



OFFICE OF THE INSPECTOR GENERAL

U.S. Department of Justice

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FOR IMMEDIATE RELEASE
May 24, 2016

DOJ OIG Releases Report on Untimely Releases of Inmates from Federal Prisons

The Department of Justice Office of the Inspector General (OIG) announced today the release of a report examining the Federal Bureau of Prisons’ (BOP) process for ensuring that federal inmates are released on the correct date. The OIG found that of the 461,966 inmate releases between 2009 and 2014, the BOP categorized 157 as “untimely” due to staff error. Six of these releases involved an error resulting in more than 1 year of over- or under-served time. We also found that the BOP classified a far greater number—4,183—as untimely for other reasons.

Among the 157 untimely releases attributable to staff error, which were the focus of our review, we identified 152 late releases and 5 early releases. Three of the late releases and three of the early releases involved an error resulting in more than 1 year of over- or under-served time.

Number of Untimely Releases from Prison Caused by Staff Errors, By Days Over- or Under-served, 2009 – 2014

	Days Over or Under Served	2009–2014	Percent of Total
LATE RELEASE	0 to 30 Days	91	60%
	31 Days to 1 Year	58	38%
	1+ Years	3	2%
EARLY RELEASE	0 to 30 Days	1	20%
	31 Days to 1 Year	1	20%
	1+ Years	3	60%

Source: OIG analysis of untimely releases identified by BOP as due to staff error, calendar years 2009–2014

We found that 127 of the 157 untimely releases due to staff error were the result of errors made by the BOP office responsible for computing inmate release dates. The most common errors resulted from incorrect application of jail credit, incorrect determinations of primary jurisdiction between federal and state custody, and errors relating to concurrent versus consecutive sentences. The other 30 untimely releases were the result of staff errors at other entities, such as BOP institutions, BOP Residential Reentry Management field offices, Residential Reentry Centers (previously known as Community Corrections Centers), and private contract prisons.

According to the BOP, the vast majority of the 4,183 untimely releases that it attributed to reasons other than staff error were due to circumstances beyond its control, such as a judge shortening a sentence to less time than an inmate had already served. However, we found that the BOP does not always have complete information about the circumstances of these untimely releases, particularly with regard to the actions of other entities, both inside and outside the DOJ. We therefore concluded that the DOJ should work with all relevant entities, both within and outside the DOJ, to review the full range of possible reasons for untimely releases and how to address those that are in any way preventable.

The consequences of an untimely release can be extraordinarily serious. Late releases from prison deprive inmates of their liberty. Early releases can put communities at risk if the inmates are dangerous, and they can harm an inmate and the inmate's family, particularly if the inmate's efforts to gain employment and reestablish ties with the community are interrupted by a re-arrest for the purpose of completing the sentence. Additionally, untimely releases, whether early or late, contravene judicial sentencing orders.

Late releases also are costly. For the 152 late releases, we estimated the total cost to the BOP, exclusive of litigation and settlement costs, was approximately \$669,814. In addition, between 2009 and 2015, the Department settled four lawsuits by inmates alleging untimely release, one for \$90,000; another for \$120,000; another for \$295,000; and the fourth for \$175,000. This does not include additional costs the Department incurred as a result of these cases, such as salary costs expended to handle the lawsuits.

This report contains three case studies profiling inmate releases that were more than 1 year late. The report also makes seven recommendations to the BOP and DOJ to help reduce the number of untimely releases. Both BOP and DOJ agreed with the recommendations.

Report: The report is available on the OIG's website at the following link:
<https://oig.justice.gov/reports/2016/e1603.pdf>.

Multimedia: To accompany today's report, the OIG has released a 3-minute video message featuring the Inspector General summarizing the report's findings. The video and a downloadable transcript are available at the following link: <https://oig.justice.gov/multimedia/>.