



May 5, 2025

Director William Marshall III
Federal Bureau of Prisons
320 First St., NW
Washington, DC 20534

Re: Justice and Faith Organizations Urge Reform of US Bureau of Prisons

Dear Director William “Billy” Marshall III:

Congratulations on your appointment. As organizations committed to realizing a fairer and more effective justice system, we know the challenges that await you and write to share our greatest concerns and potential solutions. We have all witnessed the Bureau’s failure to provide adequate rehabilitative programs, safe conditions for incarcerated people and staff, and constitutionally-required medical care. The Bureau continues to struggle with a profound staffing and infrastructure crisis. We ask you to bring the Bureau into compliance with federal law and to lead the Bureau toward a more humane future grounded in transparency and accountability. Over 140,000 people – thousands of sons, daughters, mothers, fathers, and grandparents –are confined within federal prisons and relying on you for justice.¹

Bureau of Prisons Facilities are Unsafe for Incarcerated People and Staff

Federal prisons are plagued by inadequate medical care, overcrowding, staff shortages, unsanitary conditions, violence, and abuse. These conditions are well-documented in media coverage,² Office of Inspector General³ and Bureau reports,⁴ and congressional testimony.⁵ Following a July 2022 oversight hearing, Senator Ossoff observed within FCI Atlanta that

¹ Bureau of Prisons (2025), Population Statistics, Retrieved March 14, 2025, https://www.Bureau.gov/about/statistics/population_statistics.jsp.

² C. Willson (Feb. 11, 2022), *Inmates at Oregon’s only federal prison report dire medical care*, OPD, <https://www.opb.org/article/2022/02/11/oregon-prison-federal-sheridan-covid-inmate-death/>; A. Lacey (July 26, 2022), *Federal Prison Officials Knew of Misconduct, Corruption, and Abuse, Senate Investigation Finds*, The Intercept, <https://theintercept.com/2022/07/26/atlanta-prison-suicide-senate-investigation/>; C. Thompson (May 31, 2022), *How the newest federal prison became one of the deadliest*, NPR, <https://www.npr.org/2022/05/31/1100954134/federal-prison-deaths-usp-thomson-illinois-prison>.

³ Office of the Inspector General (Nov. 16, 2021), *Management Advisory Memorandum: Impact of the Failure to Conduct Formal Policy Negotiations on the Federal Bureau of Prisons’ Implementation of the FIRST STEP Act and Closure of Office of the Inspector General Recommendations*, <https://oig.justice.gov/sites/default/files/2021-11/11-16-2021.pdf>.

⁴ Federal Bureau of Prisons (2019), *After Action Report: Partial Electrical and Reported Heating Outage Civil Disturbance*, <https://www.documentcloud.org/documents/20982240-bop-after-action-report-on-2019-freezing-conditions-at-mdc-federal-jail>.

⁵ Homeland Security and Governmental Affairs Permanent Subcommittee On Investigations (July 26, 2022), *Witness Opening Statements in PSI Hearing Investigating Corruption, Abuse, & Misconduct at U.S. Penitentiary Atlanta*, <https://www.hsgac.senate.gov/subcommittees/investigations/media/watch-witness-opening-statements-in-psi-hearing-investigating-corruption-abuse-and-misconduct-at-us-penitentiary-atlanta>.

“conditions for inmates were abusive and inhumane” and that “stunning failures of federal prison administration” “likely contributed to the loss of life.”⁶ FCI Atlanta is not unique; all federal prisons urgently need reform.

Persistent staff shortages pre-dating the COVID-19 pandemic have dramatically worsened prison conditions and threatened the safety of everyone within prison walls.⁷ OIG reports highlight the safety risk posed by BOP’s poor staffing levels,⁸ which appear likely to persist given the Bureau’s announcement that it is terminating retention bonuses.⁹ The widespread practice of “augmentation,” reassigning staff hired as teachers, technicians, nurses, and cooks to act as correctional officers, has severely compromised the functioning and safety of federal prisons.

