

GAO

Report to the Chairman, Subcommittee
on Intellectual Property and Judicial
Administration, Committee on the
Judiciary, House of Representatives

November 1991

**PRISON
ALTERNATIVES**

**Crowded Federal
Prisons Can Transfer
More Inmates to
Halfway Houses**



General Government Division

B-246147

November 14, 1991

The Honorable William J. Hughes
Chairman, Subcommittee on
Intellectual Property and
Judicial Administration
Committee on the Judiciary
House of Representatives

Dear Mr. Chairman:

This report responds to the Subcommittee's July 6, 1990, request that we review the Federal Bureau of Prison's (BOP) halfway house program. The Subcommittee believed that halfway houses could potentially be used to house a much greater number of criminal offenders, thereby relieving prison overcrowding. As agreed with the Subcommittee, our specific objectives were to review BOP's use of halfway houses and its criteria for placing inmates in halfway houses (e.g., the types of inmates suitable for placement and the time periods for placement) and determine whether halfway houses are a suitable alternative to prison for certain offenders.

Results in Brief

BOP is not making full use of available halfway house beds. On average, 1,333 of the 5,012 halfway house beds under contract to BOP were unused during 1990. Monthly occupancy rates at halfway houses averaged 73 percent for federal inmates. At the same time, the federal prison system was reported by BOP to be operating at 150 percent of its rated capacity,¹ and inmates were available to fill the halfway house beds. Thus, BOP may be denying placements for inmates who could have used the services a halfway house provides in making the transition from prison back to the community. Also, by making more halfway house placements, BOP could make greater use of a prison alternative that could reduce prison crowding in the short term and lessen the need to build and operate costly new prisons in the future.

In most cases, BOP policy encourages the use of halfway houses for inmates during the last 120 to 180 days of their sentences. On the basis of their professional judgment, BOP headquarters officials responsible for community-based programs expected that about 70 percent of eligible inmates could be placed in halfway houses. However, in practice, about 46 percent of the inmates who might be considered eligible for

¹The rated capacity of a prison is the number of inmates the facility was designed to hold.

halfway house placement at the 11 prisons we visited were placed in halfway houses.² In addition, inmates who were placed in halfway houses spent, on average, about 29 percent fewer days in the halfway houses than BOP policy anticipated.

We identified a variety of reasons for the shortage of halfway house placements. These reasons included (1) different interpretations of BOP's national policy by BOP officials at the prisons where placement decisions are made, (2) varying methods used by BOP officials at different prisons to implement the policy, (3) BOP delays in starting the placement process, and (4) BOP's policy permitting eligible inmates to refuse less costly halfway house placements—even if the prison was filled beyond rated capacity.

The 11 halfway houses we reviewed appear to offer a suitable alternative to prison. At these halfway houses, which accounted for 10 percent of BOP's halfway house population, 83 percent of the inmates had found jobs in the communities where they expected to live upon release. Inmates had access to counseling and to drug and alcohol treatment programs. None of the halfway houses had apparently created problems for their communities. In addition, BOP had conducted the required monitoring of halfway house operators to ensure that they adhered to their contracts with BOP.

Background

The goal of BOP's halfway house program is to provide federal prison inmates a transition back to the communities where they will live upon release from federal custody.³ Besides subsistence and housing, BOP guidelines state that halfway house operators are required to offer inmates job counseling, academic and vocational training, family reconciliation services, access to substance abuse programs, post-release housing referrals, and community adjustment services.

²We defined inmates eligible for halfway house placement as those scheduled to be released from prison back to the community. Thirty-seven percent of the inmates shown on BOP rosters as due for release from prison were not eligible for halfway house placement consideration. These inmates had warrants or detainers from other law enforcement agencies, were scheduled to be deported by the Immigration and Naturalization Service, or were scheduled to start serving another sentence. We also excluded inmates with sentences less than 6 months and inmates for whom prison officials had not yet made a halfway house placement decision.

³About 60 percent of inmates in federal halfway houses were transferred from prison at the discretion of BOP. About 20 percent of the inmates in federal halfway houses were sent to a halfway house as part of a specified sentence that also included prison time. About 10 percent were direct court placements, and another 10 percent were sent to a halfway house as a condition of probation or parole.

In June 1990, BOP issued guidelines on transfers from federal prisons. The guidelines encouraged “maximum use of [halfway houses] for appropriate cases.” BOP did not define maximum use as a specific number of inmates. However, on the basis of their professional judgment, BOP headquarters officials responsible for community-based programs expected that about 70 percent of eligible inmates could be placed in halfway houses. Our sample of inmates released from 11 prisons showed that those inmates not sent to a halfway house were released directly from prison to the community.

BOP guidelines did not describe the types of inmates that should be placed in halfway houses. Instead, they defined categories of inmates that would not ordinarily receive halfway house placements, unless compelling reasons for placement could be demonstrated and documented. These categories included aggressive sex offenders, deportable aliens, disruptive group members, inmates needing inpatient medical care, and inmates who posed significant threats to the community. Other inmates who were either considered not always appropriate for halfway house placement or whose placements were limited to 60 days or less included inmates who

- were high-severity drug offenders,⁴
- had used alcohol or drugs in the institution during the past 2 years,
- had threatened government officials,
- had refused to meet their financial responsibilities such as payment of court-ordered fines,
- had committed a greatest severity offense,⁵
- had any history of violence, or
- had used any weapons in current or past behavior.

According to the guidelines, BOP anticipated that most inmates would be placed in halfway houses for the last 120 to 180 days of their sentences. According to 10 of the 11 halfway house operators, shorter placements adversely affect the benefits that residents receive from halfway house programs. Six of the operators stated that placements shorter than 6 months can adversely affect the inmates’ ability to secure employment and save money before being released to the community on their own.

⁴High-severity drug offenses are defined by the quantity of drugs involved in the crime. For example, crimes involving at least 1,367 pounds of marijuana or 22 pounds of cocaine are considered high-severity drug offenses.

⁵Greatest severity offenses include aircraft hijacking, homicide, kidnapping, rape, and espionage, among others.

