

GAO

Report to the Chairman, Permanent
Subcommittee on Investigations,
Committee on Governmental Affairs,
U.S. Senate

September 1990

PRISON EXPANSION

Program to Identify DOD Property for Prison Use Could Be Improved





General Government Division

B-241324

September 28, 1990

The Honorable Sam Nunn
Chairman, Permanent Subcommittee
on Investigations
Committee on Governmental Affairs
United States Senate

Dear Mr. Chairman:

This report responds to your March 16, 1990, request that we determine if the Commission on Alternative Utilization of Military Facilities and the Department of Defense (DOD) have taken actions to ensure that military property is considered for conversion to minimum security prisons in appropriate circumstances as an alternative to new prison construction. We briefed the Subcommittee in June on our progress and results. At that time, we were asked to report to you specifically on (1) whether all types of property specified in the Commission's enabling legislation were being identified, (2) how well the process for identifying properties for possible conversion was working, (3) whether the properties reported by DOD were suitable for conversion to minimum security prisons, and (4) whether correctional needs exist that are not addressed by the Commission's enabling legislation.

Results in Brief

As of September 1990, the Commission had not succeeded in identifying any DOD property that will be converted to prison use. This lack of success resulted from two factors: the Commission did not review all properties that might have been suitable, and procedural weaknesses affected its review process.

Because the Executive Order governing the program did not specify that DOD report to the Commission bases subject to closure, DOD excluded them. Neither did DOD report all properties in two other categories: (1) some excess property, and (2) some Army Corps of Engineers property. Further, weaknesses in the Commission's controls for receipt and review of documents led to the omission of 41 percent of the properties that DOD did report to the Commission for review. The documents the Commission did review allowed the potential for inaccurate and inconsistent property descriptions. Most properties reviewed by the Commission were judged not suitable for prison use and were not of interest to the Bureau of Prisons (BOP).

The Commission on Alternative Utilization of Military Facilities was established as a focal point for identifying military properties for possible conversion to minimum security prisons and drug treatment facilities. The National Defense Authorization Act of 1989 (Public Law 100-456, dated September 29, 1988) required that the President establish the Commission within 30 days of the legislation's enactment. The law required that the Commission include members from DOD, BOP, the National Institute on Drug Abuse (NIDA), and GSA. The law also required that the Commission prepare a biannual report to the President and Congress identifying military facilities that could be effectively used, or renovated to be used, for the prescribed purposes. Specifically, the law requires the Commission to report on active and nonactive military facilities that the Secretary of Defense has identified as (1) subjects for closure, (2) underused in whole or part, or (3) excess to the needs of DOD. (See app. VII.)

The President signed Executive Order 12682 creating the Commission on July 7, 1989. The executive order generally follows the law's requirements but it (1) did not specify that bases subject to closure should be reported to the Commission, (2) added a requirement that the Commission identify property usable for the homeless, and (3) added one Commission member each from HUD and the Office of National Drug Control Policy. (See app. VIII.)

As of September 24, 1990, the Commission had met three times. The Commission carries out its duties through a working group staffed by a representative of each Commission member. As of September 24, 1990, the working group had met five times. The working group members from BOP, HUD, and NIDA review property survey forms—prepared by the military services on behalf of the Secretary of Defense—that identify and describe properties and facilities to be considered for conversion to determine the properties' suitability for the legislatively prescribed uses (e.g., the BOP representative reviewed the property to determine suitability for conversion to minimum security prisons). (See app. IX.) Properties identified as suitable can then be transferred or otherwise made available for the prescribed uses under existing laws and regulations.

The Commission is not the only vehicle for reviewing the use of military property or its possible suitability for conversion to prisons. There are several programs which either (1) review the use of some type of military property and/or (2) assess its possible suitability for conversion to prisons. Executive Order 12512—Federal Real Property Management

address the prison crowding problem by systematically reviewing available DOD property and using it to the extent feasible.

Principal Findings

As of September 1990, the Commission had not yet succeeded in identifying any DOD property that will be converted to prison use. However, because of the Commission's incomplete review of properties, its program has yet to experience a full and fair test. Also, the Commission has been in existence for a little over a year. For these reasons, judgment on the Commission itself should follow the correction of program flaws identified in our review.

The Commission's lack of success to date may result in part from its inability to review all properties that might have been suitable. DOD did not include in the properties it identified for the Commission one major category of properties—bases subject to closure. DOD also omitted some excess property that it had reported to GSA and some Army Corps of Engineers property. DOD did not include such property because (1) DOD's implementation followed the executive order, which omitted reference to bases subject to closure, rather than the statute that includes such bases; (2) the services did not identify excess property since they did not believe it was their responsibility to do so; and (3) the law required that DOD identify "military" property, but some Army Corps of Engineers' property is classified as "civilian." (See app. I.)

Procedural weaknesses in the Commission's process for identifying and reviewing military property also led to the omission or possible inaccurate description of properties. It did not have controls over the receipt and review of property survey forms and could not account for about 41 percent of the 5,020 property survey forms the services said they submitted. In addition, the property survey form used to identify and describe property to the Commission had ambiguous and open-ended questions, was not pretested to increase the likelihood that responses would be consistent and meaningful, and was not tailored to identify property for prison use. We checked the forms filled out at three bases and found that the personnel completing the forms used inconsistent criteria to describe similar property characteristics. Thus, we cannot be confident that the forms accurately described the properties reported. (See app. II.) Because of the procedural weaknesses of the review and because some property was not reviewed at all, the Commission's report to the President and Congress may not have identified all military property suitable for conversion to prisons. Until these weaknesses are corrected, the Commission's process cannot be fully assessed.

identification and review process had weaknesses. Weak internal controls resulted in the Commission not reviewing 41 percent of the properties that DOD said it reported. Further, the property survey form used to identify and describe property had open-ended and ambiguous questions and was not pretested. Thus, we cannot be confident that the forms accurately described the properties reported. Finally, because the Commission's enabling legislation does not explicitly address conversion opportunities for higher security prisons and state and local prison needs, the Commission has not addressed these correctional needs. Addressing these needs would enhance the Commission's opportunities to curb overcrowding in our Nation's prison systems.

Matters for Congressional Consideration

In June, we briefed the Subcommittee and a representative of the Senate Armed Services Committee on BOP's need for higher security prisons and the needs of state and local governments for more prison space. We pointed out that the Commission's enabling legislation did not address these two corrections needs. On August 4, 1990, the Senate passed S.2884, which, among other things, amended the Commission's enabling legislation to address these two correctional needs. The amendments are expected to be debated by a conference committee.

We believe the amendments could enable the Commission to better address overcrowding in our Nation's prison systems. Therefore, Congress should consider adopting the provisions of S.2884 designed to achieve this end, that is, by amending the Commission's enabling legislation to (1) eliminate the limitation to minimum security prisons, thus encouraging the Commission to consider property for higher security prisons; and (2) make explicit the consideration of state and local government prison needs when military property is reviewed.

Recommendations to the Secretary of Defense

We recommend that the Secretary of Defense require that bases subject to closure be reported to the Commission as soon as a final decision on closure status has been made.

We also recommend that the Secretary of Defense instruct (1) the services to report to the Commission the excess property that has been reported to GSA and (2) the Army to report to the Commission its civilian property.

