

United States Senate

WASHINGTON, DC 20510

February 24, 2020

The Honorable Kathleen Hawk Sawyer
Director
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

Dear Director Sawyer:

We write to express our concerns regarding recent reports of rampant sexual abuse occurring in federal corrections facilities, and the failure of these facilities to take such abuses seriously and address them as required by federal law. These failures call into question the accuracy of all Federal Bureau of Prisons (BOP)'s audits required by the *Prison Rape Elimination Act* (PREA), which was passed unanimously by Congress in 2003. We ask that BOP conduct a review of its 2018 and 2019 audit findings and compliance certificates to ensure the reports are both accurate and consistent with PREA regulations.

PREA requires agencies and facilities to enact policies, implement practices, and follow procedures designed to prevent, detect, and respond to prison rape. Compliance with the PREA standards, which is mandatory for federal facilities, is determined by PREA audits conducted by Department of Justice (DOJ) trained and certified PREA auditors. DOJ has implemented robust auditing requirements to ensure that audits accurately reflect compliance with the federal PREA standards.

We are concerned that BOP is failing to protect its prisoners from sexual abuses, and its PREA audits have failed to accurately assess BOP compliance with the PREA standards. On December 4, 2019, the *Miami Herald* exposed widespread and pervasive sexual abuse and harassment endured by female prisoners for years at the Coleman Federal Correctional Complex (CFCC), where 14 women report being subjected to systematic abuse by correctional officers.^[1] Incredibly, in April 2019, CFCC passed a PREA audit that found the prison to have exceeded two standards and to have met 43 other standards.^[2]

This problem is not isolated to one correctional facility. In May 2019, a correctional officer at the Metropolitan Correctional Center in New York City was arrested and charged with multiple counts on sexual abuse.^[3] Over the course of six years, this guard leveraged his position of authority to repeatedly sexually abuse several women. Two correctional officers at the Metropolitan Detention Center in Brooklyn were convicted for rape and sexual abuse in 2018,

^[1] Romy Ellenbogen, "Rape is rampant at this women's prison. Anyone who complains is punished, lawsuit says." *Miami Herald*, 4 Dec. 2019, <https://www.miamiherald.com/news/special-reports/florida-prisons/article237797554.html>.

^[2] Prison Rape Elimination Act Audit Report, Final Audit (April 19, 2018). https://www.bop.gov/locations/institutions/clp/COX_prea.pdf.

^[3] Christina Carrega, "Federal prison guard sexually assaulted 4 inmates in New York City, prosecutors say," *ABC News*, 21 May 2019, <https://abcnews.go.com/US/federal-prison-guard-sexually-assaulted-inmates-york-city/story?id=63177391>.

and another correctional officer pled guilty to sexual abuse in 2017 for criminal activity against 9 identified women prisoners between 2013 and 2016. Guards in several other facilities around the country have been credibly accused or convicted of similarly abusive behavior.^[4]

We believe that sexual abuse and sexual harassment in federal custody is largely underreported or suppressed and is likely to remain that way if the mechanisms and processes under PREA are not followed properly. It is critical that PREA auditors conduct comprehensive audits and that BOP is monitoring audit reports for consistency, completeness, and compliance with PREA regulations. Any eroded confidence in the data produced by PREA audits calls into question whether BOP in fact has zero tolerance for sexual abuse at its facilities.

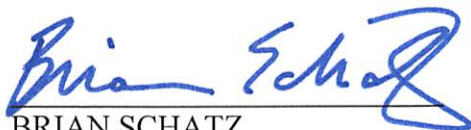
In light of these concerns, we ask that BOP conduct a comprehensive reevaluation of PREA compliance certifications for all federal correctional facilities for both 2018 and 2019. In addition, please provide an answer to the following questions:

- 1) How many facilities passed one or more PREA audits? Of those facilities, how many have received complaints about sexual abuse perpetrated by staff? How many were investigated? How many were substantiated? How thorough were these investigations in reaching their conclusions?
- 2) How will BOP take corrective action to ensure that people who report sexual abuse in federal prisons are not retaliated against? For example, how will BOP implement effective oversight of facility transfers to ensure that these practices are not used against victims?

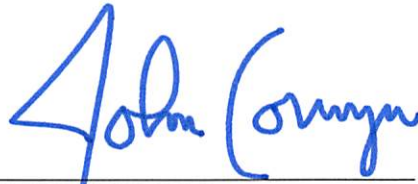
Sexual abuse in prison is an unacceptable and prevalent problem. All prisons are required by law to end sexual abuse by allowing victims to report allegations without the fear of retaliation, and with the knowledge that the perpetrators will be held accountable.

Thank you for your attention to this important matter. We look forward to your written response.

Sincerely,



BRIAN SCHATZ
United States Senator



JOHN CORNYN
United States Senator

^[4] See, e.g., Lacie Pierson, *Alderson prison guards accused of rape, abuse of former inmate*, CHARLESTON GAZETTE-MAIL, (September 19, 2019), https://www.wvgazette.com/news/legal_affairs/alderson-prison-guards-accused-of-rape-abuse-of-former-inmate/article_794ee67d-7cfc-5043-bac9-16413e2e2a6a.html; *Correctional Officer at Federal Prison Facility in Victorville Sentenced to Two Years in Prison for Sexually Abusing Female Inmates*, United States Department of Justice, 2019, <https://www.justice.gov/usao-cdca/pr/correctional-officer-federal-prison-facility-victorville-sentenced-two-years-prison>; Frank Green, *Federal correctional officer charged with sexually assaulting inmate*, RICHMOND TIMES-DISPATCH (July 26, 2019), https://www.richmond.com/news/local/crime/federal-correctional-officer-charged-with-sexually-assaulting-inmate/article_d06d4ec4-ec96-5bcd-9a7c-65e709eb33d1.html.