The infrastructure crisis within federal prisons has also reached critical levels. Since 2023, “strengthening management of the Bureau of Prisons” has been on the Governmental Accountability Office’s (GAO) High-Risk List, which identifies government operations with “serious vulnerabilities to fraud, waste, abuse, and mismanagement, or in need of transformation.” GAO points to the Bureau’s “aging and deteriorating infrastructure,” as well as the staffing crisis, as the grounds for its inclusion on the list. A 2023 audit by the OIG found that all 123 Bureau facilities require maintenance, with “a large and growing list of unfunded modernization and repair needs.”¹⁰ Basic repairs fail to occur, denying incarcerated people clean water.¹¹ Kitchens are unsanitary and infested with rats and cockroaches, endangering the health of all those who consume the food produced there.¹² Widespread roof leaks and water damage have contributed to pervasive mold contamination, which poses a significant health risk.¹³

The people confined in federal prisons and the many people who love them deserve better. No families should have to fear that their loved ones do not have clean water, safe food, protection from violence, or medical treatment. We urge you to act swiftly to protect the thousands of

⁶ K. Johnson (July 26, 2022), *Atlanta federal prison 'lacked regard for human life'; weapons, drugs trafficked, Senate panel says*, USA Today, <https://www.usatoday.com/story/news/politics/2022/07/26/atlanta-federal-prison/10151488002/>.

⁷ Associated Press (May 21, 2021), *Federal prisons forced to use cooks, nurses to guard inmates due to staff shortages*, <https://www.nbcnews.com/news/us-news/federal-prisons-forced-use-cooks-nurses-guard-inmates-due-staff-n1268138>.

⁸ Office of the Inspector General (2025), *Challenge 1: The Ongoing Crisis Facing the Federal Corrections System*, <https://oig.justice.gov/tmpe/challenge-1>.

⁹ Roebuck, S. (Feb. 27, 2025), *BOP slashes retention bonuses*, Corrections1, <https://www.corrections1.com/federal-prison/bop-slashes-retention-bonuses-cutting-pay-for-thousands-of-prison-staff>.

¹⁰ Office of the Inspector General (2023), *Audit of the Federal Bureau of Prisons’ Efforts to Maintain and Construct Institutions*, US Department of Justice, https://oig.justice.gov/sites/default/files/reports/23-064_1.pdf.

¹¹ K. Blakinger (Jan. 14, 2022), *People in the Scandal-Plagued Federal Prison System Reveal What They Need in a New Director*, The Marshall Project, <https://www.themarshallproject.org/2022/01/14/people-in-the-scandal-plagued-federal-prison-system-reveal-what-they-need-in-a-new-director>.

¹² C. Wilson (Feb. 11, 2022), *Inmates at Oregon’s only federal prison report dire medical care*, OPB, <https://www.opb.org/article/2022/02/11/oregon-prison-federal-sheridan-covid-inmate-death/>; A. Lacey (July 26, 2022), *Federal Prison Officials Knew of Misconduct, Corruption, and Abuse, Senate Investigation Finds*, The Intercept, <https://theintercept.com/2022/07/26/atlanta-prison-suicide-senate-investigation/>.

¹³ Office of the Inspector General (2023), *Audit of the Federal Bureau of Prisons’ Efforts to Maintain and Construct Institutions*, US Department of Justice, https://oig.justice.gov/sites/default/files/reports/23-064_1.pdf.

people in your custody and the thousands of federal employees who serve inside federal facilities.

Lockdowns have become routine and pervasive

During lockdowns, people in prison are confined to their cells for hours or months. During full lockdowns, entire facilities are subject to these restrictions. During partial lockdowns, only a portion of a facility may be impacted. Currently no public Bureau policy or protocol governs the use of lockdowns. While minimal data is available, especially regarding partial lockdowns, people in custody report that lockdowns are initiated in response to fights, investigations, the discovery of paraphernalia, suicides, or understaffing. It is also clear that their use has become increasingly routine.¹⁴ During lockdowns, individuals have no access to visitors, the legal library, recidivism-reducing programming, commissary, showers, or often non-emergent medical care. They are confined within a small cell with a toilet, a roommate, their tablet, and meals are delivered.¹⁵

We urge you to adopt a transparent public policy and protocol regarding the use of full and partial lockdowns that restricts their usage as much as possible. Lockdowns are not an appropriate response to understaffing. They are a form of solitary confinement that should be minimized. We urge you to also increase transparency regarding the usage of lockdowns by regularly sharing information on changes in operations to incarcerated individuals and their families and by publishing statistics on their usage.