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Appendix I
Some Property Not Reported to
the Commission

of the 39 bases that were identified during their review of unused and underused properties for the Commission.²

The services believed it premature to report entire bases subject to closure because these bases were not yet vacant and therefore not yet available. However, the services now agree that, in order to dispose of the bases as soon as they become vacant, they should notify the Commission and others as soon as possible. Army and Navy officials said they currently follow the reporting requirement established by HUD under the McKinney Act³ to report property for use by the homeless which now requires that property be reported when it is within 6 months of availability. The Army and Navy recognize that the 6-month time frame may not facilitate timely disposal of property and are working toward an earlier reporting date in dealings with the Commission. The Air Force plans to notify by February 1991 any interested party, including the Commission, of its bases that Congress and the Secretary of Defense accepted for closure in 1989. Earlier reporting to the Commission could facilitate consideration of these bases in BOP's prison expansion planning efforts.

We should note that DOD has established a council to work with BOP outside Commission channels to identify bases already approved for closure. At the request of the Attorney General, DOD established the Department of Defense Bureau of Prisons Assistance Council in October 1989. The Council's goals are to assist BOP in obtaining sites for prisons on bases being closed and to expedite transfer of the property. The Council's working group has met once and, in February 1990, provided BOP with a list of bases subject to closure. BOP expressed interest in five bases, but none of the bases were vacant at the time of our review, and thus none had been transferred as of August 17, 1990. Reviewing the Council's operations was beyond the scope of our work, so we do not know whether it was meeting its objectives. Even if the Council is successful, the Commission would still be responsible for reviewing bases subject to closure.

²The services reported 11,520 acres and 250 buildings on these 13 bases.

³The Stewart B. McKinney Homeless Assistance Act (Public Law 100-77, July 1987) and its subsequent amendments (P.L. 100-628, Nov. 1988) were enacted to respond to the lack of shelter and other supportive services for the homeless. The McKinney Act, among other things, requires federal agencies to identify buildings that could be made available to house the homeless.

Appendix I
Some Property Not Reported to
the Commission

civilian. According to Corps of Engineers officials, Army civilian property is under the control of the Corps and includes civil works projects like waterways, dams, reservoirs, and adjacent property. According to an Army official, its civilian property was not reported to the Commission because the law and executive order only required identification of "military facilities" and they did not believe this property met that criterion. However, military could be interpreted more broadly to include all property controlled by DOD.

The Army's interpretation deprived the Commission of the opportunity to assess these properties' suitability for conversion to prisons. The Corps reviews the property for GSA's excess property program. Thus, identifying this property for the Commission would only involve filling out a property survey form. Some civilian property has been identified as excess and therefore is available. For example, we reviewed a May 17, 1990, excess property list and found that 53 of the 111 DOD properties identified were Corps of Engineers civilian properties. We do not know if any of these properties were suitable for prison use, or if any other civilian property could have been reported to the Commission. However, no civilian property was reported to the Commission, and thus none was considered in the Commission's property review or included in the report to the President and Congress.

for use as a prison. Another weakness of the form was that it contained open-ended questions that were subject to differing interpretations, making it hard to (1) compare responses, (2) use computers to analyze responses, or (3) know what respondents may have meant by their answers.

Problems such as these can be identified and eliminated by pretesting a survey form with potential respondents. This important exercise could have helped determine if questions were understood and answered consistently, or if other interpretative problems existed. According to officials at HUD, DOD, and the Commission, they did not pretest the survey form before using it.

To better determine if a problem existed, we discussed with personnel from the three bases we visited in the Washington, D.C., area how they answered some questions on the survey form. We found they used different criteria in answering questions. For example, at one base the respondent defined the base as secure because it was surrounded by a fence. The respondents at the other two bases said they defined secure as more than just a fence; for them, restricted meant having access limited to persons with specific authorization. Another example involved assessing the potential to provide utilities. Two respondents interpreted potential as utility lines in place but not hooked up or scheduled to be hooked up. The other defined potential as utility lines not in place but economically feasible to install. These observations are illustrative of a problem but cannot be generalized to the universe of survey forms or military bases.

**Appendix III
Most Property Reviewed Deemed Not
Suitable for Prisons**

and thus might be converted quickly and economically. The first screening took 5 days and eliminated 81 percent of the properties from further consideration.

Some of the property reviewed by the Commission was recommended for further study for possible prison use. BOP's review for the Commission initially identified properties on 23 bases that it believed deserved further investigation.¹ The staff member who did the review said that, to get additional information on the property, he did a closer review of the survey forms and telephoned bases. Information surfaced during the more detailed review showing that the property on 18 of the 23 bases did not meet BOP's standards and was eliminated from consideration. Property on the remaining five bases was reported to the President and Congress as potentially suitable for prison use. However, BOP does not anticipate seeking any of the property on the five bases.

**Our Analysis Indicates
Properties Have
Problems**

We reviewed a random sample of 364 of the 2,958 property survey forms (see app. V) and verified that most properties had reported problems that could limit their suitability. We confirmed that most of the buildings identified by the services did not meet BOP's size criteria for use as part of a minimum security prison. The BOP criteria seek buildings on 100 acres or more of land for prison facilities that could ultimately house 300 to 700 prisoners. BOP officials said that BOP would accept individual buildings that are at least 3,900 to 4,500 square feet but prefers buildings that have 9,750 to 11,250 square feet. As shown in table III.1, we estimate that 68 percent of the buildings identified had less than 3,900 square feet, and 83 percent had less than 11,250 square feet. (See app. VI for sampling errors.)

Table III.1: Size of Buildings Reported to the Commission

Building size in square feet	Estimate to universe	
	Number	Percent
1 to 3,899	2,023	68
3,900 to 4,499	244	8
4,500 to 9,749	211	7
9,750 to 11,249	a	a
11,250 or greater	284	10
Missing data or vacant land	a	a

^aResponses in this category were too few to be statistically reliable
Source: GAO analysis of a sample of 364 property survey forms.

¹Three of these were Air Force bases, for which survey forms were not reviewed.

**Appendix III
Most Property Reviewed Deemed Not
Suitable for Prisons**

Table III.2: Properties Reported With Problems That Could Make Them Unsuitable for Housing Prisoners

Problem	Yes		No		Unknown ^a	
	Number	Percent	Number	Percent	Number	Percent
On a secure base	1,544	52	1,308	44	^b	^b
Occupancy would pose threat to tenants	1,170	40	1,650	56	138	5
Near flammables or explosives	1,073	36	1,763	60	^b	^b
Hazardous materials present	1,048	35	1,715	58	195	7
No public access	813	28	1,520	51	626	21
No potential to provide						
Sanitary facilities	740	25	1,780	60	439	15
Potable water	666	23	2,105	71	187	6
Electric power	374	13	2,495	84	^b	^b
Heating	561	19	1,877	64	520	18
Not structurally sound	309	10	2,308	78	341	12
Occupancy would pose threat to environment	236	8	1,853	63	870	29
On flood plain or floodway	138	5	2,690	91	^b	^b
Near airport runway	^b	^b	2,844	96	^b	^b

^aUnknown because forms were missing the data

^bResponses in these categories were too few to be statistically reliable

Source: GAO analysis of a sample of 364 property survey forms

Because of the weaknesses in the program cited in appendixes I, II, and III, we do not believe the Commission's process has yet been put to a full and fair test. An assessment of the benefits of the Commission will be more appropriate after the Commission has reviewed a complete and accurate listing of the properties Congress intended it to consider.

