

A Review of the Bureau of Prisons' Education Policy

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ABSTRACT: *The United States is the founder of the modern prison system and the most incarcerated nation in the world. Punishment has been the primary function of incarceration with little success preventing recidivism. The national recidivism rate has held steady at approximately 66%. However, educational programs that have already been implemented have shown significant potential for reducing recidivism. By making education and occupational training a priority, recidivism rates can be reduced more effectively than in prison systems focused solely or mostly on punishment. This essay reviews the current Federal Bureau of Prisons' policies regarding inmate education, examines problems of implementation, and makes suggestions to improve educational programs in correctional institutions.*

Two of the most significant goals of correctional institutions are facilitating reentry into society and reducing recidivism. The United States Bureau of Prisons has adopted three policies regarding education, literacy, and occupational training in an attempt to achieve such goals. While these educational programs have shown to be effective in reducing recidivism rates, there are substantial difficulties of implementation preventing the programs from achieving their maximum potential for success.

History

The modern understanding of prisons as a place to confine convicts for a specific duration of time as retribution for crimes was not established until the early 19th century. American philosopher Benjamin Rush devised the new form of punishment with the intention of expedient reformation. He argued that the United States had created the greatest governmental system, and it was going to “invent the most speedy and effectual method . . . of restoring the vicious part of mankind to virtue and happiness, and of extirpating a portion of vice from the world” (Perkinson, 2010, p.60) as well. People began to advocate for prisons as they are known today—large, imposing institutions of concrete or stone designed to rehabilitate offenders or house them indefinitely in the attempt to do so. In the early stages of development, two methods were created: the harsh New York model, which focused on punishing offenders with increasing degrees of severity until they began to conform to the behavioral standards of society, and the Pennsylvania model, established around the Quaker tradition, in which the goal

was to reform and rehabilitate offenders so they would become proper members of society.

These two methods sparked substantial debate that is still alive today over which would best serve the needs of communities. Now, the divisive issue revolves around whether rehabilitation costs more money than punishment. Across the United States, punishment quickly became the leading method for corrections. This was especially true in the South, where money for prisons was scarce and capital punishment was the preferred response to criminal behavior. In the late 18th and early 19th centuries, prisons operated more like labor camps than government facilities. A prison sentence at the time essentially meant state-sanctioned slavery for the profit of the state, and the prisoners proved very profitable. Texas prisons at one time were the leading producers of cotton and textiles in the entire country, and inmates built Imperial Sugar through the prison contracts with private businesses for laborers. Prisoners sentenced in North Carolina were sent to railroad camps throughout the Appalachian region. Tennessee used inmates as coal miners, sold their urine to tanneries, and sold the bodies of deceased prisoners to medical institutions (Perkinson, 2010).

Punishment and profit were the main focuses of prisons across the nation. Over the years, numerous scholars have tried to change the system and have had some success with a few programs. However, rehabilitation has never been the priority of correctional institutions despite its effectiveness in reducing recidivism. Alexis de Tocqueville and Gustave de Beaumont studied the American prison system in the early 1830s. After taking a tour of American prisons, they returned to their home

country of France and wrote of the state-sanctioned slavery occurring across the United States, especially in the southern states where prison and state officials profited substantially from inmate labor. In the 1860s, Enoch Wines and Theodore Dwight wrote about the lack of rehabilitation services offered across the states, once again highlighting the ineffectiveness of incarceration without rehabilitation. After the writings of Wines and Dwight, the United States Congress finally addressed the issue of corrections. Shortly after the session, a policy of rehabilitation was established in the Elmira Prison in New York. Elmira was a newly built prison for first-time offenders with the goal of educating inmates to be more productive members of society and avoid further criminal behavior. Zebulon Brockway expanded upon this novel system when he took over management of Elmira Prison, instituting treatment programs designed specifically for individual inmates (Perkinson, 2010).

Elmira Prison represented rehabilitation-centered correction in its infancy. It experienced several problems that lead to mixed results. The programs offered at Elmira were centered on moral and religious lectures instead of basic educational and occupational skills. The facility did not employ occupational programs and utilized corporal punishments liberally when inmates misbehaved. To add to the difficulties, the program attracted poor teachers, lacked a stable structure, and experienced overcrowding. Eventually, Elmira was converted into a maximum-security prison and rehabilitation services were dramatically reduced (Perkinson, 2010).

Rehabilitation services have had numerous successes and failures since their implementation. Each time rehabilitation services become relatively accessible, interest groups and politicians advocating a tougher position on crime start demanding budget cuts that lead to a reduction in prison services. Nevertheless, most prisons at the state and federal levels have some type of rehabilitation program; though, they are not a priority when funding is scarce and they must often respond to constantly expanding and shrinking budgets (Perkinson, 2010).

