide scale. In response to questions from the Senate

Appropriations Committee on the fiscal year 1991 budget, BOP acknowledged that inmate violence did not increase during the 1980s—when double-bunking was increasing.

Figure 1: Escapes, Assaults, and Deaths in BOP Facilities (Per 1,000 Population in FY 1980 - 89)



Source: BOP

BOP officials at the five facilities we visited were coping with the assigned inmate populations. While these officials said they would prefer a population nearer to the rated capacity, they did not believe the excess inmates had created unmanageable problems. We observed that current levels of crowding had certain noticeable effects, such as inmate lines at bathroom facilities and in eating facilities, a shortage of inmate jobs, and a need for adjustments to staffing ratios and duties. However, we found no studies or other indications that the level of crowding associated with double-bunking has led to behavioral or other significant problems in the federal system.

Double-Bunking Is Not Contrary to the Law

Double-bunking, in and of itself, is not contrary to the law. No federal statutes or regulations prohibit the use of double-bunking. The federal system with its use of double-bunking is not under federal court direction to relieve crowding at this time. Furthermore, the Supreme Court has not found double-bunking, in itself, to violate constitutional rights, absent other violative conditions. For example

- In Bell v. Wolfish, 441 U.S. 520, 60 L.Ed. 2d 447, 99 S.Ct. 1861 (1979), the U.S. Supreme Court ruled that bunking two pretrial detainees in a 75-square-foot cell at a modern federal jail was not overcrowding and did not violate the detainee's rights under the due process clause of the Fifth Amendment.
- In Rhodes v. Chapman, 452 U.S. 337, 69 L.Ed. 59, 101 S.Ct. 2392 (1981), a case involving alleged cruel and unusual punishment as a result of double-bunking in a 63-square-foot cell in an Ohio state prison, the U.S. Supreme Court concluded that double-bunking to relieve overcrowding was not in itself unconstitutional.

While double-bunking has not in itself been held to be a constitutional violation, it seems conceivable that, under certain circumstances, double-bunking combined with other factors might be found to violate prisoner rights. Such other factors might include the available square feet in a living unit, the amount of time an inmate actually spent in the unit, the level of medical and other services provided, and the occurrence of violence or physical brutality.

ACA's Single-Bunking Standard Is Not Mandatory

While the ACA holds to a single-bunking standard, primarily out of concern for inmate and staff safety, adherence to it is not a prerequisite to ACA accreditation provided that other key standards are followed. It is possible for a facility to earn and maintain ACA accreditation when the standard is exceeded. BOP seeks ACA accreditation of its facilities, and thus attempts to follow ACA standards. The ACA considers single-bunking a nonmandatory standard and will accredit institutions that use double-bunking as long as other mandatory standards are followed. In March 1991, 52 of BOP's 84 facilities and associated camps in which double-bunking was used held ACA accreditation. Double-bunking was not the reason the other facilities were not accredited.

BOP Is Making a Transition to a Double-Bunking Standard

Over the last 3 years, BOP has been reviewing its definition of capacity and its adherence to a uniform single-bunking standard. While BOP officials prefer a single-bunking standard, they recognized it might not be consistent with fiscal realities. As a result of their review, BOP has taken two significant steps. First, BOP decided to adopt a double-bunking standard for new medium-security facilities. BOP officials said that in the future, where medium-security facilities are built with cells of 90 or more square feet, one-half of the cells will be double-bunked to account for two-thirds of the rated capacity.⁴ To illustrate, a new medium-security facility having 500 cells of 90 square feet would have a rated capacity of 750 inmates—250 cells would be double-bunked to house 500 inmates and 250 cells would be single-bunked to house 250 inmates. This new design standard is now a BOP policy and has been incorporated into the fiscal year 1992 budget submission.

BOP officials are also considering adopting a double-bunking standard in new minimum- and low-security facilities. This standard would require double-bunking in all cells with 90 or more square feet. This standard has not yet been formally adopted as a BOP policy. BOP officials said they will continue to determine capacity based on single-bunking high-security and administrative (e.g., jail) inmates, since they tend to be more violent or a greater security risk.

BOP officials said the decision to provide 90 square feet in a double-bunked cell was not based on empirical evidence but rather on their professional judgment which, among other things, took into consideration the “feel” of mock-up cells of various sizes. Similarly, they said the decision to limit double-bunking to one-half the new medium-security cells and two-thirds of inmates housed in these facilities was not based on empirical evidence, but rather on their judgment that this percentage is needed to separate the more dangerous inmates and to offer enough single-bunked cells as inducements for good behavior. Moreover, BOP officials said these single-bunked cells provide needed flexibility for accommodating fluctuations in the inmate population.

