



AUDIT OF THE FEDERAL BUREAU OF PRISONS' FURLOUGH PROGRAM

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AUDIT OF THE FEDERAL BUREAU OF PRISONS' FURLOUGH PROGRAM

EXECUTIVE SUMMARY

The Federal Bureau of Prisons' (BOP) furlough program allows "an authorized absence from an institution by an inmate who is not under escort of a BOP staff member, U.S. Marshal, or state or federal agents."

In general, the BOP grants two types of furloughs – transfer and non-transfer. Non-transfer furloughs are used whenever an inmate leaves and returns to the same institution and are generally used to strengthen an inmate's family ties or to allow inmates to receive medical treatment or participate in educational, religious, or work-related activities. Transfer furloughs are generally used to transfer an inmate to: (1) another BOP institution; (2) a medical facility for treatment; or (3) a Residential Re-entry Center, or "halfway house." Halfway houses are used to prepare inmates for reentry into society by helping them adjust to life in the community and find suitable post-release employment.

For fiscal years (FY) 2007 through 2009, the BOP reported that it granted 162,655 transfer and non-transfer furloughs to 90,002 inmates. Each year, the BOP granted furloughs to approximately 13 percent of its inmate population. The types and numbers of furloughs during this timeframe are shown in the following exhibit.

COMPARISON OF INMATE POPULATION TO INMATES FURLOUGHED (Fiscal Years 2007 through 2009)¹

	FY 2007		FY 2008		FY 2009	
	Number	Percent of Population	Number	Percent of Population	Number	Percent of Population
Inmate Population	264,776		272,120		276,292	
Furloughed Inmates	33,058	12.5%	35,185	12.9%	34,463	12.5%
Transfer	30,713	11.6%	32,993	12.1%	32,570	11.8%
Non-Transfer	2,345	0.9%	2,192	0.8%	1,893	0.7%

Source: OIG analysis of BOP data

¹ Inmates may be granted multiple furloughs. As a result, the total number of inmates receiving a furlough during the entire period is less than the sum of the number of inmates receiving a furlough each year.

The objective of this audit was to determine whether the BOP has implemented effective internal controls related to its furlough program, including adequate safeguards to ensure furloughed inmates are sufficiently monitored, and whether the BOP adequately coordinates with other agencies regarding inmate furloughs and escapes.

To accomplish these objectives, we interviewed more than 30 BOP officials regarding the use of furloughs, including Community Corrections Managers and individuals in the Correctional Programs Division. We also met with officials from the United States Marshals Service (USMS) to assess BOP and USMS coordination efforts related to escaped prisoners. In addition, we performed audit work at two BOP institutions: (1) Bryan Federal Prison Camp (Bryan FPC) in Bryan, Texas; and (2) Victorville Federal Correctional Complex (FCC Victorville) in Victorville, California.² We also obtained and analyzed BOP data related to furloughs granted during the period FY 2007 through FY 2009, and we reviewed BOP policies related to the furlough program.

Results in Brief

We concluded that in general the BOP has established and exercised appropriate controls to ensure that non-transfer furloughs were granted and processed in accordance with BOP policy. However, we identified weaknesses with the BOP's processing and documenting of transfer furloughs.

We also identified weaknesses with the BOP's current furlough policy. For example, the current policy does not require BOP staff to notify victims and witnesses when an inmate is released on a medical furlough. In addition, the furlough policy was last updated on February 4, 1998. In 2003, the BOP drafted a new policy that would require victim and witness notification for medical furloughs and also address other weaknesses with the policy. However, according to BOP officials, prior to implementing the new policy the BOP must negotiate this policy change with the union representing BOP employees. BOP officials stated that because of the cumbersome negotiation process that is established between the BOP and the union, it can take an inordinate amount of time for issues to reach the top of the queue of issues to be negotiated with the union and for those negotiations to be completed. In this instance, 7 years after the BOP wrote a new draft policy, this policy has not been implemented and is still awaiting negotiation by the BOP and its employee union.

In addition, during our review of the data on furloughed inmates it initially appeared that as many as 2,601 inmates were improperly released

² See Appendix I for a more detailed description of our audit scope and methodology.

on furloughs. For example, according to regulation, furloughs for inmates to transfer to a halfway house are generally only allowed for inmates with less than 1 year remaining on their sentence. However, BOP data indicated that as many as 339 inmates with more than 5 years remaining were granted furloughs to transfer to a halfway house. BOP officials reviewed all of these 339 inmate furloughs and by utilizing manual techniques determined that the overwhelming majority of the cases involved data input errors.

We also found that the BOP could not readily provide data associated with furlough-related escapes or information it received about crimes committed by furloughed inmates or inmates who escaped while on furlough. We also determined that the BOP does not conduct regular reviews of its furlough data, and thus it is unaware whether inmate records that appear to show an escape or improper furlough are data entry errors or improperly released inmates.

Finally, we found that at the two institutions we reviewed, the BOP had not maintained adequate records to ensure that transfer furloughs were processed in accordance with BOP policy. BOP inmate records are largely manual files and BOP officials we interviewed said that file management is an organization-wide issue. BOP officials also told us that the organization is exploring technical solutions to address it.

In our report, we make seven recommendations to assist the BOP in improving the management of furloughs. The remaining sections of this Executive Summary provide a further description of our audit findings, and our full report contains more detailed information on the results of our review.

Furlough Administration

Only BOP Wardens have the authority to approve furloughs at BOP institutions. There are two types of furloughs – non-transfer furloughs and transfer furloughs. Non-transfer furloughs are used for inmates who leave and return to the same institution. They can be granted to an inmate to visit critically ill family members; attend a funeral; receive medical treatment; appear in court; or participate in educational, religious, or work-related functions. Only inmates who meet specific security standards are eligible for non-transfer furloughs.

Transfer furloughs are used for three primary purposes – transfers to a halfway house, transfers from one BOP institution to another non-halfway house institution, and medical transfers. According to BOP policy, only inmates who meet specific security standards are eligible for non-transfer

furloughs.³ In addition, the transferring inmates must have less than 10 years remaining on their sentence.⁴

If an inmate escapes while on a furlough, the Warden from the transferring institution is required to notify the BOP Regional Director immediately by telephone. The Warden must also send an electronic Report of Incident form (Form 583) to the Regional BOP Office and to BOP headquarters. In addition, the Warden is required to notify immediately the local offices of the Federal Bureau of Investigation (FBI) and USMS, as well as various court officials and other local law enforcement agencies, as appropriate.

Revised Furlough Policy

The BOP staff we interviewed were familiar with and generally followed the BOP's current policy covering furloughs, which was last updated on February 4, 1998. However, we identified some weaknesses with the existing policy. For example, the current policy does not require BOP staff to notify victims and witnesses when an inmate is released on a medical furlough. A BOP official said that the BOP also recognized the need for policy revisions and had drafted a new policy in 2003 that would replace the existing guidance and address OIG and BOP-identified weaknesses.

In addition to requiring staff to notify victims and witnesses when an inmate is released on a medical furlough, the new policy would limit the furlough eligibility for inmates found guilty of drug use, drug and drug paraphernalia possession, or introduction of drugs into BOP institutions. The new policy would also help to improve the quality of the BOP's furlough data by requiring staff to identify on the furlough application the specific type of furlough approved, such as for crisis, educational, or religious purposes.

However, BOP officials stated that prior to implementing new policy the BOP is required to negotiate the changes with the union representing BOP employees. According to the BOP, all policies, practices, and procedures that impact conditions of employment must be first negotiated

³ Inmates are assigned a custody level based on their criminal history, primary offense, and behavior while incarcerated. The custody level (community, out, in, and maximum) dictates the degree of staff supervision required for the inmate.

⁴ According to the BOP, the 10-year limitation applies only to male inmates; there is no limitation for female inmates.

with the union, and the BOP furlough policy could impact conditions of employment.⁵

In 2003, the BOP provided the new furlough policy to the union representing BOP employees, the American Federation of Government Employees National Council of Prison Locals, for negotiations.⁶ Yet, although more than 7 years have passed, this new policy has never been negotiated with the union or implemented. According to a BOP official, representatives from the BOP and the union meet 1 week out of every month for negotiations, and there are approximately 50 items awaiting negotiation. Moreover, issues are negotiated one at a time. As a result, it can take an inordinate amount of time to implement any changes in BOP policies that have to be negotiated with the union. The BOP officials told us that they estimated that the new policy for the furloughs will not be implemented by the BOP for “a very long time.”

As a result, even though the BOP recognized the need for changes in its furlough policy and drafted a revised policy in 2003, it has not been able to implement the changes. We believe it is essential that the BOP have the capability to quickly develop, update, and implement policies affecting its ability to fulfill its mission.

BOP Processing of Non-Transfer and Transfer Furloughs

To assess the BOP's use of and control over the furlough program, we requested and reviewed BOP data for all inmates granted a furlough from FY 2007 through FY 2009. In general, we found that the BOP has established adequate controls over non-transfer furloughs. During our review period the BOP did not experience any escapes resulting from non-transfer furloughs.

However, we found weaknesses within the BOP's administration of transfer furloughs, which are most often used to move an inmate from a BOP institution to a halfway house.

⁵ *Master Agreement*, March 9, 1998. The Master Agreement became effective on March 9, 1998, and was to remain in effect for 3 years. However, the Agreement may be extended in 1 year increments thereafter by mutual consent of both the BOP and the union. While the BOP and the union have not been able to negotiate a successor agreement to the one that expired in 2001, the BOP and the union have agreed to extend the agreement since then.

⁶ In 1968, the BOP certified the National Council of Prison Locals as the exclusive representative of all BOP employees except those in the BOP's Central Office.

Transfer Furloughs to a Halfway House

To aid in an inmate's reentry to the community following incarceration, BOP officials attempt to encourage eligible inmates to transfer to and reside in a halfway house prior to the end of incarceration.

According to BOP regulations, an inmate may be designated to a halfway house or other community confinement during the final months of the inmate's sentence for a period not to exceed 12 months. Inmates can be transferred to a halfway house with more than 12 months remaining on their sentence when separate statutory authority allows for a longer assignment, such as when an inmate participates in a residential substance abuse treatment program.

One BOP official estimated that inmates transfer to a halfway house generally within the last 6 months of their sentence and do so in an unescorted manner by transfer furlough. The BOP reported that, during our review period, 96 percent of the inmates granted a transfer furlough to a halfway house had less than 1 year remaining on their sentence. The BOP data we reviewed indicated that BOP transferred to halfway houses 2,601 inmates who had more than 1 year remaining on their sentence. This included 339 inmates for whom BOP records showed had more than 5 years remaining on their sentences.