prison space.² According to the Department of Justice, at the end of 1989 state and local prison systems were operating over capacity. An official of the ACLU told us that in January 1990, 35 states were operating entire prison systems or a major prison under court orders or consent decrees to reduce prison overcrowding.³

The law and the executive order do not specify that the Commission consider the needs of state and local governments and include them in the property review process, nor do they prohibit the Commission from considering such needs. According to an NIC official, BOP's working group representative first discussed the state and local issue with NIC in June 1990—after the Commission completed its review. NIC chose not to review the Commission's information on military properties because it was told by BOP that the properties did not meet BOP's criteria and because it had not yet determined which state and local jurisdictions might need property. On his own initiative, BOP's Director advised state corrections officials in five states (California, Maryland, Massachusetts, Tennessee, and Virginia) that the Commission had identified a parcel of military property in each of their states that they might consider for conversion. However, other properties identified by DOD might also have been suitable for state and local prisons even if they did not meet BOP's criteria for size and geographic location. Thus, BOP's review might have eliminated from consideration properties that would have met state and local prison needs.

In June, we briefed the Subcommittee and a representative of the Senate Armed Services Committee on these two corrections needs and pointed out that the Commission's enabling legislation did not address them. On August 4, 1990, the Senate passed S.2884, which, among other things, amended the Commission's enabling legislation to address these two corrections needs. This amendment is expected to be debated by a conference committee.

²Prison Crowding: Issues Facing the Nation's Prison Systems (GGD-90-1BR, Nov. 2, 1989).

³On August 21, 1990, a BOP official said that no BOP facility was under a court order related to prison overcrowding.

services said they completed. Our sample was reduced to 364 when we eliminated 14 survey forms because they were missing at least 1 page of data. For the data we analyzed, we have no reason to believe that the 14 property survey forms that were eliminated differed from the universe in any significant way. Thus, we feel comfortable generalizing to the universe of 2,598. The 364 forms in the sample are sufficient to estimate the characteristics of the property reported with a 95 percent confidence level and a 5 percent sampling error. In other words, the chances are 19 out of 20 that if we had analyzed all 2,958 forms, the results would differ from our sample results by less than the sampling error.

Our fourth objective was to determine if correctional needs exist that are not addressed by the law. To identify such needs, we reviewed the law, Department of Justice documents on prison crowding, and BOP expansion plans. We also interviewed officials from BOP, NIC, and the ACLU.

We did the audit work between March and August 1990 in accordance with generally accepted government auditing standards.

**Appendix VI
Sampling Errors for Estimates Used in
This Report**

**Table VI.3: Confidence Intervals for “No”
Information in Table III.2**

Problem	No		
	Lower bound	Estimate	Upper bound
Secure base	1,166	1,308	1,450
Occupancy poses threat to tenants	1,508	1,650	1,792
Flammable or explosive materials	1,623	1,763	1,903
Hazardous materials	1,574	1,715	1,856
No public access	1,378	1,520	1,662
No potential for:			
Sanitary facilities	1,640	1,780	1,920
Potable water	1,976	2,105	2,234
Electricity	2,391	2,495	2,599
Heating	1,740	1,877	2,014
Not structurally sound	2,190	2,308	2,426
Occupancy threat to environment	1,715	1,853	1,991
Flood area	2,608	2,690	2,772
Airport runway clear zone	2,789	2,844	2,899

**Table VI.4: Confidence Intervals for
“Unknown” Information in Table III.2**

Problem	Unknown		
	Lower bound	Estimate	Upper bound
Secure base	^a	^a	^a
Occupancy poses threat to tenants	78	138	198
Flammable or explosive materials	^a	^a	^a
Hazardous materials	124	195	266
No public access	510	626	742
No potential for:			
Sanitary facilities	338	439	540
Potable water	118	187	256
Electricity	^a	^a	^a
Heating	412	520	628
Not structurally sound	250	341	432
Occupancy threat to environment	740	870	1,000
Flood area	^a	^a	^a
Airport runway clear zone	^a	^a	^a

^aResponses in these categories were too few to be statistically reliable

**Table VI.4: Confidence Intervals for
Information in Text**

Location	Lower bound	Estimate	Upper bound
Page 20	2,507	2,600	2,693

Executive Order 12682 of July 7, 1989, Commission on Alternative Utilization of Military Facilities

Federal Register / Vol. 54, No. 131 / Tuesday, July 11, 1989 / Presidential Documents 29315

Presidential Documents

Executive Order 12682 of July 7, 1989

Commission on Alternative Utilization of Military Facilities

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 2819 of the Military Construction Authorization Act, 1989 (Public Law 100-458), it is hereby ordered as follows:

Section 1. (a) I hereby establish the Commission on Alternative Utilization of Military Facilities ("Commission").

(b) The Commission shall consist of a representative of the Department of Defense designated by the Secretary of Defense, a representative of the Federal Bureau of Prisons designated by the Attorney General, a representative of the National Institute on Drug Abuse designated by the Secretary of Health and Human Services, a representative of the General Services Administration designated by the Administrator of General Services, a representative of the Department of Housing and Urban Development designated by the Secretary of Housing and Urban Development, and a representative of the Office of National Drug Control Policy designated by the Director of the Office of National Drug Control Policy. The representative of the Department of Defense shall chair the Commission.

(c) The Secretary of Defense shall provide such personnel and support to the Commission as the Secretary determines is necessary to accomplish its mission.

Sec. 2. (a) Subject to subsection (b), the Secretary of Defense shall prepare and submit to the Commission reports listing active and nonactive military facilities that are underutilized in whole or in part or otherwise excess to the needs of the Department of Defense.

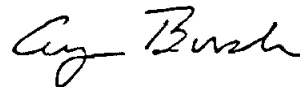
(b) The first such report shall be prepared and submitted as soon as possible for inclusion in the first report of the Commission. The second report shall be prepared and submitted on January 30, 1990, and succeeding reports shall be prepared and submitted every other year commencing on January 30, 1992, and continuing until January 30, 1996.

Sec. 3. (a) Subject to subsection (b), the Commission shall submit a report to the President and then to the Congress that identifies those facilities, or parts of facilities, from the list submitted by the Secretary of Defense under Section 2 that could be effectively utilized or renovated to serve as:

- (1) minimum security facilities for nonviolent prisoners,
- (2) drug treatment facilities for nonviolent drug abusers, and
- (3) facilities to assist the homeless.

(b) The first report of the Commission shall be submitted to the President and then to the Congress by September 1, 1989. The second, and succeeding reports of the Commission, shall be submitted to the President and then to the Congress no later than September 1, 1990, and every second year through September 1, 1996.

