



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

November 13, 2023

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

This memorandum is in reference to the Federal Bureau of Prisons' (BOP) status update dated September 11, 2023, 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]
[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:

Reentry Services Division (RSD) and Correctional Programs Division (CPD) are collaborating on a CEO 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. This process will include exemptions based on individual or security considerations.

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 guidance referenced in its update, or puts in place other policies or procedures to address assignment of a cellmate following suicide watch or psychological observation; 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 are collaborating on a CEO 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. This will include a procedure for exemptions based on individual or security considerations.

OIG Analysis: The BOP's update is not responsive to the recommendation. This update essentially repeats the update for Recommendation 1 and does not address the need for continuity of a cellmate assignment, including a contingency plan for cellmate reassignment, with criteria for exceptions based on the particular individual or security considerations. The OIG's Epstein report found that there was no contingency plan in place to assign Epstein a new cellmate when his then-cellmate was transferred out of the Metropolitan Correction Center in New York, and that a contingency plan, such as a list of alternate cellmates, would have increased the likelihood that Epstein would not have been housed alone at the time of his death. The OIG will need a further update from the BOP on this recommendation.

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:

The BOP is currently evaluating its process for obtaining and documenting approval for social and/or legal visits while an inmate is on suicide watch or psychological observation. This evaluation will inform future guidance on this issue.

OIG Analysis: The BOP's update is responsive to the recommendation. The OIG will await further information from the BOP following its evaluation.

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 BOP concurs with this recommendation. Program Statement 5500.14, Correctional Services Procedures Manual is currently being updated to include additional inmate accountability aspects.

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 update 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 BOP concurs with this recommendation. Program Statement 5500.14, Correctional Services Procedures Manual, is currently being updated to include clarification on the requirements for conducting Lieutenant rounds.

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 update 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:

As of June 2023, the BOP has deployed an automated staffing tool for institution correctional services departments to be evaluated. The tool continues to be tested and evaluated as we prepare to move forward with additional disciplines/departments throughout the BOP. Other efforts to retain qualified personnel include but are not limited to the various recruitment and retention incentives the BOP currently offers that are available to staff to include staggered retention incentives for all who were retirement eligible as of December 31, 2022. In March 2023, the Director authorized a bureau-wide recruitment incentive of \$10,000 or 25% on initial salary (whichever is greater), for newly hired Correctional Officers who onboard between March 26, 2023, through September 24, 2023. That incentive was recently extended to Correctional Officers who enter on duty with an effective date no later than December 17, 2023. Further, in July 2023, the Director approved a Bureau-wide retention incentive for all Lieutenants. Additionally, the BOP continues to seek other viable pay options for Correctional Officers in an effort to remain competitive and attractive to new applicants.

OIG Analysis: The BOP's update is responsive to the recommendation, but does not provide adequate grounds for closure of the recommendation. In the interest of economizing resources for both the BOP and the OIG, the OIG will consolidate 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). Please report any additional updates on the BOP's response to this recommendation to the OIG's Evaluation and Inspections Division in connection with the Limited-Scope Review. The OIG will close this recommendation when it closes Recommendation 5 from the Limited-Scope Review.

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:

The BOP concurs with this recommendation. As such, our policies will be discussed with staff during regular rounds to ensure current procedures are followed where it relates to cell searches.

OIG Analysis: The BOP's update is not responsive to the recommendation. The update says that the BOP will discuss existing policies with staff, but 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.

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:

The BOP concurs with this recommendation. Policy will be updated to include the regular functionality checks.

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 update referenced in its update; and (2) provides the finalized update to the OIG for review.