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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 23, 2022

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Lisa Monaco
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland and Deputy Attorney General Monaco:

We write to urge you to take immediate action to address serious failures by the Federal Bureau of Prisons (BOP) to operate federal prisons safely, securely, and effectively.

These failures have been extensively detailed in a series of articles by the Associated Press (AP), which reported that more than 100 federal prison workers have been arrested, charged, or convicted of crimes since 2019, including sexual abuse, murder, and introducing contraband into BOP facilities.¹ These cases reportedly constitute two-thirds of criminal cases against Department of Justice (DOJ) personnel, even though BOP employees make up less than one-third of DOJ's workforce. Of the 41 arrests of DOJ personnel last year, 28 were of BOP employees or contractors.²

We are especially concerned by instances of sexual abuse by BOP personnel, including the abuse of inmates. For example, the AP recently reported on "rampant sexual abuse" involving BOP personnel at Federal Correctional Institution (FCI) Dublin, a federal women's prison whose chaplain and former warden are among four corrections workers who have been arrested for sexually abusing inmates.³ In late December, a federal jury convicted a former

¹ Michael Balsamo & Michael R. Sisak, *Workers at federal prisons are committing some of the crimes*, The Associated Press, Nov. 14, 2021, <https://apnews.com/article/federal-prisons-5be574b4103a2f5420e0d9da2daf5c9c>

² *Id.*

³ Michael Balsamo & Michael R. Sisak, *Women's Prison Fostered Culture of Abuse*, Associated Press, Feb. 6, 2022, <https://apnews.com/article/prisons-california-united-states-sexual-abuse-only-on-ap-d321ae51fe93dfd9d6e5754383a95801>; see also Nate Gartrell, *Rape Scandal at FCI Dublin Continues: Fourth Prison Staffer Charged With Sexual Abuse of a Ward*, The Mercury News, Jan. 19, 2022,

corrections officer at Federal Correctional Institution Tallahassee of sexually abusing a ward.⁴ Another former corrections officer was sentenced last October after pleading guilty to sexually abusing a ward at Federal Correctional Institution Aliceville.⁵

Additionally, the Senate Judiciary Committee has received troubling reports of whistleblower retaliation by BOP personnel in the Western Region where FCI Dublin is located. Correctional staff who have stepped forward to make complaints about abuse, misconduct, and improper COVID-19 protocols have reported being threatened with administrative action or referrals to the Office of the Inspector General and the potential closure of their institutions. Similarly, at least one inmate at FCI Dublin has reported being punished with restrictive housing after making complaints about sexual abuse.⁶ These allegations are serious and, if true, represent unacceptable and potentially criminal misconduct by BOP officials.

BOP employs more than 36,000 individuals, the majority of whom are honest and dutiful. Still, the misconduct of even a small percentage of BOP staff can ravage the lives of individuals in the Bureau's custody and damage the reputation and credibility of the institution. We urge you to immediately review alleged misconduct by BOP staff and take action to ensure appropriate discipline. BOP's success relies upon dependable employees at every level. Whistleblower retaliation cannot be tolerated. The disproportionate number of accusations, arrests, and convictions of BOP staff compared to the rest of DOJ's workforce must be explained and addressed.

To better understand the scope of these problems, we ask that DOJ provide the following information no later than March 16, 2022:

1. Does BOP provide training to BOP employees on BOP Program Statement 1210.24, Office of Internal Affairs?⁷ If so, at what intervals do these trainings occur?
2. Does BOP provide training to employees on the Prison Rape Elimination Act (PREA)? If so, at what intervals to these trainings occur? Does BOP also provide PREA training to inmates? If so, at what intervals do these trainings occur?
3. Please produce all BOP policies, procedures, and guidance on the confidentiality of staff and inmate reports of abuse, misconduct, or fraud and on the treatment of whistleblowers.

<https://www.mercurynews.com/2022/01/19/rape-scandal-at-fci-dublin-continues-fourth-prison-staffer-charged-with-sexual-abuse-of-a-ward/>.

⁴ Dep't of Justice, Jury Convicts Former Tallahassee Federal Correctional Officer of Sexual Abuse of an Inmate (Dec. 17, 2021), <https://www.justice.gov/usao-ndfl/pr/jury-convicts-former-tallahassee-federal-correctional-officer-sexual-abuse-inmate>.

⁵ Dep't of Justice, Former Bureau of Prisons Corrections Officer Sentenced for Sexually Abusing an Inmate and Witness Tampering (Oct. 26, 2021), <https://www.justice.gov/opa/pr/former-bureau-prisons-corrections-officer-sentenced-sexually-abusing-inmate-and-witness>.

⁶ Michael Balsamo & Michael R. Sisak, *Women's Prison Fostered Culture of Abuse*, Associated Press, Feb. 6, 2022

⁷ U.S. Dep't of Just., *Program Statement 1210.24* (available at https://www.bop.gov/policy/progstat/1210_024.pdf).

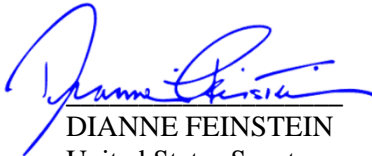
4. Please identify and describe each step of the correctional officer hiring process from the application through the end of a correctional officer's probationary period, and describe in detail how BOP evaluates the risk that a candidate for employment will engage in misconduct while employed at BOP.
5. Please provide BOP's current screening practices with respect to transitioning conditional or probationary correctional officer staff to permanent staff. Does BOP still use "Guidelines of Acceptability" in making permanent staffing decisions? If so, please provide those guidelines.
6. For each year from 2017 through present, please provide the following data collected by BOP's Office of Internal Affairs (OIA) related to staff and contractor sexual misconduct or abuse. Please provide the data broken down by reports alleging 1) staff-on-staff abuse, and 2) staff-on-inmate abuse. Please also provide this data broken down by BOP facility.
 - a. Number of misconduct allegations reported related to sexual misconduct or abuse;
 - b. Number of misconduct investigations opened related to sexual misconduct or abuse;
 - c. Number of misconduct allegations substantiated related to sexual misconduct or abuse;
 - d. Number of sexual misconduct or abuse allegations referred to DOJ or other law enforcement for criminal prosecution;
 - e. Number of staff sexual abuse/misconduct cases accepted by DOJ for prosecution; and
 - f. Number of staff sexual abuse misconduct cases prosecuted by DOJ resulting in convictions.

Thank you for your prompt attention to this matter. We look forward to your response.

Sincerely,



RICHARD J. DURBIN
Chair



DIANNE FEINSTEIN
United States Senator



CHARLES E. GRASSLEY
Ranking Member



ALEX PADILLA
United States Senator