



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

MANAGEMENT ADVISORY MEMORANDUM

21-106

AUGUST 2021

Notification of Urgent Security Concerns Involving Staff Entering BOP Facilities

INVESTIGATIONS DIVISION



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

August 11, 2021

Management Advisory Memorandum

To: Michael Carvajal
Director
Federal Bureau of Prisons

From: Michael E. Horowitz
Inspector General

Subject: Notification of Urgent Security Concerns Involving Staff Entering BOP Facilities

The purpose of this memorandum is to advise you of urgent security concerns the Department of Justice Office of the Inspector General (OIG) has identified in connection with staff entering BOP facilities without being searched. We identified these concerns in connection with an OIG investigation involving the introduction of contraband at a Federal Bureau of Prisons (BOP) facility.¹ A review of the facility's video monitoring system revealed that staff were able to enter the facility during the night shift and walk around the metal detector without being screened. After discussing the matter with BOP personnel at the facility, we are concerned that this presents systemic concerns.

The BOP should immediately take steps to address the urgent concerns identified in this memorandum in order to prevent the introduction of contraband for the safety of the inmate population and staff. In this memorandum, the OIG makes three recommendations to address the concerns we identified.

Relevant Authorities

The BOP's Staff Entrance and Search Procedures, effective March 28, 2016, states, "[BOP] staff may search you and your belongings...before entering, or while inside, any [BOP] facilities or [BOP] grounds, to keep out prohibited objects." While the procedures permit "random entrance procedure searches" at minimum security facilities, the procedures make clear that at low and higher security facilities, "all staff and their belongings are required to clear the entrance procedures before entering," and "[a]lternate random selection methods are not permitted." This requirement also extends to staff that leave the institution and re-enter; staff are required to clear the entrance procedures upon re-entry. The Staff Entrance and Search Procedures contain no exception for the night shift or other times when staffing levels are low. The purposes of the procedures include "to prevent prohibited objects from entering a [BOP] facility or [BOP] grounds."

¹ The name of the facility will be provided separately to the BOP.

The Issue

As you are aware, multiple OIG investigations have identified staff involvement in the introduction of contraband at BOP facilities, and the OIG has repeatedly identified the importance of an effective staff search policy as central to preventing such conduct. In connection with an investigation regarding the introduction of contraband at a BOP facility, we reviewed the facility's video monitoring system and found that staff, carrying personal items, were allowed to enter the facility during the night shift by walking around the metal detector and without being searched. We were told that it is only during the low manning times of the night shift that staff are permitted to circumvent the search policy upon entering the institution. However, because the facility is not a minimum-security facility, all staff and their belongings are required to be searched by electronic means before entry. There is no exception in the BOP's policy for staff that enter during the night shift or during other times when staffing is low.

Conclusions

The OIG has found that the security risks identified above increase the risk that staff will bring contraband into BOP facilities, thereby jeopardizing the safety and security of the institution, inmates, and other staff.

Recommendations

The OIG recommends that the BOP take the following measures to address the concerns identified in this memorandum:

1. The BOP should immediately notify all BOP facilities that BOP staff members are not permitted to enter the institution without being screened by other BOP personnel.
2. The BOP should ensure that its facilities are properly staffed to ensure that all staff and their belongings are properly searched in accordance with BOP policy before staff enter BOP facilities.
3. The BOP should ensure that any staff members observed attempting to circumvent the search policy are stopped and screened prior to entering the secure parts of BOP facilities.

Please advise the OIG within 2 days of the date of this memorandum on what actions the BOP has taken or intends to take with regard to these issues. If you have any questions or would like to discuss the information in this memorandum, please contact me at (202) 514-3435 or Sarah E. Lake, Assistant Inspector General for Investigations, at (202) 616-4730.

cc: Bradley Weinsheimer
Associate Deputy Attorney General Department of Justice

Louise Duhamel
Counsel to the Deputy Attorney General Department of Justice

Appendix 1: The BOP's Response



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

August 4, 2021

MEMORANDUM FOR SARAH E. LAKE
ASSISTANT INSPECTOR GENERAL
FOR INVESTIGATIONS

FROM:


M.D. Carvajal
Director

SUBJECT: Response to the Office of Inspector General's (OIG)
Management Advisory Memorandum: Notification of Urgent Security
Concerns Involving Staff Entering BOP Facilities

The Bureau of Prisons (BOP) appreciates the opportunity to provide a formal response to the Office of the Inspector General's above referenced notification. The BOP has completed our review of the notification and agrees with all recommendations. We offer the following response regarding the recommendations.

