

U.S. Department of Justice

Federal Bureau of Prisons

PROGRAM REVIEW DIVISION

Washington, DC 20534

November 19, 2024

MEMORANDUM FOR

**ASSISTANT INSPECTOR GENERAL
INVESTIGATIONS DIVISION**

FROM:

EXERCISES AND PROBLEMS

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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 August 28, 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. In a February 2024 update, the BOP indicated that this guidance had been drafted and was under review. The BOP has now stated that the guidance is still 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 Response: As indicated in FBOP's previous status update, guidance is currently in development. FBOP has determined that the appropriate vehicle for this guidance is Program Statement 5321.09, Unit Management and Inmate Program Review, rather than in the form of a guidance memorandum. FBOP therefore plans to replicate in that policy the tracking process already established for single cells in Program Statement 5270.12, Special Housing Units, but apply it to general population. The modification to the Unit Management and Inmate Program Review policy will prescribe a specific process for single-cell placement and tracking only if single-cell placement in general population appears necessary, mirroring the language pertaining to the process in the policy for SHU.

The modification to the Unit Management and Inmate Program Review policy will explain that, if it appears necessary to single cell an individual in a general population unit during regular working hours, the Unit Manager will contact the Captain and Chief Psychologist (or designee) for their recommendations. If a single cell is required after hours or on weekends, the Operations Lieutenant will contact the Captain and Chief Psychologist (or designee) telephonically for their recommendations. Monitoring single-celling in the general population will be recorded on "BP-A1121 CO Single Cell Review Form-GP" (see attachment). This form will be signed by the Warden as soon as feasible following the placement of an individual in a single cell. These forms will be reviewed and discussed during the weekly multidisciplinary team meetings and the recommendations (to continue or discontinue) will be recorded by the Unit Manager in TRUSCOPE, as a "daily log entry."

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 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. 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. In a February 2024 update, the BOP indicated that this guidance had been drafted and was under review. The BOP has now stated that the guidance is still 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 Response: As indicated in FBOP's previous status update, guidance is currently in development. Further, as stated in the response to Recommendation 1, above, FBOP has

determined that the appropriate vehicle for this guidance is Program Statement 5321.09, Unit Management and Inmate Program Review, rather than in the form of a guidance memorandum. FBOP therefore plans to replicate in that policy the tracking process already established for single cells in Program Statement 5270.12, Special Housing Units, but apply it to general population. The modification to the Unit Management and Inmate Program Review policy will prescribe a specific process for single-cell placement and tracking only if single-cell placement in general population appears necessary, mirroring the language pertaining to the process in the policy for SHU.

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 they become available.

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. In a February 2024 update, the BOP reported that while it currently does not have guidance on these issues, new guidance had been drafted and was under review. The BOP has now stated that the guidance is still 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 Response: As indicated in its previous status update, FBOP was developing guidance with regard to its process for obtaining and documenting approval for social and/or legal visits while an inmate is on suicide watch or psychological observation. However, upon further consideration, FBOP has determined that this guidance should not be in the form of a guidance memorandum, but should instead be included in Program Statement 5324.08, Suicide Prevention Policy. Therefore, FBOP is in the process of altering that policy accordingly. 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 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. 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 Response: As indicated in the previous status update, Program Statement 5500.14, Correctional Services Procedures Manual, is being modified to include methods for accounting for inmate whereabouts and wellbeing. Because revisions to Programs Statements must follow the normal development and Union negotiation process, they are subject to change. FBOP 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 reported that it is updating its policy to address the recommendation. In its February 2024 update, the BOP also indicated that it would be conducting training for Lieutenants on conducting rounds. The OIG therefore previously asked the BOP to provide "a description of the training referenced in its update, sample training materials for OIG to review, and confirmation that the training is in effect." The BOP has indicated that, to allow for variation based on the specific needs of each institution, there will not be a specific BOP-wide curriculum for the training; however, training will be conducted and documented on the Daily Lieutenant Logs and reviewed by the Captain for specific local training needs. 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 Response: As indicated in the previous status update, Program Statement 5500.14, Correctional Services Procedures Manual, is being modified to include methods for accounting for inmate whereabouts and wellbeing. Because revisions to Programs Statements must follow the normal development and Union negotiation process, they are subject to change. FBOP will provide further updates as they become available.

