

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

December 11, 2018

The Honorable Michael E. Horowitz  
Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001

Dear Inspector General Horowitz:

As part of its continuing oversight of the Federal Bureau of Prisons (BOP), I write to request that the Department of Justice (DOJ) Office of Inspector General (OIG) examine BOP's policies, procedures, and responses to allegations of sexual abuse, harassment, and misconduct. I thank you in advance for your attention to these serious matters.

In July 2018, I copied you on a letter to Mr. Hugh Hurwitz, Acting BOP Director, concerning allegations of systemic problems within BOP facilities nationwide, including allegations of sexual harassment.<sup>1</sup> As noted in the letter, whistleblowers allege that high-ranking BOP officers accused of sexual harassment face insufficient accountability for their actions—and that it is common for such individuals to evade accountability by being transferred or promoted.<sup>2</sup>

The Committee's review of available information, including information supplied by whistleblowers, suggests a record of sexual harassment and misconduct within BOP that remains consistent over time:

- In 2015, an arbitrator reportedly found that high-ranking officers at FCI Miami—including the warden—participated in a “grand cover-up” of sexual abuse and harassment.<sup>3</sup> The arbitrator reportedly found that BOP failed to make a concerted effort to take preventive measures to avoid sexual harassment and retaliation.<sup>4</sup>
- In 2017, BOP settled allegations that the agency ignored complaints of sexual harassment from over 500 current and former female employees at Coleman FCC in Florida—costing taxpayers \$20 million.<sup>5</sup>

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<sup>1</sup> See letter from Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Aff, to Hugh J. Hurwitz, Acting Dir., Bureau of Prison (July 12, 2018).

<sup>2</sup> *Id.*

<sup>3</sup> E-mail from Whistleblower to S. Comm. on Homeland Sec. & Governmental Aff. staff, (Sept. 21, 2017) (on file with S. Comm. on Homeland Sec. & Governmental Aff.). See also Caitlin Dickerson, *Hazing, Humiliation, Terror: Working While Female in Federal Prison*, N.Y. Times (Nov. 17, 2018), <https://www.nytimes.com/2018/11/17/us/prison-sexual-harassment-women.html>.

<sup>4</sup> E-mail from Whistleblower to S. Comm. on Homeland Sec. & Governmental Aff. staff (Sept. 21, 2017), *supra* note 3.

<sup>5</sup> See *White, et al. v. Lynch*, Order on Motion for Preliminary Approval of Settlement, EEOC Case No. 510-2012-00077X, 2-3 (Jan. 17, 2017), <https://www.colemansexualharassment.com/documents> (explaining that the settlement

- In May 2017, a local media outlet reported that BOP allegedly awarded bonuses and promotions to officials in Florida found to have sexually abused and harassed others.<sup>6</sup>
- In January 2018, a federal court found three male BOP employees guilty of sexually abusing at least nine female inmates over the course of three years at a BOP facility in New York.<sup>7</sup>
- In November 2017, according to an EEO complaint filed at FCI Oxford in Wisconsin, a warden with an alleged history of sexual harassment allegedly attempted to abuse a female staff member, who reported the incident to her supervisor.<sup>8</sup> Consequently, this warden allegedly retaliated against the supervisor by removing him from his position of captain, verbally humiliating him, and investigating him.<sup>9</sup>
- In June 2018, a BOP employee resigned from a California facility out of fear that BOP was taking insufficient steps to protect her well-being. In this instance, a male inmate convicted of violent crimes communicated with outside sources to stalk at least two female BOP employees.<sup>10</sup> A BOP threat assessment concluded that the inmate “present[ed] a clear threat to female staff members,”<sup>11</sup> but BOP allegedly granted the inmate phone and e-mail access and forced one of the female employees to continue working near him.<sup>12</sup>

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includes \$20 million in compensatory damages and numerous mandated programmatic changes. If at least 350 viable claims are made from the class of 524 victims, then the per-person settlement would be the largest Title VII gender discrimination class action case over the past decade). *See also* Hanna Kozłowska, *Female Prison Workers, Harassed by Inmates and Ignored by Bosses, Stood Up For Their Rights—And Won*, QUARTZ (February 16, 2017), <https://qz.com/910810/female-prison-workers-harassed-by-inmates-and-ignored-by-bosses-stood-up-for-their-rights-and-won/>.