As a result of our review, BOP officials conducted a case-by-case examination of the records for the 339 instances of halfway house transfers of inmates with more than 5 years remaining on their sentence. According to the BOP, an overwhelming majority of these individuals were not transferred to a halfway house, but instead data entry errors had made other types of transfers appear as transfer furloughs.⁷

Transfer Furloughs from BOP Institution to BOP Institution

According to BOP officials, an inmate may transfer unescorted from one institution to another non-halfway house BOP institution with up to 10 years remaining on the inmate's sentence. For this type of unescorted

⁷ The BOP reported that it had transferred one inmate to a halfway house when the inmate had a pending 18-year consecutive sentence. According to the BOP, it had not been informed of the pending sentence prior to the inmate's transfer. BOP officials stated that they pulled the inmate back from the halfway house placement after 8 days.

transfer, one of the most important criteria is the inmate's custody level.⁸ According to the BOP, staff are required to verify that the inmate has an eligible custody level and the appropriate security designation.

We requested and reviewed BOP data for all institution-to-institution transfer furloughs. Of the 5,270 institution—to—institution transfers, we identified 47 instances in which an inmate transferred unescorted from one BOP institution to another institution but did not have the required "out" or "community" custody designation. The SENTRY records for these inmates reflected a custody level of "in."⁹ According to BOP officials, they reviewed each of the 47 cases and determined that in 8 instances the records in SENTRY erroneously displayed the inmate's custody level as "in." The BOP reported that it is working to identify a technical solution to rectify this issue.

However, the BOP's review determined that 20 inmates with a custody level of "in" were in fact transferred without an escort to another institution. None of these 20 inmates should have been allowed to transfer without an escort, given the status of their records at the time they were transferred. The BOP reported that the custody level of 18 of these inmates, as reflected in SENTRY, had been inaccurate and was updated to "out" or "community" upon the inmate's arrival at the new institution. For the remaining two inmates, the records for these individuals both incorrectly stated that the inmates were granted furloughs for institution-to-institution transfers. Instead, one inmate was transferred to a halfway house and the record should have been updated to change the custody level to "out." The other inmate was released from incarceration and should not have been recorded as a transfer.

BOP officials said they will identify and implement technical solutions in SENTRY that will prevent staff from recording entries that violate furlough program criteria.

Furlough Escapes and Agency Coordination

To further assess the BOP's use and monitoring of the furlough program, we reviewed information related to inmates who escaped while on

⁸ A custody level dictates the degree of staff supervision required for an individual inmate. The "community" and "out" custody designations are the two lowest custody levels assigned to an inmate and afford the lowest level of security and staff supervision. "In" and "maximum" are the two highest custody levels.

⁹ Developed in-house beginning in the mid-1970s, SENTRY is BOP's database system in that it is used to collect, maintain, and report all inmate information that is critical to the safe and orderly operation of all BOP facilities.

furlough. BOP officials could not readily provide a list of furloughed inmates who escaped. BOP officials said that obtaining SENTRY data on inmates who escaped while in furlough or transfer furlough status would be very difficult because BOP staff members often make mistakes when entering these transactions. Moreover, the BOP was not able to readily provide data it received related to criminal acts committed by inmates who had escaped while on furlough because the BOP does not track such information along with its escape data.

To compile a list of escapes, the BOP was forced to rely on a labor-intensive process that involved the largely manual review of separate data sources – SENTRY and Form 583, the electronic Report of Incident form.¹⁰

We reviewed furloughed inmate escape data from both SENTRY and the Forms 583 and found that the number of escape incidents recorded in SENTRY was almost four times higher than the number reported to BOP headquarters on the Forms 583. We conducted a more in-depth review of 31 escape incidents from the 2 institutions we visited and found that although the institutions had adequately coordinated with the USMS and FBI when an inmate had escaped on furlough, in 8 instances a Form 583 was not sent to BOP headquarters. Without the notification forms, the BOP data on escaped prisoners is incomplete, hindering the BOP's ability to identify trends and take corrective action on procedures in need of improvement. BOP officials acknowledged that a Form 583 should have been completed for the eight escape incidents we identified.

BOP Monitoring and Oversight

We asked BOP officials if they review furlough data and information about associated escapes to monitor trends that should be addressed or identify program policies that are in need of revision. In response, one senior BOP official acknowledged that the circumstances surrounding escapes should be reviewed. He said this type of analysis is completed at the regional level and shared with headquarters staff as appropriate. However, BOP officials acknowledged that they do not regularly review overall furlough activity data.

We believe that by not conducting regular reviews of its furlough activities, the BOP is unaware whether the issues we identified are data entry weaknesses or improper furloughs and whether it is appropriately responding to escapes. Although the BOP has established an adequate

¹⁰ BOP facilities use a Report of Incident (Form 583) to electronically notify the Regional Office and BOP headquarters of an escape.

framework for its furlough program and established internal controls to guide the furlough program, we believe that BOP officials should monitor the effectiveness of the BOP's internal controls by reviewing available data to ensure the policies are followed and furlough activities are properly recorded.

File Management

The BOP maintains confinement-related documents, such as furlough documents, on each inmate admitted to or discharged from BOP custody. These documents are primarily paper-based and are generally stored at the institution where the inmate is housed.

We reviewed the inmate case files for a judgmental sample of 111 non-transfer and transfer furloughs at Bryan FPC and FCC Victorville to determine whether BOP staff followed the appropriate procedures and maintained adequate records to document the furloughs and the actions taken regarding them. We found that the BOP had not maintained adequate records at these institutions to ensure that furloughs were properly documented. We identified 35 instances of missing documents, including furlough applications, inmate acknowledgements of the conditions of furlough, and information used to verify the identity of the furloughed inmate.

We discussed this issue with BOP officials who said that file management throughout the BOP is an ongoing concern. Because the inmate case files are primarily paper-based, when an inmate transfers to a new facility the records must be shipped to the new institution. A BOP official said that the BOP executive staff is committed to converting the BOP's paper inmate records into electronic format to improve staff access to inmate records.

We believe that it is essential that the BOP maintain complete and accurate records on each inmate, and we recommended that the BOP continue to explore using electronic methods for sharing and storing documentation, including documents related to furloughs.

Conclusions and Recommendations

Overall, we found that the BOP has established and exercised controls over its use of furloughs. However, we identified several weaknesses with the BOP's existing policy for the use of furloughs. Although a new policy has been drafted that addresses many of these weaknesses, it has been awaiting negotiation between the BOP and its employee union for 7 years.

We also found deficiencies with the BOP's management of inmate records and weaknesses within the BOP's processing of transfer furloughs, including numerous data entry errors. We believe that the BOP needs readily accessible, accurate, and consistent data on furloughs and inmate escapes while on furlough. The BOP relies on largely manual processes to obtain such data. As a result, the BOP does not regularly review and analyze data to ensure that furloughs are properly granted and adequately overseen.

Our audit work and findings resulted in seven recommendations to the BOP to improve its use of furloughs, including implementing the new policy statement for furloughs, developing procedures for routinely monitoring unescorted absences, and establishing a consistent method for obtaining accurate statistics on the number of inmates who escape during a furlough.

**AUDIT OF THE FEDERAL BUREAU OF PRISONS'
FURLOUGH PROGRAM**

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INTRODUCTION

The Federal Bureau of Prisons' (BOP) stated mission is to confine offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and which provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. The BOP reported that at the end of fiscal year (FY) 2009 there were 208,745 inmates in its control. In FY 2010, the BOP has a budget of approximately \$6 billion and 40,000 employees.

In pursuance of its mission, the BOP uses furloughs, which are defined as "an authorized absence from an institution by an inmate who is not under escort of a BOP staff member, U.S. Marshal, or state or federal agents." A furlough is a privilege granted to an inmate under certain prescribed conditions, such as when the inmate only has a certain amount of time remaining on the inmate's sentence and when the inmate has been designated as low risk.¹¹ Furloughs are not intended as a reward for good behavior or a means to shorten a criminal sentence. During FY 2007 through FY 2009, the BOP reported that it granted over 160,000 furloughs to more than 90,000 inmates.

BOP Furlough Program Definitions and Statistics

According to its current policy, a BOP inmate may be authorized a furlough to: (1) be present during a crisis in the immediate family, or in other urgent situations; (2) participate in the development of release plans; (3) reestablish family or community ties; (4) participate in selected educational, social, civic, religious, and recreational activities that will facilitate release transition; (5) appear in court in connection with a civil action; (6) comply with an official request to appear before a grand jury or to comply with a request from a legislative body or regulatory or licensing agency; (7) appear in a criminal court proceeding, but only when the use of the furlough is requested or recommended by the applicable court or prosecuting attorney; (8) participate in special training courses or in institution work assignments including Federal Prison Industries,

¹¹ Higher risk inmates, such as those with significant time remaining on their sentences or those with special monitoring conditions, may also temporarily leave a BOP facility with an escort. Such absences are not a part of the BOP's furlough program.

Incorporated, work assignments of 30 calendar days or less when daily commuting from the institution is not feasible; and (9) transfer directly to another institution or to a non-federal facility.

In general, these furloughs fall into two categories – transfer and non-transfer. Non-transfer furloughs are used whenever an inmate leaves and returns to the same institution. An inmate may be granted a non-transfer furlough to visit critically ill family members; attend funerals; receive medical treatment; appear in court; and participate in educational, religious, or work-related functions.

Non-transfer furloughs are either day or overnight.

- A day furlough is defined as a furlough within the commuting area of the institution (approximately a 100-mile radius). Day furloughs last 16 hours or less and end before midnight. According to the BOP, day furloughs are generally used to strengthen an inmate's family ties or to enrich institution program experiences.
- Overnight furloughs are longer than 16 hours, can end after midnight, and may last for up to 30 days. According to the BOP, the general length of an overnight furlough is 3 to 7 days and the duration may be extended for specific medical, educational, or vocational reasons.

The second type of furlough—transfer furloughs—are used for three primary purposes:

- Transfer to a Residential Re-entry Center – In addition to programs offered during incarceration designed to prepare inmates for reentry into society, the BOP requires that all eligible inmates receive transitional reentry services through placement in Residential Re-entry Centers – commonly called halfway houses – prior to an inmate's release from BOP custody.¹² This placement is intended to help inmates adjust to life in the community and find suitable post-release employment. The placements are accomplished through the use of transfer furloughs that allow the inmate to travel unescorted to the halfway house.

¹² Halfway houses are community-based correctional facilities for offenders who are reintegrating into communities and require more supervision than traditional probation or parole, or who need an alternative to incarceration.

- Institution-to-institution transfer – Certain inmates may receive a transfer furlough that allows them to transfer unescorted directly from one BOP institution to another non-halfway house BOP institution.
- Medical transfer – An inmate in need of treatment may be authorized a furlough to transfer unescorted to a medical facility.