After our review began, BOP took the second step toward reconsidering its single-bunking standard and measures of capacity. It created the Rated Capacity Task Force to review conditions and housing patterns in existing facilities to determine whether the rated capacity should be

⁴About 8,490 of 10,252 (83 percent) of the new medium-security capacity planned or under construction as of January 1991 will be based on cells with 90 or more square feet. Rated capacity in the 1,762 smaller cells will be computed using the single-bunking standard.

revised. According to a BOP official, this will include both a redetermination of each institution's rated capacity as well as an assessment of the institution's "critical capacity"—that level beyond which the institution should not accept any more inmates.

As of January 1991, the Task Force had not completed its efforts, although it had received statistical information from the institutions on how existing facilities were currently configured and being used. A BOP official told us that, although some changes in capacity would be made, the changes themselves and the criteria for making them were still subject to discussion and review within BOP. He said, for example, that the need for some level of double-bunking would be recognized. While it has not yet been determined what size cell would be required for a double-bunking standard or what percentage of cells in a given facility would be double-bunked, current BOP thinking is that a cell size of about 70 square feet would be acceptable except in a few instances where the facility's infrastructure could not accommodate the resulting number of inmates. Until final decisions are made, we cannot determine what impact the Task Force's efforts will have on systemwide capacity.

Given the cost implications, BOP needs to hold the transition to a new standard to the shortest possible period. Presently, the expansion plans include a mix of bunking arrangements in cells of varying sizes. For example, BOP's current expansion plan includes 2,578 cells that will be double-bunked in new minimum- and low-security facilities to add 5,156 inmates to the overall capacity. These new double-bunked cells are of varying sizes, all being less than 90 square feet. Additionally, the plan has 2,900 new minimum-security cells that will be single-bunked; 800 of these are the same size as those cells that are planned to be double-bunked.

Adopting a Reasonable Double-Bunking Standard Could Save Expansion Funds

BOP's decision to adopt a double-bunking standard in certain new facilities and to review the rated capacity of existing facilities are steps in the right direction. However, we believe that current and planned standards should maximize the use of double-bunking to save future construction and operating costs. By adopting a double-bunking standard for all BOP nonhigh-security facilities and jails, and extending its use to cells of less than 90 square feet, BOP could reduce its expansion plans and requests for funding considerably.⁵

⁵This analysis maintains single-bunking in hospitals, witness protection units, inmate holdover units, and special inmate work units.

We analyzed the sizes of cells in all existing BOP facilities and those planned facilities already funded. As shown in table 1, the cells in BOP's planned facilities tend to be larger than those in existing facilities. The table also shows that relatively few cells in existing facilities have 90 or more square feet. Therefore, adopting a double-bunking standard with that criterion would not have a major impact on the rated capacity of existing facilities.

Table 1: Rated Capacity Expected by Fiscal Year 1995 by Cell Size in BOP's Existing Facilities and Planned Facilities Already Funded

Size of cell (sq.ft.)	Existing facilities		Planned facilities		Total	
	Capacity	Percent	Capacity	Percent	Capacity	Percent
Below 70	24,032	64	150	•	24,182	35
70 to 79	5,442	15	3,590	11	9,032	13
80 to 89	6,666	18	13,863	44	20,529	30
90 or more	1,281	3	14,162 ^a	45	15,443	22
Total	37,421	100	31,765^b	100	69,186	100

^aFigure does not include 1,200 cells for medical and disciplinary segregation that were mistakenly included in BOP's fiscal year 1992 budget as planned capacity.

^bTotal does not include 800-inmate capacity in a leased facility.

