



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

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April 22, 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

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This memorandum is in reference to the Federal Bureau of Prisons' (BOP) status update dated February 14, 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. Based on the actions the BOP reported that it has taken, the 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:

The [BOP] Reentry Services Division (RSD) and Correctional Programs Division (CPD) have collaborated to draft guidance. This guidance is under review. BOP plans to issue the guidance at the conclusion of the review process.

**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. The BOP has now indicated that this guidance has been drafted and is 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.

**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:

RSD and CPD have collaborated to draft guidance. This guidance is currently under review. [BOP] plans to issue the guidance at the conclusion of the review process.

**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. The BOP has now indicated that guidance has been drafted and is 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.

**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:

An evaluation of [BOP] policies shows there is no current guidance on this issue. Therefore, BOP has drafted guidance. This guidance is currently under review. BOP plans to issue the guidance at the conclusion of the review process.

**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. The BOP has now reported that while it currently does not have guidance on these issues, new guidance has been drafted and is 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.

**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:

The Correctional Services Procedures Manual is in the process of being updated to improve [BOP] methods for accounting for inmate whereabouts and wellbeing. [BOP] will keep OIG apprised of its progress.

**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.

**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:

The Correctional Services Procedures Manual is in the process of being updated to clarify what is required of a Lieutenant when conducting a round. [BOP] will keep the OIG apprised of its progress.

Additionally, training sessions will be conducted, at a minimum with all Correctional Services staff, per the schedule issued annually by Correctional Programs Division. This training may be conducted in-person during Lieutenant Rounds or via virtual/telephonic platform, as annotated within the schedule.

Documentation of all trainings will be annotated in the Lieutenant's Log specifying the training topic and the method in which it was completed (i.e., mock exercise, in-person walking tour, or via virtual/telephonic).

**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; (2) provides the finalized program statement to the OIG for review; and (3) provides a description of the training referenced in its update, sample training materials for OIG to review, and confirmation that the training is in effect.

**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:

[BOP] appreciates OIG's efforts to consolidate recommendations where feasible during the audit resolution and follow up process but does not concur with consolidating the analysis of this recommendation with that of Recommendation 5 from the OIG's Limited-Scope Review of the Federal Bureau of Prisons' Strategies to Identify, Communicate, and Remedy Operational Issues, Report Number 23-065 (Limited-Scope Review). Although the two have similarities, the recommendations and action steps to address each differ. The automated staffing tool (AST), which continues to be tested and evaluated, and [sic] has an estimated completion of the end of FY2024. While the development and implementation of the AST will be responsive to the Limited-Scope Review, it will not fully demonstrate [BOP's] current efforts to address staffing shortages. Therefore, [BOP] requests the analyses and responses remain separate.

The [BOP] continues to offer several incentives to attract and retain staff. As indicated in its September 2023 status update, the Director has authorized a bureau-wide recruitment incentive of \$10,000 or 25% on initial salary (whichever is greater), for newly hired Correctional Officers and this incentive has been extended through FY2024. Also noted was the current 10% retention incentive for all Lieutenants and the bureau-wide group retention incentive ranging from 5-8% that is available to employees eligible to retire through December 2022. Additionally, the [BOP] currently offers retention incentives ranging from 10-25% percent for Correctional Officers and other institution positions working at hard to fill locations as well as relocation incentives for specifically identified locations ranging from 10-25%. To further expand recruitment and staffing efforts, a waiver was granted to increase the maximum entry age for Correctional Officers who enter on duty prior to September 30, 2024.

The [BOP] is taking a multistep approach to filing [sic] all funded vacancies across the [BOP] to include increased marketing and branding, utilization of recruitment incentives, utilization

of pay flexibilities, onboarding, and utilization of retention incentives. The [BOP] is employing a marketing and branding campaign to attract new and highly qualified applicants to apply to current vacancies. Additionally, [BOP] is utilizing various recruitment incentives and pay flexibilities to offer comparable and/or competitive salaries. This includes special salary rates, above minimum rate, and student loan repayment. Finally, [BOP] increased its utilization of retention incentives, where warranted, to retain highly qualified and knowledgeable employees.

**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. At the BOP's request, the OIG will not consolidate this recommendation. In addition, per the OIG's communications with the BOP over email, 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 all contractor and BOP work product that has been submitted to the GAO in response to the GAO Staffing Audit recommendations, including the August 2022 assessment by the contractor on staffing incentives and the information BOP submitted to GAO in March 2023 related to the assessment; (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 reports submitted to Congressional appropriation committees related to staffing; (4) implements the staffing tool for all BOP professions; and (5) provides an analysis of whether the new incentives mentioned in its update above have made an impact on the staffing shortage, and what additional proposals, including any legislative proposals to address pay rates in certain localities, are being considered by the BOP to fully address the staffing shortage.

**Recommendation 7:** 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.

**Status:** Resolved.

**BOP Response:** The BOP reported the following:

CPD is in the process of formulating direction to ensure CPD can evaluate the logging of cell searches within TRUSCOPE. Additionally, the Correctional Services Manual update, per our response in Recommendation 5 states training sessions will be conducted, at a minimum with all Correctional Services staff, per the schedule issued annually by Correctional Programs Division.

**OIG Analysis:** The BOP's update is partially responsive to the recommendation. The update for Recommendation 5 is related to Lieutenant Rounds and not cell searches. The update does not indicate that the BOP has or will evaluate its cell search procedures and make any necessary changes to improve those procedures through policy, training, or other measures. The update only addresses the logging of cell searches within TRUSCOPE rather than evaluating its cell search procedures. The OIG will consider whether to close this recommendation after the BOP (1) completes the evaluation of using TRUSCOPE to log cell searches; (2) otherwise evaluates its cell search procedures and makes any appropriate changes to improve those procedures; and (3) provides a description of the training referenced in its response, sample training materials for OIG to review, and confirmation that the training is in effect.

**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:

In response to the OIG's most recent analysis, the [BOP] can confirm it is updating the Correctional Services Manual and the Facilities Operations Manual to include protocols and ensure accountability regarding various aspects of the [BOP's] camera systems including but not necessarily limited to functionality, documentation, and repair. The [BOP] will provide further updates as they become available.

**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.