According to BOP data, the BOP granted a total of 162,655 non-transfer and transfer furloughs to approximately 90,000 inmates during FYs 2007 through 2009. As shown in Exhibit 1-1, more than two thirds were transfer furloughs. Further, nearly 80 percent of the transfer furloughs were attributed to transferring inmates to a halfway house. BOP officials said that they encourage BOP staff to try to send every eligible inmate to a halfway house to help the inmate transition from BOP custody and reenter the community. The average time for an inmate to stay at a halfway house is between 90 and 120 days.

EXHIBIT 1-1
TYPES OF FURLOUGHS
(Fiscal Years 2007 through 2009)

Type of Furlough	Description	Number
<u>Non-Transfer Furloughs</u>		
Community Service Project	Community service projects (such as a Habitat for Humanity building project)	42,992
Training	Outside training related to institution work assignment, such as hazardous materials	3,736
Reestablish Family or Community Ties	Pre-release visit to family members to enhance family ties in conjunction with release needs	2,751
Social	Used interchangeably with "re-establish family ties"	1,981
Crisis	Bedside visit to an immediate family member in the case of imminent death or to attend a funeral	642
Release Planning	Trip to complete a task related to release planning, such as obtaining a driver's license	558
Educational	Educational events, such as taking a controlled test in conjunction with a college course	335
Comply with Legal Process	Participation in a legal matter	77
Religious Program	Attendance at a religious program for a religious holiday	58
Recreational	Participation in an individual or team competition with a community group	14
Sub-total		53,144
<u>Transfer Furloughs</u>		
Transfer to a Halfway House	Unescorted transfer to a pre-release halfway house	85,453
Institution-to-Institution Transfer	Unescorted transfer to camp placement from either a low institution or another camp ¹³	5,270
Medical		
Medical	Participation in a scheduled medical procedure, such as dialysis	18,224
Medical Emergency	Travel to or stay in the hospital without BOP staff or guard service in attendance in an emergency situation	564
Sub-total		109,511
Total all categories		162,655¹⁴

Source: Federal Bureau of Prisons

¹³ A BOP camp is a minimum security institution, which has dormitory housing and a low staff-to-inmate ratio. Many camps are located adjacent to larger institutions or on military bases, and camp inmates can help serve the labor needs of the larger institution or base.

¹⁴ The total reflects the number of furlough incidents granted to 90,002 inmates. Inmates may be granted multiple furloughs.

As shown in Exhibit 1-2, the BOP granted non-transfer furloughs to approximately 1 percent of the inmates in BOP custody from FY 2007 through FY 2009. The BOP granted transfer furloughs to approximately 12 percent of the inmates in BOP custody during the same timeframe.

EXHIBIT 1-2
COMPARISON OF INMATE POPULATION
TO FURLOUGHS GRANTED¹⁵
(Fiscal Years 2007 through 2009)¹⁶

	FY 2007		FY 2008		FY 2009	
	Number	Percent of Population	Number	Percent of Population	Number	Percent of Population
Inmate Population	264,776		272,120		276,292	
Furloughed Inmates	33,058	12.5%	35,185	12.9%	34,463	12.5%
Transfer	30,713	11.6%	32,993	12.1%	32,570	11.8%
Non-Transfer	2,345	0.9%	2,192	0.8%	1,893	0.7%

Source: OIG analysis of BOP data

Inmate Eligibility

The authority to approve furloughs in BOP institutions is granted to the Warden or Acting Warden and may not be further delegated. According to BOP policy, only inmates who meet specific security standards are eligible for non-transfer furloughs. Specifically, a non-transfer furlough should not be granted to an inmate if: (1) the inmate was convicted of a serious crime against a person; (2) the inmate's presence in the community could attract undue public attention, create unusual concern, or diminish the seriousness of the offense; or (3) the inmate has been granted a furlough in the past 90 days.

As shown in Exhibit 1-3, non-transfer furloughs typically occur during the inmate's final 2 years of confinement.

¹⁵ Inmates may be granted multiple furloughs. As a result, the total number of inmates receiving a furlough during the entire period is less than the sum of the number of inmates receiving a furlough each year.

¹⁶ Throughout this report, differences in the total amounts are due to rounding.

**EXHIBIT 1-3
INMATE ELIGIBILITY FOR
NON-TRANSFER FURLOUGHS**

<i>If the inmate has:</i>	<i>Then the inmate may only be considered for:</i>
More than 2 years remaining until projected release date	Emergency non-transfer furlough
Less than 2 years remaining until projected release date	Routine day furlough
Less than 18 months remaining until projected release date	Routine overnight furlough within institution's commuting area
Less than 12 months remaining until projected release date	Routine overnight furlough outside institution's commuting area
Been confined at the initially designated institution for less than 90 days	Emergency non-transfer furlough ¹⁷

Source: Federal Bureau of Prisons

For transfer furloughs, an inmate may transfer from one BOP low or minimum security-level institution directly to another BOP minimum security-level institution if the inmate is a minimum security-level inmate and has an "out" or "community" custody designation.¹⁸ Inmates are assigned a custody level based on their criminal history, primary offense, and behavior while incarcerated. A custody level (community, out, in, and maximum) dictates the degree of staff supervision required for an individual inmate.

¹⁷ An "emergency" is defined as a verified death or critical illness of an immediate family member.

¹⁸ BOP institutions are classified into one of the following five security levels (in order from lowest to highest) based on the level of security and staff supervision the institution is able to provide: (1) minimum, (2) low, (3) medium, (4) high, and (5) administrative. The "out" and "community" custody designations are the two lowest custody levels assigned to an inmate and afford the lowest level of security and staff supervision. "In" and "maximum" are the two highest custody levels.

BOP officials also explained that an inmate may transfer unescorted from one BOP institution to another non-halfway house BOP institution with up to 10 years remaining on the inmate's sentence.¹⁹

In addition, an inmate may transfer unescorted to a halfway house from a BOP institution or from another contract facility. According to the BOP, halfway house placement is intended to be used for all eligible inmates, even those incarcerated for violent or other serious offenses, to help inmates who are close to the end of incarceration gradually adjust to life outside of the prison system, acclimate to the community, and find employment.

A BOP official said that inmates may spend up to the last 12 months of their sentence in a halfway house. However, the official estimated that most eligible inmates transfer to a halfway house generally within the last 6 months of their sentence.

Furlough Administration

Non-transfer furloughs can be initiated by inmates when they submit an application with the dates and the reason for the requested furlough. Conversely, transfer furloughs are initiated by the BOP. In the case of a transfer furlough to another institution, once an inmate has been re-designated to another institution, but before the transfer has taken place, BOP staff determine whether the inmate is eligible and suitable for a transfer furlough. Transfer furloughs to a halfway house are initiated as the BOP prepares for an inmate to leave BOP custody, and the BOP staff evaluate the inmate for placement in a halfway house.

Once a non-transfer or transfer furlough request has been initiated, the BOP staff at the inmate's institution review the inmate's case file. If the BOP determines that the inmate is eligible and suitable for an unescorted furlough, the furlough application and file are provided to the Associate Warden and the Warden for review and approval.

Once approved, BOP staff prepare the necessary paperwork and make the required notifications. For both non-transfer and transfer furloughs, the BOP notifies the U.S. Probation Officer in the inmate's sentencing district, as well as the U.S. Probation Officer for the district where the furlough will take

¹⁹ According to the BOP, the 10-year limitation applies only to male inmates; there is no limitation for female inmates.

place.²⁰ The Victim and Witness Protection Act of 1982 also requires the BOP to notify any victims and witnesses identified as associated with the inmate's conviction.²¹ For a transfer to a halfway house, the BOP notifies the halfway house and receives the halfway house's acceptance to have the inmate transfer to the new location.

For non-transfer furloughs, the BOP: (1) notifies the family or persons being visited to ensure that they are receptive to the visit, and (2) conducts a background check on the persons being visited. If there are no objections to the furlough, BOP staff complete the necessary paperwork, including a furlough form and documentation of the inmate's travel itinerary.

Prior to leaving on furlough, inmates acknowledge the receipt of, and agreement to, the conditions of the furlough or transfer. For example, the inmates agree to not violate any federal, state, or local laws, and acknowledge that they are subject to prosecution for escape if they fail to return to the institution at the designated time.

According to BOP policy, when an inmate transfers to another institution or halfway house, the transferring institution is required to forward the transfer documents to the receiving institution at least 14 working days prior to the transfer. In addition, once the inmate departs from the institution, the transferring institution is required to make telephonic notification to the receiving institution and document the following in the inmate's file: (1) date and time of contact, (2) name of staff member contacted, and (3) name of staff member making contact.

Upon completion of a furlough and return to a BOP institution, inmates are searched and may be given a breathalyzer test and a urinalysis.²² For non-transfer furloughs, institution staff should interview the inmate about the furlough as soon possible to evaluate the inmate's activities while on furlough and the effect that the furlough had on the furtherance of the inmate's correctional program goals. Upon arrival of the inmate to the

²⁰ The requirement for BOP staff to notify the U.S. Probation Officer for the district in which the furlough takes place is limited to an inmate's first furlough to that district. If an inmate receives additional furloughs to the same location, the BOP is not required to make additional notifications.

²¹ For medical furloughs, staff at BOP camps are not required to notify the U.S. Probation Officer, victims, or witnesses. This issue is discussed further below in the *Revised Furlough Policy* section below.

²² Inmates who go on a non-transfer furlough are required to pre-pay for the urinalysis.

transfer destination, the receiving institution or halfway house notifies the transferring institution that the inmate has arrived as scheduled.

Escape Notification

If an inmate escapes while on a non-transfer or transfer furlough, the transferring Warden is required to notify the BOP Regional Director of the escape immediately by telephone. The Warden confirms this notification by sending an electronic Report of Incident form (Form 583) to the Regional Office and BOP headquarters. In addition, the Warden is required to notify immediately by telephone the offices of the Federal Bureau of Investigation (FBI) and United States Marshals Service (USMS) that have jurisdiction over the transferring institution.

In addition, according to BOP policy, the BOP is required to prepare a Notice of Escaped Federal Prisoner, which must be sent via facsimile to the FBI, USMS, and other appropriate local law enforcement agencies. The BOP also is required to prepare and send via facsimile information about the escape to the sentencing U.S. District Judge, and any other judge or court official who may have a special interest in the inmate's location, and include escape information and a copy of the Notice of Escaped Federal Prisoner. The BOP also is required to send copies of the information to the sentencing district's U.S. Attorney, Chief U.S. Probation Officer, and to the Chief U.S. Probation Office for the district in which the institution is located. In addition, if a military inmate escapes, the Warden must notify the Department of the Army no later than the next day.²³ If there is any indication of a threat to any official, victim, or witness, the BOP is required to notify these individuals immediately.