Access to medical care and substance use treatment is gravely inadequate

People in federal prisons have a constitutional right to medical care, yet few receive adequate care within the Bureau. In 2023, an NPR investigation found that federal prisons were often failing to treat serious illnesses fast enough, leading to numerous preventable deaths.¹⁶ A December 2024 OIG report on Federal Medical Center Devens found numerous concerns related to the quality of healthcare provided to incarcerated individuals, including potentially dangerous medication distribution, lack of preventive healthcare screening, inappropriate placement of individuals in the Memory Disorder Unit, and inconsistent processes for requesting and accessing care.¹⁷ Severely rationed and delayed access to medical and dental care is also commonplace for lack of sufficient medical staff or security staff to escort individuals to medical units. The OIG's unannounced inspection of FCI Tallahassee in 2023 found that healthcare staffing shortages prevented the staff from providing insulin and psychiatric medication at

¹⁴ Barton, R. (2022), *Frequent prison lockdowns backfire. I know from experience*. Politico, <https://www.politico.com/news/agenda/2022/02/10/frequent-prison-lockdowns-backfire-00007797>.

¹⁵ Bailey, Pam (2024), *Prisoners say routine use of lockdowns has led to more violence and suicides*, Truthout, <https://truthout.org/articles/prisoners-say-routine-use-of-lockdowns-has-led-to-more-violence-and-suicides/>.

¹⁶ Anderson, M. (Sept. 9, 2023), *1 in 4 inmate deaths happens in the same federal prison. Why?*, NPR, <https://www.npr.org/2023/09/23/1200626103/federal-prison-deaths-butner-medical-center-sick-inmates>.

¹⁷ Office of the Inspector General (Dec. 2024), Inspection of the Federal Bureau of Prisons' Federal Medical Center Devens, US Department of Justice, <https://oig.justice.gov/sites/default/files/reports/25-009.pdf>.

therapeutically appropriate times of day.¹⁸ Similarly, the OIG’s unannounced inspections of FCI Sheridan in November and December 2023, identified “glaring healthcare staffing shortages that resulted in a substantial backlog of healthcare treatment.”¹⁹

An estimated twenty percent of individuals incarcerated in federal prisons have a substance use disorder.²⁰ Adequate substance use treatment resources are essential for their individual health and to improve their likelihood of successful reentry. The Bureau is required to provide Medication Assisted Treatment (MAT) for opioid use disorder to adults in custody, and access to MAT is vital given that illicit opioids are present within Bureau facilities.²¹ But the Bureau has consistently struggled to meet the need for MAT within the incarcerated population.²² The Bureau must improve access to MAT in order to improve safety within Bureau facilities and as individuals reenter the community.

The Bureau has also struggled to fully staff and operate the Residential Drug Abuse Program (RDAP), leading to eligible individuals being denied access to one of the Bureau’s most effective recidivism reduction programs. For example, an OIG inspection of FCI Sheridan found that only 5 of 16 of these employee positions were filled at the time of their visit and three days after their inspection concluded, the Bureau suspended the RDAP at the FCI Sheridan’s minimum-security prison camp.²³ According to a study by the US Sentencing Commission, those who completed RDAP have lower rates of recidivism, compared to those who do not complete or participate in the program. Less than half of those who completed RDAP (48.2%) were rearrested in the eight-year follow-up period of this study, compared to 68 percent of RDAP eligible nonparticipants.²⁴ Persistent staff shortages however have prevented RDAP from fully realizing its recidivism-reducing potential.

¹⁸ Office of the Inspector General (Nov. 2023), Inspection of the Federal Bureau of Prisons’ Federal Correctional Institution Tallahassee, US Department of Justice, <https://oig.justice.gov/news/doj-oig-releases-inspection-bops-federal-correctional-institution-tallahassee>.

¹⁹ Office of the Inspector General (May 2024), Inspection of the Federal Bureau of Prisons’ Federal Correctional Institution Sheridan, US Department of Justice, <https://oig.justice.gov/news/doj-oig-releases-inspection-bops-federal-correctional-institution-sheridan>.

²⁰ Government Accountability Office (May 2020), Bureau of Prisons: Improved Planning Would Help BOP Evaluate and Manage Its Portfolio of Drug Education and Treatment Programs, <https://www.gao.gov/products/gao-20-423>.

²¹ US Department of Justice (2019), First Step Act Implementation Fact Sheet, https://www.justice.gov/d9/press-releases/attachments/2019/07/19/fsa_fact_sheet_final_2.pdf.

²² Afrika-Ber, A. (June 7, 2024), *Inside Voices: I started using heroin in prison. Now the Federal Bureau of Prisons won’t provide treatment*, Washington City Paper, <https://washingtoncitypaper.com/article/720494/inside-voices-i-started-using-heroin-in-prison-now-the-federal-bureau-of-prisons-wont-give-me-treatment/>; Schwartzapfel, B. & Blakinger, K. (Dec. 12, 2022), *Federal prisons were told to provide addiction medications. Instead, they punish people who use them*. The Marshall Project, <https://www.themarshallproject.org/2022/12/12/suboxone-federal-prison-opioid-addiction-treatment-overdose>.

