

U.S. Department of Justice

Federal Bureau of Prisons

PROGRAM REVIEW DIVISION

Washington, DC 20534

March 21, 2025

MEMORANDUM FOR [REDACTED]

ASSISTANT INSPECTOR GENERAL
INVESTIGATIONS DIVISION
[REDACTED]

FROM: [REDACTED] Supervisory Attorney
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 or Bureau) appreciates the opportunity to provide a response to the Office of the Inspector General's above referenced memorandum received on December 22, 2024. The Bureau 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. The BOP has described revisions it is making to Program Statement 5321.09 to address the recommendation. The BOP has indicated that these revisions must follow the normal BOP development and Union negotiation process. Accordingly, the OIG will consider whether to close this recommendation after the BOP (1) finalizes policy revisions referenced in its update, and (2) provides the finalized policy to the OIG for review.

FBOP Response: As indicated in OIG's analysis of the Bureau's previous status update, the Bureau is in the process of revising Program Statement 5321.09, *Unit Management and Inmate Program Review*, to address the recommendation, and has indicated that these revisions must follow the normal policy development and Union negotiation process. Because revisions to Program Statements must follow the normal Bureau development and Union negotiation process, they are subject to change. The Bureau will provide further updates as they become available.

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suicide and for whom a cellmate is recommended will continue to have a cellmate until the recommendation is changed or rescinded, including establishing a contingency plan for cellmate re-assignment, with criteria for exceptions based on the particular individual or security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. The BOP has described revisions it is making to Program Statement 5321.09 to address the recommendation. The BOP has indicated that these revisions must follow the normal BOP development and Union negotiation process. Accordingly, the OIG will consider whether to close this recommendation after the BOP (1) finalizes policy revisions referenced in its update, and (2) provides the finalized policy to the OIG for review.

FBOP Response: Please see the Bureau's status update to Recommendation One, above.

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 BOP has described revisions it is making to Program Statement 5324.08 to address the recommendation. The BOP has indicated that these revisions must follow the normal BOP development and Union negotiation process. Accordingly, the OIG will consider whether to close this recommendation after the BOP (1) finalizes policy revisions referenced in its update, and (2) provides the finalized policy to the OIG for review.

FBOP Response: As indicated in OIG's analysis of the Bureau's previous status update, the Bureau is in the process of revising Program Statement 5324.08, *Suicide Prevention Program*, to address the recommendation, and has indicated that these revisions must follow the normal policy development and Union negotiation process. Because revisions to Program Statements must follow the normal Bureau development and Union negotiation process, they are subject to change. The Bureau will provide further updates as they become available.

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. The BOP has described revisions it is making to Program Statement 5500.14 to address the recommendation. The BOP has indicated that these revisions must follow the normal BOP development and Union negotiation process. Accordingly, the OIG will consider whether to close this recommendation after the BOP (1) finalizes the policy revisions referenced in its update; and (2) provides the finalized program statement to the OIG for review.

FBOP Response: As indicated in OIG's analysis of Bureau's previous status update, the Bureau is in the process of revising Program Statement 5500.14, *Correctional Services Procedures Manual*, to address the recommendation, and has indicated that these revisions must follow the normal policy development and Union negotiation process. Because revisions to Program Statements must follow the normal Bureau development and Union negotiation process, they are subject to change. The Bureau will provide further updates as they become available.

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. The BOP has described revisions it is making to Program Statement 5500.14 to address the recommendation. The BOP also previously indicated that the policy revisions will require Lieutenants to conduct training sessions that allow for individual assessment and training regarding conducting rounds to be tailored to the needs of each individual facility. The BOP has indicated that these revisions must follow the normal BOP development and Union negotiation process. Accordingly, the OIG will consider whether to close this recommendation after the BOP (1) finalizes the policy revisions referenced in its update; and (2) provides the finalized program statement to the OIG for review.

FBOP Response: Please see the Bureau's status update to Recommendation Four, above.

