

Letcher County Federal Prison FAQs

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Introduction

In June 2016, the Mountain Association for Community Economic Development (MACED) undertook research investigating how Community Benefits Agreements (CBAs) could apply to a rural context, specifically to a proposed federal prison project in Letcher County, Kentucky. The resulting publication, “Community Benefits Agreements: A Potential Negotiating Tool for Rural Communities,” introduces the principles of CBAs and recommends additional resources.

This document, “Letcher County Federal Prison FAQ,” provides context about the specifics and history of the proposed federal prison and should be considered a companion to the MACED publication on CBAs.

How Many Prisons Are There in Eastern Kentucky and Central Appalachia?

There are currently three federal high-security prisons in Central Appalachia out of 17 total nationwide: United States Penitentiary (USP) Big Sandy and USP McCreary, both in eastern Kentucky, and USP Lee in Virginia, on the Kentucky border.¹ A fourth high-security USP in Letcher County would mean that 22 percent of all high-security USPs would be within 165 miles or less of one another. There are multiple other federal prison complexes within the region, including lower-security federal corrections institutions (FCI) with adjacent minimum security camps in Clay and Boyd Counties. The Letcher County prison would also include a minimum security camp.

Are Prisons an Effective Form of Economic Development for Rural Areas?

Often, local communities and governments consider prisons as a means of economic development. In fact, the Bureau of Prison’s (BOP’s) official policy commits to building a portion of prisons in rural areas, noting that:

*The BOP’s positive impact on rural communities is significant. By bringing in new federal jobs, stimulation of local businesses and housing, contracting with hospitals and other local vendors, and coordinating with local law enforcement, the BOP improves the economy of the town and the entire region where these rural facilities are located.*²

Not all research supports such a positive impact, however. In 2004, researchers from Washington and Ohio State Universities published a comprehensive and longitudinal study, “The Prison Industry: Carceral Expansion and Employment in US counties, 1969-1994,” that examined the effects of all existing and new U.S. prisons over a 25-year time frame. The study examined employment growth, as measured by public, private and total employment growth, and found “no evidence that prison expansion has stimulated economic growth.”³

Instead, researchers found “evidence that prison construction has impeded economic growth in rural counties that have been growing at a slow pace.” A follow-up study by the same research team, “Revisiting the Impact of Prison Building on Job Growth: Education, Incarceration, and County-Level Employment, 1976-2004,” found again that prison construction impeded economic growth in rural counties, particularly in areas with limited educational attainment.⁴

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McCreary County and Martin County (home of USP Big Sandy) continue to be two of the poorest counties in Kentucky, despite a federal prison operating in both counties for more than a decade.⁵

How Long Has the Letcher County Prison Project Been Underway?

The process for bringing a prison to Letcher County began a decade ago when \$5 million was appropriated in the 2006 federal budget for the BOP to begin the process of locating a site for a federal prison. The Letcher County Planning Commission, a 501©3 nonprofit, was awarded a \$50,000 grant in 2007 for assessing sites within Letcher County. The BOP awarded a contract to an engineering firm in 2008 to perform the first site selection study in Letcher County.

The official BOP scoping process for Letcher County — in which the public is notified and given opportunity to comment on the proposed prison — began on July 26, 2013 and ended on August 26, 2013. A public meeting attended by 453 people was held in Letcher County on August 13, 2016.

The next official step in the process was the Draft Environmental Impact Statement (DEIS), which was released in 2015. This document whittled down the possible sites in Letcher County to Payne Gap and Roxana. The BOP hosted another public meeting about the prison in Letcher County on March 12, 2015 with approximately 350 people attending.

The Final Environmental Impact Statement (FEIS) was released on July 31, 2015. It named Roxana as the preferred site. At that time, a Record of Decision (ROD), which would finalize the BOP’s decision to take action, was expected by the end of 2015.⁶

In February 2016, during her testimony on the Department of Justice’s (DOJ’s) Fiscal Year 2017 budget before the House Appropriations Committee, Attorney General Loretta Lynch was asked by committee chair Rep. Hal Rogers why the 2017 DOJ budget cut funds for new prison construction, despite overcrowding. Lynch responded:

This committee (the House Appropriations Committee) was instrumental, certainly in prior years up to and including 2016, for providing the department with funds, approximately \$444 million in FY 2016, and those funds are going to build a new prison and I believe it’s going to be in Letcher County in Kentucky.^{7 8}

Following the hearing, Rogers’ office issued a press release, “Attorney General to Rogers: BOP to Build Prison in Letcher County.”⁹

Just over a month later, the BOP republished the EIS document as the Revised FEIS and reopened the 30-day review period on April 1, 2016. The required 30-day review period ended on May 2, 2016. This action occurred because the BOP determined the FEIS in 2015 was not distributed in a timely manner to all parties who had requested the material.

At the end of November 2016, a notice in *The Mountain Eagle* announced that the BOP would again revise the EIS, after deciding to scale back the prison campus from around 700 acres to 570 acres in “an effort to reduce the potential impact of the construction.”¹⁰ As of this date, the new draft statement has not been completed. Once it is complete, the BOP will hold another public hearing in Letcher County, have comment period of 45 days and then issue a final statement with a public review period of 30 days.