<sup>6</sup> Jeff Deal, *9 Investigates: Prison Officials Accused in Sexual Harassment Cover-Up Receive Big Bonuses*, WFTV 9 ABC (May 12, 2017), <https://www.wftv.com/news/9-investigates/9-investigates-prison-officials-accused-in-sexual-harassment-cover-up-receive-big-bonuses/522133018>.

<sup>7</sup> Alan Feuer, *Ex-Lieutenant at Federal Jail Convicted of Sexually Assaulting Inmates*, N.Y. TIMES (May 14, 2018), <https://www.nytimes.com/2018/05/14/nyregion/ex-lieutenant-at-federal-jail-convicted-of-sexually-assaulting-inmates.html>; Alan Feuer, *Former Lieutenant at Brooklyn Federal Jail Convicted of Raping Female Inmate*, N.Y. TIMES (Jan. 19, 2018), <https://www.nytimes.com/2018/01/19/nyregion/jail-guard-convicted-rape.html> (one of the defendants was responsible for teaching staff and inmates about the Prison Rape Elimination Act (PREA)). *See also* Alan Feuer, *Trail Begins in Brooklyn of Jail Guard Accused of Raping Female Inmate*, N.Y. TIMES (Jan. 8, 2018), <https://www.nytimes.com/2018/01/08/nyregion/brooklyn-of-jail-guard-rape.html?module=inline>.

<sup>8</sup> *See* EEO Com. *Whistleblower v. Dep’t of Justice, et al., Case Number BOP-2018-0041* (Nov. 8, 2017) (on file with S. Comm. on Homeland Sec. & Governmental Aff. staff). *See also* E-mail from Whistleblower to S. Comm. on Homeland Sec. & Governmental Aff. staff (Nov. 30, 2017) (on file with S. Comm. on Homeland Sec. & Governmental Aff. staff).

<sup>9</sup> *See* EEO Com. *Whistleblower v. Dep’t of Justice, et al., supra* note 8. *See also* Aff. of Witness in support of Whistleblower, *Whistleblower v. Dep’t of Justice, et al.* (March 1, 2018) (on file with S. Comm. on Homeland Sec. & Governmental Aff. staff).

<sup>10</sup> Email from Whistleblower to S. Comm. on Homeland Sec. & Governmental Aff. staff (Aug. 11, 2018) (on file with S. Comm. on Homeland Sec. & Governmental Aff. staff).

<sup>11</sup> Whistleblower Document (2018) (on file with S. Comm. on Homeland Sec. & Governmental Aff. staff); Telephone Interview by S. Comm. on Homeland Sec. & Governmental Aff. staff with Whistleblower (Aug. 2, 2018).

<sup>12</sup> Whistleblower Document (2018), *supra* note 11; Telephone Interview, *supra* note 11.

Accordingly, I respectfully request that the OIG review BOP's policies, procedures, and responses to allegations of sexual abuse, harassment, and misconduct. Specifically, I ask that OIG examine the following:

1. Whether BOP has an adequate tracking system to ensure that all sexual harassment, abuse, and misconduct allegations made by staff and inmates are adequately investigated and addressed.
2. BOP policies and practices to ensure consistency with the Department of Justice's best practices for deterring sexual harassment, abuse, and misconduct.<sup>13</sup>
3. BOP's policies and procedures for performance awards, promotions, and public recognition of BOP employees who are under investigation or have been disciplined for sexual harassment, abuse, or misconduct.<sup>14</sup>
4. BOP's compliance with the Prison Rape Elimination Act for consistent and proper reporting and enforcement regarding sexual misconduct of inmates and staff.<sup>15</sup>
5. Accountability standards for sexual abuse, harassment, and misconduct within BOP, including determining how BOP facility-level leadership is held accountable for misconduct by line-level employees, including but not limited to sexual abuse cases in Brooklyn, New York,<sup>16</sup> Oxford, Wisconsin<sup>17</sup>, and Waseca, Minnesota.<sup>18</sup>

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<sup>13</sup> See MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS, SEXUAL HARASSMENT AND SEXUAL MISCONDUCT, DEPUTY ATTORNEY GENERAL ROD ROSENSTEIN, DOJ (Apr. 30, 2018), <https://www.justice.gov/jmd/page/file/1059401/download>; MANAGEMENT ADVISORY MEMORANDUM FOR DEPUTY ATTORNEY GENERAL ROSENSTEIN, THE HANDLING OF SEXUAL MISCONDUCT AND HARASSMENT ALLEGATIONS BY DEPARTMENT OF JUSTICE COMPONENTS, INSPECTOR GENERAL MICHAEL HOROWITZ, DOJ OIG (May 31, 2017), <https://assets.documentcloud.org/documents/4333208/Memo-from-DOJ-Inspector-General-Horowitz.pdf>; U.S. DEP'T OF JUSTICE, STANDARDS OF EMPLOYEE CONDUCT (Dec. 6, 2013), [https://www.bop.gov/policy/progstat/3420\\_011.pdf](https://www.bop.gov/policy/progstat/3420_011.pdf).

<sup>14</sup> MARI BARR SANTANGELO, DEP. ASSIST. ATT. GEN., U.S. DEP'T OF JUSTICE, MEMORANDUM FOR COMPONENT EXECUTIVE OFFICERS AND HUMAN RESOURCES OFFICERS, CONSIDERATION OF MISCONDUCT IN MAKING DECISIONS REGARDING AWARDS, PUBLIC RECOGNITION, AND FAVORABLE PERSONNEL ACTIONS (Apr. 30 2018), <https://www.justice.gov/jmd/page/file/1059416/download>.

<sup>15</sup> 28 CFR 115.86 (reporting standards of PREA) & 28 CFR 115.76(d) (presumption of termination).

<sup>16</sup> OFF. OF INSPECTOR GEN., U.S. DEP'T OF JUSTICE, REVIEW OF THE FEDERAL BUREAU OF PRISONS' MANAGEMENT OF ITS FEMALE INMATE POPULATION 41 (Sept. 2018), <https://oig.justice.gov/reports/2018/e1805.pdf#page=1>.

<sup>17</sup> See EEO Com. *Whistleblower v. Dep't of Justice, et al.*, *supra* note 8.

<sup>18</sup> See Alan Feuer, *Ex-Lieutenant at Federal Jail Convicted of Sexually Assaulting Inmates*, N.Y. TIMES (May 14, 2018), <https://www.nytimes.com/2018/05/14/nyregion/ex-lieutenant-at-federal-jail-convicted-of-sexually-assaulting-inmates.html>; Press Release, U.S. Att. Off., Dist. of Minnesota., *Former Correctional Officer Sentenced to 14 Months in Prison For Having Sex With an Inmate* (Oct. 11 2018), <https://oig.justice.gov/press/2018/2018-10-11.pdf>.

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December 11, 2018  
Page 4

If you have any questions related to this request, please ask your staff to contact Reily Inman of Committee staff at (202) 224-4751. Thank you for your prompt attention to these serious matters.

Sincerely,



Ron Johnson  
Chairman

cc: The Honorable Claire McCaskill  
Ranking Member

cc. The Honorable Chuck Grassley  
Chairman  
U.S. Senate Committee on the Judiciary