

The Department of Justice (DOJ) Office of the Inspector General (OIG) announced today the release of a status report on the International Prisoner Transfer Program (treaty transfer program). Under the program, selected foreign national inmates in federal prisons are permitted, under certain circumstances, to complete their prison terms in their home countries' prisons. This report follows a 2011 report in which the OIG found that the DOJ's treaty transfer program was ineffective in several significant respects, and that by increasing the number of inmates transferred the DOJ could enhance offender rehabilitation, reduce its incarceration costs, and relieve overcrowding in federal prisons. Today's status report finds that some progress has been made in addressing the issues identified in our initial report in 2011. However, while there are some factors largely outside the DOJ's direct control, more can be done to improve the effectiveness of the treaty transfer program, and the OIG remains concerned that the DOJ is not fully using the transfer authority Congress gave it to return foreign national inmates to their home countries.

The report's specific findings include:

- **The number of foreign national inmates in federal prison continues to increase substantially.** According to Federal Bureau of Prisons (BOP) data, the number of foreign national inmates in federal prison has increased from 32,915 in fiscal year (FY) 2005, the first year examined in our previous report, to 42,954 in FY 2013, the last year examined in this status review, an increase of 31 percent.
- **The number of inmates applying for transfer has also increased substantially.** Between FY 2010 and FY 2013, inmate requests to the BOP for transfer rose 72 percent, from 14,020 to 24,122. We found that the BOP took a number of important steps that likely contributed to this result, including translating all documents related to the treaty transfer program into all languages associated with treaty nations, and directing case managers to discuss the transfer program at each inmate's initial classification meeting and at every subsequent program review.
- **The number of inmates approved for transfer has increased only modestly.** Despite the BOP and DOJ Criminal Division taking important steps to improve the processes for making eligibility and suitability determinations, and despite the increased number of transfer applications, the number of inmates approved for transfer increased only modestly and still represents only a tiny fraction of the estimated 24,122 inmates from treaty transfer nations who requested transfer in FY 2013.
- **The number of inmates actually transferred has decreased since our 2011 report.** An average of 238 foreign national inmates were transferred each year from FY 2005 through FY 2010, while an average of only 227 inmates were transferred each year between FY 2011 and FY 2013.

In addition, we found that foreign inmates from treaty nations contribute to the overcrowding of the federal prison system. This effect is particularly significant in federal contract prisons, where in FY 2013 foreign national inmates from treaty nations constituted 82 percent of the total BOP contract prison inmate population. We also found that from FY 2011 through FY 2013, the DOJ incurred costs of \$26 million to continue incarcerating 959 inmates whose transfer requests had already been approved by the DOJ but remained in BOP custody because requests were still pending a decision by the home treaty nation, denied by the home treaty nation, or withdrawn because the home treaty nation did not make a decision with enough time left on the inmate's sentence to permit transfer.

Today's report recognizes that factors outside the DOJ's direct control have contributed to fewer inmates ultimately being transferred. These factors include the need for the DOJ to obtain consent to the transfer from both the inmate and the treaty nation, as well as restrictions in specific treaties that can limit inmate eligibility. The report makes recommendations to assist the DOJ in addressing these issues, including that it take additional steps to identify and address the reasons eligible inmates are not interested in and approved for transfer, and that it actively support a high-level working group with its treaty transfer partners, including the Department of State and foreign national representatives, to develop and support a strategy to facilitate the transfer of more foreign national inmates from BOP custody.

In total, today's status report makes five recommendations to the BOP, Criminal Division, and Office of the Deputy Attorney General to further improve the management and effectiveness of the treaty transfer program.

Report: Today's report can be found on the OIG's website under "Recent Report" and at the following link: <https://oig.justice.gov/reports/2015/e1507.pdf>.

Multimedia: The OIG has released both a video message and a podcast to accompany today's report. The 2-minute video features the Inspector General summarizing the report's findings, and the 9-minute podcast features the Inspector General discussing the report in more detail. Both the video and podcast, as well as downloadable transcripts, can be accessed at the following link: <https://oig.justice.gov/multimedia/>.