THE WHITE HOUSE
July 7, 1989



[FR Doc. 89-1847]
Filed 7-10-89; 11:46 am]

**Appendix IX
Property Survey: Federal Property
Information Checklist**

E. Legal constraints (right of entry, covenants, permits, licenses, etc.): _____

F. Other (comments): _____

7. BUILDING DESCRIPTION: A. age _____
 B. structure type _____
 C. size (usable square feet per floor) _____
 D. number of floors _____
 E. current or most recent use (storage, residential, office, etc.) _____

F. If occupied, indicate:
 i. _____ percentage of total space occupied or otherwise in use
 ii. _____ expiration date(s) of any existing lease(s) or renewal period(s)

G. If vacant, indicate:
 i. _____ number of months vacant

8. BUILDING CONDITION: Meets or has the potential to meet the following criteria:

	MEETS		POTENTIAL*	
	Yes	No	Yes	No
A. Operating sanitary facilities	___	___	___	___
B. Potable water	___	___	___	___
C. Electric Power	___	___	___	___

*D. Indicate (if known) distance to nearest utility hook-up(s): _____

Appendix IX
Property Survey: Federal Property
Information Checklist

11. ACCESS

A. Does this property have public access? Yes No

If yes, how (road, other) _____
If no, indicate:

- i. _____ miles, distance to the nearest road
- ii. _____ type of terrain _____
- iii. _____ miles to the nearest town/city
- iv. accessible by public transportation Yes No
_____ Type

B. Indicate any restrictions on access (hours, etc.) _____

12. ENVIRONMENTAL SUITABILITY

A. Is the property subject to contamination by toxic or hazardous materials or waste? Yes No

Identify the basis for determination (submit documents)

If yes, also identify:

- i. Nature of contaminants: _____

- ii. Location of contaminants: _____

- iii. Extent (percentage of building or number of acres affected) of contaminants: _____

- iv. Any scheduled clean-up plans (including projected date of completion and estimated cost, if known): _____

B. Is an industrial/commercial Federal facility handling flammable or explosive material (excluding underground storage) located on the property or within 2,000 feet of its boundary? (Exclude underground storage, gasoline stations, tank truckers, and any above-ground container(s) with a capacity of 100 gallons or less of such materials.) Yes No

**Appendix IX
Property Survey: Federal Property
Information Checklist**

(2) Describe the potential impact: _____

(3) Basis for the determination (submit document): _____

13. SECURITY

A. Is the property located in a secure facility to which the general public is denied access? Yes No

B. If the answer above is yes, can alternative access be provided for the general public without compromising security requirements?
 Yes No

Indicate method of providing access: _____

14. LIMITATIONS ON USE

A. Are there now, or are there anticipated to be, any other limitations not previously described on the use of this property to assist the homeless for a period of one year or more?
 Yes No

B. If yes, describe the limitation: _____

Does the limitation currently exist? Yes No

If no, when will any limitation take effect? _____
Date of Effect

15. CHECKLIST CONTACT PERSON: _____
Name Title

Telephone number: FTS _____
Commercial _____

Date prepared: _____

Appendix IX
Property Survey: Federal Property
Information Checklist

4. Condition of building: Meets or has potential to meet the following criteria:

- A. Operating sanitary facilities: Yes _____ No _____
- B. Potable water: Yes _____ No _____
- C. Electric power: Yes _____ No _____
- D. Heating facilities adequate for climate: Yes _____ No _____
- E. Structurally sound foundation, floors, roofs and exterior and interior walls: Yes _____ No _____ : Estimated
Rehabilitation Cost: 1) Occupancy - \$ _____
2) Storage - \$ _____

5. Condition of vacant land: Meets or has potential to meet the following criteria:

- A. Operating sanitary facilities: Yes _____ No _____
- B. Potable water: Yes _____ No _____
- C. Utilities: Yes _____ No _____

6. Access

- A. Is the property accessible by road?
_____ Yes _____ No - Indicate
- 1) Distance to nearest road _____ Miles
- 2) Estimated cost of providing access \$ _____

7. Environmental Suitability

- A. Is the property subject to contamination by toxic or hazardous was _____

_____ No _____ No Survey Completed _____ Yes

If "Yes" Identify:

- 1) Basis for Determination (Submit Document) _____
- 2) Nature of Contaminants: _____
- 3) Location of Contaminants: _____

Appendix IX
Property Survey: Federal Property
Information Checklist

3 - Extent of Condition: _____

4 - Location of Condition: _____

8. SECURITY

A. Is the Property located in a secure facility to which the general public is denied access?

_____ No _____ Yes

B. If the answer to item 8 "A" is "YES", can alternative access be provided for the general public without compromising security requirements?

_____ No _____ Yes - Indicate:

1) Method for Providing Access: _____

2) Estimated Cost, \$ _____

9. LIMITATIONS ON USE

A. Are there now, or are there anticipated to be, any limitations on the use of this Property to assist the homeless for a period of one year or more?

_____ No _____ Yes

B. If the answer to item 9 "A" is "YES" :

1) Describe the limitation _____

2) Does the limitation currently exist? Yes _____ No _____

3) If "NO", when will any limitation take effect? _____
DATE OF EFFECT

Checklist Contact Person: _____
NAME TITLE

Telephone Number (FTS) _____

Date _____

Appendix X
Bureau of Prison's Criteria for Consideration
of Underutilized Military Properties
as Prisons

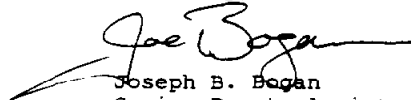
- The location should be within reasonable distance (usually 50 miles) of a metropolitan area with a population of 50,000 or more.
- The site should be near major transportation networks such as an Interstate highway and an airport with commercial jet service.
- The facility should be located so that it does not conflict with mission security or interfere with base activities, military housing, and other activities. A reasonable buffer zone should exist between the site and neighboring properties.

Existing Structures/Facilities

- BOP prefers buildings of substantial permanent construction, capable of housing inmates and providing for basic needs such as water, sewer, electricity, showers, etc. Buildings used for housing should be free of hazardous materials such as uncontained asbestos.
- Support buildings are needed, or the capability to provide support services, such as food service, emergency and outpatient medical care, procurement services, warehouse, and facility maintenance.
- The site should be capable of providing a parking area for staff and visitors, readily accessible to the entrance of the facility.
- Space for recreation activities is needed, preferably both inside and outside.
- Useable space for miscellaneous administrative and office functions is desirable.

If you have any questions or concerns or need additional information, please contact me.

Sincerely,



Joseph B. Bogan
Senior Deputy Assistant Director
for Administration

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Gaithersburg, MD 20877**

Orders may also be placed by calling (202) 276-5241.

Major Contributors to This Report

General Government
Division, Washington,
D.C.

Richard M. Stana, Assistant Director, Administration of Justice Issues
William J. Dowdal, Evaluator-in-Charge
Doris Page, Senior Evaluator
Christie M. Arends, Evaluator
Barry Jay Seltser, Social Science Analyst
Kenneth John, Social Science Analyst

Office of General
Counsel

Lynn Gibson, Assistant General Counsel
Paul W. Britner, Attorney-Advisor

Bureau of Prisons's Criteria for Consideration of Underutilized Military Properties as Prisons



U.S. Department of Justice

Federal Bureau of Prisons

Washington DC 20534

August 18, 1989

Mr. Frank Savat
Chairman, Work Group
Commission on Alternative Utilization
of Military Facilities
The Pentagon - OASD (P&L)I/BCU
Washington, D.C. 20301

RE: Bureau of Prisons' criteria for consideration of
underutilized military properties as prisons

Dear Mr. Savat:

Pursuant to your request at the last meeting of the Commission's work group, below please find the Bureau of Prisons (BOP) criteria for possible use of our requirements with underutilized military properties. Please consider these criteria to be only general in nature. A property need not meet all of the criteria to be worthy of examination by BOP; we would not want to miss the opportunity to evaluate an otherwise excellent property because it failed on one criteria.