OIG Audit Approach

The objective of this audit was to determine whether the BOP has implemented effective internal controls related to its furlough program, including adequate safeguards to ensure furloughed inmates are sufficiently monitored, and whether the BOP adequately coordinates with other agencies regarding inmate furloughs and escapes.

To accomplish these objectives, we interviewed more than 30 BOP officials regarding the use of furloughs, including headquarters officials in the Correctional Programs Division; Community Corrections Managers; and wardens, counselors, and unit personnel. We also interviewed officials with

²³ Under a Memorandum of Agreement with the Department of the Army, the BOP takes custody of certain military prisoners that have been discharged from military service.

the USMS to assess BOP and USMS coordination efforts. We conducted fieldwork at two BOP institutions – Bryan Federal Prison Camp (Bryan FPC) in Bryan, Texas, and Victorville Federal Correctional Complex (FCC Victorville) in Victorville, California. We also obtained and analyzed BOP data related to furloughs, transfer furloughs, and inmate escapes. We reviewed BOP policies regarding the furlough program and examined 111 non-transfer and transfer furloughs from the two BOP facilities we visited.

In the following sections, we provide the findings of our review, including information on areas needing improvement, such as furlough processing, the BOP’s monitoring of furloughed inmates through the review of available data, the existing furlough policy, and records management. Following those sections, we make seven recommendations to the BOP to help improve the management of its inmate furlough program.

BOP Processing of Non-Transfer and Transfer Furloughs

To assess whether the BOP granted furloughs to eligible inmates, we interviewed BOP officials and reviewed the data from the SENTRY database system.²⁴ We also analyzed inmate case files at two BOP institutions – Bryan FPC and FCC Victorville. In general, we found that the BOP has established adequate controls over non-transfer furloughs to ensure that the appropriate inmates are granted the privilege of an unescorted absence from an institution. However, we found weaknesses within the BOP’s administration of transfer furloughs.

Non-Transfer Furloughs

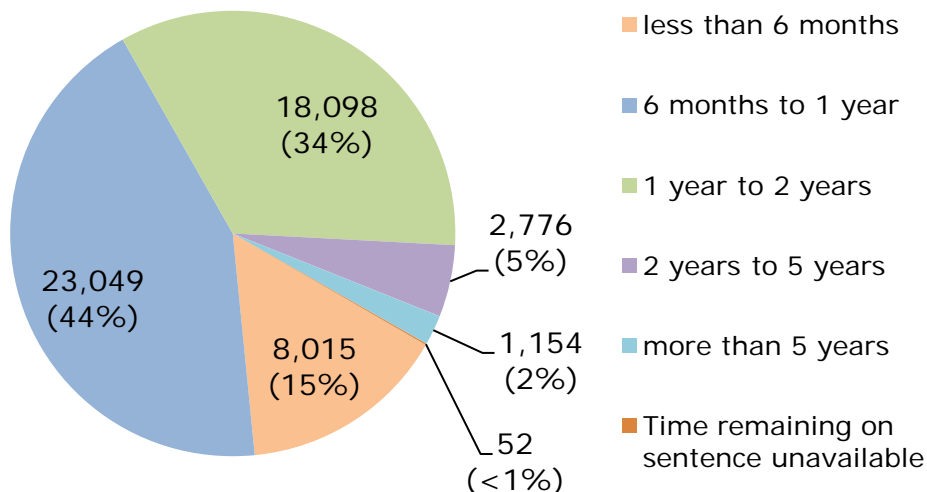
Between FY 2007 and FY 2009, the BOP granted 53,144 non-transfer furloughs. The BOP reported no inmate escapes resulting from non-transfer furloughs granted during that time period.

According to BOP officials, they consider a variety of factors when determining an inmate’s suitability for a non-transfer furlough, including the nature of the crime committed, the inmate’s behavior while in custody, custody level, and prior escape history. One of the most important criteria for determining an inmate’s eligibility for a non-transfer furlough is the amount of time remaining on an inmate’s sentence. In general, inmates with more than 2 years remaining on their sentences are not eligible for a non-transfer furlough, although there are some limited exceptions to this

²⁴ SENTRY is BOP’s primary mission support system in that it is used to collect, maintain, and report inmate information.

rule that we discuss below. Based on our analysis of BOP data as shown in Exhibit 1-4, 93 percent of the inmates granted a non-transfer furlough had less than 2 years remaining on their sentences.

EXHIBIT 1-4
NON-TRANSFER FURLOUGHS
LENGTH OF TIME REMAINING ON INMATE'S SENTENCE
(Fiscal Years 2007 through 2009)²⁵



Source: OIG analysis of BOP SENTRY data

According to BOP policy, a Warden may approve a non-transfer furlough for inmates who have more than 2 years remaining on their sentences. In these instances, the purpose of the furlough should be for the inmate to deal with an emergency situation, such as a family crisis. However, the Warden has discretion to grant non-transfer furloughs to inmates with more than 2 years remaining on their sentences on a case-by-case basis, and a justification must be documented in the inmate's central file. Thus, we believe that BOP policy allows the BOP to grant non-transfer furloughs to inmates with more than 2 years remaining on their sentences if the purpose of the furlough is reasonable and beneficial.

We performed further review of the furloughs to inmates with more than 2 years remaining on their sentence and found that those 3,930 furloughs were granted to 485 inmates. Further, as shown in Exhibit 1-5, 238 inmates (49 percent) were granted 249 furloughs

²⁵ In some instances, the inmate's release date was unavailable within SENTRY. According to a BOP official, this information may be missing for a variety of reasons, such as an inmate escaping from a halfway house. In these cases, the BOP is unable to determine the inmate's release date until the inmate is captured or surrendered and then adjudicated.

categorized as crisis, family ties, and social; the BOP uses all of these categories when granting furloughs for emergency purposes. We also found that 232 inmates (48 percent) were granted 3,657 furloughs for community service projects and training.

**EXHIBIT 1-5
TYPES OF FURLOUGH – NON-TRANSFER
MORE THAN 2 YEARS REMAINING ON SENTENCE
(Fiscal Years 2007 through 2009)**

Furlough Type	Furloughs		Inmates	
	Number	Percent	Number	Percent
Community Service Project	2,371	60%	200	41%
Training	1,286	33%	32	7%
Crisis	131	3%	125	26%
Re-establish Family Ties	65	2%	63	13%
Social	53	1%	50	10%
Educational	12	<1%	3	<1%
Religious Program	8	<1%	8	2%
Release Planning	3	<1%	3	<1%
Recreational	1	<1%	1	<1%
Total	3,930	100%	485	100%

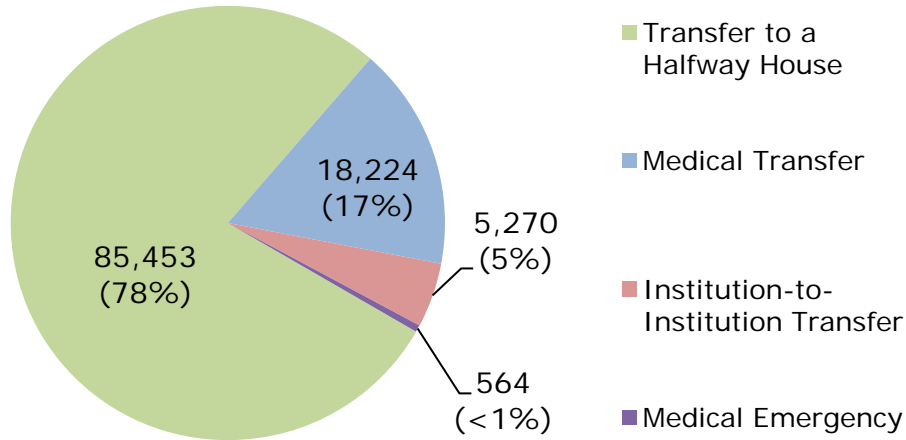
Source: OIG analysis of BOP SENTRY data

The total number of inmates with more than 2 years remaining on their sentence who were granted a non-transfer furlough is relatively small and nearly half of these inmates received the furlough for emergency purposes. Therefore, we believe that the BOP's use of non-transfer furloughs for inmates with more than 2 years remaining on their sentences appears to be limited to few inmates and for reasonable purposes. As a result of our review of the BOP's use of non-transfer furloughs, we believe that the BOP had adequate controls over non-transfer furloughs to ensure that the appropriate inmates were granted unescorted absences from the institution.

Transfer Furloughs – to a Halfway House

As previously discussed, the BOP uses transfer furloughs for three primary purposes – transfers to a halfway house, transfers from one BOP institution to another BOP institution, and medical transfers. As shown in Exhibit 1-6, the overwhelming majority of transfer furloughs are for the purpose of transferring inmates to a halfway house.

EXHIBIT 1-6
TYPES OF TRANSFER FURLOUGHS
(Fiscal Years 2007 through 2009)



Source: OIG analysis of BOP SENTRY data

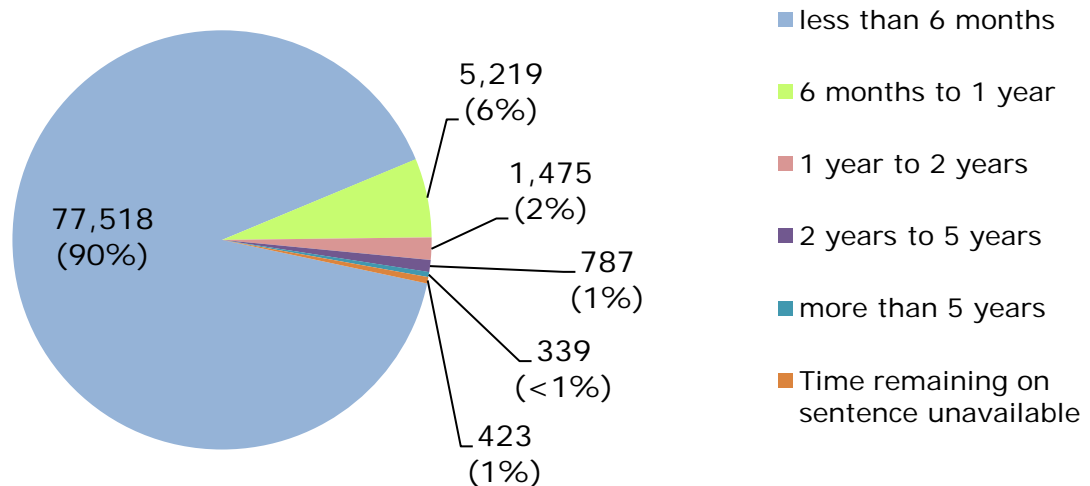
According to BOP regulations, inmates may be designated to a halfway house near the end of the inmate's sentence, and the time in a halfway house should not exceed 12 months. Inmates can be transferred to a halfway house with more than 12 months remaining on their sentence when separate authority allows for a longer assignment, such as when an inmate is pregnant at the time of commitment.²⁶

BOP officials said that they attempt to encourage every eligible inmate to transfer to and reside in a halfway house. One BOP official estimated that inmates transfer to a halfway house generally within the last 6 months of their sentence and do so in an unescorted manner by transfer furlough.

