



U. S. Department of Justice

Federal Bureau of Prisons

Central Office

Office of the Director

Washington, DC 20534

June 22, 2023

MEMORANDUM FOR [REDACTED]
ASSISTANT INSPECTOR GENERAL
INVESTIGATIONS DIVISION



FROM: [REDACTED], Director

SUBJECT: Response to the Office of Inspector General's (OIG) Draft Report:
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 Bureau of Prisons (BOP) appreciates the opportunity to formally respond to the Office of the Inspector General's (OIG) above-referenced draft report. BOP values OIG's careful review of the facts and circumstances surrounding the death of Jeffrey Epstein and concurs with the recommendations resulting from this engagement. The lessons learned during the course of this engagement will be applied to the broader BOP correctional landscape.

The facts and circumstances related to those few BOP employees at MCC New York in this report reflect a failure to follow BOP's longstanding policies, regulations, and/or laws. While this misconduct described in this report is troubling, those who took part in it represent a very small percentage of the approximately 35,000 employees across more than 120 institutions who continue to strive for correctional excellence every day.

In the Report, OIG makes recommendations to enhance BOP policies and practices and improve accountability. In response to this and previous OIG and Government Accountability Office (GAO) engagements, BOP has already begun to evaluate nationwide trends and strengthen employee accountability.

In April of this year, BOP's leadership announced its new mission as "corrections professionals who foster a humane and secure environment and ensure public safety by preparing individuals for successful reentry into our communities." BOP's new core values include accountability, integrity, respect, compassion, and correctional excellence. Of note, our core value of accountability requires BOP employees to be responsible and transparent to the public, ourselves, and to those in our care and custody by the standards we establish, the actions we take, and the duties we perform. As reflected in our mission and core values, BOP is committed to providing a safe environment for both employees and adults in our custody.

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.

BOP's Response: The BOP recognizes the importance of careful monitoring of adults in custody who face mental health challenges and therefore concurs with this recommendation. Our practice is to carefully consider both the well-being and safety of the individual involved and overarching safety and security concerns. In the years since Mr. Epstein's death, the BOP has updated its process related to suicide watch and psychological observation. Under BOP's revised process, upon removal from suicide watch or psychological observation, psychologists make individualized care recommendations about clinical follow-up and other custodial concerns, including housing and cellmates. Mental health, custody, and unit team employees work collaboratively to ensure that each individual removed from suicide watch is housed appropriately.

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.

BOP's Response: The BOP concurs with this recommendation. As described in its response to Recommendation 1, BOP's current process related to suicide watch and psychological observation applies an individualized approach to the care and custody of adults in custody. Upon removal from suicide watch or psychological observation, individualized care recommendations are made by psychologists, custody, and unit team for each individual. BOP thoroughly evaluates each celling assignment on an individual basis for persons deemed to be at moderate to high risk for suicide.

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.

BOP's Response: The BOP concurs with this recommendation.

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.

BOP's Response: The BOP concurs with this recommendation.

Recommendation Five: BOP policy should clarify what is required of a lieutenant when conducting a round.

BOP's Response: The BOP concurs with this recommendation.

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

BOP's Response: The BOP concurs with this recommendation. Hiring and retaining qualified personnel is a key priority and BOP has developed and implemented a multi-pronged approach that involves enhanced recruitment efforts and appropriate incentives. While the issues raised in the OIG's report were the result of employees failing to adhere to their duties, as opposed to a staffing shortage, the BOP welcomes the opportunity to continue the significant work that has already been undertaken and that is ongoing regarding staffing.

Recommendation Seven: The BOP should evaluate its cell search procedures and make changes as may be appropriate to improve those procedures through policy, training, or other measures.

BOP's Response: The BOP concurs with this recommendation.

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.

BOP's Response: The BOP concurs with this recommendation.

The BOP appreciates OIG's careful attention to this engagement, and its willingness to provide specific, feasible recommendations that address the root causes of issues raised in the incident described. Thank you for the opportunity to comment on this report. We look forward to working with OIG to close these recommendations.