BOP administers its halfway house program through its Community Corrections Branch at BOP headquarters in Washington, D.C., and at community corrections offices located throughout the country. Until 1982, BOP operated some halfway houses; however, since then, all halfway houses have been operated by contractors. In 1990, BOP reported it had contracts with 273 operators; this included both profit and nonprofit operators. According to BOP's figures, halfway house contracts ranged from 1 to 150 beds for a total of 5,012 beds as of October 1990.⁶ A BOP official stated that there is no difference in the contract requirements for profit or nonprofit operators. He also stated that halfway house operators may accept 25 percent more inmates than the contracted amount without a new contract. BOP has authority to award contracts up to 5 years in length—a 2-year base with three 1-year option periods. BOP's community corrections officials are responsible for periodically monitoring halfway house operations to ensure that services are provided as contracted for in accordance with the statement of work.

Halfway house operators are reimbursed based on a daily rate for each inmate. Daily rates ranged from approximately \$12 to \$85 and averaged \$33. According to the president of an international association that represents halfway house operators, while some halfway houses obtain referrals from sources other than BOP, such as state or local agencies, halfway house operators that rely solely or largely on BOP can face serious economic consequences if the occupancy rates fall too low. In 1990, two operators asked BOP to terminate their participation in the halfway house program because BOP did not refer enough inmates. (See p. 19.)

Approach

We used a multifaceted approach to address our objectives. A detailed description of our complete objectives, scope, and methodology is included in appendix III. To determine which inmates might be eligible for halfway house placements, we visited 11 of BOP's 67 prisons that represent a geographic mix of minimum, low, medium, and high security

⁶An example of a single bed contract was BOP's placement, at the court's direction, of an inmate with special needs in a multibed hospice. BOP's contract with this facility ended when the inmate was released.

prisons.⁷ (See app. I.) The 11 prisons held male and female inmates at various security levels and accounted for 1 in 5 inmates in federal prison.⁸ These 11 prisons averaged 164 percent of rated capacity.

At each prison we requested a roster of inmates scheduled for release. At the first prison, we requested a roster of all inmates to be released over the next 9 months because BOP policy requires a decision to approve or disapprove a referral to a halfway house 9 months from the inmate's probable release date. However, we found that the inmate release plans were so incomplete and poorly documented for cases near the 9 months that we limited our sample to those inmates scheduled for release in an average of 6.5 months at the 11 prisons. This sample produced 1,296 inmates scheduled to be released.

We eliminated about 37 percent of the inmates scheduled to be released from prison as ineligible for consideration by prison officials for halfway house approval or disapproval, and BOP officials agreed that these inmates should be eliminated from our sample. These inmates had warrants or detainers from other law enforcement agencies, were scheduled to be deported by the Immigration and Naturalization Service, or were scheduled to start serving another sentence. We also excluded inmates with sentences under 6 months who were not, under BOP policy, eligible for halfway house placement from prison because their sentences were so short. Finally, we excluded inmates for whom prison officials still had not decided to approve or disapprove placement in a halfway house. (We discuss placement delays on p. 12.)

After excluding those inmates who were ineligible, our sample included 813 inmates whom the prison officials had decided to approve or disapprove for a halfway house placement. We reviewed each inmate's file and interviewed prison officials responsible for making the decision. We

⁷BOP prisons are grouped into four security levels—minimum, low, medium, and high—and an administrative category (for which nonsecurity considerations outweigh security concerns). An institution's security level is based on seven factors. These include the prison's use of external mobile patrols; gun towers; perimeter barriers (such as single or double fences, walls, razor wire); detection devices (such as cameras, electronic detectors); internal security; housing configuration (for example, dormitory or cell); and inmate-to-staff ratio.

⁸BOP assigns inmates security level classifications of minimum, low, medium, and high. The classifications are based on several factors such as the severity of the current offense, history of escape, or history of violence. Inmate security level classifications are to be used as guidelines for placement. For example, an inmate given a low security classification will ordinarily be placed in a low security institution and an inmate given a high security classification will normally be placed in a high security institution. However, these are guidelines, not absolute requirements. For ease of presentation, we converted BOP's security classification system to numbers: 1=minimum security, 2=low security, 3=medium security, 4=high security.

asked the officials to discuss how the decisions were reached—whether they used the criteria in the national policy and how they interpreted the criteria. These 813 inmates are those whom we describe as eligible for placement consideration by prison officials. As described in the next section, less than half were approved for halfway house placement, and those who were approved received far shorter placements than BOP policy anticipated.

Low Referral Rates and Short Placement Periods Resulted in Empty Halfway House Beds

During 1990, halfway houses with BOP contracts had, on average, 1,333 unused beds available for federal inmates. According to BOP figures, an average of 3,679 federal inmates were assigned to halfway houses under contract to provide 5,012 beds. This translates to an occupancy rate of 73 percent. During 1990, the number of federal inmates in halfway houses ranged from a low of 3,419 (68 percent occupancy) to a high of 3,938 (79 percent occupancy). These figures show that beds were readily available to receive additional placements of inmates from federal prisons.

Although there were factors that could either increase or decrease the number of beds available, we used the contract quotas to measure occupancy as the most reliable figure available. For example, under BOP contract provisions, halfway houses can accept 25 percent more inmates than the contract number. BOP officials in community corrections stated that not all halfway houses have the capacity to accept additional inmates but estimated that an additional 300 beds beyond the contract quotas were available. We did not include these additional 300 beds when computing the occupancy rates. Also, BOP officials stated that not all halfway houses could be expected to be 100 percent occupied at all times. They presented figures to show that 132 halfway houses are minor use—10 beds or less—and these facilities may not always be full at all times. Since BOP community corrections officials could not provide an acceptable vacancy rate for halfway house beds in minor-use facilities, we did not exclude any of these beds from our calculations of occupancy rates. None of our estimates included the possibility that BOP could expand the number of halfway houses or beds available beyond what they already had.

Empty halfway house beds were mainly a result of low referral rates and short placement periods. Because of serious criminal histories and behavior problems in prison, all inmates eligible for consideration might not be suitable for halfway house placement. However, fewer than half—46 percent—of the inmates scheduled for release and eligible for

consideration were placed in halfway houses, less than the 70 percent BOP officials had expected to be placed. After we presented our figures to BOP, they estimated the percentage of eligible inmates referred to halfway houses from all their prisons for the period April to June 1991. Their system-wide figures showed that 42 percent of their eligible inmates released from prison were placed in halfway houses, which was lower than the 46-percent placement rate shown for the prisons in our sample.