The Policies

The Federal Bureau of Prisons (BOP) was established in 1930 to provide progressive and humane care for inmates. It helped to make the prison service more professional and ensure that administration was consistent. There are 117 institutions supervised by six regional offices (Federal Bureau of Prisons [BOP], 2012). The goal

of the BOP is to protect public safety by offenders serving their sentence in a safe, secure, and humane manner that is also cost efficient. According to the BOP, programs have proven to reduce recidivism. For that reason, they have educational and occupational services available for inmates to participate in if they are willing and there is availability in the program.

Three policies, called program statements, make up education and occupation training programs of the Federal Bureau of Prisons. The policies are: 5300.21 Education, Training, and Leisure Time Program Standards, 5350.28 Literacy Program (GED Standards), and 5353.01 Occupation Education Programs. Although these policies are separate, they reference each other and have a great deal of cross over (BOP, 1996; 2012; 2003).

The Education, Training, and Leisure Time Program Standards policy outlines provisions that require education staff to abide by the rules of the Violent Crimes Control and Law Enforcement Act. This requires prisons to provide inmates a handbook with information outlining the effects of program cooperation on Good Conduct Time, each of the program types available to prisoners and important information under each category, and the regulation of leisure and fitness of inmates. It states that each inmate will be allowed to have leisure and wellness activities based on their needs and participation will be recorded. Separate policies for literacy and occupation were created to give a more in-depth policy relating to each category (BOP, 2002; 2003).

The purpose of the Literacy Program is to give inmates the tools necessary to improve their knowledge and skills in academics, occupations, and leisure activities. The current version of this policy was adopted in 2002, but funding for these programs changes annually. Some of the programs that are offered include General Education Development (the standard GED), English as a second language (ESL) classes, library and parenting services, and continuing education. The objective is to give the inmates the opportunity to improve themselves through academic and occupational training. Inmates who complete the program are given certificates of completion and offered graduation ceremonies. In order to decrease idleness, inmates are encouraged to attend these programs, and prisons have increased the number of programs that are offered. There are also expectations placed on the corrections to operate these programs with a high level of professionalism (BOP, 2003).

In the Literacy Program, the certificate of completion is given once the inmate achieves the minimum scores required to achieve a high school diploma in the

state in which the prison is located. Standards of completion thus tend to vary from state to state (BOP, 2003).

The ESL program is non-optional and must be attended by all those who are not proficient in English. Inmates who are undocumented immigrants do not have to attend this program. Inmates who obtain 240 class hours without completing the program are no longer required to attend ESL classes, but these waivers are only granted if the program director does not think that the inmate will ever be able to pass the test. To receive a certificate of completion, inmates must score equivalent to an eighth grade level on the Comprehensive Adult Student Assessment System Reading Certification Test. Inmates must also pass a listening comprehension test (BOP, 1997).

Occupational training is also covered under the Literacy Program. In this section of the policy, occupation education is available based on education and work history of the inmate prior to sentencing. However, many inmates have little to no educational training or work experience. Training is available for those who do not have any marketable skills (BOP, 2003).

Exploratory training and employment programs are two options to receive occupational training for marketable skills. Exploratory training is also available for inmates trying to figure out in what career they may do well. This program gives inmates the opportunity to choose a work field and an internship, and is less than 100 hours. Inmates can then choose to receive additional training in that area or just complete the program and move on to another exploratory program (BOP, 2003).

Employment programs are available for those inmates who have marketable skills coming into prison or who have earned skills while serving a sentence. Those with high school diplomas or GEDs and marketable skills are offered the option to participate in full-day work programs. These programs are located at the prison and can range from leatherworking to maintenance to student teaching. For those who do not have a high school diploma, GED, or do not want to attend continuing education classes, half-day work or education programs are available. These programs range from tutoring services to apprenticeships in manual labor fields. However, inmates are not paid for these services unless funds are allotted through a specific program (BOP, 2003).

The administration of these programs is handled by the supervisor of education for each individual prison. The supervisor for each prison is responsible for ensuring that the programs are consistent with BOP policies and that successful completion is possible. There is a written curriculum that is reviewed annually, outlining

the behavioral objectives, procedures, and minimum expectations for completion of the program. Inmate evaluations have strict standards of measurement and the entire program is periodically reviewed for effectiveness. With exception to programs where credits or certificates of completion involve a set number of hours, programs are accessible monthly and inmates can discontinue their involvement at any time. If available, all inmates are given a certificate of completion or certificate of competency. These certificates are not given by the prison, but instead by an outside agency like a school district or the American Council on Education. If no other certificate is possible but completion has occurred, inmates can receive a certificate of completion from the institution, but priority goes to any outside certification that can be earned. These priorities are given to outside institutions because they look better and are more professional to employers than a prison issued certification (BOP, 2012).