For reasons of timeliness and cost effectiveness, we much prefer properties that have existing structures and facilities which could be converted and or renovated to our use. This has been accomplished successfully on several occasions, both on active and closed military bases. However, we will consider land only, upon which we would build a new facility. Therefore, the criteria below under "Existing Structures/Facilities" should be considered desirable, but not mandatory.

After any property is transferred to the BOP, or its use is allowed through existing procedures, the Bureau will assume all costs of conversion and necessary renovation. It should be noted that a Federal prison operation can be very beneficial to a local economy, as annual operating expenditures will run to several million dollars.

Land and location

- The site should be of sufficient size to support a facility for 300 to 700 inmates, usually a minimum of 100 acres or more.
- BOP will consider sites in any area of the country; however, our need for bedspace is less in the north central or midwestern states.

Appendix IX
Property Survey: Federal Property
Information Checklist

4) Extent (percentage of building or number of acres affected) of
Contaminants: _____

5) Any scheduled clean-up plans (including projected date of
completion and estimated cost, if known): _____

B. Is an industrial/commercial facility handling flammable or explosive
material (excluding underground storage) located on the property or
within 2000 feet of its boundary?

_____ No _____ Yes

If "Yes", Indicate:

1 - Number of acres located more than 2000 feet from such
facility - _____ acres _____ percentage of site

2 - Nature of the facility - _____

C. Is any portion of the Property located within an airport runway clear
zone?

_____ No _____ Yes - Indicate that portion
(percentage) of the property which is so located: _____ %

D. Is any portion of the Property located in the "floodway" of a 100
year floodplain based on a flood study prepared under the Flood
Disaster Protection Act of 1973 (42 USC 4001-412R) under the
definition of "Floodway" used by either the Army Corps of Engineers
or by The Federal Emergency Management Agency (FEMA)?

_____ No (assumed if no study has been completed) _____ YES

For properties over 15 acres, indicate the percentage of the land area
located in the floodway: _____ %

* "Floodway" generally means that portion of the floodplain which is
effective in carrying flow, where the flood hazard is generally the
greatest, and where water depths and velocities are the highest.

E. Is the Property impacted by any other known environmental condition
which might jeopardize the safety of occupants of the property (e.g.
friable asbestos, periodic flooding)?

_____ No _____ Yes - Indicate:

1 - Basis for Determination (submit document): _____

2 - Nature of Condition: _____

Appendix IX
 Property Survey: Federal Property
 Information Checklist

Title V of the STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

FEDERAL PROPERTY INFORMATION CHECKLIST

INSTRUCTIONS: 1) Use this form or a facsimile thereof
 2) Complete all items below - otherwise checklist
 will be returned to Agency

1. Federal Landholding Agency _____

2. Property Name and Address: _____
 NAME

ADDRESS: STREET CITY COUNTY STATE

3. Property Description: Building _____ Vacant Land _____
 Other _____ (Identify Easement, Air Space, Etc.)

_____ Excess; _____ Surplus; _____ Unutilized; _____ Underutilized

A. Building Site Size _____

i. Age _____

ii. Structure type _____

iii. Size (useable square feet per floor) _____

iv. Number of floors _____

v. Current use _____ If occupied indicate:

a)- Percentage of total space occupied or utilized - _____ %

b)- Expiration date of any existing lease or renewal period _____

c)- Current license or use restrictions (if any) _____

B. Vacant Land (complete when building(s) do not fully occupy
 site)

i. Size _____

ii. Improvements (e.g., paved) _____

iii. Current use _____ If occupied, indicate:

a)- Percentage of total land area occupied or utilized _____ %

b)- Expiration date of any existing lease or renewal period _____

c)- Current license or use restrictions (if any) _____

Appendix IX
Property Survey: Federal Property
Information Checklist

If yes, indicate:

i. Number of acres located more than 2,000 feet from such facility _____

ii. Nature of the facility and material _____

C. Is any portion of the property located within an airport runway clear zone? Yes No

If yes, indicate the portion (percentage) of the property which is so located: _____%

D. Is any portion of the property located within a 100 year floodplain? (Note that the fact that a Federal property is not included in an existing floodplain map or study does not, by itself, justify a "No" answer.) Yes No

Is any portion of the property located in the floodway?
 Yes No

E. Is the property impacted by any other known environmental condition which might jeopardize the safety of occupants of the property (e.g., friable asbestos, PCBs, radon, periodic flooding)?
 Yes No

Indicate:

(1) Basis for determination (submit document): _____

(2) Nature of condition: _____

(3) Extent of condition: _____

(4) Location of condition: _____

F. Are there any other known environmental conditions which could affect or be impacted by the occupancy of the property (e.g., endangered species, wild and scenic rivers, wetlands, historic properties, storm water runoff, etc.)?
 Yes No Undetermined

If yes, for each:

(1) Describe the environmental condition: _____

**Appendix IX
Property Survey: Federal Property
Information Checklist**

	MEETS		POTENTIAL*	
	Yes	No	Yes	No
E. Heating facilities adequate for the climate	---	---	---	---
F. Structurally sound				
i. foundation	---	---	---	---
ii. floors	---	---	---	---
iii. roofs	---	---	---	---
iv. exterior walls	---	---	---	---
v. interior walls	---	---	---	---
*vi. Describe general condition or extent of repairs needed				
9. VACANT LAND				
A. Size _____ (acres/square footage)				
B. Improvements (e.g., paved, etc.) <u>describe:</u>				
C. Current or most recent use _____				
D. If occupied, indicate:				
i. _____ percentage of total land area occupied or otherwise in use				
ii. _____ expiration date of any existing lease or renewal period				
10. VACANT LAND CONDITION: Meets or has the potential to meet the following criteria:				
	MEETS		POTENTIAL*	
	Yes	No	Yes	No
A. Operating sanitary facilities	---	---	---	---
B. Potable water	---	---	---	---
C. Electric power	---	---	---	---
*D. Indicate (if known) distance to nearest utility hookup(s)				

Property Survey: Federal Property Information Checklist

**Title V Property Survey
Federal Property Information Checklist
(Rev. 11/89)**

Instructions: 1) Use this form
2) Complete all items below or the checklist will be returned for completion.

Date / / Property ID # [— (HUD will assign) —]

1. FEDERAL LANDHOLDING AGENCY: _____

2. PROPERTY: _____
(Name) (Installation, if applicable)

3. ADDRESS: _____
Street and number or, if none, a brief description of how to locate property

City _____ County _____ State _____ Zip _____

4. _____ GSA Inventory Control Number (if available)

5. PREVIOUSLY REPORTED TO HUD Yes No
Determination: ___ Suitable ___ Unsuitable by HUD _____
Date _____

6. PROPERTY DESCRIPTION:
___ Building ___ Vacant Land ___ Other

A. Current status: ___ Unused ___ Underutilized
___ Excess ___ Surplus

If Excess or Surplus, GSA Disposal Control No. _____

B. If underutilized, type of underutilization: (describe)
Portion ___ Seasonal ___ Intermittent ___ Other ___

C. Predominant surrounding land use _____

D. Unusual physical features or impediments _____

The National Defense Authorization Act of 1989 (Public Law 100-456, Sept. 29, 1988)

PUBLIC LAW 100-456-SEPT. 29, 1988

Sec. 2819. COMMISSION ON ALTERNATIVE UTILIZATION OF MILITARY FACILITIES

(a) ESTABLISHMENT OF COMMISSION. - Within 30 days after the date of the enactment of this Act, the President shall establish a Commission on Alternative Utilization of Military Facilities. The Commission shall be composed of representatives from the Department of Defense, the Bureau of Prisons of the Department of Justice, the National Institute on Drug Abuse of the Department of Health and Human Services, and the General Services Administration.