Overall, the 11 prisons placed inmates in halfway houses for about 85 days, 29 percent fewer days than the BOP policy anticipated. Only one prison routinely recommended placement periods of the 120 to 180 days that BOP had anticipated would be recommended in most cases. Placement periods in other prisons ranged from 65 to 95 days. (The reasons for low placement rates and short placement periods are discussed later in this report.)

Table 1 shows the percentage of inmates eligible for consideration that were placed by prison officials in halfway houses and the average days of placement.

Table 1: Placement of Eligible BOP Inmates in Halfway Houses

Prison	Percentage placed	Average days placed	Average security level
Minimum security			
FPC Phoenix, Ariz.	42	139	1.0
FPC Boron, Calif.	55	95	1.1
FPC Terre Haute, Ind.	72	90	1.1
Low security			
FCI Lompoc, Calif.	51	88	1.7
Administrative			
FCI Lexington, Ky.	34	89	1.4
Medium security			
FCI Pleasanton, Calif.	35	79	2.1
FCI Phoenix, Ariz.	56	65	2.8
FCI Terminal Island, Calif.	41	83	2.3
FCI Milan, Mich.	61	83	2.2
High security			
USP Lompoc, Calif.	30	93	3.2
USP Terre Haute, Ind.	33	70	3.2

Note 1: FPC is a Federal Prison Camp. FCI is a Federal Correctional Institution. USP is a United States Penitentiary.

Note 2: The security levels are described in footnote 8 on page 5.

Source: GAO analysis.

Halfway House Placements Were Less Costly Than Prison

According to BOP figures, it cost less to house an inmate in a halfway house than in a prison. During 1990, halfway house operations cost an average of \$32.67 per inmate per day. BOP collected \$4.41 daily from each inmate toward the cost of their placement in the halfway house, making net costs to BOP of \$28.26 per inmate per day. In comparison, BOP's reported average daily operations costs ranged from \$33.96 for minimum security prisons to \$61.30 for major prison medical centers and averaged \$49.20 for each inmate in a federal prison during 1990.

By making greater use of halfway house resources, BOP could reduce prison crowding in the short term and achieve budgetary savings in the long term. BOP is building prisons at an unprecedented rate to alleviate its crowded prison system, which was reported to be at 150 percent of its rated capacity in July 1991. By placing suitable inmates in empty

halfway house beds, BOP could eliminate the need for 1,333 new prison beds costing between approximately \$43 million and \$59 million. Such placements would also reduce BOP's annual operating costs by about \$3.8 million.⁹

Inmates Considered Suitable for Placement Can Differ by Prison

Placement opportunities may be lost and inmates can receive inconsistent treatment because some of BOP's placement criteria are vague and subject to different interpretations of which inmates to place in halfway houses. For example, BOP's guidelines contained the term "history of violence" to describe behavior that would ordinarily preclude an inmate's referral to a halfway house. We asked 48 prison officials who made placement decisions what constituted a "history of violence" in deciding if an inmate should be referred to a halfway house. No two officials gave us the same answer. Responses included the following:

- Fourteen officials considered verbal threats and threatening notes given during a bank robbery as violence; 11 officials said this was not violence.
- Four officials said that fighting with other inmates was a history of violence, and five officials said that fighting with other inmates was not violence unless weapons or serious injury were involved.
- Five officials considered the length of time since the violent act occurred when determining to apply this limitation; two officials said it did not matter how long ago the violent act was committed.

Another restriction on placing inmates in halfway houses is for "any use of weapons in current or past offense behavior." We asked prison officials who made placement decisions how they would interpret "any use of weapons." Of the 48 officials who responded, 47 felt that this restriction would apply to any inmate who used a weapon to actually assault, threaten, or intimidate another. The difference in interpretation was whether the possession of a weapon constituted use of a weapon.

Responses included the following:

- Twenty-two prison officials considered possession of a weapon as "any use of a weapon," and six of these interpreted "any use of a weapon" as finding a weapon in an inmate's car or home. One official considered an inmate placing a hand in the pocket to simulate a weapon during a bank robbery as "any use of a weapon."

⁹These construction and operating cost figures were based on data supplied by BOP. We did not verify the accuracy of the data.

-
- Eleven officials did not feel that “any use of a weapon” applied to mere possession of a weapon, and one official felt that inmates charged with possession were not a danger to society.

Eight wardens, who review and can overturn halfway house placement decisions, also commented on how to interpret “any use of a weapon.” Their interpretations follow:

- Four wardens felt that the restriction referred to actual use of a weapon.
- Two wardens considered possession as well as use.
- One warden called the restriction “tough” to interpret.
- One warden called the restriction “murky,” requiring judgment.

The result of these differing interpretations was that inmates received inconsistent treatment, depending on which institution made the placement decision. For example, inmates from penitentiaries who had armed robbery convictions were approved for halfway house placements. We also found three inmates placed in halfway houses who were convicted of murder with guns or knives. However, while these inmates were approved for placement and the halfway houses accepted them as suitable, inmates at one camp were denied halfway house placement for “any use of a weapon.” These inmates included one who owned many weapons at the time of his arrest, one who was a felon who received a firearm, and one who conspired to deal in weapons without a license.

At the 11 prisons we visited, 12 officials who made placement decisions raised the issue that the inmates most in need of halfway house placements are those who, because they have been incarcerated for long periods of time, may be excluded under the new guidelines. These inmates need halfway house placements because they no longer have any family or community ties and have no resources to help them make the transition back to the community. However, under the new guidelines, these inmates are often excluded or have their placements limited to 60 days solely because of their original offenses, which may have involved “any use of a weapon” or “any history of violence.” (See p. 3.)

Procedures Used to Implement Placement Policy Varied

In addition to clarifying its policy on halfway house placements, BOP needs consistency in how that policy is implemented at the prisons. Wardens at the prisons we visited used varying procedures to implement BOP's policy on halfway houses. We believe that management procedures implemented by the wardens of prisons with higher referral rates can be effectively adapted to other prisons to identify those inmates suitable for halfway house placement.

For example, the warden at a prison with a high placement rate stated that his policy is that every inmate should go to a halfway house. The warden said that public safety issues and inmate's propensity toward violence are always considered in making halfway house placements. However, he also said inmates either go through a halfway house where someone is monitoring their behavior on a daily basis or they go directly back onto the street unsupervised. To encourage halfway house placements, the warden stated that he attends caseworker meetings, talks to inmates at lunch, appeals cases to the region, and writes justifications on over half the placements.