As shown in Exhibit 1-7, the BOP reported that 96 percent of the inmates granted a transfer furlough to a halfway house had less than 1 year remaining on their sentences. The BOP also reported that it transferred to a halfway house a total of 2,601 inmates who had more than 1 year remaining on their sentence.

²⁶ The BOP's Mothers and Infants Nurturing Together (MINT) program is a halfway house-based residential program intended to help mothers bond with their children and improve parenting skills for low-risk female inmates. Women are eligible to enter the program if they are in their last 3 months of pregnancy, have less than 5 years remaining on their sentence, and are eligible for furlough. The mother generally has 3 months to bond with the newborn child before returning to an institution to complete her sentence.

EXHIBIT 1-7
TRANSFER FURLOUGHS TO A HALFWAY HOUSE
LENGTH OF TIME REMAINING ON INMATE'S SENTENCE
(Fiscal Years 2007 through 2009)



Source: OIG analysis of BOP SENTRY data

When we initially asked BOP officials why such a large number of inmates with more than 1 year remaining on their sentences would be transferred to a halfway house, they were unable to provide an explanation. As a result of our review, BOP officials conducted a case-by-case examination of the 339 transfers to a halfway house of inmates with more than 5 years remaining on their sentences. According to the BOP, employee data entry errors accounted for the majority of the 339 transfers with more than 5 years remaining on the inmate's sentence, as shown below.

- 245 transfers were from one institution to another institution that was not a halfway house, and the BOP staff mistakenly entered the code reflecting the inmate as transferring to a halfway house.
- 63 transfers were escorted but were incorrectly recorded as unescorted transfers.
- 30 transfers were eligible at the time of the transfer but circumstances had since changed to make them ineligible for unescorted transfers. For 29 inmates this was because their sentences were extended because they escaped or otherwise violated the conditions of their halfway house placement. The remaining inmate was transferred to a halfway house as part of a BOP program for pregnant inmates.

The BOP reported that it transferred one inmate to a halfway house when the inmate had a pending 18-year consecutive sentence. According to the BOP, it had not been informed of the pending sentence prior to the inmate's transfer. BOP officials stated that they pulled the inmate back from the halfway house placement after 8 days.

The BOP initially declined to conduct a similar review of the cases involving more than 2,200 transfers to a halfway house of inmates with 1 to 5 years remaining on their sentences. However, at the audit close-out meeting, BOP officials reported that they had reviewed these records and found data entry problems similar to those identified in the review of the 339 transfers with more than 5 years remaining on the inmate's sentence.

We acknowledge that the number of data entry errors is small in relation to the overall number of transfer furloughs. However, when we discussed this issue with senior BOP officials, they said that they would be concerned if inmates with more than 5 years remaining on their sentences had been transferred to a halfway house. By not conducting regular reviews of its data, the BOP is unaware whether these anomalies that exist in its data system simply reflect data entry errors or involve improper transfers of inmates. As a result, the BOP is unable to ensure that its employees are correctly processing the transfers, the appropriate inmates are granted unescorted absences, and that BOP employees are properly trained in the use of SENTRY codes to record inmate furloughs.

We therefore recommend that the BOP review transfer and non-transfer furlough data on a routine basis. In addition, we recommend that the BOP assess its employee training programs and provide refresher SENTRY training for its employees, as needed.

Transfer Furloughs – BOP Institution-to-Institution

BOP officials said that when they are determining an inmate's suitability for an unescorted transfer from one BOP institution to another BOP institution, one of the most important criteria is the inmate's custody level, which dictates the degree of staff supervision required for an individual inmate. Specifically, to be eligible for a transfer furlough, an inmate's custody level should be designated as either "out" or "community" and the inmate's security-level designation must be minimum security. Further, transfer furloughs can be used only for inmates transferring directly from a low or minimum security-level institution to another minimum security-level institution.

We reviewed the data provided by the BOP and identified 47 instances in which an inmate transferred unescorted from one BOP institution to another institution but who had a custody level of "in." BOP officials reviewed each of the 47 cases and determined that none of the cases were situations in which an ineligible inmate had been granted a furlough. Of the 47 cases, 3 were listed twice on the report because these inmates also had escape transactions, causing there to be 2 entries on our list for these 3 inmates – 1 for the furlough and another for the escape. After removing 1 of the entries for all 3 such instances, 44 cases remained. Of those 44 cases, 16 of the inmates correctly had "out" custody upon departing the facility on furlough and the data in SENTRY had indicated an "out" status at the time of the transfer. For these inmates, the BOP said that the custody was subsequently changed to "in" at some point after the furlough and was reflected with that updated custody level on the report we received.

As a result of our inquiry, the BOP identified 20 inmates for which the SENTRY records identified a custody level of "in" at the time of the furlough and who were granted transfer furloughs to travel to another facility without an escort. The BOP reported that the custody level of 18 of these inmates, as reflected in SENTRY, had been inaccurate and was corrected to "out" or "community" upon the inmate's arrival at the new institution.

However, the two remaining inmates carried high and medium security-level inmate designations. The records for these inmates both incorrectly identified that the inmates were granted furloughs for institution-to-institution transfers. Instead, one inmate was transferred to a halfway house and the record should have been updated to change the custody level to "out." The other inmate was released from incarceration and should not have been recorded as a transfer.

At the time that these inmates were given the designation of having been transferred to another institution, their records should have been updated to change their custody level to "out."

For the remaining 8 of the 44 cases, the BOP's review revealed that the incorrect custody levels resulted from the way in which custody level is captured in SENTRY. As a result, the inmates' custody levels were erroneously reflected as "in." The BOP reported that it has alerted its computer services department and is working to identify a solution.

As previously noted, prior to providing furloughs of all types, BOP staff are required to verify that the inmate has the correct custody level and security designation. Although the BOP ultimately corrected the inmates' records, none of the 44 inmates whose SENTRY records indicated an

ineligible custody level or security designation should have been allowed to leave their institution without an escort. Instead, in each instance the BOP staff should have reviewed the inmate's custody level in SENTRY, noted the ineligible custody level or security designation, and sought to resolve it before entering in SENTRY that the inmate was being furloughed and allowing the inmate to leave the institution. Although we identified only 44 inmate transfers with ineligible custody levels out of the 5,270 transfers from one BOP institution to another non-halfway BOP institution, it is nevertheless of concern that these inmates were furloughed when the data system indicated they should not be. This suggests that the BOP staff are not conducting appropriate checks of an inmate's custody level before allowing the inmate to leave the institution on a furlough.

BOP officials agreed and said that they will work with the computer services personnel to identify technical solutions that would help BOP staff to verify an inmate has the correct custody level by precluding the BOP staff from entering in SENTRY the transfer from one BOP institution to another institution for an inmate with "in" custody.

BOP Monitoring of Furloughed Inmates

According to BOP officials, they do not actively monitor inmates who are on non-transfer or transfer furloughs. Rather, the BOP relies on its framework of policies and procedures to ensure that inmates are properly vetted prior to being granted a furlough, inmates understand the consequences of not following the conditions of furlough, and inmates are thoroughly searched, questioned, and subjected to a urinalysis following the furlough. In the event an inmate escapes while on furlough by failing to go to the designated institution at the designated time, the BOP relies on its ability to effectively coordinate with other agency personnel, including the courts and the USMS to search for and apprehend the inmate. We assessed the effectiveness of the BOP's approach and concluded that its coordination with other agencies was adequate. However, we found weaknesses with the BOP's data on furloughed and escaped inmates, policy, and records management, as described in the following sections.

Lack of Complete, Current, and Accurate Data

We requested a data file consisting of all inmates granted either a transfer or non-transfer furlough from FY 2007 through FY 2009. In addition, we requested a listing of all inmates who escaped while on a non-transfer or transfer furlough. To develop our request, we met with BOP officials on numerous occasions and discussed how the data would be used and reported. Although BOP officials said that the BOP had not reviewed

furlough data “in a very long time,” they were able to provide a data file of inmates granted transfer or non-transfer furloughs. However, the BOP could not readily provide a list of inmates who escaped while on furlough. To compile the data for us, the BOP was forced to rely on a labor-intensive process that involved the largely manual review of separate data sources.

According to the officials, the BOP uses SENTRY as its primary database for managing administrative data and information related to inmates, including admission, release, furlough, and transfer. Each time an inmate is admitted or released from a BOP institution, a new transaction record is created within the SENTRY database. These records are in chronological order. For example, when an inmate goes on a furlough, the institution enters a transaction that releases the inmate on the furlough. When the inmate returns from the furlough, the institution enters a corresponding transaction that re-designates the inmate to the facility.

BOP officials said that obtaining SENTRY data on inmates who escaped while in furlough or transfer furlough status would be very difficult because BOP staff members often make mistakes when entering these transactions. Because SENTRY does not permit a transaction to be deleted, BOP staff must make additional transactions to correct the error. As a result, BOP officials said that they would need to review each of the cases identified in SENTRY as a possible escape to determine whether the escape transactions were accurate.

BOP officials also said that they would need to review another source to determine the inmates who may have escaped or attempted to escape while on furlough – the Form 583 – Reports of Incident. As previously discussed, when an inmate escapes or attempts to escape, the responsible BOP institution is required to report the incident to BOP headquarters telephonically, as well as by using a Form 583. When BOP headquarters staff receives the Form 583, the information is manually entered into a separate database.²⁷ A BOP official said that the institutions use the Form 583 to immediately notify BOP headquarters of a potential inmate escape and that the Form 583 information was the best source of inmate escape information.

As shown in Exhibit 1-8, the BOP initially reported to us that 104 furloughed inmate escape incidents occurred during our review period. These escape incidents had been reported by institutions to BOP

²⁷ The BOP automated this process in August 2009. Because the furloughs we reviewed took place between FY 2007 and FY 2009, our review generally involved non-automated Forms 583.

headquarters on the Form 583. To determine whether institution staff notified BOP headquarters, via Form 583, of all potential inmate escapes and entered the information into SENTRY, we compared the 104 escape incidents to escape incident data from SENTRY. Based on our analysis, we found that the number of escape incidents recorded in SENTRY was almost four times higher than those initially reported by the BOP on a Form 583.

