

The Honorable Cory Booker
717 Hart Senate Office Building
United States Senate
Washington, DC 20510

Dear Senator Booker:

Thank you for taking the time to look into the failure of the United States Department of Justice's, including the Bureau of Prisons, ability to enforce the Prison Rape Elimination Act (PREA). My name is Tess Korth, and I worked at the Federal Correctional Institution in Dublin, California, for 25 years. I started as a correctional officer in 1997. I'd like to share a few of my credentials so you can understand my knowledge of PREA.

In addition to being a correctional officer, I was a unit and warden's secretary, case manager, reentry affairs coordinator, and unit manager. My collateral duties included crisis management team positions in the crisis support team and as leader of the planning section team (FEMA). I was the disciplinary hearing officer, co-chair of the affirmative employment program, and female offender and programs expert. I trained the new employees on subjects including female offenders and annual refresher training for all staff. I trained all volunteers, contractors, and community members about the rules, policies, and expectations when contacting female offenders. As an instructor, I know every person who met an inmate or may come in contact with an inmate was instructed in PREA, as well as female offenders and rules and policies. They were also taught red flags that may identify when a sexual assault or situation happened or may happen and what specific actions to take during a PREA incident.

Over my 25 years, PREA was never consistently enforced. When I started in 1997, it was right after a scandal at FCI Dublin that resulted in a hefty lawsuit. During my training, the senior officer pointed out four staff members to stay away from because they were "dirty." The Special Investigation Services (SIS) took PREA seriously at that time. Our SIS department had one lieutenant assigned to staff investigations. Unfortunately, whether a case was investigated depended on the warden's approval. Wardens do not want to be embarrassed by a dirty staff investigation. Of the four staff members identified, only one was prosecuted.

The other three quietly resigned, even after one of them was caught having sex with a camp inmate while I was locked inside a sallyport with a busload of male inmates. The only person who had a key to get me out of the sallyport was the officer having sex with the camper. Not only do the inmates suffer from the sexual abuse, but the behavior puts staff at risk, too. As for the one officer who was prosecuted, it took an additional year before he was indicted. His investigation took many years. In the meantime, the staff being investigated were left on duty with the female inmates they were abusing. They were like foxes in a henhouse. The BOP

allowed and enabled dirty staff to continue their abuse by covering up the sexual assaults, failing to investigate, and failing to refer to the FBI.

A colossal failure in PREA is that the BOP investigators know the people they must investigate. At FCI Dublin, an SIS lieutenant refused to investigate other staff. In the case of Warden Ray Garcia's investigation, which led to his conviction, the SIS lieutenant was his friend. As I sat through Ray Garcia's court hearings, the media and I observed FBI agents who did not do a thorough investigation or gather essential evidence of the abuse. We also observed Assistant US Attorneys who did not thoroughly prosecute Ray Garcia and did not file subsequent indictments, which the judge was willing to give them time to do. The judge reprimanded the FBI agent and AUSAs several times for not performing their duties during the case. I genuinely believe any agency in the DOJ should be removed from the PREA process. There must be independent investigators, master oversight staff, or a similar setup. In the BOP, everyone knows everyone. BOP staff transfer everywhere or get hired at other DOJ agencies, such as the Office of Inspector General and the Office of Internal Affairs. Confidential information regarding investigations is received by friends from those agencies from those agencies to BOP staff. Nothing is confidential.

For PREA to succeed, the DOJ and BOP must be removed from the process. If they are put in charge of policing themselves, it will not work. The people leading the BOP are not honest or qualified. I know they backdate and recreate documents so they comply with audits. I have seen it, and they continue to get away with it—a perfect example of the 2021 FCI Dublin PREA Audit. The final audit finding showed no discrepancies. I helped prepare for that audit. There were several discrepancies. The PREA Coordinator had someone recreate missing documents and backdated paperwork. It was also the timeframe when multiple staff were accused of PREA violations. There must be unannounced audits in all areas for the BOP and PREA to be effective. The facilities know when the audits are scheduled at least a year in advance. They get a list of documents the auditor needs around six months before the audit. The facility receives a list of the questions they will ask inmates and staff. The executive staff picks the staff and inmates they want to be interviewed and tells them what to say.