The education standards fall under the supervisor's responsibility, but the standards are outlined in the literacy program policy. Licensed teachers are required to be in classrooms since inmate tutors cannot be the primary teachers for any GED or ESL program. At least 25% of the teachers' workweek must be spent instructing and at least 50% of their 40-hour workweek has to be direct classroom instruction. Teachers must have at least 48 hours of training each year. Educational services have to be offered year-round with minimum breaks for holidays. Program hours must be at least eight hours per day. Exceptions can be made if inmates complete half of their hours in an education program and half in occupational training. Weekend hours are permitted and encouraged. Each specialty program like GED or ESL is required to meet at least one-and-a-half hours of participation every day. Teachers are evaluated by the supervisor of education and by surveys from the inmates. All inmate records must be made available online and must include all information gathered by the prison and all programs the offender attends and completes (BOP, 2003).

The Occupational Training Program policy is a short addendum to the standards set forth in the Literacy Program Policy. It became effective in December 2003. Occupational education includes programs provided by the BOP and contracted agencies. These programs teach job skills to inmates to help them find entry level positions once released. When possible, certification or accreditation is given and the programs are linked to the literacy programs to provide maximum educational benefits (BOP, 2003).

Results

Research suggests that these policies are effective. According to the Bureau of Prisons, these policies have positive effects on pre-release behavior and post-release recidivism. Educational program successes are reported in multiple states including Texas, Florida, and California. Each of these states indicated that inmates completing their programs while incarcerated had lower rates of recidivism (BOP, 2012).

The Bard Prison Initiative (BPI) in New York showed the educational potential of some prisoners. BPI offers full Bachelor of Arts and Bachelor of Science degrees to inmates who earn them while in prison. Of those who earned their bachelor's degree in this program, 83% did not graduate high school before they were incarcerated. Most of the participants were in their mid-twenties and would soon finish their prison sentences and return to society. Students realized that the educational opportunities would benefit them in prospective employment. Without BPI, these inmates would have only received the basic GED classes (Lagemann, 2011).

National reincarceration rates for the first three years following release are between 50% and 70% (Tripodi, Kim, & Bender, 2009). In a 2001 study, the Correctional Education Association revealed that a 29% reduction in reincarceration for participants in correctional education programs (p. 49). The National Institute of Justice (2014) reports that offender programs have positively affected desistance, although more research must be done as educational programs become more widely used in correctional facilities. In aggregate, these results strongly suggest that educational and occupational training work to lower rates of recidivism in the long term.

In Norway by contrast, the criminal justice system is based on humanity and rehabilitation. Inmates are given jobs and educational services while in prison. When they are close to their release date, Norway helps inmates find employment and housing. On average, Norway's recidivism rate is 20% less than the United States (Norway, 2012).

Issues with Implementation

In discussing barriers to implementation of educational programs, Palmer (2012) explains one of the biggest problems facing initiatives like the education policy at BOP: the majority of funding for prison educational programs comes from the federal government. Americans are un-

likely to elect candidates who seem weak on crime, so many politicians aim to please the public by attacking the few benefits that prisoners do have. Because of this political pressure, federal funding for college programs for inmates has suffered. Felons or those currently incarcerated do not qualify for Pell Grants. This leaves inmates with the burden of paying out of pocket, having inmates' families pay for college classes, or most likely, inmates not attending college at all (Palmer, 2012). Lack of funding has also led to lack of access to academic resources. Prison libraries have limited educational material which limits the ability of the teachers to provide adequate lessons (Hall & Killackey, 2008)

Because of cuts to the education budget, Texas dissolved a program that helped offenders find employment once released. This program had approximately 60,000 inmates participating, making it one of the largest programs offered by Texas Department of Criminal Justice (TDCJ). Since the elimination of Project RIO (Reintegration of Offenders), the TDCJ currently offers no employment help upon release. The state releases approximately 170,000 inmates per year with no help in workforce reentry. The budget cuts also caused personnel cuts that included teachers. This caused the GED program to be moved from the classroom to computer-based instruction (Texas Department of Criminal Justice, 2012).

For those services that have not been cut, limited space in programs results in inmates not always being able to attend the programs they choose. Moreover, not all units have all programs. The GED program, which is the only one offered at all final placements, is not available at transfer units. Some offenders are sent to units that do not have programs that would be beneficial to them. Program availability is not considered when classifying the inmate and selecting a unit of assignment (Hall & Killackey, 2008).