Building on this analysis, table 2 shows the impact of adopting a double-bunking standard using different cell sizes on BOP's rated capacity for existing facilities and planned facilities that are already funded. Applying its current double-bunking plan,⁶ BOP would have a rated capacity about 42 percent less than the 98,023 inmates projected for its facilities for 1995 (98,823 minus 800 in a leased facility), thereby requiring additional expansion funding. By double-bunking in cells with 90 or more square feet at all existing and planned nonhigh-security facilities and jails, BOP's rated capacity would be 29 percent less than the projected inmate population. If the double-bunking criterion were further extended to include cells of 80 or more square feet, BOP's rated capacity would be about 15 percent less than the projected 1995 population. If the double-bunking criterion were extended to include cells of 70 or more square feet, BOP's rated capacity would be about 5 percent less than the 1995 inmate population projection. Assuming a double-bunking standard for one-half of the high-security cells except those at Marion—which is BOP's current practice—would result in BOP's rated capacity at the 70-square-foot level being 95,443, which is about 3 percent less than

⁶The plan calls for double-bunking in one-half (2,830) of the new medium-security cells that will have 90 or more square feet and double-bunking 2,578 minimum- and low-security cells.

the 98,023 inmates projected for 1995 for BOP facilities. It is important to remember that BOP now double-bunks all types of inmates in cells of less than 70 square feet without unmanageable problems.

Table 2: Impact of Various Double-Bunking Standards on Rated Capacity in BOP's Existing Facilities and New Facilities Already Funded

Double-bunking standard	Rated capacity	Percentage that projected population exceeds capacity
Current BOP plan (double-bunking in 1/2 of new medium-security cells of 90 or more square feet)	69,186	42%
Double-bunking in all nonhigh-security and jail cells of:		
90 or more square feet	76,039	29
80 or more square feet	85,486	15
70 or more square feet	93,046	5
Double-bunking in all nonhigh-security cells and jail cells, and one-half the high-security cells (except Marion) of:		
90 or more square feet	76,169	29
80 or more square feet	87,769	12
70 or more square feet	95,443	3

Note: This analysis maintains single-bunking in cells smaller than 70 square feet, hospitals, witness protection units, inmate holdover units, and special inmate work units.

Our analysis did not consider any capacity increases possible from building smaller cells than planned and using the savings for additional cells. As mentioned above, the Task Force's current thinking is that a cell size of about 70 square feet would be acceptable for double-bunking in existing facilities. Yet, as shown in table 1, about 90 percent of the cells in new facilities are planned to have 80 or more square feet. Using BOP's prison construction cost estimate of roughly \$100 per square foot, we calculated that if the cells in the planned facilities already funded were scaled down to 70 square feet, BOP could have saved about \$34.5 million in expansion funds. We did not determine how much of this is recoverable at this time, since construction on some planned facilities is already underway, and in other cases it might not be cost-effective at this point to make changes to the blueprints.

As this discussion indicates, adopting a double-bunking standard beyond BOP's current plans could substantially reduce the need for additional expansion funding. BOP has already received a total of \$2.4 billion in fiscal years 1989 through 1991 to increase rated capacity to 69,186, not counting the 800-inmate capacity in a leased facility. By adopting a double-bunking standard for nonhigh-security facilities and jails that requires a cell size of less than 90 square feet, substantial cost savings

could be realized. For example, if a 70-square-foot criterion was adopted and a 5-percent crowding rate was deemed acceptable, BOP would seemingly not need the \$315 million in expansion funds requested for fiscal year 1992. It also would not need any additional expansion funding that might be requested in fiscal years 1993 and 1994 to accommodate the 98,023 inmates projected to be in BOP facilities for 1995. Further, since each facility could accommodate a larger number of inmates, fewer facilities would be required to accommodate the 125,478 inmates BOP projects for 1999. Moreover, not constructing the facilities requested in fiscal year 1992 could save a substantial amount in operating costs. We did not estimate the savings because of the difficulty in isolating offsetting costs that BOP might incur in adjusting for double-bunking.

Conclusions

The development of reasonable and cost-effective standards and accurate calculations of capacity are essential to planning a prison system, since expansion needs are determined by comparing capacity with projected populations. We believe BOP needs to make more extensive use of double-bunking in determining the capacity of its prisons and its expansion needs. In practice, BOP has used double-bunking without unmanageable problems in cells of various sizes and at facilities of all security levels except for its highest security facility, in Marion. BOP has not experienced unmanageable problems in providing inmate care and treatment, is not under court order or settlement agreement due to crowding, and has not experienced a higher rate of escapes or violent incidents.

Adopting a double-bunking standard could result in BOP achieving greater economies in its costly expansion program. In addition to saving construction costs, it would allow the government to avoid or delay the much larger costs of operating these facilities in the future. BOP has recognized the feasibility of double-bunking and has adopted a limited double-bunking standard in new medium-security facilities, is considering extending a double-bunking standard to new minimum- and low-security facilities, and has created a Rated Capacity Task Force to review and update capacity at existing facilities.

