

Council of Prison Locals 33

**STATEMENT OF SHANE FAUSEY
NATIONAL PRESIDENT
COUNCIL OF PRISON LOCALS**

FOR

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

**PRESENTED:
September 29, 2022**

**Statement of
Shane Fausey
National President
Council of Prison Locals
Committee on the Judiciary
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Good morning, Chairman Durbin, Ranking Member Grassley, distinguished members of the Committee, and guests.

I would like to sincerely thank the Committee for this opportunity to present the perspective of our federal prison system from our professional, hard-working, bargaining unit men and women, both Correctional Officers and Employees, of the Federal Bureau of Prisons. For far too long the conversation has been missing the professional law enforcement officers and employees that have dedicated their lives in service to their coworkers, their communities, and the United States of America.

The National Council of Prison Locals represents nearly 30,000 correctional professionals of the Bureau of Prisons, across the country, in 121 federal penitentiaries and prisons. We take the safety of our employees extremely seriously, and it is our #1 priority as a representative organization. We look forward to working collaboratively with the newly appointed Director, Collette Peters to address our biggest challenge of the BOP, insufficient staffing.

It is no secret that the Bureau of Prisons is in the midst of a staffing crisis of epic proportions. Set into motion in 2005, the mission critical cuts across the agency began to affect every aspect of safe prisons. In 2008 Jose Rivera, and again in 2013 Eric Williams, both Officers were murdered, left alone in high security housing units to be stabbed to

death. Both victims of the mission critical staffing cuts that eliminated the second correctional officer in all housing units.

Our numbers continued to decline into January of 2016 with an authorized complement of just over 43,000 employees. In 2017 and again in 2018, a total of 4,300 positions were eliminated while prison violence, employee and inmate suicide rates, and contraband, all were on the rise. In 2019 the GAO revealed that “Overtime expenditures, without adjusting for inflation, have increased 102 percent from 2015 through 2019.” Excessive overtime, abusive mandatory double shifts of forced overtime, and augmentation became by-products of insufficient numbers of correctional officers resulting in countless assaults on Bureau employees, inmate homicides, and a deterioration of conditions within our federal prisons and penitentiaries.

But it hasn't stopped there. Just this past December, December of 2021, we have set two records. The most retirements in a month, and the most retirements in a year, or approximately 3,000 employees. The chronic understaffing of this agency has led to an unprecedented exodus, effectively wiping out all the record hiring efforts of mid-2021. Staffing numbers since December have seen a steady decline. Currently there are 34,945 active employees in the Bureau of Prisons, which is a stark contrast to the January 2016, authorized positions of 43,369. In essence, the new 100% is approximately 75% of the ‘mission critical’ levels the agency testified to be the minimum level of Officers to keep the Bureau of Prisons safe. It is estimated an additional 3,000 employees are expected to leave the agency by the end of the year. That is a total attrition rate of 20% of the total workforce, the most experienced correctional professionals, gone within two years.

The staffing crisis in the Bureau of Prisons has gone on long enough.

The Bureau of Prisons as an agency cannot help itself. It will go to great lengths to protect its image, no matter how dire the situation may be. As a former director portrayed in a previous public appearance that our dire staffing circumstances were ‘not that bad’ and only at a few of our most challenged facilities, the Attorney General and Deputy Attorney General remained silent.

From January 2020 to today, across the United States in media reports, the BOP or Bureau of Prisons and the phrase ‘staffing crisis’ or ‘staffing shortage’ resulted in 5,495 headlines. There is a mountain of empirical and overwhelming data, from the GAO, the OIG, the Congressional Research Office, just to name a few, that have expressly revealed an agency in crisis and the number one underlying issue is insufficient officers and employees. The rest of the country comprehends the seriousness of our situation but the decision makers that have the power to send much needed relief have fallen short on the immediate steps required to rescue this agency and the human lives at stake in its turmoil. The time for studies and research is over.

I would like to thank Attorney General Garland for his recent budget proposal of 1300 additional Correctional Officers and First Step Act positions for FY2023. This is a good first step in the right direction. I am afraid we cannot wait that long as our lives, and the lives of incarcerated individuals in our federal prisons are in imminent risk. To succeed and safely run our prisons, we need urgent funding to fill all current and authorized positions in the Bureau of Prisons, up to and including all authorized positions as of January 2016. We need the Deputy Attorney General to demand that all Bureau of Prisons correctional facilities fill all positions immediately and hold those accountable that do not fulfill this expectation. To accomplish this, the current administration, in conjunction with the Department of Justice and Attorney General, must restructure our current pay-bands to make our

agency competitive in a challenging economic environment. An agency-wide retention incentive for all primary law enforcement employees that are retirement eligible is necessary to curb the exodus and loss of valuable correctional experience.

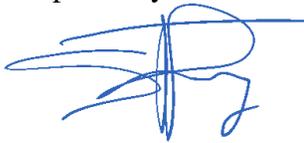
The men and women that work in America's prisons and penitentiaries do so unassumingly and ask for little in return. Most simply want to return to their families at the end of their shift as safely as possible. These are extraordinary human beings that would instantly sacrifice their lives for their fellow officers, and in some instances, risk their own peril for complete strangers. There are several headlines that have misrepresented our agency, and our employees, as corrupt or wrought with misconduct. That is simply a false narrative and not true. Although any instance of misconduct is serious, and to be crystal clear, the national prison council emphatically does not condone nor tolerate misconduct of any kind, the fact remains that, the reported 100 employees since 2019, of our total 35,000 over the course of 3 years, results in a 0.28% rate of misconduct for an extremely large organization. That is far from the disparaging comments from a select few with no correctional background or experience, and most that have not stepped foot in a penitentiary or prison. Before you pass judgement, I invite you to immerse yourself in our world.

I believe the Correctional Professionals of the Federal Bureau of Prisons are the last line of defense between good and evil. The administration, the Attorney General, and yes, this Congress, can and should, fully support them by giving them the tools, resources, and staffing positions to help them be successful. Action must take place now as the environment and morale in our Federal Prisons continues to struggle. Returning the authorized staffing positions to their 'mission critical' complement, at the institutional level, would be a good start. The dedicated and loyal employees of the Federal Bureau of Prisons have

long prided themselves at accomplishing the missions given to them. They have been pushed beyond the breaking point and deserve much needed relief. They will accomplish any mission and task that this Congress, the Administration, the Department, and the Director may ask of them. They will continue to protect the American people, just as they have done for nearly a century. They only need the staffing resources, budgetary support, and safe/secure prisons to return the Bureau of Prisons to its rightful position as a model for all corrections to follow. Can you imagine, if only for a few minutes, our country without the American Correctional Officer?

Thank you and I welcome any questions that you may have.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Shane Fausey', with a large, stylized flourish extending to the left.

Shane Fausey
National President