

U.S. Department of Justice

Federal Bureau of Prisons

PROGRAM REVIEW DIVISION

Washington, DC 20534

July 15, 2024

MEMORANDUM FOR [REDACTED]
ASSISTANT INSPECTOR GENERAL
INVESTIGATIONS DIVISION

FROM: [REDACTED]
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 April 22, 2024. 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. In a previous update, the BOP reported that RSD and CPD were collaborating on a memo to provide guidance to the field on a process to ensure psychologists make recommendations regarding housing, including the presence of a cellmate, for individuals in custody following suicide watch or psychological observation. The BOP further reported that this process will include exemptions based on individual or security considerations. The BOP has now indicated that this guidance has been drafted and is under review. Accordingly, the OIG will consider whether to close this recommendation after the BOP (1) finalizes the guidance referenced in its update, 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FBOP's Response: The FBOP Reentry Services Division (RSD) and Correctional Programs Division (CPD) have collaborated to draft guidance.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 FBOP will provide further updates as the draft guidance is reviewed and approved as needed.

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suicide and for whom a cellmate is recommended will continue to have a cellmate until the recommendation is changed or rescinded, including establishing a contingency plan for cellmate re-assignment, with criteria for exceptions based on the particular individual or security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 responsive to the recommendation. In a previous update, the BOP reported that RSD and CPD were collaborating on a memo to provide guidance to the field on procedures to ensure communication regarding the requirement of a cellmate for individuals following suicide watch or psychological observation when recommended by a psychologist. The BOP further reported that this memo will include a procedure for exemptions based on individual or security considerations. The BOP has now indicated that guidance has been drafted and is under review. Accordingly, the OIG will consider whether to close this recommendation after the BOP (1) finalizes the guidance referenced in its update, and (2) provides the finalized guidance to the OIG for review.

FBOP's Response: RSD and CPD have collaborated to draft guidance. This guidance is currently under review. FBOP will provide further updates as the draft guidance is reviewed and approved as needed.

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. In a previous update, the BOP reported that it was evaluating its process for obtaining and documenting approval for social and/or legal visits while an inmate is on suicide watch or psychological observation. The BOP has now reported that while it currently does not have guidance on these issues, new guidance has been drafted and is under review. Accordingly, the OIG will consider whether to close this recommendation after the BOP (1) finalizes the guidance referenced in its update, and (2) provides the finalized guidance to the OIG for review.

FBOP's Response: RSD and CPD have collaborated to draft guidance. This guidance is currently under review. FBOP will provide further updates as the draft guidance is reviewed and approved as needed.

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 program statement to the OIG for review.

FBOP's Response: Program Statement 5500.14, Correctional Services Procedures Manual, is being modified to improve FBOP methods for accounting for inmate whereabouts and wellbeing. Because revisions to Programs Statements must follow the normal FBOP development and Union negotiation process, they are subject to change.

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; (2) provides the finalized program statement to the OIG for review; and (3) provides a description of the training referenced in its update, sample training materials for OIG to review, and confirmation that the training is in effect.

FBOP's Response: Program Statement 5500.14, Correctional Services Procedures Manual, is being modified to clarify what is required of a Lieutenant when conducting a round. Because revisions to Programs Statements must follow the normal FBOP development and Union negotiation process, they are subject to change.

However, FBOP intends for the updated policy to include clarification for Lieutenants to conduct trainings sessions, via in-person required rounds and shift briefings daily. These trainings will cover topics such as cell searches, minor emergency mock discussions, and other correctional services training needs as assessed by local correctional services supervisors. This will allow for individual assessment and training to be tailored to the needs of each individual facility while also remaining in conformance with current training requirements. Training topics and formats will be documented on the Daily Lieutenant Logs and reviewed by the Captain to assess and implement specific local correctional training needs. Therefore, although no specific training curriculum will be developed, the training requirement and supervisory review will be in effect with the issuance of the updated program statement.

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. The OIG will continue to monitor the BOP's progress regarding staffing shortages at its prisons. At the BOP's request, the OIG will not consolidate this recommendation. In addition, per the OIG's communications with the BOP over email, we believe that certain information that the BOP has provided or will provide to Congress and the Government Accountability Office (GAO) will facilitate the resolution and closure of this recommendation. Accordingly, we will consider whether to close this recommendation after the BOP (1) provides the OIG all contractor and BOP work product that has been submitted to the GAO in response to the GAO Staffing Audit recommendations, including the August 2022 assessment by the contractor on staffing incentives and the

information BOP submitted to GAO in March 2023 related to the assessment; (2) provides the OIG an update on the contractor's or BOP's analysis of staffing incentives since March 2023, whether submitted yet to GAO or not; (3) provides the OIG any reports submitted to Congressional appropriation committees related to staffing; (4) implements the staffing tool for all BOP professions; and (5) provides an analysis of whether the new incentives mentioned in its update above have made an impact on the staffing shortage, and what additional proposals, including any legislative proposals to address pay rates in certain localities, are being considered by the BOP to fully address the staffing shortage.

FBOP's Response: FBOP appreciates OIG's determination to not consolidate 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), at FBOP's request. OIG indicates that it will consider whether to close this recommendation after FBOP does the following:

(1) OIG requests all contractor and FBOP work product that has been submitted to the GAO in response to the GAO Staffing Audit recommendations, including the August 2022 assessment by the contractor on staffing incentives and the information FBOP submitted to GAO in March 2023 related to the assessment.