Over the years, staff behavior became worse. The abusive behavior became acceptable. Only active military or veterans could be hired due to a government hiring freeze. Some had PTSD or anger issues, and management did not care. The women were screamed at, called "bitches" and "whores", mass punished, and other things that the executive staff should have addressed. This degradation not only happened in the housing units but on the yard, food service, medical, and anywhere in the prison. It happened in front of the executive staff. We received officers transferring from penitentiaries who treated the women the same way. The women were terrified of these officers, and they came to me to report the incidents. I constantly emailed the SIS Department to report what was told to me.

One of these transfers was my staff member from 2015 to 2016. He was a counselor inside the housing units. Females came to my office every day, crying, because of the perverted things he did. He moved the young, pretty women to rooms near his office so he could watch them. He would look into their rooms while they dressed or used the bathroom. Usually, the inmates he preyed upon did not speak English and would be deported upon release. He sat in his office in the dark and watched the inmates while he suggestively ate his banana. I reported everything to my supervisor, the associate warden and warden, and the SIS department. I was always told to talk to him about it. When I spoke to him about the information, he'd yell at me. On one occasion, he threw something at me. Nothing was done about it. The complaints continued until the warden gave him leave (2021?), and he went to Florida. Since 2015/16, this staff member I reported was finally indicted on my birthday in 2023. But, if PREA had been taken seriously when I first reported in 2015/16, all the additional victims would not have been abused. SIS and executive staff enabled the abuse to continue.

Bureau-wide, nobody knows the procedures for PREA. I asked several facilities for their input about PREA, and here are the responses: "Inmates use it when they're mad or want something." "The lieutenants always do memos, and months later, it turns out to be nothing." An SIS lieutenant said, "My captain did not want to do anything." Several facilities said, "It does not happen at male facilities." Those responses indicate that PREA procedures are either unknown or just not followed.

At FCI Dublin, nothing was being done until I had Jackie Speier, Eric Swalwell, and Karen Bass enter my housing unit. I told the women in my unit to be in the lobby and be ready to talk to them about the abuses; that was how the changes started. Also, other staff know who is dirty at work. They all overhear inmates talking about staff or telling them something and do not report it to SIS. They need to know that it is enabling the perpetrator and can be disciplined or charged. There also needs to be something done about the local unions protecting staff who abuse inmates. At FCI Dublin, the staff who were convicted, and especially the counselor who worked for me, ran to the union all the time. If disciplined, the union saved them because executive staff or their manager did not follow some time frame or policy statement. Although the managers and executive staff needed training until they knew what to do, the union prevented a chance to get an abuser out of the facility.

There needs to be a real method that will be confidential for the inmates to report abuse. Their phone number is supposed to be confidential and go to an outside agency, but it goes to the SIS department. The confidential email messages can be monitored by BOP staff. There was also no way to keep the victim safe from retaliation in the housing unit. We do not use SHU anymore, so victims were being harassed and beaten up. The inmates need to feel safe from retaliation.

I am so sorry for the length of this letter. It is an extremely important subject for me. This was a job I loved and was devoted to. Female inmates were a group of society I enjoyed helping.

Because I reported abuse, sexual, and other civil rights violations to an outside agency and the media, I lost my job and was blackballed. The least I can do is try to give my input about some of the failures I saw during my 25 years at FCI Dublin in a female prison and the incompetence of the leadership. As long as it is a "screw up to move up" system, it will continue to fail. The BOP is a reactive, not proactive, agency.

Thank you for your time. I am always available if there are any other questions about female offenders, FCI Dublin, or the BOP in general.

Sincerely,

tess meykovich

Tess Korth