Recommendations:

1. The BOP should immediately notify all BOP facilities that BOP staff members are not permitted to enter BOP facilities without being screened by other BOP personnel.
2. The BOP should ensure that its facilities are properly staffed to ensure that all staff and their belongings are properly searched in accordance with BOP policy before staff enter BOP facilities.
3. The BOP should ensure that any staff members observed attempting to circumvent the search policy are stopped and screened prior to entering the secure parts of BOP facilities.

BOP's Response: After receiving the draft Management Advisory Memorandum from the OIG, the Deputy Director of the Federal Bureau of Prisons provided direction to Regional Directors

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Involving Staff Entering BOP Facilities
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regarding the requirement for following entrance procedures at institutions under their supervision. Subsequently, on August 3, 2021, a memorandum was issued to all Chief Executive Officers documenting the agency's expectations regarding entrance procedures (Attached).

The attached memorandum is responsive to all three recommendations. Accordingly, we request all three recommendations be closed.

Appendix 2: Office of Inspector General Analysis and Summary of the Actions Necessary to Close the Report

The OIG provided a draft of this Management Advisory Memorandum to the BOP, and the BOP's response is incorporated in Appendix 1. The BOP indicated in its response that it agreed with all three of the OIG's recommendations, already took actions to address the recommendations, and requested that all three recommendations be closed.

The following provides the OIG's analysis of the BOP's response. The OIG agrees that Recommendation 1 can be closed. The OIG has determined that Recommendations 2 and 3 are resolved, in that the BOP has indicated that it agrees with the OIG's recommendations and has taken actions to address them. However, the OIG is not prepared to close Recommendations 2 and 3. Below, we provide a summary of the actions necessary to close Recommendations 2 and 3. The OIG requests that the BOP provide an update on the status of its response to these recommendations within 90 days of the issuance of this memorandum.

1. The BOP should immediately notify all BOP facilities that BOP staff members are not permitted to enter the institution without being screened by other BOP personnel.

Closed. The BOP indicated that "the Deputy Director of the Federal Bureau of Prisons provided direction to Regional Directors regarding the requirement for following entrance procedures at institutions under their supervision." In addition, the BOP stated that, "on August 3, 2021, a memorandum was issued to all Chief Executive Officers (CEO) documenting the agency's expectations regarding entrance procedures." The BOP provided the OIG a copy of this memorandum, which states, among other things, that, "No staff member will enter an institution without being properly screened," screening must be by the "identified screening officer on post" or a supervisor, and staff members who attempt to circumvent screening procedures will be stopped, screened, and reported for a potential misconduct referral.

The BOP's response and actions taken are fully responsive to this recommendation. Therefore, this recommendation will be closed.

2. The BOP should ensure that its facilities are properly staffed to ensure that all staff and their belongings are properly searched in accordance with BOP policy before staff enter BOP facilities.

Resolved. As noted above, the BOP indicated that "the Deputy Director of the Federal Bureau of Prisons provided direction to Regional Directors regarding the requirement for following entrance procedures at institutions under their supervision." In addition, the BOP stated that, "on August 3, 2021, a memorandum was issued to all Chief Executive Officers documenting the agency's expectations regarding entrance procedures." The BOP provided a copy of this memorandum, which states that, "CEOs will ensure all staff and their belongings are properly searched . . . prior to entering the secure confines of the institution." This applies to all shifts. If necessary, supervisory staff will be present to ensure proper screening." BOP has been responsive to the OIG's recommendation. However, we believe it is essential that the BOP confirm that all of its facilities are properly staffed on each shift to ensure that all staff and their belongings are properly searched before entering BOP facilities.

Therefore, this recommendation can be closed once the BOP receives confirmation from all its facilities that the facilities are properly staffed on each shift to ensure that all staff and their belongings are properly searched in accordance with BOP policy before staff enter BOP facilities.

3. The BOP should ensure that any staff members observed attempting to circumvent the search policy are stopped and screened prior to entering the secure parts of BOP facilities.

Resolved. As noted above, the BOP indicated that “the Deputy Director of the Federal Bureau of Prisons provided direction to Regional Directors regarding the requirement for following entrance procedures at institutions under their supervision.” In addition, the BOP stated that, “on August 3, 2021, a memorandum was issued to all Chief Executive Officers documenting the agency's expectations regarding entrance procedures.” The BOP provided a copy of this memorandum, which states, “Each Chief Executive Officer (CEO) will review and update (if necessary) their local staff entrance procedures to ensure compliance with national policy.” BOP has been responsive to the OIG’s recommendation. However, we believe that it is essential that the BOP confirm that each facility’s local staff entrance procedures are consistent with the OIG’s recommendation and the BOP’s memorandum to the CEOs.

Therefore, this recommendation can be closed once the BOP confirms that each facility’s local staff entrance procedures require that staff members observed attempting to circumvent the BOP’s search policy are stopped and screened prior to entering the secure parts of BOP facilities.