(b) REPORT REQUIREMENT. - The Commission shall, on a biannual basis-

- (1) prepare a report listing active and nonactive military facilities that the Secretary of Defense has identified as subjects for closure, as being underutilized in whole or part, or as being excess to the needs of the Department of Defense;
- (2) identify those facilities, or parts of facilities, that could be effectively utilized or renovated to serve as minimum security facilities for nonviolent prisoners;
- (3) identify those facilities, or parts of facilities, that could be effectively utilized or renovated to serve as drug treatment facilities for nonviolent drug abusers; and
- (4) transmit a list of such facilities to the President and to the Congress.

(c) DEADLINE FOR REPORTS. - The first report required by subsection (b) shall be submitted to the President and Congress not later than October 1, 1988. Subsequent reports under such subsection shall be submitted not later than September 1 of every second year after submission of the first report through fiscal year 1996.

Sampling Errors for Estimates Used in This Report¹

Table VI.1: Confidence Intervals for Information in Table III.1

Building size (in square feet)	Lower bound	Estimate	Upper bound
1 to 3,899	1,891	2,023	2,155
3,900 to 9,749	166	244	322
4,500 to 9,749	138	211	284
9,750 to 11,249	^a	^a	^a
11,250 or greater	200	284	368
Missing data or vacant land	^a	^a	^a

^aResponses in these categories were too few to be statistically reliable

Table VI.2: Confidence Intervals for "Yes" Information in Table III.2

Problem	Yes		
	Lower bound	Estimate	Upper bound
Secure base	1,402	1,544	1,686
Occupancy poses threat to tenants	1,031	1,170	1,309
Flammable or explosive materials	936	1,073	1,210
Hazardous materials	912	1,048	1,184
No public access	686	813	940
No potential for:			
Sanitary facilities	617	740	863
Potable water	547	666	785
Electricity	279	374	469
Heating	449	561	673
Not structurally sound	222	309	396
Occupancy threat to environment	159	236	313
Flood area	78	138	198
Airport runway clear zone	^a	^a	^a

^aResponses in these categories were too few to be statistically reliable

¹The Confidence Interval Is the Population Estimate Plus or Minus the Sampling Error.

Objectives, Scope, and Methodology

Our first objective was to determine if all types of properties specified in the law were being identified. To meet this objective, we first reviewed the legislation and executive order creating the Commission. We then obtained information on the law's implementation through interviews with responsible officials and reviews of relevant documentation at the headquarters of the Commission; DOD; the Departments of the Army, Air Force, and Navy; and BOP.

Our second objective was to review the process for identifying properties for possible conversion. To meet this objective, we discussed relevant practices and procedures with officials from DOD, BOP, GSA, HUD, and NIC. We also critiqued the property survey form and procedures used by the services to identify military property suitable for conversion to federal prisons, homeless shelters, and drug rehabilitation programs. This critique consisted of (1) comparing the survey form with guidance contained in GAO's *Developing and Using Questionnaires*, Transfer Paper 7, July 1986, and (2) following up on responses given at three judgmentally selected bases.

Our third objective was to determine if the properties reported by DOD were suitable for conversion to minimum security prisons. To gain perspective on suitability, we first considered the results of the Commission's analysis of properties identified by BOP. We then visited Fort Belvoir in Virginia; Andrews Air Force Base in Maryland; and the Naval Research Laboratory in Washington, D.C. We selected these bases because their proximity allowed us to visit them within our time frame. We discussed with the individuals who reviewed the property how they obtained information on the property and how they reported it on property survey forms. We also observed property on these bases that had been reported to the Commission to determine if the information provided was accurate. We toured and reviewed maps of the bases to see if any unreported property appeared unused.

In connection with the third objective, we also sampled the property survey forms submitted to the Commission by the Army and Navy to determine the types of properties reported and their potential for conversion. We did not collect our own data on military property or independently verify the data contained in the property survey forms because of time constraints. Our sample initially included 378 survey forms from the universe of 2,958 property survey forms that the Commission reviewed for conversion to prisons. All Air Force survey forms and some Army and Navy survey forms were missing when we did our sample. Thus, our universe did not include all survey forms the military

Enabling Legislation Does Not Address Two Correctional Needs

In our work for this report, and as requested by the Subcommittee, we identified two correctional needs that are not addressed by the Commission's enabling legislation. First, the law specifies that the Commission identify properties suitable for only minimum security prisons, but BOP's greater need is for higher security prisons. Second, the law does not specify that the Commission consider the needs of state and local governments for prisons, and thus the Commission has not systematically addressed these needs. The Commission would be better able to address the overcrowding problem in our Nation's prison systems if these two needs were specified in the law.

Although BOP's minimum security prisons are operating over capacity, BOP believes its greater need is for higher security prisons. BOP statistics show that, as of August 1990, minimum security prisons were at 140 percent of capacity, while its medium, maximum, and administrative security level prisons were at 179 percent of capacity. A BOP official said that crowding is not as serious a problem in minimum security prisons because minimum security prisoners are less prone to violence and are therefore easier to control in an overcrowded environment than higher security prisoners. BOP's expansion plans also reflect the greater need for higher security prisons. BOP plans to expand minimum security capacity by 3,475 beds through 1995—about half through conversion of military facilities identified through Commission and non-Commission channels. In contrast, it plans to expand higher security capacity by 6,180 beds during the same period, all through more costly new construction.

Permitting consideration of military property for conversion to higher security prisons would not depart from past practice. BOP has previously used excess or closed military bases for higher security prisons.¹ BOP remains interested in bases subject to closure because a closed military base could, for example, have buildings or parcels of land separated from the civilian population, which would alleviate a security concern. Had the Commission considered all types of property specified in the law, its review might have yielded properties suitable for higher security prisons.

We have also noted elsewhere and confirmed for this report that state and local governments face severe overcrowding and need additional

¹BOP has the following 10 medium or higher security level facilities on former military property: Bastrop, Butner, El Reno, Leavenworth, Lompoc, Memphis, Miami, Petersburg, Pleasanton, and Terminal Island.

**Appendix III
Most Property Reviewed Deemed Not
Suitable for Prisons**

Our review of property survey forms confirmed that most of the properties reported by the services had characteristics other than size that could make them unsuitable for conversion to prisons. The survey forms asked whether the properties had at least a potential for sanitary facilities, potable water, electricity, heating, and structural soundness. The forms also asked whether the property was on a secure base, was accessible to the public, contained hazardous or toxic wastes, was close to explosive or flammable materials, was close to airport runways, was located in a floodway or floodplain, and whether occupancy would pose a threat to the environment or tenant safety.

