

# U.S. Department of Justice

## Federal Bureau of Prisons

### PROGRAM REVIEW DIVISION

Washington, DC 20534

February 14, 2024

MEMORANDUM FOR

ASSISTANT INSPECTOR GENERAL  
INVESTIGATIONS DIVISION

FROM:

External Auditing Branch

SUBJECT:

Status Update to the Office of Inspector General's (OIG)  
Final Report dated June 26, 2023: Investigation and Review of the Federal  
Bureau of Prisons' Custody, Care, and Supervision of Jeffrey Epstein at the  
Metropolitan Correctional Center in New York, New York

The Federal Bureau of Prisons (FBOP) appreciates the opportunity to provide a response to the Office of the Inspector General's above referenced memorandum received on November 13, 2023. The FBOP has completed its review of the analysis and offers the following status update regarding the analysis and its recommendations.

**Recommendation One:** The BOP should implement a process for assigning a cellmate following suicide watch or psychological observation, with criteria for exceptions based on the particular individual or security considerations.

**OIG Analysis:** The BOP's update is responsive to the recommendation. Accordingly, the OIG will consider whether to close this recommendation after the BOP (1) finalizes the guidance referenced in its update, or puts in place other policies or procedures to address assignment of a cellmate following suicide watch or psychological observation; and (2) provides the finalized guidance to the OIG for review.

**FBOP's Response:** The FBOP Reentry Services Division (RSD) and Correctional Programs Division (CPD) have collaborated to draft guidance. This guidance is currently under review. FBOP plans to issue the guidance at the conclusion of the review process.

**Recommendation Two:** The BOP should establish procedures to ensure inmates at high risk for suicide and for whom a cellmate is recommended will continue to have a cellmate until the recommendation is changed or rescinded, including establishing a contingency plan for cellmate re-assignment, with criteria for exceptions based on the particular individual or security considerations.

**OIG Analysis:** The BOP's update is not responsive to the recommendation. This update essentially repeats the update for Recommendation 1 and does not address the need for continuity of a cellmate assignment, including a contingency plan for cellmate reassignment, with criteria for exceptions based on the particular individual or security considerations. The OIG's Epstein report found that there was no contingency plan in place to assign Epstein a new cellmate when his then-cellmate was transferred out of the Metropolitan Correction Center in New York, and that a contingency plan, such as a list of alternate cellmates, would have increased the likelihood that Epstein would not have been housed alone at the time of his death. The OIG will need a further update from the BOP on this recommendation.

**FBOP's Response:** RSD and CPD have collaborated to draft guidance. This guidance is currently under review. FBOP plans to issue the guidance at the conclusion of the review process.

**Recommendation Three:** The BOP should evaluate its current process for obtaining and documenting approval for social or legal visits while an inmate is on suicide watch or psychological observation, which allows for institution-specific variations in the process, and provide guidance on standard components that each institution should include in its process to mitigate security issues that can arise when an inmate is on suicide watch or psychological observation.

**OIG Analysis:** The BOP's update is responsive to the recommendation. The OIG will await further information from the BOP following its evaluation.

**FBOP's Response:** An evaluation of FBOP policies shows there is no current guidance on this issue. Therefore, FBOP has drafted guidance. This guidance is currently under review. FBOP plans to issue the guidance at the conclusion of the review process.

**Recommendation Four:** The BOP should evaluate its methods of accounting for inmate whereabouts and wellbeing and make changes as may be appropriate to improve those methods through policy, training, or other measures.

**OIG Analysis:** The BOP's update is responsive to the recommendation. Accordingly, the OIG will consider whether to close this recommendation after the BOP (1) finalizes the program statement update referenced in its update; and (2) provides the finalized update to the OIG for review.

**FBOP's Response:** The Correctional Services Procedures Manual is in the process of being updated to improve FBOP methods for accounting for inmate whereabouts and wellbeing. FBOP will keep OIG apprised of its progress.

**Recommendation Five:** BOP policy should clarify what is required of a Lieutenant when conducting a round.

**OIG Analysis:** The BOP's update is responsive to the recommendation. Accordingly, the OIG will consider whether to close this recommendation after the BOP (1) finalizes the program statement update referenced in its update; and (2) provides the finalized update to the OIG for review.

**FBOP's Response:** The Correctional Services Procedures Manual is in the process of being updated to clarify what is required of a Lieutenant when conducting a round. FBOP will keep OIG apprised of its progress.

Additionally, training sessions will be conducted, at a minimum with all Correctional Services staff, per the schedule issued annually by Correctional Programs Division. This training may be conducted in-person during Lieutenant Rounds or via virtual/telephonic platform, as annotated within the schedule.