FBOP now provides the requested information. Please see the following attachments: "Attachment 1 Staffing_GAO 21-123," "Attachment 2 Staffing_GAO 21-123," "BOP Staffing Current State Assessment FINAL," "FINAL Incentives Playbook_All Resources_June 13," "Fully executed contract 2_Redacted," "Interviews and Survey Results," "NTT DATA Response to BOP Staffing Risk Management 04062021 Final," "SOW-BOP Staffing Risk Management_1," and "STATEMENT OF WORK."

(2) OIG requests that FBOP provide an update on the contractor's or FBOP's analysis of staffing incentives since March 2023, whether submitted yet to GAO or not;

The FBOP is currently analyzing the agency's usage and effectiveness of both recruitment and retention incentives. This analysis is ongoing. Therefore, FBOP will provide its analysis to OIG when completed.

(3) OIG requests any reports submitted to Congressional appropriation committees related to staffing. See the following attachments: "FY23 BOP Vacancies at Facilities CRPT Package," "FY 2023 BOP CRPT Vacancies at BOP Facilities – Attachment," and "FY 2023 CRPT BOP FSA Implementation Q2 Hill Letters Package - WF220990."

(4) OIG requests that FBOP implements the staffing tool for all BOP professions.

Currently, the Automated Staffing Tool is a workforce planning tool that remains in development and testing. Position recommendations for the following departments have been completed and remain in ongoing testing and feedback stages: Correctional Services, Correctional Systems, Chaplaincy Services, Education, Food Service, Health Services, ITDD, Recreation, Safety, and Unit Management.

All other disciplines are tentatively scheduled to be completed by October 2024. It is anticipated that the workforce planning tool will be fully utilized beginning in October 2024.

(5) OIG requests FBOP to provide an analysis of whether the new incentives mentioned in its previous status update have made an impact on the staffing shortage, and what additional proposals, including any legislative proposals to address pay rates in certain localities, are being considered by the BOP to fully address the staffing shortage.

Additional time will be required to determine the effect of those incentives implemented during the current fiscal year. However, it should be noted the FBOP was approved for nation-wide direct-hire authority by the Office of Personnel Management (OPM) on May 13, 2024. This will assist the FBOP in filling vacancies in the future. FBOP is working with the Department of Justice on a nationwide special salary rate request for our institution positions.

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 partially responsive to the recommendation. The update for Recommendation 5 is related to Lieutenant Rounds and not cell searches. The update 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. The update only addresses the logging of cell searches within TRUSCOPE rather than evaluating its cell search procedures. The OIG will consider whether to close this recommendation after the BOP (1) completes the evaluation of using TRUSCOPE to log cell searches; (2) otherwise evaluates its cell search procedures and makes any appropriate changes to improve those procedures; and (3) provides a description of the training referenced in its response, sample training materials for OIG to review, and confirmation that the training is in effect.

FBOP's Response: FBOP's Correctional Programs Division has evaluated current policy and training as related to cell searches. FBOP has concluded that cell search requirements, including appropriate documentation requirements via TRUSCOPE, are clearly outlined in two separate current policies: Program Statement 5500.15, Correctional Services Manual, and Program Statement 5521.06, issued January 2, 2018; and the Searches of Housing Units, Inmates, and Inmate Work Areas, issued on June 4, 2015.

In addition to the general requirements for conducting cell searches contained in the above program statements, an institutional supplement is required for Security Inspections at each institution detailing specific local procedures. Locally, specific post orders are developed which include search requirements and documentation requirements. Current policy and training are adequate to convey the specific requirements for conducting cell searches.

Further review indicates that specific training exists for conducting cell searches and is included in the below training curriculums. Initially, all staff receive specific training on cell searches during Introduction to Correctional Techniques, Phase I. Additionally, in January 2020, Back to Basics training was implemented as mandatory training for all institution employees. Back to Basics is an annual in-person training which includes a set curriculum with practical exercises. The sections listed below specifically include cell searches and practical exercises.

- (Initial) Introduction to Correctional Techniques (ICT) Phase I, Tab 22: Conducting Searches. See attachment “ICTPhaseI-Tab 22-IG.”
- (Annual) Back 2 Basics Managing Housing Units Part I - Conduct searches of the housing unit to include cell searches. See attachment “7-B2B-Managing Housing Units Part I-Lesson Plan-FY2024.”
- (Annual) Back 2 Basics Managing Housing Units Part 2 - Conduct searches of the housing unit to include cell searches (Practical Exercise). See attachment “8-B2B-Managing Housing Units Part II-Lesson Plan-FY2024.”

Therefore, because FBOP has demonstrated completion of its evaluation of using TRUSCOPE to log cell searches and its evaluation of cell search procedures, and has provided a description of training referenced, including confirmation that the training is currently in effect, FBOP now respectfully requests closure of this recommendation.

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 updates referenced in its update; and (2) provides the finalized policies to the OIG for review.

FBOP’s Response: FBOP is currently in the process of making modifications to Program Statement 4200.12, Facilities Operations Manual; and Program Statement 5500.15, Correctional Services 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. Because revisions to Programs Statements must follow the normal FBOP development and Union negotiation process, they are subject to change. FBOP will provide further updates pertaining to these revisions as they become available.

To ensure immediate action, a joint memorandum (from FBOP’s Administration Division and Correctional Programs Division) was sent to all CEOs addressing the Security Camera Monthly Report. The new report is now in use and became effective June 1, 2024. See attachments “Camera Report Implementation signed” and “Security Camera Report Template.”