On the basis of our analysis of the 364 survey forms, we estimate that at least 2,600 of the 2,958 properties had problems—without considering size—that could make them unsuitable for housing prisoners, and, on average, each property had four of the problems shown in table III.2.² (See app. VI for sampling errors.) The most commonly reported problems were that (1) the property was located on secure bases and the security would be compromised with the movements of employees, vendors, and visitors associated with a prison; (2) occupancy would pose a threat to tenant safety, (3) the property was close to flammable or explosive materials; and (4) hazardous materials were present.

²Some of the remaining survey forms were missing information, but the number of cases were too small to permit a statistically reliable estimate.

Most Property Reviewed Deemed Not Suitable for Prisons

The Commission reviewed 2,958 property survey forms but determined that most of the property identified by the services was unsuitable for use as federal prisons. Our review of sampled properties found that most properties were smaller than BOP's minimum acceptable size. Other commonly reported problems were that (1) properties were located on secure bases, (2) occupancy would pose a threat to tenant safety, (3) the property was close to flammable or explosive materials, and (4) hazardous materials were present. BOP did not anticipate seeking any of the property identified by the Commission.

Commission Found Few Properties Suitable for Prisons

BOP staff did the Commission's review to determine the properties' suitability for conversion to prisons. The staff doing the review considered criteria established by BOP (see app. X), as well as additional criteria from federal property use regulations. A property did not have to meet all the criteria to be judged acceptable. Among BOP's criteria were

- existing structures with permanent construction, water, sewer, and electric;
- a minimum of 100 acres so that the prison can house between 300 and 700 prisoners;
- property in the west, northeast, and southeast;
- absence of hazardous wastes and uncontained asbestos;
- a location where a prison would not interfere with base operations; and
- public access.

The property survey form provided information related to other federal property use regulations that the reviewer also considered. These criteria were not among those BOP provided to the Commission. Examples of these criteria are that property should not be

- within 2,000 feet of facilities handling flammable or explosive material;
- within 3,000 feet of where airplanes land and/or take off; and
- in areas subject to flooding or used to divert floodwaters (i.e., a flood plain or floodway).

The survey form also provided information on whether occupying the property would pose a threat to the surrounding environment or the safety of tenants.

BOP staff said two staff were assigned to review the 2,958 property survey forms provided by the services. In applying these criteria, the reviewers were looking for properties that were free of major problems

The Commission's Property Review Process Had Weaknesses

The Commission's process for identifying and reviewing military property had weaknesses. About 41 percent of the property survey forms the services said they submitted were missing and thus not reviewed by the Commission. Further, the property survey form used to identify and describe property to the Commission had ambiguous and open-ended questions and was not pretested to increase data reliability and consistency. For these reasons, the Commission's report to the President and Congress may not have identified all military property suitable for conversion to prisons.

The Commission Did Not Review a Significant Number of Forms

The Commission's process for reviewing military property had weak internal controls. The Commission did not review 2,062 of 5,020 (41 percent) of the property survey forms that service officials said they submitted to BOP. DOD instructed each service to send a copy of all completed survey forms and a master list to the chairman of the working group and the working group member from BOP, HUD, and NIDA by December 29, 1989. The BOP staff member primarily responsible for reviewing the survey forms for the Commission said in February that all the forms he reviewed were contained in six boxes and that he found none from the Air Force and a only small number from the Navy. He told us he did not follow up on this with the services. We counted 2,958 forms in the 6 boxes—2,896 of the 3,983 survey forms the Army said it submitted and 62 of the 211 the Navy said it submitted.

After our further inquiry, in August the BOP staff member confirmed that a seventh box contained 440 of the 826 forms that the Air Force said it submitted. None of these 440 forms were used in the review, but the staff member said he used the Air Force master list and visited the Air Force base closure office to obtain the information he used in his decision-making. The Commission had no internal controls to assure that all property survey forms submitted by DOD were received or reviewed by BOP. Neither BOP nor the services could explain what happened to the missing Army, Air Force, and Navy survey forms.

Methodological Weaknesses Existed in Data Collection

The property survey form that DOD used to report property to the Commission had weaknesses that may have adversely affected the reliability and validity of the information gathered. One weakness of the form was that while it had four items that helped the Commission specifically determine suitability for use by the homeless, it had none specific for use as a prison. Such questions as distance from civilian housing areas could have yielded valuable information on limitations of the property

Excess Property Not Always Reported

The services did not report all of their excess property to the Commission. The law and the executive order require that DOD report to the Commission property that is “. . . excess to the needs of the Department of Defense. . .” Although the law does not define excess property, it is defined by GSA as that which an agency, in this case DOD, has reported to GSA as no longer needed and that should be made available to other federal agencies. Excess property may or may not be on a base subject to closure.

According to officials at the services’ headquarters, each service decided not to include excess property because they believed this property was under GSA’s control and it was not their responsibility to report it to the Commission. However, a responsible GSA official told us that while GSA advises other federal agencies of the property’s availability, excess property remains under the ownership and control of the agency that declared it excess until it is transferred to another agency. Since the services did not report this excess property to the Commission and GSA was not required to do so, the Commission did not review this excess property for possible prison use. BOP officials said they review GSA’s excess property listings before acquiring property, so BOP should be aware of these properties anyway. Nevertheless, the Commission has not reviewed these properties; consequently, they are not being reported to the President and Congress as potential sites for prisons.

Although the services did not intend to report excess property already reported to GSA, some excess property was reported to the Commission. Of the 364 property survey forms we sampled and analyzed, 35 identified the property as excess (26 from the Army, 8 from the Navy, and 1 in which the service was indiscernible).⁴ Army and Navy headquarters officials did not know why the 34 properties had been reported to the Commission. Personnel identified as contacts for the property reported to the Commission told us they reported the excess property because they were unaware of the headquarters’ policy.

Army Civilian Property Not Reported

Army officials said they did not review the Army’s “civilian” property to identify any that would meet the criteria for reporting to the Commission. Navy and Air Force officials said all their property is considered military, whereas the Army classifies its property as either military or

⁴Another three property survey forms reported property as excess, but these had not yet been referred to GSA as of August 21, 1990.

Some Property Not Reported to the Commission

The military services did not report to the Commission all types of unused and underused property. The law required the Secretary of Defense to identify active and nonactive military facilities that were subject to closure, underused in whole or part, or as being excess to the needs of DOD. However, none of the services reported bases subject to closure or all excess property. In addition, because the law specified "military" property, the Army did not believe it had to report property it classified as "civilian." Thus, the Commission could not assess the suitability of all property for conversion to prisons.

Bases Subject to Closure Not Reported to the Commission

The law specifies that the Secretary of Defense should identify to the Commission bases subject to closure. Section 2819(b)(1) of the enabling legislation states that

"The Commission shall, on a biannual basis . . . prepare a report listing active and nonactive military facilities that the Secretary of Defense has identified as subjects for closure. . ."

However, the executive order establishing the Commission omits reference to bases subject to closure. Section 2(a) of the executive order states that

". . . the Secretary of Defense shall prepare and submit to the Commission reports listing active and nonactive military facilities that are underutilized in whole or in part or otherwise excess to the needs of the Department of Defense."

DOD could not provide documentation as to why bases subject to closure were dropped from the executive order. The implementing DOD guidance was an October 1989 memorandum that instructed the services to comply with the executive order. DOD and service officials said that they would report entire bases subject to closure but only when they were within 6 months of vacancy.