According to BOP officials, inmates classified as low security risks were considered more likely candidates for halfway house placement than inmates classified as high security risks from a public safety perspective. But the warden at one penitentiary placed his inmates classified as high security risks at about the same rate as the warden at another prison placed inmates classified as much lower security risks. When we brought it to his attention, the warden of the lower security prison stated that he changed his practices to require justification for denials as well as approvals of halfway house placements. He stated that the staff had been using unwritten criteria such as "not enough time for processing" in making placement decisions.

Although aware of the obligation for public safety, the warden at the penitentiary with the higher placement rate stated that he sets an affirmative tone for halfway house placements at his institution, looking for reasons to place rather than exclude inmates from halfway houses. He reviewed, with few exceptions, all denials of halfway house placements. All but one of the other wardens we asked did not routinely review denials for halfway house placement. The warden who reviewed denials was surprised that other wardens did not require officials making placement decisions to justify denials of halfway house placements, since potential placements might be overlooked without such a review. For example, as a result of his reviews, he approved one inmate

who had been denied halfway house placement, and he increased the time to be spent at a halfway house by two other inmates.

Placement Delays Have Reduced Time Spent by Inmates at Halfway Houses

Prison officials were sometimes slow in starting the placement process, thereby reducing the number of days that an inmate could spend in a halfway house or preventing the inmate from being placed at all. BOP policy requires that a referral to a halfway house be made far enough in advance to allow for pretransfer preparation and for adequate halfway house program time. The policy requires prison officials to approve or disapprove placement in a halfway house approximately 9 months before an inmate's probable release date. The policy also requires referral documents be sent to community corrections officials 6 weeks in advance. For example, a 6-month halfway house placement should be finalized at least 7.5 months before release.

At 7 of the 11 prisons in our sample, time constraints—not unsuitability for placement—were cited by prison officials as the reason for not placing inmates in halfway houses, affecting from 3 to 15 percent of the releases. Prison officials simply waited too long to start the placement process. For example, one prison official stated that he believed most inmates due to be released would benefit from halfway house placements. However, a review of his files showed that he did not plan to refer of any of his 18 eligible inmates for halfway house placement. In five of these cases he cited time delays as the reason for the lack of referral.

During the 6.5-month period we studied, from 2 to 15 percent of the inmates could still have been placed for less than 6 months at 10 of 11 prisons we visited. For example, decisions had not been made on whether or not to place 15 inmates who were scheduled for release in less than 90 days. One inmate was within 30 days of release, and prison officials still had not decided whether or not to place the inmate in a halfway house.

BOP's policy recommends no less than 1 case manager for 100 inmate cases, and 37 prison officials stated that about 100 cases or fewer was the ideal caseload. However, 23 officials felt their current caseload was unmanageable, and 11 had caseloads of over 200 inmates. One official commented that many inmates are recommended for shorter halfway house placements than would be recommended if more time was available to handle the caseload.

A local policy at one prison camp kept the placement period shorter than expected. The warden at this minimum security prison placed stricter restrictions on the length of halfway house placements than the 120 to 180 days BOP recommended for such minimum risk inmates. Although the inmates released from this prison were in the lowest security levels, halfway house placements averaged 95 days instead of the 120 to 180 days anticipated by BOP policy. BOP policy states that wardens may make exceptions to the guidelines for extraordinary circumstances, but this warden established the exception as routine practice.

Inmates Sometimes Refused Halfway House Placements

Another factor that affected the placement rate was that BOP officials permitted inmates to refuse placement. From 9 percent to 46 percent of the inmates scheduled for release at the prisons we visited refused halfway house placements. At four prisons, more than 20 percent of the inmates eligible for release refused placement. BOP's written policy on halfway house placements does not specify inmate refusal as a legitimate reason for not placing an inmate in a halfway house. However, a BOP official in the Community Corrections Branch stated that such refusals are accepted as reasons not to place in halfway houses, despite BOP's reported crowding in the federal prison system.

Of the inmates who did not want to go to halfway houses, 61 of 88 (69 percent) gave no reason for not wanting to go. Some of the reasons given by inmates who gave an explanation for refusing halfway house placement included the following:

- One inmate refused to go, saying he did not want the supervision conditions of a halfway house, even though a halfway house placement had been found for him.
- Another inmate said he did not want the "hassle" of a halfway house. One prison official said that some inmates consider halfway houses too much of a "hassle" because of the greater responsibilities they must assume compared to prison (e.g., find a job, pay expenses, assume financial responsibilities to family members or victims). These inmates prefer just to wait out their time in prison.
- Another inmate was engaged in a jurisdictional battle with the U.S. Government over its right to imprison him and refused to go to a halfway house.
- Another inmate refused a halfway house placement, believing it was tougher than prison.

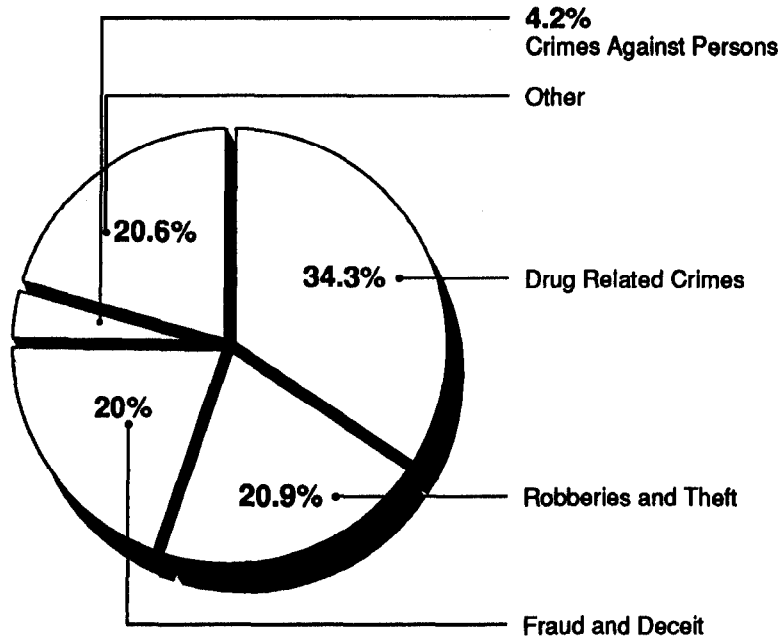
Halfway Houses Can Be a Suitable Alternative to Prison

The 11 halfway houses we reviewed appeared to be suitable alternatives to prison. Besides being less costly, the halfway houses we reviewed provided an environment that allowed inmates to find a job and the support programs needed for their return to the community. BOP officials monitored the halfway houses in accordance with regulations. One BOP official commented that there can be problems and community opposition to locating new halfway houses in communities where a halfway house has not existed before. However, the 11 halfway houses we visited caused no apparent problems for their communities.