Documentation of all trainings will be annotated in the Lieutenant's Log specifying the training topic and the method in which it was completed (i.e., mock exercise, in-person walking tour, or via virtual/ telephonic).

**Recommendation Six:** The BOP should continue to develop and implement plans to address staffing shortages at its prisons.

**OIG Analysis:** The BOP's update is responsive to the recommendation, but does not provide adequate grounds for closure of the recommendation. In the interest of economizing resources for both the BOP and the OIG, the OIG will consolidate analysis of this recommendation with that of Recommendation 5 from the OIG's Limited-Scope Review of the Federal Bureau of Prisons' Strategies to Identify, Communicate, and Remedy Operational Issues, Report Number 23-065 (Limited-Scope Review). Please report any additional updates on the BOP's response to this recommendation to the OIG's Evaluation and Inspections Division in connection with the Limited-Scope Review. The OIG will close this recommendation when it closes Recommendation 5 from the Limited-Scope Review.

**FBOP's Response:** FBOP appreciates OIG's efforts to consolidate recommendations where feasible during the audit resolution and follow up process but does not concur with consolidating the analysis of this recommendation with that of Recommendation 5 from the OIG's Limited-Scope Review of the Federal Bureau of Prisons' Strategies to Identify, Communicate, and Remedy Operational Issues, Report Number 23-065 (Limited-Scope Review). Although the two have similarities, the recommendations and action steps to address each differ. The automated staffing tool (AST), which continues to be tested and evaluated, and has an estimated completion of the end of FY2024. While the development and implementation of the AST will be responsive to the Limited-Scope Review, it will not fully demonstrate FBOP's current efforts to address staffing shortages. Therefore, FBOP requests the analyses and responses remain separate.

The FBOP continues to offer several incentives to attract and retain staff. As indicated in its September 2023 status update, the Director has authorized a bureau-wide recruitment incentive of \$10,000 or 25% on initial salary (whichever is greater), for newly hired Correctional Officers and this incentive has been extended through FY2024. Also noted was the current 10% retention incentive for all Lieutenants and the bureau-wide group retention incentive ranging from 5-8% that is available to employees eligible to retire through December 2022. Additionally, the FBOP currently offers retention incentives ranging from 10-25% percent for Correctional Officers and other institution positions working at hard to fill locations as well as relocation incentives for specifically identified locations ranging from 10-25%. To further expand recruitment and staffing efforts, a waiver was granted to increase the maximum entry age for Correctional Officers who enter on duty prior to September 30, 2024.

The FBOP is taking a multistep approach to filing all funded vacancies across the FBOP to include increased marketing and branding, utilization of recruitment incentives, utilization of pay flexibilities, onboarding, and utilization of retention incentives. The FBOP is employing a marketing and branding campaign to attract new and highly qualified applicants to apply to current vacancies. Additionally, FBOP is utilizing various recruitment incentives and pay flexibilities to offer comparable and/or competitive salaries. This includes special salary rates, above minimum rate, and student loan repayment. Finally, FBOP increased its utilization of retention incentives, where warranted, to retain highly qualified and knowledgeable employees.

**Recommendation Seven:** The BOP should evaluate its cell search procedures and make changes as may be appropriate to improve those procedures through policy, training, or other measures.

**OIG Analysis:** The BOP's update is not responsive to the recommendation. The update says that the BOP will discuss existing policies with staff, but does not indicate that the BOP has or will evaluate its cell search procedures and make any necessary changes to improve those procedures through policy, training, or other measures.

**FBOP's Response:** CPD is in the process of formulating direction to ensure CPD can evaluate the logging of cell searches within TRUSCOPE. Additionally, the Correctional Services Manual update, per our response in Recommendation 5 states training sessions will be conducted, at a minimum with all Correctional Services staff, per the schedule issued annually by Correctional Programs Division.

**Recommendation Eight:** The BOP should enhance existing policies regarding institutional security camera systems to ensure they specifically state that such systems must have the capacity to record video and that BOP institutions must conduct regular security camera system functionality checks.

**OIG Analysis:** The BOP's update is responsive to the recommendation. Accordingly, the OIG will consider whether to close this recommendation after the BOP (1) finalizes the policy update referenced in its update; and (2) provides the finalized update to the OIG for review.

**FBOP's Response:** In response to OIG's most recent analysis, the FBOP can confirm it is updating the Correctional Services Manual and the Facilities Operations Manual to include

protocols and ensure accountability regarding various aspects of the FBOP's camera systems including but not necessarily limited to functionality, documentation, and repair. The FBOP will provide further updates as they become available.