EXHIBIT 1-8		
ANALYSIS OF FURLOUGHED INMATE ESCAPE INCIDENTS		
(Fiscal Years 2007 through 2009)		
Furlough Type	Form 583	SENTRY
Non-Transfer Furlough Escape Incidents	0	0
Transfer Furlough Escape Incidents		
<i>Transfer to a halfway house</i>	93	350
<i>Institution-to-Institution Transfer</i>	11	32
<i>Medical</i>	0	5
<i>Medical Emergency</i>	0	1
Total	104	388

Source: OIG analysis of Federal Bureau of Prisons data

To determine potential causes for the differences in the number of Form 583 reports filed and the number of SENTRY escape records, we reviewed furloughed inmate escape incidents for two BOP institutions – Bryan FPC and FCC Victorville.²⁸ We reviewed these institutions’ files to determine whether a Form 583 was completed and received by BOP headquarters, as required. In addition, we verified that a corresponding entry was made in SENTRY. We reviewed a total of 31 escape incidents.

In each of the escape incidents we reviewed, we determined that the staff at the institution had correctly entered the escape transaction into SENTRY and that the institution had adequately coordinated with the USMS and FBI when an inmate had escaped on furlough. However, we identified eight instances (26 percent of the 31 reviewed) in which the Form 583 had not been completed and submitted to BOP headquarters. We also identified one escape incident for which a Form 583 had been completed by FCC Victorville staff. However, when we reviewed SENTRY, the inmate’s case file, and other institution documents, we did not find any indication in these documents that the inmate had escaped from BOP custody.

²⁸ We selected a judgmental sample from these two institutions based on various criteria. For more detailed information on our sampling methodology, see Appendix I.

We discussed these discrepancies with BOP officials, who acknowledged that Form 583 reports should have been completed but were not for the eight escape incidents identified above. One senior BOP official said that he believed that BOP institution staff may overlook completing the written report (Form 583) once the escape incident has been verbally reported to headquarters. In addition, the senior official said that the institution staff may not complete the written report because escapees are frequently apprehended quickly – often the same day. However, in the eight escape incidents we reviewed, just four inmates were apprehended in less than 1 week, and four inmates remained as fugitives from between 3 and 11 months. BOP officials were unable to provide an explanation for the one inmate who was erroneously reported to us as an escape.

We believe that the BOP should regularly review data on furloughed inmates who escape. Incomplete or untimely information may hinder the BOP in identifying and addressing weaknesses in its policies and procedures. For example, we identified one instance in which an inmate was released from FCC Victorville to transfer to a halfway house on the Friday before a 3-day holiday weekend. The inmate was to report at the halfway house that Friday and failed to do so. Documentation in the inmate's case file indicated that the BOP did not issue the formal escape notification to other law enforcement agencies until the following Tuesday. Further, the formal escape notification indicates that this inmate was considered violent and dangerous. This inmate was re-apprehended more than 7 months later in January 2010. Although a Form 583 was required to be completed and submitted, FCC Victorville was unable to provide a copy or otherwise demonstrate that it had prepared one. In addition, BOP headquarters did not include this escape on its Form 583 list.

One senior BOP official acknowledged that these escape incidents should be reported on the Form 583 and that the circumstances surrounding these escapes should be reviewed. However, he said that this type of analysis is completed at the regional level, and if a trend or pattern is identified, the information is then shared with headquarters staff.

We agree that the BOP should review the circumstances surrounding these escapes. The Form 583 process can provide the BOP with more accurate and timely information on inmates who escape while on transfer or non-transfer furlough.

However, BOP officials said that they currently do not have a method to ensure that staff complete and submit a Form 583 each time they record an inmate as "escaped" in SENTRY. BOP officials said they would explore technical solutions to address this issue.

Moreover, BOP officials told us that they were not able to readily provide data related to criminal acts committed by furloughed inmates or inmates who escaped while on furlough. Inmate case files can contain this type of information, but it is likely to be incomplete. BOP officials said that the BOP staff would include this documentation in the case file only if the inmate was caught while committing the crime and if the paperwork was provided to the BOP institution. Further, even when the BOP does receive such information, it does not consistently enter it into SENTRY so that it can be tracked along with escape data. Because the information is not consistently entered into SENTRY, it is not available to all relevant personnel. We believe that when the BOP receives information on crimes committed by furloughed inmates, it should track this information in SENTRY.

Revised Furlough Policy

We reviewed the BOP's current furlough policy, which was last updated on February 4, 1998. The BOP staff we interviewed were familiar with and generally followed the policy. However, we identified some weaknesses with the existing policy. For example, BOP staff are required to notify victims and witnesses whenever an inmate is released from a BOP institution, including furloughs, transfers to a community corrections center, and escapes. However, the policy does not require BOP staff to notify victims and witnesses when an inmate is released on a medical furlough.

A BOP official said that the BOP had drafted a new policy document in 2003 that, when approved, will replace the existing policy and address several identified weaknesses, including the example above. In addition, the new draft policy:

- encourages institutions to use transfer furloughs to relocate appropriate inmates to a minimum security institution unless a more cost effective means of transportation is available;
- limits the furlough eligibility for inmates found guilty of drug use, drug and drug paraphernalia possession, or introduction of drugs into BOP institutions;
- requires staff to conduct post-furlough interviews ordinarily no later than the next business day after the inmates return from a social furlough;

- requires staff to identify on the Furlough Application the specific type of furlough approved, such as for crisis, educational, or religious purposes; and
- adds to the Conditions of Furlough, which is signed by the inmate, that a urinalysis test will be conducted upon completion of each social furlough.

A BOP official said that prior to implementing new policies, the BOP is required to negotiate with the union representing BOP employees because the changes may impact their conditions of employment.²⁹ As a result, in 2003 the BOP provided the new furlough policy document to the American Federation of Government Employees (AFGE) National Council of Prison Locals, which represents BOP employees, for review and negotiation.³⁰ However, after more than 7 years, the policy document has not been the subject of any negotiations. Therefore, the new furlough policy has not yet been implemented, and the BOP continues to operate under the 1998 policy that needs improvement.

According to a BOP official, representatives from the BOP and AFGE meet 1 week out of every month to discuss and negotiate and there are approximately 50 policies awaiting negotiation. Moreover, issues are negotiated one at a time. The BOP and the union attempt to schedule the policies for review based on importance. If a high-priority policy is submitted for review, then the BOP and the union will rearrange the order of the reviews and negotiate the higher priority policies first.

As a result, it can take an inordinate amount of time to implement new policies that have to be negotiated with the union. These officials estimated that the new policy for the furloughs will not be reviewed by the union and implemented by the BOP for "a very long time."

Consequently, even though the BOP recognized the need for changes in its furlough policy and drafted a revised policy in 2003, it has not been able to implement the changes. We believe it is essential that the BOP have

²⁹ *Master Agreement*, March 9, 1998. The Master Agreement that became effective on March 9, 1998, was to remain in effect for 3 years, and could be extended in 1 year increments thereafter by mutual consent of both the BOP and its employee union. The BOP and the union have not reached agreement on a successor Master Agreement to the one that expired in 2001. The BOP and the union have agreed to extend the agreement since then.

³⁰ In 1968, the BOP certified the AFGE National Council of Prison Locals as the exclusive representative of all BOP employees with the exception of the employees of the Central Office.

the capability to quickly develop, update, and implement policies affecting its ability to fulfill its mission.

Other Agency Coordination

To assess the BOP's efforts to coordinate with other agencies, we met with USMS officials and reviewed a total of 22 escapes associated with our judgmental sample of 111 non-transfer and transfer furloughs at 2 BOP institutions – Bryan FPC and FCC Victorville. We reviewed the inmate case files to determine whether BOP staff notified the appropriate entities following an inmate escape while on furlough. Our review found that the BOP notified the appropriate entities when an inmate escaped while on furlough. In addition, the USMS officials said that they believed that the existing BOP notification procedures were sufficient.

File Management

The BOP maintains confinement-related documents, such as furlough documents, on each inmate admitted to or discharged from BOP custody. These documents are primarily paper-based and generally stored at the institution where the inmate is housed. When an inmate transfers to a new facility, the records must be shipped to the new institution.

To determine whether BOP staff followed the appropriate procedures and maintained adequate records to document their actions, we reviewed the inmate case files for the 111 furloughs in our sample. Our review found that the BOP had not maintained adequate records at these two institutions to ensure that furloughs were properly documented. As shown in Exhibit 1-9, we identified 35 missing documents from the 111 furloughs reviewed.

**EXHIBIT 1-9
ANALYSIS OF DOCUMENTATION
MAINTAINED IN BOP INMATE CASE FILES**

	Institution	
	Bryan FPC	FCC Victorville
Non-Transfer Furloughs – Incidents Reviewed	10	4
Missing Documentation		
Furlough Application and Record (BP-291)	0	1
Conditions of Furlough	0	1
Transfer Furloughs – Incidents Reviewed	50	47
Missing Documentation		
Furlough Application and Record (BP-291)	7	3
Conditions of Furlough	7	2
Unescorted Commitment and Transfer Card	8	6

Source: OIG analysis of BOP inmate case files

As shown in the previous exhibit, the documentation related to non-transfer furloughs at the two institutions we reviewed was generally adequate and complete. However, the files related to transfer furloughs were less complete and as a result we were unable to determine whether some of these transfer furloughs were processed according to BOP policy and subject to the controls over the furlough program.

BOP officials attributed the lack of documentation to two main causes. First, the Warden of Bryan FPC said that the staff were not filing documents in a timely, accurate, and complete manner. We noted that when the institution used a documentation checklist, the inmate case files were generally more complete. The Warden acknowledged that using a documentation checklist in the inmate’s case file helped to ensure that all of the appropriate documents were contained within the file.

Second, officials at both facilities said that frequently the BOP does not receive all of the required documentation from the staff in the Community Corrections Management field offices.³¹ In addition, because the BOP

³¹ The BOP’s community-based programs are administered by staff of the Correctional Programs Division in the Central Office in Washington, D.C., community corrections regional management teams in each of the BOP’s 6 regional offices, and the employees of 28 Community Corrections Management field offices serving specific judicial districts. According to BOP policy, halfway house-generated files resulting from institution transfers should be forwarded to the parent institution within 21 working days following the inmate’s release.

requires that inmate case files be archived, the documentation received from the Community Corrections Management staff often is not received in sufficient time to be included in the inmate's case file before it is archived.

The official responsible for inmate case file management at FCC Victorville said that the institution had recently begun using the BOP's Inmate Skills Development System to share and store electronic versions of the documents. This electronic system has allowed FCC Victorville staff to both provide and receive documents electronically rather than having to wait for items sent through the mail.

We discussed this issue with BOP officials who said that case file management throughout the BOP is an ongoing concern. To improve the storage of and the BOP staffs' access to inmate records, a BOP official said that the BOP executive staff is committed to converting the BOP's paper inmate records into an electronic format and that this conversion is a top priority for the BOP. We believe that it is essential that the BOP maintain complete and accurate records on each inmate. We recommend that the BOP continue to explore electronic methods for sharing and storing documentation, including documents related to the unescorted absences.