BOP requires halfway house operators to complete an individual program plan for the resident within the first 2 weeks of arrival; the plan is to address all areas of resident needs and includes a time schedule for achievement. One operator told us that inmates can be too optimistic about what life will be like outside of prison and do not feel they need services but later find that they do. Another halfway house operator commented that an inmate completing a long sentence has had all the important daily decisions made inside prison and may have forgotten such basic skills as reading a menu, catching a bus, and finding a job.

Five or more of the 11 halfway house operators cited the following types of inmates as unsuitable for halfway house placements in their programs: sex offenders (seven operators); arsonists (six operators); inmates with mental health problems (five operators); and violent inmates (five operators). Otherwise, the inmates placed at the 11 halfway houses in our sample represented a mix of BOP's inmate population. The types of crimes committed by halfway house residents in their original sentences are shown in figure 1.

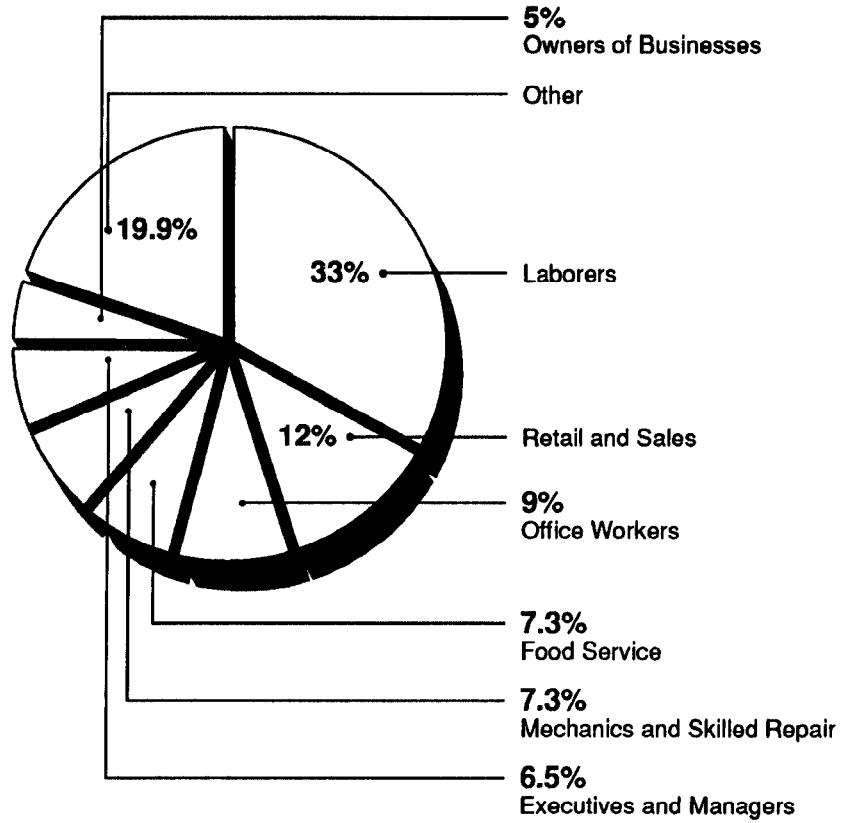
Figure 1: Original Offenses of Halfway House Residents



Note: Crimes against persons include homicide, assault, and criminal sexual abuse.
Source: BOP files on halfway house inmates.

BOP requires that contractors develop meaningful inmate employment opportunities and, to the extent needed, help the inmate find employment. Of the 335 inmates on whom records were available, 278 (83 percent) had found jobs. As shown in figure 2, these inmates found jobs in diverse occupations. Specific jobs included sales clerks, mechanics helpers, car washers, fast food crew members, porters, cooks, painters, pizza makers, janitors, and secretaries. Figure 3 shows that over half of the working inmates made more than \$5 an hour.

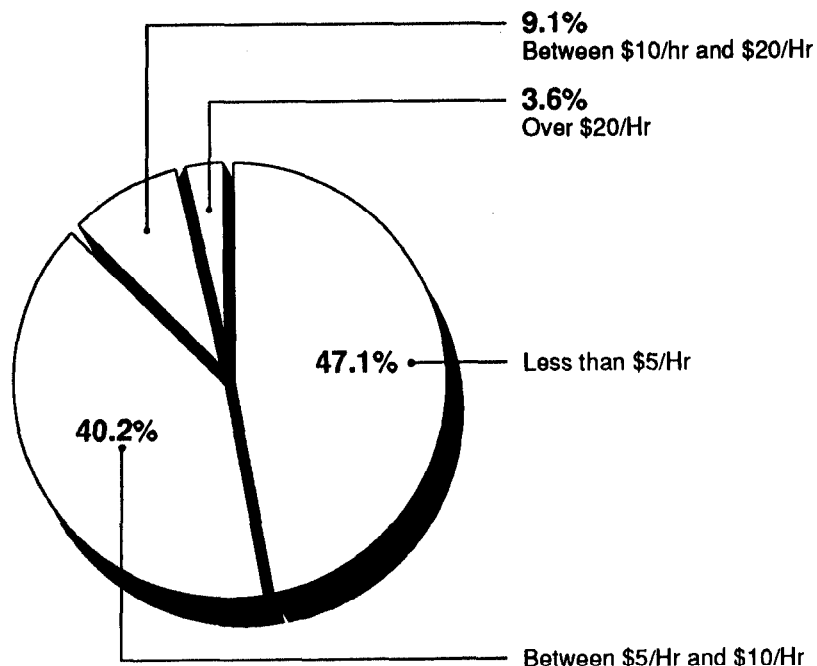
Figure 2: Jobs Held by Halfway House Residents



Note: Other category includes drivers and delivery people, child care workers, and other jobs not in the above categories.

Source: Halfway house files.

Figure 3: Hourly Wages Earned by Halfway House Residents



Note: Jobs range from unskilled laborers to executives and owners of businesses.
Source: Halfway house files.