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. Accordingly, we will consider whether to close this recommendation after the BOP (1) 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; (2) implements the staffing tool for all BOP professions; (3) provides an analysis of whether the new incentives and nation-wide direct-hire authority mentioned in its update above have made an impact on the staffing shortage; (4) provides an update on its efforts to establish a nationwide special salary rate for institution positions; and (5) describes any additional proposals, including any legislative proposals to address pay rates in certain localities, that are being considered by the BOP to fully address the staffing shortage and provides an

update to the OIG on the Department's consideration and cooperation with the BOP on any such proposal.

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

1. Provides 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 an update to OIG when completed.

2. Implements the staffing tool for all FBOP professions.

The Automated Staffing Tool (AST) went live officially on October 1, 2024, and has been implemented for all FBOP professions. This workforce planning tool will allow FBOP leadership to identify true institution position needs to safely and effectively operate all of the FBOP's 122 institutions. The AST recommends position numbers based on data driven insights from internal and external subject matter experts, institution-specific criteria, and evolving mission requirements.

3. Provides an analysis of whether the new incentives and nation-wide direct-hire authority mentioned in its update above have made an impact on the staffing shortage.

The FBOP continues to collect data in an effort to complete its analysis in 2025. However, preliminary analysis has shown retention incentives to be an effective factor when comparing data from the recent fiscal years. In FY 2024, the lowest number of total separations occurred with 2,572 separations. In FY 2023, the FBOP had 2,900 separations. FY 2022 had the highest number of separations in the FBOP in recent years with 3,665.

Recruitment measures have also made an impact in the most recent fiscal years. In FY 2024, FBOP saw the largest influx of staff since FY 2021, with 3,596 new hires. Comparatively, FY 2023 saw 2,622 new hires and 1,846 in FY 2022. After receiving nationwide DHA approval in May 2024, and continuing through September 2024, the FBOP has hired over 450 correctional officers with Direct Hiring Authority, totaling 642 for FY 2024. This is significantly greater than our total of 196 new hires for FY 2023 and 83 new hires for FY 2022 without nationwide DHA.

4. Provides an update on its efforts to establish a nationwide special salary rate for institution positions.

The FBOP is continuing to actively collaborate with the Department of Justice (DOJ) and the Office of Personnel Management (OPM) to develop a special salary rate aimed at addressing recruitment and retention challenges within our institutions by offering more competitive salaries. Currently, the FBOP is focusing Special Salary Rate efforts on the Correctional Officer

and nurse positions and submitted its request to DOJ at the end of September 2024. DOJ informed FBOP that both requests are under OPM review.

5. Describes any additional proposals, including any legislative proposals to address pay rates in certain localities, that are being considered by the BOP to fully address the staffing shortage and provides an update to the OIG on the Department's consideration and cooperation with the BOP on any such proposal.

As of November 2024, FBOP has no further input regarding proposals being considered to address the staffing shortage.

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 Response: As indicated in the previous status update, Program Statement 5500.14, Correctional Services Procedures Manual, and Program Statement 4200.12, Facilities Operations Manual, are being modified to include protocols and ensure accountability regarding various aspects of FBOP's camera systems, including but not limited to functionality, documentation, and repair. Because revisions to Programs Statements must follow the normal development and Union negotiation process, they are subject to change. FBOP will provide further updates as they become available.

However, to ensure immediate action, a joint memorandum from FBOP's Administration Division and Correctional Programs Division was sent to all CEOs addressing necessary camera protocols. See attachments "Camera Report Implementation signed" and "Security Camera Report Template." The joint memorandum implemented a monthly reporting process in all facilities and attached a template to use for monthly reporting. The monthly reporting requires electronic technicians at each facility to list the number of installed cameras, adjustments to the camera count as needed, information regarding camera recording capability and camera operational state, and information regarding any repairs made to the cameras during the month of reporting. The Captain and Facility Manager must review each monthly report from the facility and ensure accuracy. The monthly Security Camera Report will then be included in the Facilities Management Monthly Report to Regional offices and submitted from the Warden to the Regional Director. The new monthly Security Camera Report is now in use and became effective June 1, 2024.