

# Congress of the United States

Washington, DC 20510

June 3, 2022

Michael Carvajal  
Director  
Federal Bureau of Prisons  
320 First Street, NW  
Washington, D.C. 20534

Dear Director Carvajal:

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 recent 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. At the Federal Correctional Institution (FCI), Dublin, there has been a “permissive and toxic culture,” which enabled “misconduct by predatory employees and cover-ups that have largely kept the abuse out of the public eye.”<sup>1</sup> As reported in an AP News investigation, at this one federal prison, five staff, including the former warden, were arrested for sexual abuse of incarcerated women.<sup>2</sup> The former warden “led staff and inmate training on reporting abuse and complying with the federal Prison Rape Elimination Act, known as PREA, and had control over staff discipline, including in cases of sexual abuse.”<sup>3</sup> While the prison’s PREA compliance audit should have been completed in 2020, it was not finished until September 2021 due to the pandemic. Furthermore, when finally completed, auditors reported that the facility was fully compliant despite later reports demonstrating that this was not the case.<sup>4</sup>

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<sup>1</sup> Michael Balsamo, Michal R. Sisak, “AP investigation: Women’s prison fostered culture of abuse,” *AP News*, 6 Feb. 2022, <https://apnews.com/article/coronavirus-pandemic-health-california-united-states-prisons-00a711766f5f3d2bd3fe6402af1e0ff8>.

<sup>2</sup> “Correctional Officer at FCI Dublin Charged for Abusive Sexual Contact with Female Inmate,” Department of Justice, Office of Public Affairs, 23 Marc 2022, <https://www.justice.gov/opa/pr/correctional-officer-fci-dublin-charged-abusive-sexual-contact-female-inmate>.

<sup>3</sup> Balsamo, Sisak, “AP investigation.”

<sup>4</sup> “FCI DUBLIN Audit FINAL REPORT with BOP edits,” Federal Bureau of Prisons, 12 March 2022, [https://www.bop.gov/locations/institutions/dub/dub\\_prea\\_2203.pdf](https://www.bop.gov/locations/institutions/dub/dub_prea_2203.pdf).

This problem is not isolated to one correctional facility. On December 4, 2019, the *Miami Herald* exposed widespread and pervasive sexual abuse and harassment endured by women

prisoners for years at the Coleman Federal Correctional Complex (CFCC), where 15 women report being subjected to systematic abuse by 8 correctional officers, at least 6 of whom admitted to “sexual conduct” with the women.<sup>5</sup> 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.<sup>6</sup> Additional allegations of sexual abuse were reported in 2021 at CFCC.<sup>7</sup> This occurred even after BOP responded to a previous congressional inquiry in 2020 expressing the agency’s zero tolerance of sexually abusive behavior. Further, CFCC passed another PREA audit in April 2021, after transferring incarcerated women who made sexual abuse allegations.<sup>8</sup>

Sexual abuse and sexual harassment in federal custody is significantly underreported 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 2020 and 2021. In addition, please provide an answer to the following questions:

- 1) What mechanisms are available for incarcerated people to report sexual abuse? Do these mechanisms offer privacy? Are there clearly available written, verbal, and anonymous ways for incarcerated people to make reports?
- 2) Do people receive information at intake about their right to be free from sexual abuse and how to make a report? Do they then receive comprehensive education about agency policies and programs related to sexual abuse prevention, detection, and response?
- 3) Do incarcerated people have reasonable and confidential access to external emotional support services? Are the mechanisms to reach the external emotional support free, unmonitored, and unrecorded?
- 4) How can incarcerated people report sexual abuse to an entity external to the BOP?
  - a) Specific to FCI Dublin, the prison’s most recent publicly available PREA audit states that women must contact a staff member to access a toll-free phone line, including the “sexual abuse ‘Hotline.’” How does FCI facilitate staff assistance necessary for women to reach the external reporting entity?
- 5) Over the past five years, 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?

<sup>5</sup> 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>.

<sup>6</sup> Prison Rape Elimination Act Audit Report, Final Audit (April 19, 2018). [https://www.bop.gov/locations/institutions/clp/COX\\_prea.pdf](https://www.bop.gov/locations/institutions/clp/COX_prea.pdf).

<sup>7</sup> “Marco Rubio wants answers on Florida prison rape scandal,” *AP News*, 8 Oct. 2021, <https://apnews.com/article/congress-marco-rubio-florida-prisons-crime-8771ab7b07a4de7cbd35d251192ac911>.

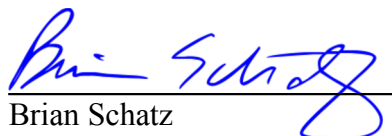
<sup>8</sup> Ibid.

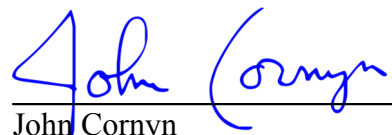
- 6) How many PREA auditors are employed? What is the capacity of auditors to do their work?
- 7) How many allegations of sexual abuse have been made in the last year? What is the status of each of the investigations?
- 8) How many allegations of sexual harassment have been made in the last year? What is the status of each investigation?
- 9) What mechanisms are in place to make sure that every report is investigated, that people who report are monitored for retaliation, and that only those who need to know learn of the nature and origin of the report? 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?
- 10) What happens with a prison staff member's job assignments once an allegation of sexual abuse is made against them?
  - a) Specific to FCI Dublin, the former warden Ray Garcia allegedly committed his offences when he was an associate warden. He was promoted to warden after, or during, the time he sexually abused women prisoners. How did BOP decide to promote Garcia to warden? How was he vetted or evaluated for the position?
  - b) What are the qualifications of the current wardens at BOP facilities that house women?
- 11) Has the BOP or FCI Dublin conducted any root cause analyses, or any other risk management analysis, to examine each allegation of sexual abuse? How could the abuse have occurred, why did it happen, how could abuse have been prevented, and what warning signs were missed? If any allegation can neither be proven nor disproven, why? What would BOP need to ensure that it could make a determination of whether a similar allegation in the future occurred?

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



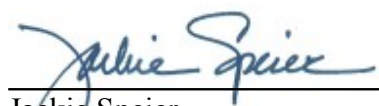
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Karen Bass  
Member of Congress



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Dianne Feinstein  
United States Senator



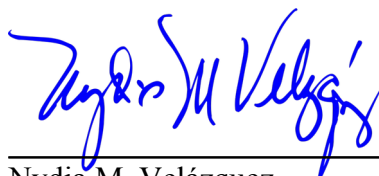
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Jackie Speier  
Member of Congress



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Eric Swalwell  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



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Ed Case  
Member of Congress



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Cheri Bustos  
Member of Congress



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Lois Frankel  
Member of Congress



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Brenda L. Lawrence  
Member of Congress