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 BOP has reported that it has implemented the staffing tool for all professions, but that it is still working on several other initiatives regarding staffing, including analyzing the agency's usage and effectiveness of both recruitment and retention incentives, analyzing whether the new incentives and nation-wide direct hire authority mentioned in its update above have made an impact on the staffing shortage, and establishing a nationwide special salary rate for institution positions. The OIG will continue to monitor the BOP's progress regarding staffing shortages at its prisons. In addition, per the OIG's communications with the BOP, 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 any additional contractor and BOP work product that has been submitted to the GAO in response to the GAO Staffing Audit recommendations; (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 additional reports submitted to Congressional appropriation committees related to staffing; and (4) provides the OIG with an update on the salary proposal submitted to OPM, including whether OPM has approved or disapproved of the pay table proposals.

FBOP Response: OIG indicates that it will consider whether to close this recommendation after the Bureau:

1. Provides any additional contractor and BOP work product that has been submitted to the GAO in response to the GAO Staffing Audit recommendations.

Please see the Bureau's response to GAO's staffing audit recommendations (attachment "Rec 6 GAO Staffing Audit response").

2. Provides an update on the contractor's or BOP's analysis of staffing incentives since March 2023, whether submitted yet to GAO or not.

Following GAO's recommendation, the Bureau developed four goals: 1) Increase overall employee retention by 5% compared to historical retention rate; 2) Increase Correctional Officer retention by 10% compared to historical retention rate; 3) Increase New Hire retention by 10% compared to historical retention rate; and 4) Increase Nurse Practitioner retention by 10% compared to historical retention rate. These goals were developed based on the Bureau's most pressing needs and high-risk positions and were formalized in the 2023 Bureau Incentives Playbook. Additionally, to provide a holistic understanding of the effectiveness of the Bureau's incentives usage, an assessment of FY2024 local awards and incentives was conducted after tracking this information for a full year and collecting local awards data across all Bureau institutions. The report details monetary awards spending, time off hours awarded, and recruitment and referral awards distributed at the local level.

Based on the analysis, the Bureau has begun to achieve the four identified goals. Between FY2023 and FY2024, the Bureau saw notable improvement in overall employee retention rates, increasing from 90.7% in FY2023 to 93.9% in FY2024, an increase of 3.2%. For Correctional Officers specifically, the position saw a retention rate increase of 3.9%, from 91.8% in FY2023 to 95.7% in FY2024. Additionally, Nurse Practitioners retention increased by 6.2%, from 85.8% in FY2023 to 92% in FY2024. Additional data is pending to review whether the Bureau is meeting its goal for New Hires.

Due to budgetary constraints, the Bureau is reducing or eliminating our use of incentives effective March 23, 2025.

3. Provides any additional reports submitted to Congressional appropriation committees related to staffing.

The Bureau has no further information to provide regarding reports submitted to Congressional appropriation committees related to staffing. However, the Bureau's funding proposal seeks \$1,000,730,000 over the next five years to cover Special Salary Rates for the Bureau's current authorized levels of corrections officers and covered nurses; and an increase of 4,500 Correctional Officer positions and 200 nurses along with \$1,570,000,000 to fund those positions. The increase in positions is based on projections from the newly launched Automated Staffing Tool.

4. Provides an update on the salary proposal submitted to OPM, including whether OPM has approved or disapproved of the pay table proposals.

The Bureau has not received any updates nor been advised of any adjudications related to the submitted Special Salary Requests for Correctional Officers and Nurses. Both requests are still under OPM review and pending an outcome. The Bureau will continue to evaluate and submit special salary rate requests during the annual OPM data call for individual institution and positions; however, no additional nationwide proposals are being considered at this time.

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. The OIG reviewed the BOP's new Security Camera Monthly Report and appreciates the progress the BOP has made in creating this form and instituting the new monthly reporting process. 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 Response: As indicated in the previous status update, Program Statements 5500.14, *Correctional Services Procedures Manual*, and 4200.12, *Facilities Operations Manual*, are being modified to include protocols and ensure accountability regarding various aspects of the Bureau's camera systems, including but not limited to functionality, documentation, and repair. Because revisions to Program Statements must follow the normal development and Union negotiation process, they are subject to change. The Bureau will provide further updates as they become available.