The services followed the executive order and DOD's guidance and did not report to the Commission the 39 military installations approved by DOD and Congress as of April 1989 for full or partial closure by September 30, 1995.¹ However, the services did report some property on 13

¹A total of 52 off base housing sites were also approved for closure. According to the working group chairman, the services reported 42 of these to the Commission because they were vacant.

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Abbreviations

ACLU	American Civil Liberties Union
BOP	Bureau of Prisons
DOD	Department of Defense
GSA	General Services Administration
HUD	Department of Housing and Urban Development
NIC	National Institute of Corrections
NIDA	National Institute on Drug Abuse

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Recommendations to the Commission

We recommend that the Commission establish controls to assure that it receives and reviews all property survey forms completed by the services.

We also recommend that the Commission take steps to improve the property survey form to increase the likelihood of obtaining consistent and meaningful data. Actions to improve the property survey form would include redesigning it to eliminate ambiguous and open-ended questions, tailoring it to identify property for prison use, and pretesting it to identify and correct any other problems.

Agency Comments

As requested by the Subcommittee, we did not obtain official agency comments. We did, however, discuss the information we developed with the Commission, DOD, BOP, and GSA officials. These officials generally agreed with the facts presented and our recommendations.

We plan no further distribution of this report until 30 days after the date of this letter, unless you publicly announce its contents earlier. At that time, we will send copies to the Chairman of the Commission and the Secretary of Defense. We will send copies to other interested parties upon request.

Major contributors to this report are listed in appendix XI. Please contact me on 275-8389 if you have any questions concerning the contents of this report.

Sincerely yours,



Lowell Dodge
Director, Administration
of Justice Issues

The Commission nonetheless did consider for conversion to prisons 2,958 properties identified by DOD. However, the Commission judged most of these properties as not suitable for prison use. The most common problems were the small size of buildings, location on secure bases,² the possibility that occupancy would pose a threat to tenant safety, presence of hazardous or toxic materials, and proximity to flammable and explosive materials. The Commission reported to the President and Congress properties on five bases that might be suitable for conversion. As of September 1990, BOP did not anticipate seeking any of these properties. (See app. III.)

Finally, the Commission's enabling legislation does not address two significant correctional needs that we believe should be spoken to. First, the law specifies that the Commission identify properties suitable for only minimum security prisons. Higher security prisons—BOP's greater need—are not addressed. BOP has previously used excess or closed military bases for higher security prisons. Second, the law does not specify that the Commission consider the needs of state and local governments for prisons. On his own initiative, BOP's Director advised state corrections officials in five states (California, Maryland, Massachusetts, Tennessee, and Virginia) that the Commission had identified a parcel of military property in their states that might be suitable for conversion. Other properties identified by DOD might also be suitable for state and local prisons even if they did not meet BOP's criteria for size and geographic location. (See app. IV.)

Conclusion

The Commission was established by Congress as a focal point for identifying unused or underused military properties for possible conversion to minimum security prisons. The Commission's first review of military property did not identify any properties that BOP anticipates seeking for prison use.

Our review disclosed three areas that need attention to improve the work of the Commission. First, DOD did not report to the Commission bases subject to closure, some excess property, and some Army Corps of Engineers property. As a result, the Commission's report to the President and Congress may not identify all potential military property that is suitable for conversion to prisons. Second, the Commission's property

²A secure facility was defined on the property survey form as one to which the general public is denied access because it could compromise the military mission. Thus, locating a prison on a secure base could be a problem because the movements of employees, prisoners, vendors, and visitors could compromise the military mission.

(dated April 29, 1985)—requires the services to assess property use. However, the services are not required to report this property and make it available for the possible use of other federal agencies until the services determine the property is not needed and formally report it as excess.

Under the same executive order, GSA has a program that advertises the reported excess property for possible transfer to other federal agencies, including BOP. This GSA program only advertises excess property and does not advertise unused or underused property that is not yet excess or bases subject to closure. The excess property program also does not evaluate the property's suitability for prison use. In addition, GSA in conjunction with the Bureau of Justice Assistance also operates the Federal Surplus Real Property Program, which transfers property that is not needed by any federal agency to state and local governments for prison use at no cost. This effort, while providing assistance for state and local prison construction, involves only property determined to be surplus to the entire federal government.

Other voluntary efforts not required by law or regulation look at the suitability of base closures and underused property for conversion to prisons. DOD formed a council in October 1989 to assist BOP in obtaining sites for prisons on bases subject to closure and to expedite transfer of the property. As of September 1990, the council had met once and provided BOP with a list of bases subject to closure. BOP expressed interest in five, but none had been transferred at the time of our review. Further, in another ongoing effort, BOP and DOD have also identified underused property on nine active military bases, and that property was converted to minimum security prisons (seven of which have opened since 1988).¹

Individually, none of these non-Commission programs involve a review of the use of all types of military property and a determination of suitability for prison use. In contrast, the Commission is to comprehensively identify and review all types of military property reported to it, determine suitability for conversion to prisons, and provide the President and Congress with periodic updates so that Congress can determine whether BOP and DOD have taken appropriate actions to convert military property to prisons. The Commission thus demonstrates Congress' intent to

¹These minimum security prisons are located on Eglin Air Force Base, FL; Maxwell Air Force Base, AL; Tyndall Air Force Base, FL; the Naval Air Station, Pensacola, FL; the Naval Air Station, Memphis, TN; Fort Bliss, TX; Homestead Air Force Base, FL; Nellis Air Force Base, NV; and Seymour Johnson Air Force Base, NC.

Finally, the Commissions' enabling legislation does not address two significant correctional needs we believe should be explicitly included: the federal government's need for higher security prisons and the needs of state and local governments for additional prison space.

Approach

We used a multifaceted approach to address our four objectives. We reviewed the enabling legislation and the executive order that created the Commission and reviewed relevant documentation at the headquarters of the Commission; DOD; the Departments of the Army, Air Force, and Navy; and BOP. We discussed relevant practices, procedures, and results with officials from DOD, BOP, the General Services Administration (GSA), and the Department of Housing and Urban Development (HUD). We also visited three military bases in the Washington, D.C., area to review how properties were identified and described on property survey forms. We analyzed a random sample of property survey forms to assess the types of properties reported and their potential for conversion. We reviewed Department of Justice documents on prison crowding and expansion plans and interviewed officials from DOD, BOP, the National Institute of Corrections (NIC), and the American Civil Liberties Union (ACLU) to identify corrections needs not addressed by the law. A detailed description of our objectives, scope, and methodology is in appendix V. We did our work between March and August 1990 in accordance with generally accepted government auditing standards.

Background

The federal prison system is experiencing unprecedented overcrowding. In August 1990, BOP reported that the federal prison system was operating at 168 percent of its capacity, with 18 of its 66 facilities operating at 200 percent of capacity or more. BOP recognized prison crowding as a material weakness in its 1989 Federal Managers' Financial Integrity Act annual report and plans to spend over \$2.8 billion between 1989 and 1995 to increase capacity by 137 percent to 75,144 beds. BOP recognizes that converting military property to minimum security prisons may be a more economical way to increase prison capacity than building new prisons. BOP's 1991 budget submission includes cost estimates for constructing housing for minimum security prisoners that are almost three times more expensive than estimates for converting military property. Thus, significant savings could possibly be derived from conversion as the military realigns and closes bases over the next few years.