If a Record of Decision is issued, acquisition of property mineral rights for 15 active natural gas wells on the site could take anywhere from several months to a year or longer to complete, with construction taking three to four years, according to the EIS.

What is the BOP's reasoning for the Letcher County Prison?

While the total number of prisoners in the United States has fallen over the past several years, overcrowding — specifically in high-security prisons — remains a problem. As of January 8, 2015, high-security federal prisons were 50 percent over their capacity. Prison crowding is identified as a material weakness of the BOP.¹¹

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What Has Been the Level of Support for the Letcher County Prison?

Media sources have cited prison officials as saying the levels of local support for the prison were higher during the vetting process than with similar projects.¹² The EIS noted more than 1,100 official comments in favor of the prison during the public comment period on the DEIS and 12 comments in opposition. During the FEIS comment period, the BOP received 16 comments total and an online petition in opposition to the prison signed by 625 people. More specific details about the officially recorded levels of support and dissent are located in the Revised FEIS, p. 1-7.

How Many Jobs Will the Prison Create?

According to the EIS, the prison will require a permanent staff of approximately 300 employees. The EIS states that “it is anticipated that some of these employees would be existing Bureau employees who would relocate to the area and the rest would be hired locally.”¹³ While the EIS doesn't define the parameters of local, it does note that the average commute of a BOP employee is 100 to 150 miles. Regardless of their position, employees at federal correctional facilities are “correctional workers first,” and are thus subject to special conditions of employment including:

- Completion of a pre-employment and panel interview
- Urinalysis and physical
- Background investigation and credit check
- Core Value Assessment
- Three-week “Introduction to Correctional Techniques” offsite training.^{14 15}

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In all but a few circumstances, employees in BOP correctional facilities must be under age 37 when they begin their position with the BOP.

Endnotes

- ¹ Federal Bureau of Prisons, "Our Locations, High Security." <https://www.bop.gov/locations/list.jsp>. Accessed 12 Oct 2016.
- ² U.S. Department of Justice, "FY 2016 Performance Budget, Congressional Submission, Federal Prison System, Buildings and Facilities," https://www.justice.gov/sites/default/files/jmd/pages/attachments/2015/02/02/federal_bureau_of_prisons_bop_bf.pdf.
- ³ Gregory Hooks, Clayton Mosher, Thomas Rotolo and Linda Lobao, "The Prison Industry: Carceral Expansion and Employment in US Counties, 1969-2004," *Social Science Quarterly*, 85:1, March 2004, 37-57.
- ⁴ Gregory Hooks, Clayton Mosher, Shaun Genter, Thomas Rotolo and Linda Lobao, "Revisiting the Impact of Prison Building on Job Growth: Education, Incarceration, and County-Level Employment, 1976-2004," *Social Science Quarterly*, 91:1, March 2010, 228-244.
- ⁵ To learn more about the prison industry's impact on Central Appalachia, read Sylvia Ryerson's "Speak Your Piece: Prison Progress?" in the [Daily Yonder](#). Ryerson is a journalist and Appalshop affiliate who has written extensively on prisons in Appalachia.
- ⁶ "Decision on Prison Won't be Revealed Until Late Summer." *The Mountain Eagle*, 3 June 2015.
- ⁷ HouseAppropsGOP, "Hearing: Department of Justice Budget (EventID=104477)." Online video clip. YouTube, 24 Feb 2016, <https://www.youtube.com/watch?v=O2yp0INFpsc&feature=youtu.be>. Accessed 12 Oct 2016.
- ⁸ The number of \$444 million for prison construction can be found in the "FY2017 Budget at a Glance," page 5. Federal Prison System, Bureau of Prisons. <https://www.justice.gov/jmd/file/822106/download>.
- ⁹ "Attorney General to Rogers: BOP to Build Prison in Letcher County," U.S. Congressman Hal Rogers, 24 Feb 2016, <http://halrogers.house.gov/news/documentsingle.aspx?DocumentID=398569>. Accessed 12 Oct 2016.
- ¹⁰ "Changes in prison plan have prolonged approval process." *The Mountain Eagle*, 30 November 2016.
- ¹¹ U.S. Department of Justice, "FY 2016 Performance Budget."
- ¹² "Decision on Prison Won't be Revealed Until Late Summer." *The Mountain Eagle*, 3 June 2015.
- ¹³ U.S. Department of Justice, Federal Bureau of Prisons, Capacity Planning and Construction Branch. *Revised Final Environmental Impact Statement for Proposed United States Penitentiary and Federal Prison Camp, Letcher County*, March 2016, <https://cdxnodengn.epa.gov/cdx-enepa-II/public/action/eis/details;jsessionid=4A134D1DA926F4D86B220F39EE794783?downloadAttachment=&attachmentId=206092>.
- ¹⁴ U.S. Department of Justice, "About the Federal Bureau of Prisons," <https://www.bop.gov/resources/pdfs/ipaabout.pdf>, June 2015.
- ¹⁵ Federal Bureau of Prisons, "Our Hiring Process." https://www.bop.gov/jobs/hiring_process.jsp. Accessed 3 Nov 2016.

