



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO
AND
AFGE BUREAU OF PRISON LOCALS COUNCIL, C-33



The Honorable Chuck Grassley
Chairman, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

Senator Dianne Feinstein
Ranking Member, Senate Judiciary Committee
331 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Bob Goodlatte
Chairman, House Judiciary Committee
2309 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jerrold Nadler
Ranking Member, House Judiciary Committee
2109 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Dick Durbin
711 Hart Senate Office Building
Washington, DC 20510

May 8, 2018

Dear Chairman Grassley, Ranking Member Feinstein, Chairman Goodlatte, Ranking Member Nadler, and Senator Durbin:

The American Federation of Government Employees, AFL-CIO, Council of Prison Locals represents 33,000 federal correctional workers in the Bureau of Prisons (BOP), the largest federal law enforcement agency within the Department of Justice. These men and women do an extremely dangerous job every day inside 122 federal prisons – in order to keep the communities outside the prison walls safe.

This already dangerous job is being made even more dangerous due to the sustained cuts in staffing levels at our federal prisons. As a direct result of these staff shortages, assaults on correctional officers are up, the introduction of contraband items, including cell phones and drugs, are at an all-time high, and attempted and successful escapes, even from medium- and high-security facilities, are an all-too-common occurrence.

In the face of these problems, the BOP refuses to adequately staff federal prisons. Instead of hiring correctional officers, they routinely rely on a practice known as “augmentation,” in which non-correctional staff such as secretaries, teachers and others who work in federal prisons are assigned custody responsibilities. This is unsafe for these non-correctional officers who were not hired to work in custodial duties. It takes them away from their assigned duties and leaves those jobs undone. It also reduces access to programming, recreation, and education initiatives, which are key to maintaining safe facilities and reducing recidivism.

These cuts to staffing and use of augmentation fly in the face of the mission of the BOP, which is to “protect society by confining offenders in the controlled environments of prisons and community-based facilities...**that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens**” (emphasis added). To that end, former BOP Director Harvey Lappin told the U.S. Sentencing Commission in 2009, “higher levels of crowding and reduced staffing limit our ability to prepare inmates for reentry into the community.” And six years later, then-BOP Director Charles





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Samuels told Congress, “these high [inmate-to-staff] ratios negatively impact our ability to effectively supervise prisoners and provide inmate programs.” Cutting staff and reducing inmate programming are exactly the opposite of what BOP should be doing. It is making our prisons, and the surrounding communities, less safe and secure, and should be stopped.

AFGE and the Council of Prison Locals have for years urged Congress to address the primary cause of the explosive growth in the BOP inmate population by passing meaningful criminal justice reform. We previously endorsed sentencing reform for nonviolent offenders. In no way do we advocate for the release of career criminals or those convicted of violent crimes. Instead we believe there is a better way to do sentencing for certain types of low-level offenders. That includes returning discretion to judges to make sure the sentence handed down matches the crime committed and putting these inmates through programming that has been proven to reduce recidivism rates. These are some of the hallmarks of S. 1917, the Sentencing Reform and Corrections Act (SRCA). We urge you to strengthen reentry programming and fight any attempts to cut back this proven means of rehabilitating prisoners and reducing recidivism in BOP.

AFGE and the Council of Prison Locals have also urged Congress to pass S. 1084, the Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act, which would require the director of BOP to ensure that each warden of a BOP institution provides a secure storage area located outside of the secure perimeter of each institution for personal firearms carried to and from work by our law enforcement correctional workers. Many correctional workers, particularly those who work in or near large cities, want to carry their personal firearms because they have real worries that former prison inmates and others may attempt to harm them, which proved to be a reality when Lieutenant Albarati was murdered as a result of his work in Metropolitan Detention Center Guaynabo, Puerto Rico.

The Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act is common-sense legislation that enjoys bipartisan support in both the Senate and the House. The Council of Prison Locals has worked to include this legislation in the Sentencing and Reform and Corrections Act, and we have received assurances that you will continue to work with us to get this commonsense workplace safety bill included at the earliest opportunity. With this assurance, the Council of Prison Locals, on behalf of the 33,000 federal correctional workers in the federal Bureau of Prisons, is proud to support the Sentencing Reform and Corrections Act.

We believe the Sentencing Reform and Corrections Act takes the right approach to addressing the primary cause for the explosive growth in the BOP federal inmate population. By focusing on reducing the number of inmates that are in federal prisons and reforming the system that keeps certain types of low-level, non-violent offenders in prison longer, resources can be better focused on incarcerating and rehabilitating high-level criminals. Reducing the prison population, in addition to hiring more federal correctional workers and thereby reducing the inmate-to-staff ratio, will make federal prisons safer places to work.

Additionally, we have concerns with parts of the prison reform bill known as the FIRST STEP Act. While there are things in this bill we support, such as the inclusion of the Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act, other provisions raise serious concerns that lead us to oppose this bill. Specifically, the bill directs the Attorney General to create a new recidivism risk assessment





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tool, and do so within 180 days. The current risk assessment system in use by the BOP has been developed and refined over many years, and hastily creating a new system that is untested could put the safety of correctional officers at risk.

Even more troubling is that the FIRST STEP Act only authorizes the appropriation of \$50 million a year for five years to implement this new system, an amount that we believe is inadequate and misdirected given the current state of funding and staffing shortages at federal prisons. By requiring that this new system be developed and implemented quickly, with no guarantee that Congress will actually appropriate the needed funds, this bill essentially creates an unfunded mandate that will drain already scarce resources away from where they are needed most – increasing staffing levels at our federal prisons. Further, the FIRST STEP Act does not authorize any money for the creation of the new risk-assessment system, which means that in all likelihood, DOJ will take funds from other parts of the BOP's budget to fulfill this new directive from Congress.

BOP's FY 2019 budget already includes the elimination of 1,100 positions at a cost of \$136 million. Any new funds appropriated by Congress for BOP should be spent on hiring more correctional workers in order to help undo the damage done in recent years by the elimination of staff positions and the freeze on hiring new correctional workers. At the same time BOP is seeking to cut correctional workers, their budget shows a 3.4 percent increase in the inmate population. Asking less correctional officers to supervise more inmates is a recipe for disaster. The Council of Prison Locals urges Congress to direct BOP's already scarce resources to where they are needed most – hiring correctional workers – not creating new untested systems and unfunded mandates. And we urge Congress to pass comprehensive sentencing and criminal justice reform that will help reduce our prison population.

Three federal correctional officers have been killed in the line of duty in the last decade, including two in the last five years. Congress must do everything in its power protect the federal correctional workers who protect communities across America and ensure that a murder like those that took the lives of Jose Rivera, Eric Williams and Osvaldo Albarati never happens again. Passing the Sentencing Reform and Corrections Act will help reduce the federal inmate population, better concentrate already scarce resources, and take a big step in helping better protect the federal correctional workers who help keep our communities safe.

Sincerely,

E.O. Young
National President
AFGE, CPL C-33