²³ Office of the Inspector General (May 2024), Inspection of the Federal Bureau of Prisons’ Federal Correctional Institution Sheridan, US Department of Justice, <https://oig.justice.gov/news/doj-oig-releases-inspection-bops-federal-correctional-institution-sheridan>.

²⁴ US Sentencing Commission (May 2022), Recidivism and Federal Bureau of Prisons Programs: Drug Program Participants Released in 2010, <https://www.ussc.gov/research/research-reports/recidivism-and-federal-bureau-prisons-programs-drug-program-participants-released-2010>.

Cost Cutting Efforts Should Focus on Reducing Unnecessary Incarceration

Compassionate release can save the lives of medically vulnerable people, ease staff shortages by reducing the prison population, and provide mercy.

Yet the Bureau rarely uses its power to file motions for compassionate release in extraordinary or compelling circumstances. The Bureau's criteria for Compassionate Release/Reduction in Sentence include "terminal medical condition," "debilitated medical condition," and "elderly (65 or older) inmates with medical conditions." Federal courts have recognized that COVID-19 vulnerability is an extraordinary and compelling circumstance under the law and acted with urgency, in 2020 granting 21% of the compassionate release requests they considered.²⁵ Meanwhile, over the first 13 months of the pandemic, the Bureau only ultimately approved 36 compassionate release requests, fewer than in 2019.²⁶ You have the power to change that. We urge you to normalize the use of compassionate release to save lives, reunite families, and make federal prisons safer.

Some of the oldest and sickest individuals within federal prisons, people sentenced under the "old law" prior to 1987, remain arbitrarily ineligible for compassionate release. Some congressional leaders have recognized this error: the bipartisan Safer Detention Act, if passed, would finally give "old law" individuals in federal custody access to compassionate release.²⁷ Until Congress acts, however, these disproportionately elderly men and women, some of whom are serving life without parole sentences for conduct that would have received a far lower sentence today, will remain in federal prisons. The Safer Detention Act would also reauthorize the Elderly Home Detention Pilot Program, which permits elderly individuals convicted of low-level non-violent offenses to return home sooner. Over 1,200 individuals benefited from the Elderly Home Detention Pilot Program, which expired in 2023.²⁸ As the Office of the Inspector General established, federal prisons are poorly equipped to care for elderly individuals and their care often comes at a high cost to the Bureau.²⁹ We urge you to call on Congress to pass the Safer Detention Act.

The Bureau of Prisons has failed to fully implement the First Step Act

In 2018, Congress passed and President Trump signed the First Step Act, a vital bipartisan piece of legislation designed to reduce recidivism while also addressing unnecessarily long sentences. Congress recognized that people grow and change, and that it was in the interest of the American people and public safety to allow individuals to earn the ability to come home sooner by

²⁵ U.S. Sentencing Commission (June 2021), *Compassionate Release Data Report: Calendar Year 2020*, https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/compassionate-release/20210609-Compassionate-Release.pdf?utm_medium=email&utm_source=govdelivery.

²⁶ Blackinger, K and Neff, J. (2021, June 11), *31,000 Prisoners Sought Compassionate Release During COVID-19. The Bureau of Prisons Approved 36*, The Marshall Project. <https://www.themarshallproject.org/2021/06/11/31-000-prisoners-sought-compassionate-release-during-covid-19-the-bureau-of-prisons-approved-36>.

²⁷ S.1248, Safer Detention Act of 2023, <https://www.congress.gov/bill/118th-congress/senate-bill/1248/text>.

²⁸ Federal Bureau of Prisons (2024), First Step Act, <https://www.bop.gov/inmates/fsa/index.jsp>.

²⁹ Office of the Inspector General (Feb. 2016), *The Impact of an Aging Inmate Population on the Federal Bureau of Prisons*, <https://oig.justice.gov/reports/2015/e1505.pdf>.

completing rehabilitative programs. But today, over seven years later, the Bureau has still failed to fully implement the First Step Act.

