



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

November 20, 2024

Memorandum For:

[REDACTED]
Section Chief, External Auditing Branch
Federal Bureau of Prisons

FROM:

[REDACTED]
Assistant Inspector General
Investigations Division

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

This memorandum is in reference to the Federal Bureau of Prisons' (BOP) status update dated November 19, 2024, in response to the recommendations in the Department of Justice (DOJ or Department) Office of the Inspector General's (OIG) report entitled, "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 report directed 8 recommendations to the BOP. Recommendation 7 was previously closed. Based on the actions the BOP reported that it has taken, the remaining recommendations remain Resolved. The attachment summarizes the status of and details the actions necessary to close each recommendation.

Please provide to us within 90 days your response concerning specific actions completed or proposed on the open recommendations. If you have any questions, please call me at [REDACTED].

Attachment

cc:

[REDACTED]
Assistant Director, Audit Liaison Group Internal Review and Evaluation Office Justice
Management Division

STATUS OF RECOMMENDATIONS

Recommendation 1: The BOP should implement a process for assigning a cellmate following suicide watch or psychological observation, with criteria for exceptions based on the individual or security considerations.

Status: Resolved.

BOP Response: The BOP reported the following:

As indicated in [BOP]'s previous status update, guidance is currently in development. [BOP] 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. [BOP] 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 [BOP] development and Union negotiation process, they are subject to change. [BOP] will provide further updates they become available.

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.

Recommendation 2: 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.

Status: Resolved.

BOP Response: The BOP reported the following:

As indicated in [BOP]'s previous status update, guidance is currently in development. Further, as stated in the response to Recommendation 1, above, [BOP] 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. [BOP] 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 [BOP] development and Union negotiation process, they are subject to change. [BOP] will provide further updates they become available.

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.

Recommendation 3: 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.

Status: Resolved.

BOP Response: The BOP reported the following:

As indicated in its previous status update, [BOP] 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, [BOP] 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, [BOP] is in the process of altering that policy accordingly. Because revisions to Programs Statements must follow the normal [BOP] development and Union negotiation process, they are subject to change. [BOP] will provide further updates they become available.

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.

Recommendation 4: 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.

Status: Resolved.

BOP Response: The BOP reported the following:

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. [BOP] will provide further updates as they become available.

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.

Recommendation 5: BOP policy should clarify what is required of a Lieutenant when conducting a round.

Status: Resolved.

BOP Response: The BOP reported the following:

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. [BOP] will provide further updates as they become available.

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.

Recommendation 6: The BOP should continue to develop and implement plans to address staffing shortages at its prisons.

Status: Resolved.

BOP Response: The BOP reported the following:

OIG indicates that it will consider whether to close this recommendation after [BOP]:

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

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

2. Implements the staffing tool for all [BOP] professions.

The Automated Staffing Tool (AST) went live officially on October 1, 2024, and has been implemented for all [BOP] professions. This workforce planning tool will allow [BOP] leadership to identify true institution position needs to safely and effectively operate all of the [BOP]'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 [BOP] 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 [BOP] had 2,900 separations. FY 2022 had the highest number of separations in the [BOP] in recent years with 3,665.

Recruitment measures have also made an impact in the most recent fiscal years. In FY 2024, [BOP] 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 [BOP] 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 [BOP] 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 [BOP] 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 [BOP] 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, [BOP] has no further input regarding proposals being considered to address the staffing shortage.

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.

Recommendation 8: 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.

Status: Resolved.

BOP Response: The BOP reported the following:

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 [BOP]'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. [BOP] will provide further updates as they become available.

However, to ensure immediate action, a joint memorandum from [BOP]'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.

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.