

# GAO Highlights

Highlights of [GAO-24-105737](#), a report to congressional requesters.

## Why GAO Did This Study

DOJ's BOP is responsible for confining individuals in safe, humane, and appropriately secure conditions. In certain circumstances, such as alleged or substantiated violence, BOP can move individuals to restrictive housing, and generally isolate them in cells for up to 23 hours per day. As of October 2023, BOP continued to house about 8 percent of its population (about 12,000 individuals) in these settings. Strengthening management of federal prisons was added to GAO's high-risk list earlier this year.

Among its objectives, GAO was asked to examine the extent to which BOP (1) addressed recommendations from two prior restrictive housing studies; and (2) leveraged facility information to ensure restrictive housing policy compliance and enhance operations.

GAO analyzed BOP policies and data; interviewed BOP officials; and conducted non-generalizable interviews with staff and incarcerated individuals at five BOP facilities—selected to cover a range of restrictive housing unit types.

## What GAO Recommends

GAO is making eight recommendations to BOP, including that it assign responsibility and establish time frames for recommendation implementation and identify the cause of racial disparity in SMU placements. BOP concurred with the eight recommendations but raised related concerns; GAO discusses these in the report.

View [GAO-24-105737](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or [GoodwinG@gao.gov](mailto:GoodwinG@gao.gov).

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## BUREAU OF PRISONS

### Additional Actions Needed to Improve Restrictive Housing Practices

## What GAO Found

The Bureau of Prisons (BOP) has not fully implemented 54 of the 87 recommendations from two prior studies on improving restrictive housing practices. The first study, completed by a BOP contractor in 2014, had 34 recommendations (16 of which are fully implemented.) The other evaluation, completed in 2016 by the Department of Justice (DOJ), had 53 recommendations (17 of those are fully implemented). A May 2022 Executive Order on criminal justice practices directed the Attorney General to ensure full implementation of the January 2016 recommendations. BOP has made slow progress due in part to not assigning responsibility for recommendation implementation to appropriate officials and not establishing associated time frames for completion.

### Examples of Two Bureau of Prisons' Restrictive Housing Unit Types



Source: BOP. | GAO-24-105737

BOP has two key mechanisms—its program review process and its administrative remedy program—to gather information from facilities about restrictive housing operations. However, it is not fully leveraging either, resulting in missed opportunities to ensure compliance and enhance operations:

- BOP is not ensuring facilities' timely resolution of deficiencies after routine program reviews because it does not have a process to verify that corrective actions were implemented.
- The administrative remedy program allows incarcerated individuals to file grievances about issues such as living conditions. However, BOP does not analyze grievance data to identify trends and improve operations.

During the 2014 contracted assessment, reviewers found inconsistencies in the application of subjective criteria used to place individuals in the special management unit (SMU)—one that is designed for individuals with heightened security concerns. GAO's analysis of 2022 data appears to confirm that inconsistencies continued, resulting in equity concerns. Black individuals were 38 percent of the total BOP population but 59 percent of the SMU placements. In comparison, White individuals were 58 percent of the total BOP population and 35 percent of the SMU placements. In response to management challenges, earlier this year BOP closed its remaining SMU and has not yet decided on the future of such units. Analyzing the cause of the substantial racial disparity could inform BOP and DOJ decisions on the future of restricted housing and help ensure consistent and equitable treatment of incarcerated individuals.