Through the First Step Act, Congress unambiguously instructed the Bureau to move people out of prison – into halfway houses, home confinement, or supervised release – when they meet the requirements to use their earned time credits. The Bureau, however, adopted a regulation contrary to the plain text of the law, treating release as discretionary. As a result, thousands of people, who should already be back in their communities and with their families, remain in prison, prompting a class action lawsuit from the ACLU.³⁰ In the opening statement of her nomination hearing, Attorney General Bondi also noted the shortage of halfway houses, stating “We must fix the Bureau of Prisons and follow through on the promise of the First Step Act by building new halfway houses.”³¹ The Department of Government Efficiency, however, has already terminated the lease for a halfway house in Cincinnati, which raises concerns that this priority is not shared across the administration.³² We urge you to swiftly rectify this issue. When someone has earned adequate credits to leave prison, they should be placed promptly in a halfway house or, if no halfway house beds are available, in home confinement.

The staffing crisis also continues to limit the availability of First Step Act programming. Augmentation, as discussed above, results in staff members who should be focused on recidivism reducing programming being pulled into the roles of correctional officers. Widespread lockdowns prevent individuals from attending programming for days or weeks on end. Improving access to First Step Act programming is vital in order to realize its full potential to improve community safety and decrease incarceration.

Since the First Step Act’s passage, advocates have also raised numerous other evolving issues with First Step Act implementation – from delays and errors in time credits calculations to inaccuracies in the risk assessment tools. We have appreciated the opportunity to offer feedback in regular roundtables and through the notice and comment process. We are proud of the progress that has been made to resolve some of those challenges. Given the complexities associated with First Step Act implementation, above all we urge you to maintain a dialogue with the defense bar and the criminal justice reform advocacy community. We are eager to continue working together to fully implement this bipartisan legislation.

A culture of abuse and corruption remains endemic

Abuse, corruption, and misconduct have been apparent within the Bureau for decades, but leadership has too often failed to act. For example, only after years of complaints by victims and a high profile independent investigation by the Associated Press, did the Bureau take action to

³⁰ *Crowe v. Federal Bureau of Prison* (Filed Dec. 20, 2024), Complaint, <https://assets.aclu.org/live/uploads/2024/12/Crowe-v.-BOP-Complaint.pdf>.

³¹ Bondi, P. (2025), Opening Statement, Senate Judiciary Committee Hearing on Nomination for Attorney General of the United States, https://www.judiciary.senate.gov/imo/media/doc/2025-01-15_-_opening_statement_-_bondi.pdf.

³² Knue, K. (Mar. 9, 2025), *DOGE to close 5 federal offices in Cincinnati area*, WLWT, <https://www.wlwt.com/article/doge-to-close-5-federal-buildings-in-cincinnati-area/64105116>.

end the infamous “rape club” at FCI Dublin.³³ The retaliation against the victims of abuse at FCI Dublin followed many women even after they were transferred.³⁴ The bipartisan Federal Prison Oversight Act signed into law in 2024, which created an independent ombudsman to monitor prison conditions, is a signal of the consensus in Congress on the strong need for reform within the Bureau. We urge you to set a new standard and lead the Bureau towards transparency and accountability.

We urge you to consider our concerns and take action.

We ask you to remember the humanity of the people in your custody and listen to their voices by visiting at least six prisons, at every security level, in your first six months and meeting individually with incarcerated people. We encourage you to lead the Bureau towards systemic transformation by meeting with groups of stakeholders including formerly incarcerated people, their families, and advocacy groups within your first 90 days in office. Finally, we urge you to prioritize expanding compassionate release for elderly and vulnerable people behind bars. To arrange a meeting or for further information, please contact Liz Komar, Sentencing Reform Counsel at The Sentencing Project, at lkomar@sentencingproject.org.

Sincerely,

2nd Chance

Activate Your Life, Inc.

American Civil Liberties Union

Brennan Center for Justice

Drug Policy Alliance

Justice Policy Institute

More Than Our Crimes

NAMI Huntington

National Council of Churches

NETWORK Lobby for Catholic Social Justice

Prison Families Alliance

Southern Poverty Law Center

The Sentencing Project

³³ M. Balsamo and M. Sisak (2022, Feb. 6), *AP investigation: Women’s prison fostered culture of abuse*. Associated Press, <https://apnews.com/article/coronavirus-pandemic-health-california-united-states-prisons-00a711766f5f3d2bd3fe6402af1e0ff8>.

³⁴ Fernandez, L. (June 5, 2024), *Feds Closed a Prison Notorious for Abuse. Things Only Got Worse*, Rolling Stone, <https://www.rollingstone.com/politics/politics-features/fci-dublin-prison-closed-abuse-worse-1235033085/>.