Conclusion

Overall we found that the BOP has developed policies and procedures to implement the furlough program. However, we also identified several weaknesses with the BOP's existing policy for the use of furloughs. Although a new policy has been drafted that addresses many of these weaknesses, it has been awaiting negotiation by the American Federation of Government Employees union for more than 7 years.

In addition, we found that the BOP has implemented and exercised adequate controls over non-transfer furloughs. However, we identified weaknesses within the BOP's administration of transfer furloughs, including numerous data entry errors. Moreover, the BOP was not able to readily provide data it received related to criminal acts committed by furloughed inmates or inmates who escaped while on furlough because the BOP does not consistently track such information along with its escape data.

We found that the BOP relies on largely manual processes to obtain information on furloughs and inmate escapes while on furlough. However, to adequately identify and address weaknesses in its policies and procedures, we believe that the BOP needs readily accessible, accurate, and consistent data on furloughs and inmate escapes while on furlough.

Finally, we also found that at the two institutions we reviewed, the BOP had not maintained adequate records to ensure that transfer furloughs were processed in accordance with BOP policy. BOP officials commented that case file management throughout the BOP is an ongoing concern. Although an inmate's confinement-related documents are primarily paper-based, a BOP official said that the BOP executive staff is committed to converting the BOP's paper inmate records into an electronic format.

Recommendations

We recommend the BOP:

1. Review and track in SENTRY furlough and escape activity data on a routine basis, including data on criminal acts committed by inmates on furlough. These reviews should include identifying anomalous information, identifying any trends in furloughs and escapes, and rectifying systemic data entry weaknesses.
2. Explore technological solutions to rectify the data issues we identified, such as missing escape notifications, transfer furloughs appearing to be inconsistent with BOP policy for institution-to-institution moves of inmates with "in" custody, and erroneous coding of transfer furloughs.
3. Assess its employee training programs for SENTRY data entry and provide refresher training for its employees, as needed.
4. Develop a more effective mechanism for coordinating with the union on required policy changes, including procedures for critical and routine matters.
5. Secure the implementation of the revised furlough policy, which has been awaiting negotiation since 2003.
6. Continue to explore alternative methods for sharing and storing documentation related to furloughs, such as the development of an electronic inmate case file system.
7. Consider the required use of document checklists to ensure that inmate case files contain all required documentation.

STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS

As required by the *Government Auditing Standards* we tested, as appropriate given our audit scope and objective, selected transactions, records, procedures, and practices, to obtain reasonable assurance that the BOP's management complied with federal laws and regulations, for which noncompliance, in our judgment, could have a material effect on the results of our audit. BOP's management is responsible for ensuring compliance with federal laws and regulations applicable to the BOP. In planning our audit, we identified the following laws and regulations that concerned the operations of the BOP and that were significant within the context of the audit objective:

- 18 U.S.C. §3622 (1984).
- 18 U.S.C. §4082 (1986).
- 28 C.F.R. §0.96(d) (1999).
- 28 C.F.R. §570.30-37 (1994).

Our audit included examining, on a test basis, the BOP's compliance with the aforementioned laws and regulations that could have a material effect on the BOP's operations. We interviewed BOP personnel, analyzed inmate furloughs and escapes, assessed internal control procedures, and examined the BOP's practices in relation to its furlough program. Our findings and recommendations are discussed in the body of this report. Nothing came to our attention that caused us to believe that the BOP was not in compliance with the aforementioned laws and regulations.

STATEMENT ON INTERNAL CONTROLS

As required by the *Government Auditing Standards* we tested as appropriate, internal controls significant within the context of our audit objective. A deficiency in an internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to timely prevent or detect: (1) impairments to the effectiveness and efficiency of operations, (2) misstatements in financial or performance information, or (3) violations of laws and regulations. Our evaluation of the BOP's internal controls was *not* made for the purpose of providing assurance on its internal control structure as a whole. The BOP's management is responsible for the establishment and maintenance of internal controls.

Our audit objective was to determine whether the BOP has implemented effective internal controls related to its furlough program, including adequate safeguards to ensure furloughed inmates are sufficiently monitored, and the BOP adequately coordinates with other agencies regarding inmate furloughs and escapes. Overall we found that the BOP has developed policies and procedures to successfully manage the furlough program. However, we identified deficiencies in the BOP's internal controls that are relevant within the context of the audit objective. Specifically, the BOP was not adequately reviewing data related to furlough and escape activity. This matter is discussed in detail in the body of this report.

Because we are not expressing an opinion on the BOP's internal control structure as a whole, this statement is intended solely for the information and use of the auditee. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

OBJECTIVES, SCOPE, AND METHODOLOGY

Audit Objective

The objective of this audit was to determine whether the BOP has implemented effective internal controls related to its furlough program, including adequate safeguards to ensure furloughed inmates are sufficiently monitored, and the BOP adequately coordinates with other agencies regarding inmate furloughs and escapes.

Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. In general, our audit covered but was not limited to the period of (FY) 2007 through 2009.

To accomplish our objective, we interviewed more than 30 BOP officials regarding the use of furloughs in the BOP, including headquarters officials in the Correctional Programs Division; Community Corrections Managers; and wardens, counselors, and unit personnel. We also interviewed officials with the USMS to assess BOP and USMS coordination efforts. We conducted fieldwork at two BOP institutions – Bryan Federal Prison Camp in Bryan, Texas, and Victorville Federal Correctional Complex in Victorville, California. To further accomplish our objective, we reviewed data obtained from the BOP relating to non-transfer and transfer furloughs and inmate escapes.

To evaluate the BOP's compliance with laws, regulations, and internal policies, we reviewed inmate case files and other records and reports, as applicable, related to a judgmentally selected sample of all non-transfer and transfer furloughs and inmate escapes at the two selected BOP institutions. We designed our testing methodology to provide us with a broad exposure to the BOP's furlough program. Our sample selection methodology was not designed with the intent of projecting our results to the population of inmate furloughs and escapes.

BOP Inmate Furlough and Escape Data

We requested that the BOP provide us with data for FYs 2007 through 2009 regarding the number of: (1) non-transfer and transfer furloughs granted by the BOP, and (2) inmate escapes while on non-transfer or transfer furlough. As noted in the body of this report, the BOP experienced significant problems with providing us complete and accurate data. After several attempts, the BOP ultimately was able to provide data on inmates granted non-transfer and transfer furloughs. However, to provide data on inmates that escaped while on non-transfer or transfer furlough, the BOP performed a near manual review of separate data sources.

As a result of these inconsistencies, we performed limited testing of the data within SENTRY to verify that the data provided by the BOP was accurate and complete. Despite the data limitations within the sample data provided by the BOP, when these data are viewed in context with other available evidence, we believe the opinions, conclusions, and recommendations in this report are valid.

Inmate Eligibility and the BOP's Controls

To determine whether the BOP granted furloughs to eligible inmates and to assess the BOP's controls over the furlough program, we reviewed data provided by the BOP on December 3, 2009. We judgmentally selected 111 furlough and escape incidents from 106 inmate case files containing furlough documentation or information about an escape that occurred during a furlough. These 111 furlough and escape incidents were selected from the following populations:

- The 2,735 and 108 non-transfer furloughs from the Bryan FPC and FCC Victorville, respectively;
- The 1,437 and 1,777 transfer furloughs from the Bryan FPC and FCC Victorville, respectively; and
- The 16 and 221 furloughed inmate escapes from the Bryan FPC and FCC Victorville, respectively.

Our testing entailed reviewing all furlough and escape-related documents from the BOP pertaining to each incident selected within our sample, including furlough applications and approvals, other agency notifications, conditions of furlough, and Forms 583. At each institution, we compared the associated SENTRY record and the case-related documents within each inmate's central file to determine whether the BOP followed

policies and procedures when processing inmate furloughs and escapes and maintained adequate supporting documentation.

FEDERAL BUREAU OF PRISONS' RESPONSE



U.S. Department of Justice

Federal Bureau of Prisons


Office of the Director

Washington, DC 20534

August 20, 2010

MEMORANDUM FOR RAYMOND J. BEAUDET
ASSISTANT INSPECTOR GENERAL FOR AUDIT
OFFICE OF THE INSPECTOR GENERAL

FROM:


Harley G. Lappin, Director
Federal Bureau of Prisons

SUBJECT:

Response to the Office of Inspector General's (OIG)
Draft Audit Report: The Federal Bureau of Prisons'
Furlough Program

The Bureau of Prisons (BOP) appreciates the opportunity to comment on and respond to the recommendations from the OIG's draft audit report entitled Audit of the Federal Bureau of Prisons' Furlough Program.

Please find below listed the BOP's response to each individual recommendation:

Recommendation #1: Review and track in SENTRY furlough and escape activity data on a routine basis, including data the BOP receives on criminal acts committed by inmates on furlough. These reviews should include identifying anomalous information, identifying any trends in furloughs and escapes, and rectifying systemic data entry weaknesses.

Initial Response: The BOP concurs. Under current controls, social furloughs are reviewed on a yearly basis via Operational and Program Reviews and trends are identified with regard to meeting furlough criteria; however, the Program Review Guidelines will be strengthened to include a review of the correct release code and inmate custody requirements. Central Office Correctional Programs staff will conduct quarterly reviews on escapes from institution-to-institution, and institution to Residential Reentry Center (RRC) moves. These reviews will include identifying anomalous information, trends, reported criminal convictions, and rectifying systemic data entry weaknesses. This will be completed by August 1, 2011.

Recommendation #2: Explore technological solutions to rectify the data issues we identified, such as missing escape notifications, transfer furloughs appearing to be inconsistent with BOP policy for institution-to-institution moves of inmates with “in” custody, and erroneous coding of transfer furloughs.

Initial Response: The BOP concurs. Technological solutions are being explored to deploy an electronic inmate central file, which will eliminate missing escape notifications, as well as all other forms required to be placed in the central file. The agency is committed to an electronic central file. We request this portion of the recommendation be closed.

SENTRY will be reprogrammed to alert staff (with error messages) to prevent transfer furloughs appearing to be inconsistent with BOP policy for institution-to-institution moves of inmates with “in” custody and erroneous coding of furlough transfers. This will be completed by December 31, 2010.

Recommendation #3: Assess its employee training programs for SENTRY data entry and provide refresher training for its employees, as needed.

Initial Response: The BOP concurs. Refresher training will be provided to the affected employees and will include SENTRY data entry training. This will be completed by August 31, 2011.

Recommendation #4: Develop a more effective mechanism for coordinating with the union on required policy changes, including procedures for critical and routine matters.