Unless medically constrained, halfway house inmates are ordinarily expected to secure full-time jobs while at the halfway house. Inmates who do not make an effort to find employment can be returned to prison. Fifty-seven inmates (17 percent of the inmates at the halfway houses in our sample) had not found jobs. Of these unemployed inmates, four were enrolled in vocational training, 24 were obtaining employment skills counseling, and 10 participated in both programs. Some of the 19 inmates who were not in either program included

- an inmate exhibiting the symptoms of AIDS who was placed on disability;
- a 70-year-old inmate who had cancer and was also placed on disability;
- an inmate who had just been laid off from his job;
- an elderly inmate with mental problems, whom the halfway house was trying to place with a charitable group; and
- an inmate attending college full time.

BOP requires all the halfway houses to offer drug testing and treatment programs. These programs should include a program planning conference within the first week of the inmate's arrival; at least 30 minutes of drug counseling weekly by a substance abuse counselor with BOP specified qualifications; and, for inmates with known drug histories, urine testing a minimum of four times a month on an unscheduled basis. We did not specifically review the drug testing and treatment programs, but inmate participation rates in these programs ranged from 14 to 67 percent of the halfway house population. Halfway houses are also required to maintain a surveillance and counseling program in order to deter and detect the introduction or use of alcohol in the facility.

Although communities may resist locating new halfway houses in neighborhoods where halfway houses had not previously existed, the 11 halfway houses in our sample existed relatively peacefully in their communities. None of the police or probation officials serving the 11 halfway houses in our sample cited any problems associated with the halfway houses. One halfway house had over 40 federal inmates and was affiliated with a neighboring mental hospital. However, we had difficulty finding a police official at the local police station who even knew the halfway house existed.

The police had received no complaints from neighbors about the inmates at the 11 halfway houses we visited. However, police officials in two locations told us they had received complaints from halfway house inmates about the neighbors. One of these halfway houses was located in a marginal neighborhood characterized by high crime rates, homeless persons, and sex-related businesses. The police commander stated that the inmates were concerned about being in the neighborhood. The other halfway house reported that an automobile had been broken into and that one larceny had been committed.

BOP attempts to ensure that its halfway houses function well in their communities and meet their program requirements through the monitoring program. BOP had conducted the required monitoring of all 11 halfway houses we visited to ensure compliance with safety and program requirements. Of the 155 findings at the 11 halfway houses, only 4 findings at one halfway house were not resolved as of March 1991. However, the halfway house operator had responded in writing to BOP that corrective action was being implemented on these four findings. BOP did not consider those open findings serious enough to close the program. Examples of findings from a BOP monitoring report of a halfway house included the following:



- Weekly safety and sanitation inspections were not documented.
- The ratio of the number of residents to the number of showers was not in compliance with the contract.
- Evening meals were not served until after 7:00 p.m., instead of by 6:00 p.m. as the contract required.
- The pool table needed to be recovered and pool cues needed repair.

We have previously reported that careful monitoring of halfway houses is important.¹⁰ During 1990, BOP terminated contracts with eight halfway house operators. BOP terminated three contracts because the operators did not meet their contract requirements, including failure to correct deficiencies (ceiling repairs, emergency lighting); refusal to commit funds to correct life safety deficiencies (installing lighted exit signs, smoke detectors, means of egress); and inadequate staffing. BOP terminated five additional contracts with halfway house operators in 1990 for the following reasons:

- Two operators did not receive enough referrals from BOP to keep their facilities financially viable and asked to withdraw from the program.
- Two contracts were not renewed because more beds were needed in the geographic area than the existing houses provided.
- One operator filed for bankruptcy.

In 1989, BOP experienced serious problems with a contract halfway house operator in New York City. Allegations included abuse of inmates by the operator and failure to meet basic requirements for space in the facility. As a result, according to BOP officials, BOP tightened the program requirements, especially monitoring, and since then the program has not experienced similar problems. The experience in New York City serves as a reminder that the program can develop problems if BOP does not closely monitor halfway house operations.

Conclusions

Through its program requirements and monitoring of such requirements, BOP has taken measures to ensure that the halfway house program serves as a suitable alternative to prison by helping inmates make the transition from prison to the community. However, BOP is not taking full advantage of this available and less costly alternative to prison. Prison crowding has not been reduced to the extent it could have been, and a prison alternative that could reduce the need for costly new prison beds has not been fully used.

¹⁰Community-Based Correctional Programs Can Do More to Help Offenders (GGD-80-25, Feb. 15, 1980).

BOP could make greater use of currently available halfway house resources by taking several steps. First, BOP needs to clarify the guidelines on criteria for halfway house placement so that the guidelines can be consistently applied at different prisons. Second, BOP needs to ensure that its policies are consistently implemented so that suitable inmates are identified for halfway house placement. BOP can look at procedures implemented by wardens at prisons with higher placement rates as examples of how to make better use of halfway house placements. Third, BOP wardens need to start the placement process in a timely manner so that inmates can receive the benefit of a full halfway house placement period. Finally, BOP needs policy guidelines defining circumstances in which inmates could refuse halfway house placements. Some of these inmates may be lacking in resources (e.g., job skills, money, family support) and may not be fully aware of the program benefits.

Recommendations

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

- clarify its national policy on halfway house placements by providing better definitions of vague criteria, such as “history of violence” and “use of a weapon,” that are used in making placement decisions;
- ensure that suitable inmates are identified for the halfway house program by adapting procedures that have proven successful at prisons with high referral rates, such as holding discussions with inmates and staff on program benefits, requiring that denials be justified in writing, and reviewing denials and approvals of halfway house placements;
- ensure that wardens start the placement process in a timely manner, in accordance with BOP’s 9-month policy, so that inmates receive the full benefit of halfway house placement; and
- issue policy guidelines defining the circumstances in which inmates could refuse to accept a halfway house placement.

Agency Comments and Our Evaluation

As requested by the Subcommittee, we did not obtain written comments from the Department of Justice on this report. We did, however, discuss the contents of a draft copy of this report with BOP officials. The BOP officials said the report made a fair appraisal of several operational weaknesses in the halfway house program that will require strengthening, although they did not comment specifically on the recommendations. They also suggested some technical clarifications, which were made to the report.

