



## NATIONAL PRISON COUNCIL

Friday, October 21, 2022

United States Senate  
Committee on the Judiciary  
Washington, DC 20510-6275

RE: Written Questions and Responses / Hearing entitled “Oversight of the Bureau of Prisons” held on Thursday, September 29, 2022.

Honorable Chairman Durbin, Ranking Member Grassley, and Members of the Committee,

This letter shall contain appropriate responses to the letter/request *Questions for the Record from Senator Charles E. Grassley for Shane Fausey, President of the Council of Prison Locals 33 “Oversight of the Federal Bureau of Prisons” September 29, 2022*. For structure and clarity, I will include the specific questions and corresponding responses to each in the original order.

1) In your testimony, you stated that the Bureau of Prisons is facing “a staffing crisis of epic proportions.” There appears to be a consensus view that this is true. Yet, at the same time, few seem to understand what level of staffing would sufficiently address the problem. What mechanisms does the Bureau of Prisons need to put in place so that it can report accurate information about staffing deficiencies?

Response: This situation requires a more detailed and focused algorithm to properly reflect the level of effectiveness and safety.

- A proper and accurate staffing metric must be very specific, down to each facility, and each building within the facility, and exactly how many Correctional Officers are directly supervising the offenders in that building.
- Variances must account for older facilities that routinely require additional Officers to accommodate inefficient floorplans and layouts.
- Higher security facilities should incorporate higher ratios of direct supervision.
- The BOP has established a pattern of not accurately reporting their current and/or historical staffing data, most notably to the members of Congress.
- The BOP maintains staffing and strength reports at all facilities. These reports highlight authorized positions, currently occupied positions (and each employee occupying a position), vacant positions, and projected in and out employees. These reports should be combined into quarterly reports to both Judiciary Committees and both HSGAC Committees. Included in these reports should be the current rates of overtime, mandatory overtime, and augmentation at each facility. This will give an accurate reflection of sufficient/insufficient manpower.

2) You indicated in your spoken testimony that the administration, Attorney General, and Congress should provide more resources to current BOP employees to help them



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succeed. Would you explain which sorts of resources, in particular, that you believe are needed?

Response: It is imperative to increase the pay-bands within the BOP, both as a recruitment tool and retention tool.

- Correctional Officers should career ladder to a GL9, with a competitive GL10. Entry level Correctional Officers should begin at a GL7.
- Additional earmarked funding should be dedicated solely to re-establish and increase training within the BOP.
- With training, additional funding must include exploration of the newest defensive technologies and equipment to protect both employees and offenders.
- A one-time emergency appropriation to address the current \$2 billion dollar backlog in maintenance and repairs on our infrastructure is urgent and desperately needed to fix our degraded facilities and those severely damaged in recurring natural disasters. The current and persistent conditions have created unsafe work environments and unhealthy conditions of confinement.
- As we have consistently emphasized, all funds must include strict parameters and stringent oversight of its utilization. The BOP/DOJs well established track record of irresponsible spending warrants it.

3) You further mentioned that the misuse of augmentation constitutes misappropriation of the American people’s money. What reporting systems would you recommend for tracking augmentation practices, and how can misuse be detected?

Response: The simplest way to summarize misappropriations would be to review the budget requests from the DOJ/BOP and compare the appropriations/positions they requested for the number of correctional officers (as an example). The number of correctional officers requested is in stark contrast to the number of correctional officers on board. This disparity becomes calculated and deliberate when the BOP leadership has consistently mandated a “92%” ceiling for the number of officers that can be hired in any specific fiscal year. I will include a side-by-side comparison for FY2016 through FY2023. Note that blank blocks indicate that the data was not available.

	President’s Request Total Budget / Total Officers	Total Officers On Board	Misappropriated Funding (Estimated)*
FY2016	7.34B / 20,921 Officers	15,597 Officers (- 5,324)	\$266.2 Million
FY2017	7.29B / 20,969 Officers	14,629 Officers (- 6,340)	\$317.0 Million
FY2018	7.08B / 19,073 Officers	13,774 Officers (- 5,299)	\$264.95 Million
FY2019	7.14B / 18,674 Officers	13,741 Officers (- 4,933)	\$246.65 Million
FY2020	7.16B / 20,466 Officers	13,808 Officers (-6,658)	\$334.25 Million
FY2021	7.71B / 20,466 Officers	13,760 Officers (-6,706)	\$335.3 Million
FY2022	7.84B / 20,466 Officers	13,032 Officers (-7,434)	\$371.7 Million
FY2023	8.17B / 20,466 Officers		



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\*The estimated Misappropriated Funding calculates the Correctional Officer vacancies of the President's requested funding that were deliberately not filled.

- In most years, authorized appropriations exceeded the request.
- Using estimated assumptions that the average Correctional Officer earns \$50,000/annually.
- From FY2016 to FY2022, the DOJ/BOP requested and were funded for 42,694 Correctional Officer positions that were deliberately never filled. This equates to approximately \$2.134 Billion dollars of unaccounted-for appropriated funds.
- This is exacerbated by the reality that annual appropriations of the BOP had substantially increased from FY2016 to the present.
- Further increasing the misappropriation is the expansive use of augmentation and overreliance on overtime/mandatory overtime. Augmentation routinely utilizes higher pay-grade employees (Nurses, Teachers, Counselors, Case Managers, etc) to fulfill duties of lower pay-grade positions (Correctional Officers), further degrading the cost effectiveness and proper use of taxpayer monies.

I hope these responses adequately address the questions you have asked. As always, I am available to address any further inquiries that you may have. I must admit that compiling the Correctional Officer staffing numbers and corresponding funding that was deliberately squandered at the expense of the Officers and employees of the BOP is disturbing and unacceptable. The DOJ and BOP must be held accountable for the misery they have caused, including the loss of human lives, both employees and offenders.

Respectfully submitted,

Shane Fausey  
National President  
Council of Prison Locals