Initial Response: The BOP concurs. In accordance with 5 USC and applicable laws, rules, and regulations, when the employer issues a new policy, procedures, or practices affecting conditions of employment, it is understood the entire policy, procedure or practice is open for negotiation. The collective bargaining agreement (Master Agreement), between the Union and the BOP, provides the ground rules (negotiated by the parties in 2000) that must be followed when negotiating policy. We will continue to work with Union officials to develop a more effective

negotiation process; however, these rules cannot be changed until a new Master Agreement is negotiated with the Union. This will be completed by December 31, 2017.

Recommendation #5: Secure the implementation of the revised furlough policy, which has been awaiting negotiation since 2003.

Initial Response: The BOP concurs. The collective bargaining agreement (Master Agreement), between the Union and the BOP, provides the procedure for notification to the Union. The ground rules (negotiated by the parties in 2000) provide the rules that must be followed when negotiating policy. Collectively, these rules provide the procedures by which the BOP negotiates policy with the Union. The procedures provide that the parties negotiate policy one session per month (each session is three days). This process cannot be changed until a new Master Agreement is negotiated or the Union agrees to open up the ground rules for negotiations. Ordinarily, policies are negotiated in the order in which they are received by Labor and Management Relations. We will make every effort to negotiate the furlough policy with the Union to implement required changes. This will be completed by December 31, 2017.

Recommendation #6: Continue to explore alternative methods for sharing and storing documentation related to furloughs, such as the development of an electronic inmate case file system.

Initial Response: The BOP concurs. As stated in the initial response to recommendation #2, technological solutions are being explored to deploy an electronic inmate central file. The agency is committed to an electronic central file. We request this recommendation be closed.

Recommendation #7: Consider the required use of document checklists to ensure that inmate case files contain all required documentation.

Initial Response: The BOP has considered the required use of document checklists. Program Statement 5800.11, Inmate Central File, Privacy Folder, and Parole Mini-Files, lists the required material to be organized in the central file. This established list can be used as a reference guide for ensuring all required documents are maintained in the central file. However, as an enhancement, labeled document depositories will be created for the electronic central file. We recommend this recommendation be closed.

If you have any questions regarding this response, please contact VaNessa P. Adams, Assistant Director, Program Review Division, at (202) 616-2099.

OFFICE OF THE INSPECTOR GENERAL ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE THE REPORT

The OIG provided the BOP a draft of this audit report for review and comment. The BOP stated that it agreed with the seven recommendations we made to the BOP. The comments that we received from the BOP, which detail the actions taken or plans for implementing our recommendations, have been incorporated in Appendix II. Our analysis of this response and a summary of the actions necessary to resolve or close each recommendation are presented below.

Recommendation Number:

1. **Resolved.** The BOP concurred with our recommendation to review furlough and escape activity data on a routine basis to identify anomalous information, identify any trends in furloughs and escapes, and rectify systemic data entry weaknesses. The BOP stated that it currently reviews social (non-transfer) furloughs on a yearly basis through its Operational and Program Reviews and trends are identified with regard to meeting furlough criteria. The BOP indicated that it will strengthen its Program Review Guidelines to include a review of inmate custody requirements and release code correctness. Further, the BOP reported that its Central Office Correctional Programs staff will conduct quarterly reviews on escapes occurring during institution-to-institution and institution-to-Residential Reentry Center (RRC) moves. These reviews will include identifying anomalous information, trends, reported criminal convictions, and rectifying systemic data entry weaknesses. The BOP reported that it intends to complete these actions by August 1, 2011.

However, although the BOP reported that it will strengthen its review of non-transfer furloughs through its Operational and Program Reviews, the BOP did not indicate that it will conduct similar reviews of transfer furlough data. Further, according to the BOP's Management Control and Program Review Manual, institutions receiving a "superior" or "good" rating are reviewed every 3 years, institutions receiving an "acceptable" rating are reviewed every 2 years, and institutions receiving deficient ratings are reviewed every 18 months. In addition, the BOP's Operational and Program Review guidelines require that just five furloughs be reviewed during an institution's review process. We believe that the review of such a small sample on an infrequent basis is not sufficient to identify and correct the errors we describe in our

report. Many of the errors we identified were easily detected by a general, overall review of all of BOP furlough data. For example, we quantified the number of transfers to a halfway house by time remaining on the inmate's sentence, and this data indicated that 339 inmates with more than 5 years remaining were granted furloughs to transfer to a halfway house. We believe that more frequent review of basic management reports and statistics will help BOP officials to oversee and manage the furlough program.

This recommendation can be closed when we receive evidence that the BOP has: (1) strengthened its Operational and Program Review guidelines to include a review of release codes and inmate custody requirements for both non-transfer and transfer furloughs; (2) implemented quarterly reviews on escapes from institution-to-institution and institution-to-Residential Reentry Center (RRC) moves; and (3) developed basic reports and statistics on both furloughs and escapes and these reports are used on a routine basis to identify and correct errors, identify anomalous information, identify any trends in furloughs and escapes, and rectify systemic data entry weaknesses.

2. **Resolved.** The BOP concurred with our recommendation to explore technological solutions to rectify the data issues we identified, such as missing escape notifications, transfer furloughs appearing to be inconsistent with BOP policy for institution-to-institution moves of inmates with "in" custody, and erroneous coding of transfer furloughs. The BOP stated that it is exploring technological solutions, including the deployment of an electronic inmate central file, which it believes will eliminate missing escape notifications and other missing forms.

This recommendation can be closed when we receive evidence that the BOP's electronic central file system has been implemented and that it has rectified the data issues we identified, including missing escape notifications, transfer furloughs appearing to be inconsistent with BOP policy for institution-to-institution moves of inmates with "in" custody, and erroneous coding of transfer furloughs. In the interim, we recommend that the BOP address its data issues by developing and reviewing the management reports and statistics discussed in Recommendation Number 1.

3. **Resolved.** The BOP concurred with our recommendation to assess its employee training programs for SENTRY data entry and provide refresher training for its employees as needed. The BOP stated that refresher training will be provided to the affected employees and will

include SENTRY data entry training. The BOP anticipates that this will be completed by August 31, 2011.

This recommendation can be closed when we receive evidence, such as attendance sign-in sheets and course materials, supporting that SENTRY data entry training took place and that appropriate individuals attended.

4. **Unresolved.** The BOP concurred with our recommendation that it develop a more effective mechanism for coordinating with the union on required policy changes, including procedures for critical and routine matters. The BOP stated that, in accordance with 5 U.S.C. and applicable laws, rules, and regulations, when the employer issues a new policy, procedures, or practices affecting conditions of employment, it is understood the entire policy, procedure, or practice is open for negotiation. Further, according to the BOP's response, the collective bargaining agreement (Master Agreement) between the union and the BOP provides the ground rules, which were negotiated by the parties in 2000, and which must be followed when negotiating policy.

The BOP also stated that it will continue to work with union officials to develop a more effective negotiation process. However, the BOP asserts that the rules cannot be changed until a new Master Agreement is negotiated with the union. The BOP stated that a new Master Agreement will be completed by December 31, 2017.

As noted in our report, the Master Agreement expired 9 years ago, in 2001. Yet, according to the BOP, it will take an additional 7 years to fully negotiate the new Master Agreement. We believe that this timeframe is excessive and the lengthy delay undermines the BOP's ability to implement necessary changes in BOP practices, some of which can affect the safety and security of BOP institutions or affect victims' rights. We believe that the BOP should be able to implement appropriate management changes in a relatively timely basis.

Thus, as stated in our report, we believe it is essential that the BOP have the capability to quickly develop, update, and implement policies affecting its ability to fulfill its mission. We believe that taking 16 years to negotiate a new Master Agreement, which is central to the BOP's ability to conduct its operations, is unacceptable and does not adequately address the intent of this recommendation.

This recommendation can be resolved when we receive evidence that the BOP has developed a plan for a more effective and timely

mechanism to assure that it can implement appropriate policy changes.

5. **Unresolved.** The BOP concurred with our recommendation to implement its revised furlough policy, which was drafted in 2003 but which has been awaiting negotiation and implementation since then. In its response, the BOP stated that the collective bargaining agreement (Master Agreement) between the union and the BOP was negotiated in 2000 and provides the procedure for notification to the union, as well as the procedures that must be followed when negotiating policy. These procedures provide that the parties negotiate policy one session per month with each session lasting 3 days. The BOP stated that this process cannot be changed until a new Master Agreement is negotiated or the union agrees to open up the ground rules for negotiations. Further, the BOP stated that policies are ordinarily negotiated in the order in which they are received. The BOP stated that it will make every effort to negotiate the furlough policy with the union to implement required changes. However, the BOP stated that these negotiations will be completed *by December 31, 2017.*

We believe that the BOP's timeframe for implementation of this recommendation is excessive and unacceptable. In essence, the BOP's response is stating that it will be able to implement necessary changes to its furlough policy **14 years** after the BOP drafted a revised policy. The policy has been awaiting negotiation for 7 years, and the BOP's response suggests that it will take another 7 years – until 2017 – to negotiate and implement the revised policy. We do not believe the BOP's response is acceptable or sufficient to address our recommendation.

Moreover, the wait for the revised policy to be implemented has significant consequences. For example, the revised policy would require the victims of a crime to be notified when a defendant is approved for a medical furlough. This notification is not occurring now, and this deficiency would be corrected under the revised policy. Yet, as a result of the excessive delay in implementing the revised policy, this change that would enhance victims' rights has not been implemented for 7 years and may not be implemented for another 7 years. Other weaknesses in the BOP's furlough policy, such as the furlough eligibility of inmates found guilty of certain drug crimes and the need to conduct post-furlough interviews no later than the next business day of return, similarly may not be implemented for another 7 years.

Thus, we do not believe the BOP's response adequately addresses our recommendation when the BOP states that it will take another 7 years to implement important improvements to its furlough policy.

This recommendation can be resolved when we receive evidence that the BOP has developed plans to implement a revised furlough policy in a more timely manner.

6. **Resolved.** The BOP concurred with our recommendation that it continue to explore alternative methods for sharing and storing documentation related to furloughs. The BOP stated that it is exploring technological solutions related to this issue, including the deployment of an electronic inmate central file.

This recommendation can be closed when we receive evidence that the BOP's provides evidence that its electronic central file system has been implemented and that it provides a method for sharing and storing documentation related to furloughs.

7. **Resolved.** The BOP stated that it considered our recommendation that it require the use of document checklists to ensure that inmate case files contain all required documentation. However, the BOP indicated that it believes its policies provide a listing of the documents that are required to be maintained in an inmate's central file. This listing can be used as a reference for its employees to ensure that all required documents are maintained in the central file. Further, the BOP reported that it will be enhancing its procedures by incorporating labeled document depositories in its electronic central file.

This recommendation can be closed when we receive documentation indicating that the BOP provides evidence that it has implemented a new electronic central file and that the system contains labeled document depositories.