BOP officials noted that the report failed to address BOP's principal mission of public safety. They stated that it is not BOP's mission to ensure maximum use of all halfway house bed space. Rather, BOP managers must assess the threat to public safety when determining an inmate's suitability for halfway house placement. Accordingly, BOP believes that its managers are prudent and necessarily selective when referring inmates to halfway houses, and that its current use of available halfway house bed space is appropriate in this context.

Our report did not advocate changing the criteria for inmate placement in halfway houses. Rather, we found that clarifying program guidelines and adopting procedures that have proven successful at prisons with higher placement rates would have provided more halfway house placements and for longer periods of time throughout the system. All of the inmates in our sample were due to be released from prison to the community in less than seven months. Sending an inmate with few resources directly back to the community without the benefit of a halfway house placement may increase the risk of failure and an eventual return to prison. Preparing the inmate for life in the community after prison is the very purpose of the halfway house program and, consistent with BOP's own policy, should help to minimize the risk to public safety.

Copies of the report will be sent to the Attorney General, officials at BOP, and other interested parties. Copies will also be made available to others on request.

Major contributors to this report are listed in appendix IV. If you have any questions about the contents of this report, please call me on (202) 566-0026.

Sincerely yours,



Harold A. Valentine
Associate Director, Administration
of Justice Issues

Prisons Included in Our Sample

Institution	Number of inmates	Rated capacity	Sex of inmates
Minimum security			
FPC Boron, Calif.	479	316	M
FPC Phoenix Ariz.	204	136	F
FPC Terre Haute, Ind.	238	206	M
Low security			
FCI Lompoc, Calif.	872	464	M
Administrative			
FCI Lexington, Ky.	1,728	1,307	F
Medium security			
FCI Milan, Mich.	1,434	728	M
FCI Phoenix, Ariz.	1,179	518	M
FCI Pleasanton, Calif.	930	443	F
FCI Terminal Island, Calif.	1,183	545	M
High security			
USP Lompoc, Calif.	1,663	1,134	M
USP Terre Haute, Ind.	1,506	858	M

Note 1: FPC is a Federal Prison Camp. FCI is a Federal Correctional Institution. USP is a United States Penitentiary.

Note 2: The security levels are described in footnote 8 on page 5.

Source: Figures reported by BOP as of May 1991.

Halfway Houses in Our Sample

Halfway house	Location	Federal inmate quota	Number of federal inmates	Sex of inmates
Eclectic Communications Inc. of San Francisco	San Francisco, Calif.	59	47	M/F
Eclectic Communications Inc. of Oakland	Oakland, Calif.	50	32	M/F
Behavioral Systems Southwest, Phoenix	Phoenix, Ariz.	50	40	M/F
Gateways	Los Angeles, Calif.	42	40	M/F
Behavioral Systems Southwest, Vinewood	Los Angeles, Calif.	25	43	M/F
Project Rehabilitation I-Monica House	Detroit, Mich.	50	37	M
Project Rehabilitation II-Genesis	Detroit, Mich.	40	28	M
Heartline	Detroit, Mich.	31	18	F
Talbert House IV for Women	Cincinnati, Ohio	10	2	F
Talbert House II for Men Cornerstone	Cincinnati, Ohio	43	15	M
Salvation Army-Harbor Light	Cleveland, Ohio	40	33	M/F

Objectives, Scope, and Methodology

Our objectives were to review BOP's use of halfway houses, the criteria for placing inmates in halfway houses (e.g., the types of inmates suitable for placement, the time periods for placement), and whether halfway houses are a suitable alternative to prison for certain offenders.

To review BOP's use of halfway houses, we interviewed officials and examined cost and occupancy data such as BOP's Population Monitoring Census Roster and the Monthly Average Daily Population by Facility at BOP's Community Corrections Branch in Washington, D.C. To review the criteria for halfway house placements, we interviewed officials and obtained documentation such as BOP's Community Corrections Manual and BOP's Community Corrections Center Utilization Operations Memorandum at BOP headquarters in Washington, D.C. and at local BOP community corrections offices in Long Beach, Calif.; San Francisco; Phoenix; Detroit; and Cincinnati.

To determine the types of inmates considered suitable for halfway house placement and the time periods for placement, we interviewed wardens and other prison officials and reviewed inmate case files at 11 federal prisons in Arizona, California, Indiana, Kentucky, and Michigan (see app. I). We judgmentally selected these prisons to represent a geographic mix of minimum, low, medium, and high security levels. These 11 prisons also accounted for 9,861 (20 percent) of BOP's total population of 50,410 during August 1989 at 67 prisons—or one in five federal inmates.

At each prison we requested a roster of inmates scheduled for release. At the first prison, we requested a roster of all inmates to be released over the next 9 months because BOP policy requires a decision to approve or disapprove a referral to a halfway house 9 months from the inmate's probable release date. However, we found the inmate release plans were so incomplete and poorly documented for cases near the 9 months, that we limited our sample to those inmates scheduled for release in the current month and subsequent 6 months, or 6.5 months on average at the 11 prisons. This sample produced 1,296 inmates scheduled to be released.

We eliminated 37 percent of the inmates scheduled to be released from prison as ineligible for consideration by prison officials for halfway house approval or disapproval, and BOP officials agreed that these inmates should not be considered in our sample. These inmates had warrants or detainers from other law enforcement agencies, were scheduled to be deported by the Immigration and Naturalization Service, or were

scheduled to start serving another sentence. We also excluded inmates with sentences under 6 months who were not, under BOP policy, eligible for halfway house placement from prison because their sentences were so short. Finally, we excluded inmates whom prison officials still had not decided to approve or disapprove for placement in a halfway house.

After excluding those inmates who were ineligible, our sample included 813 inmates whom the prison officials had decided to approve or disapprove for a halfway house placement. We reviewed each inmate's file, interviewed prison officials responsible for making the decision, and asked them to discuss how the decisions were reached, i.e. did they use the criteria in the national policy or how did they interpret the criteria. These 813 inmates are those whom we describe as eligible for placement consideration by prison officials.

To determine if halfway houses are a suitable alternative to prison for certain inmates, we visited 11 halfway houses in Arizona, California, Michigan, and Ohio (see app. II). We selected these halfway houses as a geographic mix of both profit and nonprofit operators who accepted either males or females, or both. These 11 halfway houses accounted for 381 (10 percent) of the 3,988 inmates at the 273 BOP contract halfway houses as of October 1990, when we drew our sample. We interviewed halfway house operators and discussed the services they provided. We toured each of the halfway houses and reviewed inmates' files for information such as job placement and other services provided. We also interviewed the president of the International Association of Residential and Community Alternatives, an independent organization that includes halfway house operators.