Suggestions

For the programs to be effective, funding cuts should be avoided; in fact, funding to these educational programs should be increased. Three national organizations as well as state and federal prison systems have reported the success of reducing recidivism through these programs. Political pressure has encouraged government leaders to seek rhetorically expedient policies over the demonstrably effective ones. The need for politicians to appear tough on crime is actually creating conditions that lead

to more crime and higher recidivism. The public needs to be made aware of the effectiveness of education programs to reduce recidivism.

While an increase in direct public funding would be beneficial, there are other ways of funding the educational programs. For college level educational funding, Congress could lift the restriction on Pell Grants in place since 1994 that bans prisoners and felons from receiving federal student aid. If this were to happen, many prisoners would be able to pay for their own college education.

Completion of the GED program should be mandatory unless there is a specific disability that prevents inmates from doing so. GED completion is the most basic requirement for any type of employment. Programs need to focus on teaching inmates marketable skills necessary for them to find stable employment after release. Employment is essentially providing inmates with the basic necessities as well as a non-criminal outlet after release. To facilitate this, prisons need to work with inmates to find employment when released. In the current system, inmates are turned out with only the money in their commissary account and a bus ticket to their destination. Once the inmate arrives at their location, they have no place to live, no food to eat, no transportation, and no identification card. Their best option is to stay with family if their family will still accept them. Dependency is an ineffective way to start fresh and may drive some former inmates back into crime. Policies should focus on minimizing dependency upon release.

Another way to increase funding is to allow private donations to inmate education. Such programs would resemble scholarships programs to high school students. As an incentive, the donations would be tax deductible. Companies could even take in some of these prisoners as unpaid telecommuter interns.

Live work programs could be expanded to become more profitable. Currently, Norway uses a system in which prisoners are responsible for prison upkeep and provide most of the services around the facility. Guards and counselors are the majority of prison employees. The majority of the kitchen staff, maintenance staff, and groundskeeping crews are inmates. At Bastoy, a prison island in Norway, inmates grow their own food, prepare their own meals, and are in charge of keeping their cottages and other prison facilities working properly. In return, inmates receive a small monthly stipend used as the equivalent to commissary money in the United States. Inmates also learn personal accounting skills, get into the habit of attending work, and learn basic employment

skills. Norway's recidivism rate for inmates released from Bastoy is approximately 20% (James, 2013).

Texas inmates built Imperial Sugar and Tennessee Coal, Iron, and Railroad (TCI) through contracts between business owners and the State of Texas (Perkinson, 2010). When the Texas prison system was one of the largest producers of cotton in the nation it could have been a profitable and mutually beneficial project for prisons and inmates. Admittedly, these programs proved beneficial in the past largely only to prison systems and businesses. However, they could still be models for the future. That is, in return for contract laborers, companies could provide educational training for inmates and pay less than minimum wage. The prison could then take half the pay and put the other half in inmates' commissary accounts. Inmates who participate in these programs would receive hands-on training and additional income to buy hygiene products, pay for educational services, or build a savings account for use upon release. Bringing contract labor back into the prison system could save a great deal of money in the correctional institution and the cost to taxpayers while maintaining funding for necessary and beneficial programs. Bringing contract labor back into the prison system could save a great deal of money within the correctional institution and the cost to taxpayers while maintaining funding for necessary and beneficial programs.

Religion in prison is found throughout the world and religious organizations volunteer to spend time in the prisons teaching and giving other religious services. There is little need for the actual expense that most U.S. states budget for religion because volunteers will do it at no cost to the state. Texas currently spends \$98,000 on education programs in the form of high school equivalency courses, technical schools, vocational training, and other education services; in contrast, spending on religious services is approximately \$2.3 million (Texas Department of Corrections, 2012). Other states are not much different in their spending practices. There is no need for excessive spending on something that would be given freely. Educational services have been proven effective in reducing recidivism. Therefore, spending priority should go to education instead of religion.

Privately owned prisons have their own set of problems when it comes to education and rehabilitation. Private prisons have a greater interest in keeping people in prisons and high recidivism rates than they do in education and successful rehabilitation. Private prison pay should be changed to reflect the effectiveness of their program. For example, the Corrections Corporation of America (CCA) contracts with the Federal Bureau of

Prisons to house prisoners nationwide. Currently, CCA is the fifth largest prison system in the world following behind four other American prison systems (Correction Corporation of America, 2012). CCA is a privately owned company; therefore, they do not have to follow the standards of employment established by state and the federal government. The same is true for their programs. Employment and program requirements can be substandard, leading to the use of ineffective teachers and unregulated programs. One of the most touted goals of CCA is safe, cost effective incarceration. If cost efficient incarceration is the goal, how do they plan to reduce recidivism? Once again, cost efficiency of today does not outweigh the benefit of reducing recidivism tomorrow.

