

U.S. Department of Justice

Federal Bureau of Prisons

PROGRAM REVIEW DIVISION

Washington, DC 20534

March 4, 2025

MEMORANDUM FOR [REDACTED]
ASSISTANT DIRECTOR
HOMELAND SECURITY AND JUSTICE

FROM: [REDACTED] SUPERVISORY ATTORNEY
EXTERNAL AUDITING BRANCH

SUBJECT: Status Update to the Government Accountability Office (GAO)
Report Bureau of Prisons: Opportunities Exist to Better Analyze Staffing
Data and Improve Employee Wellness Programs, Report Number GAO-21
123

The Bureau of Prisons (BOP) appreciates the opportunity to provide a formal response to the Government Accountability Office's (GAO) regarding the report entitled, Report Bureau of Prisons: Opportunities Exist to Better Analyze Staffing Data and Improve Employee Wellness Programs (GAO-21-123). The BOP has completed our review, and we offer the following status update regarding the report and its recommendations.

Priority Recommendation One: The Director of BOP should develop and implement a reliable method, or amend existing methods, for calculating staffing levels at BOP institutions.

GAO Analysis Regarding Priority Recommendation One: BOP concurred with this recommendation and has begun taking steps to address it. In June 2021, BOP reported that it hired a contractor to assist the agency in calculating staffing levels at BOP institutions and, in August 2022, BOP reported that the contractor had completed its assessment and developed a new automated staffing tool prototype. BOP reported that the intent of the new tool is to address BOP staffing challenges by providing an updated, standardized, and transparent view of staffing guidelines, and also for assessing staffing levels. BOP also reported in August 2022 that the contractor was testing the new tool prototype, primarily focusing on correctional services positions, in one of BOP's regions before expanding it to additional regions. In March 2023,

BOP reported that the contractor was testing a prototype of the tool in three of BOP's six regions, primarily focusing on positions in the correctional services discipline. BOP anticipated that the tool would be rolled out to all six BOP regional offices by June 2023, followed by positions from additional BOP disciplines. In March 2024, BOP reported that the tool will be fully implemented by October 2024, covering all regions and all position disciplines. We will continue to monitor BOP's progress toward addressing this recommendation by assessing (1) the extent to which the tool's test shows that it can effectively calculate staffing levels based on its expanded usage in more regions and all position disciplines, and (2) the implementation of the tool for all positions, so that BOP can address total staffing needs.

FBOP's Response: The AST uses a consistent approach to calculate the number of needed positions across all disciplines in the institutions. The calculation starts with forming guidelines for baseline positions and then incorporates additional criteria to determine the total number of recommended positions for each institution. Baseline positions are calculated by developing updated guidelines with FBOP SMEs and are validated with leadership and external benchmarking conversations. The AST then uses broad and discipline-specific criteria derived from multiple working sessions with FBOP SMEs to account for specific needs and considerations of institutions. Only institutions that meet the relevant criteria for the given discipline will receive position adjustments. Criteria adjustments are added along with baseline positions to determine the true total number of positions needed at an institution. Currently, the tool provides recommendations for all institutional level positions regardless of funding source (e.g., FSA, PHS, contracted, etc.). The AST only calculates institution positions by department, with the exception of institution Executive staff (i.e., Wardens, Associate Wardens, etc.).

Therefore, because the FBOP has developed and implemented a reliable method for calculating staffing levels at FBOP institutions, the FBOP respectfully requests closure of this recommendation.

Recommendation Two: The Director of BOP should develop and implement a plan for analyzing data to help identify and address the causes and potential impacts of staffing challenges on staff and inmates.

GAO Analysis Regarding Recommendation Two: BOP concurred with this recommendation and has begun taking early steps to address it. In June 2021, BOP reported that it hired a contractor to assist the agency over several months in analyzing data to identify and address impacts of staffing challenges. In March 2023, BOP reported that the contractor had conducted research, including interviews with BOP leaders and focus groups across BOP, discussing topics such as staffing, recruiting, and retention. BOP reported that the contractor conducted additional interviews with 50 BOP employees to gain additional understanding related to employee retention. BOP reported that the research resulted in an assessment. In March 2024, BOP officials told us that the assessment was illustrative for determining trends related to what contributes to employee retention. However, BOP officials told us that limited data is available to determine additional impacts, such as the effects of staffing challenges on inmate programming, for example. We will continue to monitor BOP's progress toward addressing this recommendation.

