

United States Senate

WASHINGTON, DC 20510

September 12, 2024

Colette S. Peters
Director
Federal Bureau of Prisons
U.S. Department of Justice
320 First Street NW
Washington, DC 20534

Dear Director Peters:

We write to express concern regarding the pervasive occurrence of sexual assault and harassment of staff by inmates in Bureau of Prisons (“BOP” or the “Bureau”) institutions across the country.

According to a February 2023 report by the Department of Justice Office of the Inspector General (DOJ OIG), 40% of 7,000 surveyed staff stated they had been sexually harassed by an inmate.¹ At United States Penitentiary Thomson located in northwestern Illinois, the American Federation of Government Employees reported that there had been over 300 incidents of inmate-on-staff sexual harassment in 2022 alone; USP Thomson houses only 875 inmates.²

The DOJ OIG report, as well as personal testimony BOP staff has provided to my office, strongly suggest that BOP’s reporting and corrective procedures for inmate-on-staff sexual assault/harassment are inadequate, creating an institutional culture that lacks accountability and endangers BOP employees.

Please respond to the following questions no later than October 4, 2024:

Reporting Procedures:

1. BOP regulations classify prohibited conduct according to various codes. Please identify all codes that encompass sexually explicit conduct involving force, threat of force, or threat of harm; or sexually explicit conduct without consent or through coercion; or

¹ U.S. Department of Justice Office of the Inspector General, *Evaluation of the Federal Bureau of Prisons’ Efforts to Address Sexual Harassment and Sexual Assault Committed by Inmates Toward Staff*, (February 23, 2023), <https://oig.justice.gov/reports/evaluation-federal-bureau-prisons-efforts-address-sexual-harassment-and-sexual-assault>.

² Molly Weisner, *Federal Workers Seek Protections From Sexual Misconduct at Prison*, Federal Times, (January 17, 2023), <https://www.federaltimes.com/federal-oversight/2023/01/17/federal-workers-seek-protections-from-sexual-misconduct-at-prison/>.

attempts thereof. Please include codes of all severity levels.

2. Please provide a copy of BOP's policies pertaining to inmate-on-staff incidents of the codes identified in Question 1, including all consequences or punishments that may be imposed in response to such incidents.
3. For each year from 2018 to the present, how many inmate-on-staff incidents of the codes identified in Question 1 were reported, by facility? How many of these reports were substantiated? How many of these reports resulted in a prosecution and conviction?
4. How does BOP track inmate-on-staff incidents of the codes identified in Question 1?
 - Are these reports tracked, assessed, or otherwise addressed in *Prison Rape Elimination Act* (PREA) audits?
 - How does BOP track the total number of reports against an individual inmate?
 - How are staff notified of inmates who have had previous reports?
 - If an inmate has prior reports and is transferred to a new facility, how is that new facility notified of that inmate's history?
5. Has BOP taken action to address issues regarding the “Lieutenant-level discretion as to which [inmate-on-staff sexual assault/harassment] incidents were entered into SENTRY” or problems identified with the newer DARTS system detailed in the February 2023 DOJ OIG report?
 - Has BOP taken action to address inconsistencies in “identifying the gender of the victim, whether the victim is an inmate or staff member, and the specific inmate behavior within its prohibited act codes” when reporting incidents, as detailed in the February 2023 DOJ OIG report?
 - What other reporting-focused recommendations from the February 2023 DOJ OIG report has BOP implemented into current policies?
6. What additional guidance or training does BOP provide to individual facilities regarding reporting procedures for inmate-on-staff incidents of the codes identified in Question 1?

Correctional Procedures:

7. Please provide a copy of BOP's policies pertaining to correctional procedures for inmate-on-staff incidents of the codes identified in Question 1.
 - Are there currently efforts to evaluate the effectiveness of these procedures? If so, please provide any relevant information and data.

8. What additional guidance or training does BOP provide to individual facilities regarding correctional procedures for inmate-on-staff incidents of the codes identified in Question 1?
9. What correctional-focused recommendations from the February 2023 DOJ OIG report has BOP implemented into current policies?

Staff Assistance:

10. Please describe the support and accommodations provided to BOP staff who are victims of inmate-on-staff sexual assault/harassment (e.g., counseling, leave time, re-assignment, etc.).
 - Are there currently efforts to evaluate the effectiveness of these support resources? If so, please provide any relevant information and data.
 - What other support resources are made available to staff?
11. Since the DOJ OIG report was published in February 2023, has BOP worked to “do more to educate its staff on inmate-on-staff sexual harassment” and address concerns “that the BOP’s training could further emphasize resources to assist staff who witness or experience inmate-on-staff sexual harassment,” as the report recommended?
 - What other staff assistance-focused recommendations from the February 2023 DOJ OIG report has BOP implemented into current policies?
12. What protections are in place to protect staff who report abuse by inmates from retaliatory action?
13. For each year from 2018 to the present, please identify the specific settlements BOP has paid out to settle accusations of inmate-on-staff sexual assault/harassment.
 - For each settlement, please include the facility where the incident occurred, and the date and amount of the settlement.

Thank you for your attention to this matter. We look forward to working with you to ensure the safety of Federal prison staff.

Sincerely,



Jon Ossoff
United States Senator



Marsha Blackburn
United States Senator