While these are steps in the right direction, we are concerned that BOP is proceeding with the most extensive and costly expansion program in its history without first resolving key questions on how double-bunking should be used in the federal system. The key questions include the following:

- What facilities should not adopt a double-bunking standard given that BOP has been double-bunking at all security levels?
- Why is a 90-square-foot cell required for double-bunking when BOP has been double-bunking in smaller cells without unmanageable problems?
- How many cells, if any, should be set aside for separating problem inmates, rewarding good inmates, or accommodating unexpected surges in the inmate population?
- If the standards are changed to permit double-bunking in cells smaller than 90 square feet and plans for new facilities could be modified to reflect this change, would capacity increase to a point where BOP would not need all the expansion funds it already has?
- What additional funding, if any, would be required for retrofitting existing facilities beyond what has already been done to accommodate double-bunking?

Until these questions are resolved, BOP is not in the best position to justify its requests for additional expansion funding.

Matters for Congressional Consideration

Congress should consider making funding of BOP's fiscal year 1992 budget request for new facility construction contingent on BOP's completing and justifying its transition to standards that include double-bunking wherever feasible.

Recommendations to the Attorney General

We recommend that the Attorney General require the Director of BOP to

- reassess BOP's current and proposed design standards to assure that its expansion plans and budget requests are premised on the use of standards that provide for double-bunking where feasible and limit single-bunking to those locations where double-bunking is clearly not feasible, and
- use the revised standards to determine the rated capacity of the federal prison system and justify the need for new facilities.

Agency Comments and Our Response

At your request, we did not obtain formal agency comments on this report. We did, however, discuss its contents with BOP officials who generally agreed with the facts presented and the recommendations. Overall, BOP officials agreed that the standard of single-bunking inmates should be reviewed and revised, but they did not believe that they should double-bunk all inmates in all nonhigh-security facilities and

jails. They said that because BOP has successfully managed high levels of crowding in most of its facilities does not mean it could operate that way in all facilities. They believe that double-bunking all nonhigh-security inmates (1) would be too risky given the possibility of violence particularly among medium-security inmates, (2) would eliminate the flexibility needed to cope with unexpected surges in inmate populations, and (3) would repudiate BOP's previous assessment that inmate overcrowding is a "material weakness" under the Federal Managers' Financial Integrity Act (FMFIA).

We continue to believe that BOP can use double-bunking to a greater extent than its current policy and guidelines permit. With respect to risk, BOP has demonstrated that it can successfully double-bunk inmates in minimum-, low-, and medium-security facilities and in certain jails in cells with less than 90 square feet.

As for eliminating the flexibility needed to cope with unexpected surges in inmate populations, our example of double-bunking all nonhigh-security and jail cells having 70 or more square feet would leave BOP with 28,976 (46 percent) of its 63,318 cells single-bunked. BOP has double-bunked cells of this size in the past and could again double-bunk them as needed to accommodate any unanticipated surges in population.

With respect to BOP's previous assessment that inmate overcrowding is an FMFIA "material weakness," that determination was essentially based on the single-bunking standard and would need to be reassessed given BOP's transition to a double-bunking standard. In any event, we think that the possibility of eliminating a material weakness should not be a cause for concern.

We plan no further distribution of this report until 30 days after its date, unless you publicly release its contents earlier. At that time, we will send copies to the Attorney General, BOP, and other interested parties.

Major contributors to this report are listed in the appendix. Should you need additional information on the contents of this report, please contact me on (202) 275-8389.

A handwritten signature in black ink that reads "Lowell Dodge". The signature is written in a cursive, flowing style.

Lowell Dodge
Director, Administration of
Justice Issues

Major Contributors to This Report

General Government
Division, Washington,
D.C.

Richard M. Stana, Assistant Director, Administration of Justice Issues
Carl Trisler, Assignment Manager
William J. Dowdal, Senior Evaluator

Office of General
Counsel

Nancy Finley, Senior Attorney

Atlanta Regional
Office

Frankie Fulton, Evaluator-in-Charge
Cynthia Tettleton, Senior Evaluator
Gary Malevenda, Evaluator
Stuart Ryba, Evaluator

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October 10, 1950

The following information was received from the Bureau of Economic Research on October 10, 1950:

The Bureau of Economic Research has received information from the Bureau of Census that the following information was received from the Bureau of Census on October 10, 1950:

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