Conclusion

The United States corrections system may be one of the oldest in the world, but it still has a great deal of room for improvement. Instead of spending a little more up front to keep released inmates from returning to prison, the same amount of money or greater will be spent on multiple returns to prison, potentially leading to a lifetime of prison funding for a majority of prisoners. Simply locking someone up and ignoring them is clearly ineffective. Over time, prisoners will become out of touch with society, fall behind in technological literacy, develop a wide gap in their employment history, and possess out-

dated skills. The United States releases approximately 1,700 inmates back into society every day. Most are undereducated, unskilled, and have little-to-no familial support. Only 29% receive vocational training, and most have few marketable skills or are not literate enough to complete an application for employment. On average, only 35% receive educational training while incarcerated. When combined with the fact that the United States has a recidivism rate of 43% in the first three years and 66% overall, it is clear current programs are not working (Keppler & Potter, 2005). Perhaps, if more inmates were educated and given opportunities to learn basic employment skills, the recidivism rate in the United States could be reduced. Although not all recidivism can be predicted or prevented, a substantial portion of it can be by addressing the problems former inmates experience after release, including the lack of education and trade skills, and difficulty finding employment. If correctional institutions develop and adequately implement programs designed to address these problems, recidivism rates would most likely drop.

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References

- Correction Corporation of America. (2012). About CCA. In *Correction Corporation of America* website. Retrieved from <http://www.cca.com>
- Correctional Education Association. (2001). Three state recidivism study. Retrieved from <http://www.ceanational.org/PDFs/3StateFinal.pdf>
- Federal Bureau of Prisons. (1996). Policy statement 5330.10, drug programs. Retrieved from <http://www.bop.gov/>
- Federal Bureau of Prisons. (2012). About BOP. In *Federal Bureau of Prisons* website. Retrieved from <http://www.bop.gov/>
- Federal Bureau of Prisons. (2002). Education, training, and leisure time program standards. In *Federal Bureau of Prisons policy manual 2012*. Retrieved from http://www.bop.gov/policy/progstat/5300_021.pdf
- Federal Bureau of Prisons. (2003). Occupational educational programs standards. In *Federal Bureau of Prison policy manual 2012*. Retrieved from http://www.bop.gov/policy/progstat/5353_001.pdf
- Federal Bureau of Prisons. (1997). English as a second language program. In *Federal Bureau of Prisons policy manual 2012*. Retrieved from http://www.bop.gov/policy/progstat/5350_024.pdf
- Federal Bureau of Prisons. (2003). Literacy program. In *Federal Bureau of Prisons policy manual*. Retrieved from http://www.bop.gov/policy/progstat/5350_028.pdf
- Hall, R. S., & Killackey, J. (2008). Correctional education from the perspective of the prisoner student. *Journal of Correctional Education, 59*, 301–320.
- James, E. (2013, September 4). Bastoy: The Norwegian prison that works. *The Guardian*. Retrieved from <http://www.theguardian.com/society/2013/sep/04/bastoy-norwegian-prison-works>
- Keppeler, V. & Potter G. (2005). *The mythology of crime and criminal justice* (4th ed.). Long Grove, IL: Waveland Press, Inc.
- Lagemann, E. (2011). What can college mean? Lessons from the Bard Prison Initiative. *Change, 43*(6), 14–19. doi:10.1080/00091383.2011.618078
- National Institute of Justice (2014). Recidivism: Desistance from crime. Retrieved from <http://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx>
- Palmer, S. M. (2012). Postsecondary correctional education: Recognizing and overcoming barriers to success. *Adult Learning, 23*(4), 163–169.
- Perkinson, R. (2010). *Texas tough: The rise of America's prison empire*. New York: Henry Hold and Company.
- Texas Department of Criminal Justice. (2012). Texas Department of Criminal Justice (TDCJ) fiscal year 2013 operating budget. Retrieved from http://www.tdcj.state.tx.us/documents/finance/Operating_Budget_FY2013_LAR_Summary_FY2014-15.pdf
- Tripodi, S. J., Kim, J. S., & Bender, K. (2009). Is employment associated with reduced recidivism?: The complex relationship between employment and crime. *International Journal of Offender Therapy and Comparative Criminology, 54*(5), 706–720. doi: 10.1177/0306624X09342980