To determine relations between the local communities and the 11 halfway houses, we interviewed federal chief probation officers and representatives of local police departments in each of the communities where the 11 halfway houses were located. We also reviewed the most recent BOP monitoring of these halfway houses.

To obtain an overall perspective on issues concerning halfway houses, we reviewed prior GAO reports,¹ studies by the Department of Justice

¹Prior GAO studies include the following: Federal Guidance Needed if Halfway Houses Are To Be a Viable Alternative to Prison (GGD-75-70, May 28, 1975); Community-Based Correctional Programs Can Do More to Help Offenders (GGD-80-25, Feb. 15, 1980); Community-Based Correctional Programs Could Be More Extensively Used Within the Federal Criminal Justice System (GGD-82-69, July 2, 1982); and Security and Supervision of Inmates in the Bureau of Prisons Community Treatment Centers (GGD-84-30, Dec. 2, 1983).

Office of Inspector General, media reports, and other studies related to halfway house operations.

We verified computer-based information that we received from BOP concerning the placement of inmates in halfway houses and the length of placements with information obtained from inmate case files and interviews with BOP officials.

We did our work between September 1990 and June 1991 in accordance with generally accepted government auditing standards.

Major Contributors to This Report

**General Government
Division, Washington,
D.C.**

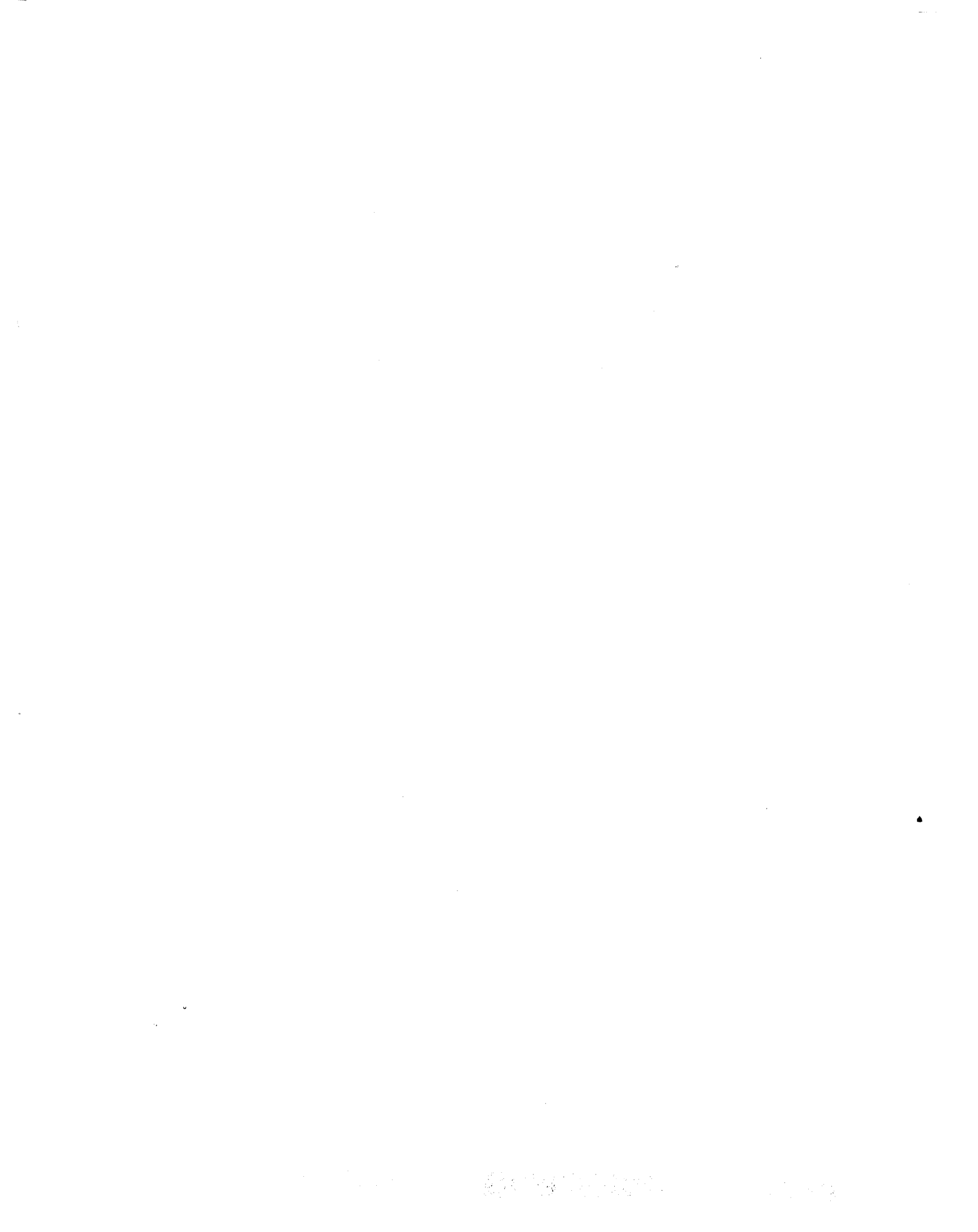
Richard M. Stana, Assistant Director, Administration of Justice
Issues

**Los Angeles Regional
Office**

Danny M. Bullock, Regional Management Representative
Richard R. Griswold, Evaluator-in-Charge
David G. Artadi, Evaluator
Ted C. Hu, Evaluator

Detroit Regional Office

Henry L. Malone, Regional Management Representative
Michael J. Ross, Jr., Site Senior
George M. Duncan, Evaluator



Ordering Information

The first copy of each GAO report is free. Additional copies are \$2 each. Orders should be sent to the following address, accompanied by a check or money order made out to the Superintendent of Documents, when necessary. Orders for 100 or more copies to be mailed to a single address are discounted 25 percent.

**U.S. General Accounting Office
P.O. Box 6015
Gaithersburg, MD 20877**

Orders may also be placed by calling (202) 275-6241.

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

Official Business
Penalty for Private Use \$300

First-Class Mail
Postage & Fees Paid
GAO
Permit No. G100