FBOP's Response: The FBOP has asked the contractor to conduct further analysis in this area. We expect to receive an updated analysis on the impact of staffing on inmate programming by May 2025.

Priority Recommendation Three: The Director of BOP should conduct a risk assessment of its overtime and augmentation use, including identifying risks to staff, inmates, and institution security; and determining actions to respond, as appropriate.

GAO Analysis Regarding Priority Recommendation Three: BOP concurred with this recommendation and has taken steps to address it. In June 2021, BOP reported that it hired a contractor to assist the agency in assessing the risk of overtime and augmentation usage and develop an overtime calculation tool. In August 2022, the contractor finalized its risk assessment of overtime and augmentation use. The study concluded that there were few risks of overtime and augmentation, for example, related to sick leave, vacancies, or inmate and staff incidents. However, the study was based on limited data, and, in March 2024, BOP officials acknowledged that there are likely additional risks to overtime and augmentation than what was found in the contractor's report, but they do not have plans to pursue an additional study on the risks. Related to the same August 2022 contractor study, BOP reported that the contractor created a tool to retroactively track overtime spending. In March 2023, BOP reported that the contractor had finished the analysis, and that BOP had been tracking overtime and augmentation usage and trends for several months. In March 2024, BOP reported that it has continued to track overtime and augmentation usage monthly and acknowledged that BOP needs to reduce its reliance on overtime and augmentation. Continued tracking will illuminate drivers and trends of overtime and augmentation usage and help BOP invest in short and longer-time solutions to mitigate associated risks. We will continue to monitor BOP's progress in addressing our recommendation.

FBOP's Response: The FBOP continues to track overtime and augmentation at a minimum of twice monthly. The safety of staff, inmates, and the public is the highest priority for the FBOP. When an insufficient number of Correctional Officers are available to cover mission critical correctional posts, which can occur for several reasons including staff absences, population increases, or other reasons, the FBOP may assign non-custody staff as officers to reduce the need to vacate posts deemed critical for the safety and security of the institution.

Priority Recommendation Four: The Director of BOP should assess the outcomes of the staffing incentives it utilizes by developing performance measures and goals, measuring outcomes against them, and adjusting incentives, as appropriate.

GAO Analysis Regarding Priority Recommendation Four: BOP concurred with this recommendation and reported in February 2022 that its contractor was finalizing a risk analysis of the agency's current use of staffing incentives. In August 2022, the contractor finalized its analysis of staffing incentives. In March 2023, BOP stated that, based on the assessment, the contractor continued its work to standardize incentive usage, including working with BOP Executive Staff and other Human Resources staff to identify performance measures and goals for its use of incentives. In June 2023, BOP released its Incentives Playbook, with the intended purpose of standardizing BOP's approach to staffing incentives. The Incentives Playbook also includes performance metrics to evaluate the effectiveness of the incentives. In March 2024,

BOP reported that it will have sufficient data to be able to measure the outcomes of performance metrics in 2025. This ongoing work should help BOP determine the effectiveness of staffing incentives.

FBOP's Response: The Incentive playbook identified four performance goals to evaluate the effectiveness of the BOP utilization of retention incentives. Although not a true calculation of the retention rate, the below data supports the overall rationale that when compared to historical data (previous 5 years), the FBOP has reduced separations and therefore retained more staff. Further analysis is being conducted to more clearly associate the nexus of retention incentive utilization against retention rates against the below performance metrics.

- a) Increase overall employee retention by 5% compared to historical retention rate.**
The overall turnover rate in CY24 was 8.3%. Based on historical data of 8.5%, the FBOP turnover rate decreased by 2.4%.
- b) Increase Correctional Officer retention by 10% compared to historical retention rate.**
The turnover rate for CO in CY24 was 8.5%. Based on historical data of 8.6%, the FBOP turnover rate decreased 1.2%.
- c) Increase New Hire retention by 10% compared to historical retention rate.**
The turnover rate for new hires in CY24 was 16.7%. Based on the historical data of 19.1%, the turnover rate decreased by 12.6%
- d) Increase Nurse retention by 10% compared to historical retention rate.**
The turnover rate for CO in CY24 was 11.7%. Based on historical data of 12.9%, the FBOP turnover rate decreased by 9.3%.